

## **SELECTMEN'S MEETING - TUESDAY, AUGUST 1, 2023**

**4:30PM – 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.

### **5:45 PM – INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES**

- **Maryanna Arsenault**, Chair: Personnel Advisory Board Term Renewal
- **Katy Kelly**: Lodging Facility Advisory Committee Term Renewal
- **Jacquelyn Simonds**: Lodging Facility Advisory Committee Term Renewal

### **6:00 PM – SELECTMEN'S MEETING**

Pledge of Allegiance

#### **SPECIAL PRESENTATION – Tim Roche Recognition**

Tim was presented with a plaque honoring his 4 terms as Selectman.

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

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

1. Public Hearing 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Town Planner Mike Livingston has been advised that the application will be withdrawn, but the Town hasn't received written confirmation. Mr. MacLeod said the Board will proceed with the public hearing since it was already scheduled for tonight's meeting. The applicant had asked to change a portion of their land from RA to GB. No additional units were requested for the campground.

Public comments were solicited.

~Why does a campground have to be zoned GB? The property keeps changing hands. What does the owner plan to do with the property? It isn't the Town's responsibility to ensure that the owner makes a profit.

~Changing the zone is contrary to the Comprehensive Plan.

~There should be setbacks and barriers to screen abutting properties.

~Changing the zoning to Rural would make the park conforming and allow expansion.

~There was a question about Steeple Way. CVS owns it and the Town has an easement.

~The Town should use the existing ordinances to make good decisions.

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

Motion by Mr. Smith, seconded by Mr. DeFelice, to table a vote on the proposed zoning change. Passed unanimously.

2. Amin Hotels Inc., dba: Ogunquit River Inn, Ascend Hotel Collection, 17 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.

3. Ezzo Enterprises Inc., dba: Haven By The Sea, 59 Church Street, 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.

4. Ezzo Enterprises Inc., dba: Haven By The Sea, 59 Church Street, 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.

5. Ri Teng Li, dba: East Restaurant, 636 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.

6. TKT, LLC, dba: Mekhong Thai Restaurant, 162 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.

7. Old Marsh LLC, dba: Old Marsh Country Club, 445 Clubhouse 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.

8. Old Marsh LLC, dba: Old Marsh Country Club, 445 Clubhouse 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.

9. Old Marsh LLC, dba: Old Marsh Country Club, 445 Clubhouse Road, Wells, application for an Auxiliary Liquor License for a Mobile Service Bar. (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.

10. Wells-Ogunquit Senior Center, 300 Post Road, Wells, application for a Games of Chance 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 4-0-1 with Mrs. Chase abstaining.

11. Wells Fire Department/ Wells Ocean Rescue, 1563B Post Road, Wells, application for a Mass Gathering Permit for a Lifeguard Competition to be held on Wells Beach on August 15<sup>th</sup> and 16<sup>th</sup>, 2023 from 5:00-8:00PM.

Fire Chief Mark Dupuis has discussed with the lifeguards having the competition in Wells this year and bringing people to the community. The competition will be held by the jetty with the lifeguards handling all the events. Lifeguard Captain Kyle Crothers described the rescue races and ultimate Frisbee competition. Attendance is expected to be around 500. Mr. Foley asked if the piping plovers are still nesting at the beach. Chief Dupuis will check with the piping plover team. The jetty is a good location for people who want to watch the event.

There were no public comments.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to close the public hearing and grant the permit for the competition and waive the parking fee for lifeguards who are participating. Passed unanimously.

12. Good News

~Ms. Kelley was complimented for a successful HarborFest last weekend. Attendance was estimated at about 1,300. Parking at the junior high school and providing shuttle service worked well. Thanks to Wells IGA, Big Daddy's and the Maine Diner for their contributions and to all the volunteers.

~Mr. Foley thanked everyone for the expressions of sympathy on the loss of his mother. The family received many cards and letters, and the flowers were beautiful.

~Chief Putnam announced a new overdose prevention program called OPTIONS. Clinician Lacey Bailey will be at the police station twice a month to meet privately with members of the public who have concerns. If the police get a call while she is there, she will go with them. She is employed by Sweetser and also works with the Sanford PD.

13. Open to the Public

~Congratulations to the Library and Animal Control Officer for a delightful pet show. There were a dozen dogs, a bearded dragon, one hamster and one guinea pig, all of whom went home with a blue ribbon. The show had to be cancelled several years because of the pandemic and it was nice to be back.

14. Department Updates: Tabled.

## **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 August 1, 2023 in the amount of \$1,234,645.86, and the General Assistance Warrant dated August 1, 2023 in the amount of \$1,637.90. Passed unanimously.

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

a) Discussion and action on bid award for construction and repairs of the North and South Seawall along Webhannet Drive.

Public Works Director Carol Murray said this is the last repair project remaining from the 2018 storm. FEMA has also visited Wells to inspect the damage from last winter. Construction needs to be completed by March 2024 and the work is very labor intensive. FEMA will pay 90% of this “large project” and will reimburse us after we pay the contractors. Mr. Foley suggested moving the chain link fence away from the edge to protect it from wave action.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to award the bid to CPM Constructors, Inc. in the amount of \$388,225.00 for construction and repairs of the North and South Seawall along Webhannet Drive. Passed unanimously.

b) Discussion and possible acceptance of three (3) Efficiency Maine EV Charging Station grant awards. These grants provide up to 90% funding for the Town to install and operate Level 2 EV charging stations at the following locations: Town Hall, 208 Sanford Rd., Parks and Recreation, 412 Branch Rd., and Wells Harbor, 362 Harbor Rd.

Mr. Pardue has been working with the Energy Committee to obtain more charging stations. The grant is approved for \$89,940. The Town can set the rate we want to charge; current market rate is \$0.45-\$0.50 per KWH. The grant will include software and upgrades. A maintenance plan is in place. The Energy Committee will help oversee the program. Mr. DeFelice asked about the effect of salt water and flooding at the harbor. The unit will be pole-mounted.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to accept the three Efficiency Maine EV Charging Station grant awards. Passed unanimously.

c) Discussion and action to schedule public hearings to discuss changing the current Town Clerk position from elected to appointed.

We did not meet the threshold at the June election to change this position. Town Clerk Brenda Layman and her sister who was the previous clerk both recommend that this should be an appointed position. This would involve a charter change. Elected positions must be held by Town residents, so it limits the pool of candidates. The change requires 2200 votes, based on 30% of the last gubernatorial election. We expect a higher voter turnout this November and the threshold could be met. The June vote was favorable but the number was too low.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule public hearings on August 15, September 5, September 19, October 3, and October 17, 2023 at 6PM, 208 Sanford Road, in the Littlefield Meeting Room to discuss changing the current Town Clerk position from elected to appointed. Passed unanimously.

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

*i.* Appointment of James Black as Clam Warden.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to appoint James Black as Clam Warden. Passed unanimously.

e) Discussion and action to accept Donations and Bequests:

1. \$1,500.00 donation from Kennebunk Savings Bank to the Town of Wells for HarborFest.
2. \$845.00 donation from Friends Supporting Wells Public Library to be utilized for new flip table for the Community Room.
3. \$100.00 from Maine Woman In The Arts to the Wells Public Library.
4. \$38.00 donation from Various Library Users to the Wells Public Library.
5. \$836.00 from various donors to the Wells Harbor Shellfish Lab.

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

f) Discussion and action to approve minutes of the July 18, 2023, Selectmen's meeting.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the July 18, 2023, Selectmen's meeting minutes. Passed 4-0-1 with Mr. Foley abstaining.

## **NEW BUSINESS**

1. Open to the Public

There were no public comments.

2. Town Manager's Report

~Town staff has been working very hard. The PWD is dealing with challenges from the weather and infrastructure.

~The Department heads are working on updates to the CIP for the Board.

~Negotiations with the labor unions continue.

~Chief Putnam reported that the names of the public ways at Moody Beach are being changed from numbers to letters to be less confusing.

3. Select Board Comments
  - a. Subcommittee Reports
  - b. Individual Select Board Member Comments

Mr. Smith asked about the Executive Session that was held earlier this evening. The Board followed the advice of legal counsel.

Mr. Foley gave an update on the shellfish lab. There are 2 new touch tanks and 250,000 seedlings will be planted in the flats. Channel 6 will be filming a special on August 2. The building is open to the public from 9 AM to 4 PM. Children are encouraged to catch green crabs and take them home for compost. The crabs burrow into the marsh over the winter and cause a lot of erosion. The crabs also devastate the clam seedlings.

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 reappoint Maryanna Arsenault, Chair: Personnel Advisory Board Term Renewal, Katy Kelly: Lodging Facility Advisory Committee Term Renewal and Jacquelyn Simonds: Lodging Facility Advisory Committee Term Renewal. 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.

7. Motion by Mrs. Chase, seconded by Mr. DeFelice, to allow the Town Manager to sign the sidebar agreement between the Town of Wells and the Wells Professional Firefighters IAFF Local 4652.

- ~ \$1 per hour adjustment to the regular hourly rate effective 7/1/2023 to 9/30/2023
- ~ changing the workweek to 42 hours on October 31, 2023
- ~ newly created proposed step increases effective 1/1/2024.

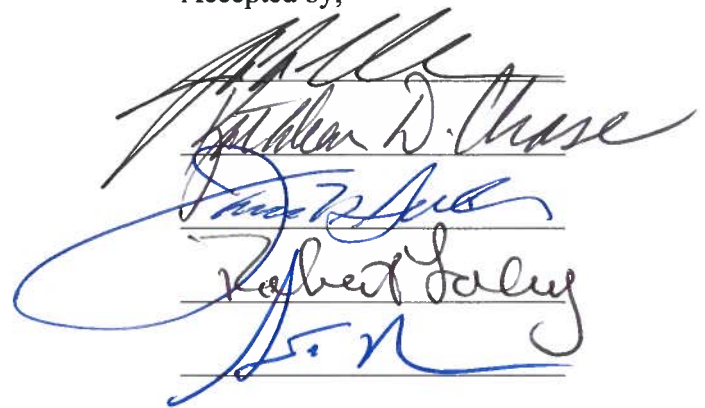
Passed unanimously.

8. Adjournment

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

Respectfully submitted,

Accepted by,



Stephen D. Chase  
Robert DeFelice  
[Signature]

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Cinndi Davidson,  
Meeting Recorder

