

## **SELECTMEN'S MEETING - TUESDAY, SEPTEMBER 19, 2023**

**5:00 PM – EXECUTIVE SESSION** – To hold an Executive Session, pursuant to 1 M.R.S. §405(6)(C) with the Town Manager, Town Attorney, 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 Mrs. Chase, seconded by Mr. DeFelice, 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 Mrs. Chase, seconded by M. DeFelice, to come out of Executive Session. Passed unanimously.

### **5:50 PM – INTERVIEWS FOR VARIOUS BOARDS AND COMMITTEES**

- Shane Maxon: Lodging Facility Advisory Committee

### **6:00 PM – SELECTMEN'S MEETING**

Pledge of Allegiance

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

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

#### **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 is planning to retire and recommends that this become an appointed position due to the complexity of the job. This was on the ballot in June and passed but there weren't enough votes to change the charter.

There were no public comments.

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

#### **2. *Michael McDermott, dba: Mike's Clam Shack, Inc., 1150 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. Michael McDermott, dba: Mike's Clam Shack, Inc., 1150 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.

**4. Seaglass Village Homeowner's Association, 1 Old County 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.

**5. Seaglass Village Homeowner's Association, 1 Old County 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.

**6. Good News**

~Mr. Smith reported on the EV show at the Library and craft fair at the junior high school which were well attended. He attended a Library Board of Trustees meeting as Selectman liaison and was impressed with the Board's activities.

~Mrs. Chase reported on Warrior football. The team hosts Cheverus this Friday at the Homecoming game. September 29 will be the Salute to the Military.

~Mr. MacLeod was impressed with the PWD mowing machine. We have the use of this machine for 8 weeks, and our machine comes back tomorrow. PWD Carol Murray says she plans to mow "until the snow flies" to clear vegetation along the roads.

~CMP is doing preventive work and has subcontracted with Ironwood for tree trimming.

~The Newhall Bridge is down. We are missing the window by one day because of the rain and CPM is paying us \$1,000 for the extra day.

~Mrs. Chase noted that the Transfer Station looks very good. The crew cleaned up in preparation for the hurricane and high winds.

**7. *Open to the Public***

There were no public comments.

**8. *Department Updates***

Mike Yorke will present at a future meeting with an update on the dredge.

**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 September 19, 2023 in the amount of \$2,728,160.85, and the General Assistance Warrant dated September 19, 2023 in the amount of \$469.90. Passed unanimously.

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

**a) *Discussion and action on the conveyance of two parcels of Town owned land to Cardinali's Real Estate, LLC (d/b/a Fisherman's Catch Restaurant) and conveyance of a long-term lease to Cardinali's Real Estate, LLC for non-exclusive parking use of 4,011 sf of Town-owned land along Harbor Road in exchange for 15,587 sf of land owned by Cardinali's Real Estate, LLC to be conveyed to the Town for access to the old wharf and marsh as approved at the June 13, 2023 Annual Town Meeting.***

Town Attorney Leah Rachin and her partner Rick Shinay have been working with the owners' attorney. The documents are ready for signing.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to execute the proposed deeds and lease agreement as approved by the Town at the Annual Town Meeting, Article 24, held on June 13, 2023. Passed unanimously.

**b) *Discussion and Action on an Estoppel Certificate for Wells Solar, LLC relating to the Crediford Road Solar Project.***

Ms. Rachin said the Estoppel Certificate assures the lender that all issues have been addressed and all documents are in order. The mechanics' liens have all been cleared. She recommended that the Town Manager can sign the documents.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to authorize the Town Manager to execute a Lease Estoppel Certificate for the Nautilus Solar Project. Passed unanimously.

**c) *Discussion and action on the proposed revisions to building permit fees and development application fees. Also present: Town Engineer/Planner Mike Livingston and CEO Jodine Adams.***

Our fees are much lower than surrounding towns, and will remain the lowest if the proposed increases are approved. The new fee schedule and creation of the enterprise fund would become effective January 1, 2024. Mr. Smith asked if there could be some relief for individual lot owners, or based on economic levels. Mr. Livingston and Ms. Rachin felt that there could be a problem with unequal treatment of property owners and the Town shouldn't discriminate. Ms. Rachin offered to research the questions. Ms. Adams said we don't have impact fees like other communities, and that helps individual owners. Mr. DeFelice said we shouldn't let the fees get out of line again and recommended regular reviews by the Budget Committee. This could also be an agenda item for the Selectmen. Ms. Rachin said people might not want to disclose their income to qualify for a sliding scale fee.

Motion by Mr. Smith to research whether the charging of fees based on income levels is allowed by State law. The motion was not seconded.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on October 3, 2023 at 6:00PM, 208 Sanford Road, in the Littlefield Meeting Room on the proposed changes to building permit and development application fees. Passed 4-1 with Mr. Smith opposed.

**d) *Discussion and action on the proposed ordinance to establish an enterprise fund for the application fees and direct expenses of the Code Enforcement and Planning & Development Departments.***

Mr. Smith asked if this would make the Planning Office a profit center vs. a regulatory body. Finance Director Jodie Sanborn reported that 2023-2024 salaries and benefits for the Code Enforcement and Planning Offices are approximately \$700,000. Funds in excess of \$1,200,000 would be transferred to surplus. Enterprise funds are included in the warrant book, but aren't voted on by the residents because they don't impact general taxation. Enterprise fund fees are paid by the people who use the services.

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on October 3, 2023 at 6:00PM, 208 Sanford Road, in the Littlefield Meeting Room on the proposed Code Enforcement Office and Planning Department enterprise fund. Passed 4-1 with Mr. Smith opposed.

**e) *Discussion and action to schedule a public hearing on updates to the Transfer Station Sticker Policy.***

Ms. Sanborn said there is a 3-4 week turn-around when she orders the stickers. She would like to start selling them in November. Section 6 Temporary Passes was added to the draft policy. A definition of caretaker was added when someone assists a resident with disposing of residential solid waste. Successor trustees will be eligible for stickers. The location of the sticker on the windshield was clarified. Mr. MacLeod proposed a list of FAQ's to hand out with the stickers. Ms. Sanborn said there should be a diagram showing the placement of the stickers on the windshield. Mr. Foley suggested including "or their designee" in Section 7. Mr. Smith asked how questions can be resolved on Saturdays when Town Hall is closed. PWD Murray said she can be the designee for Saturdays, and that Jack is able to verify residency. Notices for the

public can include inserts in the tax bills, a variable message board and an entrance sign “sticker required.”

Motion by Mrs. Chase, seconded by Mr. DeFelice, to schedule a public hearing on October 3, 2023 at 6:00PM, 208 Sanford Road, in the Littlefield Meeting Room on updates to the Transfer Station Sticker Policy. Passed unanimously.

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

*i.* Jacquelyn Simonds resignation from the Lodging Facility Advisory Committee.

Mr. DeFelice and Mr. Foley said she has been a great contributor to the committee and they wish her well.

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

*ii.* Appointment of official Town voting delegates (primary and alternate) to the MMA Annual Business Meeting to be held on October 4, 2023 at the Annual MMA Convention.

No action. No one from Wells is going to the meeting.

**g) *Discussion and action to accept Donations and Bequests:***

1. \$200.00 donation from William and Eleanor Andrews to the Town of Wells for the Fuel Assistance Program Fund.

2. \$2,750.00 donation from Friends Supporting Wells Public Library to the Wells Public Library for the Third Quarter budget.

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

**h) *Discussion and action to approve minutes of the September 5, 2023, Selectmen’s meeting.***

Motion by Mrs. Chase, seconded by Mr. DeFelice, to approve the September 5, 2023, Selectmen’s meeting minutes. Passed 4-0-1 with Mrs. Chase abstaining.

**NEW BUSINESS**

**1. *Open to the Public***

There were no public comments.

## 2. *Town Manager's Report*

- ~Brex performed some needed repairs to the Drakes Island Bridge.
- ~The revaluation project will be completed soon.
- ~An offer for the Police Chief's executive assistant position will be made tomorrow. The search for an Assistant Fire Chief continues. We made two offers to firefighter/paramedics.
- ~We expect bid opening for the mooring removal on October 6. An ACOE letter is pending for the Bragdon Road project.
- ~Three contracts were issued for snow plowing.
- ~Several IT projects are underway.
- ~Good progress with the well at the Recreation Department.
- ~Contract negotiations are underway with Wells PD, Teamsters and Public Works.
- ~The Finance Department will be closed for a software update this Thursday and Friday September 21 & 22. Staff will be unable to process transactions during the update.

## 3. *Select Board Comments*

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

- ~Mrs. Chase noted the passing of June Messier at "92 years young." Thank you, June, for all you have done for Wells.
- ~Mr. Smith noted that the Comprehensive Plan Committee is holding a public hearing this Thursday at 6 PM for comments on the draft report.

## 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 Shane Maxon to the Lodging Facility Advisory Committee. 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 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 Police Benevolent Association. Passed unanimously.

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

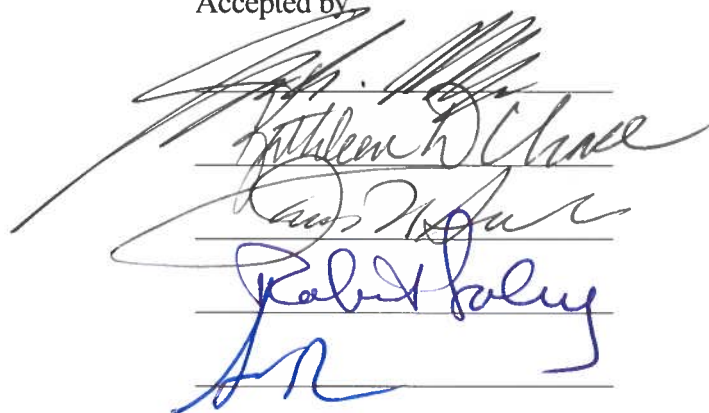
No action was taken.

**7. Adjournment**

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

Respectfully submitted,

Accepted by



The image shows three handwritten signatures in blue ink on lined paper. The first signature is the most prominent and appears to be 'Kathleen W. Chase'. Below it is a second signature, and below that is a third signature that looks like 'Robert Salvey'. The signatures are written over horizontal lines.

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Cinndi Davidson,  
Meeting Recorder

