

**CITY COUNCIL OF THE CITY OF BATH, MAINE**  
**Wednesday, November 5, 2014 6:00 PM**  
**City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Merrill, Paulhus, Rogers, Wyman, Sinclair, Mitchell, Winglass and Madame Chair Eosco

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

Madame Chair led the Pledge of Allegiance and City Clerk White called the Roll.

Madame Chair asked that **Item F4) Approving Tabulation of Election Returns of the State of Maine Referendum Election, City of Bath Municipal Election and RSU #1 Election on Tuesday, November 4, 2014 (motion to approve)** be taken up at this time so that the Election Results could be accepted and Kyle Rogers who had been newly elected to the open Ward 3 Council Seat could take his oath and seat on Council for the rest of the meeting. She stated that there would be an additional Executive Session regarding Title 1 M.R.S.A. Section 405(6)(E) as something had come up earlier in the afternoon and needed to be discussed.

Councilor Wyman made a motion to put Item 4 on the floor. Councilor Paulhus seconded the motion. All were in favor of the motion.

**Vote on Item F4:**

**YEAS: 7**

**NAYS: 0**

**Item F4 passed unanimously. 7-0**

Madame Chair Eosco thanked the elections workers for a job well done and the voters for coming to vote.

Madame Chair asked Mr. Rogers to step forward and take his oath. City Solicitor Therriault administered the oath and Councilor Rogers took his seat.

*Presentation of a Proclamation and City Chair to Paul Mateosian for his 20 years of dedicated service to the City of Bath as the City Assessor.*

**PROCLAMATION**

**WHEREAS** the City of Bath wishes to recognize the 20-years of dedicated service by Paul D. Mateosian to the City of Bath, and

**WHEREAS** Paul is from Monroe, NY, the son of Mary and Sam Mateosian, husband of Chris Mateosian and father of Tim and Sam and grandfather of Eleanor, Rocco, Max and Marianne, and

**WHEREAS** assessing is one of the most taxing jobs known to man, requiring the hide of an elephant and the patience of a saint, and

**WHEREAS** Paul is a man of many hats having not only served as the City's Assessor but also Assistant City Manager and Computer Technician and IT person and served as the City's Acting Manager from May 2003-September 2005, Acting Treasurer and Finance Director in 2003 and Supervisor of Bath Community Television from 2012-2013, always guiding the City through a challenging economic period with competence, dignity, grace and good humor,

**WHEREAS** the City is thankful that Paul is a numbers man, who has fairly and impartially assessed Bath taxpayer properties for the past 20 years, leading the City through several city-wide revaluations and has successfully complied and completed a number of City of Bath budgets with minimal notice and under very challenging circumstances, and

**WHEREAS** Paul has contributed many hours to the assessing field through the International Association of Assessing Officers, the Maine Chapter of the International Association of Assessing Officers and the Maine Association of Assessing Officers through which he was recognized by his peers by being named Assessor of the Year in 2013, meeting the criteria of service and contribution beyond just that of the municipality in which he served by active participation in various assessing organizations, quality and consistency of work product and being recognized as an Assessor who displayed characteristics of integrity and leadership;

**NOW THEREFORE BE IT PROCLAIMED** that the Bath City Council wishes to congratulate Paul Mateosian on his long and productive career of public service and thank him for his 20 years of dedicated service marked by his integrity and professionalism to the citizenry of Bath.

**C. Public Hearings: 6:07 PM**

**1) Ordinance: Land Use Code Map Amendment Lot 153 on Tax Map 28 from Residential (R-1) to Highway Commercial (C-4) and an amendment to change the zoning on Lots 81, 82 and 154 from C-2 Mixed Use Light Commercial District to Route 1 Commercial Contract District (C-4) (second passage)**

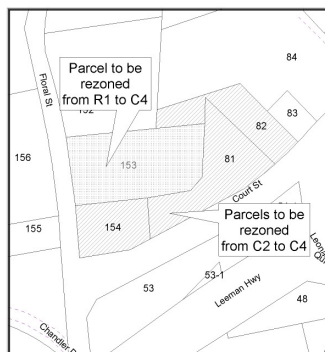
**ORDINANCE**

**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 ADJUSTMENTS ARE:

An amendment to the Zoning Map changing the zoning on Lot 153 on Tax Map 28 from Residential (R-1) to Highway Commercial (C-4) and an amendment to change the zoning on Lots 81, 82 and 154 from C-2 Mixed Use Light Commercial District to Route 1 Commercial Contract District (C-4).



**Land Use Code Map Amendment/Contract Rezone**  
Map 28, Lots 81, 82 & 154 from C2 to C4  
Map 28, Lot 153 from R1 to C4  
All parcels to be Contract Zoned

Councilor Winglass made a motion to put the Ordinance on the floor for discussion. Councilor Sinclair seconded the motion.

City Planner, Andrew Deci, explained the process this Ordinance had gone through.

Michael Woodworth from 85 Pearl Street stated he objected to this change and felt it would be an eyesore and an insult to all the hard work done to preserve the downtown and disagrees with the process in making these changes. He said he felt the process was done incorrectly and the Planning Board should be making the changes not the Council.

Elliot Mead of 52 Floral Street had concerns with the screening plan and the exits. He asked that there be a change with the use of evergreens for screening as they have caused problems with ice in his driveway in the winter. Mr. Mead stated that if there were to be a Floral Street exit that there be a sign “No Right Hand Turn” be put at the exit.

Sandra Gay, attorney representing the applicant, TMC New England, LLC, explained the legal zoning change process. She addressed the abutter’s issues by stating that the screening had been taken through the Site Plan review process.

David Fenstermacher, Project Engineer, explained the screening plan.

Mr. Mead stated that the proposed fence is not at the abutting property line but below where it was described to be. He explained that the location of the screening fence is on his land and he would like the fencing to be on the CVS property as he didn’t want to have to take care of it. Mr. Mead said that if the proposed positioning of the evergreens would cause the icing problem in his driveway to reoccur, he would like to see a retaining wall with a stockade fence on the CVS property.

David Fenstermacher, Project Engineer, explained that the trees were not something they wanted, but were part of the requirements of the by-laws.

City Planner Deci stated that Mr. Mead did state concerns to the Planning Board regarding the placement of the evergreens on the site plan, but the Planning Board approved the site plan contingent on the approval of Council of this Ordinance change.

**ROLL CALL VOTE:**

**YEAS: Winglass, Mitchell, Wyman, Paulhus, Merrill**

**NAYS: Sinclair, Rogers, Brackett**

**Ordinance passed. 5-3**

Madame Chair Eosco stated this would become law in 21 days.

**II. ORDINANCE: Land Use Code Contract Rezoning, Article 16, Section 16.22 – CVS Pharmacy Contract Zone (Tax Map 28, Lots 81, 82, 153 and 154). (second passage)**

Councilor Wyman made a motion to waive the reading of the Ordinance. Councilor Winglass seconded the motion.

**Vote on the Waiving Motion:**

**YEAS: 7**

**NAYS: 1 (Rogers)**

**Motion passed. 7-1**

**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, Contract Zoning Districts, by adding the following Section:

## **ARTICLE 16. CONTRACT ZONING DISTRICTS**

### **SECTION 16.22 – CVS PHARMACY CONTRACT ZONE**

#### **A. District Regulations**

The property designated for this Contract Rezoning is an approximately 1.8-acre site comprised of four parcels located at 127 & 131 Court Street and 82 & 86 Floral Street (Tax Map 28, Lots 81, 82, 153 & 154, dated April 1, 2013), hereafter collectively referred to as the “Property.”

#### **B. Findings**

The property identified as Map 28, Lot 153 is currently designated as Residential (R-1); the property identified as Map 28, Lots 81, 82 and 154 is currently designated as C2 Mixed Use Light Commercial District. There is currently a proposal before Council requested by the Developer to change the zoning designation of these four lots to the Route 1 Commercial Contract District (C4). The City Council makes the following additional specific findings:

1. The Property is currently improved with three structures: (1) 1657 square foot retail fish market and restaurant with takeout window service and outside seasonal seating; (2) Single family residential dwelling; (3) 3-unit mixed residential/commercial structure; and, vacant land with asphalt parking area that is accessory to an existing commercial use.
2. The applicant proposes to demolish and remove the existing structures, replacing them with a new, free-standing approximately 13,225 square-foot CVS Pharmacy with drive-through window.
3. Without the creation of the Contract Zone, the proposed site improvements would be unable to meet all of the minimum setback and yard area requirements for the C4 District.
4. Contract Zoning is allowed on the Property per Section 8.10(D) and Section 8.20(B)(1) of the Land Use Code.
5. The applicant has offered the following voluntary Discretionary Conditions in exchange for the Contract Rezoning:
  - a) Site Lighting – In addition to following the applicable Zoning Requirements, the applicant will incorporate restricted pole heights and decorative fixtures to enhance the site, while reducing light levels on the abutting property.
  - b) Retaining Wall/Fencing – The applicant will provide a natural stone facing for the wall adjacent to the sidewalk along Court Street, with a decorative black rail fence along the top of the wall.
  - c) Building Façade – The applicant will provide an enhanced color scheme and appearance, and will further augment the structure with windows or faux windows along the southern and western sides of building.
  - d) Equipment Screening – The applicant will provide enhanced screening along the roofline.
  - e) Traffic Study – The applicant expanded the scope of the required traffic study to analyze additional items as requested by the City. These items included a Speed Data Collection of the existing traffic along Court Street and Floral Street, an evaluation of the impacts of the closing of Quimby Street, and an analysis of deceleration lane warrants for the Route 1 access to the Shopping Center. If requested, the Application is willing to provide a standalone document summarizing the results of these items for the City’s reference to assist in future Route 1 Corridor Improvements planning efforts.
  - f) Public Benefit Project - The applicant will contribute \$70,000 towards the cost of the “Installation of Deceleration/Turn Lane” to the Chandler Drive/Route 1 Intersection identified as a Potential Public Benefit Project, or other projects identified as projects beneficial to the advancement of the Route 1 Corridor Plan. Payment of the \$70,000

shall be made to the City after the Project receives all approvals, and prior to the issuance of a building permit.

### **C.Zoning Provisions Affected**

This Contract Rezoning is intended to reduce only the following minimum setbacks and yard area requirements under Section 8.10(C) of the Land Use Code: (a) building setback from the residential zone from 50 feet to approximately 34 feet; (b) front yard area setback from 20 feet to approximately 2 feet; (c) side/rear yard setback from 20 feet to approximately 10 feet; and (d) yard area abutting a residential zone from 35 feet to approximately 13 feet. All other space and bulk regulations under Section 8.10(C) remain in effect.

### **D.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 the applicant, T.M. Crowley & Associates for the CVS Pharmacy project, by the Bath Planning Board on October 7, 2014, including the following:

1. Site Plan Approval is granted conditionally upon the approval of the land use code map amendment request and the contract zoning request.
2. Site Plan Approval is granted conditionally upon the approval of the storm water management system to the satisfaction of the Public Works Director.
3. The Discretionary Conditions listed in Section B(5), above.

Any proposed amendment to the above cited Site Plan Approval, which meets the requirements of Section 12.13(B) may be approved by the criteria in section 12.13(B).

City Planner, Andrew Deci, reported on the process towards this project

City Manager Giroux asked the City Planner, Project Manager and Mr. Mead to work on a solution to the abutter's buffering concerns. The gentlemen went into the hallway to discuss a solution.

City Solicitor Therriault explained the legal process for this Ordinance.

Ms. Gay reported that the retaining wall suggestion was not approved by the Planning Board as it could undermine the slope and led to the decision to use the fence instead.

The City Planner, Project Manager and Mr. Mead re-entered the Council Chambers.

Mr. Fenstermacher reported that intent of the fence was to have it two feet off Mr. Mead's property line and level with his driveway and neither of the parties wanted trees.

Mr. Deci stated that when he got the revised site plan the decision would be made whether a Staff Review or a Planning Board Review of the plan would be needed and that choice is spelled out in the Land Use Code.

Mr. Mead stated that he was comfortable with the changes to the plan.

Councilor Winglass, with drafting assistance from the City Solicitor, made the following motion to amend the Ordinance by adding #4 to the Conditions of Approval: "The screening at the property line of the Mead property, as approved, as part of the Site Plan Review approval shall be reviewed by the developer, the abutter and City Staff. Any material changes to the Plan shall be referred to the City Staff Review Process or the Planning Board Process for approval." Motion was seconded by the Councilor Mitchell.

**ROLL CALL VOTE on Amendment:**

**YEAS: Brackett, Merrill, Paulhus, Rogers, Wyman, Sinclair, Mitchell, Winglass**

**NAYS: None**

**Amendment passed unanimously. 8-0**

**ROLL CALL VOTE on Amended Ordinance:**

**YEAS: Winglass, Mitchell, Wyman, Paulhus, Merrill, Brackett**

**NAYS: Sinclair**

**ABSTENTION: Rogers**

**Ordinance passed. 6-1-1**

Madame Chair Eosco stated this would become law in 21 days.

**D. Consent Agenda 7:04 PM**

**\*3) Minutes of the previous meetings of October 1 and 15, 2014 (motion to accept as presented)**

Councilor Wyman made a motion to accept the Consent Agenda as presented. Councilor Mitchell seconded the motion.

**VOTE on Motion:**

**YEAS: 7**

**NAYS: 0**

**ABSTENTION: 1(Rogers)**

**Motion passed. 7-0-1**

**E. Time Devoted to Residents to Address the City Council 7:05 PM**

No one spoke at this time.

**F. Ordinances, Resolutions and Orders 7:05 PM**

**4) Approving tabulation of Election Returns of the State of Maine Referendum Election, City of Bath Municipal Election and RSU #1 Election on Tuesday, November 4, 2014 (motion to approve)**

**BATH ELECTION RESULTS - 11/4/14**

Registered Voters: 6798

Total Number of State Ballots Cast: 3856

% of Voters Cast Ballots: 56.7

**United States Senator**

1410Shanna Bellows - (Democrat)

2374Susan Collins - (Republican)

72Blanks

**Governor**

333Eliot Cutler - (Independent)

1396 Paul LePage - (Republican)

2083Michael Michaud - (Democrat)

44 Blanks

**Representative to Congress District 1**

922Isaac Misluk - (Republican)

282 Richard Murphy- (Independent)

2531Chellie Pingree - (Democrat)

121Blanks

**Maine Senate, District 23**

1319Linda Baker -- (Republican)

317Alice Knapp - (Green)

2096Eloise Vitelli - (Democrat)

124Blanks

**Maine House of Representatives, District 52**

1255 Ryan Daniels- (Republican)

2432Jennifer DeChant - (Democrat)

169Blanks

**Sagadahoc County Treasurer**

3062Jane Scease - (Democrat)

794Blanks

**Sagadahoc County Register of Deeds**

2989Lynn Moore - (Republican)

867Blanks

**Sagadahoc County District Attorney**

1363Geoffrey Rushlau - (Republican)

2322David Sinclair - (Democrat)

171Blanks

**Sagadahoc County Commissioner District 2**

2981Lawrence Dawson - (Republican)

875Blanks

**Question 1: Citizen Initiative - Bear Hunting**

2163Yes

1618No

**Question 2: Bond Issue - \$8,000,000 Agriculture**

2459Yes

1239No

**Question 3: Bond Issue - \$12,000,000 Small**

**Business**

2478Yes

1204No

**Question 4: Bond Issue - \$10,000,000 Research**

**Center**

2457Yes

1224No

**Question 5: Bond Issue - \$3,000,000 Biological**

**Lab**

2091Yes

1567No

**Question 6: Bond Issue - \$10,000,000 Clean**

**Water**

2710Yes

993No

**Question 7: Bond Issue - \$7,000,000 Marine**

**Business**

2495Yes

1164No

**Sagadahoc County Referendum**

1374Yes

2110No

**MUNICIPAL - Bath**

**City Councilor At-Large- 3 Year Term**

1614James Omo

1522Sean Paulhus

604Blanks

**City Councilor Ward 1- 3 Year Term**

420Gregory Page

168Blanks

**City Councilor Ward 3 - 1 Year Term**

231Kyle Rogers

154Peter Blachly

60Blanks

**City Councilor Ward 6- 3 Year Term**

391Susan Bauer

131Blanks

**CITY CHARTER QUESTIONS**

**Question 1 Change December Council Meeting Time**

2996Yes

588No

**Question 2 Electronic Notification to Council of Special Meetings**

3098Yes

480No

**Question 3 City Manager Non-Requirement to Reside in Bath**

1329Yes

2293No

**Question 4 Limitations on Municipal Expenditures**

1627 Yes

1648 No

**Question 5 Providing Alternate Wardens and Ward Clerks for Elections**

3021 Yes

486 No

**Question 6 Bring City in line with State Requirements for Write-In Candidates**

2637Yes

850No

**RSU#1 - Board of Directors**

**District 1 - 3 Year Term**

395Jennifer Ritch-Smith - Woolwich

**District 2 - 3 Year Term**

*ONLY WRITE-INS (Highest count)*

17Megan Fuller

13Judith Dillon

**District 3 - 3 Year Term**

208Timothy Harkins - Arrowsic

**District 7- 3 Year Term**

300William Perkins - Phippsburg

*This item was taken up at the beginning of the meeting.*

**5) Order of Appointment: Single Assessor**

Madame Chair Eosco read the following Order:

**ORDER OF APPOINTMENT  
SINGLE ASSESSOR**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, PURSUANT TO THE PROVISIONS OF SECTION 403(A) OF THE CHARTER OF THE CITY OF BATH, THAT BRENDA E. CUMMINGS BE AND HEREBY IS JOINTLY APPOINTED BY THE CITY COUNCIL AND THE CITY MANAGER, AND IN CONSERT WITH THE MANAGER’S RECOMMENDATION FOR APPOINTMENT, AS THE ASSESSOR FOR THE CITY OF BATH. BE IT FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, PURSUANT TO THE PROVISIONS OF 30-A M.R.S. SECTION 2552(1)(C), THAT THE SAID BRENDA E. CUMMINGS BE AND HEREBY IS

APPOINTED AS THE SINGLE ASSESSOR FOR THE CITY OF BATH FOR A TERM NOT TO EXCEED FIVE (5) YEARS, COMMENCING WITH THE DATE OF APPROVAL OF THIS ORDER.

Councilor Wyman made a motion to put this item on the floor for discussion. Councilor Rogers seconded the motion.

City Manager Giroux stated that he recommended this appointment.

**VOTE on Order:**

**YEAS: 8**

**NAYS: 0**

**Order of Appointment passed unanimously. 8-0**

**6) Order Appointing: City Arborist/Tree Warden**

Madame Chair Eosco read the following Order:

**ORDER  
APPOINTING CITY ARBORIST/TREE WARDEN**

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the City's infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a City Arborist/Tree Warden annually and,

WHEREAS, said law gives the Arborist/Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7, 1993 and,

WHEREAS, Thomas Hoerth has worked in the capacity of the City Arborist and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Thomas Hoerth is qualified by virtue of his experience, licensure and position as City Arborist/Tree Warden,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Thomas Hoerth is hereby appointed as the City Arborist/Tree Warden for one year from this date.

Councilor Wyman made a motion to put this item on the floor for discussion. Councilor Mitchell seconded the motion.

Councilors thanked Mr. Hoerth for his good work in keeping the City's trees healthy.

**VOTE on Order:**

**YEAS: 8**

**NAYS: 0**

**Order of Appointment passed unanimously. 8-0**

**7) Order: Winter Street Court Property**

Councilor Sinclair made motion to waive the reading of the Order. Councilor Paulhus seconded the motion. All were in favor of the waiving motion.



**ORDER  
WINTER STREET COURT PROPERTY**

WHEREAS, the City of Bath acquired a ten foot by forty-eight foot (10' X 48') lot (480 square feet) from Martin F. Finley, by Deed dated April 18, 1996, and recorded in the Sagadahoc County Registry of Deeds in Book 1410, Page 42; and

WHEREAS, the purpose of acquiring the lot is no longer viable and the City has no need to retain ownership of the property; and

WHEREAS, the abutter to the South, Andrea DiBenedetto, has been given revocable permission to erect a fence on the property and use it for parking; and

WHEREAS, the abutter to the North, Toader Serban, has erected a deck on his property which is too close to the property line and represents a code violation; and

WHEREAS, the City, through Council and Staff, has sought to reach an agreement with the abutters regarding the disposition of the property that would leave in place the current use by Ms. DiBenedetto and resolve the code violation by Mr. Serban.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the City of Bath convey interests in the property as follows:

1. To Andrea DiBenedetto, an exclusive permanent easement to run with her adjacent property that will allow the existing fence to remain in place and to be repaired and replaced on an as needed basis and to continue to pave and use the property for parking purposes.
2. Conveyance of the underlying fee interest in the property to Toader Serban subject to the easement granted to Andrea DiBenedetto.
3. The parties will pay as consideration for the transfer of each of their particular interests in the property, as follows:
  - A. The DiBenedetto perpetual easement \$1,000.00.
  - B. The Serban fee interest subject to the easement \$500.00.

BE IT FURTHER ORDERED that the City Manager is authorized to execute such Deeds of conveyance and other documentation as is necessary, appropriate or convenient to the transaction. The transaction is subject to the agreement to accept the property interest being transferred by the City to Andrea DiBenedetto and Toader Serban.

Councilor Winglass made a motion to put this item on the floor for discussion. Councilor Mitchell seconded the motion.

City Solicitor Therriault explained the details of the agreement that led to this Order.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order passed unanimously. 8-0**

**G. Petitions & Communications 7:14 PM**

There were no petitions or communications.

## **H. City Manager's Report 7:14 PM**

The City Manager reported on the following items:

- Receipt of a MPI Grant of \$500,00 for road improvements for North Street from High Street to Lincoln Street

## **I. Committee Reports 7:18 PM**

Council Winglass gave an update from the Finance Committee on the quarterly budget. He stated that the H.M. Payson Fund was doing well.

Madame Chair Eosco gave a report on the Bath Housing Authority study on housing needs in Bath. She also gave a report from the Parking Committee regarding the painting of lines on Front Street and stated they were looking into the parking issues at Winnegance Store.

## **J. Unfinished Business 7:20 PM**

There was no unfinished business.

## **K. New Business 7:20 PM**

There was no new business.

## **L. Councilor Announcements 7:20 PM**

Councilor Paulhus stated that on November 12<sup>th</sup> there would be a delegation visiting from Sister City-Amori, Japan touring the State House at noon and then have a meeting here in Bath at 6pm at City Hall. He invited the public to attend.

Councilor Merrill stated that she had enjoyed serving as Ward One Councilor, thanked her fellow Councilors and City Staff for their support. She congratulated Greg Page on election to the seat.

Councilor Winglass made parting remarks. He thanked the City Staff and his family for their support during his tenure on Council.

Councilor Sinclair stated that it had been an honor for him to serve as the Ward Six Councilor and thanked Susan Bauer for taking over as Ward Six Councilor.

Councilor Wyman made a motion at 7:25 PM to go into Executive Session to discuss a Poverty Abatement per 36 M.R.S.A. §851(2). Councilor Mitchell seconded the motion. All were in favor of the motion.

Councilor Mitchell made a motion at 7:44 PM to come out of Executive Session. Councilor Merrill seconded the motion. All were in favor of the motion.

Councilor Rogers made a motion at 7:46 PM to go into Executive Session to discuss Title 1 M.R.S.A. Section 405(6)(E) Consultations between the Council and its attorney concerning the legal rights and duties of the body or agency regarding pending West Bath lawsuit. Councilor Paulhus seconded the motion.

### **VOTE on Motion:**

**YEAS: 6**

**NAYS: 1 (Sinclair)**

**ABSENTION: (Winglass)**

**Motion passed: 6-1-1**

Councilor Rogers made a motion at 7:50 PM to come out of Executive Session. Councilor Sinclair seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:52 PM with a motion by Councilor Rogers, seconded by Councilor Mitchell. All were in favor of the motion.

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.*