

**Winthrop Town Council
Meeting Minutes
Regular Town Council Meeting**

Monday, January 5, 2004

- **The meeting was called to order at 7:02PM by Chair, Kevin Cookson**
- **Roll Call**

Council Members Present: James Norris, Kevin Cookson, David Rheaume, Linda Caprara, Patrice Putman, William MacDonald, Jayne Despres, Cornell Knight (Town Manager),

Others present: Lisa Gilliam, Town Clerk, Lisa Frost, Secretary, Roger Guerette, Bob Gasper, Dana Blackstone, Dale Glidden, Diane Hastings – approximately 50 other citizens.

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

- **Town Clerk, Lisa Gilliam, swears in new Town Council Members:**

Linda Caprara, Kevin Cookson, Jayne W. Despres

- **Election of Town Council Chair, Vice-Chair**

MOTION by James Norris to nominate Kevin Cookson as Town Council Chair for 2004. Motion was seconded by Patrice Putman. VOTE: All in favor.

MOTION by Jim Norris to nominate Patrice Putman as Town Council Vice-Chair. Motion was seconded by David Rheaume. VOTE: All in favor

- **Approve the minutes of December 1, 2003.**

MOTION by Kevin Cookson to approve the December 1, 2003 Meeting Minutes. Motion was seconded by Patrice Putman. VOTE: 6-0. Chair, Kevin Cookson abstained from the vote.

- **Item #001 Update from Bob Gasper, member of the Inter-community sewer Trunkline committee, on the proposed changes to the Augusta Sewer District.**

Bob Gasper, Chairman of Intercommunity Trunkline Committee of Hallowell, Manchester, Monmouth, Winthrop, gave a quick briefing of activity on the proposed changes to the Augusta Sewer District.

There were three basic options that the committee was going to recommend – 1.) Do nothing (which was ruled out) 2.) Two districts merge and exist on own or 3.) Merge and have a new City of Augusta Department. After several meetings, a final vote of 5-2 carried to recommend to the Augusta City Council to bring the two entities under the City of Augusta as enterprise units.

Mr. Gasper further explained that Augusta could save a million and one half dollars and the reallocation of money won't be confined to Augusta. Another concern is the City of Augusta believes this property would become property of Augusta.

There is no guarantee that the Council will approve this or if there will be a referendum. Mr. Gasper was not looking for any action but wanted the Town to be on guard early. He just wanted to bring the Town Council up to speed. He stated that Augusta stands to save and costs may be redistributed to other areas.

Dale Glidden stated that there would be some savings. They are looking at a study to have everything under one umbrella and to create cost sharing agreements. Final committee report will be done soon for acceptance or rejection.

Diane Hastings, Chairperson for the Augusta Sanitary District, considers the four communities as partners. Ms. Hastings stated that change is difficult for every community and everyone is trying to save the taxpayer money. She stated that the process started years ago. The Governor has encouraged collaboration and

finding ways to save, and the intention is to save on costs. The result is to cut costs for everyone. Ms. Hastings asked to keep the dialogue open and to continue to be informed and stated it will take weeks/months for the process to work.

Councilor MacDonald asked if the merger issues would require legislative approval. Mr. Gasper and Ms. Hastings said it would require legislative approval.

Chair, Kevin Cookson called a five-minute recess at 7:26PM and asked that vehicles parked in the fire lane be moved.

- Chair, Kevin Cookson, called the meeting back to order at 7:35PM.
- Chair, Kevin Cookson appointed the following council members to
Finance: Patrice Putnam, Jayne Despres, Linda Caprara;
Appointments: David Rheume, Bill MacDonald, James Norris.

□ **Item #002** **Update and discussion on the sale of the Apple Farm Crossing II subdivision lots.**

Town Manager, Cornell Knight, reviewed his plan of sale of the Apple Farm Crossing II Subdivision lots.

The town has been working to get twelve lots through regulatory review for the Town to put up for sale. The Planning Board has approved private septic systems. The Town will have incurred an estimated \$20,000 expense for developing. The estimate sale of the land is \$75,000. The developer will be responsible for paying for extending the water line and power. There could be a net return of \$55,000, which is equal to .17 on the mil rate or \$16 on the average home. If all lots are developed, annual income would be $12 \times \$157,000$ (using 90% of the average value of existing homes in AFC I) $\times 20.55$ mils = \$38,716/yr. If there are 7 students residing in the new homes, the income to the town will be $7 \times \$3,000$ per student or \$21,000/year from the state for aid to education. The combine income for the town from taxes and education funds is \$59,716 or .19 mils. The remaining balance on the bond issue to purchase the AFCII land is \$93,727. The school designated \$70,000 from the high school project towards paying down the balance of the debt. The \$70,000 may be included in the spring bond issue.

Town Manager, Cornell Knight, spoke about the covenants on the lots proposed for sale. The developer who purchased the property would be subject to the covenants agreed to. DEP should give approval within two weeks.

Roger Guerette presented his plan against the sale of Apple Farm Crossing II subdivision lots

Roger Guerette presented a map that he and his wife created. He reviewed the map, pointing out the school locations, playing fields, land owned by the Guerette Family (with walking trail), Apple Farm Crossing, subject land, and conservation land. His family currently allows the public and schools to use his wooded land for walking, running, and skiing and has for 26 years. It is private property, which is free to the public. The family pays the taxes and allows others to use the land. The trails are no expense to the town. However, he noted that the land has been subdivided to each of his four children and someday may no longer be available for public use. In addition, if there is a lawsuit, the trails will close. (The Guerette Family also donated a parcel of land (off Rambler Road) years ago, which is now being developed for athletic fields.)

Mr. Guerette was concerned that if the AFCII land is sold, there would be no additional places for trails or other activities and it is narrowing the schools in, like it had on Highland Avenue. Mr. Guerette felt AFC II should not be sold and should be retained for it is beautiful land especially by Hoyt's Brook (Conservation Area) and provides for an "outdoor performing arts" center. He showed pictures of the area. Mr. Guerette stated it would be a good resource for school classes.

Booklets were distributed containing:

- Cost estimates outlining a \$61,090 loss and that the "land is gone forever",
- Warrant for Municipal Election, Town of Winthrop, Article 3 (purchase of parcel of land consisting of up to 56.53 acres adjacent to the WMS and being a portion of the AFC Subdivision for future governmental purposes" dated October 16, 1995
 - Vote was 1281 for and 912 against.
- Newspaper article "Winthrop backs Apple Farms land buy",
- and a map of the Preferred Concept/Intermed. School/Consev. Dated October 1996.

Mr. Guerette felt this was a tremendous opportunity and should not let it go and once it is sold, it is gone forever.

Mr. Guerette gave another option for the town. He proposed selling off two and one half lots - lots 10,11 and 1/2 of 5 and then selling the other half of lot 5 to the adjacent owner, if they want to buy it. Therefore, there would still be a large portion of the Town land available.

Citizen Questions/Comments included the following:

- Citizen felt there was enough insight to keep the 6.25 acres of land (donated by the Guerette family) off Rambler Road for future use. Now it is being used for little league ball fields. They should have the same insight for AFCII.
- If there was a warrant to buy the land, why isn't there a warrant to sell it?
- It was felt that the AFCII property sale is not well known throughout Town.
- How was seven children figured? Not guaranteed families with children will move to those lots and can't say the Town would lose the "\$21,000" if it were not developed. Families could move elsewhere in Winthrop.
- Other land is available in Winthrop
- 43 Building permits were issued over the past 18 months. If continue that trend, over six years there will be approximately 162 building permits issued x 7 children = plenty of children
- Not a bad idea to sell the land, but it is a great idea to keep it.
- Citizen opposed the sale of land – twenty acres is not that big and it is boxing the school in.
- Sue Thomas discussed Norcross Point. It is Town Property and it is one of the best land assets in Winthrop. She felt we are not making a decision for our children; it is for generations in the future.
- Jay Lindsay stated he coaches Cross Country and use to run on Guerette's property. However, due to the poor condition of part of the trail, he busses the students to Mechuwana camp. He would prefer to stay at the High School on trails owned by Town Property. There are grant opportunities (per Kevin Harrington) available for maintaining the trails, however, there must be title, right and interest on the land, therefore, they are not able to use privately owned land for the grant. In addition, he is a science teacher and would like some undeveloped land near the high school to conduct an "outdoor classroom".
- Hiking trails had been mapped out on a proposed map (October 1996).
- Ben Thomas asked for a show of hands for those against the sale of any of AFCII. A majority of hands were raised.
- Ray Giandrea stated the warrant that the Townspeople agreed to did not indicate selling the land.
- This is a good opportunity for young people.
- Dale Glidden said when he was on the council the purchase of AFCI was controversial. Townspeople complained that taxable property was being taken off the tax role. Why not serve with upscale housing? It went to referendum and it was purchased. All properties were taken because they didn't know what the need was going to be. After the needs were decided, there was no reason why the land couldn't be turned back to tax role. However, Mr. Guerette has raised a good issue.
- Sue Burnett who was raised in Oregon said Oregon was very farsighted and saved lots of land with hiking trails. There are millions of people there who enjoy the land. "This is the same kind of foresight."
- This is not going to be developed anytime soon because there is a lot of work to be done. In addition there are other approved subdivisions in town. It is a long-term issue. If the other areas are developed and prices for land go up, maybe it would be something to consider at that time.
- Can't assume this is the only place a house could be built. If they don't build here, they will build somewhere else in Winthrop.

Councilor, David Rheame stated this is the only land the Town owns that they can sell as private home development.

Councilor, Linda Caprara stated the Town should keep the land and would be foolish not to keep it.

Chair, Kevin Cookson, questioned the figures presented by Mr. Guerette. He was also involved in the comprehensive plan of building the schools. They took all the lots to have enough room for the high school and then would sell off the lots not used.

Councilor Linda Caprara questioned how much the balance of the bond is costing the town and thought surplus could be used.

Town Manager, Cornell Knight, said having the income from the land sale would offset costs.

Councilor, James Norris stated that he hoped everyone realized that the Council is trying to do the best for the community. They are trying to balance the needs and work in that direction. In addition, he felt those involved in Apple Farm Crossing Phase One are foremost.

Councilor, Patrice Putman stated she is a passionate proponent of open spaces. And they need the public to keep things balanced. There will be economic repercussions. If, as Council, they forgo additional tax money, they have choices to make such as raising the \$60000 or cutting money. It has to come from something. Therefore, would you the public support a tax increase or cuts in municipal services if we don't sell the land?

Councilor Bill MacDonald stated the Council needed involvement from the community. The Planning Board is looking at zoning and preserving open spaces. Every board is represented and needs to stay involved. Changes will need to be made for families with children coming to the Winthrop Area.

Chair, Kevin Cookson stated the Council is not voting one way or another this evening. It is an update and time for discussion. They will make Roger Guerette aware when it is up for vote.

- Chair, Kevin Cookson declared a five-minute recess at 8:55PM.
- Chair, Kevin Cookson called the meeting back to order at 9:08PM.

□ **Item #003 Report on the Hillanders Snowmobile Club – Dana Blackstone**

Dana Blackstone, President of Hillanders Snowmobile Club, thanked the town and town council for their continued support of the snowmobile club through snowmobile registration. Last year the town gave back \$5500 to the snowmobile club. He stated it has been a lifesaver of the club, and it helps to maintaining the clubhouse, trails, etc. It has helped to keep the trails open. They have 42 miles of trails on land, which does not include lakes and ponds that are crossed over. They currently have 70 members and are hoping for 90 members.

They have been doing more fundraising and students (ages are 14 and up) have become more active. They are continuing to accept memberships from others, other than snowmobilers. The club has tried to distance themselves from four-wheeler because they have had land use issues. The Club has a couple of cross-country skiers as members. The trails are there for them as well.

Date of Radar Run is unknown at this time due to a fundraising event taking place (Poker Run with Manchester and Farmingdale) on the original date set.

□ **Item #004 Consider an agreement with the Maine Department of transportation concerning weight limits and bond maximums for the Route 202 paving project in 2004.**

MOTION by Linda Caprara to accept the agreement with the Maine Department of Transportation allowing contractor's equipment to be overweight and limit the amount of bond required to \$9000 for the Route 202 paving project in 2004. Motion was seconded by Patrice Putnam. No Discussion. VOTE: 7-0. Approved.

□ **Item #005 Consider the amount of the spring bond issue for school and town projects.**

Town Manager, Cornell Knight stated that the spring application to the bond bank must be submitted the first week of February. The projects to be funded by that issue are the balance due on the fire ladder truck \$485,868; the town's match for the sidewalk reconstruction \$44,000; the school has \$173,814 for the Castonguay property purchase for the high school and the \$70,000 for the Apple Farm II property.

Town Manager, Cornell Knight suggested that the Bond Committee get together and review these issues and make a recommendation to the Town Council at the February Town Council Meeting. The Bond Committee will review and report at the February Town Council Meeting.

- **Item #006** **Consider the purchase of office equipment for the new town office space.**
MOTION by David Rheume to approve Town Manager, Cornell Knight to order office equipment for the new town office space. Motion was seconded by Linda Caprara. Discussion: Councilor, Linda Caprara asked if he was going to put it out to bid. Town Manager, Cornell Knight stated the vendor they used to purchase the high school furniture is holding his prices. VOTE: 7-0.

- **Item #007** **Discuss possible amendments to the Zoning Ordinance**
Town Manager, Cornell Knight stated he was going to be getting a recommendation from the committee working on the Village Zone.
Mr. Knight also asked the Council to consider an increase in building permit fees. Many towns use per square foot for construction. Based on 44 building permits issued from 4/1/02 to 3/31/03, the town would have collected \$8,054, if it charged ten cents per square foot vs. the current \$5.00 fee, which collected \$220.
Town Manager, Cornell Knight had an amendment to make it clearer that engineering assistance during the planning board review is to be paid for by the applicant.

- **Item #008** **Discuss a regional capital improvements plan proposal.**
Town Manager, Cornell Knight spoke with Monmouth regarding a regional services proposal. The consultants working with them gave a proposal on regional capital improvements. Mr. Knight asked that one or two councilors review the proposal and get back with a recommendation.
MOTION by James Norris to table the capital improvements plan proposal. Motion was seconded by Linda Caprara. Discussion: Councilor, Patrice Putnam asked if there were any issues that needed to be dealt with this night. There were none. VOTE: 6-1(David Rheume).

- **Item #009** **Consider a new application form for tax abatements because of poverty or disability**
Town Manager, Cornell Knight reported that Donna Staples, GA Administrator reviews all applications for property tax abatement forms because of poverty and/or disability. She would always have to ask more questions than what was on the application. Therefore, she created her own application. She consulted with MMA. MMA was so impressed, they would like to use it for other towns.

MOTION by David Rheume to accept the new application form for Tax Abatements because of poverty and/or disability. Motion seconded by Bill MacDonald. VOTE: 7-0.

- **Manager's Report**
Town Manager, Cornell Knight discussed the following:
 - Mediation on Kinney junkyard located on Carleton Pond Road has been scheduled, however he has been unable to reach Mr. Kinney by phone. Mr. Knight is unsure if he will be there. The Town had tried to negotiate a settlement. Mr. Knight hopes to have a mediation report by next month.
 - A Special Town Council Meeting is scheduled for Monday, January 12, 2003 at 7PM in the Town Office to discuss a personnel matter.
 - A letter from school was distributed, discussing the opening of Charles Street to MS traffic.
 - Mr. Knight had a requisition for \$101,000 for the Town Office. It is just about halfway complete and things should be moving quicker now. He received a survey bill of \$7,800, which he neglected to include. The survey was conducted nine months ago and the bill was just received. Re-engineering costs were not anticipated for the drainage changes and driveway change. Middle of February is the target completion date.
 - The new council secretary, Lisa Frost, was introduced.

- **Other Business**
 - Kevin Cookson asked if the Councilors wanted their e-mail addresses available for the public to access them. Councilors agreed that the public could contact them by phone, in person, or through the Town Manager. Town Manager, Cornell Knight, will relay the information to the Town Councilors. All agreed.
 - Bill MacDonald had an issue from the Planning Board regarding a Tower Ordinance. At this time, there is no limitation unless once it is put up and it should fall down, it cannot cross the property line for which it is on. There is nothing in place regarding where they can be placed. A group is interested in drafting a Town Ordinance. Patrice Putman and Bill MacDonald are bringing forwarded a discussion and hopefully a moratorium ordinance, a moratorium in order to complete the Tower Ordinance before any more are constructed.
Patrice Putnam stated she would like to promote Stealth Towers. Ms. Putnam stated she thinks it would be better to plan that which is more visually pleasing and part of the comprehensive plan. They will meet with the group to develop an Ordinance to bring to the Planning Board and Council, to have done by the 180-day moratorium.

A property owner constructing a tower currently applies with Code Enforcement Officer, and it does not need to be reviewed by the Planning Board. A draft ordinance is available on the MMA website.

David Rheume thought the comprehensive plan might be out of date now with the evolving technology.

Bill MacDonald was concerned about a move from a lot of antennas to not needed so many in the future (similar to dot-com experience.) There is a process to tie it in with the rest of the ordinances.

Concerns were raised regarding the new tower that just applied for a building permit and how this moratorium would affect it. Patrice Putman said there was an option to make it effective today or January 1, 2004.

David Rheume stated that a moratorium ordinance requires a public hearing.

James Norris had concerns with initiating this.

Bill MacDonald stated that the process had begun in August 2003. When the current tower went up, there was strong reaction about it.

David Rheume stated that everything to be done has to have nothing to do with the person filing. He was concerned that this issue was not on the agenda. Bill MacDonald replied that he didn't know what was up.

David Rheume stated he would not approve until it was on the agenda.

Bill MacDonald thought this would get the process going.

James Norris stated he would support it but not retroactivity.

Jayne Despres thought we should get a legal counsel and if the Council is meeting next Monday, they could make it an agenda item.

Town Manager, Cornell Knight thought they could just vote to start the process and then continue at the February meeting.

MOTION by Patrice Putman to adopt proposed moratorium ordinance regarding radio, TV, telephone towers and antennas effective today in recognition of the sudden activity of the tower development as evidence by the recent construction of a tower on Metcalf Road during such time that the planning board was still developing a proposed tower ordinance. Motion was seconded by Bill MacDonald. Discussion: It was suggested to offer an amendment by Lee Bragg for Legal Council.

David Rheume was against the adoption because he felt they did not follow the proper procedure, including notification and holding a public hearing. Patrice Putman stated she had spoken with Lee Bragg and he said they could go forward with the moratorium.

VOTE: 5 - 2 (David Rheume and Linda Caprara oppose)

Councilor Rheume was concerned with a bill in the legislature to require towns to submit their budgets to the state.

□ **Adjourn**

MOTION by Jim Norris to adjourn at 10:15PM. Motion was seconded by Linda Caprara.