

Winthrop Town Council  
Meeting Minutes  
August 6, 2012

Attendance: Chairman Kevin Cookson: Linda Caprara, Priscilla Jenkins, Sarah Fuller, Ken Buck Sr., Larry Fitzgerald, Jennifer Currier, 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 July 2, 2012 meeting minutes:

Motion by Fuller and seconded by Jenkins, the above minutes were approved with a unanimous vote with the following corrections (note that J. Currier was in attendance at this meeting as indicated in these minutes): Community Day Trade show is being sponsored by the Chamber of Commerce; #5 under the Town Manager's Report, the motion carried 7-0; #8 change 'department' to 'sextons' needs.

Item #64 – Resident Feedback on Fireworks Ordinance

The Ordinance approving fireworks being used (not sold) in Winthrop was passed in February 2012 which is to be reviewed by the Council in one year from that date. Since some of the town's residents may not be here in February 2013, the Council put this on the agenda to get their feedback on the Ordinance as written now.

There were many speakers that spoke against the Ordinance and turned in one hundred signatures with the goal to change the Ordinance to prohibiting the use

of consumer fireworks. They cited many concerns among which but not limited to:

- Safety for children,
- Safety of property owners
- Stressful for pets
- Stressful to loons
- Lake pollution
- Ordinance not being followed
- Fire danger
- Fireworks not being stored properly

The feelings were in unison that as people get more relaxed in using fireworks, it will get worse in time, not better. Many more shared their negative feelings on Facebook. Residents are very frustrated.

The Chief of Police and the Council Chair both stated that "It would be better to totally prohibit fireworks as it would be easier to enforce". The Chief went on to say that "It's taking a lot of man-hours to answer these complaints". The calls have resulted in no summonses or arrests. For the most part, people are lighting their displays before the 9 p.m. curfew. But, for some residents, the early evening explosions are too much.

"Some people work early, and go to bed early," he said. "It's disturbing, especially in neighborhoods where the homes are so close together." "They feel like they're under siege".

Articles were shared with the Councilors from Veterinarians' in Central Maine that the use of consumer fireworks is having a profound effect on some household pets – particularly dogs – with symptoms that include uncontrollable shaking, panting, barking and more sending dogs into panic attacks that require medication.

Neighborhoods were very quiet – one of the reasons people moved to Winthrop. But in some of those neighborhoods now the peace is disrupted by fireworks and you never know when or how loud.

The Ordinance as written is far too open-ended with days leading up to two holidays a year (and until 12:30 a.m. before and after) as well as everyday of the year from 9:00 a.m. to 9 p.m. Winthrop is the only town with such liberal rules:

*Augusta* – ban on use and sale

*Fairfield* – use not allowed in public areas. Sale is allowed with a permit

*Farmingdale* – use only between 5-10 pm. except 7/3 to 7/5 and 12/31-1/1. Three complaints on a user will result in that user not being allowed to use fireworks.

*Gardiner* – ban on use, sale permitted

*Hallowell* – use restricted to certain areas in the municipality

*Skowhegan* – use permitted, sale banned

*Unity* – use and sale banned

*Waterville* – use banned, sale needs permit

The Ordinance is keeping our Police force busy as well. Chief Young was present with those statistics noting the only solution would be to ban the use completely. This department is busy without this added burden and this has definitely put a strain on their resources as every call must get investigated. Enforcement of fireworks' infractions is difficult. Unless someone is shooting off fireworks when the officer arrives, the officer cannot do much. This makes law enforcement very difficult. A peaceful state has turned into a war zone as an Iraqi veteran stated suffering from PTSD. Memorial Drive has been particularly inundated and as an urban environment, this is very disconcerting.

Our EMS and town have been fortunate that there have not been any injuries to date. However, there have been injuries throughout the State in those communities that allow fireworks.

This Ordinance is pitting neighbors against neighbors. Fireworks users don't communicate with their neighbors so it becomes a complete surprise as noted by the complaints the Police have received....some so loud and disturbing that it sounds like gunfire.

The Council assured the residents that this Ordinance, as written, will be thoroughly looked into taking all these comments into consideration at the annual review.

### Item #65 – Corporate Personhood Resolution Discussion

Councilor Jenkins opened the discussion on the Corporate Personhood Resolution. Several cities and states (Portland and Vassalboro for example) are passing resolutions against corporate personhood. The resolutions are the result of a Supreme Court decision, *Citizens United v. Federal Election Commission* which gave corporations the same first amendment rights as individuals and thereby opening the floodgates for money in politics in the US. Cities and states with rules governing political contributions on the books and even some without are hoping that these resolutions will curb the impact of that decision or provide momentum to overturn it completely. There is tremendous undue influence that corporate donations can play in politics and elections.

Councilor Caprara, along with other members, were of the opinion that the Council, here to address town business, was not the proper venue to discuss a federal issue clearly political in nature.

Councilor Fuller did note that she did support the idea of the resolution with different language.

### Other Business:

Councilor Fitzgerald suggested that the town look at the expenditures and prioritize using critical and non critical as criteria. A dialog with the town manager going through each department line by line is required as the reserve account carries the town for only two to three weeks, and the reserve should be be two to three months.

The town manager responded by saying that this process has already started and will continue. In fact, a survey will be mailed with the next tax bill and will be compiled for review.

The incident at the beach resulting in injury was discussed. The float will be placed 'over' the anchor and the monitoring of it will be done on a regular basis.

### Town Manager's Report

1. An email has been sent to Representative Patrick Flood, who is on the Legislature's Appropriations Committee, requesting his input about the mandates that the town is being forced to accept. Rep. Flood responded that budgeting is difficult and complex on the state and federal levels.
2. Another ambulance has been purchased. After Lee Bragg's review, the Councilors need to sign the lease agreement.
3. Motion by Fuller and seconded by Jenkins passing with a unanimous vote to accept the high bid for the old ambulance.
4. The Maine Municipal voting ballot was circulated. Additional names could be written in.
5. Motion by Fuller and seconded by Fitzgerald passing with a unanimous vote to approve the lower bid from CRS over Ted Berry.
6. The sand behind the dam will be moved. A permit is needed and is in coordination at this time.
7. Reminder that the town does not fund concerts at Norcross Point.

Motion by Fuller and seconded by Jenkins passing with a unanimous vote the meeting adjourned at 8:30 p.m.