

Town of West Bath
Special Select Board Meeting Minutes
Monday, May 1, 2023

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

Town Staff: Kristine Poland, Town Administrator
Karly Perry, Town Clerk

Public Derek Dudzic, Darlene Estabrook, David Hennessey

A special meeting of the West Bath Select Board was held at Town Hall on **Monday, May 1, 2023, at 5:00 pm.**

- I. CALL TO ORDER at **5:00 pm**
- II. ATTENDANCE AND ESTABLISHMENT OF QUORUM – **Yes**
- III. PLEDGE OF ALLEGIANCE
- IV. CONSENT AGENDA
 - 1. Approval of Minutes:
 - a. April 20, 2023
 - 2. Upcoming Board of Selectmen Meeting(s):
 - a. Thursday, May 4, 2023, at 5:30 pm at the West Bath Fire Hall
Municipal Officer Lavallee, seconded by Municipal Officer Andresen, moved to approve the warrants as presented. Select Board unanimously approved.
- V. SELECT BOARD COMMENTS/ANNOUNCEMENTS:
Municipal Officer Lavallee announced that the Select Board will host a Public Hearing and Informational Session at the West Bath Fire Hall on Thursday, May 4, 2023 at 6:00pm following the Select Board meeting.
- VI. BUSINESS ITEMS
 - 1. **Annual Budget Town Meeting Warrant Review and Budget Recommendations**
Municipal Officer Lavallee reviewed the warrant articles for the Annual Budget Town Meeting as follows:

Art. 1 To choose a Moderator by written ballot to preside at said meeting.

Art. 2 To see what sum the Town will vote to raise and appropriate for General Government Wages. (Proposed Select Board recommendation \$304,603.00, *Budget Committee recommends 299,055.00*)

Municipal Officer Andresen asked what the discrepancy is between Select Board and Budget Committee recommendations. Town Administrator Kristine Poland noted that the original budget proposed an 8.7% cost of living increase. The Budget Committee is recommending a 6% increase, consistent with their County recommendation.

Municipal Officer Hennessey spoke in support of an 8.7% increase, citing a minimal cost to taxpayers for the addition 2.7% and the median income of West Bath residents which is approximated at \$90,000.

Municipal Officer Andresen spoke in support of the Budget Committee’s recommendation due to the current state of the economy.

Municipal Officer Lavallee expressed her preference to allow the voters to weigh in on the decision.
Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend \$304,603 for General Government Wages in order to allow the Town to vote. Select Board approved with two in favor and one opposed.

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Art. 3 To see what sum the Town will vote to raise and appropriate for Insurance & Benefits.

Payroll Taxes	27,000.00
Retirement	30,285.00
Health Insurance	87,500.00
Workers Compensation	8,000.00
Property & Casualty Insurance	21,000.00
Volunteer Firefighter Insurance	<u>1,000.00</u>
Total:	\$ 174,785.00
<i>(Budget Committee recommends:</i>	<i>\$ 173,351.00)</i>

Ms. Poland noted that the discrepancy is due to the Budget Committee's recommendation on wages, which in turn reduced payroll taxes, etc.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend \$174,785 for Insurance and Benefits in order to allow the Town to vote. Select Board approved with two in favor and one opposed.

Art. 4 To see what sum the Town will vote to raise and appropriate for Town Administration.

Office Expense	62,000.00
Computer/Technology	51,000.00
Assessing	25,000.00
Selectmen's Contingency	15,000.00
Voting	2,100.00
Cleaning	7,000.00
Building Maintenance	<u>51,800.00</u>
Total:	\$ 213,900.00
<i>(Budget Committee recommends:</i>	<i>Same)</i>

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend \$213,900 for Town Administration. Select Board unanimously approved.

Art. 5 To see what sum the Town will vote to raise and appropriate for Legal.

(Proposed Select Board recommendation \$20,000, *Budget Committee recommends same*)

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend \$20,000 for Legal expenses. Select Board unanimously approved.

Art. 6 To see what sum the Town will vote to raise and appropriate for Protection.

Ambulance	75,000.00
Hydrants	27,544.00
Fire Department Operation	104,835.00
Fire Department Incentive and Per-diem Firefighters	46,029.00
Animal Control	<u>5,181.00</u>
Total:	\$ 258,589.00
<i>(Budget Committee recommends:</i>	<i>\$ 257,465.00)</i>

Ms. Poland noted that the discrepancy is due to the Budget Committee's recommendation on wages.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend \$258,589 for Protection in order to allow the Town to vote. Select Board approved with two in favor and one opposed.

Art. 7 To see if the Town will vote to change its plan effective July 1, 2023, for its current, participating firefighters who have service under Regular Plan AC prior to August 1, 2021, to make all their service with the Town of West Bath Special Plan 3C service and:

A) To remit a lump sum payment by July 31, 2023, in the amount of \$11,430.00 to MainePERS of the additional liability to the Plan resulting from this change; and

B) To authorize the Town Administrator to sign the Amended Agreement between the Town and the Maine Public Employees Retirement System.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 7 as presented. Select Board unanimously approved.

Art. 8 To see what sum the Town will vote to raise and appropriate for the additional liability to the MainePERS Town of West Bath Special Plan 3C.

(Proposed Select Board recommendation \$11,430, no *Budget Committee recommendation*)

Ms. Poland confirmed that this article reflects discussion from the April 20, 2023 Select Board meeting.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 8 as presented. Select Board unanimously approved.

Art. 9 To see if the Town will vote to appropriate all dog licensing fees and penalties collected during FY2023-2024, except for the recording fee that must be retained by the Municipal Clerk pursuant to State law, as additional payment to the Animal Control Officer for services rendered to the Town.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 9 as presented. Select Board unanimously approved.

Art. 10 To see what sum the Town will vote to raise and appropriate for Harbors and Waterways.

Shellfish Warden Contract	15,000.00
Town Boat	800.00
Harbor Master	<u>2,000.00</u>
Total:	\$ 17,800.00
<i>(Budget Committee recommends:</i>	<i>\$ 17,800.00)</i>

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 10 as presented. Select Board unanimously approved.

Art. 11 To see if the Town will vote to appropriate an amount not to exceed \$15,800.00 from the Shellfish Conservation account for the Shellfish Warden Contract and Town Boat expense.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 11 as presented. Select Board unanimously approved.

Art. 12 To see what sum the Town will vote to raise and appropriate for Sanitation.

Solid Waste	11,600.00
Hazardous Waste and Composting	<u>5,000.00</u>
Total:	\$ 16,600.00
<i>(Budget Committee recommends:</i>	<i>\$ 16,600.00)</i>

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 12 as presented. Select Board unanimously approved.

Art. 13 To see what sum the Town will vote to raise and appropriate for Public Works.

General Roads	329,000.00
Birch Point Road Reconstruction	301,000.00
Salt Shed	1,000.00
Streetlights	2,000.00
Snow Removal	<u>255,000.00</u>
Total:	\$ 888,000.00
<i>(Budget Committee recommends:</i>	<i>No vote taken)</i>

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 13 as presented. Select Board unanimously approved.

Art. 14 To see if the Town will vote to authorize the Select Board to negotiate a new multi-year contract with the current Road Snow Plowing contractor.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 14 as presented. Select Board unanimously approved.

Art. 15 To see what sum the Town will vote to raise and appropriate for Community Agencies.

Bath Area Food Bank	2,000.00
Bath Area Seniors Activity Center	950.00
New Hope Midcoast	630.00
Spectrum Generations	1,824.00
Sweetser	<u>2,292.00</u>
Total:	\$ 7,696.00
<i>(Budget Committee recommends:</i>	<i>Same)</i>

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 15 as presented. Select Board unanimously approved.

Art. 16 To see what sum the Town will vote to raise and appropriate for Patten Free Library.

(Proposed Select Board recommendation \$39,365, *Budget Committee recommends the same*)

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 16 as presented. Select Board unanimously approved.

Art. 17 To see what sum the Town will vote to raise and appropriate for Planning Board stipends.

(Proposed Select Board recommendation \$3,000, *Budget Committee recommends the same*)

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 17 as presented. Select Board unanimously approved.

Art. 18 To see if the Town will vote to give all money received from the State of Maine for snowmobile registrations to the Over the Hill ATV Club for the maintenance of their system or network of snowmobile trails, on the condition that those trails be open to the public for snowmobile purposes at no charge in the snow season, and to authorize the Select Board to enter into an agreement with the Club under such terms and conditions as it deems advisable for that purpose.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 18 as presented. Select Board unanimously approved.

Art. 19 To see if the Town will vote to carry forward all remaining appropriated but unexpended funds at the end of FY 2022-2023 from the General Assistance, Ambulance Service, Shellfish Warden, Birch Point Shoreline Stabilization, and Revaluation accounts, provided that the funds are used for the same purpose as originally designated.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 19 as presented. Select Board unanimously approved.

Art. 20 To see if the Town will vote to transfer all remaining but unexpended funds at the end of FY 2022-2023 from Fire Department Operations to the Fire Department Capital Fund to be used for future capital Building, Vehicle, and/or Equipment expenditures.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 20 as presented. Select Board unanimously approved.

Art. 21 To see if the Town will vote to transfer all remaining but unexpended funds at the end of FY 2022-2023 from General Roads to the General Roads Capital Fund to be used for future capital road expenditures.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 21 as presented. Select Board unanimously approved.

Art. 22 To see if the Town will vote to transfer \$50,000 from unassigned fund balance (surplus) to be deposited in the Long-Term Capital Improvement Fund reserve account.

(Proposed Select Board recommendation: approval, *Budget Committee recommends the same*)

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 22 as presented. Select Board unanimously approved.

Art. 23 To see if the Town will vote to authorize the Select Board to appropriate any anticipated revenues, not otherwise dedicated for specific purposes, to reduce the FY 2023-2024 Tax Commitment.

Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to recommend Article 23 as presented. Select Board unanimously approved.

Municipal Officer Andresen continued presenting warrant articles as follows:

Art. 24 To see if the Town will vote to authorize the Select Board to appropriate from unassigned fund balance (surplus) an amount not to exceed 88% of the total non-capital expenditures for FY 2022-2023, and not otherwise appropriated herein, to reduce the FY 2023-2024 Tax Commitment.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 21 as presented. Select Board unanimously approved.

Art. 25 To see if the Town will vote to authorize the payment of tax abatements approved by the Select Board/Assessors from the property tax overlay or, if necessary, from unassigned fund balance (surplus).

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 25 as presented. Select Board unanimously approved.

Art. 26 To see if the Town will vote to fix the date of October 15, 2023, as the date when FY 2023-2024 taxes shall become due and payable and to charge 8.00% on unpaid taxes after that date. **Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 26 as presented. Select Board unanimously approved.**

Art. 27 To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 4.00% for FY 2023-2024. **Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 27 as presented. Select Board unanimously approved.**

Art. 28 To see if the Town will vote to authorize the Tax Collector to accept prepayment of taxes. No interest shall be payable on any prepayment. **Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 28 as presented. Select Board unanimously approved.**

Art. 29 To see if the Town will vote to authorize the Select Board to direct the Treasurer to waive foreclosure of a real property tax lien mortgage if it determines such course of action to be in the best interest of the Town. **Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 29 as presented. Select Board unanimously approved.**

Art. 30 To see if the Town will vote to authorize the Select Board to dispose of Town-owned personal property with a value of over \$500 and deemed by the Select Board to be surplus on such terms as it deems advisable. **Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 30 as presented. Select Board unanimously approved.**

Art. 31 To see if the Town will vote to authorize the Select Board to sell and dispose of all tax acquired property held by the Town on such terms as it deems advisable and to execute quitclaim deeds for such property, except that the Select Board shall use the special sale process required by 36 M.R.S. § 943-C for qualifying homestead property if it chooses to sell it to anyone other than the former owner(s).

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 31 as presented. Select Board unanimously approved.

Art. 32 To see if the Town will vote to authorize the Select Board to apply for and accept state, federal or other grants, including funding from the American Rescue Plan Act (ARPA), on behalf of the Town for municipal purposes, including when necessary, the authority to sign grant contracts, documents and or other paperwork and accept the conditions that accompany grant funds, and to appropriate and expend such funds for authorized purposes, as the Select Board deems in the best interests of the Town during the upcoming fiscal year.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 32 as presented. Select Board unanimously approved.

Art. 33 To see if the Town will vote to authorize the Select Board to accept conditional or unconditional gifts of real property provided that no single gift would obligate the Town to incur liabilities that total \$1,000 or more per year, as determined by the Select Board.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 33 as presented. Select Board unanimously approved.

Art. 34 To see if the Town will vote to authorize the Select Board to accept or reject donations of personal property and/or to accept or reject gifts of money to the various accounts of the Town for the ensuing fiscal year and to appropriate those moneys donated for specific purposes.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 35 as presented. Select Board unanimously approved.

Art. 35 To see if the Town will vote to maintain, and exercise if appropriate, its right to take river herring from the New Meadows Lake consistent with the terms and conditions specified at the March 1977 Town Meeting.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 35 as presented. Select Board unanimously approved.

Art. 36 To see if the Town will vote to maintain a fishway on Winnegance Lake and to exercise its right to take river herring in accordance with the terms and conditions specified at the June 1988 Town Meeting and an agreement with the City of Bath and the Town of Phippsburg.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 36 as presented. Select Board unanimously approved.

Art. 37 Shall an ordinance entitled “2023 Amendments to the Town of West Bath Development Review Ordinance Regarding Application Submission Deadlines” be enacted?

Darlene Estabrook recommended that language referencing the number of copies be removed from the amendment in order to allow the Board the flexibility to determine how many copies to require.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 37 as amended. Select Board unanimously approved.

Art. 38 Shall an ordinance entitled “2023 Amendments to the Town of West Bath Land Use Ordinance Regarding Communications Tower Height” be enacted?

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 38 as presented. Select Board unanimously approved.

Art. 39 Shall an ordinance entitled “2023 Amendments to the Town of West Bath Land Use Ordinance Regarding Live Entertainment” be enacted?

Ms. Estabrook expressed concerns that attorney revisions changed the meaning of original amendments. Discussion followed on how best to word the proposed amendment.

Municipal Officer Hennessey moved to strike Article 39 from the warrant.

Municipal Officer Andresen, seconded by Municipal Officer Lavallee, moved to amend article 39 to read “No live entertainment is permitted after 9:00 PM in the Business and Commercial Zone.

Discussion followed on penalties and imposing fines on businesses. The Board agreed that additional language can be added when the full Land Use Ordinance is updated.

Ms. Estabrook asked the Board if they would like to include the Mobile Home Park overlay zone in the amendment, to which the Board agreed.

Municipal Officer Andresen, seconded by Municipal Officer Lavallee, moved to amend article 39 to read “No live entertainment is permitted after 9:00 PM in the Business and Commercial, and Mobile Home Park Zones. Select Board unanimously approved.

Art. 40 Shall an ordinance entitled “2023 Amendments to the Town of West Bath Marine Resource Conservation Ordinance” be enacted?

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 40 as presented. Select Board unanimously approved.

Art. 41 To see if the Town will vote to increase the property tax levy limit established for the Town of West Bath by State law if the municipal budget approved under the preceding articles will result in a tax commitment that is greater than that property tax levy limit.

Municipal Officer Lavallee, seconded by Municipal Officer Hennessey, moved to recommend Article 40 as presented. Select Board unanimously approved.

Art. 42 To see if the Town will vote to add coverage for full-time, non-Teacher plan school support employees under its Maine Public Employees Retirement System (MainePERS) Participating Local District (PLD) plan as follows:

The Town agrees:

- A) To add coverage for full-time, non-Teacher plan, school support employees who regularly work at least 36 hours per week under its Regular Plan AC effective July 1, 2023; and
- B) To allow its eligible school support employees who elect to join MainePERS on July 1, 2023, to purchase prior service credit for employment with the Town of West Bath and/or West Bath School Department before July 1, 2023; and
- C) To authorize the School Board to enter into an agreement with the non-Teacher plan, school support employees who elect to join MainePERS on July 1, 2023, regarding whether the Town/School will share in the cost to purchase prior service, and if so, to what degree; and directs the School Board to provide MainePERS with a signed copy of that agreement.
- D) To authorize the Town Administrator, to sign the Amended Agreement between the Town and the Maine Public Employees Retirement System.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to recommend Article 42 as presented. Select Board unanimously approved.

David Hennessey asked if Article 22 referenced the Long-Term Capital Improvement Fund, which it does.

2. Town Administrators Report

Ms. Poland presented a quitclaim deed for a previously unreleased tax lien on property located at Map U07, Lot 21 to be signed by the Select Board.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to authorize the quitclaim deed as presented. Select Board unanimously approved.

3. Future Agenda Items

None

VII. PUBLIC COMMENT

Mr. Hennessey recommended that the Board authorize \$500 from the Selectmen's Contingency Account for improvements to the Town Office garden.

Municipal Officer Hennessey, seconded by Municipal Officer Lavallee, moved to authorize \$500 from Selectmen's Contingency for improvements to the Town Office landscaping. Select Board unanimously approved.

Municipal Officer Andresen thanked Mr. Hennessey and Julia House for their efforts in maintaining the gardens at Town Hall.

Mr. Hennessey noted that Town cemeteries need to be maintained more than once a month.

Municipal Officer Andresen moved to consider going out to bid for lawn care services.

Municipal Officer Hennessey asked Ms. Poland to talk to the current contractor with the expectation of immediate improvement.

Municipal Officer Andresen asked that payment be held until services have been rendered. Ms. Poland stated that it was her understanding that spring cleanup has always been handled by the Town.

Ms. Estabrook announced that the Planning Board will hold a Public Hearing for ordinance changes at the West Bath Fire Hall on Tuesday, May 2nd at 6:00pm.

VIII. ADJOURNMENT

Municipal Officer Lavallee, seconded by Municipal Officer Andresen, moved to adjourn at 5:52pm. The Select Board adjourned by unanimous acclamation.

A true attested copy,

Karly A. Perry, Town Clerk