

TOWN OF WINSLOW, MAINE
REGULAR COUNCIL MEETING
& PUBLIC HEARING
Minutes of Meeting
May 11, 2009

Chairman Russell opened the Public Hearing at 7:33 and asked for comments on the following:

1. Ordinance No. 1-2009: Providing for the Amendment of Ordinance No. 4-2002 “The Administration of General Assistance”.
2. Ordinance No. 2-2009: Providing for an Amendment to the Winslow Zoning Ordinance Sec. 14, Article 7 Shoreland Areas, by adding the underlined (underlined) and deleting the strikethrough language in the attached provision of the Zoning Ordinance.
3. Ordinance No. 3-2009: Providing for an Amendment to Winslow Zoning Ordinance Chapter 14, by adding Article 6.12-65A: Personal Wireless Services Facilities (PWSF) to the Zoning Ordinance.
4. Order No. 4-2009: Providing for an increase in the Sewer Flow Rate Charge for the Public Sewer Users and the Establishment of a Surcharge for Prohibited Discharge into the Public Sewer System.
5. Order No. 5-2009: Providing for Approval of the Town of Winslow 2009-2010 Fiscal Budget Series in the amount of \$22,080,116.00 and to establish a Tax Due Date and Interest Rate on taxes remaining unpaid.

There were several comments on Order 4-2009. Peter Deane, KSTD Trustee, explained how the billing is done at KSTD. Mr. Heavener stated that the increased bill of \$129,000.00 forced the need for a surcharge. Elery Keene suggested that the town share in the cost of residents having to remove their drains from the sewer system. Patricia Smith, Mar Val Terrace noted that the cost will be difficult for people on fixed incomes. Scott Cayouette, Baker Street, asked about keeping the floor drains. John Giroux, Public Works, talked about sewer rates in communities the same size as Winslow. Winslow has the lowest rates and with the increase we will still be in the bottom two. He told the Council that the hope is the surcharge will motivate removal of drains from the sewer system. That would be best for the town. He asked the council to extend the implementation date to one year and remove foundation drains and basement drains from the prohibited discharge list.

With no further comments Chairman Russell closed the Public Hearing and called the regular council meeting to order at 7:55 p.m.

REGULAR MEETING

1. Roll call attendance was taken with six (6) members present:

James Byrne, Brad Grant, Roland Michaud, Catherine Nadeau, Steven Russell and Gerald Saint Amand. Paul Manson left the public hearing at 7:37 because of an emergency.

Michael Heavener, Town Manager was present along with Bill Lee, Town Attorney, Gary Smith, Assistant Superintendent and several Department heads.

2. Approval of Minutes of Previous Meetings:

Motion by Mr. Saint Amand and seconded by Mr. Grant that the minutes of the meeting held on April 13 be approved. Motion carried. Unanimous.

3. Communications

- a. Legislative Update

Mr. Fletcher spoke about the state budget and the planned MDOT projects in our area. During the next two years they will construct crosswalks near the Junior High and the Elementary School and replace the Mile Brook Bridge.

- b. Other

1. Copy of Minutes from Kennebec Water District meeting held April 2.
2. Copy of Minutes from Winslow School Committee meeting held April 6.
3. Copy of Winslow School Committee Agenda for May 4.
4. Copy of letter from the residents of Taylor Road thanking our Police and Fire personnel for participating in their neighborhood watch program.
5. Copy of letter from Jane Edwards concerning chromium on the banks of the Sebasticook River.

4. Reports of Committees and Commissions

- a. Town Manager's Report

BUDGET ADJUSTMENTS & ISSUES

Since the first reading of the proposed budget for FY 2010, the School Department has reported a projected increase in school revenues of \$147,597. As a result of this increase I have made the following adjustments in the proposed budget that will be reflected in the second reading of the budget:

- 1) Use of fund balance reduced to \$368,000.
- 2) Estimated taxable valuation reduced to \$559,730,069, which represents an increase of only 2% over the current fiscal year.

3) Net appropriations reduced by \$82,653 to \$8,675,688.

Our projected MIL Rate remains at \$15.50.

As you know the Governor's Office is projecting an additional \$570 million revenue shortfall in the State's budget over the next three years. As a result the Governor is proposing additional cuts in the following two programs that if approved will have a negative impact on our revenues at the municipal level in the coming fiscal year:

1) An additional 5% cut to municipal revenue sharing, which would bring the total reduction to 15%. The additional 5% reduction would result in an additional revenue shortfall for us of \$49,000.

2) An additional 5% cut to Tree Growth reimbursement, which would bring the total reduction to 15%.

The additional 5% reduction would result in an additional revenue shortfall for us of \$950.

We should keep these proposed cuts in mind as we conduct the second reading of the budget.

FORMER TOWN GARAGE

The School Department has expressed an interest in using our former town garage as a school bus garage for our newly formed AOS. I have asked them to prepare a proposal for Town Council consideration, which will likely occur at the June Council meeting.

BIZIER LAND ACQUISITION REQUEST

At the April Town Council meeting Shannon Bizier offered to give the town a right-of-way over her property in exchange for the town conveying to her 0.05 acres of Town Forest Land so that a structure on her property meets setback requirements. The goal was to have this exchange prepared for the upcoming council meeting, however Ms. Bizier has asked that the exchange be pushed back until next month's meeting, which I have done.

LETTER OF CREDIT EXPIRING

In 2007 the Town Council accepted a Irrevocable Standby Letter of Credit from Rock Ridge Estates, Inc. in the amount of \$50,000 that insured South Ridge Drive Extension would ultimately be paved and accepted as a town street. The letter of credit allowed the CEO to issue building permits on South Ridge Dr. Ext.

TD Banknorth has notified the town that the letter of credit will be expiring on June 1, 2009 and that it will **NOT** be renewed. I have contacted the Developer, John Jabar, and he has assured me that arrangements were being made to complete the street this year.

It is my understanding that the town has not drawn on a letter of credit in the past unless the street has already been accepted by the town, which is not the case here.

RESOLUTION #16-2009

In your council packet is Resolution #16-2009, which will authorize me to sign a Settlement Agreement with Maine Hydro (FPLE).

The agreement involves the town paying half (1/2) of the sewer line relocation costs. Relocation of our sewer line was necessary following the removal of the dam. Our share of the costs equals \$114,997.44.

In exchange, FPLE agrees to the following:

1) They will convey to the town all of the Fort Halifax Winslow Lands (*excluding the land the Power House sits on*), which includes the newly emerged land owned by FPLE.

2) They will pay Sebago Technics \$46,376.65 for services provided from August 30, 2008 through October 31, 2008.

3) They will pay \$5,000 to the Kennebec County EMA for the Town's use of the command trailer.

It is important to point out that approximately 83 parcels of land abut the land that has emerged since the lowering of the Sebasticook River. Of the 83 parcels, approximately 73 parcels abut the newly emerged land that will be conveyed to the town if the agreement is accepted. In addition, the value of the land that could be conveyed to the town most likely exceeds our share of the sewer line costs.

RESOLUTION #19-2009

In your packet is Resolution #19-2009, which will authorize me to submit a Hazard Mitigation Grant to the Federal Emergency Management Agency totaling \$678,825, which requires a 25% local match of \$169,706. The purpose of the grant is to provide us with enough funding to acquire the six (6) homes at the top of the Dallaire Street Riverbank Slope and then to demolish those homes.

In addition, we will restore the location to “Green Space” and will not allow future development there. This will eliminate the potential for loss of life and property if the slope should fail. Also, by removing the homes we will reduce the weight on the top of the slope, which should lessen the likelihood of the slope failing.

Our share of the 25% match is broken down as follows:

In-kind = \$39,198.00

Cash = \$130, 508.00

OFFER FOR INDUSTRIAL PARK LOT

Wunderlich Properties, LLC currently owns Lot #2 in our Industrial Park and they would like to acquire lot #4, which abuts their existing lot. They are offering the town \$48,000 for the lot. We will discuss this offer further at your meeting on Monday.

A discussion ensued regarding John Jabars letter of credit for South Ridge Ext. expiring in June. A motion by Mr. Michaud and seconded by Mr. Saint Amand to waive closure to consider a resolution to draw upon a letter of credit.

Motion carried. Unanimous.

Motion by Mr. Michaud and seconded by Mr. Byrne to authorize the Town Manager to draw upon the Letter of Credit (LOC) for South Ridge Extension for the amount necessary to finish the road to the standards specified by the Planning Board.

Motion carried. Unanimous.

b. Department Reports

Reports were received from Public Works, Fire Department, Police Department, Library, Code Enforcement, Assessor and Parks & Recreation.

c. Treasurer’s warrant approved and signed by the Finance Committee during the Month of April.

No. 20.....	\$ 1,470,345.42
No. 21.....	\$ 186,104.14
No. 22.....	<u>\$ 1,418,397.28</u>

Total \$ 3,074,846.84

d. Financial Report

Motion by Mr. Saint Amand and seconded by Mr. Grant to approve all reports.
Motion carried. Unanimous.

UNFINISHED BUSINESS:

Motion by Mr. Saint Amand and seconded by Mr. Byrne to move Order No. 5-2009 to #9 under New Business on the agenda. Motion carried. Unanimous.

1. Ordinance No. 1-2009: Providing for the Amendment of Ordinance No. 4-2002, “The Administration of General Assistance.” (Second Reading)
Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to adopt Ordinance No. 1-2009. A roll call vote was taken.

James Byrne—Yes	Gerald Saint Amand—Yes
Roland Michaud—Yes	Catherine Nadeau—Yes
Brad Grant—Yes	Steven Russell—Yes

Motion passed, 6– 0.

2. Ordinance No. 2-2009: Providing for an Amendment to the Winslow Zoning Ordinance Sec. 14, Article 7 Shoreland Areas, by adding the underlined (underlined) and deleting the strikethrough language in the attached provision of the Zoning Ordinance. (Second Reading)
Sponsored by Steven Russell.

Motion by Mr. Grant and seconded by Mr. Byrne to adopt Ordinance No. 2-2009. A roll call vote was taken.

Gerald Saint Amand—Yes	James Byrne—Yes
Catherine Nadeau—Yes	Roland Michaud—Yes
Brad Grant—Yes	Steven Russell—Yes

Motion passed, 6 – 0.

3. Ordinance No. 3-2009: Providing for an Amendment to Winslow Zoning Ordinance Chapter 12, by adding Article 6.14-65A: Personal Wireless Services Facilities (PWSF) to the Zoning Ordinance. (Second Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Michaud to adopt Ordinance No. 3-2009. A roll call vote was taken.

Roland Michaud—Yes	James Byrne—Yes
Brad Grant—Yes	Gerald Saint Amand—Yes
Catherine Nadeau—Yes	Steven Russell—Yes

Motion passed, 6 – 0.

4. Order No. 4-2009: Providing for an increase in the Sewer Flow Rate Charge for the Public Sewer Users and the Establishment of a Surcharge for Prohibited Discharge into the Public Sewer System. (Second Reading) Sponsored by Steven Russell

Motion by Mr. Saint Amand and seconded by Mr. Byrne to remove foundation drains and basement drains as prohibited discharges and extend the implementation date from 180 days to 365 days. Motion carried. 5 – 1.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to adopt Order No. 4-2009 as amended. A roll call vote was taken.

James Byrne—Yes	Gerald Saint Amand—Yes
Catherine Nadeau—Yes	Brad Grant—No
Roland Michaud—Yes	Steven Russell—Yes

Motion passed, 5 – 1.

NEW BUSINESS:

1. Order No. 6-2009: Providing for the Acceptance of grant funding in the amount of \$17,951.00 from the U.S Department of Justice, Office of the Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant. (First Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Michaud to accept the First Reading of Order 6-2009. A roll call vote was taken.

Brad Grant—Yes	Roland Michaud—Yes
Gerald Saint Amand—Yes	Catherine Nadeau—Yes
James Byrne—Yes	Steven Russell—Yes

Motion passed. 6 - 0

Motion by Mr. Saint Amand and seconded by Mr. Grant to suspend the second reading and adopt Order No. 6-2009. Motion carried. Unanimous.

2. Order No. 7-2009: Providing for the Use of Confiscated Funds acquired by the Winslow Police Department. (First Reading) Sponsored by Steven Russell.

Motion by Mr. Michaud and seconded by Mr. Saint Amand to accept the First Reading of Order No. 7 – 2009. A roll call vote was taken.

James Byrne—Yes	Gerald Saint Amand—Yes
Roland Michaud—Yes	Catherine Nadeau—Yes
Steven Russell—Yes	

Motion passed, 5 – 0. Brad Grant abstained.

3. Order No. 8-2009: Providing for the conveyance of Town owned Property. (First Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to accept the First Reading of Order No. 8-2009. A roll call vote was taken.

Catherine Nadeau—Yes	Roland Michaud—Yes
Brad Grant—Yes	Gerald Saint Amand—Yes
James Byrne—Yes	Steven Russell—Yes

Motion passed, 6 – 0.

4. Resolution No. 15-2009: Providing for Authorization for the Town Manager to submit a Guaranteed Annual Tonnage (GAT) Trading Request Application to lower the Town’s GAT from 3,800 to 3,400. (One Reading) Sponsored by Steven Russell.

Motion by Mr. Byrne and seconded by Mr. Saint Amand to adopt Resolution No. 15-2009. Motion carried. Unanimous

5. Resolution No. 16-2009: Providing for Authorization for the Town Manager to sign a Settlement Agreement by and between FPL ENERGY MAINE HYDRO LLC and the TOWN OF WINSLOW. (One Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to adopt Resolution No. 16-2009. Motion carried. 5 - 1.

6. Resolution No. 17-2009: Providing for Authorization for the Town Manager to sign a Memorandum of Understanding (MOU) between the Town of Winslow and ALCOM Inc. (One Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to adopt Resolution No. 17-2009. \ Motion carried. Unanimous.

7. Resolution No. 18-2009: Providing for the Acceptance of Community Development Block Grant Funds Totaling \$200,000 for ALCOM INC. (One Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to adopt Resolution No. 18-2009. Motion carried. Unanimous.

8. Resolution No. 19-2009: Providing for Authorization for the Town Manager to submit a Hazard Mitigation Grant to the Federal Emergency Management Agency totaling \$678,825, which requires a 25% local match of \$169,706. (One Reading) Sponsored By Steven Russell.

Motion by Mr. Michaud and seconded by Mr. Byrne to adopt Resolution No. 19-2009. Motion carried. 5 - 1.

9. Order No. 5-2009: Providing for Approval of the Town of Winslow 2009-2010 Fiscal Budget Series in the amount of \$22,080,116.00 and to establish a Due Date and Interest Rate on Taxes remaining unpaid. (Second Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Grant to increase the Sewer Surplus budget line by \$114,997.44. Motion carried. Unanimous.

Motion by Mr. Grant and seconded by Mr. Byrne to increase the Emergency Management Operations budget line item by \$130,508.00. Motion carried. Unanimous.

Motion by Mr. Byrne and seconded by Mr. Saint Amand to increase the Fund Balance by \$130,508.00 Motion carried. Unanimous.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to adopt Order No. 5-2009 as amended in the amount of \$22,265,621.00. A roll call vote was taken.

Catherine Nadeau—Yes	James Byrne—Yes
Brad Grant—Yes	Gerald Saint Amand—Yes
Roland Michaud—Yes	Steven Russell—Yes

Motion passed, 6 – 0.

DISCUSSION:

The council asked Mr. Heavener to put the Wunderlich Properties offer for a lot in the Industrial Park on next month's agenda in the appropriate form. They also asked Mr. Heavener to work with Unity College and Jane Edwards on chromium testing on the Sebec Riverbanks this summer.

ADJOURNMENT:

Motion by Mr. Saint Amand and seconded by Mr. Byrne to adjourn the meeting.
Motion carried. Unanimous.

The meeting adjourned at 10:25 p.m.

ATTEST: _____
Town Clerk of Winslow Maine