# Town of West Bath
# Public Meeting Notice

**Select Board:** Kathleen Lavallee, Chair
Suzanne Andresen
Madelyn Hennessey

**Town Administrator:** Kristine Poland

**Town Clerk:** Karly Perry

**A meeting of the West Bath Select Board** will be held **Thursday July 6, 2023, at 5:30 pm** at the **West Bath Town Hall,** 219 Fosters Point Road.

**Tentative Agenda**

I. Call to Order

II. Attendance and Establishment of Quorum

III. Pledge of Allegiance

IV. Consent Agenda
1. Approval of Minutes:
    a. June 15, 2023
2. Approval of Warrant(s):
    a. Municipal
    b. School
3. Upcoming Select Board Meeting(s):
    a. TBD, at 5:30 pm at the West Bath Town Hall

V. Select Board Comments/Announcements

VI. Business Items
1. Policy on Treasurer's Disbursement Warrants, proposed renewal
2. Payroll service update
3. Personal property tax collection, request to abate
4. Policy on Town Committee Procedures, proposed amendment
5. Select Board Rules of Procedure, proposed amendment
6. Job description revisions, review and proposed adoption
7. Purchasing Policy, discussion
8. Androscoggin to Kennebec Trail, proposed funding application
9. Town Administrator's Report
10. Future agenda items

VII. Public Comment

VIII. Adjournment

# Select Board Meeting Minutes June 15, 2023

219 Fosters Point Road, West Bath ME 04530 · Phone (207) 443-4342 · Town Administrator email: townadministrator@westbathmaine.gov

# Town of West Bath
# Select Board Meeting Minutes
## Thursday, June 15, 2023

| | |
|---|---|
| **Town of West Bath Select Board:** | Kathleen Lavallee, Chair - **Present**<br>Suzanne Andresen - **Present**<br>Madelyn Hennessey - **Present** |
| **Town Staff:** | Kristine Poland, Town Administrator<br>Karly Perry, Town Clerk |
| **Public:** | Joe Bilodeau, Angela Bryant, David Hennessey, Susan Montgomery, Jeff Moore, Nicole Moore, Kim Murphy, Christine Smith, Chris Stapleton, Warren Swanson |

A regular meeting of the Select Board was held at Town Hall on **Thursday, June 15, 2023, at 5:30 pm.**

I. CALL TO ORDER at **5:30 pm**

II. ATTENDANCE AND ESTABLISHMENT OF QUORUM – **Yes**

III. PLEDGE OF ALLEGIANCE

IV. CONSENT AGENDA

1. Approval of Minutes:
   a. June 1, 2023
2. Approval of Warrant(s):
   a. Municipal
   b. School
3. Upcoming Board of Selectmen Meeting(s):
   a. Thursday, July 6, 2023, at 5:30 pm

**Municipal Officer Hennessey, seconded by Municipal Officer Andresen, moved to approve the consent agenda as presented. Select Board unanimously approved.**

V. SELECT BOARD COMMENTS/ANNOUNCEMENTS:

Municipal Officer Hennessey acknowledged Town Clerk Karly Perry for coordinating Assessing Agent Ron Beal's retirement party.

VI. BUSINESS ITEMS

1. **State Road Drainage**

Municipal Officer Lavallee recalled previous discussion regarding State Road at the site of the parking lot owned by Maine Gravel Services with concerns to the rising water levels south of State Road. She reviewed that the Select Board met with representatives from the Maine DOT who stated that the replacement culvert was placed on top of the failed culvert, causing the rise in the water level.

Municipal Officer Hennessey stated that it will take time to make the necessary adjustments as utilities located under State Road will need to be moved before the culvert can be lowered. The entire project is estimated to take 18-24 months.

2. **432 Mountain Road Drainage**
Kim Murphy of Mountain Road asked who was in attendance at the site visit, to which Municipal Officer Hennessey stated that the full Select Board visited the site with the Road Commissioner and agreed with his recommendation that the ditching in that area of Mountain Road be made deeper.

Ms. Murphy asked what work would be done to the culvert and to the ditch running to the rear of the property.

Municipal Officer Lavallee noted that the ditching will be dug to direct water downhill away from Ms. Murphy's house. Until that work is completed and the results are observed, no further work is planned for that area.

Ms. Murphy asked for a written decision including the recommendations of the Select Board and Code Enforcement Officer.

The Select Board stated that the Code Enforcement Officer is not involved in road work as it is outside of the scope of his work for the Town.

Ms. Murphy spoke to issues she has experienced with flooding on her property.

3. **Sabino Landing Resiliency Assessment**
Municipal Officer Lavallee announced that the assessment of Sabino Landing by GEI consulting is complete, noting that the plan is incomplete pending a boundary survey of the area.

Christine Smith of Seal Cove Drive confirmed that the boundary survey would be for the properties abutting Sabino Landing. Town Administrator Kristine Poland noted that the Town has received a grant for survey, which requires that work be done by a licensed and insured surveyor. Ms. Poland stated that she has reached out to surveyors, however due to the length of time that has passed since the assessment began, she has not been able to retain the service of any contractors. She then asked if the Board would like to put the surveying work out for bid. Municipal Officer Hennessey suggested that Ms. Poland reach out to surveyors for pricing and put the project out to bid if necessary, noting that a decision can be made in July but that completing the survey as soon as possible should be the goal.

Warren Swanson, Marine Resources Committee Chair, spoke to the importance of Sabino Landing for commercial shellfish harvesters and asked the Select Board for permission to make repairs to the existing concrete. Municipal Officer Lavallee asked if there was any public objection, to which there was none.
**Municipal Officer Hennessey moved, seconded by Municipal Officer Lavallee, to authorize the Marine Resources Committee to repair the landing with work not to exceed the current footprint. Select Board unanimously approved.**

Ms. Poland asked if the Board would like to review the suggestions of the resiliency assessment, to which Municipal Officer Andresen requested the Board have time to review the materials. Municipal Officer Lavallee stated that she had read through the materials and spoke the significant amount of information contained therein.

Ms. Murphy asked if the Road Committee had been discontinued, which Municipal Officer Lavallee confirmed that it had.

Ms. Smith noted that her driveway is used as a turnaround and has sustained significant damage which requires both maintenance and monitoring. Municipal Officer Lavallee suggested that the Road Commissioner be dispatched to assess the intersection. Jeff Moore, commercial shellfish holder, suggested that the potholes could be repaired as part of work to the landing.

Greg Kelsey of Gulls Way spoke to road damage at the intersection of Gulls Way and Sabino Road.

The Select Board spoke to the amount of information contained in the resiliency assessment. Ms. Poland noted that tables 6 and 7 are most beneficial. She then spoke to Small Harbor Improvement Grants, which may be beneficial to West Bath. She noted that the grant for the land survey must be used by the end of 2024.

Susan Montgomery asked for an update on signage at Sabino Landing. Ms. Poland stated that the language was taken from the recently approved amendment to the Marine Resources Conservation Ordinance and that the sign is on order.

4. **Annual and Committee Appointments**
**Municipal Officer Hennessey moved, seconded by Municipal Officer Lavallee, the following appointments:**
**Jonathan Beane, Constable**
**Jonathan Beane, Fire Chief & EMA Director**
**Jonathan Beane, Code Enforcement Officer, E911 Addressing Officer, and Local Plumbing Inspector**
**Todd Stead, Animal Control Officer**
**Joseph Vaillancourt, Harbor Master**
**Karly Perry, Public Access Officer,**
**Stephen Renaud, Road Commissioner**
**Deputy Al Huntington, Shellfish Warden**
**Deputy Garrett Olson, Shellfish Warden**
**Julia House, Tax Collector and Treasurer**
**Karly Perry, Town Clerk**
**Paul Coombs, Investment Committee (3-year term)**
**Ashleigh Randall, Board of Appeals (5-year term)**
**Select Board unanimously approved.**

Municipal Officer Lavallee recalled a discussion from last year regarding signage for geese and asked that the Town Office follow up with the appropriate agency.

Municipal Officer Lavallee spoke to traffic congestion and recommended that the Select Board consider speaking to Bath Iron Works to find ways that they can support West Bath in alleviating these issues. Municipal Officer Lavallee suggested that the Board hold off on this discussion for now, to which Municipal Officer Hennessey agreed.

5. **Town Administrators Report**
Ms. Poland referenced information received from MCOG representative Max Johnstone regarding LD 2006, which has been postponed to July 2024. This will allow West Bath to incorporate changes with the update to the Land Use Ordinance. Municipal Officer Andresen noted that funding may be available to offset the cost of the Ordinance changes. Municipal Officer Lavallee urged residents to watch for changes to the Legislation.

Municipal Officer Andresen explained that the LD 2006 is intended to allow accessory dwelling units in order to increase housing as a means of addressing the current housing crisis Maine is experiencing.

6. **Future Agenda Items**
   Municipal Officer Hennessey asked that the Board review committee procedures at the July 6, 2023, meeting. Ms. Poland agreed that the next meeting would be used to address administrative items.

VII. PUBLIC COMMENT

Jospeh Bilodeau introduced himself and addressed the Sea-Kiss Point subdivision, stating that the Town had not followed proper procedures for abutter notification in approving amendments to the original subdivision. He then spoke to the responsibilities of the Select Board, Town Administrator, and Code Enforcement Officer. Mr. Bilodeau cited the stress of the subdivision as ultimately causing him and his wife to sell their property on Mountain Road. He accused the Town of ignoring complaints and stalling in their response, noting a promise made by State Representative Hepler that the Select Board would work with property owners.

Mr. Bilodeau requested that the Town refund taxes paid from 2019-2023, in the amount of $40,000, stating that he is in possession of videotape and written communications which have been reviewed by an attorney. He stated that if the Town is unwilling to settle out of court for $40,000, all video footage and communications will be submitted to the media, and he will move forward with legal action.

VIII. ADJOURNMENT

**Municipal Officer Lavallee moved, seconded by Municipal Officer Hennessey, to adjourn at 6:25 pm. The Select Board adjourned by unanimous acclamation.**

A true attested copy,

_____

Karly A. Perry, Town Clerk

**Business Item 1**
**Policy on Treasurer's Disbursement Warrants, proposed renewal**

Renewal of the policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits will continue the practice of authorizing one member of the Select Board to approve warrants for this purpose.

The Policy on Treasurer's Warrants for State Fees would serve the same purpose. It is being proposed for adoption for the first time this year.

The statute which authorizes the Municipal Officers to adopt written policies for this purpose (MRS Title 30-A, Chapter 221) is included for reference.

**Policy on Treasurer's Disbursement Warrants**
**for Employee Wages and Benefits**

This policy allows designated municipal officers, acting on behalf of the full board of municipal officers, to review, approve, and sign Treasurer's disbursement warrants for municipal employee wages and benefits only.

This policy is additional to, not in lieu of, majority power. Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any Treasurer's warrant, including warrants for wages and benefits.

Pursuant to 30-A M.R.S. § 5603 (2) (A) (1), the following authority is granted with respect to Treasurer's disbursement warrants for municipal employee wages and benefits only:

Select Board members in office at the time of execution of this policy are Kathleen Lavallee, Madelyn Hennessey, and Suzanne Andresen. Any one of the municipal officers named above, acting alone, may review, approve, and sign municipal Treasurer's disbursement warrants for municipal employee wages and benefits only.

This policy becomes effective on the date indicated below.

The Town Administrator shall furnish copies of the adopted policy to the Town Clerk and the Treasurer. The Town Clerk shall maintain the policy in accordance with the retention schedules for local government provided by the Maine State Archives.

The policy lapses on June 30, 2024, if not sooner amended or cancelled.

The policy may be renewed at any time prior to or following its expiration. Any renewal is valid for a term that expires at the end of the fiscal year for which the policy is adopted unless an earlier date of expiration is specified.

Date:

| | | |
|---|---|---|
| Kathleen Lavallee | Madelyn Hennessey | Suzanne Andresen |

**Policy on Treasurer's Disbursement Warrants**
**for State Fees**

This policy allows designated municipal officers, acting on behalf of the full board of municipal officers, to review, approve, and sign Treasurer's disbursement warrants for state fees only.

This policy is additional to, not in lieu of, majority power. Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any Treasurer's warrant, including warrants for state fees.

Pursuant to 30-A M.R.S. § 5603 (2) (A) (3), the following authority is granted with respect to Treasurer's disbursement warrants for state fees only:

Select Board members in office at the time of execution of this policy are Kathleen Lavallee, Madelyn Hennessey, and Suzanne Andresen. Any one of the municipal officers named above, acting alone, may review, approve, and sign municipal Treasurer's disbursement warrants for state fees only.

This policy becomes effective on the date indicated below.

The Town Administrator shall furnish copies of the adopted policy to the Town Clerk and the Treasurer. The Town Clerk shall maintain the policy in accordance with the retention schedules for local government provided by the Maine State Archives.

The policy lapses on June 30, 2024, if not sooner amended or cancelled.

The policy may be renewed at any time prior to or following its expiration. Any renewal is valid for a term that expires at the end of the fiscal year for which the policy is adopted unless an earlier date of expiration is specified.

Date:

| | | |
|---|---|---|
| Kathleen Lavallee | Madelyn Hennessey | Suzanne Andresen |

# CHAPTER 221

# MUNICIPAL TREASURER

## §5601. Bond

Before assuming the duties of office, the treasurer must give a surety bond to the municipality subject to the following provisions. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Condition.** The bond shall be conditioned on the treasurer's faithful discharge of all the duties of office.
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**2. Type.** The bond may be a corporate surety bond or an individual surety bond.

A. If the bond is an individual surety bond, the surety shall provide the municipal officers with a detailed sworn statement of the surety's personal financial ability. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**3. Amount.** The bond need not be for more than twice the amount of taxes to be collected during the municipal year.
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**4. How paid.** The municipality shall pay for the bond.
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**5. Sufficiency.** The municipal officers are the sole judges of the sufficiency of the bond and sureties.
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**6. Recorded.** After the municipal officers approve the bond, the clerk shall record the bond.

A. This record is prima facie evidence of the contents of the bond. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Failure to record the bond is not a defense to an action on it. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

## §5602. Notice of choice of treasurer

When a treasurer is qualified and chosen, the clerk shall send the name of the treasurer to the Treasurer of State. The Treasurer of State shall not send money to any municipality until receiving the name of its treasurer. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

**§5603. Powers and duties**

The treasurer has the following powers and duties. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Powers.** The treasurer may:

A. Make deductions from the salary of a municipal employee and pay the money deducted to the proper payee, when the employee gives the written authority to do so. The treasurer's authority to make a deduction continues until:

(1) The employee revokes the authorization in writing; or

(2) The treasurer knows that the reason for the deduction no longer exists. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**2. Duties.** The treasurer shall:

A. Except as provided in subparagraphs (1) to (3), and except as otherwise provided by charter or ordinance, disburse money only on the authority of a warrant drawn for the purpose, affirmatively voted and signed by a majority of the municipal officers.

(1) The municipal officers may adopt a written policy to permit the disbursement of employees' wages and benefits when a disbursement warrant has been signed by one or more designated municipal officers. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers.

(2) The municipal officers may adopt a written policy to permit the disbursement of payments for municipal education costs when a disbursement warrant has been signed by the school superintendent and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers.

(3) The municipal officers may adopt a written policy to permit the disbursement of state fees when a disbursement warrant has been signed by one or more designated municipal officers. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers; [PL 2009, c. 6, §1 (AMD).]

B. Upon request, provide an account of the finances of the municipality and exhibit the official records to the municipal officers or to any committee appointed by them to examine the accounts. The municipal officers shall examine the treasurer's accounts at least once every 3 months; and [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Maintain a bank account in the municipality's name for the deposit of cash receipts. The treasurer shall deposit all cash receipts in the bank within 10 days. The treasurer may not

commingle funds of the municipality with any personal funds or in any personal account of the treasurer. [PL 2009, c. 193, §2 (AMD).]

[PL 2009, c. 6, §1 (AMD); PL 2009, c. 193, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1991, c. 271 (AMD). PL 1993, c. 96, §2 (AMD). PL 1995, c. 83, §1 (AMD). PL 1995, c. 549, §1 (AMD). PL 2009, c. 6, §1 (AMD). PL 2009, c. 193, §2 (AMD).

**§5604. Payment out of treasury**

The treasurer of any municipality shall not pay out any funds for an account or claim against the municipality unless the account or claim is itemized and declared to be a public record. Notwithstanding Title 17-A, section 4-A, violation of this section is a Class E crime, punishable by a fine of not more than $300 or by imprisonment for not more than 30 days, or both. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

**Business Item 2**
**Payroll service update**

The Treasurer will provide an update on the process of engaging Bangor Payroll to perform payroll services for all West Bath employees.

**Business Item 3**
**Personal property tax collection, request to abate**

A legal opinion from the town attorney regarding collection of personal property that has been outstanding for an extended period of time is provided for review.

West Bath has not had a practice of filing liens for personal property. This requires that the lien be filed within two years of assessment. Also, civil lawsuits for unpaid personal property taxes must be filed within 6 years of the tax due date.

Attempts to collect the oldest outstanding taxes have been unsuccessful. A list of all personal property accounts with non-zero balances is included for reference.

Administration recommends that all outstanding balances prior to 2019 be abated. This recommendation is supported by the town auditor.

A current list of accounts with non-zero balances is provided for reference.

## Town Administrator

**From:** Sally J. Daggett <SDaggett@jensenbaird.com>
**Sent:** Tuesday, May 23, 2023 2:08 PM
**To:** Town Administrator
**Subject:** Personal Property Tax Collection
**Attachments:** title36sec760-A.pdf

Hi Kristine,

I am writing in response to your inquiry about the outstanding Bisson Moving & Storage Co. personal property taxes.

Dealing with a personal property tax debt becomes more complicated when the debt has been outstanding for an extended period of time. The debt does not go away on its own, so the Town still technically has a right to collect on it. However, the options are limited because of the age of the debt at issue here.

By law, the assessment of personal property tax does create a lien on the taxed property. However, it can be difficult to enforce the lien unless the Town previously filed lien notices with the Secretary of State within two years of the tax being assessed. Based on our review, it does not appear that the Town filed those notices, which makes it unlikely that the Town would be able to successfully enforce the lien through the courts.

Normally, the Town could also file a civil lawsuit against the taxpayer, separate from the lien discussed above, in an attempt to collect the outstanding tax. However, the law requires that the lawsuit be filed within 6 years from the tax due date, which means the Town would be barred from filing at this point.

The Tax Collector also has the authority to take a number of other, more aggressive, steps to collect the outstanding tax. These include seizing and auctioning off the taxpayer's property, or even arresting and jailing the taxpayer until the tax is paid. While these are technically options available under the law, we are unaware of any Tax Collector ever actually using these methods to collect outstanding personal property tax in modern times.

The final option to deal with the outstanding debt is in line with the suggestion from the Tax Collector-that the municipal officers (i.e., Select Board) determine that the debt is "too burdensome to collect economically" and write it off pursuant to 36 M.R.S. § 760-A (copy attached).

If there is a broader issue of delinquent personal property taxes by a number of different taxpayers, we are pleased to work with the Town to step up its personal property tax collection efforts going forward.

Sally

**Sally J. Daggett, Esq.**

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**From:** Town Administrator <townadministrator@westbathmaine.gov>
**Sent:** Friday, May 12, 2023 1:12 PM
**To:** Sally J. Daggett <SDaggett@jensenbaird.com>
**Subject:** Personal Property Tax Collection

Sally,

Bisson Transportation has approximately $36,000 (see attached) in outstanding personal property tax for tax years 2006 through 2008. The company moved operations out of West Bath in 2007.

The Tax Collector requested that the Municipal Officers write off the debt, but they are reluctant to do so. What is the Town's legal standing to collect personal property tax that has been outstanding for 17 years? Attempts to work with Bisson in the past have been unsuccessful.

Thank you,
Kristine

## §760-A. Minor or burdensome amounts

**1. Not collected.** After the date for perfection of collections, municipal officers may discharge collectors from any obligation to collect unpaid personal property taxes that the municipal officers determine are too small or too burdensome to collect economically and authorize the municipal treasurer to remove those taxes from the municipal books.
[PL 1991, c. 231 (NEW).]

**2. Discharged.** Collectors shall identify the unpaid taxes discharged under subsection 1 on the tax lists.
[PL 1991, c. 231 (NEW).]

SECTION HISTORY

PL 1991, c. 231 (NEW).

## §612. Tax lien on personal property

**1. Lien.** The legal assessment of taxes upon personal property as defined in section 601 against a particular taxpayer creates and constitutes a lien upon all of the property assessed to secure payment of the resulting taxes, provided that the inventory and valuation upon which the assessment is made contains a description of the personal property taxed that meets the requirements of Title 11, section 9-1504. Except as otherwise provided in this section, the lien takes precedence over all other claims on the personal property and continues in force until the taxes are paid or until the lien is otherwise terminated by law.
[PL 2003, c. 355, §1 (AMD); PL 2003, c. 355, §§9, 10 (AFF).]

**2. Definitions.** As used in this section, unless the context otherwise indicates, the terms used in this section have the same meanings as in Title 11.
[PL 1983, c. 403, §1 (NEW).]

**3. Perfection of lien.** The lien established by subsection 1 attaches on the date of assessment and must be perfected as against all lien creditors, as defined in Title 11, section 9-1102, subsection (52), without the necessity of further action by the municipality or any other party. The lien becomes perfected as against parties other than lien creditors at the time when a notice of the lien is communicated, pursuant to the provisions of Title 11, section 9-1516, to the office identified in Title 11, section 9-1501, subsection (1), paragraph (b). Any filing is ineffective to perfect a lien as against parties that are not lien creditors to the extent that the filing covers taxes upon property whose status for those taxes was fixed pursuant to section 502 or 611 more than 2 years prior to the filing date. The lien does not have priority against any interest as to which it is unperfected during the period in which it is not so perfected. If the lien is perfected as to some interests in the property subject to the tax, but not as to other interests, and the interests as to which it is perfected are superior in priority to the interests against which the lien is unperfected, then the lien has priority over the interests against which it has not been perfected to the extent of the superior interests against which it has been perfected.
[PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

**4. Notice of lien.** Each notice of lien, which may be in the form of a financing statement, must:

A. Name the owner of the property upon which the lien is claimed, if the owner is not the taxpayer and is known to the municipality; [PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

B. Provide the residence or business address of the owner, if known to the municipality; [PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

C. Provide the taxpayer's name and the taxpayer's residence or business address, if known to the municipality, and if not otherwise known, the address where the property that is being taxed was located on the date the status of such taxable property was fixed pursuant to section 502 or 611; [PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

D. Describe the property claimed to be subject to the lien in a manner that meets the requirements of Title 11, section 9-1504; [PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

E. State the amount of tax, accrued interest and costs, as of the date on which the municipality sends the notice for filing, claimed due the municipality and secured by the lien; [PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

F. State the tax year or years for which the lien is claimed; [PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

G. Name the municipality claiming the lien; [PL 2003, c. 355, §2 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

H. Set forth the phrase "NOTICE OF PERSONAL PROPERTY TAX LIEN" in that part of the financing statement otherwise used to describe the collateral; [PL 2003, c. 355, §2 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

I. Indicate that the notice is filed as a non-UCC filing; and [PL 2003, c. 355, §2 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

J. Indicate that the taxpayer or owner, if an organization, has no organizational identification number, regardless of whether such a number may exist for that entity. [PL 2003, c. 355, §2 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

Except as provided in this subsection, the notice of lien need not contain the information required by Title 11, section 9-1516, subsection (2), paragraph (e), subparagraph (iii) and must be accepted for filing without that information notwithstanding the provisions of Title 11, section 9-1520, subsection (1). A copy of the notice of lien must be given by certified mail, return receipt requested, at the last known address, to the taxpayer, to the owner, if the owner is not the taxpayer, and to any party who has asserted that it holds an interest in any of the property that is subject to the lien in an authenticated notification received by the municipality within 5 years prior to the date on which the municipality sends the notice of lien for filing, or who has filed a financing statement with the office identified in Title 11, section 9-1501, subsection (1), paragraph (b) that remains effective as of the date on which the municipality sends the notice of lien for filing. Failure to give notice to any secured party who has a perfected security interest prevents the lien from taking priority over that security interest, but does not otherwise affect the validity of the lien.
[PL 2003, c. 631, §81 (AMD).]

**5. Effective period of lien; limitation period.** Perfection of any lien by the filing of a notice of lien is effective for a period of 5 years from the date of filing, unless discharged as provided in this section or unless a continuation statement is filed prior to the lapse. A continuation statement may be filed on behalf of the municipality within 6 months prior to the expiration of the 5-year period provided in this section in the same manner and to the same effect as provided in Title 11, section 9-1515.
[PL 2003, c. 355, §3 (AMD); PL 2003, c. 355, §§9, 10 (AFF).]

**6. Rights and remedies of municipality and taxpayer.** A municipality that has filed a notice of tax lien has the rights and remedies of a secured party, the taxpayer and the owner of the property against whom the lien has been filed have the rights and remedies of a debtor, all parties to whom the municipality is required to provide a copy of the lien notice pursuant to subsection 4 have the rights and remedies of a junior secured party and all lien creditors have the rights of lien creditors, as provided for in Title 11, Article 9-A, Part 6, except that:

A. The municipality does not have the rights provided to a secured party in Title 11, sections 9-1620, 9-1621 and 9-1622; [PL 2003, c. 355, §4 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

B. The municipality has no obligations to lien creditors or to secured parties except to the extent that it has received notice from such secured parties as set forth in subsection 4 or they have effective financing statements on file as provided in subsection 4; [PL 2003, c. 355, §4 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

C. The municipality has no obligations under Title 11, section 9-1616; and [PL 2003, c. 355, §4 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

D. The municipality is not subject to Title 11, section 9-1625, subsection (3), paragraph (b) and section 9-1625, subsections (5) to (7). [PL 2003, c. 355, §4 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]
[PL 2003, c. 355, §4 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

**7. Personal property liens; discharge.** If any lien created under this section is discharged, then a certificate of discharge must promptly be filed by the tax collector of the municipality which originally

filed the notice of lien, or by that tax collector's successor, in the same manner as termination statements are filed under Title 11, section 9-1513. The municipal officer who has filed the notice of lien shall file a notice of discharge of the lien in the manner provided in this section, if:

A. The taxes for which the lien has been filed are fully paid, together with all interest and costs due thereon; [PL 1983, c. 403, §1 (NEW).]

B. A cash bond or surety company bond is furnished to the municipality conditioned upon the payment of the amount liened, together with interest and cost due, within the effective period of the lien as provided in this section; or [PL 1983, c. 403, §1 (NEW).]

C. A final judgment is rendered in favor of the taxpayer or others claiming an interest in the liened personal property which determines either that the tax is not owed or that the lien is not valid. If the judgment determines that the tax is partially owed, then the officer who filed the notice of lien or that officer's successor shall, within 10 days of the rendition of the final judgment, file an amendment to the notice of lien reducing the amount claimed to the actual amount of tax found to be due, which amended lien is effective as to the revised amount of the lien as of the date of the filing of the original notice of tax lien. [PL 2003, c. 355, §5 (AMD); PL 2003, c. 355, §§9, 10 (AFF).]

[PL 2003, c. 355, §5 (AMD); PL 2003, c. 355, §§9, 10 (AFF).]

**8. Consumer goods.** In the case of consumer goods, a buyer in the ordinary course of business takes free of the lien created by this section, even though the lien is perfected and even though the buyer knows of its existence.

[PL 1983, c. 403, §1 (NEW).]

**9. Liens subordinate to security interests.** The lien authorized by subsection 1 is subordinated to security interests that were perfected before September 23, 1983 and that have remained perfected thereafter, except to the extent that such perfected security interests would be subordinate to the rights of the municipality if the municipality were considered, whether or not such is actually the case, to be a lien creditor under Title 11, section 9-1323 by virtue of its rights pursuant to the lien authorized by subsection 1.

[PL 2003, c. 355, §6 (RPR); PL 2003, c. 355, §§9, 10 (AFF).]

**10. Collection procedure.** The collection procedure authorized by this section is optional and does not affect in any way alternate collection procedures authorized by law.

[PL 1999, c. 699, Pt. D, §28 (AMD); PL 1999, c. 699, Pt. D, §30 (AFF).]

**11. Limitation of this section.** The lien authorized by this section applies to taxes assessed on or after April 1, 1984. The procedures of this section as amended effective July 1, 2001 or October 1, 2003 apply only to liens authorized in this section that are perfected by a filing made on or after July 1, 2001, or for which a continuation statement is filed on or after that date.

[PL 2003, c. 355, §7 (AMD); PL 2003, c. 355, §§9, 10 (AFF).]

**12. Location of filing.** A tax lien filed on or after July 1, 2001 with the office identified in Title 11, section 9-1501, subsection (1), paragraph (b) is not invalid or otherwise ineffectual by reason of filing with that office.

[PL 2003, c. 355, §8 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

**13. Application of state law.** The law of this State governs the following without recourse to this State's choice of law provisions, including those provisions found in Title 11, sections 9-1301 to 9-1307:

A. Perfection of a personal property tax lien, as provided in this section; [PL 2003, c. 355, §8 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

B. The effect of perfection or nonperfection of a personal property tax lien as provided in this section; [PL 2003, c. 355, §8 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

C. The priority of a personal property tax lien as provided in this section; and [PL 2003, c. 355, §8 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

D. All other rights and obligations of the parties with respect to personal property tax liens held by municipalities in this State. [PL 2003, c. 355, §8 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

[PL 2003, c. 355, §8 (NEW); PL 2003, c. 355, §§9, 10 (AFF).]

SECTION HISTORY

PL 1983, c. 403, §1 (NEW). PL 1985, c. 218 (AMD). PL 1999, c. 699, §D28 (AMD). PL 1999, c. 699, §D30 (AFF). PL 2003, c. 355, §§1-8 (AMD). PL 2003, c. 355, §§9,10 (AFF). PL 2003, c. 631, §81 (AMD).

# Non Zero Balance on All Accounts

Complete List



| Acct | | Name ---- | Year | Original Tax | Payment / Adjustments | Amount Due |
|---|---|---|---|---|---|---|
| 210 | P | ADAMS HEATHER | 2007 | 34.31 | 11.00 | 23.31 |
| 210 | P | ADAMS HEATHER | 2008 | 30.69 | 0.00 | 30.69 |
| 210 | P | ADAMS HEATHER | 2009 | 32.44 | 0.00 | 32.44 |
| 210 | P | ADAMS HEATHER | 2010 | 34.18 | 0.00 | 34.18 |
| 210 | P | ADAMS HEATHER | 2011 | 34.71 | 0.00 | 34.71 |
| 1 | P | AMBROSE AUTO REPAIR | 2003 | 64.33 | 0.00 | 64.33 |
| 1 | P | AMBROSE AUTO REPAIR | 2004 | 53.89 | 0.00 | 53.89 |
| 1 | P | AMBROSE AUTO REPAIR | 2005 | 54.68 | 0.00 | 54.68 |
| 1 | P | AMBROSE AUTO REPAIR | 2006 | 56.58 | 0.00 | 56.58 |
| 1 | P | AMBROSE MERLE | 2007 | 29.52 | 0.00 | 29.52 |
| 1 | P | AMBROSE, MERLE | 2008 | 28.64 | 0.00 | 28.64 |
| 1 | P | AMBROSE, MERLE | 2009 | 30.27 | 0.00 | 30.27 |
| 1 | P | AMBROSE, MERLE | 2010 | 31.90 | 0.00 | 31.90 |
| 1 | P | AMBROSE, MERLE | 2011 | 32.39 | 0.00 | 32.39 |
| 1 | P | AMBROSE, MERLE | 2012 | 28.32 | 0.00 | 28.32 |
| 1 | P | AMBROSE, MERLE | 2013 | 33.04 | 0.00 | 33.04 |
| 1 | P | AMBROSE, MERLE | 2014 | 29.46 | 0.00 | 29.46 |
| 1 | P | AMBROSE, MERLE | 2015 | 30.04 | 0.00 | 30.04 |
| 1 | P | AMBROSE, MERLE | 2016 | 29.46 | 0.00 | 29.46 |
| 1 | P | AMBROSE, MERLE | 2017 | 32.35 | 0.00 | 32.35 |
| 1 | P | AMBROSE, MERLE | 2018 | 32.06 | 0.00 | 32.06 |
| 1 | P | AMBROSE, MERLE | 2019 | 30.32 | 0.00 | 30.32 |
| 1 | P | AMBROSE, MERLE | 2020 | 30.32 | 0.00 | 30.32 |
| 1 | P | AMBROSE, MERLE | 2021 | 30.32 | 0.00 | 30.32 |
| 1 | P | AMBROSE, MERLE | 2022 | 30.90 | 0.00 | 30.90 |
| 178 | P | BEAL, RONALD G | 2022 | 14.98 | 0.00 | 14.98 |
| 212 | P | BENEATH THE BARK WOODWORKING | 2022 | 69.65 | 62.90 | 6.75 |
| 55 | P | BISSION , MOVING AND STORAGE | 2006 | 6,593.79 | 0.00 | 6,593.79 |
| 55 | P | BISSON MOVING & STORAGE | 2007 | 3,536.45 | 0.00 | 3,536.45 |
| 55 | P | BISSON MOVING & STORAGE | 2008 | 3,281.56 | 0.00 | 3,281.56 |
| 238 | P | BLACK GHOST OUTFITERS | 2017 | 63.82 | 0.00 | 63.82 |
| 238 | P | BLACK GHOST OUTFITTERS | 2016 | 58.12 | 0.00 | 58.12 |
| 217 | P | BONZAGNI LLC | 2020 | 96.04 | 0.00 | 96.04 |
| 217 | P | BONZAGNI LLC | 2021 | 96.04 | 0.00 | 96.04 |
| 217 | P | BONZAGNI LLC | 2022 | 97.87 | 0.00 | 97.87 |
| 210 | P | C/O DAVE | 2012 | 30.35 | 0.00 | 30.35 |
| 210 | P | C/O DAVE | 2013 | 35.40 | 0.00 | 35.40 |
| 210 | P | C/O DAVE | 2014 | 30.54 | 0.00 | 30.54 |
| 193 | P | COMPUTER SCIENCES CORP | 2020 | 3,670.05 | 0.00 | 3,670.05 |
| 242 | P | CONOPCO INC | 2021 | 92.06 | 44.64 | 47.42 |
| 242 | P | CONOPCO INC | 2022 | 50.15 | 0.00 | 50.15 |
| 248 | P | CONOPCO, INC | 2021 | 43.72 | 41.93 | 1.79 |
| 248 | P | CONOPCO, INC | 2022 | 44.55 | 0.00 | 44.55 |
| 237 | P | CROWN EQUIPMENT CORP. | 2016 | 191.78 | 0.00 | 191.78 |
| 102 | P | CTE INC | 2007 | 185.31 | 0.00 | 185.31 |
| 102 | P | CTE INC | 2008 | 161.92 | 0.00 | 161.92 |
| 102 | P | CTE INC | 2009 | 171.12 | 0.00 | 171.12 |

# Non Zero Balance on All Accounts

Complete List



| Acct | | Name ---- | Year | Original Tax | Payment / Adjustments | Amount Due |
|---|---|---|---|---|---|---|
| 102 | P | CTE INC | 2010 | 180.32 | 0.00 | 180.32 |
| 102 | P | CTE INC | 2011 | 183.08 | 0.00 | 183.08 |
| 102 | P | CTE INC | 2012 | 152.69 | 0.00 | 152.69 |
| 102 | P | CTE INC | 2013 | 178.13 | 0.00 | 178.13 |
| 102 | P | CTE INC | 2014 | 159.83 | 0.00 | 159.83 |
| 102 | P | CTE INC | 2015 | 162.97 | 0.00 | 162.97 |
| 102 | P | CTE INC | 2016 | 159.83 | 0.00 | 159.83 |
| 102 | P | CTE INC | 2017 | 175.50 | 0.00 | 175.50 |
| 102 | P | CTE INC | 2018 | 173.94 | 0.00 | 173.94 |
| 102 | P | CTE INC | 2019 | 164.54 | 0.00 | 164.54 |
| 102 | P | CTE INC | 2020 | 91.35 | 0.00 | 91.35 |
| 102 | P | CTE INC | 2021 | 91.35 | 0.00 | 91.35 |
| 102 | P | CTE INC | 2022 | 93.09 | 0.00 | 93.09 |
| 210 | P | DAVE AND MICHELLE BABCOCK | 2015 | 31.14 | 0.00 | 31.14 |
| 210 | P | DAVE AND MICHELLE BABCOCK | 2016 | 30.54 | 0.00 | 30.54 |
| 210 | P | DAVE AND MICHELLE BABCOCK | 2017 | 33.53 | 0.00 | 33.53 |
| 196 | P | DEGUSSA ADMIXTURES INC | 2007 | 250.62 | 0.00 | 250.62 |
| 188 | P | DFS EQUIPMENT HOLDINGS | 2007 | 22.90 | 0.00 | 22.90 |
| 188 | P | DFS-SPV-LP | 2006 | 76.88 | 15.18 | 61.70 |
| 217 | P | EDWARD R. SCHENK | 2011 | 95.67 | 54.73 | 40.94 |
| 217 | P | EDWARD R. SCHENK | 2012 | 83.65 | 0.00 | 83.65 |
| 216 | P | EVERETT, STEVE | 2009 | 106.34 | 0.00 | 106.34 |
| 216 | P | EVERETT, STEVE | 2010 | 112.05 | 0.00 | 112.05 |
| 216 | P | EVERETT, STEVE | 2011 | 113.77 | 0.00 | 113.77 |
| 216 | P | EVERETT, STEVE | 2012 | 99.48 | 0.00 | 99.48 |
| 216 | P | EVERETT, STEVE | 2013 | 85.23 | 0.00 | 85.23 |
| 216 | P | EVERETT, STEVE | 2014 | 81.39 | 0.00 | 81.39 |
| 216 | P | EVERETT, STEVE | 2015 | 82.98 | 0.00 | 82.98 |
| 216 | P | EVERETT, STEVE | 2016 | 81.39 | 0.00 | 81.39 |
| 15 | P | GILLEY, WILLIAM E | 2022 | 54.68 | 0.00 | 54.68 |
| 60 | P | HARRIS ENTERPRISES | 2022 | 23.55 | 0.00 | 23.55 |
| 108 | P | HILLTOP REDEMPTION | 2003 | 6.67 | 0.00 | 6.67 |
| 108 | P | HILLTOP REDEMPTION | 2004 | 7.31 | 0.00 | 7.31 |
| 108 | P | HILLTOP REDEMPTION | 2005 | 7.42 | 0.00 | 7.42 |
| 108 | P | HILLTOP REDEMPTION | 2006 | 7.68 | 0.00 | 7.68 |
| 131 | P | HOARE, JAMES | 2012 | 15.56 | 5.45 | 10.11 |
| 131 | P | HOARE, JAMES | 2013 | 11.12 | 0.00 | 11.12 |
| 131 | P | HOARE, JAMES | 2014 | 9.54 | 0.00 | 9.54 |
| 131 | P | HOARE, JAMES | 2015 | 9.72 | 0.00 | 9.72 |
| 39 | P | JAIDEN LANDSCAPING | 2014 | 115.44 | 0.00 | 115.44 |
| 39 | P | JOHNATHAN SNELL | 2015 | 117.71 | 0.00 | 117.71 |
| 39 | P | JOHNATHAN SNELL | 2016 | 115.44 | 0.00 | 115.44 |
| 39 | P | JOHNATHAN SNELL | 2017 | 126.76 | 0.00 | 126.76 |
| 256 | P | LISA ALEXANDER | 2021 | 137.42 | 0.00 | 137.42 |
| 49 | P | M,T.M. AQUISITION, INC. | 2019 | 251.39 | 0.00 | 251.39 |
| 79 | P | MAINE FIBER COMPANY INC | 2023 | 0.00 | 0.05 | -0.05 |
| 217 | P | NEW MEADOWS AUTO SALES | 2013 | 95.77 | 29.94 | 65.83 |
| 217 | P | NEW MEADOWS AUTO SALES | 2014 | 93.30 | 0.00 | 93.30 |

# Non Zero Balance on All Accounts

Complete List



| Acct | | Name ---- | Year | Original Tax | Payment / Adjustments | Amount Due |
|---|---|---|---|---|---|---|
| 217 | P | NEW MEADOWS AUTO SALES | 2015 | 95.13 | 0.00 | 95.13 |
| 217 | P | NEW MEADOWS AUTO SALES | 2016 | 93.30 | 0.00 | 93.30 |
| 217 | P | NEW MEADOWS AUTO SALES | 2017 | 102.45 | 0.00 | 102.45 |
| 217 | P | NEW MEADOWS AUTO SALES | 2018 | 101.53 | 0.00 | 101.53 |
| 217 | P | NEW MEADOWS AUTO SALES | 2019 | 96.04 | 0.00 | 96.04 |
| 31 | P | PAQUETTE, DAVID C SR | 2022 | 22.47 | 0.00 | 22.47 |
| 34 | P | RAY ROUKE | 2015 | 40.44 | 0.00 | 40.44 |
| 34 | P | RAY ROUKE | 2016 | 39.66 | 0.00 | 39.66 |
| 34 | P | RAY ROUKE | 2017 | 43.55 | 0.00 | 43.55 |
| 34 | P | RAY ROUKE | 2018 | 43.16 | 0.00 | 43.16 |
| 34 | P | RAY ROUKE | 2019 | 40.82 | 0.00 | 40.82 |
| 170 | P | RENT A CENTER | 2007 | 83.23 | 4.35 | 78.88 |
| 170 | P | RENT A CENTER | 2008 | 75.20 | 0.00 | 75.20 |
| 170 | P | RENT A CENTER | 2009 | 79.47 | 0.00 | 79.47 |
| 170 | P | RENT A CENTER | 2010 | 83.74 | 0.00 | 83.74 |
| 170 | P | RENT A CENTER | 2011 | 85.02 | 0.00 | 85.02 |
| 170 | P | RENT A CENTER /RENT-WAY | 2012 | 69.47 | 0.00 | 69.47 |
| 170 | P | RENT A CENTER /RENT-WAY | 2013 | 63.32 | 0.00 | 63.32 |
| 34 | P | ROUKE, RAY | 2020 | 40.82 | 0.00 | 40.82 |
| 34 | P | ROUKE, RAY | 2021 | 40.82 | 0.00 | 40.82 |
| 34 | P | ROUKE, RAY | 2022 | 41.60 | 0.00 | 41.60 |
| 36 | P | SANFORD DON | 2007 | 128.90 | 0.00 | 128.90 |
| 11 | P | SANFORD SMITH | 2015 | 81.56 | 56.90 | 24.66 |
| 11 | P | SANFORD SMITH | 2016 | 67.64 | 0.00 | 67.64 |
| 11 | P | SANFORD SMITH | 2017 | 74.27 | 0.00 | 74.27 |
| 36 | P | SANFORD, DON | 2008 | 111.13 | 0.00 | 111.13 |
| 36 | P | SANFORD, DON | 2009 | 117.44 | 0.00 | 117.44 |
| 36 | P | SANFORD, DON | 2010 | 123.75 | 0.00 | 123.75 |
| 36 | P | SANFORD, DON | 2011 | 125.65 | 0.00 | 125.65 |
| 36 | P | SANFORD, DON | 2012 | 109.86 | 0.00 | 109.86 |
| 36 | P | SANFORD, DON | 2013 | 120.31 | 0.00 | 120.31 |
| 36 | P | SANFORD, DON | 2014 | 100.96 | 0.00 | 100.96 |
| 36 | P | SANFORD, DON | 2015 | 102.94 | 0.00 | 102.94 |
| 36 | P | SANFORD, DON | 2016 | 100.96 | 0.00 | 100.96 |
| 36 | P | SANFORD, DON | 2017 | 110.86 | 0.00 | 110.86 |
| 36 | P | SANFORD'S AUTO CENTER | 2005 | 387.09 | 0.00 | 387.09 |
| 36 | P | SANFORD'S AUTO CENTER | 2006 | 399.84 | 0.00 | 399.84 |
| 108 | P | SCHUTT, ERIC | 2015 | 2.05 | 0.00 | 2.05 |
| 129 | P | SHEA, SCOTT | 2012 | 11.51 | 0.00 | 11.51 |
| 129 | P | SHEA, SCOTT | 2013 | 8.06 | 0.00 | 8.06 |
| 129 | P | SHEA, SCOTT | 2014 | 8.10 | 0.00 | 8.10 |
| 129 | P | SHEA, SCOTT | 2015 | 8.26 | 0.00 | 8.26 |
| 108 | P | SHUTT ERIC | 2007 | 1.71 | 0.00 | 1.71 |
| 108 | P | SHUTT, ERIC | 2008 | 1.73 | 0.00 | 1.73 |
| 108 | P | SHUTT, ERIC | 2009 | 1.83 | 0.00 | 1.83 |
| 108 | P | SHUTT, ERIC | 2010 | 1.93 | 0.00 | 1.93 |
| 108 | P | SHUTT, ERIC | 2011 | 1.96 | 0.00 | 1.96 |
| 108 | P | SHUTT, ERIC | 2012 | 1.71 | 0.00 | 1.71 |

| Acct | | Name ---- | Year | Original Tax | Payment / Adjustments | Amount Due |
|---|---|---|---|---|---|---|
| 108 | P | SHUTT, ERIC | 2013 | 2.00 | 0.00 | 2.00 |
| 108 | P | SHUTT, ERIC | 2014 | 2.01 | 0.00 | 2.01 |
| 225 | P | STATE FARM | 2022 | 89.31 | 0.00 | 89.31 |
| 228 | P | SZCZEPANSKI, JOHN E | 2020 | 12.02 | 0.00 | 12.02 |
| 228 | P | SZCZEPANSKI, JOHN E | 2021 | 11.25 | 0.00 | 11.25 |
| 228 | P | SZCZEPANSKI, JOHN E | 2022 | 11.46 | 0.00 | 11.46 |
| 222 | P | WEST BATH AUTO PARTS | 2021 | 108.11 | 0.00 | 108.11 |
| 222 | P | WEST BATH AUTO PARTS | 2022 | 110.17 | 0.00 | 110.17 |
| 38 | P | WHITE PINES LANDSCAPING INC | 2022 | 343.11 | 0.00 | 343.11 |
| **Total for 152 Bills:** | | 33 Accounts | | 28,443.74 | 327.07 | 28,116.67 |

**Payment Summary**

| Type | Principal | Interest | Costs | Total |
|---|---|---|---|---|
| C - Correction | -111.65 | 0.00 | 0.00 | -111.65 |
| P - Payment | 438.67 | 0.00 | 0.00 | 438.67 |
| Y - Prepayment | 0.05 | 0.00 | 0.00 | 0.05 |
| Total | 327.07 | 0.00 | 0.00 | 327.07 |

**Non Lien Summary**

| | | |
|---|---|---|
| 2003-1 | 2 | 71.00 |
| 2004-1 | 2 | 61.20 |
| 2005-1 | 3 | 449.19 |
| 2006-1 | 5 | 7,119.59 |
| 2007-1 | 9 | 4,257.60 |
| 2008-1 | 7 | 3,690.87 |
| 2009-1 | 7 | 538.91 |
| 2010-1 | 7 | 567.87 |
| 2011-1 | 8 | 617.52 |
| 2012-1 | 10 | 597.15 |
| 2013-1 | 10 | 602.44 |
| 2014-1 | 10 | 630.57 |
| 2015-1 | 12 | 708.04 |
| 2016-1 | 11 | 968.12 |
| 2017-1 | 9 | 763.09 |
| 2018-1 | 4 | 350.69 |
| 2019-1 | 5 | 583.11 |
| 2020-1 | 6 | 3,940.60 |
| 2021-1 | 9 | 564.52 |
| 2022-1 | 15 | 1,034.64 |
| 2023-1 | 1 | -0.05 |
| Total | 152 | 28,116.67 |

# Non Zero Balance on All Accounts

Complete List



| Acct | Name ---- | Year | Original Tax | Payment / Adjustments | Amount Due |
|---|---|---|---|---|---|
| No Bills | | | 0.00 | 0.00 | 0.00 |

**Payment Summary**

| Type | Principal | Interest | Costs | Total |
|---|---|---|---|---|
| Total | 0.00 | 0.00 | 0.00 | 0.00 |

**Lien Summary**

| | | |
|---|---|---|
| Total | 0 | 0.00 |

| | | | | |
|---|---|---|---|---|
| **Total for 152 Bills:** | 28,443.74 | 327.07 | 28,116.67 |

**Business Item 4**
**Policy on Town Committee Procedures, proposed amendment**

The red-lined version includes amendments to the policy recommended by the town attorney. Most of the proposed changes are grammatical or for clarification.

Section VI. Other Terminations has revised language that describes the process for terminating a committee member's appointment.

Section XI. Select Board Liaison has been removed altogether.

A clean copy reflecting all proposed changes is included for comparison.

# Policy on Town Committee Procedures

Enacted 10/07/19
Amended 10/06/22
Amended 11/03/22
Amended TBD

I. Purpose – the purpose of this policy is to provide guidance and direction regarding:

A. The general work of the committees and common procedures;
B. The roles ~~and relationship~~ of committees and their relationship with the Select Board; and
C. The ~~roles and~~ relationship ~~of~~ between committees ~~with~~ and staff

II. Definitions

A. Town Committee – this term refers to ~~any appointed body created and confirmed by the Select Board.~~ a board or committee whose members are appointed by the Select Board. The term "Town Committee" shall include the following:

- Regulatory/Statutory – Planning Board, Board of Appeals, and Board of Assessment Review.
  These are boards that are governed by statute and/or local ordinance to perform a certain function or grant permits and approvals. ~~Because the Board of Appeals and the Board of Assessment Review are quasi-judicial, they have greater segregation. Their independence is not influenced by their creation or appointment, but is provided because of their duty.~~ As such, these are quasi-judicial bodies that have a duty to operate with independence which is not influenced by their creation or appointment, but is provided because of their duty.
- Standing/Advisory Committees.
  These ~~are c~~committees are created, ~~usually created~~ and appointed by the Select Board ~~but can be staff- generated as well~~or Town staff (e.g., Employee Safety Committee), ~~that~~ to provide specific support, research and/or recommendations ~~to~~ either to the Select Board or staff. By their

name, they are standing; by their appointment, however, they are in support of the work of others. ~~These can also be referred to as Advisory Committees.~~

- Task Forces.
  These ~~are~~ committees~~, usually~~ are created and appointed by the Select Board ~~but can be staff- generated as well that~~or Town staff to provide service on a specific project. The committee is appointed to provide a document for the Select Board or Town staff to review and edit. Once the document has been received and fully acted upon (or the project is completed), the task force is sincerely commended and dispersed.

B. Staff – an employee of the town under the management and responsibility, whether directly or indirectly, of the Town Administrator or the Select Board.

## III. Formation of Town Committees

### A. Creation of Town Committee Charge

1. Prior to appointment, ~~there shall be a Select Board approved~~the Select Board shall approve a Town ~~committee~~ Committee charge containing the following:
   - Mission or objective statement for standing committees; and
   - Goal or purpose statement for task forces.
2. The Town Committee charge shall also have procedures for:
   - Members (~~not names, but types, e.g. professional background~~including qualifications, if applicable);
   - Minimum number of meetings per year; and
   - Staff coordination and support.
3. ~~Charges may be reviewed periodically; any charge updates or amendments shall be agreed to by the Select Board.~~The Select Board may review Town Committee charges at any time or upon request of Town Committee members and may ask current members for their input before making any changes to a Town Committee charge. Any updates or amendments to a Town Committee charge shall be approved by the Select Board.

B. ~~The~~ Except for Town Committee that may be appointed by Town staff, the appointing authority shall be the Select Board. ~~Each committee shall be given a charge statement which will state the reason for the committee's formation, its composition, objectives, and time limitations. The Select Board may review the official charge at any time or upon request of the committee members and will ask current members for their input before making any changes to a charge.~~ Town Committees may request additional volunteer(s) from within or outside the Town of West Bath to sit on the committee;; however, such person(s) ~~are not considered~~shall not be voting members of the committee.

C. A ~~committee~~ Town Committee that has been inactive for a period of six (6) consecutive months may be disbanded by the Select Board. Any ~~committee~~ Town Committee that believes to have fulfilled their charge may ask the Select Board, through the Town Administrator, to be disbanded or to have its charge adjusted to continue its work.

D. Applications – all persons wishing to serve on a ~~committee~~ Town Committee shall submit an application to the Town Clerk on a form provided by the Town.

E. Appointments – The goal of the appointing authority is to appoint qualified and interested West Bath residents who are broadly representative of the Town of West Bath. The Select Board may, at its discretion, ~~defer~~ delegate its authority to appoint to the Town Administrator or a department head when selecting members of a Task Force if, in the opinion of the Select Board, the time and task assigned to the ~~committee~~ Town Committee warrant such authority. ~~Selections are~~Appointments shall be based upon current committee composition, qualifications, experience, recommendations, available space, ~~and~~ attendance record and/or previous performance, if applicable.

Generally, an individual ~~should~~ may serve on no more than two (2) ~~committees~~ Town Committees at a time. All appointees shall receive written notification of appointment, and all appointees must be sworn in by the Town Clerk before acting as a member of the ~~committee~~Town Committee. Staff shall provide to the appointee a copy of this document and any applicable and pertinent state statutes upon appointment.

The appointing authority may interview ~~any resident that~~anyone who applies for appointment to any ~~committee~~Town Committee.

F. The Town Administrator may assign staff members to serve as non-voting liaisons, consultants, and/or ~~for~~ administrative support for any Town Committee. ~~Actual~~ The actual assignment of staff by the Town Administrator is based upon the ~~committee~~ Town Committee charge and how the staff member(s) may best maximize the ~~committee's~~ Town Committee's efforts.

~~G. The Select Board may assign one of its members to serve as a liaison to each committee they appoint, except for the Board of Assessment Review.~~

~~H.~~G. Town Committee members shall adhere to the Town's Human Resource Policy Manual, where applicable, as well as any statutes governing training, public records, communication, and access to information. ~~All members of the Budget Advisory Committee and all members of the Planning Board are required by law to complete Freedom of Access Act (FOAA) training within 120 days of appointment or reappointment.~~ For instance, all committee members required by law to complete Freedom of Access Act (FOAA) training, including but not limited to the Planning Board and Budget Advisory Committee, shall complete

such training within the time frame required by 1 M.R.S. § 412, as may be amended from time to time.

## IV. Reappointment

The appointing authority shall evaluate and consider reappointments as terms expire. ~~In most cases, t~~Those Town Committee members wishing to remain on a committee beyond the initial appointment should notify the Town Clerk prior to the Annual Budget Town Meeting. The Town Clerk will then forward to the Town Administrator a list of current members who wish to ~~remain~~ be reappointed for the following fiscal year ~~for reappointment to the Town Administrator~~. Terms may vary by committee; the committee charge will confirm terms. A ~~committee~~ Town Committee member is under no obligation to accept reappointment nor is the appointing authority obligated to offer reappointment.

## V. Resignation

A ~~committee~~ Town Committee member who is no longer able to serve should resign promptly so the vacancy may be filled. This allows for another appointee to continue the work of the committee. A written resignation must be submitted to the appointing authority through the Town Administrator, and to the ~~Chair of the committee~~Town Committee Chair.

## VI. Other Terminations

~~The appointing authority may ask for a member's resignation or, if necessary, revoke the appointment of any committee member if the authority feels it is in the town's best interest. Additionally, the appointment of a committee member who fails to attend three consecutive meetings unexcused or consistently fails to attend meetings without prior 24-hour notification may be terminated.~~

~~Written notification to the committee member from the Select Board shall be given in the event of any such action. Before any action is taken, the committee Chair shall alert the Town Administrator of noted circumstances; the Select Board shall make a reasonable attempt to contact the member to see if the problem can be corrected.~~

The appointing authority may ask for a Town Committee member's resignation or, if necessary, may remove the Town Committee member from office for cause, after notice and hearing. For purposes of this section, "cause" for removal shall include, but not be limited to, a Town Committee member's failure to attend three (3)

consecutive meetings without excuse or consistent failure to attend meetings without prior 24-hour notification. Prior to a removal, the appointing authority shall provide the Town Committee member with advance written notification and an opportunity to be heard. Before any action is taken, the Town Committee Chair (or other Town Committee member if the Chair is involved) shall alert the Town Administrator of noted circumstances and the Select Board shall make a reasonable attempt to contact the Town Committee member to see if the problem can be corrected.

VII. Charge and Plan of Action

The ~~committee~~ Town Committee shall review its charge at ~~the~~ its first meeting ~~of the committee~~ and conduct an annual self-evaluation. The ~~committee~~Town Committee, with input from Town staff and the appointing authority, shall develop a plan of action to accomplish the objectives set forth by the Select Board. The plan shall include reporting milestones so the ~~committee~~ Town Committee and the appointing authority can monitor progress, assign resources as requested and approved, adjust objectives if necessary, and allow for general communication and coordination.

VIII. Reporting

A. Reporting at previously noted milestones shall occur at meetings of the Select Board. The Town Committee Chair or designee(s) is responsible ~~to deliver~~for delivering written reports or actions taken at a meeting to the Town Administrator at least four (4) business days prior to a Select Board meeting. Reports may also be submitted through the ~~committee's~~ Town Committee's staff liaison. These reports shall be received by the Select Board at their meeting and acted upon.

   Action by the Select Board may include:

   - Accept under advisement with no action taken.
   - Accept under advisement with action taken.
   - Return to ~~committee~~ Town Committee and/or staff for specified additional work.
   - Accept and place on a specified future Select Board meeting agenda for presentation, discussion, and hearing.
   - Take other action.

B. Verbal reports and specific requests may also be made at a meeting of the Select Board as part of the ~~committee~~ Town Committee updates; however, if the report needs discussion or action by the Select Board, the topic may be placed on a specified future Select Board meeting agenda. This shall be done by submitting physical documentation to the Town Administrator or sent via email to the Town

Administrator on or before the Thursday prior to a scheduled meeting of the Select Board. The documentation may also be submitted through the ~~committee's~~ Town Committee's staff liaison.

C. ~~Additionally,~~Each Town Committee shall submit an annual report of activities ~~shall be submitted or coordinated with~~to the Town Clerk for inclusion in the Annual Town Report.

## IX. Committee Officers

A. Elections

Town Committees shall elect ~~their own~~a Chair and Vice-Chair annually, upon reappointment or appointment. It is the responsibility of the Chair or the staff liaison to notify the Town Clerk of the ~~committee's~~ Town Committee's officers. The Chair and Vice Chair shall be voting members of the Town Committee.

B. Chair

1. It is the Chair's primary responsibility to fairly facilitate committee meetings. The Chair presides at all meetings, decides questions of order, ~~and~~ calls special meetings (if necessary) and signs appropriate documents and reports. The Chair may make motions, ~~may~~ second motions, ~~as well as~~ discuss questions and vote thereon. In discussion, the Chair shall allow for a full range of opinions from the ~~committee~~ Town Committee members and the public.
2. The Chair is also responsible for communication with Town staff and the Select Board for reporting, requests for resources, and delivering recommendations from the ~~committee~~Town Committee.
3. Other duties of the Chair include:
   a. Notifying the appointing authority of requested resources and actions when appropriate.;
   b. Submitting reports at milestones.;
   c. Submitting requests for placing committee issues on the Select Board agenda to the Town Administrator.;
   d. Attending meetings of the Select Board to present, or assigning to their designee.;
   e. Acting as the contact point with the Town staff liaison.; and
   f. Forwarding concerns of ~~committee~~ Town Committee members about procedural issues, rumors, or public comments, which may seem in contradiction of the ~~committee's~~ Town Committee's charge, to the Town Administrator and reporting back to the Town Committee membership the outcome of said inquiries.

C. Vice-Chair

The Vice- Chair ~~assumes~~ shall assume the Chair's responsibilities in the Chair's absence or as requested by the Chair. If the Town staff liaison is absent from a meeting, the Vice-Chair or their designee ~~takes~~ shall take the minutes of the meeting.

X. Town Staff Liaison

The Town Administrator ~~shall~~ may assign a staff member to all ~~committees~~ Town Committees appointed by the Select Board. The Town staff liaison is assigned to perform the following duties:

A. Assisting the Chair (or Vice-Chair) in carrying out their duties~~.~~;
B. ~~Preparation~~ Preparing and posting of meeting agendas and minutes to the ~~town's~~ Town's website and distribution to interested parties~~.~~;
C. Establishing a proposed meeting calendar annually for Town committee approval~~.~~;
D. ~~Provide~~ Providing ~~committee~~ Town Committee members pertinent research and background materials to support the objective of the ~~committee~~Town Committee~~.~~;
E. ~~Provide~~ Providing guidance on committee activities~~.~~;
F. Accompanying the Chair or their designee to meetings of the Select Board for milestone reporting~~.~~;
G. Assisting in the preparation of reports to the Select Board~~.~~;
~~H.A. Other duties as assigned by the Town Administrator.~~
H. ~~Facilitate~~ Facilitating public workshops, as assigned, to allow committee members to fully participate in dialogue with the public~~.~~; or
I. ~~O~~Performing other duties as assigned by the Town Administrator.

~~XI. Select Board Liaison~~

~~The Select Board may assign one of its members to serve as a liaison to each committee they appoint, except for the Board of Assessment Review. They receive all documents, reports, agendas and minutes along with committee members. Their work with the committee includes:~~

~~A. Attendance at committee meetings.~~
~~B. Participation in discussions on motions on the floor (but not vote).~~
~~C. Provide guidance on committee activities.~~
~~D. Support milestone reporting, other recommendations and requests coming from the committee.~~
~~E. Promote and maintain positive communication between the Select Board and the respective committee.~~

## ~~XII.~~XI. Meetings

A. Quorum – A quorum is necessary to conduct committee business, including opening ~~the~~ meetings. A quorum at a posted meeting exists when ~~more than 50%~~at least a majority of the total number of Town Committee members ~~appointed and sworn in membership~~ is present. ~~A~~ The loss of a committee member due to a conflict of interest does not affect the quorum. No discussion of committee business shall occur at a posted meeting where no quorum is present, in deference to the members not present.

B. For the purpose of posting a meeting and regarding deliberations on committee business, a meeting exists at any time ~~there are more than 50% of members present.~~ That at least a majority of the Town Committee members are present.

C. Chance interactions between Town Committee members do not constitute a meeting. However, committee members ~~should~~ must respect the members not present and the public process ~~by not conducting~~and shall not conduct any deliberations outside of a public meeting that may lead directly to ~~committee~~ Town Committee action.

D. ~~Communication on committee business, by committee members, whether by phone or electronic means should not occur with more than 50% of committee members except in cases of:~~Town Committee members shall not communicate outside of a public meeting regarding committee business, whether by phone or electronic means, except for purposes of:

1. Coordinating meetings, canceling ~~a meeting~~meetings, or establishing a quorum;
2. ~~Requests for~~Requesting the placement of a topic on an agenda, with no discussion; or
3. ~~2.~~Forwarding documents, reports, motions, or requests, in which case all Town Committee members and Town staff shall be copied and no discussion on said forward shall occur.

~~E. Forwarding documents, reports, motions, or requests, in which case all committee members, staff and the Select Board liaison will be copied and no discussion on said forward shall occur.~~

~~In rare circumstances, the Select Board may allow the committee to deliberate and act on recommendations when no quorum is present if not in conflict with local ordinance or State statute.~~

## ~~F.~~E. Agendas

The agenda for any Town Committee meeting shall, at a minimum, ~~should~~ contain the following elements: ~~Call~~ call to ~~Order~~order~~,~~; ~~Amendments~~

amendments to the ~~Agenda~~agenda~~,~~ ~~;~~ ~~Approval~~ approval of the ~~Minutes~~minutes~~,~~ ~~;~~ ~~Old~~ old ~~Business~~business~~,~~ ~~;~~ ~~New~~ new ~~Business~~business~~,~~ ~~;~~ ~~Public~~ public ~~Comments~~comments~~,~~ ~~;~~ ~~Follow~~follow- up items~~,~~ ~~;~~ ~~Set~~ set the next agenda with meeting date, time and place~~,~~ ~~;~~ ~~Adjournment~~adjournment.

~~G.~~F. Record keeping

~~Committees~~ Town Committees shall provide a set of minutes of each meeting for their records. These are the minutes for the Town Committee meeting that will be filed with the Town Clerk and posted on the website. Any changes to the minutes at the following meeting ~~are~~ shall be noted in the following meeting's minutes. ~~Staff~~ Town staff will assist with ~~auditory~~ audio and/or visual recording of the meeting on request of the Town Committee Chair. The Select Board may require meetings to be audio and/or video recorded.

Minutes shall contain the following information:

1. Date, time, and location of meeting~~;~~;
2. Members present and absent~~;~~;
3. Members of the public and staff present~~;~~;
4. Summary of discussions on each agenda item~~;~~;
5. Attached documents or exhibits from the meeting~~;~~;
6. Motions passed and by whom, including a record of the vote~~;~~;
7. Date, time, and follow up and agenda items for the next meeting~~;~~;
8. Name of the recorder of the minutes~~;~~; and
9. Time of adjournment.

~~H.~~G. ~~Committee~~ Town Committee meetings shall occur as needed to carry out committee objectives and to accommodate the membership's scheduling needs. A calendar of regular meetings shall be created by Town staff for committee approval prior to the end of each fiscal year. All ~~committee~~ Town Committee meetings must be scheduled through the Town staff liaison at least seven (7) days prior to the proposed meeting date~~. Meetings~~, and shall not be held on any holiday listed in the Human Resource Policy Manual or during any local, state, or federal election.

~~I.~~H. Town Committees may enact rules of order for the conduct of their meetings~~. R~~, provided that the rules ~~of order must be~~are reviewed by the Select Board prior to enactment by the Town Committee.

~~J.~~I. Town Committees may ~~develop~~ enact by-laws~~. By-laws must be~~, provided that the by-laws are approved by the Select Board prior to enactment. The Select Board may approve recommended by-laws with amendments, adopt as presented, or not adopt as ~~they deem~~it deems appropriate.

~~K.~~J. Meetings open to the public

All ~~committee~~ Town Committee meetings ~~are~~ shall be open to the public. Any member of the public may speak at the allotted time on the agenda, and/or after being recognized by the Town Committee Chair. ~~All members of the public shall be welcomed at all meetings.~~

~~I.~~ Executive Session

Executive sessions for ~~committee~~ Town Committee work should be kept to a minimum and must be in compliance with 1 M.R.S. § 405. Prior to the scheduling of an executive session, the Chair shall consult with the Town Administrator through the Town staff liaison to determine if the subject matter of the executive session ~~falls~~ is permitted under Maine ~~statutes for eligibility~~law.

## ~~XIII.~~XII. Communication Between Committees

It is recognized that many ~~committee~~ Town Committee efforts require coordination, assistance, and interaction with other committees. This policy does not seek to inhibit this communication but is meant to ensure a fair and open dialogue. If a ~~committee~~ Town Committee wishes to coordinate with another committee, it shall be carried out as a public workshop with said committee. The purpose of the workshop shall be clearly articulated so all parties know in advance what will be discussed. Prior to scheduling said workshop, the ~~committee~~ Town Committee Chair or their designee shall report the intention to the Town Administrator through the staff liaison.
This level of workshop and communication is not necessary for minor coordination or questions. These should be carried out through the Town Committee Chairs and/or Town staff liaisons and communicated back to their respective committees. The Town Committee Chairs are encouraged to have an annual public workshop to discuss the committee's activities for community feedback and coordination.[1]

## ~~XIV.~~XIII. Communication with Legal Counsel

Town Committee members may speak directly with the town attorney regarding matters directly related to the committee's charge only if such contact is first approved by the Town Administrator. The Town Administrator shall make the initial contact with the town attorney and must be made aware of any additional contact by any member of the ~~committee~~Town Committee.

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[1] *This is included to establish a "good faith practice" encouraging committees to coordinate and discuss amongst each other and with the public (the more public input the better); but to know when the coordination/discussion is encompassing enough. The work of the committee, reporting mechanisms and open communication are not just for the benefit of the committees or the Select Board. The intent is to inform the public and to allow ample opportunity for the community to provide input on committee activities.*

## ~~XV.~~XIV. Staff Created Committees

Notwithstanding the above policies, the Town Administrator and/or department heads may create task forces to assist on ~~a~~ special research or other type of staff-led project. Such projects are not otherwise part of an existing standing committee or existing task force. This ability is supported as a useful way for staff to work in teams internally and allows staff to work in concert with citizens with specific skills or backgrounds that may be beneficial to a specified endeavor. These committees shall be task or project oriented and be disbanded upon completion of the work or upon reporting final documents or products to the Select Board.

## ~~XVI.~~XV. Amendments to this Policy

This policy may be amended at any time by the Select Board.

# Policy on Town Committee Procedures

Enacted 10/07/19
Amended 10/06/22
Amended 11/03/22
Amended TBD

I. Purpose – the purpose of this policy is to provide guidance and direction regarding:

A. The general work of the committees and common procedures;
B. The roles of committees and their relationship with the Select Board; and
C. The relationship between committees and staff

II. Definitions

A. Town Committee – this term refers to a board or committee whose members are appointed by the Select Board. The term "Town Committee" shall include the following:

- Regulatory/Statutory – Planning Board, Board of Appeals, and Board of Assessment Review.
  These are boards that are governed by statute and/or local ordinance to perform a certain function or grant permits and approvals. As such, these are quasi-judicial bodies that have a duty to operate with independence which is not influenced by their creation or appointment but is provided because of their duty.
- Standing/Advisory Committees.
  These committees are created and appointed by the Select Board or Town staff (e.g., Employee Safety Committee), to provide specific support, research and/or recommendations either to the Select Board or staff. By their name, they are standing; by their appointment, however, they are in support of the work of others.
- Task Forces.
  These committees are created and appointed by the Select Board or Town staff to provide service on a specific project. The committee is appointed

to provide a document for the Select Board or Town staff to review and edit. Once the document has been received and fully acted upon (or the project is completed), the task force is sincerely commended and dispersed.

B. Staff – an employee of the town under the management and responsibility, whether directly or indirectly, of the Town Administrator or the Select Board.

III. Formation of Town Committees

A. Creation of Town Committee Charge

1. Prior to appointment, the Select Board shall approve a Town Committee charge containing the following:
   - Mission or objective statement for standing committees; and
   - Goal or purpose statement for task forces.
2. The Town Committee charge shall also have procedures for:
   - Members (including qualifications, if applicable);
   - Minimum number of meetings per year; and
   - Staff coordination and support.
3. The Select Board may review Town Committee charges at any time or upon request of Town Committee members and may ask current members for their input before making any changes to a Town Committee charge. Any updates or amendments to a Town Committee charge shall be approved by the Select Board.

B. Except for Town Committee that may be appointed by Town staff, the appointing authority shall be the Select Board. Town Committees may request additional volunteer(s) from within or outside the Town of West Bath to sit on the committee; however, such person(s) shall not be voting members of the committee.

C. A Town Committee that has been inactive for a period of six (6) consecutive months may be disbanded by the Select Board. Any Town Committee that believes to have fulfilled their charge may ask the Select Board, through the Town Administrator, to be disbanded or to have its charge adjusted to continue its work.

D. Applications – all persons wishing to serve on a Town Committee shall submit an application to the Town Clerk on a form provided by the Town.

E. Appointments – The goal of the appointing authority is to appoint qualified and interested West Bath residents who are broadly representative of the Town of West Bath. The Select Board may, at its discretion, delegate its authority to appoint to the Town Administrator or a department head when selecting members of a Task Force if, in the opinion of the Select Board, the time and task assigned to the Town Committee warrant such authority. Appointments shall be based

upon current committee composition, qualifications, experience, recommendations, available space, attendance record and/or previous performance, if applicable.

Generally, an individual may serve on no more than two (2) Town Committees at a time. All appointees shall receive written notification of appointment, and all appointees must be sworn in by the Town Clerk before acting as a member of the Town Committee. Staff shall provide to the appointee a copy of this document and any applicable and pertinent state statutes upon appointment.

The appointing authority may interview anyone who applies for appointment to any Town Committee.

F. The Town Administrator may assign staff members to serve as non-voting liaisons, consultants, and/or administrative support for any Town Committee. The actual assignment of staff by the Town Administrator is based upon the Town Committee charge and how the staff member(s) may best maximize the Town Committee's efforts.

G. Town Committee members shall adhere to the Town's Human Resource Policy Manual, where applicable, as well as any statutes governing training, public records, communication, and access to information. For instance, all committee members required by law to complete Freedom of Access Act (FOAA) training, including but not limited to the Planning Board and Budget Advisory Committee, shall complete such training within the time frame required by 1 M.R.S. § 412, as may be amended from time to time.

## IV. Reappointment

The appointing authority shall evaluate and consider reappointments as terms expire. Those Town Committee members wishing to remain on a committee beyond the initial appointment should notify the Town Clerk prior to the Annual Budget Town Meeting. The Town Clerk will then forward to the Town Administrator a list of current members who wish to be reappointed for the following fiscal year. Terms may vary by committee; the committee charge will confirm terms. A Town Committee member is under no obligation to accept reappointment nor is the appointing authority obligated to offer reappointment.

## V. Resignation

A Town Committee member who is no longer able to serve should resign promptly so the vacancy may be filled. This allows for another appointee to continue the work of the committee. A written resignation must be submitted to the appointing authority through the Town Administrator, and to the Town Committee Chair.

VI. Other Terminations

The appointing authority may ask for a Town Committee member's resignation or, if necessary, may remove the Town Committee member from office for cause, after notice and hearing. For purposes of this section, "cause" for removal shall include, but not be limited to, a Town Committee member's failure to attend three (3) consecutive meetings without excuse or consistent failure to attend meetings without prior 24-hour notification. Prior to a removal, the appointing authority shall provide the Town Committee member with advance written notification and an opportunity to be heard. Before any action is taken, the Town Committee Chair (or other Town Committee member if the Chair is involved) shall alert the Town Administrator of noted circumstances and the Select Board shall make a reasonable attempt to contact the Town Committee member to see if the problem can be corrected.

VII. Charge and Plan of Action

The Town Committee shall review its charge at its first meeting and conduct an annual self-evaluation. The Town Committee, with input from Town staff and the appointing authority, shall develop a plan of action to accomplish the objectives set forth by the Select Board. The plan shall include reporting milestones so the Town Committee and the appointing authority can monitor progress, assign resources as requested and approved, adjust objectives if necessary, and allow for general communication and coordination.

VIII. Reporting

A. Reporting at previously noted milestones shall occur at meetings of the Select Board. The Town Committee Chair or designee(s) is responsible for delivering written reports or actions taken at a meeting to the Town Administrator at least four (4) business days prior to a Select Board meeting. Reports may also be submitted through the Town Committee's staff liaison. These reports shall be received by the Select Board at their meeting and acted upon.

   Action by the Select Board may include:

   - Accept under advisement with no action taken.
   - Accept under advisement with action taken.
   - Return to Town Committee and/or staff for specified additional work.
   - Accept and place on a specified future Select Board meeting agenda for presentation, discussion, and hearing.
   - Take other action.

B. Verbal reports and specific requests may also be made at a meeting of the Select Board as part of the Town Committee updates; however, if the report needs discussion or action by the Select Board, the topic may be placed on a specified future Select Board meeting agenda. This shall be done by submitting physical documentation to the Town Administrator or sent via email to the Town Administrator on or before the Thursday prior to a scheduled meeting of the Select Board. The documentation may also be submitted through the Town Committee's staff liaison.

C. Each Town Committee shall submit an annual report of activities to the Town Clerk for inclusion in the Annual Town Report.

## IX. Committee Officers

A. Elections

Town Committees shall elect a Chair and Vice-Chair annually upon reappointment or appointment. It is the responsibility of the Chair or the staff liaison to notify the Town Clerk of the Town Committee's officers. The Chair and Vice Chair shall be voting members of the Town Committee.

B. Chair

1. It is the Chair's primary responsibility to fairly facilitate committee meetings. The Chair presides at all meetings, decides questions of order, calls special meetings (if necessary) and signs appropriate documents and reports. The Chair may make motions, second motions, discuss questions and vote thereon. In discussion, the Chair shall allow for a full range of opinions from the Town Committee members and the public.
2. The Chair is also responsible for communication with Town staff and the Select Board for reporting, requests for resources, and delivering recommendations from the Town Committee.
3. Other duties of the Chair include:
    a. Notifying the appointing authority of requested resources and actions when appropriate;
    b. Submitting reports at milestones;
    c. Submitting requests for placing committee issues on the Select Board agenda to the Town Administrator;
    d. Attending meetings of the Select Board to present, or assigning to their designee;
    e. Acting as the contact point with the Town staff liaison; and
    f. Forwarding concerns of Town Committee members about procedural issues, rumors, or public comments, which may seem in contradiction of

the Town Committee's charge, to the Town Administrator and reporting back to the Town Committee membership the outcome of said inquiries.

C. Vice-Chair

The Vice- Chair shall assume the Chair's responsibilities in the Chair's absence or as requested by the Chair. If the Town staff liaison is absent from a meeting, the Vice-Chair or their designee shall take the minutes of the meeting.

X. Town Staff Liaison

The Town Administrator may assign a staff member to all Town Committees appointed by the Select Board. The Town staff liaison is assigned to perform the following duties:

A. Assisting the Chair (or Vice-Chair) in carrying out their duties;
B. Preparing and posting of meeting agendas and minutes to the Town's website and distribution to interested parties;
C. Establishing a proposed meeting calendar annually for Town committee approval;
D. Providing Town Committee members pertinent research and background materials to support the objective of the Town Committee;
E. Providing guidance on committee activities;
F. Accompanying the Chair or their designee to meetings of the Select Board for milestone reporting;
G. Assisting in the preparation of reports to the Select Board;
H. Facilitating public workshops, as assigned, to allow committee members to fully participate in dialogue with the public; or
I. Performing other duties as assigned by the Town Administrator.

XI. Meetings

A. Quorum – A quorum is necessary to conduct committee business, including opening meetings. A quorum at a posted meeting exists when at least a majority of the total number of Town Committee members is present. The loss of a committee member due to a conflict of interest does not affect the quorum. No discussion of committee business shall occur at a posted meeting where no quorum is present, in deference to the members not present.
B. For the purpose of posting a meeting and regarding deliberations on committee business, a meeting exists at any time That at least a majority of the Town Committee members are present.
C. Chance interactions between Town Committee members do not constitute a meeting. However, committee members must respect the members not present

and the public process and shall not conduct any deliberations outside of a public meeting that may lead directly to Town Committee action.

D. Town Committee members shall not communicate outside of a public meeting regarding committee business, whether by phone or electronic means, except for purposes of:

1. Coordinating meetings, canceling meetings, or establishing a quorum;
2. Requesting the placement of a topic on an agenda, with no discussion; or
3. Forwarding documents, reports, motions, or requests, in which case all Town Committee members and Town staff shall be copied and no discussion on said forward shall occur.

E. Agendas

The agenda for any Town Committee meeting shall, at a minimum, contain the following elements: call to order; amendments to the agenda; approval of the minutes; old business; new business; public comments; follow- up items; set the next agenda with meeting date, time, and place; adjournment.

F. Record keeping

Town Committees shall provide a set of minutes of each meeting for their records. These are the minutes for the Town Committee meeting that will be filed with the Town Clerk and posted on the website. Any changes to the minutes at the following meeting shall be noted in the following meeting's minutes. Town staff will assist with audio and/or visual recording of the meeting on request of the Town Committee Chair. The Select Board may require meetings to be audio and/or video recorded.

Minutes shall contain the following information:

1. Date, time, and location of meeting;
2. Members present and absent;
3. Members of the public and staff present;
4. Summary of discussions on each agenda item;
5. Attached documents or exhibits from the meeting;
6. Motions passed and by whom, including a record of the vote;
7. Date, time, and follow up and agenda items for the next meeting;
8. Name of the recorder of the minutes; and
9. Time of adjournment.

G. Town Committee meetings shall occur as needed to carry out committee objectives and to accommodate the membership's scheduling needs. A calendar

of regular meetings shall be created by Town staff for committee approval prior to the end of each fiscal year. All Town Committee meetings must be scheduled through the Town staff liaison at least seven (7) days prior to the proposed meeting date and shall not be held on any holiday listed in the Human Resource Policy Manual or during any local, state, or federal election.

H. Town Committees may enact rules of order for the conduct of their meetings, provided that the rules are reviewed by the Select Board prior to enactment by the Town Committee.

I. Town Committees may enact by-laws, provided that the by-laws are approved by the Select Board prior to enactment. The Select Board may approve recommended by-laws with amendments, adopt as presented, or not adopt as it deems appropriate.

J. Meetings open to the public
All Town Committee meetings shall be open to the public. Any member of the public may speak at the allotted time on the agenda, and/or after being recognized by the Town Committee Chair. Executive Session
Executive sessions for Town Committee work should be kept to a minimum and must be in compliance with 1 M.R.S. § 405. Prior to the scheduling of an executive session, the Chair shall consult with the Town Administrator through the Town staff liaison to determine if the subject matter of the executive session is permitted under Maine law.

## XII. Communication Between Committees

It is recognized that many Town Committee efforts require coordination, assistance, and interaction with other committees. This policy does not seek to inhibit this communication but is meant to ensure a fair and open dialogue. If a Town Committee wishes to coordinate with another committee, it shall be carried out as a public workshop with said committee. The purpose of the workshop shall be clearly articulated so all parties know in advance what will be discussed. Prior to scheduling said workshop, the Town Committee Chair or their designee shall report the intention to the Town Administrator through the staff liaison.
This level of workshop and communication is not necessary for minor coordination or questions. These should be carried out through the Town Committee Chairs and/or Town staff liaisons and communicated back to their respective committees. The Town Committee Chairs are encouraged to have an annual public workshop to discuss the committee's activities for community feedback and coordination.[1]

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[1] *This is included to establish a "good faith practice" encouraging committees to coordinate and discuss amongst each other and with the public (the more public input the better); but to know when the coordination/discussion is encompassing enough. The work of the committee, reporting mechanisms and*

XIII. Communication with Legal Counsel

Town Committee members may speak directly with the town attorney regarding matters directly related to the committee's charge only if such contact is first approved by the Town Administrator. The Town Administrator shall make the initial contact with the town attorney and must be made aware of any additional contact by any member of the Town Committee.

XIV. Staff Created Committees

Notwithstanding the above policies, the Town Administrator and/or department heads may create task forces to assist on special research or other type of staff-led project. Such projects are not otherwise part of an existing standing committee or existing task force. This ability is supported as a useful way for staff to work in teams internally and allows staff to work in concert with citizens with specific skills or backgrounds that may be beneficial to a specified endeavor. These committees shall be task or project oriented and be disbanded upon completion of the work or upon reporting final documents or products to the Select Board.

XV. Amendments to this Policy

This policy may be amended at any time by the Select Board.

**Business Item 5**
**Select Board Rules of Procedure, proposed amendment**

The red-lined version includes recommended amendments to the policy. Most of the proposed changes are grammatical or for clarification.

Section 11 was added to clarify the appropriate process for communication with legal counsel.

A clean copy reflecting all proposed changes is included for comparison.

# Select Board Rules of Procedure

Amended TBD

## 1. Purpose and Scope

The purpose of these rules of procedure is to promote the fair, orderly and efficient conduct of the Select Board's proceedings and affairs. These rules shall govern the Select Board's practices and procedures except as otherwise provided by law and shall be liberally construed to accomplish their intended purpose.

## 2. Duties of the Chair~~man~~

A Chair~~man~~ shall be nominated annually at the first meeting following the Annual Town Meeting and election of officers which is held in November. The Chair~~man~~ shall preside at all Select Board meetings and shall have the authority to rule on questions of procedure, to maintain order and to determine the course of proceedings, and to take such action as may be necessary and not inconsistent with these rules or other law to enable the Select Board to perform its duties and conduct its affairs.

The Chair shall, along with the Town Administrator, set the agenda for each meeting. In the absence of the Chair~~man~~, ~~the second or third Selectman~~another Select Board member shall preside and shall have the same authority as the Chair~~man~~. The agenda shall be posted on the Town website and at the Town Office at least 48 hours prior to a meeting. Minutes of all regular meetings and Select Board workshops shall be recorded in writing and video recorded by the Town Clerk or ~~his/her~~their designee. The Town Clerk shall maintain a permanent record of all Select Board meetings, which shall be considered ~~public~~a public record except as otherwise provided by law.

## 3. Meetings

Regular meetings of the Select Board shall be held the first and third Thursday of each month or as otherwise necessary or required by law. If the regularly scheduled meeting falls on a recognized holiday the Select Board may schedule a meeting at an alternate date. Special meetings may be called at the discretion of the Chair~~man~~, or when requested by a majority of the Select Board, provided, however, that appropriate notice be given to the public. A quorum, or the number of Select Board members necessary to constitute a legal meeting, is two members. All meetings ~~of~~ and workshops held by the Select Board shall be open to the

public and the public shall have the opportunity to be heard. ~~However, t~~The Select Board may recess for an executive session for any reason permitted by MRS 1 § 405. ~~law.~~

No business may be conducted by the Select Board except at a duly called meeting. No meeting may be conducted without a quorum. The order of business at regular meetings shall be as follows:

I. Call to Order
II. Attendance and Establishment of a Quorum
III. Pledge of Allegiance
IV. Consent Agenda
V. Select Board Comments/Announcements
VI. Business Items
VII. Public Comment
VIII. Adjournment

The Town Administrator is accountable to the collective members of the Select Board as one unit. ~~It takes a~~A majority vote of the Select Board is required to direct the Town Administrator. No individual Select Board member may impose or demand that personal wishes be implemented or direct the Town Administrator to take any action inconsistent with a previous decision for which a majority of the Select Board has not voted.

**4. Executive Session**

The ability of the Select Board to conduct executive sessions is restricted by State law. A motion to enter Executive Session shall include the precise nature of the business of the executive session and ~~will~~ must include the appropriate statutory reference.

It is critical ~~to stress~~ that there shall be no violation of closed session confidential information. Members of the Select Board, employees of the Town of West Bath, or anyone else present shall not disclose to any person, including affected and/or opposing parties, the press or anyone else, the content or substance of any discussion which takes place in closed session ~~without Select Board direction and concurrence~~.

If the individual or group of individuals whose interest is being protected wishes to have the subject discussed in an open meeting, the Select Board members may waive their individual rights to confidentiality in writing. Any individual who is the subject of an executive session must also waive their right to confidentiality in writing, or the Select Board will not discuss the matter in open session.

Typically, executive sessions will be scheduled prior to the public portion of the meeting or at the end of the meeting after the public business has been concluded. This is done so that the public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of legal counsel and/or consultants. In order to manage the cost of these professionals, it is beneficial to conduct closed sessions at a time certain.

## 5. Workshop Sessions

The Select Board may meet in workshop session to discuss any matter, including meeting with other ~~boards or~~ committee members to discuss any item relevant to the activities of those ~~boards or~~ committees. Workshop sessions are open to the public. At the discretion of the Chair~~man~~, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken.

## 6. Financial Reporting

On a quarterly basis at a minimum, the Treasurer shall provide the Select Board with a comprehensive and thorough report on the status of the Town of West Bath's revenues and ~~expenditures~~expenses.

## 7. Placing Items on the Agenda

Select Board: A member of the Select Board may request an item to be considered on a future agenda. Such a request shall be submitted to either the Chair~~man~~ or the Town Administrator by noon the Thursday preceding the next regularly scheduled meeting. Informational material to be included within the Select Board packet shall be delivered to the Town Office by noon on the Thursday prior to the meeting so that copies may be made and distributed to the Select Board in advance of the meeting to allow sufficient time for Select Board review.

Members of the public: Any member of the public may request an item to be placed on a future agenda through communication with a Select Board member or the Town Administrator. The same deadlines set for Select Board members apply.

Emergency items and items not on the agenda: Emergency items and items not on the agenda may be added to an agenda. Items not on the agenda may be added to the agenda only if (1) the need to consider the item arose after the posting of the agenda and (2) there is a need to take immediate action at the meeting of the Select Board for which the agenda was set.

## 8. Public Input

Persons wishing to address the Select Board on an item which appears on the agenda shall wait until the Chair~~man~~ announces the consideration of such item. The Chair~~man~~ shall provide the other Select Board members the opportunity to provide comments and ask questions before opening the floor to members of the public. Any person ~~desiring~~ wishing to address the Select Board shall signify ~~his/her~~their desire by raising ~~his/her~~their hand, and when recognized by the Chair~~man~~, shall state ~~his/her~~their name ~~and address~~ in an audible tone for the record, and shall limit ~~his/her~~their remarks to the question under discussion. All remarks and questions shall be addressed to the Select Board as a whole and not to any

individual member thereof. All remarks and questions addressed to ~~administration~~ Town staff ~~of the Town~~ shall be addressed to the Town Administrator and not to any individual Town employee. No persons other than the members of the Select Board and the person having the floor shall enter any discussion either directly or through a member of the Select Board without the permission of the Chair~~man~~.

Persons wishing to address the Select Board on any item not appearing on the agenda may do so during the Public Comment portion of the agenda.

The Chair~~man, with the consent of the Select Board,~~ may allow ~~for~~ additional public comment and participation or impose time limits and special rules for recognition when, in the opinion of the Chair~~man~~, such action will advance the efforts of the Select Board in the conduct of its affairs and promote citizen participation in the conduct of Select Board affairs.

Members of the public attending Select Board meetings shall observe the same rules of propriety, decorum, and good conduct applicable to the members of the Select Board and other Town officials. Any person making personal or disrespectful remarks, or who becomes boisterous while addressing the Select Board or anyone in attendance, shall be removed from the room if directed by the Chair~~man~~. Raised voices and profanities are specifically prohibited.

**9. Public Hearings**

Public hearings shall be called as required by law, or on ~~such~~ any occasion~~s~~ that the Select Board deems appropriate. ~~Notice of all such hearings~~Public hearing notices shall be given as required by law and shall indicate the date, ~~time~~time, and place of the hearing~~s~~ and a general description of the subject matter. All public hearings, unless specifically set by the Select Board for a different time, shall commence prior to the beginning of the Select Board's regular meeting.

The Chair~~man~~ shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Select Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present its case in the order determined by the Chair~~man~~ and without interruption, provided, however, that the Chair~~man~~ may impose such reasonable time limits as may be necessary to ensure that all parties have adequate opportunity to be heard.

**10. Participation and Voting**

Any action of the Select Board shall require the affirmative vote of at least a majority of its membership, unless otherwise provided by law. No action of the Select Board shall be binding or valid unless adopted by affirmative vote of at least a majority of Select Board members.

No Select Board member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a

member has such a conflict of interest or other disqualification shall be decided by the remaining members. If the member who is disqualified from voting wishes to be heard on the matter as a member of the public, they may do so by withdrawing from their respective seat at the decision-making table and taking a seat in the audience until the matter has been disposed of by the Select Board.

~~No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon.~~

All members who are present and not disqualified as provided herein shall vote in every matter to be voted on unless excused by the ~~Chairman~~ Chair for good cause shown.

11. Communication with Legal Counsel

All communication with the town attorney shall be through the Town Administrator who shall provide information to the Select Board. If the Town Administrator is the subject of the communication, the Select Board shall vote to determine which member of the Select Board will contact the town attorney.

**~~11.~~12. Suspension of the Rules**

The rules shall not be dispensed with or suspended unless at least a majority of the Select Board consents thereto. No rules shall be amended or appealed without notice of such action being placed on the agenda.

**~~12.~~13. Email Communications Among Select Board and the Town Administrator**

The Select Board and the Town Administrator may use email to coordinate and facilitate meeting schedules and agendas or to advise the membership of an impending absence. The Town Administrator may also use email to provide the Select Board with timely information on current topics or to forward citizen and other communications. The Select Board and the Town Administrator shall refrain from generating or responding to emails for other purposes that may be construed as discussing a subject that should be discussed in a public meeting.

**~~13.~~14. Conflict with Laws or Ordinances**

Any conflict or inconsistency between these bylaws and any applicable law or ~~town~~ Town ordinance shall be resolved in favor of the law or ordinance.

Date of adoption:

_____

Kathleen Lavallee

Madelyn Hennessey

Suzanne Andresen

# Select Board Rules of Procedure

Amended TBD

## 1. Purpose and Scope

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employee. No persons other than the members of the Select Board and the person having the floor shall enter any discussion either directly or through a member of the Select Board without the permission of the Chair.

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at the decision-making table and taking a seat in the audience until the matter has been disposed of by the Select Board.

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The Select Board and the Town Administrator may use email to coordinate and facilitate meeting schedules and agendas or to advise the membership of an impending absence. The Town Administrator may also use email to provide the Select Board with timely information on current topics or to forward citizen and other communications. The Select Board and the Town Administrator shall refrain from generating or responding to emails for other purposes that may be construed as discussing a subject that should be discussed in a public meeting.

**14. Conflict with Laws or Ordinances**

Any conflict or inconsistency between these bylaws and any applicable law or Town ordinance shall be resolved in favor of the law or ordinance.

Date of adoption:

_____

Kathleen Lavallee

_____

Madelyn Hennessey

_____

Suzanne Andresen

**Business Item 6**
**Job description revisions, review and proposed adoption**

Job descriptions for the Treasurer and Tax Collector and for the Town Clerk, Registrar of Voters, and Public Access Officer were revised. The revisions reflect the current duties associated with these positions. Duties that were performed by the Assessing Agent in the past are now included in the job descriptions for these positions and the Town Administrator position.

Minor amendments to the Town Administrator job description are also proposed.

# Job Description

| Position Title | Department |
|---|---|
| Treasurer and Tax Collector | Administration |
| **Reports To** | **Date** |
| Town Administrator | July 6, 2023 |
| This position is non-exempt under the FLSA. | Full-time, 40 hours per week |

## POSITION SUMMARY:

This is a professional clerical position involving participation in various activities related to the operation of Town government. The position involves regular interpersonal contact which is expected to be carried out with tact and diplomacy.

The individual is appointed to serve in the positions of Treasurer and Tax Collector by the Select Board and assists the Town Administrator in assuring that the Town is managed in accordance with local policies and ordinances, and within state and federal law. Duties involving daily operations are carried out within the period specified by the Town Administrator and with flexibility and discretion so that decisions may be made in a timely and efficient manner.

Work involves cash management; payroll and accounts payable processing; benefits administration; property tax collection; risk management; preparation and retention of official documents; issuance of various licenses, registrations, and permits; assisting with assessing duties; meeting preparation and committee support; and customer service.

To ensure appropriate separation of duties, payroll, accounts payable, and other duties involving cash management are shared with the Town Administrator who serves as Deputy Treasurer.

## ESSENTIAL JOB FUNCTIONS:

- Serves as motor vehicle registration agent for the state and processes all types of motor vehicle registrations; reports to the Bureau of Motor Vehicles (BMV) as required.
- Generates tax bills and tax lien notices; prepares, records, and balances property tax accounts; maintains a list of delinquent taxpayers; prepares and maintains abatements and supplementals; issues foreclosure notices; prepares and records tax lien discharges.
- Prepares payroll and accounts payable warrants for Select Board approval; disburses funds as authorized or as required by law.

- Prepares daily cash-outs and bank deposits and is responsible for the timely deposit of all revenues.
- Balances cash statements and provides bank account and property tax reconciliations to the Select Board monthly in a format approved by the Town Administrator.
- Tracks all state and federal revenue, including grants and revenue sharing; assists with grant administration when requested by the Town Administrator.
- Prepares and submits state and federal quarterly reports; responsible for the end of year process, including W-2 and 1099 preparation and disbursement.
- Assists the auditor, providing support during the annual audit process and during the year, as necessary; assists the Town Administrator with implementation of audit recommendations and internal controls.
- Maintains a current list of vendors, including tracking of current liability and workers' compensation insurance.
- Administers employee benefits, including health, dental, vision, and retirement benefits.
- Collects and retains W-4 and I-9 forms for new employees, and for current employees as necessary and in compliance with state and federal law.
- Maintains property and casualty insurance schedules; processes workers' compensation claims and complies with Occupational Health and Safety (OSHA) reporting requirements.
- Assists the Town Administrator throughout the budget development process; attends meetings of the Budget Advisory Committee, providing information and supporting documents as requested.
- Provides clerical support to the Investment Committee, including posting agendas, preparation of meeting packets; preparation and retention of minutes and video recordings; assists with investment of Town reserves, and performs other clerical duties as required. Other committee duties may be assigned by the Town Administrator on an as needed basis.
- Assists with the assessing function, including communication with the assessing contractor and maintenance of personal property records, including the annual collection of personal property declaration schedules.
- Serves as Deputy Clerk and Deputy Registrar of Voters for the purpose of issuing dog licenses, recreational licenses and registrations, and vital records; issues absentee ballots and conducts voter registration; assists with the Annual Town Meeting process; supplies financial reports for the Annual Report. In the absence of the Clerk, executes elections including ballot preparation and scheduling of election clerks and processing of ballots and reporting election results.
- Maintains records in accordance with local government retention schedules established by the State of Maine; responds to requests for public information in the manner required by the Maine Freedom of Access Act (FOAA).
- Provides customer service and accepts payments at the counter; answers the telephone and responds to general inquiries; validates official records; notarizes documents.
- Performs other tasks as circumstances require or as directed by the Town Administrator.

**SKILLS AND ABILITIES, QUALIFICATIONS AND OTHER REQUIREMENTS:**

Requirements of work include:

- Well-developed customer service skills and ability to develop and maintain positive public and internal relations.
- Ability to listen to others, including acceptance of constructive criticism, and to work with others to resolve conflict.
- Ability to communicate effectively both orally and in writing.
- Ability to understand and interpret all policies and applicable laws, regulations, and ordinances.
- Ability to learn and develop proficiency with municipal software programs and office technology and equipment necessary to carry out job duties effectively.
- Effective analytical and decision-making skills and ability to organize and utilize time effectively.

This job description is not intended to be and should not be construed as an all-inclusive list of all the responsibilities, skills or working conditions associated with the position. While it is intended to accurately reflect the position's activities and requirements, the Town of West Bath reserves the right to modify, add or remove duties and assign other duties as necessary.

External and internal applicants, as well as position incumbents who become disabled as defined under the Americans with Disabilities Act, must be able to perform the essential job functions (as listed on this job description) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case-by-case basis.

Employee's Signature _____ Date _____

Select Board Chair's Signature _____ Date _____

# Job Description

| Position Title | Department |
|---|---|
| Town Clerk, Registrar of Voters, and Public Access Officer | Administration |
| Reports To | Date |
| Town Administrator | July 6, 2023 |
| This position is non-exempt under the FLSA. | Full-time, 40 hours per week |

## POSITION SUMMARY:

This is a professional clerical position involving participation in various activities related to the operation of Town government. The position involves regular interpersonal contact which is expected to be carried out with tact and diplomacy.

The individual is appointed to serve in the positions of Town Clerk, Registrar of Voters, and Public Access Officer by the Select Board and assists the Town Administrator in assuring that the Town is managed in accordance with local policies and ordinances, and within state and federal law. Duties involving daily operations are carried out within the period specified by the Town Administrator and with flexibility and discretion so that decisions may be made in a timely and efficient manner.

Work involves election supervision; preparation and retention of official documents; issuance of various licenses, registrations, and permits; providing clerical support to the Code Enforcement Officer; assisting with assessing duties; meeting preparation and committee support; customer service; and posting and distribution of meeting notices and other public information, including preparation of the Annual Report.

## ESSENTIAL JOB FUNCTIONS:

- Executes elections including scheduling and recommending appointment of election clerks; prepares ballots and issues absentee ballots; processes ballots and reports election results.
- Registers voters, processes registration changes, and maintains a current voter list.
- Assists in all aspects of Town Meeting preparation, including posting of Town Meeting warrants and proposed ordinance amendments.
- Oversees preparation of the Annual Report, including collection of all committee and officer reports, coordination of outside printing, and distribution of the report.
- Issues birth, marriage, and death certificates, dog licenses, hunting and fishing licenses, and registers motor vehicles and recreational vehicles.

- Collects and maintains contact information for all committee members and a record of their terms; prepares appointment papers and administers oaths to elected and appointed officials.
- Attends Select Board meetings, including preparation and retention of minutes and video recordings.
- Provides clerical support to the Planning Board, the Board of Appeals, the Board of Assessment review, and the Marine Resources Board, including posting agendas, preparation of meeting packets, abutter notification, and public hearing notices; preparation and retention of minutes and video recordings; and other clerical duties that may be required. Other committee duties may be assigned by the Town Administrator on an as needed basis.
- Posts all marine closure and opening notices and maintains a log of shellfish conservation hours.
- Provides clerical support to the Code Enforcement Officer, including responding to routine questions related to the Town's land use ordinances and corresponding application procedures.
- Assists with the assessing function, including communication with the assessing contractor; maintenance of real estate property cards and digital records; processing of real estate property sales and transfer tax forms.
- Serves as Deputy Tax Collector for the purpose of motor vehicle registration and preparation of the motor vehicle report; receives and processes tax payments by mail and in person; in the absence of the Tax Collector, prepares tax bills for mailing and prepares and records tax liens and discharge notices.
- Serves as Assistant Treasurer for the purpose of receiving lien payments and preparing daily cash-out and bank deposits.
- Maintains the Town website and digital sign, updating the calendar of events as needed. Circulates regular meeting and event notifications.
- Maintains records in accordance with local government retention schedules established by the State of Maine; responds to requests for public information in the manner required by the Maine Freedom of Access Act (FOAA).
- Provides customer service and accepts payments at the counter; answers the telephone and responds to general inquiries; validates official records; notarizes documents.
- Perform other tasks as circumstances require or as directed by the Town Administrator.

## SKILLS AND ABILITIES, QUALIFICATIONS AND OTHER REQUIREMENTS:

Requirements of work include:

- Well-developed customer service skills and ability to develop and maintain positive public and internal relations.
- Ability to listen to others, including acceptance of constructive criticism, and to work with others to resolve conflict.
- Ability to communicate effectively both orally and in writing.
- Ability to understand and interpret all policies and applicable laws, regulations, and ordinances.

- Ability to learn and develop proficiency with municipal software programs and office technology and equipment necessary to carry out job duties effectively.
- Effective analytical and decision-making skills and ability to organize and utilize time effectively.

This job description is not intended to be and should not be construed as an all-inclusive list of all the responsibilities, skills or working conditions associated with the position. While it is intended to accurately reflect the position's activities and requirements, the Town of West Bath reserves the right to modify, add or remove duties and assign other duties as necessary.

External and internal applicants, as well as position incumbents who become disabled as defined under the Americans with Disabilities Act, must be able to perform the essential job functions (as listed on this job description) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case-by-case basis.

| | |
|---|---|
| Employee's Signature | Date |
| Select Board Chair's Signature | Date |

# Job Description

| Position Title | Department |
|---|---|
| Town Administrator | Administration |
| Reports To | Date |
| Select Board | ~~April 13, 2023~~July 6, 2023 |
| This position is exempt under the FLSA. | This is a contract position. |

**POSITION SUMMARY:**

This is a professional administrative position involving participation in and oversight of many activities related to the operation of Town government. The position involves regular interpersonal contact which is expected to be carried out with tact and diplomacy. An open-door policy will be maintained for visibility and easy accessibility by staff and the public.

The Town Administrator is appointed by and is directly responsible to the Select Board and assists the Select Board in assuring that the Town is managed in accordance with local policies and ordinances, and with state and federal law. Duties involving daily operations are carried out within the ~~time~~ period specified by the Select Board and with autonomy and authority so that decisions may be made in a timely and efficient manner.

Work involves human resource administration including, but not limited to, conducting performance evaluations annually during the month of December, making recommendations to the Select Board on hiring, discipline, termination, and compensation, and administering all applicable policies and regulations.

The Town Administrator serves as a liaison with other department heads, Town committees, the public, civic groups, and various regional, state, and federal agencies and organizations.

The Town Administrator serves as Deputy Treasurer, sharing payroll ~~and~~, accounts payable, and other cash management duties with the Treasurer, and provides oversight of the Town's financial operations, including participation in the annual audit process, preparation of the annual budget and the Annual Budget Town Meeting warrant, and oversight of the Annual Report.

The Town Administrator is also responsible for fostering sound, positive, public relations between the Town and its citizens, and identifying service needs and bringing them to the attention of the Select Board.

## ESSENTIAL JOB FUNCTIONS:

- Attendance at all Select Board meetings, preparation of agendas and supporting documents prior to the meeting, and providing information and recommendations relevant to the agenda items during the meeting.
- Direct and evaluate the job performance of all staff except for firefighters who are supervised and evaluated by the Fire Chief. Feedback to staff is done both formally during the month of December and informally throughout the year.
- Serve as liaison and assign other members of the staff to provide support to committees appointed by the Select Board, preparing and posting agendas and minutes, and recording and posting meetings on the website.
- Assist the Town Clerk with maintenance of the Town website and digital sign.
- Development and implementation of internal procedures, policies adopted by the Select Board, and ordinances adopted by the Town.
- Coordination of the annual budget, including preparation of the annual budget calendar, providing budget requests to the Budget Advisory Committee for review, and submitting requests for short-term and long-term capital needs as part of the process.
- Oversight of the approved budget and of all financial operations, including establishment of strong internal controls, monitoring revenues and expenditures, and bringing items of concern to the attention of the Select Board.
- Familiarity with Maine property tax law and oversight of the assessing function, including communication with the assessing contractor, and delegation of assessing-related duties to other members of the staff as appropriate.
- Serve as Purchasing Agent, following purchasing and bid policies adopted by the Select Board and delegating tasks to other members of the staff as appropriate.
- Research opportunities to apply for grant funding, prepare and submit grant applications and other requests for financial assistance with Select Board approval and provide oversight and administration of same.
- Perform other tasks as circumstances require or as directed by the Select Board.

## SKILLS AND ABILITIES, QUALIFICATIONS AND OTHER REQUIREMENTS:

A Bachelor's degree in Public Administration or a related field, or a minimum of two years of municipal experience is required.

Requirements of work include:

- Thorough knowledge of municipal government practices, human resource management, and financial operations and budgeting.
- Ability to communicate effectively both orally and in writing.
- Ability to learn and develop proficiency with municipal software programs and office technology and equipment necessary to carry out job duties effectively.
- Ability to maintain positive internal relations and to direct, supervise, and evaluate staff, and to efficiently assign and delegate work tasks.
- Effective analytical and decision-making skills and ability to organize and utilize time effectively.
- Ability to listen to others, including acceptance of constructive criticism, and to work with others to resolve conflict.

This job description is not intended to be and should not be construed as an all-inclusive list of all of the responsibilities, skills or working conditions associated with the position. While it is intended to accurately reflect the position's activities and requirements, the Town of West Bath reserves the right to modify, add or remove duties and assign other duties as necessary.

External and internal applicants, as well as position incumbents who become disabled as defined under the Americans with Disabilities Act, must be able to perform the essential job functions (as listed on this job description) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case-by-case basis.

| | |
|---|---|
| Employee's Signature | Date |
| Select Board Chair's Signature | Date |

**Business Item 7**
**Purchasing policy, discussion**

The policy will be discussed with particular attention to Section 4. Purchase Limits and Section 11. Public Works Exemptions and Waivers.

The policy in its current form is impractical and has not been enforced in its entirety since it was adopted.

The current policy is provided for review.

219 Fosters Point Road
West Bath, ME 04530
207-443-4342

# TOWN OF WEST BATH
# PURCHASING POLICY

**Section 1. Purpose.**
The Board of Selectmen seeks to standardize the purchasing procedures of the Town of West Bath and to set forth the duties and responsibilities of the Purchasing Agent and Department Heads (*e.g.*, Road Commissioner, Fire Chief), thereby securing for the Town the advantages of a uniform purchasing policy in an effort to save money, increase public confidence in the procedures for municipal purchasing and promote the fair and equitable treatment of all suppliers of goods and services. To that end, the Board of Selectmen establishes the following policy for the purchase of goods and services for the Town of West Bath.

**Section 2. Purchasing Agent.**
The Town Administrator is the Purchasing Agent for the Town of West Bath.

**Section 3. Purchase Orders.**
Department Heads or other authorized Town officials shall use Purchase Orders to document all expenditures prior to the procurement of any items or services for which Town funds are being used in which the total amount to be paid to a vendor is $1,000 or more. Except as otherwise provided herein (*see* Section 4(f)), all such Purchase Orders shall require the approval of the Purchasing Agent prior to the sales transaction taking place. Copies of completed Purchase Order forms shall be submitted to the vendor and Purchasing Agent as soon as practical. Purchases of a repetitive or on-going nature may be encompassed in a single document issued once per fiscal year.

**Section 4. Purchase Limits.**
(a) **$0 - <$1,000.** Purchases that are less than $1,000 are allowed with a sales receipt or other pertinent material submitted to Purchasing Agent that shows the product or service being purchased, identifies the vendor and states the cost of the item. The Purchasing Agent or Department Head can approve the purchase.

(b) **$1,000 - <$5,000.** Purchase Order requests that are at least $1,000 but less than $5,000 shall require documentation that at least three price quotes have been obtained (written, oral, telephone and/or catalog methods are acceptable). Such documentation shall be forwarded to the Purchasing Agent as an attachment to the Purchase Order being

submitted for approval. Verbal quotations shall be solicited from a minimum of three qualified bidders, if available. The quotes must be documented and attached to the Purchase Order. A Purchase Order signed by the Purchasing Agent is required.

(c) **$5,000 - $20,000.** Purchases that are at least $5,000 but less than $20,000 must be made using a competitive bid solicitation process. Department Heads may prepare a draft set of bid specifications for the Purchasing Agent or make a request for such a draft prior to the procurement of any item(s) or services in this price range. The Purchasing Agent shall promptly thereafter, provided budgeted funds are available, finalize the competitive bid documents and solicit responses by advertising and/or direct mailings. Negotiations with bidders and the awarding of a contract shall be at the discretion of the Purchasing Agent in accordance with the provisions of this policy as otherwise set forth herein. Upon acceptance of a bid, vendor notification shall include a Purchase Order, unless otherwise exempt under this policy, with copies provided to the Purchasing Agent.

(d) **Over $20,000.** Purchases in the amount of $20,000 or more must be made using a sealed bid solicitation process. Department Heads may prepare a draft set of bid specifications for the Purchasing Agent or make a request for such a draft prior to prior to the procurement of any item(s) or services in this price range. The Purchasing Agent shall promptly thereafter prepare a final draft of the sealed bid specifications for submission to the Board of Selectmen. Upon approval of the bid specifications by the Board of Selectmen, the Purchasing Agent shall solicit sealed bids by advertising and/or direct mailings. The bid documents shall include a contract agreement and all other such terms and conditions that are acceptable to the Board of Selectmen for the item(s) or services to be performed, using the guidelines set forth in Section 5. Acceptance of sealed bids and awarding of a contract shall be at the sole discretion of the Board of Selectmen. Upon acceptance of a bid, vendor notification shall include a Purchase Order, unless otherwise exempt under this policy, with copies provided to the Purchasing Agent. In the event that no bids or only one bid is received during a sealed bid solicitation process, the Board of Selectmen shall decide how to proceed using its sole discretion.

(e) The Purchasing Agent, Department Heads and Board of Selectmen, as may be appropriate based on the dollar amount thresholds as set forth above, may forego the formal bid processes described herein when "piggybacking" onto a competitive bid process utilized by any federal, state, county, regional agency or other political unit that is made available to municipal governments.

(f) In the event of an emergency during which immediate threats to life and property exist, the Purchasing Agent or a Department Head is authorized to make such expenditures as may be absolutely necessary without going through the competitive or sealed bid processes set forth herein; provided, however, such action must be made in good faith (to avoid personal liability) and require after-the-fact ratification by the Board

of Selectmen (in cases where budgeted funds are available), or Town Meeting (in cases where budgeted funds are not available), or as otherwise required by law.

**Section 5. Bid Guidelines.**
(a) All bid specifications shall include the following statement: "The Town intends to award this contract to the individual or firm that provides the lowest responsible and responsive bid that is deemed by the Board of Selectmen to be in the best interests of the Town. The Town of West Bath reserves the right to reject any or all bids and to waive any formality or technicality in the submissions. The Town also reserves the right to negotiate with any Bidder."

(b) Sealed bid openings shall be open to the public at a prescribed time and place. Faxed bids and late bids are not acceptable as part of the sealed bid solicitation process.

(c) Non-sealed bids may be opened at the convenience of the Purchasing Agent and may be subject to additional negotiations, project scope revisions, specification amendments, etc., at any time prior to a bid being accepted.

(d) All bids received and contract documents shall be considered public records unless otherwise provided by law.

(e) When evaluating the lowest responsive, responsible bid, the Town may also take into account product availability, date of delivery, budgeted funds, product quality, vendor location, past service of vendor, vendor references, life cycle costs, shipping costs and other pertinent factors.

**Section 6. Equipment, Vehicles, Materials and Supplies.**
(a) The purchase of vehicles and heavy equipment shall be strictly limited based on the availability of budgeted funds in accordance with applicable Town Meeting votes and as otherwise set forth herein.

(b) Whenever the purchase of materials and supplies requires a bid process, the award of a contract shall be based primarily on unit price.

**Section 7. Contract Change Orders.**
All change orders with a value less than or equal to $2,000 must be approved by the Purchasing Agent. All change orders with a value of more than $2,000 require Board of Selectmen approval.

**Section 8. Contracts for Labor Services.**
(a) It shall be the responsibility of the Department Head to obtain a completed W-9 Form to be filed with the Purchasing Agent as part of a Purchase Order request for the procurement of services with a value of $600 or more per calendar year as consistent with

then current Internal Revenue Service rules and regulations. In addition, nothing herein shall relieve a Department Head of this responsibility for purchases that do not require a Purchase Order.

(b) All projects that require an expenditure of $10,000 or more shall require such payment, performance or other bonds and/or cash sureties and/or retainage as may be recommended by the Purchasing Agent and approved by the Board of Selectmen, to the extent permitted by law.

(c) Except for written manufacturer's exclusions allowed by law, all contracted services for construction or installation of equipment, parts and materials shall be warranteed to the Town for at least one year from date of installation or substantial completion, whichever comes last, to include replacement and/or repairs at no cost to the Town.

(d) The Town shall require all contractors, subcontractors and persons other than Town employees who perform labor services for the Town with a calendar year value of $5,000 or more to maintain insurance coverages and list the Town as an additional insured in accordance with the following minimum amounts, but in no event in an amount less than that required by the Maine Tort Claims Act, 14 M.R.S.A. § 8101, as may be amended:

(i) general liability: $1,000,000 per occurrence and $2 million in the aggregate
(ii) property damage: $500,000
(iii) personal injury: $500,000
(iv) automotive liability: $500,000
(v) professional errors and omissions coverage (if applicable): $1 million
(vi) worker's compensation: statutory requirements.

Prior to the start of any work, the Town must be furnished with an insurance certificate as proof that these coverages are in place. Certificates shall be placed on file with the Purchasing Agent. Nothing in this Section shall be deemed to prohibit the Purchasing Agent or Board of Selectmen from requiring coverage amounts at a higher level, or imposing additional types of coverage up to the value of the entire project, as may be in the best interests of the Town.

(e) Professional services contractors shall also be required to provide proof of insurance coverage for such professional services and/or product liability in an amount equal to the total cost of the project, subject to whatever reasonable limitations may be approved by the Purchasing Agent or Board of Selectmen, as may be applicable.

(f) All contractors, subcontractors and persons other than Town employees who perform services for the Town shall be required to defend, indemnify and hold harmless the Town of West Bath, its officers, agents and employees, for any and all damages, claims and

liabilities which may arise as a result of work to be performed. Written bid specifications and contractual agreements shall include such language as otherwise set forth herein.

**Section 9. Lease Purchases.**
(a) The purchase or lease of any equipment, vehicles or materials which require periodic payments over a course of one year or more shall be subject to all applicable provisions of this policy in accordance with the dollar values set forth herein based on the total dollar value of the item(s).

(b) All lease purchase agreements shall contain a non-appropriation clause whereby the Town shall not be obligated under the terms of the lease if the necessary funds are not appropriated at a future Town Meeting.

**Section 10. Exemptions and Waivers.**
(a) It is understood that pre-approved Purchase Orders and multiple price quote requirements may not be practical when it comes to repairs to Town-owned vehicles and specialized equipment. Under these circumstances, preference may be given to dealers approved by a manufacturer or sole source vendors with a satisfactory history of fair pricing and work quality in lieu of the specific bidding requirements set forth herein, upon authorization of the Purchasing Agent.

(b) It is recognized that alternative methods of product delivery (such as design-build, construction management, etc.) may be desired for certain projects when recommended by the Purchasing Agent and authorized by the Board of Selectmen after notice and public hearing. Such alternative methods, including, but not limited to those set forth in 5 M.R.S.A. § 1743, as may be amended, may be used when reasonably determined by the Board of Selectmen to be in the best interests of the Town.

(c) The provisions of this policy shall not apply to monthly utility bills, wage and salary payments for Town employees, nor shall it apply to employee benefits; provided, however, the disbursement of accumulated leave benefits at the time of employment separation and the selection of benefit vendors shall require the approval of the Purchasing Agent, except in the case of payments to the Purchasing Agent, in which case the payments shall require the approval of the Board of Selectmen. Also, once an initial Purchase Order has been submitted for a specific project, it is not necessary for additional Purchase Orders to be submitted with each invoice on a project as work progresses.

**Section 11. Public Works Exemptions and Waivers.**
(a) $0 - <$5,000. Public Works related purchases that are less than $5,000 are allowed with a detailed invoice and any necessary supporting material submitted to the Purchasing Agent that shows the service being purchased, identifies the contractor and states the cost of the work to be performed. The Purchasing Agent or Road Commissioner can approve the purchase. In the event the Road Commissioner is the

Contractor or an agent, officer, employee or subcontractor of the Contractor, only the Purchasing Agent can approve the purchase.

(b) $5,000 - <$10,000. Public Works related Purchase Order requests that are at least $5,000 but less than $10,000 shall require documentation of a written price quote. Such documentation shall be forwarded to the Purchasing Agent as an attachment to the Purchase Order being submitted for approval. The written quote shall show the service being purchased, identify the contractor and state the cost of the work to be performed. A Purchase Order signed by the Purchasing Agent is required. If it is felt to be in the best interest of the Town, the Road Commissioner, Purchasing Agent, or Board of Selectmen may require three price quotes be obtained prior to the approval of the Purchase Order. The Purchasing Agent shall inform the Board of Selectmen of approved Purchase Orders at the next regularly scheduled Selectmen's meeting.

**Section 12. Severability; Amendments.**
In the event that any portion of this policy is found to be in violation of federal or state law or inconsistent with any provision applicable thereto, the remainder of this policy shall remain in full force and effect. This policy may be amended from time to time by the Board of Selectmen.

**Section 13. Prior Policies.**
This policy supersedes and replaces any and all like or comparable policies or decisions previously enacted or adopted by the Board of Selectmen.

Adopted by Board of Selectmen: Sept. 11, 2017

Peter Oceretko, Selectboard Chair

Paula Nelson, Selectman

Madelyn Hennessey, Selectman

**Business Item 8**
**Androscoggin to Kennebec Trail, proposed funding application**

There have been ongoing discussions with representatives from the Maine Department of Transportation to gauge their level of interest in pursuing buildout of the trail.

In 2014, the Androscoggin Trail was designated as a "trail of statewide significance" by Maine DOT. Recent discussions with Maine DOT suggest a renewed interest in pursuing the project.

The communities of Bath, Brunswick, and West Bath intend to apply for funding through the Maine DOT Bike Ped Program. The application deadline is July 15.

If the grant is obtained, it will cover most of the anticipated cost of preliminary engineering and determining ownership of rights of way along the proposed trail. The estimate for this phase of the project is $250,000.

Maine DOT requires that the communities provide a match of $50,000. The City of Bath and the Town of Brunswick each have $20,000 in escrow to cover their portion of the match. The request is for West Bath to contribute a total of $5,000. The remaining $5,000 may be covered by the Kennebec Estuary Land Trust (KELT). If we are successful in obtaining the grant, payout of the match will not be until January 2024.

The Androscoggin to Kennebec Trail timeline is included for reference.

# Androscoggin to Kennebec Trail

## What is the Androscoggin to Kennebec Trail?

The Androscoggin to Kennebec Trail, nicknamed the "A2K" trail, is a proposed trail between Bath, West Bath, and Brunswick that will provide a route for biking, walking, exercising, and commuting. This 14 foot wide, 7.2 mile long, paved path will connect to the east end of the Androscoggin River Bicycle Pedestrian Path in Brunswick, continue North along the Route 1 corridor through West Bath, and connect with a completed section of multi-use trail in Bath on Congress Avenue. It will provide a safe and direct route for non-motorized users to travel between these communities.

## Timeline

| | |
|---|---|
| **1998** | **Brunswick constructs and opens the Androscoggin River Bicycle and Pedestrian Path** |
| **2000** | **In Bath, the new Sagadahoc Bay Bridge, with a pedestrian sidewalk, opens** |
| **2004** | **The Androscoggin-to-the-Kennebec Bicycle Path Feasibility Study is completed for a route that would connect the bike path to the bridge**<br>~ Funded with 80% Federal Highway Funds Administered by the Maine Department of Transportation and 20% Local Funds by the City of Bath and Town of Brunswick<br>~ The study evaluated two potential corridors and determined that, due to a variety of safety, logistic, and right-of-way considerations, the U.S. Route 1 Corridor from Cooks Corner Brunswick to the Sagadahoc Bridge in Bath is the preferred alignment<br>▪ 7.9 Miles in total length<br>▪ Cost estimate $10,789,984.11 |
| **2009** | **The City of Bath's Comprehensive Plan includes the Androscoggin to Kennebec Trail** |
| | **Town of Brunswick submits a Member Designated High Priority Project Earmark Request to Congresswoman Pingree's Office to fund an extension of the current bike path in Brunswick an additional 2.6 miles east of Cooks Corner toward West Bath and Bath.** |
| **2011** | **City of Bath constructs Section 2 of the trail: the multi-use path along Congress Street**<br>~ Funded with Maine DOT Transportation Enhancement Dollars |
| **2012** | **City of Bath, Town of Brunswick, and Town of West Bath submit an application to Maine DOT for Engineering Design & Permitting for the 7.2 Mile remainder of the A2K Corridor**<br>~ The application is for Federal Transportation Enhancement Funds<br>~ The communities secured and allocated $40,000 local match |
| **2013** | **City of Bath, Town of Brunswick, and Town of West Bath were notified by Maine DOT that the Application for Engineering Design & Permitting had been placed in the Approved Projects List awaiting future funding**<br>~ $160,000 Federal Share and $40,000 Local Share<br>~ To date (2022) no federal funding has been received |
| **2014** | **The Androscoggin to Kennebec Trail is designated a "Trail of Statewide Significance" by Maine DOT** |

# Androscoggin to Kennebec Trail

| | |
|---|---|
| | ~ It received this designation because it is a part of the 44 mile Capital to Coast Trail System that stretches from Bath to Augusta |
| **2015** | **City of Bath partially constructs Section 1 of the trail - North Street**<br>~ Funded with Maine DOT Transportation Enhancement Dollars |
| **2016** | **The Town of Brunswick's plan for the Captain William A. Fitzgerald U.S.N. Recreation and Conservation Area highlights connections to the preferred route of the Androscoggin to Kennebec Trail** |
| **2017** | **Maine DOT replaces the New Meadows Bridge on Old Bath Road without adding bicycle-pedestrian infrastructure**<br>~ In describing this decision, Maine DOT reiterated their commitment to having the bicycle pedestrian trail along the Route 1 corridor instead of along Old Bath Road |
| **2018** | **Maine DOT, Federal Highways, City of Bath, Town of Brunswick, and KELT meet to discuss Androscoggin to Kennebec Trail funding feasibility and process** |
| **2020** | **The Town of Brunswick's Bicycle Pedestrian Master Plan identifies the Androscoggin to Kennebec Trail and the desire for safe connections to neighboring towns**<br>~ Feedback at stakeholder meetings identified linkages to Bath as very high priority and completing the East Coast Greenway as high priority |
| **2021** | **The City of Bath's Bicycle Pedestrian Committee selects the Androscoggin to Kennebec Trail project as their top priority** |
| **2022** | **The City of Bath partially constructs Section 1 of the trail - Commercial Street Improvements** |
| | **The Town of Brunswick's Cooks Corner Master Plan identifies the importance of bicycle pedestrian connections between Cooks Corner and the Androscoggin to Kennebec Trail** |
| | **The Town of Brunswick incorporates a bicycle pedestrian connection between the Androscoggin to Kennebec Trail route and Cooks Corner into their Capital Improvement Plan** |
| | **An Androscoggin to Kennebec Trail Working Group is established to work on advancing the trail** |
| | **The City of Bath's Updated Comprehensive Plan includes the Androscoggin to Kennebec Trail** |

## Working Group for the Trail

**Town of Brunswick**
Town Manager
Economic Development Department
Planning Department
Parks and Recreation Department
Public Works Department
Recreation Commission
Bicycle Pedestrian Committee

**City of Bath**
City Manager
Planning Department
Parks and Recreation Department
Public Works Department
Bicycle Pedestrian Committee

**Town of West Bath**
Town Administrator

**Maine Coast Heritage Trust**
**Kennebec Estuary Land Trust**
**Brunswick Topsham Land Trust**

# Select Board Correspondence July 6, 2023

**Town Administrator**

**From:** Senator Susan Collins <susan@collins.senate.gov>
**Sent:** Thursday, June 22, 2023 2:39 PM
**To:** Town Administrator
**Subject:** Responding to your message

June 22, 2023

Ms. Kristine Poland
Town Administrator
Town of West Bath
19 Fosters Point Road
West Bath, ME 04530-6403

Dear Ms. Poland,

I am writing to update you on the status of the City of Bath's request for funding to construct a new fire and EMS tation for the City of Bath. You may be pleased to know that, with my support, $1,750,000 has been included in the fiscal ear 2024 Agriculture Appropriations bill recently approved by the Senate Appropriations Committee.

Although there are several more steps in the process before any appropriations bills are finalized and sent to the resident for signature, including reconciling differences between the House of Representatives and Senate versions of bills nd passage of the bills by both chambers of Congress, I wanted you to know of this important development. As Vice hairman of the Senate Appropriations Committee, I will continue to use my position to advocate for investments that will nprove Maine's communities and it is my hope that Congress will work in a bipartisan manner to complete these steps xpeditiously.

Thank you again for taking the time to share your views with me on this important project.

Sincerely,

Susan M. Collins
United States Senator

.S. If you would like to receive updates about my work on behalf of Maine in the United States Senate, you can subscribe o my e-newsletter by clicking here.

TOWN OF WEST BATH

March 15, 2023

Re: Letter of Support for FY23 Congressionally Directed Spending Request
City of Bath Fire Station

Dear Members of the CDS Review Committee:

The Town of West Bath is pleased to provide our strong support for the City of Bath's initiative to build a new fire and EMS station.

The City of Bath has partnered with the Town of West Bath for many years to provide emergency medical services and mutual aid. As a small, rural town, with a population of less than 2,000, West Bath does not have the resources to support our own department of certified EMS staff. The services that the City of Bath provides are critical to the health and safety of our community and we are grateful for the knowledge and professionalism of the city's staff.

As a regional fire and EMS service provider, the City of Bath must have a modern facility with improved technology and other upgrades to continue to provide the best service possible to the City of Bath and the wider community. For these reasons, the Town of West Bath enthusiastically supports the proposal to build a new fire station in the City of Bath.

Sincerely,

*Kristine Poland*
Town Administrator

219 Fosters Point Road, West Bath ME 04530 · Phone (207) 443-4342 · Town Administrator email: townadministrator@westbathmaine.gov

JENSEN BAIRD
ATTORNEYS AT LAW

# CLIENT ALERT:
# NEW LAW CHANGES PROCESS MUNICIPALITIES MUST USE WHEN SELLING TAX-ACQUIRED PROPERTIES

On June 30, 2023, Governor Mills signed into law L.D. 101, "An Act to Return to the Former Owner any Excess Funds Remaining After the Sale of Foreclosed Property." **The bill was passed by the Legislature as emergency legislation, which means it goes into effect immediately.**

The bill was designed to address the U.S. Supreme Court's recent decision in the case of *Tyler v. Hennepin County*. In the *Hennepin County* case, the Supreme Court ruled as unconstitutional certain provisions in Minnesota statute that allowed the county, when selling a property that it obtained through the tax lien mortgage foreclosure process, to keep any funds received from the sale in excess of the outstanding tax, and not return those funds to the former owner. Maine law, before the passage of L.D. 101, contained similar provisions to those at issue in Minnesota.

L.D. 101 amends 36 M.R.S. § 943-C, an existing statutory provision that allows certain senior residents to request an alternative sale process if their property becomes municipally owned through the foreclosure of a tax lien mortgage. The newly amended statute now allows any person who has lost their property as a result of a tax lien mortgage foreclosure to request the alternative sale process. Note that the bill does not change the actual tax lien mortgage foreclosure process, but only changes how a municipality may dispose of property once it has been tax-acquired. The procedure for filing tax lien certificates and the automatic foreclosure process remain unchanged. The new process that municipalities will need to follow when selling property acquired via tax lien mortgage foreclosure is summarized below.

- At least 90 days prior to listing a tax acquired property for sale, the municipality must provide written notice by certified and first-class mail to the former owner informing the former owner of their right to request the alternative sale process.

- The former owner has 90 days from notification to file a written demand that the municipality use the alternative sale process. If a demand is filed, the municipality must list the property with a licensed real estate broker and sell the property via quitclaim (release) deed at the highest price it will sell for.

- Any excess proceeds from the sale must be returned to the former owner, after deducting:

    - All outstanding taxes on the property, including interest and any taxes that would have been assessed during the period the municipality had ownership;

- Unpaid sewer, water, or other utility charges or fees imposed by the municipality; and
- Costs and fees of the municipality to foreclose, list, and sell the property, including, but not limited to, administrative fees up to 10% of the property taxes owed, and attorney's fees.

If the former owner does not timely file a demand to use the alternative sale process, or the municipality is unable to sell the property through the process, the municipality may instead sell the property using whatever method it deems appropriate. However, the municipality must still calculate and pay any excess proceeds to the former owner as described above.

The bill also provides that a municipality may, as a condition of distributing the excess proceeds to the former owner, require the former owner to execute a quitclaim (release) deed before the sale conveying to the municipality any interest the former owner may have in the property. The bill also states that by accepting the excess proceeds, the former owner waives their right to later challenge the validity of the foreclosure by the municipality.

For more information, please call your Jensen Baird attorney or Peter Lacy at (207) 775-7271 or **placy@jensenbaird.com**

APPROVED
JUNE 30, 2023
BY GOVERNOR

CHAPTER
358
PUBLIC LAW

**STATE OF MAINE**

**IN THE YEAR OF OUR LORD**

**TWO THOUSAND TWENTY-THREE**

**H.P. 69 - L.D. 101**

# An Act to Return to the Former Owner Any Excess Funds Remaining After the Sale of Foreclosed Property

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the United States Supreme Court has ruled in *Tyler v. Hennepin County*, 598 U.S. ___ (2023) that a Minnesota local government sale of property that was acquired by the local government by foreclosure for failure of the owner to pay property taxes without returning to the former owner the surplus proceeds received by the government entity in excess of the amount owed by the former owner violated the takings clause of the Fifth Amendment to the United States Constitution stating that "private property [shall not] be taken for public use, without just compensation"; and

**Whereas,** statutes in this State governing the foreclosure and sale of property for failure to pay property taxes are substantially similar to the laws of Minnesota and are in jeopardy of being found unconstitutional by the United States Supreme Court; and

**Whereas,** the possibility of multiple legal challenges to the State's statutes regarding sale of property following foreclosure presents the possibility of significant disruption to municipal foreclosure sales, municipal expenditures resulting from challenges to foreclosure sale laws, uncertainty of title to properties sold for foreclosure pursuant to current laws, inconsistencies in municipal responses to the United States Supreme Court decision and general disruption of the foreclosure process; and

**Whereas,** amendment of the State's foreclosure statutes needs to take effect as soon as possible to avoid the significant negative effects of delay in ensuring that the state laws are within the bounds of the United States Constitution; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 36 MRSA §943-C,** as amended by PL 2019, c. 401, Pt. A, §10, is further amended to read:

**§943-C. Sale of ~~homesteads formerly owned by persons 65 years of age or older~~ foreclosed properties**

Notwithstanding any provision of law to the contrary, after the foreclosure process under sections 942 and 943 or sections 1281 and 1282 is completed and the right of redemption has expired, if a municipality chooses to sell to someone other than the ~~immediate~~ former owner ~~or owners property that immediately prior to foreclosure received a property tax exemption as a homestead under subchapter 4-B~~, the municipal officers or their designee shall notify the ~~immediate~~ former owner ~~or owners~~ of the right to require the municipality to use the sale process under subsection 3 ~~as long as the immediate former owner or owners demonstrate that the property meets the requirements of subsection 1~~. For the purpose of this section, "former owner" means the owner or owners of record at the time of foreclosure or, if deceased, the former owner's heirs, devisees or personal representatives. The notice must be sent by United States Postal Service certified mail, return receipt requested, and first-class mail to the last known address of the ~~immediate~~ former owner ~~or owners~~. If the municipality agrees to sell the property back to the ~~immediate~~ former owner ~~or owners~~, the alternative sale process under this section does not apply. If the sale to the ~~immediate~~ former owner ~~or owners~~ is not completed, the requirements of this section are reinstated.

~~**1. Subject property.** Property is subject to the requirements of this section if:~~

~~A. Immediately prior to foreclosure the property was owned by at least one person who, on the date the tax lien certificate was recorded, was 65 years of age or older and occupied the property as a homestead as defined in section 681, subsection 2; and~~

~~B. The former owner or owners of the property demonstrate to the municipal officers or their designee that:~~

~~(1) The income, as defined in section 5219-KK, subsection 1, paragraph D, of the former owner or owners of the property was less than $40,000, after medical expenses have been deducted, for the calendar year immediately preceding the calendar year in which the right of redemption expired; and~~

~~(2) The value of liquid assets of the former owner or owners of the property is less than $50,000 in the case of a single individual or $75,000 in the case of 2 or more individuals. For the purposes of this paragraph, "liquid assets" means something of value available to an individual that can be converted to cash in 3 months or less and includes bank accounts, certificates of deposit, money market or mutual funds, life insurance policies, stocks and bonds, lump-sum payments and inheritances and funds from a home equity conversion mortgage that are in the individual's possession whether they are in cash or have been converted to another form.~~

~~The former owner or owners must provide documentation verifying the former owner's or owners' income and liquid assets.~~

~~All applications or information submitted in support of an application under this subsection, files and communications relating to the application and the determination on the application are confidential records. Hearings and proceedings held pursuant to this subsection must be held in executive session.~~

**2. Notification; appeal.** At least 90 days prior to listing property ~~described in subsection 1~~ for sale, the municipal officers or their designee shall ~~notify~~ send a written notice to the last known address of the former owner ~~or owners~~, by United States Postal Service certified mail, return receipt requested, and first-class mail, of the ~~former owner's or owners'~~ right to require the sale process described in subsection 3. ~~The municipal officers or their designee shall include with the notice an application form with instructions concerning application procedures and submission of information necessary for the municipality to determine whether the former owner or owners meet the conditions required under subsection 1. The former owner or owners must be allowed at least 30 days from the date the notice is mailed to submit the required application form and information. The municipal officers or their designee, within 30 days after receiving the required form and information, shall notify the former owner or owners whether the former owner or owners have been determined to be eligible for the sale process described in subsection 3 and inform the former owner or owners of the right to appeal pursuant to the Maine Rules of Civil Procedure, Rule 80B.~~ The State Tax Assessor shall prepare application forms, notices and instructions that must be used by municipalities to inform former owners of their right to apply for the sale process provided under subsection 3.

**3. Sale process requirements.** If ~~a municipality determines that the former owner or owners meet the conditions specified under subsection 1~~ the former owner submits a written demand within 90 days after the notification in subsection 2 that the sale process of this subsection be used, the municipal officers or their designee shall:

A. List the property for sale with a real estate broker licensed under Title 32, chapter 114 who does not hold an elected or appointed office in the municipality and is not employed by the municipality;

B. Sell the property ~~at fair market value~~ via quitclaim deed to the successful buyer at the highest price at which the property is able to sell, or the price at which the property is anticipated by the real estate broker to sell within 6 months after listing; and

C. Pay to the former owner ~~or owners~~ any ~~proceeds from the sale~~ sale proceeds in excess of:

(1) The sum of all taxes owed on the property;

(2) Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality;

(3) All accrued interest;

(4) Fees, including property listing and real estate broker's fees; ~~and~~

(5) Any other expenses incurred by the municipality in selling or maintaining the property, including, but not limited to, an administrative fee equal to 10% of the property taxes owed and reasonable attorney's fees.~~;~~

(6) The cost to the municipality of the lien and foreclosure process, including, but not limited to, reasonable attorney's fees; and

(7) Unpaid sewer, water or other utility charges and fees imposed by the municipality.

If the municipal officers are unable to list or sell the property under the requirements of paragraphs A and B, or if the property tax payer does not request that the property be sold according to the sale process in this subsection, the municipal officers may sell the property in any manner authorized by the municipality's legislative body, if the municipal officers pay the former owner any excess sale proceeds as calculated in paragraph C.

~~**4. Effect of inability to contract or sell property.** If, after attempting to contract with at least 3 real estate brokers who meet the requirements of subsection 3, paragraph A, a municipality is unable to contract with a real estate broker for the sale of the property as described in subsection 3 or the broker cannot sell the property within 6 months after listing, the municipality may retain, sell or dispose of the property in the same manner as other property acquired through the tax lien foreclosure process.~~

**5. Property in the unorganized territory.** With regard to the sale of property acquired by the State through tax lien foreclosure in the unorganized territory, the State Tax Assessor has the obligations of a municipality under this section.

**6. Quitclaim deed and waiver of former owner.** As a condition of disbursement of excess sale proceeds to the former owner under subsection 3, paragraph C, the municipal officers may require the former owner to execute a quitclaim deed without covenant conveying any interest of the former owner in the property to the municipality and to deliver that deed before conveyance by the municipality to the buyer. Receipt of such excess sale proceeds by the former owner is deemed to be a waiver of any right of the former owner to commence any action pursuant to section 946-B.

**Sec. 2. Working group established.** The Department of Administrative and Financial Services, Maine Revenue Services shall establish a Working Group to Study Equity in the Property Tax Foreclosure Process, referred to in this section as "the working group."

**1. Membership.** The State Tax Assessor shall appoint the members of the working group from among those who are interested in property tax lien foreclosure and which must include at least the following:

A. A representative of the Office of the Attorney General;

B. One member from an organization representing municipal tax assessors;

C. One member from a statewide organization that represents the interests of municipalities;

D. One member representing the Maine Association of Realtors;

E. One member representing a statewide organization that represents commercial bankers;

F. One member representing a statewide organization that represents attorneys working in the field of property title law;

G. One member representing property title insurance agents; and

H. One member representing an organization of legal services providers that specializes in serving clients who are 65 years of age or older or who have low income.

**2. Chair.** The State Tax Assessor, or the assessor's designee, shall serve as the chair of the working group.

**3. Appointments; convening of working group.** All appointments must be made no later than 30 days following the effective date of this Act.

**4. Duties.** The working group shall study issues associated with the process of foreclosure on property for failure of the owner to pay property taxes, including, but not limited to:

A. The recent decision of the United States Supreme Court regarding municipal retention of excess revenue retained by a government entity from the sale of property acquired by the government entity following foreclosure for failure of the former owner to pay property taxes;

B. The constitutional requirements of due process and the takings clause and their impact on the property tax lien foreclosure process, including notice requirements to delinquent taxpayers and related entities that hold liens or mortgages to the property to which the foreclosure is being applied and conditions under which a government entity is or should be entitled to retain excess funds acquired through sale of property that has been acquired by foreclosure;

C. The role of the Maine Redevelopment Land Bank Authority, mortgage holders and other lienholders and the rights of each in the tax lien foreclosure process;

D. Whether the tax lien foreclosure process is or should be the same for both residential property and commercial property or whether differences are necessary or desirable;

E. The rights of former owners, commercial lenders or lienholders and government entities when property has been acquired for nonpayment of property tax and the government entity does not intend to sell the property; and

F. Whether a redemption period following foreclosure is necessary when the former owner has the right to reacquire the property, the statute of limitations on a former owner's ability to reacquire property or bring action to recover excess funds obtained by a government entity through foreclosure sale and the extent of the rights of subsequent purchasers.

**5. Staff assistance.** The State Tax Assessor shall provide necessary staffing services to the working group.

**6. Provision of information to working group.** The Department of Administrative and Financial Services, Maine Revenue Services shall provide to the working group information, consistent with the restrictions set forth in the Maine Revised Statutes, Title 36, section 191, that is requested by the working group.

**7. Report.** No later than January 15, 2024, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 131st Legislature. The Joint Standing Committee on Taxation may report out legislation related to the report to the Second Regular Session.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

# Account Status as of July 30, 2023

219 Fosters Point Road, West Bath ME 04530 · Phone (207) 443-4342 · Town Administrator email: townadministrator@westbathmaine.gov

# Exp / Rev Summary Report

ALL Departments
ALL Months



| Account | | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|---|
| 01 GEN GOVT | | | | | | |
| | REVENUES | | | | | |
| 01 AGENT FEES | | 12,000.00 | 13,605.89 | 13,605.89 | -1,605.89 | 113.38 |
| 02 BUS. LIC. | | 0.00 | 10.00 | 10.00 | -10.00 | 0.00 |
| 03 PLUMB PERMIT | | 2,000.00 | 3,660.50 | 3,660.50 | -1,660.50 | 183.03 |
| 04 BLDG PERMIT | | 12,000.00 | 11,493.60 | 11,493.60 | 506.40 | 95.78 |
| 05 APPEALS BD | | 0.00 | 100.00 | 100.00 | -100.00 | 0.00 |
| 08 SHELLFISH | | 4,800.00 | 5,615.00 | 5,615.00 | -815.00 | 116.98 |
| 10 BADCHECK FEE | | 0.00 | 40.00 | 40.00 | -40.00 | 0.00 |
| 13 FIRE DEPT MI | | 0.00 | 119.26 | 119.26 | -119.26 | 0.00 |
| 20 TOWN SHARE | | 1,000.00 | 1,995.80 | 1,995.80 | -995.80 | 199.58 |
| 22 MDOT | | 22,000.00 | 24,164.00 | 24,164.00 | -2,164.00 | 109.84 |
| 24 MOORINGS | | 2,800.00 | 2,880.00 | 2,880.00 | -80.00 | 102.86 |
| 25 MISC. REV | | 0.00 | 50,168.29 | 50,168.29 | -50,168.29 | 0.00 |
| 30 EXCISE TAX | | 500,000.00 | 552,679.50 | 552,679.50 | -52,679.50 | 110.54 |
| 31 BOAT EXCISE | | 8,000.00 | 8,937.10 | 8,937.10 | -937.10 | 111.71 |
| 32 SUSCOM CABLE | | 28,000.00 | 29,516.22 | 29,516.22 | -1,516.22 | 105.42 |
| 34 SNOWMOBILE | | 500.00 | 529.60 | 529.60 | -29.60 | 105.92 |
| 53 VETERANS | | 1,500.00 | 1,052.00 | 1,052.00 | 448.00 | 70.13 |
| 55 PT INTEREST | | 500.00 | 10,410.74 | 10,410.74 | -9,910.74 | 2082.15 |
| 56 INT-CKBK | | 6,000.00 | 11,267.93 | 11,267.93 | -5,267.93 | 187.80 |
| 60 SALT SHED-R | | 3,300.00 | 3,300.00 | 3,300.00 | 0.00 | 100.00 |
| 61 TRANS STA-R | | 46,800.00 | 46,800.00 | 46,800.00 | 0.00 | 100.00 |
| 62 TRANS STA-F | | 70,000.00 | 84,919.14 | 84,919.14 | -14,919.14 | 121.31 |
| 63 WALDEN SOLAR | | 0.00 | 6,000.00 | 6,000.00 | -6,000.00 | 0.00 |
| 69 SEPTIC SURCH | | 0.00 | 10.00 | 10.00 | -10.00 | 0.00 |
| 70 SEPTIC FEES | | 3,000.00 | 3,957.50 | 3,957.50 | -957.50 | 131.92 |
| 71 ARPA | | 0.00 | -113,812.00 | -113,812.00 | 113,812.00 | 0.00 |
| 80 T.G.REIMB | | 5,500.00 | 7,192.41 | 7,192.41 | -1,692.41 | 130.77 |
| 82 W.C. REIMB | | 750.00 | 1,869.00 | 1,869.00 | -1,119.00 | 249.20 |
| 85 SCHOOL GRANT | | 0.00 | 219,399.48 | 219,399.48 | -219,399.48 | 0.00 |
| 86 SCHOOL LUNCH | | 0.00 | 68,227.30 | 68,227.30 | -68,227.30 | 0.00 |
| 88 SCHOOL MISC | | 0.00 | 201.62 | 201.62 | -201.62 | 0.00 |
| 89 SCHOOL SUB | | 0.00 | 242,688.79 | 242,688.79 | -242,688.79 | 0.00 |
| 90 R/E TAXES | | 0.00 | 4,491,865.54 | 4,491,865.54 | -4,491,865.54 | 0.00 |
| 93 INT ON TAXES | | 8,000.00 | 7,019.40 | 7,019.40 | 980.60 | 87.74 |
| 95 LIEN FEES | | 1,100.00 | 1,235.32 | 1,235.32 | -135.32 | 112.30 |
| 96 HOMESTEAD | | 85,000.00 | 96,225.00 | 96,225.00 | -11,225.00 | 113.21 |
| 97 BETE REIMBUR | | 3,200.00 | 20,870.65 | 20,870.65 | -17,670.65 | 652.21 |
| 98 REV. SHARING | | 135,000.00 | 171,125.72 | 171,125.72 | -36,125.72 | 126.76 |
| | Revenue Total | 962,750.00 | 6,087,340.30 | 6,087,340.30 | -5,124,590.30 | 632.29 |
| | EXPENSES | | | | | |
| **01 SELECTMEN** | | **13,100.00** | **13,100.00** | **13,100.00** | **0.00** | **100.00** |
| 01 PAYROLL | | 13,100.00 | 13,100.00 | 13,100.00 | 0.00 | 100.00 |
| 01 SALARIES | | 13,100.00 | 13,100.00 | 13,100.00 | 0.00 | 100.00 |
| **02 TOWN ADMIN** | | **76,058.00** | **76,058.00** | **76,058.00** | **0.00** | **100.00** |
| 01 PAYROLL | | 76,058.00 | 76,058.00 | 76,058.00 | 0.00 | 100.00 |
| 01 SALARIES | | 76,058.00 | 76,058.00 | 76,058.00 | 0.00 | 100.00 |
| **03 TAX COL/TREA** | | **61,254.00** | **61,254.00** | **61,254.00** | **0.00** | **100.00** |
| 01 PAYROLL | | 61,254.00 | 61,254.00 | 61,254.00 | 0.00 | 100.00 |
| 01 SALARIES | | 61,254.00 | 61,254.00 | 61,254.00 | 0.00 | 100.00 |
| **04 TOWN CLERK** | | **51,068.00** | **51,068.00** | **51,068.00** | **0.00** | **100.00** |
| 01 PAYROLL | | 51,068.00 | 51,068.00 | 51,068.00 | 0.00 | 100.00 |
| 01 SALARIES | | 51,068.00 | 51,068.00 | 51,068.00 | 0.00 | 100.00 |
| **05 CODE ENF** | | **45,377.00** | **45,377.00** | **45,377.00** | **0.00** | **100.00** |

# Exp / Rev Summary Report

ALL Departments
ALL Months



| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| 01 GEN GOVT CONT'D | | | | | |
| 01 PAYROLL | 45,377.00 | 45,377.00 | 45,377.00 | 0.00 | 100.00 |
| 01 SALARIES | 45,377.00 | 45,377.00 | 45,377.00 | 0.00 | 100.00 |
| **06 ASSESSING AG** | **27,704.00** | **27,704.00** | **27,704.00** | **0.00** | **100.00** |
| 01 PAYROLL | 27,704.00 | 27,704.00 | 27,704.00 | 0.00 | 100.00 |
| 01 SALARIES | 27,704.00 | 27,704.00 | 27,704.00 | 0.00 | 100.00 |
| **07 HEALTH OFF** | **1,672.00** | **1,672.00** | **1,672.00** | **0.00** | **100.00** |
| 01 PAYROLL | 1,672.00 | 1,672.00 | 1,672.00 | 0.00 | 100.00 |
| 01 SALARIES | 1,672.00 | 1,672.00 | 1,672.00 | 0.00 | 100.00 |
| **08 ROAD COMM** | **8,563.00** | **8,563.00** | **8,563.00** | **0.00** | **100.00** |
| 01 PAYROLL | 8,563.00 | 8,563.00 | 8,563.00 | 0.00 | 100.00 |
| 01 SALARIES | 8,563.00 | 8,563.00 | 8,563.00 | 0.00 | 100.00 |
| **09 ANIMAL CONT** | **2,174.00** | **2,174.00** | **2,174.00** | **0.00** | **100.00** |
| 01 PAYROLL | 2,174.00 | 2,174.00 | 2,174.00 | 0.00 | 100.00 |
| 01 SALARIES | 2,174.00 | 2,174.00 | 2,174.00 | 0.00 | 100.00 |
| **10 HARBOR MAST** | **2,470.00** | **2,470.00** | **2,470.00** | **0.00** | **100.00** |
| 01 PAYROLL | 2,470.00 | 2,470.00 | 2,470.00 | 0.00 | 100.00 |
| 01 SALARIES | 2,470.00 | 2,470.00 | 2,470.00 | 0.00 | 100.00 |
| **11 FIRE CHIEF** | **13,039.00** | **13,039.00** | **13,039.00** | **0.00** | **100.00** |
| 01 PAYROLL | 13,039.00 | 13,039.00 | 13,039.00 | 0.00 | 100.00 |
| 01 SALARIES | 13,039.00 | 13,039.00 | 13,039.00 | 0.00 | 100.00 |
| **12 DEPUTY** | **3,707.00** | **3,708.00** | **3,708.00** | **-1.00** | **100.03** |
| 01 PAYROLL | 3,707.00 | 3,708.00 | 3,708.00 | -1.00 | 100.03 |
| 01 SALARIES | 3,707.00 | 3,708.00 | 3,708.00 | -1.00 | 100.03 |
| **13 FIRE CAPT 2** | **1,824.00** | **912.00** | **912.00** | **912.00** | **50.00** |
| 01 PAYROLL | 1,824.00 | 912.00 | 912.00 | 912.00 | 50.00 |
| 01 SALARIES | 1,824.00 | 912.00 | 912.00 | 912.00 | 50.00 |
| **15 LIEUTENANT** | **966.00** | **966.00** | **966.00** | **0.00** | **100.00** |
| 01 PAYROLL | 966.00 | 966.00 | 966.00 | 0.00 | 100.00 |
| 01 SALARIES | 966.00 | 0.00 | 0.00 | 966.00 | 0.00 |
| 02 WAGES | 0.00 | 966.00 | 966.00 | -966.00 | 0.00 |
| Expense Total | 308,976.00 | 308,065.00 | 308,065.00 | 911.00 | 99.71 |
| **Net Profit / (Loss)** | **653,774.00** | **5,779,275.30** | **5,779,275.30** | **5,125,501.30** | |
| 02 INS & BENE | | | | | |
| EXPENSES | | | | | |
| **01 PAY TAXES** | **28,242.00** | **24,725.38** | **24,725.38** | **3,516.62** | **87.55** |
| 02 INS/BENE | 28,242.00 | 24,725.38 | 24,725.38 | 3,516.62 | 87.55 |
| 01 PAY TAXES | 28,242.00 | 24,725.38 | 24,725.38 | 3,516.62 | 87.55 |
| **02 RETIREMENT** | **30,700.00** | **30,249.16** | **30,249.16** | **450.84** | **98.53** |
| 02 INS/BENE | 30,700.00 | 30,249.16 | 30,249.16 | 450.84 | 98.53 |
| 02 MEPERS/ICMA | 30,700.00 | 30,249.16 | 30,249.16 | 450.84 | 98.53 |
| **03 INSURANCE** | **111,500.00** | **108,998.53** | **108,998.53** | **2,501.47** | **97.76** |
| 02 INS/BENE | 111,500.00 | 108,998.53 | 108,998.53 | 2,501.47 | 97.76 |
| 03 HEALTH INS | 85,000.00 | 83,003.41 | 83,003.41 | 1,996.59 | 97.65 |
| 05 WORK COMP | 6,000.00 | 5,287.12 | 5,287.12 | 712.88 | 88.12 |
| 06 PROP/CAS | 19,500.00 | 19,858.00 | 19,858.00 | -358.00 | 101.84 |
| 07 VOLUNT FF | 1,000.00 | 850.00 | 850.00 | 150.00 | 85.00 |
| Expense Total | 170,442.00 | 163,973.07 | 163,973.07 | 6,468.93 | 96.20 |

# Exp / Rev Summary Report

ALL Departments
ALL Months



| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| **Net Profit / (Loss)** | **(170,442.00)** | **(163,973.07)** | **(163,973.07)** | **6,468.93** | |
| 03 TOWN ADMIN | | | | | |
| EXPENSES | | | | | |
| **01 OFFICE EXP** | **50,380.00** | **44,586.56** | **44,586.56** | **5,793.44** | **88.50** |
| 05 PROF SERV | 26,600.00 | 17,877.69 | 17,877.69 | 8,722.31 | 67.21 |
| 03 AUDIT | 9,500.00 | 9,500.00 | 9,500.00 | 0.00 | 100.00 |
| 05 ADVERTISING | 2,000.00 | 1,128.93 | 1,128.93 | 871.07 | 56.45 |
| 06 TOWN REPORT | 2,600.00 | 1,995.76 | 1,995.76 | 604.24 | 76.76 |
| 10 REG OF DEEDS | 1,500.00 | 852.00 | 852.00 | 648.00 | 56.80 |
| 11 CONTRACTS | 11,000.00 | 4,401.00 | 4,401.00 | 6,599.00 | 40.01 |
| 06 SUPPLIES | 9,200.00 | 10,189.09 | 10,189.09 | -989.09 | 110.75 |
| 01 OFFICE | 4,000.00 | 4,293.64 | 4,293.64 | -293.64 | 107.34 |
| 02 POSTAGE | 3,200.00 | 3,134.06 | 3,134.06 | 65.94 | 97.94 |
| 03 COPIER | 2,000.00 | 2,550.70 | 2,550.70 | -550.70 | 127.54 |
| 08 FOOD | 0.00 | 210.69 | 210.69 | -210.69 | 0.00 |
| 07 DUES/TRAIN | 5,800.00 | 5,696.52 | 5,696.52 | 103.48 | 98.22 |
| 01 PROF DUES | 4,200.00 | 4,002.00 | 4,002.00 | 198.00 | 95.29 |
| 02 EMPL TRAIN | 800.00 | 1,238.00 | 1,238.00 | -438.00 | 154.75 |
| 03 TRAVEL REIMB | 800.00 | 456.52 | 456.52 | 343.48 | 57.07 |
| 08 UTILITIES | 8,780.00 | 9,280.03 | 9,280.03 | -500.03 | 105.70 |
| 01 ELECTRIC | 2,400.00 | 2,481.10 | 2,481.10 | -81.10 | 103.38 |
| 02 HEATING OIL | 2,200.00 | 2,321.33 | 2,321.33 | -121.33 | 105.52 |
| 04 TELEPHONE | 2,800.00 | 2,847.97 | 2,847.97 | -47.97 | 101.71 |
| 05 CELL PHONE | 480.00 | 480.12 | 480.12 | -0.12 | 100.03 |
| 07 WATER | 900.00 | 1,149.51 | 1,149.51 | -249.51 | 127.72 |
| 10 REPAIRS/MAIN | 0.00 | 1,543.23 | 1,543.23 | -1,543.23 | 0.00 |
| 07 EQUIPMENT | 0.00 | 1,543.23 | 1,543.23 | -1,543.23 | 0.00 |
| **03 COMP/TECH** | **51,000.00** | **44,502.53** | **44,502.53** | **6,497.47** | **87.26** |
| 05 PROF SERV | 50,000.00 | 42,142.09 | 42,142.09 | 7,857.91 | 84.28 |
| 11 CONTRACTS | 50,000.00 | 42,142.09 | 42,142.09 | 7,857.91 | 84.28 |
| 06 SUPPLIES | 1,000.00 | 87.55 | 87.55 | 912.45 | 8.76 |
| 05 COMPUTER | 1,000.00 | 87.55 | 87.55 | 912.45 | 8.76 |
| 15 VHCL/EQUIP | 0.00 | 2,272.89 | 2,272.89 | -2,272.89 | 0.00 |
| 03 NEW EQUIP | 0.00 | 2,272.89 | 2,272.89 | -2,272.89 | 0.00 |
| **04 ASSESSING** | **5,000.00** | **0.00** | **0.00** | **5,000.00** | **0.00** |
| 05 PROF SERV | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00 |
| 04 MAPPING | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00 |
| 14 ABATEMENT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **06 SELECT CONT** | **15,000.00** | **1,793.44** | **1,793.44** | **13,206.56** | **11.96** |
| 05 PROF SERV | 15,000.00 | 0.00 | 0.00 | 15,000.00 | 0.00 |
| 11 CONTRACTS | 15,000.00 | 0.00 | 0.00 | 15,000.00 | 0.00 |
| 06 SUPPLIES | 0.00 | 1,793.44 | 1,793.44 | -1,793.44 | 0.00 |
| 08 FOOD | 0.00 | 1,712.32 | 1,712.32 | -1,712.32 | 0.00 |
| 10 DEPT SUPPLY | 0.00 | 81.12 | 81.12 | -81.12 | 0.00 |
| **15 VOTING** | **3,300.00** | **1,943.42** | **1,943.42** | **1,356.58** | **58.89** |
| 01 PAYROLL | 2,000.00 | 1,059.79 | 1,059.79 | 940.21 | 52.99 |
| 02 WAGES | 2,000.00 | 1,059.79 | 1,059.79 | 940.21 | 52.99 |
| 05 PROF SERV | 500.00 | 0.00 | 0.00 | 500.00 | 0.00 |
| 05 ADVERTISING | 500.00 | 0.00 | 0.00 | 500.00 | 0.00 |
| 06 SUPPLIES | 800.00 | 883.63 | 883.63 | -83.63 | 110.45 |
| 01 OFFICE | 700.00 | 870.68 | 870.68 | -170.68 | 124.38 |
| 02 POSTAGE | 0.00 | 12.95 | 12.95 | -12.95 | 0.00 |
| 08 FOOD | 100.00 | 0.00 | 0.00 | 100.00 | 0.00 |
| **20 OFFICE CLEAN** | **7,000.00** | **6,080.00** | **6,080.00** | **920.00** | **86.86** |

# Exp / Rev Summary Report

ALL Departments
ALL Months



| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| 03 TOWN ADMIN CONT'D | | | | | |
| 05 PROF SERV | 7,000.00 | 6,080.00 | 6,080.00 | 920.00 | 86.86 |
| 11 CONTRACTS | 7,000.00 | 6,080.00 | 6,080.00 | 920.00 | 86.86 |
| **21 BUILDING MNT** | **7,280.00** | **18,836.73** | **18,836.73** | **-11,556.73** | **258.75** |
| 06 SUPPLIES | 400.00 | 423.99 | 423.99 | -23.99 | 106.00 |
| 01 OFFICE | 0.00 | 65.38 | 65.38 | -65.38 | 0.00 |
| 06 CLEAN/PAPER | 400.00 | 358.61 | 358.61 | 41.39 | 89.65 |
| 08 UTILITIES | 2,380.00 | 2,132.85 | 2,132.85 | 247.15 | 89.62 |
| 06 ALARM | 1,900.00 | 1,728.33 | 1,728.33 | 171.67 | 90.96 |
| 08 DUMPSTER | 480.00 | 404.52 | 404.52 | 75.48 | 84.28 |
| 10 REPAIRS/MAIN | 4,500.00 | 16,279.89 | 16,279.89 | -11,779.89 | 361.78 |
| 02 BUILDING | 1,000.00 | 12,697.98 | 12,697.98 | -11,697.98 | 1269.80 |
| 05 LAWN CARE | 3,200.00 | 3,100.00 | 3,100.00 | 100.00 | 96.88 |
| 07 EQUIPMENT | 300.00 | 481.91 | 481.91 | -181.91 | 160.64 |
| **22 REVALUATION** | **0.00** | **135,000.00** | **135,000.00** | **-135,000.00** | **0.00** |
| 05 PROF SERV | 0.00 | 135,000.00 | 135,000.00 | -135,000.00 | 0.00 |
| 11 CONTRACTS | 0.00 | 135,000.00 | 135,000.00 | -135,000.00 | 0.00 |
| Expense Total | 138,960.00 | 252,742.68 | 252,742.68 | -113,782.68 | 181.88 |
| **Net Profit / (Loss)** | **(138,960.00)** | **(252,742.68)** | **(252,742.68)** | **(113,782.68)** | |
| 04 LEGAL | | | | | |
| EXPENSES | | | | | |
| **01 LEGAL** | **20,000.00** | **18,109.77** | **18,109.77** | **1,890.23** | **90.55** |
| 05 PROF SERV | 20,000.00 | 18,109.77 | 18,109.77 | 1,890.23 | 90.55 |
| 01 LEGAL | 20,000.00 | 18,109.77 | 18,109.77 | 1,890.23 | 90.55 |
| Expense Total | 20,000.00 | 18,109.77 | 18,109.77 | 1,890.23 | 90.55 |
| **Net Profit / (Loss)** | **(20,000.00)** | **(18,109.77)** | **(18,109.77)** | **1,890.23** | |
| 05 WELFARE | | | | | |
| EXPENSES | | | | | |
| **01 GENERAL ASST** | **11,100.19** | **-3,377.89** | **-3,377.89** | **14,478.08** | **-30.43** |
| 05 PROF SERV | 0.00 | -2,954.75 | -2,954.75 | 2,954.75 | 0.00 |
| 11 CONTRACTS | 0.00 | -2,954.75 | -2,954.75 | 2,954.75 | 0.00 |
| 08 UTILITIES | 0.00 | 242.50 | 242.50 | -242.50 | 0.00 |
| 01 ELECTRIC | 0.00 | 242.50 | 242.50 | -242.50 | 0.00 |
| 30 GENERAL ASST | 0.00 | -665.64 | -665.64 | 665.64 | 0.00 |
| 01 HOUSING | 0.00 | -665.64 | -665.64 | 665.64 | 0.00 |
| 95 BUDGET | 11,100.19 | 0.00 | 0.00 | 11,100.19 | 0.00 |
| 96 CARRYFORWARD | 11,100.19 | 0.00 | 0.00 | 11,100.19 | 0.00 |
| Expense Total | 11,100.19 | -3,377.89 | -3,377.89 | 14,478.08 | -30.43 |
| **Net Profit / (Loss)** | **(11,100.19)** | **3,377.89** | **3,377.89** | **14,478.08** | |
| 10 PROTECTION | | | | | |
| EXPENSES | | | | | |
| **05 AMB SERV** | **98,487.74** | **73,202.37** | **73,202.37** | **25,285.37** | **74.33** |
| 05 PROF SERV | 75,000.00 | 73,202.37 | 73,202.37 | 1,797.63 | 97.60 |
| 11 CONTRACTS | 75,000.00 | 73,202.37 | 73,202.37 | 1,797.63 | 97.60 |
| 95 BUDGET | 23,487.74 | 0.00 | 0.00 | 23,487.74 | 0.00 |
| 96 CARRYFORWARD | 23,487.74 | 0.00 | 0.00 | 23,487.74 | 0.00 |
| **10 HYDRANTS** | **27,544.00** | **27,543.20** | **27,543.20** | **0.80** | **100.00** |

# Exp / Rev Summary Report

ALL Departments
ALL Months



| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| 10 PROTECTION CONT'D | | | | | |
| 08 UTILITIES | 27,544.00 | 27,543.20 | 27,543.20 | 0.80 | 100.00 |
| 10 HYDRANTS | 27,544.00 | 27,543.20 | 27,543.20 | 0.80 | 100.00 |
| **30 FD OPERATION** | **277,368.40** | **60,884.67** | **60,884.67** | **216,483.73** | **21.95** |
| 06 SUPPLIES | 17,460.00 | 4,738.29 | 4,738.29 | 12,721.71 | 27.14 |
| 01 OFFICE | 850.00 | 650.73 | 650.73 | 199.27 | 76.56 |
| 05 COMPUTER | 3,560.00 | 2,408.00 | 2,408.00 | 1,152.00 | 67.64 |
| 07 CLOTHING | 12,550.00 | 719.84 | 719.84 | 11,830.16 | 5.74 |
| 08 FOOD | 500.00 | 959.72 | 959.72 | -459.72 | 191.94 |
| 07 DUES/TRAIN | 6,925.00 | 5,083.11 | 5,083.11 | 1,841.89 | 73.40 |
| 01 PROF DUES | 1,175.00 | 255.00 | 255.00 | 920.00 | 21.70 |
| 02 EMPL TRAIN | 5,750.00 | 4,828.11 | 4,828.11 | 921.89 | 83.97 |
| 08 UTILITIES | 17,200.00 | 19,564.53 | 19,564.53 | -2,364.53 | 113.75 |
| 01 ELECTRIC | 5,500.00 | 5,774.43 | 5,774.43 | -274.43 | 104.99 |
| 03 NATURAL GAS | 5,000.00 | 5,768.19 | 5,768.19 | -768.19 | 115.36 |
| 04 TELEPHONE | 1,360.00 | 1,664.52 | 1,664.52 | -304.52 | 122.39 |
| 05 CELL PHONE | 800.00 | 687.58 | 687.58 | 112.42 | 85.95 |
| 06 ALARM | 1,000.00 | 2,631.65 | 2,631.65 | -1,631.65 | 263.17 |
| 08 DUMPSTER | 1,000.00 | 579.00 | 579.00 | 421.00 | 57.90 |
| 09 INTERNET | 1,100.00 | 1,018.80 | 1,018.80 | 81.20 | 92.62 |
| 11 TABLETS | 1,440.00 | 1,440.36 | 1,440.36 | -0.36 | 100.03 |
| 10 REPAIRS/MAIN | 4,425.00 | 1,679.32 | 1,679.32 | 2,745.68 | 37.95 |
| 02 BUILDING | 4,425.00 | 1,017.98 | 1,017.98 | 3,407.02 | 23.01 |
| 07 EQUIPMENT | 0.00 | 661.34 | 661.34 | -661.34 | 0.00 |
| 15 VHCL/EQUIP | 147,493.00 | 26,333.34 | 26,333.34 | 121,159.66 | 17.85 |
| 01 GAS/DIESEL | 5,500.00 | 6,097.11 | 6,097.11 | -597.11 | 110.86 |
| 02 MAINT/REP | 16,720.00 | 13,539.42 | 13,539.42 | 3,180.58 | 80.98 |
| 03 NEW EQUIP | 125,273.00 | 6,696.81 | 6,696.81 | 118,576.19 | 5.35 |
| 16 RESCUE | 5,770.00 | 3,486.08 | 3,486.08 | 2,283.92 | 60.42 |
| 01 PHYS/SUPPL | 5,770.00 | 1,872.00 | 1,872.00 | 3,898.00 | 32.44 |
| 03 SUPPLIES | 0.00 | 1,614.08 | 1,614.08 | -1,614.08 | 0.00 |
| 95 BUDGET | 78,095.40 | 0.00 | 0.00 | 78,095.40 | 0.00 |
| 96 CARRYFORWARD | 78,095.40 | 0.00 | 0.00 | 78,095.40 | 0.00 |
| **32 FD INCENTIVE** | **38,889.00** | **38,889.03** | **38,889.03** | **-0.03** | **100.00** |
| 01 PAYROLL | 38,889.00 | 38,889.03 | 38,889.03 | -0.03 | 100.00 |
| 02 WAGES | 38,889.00 | 38,889.03 | 38,889.03 | -0.03 | 100.00 |
| **35 FD CAPITAL** | **55,598.73** | **32,028.09** | **32,028.09** | **23,570.64** | **57.61** |
| 15 VHCL/EQUIP | 0.00 | 145,840.09 | 145,840.09 | -145,840.09 | 0.00 |
| 03 NEW EQUIP | 0.00 | 145,840.09 | 145,840.09 | -145,840.09 | 0.00 |
| 95 BUDGET | 55,598.73 | -113,812.00 | -113,812.00 | 169,410.73 | -204.70 |
| 96 CARRYFORWARD | 55,598.73 | 0.00 | 0.00 | 55,598.73 | 0.00 |
| 97 TRANSFER | 0.00 | -113,812.00 | -113,812.00 | 113,812.00 | 0.00 |
| **40 ANIMAL CNTRL** | **5,105.00** | **3,679.74** | **3,679.74** | **1,425.26** | **72.08** |
| 05 PROF SERV | 2,770.00 | 2,769.50 | 2,769.50 | 0.50 | 99.98 |
| 11 CONTRACTS | 2,770.00 | 2,769.50 | 2,769.50 | 0.50 | 99.98 |
| 07 DUES/TRAIN | 1,535.00 | 35.00 | 35.00 | 1,500.00 | 2.28 |
| 01 PROF DUES | 35.00 | 35.00 | 35.00 | 0.00 | 100.00 |
| 02 EMPL TRAIN | 200.00 | 0.00 | 0.00 | 200.00 | 0.00 |
| 03 TRAVEL REIMB | 1,300.00 | 0.00 | 0.00 | 1,300.00 | 0.00 |
| 08 UTILITIES | 600.00 | 558.07 | 558.07 | 41.93 | 93.01 |
| 05 CELL PHONE | 600.00 | 558.07 | 558.07 | 41.93 | 93.01 |
| 15 VHCL/EQUIP | 200.00 | 317.17 | 317.17 | -117.17 | 158.59 |
| 03 NEW EQUIP | 200.00 | 317.17 | 317.17 | -117.17 | 158.59 |
| Expense Total | 502,992.87 | 236,227.10 | 236,227.10 | 266,765.77 | 46.96 |

# Exp / Rev Summary Report

ALL Departments
ALL Months



| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| **Net Profit / (Loss)** | **(502,992.87)** | **(236,227.10)** | **(236,227.10)** | **266,765.77** | |
| 15 EDUCATION | | | | | |
| EXPENSES | | | | | |
| **01 SCHOOL** | **530,347.30** | **4,101,175.87** | **4,101,175.87** | **-3,570,828.57** | **773.30** |
| 01 PAYROLL | 0.00 | 1,494,146.30 | 1,494,146.30 | -1,494,146.30 | 0.00 |
| 02 WAGES | 0.00 | 1,494,146.30 | 1,494,146.30 | -1,494,146.30 | 0.00 |
| 25 SCHOOL | 0.00 | 2,607,029.57 | 2,607,029.57 | -2,607,029.57 | 0.00 |
| 01 SCHOOL | 0.00 | 2,607,029.57 | 2,607,029.57 | -2,607,029.57 | 0.00 |
| 95 BUDGET | 530,347.30 | 0.00 | 0.00 | 530,347.30 | 0.00 |
| 96 CARRYFORWARD | 530,347.30 | 0.00 | 0.00 | 530,347.30 | 0.00 |
| **02 SCHOOL CAPTL** | **8,219.36** | **0.00** | **0.00** | **8,219.36** | **0.00** |
| 95 BUDGET | 8,219.36 | 0.00 | 0.00 | 8,219.36 | 0.00 |
| 96 CARRYFORWARD | 8,219.36 | 0.00 | 0.00 | 8,219.36 | 0.00 |
| Expense Total | 538,566.66 | 4,101,175.87 | 4,101,175.87 | -3,562,609.21 | 761.50 |
| **Net Profit / (Loss)** | **(538,566.66)** | **(4,101,175.87)** | **(4,101,175.87)** | **(3,562,609.21)** | |
| 20 HARBOR/WATER | | | | | |
| EXPENSES | | | | | |
| **01 SHELL WARDEN** | **62,578.84** | **5,454.13** | **5,454.13** | **57,124.71** | **8.72** |
| 01 PAYROLL | 16,299.00 | 2,933.55 | 2,933.55 | 13,365.45 | 18.00 |
| 02 WAGES | 16,299.00 | 2,933.55 | 2,933.55 | 13,365.45 | 18.00 |
| 05 PROF SERV | 0.00 | 1,620.57 | 1,620.57 | -1,620.57 | 0.00 |
| 11 CONTRACTS | 0.00 | 1,620.57 | 1,620.57 | -1,620.57 | 0.00 |
| 07 DUES/TRAIN | 5,000.00 | 900.01 | 900.01 | 4,099.99 | 18.00 |
| 03 TRAVEL REIMB | 5,000.00 | 900.01 | 900.01 | 4,099.99 | 18.00 |
| 08 UTILITIES | 300.00 | 0.00 | 0.00 | 300.00 | 0.00 |
| 05 CELL PHONE | 300.00 | 0.00 | 0.00 | 300.00 | 0.00 |
| 15 VHCL/EQUIP | 100.00 | 0.00 | 0.00 | 100.00 | 0.00 |
| 03 NEW EQUIP | 100.00 | 0.00 | 0.00 | 100.00 | 0.00 |
| 95 BUDGET | 40,879.84 | 0.00 | 0.00 | 40,879.84 | 0.00 |
| 96 CARRYFORWARD | 40,879.84 | 0.00 | 0.00 | 40,879.84 | 0.00 |
| **02 BOAT** | **800.00** | **254.82** | **254.82** | **545.18** | **31.85** |
| 15 VHCL/EQUIP | 800.00 | 254.82 | 254.82 | 545.18 | 31.85 |
| 01 GAS/DIESEL | 200.00 | 0.00 | 0.00 | 200.00 | 0.00 |
| 02 MAINT/REP | 500.00 | 254.82 | 254.82 | 245.18 | 50.96 |
| 03 NEW EQUIP | 100.00 | 0.00 | 0.00 | 100.00 | 0.00 |
| **03 SHELLFISH** | **0.00** | **409.81** | **409.81** | **-409.81** | **0.00** |
| 05 PROF SERV | 0.00 | 409.81 | 409.81 | -409.81 | 0.00 |
| 05 ADVERTISING | 0.00 | 409.81 | 409.81 | -409.81 | 0.00 |
| **04 SABINO LAND** | **0.00** | **-35.00** | **-35.00** | **35.00** | **0.00** |
| 20 ROAD EXPENSE | 0.00 | -35.00 | -35.00 | 35.00 | 0.00 |
| 01 SIGNS | 0.00 | -35.00 | -35.00 | 35.00 | 0.00 |
| **05 HRBR MSTR** | **2,000.00** | **858.39** | **858.39** | **1,141.61** | **42.92** |
| 02 INS/BENE | 300.00 | 287.50 | 287.50 | 12.50 | 95.83 |
| 08 INSURANCE | 300.00 | 287.50 | 287.50 | 12.50 | 95.83 |
| 06 SUPPLIES | 800.00 | 268.00 | 268.00 | 532.00 | 33.50 |
| 10 DEPT SUPPLY | 800.00 | 268.00 | 268.00 | 532.00 | 33.50 |
| 15 VHCL/EQUIP | 900.00 | 302.89 | 302.89 | 597.11 | 33.65 |
| 01 GAS/DIESEL | 700.00 | 302.89 | 302.89 | 397.11 | 43.27 |
| 02 MAINT/REP | 200.00 | 0.00 | 0.00 | 200.00 | 0.00 |
| Expense Total | 65,378.84 | 6,942.15 | 6,942.15 | 58,436.69 | 10.62 |

| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| **Net Profit / (Loss)** | **(65,378.84)** | **(6,942.15)** | **(6,942.15)** | **58,436.69** | |
| 25 SANITATION | | | | | |
| EXPENSES | | | | | |
| **01 SOLID WASTE** | **11,750.00** | **11,516.64** | **11,516.64** | **233.36** | **98.01** |
| 05 PROF SERV | 11,750.00 | 11,516.64 | 11,516.64 | 233.36 | 98.01 |
| 12 RECYCLING | 11,750.00 | 11,516.64 | 11,516.64 | 233.36 | 98.01 |
| **02 RECYC CMTEE** | **2,800.00** | **4,658.80** | **4,658.80** | **-1,858.80** | **166.39** |
| 05 PROF SERV | 2,800.00 | 4,658.80 | 4,658.80 | -1,858.80 | 166.39 |
| 11 CONTRACTS | 2,800.00 | 4,658.80 | 4,658.80 | -1,858.80 | 166.39 |
| Expense Total | 14,550.00 | 16,175.44 | 16,175.44 | -1,625.44 | 111.17 |
| **Net Profit / (Loss)** | **(14,550.00)** | **(16,175.44)** | **(16,175.44)** | **(1,625.44)** | |
| 30 PUBLIC WORKS | | | | | |
| EXPENSES | | | | | |
| **01 GENERAL ROAD** | **426,100.00** | **589,971.42** | **589,971.42** | **-163,871.42** | **138.46** |
| 05 PROF SERV | 500.00 | 3,143.10 | 3,143.10 | -2,643.10 | 628.62 |
| 05 ADVERTISING | 500.00 | 263.10 | 263.10 | 236.90 | 52.62 |
| 07 SURVEY/APPRS | 0.00 | 2,880.00 | 2,880.00 | -2,880.00 | 0.00 |
| 06 SUPPLIES | 100.00 | 0.00 | 0.00 | 100.00 | 0.00 |
| 01 OFFICE | 100.00 | 0.00 | 0.00 | 100.00 | 0.00 |
| 07 DUES/TRAIN | 500.00 | 0.00 | 0.00 | 500.00 | 0.00 |
| 03 TRAVEL REIMB | 500.00 | 0.00 | 0.00 | 500.00 | 0.00 |
| 20 ROAD EXPENSE | 425,000.00 | 586,828.32 | 586,828.32 | -161,828.32 | 138.08 |
| 01 SIGNS | 1,000.00 | 152.10 | 152.10 | 847.90 | 15.21 |
| 02 SWEEP | 3,000.00 | 0.00 | 0.00 | 3,000.00 | 0.00 |
| 03 PAINT/MOW | 12,000.00 | 19,444.18 | 19,444.18 | -7,444.18 | 162.03 |
| 04 CULVERTS | 5,000.00 | 0.00 | 0.00 | 5,000.00 | 0.00 |
| 05 PATCH | 35,000.00 | 207.70 | 207.70 | 34,792.30 | 0.59 |
| 07 TREE TRIM | 10,000.00 | 9,900.00 | 9,900.00 | 100.00 | 99.00 |
| 11 GRADING | 4,000.00 | 0.00 | 0.00 | 4,000.00 | 0.00 |
| 12 REPAIRS | 100,000.00 | 342,669.05 | 342,669.05 | -242,669.05 | 342.67 |
| 13 DITCHING | 50,000.00 | 42,595.00 | 42,595.00 | 7,405.00 | 85.19 |
| 14 ENGINEERING | 5,000.00 | 13,070.35 | 13,070.35 | -8,070.35 | 261.41 |
| 96 PAVING | 200,000.00 | 158,789.94 | 158,789.94 | 41,210.06 | 79.39 |
| **02 SPECIAL PROJ** | **252,000.00** | **0.00** | **0.00** | **252,000.00** | **0.00** |
| 05 PROF SERV | 2,000.00 | 0.00 | 0.00 | 2,000.00 | 0.00 |
| 08 ENGINEERING | 2,000.00 | 0.00 | 0.00 | 2,000.00 | 0.00 |
| 20 ROAD EXPENSE | 250,000.00 | 0.00 | 0.00 | 250,000.00 | 0.00 |
| 12 REPAIRS | 250,000.00 | 0.00 | 0.00 | 250,000.00 | 0.00 |
| 96 PAVING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **03 SALT SHED** | **1,000.00** | **1,255.42** | **1,255.42** | **-255.42** | **125.54** |
| 08 UTILITIES | 700.00 | 1,255.42 | 1,255.42 | -555.42 | 179.35 |
| 01 ELECTRIC | 700.00 | 1,255.42 | 1,255.42 | -555.42 | 179.35 |
| 10 REPAIRS/MAIN | 300.00 | 0.00 | 0.00 | 300.00 | 0.00 |
| 02 BUILDING | 300.00 | 0.00 | 0.00 | 300.00 | 0.00 |
| **04 STREET LIGHT** | **2,000.00** | **1,671.16** | **1,671.16** | **328.84** | **83.56** |
| 08 UTILITIES | 2,000.00 | 1,671.16 | 1,671.16 | 328.84 | 83.56 |
| 01 ELECTRIC | 2,000.00 | 1,671.16 | 1,671.16 | 328.84 | 83.56 |
| **05 CAPITAL** | **21,984.97** | **0.00** | **0.00** | **21,984.97** | **0.00** |
| 95 BUDGET | 21,984.97 | 0.00 | 0.00 | 21,984.97 | 0.00 |
| 96 CARRYFORWARD | 21,984.97 | 0.00 | 0.00 | 21,984.97 | 0.00 |

| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| 30 PUBLIC WORKS CONT'D | | | | | |
| **10 SNOW REMOVAL** | **245,650.00** | **230,531.63** | **230,531.63** | **15,118.37** | **93.85** |
| 20 ROAD EXPENSE | 40,300.00 | 19,381.63 | 19,381.63 | 20,918.37 | 48.09 |
| 08 SALT/SAND | 40,000.00 | 19,261.94 | 19,261.94 | 20,738.06 | 48.15 |
| 10 CONTRACT/ADS | 300.00 | 119.69 | 119.69 | 180.31 | 39.90 |
| 21 CONTRACTS | 205,350.00 | 211,150.00 | 211,150.00 | -5,800.00 | 102.82 |
| 01 ROAD PLOW | 190,350.00 | 201,150.00 | 201,150.00 | -10,800.00 | 105.67 |
| 02 TOWN LOTS | 15,000.00 | 10,000.00 | 10,000.00 | 5,000.00 | 66.67 |
| Expense Total | 948,734.97 | 823,429.63 | 823,429.63 | 125,305.34 | 86.79 |
| **Net Profit / (Loss)** | **(948,734.97)** | **(823,429.63)** | **(823,429.63)** | **125,305.34** | |
| 35 COMMITTEES | | | | | |
| EXPENSES | | | | | |
| **02 CEMETERIES** | **300.00** | **0.00** | **0.00** | **300.00** | **0.00** |
| 15 VHCL/EQUIP | 300.00 | 0.00 | 0.00 | 300.00 | 0.00 |
| 02 MAINT/REP | 300.00 | 0.00 | 0.00 | 300.00 | 0.00 |
| **03 COMP PLAN** | **0.00** | **2,000.00** | **2,000.00** | **-2,000.00** | **0.00** |
| 05 PROF SERV | 0.00 | 2,000.00 | 2,000.00 | -2,000.00 | 0.00 |
| 11 CONTRACTS | 0.00 | 2,000.00 | 2,000.00 | -2,000.00 | 0.00 |
| **04 COMM AGENCY** | **45,981.00** | **45,981.00** | **45,981.00** | **0.00** | **100.00** |
| 05 PROF SERV | 45,981.00 | 45,981.00 | 45,981.00 | 0.00 | 100.00 |
| 09 COMM AGEN | 45,981.00 | 45,981.00 | 45,981.00 | 0.00 | 100.00 |
| **06 PLANNING BRD** | **3,000.00** | **-2,447.74** | **-2,447.74** | **5,447.74** | **-81.59** |
| 01 PAYROLL | 3,000.00 | 1,575.00 | 1,575.00 | 1,425.00 | 52.50 |
| 02 WAGES | 3,000.00 | 1,575.00 | 1,575.00 | 1,425.00 | 52.50 |
| 05 PROF SERV | 0.00 | -4,071.34 | -4,071.34 | 4,071.34 | 0.00 |
| 05 ADVERTISING | 0.00 | -4,071.34 | -4,071.34 | 4,071.34 | 0.00 |
| 06 SUPPLIES | 0.00 | 48.60 | 48.60 | -48.60 | 0.00 |
| 01 OFFICE | 0.00 | 48.60 | 48.60 | -48.60 | 0.00 |
| Expense Total | 49,281.00 | 45,533.26 | 45,533.26 | 3,747.74 | 92.40 |
| **Net Profit / (Loss)** | **(49,281.00)** | **(45,533.26)** | **(45,533.26)** | **3,747.74** | |
| 40 SPEC ASSESS | | | | | |
| EXPENSES | | | | | |
| **01 COUNTY TAX** | **753,679.00** | **753,679.00** | **753,679.00** | **0.00** | **100.00** |
| 05 PROF SERV | 753,679.00 | 753,679.00 | 753,679.00 | 0.00 | 100.00 |
| 13 COUNTY | 753,679.00 | 753,679.00 | 753,679.00 | 0.00 | 100.00 |
| Expense Total | 753,679.00 | 753,679.00 | 753,679.00 | 0.00 | 100.00 |
| **Net Profit / (Loss)** | **(753,679.00)** | **(753,679.00)** | **(753,679.00)** | **(0.00)** | |
| 70 CAPITAL IMPR | | | | | |
| EXPENSES | | | | | |
| **01 ALL TOWN** | **59,344.43** | **17,700.00** | **17,700.00** | **41,644.43** | **29.83** |
| 10 REPAIRS/MAIN | 33,000.00 | 0.00 | 0.00 | 33,000.00 | 0.00 |
| 02 BUILDING | 33,000.00 | 0.00 | 0.00 | 33,000.00 | 0.00 |
| 15 VHCL/EQUIP | 18,000.00 | 17,700.00 | 17,700.00 | 300.00 | 98.33 |
| 03 NEW EQUIP | 18,000.00 | 17,700.00 | 17,700.00 | 300.00 | 98.33 |
| 95 BUDGET | 8,344.43 | 0.00 | 0.00 | 8,344.43 | 0.00 |
| 96 CARRYFORWARD | 8,344.43 | 0.00 | 0.00 | 8,344.43 | 0.00 |
| Expense Total | 59,344.43 | 17,700.00 | 17,700.00 | 41,644.43 | 29.83 |

# Exp / Rev Summary Report

ALL Departments
ALL Months



| Account | Budget | Current Month | Year To Date | Balance | Percent |
|---|---|---|---|---|---|
| **Net Profit / (Loss)** | **(59,344.43)** | **(17,700.00)** | **(17,700.00)** | **41,644.43** | |