

SELECTMEN'S MEETING - WEDNESDAY, JULY 5, 2023

5:15 PM – EXECUTIVE SESSION - To hold an Executive Session, pursuant to 1 M.R.S. § 405(6)(A), to consult with the Town Attorney and Town Manager regarding the Board's legal rights and duties relating to a personnel matter.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into Executive Session, pursuant to 1 M.R.S. § 405(6)(A), to consult with the Town Attorney and Town Manager regarding the Board's legal rights and duties relating to a personnel matter. Passed unanimously.

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

5:30 PM – EXECUTIVE SESSION - To hold an Executive Session, pursuant to 1 M.R.S. §405(6)(D) to discuss with the Town's Negotiators the Status of the Ongoing Negotiations of Labor Contracts between the Town of Wells and the Maine Association of Police for the Wells Police Association, between the Town of Wells and Teamsters Local Union No. 340 for the Wells Public Works Department and General Government Unit, and between the Town of Wells and the Wells Professional Firefighters IAFF Local 4652.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into Executive Session, pursuant to Title 1 M.R.S. §405(6)(D), for the purpose of discussing with the Town's Negotiators the status of the ongoing negotiation of labor contracts between the Town of Wells and the Maine Association of Police for the Wells Police Association, between the Town of Wells and Teamsters Local Union No. 340 for the Wells Public Works Department and General Government Unit, and between the Town of Wells and the Wells Professional Firefighters IAFF Local 4652. Passed unanimously.

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

5:50 PM – INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES

- Brian Toomey: Budget Committee and WEMS Board of Directors - Term Reappointment

6:00 PM – SELECTMEN'S MEETING

Pledge of Allegiance

MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS

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

1. Mark C. Segal, dba: Gravy, 231 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.

2. Mark C. Segal, dba: Gravy, 231 Post Road, Wells, application for a Special Entertainment Permit. (R)

There were no public comments.

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

3. Town of Wells, 208 Sanford Road, Wells, application for a Mass Gathering Permit for HarborFest to be held at Wells Harbor Community Park on July 29, 2023. (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.

4. Good News

~ The sun is shining and the lifeguards are now on duty full time daily.

~Chief Putnam received a thank you letter about two officers who helped with a family situation.

~The new playgrounds are installed at the Community Center and Rec. Department.

~Mr. DeFelice noted that York has banners around Town honoring residents who were killed in action. Can we do that for Wells veterans?

5. Open to the Public

There were no comments.

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 July 5, 2023 in the amount of \$1,610,285.82, and the General Assistance Warrant dated July 5, 2023 in the amount of \$329.90. Passed unanimously.

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

a) Discussion and action on a proposed Zoning District Map change per Section 145-6 of the Town Code as applied for by the Manuel Martinez Real Estate Trust to change a portion of land currently located in the Residential A District to become part of the adjacent General Business Zoning District, Tax Map 120, Lots 2A, 3A and 3B.

Town Engineer/Planner Mike Livingston and Rob McSorley of Sebago Technics discussed the applicant's wish to change the zone from RA to GB. Both zones are growth areas and public water and sewer are available. There is a conflict with the Comprehensive Plan, and the RV park can't expand in the RA Zone as a non-conforming use. The applicant has reduced the area where the zone change is requested.

When the Planning Board held a public hearing, abutters were opposed to a change to GB which would allow many commercial uses of the property, and recommended a change to Rural. Maintaining good buffers and minimizing traffic on Buzzell Road were concerns. Converting from RA to Rural would eliminate lot coverage calculations. The RV park existed before the RA Zone was created.

Mr. McSorley said the applicant wants to reestablish the tent park that used to be at the front of the property. The developer wasn't doing anything with that area and the family bought it back. If the change is approved, 30 park spaces would be added and the playground, pool and club house would be relocated. The Planning Board opposed the zone change as the change of use would be too intensive. The Selectmen are the reviewing authority for zoning changes. If the parcel remains RA, there could be 2 house lots of 20,000 sq. ft. If the entire parcel was converted to residential there could be 27 house lots. A DOT traffic movement permit would not be required. Several abutters had asked if there could be a zone change with deed restrictions to limit the allowed uses. The Town does not permit contract zoning. The consensus was to conduct another public hearing since the first one was based on the original map.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on August 1, 2023 at 6PM, 208 Sanford Road in the Littlefield Meeting Room on the proposed Zoning District Map change request, to consider the amended application and updated plan. Passed 4-1 with Mr. Smith opposed.

b) Discussion and action to schedule a public hearing on Lodging License Applications.

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

c) Discussion and action to consider entering into an agreement with Ubicquia for the continued monitoring of the Town's Street Lights.

The Police Department monitors the lights and notifies Ubicquia when there is an outage. This has been a good arrangement, and the agreement would continue the program for 5 more years. Chief Putnam said they are a good company to work with. The department saves staff time because the police don't have to drive around looking for burned out lights.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the agreement with Ubicquia for the continued monitoring of the Town's Street Lights in the amount of \$11,452.50 and to authorize the Town Manager to sign the agreement. Passed unanimously.

d) Discussion and action to schedule a Public Hearing and schedule the following Actions for the July 18, 2023 Select Board Meeting for Town's exercise of eminent domain (condemnation) to acquire Temporary Easements over two Drakes Island Beach Properties:

- 1) determination of public exigency and public use for the proposed condemnation of temporary easements over Drakes Island Beach for the laying of dredge pipeline and placing dredged sand on Drakes Island Beach as part of the proposed Wells Harbor dredge;
- 2) determination of the amount of damages to be paid to Lot owners therefor;
- 3) adoption of a Condemnation Order for condemnation of said easements and award of damages;
- 4) appropriation from Reserve Account Harbor Dredge #0805 of the amounts of damages to be paid to Lot owners;
- 5) appropriation from reserve account #0805 of the amounts owed to property owners who submitted signed Temporary Easements without also submitting a signed Waiver;
- 6) signing and filing the Condemnation Order with the Town Clerk, with instructions to mail copies of the signed Condemnation Order and checks for damages to the property owners and to record a Certificate of Taking with a copy of the signed Condemnation Order in the York County Registry of Deeds; and
- 7) authorization of Town Manager to enter into the following after the actions in 6) are taken:
 - i) Memorandum of Agreement with the U.S. Army Corps of Engineers concerning the Town's financial obligation to pay its share of the Wells Harbor dredge costs;
 - ii) "Authorization [to the U.S. Army Corps of Engineers] for Entry for Construction"; and
 - iii) Any other necessary related documents.
- a) Direct Town Clerk to mail notice of the July 18, 2023 Select Board Meeting Public Hearing and action on Town's exercise of eminent domain (with draft Condemnation Order) to acquire Temporary Easements to the owners of the two Drakes Island Beach properties; and
- b) Direct Town Administrative Assistant to post the Public Hearing Notice Warrant for the July 18, 2023 Select Board Meeting Public Hearing and action on Town's exercise of eminent domain (with draft Condemnation Order) and to provide a return of service.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a Public Hearing and schedule the following Actions for the July 18, 2023 Select Board Meeting for Town's exercise of eminent domain (condemnation) to acquire Temporary Easements over two Drakes Island Beach Properties:

- 1) determination of public exigency and public use for the proposed condemnation of temporary easements over Drakes Island Beach for the laying of dredge pipeline and placing dredged sand on Drakes Island Beach as part of the proposed Wells Harbor dredge;
- 2) determination of the amount of damages to be paid to Lot owners therefor;
- 3) adoption of a Condemnation Order for condemnation of said easements and award of damages;

- 4) appropriation from Reserve Account Harbor Dredge #0805 of the amounts of damages to be paid to Lot owners;
- 5) appropriation from Reserve Account #0805 of the amounts owed to property owners who submitted signed Temporary Easements without also submitting a signed Waiver;
- 6) signing and filing the Condemnation Order with the Town Clerk, with instructions to mail copies of the signed Condemnation Order and checks for damages to the property owners and to record a Certificate of Taking with a copy of the signed Condemnation Order in the York County Registry of Deeds; and
- 7) authorization of Town Manager to enter into the following after the actions in 6) are taken:
 - i) Memorandum of Agreement with the U.S. Army Corps of Engineers concerning the Town's financial obligation to pay its share of the Wells Harbor dredge costs;
 - ii) "Authorization [to the U.S. Army Corps of Engineers] for Entry for Construction"; and
 - iii) Any other necessary related documents.
- a) Direct Town Clerk to mail notice of the July 18, 2023 Select Board Meeting Public Hearing and action on Town's exercise of eminent domain (with draft Condemnation Order) to acquire Temporary Easements to the owners of the two Drakes Island Beach properties; and
- b) Direct Town Administrative Assistant to post the Public Hearing Notice Warrant for the July 18, 2023 Select Board Meeting Public Hearing and action on Town's exercise of eminent domain (with draft Condemnation Order) and to provide a return of service.

There are two properties involved and the fee is \$150 each to be paid to the owners. This motion was recommended by the Town Attorney. The plan is to place the sand on Drakes Island with a stockpile reserved for other areas that need replenishing. One owner had concerns about liability if someone is hurt while the pipe is in place. The ACOE requires all contractors to have insurance. Property owners at Wells Beach won't sign the wildlife agreement for the piping plovers, and we can't use eminent domain there. DEP requires the owners' signatures because the plovers are an endangered species. The motion passed unanimously.

- e) Discussion and action to authorize the Town Clerk to grant an extension for a liquor license which has expired and is scheduled for a public hearing at the next Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to authorize the Town Clerk to grant an extension for a liquor license which has expired and is scheduled for a public hearing at the next Selectmen's meeting. Passed unanimously.

- f) Discussion and action to authorize the Town Clerk to sign applications for Special Permits for Catering Privileges.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to authorize the Town Clerk to sign applications for Special Permits for Catering Privileges. Passed unanimously.

g) Discussion and action on Updates, Personnel and Committee Assignments, Resignations, and Issues:

- i.* Marisa Caputo: resignation from the Board of Assessment Review.
- ii.* Richard DeBold: resignation from the Planning Board.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to accept the resignations and send letters thanking them for their service. Passed unanimously.

h) Discussion and action to accept Donations and Bequests.

1. **\$31.00** from Various Library Users to the Wells Public Library.
2. **\$2,750.00** from Friends Supporting Wells Public Library to the Wells Public Library.

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

i) Discussion and action to approve minutes of the June 20, 2023, Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the June 20, 2023, Selectmen's meeting minutes. Passed unanimously.

NEW BUSINESS

1. Open to the Public

The Summer Concert Series started at Wells Harbor last Saturday with a return visit by the Reminisants. Concerts are Saturdays from 6-8 PM. No charge for the concert or parking, but donations for the concerts series are accepted. Leashed dogs and goats are welcome. This is a wonderful family friendly event for residents and our summer guests.

2. Town Manager's Report

~Public Works has new project management software.

~ A local TV station will be doing a story on our shellfish lab, now postponed to early August.

~Harbor Master Mike Yorke will attend the meeting of the Southern Maine Dredge Authority tomorrow.

~Union negotiations are going well.

~Wells PD has been very busy lately. The Fire Department compared their number of calls vs. last year. They have had 200 more calls than the same period in 2022. WEMS reports a heavy call volume. All our employees are providing great service for the residents.

3. **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 go 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.

4. Appointment of members to various boards & committees.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to reappoint Brian Toomey to the Budget Committee and WEMS Board of Directors. Passed unanimously.

5. Adjournment

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

Respectfully submitted,

Accepted by,

Cinndi Davidson,
Meeting Recorder