

Winthrop Town Council

Meeting Minutes

August 1, 2011

Attendance: Chairman Kevin Cookson: David Rheaume, Linda Caprara, James Lattin, Priscilla Jenkins (arrived at 7:10 p.m.), Jeffrey Woolston, Town Manager and Julie Winberg, Secretary. Absent: Kenneth Buck Sr and Sarah Fuller.

Approval of Minutes for meeting held on July 11, 2011.

Motion by Caprara and seconded by Cookson, the minutes for this meeting were approved with one abstention - 3-1 - (David Rheaume - absent for this meeting).

Item #67 - Tabled from July 11, 2011 Council Meeting

Hold a discussion on Fire Works Sales/Use in Winthrop

Motion by Rheaume and seconded by Caprara this was taken off the table and readied for discussion. This past with a unanimous vote.

A review of last month's meeting on HP0071, LD83 legalizing the Sale, Possession and Use of Fireworks: 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.

The decision to table this item was in an effort to solicit the opinions from the Police Department, as enforcement was one of the concerns.

The town manager reported that the emergency responders were not in favor of the sale of fireworks. With this information now in hand, the town needs to write an ordinance addressing the sale, possession and use and then hold a public hearing.

The Council had mixed opinions on proceeding with a draft ordinance addressing these issues. They centered on the fact that Maine will not allow throughout the entire state the sale, possession and use of fireworks. With that said, how will the Town of Winthrop inform its residents as well as its visitors that they prohibit the sale, possession or use? And to continue, how will the Police Department enforce this Ordinance. Although several councilors cited serious safety concerns, the distribution of information and enforcement were equally as important.

The Chair reminded councilors that the town has past many ordinances that are not enforced by other jurisdictions. He also noted that he foresees the Police giving a warning first prior to a summons. It is up to the Council to decide what the parameters are.

The Chief of Police acknowledged that it is difficult to enforce this as you would have to actually see someone use the fireworks. But he noted that if the town does write an ordinance that prohibits sale, possession and use, it would not be much different than what has gone on prior to the passing of LD83. In addition, the town is liable and has insurance for that. The state has drafted the rules on the sale, but has left the possession and use to the municipalities. He reminded all that his Department has dealt with the possession and use prior to the proposed change in the law and thus will not be doing anything different. He recommended that because this is not a final law, that the council wait until it does become final and then decide what is best for this community.

Councilor Lattin commented that he felt this was all premature. He did acknowledge that safety guidelines should be addressed but possession should be allowed.

Councilor Jenkins felt that the town needs to get a range of sample ordinances as other towns must be struggling with the same problem and that MMA may be able to supply these samples.

Motion by Rheume and seconded by Caprara, the Council voted unanimously to table this.

Item #68 - Hold a public hearing on Victualer's License Application - Potato (Karen Barton- Owner)

The public hearing opened at 7:33p.m. with no comments. The public hearing closed at 7:34 p.m.

Item #70 - Consider the Victualer's License Application - Potato (Karen Barton- Owner)

Motion by Rheume and seconded by Caprara, the council was unanimous in their approval of this application.

Item #69 - Hold a Public Hearing on Transient Seller Application on Colby Dogs at Winthrop Beach and Colby Dogs at Sully's municipal parking lot (Colby Wieland)

The public hearing opened at 7:35 p.m. with no comments. The public hearing closed at 7:36 p.m.

Item #71 - Consider the Transient Seller Applications for Colby Dogs in both locations

Motion by Caprara and seconded by Lattin, the council was unanimous in their approval of these applications.

Item #72 - Hold a public hearing on a proposed Route 202 speed limit change

The public hearing opened at 7:37 p.m. The town manager reviewed the email sent by one of the town's resident requesting this speed limit change. He explained that if the Council chooses they can send this request to the State upon which the State would then conduct a traffic study. He noted that the state is responsible for regulating the speed limit.

The Chairman commented that he is not inclined to make a recommendation as the reasoning behind this request was not explained to justify a change.

The police chief stated that the town could request an advisory speed limit to be posted. He explained that this would be a yellow/orange sign suggesting that the speed limit should be 45mph. He did go on to say that he is not in favor of this however, noting that the problem is not so much in speed as it is to lack of attention to driving.

The public hearing closed at 7:39 p.m.

Item #73 - Consider whether the requested Route 202 speed limit change should be forwarded to the Maine Department of Transportation for evaluation and final decision

Motion by Rheame and seconded by Caprara, the council, with a unanimous vote, denied this request.

Manager's Report

The funds from the Bond Anticipation Note should be available on August 5, 2012. Those monies will be used for the new roof for the Middle School, the bleachers in the Jr. High School, the server room, and towards an energy audit for the Grade School (to be conducted prior to spending any money on suggested projects).

Motion by Rheame and seconded by Caprara the meeting adjourned at 8:00 p.m. with a unanimous vote.