

**REGULAR MEETING MINUTES**  
**CITY COUNCIL OF THE CITY OF BATH, MAINE**  
**Wednesday, November 2, 2011 6:00 PM**  
**City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass and Chairman Wyman.  
Late: Councilor Paulhus

Also in attendance were the City Manager – William Giroux, City Solicitor - Roger Therriault and City Clerk - Mary White.

Chairman Wyman led the Pledge of Allegiance and City Clerk White called the Roll.

**Presentation of Annual Report on the Old Custom house by Daniel Donovan, Chairman of the Board of Directors.**

*A copy of this report is filed with the agenda materials in the City Clerk's Office for this meeting.*

**C. Public Hearings 6:03 PM**

**1. Bond Ordinance – Authorizing issuance of general obligation refunding bonds for the City of Bath in an amount up to, but not to exceed \$4,315,000 for the purpose of refunding outstanding debt of the City. (second passage)**

Councilor Omo made a motion to waive the reading of the Bond Ordinance. Councilor Winglass seconded the motion. All were in favor of the waiving motion.

**BOND ORDINANCE**

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$4,315,000 FOR THE PURPOSE OF REFUNDING OUTSTANDING DEBT OF THE CITY.

RECITALS

WHEREAS, on or about February 1, 2001, the City of Bath issued its 2001 General Obligation Bonds in the stated principal amount of \$6,620,000 to finance the costs of the Bath Middle School, certain ADA improvements, a new garage facility and a contribution to the Bath Area Family YMCA (the “2001 Bonds”); and

WHEREAS, in 2009 and 2010, the City of Bath issued entered into a variety of borrowings and issued promissory notes therefore (the “Prior Notes”) to finance the costs of certain improvements including the purchase of the Bath Armory, renovations to the Customs House, purchase of a landfill compactor, a rolloff truck, a progator tractor, and a fire truck pumper (the “Prior Notes” and together with the 2001 Bonds, the “Prior Obligations”); and

WHEREAS, due to a drop in interest rates since the Prior Obligations were issued, the City desires to refund and refinance the outstanding principal the Prior Obligations through issuance of its general obligation refunding bonds;

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

Section 1. That a sum up to, but not to exceed, \$4,315,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of refunding the Prior Obligations and of paying interest and redemption premium thereon and the costs of issuance therefore.

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes, in the stated principal amount of up to, but not to exceed, \$4,315,000 under and pursuant to the City Charter and 30-A MRSA §5772.

Section 3. That any and all bonds/notes issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.

Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed twelve (12) years.

Section 6. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.

Section 7. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any bonds/notes issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.

Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate some or all of the bonds/notes issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

Section 9. That the proceeds of any bonds/notes issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds/notes.

Section 10. That the bonds/notes issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.

Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the refunding of the Prior Obligations and the issuance and delivery by the City of the bonds/notes.

Section 12. That if the City Treasurer, Chairman of the City Council, the City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or any related financing documents, as authorized by this Ordinance, the person or persons then acting in such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Finance Director Julie Millett explained the reasons and process for this financing.

Councilor Omo made a motion to put this Ordinance on the floor for discussion. Councilor Pagurko seconded the motion.

Chairman Wyman opened the hearing to public comment. Seeing none, he closed the public comment section.

**ROLL CALL VOTE:**

**YEAS: Brackett, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman stated this Ordinance would become law in 21 days.

**2. Bond Ordinance – Authorizing issuance of general obligation refunding bonds for the City of Bath in an amount up to, but not to exceed \$450,000 for the purpose of funding demolition of the old YMCA building. (second passage)**

Councilor Rogers made a motion to waive the reading of the Ordinance. Councilor Omo seconded the motion. All were in favor of the waiving motion.

**BOND ORDINANCE**

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$500,000 FOR THE PURPOSE OF FUNDING DEMOLITION OF THE OLD YMCA BUILDING

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

Section 1. That a sum up to, but not to exceed, \$500,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of funding the demolition and removal of the old YMCA building and of paying the costs of issuance therefore.

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$500,000 under and pursuant the City Charter and 30-A MRSA §5772.

Section 3. That any and all bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.

Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed eleven (11) years.

Section 6. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.

Section 7. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.

Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

Section 9. That the proceeds of any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds.

Section 10. That the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.

Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds/notes or notes in anticipation thereof.

Section 12. That if the City Treasurer, Chairman of the City Council, the City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or any related financing documents, as authorized by this Ordinance, the person or persons then acting in such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Pagurko made a motion to put this Ordinance on the floor for discussion. Councilor Rogers seconded the motion.

Finance Director Juli Millett explained what the financing rate would be.

Ronald Norton, project contractor, explained the process and time table of the project.

Chairman Wyman opened the hearing to public comment. Seeing none, he closed the public comment section.

**ROLL CALL VOTE:**

**YEAS: Brackett, Omo, Rogers, Eosco, Sinclair, Pagurko, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Chairman Wyman stated this Ordinance would become law in 21 days.

**3. Acceptance of grant funds from the Maine's Future Bond Program to help with the restoration of Old Customs House.**

Chairman Wyman read the following:

## Public Hearing Notice to Comply with Title VI Requirements

### Public Hearing Notice for the City of Bath

The City of Bath will hold a Public Hearing on November 2nd at 6:01 PM in the City Council Chambers on the third floor of City Hall to discuss acceptance of funds for project submitted to the State of Maine for the Communities for Maine's Future Bond Program. The purpose of the grant is to help the Old Customs House in restoration of 56 windows and two sets of granite steps with a \$70,718 funding grant. Public comments will be solicited at this Hearing and will be submitted as part of the project development phase. All persons wishing to make comments or ask questions about the grant are invited to attend this Public Hearing. Comments may be submitted in writing to the CD Office 55 Front St. Bath 04530 at any time prior to the Public Hearing. Interested parties may also call 443-8372. TDD/TTY users may call (711). If you are physically unable to access any of the City's programs or services, please call the City Clerk's Office at 207-443-8332 so that accommodations can be made.

Councilor Omo made a motion to put this Item on the floor for discussion. Councilor Pagurko seconded the motion.

Community Development Coordinator Al Smith explained the process and funding of this grant. Mr. Smith explained the scope of the renovations.

Council voted unanimously to back this grant application.

*Councilor Paulhus took his seat at this time.*

#### **D. Consent Agenda 6:18 PM**

**\*4 Minutes of the previous meetings of October 5 and 19, 2011.** (Motion to Accept as Presented)

Councilor Sinclair made a motion to amend the minutes to reflect a public vote was taken subsequent to the Executive Session. Councilor Pagurko seconded the motion.

**VOTE on the amending motion:**

**YEAS: Sinclair, Pagurko**

**NAYS: Brackett, Omo, Paulhus, Rogers, Eosco, Winglass**

**Motion failed. 2-6**

Councilor Pagurko made a motion to accept the Consent Agenda as presented. Councilor Rogers seconded the motion.

**VOTE:**

**YEAS: Brackett, Omo, Paulhus, Rogers, Eosco, Winglass**

**NAYS: Sinclair**

**Consent Agenda passed. 7-1**

#### **E. Time Devoted to Residents to Address the City Council 6:20 PM**

Thomas Weiss of 987 Middle Street addressed Council regarding the flooding problem of the properties between Willow and Middle Streets.

**F. Resolutions, Ordinances and Orders 6:22 PM**

**5. CDBG Resolution: Authorizing the City Manager to submit Maine Fund Phase Two Applications to assist in the renovations and improvements at the Old Customs House.**

Chairman Wyman read the following Resolution:

**CITY COUNCIL RESOLUTION**

**WHEREAS**, the City of Bath wishes to apply to the Department of Economic and Community Development (Office of Community Development) to carry out a Communities for Maine's Future Project and

**WHEREAS**, the Planning process and the Project Development required by Maine Law have been complied with, including the participation in the planning process by the CD Committee and the community at large, by conducting two duly advertised public hearings; and,

**WHEREAS**, the Department of Economic and Community Development has established the Development Fund Program;

**NOW, THEREFORE**, be it resolved by the City Council of the City of Bath that the City Manager:

1. Is authorized and directed to submit a Communities for Maine Fund Phase Two Applications to the Department of Economic and Community Development to assist in the renovation improvement at the Old Customs House, substantially in the form presented to this Council;
2. Is authorized to make such assurances on behalf of the City of Bath required as part of such applications; and
3. Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program(s), consistent with the Charter of the City of Bath and the laws and

Regulations governing planning and implementation of community development programs in the State of Maine.

Signed this 2<sup>nd</sup> day of November 2011 on behalf of the City Council of Bath.

Councilor Pagurko made a motion to put this Resolution on the floor for discussion. Councilor Rogers seconded the motion.

Al Smith stated this is the traditional process done with these programs.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Resolution passed unanimously. 8-0**

**6. Ordinance: LUC Amendment Article 8, Section 8.22 D. Contract Rezoning (first passage)**

Chairman Wyman read the following Ordinance:

**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 8, Section 8.22, by adding the following:

D. Contract Rezoning

Contract rezoning is allowed in the PH District (see Section 8.20).

And amend Article 8, Section 8.20, B, by adding the following:

8. Plant Home Zone.

(Note: Additions are underlined.)

Councilor Pagurko made a motion to put this Ordinance on the floor for discussion. Councilor Omo seconded the motion.

City Planner Andrew Deci explained the Council was considering a text amendment to the Land Use Code to allow the tool of contract rezoning within the Plant Home Zoning District and not approving a contract rezoning or a site plan.

**ROLL CALL VOTE:**

**YEAS: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Chairman Wyman stated second passage of this Ordinance would be on December 7, 2011 at 7:31PM.

**7. Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2011 to September 30, 2012 (first passage)**

Councilor Omo made a motion to waive the reading of the following Ordinance with the stipulation that the Finance Director explained the details of the Ordinance. Councilor Eosco seconded this motion. All were in favor of the waiving motion.

**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 8A. GENERAL ASSISTANCE**

Delete appendices to the Ordinance dealing with maximums allowances and replace with newly attached allowance summary sheets, schedules and appendices, Appendix A – Total Allowed GA Maximums. Maximums shall be effective as of October 1, 2011.

Councilor Pagurko made a motion to put this Ordinance on the floor for discussion. Councilor Omo seconded the motion.

Finance Director Juli Millett stated that this is the annual adoption that has to be done. She explained the changes and stated these amounts are set by the State.

**ROLL CALL VOTE:**

**YEAS: Brackett, Omo, Paulhus, Rogers, Eosco, Sinclair, Pagurko, Winglass**

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Chairman Wyman stated second passage of this Ordinance would be on December 7, 2011 at 7:32PM.

**8. Bond Ordinance: Authorizing issuance of general obligation refunding bonds for the City of Bath, Maine in an amount up to, but not to exceed, \$308,000 for the purpose of funding renovations to the Armory Building. (first passage)**

**Chairman Wyman read the following Bond Ordinance:**

**BOND ORDINANCE**

**AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS FOR THE CITY OF BATH, MAINE, IN AN AMOUNT UP TO, BUT NOT TO EXCEED, \$308,000 FOR THE PURPOSE OF FUNDING RENOVATIONS TO THE ARMORY BUILDING**

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

Section 1. That a sum up to, but not to exceed, \$308,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of funding renovations to the Armory building and of paying the costs of issuance therefore.

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$308,000 under and pursuant the City Charter and 30-A MRSA §5772.

Section 3. That any and all bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.

Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed eleven (11) years.

Section 6. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.

Section 7. The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.

Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

Section 9. That the proceeds of any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds.

Section 10. That the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.



Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds/notes or notes in anticipation thereof.

Section 12. That if the City Treasurer, Chairman of the City Council, the City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or any related financing documents, as authorized by this Ordinance, the person or persons then acting in such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Omo made a motion to put this Bond Ordinance on the floor for discussion. Councilor Rogers seconded the motion.

Recreation Director Steve Balboni reported on the meeting with the Box 19 group. He stated that arrangements had been made to accommodate both trucks and hand-tub in the garage space and both groups are eager to move forward. Mr. Balboni asked Council not to delay their decision on the use of the facility as there are a lot of people that are depending on using it.

William Blake of School Street explained how the old YMCA building was in disrepair when the Skatepark took over the building eleven years ago.

Chair of the Skatepark Board Claire Berkowitz spoke regarding how this matter is very important to the welfare of the children who need the Skatepark.

Monica Wright of 1485 Washington Street spoke regarding what the Skatepark can mean to this community,

Zachariah Cox of Elm Street asked how the Council would feel if the Skatepark was taken away from their kids.

Heidi Tucker of 33 Edward Street, a member of the Skatepark Board, read a statement she had given to Council earlier in the day by email. (*A copy of this email is on file in the agenda materials for the November 2, 2011 meeting.*)

Steve Balboni explained how the Recreation Department would make the bond repayment.

Councilor Rogers read an email from James Gillies for public record. (*A copy of this email is on file in the agenda materials for the November 2, 2011 meeting.*)

Ronald Norton, project contractor, explained what the bond would cover for repairs and improvements to the building.

**ROLL CALL VOTE:**

**YEAS: Omo, Paulhus, Eosco, Sinclair, Winglass**

**NAYS: Brackett, Rogers, Pagurko**

**Ordinance passed. 5-3**

Chairman Wyman stated second passage of this Ordinance would be on December 7, 2011 at 7:33 PM.

**9. Order: Authorize the use of the Armory Building by the Recreation Department for the purpose of housing the Skatepark and Youth Meeting House and any other community related purposes.**

Councilor Rogers made a motion to table this Item until after the December 7, 2011 Council Meeting vote on the previous Bond Ordinance due to the possibility that there could be new members on Council due to the election to be held on November 8, 2011. Councilor Brackett seconded the motion.

**VOTE on Tabling Motion:**

**YEAS: Brackett, Rogers, Sinclair, Pagurko, Wyman**

**NAYS: Omo, Paulhus, Eosco, Winglass**

**Item tabled to the December 7<sup>th</sup> Meeting.**

**ORDER**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH AS FOLLOWS:

THAT THE USE OF THE OLD ARMORY BUILDING BY THE RECREATION DEPARTMENT FOR THE PURPOSE OF HOUSING A SKATEPARK AND YOUTH MEETING HOUSE, AND ANY OTHER COMMUNITY RELATED PURPOSES, IS HEREBY AUTHORIZED, SUBJECT TO AUTHORIZATION AND APPROVAL VIA CORPORATE RESOLUTION OF THE BATH DEVELOPMENT CORPORATION.

THE CITY MANAGER SHALL BE AUTHORIZED TO EXECUTE ANY AND ALL DOCUMENTS ON BEHALF OF THE CITY OF BATH TO EFFECTUATE THIS PURPOSE.

**G. Petitions & Communications 7:53 PM**

Councilor Paulhus reported that the Food Bank Group raised \$369 on October 14<sup>th</sup> Food Bank Day. Councilor Pagurko stated the “Fill the Bus Day” held at Walmart two weeks prior also brought in a lot of donations for the area Food Bank.

**H. City Manager Report 7:54 PM**

There was no City Manager’s report.

**I. Committee Reports 7:54 PM**

Councilor Eosco asked the community to make comments regarding parking issues to the Parking Committee as the Committee was getting ready to start meeting regularly on this subject.

**J. Unfinished Business 7:55 PM**

Councilor Omo made an apology to Jackie Dwinal for comments he made to her during the September 7, 2011 Council Meeting. He also apologized to Councilor Pagurko for a remark he made to her at the October 5, Council Meeting.

**K. New Business 7:56 PM**

**10) Appoint one member to the Bath Water District Board with a term to expire November 2016.**

Councilor Pagurko, on behalf of the Interview Committee, nominated Dana McCurdy to the position on the Bath Water District Board. The nomination passed.

**11) Appointment one member to the Bath Recreation Commission with a term to expire November 2014.**

Councilor Pagurko, on behalf of the Interview Committee, nominated Gregory Page to the position on the Bath Recreation Commission. The nomination passed.

Councilor Omo made a motion at 7:58 PM to go into Executive Session to discuss Real Estate Matters per 1 M RSA §405(6)(E). Councilor Winglass seconded the motion. All were in favor of the motion.

Councilor Pagurko made a motion at 8:55 PM to come out of Executive Session. Councilor Omo seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:56 PM with a motion by Councilor Pagurko, seconded by Councilor Rogers. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

*Please note: These minutes are not recorded verbatim. A DVD recording of the meeting is available for review in the City Clerk's office during regular business hours by appointment.*