

3Minutes
Winthrop Town Council
Regular Meeting
Monday, November 7, 2005 at 7 p.m.
Winthrop Town Office

Attendance: Chairman Kevin Cookson; Councilors Patrice Putman, William MacDonald, David Rheaume, Jayne Despres, Ken Buck, Linda Caprara. Town Attorney Lee Bragg, Town Manager Cornell Knight, Public Works Director David Smith; and ten residents. Secretary: Julie Winberg.

Chairman Cookson called the meeting to Order at 7:02 p.m.

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

Minutes of October 3rd (Regular Meeting) and October 24th, Special Session:

Motion by Despres, and seconded by Caprara, approving the minutes of October 3rd and October 24th. Vote was (7-0).

Hold a public hearing on the liquor license applications:

Item #144 *Cyber Cow Café LLC, 1318 Route 202 and the Alfred Maxwell, Jr. American Legion Post 40, 117 Bowdoin Street.*

Item #145 *Consider the liquor license application for the Cyber Cow Café LLC.*

Item #146 *Consider the liquor license application for the Alfred Maxwell Jr. American Legion Post 40.*

Chairman Cookson opened the public hearing at 7:05 p.m. The Town Manager confirmed that there was no opposition to these applications. There being no public opposition as well, the public hearing was closed at 7:07 p.m.

The Council Members after reviewing the applications from the Cyber Cow Café LLC, and there being no further discussion, by a motion of Rheaume, seconded by Caprara, Items #144 and #145 were approved with a vote of 7-0.

The Council after reviewing the application from the Alfred Maxwell, Jr. American Legion Post 40, and there being no further discussion, by a motion of Despres, seconded by Rheaume, Item #146 was approved with a vote of 7-0.

Item #147 *Hear an update from the Superintendent of the Winthrop Utilities District on the installation of carbon filters to remove organic matter at the water treatment plant.*

Daniel R. Wells, Superintendent of the Winthrop Utilities District, presented the Council with a report updating them with the treatment plant modifications. With the

water district currently being in violation of the drinking water standard, a pilot study was initiated to determine the most cost effective option to bring the water back into compliance. This study concluded that the most efficient and cost effective way to remove organic material was to install carbon in the filters. This would be done in a three-step process – which involved one filter per year over a three-year period with a life expectancy of 5 to 8 years. This pilot study was approved by the State Drinking Water Program on June 15, 2005.

The District has just completed phase one and should have the filter on line within 90 days. From that point, they plan on studying the water from this filter to determine if it is working as well as the pilot filter. If it is, they will install carbon in another filter in 2006 and again in 2007. A copy of the study can be made available and forwarded to the town office for anyone's review.

In addition, the District has received \$41,000 from Homeland Security for fencing and lighting.

Item #148 Consider a request from the Winthrop Commerce Center to transfer ownership of their two dams to the Town of Winthrop.

Lou Carrier, Winthrop Commerce Center (WCC), has requested that the town take over the dams, one at Maranacook Lake and the other at the mill on Main Street.

Motion by Rheaume, and seconded by Buck, not to take over ownership of either dam.

Discussion:

Wendy Dennis, Limnologist from the Cobbossee Watershed District, was in attendance and distributed a report of her findings in reference to municipal ownership of these two dams. Ms. Dennis said the CWD manages the water levels and by authority granted to CWD by the State Legislature, has managed these levels to maximize public recreational opportunities, minimize potential flooding, and maintain adequate water supplies for public and private consumption, and maintain stable environmental conditions for aquatic life. The dams regulate the water levels in Maranacook Lake and Mill Stream. Carleton Woolen Mill had ownership of these dams and used them in their business. When WCC purchased the Mill in 2002, the two dams were part of that package.

Ms. Dennis went on to say that the CWD has worked with several towns that have taken over ownership of a dam. Councilor Rheaume asked Ms. Dennis why the dam was built too high originally as there were many complaints about the water level by the residents. Ms. Dennis replied that when the dam was originally built in the summer of 1995, it was not until October of 1995 that the CWD realized that the height of the dam was too high and needed to be lowered. The CWD did not have any knowledge of disgruntled residents prior to that.

Chairman Cookson stated that he had read the report from the CWD and wondered what the benefit would be to the town if it gains ownership of the dams as maintenance and liability would be a significant cost issue.

Ms. Dennis responded that the town would have no liability as townships are covered under Maine State Law and that the benefit would be the maintenance of water quality and water levels. She explained that the grant would cover $\frac{3}{4}$ of the cost but that the CWS cannot do it without an owner. The ownership issue has to be decided before they can proceed. This past spring, the levels were high on all lakes but much higher than it should be and a lot of shoreline erosion took place. The CWD is quite concerned as the byproduct of this kind of erosion is the increased sediment that flows into the lake. The center section of the damn needs to be cut down approximately 15" in order for the water to flow properly and maintain a reasonable water level. This grant is specifically designated for Maranacook Lake. The CWD is trying to raise the additional money. The projected cost is approximately \$13,000. The grant is for \$10,000.

It is true that the CWD has been working on this for several years but has not had the money in their budget to proceed with the work, as well as skeptical engineers being reluctant to agree with their findings. After proving their position, a spillway was added on addressing this problem in hopes that that would take care of the water levels without having to cut the center section down. This was done in 1996 with the Planning Board's approval.

The USGS flow measurements were still not where they should be, and the CWD worked with Carlton Woolen Mills to try to finance this construction. But when the Mill went through bankruptcy, this project also took a back seat. In 2004, the CWD received this grant and wanted to proceed with the work in 2005. When WCC was approached, they first thought it was a good idea. But now, they are no longer interested in dam repair and ownership.

Chairman Cookson asked Mr. Carrier what changed his mind when all indications were that there really was no problem in maintaining these dams as no issues, to the Council's recollection, had arisen to make the WCC request "getting out of the dam business". Mr. Carrier replied that the issue was purely liability as the insurance was exorbitant and that the town would not have this issue as it has sovereign immunity. Mr. Carrier requested that the motion on the table not be acted on, with a request that this be put on the agenda for the next meeting so that the members could review the material and discuss it further.

Chairman Cookson presented the Council with a letter from the Maranacook Lake Association. Mr. Jim Schmidt was in attendance representing the Association along with several of its members. He explained that the Association's biggest concern was the water level and the significant amounts of erosion and sediment that is released into the lake. He asked that a vote not be taken this evening, as Readfield may want to partner with Winthrop and share in the cost. The Association would like the level corrected to where it should be.

Councilor MacDonald requested that no decision this evening be made and that the Council have more time to review it along with the representatives from the CWD, Readfield, the MLA, and the Town Manager. He asked Mr. Carrier if he would consider attending this meeting as well and what he would be prepared to give should the town take municipal ownership thus alleviating him of the financial burden of liability. Mr. Carrier responded that that was a possibility and he would attend this meeting pursuing ownership even further with a possibility of remuneration for the transfer of ownership.

Councilor Putman asked Ms. Dennis if there was any way to utilize the dam in any profitable way. Ms. Dennis replied that she was not aware of any. Councilor Putman asked both representatives what the benefit would be for the town. Mr. Carrier noted that the beneficiaries of municipal ownership are the residents that live on Maranacook and Anabessacook. Ms. Dennis responded that if the DEP grants a release from dam ownership, the gates would be removed, recreational activities would be negatively affected and property values would go down, as waterfront property that is now realized would be in jeopardy. She went on to say that some areas in Readfield would be adversely affected but she really did not have any projections as to the percentage of the impact.

Chairman Cookson inquired as to what is preventing CWD from continuing their pursuit of cutting the center of the damn and lowering its level especially now since grant money has been made available, and inquired what ownership has to do with their decision not to go forward.

Ms. Dennis responded that CWD would continue its pursuit. However, they could not do it without an owner's permission and that is why she is presenting this report to the Council and requesting municipal ownership.

Councilor MacDonald asked if MLA would consider taking over the dam. Mr. Smith responded that the Association is small, with an equally small budget and are legally remanded not to take ownership. Members of the Association also present, expressed their opinion in support of this municipal ownership noting that the Town benefits significantly from tourism and from the taxes the homeowners pay for the privilege of living on the Lake.

Vote on the original motion not to take ownership of the dams: Vote 4-3, In favor: Rheaume, Caprara, Buck, Putman, Opposed: MacDonald, Cookson and Despres.

Council members agreed that a discussion group, outside of this forum, needed to be held consisting of all the players involved – the Town, Readfield, WCC, MLA and CWD. Since the grant will not run out until December 2006, there was time to discuss this further. The Council members requested that prior to that meeting, further

investigation into the annual cost and maintenance should be explored, as this could be a significant budget item. In addition, more information about the Torsey Pond Dam ownership and liability will be presented. Chairman Cookson requested that when Ms. Dennis gets that information, she contact the Town Manager to coordinate this meeting.

Item #149 Discussion with Julie Moore, 795 Memorial Drive, regarding a drainage problem

Mr. and Mrs. Moore were in attendance. They provided the council with photos (as well as a video) describing the flow of water that has increased over several years. The Moore's property gets the overflow of water from three culverts that are part and parcel of the Maple Ridge Subdivision. The overflow goes into the culvert by their property. The overflow is too much for one culvert to handle thus producing a saturated lot. The water crosses the road at Lot 46 M and makes its way through the woods behind the Moore's property and eventually out into the lake. Mrs. Moore explained that this problem has been ongoing since 1996. She presented the Council with letters from the DEP. The water damage has also cracked the foundation to their home. David Smith, Public Works Director, was present and explained that he is attempting to remove the beavers with live traps. Mrs. Moore, acknowledging that although that may be a contributing issue, the water flow problem coming from these culverts is something that can no longer wait. When the subdivision was originally designed, 90% of the water was to go through a retention pond and then into the culverts. But when these culverts get clogged with debris, and indeed the beavers do play a part in this as well, they get backed up, and the water also backs up and flows onto the Moore's property.

Mrs. Moore also went on to say that in the winter, the water flow across the road freezes causing another hazard. She has informed the town every year about this problem asking for more salt and sand to be spread in hopes of preventing a serious accident and injury.

Councilor Buck recommended that these culverts not only be cleaned out but that a chain fence is installed to prevent debris from building up again. He also recommended that the retention pond be cleaned out as well. Director Smith informed the council that these culverts were very old and had no bottom, thus cleaning them out would only be a less than adequate solution as they would rapidly fill back up.

Chairman Cookson summarized that the retention pond should be cleaned out as well as all the culverts replaced.

Councilor Putman asked the Director to inform everyone when this work is complete as well as an update on its progression.

Item #150 Consider removal of the two 250W streetlights on Main Street, one at the corner of Mechanic Street and the other at the mill stream.

The two streetlights on Main Street are directly above the new decorative lights. The savings to the town upon removal would be \$21 per month per light with includes CMP prices, energy prices, and taxes.

Motion by Rheaume and seconded by Despres approving the removal of the two 250W streetlights on Main Street, one at the corner of Mechanic Street and the other at the mill stream. Vote was 7-0.

Item #151 Appointments Committee

The Appointments Committee recommends that Daryn Deveau, Greenwood Avenue, be appointed to the Zoning Board of Appeals.

Motion by Caprara and seconded by Rheaume that Daryn Deveau be appointed to the Zoning Board of Appeals. Vote 7-0.

Other Business:

Terry Despres, Superintendent of Schools, made a brief presentation on the Maine Youth Suicide Prevention Report. With five suicides since 2003 and the State investigating if the Town could have done more in prevention, Winthrop school officials are committed to tackling the town's youth suicide problem.

This report relied on group interviews and the 2004 state-sponsored survey. It includes a long list of possible factors for the suicides, including a finding that alcohol and drug abuse is significant among Winthrop youth and that parents tolerate the abuse. The Maine Youth Suicide Prevention Program report will be released Thursday, and although it does stress alcohol and drug use as a factor, it also stresses many other factors and notes that each suicide grew from individual personal problems. Superintendent Despres stressed that although it was human nature to seek quick solutions to pain, he warned that no easy answer was available. He said only a sustained town wide effort could combat the problem and he asked the Council members to be present at this news conference to be held at 1:30 at the town hall to show their support.

Manager's Report

The Town Manager reported that the town has received three safety grants: \$1242.00 for public traffic safety equipment, \$1610.00 for highway tailgate lift, and \$930.00 for a hose caddy.

Jim Blanc resigned from the Zoning Board of Appeals.

The Trails Committee is in the second phase of the grant.

Burglar alarms have been installed in the hallways of the town office and panic buttons on some of the desks.

A letter was received from the Winthrop Area Ministerial Association asking the Council for a scholarship donation. The council decided not to fund the request.

With a motion by Rheaume and seconded by Caprara, the Town Council adjourned their meeting at 9:00 p.m.