

TOWN OF WINSLOW, MAINE
REGULAR COUNCIL MEETING
& PUBLIC HEARING
Minutes of Meeting
May 12, 2008

Chairman Saint Amand opened the Public Hearing at 7:30 p.m. and asked for public comments on the following:

1. Order No. 6-2008: Providing for approval of the Town of Winslow 2008-2009 Fiscal Budget series in the amount of \$21,454,740.00 and to establish a tax due date and interest rate on taxes remaining due.

No comments.

Chairman Saint Amand closed the Public Hearing and called the regular meeting to order at 7:31 p.m.

REGULAR MEETING

1. Roll call attendance was taken with four (4) members present:

James Byrne, Brad Grant, Paul Manson, and Gerald Saint Amand.
Steve Russell arrived at 7:35 p.m.

Michael Heavener, Town Manager, and Attorney Bill Lee were present along with several people from Save our Sebecook committee, Kelly Karter, Assessor and the members of the Board of Assessment Review.

2. Approval of Minutes of Previous Meetings:

Motion by Mr. Grant and seconded by Mr. Byrne that the minutes of the meeting held on April 14 be approved. Motion carried. Unanimous.

3. Communications

- a. Legislative Update

No Comment

- b. Other

1. Copy of Minutes from Kennebec Water District April 3 and April 17 meetings.
2. Copy of Minutes from School Committee meetings held March 24 and April 7.
3. Copy of School Committee agenda for May 5.

4. Copy of Minutes from Kennebec Sanitary Treatment District March 18 meeting.
5. Councilman Grant volunteered to be on the Maine Municipal Association Legislative Policy Committee.

4. Council Update:

Paul McKenney, Vision Appraisal Supervisor, provided the council with a detailed document explaining the revaluation process along with a time line. He reviewed the entire process and reported that the appraisers have completed 90% of exterior inspections and have conducted interior inspections on 56% of those. They will be sending final value notices on August 1, 2008.

5. Reports of Committees and Commissions

a. Town Manager Report

Last year Pam Smiley and I decided to update our existing municipal code by merging all new and amended ordinances into one binder.

We began by soliciting the assistance of KVCOG who took the initial step of merging the documents and preparing them in a digital format. Over the last few months Pam and Paula Morris have been painstakingly going over all of the documents and correcting formatting and typo errors.

At the Town Council meeting on Monday May 12th, we plan to provide each of the Councilors with a complete and updated Municipal Code Binder. We are asking that each of the Councilors return their out-of-date Municipal Code Binder at the meeting so we can recycle them.

I do want to point out that Pam and Paula did an outstanding job and I applaud their patience in going through the entire document in search of errors.

Our next step is to make the entire document available online through the Town's Website.

Fire Chief's Interviews

The City of Waterville received 17 applications for their Fire Chief's position. I met with City Manager Mike Roy and we selected 6 of the applicants to be interviewed by the interviewing committee. Members of the committee include:

Mike Roy, City Manager, Waterville

Bobbie-Jo Pelletier, Human Resource Officer, Waterville

Joseph Massey, Chief of Police, Waterville

Thomas Longstaff, Councilor, Waterville

Mike Heavener, Town Manager, Winslow

Cathy Nadeau, Councilor, Winslow

Dave Coughlin, Fire Chief, Oakland

Interviews are scheduled for May 14th & 15th.

KVCAP Transportation Proposal

At the Councils' last budget meeting Jim Wood of KVCAP was asked to present a proposal to the town that would enhance our existing transportation service with them. Attached to my report is Mr. Wood's proposal, which represents an increase of only \$265. I believe this is a good start and I have already included the additional amount in your proposed budget.

Zoning Board of Appeals Attorney

At the Zoning Board of Appeals meeting they voted unanimously to have their own attorney during the appeal of the Planning Board's decision. I have selected James Katsiaficas of Portland. See his attached resume for further details.

In your packet is Order #4-2008, which is for the acceptance of a labor agreement with the Public Works and Fire Departments. Included with the order is a summary of contract changes. We will discuss this in more detail at the Council meeting on May 12th.

Emergency Operations Plan

In your packet is Order #5-2008, which involves the adoption of an Emergency Operations Plan for the town. Fire Chief William Page and Police Chief Richard Grindall were instrumental in the development of the plan, which is in compliance with the National Incident Management System.

Pattee Pond Watershed Grant

In your packet is Resolution #8-2008, which would authorize me to submit a Federal grant application requesting \$60,300 in Federal funds to assist us in addressing issues that negatively impact the Pattee Pond Watershed. The Town's obligation is to administer the grant and our financial contribution \$5,700, which will mostly be in the format of in-kind match.

Brad Whitaker of the Pattee Pond Association and John Blais of the Kennebec County Soil & Water District will be at the Council meeting on the 12th to provide further details.

Fort Halifax Dam & Eminent Domain

For the past several months I have explored the Town's option of taking the Fort Halifax Dam by eminent domain in an effort to prevent the removal of the dam by FPL Energy. The following summarizes my findings. It is important to note that I have not weighed the pros and cons of taking the dam by eminent domain but have merely looked at the Town's liability in doing so.

If the Town acquired the dam by eminent domain we would have two options: (1st) operate the dam as a hydro project or (2nd) decommission the dam and do not generate power.

My first concern, that affects both options, was whether the Town would be obligated to comply with the FERC order. I asked Town Attorney Bill Lee to obtain at least two separate legal opinions addressing this issue. His detailed opinion will be forwarded to you at a later date, however, in either option listed above; the Town would be obligated to comply with the FERC order.

Since we do not want to remove the dam I looked at the cost of acquiring the dam and then installing a fish lift.

First, we would have to pay FPLE a fair value for the dam and since the Town has already valued the dam at \$1,400,000 it is reasonable to assume that would be the cost to the Town. The cost for a fish lift has been estimated between 2 and 4 million dollars. So if I use a 3 million estimate for a fish lift the total cost to the Town at this point is approximately \$4,400,000.00. The fish lift will require monitoring during the migration season and annual costs could reach \$150,000.00.

In addition to the costs already mentioned, the Town will incur legal costs in the hundreds of thousands of dollars.

To determine the costs of operating the dam as a power producing facility we solicited the insight of Kevin Ames, Manager of Operations at Madison Electric. Mr. Ames said in addition to the costs already outlined above the Town would need to budget approximately \$200,000.00 for operating the dam and an additional \$5,000.00 just for annual application fees. He added that in 2006 Madison removed their dam and stopped producing power because of rising costs. He said the Town could expect to generate \$250,000.00 annually in revenues; however, operation costs would exceed those revenues.

I will add at this point that Essex Hydro indicated they would have had to invest an additional \$2,000,000.00 in upgrades to improve the efficiency of the dam. Attached to this report is a summary of the costs outlined above.

b. Department Reports

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

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

No. 19.....	\$ 1,419,163.46
No. 20.....	\$ <u>902,882.48</u>
Total	\$ 2,322,045.94

d. Financial Report

Motion by Mr. Russell and seconded by Mr. Byrne to approve all reports.
Motion Carried. Unanimous.

UNFINISHED BUSINESS:

- Order No. 3-2008: Providing for the acceptance of a Labor Contract between Winslow Full-Time Police Officers Association and the Town of Winslow. (Second Reading) Sponsored by Gerald Saint Amand.

Motion by Mr. Manson and seconded by Mr. Russell to adopt the second reading of Order No. 3-2008. A roll call vote was taken.

Brad Grant—Y	James Byrne—Y
Paul Manson—Y	Steve Russell—Y
Gerald Saint Amand—Y	

Motion passed, 5-0.

NEW BUSINESS:

- Order No. 4-2008: Providing for the acceptance of a Labor Contract between Council #93, AFSCME, AFL-CIO (*Winslow Fire & Public Works Employees*) and the Town of Winslow. (First Reading) Sponsored by Gerald Saint Amand

Motion by Mr. Grant and seconded by Mr. Russell to accept the first reading of Order No. 4-2008. A roll call vote was taken.

Steve Russell—Y	Brad Grant—Y
James Byrne—Y	Paul Manson—Y
Gerald Saint Amand—Y	

Motion passed, 5-0

2. Order No. 5-2008: Providing for the Acceptance of an Emergency Operations Plan for the Town of Winslow. (First Reading) Sponsored by Gerald Saint Amand.

Motion by Mr. Byrne and seconded by Mr. Russell to accept the first reading of Order No. 5-2008. A roll call vote was taken.

Paul Manson—Y	Steve Russell—Y
Brad Grant—Y	James Byrne—Y
Gerald Saint Amand—Y	

Motion passed, 5-0

3. Order No. 6-2008: Providing for Approval of the Town of Winslow 2008-2009 Fiscal Budget series in the amount of \$21,454,740.00 and to establish a tax due date and interest rate of taxes remaining due. (First Reading) Sponsored by Gerald Saint Amand.

Motion by Mr. Russell and seconded by Mr. Grant that Chairman Saint Amand read by Title only Order No. 6-2008. Motion Carried. Unanimous.

Motion by Mr. Russell and seconded by Mr. Grant to accept the first reading of Order No. 6-2008. After a brief discussion, a roll call vote was taken.

James Byrne—Y	Paul Manson—Y
Steve Russell—N	Brad Grant—Y
Gerald Saint Amand—Y	

Motion passed, 4-1.

4. Resolution No. 8-2008: Providing for the Town Manager to submit a grant Application for Federal Grant funds, totaling \$60,300. in a collaborative effort between the Town of Winslow, Pattee Pond Association and the Kennebec County Soil & Water District to address issues impacting the Pattee Pond Watershed. (One Reading) Sponsored by Gerald Saint Amand.

Motion by Mr. Russell and seconded by Mr. Byrne to adopt Resolution No. 8-2008. Motion Carried. Unanimous.

5. Resolution No. 9-2008: Providing for the Town Manager to draft a nonbinding resolution to be voted upon at the upcoming June 10th Municipal Election requesting that the Winslow Town Council explore the option of taking the Fort Halifax

Dam by eminent domain to prevent the removal of the Dam. (One Reading) Sponsored by Gerald Saint Amand.

Attorney Lee discussed the four legal opinions that the council received concerning taking the dam by eminent domain. Three of them concluded it would not be possible and one opinion that was presented to the council at the meeting expressed a possibility of success. He cautioned the council that if the Town began the process of eminent domain, it could mean years of litigation at a substantial cost to the town. Mr. Lee suggested that a meeting with all the parties involved would be a much better approach to save the dam. Mr. Heavener presented a projected cost of \$4,755,000. (which does not include attorney fees) to the town if we take the dam by eminent domain. Chairman Saint Amand allowed some comments from Winslow citizens attending the meeting.

Motion by Mr. Russell and seconded by Mr. Byrne to adopt Resolution No. 9-2008. Motion carried, 3-2.

EXECUTIVE SESSION:

Motion by Mr. Byrne and seconded by Mr. Russell to enter into executive session pursuant to 1 M.R.S.A. 405(6)(E) at 9:30 p.m. Motion carried. Unanimous.
Chairman Saint Amand closed the session at 9:55 p.m.

ADJOURNMENT:

Motion by Mr. Russell and seconded by Mr. Manson to adjourn the meeting. Motion Carried. Unanimous.

The meeting adjourned at 9:55 p.m.

ATTEST: _____
Town Clerk of Winslow, Maine