

TOWN OF WINSLOW, MAINE  
REGULAR COUNCIL MEETING  
& PUBLIC HEARING  
Minutes of Meeting  
May 3, 2010

PUBLIC HEARING

1. Order No. 6-2010: Providing for Approval of the Town of Winslow 2010-2011 Fiscal Budget Series in the Amount of \$20,643,725.00 and to Establish a Tax Due Date and Interest Rate on Taxes Remaining Unpaid.

Bernard McCaslin urged the council to reconsider the amendment to add \$2,000.00 to the Budget for the July 4<sup>th</sup> Committee. Claudette Cliché and Paul Dunbar agreed with him. With no further comments Chairman Russell closed the public hearing and opened the Regular meeting at 7:05 p.m.

REGULAR MEETING

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

James Byrne, Raymond Caron, Paul Manson, Roland Michaud, Steven Russell and Gerald Saint Amand. Catherine Nadeau arrived at 7:54 p.m.

Michael Heavener, Town Manager was present along with attorney Bill Lee and all the Department heads.

2. Approval of Minutes of Previous Meetings:

Motion by Mr. Saint Amand and seconded by Mr. Caron that the minutes of the meeting held on April 12 be approved. Motion carried. Unanimous.

3. Communications

- a. Legislative Update

No Report.

- b. Other

1. Copy of Minutes from Kennebec Water District meeting held March 18.
2. Copy of Nominations to MMA'S Legislative Policy Committee to be submitted.
3. Copy of Minutes from Winslow Planning Board meeting held March 3 & March 17 & April 7.
4. Copy of "The Dispatch" from KVCOG.

#### 4. Reports of Committees and Commissions

##### a. Appointments

Motion by Mr. Saint Amand and seconded by Mr. Michaud to reappoint Milton Poulliot to the Planning Board for a 5-year term. Motion carried. Unanimous.

Motion by Mr. Saint Amand and seconded by Mr. Michaud to appoint Andrew Vear to the Planning Board for a 5-year term. Motion carried. Unanimous.

Motion by Mr. Michaud and seconded by Mr. Saint Amand to appoint Georgette Desmond as Warden for the June 8, 2010 Election. Motion carried. Unanimous.

##### b. Town Manager's Report

#### **CEMETERY HILL SLOPE (UP-DATE)**

As you know, on or about Wednesday, March 31st., a substantial portion of the Fort Hill Cemetery slope along the Sebasticook River slid into the river. As a result some of the burial plots in the cemetery may be in jeopardy of sliding down the slope at some point in the future as the slope eventually reaches its natural angle of repose. The plots most in jeopardy are those closest to the fence at the rear of the cemetery in the vicinity of the slide. All of the burial plots in the cemetery have been mapped by George Lessard of the Cemetery Committee.

According to both the Maine DEP permit and the Town's Planning Board permit NextEra Energy (formerly FPPE) is required to remediate the Fort Hill Cemetery landslide if it is at all related to the removal of the Fort Halifax Dam. In consultation with the Town, NextEra Energy hired Geo Engineer Consultant Craig Findlay, PhD., P.E., G.E. to investigate the cause or causes of the Fort Hill Cemetery landslide. On April 15, 2010 Mr. Findlay issued his report but failed to identify the cause (or causes) of the landslide.

The Town hired Consulting Geotechnical Engineer Richard Reynolds and Sebago Technics to conduct a peer review of Mr. Findlay's report. They concluded that Mr. Findlay failed to answer nine (9) fundamental questions that would need to be answered in order to determine the cause (or causes) of the slide (see attached report).

A Maine DEP engineer is also conducting a peer review of Mr. Findlay's report but has not yet issued any findings. The results of our peer review have been provided to the Maine DEP reviewing engineer.

At this point it is difficult to determine the next steps since the results of Maine DEP's peer review will have an influence on our options of how to proceed from here.

I do, however, recommend that the Town Council go into executive session at Monday night's meeting to discuss possible legal strategies in the event Maine DEP's peer review conflicts with the results of our peer review.

#### **BUDGET ORDER #6-2010**

In your packet is Budget Order #6-2010, which has been revised to reflect the changes made during the first reading of the order. I have also added the school budget articles that will be voted on by the public at the June election.

We will be conducting the second and final reading of the budget order at Monday night's meeting.

Also in your packet is Order #8-2010, which reflects the transfer of funds into the Capital account that are outlined in the FY 2011 Budget. You will be conducting the first reading of this order after the adoption of the budget order.

### **INDUSTRIAL BUILDING LEASE AGREEMENT**

In your packet is Order #9-2010, which if approved will authorize me to renew the lease with Johnny's Selected Seeds for a portion of our Industrial Building. As you will see, the biggest change in the lease is the addition of Article 5 that gives Johnny's Selected Seeds second refusal rights on the Industrial Building if the Town decides to sell the building. Orion Ropeworks has first refusal rights.

The current lease expires on June 30, 2010. The new lease, if approved, will be for a term of six (6) years.

### **FORT HALIFAX PARK**

For a number of months now there has been a small committee working on ideas to enhance the Fort Halifax Park. Since the 1980's the Town has had a vision for the park that included a walking trail, gazebos and a boat launch.

In January of this year the Town Council authorized me to apply for Federal Earmark funding for the park that included riprap, a walking trail and a boat launch.

Since that time I have learned more about the history of the Fort Halifax Park site. For example, it was once the location of a seventeenth century fur trading post (1650—1676), which many people are unaware of.

Due to the unique historical character of the Fort Halifax Park site I recommend that a formal committee be formed to create a proposed improvement plan for the park that preserves and promotes all of the unique historical aspects of the park.

I also recommend that a historical architect be required to design any plans for improvement or construction within the park's boundaries to insure that all development is in keeping with the site's uniqueness.

The proposed committee as a minimum should consist of the following membership:

- 1—Friends of Fort Halifax
- 1—Fourth of July Committee
- 1—Parks & Rec Committee
- 1—Municipal Employee
- 1—Town Councilor
- 1—General Public

Once the Committee is formed they can begin working on funding sources to hire an historical architect. Once an architect is hired the committee can then focus on a park improvement plan that should include riprap design, trail design, carry-in boat access design, and a parking lot design.

Once a proposed improvement plan is developed, public input and comment can be sought. Following public input the Town Council can adopt the plan that will become a road map for ongoing site development.

The committee can then work on securing funding to implement the plan. The committee should also insure that all proposed site improvements are approved by the appropriate State or Federal agencies before any work begins.

### **BELLEVUE STREET BANK CLEAN-UP**

As most of you are probably aware there is a small public park on the west side of Bellevue Street. Unfortunately the heavily vegetated slope at the park has become a dumping ground for all sorts of trash.

Sometime next week inmates from the Kennebec County Jail are expected to begin cleaning up the trash on the slope.

Public Works Director John Giroux is making arrangements to have a roll-off container available for the trash pick-up. The much needed clean-up is being done at a minimal cost to the town due to the use of the inmates. Many thanks go out to Sheriff Randall Liberty for his support of the inmate program.

**CMP LAND USE OFFER**

CMP has expressed a willingness to allow the town to use their parcel of land that abuts the Fort Halifax Park along the Kennebec River. I will be asking the Parks & Rec Department to consider this offer and to determine if recreational use of the land should be pursued.

**LPC NOMINATION FORM**

In your packet is a nomination form for the MMA Legislative Policy Committee. If you would like to make a nomination you can do so at Monday night's meeting.

A lengthy discussion ensued about the Fort Hill Cemetery slope. Several Residents conveyed their concerns about the continuing failure of the slope.

Mr. Heavener suggested a committee be formed to protect and preserve our historic Fort Halifax Park. The council asked that the various town boards and committees submit names for this committee and the council will review and appoint members.

c. Department Reports

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

d. Treasurer's warrant approved and signed by the Finance Committee during the Month of April.

No. 20.....	\$ 650,729.62
No. 21.....	<u>\$ 402,262.12</u>
Total	\$ 1,052,991.74

e. Financial Report

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

**TABLED BUSINESS**

Resolution No. 30-2009 shall remain on the table until additional information is obtained.

**UNFINISHED BUSINESS**

1. Order No. 6-2010: Providing for Approval of the Town of Winslow 2010-2011 Fiscal

Budget Series in the Amount of \$20,643,725.00 and to Establish a Tax Due Date and Interest Rate on Taxes Remaining Unpaid. (Second Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Manson to adopt Order No. 6-2010. A roll call vote was taken.

Roland Michaud—Yes	Ray Caron—Yes
James Byrne—Yes	Gerald Saint Amand—Yes
Paul Manson—Yes	Steven Russell—Yes

Motion passed, 6– 0.

2. Order No. 7-2010: Providing for the conveyance of Town owned, Seabasticook Riverfront Property. (Second Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Manson to adopt the Order No. 7-2010. A roll call vote was taken.

Ray Caron—Yes	James Byrne—Yes
Paul Manson—Yes	Gerald Saint Amand—Yes
Roland Michaud—Yes	Steven Russell—Yes

Motion passed, 6– 0.

#### NEW BUSINESS

1. Ordinance No. 1-2010: Providing for an Amendment to Winslow Zoning Ordinance Article 4, Zoning Districts, by adding the underlined language and deleting the strikethrough in the attached Sections of the Zoning Ordinance. (First Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to accept the First Reading of Ordinance No. 1-2010. A roll call vote was taken.

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

Motion passed, 6 – 0. Ray Caron abstained from the vote.

2. Ordinance No. 2-2010: Providing for Regulating Commercial Displays of Nudity, Whereas the Winslow Zoning Ordinance does not address nudity, and the citizens of Winslow feel there is a need for

regulating nudity with the attached addition Section 14-83  
Regulating Commercial Displays of Nudity to the Winslow  
Zoning Ordinance. (First Reading) Sponsored by Steven  
Russell.

Motion by Mr. Saint Amand and seconded by Mr. Byrne to accept the First Reading of  
Ordinance No. 2-2010. Attorney Lee will look for definitions pertaining to this  
Ordinance for the next reading. A roll call vote was taken.

Gerald Saint Amand—Yes     Roland Michaud—Yes  
James Byrne—Yes             Catherine Nadeau—Yes  
Paul Manson—Yes             Ray Caron—Yes  
Steven Russell—Yes

Motion passed, 7 – 0.

3. Order No. 8-2010: 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. 8-2010. A roll call vote was taken.

Catherine Nadeau—Yes     Roland Michaud—Yes  
Paul Manson—Yes             Ray Caron—Yes  
James Byrne—Yes             Gerald Saint Amand—Yes  
Steven Russell—Yes

Motion passed, 7 – 0.

4. Order No. 9-2010: Providing for the authorization for the Town Manager to Sign a Lease  
between the Town, as Landlord and Johnny's Selected Seeds, as  
Tenant. (First Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Michaud to accept the First Reading of  
Order No. 9-2010. A roll call vote was taken.

Paul Manson—Yes             Gerald Saint Amand—Yes  
Catherine Nadeau—Yes     Ray Caron—Yes  
Roland Michaud—Yes         James Byrne—Yes  
Steven Russell—Yes

Motion passed, 7 – 0.

5. Resolution No. 7-2010: Providing for authorization for the Town Manager to expend Thirty-two Thousand (32,000) from the Capital Account for purchase of a Gang Mower. (One Reading) Sponsored by Steven Russell.

Motion by Mr. Saint Amand and seconded by Mr. Manson to adopt Resolution No. 7-2010. Motion carried. Unanimous.

#### DISCUSSION

Motion by Mr. Saint Amand and seconded by Mr. Caron to accept the recommended format provided by the committee for the Manager's evaluation. Motion carried. Unanimous.

#### EXECUTIVE SESSION

Motion by Mr. Saint Amand and seconded by Mr. Caron to enter into Executive Session at 8:45 p.m, pursuant to 1 M.R.S.A. ss 405(6)(E), Consultation with legal Counsel. Motion carried. Unanimous.

Motion by Mr. Saint Amand and seconded by Mr. Michaud to exit Executive Session at 9:25 p.m. Motion carried. Unanimous.

#### ADJOURNMENT

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

The meeting adjourned at 9:26 p.m.

ATTEST: \_\_\_\_\_  
Town Clerk of Winslow Maine