

SELECT BOARD MEETING - TUESDAY, APRIL 5, 2022

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

6:00 PM – SELECT BOARD MEETING

Interviews for WEMS Board

Donald P. Gynnor
Timothy Wheeler
Caleb Chase
Chris Mooney
Carlo Laserna

EXECUTIVE SESSION: Motion by Mrs. Chase, seconded by Mr. MacLeod, to go into Executive Session pursuant to 405 6(A) to discuss applicants to the WEMS Board. Passed unanimously.

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

Appointment of members to the WEMS Board:

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Donald Gynnor, Timothy Wheeler and Caleb Chase to terms ending in December and Brian Toomey and Robert Arnold to terms ending in June. Passed unanimously.

MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS

A. Public Hearing for the Joint Budget Committee and Board of Selectmen FY'23 Budget and Warrant Articles.

There were no public comments.

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

B. Public Hearing on cluster subdivision ordinance amendments.

Town Engineer/Planner Mike Livingston discussed the proposed minimum lot sizes based on one or two family dwellings and whether or not they are served by public sewer. Several subdivision concepts were presented; neither would be affected by any vote to change the ordinance. Mrs. Chase asked about smaller lot sizes where each lot would need private water and septic, and if there is enough room for a reserve septic system. The question is about going from 100,000 sq. ft. to either 30,000 or 40,000.

Public comments included:

~30,000 sq. ft. is a good compromise.

~40,000 sq. ft. would preserve the rural character and provide enough buffering.

~Cluster subdivisions preserve open space and use land more efficiently.

~Open space is often not buildable.

~If a septic system failed, would there be enough space for a reserve system?

~The Conservation Commission agrees with the Town Planner's recommendations.

~Consider affordability--the number of lots on a parcel, the amount of infrastructure required, the land cost per lot and the sale price per residence.

~Our children can't afford to move back here and buy a home.

~Population growth means we will need more police, firemen, town employees and our taxes will increase.

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

Motion by Mrs. Chase, seconded by Mr. MacLeod, to recommend 40,000 sq. ft. in the Rural District and 30,000 in RA and RC. Passed unanimously.

C. Public Hearing on acceptance of Grand Trail Dr.

Town Engineer/Planner Mike Livingston and Town Attorney Leah Rachin discussed the requirements for acceptance. The road was built to town standards and connects two roads, Lindsey Rd. and Branch Rd. Title to the parcel was reviewed by the attorney. The developer has obtained a performance bond to be issued if the town meeting accepts the road. The town would accept only the 50 ft. roadway and not any stormwater structures. Baker Road is not included because it is a dead end.

Public comments supported accepting the road as an asset for the town.

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

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

D. Public Hearing on 2022 lodging licenses.

There were no public comments.

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

Mr. Foley said there are 4 properties on the list that should not have their licenses approved. The Fire Department and Code Office should first determine if they have come into compliance. Mrs. Chase asked for a list of all properties with a history of safety violations and if they are now in compliance. The Code Office is working on a list of all code and site plan violations and compliance status with a goal of reporting in October. Ms. Rachin said that if a license is renewed and a violation is discovered later, the license can be revoked. Fire Chief Mark Dupuis said that random checks could be considered harassment; there has to be a complaint or series of emergency calls. Only the unit with violations would be shut down if the rest of the facility is in compliance. Ms. Rachin said the Board can impose conditions based on the facility's history when the license is renewed.

A vote on issuing lodging licenses was tabled to the next meeting.

E. Public Hearing on a lease negotiation for the Town-owned property at 136 Post Rd., Wells, Maine.

There were no public comments.

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

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

F. Public Hearing on a lease negotiation for the Town owned property at 762 Burnt Mill Rd.

Several residents spoke in support of the dog park.

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

G. Public Hearing on a lease for the Town owned property, the Wells Harbor Marina on Harbor Rd.

Selectmen were urged to negotiate a lease with fair terms if the current owners wish to stay at the marina. The article has been amended and there will not be a public bid process.

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

H. Pointer Hospitality, LLC, dba: Spinnakers, 139 Post 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.

I. Public Hearing on Blanket Letter of Approval for the Senior Needs Committee located at 300 Post Rd, Wells, ME, 04090 (R)

There were no public comments.

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

J. Beano/Bingo License for the Senior Needs Committee located at 300 Post Rd, Wells, ME, 04090 (R)

There were no public comments.

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

K. Mass Gathering Permit for the annual Christmas Parade, by the Wells Chamber of Commerce, located at 136 Post Rd, Wells, ME, 04090 (R)

AND

L. Mass Gathering Permit for the annual Veterans Day 5K, by the Wells Chamber of Commerce, located at 136 Post Rd, Wells, ME, 04090 (R)

AND

M. Mass Gathering Permit for the annual Family Jamboree, by the Wells Chamber of Commerce, located at 136 Post Rd, Wells, ME, 04090 (R)

AND

N. Mass Gathering Permit for the annual Chili Fest, by the Wells Chamber of Commerce, located at 136 Post Rd, Wells, ME, 04090 (R)

AND

O. Mass Gathering Permit for the annual Pow Wow, by the Wells Chamber of Commerce, located at 136 Post Rd, Wells, ME, 04090 (R)

There were no public comments.

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

P. Phil Herron, dba: L&B Charters, 18 Shamrock Ln, Wells, application for a Commercial Recreation Business 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.

Q. Wells Beach Lobster Pound, Inc., located at 321 Webhannet Dr. Wells, ME, 04090, 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.

R. Congdon's Donuts, Inc., located at 1090 Post Rd, Wells, ME, 04090, for a fulltime Malt Liquor, Wine, and Spirits license & Special Entertainment License (R)

There were no public comments.

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

S. Las Olas Maine, LLC, located at 1517 Post Rd, Wells, ME, 04090, for a fulltime Malt Liquor, Wine, and Spirits 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.

T. Nathan McLean, DBA: Win Waste Innovations, located at 434 Harold Dow Highway, Eliot, ME, 03903, for a Solid Waste Disposal License

There were no public comments.

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

U. Nicholas Boudreau, DBA Captain Nick Fishing Charters, located at 115 W. Grand Ave. Old Orchard Beach, ME, 04064, for a Commercial Recreation Business 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.

V. Huiru Yao, DBA: Zhen Massage & Foot Bath, located at 166 Post Rd, Wells ME, 04090, for a Massage Establishment 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.

W. Sue Ramatowski, DBA: Stress Escapes, located at 331 Loop Rd, Wells ME, 04090, for a Massage Establishment 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.

X. Town Manager's report: None

Y. Open to the Public

~The Branch Brook watershed has provided a clean, dependable water supply for over one hundred years. How long can this continue with development pressures in town?

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 April 5, 2022 in the amount of \$853,381.57 and the General Assistance Warrant dated April 5, 2022 in the amount of \$2,583.81. Passed unanimously.

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

- a) Discussion and action on signing 2022 Annual Town Meeting warrant (FY'23 Municipal Budget, Financial and Non-Financial Articles) and finalize the Town Meeting Warrant Book for mailing. Joint discussion and action with the Budget Committee.

The Selectmen held a workshop on March 28. The appropriation for sprinklers at the fire substation was increased to \$190,000. The contribution to the Senior Center was increased from \$10,000 to \$20,000. The schools have no impact on this year's town budget. The tax rate of \$10.43 vs. \$10.52 was discussed. An increase would change the Infrastructure Reserve Fund from \$300,000 to \$750,000.

Motion by Mr. Toomey, seconded by Mr. Markgren, to increase the Infrastructure Reserve Fund appropriation to \$750,000. Passed 7-0.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to increase the Infrastructure Reserve Fund appropriation to \$750,000. Passed 5-0.

Motion by Mr. Toomey, seconded by Mr. DeBold, to increase the contribution to the Senior Center from \$10,000 to \$20,000. Passed 7-0.

Motion by Mr. Toomey, seconded by Mr. DeBold, to reduce the \$400,000 to \$300,000. Passed 7-0.

Motion by Mr. Toomey, seconded by Mr. DeBold, to increase the appropriation for sprinklers at the fire substation to \$190,000. Passed 7-0.

The warrant articles were voted on individually by the Select Board and Budget Committee.

Article 3. Estimated Revenues

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 4. Pass Through Accounts

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 5. Salaries and Benefits

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 6. Operations

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 7. Potential Employee-Related Expenses

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 8. Potential Town Liabilities

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 9. Capital Improvement Plan

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 10. Capital Expenditures

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 11. Expenditures from Specific CIP Reserve Accounts

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 12. General Assistance

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 13. Town Clerk Compensation

Select Board 5-0 in favor

Budget Committee 7-0 in favor

Article 14. Authorization to Lease Town-Owned Property at 136 Post Road

Select Board 5-0 in favor

Article 15. Authorization to Lease Town-Owned Property at 762 Burnt Mill Road

Select Board 5-0 in favor

Article 16. Authorization to Lease Wells Marina

Select Board 5-0 in favor

Article 17. Conveyance of Two Easements to the Wells Sanitary District

Select Board 5-0 in favor

Article 18. Conveyance of Town-Owned Land in Exchange for a Drainage Easement

Select Board 5-0 in favor

Article 19. Acceptance as a Town Way--Grand Trail Drive

Select Board 5-0 in favor

Article 20. Amending the Land Use and Subdivision Chapters of the Code

Select Board 5-0 in favor

Article 21. Eliminating Sprinkler System Requirements in Medical Marijuana Cultivation and Processing Facilities.

Select Board 4-0-1 in favor

Article 22. Issuing general obligation bonds not to exceed \$2,250,000

Select Board 5-0 in favor

Budget Committee 7-0 in favor

b) Discussion and action on setting Public Informational Hearings on the FY'23 Municipal Budget and Warrant Articles.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to set the Public Informational Hearings on the FY23 Municipal Budget and Warrant Articles on the following dates for the following topics:

Tuesday, April 26: Budget overview and bond issue

Tuesday, May 3: Capital Improvement Plan, CIP

Tuesday, May 17: Warrant articles for leases and easements and ordinance change proposals.

The motion passed unanimously.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to move the next Selectmen's meeting to April 26. Passed unanimously.

c) Discussion and possible action on the appointment of election clerks

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint the election clerks for the June 14, 2022 State and Municipal Elections, as submitted by the Town Clerk. Passed unanimously.

d) Discussion and possible action to direct the Town Manager to implement elements of the MRI, Inc. Emergency Services Study

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

e) Discussion on emergency radio communications

Dave Johnson, York County Emergency Communication Team, described the node system to provide communications when phones, radios and the internet fail. The system is activated by the EMA Director when needed. There are two nodes in Wells and the proposal is to add one to Town Hall at a cost of \$1200. Ms. Crockett said the money is already budgeted.

EXECUTIVE SESSION; Motion by Mrs. Chase, seconded by Mr. MacLeod, to go into Executive Session pursuant to 405 6(E) to discuss the recent MRI, Inc. Emergency Services Study with the WEMS Board. Passed unanimously.

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

Motion by Mrs. Chase, seconded by Mr. MacLeod, to table items #f-i. Passed unanimously.

- f) Discussion on lease of Engine 3
- g) Discussion on nuisance ordinances
- h) Discussion on 24-hour staffing requirement at lodging facilities
- i) Discussion of composition and scope of work for reconvened Lodging Committee

- j) Discussion and possible action to sign a letter of support for federal funding of the Wells Harbor dredge in FY23 or FY24

Motion by Mrs. Chase, seconded by Mr. MacLeod, to sign the letter of support for federal funding of the Wells Harbor dredge in FY23 or FY24. Passed unanimously.

- k) Discussion and action to approve Quitclaim Deed for the following property that had a foreclosure date of February 22, 2021. The 60 day buy back period for the property ended April 23, 2021.

MHC Moody Beach, LLC. Property is known as parcel number 0019/008-100.T. Payment was received to pay FY 19, FY 20, FY 21 and FY 22 on March 15, 2022. Quitclaim deed releases lien filed in book/page 18026/406.

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

- l) Discussion and action to approve Quitclaim Deeds for the following properties that had a foreclosure date of March 16, 2022. The 60 day buy back period for the property ends May 16, 2022.

Keirstead, Tara and Keirstead, Gail. Property is known as parcel number 0153/019-00A.3T. Payment was received to pay FY 20 on March 17, 2022. Quitclaim deed releases lien filed in book/page 18378/389.vA

Vazquez, Ramon and Vazquez, Theresa. Property is known as parcel 0139/035-00F.2. Payment was received to pay FY 20, FY 21 and FY 22 on March 18, 2022. Quitclaim deed releases lien filed in book/page 18378/490.

Motion by Mrs. Chase, seconded by Mr. MacLeod, that the Board approve and sign the Quitclaim Deeds to release the liens on the properties listed above. Passed unanimously.

- m) Discussion and action to accept donations and bequests:
 - 1. **\$53.00** from Various Library Users to the Wells Public Library.
 - 2. **\$2,375** from the Friends Supporting Wells Public Library to the Wells Public Library
 - 3. **\$500.00** from the Wells Winter Warriors to the We are Wells fund
 - 4. **\$500.00** from For the Love of Food and Drink to the We are Wells fund
 - 5. **\$15.00 gift card to Hannaford** from an anonymous donor for use as part of the We are Wells fund
 - 6. **\$40,000** from Velux for construction of the shellfish lab at Wells Harbor

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

n) Discussion and action on approving minutes of the March 15, 2022 and March 28, 2022, Select Board meetings.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to accept the minutes of the March 15, 2022 and March 28, 2022, Select Board meetings. Passed unanimously.

NEW BUSINESS

- 1. Open to the Public--None
- 2. Good News
 - ~This is National Library Week. Next week is National Public Safety Communicators Week.
 - ~The Town clerks have organized a Ukrainian relief effort.
- 3. Adjournment

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

Respectfully submitted,

Accepted by,

Cinndi Davidson,
Meeting Recorder