

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, September 20, 2011 at 7:30 pm in the Council Chambers.

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

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 September 6, 2011

Moved by **Councilor Curtis** and seconded by **Councilor Baker** that the minutes of the regular meeting held on September 6, 2011 be adopted.

**VOTE: UNANIMOUS AYE**

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

Community and Economic Development Activities and Events

New Business Certificate(s):

The Right Place by Stanley and Debora Short, 557 Hartland Avenue – Decorative, seasonal and garden items; hayrides one weekend a year in the fall

Sylvia & June Rush for Rush's Driving School which will be located at 97 Higgins Road at the Deeper Life Assembly

Report on New Business Activity & Opportunities in Pittsfield:

1. 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?

An Employment Support Specialist from the Kennebec Valley Community Action Program is available through a grant obtained by KVCAP. 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 to assist you in meeting your career goals -call **1-800-542-8227 ext. 2533 or 859-2533 to schedule an appointment with the Employment Specialist in Pittsfield at the Pittsfield Municipal Building or Pittsfield Public Library.**

2. Marketing for the Industrial Park Expansion:

I have downloaded several hundred pages of federal guidelines on closing out the grant for the Pittsfield Industrial Park. There are no checklists available. Pay requisitions need to be filed for reimbursement and a final inspection conducted once the punch list is finished. The Engineering Consultant is working on this project.

Once the grant is closed out, we can start marketing. In the interim, we plan to create a handout geared to the lots and develop a map or insert of the dimensions of the lots.

Upcoming Meetings & Events:

The Town will be back on schedule with all of its regular meetings as the summer is coming to a close!

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

**ORDINANCE 11-09:** (Public Hearing) The Town of Pittsfield hereby Ordains to accept all tax year payments for Christopher & Samantha Peace, including interest and lien costs, for the property at 177 West Street (Map 027, Lot 041), 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 180, 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 Christopher & Samantha Peace.

The Public Hearing was opened. There was no one who wished to speak in favor or against Ordinance 11-09. Public Hearing closed.

Moved by **Councilor Stackhouse** and seconded by **Councilor Baker** that Ordinance 11-09 be adopted.

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 under the Town Charter and then vote to issue a quitclaim deed to Christopher & Samantha Peace.

**VOTE: UNANIMOUS AYE**

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

**Town Manager's Report: Town Council Meeting of 09/20/2011:**

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

**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. SVH Community Health Fair:**

Health Connections Close to Home on Saturday, September 10, 2011 from 9:00 am to noon went very well.

**4. Healthy SV: Creating Healthy Communities:** The Annual Meeting was held today in which we had awards and recognition for several individuals who have done a lot for the region which included Robin Winslow, CEO of Seabastcook Family Doctors; Rita Bubar, Former HR Director for Cianbro (working part-time for them). We also had a brief overview of the process to date on planning to implement changes for the 2010 Community Health Needs Assessment that was published this year; completed some brainstorming and heard a report out of the highlights; and had a closer look at Youth Substance Abuse and Tobacco Use in the Seabastcook Valley. READ upcoming meeting schedule.

**5. Household Hazardous Waste Drop Off Day:** READ Notice.

**6. Theatre Fundraiser: Glo-Ball Golf Tournament:** READ Notice.

**7. 1<sup>st</sup> Annual SVH Women's Health Duck Race:** READ Notice

**8. KVCOG 44<sup>th</sup> Annual Meeting:** READ Notice & advise need to know if there will be any representation from the Town Council.

**Finance Committee:** No Report.

**Ordinance Committee:** No Report.

**Recycling Committee:** The Town Manager gave a brief update, as Mayor Nichols was unable to attend the meeting. She noted that the Reuse Center has been packed every Saturday. The Town Manager also noted that it is time to do a report on items that have come through the Reuse Center.

6. **NEW BUSINESS:**

***RESOLUTION 11-106:*** Resolved that the Town Council waive the bid policy (Chapter 2, Administrative Code, Section 106) to accept the proposal dated 09/06/2011 from Allen's Environmental Services, Inc. of Presque Isle to pipe burst 100 feet of 6" sewer main for a cost to not exceed \$4,300.00.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 11-106 be adopted.

The Town Manager noted in places, the South Main Street sewer main runs under buildings. Currently, there is a problem with a section of the pipe, which needs to be cleaned out. As this section of main is under a garage, the Town cannot dig the site.

There are few companies in the State that complete this work. Due to the need to fix this area in a timely fashion, it is recommended by the Assistant Water/Sewer Superintendent that the bid policy be waived and the firm of Allen's Environmental Services, Inc. hired to complete the job as soon as possible.

The Town Council received a copy of the proposals submitted by the Assistant Water/Sewer Superintendent from his request to companies to review the site.

The Town Council wanted to note that due to the lack of detail provided on the quote from Allen's Environmental Services, Inc. it is important to have a detailed contract signed before the project is started.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-107:** Resolved that the Town Council authorize the Town Manager to execute contracts with Constellation NewEnergy, Inc. for the Electricity Supply Agreement for the Town's Streetlight Accounts, Medium Accounts; and Small Accounts for the period of 12/01/2011 through 12/01/2014 or 12/01/2015.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Stackhouse** that Resolution 11-107 be adopted.

The Town Manager noted the Town's contracts expire on 12/01/2011 for electricity supply. We are now with the Maine Power Options with electricity from Constellation NewEnergy, Inc. for the Streetlights and Medium accounts. This has saved the Town money as the current standard offer (regular electricity through CMP) is at a higher rate.

It is very important that the Town not let the contracts expire, because if they do, the Town needs to stay on the standard offer (regular electricity through CMP) for one year and that will be more expensive.

It is recommended that this agenda item be amended to a 1-year contract after discussions with the Maine Power Options and the lessor of the dams.

Last year, the leaser of the dams here in Town approached the Town to sell electricity to the Town. We requested a proposal three times and did not receive a proposal. I contacted the leaser to advise of this agenda item and I was advised that the Town needs to make a proposal to the leaser, the Town would hire an attorney to prepare documents and so forth. I have no idea how much electricity could be produced.

We cannot put together an arrangement, get approval from the PUC and/or others and vet the financial abilities for this proposal to make sure that our essential services will have enough electricity during the busiest 2 months of the year that are coming up.

The 1-year agreements give the Town a very good rate on electricity and we can explore the issue to see if it is feasible to use the electricity from the dams here in Town legally, financially and so forth. We also will not revert to the standard offer, which will require a budget increase for electricity, if we had to go back to the regular CMP bill.

After a short discussion the Town Council opted for the three-year contract.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-108:** Resolved that the Town Council authorize the Town Manager to execute an agreement with the American Society of Composers, Authors and Publishers (ASCAP) for music played at public facilities in the community.

Moved by **Councilor Stackhouse** and seconded by **Councilor Baker** that Resolution 11-108 be adopted.

The Town Manager noted the Town has been contacted regarding the federal law requirements under Title 17 USC which establishes property rights in musical works and grants creators and owners of copyrighted musical works the exclusive right to perform or authorize the performance of their works publicly. Therefore, a public performance of music requires the users to obtain authorization not only for performances by live musicians but also for performances by mechanical means including DVD's, CD's, tapes, music on hold, karaoke, jukeboxes, radio and TV.

Basically, the Town has 7 public parks and other facilities where music is played in public. While the Town does not charge for the use of the parks, music played at weddings, church events, fun days and an assortment of other events falls within the realm of this law.

ASCAP provides a yearly permit for municipalities to cover these requirements. Cities and larger towns in Maine were contacted back in 2002. Some of the Towns in Somerset County, including Pittsfield, were recently contacted regarding this federal law.

The Maine Municipal Association has told communities that if they are playing music at their public facilities, then they are subject to this requirement.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-109:** Resolved that the Town Council approve and authorize the Town Councilors and Town Manager to sign the Project Certification; and the Town Manager to sign the grant-in-aid application to the Department of Conservation, Bureau of Parks and Lands Snowmobile Program for an estimated project of \$40,509.00 to improve the snowmobile trails for the Driftbusters Snowmobile Club.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 11-109 be adopted.

The Town Manager noted on a yearly basis, an application for grant funding to assist the Driftbusters Snowmobile Club in maintenance of the trail system is submitted to the Department of Conservation.

The Club does an excellent job each year with the Snowmobile Trails dedicating extensive time for this recreational project.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-110:** Resolved that the Town Council authorize the Pittsfield Police Department to accept and expend up to \$1,130.00 in federal funding from the Edward Byrne Memorial Jag Program 2011 for an interview room audio/video recording system and CD-R/DVD-R system.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Stackhouse** that Resolution 11-110 be adopted.

The Town Manager noted the Police Department has applied for a grant as part of a joint effort organized by Skowhegan Police Department for federal funding. Last year, the Town was able to purchase several tasers for the officers. This year, the grant was filed for needed interview room equipment. The Town was notified of the award this week.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 11-111:** Resolved that the Town Council authorize the Town Manager to sign a 5-year blanket approval letter to the Department of Public Safety, Licensing and Inspections Unit for the Pittsfield Driftbusters Snowmobile Club to have games of chance, video poker and beano/bingo to expire 12/31/2016 and will be renewable at that time.

Moved by **Councilor Stackhouse** and seconded by **Councilor Baker** that Resolution 11-111 be adopted.

The Town Manager noted the Driftbusters had a blanket letter for 1 year to see how the games went for them. Blaine Huff, who is very involved with the Driftbusters, has indicated that they would like to fundraise through having several games and activities. The Driftbusters have requested a blanket letter similar to the Elks. The actual permit comes from the State of Maine. We are giving our local approval.

**VOTE: UNANIMOUS AYE**

## 7. **DISCUSSION ITEMS:**

### **Financial Reports as of 08/31/2011:**

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

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

**Briefly Reviewed by the Town Manager**

**Other Reports as of 08/31/2011:**

Building and Plumbing Permit Reports

Library Report-Librarian's and Library Trustees Minutes

Police Report

**Self Explanatory, Not Reviewed**

**Updates:**

**Pan Am Railway Main Street Crossing #365243L Condition:** Pan Am arrived last week with the grinding machine, which turned out to be a hand held unit. Ground the areas along the edges of the tracks in a few hours and indicated the project is completed. It is less bumpy, although still bumpy. I do not see people stopping before the tracks anymore who are not supposed to stop. It is better, although certainly not a re-construction.

**Highway Projects:** A section of Main Street by the Friends property has been reconstructed. PW is waiting for the paving company so that they can finish the final coat and compact.

PW has installed several new features at the Pinnacle, paid for by the CDBG Riverfront Grant – 3 picnic tables, bike rack and a display case for maps and Pinnacle information. They now have some trail and brush work and work to the skating rink. We also need to install a couple of pieces of skateboard park equipment.

We have received permission under the L&W Conservation Grant for Hathorn Park to build up the area that is a sinkhole, used for parking by Legge's Diamond and the garage/restrooms. We have also received permission to build or purchase benches for spectators at the basketball court area for games.

**Water & Sewer Project:** Sewer Rehabilitation goes slowly on the cross-country route from Manson Park up Nichols Street.

Waverly Street Project has hit fractured ledge. ETTI is having trouble drilling in the location that was planned due to loss of air in the fractured ledge.

It is planned to move to the other side of the river to drill. This is included in the original price to Haley Construction. They indicated that they may want to drill on the other side of the roadway but still within the Town's ROW and can still make it into the pit on the other side of the bridge at the Pinnacle. MDOT has been requested to approve this.

The issue with the fracture is beyond the bentonite in the river, it is causing their drill to get stuck in the bore hole and this would be a big problem. The material needs the air to blow it out of the hole, but instead the air is blowing into the river due to the fracture.

### **Grants Update:**

Airport Grants: Stormwater, Security and FAA Review: The Stormwater Pollution Prevention Plan was finalized with all of the suggested language changes that Caleb and I submitted. The document is being forwarded to the FAA & MDOT. Public Works has located a few of the culverts that need fixing, however, there are a lot of culverts out on the airport property.

Airport Grants: Environmental Assessment for the Apron Expansion: The grant award was executed and after several discussions with the FAA and MDOT, a contract with the Airport Consultant HTA can proceed forward. The Federal funding issue, which resulted in a partial closure of the FAA, resolved and business is now proceeding forward. New grants could not be authorized during this period of time, so the Town's filing in May 2011 was just approved last month and now can proceed forward. If the environmental assessment results in the Town being able to expand the Apron, that grant project would be submitted next year after the permitting was completed.

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. The grinding and paving of Industrial Park Street was completed and makes a great difference in terms of the entrance to the Industrial Park and the Industrial Park Expansion. CMP has completed their work. We have received three pay requisitions, which are being compiled into one pay request. The Town's Engineering Consultant Millett Associates and Scott are working on an infrastructure listing for the contractor.

L&W Conservation – Hathorn Park Sports Complex: The Town received our first reimbursement from the Town. We have \$3278.60 left in our grant and have been approved to fix the gravel parking area by Legge's Diamond by the restrooms and garage as well as spectator benches for the basketball court. This is in progress this week.

New Opportunity: L&W Conservation – Hathorn Park Sports Complex, II: We filed 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). This will be coming forward in October to be reviewed and then set to public hearing. Our inspection is coming up in October also.

New Opportunity: The Fire Department is applying for a 1500 gallon Tanker/Tender with a minimum 1250 pump to replace its 1975 Ford F750 Tanker/Tender. Deputy Chief Dean Billings has taken this project to heart and is applying for the replacement vehicle. The narrative looks very good and I gave him as much updated financial materials as possible. We should score much higher for this vehicle request, as it is a replacement

rather than a new piece of equipment such as a ladder truck. Originally, the grants were due in just 3 weeks, however, the deadline was extended due to all of the trying times with storms and hurricanes.

PUC Energy Efficiency: Block Grant to Towns: The furnace and hot water heater are fully installed. The solar thermal unit is scheduled to be installed this week into next week. We are looking at the rest of the work shortly after that into October. Part of the shipment for the solar unit did not arrive so that is pushing this back a bit due to supply and demand. We also have some insulating to do and a video to make.

Riverfront Community Development Grant: The State is very pleased with this project and as we are under budget, we have been approved to continue to supplement the park. Therefore, we were allowed to purchase picnic tables; liner for the skating rink; benches for the skating rink; informational display sign; and bike rack. These costs will be submitted as Reimbursement #2. The picnic tables are installed; the bike rack is installed; the informational display is installed and the Pinnacle Ski Club has met to discuss how the liner should be installed. We need to have a meeting with the Ski Club to see what else we can do that would work well for the facility

Sludge Removal: The sludge removal is complete and I do not have the final pay requisition from Olver Associates as of yet.

Sewer Replacement including Sewer Evaluation Study with Camera Work, Dye Test/Smoke Test and Report: Work is completed, Olver Associates is working on the report. The Sewer Replacement project has begun down on the Cross Country Route from Manson Park up to Nichols Street and is moving slowly.

New Opportunity: MDOT Transportation Enhancement Grant: We are waiting for information on whether other project areas would be eligible for funding. If so, the Town would be responsible for a 20% cash match to obtain the 80% federal funding in the MDOT program. We would need to engineer the project in advance of applying for the grant next year.

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:**

**Donnie Hallenbeck:** Wanted to note that there has never been a fence separating the basketball court and the playground. Gave a brief history of fence locations in Hathorn Park from the past.

**Council:**

**Councilor Baker:** I received a call from Pat McGowan thanking the Town for fixing up Hathorn Park. He was part of the Jaycees that initiated the basketball court years and years ago. What a difference in the TAP report! There were so many properties on the list when I first came to the Council. Kathryn and the staff have done a great job.

**Councilor Carr:** No Comment.

**Deputy Mayor Jordan:** Questioned if the sidewalk that is being put in by the old Friends' property, will it go towards Crosby Street? It could look better in that intersection. The Town Manager noted it would be going around to Crosby Street. Questioned if the Town will be removing the tar by the old Friends' property and replacing it with grass. The Town Manager stated she would check with Public Works on what the plan is for that area.

**Councilor Curtis:** No Comment.

**Councilor Stackhouse:** Wanted to welcome the two new businesses to Town. It is nice to see businesses choosing to come to Pittsfield. Keep up the good work Kathryn. It is good to see things getting done around Town. On the sidewalk on Somerset Avenue, by Elm Street, there is a little triangle with sticks stuck in it. I was wondering if that was something the Town did? The Town Manager noted that she would speak to Public Works regarding this.

**Mayor Nichols:** Mayor Nichols also welcomed the new businesses to Town. The Town Report looked really good. A lot of hard work went into that. Mayor Nichols asked the Council to keep in mind the idea of getting the natural gas pipeline expansion Governor LePage is proposing through Somerset County. The Town Manager noted that we did look into this in the past, but were advised that we were too far from the project limits. We can check into it again.

9. **ADJOURNMENT:**

Motion by **Councilor Stackhouse** and seconded by **Councilor Baker** that the meeting be adjourned at 8:40 p.m. All in agreement.

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Nicole Nickolan, Town Clerk