

SPECIAL SELECTMEN'S MEETING (ZOOM) - TUESDAY, APRIL 28, 2020

4:30 PM – Executive Session to discuss with the Town Attorney and the Design Build Contractor TPD Construction Co. terms and conditions of the Agreement for the proposed Fire Substation pursuant to 1 MRSA 406 (6) (E).

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

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

5:15 PM – Executive Session to discuss 1) a personnel matter pursuant to 1 MRSA 405 (6) (A) and; 2) the Fire Department Labor Contract Negotiation Issues with the Town Labor Attorney pursuant to 1 MRSA 405 (6) (D).

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

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

6:00 PM – SELECTMEN'S MEETING

Present via ZOOM: Chairman Karl Ekstedt, Selectmen Tim Roche, Kathy Chase, Sean Roche, John MacLeod, Fire Chief Mark Dupuis, Finance Director Jodie Sanborn, Town Attorney Leah Rachin, Social Media Consultant Brittany DiCapua

Present: Town Manager Jon Carter, Police Chief Jo-Ann Putnam, EMS Director Jim Lapolla

MUNICIPAL OFFICERS BUSINESS / PUBLIC HEARINGS

1. Town COVID 19 Update – Update from Town Manager on Town COVID 19 issues from last meeting and BOS continued discussion of Federal and State COVID 19 policies and directions.

a. Update on Governor Mills Orders

Today the Governor announced the re-opening of the State in 4 phases. This is the schedule as of today, subject to change as we see how the pandemic progresses. Businesses opening on this timetable must adhere to safety precautions, reservations, capacity limits, etc. Everyone in these establishments must wear a mask.

~Stage 1: The stay-at-home order was scheduled to expire April 28 and has been extended to the end of May. The Town's stay-at-home order lapses on April 30, but the Governor's takes precedence. There is some relaxation of the "essential businesses" that can be open. Now permitted are drive-in theaters, health care appointments with Maine providers, golf courses, hunting, fishing, boating with 5 or fewer customers, marinas, 30 state parks, historic sites (coastal sites remain closed), state owned public trails, personal services such as barber shops and hair salons, dog grooming, religious services (drive-in, stay in

your vehicle), retail/commercial, auto dealerships and car washes—all open as of May 1 provided they comply with the state regulations for COVID 19 precautions.

~Stage 2: Our order re: lodging closing expires May 15, but the Governor's extends through May 31. In June restaurants can open, lodging can open to Maine residents and out-of-state visitors who have met the quarantine guidelines, camp grounds and RV parks open to Maine residents and out-of-state visitors who have met the quarantine guidelines, children's summer camps, coastal state parks with some services, personal services, fitness and exercise gyms, nail technicians, all retail businesses.

~Stages 3 & 4: July and August: Bars serving drinks, hotels, camps and RV parks open for Maine residents and visitors, charter boats with fewer than 50 people, state park campgrounds, personal services (spas, tattoos, massages, piercing).

Our lodging order is: closed through May. The Governor's stay-at-home order is through May.

b. Short term Rental registration Program – Presentation

We had a second presentation on the Host program that Portland and South Portland are using. As of April 1 we had 566 of these units and there are probably more now. The Town Attorney is drafting an ordinance for a public hearing on May 12. We need to know where these units are and how they are operated. The cost to subscribe to this program is about \$40-60 per parcel and there is a 10% discount if we sign a 3 year agreement.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to schedule a public hearing at 6 PM on May 12, 2020 in the Littlefield Meeting Room and/or by ZOOM Meeting to consider an ordinance entitled "An Ordinance to Amend Chapter 150 (Licenses and Permits) of the Code of the Town of Wells to Require Licensing of Short Term Rentals" and to authorize the Town Manager to sign the Public Hearing notice. Passed unanimously.

c. Re-opening the Community discussion of concerns and ideas from the business community

The overwhelming response from the business community is to take our time and reopen slowly and carefully and be able to stay open. They don't want a flare-up of the virus and have to close again. Businesses that aren't Chamber members can comment via e-mail or FaceBook. The Town managers from York County and the coastal New Hampshire communities meet via ZOOM to manage re-opening the beaches. One issue is that the Maine towns decide individually while the New Hampshire governor issues the order for all their beaches.

Re-opening Town facilities:

We are planning sanitation protocols and installing plexi-glass shields at workstations. Cyro is giving us a generous donation of plexi-glass. A staging tent was purchased for the back door. Based on the number of people allowed per square foot we are quite limited at Town Hall: 2 people in the General Office, 1 person in the Code Office, 1 person in the Town Clerk's Office, 1 person in the Assessor's Office. We plan to have people go on line and schedule their appointments at Town Hall, Also, we will make as many services as possible available on the Town web site so people don't have to come into the building. There are 4,200 car registrations that expired from late February into May. People can mail their renewals or use

the drop box in the parking lot near the side door. The box can also be used for tax payments, business licenses and applications. The Library is limited to 15 people at a time and will probably have to set time limits for patrons. We are also working with the Recreation Department and Harbor. We are ordering PPE and other supplies for the employees at Town facilities and will orient them on safety procedures. We want them to feel safe and comfortable when they return to their work sites. A re-opening date hasn't been set yet.

Ms. Sanborn said the beach sticker program is being automated. Only credit cards will be used (no fee to the user) and the stickers will be mailed in May.

d. Update COVID 19 – We Are Wells Fund

Ms. DiCapua reported that the fund balance is \$5,153.

2. Good News

Mrs. Chase asked if we can reopen the parking lots so people can sit and park at the beach. Parking will be allowed after May 1. Mr. Ekstedt said our policy should be consistent with the other towns. Ms. Rachin said the Governor hasn't issued an executive order yet; the order will apparently be released Thursday and she suggested waiting before we open the parking lots. Chief Putnam said she would like clarification about enforcement.

At the Selectmen's meeting next Tuesday there will be an update on opening Town Hall and our other facilities. Lodging is closed through May 31 by the Governor's order which supersedes the Town's order of May 15. If people come up to their own house, it requires 14 days of quarantine. For a licensed lodging facility based on density, it is subject to the orders and people cannot come up. Mrs. Chase reviewed the history of the Town's growth moratorium. When there was a limit on building year round residential properties, people applied for seasonal commercial permits then sold the units as condos. People who bought the condos rented them out. Anything other than lodging facilities was illegal on those sites because of the density.

Thank you to Alfred Robertson, our former seasonal worker, for building 4 beautiful picnic tables for Harbor Park. They look wonderful and the Harbor Advisory Committee is very grateful.

3. Open to the Public

~When can seasonal owners come back, do they have to quarantine, when do lodging facilities open?

The Governor is considering extending her stay-at-home order to May 31, including lodging. We are looking to reopen lodging in June. Campgrounds might reopen July 1; this still has to be worked out. The Governor's press conference ended at 4:30 and there are many questions about lodging, campgrounds, safety precautions and quarantines. If you want to quarantine in your facility or campground, it must be "arranged by the state." The June 1 opening for Maine residents is for people who already quarantined. July and August are for visitors. Mr. Carter said it is premature to clarify this, and we should wait for the next executive order. The Governor's definition of lodging facility is broader than the Town's; it includes Airbnb's, RV parks and camping facilities.

~Is there a refund on real estate taxes if people can't come up and use their units?

No. For refunds on time share rentals and condo fees, people should check with the association.

~The definition of a Maine resident is spelled out precisely in the ordinance, as opposed to someone who lives here part time.

~Can people come up and do repairs, yard work, etc.? No.

~Parking at the beach? This will be reviewed next Tuesday when we have more direction. The beaches are still closed and there is no stopping in the parking lots. The towns are working together to plan safe re-opening of the beaches. Opening the beaches just to residents might be difficult to manage.

~When are masks required? There is no order from the Governor yet. Masks should be worn inside or outside whenever it is hard to distance from others.

~How will enforcement of quarantine be handled? Enforcement is difficult. We hope people will comply. The CDC is working on contact tracing.

~Will the RV park and campground owners be reimbursed for lost income? Senators King and Collins and the SBA have information for business owners.

~Will the beaches be cleaned while they are closed? The PWD is putting the mats out on the right-of-ways with spotters watching for the piping plovers. We have had several storms and more are coming; beach cleaning is an ongoing process. It is illegal to remove seaweed; it has to be put back into the ocean.

Is there a list of all lodging facilities in Maine? Check with the Bureau of Tourism in Augusta and the Campground Association of Maine.

~How can people pay real estate taxes? There is a link on the Town web site. The system we use is InformME which accepts credit card payments with a 2 ½% fee for the third party processor. People can also pay by mail.

CURRENT AGENDA ITEMS

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

a) Discussion and action on accepting \$15,000 for a trade in value for Public Works truck 1. Also present via ZOOM: PWD Carol Murray.

This is a GMC 10 wheeler that we used to plow Route One. It is so old that we can no longer get parts and it barely passed inspection. We have replaced it with a 6 wheeler purchased from Daigle & Houghton, and they are offering us a trade in at \$15,000. Ms. Murray said the trade in offer is very generous, and the replacement truck is performing well.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to authorize the Town Manager to trade in the 2005 GMC 10 wheeler to Daigle & Houghton for \$15,000 and to place the funds in the PWD CIP Equipment Reserve 0701. Passed unanimously.

b) ***Discussion and action to proceed with the “Notice to Proceed” with TPD Construction Co. on the preliminary shop drawings for proposed Fire Sub-station and to prepare the Construction Agreement for signing.***

TPD Construction was the low bidder. We are ready to proceed with preliminary shop drawings and the construction agreement.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to authorize the Town Manager to sign a “Notice to Proceed” with obtaining preliminary shop drawings and other preparations for the Fire Sub-Station at a cost not to exceed \$5,500 and to prepare the Construction Agreement for signing. Passed unanimously.

c) ***Discussion and action on accepting a Fire Pond Easement from Webber Ridge Phase 2 off the Green Road.***

This subdivision was approved by the Planning Board in 2019 with the requirement for an on-site fire pond. The developer is nearing completion of the pond and the Fire Department must test and approve it. The developer must grant an easement to the Town to access and use the pond. The easement will be signed and recorded once the Fire Chief certifies the fire pond.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the fire pond easement from Paul Hollis in his Webber Ridge Phase 2 Subdivision and authorize the Town Manager to sign it on behalf of the Board of Selectmen. Passed unanimously.

d) ***Discussion and action on accepting the MMA Ed MacDonald Safety Enhancement Grant Program awarded to the Wells Library for replacement of 17 Smoke Detectors in the amount of \$1,265.30 representing two thirds of the project cost.***

Library Director Cindy Appleby applied to the Maine Municipal Association for a grant to replace the smoke detectors. The grant request has been approved up to \$1,265.30 for 2/3 of the cost.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to accept the grant of \$1,265.30 for the Library. Passed unanimously.

e) ***Discussion and action on scheduling a joint public hearing with the Budget Committee on “An Ordinance to Authorize Issuance of Bonds in Principal Amount of up to \$4,500,000 to Fund Road, Bridge and Seawall Infrastructure Repair and Improvement Projects” and submission of the Ordinance to the July 14, 2020 Town Meeting.***

The projects include the Drakes Island Bridge, seawalls at Casino Square and Webhannet Drive, Pine Ledge Road and Swamp John Road. We prefer to bond the work now rather than wait for the November ballot.

Motion by Mr. S. Roche, seconded by Mr. T. Roche, to schedule a joint public hearing with the Budget Committee for May 12, 2020 at 6 PM in the Littlefield Meeting Room, 208 Sanford Road, Wells and/or via ZOOM on “An Ordinance to Authorize Issuance of Bonds in Principal Amount of up to \$4,500,000 to Fund Road, Bridge and Seawall Infrastructure Repair and Improvement Projects” and submission of the Ordinance to the July 14, 2020 Town Meeting. Passed unanimously.

f) ***Discussion and action on scheduling a joint public hearing with the Planning Board on an amendment to Chapter 145 (Land Use Ordinance) to allow for the relaxation of Closing and Opening times for seasonal lodging facilities as the result of the COVID 19 Pandemic shortening the 2020 season.***

Opening and closing times are covered by the Land Use Ordinance and the easiest way to change them is with an amendment to Chapter 145 at the July Town Meeting. Ms. Rachin has prepared a draft document and asked for clarification of the new dates; staying open later in Fall 2020 and opening earlier in Spring 2021. This will be discussed at the May 1 meeting.

Motion by Mr. S. Roche, seconded by Mrs. Chase, to schedule a joint public hearing with the Planning Board for May 12, 2020 at 6 PM in the Littlefield Meeting Room, 208 Sanford Road, Wells and/or via ZOOM on an amendment to Chapter 145 (Land Use Ordinance) to allow for the relaxation of Closing and Opening times for seasonal lodging facilities as the result of the COVID 19 Pandemic shortening the 2020 season. Passed unanimously.

g) ***Update, discussion and action on seawall condition adjacent to Webhannet Drive from the Lobster Pound at 321 Webhannet Dr. to 337 Webhannet Dr. and to restrict the truck weight limit as allowed under Chapter 212.4 of the Code of Ordinances to no greater than 23,000 lbs. between Gold Ribbon Drive to Eldridge Road. Also present via ZOOM: PWD Carol Murray.***

Structural engineers Dubois and King inspected the wall and found it cracking and pulling away. There is a secondary wall behind it. Ms. Murray said the road is not unsafe, but heavy trucks can cause further damage. Cost of the repair will be covered by the FEMA settlement from the storm damage 2 years ago. We pay up front and FEMA will reimburse us. Mr. Ekstedt asked about notification to truck drivers. There will be sign boards and a notice on the Police Department FaceBook page.

Motion by Mr. S. Roche, seconded by Mrs. Chase, to restrict the truck weight limit as allowed under Chapter 212.4 of the Code of Ordinances to no greater than 23,000 lbs. on Webhannet Drive between Gold Ribbon Drive and Eldridge Road until further notice when the damage to the seawall is assessed and repaired. Passed unanimously.

Chief Putnam noted that oil deliveries and other essential services are allowed.

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

None.

i) Discussion and action on accepting donations and bequests.

1. \$200.00 donation from Kevin and Leslie Krebs to the Town of Wells for the COVID-19 “We Are Wells” Fund.

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

j) Discussion and action on approving minutes of April 21, 2020 Selectmen’s meeting .

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the April 21, 2020 Selectmen’s meeting minutes. Passed unanimously.

NEW BUSINESS

1. Open to the Public

~Why are we working with the other towns on reopening the beaches? Mr. S. Roche said we have to work with them. If we acted alone on reopening it would be a disaster. This is about public safety and doing the right thing for our community. We aren’t destroying the economy; we are following the Governor’s guidelines and more orders will come out Thursday.

~Mr. MacLeod said that rights come with responsibilities. The beach closing came about because there was a lovely spring weekend in the middle of a pandemic/ shut down and people rushed up here to the beaches. The travel ban on non-essential business was imposed by the Governor. We would love to open the beaches and restaurants but right now it isn’t safe.

~Please clarify the lodging definition. We will post it on our web site and FaceBook.

~A Hannaford employee was given a plastic shield. Does this meet the Governor’s requirement for a face mask? Requirements are posted on the State’s web site.

~Beach parking stickers are \$40 this year for taxpayers. They will not be pro-rated for the short season and we do not issue refunds if they aren’t used. Orders are being taken by mail and the fulfillment system. Stickers will be mailed to purchasers until Town Hall reopens.

~Can I kayak? You can launch it at the boat launch off Harbor Road starting May 1.

~How do I obtain a marriage license? There is a form on our web site to fill out and submit to the Town Clerk. She will make arrangements with you.

~Is there an extension for real estate taxes? Second half taxes were due April 11. We are waiving interest until June 26.

~The steps at Crescent Beach are dangerous. We put in metal steps each year. They are scheduled to go in next week. We take them out each winter because of the heavy storms.

~Public Way #4 needs a beach mat. The ROW is also used to access a private house’s driveway. Ms. Murray will check into it.

~Is there a link for small businesses in trouble? Senators King and Collins and the SBA are working on this and are aware of all the programs.

~If your house is directly on the beach (i.e. Moody, with the private beach), you can walk on the beach.

2. ***Town Manager’s Report***

~We are working with ACOE and the State about the Currituck. We hope to have it here this summer.

~Mr. T. Roche thanked Chief Dupuis and Chief Putnam for their salute to a local resident who is a nurse at Massachusetts General.

Five veterans at the Scarborough Home died in one day due to the virus. Mr. Roche said the flags should be at half-mast for them. Rolling Thunder did a drive by at the home to honor the residents.

~Mr. MacLeod reminded everyone about the importance of civics. Reach out to our elected representatives and make your voice heard.

3. ***Adjournment***

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

Respectfully submitted,

Accepted by,



Cinndi Davidson,
Meeting Recorder

