

Winthrop Town Council
Regular Meeting
Monday, April 6, 2009

Attendance: Councilors David Rheame, Kevin Cookson, Ken Buck, Patricia Engdahl, Sarah Fuller, Priscilla Jenkins, Linda Caprara, Town Manager-Cornell Knight, Secretary-Julie Winberg.

The meeting was called to order at 7:04 p.m.

Prior to the start of the meeting, the Chairman along with the Chief of Police and the EMT Director and Fire Chief, awards were given out to the town's police officers for their outstanding service in the midst of one of the most horrific accidents that occurred on December 6th. If it was not for their immediate response while keeping their wits about them, the results may have been very different. A total of fourteen of our finest responded, two of which were EMT's. This accident on this night tested our emergency services to the fullest. The vehicle hit the telephone pole splitting it in two and power was out as well. Everyone worked as a team, as they usually do. Their leadership and perseverance is more than commendable.

In addition, Officer John Hall was honored and received a plaque recognizing his role in discovering and reporting the fire at the C.M. Bailey Public Library noting that just by doing so saved the town a historic building.

Approve the Minutes of March 3, 2009 and January 5, 2009

Motion by Jenkins and seconded by Buck to approve the minutes. The vote was 7-0 with the March 3rd minutes being amended to include the bid amount, and the January 5th minutes to be amended to reflect that Councilor Rheame abstained and the vote was therefore 6-1. .

Item #34 Hold a public hearing to hear comments on: Sully's Restaurant, 6 B Union Street, for liquor license renewal, special entertainment renewal; Pond Town Tavern, 7 Union Street, liquor license renewal and special entertainment permit renewal; China Noodle, 410 D Main Street, victualer's license; Amendments to the General Assistance Ordinance regarding food maximums.

The public hearing opened at 7:18 p.m. There being no comments, as the Chief of Police noted no problems, the public hearing closed at 7:19 p.m.

- Item #35** Consider the liquor license renewal for Sully Restaurant
- Item #36** Consider the liquor Special Entertainment renewal for Sully=s Restaurant
- Item #37** Consider the liquor license renewal for Pond Town Tavern.
- Item #38** Consider the Special Entertainment renewal for Pond Town Tavern.
- Item #39** Consider the Victualer=s license application for China Noodle
- Item #40** Consider amendments to the General Assistance Ordinance.

Motion by Rheame and seconded by Caprara, to approve Items #35 through #40. Vote 7-0.

- Item #25** Discuss a policy to give local preference on purchases and contracts (tabled from March 3, 2009).

Motion by Rheame and seconded by Caprara, to take Item #25 off the table. Vote 7-0.

The City of Rockland has had a policy in place since 1996 that was adopted previously to the last two city managers. Both the previous managers said they did not see that it was limiting the competition during the bid process. There are apparently many contractors and dealerships within the city limits. Even though the policy says may, they always awarded the bid local if it was within the 5 %, assuming there were no other circumstances that would have rejected that bid. Councilor Caprara noted that the offer should go with the lowest bidder with the caveat that the town has the option to review on a case by case basis. She went on to say that it would be prejudicial to give preference to just local bidders as there are also local residents of Winthrop that work outside of the town in business that should not be disqualified to compete in the bidding process. As taxpayers, they also deserve the same opportunity as those residents

Councilor Engdahl commented that she would prefer the offers to go to local bidders, and yet still hold to review on a case by case basis, rather than implementing a blanket policy. This offers a more thoughtful support doing it in a way that lets us choose the percentage each time, rather than a pre-determined percentage such as 5% or 2% as recommended by some. She concluded that even if the Council does not vote for a change in the policy, it still has the option to specify a local builder on any given project.

Councilor Jenkins felt that all bids should be reviewed on a case by case

basis with a limit of 2% and not 5%, which she felt was too high. She felt the current policy would be fine if it states clearly that the lowest bidder would be chosen.

Councilor Fuller also echoed the case by case sentiment and that taking the lowest bid was the fairest of all policies. It simplifies the whole process. She also noted that an incentive program could be initiated to support local contractors, something that can be further explored.

Councilor Rheame was of the opinion that he would support local contractors, leaving open the review on a case by case basis with a fixed percentage of 2%.

Chairman Cookson stated that he could not support a review of bidders on a case by case basis. He stated that would be a dangerous road to take. With experience noted, when a project goes out to bid, there should be no preference attached. He felt the safest way was for the town to take a stronger position and state in the policy what it intends to do, documented in no uncertain words in the bid specifications itself. It needs to be spelled out what the policy is.

Councilor Buck felt that the town should support the local contractors and in doing so would not eliminate others who bid on a project who are not local. They can still be in the running. He went on to say that he feels strongly that there should be a percentage in place for local contractors.

Motion by Caprara and seconded by Fuller to leave the town's bidding process regulations the way it is and not change it but make the details of it thoroughly stated so there would be no questions about how one is chosen for a specific job. Vote 5 to 2 (Cookson and Buck).

Item #41

Consider joining the Maine Coalition of School Units.

The Winthrop School Committee has asked the Town Council to consider joining a coalition of school units to fight the penalties that have been assessed for not forming an RSU. There are 15 units (CSD's, SAD's and municipal departments) so far that have joined in the effort to employ the Preti Flaherty law firm. This cost is 1% of the penalty or \$1760 to the Town of Winthrop. The proposed agreement was enclosed for the Board Members to review. The fee would go towards lobbying work in this legislative session.

A legislative bulletin was handed out with a more detailed explanation. All the bills that had anything to do with consolidation efforts will not be addressed until 2010. There is a referendum in November to vote on school consolidation.

Chairman Cookson commented that he will stand against doing this and that the town should not be spending tax payer dollars for this. There are so many bills in the Legislature that deal with doing away with school consolidation entirely. The state has been threatened to be sued by the Federal Government if they withhold funds to our schools as well. He noted that he could not speak for the Superintendent but that he did speak to John Mitchell about these circumstances and Mr. Mitchell's response was that it did not matter one way or another.

Councilor Jenkins noted that this item should be tabled and heard during the town's budget proceedings.

Councilor Engdahl requested more information before one could make an informed decision. She went on to say that this item should be tabled and that the town ask the School Board to give them more information.

Motion by Buck and seconded by Caprara that the town not spend \$1,760 to join the Maine Coalition of School Units effort to block imposition of penalties. Vote 7-0.

Item #42

Consider a contract renewal with the Regional Communications Center (PSAP)

The contract renewal with Central Maine Communications Center for PSAP services (E-911 call answering) was reviewed.

A sample contract was reviewed. The bottom line difference is that by going with Somerset County, the cost would be \$1.75 per capita versus the State's cost of \$3.54 per capita.

The Chief of Police felt that Somerset does a much better job at handling 911 calls.

Chairman Cookson echoed that sentiment, noting that it is also a new facility and he does support it. However, he will be abstaining from voting on it as he is a member of the Governor's Communications Policy Board

that sets the budget.

Councilor Engdahl asked about the pros and cons of making this move.

The Chief responded that there were no cons as he saw it, and that the call does not make any difference where it comes from, that it is not going to cost anything to switch over, and that there should not be any impact either way.

Motion by Rheaume and seconded by Fuller to sign with Somerset County was approved by a vote of 6-1 (Cookson abstaining).

The Town Manager noted that the town will first have to be approved to switch over. The present contract ends on July 30, 2009. He will send a letter to the Public Utilities Commission for permission to switch.

Item #43 Update on the library repair/renovation and police station construction.

The estimates have been submitted to the insurance adjuster and the approval should be received early next week.

The contractor of the Police Station informed the Council that it should be completed four to five weeks ahead of schedule.

He commented also on tabled item #25 (a policy to give local preference on purchases and contracts) noting that on this project alone his company has used 1/3 of the subcontractors locally, 1/3 from Auburn, Augusta, and Manchester and 1/3 from his own company. He will be providing a list of the names of the local contractors to the Council. He went on to say that he can only report that they have developed a good working relationship with all the subcontractors and looks forward to working with them again.

S.J. Wood is the library contractor and has started the demolition which is the first step and the estimate is approximately \$160,000. The contractors that have worked on the library in the past are doing the renovation work. Insurance should cover all the cost after the \$1,000 deductible. It should take approximately one month to six weeks for completion. Expansion of the library realistically cannot be considered at this time as insurance is covering replacement of what was existing before the fire.

Item #44 Presentation of the 2009-10 Municipal Budget

The budget book was reviewed. There would be not be a tax increase. The proposed schedule is April 8 and April 13 for a budget review. The work involves work on the \$4.9 million municipal budget as proposed by the Town Manager for the 2009-2010 year. It is essentially the same amount as this year's budget (\$1,200 less). The town's spending is down and revenue is flat. The budget was balanced by taking \$187,500 from the fund balance account.

Manager's Report

DOT presented their biannual plan designating three projects for Winthrop: flashing yellow lights in the school zone; Main Street drainage improvements; and changing the passing lane to a turning lane, including some striping at the intersection of Route 202 and Stanley Road to make it safer.

Hot patching will be done next week on Main Street. The town will have to have a meeting with DOT to talk about road maintenance responsibilities before the DOT will commit to paving.

Highland Avenue sidewalk will have some work done.

The Post Office was scheduled to open today but there are some minor changes to the handicap ramp that have to be made first.

LDI report is out and Winthrop is \$166,000 under the LDI limit. On May 16th, Winthrop will participate in a household hazardous waste day from 9-12 p.m. at the Augusta PW building.

There will be a Variety Show on the 10th and 11th at the PAC.

Councilor Engdahl noted that they had a successful reception for the Food Bank and that another one was planned for June 1st from 6-7 p.m. for Mr. Market. The market will be closing its doors on May 31st.

Chairman Cookson noted that some, if not all, the councilors have been receiving inquiries by email regarding the car accident in December. These emails should be ignored as this is still an ongoing investigation.

Item #45

Consider an executive session to discuss a property abatement application pursuant to Title 1 MRSA Section 405(6)(F).

Motion by Rheaume Seconded by Caprara to go into Ex Session pursuant to Title 1 Sec 405 (6)(F). Vote 7-0. at 8:30 pm.

Return to regular session at 8:35 p.m.

Motion by Rheaume Seconded by Jenkins to table action on the application until April 8th. Vote 7-0.

Motion by Rheaume Seconded by Fuller to adjourn at 8:36 pm Vote 7-0.