

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, May 18, 2010 at 7:30 pm in the Council Chambers.

**PRESENT:** COUNCILORS: Bob Stackhouse, Caleb Curtis, Deputy Mayor Gary Jordan, Jr., Donna Chale, Christopher Carr, Louise Baker. **ABSENT:** Mayor Tim Nichols. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Mike Lange, Scott Noble, Mike Gallagher, Annaleis Hafford and others.

1. **Deputy Mayor Jordan** 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 May 18, 2010.

Moved by **Councilor Chale** and seconded by **Councilor Curtis** that the minutes of the regular meeting held on May 4, 2010 be adopted.

**VOTE: UNANIMOUS AYE**

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

#### **Community and Economic Development Activities and Events:**

##### Report on Meetings & Events:

**Pittsfield Public Library Grand Opening Celebration** for the Restoration and Expansion took place on Saturday, 05/15/2010 from 11:00 am – 1:00 pm. The ceremony was about 45 minutes long and then there was socializing and touring of the facility. It was just one of the best events I have ever attended – everything was perfect – the Master of Ceremonies did an excellent job; the speeches all flowed into each other, the ribbon cutting was great and the attendance was wonderful. Our Mayor Tim Nichols; Councilor Donna Chale and Councilor Louise Baker were in attendance.

##### Upcoming Events:

**Kennebec-Somerset Regional Job Fair** in Pittsfield scheduled for Wednesday, 05/26/2010 from 3:30 pm – 7:00 pm at the Warsaw Middle School Gym. READ list of businesses and resource providers involved.

##### Certificates:

**The 14<sup>th</sup> Annual Trade Show** scheduled for Saturday, May 01, 2010 from 9:00 am – 1:00 pm at Warsaw & Vickery Schools Complex was a great hit and the best one I have been to yet. It also has ended up being the highest fundraiser for the Chamber for the Trade Show event. There were over 50 exhibitors featuring business displays at the Warsaw School and an "Arts Center" with a variety of talented craftsmen and artists at the Vickery School. We have created certificates of thanks for the many individuals and

groups who donated their time for the community fair aspects of the event which were a great draw. We also wanted to thank the schools for all of their help and support. We have the following certificates that will be issued:

Farmers Market

Fingerprinting children by the Pittsfield Police Department

HealthySV Display and several classes

How to Divide Perennials by the Pittsfield Garden Club

How to Make Magazine Bowls and Beads for Necklaces by MCI Art Teacher & Class

How to Make May Day Baskets by Skowhegan Bank

How to Prune Fruit Trees by Master Garden Mark Sheriff

Maine Blood Center

May Day Activities by The Chalice

MCI Diversity Club with many students, authentic recipes and activities

MCI Sustainability Coordinator with many students and displays

Pittsfield Fire Truck Tour

Sebasticook Valley Hospital Ambulance

Tomato Fright Blight by Master Garden Betsy Doane

Greater Pittsfield Area Kiwanis Bike Rodeo

Faye Anderson and Vickery School

Greg Kane and Warsaw School

School Janitors

We also wanted to issue a Certificate of thanks to Michael Fendler, who was the Master of Ceremonies at the Pittsfield Public Library Grand Opening Ceremony. He did a great job.

*New Opportunities:*

Superintendent Gallagher is here this evening to discuss the MSAD #53 Central Office with the Town Councilors. As we know, one of the proposals before the School board as part of the budget is shutting down that building. The item is further down on the agenda under Other Items, however, as Michael advised use he was going to attend, we can discuss it at the beginning of the agenda as it is a community development issue.

Michael Gallagher gave the Councilors a handout reviewing options for the Central Office Building. Michael noted the Board is leaning towards returning the building to the Town. The district currently owns the building. It was deeded over to the school district. It was originally meant to be a school for the mentally retarded. It was formerly the Marie Bradford School. The Town Manager reviewed the zoning and opportunities for the site. The lot size is 1.35 acres in a R3 residential zone. Councilor Jordan asked if the school has marketed the building. Michael noted they have had people approach them that have shown interest in the property. Michael noted that there have been no major modifications made to the building. If sold all the money would be turned over to the Town. The Town Manager asked if there are roof issues. Michael stated there are leaks and recently there was some roof work done around the edges to keep the bats out. The Town Manager noted that the tax card shows a square footage of 2,326. Michael stated he

was trying to get an idea if the Town was interested in getting the building back. The Town Manager recommended that the Town Council discuss this further at the next Town Council meeting and give the Board an answer as soon as possible.

The Councilors also briefly discussed the application that will be submitted to build a new PK – 4 school with the possibility of integrating a community center. This is due to be submitted in June 2010. This is a long term process.

4. **PUBLIC HEARINGS/OLD BUSINESS:**
5. **REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:**

### **Town Manager's Report: Town Council Meeting of 05/18/2010:**

**1. The FYI Folder:** FYI Folder which contains items that come in between the Town Council Meetings has the following this evening: NONE

**2. Earth Day 2010 Backyard Compost Bin Sale:** The Town is out of compost bins and has one rain barrel left. We have 6 compost wing diggers available. Thank you for celebrating Earth Day with the Town. We also are now out of the free trees that we were giving away for Arbor Day.

**3. 2010 Egg Festival:** The next meeting of the Egg Festival Committee will be Monday, June 14, 2010 at 5:30 pm in the Council Conference Room. Parade Registration forms, Crafts Tent Registration Forms, and Scholarship Pageant Registration forms are available at the Town Office to pick up or on the Egg Festival website. Please go to [www.pittsfield.org](http://www.pittsfield.org) scroll down on the left side to Egg Festival, then once in that tab, click on the Egg Festival website. Deb Billings, President of the Egg Festival Committee is the contact person at 207-680-0646 for general information. The Egg Festival is July 20 – July 24, 2010.

The Town Office is organizing the Annual Quiche, Cheesecake & Pie Contest for this year's Egg Festival. The event is Friday, July 23, 2010 at the Elks Lodge at 140 Middle Street.

Entries are due by 10:30 am

Judging 11:00 am – 12:00 noon

Immediately following the judging, the public is invited to sample this year's fair for \$3.00/slice for quiche, cheesecake, pie & beverage or buy individual samples/plates to be available at the Elks Lodge until 1:00 pm. The entries will then be available at the Town Office for purchase Friday afternoon 1:00 pm – 5:00 pm.

We would like to thank our sponsors – C. Jones Floral, Sawyer's Dairy Bar, Anglers Restaurant, Pizza Hut, Oz Salon, Jazz Salon, Salon Red, Summer Glaze, Pittsfield Redemption Center, Subway, Big Bills and Pittsfield Community Theatre. Emmalee is doing such a great job organizing this event.

**4. 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.

**Finance Committee:** None

**Ordinance Committee:** None

**Recycling Committee:** None

6. **NEW BUSINESS:**

**ORDINANCE 10-09:** (To be set to Public Hearing on 07/13/2010) The Town of Pittsfield hereby Ordains the amendment to Chapter 13, Section 4 Performance Standards, A. General Requirements, Subsection #3.

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Ordinance 10-09 be set to Public Hearing on 07/13/2010.

The Town Manager noted a request to utilize a specific lot has brought this proposed amendment forward. The only way to address this issue is an ordinance amendment.

The Ordinance Committee has approved forwarding this proposed amendment to the Town Council for consideration. The Planning Board has approved forwarding this proposed amendment to a public hearing at their next regular Planning Board meeting on 06/14/2010. The Town Council's public hearing must be held at least 14 days after the Planning Board's public hearing, which will then require that the Town Council's public hearing be held on 07/13/2010.

**VOTE: UNANIMOUS AYE**

**ORDER 10-07:** Ordered that the Town Council hereby approves the sewer rate increase from \$4.75 per 1000 gallons to \$7.25 per 1000 gallons effective January 1, 2011 for the USDA \$3.4 million dollar loan and grant package (\$1.9 million dollar loan and \$1.5 million dollar grant for sludge removal and sewer projects) in order to meet USDA requirements and finance the required loan payment.

Moved by **Councilor Curtis** and seconded by **Councilor Baker** that Order 10-07 be adopted.

The Town Manager noted this item has been discussed extensively at past Council meetings for many years and that she could review the material in detail if the Council would like. **Deputy Mayor Jordan** indicated that the details have been discussed at numerous meetings, so he was all set. The other Council members also agreed that no further review was necessary. **Councilor Curtis** stated this is not a fun process. **Councilor Chale** noted that it is a hard thing to explain to people. It's a very hard thing to do in this economy. Basically we have to make up for mistakes that were made in the past.

***RESOLUTION 10-54:***

WHEREAS, the United States of America acting through the Rural Utilities Service is awarding a \$1,500,000 grant to the Town and is making a \$1,900,000 loan to the Town 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:

RESOLVED: That pursuant to Maine law and the Town Charter, and all other authority thereto enabling, the Town of Pittsfield hereby resolves and does authorize its Treasurer and Town Clerk to execute and deliver RUS Bulletin 1780-12, "Water and Waste System Grant Agreement" on behalf of the Town substantially in the form presented to this meeting with such changes and additions as they in their discretion may deem necessary or appropriate and the Town Council, acting through its appropriate officers as designated in its Charter and organizational documents, take all necessary and appropriate steps to carry out these transactions contemplated by the Grant Agreement approved at this meeting and the Town is authorized to accept a grant from the United States of America acting through the Rural Utilities Service in the amount of \$1,500,000, and the Town Treasurer or Mayor, acting singly, are authorized to execute and deliver the RUS Bulletin 1780-12 Water and Waste System Grant Agreement in such form and containing such insertions, terms and provisions as the officer executing the same may approve, his or her approval to be conclusively evidenced by the execution thereof; and further

RESOLVED: That the Loan Resolution, RUS Bulletin 1780-27, Position 5, OMB No. 0575-0015 Loan Resolution for Public Bodies is hereby adopted in the form attached hereto, which is hereby incorporated herein, and the Town Council of the town approves and accepts in all respects, a proposed loan of \$1,900,000 at an interest rate not to exceed 3.25% for a period of twenty nine (29) years, from USDA Rural Development, for the purpose of lagoon sludge removal and sewer main replacement project in accordance with Loan Resolution (Public Bodies) RUS Bulletin 1780-27 and a proposed grant in the amount of \$1,500,000 in accordance with Grant Agreement RUS Bulletin 1780-12 and the Resolution of the Town Council to authorize the Town Treasurer and the Town Clerk to execute and deliver all documents and to take any and all actions necessary to carry into effect such financing, including, but not limited to, Form RD 400-1, Equal Opportunity Agreement, and Form RD 400-4, Assurance Agreement; and further

RESOLVED: 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 Ordinance adopted by the Town Council on February 2, 2010, 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 \$1,900,000 and against payment therefor, the Bonds of the Town in a principal amount not to exceed \$1,900,000, 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 United States of America acting through the Rural Utilities Service, which rates shall be subject to approval by the Town Treasurer of the Town, such approval to be conclusively evidenced by her execution and delivery of such Bonds, to be issued as a single, fully registered Bond in the an amount not to exceed \$1,900,000 maturing and payable in installments as approved by the Town Treasurer; to be signed by the Town Treasurer and countersigned by the Mayor 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

RESOLVED: 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 the United States of America acting through the Rural Utilities Service of up to \$1,900,000 and the issue and delivery to said United States of America acting through the Rural Utilities Service as evidence thereof of a corresponding principal amount of the Bonds of the Town as hereinabove authorized in the foregoing Orders; and further

RESOLVED: 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

RESOLVED: 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 \$1,900,000; and further

RESOLVED: That the Treasurer of the Town or Mayor, acting singly, are each authorized to take such other actions and execute and deliver such other agreements, documents and certificates as either deems appropriate in order to accept such grant, borrow such amount, construct the project, and implement such new rates.

Moved by **Councilor Chale** and seconded by **Councilor Curtis** that Resolution 10-54 be adopted.

The Town Manager noted the Town very recently received word from representatives of the Congressional Delegation that the Town of Pittsfield was awarded \$1.5 million dollars in grant funding and with that a \$1.9 million dollar loan will be made.

This award will finance the sludge removal project, Sewer System Evaluation System (SSES), and considerable sewer system main rehabilitation to address problematic lines with very high infiltration.

The Town Council processed the appropriate Ordinance to address funding opportunities from the USDA at their 02/02/2010 Council Meeting.

The attached Resolutions required for the acceptance of this \$3.4 million dollar award explain the details. Also, in your Council package with the rate increase required for this project is a copy of the presentation materials from Olver Associates from the 04/06/2010 Council Meeting.

If this award is not accepted, the Town can fall back on the State Revolving Loan (SRF) Program to address sludge removal. The Town will not address the SSES work or sewer system main rehabilitation projects.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 10-55:** Resolved that the Town Council authorize the Town Manager to inform the Department of Health and Human Services Drinking Water Program that the Town of Pittsfield is still interested in using the Drinking Water State Revolving Loan Funds this year for the Waverly Avenue Water Main Replacement Project at the river crossing, contingent upon loan funding from the Drinking Water Program.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Resolution 10-55 be adopted.

The Town Manager noted as discussed at prior Town Council Meetings, the Town was fortunate to be chosen by the Drinking Water Program for one of the projects on the Primary Project list. In the past, the Town has not qualified. The funding for the Primary Project list is subject to the June 2010 State Referendum.

Currently, the water system is shut off at the Waverly Avenue bridge as the line has broken numerous times. Due to the location of the line, the MDOT has instructed the Town not to remove any of the bridge footing to make a solid repair. At the current time, a continuous loop, which provides for pressure and water quality, is not in place. The area has frozen several times. More flushing of the line must take place.

The Town Council authorized this project on 10/06/2009 as part of the Ordinance authorizing improvements to the Town's water system and financing pursuant to the State's Drinking Water State Revolving Fund. The Town only goes forward with a project if it is funded.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 10-56:** Resolved that the Town Council authorize the Town Manager to execute the Town's standard services contract with Plymouth Engineering for a technical review, to include performance guarantee recommendation for the Maine Power Reliability Program to not exceed \$14,190.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Resolution 10-56 be adopted.

The Town Manager noted on 05/10/2010 the Planning Board voted to require a technical review of the CMP Maine Power Reliability Program Project addressing certain items that were listed on your agenda sheet. These include roads, vehicle access, stabilization of all access and egress areas, all temporary parking areas, stormwater management, proposed erosion control measures and address a recommendation for a performance guarantee.

The Town would be well served to have an experienced civil engineer with background on the town, the site plan review process, third party review and roads conduct this study. In addition, much of this needs to be discussed and/or determined in the field as CMP's designees did not have the route and exact on-site parking areas when the materials were filed and reviewed. The Planning Board did an excellent job addressing this extremely complicated and time-consuming project.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 10-57:** Resolved that the Town Council approve the opening of absentee ballots on June 8, 2010 after 4:00 pm for the June 8, 2010 State Primary/Referendum Election and the Maine School Administrative District No. 53 Budget Referendum Election.

Moved by **Councilor Curtis** and seconded by **Councilor Baker** that Resolution 10-57 be adopted.

The Town Manager noted these are standard housekeeping motions.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 10-58:** Resolved that the Town Council appoint Nicole Nickolan as Warden and Emmalee Reed, Cammie Jemery and Ricky Savageau as Deputy Wardens for the June 8, 2010 State Primary/Referendum Election and the Maine School Administrative District No. 53 Budget Referendum Election.

Moved by **Councilor Curtis** and seconded by **Councilor Baker** that Resolution 10-58 be adopted.

The Town Manager noted these are standard housekeeping motions

**VOTE: UNANIMOUS AYE**

**RESOLUTION 10-59:** Resolved that the Town Council approve the issuance of a parade permit to Burns W. Knowlton - Post 32 for a Memorial Day Parade on May 31, 2010, start time 9:00 am, and waive the permit fees.

Moved by **Councilor Curtis** and seconded by **Councilor Baker** that Resolution 10-59 be adopted.

The Town Manager noted this is our yearly review and approval of the parade permit for the Memorial Day Parade.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 10-60:** Resolved that the Town Council authorize a transfer of expenditures from the Floral Trust Accounts to C. Jones Floral in the amount of \$1,800.00

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Resolution 10-57 be adopted.

The Town Manager noted this is our yearly review and approval of the cost and transfer of funds for the flowers for the cemeteries under the Floral Trust Accounts. The cost is paid for from the interest accumulated on the Floral Trust Accounts.

**VOTE: UNANIMOUS AYE**

## 7. **DISCUSSION ITEMS:**

### Updates:

**Determine interest in SAD #53 central office building, if available:** This item was discussed earlier. It will be discussed further at the next meeting.

**Town Arboretum pedestrian walkway:** Before Starting the project, the following plan was drafted.

The Public Works Department consulted with Bill Bradshaw, local contractor and American Concrete out of Veazie for recommendations on how to complete the work. The PW employees also discussed the project informally while working on other projects. The Public Works Foreman discussed the project with the Town Manager describing out the plan in detail on 04/01/2010.

This was estimated as a \$12,750 project if bid out. We have searched for grant funding and had not found any for years. The pedestrian walkway has been humped and sunken since the late 1980's when a fire took place downtown and a large excavator was placed on the pedestrian walkway to deal with the fire and debris.

This was the plan:

1. Pulled out all bricks as to not break them. All bricks were placed on pallets and taken to the garage for security. These types of bricks are no longer made. 8 pallets per trip for a total of 19 pallets of bricks.
2. Re-graded the surface existing in the pedestrian walkway. 3 people
3. Added 28 yards of crusher dust by hand.
4. Finish graded with a piece of conduit and 2 by 4 and drag it down, picking up the access material.
5. The bricks needed to cleaned with a wire brush before re-placement.
6. The bricks were replaced in the walkway.
7. Special sand was placed to fill in the voids and to seal in the bricks in the walkway.
8. The special plastic bracing was placed on the side of the walkway to hold the bricks to hold them in place.
9. Pressure treated wood will be placed along the sides of the walkway to hold the lawn in place as to not grow onto the bricks.
10. Loam behind the pressure treated wood to match existing lawn.

\$3,267.28 staff time (including benefits and costs)

\$1,696.95 out of pocket

Total: \$4,964.23

It is estimated that over 70 people stopped by with positive comments and we have received over 10 compliments since then.

**Highway/MDOT Sibley Pond bridge project:** As discussed at prior meetings, the Town does not own any property down at Sibley Pond that is suitable for a boat launch. We have been in discussions with MDOT and everyone who has called on this project to ask

MDOT if during the design/build, whatever is the temporary road access that is built can be left as the boat launch area. We do not need a large area but we do need something. So rather than having the expense of taking out the temporary road that is used, they can leave in part of it.

The building inspector has reviewed the Sibley Pond Resort property which was used and as a small beach area. DEP has been down and at least right now, it does not seem that we would need any permits from DEP to have a small temporary boat launch area on the side of that property accessed from the Sibley Pond Road, if the owner was willing. The property is for sale as one large property and not separate parcels. The owner has not said no to a temporary access. There would be some significant costs here and we do not have any funds available. We are waiting for a DEP report now.

**Highway/Snakeroot Road hill review:** Due to the condition of the Snakeroot Hill, we had a civil engineer review the situation, as we do not want to pave this hill and have the pavement slide off the road over a few years. The Town Manager read parts of the 05/17/2010 Plymouth Engineering letter.

**Highway/Road sweeper performance:** The PW crew loves the new to the Town sweeper – which is a used 1993 & used 1996 Johnston Sweeper (basically we got two, one to use and one of the same model, which we can use for parts).

On a regular week's worth of sweeping, it will save 1 day per week due to not having to continuously drive back to the garage to dump out the collected material, which is what we had to do with the older historic model.

In a regular 5-week schedule of sweeping in the spring, that will be a savings of \$2,478.00 for the 2 staff individuals and 1-ton truck for the season. If we include in the rate for the sweeper not being used, it increases to \$5,978.00 per year

Financial Reports as of 04/30/2010:

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 Discussed**

Other Reports as of 04/30/2010:

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

The Town Manager noted that expenditures are right where they should be. Revenues will need to be discussed in June to determine a plan for the remainder of the year.

Grants Update:

New Grants:

Economic Development Administration Grant: Pittsfield Industrial Park Expansion: Have spent a great deal of time on this grant. The pre-construction meeting was held.

8. **REPORTS:** Audience, Council

Council:

**Councilor Baker:** I am with Donna on the Library. I am really proud of Ann McGowan for all her hard work. The McGowan's could move anywhere in the State, and they stay here in Pittsfield. They really care for this Town and it shows. The Library is very beautiful. I hope everyone has had a chance to go. I encourage everyone to go.

**Councilor Carr:** No Report.

**Councilor Chale:** I wanted to echo what Kathryn said about the library. It is nice to finally see it complete and open. It was a nice ceremony and well attended. I cant say enough good things about the work the committee did.

**Deputy Mayor Jordan:** It certainly does look different when you go over the railroad tracks. The Libaray looks very nice.

**Councilor Curtis:** No Report.

**Councilor Stackhouse:** No Report.

**Mayor Nichols:** Absent.

9. **ADJOURNMENT:**

Motion by **Councilor Curtis** and seconded by **Councilor Baker** that the meeting be adjourned at 8:43 p.m. All in agreement.

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Nicole Nickolan, Town Clerk