

SELECTMEN'S MEETING - TUESDAY, JULY 18, 2023

5:00 PM – EXECUTIVE SESSION - To hold an Executive Session, pursuant to 1 M.R.S. § 405(6)(A)(1), to discuss or consider the appointment, assignment, duties, demotion, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person where public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to enter into Executive Session, pursuant to 1 M.R.S. § 405(6)(A)(1), to discuss or consider the appointment, assignment, duties, demotion, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person where public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated. Passed unanimously.

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

5:40 PM – INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES

- **Marilyn Falzone:** Board of Assessment Review Term Renewal
- **Karla Bergeron-Wilcox:** Board of Assessment Review Term Renewal
- **Ronald Avery:** Lodging Facility Advisory Committee Reappointment
- **Sharon Meyers:** Lodging Facility Advisory Committee 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 and Jim Smith. Town Manager Mike Pardue, Volunteer and Events Coordinator Rebekah Kelley, Meeting Recorder Cinni Davidson

Excused: Selectman Bob Foley

1. Public Hearing on Lodging License Applications as recommended by the CEO and Lodging Committee.

There were no public comments.

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

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve lodging licenses for:

- ~Holiday Guest House Bed & Breakfast, 68 Post Road
- ~Cappy's Cottages, 166 Post Road

The motion passed unanimously

2. Public Hearing regarding the proposed condemnation (taking) of easements by eminent domain over the beach portions of each Lot located within the "Easement Area" described in Exhibit A and depicted on the Real Estate Map dated 29 June 2023 prepared by U.S. Army Corps of Engineers attached as Appendix 1 to the attached proposed Condemnation Order for the purpose of laying dredging pipeline and depositing dredged sand over Wells Beach and Drakes Island Beach as part of the proposed Wells Harbor dredge; following the Public Hearing, the Board will act upon the following:

- a) determination of public exigency and public use for the proposed condemnation of temporary easements over Wells Beach and Drakes Island Beach for the laying of dredge pipeline and depositing of dredged sand over Wells Beach and Drakes Island Beach as part of the proposed Wells Harbor dredge;
- b) determination of the amount of damages to be paid to Lot owners therefor;
- c) adoption of a Condemnation Order for condemnation of said easements and award of damages; and
- d) appropriation from Reserve Account Harbor Dredge #0805 of the amounts of damages to be paid to Lot owners.

Attorney Jim Katsiaficas is advising the Town regarding the taking and reviewed the process for the Town to take a temporary easement. The ACOE will hire a contractor to dredge in the federal part of the channel, while the Town will hire a contractor for the municipal portion. Two property owners haven't granted the Town temporary easements for the dredge. Everyone on Drakes Island has signed the significant wildlife management agreement. There will be payments of \$150 to the two owners who haven't signed the waiver of damages. The governor's permission for eminent domain for the project is required and has been granted.

Harbor Master Mike Yorke discussed conditions at the harbor. There are 41 moorings that can't be used now. Without a dredge, probably the whole west side float would be unavailable. This represents a loss of revenue for the Town and for the businesses based at the harbor. Recently there was a medical emergency on a boat at low tide and it was difficult for emergency responders to reach the individual.

Dan Bannon, consulting engineer with GEI Consultants, is working on permitting for the Town's portion of the project. The proposal is to dredge the entire channel and harbor and pump the sand onto Drakes Island Beach. Dredging will also be done on the Town anchorages.

Assessor Keely Lambert discussed calculating the damages. For previous dredges the rate was \$100 per parcel. Considering inflation, \$150 per parcel was chosen.

There were no public comments.

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

Mr. Katsiaticas read the language of the motions individually.

A. I move:

1) that the Select Board find:

- a) on the basis of the testimony of Daniel Bannon PE, GEI Consultants, Inc. and Town Harbormaster Michael Yorke and other public hearing testimony that the need for the laying of dredge pipeline and depositing of dredged sand over Wells Beach and Drakes Island Beach to accomplish the dredging of Wells Harbor presents a public necessity and that Wells Harbor and the Beaches are available for public use,
- b) that these facts justify and support the Town's use of eminent domain to take temporary easements over Wells Beach and Drakes Island Beach for these purposes,
- c) that the Governor of the State of Maine has by letter dated May 22, 2023 approved the Town's use of eminent domain for the dredging of Wells Harbor, and
- d) that based upon the Town Assessor's calculation of damages for the taking of temporary easements over Wells Beach and Drakes Island Beach, damages in the amount of \$150 per Lot are appropriate to be paid to the Lot owners for this taking of temporary easements, and

2) that the Select Board therefore:

- a) approve the proposed condemnation (taking) of easements by eminent domain over the beach portions of each Lot located within the "Easement Area" described in Exhibit A and depicted on the Real Estate Map dated 29 June 2023 prepared by U.S. Army Corps of Engineers attached as Appendix 1 to the attached proposed Condemnation Order for the purpose of laying dredging pipeline and depositing dredged sand over Wells Beach and Drakes Island Beach as part of the proposed Wells Harbor dredge,
- b) award damages in the amount of \$150 per Lot, for a total of \$300 appropriated from Reserve Account Harbor Dredge #0805 for the amounts of damages, and
- c) adopt that Condemnation Order and to file it with the Town Clerk, with instructions to mail copies of the signed Condemnation Order and checks for damages to the Lot owners and to record a Certificate of Taking with a copy of the signed Condemnation Order in the York County Registry of Deeds.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to adopt the motion as read. Passed unanimously.

Mr. Katsiaticas noted that the Condemnation Order should substitute Mr. Smith's name for Mr. Roche.

- B. I move to award the same amount of damages, \$150 per Lot, to Lot owners who submitted signed Temporary Easements without also submitting a signed Waiver, for a total of \$300 appropriated from Reserve Account Harbor Dredge #0805 for the amounts of damages;

Motion by Mrs. Chase, seconded by Mr. DeFelice, to adopt the motion as read. Passed unanimously.

- C. I move to authorize the Town Manager to enter into the following after the Condemnation Order is recorded and checks are mailed to the Lot owners:

- 1) 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;
- 2) "Authorization to the U.S. Army Corps of Engineers for Entry for Construction";
- 3) Temporary easements over Town property for the laying of dredge pipeline and depositing of dredged sand over Wells Beach and Drakes Island Beach to accomplish the dredging of Wells Harbor; and
- 4) Any other necessary related documents.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to adopt the motion as read. Passed unanimously.

3. Good News

- ~Chief Putnam received a thank you letter for compassionate and professional handling of a traffic incident.
- ~Several residents helped a grateful visitor who had car trouble over the Fourth of July holiday.
- ~HarborFest will be July 29 at Wells Harbor: music, dancing, food and lots of fun activities for the whole family.

4. Open to the Public

- ~One speaker noted the amount of garbage along roads and can't we find someone to clean it up.
- ~When road work is planned, can signs be posted about a week in advance advising the residents and others who use that stretch of road? It would help drivers to plan detours around the work area. Less through traffic would make it safer for the workers.

5. Department Updates

There were no updates.

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 18, 2023 in the amount of \$2,927,432.81, and the General Assistance Warrant dated July 18, 2023 in the amount of \$1,334.00. Passed unanimously.

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

- a) Discussion on Changes to the Permit Fee Schedules of the Code and Planning Departments and establishment of an Enterprise Fund.

Chief Code Enforcement Officer Jodine Adams and Town Planner / Town Engineer Michael Livingston reviewed the proposal to increase the fees, which would still be lower than other municipalities. The costs of the departments would be covered by the users' fees and not by general taxation. An enterprise fund would be created for the revenue generated by the Code and Planning Offices. The Finance Director and Town Attorney support the changes. The Board of Selectmen can conduct public hearings this fall and are authorized to approve fee changes and the creation of an enterprise fund. The effective date would be January 1, 2024. Growth in Town is not expected to change, as the developers and builders would pass the increase on to home buyers. Another proposal is to create an enterprise fund for the lodging license fees to cover the cost of inspections. Mr. Pardue said we can develop a calendar to review fees on a regular basis.

- b) Discussion regarding the Offer of a Gift of Land at Webhannet Falls.

Town Planner / Town Engineer Michael Livingston described the offer from June and Robert Messier to donate the Falls Park area to the Town of Wells. The parcel is a pocket park and is non-buildable.

The consensus was to have Mr. Livingston proceed with a complete boundary survey, assessment and title work. A Level 1 environmental assessment will be done to rule out any unknown hazards.

- c) Discussion and action on the YCCC Zoning Change application to create a College District.

Town Planning / Town Engineer Michael Livingston and Chris Burbank, Director of Strategic Initiatives and Partnerships discussed the request to create a College District for dormitory housing. The dormitory could be used for workforce housing for local businesses during the summer. The College has withdrawn the request to allow hotels to extend the 28 day rule for student housing. The campus is large enough to provide adequate setbacks from residential abutters. A college entrance from Route One had been discussed in the past. There is an easement for the paved access road with emergency egress through the Barefoot Subdivision and Rite Aid property. A public hearing on August 15 would allow time for the November ballot.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a final public hearing for the proposed College District for August 15, 2023 at 6PM, 208 Sanford Road in the Littlefield Meeting room. Passed unanimously.

d) Eastern Trail Update by Town Engineer

Michael Livingston discussed the work needed to connect the trail from Kennebunk through Wells to North Berwick. Federal and MDOT funding for the final design of two segments are pending. ETA is acquiring funds to complete the construction and the design of the remaining 10.2 mile gap between Kennebunk and Wells. The Town contributes \$6,000 per year to the Eastern Trail Alliance.

e) Discussion and action casting the Select Board vote on the Ballot for Election to MMA's Executive Committee.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to cast the Select Board vote for Melissa Doane as Vice President and Shiloh LaFreniere, Nathaniel Rudy and Dina Walker as Executive Committee members of the MMA. Passed unanimously.

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

i. Michael Curry resignation from the Personnel Advisory Committee.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to accept the resignation and write a letter thanking him for his service. Passed unanimously.

ii. Appointment of Eric Sprague as a regular member to the Harbor Advisory Committee. This is to elevate Eric Sprague from alternate member to regular member.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Eric Sprague as a regular member to the Harbor Advisory Committee. Passed unanimously.

iii. Appointment of Paul Baratta as a regular member to the Planning Board.

This is to elevate Paul Baratta from Associate Member to Regular Member.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Paul Baratta as a regular member to the Planning Board. Passed unanimously.

g) Discussion and action to accept Donations and Bequests:

1. **\$50.00** donation from Renewal by Andersen to the Town of Wells for HarborFest.
2. **\$150.00** donation from Joanne Tomao to the Wells Public Library to be used for passes to the Maine Botanical Gardens.

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

h) Discussion and action to approve minutes of the July 5, 2023, Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the July 5, 2023, Selectmen meeting minutes. Passed unanimously.

NEW BUSINESS

1. Open to the Public

There were no public comments.

2. Town Manager’s Report

~Update on union negotiations. The two unions represented by the Teamsters are paused for now. Police and Fire are ongoing.

~Route One corridor study. The technical team will be selected soon.

~The Town’s annual report is based on the fiscal year, and perhaps it should be done by the calendar year.

~Department updates: The Assessor’s department has completed field pick-ups. The Code Office is looking into upgrading the Town Hall fire escape. Some of the clapboards are bubbling. The Finance team will start using the new version of MUNIS in September. The shellfish lab is very popular with visitors. The grant for new docks has been tentatively approved. The Police Department has hired 3 new officers. The summer reading program is underway at the Library and is very popular. Parks & Recreation is going out to bid for the well project.

3. Select Board Comments

a. Subcommittee Reports

~The Lodging Committee has been meeting for a year. Thanks to the committee members and Town staff—Police, Fire, Code and Planning for their dedication and hard work.

~The PAC meeting was postponed until August.

b. Individual Select Board Member Comments

~There will be a Ride for Men’s Mental Health on July 22 from Trailblazers in Wells to Iron Tails in Acton.

~The Transfer Station has been cleaned up and looks much better. The private contractor is keeping their area clean.

4. **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.

5. Appointment of members to various boards & committees.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint Marilyn Falzone to the Board of Assessment Review Term Renewal, Karla Bergeron-Wilcox to the Board of Assessment Review Term Renewal, Ronald Avery to the Lodging Facility Advisory Committee Reappointment and Sharon Meyers to the Lodging Facility Advisory Committee Reappointment. Passed unanimously.

6. **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 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 Wells Professional Firefighters IAFF Local 4652. Passed unanimously.

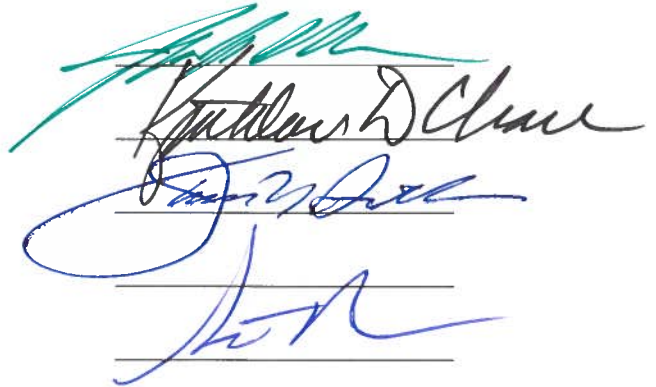
Motion by Mrs. Chase, seconded by Mr. DeFelice, to come out of Executive Session. Passed unanimously. There was no report.

7. Adjournment

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

Respectfully submitted,

Accepted by,

Three handwritten signatures in blue ink are written over three horizontal lines. The top signature is the most prominent and appears to be 'Kathleen D. Chase'. The middle signature is less legible, and the bottom signature is also less legible.

Cinndi Davidson,
Meeting Recorder