

SELECTMEN'S MEETING - TUESDAY, FEBRUARY 7, 2023

5:00 PM – WORKSHOP – Presentation on Net Energy Billing Credits Services Performed by Competitive Energy Services. Also present: Charlie Agnew and Lauren Grey from Competitive Energy Services.

The Town and school district have hired Competitive Energy Services to help manage our energy credits and contracts. The program matches customers with solar and other energy projects. The value per kilowatt hour changes each year and is indexed with energy prices. The Town receives a credit from CMP and pays a portion back to the Rumford Solar project. Spreadsheets summarized the estimated usage and generation and our share of the generation. Our credit value is \$0.24 per KWH or 72% of \$337,000. Our cost for this year is projected at \$215,000.

One option is for the Town to assign part of our contract to another utility customer. Increasing our electricity use would monetize the credits. The school has \$334,000 worth of credits and owes \$250,000 in payments to the developer. Mrs. Chase asked about selling some of our credits. Mr. Agnew said part of our share can be assigned to another customer. The project started in August 2022 and we have a 20 year contract. The recommendation is to reduce the number of credits that we are buying. An alternative would be to use more electricity and buy it from a renewable source to take advantage of the contract. One possible solution is to sell part of the contract to the Wells Sanitary District or a neighboring community. The partnership can be public-public or public-private and anywhere within the CMP service area. Mr. Agnew will help identify a suitable partner.

5:30 PM – WORKSHOP - To conduct a workshop to consider a proposed easement and land swap between the Town and Cardinali's Real Estate, LLC relating to portions of property located on or near Harbor Road. Also present: Town Engineer/Planner Mike Livingston, Town Attorney Leah Rachin, owners Ned and Amy Cardinali, Attorney Alan Shepard.

Mr. Livingston described the proposed land swap between the Town and restaurant owners. The Town would convey 1,604 sq. ft. in front of the building for the outdoor patio and food truck and 1,813 sq. ft. of parking area. The owners also request a permanent easement to allow parking along the street on Town property across from the restaurant entrance. The owners would convey to the Town 15,810 sq. ft. including the historic Old Town Wharf and Lower Landing Road. The public would gain access to a historic site and a plaque could be installed.

A boundary survey done before the Harbor Road sidewalk project revealed several encroachments. Mr. Shepard proposed an easement that would continue with the property rather than a lease that would have to be renegotiated. Mr. Foley asked what would happen if the owners sold the restaurant. Mr. Shepard said there can be conditions, such as limiting the property to a restaurant use. The owners are not proposing an exclusive easement. The parking will be a co-use for restaurant patrons and the public. Ms. Rachin said that a lease can include penalties if any of the conditions are not met.

Mr. MacLeod asked for a memo summarizing the question of a lease vs. an easement for the Selectmen to review before the next meeting.

6:00 PM – SELECTMEN’S MEETING

Pledge of Allegiance

MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS

Present: Chairman John MacLeod, Selectmen Kathy Chase, Tim Roche, Scott DeFelice and Bob Foley, Town Manager Mike Pardue, Volunteer and Events Coordinator Rebekah Kelley, Meeting Recorder Cinndi Davidson

1. FY’22 Audit Presentation. Also present Auditor Ron Smith and Finance Director Jodie Sanborn

One outstanding item is the Harbor Road project, where we are still waiting to be reimbursed \$300,000. The Town is doing well financially among the communities in York County. We were congratulated for “fiscally prudent management.”

2. Public Hearing to establish a policy for the Transfer Station Resident Stickers.

Public comments included:

~The sticker price will be \$5 and 33 gallon trash bags will increase from \$2.50 to \$4. This will be a hardship for young families with lots of diapers.

~State law permits 2 stickers on the driver’s side of the front windshield. One is the registration. Other stickers include beach stickers, parking at work, now the transfer station. And the driver has to be able to see out the windshield.

~Are the stickers a way to prevent residents of other towns using our Transfer Station because our prices are lower?

~Are the commercial solid waste haulers bringing in trash from other towns in violation of our ordinance?

~Why eliminate the smaller bags? Single people and summer people may take a long time to fill up a large bag.

~Can we install cameras or hire another person to check stickers?

~What about the recycling? We will continue it for now. Eventually all will go into trash.

~How will summer residents who live out of town get stickers? What about summer tenants who don’t own property here? Ms. Sanborn said it will be like the beach stickers. For year-round residents, the stickers will be tied to their vehicle registration. Airbnb guests can’t use the Transfer Station. Seasonal owners who pay property taxes here are eligible to use the Transfer Station.

~What about contractors working on Wells homes?

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

Mr. Pardue suggested that if there is a problem with multiple stickers on the windshield, the Transfer Station sticker could be on the driver's side rear window and still visible to the attendant. Mrs. Chase noted that the cost of running the Transfer Station keeps increasing (fuel, labor, paying to haul recycling, etc.) and now we have to address the deficit. PWD Carol Murray said that food waste is a major component (30%), and she is investigating Mr. Fox and Garbage to Gardens to reduce our waste stream. She is drafting a grant proposal for DEP.

Mr. Foley said stickers should be allowed on the rear side windows. The original plan was to start the program on March 1; he advised a grace period. Mr. Roche proposed April 15. Temporary passes for demolition debris were discussed. Mr. Foley felt that the pass should be issued to the homeowner, not the contractor, and could be tied to the building permit. Ms. Sanborn checked with CEO Jodine Adams. Not every project needs a building permit or demo permit. The homeowner should come in for the permit and indicate how long the job is expected to take.

Some people may have trouble lifting the 33 gallon bags. One suggestion was to calculate the cost per gallon and continue selling the 15 gallon bags based on that rate.

Summary of the discussion and proposed changes to the draft policy:

- Stickers will be effective March 1 with a grace period to April 15.
- Property owners will obtain temporary passes for the contractors they hire.
- Stickers can be mounted on the rear driver's side windows.
- Ms. Sanborn can start selling the stickers now and accept mail orders.
- 15 and 33 gallon bags will be sold.
- Ms. Kelley will develop a graphic for the Town's social media explaining the changes.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to continue the public hearing to February 21, 2023 at 6 PM in the Littlefield Meeting Room, 208 Sanford Road, to discuss amendments to the Transfer Station policies. Passed unanimously.

3. Public Hearing to discuss changing the current Town Clerk position from elected to appointed.

Town Clerk Brenda Layman intends to retire after the June town meeting. The position is becoming more complex and she recommends having the Clerk appointed rather than elected.

Public comments include:

~Are we giving away our right to elect the town clerk?

~Does the clerk have to be a Wells resident?

~Would the town manager hire/appoint the clerk? Would the Selectmen have authority over the clerk?

~This should be a managerial position, not political. We should be able to fire the person for poor performance.

~We should be able to go out of town to find the best qualified person.

~There is a vacancy in the clerk's office now. We should fill that position to help with the workload.

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

Discussion:

Ms. Rachin said that according to our charter, changing the position would require a Town Meeting vote. The town manager has control over hiring and firing of appointed but not elected officials. The clerk is responsible to the voters. Mr. Foley said the process would be like hiring any other department head. Ms. Rachin said the town manager has no role in town elections.

Mr. Foley asked about the logistics and timing. Papers have to be filed by April for the June meeting. Article 2 would be about appointing the clerk. Article 3 would name a candidate for election if article 2 fails. Anyone who takes out papers would have to realize that article 2 might pass. State law provides for the selectmen to appoint an elected official if the voters fail to elect someone. Our charter doesn't require the clerk to be a town resident. The statute's only requirement is that the person must be at least 18. Mr. MacLeod asked if there are any internal candidates. Mr. Pardue said the employees with the most experience are those in the clerk's office.

A special town meeting was considered to change this to an appointed position. Issues include: tight time frame, conducting public hearings, additional workload in the clerk's office and the cost of a special election. The charter requires voting by a certain percentage of the registered voters for a special meeting to be valid.

Motion by Mrs. Chase to conduct a public hearing on February 21 to consider a special town meeting to vote on changing the clerk's position from elected to appointed. Ms. Rachin asked to meet with Ms. Layman and her staff to discuss the feasibility of a special meeting.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to table this discussion and bring it back later in the meeting. Passed unanimously.

4. Public Hearing on release of funds up to \$30,000 from the Inland Golf Reserve Fund (0713) for Comprehensive Plan Updates.

The original amount was \$50,000 but it was posted for \$30,000. The Board can approve \$30,000 now and hold a special public hearing on the additional \$20,000.

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to close the public hearing and to approve the release of funds up to \$30,000 from the Inland Golf Reserve Fund (0713) for Comprehensive Plan Updates. Passed unanimously.

5. The Steak Co., Inc., dba: The Steakhouse, 1295 Post Road, Wells, application for a full-time Malt, Wine and Spirits Liquor License. (R)

There were no public comments.

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

6. Ventures Endurance Events LLC, 51 Dynamic Drive, Unit 3, Scarborough, application for a Mass Gathering Permit for the Maine Coast Half Marathon & 5K Road Race to be held on May 6th and 7th 2023 at Wells Harbor Community Park. (N)

There were no public comments.

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

7. A Running Passion, 123 Graham St., Biddeford, application for a License for an Incorporated Civic Organization for Liquor License and Lottery Operations to be held from 7:00AM to 2:00PM on May 6th and 7th, 2023 at Wells Harbor Community Park. (N)

There were no public comments.

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

8. Senior Needs Committee of Wells and Ogunquit, 300 Post Road, Wells, application for Games of Chance. (R)

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to close the public hearing and grant the license. Passed 4-0-1 with Mrs. Chase abstaining.

9. Senior Needs Committee of Wells and Ogunquit, 300 Post Road, Wells, application for a Game of Chance for Beano/Bingo. (R)

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to close the public hearing and grant the license. Passed 4-0-1 with Mrs. Chase abstaining.

10. Good News

~The bad news is the flood at the library. The good news is that recovery is progressing. Curb side pick-up is available until the library reopens and some of the events will be moved to other locations. It may reopen next week. Decisions are made on a day-to-day basis. The main issue is getting the carpet dry.

~The wrestlers won the dual meet and have a 22-0 record. The girls' basketball will probably finish #2 and be in the tournament. The boys play York tomorrow.

~Thank you to Ms. Murray and Chief Dupuis for the weather app and storm updates. Cancelling school is a hardship for families, but the concern is for everyone's safety.

~Rotary helped with a Warming Day on Saturday and served lunch to 70 people. Rotary is looking for new members. Meetings are held at noon, two Wednesdays per month.

~Chief Putnam said the police held a Warming Day on January 28 and served over 90 people.

11. Open to the Public

There were no public comments.

CURRENT AGENDA ITEMS

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

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve and sign the Accounts Payable Warrant dated February 7, 2023 in the amount of \$1,164,933.22, and the General Assistance Warrant dated February 7, 2023 in the amount of \$2,389.70. Passed 4-0-1 with Mr. MacLeod abstaining.

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

a) Discussion and action on a proposed easement and land swap between the Town and Cardinali's Real Estate, LLC relating to portions of property located on or near Harbor Road.

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

b) Discussion and action on re-shingle project for Wells Harbor Pavilion and Gazebo. Also present: Mike Yorke & Ken Lowell.

Asphalt shingles generally last about 50 years, while the estimate for cedar is 30 years and they need to be treated periodically. Asphalt is more durable for conditions at the harbor. The recommendation was Onyx asphalt shingles.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to go out for an RFP. The target date is to do the work in April. Passed unanimously.

- c) Discussion and action to schedule a public hearing on Spring Thaw Road Postings.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on February 21, 2023 at 6PM in the Littlefield Meeting Room, 208 Sanford Road, to review the Spring Thaw Road Postings. Passed unanimously.

- d) Discussion and action to approve the Mutual Aid Agreement between Kennebunk, Kennebunkport and Wells and authorize the Town Manager to sign the agreement.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the Mutual Aid Agreement between Kennebunk, Kennebunkport and Wells and authorize the Town Manager to sign the agreement. Passed unanimously.

- e) Discussion and action on the discontinuance of accepting commercial brush at the Transfer Station.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on February 21, 2023 at 6PM in the Littlefield Meeting Room, 208 Sanford Road, on the discontinuance of accepting commercial brush, grass and leaves at the Transfer Station. Passed 4-0-1 with Mr. MacLeod abstaining.

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

- i. Appointment of Phillip Breton as a regular member to the Harbor Advisory Committee with Term to expire August 2023.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Phillip Breton as a regular member to the Harbor Advisory Committee with term to expire August 2023. Passed unanimously.

- ii. Appointment of Thomas Pulsifer as a regular member to the Zoning Board of Appeals with term to expire November 2025.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Thomas Pulsifer as a regular member to the Zoning Board of Appeals with term to expire November 2025. Passed unanimously.

- iii. Appointment of Joshua Morrell as an Associate Member to the Zoning Board of Appeals with term to expire November 2024

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Joshua Morrell as an Associate Member to the Zoning Board of Appeals with term to expire November 2024. Passed unanimously.

- iv. Appointment of Martin Takessian as a regular member to the Energy Advisory Committee.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Martin Takessian as a regular member to the Energy Advisory Committee. Passed unanimously.

- g) Discussion and action to accept donations and bequests.
 1. **\$4,000.00** donation from Friends Supporting the Wells Public Library to the Wells Public Library for purchase of furniture and improvements in the Teen area.
 2. **\$20,123.00** donation from Fidelity Charitable and Forbes Family Foundation to the Town of Wells to be used for General Assistance Food and Fuel.
 3. **\$10,123.00** donation from Fidelity Charitable and Forbes Family Foundation to the Wells Recreation Department to be used for equipment and sports programs.
 4. **\$300.00** donation from William and Eleanor Andrews to the Town of Wells for the Fuel Assistance Program Fund.
 5. **\$75.00** donation from Kennebunk Savings Bank to the Wells Public Library in recognition of KSB employee Patrick Theriault's volunteer efforts in our community.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to accept the generous donations and write letters of thanks to the donors. Passed unanimously.

- h) Discussion and action on approving minutes of the January 17 and January 19, 2023 Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the January 17, 2023 Selectmen's meeting minutes. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the January 19, 2023 Selectmen's meeting minutes. Passed 4-0-1 with Mr. Roche abstaining.

NEW BUSINESS

1. Open to the Public

~PWD Carol Murray said that the public hearing on accepting commercial brush and reviewing the fee structure should include a recommendation from the Solid Waste Committee.

Motion by Mrs. Chase, seconded by Mr. DeFelice, amending her previous motion, to schedule a public hearing on February 21, 2023 at 6PM in the Littlefield Meeting Room, 208 Sanford Road, on the discontinuance of accepting commercial brush, grass and leaves at the Transfer Station and on

the proposal by the Solid Waste Committee to discuss the residential fees. Passed 4-0-1 with Mr. MacLeod abstaining.

2. Town Manager's Report

~Our wonderful staff is doing an amazing job dealing with the recent storms.

~The Tuesday department head meetings are working well and they present their goals for the coming year.

~Mr. Foley asked if there could be a day at the Transfer Station when residents could bring their brush from the storms for free. A possible date could be Saturday, April 15. Ms. Murray said the pile is already overflowing and she expects it will cost more than the \$25,000 in her budget to clean it up. She will develop a plan and present it to the Selectmen.

The Town used to have a tree warden. We could use a professional arborist. Mr. Pardue will make this an agenda item.

3. Continue discussion on the Town Clerk position.

Ms. Rachin said we can hold a special town meeting before June. Under state statute, we need a threshold of 30% of the voters at the last gubernatorial election in order to amend the charter. There were 6,711 votes at that election, so 2,000 votes are needed at a special election.

The Board previously voted to close the public hearing. This will be an action item at the next meeting.

4. EXECUTIVE SESSION – To hold an executive session, pursuant to 1 M.R.S. section 405(6)(E), to consult with the Town Attorney regarding the Board's legal rights and duties relating to a proposed consent agreement with York Builders & Design, Inc. regarding property located on Fieldside Drive and more particularly described as Tax Map 032, Lot 13. Also present: Attorney Rachin and CEO Jodine Adams

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into Executive Session pursuant to 1 M.R.S. section 405(6)(E), to consult with the Town Attorney regarding the Board's legal rights and duties relating to a proposed consent agreement with York Builders & Design, Inc. regarding property located on Fieldside Drive and more particularly described as Tax Map 032, Lot 13. Passed unanimously.

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

5. EXECUTIVE SESSION – To hold an executive session, pursuant to 1 M.R.S. §405(6)(D) to discuss with the Town's Negotiators the Status of the Ongoing Negotiations of the Labor Contract between the Town of Wells and the Professional Firefighters of Wells, IAFF Local 4652. Also present Fire Chief Mark Dupuis.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into Executive Session pursuant to Title 1 M.R.S. §405(6)(D) for the purpose of discussing with the Town's negotiators the status of the ongoing negotiation of the labor contract between the Town of Wells and the Professional Firefighters of Wells, IAFF Local 4652. Passed unanimously.

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

6. **EXECUTIVE SESSION** – To hold an executive session, pursuant to §405(6)(1) for the purpose of discussing a personnel matter with the Town Manager where public discussion could be reasonably expected to cause damage to an individual or the individual's right to privacy would be violated.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into Executive Session pursuant to Title 1 M.R.S. §405(6)(1) for the purpose of discussing a personnel matter with the Town Manager where public discussion could be reasonably expected to cause damage to an individual or the individual's right to privacy would be violated. Passed unanimously.

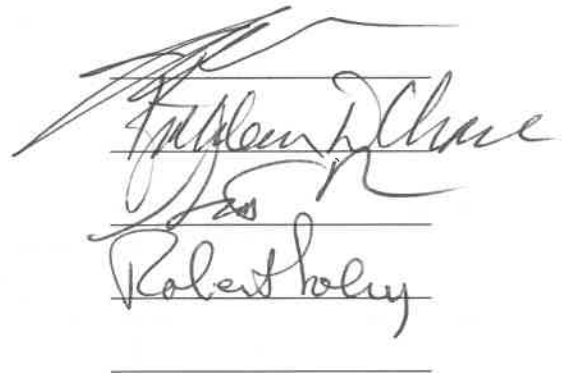
Motion by Mrs. Chase, seconded by Mr. DeFelice, to come out of Executive Session. Passed unanimously.

7. Adjournment

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

Respectfully submitted,

Accepted by,



The image shows two handwritten signatures in black ink. The top signature is 'Elizabeth Chase' and the bottom signature is 'Robert Kelly'. Both signatures are written over horizontal lines, likely from a form or document.

Cinndi Davidson,
Meeting Recorder