

SELECTMEN'S MEETING –TUESDAY, SEPTEMBER 20, 2016

Present: Chairman Karl Ekstedt, Selectmen Kathy Chase, Tim Roche, Daniel Hobbs and John Howarth, Town Manager Jon Carter.

Welcome to Wells' new Fire Chief Wayne Vetre, who will be starting effective November 1st.

Special Presentation-Rededication of the Littlefield Meeting Room.

Paul and Betsy Littlefield were present. The renovated meeting room was rededicated in memory of Paul's father and his 41 years of service to the Town.

MUNICIPAL OFFICERS BUSINESS/PUBLIC HEARINGS

1. Public hearing regarding enacting an Emergency Ordinance to appropriate and expend up to \$250,000 from the Highway Infrastructure Reserve Fund (#0708) to replace the collapsed Furbish Road Culvert.

We have been working with IF&W on a grant program to upgrade the road and culvert. This is now an emergency situation due to the culvert's partial collapse. The culvert will be raised and will carry triple the amount of water. The road is so low that it floods during most storms and also needs to be redone. The culvert will take 4-5 weeks to order from Shurtleff. A culvert specialist will work with Brex and our crew on the installation. The project estimate is \$170,000-190,000 and the Board is being asked to authorize up to \$250,000 to cover contingencies.

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. Roche, to close the public hearing and to adopt the Emergency Ordinance to appropriate and expend up to \$250,000 from the Highway Infrastructure Reserve Fund (#0708) to replace the collapsed Furbish Road Culvert and to undertake the work through our Highway Department with assistance from subcontractors as necessary and to directly purchase the culvert from the Contech distributor, Shurtleff, in South Portland, Maine. Passed unanimously.

2. Public hearing regarding amending Chapter 86 (Beaches) for a change of date when horses and large domestic animals are restricted from the beaches; that waste materials from the large animals are required to be picked up and properly disposed of by those caring for the animals while on the beach and in the beach areas.

Wells is becoming more popular for horseback riding on the beach during the fall. Many tourists are still visiting the beach then and waste from the animals is not being picked up. The recommendation is to move the date later and not allow large animals on the beach until after October 21. Enforcement will be handled by the animal control officer. Mr. Howarth felt that September 15 is late enough because Wells is the only local beach where horses are allowed and events such as the pending charity ride bring people into Town. Clean-up should be mandatory

and there should be fines for violations. Chief Putnam said the weather was nice this weekend and the beach was full; it would have been dangerous to have horses on the beach then. Mr. Roche suggested October 1 as a compromise date.

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. Roche, to close the public hearing and to add the amended sections changing the date to “between April 1 and October 1” when horses and large domestic animals are restricted from the beaches and adding that waste materials are required to be picked up and properly disposed of by those caring for the animals while on the beach and in the beach areas and parking lots. Passed 4-1 with Mr. Howarth opposed.

3. Continuation of public hearing to amend Chapter 190 (Shellfish Conservation Program) to define clam flat boundaries, closures and harvesting in accordance with DMR regulations.

DMR is requesting the amendment to strengthen the ability of towns and the State to prosecute violations of closed shellfish areas.

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. Roche, to close the public hearing and adopt the amended language to chapter 190 as presented at the public hearing with additional information provided by the DMR and reviewed and found acceptable by the Shellfish Commission Chairman. Passed unanimously.

4. Batcomb Plantation II LLC, dba: Old Marsh Country Club, 445 Clubhouse Road, Wells, application for a full-time Malt, Spirituous and Vinous Liquor License. (R)

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. Roche, to close the public hearing and grant the license. Passed unanimously.

5. Batcomb Plantation II LLC, dba: Old Marsh Country Club, 445 Clubhouse Road, Wells, application for a Special Entertainment Permit (R).

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. Roche, to close the public hearing and grant the permit. Passed unanimously.

6. Good News

~Almost 120 people attended the Volunteer Breakfast held last week, the largest one in the 5 years this event has been held. There were outstanding presentations by three groups, including

the pre-release group from the prison in Alfred. The Johnson Museum has been renovated into an event hall for the community.

~Spectra Energy selected Wells to do a Day of Caring. Over 18 people spent the day at the Recreation Department building a shed and painting.

7. *Open to the Public*

~There was a question about the marijuana citizen initiative on the November ballot. If the initiative passes, do municipalities have the right to opt-out and can the Town prohibit employees from using marijuana on the job? Mr. Carter said that, in cases like this, often municipalities have opt-out rights, but it depends on how this bill is worded. Mr. Howarth said that employers can prohibit the use of marijuana at work if it creates a safety hazard, even if the employee is using medically authorized marijuana. The upcoming MMA convention will have training on this issue.

CURRENT AGENDA ITEMS

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

There is a Warrant dated September 20, 2016 with expenses of \$407,448.43, no school payment, net payroll for the week ending 8/16/16 in the amount of \$84,096.43, net payroll for the week ending 9/1/16 in the amount of \$86,150.86 and state and federal withholding taxes, plus FICA, Medicare and federal taxes filed electronically in the amount of \$76,862.08 for total expenses of \$654,557.80.

Motion by Mrs. Chase, seconded by Mr. Roche, to approve and sign the Warrant dated September 20, 2016 in the amount of \$654,557.80. Passed unanimously.

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

a. *Discussion and action to certify the Referendum Article for the November 8, 2016 ballot.*

Motion by Mrs. Chase, seconded by Mr. Roche, to certify the “Fluoride in the Water” Referendum Article for the November 8, 2016 ballot. Passed unanimously.

b. *Discussion and action on signing the November 8, 2016 Special Town Meeting Warrant.*

Motion by Mrs. Chase, seconded by Mr. Roche, to have the Board of Selectmen sign the November 8, 2016 Special Town Meeting Warrant. Passed unanimously.

c. *Discussion and action on joining and participating through an Interlocal Contract into the HGACBUY Cooperative Purchasing Program to purchase the upcoming fire truck.*

Chief Lahaie and the captains have researched this cooperative purchasing program and found that other Maine towns have used it to purchase emergency vehicles and equipment at much lower prices. There is no cost to join the cooperative. The Fire Department would like to use it for the upcoming purchase of a fire truck.

Motion by Mrs. Chase, seconded by Mr. Roche, to authorize the Town Manager to sign the HGACBUY Interlocal Contract for Cooperative Purchasing and to use their process for the purchase of the upcoming fire truck. Passed unanimously.

d. Discussion and action on approving the additional Public Safety Feasibility Planning Consultant Contract and recommend the Library Trustees to proceed with its Consultant to revisit their project.

The project architect has been asked to submit a revamped proposal to re-examine the designs and work with the community to reduce the cost of the project.

Motion by Mrs. Chase, seconded by Mr. Hobbs, to approve the additional consulting proposal for the Public Safety Facilities from Lavallee/Brensinger Architects for the price of \$40,000. Passed 4-1 with Mr. Roche opposed.

e. Discussion and action on declaring October 16-22, 2016 as Friends of the Libraries Week.

Motion by Mrs. Chase, seconded by Mr. Roche, to have the Board of Selectmen proclaim October 16-22, 2016 as Friends of the Libraries Week in Wells, Maine. Passed unanimously.

f. Discussion and action on tax abatements for FY 2013, FY 2014, FY 2015 and FY 2016 for travel trailers no longer located in the Town of Wells.

The Finance Director and Tax Collector have determined that the trailers and their owners are no longer in Wells and the taxes are uncollectable.

Motion by Mrs. Chase, seconded by Mr. Roche, to abate the FY 2013, FY 2014, FY 2015 and FY 2016 real property taxes on travel trailers, including interest and costs, owned by Charles Ashworth, Scott Baston, Justin Beauregard, Raymond Blackington, Catherine Bock, Jason Brown, Robert Capaldo, Harry Carmody, Kevin Comeau, James Comtois, Wayne Cote, Eugene Dingman, Richard Fingleton, Marianne Gadowski, Robert Gray, Robert Harney, Corrine Healy, Philip Leahy, Carlo Migliore, Valerie Nadeau, Fran Nantista, Benoit Nolan, David Pechnik and Jeanette Yardley for a total of \$4,744.70. Passed 4-1 with Mr. Hobbs opposed.

g. Discussion and action on 2014 Tax Foreclosures.

The recommendation is to keep the tax foreclosed property at 0 Burnt Mill Road, Tax Map 138 Lot 013, which abuts a large Town-owned parcel. Attempts to contact the property owner have been unsuccessful. Taxes owed for years 2012-2016 total \$371.73.

Motion by Mrs. Chase, seconded by Mr. Roche, to have the Board of Selectmen under its authority by Town Charter and Town Ordinance Chapter 3: Administrative Procedures 3.4 keep the tax foreclosed property referenced as Map 138 Lot 13 allowing the former owner 90 days from this vote to repurchase it upon payment of all unpaid taxes, all outstanding taxes, interest and costs incurred by the Town. Passed unanimously.

h. Discussion and action on appointing voting delegates to the MMA Annual Business Meeting October 5-6, 2016 in Bangor.

The Board usually appoints the Town Manager and Town Clerk to be the Town representatives. Selectmen are encouraged to attend.

Motion by Mrs. Chase, seconded by Mr. Roche, to appoint John Howarth as the delegate and Jessica Keyes as the alternate voting delegate to the MMA Annual Business Meeting representing the Town of Wells. Passed unanimously.

i. Discussion and action to approve Amendments to Appendices A-D to the General Assistance Maximums for 2016-2017, in compliance with the State Model General Assistance Ordinance.

Motion by Mrs. Chase, seconded by Mr. Roche, to amend Appendices A-D to the General Assistance Maximums for 2016-2017, in compliance with the State Model General Assistance Ordinance. Passed unanimously.

j. Discussion and action on the Town Manager Evaluation and Renewed Contract.

Motion by Mrs. Chase, seconded by Mr. Roche, to increase the Town Manager's Compensation by 2% in his current contract to \$118,856 and to provide him with a renewal three year contract commencing in 2017 with the additional terms and conditions as referenced. Passed unanimously.

k. Discussion and action to confirm the Shellfish Commission's closure of the shellfish harvesting area next to Drakes Island from December 1, 2016 thru December 31, 2016 to be in conformance with the other shellfish harvest areas.

Motion by Mrs. Chase, seconded by Mr. Roche, to confirm the Shellfish Commission's request to close the Drakes Island shellfish harvest area from December 1, 2016 thru December 31, 2016. Passed unanimously.

l. Discussion and action on the implementation of the developing of Buffum Hill Cemetery Park.

The Project Team has presented plans to develop the cemetery park. The FY'17 budget has \$60,000 to develop the park, and there are plans to fundraise with the sale of bricks and memorial benches.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept the design plans as described for the Cemetery Park on Buffum Hill and implement them, staying within the funding available, and for the two contractors named to undertake the work with the use of donated and purchased materials and to implement a fund raising program for the remaining funds needed. Passed unanimously.

m. Discussion and action on authorizing the Wells Police Department to enter into an agreement with the York County Sheriff's Department to allow Wells officers to be deputized as Deputy Sheriffs.

This agreement provides for cooperation among the different law enforcement agencies in York County. This will cover the detectives and K-9's when they are called out of town, and will free-up manpower for the departments.

Motion by Mrs. Chase, seconded by Mr. Roche, to authorize the Wells Police Department to enter into an agreement with the York County Sheriff's Department to allow Wells officers to be deputized as Deputy Sheriffs. Passed unanimously.

n. Discussion and action on Personnel and Committee Assignments, Resignations and Issues:

i. Town Manager

1. Appointment of Brendan Reil-Police Officer

o. Discussion and action to accept donations and bequests:

i. Maine State Unclaimed Property Request-2012 Time Warner November Franchise Payment \$46,582.58 that was never received by the Town.

Thank you to Finance Director Jodie Sanborn for tracking down the missing payment from 2012.

Motion by Mrs. Chase, seconded by Mr. Roche, to receive the Unclaimed Property in the amount of \$46,582.58 and authorize it to be placed in the Miscellaneous Revenue Account. Passed unanimously.

ii. \$3,075.00 from Friends Supporting Wells Public Library to the Wells Public Library on Budget.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept the generous donation and send the donors a letter of thanks. Passed unanimously.

iii. \$72.15 from various Library users to the Wells Public Library.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept the generous donation. Passed unanimously.

iv. \$36.00 from various Library users to the Wells Public Library.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept the generous donation. Passed unanimously.

v. \$50.00 from Jim Kanak to the Wells Public Library for the Capital Campaign.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept the generous donation and send the donor a letter of thanks. Passed unanimously.

vi. \$125.00 from Susan Kanak to the Wells Public Library for the Capital Campaign.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept the generous donation and send the donor a letter of thanks. Passed unanimously.

p. Discussion and action on approving the minutes of the September 6, 2016 Selectmen’s meeting.

Motion by Mrs. Chase, seconded by Mr. Roche, to approve the minutes as written. Passed unanimously.

NEW BUSINESS

1. Open to the Public

Public comment was solicited and there was none.

2. Town Manager’s Report

~There will be a hazardous waste collection on Saturday, October 8 from 8 AM to 2 PM at the Kennebunk Transfer Station. Wells will be participating with Kennebunk, Kennebunkport and Arundel. Additional information is available on the Town’s web site and Channel 3.

~The auction of surplus items will be held at 9 AM on October 15 at the Town garage.

3. Adjournment

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

Respectfully submitted,

Accepted by,

Cinndi Davidson,
Meeting Recorder
