

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, August 16, 2011 at 7:30 pm in the Council Chambers.

**PRESENT:** COUNCILORS: Mayor Tim Nichols, Bob Stackhouse, Caleb Curtis, Deputy Mayor Gary Jordan, Jr. and Christopher Carr. **ABSENT:** William Bradshaw and Louise Baker. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Don Hallenbeck, Robert Phelan, Matthew Taylor, Steven Topich, Donald Woodruff, Jane Woodruff, Vaughn Woodruff, Holly Zadra, Eamon Zadra-Woodruff, Trudy Ferland, Mark Yarborough, Jennifer Yarborough, Leah Yarborough, Benjamin Yarborough, John Baron, Karie Senus, Jeffrey Brandow, Vern Palmer, Mike Lange.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**. The Council observed a moment of silence.
2. Adoption of minutes of the regular meeting held on July 12, 2011

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that the minutes of the regular meeting held on July 12, 2011 be adopted.

**VOTE: UNANIMOUS AYE**

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

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

##### Available Resources:

##### 1. New Businesses:

Heidi Ann's by Ann Duncombe, new business location at 115 Main Street  
Ruby and Wheaky at 120 Nichols Street (internet sales of hand-made arts and crafts)

##### 2. Employment Specialist Available in Pittsfield:

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

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

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

- searching on the internet for jobs
- creating a resume

- connecting to training or education opportunities
- how to apply for jobs on-line
- creating an email account

and many other activities that will assist you in meeting your career goals.  
Have questions? Feel free to call **1-800-542-8227 ext. 2533 or 859-2533**

Report on Meetings & Events:

2011 Egg Festival

Upcoming Meetings & Events

Industrial Park Expansion – Meeting of the Pittsfield Economic Expansion Corporation and the Economic Development Team

4. **PUBLIC HEARINGS/OLD BUSINESS:**

**ORDINANCE 11-07:** (Public Hearing) That the Town of Pittsfield hereby ordains to repeal Pittsfield Town Code, Chapter 13 Zoning Ordinance, Section 4 – Performance Standards, B. Specific Requirements, Subsection Animals and replace it in its entirety with Pittsfield Town Code, Chapter 13 Zoning Ordinance, Section 4 – Performance Standards, B. Specific Requirements, Subsection Animals.

The Public Hearing was opened.

In Favor:

Holly Zadra: I am speaking on behalf a citizens group of about 25. The whole idea behind this Ordinance proposal is to increase self-sufficiency. We can do this by raising our own chickens in the backyard. We wouldn't need to go to the grocery store for eggs, and it reduces the need of use of fossil fuels for transportation of the eggs to the stores. We know where our food is coming from and can teach our children where the food is coming from. We have control over what the chickens are feed and how they are treated. Another benefit is the hen's manure can be used for compost for our gardens. This proposed revision was created with help from Steve Seekins, Pittsfield's CEO. It is pretty strict including enclosures with protection from predators from above, below and around the sides. I have also investigated with other CEO's in Towns that allow citizens to keep hens. In the Towns that allow residents to keep hens, there have been no issues. We contacted 5 different Town's for this information. Allowing hens in Pittsfield would also remind everyone of the Town's agricultural history. I have paperwork available for anyone interested that lists many other reasons this Ordinance amendment would be favorable.

Jennifer Yarborough: I would like to speak in favor of this Ordinance amendment as a regular citizen who is very interested in this and creating urban homesteads. Chickens would be a good addition to that idea. I think it is part of greening the planet to green your own back yard. Chickens help get rid of some of the bugs in our garden reducing the need for pesticides and create fertilizer for the garden. It is a great learning opportunity. Our daughter has already researched what she would like for a chicken, and how many eggs

they lay and if it would be sufficient for our family. Having a chicken would also help create self-sufficiency, which we may need in the future.

Trudy Ferland: I am a proponent of buying, eating and growing locally as much as possible. I think it makes for a better life in all kinds of ways. I would love to have a couple hens in my backyard.

Jane Woodruff: If we can have our President and First Lady have a garden in the front lawn, it seems like we should be able to have hens in our backyards in Pittsfield. I'm thinking we are trying to promote this as a green community and this falls in line with the sustainability goals a number of committees have.

No one wished to speak against Ordinance 11-07. Public Hearing closed.

The Town Manager noted this is the citizen request from a number of residents to allow female chickens to be raised in residential areas. The original proposal was amended in a few areas by the Planning Board and CEO, but generally was very well written. The Planning Board approved the proposal by a vote of 4-1 after holding a public hearing, recommending passage of the proposal to the Town Council.

The Ordinance Committee met on 06/21/2011, finding a few items that needed to be clarified so that a recommendation could be made. The amendment as proposed by the Planning Board indicates that the ACO will be involved with issues whereas the ACO's duties lie with cats and dogs, not with other animals such as chickens. The ACO has since provided a proposal to cover her costs in addressing chicken issues at the request of the Committee. In addition, the Code Enforcement Officer has agreed to cover chicken issues when he is working.

The Ordinance Committee then recommended approval of the proposed ordinance amendment to the Town Council at their 07/12/2011 meeting, with a proposed revision to be made after the public hearing is held on 08/16/2011.

Therefore, wherever ACO is listed in the proposed ordinance amendment, the wording should be changed to Code Enforcement Officer in order to ensure that the amendment can be enforced if there are issues.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Ordinance 11-07 be adopted and amended by adding the following: Wherever Animal Control Officer is listed in the proposed Ordinance amendment, it will be replaced with Code Enforcement Officer.

**VOTE TO AMEND: UNANIMOUS AYE**  
**VOTE AS AMENDED: UNANIMOUS AYE**

**RESOLUTION 11-89:** (Public Hearing) Resolved that the Town Council approve a new application for a liquor license for Vittles Restaurant at 107 Main Street, Pittsfield, Maine 04967.

No one wished to speak in favor or against Ordinance 11-89. Public Hearing closed

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Resolution 11-89 be adopted.

The Town Manager noted this is a new application as Vittles does not currently have a license. The facility has been licensed previously and all is in order at the facility.

**VOTE: UNANIMOUS AYE**

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

**Town Manager's Report: Town Council Meeting of 08/16/2011:**

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

**2. Nomination Papers for Town Council and School Board:** Nomination papers are now available for the following seats: 1 – District 2 Councilor; 1 – District 3 Councilor; 1 – Councilor At Large; and 3 SAD #53 Board members. Nomination papers must be returned to the Town Office for filing by 5:00 pm, Monday, September 26, 2011.

**3. Band Aid for the Theatre:**

*4 BANDS - 4 LOCATIONS - ONE NIGHT - ONE PRICE*  
Friday, August 19<sup>th</sup> from 6-10 pm  
\$10/adults - \$5/children (12 & under)

Featuring and Locations:

The Custodians @ Parking Lot Behind Cianbro

The Bill Thibodeau Band @ Pittsfield Theatre

Four No More @ Pittsfield Fire Station

Pete Witham and Friends @ Hathorn Park

Purchase one ticket and you can move from location to location outside and in to hear a great variety of Country, Bluegrass and Rock n Roll music. A Fun Family Event! Rain or Shine!

Bands will begin to play at 6:00 p.m. taking breaks throughout their performances. This will give you and others the opportunity to move from location to location. You are welcome to bring a chair for the outside performances. Theatre Committee members will be present at each location to check wristbands and for those who would like to purchase one for the event. Wrist Bands are available to purchase before the event at the Pittsfield Town Office.

For more information call 487-3136. Refreshments will be available at local businesses. All proceeds for this event will benefit the Pittsfield Community Theatre Fundraising Committee. Enjoy the Evening and Thank You!!

**4. Library Summer Programming:** Children of all ages are invited to the

Pittsfield Public Library at 10:30 on Thursday, August 18, for "Wild Baby Birds: A Puppet & Story Workshop" with Nancy Tyndall of Milkweed Puppet Theater. Children will find out about birds in the region, make bird puppets, and act out a story in a puppet theater. Nancy Tyndall has been teaching puppetry and performing folktales throughout Maine for over 20 years. The program is free for all ages and is presented by Sebasticook Regional Land Trust with support from the JMG program at MCI. For more information contact the library at 487-5880.

**Finance Committee:** No Report.

**Ordinance Committee:** No Report.

**Recycling Committee:** No Report.

6. **NEW BUSINESS:**

**ORDINANCE 11-08:** (To be set to Public Hearing on 09/06/2011) The Town of Pittsfield hereby Ordains to accept all tax year payments of Philip M. Richardson, including interest and lien costs, for the property at 108 D Street (Map 034, Lot 030), the Town having acquired said property as a result of automatic foreclosure of a 2008 property tax lien, recorded in the Somerset Registry of Deeds on June 22, 2009 at Book 4151, Page 195, which matured on November 25, 2010. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Philip Richardson.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Ordinance 11-08 be set to Public Hearing.

The Town Manager noted this property became tax acquired on November 25, 2010. All taxes, interest and lien costs have been paid in full. As the property is tax acquired, the Town must hold a public hearing on the required ordinance and then vote to issue a quitclaim deed to Mr. Richardson.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-93:** Resolved that the Town Council authorize the Town Manager to enter into a License Agreement with UTC Fire & Security permitting it to relocate its sanitary sewer discharge pipe under a Town Way, Easy Street, as shown on the plans attached hereto as Exhibit A, which said License shall be prepared by the Town's Attorney and shall be conditioned on UTC Fire & Security indemnifying the Town for any damage or injury to persons or property during construction or thereafter and restoration of said Easy Street to the Town's satisfaction on completion of said construction or subsequent maintenance thereof.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 11-93 be adopted.

The Town Council received a package of information last Wednesday from UTC Fire & Security's Engineer AMEC Environment & Infrastructure (formerly MACTEC Engineering and Consulting, Inc). This consisted of a letter, project summary and plans.

The staff has reviewed the information and made their recommendation. This information was emailed to the Town Councilors late yesterday and was made available to the public.

UTC Fire and Security Corporation proposes to replace their current service line that is a river crossing with a sanitary sewer discharge pipe that will connect to the Town's system on Easy Street near the intersection of Easy Street and North Lancey Street. In order to do so, Town water lines will need to be crossed and a new manhole and gravity pipe installed. UTC (through their contractor/engineer) will need to dig in the Town's way and complete work to the Town's sewer line. This project will require Town Council approval through a license to UTC and a contract for the work.

John L. Baron, UTC Remediation Group introduced the group that was in attendance at the meeting regarding this project. Vern Palmer of UTC, Karie Senus from AMEC Environment & Infrastructure, JE Brandow also from AMEC and John L. Baron, UTC Remediation Group.

John Baron noted that UTC purchased the facility last March from GE. Prior to acquiring a facility we do a very in depth due diligence both from a financial liability, aging infrastructure and environmental liability perspective. One of the biggest liabilities we noted was a pipe that is elevated and crosses over the Sebasticook River. This is a sanitary sewage line. Part of my job for the corporation includes cleaning up industrial mishaps. It is nice to do something proactive for a change. We would like to remove the liability posed by this pipe. If it were to break – it would be catastrophic to the river. When we bought the plant last year we set aside a line item budget to have the line replaced. We are hoping to get this project done this fall. There was a short presentation showing the location/photos of where the current pipe crosses the river as well as some details of the plan. We would install 660 feet of new forced sewer line. This will run through the building, across the parking lot and up Easy Street. We will install a new manhole and we will then connect to the first available manhole on Easy Street with a gravity drain line. All homeowner connections are after the connection so there will be little to no interruption to service. We will also be using a directional drilling technology to prevent any clearing of trees.

The group attending the meeting on behalf of UTC was given a copy of the comments/suggestions from the Town staff. After a short review of the comments, the group noted a small bit of clarification was needed from the Water & Sewer Department and will get in touch with them for some explanation on the request.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-94:** Resolved that the Town Council authorize the Town Manager to execute Change Order(s) as necessary for the Waverly Street Water Main Replacement Project, DWSRF #2010-20 approved by the State of Maine Drinking Water Program to provide for efficiency and effectiveness.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that Resolution 11-94 be adopted.

The Town Manager noted this is just a precautionary measure in case something does happen we will have the approval on file.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-95:** Resolved that the Town Council accept the resignation of William Bradshaw from the Town Council, District 3 Councilor.

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that Resolution 11-95 be adopted.

The Town Manager noted the Town Council needs to formally accept a resignation letter from a Councilor who is vacating their seat. As we know, Bill Bradshaw was in the process of moving to Southern Maine this summer. Councilor Bradshaw had indicated that he could attend the July 12, 2011 meeting, however, ended up working late that day.

Nomination papers are due at the Town Office on Monday, September 26, 2011, therefore, we have added this Councilor seat to the listing of Councilor positions open. The interested candidates who file papers for the District 3 Councilor position will run against each other for the seat on the November ballot.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-96:** Resolved that the Town Council authorize a transfer of expenditures from Floral Trust II, PITT 18 (G 7-120-00) to Jason E. Bartlett in the amount of \$1,100.00.

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that Resolution 11-96 be adopted.

The Town Manager noted this was the lowest cost. The monument and the area around the monument was very dirty and had lichen on it.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-97:** Resolved that the Town Council authorize the Town Manager and Deputy Treasurer to transfer \$3,700.00 back to the Merrill Cemetery Capital Improvement und PITT 01 (G/L #7-127-00) as the Town received a payment in the amount of \$3,700.00 for the cemetery repairs due to vandalism.

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that Resolution 11-97 be adopted.

The Town Manager noted the Town's insurance company decided to cover the claim for vandalism in the Town's Village Cemetery. A check was received in the amount of \$3,700 (which is \$4,700 repairs - \$1,000 deductible). The Town can return the \$3,700.00 transferred for the work back to the Cemetery Fund that it was originally approved for expenditure. Twenty-five (25) stones in the older section of the Pittsfield Village Cemetery were tipped over and damaged.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-98:** Resolved that the Town Council authorize the Town Manager and Deputy Treasurer to transfer payments received for Perpetual Care to G/L #7-117-00 PITT 02 Perpetual Care.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 11-98 be adopted.

The Town Manager noted Perpetual Care is a fee paid to a Town to be invested as principal so that the interest will assist for paying for the maintenance of a cemetery lot. The principal paid to the Town can not be spent. The Town withdraws some interest each year, which is budgeted as a revenue source toward the care of the cemetery.

Periodically during a year, funds will be received for Perpetual Care for a lot that is sold in the Pittsfield Village Cemetery. The Perpetual Care amount differs based upon the size of the lot and the regulations in place at the time. Payments are generally \$300.00 (2 lots). Once in a while, the cost will be \$150.00 (1 lot) or \$450.00 (3 lots).

It is proposed to transfer the funds twice per year. This resolution is general in nature so that it will be continuing for the future and allow the funds to be transferred periodically during the year.

**VOTE: UNANIMOUS AYE**

7. **DISCUSSION ITEMS:**

**Financial Reports as of 07/31/2011:**

Budget Expenditure Report  
Revenue Collections Report  
Transfer Station/Recycling Monthly Report  
Theatre Monthly Report  
State Revenue Sharing Comparison Report  
Excise Tax Collections Comparison Report  
Personal Property Tax Collection Report  
Real Estate Property Tax Collection  
Tax Acquired Property Remaining:

Map 027, Lot 041, 177 West Street, land and residence, formerly owned by Christopher & Samantha Peace; Citifinancial foreclosed and did not pay taxes

Map 017, Lot 079, Canaan Road, land only, formerly owned by Dariberto Vazquez

Map 033, Lot 017, 146 Waverly Street, formerly owned by Heirs of Barbara Rogers

**Reviewed Briefly by Town Manager**

**Other Reports as of 07/31/2011:**

Building and Plumbing Permit Reports  
Library Report-Librarian's and Library Trustees Minutes  
Police Report

**Self Explanatory – Not Reviewed**

## **Updates:**

### **U.S. Government Downgrade of Ratings**

As the Council may have heard through the news, Standard & Poor (S&P) has downgraded the long-term sovereign credit rating of the United State of America from “AAA” to “AA+”.

### **S&P Downgrade of Long-Term Ratings of FHL Banks**

Immediately following the Rating downgrade of the U.S. Government, those entities that are involved with the government system were downgraded by S&P. The long-term credit ratings on the senior unsecured debt issues of the Federal Home Loan Bank System and 10 of the 12 Federal Home Loan Banks (FHL Banks) was then downgraded from “AAA” to “AA+”. Some of the town’s collateral pledged by the various banks that we do business with that backs up deposits over \$250,000 is with the Federal Home Loan Bank System. The Town’s banks are rated really well, in fact higher than the collateral. This will be an item that needs close monitoring so I will be reviewing the credit ratings weekly. I have websites given to me by the Town Attorney who specializes in financial issues that I have been using. If we see further a further decline, we may need to obtain banks that will provide bonds or U.S. Treasuries to back up the accounts. Some of the bonding companies have been downgraded too so the situation requires monitoring. At this point. all accounts still have full collateral that is rated at least AA+”. For a comparison, the Town used to have a rating of “BBB” which was upgraded in April of 2008 to “A-“.

### **Pan Am Railway Main Street Crossing #365243L Condition**

Just a brief update that we have been working with the Pan Am Railroad staff, all of whom have been very helpful. I will have an update shortly from the company on our concerns regarding the condition and the work schedule.

### **Highway Projects**

PW has a lengthy updated work plan. If there are any items that you feel need to be completed, please let me know. The next projects underway is drainage on School Street by Vickery (a grant for this work is just too far off on the scheduling of awards; crosswalk painting and re-painting; bush hogging along roads and cutting brush at the airport, more ditching and drainage resolutions. This is in addition to regular work and emergencies.

### **Water and Sewer Projects**

Water and Sewer has a lengthy updated work plan. Work commenced on problematic curb stops. Manholes are being worked on as there are some that must be fixed in the roadway so that they are better aligned. Next is work at the Wastewater Treatment Plant including the fence; starting water main repairs at the Public Works and Water/Sewer property, replacing/repairing gate boxes; and flow testing and flushing of hydrants. W/S and PW would like to replace a few stretches of sewer line. I’m waiting for the overall costs as this would likely require a bid for the materials. The Town would do the work ourselves as these are small areas and straight-forward replacements. There have been 3 regular hydrant replacements (1 of which was hit by a motor vehicle) and 2

hydrants will be replaced as part of the Waverly River Crossing Project. We would like to do a couple more if the budget can afford it. We need to wait awhile on this.

### **Grants Update:**

#### **New Grants:**

##### **Economic Development Administration Grant: Pittsfield Industrial Park**

**Expansion:** The punch list inspection took place of the Industrial Park Expansion project and although short, the list is very important. As everyone can see, the final project of a section of Industrial Park Street has begun. Grinding was completed last week over a several day period and the base coat applied last Saturday. The overlay or surface coat is expected to be applied next week. The manholes and storm drains were being completed. We are still waiting for power to be turned on. This was an amazing opportunity.

**L&W Conservation – Hathorn Park Legge’s Field:** The Town received our first reimbursement from the Town. We have \$3278.60 left in our grant and are in the process of compiling costs for items to submit to the State for approval to proceed. We are looking at a bike rack and spectator benches for the basketball court; fixing up the gravel parking area by Legge’s Diamond and perhaps a tiny bit of paving.

I did file the required pre-application or intent for Phase II of the Hathorn Park Sports Complex. We were looking a proper and safe playground equipment; fencing between the playground and basketball; reconstructing two paths at Hathorn, fixing the log fence up by the area where the Farmers Market is and re-doing the parking lot as well as structural and electrical upgrades for the Gabezo (if possible). A proposal will be brought in at a future meeting and we will see what we want to do.

#### **New Opportunity:**

**Project Canopy:** Funding is available and might be helpful for the Town to figure out what to do with the Town’s wooded properties. Grant workshops are being scheduled in September 2011 and the grant application is due on Monday, October 17, 2011. The maximum grant is \$10,000 and requires a 50% cash or in-kind services match. Forest Management Plans are an approved use of grant funding for publicly owned forestlands, which we definitely have off Peltoma, Powers, Sibley Pond, etc.

## 8. **REPORTS:** Audience, Council

### **Audience:**

**Don Hallenbeck:** Wanted to comment on Ordinance 11-07. Mike Brooks’ grandfathers place used to have chickens. The Sullivans and Bud Jones used to own horses. There is a history of livestock in Pittsfield. Also wanted to remind everyone there is a Historical Society meeting on Thursday.

### **Council:**

**Councilor Baker:** Absent.

**Councilor Carr:** It was good to have Councilor Bradshaw on the Council. He was very knowledgeable. Questioned the new basketball hoops at Hathorn – will we be making them higher? I am concerned if they are left down low, although it is nice for the younger kids, they will be ruined in time.

**Councilor Bradshaw:** Absent.

**Deputy Mayor Jordan:** No Comment.

**Councilor Curtis:** I had a comment from someone who walked through the Industrial Park. They were very impressed with the work, but the road needs to be swept. Also wanted to note that the road is washing out in one spot. The Town Manager noted the PW Foreman is aware of a few minor issues and will be working on those issues with the contractor.

**Councilor Stackhouse:** I echo Councilor Carr's statements on Councilor Bradshaw. He was a great asset on construction projects with his knowledge. I haven't been through the Industrial Park but I think with all the projects that have been going on the Town really looks great. I want to thank Kathryn for all her hard work. Will the basketball court be stenciled? The Town Manager noted that Manson Park Committee has ordered the kits and will be donating one.

**Mayor Nichols:** I echo the comments on Councilor Bradshaw. He was very knowledgeable and enthusiastic. I wish him luck. I also want to thank Kathryn and all the girls upstairs for all their hard work. There were 53 TAP when Kathryn arrived in the Town. We are now down to three! It is amazing to have got the TAP to this point, especially with the economy. We have done very well. I also wanted to note the passing of a few people we lost over the last few weeks. Amanda Patterson passed away. She will be missed. I want to send my condolence to the family. Gabe Hikel also passed away. He had lived in Pittsfield as long as I can remember. He was always involved in the community. I also wanted to send my condolences to his family. I wanted to note on the project regarding the pipe crossing the river. If anything had ever happened and that pipe broke it would be catastrophic. It will be good to have that project done.

9. **ADJOURNMENT:**

Motion by **Councilor Stackhouse** and seconded by **Councilor Carr** that the meeting be adjourned at 8:36 p.m. All in agreement.

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Nicole Nickolan, Town Clerk