

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE
Regular Meeting

Wednesday, August 4, 2021 6:00pm
City Council Chambers, Bath City Hall

We encourage your comments and views, and appreciate your participation in your local government.

A. Pledge of Allegiance

B. Roll Call

Proclamation recognizing "Kindness Day", Saturday, August 21, 2021.

Presentation of City Chair and Proclamation to Chief Michael W. Field for 32 years and 9 months of dedicated service for the City of Bath Police Department.

Presentation by Ruth Lawson-Stopps ~ Age-Friendly Communities of the Lower Kennebec

C. Public Hearing:

- 1) New Liquor License for New Yum Mee Restaurant, LLC located at 67 Centre Street
(approval)

D. Consent Agenda:

(Items as marked with an asterisk () on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so 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.)*

- *2) Minutes of the previous meeting of July 7, 2021, Council Meeting (motion to Accept as Presented)

E. Time Devoted to Residents to Address the City Council:

F. Resolutions, Orders, and Ordinances:

- 3) Order approving Interim City Manager
- 4) Order for Public Hearing and Notice of Public Hearing for Expenditure Limitation Charter Amendments
- 5)) Order approving bid and contract for the Western Avenue, Academy Street and Cobb Road Storm Drain and Sewer Improvements Project
- 6) Order approving bid and contract for the Commercial Street East Sidewalk Project
- 7) Ordinance amendment Chapter 14-Sewers

G. Petitions & Communications:

H. City Manager's Report:

I. Committee Reports:

- Meeting Policy Discussion

J. Unfinished Business:

K. New Business:

8) Appointment of Louis (Roo) Dunn to the Planning Board term to expire September 2024

Reappointment of Louis Ricciardone to the Solid Waste Advisory Committee term to expire July 2024

Reappointment of Herman A. Nichols to the Old Bath Customs House Board term to expire August 2024

Reappointment of Steve Zelinka to the Board of Assessment Review term to expire July 2024

L. Councilor Announcements:

Executive Session:

Discuss Real Estate Matters per 1 MRSA §405(6)(C)

ADJOURN

PROCLAMATION

WHEREAS Kindness Day is the dream of Morse High Senior Bryanna Ringrose, which evolved from a conversation with her best friend Taylor Bisson, and

WHEREAS the desire was to have a day in Bath where everyone could just focus on doing small acts of kindness for each other, and

WHEREAS this event is coordinated by Jennifer McDorr and Darreby Ambler with the help and support from the community of merchants, area non-profits, Main Street Bath and a number of individuals jumping onboard to make this dream a reality, and

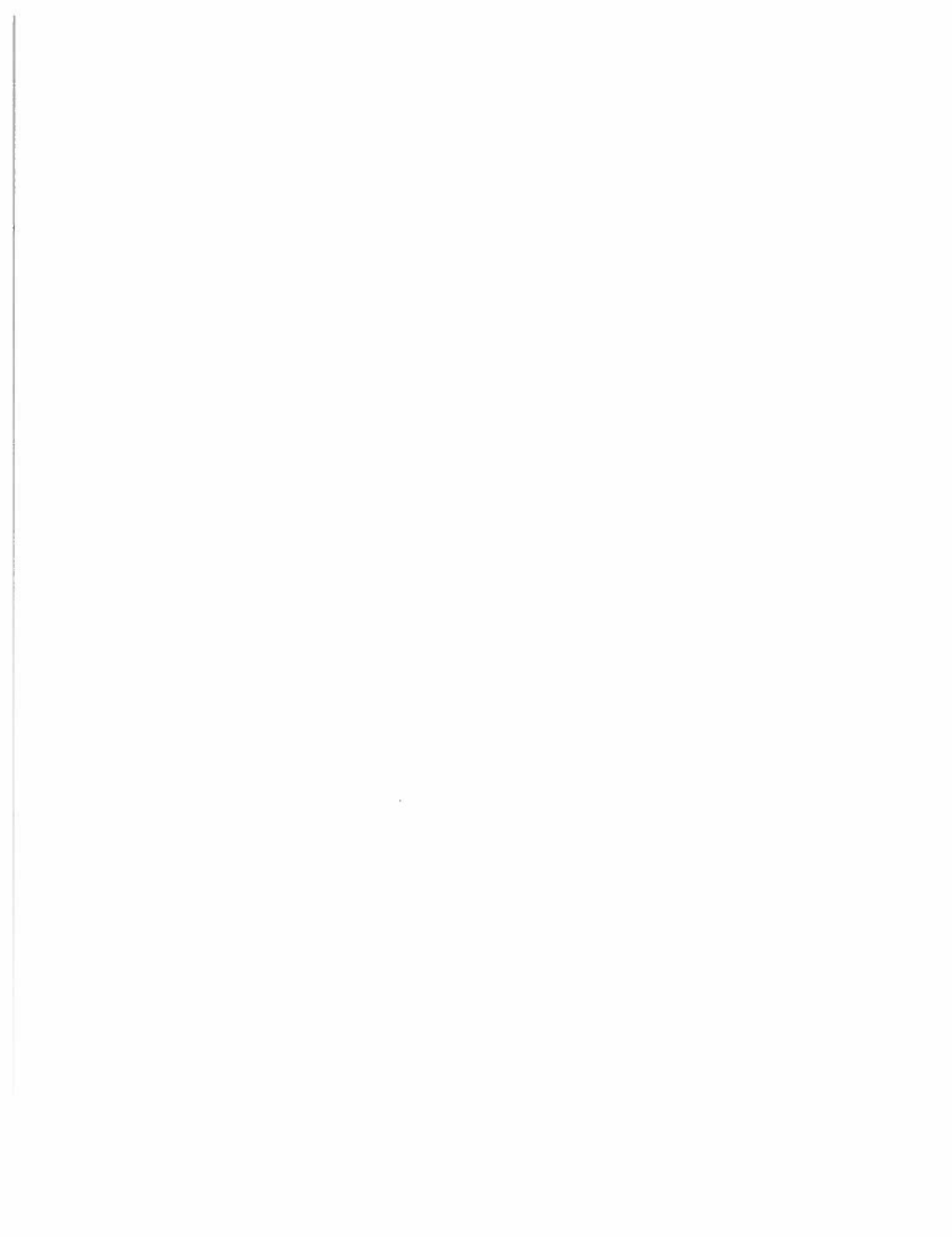
WHEREAS the power of kindness lies in every individual and by recognizing, understanding and actually using this power, we have the ability to send out a positive ripple that may travel for miles, and

WHEREAS no one, no matter how young or how small, is too little to make a difference in our own community and our world and through random acts of kindness, we can promote healthy behaviors and positive dynamics within our community, nourishing and strengthening our community with a celebration of simple kindness that encourages people to tap into their own human spirit;

NOW THEREFORE BE IT PROCLAIMED that **August 21, 2021**, shall be recognized as **Bath Kindness Day** remembering that simple day-to-day acts of kindness enable our community to be a kinder, safer and more secure place to live, work and play and to urge all citizens to participate in spreading kindness, and practicing respect, generosity, patience and consideration of others not just this day, but every day of the year.

Dated this 4th day of August 2021.

Aaron Park, Chairperson
Bath City Council



PROCLAMATION

WHEREAS, the City of Bath wishes to recognize the 32 years 9 months of service by Chief of Police, Michael W. Field of the Bath Police Department, and,

WHEREAS, Michael is the son of Ingeburg I. and Wesley P. Field. Michael graduated from Morse High School in Bath, Maine in June 1983, was enlisted in the US Army from August 1983 until May 1986, graduated from the US Army Military Police School in November 1983, US Army NC Academy PLDC Germany in January 1986, MCJA Reserve Officer in June 1987, S.M.V.T.I South Portland, with an Associate Degree in Law Enforcement Technology in May 1988, and MCJA 62nd Municipal Basic Police Academy in April 1989.

WHEREAS, Michael was hired and appointed by the Bath Police Department to the position of Patrolman on September 20, 1988, promoted to Corporal on September 5, 1993, promoted to Sergeant on July 4, 1997, promoted to Lieutenant March 25, 2005 and promoted to Chief on June 14, 2006.

WHEREAS, Michael retired from the Bath Police Department on June 24, 2021 seeing numerous duties and accomplishments, including the following:

- **Crime Prevention Coordinator March 1990**
- **Command Training Babson College November 2000**
- **Certified MCJA instructor June 2001**
- **MCJA Executive Leadership Certificate February 2004**
- **MCJA Chiefs Executive Certificate March 2018**
- **Maine Chief of Police-Past President-Board of Directors**
- **BBBS Bath/Brunswick-Big Brother**
- **Midcoast Youth Center-President**
- **United Way of Midcoast ME-Board of Directors, Campaign Chair**
- **Midcoast Parkview Health Board**
- **Midcoast Federal Credit Union Board**

WHEREAS, Michael received many commendations for his outstanding performance of duties, including:

Many accolades in the form of letters, memorandums, and awards from the community and victims stating kindness, job well done, most polite and able officer and swift action. Outside agencies thanking Michael for his time, training, expertise, and advice. Michael is known for his exceptional conduct, always going above and beyond, his excellent presentations, many hours of volunteer work, and always a great representative of the Bath Police Department.

WHEREAS, Michael W Field's long and productive career of public service to the citizens of Bath was marked by his integrity and professionalism,

NOW, THEREFORE, be it proclaimed by the City Council of the City of Bath that the city recognizes the 32 years and 9 months of excellent public service by Chief Michael Field to the Bath citizenry.

This 4th day of August 2021.

Aaron Park, Chairperson, Bath City Council



NOTICE

THE MUNICIPAL OFFICERS OF THE CITY OF BATH WILL CONDUCT A PUBLIC HEARING FOR APPROVING:

the **LIQUOR LICENSE APPLICATION** FOR:

**New Yum Mee Restaurant, LLC
67 Centre Street
Yuan Qian, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, AUGUST 4, 2021 AT 6:01 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATIONS SHOULD OR SHOULD NOT BE APPROVED.

Darci L. Wheeler
CITY CLERK



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Section I: Licensee/Applicant(s) Information;
Type of License and Status

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Legal Business Entity Applicant Name (corporation, LLC): <u>New Yum Mee Restaurant LLC</u>	Business Name (D/B/A): <u>Yum Mee Restaurant</u>
Individual or Sole Proprietor Applicant Name(s): <u>Yuan Qian</u>	Physical Location: <u>67 Centrest Bath ME 04530</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: <u>207442 8668</u>	Email Address:
Telephone # Fax #: <u>86-3795904</u>	Business Telephone # Fax #:
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: 10 20 21
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: 68000 Beer, Wine or Spirits: 20000 Guest Rooms: 0
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

67 Center St Bath ME 04530

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☒ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Yuan Qian	12211990	China
Residence address on all the above for previous 5 years		
Name	Address:	
Yuan Qian	5 School St Bath ME 04530	
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

3538 sq feet dining area of 67 Centre St
to include bar and dining. Not retail space/leasable
space.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Westborough Church

Distance: 6800 feet

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 07/21/2021

Yuan Qian
Signature of Duly Authorized Person

YUAN QIAN
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

A large, empty rectangular box with a thin black border, intended for the applicant to draw and label the floor plan of the premises. The box occupies the majority of the page below the instructions.

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

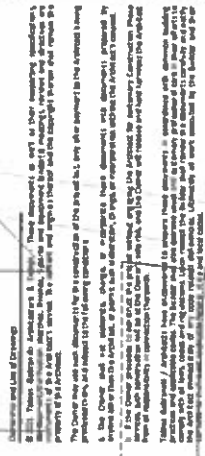
All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: _____
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership

(Ownership in non-publicly traded companies must add up to 100%.)





STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: mainliquor@maine.gov

Thank you for your interest in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- ☐ Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- ☐ Your application is signed and dated by a duly authorized person.
- ☐ The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- ☐ The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
 - ☐ The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
 - ☐ If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- ☐ For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- ☐ A diagram of the facility to be licensed must accompany all applications whether for a new license or the renewal of an existing license
- ☐ If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- ☐ Have you applied for other required licensing from other state and federal agencies? See attached list.

Important – all applications whether for a new license or to renew an existing license for an on-premises liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:
 - Bureau of Alcoholic Beverages and Lottery Operations
 - Division of Liquor Licensing and Enforcement
 - 8 State House Station
 - Augusta, ME 04333-0008
2. Courier/overnight address:
 - Bureau of Alcoholic Beverages and Lottery Operations
 - Division of Liquor Licensing and Enforcement
 - 19 Union Street, Suite 301-B
 - Augusta, ME 04330

The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau

Obtained ✓	License/Permit	State/Federal Agency to Contact	Telephone Number	Physical Location
	Seller Certificate or Sales Tax Number	Maine Revenue Services www.maine.gov/revenue	(207) 624-9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services www.maine.gov/dhhs	(207) 287-5671	286 Water St, 3 rd floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses www.maine.gov/dmr	(207) 624-6550	<ul style="list-style-type: none"> • 32 Blossom Lane, Augusta • 194 McKown Point Rd, West Boothbay Harbor • Lamoine State Park, Lamoine • 650 State St, Bangor • 317 Whitneyville Rd, Jonesboro
	Dance or Entertainment License	Fire Marshall's Office www.maine.gov/dps/fmo	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	www.irs.gov	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions www.maine.gov/sos/cec	(207) 624-7752	111 Sewall St, 3 rd Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers	(877) 882-3277	

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE**

Wednesday, July 7, 2021, 6:00 PM

Hybrid Meeting

Present: Councilor Ambrosino, Councilor Bailey, Councilor Paulhus arrived remotely at 6:07pm, Councilor Nordmann arrived at 6:13pm, Councilor Leonard arrived at 6:05pm, Vice Chairperson DeChant arrived at 6:08pm, Councilor Bauer, Councilor Dingley arrived at 6:05pm, and Chairperson Park.

Also, in attendance, the City Manager, Peter Owen, City Solicitor, Roger Therriault, City Clerk, Darci Wheeler

Chairperson Park led the Pledge of Allegiance, City Clerk Darci Wheeler called the Roll.

Councilor Bailey presented Segundo Dumas and Barbara Thompson a plaque inducting them into the Bath Century Club.

Chairperson Park presented Detective Marc P. Brunelle with a Proclamation and City Chair for his 24 years and 9 months of service with the Police Department by Chairperson Park.

B: Public Hearing 6:14pm:

- 1) New Medical Marijuana Storefront License for Bath Cannabis Company located at 735 Middle Street (*approval*)

THE MUNICIPAL OFFICERS OF THE CITY OF BATH WILL CONDUCT A PUBLIC HEARING FOR APPROVING:

A MARIJUANA ESTABLISHMENT LICENSE APPLICATION FOR:

Bath Cannabis Company

735 Middle Street

Contact: Alex Greenlaw and Patrick Wiley

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, JULY 7TH AT 6:00 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATION SHOULD OR SHOULD NOT BE APPROVED.

Motion made by Councilor Ambrosino motioned to put on floor, seconded by Councilor Leonard.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

City Planner Ben Averill introduced the request for the Medical Marijuana Storefront. Patrick Wiley and Alex Greenlaw, applicants were available for questions. Councilor Leonard asked for clarification of the difference between recreational and medical. Councilor DeChant asked if the same strains can be purchased at both. Mr. Wiley explained that they could, but they would be concentrating on tinctures and salves. Councilor Bauer asked for verification that this is the only medical storefront in the city. Councilor Nordmann commented that the building's appearance was a much-needed improvement.

No public Comment.

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

- 2) Oak Ledge Affordable Housing Tax Increment Financing District and Development Program *(approval)*

Motion made by Councilor Dingley to put on floor, seconded by Councilor Bauer.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Nordmann, Paulhus, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

Assistant City Manager Marc Meyers introduced the Public Hearing. Bill Pearce, Nichole Lorentzen, Heather Deane, and Joe Cloutier of Realty Resources Management were in attendance. Bill Pearce gave a presentation regarding the project. Councilor Bailey questioned the 20 year estimated cash flow noting that the previous properties had a reputation regarding poor maintenance. Councilor Dingley asked for clarification of the property in question. Councilor Leonard asked how the federal money affects the slow down to fix the properties. Councilor DeChant wanted to know if any private money could contribute to the capital improvements and the timeline that such improvements would take.

Chairperson Park asked for public comment.

Diane Moyer of 993 Washington Street.

John James IV of 30 Garden Street.

Sean Ireland of 16 Dike Road.

Diane Moyer of 993 Washington Street.

Public Comment closed at 6:57pm.

- 3) **ORDINANCE:** LUC Amendment – 2 Davenport Circle (Map 14, Lot 96-2)
(second passage)

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Rezoning of property designated as 2 Davenport Circle and further designated as lot 96-2 on tax map 14. The proposed Land Use Map rezoning is to rezone the existing zoning on the lot from its current R2 Medium Density Residential Zoning District to R1 High Density Residential Zoning District.

Councilor DeChant made motion to waive the reading with a second by Councilor Leonard.

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

City Planner Ben Averill refreshed Council with the Ordinance that was presented last month.

Councilor Bailey asked for clarification from Kevin Clark from Sitelines as to how many housing units will be apart of this project. Mr. Clark announced that the 8 existing units will increase up to 13 units.

No Public Comment.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

Law in 21 days

- 4) **ORDINANCE: LUC Amendment – 9 Park Street (Map 14, Lot 96) *(second passage)***

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Rezoning of property designated as 9 Park Street and further designated as lot 96 on tax map 14. The proposed Land Use Map rezoning is to rezone the existing zoning on

the lot from its current R2 Medium Density Residential Zoning District to R1 High Density Residential Zoning District.

Councilor DeChant made motion to waive the reading with a second by Councilor Leonard.

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

City Planner Ben Averill explained the ordinance mentioning that Mr. Clark from Sitelines was still available for questions. Chairperson Park asked if there would be landscaping improvements made to this parcel. Mr. Averill mentioned that with a land use amendment not landscaping is involved.

No public comment.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

Law in 21 days

- 5) **ORDINANCE: Contract Rezoning - 55 Congress Avenue (Map 29, Lot 5)**
(second passage)

ORDINANCE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND
USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND
SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:**

Amend Article 16, by adding Section 16.31, as follows:

SECTION 16.31 55 CONGRESS AVENUE CONTRACT ZONE

District Designation

The property designated for contract rezoning is the property located on Congress Avenue, being identified as Lot 5, on City of Bath Tax Map 29 dated April 1, 2020.

Findings

The property is located in the Route 1 Commercial Contract Zone (C-4) Zoning District. The City Council makes the following additional findings:

1. Contract Rezoning is allowed in the Route 1 Commercial Contract Zone
2. The project consists of a proposed 188 square foot addition to the existing structure on the southeasterly corner of the building. The addition will allow a new entrance to be constructed for the existing branch of First Federal Savings and Loan located in the existing structure.
3. Contract rezoning is allowed on the parcel per section 8.10 (D) of the Land Use Code.
4. Without the creation of a contract zone, the minimum yard area is 20 feet from the side, front, and rear of the parcel. The parking lot and existing building as well as the proposed building addition violate the yard area requirement and necessitate.
5. Without the creation of a contract zone, the minimum rear setback is 30 feet from the rear lot line. The structure is proposed to be constructed within 30 feet from the rear lot line, necessitating contract zoning.
6. The rezoning of the parcel is consistent with the Comprehensive Plan of the City of Bath.
7. The project is consistent with the mandatory conditions set forth in Land Use Code Section 18.20 paragraph D, 1.
8. The applicant is proposing the following voluntary, Discretionary Conditions in exchange for Contract Rezoning:
 - Work to meet the City's goal of increased pedestrian access to services by regrading the parking lot and improving the pedestrian access to the site.
 - Improve the appearance of the Congress Avenue gateway with enhanced landscaping.
 - Contribute \$1,000 to meet the City's goal of pedestrian safety and increased pedestrian access to services for improvements along Congress Avenue.

Zoning Provision Affected

This contract zoning amendment is intended to relax the minimum setback and yard area requirements pursuant to Section 8.10 of the Land Use Code, by allowing the construction of the structures and other site improvements depicted on the Site Plan approved, with conditions, by the Bath Planning Board on May 4, 2021.

This contract zone is intended to relax the following space and bulk standards of the Route 1 Commercial Contract Zoning District (C-4):

1. Minimum Rear Setback (reduce the requirements from 30 feet to 15 feet, as depicted on the approved site plan).
2. Minimum Front, Rear, and Side Yard Areas (reduce the requirement from 20 feet to 10 feet, as depicted on the approved site plan).

Conditions of Approval

This Contract Rezoning Ordinance requires full and complete compliance with all conditions of approval, which are part of the Site Plan approval, granted to Trademark Properties, LLC, by the Bath Planning Board on May 4, 2021 including the following conditions:

- The applicant receives City of Bath City Council approval of contract rezoning
- The applicant submit a planting plan and landscaping maintenance plan to be reviewed and approved by the City Arborist

Councilor DeChant made motion to waive the reading with a second by Councilor Leonard.

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

City Planner Ben Averill explained that this Ordinance is regarding the entryway to First Federal. Councilor Nordmann was given confirmation that the Planning Board had given previous approval at an earlier meeting.

No public comment.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

Law in 21 days

C. Consent Agenda 7:11pm

(Items as marked with an asterisk (*) on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so 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.)

***6) Minutes of the Bath City Council Meeting on June 2, 2021, June 9, 2021, and June 16, 2021 (*Motion to Accept as Presented*)**

Motion made by Councilor Bauer to accept as presented, seconded by Councilor Ambrosino.

Councilor Bailey asked for amendment to the minutes on June 16, 2021. It should read as follows "Councilor Bailey clarified that BIW had asked for \$256 million in a property assessment valuation for each of 2 years, totaling \$512 million." (*amended 7/7/2021*)

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

D. Time Devoted to Residents to Address the City Council: 7:13pm

John James IV of 30 Garden Street spoke about the cost of sending children to school to RSU#1 and the impact that would have on the taxpayers of Bath if more housing that is not fully taxed is developed.

E. Resolutions, Orders and Ordinances 7:17pm

7) RESOLUTION: Regarding Economic Development Commission

RESOLUTION REGARDING ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, the City Council of the City of Bath, on May 7, 2003, adopted a Resolution establishing the Economic Development Commission; and

WHEREAS, the City Council of the City of Bath, on October 3, 2018, repopulated the Commission and reactivated the Commission's functions; and

WHEREAS, the Commission wishes expand its membership to add three at-large members to continue to carry out the mission of the Commission;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the membership of the Commission shall be appointed by the City Council and consist of the following:

Three City Councilors
Business representative
Development representative
BIW representative
Main Street Bath representative
Maine Maritime Museum representative
Three At-Large representatives
City Manager (Ex Officio)
Director of Planning & Development (Ex Officio)

Each member shall serve a three (3) year term commencing on July 1st and running through June 30th. Each appointment shall be for three (3) years. The initial appointments by City Council shall be designated specifically as one (1), two (2), and three (3) year terms and all appointments thereafter shall be for three (3) year terms.

Motion made by Councilor Dingley to put on floor, seconded by Councilor Bauer

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

Chairperson Park introduced the resolution stating that the Economic Development Committee has realized that they want to increase their membership.

Councilor Bauer questioned the terms that are held by Council. She questioned if this should be more explicit to explain that they are one (1) year terms due to Council membership changing yearly.

Councilor DeChant made a motion to amend the resolution specifying that City Councilors will serve a one-year terms determined on a yearly basis, seconded by Councilor Bauer.

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

Councilor Nordmann asked for a clarification of what an At-Large representative would be according to this resolution. Councilor DeChant stated the committee would determine what definition of At-Large would be. Councilor Bauer explained that they don't want to limit to residents of Bath, she would prefer opening it up to incorporate people outside of Bath for their expertise.

No public comment.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

8) ORDER: Accessory Building Dwelling Unit Legislation

ORDER- RECOMMENDING LEGISLATION ON ACCESSORY DWELLING UNITS

WHEREAS, the City Council of the City of Bath has established the Community Development Committee to promote community growth and development through strategic neighborhood stabilization and partnering on supportive programming to benefit residents and property owners. ; and

WHEREAS, the Community Development Committee of the City of Bath has reviewed and recommended the City Council to create legislation allowing accessory dwelling units; and

WHEREAS, it is appropriate that the City Council of the City of Bath review and recommend action regarding amendments to the Land Use Code,

NOW, THEREFORE, BE IT ORDERED, by the City Council of the City of Bath, that the Planning Board of the City of Bath is directed to review the Land Use Code and recommend amendments to said Code pertaining to the establishment of a new use and corresponding performance standards regarding accessory dwelling units.

Motion made by Councilor Leonard to put on floor, seconded by Councilor Ambrosino

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

City Planner Ben Averill introduced the Order and explained the Planning Board process and the Community Development request. Councilor Leonard inquired about the purpose of the language and what it would make possible, also if it would be attached or detached. Mr. Averill stated that would be something the Planning Board would decide. Councilor Bailey stated the Community Development Committee did not send ordinance forward to Council due to State legislation.

No Public Comment.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

9) ORDER: For Sale of Property by Sealed Bids, (17 Bailey Street)

ORDER FOR SALE OF PROPERTY BY SEALED BIDS

WHEREAS, the City of Bath has acquired, by Lien, property designated as 17 Bailey Street, in Bath, and further designated as Lot 139, on City of Bath Tax Map 25; and

WHEREAS, the initial Tax Lien for 2008 taxes matured on March 24, 2011; a second Lien for 2009 taxes matured on March 26, 2012; a third Lien for 2010 taxes matured on March 26, 2013, a fourth Lien for 2011 taxes matured on March 26, 2012; a fifth Lien for 2012 taxes matured on March 20, 2015; a sixth Lien for 2013 taxes matured on March 23, 2016; a seventh Lien for 2014 taxes matured on March 22, 2017; an eighth Lien for 2015 taxes matured on March 23, 2018; a ninth Lien for 2016 taxes matured on March 22, 2019; a tenth Lien for 2017 taxes matured on March 19, 2020; an eleventh Lien for 2018 taxes matured on March 22, 2021; and

WHEREAS, there is due, as of July 1, 2021, a total of \$31,964.53 in real estate taxes, fees and interest; and

WHEREAS, there is due, as of July 1, 2021, a total of \$6,444.99 in sewer fees and interest, dating back to July 21, 2009; and

WHEREAS, the property has been abandoned; and

WHEREAS, there are issues with respect to the condition of the property that need to be addressed by the owner under the Abandoned Building Ordinance.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that, after appraisal, the property be offered by sale by sealed bid. It is further **ORDERED** that certain terms and conditions designed to make the City whole financially and to provide for building repairs and renovations to bring the property up to Code and a time frame for same, be attached as conditions of sale, together with a reservation of rights with regard to dealing with potential bids including the right to negotiate with bidders, and to reject any all bids.

Motion made by Councilor Leonard to put on floor, seconded by Councilor Bailey

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

Assistant City Manager Marc Meyers explained that this was first of 2 tax acquired properties. The property is in violation of the vacant building ordinance, there is no interest from department heads, and the city is requesting Council to waive the appraisal requirement. The bid will come back to Council for approval.

No public comment.

Motion made by Councilor DeChant to waive appraisal, seconded by Councilor Leonard.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, and Bauer

NAYS: Councilor Dingley

Passed, 7-1

Motion to accept as presented by Councilor Leonard, second by Councilor Ambrosino.

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

10) **ORDER:** For Sale of Property by Sealed Bids, (45 Windjammer Way)

ORDER FOR SALE OF PROPERTY BY SEALED BIDS

WHEREAS, the City of Bath has acquired, by Lien, property designated as 45 Windjammer Way, in Bath, and further designated as Lot 119, on City of Bath Tax Map 25; and

WHEREAS, the initial Tax Lien for 2018 taxes matured on March 22, 2021; and

WHEREAS, there is due, as of June 30, 2021, a total of \$1,289.02 in real estate taxes; and

WHEREAS, the property has been abandoned; and

WHEREAS, there are issues with respect to the condition of the property that need to be addressed by the owner under the Abandoned Building Ordinance.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that, after appraisal, the property be offered by sale by sealed bid. It is further **ORDERED** that certain terms and conditions designed to make the City whole financially and to provide for building repairs and renovations to bring the property up to Code and a time frame for same, be attached as conditions of sale, together with a reservation of rights with regard to dealing with potential bids including the right to negotiate with bidders, and to reject any all bids.

Motion made by Councilor Leonard to put on floor, seconded by Councilor Bailey

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed, 8-0

Assistant City Manager Marc Meyers introduced the 2nd property that is up for bid.

No public comment.

Councilor DeChant stated that she wanted to recognize the importance of this motion and thank the staff and codes enforcement office and the process. She explained that both of these properties are in her Ward and is working with other residents on the Vacant Building ordinance and is excited to send it forward.

Motion made by Councilor DeChant to waive appraisal, seconded by Councilor Leonard.

ROLL CALL VOTE:

YEAS: Councilors Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: Councilor Dingley

Passed, 7-1

Motion to accept as presented by Councilor Leonard, second by Councilor Ambrosino.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer and Dingley

NAYS: None

Passed, 8-0

11) ORDER: Designating the Oak Ledge Affordable Housing Development and Tax Increment Financing District and Adopting the Development Program For Such District

**CITY OF BATH, MAINE
COUNCIL ORDER
AN ORDER DESIGNATING THE OAK LEDGE AFFORDABLE HOUSING
DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND
ADOPTING
THE DEVELOPMENT PROGRAM FOR SUCH DISTRICT**

WHEREAS, the City of Bath (the "City") is authorized pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specified area or areas within the City as an affordable housing development district and adopt a development program for such district; and

WHEREAS, there is a need for the development of affordable, livable housing in the City of Bath, in the surrounding region, and in the State of Maine; and

WHEREAS, the designation of the District and implementation of the Development Program will help to improve and broaden the tax base in the City and improve the economy of the

City and the region by attracting business development to the City; and

WHEREAS, the City has held a public hearing on the question of establishing the District, in accordance with the requirements of 30-A M.R.S.A. § 5250, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the *Oak Ledge Affordable Housing Development and Tax Increment Financing District* (the "District") and adopt a development program for the District (the "Development Program"); and

WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority ("MaineHousing") approving the designation of the District and the adoption of the Development Program for the District;

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE:

Section 1. The designation of the District and pursuit of the Development Program will contribute to the expansion of affordable housing opportunities in the City of Bath and will

contribute to the betterment of the health, welfare and safety of the inhabitants of the City, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the ***Oak Ledge Affordable Housing Development***

and Tax Increment Financing District and hereby adopts the Development Program for the District described as more particularly set forth in the documents presented to the City Council in conjunction with this Order.

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Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5250-A, the percentage of captured assessed value to be retained in accordance with the Development program is hereby established as set forth in the Development Program.

Section 4. The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to MaineHousing for review and approval pursuant to the requirements of 30-A M.R.S.A.

Chapter 206, Subchapter 3; and further is authorized and directed to execute a Credit Enhancement

Agreement consistent with the provisions of the ***Oak Ledge Affordable Housing Development and Tax Increment Financing District*** Development Program as presented and approved herein

and to create the accounts and take all the actions described in such agreement consistent with the Development Program.

Section 5. The City Manager be and hereby is authorized and empowered at his direction from time to time to make such revisions to the Development Program for the District as he deems

reasonably necessary or convenient in order to facilitate the process of review and approval of the

District by MaineHousing, or for any other reason, so long as such provisions are not inconsistent

with these resolutions or the basic structure and intent of the Development Program. The City Manager is also hereby authorized and directed to submit any reports to MaineHousing regarding

the District and Development Program throughout the term of the District.

Section 6. The City Manager be, and hereby is, authorized and directed to execute an agreement with the developer of the Oak Ledge affordable housing project regarding the District

property owner's obligations if the project becomes entitled to pay less than 100% of the property

tax obligation during the term of the District.

Section 7. The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon

receipt by the City of approval of the proposed District by MaineHousing without requirements of

further action by the City, City Council or any other party.

Section 8. The City hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for residential use, blighted area or is in need of rehabilitation

or redevelopment; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City, and the total area of all

development districts within the City does not exceed five percent (5%) of the total acreage of the

City; and

c. The original assessed value of the District plus the original assessed value of all existing affordable housing development districts within the City does not exceed five percent (5%) of the total value of the City.

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d. The District and pursuit of the Development Program will contribute to the expansion of affordable housing opportunities within the municipality or to the betterment of the

health, welfare or safety of the inhabitants of the City. The City has considered all evidence, if any, presented to it with regard to any substantial detriment to another party's existing property interests in the City and has found and determined that such interested party's property interests in

the City are outweighed by the contribution made by the District or Development Program to the

availability of affordable housing within the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 9. The City Manager is authorized to file the yearly reports required by Title 30-A M.R.S.A. § 5250-E and otherwise to take all lawful actions required in the administration of the

District and Development Program.

Dated: July 7, 2021

Motion made by Councilor Ambrosino to put on floor, seconded by Councilor Leonard

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

Assistant City Manager Marc Meyers explained the Order. Councilor Bailey asked about the projects area median income being based on 50% and not closer to 80%. Bill Pearse of Realty Resources stated that Maine Housing regulates what their projects can be based on. Councilor Leonard asked what the benefit to the city regarding the Tax Increment Financing is. Shana Cook-Mueller from Bernstein Shur provided explanation. Councilor Leonard being involved with the Bike and Pedestrian Committee asked about sidewalks being included in the project.

Councilor Ambrosino asked for clarification of the deadline of the application, and what the scoring system means.

Public Comment.

Bill Pearse of Realty Resources stated that there is a need for affordable housing.

John James IV of 30 Garden St. stated that the cost benefit for the city equals \$50,000 a year and the cost to educate would cost \$1 million.

Councilor Bauer stated that there should be more data. Chairperson Park explained that this could be tabled to a Special Meeting to be held July 21. Councilor Dingley asked if it was possible to view the properties that Realty Resources currently manages. Councilor Bailey stated that while she realizes people are struggling, the timeframe is compressed, the financial stability of the company (Realty Resources). Councilor Bauer stated that there should be an informed decision and not pushed due to an application deadline. Councilor DeChant expressed her concerns for more housing for moderate income.

Councilor Nordmann made motion to table to July 21st at a Special Meeting. Second by Councilor Bauer.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, DeChant, and Bauer

NAYS: Councilors Leonard and Dingley

Passed, 6-2

F. Petitions & Communications NONE

G. City Manager's Report 8:27pm

City Manager Peter Owen recognized the Solid Waste Advisory Committee for receiving a grant for composting for \$5768.00. He also spoke about ransomware attacks and what the city is doing for protection.

H. Committee Reports

Councilor DeChant updated the group regarding the Adhoc City Manager Search Committee concerning process, timeline, and job description.

Councilor Nordmann reports that the Winnegance Herring Commission will start repair construction on the fishway in September.

Chairperson Park reports that the Facilities Report will be presented in the future.

I. Unfinished Business

J. New Business

- 12) Reappointment of Travis Wolfel to the Bath Bicycle and Pedestrian Committee term to expire May 2024
- 13) Reappointment of Debora Keller and Carrie Kinne to the Community Development Committee terms to expire July 2024
- 14) Reappointment of Chris Timm and Jon Fitzgerald to the Economic Development Commission terms to expire July 2024

Motion made by Councilor DeChant to accept as presented, seconded by Councilor Bailey

ROLL CALL VOTE:

YEAS: Councilors Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed, 8-0

K. Councilor Announcements 8:35pm

Councilor Bailey announced that the Sharing Table from the Merrymeeting Gleaners is at the Patten Free Library providing free produce on Tuesdays from 1-4pm.

Councilor DeChant thanked the City for Fireworks display.

Chairperson Park announced that the meeting policy will be determined and brought to City Council at the next meeting.

EXECUTIVE SESSION: NONE

Discuss Real Estate Matter per 1 MRSA §405(6)(C)

ADJOURN

Councilor Bauer motioned to adjourn at 8:37pm, seconded by Councilor Ambrosino.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

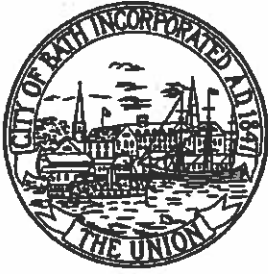
NAYS: None

Passed, 8-0

Meeting adjourned at 8:38pm.

Attest:

Darci L. Wheeler, City Clerk



CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

Memorandum

To: Chair Park, Vice Chair DeChant and Members of the City Council
CC: Marc Meyers, Assistant City Manager
Date: July 29, 2021
From: Peter H. Owen, City Manager
RE: Resignation

It has always been my plans to retire at 65. I reach that age on August 3, 2021. Therefore, I officially submit my resignation as City Manager of the City of Bath, effective August 20, 2021.

**ORDER
APPROVING INTERIM CITY MANAGER**

WHEREAS, the incumbent City Manager, Peter H. Owen, will be leaving the position of City Manager effective August 20, 2021; and

WHEREAS, his absence will leave the position of City Manager vacant; and

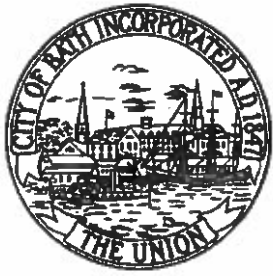
WHEREAS, it is necessary and appropriate to provide for an Interim City Manager to fill the position of City Manager; and

WHEREAS, the City Council is required to appoint a City Manager for an indefinite term in accordance with the provisions of Section 301 of the City Charter; and

WHEREAS, it has been recommended that Marc S. Meyers, the current Assistant City Manager, fill the position of Interim City Manager; and

WHEREAS, Marc S. Meyers has, on a number of occasions, in the absence of the current City Manager, filled the position as Acting City Manager.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Marc S. Meyers is hereby appointed the Interim City Manager for the City of Bath, effective August 21, 2021, and to remain in that position until a permanent City Manager is selected, approved by Council, and assumes the position of City Manager, or until further action of the Council.



CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

Memorandum

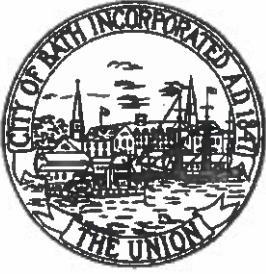
To: Chair Park, Vice Chair De Chant and Members of the City Council
CC: Peter Owen, City Manager
Date: July 30, 2021
From: Marc Meyers, Assistant City Manager; Juli Millett, Finance Director
RE: **Setting a Public Hearing -- Expenditure Limitation Charter Amendments**

At its August 4 meeting, the City Council will be voting on an order to set a public hearing on proposed charter amendments related to Section 617, Limitations on Municipal Expenditures. There will be a public hearing held on Wednesday, August 18, at 6 p.m. on the proposed charter amendments and action taken regarding sending the proposed charter amendments out to referendum in November.

As you remember from March's workshop, voters approved Section 617, "Limitations on Municipal Expenditures" in 1988 and it has been implemented in the City since Jan. 1, 1989, as a mechanism to limit the maximum increase of certain expenditures from one fiscal year to the next fiscal year using the National Consumer Price Index ("CPI") (the "Expenditure Limitation"). Section 617 includes exceptions to the Expenditure Limitation, including voter-approved bonds and related debt service, expenditures from grants, state-mandated expenditures, insurance proceeds, emergency appropriations and Regional School Unit 1 assessments.

Challenges:

- The Expenditure Limitation is intended to keep tax rates low. However, expenditures are not directly correlated with tax rates. the tax rate is expenditures divided by assessment. Regardless of expenditures, if the assessment has a large increase, the tax rate could go down, but if the assessment has a large decrease, taxes will go up.
- While some exemptions exist, there are still programs underneath the Expenditure Limitation that are not taxpayer funded.



CITY of BATH, MAINE

Office of the City Manager

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- There are also programs underneath the Expenditure Limitation that are mandated.
- Decisions on the operating and capital budgets are made based on the Expenditure Limitation, not to meet needs.
- Because debt service on voter-approved bonds is exempt from the Expenditure Limitation, the City may borrow money for capital projects, thereby incurring interest and financing costs, when it would be more financially responsible to fund such projects other ways.
- The City has received consistent feedback during public sale bond issues from rating agencies and financial advisors that the Expenditure Limitation is seen as a negative in the bond rating process.
- When the City agrees to new tax increment finance districts (TIFs) or credit enhancement agreements (CEAs), the City often forgoes its opportunity to benefit financially from the so-called tax shift benefit of TIFs because of the Expenditure Limitation. This works against the original goal of the Expenditure Limitation to control the tax rate.
- TIF revenues from the Downtown TIF district and Wing Farm TIF district are not exempt from the Expenditure Limitation. Eligible project costs cannot be made from these TIF revenues unless the costs can be fit under the limitation or voters approve borrowing for those projects. If the costs cannot be fit under the limitation, the revenues go unused.
- The BIW TIF, exempt from the Expenditure Limitation by state statute, expires in FY 2023 and the City will need an exemption or amendment to the charter provision to bring \$900,000 of annual expenses into the General Fund in FY 2024.

Since 2019, City staff, Shana Cook Mueller and Phil Saucier from Bernstein Shur and the City's Finance Committee have been working on proposed amendments to address these challenges and prepare for the end of the BIW TIF.

Proposed amendments:

- Adding "or program specific revenues" to exemption No. 3, which will exempt non-tax revenue-supported programming, such as the City Bus, the Train Station and the Trolley. Certain exemptions already exist for Special accounts, Recreation and the Armory, which are all funded by outside sources as well.
- Exemption of legally required employment programs, such as workers' compensation, unemployment and payroll taxes.
- Exemption of Sagadahoc County tax. Like the RSU 1, the County tax is an appropriation that the City does not control.
- Exemption of TIF districts, allowing the City to use TIF proceeds for specified projects without taking on unnecessary voter-approved debt and allowing the City to take full advantage of the tax shift benefit.

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Email: powen@cityofbath.com

Ships

Heritage

Progress



CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

- Exemption of the expenditures associated with the BIW TIF fund when the district expires. Without this amendment, the significant expenditures are suddenly counted towards the Expenditure Limitation calculation even though such expenditures have been occurring in previous years, all merely due to the expiration of the TIF district.

What will these proposed amendments accomplish:

- Alleviating constraints in the budget process created by costs over which the City has no control, by simply adding to the already-existing set of exemptions in the Expenditure Limitation relating to costs over which the City has no authority.
- Reduce the necessity to borrow for capital projects, thereby saving the City financing and interest costs.
- Allow for projects to be undertaken within TIF district development programs where there are existing fund balances, putting money the City already has but cannot use to productive use.
- Allow for the more strategic use of the tax increment financing program in achieving tax shift benefits.
- Allow for a smooth transition when the BIW TIF district expires without significant disruption to existing programs and services or negative consequences to the tax rate.

In addition to this Public Hearing, the City is preparing for an informational campaign, including sessions in September and October to inform the public about the reason behind these changes and why they are beneficial to the City.

ORDER
FOR PUBLIC HEARING
AND NOTICE OF PUBLIC HEARING

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THAT THE CITY COUNCIL, AS MUNICIPAL OFFICERS OF THE CITY, HAVING DETERMINED IN ACCORDANCE WITH THEIR AUTHORITY UNDER 30-A M.R.S. § 2104 (1), THAT THERE ARE CERTAIN AMENDMENTS TO THE BATH CITY CHARTER THAT SHOULD BE CONSIDERED, DOES HEREBY PROVIDE BY THIS ORDER FOR NOTICE TO BE GIVEN OF A PUBLIC HEARING RELATING TO THE PROPOSED CHARTER AMENDMENTS, SAID PUBLIC HEARING TO BE HELD ON WEDNESDAY THE 18TH DAY OF AUGUST, 2021, AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS ON THE 3RD FLOOR OF THE BATH CITY HALL, 55 FRONT STREET, BATH, MAINE. THE CITY CLERK IS INSTRUCTED TO CAUSE A NOTICE OF THIS PUBLIC HEARING TO BE PUBLISHED IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE CITY OF BATH AT LEAST SEVEN (7) DAYS PRIOR TO THE DATE OF THE HEARING THE NOTICE SHALL CONTAIN THE TEXT OF THE PROPOSED CHARTER AMENDMENT WITH A BRIEF EXPLANATION, ALL IN ACCORDANCE WITH THE PROVISIONS OF 30-A M.R.S. § 2104 (5). SUCH NOTICE SHALL ALSO BE POSTED IN THE SAME MANNER AS REQUIRED OF ORDINANCES UNDER § 221 OF THE CHARTER OF THE CITY OF BATH. THE TEXT OF THE PROPOSED CHARTER AMENDMENTS IS ATTACHED TO THIS ORDER AND WILL BE ATTACHED TO THE NOTICE OF PUBLIC HEARING.

Sec. 617. Limitations on Municipal Expenditures.

The maximum increase in appropriated expenditures for any fiscal year over those of the immediately preceding fiscal year shall not exceed the increase in the National Consumer Price Index (the "CPI") as determined by the Department of Labor for the United States government of the calendar year which ends within that immediately preceding fiscal year provided, however, that authorized actual expenditures, whether appropriated or otherwise, for any fiscal year shall include the following without regard to the foregoing maximum increase permitted for such fiscal year by the preceding sentence of this provision:

- (1) proceeds of any new bond issues received after their approval by public referendum or pursuant to Section 1002 of the City Charter.
- (2) any debt service required to support any new bonded indebtedness issued following its approval by public referendum or pursuant to Section 1002 of the City Charter.
- (3) expenditures to be funded in full or in part by grants or program specific revenues received by the City of Bath, to the extent of such grant monies or program specific revenues are actually received.
- (4) expenditures for programs mandated by the federal or state governments to the extent such programs are funded by federal or state authorities.
- (5) expenditures of insurance proceeds received as the result of damage to or loss or destruction of any asset, for acquisition of a replacement asset.
- (6) emergency appropriations approved by the City Council in accordance with the provisions of Section 611(B) of the Charter of the City of Bath.
- (7) School District assessments paid as a participating member under the provisions of LD 910, "An Act to Permit Public Schools in the Lower Kennebec River Area to Regionalize to Achieve Efficiency and Improve Quality." (11/5/07)
- (8) expenditures of payments for legally required employment programs.
- (9) expenditures of payments of county taxes to Sagadahoc County.
- (10) expenditures of tax increment financing revenues. When a tax increment financing district reduces captured value or terminates in any given fiscal year as compared to the prior fiscal year, the expenditures of revenues associated with the reduced or terminated captured assessed value shall be included in the determination of expenditures for the immediately preceding fiscal year for purposes of the expenditure limitation calculation.

Such authorized actual expenditures as described in sub-sections 1 through ~~7~~10 above shall not be added to appropriated expenditure for any fiscal year in determining the authorized increase in appropriated expenditures for the following fiscal year pursuant to this provision. (11/05/07)

In the first year of implementation for sub-section 8, such current fiscal year expenditures shall be captured for the budget fiscal year calculation. In the first year of implementation for sub-sections 3 with respect to program specific revenues, 9 and 10 above, such expenditures shall also be removed if necessary, from the current fiscal year for purposes of the budget fiscal year calculations.

CITY OF BATH, MAINE

450 Oak Grove Avenue
Bath, ME 04530

**DEPARTMENT OF PUBLIC WORKS**

Lee Leiner, P.E., Director
lleiner@cityofbath.com
207.443.8357
fax 207.443.8352

MEMORANDUM

TO: BATH CITY COUNCIL
FROM: LEE LEINER, PUBLIC WORKS DIRECTOR
SUBJECT: COUNCIL APPROVAL OF CONSTRUCTION CONTRACT WITH ST. LAURENT & SON, INC FOR THE WESTERN AVENUE, ACADEMY STREET AND COBB ROAD STORM DRAIN AND SEWER IMPROVEMENTS PROJECT
DATE: JULY 28, 2021
CC: PETER OWEN, BATH CITY MANAGER

This project includes the construction or replacement of sewers and storm drains in several areas of Bath:

1. Storm drains and catch basins on Western Avenue and Cottage Street and in the undeveloped area between them
2. Sewer replacement between Academy Street and Cobb Road
3. Relining of sewers near Seafarer Lane, Commercial Street, and west of High Street near the Academy Green development

Two bids were received with St. Laurent & Son of Lewiston, Maine being the lowest. The bid amount is \$1,549,215.00. The purpose of the project is to reduce the volume of groundwater and stormwater entering the sanitary sewer system. This will be accomplished by installing new storm drains and connecting them to existing storm water catch basins and by replacing aged sanitary sewers that are allowing groundwater to enter. The portion of existing sewer between Academy St. and Cobb Rd. is collapsing and needs immediate replacement.

The project is part of a \$9.8 million bond approved by the voters of Bath in November 2015. The bond is funded through grants and loans from the US Department of Agriculture, Rural Development Program, and the State of Maine Department of Environmental Protection Clean Water State Revolving Fund.

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

A public meeting to inform Bath residents of the project elements and schedule is planned for Thursday, August 19 at 6 PM in the City Hall auditorium.

St. Laurent & Son is experienced in performing this work and has completed similar projects for many Maine municipalities. Staff recommends the council approve this order.

ORDER

APPROVING BID AND CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF ST. LAURENT & SON, INC FOR THE 2021 BATH WESTERN AVENUE, ACADEMY STREET AND COBB ROAD STORM DRAIN AND SEWER IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,549,215.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND ST. LAURENT & SON, 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 WASTEWATER (FUND 7) ACCOUNT 07-0703-758.

F16

CITY OF BATH, MAINE

450 Oak Grove Avenue
Bath, ME 04530



DEPARTMENT OF PUBLIC WORKS

Lee Leiner, P.E., Director
lleiner@cityofbath.com
207.443.8357
fax 207.443.8352

MEMORANDUM

TO: BATH CITY COUNCIL
FROM: LEE LEINER, PUBLIC WORKS DIRECTOR
SUBJECT: COUNCIL APPROVAL OF CONSTRUCTION CONTRACT WITH J. PRATT CONSTRUCTION, INC FOR THE COMMERCIAL STREET EAST SIDEWALK PROJECT
DATE: JULY 28, 2021
CC: PETER OWEN, BATH CITY MANAGER

This project includes the construction of a new sidewalk on the east side of Commercial Street between the Guilford lot and Broad Street. The project also includes lighting, storm drains, a relocated utility pole and fire hydrant, and a new crosswalk across Commercial Street. The project is separate from the planned Riverwalk, but the design includes cooperative elements to allow the two walkways to connect.

Two bids were received with J. Pratt Construction, Inc. of Hebron, Maine being the lowest. The bid amount is \$458,081.63.

The project has been in the planning stage since 2011 and is a locally administered project in cooperation with the Maine Department of Transportation. It is funded through an agreement with MaineDOT with the City/State shares at 20%/80%.

The project was engineered by Ransom Consulting, LLC. The company will perform construction inspection and testing services.

J. Pratt Construction is experienced in performing this work. They have an excellent reputation and staff has a high level of confidence in their ability to perform the work in the allotted time and for the contract amount.

Staff recommends the council approve this order.

ORDER

APPROVING BID AND CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF J. PRATT CONSTRUCTION, INC FOR THE COMMERCIAL STREET EAST SIDEWALK PROJECT IN THE AMOUNT OF \$458,081.63 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND J. PRATT CONSTRUCTION, 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 CAPITAL ACCOUNT 05-0520-536.

CITY OF BATH, MAINE

450 Oak Grove Avenue
Bath, ME 04530

**DEPARTMENT OF PUBLIC WORKS**

Lee Leiner, P.E., Director
lleiner@cityofbath.com
207.443.8357
fax 207.443.8352

MEMORANDUM

TO: BATH CITY COUNCIL
FROM: LEE LEINER, PUBLIC WORKS DIRECTOR
SUBJECT: UPDATE TO ORDINANCE CHAPTER 14 – SEWERS
DATE: JULY 29, 2021
CC: PETER OWEN, CITY MANAGER

The sewer ordinance has not been updated in many years. The suggested update is significant and includes changes to:

1. Clean up typos and update language to reflect current practice.
2. Add to the existing definitions to clarify terminology, some of which is very technical
3. Clarify the functionality of the ordinance so that City staff can enforce the provisions clearly and correctly.

Adding definitions for things like FOG (fats, oils, and grease) and Break/Broken (pipe) will clarify the intent of the ordinance for new and existing users. Property owners are often not aware that a connection to the City sewer comes with some responsibility. Public Works is tasked with communicating with developers proposing new connections and property owners having trouble with their existing connection. Also, with industries/businesses who have a need to discharge sewage with characteristics that may be a challenge for the treatment plant to handle. Clear rules and terminology allow for more effective communication.

It is difficult for Public Works to enforce the ordinance as it is so outdated. Materials, processes, and methods have all changed over the years and the old terminology confuses contractors who are trying to follow the rules but use new materials and methods. For example, it is typical to use PVC pipe for sewers rather than vitrified clay as in the past. Or that the City must maintain access to cross country portions of the sewer system that are on private property. These, and many other issues occur regularly.

Finally, we are clarifying provisions related to contractors that perform sewer installations and repairs and the processes for billing customers. Property owners and the City should have some assurance that the contractor hired for the job is capable of properly installing the sewer pipes for durability and long life. And contractors who unexpectedly find sewer pipes while excavating should call Public Works prior to just fixing what they find, sometimes using poor techniques or inappropriate materials. Re-excavating is neither inexpensive nor convenient, for the owner, the City, or the public traveling over damaged roads.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 14. SEWERS

Revoke existing Chapter 14, Sewers, and replace with the attached:

Chapter 14

SEWERS*

Article 1. General Provisions

- § 14-01. Definitions.**
- § 14-02. Conflict with other laws.**
- § 14-03. Damaging property prohibited.**
- § 14-04. Investigations; notice of violation.**
- § 14-05. Abatement of violation by city.**
- § 14-06. Liability for damages.**
- § 14-07. Penalty.**

Article 2. Inspectors

- § 14-08. Authority to enter premises.**
- § 14-09. Authority to obtain information on industrial processes; trade secrets.**
- § 14-10. Liability for injury to city employee or to property.**
- § 14-11. Entry onto easements.**

Article 3 Use of Public Sewers

- § 14-12. Deposition garbage; objectionable waste prohibited.**
- § 14-13. Discharge of wastewater into natural outlets.**
- § 14-14. Use of privy or septic tank.**
- § 14-15. Use of public sewers required.**
- § 14-16. Discharges into sanitary sewers prohibited.**
- § 14-17. Stormwater and unpolluted industrial water; discharge into storm drain.**
- § 14-18. Prohibited discharges into public sewers.**
- § 14-19. Certain discharges subject to city approval.**
- § 14-20. Requirements for approval.**
- § 14-21. Grease and oil interceptors.**
- § 14-22. Maintenance of preliminary treatment facilities.**
- § 14-23. Control manhole required.**
- § 14-24. Standards for testing.**
- § 14-25. Determination of standards for industrial wastes.**
- § 14-26. Special agreements for industrial wastes.**
- § 14-27. Notification of city of change in volume or character of discharge.**
- § 14-28. Disposal of septic tank wastes at city facility.**

Article 4. Building Sewers

- § 14-29. Licensed persons to work on sewer; permit required.**

- § 14-30. Cost of installation and connection.
- § 14-31. Separate sewers required; exception.
- § 14-32. Responsibility for maintenance.
- § 14-33. Permits; classification; application; fee.
- § 14-34. Permit issuance; revocation; renewal.
- § 14-35. ~~Drain-layers~~Sewer Contractor license; insurance.
- § 14-36. Specifications of material.
- § 14-37. Rock excavation; use of explosives.
- § 14-38. Barricading of excavations.
- § 14-39. Repairing surfaces disturbed during work.
- § 14-40. Sewers connections in state highways.
- § 14-41. Inspections.
- § 14-42. Manner of installation.
- § 14-43. Warranty.

Article 5. Private Wastewater Disposal

- § 14-4~~43~~. When required.
- § 14-4~~54~~. Permit required.
- § 14-4~~65~~. Notification of inspection.
- § 14-4~~76~~. Compliance with state law required; discharge from septic tank.
- § 14-4~~87~~. Connection to public sewer.
- § 14-4~~98~~. Maintenance of disposal facilities.
- § 14-50~~49~~. Licensed sewer contractor~~drain-layer~~ required.
- § 14-51~~0~~. Applicability.

Article 6. Charges for Sewer Service

- § 14-52~~1~~. Betterment charges.
- § 14-53~~2~~. Use charges.
- § 14-54~~3~~. Billing; failure to pay; responsibility for payment.
- § 14-55~~4~~. Impact fee. Reserved.

Article 7. Private Lift Stations

- § 14-56~~5~~. Definition - private lift station.
- § 14-57~~6~~. Standards.
- § 14-58. Maintenance Requirements.
- § 14-59. System Design.
- § 14-60. Entry to City Sewer System.
- § 14-61~~57~~. Easement Required.

***Cross references-Building and electrical codes, Ch. 4A; housing, Ch.9; planning, Ch.12A; refuse, Ch.13; streets, Ch.15.**

SEWERS

CHAPTER 14. SEWERS ARTICLE 1. GENERAL PROVISIONS.

Sec. 14-01. Definitions.

(a) As used in this Chapter:

(1) Backflow Preventer shall mean a device inserted into a building sewer within 8-feet of the inner face of the building wall, but in no case within the City right-of-way, that when properly functioning prevents sewer contents from flowing into the building sewer from the sewer main. Installation of this device is required for all new or replacement building sewers.

(2) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure as prescribed in "Standard Methods for the Examination of Water and Wastewater" in five (5) days at 20°C, expressed in milligrams per liter.

(1)(3) Break (or Broken) shall mean the building sewer has been crushed, partially or completely, or has separated at a pipe joint. It shall not refer to cracks in pipe walls or the presence of clogs or tree roots.

(2)(4) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet (2.73 meters) outside the inner face of the building wall.

(3)(5) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

(4)(6) City shall mean the City of Bath, Maine or any lawful representative of the city empowered to act in its behalf.

(5)(7) Cleanout shall mean a means for inserting cleaning tools, for flushing, or for inserting an inspection light into sewers at bends.

(6)(8) Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

(7)(9) Easement shall mean an acquired legal right for the specific use of land owned by others.

(10) FOG (Fat, Oil, Grease) shall mean fats, oils, or greases in a physical state such that it will separate from wastewater and become a solid within the wastewater treatment system and which will serve as a hindrance to the proper operation of the public sewer system. These materials shall be separated from the flow of wastewater through the use of an interceptor, appropriately sized and placed for the building or operation, and as specified in the Plumbing Code.

(8)(11) Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(9)(12) Garbage shall mean animal and vegetable waste from the domestic and commercial handling, preparation, cooking, and dispensing of food, and from the handling, storage,

and sale of produce.

~~(10)~~(13) **Industrial Wastes** shall mean the wastewater from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

~~(11)~~(14) **Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

~~(12)~~(15) **Ph-pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration, in grams per liter of solution.

(16) **Plumbing Code** shall mean a code that provides regulations for the design, installation and inspection of building plumbing and sanitary systems enforced by the Plumbing Inspector.

(17) **Plumbing Inspector** shall mean the ~~Plumbing Inspector of the City~~City of Bath Code Enforcement Officer, or his authorized deputy, agent, or representative.

(18) **Private Force Main** shall mean a building sewer operating under pressure and serving one or more private properties.

~~(13)~~(19) **Properly Shredded Garbage** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

~~(14)~~(20) **Public Sewer** shall mean a sewer in which all owners of abutting properties have equal rights, and rights and is controlled by public authority.

~~(15)~~(21) **Sanitary Sewer** shall mean a sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

~~(16)~~(22) **Sewage Works** shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

~~(17)~~(23) **Sewer** shall mean a pipe or conduit for carrying wastewater.

(24) **Sewer Inspector** shall mean a representative of the Bath Public Works Department authorized to inspect excavation or construction activities related to building sewers.

(25) **Sewer Permit** shall mean written authorization from the Bath Public Works Department to a Licensed Sewer Contractor~~Drain Layer~~ to perform construction or maintenance on a building sewer.

~~(18)~~(26) **Slug** shall mean any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment facility

~~(19)~~(27) **Storm Drain** (sometimes termed "Stormed Sewer") shall mean a drain or sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

(28) **Street Line** shall mean the edge of the paved public way (street or sidewalk).

(29) **Street Opening Permit** shall mean written authorization from the Bath Public Works Department to excavate within paved or unpaved public ways for the purposes of performing utility installation or repairs. Such authorization will be granted under the conditions listed in Chapter 15 Streets of the Code of the City of Bath.

~~(20)~~(30) **Superintendent** shall mean the Superintendent of the wastewater treatment facility of the City, or his authorized deputy, agent or representative.

~~(21)~~(31) **Suspended Solids** shall mean total suspended matter that either floats on the

surface of, or is in suspension in water, sewage or other liquids, and which is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as that fraction of sewage that is not soluble in water.

(22)(32) Wastewater shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The alternate term is sewage.

(23)(33) Wastewater Treatment Facility shall mean any arrangement of devices and structures used for treating wastewater.

(Sewer Ord., Art. II, 1/21/76.)

Sec. 14-02. Conflict with other laws.

If a provision of this Chapter is found to be in conflict with any provision of zoning, building, safety or health or other ordinance or code of the City, the State, or the Federal Government existing on or subsequent to the effective date of this Chapter, that provision which in the judgment of the City establishes the higher standard of safety and protection of health shall prevail. (Sewer Ord., Art. XI, § 1, 1/21/76.)

Sec. 14-03. Damaging property prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater treatment facilities. Any person causing such damage violating this Section shall be referred to law enforcement for prosecution subject to immediate arrest under charge of disorderly conduct.

(Sewer Ord., Art. X, § 1, 1/21/76.)

If any portion of the wastewater collection or treatment system is uncovered during excavation for any reason, the excavator shall contact the Bath Public Works Department immediately and prior to making any repairs or backfilling over the item uncovered. No repair shall be attempted or made prior to inspection by the Public Works staff and approval.

Sec. 14-04. Investigations; notice of violation.

The City, upon being informed in writing of a possible civil violation of this Chapter or on its own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violations may exist. After investigation, any person found to be violating or in violation of any provision of this Chapter shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit, as determined by the City Manager, for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all such violations. (Sewer Ord., Art. IX, § 1, 1/21/76.)

Sec. 14-05. Abatement of violation by City.

If, after notice and demand, the violation has not been abated within the time specified, the City may, in addition to other remedies available, institute appropriate action including an injunction to

prevent, correct, restrain or abate any violation of this Chapter. The City or its agents shall have the authority to enter the premises, cause the violation to be abated, and recover any direct cost or expenses as provided for by the Maine Revised Statutes.

(Sewer Ord., Art. IX, § 3, 1/21/76.)

Sec. 14-06. Liability for damages.

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage, occasioned by the City by reason of such violations.

(Sewer Ord., Art. XII, § 1, 1/21/76.)

Sec. 14-07. Penalty.

Any person who fails to comply with the provisions of this Chapter other than those provisions pertaining to the payment of charges for services as established herein, and who shall continue any violation beyond the time limit provided for in Section 14-4 shall on conviction thereof, be punishable by a fine of not more than ~~One Five Hundred Dollars (\$100500.00)~~ for the first offense, of not more than Seven Hundred Fifty Dollars (\$750.00) for the second offense, and not more than One Thousand Dollars (\$1,000.00) for any third or subsequent violation within a Five (5) year period, payable to the Maine District Court for the benefit of the City. Each day that a violation continues shall constitute a separate offense and each offense shall be punishable by a fine as aforesaid. (Sewer Ord., Art. IX, § 2, 1/21/76.)

ARTICLE 2. INSPECTORS.

Sec. 14-08. Authority to enter premises.

The City and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Chapter.

(Sewer Ord., Art. VIII, § 1, 1/21/76.)

Sec. 14-09. Authority to obtain information on industrial processes; trade secrets.

Duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. An industry may withhold information considered confidential. The industry must establish that the ~~disclosure~~ revelation to the public of the information in question might result in an advantage to competitors. (Sewer Ord., Art VIII, § 2, 1/21/76.)

14-10. Liability or injury to City employee or to property.

While performing the necessary work on private properties referred to in Section 14-8, duly authorized employees of the City shall observe all safety rules applicable to the premises. The owner

shall be held harmless for injury or death to City employees, and the City shall indemnify the owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in Section 14-41. (Sewer Ord., Art. VIII, § 3, 1/21/76.)

Sec. 14-11. Entry onto easements.

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds ~~a duly negotiated easement rights~~ for the purposes of, but not limited to, ~~inspection, inspection~~ observation, measurement, sampling, repair, and maintenance of any portion of the wastewater treatment facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Sewer Ord., Art. VIII, § 4, 1/21/76.)

ARTICLE 3. USE OF PUBLIC SEWERS.

Sec. 14-12. Depositing garbage; objectionable waste prohibited.

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City ~~or in any area under the jurisdiction of the City~~, any human or animal excrement, garbage, or objectionable waste. (Sewer Ord., Art. III, § ~~1, 1~~, 1/21/76.)

Sec. 14-13. Discharge of wastewaters into natural outlets.

No person shall discharge into any natural outlet within the City, ~~or in any area under the jurisdiction of the City~~, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this Chapter. (Sewer Ord., Art. III, § 2, 1/21/76.)

Sec. 14-14. Use of privy or septic tank.

When a public sewer is available, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater, except as hereinafter provided. (Sewer Ord., Art. III, § 3, 1/21/76.)

Section 14-15. Use of public sewers required.

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the City, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer

in accordance with the provisions of this Chapter and the Maine Plumbing Code, within one hundred eighty (180) days after the sewer is complete and ready for use. However, any owner of property which utilizes a septic system which meets all Code requirements and is functioning properly, shall not be required to connect to the City's public sewer, as long as that septic system remains in compliance with applicable Codes and does not malfunction. At any time that repair or replacement of the septic system is required or at any time that the system malfunctions, connection to the proper public sewer shall then be required. (Ord. 88-20)

Sec. 14-16. Discharges into sanitary sewers prohibited.

No person shall intentionally discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, uncontaminated industrial cooling water, or unpolluted industrial process waters into any sanitary sewer.
(Sewer Ord., Art. VI, § 1, 1/21/76.)

Sec. 14-17. Stormwater and unpolluted industrial water; discharge into storm drains.

Stormwater shall be discharged into storm drains or into a natural outlet approved by the City or other regulatory agency. Unpolluted industrial cooling water or process waters may be discharged, on approval of the City or other regulatory agency, into a storm drain, or natural outlet. (Sewer Ord., Art. VI, § 2, 1/21/76.)

Sec. 14-18. Prohibited discharges into public sewers.

(a) No person shall discharge or cause to be discharged any of the following described wastes or waters containing ~~or~~ wastes into any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment facility, including but not limited to: cyanide, heavy metals, strong acids and basic wastes;
- (3) Any waters or wastes having a Ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewage works; or
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Sewer Ord., Art. VI, § 3, 1/21/76.)

Sec. 14-19. Certain discharges subject to City approval.

(a) No person shall discharge or cause to be discharged the following described substances,

materials, water or wastes if it appears likely in the opinion of the City that such waters can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment facility, degree of treatability of wastes in the wastewater treatment facility and other pertinent factors. The substances prohibited are:

(1) Any slug of liquid or vapor having a temperature higher than one hundred forty (140°F) (60°C).

(2) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures above thirty-two (32°F) (0°C).

(3) Any garbage that has not been properly shredded. The ~~installation and~~ installation and operation of any garbage grinder equipped with a motor of three fourth (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, arsenic, cadmium, cyanide, lead, mercury, nickel, silver, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the City or Federal effluent limitations for such materials.

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite wastewater to meet the requirements of the State, Federal or other public agencies which have jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State and Federal regulations.

(8) Any waters or wastes having a Ph in excess of 9.5.

(9) Materials which exert or cause:

(A) Unusual concentrations of inert suspended solids, (such as, but not limited to, Fullers Earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(C) Unusual chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility;

(D) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;

(E) Any water or wastes having a five (5) day BOD greater than three hundred (300) milligrams per liter;

(F) Any water or wastes containing more than three hundred fifty (350)

milligrams per liter of suspended solids; or;

(G) Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, ~~fermesforms~~ suspended solids which interfere with the collection system, or creates a condition deleterious to structures and wastewater treatment processes.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
(Sewer Ord., Art. VI, §4, 1/21/76.)

Sec. 14-20. Requirements for approval.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 14-19 and which in the judgment of the City may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of ~~discharge;~~ discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(b) If the City or Federal effluent limitations require the pretreatment or equalization of waste flows, the design and installation of the structures and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable codes, ordinances and laws.
(Sewer Ord., Art. VI, § 5, 1/21/76.)

~~(b)(c)~~ Permit Issuance. The City of Bath may require an industrial discharger to adhere to an industrial discharge permit in order to discharge to the wastewater treatment plant.

Sec. 14-21. Grease and oil interceptors.

(a) Grease, oil and sand interceptors shall be provided by the generator when in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the City, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas tight, and water tight.

(c) In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured material and, shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by the owner and/or his personnel must be ~~performed~~performed by a currently licensed waste disposal firm.

(Sewer Ord., Art. VI, § 6, 1/21/76.)

(d) FOG Program. The City of Bath Wastewater Superintendent will create and maintain a policy addressing fats, oils, and greases generated by Bath residents and businesses and potentially directed to the City sewer system.

Sec. 14-22. Maintenance of preliminary treatment facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Sewer Ord., Art. VI, § 6a, 1/21/76.)

Sec. 14-23. Control manhole required.

When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, ~~sampling~~sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Sewer Ord., Art. VI, § 7, 1/21/76.)

Sec. 14-24. Standards for testing.

All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and a suspended solids analyses are obtained from composites of all outfalls whereas pH's are determined from periodic grab samples. The duration of the period for the composite sample shall be determined by the City based on the operating cycle of the industrial concern. (Sewer Ord., Art. VI, § 8, 1/21/76.)

Sec. 14-25. Determination of standards for industrial wastes.

The City, with the advice of a consulting engineer, shall determine the quantity and quality of all industrial wastes which can be properly taken into the sewerage system and treated at the wastewater treatment facility, in addition to the sanitary wastewater from the City.
(Sewer Ord., Art. VI, § 9, 1/21/76.)

Sec. 14-26. Special agreements for industrial wastes.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement permitted by law between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment ~~therefore, therefore,~~ by the industrial concern.
(Sewer Ord., Art. VI, § 10, 1/21/76.)

Sec. 14-27. Notification of City of change in volume or character of discharge.

As required by Federal regulations, the City shall be notified at least forty-five (45) days prior to any proposed substantial change in volume or character of wastewater or pollutants discharged to the sewage works by any person.
(Sewer Ord., Art. VI, § 11 1/21/76.)

Sec. 14-28. Disposal of septic tank wastes at City facility.

The Wastewater Treatment Facility shall be open to receive septic tank wastes from residents of the City of Bath and from residents of other municipalities who may contract with the City of Bath for disposal of septic tank wastes generated by their residents. The Facility shall be open and operated at times determined by the Superintendent~~between the hours of 7:00 A.M. and 21:00 P.M., Monday through Friday Thursday, and 7:00 A.M. and 9:00 A.M., Friday, except~~ holidays, for the purpose of receiving septic tank wastes, and; at such other times as the Superintendent may deem appropriate. There shall be a disposal fee which shall be paid, in the case of Bath residents, prior to bringing wastes to the Treatment Plant. In the case of other municipalities who contract with the City of Bath, said payment shall be the responsibility of the municipality-septic hauler and shall be paid in accordance with the terms of the contract. The charge for dumping septic tank wastes shall be set by resolution of the Bath City Council. The City of Bath further reserves, through the Superintendent of the Facility, the right to accept or reject all wastes.

ARTICLE 4. BUILDING SEWERS.

Sec. 14-29. Licensed persons to work on sewer; permit required.

Plumbers and Drain-Layers~~Contractors of established reputation and experience, licensed as Master Plumbers, will be permitted by the City of Bath as Master Drain-Layers~~Sewer Contractors authorized to perform work, subject to compliance with the following requirements:

- (a) Applicants for licenses are required to pay a filing fee as a Master Drain-Layer~~Sewer Contractor, payable to the City of Bath; the fee shall be based on the current fee schedule adopted by the Bath City Council.~~

- (b) If approved by the Director of Public Works or his/her designee, applicants for a drain layerSewer Contractor permit will remain in effect for one year from the date of application.
- (c) Applicants for drain-layera Sewer Contractor permit will be approved or disapproved within a period of thirty-one (31) calendar days after filing the application.
- (d) The following criteria shall be used by the City concerning decisions to approve or disapprove applications for the permit as a Drain-LayerSewer Contractor and shall serve as minimum requirements for the approval of such permits:
- The applicant has paid the permit fee set forth
 - The applicant has complied substantially with the City of Bath Sewer Ordinance within the period of the prior twelve months.

No unauthorized person shall uncover, make connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining the proper permits as required by the City.

Contractors performing sewer and/or drain work as part of a project designed, bid, and managed by the City, shall not be required to obtain a Sewer Contractor permit.

~~No unauthorized person shall uncover, make any connections with or opening into, use, alter, repair or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. All work relating to the installation and repair of building sewers shall be performed by persons licensed for such work by the City, or homeowners who are doing work within the limits of their property, if approved by the City. (Sewer Ord., Art. V, § 1, 1/21/76.)~~

Sec. 14-30. Cost of installation and connection.

All costs and expense incident to the installation and connection of the building sewer-, except where originally installed by the City, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by his installation of the building sewer. (Sewer Ord., Art. V, § 1, 1/21/76.)

Sec. 14-31. Separate sewers required; exception.

(a) A separate and independent building sewer shall be provided for every building, except when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

(b) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City to meet all requirements of this Chapter. All costs of such tests shall be borne by the owner. (Sewer Ord., Art.V, §1, 1/21/76.)

(c) For any change of use within a building, or expansion or alteration to a building, which results in an increase in the sewer unit charge, a new sewer connection fee is due for each

additional sewer unit change.

(b)(d) Owners of building sewers passing over or through land under separate ownership will be solely responsible for acquiring and maintaining the permission of the separate owner for the presence of the building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from malfunctioning building sewers on neighboring properties.

Sec. 14-32. Responsibility for maintenance.

The owner shall be responsible for the maintenance and replacement of that portion of the building sewer running from the wall of the building to a street line, or, if the connection to the public sewer is not within the street right-of-way, then to that connection. The City shall be responsible for maintenance and replacement of public sewers and private building sewers, to the extent that private sewers run under a City Street or Public Way. It is the purpose of this Ordinance to define the division line between areas of public responsibility and areas of private responsibility as the street line, or if the connection is not within a City Street, then at the connection with a public sewer.

The owner, however, shall continue to be responsible for the maintenance and replacement of any portion of a private line which is a force main, regardless of its location, and for the maintenance and replacement of private lift stations.

Maintenance shall not include services necessary due to clogged pipes, ~~but pipes but~~ applies only to maintenance required due to broken or damaged pipes. The owner shall be responsible for removal of such clogs in all pipes up to its connection with the City main.

It is the property owner's responsibility to promptly notify the City of Bath Public Works Department at the first sign of a possible problem or clog with the property's sewer line. Unless promptly notified, the City will not be responsible for any cost or expense incurred by the owner in the response to the problem or clog if it is later determined that the problem or clog is in the public sewer.

Sec. 14-33. Permits; classifications; application; fee.

(a) There shall be two (2) classes of building sewer permits: (1) Residential and commercial service; and (2) Service to establishments producing industrial wastes.

(b) All applications for a permit must be made at the ~~office of the Plumbing Inspector~~ Bath Public Works Department between the hours of 7:30 A.M. and ~~4:30~~ 3:30 P.M. weekdays. A permit fee shall be paid for single residential buildings, commercial ~~service,,service,~~ multi-unit residences, and industrial buildings. A permit fee for each classification shall be determined by Resolution of the Bath City Council.

(c) A connection charge ~~of One Hundred Dollars (\$100.00)~~ shall be paid for each sewer connection permit in those instances where the City has already installed the building sewer to the street line. In all other cases, the full cost of connection shall be borne by the applicant, in addition to charges for sewer services established pursuant to Sections 14-18 to 14-28 of this Chapter. The connection charge may be amended from time to time by Resolution of the Bath City Council. (Ord. 8-24-88)

Sec. 14-34. Permit issuance; revocation; renewal.

(a) Permits will not be issued until the applicant has filed a layout plan showing the location of existing service connection, house location and route of sewer service, and the layout has been approved by the City.

(b) Permits will only be issued to sewer contractors ~~drain-layers~~ licensed to lay drains in the City, and to homeowners qualified under Section 14-29. Permits are not transferable.

(c) Permits shall be subject to revocation when any of the rules and regulations contained in this Chapter are not being followed.

(d) If the work under the permit is not completed within ninety (90) days, renewal of the permit must be obtained.

(Sewer Ord., Art. V, § 2, 1/21/76.)

(e) Payment of a deposit fee shall be made at the time of permit issuance. Following sewer construction and/or repair, the permittee shall return to the Public Works Department a sewer tie sheet showing the location of the installed or repaired sewer service. Upon return of the completed tie sheet, the deposit will be returned to the permittee. The amount of the deposit will be as shown in the fee schedule in this chapter.

Sec. 14-35. ~~Drain-layers~~Sewer Contractor license; insurance.

(a) Licenses to connect building sewers to the common sewers shall be issued to experienced and competent contractors. Licenses must be renewed annually on January 1. The fee for such license shall be ~~One Hundred Fifty Dollars (\$150.00) payable to the City as noted in the schedule of rates later in this chapter~~ and the licenses shall be obtained at the office of the City Clerk. The fee amount may be amended from time to time by Resolution of the Bath City Council. (8/06/2003)

(b) ~~Drain-layers~~Sewer Contractors doing work under this Chapter shall maintain minimum insurance coverage as follows:

Public Liability	\$100,000/\$500,000
Property Damage Liability	\$100,000/\$500,000
Public Liability	\$100,000/\$500,000
Property Damage Liability	\$100,000/\$500,000

and shall file a certificate of the same with the City.

(c) Violation of the requirements of this Chapter shall be cause for revocation of any license and/or permits issued hereunder.

Sec. 14-36. Specifications of material.

(a) Pipe and fittings:

- ~~S to be used in the work shall be either asbestos-cement, extra-heavy-cast-iron-soil pipe or vitrified clay~~SDR 35 PVC Sewer Pipe, six (6) inches or more in diameter.
- Pipe shall be green color.

(a)(b) ~~In general~~general-, sewer services will not be allowed to have more than two (2) angle points, or a total angular deviation of more than one hundred eighty (180) degrees, unless granted a variance by the City. Cleanouts shall be installed at each deflection and/or every one hundred (100) foot length.

(b)(c) All services shall be laid in an envelope of washed, screened gravel with not less than six

(6) inches of the material all around the barrel of the pipe. Maximum stone size shall be three-quarter (3/4) inch.

~~(e)~~(d) All pipe and fittings shall be laid to a minimum slope of one-fourth (1/4) inch per foot unless otherwise approved by the City.

~~(d)~~(e) The line and grade of the pipe and fittings shall be controlled by the use of a transit or batter boards and string lines set for this purpose. Batter boards shall not exceed a distance of thirty (30) feet apart unless otherwise allowed by the City. Batter boards are to be set by the contractor.

~~(e)~~(f) The trenches shall be excavated from the end of the existing sewer service to its point of connection to the building plumbing outlet. Pipe and fittings laid in trench shall not be backfilled until the work is inspected by the City.

~~(f)~~(g) Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain may be lifted by a City approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City for purposes of disposal of polluted surface drainage. (Sewer Ord., Art. V, §4, 1/21/76.)

Section 14-37. Rock excavation; use of explosives.

(a) When ledge is encountered in the excavations, a permit must be obtained from the Fire Chief for the use of explosives.

(b) All blasting shall be done in accordance with the requirements of Chapter 8 and all Codes included therein by reference and with such other requirements as may be necessary and appropriate for safety purposes as imposed by the Fire Chief.

(c) All blasting must be done by a person licensed by the City of Bath for this purpose in accordance with applicable State Laws. In addition, a permit for each blasting occurrence must be obtained from the Office of the City Clerk in accordance with the Fee Schedule set forth in reference to Chapter 8 of the Code. In addition, proof of public liability and property damage insurance in the amount of \$500,000 minimum is required before issuance of a blasting permit.

Sec. 14-38. Barricading of excavations.

All excavations and obstructions shall be adequately barricaded and lighted at all times to protect the public from harm. (Sewer Ord., Art. V, §6, 1/21/76.)

Sec. 14-39. Repairing surfaces disturbed during work.

(a) Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the City.

(b) Trenches shall be backfilled and compacted and the street surface repaired in accordance with requirements specified on the "Permit to Open Street", and in compliance with Article 3 of Chapter 15 of this Code.

(c) Power shovels, bulldozers, loaders, trucks and other equipment shall not be operated on or

across sidewalks, berms, curbing, etc., until they have been properly protected from damage by ~~Planking~~ planking or other approved means. All damage resulting from the drain layer's operations shall be repaired by them.

Sec. 14-40. Sewer connections in State highways.

When making sewer connections in State Highways, the necessary Permits from the ~~State~~ Maine Department of Public Works Transportation must be obtained prior to the issuance of a sewer connection permit. All work shall then be done in accordance with the requirements set forth in the permit from the ~~State-Maine~~ Department of Public Works Transportation. Any costs in connection therewith shall be borne by the applicant. (Sewer Ord., Art. V, §6, 1/21/76.)

Section 14-41. Inspections.

(a) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made

under the supervision of the City or its representative. Requests for inspections of sewer service connections shall be made to the City before 2:00 P.M. on the day preceding installation of same.

(b) Inspections will be made only during normal working hours of the ~~Plumbing Inspector, Bath~~ Public Works Department.

(c) A charge for inspection shall be made in the amount specified in the rate chart of this ordinance. ~~of fifteen dollars (\$15.00). With an additional charge of ten dollars (\$10.00) to be made for inspections made before or after normal working hours.~~ The charge for inspection may be amended from time to time by resolution of the Bath City Council.

(d) Services in excess of one hundred (100) feet in length are subject to review and such other requirements as may be found necessary to assure a functional connection.

Sec. 14-42. Manner of installation.

(a) In new construction, and where practicable in existing buildings when the common sewer is sufficiently deep, service shall be laid directly, with deflections, from the house plumbing vent stack to the connection provided at the common sewer.

(b) Tunneling shall not be allowed unless special permission for same is given.

(c) Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

(d) Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be completely filled with suitable material to the satisfaction of the City.

(e) Connections shall not be cut into common sewers without permission.

(f) All pipe joint connections shall be watertight.

(Sewer Ord., Art. V, § 7, 1/21/76.)

(g) There shall be no change diameter without the use of an appropriate fitting.

(h) Installation of a backflow prevention device is required on the building sewer and shall be installed so that it is accessible for future maintenance.

(i) Installation of a street-facing cleanout is required as close to the building as possible.

(j) When constructing a new connection or repairing or replacing an existing connection to a sewer main that has been relined, the connection shall be made with an "Inserta-T" type watertight fitting. A hole in the lined pipe shall be made with a coring machine to create a clean hole without rough edges. Service entrances to lined pipes that are to be abandoned shall be sealed with concrete and a rubber cap.

(k) Following installation of a new or repair of an existing building sewer, the drain layer shall provide an as-built sketch of the installation on a form provided by the City. The sketch shall include at least two measurements (ties) to all bends and connections from the corners of a building and notes on the depth of the installation.

Sec. 14-43. Warranty.

Sewer Contractors employed by private entities and performing sewer and/or drain installation and/or repair within the public right-of-way shall offer a minimum of one-year warranty against defects in the work that require re-excavation and repair. The re-excavation and repair work shall be performed gratis at the request of the City.

ARTICLE 5. PRIVATE WASTEWATER DISPOSAL.

Sec. 14-443. When required.

Where a public sanitary or combined sewer is not available under Section 14-15, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article. (Sewer Ord., Art. IV, § 1, 1/21/76.)

Sec. 14-454. Permit required.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the City. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications, and other information required by the Maine Plumbing Code. (Sewer Ord., Art. IV, § 2, 1/21/76.)

Sec. 14-465. Notification of inspection.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The notification for inspection shall be made twenty-four (24) hours before the disposal system is to be inspected by the local Plumbing Inspector. (Sewer Ord., Art. IV, § 3, 1/21/76.)

Sec. 14-476. Compliance with State law required; discharge from septic tank.

(a) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all laws and regulations of the State of Maine, Department of Health and Welfare.

(b) No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Sewer Ord., Art. IV, § 4, 1/21/76.)

Sec. 14-487. Connection to public sewer.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 14-15, a direct connection shall be made to the public sewer within one hundred eighty (180) days. Any abandoned holding tank and connection thereto shall be filled and sealed in accordance with the provision of the Maine Plumbing Code. (Sewer Ord., Art. IV, § 5, 1/21/76.)

Sec. 14-498. Maintenance of disposal facilities.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City. (Sewer Ord., Art. IV, § 6, 1/21/76.)

Sec. 14-5049. Licensed ~~drain-layer~~sewer contractor required.

No private sewer or drain shall be laid or repaired except by an experienced ~~drain-layer~~sewer contractor licensed and approved by the City. The ~~drain-layer~~sewer contractor shall be held responsible for any expense to the City on account of any imperfect work done by him or his employees. (Sewer Ord., Art. IV, §8, 1/21/76.)

Sec. 14-510. Applicability.

Nothing contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the City. (Sewer Ord., Art. IV, §7, 1/21/76.)

ARTICLE 6. CHARGES FOR SEWER SERVICE.

Sec. 14-521. Betterment charges.

(a) The owner of any house, building or other property used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley, or right-of-way in which a public sewer has been installed after the effective date of this Chapter may pay to the City a betterment charge; provided that the structure or its existing individual on-site sanitary disposal system is within two hundred (200) feet of the public sewer. The betterment charge may be applicable whether the structure or its sanitary disposal system is connected to the public sewer or not. In cases where a structure is beyond two hundred (200) feet of the public sewer, the owner may pay to the city a betterment charge when and if such structure or its individual on-site sanitary disposal system is connected to the public sewer system.

(b) The amounts of the betterment charges may be as established by the City from time to time. The betterment charges may be determined so that the total of such charges will not be greater than the actual net cost to the city of the wastewater collection system constructed by the city, including the portion of the building sewers in public streets and rights-of-way, the collecting sewers and other facilities required to convey the wastewater to the treatment facility of the city. Costs associated with the capacity of such facilities provided for expansion of the collection system to presently unsewered areas will be excluded from the current betterment charges. (Sewer Ord., Art. VII, § 1, 1- 21-76) (Ord. 88-20 - 8-24-88)

Sec. 14-532. Use charges.

(a) Each user connected to the wastewater system shall pay a sewer user charge (sewer rental charge). From time to time, the Council, upon recommendation from the City Manager, shall establish by Resolution a schedule of rates for the sewerage system use charges together with any surcharges which may be applicable. The normal sewer user charges shall be based on water use wherever possible, ~~but possible but~~ may include a minimum rate. If records of metered use are not available, or do not properly reflect the quantity of waste discharged, the sewer user charge shall be based upon estimated water use or an actual measurement of the volume of waste discharged into the sewerage

system. In instances where it may be demonstrated by the User that water use readings do not reasonably reflect the quantity of waste discharged, and the User can further demonstrate that water is being deferred for other uses before being discharged into the waste system, the User may install a dedicated water meter the purpose of which shall be exclusively to measure the quantity of water consumed for those other purposes. ~~Ninety per cent (90%)~~ One Hundred percent (100%) of the volume of such metered water used for other purposes and not discharged into the system, shall be subtracted from incoming water meter reading to arrive at the volume used for billing purposes. The type of meter to be installed and its installation, shall be with specific advanced approval of the City Bath Water District. All costs associated with the installation and proper maintenance of the meter shall be borne by the User without liability to the City and Bath Water District. ~~Meters which are currently installed and being utilized for measurement of water usage being diverted from discharge into the waste water system, may continue to be utilized for that purpose and need not be replaced. The homeowner/resident shall continue to notify the City with regard to meter readings at appropriate times.~~ The City of Bath reserves the right to access the premises currently being served by these meters for the any purpose of verifying readings, determining accuracy of the measurements and for any other purpose related to calculation of the user charge. This provision is intended to grandfather those meters which are now in use. Surcharges may be levied to users whose waste characteristics are above normal strength, the formula or other method for levying such surcharges to be established by Resolution of the City Council in the same manner as sewer user charges. In addition, the City Council, by Resolution, is also authorized to establish an interest charge for all sewer user charges or surcharges which have not been paid. ~~If the billing is on a monthly basis, then the interest shall be assessed thirty (30) days from the date of billing; if the billing is on a quarterly basis, then the interest shall be assessed sixty (60) days from the date of billing.~~ Interest shall be assessed on the day after the due date of the bill. The said interest rate shall be set from time to time by Resolution of the City Council. (Sewer Ord., Art. VII, 1-21-76; Ord. 11-10-76; Ord. 10-4-78; Ord. 9-23-92; Ord. 7-9-12)

(b) The sewer user charge shall be calculated so that the total of such charges will not be greater than the actual cost to the City of the operation and maintenance (including replacement) of the wastewater collection system and the wastewater treatment plant. No portion of the rate shall be calculated to include, nor shall funds raised through the user charge be used to separate the wastewater system of the City from the storm water system, nor to maintain, repair or replace the storm drain system of the City.

(c) In the event that the revenues received from the sewer user charge exceed the actual cost to the city for the operation and maintenance (including the replacement) of the wastewater collection system and wastewater treatment plant, then any such surplus shall be rebated to the user in such manner as the City Council, upon recommendation of the Finance Director, shall require by Resolution. The amount of such surplus is to be determined by the Finance Director and is not to include, under any circumstances, any monies included in the budget as a rate stabilization amount. (Sewer Ord., Art. VII, 1/21/76; Ord. of 11/10/76; Ord. of 10/4/78)

Sec. 14-543. Billing; failure to pay; responsibility for payment.

(a) Sewerage system use charges shall be billed periodically as determined by the city council, by resolution, upon the recommendation of the finance director. Where sewerage system rates, fees or use charges provided for herein are not paid within ~~sixty (60)~~ thirty (30) days, these rates, fees or charges shall be collected in accordance with Sections 4263, 4355, and 4453 to 4455 of Title 30, M.R.S.A.

(b) The sewerage system use charges herein established shall be collected from the owners, occupants and users of premises within the city from and after the effective date of this chapter. The ultimate responsibility for payment of such charges is upon the owner of such premises. (Sewer Ord., Art. VII, 1-21-76; Ord. of 11-10-76)

(c) Charges for use of the sewerage system may be abated by action of the City of Bath City Council Finance Director. The abatement process and standards for abatements shall be in accordance with the procedure for infirmity or poverty abatements as indicated in 36 M.R.S.A. Section 841 and shall be specifically subject to the confidentiality provisions of Section 841(2)(E). (Sewer Ord. 9/20/00)

Sec. 14-554. Impact fee.

In instances where the development of any parcel of land within the City of Bath results in the need to construct, replace, upgrade, reconstruct, enlarge, or repair, any sewerage facility, including but not limited to any pipe, pumping station/ or treatment plant, or any stormwater drainage facility, then the costs of that activity shall be borne by the developer. The Bath City Council may waive such impact fee or portion thereof when it is deemed to be in the best interests of the City to do so. Development shall be any change in use of a parcel of land or the addition or replacement of any structures on a parcel of land.

The developer shall indicate the number of gallons per day (GPD) expected to be introduced to the sewer system from the new development. The GPD appropriate for the size and type of development shall be based on well-accepted industry standards or actual measurements. The impact fee in dollars will be calculated to be three-times (3)N times the GPD for the entire development, as calculated from time to time.

SCHEDULE OF SEWER RATES		
Quarterly and Residential based on Bath Water District meter readings		
Minimum charge per quarter		\$49.75
Volume upon which minimum charge is based		600 cubic feet
Additional charge per 100 CF of volume in excess of minimum volume		\$8.10
New sewer connection fee		\$2,000.00
Betterment fee		\$500.00
Impact fee		To be determined on a case by case basis
Monthly Commercial based on Bath Water District meter readings		
Minimum charge per month		\$18.40
Volume upon which minimum charge is based		200 cubic feet
Additional charge per 100 CF of volume in excess of minimum volume		\$8.10
New sewer connection fee		\$2,000.00
Betterment fee		\$500.00
Impact fee		To be determined on a case by case basis
Facilities Based on Flat Water Rates or Individual Wells		
Flat quarterly rate for users on wells		\$157.50
Volume upon which minimum flat quarterly rate is based		2000 cubic feet
Significant Industrial Users/Septage Disposal		
Charge per 100 CF of volume directly metered		\$8.20
Septage disposal (per 1,000 gallons)		\$125.00
Special Waste Fee (per gallon)		\$0.50
Other Fees		
Catch Basin Fees (per quarter)		\$250.00
Drain Layers License		\$100.00
Inspection Fee		\$0.00
After-hours Inspection Fee		\$75.00
Sewer Tie Deposit		\$50.00

ARTICLE 7. PRIVATE LIFT STATIONS

Sec. 14.565. Definition - private lift station.

A private lift station shall be defined as a facility for the purpose of collecting sewerage and wastewater and conveying same under force into the City's public sewer through the use of pumps or other similar ~~devises~~devices.

Section 14.576. Standards.

The construction, repair and maintenance of any private lift station and any portion of any private wastewater disposal system connected thereto, shall be in conformity with standards promulgated by Resolution of the Bath City Council, which said standards may be from time to time amended by further Resolution of the Bath City Council.

Section 14.587 Maintenance Requirements

All private pump stations, lift stations and ejector stations and attendant facilities shall be properly maintained by a qualified mechanic or operator, and a proposed schedule and method of maintenance shall be subject to the approval of the City. Records of runtimes, maintenance, etc. will be supplied to the City upon request.

Section 14.597 System Design.

Any new, repaired, or replaced private pump station will be designed by a registered professional engineer. An engineered drawing indicating the following shall be submitted to the City with an application for a sewer permit:

- a. Pump design parameters and sizing
- b. Pressure pipe design, location, and details showing the connection to the City sewer system
- c. Pipe sizes, materials, fittings, slopes, cleanouts, etc. shall be shown
- d. Backfill and pavement restoration within the City right-of-way shall be as required by the Public Works Director

~~All private pump stations, lift stations or ejector stations shall be equipped with at least two pumps, each of which shall have a capacity to pump the total design flow of the facility and each being provided with automatic switches which will ensure uninterrupted operation in case of overload or failure of the other. It shall also be equipped with an approved alarm system designed to provide warning in case of mechanical failure.~~

Section 14.6058 Entry to City Sewer System.

All private lift station pressure service pipes shall transition to gravity flow outside the City

right-of-way. The use of a control manhole or other access structure may be utilized. The gravity pipe shall be constructed as per the requirements of section 14-36. If the local topography and site constraints cause a gravity transition to be impossible, the service may enter the City system in a pressure state. Details for this type of entry will be as required by the Public Works Director. The easement procedures in the next section will be followed for any such instance.

Section 14.6159. Easement Required.

The construction within the public right-of-way of any private lift station and any portion of any private wastewater disposal system connected thereto, shall require the granting of an easement by the City to the system owner. All expenses associated with the creation of the easement shall be borne by the owner. The easement shall be accepted by the City Manager or his designee and be properly recorded in the Sagadahoc County Registry of Deeds. Construction of components of the wastewater system within the public right-of-way shall not be started until the easement has been accepted by the City Manager.



Rabies Ad Hoc Committee Update for Council

Aug. 4, 2021

Chair Raye S. Leonard

The Rabies Ad Hoc Committee seeks input from the council on next steps for its work. Seven months of monthly meetings led to committee agreement that moving forward with an oral rabies vaccination plan that would involve the widespread dropping of raccoon vaccine baits requires a coordinated effort with the surrounding communities of Phippsburg, West Bath, Brunswick, Harpswell and Topsham.

Members of the committee hold different opinions regarding the viability of a full-scale vaccine bait drop due to cost, time, and coordination with other communities, based on research conducted by the committee and presentations shared by experts in the field. The committee requests an indication from Council regarding next steps for its work.

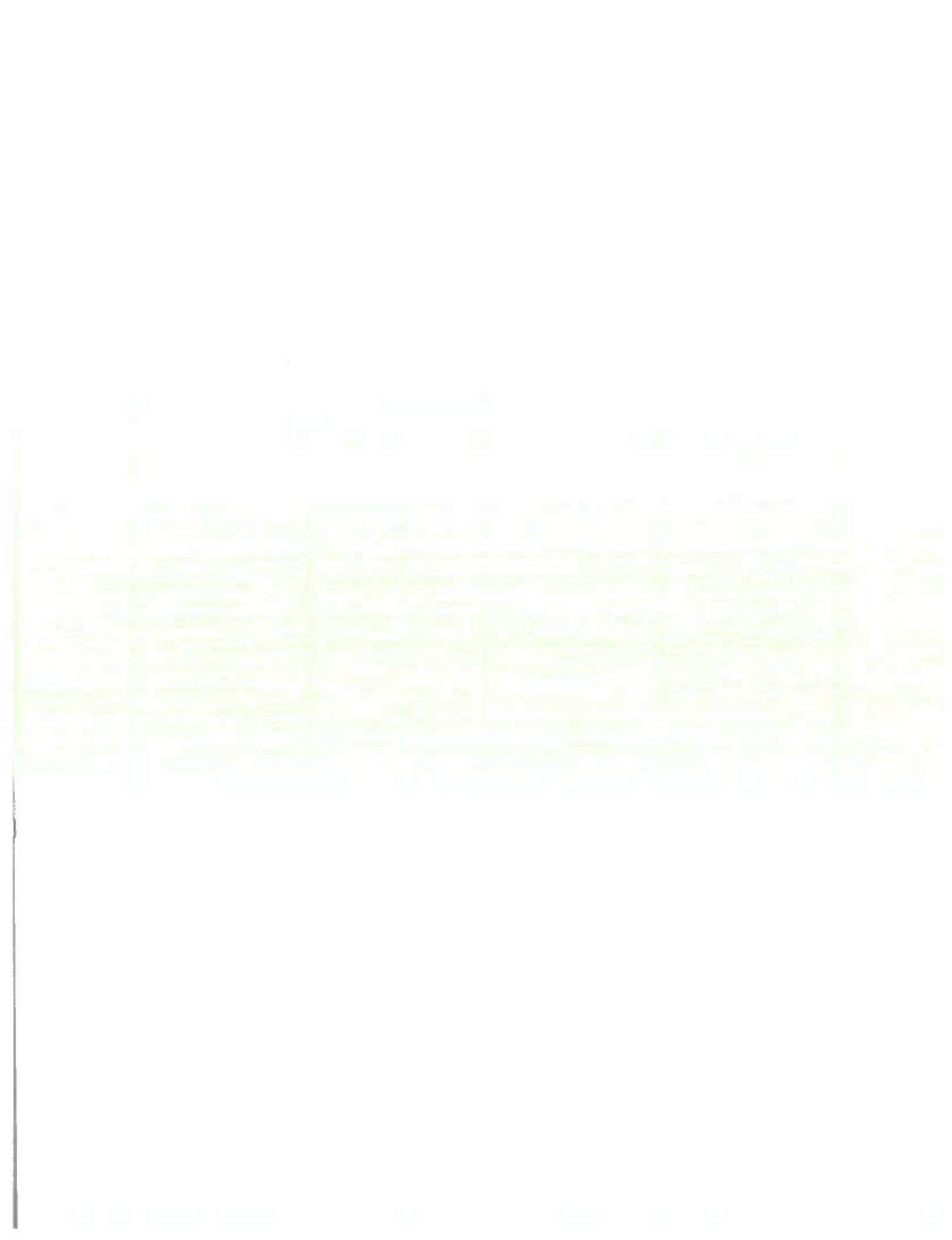
Would council favor setting up a new committee to consider a process for obtaining buy-in from other municipalities in a joint rabies vaccine bait drop to commence as earlier as 2022?

Background and lessons

The ad hoc committee to consider options for addressing potential rabies outbreaks in the wild animal population of the Greater Bath area convened on Jan. 20, 2021 with a Zoom meeting.

The committee was formed in response to the rabies epizootic that plagued Greater Bath in 2019 to 2020, resulting in 18 rabid animal attacks on humans, among other encounters. Council voted first on March 4 and again on March 9, 2020, to spend about \$27,000 from its contingency fund to initiate a trapping program with USDA in attempt to address the unprecedented spike in the disease. This piqued the concern of many residents, who organized against the plan, arguing that trapping and euthanizing potentially healthy animals was short-sighted and did not solve the problem.

Just five days after the March 9 vote, the state of Maine shut down in response to the Covid-19 global pandemic. While the USDA trapping program went ahead, Council and city staff were prevented from taking up any action to further address the rabies issue and the concerns of citizens given the circumstances.



Committee members attending the Jan. 20, 2021, organizational meeting included committee chair and Ward 4 Councilor Raye Leonard; Councilor Sean Paulhus, Ward 2; council Chair Aaron Park, Ward 7, City Manager Peter Owen, and Lindsey Goudreau, marketing and communications for the city.

It was decided that the scope of the work would be to:

- Look closely at the recommendations of USDA's final report following the trapping efforts in the spring of 2020;
- Contact other communities to learn about their rabies issues and strategies for addressing the disease;
- Create a PSA for Bath residents to educate about how to limit wildlife encounters

What follows is what the committee learned in monthly meetings held between January and July.

Lindsey reported that the February meeting that she spoke with Tom Berja, a zoonotic disease specialist in Maryland, about a county-wide vaccination effort in the state. Bait was distributed throughout the rural area in a 23-year-long effort to eradicate the disease.

Key lessons:

- A large-scale rabies vaccination attempt should include surrounding communities;
- Rabies vaccination is a long-term commitment, not a one-shot solution.

Evan Franklin, a Maine game warden based in Gray, attended the March 17 meeting to share his experience dealing with sick animals. Franklin covers about 15 to 20 towns and has served as a game warden for the last 10 years.

Key lessons:

- Complaints of sick animals results in a phone call to determine what the complainant means by "sick." Is there a public safety issue? Does the animal exhibit neurological impairment? Can the concern be handled over the phone or does someone need to lay eyes on it? Does the animal need to be taken out of the population?
- Rabies "giveaways" include a sick animal falling over, spinning in circles, skunk smells, or porcupine quills in its muzzle.
- Franklin had little to do with Bath's outbreak because local police handled the calls.

Then Police Chief Mike Field, then Deputy Police Chief Andy Booth, and Animal Control Officer Jim McKnight attended meetings in February, March, April and May. Officers confirmed that sick animal calls and complaints of animal attacks are addressed by local law enforcement.

Chief Field shared that unlike the rural communities that surround Bath, residents are discouraged from dispatching sick animals themselves, by shooting them or other means.

In June, State Veterinarian Michelle Walsh and Robin Dyer from USDA attended the meeting to present what a rabies vaccination bait drop might look like for the city. **Significantly, Walsh did not recommend the city invest in this program due to its expense, the density of Bath's population, and challenges with tracking animals.**

Key lessons:

- Vaccine bait targets raccoons only;
- Vaccine bait is provided only by one approved distributor;
- Vaccine bait has only ever been dropped in Northern Maine over heavily wooded areas;
- The program would consist of dropping bait from helicopters and distributing it in other vehicles;
- The minimum distribution area is 400 square miles;
- To be successful, a rabies vaccination program must include surrounding communities. In the case of Bath, it should include Phippsburg, West Bath, Brunswick, Harpswell and Topsham;
- Pre-baiting (trapping) is necessary to collect blood and tooth samples to analyze biomarkers. Trapping would be done in the month of July;
- Baiting would be accomplished in the month of August;
- Post-bait monitoring is required to measure effectiveness of the vaccine;
- Additional surveillance of roadkill is required, along with other opportunities to obtain animal samples for additional information;
- Minimum 3- to 5-year commitment;
- Cost for single application is roughly \$150,000, not including staff hours coordinating the effort.

The Rabies Ad Hoc Committee welcomes Council discussion and consideration of these facts.

Respectfully submitted,

Raye S. Leonard

Ward 4



K8

City of Bath
Application for (Re)Appointment
to City Board/Commission/Committee

Full Name: Steve Alan Zelinka

Residence Address: 714 Middle St. Bath

I live in Council Ward # (circle one) 1 (2) 3 4 5 6 7

Phone #: 443-5597 E-mail address _____

Preferred Method of Contact? (circle one) phone email

I wish to be considered for appointment to the:

Board of Assessment Review
(Name of Board/Commission/Committee)

Please outline past and present expertise/skills/employment that you think may be relevant (Resumes are welcome):

Worked 75% of town for U.S. Census Bureau
Knocked on 80% of doors in town during election campaigns

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

Resolved 6 appeals

Have you ever served on a City Board/Commission/Committee? (circle one) (Y) N

If yes, please list the Board/Commission/Committee and years of service:

Board of Assessment Review 1 year

How many months are you away from Bath in a 12-month period? None

7/20/21
Date

Steve A Zelinka
Signature

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 7/20/2021

Received by: MTC

Date emailed to Appointment Review Committee: 7/20/21

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: _____

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: August 2021

Term to expire: July 2024

Darci Wheeler

From: no-reply@www.cityofbath.com
Sent: Thursday, July 1, 2021 6:10 PM
To: Darci Wheeler
Subject: Appointment Application - New Form Submission for Bath, Maine

A new submission has been received for Appointment Application at 07/01/2021 6:09 PM

First Name::	Louis Anthony
Last Name::	Ricciardone
Address::	38 pleasant street bath maine 04530
Phone::	207.607.1132
Your Council Ward Number::	1
Email Address::	Loubrewu@yahoo.com
Preferred Method of Contact::	Email
I wish to be considered for::	Reappointment
Name of Board/ Commission/ Committee::	SWAC
Committee Experience:	
Date(s) you attended this Board/Commission/Committee's meetings::	Mondays each month
Members of the Board/ Commission/ Committee with whom you spoke and when::	Lee
How did these experiences affect your interest in the Board/ Commission/ Committee?:	I have always been excited about recycling and composting. In the past 5 years I've been really into getting people into composting. This committee is where my voice can do good for our community and for our future.
Have you every served on a City Board/ Commission/ Committee?:	Yes
If yes please list the Board/ Commission/ Committee and years of service:	Solid waste
Please outline past and present expertise skills employment that you think may be relevant::	My job is a landscaper and everything is about composting.
Resume (Optional):	No File Uploaded
Why do you want to be a member of this Board/ Commission/ Committee or list your accomplishments during your last term or terms?:	To get all business that have food waste to be set up with some sort of composting plan and to keep food waste out of the landfill. Accomplished getting 100 compost bins for Bath residents for free.
How many months are you away from Bath in a 12 month period?:	0
Date:	7.1.2021
Signature:	Louis A. Ricciardone

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 7/2/2021

Received by: email Dfw

Date emailed to Appointment Review Committee: 7/6/21

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: 8/4/21

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: Aug 2021

Term to expire: July 2024



JUN 29 '21 8:17

City of Bath
Application for (Re)Appointment
to City Board/Commission/Committee

Full Name: HERMAN A. Nichols

Residence Address: 955 WASHINGTON ST., BATH, ME 04530

I live in Council Ward # (circle one) 1 2 3 (4) 5 6 7

Phone #: 207-442-7335 E-mail address: n-nichols@comcast.net

Preferred Method of Contact? (circle one) phone email

I wish to be considered for: (circle one) appointment reappointment

OLD BATH Customs House
(Name of Board/Commission/Committee)

We are asking applicants to attend some actual meetings of this committee and/or to speak with some members of the board/committee to get a sense of what the committee does before submitting their application. Information about the committee meetings, who is chair and committee membership is available from the City Clerk's office and on the City of Bath website.

Please list the following:

- A) Date(s) you attended this committee's meetings: All but one.
- B) Members of the committee or board with whom you spoke and when:
All: Andrew PERRY, Pam Allen, David Hudson, Anne Dunham
- C) How did these experiences affect your interest in the committee?
This will be my third term on the committee.
Have very much my tenure on the committee

Have you ever served on a City Board/Commission/Committee? (circle one) (Y) N

If yes, please list the Board/Commission/Committee and years of service:

Bath Customs House - 2 terms

Please outline past and present expertise/skills/employment that you think may be relevant (Resumes are welcome):

HAVE BEEN A CONTRIBUTING MEMBER OF THE COMMITTEE
FOR 2 TERMS

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

TO CONTINUE WORKING W/A GREAT GROUP OF DIVERSITY &
CONTRIBUTORS TO THE WELLBEING OF BATH.

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

0

6/29/2021
Date

Signature 

Please return form to: City Clerk's Office, 55 Front Street, Bath, ME 04530 or email dwheeler@cityofbath.com

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 6/29/2021

Received by: Maureen - dropped off

Date emailed to Appointment Review Committee: 7/6/2021

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: 8/4/21

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: 9/2021

Term to expire: 8/2024

Darci Wheeler

9/21?

From: no-reply@www.cityofbath.com
Sent: Monday, May 31, 2021 3:10 PM
To: Darci Wheeler
Subject: Appointment Application - New Form Submission for Bath, Maine

A new submission has been received for Appointment Application at 05/31/2021 3:10 PM

First Name:: Roo Louis
Last Name:: Dunn
Address:: 57 Green Street
Phone:: 12074420111
Your Council Ward Number:: 4
Email Address:: dunnroo@gmail.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:: Remote meetings in April/May 2021.
Members of the Board/ Commission/ Committee with whom you spoke and when: I spoke in public comments during at least one of the meetings.
How did these experiences affect your interest in the Board/ Commission/ Committee?: It is encouraging to see the members of the planning board taking a pragmatic yet respectful approach to requests by residents and business owners. Along with the City Planner, I see a well managed, understanding, team.
Have you every served on a City Board/ Commission/ Committee?: Yes
If yes please list the Board/ Commission/ Committee and years of service: During my tenure at the Chocolate Church (CCAC) I was on the committee that developed the historical markers now seen in Bath.
Please outline past and present expertise skills employment that you think may be relevant:: As past director of CCAC I lived the challenges of old and historic buildings and our role as practical stewards in our community.
Resume (Optional): No File Uploaded
Why do you want to be a member of this Board/ Commission/ Committee or list your accomplishments during your last term or terms?: Bath looks and feels as it does because over the generations, we, as a community, have chosen to grow _and_ preserve in well managed, and for the most part, reasonable, practical ways. The planning board has a unique role at the intersection of pragmatic stewardship/preservation and the continued growth and development that has keeps Bath vibrant. I'd like to contribute to my community, it's residents and business by supporting the planning board's continued progress.
How many months are you away from Bath in a 12 month period?: I live in Bath full year and only travel briefly (remember when we used to do that!) for work.
Date: 30-MAY-2021

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: \$ 6/1/21

Received by: Dfw email

Date emailed to Appointment Review Committee: 6/1/21

Date interviewed by Appointment Review Committee: 7/20

Date application on City Council agenda: 8/4

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: _____

Term to expire: _____