

Winthrop Town Council Meeting Minutes
Regular Town Meeting
Monday, February 7, 2005
Winthrop Town Office

- **The meeting was called to order at 7:02PM by Chair Kevin Cookson.**

- **Roll Call**

Council Members Present: Kevin Cookson, Patrice Putman, David Rheame, Jayne Despres, Bill MacDonald, Linda Caprara, Ken Buck

Others present: Cornell Knight (Town Manager), Lisa Frost (Secretary), Chief Joe Young, Bill Williams, Terri Williams, Lisa Gilliam, Ken Farber (CMP), Peggy Cummings (CMP), Kim Blackstone, Rhonda Kaiser, Kerry Grimes, David Dyer, Linda Dyer, John Haefele, approximately seven other citizens.

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

- **Approve the Minutes of January 3, 2005 and January 10, 2005.**

MOTION by Jayne Despres, seconded by Bill MacDonald, to approve the minutes of January 3, 2005 and January 10, 2005. Discussion: None. VOTE: 7-0.

- **Tabled from 1/3/05: Item #01 Council Appointments**

Chair Kevin Cookson appointed Jayne Despres (Chair), Bill MacDonald, and Patrice Putman to Finance Committee and appointed Linda Caprara (Chair), David Rheame and Ken Buck to Appointment Committee.

MOTION by Bill MacDonald, seconded by David Rheame, to nominate Ed Vigneault as first associate and Brian Hoffman as second associate to the Planning Board. Discussion: None. VOTE: 7-0.

Town Clerk Lisa Gilliam swore in Mr. Vigneault and Mr. Hoffman.

- **Tabled from 1/3/05: Item #08 Consider the Municipal Decorative pole Attachment agreement with Central Maine Power Company.**

Town Manager Cornell Knight stated the Town's Attorney voiced concerns to CMP about the agreement.

CMP representative, Ken Farber, stated the Agreement is a standard document signed by over 40 municipalities. Other municipalities, as far as liability, are comfortable with the agreement. He stated the agreement is not crafted differently for each municipality because it is easier to administer.

CMP representative, Peggy Cummings, stated there are 600,000 poles in the territory and for safety and consistency; the agreement is the best management practice. In the past, clubs, associations, etc. have requested to put something on the poles and then the Town questioned why the décor was on the poles. In addition, contact people for the clubs became difficult to manage due to turnover of members and defunct clubs. When the linemen find unsafe items on the pole, they need to know who to contact to have it removed. Ms. Cummings stated CMP would allow approved décor on the poles.

Chair Kevin Cookson stated the Town doesn't put up anything on the poles; however, the American Legion has for a long time. Mr. Cookson asked if CMP prefers the town to put up the flags or the American Legion. Ms. Cummings stated it comes down to safety. Councilor David Rheame said the Town does not put anything on the poles and asked why the Town would enter into the agreement and attach liability if an injury occurred. Mr. Farber said it was up to the Town.

Councilor David Rheame asked on behalf of the American Legion, if the Town doesn't enter into the agreement, would CMP honor the agreement with the Legion. An electrician who is a member of the Legion puts up the flags. Ms. Cummings said she is not aware of any agreement with the Legion and the Legion would not have a license to be on the poles if the Town doesn't sign the agreement. Town Manager Cornell Knight stated an option might be to amend the contract to include the Legion so they may put up the flags.

MOTION by David Rheume, seconded by Linda Caprara, not to sign the Municipal Decorative Pole Attachment Agreement with Central Maine Power Company. Discussion: Councilor Patrice Putman stated if CMP would like to talk to Pat and come up with common language, we would be willing to reconsider it. We are not against idea, but need to consider liability insurance. VOTE: 7-0.

❑ **Item #16 Consider a report form the committee studying town office hours.**

A memo from Town Clerk Lisa Gilliam was reviewed. If the Town Office were open one night a month, it would be a limited amount of people that could take advantage of the evening hours. Often times, the Office needs to contact the State for more information. Also, there are security and safety issues. Therefore, the committee recommended keeping the town office hours 8AM-5PM.

Councilor Patrice Putman asked if the committee looked into have more than one night a month. Councilor Linda Caprara stated it was a security issue because the Clerks handle money and she is not comfortable with them being in the building alone.

Town Clerk Lisa Gilliam stated services available to the public are not available after 5PM and the office could not follow up with the Motor Vehicle Department or Fish and Wildlife. A lot of people come in without insurance cards and the office cannot call insurance companies because they close at 5. Ms. Gilliam stated 2 out of 10 people come in with incomplete paperwork. The Town Office now provides plates and "rapid renewal". She stated people come in all the time complimenting the services provided to the community.

Councilor Ken Buck asked if the Town Office could be open evening hours on a trial basis for a couple of months. Councilor Linda Caprara stated she is concerned that the clerks handle money, which creates a security issue.

Councilor David Rheume asked if there had been evening hours in the past. Town Clerk Lisa Gilliam said in her ten years of employment, the Town Office has never been open any evening hours, nor during the prior Town Clerk's (Irma Rice) employment.

Councilor David Rheume questioned the evening hours for voter registration. Ms. Gilliam stated it is state law for Towns with a population of 3,000 or more to be open three nights a week for two hours to be available for people.

MOTION by Patrice Putman, seconded by Jayne Despres, to accept the report that the committee said about office hours and continue to have office hours as they are now. Discussion: None. VOTE: 5-2. (David Rheume and Ken Buck oppose.)

❑ **Item #17 Hold a public hearing on the Liquor License renewal application for Pepper's Garden & Grill.**

Chair Kevin Cookson opened the public hearing at 7:35PM. There were no comments from the public. Chief Joe Young had no comments. Chair Kevin Cookson closed the public hearing at 7:37PM.

❑ **Item #18 Consider the liquor license application for Pepper's Garden & Grill, 357A Main Street.**

MOTION By Linda Caprara, seconded by David Rheume, to approve the liquor license application for Pepper's Garden & Grill, 357A Main Street. Discussion: None. VOTE: 7-0.

❑ **Item #19 Hold a public hearing on a Special Amusement Permit Application, Barney's Sports Bar.**

Chair Kevin Cookson opened the public hearing at 7:39PM. Chief Joe Young asked what the special amusement permit was for. Councilor David Rheume stated karaoke. Chief Young had no objections. Chair Kevin Cookson closed the public hearing at 7:41PM.

❑ **Item #20 Consider the Special Amusement Permit application for Barney's Sports Bar, Union Street.**

MOTION by David Rheume, seconded by Linda Caprara to approve the Special Amusement Permit for Barney's Sports Bar, Union Street. Discussion: None. VOTE: 7-0.

❑ **Item #21 Hold a public hearing on the Liquor license renewal for Barney's Sports Bar, 7 Union Street.**

Chair Kevin Cookson opened the public hearing at 7:41PM. Chief Joe Young asked the Town Council to table the item until he had time to meet with the owner of Barney's and another bar establishment nearby because issues need to be taken up. Chair Kevin Cookson closed the public hearing at 7:42PM.

MOTION by David Rheaume, seconded by Jayne Despres, to table item #21 and Item #22 to the March meeting. Discussion: Counselor Bill MacDonald commented that when the application was presented last year, the applicant was present and a good dialogue between the Chief of Police, Town Council and Applicant ensued resulting in positive commitments. The applicant was unable to attend tonight due to an illness. Vote: 7-0.

❑ **Item #22 Consider the liquor license renewal of Barney's Sports Bar, 7 Union Street.**

Item tabled in above motion.

❑ **Item #23 Hear a report on the activities of the Winthrop PTA – Rhonda Kaiser.**

Rhonda Kaiser presented a packet of information to the Town Council and Community about the Winthrop PTA, its members, activities such as educational/entertaining events and assemblies for students, and a schedule of events. Ms. Kaiser stated the goal of the PTA is to get into the community more and work with families and students of the three schools. Ms. Kaiser reviewed the PTA budget stating a very popular Math and Science day at the Grade School has a budget of \$1500, but \$5,000 is actually spent with sponsors from the community and other donations and teacher grants for supply requests and special activities is \$3500. Kerry Grimes reviewed live "joyful and educational" performances including a puppet show a few months ago and a juggling show last year. Kim Blackstone stated the PTA has 77 members compared to 59 members last year. They received a membership trophy at the State Convention for a 25% membership increase. Membership forms were distributed. Councilor Bill MacDonald thanked the PTA for their assistance bringing Aladdin to the Theatre at Monmouth.

❑ **Item #24 Consider a policy to bid products or services that exceed a certain value.**

Councilor Ken Buck stated due to inconsistent bids and quotes, which are unfair to the town and dealer, the Town should consider forming a bid process in which RFP's or three or more quotes are required for equipment costing \$5,000 (maybe less) in order to maintain consistency and to ensure the best possible price. Mr. Buck stated he has noticed bids on equipment, but the bids are different because of different options on the equipment i.e. rubber vs. steel skid. Mr. Buck also referred to two quotes for the same windshield, which were \$400 and \$1000.

Councilor Jayne Despres asked about the current policy and procedure. Town Manager Cornell Knight said there is no written policy. Supervisors obtain quotes. Mr. Knight said writing bids and publicizing is a fair amount of work for purchases. Mr. Knight stated he didn't have a problem setting a value except in circumstances such as computer software upgrades in which the Town can't go to bid because there is only one vendor. In addition, other town's bids are sometimes used.

Chair Kevin Cookson stated several towns in the past "piggy back" off the State's bid for police cruisers, etc. Town Manager Cornell Knight reiterated sometimes the State will ask the vendor to include municipalities on the State's bid however, they don't do trucks or salt.

Councilor Linda Caprara said bids are sometimes different because the salesman will add options or try to take another angle on the bid.

Chief Joe Young Joe Young stated there is nothing in the Town Charter stating items need to go out to bid. Mr. Young stated sometimes the lowest bid might actually make you lose business for if Augusta Ford gave a price \$300 less than Bob Barrows for a cruiser, it would shortchange someone in the community and the opportunity to save \$300 on future maintenance deals. Mr. Young stated if RFP's are implemented, it might not be the best deal for taxpayer's money. In addition, he has taken advantage of State's bids on cruisers and computer software. Mr. Young stated the Town would get much better products by negotiating than by going out to bid because he knows what to get and for what price, etc.

Councilor Ken Buck said even after a bid is received, supervisors could negotiate. Town Manager Cornell Knight stated the bids are the price and what the vendor expects to be paid. "Bids are bids." If supervisors obtain quotes, they can negotiate.

Councilor Ken Buck stated he thought the council would want three quotes. Councilor Linda Caprara stated department heads should already be doing it. And, the RFP could be time consuming. She stated the council wants to ensure the supervisor is getting quotes, but doesn't want to "tie our hands" if a price can be better negotiated or the business could stay within town.

Chair Kevin Cookson stated quotes seems to be the consensus among councilors but asked Town Manager Cornell Knight if a minimum dollar limit is needed so as not to become inundated.

Councilor Patrice Putman stated until she saw evidence that something is broken, she is not fixing it. Ms. Putman stated David Smith received the 2002 cost for pavement and it seems more money was saved than any RFP would have saved. She stated directors need to be trusted.

Town Manager Cornell Knight stated the \$400 and \$1000 quotes for a new windshield were obtained, however, it was decided they buy a windshield for \$170 and hire someone to install it. Therefore, they saved additional money. Mr. Knight stated they try for the best price.

Councilor David Rheaume stated when it came to major purchases, the Council always looks at the best price. Mr. Rheaume stated the Chief does an excellent job on bids for cruisers and the Council sees quotes and bids for other major equipment presented by supervisors.

Citizen David Dyer questioned if anyone would know of the quotes and whether Cornell Knight would have pursued a remedy if he didn't have the windshield quotes to go by. Mr. Dyer stated there is a lot of money to save by calling and using bids and creating a database.

MOTION by David Rheaume, seconded by Patrice Putman, to leave the policy as is. Discussion: None. VOTE: 6-1 (Ken Buck opposes.)

Councilor David Rheaume stated any bid item purchases would be scrutinized more carefully however, the Town Manager and Supervisors are careful and work hard to save the town money and therefore should be left as is.

❑ **Item #25 Consider an agreement with the Department of Transportation to allow overweight vehicles to travel on posted roads during their project on Route 133.**

MOTION by Linda Caprara, seconded by David Rheaume, to approve the agreement with the Department of Transportation to allow overweight vehicles to travel on posted roads during their project on Route 133. Discussion: Chief Joe Young questioned the agreement did not specify which posted roads and if the newly paved roads should be traveled on. Chair Kevin Cookson said they would more likely travel off Route 202. VOTE: 7-0.

❑ **Item #26 Consider seeking a request for proposals to perform a town wide tax equalization project.**

Town Manager Cornell Knight stated he is looking at an effective date of April 2007 because companies are currently booked through 2006. Mr. Knight stated Annabessacook ratios are up 46%. 90% are certified this year, but dropping to 87% next year. Mr. Knight said he would approach Monmouth about doing a joint bid.

MOTION by Jayne Despres, seconded by Bill MacDonald, to authorize Town Manager Cornell Knight to seek a request for proposals to perform a town wide tax equalization project. Discussion: None. VOTE: 7-0.

❑ **Item #27 Consider a proposal to accept the Town of Turner's recyclable cardboard and #2 plastic.**

Town Manager Cornell Knight reviewed the memo from David Smith, Public Works Director. The proposal to accept the Town of Turner's recyclable cardboard and #2 plastic would be in addition to what is currently accepted from Monmouth and Livermore Falls. Chair Kevin Cookson asked if Mr. Smith has any knowledge of the tonnage of recyclable cardboard and #2 plastic. Town Manager Cornell Knight suggested tabling the item in order for him to get volume information and what the current rates are for cardboard and plastic.

MOTION by Linda Caprara, seconded by David Rheaume, to table Item #27 until Town Manager Cornell Knight gets more information. Discussion: None. VOTE: 7-0.

❑ **Item #28 Hear an update on the Food Service Program.**

Town Manager, Cornell Knight stated as of June 30, 2004, there is a \$206,000 deficit including the \$54,000 owed from Monmouth. Overdrafts, year-to-date, are \$91,000, which does not include the consulting contract with Sanborn. Mr. Knight stated the food service program is continuing to get worse and will affect the town's bottom lines. The Superintendent and School Board are working on recommendations to control it. Labor costs may decrease with the retirement of a couple of people and meal participation needs to increase.

Councilor David Rheaume stated he is "tired of overdrafts and mistakes" and asked what would happen if the Town didn't pay for the overdrafts anymore. Town Manager Cornell Knight stated they are required to serve meals and the school would have to cut their budget and find cost savings.

Chair Kevin Cookson stated he was concerned about the \$54,000 owed from Monmouth, for it was agreed through auditors several years ago the money was indeed owed to Winthrop.

Councilor Patrice Putman suggested the Council cap a dollar amount which the Town will pay and the school would need to find the difference if they go above that amount. It was suggested Superintendent Paula Gaudet be notified of the Council's intention of this motion for next month.

Councilor Jayne Despres stated the numbers have shown improvement and progress has been made. However, it is a huge issue and needs attention.

Councilor Bill MacDonald stated the school is missing 12-15% of eligible state money and needs to be focused on the revenue side. Town Manager Cornell Knight stated the schools are working harder on Free & Reduced Lunch eligibility, which should help for 2005-2006. Councilor Jayne Despres said the School Board is aware of this because it affects grants.

Chair Kevin Cookson requested item #28 on the agenda next month.

❑ **Item #29 Consider the second reading of the ordinance to establish a Conservation Commission.**

MOTION by David Rheaume, seconded by Linda Caprara, to approve the second reading of the ordinance to establish a Conservation Commission. Discussion: None. VOTE: 7-0.

❑ **Item #30 Consider a pool hall license for China Noodle.**

MOTION By David Rheaume, seconded by Linda Caprara, to approve a pool hall license of two pool tables for China Noodle. Discussion: Chief Joe Young asked if there was a town ordinance for pool halls because state statute states if there is six or more tables, then it is defined as a pool hall and may require a liquor license. Chief Young stated he would look into the matter. None. VOTE: 7-0.

❑ **Item #31 Hear a report on the use of Executive Sessions – Town Attorney Lee Bragg.**

MOTION by David Rheaume, seconded by Linda to table item #31. Discussion: None. VOTE: 7-0.

❑ **Item #32 Consider an executive session pursuant to Title 1 MRSA Section 405 (6)© and (E) for economic development purposes.**

MOTION by David Rheaume, seconded by Linda Caprara to table item #32. Discussion: None. VOTE: 7-0.

❑ **Manager's Report**

- Town Manager Cornell Knight strongly recommended a meeting be scheduled with Winthrop Utilities District and asked if the Council would like to schedule a meeting. After discussion amongst Councilors, Chair Kevin Cookson authorized Town Manager Cornell Knight to schedule a meeting.
- Mr. Knight asked if Councilors would like him to continue on a proposal for regional plowing services with Wayne, Readfield and Manchester. At this time, Mr. Knight has collected basic information such as road miles, contract amounts, etc. Councilors authorized the Town Manager to continue with the proposal to present to the Town.
- KVCOG included Winthrop in a proposal for an expanded group purchasing program and regional economic development services.
- The Highway Department received a grant from DOT for street/traffic signs in the amount of \$2696.
- The sidewalk project will be bid the week of February 12 to coincide with DOT's projects in the area, including Route 133.

❑ **Other Business**

- Councilor David Rheaume stated the streetlight in front of the bookstore is still out.
- A reminder of the meeting with the Library Board of Trustees on February 16th at 6:30PM.

❑ **Adjourn**

MOTION by David Rheaume, seconded by Linda Caprara to adjourn at 9:15PM. Discussion: None. VOTE: 7-0 .

Submitted by Lisa Frost, Secretary to the Town Council.