

SPECIAL SELECTMEN'S MEETING - TUESDAY, MARCH 21, 2023

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

3:30 PM – SELECTMEN'S MEETING

1. **EXECUTIVE SESSION** – Consultation between the Board and its attorney concerning the legal rights and duties of the Board, pending or contemplated litigation, settlement offers and matters where the duties of the Town Attorney to the Board pursuant to the code of professional responsibility clearly conflict with the Freedom of Access Act or where premature general public knowledge would clearly place the Town at a substantial disadvantage, pursuant to 1 M.R.S.A. Sec. 405(6)(E).

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into Executive Session for Consultation between the Board and its attorney concerning the legal rights and duties of the Board, pending or contemplated litigation, settlement offers and matters where the duties of the Town Attorney to the Board pursuant to the code of professional responsibility clearly conflict with the Freedom of Access Act or where premature general public knowledge would clearly place the Town at a substantial disadvantage, pursuant to 1 M.R.S.A. Sec. 405(6)(E). Passed unanimously.

Also present: Police Chief Jo-Ann Putnam, Attorney James Wall

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

2. Joint Budget Reconciliation Meeting with the Budget Review Committee on the proposed FY'24 Budget and Financial Warrant Articles.

Also present: Finance Director Jodie Sanborn, Accountant Casey Welch, Budget Committee members Ron Schneider, Brian Toomey, Marissa Caputo, Bill Wade, Richard DeBold, Adam Bloom-Paicopolos, Mark Bagdasarian.

The following adjustments made by the Selectmen were voted on by the Budget Review Committee.

Motion by Mr. Toomey, seconded by Ms. Caputo, to increase the tree removal budget to \$75,000. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to add \$19,000 to Copier Rentals/Leases to cover the 3 year leasing costs to replace 8 copiers. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to use an additional \$200,000 from surplus for CIP proposed funding. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the February 15, 2023 Budget Review Committee minutes. Passed unanimously.

Approval of Financial Warrant Articles:

Article 3. Estimated Revenues

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed 6-1.

Article 4. Pass Through Accounts

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed unanimously.

Article 5. Salaries and Benefits

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed 6-1.

Article 6. Operations

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to approve the recommendation. Passed unanimously.

Article 7. Potential Employee Related Expenses

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. Wade, to approve the recommendation. Passed unanimously.

Article 8. Potential Town Liabilities

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed unanimously.

Article 9. Capital Improvement Plan

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to approve the recommendation. Passed unanimously.

Article 10. Capital Expenditures

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed unanimously.

Article 11. Expenditures From Specific CIP Reserve Accounts

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to approve the recommendation. Passed 6-1.

Article 12. General Assistance

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed unanimously.

Article 13. Town Clerk Compensation

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed unanimously.

Article 14. Convert Part-Time Assessing Clerk to Full-Time

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to approve the recommendation. Passed unanimously.

Article 15. Increase Library Assistant Hours From 27 to 30.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to approve the recommendation. Passed unanimously.

Article 16. One Full-Time Code Enforcement Officer

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed unanimously.

Article 17. One Full-Time Assistant Fire Chief

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. Wade, to approve the recommendation. Passed 6-1.

Article 18. Four Full-Time Firefighter/Paramedics

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed 6-1.

Article 19. Two Full-Time Dispatchers

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Ms. Caputo, to approve the recommendation. Passed unanimously.

Article 20. Two Full-Time Patrol Officers

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the recommendation. Passed unanimously.

Motion by Mr. Toomey, seconded by Mr. DeBold, to approve the recommendation. Passed 6-1.

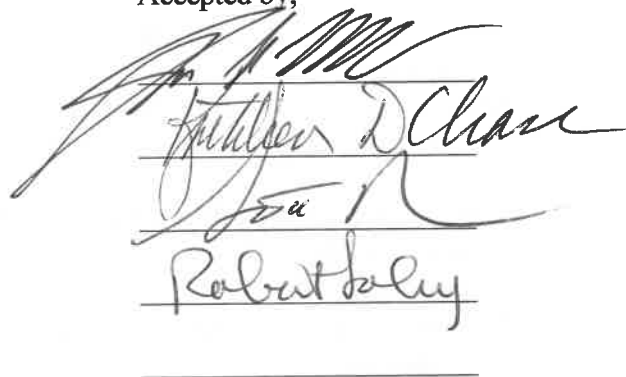
Thank you to the Budget Review Committee, staff and department heads for their hard work putting the budget together.

3. Adjournment

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

Respectfully submitted,

Accepted by,



Julien D. Chase
Joe
Robert Saluy

Cinndi Davidson,
Meeting Recorder

SELECTMEN'S MEETING - TUESDAY, MARCH 21, 2023

5:45 PM – INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES

- Keith Fletcher: Conservation Commission Term Renewal
- Charles Brown Jr.: Shellfish Conservation Committee Term Renewal

6:00 PM – SELECTMEN'S MEETING

Pledge of Allegiance

MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS

1. 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”. Also present: Town Engineer/Planner Mike Livingston.
There were no public comments.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to close the public hearing and discuss the proposed ordinance changes. Passed unanimously.

If the minimum distance is changed to 2,000 ft., one of the applications in progress could be non-conforming. The consensus was that 1,000 ft. is an adequate distance.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to include a warrant article regarding the proposed ordinance changes, as amended to a 1,000 ft. setback, on the June 13, 2023 Town Meeting warrant. Passed unanimously.

2. 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”.

Usually when a board has 5 members, 3 members constitute a quorum. There was a question about the term “Historical”. Mr. Livingston said it referred to something in 1993 and has no effect on the current board. Attorney Leah Rachin said that any prior actions of the Board still stand.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to close the public hearing and vote to include a warrant article regarding the proposed ordinance change on the June 13, 2023 Town Meeting warrant. Passed unanimously.

3. Public Hearing on a Land Swap and Lease Agreement between the Town and Fisherman's Catch (Cardinali's Real Estate, LLC).

The owners are working with the Town to resolve some boundary line conflicts and encroachments along Harbor Road. Some historic areas will be conveyed to the Town. Parking spaces will be shared by the restaurant and the public.

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to close the public hearing and vote to include a warrant article regarding the proposed Land Swap and Lease Agreement on the June 13, 2023 Town Meeting warrant. Passed unanimously.

4. Mike Dinardo, dba: The New England House Seafood & Sports Bar, 124 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.

5. Jacob Condon, dba: Battery Steele Brewing, 60 Mile Road, Wells, application for a full-time Malt, Wine and Spirits Liquor License. (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.

6. Jacob Condon, dba: Battery Steele Brewing, 60 Mile Road, Wells, application for a Special Entertainment Permit. (N)

There were no public comments.

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

7. Wells Chamber of Commerce, 136 Post Road, Wells, application for a Mass Gathering Permit for a Pow-Wow to be held on July 22 and 23, 2023 at Wells Harbor Community Park.

There were no public comments.

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

8. Wells Chamber of Commerce, 136 Post Road, Wells, application for a Mass Gathering Permit for a Chili-Fest to be held on August 26, 2023 at Wells Junior High School.

There were no public comments.

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

9. Wells Chamber of Commerce, 136 Post Road, Wells, application for a Mass Gathering Permit for a Family Jamboree to be held on September 30, 2023 at Wells Harbor Community Park.

There were no public comments.

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

10. Wells Chamber of Commerce, 136 Post Road, Wells, application for a Mass Gathering Permit for the Veteran's Day 5K Road Race to be held on November 11, 2023 at the Wells Elks Lodge.

There were no public comments.

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

11. Wells Chamber of Commerce, 136 Post Road, Wells, application for a Mass Gathering Permit for the Christmas Parade to be held on December 10, 2023 on Route One from Wells Plaza to the Junior High School.

There were no public comments.

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

12. Good News

~Mr. Pardue reported on the successful budget reconciliation meeting and thanked the members of both boards and staff members for their great work.

~Clean-up of the winter storm damage continues. Removing the dangerous hanging branches is a priority. Much of the brush along the roads is still frozen in snowbanks.

~There was a meeting on the dredge last week. ACOE has reconsidered and will replenish the sand on Drakes Island and Wells Beach.

13. Open to the Public

Jake Condon thanked the Board for approving his permit and license.

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 21, 2023 in the amount of \$2,511,313.86, and the General Assistance Warrant dated March 21, 2023 in the amount of \$354.90. Passed 4-0-1 with Mr. MacLeod abstaining.

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

- a) Discussion and action to schedule a joint public hearing with the Board of Selectmen and the Budget Review Committee on the proposed Town Meeting Warrants for fiscal year 2024.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a joint public hearing with the Board of Selectmen and the Budget Review Committee on April 4, 2023 at 6PM, 208 Sanford Road in the Littlefield Meeting Room to review the proposed Town Meeting Warrants for fiscal year 2024. Passed unanimously.

- b) Discussion and action on approval of an Assignment and Assumption of Lease Agreement for Webhannet River Boatyard, Inc. and KPT Maine LLC. Also present: Attorney Leah Rachin and owner Scott Worthing.

Ms. Rachin drafted an assignment which both parties accept.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the Assignment and Assumption of Lease Agreement for Webhannet River Boatyard Inc. and KPT Maine LLC and authorize the Town Manager to sign the agreement. Passed unanimously.

- c) Discussion and action on acceptance of an Easement Deed from Highpine Properties, LLC.

The subdivision approval included dedicated open space and a conservation easement. The documents do not include a defined access easement. This proposed easement defines the means of access across the condominium roads and a point of access for the public between the parking spaces. The conveyance of the easement is a gift to the Town.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to vote to accept the access easement from Highpine Properties, LLC to the Town Conservation Land. Passed unanimously.

- d) Discussion and action on acceptance of a Fire Hydrant Easement Deed for the Topsail Subdivision from Seal Harbor, LLC.

Town ordinances require a fire hydrant for this 4 unit subdivision. The hydrant is on private property and a condition of approval is an easement for the Town to access and use it.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to vote to accept the fire hydrant easement. Passed unanimously.

e) Discussion and action on Seasonal Landscaping bid award.

Only one bid was received from Boulay Landscaping for \$22,800. Ms. Sanborn said the cost last year was \$17,000, but this year's bid includes the pocket park.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to award the Seasonal Landscaping Bid to Boulay Landscaping in the amount of \$22,800. Passed unanimously.

f) Discussion and action on bid award for Extrication Equipment for the Fire Department.

Two bids were received:

Fire Tech & Safety (Amkus)	\$51,590
Harrison Schrader Enterprises (Genesis)	\$51,477

Genesis includes some extra features and their batteries match our existing equipment. Prices have increased since this fund was established. Chief Dupuis asked to take the additional \$3,587 from account 0734-51000 which has funds left over from other projects.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to award the bid for Extrication Equipment to Harrison Schrader Enterprises in the amount of \$51,477 using \$47,860 from the extrication CIP fund and the additional \$3,587 from account 0734-51000. Passed unanimously.

g) Discussion and action to schedule a public hearing on the 2023 Beach Parking Pass Policy.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on April 4, 2023 at 6PM, 208 Sanford Road in the Littlefield Meeting Room to review the 2023 Beach Parking Pass Policy. Passed unanimously.

h) Discuss the Financial Security of the Town's Deposits and Investments.

Because of concerns about the banking industry, Mr. Pardue and Ms. Sanborn met with representatives of M & T Bank. Due diligence was done concerning the Town's finances, and we have an irrevocable letter of credit that is renewed each month.

i) Discussion and action to approve a Corrective Release Deed for the following:

- S & D Properties LLC. Property is currently known as parcel number 0039/006-015. Tax lien was filed on August 22, 2019 with book/page 18378/458. A municipal release deed was filed on November 21, 2022 to discharge the tax lien, however the owner was incorrectly stated as S + D Properties LLC.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the Corrective Release Deed. Passed unanimously.

j) Discussion and action on an “An Ordinance to Amend the Charter of the Town of Wells to Convert the Position of the Town Clerk From an Elected to an Appointed Position” and to schedule a public hearing regarding same.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on April 4, 2023 at 6PM, 208 Sanford Road in the Littlefield Meeting Room on “An Ordinance to Amend the Charter of the Town of Wells to Convert the Position of the Town Clerk From an Elected to an Appointed Position”. Passed unanimously.

k) Discussion and action to accept donations and bequests.

1. **\$100.00** donation from Janice Mahood to the Wells Police Department for Treats for K9 Bacchus.
2. **\$900.00** donation from Aileen Fortune and Robert Agan to the Town of Wells for the Fuel Assistance Program Fund.
3. **\$2,750.00** donation from Friends Supporting Wells Public Library to the Wells Public Library.
4. **\$25,000.00** distribution from the Estate of David C. Hardy to the Wells Conservation Commission Land Bank Reserve Fund.
5. **\$250.00** donation from Wells Winter Warriors to the Town of Wells for the “We are Wells” Fund.
6. **\$250.00** donation from For the Love of Food and Drink to the Town of Wells for the “We are Wells” Fund.

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

l) Discussion and action on approving minutes of the March 7, and March 9, 2023 Selectmen’s meeting

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the March 7, 2023 and March 9, 2023 Selectmen’s meeting minutes. Passed unanimously.

NEW BUSINESS

1. Open to the Public

~Walter Woods asked if he can participate in the Executive Session or the discussion about the proposed consent agreement. Ms. Rachin said the agenda can be amended to have him speak either before or after the Executive Session. He would like to speak before.

~Will the question on changing the Town Clerk’s position be on the June ballot? Yes, there is enough time with the public hearing scheduled for April 4.

2. Town Manager's Report

~Mr. Pardue thanked the staff for their hard work in the face of increasing demand for town services.

~Our Fire, Police, Dispatch and WEMS services meet regularly about coordinating their work.

3. Discussion regarding vacancy on York County Budget Committee.

Our district has 2 vacancies. Two committee members are elected municipal officials and the third is a member of the public. Mr. Pardue will research the requirements for the next Selectmen's meeting.

4. Discussion re: the consent agreement with Mr. Woods.

Mr. Woods read his statement into the record, outlining his plan to correct the violations. The "hopeful owners" of Unit 8 said they are pleased with their house and hope the matter can be resolved before their mortgage commitment expires.

5. **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.

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.

6. Discussion and action to schedule a public hearing on April 4, 2023 at 6PM, 208 Sanford Road, in the Littlefield Meeting Room, on 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.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on April 4, 2023 at 6PM, 208 Sanford Road, in the Littlefield Meeting Room, on 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.

7. **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 enter 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. Passed unanimously.

8. Appointment of members to various boards & committees.

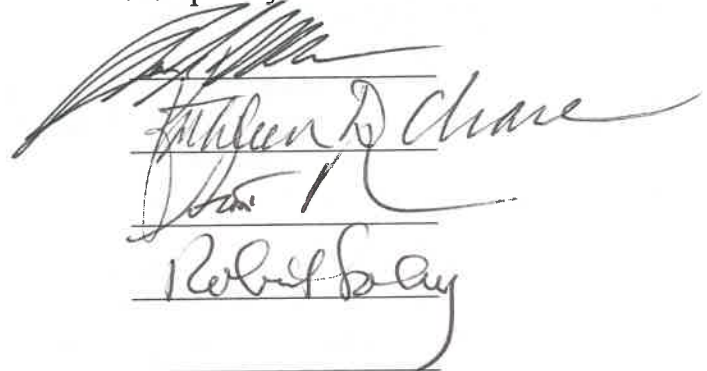
Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Keith Fletcher to the Conservation Commission and Charles Brown Jr. to the Shellfish Conservation Committee. Passed unanimously.

9. Adjournment

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

Respectfully submitted,

Accepted by.



The image shows two handwritten signatures on a set of three horizontal lines. The first signature is 'Kathleen D. Chase' and the second is 'Robert Selby'. The lines are positioned above and below each signature.

Cinndi Davidson,
Meeting Recorder