

Winthrop Town Council Meeting Minutes
Regular Town Meeting
Monday, June 4, 2007
Winthrop Town Office

- **The meeting was called to order at 7:00PM by Chair Patricia Putman.**
- **Roll Call**
Council Members Present: Chair Patrice Putman, Kevin Cookson, Patricia Engdahl, Bill MacDonald, Linda Caprara, Ken Buck, Jim Norris

Others present: Cornell Knight (Town Manager), Lisa Frost (Secretary), Lee Bragg, Al Godfrey, Steve Wood, David Dyer, Linda Dyer, John Dovinsky, Ginny Guyer, Priscilla Millier, Nancy Schenck, Isaac Dyer, John Mitchell, Superintendent Mark LaRoache, Jim Remley, Lar Nelson, Rick Dorey, Liz Sienko (Chair of the Library Board of Trustees) and several other citizens.

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

- ☐ **Approve the Minutes of May 7, 2007**

MOTION by Kevin Cookson, seconded by Linda Caprara to approve the minutes of May 7, 2007. Discussion: None. VOTE: 7-0

- ☐ **Item # 54 Hold a public hearing on the Budgets for the 2007-2008 Fiscal Year:**
Resolution #91 Part I: Municipal Budget
Part II: School Budget

Chair Putman opened the public hearing at 7:03PM.

Town Manager Cornell Knight gave a brief overview noting a 4% increase in spending which is covered by increases in revenues. The 4% increase is from the increase in the ambulance budget and economic development position. The amount being raised in taxation is the exact same as last year which was 7.5 million.

Citizen Rick Dorey asked for an explanation for the increase in the ambulance budget. Ambulance Director John Dovinsky stated there is an increase in hours for staffing a 3rd ambulance, a pay increase for paramedics and additional call back hours for the nighttime on call person. The budget allows for the addition of the Town of Manchester to the current contracted communities. The increase in the budget is predominantly paid for by revenues from the per capita rate paid by the Town of Manchester and patient billing from calls answered in Manchester.

Mr. Dorey asked if capital investments for the future were passed on to Manchester. Mr. Dovinsky stated the Town of Winthrop funds the operating budget through contract fees and patient billings. The Town of Winthrop does not pass capital investments on to other towns however; new equipment in the past two years has been paid for out of the operating budget, which is paid by the contracted towns. Mr. Dorey asked if some of the costs of a new public safety building would be passed on to the contracted communities. Town Manager Knight stated it had not been discussed whether they would assess a fee above the per capita rate paid by contracted communities. Cost per capita was \$9.00 and with the addition of Manchester, it will drop to \$8.00, which is about the market rate. The contract with Manchester is for one year, as with the other contracting communities. Jim Norris stated capital costs are recognized in per capita costs. It was noted that though the ambulance budget looks high, when it is offset with billings and revenues, the Town of Winthrop cost for the ambulance service is approximately \$20,000. Rick Dorey stated he wanted to be sure we are sharing all the costs. David Dyer asked if the cost for an ambulance from Manchester to an Augusta hospital and Winthrop to an Augusta Hospital would be the same. Mr. Dovinsky stated billing would be the same other than the difference in mileage. Mr. Dyer questioned if Winthrop was paying more than Manchester. Mr. Dovinsky stated Manchester pays \$8.00 per resident while Winthrop pays approximately \$3.25 per resident (\$20,000/6,000 residents).

Chair Patrice Putman closed the public hearing at 7:16PM.

MOTION by Kevin Cookson, seconded by Ken Buck to accept Resolution #91, Part I – Municipal budget for the fiscal year July 1, 2007 to June 30, 2008 in the gross amount of \$4,857,865 to which the following estimated incomes, totaling \$2,895,567 have been applied to reduce the appropriation from taxes: \$976,000 from Excise

Taxes, \$675, 422 from State Revenue Sharing, \$1,244,145 from various departmental incomes providing a net total Municipal Budget to be raised from taxation of \$1,962,298. Discussion: None. VOTE: 7-0.

MOTION by Kevin Cookson, seconded by Patricia Engdahl to waive the second reading of Part I of the Town's Municipal Budget. Discussion: None. VOTE: 7-0.

MOTION by Jim Norris, seconded by Bill MacDonald to approve Resolution #91, Part II – a resolution providing for the passage of the following appropriations for support of the School Department for the fiscal period July 1, 2007-June 30, 2008, Articles 1 through 17 providing for a net amount of \$10,630,128. Discussion: Mr. Rick Dorey asked if the estimated revenues were current numbers. School Board Member Isaac Dyer stated it is the most recent numbers, as of last week, from appropriations, but is subject to change. VOTE: 7-0.

MOTION by Kevin Cookson, seconded by Bill MacDonald to waive the second reading of Part II of the School Budget. Discussion: None. VOTE: 7-0.

Rick Dorey requested an update with the school consolidation. Mr. Dyer stated as of last week, the consolidation proposal from the state included the towns of SAD 16 (Farmingdale, Hall-dale) CSD 41 (Manchester, Readfield, Wayne, Mt. Vernon), Winthrop, Fayette, Monmouth with a student population of 4,000. The Board is meeting next Tuesday with Superintendents. The new consolidation is supposed to be implemented by July 2009. In the meantime, the Board will try to deal with capital improvements so the buildings are in good shape before going into the union because the new board may not give it a priority. Capital improvements being explored include repairing the grade school roof, improving sprinkler systems, improving groundwork and security lights at the Middle School, improving the boiler, and replacing windows on Town Office side of the elementary school.

There was a request to move Item #68.

Item #68 Consider recommendations from the Appointments Committee.

MOTION by Bill MacDonald, seconded by Kevin Cookson, to appoint Jane Brennan to the Library Board of Trustees and Daniel Dwyer to the 3rd position on the Board of Assessment Review. Discussion: Jim Norris stated the Town is very fortunate that people volunteer in Winthrop's future activities. Discussion: None. VOTE: 7-0.

Item #55 Determine the dates when property taxes committed during the 2007-2008 fiscal year shall become due and payable.

MOTION by Kevin Cookson, seconded by Linda Caprara to set the property tax due dates for the 2007-2008 fiscal year as October 1 and April 1. Discussion: None. VOTE: 7-0.

Item #56 Determine the rate of interest that shall apply to delinquent taxes committed during the 2007-2008 fiscal year until those taxes are paid in full

MOTION by Kevin Cookson, seconded by Bill MacDonald to set the rate of interest applied to delinquent taxes committed during the 2007-2008 fiscal year at 12%. Discussion: Ken Buck asked what the interest rate was last year. Jan Tewksbury stated 10.75%. VOTE: 7-0.

Item #57 Consider the rate of interest that shall be applied for overpayment of taxes

MOTION by Jim Norris, seconded by Kevin Cookson to set the rate of interest applied for overpayment of taxes at 8%. Discussion: None. VOTE: 7-0.

Item #58 Consider approval of the Capital Improvements Budget

The cost of Capital Improvements Projects through the year 2112 is \$7,024,616. The 2007-2008 budget is \$269,001. Ken Buck questioned if the \$4,000,000 allocated to Public Safety Building Project was part of this year's budget. Town Manager Knight stated he listed it as a project in the Capital Improvements Budget. A dollar amount has been attached to it, but is not being approved in this vote.

Citizen Rick Dorey requested an update on steps being taken for the Public Safety Building once the survey is conducted. Town Manager Knight stated the Town contracted with Lewis and Malm to assess the property conditions

of each building. A report is expected next week. The council will review the report and determine whether to renovate, relocate or make adjustment to the original safety building complex proposal.

Liz Sienko gave an update on the proposed library addition. A structural engineer has reviewed the Masonic Building and will have costs to renovate vs. construction of a new building. The roof on the current library is in need of repair. She stated she would be looking into grants. They are hiring a new librarian, however, in the interim, someone who currently works in the library will be the acting director.

MOTION by Kevin Cookson, seconded by Bill MacDonald to approve the Capital Improvements Budget. Discussion: None. VOTE: 7-0.

❑ **Item #59 Hold a public hearing on the Liquor License application for Pepper's Garden & Grill**

Chair Putman opened the public hearing at 7:40PM. Chief Joseph Young stated he reviewed the application. He suggested the Council approve the application contingent upon the Department of Health's inspection and notice. Chair Putman closed the public hearing at 7:41PM.

❑ **Item #60 Consider the Liquor License application for Pepper's Garden & Grill**

Kevin Cookson stated a liquor license had been obtained previously this year and questioned the re-application. Jim Remley stated his restaurant is selling and the liquor license is not transferable with the sale.

MOTION by Kevin Cookson, seconded by Jim Norris to approve the liquor license application for Pepper's Garden and Grill. Discussion: None. VOTE: 7-0.

❑ **Item #61 Consider a funding request from the Winthrop Unites Advisory Committee**

Nancy Schenck presented the Winthrop Unites Education Committee Budget request:

Good Wishes bags for Kindergartners	\$ 600
Printing Costs for reference materials for the bags	\$ 250
Speaker Series	\$1900
Retailers Meeting	\$ 150
Placing articles in Community Advertiser	\$1200
Parenting Skills Program	<u>\$1000</u>
TOTAL	\$5100

MOTION by Bill MacDonald, seconded by Jim Norris, to approve \$5100 budget that will come from surplus funds, as was previously approved with a concept of a \$16,000 budget earlier this fiscal year. Discussion: Chair Putman asked if they should say it is from surplus or the balance of the \$16,000. Town Manager Knight stated it is from surplus. \$16,000 was originally committed, but was not spent. \$8,000 was appropriated for the Porch Light Program; therefore \$8,000 is remaining from the original commitment. VOTE: 7-0.

❑ **Item #62 Consider the Winthrop Unites Advisory Committee's Porch Light program and contracts with Crisis and Counseling, Healthreach Network and KV Mental Health.**

Chair Putman reviewed Winthrop Unites Advisory Committee's Porch Light program. She stated in recognition of the challenges in the area youth in the last couple of years, it would assist individuals between the ages of 17 and 24 in obtaining and financing mental health services who may not be able to access help otherwise due to lack of insurance or finances. They have negotiated contracts with the above vendors, which has been approved by Attorney Lee Bragg. The basic concept of the Porch Light Program is for anyone who is between the ages of 17 and 24 and has attended Winthrop High School for two or more years can access up to \$500 a year for mental health services. Chair Putman requested to allocate \$8,000, which includes \$1,000 in marketing in addition to the already approved \$8,000. It would bring the budget over \$16,000. It would be approved out of surplus and the money will only be used if services are accessed. The committee is addressing the difficulty of young adults not seeking services because of lack of health insurance or cost of insurance co-pays. If it is not needed, it won't be spent.

MOTION by Patricia Engdahl, seconded by Kevin Cookson, to allocate \$2900 in addition to the \$8,000 already allocated to the Porch Light Program. Discussion: Chair Putman requested the committee be alerted if funds should become low so a request for assistance is not declined due to lack of funds. Bill MacDonald thanked

Patrice Putman and Patricia Engdahl on their assistance of the program. Jim Norris thanked the volunteers for their commitment to Winthrop Unites. VOTE: 7-0.

❑ **Item #63 Consider a request from the American Legion to install benches at Norcross Point.**

Lars Nelson, Service Officer for the American Legion Post 40 in Winthrop, reviewed the request to install two Veterans benches at Norcross Point.

MOTION by Kevin Cookson, seconded by Linda Caprara to allow the American Legion to install the benches at Norcross Point. Discussion: None. VOTE: 7-0.

❑ **Item #64 Consider a drainage issue on Memorial Drive, Marcel and Julie Moore.**

Marcel Moore stated his backyard has sustained a lot of damage and expenses over the past 6-7 years because of excessive water runoff coming from Maple Ridge subdivision and requested the town resolve the situation. He hired James Coffin of Coffin Engineering to assess the water issues who stated the drainage in the subdivision is not significant enough and with more houses constructed, it continues to worsen.

Town Manager Cornell Knight reviewed the history of the water drainage issue and the attempts to solve the problem. There were three 24-inch culverts. When beavers clogged them, the water flowed down the road to the corner to an 18-inch culvert and drained downhill to the Moore's backyard. When the Moore's requested assistance during the last FEMA storm, the Town replaced the three culverts with larger 36-inch culverts. However, during the last storm, a 10-inch section of the culvert floated up and blocked the flow. Therefore, the water flowed back down the road to the corner to the 18-inch culvert and drained toward the Moore's backyard, again. The Town did remove the floating 10-foot section. In addition, an 18-inch culvert will be installed next to the 36-inch culvert because the 36-inch culvert was installed too high. In addition, the last few storms were FEMA disaster designations.

Al Godfrey, Sr, Professional Engineer for the 1988 Maple Ridge Subdivision stated he met with James Coffins to review his report. He stated the original design had no problems with storm water runoff during Hurricane Bob in 1991. He reiterated that beaver families plug up the culverts. He stated the culvert does sit 10 inches too high and stated water from those culverts should never get to the next culvert. He agreed with Mr. Knight to install another 18-inch culvert. In addition, he recommended removing the cement slabs away from the opening of the 36-inch culvert to allow full flow. Mr. Coffin told Mr. Godfrey his report would have been different if he had known the 36-inch pipe was backing up.

Public Works Foreman, Matt Burnham stated the installation of the smaller culvert would only work if the land in the area were excavated so the water had somewhere to go. Steve Wood, Maple Ridge Estates developer, stated he would excavate when the land is dry and conditions improved (dry weather), but he did not think it would solve the Moore's problem. Mr. Godfrey stated if the area is excavated and the culvert is not plugged, it would solve the problem.

Marcel and Julie Moore asked who was liable for the damage to their property done by the Town's culvert problem. Ms. Moore stated in November of 2005 they were told Steve Wood would be excavating once the ground froze. Mr. Wood stated he was unable to excavate due to poor conditions in the area. Town Manager Knight stated the town was not liable.

Jim Norris stated the Town owes the Moores an answer on who is responsible for the damages to their backyard. Al Godfrey stated, as a taxpayer of the community, the Town has the responsibility to repair their backyard because the Town installed the culvert and it failed.

MOTION by Kevin Cookson, seconded by Linda Caprara, to have Steve Wood excavate on his part and once complete, the second culvert will be installed. The town highway crew will remove the cement piers and the Town Crew and Steve Wood will inspect the culverts on a regular basis and the Town will provide fill for Moore's land up to \$1000. Discussion: Mr. Moore asked who would be responsible if it washed out again. Attorney Lee Bragg stated the town is not liable and if the town has been negligent, the Town has immunity that absolves them of the negligence. Patricia Engdahl asked if other problems were anticipated with new housing development. Steve Wood said he did not see a problem. Town Manager Cornell Knight stated the Town has been contacted twice over the 7-8 years due to a plugged culvert and did not think the Town should accept responsibility to fix the property. Kevin Cookson stated he is not claiming it is the Town's responsibility, but it gives the property owner assistance to fill around their foundation. Ms. Engdahl agreed. Lee Bragg stated the motion to fill the Moore's property might send a

practical precedent but not necessarily a legal precedent. It is private property and the town has no liability for this damage under tort claims. But, the Town is paying taxpayer dollars on private property. It was requested that a document be drafted regarding this motion. Jim Norris stated he opposed the motion for the precedent established, though there is no legal liability, doing work on private property concerned him. VOTE: 6-1 (Jim Norris opposes)

Bill MacDonald departed at 9:10PM

❑ **Item #65 Consider a contribution to develop a Walking Tour Brochure.**

Jim Norris stated Margy Knight asked the Chamber of Commerce to support financially and otherwise a walking program in Winthrop, which would be modeled after a walking program in Middletown, CT. Therefore, in the future, the Council may be asked to financially support this activity, which promotes health and fitness

Patrice Putman suggest Ms. Knight look into a walking program already establish by Southern Kennebec Healthy Communities.

❑ **Item #66 Consider a Transient Seller's license application, Y Not Dogs.**

Chair Putman opened the public hearing at 9:12PM for the following Victualer's Licenses: American Legion Post #40, China Empress, China Noodles, Cobbossee Cash Market, Cumberland Farms, Cyber Cow Café, Full Court Deli, Joey V's, Mia Lina's Italian Express, Mister Market, Old Colony Ice Cream, Peppers Restaurant, Pond Town Tavern, Subway, Sully's Tavern, Uncle Bill's Live Maine Lobster, Winthrop House of Pizza and Winthrop Mini Mart, and Y Not Dogs. There were no public comments. Chair Putman closed the public hearing at 9:14PM.

MOTION by Kevin Cookson, seconded by Linda Caprara to approve all the Victualer's Licenses listed. Discussion: None. VOTE: 6-0

❑ **Item #67 Consider seeking bids for a new truck and plow equipment.**

Town Manager Cornell Knight stated the truck should be ordered now to be available for next winter. The 1995 GMC will be traded in. The money is in the budget effective July 1, 2007. Ken Buck asked if the 1995 GMC truck could be bid out instead of traded. Public Works Foreman, Matt Burnham stated parts from the 1995 GMC Truck were used in the 1996 truck and recommended trading it in. Ken Buck asked if Mr. Burnham was looking at Everlast plows. Mr. Burnham stated he would spec out prices. Mr. Buck asked how many dealers would be looked at. Mr. Burnham stated four – Whiting Ford (Sterling), an International Dealer in Auburn, O'Connor's and a Freightliner dealer.

MOTION by Kevin Cookson, seconded by Linda Caprara to authorize Town Manager Cornell Knight and Public Works Foreman Matt Burnham to work out bids for both kinds of plows and new truck. Discussion: None. VOTE: 6-0.

❑ **Manager's Report**

- ✓ A revaluation information meeting is scheduled for Thursday, June 7th.
- ✓ A special Town Council meeting is scheduled for June 18th at 7PM for a personnel matter.

❑ **Other business**

Patricia Engdahl stated her concern for the lake quality from the excessive water runoff at 803 Memorial Drive and asked what could be done to protect the lake. Town Manager Cornell Knight stated storm water runoff is reviewed as part of the approval of a subdivision, which in this case was in 1988. It was requested that CEO Beth Young be put on notice before another lot is built upon. Attorney Lee Bragg stated the subdivision was approved in 1988 to issue permits to construct single-family dwellings. Ms. Engdahl was concerned for how to correct an approved plan, which has had consequences that were not anticipated. Chair Putman agreed and stated she found it hard to believe that adjustments cannot be made if a development is damaging the quality of the lake. Ken Buck stated he thought the culvert was installed incorrectly. Attorney Lee Bragg stated regulations are in place to protect the lake and meet the standards. Cobbossee Watershed reviews the application and if it complies, the project is approved and constructed, but standards cannot apply retroactively. Kevin Cookson noted the project was completed as designed but there were several FEMA storms within the last few years.

❑ **Adjourn**

MOTION by Kevin Cookson, seconded by Linda Caprara to adjourn at 9:30 PM. Discussion: None. VOTE: 6-0. Submitted by Lisa Frost, Secretary to the Town Council.