

SELECTMEN'S MEETING - TUESDAY, MAY 7, 2019

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

5:15 PM MEETINGS AND WORKSHOPS:

Executive Session #1: Pursuant to 1 M.R.S. § 405(6)(A), to confer with legal counsel on a complaint on an appointed public official.

Motion by Mrs. Chase, seconded by Mr. Roche, to go into Executive Session. Passed unanimously.

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

Executive Session #2: Pursuant to 1 M.R.S. § 405(6)(E), to confer with legal counsel on an 80b Complaint concerning ZBA denial of an applicant.

Motion by Mrs. Chase, seconded by Mr. Roche, to go into Executive Session. Passed unanimously.

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

Executive Session #3: Pursuant to 1 M.R.S. § 405(6)(E), to confer with legal counsel on denying an Certificate of Occupancy Permit for a new house with a DEP violation.

Motion by Mrs. Chase, seconded by Mr. Roche, to go into Executive Session. Passed unanimously.

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

Workshop # 1 -Town Hall Installation of LED Internal Lights

Replacing the incandescent lighting with LED lights would reduce the electrical use in Town Hall. It would cost around \$13,000 to install and we would get about \$4,000-5,000 back from Energy Management. The cost reduction hasn't been determined. There will be a public hearing to release the funds from the reserve.

Workshop #2 - Swamp John Road Analysis. Also present: Public Works Director Carol Murray and Public Works Assistant Paula Green.

CMA Engineers submitted a proposal to evaluate the road and consider its reconstruction. There may be enough good quality gravel to trade some of it for road work. Test borings will be done to investigate this. The cost of the analysis is \$24,500. The subdivision at the head of the road will need a replacement berm or vegetation to control runoff once the road is repaired. Traffic control will be a major issue during the road work. One option is to build a temporary lane next to the road.

Work is progressing on the Route One and Pine Ledge drainage projects. The damaged pole at the Transfer Station was replaced in a better location.

6:50 PM: Interview for Harbor Advisory Committee –Paul Dever

7:00 PM – SELECTMEN’S MEETING

Special Presentation: Maine Roll of Honor Volunteer Presentation

~WEMS Director Jim Lapolla nominated Tom Oliver for the Maine Commission for Community Service Roll of Honor, and Tom’s nomination was accepted. Jim presented Tom with a plaque in recognition of his service. Tom thanked the members of the WEMS Board for working with him to help the community.

~Norm Labbe is retiring after 35 years with the KKWWD. Chairman Ekstedt presented him with a plaque from the Board and Town Manager. Steve Cox has joined the district replacing Norm as Superintendent.

MUNICIPAL OFFICERS BUSINESS / PUBLIC HEARINGS

1. *Public Informational Hearing on June 11th Town Meeting and FY’20 Municipal Budget.*

The Budget Committee has been working hard over the winter and held the gross budget increase to 9.42%, which was reduced to a net increase of 0.41% because of our revenues. The tax rate will increase to \$.05. The budget is staying under LD-1 as required by the Selectmen. Our Finance Director has prepared a 20 year look ahead.

The warrant articles were reviewed. The Fire Substation will be located on Route 9 and the Town would like to sell the land on Route 109 that was previously purchased for it. We propose to lease Town property to a solar energy development company for solar arrays at an old gravel pit and the Route 9B brownfield site. Voters are asked to approve hiring one additional full-time firefighter to cover the manpower shortage during peak times in the week.

Town Planner/Engineer Mike Livingston reviewed the warrant articles involving zoning ordinance changes. These are primarily “housekeeping” changes to simplify procedures for residents and solve problems for the Code Office.

There was a question about the Beach Enterprise Fund and the sources of the funds. Beach stickers generate about \$150,000 (for 6,000 stickers) and the meters generate about \$300,000. The ordinance changes were written to address particular issues that have come up or to solve potential problems.

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

2. *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” to be placed on the June 11, 2019 Town Ballot.*

Nothing in our ordinance prohibits this type of business. This amendment defines “Adult Business Establishments” and specified sexual activities. The Town Attorney advised that we cannot prevent this type of business from coming into Town, but we can limit where it could be located. Mr.

Livingston said there may be more restrictions added in November, such as a requirement for screening or fencing to block the public's view, limitations on signage, opaque windows, etc.

Several residents complimented the staff for reacting well when a business applied to come here. This is a balance between free speech and the quality of life we want for the Town. The original applicant withdrew the application, but there may be other applications.

Motion by Mrs. Chase, seconded by Mr. Roche, to close the public hearing and place "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" on the June 11, 2019 Town Ballot. Passed unanimously.

3. ***Public hearing to amend the 2019 Beach Parking regarding the elimination of the two parking sticker restriction per property.***

Only 300 families asked for more than 2 stickers for their extra vehicles. The Selectmen approved a public hearing to remove that restriction.

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

4. ***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.***

Drakes Island residents asked if there were some way to keep people off the island when the lots are full. There are electronic signs activated by cell phone to warn people when the lots are full. The cost for 3 signs would be \$13,000. Mr. Ekstedt and Chief Putnam have discussed beach access, especially emergency access during the season. Mr. Roche said we should have the signs at Atlantic Avenue, too, and we need a policy about when to turn the signs on. At the last meeting there was a recommendation to turn them on at 95% capacity.

Public comment supported releasing the funds for the signs. Enforcement of the No Unloading zones must also be enforced. Chief Putnam said cars need a place to turn around at the end of the road. Last year there were 13 parking/traffic complaints from Drakes Island residents and police coverage for the season cost the Town \$16,000. She will compile statistics for this season. It has never been so crowded that emergency vehicles couldn't get through. The lots tend to fill up until high tide, then people leave. Cones can be placed to keep the turnaround area available and there can be a stacking area for 2 cars to wait. Signs along Route One would invite people who didn't know the lot was there.

Motion by Mrs. Chase, seconded by Mr. Roche, to close the public hearing and authorize the release of up to \$13,000 from the Beach Enterprise Fund (0900) to alleviate the traffic issues due to beach parking. Passed unanimously.

5. ***WMH Enterprises, Inc., dba: Hobbs Harborside, 352 Harbor Road, Wells, application for a full-time Malt, Vinous and Spirituous 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 4-0-1 with Mr. Hobbs abstaining.

6. ***RFD #2, dba: Joshua's, 1637 Post Road, Wells, application for a full-time Malt, Vinous and Spirituous 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.

7. ***Los Olas Maine LLC, dba: Los Olas Taqueria 1517 Post Road, Wells, application for a full-time Malt, Vinous and Spirituous 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.

8. ***Pizza Market To You LLC, dba: Pizza Market of Wells, application for a full-time Malt 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.

The underage delivery drivers cannot legally deliver alcohol. The police will do spot checks.

9. ***Dylan Gardner, dba: Falafel Mafia, 133 Emery Street, #2, Portland, application for a Food Truck 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.

10. ***Brian Coddens and Deena Eskew, dba: Hoss & Mary's, PO Box 321, Kennebunk, application for a Food Truck 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.

11. ***Chris Kozlowski, dba: Chef Koz's Crescent City Kitchen, 73 Flowing Brook Road, Farmington, NH, application for a Food Truck 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.

12. ***Mark Tripp, dba: Tripps Farmhouse Café, 1056 Center Street, Auburn, application for a Food Truck License. (N)***

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.

13. ***Andrew Steinberg, dba: Pizza By Fire, 60 Cross Hill Road, Cape Elizabeth, application for a Food Truck 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.

14. ***Kate Subocz, dba: Knew Potato Caboose, 14 Sokokis Road, Biddeford, application for a Food Truck 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.

15. ***Kerry Fay, dba: Curb Appeal Meals, 22 Old Coach Road, Salem, NH application for a Food Truck License. (N)***

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.

16. ***Gary Tassinary, dba: Burrito Betty's, 14 Hickory Lane, York, application for a Food Truck 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.

17. ***Kerry Cargill, dba: Lexies Burger Bus, 199 High Street, Exeter, NH, application for a Food Truck License. (N)***

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.

18. ***Anthony Barbano, dba: Ocean Jet Ski Rentals, 18 Old Orchard Lane, Saco, application for a Commercial Recreation Business 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.

19. ***Nicholas Boudreau, dba: Captain Nick Fishing Charters, 6 Maple Street, Sanford, application for a Commercial Recreation Business 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.

20. ***Daniel Durgin, dba: Sea-Gar Charters, 17 Clifford Lane, Wells, application for a Commercial Recreation Business 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.

21. ***Mark L. Driscoll, dba: 3 Ladies Fishing, 200 Atlantic Avenue, Wells, application for a Commercial Recreation Business 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.

22. ***Peter T. Sage, dba: Sage Fishing, 69 Ox Cart Lane, Wells, application for a Commercial Recreation Business 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.

23. ***Margaret Genereux, dba: Gotta Be Frank Gourmet, application for a Food Truck license. (N)***

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.

24. ***Gary Leech, dba: Congdon's Beverage Truck, 1090 Post Road, Wells, application for a Food Truck License. (N)***

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.

Mr. Roche complimented Mr. Leech for creating a safe, family-friendly business. Chief Putnam said the department has never had a problem there because people want to have a good time. There are 41 trucks this year rotating, with 10 trucks at a time. Two fundraisers are already planned for this summer.

25. ***Good News***

~Jodie Sanborn and Casey Welch have been re-certified as Tax Collector & Treasurer by the Maine Municipal Tax Collectors' and Treasurers' Association.

~In the U.S. News & World Report our high school ranked in 6th place and our district was in the top 25 for the State. Our graduation rate this year is close to 100%.

~The Coastal Clean-up resulted in the collection of 1,000-1,200 pounds of trash. There were 229 volunteers, 85% were from Wells.

~Over 40 people came for the piping plover training.

~The new tractor and beach rake arrived today. The tractor is larger, works more efficiently and has an enclosed cab so we can work in the rain when people are not on the beach. The Harbor Master may take the old tractor. Mr. Ekstedt said we are keeping the budget under LD-1 while still providing our departments with the right tools to do their work and keeping the tax rate down.

~At Drug Take Back Day we collected 270 lbs. of drugs, part of the 1,500 pounds collected in the State.

~The voluntary Gun Take Back Day will be held this Saturday, May 11 at the Police Station from 10 AM - 2 PM. This is a voluntary, anonymous collection of guns and ammunition people no longer want.

The guns will be melted down and made into tools for community gardens. Chief Putnam asked people not to leave guns against the door. Call them and they will pick it up.

26. ***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 May 7, 2019 with expenses of \$572,789.47, no school payment, net payroll for the week ending 4/18/19 in the amount of \$75,921.55, net payroll for the week ending 4/25/19 in the amount of \$76,280.31, net payroll for the week ending 5/2/19 in the amount of \$72,645.49 and state and federal withholding taxes, plus FICA, Medicare and federal taxes filed electronically in the amount of \$91,647.65 for total expenses of \$889,284.47.

Motion by Mrs. Chase, seconded by Mr. Hobbs, to approve and sign the Warrant dated May 7, 2019 in the amount of \$889,284.47. Passed unanimously.

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

a) ***Discussion and action on scheduling a Public Hearing on the release of up to \$13,000 from the Emergency Facility Repair Fund and Energy Efficiency Improvement Fund to replace the internal incandescent lighting at Town Hall with LED lights with partial reimbursement from the State Fuel Efficiency Fund.***

Rockingham Electric will provide a kit to convert our lights to LEDs. We expect to receive about 40% back from the State Fuel Efficiency Fund.

Motion by Mrs. Chase, seconded by Mr. Roche, to schedule a Public Hearing on the release of up to \$13,000 from the Emergency Facility Repair Fund and Energy Efficiency Improvement Fund to replace the internal incandescent lighting at Town Hall with LED lights for May 21, 2019 at 7 PM in the Littlefield Meeting Room, 208 Sanford Road. Passed unanimously.

b) ***Discussion and action to proceed with an Engineering analysis to gather information and alternative concepts to properly reconstruct Swamp John Road.***

At a workshop this evening Public Works Director Carol Murray described the engineering study needed to proceed with rebuilding the road. This study will help us make the right decisions about the road work. The entire road will be done, probably in two sections. Gravel that we take out can be stockpiled for future use.

Motion by Mrs. Chase, seconded by Mr. Roche, to proceed with the Town Manager signing the Scope of Work from CMA Engineers for \$24,500. Passed unanimously.

c) Discussion and action on a request by the York County Community Action Corporation to use the parking area, facilities at the Highway Department and to purchase fuel from the Town for the Shoreline Explorer trollies from May to September of 2019.

Each summer we allow the trolley system to use our facilities for parking and to purchase fuel from us. Mr. Hobbs asked about the impact of the construction for the fire substation. Work on the station will start in late June-July. Ms. Murray said we can manage for this season, but will have to wait and see for next year. Mr. Howarth asked about their fuel purchases. We track their usage and bill them.

Motion by Mrs. Chase, seconded by Mr. Roche, to authorize the Town Manager to sign the YCCAC MOU for the Shoreline Explorer Trollies to be stored at the Highway Department and utilize the facilities and to purchase fuel from the Town as they have done in past years. Passed unanimously.

d) Discussion and action on certifying the 2019 Warrant and Notice of Election calling for the Wells – Ogunquit Community School District #18 Budget Validation Referendum.

Motion by Mrs. Chase, seconded by Mr. Roche, to certify the 2019 Warrant and Notice of Election calling for the Wells – Ogunquit Community School District #18 Budget Validation Referendum. Passed unanimously.

e) Central Maine Power Company and Northern New England Telephone Operations LLC, application for Pole Location for one pole to be located 50 feet Northeast of Pole #23 on Hobbs Farm Road.

Motion by Mrs. Chase, seconded by Mr. Roche, to approve the pole location permit request for Central Maine Power to install one pole on Hobbs Farm Road. Passed unanimously.

f) 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 ended April 30 2019.

~Allen, Thyra E. Property is known as parcel number 0115/063-00L. Payment was received to pay FY 17, FY 18 and FY 19 taxes on May 2, 2019.

~Goodwin, Christopher. Property is known as parcel number 0083/019-000. Payment was received to pay FY 17 and part of FY 2018 taxes on April 29, 2019.

~Haczynski, Richard & Divicino, Sheri. Property is known as parcel number 0048/007-000. Payment was received to pay FY 17 and part of FY 2018 taxes on April 30, 2019.

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

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

1. ***Selectmen***

a. Harbor Advisory Committee

Motion by Mrs. Chase, seconded by Mr. Roche, to appoint Paul Dever as an alternate member to the Harbor Advisory Committee with term to expire August 2022. Passed unanimously.

b. Motion by Mrs. Chase, seconded by Mr. Roche, to appoint Kerri Van Schaack as Warden for the June 11, 2019 Annual Town Meeting and State Election. Passed unanimously.

c. Motion by Mrs. Chase, seconded by Mr. Roche, to appoint Jessica Keyes as Deputy Warden for the June 11, 2019 Annual Town Meeting and State Election. Passed unanimously.

2. ***Town Manager***

Jim Black has been appointed the Assistant Harbor Master and Taylor Burns is the Deputy Assessor.

h. Discussion and action on approving a request for a Tax Abatement.

The Finance Director is requesting an abatement of \$288.65 for 2017, 2018 and 2019 taxes on a travel trailer that has been removed from storage at Outdoor World.

Motion by Mrs. Chase, seconded by Mr. Roche, to approve the tax abatement for \$288.65. Passed unanimously.

i. Discussion and action to accept donations and bequests.

1. Hall Family Foundation \$50,000 donation advance on the Public Safety Complex Landscaping Plan and its implementation.

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

j. Discussion and action on approving minutes of April 16, 2019 Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. Roche, to approve the minutes as written. Passed 3-0-2 with Mrs. Chase and Mr. Roche abstaining.

NEW BUSINESS

1. ***Open to the Public***

Public comment was solicited and there was none.

2. *Town Manager's Report*

~The Employee Appreciation Luncheon will be June 13 at 11:30 at the Activity Center.

~The Southern Maine Economic Development Commission's annual meeting will be held in Sanford on June 11. The Selectmen are invited.

~The MMA has issued a press release. Our HR Director applied for a grant for safety enhancement and received \$1,954.30 for special desks.

3. *Adjournment*

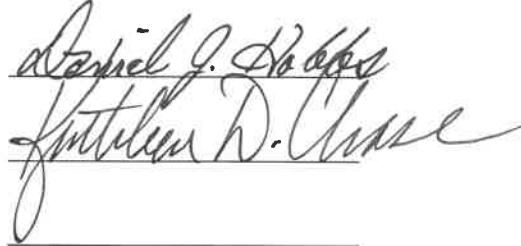
Motion by Mrs. Chase, seconded by Mr. Roche, to adjourn. Passed unanimously.

Respectfully submitted,

Accepted by,







Cimndi Davidson,
Meeting Recorder

