

**Winthrop Town Council
Meeting Minutes
January 7, 2013**

Attendance: Chairman Kevin Cookson: Priscilla Jenkins, Sarah Fuller, Larry Fitzgerald, Linda Caprara, Jeffrey Woolston (Town Manager) and Julie Winberg (Secretary) Absent: Ken Buck Sr.

The meeting opened at 7:00 p.m.

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

Spirit of America Award Presentation

For 25 years, the United Way Spirit of America® awards program has been recognizing exceptional corporate citizens for outstanding employee and community engagement and measurable impact in education, income and health. These businesses and organizations, and the people, who provide leadership for them, have a profound effect upon the business environment and the economy in the Capital Area and beyond. They contribute significantly to the quality of life enjoyed in the Kennebec Valley.

Several individuals were nominated. This year Robert Pelletier, Charles Gold and Mark Seger were the award winners for their outstanding service to the entire Winthrop community. Their names are on a plaque hanging in the Town Office.

Swearing in of elected officials:

The newly elected town councilors, the remaining member of the town council and the newly elected library trustees were sworn in.

Election of Town Council Chair and Vice-Chair

Motion by Fuller and seconded by Caprara passing with a unanimous vote, Kevin Cookson was elected to continue his position as Council Chair.

Motion by Fitzgerald and seconded by Jenkins passing with a unanimous vote, Sarah Fuller was elected to continue her position as Vice-Chair.

Approve the December 3, 2012 Meeting Minutes

Motion by Fuller and seconded by Caprara passing with a unanimous vote, the minutes for the Board's December 3rd meeting were approved.

Item #1 Council Appointments

Motion by Jenkins and seconded by Fuller to approve the appointments or reappointments as presented passed with a vote of 6-1 (Caprara abstained): Planning Board, Zoning Board and Associates, Board of Assessment Review and Associates, Winthrop Utilities District Board of Trustees, Conservation Commission and Associates, Recreation Committee and Associates, Board of Registration Appeals, Cobbossee Watershed District Board of Trustees, and Dam Committee.

Item #2 Chairman Appointments

Appointments Committee: Councilors Buck, Jenkins and Fuller (Chair)

Finance Committee: Councilors Caprara (Chair), Fitzgerald, and New Councilor when elected

Green Committee: Councilor Jenkins

Chamber of Commerce Representative: Councilor Fuller

Rotary Club Representative: Councilor Jenkins

Western Kennebec Economic Development Alliance Representative: Councilor Jenkins

Item #3 Town Manager Appointments

Motion by Fuller and seconded by Jenkins to approve the Manager's appointments as presented passed with a unanimous vote. The list of persons included, the town department heads along with the Winthrop Police Department, Winthrop Ambulance Services, and Voter Registration Election workers.

Item #4 Discuss accepting a Library Expansion grant from the Maine Community Foundation

Directors of the Maine Community Foundation have approved a \$4,000 grant to the town to support a building expansion at the Charles M. Bailey Public Library in order to better meet the needs of the community. This grant is made from the Maine Charity Foundation Fund of the Maine Community Foundation at the recommendation of the advisors. All grantees are required to submit a project progress report by September 1, 2013. Note: the town's match for the grant is 0%.

Motion by Jenkins and seconded by Fuller passing with a unanimous vote, the Council approved receipt of a \$4,000 grant. Order #149 was approved and signed.

Item #5 School Personnel Requirement Presentation

Before the school presentation, Chairman Cookson discussed a 2004 Memorandum of Understanding between the School Board and the Town Council. The original Memorandum of Understanding between Winthrop Board of Education and the Town was written in 2004. In order for any/all contents to be changed, a majority vote has to be reached by both entities. The town charter of 1974 describes what each do and their individual responsibilities.

With that said, the Superintendant explained to the attendees of their plan to hire three Special Education Teachers emphasizing that the salaries will be completely offset by the students (now receiving special education at the Wayne Center) who will be returned back to Winthrop.

Special Education is the budget's biggest component. Eight students are receiving their education at the Wayne Center and the hope is that all will be transferring back to Winthrop by the end of this school year.

Chairman Cookson circulated a draft order that he wrote (Order #153) which helps to clarify continuing challenges during the budget year and memorialize the need for open and continued dialogue.

The draft order follows:

Order #153
Town Council

AN ORDER PROVIDING FOR: Coordination of Town Financial Management

BE IT ORDERED, by the Town Council of the Town of Winthrop, as follows:

That the Town Manager is directed to convene a meeting once per month to review budgets with the School Superintendent and Finance Director in accordance with the June 9, 2004 memorandum of understanding between the town council of Winthrop and the Winthrop Board of Education. The actual meeting time will be set by the town manager in coordination with the superintendent of schools.

In The Town Council

Read and Adopted 1/8/2013

Discussion was had in reference to modifying or amending this draft order to reflect the changes that no longer apply or are no longer relevant in the original memorandum of understanding.

The question was moved

Item #6 Public Hearing for a General Noise Ordinance

The hearing opened at 7:58 p.m.

Mr Gary Dawbin asked that the Route 133 start would be prior to the crest of the hill.

Another resident considered the ordinance arbitrary and would prevent him from playing music as loud as he wished.

According to Police Chief Young the draft ordinance – Ordinance 2013-01 Unnecessary Noise in the Town of Winthrop - is fashioned on the State Law Ordinance coupled with the town's Disorderly Conduct Ordinance and Animal Control Ordinance.

The State Law does not have time limits however a lot of community ordinances do for further clarification.

The public hearing closed at 8:30 p.m.

Item #7 Consider a General Noise Ordinance

The Council had the first reading of this noise ordinance. The emphasis was largely directed to the loud brakes on trucks. The ordinance covers three areas of the town: between Pamela Drive and Lake Street along Route 133, between Squire Place and Royal Street on U.S. Route 202, and along U.S. Route 202 and East Winthrop. The State Department of Transportation will put up the signs about the noise restriction, but it will be the Winthrop Police officers who will enforce it.

"The Winthrop Town Council finds that controlling excessive noise as provided herein is necessary to promote the health, welfare, and safety of the citizens of the Town of Winthrop. It is the purpose of this Ordinance to prevent any person from making, continuing, or causing noise that unreasonable interfered with the comfort, health or safety of others within the Town of Winthrop. This Ordinance superseded Ordinance, Article 46-1966, Excessive Noise".

Motion by Fuller and seconded by Jenkins to approve the ordinance with the following amendments: under 2c6a – alternative designation on Route 133 be established and 9 be stricken. This passed with a vote of 3-2 (Caprara and Fitzgerald).

At the next town council meeting, Chief Joseph Young will have made the changes and the Council will be able to vote on it after its second reading. It is expected that the Fireworks Ordinance will also be a topic of discussion taking into account the town's input received in 2012.

Item #96 Consider Solid Waste Hauling Contract

The town manager covered the idea behind the possible solid waste hauling contract at the Town Council meeting held on December 3rd. After reviewing all the options with Pine Tree Waste Services for a multiyear contract and what the fuel cost fluctuations would be, it was decided that the town will continue to haul its own residential trash to Orrington rather than have a contractor do part of the route. This did not generate much savings for the town. The Council did not take any action at this time.

Item #8 Consider a Consent Agreement

Roland Pushard is the owner of property located at 209 Holmes Road in Winthrop described in a deed recorded in Book 10269 Page 289 (Town Map 2 Lot 75). After an investigation by the Code Enforcement Officer, it was determined that there was an apparent violation of the property owner's building permit (#11130 – issued on March 19, 2012).

Mr. Pushard acknowledges that he violated the terms and conditions of this permit for a garage replacement by adding a one bedroom apartment upstairs without obtaining the required permits and inspections.

Mr. Pushard has obtained all required After-The-Fact permits for the apartment and has agreed to pay the town a penalty of \$500.00 for the violation. By this consent agreement, there will not be further enforcement action against this violation as all requirements have been met.

Motion by Fuller and seconded by Fitzgerald that this consent agreement (Order #150) be approved passed with a unanimous vote.

Item #9 Consider Uncollectable Personal Property Tax Abatement

This has been an ongoing situation since 1986. The town manager requests that the Council approve Order #151 to officially abate the personal property taxes on the list as presented. The tax liens on businesses should have been processed prior to the business dissolving. This list consists of those former businesses in Winthrop that is no longer operating as of January 12, 2012. Going forward, the town will pursue vigorously both business and personal property tax owed.

Motion by Fuller and seconded by Jenkins to approve the abatement on the list presented passed with a unanimous vote. Order #151 was approved and signed.

Item #10 Consider Property Tax Abatement

Michelle Cloutier Ross has requested abatement for the property she owns on 69 Hanson Street in Winthrop. She owned this property since February 2006. She feels that an abatement of personal property tax is in order since the assessment reflected that her home had an upper story that was finished which provided additional living space.

This is an assessment error and the records reflect that. Based on this information, she feels that her home has been over assessed for three years in a row. The abatement is for the excess for FY 2011-2012 and FY 2012-2013.

Motion by Fuller and seconded by Caprara to approve this request as presented passed with a unanimous vote. Order #152 was approved and signed.

Other Business

Andy and Sheree Wess will receive the President's Award from the Kennebec Valley Chamber of Commerce for their business acumen, community involvement and charitable work.

A local Boy Scout, Shawn, attended tonight's meeting to partially fulfill the requirement to earn a Government merit badge.

There will be a special election to fill a town council vacancy on January 15, 2013. The polls, at the Winthrop Town Office, will be open from 8 am to 8 pm the day of the election.

A workshop will be held on 1/21/13 and 1/28/13 from 6 - 9 pm at the town office. This is a Parliamentary Procedure Workshop. The Town Manager will coordinate the meeting with Mr. Pease and will him the Council rules and Winthrop Town Charter.

Motion by Fuller and seconded by Fitzgerald the meeting adjourned at 8:45. This passed with a unanimous vote.