

Minutes

Winthrop Town Council

Special Meeting

Thursday, December 4, 2008 at 7:00 pm

Town Office

Attendance: Councilors William MacDonald, Kevin Cookson, Ken Buck, Patricia Engdahl, James Norris, Priscilla Jenkins, Linda Caprara. Town Manager – Cornell Knight, 20 public members.

Meeting is called to order at 7:00 pm.

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

Item #131 Consider a letter from A. Robert Ruesch, attorney for Great Falls Construction.

A. Robert Ruesch attorney for Great Falls Construction reviewed the position of his client and the bid process.

Gavin McCarthy attorney for SJ Wood Construction reviewed the position of his client.

A letter from Donald Gasink, representing Blane Casey Builders was distributed to the council.

Item #132 Consider an Executive Session with the town attorney to discuss potential litigation - MRSA Title 1 Section 405 6 (E)

Motion by Norris Seconded by Jenkins to enter executive session to discuss potential litigation, MRSA Title 1 Section 405 6(e), @ 7:15 pm Vote 7-0.

Return at 9:15

Councilor Caprara said she became aware on Tuesday that her husband's business does business with both contractors, but she feels she can be fair and impartial.

Councilor Engdahl said she learned on Tuesday that her brother does occasional sub contract work for SJ Wood, but that will not influence her vote.

Councilor Buck said he does contract work for Steve Wood and Mike Hoyt, who both own a commercial building, but that had no bearing on his vote Monday night.

Motion by Engdahl Seconded by Norris to reconsider the vote taken Monday evening. Vote 6-1, Buck opposed.

Motion by Norris Seconded by Jenkins to rescind the award of the contract to SJ Wood and award the contract to low bidder Great Falls Construction.

Councilor Cookson said it was his intent to support local contractors but does not want extra legal costs and liabilities.

Councilor Norris said this is about doing the right thing, and that every member feels they are doing what is in the best interests of the town.

Councilor Engdahl said the citizens are not interested in additional legal expense.

Gavin McCarthy said the town may not accomplish its goal of avoiding legal expense. The council has the authority as it did on Monday to award the contract to any contractor it so chooses. He suggested rejecting all bids and make the town's intentions clear.

Robert Ruesch said the existing bid documents are the level playing field.

Dick Guerette said the council made a decision on Monday and it should not do business with a company that threatens with lawyers.

Scott Foster said the issue was the KJ article that the council's intent was to use local contractors.

Councilor Buck said the original vote from Monday should stand, 4-3.

Vote on original motion, 6-1, Buck opposed.

Motion by Caprara Seconded by Norris to adjourn a 9:37 pm. Vote 7-0.