

**Town of West Bath  
Selectmen Meeting Minutes  
Thursday, July 28, 2022**

**Town of West Bath Select Board:** Kathleen Lavallee, Chair - Present  
Suzanne Andresen - Present  
Madelyn Hennessey - Present

**Town Staff Present:** Kristine Poland, Town Administrator  
Jonathan Beane, Fire Chief  
Karly Perry, Town Clerk

**Public:** Mike Carter, David Hennessey, Ben Huebler, Amber Jones, Deborah Jordan-Pearson, Susan Montgomery, James Pearson, Mike Williams

A meeting of the Select Board was held at the West Bath Town Hall on **Thursday, July 28, 2022, at 5:30 pm.**

- I. CALL TO ORDER at **5:30 pm**
- II. ATTENDANCE AND ESTABLISHMENT OF QUORUM – **Yes**
- III. PLEDGE OF ALLEGIANCE WAS SAID.
- IV. CONSENT AGENDA
  1. Approval of Minutes:
    - a. July 7, 2022
  2. Approval of Warrant(s):
    - a. Municipal
    - b. School
  3. Upcoming Board of Selectmen Meeting(s):
    - a. Thursday, August 18, 2022, at 5:30 p.m.  
**Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to approve the warrants as presented. Select Board unanimously approved.**
- V. SELECT BOARD COMMENTS/ANNOUNCEMENTS:

Municipal Officer Lavallee complimented Casella Waste on the reduction in early morning/late night noise at the transfer station and the addition of signage.
- VI. BUSINESS ITEMS
  1. **Mike Carter, Sagadahoc County Communications Director**

Mike Carter introduced himself and stated that the purpose of his visit is to see if the Town is willing to work with the County in order to improve communications systems. The County currently leases tower space off of State Road, for which the rates are increasing. The County is looking to potentially build their own communications tower which would remove the necessity to lease space and also allow the opportunity to also lease space as a revenue stream.

Municipal Officer Andresen asked what the proposed location would be, to which Mr. Carter stated that the County is looking to build in the area between the transfer station and the northbound rest area on Route 1. This would require a 50'x50' fenced area to include the tower as well as an outbuilding and generator.

David Hennessey noted that this was discussed during the budgeting process.

Municipal Officer Andresen asked what the estimated height of the tower would be, which Mr. Carter stated would be approximately 180'.

Mr. Hennessey asked Fire Chief Jonathan Beane if West Bath experiences communications issues, to which Chief Beane stated that communication could be improved for the Town but also the County as a whole.

Municipal Officer Andresen further clarified the location, citing current solar negotiations. Mr. Carter agreed that the site is flexible and would require surveying of the area to find the most suitable area.

Municipal Officer Hennessey stated that the project would have mutual benefits for both the Town and the County.

Amber Jones, County Administrator, noted that funds from the American Rescue Plan Act (ARPA) have been designated for the tower and therefore will not impact county taxes.

**Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to authorize the Town Administrator to continue the conversation with Mr. Carter and Sagadahoc County and further communication. Select Board unanimously approved.**

**2. West Bath Fire Department Equipment Request**

Chief Beane presented a request on behalf of the Fire Department to replace the heart monitor, which is necessary in order to maintain the current advanced licensing level, which the Department recommends should be maintained. He then introduced Ben Huebler, Assistant EMA Director. Mr. Huebler further noted that the monitor was last purchased around 2008.

Municipal Officer Hennessey asked what downgrading coverage would look like, to which Mr. Huebler explained that in order to downgrade coverage the Town would need to petition the State. He then explained the benefits to carrying a heart monitor, which helps to identify cardiac issues, defibrillate, and pace.

Mr. Hennessey asked the cost to purchase the equipment and how that cost would be managed. Town Administrator Kristine Poland stated the cost is \$29,772 and that the cost may be covered by the capital improvement account, ARPA funding, or the Town could hold a Special Town Meeting in order appropriate additional funding. Chief Beane noted that financing for the monitor is available and that the cost will not be due until the equipment has been delivered, however the order must be placed in order to receive a loaned unit.

**Municipal Officer Andresen, seconded by Municipal Officer Hennessey, moved to approve the purchase. Select Board unanimously approved.**

**3. Application for On-Premises Liquor License, Trinken Brewing Co. LLC**

Mrs. Poland presented a liquor license application for Trinken Brewing, noting that licenses must be approved annually by the Select Board. Town Clerk Karly Perry noted that licensing is being changed to allow Trinken to carry beer, wine, and liquor in addition to those beverages brewed on-site.

Municipal Officer Andresen stated that moving forward, all zoning should be followed, noting that Trinken has advertised live music, which is contrary to the Land Use Ordinance.

Municipal Officer Lavalley expressed concern that approving the request may increase traffic, noting that the parking lot already appears to be at maximum capacity.

Municipal Officer Andresen cited page seven of the application, which states that “Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control” may be found as grounds to deny the application.

Municipal Officer Lavalley stated that the applicant should be present for this discussion.

**Municipal Officer Andresen, seconded by Municipal Officer Hennessey, moved to table the discussion. Select Board unanimously approved.**

Mrs. Poland suggested that the Board hold a Public Hearing to allow public input on the matter.

**Municipal Officer Hennessey, seconded by Municipal Officer Lavalley moved to hold a Public Hearing on Thursday, August 18, 2022, at the West Bath Fire Hall. Select Board unanimously approved.**

**4. Sabino Landing Update**

Municipal Officer Andresen announced that residents of Sabino are present to discuss the matter, then summarized that she was called in response to work being done at the Sabino Landing by a Town-licensed shellfish harvester, who stated that the work was approved by the Town. Municipal Officer Andresen stated that the Town did not in actuality approve the work and that private property may have been damaged.

Jim Pearson stated that he was present and, after hearing the noise, stated that he witnessed the excavation of the ledge including banking. He stated that he did not believe the individual was on private property but raised concern that the parking area of the abutting owner may have been compromised.

Municipal Officer Hennessey asked which licensee was responsible, to which Mrs. Poland stated that it was Brad Stover, a non-resident license holder. Municipal Officer Hennessey then stated that this is both a DEP and DMR violation.

Ms. Perry asked if the Board has the authority to have the license revoked, to which Mrs. Poland stated that the Ordinance only addresses violations that pertain to illegal harvesting and other marine violations, noting that DMR has not returned her calls.

Municipal Officer Andresen suggested that a generic sign be posted at the landing and that parking should be limited.

Mrs. Poland presented the Parking Ordinance for Sabino Landing and encouraged the Board to have the Town Attorney review the document.

Municipal Officer Hennessey stated that she did not want to discuss signage, but rather why there have been no consequences for this act. Discussion followed on the role of the Sagadahoc County Sheriff's Department.

Municipal Officer Andresen suggested that the Board can act immediately to improve signage.

Mrs. Poland suggested that the Select Board invite Sheriff Merry to attend a meeting. She then noted that she has also contacted State Representative Allison Hepler, noting that the person who previously agreed to act as Shellfish Warden has fallen through and she is looking into combining efforts to address the County regarding issues faced by multiple towns. Discussion followed regarding law enforcement.

Mr. Pearson spoke to the difficulty in installing a dock by way of the landing and stated that there should be a precedent for which this issue is enforced.

Michael Williams noted that installation of a dock requires permitting by the Town. He then endorsed Municipal Officer Andresen's suggestion that the area be improved with signage in the interim to clarify what is allowed. He then suggested that the reason for the damage may have been to increase parking.

Mr. Hennessey spoke to the need for an agreement with the County to be in place in order to enforce local ordinance.

Municipal Officer Hennessey spoke to a privately owner parcel next to the landing previously used for parking which permission was removed by the current owner.

Mr. Pearson cited abuse of the property by shellfish harvesters, which he stated instigated the removal of this permission.

Municipal Officer Hennessey stated that individuals cannot enter into an agreement wherein Town funds would need to be appropriated, such as the alteration of the landing.

Deborah Pearson stated that private property owners are allowed to remove permissions granted to their land.

Municipal Officer Andresen spoke to the landing as open to the public and therefor should not be monopolized by a small group of individuals.

Municipal Officer Lavalley asked how spots are determined, to which Mr. Williams spoke to the area available for parking by the landing. Mrs. Poland stated that currently there is no limit to residents and license holders who are able to purchase a parking permit, however the ordinance does allow for the Select Board to limit the number of licenses.

Mrs. Pearson stated that she supports clambers, then addressed the potential opportunity to develop another Town-owner parcel which may also allow access to the river.

Mr. Hennessey spoke to the tidal properties of this parcel, which make it undesirable for water access. Municipal Officer Andresen suggested that it may be worth visiting the site. Municipal Officer Hennessey spoke to the steep grade of the property and lack of ledge support.

Mrs. Pearson then asked what benefit it is to the Town to hold this land, to which Municipal Officer Hennessey spoke to the limited amount of publicly owner shoreland, noting that this could be a beneficial area for a Town park.

Mr. Williams spoke to Sabino Landing's limited use as a public landing, which may effectively be shut down if property owners prohibit driveway access in order for the public to turn around.

Municipal Officer Andresen reiterated the benefits to posting signage, to which discussion followed on how a possible sign would be worded.

Municipal Officer Hennessey spoke to her experience with shellfish harvesters, who have been encouraged to use her family property for water access with little trouble.

Mr. Pearson spoke to his history owning the property next to the landing with no issues, then stated that he takes issue with the blatant violation.

Susan Montgomery spoke to the history of the area and suggested that a meeting between residents and shellfish harvesters to discuss these issues, to which Municipal Officer Hennessey agreed would be helpful.

Mrs. Poland agreed to reach out to the Town Attorney and to look into setting up a meeting with the Shellfish Committee prior to their next meeting at the end of September.

#### **5. American Rescue Plan Act Projects**

Mrs. Poland reviewed projects approved at Town Meeting and stated that she is looking to move forward with heat pumps. She then turned the floor to Mr. Hennessey, Chair for the Energy Committee, who explained their process by which a proposal was selected for Dave's World. Mrs. Poland presented the proposal to the Board for review.

**Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to authorize the purchase of the heat pump system as presented. Select Board unanimously approved.**

Mrs. Poland presented proposal for an electronic sign for the Fire Station.

**Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to authorize the purchase of the Town sign as presented. Select Board unanimously approved.**

Mrs. Poland asked Mr. Hennessey if the Town has received a formal quote for windows, to which Mr. Hennessey stated that he only received a single, verbal quote. Mrs. Poland asked the Board if they would be comfortable moving forward with the quote or prefer that the project go out to bid. The Board agreed that the project should be put out for bid. Mr. Hennessey recommended that Mrs. Poland reach out to Efficiency Maine for assistance in creating an RFQ. Municipal Officer Andresen suggested that a contractor may be able to write the bid as well.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, to pursue the bid process to replace windows at Town Hall. Select Board unanimously approved.

Mr. Hennessey asked for the status on the doors for the Fire Station, to which Mrs. Poland is awaiting response from PDQ Doors for installation.

#### **6. Town Administrator's Report**

Mrs. Poland recalled previous discussion with Casella Waste regarding construction debris and asked the Board for clarification on how they would like bulk items handled. The Board agreed that all bulk items should be handled during commercial hours and not resident hours. Municipal Officer Hennessey noted that the new fee schedule lists both small and large couches and asked that this be further clarified.

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Mrs. Poland stated that there have been reported issues with geese along State Road. The Town has been in contact with the USDA, who will make a site visit to evaluate the issue.

Mrs. Poland reminded the Board of a joint workshop with the Road Committee on Monday, August 1, 2022 at 6:00pm and a joint workshop with the Planning Board on Wednesday, August 10, 2022 at 5:30pm.

**7. Future Agenda Items**

Municipal Officer Hennessey asked that the Sheriff and County Commissioner attend the August 18<sup>th</sup> meeting.

Municipal Officer Andresen suggested that the Public Hearing be held at 5:00pm in order to allow the regular meeting more time, to which the Board agreed.

VII. PUBLIC COMMENT

None

VIII. ADJOURNMENT

**Municipal Officer Lavalley moved to adjourn, seconded by Municipal Officer Hennessey. Select Board adjourned by unanimous acclamation at 7:16 pm.**

A true attested copy,

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Karly A. Perry, Town Clerk