

## ***SELECTMEN'S MEETING - TUESDAY, APRIL 16, 2019***

***Present: Chairman Karl Ekstedt, Selectmen John Howarth and Dan Hobbs, Town Manager Jon Carter***

***Excused: Selectmen Tim Roche and Kathy Chase***

### ***6:00 PM MEETINGS AND WORKSHOPS:***

***Workshop #1 – New Depot Road. Also present: Public Works Director Carol Murray, former Public Works Director Terry Oliver, Public Works Assistant Paula Green.***

The Planning Board has approved a subdivision off New Depot Road with the requirement that road improvements must be made. Approval of the Selectmen must be obtained before starting the work. The Public Works Department will ensure that the work is done correctly. The consensus was that the project can proceed.

***Workshop #2 – Extending Paving Contractor's Agreement for additional year. Also present: Public Works Director Carol Murray, former Public Works Director Terry Oliver, Public Works Assistant Paula Green, Scott Holland of Libby-Scott.***

Staff is considering extending the Libby-Scott contract for another year. The number of paving companies in the area is decreasing and their performance is not always up to Town standards. Libby-Scott has agreed to our 3 requirements: 1) Roads that didn't turn out well last year will be redone; 2) Wells is a priority customer; 3) they will hold the price with the right to put in an oil adjustment clause for liquid asphalt. The expectation is \$560 per ton during this season.

***Workshop #3 – Route One and Drakes Island Parking Lot Full Lights. Also present: Public Works Director Carol Murray and Public Works Assistant Paula Green.***

Staff has been talking with residents about the issue of full parking lots at Drakes Island. The sandwich board used when the lots are full doesn't limit the traffic. An automated sign was proposed which would light up when the lots are full. Drivers in both directions on Route One should have an advance warning to choose another lot.

Several residents were present and were glad that this is being addressed. There needs to be better enforcement of the no parking/no unloading regulation. In addition to 2 signs on Route One, the third one could be placed at the lot entrance. People would drive in, find the lot full and turn around. This would be safer than turning around in residents' driveways. The consensus was to try the lights and increase enforcement. The SRO's will be available once the schools close.

***Workshop #4 – 2019 Beach Parking Policy. Also present: Finance Director Jodie Sanborn.***

Staff and the Selectmen have been working to improve the policy. A major issue is the restriction of 2 passes per household/taxpayer. People purchase additional passes if there are several vehicles in one family, or if the property is held by a trust with multiple trustees. Last year this accounted for 300 additional passes. The Police Chief and Finance Director feel that allowing the additional passes is a goodwill gesture. Beach stickers go on sale May 6.

## **7:00 PM – SELECTMEN’S MEETING**

### **MUNICIPAL OFFICERS BUSINESS / PUBLIC HEARINGS**

1. ***Cork Distributors Inc., dba: For the Love of Food, 1677 Post Road, Wells, application for a full-time Malt, Vinous & Spirituous Liquor License. (R)***

***AND***

2. ***Cork Distributors Inc., dba: For the Love of Food, 1677 Post Road, Wells, application for a Special Entertainment Permit. (R)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearings and grant the license and permit. Passed unanimously.

3. ***Wells Beach Lobster Pound Inc., dba: Wells Beach Lobster Pound, 321 Webhannet Drive, Wells, application for a full-time Malt & Vinous Liquor License. (R)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

4. ***Amin Hotels Inc., dba: Ogunquit River Inn, 17 Post Road, Wells, application for a Malt & Vinous Liquor License. (R)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

5. ***Dingies LLC, dba: The Bitter End, 2118 Post Road, Wells, application for a full-time Malt, Vinous & Spirituous Liquor License. (R)***

***AND***

6. ***Dingies LLC, dba: The Bitter End, 2118 Post Road, Wells, application for a Special Entertainment Permit. (R)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearings and grant the license and permit. Passed unanimously.

**7. Phil Herron, dba: L & B Charters, 18 Shamrock Lane, Wells, application for a Commercial Recreation Business License. (R)**

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

**8. Gary Leech, dba: Congdon's Doughnuts and Animal Welfare Society, 1090 Post Road, application for a Mass Gathering Permit for a Food Truck Rally to be held on May 19, 2019 at Congdon's Doughnuts Parking Lot.**

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the permit. Passed unanimously.

**9. Gary Leech, dba: Congdon's Doughnuts and Sanfilippo Syndrome, 1090 Post Road, application for a Mass Gathering Permit for a Food Truck Rally to be held on June 2, 2019 at Congdon's Doughnuts Parking Lot.**

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the permit. Passed unanimously.

**10. Patti Owen and Fred Owen, dba: Tasting Maine, 599 Morrells Mill Road, North Berwick, application for a Food Truck License. (N)**

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

**11. Selena Gearinger, dba: Mobile Musette, 2 Pier Road, Kennebunkport, application for a Food Truck License. (N)**

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

**12. Cindi Neale, dba: What-A-Wrap, 17 Casey Lane, Kennebunk, application for a Food Truck License. (R)**

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

13. ***Alan and Linda Clark, dba: Fahrenheit 225, 183 Webber Avenue, Lewiston, application for a Food Truck License. (R)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

14. ***Bethany Taylor, dba: Fishin Ships, 38 Fox Street, Portland, application for a Food Truck License. (R)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

15. ***Nancy Klosteridis and Haley Campbell, dba: The Greeks of Peaks, 127 Emery Street, Portland, application for a Food Truck License. (N)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

16. ***Scott Logan, dba: Blue Mermaid, 10 Shapleigh Road, Kittery, application for a Food Truck License. (R)***

Public comment was solicited and there was none.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to close the public hearing and grant the license. Passed unanimously.

17. ***Good News***

~The Governor's Office has a program to recognize volunteers. Tom Oliver of WEMS has been accepted for the Maine Roll of Honor.

~The Wells Ogunquit Music Boosters raised over \$2,800 by collecting over 14,473 pounds of textiles during Winter Weed-out.

~YCCC thanked Police Officer Jepson for conducting a distracted driving event at the college.

~This is Safety Telecommunicators Week. Mr. Carter thanked our dispatchers for the vital role they play in our emergency responses.

~WEMS received a thank you note from a grateful resident.

~WEMS has received their new ambulance.

~Bikes for Books started last week at the elementary school. There will be drawings for 54 bikes in June.

18. ***Open to the Public***

Public comment was solicited and there was none.

**CURRENT AGENDA ITEMS**

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

There is a Warrant dated April 16, 2019 with expenses of \$1,441,740.80, school payment of \$1,652,752.00, net payroll for the week ending 4/4/19 in the amount of \$78,084.97, net payroll for the week ending 4/11/19 in the amount of \$77,067.36, and state and federal withholding taxes, plus FICA, Medicare and federal taxes filed electronically in the amount of \$64,575.93 for total expenses of \$3,314,221.06.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to approve and sign the Warrant dated April 16, 2019 in the amount of \$3,314,221.06. Passed unanimously.

There is a General Assistance Warrant dated April 16, 2019 in the amount of \$3,152.31 consisting of \$2,852.31 General Assistance and \$300.00 from the Special Fuel Fund. The Fuel Fund balance is \$42,383.75

Motion by Mr. Hobbs, seconded by Mr. Howarth, to approve and sign the General Assistance Warrant dated April 16, 2019 in the amount of \$3,152.31. Passed unanimously.

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

a) ***Discussion and action on permitting the Depot Crossing LLC subdivision utilizing the New Depot Road to commence work on the agreed to Road Repairs.***

The Planning Board approved the subdivision with the conditions that New Depot Road be updated to Town standards and that the Selectmen approve the road improvements coinciding with the start of the subdivision.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to allow the work on New Depot Road to start as part of the Depot Crossing LLC Subdivision Road Design Improvements. Passed unanimously.

b) ***Discussion and action on scheduling a public hearing on “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells, to Define Adult Business Establishment and Permit Adult Business Establishments within the Light Industrial District retroactive in its adoption to April 8, 2019”.***

A special Selectmen’s meeting was held on April 9 after we were approached about having an adult business in Town. An emergency ordinance was drafted to prohibit this type of business on Route One where it was proposed and limit it to the Light Industrial District. The Town Attorney felt that constitutional law would prevent us from banning that type of business entirely, but we could regulate where it could be located. The public hearing is necessary to put this on the Town ballot on June 11.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to schedule a public hearing regarding “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells, to Define Adult Business Establishment and Permit Adult Business Establishments within the Light Industrial District retroactive in its adoption to

April 8, 2019” for May 7, 2019 at 7 PM in the Littlefield Meeting Room, 208 Sanford Road. Passed unanimously.

**c) Discussion and action on scheduling a public hearing to amend the 2019 Beach Parking Policy regarding the elimination of the two parking sticker restriction per property.**

Last year only 300 people requested more than 2 stickers due to multiple vehicles in the family, or a property held by a family trust with several individuals. Staff feels that allowing these individuals to buy additional stickers would have minimal impact on the Town.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to schedule a public hearing to amend the 2019 Beach Parking Policy regarding the elimination of the two parking sticker restriction per property presented by the Town Manager for May 7, 2019 at 7 PM in the Littlefield Meeting Room, 208 Sanford Road. Passed unanimously.

**d) Discussion and action on scheduling a public hearing on the release of up to \$13,000 from the Beach Enterprise Fund (0900) to purchase and install three LED remote activated Public Parking Lot Full signs for Drakes Island.**

We have the opportunity to use technology to help drivers in a densely packed area. People can be warned in advance that the Drakes Island lot is full and move on to other lots.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to schedule a public hearing regarding the release of up to \$13,000 from the Beach Enterprise Fund to purchase and install three LED remotely activated Public Parking Lot Full signs for Drakes Island for May 7, 2019 at 7 PM in the Littlefield Meeting Room, 208 Sanford Road. Passed unanimously.

**e) Discussion and action on extending the Libby-Scott Paving Contract for an additional year.**

Libby-Scott has had our paving contract for several years. Instead of going out to bid for paving we would like to extend our contract with them.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to extend the Libby-Scott paving contract for an additional year with the provisions of 1) that the roads damaged in last fall’s paving be repaired, 2) the Town receives priority paving and 3) pricing remains the same with the exception of adding a fuel escalation clause. Passed unanimously.

**f) Discussion and action to award the 2018 Town Report Printing Contract.**

Only two of the printers we previously used submitted bids this year. The recommendation is to use RAM Printing of East Hampstead NH.

<b>VENDOR</b>	<b>BID 2019</b>	<b>2018</b>
RAM Printing	\$1,731.37	\$1,852.00
Xpress Copy	1,759.00	1,883.86

Motion by Mr. Hobbs, seconded by Mr. Howarth, to award the bid for printing the Annual Report to RAM Printing for the price of \$1,731.37. Passed unanimously.

g) ***Discussion and action on abating \$151.50 for the 2019 Real Estate Tax Bill for Epstein – Trustee, Eileen M L for Matthews Revocable Trust, Josephine F on Sanford Road known as parcel 0059/009-000.***

This is the conservation parcel we purchased and the transfer of ownership happened after April 1, 2018. At the time of assessment the Town was not the property owner.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to abate the taxes of \$151.50 for the 2019 Real Estate Tax Bill for Epstein – Trustee, Eileen M L for Matthews Revocable Trust, Josephine F on Sanford Road known as parcel 0059/009-000. Passed unanimously.

h) ***Discussion and action to approve Quitclaim Deeds for the following properties that had a foreclosure date of March 1, 2019. The 60 day buy back period for the properties ends April 30 2019.***

~Desmarais, Robert A. and Laurie. Property is known as parcel number 0027/006-350. Payment was received to pay FY 17, FY 18 and FY 19 taxes on April 8, 2019.

~Graziano, David. Property is known as parcel number 0114/016-000. Payment was received to pay FY 17, FY 18 and FY 19 taxes on April 8, 2019.

~White, Dena Tufts & Adam A. Jr. Property is known as parcel number 0139/014-0A. Payment was received to pay FY 17 tax on March 12, 2019.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to approve and sign the Quitclaim Deeds to release the liens on the properties listed above. Passed unanimously.

i) ***Discussion and action on accepting a conditional Fire Pond Access Easement from the Grand Trail subdivision Housing Association following its Fire Department certification the week of April 15, 2019.***

This is a Planning Board requirement before a house closing can occur. Several closings are scheduled before the next Selectmen's meeting.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to accept conditionally upon Fire Department certification the Fire Pond Access Easement from the developer/Housing Association of the Grand Trail Development. Passed unanimously.

j) ***Discussion and action to accept donations and bequests.***

1. \$10.00 donation from Sarah Windle to the Town of Wells for the Fuel Assistance Program Fund.

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

2. \$100.00 donation from Michael and Deborah McGann to the Town of Wells for the Fenderson Commons in memory of Janet Fenderson.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to accept the generous donation and write a letter of thanks to the donors. Passed unanimously.

- 3. \$100.00 donation from Michael and Deborah McGann to the Town of Wells for the Fenderson Commons in memory of Gerald Fenderson.

Motion by Mr. Hobbs, seconded by Mr. Howarth, to accept the generous donation and write a letter of thanks to the donors. Passed unanimously.

k) **Discussion and action on approving minutes of April 2 and April 9, 2019 Selectmen’s meeting.**

Motion by Mr. Hobbs, seconded by Mr. Howarth, to approve the April 2 and April 9, 2019 minutes. Passed unanimously.

**NEW BUSINESS**

**1. Open to the Public**

- ~Thank you to Town staff and the Selectmen for their quick response in drafting emergency legislation regarding the proposed adult entertainment business.
- ~Thank you to the Town Manager, staff and Selectmen for addressing the traffic situation on Drakes Island.

**2. Town Manager’s Report**


~ The Webhannet Marsh Walk Trail Dedication – April 19<sup>th</sup> @ 2PM. This is part of our Earth Day celebration with Wells Reserve.

**3. Adjournment**

Motion by Mr. Hobbs, seconded by Mr. Howarth, to adjourn. Passed unanimously.

Respectfully submitted,

Accepted by,

  
 Cindi Davidson,  
 Meeting Recorder

