

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, April 6, 2010 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Bob Stackhouse, Caleb Curtis, Deputy Mayor Gary Jordan, Jr., Donna Chale, Christopher Carr, Louise Baker. **ABSENT:** None. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: John Dickson, Donnie Chute, Scott Noble, Mike Lange, Chris Cousins, Annaleis Hafford and others.

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 on March 16, 2010.

Moved by **Councilor Chale** and seconded by **Councilor Curtis** that the minutes of the regular meeting on March 16, 2010 be adopted.

VOTE: UNANIMOUS AYE

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

Presentation by Olver Associates: Recommendations on Sludge Removal Process; Sewer Replacement Projects; and Loan/Grant Opportunities:

Engineer Annaleis Hafford is here this evening from Olver Associates to talk about the Town's infrastructure, our work over the last several months and recommendations from Olver Associates.

This discussion this evening will focus on the following topics:

1. Sludge Removal Process, a project that is 30 years in the making;
2. Sewer Replacement priorities due to the Town's high wastewater treatment plant infiltration issues;
3. Funding mechanisms and lastly,
4. The Town's Drinking Water Fund Submittal for the Waverly River Crossing, which has been approved to proceed forward when funding is available. We qualify for a partial grant.

Annaleis Hafford of Olver Associates has been working with the Town for quite some time on the sludge removal process. The Town completed the invitation to bid in 2009 and received some very competitive bids. These bids are secure for a year. The lowest bidder, Mobile Dredging of Chester, Penn, is recommended for the project. The total project for the sludge dredging comes to \$1.637 million. This portion of the project needs to be moved forward to complete the timeline so it can be completed before freezing conditions in October. We are relying on the funding being awarded at the end of April. There is a DEP meeting to discuss this matter scheduled for April 15, 2010 here in Pittsfield. We would like to award the project at the latest, in May. This would allow the

contractor to begin work in June with the hope that the project will be completed in August. With the amount of sludge in the lagoon, it will take 10 – 12 weeks for the removal process. This timeline would give the contractor the month of September, if needed, to finish the process in the event of contractor equipment failure or unforeseen issues.

Annaleis also gave a brief presentation on the sewer replacement project. The funding alternative that is recommended by Olver Associates combines these two projects together. An initial assessment was completed in 2008. This report was submitted to the Town in October of 2008. This was only an initial survey. This needs to be followed through with a complete sewer system study. This includes TV work in areas that we have seen high flow, smoke testing and night rain monitoring. With the survey work that has recently been completed in the Town we have found two areas we would like to move forward with. These are Livingston Street and Nichols Street. These are old clay lines that are undersized and are leaking. We recommended doing the work in these areas. Peltoma Avenue, Cianchette Avenue and Lincoln Street we also reviewed with the last survey. The budget for all of the projects are broken down on the project status update handed out by Annaleis. This is as follows: sludge removal: 1,637,000 + sewer evaluation study: 175,000 + sewer replacement (Nichols and Livingston Streets): 1,523,000 = subtotal of 3,335,000 before interest and administration and legal fees. The three funding alternatives with DEP SRF, Maine Bond Bank and Rural Development were reviewed. The pros and cons of each funding option were reviewed. Please see the handout for detailed information. It was noted that with the RD funding it is required that \$85,000.00 be set aside each year towards future sludge removal options.

Councilor Chale asked if the Town would be required to continually increase our average rate to match the State average. Annaleis noted that the average rate would not change through the life of the loan to match the State average rate as it changes. Once that process is done, the commitment has been met. As more work is done to the infrastructure rates would increase to cover these costs unless loans were paid off. This rate increase would need to be implemented in 2011. The increase would need to be committed to when the paperwork was signed for the RD loan, as it is a requirement of the grant. The Town Manager noted that all funding options would require a rate increase. The water consumption also continues to drop, and this also comes into play when thinking of rate increases. Councilor Curtis questioned if the monies that are set aside each year toward sludge removal process can be used in anyway or is it only for dredging. Annaleis noted that these funds could be used for any manner that deals with sludge removal. Councilor Curtis also questioned if there are any loans that are due to close in the next 3 – 5 years. The Town Manager noted that she believed there is one that will finish in that time period. The Town Manager stated that if a decision was made to increase the rate it would be voted upon at the time that the paperwork was signed, but the increase would not go into effect until 2011. Councilor Curtis question if a Public Hearing would be required. The Town Manager noted there is no Public Hearing required for sewer increases, only for water increases. The Town Manager noted that if consumption was to go up, if a large industry came to own, the federal government noted that we would be able to lower the rates. We would have to be able to sustain funds if that was the case.

Annaleis noted that the Town sent in an application to the drinking water program. There has been information received that funding will be available for the Waverly Avenue water main crossing as long as the bond passes at the June election. Communities that are on the primary list have been offered \$50,000 by the drinking water program to spend on design, survey, permitting, etc. The total budget of this project would be \$508,500. The drinking water program has offered at 45% grant, bringing the total cost to \$279,000 based on project costs. They are offering the \$50,000 to try and keep this project moving and on the timeline. If the bond does not pass at the June election, the Town would not be required to pay the monies back. If the bond does pass at the June election and the Town has accepted the \$50,000 the Town is obligated to continue the project.

2010 Highway Paving:

John Dickson, Public Works Foreman, was at the meeting to discuss the paving priorities that the Town has developed for the next round of paving. The Budget and Capital Plan approved during the 2010 budget process late last year funds paving through obtaining a loan. John stated that the priority projects he would like to complete this year are Summer Court, Middle Street and two sections of Beans Corner Road. These projects would total approximately \$92,000. John stated he would like to see the Town get a bond to pave the country road as we are losing more and more road every year. We have looked into chip sealing, which doesn't last long, but protects the roads. Do we want to move forward with paving with all the other loans that are pending? We have gone out with the grader in small problematic areas, and fixed the worst areas. We are also looking at repairing the Snakeroot Road hill and Sebesticook Street culvert. The paving priorities list was reviewed. The Town Councilors agreed on the paving priorities list. The Town will also look at the road project that should be placed with the paving in case a loan was issued. This will be a future item of discussion.

Summer Highway Work Plan:

John Dickson, Public Works Foreman, was at the meeting in case there were any questions regarding the Highway's Work Plan. The Public Works Department has regular work, we prioritize projects during the year that should be done, citizens call in with projects which we determine how to address; and then there are items that it would be good to do for the Town.

The Town Manager maintains the Work Plan for the Public Works Department and tracks progress on projects. The workload of the Public Works Department is large and there is a considerable backlog.

Projects submitted for the MDOT Transportation Requests for the 2012-2013 Biennium and the six-Year Transportation Plan for fiscal years 2012-2017:

The Town has prioritized recommendations for work on State roads as follows: List of projects read.

Maine Partners for Cool Communities:

The Town joined the Maine Partners for Cool Communities last year with the signing of the Mayor's Climate Protection Agreement.

The Maine Partners for Cool Communities, comprised of nearly 30 towns in the State of Maine has the following goals:

Empower Communities to:
Reduce energy costs
Take actions to build a clean energy economy
Create good clean jobs
Improve public health through cleaner air
Save taxpayer dollars.

The Cool Communities Campaign:
Enables volunteers to building a demand for smart energy solutions in communities around Maine.
Uses the U.S. Mayors Climate Protection Agreement and the Maine Governor's Carbon Challenger as organizing centerpieces around which other solutions can be built.

We have receive a number of packages of material from the group to include handouts that will be put in a display on:

1. Save Money (and the Planet) with Efficiency Renewables
2. Measuring Your Cool City's Greenhouse Gas Emissions
3. Cool Communities Solutions: Biofuels
4. Cool Communities Solutions: No Idling
5. Cool Communities Solutions: Green Tags and Green Power Supply
6. Cool Communities Solutions: Eat Local Foods
7. Green Buildings for Cool Cities

The Recycling Committee, which has been very involved in Re-Use, Energy Conservation and Alternative Energy Sources, will be reviewing these materials in the upcoming months.

4. **PUBLIC HEARINGS/OLD BUSINESS: NONE**
5. **REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:**

Town Manager's Report: Town Council Meeting of 04/06/2010:

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. Earth Day 2010 Backyard Compost Bin Sale: The Town forwarded its order for compost bins, compost wing diggers and rain barrels to the Maine Resource Recovery Association. We had to order in lots and there are still a few spots available for each item, first come, first served. The Town expects to receive the units during April 12 – 23, 2010. Participants will receive a call to pick up their purchases at the Pittsfield Recycling Station.

3. Pittsfield Public Library Announcement: Read Announcement.

4. Recreation Basketball Tournament: The Pittsfield Youth Athletics Tournament on March 26th – 28th for Grades 3+4 Boys and 5+6 Boys was a large hit. I have not received a formal write-up, but have heard that admissions was approximately \$1,000 and along with the concessions for the tournament and during the season, the volunteers turned in \$2329.98 today. These funds will go toward Pee Wee Basketball equipment and needs in the future. Each sports activity has its own account now on the Town's books except the Summer Program which the Town runs through the regular budget allocation. Thank you to everyone for supporting your teams as well as your local community.

5. Insurance Company Reimbursement: The Town received a rebate from MMA for the 2009 Workers Compensation Program and has received \$1,432 which is excellent.

6. Foreclosures in Maine have risen: The State's Bureau of Financial Institutions has just released information that the number of foreclosures in Maine is up. According to data from 32 state-chartered banks and credit unions, the number of houses in the process of foreclosure in the last quarter of 2009 was 305, compared with 271 in the third quarter. Foreclosures had continued to increase from year to year as well with 175 completed foreclosures in 2009 compared with 159 completed foreclosures in 2008. This does not include federally chartered banks, credit unions or mortgage companies. The Bureau noted that the increase was probably due to the economic times and not the result of predatory lending by Maine banks.

The reason this is mentioned is that often people get behind on their taxes, the bank then comes in and pays off the taxes and then adds the amount to the monthly payment. Then the payments are higher and people have trouble making them. For those people who do not have their taxes escrowed, we would encourage you to join the Pittsfield Tax Club. READ Tax Club Requirements. If you do not want to join the tax club, have back taxes due, do not have the same amount of money coming in each week, get paid by jobs or some other reason, that is fine. The Town encourages people to just put down \$10, \$25, \$50 or whatever amount you can when you can. This will reduce the amount of taxes that you have left. We have town employees who have payroll deductions of their own request, to pay down on their taxes. It does not have to be the tax club payment. This way, people can work on paying their taxes when they can.

7. Theatre Birthday Parties: The Pittsfield Community Theatre is now accepting dates for Birthday Parties. READ Notice. Contact the Theatre Manager at 487-5461..

8. Department Head Meeting: Our next meeting is scheduled for Thursday, April 15, 2010 to include the following topics: Safety Grants; Annual BLS required training; Town Employee Safety Fair; Work Zone Traffic and Signage; NIMS training; Surprise Safety Audits; training programs; and other topics of interest. The training that our Safety Coordinator will be providing that day is Fire Extinguishers and Emergency Evacuation Plan Refreshers.

9. The Welcome Table: The Welcome Table is open from 10:30 am to 1:30 pm every Friday at the First Universalist Church in the Community Hall at 6 Easy Street. This is a local program staffed and funded by volunteers whose mission is to provide a warm place to gather, socialize and share a hot meal. Games, puzzles and cards are always available. All are invited to attend. For further information, please call Trudy Ferland at 487-6523.

10. Census Jobs: The U.S. Census Bureau has closed the recruitment of census takers for the Town of Pittsfield. Mr. Hiram Weymouth did such a good job.

Finance Committee: None.

Ordinance Committee: None.

Recycling Committee: None.

6. NEW BUSINESS:

ORDINANCE 10-06: (Set to Public Hearing 04/20/2010) The Town of Pittsfield hereby Ordains to Accept all tax year payments of Claude Thornton Sr., including interest and lien costs, for the property at 115 F Street (Map 034, Lot 065), the Town having acquired said property as a result of automatic foreclosure of a 2003 property tax lien, recorded in the Somerset Registry of Deeds on June 09, 2004 at Book 3322, Page 294, which matured on December 9, 2005. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Claude Thornton Sr.

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that Ordinance 10-06 be set to Public Hearing on 04/20/2010.

VOTE: UNANIMOUS AYE

ORDINANCE 10-07: (Set to Public Hearing 04/20/2010) The Town of Pittsfield hereby Ordains to Accept all tax year payments of Lester O. & Tina M. Watrous, including interest and lien costs, for the property on Beans Corner Road (Map 017, Lot 048-001), the Town having acquired said property as a result of automatic foreclosure of a 2007 property tax lien, recorded in the Somerset Registry of Deeds on June 03, 2008 at Book 4004, Page 163, which matured on December 1, 2009. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Lester O. & Tina M. Watrous.

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that Ordinance 10-07 be set to Public Hearing on 04/20/2010.

VOTE: UNANIMOUS AYE

ORDER 10-05: Ordered that the Town Council Adopt Order 10-05 Authorizing Issue of \$1,800,000 Principal Amount of Bonds

**TOWN OF PITTSFIELD
ORDERS OF TOWN COUNCIL
AUTHORIZING ISSUE OF \$1,800,000 PRINCIPAL AMOUNT OF BONDS**

WHEREAS, the Town Council desires that General Obligation Bonds of the Town be issued to finance the costs of improvements to the Town's sewer system including, but are limited to, the removal, analysis and disposal of all or any part of the sludge built up in the Lagoon System which is the Wastewater Treatment System and other sewer system improvement projects approved by the Town Council (the "Project"); and

WHEREAS, the Town Council of the Town desires to authorize the issuance of up to \$1,800,000 principal amount of Town's 2010 General Obligation Bonds (the "Bonds") and the sale of such Bonds to the Maine Municipal Bond Bank for inclusion in its Spring 2010 issue, pursuant to the Ordinance adopted by the Town Council on February 2, 2010;

NOW, THEREFORE, be it voted and resolved by the Town Council of the Town as follows:

ORDERED: That pursuant to Maine law and the Town Charter, and all other authority thereto enabling, and to provide funds to finance up to \$1,800,000 of the cost of the Project, and to refund any temporary notes issued pursuant thereto, the Town Treasurer is hereby authorized and empowered in the name and on behalf of the Town to expend and borrow up to \$1,800,000 from the Maine Municipal Bond Bank (the "Bank") pursuant to a Loan Agreement between the Town and the Bank providing for a loan from the Bank in the principal amount not in excess of \$1,800,000, and the Treasurer of the Town be and hereby is authorized and empowered, in the name and on behalf of the Town, to execute and deliver, under the seal of the Town, attested by its Clerk, a Loan Agreement to be in the usual and ordinary form utilized by the Bank, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the Treasurer may approve, with his approval to be conclusively evidenced by his execution thereof;

ORDERED: That pursuant to the provisions of Maine law and the Town Charter, and all other authority thereto enabling, and in order to provide funds for the purposes described in the foregoing Order, the Town Council of the Town hereby approves and authorizes the issue, sale and delivery to the Bank as evidence of the aforesaid loan of up to \$1,800,000 and against payment therefor, the Bonds of the Town in a principal amount not to exceed \$1,800,000, such Bonds to mature and be payable on such dates and in such amounts as approved by the Town Treasurer; to bear interest at the rates specified by the Bank for its Spring 2010 issue, which rates shall be subject to approval by the Town Treasurer of the Town, such approval to be conclusively evidenced by his execution and delivery of such Bonds, payable semi-annually; to be issued as a single, fully registered Bond in the an amount not to exceed \$1,800,000 maturing and payable in installments as approved by the Town Treasurer; to be signed by the Town Treasurer and countersigned by the Chair of the Town Council of the Town and to be sealed with the seal of the Town and attested by its Clerk; and to be in such form and contain such terms and provisions as the officers executing the same may approve, their approval to be conclusively evidenced by their execution thereof; and further

ORDERED: That the Treasurer of the Town and other proper officials of the Town be, and hereby are, authorized and empowered in its name and on its behalf, to do or cause to be done all such acts and things as may be deemed necessary or desirable in order to effect the borrowing from said Bank of up to \$1,800,000 and the issue and delivery to said Bank as evidence thereof of a corresponding principal amount of the Bonds of the Town as hereinabove authorized in the foregoing Orders; and further

ORDERED: That the Town covenants and certifies that no part of the proceeds of the issue and sale of such Bonds authorized to be issued by the foregoing Orders (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause such Bonds of the Town to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and further

ORDERED: That the Town, pursuant to Internal Revenue Service Treas. Reg. 1.150-2, hereby declares its official intent to pay, on an interim basis, costs of the Project, which costs the Town reasonably expects to reimburse with proceeds of bonds to be issued by the Town in the maximum principal amount of \$1,800,000; and further

ORDERED: That, notwithstanding and in lieu of any contrary provisions contained in the prior two paragraphs of this Order, the Town is authorized to issue all or any portion of any of the Bonds as taxable governmental bonds, in accordance with the applicable requirements for Build America Bonds or for Recovery Zone Economic Development Bonds, if applicable and if the Mayor and Treasurer determine, in consultation with the Maine Municipal Bond Bank, that issuing such Bonds as taxable Build America Bonds or as taxable Recovery Zone Economic Development Bonds will result in a lower cost of funds to the Town, such determination to be conclusively evidenced by the execution of Bonds by the Mayor and Treasurer, designating the same as "Build America Bonds" or as "Recovery Zone Economic Development Bonds", as applicable. "Build America Bonds" mean Bonds issued as taxable governmental bonds or notes with Federal subsidies in the form of either tax credits to holders or refundable tax credits paid to the Town as issuer, authorized under the American Recovery and Reinvestment Act of 2009, and Section 54AA of the Code, and any amendments of or successor provision to the foregoing. "Recovery Zone Economic Development Bonds" mean Bonds issued as taxable governmental bonds or notes with Federal subsidies in the form of either tax credits to holders or refundable tax credits paid to the Town as issuer, authorized under the American Recovery and Reinvestment Act of 2009, and Sections 54AA and 1400U-2 of the Code, and any amendments of or successor provision to the foregoing. The terms for any redemption of such Build America Bonds or Recovery Zone Economic Development Bond prior to maturity shall be determined by the Mayor and Treasurer. The Treasurer and Mayor are authorized to take such actions as may be required under applicable Federal law to cause such Bonds to qualify for treatment as Build America Bonds or Recovery Zone Economic Development Bonds, as applicable, and to obtain refundable tax credit payments and to assign the same to the Maine Municipal Bond Bank, including designation of all or a portion of the Bonds as Build America Bonds or Recovery Zone Economic Development Bonds, as applicable.

Moved by **Councilor Curtis** and seconded by **Councilor Stackhouse** that Order 10-05 be adopted.

The Town Manager noted in order to continue with the MMBB, this Order would need to be authorized this evening. The MMBB is going out to issuance shortly. This is the highest interest rate of the three financing options we have been working on, however, it was the only one that we could get a definite answer on as of today. In discussions with the MMBB staff, we were advised to file the formal paperwork last week and have everything signed, it is being held at the Attorney's office pending this evening's vote. If we decide to continue at this point, as we do not have a firm offer from the federal government or state government, I have been advised that we can withdraw up to April 20th. If we decide not to go forward with this issuance, then we need to withdraw immediately.

I was also advised that we do have MMBB approval, so if we need to switch over to the SRF, they will not require a complete new application, all the forms and so forth, which is good. They will have our approval switched over to the SRF program.

VOTE: UNANIMOUS AYE

RESOLUTION 10-31: Resolved that the Town Council Accept the Bid of Skowhegan Savings dated 03/22/2010 with interest payable at maturity at the rate of 1.95 % per annum.

Moved by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that Resolution 10-31 be adopted.

The Town Manager noted the Town received four (4) actual bids although there were five (5) submittals for the Town's 2010 TAN. One (1) submittal was a duplicate from the bank from a different branch. After the fact, the Town received a letter from one of the banks declining to bid.

For 2010, the bids range from 1.89% to 2.10%. The low bidder, TD Banknorth, bid on a lump sum TAN. The Town's specifications were for an as needed TAN not a lump sum TAN. In 2009, the bids ranged from 1.85% to 4.25%.

The Town Attorney specializing in financial matters has reviewed the bids and has indicated the following:

While Bangor Savings and Skowhegan Savings are both at 1.95%, it does not appear that they are "tied" as it appears that they have used different methods of computing the interest rate. Bangor Savings' bid letter states that interest is to be calculated based on a 365 day year and that the interest cost will be \$4,006.85. The Skowhegan Savings "quotation form" states that the net interest cost is \$3,981.25 and the attachment to its bid indicates that the interest was computed based on a normal amortization in a 360 day year. Thus, the difference in the method of interest calculation would appear to make Skowhegan the low bid by about \$25 in cost.

Please note, however, that your RFP stated that the Notes would bear interest at the rates specified by the successful bidder on the basis of actual days in a 365 day year, and thus technically Skowhegan did not comply with the terms of the RFP. The Town could waive that defect and award the TAN to Skowhegan or the Town could reject the Skowhegan bid as non-complying and select the Bangor Savings bid. The RFP also allows further negotiations. I would probably be inclined to accept the Skowhegan bid. I see the Skowhegan non-conformity as different from that of TD Bank's bid. The TD bid did not allow you to do what you want, namely draw as needed."

Basically, the Town Attorney is stating to waive the technicality in the Skowhegan bid and to accept the bid of Skowhegan Savings dated March 22, 2010 with interest payable at 1.95%.

VOTE: UNANIMOUS AYE

RESOLUTION 10-32: Resolved that the Town Council Approve the Renewal of the Special Amusement Permit for the Broken Putter Restaurant & Lounge at 382 Hartland Avenue, Pittsfield, Maine 04967.

Moved by **Councilor Chale** and seconded by **Councilor Curtis** that Resolution 10-32 be adopted.

The Town Manager noted both approvals are renewals and all is in order.

VOTE: UNANIMOUS AYE

RESOLUTION 10-33: Resolved that the Town Council Approve the Renewal of the Alcoholic Beverage License for the Broken Putter Restaurant & Lounge at 382 Hartland Avenue, Pittsfield, Maine 04967.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Resolution 10-33 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 10-34: Resolved that the Town Council Waive Section 106. Regulations of Bids and Contracts of the Administrative Code and Authorize the Town Manager and Highway Foreman to purchase 2 sweepers from Howard P. Fairfield, LLC in the amount of \$ 35,000.00 and to authorize the expenditure and transfer of \$ 35,000.00 from G/L #1-601-00, Public Works Equipment Reserve.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that Resolution 10-34 be adopted.

The Town Manager noted John Dickson, Public Works Foreman, is here this evening to discuss the replacement of the 1976 sweeper, a vehicle that does operate but needs to be retired. This issue first came up in 2005. The first sweeper(s) in good shape that John and Timmy have felt comfortable with that would fit into the budget is listed as John's recommendation.

Discussions at past Council Meetings on the purchase of a replacement sweeper were to look for a good used one and that when this equipment was found, to bring it to the attention of the Town Council.

The PW Equipment Account has \$190,142.16 as of March 31, 2010. This reserve was created to start funding equipment replacement of the older deteriorated equipment and to begin to build funding toward the purchase of snowplowing/sanding equipment when the Town finds itself in the situation in which it must perform this work itself.

John Dickson, Public Works Foreman, noted that the set of sweepers are a 1993 and a 1996. The 1996 has an upgraded elevator system, but the head went bad on the motor. The 1993 has a low hours, low miles engine that can be moved into the 1996 sweeper. The 1993 can also be run as is. The parts on each sweeper are interchangeable, they are identical other than the year. John noted our sweeper is a 1978 and the parts have to be fabricated. Donna asked if this unit would be independent or still require a water truck to run ahead of it. John noted that due to dust issues the water truck is still necessary, but this model can dump the swept materials into a dump truck rather than the old sweeper that needs to go all the way back to the highway garage. The only thing that would need to be purchased for these machines would be the brushes and the brooms. The company we are purchasing from will also deliver the sweepers. John felt this equipment could be operated for 10 years or more. John also noted that the new sweepers would be in style.

VOTE: UNANIMOUS AYE

RESOLUTION 10-35: Resolved that the Town Council Waive Section 106. Regulations 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 03/31/2011, same conditions.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 10-35 be adopted.

The Town Manager noted Donnie Chute, Recycling/Transfer Station/Safety Coordinator, is here this evening.

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 \$300 or 1.8% for the year, increasing to \$16,900.

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. 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.

VOTE: UNANIMOUS AYE

RESOLUTION 10-36: Resolved that the Town Council Waive the Recycling User Fee Assessment for communities and regional organizations sending recyclables to Pittsfield for processing due to the economic conditions facing Towns and implement a flat fee per Town for 2010.

Moved by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that Resolution 10-36 be adopted.

The Town Manager noted the current fee structure involves:

1. The tons of recyclables from a community divided by the total tons of recyclables sent by all towns including Pittsfield;
2. This figure is multiplied times the Recycling Operational Budget (excluding Curbside Pickup exclusive to Pittsfield);
3. The Revenue Budget expected to be collected is then subtracted; and
4. The resulting amount is divided between all towns based upon their tonnage.

The Recycling/Transfer Station/Safety Coordinator has reviewed the user fee system, which works well in good times. Reviewing the last three years, it is clear that some years the town lost money and some years the Town gained money. Don Chute recommends the attached flat fee schedule. Recycling revenues have decreased. The Recycling/Transfer Station/Safety Coordinator has spoken with the Towns and this is agreeable. The Town Manager and Assistant Treasurer support this approach. All of the towns are in this together and we need to support each other through this down economy (recession).

Note: Basically due to the loss in revenue, the program needs \$41,970 instead of \$19,239 as set by the 2009 budget. This is too much of an increase.

VOTE: UNANIMOUS AYE

RESOLUTION 10-37: Resolved that the Town Council Sign the Warrant and Notice of Election to Call the Maine School Administrative District No. 53 Burnham Village School Closure Referendum to be voted on April 29, 2010.

Moved by **Councilor Stackhouse** and seconded by **Councilor Baker** that Resolution 10-37 be adopted.

The Town Manager noted housekeeping motions for the Special Election scheduled for SAD #53.

VOTE: UNANIMOUS AYE

RESOLUTION 10-38: Resolved that the Town Council Appoint Nicole Nickolan as Warden and Vickie Braley, Emmalee Reed and Cammie Jemery as Deputy Wardens for the April 29, 2010 referendum.

Moved by **Councilor Chale** and seconded by **Councilor Stackhouse** that Resolution 10-38 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 10-39: Resolved that the Town Council Approve the following list of Election Workers effective until April 6, 2012 pursuant to Title 21-A, Section 503.

REPUBLICANS	DEMOCRATS	GREEN	UNENROLLED
Melissa Flewelling Ronda Belgard Marilyn Humphrey Eloise Bane Arey Bryant Peter Snow Walter Reuter Connie Lasselle Wendi Knowles Faith Humphrey Tristan Goewey Charles Moon Linda Moon Charity Bean Constance Thies	Donnie Hallenbeck Rhonda Woodman Rebecca Geagan Frank Geagan Suzanne Mercier Donald Belgard Cynthia Lewis Rebecca Johnson Dawn Witham Belinda Stackhouse Linda J. Snow Trudy Ferland Joyce Ackroyd Donna Reilly Julianne Bousquet Nancy Shorey Francis Pratt Bev Newton Eileen Wright Casey Marquis Nancie Mcleod Donna Dunphy Marie Rollins Mary Parsons Connie LaGross Tom Brown	James Cianchette	Joseph Veilleux

Moved by **Councilor Stackhouse** and seconded by **Councilor Baker** that Resolution 10-39 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 10-40: Resolved that the Town Council Authorize the Town Manager and Assistant Treasurer to put out to bid surplus town property and to accept reasonable bids.

Moved by **Councilor Curtis** and seconded by **Councilor Stackhouse** that Resolution 10-40 be adopted.

The Town Manager noted each year, we look to see if there are sufficient items to put out to bid and this year, we have just a few items. Due to the fact that there are few items, we would post notices rather than advertising. In addition, it is recommended that rather than cluttering up the agenda with these small items, that the staff accepts the high bid, if reasonable.

VOTE: UNANIMOUS AYE

RESOLUTION 10-41: Resolved that the Town Council Authorize the Mayor to sign the Proclamation to Designate May 1st as the Silver Star Banner Day to honor the wounded and ill Soldiers of the Town of Pittsfield.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Baker** that Resolution 10-41 be adopted.

The Town Manager noted over 2580 cities and counties throughout the United States that signed proclamations to set this day aside to honor the wounded or ill military veterans. This proclamation is to recognize and thank the wounded and ill war veterans as well as to let them know that the country has not forgotten that they have made personal sacrifices on the country's behalf.

According to the Silver Star Families Organization, "The Silver Star Banner is not a new concept, though it is a new design. Starting in World War I a silver thread was sewn over the blue star of the "Sons in Service" flags to recognize the wounded. This process continued into the Korean War. After that time a copyright was placed on the Blue and Gold Stars, but not the Silver. Too many of our military members are being or have been wounded in one manner or another and this is why we are bringing the Silver Star Banner back. We have included illnesses because in previous wars many did not survive the illnesses and with today's technology they do, though they still have the illness they live on."

VOTE: UNANIMOUS AYE

RESOLUTION 10-42: Resolved that the Town Council Authorize the Town Manager to sign agreements/letters for the Pittsfield Community Theatre for motion pictures for theatrical exhibition.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 10-42 be adopted.

The Town Manager noted the following agreement came up for renewal and was provided in the Council Package:

1. Warner Bros. Distributing Inc.

The other standard agreements usually come up about the same time also so it would be efficient to authorize signing of all of the agreements at once. Copies of the following agreements in effect are available upon request:

1. Sony Pictures Releasing Master License Agreement and Guarantee Letter
2. Dream Works Distribution Credit Application and Personal Guarantee (we request waiver of the personal guarantee)
3. Paramount Pictures Master License Agreement and Guarantee Letter
4. Universal Film Exchanges

For your background, I have listed the 2009 expenditures as follows:

- | | |
|------------------------------------|------------|
| 1. Warner Bros. Distributing, Inc. | \$1,555.40 |
| 2. Sony Pictures: | \$ 754.60 |
| 3. Dream Works Distribution | \$ 0.00 |
| 4. Paramount Pictures | \$1,605.05 |
| 5. Universal Film Exchanges | \$ 500.00 |

If in the future, the agreements coming up for renewal change substantially or we are uncomfortable with proposed changes, the agreement/s in question will be brought to the Town Council for review and/or approval.

VOTE: UNANIMOUS AYE

RESOLUTION 10-43: Resolved that the Town Council Appoint members to fill the vacancies on the various Town Boards and Committees from the attached list.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Resolution 10-43 be adopted.

The Town Manager noted Donna spoke with Sheila Cochrane who was interested in the last opening – on the Board of Ethics.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Updates:

Somerset County Charter: The Town received a copy of the proposed charter from Somerset County. The Somerset County Charter Commission completed its review and has proposed this Document. The County Commissioners have authorized that the proposed Charter be placed on the November 2010 ballot.

Somerset County Budget Process & Town Involvement: We were approached by a Selectman from a neighboring town who proposes that the towns work together to review and keep up to date on the Somerset Budget process and what is taking place. Under this proposal, each town would send a Representative, switching off between the Towns. This would provide better communication, knowledge and oversight.

MDOT Sibley Pond Bridge Project: Currently, hundreds of people use the old public way that was the former Route #2 to launch their boats, fish, enjoy the water, hunting access and other reasons. The State is rebuilding the Sibley Pond Bridge and at this point, no one knows if the old boat launch will stay or not. If the boat ramp/launch goes away there will be a ruckus. The Town contacted the owners of the Sibley Pond Resort adjacent to the bridge area. This is a beautiful lot with a beach and area to launch boats. Although ideal, the price tag is far beyond the means of the Town or the State. We asked them for the ability to use the corner of the parcel for a temporary boat ramp/launch while the bridge project was on-going. They did not say no. We intend to review the site with DEP to see if there is any possibility this can be done and to find out the extent of the permits required.

It was mentioned at the State/Town meeting on site, that the solution may be just to leave the area that is built as the temporary road while the project is on-going for a boat ramp/launch after the bridge is completed. This way, there will be a facility after the project is done and it will not be taken away from the Town because the project took place.

Having a boat ramp/launch after this project is completed is crucial. It is unfortunate that the adjacent project is not feasible due to the high price. I do not think that many people in Maine could buy it.

Uniform Building and Energy Code goes into effect on June 1, 2010: It is required to be enforced by The Town on December 1, 2010. I asked our Deputy Mayor, who is the head of the State Construction Group if later this year, we could receive some information from the group or have a presentation by one of the committee members.

Councilor Jordan noted he is the State President for the Maine Home Building and Remodeling Association. The Association is very involved. There was a Technical Board appointed by the governor who reviewed the national code and made it presentable for the State of Maine based on current licenses. There are some mandates that are very uncommon and will make it difficult for people to be able to afford to be homeowners. Some of these are sprinkler systems being mandated to be installed, the use of third party inspectors and the ability to enforce the code based on population numbers. Councilor Jordan will give the Council an update at a future meeting.

Long Term Recreation Plan: The Town goes from Recreation program to the next one and so forth. Due to the low cost recreation budget and the high number of volunteers, we get one project done and go onto the next one. There is recognition that MCI, SAD #53 and the Town may be able to unify an approach in the future that gets the children involved at a young age to continue with sports. The first meeting has taken place discussing general ideas and concepts.

Cable Television Franchise Agreement: Our Franchise agreement ran out on 12/01/2009. We had a Meeting with the Cable Company, Time Warner regarding our requests. Our representative was drafting a response from the company. At the time of our meeting, I noted that other towns advised that Time Warner was in no hurry to update the agreement. This is the case for our Town also. I have been promised a reply in the near future. There is a State Model Cable Franchise agreement, which is now available to Towns from the State. It is much better than our older franchise agreement from 1994.

Request by CEI Housing, Inc. Tax Exempt Property: The Town has a lot of tax exempt property. We have just received notification that one of the largest apartment complexes in Town requests a tax exemption as it is a 501c3 non-profit. This is a large loss of valuation and resulting taxes. The non-profit agency has proposed to make a payment in lieu of taxes. These are called PILOT agreements. We would negotiate an arrangement with the non-profit to obtain a payment in lieu of taxes taking into consideration those items that the property utilizes – fire, police, admin, assessing, public works, etc. CEI Housing is proposing a 50% PILOT on West Branch Terrace. To do this, the Town needs to pass a resolution, negotiate an agreement with the non-profit and offer the same type of arrangement with other non-profits. There is no requirement for the other non-profits to do this. But it does open the door for new non-profits in town to be offered this arrangement. Technically, I expect that CEI could request a 100% tax exempt status, however, due to the nature of operations and the fact that they are developing projects which consume services, CEI notes that they usually offer a 50% PILOT.

Grants Update:

New Grants:

Economic Development Administration Grant: Pittsfield Industrial Park Expansion: Many reports to file; the ad was in the newspaper, lots of inquiries and the EDA continues to review the RFP that was issued.

Closed Grants:

Airport Grants: Design Engineering for Apron Reconstruction: The close-out documents have been filed with the FAA and MDOT for final payment as well as all of the plans and required documents. We still need the MDOT and FAA for a close-out meeting in the future. I have received the DEP paperwork and since the grant is closed out, we are determining how to pay the fee.

8. **REPORTS:** Audience, Council

Audience:

Council:

Councilor Baker: Miss seeing Donnie Hallenbeck sitting in the corner.

Councilor Carr: Did not realize that surrounding Town pay the same amount for our recreation program as Town residents do. The Town of Pittsfield's taxpayers pay for the Recreation Director. It seems that we should be collecting something from non-residents to

help cover this cost as they use our resources. Perhaps we need to look at increasing fees for non-residents in the sports programs or keep the fee the same but have the Towns pay a percentage to Pittsfield. It could help make the Recreation Director a full time position or get better programs in Pittsfield. Other Council members and the Town Manager felt that this would be a good idea.

Councilor Chale: Echoed Chris Carr's statements on the Recreation Department. Wanted to wish a Happy Birthday to Kathryn!

Deputy Mayor Jordan: None

Councilor Curtis: None

Councilor Stackhouse: None

Mayor Nichols: Wanted to thank Kathryn and all the Town employees for all their hard work.

9. **ADJOURNMENT:**

Motion by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that the meeting be adjourned at 9:55 p.m. All in agreement.

Nicole Nickolan, Town Clerk