



# TOWN OF WELLS, MAINE

## LODGING FACILITY ADVISORY COMMITTEE

Meeting Minutes  
Wednesday, February 1, 2023, 2:00 P.M.  
Town Hall  
208 Sanford Road

**2:00 PM CALL TO ORDER & DETERMINATION OF QUORUM**

Those present were committee members Jim MacNeill, Nate Mayo, Katy Kelly, Michael Beausoleil, Sharon Meyers. Also present were Michael Livingston Town Engineer, Kerri VanSchaack Deputy Town Clerk, Jodine Adams Code Enforcement, Mark Dupuis Chief of Fire and Michael Perdue Town Manager.

Via ZOOM were committee members Ron Avery, Jill Robie, Pam McDonough, Chief JoAnn Putnam and Scott DeFelice Board of Select liaison.

Absent: Jackie Simonds.

**I. OPEN TO PUBLIC**

MaryEllen Theriault, owner of Horizon Family Restaurant and Motel. MaryEllen put in an application today to be on the Lodging Committee.

**II. APPROVAL OF MINUTES**

Meeting minutes will be reviewed at end of meeting.

**III. PROCEDURE FOR REVIEWING THE APPLICATION**

Chapter 150- Lodging Application

A. Discuss procedure when application has been submitted for review to make recommendations to the Select Board.

The application has a form with a comment section for the Departments to complete and will be attached to copies of the application for review by committee members.

1 As the applications arrive back in town hall, they will be reviewed in groups, the applications  
2 will be sent out to Department Heads prior to committee review. The application will then be  
3 passed onto the Board of Select.

4  
5 After review of the first few applications, the committee will have a better feel for how the  
6 application process is going.

7  
8 *State of Maine Lodging Food Service and Lodging Inspector* forwarded a list of lodging and  
9 restaurants in Wells. Jodine Adams and Kerri VanSchaack will review the list and compare to  
10 the Town of Wells. Confirmed by inspector, he clarified that a Condo association and renting out  
11 units they will need to get it certified. That also means that they will need a CPO (Certified Pool  
12 Operator), if they use the pool.

13  
14 There were questions on the “Tier” system on the list. Katy Kelly stated that for lodging it  
15 means number of rooms and sites for campgrounds. Jill Robie stated according to a Google  
16 search for restaurants it means number of seats.

17  
18 Katy Kelly asked Kerri VanSchaack for an update of the application process so far after being  
19 mailed out. There are 7 applications returned so far as of today. There are concerns by owners  
20 the survey is there to “look for trouble”. Kerri VanSchaack is reassuring them it is for gathering  
21 data only.

22  
23 There are many questions and a few concerns from one individual if it *is legal to give out phone*  
24 *#’s/emails*. They are a condo association. Kerri VanSchaack suggests that he give the Town his  
25 email and he will be responsible for all his owners. *Jodine Adams will confer with Town Attorney*  
26 *for an answer*. This is the first year the town has asked for email of all owners. As owners of the  
27 Condo Association, they own a unit and a business, and they are supposed to be available to the  
28 public. We can reassure him that the phone numbers will not be in the data base, however, may  
29 be in the vault. This is the first time the town is asking for contact phone and email addresses.  
30 The Select Board are asking for this information to be able to send emails in case of emergency.  
31 Depending on the Town Attorney decision will depend on if we will amend application. It was  
32 the Select Board who made the decision and the applicant can go to the Board with any  
33 questions.

34  
35 Kerri VanSchaack continues to reassure others.

36  
37 Regarding the survey section of application, the committee had a question regarding number 8  
38 and 9. At the last meeting the committee made a recommendation to use the word “violation”.  
39 Jodine Adams and team suggested that the word be changed to “town services” as the town is  
40 looking for this to be “fact finding” only.

41  
42 The committee does understand that this application may have to be amended after the first year  
43 of use. *The committee will look at number 8 and 9 for next year.*

#### 44 45 **CHAPTER 150: Lodging Application**

46  
47 After the license is issued, there needs to be discussion on the inspection and violation process  
48 and notice thereof and appeal process for the applicants.

1  
2 *Inspection Process*  
3

4 Jodine Adams stated over the past years it has been yearly inspections and when the license is  
5 issued. This committee will recommend to the Select Board.  
6

7 *Do establishment need to be reviewed and how often.*

8 Looking at the “table for lodging”, Code, Fire and Police is a courtesy inspection. The state does  
9 not inspect every year, the inspector is looking at every other year. The state is looking at  
10 cleanliness, no bed bugs, storage of towels, ice machines, continental breakfast and how the food  
11 is stored by the pool. They are not looking at the lodging records as detailed as the town. Katy  
12 Kelly stated the state does not look at the lodging records, even though that is a state law.  
13

14 *Are we looking at every business or other business as well?* Scott DeFelice stated we are looking  
15 at lodging. Mark Dupuis agreed they are not doing it every year. If it is a new “motel,”  
16 inspections take place as long as we know they are “new”. There are a few “new” lodgings, but  
17 the town is not aware of all.  
18

19 Kerri VanSchaack mentioned there was an application that went to the past owner having sold  
20 last year. The new owner ran under the past owner license. The committee will review the  
21 application.  
22

23 Kerri VanSchaack does not know if there are new owners for new addresses to send the  
24 application to. Kerri also stated we should look at “contingency license” until after the  
25 inspections are completed then the final license will be presented. *Are there any legal*  
26 *implications running under another person license and what is the risk involved?*  
27

28 Jodine Adams will also speak with assessors’ office for when there is a new owner.  
29

30 Pam McDonough suggested that notes are made on the bottom of application in the “comment”  
31 section.  
32

33 MaryEllen Theriault mentioned the “1984’ rule. It is in Chapter 145, Land Use, that any  
34 renovations done prior to 1984 will not be inspected (?).  
35

36 Ron Avery suggested that once a sale occurs that the old license is not valid and there needs to  
37 be a “temporary license” until after the inspections occurs. Chief Mark Dupuis suggest that  
38 Realtors have some knowledge and inform the new owners they will need a license.  
39 New owners do not necessarily know there is an ordinance.  
40

41 Sharon Meyers suggests that we put a notation on the application for validity of owner on  
42 application. Jodine Adams stated there is no more room on application. Kerri VanSchaack  
43 suggests that since it is on the business license, she may be able to change the application.  
44 On the license it does say “not transferable”.  
45

46 *Can we incentivize the buyer to get a license?* Right now if it occurs on a Friday there is no way  
47 to get a license due to timing until the following Monday.  
48

1 We need to look at doing an interim license. Kerri VanSchaack stated that legally the town could  
2 not give out an interim license until after the purchase.

3  
4 Sharon Meyers asked if the “ordinance” could be distributed so that everyone knows what the  
5 rule is.

6  
7 *MaryEllen Theriault asked if all businesses need a yearly inspection?* Katy Kelly stated that they  
8 are yearly, however, due to staffing issues, yearly is not probable. *Katy asked if someone asks for*  
9 *an inspection could they pay? The answer is NO.* However, the buyer and the seller should have  
10 knowledge if there are issues with the inspections. Chief Mark Dupuis and Jodine Adams stated  
11 the town does not want to take responsibility for inspections prior to purchase. There are  
12 engineering firms that could do the inspections and after purchase the town will then inspect.

13  
14 *Katy Kelly asked if the town has enough staff to perform the new license inspection?* Jodine  
15 Adams said there are not that many new inspections right now and they have enough staff for the  
16 two to three sales per year.

17  
18 Jodine Adams suggests to the committee that we look at *is the inspection is necessary not if the*  
19 *town has enough staff.* And let the Select Board make the decision. As it stands right now,  
20 Jodine Adams will be looking at if the surrounding towns have yearly licensing ordinances.

21  
22 Ron Avery suggested we need to know what the frequency would be and how that will determine  
23 if there is enough staff. Jodine Adams will contact the State Inspector to verify what the state is  
24 doing for inspections.

25 The committee is continuing to discuss the frequency of all 67 facilities. Mike Beausoleil  
26 suggested that the number will drop when there is a new owner. And will change every year  
27 depending on new owners.

28  
29 There are over 2977 rooms and state will inspect every other year. Katy Kelly asked how long it  
30 takes to inspect one room. Jodine Adams stated that as long as nothing is wrong it could take 7-  
31 10 minutes per room. Chief Dupuis stated the fire department does not know all the rules, it is up  
32 to Code Enforcement. They look for egress, windows, extension cords, Co detection,  
33 extinguishers, handrails, hording etc.

34  
35 Nate Mayo suggests we try to build out the number of rooms per year. Katy Kelly stated that for  
36 1000 rooms per year it could take up to 3 weeks, however, it is not reality. Chief Dupuis stated  
37 that the inspections could take a lot longer based on owners’ questions or if they found  
38 something wrong. The first year they go, will be difficult and take a lot longer. Ron Avery again  
39 asked if 30 to 60 minutes is viable. In theory it is, however, they need to write the report and do  
40 follow up. If there are problems, it could take a lot longer.

41  
42 The “enterprise fund” will help to fund the inspectors. Pam McDonough suggests we not look at  
43 the “*who*” but look at “*what*” should we do. Mike Beausoleil suggests that the Select Board  
44 allows for fees for inspections. The Board currently is not interested. The Code Office is  
45 currently investigating all fee structures.

46  
47 Katy Kelly asked Jodine Adams what should the hospitality industry do? Jodine Adams said they  
48 will look at the *way they operate and the safety of the operations.* 28 Day rule issues and are they

1 safe. Appliances and removal of smoke detectors. The tenants remove the smoke detector as they  
2 want to smoke in the space. Mike Livingston stated the Board is looking at more frequent  
3 inspections.

4  
5 Pam McDonough suggests looking at how long someone stays in the room. Jodine Adams stated  
6 it is very hard to find. She suggests having someone go to the rooms every month.

7  
8 Katy Kelly suggests looking at the different degrees of inspections and that will decide how  
9 often the inspections take place.

10  
11 Sharon Meyers suggests that inspections take place between specific months, ie 12-15/18  
12 months.

13  
14 Chief Dupuis is more concerned about the places they have never been to over the place that has  
15 been inspected in the past. Katy Kelly suggests giving people a list prior to the inspection of  
16 what will be inspected. Jodine Adams suggests every 24 months. Mike Perdue suggests using the  
17 word "on average". *On average every 18- 24 months, and more often if necessary.*

18  
19 Sharon Meyers asked Chief Dupuis realistically what should we be looking at for timing. He  
20 believes every two to three years. Although he does not believe this time frame is prudent,  
21 especially with some places having never been done before. Katy Kelly believes we need to tell  
22 the new owners the rules, so they know and are educated. Jodine Adams will give owners a State  
23 of Maine link for inspectors if they ask.

24  
25 Chief Dupuis feels that sending a letter/check list to enable the inspection to go smoother. We  
26 need to educate the owner. For safety.

27  
28 Sharon Meyers asked if this committee should think about a bullet point check list and give time  
29 for the owners to prepare for the inspections.

30  
31 Ron Avery reminded committee of the time and the need to extend the meeting.

32  
33 **MOTION**

34 Motion to extend the meeting until 4:15 by Ron Avery. Jim MacNeil seconded. All in favor.  
35 **PASSED**

36  
37 Katy Kelly asked *how* will the inspections take place. Chief Dupuis suggests random. Jodine  
38 Adams suggests alphabetical order. Scott DeFelice suggested inspections according to the age of  
39 the facility.

40  
41 Sharon Meyers feels that the fairest is alphabetical order.

42  
43 Mike Perdue asked Jodine Adams if the current staff is appropriate. She stated NO. If all  
44 businesses are needing inspections, he suggests increasing the staff. Katy Kelly suggests that  
45 STR inspections be considered. There are over 500 STR that will need to be inspected.

46  
47 Jodine Adams stated that the past problems have taken all her time. Mike Perdue reminded her  
48 about the cost of legal fees as well.

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Mike Livingston reminded us that the enterprise fund will assist the inspections as well if STR are licensed, their license fees will assist the cost of staff. The town will need to vote on the enterprise fund.

Pam McDonough stated that the Select Board stated that it would not have to be voted on. As that is what the fees were intended to. The town attorney would need to advise on this fund. *Would inspections be able to take place all year round?* For the larger hotels they are mostly open all year for inspections. The problem arises that from May through September doing inspections will be null due to the summer activities in the town.

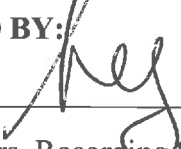
**IV. ADJOURNMENT**


**MOTION**

Ron Avery made a motion to adjourn the meeting. Jim MacNeill seconded. All in favor. **PASSED.**

Meeting adjourned at 4:15PM

**MINUTES APPROVED** Feb. 22, 2023

**ACCEPTED BY:**  
  
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Sharon Meyers, Recording Secretary

  
\_\_\_\_\_  
Katy Kelly, Chair