



**CITY
COUNCIL
AGENDA**

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, June 5, 2024, 6:00pm
City Council Chambers, Bath City Hall

Call to Order

Pledge of Allegiance

Roll Call

Presentations

Promotion and swearing in of Sergeant Devin Hook, Bath Police Department
Promotion and swearing in of Corporal Nick Green, Bath Police Department

Public Comments

Manager's Report

Committee Reports

Public Hearings

2024-46) Ordinance: Chapter 7, Purchasing and Finance

2024-47) Ordinance: LUC Amendment Article 10, General Performance Standards, Section 10.32, Exception to Space and Bulk Regulations, D. Yard Area Exceptions

2024-58) Bond Ordinance: Authorizing up to \$517,000.00 of the City's General Obligation Bonds to Finance Miscellaneous Municipal Improvements and the Acquisition of Equipment and Vehicles

2024-59) Ordinance: Supplemental Appropriation to Set Aside Additional Funds in the amount of \$1,091,090.00 for Unanticipated Expenditures

Consent Agenda

(Items marked with an asterisk () on the agenda shall be considered routine matters not requiring debate. Any Councilor wishing to have any item marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)*

- 2024-60) *Minutes of the previous meetings of May 1, 2024, Regular Meeting, and May 15, 2024, Budget Public Hearing and Special Meeting and Item 2024-62 (Motion to accept as presented)

Unfinished Business

- 2024-46) Ordinance: Chapter 7, Purchasing and Finance (second passage)
- 2024-47) Ordinance: LUC Amendment Article 10, General Performance Standards, Section 10.32, Exception to Space and Bulk Regulations, D. Yard Area Exceptions (second passage)
- 2024-58) Bond Ordinance: Authorizing up to \$517,000.00 of the City's General Obligation Bonds to Finance Miscellaneous Municipal Improvements and the Acquisition of Equipment and Vehicles (second passage)
- 2024-59) Ordinance: Supplemental Appropriation to Set Aside Additional Funds in the amount of \$1,091,090.00 for Unanticipated Expenditures (second passage)

New Business

- 2024-61) Approval: Authorization to hold Heritage Days
- 2024-62) *Order: Approving nomination to MMA's 2024-2026 Legislative Policy Committee
- 2024-63) Resolution: City General Fund Budget, City Capital Improvement Fund Budget, Landfill Fund Budget, and Sewer Utility Fund Budget
- 2024-64) Resolution: BIW Tax Increment Financing District, Wing Farm Tax Increment Financing District, And Downtown Tax Increment Financing District
- 2024-65) Resolution: City of Bath's Special Purpose Fund Budget
- 2024-66) Resolution: Establishing Schedule of Rates - Sewer Fees
- 2024-67) Resolution: Establishing Schedule of Rates - Landfill Fees
- 2024-68) Order: Establishing Tax Club for the upcoming year

2024-69) Resolution: Establishing interest rate on all delinquent taxes at the rate of 8.5% per annum

2024-70) Resolution: Establishing interest rate on delinquent sewer bills at the rate of 8.5% per annum

2024-71) Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 4.5% per annum

2024-72) Resolution: To Increase the LD1 Tax Levy Limit

2024-73) Order: Approving Bid and Contract for Telemetry

2024-74) Resolution: Setting Fee Schedule - Taxicab Business License

2024-75) Ordinance: Chapter 5 Business, Article 6 Taxicabs

2024-76) Appointments and Reappointments:
Phyllis Bailey appointment to Planning Board term to expire September 2024

Councilor Comments

Executive Session

Real Estate per 1 MRS §405(6)(C)

Adjournment



PUBLIC HEARINGS

CITY OF BATH
PUBLIC HEARING

THE FOLLOWING ORDINANCE WAS GIVEN FIRST PASSAGE BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE AT A REGULAR MEETING HELD AT THE CITY HALL ON WEDNESDAY, MAY 1, 2024, AND PERSUANT TO THE CHARTER OF THE CITY OF BATH, AND THE PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE, AND AMENDMENT THERETO, PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL PASSAGE OF SAID ORDINANCE IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR OF CITY HALL, BATH, MAINE, ON WEDNESDAY, JUNE 5, 2024, AT 6:00 PM.

Municipal Code Amendment Chapter 7 Purchasing and Finance

A complete copy of this Ordinance is available through the Bath City Clerk's Office.

The City Council will be considering second passage of a rewrite of the Purchasing and Finance, Chapter 7 of the City Ordinances.

Chapter 7 Purchasing and Finance needs two updates:

There are updated Uniform Guidance with Federal Monies. The ordinance has been updated to the latest guidance. All changes are a requirement of 2 CFR (Code of Federal Regulations) 200. (Title 2 Grants and Agreements, Subtitle A Office of Management and Budget Guidance for Grants and Agreements, Chapter II Office of Management and Budget Guidance, Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.)

Sale of Foreclosed (tax-acquired) Properties - Updated sales procedure for tax-acquired property in Maine. These changes to state statute were prompted by the recent Supreme Court ruling in Tyler v. Hennepin County, Minnesota, 43 S.Ct. 1369, decided May 25, 2023.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF BATH, MAINE

Attest:



Darci L. Wheeler, City Clerk

CITY OF BATH
PUBLIC HEARING

THE FOLLOWING ORDINANCE WAS GIVEN FIRST PASSAGE BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE AT A REGULAR MEETING HELD AT THE CITY HALL ON WEDNESDAY, MAY 1, 2024, AND PERSUANT TO THE CHARTER OF THE CITY OF BATH, AND THE PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE, AND AMENDMENT THERETO, PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL PASSAGE OF SAID ORDINANCE IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR OF CITY HALL, BATH, MAINE, ON WEDNESDAY, JUNE 5, 2024, AT 6:00 PM.

LUC Amendment Article 10 General Performance Standards, Section 10.32 Exception to Space and Bulk Regulations, D. Yard Area Expectations

Notwithstanding other requirements of the Code, the following exceptions are allowed:

1. Shared parking lots, which are accessory to the uses on the abutting lots, may abut the common property line. If at any time the parking lot is no longer shared by the uses on the abutting lots, the parking lot must meet the Space and Bulk Regulations of the Code.
2. Bike racks, which are accessory to principal uses, may be located in the yard area to within 5' of a property line. They may also be located less than 5' from a property line if approved by the Director of Public Works, ensuring that it will not hinder public uses and safety, including sidewalk clearance and road and sidewalk maintenance.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF BATH, MAINE

Attest:



Darci L. Wheeler, City Clerk

CITY OF BATH
PUBLIC HEARING

THE FOLLOWING ORDINANCE WAS GIVEN FIRST PASSAGE BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE AT A SPECIAL MEETING HELD AT THE CITY HALL ON WEDNESDAY, MAY 15, 2024, AND PERSUANT TO THE CHARTER OF THE CITY OF BATH, AND THE PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE, AND AMENDMENT THERETO, PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL PASSAGE OF SAID ORDINANCE IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR OF CITY HALL, BATH, MAINE, ON WEDNESDAY, JUNE 5, 2024, AT 6:00 PM.

The following is a summary of the Bond Ordinance:

To authorize issuance of up to \$517,000 of the City's bonds to finance miscellaneous municipal improvements and the purchase of various City vehicles and equipment.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF BATH, MAINE

Attest:

A handwritten signature in black ink, appearing to read 'DLW', is written over a horizontal line.

Darci L. Wheeler, City Clerk

CITY OF BATH
PUBLIC HEARING

THE FOLLOWING ORDINANCE WAS GIVEN FIRST PASSAGE BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE AT A SPECIAL MEETING HELD AT THE CITY HALL ON WEDNESDAY, MAY 15, 2024, AND PERSUANT TO THE CHARTER OF THE CITY OF BATH, AND THE PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE, AND AMENDMENT THERETO, PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL PASSAGE OF SAID ORDINANCE IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR OF CITY HALL, BATH, MAINE, ON WEDNESDAY, JUNE 5, 2024, AT 6:00 PM.

ORDINANCE
SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance Account, constituting revenue in excess of those estimated in the Budget for the current fiscal year, are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling One Million, Ninety One Thousand, Ninety Dollars (\$1,091,090.00), will not exceed the expenditure limits for the current fiscal year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of One Million, Ninety One Thousand, Ninety Dollars (\$1,091,090.00), be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account 01-2500-00) to the Council Contingency Account (Account 01-0012-402).

BY ORDER OF THE CITY COUNCIL OF THE CITY OF BATH, MAINE

Attest:



Darci L. Wheeler, City Clerk



CONSENT AGENDA

REGULAR MEETING MINUTES

CITY COUNCIL OF THE CITY OF BATH, MAINE

Wednesday, May 1, 2024, 6:00 PM

Councilors Present: Julie Ambrosino, Christopher Marks, Mary Ellen Bell, Terry Nordmann, Roo Dunn, Jennifer DeChant, Caitlin McCorkle, Miriam Johnson, and Megan Mansfield-Pryor

Councilors Absent: None

City Staff Present: Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director/Assistant City Manager, Rod Melanson, Sustainability and Environment Director; Misty Parker, Economic and Community Director; Andrew Booth, Police Chief; Lee Leiner, Public Works Director; Brenda Cummings, Assessor; Adam Jones, Codes Enforcement Officer; Michael Bethea, IT; and Pete Compagna, BCTV

Call to Order: 6:00pm

Pledge of Allegiance

Roll Call

Presentations: 6:01pm

FEMA Presentation

Chair Bell introduced Alicia Thompson to present.

Proclamation: Municipal Clerk's Week, May 5-May 11

Proclamation: National Public Works Week, May 19-May 25

Proclamation: Arbor Week, May 19-May 25

Public Comments: None

Manager's Report: 6:17pm

Budget

Posted on website

Reduction

6.98% increase

May 15th Public Hearing

Introduced Brenda Cummings, City Assessor

Valuation Update

Responded to questions from Councilors

McCorkle

Johnson

Dunn

Demolition of 1968 wing of old Morse High School

**Mostly Complete
Resolving a sewer line situation**

Committee Reports: 6:35pm

Councilor Dunn

Sagadahoc Budget Advisory Committee

Concluded

Councilor Ambrosino

Climate Action

Branding process complete

Meeting 5/2

Councilor McCorkle

Recreation

K-5 Camp

Spaces remain

Councilor DeChant

Economic Development Committee

Presentation by Climate Action

Tracking wayfinding signage

Food Truck Policy

Taxi and Cab ordinances

Main Street Bath

5/18 Maine Maritime Community Day 10-2

5/30 Economic Vitality Committee Business Roundtable 8-9:30

Chair Bell

Recognition Committee

Need to add 2 new members

Public Hearings: 6:41pm

2024-28) Ordinance: LUC Amendment Article 10, General Performance Standards, Sections 10.06 Parking and Loading, F. Electric Vehicle Charging Infrastructure

2024-35) Ordinance: Chapter 17, Vehicles and Traffic, Section 211, stop intersections; Four-Way Stop at High and North St

2024-36) Ordinance: Article 14. Vending in the Public Way

No public comment closed at 6:34pm.

Consent Agenda: 6:43pm

(Items marked with an asterisk () on the agenda shall be considered routine matters not requiring debate. Any Councilor wishing to have any item marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)*

2024-42) *Minutes of the previous meetings of April 3, 2024, Regular Meeting, and April 17, 2024, Special Meeting, and Items 2024-43, 44, and 45 (Motion to accept as presented)

2024-43) *Order: Annual Appointment of Tree Warden

2024-44) *Order: Appointments of Political Party Nominees for the Voter Registration Appeals Board: Democratic Nominee, Sheldon Bird; Democratic Alternate, Ruth Lawson-Stoppa; Republican Nominee, Wendy Wright; Republican Alternate: Vacant to expire March 2027

2024-45) *Order: Appointment of Election Clerks, Democratic Party

Motion from Councilor Marks to accept as presented. Seconded by Councilor Dunn. The consent agenda was unanimously approved.

Unfinished Business: 6:44pm

2024-29) Ordinance: LUC Amendment Article 10, General Performance Standards, Sections 10.06 Parking and Loading, F. Electric Vehicle Charging Infrastructure (second passage)

Rod Melanson, Environment and Sustainability Director, provided background on the item.

No council comments or public comments were made.

Motion from Councilor Ambrosino to accept as presented. Seconded by Councilor Mansfield-Pryor. Chair Bell called for a roll call vote. The order passed with eight (8) yeas.

YEAS: Councilors Mansfield-Pryor, Johnson, McCorkle, DeChant, Dunn, Nordmann, Marks, and Ambrosino

2024-35) Ordinance: Chapter 17, Vehicles and Traffic, Section 211, stop intersections; Four-Way Stop at High and North St (second passage)

Andrew Booth, Police Chief, provided background on the item, responding to questions and comments from Councilor Dunn.

There were no public or further council comments.

Motion from Councilor Ambrosino to accept as presented. Seconded by Councilor Dunn. Chair Bell called for a roll call vote. The order passed with eight (8) yeas.

YEAS: Councilors Ambrosino, Marks, Nordmann, Dunn, DeChant, McCorkle, Johnson, and Mansfield-Pryor.

2024-36) Ordinance: Article 14. Vending in the Public Way (second passage)

Misty Parker, Community and Economic Director, provided background on the item, responding to questions and comments from Councilors McCorkle and Dunn.

No public comments or follow up council questions or comments were made.

Motion from Councilor McCorkle to accept as presented. Seconded by Councilor Marks. Chair Bell called for a roll call vote. The order passed with eight (8) yeas.

YEAS: Councilors Mansfield-Pryor, Johnson, McCorkle, DeChant, Dunn, Nordmann, Marks, and Ambrosino

2024-37) Approval: Remote Participation Policy

Chair Bell stated that the adhoc committee had met. Along with Councilors Dunn and Marks, they took a closer look at the policy. She turned it over to Councilor Dunn to give the highlights of the changes.

Council comments and questions were made by Councilors Ambrosino, DeChant, Dunn, McCorkle, Bell, Nordmann, Mansfield-Pryor, and Marks. It was unanimously approved.

Motion from Councilor Dunn to accept as presented. Seconded by Councilor Marks. It was unanimously approved.

2024-39) Tedford Housing Contribution Request

Motion from Councilor Ambrosino to accept as presented. Seconded by Councilor McCorkle.

Chair Bell explained the request and asked for a motion. Councilor McCorkle made a motion to support the request of \$65,000 utilizing ARPA funds. Seconded by Councilor Marks.

No public or Council comments and questions were made. It was unanimously approved.

New Business: 7:27pm

2024-46) Resolution: Revise and Adopt Bath Development Corporation (BDC) Bylaws

Misty Parker, Community and Economic Director, provided background on the item, responding to questions and comments from Councilor Dunn. Juli Millett, Finance Director responded.

Motion from Councilor Johnson to accept as presented. Seconded by Councilor Dunn. It was unanimously approved.

2024-47) Order: Appointment of Adam Jones as Codes Enforcement Officer, Health Officer, and Plumbing Inspector

Marc Meyers, City Manager, invited Adam Jones, Codes Enforcement Officer to the podium. Adam Jones introduced himself and responded to question from Councilor DeChant.

Motion from Councilor Ambrosino to accept as presented. Seconded by Councilor McCorkle. It was unanimously approved.

Darci Wheeler, City Clerk, administered the oath.

2024-48) Ordinance: Chapter 7, Purchasing and Finance

Juli Millett, Finance Director, provided background on the item, responding to questions and comments from Councilors Dunn and Ambrosino.

Motion from Councilor Dunn to accept as presented. Seconded by Councilor Marks. It was unanimously approved.

2024-49) Ordinance: LUC Amendment Article 10, General Performance Standards, Section 10.32, Exception to Space and Bulk Regulations, D. Yard Area Exceptions

Jenn Curtis, Planning Director, provided background on the item, responding to questions and comments from Councilor Dunn.

Motion from Councilor Ambrosino to accept as presented. Seconded by Councilor Marks. It was unanimously approved.

2024-50) Appointments and Reappointments:
Travis Wolfel reappointment to Bicycle and Pedestrian Committee term to expire May 2027

Motion from Councilor Ambrosino to accept. Seconded by Councilor Marks. It was unanimously approved.

Petitions and Communications

2024-51) Letter from Bath's North End Neighborhood of Washington St.

Chair Bell summarized the letter noting that it was received by Council. Councilors Marks, Ambrosino, and Johnson made comment.

Councilor Comments: 7.52pm

Councilor Ambrosino

Free Bike Safety Checks and movie on 5/16 will be at Union & Co.

Councilor McCorkle

Appreciation to budget process thanking Juli Millett and Department

Heads

Councilor Nordmann

Bateaus being built behind freight shed

Councilor Mansfield-Pryor

Repair café being held at Baht Habitat for Humanity ReStore 5/4

Meeting adjourned at 7:57pm.

Motioned by Councilor Ambrosino and seconded by Councilor Marks. All were in favor.

Adjournment

Attested:

Darci Wheeler, City Clerk

Please note: These minutes are action minutes. The entire meeting can be viewed at www.cityofbath.com

BUDGET PUBLIC HEARING AND SPECIAL MEETING MINUTES CITY COUNCIL OF THE CITY OF BATH, MAINE

Wednesday, May 15, 2024, 6:00 PM

Councilors Present: Julie Ambrosino, Christopher Marks, Mary Ellen Bell, Roo Dunn, Jennifer DeChant (remote) and Caitlin McCorkle

Councilors Absent: Terry Nordmann, Miriam Johnson, and Megan Mansfield-Pryor

City Staff Present: Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director/Assistant City Manager; Misty Parker, Director of Economic and Community; Andrew Booth, Police Chief; Linda McCourt, Deputy Finance Director; Michael Bethea, Director of IT; and Pete Compagna, BCTV

Marc Meyers, City Manager, gave summary of the budget stating that the proposed FY2025 total budget is \$20,887,129, increasing \$2,008,299. This increase is in the General, Capital and Sewer Funds and is a result of the first payments of voter approved debt for the Road Bond, New Fire Station, and Sewer Bond. They also include salary adjustments to market for public safety employees and significant utility increases.

Chair Bell opened the public hearing at 6:00pm.

John James of 30 Garden Street spoke regarding mil rates and commitment process.

Marc Meyers, City Manager, provided feedback to concerns.

Public hearing was closed by Chair Bell at 6:07pm.

Call to Order: 6:07pm

Pledge of Allegiance

Roll Call

Manager's Report: 6:09pm

Reward and Trophy for the Comprehensive Plan Update to Library Park Fountain

Public Hearing: 6:13pm

CDBG Housing Assistance Grant

New Business: 6:13pm

2024-52) Order: To prepare and post Warrant for the Regional School
Unit #1 Budget Validation Election to be held on June 11, 2024

Darci Wheeler, City Clerk, provided a summary of election dates and voter's hours responding to questions and comments from Councilors Marks, and Dunn. No Public comment.

Motion from Councilor McCorkle to approve as presented. Seconded by Councilor Dunn. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors Ambrosino, Marks, Dunn, DeChant, and McCorkle.

2024-53) Order: To prepare and post Warrant for the Municipal Election to be held on June 11, 2024

Motion from Councilor Ambrosino to approve as presented. Seconded by Councilor Marks. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors McCorkle, DeChant, Dunn, Marks, and Ambrosino

2024-54) Order: To prepare and post Warrant for the State Primary Election to be held on June 11, 2024

Motion from Councilor Marks to approve as presented. Seconded by Councilor McCorkle. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors Ambrosino, Marks, Dunn, DeChant, and McCorkle.

2024-55) Order: Registrar of Voter's Hours

Motion from Councilor Ambrosino to approve as presented. Seconded by Councilor Dunn. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors McCorkle, DeChant, Dunn, Marks, and Ambrosino

2024-56) Order: Acceptance of Homeland Security Grant

Andrew Booth, Police Chief, provided background on the grant responding to questions and comments from Councilors Dunn, and Marks.

Public comment was made by Ruth Lawson-Stopps of High Street inquiring about additional costs.

Motion from Councilor McCorkle to approve as presented. Seconded by Councilor Marks. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors Ambrosino, Marks, Dunn, DeChant, and McCorkle.

2024-57) Resolution: CDBG Housing Assistance Grant

Misty Parker, Director of Economic and Community, provided background on the grant responding to questions and comments from Councilors McCorkle and Dunn. Seth Parker, Director of Real Estate Development for Bath Housing provided further information.

Public comment was made by John James of Garden Street inquiring about number of bedrooms these housing units would be. It was confirmed that they would be one-bedroom units.

Motion from Councilor Marks to approve as presented. Seconded by Councilor Ambrosino. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors McCorkle, DeChant, Dunn, Marks, and Ambrosino

2024-58) Bond Ordinance: Authorizing up to \$517,000.00 of the City's General Obligation Bonds to Finance Miscellaneous Municipal Improvements and the Acquisition of Equipment and Vehicles

Juli Millett, Assistant City Manager/Finance Director, provided background on the Ordinance responding to questions and comments from Councilors McCorkle, and Dunn.

There were no public comments. Further council comments were made by Councilor DeChant.

Motion from Councilor Dunn to approve as presented. Seconded by Councilor Marks. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors Ambrosino, Marks, Dunn, DeChant, and McCorkle.

2024-59) Ordinance: Supplemental Appropriation to Set Aside Additional Funds in the amount of \$1,091,090.00 for Unanticipated Expenditures

Juli Millett, Assistant City Manager/Finance Director, provided background on the Ordinance responding to questions and comments from Councilors Marks, Dunn, and Ambrosino.

There were no public comments or further council comments.

Motion from Councilor Dunn to approve as presented. Seconded by Councilor Ambrosino. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors McCorkle, DeChant, Dunn, Marks, and Ambrosino

Meeting adjourned to workshop at 6:50pm.

Motioned by Councilor Ambrosino and seconded by Councilor Dunns. Chair Bell called for a roll call vote. The order passed with five (5) yeas.

YEAS: Councilors Ambrosino, Marks, Dunn, DeChant, and McCorkle.

Attested:

Darci Wheeler, City Clerk

Please note: These minutes are action minutes. The entire meeting can be viewed at www.cityofbath.com

6/5/2024

2024-62

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: City Manager

Requested Action: Order

Title

Approving nomination to MMA's 2024-2026 Legislative Policy Committee

Summary

Each municipality is entitled to nominate a representative to Maine Municipal Association's Legislative Policy Committee. The LPC consists of 70 members (two from each State Senate District). The LPC's purpose is "to define municipal interests and to maximize those those interests through effective participation in the legislative process." The LPC establishes MMA public policy positions on all matters of direct and statewide municipal interest for representation in the State House.

MMA requires the City Council to approve its nominee for the LPC. Later this month, the LPC ballot will be released and the City Council will vote for two representatives in Senate District 24.

Staff Comments

I served on the LPC in 2020-2022 and 2022-2024 and hope to continue to be a part of process in the next biennium.

Action: Recommend for passage

City Manager

Introduced for: Consent



CITY OF BATH

Date:

Approving nomination to MMA's 2024-2026 Legislative Policy Committee

Be it ordered by the City Council of the City of Bath that Marc Meyers is nominated for the service on the Maine Municipal Association Legislative Policy Committee representing Senate District 24 during the 2024-2026 biennium.



UNFINISHED BUSINESS

5/1/2024

2024-48

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 1, 2024

Responsible Dept: Finance

Requested Action: Ordinance

Title

Chapter 7, Purchasing and Finance

Summary

Chapter 7 Purchasing and Finance needs two updates:

There are updated Uniform Guidance with Federal Monies. The ordinance has been updated to the latest guidance. All changes are a requirement of 2 CFR (Code of Federal Regulations) 200. (Title 2 Grants and Agreements, Subtitle A Office of Management and Budget Guidance for Grants and Agreements, Chapter II Office of Management and Budget Guidance, Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.)

Sale of Foreclosed (tax-acquired) Properties - Updated sales procedure for tax-acquired property in Maine. These changes to state statute were prompted by the recent Supreme Court ruling in Tyler v. Hennepin County, Minnesota, 43 S.Ct. 1369, decided May 25, 2023.

Staff Comments

To comply with regulations and laws.

Action: Recommend for passage

City Manager

Introduced for: First Reading



CITY OF BATH

Date:

Chapter 7, Purchasing and Finance

CHAPTER 7.

PURCHASING AND FINANCE

Article 1. PURCHASE AND SALE OF PROPERTY

- § 7.101 Purchasing Agent; powers and duties
- § 7.102 Conflicts of Interest
- § 7.103 Purchases; limitations
- § 7.104 Purchases; written requisition required
 - § 7.105 Purchases; under \$10,000
 - § 7.106 Purchases; \$100,000 to \$250,000 and over
 - § 7.107 Purchases; competitive bid procedure
 - § 7.108 Purchases; Competitive Sealed Bid Procedure
 - § 7.109 Purchases; awards
- § 7.110 Purchases; records
 - § 7.111 Purchases; unusual
 - § 7.112 Purchases; emergency
 - § 7.113 Purchases; combined
- § 7.114 Federal Procurement, Award, and Contracting Requirements
- § 7.115 Sales; under \$5,000
 - § 7.116 Sales; \$5,000 or more;
 - § 7.117 Sales - real estate
 - § 7.118 Annual public sale

Article 2. MUNICIPAL TAXES

- § 7.201. Due Date

CHAPTER 7. PURCHASING AND FINANCE

ARTICLE 1. PURCHASE AND SALE OF PROPERTY

Section 7.101. The Purchasing Agent; powers and duties.

The Purchasing Agent shall have under ~~his/her~~their supervision and management the purchase of all supplies, materials and equipment for the use of the City in the operation and maintenance of its several departments. ~~They/He/She~~ shall establish and enforce specifications with respect to supplies, materials, and equipment required by the City Government. ~~They/He/She~~ shall inspect or supervise the inspection of all deliveries of supplies, materials, and equipment and determine their quality, quantity and conformance with specifications. ~~They/He/She~~ shall have charge of such general store-rooms and warehouses as the Council may provide by ordinance. ~~They/He/She~~ is granted authority to supervise and manage the sale or transfer of property within departments, including real estate, subject to the limitations of this Article.

Section 7.102 Conflict of Interest

City personnel shall not solicit a gift or accept a significant gift from any vendor or prospective vendor. A significant gift is defined as any item, service, favor, monies, credits, or discounts not available to others which could influence purchasing and sale decisions. Acceptance of social invitations to occasional business meals, entertainment, and hospitality will be subject to prudent judgement as to whether the invitation places or appears to place the City personnel under any obligations. Questions about the value of a gift or the appropriateness of an invitation should be referred to the City Manager and/or City Attorney.

City personnel are obligated to disclose any potential conflicts of interest and must recuse themselves from participating in making a decision for the City.

Section 7.103. Purchases; limitations.

No purchase of supplies, material and equipment shall be made unless funds are appropriated for by the Council, except as otherwise provided in the City Charter or by specific order of the City Council.

Section 7.104. Purchases; written requisition required.

Purchases shall be made by requisition, in such form as the Purchasing Agent may require. All such requisitions shall state the quantity, quality, description and other specifications of the item or items desired, and shall be signed by the head of the department, office or agency against whose appropriation such expenditure is to be charged. Specifications shall be in such forms as to permit competitive bidding

whenever practicable.

Section 7.105. Purchases of Goods and Services; under \$10,000.00.

Purchases for goods and services involving less than Ten Thousand Dollars (\$10,000.00) may be made in the open market by the Purchasing Agent without competitive bids so long as the City considers the cost of the goods or services are reasonable, but shall be on a competitive basis to the maximum extent practicable.

Section 7.106. Purchases of Goods and Services; \$10,000-\$250,000.

On all purchases of goods and services, except as provided in Sections 7-10. and 7-11. hereof, involving an expenditure of Ten Thousand Dollars (\$10,000.00) to Two Hundred and Fifty Thousand Dollars (\$250,000), the normal procedure shall be to informally solicit and evaluate price and rate quotations from at least three (3) qualified sources. If the purchase for the goods or services is uniquely complicated as determined by the Purchasing Agent, the procedure shall be to seek competitive bids. This may be accomplished by publishing a notice describing the supplies, materials, equipment, or services desired to be purchased and affixing a date and time limit for the reception of bids, said publication to be one (1) time in a newspaper having general circulation in the City of Bath, said time at least five (5) days prior to the date of closing of bids.

7.107 Purchases; competitive bid procedure

In instances when conditions are not appropriate for the use of sealed bids, such as large purchases of goods and services that are not being paid for with federal funds, the competitive bid process shall be used.

The bid for federally funded projects shall be advertised in a paper of general circulation at least 14 days prior to the close of the bid. All other projects are allowed to use the City's website and social media. The request for proposal must include all evaluation factors and their relative importance. The City shall solicit from at least three (3) qualified sources.

Section 7.108. Purchases; competitive sealed bid procedure . -

Sealed bids shall be used for purchases of goods or services over Two Hundred and Fifty Thousand Dollars (\$250,000) and for federally funded construction contracts regardless of contract price.

The bid for federally funded projects shall be advertised in a paper of general circulation at least 14 days prior to the close of the bid. All other projects are allowed to use the City's website and social media. The bids must be solicited from at least three (3)

adequate sources. All bids shall be in writing, sealed, with outside envelope or wrapper plainly marked "Bid, not to be opened until" (with appropriate date inserted) and mailed to or filed with the Purchasing Agent. No official or employee of the City shall open such a bid until the appointed time. At the time and place stated in the notice, all bids shall be opened and publicly read by the City Purchasing Agent or by someone designated by him for that purpose. All such bids may be inspected by those present.

Section 7.109. Purchases; awards.

(a) Awards following competitive bids or proposals shall be made by the Purchasing Agent to the lowest bidder, price, quality and service considered, subject to the authority of the purchasing Agent to reject any and all bids. Nothing herein shall be construed to affect the authority of the Purchasing Agent to reject any bid on any reasonable basis.

(b) The Purchasing Agent, in determining lowest responsible bidder, price, quality and service considered shall allow all bidders having a place of business within the City limits of the City of Bath a preference of two per cent (2%) of the amount of such bid submitted by such local bidder, and in the event that any bid submitted by local bidder shall be less than two per cent (2%) in excess of the bid submitted by a bidder not having a place of business within the limits of the City of Bath, such bid shall be awarded to such local bidder, providing such local bidder is in all other respects a qualified and responsible party and that his, hers or its bid shall meet all other specifications of such invitation to bid.

(c) All purchases exceeding One Hundred Thousand Dollars (\$100,000.00) shall be awarded in a public meeting by the City Council.

(d) Awards following competitive proposals or competitive sealed bids which contain federal funding must give preference to qualified minority owned or woman owned business enterprises so long as the bidder can adequately fulfill the contract for the price identified in the bid.

Section 7.110. Purchases; records

The Purchasing Agent shall keep a record of all submitted bids and all purchases made under Sections 7-110. and 7-111. hereof without bids, and such record shall be open to inspection by any interested person.

Section 7.111. Purchases; unusual.

When the nature of a purchase renders the competitive bidding process ineffective by virtue of a single supplier or other complication, the Purchasing Agent shall document in full detail the nature of the purchase and the technique used to ensure the best quality and price for the City. Such documentation shall suffice for the records required in Sections 7-105, 7-106, 7-107, and 7-108 of this Article.

Section 7.112. Purchases; emergency

In the case of any emergency or unusual circumstances, a department head, acting with the advice and approval of the City Manager, may require the immediate purchase of materials, supplies, apparatus, or property in the open market at the lowest price obtainable. The Purchasing Agent shall notify the City Council as soon as possible after the emergency situation has subsided, as to the steps taken to affect the purchase, the emergency situation that existed, and the methodology utilized to assure the best possible price given the attendant circumstances.

Section 7.113. Purchases; combined.

The City Purchasing Agent is hereby authorized to combine with other units of Government, the Maine Municipal Association, or any other organization formed to increase the purchasing power of the City for purchasing purposes, in which event such regulations as may be jointly agreed to shall be applicable in lieu of the regulations herein.

Section 7.114 Federal Procurement, Award, and Contracting Requirements

PURCHASES UTILIZING FEDERAL MONIES. SECTION 500. COMPLIANCE WITH UNIFORM GUIDANCE.

All procurement and purchasing activities using Federal monies will be in compliance with the Federal Uniform Guidance requirements. Federal procurement prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences, as such there is no 2% preference for City of Bath under Federal Awards. Additional requirements will exist if the purchase exceeds \$150,000. One such requirement includes that the City must perform its own cost or price analysis in connection with every procurement action exceeding this amount.

All Federal and/or State interest(s) in the purchased item(s) and/or bonded construction projects will be protected to the greatest possible extent. These protections would include all of the following, if bonding for a project: a bid guarantee equal to 5% of the bid price; or a performance or price bond equal to 100% of the contract price.

SECTION 500.1 CONTRACT PROVISIONS UNDER FEDERAL AWARDS.

Any contracts that utilize federal funding must include the following provisions, as applicable:

- a. For purchases exceeding \$2,000, competitive price quotes must be obtained.
- b. Before receiving bids or proposals, an independent estimate must be performed. An independent estimate must also be completed on any changes orders in excess of \$150,000.
- c. Contracts over \$150,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

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d. Contracts over \$10,000 must address termination for cause and for convenience by the entity including the manner by which it will be effected and the basis for settlement.

e. All contracts must include an Equal Employment Opportunity statement.

f. All construction contracts in excess of \$2,000 awarded, whereby the contractor is paying employee wages, must include a provision for compliance with the Davis-Bacon Act.

g. Contracts awarded in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with Title 40 U.S.C. 3702 and 3704.

h. Rights to inventions made under a contract.

i. Contracts in excess of \$150,000 must contain a provision on compliance with the Clean Air Act and the Federal Water Pollution Control Act.

j. All applicable contracts must contain mandatory standards and policies relating to energy efficiency in compliance with the Energy Policy and Conservation Act.

k. Any contract awarded must not be made to parties who have been Suspended or Debarred from participating in government contracts. To verify vendor has not been excluded, sam.gov can be utilized.

l. Contractors and all subcontractors applying or bidding on contracts exceeding \$100,000 must file the required anti-lobbying certifications under the Byrd Anti-Lobbying Amendment.

m. As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

n. As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

(c) Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in 2 CFR part 184.

Additionally, where possible:

2 CFR 200.318(f). The purchasing agent is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

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2 CFR 200.318(g) The purchasing agent is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

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Prequalified Contractor Lists. The city must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The city must not preclude potential bidders from qualifying during the solicitation period. (2 CFR § 200.319(e).)

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Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. Contractors are prohibited from obligating or expending loan or grant funds to (i) procure or obtain; (ii) extend or renew a contract to procure or obtain; or (iii) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). See 2 CFR § 200.216.

SECTION 500.2 SUBRECIPIENT AND CONTRACTOR DETERMINATIONS.

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The City receives different types of federal awards/grants, which are utilized during the same time period. At times they are received directly from the Federal Government, at other times they are passed through the State of Maine. With this in mind the City could be a Federal award recipient, subrecipient (passed through the State), or could have its own subrecipients. Additional Uniform Guidance regulations exist dependent on what classification we are for each Federal award, the City will comply with any and all additional regulations.

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The following includes additional steps that must be included in bid proposals and contracts for federally funded purchases:-

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- A. Bid notices and proposal must state the type of federal funding included in the project;
- B. Bids for construction contracts in excess of Two Thousand Dollars (\$2000) must state that Davis Bacon Labor Standards apply and the bid must contain the labor wage rates applicable to the type of work being solicited;
- C. Bids for an award exceeding One Hundred Thousand Dollars (\$100,000) shall file the required certification under the Byrd Anti Lobbying Amendment;
- D. Contracts shall not be awarded to parties that listed for exclusion on the System for Award Management; and-

~~E. All contracts shall include the following:-~~

- ~~a. Equal Employment Opportunity clause;-~~
- ~~b. City's rights to inventions made under a contract or agreement;-~~
- ~~c. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide such sanctions and penalties as deemed appropriate; and~~
- ~~d. Address termination for cause and for convenience by the City, including the manner in which such termination will be effected and the basis for settlement.~~

Section 7.115. Sales; under \$5000.00.

The Purchasing Agent shall conduct the sale of any municipal supplies, material and equipment no longer required by the City, of value less than Five Thousand (\$5,000.00) on request of the proper department head, and in such manner as provided by this Article.

Section 7.116. Sales; over \$5000.00.

Municipal Property. No Municipal Property, supplies, material or equipment of a value that exceeds \$5,000 may be sold by the City of Bath unless the sale is authorized by Order of the Council. The sale will be conducted in the same manner and subject to the same requirements as those applicable to purchases in amounts of \$10,000 as provided in Section 7-5.

Section 7.117 Sales; Real Estate

A Real Estate.

1. General. With the exception noted in Subsection 2 below regarding tax acquired property, the City Council shall determine when and in what manner real estate owned by the City of Bath may be disposed of. The City Council may consider disposing of real estate under the following methods:

- a. Sale by solicitation of public bids;
- b. Sale by solicitation of limited bids where the market of the property appears limited to a few potential purchasers;
- c. Lease where use of the property by another entity is deemed appropriate and in the city's interest but permanent disposal of the property is deemed inappropriate.
- d. Sale to an abutter without bid process where the nature of the property is such that only an abutter would have any interest in acquiring the real estate;
- e. Gift of the property without compensation to the City where it is deemed to be in the city's best interest (i.e. conveyance of property to a non-profit entity providing a service of benefit to the citizens of Bath, or disposition of real estate to put the property back on the tax roles etc.)
- f. Any other disposition of real estate by a method that is deemed by the City Council to be in the best interest of the City of Bath.

2. Tax Acquired Property. Property which has been acquired by the City of Bath for nonpayment of taxes pursuant to 36 M.R.S.A. Section 943, and for which the period of redemption has expired, may be returned by Municipal Quit-Claim Deed to the taxpayer who was the owner of record of the property at the time of acquisition by the City, or that taxpayer's successor in interest. The Quit-Claim Deed is to be executed by the City Manager and the City Treasurer without the necessity of Council action. The Deed shall not be delivered to the taxpayer or successor until the payment of all back taxes, interest and costs, including such taxes, together with appropriate interest and costs thereon, which would have become assessed and due during the period it was City owned. (Ord. 5/6/98)

A. Purpose. The purpose of the following Sections is to establish clear and concise guidelines for the disposition of property acquired by the City of Bath in accordance with tax and sewer lien foreclosure provisions.

B. Definitions.

For the purposes of this chapter, the following definitions shall be observed in the construction of this chapter:

FORECLOSED TAX LIEN.. A tax lien mortgage that has automatically foreclosed pursuant to 36 M.R.S. §§ 942 and 943. This shall include properties liened for unpaid sewer assessments.

JUST VALUE FOR THE CURRENT YEAR TAXES NOT ASSESSED. The amount of taxes that would have been assessed to the property had it not been owned by the municipality on April 1 of the year in which it is sold by the municipality. (NOTE: The purpose of this definition is to recover for the benefit of the municipality payment of all back taxes, interests, and costs, including such taxes, together with interest and costs thereon, which would have become assessed and due during the period that it was City owned.)

LAND OR LANDS. That portion of the physical surface of the earth either natural or modified by man to a permanent or semipermanent site and all natural or man-made resources therein or thereon. For the purposes of this chapter, "land" shall be commonly referred to as "real estate property," as cited below.

MAIL. Regular, first-class mail posted at any United States Postal Office, postage prepaid, unless some other method is prescribed by Statute or Ordinance.

MANUFACTURED REAL ESTATE PROPERTY. Any structure, building or dwelling, the same being constructed or fabricated elsewhere and transported, in whole or in part, to and placed, set or installed permanently or temporarily upon land within the municipality. For the purpose of this chapter, "manufactured real estate property" shall be commonly referred to as

“real estate property,” as cited above.

MUNICIPALITY. The City of Bath, Maine.

MUNICIPAL OFFICERS. The City Council of the City of Bath, Maine.

PRIOR OWNER. The person or persons, entity or entities, heirs or assigns to whom the property was most recently assessed for municipal taxes.

MUNICIPAL QUITCLAIM DEED. A signed, legal instrument releasing the municipality's right, title or interest in real estate property, acquired by virtue of foreclosed tax liens, to an individual or individuals, entity or entities, without providing a guaranty or warranty of title to the same.

REAL ESTATE PROPERTY. All land or lands and all structures, buildings, dwellings, tenements and hereditaments, including manufactured real estate property, located or relocated upon any land or lands connected therewith and all rights thereto and interests therein.

TAX-ACQUIRED PROPERTY. That real estate property tax acquired by the municipality by virtue of a foreclosed tax or sewer lien as cited above.

TAX LIEN. The statutory lien created by 36 M.R.S. § 552 & 942.

C. Management and Administration.

Within 60 days from the foreclosure date, the Finance Director will send a 90 day Notice of Intent to Sell Letter to the previous owner. Once the 90 day letter expires the A Committee will be established to review all tax-acquired property no sooner than 60 days after the annual automatic foreclosure date and to make a recommendation to the City Council. A final decision on each property will be made by the Council. The Committee will be made up of the Finance Director (Tax Collector), City Manager, Deputy Finance Director, Finance Committee. The Committee may include the Director of Economic and Community Development if a commercial property is at issue.

Department Heads. City Department Heads shall be advised as to the City's considering of how to dispose of City owned property and whether or not there is any City need for retaining the property.

The Finance Director, with assistance from the Assessor and Code Enforcement Officer, will provide the Committee with background information concerning the property, which will include the status of the building and/or land, names of prior owner(s), assessed value, current photos, history of the property, condition, neighborhood issues, and a list of any current occupants. The Committee will forward its recommendation to the City Council for

review and approval.

If the Council authorizes a sale of any property, a 60-day letter will be mailed out to the prior owner(s) as a last attempt for the prior owner(s) or successor(s) in interest to redeem the property. The former owner or successor will be permitted to repurchase the property for a price that is not less than all taxes, interest, associated costs and any other charges assessed thereon by the City. In the event the owner fails to redeem their interest within the 60-day time period, the City will proceed with disposal of the property per the City's policy on Disposition of City property.

Generally. The Committee will determine on how to best use the land/buildings and make a recommendation to the full City Council. Any excess proceeds from a sale of tax-acquired property must be returned to paid to the former owner under 36 M.R.S. § 943-C, and any remaining funds after payment of excess sale proceeds. ~~The proceeds from any sale of tax-acquired property~~ shall be designated to the general fund. Recommendations with regard to the disposal of tax-acquired property shall be in accordance with the general considerations listed for disposal of real estate in Section 7.108(G)(5), however, the Committee shall not be limited to that list but may make such recommendations as they deem appropriate and in the City's best interests. Each property shall be evaluated on a case-by case basis. The Finance Director will provide relevant information to the Management Committee and a recommendation will be made whether to evict an occupant and sell the property or sell the property with the occupant remaining in place (with the purchaser to decide whether the resident will remain after the sale), or retain the property and allow the occupant to remain in the home as a party in possession. Property with an occupant in possession may continue to be taxed and lienied in accordance with State law.

D. Procedures for Specific Types of Tax-Acquired Properties:

The following procedures apply to the sale of tax acquired property unless the former owner requests that the City sell the property through the alternative sales process under 36 M.R.S. § 943-C:

1. Vacant Land: The Committee will determine how best to use the land and make a recommendation to the full City Council. Depending on size and location, the recommendation may be to offer/sell it to the abutters, bid/proposal for sale, market it to specific groups, or preserve it as open space.
2. Commercial Property: The Committee will determine what is in the best interest of the City on how to dispose of the property and make a recommendation to the full City Council. The recommendation may include, but is not limited to, selling the property through a bid, auction, or request for proposals or Bath Development Corporation.
3. Multi-Unit Property: The Committee will determine what is in the best interest of the

City on how to dispose of the property and make the recommendation to the full City Council. The recommendation may include, but is not limited to, selling the property through a bid, auction or request for proposals, or partnering with Bath Housing.

4. Single-Family Residential Property: Each property will be evaluated on a case-by-case basis. The Finance Director will provide relevant information to the Committee and a decision will be made whether to evict the resident and sell the property, sell the property with the resident remaining in place (with the purchaser to decide whether the resident will remain after sale), or retain the property and allow the resident to remain in the home as a party in possession. Property with a party in possession may continue to be taxed and lien in accordance with State Law.

5. Occupant: If the City allows a resident to remain in a property, upon transfer of the property to a new owner or upon possession by any other person other than the former owner, all amounts due to the City must be paid in full. If the former owner ceases to be in actual physical possession of the residential tax acquired property, it may be offered for sale or otherwise disposed of as determined by the City, pursuant to established laws and local ordinances.

E. Disposition.

Should the committee and municipal officers determine that title to tax-acquired property be relinquished rather than retained by the municipality, the following shall be observed:

(1) The Committee shall also make a recommendation whether or not an appraisal is necessary prior to offering the property for bid or otherwise disposing of it. An appraisal shall be the normal course of conduct; however, any appraisal may be waived by action of the City Council.

(2) If the previous owner requests the alternative sale process under 36 M.R.S. § 943-C, the Finance Director will engage with a real estate agent to sell the property at fair market prices as soon as possible.

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(3) Bidding required. If the previous owner does not request an alternative sales process, Within 60 days after acquisition of tax-acquired property by the municipality, the municipal officers shall direct the Finance Director or City Manager's Office to solicit public bids for the sale of the tax-acquired property and shall receive, open and read aloud submitted bids.

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(3) Notice to owner, owner's rights of redemption. If the previous owner does not request the alternative sales process, Prior to the time the municipal officers cause public notice of impending public sale of tax acquired property as set forth in Subsection (4) of this section, the Finance Director or City Manager's Office shall send notification of such impending public sale and request for bids to the person to whom the property was most

recently assessed for municipal taxes. The notification shall contain the same information which would be contained in the public notice under Subsection (4) of this section and shall additionally notify the recipient that the recipient may, at any time prior to the public notice of bids, tender full payment of all outstanding taxes, tax liens, interest and all costs, including but not limited to notice and insurance costs, and in so doing may redeem the property and be entitled to a quit-claim deed from the municipality. The notice provided for by this subsection is a matter of courtesy only, and the failure of the municipality to send this notice shall not create any legal rights in any person. The failure of the finance director to send this notice, or the fact that the notice has not been received or understood by the person to whom it was sent, shall not invalidate the sale or use of the tax-acquired property pursuant to this division, nor shall such failure provide a legal basis for any legal action against the municipality or municipal officers or any employee thereof. This redemption shall not apply to property which the municipal officers elect to retain rather than to put out to bid.

(4) Posting and publication of notice. The Finance Director shall cause a public notice of the impending sale of tax-acquired property to be posted within City Hall and on the City's website and social media.

(5) Required submittals by bidders. The Finance Director or City Manager's Office shall require the following for proper submission: a.) Name, Address and contact information for the bidder. b.) A bid sheet shall be submitted containing a full description of the property being bid upon and the bid price in U.S. currency. c.) A certified cashier's check or postal money order, in an amount not less than ten percent of the bid price, shall be included as a deposit on the bid. Failure to submit a deposit shall cause the bid to be automatically rejected.

(6) Delivery of bids. The Finance Director or City Manager's Office shall require that those bid items cited in subsection (5) of this section be sealed in a single plain envelope marked only "Tax-Acquired Property Bid" on the exterior and either be hand delivered to the municipality, or, if mailed, be enclosed within a second envelope addressed to the Bath City Manager's Office 55 Front Street, Bath, Maine 04530. All bids must be received by the municipality no later than 10:00 a.m. EST on the date that bids shall be opened and read.

(7) Right to reject bids; re-offering of property. The Finance Director or City Manager's Office shall retain the right to accept or reject any and all bids submitted and shall cause the same disclaimer to be noted in any public notice soliciting bids in accordance with this division. Should the Finance Director or City Manager's Office reject all bids, or in the absence of any bids, the property may be offered again for public sale without notice to that person cited in subsection (3) of this section.

(8) Notification of successful bidder. The Finance Director or City Manager's Office shall notify, via mail, any successful bidder.

(9) Disposition of deposits. The Finance Director or City Manager's Officer shall, as a credit to payment, retain the submitted bid price deposit of any successful bidder, and shall return all other submitted deposits.

(10) Time limit for payment. The Finance Director or City Manager's Office shall require payment in full from any successful bidder within 30 calendar days following the date when the bids are opened and read and the successful bidder has been notified (see subsection (11) of this section for exception). Should the bidder fail to pay the full balance, the municipality shall retain the bid price deposit and title to the proffered property.

(11) Extension of title for payment. The Finance Director or City Manager's Office may, subject to a show of good faith on the part of the bidder, extend the time limit a one-time-only additional 20 days, within which full payment must be received.

(12) Form of deed. The Finance Director or City Manager's Office shall issue only a municipal quit-claim deed to convey title to tax-acquired property.

(13) Removal of occupants. The successful bidder shall be responsible for the removal of any and all occupants of purchased tax-acquired property and shall, in writing, forever indemnifyingly and ~~saveholding~~ harmless the municipality from any and all claims arising out of the sale of the tax-acquired property brought by the occupants of the purchased property or their heirs or assigns.

Section 7.118. Annual public sale.

All surplus or obsolete equipment, machinery, tools, supplies and all other articles belonging to the City for which there is no longer any use, shall be sold by the Purchasing Agent at public sale once each year. All articles to be disposed of by the purchasing agent at such sale shall be subject to approval by the City Council, and the time of such sale shall be fixed by vote of the City Council each year.

ARTICLE 2. MUNICIPAL TAXES

Section 7.201. Due Date.

The date upon which property taxes shall become due and payable for property taxes assessed by the City for the fiscal year beginning July 1 shall be the fifteenth day of the fourth month of the City's fiscal year. Should such day fall on a Saturday, Sunday or a holiday, then the tax due date will be on the next day which is not a Saturday, Sunday or a holiday. Interest shall accrue and shall apply to delinquent taxes which are not paid by the close of business on

the specified due date, until those taxes are paid in full. The rate of interest shall be established yearly by Resolution of the City Council. (Ord. 10-19-94)

5/1/2024

2024-49

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 1, 2024

Responsible Dept: Planning

Requested Action: Ordinance

Title

Land Use Code Amendment, Article 10, General Performance Standards, Section 10.32 Exception to Space and Bulk Regulations

Summary

Background: An application was received by the Planning Office on December 15, 2023 with the intent of making bike racks allowable in the yard area setback

The proposed amendment received a finding of merit from the Council on Jan 3, 2024

The Planning Board reviewed the proposed amendment at workshop on February 6, and proposed a modified amendment that the applicant agreed to.

At the regular meeting on April 2, 2024, the Planning Board held a public hearing on the proposed amendment, and with no public comment received, expressed support for the proposed amendment, and no concerns, and then voted unanimously to recommend to Council that it be approved.

Consistency (with plans, policies, and/or past practices): The placement of bike racks near sidewalks and roads is a common practice in other parts of the city with minimal or no yard area setbacks (for example, the C1 has 0 feet for all yard area setbacks). The proposal from BIW would address the need for bike racks in the yard setback areas of districts with wider yard area setbacks, such as the Industrial/Shipyard District, which has a 25' minimum front yard area setback.

By increasing public transportation infrastructure options, potentially decreasing the number of miles traveled, and incentivizing varied transportation modes, the proposal is consistent with the 2023 Comprehensive Plan transportation policy goals # 3,4, and 6.

Staff Comments

The proposed change to the Yard Area Setback Exceptions at 10.32,D of the land use code, specifically for bike racks, is intended to address the identified issue. Staff have not identified any potential unintended consequences associated with this proposed amendment.

Action: Recommend for passage

City Manager

Introduced for: First Reading



CITY OF BATH

Date:

Land Use Code Amendment, Article 10, General Performance Standards, Section 10.32 Exception to Space and Bulk Regulations

[Sections that are underlined are intended to be added.
Sections that are ~~struck-through~~ are intended to be deleted.
Sections represented by ellipsis, "..." are to remain unchanged.
Sections in brackets are explanatory notes]

ARTICLE 10 GENERAL PERFORMANCE STANDARDS **SECTION 10.32 EXCEPTION TO SPACE AND BULK REGULATIONS**

D. Yard Area Exceptions

Notwithstanding other requirements of the Code, the following exceptions are allowed:

1. Shared parking lots, which are accessory to the uses on the abutting lots, may abut the common property line. If at anytime the parking lot is no longer shared by the uses on the abutting lots, the parking lot must meet the Space and Bulk Regulations of the Code.

2. Bike racks, which are accessory to principal uses, may be located in the yard area to within 5' of a property line. They may also be located less than 5' from a property line if approved by the Director of Public Works, ensuring that it will not hinder public uses and safety, including sidewalk clearance and road and sidewalk maintenance.

5/15/2024

2024-58

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: Finance

Requested Action: Ordinance

Title

Authorizing issuance of a General Obligation Bond in the amount not to exceed \$517,000 for the purpose of funding equipment, and vehicles

Summary

This is the borrowing ordinance for the FY 2025 Capital items, as per the Council discussion during the budget workshops. This is the first passage, and the second passage will be June 5. Items included in the borrowing are as follows:

| | | | | |
|-----------------------------------|-------------------|----------------------------|------------------------------|-----------------|
| City of Bath | | | | |
| Equipment Bid | | | | |
| FY 2025 | | | | |
| Name of Equipment | Cost | City's down Payment | Amount to be Financed | Term |
| Cemetery Super Duty Pick Up Truck | 63,000.00 | 21,000.00 | 42,000.00 | 4 years |
| Patrol Cruiser | 71,000.00 | 21,000.00 | 50,000.00 | 4 years |
| | 134,000.00 | 42,000.00 | 92,000.00 | |
| Sidewalk Plow and Attachments | 250,000.00 | 25,000.00 | 225,000.00 | 10 years |
| Sewer Dump Truck | 250,000.00 | 50,000.00 | 200,000.00 | 10 years |
| | 500,000.00 | 75,000.00 | 425,000.00 | |
| Total to be financed. | 634,000.00 | 117,000.00 | 517,000.00 | |

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: First Reading

BOND ORDINANCE

AUTHORIZING UP TO \$517,000 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION OF EQUIPMENT AND VEHICLES

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

- Section 1. That a sum of up to, but not to exceed, \$517,000, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding the following equipment, and vehicles, including issuance costs therefor:
- Cemetery Super Duty Pick Up Truck
 - Patrol Cruiser
 - Sidewalk Plow and Attachments
 - Sewer Dump Truck
- Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$517,000, plus sale premium, under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- Section 3. That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds issued pursuant to this Ordinance shall not exceed eleven (11) years.
- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance subject to prepayment and call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

- Section 9. That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 10. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds or notes in anticipation thereof.
- Section 11. That if the City Treasurer, Chair of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
- Section 12. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 11 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.
- Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following the effective date in accordance with Section 809 of the City Charter.

5/15/2024

2024-59

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: Finance

Requested Action: Ordinance

Title

Supplemental Appropriation in the amount of \$1,091,090

Summary

This item is the calculation of the City of Bath expenditure limitation and moving forward the room available under the limitation to future years. This has been done by the Council every year since the expenditure limit was adopted to reserve the available space under the limit for future use. This is also the first passage, and the second passage will be June 5.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: First Reading

CERTIFICATION OF REVENUES IN EXCESS OF BUDGET ESTIMATES

I, Marc S. Meyers, pursuant to Section 611 (A) of the Charter of the City of Bath, hereby certify to the City Council of the City of Bath that there are available for appropriation revenues in excess of those estimated in the Budget, to the extent of at least One Million, Ninety-One Thousand, Ninety Dollars (\$1,091,090.00). The source of these funds is additional surpluses in the General Fund Undesignated Fund Balance Account which have been verified over and above those included in revenue in the 2023/2024 Fiscal Year Budget. The amount of surplus has been verified by the Auditor and is available for supplemental appropriation pursuant to the opinion of the City Solicitor.

Respectfully Submitted,

Marc S. Meyers
City Manager

ORDINANCE

SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance Account, constituting revenue in excess of those estimated in the Budget for the current fiscal year, are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling One Million, Ninety-One Thousand, Ninety Dollars (\$1,091,090.00), will not exceed the expenditure limits for the current fiscal year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of One Million, Ninety-One Thousand, Ninety Dollars (\$1,091,090.00), be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account 01-2500-00) to the Council Contingency Account (Account 01-0012-402).



NEW BUSINESS

6/5/2024

2024-61

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: City Clerk

Requested Action: Approval

Title

Authorization to Hold Heritage Days

Summary

Bath Heritage Days has provided the City of Bath with entertainment for its citizens, neighbors, and visitors for the past 50 years.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date:

Authorization to Hold Heritage Days

See attached letter



Officers:

Mollie Jellison
Co-President

Liz Wyman
Co-President

Heather Fear
Secretary

Denise Kwiatkowski
Treasurer

Directors:

Steve Balboni
Jennifer DeChant
Michelle Grover
Katherine Kroll
Geniene Marco
Oskar Matero
Caitlin McCorkle
Marc Meyers
Vicki Sprague
Christopher Timm

Staff:

Amanda McDaniel
Program Director

Camille Kauffunger
Business Manager

Barbara Bramer
Bookkeeper

Partnering to Preserve & Promote Downtown Bath

15 Commercial Street • Bath, Maine 04530

(207) 442-7291 • director@visitbath.com • www.visitbath.com

5/29/2024

To City Council,

It is that time of year again when Main Street Bath holds the torch for the next Bath Heritage Days Festival. This year it is the 50th Anniversary of this beloved event and we are grateful to be the ones to organize it and celebrate with you.

This year's dates will be "starting off with a bang" on **Thursday July 4th and ending Sunday evening July 7th**. We have all the traditions for Independence Day scheduled for that day, including the Parks & Rec Road Race, the Parade, and Fireworks on that evening at 9:15pm. Central Maine Pyrotechnics will serve as our vendor again for the show.

HPA Production Services out of Lewiston will be managing the sound and visual productions at all locations; Parade, Firemen's Muster, Gazebo and Main Stage.

We will have live performances from some returning and many new musical and dancing acts for this year. Some who will return are Pat Colwell & The Soul Sensations, some new are Breakin' Strings and the Back Woods Road Band.

Main Street Bath and the Municipality have agreed to share the cost of the **Garbage to Gardens** vendor (as we did last year). G2G will keep a majority of the event's waste into a recycling program and out of landfills.

Additional Porta Potties are contracted through our local Phippsburg vendor, **C&C Construction & Septic Services**. He was wonderful to work with last year and has conscientious customer service.

Bath Electrical Service will continue to be our partners in setting up electric needs throughout the downtown. They are the backbone of operations in this festival, and downright good people.

Bath Water District will be working with the Carnival and for our Food trucks as we access points of gray water waste, and incoming water needs. Nothing new to report on this.

Smokey's Greater Shows Carnival will be coming again as per our

contract, setting up in partnership with the Bath Police, shutting down Commercial Street at the last possible moment in order to allow for permitted parking, flow of traffic and setting up of the rides, games and food trucks.

Local food trucks have been booked through the Main Street Bath office and will be again located along Waterfront Park and up at Library Park. We are working with the PD again here for coordination of maneuvering the fine balance of allowing time to set up and space for the traffic / parking needs of businesses and tourism.

Art in the Park will have 50 vendors this year in celebration of our anniversary (up from 40), and Library Park will host the Strawberry Shortcake Social, Kids Day and the Portland Reavers sword fighting demonstration again.

This year marks the **175th Anniversary of the Firemen's Muster**, something that started HERE in Bath. I encourage all of you to attend and if able, get on one of the hand tubs and help with the competition. It's a moving and addicting experience!

Bill King's Front Street Shuffle will shut down Front Street for its traditional Sunday morning and we have added in the Volunteer's Jazz Band to bring another element of vintage experience.

We are grateful as ever to partner with **Public Works and the Parks & Rec Department** for set up, logistics, stage, etc. This is one of those times of year where lots of texts and calls go back and forth between myself and these dedicated teams. They are deserving of many accolades as they put in the time and effort to ensure this event's success. They are my heroes!

This year, the anticipated budget for cost will be just over \$91,000, to include things like;

- \$13k for Police Support
- \$5k porta potties
- \$12k for Sound and Light Production
- \$2k for the stage rental
- \$2k in printing costs
- \$600 in radio advertising
- \$700 in newspaper and online advertising
- \$10k in booking musical / entertainment performances
- \$25k Garbage to Garden
- \$2k Parade costs
- \$4k Electrical Support
- \$15k Fireworks
- Other smaller support expenses.

Whether Main Street Bath makes any money on this event or not is entirely due to the weather. The balance of food vendor, art vendor payments and sponsorship will not be sufficient if we get rained out. A majority of our income is through the 30% ticket sales of Smokey's Greater Shows and if they are not able to run their rides, we will suffer a loss.

Last year we were able to keep just under \$20k as profit, the most in my five years as director. While that sounds like a lot, I remind people that Main Street Bath uses \$20k worth of staff time, *which we don't count on any budget line items*.

We will be looking for additional volunteers to man the tables and be helpful with small odds and ends during this four day stretch and if anyone is interested or has family and friends who would like to put this on their charitable resume, please reach out to us to connect.

Happy "Fifty Years of Family, Fun, and Fireworks!"

In partnership with you,

Amanda McDaniel

Director of Main Street Bath

15 Commercial Street

Bath, ME 04530

(207) 442-7291

director@visitbath.com

6/5/2024

2024-63

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Resolution: City General Fund Budget, City Capital Improvement Fund Budget, Landfill Fund Budget, and Sewer Utility Fund Budget

Summary

Resolution: Budget Adoption

This is the approval of the General Fund - City Operating Budget, City Capital Improvement Budget, Landfill Fund Budget, and Sewer Utility Fund Budget that has been discussed in the budget workshops and the Budget Public Hearing.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: Select



CITY OF BATH

Date: 06/05/2024

Resolution: City General Fund Budget, City Capital Improvement Fund Budget, Landfill Fund Budget, and Sewer Utility Fund Budget

RESOLUTION - BUDGET ADOPTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the following budgets as reallocated and/or appropriated for the fiscal year commencing on July 1, 2024 and terminating on June 30, 2025, be and hereby is adopted.

City Operating Budget with a total expenditure of **\$ 14,094,031**, balanced with an equal amount of estimated revenue.

City Capital Improvement Budget with a total expenditure of **\$ 1,877,125**, balanced with an equal amount of estimated revenue.

Landfill Fund Component with a total expenditure of **\$ 1,833,125** balanced with an equal amount of estimated revenue.

Sewer Utility Fund with a total expenditure of **\$ 3,006,587**, balanced with an equal amount of estimated revenue.

Summary of appropriations is attached.



General (01)

The General Fund is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

Revenues by Source

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|--|---|
| Revenue Source | | | | | | | |
| TAXES | | | | | | | |
| PILOT | \$60,000 | \$35,000 | \$35,000 | \$35,000 | \$35,000 | \$0 | 0% |
| PROPERTY TAX | \$6,213,840 | \$3,544,847 | \$6,389,317 | \$3,461,441 | \$6,575,167 | \$185,850 | 2.9% |
| VEHICLE EXCI | \$1,275,000 | \$1,377,407 | \$1,300,000 | \$1,026,612 | \$1,350,000 | \$50,000 | 3.8% |
| PENT & INT | \$80,000 | \$171,384 | \$80,000 | \$40,437 | \$45,000 | -\$35,000 | -43.7% |
| BOAT EXCISE | \$7,500 | \$7,403 | \$7,500 | \$2,024 | \$7,000 | -\$500 | -6.7% |
| Total TAXES: | \$7,636,340 | \$5,136,043 | \$7,811,817 | \$4,565,514 | \$8,012,167 | \$200,350 | 2.6% |
| | | | | | | | |
| LICENSES, PERMITS, AND FEES | | | | | | | |
| BUSINESS EQU | \$0 | \$2,470,541 | \$0 | \$2,162,065 | \$0 | \$0 | 0% |
| HEALTH | \$1,500 | \$2,030 | \$1,500 | \$550 | \$2,000 | \$500 | 33.3% |
| PROF | \$12,105 | \$16,975 | \$12,000 | \$5,815 | \$16,000 | \$4,000 | 33.3% |
| BUILDING/PLU | \$35,000 | \$69,174 | \$45,000 | \$39,964 | \$55,000 | \$10,000 | 22.2% |
| ELECTRICAL | \$12,000 | \$26,824 | \$13,500 | \$10,481 | \$15,000 | \$1,500 | 11.1% |
| CODE SERVICE | \$1,000 | \$2,171 | \$1,000 | \$65 | \$500 | -\$500 | -50% |
| HUNT & FISH | \$800 | \$1,010 | \$800 | \$306 | \$800 | \$0 | 0% |
| MARRIAGE | \$2,800 | \$2,644 | \$2,800 | \$1,804 | \$2,000 | -\$800 | -28.6% |
| BURIAL | \$2,600 | \$3,018 | \$2,600 | \$2,288 | \$2,800 | \$200 | 7.7% |
| DOG LICENSES | \$600 | \$458 | \$600 | \$421 | \$450 | -\$150 | -25% |
| MOORING FEES | \$300 | \$450 | \$300 | \$150 | \$350 | \$50 | 16.7% |
| CONCEALED WE | \$0 | \$180 | \$0 | \$98 | \$150 | \$150 | N/A |
| SNOWMOBILE E | \$0 | \$463 | \$0 | \$404 | \$0 | \$0 | 0% |
| BIRTH CERTIF | \$5,000 | \$4,903 | \$5,000 | \$3,433 | \$4,700 | -\$300 | -6% |
| DEATH CERTIF | \$3,000 | \$3,443 | \$3,000 | \$2,928 | \$3,000 | \$0 | 0% |
| MARRIAGE CER | \$2,000 | \$2,393 | \$2,000 | \$1,424 | \$2,000 | \$0 | 0% |
| SITE PLAN FE | \$15,000 | \$9,277 | \$10,000 | \$7,181 | \$9,000 | -\$1,000 | -10% |
| AUTO REGISTR | \$25,000 | \$30,123 | \$25,000 | \$20,957 | \$30,000 | \$5,000 | 20% |
| BOAT REGISTR | \$500 | \$620 | \$500 | \$255 | \$500 | \$0 | 0% |
| Total LICENSES, PERMITS, AND FEES: | \$119,205 | \$2,646,699 | \$125,600 | \$2,260,589 | \$144,250 | \$18,650 | 14.8% |
| | | | | | | | |
| INTERGOVERNMENTAL | | | | | | | |
| HOMESTEAD EX | \$0 | \$620,624 | \$0 | \$502,039 | \$0 | \$0 | 0% |
| STATE REV | \$1,620,715 | \$2,417,729 | \$2,017,243 | \$1,578,939 | \$1,637,582 | -\$379,661 | -18.8% |
| WELFARE REIM | \$40,000 | \$52,540 | \$40,000 | \$33,192 | \$44,000 | \$4,000 | 10% |
| RSU FIELD RE | \$0 | \$0 | \$142,000 | \$142,000 | \$0 | -\$142,000 | -100% |

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|--|---|
| Total INTERGOVERNMENTAL: | \$1,660,715 | \$3,090,893 | \$2,199,243 | \$2,256,170 | \$1,681,582 | -\$517,661 | -23.5% |
| | | | | | | | |
| CHARGES FOR SERVICES | | | | | | | |
| AMBULANCE SE | \$630,000 | \$678,097 | \$630,000 | \$560,339 | \$650,000 | \$20,000 | 3.2% |
| AMBULANCE CO | \$65,000 | \$74,750 | \$65,000 | \$57,645 | \$70,000 | \$5,000 | 7.7% |
| POLICE DUTY | \$0 | \$16,800 | \$0 | \$0 | \$0 | \$0 | 0% |
| CEMETERY TRU | \$30,000 | \$64,788 | \$40,000 | \$38,732 | \$40,000 | \$0 | 0% |
| SALE OF LOTS | \$5,000 | \$4,414 | \$5,000 | \$3,019 | \$5,000 | \$0 | 0% |
| LINER SALES | \$1,500 | \$3,015 | \$2,500 | \$1,700 | \$2,500 | \$0 | 0% |
| GRAVE OPENIN | \$30,000 | \$34,625 | \$30,000 | \$18,877 | \$30,000 | \$0 | 0% |
| FOUNDATION S | \$6,500 | \$1,608 | \$5,000 | \$50 | \$2,000 | -\$3,000 | -60% |
| CEMETERY MIS | \$3,500 | \$3,111 | \$3,500 | \$1,484 | \$3,500 | \$0 | 0% |
| PARKING-CITY | \$175,000 | \$178,927 | \$185,000 | \$152,585 | \$185,000 | \$0 | 0% |
| Total CHARGES FOR SERVICES: | \$946,500 | \$1,060,134 | \$966,000 | \$834,432 | \$988,000 | \$22,000 | 2.3% |
| | | | | | | | |
| INVESTMENT INCOME | | | | | | | |
| HMP INT | \$500,000 | \$1,215,171 | \$500,000 | \$1,750,510 | \$600,000 | \$100,000 | 20% |
| INTEREST ON | \$120,000 | \$658,600 | \$200,000 | \$754,372 | \$535,000 | \$335,000 | 167.5% |
| Total INVESTMENT INCOME: | \$620,000 | \$1,873,771 | \$700,000 | \$2,504,883 | \$1,135,000 | \$435,000 | 62.1% |
| | | | | | | | |
| OTHER REVENUES | | | | | | | |
| CABLE FRANCH | \$108,000 | \$106,429 | \$108,000 | \$71,712 | \$108,000 | \$0 | 0% |
| COURT OFFICE | \$500 | \$1,179 | \$500 | \$1,142 | \$1,000 | \$500 | 100% |
| PARKING AND | \$45,000 | \$35,744 | \$45,000 | \$19,955 | \$35,000 | -\$10,000 | -22.2% |
| RENTS AND LE | \$0 | \$7,195 | \$0 | \$0 | \$0 | \$0 | 0% |
| SALE OF CITY | \$0 | \$0 | \$0 | \$359,226 | \$0 | \$0 | 0% |
| OTHER INCOME | \$15,000 | \$29,761 | \$15,000 | \$13,203 | \$15,032 | \$32 | 0.2% |
| Total OTHER REVENUES: | \$168,500 | \$180,307 | \$168,500 | \$465,237 | \$159,032 | -\$9,468 | -5.6% |
| | | | | | | | |
| TRANSFERS IN | | | | | | | |
| PW TIF trans | \$90,000 | \$90,000 | \$90,000 | \$90,000 | \$105,000 | \$15,000 | 16.7% |
| TRANF REC IN | \$0 | \$0 | \$50,750 | \$50,750 | \$60,000 | \$9,250 | 18.2% |
| Total TRANSFERS IN: | \$90,000 | \$90,000 | \$140,750 | \$140,750 | \$165,000 | \$24,250 | 17.2% |
| | | | | | | | |
| PRIOR YEAR FUND BALANCE | | | | | | | |
| UNAPPROPRIAT | \$775,000 | \$0 | \$800,000 | \$0 | \$1,809,000 | \$1,009,000 | 126.1% |
| Total PRIOR YEAR FUND BALANCE: | \$775,000 | \$0 | \$800,000 | \$0 | \$1,809,000 | \$1,009,000 | 126.1% |
| Total Revenue Source: | \$12,016,260 | \$14,077,847 | \$12,911,910 | \$13,027,575 | \$14,094,031 | \$1,182,121 | 9.2% |

Expenditures by Function

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|--|---|
| Expenditures | | | | | | | |
| GENERAL GOVERNMENT | | | | | | | |
| ADMINISTRATION | \$178,646 | \$173,594 | \$190,200 | \$115,871 | \$203,982 | \$13,782 | 7.2% |
| PROFESSIONAL SERVICES | \$205,000 | \$117,050 | \$192,500 | \$113,185 | \$177,250 | -\$15,250 | -7.9% |
| COUNCIL | \$74,544 | \$67,656 | \$74,660 | \$52,221 | \$70,695 | -\$3,965 | -5.3% |
| BCTV | \$110,967 | \$117,410 | \$139,775 | \$98,663 | \$145,646 | \$5,871 | 4.2% |
| CITY CLERK | \$115,886 | \$119,745 | \$163,490 | \$114,938 | \$162,283 | -\$1,207 | -0.7% |
| CITY CLERK - ELECTIONS | \$20,800 | \$20,024 | \$20,750 | \$29,883 | \$19,800 | -\$950 | -4.6% |
| CENTRAL SERVICES | \$172,550 | \$175,133 | \$182,800 | \$168,933 | \$213,300 | \$30,500 | 16.7% |
| CITY HALL MANAGEMENT | \$158,825 | \$163,471 | \$197,764 | \$136,414 | \$210,359 | \$12,595 | 6.4% |
| FINANCE | \$341,428 | \$332,369 | \$348,875 | \$258,322 | \$357,295 | \$8,420 | 2.4% |
| ASSESSOR | \$155,740 | \$153,081 | \$159,650 | \$121,196 | \$164,722 | \$5,072 | 3.2% |
| RECREATION FUND | \$274,898 | \$274,898 | \$516,840 | \$368,248 | \$520,895 | \$4,055 | 0.8% |
| PLANNING OFFICE | \$74,480 | \$74,447 | \$85,404 | \$50,920 | \$116,303 | \$30,899 | 36.2% |
| Total GENERAL GOVERNMENT: | \$1,883,764 | \$1,788,877 | \$2,272,708 | \$1,628,794 | \$2,362,530 | \$89,822 | 4% |
| | | | | | | | |
| EMPLOYEE BENEFITS, INSURANCE, QUASI-MUNIC | | | | | | | |
| QUASI MUNICIPALITY | \$201,920 | \$196,924 | \$207,167 | \$203,917 | \$216,196 | \$9,029 | 4.4% |
| INSURANCES | \$533,500 | \$399,530 | \$374,000 | \$408,217 | \$404,000 | \$30,000 | 8% |
| EMPLOYEE BENEFITS | \$2,455,643 | \$2,231,206 | \$2,420,564 | \$1,741,267 | \$2,455,845 | \$35,281 | 1.5% |
| Total EMPLOYEE BENEFITS, INSURANCE, QUASI-MUNIC: | \$3,191,063 | \$2,827,659 | \$3,001,731 | \$2,353,401 | \$3,076,041 | \$74,310 | 2.5% |
| | | | | | | | |
| PUBLIC SAFETY | | | | | | | |
| UTILITIES | \$549,165 | \$549,644 | \$559,000 | \$461,250 | \$771,678 | \$212,678 | 38% |
| CODES OFFICE | \$151,759 | \$151,729 | \$188,795 | \$136,701 | \$190,225 | \$1,430 | 0.8% |
| FIRE & AMBULANCE | \$1,984,423 | \$1,963,399 | \$2,216,080 | \$1,624,922 | \$2,383,059 | \$166,979 | 7.5% |
| HARBOR MASTER | \$5,600 | \$5,588 | \$5,800 | \$3,166 | \$5,756 | -\$44 | -0.8% |
| POLICE | \$1,735,968 | \$1,719,874 | \$1,927,874 | \$1,444,554 | \$2,120,473 | \$192,599 | 10% |
| SCHOOL CROSSING GUARDS | \$6,581 | \$6,581 | \$6,700 | \$4,525 | \$0 | -\$6,700 | -100% |
| PARKING MANAGEMENT | \$63,136 | \$63,064 | \$70,700 | \$45,544 | \$71,536 | \$836 | 1.2% |
| POLICE ANIMAL CONTROL | \$48,315 | \$49,285 | \$55,415 | \$43,503 | \$56,581 | \$1,166 | 2.1% |
| Total PUBLIC SAFETY: | \$4,544,947 | \$4,509,164 | \$5,030,364 | \$3,764,165 | \$5,599,307 | \$568,943 | 11.3% |
| | | | | | | | |
| HEALTH AND WELFARE | | | | | | | |
| GENERAL ASSISTANCE | \$71,300 | \$61,262 | \$74,368 | \$62,404 | \$76,242 | \$1,874 | 2.5% |
| Total HEALTH AND WELFARE: | \$71,300 | \$61,262 | \$74,368 | \$62,404 | \$76,242 | \$1,874 | 2.5% |
| | | | | | | | |
| PUBLIC WORKS | | | | | | | |
| PUBLIC WORKS | \$1,192,683 | \$1,221,610 | \$1,307,703 | \$847,287 | \$1,298,790 | -\$8,913 | -0.7% |

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|----------------------------|---------------------|---------------------|---------------------|--------------------|---------------------|--|---|
| CEMETERY & PARKS | \$441,285 | \$412,628 | \$536,482 | \$340,168 | \$520,048 | -\$16,434 | -3.1% |
| FORESTRY | \$96,100 | \$86,802 | \$113,717 | \$73,573 | \$118,129 | \$4,412 | 3.9% |
| Total PUBLIC WORKS: | \$1,730,068 | \$1,721,040 | \$1,957,902 | \$1,261,028 | \$1,936,966 | -\$20,936 | -1.1% |
| | | | | | | | |
| DEBT SERVICE | | | | | | | |
| DEBT RETIREMENT | \$595,118 | \$595,542 | \$574,837 | \$239,385 | \$1,042,944 | \$468,107 | 81.4% |
| Total DEBT SERVICE: | \$595,118 | \$595,542 | \$574,837 | \$239,385 | \$1,042,944 | \$468,107 | 81.4% |
| Total Expenditures: | \$12,016,260 | \$11,503,545 | \$12,911,910 | \$9,309,177 | \$14,094,031 | \$1,182,121 | 9.2% |



Capital (05)

Capital Projects account for financial resources to be used for the acquisition or construction of major capital assets.

Revenues by Source

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---|--|
| Revenue Source | | | | | | | |
| CAPITAL FUND | | | | | | | |
| INT INC | \$0 | \$1,492 | \$0 | \$0 | \$0 | \$0 | 0% |
| PROPERTY TAX | \$1,156,034 | \$1,156,034 | \$1,298,020 | \$1,298,020 | \$1,685,125 | \$387,105 | 29.8% |
| MISC FED | \$0 | \$0 | \$0 | \$33,003 | \$0 | \$0 | 0% |
| CEM TRUST | \$0 | \$0 | \$0 | \$0 | \$15,000 | \$15,000 | N/A |
| OTHER INCOME | \$32,000 | \$17,150 | \$32,000 | \$17,000 | \$163,000 | \$131,000 | 409.4% |
| UNAPPROPRIAT | \$0 | \$0 | \$0 | \$0 | \$14,000 | \$14,000 | N/A |
| STATE AID RO | \$0 | \$58,684 | \$0 | \$67,676 | \$0 | \$0 | 0% |
| FUND TRANS | \$0 | \$74,653 | \$0 | \$0 | \$0 | \$0 | 0% |
| Total CAPITAL FUND: | \$1,188,034 | \$1,308,013 | \$1,330,020 | \$1,415,699 | \$1,877,125 | \$547,105 | 41.1% |
| Total Revenue Source: | \$1,188,034 | \$1,308,013 | \$1,330,020 | \$1,415,699 | \$1,877,125 | \$547,105 | 41.1% |

Expenditures by Function

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|---------------------------------|--------------------|--------------------|--------------------|------------------|--------------------|---|--|
| Expenditures | | | | | | | |
| CAPITAL FUNDS | | | | | | | |
| CAPITAL FUND | \$232,045 | -\$217,175 | \$237,213 | \$457,363 | \$891,900 | \$654,687 | 276% |
| CF CEMETERY & PARKS | \$120,738 | \$114,858 | \$85,750 | \$94,752 | \$91,258 | \$5,508 | 6.4% |
| CF FIRE | \$249,937 | \$254,640 | \$252,341 | -\$165,078 | \$227,594 | -\$24,747 | -9.8% |
| CF POLICE | \$61,092 | \$61,637 | \$81,829 | \$123,242 | \$61,977 | -\$19,852 | -24.3% |
| CF RECREATION | \$153,177 | \$175,386 | \$162,862 | -\$1,370,122 | \$328,042 | \$165,180 | 101.4% |
| CF PUBLIC WORKS | \$371,045 | \$1,419,624 | \$510,025 | \$1,164,248 | \$276,354 | -\$233,671 | -45.8% |
| Total CAPITAL FUNDS: | \$1,188,034 | \$1,808,970 | \$1,330,020 | \$304,404 | \$1,877,125 | \$547,105 | 41.1% |
| Total Expenditures: | \$1,188,034 | \$1,808,970 | \$1,330,020 | \$304,404 | \$1,877,125 | \$547,105 | 41.1% |



Landfill (06)

The Landfill Fund accounts for the fees charged to use the landfill and the operating and maintenance costs of the landfill.

Revenues by Source

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---|--|
| Revenue Source | | | | | | | |
| TAXES | \$1,076,537 | \$1,076,537 | \$1,076,537 | \$1,076,537 | \$1,076,537 | \$0 | 0% |
| CHARGES FOR SERVICES | \$403,000 | \$479,385 | \$432,200 | \$287,546 | \$430,000 | -\$2,200 | -0.5% |
| INVESTMENT INCOME | \$280,000 | \$470,605 | \$300,000 | \$531,845 | \$330,000 | \$30,000 | 10% |
| OTHER REVENUES | \$35,000 | \$62,649 | \$0 | \$717 | \$0 | \$0 | 0% |
| PRIOR YEAR FUND BALANCE | \$122,650 | \$0 | \$0 | \$0 | \$0 | \$0 | 0% |
| Total Revenue Source: | \$1,917,187 | \$2,089,176 | \$1,808,737 | \$1,896,645 | \$1,836,537 | \$27,800 | 1.5% |

Expenditures by Function

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|----------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---|--|
| Expenditures | | | | | | | |
| LANDFILL | | | | | | | |
| SOLID WASTE SITE | \$629,984 | \$552,643 | \$638,397 | \$420,649 | \$641,500 | \$3,103 | 0.5% |
| RECYCLING | \$64,200 | \$93,167 | \$54,700 | \$18,999 | \$47,725 | -\$6,975 | -12.8% |
| MSW-CURBSIDE PICK UP | \$485,300 | \$403,507 | \$485,500 | \$332,567 | \$715,000 | \$229,500 | 47.3% |
| PAY AS YOU THROW | \$41,500 | \$41,298 | \$47,200 | \$46,496 | \$56,000 | \$8,800 | 18.6% |
| LF CAPITAL | \$106,500 | \$33,643 | \$150,000 | \$336,442 | \$7,500 | -\$142,500 | -95% |
| DEBT RETIREMENT | \$577,866 | \$577,866 | \$374,850 | \$347,288 | \$365,400 | -\$9,450 | -2.5% |
| Total LANDFILL: | \$1,905,350 | \$1,702,124 | \$1,750,647 | \$1,502,441 | \$1,833,125 | \$82,478 | 4.7% |
| Total Expenditures: | \$1,905,350 | \$1,702,124 | \$1,750,647 | \$1,502,441 | \$1,833,125 | \$82,478 | 4.7% |



Sewer (07)

The Sewer Utility Fund accounts for the revenues generated from sewer billings and the costs of operating and maintaining the sewer treatment plant, sewer infrastructure, and pump stations and related equipment.

Revenue by Fund

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---|--|
| SEWER FUND | | | | | | | |
| FED. GRANT | \$0 | \$684,079 | \$0 | \$0 | \$0 | \$0 | 0% |
| BOND PROC | \$0 | \$87,250 | \$0 | \$124,555 | \$0 | \$0 | 0% |
| INDUSTRIAL A | \$955,000 | \$955,113 | \$1,099,101 | \$739,171 | \$1,169,630 | \$70,529 | 6.4% |
| RESIDENTIAL | \$1,550,000 | \$1,437,988 | \$1,703,905 | \$1,099,612 | \$1,764,358 | \$60,453 | 3.5% |
| SEPTAGE DISP | \$50,000 | \$44,430 | \$55,000 | \$19,425 | \$45,000 | -\$10,000 | -18.2% |
| CATCH BASIN | \$17,600 | \$17,600 | \$17,600 | \$8,800 | \$19,360 | \$1,760 | 10% |
| INTEREST INC | \$4,000 | \$4,522 | \$5,000 | \$1,996 | \$0 | -\$5,000 | -100% |
| LIEN FEES | \$0 | \$19,297 | \$0 | \$7,824 | \$0 | \$0 | 0% |
| MISCELLANEOU | \$10,000 | \$5,520 | \$10,000 | \$12,850 | \$10,000 | \$0 | 0% |
| Total SEWER FUND: | \$2,586,600 | \$3,255,800 | \$2,890,606 | \$2,014,232 | \$3,008,348 | \$117,742 | 4.1% |

Expenditures by Function

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|--------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---|--|
| Expenditures | | | | | | | |
| SEWER FUND | | | | | | | |
| MANAGEMENT-SEWER UTILITY | \$110,000 | \$111,631 | \$116,000 | \$77,502 | \$119,824 | \$3,824 | 3.3% |
| SEWER TREATMENT & PUMPING STATION | \$1,053,638 | \$1,016,927 | \$1,200,524 | \$869,953 | \$1,272,194 | \$71,670 | 6% |
| MAINTENANCE-SEWER UTILITY | \$425,613 | \$411,929 | \$426,840 | \$250,707 | \$508,786 | \$81,946 | 19.2% |
| REPLACEMENT RES SEWER UTILITY | \$224,837 | \$1,202,196 | \$238,366 | \$346,047 | \$174,624 | -\$63,742 | -26.7% |
| DEBT RETIREMENT | \$756,448 | \$756,693 | \$654,314 | \$619,395 | \$931,159 | \$276,845 | 42.3% |
| Total SEWER FUND: | \$2,570,536 | \$3,499,375 | \$2,636,044 | \$2,163,603 | \$3,006,587 | \$370,543 | 14.1% |
| Total Expenditures: | \$2,570,536 | \$3,499,375 | \$2,636,044 | \$2,163,603 | \$3,006,587 | \$370,543 | 14.1% |

6/5/2024

2024-64

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Resolution: BIW Tax Increment Financing District, Wing Farm Tax Increment Financing District, and Downtown Tax Increment Financing District

Summary

Resolution: Budget Adoption

This is the approval of the BIW Tax Increment Financing District, Wing Farm Tax Increment Financing District, and Downtown Tax Increment Financing District budgets that has been discussed in the budget workshops and the Budget Public Hearing.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date: 06/05/2024

Resolution: BIW Tax Increment Financing District, Wing Farm Tax Increment Financing District, and Downtown Tax Increment Financing District

RESOLUTION - BUDGET ADOPTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the following budgets as reallocated and/or appropriated for the fiscal year commencing on July 1, 2024 and terminating on June 30, 2025, be and hereby is adopted.

BIW Tax Increment Financing District Budget with a total expenditure of **\$ 4,533,809**, balanced with an equal amount of estimated revenue.

Wing Farm Tax Increment Financing District Budget, with a total expenditure of **\$ 638,220**, balanced with an equal amount of estimated revenue.

Downtown Tax Increment Financing District with a total expenditure of **\$ 530,915** balanced with an equal amount of estimated revenue.

Summary of appropriations is attached.



Tax Incremental Financing (15, 16, & 17)

Revenue by Fund

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|---------------|--------------------|--------------------|--------------------|--------------------|--------------------|--|---|
| BIW TIF | \$2,503,758 | \$5,428,741 | \$2,123,902 | \$4,579,066 | \$4,600,000 | \$2,476,098 | 116.6% |
| WINGFARM TIF | \$709,500 | \$1,067,280 | \$620,037 | \$620,037 | \$644,800 | \$24,763 | 4% |
| DOWNTOWN TIF | \$333,509 | \$333,509 | \$515,943 | \$530,943 | \$515,943 | \$0 | 0% |
| Total: | \$3,546,767 | \$6,829,530 | \$3,259,882 | \$5,730,046 | \$5,760,743 | \$2,500,861 | 76.7% |

Expenditures by Fund

| Name | FY2023 Adopted | FY2023 YTD | FY2024 Adopted | FY2024 YTD | FY2025 Budgeted | FY2024 Adopted vs. FY2025 Budgeted (\$ Change) | FY2024 Adopted vs. FY2025 Budgeted (% Change) |
|----------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--|---|
| BIW TIF | | | | | | | |
| SALARIES & BENEFITS | \$0 | \$250,808 | \$0 | \$213,651 | \$354,629 | \$354,629 | 0% |
| OPERATING EXPENSES | \$130,000 | \$169,031 | \$0 | -\$442 | \$55,000 | \$55,000 | 0% |
| CAPITAL OUTLAYS | \$2,363,569 | \$4,303,206 | \$2,166,506 | \$3,693,648 | \$4,124,180 | \$1,957,674 | -100% |
| Total BIW TIF: | \$2,493,569 | \$4,723,045 | \$2,166,506 | \$3,906,857 | \$4,533,809 | \$2,367,303 | -100% |
| | | | | | | | |
| WINGFARM TIF | | | | | | | |
| OPERATING EXPENSES | \$0 | \$1,706 | \$0 | \$0 | \$0 | \$0 | 0% |
| CAPITAL OUTLAYS | \$707,849 | \$486,129 | \$685,465 | \$516,985 | \$638,220 | -\$47,245 | -100% |
| Total WINGFARM TIF: | \$707,849 | \$487,835 | \$685,465 | \$516,985 | \$638,220 | -\$47,245 | -100% |
| | | | | | | | |
| DOWNTOWN TIF | | | | | | | |
| SALARIES & BENEFITS | \$0 | \$0 | \$45,000 | \$29,886 | \$92,915 | \$47,915 | -100% |
| OPERATING EXPENSES | \$0 | \$0 | \$40,000 | \$552 | \$0 | -\$40,000 | -100% |
| CAPITAL OUTLAYS | \$680,519 | \$198,556 | \$533,017 | \$177,996 | \$438,000 | -\$95,017 | -100% |
| Total DOWNTOWN TIF: | \$680,519 | \$198,556 | \$618,017 | \$208,434 | \$530,915 | -\$87,102 | -100% |
| Total: | \$3,881,937 | \$5,409,436 | \$3,469,988 | \$4,632,277 | \$5,702,944 | \$2,232,956 | -100% |

6/5/2024

2024-65

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Approval

Title

City of Bath's Special Purpose Fund Budget

Summary

These are the accounts that are used for resources received from outside sources that have specific use and restrictions on them.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date: 06/05/2024

City of Bath's Special Purpose Fund Budget

See attached.

RESOLUTION – SPECIAL PURPOSE FUND COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City of Bath's Special Purpose Fund as reallocated and/or appropriated for the fiscal year commencing on July 1, 2024 and terminating on June 30, 2025, be and is adopted for the purpose of funding the accounts below:

SPECIAL PURPOSE FUNDS - CITY

As of May 15, 2024

0300 Special Purpose

237 Sewer Impact Fees
277 Age Friendly Communities
350 2Townlanding
352 Butler Head Sugarbush
353 Butler Head Signs & Improvement
356 Downtown Signs
357 Bike ME
358 RT 1 Hotel
539 Connectivity ME Grant
676 Stage Rental/ Maint
731 Skate Park Committee
749 Keep Maine Healthy
781 Downtown Wellness
782 City Dock/FD Sec Dock
784 WingFarm Traffic Impact Fees
785 American Rescue Plan
786 Former Morse High School
935 Assessor Records Preservation
969 Police K9 Fund
5611 Interest Income
5613 Unrealized Gain on investments
8110 Swimming Pool Fund
8722 Bath Clocks Maintenance
8779 CVS Route 1

0302 Cemetery and Parks

253 Milled Lumber
301 Forestry Trust-Prin & Int & Donations
302 Forestry Committee
304 Vandalism & Damage
305 Cemetery Firewood
308 Forestry Comm Nursery Shed
8675 Library Gazebo

0306 Forestry

303 Druid Park

0304 Fire Department

315 Fire Department iPads
316 FD HoverJack
317 FD Gas Meters

0308 General Assistance

307 Almoner Fund
371 Charitable Contribution Fund

0309 Planning Department

652 Comprehensive Planning
653 Climate Adaption
654 Community Action Grant
655 Zoning Grant
656 Building Adaptation
657 Coastal Community Grant

0310 LAMBERT PARK CC

330 Lambert Park

0312 Police Grants

106 Xtra Duty Pay
318 Jumpstart
320 Dare
321 OUI Grant
322 Juvenile Assistance Fund
324 PD Bike Safety
325 Under Aged Drinking
326 Seatbelt Safety Program
327 Police Drug Forfeiture
328 Speed Enforcement
329 Davenport Grant
331 Distracted Driving Grant HVE
332 ME Chiefs - District Six
712 Traffic Enforcement Grant
729 Cop Card Grant
748 PD Radar
939 Lifesaver Project

0314 Recreation

333 Midcoast Comm. Alliance
334 Wrestling
335 McMann Field Renovation
336 Rec Scholarship Fund
337 Community Garden
338 Soccer
339 ASA Softball
340 Lacrosse
341 Mens Softball League
342 Little League Registrations
343 Bath Babe Ruth League
344 Youth Football League
345 Youth Cheerleading
347 Advertising Signs
348 McMann Advertising
359 Travel Football League
8720 Lambert Park Com. Center
8721 Rec Parks Imp

1245 Recreation Program Expense

1410 Train Station

1420 Trolley

6/5/2024

2024-66

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Establishing Schedule of Rates – Sewer Fees

Summary

These are the new sewer rates effective July 1. This is a 10% increase over the prior year's rates.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date:

Establishing Schedule of Rates – Sewer Fees

**RESOLUTION ESTABLISHING SCHEDULE OF RATES FOR
SEWER SYSTEM FEES, USE CHARGES, AND SPECIAL ASSESSMENTS**

WHEREAS, Sections 14-28, 14-30, 14-51(b), 14-52(a), and 14-54 of the Code of the City of Bath specify that the City Council from time to time shall establish by Resolution, upon recommendation from the City Manager, a schedule of rates for the sewer system fees and use charges together with surcharges which may be applicable, as well as special assessments; and

WHEREAS, it is apparent that an increase in the rate structure is necessary in order to fund the wastewater treatment system; and

WHEREAS, such an increase is recommended by the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, pursuant to their authority under the Code of the City of Bath, that the following rate structure, listed in the attached table, be and hereby is adopted for all fees, charges, and special assessments, to be effective July 1, 2024.

CERTIFICATE OF COMMITMENT OF SEWER USER RATES

To: Juli Millett, the treasurer of the municipality of Bath, Maine

We the undersigned municipal officers of the municipality of Bath, Maine hereby and certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A § 3406 for those properties, units and structures required by local and state law to pay a sewer rate to the municipality for the period beginning 07/01/2024 and ending 06/30/2025. These rates are summarized on the list attached to this certificate. You are hereby required to charge interest at a rate of 8% per annum on any unpaid account balance. You are hereby authorized to collect these rates and any accrued interest by means legally available to you under state law.

Given under our hands this ____5th____ day of _June____, 2024____.

| Proposed Sewer Rate Structure 07/01/2024 | | |
|--|--------------------------------|--------------------------------|
| | 7/1/2023 | Existing |
| Quarterly Based on Bath Water District Meter Readings | | |
| Minimum charge per quarter | \$59.59 | \$65.55 |
| Volume upon which minimum charge is based | 600 CF | No Change |
| Additional charge per 100 cf of volume in excess of minimum volume | \$10.10 | \$11.10 |
| Monthly Based on Bath Water District Meter Readings | | |
| Minimum charge per month | \$20.14 | \$22.15 |
| Volume upon which minimum charge is based | 200 CF | No Change |
| Additional charge per 100 cf of volume in excess of minimum volume | \$10.10 | \$11.10 |
| Facilities Based on Flat Water Rates or Individual Wells | | |
| Flat quarterly rate for users on wells (based on 2000 cf/quarter) | \$185.00 | \$203.50 |
| Volume upon which minimum flat quarterly rate is based | 2000 cf | No Change |
| Significant Industrial User/Septage Disposal | | |
| Charge per 100 CF of volume directly metered | \$10.20 | \$11.22 |
| Septage disposal (per 1,000 gallons) | \$150 | \$155 |
| Special Waste Fee (per gallon) | \$1.00 | No Change |
| Other Fees | | |
| Catch Basin Fees (per quarter) | \$303 | \$400 |
| Drain Layers License | \$100 | No Change |
| Inspection Fee | \$0 | No Change |
| After-hours Inspection Fee | \$120 | \$135 |
| Sewer Tie Deposit | \$50 | No Change |
| New sewer connection fee | \$2,500 | \$2,550 |
| Betterment fee | \$1,000 | No Change |
| Impact fee | \$16.50/GPD of new sewage flow | \$18.15/GPD of new sewage flow |

6/5/2024

2024-67

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Establishing Schedule of Rates – Landfill Fees

Summary

These are the Landfill fees discussed in workshop that the Deputy Public Works Director and the Public Works Director believe need an adjustment. They provided the schedule including current fee, when last adjusted and proposed fee.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date: 06/05/2024

Establishing Schedule of Rates – Landfill Fees

RESOLUTION - SETTING NEW FEES FOR THE BATH LANDFILL

WHEREAS, pursuant to Section 13-32 of the code of the City of Bath provides that Council may by Resolution, from time to time, add, alter or amend the fees for the use of the Bath Landfill Facility, and

WHEREAS, the City of Council of the City of Bath has deemed it appropriate, upon recommendation of the Staff, that such fees be amended, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, that the Solid Waste Facility fees are adjusted, effective July 1, 2024 as follows:

(see attached)

City of Bath - Landfill

FY-24 Tipping Fees **(Current)**

Effective 07/01/23

Last Update to Council

| Material # | Material / Service | Unit | Rate | Eff. Date | Unit | Proposed | Eff. Date |
|---------------------------------------|---------------------------------------|------|----------|-----------|---------------------------------------|----------|-----------|
| 10 - MSW | | | | | 10 - MSW | | |
| 10 | Municipal Solid Waste | T | \$110.00 | 7/1/2021 | T | \$121.00 | 7/1/2024 |
| 15 - Customer Minimum Charge | | | | | 15 - Customer Minimum Charge | | |
| 16 | Bath Resident | U | \$10.00 | 10/9/2014 | U | \$15.00 | 7/1/2024 |
| 17 | Non - Bath Resident | U | \$25.00 | 10/9/2014 | U | \$30.00 | 7/1/2024 |
| 20-Mixed / Bulky | | | | | 20-Mixed / Bulky | | |
| 25 | Mixed Load | T | \$300.00 | 10/9/2014 | T | \$330.00 | 7/1/2024 |
| 26 | Bulky Waste Load | T | \$100.00 | 10/9/2014 | T | \$110.00 | 7/1/2024 |
| 27 | Mattress / Box Spring / Couch / Chair | Ea. | \$15.00 | 7/1/2022 | Ea. | \$30.00 | 7/1/2024 |
| 30 - Asbestos | | | | | 30 - Asbestos | | |
| 31 | Asbestos - Bath | T | \$60.00 | 10/9/2014 | T | \$66.00 | 7/1/2024 |
| 34 | Asbestos - Out of Town | T | \$75.00 | 10/9/2014 | T | \$82.50 | 7/1/2024 |
| 40- Wood & Brush | | | | | 40- Wood & Brush | | |
| 41 | Brush - Bath | T | \$50.00 | 10/9/2014 | T | \$55.00 | 7/1/2024 |
| 44 | Brush - Out of Town | T | \$70.00 | 10/9/2014 | T | \$77.00 | 7/1/2024 |
| 45 | Leaves / Grass | T | \$20.00 | 10/9/2014 | T | \$22.00 | 7/1/2024 |
| 47 | Residential Brush | T | \$20.00 | 10/9/2014 | T | \$22.00 | 7/1/2024 |
| 50 - Construction - Demolition | | | | | 50 - Construction - Demolition | | |
| 51 | Demolition - Bath | T | \$130.00 | 7/1/2022 | T | \$143.00 | 7/1/2024 |
| 54 | Demolition - Out of Town | T | \$130.00 | 7/1/2022 | T | \$143.00 | 7/1/2024 |
| 55 | Urban Fill | T | \$8.00 | 7/1/2022 | T | \$10.00 | 7/1/2024 |
| 60 - Tires | | | | | 60 - Tires | | |
| 65 | Car Tire | U | \$5.00 | 7/3/2019 | U | \$5.50 | 7/1/2024 |
| 66 | Heavy Equipment Tire | U | \$100.00 | 7/1/2022 | U | \$110.00 | 7/1/2024 |
| 67 | Truck Tire | U | \$15.00 | 7/1/2022 | U | \$16.50 | 7/1/2024 |
| 68 | Tire with Rim | U | \$7.00 | 7/3/2019 | U | \$10.00 | 7/1/2024 |
| 70 - Metal | | | | | 70 - Metal | | |
| 71 | Metal - Bath | T | \$75.00 | 10/9/2014 | T | \$82.50 | 7/1/2024 |
| 74 | Metal - Out of Town | T | \$95.00 | 10/9/2014 | T | \$104.50 | 7/1/2024 |
| 110 - Recycling | | | | | 110 - Recycling | | |
| 109 | Recycling | T | \$125.00 | 7/1/2021 | T | \$137.50 | 7/1/2024 |
| 111 | Recycling Car Battery | U | \$7.00 | 7/1/2022 | U | \$7.50 | 7/1/2024 |
| 112 | Recycling < 20 lb. Propane Tank | U | \$5.00 | 7/1/2022 | U | \$5.50 | 7/1/2024 |
| 112B | Helium Tank | U | \$5.00 | 10/9/2014 | U | \$5.50 | 7/1/2024 |
| 112C | Fire Extinguishers | U | \$5.00 | 10/9/2014 | U | \$5.50 | 7/1/2024 |
| 112D | Recycling > 20 lb. Propane Tank | U | \$21.00 | 10/9/2014 | U | \$24.00 | 7/1/2024 |
| 30 | New City of Bath recycle Bins | U | \$10.00 | 7/3/2019 | U | \$15.00 | 7/1/2024 |
| 120 - Misc. | | | | | 120 - Misc. | | |
| 125 | Car Wash Grit | T | \$125.00 | 10/9/2014 | T | \$137.50 | 7/1/2024 |

| | | | | | | | |
|--|--------------------------------------|---|----------|------------|--|----------|----------|
| 126 | Dredgings | T | \$10.00 | 10/9/2014 | T | \$15.00 | 7/1/2024 |
| 127 | Casella Recycling Waste | T | \$44.00 | 10/27/2017 | T | \$48.50 | 7/1/2024 |
| 128 | Special Waste | T | \$100.00 | 5/12/2016 | T | \$115.00 | 7/1/2024 |
| 130 - Demo Recycling | | | | | 130 - Demo Recycling | | |
| 131 | Clean Asphalt Shingles - Bath | T | \$120.00 | 7/1/2022 | T | \$132.00 | 7/1/2024 |
| 134 | Clean Asphalt Shingles - Out of Town | T | \$125.00 | 7/1/2022 | T | \$137.50 | 7/1/2024 |
| 900 - Universal Waste Electronics | | | | | 900 - Universal Waste Electronics | | |
| 901 | Video Game Console | U | \$5.00 | 7/1/2022 | U | \$6.00 | 7/1/2024 |
| 902 | Digital Picture Frame | U | \$5.00 | 7/1/2022 | U | \$6.00 | 7/1/2024 |
| 903 | Residential CRT | U | \$15.00 | 7/1/2022 | U | \$16.50 | 7/1/2024 |
| 904 | Commercial CRT | U | \$20.00 | 10/9/2014 | U | \$22.00 | 7/1/2024 |
| 905 | Computer Monitors | U | \$13.00 | 10/9/2014 | U | \$14.50 | 7/1/2024 |
| 906 | TVs < 15 inch | U | \$13.00 | 10/9/2014 | U | \$14.50 | 7/1/2024 |
| 907 | TVs > 15 inch | U | \$26.00 | 10/9/2014 | U | \$28.50 | 7/1/2024 |
| 908 | Keyboards / Mouse | U | \$2.00 | 10/9/2014 | U | \$3.00 | 7/1/2024 |
| 910 | CPU | U | \$3.00 | 10/7/2014 | U | \$4.00 | 7/1/2024 |
| 910 - Universal Waste Fluorescent | | | | | 910 - Universal Waste Fluorescent | | |
| 915 | Universal Fluorescent Other Lamps | U | \$6.50 | 10/9/2014 | U | \$8.00 | 7/1/2024 |
| 916 | PCB Ballast | U | \$7.00 | 10/9/2014 | U | \$8.00 | 7/1/2024 |
| 916B | Commercial PCB Ballast | U | \$7.00 | 7/1/2014 | U | \$8.00 | 7/1/2024 |
| 916C | Non-PCB Ballast | U | \$2.00 | 7/1/2022 | U | \$2.50 | 7/1/2024 |
| 920 - Universal Waste - Other | | | | | 920 - Universal Waste - Other | | |
| 921 | Mercury Thermometer | U | \$1.00 | 7/1/2014 | U | \$2.00 | 7/1/2024 |
| 923 | Mercury Thermostats | U | \$1.00 | 7/1/2014 | U | \$2.00 | 7/1/2024 |
| | Craig Rogers | T | \$80.00 | 7/1/2022 | T | \$88.00 | 7/1/2024 |

6/5/2024

2024-68

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Order

Title

Establishing Tax Club for the upcoming year

Summary

The Tax Club is a program that allows residents of the City of Bath to spread out their property tax bill into twelve (12) monthly installments instead of a single payment. The program is only available on a taxpayer's primary residence and is not available on commercial, industrial, personal, or rental properties.

How to Enroll: Tax Club enrollment forms can be found online under services, taxes or in the Treasurer's Office beginning in July and are due back to the same office no later than August 15th. To be eligible for this program, property owners must be current on their taxes and the property that the program applies to must be their primary residence. If you have questions about this program, please contact the Treasurer's Office at (207) 443-8340.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date:

Establishing Tax Club for the upcoming year

ORDER TAX CLUB FOR 2024 - 2025

BE IT ORDERED by the City Council of the City of Bath, as follows:

That the Finance Director, serving as the appointed Treasurer and Tax Collector, be authorized and empowered to continue a tax payment plan known as the “Bath Tax Club”, making payments in a method, frequency, and manner set by, and in accordance with, the rules of said Tax Club as determined by the Finance Director; and

That membership shall be limited to one property, that being the taxpayer's primary residence, and specifically not available for commercial, industrial, personal, or rental properties; and

That enrollment in the 2024 Tax Club begins July 1, 2024, and ends August 15, 2024; with the first of twelve payments due in September 2024.

6/5/2024

2024-69

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Resolution: Establishing interest rate on all delinquent taxes at the rate of 8.5% per annum

Summary

This is the interest rate the City charges for taxes not paid by October 15.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date: 06/05/2024

Resolution: Establishing interest rate on all delinquent taxes at the rate of 8.5% per annum

**RESOLUTION - ESTABLISHING
INTEREST RATE ON DELINQUENT PROPERTY TAXES**

WHEREAS, pursuant to 36 M.R.S.A. Section 505(4), the City of Bath has the authority to specify an interest rate which shall be applied to delinquent taxes; and

WHEREAS, Section 7-101 of the Code of the City of Bath determines that the rate of interest is to be established yearly by Resolution of this Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, that the interest rate due and payable for all delinquent taxes shall be set at the rate of 8.5% per annum, for taxes assessed during the 2024-2025 Fiscal Year.

6/5/2024

2024-70

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Establishing interest rate on delinquent sewer bills at the rate of 8.5% per annum**Summary**

This is the interest rate the City charges for sewer fees not paid within 30 days.

Staff Comments

Action: Recommend for passage

City Manager**Introduced for:** New Business



CITY OF BATH

Date: 06/05/2024

Establishing interest rate on delinquent sewer bills at the rate of 8.5% per annum

**RESOLUTION - ESTABLISHING
INTEREST RATE ON SEWER BILLS**

BE IT RESOLVED by the City Council of the City of Bath, as follows:

That the interest rate due and payable for all delinquent sewer bills shall be set at the rate of 8.5% per annum, for all sewer user fees assessed during the 2024-2025 Fiscal Year.

6/5/2024

2024-71

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Establishing interest rate on refunds due to tax abatements at the rate of 4.5% per annum**Summary**

This is how much the City pays on an inadvertent overpayment of taxes.

Staff Comments

Action: Recommend for passage

City Manager**Introduced for:** New Business



CITY OF BATH

Date: 06/05/2024

Establishing interest rate on refunds due to tax abatements at the rate of 4.5% per annum

**RESOLUTION - ESTABLISHING
INTEREST RATE ON REFUNDS DUE TO OVERPAYMENT OF TAXES**

BE IT RESOLVED by the City Council of the City of Bath, as follows:

That any taxpayer who pays an amount in excess of what is finally assessed (as in the case of a taxpayer who pays under protest, appeals the assessment, and is granted an abatement) must be repaid the amount of the overpayment, plus interest back to the date of the overpayment, at a rate of 4.5% per annum, from July 1, 2024 to June 30, 2025; and

That property tax payments can be received only for delinquent or currently due taxes; and

That payments resulting in an overpayment will be applied as much as possible to outstanding balances, then remainder repaid only to the payee.

6/5/2024

2024-72

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Finance

Requested Action: Resolution

Title

Resolution: To Increase the LD1 Tax Levy Limit

Summary

Resolution: to Increase the LD 1 Tax Levy Limit

This is to increase the amount of tax levy limited by LD 1. This allows the City to carry forward the higher state calculated Tax Levy Limit, vs the City Calculated Limit. The Municipal Property Tax Levy Limit regulates the amount of money that municipalities can raise through property taxes. It applies only to property taxes used for municipal operations (road maintenance, libraries, parks and recreation, etc.). It does not apply to property taxes raised for schools, counties, TIFs, or the overlay. The limit allows a municipality to increase property taxes, but only by an amount equal to the growth of statewide personal income plus local property development within the municipality. The limit is adjusted downward if a municipality receives extra money from the State that it can use instead of property taxes.

Both chambers of the Second Regular Session of the Maine 131st Legislature passed and, on April 9, 2024, Governor Mills signed into law LD 2102, a bill to amend Title 30-A, Section 5681(1)(8) of the Maine Revised Statutes and repeal Title 30-A, Section 5721-A of the Maine Revised Statutes, that had placed limitations on municipal property tax collection commonly referred to as "LD 1". Pursuant to the Maine Constitution, Article IV(3)(16), this action becomes effective 90 days after the legislative session is recessed. Until the effective date, Section 5721-A continues to be law at which time it will be repealed.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date: 06/05/2024

Resolution: To Increase the LD1 Tax Levy Limit

RESOLUTION TO INCREASE THE LD1 TAX LEVY LIMIT

BE IT RESOLVED by the City Council of the City of Bath, to increase the tax levy limit of \$7,521,049.00 by the amount required by the adoption of the 2024-2025 budget (estimated increase \$0).

6/5/2024

2024-73

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: Public Works

Requested Action: Order

Title

Approving bid and contract for telemetry upgrade project

Summary

This project includes the replacement of existing communications systems between sewer pump stations and the wastewater treatment plant.

Two bids were received with I & C Systems Engineering of Scarborough, Maine being the lowest. The bid amount is \$250,000.00.

The existing communications network evolved over many years and is made up of a wide variety of parts and technologies. Most of the equipment is no longer replaceable and is reaching the end of its useful life. The communications system serves to send operational condition information and alarms from the 13 sewer pump stations to treatment plant staff. The staff frequently must take action to respond to the alarms, at any time during the day or night.

The new system will be based on the Verizon cellular network and each pump station will communicate the same way a typical cell phone call is made. Data transmission is very short with the average call being less than 30 seconds. The new system will provide the ability to communicate additional information generated from the upgraded pump stations. This will make it easier for the wastewater staff to control the system, monitor conditions, make adjustments, and respond to emergencies.

The project cost is covered through remaining 2016 wastewater bond funds and the BIW TIF budget.

The project was engineered by Wright-Pierce Engineers, Inc. The company will perform construction inspection and testing services.

I & C Systems Engineering Inc. is experienced in performing this work and has completed similar projects for other Maine communities and sewer districts.

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: Select



CITY OF BATH

Date: 06/05/2024

Approving bid and contract for telemetry upgrade project

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF I & C SYSTEMS ENGINEERING INC. FOR THE 2024 COLLECTION SYSTEM COMMUNICATIONS TELEMETRY UPGRADE PROJECT IN THE AMOUNT OF \$250,000 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND I & C SYSTEMS ENGINEERING INC. IS HEREBY AUTHORIZED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT SHALL BE FUNDED FROM TIF ACCOUNT 15-1505-772.

SECTION 00520AGREEMENT BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

This Agreement is by and between The City of Bath ("Owner") and I & C Systems Engineering Inc. ("Contractor").

Terms used in this Agreement have the meanings stated in the General Conditions and the Supplementary Conditions.

Owner and Contractor hereby agree as follows:

ARTICLE 1—WORK

- 1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows: **Replacement of the radio telemetry system with cellular telemetry at 13 pump stations and the Water Pollution Control Facility**

ARTICLE 2—THE PROJECT

- 2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: **Collection System Communications Telemetry Upgrade**

ARTICLE 3—ENGINEER

- 3.01 The Owner has retained **Wright-Pierce** ("Engineer") to act as Owner's representative, assume all duties and responsibilities of Engineer, and have the rights and authority assigned to Engineer in the Contract.
- 3.02 The part of the Project that pertains to the Work has been designed by **Wright-Pierce**.

ARTICLE 4—CONTRACT TIMES

4.01 *Time is of the Essence*

- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Days*

- A. The Work will be substantially complete within **300** days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within **330** days after the date when the Contract Times commence to run.

4.03 *Liquidated Damages*

- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the Contract Times, as duly modified. The parties also recognize the delays, expense, and difficulties involved in proving, in a legal or arbitration proceeding, the actual loss suffered by Owner if the Work is not completed on time.

Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. *Substantial Completion*: Contractor shall pay Owner **\$250** for each day that expires after the time (as duly adjusted pursuant to the Contract) specified above for Substantial Completion, until the Work is substantially complete.
 2. *Completion of Remaining Work*: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner **\$250** for each day that expires after such time until the Work is completed and ready for final payment.
 4. Liquidated damages for failing to timely attain Milestones, Substantial Completion, and final completion are not additive, and will not be imposed concurrently.
- B. If Owner recovers liquidated damages for a delay in completion by Contractor, then such liquidated damages are Owner's sole and exclusive remedy for such delay, and Owner is precluded from recovering any other damages, whether actual, direct, excess, or consequential, for such delay, except for special damages (if any) specified in this Agreement.

4.04 *Special Damages*

Deleted.

ARTICLE 5—CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents, the amounts that follow, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

ARTICLE 6—PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on the basis of Contractor's Applications for Payment on or about the last day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.
1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments

previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract.

- a. **95** percent of the value of the Work completed (with the balance being retainage).
 - b. **95** percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion of the entire construction to be provided under the Contract Documents, Owner shall pay an amount sufficient to increase total payments to Contractor to **98** percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less **150** percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work, Owner shall pay the remainder of the Contract Price in accordance with Paragraph 15.06 of the General Conditions.
1. The final **two** percent of the value of the Work shall be retained for a period of one year from the date of Substantial Completion.

6.04 *Consent of Surety*

- A. Owner will not make final payment, or return or release retainage at Substantial Completion or any other time, unless Contractor submits written consent of the surety to such payment, return, or release.

6.05 *Interest*

- A. All amounts not paid when due will bear interest at the rate of prime plus 2 percent per annum.

ARTICLE 7—CONTRACT DOCUMENTS

7.01 *Contents*

- A. The Contract Documents consist of all of the following:
1. This Agreement.
 2. Bonds:
 - a. Performance bond (together with power of attorney).
 - b. Payment bond (together with power of attorney).
 3. General Conditions.
 4. Supplementary Conditions.
 5. Specifications as listed in the table of contents of the project manual (copy of list attached).

6. Drawings (not attached but incorporated by reference) consisting of ____ sheets with each sheet bearing the following general title: **Collection System Communications Telemetry Upgrade**
7. Addenda (numbers ____ to ____, inclusive).
8. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid
9. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
 - a. Notice to Proceed.
 - b. Work Change Directives.
 - c. Change Orders.
- B. The Contract Documents listed in Paragraph 7.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 7.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the Contract.

ARTICLE 8—REPRESENTATIONS, CERTIFICATIONS, AND STIPULATIONS

8.01 Contractor's Representations

- A. In order to induce Owner to enter into this Contract, Contractor makes the following representations:
 1. Contractor has examined and carefully studied the Contract Documents, including Addenda.
 2. Contractor has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 3. Contractor is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.
 4. Contractor has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings.

5. Contractor has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, with respect to Technical Data in such reports and drawings.
6. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (c) Contractor's safety precautions and programs.
7. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
8. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
9. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
10. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
11. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

8.02 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 8.02:
 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

AGREEMENT BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

8.03 *Standard General Conditions*

- A. Owner stipulates that if the General Conditions that are made a part of this Contract are EJCDC® C700, Standard General Conditions for the Construction Contract (2018), published by the Engineers Joint Contract Documents Committee, and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or "track changes" (redline/strikeout), or in the Supplementary Conditions.

AGREEMENT BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on _____ (which is the Effective Date of the Contract).

Owner:

Contractor:

(typed or printed name of organization)

(typed or printed name of organization)

By: _____
(individual's signature)

By: _____
(individual's signature)

Date: _____
(date signed)

Date: _____
(date signed)

Name: _____
(typed or printed)

Name: _____
(typed or printed)

Title: _____
(typed or printed)

Title: _____
(typed or printed)

(If **[Type of Entity]** is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: _____
(individual's signature)

Attest: _____
(individual's signature)

Title: _____
(typed or printed)

Title: _____
(typed or printed)

Address for giving notices:

Address for giving notices:

Designated Representative:

Designated Representative:

Name: _____
(typed or printed)

Name: _____
(typed or printed)

Title: _____
(typed or printed)

Title: _____
(typed or printed)

Address:

Address:

Phone: _____

Phone: _____

Email: _____

Email: _____

(If **[Type of Entity]** is a corporation, attach evidence of authority to sign. If **[Type of Entity]** is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

License No.: _____
(where applicable)

State: _____

END OF SECTION

6/5/2024

2024-74

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: May 15, 2024

Responsible Dept: City Clerk

Requested Action: Resolution

Title

Setting Fee Schedule - Taxicab Business License Fees

Summary

This is to align with the new ordinance regarding Taxi Cabs

Staff Comments

Action: Recommend for passage

City Manager

Introduced for: New Business


CITY OF BATH

Date:

Setting Fee Schedule - Taxicab Business License Fees

Resolution- Setting New Taxicab Business License Fees

Whereas, pursuant to Section 5-330 of the code of the City of Bath provides that Council may by Resolution, from time to time, add, alter or amend the fees for business licenses, and

Whereas, The City Council of the City of Bath has deemed it appropriate, upon recommendation of the Staff, that such fees be amended, and

Now, Therefore, be it resolved by the City Council of the City of Bath, that the Taxicab license fees are adjusted, effective July 1, 2024 as follows:

| | | |
|---|----------|--------|
| Taxi Cab Owner | per year | 100 50 |
| Taxi Cab operator License (new and renew) | per year | 35 |

6/5/2024

2024-75

**CITY COUNCIL ACTION**

Meeting Date

Item No.

Requested Council Meeting Date: June 5, 2024

Responsible Dept: City Manager

Requested Action: Ordinance

Title

Chapter 5, Business (Taxicabs)

Summary

The City Council will be reviewing amendments to the City's Business Ordinance related to Taxicabs. The City does not currently have any licensed taxicab operators. To reduce process for potential business owners and City departments while continuing to ensure safety for our community, the City Manager's Office is recommending several changes to the including:

Change to single taxi cab license (\$100 fee)

Move licensing to the City Clerk's purview

Provide driver list

Eliminate driver and vehicle licensing

Eliminate inspections

Staff Comments

The City Manager's Office worked with the Police Chief and City Clerk in development of these changes. The proposed changes have also been shared with Brunswick Taxi.

Action: Recommend for passage

City Manager

Introduced for: New Business



CITY OF BATH

Date:

Chapter 5, Business (Taxicabs)

Chapter 5

BUSINESSES

Updated 01/25/2023

Article 1. General Licensing Provisions

- § 5-01. License required; application.
- § 5-02. Clerk's duty.
- § 5-03. Limitation on Clerk's authority.
- § 5-04. Bonds.
- § 5-05. Certification procedure.
- § 5-06. To whom certificates issued.
- § 5-07. Requirements for certain certifications.
- § 5-08. Appeals to Council.
- § 5-09. Effective date of licenses.
- § 5-10. Display of license.
- § 5-11. Insurance.
- § 5-12. Suspension or revocation of license; hearing.
- § 5-13. Term of License.
- § 5-14. Transferability of license.
- § 5-15. Enforcement.
- § 5-16. Penalty.
- § 5-17. License Fee Schedule.

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- § 5-18. Bowling Alleys and pool rooms.
- § 5-19. Exhibitions, performances and shows.
- § 5-20. Merry-go-rounds.
- § 5-21. Motion picture houses and theaters.
- § 5-22. Public dances.
- § 5-23. Roller Skating rinks.
- § 5-24. Shooting galleries.

Article 3. Auctioneers.

- § 5-25. License required.
- § 5-26 Through §5-27 Reserved.

Article 4. Junk Dealers and Collectors.

- § 5-28. Definitions.
- § 5-29. License required.
- § 5-30. Separate places of business; inspections.
- § 5-31. Records required; filing copy with Police.
- § 5-32. Screening.

- § 5-33. Restrictions on purchase of goods.
- § 5-34. Holding period before articles may be sold.

Article 5. PIN BALL AND GAMING MACHINES

- § 5-35. Definitions.
- § 5-36. License required.
- § 5-37. License fee; issuance; minimum age; investigations.
- § 5-38. Transferability.
- § 5-39. Repealed.
- § 5-40. Gambling not authorized.
- § 5-40.1 Obscene material prohibited.
- § 5-41. Revocation of license; appeals.

Article 6. Taxicabs

- § 5-42. Authority and Applicability.
- § 5-43. Definitions.
- § 5-44. General Provisions.
- § 5-45. Licenses - Generally.
- § 5-46. Owner's Licenses.
- ~~§ 5-47. Driver's Licenses.~~
- § 5-48. Suspension or Revocation.
- § 5-49. Taxicabs.
- § 5-50. Appeals.
- ~~§ 5-51. Transition Provision.~~
- § 5-52 through §5-58. Reserved.

Article 7. Wood and Bark Sales

- § 5-59. Certificate of measure required.
- § 5-60. Packing of firewood required.
- § 5-61. Appointment of measurers.
- § 5-62. Duties of measurers.
- § 5-63. Fee of measurers.
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Article 8. RESERVED

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Article 9. Special Business Regulations.

- § 5-87. Employment agency.
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- § 5-89. Hawkers and peddlers.
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- § 5-91. Lodging houses and innkeepers.
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Article 10. Cable Television.

- § 5-101. Designation of Article.
- § 5-102. Definitions.
- § 5-103. Franchise required.
- § 5-104. Franchise agreement.
- § 5-105. Bonds, indemnification and insurance.
- § 5-106. Application.
- § 5-107. Contract term, termination and renewal.
- § 5-108. Fees.
- § 5-109. Conditions of street occupancy.
- § 5-110. Operation, service and maintenance of system.
- § 5-111. Preferential or discriminatory practices prohibited.
- § 5-112. New developments.
- § 5-113. Reports and records.
- § 5-114. Rights reserved to the City.
- § 5-115. Right to appeal reserved to the Cable Operator.
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- § 5-117. Regulation of Basic Service Rates and Changes.
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- § 5-131. Definitions.
- § 5-132. License required.
- § 5-133. Application for ambulance license.
- § 5-134. Standards for ambulance license.
- § 5-135. Liability insurance.
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- § 5-137. Inspections.
- § 5-138. Ambulance equipment.
- § 5-139. Renewal of license.
- § 5-140. Revocation of license.
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- § 5-142. Ambulances, operation of.
- § 5-143. Penalty.
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- § 5-202. Definitions.
- § 5-203. Permit required.
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- § 5-214. Admission fees.
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Article 13. Victualers

- § 5-301. Definitions
- § 5-302. License required; bond; expiration
- § 5-303. Communicable diseases
- § 5-304. Sanitation of premises; cleaning
- § 5-305. Sleeping equipment
- § 5-306. Linen and clothing
- § 5-307. Animals prohibited; exception
- § 5-308. Floors and walls
- § 5-309. Protection of food from contamination; storage
- § 5-310. Serving utensils
- § 5-311. Use of toxic materials
- § 5-312. Garbage and rubbish storage; disposal
- § 5-313. Vermin control
- § 5-314. Lighting of premises required; standards
- § 5-315. Ventilation
- § 5-316. Insect control; screening
- § 5-317. Cleaning of utensils; food-contact surfaces; sinks
- § 5-318. Hot and cold running water required
- § 5-319. Lavatories
- § 5-320. Common towels or drinking containers prohibited.
- § 5-321. Sewage or refuse disposal not to create nuisance
- § 5-322. Compliance with state plumbing and sewage laws

- § 5-323. Special requirements for mobile home food service units.
- § 5-324. Additional special sanitary requirements for catering establishments
- § 5-325. Outside food service
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- § 5-402. Definitions
- § 5-402. License Required.
- § 5-403. Designated License Area.
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- § 5-409. Transferability: License Limitations.
- § 5-410. Applications.
- § 5-411. Longevity.
- § 5-412. Inspection and Approval.
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- § 5-414. Design Standards.
- § 5-415. Abandonment.
- § 5-416. Conduct – Prohibitions..
- § 5-417. Waivers.
- § 5-418. Fees.
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Article 15. Adult Use and Medical Marijuana

- § 5-501. License Required.
- § 5-502. Licensing Procedures.
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- § 5-507. Operating Requirements.
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- § 5-510. Violations and Penalties.
- § 5-511. Severability.
- § 5-512. Other Laws.

BUSINESSES

ARTICLE 1. General Licensing Provisions

Section. 5-1. License required; application

Any person required by the provisions of this Chapter to obtain from the City a license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege, shall make written application therefor over his signature to the clerk upon forms provided by him and shall state such facts as may be required. Applications shall be accompanied by the required fee which will be returned if the license applied for is not issued. (License Ord. § 1, 4/6/49)

Section 5-2. Clerk's duty.

(a) As agent of the council, the Clerk is authorized and directed to receive all applications required by this Chapter, and act thereon with reasonable promptness consistent with the nature of the matter, by either:

1. Issuing the license as applied for, subject to limitations on his authority as contained herein; or
2. Denying the license and so notifying the applicant personally or in writing addressed to his address as shown in the application, such notice to state the reason for such denial. (License Ord. §2, 4/6/49)

Section 5-3. Limitation on Clerk's authority.

(a) The authority of the Clerk to issue licenses is hereby limited as follows:

1. The clerk acts as agent of the Council.
2. Anything in this Chapter to the contrary notwithstanding sole power to grant or to deny licenses.

(b) Certifications by officials and any other restriction in this Chapter are standards set up for the direction of, and limitations placed upon the authority of the Clerk in the exercise of his powers granted herein as agent of the council, and are not to be construed as limitations on or as delegations of power by the Council. (License Ord. §3, 4/6/49)

Section 5-4. Bonds.

Where the provisions of this Chapter require that the applicant furnish a bond, such bond shall be furnished in the required amount and be approved by the City Manager as to financial sufficiency, unless the approval of the council is specifically required by law prior to acceptance by the Clerk. The City Solicitor in his discretion, is authorized to accept or to require one or more insurance policies as a substitute for or supplement to any required bond when he considers such to be necessary to protect the interests of the City. (License Ord. §7, 4/6/49)

Section 5-5. Certification procedure.

In all cases where the certification of any City official is required as a condition precedent to issuance of any license by the Clerk, he shall notify promptly such officer and shall not issue such license until and unless all required certifications are received, as evidenced by signature on the application. (License Ord. §4, 4/6/49)

Section 5-6. To whom certificates issued.

No license shall be issued to partnerships or to persons engaged in business as sole proprietors under any name, style or designation other than their own name, exclusively, unless and until such partnership and sole proprietors have filed certificates in the office of the Clerk (License Ord. §5, 4/6/49)

Section 5-7. Requirements for certain certifications.

(a) In all cases where certification by any of the following City officials is required as a condition precedent to issuance of a license by the Clerk, such certifications shall be based upon actual inspection within twenty (20) days after notification by the Clerk, and findings as follows:

1. Fire Chief: That the premises comply with all applicable State laws and local ordinances, including but not limited to fire protection.
2. Health Officer: that the applicant and the premises in which he proposes to conduct the trade, profession, business or privilege comply with all applicable State laws and local ordinances relative to health and sanitation, including but not limited to health, plumbing and sanitation ordinances.
3. Police Chief: that the applicant is of good moral character and that the safety and good order will not be affected adversely. (Licenses Ord. §8, 4/6/49)

Section 5-8. Appeals to Council.

Whenever the Clerk refuses or neglects to issue a license as applied for, such refusal may be made, the subject of an appeal to the Council by the applicant if written notice of such appeal addressed to the Clerk is received by him within ten (10) days of the date of his written notice of refusal to issue. The Council shall consider such an appeal at its first regular meeting thereafter, or at an earlier special meeting at its discretion. (License Ord. §6, 4/6/49)

Section 5-9. Effective date of licenses.

The effective date of all licenses shall be the actual date of issuance thereof by the Clerk, except where the licenses are issued for a fixed period of time. (License Ord. §9, 4/6/49)

Section 5-10. Display of License.

Any person to whom a license has been issued shall keep the license exhibited at all times in a conspicuous place in the place of business for which the license was granted if the business is carried on at a fixed place of business; otherwise he shall carry such license on his person when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license is granted. Any person receiving a license shall produce the license for examination when so requested by any city official. (License Ord. §10, 4/6/49)

Section 5-11. Insurance

(a) When policies of insurance are required, such policies shall be approved as to substance and form, by the City Solicitor. Such policies shall be issued by insurance companies duly admitted to transact business in Maine and public liability policies shall be at least in the following amounts:

(1) Bodily injury liability limits of Fifty Thousand Dollars (\$50,000) for one person and Fifty Thousand Dollars (\$50,000) for any number of persons in the same accident;

(2) Property damage liability limit in the amount of Fifty Thousand Dollars (\$50,000). (License Ord. §12, 4/6/49; Ord. 92-3, 3/25/92)

Section 5-12. Suspension or revocation of license; hearing.

(a) Any license issued may be suspended or revoked by the Council for cause. The person to whom such license was issued shall have the right to a hearing before the Council on any such action, provided a written request ~~therefore~~therefore is filed with the Clerk within ten (10) days after receipt of notice of such suspension or revocation. The action taken by the Council after such hearing, shall be final. No refund of any part of a license shall be made in connection with the suspension or revocation of any license for cause.

(b) As used in this Section, *Cause* shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license is granted under the provisions of this ordinance, or any premises or facilities in connection therewith, which act, omission or condition is:

1. Contrary to the health, morals, safety or welfare of the public;
2. Unlawful, or fraudulent in nature;
3. Unauthorized or beyond the scope of the license granted;
4. Forbidden by the provisions of Federal or State laws or City ordinance, or any duly established rule or regulation of the City applicable to the trade or profession for which the license has been granted; or
5. The result or failure to comply continuously with all conditions required as precedent to the approval of the license.

~~(c) It is expressly provided that the violation of any of the State laws pertaining to the operation of motor vehicles, or violation of the City Traffic Ordinance, shall be cause for the suspension or revocation of licenses issued to a taxicab driver, but not to an owner of any taxicab involved in such violation. (License Ord. §§ 13, 14, 4/6/49)~~

Section 5-13. Term of License.

All licenses shall expire on the first day of May after date of issuance, except where the required fee indicates a lesser period, and except when otherwise provided by law. (License Ord. §15, 4/6/49)

Section 5-14. Transferability of License.

No license issued under this Chapter shall be transferable unless specifically authorized by the provisions of this Chapter or by the action of the Council. (License Ord. §16, 4/6/49)

Section 5-15. Enforcement.

It shall be the duty of the Police Chief to require prompt compliance with the provisions of this Chapter, and to prosecute all violators thereof. (License Ord. §17, 4/6/49)

Section 5-16. Penalty.

Unless otherwise specifically provided by law, the penalty for failure to obtain a license, as and when required by this Chapter or for operating after a license has been suspended or revoked, shall be not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each separate offense. Each day's violation of any provisions of this Chapter shall constitute a separate offense. (License Ord. §18, 4/6/49; as amended)

Section 5-17. License Fee Schedule.

The various classifications of business licenses and fees corresponding to those classifications shall be set by the City Council of the City of Bath by resolutions. The City Council shall have the further power to adjust the fees and classification by resolutions, as from time to time may be necessary or appropriate. (Ord. 7/6/2022)

The following schedule of license fees is hereby made effective:

| LICENSE | FEE |
|--------------------------|---------------------------------------|
| BOWLING ALLEYS | \$ 25.00 per year |
| CARNIVAL | \$ 100.00 per day |
| CIRCUS | \$ 100.00 per day |
| DANCES | \$ 25.00 per year |
| EMPLOYMENT AGENCY | \$ 50.00 per year |
| EXHIBITIONS OR SHOWS | \$ 50.00 per year \$ 15.00 per day |
| GASOLINE STORAGE, ETC. | \$ 25.00 per year |
| JUNK DEALER OR COLLECTOR | \$ 25.00 per year |
| LODGING HOUSE | NONE |
| PAWNBROKER | \$ 100.00 per year |

| | |
|---|----------------------------------|
| PIN BALL AND GAMING MACHINES (PER MACHINE) | \$ 35.00 per year |
| PIN BALL ROOM (PREMISE) | NONE |
| POOL ROOM (PREMISE) | \$ 35.00 per year |
| ROLLER SKATING RINK | \$ 25.00 per year |
| SECOND HAND MERCHANTS | \$ 100.00 per year |
| SHOOTING GALLERIES | \$ 25.00 per year |
| TAXI CAB OWNER (PER VEHICLE) | \$ 100 50.00 per year |
| TAXI CAB OPERATOR LICENSE (NEW) (Ord. 4/6/11) | \$ 35.00 per year |
| TAXI CAB OPERATOR LICENSE (RENEWAL) (Ord. 4/6/11) | \$ 35.00 per year |
| THEATER OR MOTION PICTURE HOUSE | \$ 100.00 per year |
| TRANSIENT SELLERS OF CONSUMER GOODS (includes Hawkers, Peddlers, Itinerant Vendors and Solicitors) | \$ 35.00 per year |
| VICTUALER | |
| Restaurant | \$ 100.00 |
| Caterer | \$ 50.00 |
| Mobile Food Service Unit (per unit) | \$ 50.00 |
| Special Food Handler (preparation of food to be taken off premises) | \$ 50.00 |
| Non-profit Organization | No Charge |

(b) All license fees are annual, except as otherwise provided. Where the amount of the fee shown in the schedule is for a year, month, or day, there shall be no lesser charge for a part of year, month or day. No fee shall be charged for licenses required for events sponsored by ~~the Bath Public School System~~Regional School Unit 1 (Ord. 3/31/82)

ARTICLE 6. TAXICABS (Ord.11/7/2001)

Section 5-42. Authority and Applicability.

A. Authority. This Ordinance is enacted under the General Home Rule Powers granted to municipalities under the Constitution of the State of Maine, Article VIII, Part Second, and under Title 30-A M.R.S.A. Subpart 2, Chapter 111. It is enacted by the municipal officers under the specific authority of 30-A M.R.S.A. Section 3009(1)(F).

B. Applicability. This Ordinance is intended to apply to all transportation of passengers for hire for trips for an initiation point and/or termination point within the City of Bath and shall not apply to the transportation of passengers for hire under the following circumstances:

(1) A motor vehicle licensed by another municipality to operate as a taxicab or other vehicle for hire which may be operated within the City of Bath in response to a call to convey a passenger(s) from the City to another municipality or a request to convey a passenger(s) from

such other municipality to the City, provided the vehicle is licensed for hire in that municipality;

(2) Any vehicle used for the transportation of passengers for hire which meets all of the following requirements:

(a) a vehicle is equipped with a ramp or lift mechanism designated to accomplish wheelchair access;

(b) the vehicle at all times when used for hire is transporting one or more handicapped persons. All persons within the vehicle need not be handicapped provided they are accompanied by at least one handicapped person;

(c) the vehicle is operated for hire only by prearrangement.

Any vehicle operated for hire, although designated for handicapped use, when not so used, shall be subject to the provisions of this Article.

Section 5-43. Definitions. (Ord. 9/3/08)

Disqualifying Criminal Conviction. Shall mean and include any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but shall not include any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing under this chapter.

Driver. Shall mean the licensed individual who is engaged in driving the taxi for hire.

~~Driver's License.~~ Shall mean the permission granted by the City of Bath authorizing and individual to operate a taxicab upon the streets of the City.

~~Inspector.~~ Shall mean and include any person designated by the Chief of Police to perform the function of inspections of taxicabs.

Owner. Shall mean the person, proprietorship, firm, association, partnership, corporation, limited liability company, or other form of business entity engaged in the business of carrying passengers for hire.

Owner's License. Shall mean the license granted to the owner of the business engaged in carrying passengers for hire.

Taxi or Taxicab-Cab. Shall mean and include any motor vehicle used or intended to be used for or engaged in the business of carrying passengers for hire, the destination and route of which are under the direction and control of the passengers and are not operated on a fixed route.

Section 5-44. General Provisions.

A. Place of Business; Provision of Service. Owner's ~~issued~~ licenses under this Article shall maintain a place of business for the purpose of receiving calls and dispatching taxis. No orderly person, upon request, shall be refused or neglected transportation by a driver unless the taxicab is previously engaged or otherwise unable or forbidden by the provisions of this Article to accept such ~~passenger~~passengers.

B. Number of Passengers. No driver shall exceed the rated seating capacity of his taxicab as stated in the vehicle registration issued by the State of Maine.

C. Additional Passengers. No driver of a taxicab shall carry any person or permit any person to occupy or ride in the taxicab unless the person first employing the taxicab consents to the acceptance of additional passengers.

D. Posting of Rates. A plainly printed card setting forth the rates of fares charged between at least six frequently visited locations in Bath, shall be conspicuously displayed in every taxicab so that it can be seen and read by a passenger. Failure to so display a card, or proof of charging rates ~~in excess of~~more than those posted, shall be grounds for revocation of the license of the owner and/or driver.

E. Code Compliance. The business office of the taxicab operation, the parking and storage of taxicabs, and their maintenance, shall all be accomplished, if within the City of Bath, in compliance with all applicable Bath Codes, specifically included, but not limited to, the City of Bath Land Use Code, Chapter 18, and the City of Bath Code on Vehicles and Traffic, Chapter 17.

F. Personal Belongings. No charge shall be made for the transportation of personal belongings, including bags and parcels, of a passenger.

G. Severability. ~~In the event that~~If any Section, Subsection or portion of this Article shall be declared by a Court of competent jurisdiction to be invalid for any reason, such decision shall not affect the validity of any other Section, Subsection or portion.

Section 5-45. Licenses~~—Generally.~~

A. ~~Types of Licenses.~~The licenses authorized under this Article ~~shall include~~is an owner's license for the operation of the taxicab business entity, ~~a driver's license issued to those individuals engaged in driving taxicabs, and a vehicle license which shall pertain to the standards for vehicles engaged in the conveyance of passengers for hire.~~

B. Licenses Required. No person ~~who meets the definition of an owner shall be allowed to operate a business which conveys passengers for hire within the City of Bath, except as exempted under Section 5-42(B), nor shall any individual operate a taxicab within the City of Bath, except as exempted under Section 5-42(B), nor shall any vehicle be placed in service as a taxicab, without a license being issued pursuant to the standards and procedures required under this Article~~shall operate a taxicab business without first obtaining a license to do so.

C. Issuance of License. All licenses required to be issued under this Article, shall be approved and issued by the ~~Chief of Police~~City Clerk or ~~his~~their designee, ~~and issued by the City Clerk, after first having been satisfied that all requirements for the particular license under this Article have been met.~~

D. Licenses – Non-Transferable. All licenses issued under this Article shall be particular to the licensed individual or business ~~entity, and~~entity and may not be transferred to any other individual or business entity.

E. Term of License. Each license issued under this Article shall be for the term of one (1) year beginning on July 1st of that year and running through June 30th of the following year.

F. License Fees. Fees for the issuance of each license required under this Article shall be set by Resolution of the City Council. Fees for licenses for less than the entire year shall be prorated to reflect the remaining portion of the ~~year, but~~year but shall reflect a minimum processing cost.

Section 5-46. Owner's Licenses. (Ord. 9/3/08)

A. Application. ~~Each~~Each applicant shall file an annual application to be licensed as a business entity engaged in the taxicab business within the City of Bath. The application shall be on a form provided by the City of Bath and shall contain the following information:

A signed and verified listing of the name, address, telephone number, place of birth, and social security number of each person having an ownership interest in the business entity or having management authority over the operations of the business entity.

A record of any disqualifying criminal conviction of any officer of or person having an actual business ownership in, the applicant, or a ~~statement~~ that no such conviction exists shall be provided.

Business address(es) and telephone number(s).

Contact ~~person, who~~the person who is responsible for the day-to-day operations of the business, together with address and contact telephone number.

Number of positions anticipated for the license year; number of vehicles anticipated to be employed during the upcoming license year.

An appropriate form or statement over the signature of each owner or manager required to sign the application, giving all persons and governmental agencies having information relative to the applicant, permission to release the same to the ~~Chief of Police or his~~City Clerk or their designee.

Such other information as the ~~Chief of Police~~City Clerk may deem necessary or advisable in order to determine that the standards of issuance of this license have been met in full.

B. Standards for Issuance of Owner License.

If the business entity is other than an individual proprietor, that business entity shall be either organized under the laws of the State of Maine or licensed to do business within the State.

The business entity shall be the registered owner of all vehicles used in the business.

No principal officer or any person having an ownership interest or management authority shall have a disqualifying criminal conviction.

The applicant shall not have had ~~his/its~~their business license revoked within the last three (3) years preceding the date of application. This shall apply to the business entity for which the license is sought and to any previous business entity or individual proprietorship in which the owner or managing authority has participated.

Any applicant shall meet the insurance requirement set forth in Subparagraph C below.

Any application for license, which does not demonstrate that the applicant has met ~~all of~~all the conditions above, shall be denied.

C. Insurance. There shall be filed with each taxicab license application, a certificate of insurance covering the business entity and all vehicles that are to be licensed with at least the following coverage:

Bodily Injury Liability Limits of at least \$100,000.00 Per Person and \$300,000.00 For any Number of Persons in the Same Accident

Property Damage Liability Limit of at least \$50,000.00

All renewal applications shall be accompanied by ~~the~~a certificate of insurance. Failure to keep the required insurance in continuous Effect shall be cause for revocation of the owner's license.

D. Change of Address. When the business licensee, or any owner or managing authority of the business licensee, changes address or where the business address is changed or the place at which a taxicab is garaged, such change of address shall be provided to ~~the Chief of Police~~City Clerk within twenty-four (24) hours of such change.

E. Drivers. There shall be filed with each taxicab license application, a list of drivers
Drivers may not:
(1) Operate a cab with any disqualifying criminal conviction
(2) Operate a cab with a record of convictions for reckless driving, driving to endanger,
operating under the influence, or attempting to operate under the influence currently or during
the year preceding the application;

(3) Operate a cab with a driver's license that is presently revoked or has been revoked during the last three years preceding the application; or knowingly take a longer route to their destination than was necessary unless so requested by the passenger; knowingly conveyed any passenger to a place other than that which the passenger specified; transported any person other than the passenger first engaging the taxicab without the express consent of such passenger; harassed, threatened, or assaulted a passenger; charged more than the set fare.

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~~Section 5 47. Drivers' Licenses. (Ord. 9/3/08)~~

~~_____ A. _____ Application. Each taxicab driver's license application shall contain the following information:~~

~~A listing of the name, address, contact telephone number, and age of the applicant.~~

~~Evidence of a valid State of Maine operator's license with a license identification number.~~

~~A complete statement of the applicant's health and physical condition, on a form provided by the Chief of Police in order to verify that the applicant is not suffering from any condition which would adversely affect his/her ability to function as a taxicab driver and thereby impair the safety of himself/herself or any of his/her passengers.~~

~~Statement of treatment for medical or physical condition or disorder during the previous three (3) years and by whom.~~

~~Previous driving experience, previous taxicab licenses, and the jurisdiction where they were issued, any previous denials of licenses, suspensions or revocations of such licenses, and the reasons therefor.~~

~~A complete record of the applicant with respect to any disqualifying criminal convictions as that term has been defined, or a statement that no such convictions exist.~~

~~A record of conviction for reckless driving, driving to endanger, operating or attempting to operate under the influence, during the three (3) year preceding the application.~~

~~A statement whether any driving license held by the applicant has been revoked during the last three (3) year preceding the application and the reasons for such revocation or revocations.~~

~~Evidence satisfactory to the Chief of Police that the applicant is of sufficiently good moral character so as to be entrusted with the safe care and custody of taxicab passengers.~~

~~An appropriate form or statement over the signature of the application, giving all persons and governmental agencies having information relative to the applicant, permission to release the same to the Chief of Police or his designee.~~

~~Such other information as the Chief of Police may deem necessary or advisable in order to~~

~~determine that the standards of issuance of this license have been met in full.~~

~~B. — Standards for Issuance of Drivers' Licenses.~~

~~The applicant shall have attained the age of eighteen (18) years.~~

~~The applicant shall be able to safely operate a taxicab and shall not present a danger to the health, safety or general welfare to the public.~~

~~The applicant shall not have been convicted of any class A, class B, or class C crime, or any crime committed under the laws of the United States of America or of any other state or territory thereof, which is punishable (whether or not such punishment was actually imposed) by a sentence at least as harsh as that which is authorized for the commission of a class C crime under Maine law, provided that such conviction was for an offense which is rationally related to the purposes of licensing taxicab drivers. The Chief of Police shall determine, and has full discretion to determine, whether or not said conviction is rationally related to the purposes of licensing taxicab drivers.~~

~~The applicant shall not have a disqualifying criminal conviction at any time during the five (5) years immediately preceding the application or shall not have been imprisoned at any time during such period for a disqualifying criminal conviction, provided that such conviction was for an offense which is rationally related to the purpose of licensing taxicab drivers. The Chief of Police shall determine, and has full discretion to determine, whether or not said conviction is rationally related to the purposes of licensing taxicab drivers.~~

~~The applicant shall not have had his privilege to operate a motor vehicle in any jurisdiction revoked or suspended at any time during the twelve (12) month period immediately preceding the application. Any revocation/suspension shall be related to violations of this State or any other State's Motor Vehicle Code and administrative suspensions not related to motor vehicle operations shall not be considered.~~

~~The applicant shall not have been convicted of reckless driving, driving to endanger or operating a motor vehicle under the influence of intoxicating liquors or drugs more than one (1) time for the previous three (3) years immediately preceding the application date nor shall there be a record of any such convictions for the period of eighteen (18) months immediately preceding the application date. In addition, the applicant shall not have been convicted of these offenses while operating any vehicle licensed under this Article or which resulted in bodily injury for a period of five (5) years immediately preceding the date of the application.~~

~~The Chief of Police, or his designee, shall be satisfied that the applicant is of sufficient moral character so as not to represent a danger to passengers or the general public.~~

~~C. — Issuance of License; Display. The Chief of Police or his designee shall cause to be issued a photo identification license to each individual qualified to operate a taxicab under the terms and conditions of this Article. The license shall consist of the name and a photo of the driver, the name, address and telephone number of the cab owner, and a City license number assigned to~~

~~that driver. It shall not contain any personal information regarding the driver. That photo identification license shall be prominently displayed in any taxicab that the driver is operating.~~

~~D. — Automatic Suspension or Revocation. Any driver's license issued under this Section shall be suspended or revoked during any period of time in which the licensee's State driver's license is suspended or revoked.~~

Section 5-48. Suspension or Revocation.

Suspension or revocation, at the discretion of the ~~Chief of Police~~City Clerk, may be imposed for the failure of the business ~~owner or driver~~ to meet any of the conditions precedent to the issuance of that particular license as listed above. ~~In addition, the following acts or omissions may result in the suspension or revocation, at the discretion of the Chief of Police~~City Clerk, of an owner's ~~license and/or a driver's license~~license:-

~~A. — Either License.~~

Knowingly took a longer route to his or her destination than was necessary unless so requested by the passenger;

Knowingly conveyed any passenger to a place other than that which the passenger specified;

Solicited or caused another person to solicit taxicab passenger business in any manner whatsoever;

Transported any person other than the passenger first engaging the taxicab without the express consent of said first passenger;

Drove a taxicab when not clean and neat in appearance;

Permitted any person other than the driver and a passenger or passengers to remain in the taxicab at any such time, except a trainee, if a licensed taxicab driver;

Refused to transport any orderly person upon request because of that persons race, color, creed, national origin, ancestry, age, sex, religion or handicap status;

Failed to notify the ~~City Clerk~~Chief of Police of any change of any material fact set forth in the application for such license; or

Removed from a taxicab or obscured or caused to be removed from a taxicab or obscured the notice required by Section 5-44(D).

~~B. — Taxicab Drivers' Licenses Only.~~

~~Engaged in any loud argument, fight or other disturbance; harassed, threatened or assaulted another person; intentionally damaged, destroyed or threatened to damage or destroy any~~

~~property; or in any other manner engaged in conduct detrimental to the orderly and efficient transportation of passengers;~~

~~Failed to notify the Chief of Police and the Taxicab Owner of any conviction for reckless driving, driving to endanger, operating a motor vehicle under the influence of intoxicating liquor or drugs, attempting to operate under the influence, or an equivalent offense in any other jurisdiction, or suspension or revocation of the privilege to operate a motor vehicle;~~

~~Failed to notify the Chief of Police and the Taxicab Owner of any arrest, conviction or imprisonment within the five (5) years preceeding application for license.~~

~~C. — Taxicab Business Licenses:~~

There have been repeated violations by the driver or drivers which resulted in four (4) or more suspensions of the same driver, or eight (8) or more suspensions by employees of the same person holding more than one (1) taxicab business license, establishing a pattern of conduct by the holder of the taxicab business licenses;

~~The taxicab business licensee or any person employed by or connected with such licensee has operated a taxicab without a current and valid taxicab driver's license; or~~

Any drivers, taxicab or taxicabs covered by the taxicab business license have been the subject of one (1) or more violation notices for failure to comply with the standards set forth in this Article.

Section 5.49. Taxicabs.

A. List of Vehicles. For each license year the business owner shall submit, with the application for an owner's license, a list of all vehicles being operated by the company or anticipated to be operated by the company for the ensuing license year. This list shall be updated by filing an amended list with the ~~Chief of Police~~City Clerk at any time that a vehicle is taken out of service or a vehicle is added to service. Any vehicle being added to service shall comply with the requirements of this Section.

~~B. — Taxicab License. No taxicab shall be operated within the City of Bath without first receiving from the Chief of Police a taxicab license. Prior to issuing a license or certificate for a particular vehicle, the Chief of Police shall determine that the standards relating to a licensing operation and condition of taxicab vehicles are met.~~

C. Identification.

(1) Marking. Each taxicab and vehicle used for hire shall have a design, logo, monogram, or lettering, containing the owner's name or trade name and the word "taxi", "taxicab" or "cab", permanently affixed to one door on each side of the taxicab. Such design, logo, monogram, or lettering, shall not be less than eight (8) inches in diameter or height.

(2) Lights. Each taxicab or motor vehicle for hire shall be equipped with an exterior light affixed to the roof of the vehicle covered with a translucent fixture marked with the word “taxi”, “taxicab”, or “cab” in legible lettering and shall be operated during the period between sunset and sunrise.

(3) Flashing Lights. No taxicab shall be equipped with any so-called “flasher” light.

D. Vehicle Standards. Every vehicle used as a taxicab shall meet on an ongoing basis the following standards:

(1) The vehicle shall have a valid State Certificate of Registration.

(2) The vehicle shall have a valid State Inspection Sticker.

(3) The vehicle ~~shall at all times~~ shall always be in compliance with the laws of the State of Maine relating to passenger vehicles and the rules and regulations of the State Commissioner of the Department of Transportation enacted pursuant thereto.

(4) The vehicle shall have the proper identifying markings and light required in Subsection C above.

(5) The vehicle shall be in clean and sanitary condition and in good repair. This term shall mean and include without limitation, the following:

No dents larger than six (6) inches in diameter;

No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger;

No missing body work, no visible primer paint, no rust greater than one (1) inch in diameter;

No cracks in windshield or windows;

Seat belts for all passenger seats visible and in working order;

All doors, including front area hatch, shall open and close normally;

The dome light and all interior lighting will be in working order-.

~~E. — Inspections.~~

~~(1) — Each vehicle used as a taxicab shall be subject to an annual inspection by the Chief of Police or his designee to determine that all of the vehicle standards noted in Subsection D above have been met. This inspection shall include all those items necessary for the issuance of a valid State of Maine Inspection Sticker.~~

~~(2) — In addition to the required annual inspection, each taxicab shall be subject to at least one (1) random vehicle inspection per license year by the Chief of Police or his designee.~~

~~F. — Removal From Service. The Chief of Police or his designee may require the removal from service of any taxicab which does not meet the vehicle standards of this Article or may otherwise present a serious threat to the health or safety of passengers or the general motoring~~

~~public. In such circumstances, a written Order to the licensed owner shall be given and the vehicle immediately removed from service. The owner may request a reinspection of the vehicle at any time and if the vehicle is found to be in compliance with the standards of this Article, it may be recertified and placed back in service. Where a reinspection is required, there shall be a reinspection fee of Thirty Five Dollars (\$35.00).~~

Section 5-50. Appeals.

A. Any person or business entity aggrieved by a decision of the ~~Chief of Police~~City Clerk or ~~their~~~~his~~ designee in the administration of this Article, may appeal that decision within ten (10) days of the date of receipt of the decision by filing an appeal in writing with the City Manager. The appeal shall state the decision appealed from and the basis upon which the appellant disagrees with the determination by the ~~Chief of Police~~City Clerk or ~~their~~~~his~~ designee. ~~—~~The City Manager, if requested, shall hold a hearing with the appellant ~~in order to~~to determine the appeal within fifteen (15) days of receipt of the notice of appeal.

B. All appeals from any determination by the City Manager pursuant to Subsection A above, shall be pursuant to Rule 80B of the Maine Rules of Civil Procedure.

~~Section 5-51. Transition Provision.~~

~~—Inasmuch as there are current licenses in effect which are due to expire, the 30th of April, 2002 and inasmuch as the license year under the provisions of this Ordinance begin July 1st, the current licenses in effect as of April 30, 2002 shall be extended until June 30, 2002.~~

Darci Wheeler

From: no-reply@services.evo.cloud
Sent: Friday, May 10, 2024 5:49 PM
To: Darci Wheeler
Subject: Appointment Application - New Form Submission for Bath, Maine
Attachments: phyllis bailey bio update 2024.docx

A new submission has been received for Appointment Application at 05/10/2024 5:48 PM

First Name:: Phyllis
Last Name:: Bailey
Address:: 16 RIVERVIEW RD
Phone:: 2074431573
Your Council Ward Number:: 4
Email Address:: phylbailey1@msn.com
Preferred Method of Contact:: Email
I wish to be considered for:: Appointment
Name of Board/ Commission/ Committee:: Planning Board
Committee Experience:
Date(s) you attended this Board/Commission/Committee's meetings:: In person during ADU ordinance preparation process, often view meetings on line.
Members of the Board/ Commission/ Committee with whom you spoke and when:: Jenn Curtis on 5/9/2024, Haley Blanco and Bob Oxtan in the past
How did these experiences affect your interest in the Board/ Commission/ Committee?: I see the thoughtful discussion members give to all the aspects of proposals to undertake new construction in Bath and redevelop older properties. Bath has a lot coming at it in the future such as the re-code project, requests for new ordinances, etc.
Have you every served on a City Board/ Commission/ Committee?: Yes
If yes please list the Board/ Commission/ Committee and years of service: Bath City Council 6 yrs. Community Development Committee 6 yrs. Housing Subcommittee 3 yrs. Transportation Committee 5 years. Sagadahoc Budget Advisory Committee 6 yrs. Board Appointment Review Committee 4 yrs. Bath Housing Development Corp Board 2 yrs. Programs & Innovation Committee Bath Housing 9 years. AFCLK 8 years
Please outline past and present expertise skills employment that you think may be relevant:: Skills in analysis, opportunity assessment, business management, team building, community engagement, listening. Can work to find practical solutions to challenges. Much experience focused on making communities livable for residents across the lifespan.

Resume (Optional):

phyllis bailey bio update 2024.docx

Why do you want to be a member of this Board/ Commission/ Committee or list your accomplishments during your last term or terms?:

We are reshaping our zoning & codes, as well as facing the need to be climate resilient. As we think about what we want Bath to be like in the future, I want to help us be inclusive, practical and fiscally responsible.

How many months are you away from Bath in a 12 month period?:

less than 1

Date:

5/10/24

Signature:

Phyllis Bailey



Phyllis Bailey Brief Career Overview

May, 2024

Spent my multi-decade career predominantly in the field of aging.

Taught in college Social Work Department 7 years then left for a high-tech company to work on corporate eldercare initiatives. (Wrote one of the first corporate policies for caregiver employees.) Developed HIV in the Workplace education and valuing diversity programs.

When layoffs threatened, I moved to a national consulting company, Work/Family Directions (that started the work/life balance industry) and worked with large corporations to keep employees productive on the job while they cared for aging relatives & friends. For 6 years, I led a team that distributed over 13 million dollars in grants to communities where our client companies had significant populations of employees, with the goal to strengthen workers ability to care for aging parents. Sale of WFD Inc. and layoffs gave me the opportunity to do some needed caregiving to my mom at her life's end.

When I returned to the workforce, I managed start up and operations of a new assisted living development in my town. Also served 5 years on a town commission tasked with planning redeveloping a vacant hospital site.

Maine was a favorite vacation spot and when a job offer came to work on a national Robert Wood Johnson grant there, we moved to Bath. This grant developed local options to help people age in the places they love, through collaborative partnerships in 15 communities.

The RWJ grant ended after 4 years so I joined a long-term care insurance company to start-up and run a unique national program promoting the well-being of policyholders through-out the lifespan, (rather than expecting decline and illness), potentially expanding the quality of their lives into their advanced later years. The work was based on a 7 dimension model of well-being that included the lived environment, spirituality, physical health, having a sense of meaning, etc. Over 7 years I built a great team which continues to do this work since my retirement in 2018. Eight years ago I got involved in the volunteer movement to get Bath certified as an age-friendly community by AARP, which has since become a 6 town initiative.

2017 seemed like a great time to engage in local democracy so I ran for Bath City Council and served 2 terms, departing in 2023. I am proud of the chance to support construction of the Uptown project, passage of the Accessory Dwelling Unit Ordinance, creation of the ADU guidebook and education program among many issues that crossed my desk.

Education: BSW & MSW degrees and most of a PhD gave me very transferable skills I used across my career. (Finished all but the dissertation in the doctoral program. After all the articles in the late 1980's about taxi driving Ph.D's – I decided to use the skills the doctoral program gave me and stop paying tuition!).

PB 5/9/24

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 5/13 ~~email~~

Received by: Dfw email

Date emailed to Appointment Review Committee: 5/13

Date interviewed by Appointment Review Committee: OK 5/25

Date application on City Council agenda: 6/5

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: _____

Term to expire: Sept 2024