

SELECT BOARD MEETING - TUESDAY, APRIL 26, 2022

5:00 PM EXECUTIVE SESSION

Motion by Mrs. Chase, seconded by Mr. MacLeod, to go into Executive Session pursuant to 405 6(E) to discuss with the Town Attorney the rights and responsibilities of the Select Board regarding lodging licenses and regulating lodging facilities. Passed unanimously.

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

EXECUTIVE SESSION

Motion by Mrs. Chase, seconded by Mr. MacLeod, to go into Executive Session pursuant to 405 6(E) to discuss with the Town Attorney the rights and responsibilities of the Select Board regarding the recent court decision in the York County Superior Court case, Barefoot Homeowners Association v. Town of Wells. 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

MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS

A. Phillip Bretton, dba: Bretton's Charters, LLC, 68 Summerset St, 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.

B. Peter Sage, dba: Sage Fishing, 69 Ox Cart 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.

C. Lucky Dog Tasting Room, LLC, dba: Batson River Fish Camp, located at 73 Mile Rd, Wells, ME, 04090, for a fulltime Malt Liquor, Wine, and Spirits License (N) and Special Entertainment Permit (N)

The owner has purchased the former Hidden Cove Brewery and will provide a restaurant, brewery and acoustic music.

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

- D. Cardinali’s Restaurant Inc., dba: Fisherman’s Catch, located at 134 Harbor Rd, Wells, ME, 04090, for a fulltime Malt Liquor, Wine, and Spirits License (R) and Special Entertainment Permit (R)

There were no public comments.

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

- E. Dingies, LLC, dba: The Bitter End, located at 2118 Post Rd, Wells, ME, 04090, for a fulltime Malt Liquor, Wine, and Spirits License (R) and Special Entertainment Permit (R)

There were no public comments.

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

- F. Jason Hludik, dba: Capt. Hludik Charters, located at 226 Atlantic Ave, Wells, ME, 04090, 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.

- G. Town Manager’s report

~The piping plovers are back and nesting at the beach. We expect to find eggs any day. They are very well camouflaged in the sand and people walking and exercising dogs need to be careful. There is a steep fine if the nests or birds are disturbed.

~Spring tax bills have been mailed. Residents have until May 30 to pay them without interest.

~Beach passes go on sale May 2. The stickers are needed as of May 28. People should buy them on line if possible—Town Hall is very busy these days with tax payments and early voting by absentee ballot.

~Sidewalks have been swept and street sweeping starts tomorrow.

~DOT has informed us that the traffic lights at Route 109 and Crediford Road will be turned on in mid-May. Signage will alert drivers to the change.

H. Open to the Public

~The manager of The Beaches reported that there is a new owner. They are working with the Code Office to create a safe and welcoming environment for their guests.

~Drug Take Back Day will be Saturday, April 30, 10 AM to 2 PM at York Hospital's Wells facility. If that time isn't convenient, a drop box is also located in the Police Department lobby for expired/unused medications.

~There will be a softball game Saturday, April 30 at 3 PM for Wells Public Safety vs. the Little League coaches. From 9 AM-3 PM there will be "how fast can you throw?" and there are still 2 openings for the dunk tank.

~The Maine Coast Half Marathon and 5K will be on Saturday, May 7. Atlantic Ave. will be closed briefly at the start of the race.

~Work has started on the parking lot behind the Public Safety building. Thank you to Mike Livingston and the Public Works Department for their assistance.

~Condolences to the family of John Fortune who died recently. John and Lottie have had busy retirement careers helping the town: volunteering at Wells Reserve, Wells Library, the Conservation Commission, No Tanks, Odyssey of the Mind and Town Meetings, and supporting their grandchildren's school activities.

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 and Payroll Warrant dated April 26, 2022 in the amount of \$3,311,450.17 and the General Assistance Warrant dated April 26, 2022 in the amount of \$2,799.03. Passed unanimously.

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

a) Budget overview and bond issue

This year's budget has no impact on the tax rate and we are below LD-1. The warrant booklets will be mailed to the residents soon, and budget information is on the Town web site. There will be no decrease in staffing or services. The Assessing Department will be starting the revaluation process. One bond question will address infrastructure needs. Several bridges and culverts need extensive repairs.

b) Discussion on 24-hour staffing requirement at lodging facilities

Memos from Mike Livingston and Jodine Adams are in tonight's packets. Lodging facilities are operating with a variety of open/close dates and office hours requirements. One new facility has opened since the 2013 ordinance change which requires the office staffed 12 hours per day, 7 days per week. Condominium owners are allowed to rent their units but aren't mandated to.

c) Discussion of composition and scope of work for reconvened Lodging Committee

Some former members are interested in staying on the committee. Staff support can include Mr. Livingston, Ms. Adams and the Fire and Police Chiefs. Mr. S. Roche said this should be a standing committee. Mr. Foley recommended having interested residents in addition to owners and managers. A good size would be 7 industry representatives and 2 at-large residents with staggered 3 year terms. Ms. Crockett will prepare a draft for the Board.

d) Discussion on nuisance ordinances

Copies of nuisance ordinances from 5 communities are in tonight's packets. The Biddeford and Windham ordinance are most like what we are considering. The Board will hold a workshop from 5-6 PM on May 17. This is not a land use ordinance and the Board can approve any changes after a public hearing.

e) Discussion and possible action to issue lodging licenses

Motion by Mr. T. Roche, seconded by Mr. MacLeod, to set a public hearing on lodging licenses for USA Inn- and Majestic Regency Hotel on May 17, 2022 and authorize the Town Manager to notify the applicants that they or their representatives must attend the public hearing or their licenses will be denied. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to approve the licenses for the remaining facilities on the list after the Code Enforcement Officer has approved the lodging licenses. Passed unanimously.

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

The MRI recommendations were reviewed and prioritized. Some of the staffing items are contingent on hiring an Assistant Fire Chief and lead dispatcher.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to direct the Town Manager to implement items: III-1, II-2, III-4, IV-3, IV-4, VII-2, VII-3, VII-4, VIII-2, VIII-4, VIII-5, VIII-6, VIII-7, IX-1, IX-2, IX-3 and IX-4 and to report to the Board at the May 17, 2022 meeting on response protocols. Passed unanimously.

g) Discussion on lease of Engine 3

Fire Chief Mark Dupuis said the price of fire trucks has increased since the Town started this year's budget process. Last fall the truck they specified was approximately \$700,000 and in March there was a \$50,000 increase if we purchased it after May 1. After May 15 it goes to \$788,000. There is a 20-21 month lead time to purchase a new truck. The Board felt that the voters need to approve any CIP items. The Chief has a 20 year plan for replacing equipment.

h) Discussion and possible action on Harbor Towing Policy

Harbor Master Mike Yorke presented the policy which the HAC has approved. The Town will no longer be responsible for towing disabled vessels from state or federal waters. If there is genuine distress requiring immediate response, the town will provide assistance if the resources are available and assistance can be given safely. The Coast Guard follows the same policy. Non-distress cases are referred to commercial assistance towing companies.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to adopt the Harbor Towing Policy. Passed unanimously.

i) Discussion of moose sculpture donation

The owner of the sculpture asked if the Town would like it for the front of the Public Safety building. Board members felt that Parks & Recreation would be a more appropriate location. Ms. Crockett will contact the donor.

j) Discussion and possible action to schedule a public hearing on release of funds for a survey of the Fenderson Wildlife Commons.

The Conservation Commission is planning some timber management at the Commons and some of the property lines of donated parcels have never been verified. The low bidder is Attar Engineering and they recommend Jim Wright for the survey.

Motion by Mrs. Chase, seconded by Mr. MacLeod, to schedule a public hearing for Tuesday, May 17, 2022 at 6:00 pm in the Littlefield Meeting Room, 208 Sanford Rd, on the release of funds from the Conservation Land Bank, 0705, for a survey of the Fenderson Wildlife Commons. Passed unanimously.

k) Removal of Everett Leach and Doug Knox from the Shellfish Committee

Motion by Mrs. Chase, seconded by Mr. MacLeod, to remove Everett Leach for non-attendance and to accept Doug Knox's resignation from the Shellfish Committee, and to advertise the two open positions. Passed unanimously.

NEW BUSINESS

1. Open to the Public

There were no public comments.

2. Good News

~The new Volunteer Coordinator Rebecca Kelley is organizing a Memorial Day parade.

~The Fire Chief has recruited 3 new call firefighters.

~Ramsdell is starting work at Forbes Park on May 9.

~ A group of volunteers did the beach clean-up on Saturday for Earth Day, and members of the HAC cleaned up at the harbor.

~Mark Cuthbertson will be the star pitcher for the Police Department at the Little League game.

EXECUTIVE SESSION: Motion by Mrs. Chase, seconded by Mr. MacLeod, to go into Executive Session pursuant to 405 6(A) to discuss a personnel issue. Passed unanimously.

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

3. Adjournment

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

Respectfully submitted,

Accepted by,

Cinndi Davidson,
Meeting Recorder