

TOWN OF WINSLOW, MAINE
REGULAR COUNCIL MEETING
& PUBLIC HEARING
Minutes of Meeting
July 13, 2009

PUBLIC HEARING

1. Ordinance No. 4-2009: Providing for an amendment to the Winslow Zoning Map, to re-zone a portion of the High Density Residential District on the Cushman Road to Restricted Commercial. With no comment from the public, Chairman Russell closed the Public hearing and opened the regular meeting at 7:31 p.m.

REGULAR MEETING

1. Roll call attendance was taken with seven (7) members present:

James Byrne, Brad Grant, Paul Manson, Roland Michaud, Catherine Nadeau, Steve Russell and Gerald Saint Amand.

Michael Heavener, Town Manager was present along with attorney Bill Lee and several residents.

2. Approval of Minutes of Previous Meetings:

Motion by Mr. Saint Amand and seconded by Mr. Byrne that the minutes of the meeting held on June 8 be approved. Motion carried. Unanimous.

3. Communications

- a. Legislative Update

No Comment

- b. Other

1. Copy of Minutes from Kennebec Water District meetings held May 2, June 4 & June 18.
2. Copy of Minutes from Kennebec Sanitary Treatment District meetings held May 19.
3. Copy of Minutes from Winslow School Committee meeting held May 4, 2009.
4. Copy of Winslow School Committee Agenda for June 15.
5. Copy of Election report from the June 9, 2009 AOS and Winslow School Budget referendum.
6. Copy of Municipal Review Committee, Inc.
7. Copy of note from Mr. Michaud regarding Tax Payment Due Dates.

8. Copy of memo from Kennebec Regional Development Authority (First Park) regarding apportionment of 2008-2009 Real Estate Taxes.
9. Copy of Maine Municipal Association Annual Election Ballot.

4. Reports of Committees and Commissions

a. Assessor's Supplemental Tax Bill

2008/2009	Murphy, Regina Durr, Michael 11 Birch Meadows Oakland ME 04963 Tree Growth Penalty Map 2 Lot 34	\$15,153.40
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Motion by Mr. Saint Amand and seconded by Mr. Byrne to approve the Assessor's Supplemental Tax Bill totaling \$15,153.40. Motion carried. Unanimous.

b. Town Manager's Report

END OF FISCAL YEAR BUDGET UP-DATE

On June 30, 2009 we ended our 2009 Fiscal Year and preliminary reports indicate we ended the year with a surplus. Our overall expenditures were under budget by about \$200,000 and our revenues exceeded our projections by about \$100,000. The only department that exceeded budgeted expenditures was the Sewer Department, which was the direct result of the substantial increase in our KSTD fee.

Our annual audit will be taking place during the weeks of August 17th and 24th. At the conclusion of the audit we will have firm budget numbers.

TOWN OFFICE ROOF UPDATE

A.E. Hodsdon has prepared bid documents for addressing issues with the municipal building's roof (see my June 2009 report) at an approximate cost of \$26,500.00. Bids are expected to be opened on Thursday, July 30th. I will have an update on the process for the August Town Council meeting.

UNITY COLLEGE PARTNERSHIP

Professor Lois Ongley of Unity College will be teaching a class on Chromium this Fall at Unity College. Professor Ongley will be teaching the class in collaboration with the Town and her students will be conducting Chromium testing along the Sebasticook under her direction. Jane Edwards and I are scheduled to speak with her students on Thursday, September 3rd to provide our perspective on the Chromium issue.

Professor Ongley is planning to have a final report to present to the Town Council on Monday, December 14, 2009.

MILE BROOK BRIDGE UPDATE

On June 24th at 6:00 PM, Nate Benoint of the Maine DOT conducted a public meeting regarding the planned replacement of the Mile Brook Bridge on the Garland Road.

MDOT has been planning for some time now (since 2003) to make repairs to the bridge,

however, since the removal of the dam they have had a growing concern for erosion that could be occurring on the bridge pillars. Therefore, MDOT is planning to replace the bridge and hope to have the project complete by the Fall of 2011. Construction is expected to begin in the Summer of 2010 and traffic will be rerouted to the N. Reynolds Road.

The Mile Brook Bridge was built in 1947 and handles about 2,500 vehicles a day. The bridge will be rebuilt to handle about 3,500 vehicles a day at a cost of about 6.5 million. Eighty percent (80%) of the cost will be paid for with Federal funds.

FIRST PARK REVENUES

We have received a personal property tax payment of \$21,018.76 from First Park. We did not anticipate this revenue, which has come at a time of shrinking State revenues. Additional First Park information is included in your council packet.

LOHMANN ANIMAL HEALTH INTERNATIONAL

In my report last month I indicated Lohmann Animal Health International (LAHI) was planning to request a TIF from the town. I have since received their request and the TIF Advisory Committee has met once to discuss LAHI's proposal.

I anticipate having a TIF Advisory Committee recommendation for the Council meeting in August.

PROPOSED CHARTER AMENDMENTS

In your packet is a copy of the Town Charter with proposed minor amendments. The Charter Review Committee (*Councilor Roland Michaud, Councilor Gerald Saint Amand and myself*) has reviewed the charter and is proposing the changes.

We will discuss the proposed changes at the Council meeting on the 13th.

COUNCIL AGENDA DISCUSSION ITEMS

- Dan Bernier has expressed his intention of appealing a decision made by Code Enforcement Officer Frank Stankevitz. The new plumbing code we recently adopted requires that the first step in the appeal process be made to the municipal officers. Subsequent steps in the appeal process are conducted at the State level. We need to decide when the appeal will be heard by the Town Council in August. The hearing itself will likely be conducted much like a Zoning Board of Appeals hearing. Mr. Bernier's attorney, Alton Stevens, is planning to call the following witnesses: Amy Lemelin, Colin Clark, Russell Martin and Dan Bernier.
- There has been a great deal of discussion recently about adult entertainment ordinances. I would like to know if the Town Council is interested in having the Planning Board develop such an ordinance for Winslow.
- I am hopeful that by the July 13th Council meeting, FPLE land along the Sebasticook River will have been conveyed to the Town. If so, I will be looking for direction from the Town Council on what your intention for the land is. For example, will a committee be formed to decide how the land will be used? Or, will the land be conveyed to abutting property owners so they will be waterfront property owners once again?

The council discussed the former FPLE land that has been deeded to the Town. Several Residents expressed their concerns and opinions. The council instructed Mr. Heavener to move forward with the surveying of the property.

c. Department Reports

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

d. Treasurer’s warrant approved and signed by the Finance Committee during the Month of June.

No. 25.....	\$ 438,510.41
No. 26.....	\$ 744,974.87
No. 27.....	<u>\$ 14,716.88</u>
Total	\$1,198,202.16

e. Financial Report

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

UNFINISHED BUSINESS:

1. Ordinance No. 4-2009: Providing for an amendment to the Winslow Zoning Map, to re-zone a portion of the High Density Residential District on the Cushman Road to Restricted Commercial. (Second Reading) Sponsored by Steven Russell.

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

Roland Michaud—Yes	Paul Manson—Yes
Brad Grant—Yes	Catherine Nadeau—Yes
James Byrne—Yes	Gerald Saint Amand—Yes
Steve Russell—Yes	

Motion passed, 7 - 0.

2. Order No. 9-2009: Providing for The Sale of Two Small portions of Land Located off Joe Avenue. (Second Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Grant to adopt Order No. 9-2009. A roll call vote was taken.

Catherine Nadeau—Yes	Gerald Saint Amand—Yes
Roland Michaud—Yes	Paul Manson—Yes
Brad Grant—Yes	James Byrne—Yes
Steve Russell—Yes	

Motion passed. 7 – 0

3. Order No. 10-2009: Providing for the sale of a Lot in the Winslow Industrial Park on the Augusta Road. (Second Reading) Sponsored by Steven Russell.

Motion by Mr. Byrne and seconded by Mr. Manson to adopt Order No. 10-2009. A roll call vote was taken.

Brad Grant—Yes	Roland Michaud—Yes
Paul Manson—Yes	Gerald Saint Amand—Yes
James Byrne—Yes	Catherine Nadeau—Yes
Steve Russell—Yes	

Motion passed, 7 – 0.

NEW BUSINESS:

1. Order No. 11-2009: Providing for the expenditure of funds from the Capital Improvement Fund. (First Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to accept the first reading of Order No. 11-2009. A roll call vote was taken.

Roland Michaud—Yes	Paul Manson—Yes
Brad Grant—Yes	James Byrne—Yes
Catherine Nadeau—Yes	Gerald Saint Amand—Yes
Steve Russell—Yes	

Motion passed, 7 – 0.

2. Resolution No. 23-2009: Providing for Application for a Restaurant (Class I, II, III, IV) Liquor License (beer and wine only) by Noudee Noke Syboun, (Noudees Asian Café Inc) d/b/a Asian Café, 53 Bay Street. (One Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Grant to adopt Resolution No. 23-2009. Motion carried. Unanimous.

DISCUSSION:

- The Council scheduled the Dan Bernier appeal for August 10. The Council meeting will start at 7:00 p.m. and the hearing will begin immediately following the Council Meeting.
- The Council instructed the Planning board to work with Attorney Bill Lee on writing an Adult Entertainment Ordinance.

- The Council would like the Charter review committee to work with Mr. Heavener and Attorney Lee to finish the revisions and bring a formal proposal to the August Meeting.

ADJOURNMENT:

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

Motion carried. Unanimous.

The meeting adjourned at 9:12 p.m.

ATTEST: _____
Town Clerk of Winslow Maine