

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, April 5, 2011 at 7:30 pm in the Council Chambers.

**PRESENT:** COUNCILORS: Mayor Tim Nichols, Caleb Curtis, William Bradshaw, Christopher Carr and Louise Baker **ABSENT:** Bob Stackhouse and Deputy Mayor Gary Jordan, Jr. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: None.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**. The Council observed a moment of silence.
2. Adoption of minutes of the regular meeting held on March 15, 2011

Moved by **Councilor Carr** and seconded by **Councilor Bradshaw** that the minutes of the regular meeting held on March 15, 2011 be adopted.

**VOTE: UNANIMOUS AYE**

### 3. **PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS:**

#### *Report on New Business Activity & Opportunities in Pittsfield:*

1. Buy Pittsfield Day scheduled for Saturday, March 26, 2011: The first “Buy Pittsfield Buy Local Day” was a great success. We do not have the proceeds from a number of businesses yet, however, so far, the event has raised nearly \$4,000 for the Pittsfield Community Theatre Fundraising Project. The Town Council has certificates to sign this evening to thank all of the participating businesses. Several more businesses joined the effort after the flyers were printed on March 25, 2011. The following businesses participated in Buy Pittsfield Buy Local:

C. Jones Floral  
Corrina’s Country Creations  
Discount Warehouse  
Heidi Ann’s Flower Shop  
New Leaf Naturals  
Varney Chevrolet  
William A. Cunningham, D.M.D.  
Sebasticook Valley Hospital  
Paul K. West, D.C., P.A.,  
Pittsfield Farmers’ Market  
Snakeroot Organic Farm,  
Central Maine Harley-Davidson  
Catnap Massage  
Bud’s Shop ‘N Save  
Tom Chadwick, Inc.

Read the Certificate of Appreciation.

2. Regional Job Fair scheduled for the Pittsfield Area on May 19, 2011 from 3:30 pm – 6:30 pm at the Warsaw Middle School, 167 School Street – Businesses and Organizations can now register for the event. See Town Website. The letters to the businesses that have been signed up before have just gone out and we have 14 businesses with over 100 jobs being offered already signed up.

The following firms will be represented at the Job Fair:

ADECCO

@Work Personnel

BONNEY Staffing Center

Charlotte White Center

Cianbro

Employment Times & MyJobWave.com

InSphere Insurance Solutions

Maine Staffing Group

New Balance Athletic, Shoe Inc.

Sebasticook Valley Health

SKILLS, Inc.

Spectrum Generations - Bridges Home Care

T-Mobile

Women Unlimited

3. Employment Specialist Available in Pittsfield:

Looking for employment and not sure how to go about it? Interested in job training or improving your work skills? Want to learn to use the internet to apply for jobs?

As of January 2011, an Employment Support Specialist from the Kennebec Valley Community Action Program is available at the Pittsfield Public Library from **11:00 AM – 1:00 PM every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month**

The Employment Support Specialist will work with you by providing guidance and support and connecting you with the resources you need to be successful in your employment goals. You can get help with:

- searching on the internet for jobs
- creating a resume
- connecting to training or education opportunities
- how to apply for jobs on-line
- creating an email account

and many other activities that will assist you in meeting your career goals.

Have questions? Feel free to call **1-800-542-8227 ext. 2533 or 859-2533**

*Report on Meetings & Events:*

Joint Meeting of the Theatre Operations and Theatre Fundraising Committees on Thursday, March 17, 2011 at 6:00 pm in the Council Chambers

4. **PUBLIC HEARINGS/OLD BUSINESS: NONE**

5. **REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:**

**Town Manager's Report: Town Council Meeting of 04/05/2011:**

**1. The FYI Folder:** FYI Folder which contains items that come in between the Town Council Meetings has the following this evening: Read List

**2. Pothole Patrol:** The Public Works Department is on a daily pothole patching detail due to the hard winter and spring weather. If anyone does come across a pothole on the town roads, please feel free to report it to the PW Department at 487-6942. People have been coming in about the State roads and the Town has been filing all the reports from citizens as well as those areas that we have seen. MDOT has been in Town several times now patching the potholes uncovering. Basically, a road can be patched and then generally 3 or more days after that, there is a new pothole down from where the road is patched.

**3. Sludge Removal Project:** The Sludge Removal Company, Mobile Dredging & Pumping Company, has arrived in Town to start sitting up the staging area for the sludge removal. No actual sludge removal will take place until after the pre-construction meeting next week and the engineer's approve the work to begin.

This also means that the Town will be closing on the final loan in the near future and that means that the sewer rate increase will go into effect on July 1, 2011. Over the last 30 years, the Town chose not to save the funds for this project that is needed so that the Lagoon System can continue to function appropriately and not be clogged up. Therefore, the Town did not have a pay as you go philosophy so the only way to pay for the project is with our future bills. The bills will have a notice on them so that people will have several months to prepare for the rate increase. Citizens are able to make payments during the quarter and not wait for the bill if this is an easier way for people to pay. Effective July 1, 2011, the sewer rate will be \$7.25/1,000 gallons. Many people are aware of this due to the extensive newspaper coverage of the sludge removal project planning and the Town Council votes.

**4. Sewer Rehabilitation Project:** The RFP for the Sewer Rehabilitation Projects will be going out shortly to contractors once all comments are received back from the state agencies. The exact areas that will be going out to bid are those areas, which showed large infiltration problems. The areas are as follows:

Livingston – Approximately 1250 LF which is about the entire length of the road from Detroit Street to North Main Street.

Cianchette Street – Approximately 900 LF from the intersection of Cianchette Street and Franklin Street to Chester Street.

Chester Street – Approximately 350 LF from the intersection of Chester Street and Cianchette Street to the corner of Chester Street that heads to Peltoma Avenue.

Nichols Street – Approximately 1600 LF from the cross country manhole in Manson Park to Main Street.

The Town was fortunate to receive a grant for \$1.5 million dollars of sewer rehabilitation work which was put together in a package for the Town when we received the \$1.9 million dollar loan for the required sludge removal work at the Treatment Plant.

**5. Town of Pittsfield 2011 Board/Committee Openings:** Positions expire every year on the Town's many boards and committees. The Town has over 20 boards and committees. Positions remaining available are the following: 1 Opening on the Board of Appeals; 2 openings of the Board of Assessment Review; 1 Opening on the Board of Ethics; 1 Opening on the Economic Development Team; 1 Opening on the Housing Rehabilitation Revolving Loan Committee; and 1 Opening for an Alternate member of the Planning Board.

**6. National Take Back Initiative:** The Town is working with Healthy SV and the Drug Enforcement Agency on a National Prescription Drug Take Back Day on Saturday, April 30, 2011. Healthy SV purchased for the Town through their funding the metal locked container for the prescription drugs to be dropped into and the Town will need to provide a police officer that day. The Drop off Container will be in the Town Office. More details will be available shortly. The Police Department will be hosting the day.

**7. Fund for a Healthy Maine:** The Healthy Maine Program is targeted to lose funding for its programs with the recent discussions on how to balance the state budget. We have received extensive opportunities through this program and our partnership with Sebasticook Valley Health which have benefited the Town and its citizens. To assist HealthySV, I signed an endorsement to ask that the tobacco settlement money be used as it was intended and to prevent further diversions away from the Fund for a Healthy Maine.

**8. Pittsfield Earth Day 2011 Backyard Compost Bin Sale: Read Announcement**

**9. Trash To Treasure Re-Use Center:** The Recycling Committee is pleased to announce the Opening of the new Re-Use Center on Peltoma Avenue in the former Veterans of Foreign Wars Building opposite the Transfer Station and Recycling Center. The facility will be open on Saturdays from 10:00 am – 4:00 pm effective April 16, 2011. The volunteers have been down sitting up the shelving and using re-use materials to set up the building for operation. The following materials will be accepted: Read NOTICE.

**10. Warsaw School Earth Day:** Students from Warsaw School will be touring the Town's Recycling Center, Transfer Station, Wind Turbine and Re-Use Center on Monday, April 14, 2011 at part of an Earth Day Celebration at Warsaw School so this will be an interesting day at the facility which is being opened up just for the students.

**11. Zoning Ordinance Amendment Requested:** A group of citizens has requested that the Zoning Ordinance be amended to include the ability to raise female chickens in the residential areas of Town. The request is on the Planning Board's agenda for their

04/11/2011 meeting. After the request is reviewed by the Planning Board, it will go to the Ordinance Committee & Town Council for review and/or consideration.

**12. Town's lease with the Driftbusters:** The Snowmobile Club needed to clear out some trees that had grown up to better have a trail at the lodge off Peltoma Avenue. This item was discussed previously under Councilor Items and Other Items. The Driftbusters were going to hire a logger and they thought that about \$800 would be provided to the Town. The Town ended up recently receiving a check for \$884.34 in stumpage.

**Finance Committee:** No Report.

**Ordinance Committee:** No Report.

**Recycling Committee:** No Report.

6. **NEW BUSINESS:**

***RESOLUTION 11-31:*** Resolved that the Town Council accept the bid of People's United Bank dated March 21, 2011 with interest payable at maturity at the rate of 1.30 % per annum.

Moved by **Councilor Curtis** and seconded by **Councilor Bradshaw** that Resolution 11-31 be adopted.

The Town Manager noted this was the lowest rate she has ever seen for a Tax Anticipation Note.

**VOTE: UNANIMOUS AYE**

***RESOLUTION 11-32:*** Resolved that the Town Council authorize the Town Manager to close the Bangor Savings Bank Pittsfield Public Library Expansion Project account and deposit any remaining balance in the Town's General Fund dedicated for the project.

Moved by **Councilor Carr** and seconded by **Councilor Baker** that Resolution 11-32 be adopted.

The Town Manager noted as we know, the Library Expansion Project has been completed with a few odds and ends being addressed. As of 03/28/2011, this bank account has \$491.71 in it. There will be another bill or two and then a small balance of a few dollars will remain. At that time, we will close the account and deposit the funds in a revenue account dedicated for the Library. At some point, a need will arise for the Library and we will then use the funds through an expenditure account dedicated for the Library, thereby zeroing out the funds. If by any chance, the last bills are higher than the Library anticipates, the funds will be withdrawn to reimburse the General Fund for the check written and the account will be closed.

**VOTE: UNANIMOUS AYE**

***RESOLUTION 11-33:*** Resolved that the Town Council authorize the Town Manager to execute the Maine Municipal Bank Bank Agreement for the Refinancing of the 1999 USDA Water Loan.

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Resolution 11-33 be adopted.

The Town Manager noted The following steps have taken place:

1. This project has been approved by the Town Council;
2. The Public Utilities Commission has approved the re-financing
3. The Maine Municipal Bond Bank application has been approved.

A copy of the MMBB approval is attached. The Town originally borrowed \$900,000 through the USDA at a 4.5% interest rate. The interest rate estimated by the MMBB has been around 3.3581% for the Spring, 2011 issuance, therefore, the savings through re-financing was estimated at just over \$60,000. The current loan expires in 2028.

It is estimated that the final payoff principal will be approximately \$650,000. We have just made our 04/2011 payment to the USDA and once the payment is booked, the USDA will issue the final amortization chart to be paid for a closing at the beginning of June, 2011. The USDA and MMBB will coordinate in May, 2011 so that the MMBB pays the exact amount that is due to the USDA.

The Town is required to have a payment in November, 2011 to MMBB. We would be unable to make two principal and interest payments in one year (a regular payment to USDA and then turn around to make a regular payment to MMBB a few months later). MMBB agreed to an Interest only payment in 2011.

We have been advised that the interest rate will likely be higher now than originally projected. We will know on 04/25 or 04/26/2011. If the interest rate is over 4.25%, the Town will withdraw as it would not be in the Town's or the MMBB's interest to continue. The MMBB also has the right to cancel the issuance based upon the market. It seems unlikely to everyone involved that the rate would be that high. It has been a lengthy and time-consuming process to get approved to participate so we are in hopes of a good interest rate.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-34:** Resolved that the Town Council authorize the Town Manager to execute the Warner Brothers Standard Terms & Conditions – United States effective March 25, 2011 for the Pittsfield Community Theatre for motion pictures for theatrical exhibition.

Moved by **Councilor Carr** and seconded by **Councilor Baker** that Resolution 11-34 be adopted.

The Town Manager noted the Town Council received a copy of the required new contract terms from Warner Brothers. Theatre Manager Donna Dunphy has provided a brief summary of the major emphasis of the new terms – which is charging an Upcharge. This subject was reviewed at the last Joint Theatre Committee Meeting (Operations Committee and the Fundraising Group).

At this point, Donna has explained out that if our ticket sales and concession sales are separated for our special events, then the Town is not subject to making an upcharge or additional payment to the movie company.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-35:** Resolved that the Town Council waive Section 106. Regulation of Bids and Contracts of the Administrative Code to encourage regionalism and execute the contract for curbside pickup of recyclables with the Town of Palmyra through 03/31/2012, same conditions.

Moved by **Councilor Bradshaw** and seconded by **Councilor Carr** that Resolution 11-35 be adopted.

The Town Manager noted this is a one-year renewal of the current arrangement with the Town of Palmyra to pick up the Town of Pittsfield's recyclables for residential properties. The Towns have been working together on Curbside Pickup again as a direct result of the Fund for Efficient Government and Regionalism grant program. This has complimented the long-term relationship of the communities sharing resources at the Pittsfield Regional Recycling Center. The conditions are the same with a price increase of \$600 or 3.6% for the year, increasing to \$17,500. We have been advised that the increase is strictly due to the increased cost of fuel.

The Town of Palmyra signed the contract in early March and then held it for the approval of their Town Meeting. The Town received the contract the week of March 21.

Contracting curbside recycling pickup with the Town of Palmyra is a logical building block toward a multi-town approach.

The Town of Palmyra has spoken to the Transfer Station/Recycling/Safety Coordinator and Town Manager about trading services. This may involve the Town of Pittsfield taking bulky goods and white goods in exchange for the cost of the Recycling Pickup or some other option involving trash. This is in the conceptual stage at this point and the current contractual arrangement is needed as it will be awhile before the concept is fully developed.

As an additional note, the Town of Canaan has also approached the Transfer Station/Recycling/Safety Coordinator regarding discussions on services.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-36:** Resolved that the Town Council authorize the Town Manager to execute an amendment to the Letter of Agreement with the General Contractor for the Pittsfield Industrial Park Expansion (Phase II), EDA #01-79-73007 to decrease the performance bond required on the project to a level that is equal to the cost of remaining work under the grant, subject to the approval of the Economic Development Administration (EDA).

Moved by **Councilor Bradshaw** and seconded by **Councilor Curtis** that Resolution 11-36 be adopted.

The Town Manager noted originally, the Town's Engineering Consultant Millett Associates had been told by the federal government that the Town could cancel out the current contract with the Contractor and establish a new smaller contract for the remaining work. We have just been advised that this approach is not possible. It would require the Town to go out to bid again, which would be a several month process and it would be likely that the project would not be completed in time for the federal stimulus requirements to be met.

Discussion with the Town Attorney has resulted in language that could be added to the contract as an amendment. The Town would then, upon approval of the EDA, execute the amendment and forward a letter to the Contractor's Surety to advise that a lower performance bond is required.

The EDA has advised the Town and the Engineering Consultant that we should simply plan to have this project finished as soon as possible to allow the Contractor to have their performance bond released. The remaining work that the Contractor will complete under the grant can be accomplished in a timely fashion. We have not yet received the schedule for the utility work that is required.

We have tried to have the performance bond reduced, however, due to how this was bid out and the extensive federal guidelines and requirements to issue an RFP and to obtain a contract, we do not have time to start over again. In addition, during the discussion, we were advised that we do not want to do anything that would cause an issue during our federal government audit so that we have to pay the money back.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-37:** Resolved that the Town Council approve the Request for Proposals for the 2011 bituminous paving program and authorize the Town Manager and Public Works Foreman to seek proposals for same.

Moved by **Councilor Carr** and seconded by **Councilor Baker** that Resolution 11-37 be adopted.

The Town Manager noted the Town Councilors received a copy of the draft bid specifications based upon paving roadways which have seriously deteriorated and paving Summer Street, which had trench paving several years ago.

The Paving Priority Listing was completed in 2004. The Town has a paving list for all town owned roads with the entire road or sections of the road (if lengthy or differing conditions along the road) prioritized for paving. Until the huge fluctuation in paving cost, it was estimated that it would take 20 years to pave all of the current roads based upon a number of assumptions. Now, it is estimated that the all town roads will be paved in 37 years. This listing will need to be updated as some of the roads are now accelerating in deterioration, which will change their priority listing.

For further information please see Capital Improvements Budget, pg. 30 of your 2011 Municipal Budget which includes detail on line items. Basically, \$123,000 is budgeted, which requires a loan.

The Town utilized Superpave from its initiation in the State until 2005. Since then, we have utilized a "C" mix. It is proposed to again put both of the mixes out so that we can review costs and choose which to utilize, the same as we have done in the past.

If there are any changes that the Councilors would like to make to the list of roads to be paved, it would be preferable to make those changes now rather than after the project is put out to bid. Please note though, if necessary, the bid document does provide the Town with the ability to amend the list of proposed roads for paving later on in the process.

This work would be funded with a Loan, which will take a couple of months to issue. If we are interested in proceeding, then we can start the loan process at the next Council meeting. In the interim, we will be obtaining the pricing.

We now have the width for that section of Snakeroot Road by the hill which is 21' John has determined the average width and depth of wheel ruts on both sides of Snakeroot Road from Taylor to the I-95 Overpass and will be using 512 tons for the shim for the trench paving for a distance of 1.0 mile, both sides of the road.

Councilor Carr suggested that if the Town paves Snakeroot Road, we should look into posting year round restrictions on the road. The Town Manager noted that was an excellent suggestion for review.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-38:** Resolved that the Town Council approve the Request for Proposals for Roadside Mowing; Airport Mowing; and Department Grounds Mowing for the three-year period beginning May 1, 2011 and ending November 15, 2013 and authorize the Town Manager and Public Works Foreman to seek bids.

Moved by **Councilor Carr** and seconded by **Councilor Baker** that Resolution 11-38 be adopted.

The Town Manager noted It is time to put the request for proposals out for the mowing work. This year the request for proposals will include quotations for (1) Roadside Mowing; (2) Mowing at the Pittsfield Municipal Airport and (3) Mowing at the Departments such as Treatment Plant/Transfer Station/Well Houses, etc.

The ad, Request for Proposals and sample contracts for the work are attached. The Town has been putting the quotations out separately for the different types of mowing. In 2005, we added mowing at the Pittsfield Municipal Airport due to the need to consistently mow the described areas for site visibility and federal regulations.

Grounds maintenance at the parks was extracted from the last contract issued with Public Works completing the mowing. This has led to excellent timely mowing of the park facilities. The Public Works Department would require additional equipment such as a

larger mower, trailer and perhaps an old truck to haul the mower around if they took over all of the department and airport mowing. The trucks are generally in use so Public Works has explained that it would be hard to get the equipment hauled around with the current level of vehicles. I think it could be done, however, there would have to be a strict schedule of usage which would be disrupted at times as trucks were needed for emergencies and there were break-downs.

In reviewing the RFP again with the staff, we feel we will need to add the Re-Use Center to the list. If a company is going down to the Transfer Station, the area around the Re-Use Building can be mowed at the same time.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-39:** Resolved that the Town Council approve the Request for Proposals for the 2011 Asphalt Concrete Paving – Pinnacle Recreational Plan – Parking Lot and authorize the Town Manager and Public Works Foreman to seek proposals for same upon approval of the Maine Department of Economic and Community Development.

Moved by **Councilor Bradshaw** and seconded by **Councilor Baker** that Resolution 11-39 be adopted.

The Town Manager noted This is the last project to be completed in the Community Development Block Grant Riverfront Bond Project at the Pinnacle.

The attached bid specification for paving (Attachment #1) was originally prepared by Engineering Consultant Michael Millett of Millett Associates for our parking lot projects. The Town's regular RFP and Standard Services Contract have been revised to include the Federal and State Requirements for a CDBG Project.

This CDBG project is unique in that it does not require Federal Davis Bacon Act wages as the funding source was a State Bond. The bid package is large.

The bid package is currently being reviewed by the State of Maine. We have confirmation that we can pave the parking area rather than the skating rink/skateboard park, however, we need to pave only that which is not within the floodplain. John has also re-measured this whole area and squared up the paving, so we have a new square footage of 8,364.

The Town has placed a 12.5 mm modified binder of 2". We may be able with this square footage decrease to be able to have an overlay or surface coat of 1.5".

Councilor Bradshaw suggested this area have a surface coating if it is being planned for skateboarding use.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-40:** Resolved that the Town Council approve the Request for Proposals for the Land & Water Conservation Fund Grant for 2011 Asphalt Paving –

Hathorn Park Revitalization: Legge's Field & Sports Area, Phase I – Project #23-00823, and authorize the Town Manager and the Public Works Foreman to seek proposals for same upon approval of the Department of Conservation.

Moved by **Councilor Carr** and seconded by **Councilor Bradshaw** that Resolution 11-40 be adopted.

The Town Manager noted this is one of the last major components of the Land & Water Conservation Grant received by the Town to rehabilitate the infrastructure in Hathorn Park. The grant was received for Phase I, which included Legge's Field, dugouts, signage, basketball court and other related work.

The attached bid specification for paving had originally been reviewed by Engineering Consultant Michael Millett of Millett Associates in 2008. The bid specifications have been updated to reflect the project and the area involved in the latest Land & Water Conservation Grant Fund award. Each RFP notice will have the small information block at the top of it to announce the Land & Water Conservation funding and background on the Hathorn Park Revitalization Project #23-00823.

Although the Council has already reviewed and approved the format of the Standard Services Contract for use with projects, it is attached to this RFP as Attachment #2 in case anyone would like to review it.

The due date for the bids will be revised if necessary based upon when state approval of the bid specifications are received.

This approval will be subject to any changes that the State recommends in the bid specifications.

Councilor Bradshaw suggested the Town invest in new basketball nets/backboards and straightening the basketball hoops. Councilor Carr noted that some of these items have already been purchased, including adjustable height baskets.

**VOTE: UNANIMOUS AYE**

7. **DISCUSSION ITEMS: NONE**

8. **REPORTS:** Audience, Council

**Audience:** None

**Council:**

**Councilor Baker:** Mentioned that it would be nice if we could put pictures up next to Mr Susi's and Mr. Wyman's plaques. The Town Manager noted she would talk to the family and see if they had a photo they would like us to use. The Pinnacle is great. All my kids and grandkids learned to ski there. On a whole – I feel that the Town is doing great.

**Councilor Carr:** Glad to see we are still making an effort to work with MCI. We need to be sure that the kids are as safe as possible. Also, once all the updates have been made to Hathorn Park and the park is being used more and more by the kids we need to be sure that we have a Police presence in that area to keep things safe.

**Councilor Bradshaw:** This Town is very unique because of its volunteers. Their level of expertise is a real testament to the Town.

**Deputy Mayor Jordan:** Absent.

**Councilor Curtis:** Wanted to note that he will not be at the Council meetings the next few weeks. He will be taking Lamaze classes with his wife. The Councilors congratulated Councilor Curtis on his soon to be new addition!

**Councilor Stackhouse:** Absent.

**Mayor Nichols:** Hathorn Park was always the place to be back in the day. Along with Frenchie's and the Pinnacle. It has the potential to get back to that and let the kids have some real fun. I also feel that the Town is in very good shape and when the rebound of the economy finally comes we will be ready.

9. **ADJOURNMENT:**

Motion by **Councilor Curtis** and seconded by **Councilor Baker** that the meeting be adjourned at 8:50 p.m. All in agreement.

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Nicole Nickolan, Town Clerk