

SPECIAL SELECTMEN'S MEETING (ZOOM) - TUESDAY, MAY 12, 2020

Present via ZOOM: Chairman Karl Ekstedt, Selectmen Tim Roche, Kathy Chase, Sean Roche, John MacLeod, Fire Chief Mark Dupuis, Finance Director Jodie Sanborn, Town Attorney Leah Rachin, Social Media Consultant Brittany DiCapua

Present: Town Manager Jon Carter, Police Chief Jo-Ann Putnam, EMS Director Jim Lapolla

MUNICIPAL OFFICERS BUSINESS / PUBLIC HEARINGS

1. Joint public hearing with the Budget Committee on "An Ordinance to Authorize Issuance of Bonds in Principal Amount of up to \$4,500,000 to Fund Road, Bridge and Seawall Infrastructure Repair and Improvement Project" and submission of referendum question to the July 14, 2020 Town Meeting. Also present via ZOOM: Public Works Director Carol Murray, Budget Committee members Ron Schneider, Marisa Caputo, Anne Martin, Russ Markgren, Jim Gaylord, Brian Toomey, William Wade, Richard DeBold.

Mr. Carter said that our charter requires an ordinance to authorize issuing the bonds. The public hearing is in two parts, the ordinance and the referendum question to be submitted to the voters.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and move that the Board of Selectmen adopt the Ordinance entitled "An Ordinance to Authorize Issuance of Bonds in Principal Amount of up to \$4,500,000 to Fund Road, Bridge and Seawall Infrastructure Repair and Improvement Project" in form presented to this meeting. Roll call vote 5-0 in favor: Mr. Ekstedt, Mrs. Chase, Mr. T. Roche, Mr. S. Roche, Mr. MacLeod.

Recommendation of the Bond Referendum Question:

Selectmen's motion by Mrs. Chase, seconded by Mr. S. Roche, "Shall the Town of Wells Board of Selectmen be authorized to issue bonds in a total amount not to exceed \$4,500,000 for the purpose of funding costs of an infrastructure project to repair and improve roads, seawalls, a bridge, and related infrastructure, including Swamp John Road, Pine Ledge Drive, Robinson Road, Drakes Island Bridge, Webhannet seawall, and Casino Square seawall; to make the bonds subject to call for redemption with or without premium; to prioritize and to add or subtract from these project components and the project scope to keep costs within available funding; and to acquire project-related easements and other real estate interests, including drainage easements for Pine Ledge Drive and Robinson Road?"

Ms. Caputo asked if the Crescent Beach seawall should be included. Mr. Carter said it should be incorporated into the motion.

Budget Committee motion by Mr. Markgren, seconded by Mr. Toomey, “Shall the Town of Wells Board of Selectmen be authorized to issue bonds in a total amount not to exceed \$4,500,000 for the purpose of funding costs of an infrastructure project to repair and improve roads, seawalls, a bridge, and related infrastructure, including Swamp John Road, Pine Ledge Drive, Robinson Road, Drakes Island Bridge, Webhannet seawall, Casino Square seawall and Crescent Beach seawall; to make the bonds subject to call for redemption with or without premium; to prioritize and to add or subtract from these project components and the project scope to keep costs within available funding; and to acquire project-related easements and other real estate interests, including drainage easements for Pine Ledge Drive and Robinson Road?”

The deadline to put this question on the July 14 ballot is this Friday. Ms. Murray has been working with Jim Hall, a structural engineer with Dubois & King, who has reviewed the seawall conditions. The work at Crescent Beach will be funded by FEMA because of the March 2018 storm, but we must pay up front and wait to be reimbursed by FEMA. The bridge is an old wooden structure and the guard rails are an immediate safety concern. The Swamp John Road project is a total reconstruction including the drainage for about \$1,000,000. Pine Ledge Drive requires extensive drainage work without blasting the granite.

Discussion points: Crescent Beach is considered a “large” project by FEMA, and they will pay any excess over the estimated \$1,000,000. Mr. Hall is a consultant who is developing the reports; his firm will not be doing the repairs. Mr. Hall will prioritize the urgency of the repairs. The \$4,500,000 figure is considered a ceiling. Mr. Carter said we are looking at our cash flow and revenue projection in light of COVID. The bond will help with our cash flow and maintain our reserve funds. We can use Bond Anticipation Notes for the first 3 years, and the first premium payment could be 5-6 years out. Ms. Caputo and Mrs. Chase were in favor of bonding to maintain our reserves, and felt that the Drakes Island bridge repair is critical. Mr. Ekstedt said that \$4.5 million is a cap if it is voted tonight, and that 1 ¼% is a good rate. This type of bond cannot be prepaid. If the Webhannet seawall goes down, a lot of real estate would go with it.

Ms. Murray was asked about access to Drakes Island during the construction. She expects that a precast foundation would be positioned once the old foundation is removed. A fire truck would be staged across the bridge overnight. Mr. T. Roche asked her to keep after FEMA to get our reimbursement for the storm damage. The situation has been dragging on and the damage worsens.

Public comments:

~Closing the bridge. We have to do rapid bridge construction, half & half won't work.

~Cost breakdown: Swamp John Road \$1M, Pine Ledge Road/Robinson Road \$1M, Drakes Island bridge \$500,000, 3 seawalls \$2M.

~The ordinance language is on the Selectmen's page of the web site. Voters have a final say on the spending.

~Why don't we use the Beach Enterprise Fund? It isn't large enough.

~Can the bridge be widened for pedestrians and bicycles? That would involve permitting issues and increase the cost.

Selectmen's vote to close the public hearing and vote on the motion as amended: 5-0 in favor, Mr. Ekstedt, Mrs. Chase, Mr. T. Roche, Mr. S. Roche, Mr. Macleod.

Budget Committee vote on the motion: 7-1 in favor. Mr. Schneider, Ms. Martin, Mr. Markgren, Mr. Gaylord, Mr. Toomey, Mr. Wade, Mr. DeBold in favor. Ms. Caputo opposed.

2. *Joint public hearing with the Planning Board on an amendment to Chapter 145 (Land Use Ordinance) to Extend Occupancy Time Limits on certain Seasonal Lodgings to Compensate for the Time Lost as the Result of the COVID-19 Pandemic. Also present via ZOOM: Town Engineer/Planner Mike Livingston, Planning Board members Chuck Millian, Brian Toomey, Richard DeBold, Charles Anderson, Bob Sullivan, Rick Seiden.*

The pandemic and mandatory quarantine are creating hardship for our tourist industry. One proposal is to extend the occupancy time for seasonal lodgings with an amendment to Chapter 145 allowing a one year grace period. Ms. Rachin and Mr. Livingston drafted the proposal being considered tonight. Mr. Millian was concerned that staying open later in the fall could risk pipes freezing if there is an early frost. Mr. T. Roche proposed opening earlier in April on a permanent basis; Massachusetts and New Hampshire schools have early spring breaks and it would help the restaurants if people start coming up earlier. Staying open later in November wouldn't be as helpful since the students are back in school and people are starting to head for Florida for the winter. Mr. Seiden supported the proposal for earlier openings because so many people are suffering, particularly hourly workers in lodgings and restaurants. Mr. Millian said that when the seasonal units were first approved, people could own them but not as a legal residence. They can't vote here and can't have children in our schools. The criteria for residency were not clear. Mr. Carter said that this has to go to Town Meeting. If this is going on the July 14 ballot a vote has to be taken tonight, otherwise we postpone it until November. Mr. Millian and Mr. Ekstedt said more information about residency is needed, and a vote tonight is premature. Once the quarantine is lifted people can come up this spring/summer and we have time to decide about spring 2021. Ms. Rachin said that residency differs from land use planning. The lodging and use categories have different dates in our ordinance and she needs to look at all of them to draft an amendment. Mr. Millian assured the public that we are planning for early opening next spring, just that the details haven't been worked out yet.

Public Hearing:

~How will people vote on this? There will be a warrant article at Town Meeting.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to table this item until additional information is available. Passed unanimously.

3. *Public Hearing on an “Ordinance to Amend Chapter 150 (Licensing and Permits) of the Code of the Town of Wells to Require the licensing of Short Term Rentals.” Also present via ZOOM: Town Engineer/Planner Mike Livingston and Code Enforcement Officer Jodine Adams.*

The Town Attorney has drafted an ordinance to regulate Short Term Rentals (STR’s) and prevent an influx of visitors from communities with high rates of COVID-19. Mr. T. Roche felt that the Lodging Committee should be included in discussions of the proposals. Mr. MacLeod felt that the changes are onerous, such as requiring a property manager, record keeping and having a 3 day minimum stay. Mr. Ekstedt said there are safety and liability issues to consider. Mrs. Chase said that people need to be responsible and do their own research before renting a unit. The consensus was to table this item and have the Town Manager reconvene the Lodging Committee. Ms. DiCapua was asked to post the information on the Town’s social media and ask for public input.

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

4. *Christopher Farley, 16 Pine Ledge Drive, Wells, application for a Solid Waste Disposal License. (N)*

Public comment was solicited and there was none.

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

5. *Town COVID 19 Update – Update from Town Manager on Town COVID 19 issues from last meeting and BOS continued discussion of Federal and State COVID 19 policies and directions.*

a. *Update on Governor Mills Orders*

The Governor is working on orders regarding the elections, taxes and when areas of the state can re-open. The 12 rural counties are starting to re-open for different services. York and Cumberland Counties are still closed. Quarantine orders are confusing. People who come up here must quarantine for 14 days without exiting the place where they are staying, or for the length of their visit if it is less than 14 days.

Outdoor dining is still prohibited. Mr. T. Roche said he would like businesses to use temporary tents when they re-open, and skip the requirement for a site plan. Mr. Carter said that is another Chapter 145 Land Use item that Ms. Rachin and Mr. Livingston can look into. Amending the ordinance requires a Town Meeting vote. Enforcement by the CEO is another factor. It would be less cumbersome if the Selectmen decided not to enforce the ordinance. Mr. Ekstedt asked if the Board

could relax the rules temporarily or have Mr. Carter issue an Executive Order. Ms. Rachin will report on the Town Manager's emergency authority at the next meeting.

b. Review Beach Opening May 11, 2020

This went fairly well, except for several “wildlife issues.” Piping plovers have nested on the major walkway to the beach near the Eastern Shore parking lot. The State closed that area. At the next ROW there was a den of foxes, 2 of which were rabid. They have been removed. The next ROW has a bird nest, so people have to use ROW #13. We are stuck until the birds hatch and fly away. The Town has signed agreements with the State and Federal governments to monitor the beaches and protect the birds.

c. Town of Wells – Town Hall Opening 5/18/20

There will be orientation for the staff on Friday. The number of customers allowed inside at a time is restricted. There will be an app and a phone number for people to schedule appointments if they have to come inside. People are encouraged to do as much business as possible on line under Services on the Town web site. There is a secure drop box near the side door for tax payments, building permits, etc. The beach sticker program has been automated and over 500 stickers have already been issued. They will be mailed when the staff comes back next week.

d. Update COVID 19 –We Are Wells Fund .

The balance is \$5,692.

6. Good News

~The Elks Club will decorate veterans' graves for Memorial Day.

~Mr. T. Roche thanked the businesses, Recreation Department and schools for posting signs “RIP Frankie” in memory of the daughter of a Wells family who passed away in February and was laid to rest this week.

~Mr. S. Roche reported that 1,000 people are involved in Project Stimulus and so far there are 60-70 baskets. The funds will be used to help our small businesses. The donation platform will go live on Facebook this weekend.

7. Open to the Public

~Length of quarantine? 14 days after they arrive, less if their stay is shorter.

~Picking up a boat at the harbor? That is non-essential travel.

~Date for opening cottages? For a non-lodging house, they can come June 1 and quarantine for 14 days. For lodging facilities, the date is June and the quarantine is for 14 days. We are staying in touch with the managers of the facilities.

~Parking at the beach on June 3 with Massachusetts plates and walking the beach? The meter operations begin Memorial Day Weekend. If they plan to stay they need to quarantine.

~Day trips are not allowed until the Governor’s order is lifted—possibly June 1. Residents of Massachusetts, Rhode Island, Vermont, New York and Connecticut are violating their own state’s laws if they leave home and come up here.

~If they quarantine in Massachusetts and come up here, do they have to quarantine again? Yes, it’s a State of Maine requirement.

~The Governor’s orders are through July. We don’t know what the quarantine order will be for August. A lot depends on the progress of testing.

~Quarantine means staying inside the facility where you are staying. No trips to the grocery store and drug store.

~Enforcement? This is difficult. Chief Putnam said she hopes everyone will do the right thing for the benefit of all of us. If you don’t want to cooperate, stay home.

~The categories of lodging facilities and the opening dates differ between the Town and State. Maine residents and out-of-state residents who have quarantined are allowed into lodging as of June 1. Mr. Carter referred everyone to the Maine CDC web site and the FAQ section.

~Outdoor exercise classes of less than 10 people? That is for the 12 rural counties that are starting to re-open.

~What about Maine residents who work out-of-state? They are essential workers--don’t have to quarantine.

CURRENT AGENDA ITEMS

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

a) Discussion and action on amending the 2020 Annual Town Meeting Warrant to include the following Articles:

Article 18: Shall the Town vote to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Extend Occupancy Time Limits on Certain Seasonal Lodgings to Compensate for the Time Lost as the Result of the COVID-19 Pandemic?

TABLED

Article 19: Shall the Town of Wells Board of Selectmen be authorized to issue bonds in a total amount not to exceed \$4,500,000 for the purpose of funding costs of an infrastructure project to repair and improve roads, seawalls, a bridge, and related infrastructure, including Swamp John Road, Pine Ledge Drive, Robinson Road, Webhannet seawall, Casino Square seawall, Crescent Beach seawall and the Drakes Island Bridge; to make the bonds subject to call for redemption with or without premium; to prioritize and to add or subtract from these project components and the project scope to keep costs within available funding; and to acquire project-related easements and other real estate interests, including drainage easements for Pine Ledge Drive and Robinson Road?

Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept Article 19 as amended. Passed unanimously.

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

1. Town Manager: Chief Mark Dupuis announced the hiring of Firefighter Carissa Gordan, effective today.
2. Selectmen
 - a) Motion by Mrs. Chase, seconded by Mr. T. Roche, to reappoint Justine Belanger as a regular member to the Recreation Commission with term to expire April, 2023. Passed unanimously.
 - b) Motion by Mrs. Chase, seconded by Mr. T. Roche, to reappoint Laura Barra as a regular member to the Recreation Commission with term to expire April, 2023. Passed unanimously.
 - c) Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the resignation of Mary McEvoy from the Recreation Commission and write a letter of thanks for her service. Passed unanimously.

c) ***Discussion and action on accepting donations and bequests.***

1. \$200.00 gift card donation from Patrick Casten to the Wells Police Department.

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

d) ***Discussion and action on approving minutes of May 5, 2020 Selectmen's meeting.***

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the May 5, 2020 Selectmen's meeting minutes. Passed unanimously.

NEW BUSINESS

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

~If someone had an out-of-state test that was negative, do they still have to quarantine? We can't accept that test result in Maine yet; we are still working on the protocol.

~Why was May 11 picked for the beaches to reopen? Did we consult with the other towns? The Selectmen chose May 11. We are in touch with town managers and mayors in Maine, New Hampshire and the North Shore. Each community has their own ideas about reopening.

~Will there be any property tax relief because schools are not in session? We are still obligated to pay our portion of the school budget, teachers are still working, student lunches are provided.

~What happens if we approve the bond question and receive stimulus money? We would be in a better position financially.

~If the Wells Development Corp. was still operating it could do more financially than the Town government can. We are doing a lot with General Assistance and we hope people will call if they need help. The CARES Act is for larger towns and hopefully will be expanded to smaller areas. There is a link on our Facebook page for economic resources for businesses.

~We need more No Littering signs. Ms. Murray will have the PWD do an inventory and make some signs. Mr. Carter gave a shout out to the Road Rangers for their efforts to clean up along our roads, and said they can use more volunteers. Be safe--wear gloves and a vest. The Town will provide bags.

~What is happening along Riverside Drive? They are surveying to check the road width. There is a proposal to make it one-way.

~ Bayview Terrace was repaved and there are no curbs. The corners can be smoothed.

~Beach stickers are \$40 apiece. They can be ordered on line and will be mailed to you.

~The summer camp program at the Recreation Department has been cancelled.

~Will there be a light at Routes 109 and 9A? It is in the design phase, will go out to bid in the spring with construction planned for next summer.

~The We Are Wells Fund will help people with fuel and food and buying Hannaford gift cards for people in need. The link will be posted on the Town's Facebook.

~The 14 day quarantine order came from the Governor, not the Town. Every time you go back and forth to a "hot spot" you risk bringing the virus here.

~Will Chapter 150 be amended? It will take a while and we are going to reconvene the Lodging Committee. There will be public hearings and opportunities for comment.

~We are not testing Town employees.

~The Library won't open until at least June 1. We are working with their trustees and State library association guidelines. They have to resolve questions such as sanitizing materials and how many people to allow in the building. The plexiglass is in place.

~Comments on the Board's Executive Sessions. Mr. T. Roche said the Board has reduced the number of Executive Sessions but there are still legal matters to discuss. Each town had its own issues about when to reopen their beach. May 11 seemed like a reasonable date for us. No motions are made during Executive Sessions. The Board isn't trying to hide anything from the residents.

~Masks are required if you come into Town Hall. Some businesses require them, so carry one in your car just in case. You need to wear a mask if you can't stay 6 ft. apart.

~The State and Town have different definitions of lodging facilities and residences, and the language is confusing.

~Our first responders are doing OK, they are taking precautions, have plenty of safety equipment and sanitize their facilities regularly.

~Airbnb's are supposed to be closed. Campgrounds are considered lodging and should be closed. They also come under the Governor's order.

~If a lodging facility is not open does the office still have to be staffed? It is up to the association.

~How can people renew boat registrations? This is handled by the Town Clerk's office. People can renew on line and the stickers will be mailed to them.

2. ***Town Manager's Report: None***

3. ***Adjournment***

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

Respectfully submitted,

Accepted by,

Cinndi Davidson,
Meeting Recorder