

Winthrop Town Council Meeting Minutes
Regular Town Meeting
Monday, April 5, 2004
Winthrop Town Office

- The meeting was called to order at 7:00PM by Chair, Kevin Cookson
- Roll Call

Council Members Present: Kevin Cookson, Patrice Putnam, David Rheume, Jim Norris, Jayne Despres, Linda Caprara, Bill MacDonald

Others present: Cornell Knight (Town Manager), Lee Bragg, Lisa Frost, (Secretary), approximately 70 citizens

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

❑ **Minutes of March 1, 2004 and March 31, 2004**

MOTION by Jim Norris to approve the minutes of March 1, 2004 and March 31, 2004. Motion was seconded by Patrice Putman. Discussion: Patrice Putman noted a correction on the March 1, 2004 minutes. The "Robert Lee Johnson Foundation" should be "Robert Wood Foundation" on page two. In addition, Gladys Richardson will need to clarify a statement on page two. Bill MacDonald clarified on the March 31, 2004 meeting minutes that the Blaine House conference is on May 6th and 7th. VOTE: 7-0 . All in favor.

❑ **Item #40 Hold a public hearing on the Liquor License renewal application for Sully's Restaurant.**

Chair Kevin Cookson opened the public hearing at 7:05PM. Chief Joe Young stated that everything appears to be in order. No other comments were made from the public. Chair Kevin Cookson closed the public hearing at 7:06PM.

❑ **Item #41 Consider the liquor license application for Sully's Restaurant.**

MOTION by David Rheume to approve the liquor license application for Sully's Restaurant. Motion was seconded by Linda Caprara. Discussion: None. Vote: 7-0. All in favor.

❑ **Item #42 Hold a public hearing on the Special Amusement application for Sully's Restaurant.**

Chair Kevin Cookson opened the public hearing at 7:07PM. A citizen asked what "special amusement" entailed. Chair Cookson said it was music. Chair, Kevin Cookson closed the public hearing at 7:08PM.

❑ **Item #43 Consider the special Amusement permit application for Sully's Restaurant.**

MOTION by Patrice Putman to approve the special amusement permit for Sully's Restaurant. Motion was seconded by Linda Caprara. Discussion: None. VOTE: 7-0. All in favor.

❑ **Item #44 Hold a public hearing on the Liquor License renewal application for Barney's Sports Bar.**

Chair Kevin Cookson opened the public hearing at 7:09PM. Chief Joe Young stated everything appears to be in order. No other comments were made by the public. Chair Kevin Cookson closed the public hearing at 7:10PM.

❑ **Item #45 Consider the liquor license application for Barney's Sports Bar.**

MOTION by Linda Caprara to approve the liquor license application for Barney's Sports Bar. Motion was seconded by Bill MacDonald. Discussion: None. VOTE: 7-0. All in favor.

❑ **Item #46 Presentation of the annual audit – Greg Chabot from Runyon, Kersteen and Ouellette.**

Greg Chabot distributed graphs, which represent the financial statements. Mr. Chabot reviewed the new reporting system, GASB 34 that was implemented over the last year and reviewed the attached financial statements and graphs.

❑ **Item #47 Consider the sale of lots in the Apple Farm Crossing II subdivision.**

MOTION by Jim Norris to direct the Town Manager to proceed with the sale and development of 12 residential lots in Phase II of the Apple Farm Crossing subdivision on the Winesap Hollow Road. He further moved that the entire proceed from said sale be dedicated for use only with public recreation projects at the High School/Middle School complex and elsewhere in the town.

MOTION died due to lack of a second.

MOTION by Bill MacDonald to instead of proceeding with the sale, set up a committee or combination of reactivating our conservation committee to work with stake holder groups and town officials to look in to what could be a fuller package of recreational use and conservation use with town property and other recreational areas that we have.

MOTION died due to lack of a second

MOTION by David Rheume to send it to a referendum to see if they want to sell it. Motion was seconded by Kevin Cookson.

Discussion:

Councilor Jim Norris disagreed with idea. Mr. Norris stated there had been considerable discussion and had received plenty of feedback. He stated the Councilors were elected to make decisions like this. There may be other alternatives that surface. Mr. Norris said he might not agree with what Bill MacDonald proposed. Jim Norris stated he would support what the majority of the townspeople wanted.

Councilor David Rheume said because they (the citizens) voted to buy the land, they ought to vote to sell the land.

Councilor Bill MacDonald stated he was opposed to putting it out to referendum. Bill MacDonald stated he did not want to extinguish development and wanted to look at the full package. He said the sentiment is for not developing the property. He would like the town to maintain the land's full value. He doesn't think the town should go out to vote because it was a clear use of municipal use, which he thought didn't include selling.

Chair, Kevin Cookson asked the town citizens at the meeting who wanted the town to keep the property. Most hands were raised. Chair Cookson asked who opposed the town keeping the property. No hands were raised. Chair Cookson said he has been called by numerous people who said to sell the property and others who said the town should not sell the property. Chair Cookson said he was leaning toward the referendum because the prior council thought it was the best alternative in 1995 when the land was being considered for purchase, which passed on a referendum vote of 1200 to 900.

Councilor Linda Caprara asked how many people would like to see it go to referendum. No hands were raised. Citizens stated it would be an added expense.

Councilor Jim Norris stated he was very supportive of recreational land from Mt. Pisgah, the little league fields, and weekend use of the all purpose room, as well as, gymnasiums. He said it was a very positive move for the town and people at the meeting have great ideas and a lot of enthusiasm for sporting and recreational fields, but one missing link is money. He said the new high school fields need work and the parcel of land that Roger Guerette donated has loads of potential. These are all needs the town has had and will have, but cannot address them with the operating budget. It was thought that this (selling the land) would be a great opportunity.

Councilor Jayne Despres asked what the additional costs would be for a referendum held in June or November. Town Manager, Cornell Knight said it was insignificant for the labor costs for Clerks to stay and count ballots, and the cost for ballots.

Citizens spoke in support of not selling the land:

- Ben Thomas said that the \$70,000 that would be profited from the sale of the land would be like a drop of ink in a bucket. He stated Roger Guerette's land might not always be there. Mr. Thomas said the plan to

sell the land and have it generate taxes is flawed and there is no guarantee it would be sold. He asked the Council to consider not selling.

- Roger Guerette reviewed his map of the property. He stated that the Kennebec Land Trust might be interested in a trail from Mt. Pisgah to the school land. He stated the town should decide not to sell the property and those who want to sell, should be present at this meeting as well.
- Mrs. Guerette read a letter from lawyer, Brian Condon giving his opinion to not sell the land and referred to the language of the original referendum.
- A representative from Kennebec Land Trust reviewed his organization and potential trail ideas and said the land would be an asset to the community.
- A citizen spoke about several parcels in Apple Farm Crossing that have not sold in nine years.
- Jay Lindsay, Town of Winthrop resident and employee, stated he submitted a grant of \$8,000 for fitness trails. It is at no cost to the town for property adjacent to the school property. He stated other funds are available for fitness and exercise programs.

Councilor Jim Norris stated he would support Bill MacDonald's earlier motion.

Councilor Linda Caprara said the town should keep the land.

Councilor Patrice Putman suggest putting a moratoria for one year on the sale to allow time to work with Kennebec Land Trust, access grants and other funds available, and to come together in a comprehensive way.

David Rheume withdrew his MOTION for a referendum.

MOTION by David Rheume not to sell the lots in the Apple Farm Crossing II subdivision. Motion was seconded by Linda Caprara.

Discussion:

Councilor Jim Norris asked to clarify if the motion was not to sell it now. Lee Bragg said deed restrictions could be put on the property, by vote, but councilors cannot restrict future councilors. Mr. Bragg said by not selling, it gives an opportunity for restrictions.

Town Manager, Cornell Knight asked what would happen if a plan is developed and is in violation of covenants of Apple Farm Crossing II and it is not able to be developed for a motion was made not to sell. He stated he thought a motion should be made that included a plan. He stated the current motion "not to sell" might close a door.

Councilor Jayne Despres stated she didn't want any option taken off the table.

Councilor David Rheume stated another motion could be made about what to do with it, but tonight people are here to say they don't want to sell it.

Roger Guerette presented Covenant Agreements signed by current Apple Farm Crossing landowners, which allowed for trails, etc.

VOTE: 5 – 2 (Oppose: Jayne Despres, Kevin Cookson). Approved.

Chair Kevin Cookson called a break.

Councilor Linda Caprara departed.

Chair Kevin Cookson called the meeting back to order at 8:50PM.

- ❑ WEC raised money for the Performing Arts Center and Brian Berry presented a check, on behalf of WEC, to the Council for \$50,000.

❑ **Item #48 Consider the bids on tax acquired properties.**

MOTION by David Rheume to deed the property of Map 54/Lot 45/Site 14 back to its original owner contingent upon payment of \$329.75 to the Town of Winthrop. Motion was seconded by Patrice Putman. Discussion: Town Manager, Cornell Knight said a quitclaim deed will be sent to the owner once it is paid. VOTE: 6-0. Approved.

MOTION by David Rheume to sell property Map 35A Lot 8/Ext 28 and Map 35A/Lot 9/ Ext 11 to David Breton for the amounts stated on the bid, \$1551.00 and \$2051.00, respectively, totaling \$3602.00. Motion was seconded by Jim Norris. VOTE: 6-0. Approved.

❑ **Item #49 Consider the purchase of fire equipment.**

Town Manager, Cornell Knight stated Fire Chief, Roger Audette has requested \$16,500 for equipment and the funds are available in the station reserve accounts.

Fire Chief Roger Audette reviewed the equipment he has requested and the desperate need for the equipment. Some of the equipment is part of the ISO compliance. Fire Chief Audette reviewed the fire department's fundraising efforts and many grants that were received from various organizations for the purchase of other equipment. He has just applied for three more grants. There are many large ticket items and the \$10,000 line item for equipment does not keep up with their need for necessary equipment. He stated if the department receives the federal grant this year, the fire department should not be asking for big-ticket items for the next 10-15 years. If they don't get the grant, they may need to readjust.

Councilor Jim Norris asked if the Town was providing administrative support for the Fire Chief's grant opportunities. Fire Chief Audette said he has received support from Town Manager, Cornell Knight and Jan Tewksbury in Finance. Other Towns' Fire Departments (who have received similar grants) have also reviewed the grants. Mr. Norris said he is very pleased to hear about strong efforts being made to obtain grant funds.

MOTION by Patrice Putman to approve the Fire Chief's purchase of Fire Equipment set out in Item #49 for a total of \$16,500. Motion was seconded by Bill MacDonald. Discussion: None. VOTE: 6-0. Approved.

❑ **Item #50 Hold a public hearing on the town's addition of two lots to the Pine Tree Zone regional application.**

Chair Kevin Cookson opened the public hearing at 9:03PM. Town Manager Cornell Knight stated he met with Winthrop Regional Development Corporation and they asked to add two lots on Route 202 to the Pine Tree Zone. No other comments were made from the public. Chair, Kevin Cookson closed the public hearing at 9:05PM.

❑ **Item #51 Consider Order #14, to authorize the KVCOG to submit an application on behalf of the town to establish a Pine Tree Zone to include lots 5-F and 6-G on Map 2.**

MOTION by Patrice Putman to authorize KVCOG to submit an application on behalf of the town to establish a Pine Tree Zone to include lots 5-F and 6-G on Map 2. Motion was seconded by Jayne Despres. Discussion: None. VOTE: 6-0. Approved.

❑ **Tabled from 2-2-04 Item #23 Consider allowing the town mechanic to do outside work as time permits.**

MOTION by Jim Norris to remove item #23 from the table. Motion was seconded by Bill MacDonald. Discussion: None. VOTE: 6-0.

Town Manager, Cornell Knight spoke with MMA. The policy premium would not increase if the town mechanic does outside work. However, the town does assume some risk because the town has custody and control of someone else's equipment. Mr. Knight said it would be a low risk. It would be good to keep him busy as much as possible and will only be when he has the time; in addition, it would keep that budget as funded as possible.

Councilor Dave Rheume stated he was okay with working on Monmouth Busses, but Winthrop vehicles are serviced first. Town Manager, Cornell Knight stated the mechanic is fitting a counter top in the new clerk's office and is doing it for significantly less than a previously quoted price.

Councilor Bill MacDonald questioned having a second level insurance from Monmouth. Cornell Knight said it is covered but when the claim is made, it is against our policy. Mr. MacDonald asked if it could be made against their policy.

MOTION by Dave Rheaume to allow the town mechanic to work on Monmouth vehicles when time permits provided Winthrop vehicles come first. This arrangement will be reviewed in six months. Motion was seconded by Patrice Putman. Discussion: None. VOTE: 6-0.

❑ **Item #52 Consider the hot top price for 2004.**

Dave Smith, Public Works Director, is trying to get the 2003 hot top price for 2004 paving projects.

MOTION by Jayne Despres to table Item #52 until Dave Smith, Director of Public Works; and Town Manager Cornell Knight have more information. Motion was seconded by Jim. Discussion: Patrice Putman asked if the town might lose the opportunity if the item was not dealt with tonight. Town Manager, Cornell Knight said the Town Council would be meeting several times this month and could discuss it at that time. VOTE: 6-0. All in favor.

❑ **Item #53 Consider donations to the Winthrop Police Department**

MOTION by David Rheaume to accept the donation of \$25.00 for the Explorer Program of the Winthrop Police Department. Motion was seconded by Jayne Despres. Discussion: None. VOTE: 6-0. All in favor.

❑ **Item #54 Consider Order #115 authorizing the \$775,000 bond issue.**

MOTION by David Rheaume to approve Order #115 authorizing the \$775,000 bond. Motion was seconded by Jayne Despres. Discussion: Patrice Putman asked how this bond relates to the Apple Farm Crossing II Property at this point. Town Manager, Cornell Knight said the net balance of the Castonguay property purchase for the HS project had to be bonded also included is the ladder truck, the sidewalk grant match and the school share of the town's apple farm piece. VOTE: 6-0.

❑ **Item #55 Discussion of the Comprehensive Plan update – Councilor Putman**

Councilor Patrice Putman stated she wanted the Comprehensive Plan update back on the agenda and was glad to see it has been budgeted for. Town Manager Cornell Knight explained the processes of developing a new Comprehensive Plan, which included forming a committee, hiring a consultant (estimated at \$6,000) and taking about nine months to complete. Mr. Knight said an updated Comprehensive Plan would help with grant writing.

❑ **Item #56 Consider a contract with the Department of Transportation for the Enhancement Project, to rebuild sidewalks on Main Street, Route 133 and Charles Street.**

MOTION by Jim Norris to authorize the Town Manager to move forward on the contract with the Department of Transportation for the Enhancement Project to rebuild sidewalks on Main Street, Route 133 and Charles Street. Motion was seconded by Bill MacDonald. Discussion: None. VOTE: 6-0. All in favor.

❑ **Item #57 Appointments Committee Report**

MOTION by Jim Norris to appoint Roger Guerette to Winthrop Utilities District. Motion was seconded by Bill MacDonald. Discussion: None. VOTE: 6-0. All in favor.

Councilor Jim Norris asked that the Council look into Conservation Commission Appointments, as evidence tonight (referring to Apple Farm Crossing II property).

MOTION by Patrice Putman for Appointments Committee to begin generating interest in and appointing membership to the Conservation Committee and, as their first task, to revitalize the Conservation Commission roles and responsibilities. Motion was seconded by Jim Norris. Discussion: None. VOTE: 6-0.

❑ **Item #58 Update on the town office project.**

Town Manager Cornell Knight said the Town Office has moved in, but there is still some work to do. The past month's requisition was \$90,915. The balance to finish is \$52,864, which includes outside work, loam, seed, grading, hot top, and striping the parking lot and some window, electrical, roofing and ceiling work also needs to be completed.

Chair Kevin Cookson asked who was responsible for sealing and coating the tile in the lobby entrance. Town Manager, Cornell Knight said Phil Locashio was looking into it.

MOTION by David Rheaume to allow the Town Manager to complete the carpet process (Change to the new carpet laid elsewhere) in the hallway of the new Town Office. Motion was seconded by Bill MacDonald. Discussion: Town Manager, Cornell Knight said the cost is \$3500. VOTE: 6-0.

Town Manager, Cornell Knight met with the School Department and is waiting for total costs of construction and to parcel out what each is responsible for. Originally, the lease rate was going to be \$4.64/square foot. The lease rate cost without the Adell Building will be \$2.70/square foot.

The School Department has asked the Town Office to carry custodial services until June 30, 2004, which will overdraft the town office budget. After June 30, 2004, the School Department will have personnel for custodial services. Mr. Knight said the School Department and Town are in initial discussions for sharing services such as snowplowing, maintenance of grounds, custodial services, etc.

❑ **Item #59 Budget Presentation for 2004-2005 Fiscal Year.**

Budget Schedule was presented to the Council.

❑ **Item #60 Victualer's License for Uncle Bill's Live Maine Lobster, Route 202.**

MOTION by Patrice Putman to accept the Victualer's License for Uncle Bill's Live Maine Lobster, Route 202. Motion was seconded by Jayne Despres. Discussion: None. VOTE: 6-0. All in favor.

❑ **Item # 61 Executive Session – Property abatement and Employment Agreement renewal for the Town Manager**

MOTION by Dave Rheaume to go into Executive Session to discuss the Employment Agreement renewal for the Town Manager. Motion was seconded by Jayne Despres. VOTE: 6-0. All in favor.

Return to regular session at 10:33PM.

Other Business

Councilor Rheaume was concerned with problem activity at the Skate Park, including fighting and hurting a rabbit. He stated it was not being policed properly and felt it should be monitored more closely. In addition, he stated the Police Officer did not get out of the vehicle to take appropriate action. Town Manager, Cornell Knight will contact Chief Young regarding monitoring the Skate Park more closely.

Town Manager, Cornell knight stated that Lou Carrier did call to express his gratitude on the response of the Fire and Police Department to the break-ins at the old Carlton Woolen Mill.

Councilor Rheaume questioned the fitness tests that are required of the Police Officers. Town Manager Cornell Knight stated that gym membership opportunities would be discussed at the next Town Council Meeting.

❑ **Adjourn**

*MOTION by Rheaume Seconded by Despres to adjourn at 10:38 Vote 6-0.
Submitted by Lisa Frost, Secretary to the Town Council.*