

**Winthrop Town Council Meeting Minutes**  
**Regular Town Meeting**  
**Monday, September 13, 2004**  
*Winthrop Town Office*

- **The meeting was called to order at 7:03PM by Chair Kevin Cookson.**

- **Roll Call**

Council Members Present: Kevin Cookson, Patrice Putman, David Rheaume, Jim Norris, Jayne Despres, Bill MacDonald, Linda Caprara

Others present: Cornell Knight (Town Manager), Sue Thomas, David Smith (Director of Public Works), Sandy Smith, Anthony Cartonio, Richard Guerette, Ray Giandrea, Roger Guerette, Harold Burnett, Susan Burnett, Jay Lindsay, Ken Buck, David Dyer, Linda Dyer, Bob Pelletier, Lisa Frost (Secretary) and approximately 15 citizens

- **Ordered that the Winthrop Town Council meet to consider the following items:**

- **Minutes of August 2, 2004 & August 23, 2004**

MOTION by David Rheaume, seconded by Bill MacDonald to approve the minutes of August 2, 2004 and August 23, 2004. Discussion: None. VOTE: 7-0.

MOTION by Jayne Despres, seconded by Jim Norris to move Item #139 as the next item on the agenda. Discussion: None. VOTE: 7-0.

- **Item #139 Consider Resolution #80 regarding the Tax Cap referendum question on the November 2 ballot.**

Town Manager Cornell Knight prepared the Resolution from MMA in opposition of the Palesky Tax Cap Referendum, as voted on and requested by the Town Council at the last meeting. In addition, a Question & Answer draft was prepared by the Town Manager. Lastly, Mr. Knight asked the Town Council to consider a question on the November Ballot to vote on existing debt as the wording is in the law. The School's debt was not done at a General Election (in November), it was done at Special Election. The Town's debt is on Town Council vote and not referendum vote. All debt payments must be included in the 10-mil cap while referendum debt and debt at Special Elections may be added. For the Town of Winthrop, it is \$2. Therefore, the mil rate would be 12 mils, instead of 10 mils if the Palesky Tax Cap should pass.

Chair Kevin Cookson asked if there were any discussion on where this information would be published and would the school be adding to it. Town Manager Cornell Knight said the School Board is meeting Wednesday at 5PM for a workshop to specifically address their cuts. It will then be added to what Mr. Knight has prepared. Essential Programs & Services will also be added. The information will be distributed through the Town's website, to local stores, and through Town Council Members. Mr. Knight is speaking at Rotary Club, the Catholic Men's Club and it will be published in the advertiser. Councilor Jim Norris offered to spend a Saturday at the Transfer Station to distribute information to citizens.

Councilor Jayne Despres expressed concern that some people do not know anything about this question. Councilor Despres reviewed an article from *AARP*, which stated its opposition to the Palesky proposal.

*MOTION by Jayne Despres, seconded by Patrice Putman to approve Resolution #80 regarding the Tax Cap referendum question on the November 2 ballot. Discussion: David Rheaume disagreed with the way the Resolution was written and stated he would be voting against it. Mr. Rheaume reviewed the statements he disagreed with.*

Chair Kevin Cookson asked if the audience had any questions regarding the Palesky Tax Cap. Jay Lindsay asked what the projected reduction in revenues would be for Winthrop. Town Manager Cornell Knight stated expenses would need to be reduced by 3.6 million - the school will need to cut expenses by 2.4 million and the town by 1.2 million.

Councilor Jim Norris stated he was a supporter of consensus and asked David Rheaume what it would take for him to vote for Resolution #80. Councilor David Rheaume stated he couldn't support the way it is written. Mr. Norris felt the Council was sending a mixed message by voting unanimously against the tax cap but not for the Resolution. Jim Norris said he might support an amendment to the Resolution.

The Council reviewed changes to the Resolution to include: Paragraph 3: insert "may" before "violate Maine's Constitution....."; Paragraph 4: delete "even when calculated most favorable given its constitutional flaws"; Paragraph 5: delete "irresponsible"; Paragraph 6: "May result in" replaces "will be both"; Paragraph 7: "is concerned the state could not adequately..." replaces "does not believe the State could adequately.."

*MOTION by Bill MacDonald, seconded by Jayne Despres, to approve the amendments as discussed. Discussion: None. VOTE: 7-0.*

*MOTION by Jim Norris, seconded by Jayne Despres, to approve Winthrop Town Council's Resolution #80, as amended. Discussion: None. VOTE: 7-0.*

□ **Item #130 Consider bids for the John Deere 310B Backhoe**

A total of seventeen bids were received. David Smith, Director of Public Works and Anthony Cartonio were present to answer any questions regarding the John Deere 310B Backhoe. Councilor David Rheaume asked Anthony how much useful life the Backhoe had. Anthony stated it was not running and had no power. Repairs would total \$4300-\$4400 including a new fuel injection pump, new or manufactured head, 14 hydraulic hoses, hydraulic outriggers and replacement of the posts which have started to spider crack.

Chair Kevin Cookson asked about putting in a rebuilt engine. Anthony stated the backhoe would run, but it would not cover safety issues. Anthony stated it was better to sell instead of putting "\$2,000 band aids" on it.

Councilor David Rheaume said it was nice to meet Anthony and complimented him on the good things he does. Chair Kevin Cookson thanked Anthony for the signs and other work.

Citizen Ken Buck asked for the total to fix the Backhoe. It was \$4300-\$4400 not including hydraulics, cracks and hoses.

*MOTION by Patrice Putman, seconded by Jim Norris, to approve Michael Wilson's bid of \$5,410 for the John Deere 310B Backhoe. Discussion: None. VOTE: 7-0.*

□ **Item #131 Consider a furnace replacement at the Town Garage**

An estimate was received from Winthrop Fuel Company, Inc. to replace the furnace at the Town Garage. Dick Guerette, Winthrop Fuel Co, stated the Town Garage Furnace did not pass inspection for its annual maintenance. It has a cracked heat exchanger and carbon monoxide can enter into the duct. Therefore, it was condemned because of the health issue. It cannot be welded without the permission of the manufacturer, which went bankrupt. The furnace is 10-15 years old and has already been rebuilt. In addition, ductwork does not meet State Law guidelines and will be more efficient with the new design.

*MOTION by Linda Caprara, seconded by David Rheaume to approve the purchase of a new furnace from Winthrop Fuel Co, In., for \$7790, to replace the current furnace, including ductwork. Discussion: None. VOTE: 7-0.*

□ **Item #132 Hold a public hearing on the amendment to the town's Pine Tree Zone regional application**

Chair Kevin Cookson opened the public hearing at 7:43PM.

Town Manager Cornell Knight stated it was an amendment to the Pine Tree Zone regional application to connect a spaghetti strip lot from the Industrial Park to Monmouth and Tex Tech Industries, so Tex Tech Industries could benefit from Pine Tree Zone benefits.

Ken Young, Director of KVCOG reviewed Pine Tree Development Zones Tax Incentives for firms in certain industries (manufacturing, biotechnology, aquaculture, forestry, precision metals, information technology, composites and precision manufacturing) within their zones that create net new jobs, that pay at least the per capita average wage of the county and makes available to their employees access to health insurance program and retirement program.

A citizen asked what the Pine Tree Zone costs the town. Town Manager Cornell Knight stated the annual dues are \$8600, in addition to annual marketing fees for KVCOG, which is approximately \$700 (\$10,000 - \$12,000 divided by

the 22 participating towns). Mr. Knight stated he is going to ask the Winthrop Regional Development Corporation to pay the \$700 annual membership fee.

Citizen Bob Pelletier stated that the four businesses in the Industrial Park do generate income for the town.

Town Manager, Cornell Knight, said there are six sites at the Industrial Park and including the former Carlton Mill on downtown Main Street.

Chair Kevin Cookson closed the public hearing at 7:55PM.

□ **Item #133 Consider Order #120, to authorize the KVCOG to amend the town's Pine Tree Zone application to include a connecting lot along Route 202 to the Town of Monmouth.**

*MOTION by Jayne Despres, seconded by Patrice Putman, to approve Order #120, to authorize the KVCOG to amend the town's Pine Tree Zone application to include a connecting lot along Route 202 to the Town of Monmouth. Discussion: None. VOTE: 7-0.*

□ **Item #134 Consider a request from Cindy Dunham to use Norcross Point for a dog training class.**

Town Manager reviewed Cindy Dunham's request to use Norcross Point for a dog training class. CEO Beth Young cautioned having commercial activity in the Shoreland Zone. However, Ms. Dunham said she could do non-profit. KVCOG's advisor said he didn't have concern for the proposal because it is an outside activity that is consistent with what is going on there now, but did caution having private use on that property.

Chair Kevin Cookson asked for an update on the pooper scooping. Councilor David Rheume said it is still an issue. He has been visiting regularly and it is still a problem. He stated he would be inclined to ban the dogs at the next meeting. Councilor Patrice Putman said she has visited the area and has not seen a problem.

Citizen Sue Thomas asked the Council to recall that they were approached by a commercial business to rent kayaks, etc. in that area and the Council had denied it.

Councilor Jim Norris asked Donna Cassista (Cindy Dunham who was unable to make the meeting) why they want to use Norcross Point. Ms. Cassista stated there are very few places that allow dogs. They need a flat space and a bathroom nearby. She stated Norcross fits their needs. In addition they have discovered that people don't like to travel more than 8-10 miles. They want to teach responsible dog ownership in the community because it is part of our community.

Councilor Patrice Putman said if the Council is considering banning dogs, she doesn't want to approve it tonight.

*MOTION by Patrice Putman, seconded by Bill MacDonald, to table this item to the next month. Discussion: None. VOTE: 7-0.*

□ **Item #135 Consider a request from the Trail Committee to build trails on the Apple Farm Crossing II property.**

Trail Committee presented their proposal to build a trail on the Apple Farm Crossing II property and looked for Town Council approval for it to allow them to use the town's chipper, with assistance from a town employee and to use fill the town may have available to fill holes. Roger Guerette presented a map of their plan. The trail will be used for walking, running and cross-country skiing, and will not allow motorized vehicles.

Jay Lindsay is applying for a Conservation Grant of \$30,000.

Permits will be acquired from the CEO Beth Young, but do not require Planning Board approval.

Volunteers will be added to the Town's insurance policy at \$3/person. Volunteer work will be documented in order to match any federal or state aid that may become available in the future.

Liability for public uses of the land/trail was reviewed and it was suggested to look into the legal aspects. Councilor Jim Norris suggested that the committee look into "non-school use, after hours parking" – a National Security Law.

*MOTION By David Rheaume, seconded by Linda Caprara, to approve the request from the Trail Committee to build trails on the Apple Farm Crossing II property with the Town Manager and David Smith's assistance. Discussion: Councilor Jayne Despres stated that if Palesky passes, the Town has to look at every possible source of revenues to continue to provide services. VOTE: 7-0*

Chair Kevin Cookson called a recess at 8:35PM.

Chair Kevin Cookson called the meeting back to order at 8:45PM.

□ **Item #136 Discuss the procedure to update the Comprehensive Plan with KVCOG staff.**

Town Manager Cornell Knight stated the Community Coalition met at 5PM with KVCOG staff. The Community Coalition will work on updating the Comprehensive Plan. Councilor Patrice Putman is co-chair of the Committee with Judy Stebbins. The 1996 Comprehensive Plan was reviewed and additional materials were provided to review. If a Comprehensive Plan is updated, it needs to be consistent with State Statutes. The committee is going through a checklist. The committee will review it using their checklist and will then discuss any changes. Mr. Knight will report back in November. Councilor Putman stated that the Committee agreed that everything changes depending upon if Palesky passes.

□ **Item #137 Consider amendments to the Fire Department's By-laws.**

Dan Brooks stated the Fire Department has an amendment to the Fire Department By-laws regarding the organizational structure/Officers of the Department. The Fire Department has 5 trucks (versus 6 in prior years.) Therefore, they no longer have a need for six Lieutenants. There are 10 officers. Four command officers that go directly to fire scenes and responsible for operating the scene and six Lieutenants who are responsible for trucks. Currently, the Chief, Two Deputy Chiefs and Captains respond to the scene. But they are now proposing a Chief and Three Deputy Chiefs respond to the scene and the Captain would respond to the station with five Lieutenants. The Captain would be classified as a Deputy Chief and would be the Town's Fire Warden position. The way the department operates would not change, it would be a name change for a couple of officers. There will be a \$1000 extra pay for a Deputy Chief vs. Lieutenant. Therefore, they will overdraw that budget line, and spend \$1000 less on another line. They will budget accordingly next budget year.

The second part of the Bylaw changes is how the officers get appointed. The Chief and Deputy Chiefs are elected by vote. The Chief appoints the Captain and Lieutenants.

The third Bylaw change is the Fire Chief has authority to remove a Firefighter during the probation period without cause.

Dan Brooks said the department voted unanimously on the above changes.

*MOTION by Jayne Despres, seconded by Bill MacDonald, to accept amendments to the Fire Department's by-laws. Discussion: Councilor David Rheaume stated he didn't like the wording under #4 "...remove anybody without cause..." It was decided it was standard language. VOTE: 7-0.*

□ **Item #138 Consider Order #121, approving the \$170,000 loan agreement with the Maine Municipal Bond bank for funding demolition of the Adell building.**

*MOTION by David Rheaume, seconded by Patrice Putman, to approve \$170,000 loan agreement with the Maine Municipal Bond bank for funding demolition of the Adell building. Discussion: Councilor Jayne Despres asked if all the figures were in for expenses relating to the project. Town Manager Cornell Knight stated \$135,000 would be spent after the next accounts payable. Landscaping on the Grade School lot has been incurred. Asbestos, consultants and McGee have been paid. VOTE: 7-0.*

□ **Item #140 Consider Resolution #81 regarding the university of Maine System's proposal to merge UMA with USM.**

*MOTION By David Rheaume, seconded by Linda Caprara to approve Resolution #81, regarding the University of Maine System's proposal to merge UMA with USM. Discussion: Bill MacDonald reviewed the proposal that would merge UMA with USM and the concern expressed in the Resolution is not to merge them together but to keep it a separate distinct University with a president. VOTE: 7-0*

❑ **Item #141 Consider a recommendation of the Social Service Agency Funding Committee**

It was noted that should the Palesky Referendum pass, this activity is in jeopardy along with other services.

*MOTION by Patrice Putman, seconded by Bill MacDonald, to accept the recommendation of the Committee and fund the Social Service Agency as recommended. Discussion: A citizen asked if the Council was concerned about Palesky passing, why the Council does not table this item. Chair Kevin Cookson stated it was a budget item already approved. However, if Palesky passes it is a budget item that may be cut next budget. VOTE: 5-2 (Rheaume, Caprara oppose)*

❑ **Item #142 Consider a transient seller's license to Corey Dill, for Dilly Dogs.**

*MOTION by David Rheaume, seconded by Linda Caprara to approve the transient seller's license for Corey Dill, for Dilly Dogs. Discussion: None. VOTE: 7-0*

❑ **Item #143 Consider a donation to the ambulance department**

*MOTION by David Rheaume, seconded by Linda Caprara, to accept a \$100 donation to the ambulance department from Barbara and William Buck in memory of Arthur Nokis of Readfield. Discussion: None. VOTE: 7-0.*

❑ **Item #144 Executive Session: 2 Property abatement requests.**

*MOTION by Jayne Despres, seconded by Bill MacDonald to go into Executive Session at 9:14PM. Discussion: None. VOTE: 7-0*

Town Council returned to regular session at 9:20PM

*MOTION By Linda Caprara, seconded by David Rheaume, to grant abatement request #1 made pursuant to 36 MRSA Sec 841(2) in the sum of \$413.06 for tax year 2004. Discussion: None. VOTE: 7-0*

*MOTION by David Rheaume, seconded by Linda Caprara to deny abatement request #2 made pursuant to 36 MRSA Sec 841 (2). Discussion: None. VOTE: 7-0*

❑ **Manager's Report**

- The Sidewalk Project bid is going out this winter for there are six poles on Main Street that still need to be moved and a better price may be better obtained in the Winter. Charles Street will be patched until spring.
- Sidewalk Grant: We were asked if the Town would be willing to pay the difference between asphalt curb and granite curb. Town Manager Cornell Knight recommends doing it. At the time of the bid, they will go with asphalt curb. And, then they can make a decision. It is approximately an extra \$15/ft. The granite curb is safer, will last longer and will look like the existing sidewalk. Also, the Mill Stream Section has been moved to the Landscape Section.
- The Unemployment Commission with Larry Stratton's Unemployment Hearing overturned the hearing officer's ruling. Our attorney will send a letter according to the appeal process highlighting and reiterating issues and taking exception to the wording used in finding their decisions.
- Stratton's Criminal Trial is Tuesday and Wednesday.
- The Cemetery Sexton has resigned. Mr. Knight will come back in October with an alternative proposal instead of just hiring another person. It will include appointing Dave Smith as the Sexton and using laborers, hiring people in the summer and utilizing prisoners. Money from the prior Sexton's budgeted salary would be used.
- Palesky Meeting is scheduled for September 16<sup>th</sup>.
- Fire Station Open House: October 3rd, 10AM-2PM

- MMA Convention will be October 6<sup>th</sup> – 8<sup>th</sup>
- The Manager from Norway arrives October 6<sup>th</sup>
- Mr. Knight asked if anyone knew family of William Stevens Sanders, MIA June 1970. There is a ceremony in northern Maine and they are trying to locate his family. David Rheaume stated his father Dr. Sanders lived on Main Street in the 1970's, but has passed away. William's sister, Mary moved away years ago and he did not know where she lived now.

□ **Other Business**

- Wayne Dumont from 111 Gayten Lane on Narrows Pond stated his tax bill increased to \$4,000. He stated because he wasn't getting all the services such as plowing and road maintenance of his road, he should receive a reduction. He has to pay Association and Maintenance Fees. He stated he should get a break on his tax bill or the Town should start plowing his road. Chair Kevin Cookson stated it is a privately owned road with an Association. The tax dollars are also paying for all the public roads that we all use. Town Manager Cornell Knight stated the tax bill is based on the assessed value of the property at its fair market value. It was explained that the road could be petitioned to become a public way, but would have to meet specs including two feet of gravel, ditches, pavement, etc. He was referred to CEO Beth Young.
- Councilor David Rheaume asked when the Annabessacook Railroad Tracks will be repaired. Town Manager Cornell Knight stated it was suppose to be completed in July. He has left a message with the Railroad Executive Vice President.
- Summer Street's manholes have been raised for a couple of months, but the road has not been paved.
- Councilor David Rheaume asked about the stolen sign in East Winthrop. The estimate to replace it is \$2800. The town received \$1800 in insurance. Minute Man Sign can take a digital photo of the sign and do a plastic laminate for \$550, but it won't be a three dimensional sign. The Mural Committee could assist, also. Mr. Knight heard that the sign might have been taken as a "Senior Class Prank". He will speak with the School Resource Officer. Councilors suggested a reward or amnesty.
- Donations were received from Kennebec Savings and the Winthrop Area Federal Credit Union for \$1000 each for tree plantings. Town Manager Cornell Knight also sent a letter to DR Struck thanking them for donating two trees.
- Councilor Patrice Putman stated the Fun After School grant was received again.

□ **Adjourn**

*MOTION by David Rheaume, seconded by Linda Caprara to adjourn at 9:50PM. Discussion: None. VOTE: 7-0.*

*Submitted by Lisa Frost, Secretary to the Town Council.*