

Winthrop Town Council
Meeting Minutes
October 1, 2012

Attendance: Chairman Kevin Cookson: Linda Caprara, Priscilla Jenkins, Sarah Fuller, Ken Buck Sr., Larry Fitzgerald, Jeffrey Woolston (Town Manager) and Julie Winberg (Secretary) along with Mary Costigan from Bernstein - Shur.
Absent: Jennifer Currier

The meeting opened at 7:00 p.m.

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

Approve the September 10, 2012 Meeting Minutes:

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, the meeting minutes were approved with one correction:

add *such as* to the 4th paragraph under Item #71 with *under 50 lbs \$5.00 and over 50 lbs \$10.00.*

Item #72 Public Hearing to Consider Liquor License Application for the American Legion Alfred W. Maxwell Post 40.

The public hearing was opened at 7:04 p.m. with no discussion.
The public hearing closed at 7:05 p.m.

Item #73 Consider Liquor License Application for the American Legion Alfred W. Maxwell Post 40.

Motion by Caprara and seconded by Buck, passing with a unanimous vote, the liquor license for the American Legion Alfred W. Maxwell Post 40 was approved.

Item #74 Public Hearing to Consider Requesting Rumble Strips on Route 202.

The public hearing opened at 7:06 p.m.

Background: at the September 10, 2012 Town Council Meeting the request to put in rumble strips was passed with a unanimous vote and set for public hearing in October. David Allen, DOT, had prepared a chart for the councilors summarizing the number of crashes before and after the installation of rumble strips which was significant. There have been few if any complaints in the towns that have rumble strips.

They have been installed in the towns of Turner and Woolwich. The one negative however is that they are very 'loud' and could be a problem for residents.

The strips do an effective job and DOT has funding to install the strips. The procedure the town would follow is to have a public hearing and if approved, put in a formal request to DOT. The town would then be put on a list and installation would be at the next construction season. Note: once the strips go in, they are in for good. Also, the pavement integrity is a drawback and does limit DOT's future treatments.

Discussion: Rumble strips are on the turnpike and any damage from their installation has not been evident.

The noise for the residents was of concern and the impact that these strips would have to the surrounding homes.

Concern over the lack of public participation during this public hearing, although well advertised, may present a negative public response. A recommendation was given to announce this again prior to installation as this will be a significant change.

Concern over funding available to do the project - the money is available from DOT now and installation is projected to begin in the spring of 2013. Getting on the list now is very important.

The suggestion that DOT construct a 'bump out lane' was rejected at the September 10th meeting.

Most councilors were in favor of the rumble strips as a positive effort to help in driver distraction for many reasons among which but not limited to texting, children activity, stress and dozing. Putting rumble strips on either side of Route 202 and along the center line to deter motorists should eliminate this. This area has a history of serious accidents and installation is a move that will help to cut down on accidents on this very busy road. The speed limit is 55 mph in many places – and the site of many fatal head-on collisions. This work is expected to be done from the eastern town line at Augusta Country Club through town to the Western end near Barrows Chevrolet.

The public hearing closed at 7:26 p.m.

Item #75 Consider Requesting Rumble Strips on Route 202.

Motion by Jenkins and seconded by Fitzgerald that the town will go ahead and request that DOT install rumble strips on Route 202. The vote passed 5-1 (Caprara).

Item #76 Public Hearing to Consider Commerce Center TIF Amendment.

Ms. Costigan, Bernstein Shur, gave a brief background on this specific TIF. She noted the item was also discussed in detail at the September 26th Town Council Meeting. The Town of Winthrop established the Winthrop Commerce Center Development and Tax Increment Financing District and adopted the Development program for such District in February 2006. The Town created the TIF District and Development Program to assist with the redevelopment of the former Carleton Woolen Mill by Winthrop Commerce Center, LLC. The TIF District encompasses the Company's 2.93 acre site located on Main Street, including the entire mill property and the parking lot located at the southern end of the building. The Development Program was designed to capture the value of improvements made as part of Phase 1 of the Company's redevelopment project during a 20-year term. Ms. Costigan explained that the amended program includes the increase in assessed value of all improvements to property within the District, in addition to the Phase I improvements, in determining the captured assessed value. In addition, the Town would capture 100% of the increased assessed value from the District for the entire term of the District, retaining a certain percentage of those funds for use by the Town for approved projects.

There was no public comment on this item.

The public hearing closed at 7:35 p.m.

Item #77 Consider Commerce Center TIF Amendment.

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, that Council approves the amendment to the development program and the Town Manager has the authorization to submit the amended development program to the state and to enter into an amended and restated credit enhancement agreement with the developer. This is an amendment to the town's tax increment financing program for the development of the Winthrop Commerce Center. The town is offering incentives to further improve the Center, while at the same time excluding any increase in the value of the property from the town's overall assessment. Beginning in 2017, tax revenues generated by the program will flow to designated projects, such as the development of bicycle and walking paths. The town estimates the program's revenues for 2017 will be \$65,000.

**ORDER # 143
TOWN COUNCIL**

WHEREAS, the Town of Winthrop (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the Town as the Winthrop Commerce Center Municipal Development and Tax Increment Financing District (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, there is a need for economic development in the Town of Winthrop, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town of Winthrop; and to improve the general economy of the Town of Winthrop and the surrounding region; and

WHEREAS, implementation of the Development Program will help to improve and broaden the tax base in the Town of Winthrop and improve the economy of the Town of Winthrop and the region by attracting business development to the District; and

WHEREAS, there is a need to implement continued economic development initiatives in the District through the amendment of the Development Program in accordance with the provision of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended; and

WHEREAS, the Town desires to amend the Development Program; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the "Department"), approving the amendment to the Development Program.

ORDERED AS FOLLOWS:

Section 1. The Town of Winthrop hereby approves the first amendment to the Winthrop Commerce Center Municipal Development and Tax Increment Financing Development Program; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

a. This amendment to the Development Program will not result in the District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3); and

b. The District and implementation of the Development Program will make a contribution to the economic growth and well being of the Town of Winthrop and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Winthrop, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the First Amendment to the Development Program.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Development Program is hereby established as set forth in the Development Program.

Section 4. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the First Amendment to the Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5. The Town Manager, or his appointed representative, be and hereby is authorized and directed to enter into the Amended and Restated Credit Enhancement Agreement contemplated by the Development Program with Winthrop Commerce Center, LLC, in the name of and on behalf of the Town, such agreement to be in such form as substantially presented to the Council and to contain such terms and provisions, not inconsistent with the Amended Development Program, as the said Town Manager or his duly-appointed representative, may approve, his/her approval to be conclusively evidenced by his/her execution thereof.

Section 6. The foregoing approval of the First Amendment to the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval by the Department, without requirement of further action by the Town, the Town Council, or any other party.

Section 7. The Town Manager or his duly appointed representative is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the First Amendment to the Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment to the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Amended Development Program.

IN THE TOWN COUNCIL
Read and Adopted: October 1, 2012

Item #78 Public Hearing to Consider Transfer Station Fees and Rules.

The public hearing opened at 7:40 p.m. to discuss the new rules for the transfer station's item reuse area splitting it into one section for free items and one that would require a fee payment to take the item.

Suggestions were taken among which were to identify the major and minor appliances, take out not primarily composed of metal, and reduce the fees as noted changing the heading as well from Donation Listing to Fee Listing Schedule (\$5.00 minor appliances and \$10.00 major appliances).

The Town Manager has the authority to edit/change the procedures for safety issues. Other issues must go to the Town Council for final decision.

Closed at 7:48

Item #79 Consider Transfer Station Fees and Rules.

Motion by Buck and seconded by Fitzgerald, passing with a unanimous vote, that the fee schedule with the proposed changes, as noted, be approved.

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, the procedures were approved.

The Town Manager will make the noted changes. The procedures will be posted on the town's website.

Item #80 Public hearing to Consider Restricting Engine or Transmission Braking Noise through an Ordinance.

The public hearing opened at 7:51 p.m. Vice Chair Fuller took over the meeting at this time with Chairman Cookson recusing himself.

At the September 10th, 2012 meeting, a motion passed to install black and white signs (which indicate that an ordinance is in place). This is easy to enforce as the noise from these trucks is obvious. Law enforcement would just have to witness it. The Town Manager will work with the Police Chief for the verbiage and bring the final draft to the Council.

Chairman Cookson would like to see a separate ordinance that prohibits the use of Jake braking.

Councilor Buck suggested that the truckers were just trying to obey the law because they could not see the reduced speed signs.

During this public hearing, the engines braking in this area (Route 133) as well as other locations in town were still a source of aggravation as the drivers of these trucks are not demonstrating any consideration for the residents.

Any idea of changing the speed limits in these areas requires a lengthy DOT review. Warning signs may indeed be a compromise but one that most felt won't stop the problem.

The Town Manager informed the group that he has seen ordinances of this type and will be drafting one for the Council's review.

The public hearing closed at 8:05 p.m.

Item #81 Consider Restricting Engine or Transmission Braking Noise Through An Ordinance.

Motion by Jenkins and seconded by Caprara that a draft ordinance be written by the Town Manager that limit the hours of Jake braking specifying the locations and the times.

This motion passed with a vote of 4-1 (Buck).

At this time, Chairman Cookson took over the meeting.

Other Business

Councilor Fuller gave a status of the town's Committees.

Councilor Buck inquired if the back hoe that was located at the Transfer Station came with two buckets – now missing. The Town Manager will pursue this and report back to Council.

Manager's Report

Winthrop Historical Society is selling calendars for \$6.00. Several businesses in town are selling them.

The Town Manager requested that the Council waive the interest rate on property tax payments, due October 1 and received during October 2012. Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, the deadline was waived for the month of October and moved to October 31, 2012. The following order was read:

ORDER NO. 144 TOWN COUNCIL

BE IT ORDERED: That the Town Council of the Town of Winthrop hereby authorizes the Town Manager to waive any and all interest due on 2012 tax payments, provided that said tax payments are paid in full no later than October 31, 2012.

BE IT FURTHER ORDERED: That for any and all 2012 tax payments received after October 31, 2012, interest shall begin to accrue on October 2, 2012.

IN THE TOWN COUNCIL
Read and Adopted: October 1, 2012

Fire Alarm Fee Ordinance is being worked on and will be presented to the Council as soon as it is ready for a public hearing.

The Recreation Committee is looking for a part time coordinator and supplemental funding for \$500.00

The sand will be removed this month.

The Transfer Station has the backhoe and we will find out about the two buckets that are missing.

The survey questions in developing a vision of Winthrop in the future were mailed out with the property tax statements. To date we have received 223. We will gather more of the responses and put the preliminary results on the website.

An additional \$4,000 might be needed to finalize the reconciliation of the town's accounts. They project that an additional 40 hrs. of work will be needed. Motion by Caprara and seconded by Fuller to use \$4,000, taken from the office safety reserve account, for the auditors to reconcile the accounts. This passed with a unanimous vote. Note: The additional 40 hrs to work on this problem has nothing to do with the annual audit. The auditors are willing to take on this task to fix a problem that has developed over years and fix it. As the town gets through this, the policy and procedures will fall into place.

Motion by Fuller and seconded by Jenkins, passing with a unanimous vote, the meeting adjourned at 8:20 p.m.