

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, April 20, 2010 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Bob Stackhouse, Caleb Curtis, Deputy Mayor Gary Jordan, Jr. **ABSENT:** Donna Chale, Christopher Carr, Louise Baker. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Donald Hallenbeck, Mike Lange, Chris Cousins, Mike Thompson, Steve McCarron and others.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**. The Council observed a moment of silence.

Mayor Nichols noted that he would be voting tonight to make a quorum.

2. Adoption of Minutes of the regular meeting on April 6, 2010.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that the minutes of the regular meeting on April 6, 2010 be adopted.

VOTE: UNANIMOUS AYE

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

Presentation by Donald Chute, Recycling/Transfer Station Coordinator, on the 2009 Municipal Solid Waste and Recycling Figures

The Town Manager introduced Donnie Chute, who is here this evening to provide the Town Council with an update on the 2009 Municipal Solid Waste and Recycling Figures.

Donnie Chute noted we received confirmation from the State last week confirming our adjusted recycling rate for 2009 was 68.79%. We are still above the 50-percentile mark. Some of the program highlights were that we had a holdover from the year before on our plastics and some of our white metals, which went up drastically. This will probably reflect into the 2010 numbers because we held on to those items. One of the reasons for that is because we made approximately \$1750.00 more by holding onto the material and brokering it at the right time. Everything else is staying about the same. We seem to be trending toward the lower end for 2010. Our composting is doing well. Tom Roberts at Snakeroot Organic Farm is taking in a lot more organic material. This is really saving us a lot of money by not having these items in the trash. We are getting some numbers from Pennywise for reuse, as well as a gentleman out on Route 100 that has a second hand store. We have a few recycling contractors who actually come up and take boards and wood out if the wood pile and that saves us from grinding them up and sending them out. Trash collection is down, as well as recycling but this is due to the economy. We are still one of the top programs in the State.

The Town Manager stated this is excellent. A lot of Towns have recycling rates that have gone down because of the economy. Ours has stayed the same. It may or may not go down for 2010.

Donnie Chute also wanted to take this time to recognize a former employee of the transfer station. Fred Rines passed away this weekend. We wanted to send our condolences to the family. He is irreplaceable. He was a great employee and would still visit every day to check how operations were going at the transfer station.

Mayor Nichols stated that Donnie and the crew at the transfer station do an excellent job.

Community and Economic Development Activities and Events

14th Annual Trade Show & Community Fair scheduled for Saturday, May 1, 2010 from 9:00 am – 1:00 pm at Warsaw & Vickery Schools Complex. This is the second year the event is being scheduled in Pittsfield. There are now over 50 exhibitors expected inside and outside the school complex, featuring business displays at the Warsaw School and an "Arts Center" with a variety of talented craftsmen and artists at the Vickery School. The list of Community Fair Presentations & Exhibits was read.

4. PUBLIC HEARINGS/OLD BUSINESS:

ORDINANCE 10-06: (Public Hearing) 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.

There was no one who wished to speak for or against Ordinance 10-06. Public Hearing Closed.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Ordinance 10-06 be adopted.

The Town Manager noted all foreclosed property must go to public hearing for consideration of a quitclaim deed under the Town Charter. This property foreclosed in December of 2005 and Mr. Thorton has paid off all taxes in full.

VOTE: UNANIMOUS AYE

ORDINANCE 10-07: (Public Hearing) 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.

There was no one who wished to speak for or against Ordinance 10-07. Public Hearing Closed.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Ordinance 10-07 be adopted.

The Town Manager noted all foreclosed property must go to public hearing for consideration of a quitclaim deed under the Town Charter. This property foreclosed in December of 2009 with Mr. And Mrs. Watrous paying all taxes in full.

VOTE: UNANIMOUS AYE

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

Town Manager's Report: Town Council Meeting of 04/20/2010:

1. 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 expected to receive the units during April 12 – 23, 2010 and received a call today that our order is headed to Town tomorrow. Participants will receive a call to pick up their purchases at the Pittsfield Recycling Station.

2. SAD #53 Referendum Vote on the Closure of the Burnham Village School: This referendum vote is scheduled for Thursday, April 29, 2010 from 12:00 noon – 8:00 pm in the Council Chambers in the Pittsfield Municipal Building.

3. Senator Snowe's Office Hours in Pittsfield Senator Snowe's office will have a representative available at the Pittsfield Municipal Building in the Small Conference Room on Wednesday, May 12, 2010 from 1:30 pm – 3:30 pm to hear citizen's concerns on federal programs and matters.

Finance Committee: None.

Ordinance Committee: None.

Recycling Committee: None.

6. **NEW BUSINESS:**

**TOWN OF PITTSFIELD
ORDINANCE AUTHORIZING TAX ANTICIPATION BORROWING**

ORDINANCE 10-08:

The Town of Pittsfield hereby Ordains the tax anticipation note borrowing for the fiscal year ending December 31, 2010 on the following terms:

Pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, as amended, the Town Treasurer -is hereby authorized and empowered to borrow money from time to time during the fiscal year ending December 31, 2010 in the principal amount or amounts not exceeding \$500,000 at any one time outstanding, in anticipation of the collections or receipts from taxes, by the issuance of tax anticipation notes of the Town, each of which notes shall be designated "Town of Pittsfield 2010 Tax Anticipation Notes." All of such tax anticipation notes, and any extensions, renewals or replacements thereof, shall be signed by the Town Treasurer and countersigned by the Mayor, shall be payable on or before October 29, 2010, out of money raised by taxation during the fiscal year ending December 31, 2010, shall bear interest payable at maturity at a rate determined in the manner as approved by the Treasurer and the Mayor, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form, as shall be approved by the officers signing the same, whose approval shall be conclusively evidenced by their execution thereof, and the Treasurer and the Mayor are hereby authorized to award the notes to Skowhegan Savings Bank or such other person or entity as they deem appropriate; and

The notes authorized by the foregoing are hereby designated as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and the Treasurer of the Town is authorized to covenant with the purchasers of the notes on behalf of the Town and for the benefit of the holders of the notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain free from federal income taxes, including without limitation, the filing of information returns and reports with the Internal Revenue Service and the payment of any rebate due to the United States of America.

This Ordinance ratifies and confirms Ordinance 10-05, which was acted on without knowledge that the notices of the public hearing on that Ordinance had inadvertently not been published.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Stackhouse** that Ordinance 10-08 be set to Public Hearing.

The Town Manager noted after the staff was unable to locate the newspaper ads that had been placed, I consulted with the Town Attorney who has advised to re-do all steps. We are able to complete the process within the timeframe remaining with 1 day remaining.

VOTE: UNANIMOUS AYE

RESOLUTION 10-46: Resolved that the Town Council Waive Section 106. Regulations of Bids and Contracts of the Administrative Code to Authorize the Town Manager to execute the Town's Standard Services Contract with Olver Associates Inc. for the completion of necessary engineering design, geotechnical, permitting and easement work on the Waverly Avenue Water Main Replacement Project at the River Crossing to not exceed \$50,000, contingent upon grant funding from the Drinking Water Program.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 10-46 be adopted.

The Town Manager noted this item would be passed over this evening.

Olver Associates advises that the information that the Drinking Water Program originally provided to their company was not accurate. The Town is not eligible for a grant, the \$50,000 would be an interim loan and the deadline for the project is being extended from September 1, 2010 into 2011. With a grant, the Town would have been able to have fit the payment for this project into the budget if we did not continue to purchase meters for replacement at the larger facilities.

Olver Associates will review this project and bring it back in the future. At this time, there is no requirement to act as there is no longer a deadline of May 1, 2010 to meet.

ITEM PASSED OVER

RESOLUTION 10-47: Resolved that the Town Council Authorize the Town Manager and Assistant Treasurer to negotiate the pricing for the Town's #2 fuel, kerosene and propane for the Town's buildings and general assistance which includes joining a cooperative fuel oil and/or kerosene purchase if pricing is competitive.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Stackhouse** that Resolution 10-47 be adopted.

The Town Manager noted this is a housekeeping item. We are going to issue the RFP on a seasonal basis, however, rather than keep bringing this back each year, the resolution is worded such that we will just regularly complete this action each year.

VOTE: UNANIMOUS AYE

RESOLUTION 10-48: Resolved that the Town Council Authorize the Town Manager to sign a revised contract with Transco Business Technologies to remain in the current lease agreement and receive a photocopier exchange.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 10-48 be adopted.

The Town Manager noted The Town issued a RFP for a new copier back in 2006 and accepted the bid of Transco. The new copier arrived in December of 2006 and worked well for a couple of years. We have had constant repairs and frankly, the machine simply has not held up to the specs in the RFP.

The company has agreed to provide a sturdier photocopier for the same price and term, so that the Town will finish out the lease agreement at the same time.

This will save the Town time and cost in continually having to fix copies and the company time and cost in continually having to come to fix the machine.

VOTE: UNANIMOUS AYE

RESOLUTION 10-49: Resolved that the Town Council Adopt the Proclamation for the Mayor to declare May 2010 as Foster Care Awareness Month in Pittsfield.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 10-49 be adopted.

The Town Manager noted this is a yearly proclamation signed by the Mayor.

VOTE: UNANIMOUS AYE

RESOLUTION 10-50: Resolved that the Town Council Authorize the Town Manager to execute the application for an outdoor fireworks display as property owner for the Greater Pittsfield Area Kiwanis Fireworks for the 2010 Egg Festival to be conducted by Central Maine Pyrotechnics subject to receiving approval of the FAA and the appropriate insurance certificate naming the Town of Pittsfield as additional insured.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 10-50 be adopted.

The Town Manager noted I have received a complete new set of materials from the fireworks company. All information remains the same except that the time on Saturday, 07/24/2010 for the show will be 9:15 pm instead of 9:30 pm.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Updates:

Personal Property Tax Collection Update: The Assistant Treasurer has provided the list of outstanding personal property tax collections which, after many requests, and in some cases, signed letters or agreements to make payments and numerous conversations, have not proceeded forward to any resolution. People have been offered the opportunity to even make a minimal payment of \$50.00 a month toward these balances as long as they pay each month.

The Town Council processed an opportunity in 2008 in which if the individual with o/s taxes paid up all years taxes, they had a one time opportunity to have the interest waived. We had great collections. During the last 1.5 years, we have been working with numerous property owners to get their back personal property taxes up to date and this has worked well.

The Town Manager noted that Small Claims Court filings have changed from \$4500 to \$6000. The Finance Department has done everything that they can to not go forward with this, however, there is simply no resolution on these accounts to date.

Safety Training Update: The Town has conducted all safety training for required Bureau of Labor Standards training (and actually a little extra) for all the regular permanent town positions. Training for temporary employees will take place once the summer recreation staff are hired. Once we obtain the fire department training records, we will update the training matrix.

Senior Community Service Employment Program known as the ABLÉ Program: The Town signed up for this program last July 2009. A senior volunteer was placed with the Town last Fall 2009 who has done a wonderful job. Elton has painted most of the interior of the Municipal Building, which we believe is the first time in its 35-year lifespan. For the cost of the paint, it is much brighter and cleaner looking. Elton has been working at the Town properties cutting hedges, trimming trees and cleaning up leaves. He is now in charge of the Pedestrian Arboretum Walkway, which is being rebuilt by Public Works. Elton was a janitor for many years with a school district and loves to work.

Financial Reports as of 03/31/2010:

Budget Expenditure Report
Revenue Collections Report
Tax Acquired Property Report
Economic Development Revolving Loan Update
Housing Revolving Loan Update
Transfer Station/Recycling Monthly Report
Theatre Monthly Report
Excise Tax Collections Comparison Report
State Revenue Sharing Comparison Report
Personal Property Tax Collection Report
Real Estate Property Tax Collection
Self-Explanatory – Not Reviewed

Other Reports as of 03/31/2010:

Building and Plumbing Permit Reports
Library Report-Librarian's and Library Trustees Minutes
Police Report
Self-Explanatory – Not Reviewed

Grants Update:

New Grants:

Economic Development Administration Grant: Pittsfield Industrial Park

Expansion: The pre-bid meeting was packed with 16 interested parties. The bid opening took place on April 14, 2010 with 11 bids submitted ranging from the low apparent bid of Nitram Excavation in the amount of \$728,642 to a high bid of \$1,022,000. We are reviewing the bids now and the item will be coming before the Town Council on May 04, 2010.

Ken-Som Transition Team/KVCAP Grant for Regional Job Fair: The project is under way

L&W Conservation – Hathorn Park Legge's Field: U.S. Senators Collins and Snowe announced the Town's award of \$25,000 from the Land & Water Conservation Fund for

the renovation of Hathorn's Park so the agreement. The paperwork to sign has arrived. The original ordinances and resolutions passed in 2009 authorized the Town Manager to sign the paperwork, if we were awarded the grant. This grant is for \$25,000 federal funding and a \$25,000 local match, which is the PW staff, Town Manager, Parks & Recreation Committee Members; and a number of volunteers who wrote letters of support.

Law Enforcement Bryne Federal Grant: Radio Equipment: The radio equipment arrived, the Town is awaiting payment from the federal government and we have some reports to file by the end of the month. Officer Sides is filing one report and I am filing the other one.

PUC Energy Efficiency: Block Grant to Towns: The PUC has issued its list of projects and the Town of Pittsfield's Energy Efficiencies for the Municipal Building including an energy efficient boiler for part of the Town Office; solar thermal panels for the roof; show volunteers how to weatherize the Town Office better & review the Town Ordinances to encourage alternative energy sources. The PUC received a lot of the Custom Applications. Our project was approved for the requested amount of \$84,025. We filed our first report on this project and are awaiting a contract, requirements and timeline for the grant.

Riverfront Community Development Grant: Need to develop bid specs for the paving of the parking lot and skate rink area.

Grants waiting to be closed:

Airport Grants: Apron Reconstruction Grant: We are awaiting final payment on this grant. The FAA happened to be audited and this project was chosen. Everything was found in order for the entire project so that was good

Brownfields Grant: Clean-up Grant for Eelwier (now know as 8 Mount Road): We were commended by the EPA on having a successful project. The EPA has signed off in full on the project and this one can be moved to the closed grant list. The parcel can now be formally sold by the Town.

Other Grant Opportunities:

Airport – Stormwater Drainage Study, Security Study and Reimbursement for FAA bill: Working with the MDOT and the FAA on this project which is undergoing a comprehensive review. The Airport and PW Department completed the independent review, which has been forwarded to the FAA and the MDOT. We are awaiting word.

Jump Start our Youth (JMG): Some applications for funding were applied for through the JOY program which provides a grant of up to \$1,000 dollars for a program that benefits the youth of the Town. Many on-going projects greatly benefit the youth, so they have a lot to choose from.

Railroad Depot Grant: This grant is due. The Town does not have resolution to the structural integrity of the building, the Historical Society has very little history on the Railroad Depot and we do not have the entire match required. Once we determine the structural component and if the building is found to be alright for a few years more, we could, paint and re-shingle the building with a volunteer project once the lead based paint is removed and get this done for the grant amount, Public Works Department staff and volunteers. The Structural review was going to cost \$1000 so we have not had it done, as there is no funding for it.

8. **REPORTS:** Audience, Council

Audience:

Donnie Hallenbeck: We ran into this same problem years ago. As best as the historical society knows the current building was built in approximately 1883. The interior was modified in 1920. There are some blueprints floating around. Mr. Fernald borrowed a set of plans from me when I was working at the museum, but they were very incomplete. The only other information I could give you would be that about 34 years ago there was a steel I beam placed under the building. Maine Central at the time was known for a lot of the record keeping, but when it became apparent that they were going to be bought out by Guilford Railroad, they opened their archives. Trudy Humphrey went down to Portland and gathered what she could, but they were taking things out of there in shopping cart loads, so chances are many of the records may be in someone's private archives.

Mike Thompson: I am the new business owner of Mickey T's Fitness Center in Town. I just wanted to introduce myself to the Town Council. So you see my face and know who I am. Mr. Thompson noted it has been busy so far. We have taken in 176 people in 6 weeks.

Council:

Councilor Baker: Absent.

Councilor Carr: Absent.

Councilor Chale: Absent.

Deputy Mayor Jordan: None.

Councilor Curtis: None.

Councilor Stackhouse: Condolences to the family of Fred Rines. This was quite a loss. It was nice to see someone in the audience for a change. Wanted to thank the audience members for attending.

Mayor Nichols: Wanted to send condolences to the Rines family. They have had a very hard year. I just saw Fred last week driving around. Also, wanted to thank Donnie for his work at the transfer station. Wanted to thank all the Town employees for all their hard work. Things keep rolling in and we deal with it as it comes. Congratulations to Mike Thompson on his new business.

9. **ADJOURNMENT:**

Motion by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that the meeting be adjourned at 8:10 p.m. All in agreement.

Nicole Nickolan, Town Clerk