

SELECTMEN'S MEETING - TUESDAY, SEPTEMBER 5, 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 Mr. DeFelice, seconded by Mr. Smith, 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 Mr. DeFelice, seconded by Mr. Smith, to come out of Executive Session. Passed unanimously.

5:15 PM – EXECUTIVE SESSION - To hold an Executive Session, pursuant to 1 M.R.S. §405(6)(C) with the Town Manager and attorney Scott Edmunds to discuss the condition, acquisition or the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town.

Motion by Mr. DeFelice, seconded by Mr. Smith, to enter into Executive Session pursuant to 1 M.R.S. Sec. 405(6)(C) with the Town Manager and attorney Scott Edmunds to discuss the condition, acquisition or the use of real property or interests therein or the disposition of publicly held property where premature disclosure of the information would prejudice the competitive or bargaining position of the Town. Passed unanimously.

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

5:45 PM – INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES

- **Michael Yorke:** Shellfish Conservation Commission
- **Shane Maxon:** Lodging Facility Advisory Committee. Postponed
- **Phillip Breton:** Harbor Advisory Committee Term Renewal
- **Jim MacNeill:** Lodging Facility Advisory Committee Term Renewal
- **Shannon Pierce:** Energy Advisory Committee

6:00 PM – SELECTMEN'S MEETING

Pledge of Allegiance

MUNICIPAL OFFICERS WORKSHOP / BUSINESS / PUBLIC HEARINGS

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

Excused: Selectman Kathy Chase

1. Public Hearing on “An Ordinance to Amend the Charter of the Town of Wells to Convert the Position of the Town Clerk from an Elected to an Appointed Position”.

Town Clerk Brenda Layman wishes to retire. She and the previous Clerk, Jessica Keyes, feel that this position should be appointed rather than elected. Candidates who apply would be considered based on their knowledge and experience to handle the complexities of the position. This item passed on the June ballot but did not receive the required 2200 votes (as based on 30% of the last gubernatorial election).

There were no public comments.

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

2. Public Hearing on release of funds up to \$4,600 for the purchase of a Dog Licensing Program for the Town Clerk’s office.

The software from Barbour Computing will no longer be supported, as the owner is retiring. Staff recommends the purchase of software from Harris Local Government. Eventually we will be able to do on-line dog licensing.

There were no public comments.

Motion by Mr. DeFelice, seconded by Mr. Smith, to close the public hearing and approve the release of funds up to \$4,600 from Fund 0201 (Town Clerk Animal Control Fund) for the purchase of a Dog Licensing Program for the Town Clerk’s office. Passed unanimously.

3. DCS Inc., dba: Stutesy’s Pub & Grille, 52 Post Road, Wells, application for a full-time Malt, Wine and Spirits Liquor License. (R)

There were no public comments.

Motion by Mr. DeFelice, seconded by Mr. Smith, to close the public hearing and grant the license. Passed unanimously.

4. Richard M. Varano, dba: Billy’s Chowder House, 216 Mile Road, Wells, application for a full-time Malt, Wine and Spirits Liquor License. (R)

There were no public comments.

Motion by Mr. DeFelice, seconded by Mr. Smith, to close the public hearing and grant the license. Passed unanimously.

5. Richard M. Varano, dba: Billy's Chowder House, 216 Mile Road, Wells, application for a Special Entertainment Permit. (R)

There were no public comments.

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

6. Brett Lord and Terri Lord, dba: Brettski's Beach Shuttle, 76 Eldridge Road, Wells, application for a Taxicab Business License. (N)

There were no public comments.

Motion by Mr. DeFelice, seconded by Mr. Smith, to close the public hearing and grant the license. Passed unanimously.

7. Wells Fire Department, 1563 Post Road, Wells, application for a Mass Gathering Permit for a Fire Apparatus Show and Open House to be held at the Wells Fire Department on October 7, 2023.

Fire Chief Mark Dupuis discussed the activities including an open house and tours at the fire station, a display of antique fire trucks, demonstrations and touch a truck to kick off National Fire Prevention Week.

There were no public comments.

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

8. Good News

~Kudos to Rebekah Kelley for a great job with the Wells Connector.

~We are making progress with preparations for the dredge.

~There will be an electric vehicle show on September 10 from 1-4 PM at the Library.

~Schools are back in session. Please drive carefully.

~The State has approved the Comprehensive Plan update and it will probably go to the voters in June.

~The Hazardous Waste Collection Day will be September 30 from 8 AM to 1 PM at the Kennebunk facility on Sea Road.

~Thank you to Selectman Foley and Save our Shores for providing 55 signs asking people not to litter at the beach. Public Works will install them.

~Channel 6 did a fantastic job with the story about our shellfish lab. Three visitors spent part of their vacation making and selling bracelets which raised \$255 for the lab.

Selectman Smith said the shellfish lab is a great asset to the Harbor.

9. Open to the Public

~The residents of Webhannet Drive requested an update on the dredge and beach replenishment. Sand will be placed there and also stockpiled to meet future needs along the beach. Harbor Master Mike Yorke serves on the SOS Board.

~Can more sand be placed north of the jetty? Selectman Foley said sand can be dewatered and dumped at Casino Square. The wind and tide will take it in both directions. We didn't have permission from all the homeowners to lay pipe on the beach.

~We need to reach out to the voters regarding the November ballot question on appointing the Town Clerk.

~Local business Precision Transmission on Route 109 is going through a difficult time. After operating the business for 19 years, David and Carmen Roy had to close temporarily due to David's surgery. They are looking to hire an experienced mechanic to continue taking care of their customers. A notice is posted on the office door, and they can be reached at 207-646-9234 and e-mail at PrecisionTransmissionInc@gmail.com. They are also on Facebook and Instagram, and check messages regularly.

10. Department Updates

There were no updates.

CURRENT AGENDA ITEMS

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

Motion by Mr. DeFelice, seconded by Mr. Smith, to approve and sign the Accounts Payable Warrant dated September 5, 2023 in the amount of \$1,347,387.44, and the General Assistance Warrant dated September 5, 2023 in the amount of \$574.28. Passed unanimously.

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

a) Discussion and action on acceptance of a Subdivision Fire System Easement for Willow Bend Subdivision.

Town Engineer/Planner Mike Livingston prepared a memo outlining the background and construction of a cistern. The easement would give the Town the right to access and use the cistern, while the developer or HOA would be responsible for maintaining it. Chief Dupuis said we have had problems with 2 dry hydrants that were not maintained properly and kept free of vegetation.

Motion by Mr. DeFelice, seconded by Mr. Smith, to accept the Subdivision Fire System Easement for Willow Bend Subdivision. Passed unanimously.

b) Discussion and action to accept a Harbor Management and Access Grant from the Maine Submerged Lands Program in the amount of \$15,000 for replacement and construction of Floats at Wells Harbor.

The \$15,000 grant will allow us to replace 2 of the 4 aging floats at the Harbor and provide public access. The Town will contribute \$27,240. An additional grant next year will complete the project.

Motion by Mr. DeFelice, seconded by Mr. Smith, to accept the grant from Maine Submerged Lands Program in the amount of \$15,000 for replacement and construction of floats at Wells Harbor. Passed unanimously.

c) Discussion and action to approve the November 7, 2023 Special Town Meeting Warrant.

Motion by Mr. DeFelice, seconded by Mr. Smith, to approve and sign the November 7, 2023 Special Town Meeting Warrant. Passed unanimously.

d) Discussion and action to approve Certification of the Referendum Questions for the November 7, 2023 Special Town Meeting.

Motion by Mr. DeFelice, seconded by Mr. Smith, to approve and sign the Certification of the Referendum Questions for the November 7, 2023 Special Town Meeting. Passed unanimously.

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

i. Appointment of Robert Mulcahy as a regular member to Budget Review Committee.

Motion by Mr. DeFelice, seconded by Mr. Smith, to appoint Robert Mulcahy as a regular member to the Budget Review Committee. Passed unanimously.

ii. Appointment of Michele Stivaletta-Noble as Registrar of Voters.

Motion by Mr. DeFelice, seconded by Mr. Smith, to appoint Michele Stivaletta-Noble as Registrar of Voters. Passed unanimously.

iii. Lisa Gatti-Arnold resignation from the Energy Advisory Committee

Motion by Mr. DeFelice, seconded by Mr. Smith, to accept the resignation and write a letter of thanks for her service. Passed unanimously.

f) Discussion and action to accept Donations and Bequests:

1. **\$100.00** donation from Jean Holmes to the Wells Public Library in memory of Betty Henderson.

2. **\$255.00** donation to the Wells Harbor Shellfish Lab from Imogen Haynes, Finley Drago and Declan Drago from a special fundraiser they did to raise money for the Shellfish Lab.

3. **\$853.00** donation from Various Donors to the Wells Harbor Shellfish Lab.

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

g) Discussion and action to approve minutes of the August 15, 2023, Selectmen’s meeting.

Amendment: “One speaker supported the current arrangement housing students in Hampton Inn, and the proposed zoning change to construct a dormitory on campus. She was opposed to the “28 day rule” for lodging facilities and would like to allow extended hotel occupancy for the students.”

Motion by Mr. Smith, seconded by Mr. DeFelice, to approve the August 15, 2023, Selectmen’s meeting minutes as amended. Passed unanimously.

NEW BUSINESS

1. Open to the Public

~Have we considered hiring an arborist to be proactive and prevent problems with storms and power lines?

PWD Carol Murray is working with one to identify problem areas.

2. Town Manager’s Report

~We are working to fill the Assistant Fire Chief and 4 firefighter positions.

We will be scheduling interviews for the Executive Assistant to the Police Chief.

~Infrastructure: we have signed the contract for the seawall repairs. Newhall Road is scheduled for September. Bragdon Road has a 3 ton maximum load. Shaw Brothers is on board for the construction if ACOE approves. The Drakes Island Bridge is scheduled for minor repairs in October.

~Jamestown Canyon Virus: 4 mosquitoes found in Wells were carrying the virus, but we have no reported cases.

~The union contract with the Fire Department has been signed. On September 13 we meet with the Teamsters Business Agent.

3. Select Board Comments

a. Subcommittee Reports

b. Individual Select Board Member Comments

~Mr. DeFelice: Congratulations to the Wells Warriors who defeated Oak Hill 31-0 on Saturday. The Warrior host York this Friday.

~Mr. Smith reported that the Comprehensive Plan Update Committee has approved the plan and is now scheduling public hearings.

4. **EXECUTIVE SESSION** - To discuss the applicants to various boards and committees, pursuant to 1 M.R.S. § 405(6)(A).

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

5. Appointment of members to various boards & committees.

Motion by Mr. DeFelice, seconded by Mr. Smith, to appoint the following:

- **Michael Yorke:** Shellfish Conservation Commission
- **Phillip Breton:** Harbor Advisory Committee Term Renewal
- **Jim MacNeill:** Lodging Facility Advisory Committee Term Renewal
- **Shannon Pierce:** Energy Advisory Committee

The motion 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 Police Benevolent Association.

Motion by Mr. DeFelice, seconded by Mr. Smith, 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 Police Benevolent Association. Passed unanimously.

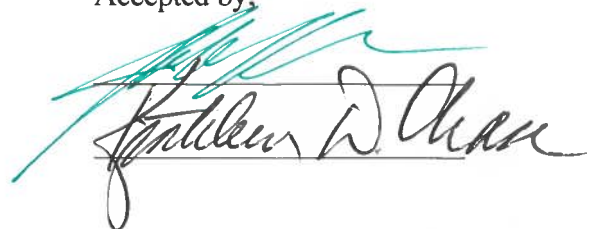
Motion by Mr. DeFelice, seconded by Mr. Smith, to come out of Executive Session. Passed unanimously.

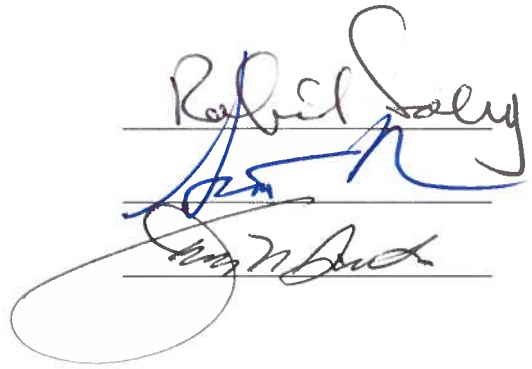
7. Adjournment

Motion by Mr. Smith, seconded by Mr. DeFelice, to adjourn. Passed unanimously.

Respectfully submitted,

Accepted by,

A handwritten signature in blue ink, appearing to read "Stephen D. Chase", is written over a horizontal line. The signature is fluid and cursive.



Two handwritten signatures in blue ink are positioned over two horizontal lines. The top signature is written in a cursive style and appears to read "Rebel Saly". The bottom signature is also in cursive and appears to read "Cinndi Davidson".

Cinndi Davidson,
Meeting Recorder