



# TOWN OF WELLS

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Wells, Maine 04090

Offices of the  
Town Manager and  
Board of Selectmen

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## AGENDA SELECTMEN'S MEETING (ZOOM) Tuesday, September 15, 2020

**5:00 PM** – Executive Session to discuss with the Town Attorney the appeal of the ZBA decision regarding the Gross Parking Lot pursuant to *1 MRSA 406 (6) (E)*

**6:00 PM – SELECTMEN'S MEETING**

### MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS

1. Workshop: Lodging Facility Advisory Committee Scope of Work
2. Divine Cuisines LLC, dba: Mayan Café & Grill (formally Tulsi North) 231 Post Road, Wells, Application for a full-time Malt, Wine and Spirits Liquor License. (R)
3. Good News
4. Open to the Public (10 minutes)

### CURRENT AGENDA ITEMS

1. Review and action on Accounts Payable and Payroll Warrants.
2. Update, discussion and action on Committees, Projects, Issues, Purchases and Personnel:
  - a) Update on 1710 House repairs.
  - b) Discussion and action on Updates, Personnel and Committee Assignments, Resignations and Issues.
  - c) Discussion and action on approving minutes of September 1, 2020 Selectmen's meeting (5 mins.). (Enclosed)

**NEW BUSINESS**

1. Open to the Public (10 minutes)
2. Town Manager's Report
3. Adjournment

The Lodging Facility Advisory Committee needs guidance from the Board in order to continue it's work as directed by the charge voted on at the August 18 Board meeting. The charge references, "short term rental (STR) registration and compliance". The LFAC needs to better understand what is the ultimate goal of the charge of short term rental registration and compliance. Is the goal of the Board contact information for notification purposes only? If so, option one outlined below would be best. Is the goal increased tax revenue, permit fees and license fees to cover the staff costs associated with an expanding STR market paired with requiring registration? If so, option two below may be best and can be completed by action from the Board. Or is the goal to use amended zoning in town to promote affordable housing, maintain the character of a small town, and/or control the expansion of lodging businesses in residential areas? These goals can best be met by a two-year process that will include changes to the land code and will need Town Meeting approval.

The LFAC would like to know if the Board would like to pursue:

1. **A program of voluntary registration.** This would involve creating an electronic form advertised through our property tax bill mailing and on our website and social media sites. STR owners would be asked to register their property and provide the Town with basic contact and use information. This option would be at no charge to STR owners.
2. **A program of required registration.** If this is the option chosen, the following questions should be addressed:
  - a. Which third party compliance company should be used? Should the LFAC review the options and come forward with a recommendation to the Board?
  - b. What is the cost to STR owners to register? What is the cost/penalty for not registering? Should the LFAC come to the Board with cost recommendations?
  - c. What does enforcement look like for those that do not register? Who is responsible for enforcement?
  - d. What is the expected timeline for STR registration? In time for the 2021 season? Later?
  - e. This registration process would include a fee to be determined.
3. **A program of required licensure.** STR owners would be required to obtain a license that would be connected to safety inspections. This would be a larger project that could not be in place until 2022. Because of the scope of work needed for successful implementation, if this is the path the Board would like to choose the LFAC requests to come back at a later date with further questions to guide their work. This licensure process would include a fee to be determined.

Another topic that the LFAC would like to bring to the Board for consideration is whether a single family home becoming a STR constitutes a change of use. This point is important. Is a home in a residential neighborhood no longer consistent with residential use if it is being rented regularly to generate profit by the home owner? Is this the same for both STRs that are owner occupied and for those that are investment properties owned by an off-site owner? Or, is the use of a home – to sleep in, prepare meals in, shower, etc. the same regardless of whether these activities are done daily by the people who either own or lease the property or by people that are using the property as a STR?

Also, the LFAC is concerned about the impact to Town staff requirements for all the above options.

1  
2 ***SELECTMEN'S MEETING (ZOOM) - TUESDAY, SEPTEMBER 1, 2020***  
3  
4

5 ***5:45 PM Workshop: Discussion on Roles and Responsibilities***  
6

7 ***6:00 PM – SELECTMEN'S MEETING***  
8

9 ***Present via ZOOM: Chairman Karl Ekstedt, Selectmen Tim Roche, Kathy Chase, John MacLeod, Sean***  
10 ***Roche, Town Manager Larissa Crockett, Town Attorney Leah Rachin, Social Media Consultant Brittany***  
11 ***DiCapua***

12  
13 ***Present: Police Chief Jo-Ann Putnam, Finance Director Jodie Sanborn, PWD Director Carol Murray,***  
14 ***Town Assessor Keeley Lambert, WEMS Director Jim Lapolla, Meeting Recorder Cinndi Davidson***  
15

16 ***MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS***  
17

18 ***1. Public hearing on an extension of the Emergency Ordinance to temporarily relax and/or***  
19 ***suspend certain provisions of the Code of the Town of Wells to assist businesses suffering economic***  
20 ***loss due to COVID-19 and in a manner consistent with the governor's re-opening plan.***  
21

22 This extends to the end of October the emergency ordinance that was passed 60 days ago. Restaurants  
23 and other businesses will be allowed to remain open.  
24

25 Motion by Mrs. Chase, seconded by Mr. T. Roche, to close the public hearing and amend and extend  
26 the Emergency Ordinance to temporarily relax and/or suspend certain provisions of the Code of the  
27 Town of Wells to assist businesses suffering economic loss due to COVID-19 and in a manner  
28 consistent with the Governor's re-opening plan. Passed unanimously  
29

30 ***2. Workshop: Re-opening Town Hall to the public on September 8, 2020.***  
31

32 Town Hall will reopen fully on September 8, Monday-Friday 8AM-4PM. On the first and third  
33 Tuesdays, the hours will be 8 AM-6PM so people can stay for the Selectmen's meetings. Masks or  
34 face shields are required while people are in the building, and hand sanitizer must be used before  
35 transacting any business. Social distancing is required. Residents will enter by the back door and exit  
36 by the general office or front door to maintain a one way traffic flow in the building. If there is an  
37 outbreak in Town Hall we will have to close the building.  
38

39 ***3. Workshop: COVID-19 Property Tax Impact on Local Businesses.***  
40

41 The Selectmen do not have any legal authority to abate taxes because of COVID. Our assessments are  
42 based on market value and that didn't change. Hardship abatements are granted only for primary  
43 residences. There is a state program to help small businesses with fewer than 50 employees. It must  
44 still be in business and current with all its state taxes. The deadline to apply is September 9.  
45

1 **4. Wells Elks Lodge 2738, 356 Bald Hill Road, Wells, Application for a full-time Malt, Vinous**  
2 **and Spirituous Liquor License. (R)**

3  
4 AND

5  
6 **5. Wells Elks Lodge 2738, 356 Bald Hill Road, Wells, Application for a Special Entertainment**  
7 **Permit. (R)**

8  
9 Public comment was solicited and there was none.

10  
11 Motion by Mrs. Chase, seconded by Mr. T. Roche, to close the public hearings and grant the license and  
12 permit. Passed unanimously.

13  
14 **6. Good News**

15 ~A couple wrote to thank the police officers who caught a bat in their home and removed it without  
16 harming it.

17  
18 ~Congratulations to Jason Lizotte and his wife who had a baby boy, Julian, on August 27th.

19  
20 **7. Open to the Public: None**

21  
22  
23 **CURRENT AGENDA ITEMS**

24  
25 **1. Review and action on Accounts Payable and Payroll Warrants.**

26  
27 There is a Warrant dated September 1, 2020 with expenses of \$457,502.91, no school payment , net payroll  
28 for the week ending 8/20/2020 in the amount of \$103,974.56, net payroll for the week ending 8/27/2020 in  
29 the amount of \$105,709.72, and FICA, Medicare, state and federal withholding taxes filed electronically in  
30 the amount of \$87,406.64 for total expenses of \$754,593.83.

31  
32 Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the Warrant dated September 1, 2020  
33 in the amount of \$754,593.83. Passed unanimously.

34  
35 There is a General Assistance Warrant dated September 1, 2020 in the amount of \$99.74.

36  
37 Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the General Assistance Warrant  
38 dated September 1, 2020 in the amount of \$99.74. Passed unanimously.

39  
40 **2. Update, discussion and action on Committees, Projects, Issues, Purchases and Personnel:**

41  
42 **a) Recreation Department Update on After School Care Program.**

43 The Department is coordinating the program with the School Department. Buses will bring the children to  
44 the Activity Center. If our schools go to yellow, Group A will have classes 2 days, Group B 2 days, with a

1 day in between the groups for deep cleaning. In that case, the program would shift from before and after care  
2 to all day care for the students who are not in school. Mr. T. Roche said if we go to yellow, we would  
3 probably still have full school.  
4

5 **b) Public Works Projects Update: PWD Director Carol Murray**

6 ~ The Newhall Bridge is not stable. Structural engineer Jim Hall made some adjustments to make it safe for  
7 cars. A New Hampshire company came over and has restored access up to 23 tons, so the families can get oil  
8 deliveries and have their septic tanks pumped. We are looking into stream crossing grants from DEP for the  
9 Newhall Bridge and Drakes Island Road. Jim is working on the final design, and the cost to replace the  
10 bridge will be about \$250,000.  
11

12 ~Robinson Road/Pine Ledge/Ridge Top Lane:

13  
14 CMA Engineers have been working on the drainage and will add a detention basin. There will be a  
15 controlled outflow into the pond. They have delineated the wetlands where a pipe will have to be  
16 constructed. This project and Swamp John Road are on the same schedule. Final design will be done this  
17 winter and permitting in January 2021. Applications have been piling up with the State. Ms. Murray is  
18 arranging for a skimcoat on Swamp John Road in the interim. The correct way to fix the road is to rebuild it  
19 from the ground up. We want to start the work on both projects as soon as the frost is out of the ground.  
20 Letters will be sent to the residents explaining the situation. The Selectmen asked about prioritizing the work.  
21 Swamp John Road is an immediate need with water under the road, while the seawalls will take longer. The  
22 skim coat will cost about \$90,000 and the work can be done in a few weeks. We can grind it up and reuse the  
23 material when the final work is done. Pave-Tek will use asphalt which will get us through the winter.  
24 Swamp John Road will be the detour when the work is done on the Bragdon Road bridges.  
25

26 ~Bragdon Road: We have been detouring traffic off Swamp John Road, and now Bragdon has a culvert  
27 about to fail. The plan is to replace it with a box culvert at about \$410,000. The bridge is close to failure and  
28 rehabilitation will cost about \$150,000. These were not included in the bond.  
29

30 Mr. MacLeod asked about being proactive in assessing our infrastructure. Ms. Murray has been working on  
31 pavement and equipment replacement plans. Her next project is to look at drainage starting with Route One.  
32 Ms. Crockett reviewed the 2020 warrant and we are not able to shift money around to different projects.  
33 Ms. Murray said that when we get to the design phase we may be able to get economies of scale by  
34 combining projects with the same engineer and contractor.  
35

36 ~Drakes Island Bridge and the approaches. The guard rail is hanging in the air and will be a  
37 complicated project. We have to work with the residents and environmental groups. This is a good  
38 candidate for a stream crossing grant.  
39

40 Mr. Ekstedt said that when we cut into a road it has to be repaired properly. Ms. Murray said she will  
41 talk with the Water and Sewer Districts because their rates are based on the cost to repair pavement  
42 cuts. A reserve account can be established with the cost of a repair decreasing based on the number of  
43 years since the road was paved. Standards for the repair would also be set. We should reach out to the  
44 utilities early with our paving plans to coordinate if they have any projects pending.

1 ~Dike Street drainage project. The drainage work will be done before the dirt road is paved. The road  
2 needs catch basins to take the water out to the marsh.

3  
4 **b) *Discussion and action on approval and adoption of an Anti-Nepotism Policy.***

5  
6 The policy was developed to avoid any conflicts of interest due to family relationships or financial  
7 involvements. No employees will be removed from their current positions. A management plan will be  
8 developed to address situations where a relative is a direct report. There is a 6 month period to work  
9 with department heads and identify existing relationships. The policy has been unanimously approved  
10 by the Personnel Advisory Committee. Mr. MacLeod said this is a small town and he isn't aware of  
11 any problems. Mrs. Chase said people should stay in their current positions and the policy should be  
12 effective going forward. A workshop with the Personnel Advisory Committee was recommended.

13  
14 Motion by Mrs. Chase, seconded by Mr. T. Roche, to table this item. Passed unanimously.

15  
16 **d) *Discussion and action on the FY'20 Carry Forwards into FY'21.***

17  
18 Ms. Sanborn said the carry forwards are primarily due to bills that were delayed and COVID related  
19 items.

20 Ms. Crockett recommends \$15,000 to fund the full-time firefighter position that was approved in the  
21 June 2019 warrant. We are currently running 3 person shifts which do not comply with OSHA "2 in 2  
22 out" rule and Department of Labor standards.

23 The other recommendation is \$22,000 to purchase laptops for senior staff in case there is a resurgence  
24 of COVID and we have to work remotely. Personal computers in people's homes are not secure. The  
25 computer in the meeting room needs to be replaced for \$1,500.

26  
27 Motion by Mrs. Chase, seconded by Mr. T. Roche, to carry forward the list of FY'20 Municipal budget  
28 funds and accounts recommended by the Town Manager and Finance Director in the amount of  
29 \$182,096 less \$22,000 (laptops) into the FY'21 Budget. Passed unanimously.

30  
31 **e) *Presentation of preliminary year end financials.***

32  
33 Ms. Sanborn reviewed the bills from Period 13 which were dated in June and approved on warrants in  
34 July and August. We collected \$868,000 more than the expenses. The Transfer Station Enterprise Fund  
35 is still carrying a loss. The Beach Enterprise Fund has a balance of \$360,000. The Recreation  
36 Enterprise Fund has a balance of \$665,000; most of this is for approved CIP projects. We are at the 85  
37 day mark ending June 30.

38  
39 **f) *Discussion and action to approve Quitclaim Deed for the following property that had a***  
40 ***foreclosure date of February 27, 2020. The 60 day buy back period for the property ended April 27,***  
41 ***2020.***

1 ~Gates, Daniel O. and Amy B. Property is known as parcel number 0045/007-006. Payment was received to  
2 pay FY 18, FY 19 and FY 20 on August 12, 2020.

3  
4 Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the Quitclaim Deed to release the lien  
5 on the property listed above. Passed unanimously.

6  
7 g) ***Discussion and action on accepting donations and bequests.***

8  
9 ***1. Donation of a Power Pruner Echo PPT-2620/H from Don Esson of 31 Tote Road to the***  
10 ***Public Works Department.***

11  
12 Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the generous donation and write a letter of  
13 thanks to the donor. Passed unanimously.

14  
15 ***2. \$50.00 donation from Marc Gold to the Wells Public Library.***

16  
17 Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the generous donation and write a letter of  
18 thanks to the donor. Passed unanimously.

19  
20 ***3. \$200.00 donation from William and Eleanor Andrews to the Town of Wells for the Fuel***  
21 ***Assistance Program Fund.***

22  
23 Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the generous donation and write a letter of  
24 thanks to the donors. Passed unanimously.

25  
26 h) ***Discussion and action on approving minutes of August 18, 2020 Selectmen's meeting.***

27  
28 Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the August 18, 2020 Selectmen's meeting  
29 minutes. Passed unanimously.

30  
31 ***NEW BUSINESS***

32  
33 ***1. Open to the Public: None***

34  
35 ***2. Town Manager's Report***

36 ~Starting with the October meetings, the live stream will be moved to the Town's Facebook page. Ms.  
37 Crockett will monitor the Open to the Public portions of the meetings and has some other communications  
38 projects for Ms. DiCapua to work on. Ms. DiCapua is under contract through March. [RS1]

39  
40 ~The CDC recommends limiting touch points and not having people handle things. We are removing  
41 pamphlets and other things people would pick up, read and put down again. Ms. Crockett would like to limit  
42 the physical posting of agendas. Mrs. Chase said if people touch a paper they should take it with them.  
43 Agendas are available in the Town Manager's Office, on line, and posted at Town Hall and various places  
44 around Town. The Selectmen would like to continue with the current distribution.

45  
46 ~The stairs at Public Way 16 have been repaired and are now safe to use.



1 ~Swamp John Road is closed to all but local traffic until the skimcoat is applied.

2

3 ~Four of our police officers handled a challenging situation and were able to de-escalate it, preventing a  
4 tragedy.

5

6 ~Mr. MacLeod thanked Mr. and Mrs. Esson for their continued support of the community.

7

8 ~Mr. S. Roche responded to a question about beach rules and lifeguards. The Fire Department has people  
9 walking the beach now that the lifeguards have returned to school.

10

11 3. *Adjournment*

12

13 Motion by Mrs. Chase, seconded by Mr. T. Roche, to adjourn. Passed unanimously.

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15 Respectfully submitted,

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Accepted by,

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Cinndi Davidson,  
Meeting Recorder