

**Town of West Bath**  
**Special Select Board Meeting Minutes**  
**Thursday, June 13, 2024**

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

**Town Staff Present:** Julia House, Tax Collector/Treasurer  
Karly Perry, Town Clerk

**Public:** David Hennessey, Jane Weir, Steve Winter

**Drummond Woodsum:** Ben Plant, Esq., Amy Tchao, Esq

**Skelton Taintor:** Grady Burns, Esq., Amy Dieterich, Esq.

A special meeting of the Select Board was held at the Town Hall, **Thursday, June 13, 2024, at 5:30 pm.**

I. CALL TO ORDER

II. ATTENDANCE AND ESTABLISHMENT OF QUORUM

III. PLEDGE OF ALLEGIANCE

Municipal Officer Hennessey introduced the members of the Select Board to the attorneys from the firm Drummond Woodsum. Attorney Amy Tchao introduced herself, then described the municipal practice within the larger firm of Drummond Woodsum. She explained that the practice works collaboratively to represent its municipalities, noting that the firm itself has over 100 attorneys, giving the practice depth. She recalled Drummond Woodsum's rich history with over 50 years representing the public sector including towns, schools, and tribal nations.

Attorney Ben Planted introduced himself and reiterated the idea that Drummond Woodsum's deep bench of attorneys works collaboratively for clients.

Municipal Officer Andresen asked what the smallest town is that the firm represents. The attorneys recalled their client list including Lebanon, Alna, Damariscotta, Buxton, and Sweden. Municipal Officer Andresen asked what some common needs are from these communities. Atty. Plante noted that zoning issues are fairly common, although most situations tend to be unique, including cable franchising and litigation.

Municipal Officer Hennessey expressed curiosity on whether there is any conflict with Drummond Woodsum's representation of West Bath School. Atty. Tchao assured the Board that it is unusual for issues to arise between a Town and their school department. She noted that the firm had reached out to the school first to determine if there were any issues, then explained that if any situations arose Drummond Woodsum would navigate the conflict using waivers for both clients, which is commonly agreed to in most situations.

David Hennessey asked the attorneys if they would be the primary representatives for the Town, which they confirmed that they would.

Municipal Officer Hennessey asked what the billing increments would be. Atty. Tchao noted that time is billed in 1/10 or 6-minute increments.

Mr. Hennessey asked if the firm had experience in contracts such as waste disposal and cable. Atty. Tchao confirmed that they do, noting that there is a special energy group within the firm which regularly handles solar contracts. Discussion followed regarding the contract with Sagadahoc County regarding the communications tower.

Jane Weir asked about billing for milage and evening meetings. Atty. Tchao acknowledged that municipal attorneys work differently in that they do not charge a separate rate for evening meetings, however they do charge mileage. She noted that the attorneys frequently utilize Zoom conferencing.

Municipal Officer Hennessey asked the attorneys to recall their most interesting municipal conundrum. Atty. Tchao recalled issues surrounding beach access rights and shoreland zoning issues. Atty. Plante recalled a shoreland use issue as well.

Municipal Officer Hennessey asked the attorneys for their experience regarding assessing and revaluation contracts. Atty. Plante confirmed his experience handling appeals to both towns and Superior Court, as well as to the law court. He noted additional experience advising towns in regard to both assessing and tree growth. Atty. Tchao noted here experience with the bid and procurement process for revaluation contracts.

Atty. Tchao continued to discuss personnel matters including both her experience in handling these for the firm, as well as their importance and the sensitive matters which they involve.

Discussion followed regarding moorings, harbors and waterways. Atty. Tchao noted that Drummond Woodsum works with Harpswell and other coastal communities, noting that West Bath's shoreland location was a draw for the firm to respond to the RFP. Atty. Plante agreed that much of his work is with smaller communities and that West Bath is a good fit for their practice.

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Attorney Amy Dieterich introduced herself and Attorney Grady Burns of Skelton Taintor. Atty. Dieterich noted her specialty in personnel matters, which Atty. Burns specializes in permitting and land use issues.

Municipal Officer Hennessey asked the attorneys what they believe are the most important issues facing municipalities. Atty. Burns noted changes to State statutes surrounding land use, specifically LD2003 and housing which require rapid changes to land use ordinances. Cannabis continues to be an ongoing regulatory issue for many municipalities, while renewable energy and aquaculture are new and emerging issues, he has been able to gain experience with. Atty. Burns noted that West Bath is a gateway to the working waterfront which can create friction with landowners.

Atty. Dieterich noted employment matters, including a lack of cross training and transition planning are common. She noted new employment laws including paid family leave, which many municipalities require assistance in navigating.

Municipal Officer Hennessey asked how billing is handled. Atty. Dieterich stated that common practice for most firms is to bill in 1/10 or 6-minute increments.

Municipal Officer Hennessey acknowledged that Skelton Taintor is a smaller firm and asked how the vast subject matter is handled. Atty. Dieterich explained that the 14 members work collaboratively in order to allow for the experience of tenured associates and backup coverage as necessary.

Municipal Officer Andresen asked how comfortable the attorneys are updating ordinances. Atty. Burns confirmed his extensive experience in updating local ordinances to work in harmony with each other,

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noting that this work requires strong communication between the attorneys, Select Board, Planning Board, and municipal staff to ensure that the documents meet the needs of the community.

Atty. Burns highlighted his and Atty. Dieterich's experience working as board members for their local municipalities, emphasizing that local government is their passion.

Mr. Hennessey asked if the attorneys are well-versed in contracts, specifically waste management, cable, and solar. Atty. Burns noted that name partner Atty. Skelton typically deals with contracts and would engage the town directly. Atty. Dieterich added her personal experience with cell tower contracts and negotiations.

Municipal Officer Andresen asked the attorneys for their experience handling tax revaluations. Atty. Dieterich noted that while she has not worked directly on these issues, she is a member of her local board for assessment appeals and has experience hearing these matters. Municipal Officer Andresen expanded on difficulties relating to West Bath's recent tax revaluation, which she stated has not lived up to expectations. Atty. Dieterich underlined the importance of communication and public opinion in these matters, explaining that the firm would assist the Town with public relations.

Atty. Burns spoke to Skelton Taintor's history of retention by their clients, which speaks to Skelton Taintor's ability to maintain relationships and diffuse future issues for their municipalities.

Municipal Officer Hennessey asked the attorneys to recall their most interesting conundrum. Atty. Dieterich acknowledged the challenges of working with elected officials and navigating politics in addition to local and state laws, something she stated she is quite attuned to. Atty. Burns stated that issues are always hyper specific to the municipality and require an equally specific road map to navigate.

Mr. Hennessey asked how the firm stays on top of changes in statute. Atty. Burns noted that the firm is a member of ROMA, which provides legal support, in addition to working closely with Maine Municipal Associations. He stated that the municipal legal community is small and the road to Augusta is short, with ongoing opportunities for lawyers to stay educated. He noted that recent changes to mobile home regulations have caught some firms by surprise, stressing the importance of staying up-to-date on changes as they arise.

Ms. Weir asked if either attorney has served on the State legislature, which they had not.

Municipal Officer Hennessey asked what the process of transitioning attorneys would involve. Atty. Dieterich explained the process for reviewing recent meetings as well as files which would be provided from the previous attorneys.

Atty. Burns asked if there were any specific issues the Town was looking to address right away. The Select Board explained that they are currently working with the Midcoast Council of Governments, who has completed the update to the Comprehensive Plan and is now working to update the land use ordinances. Atty. Burns spoke on the process, which requires scrutiny of conflicting language in order to develop a useful document.

Municipal Officer Lavalley asked the attorneys if they typically review town documents when contracting with a new municipality. Atty. Burns explained that they take their cues from the client to spend funds appropriately rather than looking for work.

Municipal Officer Hennessey asked what the attorneys' experience with cannabis has been. Atty. Burns spoke to the unique overlay of cannabis laws and the dynamics of governance in conjunction with

personal feelings of residents. He explained that the legislative structure allows municipalities to develop regulations specific to their residents.

Steve Winter offered his impressions of the recent municipal revaluation, speaking to the vagueness of state regulations and asking the attorneys if they are familiar with these guidelines. He noted that because they are not specific, there are concerns within the community as to the accuracy and thoroughness of the information provided. Atty. Dieterich noted that although she has not dealt specifically with revaluations, she understands the sensitive nature of the issue. Atty. Burns noted that the firm may choose to bring in a consultant to assist the firm in an area they have less expertise in.

Atty. Dieterich asked for the number of employees. Ms. Poland noted the small staff which includes stipend positions as well as a municipal school. She stated that the Town has an intensive personnel policy that creates structure, adding that the Town also employs a full-time Code Enforcement Officer that also serves as Fire Chief, a position that has worked well for the Town.

Atty. Dieterich thanked the Board for their time and consideration.

IV. CONSENT AGENDA

1. Approval of Minutes
  - a. June 6, 2024
2. Approval of Warrants
  - a. Municipal
  - b. School
3. Upcoming Select Board Meeting:  
Thursday, June 27, 2024, 5:30pm, West Bath Town Hall  
**Municipal Officer Andresen moved, seconded by Municipal Officer Lavallee, to accept the consent agenda as presented. Select Board unanimously approved.**

V. NEW BUSINESS (SELECT BOARD)

1. Annual Appointments  
Municipal Officer Hennessey referenced the annual appointments listed within the Select Board packet.  
**Municipal Officer Andresen moved, seconded by Municipal Officer Lavallee, to accept the annual appointments as presented.**  
**Select Board unanimously approved.**

2. Town Administrator's Report  
Ms. Poland reviewed the agenda for June 27, which will include bid openings for the Fire Department Jeep, assessing agent, and winter maintenance for Town buildings. In addition, Mr. Johnstone of MCOG will attend to discuss forming a Community Resilience Committee. The Select Board agreed to meet at 5:30pm beginning with the interview for the final firm to submit a proposal for legal services.

Ms. Poland announced that the Androscoggin to Kennebec (A2K) trail meeting will be held Monday, July 8 at 6:00 pm at the West Bath Town Hall.

Ms. Poland reviewed her meeting with representatives from the Tedford Shelter regarding overnight warming shelters, noting that presence of a sprinkler system is a barrier for

communication shelter locations, as well as staffing. The next meeting will be held on Monday, June 24 at the Topsham Town Office.

VI. OLD BUSINESS (SELECT BOARD)

1. Warrant for Special Town Meeting to be held Tuesday, July 16, 2024

Ms. Poland explained that in order for a vote by the Town to transition from an assessing agent to a seated assessor to be successful, the number of participants must equal or exceed 10% of the number of residents who voted in the last gubernatorial election or 129 voters. The Select Board agreed that this would be unlikely at an open town meeting, then discussed whether to hold a referendum election ahead of the November election.

Ms. Poland noted that without a Town Clerk it would be difficult for the Town to hold a referendum election. The Select Board agreed to vote by referendum during the election of officers in November.

**Municipal Officer Andresen moved, seconded by Municipal Officer Lavalley, to postpone enacting the Special Town Meeting warrant to the November election. Select Board unanimously approved.**

VII. FUTURE AGENDA ITEMS

VIII. SELECT BOARD COMMENTS AND ANNOUNCEMENTS

Municipal Officer Hennessey presented a letter from Maine Natural Gas announcing that rates will be decreasing by an average of \$5.104 per month.

IX. PUBLIC COMMENT

Mr. Hennessey asked if the A2K meeting is for residents only, which Ms. Poland confirmed that it is.

Mr. Hennessey asked if lawn care for the Town has been resolved. Ms. Poland stated that Jorgensen Landscaping will begin maintenance of the lawn, the schedule for which has not yet been determined.

X. ADJOURNMENT

**Municipal Officer Andresen moved, seconded by Municipal Officer Lavalley, Select Board adjourned by unanimous acclamation at 7:17 pm.**

A true attested copy,

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Karly A. Perry, Town Clerk