

SELECTMEN'S MEETING - TUESDAY, MARCH 7, 2023

5:45 PM – INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES

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. Good News

~Thank you to PWD for a great job plowing after the latest storm.

~We are receiving a federal grant from FEMA for damage caused by the "Bridge Storm."

~Good work by one of our police officers who found a resident's wallet at IGA and tracked him down at his vacation home.

2. Open to the Public

There were questions about new policies at the Transfer Station.

~Will everything we recycle now eventually have to go into the orange bags? There is no demand for recycling so everything goes into trash and the Town has to pay.

~Can renters use the Transfer Station? Stickers are issued based on the car registration.

~Can we provide benches and beach access for disabled residents and visitors at Drakes Island Beach?

~Who are the agents authorized to expend funds from the reserve accounts? Ms. Sanborn said it varies for each account: it may be the Town meeting, Town Manager, Selectmen or department heads. We will identify the agents over the next few months as staff time permits.

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 March 7, 2023 in the amount of \$626,289.58, and the General Assistance Warrant dated March 7, 2023 in the amount of \$1,034.56 . Passed 4-0-1 with Mr. MacLeod abstaining.

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

a) Discuss the general terms and concept associated with a Lease Agreement between the Town and Fisherman's Catch. Also present: Town Manager/Engineer Mike Livingston, Town Attorney Leah Rachin, owner Ned Cardinali.

b)

The term "easement" has been changed to "lease." The areas to be swapped and the metes and bounds are detailed on the plan. The lease can be assigned if the Cardinali's sell to another restaurant, subject to review by the Selectmen. Parking is non-exclusive; the public and the restaurant share the right to park there. Mr. Foley asked to have the map included in the town meeting report. Mr. Livingston said it can be divided into legible sections. Ms. Rachin said the lease should be included.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing for 6 PM on March 21 in the Littlefield Meeting Room, 208 Sanford Road, on the lease agreement between the Cardinali's and the Town of Wells. Passed unanimously.

c) FY'23 Second Quarter Financial Report.

Finance Director Jodie Sanborn reviewed the report. The second quarter balance sheet position increased by \$9,883,616. Changes consisted of:

- First installment property tax collections.
- Accounts Receivable decrease.
- Decreases in Special Reserves and Capital Reserves.
- Enterprise Fund changes.
- Commitment of 2023 taxes in October.
- Total revenue collections are at 53.9% collected.
- Total salary and operating expenses are at 55.5% expended.

d) Discussion and action on a request for Waiver of Tax Foreclosures.

Ms. Sanborn reviewed the list of proposed waivers. She recommended not foreclosing on the campers, as the Town would become responsible for their insurance and rent until the units are sold. The liens will remain and staff will continue to attempt to collect the taxes.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the request for Waivers of Foreclosure on properties identified by Map/Lot 0114/038-00N.7, 0027/004-001.110, 0032/018-024 and 0073/002-058.T as submitted under oath by the Finance Director as authorized by 36 M.R.S.A. sec. 944. Passed unanimously.

e) Discussion and action to approve a request for Tax Abatements.

Ms. Sanborn is requesting abatements since the travel trailers have been removed from their sites and are no longer in Town.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the Tax Abatements as submitted by the Finance Director in the amount of \$2,786.68. Passed unanimously.

f) Discussion and action to schedule a public hearing on “An Ordinance to Amend Chapter 53 (Planning Board) of the Code of the Town of Wells to Change the Quorum Requirements of the Planning Board and to Eliminate References to Historical Planning Board”.

Mr. Livingston said the Board has 5 regular members and 2 alternates. Members have questioned why the quorum requirement is 4, not 3, in line with other Town boards.

Motion by Mrs. Chase, seconded by Mr. DeFelice to schedule a public hearing on March 21, 2023 at 6PM, 208 Sanford Road, in the Littlefield Meeting Room on an Ordinance to Amend Chapter 53 (Planning Board) to change the Quorum Requirements of the Planning Board and to Eliminate References to Historical Planning Board. Passed unanimously.

g) Discussion and action to schedule a public hearing on “A Retroactive Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Update the definition of a Registered Medical Marijuana Dispensary, Restrict the number and location of Registered Medical Marijuana Dispensaries, and Change the Performance Standards Requirements for a Registered Medical Marijuana Dispensary”.

The State has relaxed the limitation on the number of medical marijuana dispensaries. The Planning Board recommends limiting the number of facilities to 3 and prohibiting them from the RC Zone. The minimum distance to schools and daycares would be increased from 1,000 ft. to 2,000 ft. and stand-alone dispensaries would not be allowed. Dispensaries sell ready to use products with no growing or manufacturing. Security requirements include opaque windows, a Knox box and access limited to patients and caregivers. The Selectmen can regulate licensing requirements, fees and fines for violations.

Ms. Rachin said we should consider whether the language about retroactivity should be added back in the draft ordinance. Mr. Livingston said if we received another application now, it would be difficult to complete the review before Town Meeting,

Mr. DeFelice questioned the distance. One application just meets the 1,000 ft. limit from a school, and it might be approved before Town Meeting. It would become non-conforming if the ordinance change passes. Mr. MacLeod and Mr. Foley felt that dispensaries are already regulated and that the 2,000 ft. limit seems unnecessary.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on March 21, 2023 at 6PM, 208 Sanford Road, in the Littlefield Meeting Room on “A Retroactive Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Update the definition of a Registered Medical Marijuana Dispensary, Restrict the number and location of Registered Medical Marijuana Dispensaries, and Change the Performance Standards Requirements for a Registered Medical Marijuana Dispensary”. Passed unanimously.

h) Discussion and action on purchase of two vehicles for the Police Department.

Chief Putnam said there is a heavy demand for police vehicles and the usual bid process isn't working because of the shortage. McGovern Municipal HQ of Framingham MA has 2 Interceptors which they are holding for us. The two vehicles we replace will either go to auction or to another department, possibly the Code Office.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to waive the Town's Purchasing Policy to allow for the sole sourcing of two (2) Ford Police Interceptors from McGovern Municipal HQ. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to authorize the Town Manager to spend up to \$95,000 for the purchase of two (2) Ford Police Interceptors or Explorers from McGovern Municipal HQ. Passed unanimously.

i) Discussion and action on purchase of two vehicles for the Recreation Department.

Parks & Recreation Director Tina LeBlanc discussed the Department's plan to purchase two passenger vans before the pandemic. The bid was initially awarded to Key Ford, but now they cannot promise that the vans will ever be built. McGovern Municipal HQ has 2 vans available that meet their requirements. One of the existing vans will be sold to recover some of the cost, while the Department will keep the better one. The total cost is \$120,560. There is \$92,000 in a reserve account and another \$28,560 can be drawn from the Enterprise account.

Motion by Ms. Chase, seconded by Mr. DeFelice, to waive the Town's Purchasing Policy to allow for the sole sourcing of two (2) 15 Passenger Transit Vans from McGovern Municipal HQ. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to authorize the Town Manager to spend up to \$125,560 for the purchase of two (2) 15 Passenger Transit Vans from McGovern Municipal HQ. Passed unanimously.

j) Discussion and action to accept two conditional grant awards from the DEP for \$300,000 for the 2022 Stream Crossing Public Infrastructure Improvement Projects for Newhall Road and Coles Hill Road.

PWD Carol Murray reported on the two conditional grant awards. The cost of Newhall Road has come down and with the grant we have enough to cover the work. The estimate for Coles Hill Road is close to the grant amount.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to accept the DEP Conditional Contracts in the amount of \$300,000 for the 2022 Stream Crossing Public Infrastructure Improvement Projects for Newhall Road and Coles Hill Road with recognition that it is contingent upon final approval by the State Procurement Review Committee and successful negotiation of a contract. Passed unanimously.

k) Discussion to set a date for a workshop on project priorities and strategic initiatives.

The consensus was mid-May after budget season and the warrant.

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

i. Appointment of Kerri Van Schaack as Registrar of Voters.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Kerri Van Schaack as Registrar of Voters with term to expire December 31, 2024. Passed unanimously

m) Discussion and action to accept donations and bequests:

1. **\$225.00** donation from Patricia Laurie to the Town of Wells for the Fuel Assistance Program Fund.
2. **\$100.00** donation from Trailblazers to the Town of Wells for the Fuel Assistance Program Fund.
3. **\$200.00** from the Danner-Wilson family to the Town of Wells for the Fuel Assistance Program Fund.
4. **\$25.00** from Sarah Windle to the Town of Wells for the Fuel Assistance Program Fund.

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

n) Discussion and action on approving minutes of the February 21, 2023 Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the February 21, 2023 Selectmen's meeting minutes. Passed 4-0-1 with Mr. Roche abstaining.

NEW BUSINESS

1. Open to the Public

Wells Elementary School held a Reading Day last week. Several police officers, firefighters, retired teachers and the Town Manager read to the students. Mr. Pardue said it was the best part of his day.

2. Town Manager's Report

~We are applying for a \$300,000 grant for a part-time police social worker to help with mental health issues.

~Union negotiations and budget discussions are ongoing.

~Dredge planning continues with a public meeting on March 16.

~The 2x2x2 group met recently with WEMS and the Selectmen. The next meeting will be Monday re: public safety.

3. **EXECUTIVE SESSION** – To hold an executive session, pursuant to 1 M.R.S. § 405(6)(C) to discuss the condition, acquisition or the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into executive session with the Town Manager and Town Attorney pursuant to 1 M.R.S. Sec. 405(6)(C) to discuss the condition, acquisition or the use of

real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to come out of executive session. Passed unanimously.

4. **EXECUTIVE SESSION** - To discuss the applicants to various boards and committees, pursuant to 1 M.R.S. § 405(6)(A).

Motion by Mrs. Chase, seconded by Mr. DeFelice, to go into Executive Session to discuss the applicants to various boards & committees, pursuant to 1 M.R.S. § 405(6)(A). Passed unanimously.

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

5. Appointment of members to various boards & committees.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to reappoint Michelle Stivaletta-Noble to the Conservation Commission.

6. Adjournment

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

Respectfully submitted,

Accepted by,



The image shows two handwritten signatures in blue ink. The top signature is 'Kathleen P. Chase' and the bottom signature is 'Robert J. DeFelice'. Each signature is written over a horizontal line.

Cinndi Davidson,
Meeting Recorder