

Winthrop Town Council
Meeting Minutes
April 23, 2012

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

Approve the Minutes of April 2, 2012

Motion by Fuller and seconded by Jenkins the minutes were approved by a unanimous vote.

Approve the Minutes of April 9, 2012

Motion by Fuller and seconded by Jenkins passed with a vote of 6-0-1 (Buck abstained). The following corrections were noted that all contributions were charitable i.e. food bank, Senior Spectrum.

Item #32

Consider the Military Excise Tax Exemption Ordinance – Second Reading

On April 2, 2012 a public hearing was held on this Ordinance which exempts the vehicle excise tax for both active duty personnel as well as the guard reserves that are going on active duty for more than six months. This Ordinance was approved with a unanimous vote. The effective date for this is May 23, 2012.

Motion by Fuller and seconded by Jenkins passed with a unanimous vote to bypass the second reading of the Ordinance. This Ordinance is adopted effective April 23, 2012.

Executive Session

Motion by Fuller and seconded by Caprara, the Council went into Executive Session at 6:15 p.m. and concluded at 6:29 p.m. (Section 405, 1E). Also in attendance for this session was Beth Young, Code Enforcement Officer and Lee Bragg, County Attorney.

Motion by Fuller and seconded by Jenkins to approve the legal consent agreement with the plaintiff, the Prestis' (easement/Lakeshore Drive Subdivision) passed with a unanimous vote. The Council, by voting in favor of the plaintiff, terminates the litigation and the matter is closed.

To summarize and answer a few questions from those in attendance that disagreed with the decision: in 2010 the defendants agreed to allow the Presti's request to cross the defendant's property by an approval of an easement. The Court by signing off on this judgment placed that easement in that location which allowed the plaintiffs to use that access to their property. The Prestis' are legally allowed an easement for ingress and egress to their property. When this application came before the Planning Board, this Committee had no authority to deny what the defendants as well as the Court had already approved.

Item #37 *Review draft 2012-2013 Municipal Budget for the following departments: Recreation, **Clerk, Elections**, Central Services, Computer, Assessing, Finance, **Codes, Planning, Zoning**, Debt Service, Insurance, **Town Office, Library**, Norcross Point, Community Programs, Public Works, Paving Cemetery, **Benefits**, Utilities, **Council, Executive Administration**, Social Services, General Assistance.*

Library Budget:

Note: Legal counsel has determined, after review, that the Chairman of the Town Council has the authority to take on a dual role position both as Chairman and as a Trustee of the Library. Therefore, he is authorized to take part in this discussion.

In review: The first selectman in 1916 was a trustee. The Library trustees had the authority to oversee how the library would operate in all aspects including its maintenance as well as to the hiring and compensation benefits for their employees.

This Charles Bailey 'agreement' had been approved by the Legislature and made into law. The Council has no authority to override it. The library is not a department of the town as it is considered a corporation unto itself.

The Trustees have certain obligations as does the town. The town supports the property in so far as its maintenance. But the key word is what is financially 'reasonable' in such support. The regular budgetary process must be followed. And although department heads do have input, in the end the Council's decision holds.

In reviewing the section of this document, it was made clear that the Trustees hire employees and set their salaries going through the normal budget process just as all department heads do.

In summary, the Trustees are responsible for their budget set by the council and abide by that sum of money. However, it has been made clear, that the Trustees have the authority to give desired increases to its employees as they see fit. They do set salaries from the source of revenue but when it comes to increases, they need to identify their source of funding.

This charitable trust was reviewed even further. The original agreement dealt with one building and the town's obligation to it. The Trustees are proposing to put an addition to the town's building and this now falls outside the town's original agreement which is to maintain one building on one lot.

The Council made it clear that the Trustees must participate in these discussions and come to an agreement as to how the Council will be/or should be involved i.e., the buildings (addition included), and its maintenance in the future. The Council has left it up to the Trustees to incorporate into the 1916 agreement to include this new addition.

At this point, the status quo shall remain.

Therefore, by a motion made by Fuller and seconded by Jenkins passed with a unanimous vote that the current library and town administrative operations continue as is and that the Trustees clarify the 1916 document as to the new responsibilities coming out of the proposed addition to the original building.

The Treasurer of the Board of Trustees reviewed for the Council the town supported budget with an emphasis on the proposed increase to the current library's compensation line. The increase of \$2,500 is designated for the Director of the Library. The treasurer noted that the Trustees understand that there needs to be planning and that they are committed to staying within the guidelines of the town with basic salary increases. This increase of \$2,500 has been approved by the trustees and further discussion with the town manager will ensue as far as how it will be reflected now and in the future as a line item etc..

Clerk

Motion by Caprara and seconded by Buck to reduce lines #123, #124 and #125 to last year's levels. The Motion was denied with a vote of 5-2 (Caprara and Buck).

Motion by Caprara and seconded by Buck passed with a unanimous vote to reduce line #133 by \$1,800 (duplicate entry).

Motion by Caprara and seconded by Buck passed with a unanimous vote to reduce line #135 to \$150.00

Note: line #137 shows an increase from last year's level due to the number of ads placed for the town's fee increases.

Note: there will be a historical record maintained with notations carried over year to year.

Elections

Line #41 shows an increase to 5.78% instead of 4%. The calculations were made with the transferring of the 2008 presidential election coverage which required bringing on additional staff to process voting registrations.

*Line #56 for a new ballot scanner for \$2,000 will be eliminated bringing that level to **-0-**. Motion by Fuller and seconded by Caprara passed with a unanimous vote. Should a ballot scanner be needed in the coming years, that amount will be taken out of Capital Improvement.*

Note: the mileage rates vary throughout this budget document for various departments. That will be reviewed and corrected bringing all mileage rates to the State level of 44 cents per mile for all departments.

Codes

Planning Department

Motion by Caprara and seconded by Buck to reduce line #22 to \$600.00 passed with a unanimous vote.

Zoning Board – no changes

Town Council

Motion by Caprara and seconded by Buck passed with a unanimous vote to reduce the legal notices line back to \$50.00.

Amended motion by Caprara and seconded by Buck passed with a unanimous vote to increase the legal notices line up to \$100.00

Line #74 - merit increases: discussion ensued as to the 4% cost of living increase in addition to this proposed merit increase for a select few employees identified by their supervisors (this list has been given to the councilors for their review at a prior meeting). The amount of the increase has not been determined until this proposal either passes or fails.

Motion by Caprara to take the merit increase line out altogether was made. This motion died with no second.

*Motion by Buck that the town employees either get a 4% cost of living increase **or** a merit increase but not both. This motion died with no second.*

*Motion by Fuller and seconded by Jenkins to keep the merit increase line and have the Town Manager work on a merit bonus **theme** which will be reviewed by the councilors at their next meeting. Motion passed with a vote of 5-2 (Caprara and Buck).*

Motion by Caprara and seconded by Buck to reduce line #76 - legal fees - from \$29,000 to \$24,000. This passed with a unanimous vote.

Amended motion by Caprara and seconded by Buck to reduce line #76 by \$4000 bringing the level to \$25,000 passed with a unanimous vote.

Line #79 ...not out for bid yet. More information is forthcoming.

Central Services

The purchase and installation of modules will be put under the Capital Budget.

Future dates for meetings were discussed and is as follows:

5/7 Town Council meeting – the school budget will be presented- 7 pm

5/17 the next budget meeting will be held – 6 pm

6/1 public hearing on the budget - 7 pm

Councilor Caprara requested that the school budget be delivered to the councilors a week earlier to provide ample time for review prior to the meeting on the 7th.

Item #40 *Review Library Roof replacement Bids*

In reviewing the three bids received by the town, motion by Fuller and seconded by Jenkins which passed by a unanimous vote to accept the middle bid from S.J.Wood Company noting that Mr. Wood will be subcontracting the work out to Phil St. Pierre. Five references were received from Mr. St. Pierre - all passing with high grades.

Item #41 Executive Session...1 MRSA, Section 401 – Personnel Matters

Motion by fuller and seconded by Buck, the Council went into Executive Session at 9:30 p.m.