

**Minutes
Winthrop Town Council
Regular Meeting
Monday, June 5, 2006 at 7 p.m.
Winthrop Town Office**

Attendance: Councilors Jim Norris, Chair; William MacDonald, Kevin Cookson, Patrice Putnam, Jayne Despres, Ken Buck, Linda Caprara, Town Manager Cornell Knight, Secretary Julie Winberg, and representatives from the School Board and Fire Marshal's Office, along with Boy Scout Troup #604, applicants for this evenings meeting and interested community residents.

Chairman Norris called the meeting to Order at 7:03 p.m.

First order of business was to thank Boy Scout Troop #604 who were present for this meeting along with their leaders. They are hard at work on merit badges. Present for tonight's meeting were Patrick Flynn, Tim Moran, and Levi Hooper.

Approval of Minutes:

Motion by Depress, seconded by Cookson, to approve the minutes of May 1st and May 31st, 2006. Vote was 7-0.

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

Item #53 - Hold a public hearing on the Budgets for the 2006-2007 Fiscal Year:

Resolution #88 Part I - Municipal Budget and Part II - School Budget.

The public hearing opened at 7:05 and closed at 7:10 on the 2006-2007 Municipal Budget. The Town Manager summarized the budget as follows: the \$4.6 million budget, which is an increase of about 7 percent from last year, may still lower local property taxes by about 12 cents per \$1,000 of valuation from its current level of \$22.33 to \$22.21 if the valuation estimates hold. This budget maintains the current level of service. Most of the increase in the budget is due to the town debt payments from a \$1.2 million road construction project and the construction of a Masonic Hall. The increase in fuel costs, insurance costs and salaries also added to the rise with about a 3 percent increase. The town budget increased about \$600 from its original proposal during the budget workshops over the last few months. The increases include a 10 percent raise in funding of solid waste removal and about \$100,000 for rescue services which includes the first annual \$18,800 payment of a new ambulance.

There was a general note of thanks for the hard work and professionalism that went into the workings of this budget with 100% participation with department heads and the public making this a much easier task than in the past.

Councilor Cookson thanked the town manager and acknowledged to the public in attendance that the only way he would entertain an increase in the budget was because it does give a slight decrease in the mill rate. Thus he is in agreement with the 7% increase.

Motion by MacDonald and seconded by Despres approving Resolution No. 88-Part I - Municipal Budget for the fiscal period July 1, 2006 to June 30, 2007 as presented. The vote was unanimous - 7-0.

Motion by MacDonald and seconded by Cookson to waive the 2nd reading. The vote was unanimous 7-0.

Public hearing opened at 7:13 p.m. on the School Budget.

Superintendent Terry Despres summarized the budget and the projections for the upcoming year. Residents will fund about \$4.8 million of the \$10.6 million school budget approved by the Winthrop Board of Education. That amount to be raised will run about \$8,000 less than last year, and almost \$306,000 at the school year end which is indeed a tremendous turnaround from last year. This savings came about by holding off replacing four teacher positions and scrutinizing the budget to meet the school's future needs.

Superintendent Despres commented how very pleased he was for the administrative hard work the school board and staff did, the net result being this budget presented tonight.

Public hearing closed at 7:19 p.m.

The Council thanked the Superintendent and his staff for this turnaround and superior service to our community noting at this time what a tremendous loss it will be to the residents of Winthrop who are now facing Mr. Despres' resignation.

Motion by Cookson seconded by Caprara approving Resolution No. 88-Part II - Winthrop Town School Budget for the fiscal period July 1, 2006 to June 30, 2007 as presented. The vote was unanimous 6-0 with Councilor Despres abstaining.

Motion by Cookson and seconded by Caprara to waive the second reading. Vote was unanimous 7-0.

Item #54 - Determine the dates when property taxes committed during the 2006-2007 fiscal year shall become due and payable

It was confirmed that it is a State requirement to have this on the Council's agenda once a year. The Councilors set the property tax payment dates on October 1 and April 1.

Motion by Cookson and seconded by Caprara approving these dates. The vote was unanimous 7-0.

Item # 55 – Determine the rate of interest that shall apply to delinquent taxes committed during the 2006-2007 fiscal year until those taxes are paid in full.

Motion by Cookson and seconded by MacDonald that an 11% interest rate will be added to late tax payments. The vote was unanimous 7-0.

Item #56 – Consider the rate of interest that shall be applied for overpayment of taxes.

Motion by Cookson and seconded by Caprara that the rate of interest for the overpayment of taxes be set at 7%. The vote was unanimous 7-0

Item #57 – Consider approval of the Capital Improvements Budget

The Capital Improvement Program for 2007 through 2012 was prepared and presented by the Town Manager. The report lists 39 projects and estimated year for expenditure. This list is adjusted every year and the Council, after review, Motion by Caprara and seconded by Despres, approve the Capital Improvement Budget for the 2007 fiscal year period as presented. The vote was unanimous 7-0.

Item #58 – Hold a public hearing on the Liquor License for Barney's Sports Bar, Union Street.

Item #59 – Consider the Liquor License application for Barney's Sport's Bar

Item #60 – Consider the Victualer's License application for Barney's Sports Bar.

Item #61 – Consider the Special Entertainment application for Barney's Sports Bar (music, dancing, karaoke).

This facility has changed ownership and is now owned by Albert and Lisa Seavey. Both were present for this public hearing.

The public hearing opened at 7:34 p.m. for Barney's Sports Bar.

Dan Brooks, Fire Chief, presented the violations, some of which have been ongoing with the previous owner for several years. The State Fire Marshall did a

review of the facility triggered by the special entertainment permit request and after review, found relatively minor violations that have now been taken care of. One of the issues is the rental space on the second floor. This area cannot be rented out until the major issue inside the kitchen and bar area has been dealt with and reinspected and approved by the local and state fire marshal's offices. This problem includes no ventilation in the grill area. Tim Fuller, the state fire marshal and the new owners (who were present) as well as Fire Chief Brooks, felt that with sufficient time, these problems would be taken care of. In summary of some issues: the second floor space cannot be rented as there is no fire rating between the bar and the apartment. New flooring would have to be installed, with emergency lighting and battery backup lighting; the fire suppression and ventilation system that is required for all facilities of this type is non-existent; with the history of some recent fires that resulted in the loss of life, cities and townships are liable if they approve a license for a facility when they 'know' is in violation of code issues. After much discussion, it was clear that several councilors would not approve the licenses for this facility before the hood and fire suppression were within code. It was also clear that this facility, with the previous owner, was in violation for several years without any restriction to its business and without any resolution.

The public hearing closed at 7:54 p.m.

Motion by Cookson and seconded by MacDonald that the three licenses be approved with the condition that the Town Manager receive in writing from the Fire Marshall acceptance of the licenses going forward knowing and listing what violations are. Until such time, none of the licenses will be active. The Councilors thanked the new owners for attending noting that this was nothing personal but reiterated that this facility is out of compliance, and has been out of compliance, with the previous owner knowing the violations as well as the new owners continuing with those same violations. The Council assured the new owners that they will have a special meeting whenever they have this written assurance as noted above, and help them get up and running. They reiterated that these were very serious enforcement issues and the Council could not in good conscious issue licenses for liability purposes until this written notification is received.

The vote was 5-2 with Buck and Caprara opposed.

Item #62 - Consider the Victualer's License application for Barefoot Kitchen, 134 Main Street.

The public hearing opened at 8:17 p.m.

This is a commercial kitchen and retail store and has not been inspected to date. The type of cooking that will be done does not warrant a special inspection unless a complaint is filed. The owner will be making and selling jams, jellies and crafts.

The public hearing closed at 8:20 p.m.

Motion by Cookson and seconded by Caprara that the Victualer's License application for Barefoot Kitchen, 134 Main Street be approved. The vote was unanimous 7-0.

Item #63 – Consider a Transient Seller's license for Daniel Coyne, Little Dan's Barbecue.

Item #64 – Consider a Transient Seller's license for Charro Huff, Y not Dogs.

Item #65 – Consider a Transient Seller's license for Sean Donaghy, Wicked Weenies.

Motion by Cookson and seconded by Caprara that Transient Seller's license for Daniel Coyne, Little Dan's Barbecue, Transient Seller's license for Charro Huff, Y not Dogs, and Transient Seller's license for Sean Donaghy, Wicked Weenies be approved. The vote was unanimous 7-0.

Item #66 – Consider filing a grant application to the Staffing for Adequate Fire and Emergency Response (SAFER) program for a fire instructor at the High School and disability insurance coverage for firefighters.

Chief Brooks presented a safety grant program that is federally funded, established last year by the Department of Homeland Security, and allows for the recruitment and retention of fire fighters. In consultation with and support of Superintendent Despres, this would be hiring one full time fire fighter who would have the responsibility to teach at the high school level a vocational training program. This individual would teach fire fighting techniques. They would receive instruction, practice drills, perform routine duties at the fire station and assist with some fire fighting activities with an end result of eventually joining the department when eligible if they so desire. The Superintendent was in favor of the program and suggested that he could also provide an additional instructor to teach a chemistry course to go with the fire course. One day, the students would learn fire skills with the firefighter and on the alternate day the students would study chemistry and hazardous materials with the schools instructor. This way, the new employee will be available every other day to recruit personnel from the community, local groups and business. They would be improving membership with the department, and helping with other functions around the station. The town would have no match as it is 100% federally funded for a period of four years. However, the grant requires a local match over five years. Regionalization may play a significant part in this as well once the program gets its footing and establishes its curriculum, which

could change upon need, allowing other schools in other towns to take advantage of this as well. Recruitment and retention needs a full time person to make it operate. With time limitations described by Fire Chief Brooks, he is asking the Council for their support to move forward. The deadline for this grant is June 30th.

The Council was unanimous in their support of such a program noting that there are many resources that are available right now to assist the Fire Chief and should take advantage of those people in the emergency response field.

The other half of the SAFER grant would include providing benefits to members that would not only encourage members to stay with the department but also require that they maintain preset levels of training and response. What is of pressing need are programs that are variations of life insurance and disability policies that would cover each member and could be continued by the member at his own cost if they leave the department. Fire Chief Brooks noted that the department does not have life insurance coverage for a member if he/she should meet with an accident while performing for the department. The town's workers compensation insurance is very vague about when a firefighter is on duty or off. Also, there are questions about what type of work is considered within the realm of their duty. The policies under the SAFER grant are funded 100% for the first four years but after that the long term costs to these insurance programs would require ongoing town funding once they have been initiated. These policies can run between \$2,000 and \$5,000 annually depending on the coverage and specifics within the department. The deadline for this grant is June 30th.

Motion by Caprara and seconded by Despres that the Fire Chief should apply for the grant to the Staffing for Adequate Fire and Emergency Response (SAFER) program for a fire instructor at the high school and disability insurance coverage for firefighters. Vote was unanimous 7-0.

Item #67 – Consider a letter of support to the School Board to participate in the Maine Readiness Campaign

The programs goal is to better prepare high school students for college, career and citizenship by having a shared commitment from the school, municipal business and civic leaders.

The three-pronged strategy is to create a shared commitment among school, municipal, business and civic leaders that all Maine students graduate ready for college, career and citizenship and to support the high schools as they make the necessary changes to accomplish this result. Each partnership will receive a seed

grant of \$2000 to support the development and implementation of their action strategy.

Motion by Cookson and seconded by Caprara that the Council advocate that our school board enlist the high school as a 'readiness' partner. Vote was unanimous 7-0.

Item #68 - Update on the road paving projects.

The Town Manager informed the Council that he hired an engineer/inspector to come in to monitor the paving. Birch, Galeville, Oak, Bishop, Taylor, Pleasant and ¾ of South Road have been reclaimed and paved. Portions of Birch and Galeville will have an additional overlay at no cost to the town to fix some defects. Soft sections of Pleasant and Taylor need to be cut out and re-graveled by the town and repaved, at the town's expense. One spot on South Road will be cut out and repaved at the company's expense. When Pike starts again on the South Road, they will reclaim 200 feet of new pavement to correct some soft spots. The next roads are Old Lewiston, the Turkey Lane section and the North Wayne Road.

Councilor Cookson noted that Peck Farm Road was not on the original list for paving and he is in hopes that this can be addressed and put on the list for road paving in the near future, budget permitting.

The Town Manager informed the Council that filling pot holes can be done in 24 hours with notice and roads not on the present list may be done as there is \$75,000 in the budget for paving and anything that is leftover will go to Committee for review and approval when they meet again at the end of the summer.

Item #69 - Update on the food service debt and dispatch debt that the Town of Monmouth owes the Town of Winthrop.

The Town Manager has sent a letter requesting payment on the five year old \$54,000 food service debt and it has been denied by the Monmouth Superintendent of Schools. A claim for payment will be filed in Court next week. Also, Monmouth has pulled out of the Winthrop Dispatch Center and is using the County for those services. However, their payment due to Winthrop for the past year and current year dispatching service plus the notice for canceling the contract is \$126,000. The Police Chief will be meeting with the Town Attorney about the next step in the collection process.

Item #70 - Consider recommendations from the Appointments Committee

Councilor MacDonald, Chairman of the Appointments Committee, reviewed all appointments with the Council.

Motion by MacDonald and seconded by Putman approving the slate of reappointments and appointments to the Boards. Vote 7-0.

Manager's Report

There will be a special meeting on June 19th which will be a public hearing on the ownership transfer and repairs to the Maranacook Lake Dams, the Mill Stream Dam and the report from the Public Safety Building Committee.

The next meeting of the Town Council will be on July 10th at 7:00 p.m. This change is due to the July 4th holiday weekend.

Other business

Councilor Putman informed the Council that the town did not receive the grant to fund the Porchlight Program. The Committee will meet to look at other options.

The Performing Arts Committee has met and has received good applications. They will be finalizing their choices and selecting the top 2 candidates. This will be a split position, teaching and administrative management of the drama program. It could be one person or a split position with two qualified people. The Committee will bring its final proposal to the Council for review.

Motion by Despres and seconded by Caprara, the Council adjourned at 9:10 p.m. Vote was unanimous 7-0.