

Winthrop Town Council

Regular Meeting

Monday February 1, 2010

Winthrop Town Office

Attendance: Kevin Cookson, Chair; David Rheame, Linda Caprara (arrived at 6:30 p.m.), James Lattin, Pricilla Jenkins, Lee Bragg Town Attorney, Cornell Knight, Town Manager and Julie Winberg, Secretary.
Absent: Buck and Fuller

Meeting was called to order at 6:05 p.m.

Item #07 – Municipal Audit for fiscal year ending June 30, 2009, presentation by Greg Chabot, Runyon Kersteen & Ouellette

Greg Chabot presented the audit report for FY2009 to the Council reporting that it went smoothly as anticipated with no adjusting entries. There was no difficulty in performing the audit and complimented the staff for their advance preparation. He went on to say that the taxes are under budget as well as the excise tax under budget but that is typical due to the overall economic problems.

Expenditures for the school are under budget, public safety is over budget due to overtime and utilities, and public works is over budget due to the winter storms. The property tax collection is down from 95% to 94% which is still a decent collection rate.

The budget packet included graphs showing the total revenues, property taxes, interest revenue and intergovernmental revenue.

Looking at the town's compliance with the law in reference to the internal controls segregation of duties was cited and a careful oversight was recommended. Mr. Chabot noted in response to a question that it was indeed very doable to separate the budgets between the town and the school but it would not change the reporting of the undesignated fund balance.

Item #08 – Review the projected revenue decline for the 2010-11 municipal budget

The Town Manager, with the start of the budget process, informed the Councilors that the revenue sharing will drop this year. The School Department will get \$1.1 million less from the state in the upcoming fiscal year. Superintendant Stephen Cottrell said that the administration had anticipated a \$700,000 reduction in the state subsidy and that their current budget is just over \$10 million. He informed the Councilors that they are ready to "freeze" the budget at any time. This was in response to a question by the Councilor Rheame as to what action the School, in anticipation of this shortfall, was planning to do. He went on to say that he is aware of other schools and the actions that they have put forward which are hiring freezes and supply freezes. The Superintendant was also reminded that back in May, 2003, the school board met with the Town Council and voted that when bonds were paid off, that money would go to summer teacher wage liability. This was duly noted.

Winthrop Town Council

February 1, 2010

The Councilors discussed the school budget as this was early preparation for the town and the school for the next fiscal year. The Town Manager said that wages will not increase but noted that there will be a 4% contractual wage increase for the police and dispatchers.

Regular Business Meeting was called to order at 7:00 p.m.

Approve the Minutes of January 4, 2010

Minutes for this meeting were approved by a motion of Jenkins and seconded by Caprara which carried by a vote of 3-2(Rheaume, Lattin opposed) , with the following corrections:

Appointments Committee Caprara not Jenkins and Finance Committee Fuller, Lattin, Caprara

Item #09 – Hold a public hearing on the YMCA’s Special Entertainment Application for the dance.

The Town Manager informed the Council that the application had not been received as of this date but gave a brief description of the request to his knowledge.

Item #10 – Consider the special Entertainment license for the YMCA

With a motion by Rheaume and seconded by Jenkins, this application was approved with a unanimous vote pending the receipt of the application of the special Entertainment license for the YMCA.

Item #11 – Consider the Planning Board’s presentation of the Wind Turbine Ordinance

Ed Vignault, Planning Board member, made this presentation to the Council. This special committee focused their attention at wind power up to 100 kw, addressing small units for residential areas. The reviewed the ordinances from other towns gaining a lot of insight and information. This is a liberal ordinance which does not have many restrictions. It encourages people to put in wind power systems. There is substantial latitude for standard requirements. The Planning Board will still be allowed to review and recommend alternate standards as well. The noise from these units had been of some concern but the present nuisance ordinance will be sufficient with this particular size unit.

The Planning Board will regulate the noise levels but it is difficult to legislate. The State Planning Office has a complete formula on how to do this but it remains difficult to enforce. He concluded by saying should the systems that are installed present a problem, either in noise levels, maintenance, or lack of maintenance for example, the Board will then address those issues individually.

The total height, at the very tip of the blade, would be 140’ with the point made that if you are going to have a wind turbine you would have to have it above the tree line to maximize performance. The pole height is dictated by the radius. Anything greater than one kilowatt will need the grading system. The Planning Board did not specify a timeframe for an inactive unit to come down. Any unit that was in disrepair would be to be taken down as soon as possible but, reiterated, that there is no mechanism in the ordinance that specifies the steps to take should that not happen.

Dick Guerrette, town resident, stated that there is nothing in the ordinance to protect the landowners which would require the owner of the wind turbine to follow manufacturer’s maintenance requirements. The response was that the Board did not require that and did not address required

maintenance. The assumption the Board made was that the unit will be maintained and a professional engineer's stamp, if it came from a reputable company, would be fine.

Item #12 – Consider accepting out of town demo debris at the Transfer Station

This item was tabled with a motion by Rheume and seconded by Jenkins with a unanimous vote.

Item #13 – Consider an agreement with the City of Augusta to provide Assessor duties.

The Town Manager presented an agreement to have the city of Augusta provide assessor's duties to the town. The town would pay Augusta \$36,000 for assessor services and to provide staff at the Winthrop Town Office two half-days a week. In addition, the town's retired assessor, Maura Smith, will do some part-time assessing work for Winthrop.

When questioned as to the 'high' salary that will be paid to Augusta, the Town Manager explained that the budget now is \$60,000. What he is recommending is that the town agree to this \$36,000 and together with Mrs. Smith's time and expenses, he will not exceed what he expects to be close to \$50,000. He explained that this is due to the fact that the new hire for Mrs. Smith's position was hired at \$49,000. But, after working one day, decided to resign thus leaving this gap. He went on with further history of this vacant position stating that he had 12 applicants for the job and three were interviewed. One of those candidates took another job and one wanted a higher salary.

When questioned by Councilor Caprara on how much work will be done for that amount of money, the Town Manager explained that the work would entail everything that Mrs. Smith has done.

Councilor Jenkins commended the Town Manager for his foresight in doing this intergovernmental service with saving money as well.

Motion by Jenkins and seconded by Caprara, the agreement with the City of Augusta to provide Assessor duties was approved with a vote of 4-1 (Lattin opposed).

Item #14 – Consider a report of the Appointments Committee

Proposed: Stephen Robbins reappointment to the Planning Board, Joseph Giampetro reappointment as associate member and Benjamin Parks-Stamm as associate member to the Planning Board. Frank Benson and Dennis Harnish reappointments to the Zoning Board of appeals; Jim Norris to the Conservation Commission; Elizabeth Parks Stamm associate member of the Recreation Committee; Robert Pray and Heinz Walbaum to the Cobbossee Watershed District Trustees; Dick Drapeau to the Winthrop Utilities District Board of Trustees, Don Caldwell Assessor.

Motion by Rheume and seconded by Caprara, the appointments were approved with a vote of 4-1 (Lattin opposed).

Item #15 – Hear an update on the Wadsworth Trust – Lee Bragg, Town Attorney

Attorney Bragg presented his findings to the Council giving a brief history of the trust which was created in the early 60's for the medical care of Winthrop residents. The amount in the trust was \$50,000. Bank of America held this trust and several months ago decided that it was no economically feasible to continue the management and filed an action to dissolve it and divide the balance between the hospital

in Augusta and one in Lewiston. The town's position was that they should have been notified and given the opportunity to participate in any ongoing discussion.

Through a thorough review of the trust, Mr. Bragg noted that he is satisfied that the bank had no legal requirement to include the town in any discussion albeit; they could have extended some courtesy in doing so. He went on to say that he is satisfied that the arrangement was an informal one with the town and one that had lasted for years but never evolved to formalization. In summary, there is nothing about the process and actions that Bank of America did that is legally objectionable or improper.

The Council requested, that even though they are not legally entitled to an accounting and were not a party to the initial trust leaving the town with very little or no legal recourse, if money has been spent, the town should contact the individuals at the two hospitals involved and offer the town's services to take all of the administrative burden off their hands.

Manager's Report

Special Council Meeting will be held on February 8th at 7:00 p.m. at the town office with the Library Board of Trustees' to discuss the building project, fundraising, demolition of the Masonic Hall, project financing and the schedule for completion.

The town's fire department was one of seven Maine fire departments to receive money in the latest round of grant awards. The will receive \$27,000 for protective gear.

The Police Chief was asked as to what the Monmouth Police Department was doing in response to Winthrop's offer to provide contractual service. Noting that the standards that Winthrop holds would extend to Monmouth in reference to hiring practices and training, and noting that he felt it was a good idea for Monmouth and the town, Monmouth's decision was yet unknown. There will be a public hearing on this in Monmouth on February 3rd.

Motion by Caprara and seconded by Jenkins to enter executive session to receive legal advice from the town attorney Title 1 – Section 405 (6) (E) – at 8:25 pm. Vote 5-0.

Motion by Rheume Seconded by Jenkins to return to regular session. Vote 5-0.

No action taken.

Motion by Jenkins Seconded by Rheume to adjourn at 8:45 pm. Vote 5-0.