Town of West Bath
Select Board Meeting Minutes
Thursday, August 3, 2023

Town of West Bath Select Board:	Kathleen Lavallee, Chair	- **Present**
	Suzanne Andresen	- **Present**
	Madelyn Hennessey	- **Present**
Town Staff Present:	Kristine Poland, Town Administrator Karly Perry, Town Clerk	
Public:	Anne Childs, Kathy Coombs, Perry Estabrook, David Hennessey, Kathy McLean, Albert Nelson, Kerry Nelson, Joanne Powers, Stacy Veevers-Carter	

A meeting of the Select Board was held at the West Bath Town Hall on **Thursday, August 3, 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 20, 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:
None

VI. BUSINESS ITEMS

1. Request to Amend the Land Use Ordinance Concerning "Public and Private Recreation Areas"

Municipal Officer Lavallee read aloud the summary wherein members of the public attended the July meeting of the West Bath Planning Board to express zoning concerns in regard to property for sale on Dam Cove Road. The Planning Board agreed that some language within the Land Use Ordinance is vague. Members of the public were especially concerned with Principal Use B. 18. Public and private recreational areas involving minimum structural development. Municipal Officer Lavallee noted that the Town Attorney's response confirmed that the Land Use Ordinance is lacking definitions in regard to items such as recreation and campground.

Kerri Nelson summarized that neighbors in the area are concerned that the property for sale may be developed into a campground.

Municipal Officer Lavallee noted that the Town is currently working with Midcoast Council of Governments (MCOG) to revise the Land Use Ordinance.

Municipal Officer Andresen asked the Select Board if they would like to expedite the change through a special Town Meeting. Municipal Officer Hennessey expressed concern with neighbors determining how properties for sale should be used, further stating that it would not be appropriate for the Select Board to decide and should be voted on by the Town.

Stacy Veevers-Carter stated her opinion that the Town should be proactive and not wait for an issue to arise before enacting changes to the Ordinance.

Municipal Officer Hennessey countered that rushing to make changes has created the situation the Town is currently in where there have been challenges due to the wording of the Land Use Ordinance. She noted that the best way to amend the Ordinance is by using a holistic approach to review the document in its entirety.

Municipal Officer Andresen suggested that simply changing the zoning to remove rural residential so that the use is only allowed in high-density shoreline may be a solution.

Ms. Nelson expressed concern that the language is unclear, adding that the public present at the meeting represents the entire neighborhood's concerns regarding the Land Use Ordinance.

Municipal Officer Hennessey reiterated that the Town is currently in the process of updating the Land Use Ordinance.

Ms. Veevers-Carter asked for clarification on what challenges the Town has faced with the current Land Use Ordinance. Municipal Officer Hennessey recalled that certain uses are poorly defined and that some areas of the Ordinance are unenforceable.

Albert Nelson stated that while not all of residents would be impacted by a campground in this area, the entire neighborhood would be.

Municipal Officer Andresen spoke to the Tonw's history of holding Special Town Meetings to address similar issues. She then explained that if residents feel strongly that the Town should vote on these matters, they can petition the Town to hold a Town Meeting to vote on this issue.

Anne Childs confirmed that a campground as a commercial use is not permitted, which Ms. Poland agreed that it is not. Ms. Childs then asked what the risk is in waiting to update the Land Use Ordinance.

Municipal Officer Lavallee stated that the Town is working with professionals to update the Ordinance and then spoke of the importance of carefully reviewing the document.

Ms. Veevers-Carter spoke of her experience in other towns where land improvements were made, forcing her to move away.

David Hennessey stated that commercial businesses are not allowed within the Rural Residential Zone.

Municipal Officer Lavallee again stated that the Land Use Ordinance is in the process of being revised, then suggested that the Board research a moratorium.

Municipal Officer Hennessey reiterated that a commercial project in this area would not be permitted. She then cautioned the public that dictating what a neighbor can do with their property means that the same could be done to them at a later time.

Joanne Powers asked who advises the Planning Board. Municipal Officer Hennessey stated that the Planning Board uses the Land Use Ordinance and is also guided by the Town Attorney. Discussion followed on the process for ordinance changes. Ms. Powers recalled discussion with the Code Enforcement Officer, expressing concern that a change could be made to the property within a short time frame.

Perry Estabrook asked how many acres are for sale (28) and noted that the property could be subdivided into house lots.

Mr. Nelson described the property, which has fields, forest area, and unobstructed water views, expressing further concern regarding potential development.

Municipal Officer Hennessey spoke to the changes she has seen in her lifetime, then observed that along with those changes have come improved safeguards from the State to protect the shoreline as well.

The Select Board highlighted the Planning Board and Comprehensive Plan Committee, noting that all meetings are open to the public. Municipal Officer Lavallee reviewed the role of MCOG and the Land Use Ordinance revision process.

Ms. Powers asked what the public's options are moving forward. Municipal Officer Andresen suggested that the public could circulate a petition to compel the Select Board to hold a Special Town Meeting, adding that there is at least one opening on the Planning Board for an alternate member.

Town Clerk Karly Perry noted that if a petition is circulated, the Select Board may choose to hold a Special Town Meeting or vote on the article at the next regular Town Meeting. She then offered to discuss the petition process with interested members during regular business hours.

2. **Comprehensive Plan, Discussion Concerning Submission of the Plan to the State to Determine Consistency with Maine's Growth Management Act**

Mr. Hennessey stated that he expects the Comprehensive Plan review by the Committee to be completed within the next six weeks. After that, the Plan would be sent to the State for review, which could take one to two months. Ms. Poland noted that the Plan requires 30 days' notice prior to a Public Hearing.

Municipal Officer Andresen asked when the Select Board can review the Plan, which Ms. Poland stated that the Plan can be reviewed at any time. Discussion followed on whether or not the Plan was available to the public.

Ms. Poland suggested that edits be made to the public service section to include not only town-owned buildings and cemeteries, but also a full list of the 11 parcels of current town-owned property for transparency. The Select Board agreed. Ms. Poland then complimented the document and the work of the Comprehensive Plan Committee.

3. **Planning Assistance Proposal, Midcoast Council of Governments, Second Draft for Review**

Municipal Officer Andresen asked if Ms. Poland confirmed that West Bath is in the requisite growth area, which she agreed that it is. Municipal Officer Andresen then recommended that some of the funding be used to cover attorney's fees and suggested $5000 be allocated for this purpose. Ms. Poland agreed, noting that $2000 has been allocated in the municipal budget for amending the Land Use Ordinance as well, adding that the MCOG agreement is not specifically for using grant funds but for planning assistance.

Municipal Officer Lavallee stated her preference that the Town Administrator manage grant funds as part of her regular administrative duties.

Municipal Officer Lavallee moved, seconded by Municipal Officer Hennessey, to approve the planning assistance proposal and allow the Town Administrator to manage grant funds. Select Board unanimously approved.

4. **Purchasing and Bid Procedures, Second Draft for Review**

The Select Board reviewed amendments to the Purchasing and Bid Procedures as discussed at the July 20, 2023, meeting.

Municipal Officer Hennessey moved, seconded by Municipal Officer Lavallee to approve the policy as presented. Select Board approved with two in favor and one opposed (Andresen).

5. **Solid Waste and Recycling Contract, First Draft for Review**

Municipal Officer Lavallee reviewed the draft as amended by the Town Attorney. Ms. Poland asked the Board for their assistance on defining the "Carter Lot", which the Town Attorney suggested should be clarified. Municipal Officer Andresen suggested researching the deed to see if the area used by Casella is outlined. Municipal Officer Hennessey suggested that Ron Beal may be a resource in defining the area. The Board agreed that the solar survey may also include the boundaries of the area used by Casella.

Ms. Oland encouraged the Select Board to review the contract, noting additions to be reviewed include fees and uses. Discussion followed on whether there should be a flat rate fee schedule, or it should increase on an annual basis.

The Board then discussed wear and tear on Arthur J Reno Sr Rd. Mr. Hennessey observed that the road is public and would be best served by a fee increase rather than holding the contractor responsible for repairs.

The Board discussed the hours of operation and how best to ensure that the contract revision does not create additional issues with noise.

Mr. Estabrook suggested that when Arthur J Reno Sr Rd is repaired, it should be brought to specifications consistent with its use

6. Town Administrators Report

- Ms. Poland updated the Board that Elliott Rosen, Chair of the Broadband Committee, has reported that the Town does not qualify for additional grant funding for buildout. Mr. Rosen recommended sending a letter to residents informing them of ways to improve connectivity. Ms. Poland suggested that such a letter could be included with tax bills, to which the Select Board agreed.

- Ms. Poland announced that MDOT has approved the driveway permit for Sagadahoc County Communications for the purpose of building a communications tower. CEO Beane has been in contact with both the County and representatives for the solar project which is moving forward with one concern regarding a vernal pool that will need to be addressed.

- Ms. Poland stated that MCOG is applying for a grant to study housing opportunities and is asking West Bath to provide a letter of support, which would allow the Town access to a report once the study is completed. The grant is to research how to better assist communities with housing.

- Ms. Poland updated the Board on West Bath's ARPA funds usage. The Town currently has $38,929 in unappropriated funds. This does not include $10,000 which has been designated for replacement windows and $!8,000 to be used for the installation of heat pumps. Ms. Poland noted that the Town has received one bid for windows and one bid for painting. No bids have been received for heat pumps, although she expects to receive at least one by the deadline. Mr. Estabrook asked what the age of the Town Office is (ca. 1988) and asked if the Board had considered replacing the siding and insulation, which could reduce the size/quantity of needed heat pumps. The Select Board agreed that this may be something to revisit at a later date.

- Ms. Poland announced that the revaluation process is now complete and that the total property valuation in West Bath has increased by $292,738,672. She suggested that when committing taxes, the Select Board leave enough surplus to cover abatements, although there is no way to know how much that will be. Mr. Hennessey asked if there is an estimated date for tax commitment, to which Ms. Poland suggested would be the beginning of September.

  Mr. Hennessey asked what the status of the Town audit is, to which Ms. Poland could not offer a completion date. Discussion followed on the audit contract and whether the Town should consider using a different auditor. Ms. Poland spoke to the need to determine where the issue lies in order to decide how best to address this issue.

  Ms. Poland reviewed the process for taxpayers who wish to contest their tax assessment moving forward. The assessors are no longer fielding phone calls. Discrepancies must be put in writing and tax cards are available to review on request. Once cost tables are available, taxpayers will be able to use these to assist in calculating abatement requests. Once tax bills have been received

  Mr. Estabrook asked if Ms. Poland received clarification on decisions, which she has not.

- Ms. Poland reminded the Select Board of the upcoming seminar being put on by the Town Attorney. All members of the Board agreed to attend.

7. Future Agenda Items
None

VII. PUBLIC COMMENT

Municipal Officer Hennessey announced that she participated in a seminar put on by Maine Municipal Association regarding internships, which se believes may be of benefit to the Town in the future.

Ms. Perry announced that West Bath has had its fifth confirmed rabies case this year in the Sabino area, reminding residents to stay vigilant and report any suspicious animals to Animal Control Officer Todd Stead. Mr. Estabrook added that people should not touch any wild animal as rabies is transmitted through saliva.

Ms. Perry thanked the Select Board for their support in allowing her to attend the New England Municipal Clerks Institute in Plymouth, New Hampshire, stating that it was a rewarding learning experience.

VIII. ADJOURNMENT

Municipal Officer Lavallee moved to adjourn, seconded by Municipal Officer Andresen.
Select Board adjourned by unanimous acclamation at 7:15 pm.

A true attested copy,

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Karly A. Perry, Town Clerk