

**Minutes**  
Winthrop Town Council  
Special Meeting  
**Wednesday, June 21, 2006 at 7:00 p.m.**

Winthrop Town Office

Attending: Councilors Norris, Despres, Cookson, MacDonald, Buck, Putman. Town Manager Cornell Knight. Police Chief Joe Young, Fire Chief Dan Brooks, Ambulance Services Director John Dovinsky, Wendy Dennis Cobbossee Watershed District, Dana Murch Dept of Environmental Protection.

Meeting was called to order at 7:05 pm

Item #71 Hold a public hearing on a Victualer's License application for Cobbossee Cash Market, Route 202, East Winthrop.

Opened at 7:06 It will be a convenience store and deli.

Item #72 Consider the Victualer's License application for Cobbossee Cash Market.

Motion by Cookson Seconded by Despres to approve the application. Vote 6-0.

Councilor Caprara present.

Chairman Norris read a statement regarding the action on the dam issue. The Council voted 4-3 not to accept the Maranacook dams at its meeting on November 7, 2005 and this issue appears on tonight's agenda for possible further action. Councilor Despres has raised an interesting issue regarding Section 16 of the Council rules, which states that when a vote is passed, it may be reconsidered at the same or next meeting, "but not afterwards." (There is a second paragraph in Section 16 regarding petitions not being considered for a year, but that does not apply in this case.)

The probable intent of the rule is to bring closure to issues by barring repetitive motions on matters that have been decided by a vote of the Council, and not to prevent matters from ever being re-introduced. The town attorney advises that the Council's authority to conduct business cannot be permanently limited by the adoption of a procedural rule, and that the Council has the authority to amend, waive or suspend its rules at any time by majority vote.

So, in order to consider the dam issue at tonight's meeting, there needs to be a motion prior to the public hearing to "suspend Section 16 of the Council Rules to take further action on the dam acceptance issue that was originally voted on by the Town Council on November 7, 2005."

Motion by Putman Seconded by MacDonald to suspend Section 16 of the Council Rules to take further action on the dam acceptance issue that was originally voted on by the Town Council on November 7, 2005. Vote 6-1, Buck opposed.

Item #73 Hold a public hearing on the Winthrop Commerce Center's offer to transfer ownership of the Maranacook Lake Outlet Dam and the Mill Stream Dam to the Town of Winthrop.

Hearing was opened at 7:17 pm.

The town manager reviewed what has happened since the November vote.

Representatives from the Maranacook Lake Association, Cobboosee Watershed District, Winthrop Commerce Center, Readfield and Winthrop have been meeting to discuss the issues and process of transferring dam ownership. An interlocal agreement has been drafted. An engineering study had been completed. Readfield voted to accept co-ownership with Winthrop. WCC has agreed to share 1/3 of the costs of lowering Maranacook Lake dam. WCC has also agreed to retain ownership of the concrete structure of the mill stream dam. Grant funds must be spent by the fall.

Dana Murch, Supervisor of Dams and Hydro at the Dept of Environmental Protection. He said there is no law on the books that requires dam maintenance. He reviewed the process for dam abandonment. He doubted if the Mill Stream dam would qualify for the abandonment process because it has to have 15 acre feet of containment area. He said the dam owners could just open the gates. He said if the Maranacook Lake dam were abandoned the water levels would drop 5 feet and the value of the waterfront property would be lower, which would be less revenue to the towns.

Wendy Dennis spoke about the water level minimums and maximums that are on all dams in the watershed, but not on the Mill Stream dam.

It was asked how much the oil spill clean up had cost to date. John Haefele said according to DEP records the total cost so far was \$381,361 and WCC had paid \$8,953.

Several residents spoke about the dams;

Fred Warner questioned the opinion that the Mill Stream dam area did not meet size containment for the abandonment process.

Bill Wing asked about taking one dam and not the other.

Liz Warner asked about the impact of removing the gates on Annabassacook Lake.

Rick Dorey asked about why the lake levels were so high recently.

Wendy Dennis said that the dam owners had put boards at the dam and couldn't get them out.

Tom Heiss asked about access to the dam. Wendy Dennis said there is deeded access on the west side but the company has used the east side for more than 20 years without a problem.

David Rheume asked about water levels and the Mill Stream dam.

Mike Danforth said the dams should be considered a package that the town should accept, but work with the owners to get the best value for taxpayers.

Councilor Cookson asked if the WCC would correct the Mill Stream Dam repair items identified by the engineer before acceptance.

Lou Carrier said he would have to check with his investors.

John Haeefe said that the WCC polluted Annabassacook Lake and his property from the oil spill.

Lou Carrier said that WCC has been cooperative to the town and districts and will participate in sharing the costs of the engineering study and lowering the dam costs. He also said that the dams are a package they want to get rid of them both.

Councilor MacDonald asked that Winthrop Commerce Center pay the cost of the engineering study and the match portion of the cost to lower the dam height.

Bill Haeefe asked that the town be given an exemption from liability in writing from the WCC if the town took over the Mill Stream Dam.

A recess was called at 9:08 pm  
Reconvene at 9:15 pm.

Motion by Caprara seconded by Despres to table items #74 and #75. Vote 7-0.

Item #74 Consider acceptance of the Maranacook Lake Outlet Dam in joint ownership with the Town of Readfield

Item #75 Consider acceptance of the Mill Stream Dam.

Item #76 Consider the Report and Recommendations of the Public Safety Building Committee, John Dean, Chairman.

John Dean reviewed the committee's report, conditions of the buildings, traffic, appraisal, site locations, costs of all 3 options and the recommendation to purchase a lot from the Winthrop Utilities District and construct a new building to house the police, fire and ambulance departments.

Chairman Norris recognized the committee for their hard work on the project.

David Rheume reviewed the finance options through the bond bank and USDA.

Motion by Cookson Seconded by Despres that the council authorize the town manager to enter into a purchase and sale agreement with the Winthrop Utilities District and authorize the town manager to begin the process for a USDA application, endorse the project and allow the committee to do an education and public relations campaign on the project and hold a public hearing at a later date. Vote 7-0.

Motion by Caprara Seconded by Cookson to table item 77 and other business. Vote 7-0.

Item # 77 Discuss the road paving schedule.

Motion by Caprara Seconded by Cookson to adjourn at 10:40 pm.