



**Winthrop Town Council Regular Meeting Minutes  
Monday December 5, 2022**

**7PM**

**17 Highland Avenue**

**And Via Zoom**

<https://networkmaine.zoom.us/j/86703647394>

**Executive Session at 6:00 PM**

**Open Session resumes at the conclusion of Executive Session – Approximately 7:00 PM**

**Call To Order – Roll Call**

Chair Sarah Fuller, X Vice-Chair Andy Wess, X (via Zoom)  
Councilor Bruce Burns, X Councilor Linda Caprara X,  
Councilor Elizabeth Peters X Councilor James Steele X (arrived at 6:05)

**Item 167** Consideration of entering Executive Session

**Suggested Motion:** Move to enter Executive Session pursuant to 1 M.R.S.A. § 405(6) (C) Real Property.

**Motion:** Peters      **Second:** Burns      **Vote:** 5/0 (Steele not present)

**Time Entered:** 6:02 PM

**Item 168** Consideration of leaving Executive Session.

**Motion:** Peters      **Second:** Burns      **Vote:** 6/0

**Time Exit:** 6:14 PM

**Action:**

To authorize the Town Manager and Police Chief Frost to negotiate the purchase of the property that was discussed in executive session for the assessed value and up to 20% more.

**Motion:** Peters      **Second:** Burns      **Vote:** 6/0

**Item 169** Consideration of entering Executive Session

**Suggested Motion:** Move to enter Executive Session pursuant to 1 M.R.S.A. § 405(6) (E) Legal Advice.

**Motion:** Peters                      **Second:** Caprara                      **Vote:** 5/0

**Time Entered:** 6:27 PM

**Item 170** Consideration of leaving Executive Session.

**Motion:** Peters                      **Second:** Caprara                      **Vote:** 5/0

**Time Exit:** 7:03 PM

**Action:**

**Item 171** Consideration of approving minutes of meetings held [November 7, 2022](#), and sign disbursement warrants. With one correction noted.

**Motion:** Burns                      **Second:** Caprara                      **Vote:** 6/0

**Item 172** Finance Reports from Previous Month

[Revenues](#) [Expenses](#) [GL Balances](#) [Other Funds](#)

**Item 173** Consideration of recommendations from the Appointments Committee.

**Suggested Motion:** Move to confirm the recommendations of the Appointments Committee.

The Appointments Committee did not have recommendations.

**Item 174** Presentation of FY 2022 Audit – Jennifer Connors, Runyon Kersteen Ouellette

[Compliance Report](#)

[Draft Financial Report](#)

[Management Letter](#)

Jennifer Connors and Marcus Pratt of Runyon Kersteen Ouellette reviewed the results of the FY 22 audit. Ms. Connors mentioned that the FY22 audit went really well. The final reports should be completed within the next couple of weeks.

**Suggested Motion:** Move Acceptance of FY 2022 Audit.

**Motion:** Peters                      **Second:** Burns                      **Vote:** 6/0

**Item 175** Consideration of Order 2022-20 Designating Funds from the School Department's FY22 Undesignated Fund Balance.

[Memo from Superintendent](#)

**Suggested Motion:** Move to approve [Order 2022-20](#) Designating Funds from the School Department's FY22 Undesignated Fund Balance.

**Motion:** Steele            **Second:** Wess            **Vote:** 5/1 Burns opposed.

**Item 176** Public Hearing: Review of the Mooring Ordinance.

Open: 7:37 PM

Chairperson Fuller advised that due to the many accusations of conflicts of interest, this item will be broken out into a couple of stages. Council members will disclose any possible conflicts of interest they may have and they will address those briefly. For any member who has a stated disclosure, the Council will vote on whether or not that member can sit in on future votes regarding the mooring ordinance.

There is a list of proposed changes to the ordinance on the agenda. The Council will run through the list and have a description of what each item is and will explain the basis of the changes. The meeting will then opened for public comment for anyone that wishes to speak on the proposed changes. Once the council feels everyone has had a chance to speak, the chair will call for individual votes on each of the items.

Attorney for the Town of Winthrop, Philip Saucier of Bernstein, Shur, Sawyer and Nelson, explained how "conflict of interest" is as defined by Maine law.

**Councilor Wess** – Disclosed he has a small second or third mortgage on a lakeside business, which is a fixed contract that cannot be affected by his participation with the Winthrop Town Council. This does not cause a conflict concerning any decisions he may make while serving on the Winthrop Town Council. He feels this should not cause even the appearance of a conflict.

The Council, by consensus, voted that Council member Wess can sit in on votes regarding the mooring ordinance. (Steele opposed).

**Councilor Burns** – Stated he did not have conflict of interest with the mooring ordinance.

**Councilor Caprara** - Stated she did not have conflict of interest with the mooring ordinance.

**Councilor Peters** - Stated she did not have conflict of interest with the mooring ordinance.

**Chairperson Fuller** – Disclosed that she has an appearance of a conflict of interest with the mooring ordinance. She has been accused that she has a conflict of interest given her percentage ownership in van der Brew on the mooring ordinance. She would not have thought this would even create a conflict of interest, since van der Brew cannot have any say or financial gain from people having moorings or not having moorings. There is no way that people putting their boats in lakes throughout town financially benefits the brewery in any way, shape or form.

There was an additional piece that suggested that she only voted for the mooring ordinance, because somehow van der Brew would get a dock and make money off that at the end of Maranacook Lake. Van der Brew does not own property there; van der Brew would not manage a dock; a manufacturing company (AMI) owns that land, and if the town were to repurpose docks that they currently use with AMI, there is no way that van der Brew would have any financial interest gain or ability to control who would rent those dock spaces or who would use those dock spaces..

An email stated she should recuse herself from discussion about the potential dock situation because she made the introduction between the town and the business owners, and if that were issue to become in front of the Council, and the Council would have to vote. She would not have had a hand in crafting any sort of agreement between the town and the business if that was going to come before the Council for a vote. I think those covers the fact that there is no financial gain. There is no way that me as an officer or Van der Brew has any control over who can put boats in the water. Not whether it is a mooring ordinance or any sort of docking situation in any play, part of town.

**Motion:** Allow Chairperson Fuller to sit in on votes regarding the morning ordinance.

**Motion:** Peters                      **Second:** Burns                      **Vote:** 3/2/1    Caprara and Steele opposed  
Fuller abstained.

Councilor Peters asked Councilor Steel to speak about the conflict of interest that he may have.

**Councilor Steele** - Disclosed he is a person that uses the lake and has a mooring. He has no financial gain or interest. He does have legal actions against the town regarding how the morning ordinance, in his opinion, was incorrectly adopted; and the conflict of interest in which it was voted and adopted. He is part of the group that has taken legal action against the town, as it seems that was the only way to be heard. He has nothing to hide, has no conflict of interest. He has been trying to come up with a solution that best fits all parties. He has no bias in anyway. Even if he did not use his boat on the lake, he would still be against the morning ordinance because he feels that people that pay property taxes or have a right away should have access to the lake.

**Motion:** Allow Councilor Steele to sit in on votes regarding the morning ordinance.

**Motion:** Peters                      **Second:** Wess                      **Vote:** 3/2/1    Peters and Wess opposed  
Steele abstained.

Close:

Community members spoke about their opposition and or support of the mooring ordinance. They also spoke about certain Council member's conflicts of interest.

Chairperson Fuller reiterated that while there were comments made about the potential that Van der Brew could benefit from docks, the mooring ordinance and the potential dock situation are ideal and may or may not come to fruition and are two distinct issues. About the mooring ordinance, she has no pecuniary interest, policy interest, and I cannot control that at all. She

added that if the Council wishes to change their votes regarding allowing her to sit in on the votes regarding the mooring ordinance, they may do so at this time. The members all indicated that their original votes stands.

**Item 177** Consideration of Various Mooring Ordinance Revisions:

- Repeal the Ordinance

**Motion:** To repeal the mooring ordinance.

**Motion:** Caprara                      **Second:** Steele                      **Vote:** 2/4  
Fuller, Peters, Burns and Wess opposed  
Motion Failed.

- Clarify Grandfathering Provision

**Motion:** To approve the clarification of the grandfathering provisions in the mooring ordinance.

**Motion:** Burns                      **Second:** Peters                      **Vote:** 6/0

- Clarify Mooring Officer vs Harbormaster Duties

**Motion:** To Clarify Mooring Officer vs Harbormaster Duties

Councilor Steele feels this is an added and unnecessary cost to the taxpayers. If this is going to happen, it needs to go along with the state law and be called a Harbormaster. This duty could be assigned to an existing staff member. Councilor Caprara does not feel this position is necessary as well.

**Motion:** Caprara                      **Second:** Peters                      **Vote:** 4/2 Caprara and Steele opposed

- Clarify Steps for Notices of Violation and Penalties

**Motion:** To approve the clarification of Steps for Notices of Violation and Penalties in the mooring ordinance.

**Motion:** Peters                      **Second:** Wess                      **Vote:** 6/0

- Clarify Appeal Process

**Motion:** To approve the clarification of the Appeal Process in the mooring ordinance.

**Motion:** Burns                      **Second:** Peters                      **Vote:** 6/0

- Address Houseboats

**Motion:** To approve addressing houseboats in the mooring ordinance.

**Motion:** Peters                      **Second:** Burns                      **Vote:** 5/1 Wess opposed

- Establish and Manage One or More Mooring Fields.

**Motion:** To approve Establishing and Managing One or More Mooring Fields.

**Motion:** Steele                      **Second:** Caprara                      **Vote:** 4/2 Wess and Peters opposed

**Motion:** To extend the meeting past 10:00 pm by 30 minutes.

**Motion:** Burns                      **Second:** Steele                      **Vote:** 6/0

**Continuing with Item 177** Consideration of Various Mooring Ordinance Revisions:

- Clarify the Town does not Assign Mooring Site
- Motion: To Clarify the Town does not Assign Mooring Site

**Motion:** Burns                      **Second:** Wess                      **Vote:** 6/0

- Clarify Open Access to Mooring Privileges per State Statue  
Per Town Attorney, no vote is necessary on this item.

**Other Business:**

**Planning Board Update**

Attorney Saucier explained that generally development proposals go to the planning board. The Council has no role in reviewing development applications. The Council's role in development is adopting the ordinance. The Council decides what the rules of development in this town are, and then the planning board applies those ordinances to each project. The general rule is the planning board has their jurisdiction to review applications and the Council adopts the ordinances as they apply.

David Lee, Chair of the Planning Board reported the following:

There is nothing new to report with the solar ordinance; the board is still working on it. The open issues are buffers and trying to minimize the impact of solar panels at all locations particularly residential.

He also provided an update and timeline on the proposed quarry that is located on Turkey Lane.

**Manager's Report:**

Nothing to Report.

Councilor Steele would like to add a new process for our online platform for Town Council meetings on the next Town Council agenda as Zoom has failed again.

Adjourn.

**Suggested Motion:** Move to adjourn meeting at 10:28 pm

**Motion by:** Caprara                      **Second:** Steele                      **Vote:** 6/0