Town of West Bath
Select Board Meeting Minutes
Thursday, July 20, 2023

Town of West Bath Select Board:	Kathleen Lavallee, Chair	- **Present**
	Suzanne Andresen	- **Present**
	Madelyn Hennessey	- **Present**
Town Staff Present:	Kristine Poland, Town Administrator Max Johnstone (Midcoast Council of Governments)	
Broadband Task Force:	Elliott Rosen, Chair, Michelle Rusk, Robert Webb, Steve Winter	
Public:	Darlene Estabrook, Perry Estabrook, David Hennessey	

A meeting of the Select Board was held at the West Bath Town Hall on **Thursday, July 20, 2023, at 5:30 pm.**

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

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

III. PLEDGE OF ALLEGIANCE WAS SAID.

IV. CONSENT AGENDA

1. Approval of Minutes:
   a. July 6, 2023

2. Approval of Warrant(s):
   a. Municipal
   b. School

3. Upcoming Board of Selectmen Meeting(s):
   a. August 3, 2023, at 5:30 pm at the West Bath Town Hall

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

V. SELECT BOARD COMMENTS/ANNOUNCEMENTS:

Municipal Officer Lavallee provided clarification on the revaluation letters by stating that the letter is not a tax bill and that the mill rate has not been set yet.

Municipal Officer Andresen asked for clarification on whether the Select Board will review the Comprehensive Plan prior to review by the State. David Hennessey stated that the Select Board appointed the Comprehensive Plan Committee and has had the opportunity to review throughout the process. Municipal Officer Andresen stated that the Committee is tasked with making recommendations, not decisions. She then stated her preference that the Select Board review the documents prior to sending them on to the State. Municipal Officer Hennessey suggested that this be a discussion by the Select Board, which Town Administrator Kristine Poland agreed to place on the next agenda. Municipal Officer Lavallee asked that Ms. Poland send the documents to the Select Board for review so as not to hold up the process.

VI. BUSINESS ITEMS (SELECT BOARD)

1. Broadband Task Force Report

Elliot Rosen, Broadband Task Force Chair, presented the Board with findings from the Task Force. He then complimented the committee and Town staff on their work as well as Municipal Officer Andresen. Mr. Rosen reviewed the process followed by the Task Force in researching underserved areas within West Bath and progress made with Comcast to improve services under their current

franchise agreement with the Town. He then spoke to grant opportunities to expand fiberoptic access through Fidium, which the committee recommends as a more reliable service. Mr. Rosen reviewed his recommendations to the Board including a USPS mailing to survey residents, and improved negotiations with Comcast in the next service agreement.

Municipal Officer asked Ms. Poland if the grant is available, to which she stated that she was unable to locate the grant but would research further. Ms. Poland then stated that other funding options are available should the Board agree to move forward with a survey.

Municipal Officer Hennessey noted the changes in technology since the last service and agreed that a survey to residents would be useful in moving forward.

Municipal Officer Andresen asked how quickly a survey could be produced, to which Mr. Rosen stated could be done in the following week.

Municipal Officer Andresen moved, seconded by Municipal Officer Hennessey, to approve the survey with funding from a grant or ARPA funding on behalf of the Broadband Task Force. Select Board unanimously approved

Ms. Poland asked that item 3 be taken out of order to allow Mr. Johnstone to be present, to which the Select Board agreed.

3. Planning Assistance Proposal, Midcoast Council of Governments

Municipal Officer Lavallee reviewed a proposal of planning assistance and introduced Max Johnstone of Midcoast Council of Governments.

Municipal Officer Andresen asked for clarification on language regarding LD2003, which Mr. Johnstone noted that even though the Town has already reviewed ordinance changes, the language has since changed at the State level. Municipal Officer Andresen referenced financial support from the State to implement changes, to which Ms. Poland confirmed that she had applied for and received approval for $10,000 to be received within a few weeks. Municipal Officer Andresen stated that the $10,000 could be used. Mr. Johnstone noted that the cost estimate is high to cover any potential issues but should come in under cost.

Municipal Officer Andresen questioned the necessity of hiring outside planning assistance, which Ms. Poland explained was a recommendation of the Town Attorney in order to ensure that proper procedure is followed.

Municipal Officer Andresen expressed concern that the $10,000 would not cover all costs, to which Mr. Johnstone stated that MCOG also offers 16 free hours to all members, ensuring that the $10,000 will cover the costs of ordinance updates.

Darlene Estabrook, Planning Board Chair, asked for clarification on the scope of the work. Ms. Poland stated that the scope of work was provided for discussion purposed. Mr. Johnstone explained his role in reviewing applications on behalf of the Town as a third party prior to review by the Planning Board.

Municipal Officer Hennessey spoke to prior discussions regarding hiring a planner, which she believes would be accomplished through this proposal.

Municipal Officer Lavallee expressed her opinion that a planning assistant as a third party could help improve relations between the Planning Board and Town Staff.

Ms. Estabrook expressed her belief that processes had improved. Municipal Officer Hennessey stated that it is not unusual for Towns to hire experienced third parties for consulting.

Municipal Officer Andresen spoke to the need for fiscal responsibility, then spoke to Mr. Johnstone's knowledge and abilities to support the Town. Ms. Poland assured the Board that the funding received would cover the costs of the program. Mr. Johnstone noted that if the Board preferred to hold off on signing a contract, he could still move forward providing third-party assistance on a trail basis using the 16 hours provided through the agreement with MCOG. Municipal Officer Andresen stated that she does not have an issue in signing a contract.

Municipal Officer Lavallee spoke to the benefits of having third-party support for the Planning Board, to which Municipal Officer Andresen agreed Mr. Johnstone could provide clarity within the ordinances.

Municipal Officer Hennessey moved, seconded by Municipal Officer Lavalee, to authorize the Town Administrator and MCOG to continue discussions to review at the next meeting. Select Board unanimously approved.

2. Purchasing and Bid Procedures, Policy Review

Municipal Officer Lavallee noted that the proposed policy has been revised based on the discussion at the previous meeting.

Municipal Officer Hennessey moved, seconded by Municipal Officer to approve the Purchasing and Bid Procedures as provided. Municipal Officer Andresen asked that proof of request be included in language regarding receiving price quotes and remove language regarding "if available". Ms. Poland stated that in some instances there are not three parties to contact for price quotes.

Municipal Officer Andresen asked that the sealed bid policy should include language that bids not only be advertised, but also mailed directly to qualified individuals. Municipal Officer Lavallee asked how it would be determined who is qualified. Municipal Officer Andresen spoke to allowing interested parties to participate in Town projects. Ms. Poland recommended allowing departments autonomy in the decision-making process and cautioned against making the policy too wordy. Municipal Officer Lavallee stated that contractors expect that projects will be advertised and expressed concern regarding direct mailing, recommending that reference to such be struck from the policy. Ms. Estabrook suggested that specific projects may require direct mailing. Municipal Officer Hennessey agreed that references to direct mail be removed from the policy.

Municipal Officer Andresen asked that change orders for which the Road Commissioner is the contractor should not be approved by the Road Commissioner, to which the Board agreed.

Municipal Officer Andresen stated that change orders coming from an engineer should require an explanation, to which Ms. Poland stated that the engineer does provide this. Municipal Officer Andresen stated her preference that the policy solidify the requirement as a part of the procedure.

Municipal Officer Andresen asked if the one-year warrantee language includes Public Works, which Ms. Poland agreed could be clarified further.

Municipal Officer Hennessey moved, seconded by Municipal Officer Lavallee, to table the motion to allow for edits to be made to the policy. Select Board unanimously approved.

4. **Sagadahoc County Telecommunications Facility, Application for Driveway/Entrance Permit**
Municipal Officer Lavallee announced that the County is close to being approved by the State on the driveway permit application. The permit requires the property owner's signature, which the Town Attorney has confirmed that the Select Board has the authority to sign the permit on the Town's behalf.

   Municipal Officer Andresen asked if the conflict between the solar project and the communications tower has been resolved. Municipal Officer Lavallee stated that by signing the Select Board would only be approving access to the property where the former rest area is located off of US Route 1. Municipal Officer Andresen expressed concern that the communications tower may interfere with the solar project. Ms. Poland stated that the County is currently working with the solar company to find a solution.

   Municipal Officer Andresen asked if the access point intersects the solar project. The Select Board reviewed the location of the access point with Ms. Estabrook.

   Municipal Officer Hennessey moved, seconded by Municipal Officer Lavallee, to approve pending continued discussion with the solar company. Select Board approved with two in favor and one opposed. Municipal Officer Andresen clarified that she is not opposed to the project, but that she does not want to impose on the leased solar area.

5. **Conflict Waiver, Maine Gravel Services and/or West Bath Parking LLC**
Ms. Poland stated that Mr. Crooker has signed the waiver allowing Jensen Baird to work with the Board Appeals during the appeal process. She clarified that Jensen Baird will be representing the Board of Appeals and not the Planning Board.

   Ms. Estabrook stated that the appeal did not come from Jensen Baird. Ms. Poland stated that Mr. Crooker has decided to work with another firm, but previously held a relationship with Mr. Crooker which requires that the conflict waiver be signed.

   Municipal Officer Hennessey moved, seconded by Municipal Officer Andresen, to authorize the Town Administrator to send an email authorizing the Town Attorney to represent the Board of Appeals in this matter. Select Board unanimously approved.

   Ms. Poland announced that Town Clerk Karly Perry will work with the Town Attorney to set up a hearing date.

6. **Window Replacement, Request for Quotes**
Municipal Officer Lavallee introduced a request for quotes for window replacement. Municipal Officer Andresen asked if the project was included in the ARPA funding. Ms. Poland confirmed that $10,000 of ARPA funding was set aside for window replacement.

   Municipal Officer Hennessey moved, seconded by Municipal Officer Andresen, to approve the request for proposals as presented. Select Board unanimously approved.

   Ms. Poland announced that she would be putting together a request for quotes for painting using the same format in order to continue work that began prior to the pandemic. Municipal Officer Andresen asked Ms. Poland to provide a review of ARPA funds at the next meeting. Ms. Poland noted that there is approximately $30,000 of unappropriated funding remaining.

7. Town Administrator's Report

Ms. Poland announced that the Androscoggin to Kennebec Transportation Alternatives program grant application was sent out. Considerable effort was taken by Bath and Brunswick in applying for the grant. Results of the application will be announced in January 2024. West Bath has committed a total of $10,000, $5000 approved at the last Select Board meeting with an additional $5000 to be provided by Kennebec Estuary Land Trust (KELT). Ms. Estabrook asked where the trail would go, which MDOT has yet to determine the specific path.

Ms. Poland stated that she met with Jim Williams and Peter Francisco, who have asked for the Select Board to appoint members to a Harbors and Waterways Committee. They are interested in addressing aquaculture and reviewing applications for aquaculture leases prior to Harbor Master approval. Municipal Officer Hennessey stated that the Town does not have the authority to advise the Department of Marine Resources (DMR) on their process. Municipal Officer Andresen asked if private citizens have an opportunity to submit concerns, which Ms. Poland confirmed that they do. Ms. Poland stated her belief that they are looking to advise the Harbor Master. Mr. Hennessey stated that the Harbor Master has a process that he is required to follow. Municipal Officer Hennessey stated that the Harbor Master's signature is not the sole consideration of the DMR and that it is not the duty of the Town to interfere with their process.

Ms. Poland stated that she has placed the Town on the list for the installation of heat pumps. The previously designated system no longer qualifies for the Efficiency Maine incentive program. Based on the updated quote, Ms. Poland is recommending going with the same system which has increased approximately $1000. She also stated that the service plan was misquoted at $1800 when it is in fact $5100 annually. The total proposal is $22,944. Municipal Officer Andresen suggested putting the project out to bid. Ms. Estabrook asked why the Town would not consider a system that qualified for the incentive program. Ms. Poland stated that those systems would require two outdoor systems with two indoor heads which would increase the cost of the system. Ms. Poland then agreed that she is amenable to putting the project out to bid. Ms. Estabrook asked if the Town would retain the other heat source, which Ms. Poland confirmed that they would. Ms. Poland asked if the Select Board is interested in adding a heat pump to the Select Board room, which the Board agreed they are not interested in, but agreed to look at as a separate item.

8. Future Agenda Items

None

VII. BUSINESS ITEMS (BOARD OF ASSESSORS)

1. Personal Property Tax Abatements

Municipal Officer Hennessey observed the personal property accounts provided by the Tax Collector. Ms. Poland presented paperwork for each account for the Select Board to sign, then reviewed the process moving forward which will account for all personal property, collect, and file liens on uncollected accounts in accordance with State statute.

Municipal Officer Hennessey moved, seconded by Municipal Officer Lavallee, to declare the accounts uncollectable and proceed as discussed at the July 6, 2023, Select Board meeting. Select Board unanimously approved.

VIII. PUBLIC COMMENT

Ms. Estabrook asked if any of the Select Board members will be at the Board of Appeals, to which Ms. Poland stated that the Town Attorney has advised against the Select Board attending. Ms. Estabrook expressed her opinion that it is important for the Select Board to be aware of what is going on.

Ms. Estabrook announced that she and Perry Estabrook had come in to speak with Assessing Agent Bob Gingras. She recalled the previous abatement request that was granted on her property which is no longer reflected in the tax amount. Ms. Poland stated that during a revaluation process the assessing company has the right to not honor previous abatements. Discussion followed on whether properties are assessed annually. Ms. Estabrook asked when the revaluation process will be finished, to which Ms. Poland was uncertain. Ms. Estabrook asked if there was a date for tax commitment, which there is not.

The Select Board discussed the Town audit, which has not yet been completed. Ms. Poland expressed frustration with the process and suggested looking into separating the school audit from the rest of the departments of the Town. Discussion followed with concern regarding setting a mill rate without having a completed audit.

Ms. Estabrook complained that there was information not provided which would have been helpful in understanding their assessment.

IX. ADJOURNMENT

Municipal Officer Lavallee moved to adjourn, seconded by Municipal Officer Andresen. Select Board adjourned by unanimous acclamation at 7:21 pm.

A true attested copy,

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Karly A. Perry, Town Clerk