

**Winthrop Town Council  
Meeting Minutes  
September 12, 2011**

***Attendance:** Chairman Kevin Cookson: David Rheaume, Linda Caprara, Priscilla Jenkins (arrived at 7:07 p.m.), Sarah Fuller, Ken Buck Sr, Jeffrey Woolston (Town Manager) and Julie Winberg (Secretary). Absent: James Lattin*

**Approve the Minutes of August 1, 2011**

*Motion by Rheaume and seconded by Caprara, the minutes for this meeting were approved with a vote of 4-0 (Fuller abstained – Jenkins arrived at 7:07 p.m. and did not vote on this motion.*

**Item #74 Constitution Week Proclamation (September 17<sup>th</sup> through September 23<sup>rd</sup>, 2011)**

*The Daughters of the American Revolution(DAR), Constitution Week Chair for the State of Maine Daughters of the American Revolution, Bonnie G. Wilder, spoke to the Council about DAR activities and that Winthrop was now included. There are 3100 members in the Daughters of the American Revolution with 24 chapters in Maine. Their concentration is on preservation, education and patriotism.*

*Chairman Cookson read and signed the following proclamation:*

*Town of Winthrop  
Incorporated 1771*

## PROCLAMATION

WHEREAS: It is the privilege and duty of the American people to commemorate the two hundred twenty-fourth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Kevin Cookson by virtue of the authority vested in me as Chairman, Winthrop Town Council in the town of Winthrop, Maine do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK and urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Winthrop, Maine to be affixed this 13th day of September of the year of our Lord two thousand eleven.

Signed \_\_\_\_\_

SEAL

Attest \_\_\_\_\_

**Item #66**      **Real Estate Tax Deferral Ordinance – Municipal Property Tax Deferral for Senior Citizens – Maine Revised Statute Title 36, Chapter 908-A, Part 9, Section 6271).**

- *Hold a Public Hearing on the Senior Citizen Tax Abatement Ordinance*

*The hearing opened at 7:06 p.m. The Town Manager reviewed this Ordinance. This State Law allows the town to defer property tax for qualifying residents of the town who are at least 70 years of age as of April 1<sup>st</sup> of the first year of eligibility and occupies the eligible homestead, the residency requirement must be at least ten years in their home. The household income of the taxpayer cannot exceed 300% of the federal poverty level.*

*The individual making the application must demonstrate that they meet the three criteria. They must also acknowledge that the town will establish a lien on the property. The town will verify the information and the council, during an executive session, will decide on whether or not to grant this deferral.*

*The hearing closed at 7:08 p.m.*

**Item #75**      **Consider the Senior Citizen Tax Abatement Ordinance**

*Motion by Rheaume and seconded by Caprara, the second reading was waived with a unanimous vote.*

*Motion by Rheaume and seconded by Caprara, the Senior Citizen Tax Abatement Ordinance was passed with a unanimous vote.*

**Item #67**      **Tabled from August 1, 2011 Meeting**

- *Hold a discussion on Fire Works Sales/Use in Winthrop – Public Law, Chapter 416, LD 83, 125<sup>th</sup> Maine State Legislature – An Act to legalize the Sale, Possession and Use of Fireworks.*

*Portland's amendment to their city code, Chapter 17 (offenses, miscellaneous provisions) Article III (offenses against public safety) was reviewed. Portland has adopted the prohibition of fireworks stating that no person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City of Portland. Fines will be imposed.*

*The Council must now decide whether or not to pass an ordinance. If the council wants to pass a town ordinance, the next step is to have a public hearing. The other option was not to do anything and the State Law as written would be automatically adopted and effective January 1, 2012 – this allows selling, possessing and using fireworks in the town of Winthrop.*

*Motion by Fuller and seconded by Jenkins to hold a public hearing on this died with a tie vote (Caprara, Rheume and Buck in opposition and Fuller, Jenkins and Cookson in favor).*

*Motion by Rheume for the town to accept the State Law as written died for lack of a second.*

*Councilor Jenkins recommended that the town take some more time to look at other draft proposals in addition to Portland's draft document.*

*Motion by Jenkins and seconded by Fuller to table this, albeit for the third time, to the next meeting in October, passed with a vote of 4-2 (Rheume and Buck in opposition).*

*Copies of additional draft Ordinances from other towns will be obtained as well as additional input from our Fire Chief.*

**Item #76 Tax Anticipation Note Bid Review and Selection**

*Kennebec Savings Bank is the low bidder.*

*Motion by Rheume and seconded by Buck to approve KSB as holder of the town's tax anticipation note passed with a unanimous vote.*

*The resulting ORDER #138 reads:*

**ORDER #138  
of the  
WINTHROP TOWN COUNCIL**

**AN ORDER PROVIDING FOR: Tax Anticipation Note for the current municipal fiscal year.**

BE IT ORDERED, by the Town Council of the Town of Winthrop, as follows:

That under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of up to \$1,700,000 principal amount of Tax Anticipation Note of the Town in anticipation of the receipt of taxes for the current municipal year.

That said Note is hereby sold and awarded to Kennebec Savings Bank.

Said Note shall be issued on a drawdown basis, shall be dated on or about September 21, 2011, shall mature on June 30, 2012, shall be signed by the Treasurer and countersigned by the Chair of the Town Council, shall bear interest at the rate of .94% on the actual daily balance and shall otherwise be in such form and bear such details as the signers may determine.

Said Note is hereby designated a qualified tax-exempt obligation of the Town for the 2011 calendar year pursuant to Section 265(B)(3) of the Internal Revenue Code of 1986.

That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note are hereby ratified, approved and confirmed and the Treasurer and Chair are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting including delivering said Note against payment therefore.

**Item #77      *Presentation: Winthrop Bicycle-Pedestrian Plan***

*Councilor Fuller, co-chair, presented an update on this Plan which closely follows the approved Comprehensive Plan for the town. Members of this Committee have met for several months looking at different ideas and surveys were taken. This draft plan is on the town's website along with the public's comments.*

*Patrice Putman, co-chair, also spoke. The committee has been meeting since March and has had active participation. A large part of the details in this were drawn from the Comprehensive Plan. The surveys done showed a real concern around safety for bicyclist and pedestrians. Getting people to slow down was a major and universal concern starting with the first recommendation of the plan which is to make roads safer, reducing speed by adding to the signage that presently exists, and through education, encouraging people to slow down.*

*The DOT may be able to assist by increasing the crosswalks and providing better signage.*

*Off road trail networking, supporting walking and biking, connecting the systems between Hallowell, Augusta, Monmouth was also a recommendation in an attempt to have a regional recreational trail system with a vision statement making the town of Winthrop accessible to all.*

*The downtown sidewalks are in poor shape and need to be worked on as are the ones around the beach at Norcross Point.*

*By having a Winthrop Regional Bike Route and combining it with a good mapping system, will prove to be an excellent promoting tool for the Winthrop Lake Region.*

*The Zoning Committee needs to look at this as well. Presently, there is nothing in this Ordinance that adequately addresses sidewalks or bicycle safety.*

*One suggestion that received praise was the use of movable signs which are fairly inexpensive with a slogan "slow down we are playing outside".*

*Councilor Jenkins commented that the enthusiasm at some of these meetings was infectious. Councilor Fuller commented that education was a key element in response to Councilor Rheaume requesting that both bicyclist and walkers be reminded that it is dangerous to walk 3 abreast or to ride a bike without taking into consideration an oncoming vehicle noting the potential of a serious accident. The State Law is to ride with and walk against oncoming traffic. Councilor Buck felt that bicyclists should have to pay an excise tax since they are legally allowed three feet of the road. (This has been discussed by the Legislature but was killed in Committee).*

*Motion by Jenkins and seconded by Fuller to sanction this, finishing the report, and moving it to the next level which is submitting it to the DOT. This motion failed with a tie vote (Buck, Rheaume, and Caprara against). Councilor Rheaume explained that he wants to see the finished report before it goes out, even though there were no substantive changes.*

*The Council decided to table their vote to the next meeting in October noting that just a vote would be required and not a full presentation. Ms. Putman assured the Council that they would have the final report in hand by the end of the week.*

*There was a further discussion on moving forward with the conservation priorities which require no money or regulations. The Land Trust identified known areas that are held most dear and should be protected. A meeting was held on September 8<sup>th</sup> and a list was formed: the lake shore areas, the wetlands, a vision how to support a recreational economy, the historic aspect of the village and the importance of collaboration with other towns. Twenty-five places were identified and after a vote, first and second tiers were formed. Some on the top tier were the east side of Mt. Pisgah, Carleton Pond and the Mill Stream. Some on the 2<sup>nd</sup> tier were the lake shore, Little Cobbossee, some of the larger lake camps, and the northeast end of Upper Narrows.*

*Ms. Putman noted that this was a terrific amount of work done in the space of 1 ½ hrs. by a group of people interested in protecting and safeguarding these lands. In a further explanation of what protect and serve mean, Ms. Putman explained that if an area is identified as endangered, the KLT may choose to take a look at it and see what options it may have in protecting it without infringing on anyone's rights.*

#### **Item #78 Additional Action – School Bond**

*The Bond Bank has requested that the Council vote authorizing the town manager to sign the loan agreement. Although the Council has collectively agreed to go ahead with the bond, a vote is now required.*

*“Council moved that the following vote be adopted: That the Treasurer is hereby authorized to execute and deliver a Loan Agreement with the Maine Municipal Bond Bank, in such form as the Bond Bank may require, in regard to the issuance of a Qualified School Construction Bond in the amount of \$1,350,000 to the Bond Bank”, with a motion from Caprara and seconded by Fuller with a unanimous vote.*

#### **Manager's Report**

*Energy Audit of the Grade School – Siemens has done their audit, but that involved auditing just what they sell. An audit of the building is required to make sure the most pressing energy oriented repairs are done. The audit will cost \$4,500. The manager requested the Council approve the transfer of these funds from undesignated. Motion by Caprara and seconded by Jenkins with a unanimous vote, the transfer of funds was approved.*

*Councilor Jenkins also noted that the Green Committee was meeting on September 13<sup>th</sup> and would enjoy having the Town Manager there participating in their discussion.*

*Mt. Pisgah and the Conservation Commission have two members. Five members, plus two alternates are needed. Long range planning in coordination with the KLT needs to be done. An ad will be placed in the Advertiser for these vacant seats.*

*Norcross Point repairs update – the door frames have been replaced. The bathrooms have been painted and the porta-potties will be removed. The meter and pipe pickling will take place in October.*

*The water pressure in Pineland Drive update – a letter has been sent to the Augusta Water District asking for what steps they will be taking to fix this problem.*

*Route 202 construction is continuing. There have been some accidents.*

*The manager plans to dovetail a requirement for a crosswalk at the nursing home on Route 133 with the recommendations in the Bicycle-Pedestrian Plan.*

*Town Beach update – wants to get the sand out from behind the dam and put back on the beach. The manager is thinking about assembling a group of people that can assist in grant writing for the beach project and others.*

*The proposed fee structure will be presented at the next Council meeting noting that shared services are presently being looked at through meetings with town staff, as well as school officials.*

*The manager plans to sit down with the finance director and the superintendent to discuss the execution of the budget; then brief the town council and school board. He asked that the council please delay forming a committee to find efficiencies until they are sure the Town Manager and Superintendent are not going to get the job done.*

*Electronic tax payments will be accepted by Androscoggin Bank some time in the near future. There will be a button on the town website when it is available.*

*A fully qualified town police officer has become a state trooper. Chief Young requested and received a check from the State Police for the \$24,000 training bill. The manager proposed to use the money to pay "on-call" personnel a stipend of \$3.00(\$8,500/year). The remainder of the monies would be used to buy a solar/battery back-up speed box to collect information on the real speed situations in the Town. Because these are funds*

*given directly to the police department, there was no vote needed by the Council regarding how to best use them. The police department has sole discretion and power to designate the money.*

*Motion by Rheaume and seconded by Caprara with a unanimous vote, the council approved the current request for encumbrances which will be moved to this year's budget. The manager does need to come back to the council and explain what the town hall equipment account represents.*

*The athletic field behind the grade school continues to have a problem with the drainage culvert. The culvert has been examined using a camera and current budget funds. The manager requested the council approve the necessary funds from the undesignated account needed to install a slip lining in the culvert. If we wait until next year, there might not be enough of the culvert to slip line. That means that by next year the culvert will have to be dug up and replaced which will cost more money. The anticipated cost will be between \$20-30K dollars. The slip liner should last 15-20 years. By that time, the field might not be used.*

*The council requested that the town go out for bid on this project as well as bids to upgrade the sound system adding microphones in the gallery.*

*Get back to the council about the high school's studio and ability to broadcast. The manager also needs to investigate how to turn the room's air handler/fan off during meetings to improve people's ability to hear.*

*The railroad crossing issue. The manager had a good discussion at the crossing September 2nd @ 1000 with Jamie Andrews, DOT and Dick Blanchard, Pan AM RR. Mr Blanchard said he would call his Hq to get cost and timing information for fixing the crossing. Mr Andrews said the DOT would be able to do something temporary if the railroad will not be able to get it done.*

### **New Business**

*There was no new business*

### **Item #79 Executive Session in accordance with 1 MRSA, Section 401 - Tax Abatement Request**

*No executive session was held on this date.*

### **Adjourn**

*Motion by Caprara and seconded by Buck, the meeting adjourned at 8:45 p.m.*