

## **SELECTMEN'S MEETING TUESDAY, FEBRUARY 4, 2020**

Present: Chairman Karl Ekstedt, Selectmen Tim Roche, Kathy Chase, Sean Roche and John MacLeod and Town Manager Jon Carter.

### **5:00 PM Executive Sessions:**

1. Executive Session pursuant to 1 M.R.S. §405(6)(A), to confer with legal counsel on a complaint on an appointed public official.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to go into Executive Session. Passed unanimously.

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

2. Executive Session pursuant to 1 M.R.S. §405(6)(E), to confer with legal counsel on a Code Enforcement violation on building height and resolution proposed.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to go into Executive Session. Passed unanimously.

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

3. Executive Session pursuant to 1 M.R.S. §405(6)(E), to confer with legal Counsel regarding encroachment onto the Town Right of Way.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to go into Executive Session. Passed unanimously.

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

### **6:00 PM – SELECTMEN'S MEETING**

#### ***Special Presentation: Retirement Ceremony for "Jagger" Police K-9***

Jagger was purchased in 2013 and is certified as a patrol dog. He was deployed 191 times during his career. Last summer he developed an odd gait which became a limp. In November a mass was found in his shoulder. His leg was amputated and the mass was found to be malignant. Cpt. Kevin Chabot is recommending that we retire Jagger from active service. State Rep. Dan Hobbs read a letter to Jagger thanking him for his service. Mr. Carter read the plaque honoring Jagger's faithful service as a Town employee. Thank you to the Chabot Family for providing Jagger's retirement home.

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

1. ***Public hearing on enacting Chapter 20 (Police) as it pertains to establishing a Police Ordinance and Police Department and its powers under applicable state law and outline jurisdictional and prosecution authority.***

State law requires the Town to have an ordinance formally establishing the Police Department and outlining its jurisdiction.

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and enact Chapter 20 (Police) into the Code of Ordinances. Passed unanimously.

2. ***Nathan Gay, dba: A-1 Environmental Service Inc., 107 Crediford Road, Wells, application for a Solid Waste Disposal License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

3. ***Waste Management of Maine, 2000 Forest Avenue, Portland, application for a Solid Waste Disposal License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

4. ***Brian Marraffa, dba: B At Your Disposal, 20 Pierce Avenue, Sanford, application for a Solid Waste Disposal License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

5. ***Jeffrey A. Simpson Inc., dba Jeffrey A. Simpson, 281 Jagger Mill Road, Sanford, application for a Solid Waste Disposal License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

6. ***Oscar Wilkins, dba: Shipyard Waste Solutions LLC., 434 Dow Highway, Eliot, application for a Solid Waste Disposal License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

7. ***Sean Brown, dba: Brown's Clam Shanty, 198 Post Road, Moody, application for a full-time Malt and Vinous Liquor License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

8. ***Wei Jin, dba: Maple Leaves Garden, Inc., 2063 Post Road, Wells, application for a full-time Malt, Vinous and Spirituous Liquor License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

9. ***Lafayette Wells Inc., dba: Forbes Seafood Restaurant, 427 Mile Road, Wells, application for a full-time Malt, Vinous and Spirituous Liquor License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

10. ***Mike Dinardo, dba: The New England House Seafood and Sports Bar, 124 Post Road, Wells, application for a full-time Malt, Vinous and Spirituous Liquor License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

11. ***Robert D. Callioras, dba: Litchfield's Bar and Grill, 2135 Post Road, Wells, application for a full-time Malt, Vinous and Spirituous Liquor License. (R)***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

12. ***Robert D. Callioras, dba: Litchfield's Bar and Grill, 2135 Post Road, Wells, application for a Special Entertainment Permit. (R)***

Public comment was solicited and there was none.

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

13. ***Nicholas Baker, dba: Jayco Disposal, 82 Cider Hill Road, York, Me, application for a Solid Waste Disposal License. ( R )***

Public comment was solicited and there was none.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to close the public hearing and grant the license. Passed unanimously.

14. ***Good News***

~The Recreation Department was complimented for the maintenance of the trails and ball fields.

~Jillian Shelta and Gus Dunham of WEMS were complimented for excellent patient care during a recent call.

~Congratulations to Village Candle, which was purchased by Stonewall Kitchen.

~Selectman Tim Roche thanked WEMS, the Fire Department and Police Department for their professional care during a recent medical incident.

~Paula Green of the Public Works Department assists Mr. Roche and Superintendent Daly with information about road conditions and school bus safety during storms.

~The unified basketball team will play Friday at 3:30 at Kennebunk and will be at home next Tuesday at 3:30. This is an opportunity for special ed. and regular students to play on a team together. Several of our teams are in the play-offs: wrestling, boys and girls basketball, track and cheering.

~Welcome back Selectman Tim Roche!

15. ***Open to the Public***

WEMS Director Jim Lapolla discussed the State's campaign against the flu "No Flu For You": wash your hands, stay home from work and other errands if you are sick, cough or sneeze into your arm not into your hand. York Hospital and several pharmacies still have flu shots and it isn't too late to get one.

*CURRENT AGENDA ITEMS***1. *Review and action on Accounts Payable and Payroll Warrants.***

There is a Warrant dated February 4, 2020 with expenses of \$358,136.33, no school payment, net payroll for the week ending 1/23/2020 in the amount of \$89,966.49, net payroll for the week ending 1/30/2020 in the amount of \$79,225.59, and FICA, Medicare, state and federal withholding taxes filed electronically in the amount of \$71,867.30 for total expenses of \$599,195.71.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to approve and sign the Warrant dated February 4, 2020 in the amount of \$599,195.71. Passed 4-0-1 with Mr. MacLeod abstaining.

There is a General Assistance Warrant dated February 4, 2020 in the amount of \$940.67 from the Special Fuel Fund. The balance in the fund is \$39,118.83.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to approve and sign the General Assistance Warrant dated February 4, 2020 in the amount of \$940.67. Passed unanimously.

**2. *Update, discussion and action on Committees, Projects, Issues, Purchases and Personnel:*****a) *Discussion and action on selling Jagger, the retired K-9 Animal to its Police handler Captain Chabot for \$1.***

Motion by Mrs. Chase, seconded by Mr. S. Roche, to sell Jagger, retired Police K-9, to its Police Handler Cpt. Chabot for \$1. Passed unanimously.

**b) *Discussion and action on implementing the Design, Bidding and Oversight Services Agreement Amendment for the new Fire Substation with Lavallee/ Brensinger Architects under their existing services contract with the Town of Wells.***

Mr. Carter and Chief Dupuis have met with architect Ron Lamarre and negotiated an amendment to the master contract, expanding the scope of services for \$60,000. There will be a pre-engineered building as approved by the Planning Board, and MDOT has approved an entrance permit for access off of Route 9 at the Public Works garage. There is additional land on the parcel if future expansion is necessary.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to authorize the Town Manager to sign Amendment #8 of the Lavallee/Brensinger Architects Master Agreement for work to be undertaken on the proposed Fire Substation at the fee of \$60,000 to come from the Public Safety Bond Fund. Passed unanimously.

**c) *Discussion and action on awarding the mineral and material crushing bid to Northeast Earth Mechanics.***

Quotes were also received from U.S. Site Solutions and Shaw Brothers, but they would use Town personnel and equipment. In the event of a storm, our trucks would need winter gear removed and reinstalled. Northeast is using no Town personnel or equipment. The last time we did crushing it yielded 10,000 cu. yds. of material.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to award the crushing bid to Northeast Earth Mechanics. Passed unanimously.

***d) Discussion and action on awarding the Transfer Station leaf and brush removal.***

Bids were received from Levine Excavating, Leighton Excavating and York Wood Tree to totally clean up the compost and brush at the transfer station. York's bid includes all material: compost, brush and stumps at the lowest price of \$15,200.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to award the leaf and brush removal work to York Wood Tree Service LLC for the price of \$15,200. Passed unanimously.

***e) Discussion, review and action on the request by the Conservation Commission on proposed Town Meeting Warrant Articles for acquisition of three (3) land parcels and granting of a right of way (ROW) over town conservation land for the June Annual Town Meeting and moving forward with a Purchase and Sales Agreement on the Yarid Parcel including undertaking a survey of the parcel.***

Postponed until later in the meeting.

***f) Discussion and action on setting a public hearing on amending Chapter 86 (Beaches) as it pertains to the use of shading devices and to prohibit camping on beaches.***

After the amendment to Chapter 86 was passed at the previous meeting, many residents requested the use of clam-shell shaped "sports umbrellas" for people with skin conditions and other medical issues. Mr. MacLeod asked if more information could be posted on social media when public input is desired. There is a company specializing in social media posting for communities to ensure that accurate information is being circulated.

The consensus was to hold a workshop rather than a second public hearing. This item was tabled.

***g) Discussion and action to schedule a public hearing on February 18, 2020 at 6:00 p.m. to review the Spring Thaw Road Policy for posted roads in compliance with Town Code Chapter 212-4***

The time period for posting is March 2, 2020 to April 15, 2020 when trucks greater than 23,000 lbs. would be prohibited. Exceptions are made for trucks carrying home heating fuel. If the temperature drops and the roads remain frozen the PWD can lift the prohibition.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to schedule a public hearing on February 18, 2020 at 6 PM in the Littlefield Meeting Room, 208 Sanford Road, regarding the spring posting of roads. Passed unanimously.

***h) Discussion, review and action on the request by the Conservation Commission on proposed Town Meeting Warrant Articles for acquisition of three (3) land parcels and granting of a right of way (ROW) over town conservation land for the June Annual Town Meeting and moving forward***

***with a Purchase and Sales Agreement on the Yarid Parcel including undertaking a survey of the parcel.***

Owen Grumbling and Keith Fletcher of the Conservation Commission discussed the proposed acquisitions. The Yarid parcel is important for wildlife habitat and water quality and the seller would like to see it in conservation. It is between Route 109 and Meetinghouse Road and is accessed from the Eastern Trail. Hunting and fishing will be allowed, but trapping is prohibited by Town ordinance. By reducing runoff and filtering rainwater, the parcel contributes to the water supply for private wells and the Merriland River watershed. Article 1 authorizes the Town to enter into a Purchase and Sale agreement and obtain a survey. Article 2 concerns the purchase of the Mathews parcel which abuts the Fenderson Commons. A ROW will be granted to the Town to access the parcel. Article 3 concerns the purchase of the Bragdon Estate parcel which is next to Trailblazers. The family is requesting a ROW to access their land from Route 9.

Funding consists of \$190,000 in grants and \$346,000 from the Town's Open Space Reserve. Including the expected \$100,000 FY'21 addition to the Reserve, the total in the Reserve is \$382,773. Protecting the Merriland River watershed will mean cleaner water flowing through Wells Reserve and entering the ocean at the beaches which are so vital to our economy.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to 1) forward the warrant articles to the Budget Committee, 2) authorize the Town Manager to sign the P&S on the Yarid Parcel and 3) to proceed with the survey proposal by Post Road Surveying for \$8,100 from the Open Space Reserve Maintenance Reserve. Passed unanimously.

***i) Discussion, review and action on scheduling a Public Hearing on the 2020 Beach Parking Policy.***

The Beach Parking Pass Policy is reviewed annually and changes are proposed by the Parking Committee. We are looking into technology for issuing parking passes since we sell about 6,000 each year. The consensus was to conduct a workshop on March 3 rather than a public hearing.

***j) Discussion and action on scheduling a Public Hearing on 2020 Lodging Licenses.***

The licenses will be approved all at once and will be released individually once the fees are paid and any violations are corrected.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to schedule a public hearing on February 18, 2020 at 6 PM in the Littlefield Meeting Room, 208 Sanford Road, regarding reviewing and approving the 2020 Lodging Licenses. Passed unanimously.

***k) Discussion and action award the rebid on a lease Pickup Truck for the Facility Manager.***

The winning bidder was not able to follow through. Prime was unable to get the Tacoma, then increased the price for another truck. We rebid and recommend awarding it to Quirk for a 4x2 Silverado with a 39 month lease.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to award the rebid for a lease 4x2 pickup replacement truck for the Facility Manager to Quirk Chevrolet with a term of 39 months. Passed unanimously.

***l) Discussion and action on scheduling a Public Hearing on a Consent Agreement to resolve a Code Violation concerning building height between the Town and the Legasse Family.***

Motion by Mrs. Chase, seconded by Mr. S. Roche, to schedule a public hearing on February 18, 2020 at 6 PM in the Littlefield Meeting Room, 208 Sanford Road, regarding resolving a Code Violation concerning building height between the Town and Joseph B. Legasse and Jody L. Legasse. Passed unanimously.

***m) Discussion and action on scheduling a Public Hearing on a Consent Agreement to resolve a Town Beach Right of Way encroachment between the Town and \_\_\_\_\_.***

This item was tabled.

***n) Discussion and action on Updates, Personnel and Committee Assignments, Resignations and Issues.***

***1. Town Manager***

- a) Tom Signoretti has resigned from the Transfer Station
- b) K-9 Jagger has retired from the Police Department

***o) Discussion and action to accept donations and bequests.***

- 1. Receipt of \$313.00 from the Kindred Bunkies Red Hat Group to the Town of Wells for the Fuel Assistance Program Fund.

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

- 2. Receipt of \$10,120.00 from Fidelity Charitable and Forbes Family Foundation to the Town of Wells for General Assistance for Food and Fuel.

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

- 3. Receipt of \$5,120.00 from Fidelity Charitable and Forbes Family Foundation to the Town of Wells for Recreation Department equipment and sports programs.

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

***p) Discussion and action on approving minutes of January 21, 2020 Selectmen's meeting.***

Motion by Mrs. Chase, seconded by Mr. S. Roche, to approve the January 21, 2020 Selectmen's meeting minutes. Passed 4-0-1 with Mr. T. Roche abstaining.

***NEW BUSINESS***

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



Public comment was solicited and there was none.

2. **Town Manager's Report**

a) **Clothing Project**

We are participating again with the Epilepsy Foundation Winter Weed Out textile collection. Barrels will be at Town Hall and the high school during the month of February.

b) **CPU**

An orientation meeting was held last week. Selectmen S. Roche and MacLeod are the liaison members. The next meeting will be February 20. We have released the RFP for consulting services. We have budgeted \$50,000 for this year and have another \$25,000 in next year's budget.

c) **Polar Plunge**

The Sanford Boy Scouts would like to hold another Polar Plunge on March 7 at Casino Square. The public safety services will be on site as usual. The Selectmen approved the request.

d) **Parking Committee**


The Committee expects to complete their work next Tuesday and forward their recommendations to the Selectmen. Paving the beach lots was discussed but the Budget Committee did not approve the request. Wheel stops and outlining the parking spaces will probably be used this year. Our traffic engineer has designed traffic flows for the lots and designated drop-off spots. Mr. Ekstedt said that our police did a great job of enforcement last summer.

3. **Adjournment**

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

Respectfully submitted,

Accepted by,

  
Cinndi Davidson,  
Meeting Recorder