

SELECTMEN'S MEETING –TUESDAY, JANUARY 2, 2018

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

EXECUTIVE SESSION

Motion by Mrs. Chase, seconded by Mr. Roche, to go into Executive Session with Legal Counsel to discuss a legal challenge to the procedures taken to update the Comprehensive Plan. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. Roche, to come out of Executive Session. Passed unanimously.

WORKSHOPS (Also present: Town Attorney Leah Rachin, Town Engineer Mike Livingston, CEO Jodine Adams)

1. Proposed Ordinance Amendments ***a. Food Trucks***

This issue came up last summer with two individuals who had a long trailer behind a pickup truck and moved it around Town parking lots. The Selectmen wanted this resolved before the next summer season. Food trucks are increasingly popular and we need to address questions of land use and licensing. Ms. Rachin said the licensing can be handled without a Town Meeting vote. Lunch wagons and ice cream trucks have been treated separately; now they are being included in the single category of “food truck.” A one time, private event will not require a license. Food trucks in public parking lots should be limited to special events with a mass gathering permit, otherwise they should not be parked in public ways. Ice cream trucks are to be less than 20’ long with no trailer or other vehicle attached, they will continue to pay the \$800 fee to the Town, and will be limited to 15 minutes parking. Licenses are renewed annually by the Selectmen. Trucks are required to shut down at 9 PM unless authorized by the appropriate reviewing authority such as the Planning Board or Staff Review Committee. If noise becomes a problem, there is a 3-strike policy and the facility would be shut down. The proposal will be ready for the January 16 meeting.

b. Road Posting-Chapter 212

DOT and the new State law want us to include a permitting process for special situations when the roads are posted. The new law allows exceptions for fuel trucks, public safety and public works vehicles. Other types of vehicles such as moving trucks can apply for a permit to use posted roads with the permission of the Public Works Director. Ms. Rachin recommended drafting a check list to be used for findings in case this is challenged.

c. Signage-Chapter 145-Review and pass on to Planning Board to review and recommend

The Supreme Court has ruled that there cannot be content-specific restrictions in the ordinance. There can be generic regulations about sign size, numbers and locations, as long as the regulations don't affect the content. Issues to consider include business vs. community events, political signs, yard sales and the different regulations for each. Ms. Rachin said this is a land use item that will have to go to Town Meeting eventually. The Board's consensus was to table it.

2. Other Business

~The Trafton property on Route 109 has been cleaned up.

~Action on the 9B property will be postponed until spring. Mr. Gregoire wants to keep the property, but his sister who has a POA wants to sell it. There are environmental problems with the property.

~Coughlin property (High Pine, Loop Road and Route 109). The 10 children are not filing for probate and the Code Office has sent them a notice. The building should be posted against occupancy and the power shut off. The vehicles and junk yard have to be cleaned up.

3. Conservation Commission-Quake Parcel-Request to place under contract as purchase for FY'19.

Dr. Owen Grumbling, Keith Fletcher and Steve Brennick represented the Commission. The Quake Parcel abuts the Spiller Farm property easement and consists of 73 acres with a price of \$172,500. There is frontage on Meetinghouse Road and along Hobbs Brook near the Merriland River. Land for Maine's Future is not providing any funds but the Commission is investigating other grant opportunities. The owner would like to sell the land for conservation and is willing to wait for a vote at Town Meeting. The Conservation Account has a balance of approximately \$450,000. The Board agreed to move forward and there is an agenda item to approve the deposit and sign the purchase and sale agreement.

The Town has already closed on the Getchell Pasture property.

4. Interviews

a. Board of Assessment Review - Marilyn Falzone - Alternate Member

b. Harbor Advisory Committee - David Harrison - Alternate Member

SELECTMEN'S MEETING

Chairman's Update: 2017 in review.

Board members read the list of 2017 achievements and directions for 2018.

Mr. Ekstedt asked everyone to check on their neighbors, especially senior citizens and people who live alone, with the severe storm predicted for this week.

MUNICIPAL OFFICERS BUSINESS/PUBLIC HEARINGS

1. Public hearing on amending the Town's Personnel Ordinance Chapter 49 Section 18 for eligible non-union employees to join the MainePERS regular program as the non-public safety union employees have been allowed. Non-union employees will receive a 7% capped contribution toward this benefit.

This follows negotiations with our 4 labor units. All groups will be eligible for the plan with the same conditions.

Motion by Mrs. Chase, seconded by Mr. Roche, to amend Chapter 49 Section 18 as provided in the public hearing allowing the change in benefit for non-union employees to join the MainePERS regular program as the non-public safety union employees have been allowed. Non-union employees will receive a 7% capped contribution toward this benefit. Passed unanimously.

2. Good News

~Nolan Potter is one of three finalists for the Fitzpatrick Award. The awards banquet will be January 14.

Sean McCormack-Kuhman is a finalist for the Gaziano Award which is given to a lineman.

~Two seniors, Olivia Durfee and Kylie Belanger, earned an award from the National School Development Council for their academic success, character and school leadership.

~New Year's Eve was quiet in Wells.

~There have been some water and heating issues because of the cold weather. Thank you to the Turnpike Authority for repairing the heating system at the train station.

~Chief Putnam announced that Lt. Kevin Chabot has been accepted to the FBI National Academy for their professional development program. He will be at Quantico from April 2-June 8.

~Watch out for your neighbors during bad weather and don't hesitate to call Wells PD if you have any concerns.

3. Open to the Public

Public comment was solicited and there was none.

CURRENT AGENDA ITEMS***1. Review and action on Account Payable and Payroll Warrants.***

There is a Warrant dated January 2, 2018 with expenses of \$548,418.95, no school payment, net payroll for the week ending 12/21/17 in the amount of \$79,528.79, net payroll for the week ending 12/28/17 in the amount of \$79,876.46, and state and federal withholding taxes, plus FICA, Medicare and federal taxes filed electronically in the amount of \$73,000.23 for total expenses of \$780,824.43.

Motion by Mrs. Chase, seconded by Mr. Roche, to approve and sign the Warrant dated January 2, 2018 in the amount of \$780,824.43. Passed unanimously.

There is a General Assistance Warrant dated January 2, 2018 in the amount of \$1,205.01 from the Special Fuel Fund. The balance in the fund is \$43,516.98.

Motion by Mrs. Chase, seconded by Mr. Roche, to approve and sign the General Assistance Warrant dated January 2, 2018 in the amount of \$1,205.01. Passed unanimously.

2. Update, discussion and action on Committees, Projects, Issues, Purchases and Personnel:***a) Discussion and action on scheduling a public hearing date to amend Chapter 212 “An Ordinance to Amend Chapter 212 (Vehicles and Traffic) of the Code of the Town of Wells to Clarify and Amend Regulations Pertaining to the Restrictions on Vehicle Weights on Posted Streets.”***

Roads are posted against heavy truck traffic to protect them during the spring thaw/freeze cycle. This amendment would bring our ordinance into compliance with State law and grant permits to overweight vehicles that need to access those roads.

Motion by Mrs. Chase, seconded by Mr. Roche, to schedule a public hearing for 7 PM on January 16, 2018 to Amend Chapter 212 (Vehicles and Traffic) of the Code of the Town of Wells to Clarify and Amend Regulations Pertaining to the Restrictions on Vehicle Weights on Posted Roads. Passed unanimously.

b) Discussion and action on scheduling a public hearing date to amend Chapters 150 (Licensing) and 212 (Traffic) of the Code of the Town of Wells to Clarify Requirements Regarding Food Trucks and Ice Cream Trucks.

This amendment would clarify the conditions for permitting ice cream and other food trucks. There were issues with these trucks last summer at the beach.

Motion by Mrs. Chase, seconded by Mr. Roche, to schedule a public hearing for 7 PM on January 16, 2018 to Amend Chapters 150 (Licensing) and 212 (Traffic) of the Code of the Town

of Wells to Clarify Requirements Regarding Food Trucks and Ice Cream Trucks. Passed unanimously.

c) Discussion and action to forward the proposed signage amendments for compliance with Federal Case Law to the Planning Board for their review and recommendation on amendments recommended by the Town Attorney.

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

d) Discussion and action to sign Purchase and Sales Agreement for \$172,500 as requested with a \$1,000 refundable deposit to hold the property known as the Quake Parcel, Map 76, Lot 27, until the Town Meeting vote.

The Conservation Commission has been working with the property owner to obtain this land for open space.

Motion by Mrs. Chase, seconded by Mr. Roche, to authorize the Town Manager to sign a Purchase and Sales Agreement once drafted by the Town Attorney for the Quake Parcel Map 76, Lot 27 for an Open Space purchase as a warrant article for the June Town Meeting with a \$1,000.00 refundable holding deposit. Passed unanimously.

e) Discussion and action on rejoining Maine Public Employees Retirement System for general employees under the MainePERS Plan AN, effective January 1, 2018.

This is a requirement of MainePERS for the Town to officially rejoin the program.

Motion by Mrs. Chase, seconded by Mr. Roche, that the Town of Wells votes to rejoin the Maine Public Employees Retirement System (MEPERS) effective January 1, 2018, and:

a) Wells votes to offer Regular Plan AN to its non-public safety employees who are either regular full-time or regular part-time employees (who work 20 hours or more per week), as defined in §49-12 of the Code of the Town of Wells (the “Code”);

b) The Town authorizes the Town Manager to sign the contract between the Town of Wells and the Maine Public Employees Retirement System;

c) The Town elects to exclude all employees who are not eligible for benefits, as defined in §49-13 of the Code, from participation in the AN Plan. In particular, the following is a list of classes, as all of those classes are defined in §49-12 of the Code, and current employees who are excluded from participation in this Plan and who are currently covered under Social Security:

~Temporary employees

~Part-time employees whose normal work week is less than 20 hours per week

~Seasonal employees

~Definite-term employees

~Employees who, under a governing Collective Bargaining Agreement or pursuant to MEPERS rules, are only eligible to participate in another MEPERS plan offered by the Town of Wells

d) The Town will allow employees to purchase service rendered prior to January 1, 2018. The Town will not participate in the purchase of the prior service; employees are responsible for paying the full liability associated with this service.

The motion passed unanimously.

f) Discussion and action on accepting the Bureau of Highway Safety Grant for 2018 Impaired Driving for the Police Department in the amount of \$8,986.77 with local match of \$2,246.69 from the Police Department budget.

A lieutenant handles the paperwork, scheduling and managing the grant for the Department. Funds will be used for additional patrols which will start soon.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept the Bureau of Highway Safety Grant for Impaired Driving for the Police Department in the amount of \$8,986.77 with a local match of \$2,246.69 from the Police Department Budget. Passed unanimously

g) Discussion and action on Updates, Personnel and Committee Assignments, Resignations and Issues:

a) **Town Manager:** None

b) **Selectmen:**

i. Corrective appointment.

Motion by Mrs. Chase, seconded by Mr. Roche, to appoint Charles Bashaw as an alternate member to the Harbor Advisory Committee, term to expire August 2019. Passed unanimously.

ii. Motion by Mrs. Chase, seconded by Mr. Roche, to appoint David Harrison as an alternate member to the Harbor Advisory Committee, term to expire August 2019. Passed unanimously.

iii. Motion by Mrs. Chase, seconded by Mr. Roche, to appoint Marilyn Falzone as an alternate member to the Board of Assessment review, term to expire July, 2018. Passed unanimously.

h) Discussion and action to accept donations and bequests:

1. Donation of \$25.00 from Gail James to the Wells Fire Department.

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

2. Donation of \$7,500.00 from Fidelity Charitable Trust to the Town of Wells for the Fuel Assistance Program Fund.

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

i) Discussion and action on approving the minutes of the December 19, 2017 Selectmen’s meeting.

Motion by Mrs. Chase, seconded by Mr. Roche, to accept 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

~Avery Hubbard of Troop 356 has earned his Eagle Scout Rank. The Court of Honor Ceremony will be held on January 14 at St. Mary’s Church. Several of the Selectmen will attend to represent the Town and present him with a certificate.

~Lifelong Wells resident Casper Bridges passed away on December 28. Cap’s service included the US Army, Fire Chief at the Wells Corner Hose Co. and Highway Commissioner. Visiting hours will be Friday, January 5 from 3-5 PM at the Bibber Chapel in Wells, with a funeral service there at 10 AM Saturday.

~The format of the weekly newsletter is changing. It will be an e-mail letter to all employees, staff and Selectmen and will be on the Town’s website.

~Mr. Howarth announced his plan to run for State Representative. He will remain on the Board of Selectmen.

3. Adjournment

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

Respectfully submitted,

Accepted by,

Cinndi Davidson,
Meeting Recorder
