

Winthrop Town Council Meeting Minutes
Regular Town Meeting
Monday, July 12, 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 Putman, David Rheame, Jim Norris, Jayne Despres, Bill MacDonald. (Linda Caprara absent)

Others present: Cornell Knight (Town Manager), Chief Joe Young, Superintendent Paula Gaudet, John Dovinsky, Kevin Anderson, Bill Monagle, Beth Young, Members of the Public Safety Building Committee, Lisa Frost, (Secretary), Karen Hannel (DEP), Mike Audette, Barbara Mangin, Heather Jackson, Dave Bubier, Kris Gerry, Priscilla Millier, Ezra Smith, David Smith (Public Works Director), Ken Buck, Cindy Dunham, Donna Cassista, and other members of the Public

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

□ **Minutes of June 7, 2004 and June 16, 2004**

MOTION by Patrice Putman, seconded by Jim Norris, to approve the minutes of June 7, 2004 and June 16, 2004. Discussion: None. VOTE: 6-0.

MOTION by David Rheame, seconded by Jayne Despres, to move item #116 to the beginning of the agenda. Discussion: None. VOTE: 6-0.

□ **Item #116 Consider transient seller licenses for M&M Stonewall Canteen, My Ice Cream Truck and the Snack Shack.**

Scott Danille of the Snack Shack thanked the Town of Winthrop for their patronage and has enjoyed being in Winthrop the past thirty days.

Patrice Putman asked for clarification of "Canteen Supplies" for M&M Stonewall Canteen. Mavis Castleberry explained "canteen supplies" are bottled water, fruit juices, granola mix, etc. (hikers' items)

MOTION by Jayne Despres, seconded by David Rheame, to accept the transient seller licenses for M&M Stonewall Canteen, My Ice Cream Truck and the Snack Shack. Discussion: None. VOTE: 6-0.

□ **Item #106 Discussion of preventing Invasive Aquatic Species into area Lakes and Ponds, with Kevin Anderson, Warden Inland Fish and Wildlife, Karen Hannel, Dept. of Environmental Protection and Bill Monagle, Cobbossee Watershed District.**

Bill Monagle, Cobbossee Watershed District spoke about the great concern to keep invasive aquatic plants out of the area lakes and the law LD1812 making it illegal to transport or introduce aquatic plants in lakes. Town Manager Cornell Knight asked Bill Monagle what the Town could do to help prevent the invasive aquatic species in our area lakes. Mr. Monagle explained there is great concern because surrounding lakes such as Lake Auburn and Messalonski Lake are infested and there are chances of the plant being transported. Cobbossee Stream in Gardiner is infested, but it at least is downstream. Boat inspections are conducted by Wardens and Volunteers, particularly during peak hours on Saturday and Sunday and some Fridays. However, it has been difficult to get volunteers.

Councilor David Rheame asked what the community could do, besides law enforcement, to prevent the spread. Mr. Monagle stated brochures should be available at the Town Office. Game Warden, Kevin Anderson stated that law enforcement including state police, local police and sheriff's department are given same duties as a Game Warden in regard to enforcement of aquatic species. If a police officer sees any kind of vegetation on a boat or trailer, regardless if it is invasive, they have the authority to enforce the law. They do not have to identify the plant. Fines vary depending on the severity – no less than \$50 and no more than \$500. Kevin Anderson said he does

not find a lot of offenses and finds most people are educated on the matter. Kevin Anderson listed other threatening factors besides boaters including private boat launch sites, duck hunters, fisherman, and aquarium plants.

Councilor Patrice Putman asked about enforcement at the state border. Kevin Anderson stated signs were posted and there were checkpoints at the beginning. However, the checkpoints were voluntary stops and people weren't stopping. Karen Hannel of DEP stated they were highly ineffective for 90% of boaters weren't stopping. Therefore, they put money into the boat inspection program. Bill Monagle stated there is a program, Friends of Cobbossee Watershed, that schedules and coordinates volunteers and sends out postcards educating area residents. They are currently seeking volunteers for the "Milfoiler Program."

Councilor Patrice Putman asked Superintendent Paula Gaudet if high school students could get community service if they participated in the boat inspection programs. Ms. Gaudet stated yes.

Brochures and Information on preventing Invasive Aquatic Species in lakes were made available.

Bill Monagle thanked David Smith, Public Works Director and his staff, as well as, the Town of Monmouth for the efficient use of the street sweeper. It will help to improve water quality especially on Annabessacook Lake.

❑ **Item #107 Consider Order #117, a Bond Anticipation Note for the Asbestos removal from the Adell Building, demolition and grading, not to exceed \$300,000.**

Town Manager, Cornell Knight explained the order would act as a line of credit for the Town to remove asbestos (\$77,345), demolish the Adell building (\$76,277) and grade the area to playground specifications (\$25,000 to include grading the playground area and loaming and seeding wherever it is needed on the Grade School site. All areas will be made to look nice and safe. It does not include wood chips, structures or ground cover. The Playground Committee has raised those funds. Also included is the first interest payment on the bond of \$4,500. The cost of the total project is approximately \$183,000, but \$14,000 from a previous bond will be used as well. It is anticipated that only \$170,000 will be borrowed. Within the next three weeks, the Town Manager will know exact figures for the bond in November. Bids came in better than expected.

Councilor Patrice Putman asked Town Manager Cornell Knight if it was necessary to bond \$300,000 when the estimate is \$170,000. Mr. Knight explained it was advertised for \$300,000 and approved at referendum, but will only need \$170,000. More documents and final amounts will be available in the fall.

Councilor Jim Norris asked if the projected numbers will "hold up" so that "we won't be looking at \$100,000 more in November". Town Manager Cornell Knight stated they should be accurate figures unless there is a big surprise they don't know about.

Councilor David Rheume asked when the demolition would begin if the Bond Anticipation Note is approved this evening. Superintendent Paula Gaudet stated once the transformer is removed by CMP (which was scheduled for today), they could start tomorrow and be finished within two weeks

MOTION by Patrice Putman, seconded by Jim Norris, to approve Item #107, Order #117, a Bond Anticipation Note for the Asbestos removal from the Adell Building, demolition and grading, not to exceed \$300,000 with anticipation that costs will be around \$170,000. Discussion: None. VOTE: 6-0.

MOTION by David Rheume, seconded by Jayne Despres, that the Superintendent and School board cannot exceed \$170,000 of the \$300,000 without prior approval from the Town Council and not to take other bids or sign contracts. Discussion: Kevin Cookson clarified with Superintendent Paula Gaudet that contingency funds are part of the \$170,000. Councilor Jim Norris was concerned that \$170,000 may be restrictive and asked if the Council should approve extra money. David Rheume clarified that the bids are fairly firm and there are approximately \$20,000 in contingency funds available. VOTE: 6-0.

❑ **Item #108 Update and Report from the Public Safety Committee.**

David Rheume spoke on behalf of the Public Safety Building Committee. Other members of the committee were present: Leonard Hall, Phil McSweeney, Police Chief Joe Young, Ken Nuzzo, Hartley Palleschi. Mr. Rheume stated the Winthrop Utilities District has agreed in principal that the land can be purchased, but it has to be surveyed for phosphorus abatement. Mister Market's parking lot (grand fathered from phosphorus control)

distributes under the highway to this property, therefore phosphorus abatement needs to be done. Thayer Consulting estimates the cost between \$5,000 and \$10,000. Money is available from last year's budget in the reserve fund carried over for dispatch communication upgrades – approximately \$9,000. In addition, the phosphorus abatement would help save the drinking water supply and take care of phosphorus control from Mister Market's parking lot. The committee cannot move forward until phosphorus abatement is done.

Councilor Jim Norris asked where the Town Council stood as a group in conceptually supporting the plan for he recalled the committee's report to the Town Council, but didn't recall it as a "done deal".

Chair Kevin Cookson, also a member of the Public Safety Building Committee, cautioned saying it was a "done deal", however, the committee is exploring options, studied renovations, and looked at land that would be good access for fire, police and ambulance. They are looking at property that can be grow from the current need of the Police Department to future needs of the Fire Department and Ambulance Service. "We would be blindsided to look at a police facility only." Mr. Cookson stated this property is the best alternative and need to have the study done to see if it is a suitable site. Mr. Cookson reiterated that approval for building a new facility would be like the approval for the school project.

MOTION by Jayne Despres, seconded by David Rheaume, to approve item #108, to conduct a phosphorus abatement study, up to \$9,000, by Thayer Consultant, for the proposed public safety facility in order to see if it is a suitable site. Discussion: None. VOTE: 6-0.

❑ **Item #109 Hold a public hearing on the proposed changes to Ordinance #15 Use of Public Property and Parks, that would ban dogs from Norcross Point.**

Chair Kevin Cookson opened the public hearing at 8:12PM.

Chair Kevin Cookson explained there has never been nor never will there be a cover up or secret meetings. All Town Council agendas are posted. Due to numerous complaints, several discussions on the subject were brought up with the Police Chief. The Council has debated the issue, but no ordinances have been passed. Mr. Cookson reviewed discussions a few years ago when the pooper-scooper law became effective, but it has been reported that it is not working. Councilors asked Police Chief Joe Young to look at the ordinance and see what to do IF they decided to ban dogs from Norcross Point. There has only been discussions on the topic and never been a public hearing, until now.

Police Chief Joe Young read the proposed changes to Ordinance #15 Use of Public Property and Parks: "Section 9 Dogs prohibited from Norcross Point: Notwithstanding any provision of State or Federal law to the contrary allow any owner or person having responsibility for and control of a dog on the premises of Norcross Point." Fines: not less than \$25.00 and not more than \$100.00.

Several citizens spoke against the ban:

Citizen spoke regarding her need of a dog and the use of the park because of social phobias. She stated she is a willing participant of the "pooper-scooper" law. "I can't tell you how much having a dog and the park has meant to me." Chair Kevin Cookson stated under ADA requirements, she would be permitted on Norcross Point regardless.

Mike Audette stated there are no pooper-scooper bags made available as posted at Norcross Point. He stated 70% of tourists take their dogs on vacation. Mr. Audette stated he would move to Hallowell, if they put a ban on dogs at Norcross.

Barbara Mangin stated a compromise has to be made. She stated she would advocate that there is not a ban.

Heather Jackson stated she wrote a letter to the Town Council and wanted to know why a discussion wasn't first made about the pooper-scooper law. Chief Joe Young stated the pooper-scooper law is difficult to monitor and the police department does not have the resources. Ms. Jackson did voluntary pooper scooping and found 10-11 messes in three weeks. She felt it is a minority causing the ban and it is penalizing the responsible dog owners. Heather Jackson also stated that there are other issues on Norcross Point such as graffiti, young children unattended, and kids setting fires. Ms. Jackson stated she would be part of a responsible dog owners group who would help with spring clean up, patrolling and educating people.

A citizen stated that it would be difficult to ban dogs, when other parts of the ordinance can't be enforced. She stated people should be banned as well because cigarette butts are found everywhere, too

Dave Bubier stated a youngster (Cadets) with the Police Department could monitor boats for milfoil as well as watch dogs.

Kris Gerry stated she has seen dogs on the beach, in areas they are not allowed.

Priscilla Millier stated she supports kids and education and people and their animals. She stated enforcement is important and beaches should be protected, but the pooper-scooper law should be enforced and dog owner's rights should not be taken away.

Steve Watson stated he opposed the ban. He believes people should clean up after themselves and dogs and believes park maintenance should be improved. He said an alternative should be found.

Citizens supporting the ban:

Ezra Smith stated he approved of the ban. He stated the area should be clean from dog feces and urine and children and others would be safe because "sooner or later, kids will be hurt or bit." Mr. Smith also did not believe the taxpayer should be supplying pooper-scooper bags.

David Rheame stated the pooper-scooper bags were a compromise, but people were "taking them home to use elsewhere." Citizens Tom Sturtevant, Betsey Rowe, and others support the ban. "Norcross Point is a park, and a park is for people."

David Smith, Public Works Director has had several complaints especially from a group of people enjoying the park, who have rolled in dog feces. The tires of the lawn tractor run over the feces. Weed whacking becomes dirty as well. Mr. Smith explained that bags were supplied years ago, but they disappeared quickly.

Ken Buck stated that he mowed the school fields for fifteen years and would have to stop to pick up balls, feces, etc and felt the Public Works department could do something.

Councilor David Rheame suggested a designated doggy park. Heather Jackson stated a dog park is not a good idea.

A Citizen stated they would applaud enforcing the ordinance already in effect, by better patrolling and more police availability. But asked not to penalize a responsible dog owner.

Chief Joe Young stated the lifeguards have been trained not to allow dogs in the beach area (which does not include the area outside the buoy lines). A citizen stated that a lifeguard did allow a dog on the beach. In addition, the rule on "Only Town Residents permitted on the beach" is not being enforced.

A citizen stated perhaps a citizen committee could be formed to look into better ways to enforce laws and patrol and inform people on dog control.

Chair, Kevin Cookson closed the public hearing at 8:52PM

David Rheame thanked Heather Jackson for the letter she wrote and thought her letter was concise and nicely written.

Chair Kevin Cookson called a five-minute break.

□ **Item #110 Consider the first reading to repeal and replace Ordinance #15 Use of Public Property and Parks.**

MOTION by Patrice Putman, seconded by Jim Norris, to postpone the decision for three months while surveying Norcross Point on a regular, but not necessarily consistent basis and see how we are doing. If there is significant improvement of the situation, than we let it go, it is not, than we take up this ordinance proposal again in a timely manner. It will be reviewed at the October Regular Town Council Meeting.

Discussion:

Councilor Patrice Putman stated it is not the Town's responsibility to supply bags. It is the dog owner's responsibility.

Councilor Jim Norris stated he was very impressed with the actions of the people who have spoken and who have taken a proactive role. Mr. Norris hopes responsible action occurs and they can find ways to get the community involved in different and creative ways.

Councilor Bill MacDonald stated he has heard from people on both sides, but has heard from a nucleus tonight supporting monitoring.

Chair Kevin Cookson stated he was "on the fence". He stated that because of what he heard this evening, other things should be explored. He wanted to remind the Council that other options have been attempted, like the bags, and it has not worked. He stated he is leaning toward banning dogs. Also, Mr. Cookson stated it is unfair to blame Police Chief Joe Young and his department. Mr. Cookson stated if the ban was put in effect, it should include the roped area of the beach up to Norcross Point, but would be willing to rescind the ban if a plan was implemented to control this situation.

Councilor Patrice Putman asked all the Councilors, Police Department and Public Works officials to monitor the area. She wanted to give dog owners an opportunity to do better.

Councilor Jayne Despres stated she supported tabling the issue and understands people at the meeting are conscientious dog owners, but not all people are and that is the issue that the Council is addressing. Citizens need to take responsibility.

VOTE: 5-1 (Kevin Cookson opposes.) Chief Joe young stated he would be available and willing to work with dog owners and asked them to report any violations.

❑ **Item #111 Consider a consent agreement between the Town of Winthrop and Matthew and Diane Watson, 94 Cottage Road.**

CEO Beth Young stated there was an apparent violation of the lake setback requirement of the former owner (Richard Palmer), of the Watson residence. When the Watson's original inspection was conducted, the violation was not discovered. They are now trying to sell, and it was discovered the lakeside deck, which was permitted as a legal non-conformation replacement and built by the former property owner, Richard Palmer, was to be eight feet in width but was actually replaced with a ten feet wide deck. Therefore, a consent agreement was executed with a fine of \$100. The Watsons are willing to pay.

David Rheume clarified that the Watsons were not the ones who created the violations, but they are being fined for someone else's violation. CEO Beth Young stated the person who currently owns the property is fined. However, they may then take the prior owners to court.

MOTION by Bill MacDonald, seconded by Jim Norris, to approve item #111, a consent agreement between the Town of Winthrop and Matthew and Diane Watson, 94 Cottage Road. Discussion: Jim Norris complimented CEO Beth Young dealing with he violation fairly. VOTE: 5-1 (Rheume opposes.)

❑ **Item #112 Consider the contract renewal with Government Acquisitions Inc.**

John Dovinsky stated that the original contract for Government Acquisitions, Inc. was signed June 17, 2003 but has seen nothing. He made several attempts by e-mail, fax, and telephone to follow up on the status and has not received any return calls. Mr. Dovinsky stated a good faith effort was made to save the taxpayer money but suggested not to renew the contract.

MOTION by Jim Norris, seconded by David Rheume, to accept John Dovinsky's recommendation not to renew the contract with Government Acquisitions, Inc. Discussion: Jim Norris said John Dovinsky made an excellent explanation for not renewing the contract. VOTE: 6-0.

❑ **Item #113 Consider stationing Medic II at the Readfield Fire Station during summer daytime hours.**

John Dovinsky said stationing Medic II at the Readfield Fire Station would be a continuation of the concept agreed upon last summer. Last summer, they did it only for the month of August and did not have enough data to present

to the Town Council. It cuts response times to Fayette, Mt. Vernon and Readfield, which is where 50% of calls come from in the summer. Mr. Dovinsky stated he would report back at the end of the summer with data, as requested by Councilor Bill MacDonald.

MOTION By Jayne Despres, seconded by Patrice Putman, to accept Mr. Dovinsky's proposal to station Medic II at the Readfield Fire Station during summer daytime hours. Discussion: David Rheame asked what the daytime hours are. Mr. Dovinsky stated 9AM-5PM. VOTE: 6-0.

❑ **Item #114 Consider a resolution from the City of Brewer that would dedicate any increase in state funding for education to reduce the property tax mil rate.**

MOTION by David Rheame, seconded by Bill MacDonald to table Item #114 per the request of the Town Manager. Discussion: Town Manager, Cornell Knight stated MMA is working on the language of the resolution. VOTE: 6-0.

❑ **Item #115 Discuss the need for Mt. Pisgah and Apple Farm Planning Committees.**

Jim Norris spoke with Roger Guerette and Jim Connors (Kennebec Land Trust). There has been increased level of discussion regarding connecting Mt. Pisgah and the Apple Farm Crossing Land. Roger Guerette is also taking an active role on uses of the Apple Farm Crossing property and what his family can do to facilitate. A group of people with similar interests will be formed in order to decide what to do with the land. Mr. Norris is looking to see how the Conservation Committee can deal with it. However, he is concerned that in the process of recruiting people, it may be intimidating about having more responsibilities than just Mt. Pisgah. Mr. Norris will participate in Roger Guerette's meeting and come back in August with recommendations of whether or not his fears are warranted and suggestions for the Conservation Committee.

❑ **Item #117 Update on the town office project**

Carpet is completed. Loaming and seeding are completed. The school Custodian is now working at the Town Office as agreed upon. There is a change order on some electrical work. There are a few items on the punch list to finish. The sound system is in, but it needs to be installed. The council may want to consider buying another "Council Table" because of the frequent use of the All-Purpose Room for Town Council Meetings.

❑ **Item #118 Consider donations to the town.**

Town Manager Cornell Knight reviewed several donations. \$1,000 from Kennebec Savings Bank and \$1,000 from Winthrop Area Federal Credit Union for trees. In addition to the donations, the balance in the tree account was used to purchase six trees for downtown. DR Stuck will be installing and will guarantee for one year.

Kents Hill School donated \$1,000 and an anonymous donor through the United way donated \$43.42 to the Ambulance Service.

MOTION by David Rheame, seconded by Patrice Putman to accept all donations to the town as discussed. Discussion: None. VOTE: 6-0.

❑ **Manager's Report**

- The engineers meeting to discuss the sidewalk project with abutters will be held Wednesday, July 14 at 6PM at the Town Office.
- The Livermore Falls School Superintendent, Terry Despres, asked the Town of Winthrop to consider using our bus mechanic for their fleet. A regional project will fit well with the EPS model next year and there could be funding for equipment and instruction.
- The budget still has some adjustments to be made. The Town is overexpended by \$16,000. Additional revenue of \$271,000 was received which assisted in offsetting overexpenditures. The Fire Department had unanticipated expenses. There are some adjustments to be made on the school lines to get the balance in the black. Overall, the budget is in good shape.
- Jim asked about how the school was doing with implementation of new procedures. Town Manager, Cornell Knight said it was too early to tell. The new payable system will be running by August 4th and the school will be up by August 18th. Payroll will be at the end of the year.
- Mr. Knight reviewed his manager exchange to Norway.

❑ **Other Business**

Cindy Dunham and Donna Cassista asked the Town Council to reconsider their license to operate a Dog Obedience class on Norcross Point on Monday evenings. They received permission in April and sent flyers out in June. Then their permit was revoked. They stated they have strict rules in the class and are trying to train responsible dog owners. Norcross Point gives a “real world” environment with distractions and socialization. They did not have any conflict with space and people enjoyed their presence. They are also insured. Ms. Dunham and Ms. Cassista asked the Council to reconsider stating parks across the country sponsor these events to breed responsible dog owners.

Chair Kevin Cookson stated that commercial business cannot set up at Norcross Point (i.e. previously, a company wanted to put up a business of renting kayaks and canoes and they were denied by the Town Council).

Chief Joe Young stated that Shoreland Zoning laws prevent commercial businesses on the Shoreland zone. Ms. Dunham asked if they could be considered if they were “nonprofit”. Town Manager Cornell Knight will have more information on commercial vs. non-profit operations on Norcross Point.

❑ **Item #119 Consider an Executive Session to discuss the police negotiations.**

MOTION by David Rheume, seconded by Jayne Despres, to go into executive session to discuss the police negotiations. Discussion: None. VOTE: 6-0. Executive Session began at 10:13PM

Return to regular session.

❑ **Adjourn**

Motion by MacDonald Seconded by Rheume, adjourn at 10:24 pm Vote 6-0.

Submitted by Lisa Frost, Secretary to the Town Council.