

## ***SELECTMEN'S MEETING (ZOOM) - TUESDAY, JUNE 16, 2020***

***4:15 PM Executive Session— Executive Session to discuss 1) a personnel matter pursuant to 1MRSA 405 (6) (A).***

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.

***4:45 PM Workshop: Interviews of applicants for Lodging Facility Advisory Committee***

***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, Town Attorney Leah Rachin, Social Media Consultant Brittany DiCapua***

***Present: Town Manager Jon Carter, Police Chief Jo-Ann Putnam, EMS Director Jim Lapolla, Town Engineer/Planner Mike Livingston, Harbor Master Mike Yorke, Finance Director Jodie Sanborn, Code Enforcement Officer Jodine Adams***

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

#### ***1. FY'21 Town Meeting and Budget Informational Hearing-video***

The video will be aired after the meeting adjourns.

#### ***2. Joseph Ryan, dba: Feile' Restaurant & Pub, 1619 Post Road, Wells, application for a Special Entertainment Permit. (R/N)***

The Town has received e-mails complaining about noise from the entertainment and outside dining. Mr. MacLeod and Mr. T. Roche said that the current language in our noise ordinance is too vague and should include decibel levels. Mr. S. Roche said it isn't fair to the police officers to try to enforce an ordinance that isn't science based.

Public comment was solicited.

~Several Lindsey Green residents discussed problems with the noise level – an amplified sound system late at night, trying to hold a conversation, watch TV or put their children to sleep. The condo association has had discussions over the years with the owner of Feile' and of the previous establishments at that location. The Board was asked to hold a workshop on noise.

~Feile' owner Joseph Ryan responded to the comments. He uses a meter at his Kennebunk pub and keeps the decibel level within town limits. Wells does not have a decibel limit in the noise ordinance. He would

like to resolve this peacefully with the neighbors. Mr. MacLeod said it would be interesting to compare the decibel levels for the music and the Route One traffic, and Mr. Ryan said he will check it. Mrs. Chase asked if the music would be moving inside now. The music on the deck is temporary and ends at 9:30; he is moving it inside now that the restaurant can reopen. When the permit for adding the deck was issued, it was understood that the music would stop by 9:30 and would not be amplified. Mr. S. Roche said that buyers should be aware when they buy a residence next to a business. The consensus was that this is a longstanding business in a commercial zone and the music is not new. Other establishments are granted permits for entertainment and Mr. Ryan should be allowed to run his business. There is a fence between Lindsey Green and Feile' which serves as a buffer. Mr. Ekstedt said that outside music during the day and inside music at night was a reasonable accommodation. The Town has addressed the question of a noise ordinance in the past and it was never finalized. Mr. Carter will put the topic on the July 6 agenda.

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

### **3. COVID 19 Update:**

#### **a. – 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.**

We have worked with several facilities for outside dining. Restaurants will open tomorrow for inside dining. Absentee voting is strongly recommended for July 14. Ballots can be ordered on line and will be mailed to you. Our polling site will be designed for safety and CDC compliance. The beach restrooms will open for the weekend and our cleaner has a protocol. The playgrounds are opening. Concerts at Harbor Park will begin July 4. Cpt. Chabot is working on a grant request for \$137,000 from the State for educational materials, beach ambassadors and new signage to help with CDC compliance.

#### **b. Update on Governor Mills Orders- Request to Tourist Municipalities to assist with different aspects of the amended plan.**

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

- i. Discussion on re-opening -**
- ii. Coastal Community Collaboration**
- iii. Update on Town Facilities Re-opening**

#### **d. Update COVID 19 –We Are Wells Fund**

The live auction will be held at 8 PM Thursday, June 18 via Facebook. There are 125 baskets to be raffled and \$24,000 has been raised so far. Proceeds will help our local businesses.

### **2. Good News**

~Mr. T. Roche and Wells High School principal Eileen Sheehy thanked all the departments—Police, Fire, WEMS and the Town Manager-- for assisting with the Project Graduation Tribute Parade. Thursday night the class went to the Saco drive-in and watched the video of all the week's events. Mr. Ekstedt recognized Mr. and Mrs. Roche for serving as the class advisors for the Class of 2020.

~Harbor Master Mike Yorke was recognized for assisting a gentleman who had an engine fire on his boat. Once the fire was out Mr. Yorke towed the boat back to the harbor, just before a thunderstorm came through.

~WEMS and the Fire Department partnered on a difficult rescue at Eastern Shore.

~Chief Putnam received a thank you note from the owners of a cat that got stuck in a hole. It took the Fire Department and Animal Control Officer 2 ½ hours to free Dottie without harming her and without damaging the kitchen.

~A resident wrote about several encounters with the Wells Police and how kind and professional they were.

~Mr. Carter corrected an error he made several weeks ago regarding the negotiations between the Police, Fire and WEMS on resolving emergency calls. He apologized to Mr. T. Roche, Ms. DiCapua and the Selectmen for asking to have questions about the negotiations held. Negotiations were underway then, and now there is a positive outcome. Mr. Ekstedt and Mr. T. Roche also apologized.

### **3. *Open to the Public***

~What is the permit time for Feile'? He has a year round permit for indoor music. Outdoor music has to end at 9:30. The owner said he is bringing the music inside.

~The CDC is allowing pools to reopen. People have to social distance and follow the rules.

~We have asked the Commissioner to clarify testing and quarantining for people who come up each weekend. It appears that people need to be tested each time they come up, otherwise quarantine while they are here. Our recommendation is to call the Governor's office for clarification.

~Restrooms are opening Thursday and we plan to keep them open for the season.

~The trolleys will not be running this year.

~People coming to campgrounds will have to quarantine or provide a negative test report.

~The Library is open for curb-side pick-ups. The State Library Association is working out ways to reopen the buildings safely, limit the number of users and clean materials that people have touched.

~Handicap beach chairs are available through the Fire Department.

~Visitors from VT and NH are not required to quarantine or test. For other states, you must have a negative test within 72 hours of your visit.

~Absentee ballots can be requested on line and will be mailed to you. The State sends e-mail confirmations and you can enter your code number to get a status report.

~You need an appointment to register a new vehicle.

~Building permits can be requested on line. Paperwork can be left in the green box by the side door.

~Finance Director Jodie Sanborn reported that we have issued 3,140 beach stickers and 53 mooring permits. We are currently out of stickers; you can order one on line and print a temporary pass for your vehicle. Registration renewals can be handled on line; we have processed an additional 730 since the last Selectmen's meeting. The Governor and Selectmen have set July 11 as the deadline for renewing expired registrations. Appointments are already booked one week out and people shouldn't wait until the last minute to schedule.

~Do people have to show test results each time they check in? The test can't be older than 72 hours. Guests have to sign a certificate that their test was negative.

~Will there be sidewalks on Branch Road? It is not part of our sidewalk plan.

### ***CURRENT AGENDA ITEMS***

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

There is a Warrant dated June 16, 2020 with expenses of \$599,041.57, school payment of \$1,683,284.00, net payroll for the week ending 6/4/2020 in the amount of \$90,664.00, net payroll for the week ending 6/11/2020 in the amount of \$90,151.85, and FICA, Medicare, state and federal withholding taxes filed electronically in the amount of \$74,727.90 for total expenses of \$2,537,869.32.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the Warrant dated June 16, 2020 in the amount of \$2,537,869.32. Passed unanimously.

There is a General Assistance Warrant dated June 16, 2020 in the amount of \$800.00 from the We Are Wells Fund.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve and sign the General Assistance Warrant dated June 16, 2020 in the amount of \$800.00. Passed unanimously.

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

***a) Presentation, discussion and action to approve and authorize the Harbor Master and Town Manager to submit an Economic Development Administration grant application for 2018 disaster relief funds for equipment to undertake annual mooring basin dredging and beach replenishment with a garage to house the equipment. And to proceed to file Federal and State environmental permits to allow the mooring basin dredging.***

Mr. Yorke has been working with SMPDC and EDA to obtain funds left over from the 2018 storm recovery and buy the equipment. We will be able to permit the project and stockpile the sand until it goes on the beach. The grant will be for \$475,000 and will allow us to do ongoing maintenance of the harbor mooring basin without depending on ACOE and having to remove the moorings each time. At present there are 41 moorings that can't be used. We will need our engineering company to apply for a NERPA environmental permit. Mr. S. Roche thanked Mr. Yorke for his creative approach to addressing problems

at the harbor. The next steps will be to apply for the grant to cover the equipment and garage and to identify an appropriate engineering firm.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to have the Board of Selectmen authorize the Harbor Master and Town Manager to file the EDA grant application for dredge equipment and equipment storage facility and to file the necessary Federal, State and local permit applications for the work. Passed unanimously.

**b) *Discussion and action on awarding a proposal for historical rehabilitation work on the 1710 House.***

We have been reserving funds to maintain the historic property next to Town Hall and preserve it as a museum. CEO Jodine Adams reviewed the work needed including repairing the cedar shingles on the roof, removing the mud room that was added later, replacing the siding and windows, and removing some trees that are damaging the roof.

The following quotes were submitted:

North Shore Construction	\$18,950
U.S. Site Solutions	\$39,488 for porch and roof work, \$9,187 for siding

Motion by Mrs. Chase, seconded by Mr. S. Roche, to award the historical rehabilitation work for the 1710 house to North Shore Construction Inc. for the price \$18,950.00. Passed unanimously.

**c) *Discussion and action on releasing the bid for municipal land on Route 109.***

Town Engineer/Planner Mike Livingston discussed our effort to sell the land on Route 109 we had considered for the Fire Substation. Town Meeting allowed us to sell the land but we didn't receive any bids. An MDOT entrance permit has been approved for one location serving up to 5 lots on the 14.49 acre parcel. Prospective developers were concerned about the significant vernal pool and required buffer. The recommendation is to rebid at \$180,000 and for the Town to keep the portion with the vernal pool as conservation land adjacent to Meetinghouse Road. Mr. S. Roche and Mr. MacLeod felt that the price should be kept at \$200,000 because the Town obtained the driveway permit.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to release the bid on the municipal land on Route 109 and set the minimum bid accepted at \$200,000. Passed unanimously.

The motion was revised by Mrs. Chase, seconded by Mr. S. Roche and passed unanimously, to remove up to 5 acres of land with the vernal pool which will be retained by the Town for conservation.

**d) *Update, discussion and possible action on the status and need for replacement of the Newhall Road planking bridge. Also present via ZOOM: PWD Carol Murray.***

This is a plank bridge that can no longer be repaired and must be replaced. The load has been reduced to 3 tons. It is still safe for emergency apparatus but the logging trucks are a concern and plowing next winter could be challenging. Jersey barriers are in place to keep vehicles away from the side that would probably fail. Complications include: maintaining access for the family during construction, protecting the trout

spawning stream, and moving the power lines. The State has no temporary structure they could loan us, but may have some steel available. Our engineer Jim Hall advised posting the bridge for 3 tons and placing the jersey barriers. Ms. Murray estimates \$100,000 for a temporary bridge and \$200,000-250,000 for the structure. The grant application can be submitted to DEP (because of the trout stream) as of September 1. There is some discussion in Washington about funding for infrastructure, which we will try to obtain.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to proceed with the development of plans for a replacement system for the Newhall Road bridge over the Green River. Passed unanimously.

e) ***Discussion and action on award of the 2020/21 Pavement Bid.***

Two bids were received:

Libby-Scott Inc.	\$981,376.00
All States Asphalt Inc.	\$1,075,550.00

The completion date for the paving is October 16 and the contractor will supply the gravel, which will spare the Town from using our personnel and equipment and maintain our gravel supply.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to award the 2020 paving bid to Libby-Scott Inc. for the bid price of \$981,376.00. Passed unanimously.

f) ***Discussion and action on awarding the second year renewal option of the Town's Heating Fuel Bid to Downeast Energy.***

Downeast Energy has presented contract options based on last season's consumption. Mr. Carter recommended accepting the fixed prices, as the prices are low now but starting to increase.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to award the FY'21 Heating Fuel Bid (Oil, Propane and Kerosene) to Downeast Energy for the Propane fixed price of \$1.0490 per gal., Oil fixed price of \$1.6590 per gal., and Kerosene fixed price of \$1.9990 per gal. Passed unanimously.

g) ***Discussion and action on certifying the 2020 Warrant and Notice of Election calling for the Wells – Ogunquit Community School District #18 Budget Validation Referendum. 3***

Motion by Mrs. Chase, seconded by Mr. T. Roche, to certify the 2020 Warrant Notice of Election calling for the Wells – Ogunquit Community School District #18 Budget Validation Referendum. Passed unanimously.

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

1. Town Manager—None
2. Selectmen
  - i. Appo
  - ii. intments to the Wells Lodging Facility Advisory Committee:

1 Selectman - Sean Roche  
1 Planning Board Member - Bob Sullivan  
3 Residents 1) Sharon Meyers 2) Ron Collins 3) Scott DeFelice  
5 Lodging Industry Representatives 1) Derry Downey 2) Irene Crocker 3) Katheryn Kelly 4) Demetria McKaig 5) Ronald Avery, Sr.

Motion by Mrs. Chase, seconded by Mr. T. Roche, to appoint the above-named individuals. Passed unanimously.

Motion by Mrs. Chase, seconded by Mr. S. Roche, to reappoint Mary Marra as Democratic Alternate Member to the Voter Registration Appeals Board, term to expire June 2023. Passed 4-0 (Mr. MacLeod not voting)

Motion by Mrs. Chase, seconded by Mr. S. Roche, to reappoint Robert Zitzow as Republican Alternate Member to the Voter Registration Appeals Board, term to expire June 2023. Passed 4-0 (Mr. MacLeod not voting)

Motion by Mrs. Chase, seconded by Mr. T. Roche, to appoint Jessica Keyes as Warden for the Presidential Primary, Special Referendum and Annual Town Meeting Elections on July 14, 2020. Passed 4-0 (Mr. MacLeod not voting)

Motion by Mrs. Chase, seconded by Mr. MacLeod, to appoint Kerri Van Schaack as Deputy Warden for the Presidential Primary, Special Referendum and Annual Town Meeting Elections on July 14, 2020. Passed unanimously.

i) *Discussion and action on accepting donations and bequests.*

1. \$100.00 Subway gift card donation from Terry Patterson to the Wells Police Department.

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

2. \$100.00 Subway gift card donation from Terry Patterson to the Wells Fire Department.

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

3. \$143.98 donation from the Library Board of Trustees to the Wells Public Library for LRP Survey Materials.

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

4. \$250.00 from Jaqueline Danner to the Town of Wells 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 donor. Passed unanimously.

5. \$5.99 donation from Alton Ioerger to the Wells Public Library for purchase of Self-Published Book.

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

6. \$4.99 donation from MobileCause to the Town of Wells.

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

7. \$250.00 from Stephen LaPlante to the Wells Public Library for purchase of certificates to be used for prizes for their summer reading program.

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

j) *Discussion and action on approving minutes of June 2, 2020 Selectmen's meeting.*

Motion by Mrs. Chase, seconded by Mr. T. Roche, to approve the June 2, 2020 Selectmen's meeting minutes. Passed unanimously.

## ***NEW BUSINESS***

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

~ Why was hard pack gravel put on ROW 4? There is a deeded driveway to a house and it needs a hard surface from Atlantic Avenue to the house so his vehicles don't get stuck. The Board received requests for harder material from the driveway to the seawall for easier walking to the beach. Ms. Murray said a mat wouldn't work there because of the driveway.

~When will the jetty public way be open? Probably in a couple of weeks. The eggs have hatched and the birds will be moving down to the beach for their food supply. Once the nest is empty a mat will be put down and the public way will be open.

~Will there be lifeguards at the beach this summer? We have a full complement, they are drilling and doing protective work. Great job!

~Mr. T. Roche clarified the COVID testing and lodging facilities. The facility doesn't look at the test. Guests sign and certify that they tested negative, but don't have to show the test reports.

~How will the lifeguards be protected? People are expected to social distance on the beach. The lifeguards are out in the open. They will receive some training about handling rescues.

~Once the Board adjourns and goes off the air there will be a half hour video on the budget informational hearing. If anyone has questions after watching the video they will be addressed at the next meeting.



~Bathrooms at the beach will be open as of this Thursday.

**2. Town Manager's Report – 1) Household Hazardous Waste Collection - August 29, 2020  
8AM- 1PM Kennebunk Solid Waste Facility on Sea Road**

We will participate with Kennebunk, Kennebunkport and Arundel. When the list of materials is available it will be posted on our web site.

**3. Adjournment**

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

Respectfully submitted,

Accepted by,

Karl Christoff

T. Roche

M. M.

Kathleen D Chase

Cinndi Davidson

Cinndi Davidson,  
Meeting Recorder

