

Winthrop Town Council Meeting Minutes
Regular Town Meeting
Monday, October 4, 2004
Winthrop Town Office

- **The meeting was called to order at 7:00PM 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), Lisa Frost (Secretary), Ken Buck, Linda Dyer, David Dyer, Danielle Gamiz - KJ Reporter, David Smith - Director of Public Works, Cindy Dunham, Betsy Rowe, Pat Ladd, and approximately 5 other citizens.

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

- **Minutes of September 13, 2004**

MOTION by Patrice Putman, seconded by Jim Norris, to approve the minutes of September 13, 2004. Discussion: None. VOTE: 6-0 (Bill MacDonald absent.)

- **Tabled from July 12, 2004 - Item #110 -Consider the first reading to repeal and replace Ordinance #15 Use of Public Property and Parks, that would ban dogs from Norcross Point.**

MOTION by Jim Norris, seconded by Bill MacDonald to take Item #110 off the table. Discussion: None. VOTE: 7-0.

Chair Kevin Cookson asked Councilors if they had the opportunity to visit Norcross Point to check if dog waste was being picked up. Councilor David Rheaume said he visited Norcross Point and saw a woman cleaning up after her dog. He also noticed that most of the dog waste was cleaned up. Councilor Patrice Putman stated she visited twice and it was cleaned up. Councilor Bill MacDonald stated he went down several times and it was in good order. Jayne Despres stated she visited once and did not see anything.

Councilor Jim Norris said it was a wake up call. An effort was made to alert people to the concern and there seems to be a genuine interest to stick with it.

Councilor Patrice Putman stated Chief Young said at the July 12th meeting that an Officer could only fine a person on the Pooper Scooping Law if the Officer sees the dog defecate and watch the owner walk off the property without picking it up. Ms. Putman asked if the Council has the ability to change the expectation of the owner such that if the owner walks more than 20 feet away (instead of out of the park), the dog owner could be fined. Chair, Kevin Cookson stated it is his understanding that there is no set distance. As with shoplifting, they need to be out of the store physically.

Citizen Cindy Dunham stated the bigger issue is loose dogs. Ms. Dunham requested better signs which are brief and to the point.

Citizen Betsy Rowe showed pictures of dogs running loose on the beach, docks and park. She stated taxpayers should not have to pay police to monitor the beach. Ms. Rowe is concerned about parasites, hookworms and other diseases from dog waste on the beach, park and in the water. She distributed information on diseases from dog waste. She also has witnessed owners training their dogs to duck hunt and who also had guns with them. She also stated signs are to be better displayed.

Councilor David Rheaume reviewed the information on diseases. He stated he did not want to endanger children who go to Norcross Point. Mr. Rheaume stated though owners who keep their dog on a leash may be more responsible, he was inclined to ban dogs from Norcross Point. He stated he did not want to risk the health of people with dogs that may be infected with these diseases. He stated it is not fair to ban dogs for those who are responsible, but the Council needs to look out for the entire population of the Town.

Citizen Cindy Dunham asked how a dog ban would be enforced on Norcross Point when it is not being enforced on the beach.

Councilor Jim Norris stated he never heard of a health risk and to does not believe the danger is imminent. He stated initially he was voting for the ban because it was dirty, but there has been a wakeup call.

Councilor David Rheaume said no one said it was imminent, but people complained Norcross Point was dirty and a health hazard. Citizen Ezra Smith said at the July 12th meeting that urine is more of a problem than feces. Mr. Rheaume reiterated that feeding of the ducks was banned because it was dirty and now it is time to get dogs off Norcross Point.

Councilor Linda Caprara stated better signs are needed and the police need to enforce with fines. She stated due to the health issue, no dogs should be allowed on the beach. Ms. Caprara stated dogs should be allowed on Norcross Point only if they are on leashes and dog owners follow the pooper-scooper law.

Chair Kevin Cookson stated dogs should be banned from Norcross Point just as commercialized use. He stated the park should remain for everyone to enjoy. Mr. Cookson said everyone's watching the area and that is why it is better at this time, but people will forget over time. He stated though most dog owners are loving providers, others may not be as well cared for and it is a risk.

Ms. Rowe stated she did not want to wait for it to become an epidemic. She believes the Town owes everyone. She said it is a safety and health issue and people don't want to go to the public beach. She stated it is not fair to the people and children of this town noting that children are the most at risk. She was also concerned that Maranacook Lake will be contaminated.

Councilor Linda Caprara retracted her earlier statement and stated dogs should be banned from Norcross Point.

Councilor Bill MacDonald stated he would like the leash law enforced, no dogs on the beach enforced and signs improved. He stated if pooper scooping is not happening and rules aren't followed, it should be brought back to the Town Council. Betsy Rowe stated police don't have the time and "if it were enforced, we wouldn't be here".

Citizen David Dyer stated he picnics at Norcross Point and would like it cleaner. He said dogs at Norcross Point are a safety issue.

Chair Kevin Cookson stated dogs should be banned from the beach and Norcross Point, so there is no confusion. Councilor Bill MacDonald asked why dogs would not be banned from all public areas.

Ms. Dunham stated it was rare for dogs to urinate in the water. She stated there are dog parks in many areas throughout the nation. She stated she would like to see the rules enforced (i.e. leash law) instead of banning dogs. She did not see a big health issue. Ms. Rowe stated it is not being enforced and it is not for the police to sit and watch.

Councilor Jayne Despres stated whatever is decided upon, it needs to be enforced in both places. It should be a place that is safe for the public to enjoy.

Councilor Patrice Putman stated the Council made a suggestion three months ago for the public to "cleaned up their act - literally" and the Council's decision would be based on it. Ms. Putman said they "cleaned up their act". She did not agree with banning dogs on Norcross Point. She stated the Town needs to be serious about enforcement.

Councilor Jim Norris stated Betsy Rowe has made strong arguments for leash laws and to ban dogs on the beach. If we can't do those, we can't do more. He stated the Town Council has discussed Animal Control Officers, but it is not funded. The Police Department spends valuable time taking animals to shelters etc.

Citizen Marie Pettingill stated she believes the leash law should be enforced, if nothing else. She is a dog owner but does not go to Norcross Point with the dog because it is not healthy.

MOTION by David Rheaume, seconded by Linda Caprara to approve the first reading to repeal and replace Ordinance #15 Use of Public Property and Parks, that would ban dogs from Norcross Point. Discussion: Councilor Jayne Despres asked how to handle situations when someone has a dog on a boat or wants to take their dog on their boat. Councilor Jim Norris said they would not be allowed. He stated boat owners may not have their dogs on a leash while they are getting their boats in the water and the dogs will go to the bathroom, especially after the dog is on the boat for

several hours. Citizen Betsy Rowe stated they should be allowed from the car to the boat. Councilor Bill MacDonald stated he was concerned because on July 12th, dog owners were given a task to clean up and it appears to be cleaned up. He is concerned about creating a law and having loopholes. He doesn't want to encourage leaving animals in cars for it is illegal to leave a dog or children in a vehicle. Mr. MacDonald stated he was opposed to the ban and would like to focus on enforcing no dogs at the beach. Chair Kevin Cookson stated he would vote to ban dogs at Norcross Point. However, a police officer can use their discretion for dogs on boats. Mr. Cookson stated better signs and notices could be worked on to be ready for spring. VOTE: Favor 4-3 (Patrice Putman, Bill MacDonald, Jim Norris opposed).

□ **Community Playground Update**

Pat Ladd of the Winthrop Community Playground Project stated the committee has worked for the last three years to raise money and plan for a new Community Playground. Ms. Ladd stated 110 volunteers, including Bill MacDonald and Cornell Knight and many parents were on site over the weekend to assist in building the playground putting structures up, hauling mulch, and using tractors. Students from the High School volunteered as part of their community service credits. Elliot Thayer did the survey work at no charge. Town Garage and Ambulance service employees assisted. CMP donated two employees and a truck all day Friday and dug the holes. Four yards of concrete were donated by Ferraiolo. The outdoor classroom and paving still need to be completed. Ms. Ladd stated there was great support from the community.

□ **Item # 145 Consider the appointment of Rick Conant and Bob Cooper as Directors of the Youth Football Program**

MOTION by Jim Norris, seconded by David Rheume to appoint Rick Conant and Bob Cooper as Directors of the Youth Football Program. Discussion: None. VOTE: 7-0.

□ **Item #146 Consider a clothing allowance an option for the Highway Department instead of a uniform service.**

David Smith, Director of Public Works stated there have been problems with the uniform rental company that they have used over the past three years. The contract ran out and they have switched companies. The transfer station is working with the uniform company, but the Highway Department employees would like a clothing allowance instead of a uniform rental service because they weren't happy with the fit. The savings would be \$100 per employee if they are given a \$250 clothing allowance.

Chair Kevin Cookson asked if there were uniform requirements for the highway employees. Mr. Smith stated they are required to wear steel toed boots which would be included as part of the clothing allowance. Safety hats, glasses etc. would be provided.

Councilor Jayne Despres asked if the Highway Department employees wear uniforms that identify they work for the town. Mr. Smith said no.

Citizen Ken Buck asked if the Highway Department employees do not wear uniforms, why would they be given a clothing allowance. Town Manager Cornell Knight stated it gives the employees an option if they are not comfortable with the uniforms and it saves the town \$100 a year per employee.

Councilor Linda Caprara stated the Highway Department employees should use their own clothes without a clothing allowance if they don't want uniforms. Councilor David Rheume stated he didn't think the private sector gave a clothing allowance. Patrice Putman disagreed and stated the Highway Department employees' work wears on their clothes. Chair Kevin Cookson stated investigators receive a clothing allowance. Councilor Bill MacDonald stated he bought uniforms for his employees while in the fishing industry.

Citizen Ken Buck stated he agreed the Town should purchase steel-toed boots, but not to give a clothing allowance.

Councilor Jim Norris stated before he came onto the Town Council, he criticized police, teachers, etc, but over a period of time serving, he understands what it takes to have good town employees and what it means to the Town. The Town Council does certain things to foster good will between the employer and employees. Chair Kevin Cookson agreed.

Citizen David Dyer asked if the Highway Department still wears orange t-shirts. He thought they were good for visibility and safety. David Smith stated they wore orange t-shirts about three years ago, but do not currently. However, they do wear safety vests.

Councilor Jayne Despres suggested purchasing shirts that identify them as town employees.

MOTION by Jim Norris, seconded by Patrice Putman, not to provide uniform services, but instead, provide a \$200/yr clothing allowance and provide sufficient shirt(s) or coat with a logo that identify them as municipal employees – to be determined by the Town Manager and Public Works Director. Discussion: Jim Norris stated the employees should be clean and adequately dressed to do the job for they are representing the Town. David Smith stated he would enforce. Jim Norris asked if the Transfer Station employees would like a clothing allowance. Mr. Smith stated they already have a contract with the uniform company for three years. VOTE: 7-0

□ **Item #147 Consider the appointment of Dave Smith as Cemetery Sexton**

Town Manager Cornell Knight stated Herb Baker resigned as Cemetery Sexton after 12 years. However, he will be returning as a laborer in June. Mr. Knight would like to appoint Dave Smith as Cemetery Sexton, delegate a highway worker as a supervisor for the cemetery crew and use the cemetery crew as a grounds crew for all town owned property.

MOTION by Jayne Despres, seconded by Linda Caprara to approve Dave Smith as Cemetery Sexton. Discussion: Jim Norris asked if the \$2,000 stipend for Dave Smith is because he is assuming more responsibility or working more. Town Manager Cornell Knight stated he would have more responsibility and added duties. Chair Kevin Cookson agreed that there are many responsibilities of the Sexton and it is worth the stipend. Jim Norris stated he valued Dave Smith's work and its value to the community. Mr. Knight stated he suggested the stipend, David Smith did not ask for it. David Rheaume stated he was concerned that the Sexton responsibilities may be too much with David Smith's responsibilities at the Transfer Station and Garage. Also, Mr. Rheaume did not want the highway crew to be overextended. Mr. Knight stated it would be a good fit and efficient use of equipment and employees. The Sexton Supervisor would also receive an extra dollar an hour during the cemetery season of April – October. In total, it would save the Town approximately \$5,000 – \$6,000 a year. VOTE: 7-0.

□ **Item #148 Consider a one-year contract with the AFSCME Council #93 representing the Police Officers and Dispatchers.**

MOTION By David Rheaume, seconded by Linda Caprara to approve the one-year contract with AFSCME Council #93 representing the Police Officers and Dispatchers. Discussion: The contract includes a 4% increase in wages and expires June 30, 2005. VOTE: 7-0.

□ **Manager's Report**

- *MOTION by Patrice Putman, seconded by Jayne Despres to approve the list of residents added to the list of election workers – Marshall Burk, Nona Burk, Jacqueline Calcagni, Carol Caprara, Charles Love, and Mary Jo Love. Discussion: None. VOTE: 7-0.*
- Mr. Knight asked for feedback on the Palesky Q & A pamphlet distributed to the Council. Council members said it was excellent.
- Mr. Knight stated the University of Maine has a website reviewing the affects of the tax cap. Most of MMA's conversation is devoted to Palesky issues. Mr. Knight will be speaking at Candidates Night on the Palesky issue. There are a lot of articles coming out and support for the tax cap appears to be dropping.

□ **Other business**

- Councilor David Rheaume asked for an update on the Annabessacook Road railroad tracks. Town Manager Cornell Knight stated he sent an email to the President of the Railroad. Also, DOT Division Engineer will be looking at the bump in the road by Kennebec Savings.
- Councilor David Rheaume stated huge holes on Birch Street have to be filled.

- Citizen David Dyer asked why the bathrooms at Norcross Point are closed this time of year. Town Manager Cornell Knight stated they are opened on weekends only after Labor Day. They will be closed for winter within in a few weeks. Mr. Dyer asked if the bathrooms could be opened. Mr. Knight stated it is a budget issue because they require cleaning and maintenance. In addition, vandalism has been an issue. Chair Kevin Cookson stated they would check into it.

Chair Kevin Cookson called a 5-minute recess.

☐ **Item #149 Executive Session – to discuss pending litigation with legal counsel**

MOTION by David Rheume, seconded by Patrice Putman to go into Executive Session to discuss pending lititgations with Legal counsel, at 8:50 pm . Discussion None. VOTE: 7-0.

☐ **Adjourn**

MOTION by Putman seconded by MacDonald to return to regular session. Vote 7-0

Motion by Rheume Seconded by Caprara , to adjourn at 9:30 PM. Discussion: None. VOTE:

Submitted by Lisa Frost, Secretary to the Town Council.