

Winthrop Town Council
Regular Meeting
Monday, October 2, 2006 at 7 p.m.
Winthrop Town Office

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

Approval of Minutes:

Motion by Cookson and seconded by Despres to approve the minutes of September 5, 2006. Vote was unanimous - with the following correction to be made and incorporated into the final minutes for this meeting:

Council Member MacDonald noted that on Page 9, Council Member Buck attended the last Advisory Committee meeting.

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

Item #110 – Consider the Winthrop Unites Advisory Committee’s Report to the Community.

At the September 5, 2006 meeting, the Council requested that the WUAC bring a report to the [October 2nd meeting](#) on the outcome of the youth focus groups. The WUAC was asked to provide written feedback on the following:

- a. What items/programs would WUAC continue to need school support on including but not limited to the Student Wellness Center and Student Wellness Education?
- b. What items/programs would WUAC continue to need Town Government support including but not limited to the Porchlight program. How would the Council be involved?
- c. Does WUAC foresee a need for joint action on any upcoming programs?

Councilor Putman handed out charts and written material stating that the Committee worked many hours researching issues of suicide over the past year and reviewed numerous issues on that topic in attempts to prevent further suicides. The results of those studies were documented in this report submitted to the Council as well as the items that have to be continued for further study under the Winthrop Unites Committee.

Councilor Caprara asked if there have been materials on this subject distributed to the students. Councilor Putman stated that the Committee has not done that but that Maine Youth Suicide Prevention has distributed materials.

Megan Kargas informed the Council that she has distributed information at PTA meetings, open house events and has this information readily available to the students.

Councilor Caprara inquired where the students go, who do they seek, when they have a problem. “Where do they turn?” Ms. Kargas responded that the Guidance Department is available. Councilor Caprara answered that the focus should be the student population and letting them know that there is a crisis team in place. Ms. Kargas assured the Council that there is a life line in place and information is posted throughout the school on crisis information.

Councilor Putman reminded the Council that four out of the five young people who committed suicide were outside of the school system which made this such a unique circumstance for our community. She continued to state that given the decision of the Town Council and the divisiveness experienced, two of the Town Councilors who voted to disband, need to begin to participate in the committee meetings so that the Committee does not have to experience this situation again.

Councilor Cookson inquired who was the author of the report that Councilor Putman distributed. Councilor Putman informed the group that she and Sue O’Halloran wrote the report and it was reviewed by the whole Committee.

Councilor Cookson responded to the comment Councilor Putman made in reference to the recent divisiveness asking more Council Members to attend as they already have two participants from the Council that already participate.

Councilor MacDonald responded that the Committee advertises all these meetings as public meetings and town councilors can be in attendance at the same time. No decisions are made though under Town Council authorship and thus are not advertised as such. Councilor Cookson said that he has seen the advertisements but that if the Committee has a majority of the School Board and enough representation of the Town Council, the advertisement of a public meeting is certainly in question.

Councilor MacDonald replied that that is a technical issue and really sees no problem. The consensus was that Lee Bragg would be asked to review this matter.

Councilor Putman asked if anyone who has another idea on how to do this for the end result being to build resiliency and care for the health of our children as a great deal of damage has already been done, the Committee would welcome it. The Committee wants to move united for the health of our children. We are asking the four of you to participate so we can move united.

Councilor MacDonald stated that the Committee would like acceptance of this report.

Councilor Caprara asked why there was a reference in the report to the disbanding vote that was made in August. Councilor Putman replied that the Committee was asked to

deliver a report and that this was the report and this is what should be delivered to the Community.

Councilor Cookson thanked the Committee and Councilor Putman for this report.

Councilor MacDonald thanked everyone on the Committee for their hard work and effort.

Item #110 – Hold a public hearing on the Conservation Commission’s Mt. Pisgah Management Plan.

Chairman Norris opened the public hearing at 7:22 p.m.

Conservation Commission representative was present and recapped the report on a management plan for Mt. Pisgah. He commented how well they worked with the Kennebec Land Trust as their primary goal was the same, that being to provide recreational opportunity for the people of Winthrop.

Their overall intention is to integrate trails in the Winthrop Apple Crossing Project and Mt. Pisgah in order to develop a trail plan above and beyond Winthrop. Maintaining and further developing the trails are being done by volunteers, snowmobile groups etc.. In addition, they plan to use the land for educational and classroom studies and to demonstrate forest projects.

Doug Shedd, a new resident to Winthrop, commented that he felt spending money on this project would be wrong in lieu of the fact that there are citizens in the community on fixed incomes that are finding it difficult just to pay for their prescriptions. He went on to say that this Plan refers to Tower Road and to his knowledge this is a right of way. Winthrop does the maintenance on the tower and should not do the maintenance on the road.

The Town Manager responded that the road has been repaired once in five years. The Forestry Service asked the town to do the work. The town contracted with Landworks to repair it and was fully reimbursed by the Forestry Service through Pinnacle Towers who has the ultimate responsibility for it as they are the owners. It is the town’s intention to continue this relationship and be fully reimbursed 100% for any future work as well. Winthrop does not have to maintain the road. Once a year the town does maintenance on the parking area in partnership with volunteer groups.

The public hearing was closed at 7:30 p.m.

Chairman Norris commented that the partnership with the Kennebec Land Trust and the Conservation Commission was impressive and that differences, although few, were all worked through.

Councilor Buck asked why Winthrop Public Works Department should maintain the road. Councilor MacDonald replied that Public Works would oversee the work being done to make sure it was done right.

Councilor Cookson thanked everyone for the report. Thanks were expressed by all the members of the Town Council for their hard work.

Item #111 – Consider the Conservation Commission’s Mt. Pisgah Management Plan

Motion made by Cookson and seconded by Putman to approve the Conservation Commission’s Mt. Pisgah Management Plan. Vote 7-0.

Item #112 – Consider Resolution #89 Opposition to the TABOR (Taxpayer Bill of Rights).

Councilor MacDonald requested a resolution in opposition to the TABOR referendum. Enclosed was the draft resolution for the Councilors review as well as some information sheets prepared by MMA that explain the TABOR requirements. TABOR is a spending and revenue limiting statute that will require a town wide referendum for any tax rate increase, no matter how small, or a fee increase (including demo debris fees, building permits, cemetery fees, water/sewer utility rates etc.). The Town Council must approve the referendum item by a 2/3 majority before it goes to the town vote.

Town Manager Knight reviewed TABOR, as well as a list of projects and equipment funding that would not have taken place over the past several years in order to stay under the cap and gave several scenarios of negative impact.

Councilor Despres notified the Council that the Chamber of Commerce was holding a meeting on Thursday at 7:30 to debate TABOR at the Town Office.

Michael Goodenough, a town resident, read his statement of support for TABOR indicating that the state/town needs to have a budget plan like the citizens do, and that it would require holding the government more accountable as there would be a need to prioritize spending and would require that to be done with caution. He said that these initiatives force government to a budgeting standard much like that of a home budget. “It holds government accountable for keeping a balanced budget,” he said. He also said that TABOR would force government to prioritize.

Douglas Shedd said that he thought TABOR made sense because it asks the voters to approve or reject budget increases. “What is wrong with taking it to the people and letting them decide?” he said. He informed the Council that he lived in Colorado and he, like a lot of residents, wanted his taxes cut. “It was better than nothing”. And although the Town Manager informed the Council that a referendum had to be held requiring a vote on any increases, Mr. Shedd did not see what the harm would be in taking it to the people.

He also noted that he did not know anything about being notified as the Town Manager claimed and would like to see the statute that explains that.

Councilor Despres noted that it would be painting a broad brush with everyone and that coastal communities are different. If you have an event that needs attention, you may not have the revenue to take care of it.

Councilor Caprara commented that the Council should attend the Maine Municipal Convention's annual meeting on Wednesday to learn more about the issue, at which time TABOR would be discussed at length. A Chamber of Commerce informational meeting on Thursday would also have presented arguments both for and against TABOR. She requested to abstain from voting so that she could attend that session.

Chairman Norris replied that the Council rules and regulations state that in order to abstain you would need a vote from the Council that it is a valid reason.

Councilor Putman stated she did not see the use of declaring an official position of the Council. "I am concerned that we are putting a motion forward on something that we don't need to vote on". She said that she was against TABOR but said a vote by the Council would "not be helpful to the conversation" on the issue. By the Town Council voting against TABOR, it might incite a tax payer rebellion that the Council did not need. The people would have to vote regardless. She went on to say that she did not see the need to take a vote that they did not have to take on this very sensitive issue. People are very concerned about taxes and there might be a backlash. The Council was not forced to make a statement. However, if she had to vote this evening it would be against TABOR.

Councilor MacDonald stated that the Council should take a position on the issue, much like it did regarding a tax initiative by Carol Polesky two years ago. He felt that this cap on spending would be crippling to the Council's decision making and that this vote was important. He felt that the Council should go on the record if they feel it is important enough. They could table it for a special meeting next week. But he would not move it to next month because it would be a moot point then. He would vote to table it to next week, but otherwise, he is in support of this resolution against TABOR.

Councilor Despres agreed. "I think it's important that we make a statement", she said. "When you make a statement it does affect what people think." Councilor Caprara wanted to abstain as she felt that she did not have sufficient information to take a position at this time.

Chairman Norris commented that Councilor Putman brought up an interesting point and that he too was concerned about the perception as well as the real impact on them. Councilor Cookson was in favor of the Council taking a position this evening and the people can make a decision in the ballot box. He did not have a problem with Councilor Caprara's abstention.

Chairman Norris stated that he was against TABOR but he was too concerned about a vote tonight and the implications of that. However, if the decision was to take a vote, he would vote against TABOR.

Councilor Buck was in favor of taking a vote.

Motion made by MacDonald and seconded by Cookson to approve the abstention request and pass Resolution #89 Opposition to the TABOR (Taxpayer Bill of Rights). Vote was 5 in favor, with Caprara abstaining and Buck dissenting.

The Council took a ten minute break at 8:30 p.m. and resumed at 8:40 p.m.

#113 – Update on the Maranacook Lake Outlet Dam project.

The Town Manager informed the Council that work was well underway. He distributed pictures of some of the work that had been done. All the concrete was removed and forms were being set. Weather permitting; the new concrete would be poured on Wednesday. The easement has also been signed. And the recent rains did not go over the newly cut spillway.

#114 – Discuss the Town Council goals session.

Chairman Norris apologized for circumventing the Council when he tabled this item at the last meeting. He stated that in addition to goal setting, it would be a good time to take a look at the rules that were last amended in 1982.

Motion by Cookson and seconded by Buck to table the goals session to the new year when a new council member will be on the Board.

Councilor Putman stated that she would like the Council to set a date in January and not leave it open ended.

Councilor Cookson amended his motion to table to January the Goals Session Meeting during a special meeting and that the rules should be looked at but not at the same time.

Councilor MacDonald stated that he was ready to discuss goals now, as well as the Code of Ethics. We could do it now or in January but we don't need to schedule a special meeting to discuss it.

Councilor Caprara stated that the new person will be seated in January and she would like to see these topics discussed at the first meeting.

Councilor Despres stated that the Council has been without goals almost the entire year and now it is not happening until January 2007. The Council keeps postponing it and has been since March. By not setting goals, the Council has been without direction for the

past year. This has caused numerous issues including lack of focus and leadership for the town. Lack of goals has provided none of the appropriate methods for evaluation of the town manager. This is not fair to him.

Chairman Norris noted that the Council has been dealing with a crisis that has taken priority.

The Motion stands on the table with a vote taken: 3 members in favor (Buck, Norris, and Cookson); and 4 opposed. The motion was defeated.

Councilor Putman moved to schedule a tentative date – the second Monday in January , that is not a holiday– to discuss the Town Council’s actual goals with the parameters of that discussion to be discussed and reviewed at their first meeting. Council Member Caprara seconded that motion. The motion passed 6-1 (Despres opposed).

Manager’s Report and Other Business:

The Town Manager informed the Council of an invitation from the Speaker of the House John Richardson to attend a workshop to discuss the economy in the Augusta Labor Market area. This would be held on Tuesday, October 17 at the Augusta City Hall.

MMA is having an afternoon and evening session on TABOR this week.

The Chamber of Commerce is meeting on Thursday on TABOR at the Town Office.

Councilor Putman announced that Winthrop Unites will be meeting on October 11th from 5:00 to 6:00 at the Town Office. The Community Group will have a meeting on October 10th (a tentative date).

Motion by Cookson and seconded by Caprara adjourned at 9:20 by unanimous vote.