

Winthrop Town Council

Meeting Minutes

July 11, 2011

Attendance: Kevin Cookson, Chair; Vice Chair, Linda Caprara, James Lattin, Kenneth Buck Sr., Priscilla Jenkins, Sarah Fuller. Absent: David Rheame and Julie Winberg, Secretary.

Approval of Minutes for meeting held on June 6, 2011.

Motion by Lattin and seconded by Fuller, the minutes for this meeting were approved with a unanimous vote with the following clarifications made: Item #50, 2nd paragraph deals with moving additional revenue to the Western Kennebec Economic Development Alliance funding line. The town manager will clarify if Councilor Rheame made the motion to bring the item back on the floor for a vote.

Item #60 - Comprehensive Plan Discussion

Councilor Sarah Fuller made a presentation on the activities to date in conjunction with the 2010 Comprehensive Plan. We need to do more with the Comprehensive Plan than leave it on the shelf to collect dust. She reiterated three of the plan's implementation and evaluation strategies which were that the Town Council will have an annual review workshop following budget development. The Council will put key agenda items on the December and January meetings to allow incoming council members to ask questions and express opinions. Finally, the council will establish an oversight committee. The committee will meet at least quarterly, to review progress and identify impediments to carrying out the recommendations. She then introduced Ms Patrice Putman.

Patrice Putman, Chair of the Comprehensive Plan Committee, gave a further update and informed the group that the Kennebec Land Trust has shown significant interest in Section #6 of the Plan and is asking that all of the towns in the Kennebec area prioritize their most precious lands. Due to the limited resources, this prioritization is vital.

Councilor Fuller agreed, noting that this should be a meeting unto itself and Ms. Putman will pursue the date and time convenient to all participants. She will also 'nudge' appropriate Boards in the right direction. A date in August will be set. Ms. Putman went on to say that there are a number of efforts presently being made on different fronts but some have not gotten started at all – zoning being one of them.

The Planning Board has to be consulted. The Library has already started fundraising; the Fire Department is still in question. The bathroom at Norcross Point is an upcoming agenda item at tonight's meeting. There has been excitement and an energy which will help move things forward. But, again reiterated, that funds are limited as is staff.

Thanks were given for all the hard work done on this Plan.

Item #61 - Norcross Point Bathrooms

During discussions in formalizing the development of the 2011/2012 budget, money going to the maintenance of the bathrooms at Norcross Point was zeroed out. The Council had eliminated funding for maintenance due to costs arising from vandalism. Recently, a water bill for \$3,000 was presented and it is believed that that amount was due to damage done by vandals to the plumbing at the facility (in 2009-2010 the water bill was \$713.00 – in 2010-2011, it jumped to \$3,000).

The discussion centered on the need to have a place to eat, sit and go to relieve oneself, which aligns with the town's Comprehensive Plan hope to increase recreational activities (a top priority to support development of recreational businesses such as bike and kayak rental, to promote the use of the Point as a site for public concerts and private events - such as weddings, and to generate rental income for the town).

Discussion continued describing the problem of vandalism to these structures as an ongoing one which has cost the taxpayers a considerable amount of money. Others argued that public restrooms are needed to encourage economic activity such as concerts and weddings at the site and proposed that the bathrooms be open just for those times noting that it is far less likely to happen during these special events.

It was suggested that the use of porta potties are usually vandalism free and require no maintenance, although some people find using them quite distasteful and are usually quite uncomfortable, if not totally inaccessible, for the handicap.

An option given was to keep the bathrooms open during the events held at the Point and if vandalism does occur, they will be closed permanently. The Town Manager did confirm that for every event held, the current rental agreement that must be signed by the user does have an insurance rider.

It was decided to remove the two porta-potties at Norcross Point. With a motion by Fuller and seconded by Caprara, the Town Council voted 6-0 to open the public restrooms at Norcross Point -- during events only, and in addition, in an effort to reduce future acts of vandalism, the locks will be changed and a new protocol for key control will be developed. The facility also will get maintenance during the town's annual Day of Service. And, at least for the rest of this concert season, the two existing porta potties at the town beach will remain as a backup.

Motion by Jenkins and seconded by Fuller, to put in \$2,000 back into the budget for the rest of this year to cover what is needed as well as the changes agreed to in the motion.

Item#62 - Little Cobbossee Avenue - Cul De Sac Maintenance

In 1964 the town decided to adopt Little Cobbossee Avenue as a public way because at that time, it met all the requirements set forth in the Town Ordinance, which included a 50' turnaround. Since that time, no records have been found explaining why the town let the turnaround get overgrown with trees and become unusable. In conferring with the town's attorney, it had been determined that this is a town way and thus, it is up to the town to maintain it. The town manager noted that he would recommend that the town not abandon it. The turnaround is at the bottom of a hill and presents maneuvering problems for the plow trucks several of which have gotten stuck there over the years. Clearing the area would take the town's public works department no more than a day returning it to the gravel state. When the town gets an asphalt budget, it will hot top it and make it a part of Little Cobbossee, finally completing the job that

should have been done in 1964. Motion made by Caprara and seconded by Fuller, the Council voted 6-0 to authorize the town manager to clear and maintain the cul-de-sac at the end of Little Cobbossee Avenue.

Item #63 - Dexter Pond Bridge

The town manager explained that because the road between Dexter and Berry Pond does not belong to the town, applying for a grant in order to get an easement to fix the bridge cannot be done. The Council can vote to apply for an easement, but in doing so, the town will have to take ownership of the bridge.

Chairman Cookson reiterated his position that if the town applies for an easement and a grant to fix the bridge, then it is not just fixing the bridge, but would have to commit to upgrading the road which has to be brought up to DOT's and the town's standards. The bridge does not belong to the town and thus an easement is not necessary. The town has no responsibility. He went on to say that the town cannot apply for a grant to fix the road if the town is not accepting the bridge as town property. If the town did decide to take it over, then it would become a public way like Little Cobbossee Avenue.

Some residents in attendance, and duly noted taxpayers, expressed their desire to have the town consider requesting an easement in order to obtain grant money to offset repair costs. The Chairman pointed out that an easement would ultimately require the town to bring both the bridge and the road up to Department of Transportation standard, at considerable cost. This would be in violation of the Town Ordinance that covers the circumstances under which the town may adopt of private roads.

Councilor Fuller read a section from the new Comprehensive Plan on private roads where the town has a vested interest to provide educational assistance to private road owners. In this vein, she asked the town manager in terms of the easement and the grant application if it was possible that another entity could apply - not a municipality - and if that entity could hold the easement and then applies for the grant - noting that this may be a viable solution. By doing so, the town does not have to take ownership. If not the town, then another public body that has a vested interest who could help with

the assessment and work with the Cobbossee Watershed or other agencies that protect water quality. An inquiry will be made.

In response to a question on lowering the property taxes for the residents that live there and who are unable to get the services that they need (especially emergency services), the town manager stated that he talked to the Assessor's Office. Property taxes are based on the amount of money that was paid for the property and not for services that were there or not there at the time. Unfortunately, property values have been in decline, but until the actual price of property starts to go down appreciatively, lowering property taxes is not an option.

In response to a question on getting an estimate on what it would cost to bring the bridge up to standards, the town manager responded that he had consulted with DOT and DEP about that and that their joint response was that the town does not own the bridge. He stated that he will make another inquiry, reiterating that it is a private bridge. The agencies shared a list of public bridges and this particular bridge is definitely not on the list.

Councilor Caprara stated that she would like to see some figures on how much it will cost the town to fix that bridge. But, understood that the town would have to decide first if it was going to take over the road as well as the bridge.

No motions were made in the matter. Chairman Cookson recommended that residents turn to State agencies for guidance noting that the Administrator for Kennebec County would also be a strong resource and who would have the names of further contacts for assistance. He went on to say that although he sympathizes with the plight of these homeowners, the town has no responsibility to maintain private roads. There are many places in town where people pay taxes and get no maintenance on their roads as that is done by their own homeowners' association. It is strictly up to the homeowners. He also recommended that the homeowners put up signs on the bridge stating that it is a private bridge and no fishing is allowed thus eliminating excess traffic usage.

Item #64 - Gala Presentation by Mr. Don Beatie - reenactment in 2012

Mr. Beatie gave a presentation to the Council that the next event will be planned for May or June 2012. Under the new Comprehensive Plan, there is a resurgence of community interest in community development. The Historical Society has a flock of volunteers and is moving forward. The gala can be anywhere as long as it is on town property thus providing blanket liability. The back field of the middle school is planned for an encampment and then the use of the school itself will be used for other indoor programs.

Positive feedback from this year's events was given noting pleasure with strong attendance.

Mr Beatie's main concern during his presentation was whether the event would be covered by the Town's liability insurance. The Council Chair stated that as long as the person leading the effort was appointed by or working for the Town; then the insurance would cover the event.

Item #65 - Fire Station Boiler/Chimney Lining

Now that the Fire Station will not be moving in the near future, the boiler must be replaced and the lower section of the chimney must be lined. There is \$6,000 in reserve which will cover over 90% of the boiler costs. But, an additional \$3,000 dollars will be needed to replace the chimney liner. If not, there is a good possibility that the pump truck will freeze this coming winter. Two options were presented with the difference in cost centering on the length of the warranty. Option #2 had a lifetime warranty on the heat exchanger, 10 years on parts and 5 years on labor. This option would involve an additional \$1,000. The Town Manager recommended Option #2.

Councilor Lattin asked if the options were a result of bidding. Chief Dan Brooks replied that he had been directed to go to one vendor for this requirement.

Motion by Fuller and seconded by Jenkins, the motion passed 4-2 (Buck and Lattin) to approve Option #2.

Item #66 - Real Estate Tax Deferral Ordinance

A draft Ordinance was submitted to Council Members. A new piece of legislation has been passed allowing residents who are over 70 who have lived in their home for more than ten years, and make less than 300% of the poverty level income, will then qualify to have any future additional property tax deferred for as long as they stay in that residence. The only requirement would be that the town would put a lien on that property.

In response to an inquiry by the Council to come up with some numbers on how much tax the town might be deferring on a particular year, the town manager responded that assuming the increase in the milrate is .58, using the latest 2010 census which tells us that the town has 710 residents that are 70+ year, and assuming that those residents own property with the average value of \$90,000, that would then come out to approximately \$37,000 in deferred taxes every year – that would be for 100% of 710 residents.

The most recent program that the town has for tax deferment is the Circuit Breaker program. Right now that program is being used by 8% of the eligible residents. So, if the town went back and calculated for 10% of the 710 residents, and not 100%, using the same formula, that would come up to \$3,706 in deferred taxes. Eventually, the town would get all that deferred money back because of the liens placed on the properties.

The town manager recommended moving ahead with the proposed ordinance. In response to a question to further explain the lien, he went on to say that the lien guarantees that the town eventually gets the tax that was deferred. There is no forgiveness of the actual debt. The town manager, after discussions with the Assessing Department, believes it is very unlikely that the town's elderly will ever apply for a program that places a lien on their property. With that said, he still recommends that an ordinance be approved even if only one person used it. He also

noted that this is an easy program to monitor and manage. The state law does not mandate that a town accept this program. But if it does, it must have a municipal ordinance to provide and manage the program locally.

Motion made by Buck and seconded by Jenkins, the Councilors approved, 6-0, an ordinance allowing qualifying residents older than 70 to defer payment of increases in property tax in exchange for a lien on their properties.

A public hearing will be the next step.

Item #67 - Fire Works Sales/Use

Maine lawmakers approved a bill legalizing fireworks and Governor Paul LePage signed it into law on July 1, 2011. But it doesn't go into effect until January 2012.

The only fireworks that are currently legal for individuals to use are sparklers. There was mixed reaction to this new law noting all the pros and cons and questioning if educating the users would be sufficient to prevent a possible accident from happening. The town's option is to determine if it will allow the sale and/or use but not the possession. Children are especially at risk. Jurisdictions permitting possession and use typically see an increase in personal injuries to youths, i.e. to their eyes, skin and fingers.

Motion by Lattin and seconded by Fuller, with a unanimous vote, to table this matter for an ordinance governing possible sale or use of recreational fireworks in the town, under authority recently granted to municipalities by the state, until the Police Department can submit their input. This will be put on the agenda for August.

Item #68 - Victualer's License Application - Potato (Karen Barton- Owner)

Item #69 - Transient Seller Application (Colby Wieland)

Colby Dogs at Winthrop Beach

Colby Dogs at Sully's municipal parking lot

For both these applications, a published public hearing must be done prior to approval. No motion was needed and the temporary licenses can be used in the meantime.

Manager's Report

- *Water Pressure in Pineland Drive Subdivision* (just past DR Struck) – there is not enough water pressure for a fire hydrant in this subdivision. Putting this subdivision on the Winthrop water main would be very expensive. The manager is waiting for the Augusta Water District to give him the cost to install the necessary pump to bring the subdivision's water pressure up to normal levels.
- *Upcoming Road Construction Route 202*

A seven mile section of Route 202 from approximately Augusta Country Club to Bob Barrows Chevrolet will be worked on between July 13th and October 22nd, 2011. The contractor will start erecting approach signs July 1st. The contractor plans to begin work on the road the night of July 13th. In-road work will be done at night between the hours of 6pm - 6am. The contractor will be allowed to work during daytime hours of 9am - 4pm on catch basins, guardrails and hourly work. A temporary stripe will be placed on the milled surface. Traffic will be allowed to travel on milled surfaces for seven days before they are paved. Completion date is October 22, 2011.

- *Crosswalk - Nursing Home on Route 133*

Working with DOT to get a crosswalk painted on the road.

- *Beach/Wharf*

The town manager is researching what can be done to provide more of a beach (sand) to the public. He is also looking into ways of providing people more places to put their towels down. A lot of the room is taken up by the boardwalk between the boundary rocks along Bowdoin Street and benches. The old wharf

is not level which suggests there is something happening to that piece of construction. He will explore what can be done before it collapses. Ultimately, he would like to provide a moveable dock/wharf environment similar to the Town's marina. It would need to be large enough to handle the people coming to the public beach and taken out of the water at the end of the year.

- *School Construction Bond* – getting it to the town attorney by the end of the week after verifying the school figures. It must be submitted in final form by August 3, 2011.
- *Mattson issue* – taxes are now due and have yet to be paid in the amount of \$40,000. In an answer received, Mr Mattson offered the building in exchange for his debt. This option was rejected stating that the owed taxes must be paid and obligations to the town must be met.
- *Placement of Sand for public use* – in response to a request made for access to this sand 24/7, it needs to be placed where the public can get to it 7 days a week. The sand is there for safety sake and it is recycled sand to begin with. The response was that it may be recycled but the town is providing a service, much like the bathrooms at the Point, and it still costs the town money. It will be kept at the transfer station.
- *Railroad Idling* – a complaint received from a resident that idling of trains in one spot has been excessive. This will be pursued after checking with Rockland.

Executive Session - Motion by Fuller and seconded by Caprara with a unanimous vote to go into Executive Session for a personnel issue.

Question ref 6 Jun meeting minutes

When asked after the meeting, Councilor Rheaume did not remember bringing the item back on the floor. After reviewing the 6 Jun 2011 meeting recording, the town manager determined that Councilor Jenkins made the motion, Councilor Fuller seconded, to accept the Manager's recommendation to move the additional \$2,900 back into the WKEDA fund line.