

WINTHROP TOWN COUNCIL

Minutes

APRIL 1, 2013 7 P.M.

Attendance: Chairman Kevin Cookson: Priscilla Jenkins, Sarah Fuller, Larry Fitzgerald, Linda Caprara, Ken Buck Sr., Don Ellis, Lee Bragg (Town Attorney), Jeffrey Woolston (Town Manager) and Julie Winberg (Secretary)

The meeting opened at 7:00 p.m.

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

Approve the March 4, 2013 Meeting Minutes

The Minutes for this meeting were approved with a unanimous vote with one change: the first line of Item #20 – changing Finance to Budget.

Recognize Winthrop Utilities Award from Maine Waters Utilities Association

The Maine Water Utilities Association (MWUA), a non – profit organization, has a mission to represent the water works professional membership in advocating safe drinking water through education, legislation, policy and networking.

The MWUA recognizes annually those whose contributions enhance the association's mission and positively impact the profession throughout the State. This year the Excellence in Operation Award was proudly given to the entire Winthrop Utilities District.

Recognize Winthrop's 2013 Spirit of America award winner

For 25 years, the United Way Spirit of America Awards program has been recognizing exceptional citizens for outstanding community engagement and the measurable impact they have in education and beyond. This year, Mark Hachey, a senior at Winthrop High School, has been selected as this year's recipient for his outstanding community service and leadership. He has and continues to contribute significantly to the quality of life enjoyed by many in Winthrop. His name will be on a plaque hanging in the Town Office.

Item #24 Request for Town Water Trough – Mr. Jim Bryant

This item was taken off the agenda as Mr. Bryant did not attend the meeting.

Item #26 Consider closing Main Street during the Art Festival

The owners of several downtown businesses were present and expressed that closing the street would be hard on their customers as well as people with disabilities. The organizers of the festival however, felt that closing the street would improve safety, improve the atmosphere at the festival, and perhaps lure artists back in. Competition, particularly from an art festival in Topsham the same weekend, has reduced the number of artists to about half of what it once was. Councilors agreed that closing the street would inconvenience the towns businesses. They encouraged the Chamber to consider other locations in town for the art festival.

The Winthrop Sidewalk Art Festival will continue to be confined to sidewalks. Motion by Caprara and seconded by Buck, the council voted 7-0 not to close Main Street during this event in August.

Item #27 Consider service mark registration of the Town Motto "We Play Outside"

The slogan, developed as part of Winthrop's Comprehensive Plan in 2010, appears on the town's website, the town's voicemail message and signs posted along roadways in the warmer months to encourage drivers to slow down. South Portland created its own signs with similar wording last year, and if someone else were to register the slogan first, Winthrop could be prevented from using it. The total cost would be \$110 which includes the expedite fee.

Motion by Fuller and seconded by Jenkins, the councilors voted unanimously to register the town's slogan, "We Play Outside," at the suggestion of resident and motel owner Andy Wess.

Item #28 Public Hearing to Consider Liquor License renewal for Sully's Restaurant and Tavern

Public hearing opened at 7:40 p.m.

Police Chief Joseph Young said officers have responded to reports of three assaults and four disorderly conducts in the tavern in the past year, including one incident in which someone was illegally carrying a gun. Carrying a concealed weapon is prohibited in places where alcohol is served. Chief Young said he would send a letter to business owners reminding them to post a sign saying that no firearms are permitted in such establishments.

Liquor licenses must be renewed every year. Town attorney Lee Bragg said councilors can revoke Sully's license anytime in the next year if there is cause.

Public hearing closed at 7:48 p.m.

Item #29 Consider Liquor License renewal for Sully's Restaurant and Tavern

A one-year liquor license to Sully's Restaurant & Tavern was approved by councilors with a vote of 6-0 (Caprara stepped away). This motion, made by Fuller and seconded by Jenkins, is conditional and the license will be revoked if problems continue requiring Winthrop police to respond.

Item #30 Consider approval of a re-written 1916 agreement

The council reviewed an overhaul of the 1916 agreement that created the Charles M. Bailey Public Library.

Attorney Bragg said the agreement did not cover future additions and some of its language has been difficult to interpret, such as the definition of the "support, care and maintenance" that the town is required to fund. The need to update this agreement came to light last year with the proposed library addition. The Library is not a department of the town as it is controlled by the trustees and run by the trustees. The Library submits a budget to the town.

Attorney Bragg, councilors and library trustees worked together to draft the new agreement keeping with the spirit of the original agreement.

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, approved the draft agreement authorizing the next and final step to be sending it to the Probate Court.

Item #31 Consider arrest powers of Winthrop police officers

Councilors Fuller and Fitzgerald had requested a review of the town's statewide-arrest policy after receiving questions from constituents about the Winthrop Police Department's jurisdiction.

Police Chief Joseph Young defended the statewide arrest powers granted to his officers. State law protects municipalities on liability, worker's compensation and other insurance coverage if something happens when an officer makes an arrest elsewhere in the state. Jerry Hinton, a consultant and former police chief in Brunswick, Monmouth, Richmond and Sabattus was also in attendance and spoke in support of this policy. About 30 municipal police departments out of 122 have statewide arrest powers.

Councilor Fuller and Fitzgerald said they had a better grasp of how the policy is used and the protections it provides, and they were comfortable leaving the town policy in place. All councilors agreed.

Item #32 Consider private use of municipal equipment

Councilors agreed that a policy needs to be in place prohibiting the private use of municipal equipment unless they are on call or have prior permission from the town manager.

Motion by Fuller and seconded by Fitzgerald, passing with a unanimous vote, the council directed the town manager to write a draft policy for their review with specific guidelines.

Item #33 Consider use of transfer station by non-residents

The need arose during a budget session where it was clear that revenue had to be increased. By opening the transfer station to neighboring communities, the increase would be noticed in the town's tonnage as well. Non-residents living across town lines have expressed their desire to use the transfer station as it is much closer than their own. A suggestion made for a different color sticker and increased yearly cost was also considered.

A suggestion like this is a very direct way to regionalize services in tight budget years. However, dealing with the increased capacity is a serious consideration and that increase could put a limit on our residents as opposed to non-residents.

It was decided that the town manager will review the tonnage, what additional costs this may incur, contact the town manager in Wayne to gather more information about their request and review the bottom line cost to Winthrop in opening the landfill up to non-residents. He will report back to council.

Item #34 Consider public hearing on fire department response fees

The alarm fees for the fire department are the same as the police department and start at \$15.00.

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, will hold a public hearing on May 6th to consider the fire department's request to increase response fees.

The proposed increase will be in \$50.00 increments with the first two being free.

Item #35 Manager's recommended budget for FY 13-14

The town manager presented a draft budget which he compiled from department budget requests.

The draft budget is \$5.8 million, down \$155,035 or 2.6 percent from this year's budget. The decrease is mostly a result of removing about \$200,000 in undesignated funds that the council incorporated into the budget last year.

There are major reductions in the line items for paving mix, culvert work and police officer salaries, reflecting a police department with one fewer officer.

Another \$50,000 to \$60,000 in cuts will probably be needed to be made if the budget is to be tax neutral.

Councilors will review the budget at workshops on Monday, April 8th and April 16th, with additional workshops to be scheduled if needed.

Note: sharing services with other towns needs to be explored along with a thorough review of employees' health and family benefits.

Item #36 Consider proposed consent agreement – Ms Nancy Dykstra

The apartment that Ms. Dykstra built without obtaining the required permits has finally been settled with a consent agreement. There will be a \$10,000 fine as well as \$10,000 for attorney fees. Motion by Fuller and seconded by Caprara, passing with a unanimous vote, this consent agreement was approved.

The council thanked the CEO for her hard work on this case.

Manager's Report

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, the quit claim deed (45-22) was approved.

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, approved leasing the voting machines from the State. The cost would be \$2,296 with \$1,000 coming from the Administration mileage and reserve accounts.

Other Business

Chairman Cookson asked the council to be prepared to discuss and vote on withdrawing from the Cobbossee Watershed District.

Motion by Fuller and seconded by Fitzgerald passing with a unanimous vote the meeting adjourned at 10:00 p.m.