

**Minutes**  
**Winthrop Town Council**  
**Regular Meeting**  
**Monday, January 9, 2006 at 7:00 p.m.**  
**Winthrop Town Office**

*Attendance: Chairman Kevin Cookson; Councilors William MacDonald, Patrice Putman, Jayne Despres, Ken Buck, Linda Caprara, and James Norris; Town Manager - Cornell Knight; Secretary - Julie Winberg.*

*Chairman Cookson called the meeting to order at 7:01 p.m.*

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

***Election of Town Council Chair:***

*Motion made by Putman, seconded by MacDonald nominating Jim Norris for the Chairmanship. Second nomination entered by Despres, seconded by Buck for Cookson to remain as Chairman.*

*Cookson expressed his appreciation for the vote of confidence displayed but gracefully declined stating that he has done this for three years and, although very fulfilling, it was indeed time for someone else to take the chair.*

*Vote was 6 in favor, 1 opposed (Buck) for Norris's appointment to the Chair. At this time, seats were exchanged and Chairman Norris presided over this meeting expressing his thanks.*

***Election of Town Council Vice-Chair:***

*Motion made by Buck, seconded by Caprara, nominating Despres for this position of Vice-Chair. Vote was 7-0.*

***Approval of Minutes: December 5 and December 28, 2005; and January 4, 2006.***

*Motion by MacDonald, seconded by Caprara approving the Minutes of December 28<sup>th</sup> as presented as well as the minutes of December 5<sup>th</sup> with the following corrections:*

- 1. correct the footer to reflect meeting date held on December 5<sup>th</sup> not 7<sup>th</sup>.*
- 2. Page 3, next to the last paragraph should read:  
Chairman Cookson explained that in Roberts Rules of Order, when a motion is made and seconded, and a member moves the question with a second, a vote needs to be taken, and unless the Councilors direct him otherwise, he must proceed with a vote.*

*January 4<sup>th</sup>, 2006 minutes with the notation of the nomination of student representation Ian Engdahl, who will serve in a non-voting capacity.*

*Vote approving these three set of minutes was 7-0.*

**Item #2 – Council Appointments:**

*Councilor Caprara nominated Kevin McCarthy to fill the vacancy on the Conservancy Commission.*

*Motion made by Cookson, seconded by Caprara, to continue the Council Appointments until the February 6<sup>th</sup> meeting. Vote was 7-0.*

**Item #3 – Town Manager Appointments:**

*Motion by Cookson, seconded by Caprara, to approve the Town Manager's Appointments. Vote was 6-1, Buck opposed.*

*Councilor Buck wanted the record to reflect that his opposition to the appointment of David Smith.*

**Tabled Item #158 – Consider a request from Candide Lemay to excavate Charles Street for access to the sewer and water lines.**

*Motion made by Cookson, seconded by MacDonald, to remove from the table, Item #158. Vote was 7-0.*

*Town Manager Knight referred to a letter from Mrs. Lemay who wants to build a new home on Charles Street, which would require accessing the utilities by cutting into the newly paved road. Knight cited the fact that all owners that would be affected by the moratorium of utility work were sent letters in 2004. They were all requested to contact the Town to inform them of any plans to replace or add a sewer, water or drainage line within the town's right of way. Charles Street had been base pavement for over one year giving the homeowners' ample time to plan. One suggestion given to Mrs. Lemay was to tie into a neighbor's utility line but she and her builder did not want to do that.*

*Peter Richards commented that he subsequently has found out that this suggestion was against State Law.*

*Caprara inquired as to how much it would actually cost the Town to allow Mrs. Lemay to do that. Caprara felt that a tax paying property owner with a buildable lot should be allowed to do that and that the request did not seem that unreasonable.*

*MacDonald commented that he would like more information in reference to the State Law as well as the cost.*

*Buck commented that the Council has allowed this before.*

*Knight responded that the once you allow utility work to cut into this new surface, it immediately loses its integrity and that there is in place a 5-year restriction barring opening permits to be issued. This landowner knew, as her neighbors did, that the town was planning to do this and it went 14 months before she contacted the town with her plans.*

*Chairman Norris inquired if we have some way of determining that she did receive this information from the town. Knight said the letters go out first class mail.*

Mr. Richards informed the Council that Mrs. Lemay was not the original owner at the time of the mailing. She became owner after the fact so she never received the notice. He noted that the water district had no problems with this request, just the town. He added that there is a potential for additional growth on Charles Street with the possibility of adding four more buildable lots.

Chairman Norris stated that with this potential of future growth, the Council might have to think beyond this one request.

MacDonald requested more information about the lot, the neighbor's line, where the line would be for these potential five units, as well as more information in reference to the State Law requirement.

Motion by Despres, seconded by MacDonald to table Item #158 – Consider a request from Candide Lemay to excavate Charles Street for access to the sewer and water lines - to the February 6<sup>th</sup> meeting with the request that Dan Wells attend with a map and information on the lines, restrictions, and any alternative solution. Vote 7-0.

**Item #163 – Consider a town match to the school's grant funding for a committee coordinator and the Council's vote whether to match the \$16,718 grant the school received for the Suicide Prevention Committee.**

Motion by Cookson and seconded by Caprara to remove from the table Item #163. Vote 7-0.

Buck commented that these committees were in the process of just being formed and felt that a Council decision on funding should wait.

Chairman Norris felt that the grant monies were sufficient enough to get the ball rolling and that this Committee was prepared to move ahead.

Knight informed the Council that the grant funding is not contingent on the town match.

Putman commented that the committee would anticipate that the Council would be looking at some grant funding. And with the town's contribution, it would demonstrate the joint commitment between the town and the school. She proposed that the Council approve a match up to \$16,000 with continued oversight by the Council.

**Motion by Putman, and seconded by Cookson to approve Item #163 – Consider a town match to the school's grant funding for a committee coordinator and the Council's vote whether to match the \$16,000 grant the school received for the Suicide Prevention Committee contingent upon need and that the Town Manager and the Department of Finance work together under Title 4 guidelines determining what fund this \$16,000 comes from.**

Buck noted that he felt that there is no doubt that the Council would be voting to approve the money for this, but still asked why now?

MacDonald commented that he agreed with Buck and that since the Committee was not going to hire someone right away, the decision to match funding could wait. This should

*be put on the February 6<sup>th</sup> agenda or at a time when we are certain as to what funds are available.*

*Despres commented that by the Council doing this now, it shows a real commitment – the town is sending a strong message that we are supporting this work and what is being done.*

*Knight informed the Council that this money would come out of surplus funds.*

*Putman – we all have different assumptions. I anticipated \$16,000 be available this fiscal year starting July 1<sup>st</sup>. What I am suggesting is that this amount be set aside for this fiscal year. Then we can decide how much we want to allocate the next fiscal year.*

*Cookson – there is indeed confusion over this. \$16,718 is designated for certain purposes. I am voting to give \$16,000 to the unnamed committee. They have \$16,000 to do whatever they need to do to get things done. We have it now in the surplus account.*

*Putman agreed with this clarification stating to set it aside for use if someone is hired.*

*Setting it aside is contingent upon need.*

*Cookson – approving to allocate \$16,000 is not the same as spending it. It is there in case but as far as any expenditure, I disagree with MacDonald. I still hold to my 2<sup>nd</sup> motion we will not spend it. The town is showing it support to this worthwhile cause.*

*Motion by Putman, seconded by Despres to fund the unnamed committee. Vote was 7-0.*

***Item #4 – Consider a violation of the Winthrop Zoning Ordinance Section 4.1.1 Nuisance Condition by William and Sherrell Wilmot, 199 Rte. 133 (Town Map 30 Lot 47).***

*Code Enforcement Officer (CEO), Beth Young, reviewed with the Council the concerns about the appearance of the property and the notifications over a period of two years. The Wilmot's have been in violation of the Zoning Ordinance and although given sufficient time to act on the town's request, they still remain in violation. The CEO informed the Council that letters, although numerous, have not been effective and the next step that is normally taken would be to fine the Wilmots. The CEO presented the Council with photographs that were taken on this day.*

*Chairman Norris confirmed that the items that were accumulating on the property were not considered dangerous.*

*Motion by Cookson, seconded by Putman, authorizing the town manager, the town attorney and the CEO to take the action that they deem necessary.*

*Buck noted that he has personally noticed a change for the better indicating a lesser amount of 'items' displayed demonstrating that the Wilmotts are trying.*

*Cookson agreed that some weeks are better than others.*

*The CEO informed the Council that this situation has been going on for over two years which has produced a yo yo effect where a little headway is being made and then more 'items' are displayed and they are back to ground zero.*

*Buck interjected that this should indicate to the CEO that a positive movement has started.*

CEO responded that she could continue sending letters but is here to ask the Council if she should be proceeding with a stronger posture. She informed the Council that her department does not fine residents and only will do so in extreme circumstances of noncompliance. The CEO explained that her department first tries very hard to work with the residents to come to some mutual agreement.

Cookson stated that he stands by his original motion, which was seconded by Putman, authorizing the town manager, the town attorney and the CEO to take the action that they deem necessary.

Vote was 6-1, Buck opposed.

**Item #5 Consider a request by the Public Safety Building Committee to conduct a land appraisal on the proposed site of the public safety building on Rte 202.**

The Chief spoke briefly to the Council about the Public Safety Committee, which consists of 13 members including the state fire marshal.

Committee has already been before the Council and has been appropriated funds to conduct a traffic study. This study is close to completion and a formal presentation will be scheduled in a few months. They are now at the stage where an appraisal of the property, which is located next to the water district, needs to be done. The appraiser, Dan Dwyer, has estimated the cost to be approximately \$2000.00.

Motion by Despres, and seconded by Caprara, approving up to \$2,000.00 to have an appraisal done on the property next to the water district.

Knight informed the group that the funds would come from the communications reserve account, which is the account that funded the soil testing.

At this point Chairman Norris informed the Council and the police chief that Manchester was holding a meeting on regionalization on Wednesday, January 11<sup>th</sup> to discuss the consolidation of services. Knight commented that this meeting was for elected officials. The Chief stated that in the public safety area, all possibilities have been and will continue to be, explored with neighboring communities. This Committee has painstakingly looked at all the possibilities of regionalization and has had numerous discussions with Monmouth on putting our two departments together. To date, he has not received any proposals. The Chief concluded that the proposed public safety building would accommodate 4-5 additional people should regionalization become a reality.

Buck asked if everyone who is on this Committee gets notified prior to a meeting as one of the members on it has indicated to him that they have not been contacted in some time.

The Chief assured the Council that everyone gets notified either by mail or personal telephone call should a member not have email.

Cookson responded that he is an active member, along with former Council member Rheume, and that both of them get notified about future meetings as well as updates.

Chairman Norris summarized that things are still in the preliminary stages. The Council has approved the site and drainage along with the traffic study and now the funds for the appraisal have been approved. The committee is working on developing a plan and will come back to the Council.

*There being no further discussion the vote was 7-0 to approve funding a land appraisal on the proposed site of the public safety building on Route 202.*

*Item #06 - Hold a public hearing on the General Assistance Ordinance.*

*Public Hearing opened at 8:12 p.m. There being no public comments, the public hearing closed at 8:14 p.m.*

*Item #7 – Consider the first reading of the General Assistance Ordinance.*

*Town Manager Knight reviewed a summary of the ordinance and the changes. There being no discussion, a motion by Cookson and seconded by Despres was to approve the first reading. Vote 7-0.*

*Motion by Cookson, seconded by Despres to waive the second reading and approve the ordinance changes. Vote 7-0.*

*Item #8 – consider a donation of ten antique firearms to the Winthrop Police Department.*

*Chief Young informed the Council that Norman Ricker and James Thompson have given the police department rifles and shotguns to be disposed of. The state law being very specific would first require a background check to be done prior to disposing. After that, the department has the option to sell them or keep them. The Department's first choice is to sell them and to use the monies to replace some of their shotguns and handguns. Despres confirmed that the donors were aware that their donations may indeed be sold and that both donors were fine with whatever choice the department made to dispose of them.*

*Chairman Norris inquired if the Police Department could use that money for some other life saving equipment other than the replacement of guns such as after school programs. Chief Young responded that they could purchase another taser but their first choice would still be to replace some of their firearms.*

*Buck made a motion to let the Chief decide on how to use the monies received from the sale. Cookson seconded this. Vote 7-0.*

*#9. Discussion on the preparation plans for avian flu pandemic.*

*Caprara put this item on the agenda. This health concern is in the new every day and Caprara felt that a review of the town's emergency plans might be in order as this type of flu could move rapidly thru the community.*

*The Town Manager informed the Council that the State has had a conference on this in December and the subcommittees will be reporting back to the communities involved this spring.*

*Putman informed the Council that the precautions have not changed from past pandemics and health departments recommend staying away from crowds, frequent hand*

*washing with the newest recommendation being not to take a lot of amoxycillin, as you will develop immunity to it.*

*Chief Young commented that their biggest concern was the schools and implementing quarantine – in essence keeping the children home from school.*

*Managers Report:*

*Knight reported that the CEO has moved into the Town Office.*

*Knight reported that he would be on vacation beginning next Wednesday for one week.*

*Other Business:*

*Putman recommended a Council retreat for the good of the community – a way for the Council to get regrounded. She offered the council her home as the space to hold the retreat. She felt that the Council members have been under a lot of stress and the tension has had a noticeable effect on all of the members. She felt that it was affecting their ability to lead the community.*

*Despres mentioned that she has talked to Putman on this and is in agreement that such an event would be beneficial. The day can be broken down to several categories such as goal setting and what the council's views are as being important and then ranking those suggestions.*

*Chairman Norris expressed a need to explore the law on public meetings, executive sessions and the requirement to have the public attend.*

*Chairman Norris felt that he would want to keep this informal and with a facilitator this may not be possible.*

*Knight said a facilitator keeps it structured.*

*Buck commented that he did not see the need to pay somebody to help the Council work together.*

*Caprara stated that she would vote against a facilitator as past experience proved negative results.*

*Putman commented that she has had excellent experience with a facilitator as it kept people focused and the group felt more assured of achieving the outcome that they wanted.*

*Buck stated that he would vote no.*

*MacDonald stated that he may be interested but would have to see the agenda first, but he too would recommend the hiring of a facilitator with an emphasis on goal setting. He would recommend also that this retreat be held on a regular meeting night.*

*Cookson recommended that Knight find out how much a facilitator would cost.*

*Chairman Norris told the council that he would personally talk to each of the members about this and put it on the agenda for the 2/6 meeting*

*Motion by Cookson and seconded by Caprara to adjourn at 8:45 pm. Vote 7-0.*