

**Winthrop Town Council
Regular Meeting
Monday, March 3, 2008**

Attendance: William MacDonald (Chair), Linda Caprara, Patricia Engdahl, Ken Buck, Kevin Cookson, Jim Norris, Cornell Knight (Town Manager) and Julie Winberg (Secretary)

The meeting was called to order at 7:00 p.m.

Approve the Minutes of February 4, 2008 and February 19, 2008:

Motion by Cookson and seconded by Caprara, the minutes of for both these meetings were approved with a unanimous vote.

Patrick S.A. Flood of Winthrop, Maine House of Representatives, has been appointed to the Legislature's Joint Select Committee on Property Tax Reform and the Joint Standing Committee on Agriculture, Conservation, and Forestry. He represents District 82, Readfield and Winthrop. He presented Lisa Gilliam, town employee, a plaque in recognition of the work she did on tax reform. She helped draft, prepare and get State approval on this change. The town government and Council members congratulated Ms. Gilliam for her hard work.

Item #23 Consider a request from David Lee for reimbursement of the late fees charged on dog license renewals.

A letter from David K. Lee was reviewed. Mr. Lee was in attendance and presented his request to the Board. In summary, Mr. Lee felt that should a letter of this nature be mailed out to Winthrop citizens who have dogs, that letter should be mailed out in ample time to meet all State deadlines. This letter was sent after the fact and thus a \$15.00 penalty fee was assessed by the town. He felt this was unfair and not justified noting that the town had the option to waive this fee.

The town manager informed both Mr. Lee and the Council members that this is a State law and the town cannot arbitrarily eliminate the charge for this late fee. The licensing for all dogs is due by December 31st of each year. There is a thirty day grace period after that thus giving the owner until February 1st to register their dogs. After that date, the late fee of \$15.00 is assessed. After April 1, 2008, the late fee increases to \$25.00.

State law says you 'shall pay' and does not say you 'may' pay. The town cannot use their discretion on whom to charge a late fee to as the law is clear.

Polling Council members, it was clear that even though the town is not required to send out reminder notices, as a notice was placed in the local Advertiser, the town should in the future send out reminders prior to and not after the fact. Cost for mailing should be a consideration as well. In response to Mr. Lee's request for a refund, the Council was again in unison that a refund would have to go to everyone who was charged a late fee and could not just be given to Mr. Lee as that would be unfair.

Motion by Cookson and seconded by Norris denying the request from David Lee for reimbursement of the late fees charged on his dog license renewal. But, if the town decides to mail out letters as a courtesy reminder, those letters should go out timely. The vote was unanimous.

A further motion was made by Buck and seconded by Caprara that would require the town to send out reminder letters and do so in ample time. This motion failed with a vote of 1-5.

Item #24 Consider the reservation system for booking functions at Norcross Point.

The use of the gazebo at Norcross Point for functions is growing and the ordinance does not address charging a fee for the use, the amount of time it can be reserved, or if insurance is required. A recent request for a wedding and reception on a Saturday for eleven hours and a birthday party request for five hours prompted the need for this agenda item. The ordinance was enclosed in the Councilors' packet. Under Section 7, the Council can adopt rules at Norcross Point. The town manager requested that at a minimum, insurance should be required. MMA has established an easy on-line method for groups to purchase one day riders for events on a municipal property.

Of concern was obstructing vehicular traffic as this is public property and must be open to all the public. The present Ordinance clearly addresses fires, activities that are prohibited, vehicular traffic, closing times, use of alcoholic beverages and drugs, littering, town owned beach areas, swimming from the bridges, dogs, the cost of penalties incurred, the boat ramp, the Town's scope and authorization, permits, and the hiring of an officer if the activity can reasonably be expected to generate more than one hundred people.

In polling the Council, it was clear that the application for access to the Point for eleven hours was too much and that some sort of limit needed to be placed, that should changes be made to the Ordinance, those changes must be posted giving the public a seven day notice, and no fee should be charged for its use.

Motion by Cookson and seconded by Caprara that the change should be that a rider policy must be purchased by those requesting use of the Point, or if the applicant has another type of insurance policy, that could be used too with proof of same, and that a copy of this insurance be presented to the town in advance of the granting of the permit. The vote was unanimous.

It was also proposed that a time limit of three hours should be sufficient, the boat ramp should stay open, and the ordinance is to be given to any one who applies for a permit.

Item #25 Consider a public safety building proposal from Peter Richards

Enclosed for review was a proposal for a public safety building to house the Fire and EMS departments on a lot at the corner of Royal Street and Route 202.

Winthrop contractor, Peter Richards, submitted his proposal which estimates a cost of \$1.2 million to erect a new home for the town's fire and ambulance departments at a site that he owns at Royal Street and U.S. Route 202. The town is presently trying to upgrade the headquarters of its public safety departments and has signed a contract for engineering and architectural drawings for renovations at the police station on Town Hall Lane.

Mr. Richards was in attendance to present his application to the Council stressing that this was not a contract or an offer to contract. The size is approximately 10,000 square feet. It is a wood structure that is proposed to keep the cost low and provide more energy efficiency. The engineered roof trusses, 50 year asphalt roof shingles, metal or commercial vinyl siding are part of his package along with commercial rated doors, windows, and hardware.

Of concern was meeting the set back requirements. Mr. Richards assured the Council that those requirements will be met.

The Council was very appreciative for Mr. Richards' proposal noting that his work was constant and forthcoming with good ideas. However, concerns were voiced that although what was presented was viewed favorably, there was a motion that was voted on unanimously in January of this year to limit the Council to an eight item list, which was enumerated at this meeting, of sites and requirements and that this presentation from Mr. Richards was not among them. If this proposal was going to be accepted as a viable alternative, notices would have to be sent out that the town is looking for a build by design project and that the bids must be open to all. The fairness piece to all contractors who are out there and want to competitively bid must be open. It was confirmed that there is no State law

that requires that a project such as this goes out to bid. The bidding process is left up to the Council. A sole source bidder can be approved. Most capital projects however are subject to the bidding process.

It was determined that the Council had the option to amend their eight points should the situation warrant it.

Motion by Buck and seconded by Caprara that Peter Richards' proposal be added to the list of eight.

It was commented that the concept should be added and not the proposal. Thus adding the site, but not granting an exclusive right to the contractor.

The motion was then changed to be specific to the site, lease or purchase the land on Royal Street to include the Fire and EMS building adding it to the list of town options. The vote was unanimous.

The Council took a break at 8:45 p.m. and resumed at 9:00 p.m.

Item #26 Report of the Appointments Committee

Councilor Engdahl informed the group that three applicants have been interviewed and presented this evening for approval. Motion that Doug Thomas be appointed to the Recreation Committee, Ron Dwyer as an Alternate to the Planning Board, and the third, although interviewed, it was not determined if there was a vacancy on the Utilities District Board of Trustees. Norris seconded this motion and the vote was unanimous.

Item #27 Consider a consent agreement with Teen Challenge New England

Teen Challenge New England operated their business for a year before getting a permit from the Planning Board. On February 27, 2008, the Planning Board held a public hearing and the conditional use permit was approved with a unanimous vote. Teen Challenge has agreed to pay a \$2000 penalty. The agreement was enclosed for Councilors' review.

Motion by Cookson and seconded by Buck to approve the consent agreement with Teen Challenge New England.

It was confirmed that the Council cannot appeal a Planning Board's decision. The appeal must go directly to the Superior Court. It was also noted that after the decision of the Board was made, the attendees were very happy and clapped at the Board's decision.

Item #28 Schedule NIMS Training

In order for the town to be in compliance with the NIMS (National Incident Management System), elected officials must take the IS-700 Series training. Chief Brooks can teach the class in about 1 ½ hours. March 10th at 6:30 p.m. was scheduled with dinner provided.

Manager's Report

Motion by Caprara and seconded by Cookson to accept the two donations to the town: Saunders manufacturing donated clip boards to the Ambulance Service; and Robert Fuller donated \$5,000 for the junior fire fighters program.

At 9:15 p.m. – Motion by Caprara and seconded by Cookson that the Council go into Executive Session to consider Item #29 - a real estate purchase, MRSA Title 1 Section 405 6(C) Health Center property.

Return to regular session at 9:40 pm.

Motion by Buck Seconded by Cookson to adjourn at 9:40 pm.

