

## **SELECTMEN'S MEETING - TUESDAY, JUNE 7, 2022**

**5:00 PM - EXECUTIVE SESSION** - To consult with the Town Attorney regarding the Board's legal rights and duties regarding pending applications for lodging licenses to be considered at the continued public hearing scheduled for this evening, pursuant to 1 M.R.S. § 405(6)(E).

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

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

### **5:50 PM – Interview for Various Boards and Committees**

- Holly Margeson Gamache – Reappointment to the Recreation Commission

### **6:00 PM – SELECTMEN'S MEETING**

Present: Vice Chairman John MacLeod, Selectmen Kathy Chase, Tim Roche and Bob Foley, Interim Town Manager Bill Giroux, Meeting Recorder Cinndi Davidson.

Present via ZOOM: Chairman Sean Roche

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

#### **1. Continuation of Public Hearing on Lodging License for USA Inn.**

The owner said that they have a list of items to correct from the latest inspection. The gas and propane systems are being repaired and the alarms will be installed by next week. He said that the delay with the repairs is due to a shortage of skilled workers in those trades and their already heavy workloads. He will not be working with YCAC next year. CEO Jodine Adams said the building is currently closed due to a gas leak and it isn't safe to reopen. She will give a progress report at the next BOS meeting.

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

The consensus was to hold up the license until all the violations are corrected.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to hold the license pending the June 21 report. Passed unanimously.

Town Attorney Leah Rachin said the Board should state on record that the motel must continue to be unoccupied until all violations are cleared.

Motion by Mrs. Chase, seconded by Mr. T. Roche, that USA Inn should continue to be vacant and the Board will not renew the license until all violations are corrected. Passed unanimously.

#### **2. Continuation of Public Hearing on Lodging License for Ne'r Beach Motel.**

Attorney Greg Orso represented the owner. He said approximately 20 guests are still there and he is working with Pine Tree Legal to have them removed. Mr. Foley said there have been excessive calls to the Police and Fire Departments. Mr. Orso said that some people have already left the building, there is increased security, and there is now 24-hour management on site. Ms. Rachin said that the Board can impose conditions for

granting the license. Ms. Adams said work is progressing on hard wiring the smoke detectors and installing fire extinguishers. Chief Putnam said the owner and manager are cooperating with the Town and the number of calls is down. The Code Office is still compiling a list of all lodging facilities and their site plan requirements.

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

Mrs. Chase said that regular inspections should be a condition of the license renewal. Mr. Orso said it is difficult finding security people for 24/7 coverage, but they can provide 24/7 management, preferably with some security training. The statistics indicate a need for more mental health services. Chief Putnam said there are online services and mobile crisis units available. Mrs. Chase and Ms. Rachin reviewed the list of conditions that may be imposed:

~24/7 on site management is required.

~24/7 security is not required.

~Security training and availability of mental health services are strongly encouraged.

~The registry of guests must be available for inspection at any time.

~There may be unannounced safety inspections.

~A disruptive guest, as determined by management or Wells PD, must leave and cannot return to that facility or any other in Wells owned by the same manager/organization.

~Units may be occupied only as temporary accommodations and not as long-term residences.

~Opening and closing dates will follow the site plan approval.

This facility has no NOV at this time.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the license renewal subject to meeting the above condition and all site plan requirements. Passed unanimously.

### 3. Continuation of Public Hearing on Lodging License for Majestic Regency Hotel.

Attorney Gerard said that notices to quit have been served on the guests and they are waiting until they can start removing people. At the Code Office's latest inspection, it was decided to shut down an 8 unit and a 26 unit building for fire safety issues. The owner was sent a NOV and plan of correction, and was asked to respond by June 15.

Selectmen were asked to consider civil penalties since the units were being used as residences rather than temporary lodging.

Chief Putnam asked if the judge might expedite the evictions. The 30 day period expires at the end of June/early July. There have been some voluntary departures.

The Board was asked to consider travelling workers who need temporary housing; 10 have left and 20 are still there.

Why haven't the businesses been required to comply with the laws?

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

Mrs. Chase said the same conditions required of Ne’r Beach should apply. The consensus was that the sections with violations should remain closed until the violations are corrected. The property was inspected when Mr. Patel bought the property and he was stunned by the current violations. Mrs. Chase recommended continuing the hearing to the next meeting while the Code Office reviews the progress toward correcting the violations.

Mr. Patel spoke about the woman who has been staying there for 8 years. She is a friend of the maintenance man and is a cancer patient receiving treatment at York Hospital. She has no other place to live and he is allowing her to stay there at no charge. She can’t afford rent on her limited Social Security income.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to continue the hearing to June 21 and review the status for compliance with the Code Office’s letter before issuing the license. Passed 4-1 with Mr. S. Roche voting no, that the license should be issued with the same conditions as Ne’r Beach. Mr. Foley was concerned with safety issues in view of several recent hotel fires. Since the sections with life safety issues are closed, Mr. Roche felt that the rest of the facility could remain open.

4. Public Hearing to consider changes to Chapter 124, Harbor, of the Town Ordinance.

Harbor Master Mike Yorke recommended separating the waiting list for mooring assignments into recreational boaters and commercial fishermen. Mr. Foley said that the federal government considers the volume of commercial activity when grants and dredging are under review, and the Harbor Advisory Committee supports this change.

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to close the public hearing and approve the amendments to Chapter 124, the Harbor Ordinance. Passed unanimously.

5. Joseph Ryan, dba: Feile Irish Pub, 1619 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. T. Roche, to close the public hearing and grant the license. Passed unanimously.

6. Joseph Ryan, dba: Feile Irish Pub, 1619 Post Road, Wells, application for a Special Entertainment Permit. (R)

There were no public comments.

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

7. Joanna Galutas, dba: Pizza Market of Wells, 75 Wells Plaza, Wells, application for a full-time Malt and Wine Liquor License. (N)

There were no public comments.

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

8. Gerald Sterritt, Jr., dba: North East Ice Cream LLC, 44 Rigby Road, South Portland, application for an Ice Cream Truck License. (R)

There were no public comments.

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

9. Derek Bedford, dba: Bedford Apothecary & Spa, 2178 Post Road, Wells, application for a Massage Establishment License. (N)

There were no public comments.

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

10. Sarah Theberge, dba: Medi-Sports Recovery Massage, 2145 Post Road, Wells, application for a Massage Establishment/Therapist License. (R)

There were no public comments.

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

11. Town Manager's report

~The public hearing on the proposed nuisance ordinance has been postponed. Ms. Rachin will draft one for the June 21 or July 5 meeting.

12. Open to the Public

~York County Community College intends to use Hampton Inn as a dormitory. It is licensed as a hotel for transient guests. Why is this allowed?

~Are all hotels being inspected for safety issues? There have been so many recent hotel fires.

## **CURRENT AGENDA ITEMS**

1. Review and action on Accounts Payable and Payroll Warrants.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the Accounts Payable Warrant dated June 7, 2022 in the amount of \$ 752,993.37, and the General Assistance Warrant dated June 7, 2022 in the amount of \$2,675.39. Passed unanimously.

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

a) Discussion and possible action to extend the Paving Contract with Libby Scott Paving.

The company is offering to extend our current paving contract for an additional year with a 4% COLA. PWD Carol Murray recommends that we accept this offer based on our good history with the company. Libby-Scott was the only bidder for the past 2 years. The consensus was that we have a good relationship with the company, and this is a good deal in the current economy.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to extend the paving contract with Libby-Scott. Passed unanimously.

b) Discussion and possible action to schedule a public hearing on a proposed nuisance ordinance.

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

c) Third Quarter Financial Report

Finance Director/ Treasurer Jodie Sanborn presented the third quarter report (January-March). Revenue collections, salaries and operating expense are in line with recent years.

The pocket park is expected to be ready for the July 4 celebration.

d) Discussion and action to approve Corrective Municipal Quitclaim Deeds for the following properties that had a foreclosure date of February 22, 2021. The 60 day buy back period for the property ended April 23, 2021. Original Quitclaim Deeds were released to Dennis Shackford who at the time of the release was deceased.

- Kathryn M. Shackford and Dennis J. Shackford, Personal Representatives for the Estate of Dennis Shackford, A/K/A Dennis R. Shackford. Property is known as parcel 0129/016-000. Payment was received to pay FY 19, FY 20, FY 21 and FY 22 on November 10, 2021. Corrective Quitclaim deed releases liens filed in book/page 18026/448.
- Kathryn M. Shackford and Dennis J. Shackford, Personal Representatives for the Estate of Dennis Shackford, A/K/A Dennis R. Shackford. Property is known as parcel 0139/006-000. Payment was received to pay FY 19, FY 20, FY 21 and FY 22 on November 10, 2021. Quitclaim deed releases liens filed in book/page 18026/449.
- Kathryn M. Shackford and Dennis J. Shackford, Personal Representatives for the Estate of Dennis Shackford, A/K/A Margaret Shackford Etal, C/O Dennis R. Shackford. Property is known as parcel 0139/008-000. Payment was received to pay FY 19, FY 20, FY 21 and FY 22 on November 10, 2021. Quitclaim deed releases liens filed in book/page 18026/450.
- Kathryn M. Shackford and Dennis J. Shackford, Personal Representatives for the Estate of Dennis Shackford, A/K/A Margaret Shackford Etal, C/O Dennis R. Shackford. Property is known as parcel 0139/009-000. Payment was received to pay FY 19, FY 20, FY 21 and FY 22 on November 10, 2021. Quitclaim deed releases liens filed in book/page 18026/451.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the Corrective Quitclaim Deeds to release the liens on the properties listed above. Passed unanimously.

e) Discussion and action on Updates, Personnel and Committee Assignments, Resignations and Issues.

1. Annual Position Appointments - This is required by the State to have on file current employees holding the positions listed on the enclosed appointment list. The first six appointments have been reassigned to Interim Town Manager Bill Giroux.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the annual position appointments, as amended, as required by the State of Maine. Passed unanimously.

2. Resignations:

- i. Shannon Chisholm – Human Resources Generalist
- ii. Detective Nicholas Matt – Police Department

f) Discussion and action to accept donations and bequests:

1. Anonymous donation of two (2) American flags and one (1) Maine flag to the Wells Police Department for the Pocket Park and Train Station.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the generous donations. Passed unanimously.

g) Discussion and action on approving minutes of the May 17, 2022 Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the May 17, 2022 Selectmen's meeting minutes. Passed unanimously.

## **NEW BUSINESS**

1. Open to the Public

~There was a request to maintain a list of people on call for special projects to expedite the bidding process. Selectmen can waive the bidding for special equipment or services.

~Welcome to Bill Giroux. The public hearing tomorrow night is an opportunity for residents and employees to give input to the consultant for the town manager search.

2. Good News

~Mrs. Chase complimented everyone involved with the Memorial Day parade.

~Mr. T. Roche reported on the baseball and lacrosse teams. Graduation was moved to Sunday because of the weather. We had 98 graduates this year. The parade was held last Wednesday. Approximately \$170,000 in local scholarships was awarded. The school year ends next Tuesday.

~Mr. MacLeod reminded everyone about Election Day June 14 and thanked Chairman Roche for his service on the Board. Members wished Mr. Roche well.

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. T. Roche, 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. T. Roche, to come out of Executive Session. Passed unanimously.

4. Appointment of members to various committees.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to reappoint Holly Margeson Gamache to the Recreation Commission with term to expire June 2025. Passed unanimously.

5. Adjournment

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

Respectfully submitted,

Accepted by,

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Cinndi Davidson,  
Meeting Recorder

