

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, February 2, 2022 @ 6:00 p.m.
Council Chambers, City Hall
55 Front Street

A. Pledge of Allegiance

B. Roll Call

31 Centre Street (The Grant-Tates Building) Presentation

C. Public Hearing

- 1) New Liquor License for Eloise Thai & Vietnamese, LLC d/b/a Red Envelope located at 54 Centre Street (*approval*)
- 2) New Liquor License for Midcoast Pizza and More, Inc. located at 737 Washington Street (*approval*)
- 3) New Liquor License for RSI Corporation d/b/a JR Maxwell & Co. located at 122 Front 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.)

*4) Minutes of the previous Regular Meeting of January 5, 2022, Special Meeting of January 19, 2022, and Items (Motion to Accept as Presented)

E. Time Devoted to Residents to Address the City Council

F. Ordinances, Resolutions and Orders

(5) **ORDINANCE:** Amendment to Chapter 12: Personnel, Article 6, Sec. 12-605
Holiday Leave

(6) **ORDINANCE:** LUC Amendment to Articles 2, 9, and 11 Accessory Dwelling
Units

G. Petitions & Communications

H. City Manager's Report

I. Committee Reports

Facilities Committee

J. Unfinished Business

K. New Business

7) Appointment to Planning Board term to expire September 2024

Reappointment of Bruce Brennan to Bath Community Forestry Committee term to expire October 2024

Reappointment of Karla Gagnon to Personnel Services Commission term to expire January 2025

L. Councilor Announcements

EXECUTIVE SESSION:

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

ADJOURN



NOTICE

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

the LIQUOR LICENSE APPLICATION FOR:

Eloise Thai & Vietnamese LLC d/b/a Red Envelope
54 Centre Street
Cong Trinh, Contact Person

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, FEBRUARY 2, 2022 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.

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

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

Legal Business Entity Applicant Name (corporation, LLC): <u>Eloise Thai & Vietnamese LLC</u>	Business Name (D/B/A): <u>Red Envelope</u>
Individual or Sole Proprietor Applicant Name(s): <u>Cong Trinh</u>	Physical Location: <u>54 Centre St.</u> <u>Bath ME, 04530</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>Cong Nova@GMail.Com</u>
Telephone # <u>207 518 3861</u> Fax #:	Business Telephone # <u>207 386 4170</u> Fax #:
Federal Tax Identification Number: <u>85-3469542</u>	Maine Seller Certificate # or Sales Tax #: <u>1224448 1224448</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>RedEnvelopeME.COM</u>

1. New license or renewal of existing license? ☒ New Expected Start date: Jan 15 2022
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

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:

54 Centre Street 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
Cong Trinh	3/27/1992	U.S.A

Residence address on all the above for previous 5 years

Name	Address:
Cong Trinh	123 LANE AVE Portland ME, 04103
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)

This restaurant serves food and drinks in the dining
Area. There is no bar so we'll serve only
bottled items. Small Eatery.

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: The Neighborhood United Church of Christ

Distance: About a block away.

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: 12/17/2021

Cong Trinh
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Cong Trinh
Printed Name 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 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.

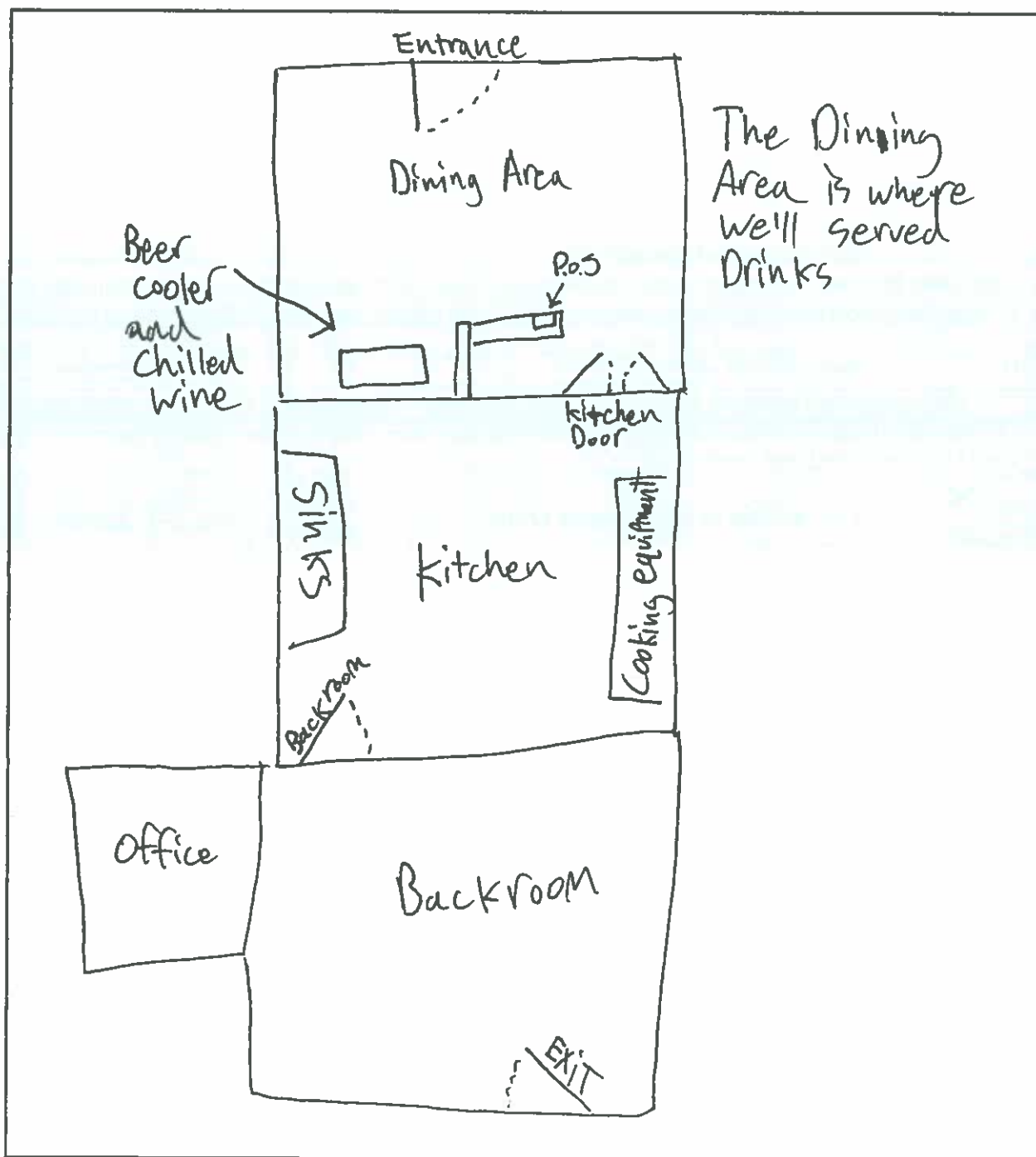
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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



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: Eloise Thai & Vietnamese LLC
2. Doing Business As, if any: Red Envelope
3. Date of filing with Secretary of State: 10-15-2020 State in which you are formed: ME
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
Coag Trinh	123 LANE Ave	3/27/1992	Owner	100%

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

Date		Description		Amount	
1900	Jan 1	Balance		100.00	
1900	Feb 1	Interest		1.00	
1900	Mar 1	Interest		1.00	
1900	Apr 1	Interest		1.00	
1900	May 1	Interest		1.00	
1900	Jun 1	Interest		1.00	
1900	Jul 1	Interest		1.00	
1900	Aug 1	Interest		1.00	
1900	Sep 1	Interest		1.00	
1900	Oct 1	Interest		1.00	
1900	Nov 1	Interest		1.00	
1900	Dec 1	Interest		1.00	
1900	Dec 31	Total		105.00	



NOTICE

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

the **LIQUOR LICENSE APPLICATION** FOR:

**Midcoast Pizza and More Inc.
737 Washington Street
John Brigrance, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, FEBRUARY 2, 2022 AT 6:02 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

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

2.

3.

4. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

5. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$



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.

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

Section I: Type of License, Status and Applicant Information

1. New license or renewal of existing license? ☐ New ☐ Renewal

If a renewal, please provide the following information:

Your current license expiration date: _____

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

3. 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 with auxiliary and mobile cart options
(Class I, II, III, IV) | | <input type="checkbox"/> Tavern
(Class IV) |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

☐ Other: _____

Refer to Section VI For Fee Schedule

4. If application is for a new license or the business is under new ownership, indicate starting date:

Section II: Licensee/Applicant(s) Information

Legal Business Entity Applicant Name (corporation, LLC): <i>Midcoast Pizza and More Inc.</i>	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <i>737 Washington St., Bath ME</i>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <i>brigancejhb@gmail.com</i>
Telephone # Fax #:	Business Telephone # Fax #: <i>207 443 6631</i>
Federal Tax Identification Number: <i>01-0524308</i>	Maine Seller Certificate # or Sales Tax #: <i>1043639</i>
Federal Basic Permit Number:	Website address: <i>midcoastpizzaandmore.com</i>

1. Business records are located at the following address:

737 Washington St. Bath ME 04530

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

☒ Yes ☐ No If Yes, complete Attachment 1 at the end of this application

3. 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

4. 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
<i>John Harrison Brigance</i>	<i>08/22/1967</i>	<i>Omaha NE</i>
<i>Angela M. Smith</i>	<i>11/24/1972</i>	<i>Biddeford ME</i>

Residence address on all of the above for previous 5 years

Name	John H. Brigrance	Address:	11 Baileg St. Bath ME
Name	Angela M. Smith	Address:	11 Baileg St. Bath ME
Name		Address:	
Name		Address:	

5. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
6. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☐ No
7. For a licensee/applicant who is a business entity as noted in Section II, 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
8. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? ☐ Yes ☒ No
9. 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:

10. 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: _____	

11. 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: _____

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

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

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

Nick Papadopoulos 12 Homelace Thompson ME

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

15. Do you permit dancing or entertainment on the licensed premises? ☐ Yes ☒ No

If yes, please check that you have received authorization from the municipality in which you are doing business to conduct this type activity.

- ☐ The licensee/applicant affirms that permission has been granted by the municipality for dancing or other allowed entertainment at this place of business.

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

Open primary dining area with counter service and
approximately 20 tables available. Full menu available.
A second dining room is also used for high volume or
for private parties with slightly less capacity.

17. 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: First Baptist Church of Bath

Distance: 1/4 mile

Section III: Signature; Fee; Delivery of application

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: 1/10/22

John H. Brigrance
Signature of Duly Authorized Person*

Angela Smith
Signature of Duly Authorized Person*

John H. Brigrance
Printed Name Duly Authorized Person

Angela Smith
Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VIII on this application.

Section IV: For use by Municipal Officers and County Commissioners only Approval of an application for an on-premises liquor license –

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 on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

Signature of Officials	Printed Name and Title

This Approval Expires in 60 Days

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.

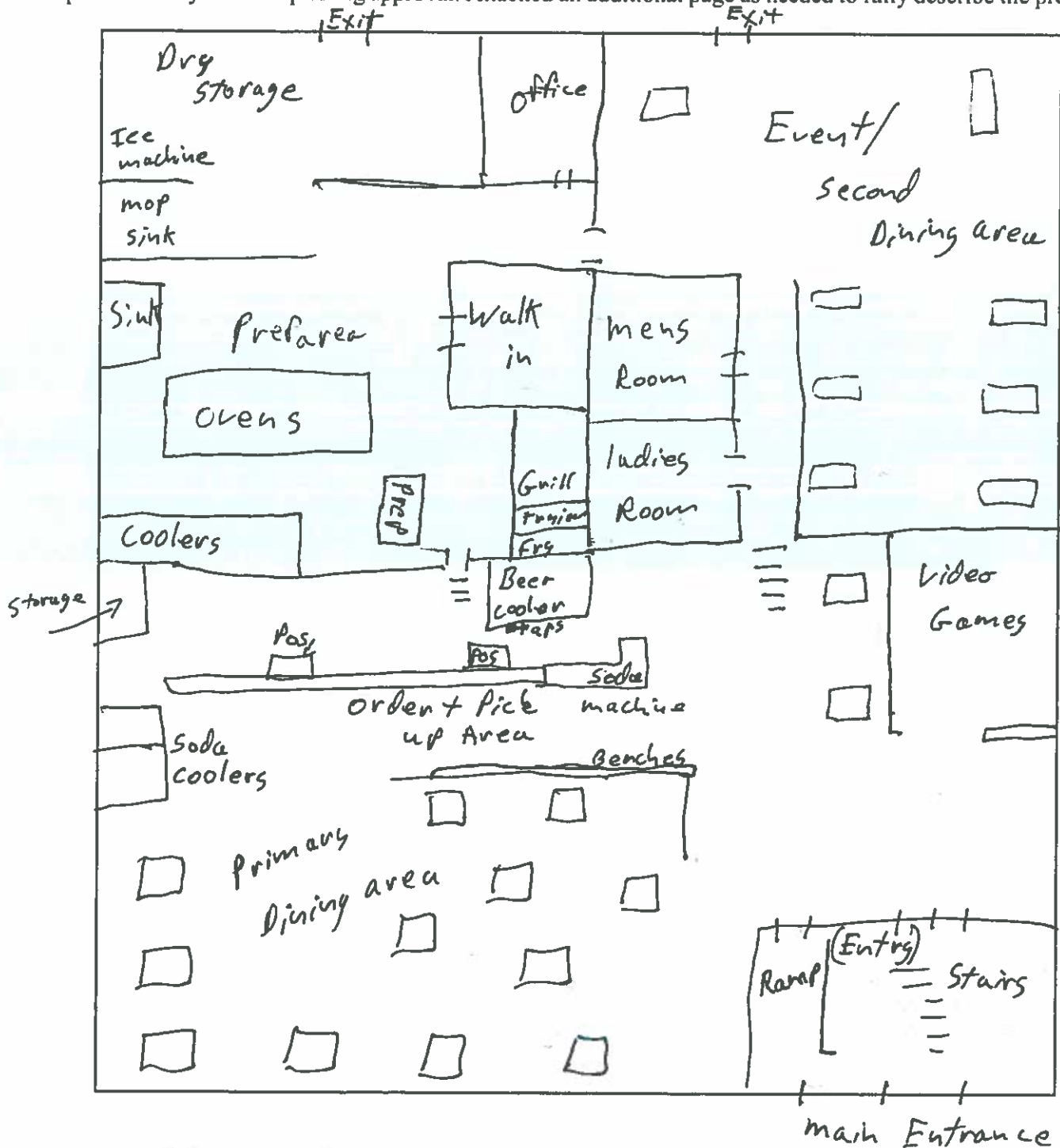
Section V: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- 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 permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section VII 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.



Section VIII: 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 II 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%.)

Section VI: 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
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00



NOTICE

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

the LIQUOR LICENSE APPLICATION FOR:

**RSI Corporation d/b/a JR Maxwell & Co.
122 Front Street
Rowan Wagner, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, FEBRUARY 2, 2022 AT 6:03 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

THE
LIBRARY OF THE
MUSEUM OF NATURAL HISTORY
AND
ZOOLOGY
OF THE
CITY OF BOSTON
111



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.

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

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

Legal Business Entity Applicant Name (corporation, LLC): <u>R81 Corporation</u>	Business Name (D/B/A): <u>JR Maxwell & Co.</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>122 Front St Bath</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <u>PO BOX 583</u>
Mailing address, if different from DBA address:	Email Address:
Telephone # Fax #:	Business Telephone # Fax #: <u>207 443 2014</u>
Federal Tax Identification Number: <u>01 0365 1035</u>	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: _____
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: N/A
2.4 combined

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 checked="" 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:

122 Front 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
Rowan Wagner	2/18/75	Orlando FL
Edwin Rogers	5/31/38	Presque Isl. ME

Residence address on all the above for previous 5 years

Name	Address:
Rowan Wagner	1 Elm St Bath
Name	Address:
↓	1965 Harpswell Isl Rd Barley Isl
Name	Address:
↓	927A High St Bath
Name	Address:
Edwin Rogers	5 Old Sloop Lane Bath

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: N/A

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)

Tier 3 Eating establishment (165 seat)

Bar/lounge lower level

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: Fisher Mitchell School

Distance: 0.6 mi.

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: 11/11/22

R. F. L.
Signature of Duly Authorized Person

[Signature]
Signature of Duly Authorized Person

Rowan R. Wagner
Printed Name Duly Authorized Person

Edwin A. Rogers
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>

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A. The bureau shall prepare and supply application forms.

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Section V: Fee Schedule

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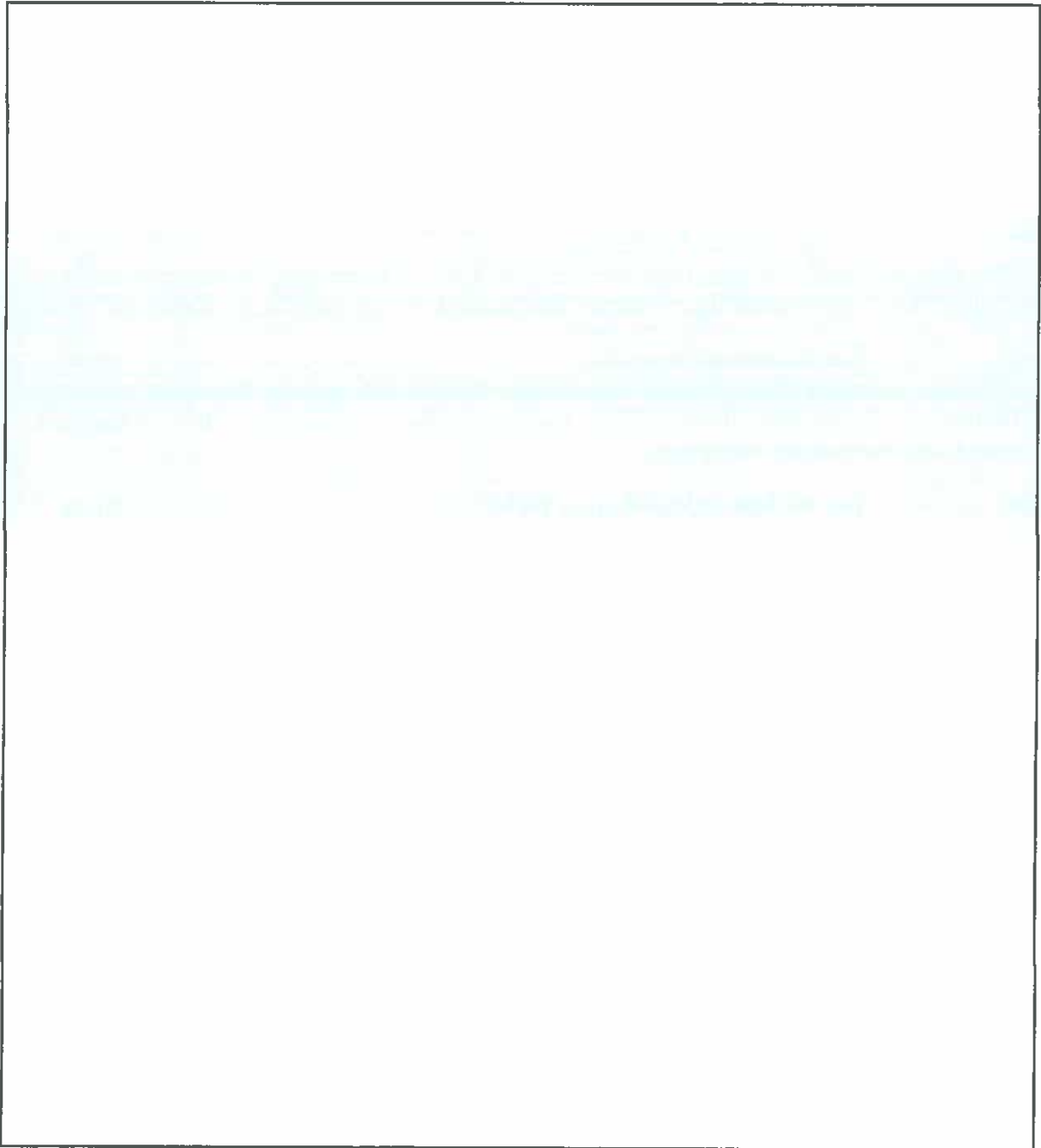
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Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool 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
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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

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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 their premises floor plan. 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.

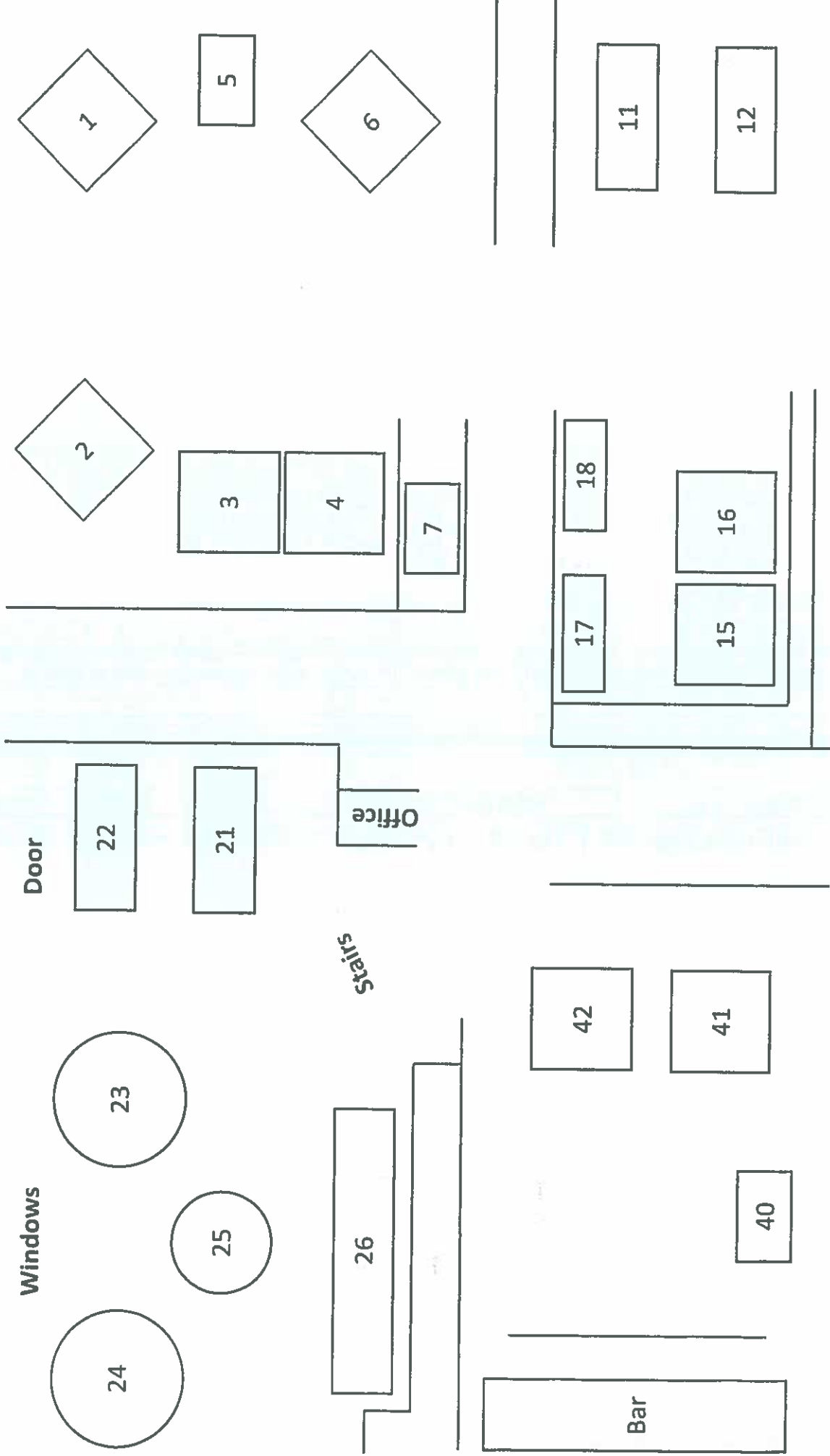
1. Exact legal name: RSI CORPORATION
2. Doing Business As, if any: JR Maxwell & Co.
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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
Rowan Wagner	1 Elm St Bath	2/18/75	owner	50
Edwin Rogers	1965 Hopswell St. Bath			
	927A High St Bath			
Edwin Rogers	506 Sloop Ln. Bath	5/31/38	Pres.	50

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

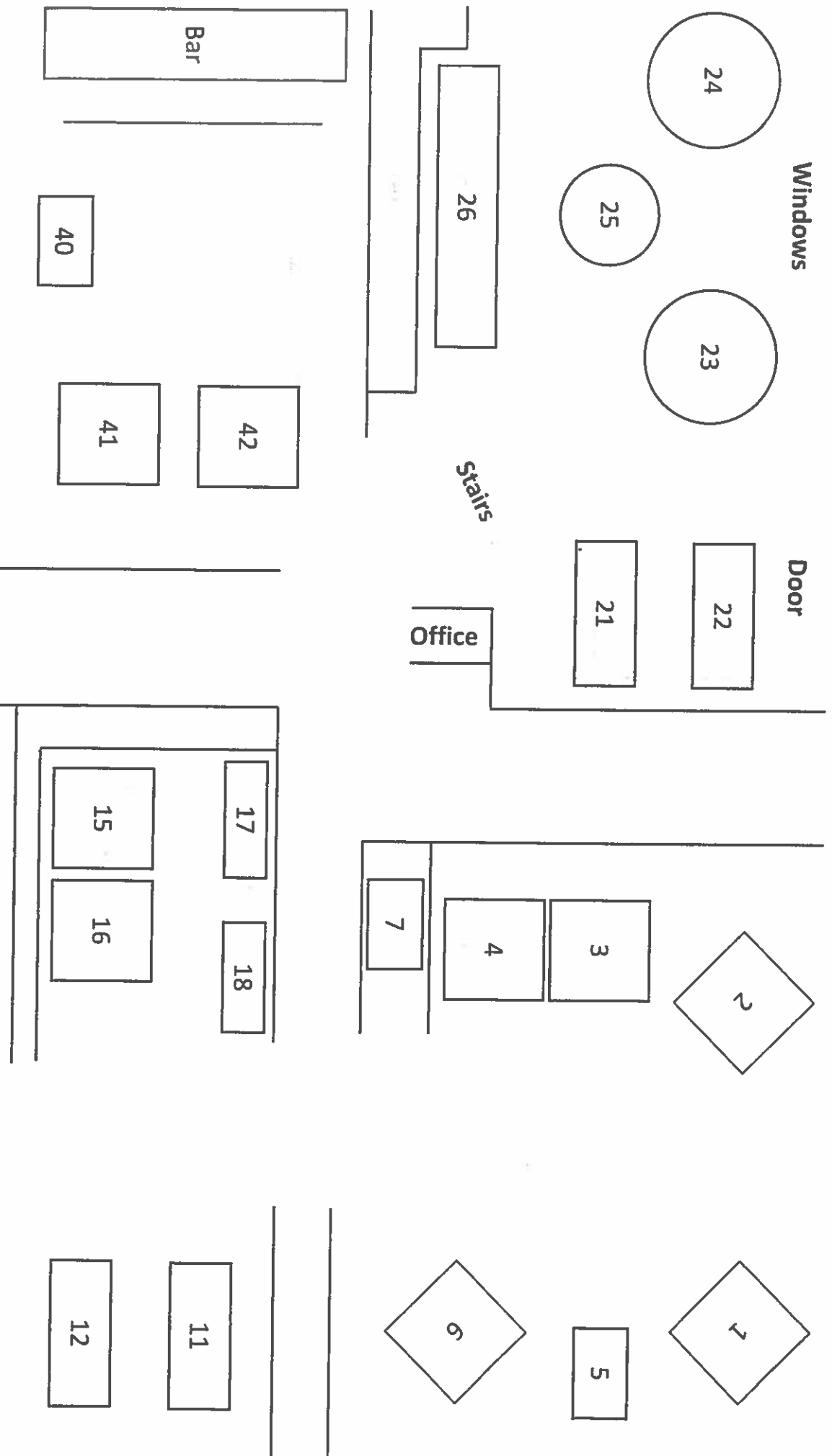
Front St.



Downstairs
↓

Kitchen ↑

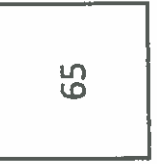
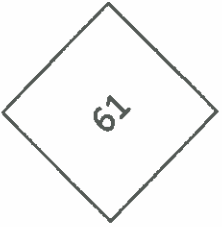
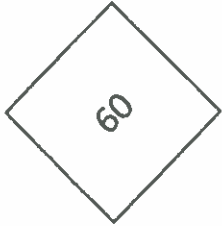
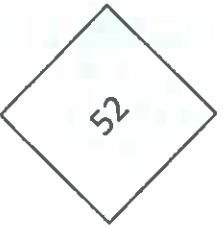
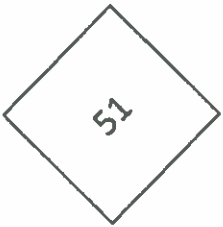
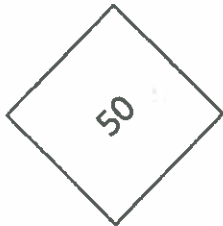
Front St.



Kitcher

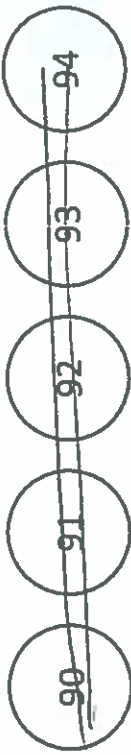
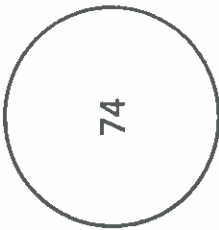
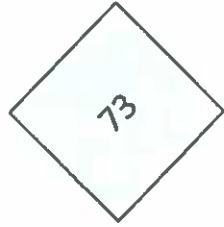
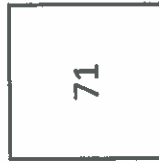
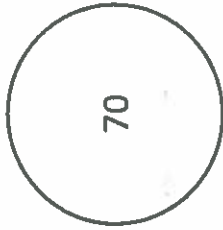
Downstairs
↓

1 to 11 (front 54)



Restroom →

80 (Conference Room) →



N/A

stairs
170

Seating

Restrooms

Bar

Front
Bar

Bar

Stairs

Stairs

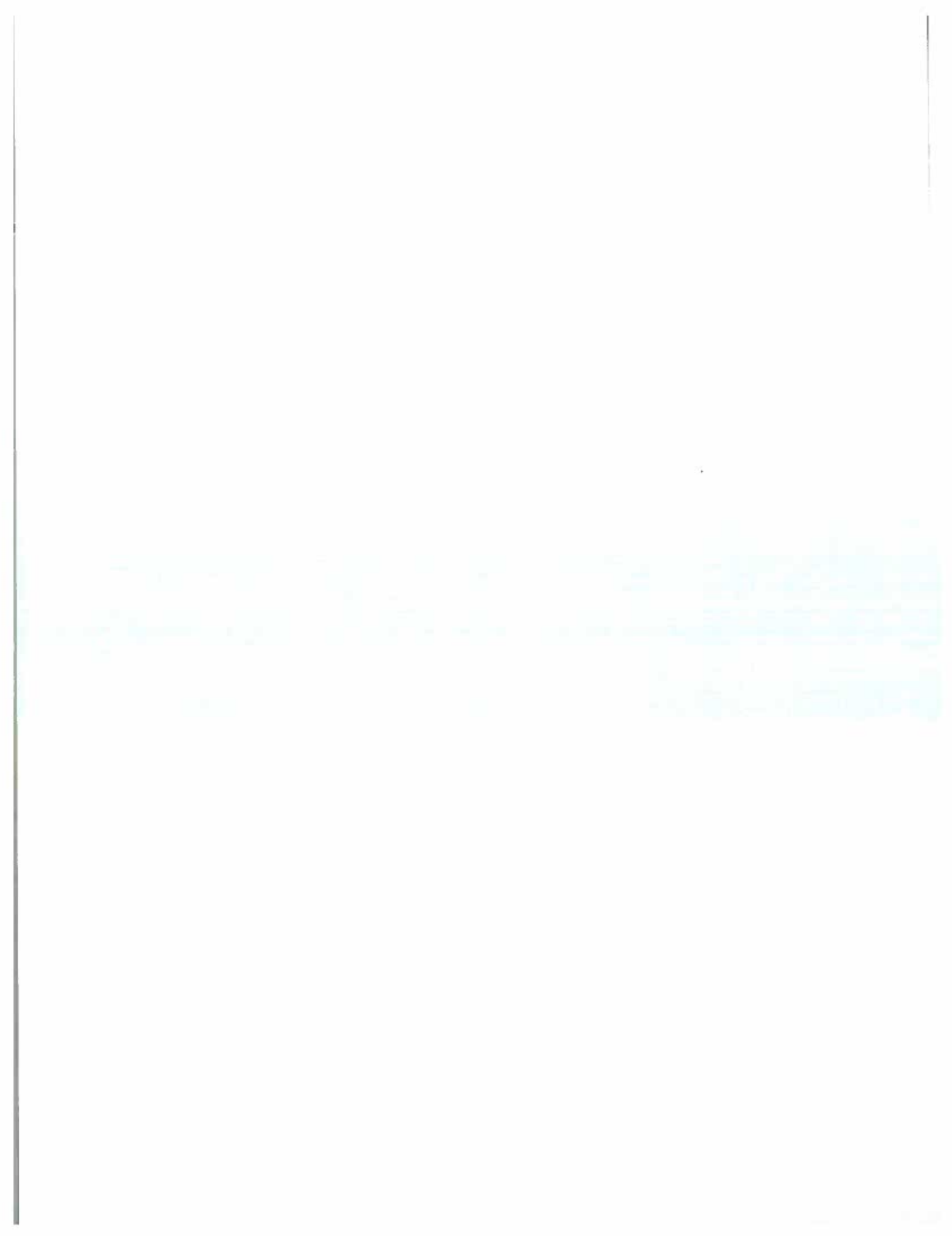
Entry

Entry

Back
Bar

1

1



rec'd 1/25/2022



CITY OF BATH, MAINE
APPLICATION FOR
SPECIAL AMUSEMENT PERMIT FOR MUSIC, DANCING
OR ENTERTAINMENT FOR ESTABLISHMENTS
LICENSED FOR THE SALE OF LIQUOR

NAME OF APPLICANT: Rowan Wagner
RESIDENCE: 927A High St Bath Me 04530

NAME OF BUSINESS: JR Maxwell's Co.
BUSINESS ADDRESS: 122 Front St

1. Describe in detail kind and nature of entertainment:

open mic night
live music
pool table

2. Describe in detail room or rooms to be used under this permit:

Downstairs Bar area

3. Has applicant ever had a license to conduct the business herein described either denied or revoked?
NO If so, describe circumstances:

4. Has applicant, including partners or corporate officers ever been convicted of a felony? NO
If so, describe specifically those circumstances:

5. When does your current liquor license expire?

temp expires 2/28/22

X R. R. C.
Signature of Individual

RSI Corp / JR Maxwell
Name of Corporation

If Partnership, members of partnership

If Corporation, dully authorized Officer

Application for Special Amusement Permit: (Fee of \$25.00 must accompany application)

Dated at _____ on _____, 20____

MRSA Title 28-A §1054

This permit includes:

- A. Any music, except radio or other mechanical device.
- B. Any dancing; or
- C. Entertainment of any sort.

This permit is required if a licensee for sale of liquor to be consumed on the premises provides activities or entertainment, listed above, must first obtain a special amusement permit from the municipality in which the licensed premises are located.

STATE OF MAINE

Sagadahoc County, ss
Bath, Maine

The undersigned being Municipal Officer(s) of the City of Bath, Maine hereby approve the application in accordance with the provisions of Title 28-A §1054, Maine Revised Statutes.

Dated: _____

Approved by:

Codes Enforcement Officer: _____

Date: _____

Police Chief: _____

Date: _____

Fire Chief: _____

Date: _____

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, January 5th, 2022, 6:00 PM**

Councilors Present: Julie Ambrosino, Phyllis Bailey, Mary Ellen Bell, Roo Dunn, Jennifer DeChant arrived at 6:03pm, Susan Bauer, Aaron Park, Elizabeth Dingley

Councilors Absent: Terry Nordmann

City Staff Present: Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director; Ben Averill, City Planner; Lee Leiner, Public Works Director, Lindsey Goudreau, Marketing Specialist, Roger Therriault, City Solicitor; and Michael Bethea, BCTV

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

- Presentation of Plaque to Raye Leonard for 2 years and 9 months of dedicated service on the Bath City Council.
- Presentation of City Chair and Proclamation to Sean Paulhus for 13 years of dedicated service on the Bath City Council.
- Presentation by the Bicycle and Pedestrian Committee, regarding the renewal of the Bicycle Friend Community status.
- Presentation by Mid Coast Hospital
- Presentation of City Logo Update
- Presentation by Climate Action Commission

C. Public Hearing: (None)

D. Consent Agenda 6:59 PM

***1) Minutes of the previous Council Organizational/Regular Meetings of December 1, 2021, Organizational/Special Meeting of December 15, 2021, and Items K3, K4 and K5 (Motion to Accept as Presented)**

Councilor Bauer moved, Councilor Bell seconded, to approve as presented. The motion carried with seven (7) yeas.

E. Time Devoted to Residents to Address City Council: (None)

F. Resolutions, Orders and Ordinances 7:01 PM

2) Order – Approving contract for the Riverwalk project with J. Pratt Construction, Inc.

**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 RIVERWALK PROJECT IN THE AMOUNT OF \$1,100,568.49 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 ACCOUNT 15-1505-730.

Lee Leiner, Public Works Director introduced this item. Mr. Leiner responded to questions from Councilors Bailey, DeChant, Dingley, Bauer, Bell and Ambrosino. City Manager Meyers responded to questions from Councilors Dunn, DeChant, and Bauer.

Councilor Bauer moved, Councilor Bailey seconded, to approve as presented. The motion carried with five (5) yeas and two (2) nays.

YEAS: Councilors Ambrosino, Bailey, Bell, Dunn, and Bauer

NAYS: Councilors DeChant and Dingley

***3) Annual Appointment of Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes. (Motion to appoint)**

Annual Appointment of Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for the City of Bath, for a period of one year, pursuant to 30-A M.R.S. Section 3601-A, with the explicit approval and authority of the Municipal Officers, to enforce the State Laws, duly adopted State Rules, or local Ordinances enacted pursuant to Title 25, Part 6, Chapter 313, Title 10, Part 14, Chapter 1103, and Codes enacted by the City of Bath, pursuant to Title 30-A, Part 2, Subpart 4, Chapter 141, regarding adoption of Codes by reference. (Motion to appoint.)

***4) Annual Appointment of Tom Lister as Alternate Codes Enforcement Officer and Local Plumbing Inspector for the City of Bath for one year, pursuant to State Statutes. (Motion to appoint)**

Annual Appointment of Thomas Lister as Alternate Codes Enforcement Officer and Alternate Plumbing Inspector for the City of Bath, for a period of one year, pursuant to 30-A M.R.S. Section 3601-A, with the explicit approval and authority of the Municipal Officers, to enforce any State Laws, duly adopted State Rules, or local Ordinances enacted pursuant to Title 25, Part 6, Chapter 313, Title 10, Part 14, Chapter 1103, and Codes enacted by the City of Bath, pursuant to Title 30-A, Part 2, Subpart 4, Chapter 141, regarding adoption of Codes by reference. (Motion to appoint.)

***5) Annual Appointments to Committees by Council Nominees:**

**Bath Housing Authority Board of Directors – Mary Ellen Bell
Midcoast Council of Governments – Aaron Park, Jennifer DeChant
Patten Free Library Board of Directors – Mary Ellen Bell
Recreation Commission – Elizabeth Dingley
Sidewalk Vending License Committee – Elizabeth Dingley
Student Community Liaison Council – Aaron Park
Welfare Review Board – Phyllis Bailey, Terry Nordmann, Susan Bauer**

G. Petitions and Communications (None)

H. City Manager's Report 7:20 PM

December 31st Retirement of Captain Rick Chipman
Sean Chandler Promoted to Captain effective January 3rd
Michael Bethea will be facilitating BCTV due to December 31st retirement of Steve Marois of BCTV

I. Committee Reports 7:20 PM

Councilor Bailey reported

Community Development Committee

Planning board will move forward the Accessory Dwelling Unit Ordinance to Council

Capacity to create workforce housing

Create more options for older adults to remain in their homes

Councilor Ambrosino reported

Forestry Committee

Mapping out Butler Head on GPS

City Arborist position available

J. Unfinished Business (None)

K. New Business (None)

L. Councilor Announcements

Councilor Bauer

Good Morning Program

Seniors living alone can call Police Department to let them know that they are fine

Information can be found on City Website regarding the program

Councilor Dingley

Mask mandate discussion needed

Councilor DeChant, Dunn, Bell agreed

Councilor Bauer recommended to put this on the January 19th agenda

Councilor Dunn recommended to enforce this in city owned buildings at this time

City Manager Meyers asked if the Council would prefer a draft ordinance be brought to the January 19th meeting

City Solicitor Therriault explained the process of ordinance and emergency ordinance

Councilor Bailey

Senior Center Newsletter is available

Covid updates

Tax Prep help thru AARP

Councilor Dingley

Rabies Adhoc Committee revisited

Committee will need to buy in needed from surrounding towns for ORV

Councilor Bell asked for clarification of what task is for this Adhoc Committee

Chair Park read the motion brought by Council last meeting

Councilor DeChant stated that we are in the planning phase

Councilor Dingley will continue to advocate for ORV

Councilor Bailey stated that next steps should be as follows

Cost of ORV

Identify other options

Go to other communities to see what interests them to buy in

Costs for each community determined

City Manager Meyers stated that the program should be spoken about before the cost

Discussion continued regarding makeup of the committee

City Manager, Staff, Councilors Dingley, Dunn, and Bell will plan to meet

Councilor Bauer moved, Councilor Bailey seconded, to enter Executive Session. The motion carried with seven (7) yeas.

EXECUTIVE SESSION:

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

Councilor Ambrosino moved, Councilor Bailey seconded, to enter Regular Session. The motion carried with seven (7) yeas.

Councilor Bauer moved, Councilor Ambrosino seconded, to adjourn. The motion carried with seven (7) yeas.

Meeting adjourned at 8:30pm.

Attested:

Darci L. Wheeler, City Clerk

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

SPECIAL MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, January 19th, 2022, 6:00 PM

Councilors Present: Julie Ambrosino, Phyllis Bailey, Mary Ellen Bell, Roo Dunn, Jennifer DeChant, Susan Bauer, Aaron Park, Elizabeth Dingley

Councilors Absent: Terry Nordmann

City Staff Present: Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director; Andrew Booth, Police Chief, Roger Therriault, City Solicitor; and Michael Bethea, BCTV

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

I. Order – Approving the transfer of school properties to Regional School Unit NO. 1: Lower Kennebec Region School Unit

**ORDER APPROVING THE TRANSFER OF SCHOOL PROPERTIES TO
REGIONAL SCHOOL UNIT NO. 1: LOWER KENNEBEC REGION SCHOOL UNIT**

WHEREAS, the City of Bath has been, and remains, a member of Regional School Unit No. 1: Lower Kennebec Region School Unit; and

WHEREAS, the Legislation creating Regional School Unit No. 1: Lower Kennebec Region School Unit required that its member municipalities transfer to Regional School Unit No. 1: Lower Kennebec Region School Unit all school properties within each of the participating member's jurisdiction.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the transfer of the school properties within the City of Bath and administered by Regional School Unit No. 1: Lower Kennebec Region School Unit, namely Fisher–Mitchell School, Dike-Newell School, Bath Middle School, and former Morse High School, be and hereby is approved. The City Manager is authorized to execute Deeds and such other documents as may be required to affect the transfers. The transfer documents shall be in a form acceptable to the City Manager.

Marc Meyers, City Manager introduced this item. No council or public comment.

Councilor Bauer moved, Councilor Bailey seconded, to approve as presented. The motion carried with seven (7) yeas.

YEAS: Councilors Ambrosino, Bailey, Bell, Dunn, DeChant, Bauer and Dingley

II. Emergency Ordinance – Chapter 10. Article 8, Face Covering Mandate

CITY OF BATH EMERGENCY ORDINANCE

CHAPTER 10. PUBLIC SAFETY

ARTICLE 8. Face Covering Mandate

EMERGENCY DECLARATION

The City Council of the City of Bath, pursuant to Section 222 of the City Charter, has the authority to enact Emergency Ordinances in circumstances where it is necessary to meet a public emergency affecting the public peace or the life, health, property or safety of the City or its inhabitants. The current circumstances involving COVID-19 make it self-evident that the COVID-19 Pandemic continues to be a pervasive and ongoing threat to the health of citizens causing a number of public entities to enact and enforce public face covering mandates in order to minimize the risk of infection to the general public, in order to minimize the impact on health services, and to protect the lives and welfare of the public. Several mask mandates have been enacted by Federal and State Agencies to protect their employees and the public utilizing their facilities and at least two other municipalities have enacted general mandates covering public spaces within their communities.

The enactment of an Emergency Ordinance requires the affirmative vote of not less than six (6) Councilors. After enactment, the Ordinance shall be published and printed in a paper having general circulation in the City and posted in at least two (2) public places. It shall become effective upon enactment but shall automatically be repealed as of the sixtieth (60th) day following the date of which it was enacted unless enacted during the 60-day period as a regular Ordinance according to Section 221 of the Charter. An Emergency Ordinance may be repealed by enactment in the same manner as specified for the enactment of Emergency Ordinances.

FACE COVERING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, IN ACCORDANCE WITH SECTION 222 OF THE CHARTER OF THE CITY OF BATH, THAT THE FOLLOWING FACE COVERING MANDATE BE AND HEREBY IS ENACTED BY THE CITY COUNCIL:

CHAPTER 10. PUBLIC SAFETY

ARTICLE 8. Face Covering Mandate

Section 10-801. Definitions.

For the purpose of this Ordinance, the following terms shall have the following meaning:

Face covering means any cloth or tightly woven fabric that can be worn on an individual's face over their nose and mouth and substantially complies with the United States Center for Disease Control's recommended guidance for masks, such as surgical masks, N95 respirators, double-layer cloth gaiters, or any similar mask that fits snugly around the nose and chin, has multiple layers and/or inner filter pockets, and does not let light through when held up to a light source.

Person means any individual regardless of their status within a Public Building including but not limited to an employee, an owner, a customer, a licensee, an invitee, a visitor, or any other individual.

Public Building means any building or portion of a building within the City of Bath that is regularly accessible to the general public. For purposes of this ordinance, a Public Building shall not include a private residence or residential unit, a public pre-school or K through 12 school (which remains under the authority of the RSU #1), a church or other house of worship, office space where the occupant(s) can be physically separated from the general public, or the portions of a theater, gym, or athletic arena where all of the individuals performing, exercising, or playing have been vaccinated and where there is either space, a physical barrier, or ventilation system that separates them from the general public or audience.

Vaccinated shall have the same meaning as the term "fully vaccinated," as defined by the Federal Centers for Disease Control and Prevention.

Section 10-802. Face Covering Mandate.

(a) Starting January __, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the City of Bath, unless otherwise excepted in Section 10.803.

(b) Persons must also wear Face Coverings over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, ride shares, vehicles for hire, or any other ride services within the City of Bath.

(c) Persons inside a Public Building or portion thereof may temporarily remove their Face Coverings to participate in the primary purpose of the business, such as eating or drinking, only to the extent that such removal occurs at an isolated location, such as a table or booth, and that any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from their isolated location.

(d) Nothing in this ordinance shall be interpreted to relieve a Person or business of any state or federal face covering obligations, and this ordinance shall be subordinate to any federal or state laws concerning vaccines or Face Coverings.

Section 10-803. Exceptions.

(a) Any Person under the age of 2, anyone with a medical condition that is complicated or irritated by a facial covering, anyone with difficulty breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance is not required to wear a Face Covering.

(b) Any Person who is alone in a Public Building is not required to wear a Face Covering so long as they remain alone.

(c) Any Person entering a business, or a portion of a business, located within a Public Building, including but not limited to retail, food and beverage, gym, theater, or similar high-traffic business, which actively screens and limits who may enter its premises to only Persons with established proof of vaccination for the COVID-19 Virus, will not be obligated to wear a Face Covering within the business, but only to the extent that the Person is actually screened and provides proof of vaccination.

Section 10-804. Posting Requirement.

Each Public Building and each separate business or separate premise within a Public Building must post signage at the entrance and at other appropriate locations stating that Persons entering are required to wear face coverings by order of the Bath City Council. Other locations can be alternative entrances (back doors, etc.) or at transaction locations such as registers. Signage requirements outlined in this section will have an effective date of January __, 2022.

Section 10-805. Effective Period.

(a) Repeal. This Ordinance, enacted as an emergency and pursuant to the City Charter, shall be effective for sixty (60) days and repealed sixty (60) days after the date of its enactment unless otherwise readopted in accordance with the requirements of regular Ordinances under Section 221 of the Charter.

(b) Suspension. Enforcement of this ordinance may be suspended by an Emergency Order promulgated by the City Manager prior to its expiration upon the determination by the City Manager that the seven-day average of new cases for Sagadahoc County has dropped to the CDC's "moderate" transmission level for a period of ten consecutive days. Subsequently, prior to the expiration of the ordinance, enforcement may be reinstated by an Emergency Order promulgated by the City Manager upon a determination by the City Manager that the seven-day average for Sagadahoc County has returned to "substantial" or "high" levels of transmission for ten consecutive days. Public notice of these Emergency Orders shall be circulated publicly and on the City's website.

Section 10-806. Remote Meetings/Public Participation.

While this ordinance is in effect, members of any public body as defined in the City Council's policy entitled "Remote Participation in Public Proceedings" may participate remotely in all public proceedings in accordance with the provisions of that policy.

Section 10-807. Enforcement.

(a) A violation of this ordinance shall be a civil violation subject to a fine of up to \$500. A Person found violating this ordinance will also be directed to comply with the Face Covering mandate or will be obligated to leave the building or area where the offense occurred. Those refusing to comply with the requirements of this Ordinance will be subject to enforcement activities as may be appropriate to secure compliance.

(b) The City's Health Officer or his or her designee is authorized to institute or cause to be instituted by and through the City Solicitor, in the name of the City of Bath, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The City of Bath Police Department is also authorized to enforce this ordinance.

Councilor Bailey moved, Councilor Ambrosino seconded, to put on floor.

Councilors Dunn and Bailey commented on Emergency Ordinance.

Public Comment

Rick Knowlton 10 Bernard Street opposed

Melissa Albert 64 Oak Street opposed
Russ Long 43 Meadow Way in favor
Kevin Bachman 21 McFadden Road, Arrowsic (wife is owner of Café Crème) opposed
Melinda Baxter 78 George Wright Road, Woolwich (yoga instructor in Bath) opposed
Joshua Whitney 5 Ancona Ave opposed
Russ Long 43 Meadow Way

Written public comment by Bath Cannabis Company was provided to Councilors

Discussion followed with Councilors Dingley, Ambrosino, Bauer, DeChant, Dunn, and Bell.

Councilor Dunn moved, Councilor Dingley seconded, to amend the Emergency Ordinance by removing Section 10-803, c. The motion carried with seven (7) yeas.

YEAS: Councilors Ambrosino, Bailey, Bell, Dunn, DeChant, Bauer and Dingley

(c) Any Person entering a business, or a portion of a business, located within a Public Building, including but not limited to retail, food and beverage, gym, theater, or similar high-traffic business, which actively screens and limits who may enter its premises to only Persons with established proof of vaccination for the COVID-19 Virus, will not be obligated to wear a Face Covering within the business, but only to the extent that the Person is actually screened and provides proof of vaccination.

Public Comment

Melissa Albert 64 Oak Street in favor

Councilor Dunn moved, Councilor Dingley seconded, to amend the Emergency Ordinance by editing Section 10-805, b. The motion failed with two (2) yeas and five (5) nays.

YEAS: Councilors Dunn and Dingley

NAYS: Councilors Ambrosino, Bailey, Bell, DeChant and Bauer

(b) Suspension. Enforcement of this ordinance may be suspended by an Emergency Order promulgated by the City Manager prior to its expiration upon the determination by the City Manager that the seven-day average of new cases for Sagadahoc County has dropped to the CDC's ~~"moderate"~~ "low" transmission level for a period of ~~ten~~ fourteen consecutive days. Subsequently, prior to the expiration of the ordinance, enforcement may be reinstated by an Emergency Order promulgated by the City Manager upon a determination by the City Manager that the seven-day average for Sagadahoc County has returned to "substantial" or "high" levels of transmission for ten fourteen consecutive days. Public notice of these Emergency Orders shall be circulated publicly and on the City's website.

City Manager Meyers commented.

Councilors Ambrosino, DeChant, and Dunn commented.

Public Comment

Rick Knowlton 10 Bernard Street opposed

Councilor Bell recommended masks, signs, and enforcement for businesses. City Manager Meyers responded. Discussion followed with Councilor Bailey.

Councilor Bailey moved, Councilor Bauer seconded, to amend the Emergency Ordinance by editing Section 10-805, a. The motion was withdrawn by Councilor Bailey.

City Solicitor Therriault explained the ordinance requirements of 60 days.

Discussion followed with Councilors Bauer, Dunn, DeChant, Dingley, and Bailey.

Informal action item proposed by Councilor Bailey to revisit in 30 days.

Councilor Ambrosino followed with discussion regarding enforcement. Councilor DeChant commented. Further discussion followed with Councilor Dingley.

Councilor Dingley moved, Councilor Dunn seconded, to amend the Emergency Ordinance by entering a start date in Section 10-802, a and Section 10-804. The motion carried with seven (7) yeas.

YEAS: Councilors Ambrosino, Bailey, Bell, Dunn, DeChant, Bauer and Dingley

City Manager Meyers recommended a start date upon request from Councilor Dunn.

Section 10-802. Face Covering Mandate.

(a) Starting January __ 24, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the City of Bath, unless otherwise excepted in Section 10.803.

Section 10-804. Posting Requirement.

Each Public Building and each separate business or separate premise within a Public Building must post signage at the entrance and at other appropriate locations stating that Persons entering are required to wear face coverings by order of the Bath City Council. Other locations can be alternative entrances (back doors, etc.) or at transaction locations such as registers. Signage requirements outlined in this section will have an effective date of January __ 24, 2022.

Public Comment

Melinda Baxter 78 George Wright Road, Woolwich
Kevin Bachman 21 McFadden Road, Arrowsic
Melissa Albert 24 Oak Street

Discussion followed with Councilors Ambrosino, Dingley, Bauer, Dunn, and Bailey.

Councilor DeChant moved, Councilor Bauer seconded, to amend the Emergency Ordinance by deleting Section 10-807, a and b. The motion failed with two (2) yeas and five (5) nays.

YEAS: Councilors Ambrosino and DeChant

NAYS: Councilors Bailey, Bell, Dunn, Bauer, and Dingley

Discussion followed with Councilors Dunn, Bailey, DeChant, and Dingley.

Public Comment

Rob Whisenant Sabattus (owner of Bruno's Wood Fired Pizza)
Rick Knowlton 10 Bernard Street
Kevin Bachman Arrowsic
Joshua Whitney 5 Ancona Ave

Councilor Bauer moved, Councilor Bell seconded, to amend the Emergency Ordinance by deleting Section 10-807, a. The motion was withdrawn by Councilor Bauer.

(a) A violation of this ordinance shall be a civil violation subject to a fine of up to \$500. A Person found violating this ordinance will also be directed to comply with the Face Covering mandate or will be obligated to leave the building or area where the offense occurred. Those refusing to comply with the requirements of this Ordinance will be subject to enforcement activities as may be appropriate to secure compliance.

(b) The City's Health Officer or his or her designee is authorized to institute or cause to be instituted by and through the City Solicitor, in the name of the City of Bath, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The City of Bath Police Department is also authorized to enforce this ordinance.

Discussion followed with Councilors Bailey, Bauer, DeChant, Ambrosino, and Dingley.

Councilor Bailey moved, Councilor Dunn seconded, to amend the Emergency Ordinance by editing Section 10-807, a and b. The motion carried with six (6) yeas and one (1) nays.

YEAS: Councilors Ambrosino, Bailey, Bell, Dunn, DeChant and Bauer

NAYS: Councilor Dingley

~~(a) A violation of this ordinance shall be a civil violation subject to a fine of up to \$500. A Person found violating this ordinance will also be directed to comply with the Face Covering mandate or will be obligated to leave the building or area where the offense occurred. Those refusing to comply with the requirements of this Ordinance will be subject to enforcement activities as may be appropriate to secure compliance.~~

~~(b) The City's Health Officer or his or her designee is authorized to institute or cause to be instituted by and through the City Solicitor, in the name of the City of Bath, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The City of Bath Police Department is also authorized to enforce this ordinance.~~

Final discussion among Councilors.

CITY OF BATH EMERGENCY ORDINANCE

CHAPTER 10. PUBLIC SAFETY

ARTICLE 8. Face Covering Mandate

EMERGENCY DECLARATION

The City Council of the City of Bath, pursuant to Section 222 of the City Charter, has the authority to enact Emergency Ordinances in circumstances where it is necessary to meet a public emergency affecting the public peace or the life, health, property or safety of the City or its inhabitants. The current circumstances involving COVID-19 make it self-evident that the COVID-19 Pandemic continues to be a pervasive and ongoing threat to the health of citizens causing a number of public entities to enact and enforce public face covering mandates in order to minimize the risk of infection to the general public, in order to minimize the impact on health services, and to protect the lives and welfare of the public. Several mask mandates have been enacted by Federal and State Agencies to protect their employees and the public utilizing their facilities and at least two other municipalities have enacted general mandates covering public spaces within their communities.

The enactment of an Emergency Ordinance requires the affirmative vote of not less than six (6) Councilors. After enactment, the Ordinance shall be published and printed in a paper having general circulation in the City and posted in at least two (2) public places. It shall become effective upon enactment but shall automatically be repealed as of the sixtieth (60th) day following the date of which it was enacted unless enacted during the 60-day period as a regular Ordinance according to Section 221 of the Charter. An Emergency Ordinance may be repealed by enactment in the same manner as specified for the enactment of Emergency Ordinances.

FACE COVERING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, IN ACCORDANCE WITH SECTION 222 OF THE CHARTER OF THE CITY OF BATH, THAT THE FOLLOWING FACE COVERING MANDATE BE AND HEREBY IS ENACTED BY THE CITY COUNCIL:

CHAPTER 10. PUBLIC SAFETY

ARTICLE 8. Face Covering Mandate

Section 10-801. Definitions.

For the purpose of this Ordinance, the following terms shall have the following meaning:

Face covering means any cloth or tightly woven fabric that can be worn on an individual's face over their nose and mouth and substantially complies with the United States Center for Disease Control's recommended guidance for masks, such as surgical masks, N95 respirators, double-layer cloth gaiters, or any similar mask that fits snugly around the nose and chin, has multiple layers and/or inner filter pockets, and does not let light through when held up to a light source.

Person means any individual regardless of their status within a Public Building including but not limited to an employee, an owner, a customer, a licensee, an invitee, a visitor, or any other individual.

Public Building means any building or portion of a building within the City of Bath that is regularly accessible to the general public. For purposes of this ordinance, a Public Building shall not include a private residence or residential unit, a public pre-school or K through 12 school (which remains under the authority of the RSU #1), a church or other house of worship, office space where the occupant(s) can be physically separated from the general public, or the portions of a theater, gym, or athletic arena where all of the individuals performing, exercising, or playing have been vaccinated and where there is either space, a physical barrier, or ventilation system that separates them from the general public or audience.

Vaccinated shall have the same meaning as the term "fully vaccinated," as defined by the Federal Centers for Disease Control and Prevention.

Section 10-802. Face Covering Mandate.

(a) Starting January 24, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the City of Bath, unless otherwise excepted in Section 10.803.

(b) Persons must also wear Face Coverings over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, ride shares, vehicles for hire, or any other ride services within the City of Bath.

(c) Persons inside a Public Building or portion thereof may temporarily remove their Face Coverings to participate in the primary purpose of the business, such as eating or drinking, only to the extent that such removal occurs at an isolated location, such as a table or booth, and that any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from their isolated location.

(d) Nothing in this ordinance shall be interpreted to relieve a Person or business of any state or federal face covering obligations, and this ordinance shall be subordinate to any federal or state laws concerning vaccines or Face Coverings.

Section 10-803. Exceptions.

(a) Any Person under the age of 2, anyone with a medical condition that is complicated or irritated by a facial covering, anyone with difficulty breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance is not required to wear a Face Covering.

(b) Any Person who is alone in a Public Building is not required to wear a Face Covering so long as they remain alone.

Section 10-804. Posting Requirement.

Each Public Building and each separate business or separate premise within a Public Building must post signage at the entrance and at other appropriate locations stating that Persons entering are required to wear face coverings by order of the Bath City Council. Other locations can be alternative entrances (back doors, etc.) or at transaction

locations such as registers. Signage requirements outlined in this section will have an effective date of January 24, 2022.

Section 10-805. Effective Period.

(a) Repeal. This Ordinance, enacted as an emergency and pursuant to the City Charter, shall be effective for sixty (60) days and repealed sixty (60) days after the date of its enactment unless otherwise readopted in accordance with the requirements of regular Ordinances under Section 221 of the Charter.

(b) Suspension. Enforcement of this ordinance may be suspended by an Emergency Order promulgated by the City Manager prior to its expiration upon the determination by the City Manager that the seven-day average of new cases for Sagadahoc County has dropped to the CDC's "moderate" transmission level for a period of ten consecutive days. Subsequently, prior to the expiration of the ordinance, enforcement may be reinstated by an Emergency Order promulgated by the City Manager upon a determination by the City Manager that the seven-day average for Sagadahoc County has returned to "substantial" or "high" levels of transmission for ten consecutive days. Public notice of these Emergency Orders shall be circulated publicly and on the City's website.

Section 10-806. Remote Meetings/Public Participation.

While this ordinance is in effect, members of any public body as defined in the City Council's policy entitled "Remote Participation in Public Proceedings" may participate remotely in all public proceedings in accordance with the provisions of that policy.

Section 10-807. Enforcement.

A Person found violating this ordinance will be directed to comply with the Face Covering mandate or will be obligated to leave the building or area where the offense occurred. The City's Health Officer or his or her designee is authorized to institute or cause to be instituted by and through the City Solicitor, in the name of the City of Bath, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The City of Bath Police Department is also authorized to enforce this ordinance.

ROLL CALL VOTE:

YEAS: Councilors Ambrosino, Bailey, Bell, Dunn, DeChant, Bauer and Dingley

Motion passed unanimously.

Councilor Bauer moved, Councilor Ambrosino seconded, to adjourn to workshop. The motion carried with seven (7) yeas.

Meeting adjourned at 8:27pm.

Attested:

Darci L. Wheeler, City Clerk

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



CITY of BATH, MAINE

Office of the City Manager

Marc Meyers

55 Front Street

Bath, Maine 04530

Memorandum

To: Chair Park, Vice Chair DeChant and Members of the City Council
CC: Marc Meyers, City Manager
Date: January 28, 2022
From: Erika Helgersen, Director of HR/Assistant to the Manager
RE: Holiday Language Update to Personnel Ordinance

The City of Bath closes public holidays, and we are updating the Personnel Ordinance to reflect that practice more clearly.

The change is initiated because the State of Maine and United States government have both officially recognized "Juneteenth" as a public holiday. This holiday will be held on June 19, and observed June 18 or 20 if it falls on a Saturday or Sunday.

Sec. 12-605. HOLIDAY LEAVE.

A. City administrative offices will be closed on public holidays, as established under State and Federal law. Most non-union city employees work on a Monday through Friday schedule. For these employees, when a holiday falls on a non-workday -- Saturday or Sunday -- the holiday usually is observed on Monday (if the holiday falls on Sunday) or Friday (if the holiday falls on Saturday).

B. Holidays for Union employees are addressed in their Collective Bargaining Agreements. Permanent and probationary employees shall receive holiday time off with pay in accordance with the following prescribed schedule:

C.
~~_____ New Year's Day _____ Labor Day~~
~~_____ Martin Luther King Day _____ Columbus Day~~
~~_____ Washington's Birthday _____ Veteran's Day~~
~~_____ Patriot's Day _____ Thanksgiving Day~~
~~_____ Memorial Day _____ Day After Thanksgiving~~
~~_____ Independence Day _____ Christmas Day~~

~~_____ B. For holidays occurring on a Saturday, the previous Friday will constitute a holiday; holidays occurring on Sunday, the following Monday will be considered the holiday. At the discretion of the City Manager, employees working and supervising special shifts or hours shall be subject to the same standards that apply to the employees which they supervise. Those employees that are required to work during a holiday, due to the nature of the position, will receive overtime pay that is one and one-half times the employee's current wage or compensatory time off for the time worked at the same ratio.~~

City of Bath

55 Front Street
Bath, Maine 04530

Dept: 207/443-8363
Fax: 207/443-8389



F6

MEMORANDUM

**Planning &
Development**

TO: Aaron Park, Chair, and City of Bath City Council members

FROM: Ben Averill, City Planner

DATE: January 27, 2022

**RE: Land Use Code Amendment to Articles 2, 9 and 11 regarding
Accessory Dwelling Units**

Background

In 2021 the Community Development Committee requested staff and the planning board to begin the process of amending the Land Use Code to create a definition and legislation that allows accessory dwelling units within certain areas of the City of Bath. The Community Development Committee requested Council and the Planning Board to amend the Code to allow for accessory dwelling units in the hope that it would create more housing options within the City. The request was to create an ordinance that would codify where accessory dwelling units could be located and to determine appropriate performance standards to dictate how their operation would occur.

The request for a Land Use Code Amendment was reviewed by the Planning Board in workshop setting beginning in August. The Planning Board held workshops on the items both in person and remotely. The Planning Board a public hearing on the proposed ordinance during the January 4th, 2022 Planning Board meeting. In the January 4, 2022 meeting the Planning Board voted to recommend the passage of the amendments to the Land Use Code regarding accessory dwelling units to the City Council.

The amendments recommended by the Planning Board establish a definition of accessory dwelling unit, set zoning districts in which accessory dwelling units are permitted, and attach performance standards to accessory dwelling units. The Council will review all three amendments (to Articles 2, 9, and 11) and should review each item individually. It is recommended that Council views each item as separate but related. Council should have a motion on each amendment, however it is not recommended to take action on the items independently.

Council Action

If the Council determines that the Land Use Code amendment has merit the Council can vote to approve the ordinance. If the Council determines that the amendment lacks merit, then action on the amendment to the Land Use Code will cease. The Council could also vote to table review of the item in order to remand the Land Use Code amendment back to the Planning Board for review of specific sections of the proposed 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 2: DEFINITIONS

SECTION 2.02 DEFINITIONS BY ADDING:

Accessory Dwelling Unit A dwelling unit subordinate in size to the principal residential structure(s) on a lot and located either within the principal residential structure(s) or in a detached accessory structure on the same lot or parcel as the primary structure, that provides basic facilities for living, sleeping, cooking, and sanitation.

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 9: USES; LAND USE CATEGORY 1.0 RESIDENTIAL TO ADD CATEGORY 1.8 ACCESSORY DWELLING UNIT, 1.8.1 ACCESSORY DWELLING UNIT- ATTACHED, AND 1.8.2 ACCESSORY DWELLING UNIT-DETACHED

ZONING DISTRICTS																			
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
1.0 Residential																			
1.1 Single-family dwelling																			
1.1.1 Site-built	C	C	C	C	C	C ¹	C	N	N	N	C ¹	N	N	C	N	S ²	C	N	N
1.1.2 Mobile home on individual lot	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1.2 Two-family dwelling	C	C	C	C	C	C ¹	C	N	N	N	C ¹	N	N	C	N	N	C	N	N
1.3 Multi-family dwelling	S	S	N	N	S	S	S	N	S	N	N	N	S	S	N	N	N	N	N
1.4 Cluster development	S	S	S	S	S	N	S	N	N	N	N	N	S	S	N	N	S	N	N
1.5 In-home lodging	A	A	A	A	A	N	A	N	N	N	N	N	N	A	N	N	A	N	N
1.6 Home occupations																			
1.6.1 Home occupation-A	C	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N	C	N	N
1.6.2 Home occupation-B	S	S	S	S	S	N	S	N	N	N	N	N	N	S	N	N	N	N	N
1.7 Garage and yard sales	A	A	A	A	A	N	A	N	A	A	N	N	A	A	N	N	A	N	N
1.8 Accessory Dwelling Unit																			
1.8.1 Accessory Dwelling Unit- Attached	C	C	C	C	C	C	C	N	N	N	C	N	N	C	N	C	C	N	N
1.8.2- Accessory Dwelling Unit- Detached	S	S	S	S	S	S	S	N	N	N	S	N	N	S	N	S	S	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

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 11: PERFORMANCE STANDARDS AND SPECIFIC ACTIVITIES AND LAND USES BY ADDING:

SECTION 11.40 ACCESSORY DWELLING UNIT

In addition to all other requirements of the Code, accessory dwelling units are subject to the following standards:

A. General Requirements for Accessory Dwelling Units

1. One accessory dwelling unit shall be permitted per parcel that has a single-family dwelling or two-family dwelling, in the primary building or as an accessory building. An accessory dwelling unit must be clearly accessory to the principle dwelling unit(s) on the parcel.
2. The size of an accessory dwelling unit must meet the minimum size for a dwelling unit as set by the City's adopted building code standards and be no larger than 850 square feet. For principal dwelling units 1,000 square feet or smaller, an accessory dwelling unit may be no greater than 80% of the size of the principal dwelling unit, as measured in square feet. An accessory dwelling unit may have no more than two bedrooms
3. An accessory dwelling unit must meet one or more of the following conditions:
 - a. Be fully constructed within the existing footprint of any legal primary residence or accessory building; or
 - b. Share a common wall with the principal residence, providing yard setbacks; or
 - c. Be constructed as a new accessory building (detached) containing an accessory dwelling unit, providing yard area and lot setback requirements can be met for the zone.

4. When an ADU is significantly visible from one or more public ways, the building design shall:
 - a. Be clearly subordinate to the principal structure(s) in scale and position in relationship with the street and principal structure(s), including locating the entrance to the ADU in a primary structure in such a subordination position through locating it farther from the street, inside a common foyer, or on the side or rear of the primary building.
 - b. Not include outside stairways or fire escapes above the ground floor unless required by life and safety codes.
5. Accessory dwelling units shall comply with all dimensional requirements of the underlying zone except for lot coverage and lot area per dwelling unit requirements.
6. Each accessory dwelling unit shall have one on-site parking space In addition to the parking required for the principle dwelling. Tandem parking is permitted. The additional parking space can be located off-site if there is an approved shared parking agreement in accordance with Article 11.34.
7. An accessory dwelling unit may be located within a preexisting non-conforming primary or accessory structure provided that the structure meets the requirements in Article 6 of this code. The design of an accessory dwelling unit located in a non-conforming primary or accessory structure shall take into consideration to the extent practicable the privacy of adjacent properties as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing, and window and door placement.
8. The height of a detached accessory dwelling unit shall not exceed the height of the primary structure.
9. An accessory dwelling unit shall not be used as rental property for less than 90 days.

B. Approval of Attached Accessory Dwelling Unit

An attached accessory dwelling unit is allowed, as per the Land Use Table in Section 9.1.8.1, only if it has received a permit from the Code Enforcement Office. An attached accessory dwelling unit must meet the requirements of Article 11.40 A in accordance with the requirements of this section.

C. Approval of Detached Accessory Dwelling Unit

A detached accessory dwelling unit is allowed as per the Land Use table in Section 9.1.8.2 only after site plan approval from the Planning Board, and it must meet the requirements contained in Section 11.40 A.

K7

Darci Wheeler

From: no-reply@www.cityofbath.com
Sent: Friday, November 19, 2021 12:11 PM
To: Darci Wheeler
Subject: Appointment Application - New Form Submission for Bath, Maine

A new submission has been received for Appointment Application at 11/19/2021 12:10 PM

First Name::	Bruce
Last Name::	Brennan
Address::	10Bridge St
Phone::	2078371926
Your Council Ward Number::	7
Email Address::	bruce.brennan1@gmail.com
Preferred Method of Contact::	Phone
I wish to be considered for::	Reappointment
Name of Board/ Commission/ Committee::	Bath Community Forestry
Committee Experience:	
Date(s) you attended this Board/Commission/Committee's meetings::	NA
Members of the Board/ Commission/ Committee with whom you spoke and when::	NA
How did these experiences affect your interest in the Board/ Commission/ Committee?:	NA
Have you every served on a City Board/ Commission/ Committee?:	Yes
If yes please list the Board/ Commission/ Committee and years of service:	BCFC
Please outline past and present expertise skills employment that you think may be relevant::	Renewal
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?:	Nursery maintenance. Butler Head subcommittee.
How many months are you away from Bath in a 12 month period?:	0
Date:	11/19/2021
Signature:	Bruce Brennan

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 11/19

Received by: DFW email

Date emailed to Appointment Review Committee: 11/19 + 12/29/21

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: 2/2/2022

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: _____

Term to expire: _____

Darci Wheeler

From: no-reply@www.cityofbath.com
Sent: Tuesday, November 30, 2021 1:19 PM
To: Darci Wheeler
Subject: Appointment Application - New Form Submission for Bath, Maine

A new submission has been received for Appointment Application at 11/30/2021 1:19 PM

First Name::	Karla
Last Name::	Gagnon
Address::	143 Oak St
Phone::	207-841-0802
Your Council Ward Number::	4
Email Address::	karla@kennebeccompany.com
Preferred Method of Contact::	Phone
I wish to be considered for::	Reappointment
Name of Board/ Commission/ Committee::	Personnel Services
Committee Experience:	
Date(s) you attended this Board/Commission/Committee's meetings::	November 18, 2021
Members of the Board/ Commission/ Committee with whom you spoke and when::	Brian Hatch, Tim Pratt
How did these experiences affect your interest in the Board/ Commission/ Committee?:	We work well together as a commission.
Have you every served on a City Board/ Commission/ Committee?:	Yes
If yes please list the Board/ Commission/ Committee and years of service:	Recreation - several years Economic Development - 1 year?
Please outline past and present expertise skills employment that you think may be relevant::	My experience is in human resources and business management
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?:	I would like to continue to bring continuity to the commission over the next term
How many months are you away from Bath in a 12 month period?:	1
Date:	11/20/2021
Signature:	Karla Gagnon

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: ~~11/3~~ 11/30/2021

Received by: email Afu

Date emailed to Appointment Review Committee: 12/29/21

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: 2/2/2022

Date appointed by City Council: _____

Date applicant notified by City Clerk's office: _____

Date applicant sworn in: _____

Term to begin: _____

Term to expire: _____