

## ***SELECTMEN'S MEETING (ZOOM) - TUESDAY, OCTOBER 20, 2020***

***5:00 PM – EXECUTIVE SESSION to discuss with Town Attorney access to private property on Ox Cart Lane 1 M.R.S.A. 405 (6) (C)***

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

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

***5:30 PM – WORKSHOP – Review of applications for the Comprehensive Plan Update Committee.***

***6:00 PM – SELECTMEN'S MEETING***

Present via ZOOM: Chairman Karl Ekstedt, Selectmen Kathy Chase, Tim Roche , John MacLeod, Sean Roche, Town Manager Larissa Crockett

Present: Police Chief Jo-Ann Putnam, Town Engineer/Planner Mike Livingston, PWD Carol Murray, CEO Jodine Adams, Meeting Recorder Cinndi Davidson

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

#### ***1. Public Hearing on Amendments to Appendices A-D of the General Assistance Maximums for 2020-2021.***

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to close the public hearing and to approve Amendments to Appendices A-D of the General Assistance Maximums for 2020-2021, in compliance with the State Model General Assistance Ordinance. Passed unanimously.

#### ***2. Good News***

~Officer Poirier received a thank you for his kind and professional assistance to some visitors.

~The Library is decorated for Halloween and is now open full time without an appointment. This week is "Friends of the Library Week."

#### ***3. Open to the Public***

~The Senior Center is holding a Pumpkin and Pie Fall Festival this Saturday from 9 AM-Noon. There will be pies for sale and a pumpkin decorating contest.

~Drug Take Back Day will be Saturday, October 24 from 10 AM-2 PM at York Hospital at Wells. Old, outdated prescriptions will be collected and safely destroyed.

~Kudos to Wells Fire Department for their home fire safety program. Firefighters will come to your home, check the smoke and CO detectors and replace them if necessary. The batteries in these detectors should be changed twice a year, spring and fall when we change the clocks. Simply testing the detectors isn't enough. The batteries have been "on duty, 24/7 for 6 months and need to be replaced, even if they seem to be OK.

~The York County schools are now green and fall sports can resume. Workouts have started and practice will begin soon. Students can either be at school or stay remote.

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

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

There is a Warrant dated October 20, 2020 with expenses of \$3,514,631.08, school payment of \$1,693,852.26, net payroll for the week ending 10/8/2020 in the amount of \$93,956.20, net payroll for the week ending 10/15/2020 in the amount of \$96,524.45, and FICA, Medicare, state and federal withholding taxes filed electronically in the amount of \$82,912.99 for total expenses of \$5,481,876.98. The warrant includes our county tax payment and the bond payment.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the Warrant dated October 20, 2020 in the amount of \$5,481,876.98. Passed unanimously.

There is a General Assistance Warrant dated October 20, 2020 in the amount of \$308.53 including \$168.55 from the Special Fuel Fund and \$139.98 from the We are Wells Fund.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the General Assistance Warrant dated October 20, 2020 in the amount of \$308.53. Passed unanimously.

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

##### ***a) Discussion and action on a request from Point East Condominiums for seasonal cottages over the winter.***

The president of the condo association asked if their owners who usually go to Florida in the winter could stay here and be safe, with the increasing number of COVID cases in Florida. This would be a one time waiver for the few seniors who have concerns for their health and safety. The facility would not be open for all unit owners, and sub-letting would not be allowed. This is an older facility that is required to close for January and February and the 29 day rule does not apply. The facility has year round water service. Management should submit a list of the units and owners' names so this would be enforceable.

Mr. Livingston said it could be similar to the special permits for restaurants during the emergency. Restaurant owners submitted plans for the Selectmen and Town Manager to review for a limited season because of COVID. Mr. MacLeod asked what remedy the Town would have if the privilege was being abused. The temporary permits for outdoor dining included a provision that the Town could revoke the special permit for violations. The Town Attorney drafted the order for outdoor dining. There would have to be a similar document specifying the criteria for staying here during the winter. People would have to prove that they meet the CDC standards for "at risk" and not be allowed to travel back and forth. Mr. MacLeod asked how many

facilities might be involved. Mr. Livingston said that only 2 or 3 have the winter closure. A bigger concern might be the condo units with the 29 day rule.

The consensus was to have Mr. Livingston and Ms. Adams work with the Town Attorney and prepare a draft for the next Selectmen's meeting.

**b) *Discussion and action to engage Dubois King for Drakes Island, Webhannet, Casino Square, and Bragdon Road Projects.***

DPW Director Carol Murray discussed the September 30 ZOOM meeting to discuss Drakes Island. The current opening is 14 ft. and the recommendation is to go to 30 ft. Opening up the tidal flow will restore the health of the wetland. Maine has a new program for tidal road crossings and there are several grants available. Ms. Murray recommended having Jim Hall start the preliminary engineering for all of our projects and develop cost estimates. He is also working on the Newhall Bridge project which is not as environmentally sensitive. The \$4.5 million approved by the voters is a good start but won't cover all the projects and we are looking for grants.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept Ms. Murray's recommendation to engage Dubois King for the Drakes Island, Webhannet, Casino Square, and Bragdon Road Projects. Passed unanimously.

**c) *Discussion on medical marijuana dispensaries. Also present via ZOOM: Scott Reed, President of Curaleaf and Attorney Sandra Guay.***

The Town may receive an application for a medical marijuana dispensary to open on Route One. The Town code was amended in 2011 to allow this use. The 2018 State law allows municipalities to determine the best location for marijuana businesses and requires them to opt in to medical and recreational marijuana facilities. Retail marijuana stores are prohibited in Wells and medical marijuana dispensaries are limited to 2 districts, General Business and Business Residential. Options for the Board are:

- 1) Have the Planning Board review the application.
- 2) The BOS can pass a moratorium and have the voters decide at the next Town Meeting.
- 3) Have a special Town Meeting to amend the language regarding medical marijuana dispensaries.

Ms. Guay said that medical marijuana dispensaries are treated as a medical facility and people need a doctor's prescription and registration card from the State to have access.

There are 8 registered facilities in the State and the nearest one is in Biddeford.

Mr. Reed said they wish to relocate their facility from Auburn to Wells to better serve their York County patients. They serve 25-50 people per day, 7 days a week, and have 12 employees. The security plan must be approved by the State and signed off by the police chief. The dispensary sells mostly liquids and tinctures, and there is no growing.

Mr. Livingston said the location is the former Olympia Shoe Store on Route One. This is a change of use ( Business Retail to Medical Marijuana) that would have to go through the Planning Board’s site plan approval process. Mr. MacLeod and Mr. S. Roche said that the use is permitted and there is support for it in Town. Mrs. Chase said it shouldn’t be located on Route One. Mr. Ekstedt was concerned that it might convert to a retail recreational facility. Ms. Crockett said it couldn’t change unless retail use was adopted by a Town vote.

Several questions from the public were addressed:

- ~The facility must have a business license issued by the state.
- ~A doctor’s prescription is needed to enter the facility.
- ~Drug stores cannot sell medical marijuana. Sales are limited to the registered dispensaries. Marijuana (both medical and recreational) is still illegal federally.

Mr. Ekstedt asked about the testing protocol for CDL drivers. Marijuana use is becoming more common and there is a shortage of truck drivers. Mr. Reed said the industry has a consultant working on all the aspects.

Mr. Livingston said it would be a simple process for the Planning Board to consider a change of use. There would be public hearings and possibly a site walk by the Board. Curaleaf already has a lease. There are performance standards for businesses such as signage, a security plan, parking and traffic plans and a sprinkler system. Marijuana dispensaries must have opaque windows and the hours of operation are limited. If the Planning Board started reviewing the application and then a Town Meeting vote was opposed, it might not be possible to stop the process. The application would be considered grandfathered. Ms. Guay said they could hold the application for a while until after a special Town Meeting. Ms. Crockett felt that a mid-December meeting would be possible. Mr. S. Roche said it is poor planning to wait until a business applies, since we already have a law on the books.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to have a moratorium on this application and hold a special town meeting. A yes vote places a moratorium and calls for a special town meeting. A no vote lets the applicant move forward with the Planning Board. The motion failed 2 For (Mrs. Chase, Mr. Ekstedt)-3 Opposed (Mr. T. Roche, Mr. S. Roche, Mr. MacLeod).

**d) Discussion and action on an Application for Employee Education Assistance for Caitlin Lipert, ACO, for a Bachelor of Science program in Public Administration through Liberty University. The program is funded through a warrant article, and recommendations are made by the Town Manager and Personnel Advisory Committee. Employees in college programs are reimbursed for 50% of their tuition.**

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the request for education assistance for Caitlin Lipert. Passed unanimously.

e) **Discussion and action to approve Snow Removal Bid for the Wells Transportation Center and Wells Public Library.**

**Snow Removal Bid  
Opened 10/15/20**

	<b>Ramsdell</b>	<b>Boulay</b>	
<b>Train Station</b>			
<b>Shoveling</b>	<b>\$ 300.00</b>	<b>\$ 500.00</b>	
<b>Salting</b>	<b>\$ 75.00</b>	<b>incl.</b>	
<b>Filling Salt Barrels</b>	<b>\$ 225.00</b>	<b>\$ 75.00</b>	
	<b>\$ 600.00</b>	<b>\$575.00</b>	
<b>Library</b>			
<b>Shoveling</b>	<b>\$ 225.00</b>	<b>\$ 100.00</b>	<b>per occurrence, \$200 max.</b>
<b>Salting</b>	<b>\$ 125.00</b>		
<b>Filling Salt Barrels</b>		<b>\$ 100.00</b>	<b>\$200 max.</b>
	<b>\$ 350.00</b>		
<b>Total</b>	<b>\$950.00</b>	<b>\$675.00</b>	<b>\$775 max.</b>

According to the Facilities Manager and Mr. Boulay, the \$100 for shoveling the Library includes salting.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to award the Snow Removal Bid to Boulay. Passed unanimously.

f) **Central Maine Power Company and Northern New England Telephone Operations LLC, application for a Pole Location Permit for one pole to be located on Sargent Road, 175’ Northerly from Pole #20.**

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the Pole Location Permit. Passed unanimously.

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

1. **Town Manager**

i. **Irish Griffith as new Assistant Code Enforcement Officer**

2. **Selectmen**

i. **Appointment of Jeffrey Sullivan to the Wells-Ogunquit CSD School Board, term to expire June 2021.**

Motion by Mrs. Chase, seconded by Mr. T. Roche, to appoint Jeffrey Sullivan as a member to the WOCSD School Board with term to expire June 2021. Passed unanimously.

ii. **Acceptance of Gene Sledzieski’s resignation from the Recreation Commission.**

Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the resignation with regret and write a letter thanking him for his service. Passed unanimously.

h) ***Discussion and action on accepting donations and bequests:***

1. ***\$250.00 from the Wells Branch Fire Association to the Town of Wells for the Fuel Assistance Program Fund.***

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.

2. ***\$28.00 from Various Library Users to the Wells Public Library.***

Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the generous donation. Passed unanimously.

i) ***Discussion and action on approving minutes of October 6, 2020 Selectmen's meeting.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to approve the October 6, 2020 Selectmen's meeting minutes. Passed 4-0-1 with Mr. T. Roche abstaining.

## ***NEW BUSINESS***

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

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

~The beach closing is underway. The bathrooms are being winterized but port-a-potties are still available.

~Tax bills will be issued soon. The assessing software has been "challenging." There are 45 days to pay before interest is charged.

~We have a good pool of applicants for the firefighter position.

~Parks & Recreation has arranged for a Halloween movie. There is no Town policy on Trick or Treating; it's an individual decision whether to participate. CDC has issued guidelines for a safe holiday.

~There will be a property information form insert in the tax bills. People can enter their contact information on-line.

~This will be a difficult holiday season for many people. Prelude has been cancelled. We are brainstorming safe celebrations, such as the buoy tree at the harbor and a community tree lighting. The Christmas parade is a Chamber event and we don't know if it is still planned.

~Mr. T. Roche thanked everyone who responded when there was vandalism at the playground. The damage was repaired quickly. We hope to install the new equipment this fall.

~The consensus was to cancel the Selectmen's meeting scheduled for Election Day, November 3. The next meeting will be Tuesday, November 17.

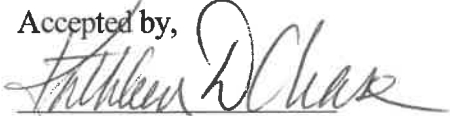


~There is a freeze on discretionary spending. Department Heads will submit a status report on projects that have been voted on and require tax dollars. Priorities may have to be changed depending upon the tax collections.

3. ***Adjournment***

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

Respectfully submitted,

Accepted by,



Cindi Davidson,  
Meeting Recorder

