

## ***SELECTMEN'S MEETING (ZOOM) - TUESDAY, AUGUST 4, 2020***

### ***6:00 PM – SELECTMEN'S MEETING***

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

***Present: Town Manager Jon Carter, Police Chief Jo-Ann Putnam, EMS Director Jim Lapolla, Town Engineer/Planner Mike Livingston, Code Enforcement Officer Jodine Adams, Meeting Recorder Cinndi Davidson***

***Presentation of the Annual Town Report for 2019 to Richard Clark: Present via ZOOM: County Commissioner Clark.***

Mr. Carter read the dedication. Mr. Clark thanked the Selectmen for the honor.

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

1. ***Public hearing to amend Chapter 49 – Personnel regarding the elimination of the MainePERS Cap on Non-Union Employees and adding the vesting periods for the Town's ICMA RC 401plan.***

We are removing the cap on the employees' payments and adding the vesting periods to the policy.

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and to amend Chapter 49 – Personnel regarding the elimination of the MainePERS Cap on Non-Union Employees and adding the vesting periods for the Town's ICMA RC 401 plan. Passed unanimously.

2. ***Municipal Officers vote and submittal of Maine Municipal Association Legislative Policy Committee Election Ballot.***

The two candidates are William Ward Jr. of Kennebunk and Larissa Crockett. Ms. Crockett has served on the LPC since 2010 and wishes to continue.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to vote affirmatively for the two candidates representing the Wells District to the MMA LPC and submit the ballot following the Selectmen signing it. Passed unanimously.

3. ***COVID 19 Update***

***a. 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.***

The Governor is working on a plan to open the schools in all counties if they wish to. The beach ambassadors are helping to enforce her mask order at our beaches.

***i. Second MUNI Grant Update***

Cpt. Chabot has applied for a second grant for \$77,000 for additional laptops, AV equipment, PPE, sanitizing and barriers. More virtual meetings will reduce unnecessary exposure in Town Hall. Grant awards will be announced soon.

***b. Update on Governor Mills Orders- Request to Tourist Municipalities to assist with different aspects of the amended plan.***

***c. Re-opening the Community discussion of concerns and ideas from the business community***

***i. Update on Town Facilities Re-opening-Library-August 3. Also Present via ZOOM Library Director Cindy Appleby.***

***M, W, F 10-6 curbside pickup (no change)***

***T, Th 2-5pm, no curbside, open to public***

***Sa 10-12, no curbside, open to public.***

The Library has been closed to the public since March. Curb-side pick-up started June 1. Patrons are allowed inside starting today, with half hour appointments and in groups of 10. Volunteers monitor the doors; masks and social distancing are required. Staff and patrons were happy to be back.

***d. Update on the Maine Hospitality Industry and their Cares Act proposal. Lodging Facility Advisory Committee recommends the BOS consider advocating to the Governor in support of it.***

The industry is looking for \$800 million in recovery funding from the State. The Lodging Committee is asking the Selectmen to support it. Mr. S. Roche said there is no way to make up for the lost time, but a letter from the Town would be helpful in obtaining funding. Mr. Carter will draft a letter for the Selectmen to sign.

***e. Update COVID 19 –We Are Wells Fund – Balance \$22,145.***

Ms. DiCapua said she will post the link on the Town's social media platforms. People can access the fund by e-mailing the Town Manager or General Assistance Coordinator Laurie Lord.

4. ***Workshops***

***Workshop #1: Lodging Facility Advisory Committee Update and Recommendations.***

Chairman Bob Sullivan submitted a memo for tonight's packets. The Committee decided that extending the season would help only a small group of lodging types and that not all the lodgings would benefit. Early openings would be difficult because of unpredictable weather, water supply/frozen pipes, parking on grass, staffing issues, etc. The Selectmen thanked the Committee for their work and accepted their recommendation to take no further action.

The Committee supports the need to register short term rentals and will probably recommend using Host Compliance or a similar company to gather the data. Several Selectmen received calls from people who are concerned about a third party having access to their information, and whether the data will be secure. Ms. Rachin said that with the Freedom of Information Access laws, the data could be more secure with a third party than if the Town had it.

The Lodging Committee had no negative comments about the proposed ADU change.

The Committee has 2 more meetings and would like an extension from the Selectmen to create a standing committee. There is more work to be done with the lodging industry in Wells. An extension period will be on the Selectmen's August 18 agenda. Ron Collins has resigned from the Committee and an alternate will take his slot.

***Workshop #2: Proposed Amendment to Chapter 145 (Land Use) to include Accessory Dwelling Units***

Mr. Livingston reviewed sample locations in the 3 zones being considered. More properties met the zoning requirements than anticipated. The limiting factor would probably be the need for 2 additional parking spaces for an ADU. The Planning Board held a public hearing and there were no comments. It was forwarded to the Selectmen with a recommendation to put it on the November ballot. Mrs. Chase thought the original idea for an ADU was to provide a home for elderly relatives. The 3 zones were probably omitted because of density issues and the added rental units. Ms. Adams said she gets about 15 requests per year, mostly across Route One. She had 3 inquiries this year. Mrs. Chase said the dwelling should be owner-occupied if an ADU is to be added. Lot coverage and parking spaces (2 for the dwelling + 2 for the ADU) would be inhibitors. Mr. T. Roche asked why we need another ordinance if so few properties are affected. The owners could appeal and we could approve it. Ms. Rachin said it would be difficult to grant an appeal that goes against the ordinance. Mr. Livingston recommended additional work on the topic and putting off a vote until June. The Selectmen agreed.

***Workshop #3: Street Discontinuance - North end of Cheney Woods Road***

Two property owners wish to clear up a title issue on their properties at Route 9B and Cheney Woods Road. When Old Rte. 9 was discontinued the former connection to Cheney Woods Road was not included. It has been abandoned and there is a home on part of the area. The abutters would like the Town to discontinue the road and extinguish all public easements. There is a statutory process to abandon or discontinue a road. The property owners have to be compensated for the loss of the road. The lot with the mobile home is grandfathered non-conforming because of lot area and setbacks. The cleanest way to resolve this is to discontinue the road. Ms. Rachin said often the abutters waive the

damages when they request the discontinuance. The consensus was for Mr. Livingston and Ms. Rachin to proceed.

***Workshop #4: Workshop Update and discussion on outcome of Bid for Town land on Route 109.***

There were no bidders at the second bid. We have obtained a DOT driveway permit based on 5 lots. Options are:

- ~Reduce the price and rebid it.
- ~List the property with a realtor.
- ~Create a subdivision and market the lots.

We initially traded some land and paid \$89,000 for the main lot. We later paid \$35,000 for the smaller lot. The consensus was to list the property with a local realtor.

***Workshop #5: Update on Town Projects.***

***~POCKET PARK***

Ms. Adams said the cost will be about \$30,000 plus irrigation. She has ordered a sign "Coming Fall 2020 the Forbes Family Gateway Park." The park will be at the intersection of Route One and Mile Road.

***~TOWN HALL SIDING***

Ms. Adams said that paint doesn't last very long and she has researched CertainTeed siding. The siding looks like clapboard and is more durable. The cupola would be PVC. She asked about bidding materials and labor vs. bidding the whole job. This will be a capital project. Adding 20% for labor, the total cost for the building would be \$80,000. There is \$101,000 in CIP. Mr. Ekstedt said to hold the project for the new Town Manager.

***Workshop #6: Transfer Station Update and Issue with Organic Materials (Leaf, Grass and Brush) and to consider scheduling a public hearing on the workshop outcome. Also present via ZOOM: PWD Carol Murray.***

We don't know what percentage of the material is from individual homeowners and what is from the commercial accounts. Vehicles with brush are weighed. The landscape businesses have their prices set for this season and she doesn't want to change things in the middle of the season. She recommends giving them advance notice so they can build the increase into their prices. She has asked Jack Russell to do a vehicle count by company and truck size as they enter the facility to determine individual property owners vs. commercial accounts. It will cost \$15,000 to clean out the volume that is there now. She would like to wait until fall when she has more information for the Board. Mr. Ekstedt noted that the DEP was concerned about the volume of material and they are willing to work with us. This is an enforcement issue to protect water quality in the area. Ms. Murray will write up a proposal to have it cleaned up now for \$15,000.

***Workshop #7: Review and discussion of proposed Mile Road Playground equipment upgrade. Also present via ZOOM: Recreation Director Tina LeBlanc.***

Ms. LeBlanc has obtained the quote in tonight's packets. The pieces to replace are the headless caterpillar, bouncy horse and a swing. The new items will be an infinity climber, spinner and swing

set. Total for the equipment is approximately \$20,000. PWD will be asked to help with the labor, digging holes, installation, etc. We can have the equipment by October and install it this fall.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to proceed with the equipment purchase and upgrade. Passed unanimously.

***Workshop #8: Selectmen Committee Assignments.***

The list of current assignments was approved.

**5. *Good News***

~The Bureau of Veterans Services thanked us for our donation to the Southern Maine Veterans Cemetery. One of their projects is the construction of a POW/MIA monument.

~We received several letters thanking the lifeguards for the rescues during the rip tide.

~Thank you to the Parks & Recreation staff for doing a great job maintaining the grounds and trails at Route 9A,

~Thank you to Wells PD for keeping Wells safe and peaceful.

~Mr. T. Roche noted the deaths of several young Marines in a tragic accident in California and sent condolences to their families and colleagues.

~Chief Dupuis thanked the PWD for expanding the lifeguard shack and cleaning up the area. It is a big improvement.

**6. *Open to the Public***

~A canopy over the benches at the beach? We have to make a decision about the seawall. The canopy can't interfere with the hotels and their view. It needs to be larger and sturdier than the canopy in Ogunquit.

~Thank you for removing the barrier at Public Way #15. Can the bushes be trimmed, also at #12? Ms. Murray will have the ROW's trimmed now that the birds have fledged. She will look into it a mat for the ROW and see if it meets ADA requirements.

~The Harbor playground needs some brush cleaned out. PWD or the Rec. Dept. will take care of it.

~Can a Jersey barrier be put at the lifeguard stand on Webhannet? A car could easily hit the stand. Ms. Murray and Chief Dupuis will look at it.

~Will the road be repaired in front of the lobster pound? There will be a bond issue.

~When will Swamp John Road be repaved? The road is stable now and a thin coat of asphalt will be added. Getting the State permit for the larger project will probably take through the winter. The employees are working from home and there is a backlog of permit applications.

~Can Massachusetts visitors come up? Visitors are welcome, but they must test negative or quarantine.

~What is considered short term lodging? Under 28 days.

~Where is the pocket park? At the corner of Route One and Mile Road at the former 7-11 site.

~The solar array farm. This is a commercial project the Town is leasing to the party. It is going through the Planning Board process now.

~Why aren't other committees on ZOOM? The Planning Board is on cable and holds public hearings outside in the parking lot until the meeting room is set up for ZOOM.

~What about parking on Harbor Road? We have a federal grant for a separate sidewalk and making the parking area safer.

~Will there be Wells football this year? No decision about the start of school yet.

\*\*Part of Town just lost power in the storm, including Mr. T. Roche, Mr. S. Roche and the Public Works garage.

~Mr. MacLeod asked Ms. Green about truck purchases. The dealer is holding the price for one more week. We have a 6 year plan to replace the trucks and the money is in CIP. There will be 2 6-wheelers with 1 trade at \$10,000 and reserving 1 as a back-up.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to authorize the purchase of 2 trucks, trading one and keeping one as a back-up. Passed 3-0.

### ***CURRENT AGENDA ITEMS***

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

There is a Warrant dated August 4, 2020 with expenses of \$649,461.66, no school payment, net payroll for the week ending 7/23/2020 in the amount of \$106,886.95, net payroll for the week ending 7/30/2020 in the amount of \$105,580.00, and FICA, Medicare, state and federal withholding taxes filed electronically in the amount of \$87,317.38 for total expenses of \$949,245.99.

FY 20 \$24,832.83

FY 21 \$624,628.83

Motion by Mrs. Chase, seconded by Mr. MacLeod, to approve and sign the Warrant dated August 4, 2020 in the amount of \$949,245.99. Passed 3-0.

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

a) ***Discussion and action to schedule a public hearing on August 18, 2020 at 6:00 PM via Zoom on the release of up to \$50,000 from the FY'20 Town Meeting Article 8 Potential Town Liabilities under Legal Services Funds to cover the FY'20 Legal Account overages due to a larger than normal legal services required.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on August 18, 2020 at 6:00 PM via Zoom on the release of up to \$50,000 from the FY'20 Town Meeting Article 8 Potential Town Liabilities under Legal Services Funds to cover the FY'20 Legal Account overages. Passed 3-0.

b) ***Discussion and action to schedule a public hearing on August 18, 2020 at 6:00 PM via Zoom on the release of up to \$6,000 from the FY'21 Town Meeting Article 8 Potential Town Liabilities under Facility Maintenance and Repair Fund to cover the replacement Mooring Chain cost which is being undertaken by the Harbor Master through an inspection of the moorings this summer. The FY'21 budget does not have sufficient funds to cover the amount of chain required.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on August 18, 2020 at 6:00 PM via Zoom on the release of up to \$6,000 from the FY'21 Town Meeting Article 8 Potential Town Liabilities under Facility Maintenance and Repair Fund to cover the replacement Mooring Chain cost which is being undertaken by the Harbor Master through an inspection of the moorings this summer. Passed 3-0.

c) ***Discussion and action on moving the Lodging Facility Advisory Committee's recommendation for amendment to Chapter 145 Land Use forward to the Planning Board to review and recommend back to the Selectmen for an article on the November Special Town Meeting Warrant, as well as changes to Chapter 150 (Licenses).***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to table this item. Passed 3-0.

d) ***Discussion and action on proceeding, if possible, with an amendment to Chapter 145 Land Use dealing with Accessory Dwelling Units (ADU) for the November election and to set a public hearing.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to table this item. Passed 3-0.

e) ***Discussion and action on scheduling a public hearing on August 18, 2020 at 6:00 PM via ZOOM at the Board of Selectmen's Meeting to release up to \$120,000 from the Conservation Open Space Reserve Fund ( 0705) to purchase the "Yarid Conservation Parcel (Map 62 Lot 4) " as passed under Article 14 at the Annual Town Meeting.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing via ZOOM on August 18, 2020 at 6:00 PM for the purpose of releasing up to \$120,000 for the purchase of the Yarid Conservation Parcel. Passed 3-0.

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

1. Town Manager

i. Recognition of service award

1. Paula Green -25 years of service
2. Tina LeBlanc-25 years of service

ii. New hire

1. Alex Martin-Deputy Assessor

2. Selectmen

i. Acceptance of Jacqui Boyko's resignation from the Library Trustees

Motion by Mrs. Chase, seconded by Mr. MacLeod, to accept the resignation and write a letter thanking her for her service. Passed 3-0.

ii. Acceptance of the Library Trustees' appointment recommendation of Amy Anderson to fill the vacancy until the next municipal election in June 2021 per the Library Trustees' Bylaws.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Amy Anderson as Library Trustee, term to expire June 2021. Passed 3-0.

iii. Appointment of Brenda Layman, Town Clerk, as the Town agent to issue State Game and Fishing Licenses.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Brenda Layman, Town Clerk, as the Town agent to issue State Game and Fishing Licenses. Passed 3-0.

iv. Appointment of Brenda Layman, Town Clerk, to act on behalf of the Board of Selectmen to grant approval and sign applications for Special Permit for Catering Privileges by qualified catering organizations or Off-Premises Permit for duly licensed restaurants holding a current State Liquor License.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Brenda Layman, Town Clerk, to act on behalf of the Board of Selectmen to grant approval and sign applications for Special Permit for Catering Privileges by qualified catering organizations or Off-Premises Permit for duly licensed restaurants holding a current State Liquor License. Passed 3-0.



v. Appointment of Brenda Layman, Town Clerk, to act on behalf of the Board of Selectmen to grant approval and sign applications (on a letter to the State Licensing Department) for an extension for a liquor license which has expired and is scheduled for a public hearing at the next Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint and authorize Brenda Layman, Town Clerk, to act on behalf of the Board of Selectmen to grant approval and sign applications for an extension for a liquor license which has expired and is scheduled for a public hearing at the next Selectmen's meeting. Passed 3-0.

vi. Cable TV Studio Manager stipend for FY'21 of an additional \$500 annually for managing the studio.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to approve the stipend increase for the Studio Manager to \$750 per quarter or \$3,000 annually. Passed 3-0.

vii. Acceptance of Ron Collins' resignation from the Lodging Facility Advisory Committee.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to accept Ron Collins' resignation from the Lodging Facility Advisory Committee and to send him a letter of thanks. Passed 3-0.

viii. Appointment of Larissa Crockett as Town Manager, effective August 10, 2020.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Larissa Crockett as Town Manager, effective August 10, 2020. Passed 3-0.

ix. Appointment of Larissa Crockett as Selectmen's Clerk, effective August 10, 2020.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Larissa Crockett as Selectmen's Clerk, effective August 10, 2020. Passed 4-0, with Mr. T. Roche participating via telephone.

x. Appointment of Larissa Crockett as Tax Collector, effective August 10, 2020.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Larissa Crockett as Tax Collector, effective August 10, 2020. Passed 4-0.

xi. Appointment of Larissa Crockett as General Assistance Administrator, effective August 10, 2020.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Larissa Crockett as General Assistance Administrator, effective August 10, 2020. Passed 4-0.

xii. Appointment of Larissa Crockett as Assistant Road Commissioner, effective August 10, 2020.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Larissa Crockett as Assistant Road Commissioner, effective August 10, 2020. Passed 4-0.

xiii. Appointment of Larissa Crockett as Public Access Officer, effective August 10, 2020.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Larissa Crockett as Public Access Officer, effective August 10, 2020. Passed 4-0.

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

1. \$100.00 from Phyllis Wood and Pamela Avedisian to the Wells Fire Department in appreciation for their good work.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to accept the generous donation and write a letter of thanks to the donors. Passed 3-0.

2. \$30,000 from the Hall Family Foundation to finalize the landscaping project at the Public Safety Complex.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to accept the generous donation and write a letter of thanks to the donors. Passed 3-0.

h) ***Discussion and action on approving minutes of July 21, 2020 Selectmen's meeting.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to approve the July 21, 2020 Selectmen's meeting minutes. Passed 4-0.

***NEW BUSINESS***

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

~Wells Beach needs a new sign. It still has the old emergency number.  
Chief Putnam said that 646-9911 is the correct 7 digit emergency number.

~Chief Putnam thanked Mr. Carter for his years of service and all he has done for the community. Selectmen thanked him for doing a great job, his ethics and professionalism, and we will miss him.

2. ***Town Manager's Report***

~The Household Hazardous Waste Collection will be August 29 from 8 AM-1 PM at the Kennebunk Solid Waste Facility on Sea Road.

~Swamp John Road will be paved soon.

~We are making good progress with the fire substation. The building is going up, the well has been drilled and we expect completion by November.

~Newhall Road Bridge can't hold the weight of large trucks. Ms. Murray has arranged a temporary fix for no more than \$55,000 by Jim Hall our structural engineer. It will get us through the winter and can handle oil trucks.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to approve the temporary fix for up to \$55,000. Passed 4-0.

~There was a late afternoon conference call: Mr. Livingston, Ms. Rachin, Ms. Adams, Mr. Carter and an attorney who is working on the FEMA flood map appeal. The Board and Ms. Rachin will be holding an Executive Session for direction on how to proceed. Ms. Rachin said she works with a lot of towns and Mr. Carter is well respected. Best wishes on his retirement.

~Mr. Carter said he will miss us and Wells is a special place. It has been a privilege to be Town Manager.

~Mr. Ekstedt asked if there are any issues with tonight's storm. Chief Dupuis said there are 2 calls about loss of power and one for a carbon monoxide detector activation.

3. *Adjournment*

Motion by Mrs. Chase, seconded by Mr. MacLeod, to adjourn. Passed 4-0.

Respectfully submitted,

Accepted by,

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Cinndi Davidson,  
Meeting Recorder