

Minutes
Winthrop Town Council
Regular Meeting
Monday, February 2, 2004 at 7 p.m.
Winthrop Middle School Cafeteria

Attendance: Councilors Kevin Cookson, William MacDonald, James Norris, David Rheaume, Patrice Putman, Jayne Despres. Town Attorney Lee Bragg, Town Manager Cornell Knight, Public Works Director David Smith, Police Chief Joe Young, Larry Stratton, Andrews Campbell, KJ reporter Danielle Gamiz and 20 residents.

The meeting was called to Order by Chairman Cookson at 6:04 pm.
Continuation of Personnel Matter- Item # 10 Tabled from January 26, 2004

Motion by Norris Seconded by Putman to go into Executive Session to discuss with legal counsel the information and procedural requests made at the last meeting. Vote 5-1 Yea: Cookson, Norris, MacDonald, Putman, Despres. Nay: Rheaume.

Mr. Campbell objected that a full council was not present. He objected to the executive session because the deliberations had started and should be completed.

Councilor Caprara arrived at 6:07 pm.

Mr. Campbell requested that the executive session be recorded.

Mr. Bragg responded that it is appropriate for the council to go into executive session to discuss its legal rights and duties and procedural issues, and will adhere to the law.

Mr. Campbell asked that a record be kept of the session. Mr. Bragg said the council does not record executive session.

Entered session at 6:15 pm

Return at 6:35 pm

Motion by Rheaume seconded by Caprara to take item # 10 off the table. Vote 7-0.

Mr. Campbell and Mr. Stratton agreed to continue the meeting in open session.

Motion by Putman Seconded by Caprara to continue deliberations. Motion withdrawn.

Motion by Rheaume Seconded by Caprara to overturn the ruling of termination and instead instill a 60 work day suspension without pay, with back pay and benefits beginning at the end of the 60 day suspension. Vote Yea: Caprara, Rheaume. Nay: Cookson, Norris, MacDonald, Putman, Despres.

Motion by Norris Seconded by Putman to re-open the record. Vote 5-2. Yea: Cookson, Norris, MacDonald, Putman, Despres. Nay: Rheaume, Caprara.

Mr. Campbell objected to the reopening and said his client is entitled to a decision.

Mr. Bragg distributed to the council copies of 3 letters from Mr. Campbell sent to Mr. Bragg in the past week. A January 29 letter regarding counsels discussions, a January 30 letter regarding procedural issues, and a January 30 letter regarding settlement.

Councilor MacDonald said at the last meeting he asked Mr. Stratton if he had prior convictions or pending criminal charges, was for the purpose of judging whether he was going to believe the words of a police officer or Mr. Stratton.

Councilor MacDonald asked if he has any prior convictions. Mr. Stratton said he wasn't going to talk about it.

Mr. Campbell said the theft charge was in 1992.

Councilor MacDonald asked Mr. Stratton if he had any other pending charges besides the theft charge from the Town of Winthrop. Mr. Stratton said no.

Mr. Campbell said his client has no pending charge except what the town has brought against him.

Councilor MacDonald asked Mr. Stratton if he was charged with discharging a fire arm within 100 yards of a residence. Mr. Stratton said he had a reason for it.

Mr. Campbell said his client has been charged with discharging a firearm. Councilor Cookson said he is also charged with cruelty to an animal.

Mr. Campbell said he was aware of the charge but it didn't register with him either. He said it was of no significance and didn't remember it. He knew there was a summons but didn't know what the charge was.

Mr. Campbell said at the last meeting there was a statement that jelly filled connectors could not be purchased at O' Connor GMC. He submitted an invoice from O'Connor GMC that shows jelly filled connectors were purchased there.

Mr. Campbell reviewed his arguments in the case. Someone should have asked Mr. Stratton if he had the drill bits and to return them. He should have been asked if he had a summons for shooting at a dog, and that should not be a credibility issue. He said the police report does not say he took the drill bits because he didn't think they would miss them. Mr. Campbell said Mr. Smith may have not remembered giving permission. Mr. Stratton kept the bits for 6 weeks and without being asked to return them; to call that theft does not give the benefit to the employee.

Hearing was closed at 7:40 pm.

Motion by Norris Seconded by Putman uphold the decision of the town manager and road supervisor of termination of Larry Stratton. Vote 5-2. Yea: Cookson, Norris, MacDonald, Putman, Despres. Nay: Rheame, Caprara.

Recess for 10 minutes.

Regular meeting called to order at 8:04pm All Councilors attending.

Motion by Caprara Seconded by Putman to approve the Minutes of January 5, January 12, January 26, 2004

Changes: Jan. 5 – should be titled town council meeting; pg 2 it should be appointments committee not assessment. Add sentence to the sewer trunkline section that Councilor

MacDonald asked if changes to the districts would require legislative approval and Mr. Gasper and Ms. Hastings said yes.

Councilor Rheume said the January 12 minutes, pg 2, his question asked both the town manager and the public works director.

Vote based on changes noted : 7-0.

Item #11. Council Appointments

Motion by Rheume Seconded by Caprara to appoint Cornell Knight as town manager, tax collector, and treasurer. Vote 7-0.

Item #12 Confirmation of the Town Manager's Appointments

Motion by Caprara Seconded by Rheume to approve the appointments as presented. Vote 7-0

Item #13 Hold a public hearing on the proposed "Moratorium Ordinance Regarding Radio/TV/Telephone Towers and Antennas.

Hearing opened at 8:10 pm.

Eric Robbins, a member of the ordinance sub committee said the moratorium will allow the committee to get the ordinance done without being under the gun for permitting applications before the town is ready to deal with them. It will take about 6 months.

Councilor Rheume thanked Mr. Robbins for his work on this ordinance.

Councilor Norris said he told the people that called him that there were no ulterior motives and that it gives the planning board time to deal with this issue in a responsible way.

Councilor Cookson said that the council wasn't trying to prohibit towers going up but just regulations were needed for how and where to put them up.

Councilor Despres asked if any applications had been submitted since the effective date.

Councilor MacDonald said there was a ham radio tower application but that is governed by the FCC.

Councilor MacDonald said the 180 days ending the moratorium is July 3.

Councilor Norris said the word threat of increased development in the ordinance was too strong of term.

Councilor MacDonald said the ordinance language is from the State Planning Office and some words are terms of art.

Tom Sturtevant said the tower in Portland fell down and consider that a threat or at least an unattractive nuisance.

Hearing closed at 8:20 pm

Item # 14 Consider the first reading of the Moratorium Ordinance Regarding Radio/TV/Telephone Towers and Antennas.

Motion by Putman Seconded by MacDonald to adopt the Moratorium Ordinance Regarding Radio/TV/Telephone Towers and Antennas, with the July 3 moratorium date added. Vote 7-0.

Motion by Putman Seconded by Rheume waive the second reading of the moratorium ordinance. Vote 7-0.

Item #15 Consider a Consent Order and Judgment with Gary Kinney, 132 Carlton Pond Road.

Motion Rheume Seconded by Putman to approve the Consent and Judgment order with Gary Kinney. Vote 7-0.

Item #16 Consider a request from Ray and Loretta Giandrea, 30 Apple Farm Crossing, to change the 200' buffer zone that separates the high school property from the Apple Farm Crossing II subdivision.

Mr. Giandrea reviewed the history of the agreement with the school and displayed a map of the Apple Farm Crossing II subdivision and the buffer extension he is requesting from the high school project. He said he thought the buffer zone was to apply to all phase one owners.

Councilor Norris said he thought that the buffer was to buffer the AFC I owners from the intense use of the high school, not from residential property.

Councilor Rheume said the Dominie report on the use of the Apple Farm property were recommendations..

Councilors agreed that this matter should be considered when the decision on what to do with the Apple Farm property is made.

Motion by Caprara Seconded by Norris to table this item until the council decides what to do with the Apple Farm property. Vote 7-0.

Item #17 Consider amending the patient billing rates for the Ambulance Service

Motion by Rheume Seconded by Caprara to approve the new patient rates for the Ambulance Service. Vote 6-0, Norris absent.

Item # 18. Consider the demo debris fee structure.

The transfer station information showed the number of multiple trips to the station with 100 lbs of demo debris free.

Motion by Caprara Seconded by Rheume to allow residents the first 100 lbs free of demo debris per day. Vote 7-0.

Item #19 Consider use of the Homeland Security grant funds.

\$37,952 in homeland security funds will purchase \$11,203 in Ambulance equipment; \$11,700 in Fire Dept equipment and \$15,049 for a radio tower for the police department. Vote Rheume Seconded by Norris to approve the use of the Homeland Security grant funds as listed. Vote 7-0.

Item # 20 Consider Order #113, Tax Anticipation Note.

Motion Rheume Seconded by Caprara to approve Order #113. Vote 7-0.

Item #21. Consider the recommendations of the bond committee

The Bond committee recommends a 15 yr bond for \$775,000 which will buy \$485,268 for the ladder truck; \$44,000 for sidewalk construction project match; \$173,600 for Castonguay property purchase and \$70,000 for the Apple Farm property.

School is 31.5% of the bond, town will pay 68.5%. This will affect the mil rate by 24 cents.

Motion by Rheume Seconded by Caprara to approve the \$775,000 bond for 15 years.

Vote 7-0.

Item #22 Consider the Kennebec County Budget Resolution

Motion by Caprara Seconded by Rheume to approve the resolution with a change in Whereas wording from budget to tax assessment. Vote 2-5. Yea Caprara, Rheume.

Nay: Cookson, Norris, MacDonald, Putman, Despres.

Motion by Norris Seconded by Cookson to approve the resolution with modifications in the first two Whereas clauses by changing budget to tax assessments and striking #1 in the resolved section. Vote 7-0.

Item #23 Consider allowing the town mechanic to do outside work as time permits.

The Public Works Director said that the Town of Monmouth has expressed an interest in using the town's mechanic to work on their ambulance and possibly school buses.

Liability insurance concerns were raised and competing with private business.

Motion by Caprara Seconded by Norris to table until liability insurance issues are checked. Vote 7-0.

Item #24 Update on the Facilities Use Committee- Councilor Norris

Councilor Norris said the committee is discussing the need for weekend custodial work and for scheduling activities, perhaps a stipend position in the school. The committee meets again on Feb. 3rd.

Item #25 Discuss a regional capital improvements plan proposal.

Item remained on the table.

Item #26 Update on the town office project

The town manager said that the January requisition was \$131,817 which makes 75% of the contract completion.

Motion by Rheume Seconded by Caprara to purchase the carpet installation for \$16,150. Vote 7-0.

Manager's Report

Next meeting is Wednesday Feb 4 at 7 pm for a joint hearing with the Planning Board for changes to the zoning ordinance.

Councilor Rheume asked that the frost heave be looked at in the sidewalk at the post office.

The City of Augusta's report on the Sanitary/Water District merger was distributed.

Motion by Rheume Seconded by Caprara to go into executive session to discuss a personnel matter. Vote 7-0. Return to regular session at 10:15 pm

Motion by Rheume Seconded by Caprara to adjourn at 10:15 pm.