

## ***SELECT BOARD MEETING - TUESDAY, MARCH 15, 2022***

***5:00 PM - EXECUTIVE SESSION: To discuss goals for the Town Manager, pursuant to 1 M.R.S. § 405(6)(A).***

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

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

### ***6:00 PM – SELECT BOARD MEETING***

Present: Chairman Sean Roche, Selectmen John MacLeod, Tim Roche, Bob Foley, Town Manager Larissa Crockett, Meeting Recorder Cinndi Davidson.

Present via ZOOM: Selectman Kathy Chase,

#### ***INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES***

- Brenda Durand interview for Planning Board

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

##### ***1. School Budget Presentation***

Superintendent Jim Daly and Director of Operations Jay Moore were present. Wells-Ogunquit is the only school district in Maine that was able to stay open throughout the pandemic and Mr. Daly thanked everyone who made this possible. There will be a budget meeting on June 1 with the vote on June 14. After 20 years, the elementary school bond will be paid off next year. No new capital projects are planned. Taxes on a \$300,000 house will increase by \$12 for the school portion.

##### ***2. Public Hearing on Charter change regarding carryover of funds.***

Chairman Roche recommended a charter change commission to review the entire charter at once, rather than addressing items individually. Mr. Foley said the charter calls for a review every 10 years. Town Attorney Leah Rachin said there are two options: a commission would be partly appointed and partly elected, or the Selectmen could appoint an ad hoc committee to conduct a review. Major revisions would require a commission. Amendments and revisions require different processes.

There were no public comments,

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

No action was taken.

##### ***3. Public Hearing on Charter change regarding appointed vs. elected Town Clerk.***

Public comments were solicited. Several speakers discussed the complexity and importance of the work handled in the Town Clerk's office and supported an elected clerk. Candidates for the office should

present their qualifications and let the voters decide. The clerk works for the residents and has to follow state law.

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

No action was taken.

**4. *Public Hearing on a conveyance of a portion of Town land on map and lot 34-5E in exchange for an easement over a section of private property at map and lot 34-5 on Ridgetop Ln.***

This is the final easement needed to complete the stormwater drainage project for Robinson Road. Town Planner/Engineer Mike Livingston said that the land being conveyed is not buildable, and that language can be included in the warrant article. Mr. MacLeod said the land should not be used for access to subdivide the lot. The warrant article authorizes the Selectmen to negotiate with the property owners.

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to close the public hearing and to include a warrant article regarding this easement on the June 14, 2022 Town Meeting warrant. Passed unanimously.

**5. *Public Hearing on article to convey a permanent utility easement and a temporary construction easement to the Wells Sanitary District across Town owned land at Tax Map 132, Lot 67.EXE.***

Nick Rico of the Sanitary District discussed the need to replace the existing sewer force main. The District needs easements at the Eastern Shore Parking Lot and adjacent to Jetty Lane to construct and operate the new sewer line. Construction is planned for Fall 2022 and Spring 2023. The District will lease the submerged land under the channel from the Town.

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to close the public hearing and to include a warrant article regarding the Eastern Shore easement on the June 14, 2022 Town Meeting warrant. Passed unanimously.

**6. *Public Hearing on article to convey a permanent utility easement and a temporary construction easement to the Wells Sanitary District across Town owned land at Tax Map 137, Lot 1.EXE***

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to close the public hearing and to include a warrant article regarding the Jetty Lane easement on the June 14, 2022 Town Meeting warrant. Passed unanimously.

**7. *Ezzo Enterprises Inc, dba: Haven by the Sea, 59 Church St. 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. MacLeod, to close the public hearing and grant the license. Passed unanimously.

**8. *Campfire Restaurant Group LLC, dba: Merriland Farm Cafe, 557 Coles Hill Rd. Wells, application for a full-time Malt Liquor and Wine License. (R)***

There were no public comments.

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

**9. *Gary Leach, dba: Congdons After Dark, event “Trucks and Pups”, 1090 Post Rd, Wells, application for Mass Gathering Permit.***

There were no public comments.

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

**10. *Ashley Potvin-Fulford, dba: A Running Passion, 123 Graham Street, Biddeford, application for a Liquor License for a one-day event for the Maine Coast Half Marathon & 5K to be held at Wells Harbor Community Park on May 7<sup>th</sup>, 2022.***

There were no public comments.

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

**11. *Ashley Potvin-Fulford, dba: A Running Passion, 123 Graham Street, Biddeford, event for the Maine Coast Half Marathon & 5K to be held at Wells Harbor Community Park Mass Gathering Permit.***

There were no public comments. This item is superseded by #11 mass gathering permit.

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

**12. *Erik Boucher, dba: Ventures Endurance LLC, 331 Harbor Rd. Wells, application for Mass Gathering Permit.***

There were no public comments.

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

**13. Town Manager's report**

~Beach pass sales will begin in a month and people are encouraged to buy them online. Early voting will be occurring at the same time at Town Hall and the building could become very congested. However, new residents need to come to the Assessor's Office and have their residency status confirmed for their pass.

**14. 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. MacLeod, to approve and sign the Accounts Payable Warrant dated March 15, 2022 in the amount of \$2,626,626.25 and the General Assistance Warrant dated March 15, 2022 in the amount of \$5,265.70. Passed unanimously.

**2. Update, discussion and action on Committees, Projects, Issues, Purchases and Personnel****a) Revoking a previously accepted resignation**

Karen Hludik would like to stay on the Dog Park Committee. No Board action is required.

**b) Discussion and possible action to schedule a public hearing on cluster subdivision ordinance amendments.**

Ms. Crockett showed plans of an approved subdivision based on 30,000 sq. ft. and 40,000 sq. ft. showing the impact on road length and open space. Sometimes the lot size affects the number of lots allowed. Mr. Foley suggested waiting for recommendations from the Comprehensive Plan Update Committee. The Conservation Commission will be asked for their input. The public hearing notices will be posted for 30,000 and 40,000 sq. ft.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd regarding proposed changes to the cluster subdivision ordinance making lots 30,000 sq. ft. in the Rural District. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd regarding proposed changes to the cluster subdivision ordinance making lots 40,000 sq. ft. in the Rural District. Passed unanimously.

**c) Discussion and possible action to schedule a public hearing on acceptance of Grand Trail Dr.**

The applicant needs to provide additional information before the June vote. Mrs. Chase asked if we will know the cost for the Town to maintain the road; it will be available. Ms. Rachin said the deed language and performance bond are being reviewed.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd regarding acceptance of Grand Trail Dr. as a town way. Passed unanimously.

d) ***Discussion and possible action to schedule a public hearing on 2022 lodging licenses.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd on 2022 lodging licenses. Passed unanimously.

e) ***Discussion and possible action to schedule a public hearing on a lease for the Town-owned property at 136 Post Rd., Wells, Maine.***

The Chamber of Commerce lease has expired and a year-to-year lease or 3 year lease is being considered.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd regarding a lease for no more than 3 years for Town-owned property at 136 Post Rd. Passed unanimously.

f) ***Discussion and possible action to schedule a public hearing on a lease for the Town owned property at 762 Burnt Mill Rd.***

The Dog Park Committee has established a 501c3 corporation to support the park. The proposed lease is for 25 years with the option to renew for 2 additional 25 year periods.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd regarding a lease to the Friends of Wells Dog Park for Town-owned property to be used as a dog park for 75 years at 762 Burnt Mill Rd. Passed unanimously.

g) ***Discussion and possible action to schedule a public hearing on a lease for the Town owned property, the Wells Harbor Marina on Harbor Rd.***

The lease and its right of renewal expire this year. The lease was for 5 years with 2 renewals of 5 years each. The current business owner hasn't been contacted about renewing.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd regarding a lease for Town-owned property, the Wells Harbor Marina for a term of 10 years with 2 rights to renew at 5 years each. Passed unanimously.

h) ***AMENDMENT TO THE AGENDA:***

The Selectmen will meet on Tuesday, March 29 for a workshop on the budget.

Motion by Mrs. Chase, seconded by Mr. MacLeod, schedule a public hearing on Tuesday, April 5, 2022, at 6:00 PM at 208 Sanford Rd. for a joint reconciliation of the budget with the Board of Selectmen and the Budget Committee. Passed unanimously.

i) ***Discussion of proposed uses for ARPA funds.***

Nick Rico of the Sanitary District has submitted probable construction costs for the Drakes Island project. Any ARPA funds the district receives would reduce the amount they have to borrow. Other ideas for projects included: using the funds to benefit the entire town, hiring another police officer, and extending the sewers.

j) ***Discussion and possible action to accept easements and property conveyance as part of the Ramsell Estates subdivision.***

A density bonus was granted for conveying public rights across the open space. The fire pond is necessary to meet town ordinances and an easement is required to use the pond for fire protection. A property line was difficult to determine and a deed was conveyed to the town to establish the boundary. The land is still on the tax rolls and the town has no liability; the easements grant access only.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to accept the easements and property conveyance as part of the Ramsell Estates Subdivision. Passed unanimously.

k) ***Discussion and possible action on reconsideration of direction to extend GA housing maximums.***

During the winter some GA recipients were applying for rental assistance through ERA. With warmer weather, the Board may wish to discontinue exceeding GA housing maximums.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to revert back to the original GA cap. Passed unanimously.

l) ***Discussion on lodging ordinance changes.***

The Board considered charging a facility for an excessive number of calls to emergency services. A distinction was made between true emergencies vs. nuisance calls, such as excessive noise. Ms. Rachin discussed “disorderly building proceedings” and said that the activity would be exempt if the use is approved for that building. Fire Chief Mark Dupuis said that some departments charge for alarm malfunctions, such as not maintaining the system and changing the batteries.

There was a discussion of lodging facilities and enforcing the length of stay restrictions. A Code Office employee was initially hired to do inspections, and the lodging license fees were increased to cover the cost. The Lodging Committee should be reconvened for the November ballot while avoiding their busy summer season.

m) ***Discussion and possible action to add Cindy Appleby, Mark Dupuis, Keeley Lambert, and Mike Livingston as posting agents.***

Marianne Goodine and Michele Stivaletta-Noble will continue serving as posting agents. Legally, the posting agents do not have to be town residents, but the Town Clerk prefers it.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to include the above named department heads as additional posting agents. Passed unanimously.

n) ***Discussion and possible action to award the brush, leaves, and grass removal bid.***

PWD Carol Murray recommends awarding the bid to Green Shadow Property Maintenance. She will make sure the material is going to a licensed facility. We don't pay them until the work is done to our satisfaction.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to award the brush, leaves, and grass removal bid to Green Shadow Property Maintenance LLC in the amount of \$14,768. Passed unanimously.

o) ***Discussion and action to approve Release Deed for the following:***

- Bourassa, Brandy. Property is known as parcel number 0138/019-00D. Tax lien was filed on September 10, 2009. A discharge or quit claim deed was never filed at the Registry of Deeds. Tax records show that there are no outstanding taxes due on the property. Release deed releases lien filed in book/page 15720/811.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to approve and sign the release deed to release the lien on the property listed above. Passed unanimously.

p) ***Discussion and action on approving minutes of the March 1, 2022 Selectmen's meeting.***

Motion by Mrs. Chase, seconded by Mr. MacLeod, to accept the minutes of the March 1, 2022 Selectmen's meeting. Passed unanimously.

***NEW BUSINESS***

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

There were no public comments.

***2. Good News***

~Thank you to our employees who read to the students on March 4 Reading Day.

~Wells alumnus Cam Cousins is now playing basketball at SMCC which won the national championship. Wells alumna Natalie Thurber is the assistant coach at Kennebec Community College which won the women's national championship.

~The new shellfish building at the harbor looks wonderful.

~Grace Ramsdell won the Robert E. Butler award for southern Maine and is a finalist for Miss Maine Basketball.

~Chairman Sean Roche and his wife are expecting a baby in June. His seat on the Select Board is up in June and he will not be running for re-election.

**3. EXECUTIVE SESSION: To discuss the applicants to various committees, pursuant to 1 M.R.S. § 405(6)(A).**

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

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

**4. Appointment of members to various committees.**

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Brenda Durand as an alternate member of the Planning Board. Passed unanimously.

**5. Adjournment**

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

Respectfully submitted,

Accepted by,

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Cinndi Davidson,  
Meeting Recorder