

**Winthrop Town Council  
Regular Meeting  
Monday, September 10th, 2007  
Winthrop Town Office**

**Attendance:** Patrice Putman, Linda Caprara , Patricia Engdahl, Ken Buck, Kevin Cookson, William MacDonald, Jim Norris, Lee Bragg, Esq., Cornell Knight (Town Manager) and Julie Winberg (Secretary).

Chairman Putman called the meeting to order at 7:00 p.m.

**Approval of Minutes:** August 6, 2007

Motion by Cookson and seconded by MacDonald, minutes for August 6, 2007 were approved with a unanimous vote with the following corrections:

Page 3 - \$10.00 a year for Morrell House.

Page 7 - first paragraph motion to "discuss" affordable housing.

Chair Putman announced to the public in attendance that there are two advertised openings on the Conservation Commission and two advertised openings on the Board of Assessors Review. If anyone should be interested in either slot to get in touch with the Town Manager.

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

**Item #83 Consider a request from the Winthrop Mural Project for the town to take over responsibility of maintaining the 7 town murals.**

A letter sent to the town explains that the committee is disbanding. The Committee has been brightening the walls of Winthrop since 1996 and now hopes that the town will become the caretakers of the murals which have been photographed often by the media and other to promote Winthrop. They will be turning over \$900 that they have received in donations to the restoration fund and will advise the town on what materials they will need to keep the murals looking bright and cheery.

Margy Burns was in attendance and explained to the Board some of the steps that would have to be taken to keep the

murals in good shape. She noted that they were never vandalized and one of the theories was that this project was a community project - one in which the entire community was invited to participate. The maintenance involves updating the colors. And touch-up depends on the weather - the more intense the sun, the more the colors need to be restored. Mary Kay Spencer volunteered to be consulted should the town have questions on color issues. This project, she went on to say, has been a terrific promotion tool for the town of Winthrop.

Councilor Buck commented that this was not a town issue or a town concern and should be done privately.

Motion by Cookson and seconded by Norris that the request from the Winthrop Mural Project for the town to take over responsibility of maintaining the 7 town murals. Vote 5-2 (Buck and Caprara in opposition). The motion passed.

**Item #90 Consider an appointment to the Regional School Consolidation Committee**

Winthrop will be in group with Fayette and Maranacook CSD (Wayne, Mt. Vernon, Readfield, and Manchester).

The timeline of the committee's work was enclosed for the Councilors to review. This is the next step in reorganization. Councilor Norris noted that the Council expects their representative to this Committee take a very active roll.

Chair Putman announced that three Council members volunteered for this position - Jim Norris, Patti Engdahl, and Kevin Cookson.

Motion by Norris and seconded by Caprara to nominate Kevin Cookson to the Regional School Consolidation Committee. In lieu of Cookson's absence, Norris or Engdahl will be called on as substitutes. Motion passed with a vote of 6-0 (Cookson abstaining).

**Item #84 Hold a public hearing on the proposed amendments to the Town Charter.**

Public Hearing opened at 7:18 p.m.

The petitions filed by John Carpenter to amend the town's charter resulted in the proposed public notice attached and circulated for review. Public hearings on the petitions must be held prior to scheduling the referendum vote for November 6th. The amendments would limit the Council's authority to enact or repeal orders and ordinances after they have been the subject of a referendum vote and to reduce the number of signatures required to initiate a referendum to overrule Council action. (From 25% to not less than 5% of the total voters in the last gubernatorial election).

Attorney Lee Bragg informed the Council that the language in the petition and now in the order are accurate for legal purposes. The numbers of signatures required have been accumulated and now the question is a constitutional one.

Chair Putman noted that by sheer virtue of collecting 150 signatures, every decision of the Town Council could be put to a vote. This could mean that the Council could vote on numerous subjects, and by collecting the required signatures, these decisions could be overturned thus freezing town government.

Attorney Bragg commented that Section 9 spells out at you can do with the petition and what you can't do. Only those decisions that are currently subject to petitions now are effected if this is passed.

Councilor Cookson informed the Council that he would not support this as it would boot strap the council for five years before you could change it by a referendum vote.

Councilor Buck commented that Mr. Carpenter has done everything he needed to do legally down to collecting the required signatures.

Councilor Caprara inquired as to the accuracy of the statement that councilors can not be recalled as presently written. Reply was that that was correct. Both Buck and Caprara commented that that must be addressed and that that provision with recall language needs to be put back into the Charter as an amendment.

Councilor MacDonald asked Mr. Carpenter what was behind his move to do this and if anything specifically happened that would necessitate such a change. Councilor Engdahl asked Mr. Carpenter if the situation several months ago involving the issue on affordable housing and the volatile discussions that followed precipitated this move.

Mr. Carpenter, in answer to both these inquiries, assured the Council that this was purely a constitutional question and that this specific political system does not have an effective form and certainly does not have any checks and balances in place as written. He went on to say that if the citizens of Winthrop have to raise a disturbance as their only recourse to make change, that that in and of itself is a very difficult way to bring an issue to a public vote.

The public hearing closed at 7:55 p.m.

**Item #85 Consider Order #128, scheduling the vote for November 6th on the charter amendments.**

Motion by Buck and seconded by Caprara that this be scheduled for a public hearing on November 6th. Vote 7-0.

**Item #86 Consider an update/recommendation from John Dean, Chairman of the Public Safety Building Committee**

John Dean was in attendance and presented this report to the Council and members of the public. He briefly went over the issues, reviewing some of the history, defeat of the original proposal, and the elimination of some sites after committee review, and the committee's recommendations. He informed the Council that the committee met four times with a goal in mind to significantly reduce the original estimated cost.

The Committee's recommendation is #2D which received full support from the Police Chief, Fire Chief, and EMS. It reduced the original proposal from 28,000 square feet to 19,100 square feet. Mr. Dean noted that this reduction does not look into the future. It takes into consideration only current needs and that the Council needs to be fully aware of that. The building proposed is designed in such a way to

be easily added on to and that may be something the town will be looking at in five years.

Councilor Caprara, after questioning the high dollar figure attached to a square foot on the proposal submitted, was told that these figures were estimated by a design professional and construction costs are significantly higher. Councilor Caprara also inquired why the health center's site was not looked at more intensely especially due to the fact that it had been completely renovated.

Councilor Engdahl noted that there was a deed restriction on the health center and inquired as to the legal fees that would be involved in trying to get that restriction lifted.

Attorney Bragg responded that to clear a deed restriction is fairly simple and estimated one hour of legal time, if, all parties are in agreement.

Councilor Engdahl noted that option #2F option was the renovation of the Fire Department. She questioned if the Committee showed any interest in doing that. The response was that no one was interested in renovating any of the existing buildings.

Motion by Norris and seconded by Cookson that the Council support Option #2D which is to build a new Police Department, Fire Station and EMS building not to exceed \$2,795,000 at the original site proposed and to hold a public hearing on the bond issue at the October 1st Council Meeting.

Councilor Caprara felt strongly that a public hearing should be held on all the different options to allow citizens to review the committee's reports and to talk about what they would like to see before the Council adopts any specific option. She went on to say that she would not vote in support of #2D until she hears from the people in a public forum on their views and acceptance to this prior to a vote.

Councilor Buck commented that 2D would not be approved by the Department of Agriculture as it sits on wetlands. He went on to say that the Department of Transportation does not like it either and it will cost the town \$500,000 for site

work to reroute the road. He concluded by saying that the cost of the site work was not represented in the report as a line item. In addition, that area has been noted for many car accidents some of which involved personal injury.

Councilor Cookson responded saying that the report the Committee received originally from the DOT was that the cost of the site work would be much less. He concluded that the reports from the DOT indicated few accidents in that intersection. During 2001-2003, there were nine accidents, no fatalities and some property damage. During 2004-2006, there were eight accidents, no fatalities and some property damage. Statistically, that intersection in 15 years has proven to be much safer than what one could expect. It is estimated that 8,250 cars pass there each day and you have a clear view on either direction for over 1/4 mile. It is a safe intersection and a safe location.

Several comments were made from the public one of which noted that the \$2,795,000 did not include \$230,000 estimated for furniture and equipment. In response, that would be offset by \$203,000 from the sale of the fire station.

Councilor Engdahl commented that she felt both the Council and the Committee have gone as far as they can go. All the sites have been reviewed and a recommendation has been made. The larger question at issue here was does the Council now vote to support what has been recommended. In supporting the Rte 202 site, does the Council vote on it or does the Council put it up for a referendum vote.

Councilor Caprara reiterated that she would only vote to discuss this again giving the public one more time to voice their views in support and/or opposition. The Council should take the time that is reasonably necessary to allow the public to express their opinions on the options presented.

Councilor Cookson responded that the committee took their charge seriously and looked at all of the options, weighing each one very carefully, cut costs as much as possible, and came back to the Council, as requested, with their recommendations. The public had their opportunity to weigh in on all of these same options all along the way. It

was not time for the Council to vote.

Chair Putman polled the members for their final position on this matter:

Councilor Buck requested that the voice of the people need to be heard and should be put on a referendum. He requested that two of the highest voted on sites be placed on the ballot. Attorney Bragg commented that putting two sites on one ballot will be complicated, confusing, and does not recommend that as being a viable option.

Councilor Buck, with that advisement, made a motion to hold a public hearing on #2D at the next Council meeting. The town manager noted that the Council needs to hold a public hearing to borrow the funds needed to finance this project once passed.

Councilor MacDonald voiced his support of Option 2D but also noted that the citizens need to vote on it as well.

Councilor Engdahl commented that should this go out again to referendum and it is defeated, what the options would be then.

Councilor Caprara commented that any position the Council may take on these options must go out to a public referendum. She noted that she is unhappy with Option #2D as the intersection is a dangerous one.

Councilor Norris reminded the Council that he has made a motion that has resulted in a lot of discussion. He agreed that the public does have the right to give their input. However, there comes a point when all the serious questions that have surfaced surrounding this issue have been addressed, and the best alternative has been identified, the Council needs to make a decision based on the facts presented. Option #2D is the best option, at the best site.

Councilor Cookson seconded this motion commenting that the committee took their charge from the Council and covered all the options and the issues. They consulted with professionals, received input from the three department heads involved, discussed potential problems with engineers,

reviewed the needed site work and took all the input necessary from the Department of Transportation. The committee covered it all. If you don't know something, you go to professionals. When you have three department heads and a long list of professionals saying that this will work, I think it is time to listen to them. The committee got the facts, evaluated everything that was presented, and now is presenting that summary along with the specific recommendation of a site selected to the Council for a vote. There is absolutely no proof that this is a dangerous intersection. All the facts from DOT show otherwise. The Council needs to step up to the plate by approving Option #2D at the original Route 202 site, and approve the bonds to finance it.

Chair Putman supported this motion and commented that as an elected official it was the Council's job to make the hard choices. That it was paramount that the Council listens to the experts and accepts the committee's recommendations as that committee has completed the charge that they were given admirably. Although safety has been presented by some to be an issue, there were no facts to indicate that that is true. It is the Council's responsibility to keep the town's citizens safe as well as place our employees in a decent and healthy environment. At that point she closed the public hearing.

Councilor Engdahl commented that the public hearing should remain open allowing those citizens that came to participate in this discussion the time to speak. The public hearing remained open.

A citizen commented that it was obvious, by this meeting alone, that there was a division in the town. If the Council votes to pass Option #2D and the bond package that goes along with it, they would be creating a further division. The more people that are involved in this process, the better. It must go to a vote in November.

Norris's motion with Cookson's second still stands on the table in support of Option #2D (to build a new police/fire/ems station on Route 202) at a cost not to exceed \$2,795,000 and to hold a public hearing on the bonds needed to finance this project. The vote was 3 for (Putman,



Cookson, and Norris) and 4 against (MacDonald, Engdahl, Buck, and Caprara). The motion failed.

Motion made by Cookson and seconded by Norris to put Option #2D on the ballot for the November 6th election and not to exceed \$2,795,000.

Councilor Caprara noted that the Council still has not exhausted all their options.

The vote of 6-1 (Caprara against) passed this motion.

Motion by Cookson and seconded by Engdahl to suspend reading Order #129. Vote was unanimous.

After discussion, Order #129 was read for the docket.

Motion by Cookson and seconded by MacDonald that proposed Order #129 be approved as read and be put on the ballot in November. Vote was 6-0 (Caprara absent). Order #129 follows as read into the record:

#### **ORDER #129**

#### **OF THE TOWN COUNCIL OF THE TOWN OF WINTHROP FOR REFERENDUM VOTE PURSUANT TO 30-A MRSA SECTION 2528(5)**

The Winthrop Town Council hereby orders that the following question be placed on a referendum ballot to be submitted to the voters on November 6, 2007:

**QUESTION:** Shall the Town **(1) approve** a capital project consisting of the purchase of land and the construction of a new public safety complex, on land currently owned by the Winthrop Utilities District on Route 202 including engineering and design work, transaction costs and other expenses reasonably related thereto (the "Project"); **(2) appropriate** a sum not to exceed Two million Eight Hundred Thousand Dollars (\$2,800,000) to meet the costs of the Project; **(3) authorize** the Town Treasurer and Chairman of the Town Council to issue general obligation securities of the Town (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Two million eight hundred thousand Dollars (\$2,800,000); **(4) delegate** to the Treasurer and Chairman the authority and discretion to fix the dates, maturities, interest rates, denominations, calls for redemption (with or without premium), form, and other details of said securities, including execution and delivery of said securities on behalf of the Town; and **(5) order** that a tax levy be imposed upon all taxable property within the Town in an amount necessary to meet the payment of the annual serial installments of principal and interest of said general obligation securities, with such amounts being included in the tax levy for each year until the debt created by the issuance and sale of said general obligation securities is extinguished.

## FINANCIAL STATEMENT

Total Town Indebtedness:

A. Bonds outstanding and unpaid:	\$13,234,435
B. Bonds authorized and unissued:	\$ -0-
C. Bonds to be issued if the article is approved:	\$ 2,800,000
Total	\$16,034,435

Costs: At an estimated maximum interest rate of 5% for a twenty-five (25) year maturity, the estimated cost of this bond issue will be:

Principal:	\$ 2,800,000
Interest:	\$ 1,850,000
Total Debt Service:	\$ 4,650,000

Validity: The validity of the bonds and the voter's ratification of the bonds may not be affected by any errors in the above estimates, the ratification by the voters is nonetheless conclusive and the validity of the bonds is not affected by reason of the variance.

---

Town Treasurer

The Council further orders that a public hearing be held regarding this matter on October 1, 2007 at 7:00 p.m. in the Council Chambers at the Winthrop Town Offices, with notice posted seven (7) days prior to the hearing.

Dated this 10<sup>th</sup> day of September 2007.

WINTHROP TOWN COUNCIL

*9:15 p.m. Council took a ten minute break.*

**Item #87 Review and discussion of the zoning ordinance sections that pertain to parking standards and the non-conforming use clause.**

The Zoning Ordinance regarding residential parking restrictions in the Village Zone and the grandfather/reuse within one year clause was discussed at the Council's meeting in August. The parking spaces for each residential unit were part of the sub-committees recommendations in 2004 and are now being reviewed jointly with the Planning Board and the Code Enforcement Officer.

Present from the Planning Board was the Code Enforcement Office (Beth Young), Clark Phinney, and Edward Vigneault.

The CEO explained some of the history and reasons why these restrictions were in place. A question that may arise

upon removal is what the downtown area would look like and how that would evolve from a quaint New England village feel. Looking into the situation, the issue now may be to remove the parking space limitation to only end up resulting with a public safety or public works problem. Those issues may have to be addressed again as a result of a removal of present restrictions. Removing restrictions in and of itself is not a huge issue. However, where will parking be for those residents? You will still have created a traffic problem.

The CEO informed the Council that the Village Zone goes from Highland to Western Avenues. There could feasibly be apartments all along that corridor in time turning larger dwellings into multi units and the present set back restrictions will be limiting. In addition, she informed the Council that whenever a zoning change is entertained, Planning Board holds two advertised public hearings so that everyone has the opportunity to participate in the discussion and review of proposals and that that is done prior to bringing the recommendations to the Council.

Councilor Cookson read into the record Section 106.2 that gives the Council its authority to amend an ordinance without any public hearing.

The CEO cautioned the Council that an action such as that may be detrimental to the town and the decisions that may be made as a result.

Motion by Cookson and seconded by Buck that the Council requests the town manager and the Planning Board to take the necessary steps to remove the two parking space requirement. Vote was unanimous.

Motion by Cookson and seconded by Buck that the Council direct the town manager and the Planning Board to eliminate set backs. Vote was unanimous.

Motion by Cookson and seconded by Buck directing the town manager and the Planning Board to eliminate the grandfather clause.

The CEO informed the Council that the Planning Board had not had previous discussions and that grandfathering needs to be discussed. Councilor Cookson disagreed noting that the Council had asked the town manager to discuss this previously with the Board.

Councilor Engdahl commented that the Council should be cautious on this issue and not throw out the grandfathering clause. Adjustments are an option that the Council has in requirements for parking and sidelines. But grandfathering is another issue and should not be thrown out all together. Perhaps extending the time or the process to get extensions of time for non conformance is a more reasonable approach.

The CEO commented that the Planning Board needs to look at this issue and that ordinances are an ongoing process. The Board would request that the Council give them something in writing for them to proceed. Grandfathering is a way to create conformance.

Motion by Cookson and seconded by Buck to withdraw the motion on eliminating the grandfather clause and to direct the Planning Board to extend the grandfather clause and adjust the medium impact. Vote was unanimous.

**Item #88 Consider a request from the Winthrop Commerce Center to amend the traffic ordinance to allow 15 minute parking spaces on Main Street in front of their building.**

The Winthrop Commerce Center is requesting to change the parking space time in front of their business from two hours to 15 minutes.

Kenneth LaJoie, representing the Commerce Center, spoke on this request noting that it would be very good for the Commerce Center and surrounding area. It would force employees at the Commerce Center to park in their own parking area behind the building and not for convenience sake, park in the front.

Councilor Engdahl commented that 15 minutes does not allow any time to do anything.

Councilor Cookson commented that he would not be in favor of this as presented. More information on the location of the new post office must be forthcoming to evaluate this in its entirety.

At this point, the town manger updated the Council that proposals have been received from six developers expressing an interest. The town will be receiving a report during the week of the 17th of this month. The town will have thirty days from that point to respond. Update on the post office. Proposals received and reviewed this week. Six developers expressed interest and had to August 31st to submit proposals. Town will be receiving a report the week of the 17th. Town has 30 days to respond to the letter.

Councilor MacDonald commented that he would vote against it as well, and suggest that this be tabled until more information on the location of the Post Office is received. Cookson seconded this motion tabling it to next month's Council meeting. Vote 7-0.

Motion by Buck and seconded by Caprara that the balance of agenda items #91, #92, and #94 be heard at the next Council meeting. Vote was unanimous. The following items will be brought forward to the October agenda:

**Item #91 Consider a truck purchase for the Transfer Station**

**Item #92 Update on the skateboard park drainage repair project.**

**Item #94 Schedule the meeting on Affordable Housing.**

The Council continued their meeting on the following items before adjourning:

**Item #89 Consider the Town of Readfield's request to form a committee to discuss housing an ambulance at their fire station.**

The Town of Readfield is requesting a meeting to discuss permanently housing an ambulance at the Readfield's Fire Station. An ambulance has been stationed in the summer months, day shifts only for the last two years, and will continue on day shifts year round. Their request is for 24 hour stationing.

Mt. Vernon as well as Fayette has given their input. There are logistical problems as well as costs associated with this proposal and all three towns will have to contribute towards the financial increase.

Councilor Cookson noted that there is indeed a financial potential in doing this and that a Council member needs to be assigned to this committee. The town manager projected approximately four meetings to fully explore the options and the financial responsibility associated with this venture.

Councilor Buck volunteered to be the Council's representative.

**Item #93 Consider the carried balances for the school and town from 2006-07 fiscal years.**

A summary sheet was enclosed for the Council's review.

Motion by Cookson and seconded by Caprara to approve the balances carried over for the school and the town from 2006-07 fiscal year. Vote 7-0.

**Manager's Report**

Oil spill clean up presentation by DEP on Annabessacook Lake can be made available via email, or in paper form for those that request it. Councilor Buck informed the Council that the former Branding Iron restaurant site is going up for auction on the 19th of this month and \$250,000 could be a very good Council investment. He asked that the Council designate the town manager to attend and bid on this site.

The Council's response was that it was not in the real estate business, and the site was voted down by the Building Committee.

**Motion by Cookson and seconded by Norris, the Council adjourned at 10:30 p.m.**