

Winthrop Regular Town Council Meeting Minutes  
Monday, March 5, 2018 - Town Office  
17 Highland Avenue  
7:00 PM

7:00 PM Business Meeting: Call To Order – Pledge of Allegiance – Roll Call

**All Present** Chairperson Sarah Fuller, Vice-Chairperson Linda Caprara @7:05PM, Councilor Priscilla Jenkins @7:15 PM, Councilor Barbara Buck, Councilor Rita Moran, Councilor Andy Wess, Councilor Scott Eldridge

Finance committee to signed disbursement warrants

**Item 24** The council considered approving council meeting minutes from January 8, 2018 and February 5, 2018

**Motion:** Move to approve the council meeting minutes for January 8, 2018 and February 5, 2018

**Motion by:** Moran           **Second:** Eldridge           **Vote:** 5-0 motion passes

Councilor Wess wanted it noted that he was more emphatic about defending the town's legal counsel's honesty than was expressed in the February 5, 2018 meeting minutes.

**Item 25** The council considered a Transient Sellers Permit for Ron DiGravio and Cindy Townsend of Cranberry Rock Farm on a proposed Farmers Market

**Motion:** Move to approve a Transient Sellers Permit for Ron DiGravio and Cindy Townsend of Cranberry Rock Farm for a farmers market on Summer Street

**Motion by:** Moran           **Second:** Eldridge           **Vote:** 6-0 motion passes

Ron DiGravio briefly spoke of their plan to utilize the Summer Street property of the former Paris Farmers Union to hold a Farmers Market from 3PM to 6PM on Thursdays. They currently have six vendors that will be participating with many other possibilities.

**Item 20 (Update)** The council heard from the town manager on an update on the Main Street and Route 202 intersection;

The manager advised that Council Chair Fuller, Police Chief Dan Cook and he met with Maine Department of Transportation Engineers, Steven Landry and David Allen as it relates to the Main & 202 Intersection. He advised that MDOT uses a six to nine month acclimation period for drivers when evaluating a new intersection design. Since June of 2017 through February 15, 2018 local police records indicate there have been ten motor vehicle crashes at the intersection.

- The action plan coming out of this meeting was for the town to install a new stop beacon on the Main Street stop sign that was damaged during a crash. MDOT will install another

stop beacon on the Route 202 stop sign for the East Bound left turn lane to access Main Street.

- MDOT will do research for solutions from other states on these types of intersections.
- Conduct Enforcement for speed, stop signs and other moving violations in the area. Seek in input from local police, deputies and troopers on what they see the issues are with the intersection.
- MDOT will conduct visual monitoring of the intersection.
- Continue to monitor crash stats;
- The Winthrop MDOT Camp will keep the snowbanks pushed back – Winthrop PD and the Winthrop MDOT Camp have worked together on this all winter.
- MDOT has supplied the town with a new pole mounted electronic speed display that will be used to help slow West Bound 202 traffic going through the intersection.
- MDOT is also going to setup large message boards to remind motorist of the intersection. The location for the message boards may be problematic due to snow and snowbanks.

Councilor Wess asked if the intersection of Route 202 and Peck Farm Road was discussed. The manager advised that it was discussed and it was learned that there have been no crashes at that location. Councilor Wess stated that prior to the redesign you could pull off from Peck Farm Road onto Route 202 and wait in the island crossover to turn left. He expressed concern that vehicles can no longer stop in the island crossover.

Councilor Fuller brought up that people have been using Peck Farm Road and Highland Avenue more in an attempt to avoid using the Main Street at Route 202 intersection and possibly causing more crashes at those intersections.

**Item 26** The council held a public hearing on a proposed change to traffic caution lighting at Route 202 and Highland Avenue

Time in: 7:12 PM  
Time out: 7:22 PM

**Motion:** Move to support the lighting changes as presented by the Maine Department of Transportation for the intersection of Route 202 and Highland Avenue

**Motion by:** Moran      **Second:** Jenkins      **Vote:** 6-1 motion passes, Eldridge

The manager advised that we lost the lights at the intersection of Route 202 and Highland Avenue during Windstorm on October 30, 2018, and since then there have been no lights and no crashes at that intersection. The manager has made an insurance claim for the lights but approached MDOT to see if the lights were needed. MDOT Engineer, Steve Landry, has developed a new lighting plan. The new plan offers plenty of notice to motorist of the intersection and compliments the turn lane changes MDOT made to the intersection some years ago. Neither the old lights nor the new lights make it any easier to cross Route 202 from Highland Avenue or to make a left turn onto Route 202 from Highland Avenue. The town would be responsible for the stop light signs on Highland Avenue and MDOT would be responsible for

the caution light signs along Route 202. This new plan would lower government costs and achieve the same results.

MDOT State Traffic Engineer Steve Landry advised that the replacement of these lights was in the MDOT plan but Windstorm 2017 excelled that plan. He advised that two lighted LED stop signs would be installed on either side of Route 202 where it intersects with Highland Avenue and two lighted LED signs East Bound 202 and two a like signs west bound 202 on either side of the Highland Avenue intersection. Steve felt that the ground level lights would offer drivers to see them at their level and give plenty of warning prior to entering the intersection.

Councilor Fuller felt the ground level signs would offer more visibility and since they would be solar energized and we would save on the town's power bill.

Councilor Wess asked if the 45 Signs could be replaced the lighted LED 45 MPH signs. Steve said LED speed limit signs at the 45 MPH zones could be added but that would have to be at the town's expense.

Councilor Jenkins wanted to know what the town would be responsible for to pay for signage maintenance. Steve advised that MDOT would be responsible for the signs on Route 202 and the town would be responsible for the four stop signs at Highland Avenue.

Councilor Eldridge asked if any of the signs would hinder visibility. Steve stated they would not. Councilor Eldridge asked if we needed to install the signs. Steve stated that the signs did not have to be installed since that intersection is not any longer a high crash location.

Councilor Fuller agreed that the crashes have been reduced at the intersection but brought up the need to help pedestrians and bicyclist cross the intersection and felt the lights would be of assistance to those users.

Chief Brooks agrees that this plan is better than placing the overhead lights back up, but he does have a concern that some of the stop signs would not be seen at a safe enough distance. Steve advised that they would be placed with a good sight line distance.

Councilor Wess feels this is a good plan and we could work in stop ahead signs only if needed.

Chief Cook felt the stop signs there work now so would believe the lighted stop signs would fare well.

Councilor Jenkins mentioned that we need to do something to help with speed and protect the pedestrians using the intersection.

Steve Landry also said that MDOT would provide any stop ahead signs for the town to install.

Councilor Moran mentioned the possibility of using a speed table. Steve advised that they do not use speed tables on arterials.

MDOT Engineer Dave Allen also mentioned that they will install 55 MPH signs in East Winthrop with a Red Band around the edge as a trial to see if it helps with speeding vehicles.

**Item 27** The council held a public hearing for the annual review of the Fireworks Ordinance

Time in: 7:25 PM  
Time Out: 7:43 PM

Councilor Jenkins has heard from citizens that fireworks use should be limited to holidays only.

Councilor Moran stated that when she sees the sign at a residence on Main Street that says that a combat veteran with PTSD lives here, please no fireworks, she totally agrees.

Chief Cook advised that there were twelve complaints in 2017 and at least four violators could not be located. Chief Cook feels that half of the complaints are legal fireworks and the other half are illegal, mostly after hour complaints.

Councilor Wess advised that fireworks in the area of the marina he previously owned is a serious problem because of the fiberglass boats and fuel. Councilor Wess suggested that the fire chief help develop new rules for a fireworks setback of five to six hundred feet. Councilor Caprara concurs.

Chief Brooks advised that in the area of the marina, with the buildings so close together, people discharging fireworks are probably already in violation of current ordinance.

Councilor Wess advised that the marina has a tank with two-thousand gallons of gasoline and about one hundred boats filled with gasoline mostly made of fiberglass and feels this presents a serious hazard when fireworks are introduced.

Councilor Jenkins has also heard fireworks being discharged late at night.

Gary Dawbin states that he could have filed multiple complaints near his home for fireworks being discharged after hours and with PTSB involved fireworks are a problem.

Chief Brooks advised that there may be a law coming out involving burn permits that would also offer anyone requesting to discharge fireworks the ability to obtain a free permit. We would have to change our ordinance to require this permit.

Councilor Fuller asked if there have been any injuries sustained from fireworks use. Chief Brooks does not believe there have been any injuries.

Jim King feels that fireworks impose on his right of peace and that of people with PTSD. Jim also stated that fireworks also impact dogs.

Councilor Wess stated that if we cannot find a way to control the impact of fireworks on people with PTSD or near marinas than he would vote to stop the use of consumer fireworks in Winthrop.

Councilor Caprara suggested signage around the marina notifying people not to use fireworks.

Councilor Fuller stated that we can hold another meeting on the fireworks ordinance to review possible suggested changes to the ordinance.

Codes Officer Mark Arsenault felt that we need to simply enforce the current ordinance as written before we decide to change the ordinance. Councilor Buck and Caprara agreed.

Chief Brooks suggested that the police, fire and EMS departments get together to meet and review the ordinance and come up with possible suggestions to the council.

Chief Dovinsky advised that in the seven towns the ambulance service covers they may have two fireworks injuries per year.

Councilor Fuller closed the hearing and asked that the chiefs come back at a later date with information for the council to consider as it relates to enforcement of fireworks in Winthrop.

**Item 28** The council considered accepting a donation from the Payson Tucker Hose Co. #1 for the new fire station

Chief Brooks advised the fire fighters suggest donating \$3400 for changes to the new fire stations siding and for a water fountain that was not included in the plans.

**Suggested Motion:** Move to accept a donation of \$3400 from the Winthrop Fire Fighters Association to be used for the new fire station construction

**Motion by:** Moran            **Second:** Jenkins            **Vote:** 7-0, motion passes

**Item 29** The council heard an update on the New Fire Station construction and a request to use additional donated funds from the Windover Foundation. Note: Windover donated \$450,000 for the new fire station.

**Motion:** Move to authorize the utilization of additional Donated Windover Fire Station Funds in the amount of \$41,876.09

**Motion by:** Moran            **Second:** Eldridge            **Vote:** 7-0, motion passes

Chief Brooks reviewed the need for additional donated Windover Funds due to the use of current contingency funds for ledge removal and engineering costs. Chief Brooks advised some of the items that would be purchased with the additional donated funds would be a stove, freezer, refrigerator and dishwasher.

Chief Brooks advised that the fire station would become the town's emergency operations center that could require use during events such as ice storms or hurricanes. Chief Brooks explained that we would also be using the new fire station as a backup for the police department dispatch center with radios and phones in the event the police dispatch goes down.

Councilor Caprara asked if the appliances needed to be commercial. Chief Brooks advised that the commercial product would provide longevity.

Chief Brooks also advised that the fire fighters would be buying an ice machine for the new station sometime in the future.

Councilor Jenkins asked if the plan was to still hold training events at the new fire station which would further justify the need for appliances. Chief Brooks did state that the facility will be very attractive to holding training events with the equipment installed at the new station.

Councilor Caprara asked about the office furniture. Chief Brooks advised the furniture includes training tables with wheels and seating.

Councilor Wess stated that he has conducted training at the old, current, fire station and advised there was no furniture there worth moving. Councilor Wess asked if the building would be rented out for events and if so the commercial kitchen would be needed. Chief Brooks explained that the buildings parking lot is really set up for a fire fighters response to the station and not for holding events.

Councilor Moran asked how much money was actually being requested. Chief Brooks stated the amount is \$41,876.09 with the understanding that some of the construction related items are still being negotiated. Chief Brooks also explained that these funds will be coming from the donated funds and any remaining funds would be used to pay down debt.

Sue Thomas stated that the commercial appliances are a smart move and supports doing this right the first time.

Chief Brooks brought up that the emergency egress sign lights were not included in the project costs as he had thought and that they are included in this request. Chief Brooks does not support installing the sign lights.

Councilor Wess supports the use of the new fire station for events and fundraisers for the fire department.

Councilor Caprara feels the new station should be used for firefighting and not events.

**Item 30** The council approved and signed four quitclaim deeds for satisfied tax obligations

**Motion:** Move to sign the following quitclaim deeds for the satisfied tax obligations listed below

**Motion by:** Wess            **Second:** Eldridge            **Vote:** 7-0, motion passes

2014 Tax Year

Debra Sukeforth, for property shown on Map 9, Lot 57-32

Richard & Leanne Preble, for property shown on Map 48, Lot 7

2015 Tax Year

Debra Sukeforth, for property show on Map 9, Lot 57-32

Heirs of Richard & Deborah Leeman, for property shown on Map 26, Lot 43

**Item 31** The council heard from the town manager on a proposed process to sell the soon to be vacant Fire Station

**Motion:** Move to authorize the town manager to seek sealed bids for the sale of the Old Fire Station at 36 Main Street

**Motion by:** Eldridge      **Second:** Wess      **Vote:** 6-1, motion passes, Jenkins

Town Manager, Ryan Frost, proposed the sealed bid process to sell the current fire station. He further advised that the property would have to be split off from public works garage which would require legal work.

Councilor Caprara was concerned that someone could submit a very low bid and obtain the property. The manager advised that the council can reject any and all bids.

Councilor Fuller stated that there is interest in the building which should mean that interested parties most likely would not be low balling the bids.

Councilor Jenkins asked how much land goes with the fire station. The manager stated that the assessing office estimates .36 acres. Councilor Jenkins asked if comparisons to other properties have been completed. The manager advised they have not. Councilor Jenkins expressed concern that comparisons have not been done.

Councilor Wess suggested not to split the land until a buyer was in place to allow for room to negotiate.

Sue Thomas asked if the access for public works would be town owned or a right of way. The manager advised that it would be in what was the best interest for the town.

Councilor Jenkins felt that she needed more information to support this at this time.

Chief Brooks wanted to know the timeline proposed for the sale. The manager stated it would be contingent on the move of the fire department to the new station. Chief Brooks also stated that the sprinkler system in the old station would have to be disabled.

**Item 32** The council heard from Chief John Dovinsky on Medic 1 repairs

**Motion:** Move to approve the status of Medic 1 utilizing Option #4 to repair and use the ambulance as a spare and to review the issue further during the upcoming budget process

**Motion by:** Jenkins      **Second:** Wess      **Vote:** 7-0, motion passes

Chief Dovinsky reported a significant repair costs to the departments Medic 1 Ambulance in the amount of \$4,053 for a catalytic converter and sensor. Medic 1 is the oldest ambulance of four

and has 161,000 miles. It was due to be replaced last year, but due to fiscal constraints a new ambulance was not funded. Chief Dovinsky made this report to the council because the budget line for the ambulance this year will be overspent due to multiple other repairs to Medic 1 and approximately \$15,000 has already been spent. Chief Dovinsky stated that the department currently has an expenditure curtailment to deal with a revenue shortfall and the repairs to Medic 1 are eating into any expense savings. Chief Dovinsky stated that the only solution is to fix Medic 1 and to use it as a spare. This will increase mileage on the other three ambulances.

Councilor Caprara asked how many other towns the ambulance service covers. Chief Dovinsky answered, seven. Councilor Caprara feels that the other towns are not contributing to the maintenance of the ambulance. Chief Dovinsky stated the other towns are contributing in the form of the per capita rate charged to each community and from patient billing. Councilor Caprara feels that we must revisit what the other communities are paying the ambulance services. Chief Dovinsky stated that this situation is what happens when equipment cannot be replaced when scheduled. Councilor Caprara stated that we need to look at reducing the number of communities we serve.

Councilor Moran stated that if we cannot reduce expenses than we must increase revenues and charge other communities more for the service. Chief Dovinsky stated that the town council sets per capita rates we charge other communities, but also stated that we are approaching the maximum level of the market rates. Chief Dovinsky advised that the proposal for next year's budget is to increase per capita rates by 6%.

Councilor Jenkins asked if there was any way a maintenance surcharge could be charged to the other communities. No information was offered on this question.

The manager asked how the proposed 6% increase in per capita charges was different from other year's increases. Chief Dovinsky stated any increase is usually in the area of 2%, and offered that the 6% increase will generate about \$10,000 in new revenue.

Councilor Fuller asked how the other ambulance maintenance budgets are doing. Chief Dovinsky advised that on the other two older ambulances their maintenance lines will be close to going over what is budgeted.

Councilor Wess asked how much a new ambulance would cost and is a re-chassis possible. Chief Dovinsky advised that a re-chassis is not an option for Medic 1 and stated to replace an ambulance is about \$200,000.

Councilor Wess stated that we cannot keep repairing old junk and Councilor Fuller concurred.

**Item 33** The council reviewed model ordinances relating to recreational marijuana

**Motion:** Motion to seek the enactment of a moratorium ordinance

**Motion by:** Caprara      **Second:** Wess      **Vote:** 5-2, motion passes, Jenkins/Moran

Councilor Fuller explained that she had requested this to be placed on the agenda since the state has yet to approve changes to the recreational marijuana law. Councilor Fuller advised that we have heard from Maine Municipal staff here at meetings and from their legal counsel that communities should put either moratorium or a prohibition in place until the law gets settled. Councilor Fuller was looking for a sense from the council on what action they want to take to temporarily protect the community.

Councilor Jenkins stated that the Marijuana Committee has known that Maine Municipal has been suggesting that communities take this action. Councilor Jenkins does not understand the need to add a moratorium to protect ourselves because no one can start a business legally.

The manager stated that this protection will give us an opportunity to update our ordinances and any zoning to determine where these businesses can locate. He cautioned that people will attempt to circumvent any current rule. He further stated that communities are being questioned by people wanting to open marijuana facilities.

Councilor Caprara supports an ordinance to protect the town.

Councilor Wess states that it does not make much sense to review our zoning or ordinances until the state determines what the rules are. Councilor Wess does not like a prohibition and would be more interested in a moratorium that can be renewed every 180, days if needed.

Councilor Moran feels there is no reason for an ordinance and feels we need to see what happens on the state level.

Councilor Jenkins suggest that people that approach the town could be told that town policy is that we do not take applications until the state sets regulations.

The manager advised that we are still not protecting ourselves and people will attempt to circumvent any policy.

Codes Officer Mark Arsenault advised that the threat to the community comes in the form of people seeking conditional use permission to have a marijuana facility. At this time the town has not determined where such facilities should go and if we say no to a conditional use request than we can be taken to court. The court can order us to issue the conditional use permit and the person could set the business up anticipating the states approval of licensure to actually sell marijuana in an area that the town has yet to protect.

Councilor Fuller described the current situation as being similar to the “wild west,” and basically anyone can set up shop anywhere and just wait for the state to enact law and the town would be stuck with a shop in an area that is not ideal for the community. She continued and stated that a

moratorium would give the town time to see how we may want marijuana integrated into our community.

Councilor Caprara made the motion to seek the enactment of a moratorium ordinance and it was seconded by Councilor Wess.

Councilor Wess stated that with his experience on the board of appeals for thirty years he can attest that people are endlessly creative and that he feels the moratorium is necessary.

Councilor Fuller explained that the motion that is on the table to proceed with a moratorium ordinance would have to be followed by a future public hearing for a first reading and a possible second reading.

Councilor Jenkins mentioned that any review of zoning or ordinances should keep in mind how alcohol is regulated to be consistent.

Councilor Fuller asked that the council review the moratorium and submit any suggested changes to the town manager.

**Item 14** (*Continued*) The council was prepared to hear from Transfer Station Supervisor, Larry Cole, on the condition of the transfer station trailers and need to replace one Demo Trailer. Larry Cole did not attend the meeting.

Other Business:

Councilor Jenkins has invited the public to coffee and conversations on the issue of Marijuana in the small conference room at the town office this Saturday, March 10 at 9 AM.

Councilor Wess wants the issue of the East Winthrop Beach placed on an upcoming agenda.

Manager's Report:

1. Town office Computer TRIO software was updated and will help speed up the system.
2. Banking Security was updated requiring two people to authorize transfers
3. We start taking our trash to Mid-Maine Waste Action Corporation (MMWAC) on April 1, 2018
4. Municipal Budget Review Schedule – Councilor Caprara would like a school budget sooner than May. Councilor Fuller explained that with joint meetings with the school board we should have a good idea about the budget when it comes time for the formal presentation.
5. 2018 Micro-Enterprise Grant – The state has approved the town applying for a micro-grant on behalf of two businesses. An application will be prepared by the manager.

Adjourn.