

**Winterport Town Council**  
**Tuesday, November 16, 2021**  
**MINUTES**

**Call to Order-** Meeting was called to order by Chairperson Cooper at 7:00 P.M.

**Roll Call-** Councilors Cooper, Ronco, Kelley, and Higgins present. Councilor English-Flanagan absent-excused.

**Consent Agenda** (items marked with an asterisk \*) Councilor Ronco motioned to accept the consent agenda as presented. Councilor Higgins seconded the motion. Motion passed 4-0.

**Adopt Agenda-** Councilor Ronco motioned to adopt the agenda as presented. Councilor Kelley seconded the motion. Motion passed 4-0.

**Financial Reports:**

November 16, 2021	November 30, 2021
Expenditures/revenue & budget bal. Monthly (Regular Format) Quarterly	Gen Fund Cash Position, Reserves, Trusts, and Investments YTD
Current Year Property Tax	Gen. Fund. Gen. Ledger Summary (Detail New)
Liens & Foreclosures Status	

**Payroll and Invoice Warrants**

- A. Payroll through Sunday, November 14, 2021. Councilor Ronco motioned to pay payroll through Sunday, November 14, 2021. Councilor Kelley seconded the motion. Motion passed 4-0.
- B. Invoices through Monday, November 15, 2021. Councilor Higgins motioned to pay the invoices through Monday, November 15, 2021. Councilor Kelley seconded the motion. Motion passed 4-0.

**Guest Speakers & Committee Reports-** None

**Input from Citizens on Unscheduled Items-** No Input.

**Town Manager Presentation-** No presentation scheduled.

**Schedule of Meetings**

- A. November 30<sup>th</sup>, 2021 & December 14<sup>th</sup>, 2021\*

**Accept Minutes**

- A. Town Council Meeting Minutes of October 19<sup>th</sup>, 2021- Councilor Ronco motioned to accept the minutes as presented. Councilor Kelley seconded the motion. Motion passed 4-0.

**Scheduled Items:**

**A.) Old Business**

- 1. Items Ready for Consideration-N/A
- 2. Items Pending Further Action-N/A

**B.) New Business**

- 1. Rob Clark Cul-De-Sac Easement Request- Manager Crooker provided a brief summary of the issue for the Town Council. He indicated that he had met with members of the road association as well as Mr. Truit. Manager Crooker indicated that as a result of that discussion that the Town Council should have received a copy of a letter from Chester Truit requesting the town consider accepting an easement for the area where the existing cul-de-sac is located as well as a follow up response from the Town's attorney in regards to his interpretation of where things stand at the

moment when considering such a request. Councilor Ronco asked if Mr. Truit was present at the meeting. Addie Peet indicated that he was not but many of the residents in the audience were present at the meeting as representatives of the road association. Addie Peet addressed the Town Council. Mrs. Peet indicated that she is a resident of Rob Clark Lane and represents the road association. She indicated that they were at the meeting to discuss the Town's use of the cul-de-sac and lack of maintenance of the cul-de-sac. Mrs. Peet indicated that the facts present themselves that the cul-de-sac is a private way but since the subdivision was developed it has been used by the town as a public way. She noted that Mr. Truit has offered to convey this property to the town in the past but he was told it was not up to subdivision standards. They feel since it is not part of the subdivision or part of any subdivision that the property would not need to meet the Winterport Ordinance for road construction. Mrs. Peet indicated that she would like to have the board (council) look into the legality of accepting the current cul-de-sac as is because there is no approved cul-de-sac associated with Rob Clark Street and they believe that Rob Clark not having a cul-de-sac violates the town's own subdivision ordinance and could possibly be a fire and safety risk to those on the street. Mrs. Peet indicated that if the town was not willing to take it over then Mr. Truit is willing to give the Town of Winterport a deeded easement with the stipulation continuing to plow as well as maintaining it comparable to other town roads. Chairperson Cooper asked Manager Crooker to report on what the attorney had to say. Manager Crooker indicated based upon the review of the information that the town had sent the attorney so far, the attorney mentions or indicates that he partially agrees with some of what Mr. Truit reported in the letter but he notes that his failure to get the planning board to review and approve the cul-de-sac as part of the original subdivision as well as the development of what might be a development that did not go through subdivision review and approval by the planning board are contributing factors (The manager noted this would have to be looked into further to determine the exact status). It was reported that the attorney indicated that if it was found that the development beyond the cul-de-sac was in violation of subdivision laws that he would not recommend to the Town Council that they act in a way to indirectly ratify that illegality. The attorney recommended that the Town Council go back to the original plan, which was to refer the deed to the cul-de-sac back to the planning board for review. He noted that he was not looking at who has fee interest in the property at this time. The manager summarized the attorney's opinion by indicating that the attorney feels the burden to maintain the cul-de-sac lies with the land owner and homeowners beyond the cul-de-sac. It was noted that the use by the town and other entities such as Sheriff's Department and RSU 22 is incidental to the primary use. Councilors asked members in attendance various questions to obtain a better understanding of the issues at hand. It was noted by a resident that the cul-de-sac was never part of the subdivision and that the plan for the original subdivision only indicated a temporary cul-de-sac to be removed when the extension of the road was built, which did occur. Residents of the area explained and described the damage that has reportedly been done to the cul-de-sac by the plows over the years. The damage reported included the creation of a significant berm of sand and gravel. Members of the audience and association indicated that there were still some basic questions that they have asked that they do not feel they have been provided with a sufficient answer to. Manager Crooker noted that he has asked these questions before but the answers that have been received may not have answered in a way that it has provided the direct answer that you are looking for in this case. It was suggested and requested that the Town's attorney be invited to the next available Town Council meeting to answer questions and clarify his answers for the Town Council. The manager indicated that he could not speak for the availability of Town's attorney but that he would ask him if he is willing and able to attend an upcoming meeting of the Town Council. [Please refer to the tape of the meeting for the complete discussion.]

2. Account #645 Property Disposition Process- The manager reported to the Town Council that the 45-day council-imposed deadline for the former owner had passed and that the town's employee had posted no trespassing signs around the property in addition to other flagging. The manager indicated that he was now seeking clarification for what the Town Council wanted to do with the property now. The general consensus was that the Town Council wanted to put the property out to bid with a minimum bid of what was at least owed for back taxes and to include a requirement

in the bid package that the buyers would be entirely responsible for cleaning up the property as well. This was the preferred option compared to the town trying to come up with the resources to clean up the property first and then putting it out to bid. There was also discussion about holding a set date and time for a pre-bid meeting to allow interested individuals to walk the property but under supervised conditions since it was not advisable to let individuals just freely enter the property unsupervised. Councilors asked Manager Crooker to develop a bid packet for the property and to bring it back to the next meeting for the Town Council review.

3. Conservation Committee Bylaw Changes & Conservation Commission- Manager Crooker noted for the Town Council that they had been provided with a copy of an email from the Chairperson of the Conservation Committee that included proposed changes in the committee's bylaws, primarily to change the Conservation Committee from a Committee to a Conservation Commission, which fits more in line with state statutes and will allow the committee to apply for additional funding in the future. Councilor Ronco motioned to approve the proposed changes as presented. Councilor Kelley seconded the motion. The Town Manager asked for Town Council approval that if they did approve the motion that he be instructed and allowed to look into the approval process more to determine that the Town Council has the authority and has met its obligations in regards to approving of such a change. The Council indicated that it was advisable to have the manager look into the answer to that question. Council voted 4-0 in favor of the motion.

4. Special Town Meeting Warrant- Councilor Kelley motioned to approve the warrant for the Special Town Meeting scheduled for November 30, 2021 as presented. Councilor Ronco seconded the motion. Motion passed 4-0.

3. Tax Reimbursement Account #1275- Manager Crooker indicated that the Town Council should have received a letter requesting a refund of the first half of the taxes that were paid by the seller and by the seller's agent as well but that ended up being applied to the first and second installment payments for the taxes for 2022 for this account. Councilor Kelley motioned to reimburse the seller for the overpayment on account #1275. Councilor Ronco seconded the motion. Motion passed 4-0.

4. Quitclaim Deed Account #1115- Manager Crooker reported to the Town Council that the owner is in the process of trying to sell the property and that the owner used to have a purchase and sale agreement with the town several years ago. As part of that the town was supposed to release the liens and issue a quit claim deed for the property to the former owner. This reportedly did not occur in the past. Councilor Ronco motioned to accept the quitclaim deed for account number 1115. Councilor Kelley seconded the motion. Motion passed 4-0.

5. Notice of Uncollectable Taxes Accounts #2337 & 2291- Manager Crooker indicated that he wanted to address these two accounts separately. The first account #2337 was one of the tax acquired properties listed in the town's records. The manager noticed that taxes for 2022 were not assessed on the property. The manager indicated that he checked with the Assessors' Agent who indicated that the mobile home had been torn down and removed therefore there was nothing to assess. Manager Crooker asked the Town Council to approve the Notice of Uncollectable Taxes for this account since there is nothing the town can use at this point to get the taxes paid. Councilor Ronco motioned to approve the Notice of Uncollectable Taxes on account #2337 as presented. Councilor Kelley seconded the motion. Motion passed 4-0. Manager Crooker asked the Town Council to table the Notice of Uncollectable Taxes on account #2291 since he needed additional time to confirm with the assessor that the mobile home on this property was in fact destroyed since a mobile home currently sits on the property. Councilor Ronco motioned to table action on the Notice of Uncollectable Taxes on account number 2291 until the next meeting. Councilor Kelley seconded the motion. Motion passed 4-0.

**Legal:** None

**Appointments/Resignations:**

- A. Resignations- No Resignations
- B. Appointments- No Appointments

**Correspondence/Significant Items**

Outgoing- No outgoing

Incoming-

- 1. Winterport Dragway Association
- 2. PERC
- 3. Winterport Fire & Rescue Association

**Minutes/Agendas:**

- 1. Waldo County Commissioners Court Session Agenda November 18, 2021

**Communications:**

- A. Town Manager's Report- Manager Crooker mentioned that his report also included a review by the Town's Attorney of the Performance Bond and other materials presented to the town as outlined in the Winter Maintenance Contract. Manager Crooker also informed the Town council that a quote for a new recycling container was being provided to the Town by DM&J.
- B. Response to Council Questions- No response needed.
- C. Council Comments- Councilor Ronco mentioned the cul-de-sac issue again and clarification or action on elements of the discussion that took place earlier. Councilor Kelley provided Councilors with an update on the activities of the Broad Band Committee and asked Councilors to get the word out to people.

**Signatures:**

**Executive Sessions:**

**Adjourn:** Councilor Ronco made a motion to adjourn. Councilor Kelley seconded the motion. Motion passed 4-0. Meeting adjourned 8:44 a.m.

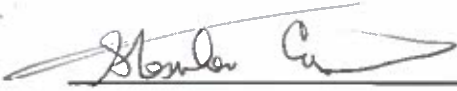
**NOTE:**

**Meetings:**

Dates & Time of other meetings between November 17<sup>th</sup>, 2021 – November 29<sup>th</sup>, 2021  
Wednesday, November 17<sup>th</sup>, 2021 Cemetery Board  
Thursday, November 18<sup>th</sup>, 2021 Planning Board 7 PM Town Office

**Training & Days Off:**

Minutes prepared and respectfully submitted by Michael Crooker.



**Stephen Cooper**



**Maggie English-Flanagan**



**Tammy Higgins**



**Kevin Kelley**



**Ann Ronco**

