

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, October 21, 2014 at 6:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Gary Jordan, Jr., Caleb Curtis, Tim Nichols, Robert Stackhouse and Heather Donahue. **ABSENT:** Michael Cianchette and Trudy Ferland. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Steven Bush, Chantelle Bush and Donna Dunphy.

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

Mayor Jordan, Jr. noted for the record he would be voting tonight.

2. Adoption of minutes of the regular meeting held on October 7, 2014.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Nichols** that the minutes of the regular meeting held on October 7, 2014 be tabled.

VOTE: UNANIMOUS AYE

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

Community and Economic Development Activities and Events:

Community and Economic Development Activities and Events:
Saturday, May 2, 2015: 19th Annual SVCC Trade Show and Community Fair

Important Transitional Team Activities and Events:
Wednesday, October 22, 2014: Ken-Som Transition Team Resource Fair for UTC
Wednesday, November 5, 2014: Educational Resources Fair for the Region

Several private sector business activities remain under review and small projects continue to be underway. Several commercial properties have recently been sold, are under option or will be leased. The Family Dollar Store is in the process of being closed in. We have been advised that the new store will open between Thanksgiving and Christmas. Hancock Lumber continues to work on their development project to assist with production.

Planning continues for the announced factory closure of the local UTC facility by Global UTC Headquarters beginning in the 3rd quarter of 2014 through full closure in March 2015. Planning consists of two phases, which includes recovery for the employees and for the site/community. The first Kennebec-Somerset Transition Team Meeting took place on May 01, 2014. The Pittsfield Economic Expansion Corporation has met with UTC at the plant and reviewed the factory on a detailed tour on May 23, 2014. Several tours have taken place. UTC hired CBRE The Boulos Company, which deals extensively with commercial real estate across the United States and beyond. Multiple tours of the property have taken place, however, the Town was not involved. In addition to the two resource days, a third resource fair for financial guidance is under consideration for January – February 2015.

To address remaining available locations, an additional promotion piece beyond our regular promotion of available properties had been provided to economic and community development resources and sites.

This has affected one available property positively and resulted in some phone calls. Other locations have filled in or have commitments due to the strategic locations. We had planned to design spec sheets for the remaining available properties in Town - the Corner Cupboard, the Friends' property and the Quint's property off Central Street when time permits. One is a vacant building and two are undeveloped lots.

These sheets are used to help promote properties to prospective businesses or developers. We have utilized spec sheets for other large projects in town such as the Plaza. I have been advised to just concentrate on the lots that have buildings so we will concentrate on the Corner Cupboard. The former Pizzeria building has undergone major renovations inside and hopefully will be completed shortly so that it can also be promoted. Five specialized promotional pieces have been issued with the last one in August 2014.

The new Plaza owner has been providing details on site vacancies to the Town and these have been advertised for the Plaza. Several referrals have been made to the Plaza.

North Lancey Street Business Building placed on the market by Lancey Associates and is offered by Better Homes and Gardens Real Estate The Masiello Group. Gary has compiled a spec sheet for this property and it is on the web site as well as having been distributed.

SAS Property placed on the market by MTC Holdings, LTD of San Antonio, Texas and is offered by the LandVest, a Luxury Property Real Estate Company in Camden – The website promoting the property is linked to the Town's website. The Town has recommended that the building be available for lease of needed space, however, the company would like to sell the entire building/s. The December appointment with the out of state developer/investor was cancelled due to the winter storm. The Town met with commercial interests about the property in January, 2014. Several projects are underway to enhance the ability to develop this unique and interesting property. The pre-application required for the Historic Status of the SAS property (former Waverly Mill) to proceed forward to the National Register was completed in April and submitted. The Town has been advised that the Mill has received approval of its pre-application and has been placed on the State of Maine Historic Sites database. The Town now has a State of Maine Historic Commission letter stating the Mill's suitability for the National Register which can be presented to a developer who wishes to pursue the National Register application process or the Town can utilize the letter to hire an architectural historian or other expert to complete the process (upon receipt of appropriate funding source, i.e, grant or donation). The Town worked with the potential developer to line up interested agencies to tour the mill this summer. The first tour has taken place. Background research continues to take place to locate funding resources. Recently there have been multiple contacts regarding the future of this site.

Report on MDOT Somerset Avenue Mill & Fill Project:

The MDOT Mill and Fill project is now completed with the exception of several safety enhancements.

Report on Somerset Avenue Sidewalk Project:

The detectable basins for handicap accessibility were installed which results in the project being completed. The Town is working on several items regarding this project.

Report on Meetings & Events:

Central Maine Egg Festival Committee Regular Meeting on Thursday, October 9, 2014 at 6:30 pm

KVCOG Board of Directors Meeting on Tuesday, October 14, 2014 at 9:00 am at the KVCOG Office

Pittsfield ARTS Club Candidates Night on Tuesday, October 14, 2014 at 6:00 pm

Upcoming Meetings & Events:

The Extensive List is in the process of being compiled.

4. PUBLIC HEARINGS/OLD BUSINESS:

Tabled at the 10/07/2014 Council Meeting:

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** to remove Resolution 14-107 from the table.

VOTE: UNANIMOUS AYE

RESOLUTION 14-107: Resolved that the Town Council authorize the Town Manager to execute Charge Order #1 in the amount of \$ 10,477.70 to reflect the differences in the estimated quantities in the Bid issued for the Somerset Avenue Sidewalk Improvements by the Engineering Firm and the final quantities in the completed project comprised of three sections of sidewalk completed by Callahan Construction.

The Town Manager noted to summarize the bid and contract, both documents were based upon estimated units and required payment on the actual units that were utilized. This was discussed at the Town Council Meeting when the RFP was put out to bid and when a bid was accepted. The Public Works Foreman has verified the units utilized of the materials. The Original Bid for the three chosen and completed sections of sidewalk was \$208,253. The final cost of the three sections is \$218,730.70. This results in a Change Order of \$10,477.70.

Pay Requisitions 1-6 total \$214,685.28 plus \$4,045.42 as a 2% retainage to be kept by the Town per the contract for a year from the date that the project is declared complete. The Pay Requisitions plus the retainage equal \$218,730.70.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Nichols** that Resolution 14-107 be adopted.

VOTE: UNANIMOUS AYE

Moved by **Councilor Curtis** and seconded by **Councilor Stackhouse** to remove Resolution 14-108 from the table.

RESOLUTION 14-108: Resolved that the Town Council authorize the expenditure of \$ 0.00 from the 2014 Capital Budget Sidewalk Allocation; the expenditure and transfer of \$ 10,477.70 from PITT#20 Road construction/Paving G-1-607-00; and the expenditure of \$ 0.00 in additional ADA Compliance Reimbursement from the State of Maine (ADA) for a total of \$ 10,477.70.

The Town Manager noted with the issue of additional ADA compliance required for legal crosswalks, a contract with the State of Maine to complete this work and verification of the figures all pending, it is simpler to separate the issue of the additional safety enhancements from the work of the contractor, taking the payment required to complete the contract with Callahan from the Road Construction/Paving Reserve for roadwork and sidewalks. The Town will address the additional safety enhancements that are under discussion separately and utilize the Special Revenue and Expenditure account for ADA Compliance for this work and reimbursement.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Nichols** that Resolution 14-108 be adopted.

VOTE: UNANIMOUS AYE

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

Town Manager's Report: Town Council Meeting of 10/21/2014:

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

2. Langlais Art Trail includes Pittsfield: The Town of Pittsfield is part of the Colby College Langlais Art Trail. Colby College is producing a state-of-the-art interactive map, which will serve as an extensive guide to Langlais works across the state of Maine. The launching of the Trail recognizes a state-wide art community that was created through the Kohler Foundation and celebrates the collaborative efforts to recognize this influential artist. The Town will receive a copy of *Bernard Langlais*, a copiously illustrated 250-page monograph on the artist, with essays by Hannah W. Blunt, Diana Tuite, Vincent Katz, and Leslie Umberger. This monograph is produced in conjunction with the Museum's retrospective exhibition this summer, opening July 19th. The scheduled launch date of the Langlais Art Trail was July.

3. Spirit of America Foundation Tribute: The Spirit of America Foundation has thanked the Town of Pittsfield for presenting the Spirit of America Foundation Tribute for outstanding community service during National Volunteer Month and advising about the recipient Dr. Thomas Pierce. The event hosted by Somerset County officials is on Thurs., Oct. 23 starting at 6:00 PM in the Superior Court Room of the Somerset County Building (41 Court St, Skowhegan).

For your information, these local winners will be honored at the ceremony: Beverly Breau (Palmyra), Don Chute (Detroit), Stacey Desrosiers (St. Albans), Family Fun Day (Bingham),

Marita Farrar (Ripley), Maryanne Gawlinski & Joseph McCarthy (Starks), Michael Golden (Solon), Merrill Greene (Athens), Dorothy Harmon (Jackman), Hartland Historical Society, Brenda Hogate (Cornville), Garwood & Irma Howell (Harmony), Elwin Matthews (Norridgewock), Mercer Methodist Church, Thomas Pierce (Pittsfield), Sterling Reed (Moose River), Stephen Ruell (Canaan), Stephanie Thibodeau (Fairfield), Shirley Whittemore (Skowhegan).

Pittsfield officials are invited to attend the 10/23 ceremony to praise our town's 2014 winner and receive a certificate (from a county commissioner) for your community achieving Maine Spirit of America's Gold Distinction for efforts helping volunteerism!

I have advised the Foundation that Dr. Pierce and his wife have recently re-located out west to live with one of their sons. I am awaiting a response on whether we would still receive a certificate at the event and I believe we would do so. We are looking for a Councilor to attend the event to receive the certificate.

4. Halloween Fun at th Pittsfield Publiv Library: Halloween will be celebrated at the Pittsfield Public Library Friday, October 31 from 3:30 – 5:30 with drop-in activities, fun games, and treats. Children are encouraged to wear their costumes and stop in any time during the afternoon as they are headed out trick-or-treating in their community.

5. "Merry Moosey Christmas" Book Launch: Please join author Lynn Plourde and artist Russ Cox to help them celebrate the launch of their new children's book, "Merry Moosey Christmas," on Saturday, November 1, from 11 a.m. to 12:30 p.m., at the Pittsfield Library.

"Merry Moosey Christmas" is a hilarious, unique holiday story that's sure to become a perennial favorite. Rudolph just wants to enjoy the holiday without having to work. So he convinces Santa to accept a substitute. The search for the perfect replacement results in an eager and resourceful moose, who knows just how to use a headlamp and a GPS. But on Christmas Eve, Rudolph worries: Was the moose's training complete? Will Santa and Moosey be able to get all the presents where they need to be?

Plourde is the award-winning author of more than 25 children's books, including *You're Wearing THAT to School?!*, *Pigs in the Mud in the Middle of the Rud*, *Wild Child*, *Dino Pets Go to School*, and *At One in a Place Called Maine*.

Cox, the owner of Smiling Otis Studio, specializes in illustration for children. He is the illustrator of *Freddy the Frogcaster* (written by Janice Dean) and *Major Manners Presents Nite-Nite Soldier* (written by Michael Hofer).

The event is free and open to the public. Light refreshments will be served. For more information, call 487-5880.

6. Persis Smith Community Read: The Pittsfield Public Library is holding its 2014 Persis Smith Community Read in November featuring three programs based on the book "We Were the Kennedys" by Monica Wood. Thursday, November 6 at 6:30 Monica Wood will read from and discuss her book, then speak about the research and writing of her memoir. Thursday, November 13 at 4:00 librarian, Holly Williams, will lead a book discussion. Tuesday, November 18 at 4:00 Helen Peppe, author of "Pigs Can't Swim", will do a presentation on memoir writing followed by a pot-luck supper. Copies of the book can be obtained from the public library. Readers are welcome to attend any or all programs of interest.

Finance Committee: None. **Ordinance Committee:** None. **Recycling Committee:** None.

6. **NEW BUSINESS:**

ORDINANCE 14-08: (Set to Public Hearing on 11/05/2014) That the Town Council hereby ordains to transfer Map 023, Lot 056 to Clifford Harvey for the sum of \$3,950.00 as the result of a Tax Acquired Property bid. The Town acquired said property as a result of automatic foreclosure of a 2011 property tax lien, recorded in the Somerset County Registry of Deeds on June 01, 2012, at Book 4532, Page 291, which matured on December 02, 2013. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Clifford Harvey.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** that Resolution 14-08 be set to Public Hearing.

The Town Manager noted Clifford Harvey, an abutter, is the one bidder for the project. Mr. Harvey has bid the minimum, \$3,950 and provided a bank check for \$750 which is the required 20% down payment. The minimum bid covers the taxes, interest, and costs. Mr. Harvey proposes to clean up and retain the property for future development as soon as practical. Mr. Harvey has expressed his concerns in the past regarding the condition of the property, therefore, it is expected that Mr. Harvey will clean up the property in a reasonable period of time.

VOTE: UNANIMOUS AYE

ORDINANCE 14-09: (Set to Public Hearing on 11/05/2014) That the Town Council hereby ordains to transfer Map 029, Lot 025 to Duane & Sandra Lingley for the sum of \$5,200.00 as the result of a Tax Acquired Property bid. The Town acquired said property as a result of automatic foreclosure of a 2011 property tax lien, recorded in the Somerset County Registry of Deeds on June 01, 2012, at Book 4532, Page 342, which matured on December 02, 2013. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Duane & Sandra Lingley.

Moved by **Councilor Stackhouse** and seconded by **Councilor Donahue** that Resolution 14-09 be set to Public Hearing.

The Town Manager noted Sandra and Duane Lingley plan to close the structure so that it is weather tight. They will perform inside work such as walls and floors. The Lingleys will clean the yard so that the property looks lived in. They will live there with their children after the school year ends. The bidder will be doing new windows and doors. During the next few years, new siding will be installed. The Lingleys did not submit just a down payment, choosing to pay the entire amount of the bid at once in the amount of \$5,200.00 in a bank check.

VOTE: UNANIMOUS AYE

ORDINANCE 14-10: (Set to Public Hearing on 11/05/2014) That the Town Council hereby ordains to transfer Map 025, Lot 068 to American Legion Post 32 for the sum of \$1.00 as the result of a Tax Acquired Property bid. The Town acquired said property as a result of automatic foreclosure of a 2011 property tax lien, recorded in the Somerset County Registry

of Deeds on June 01, 2012, at Book 4532, Page 239, which matured on December 02, 2013. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to American Legion Post 32.

Moved by **Councilor Curtis** and seconded by **Councilor Stackhouse** that Resolution 14-10 be set to Public Hearing.

The Town Manager noted The Town has received two bids for this property: The first one opened was \$1.00 from the American Legion Post #32 here in Town represented by Harold Goodridge and Gary R. Jordan (Sr.) in the amount of \$1.00. The Post provided the necessary bank or certified check. The Post proposes converting the building into the new home of the American Legion Post #32. Will make an attempt to start on the building as soon as possible, hoping to start this Fall and have ready the Summer of 2016. The Post will have the building in order for their home no later than October 2016.

The second and last bid opened was \$250.00 from Zachary Mellow who plans to fix and replace the roof by September 24, 2016. Mr. Mellow provided a personal check and not one of the required forms of payment.

The Town Council reserves the right to waive any formality in any proposal which they feel best serves the Town. Therefore, even though a personal check was provided, the requirement of a certified check or bank check can be waived. This also means accepting a lesser amount or making other arrangements to preserve the health, safety and welfare of an area or the neighborhood.

One bidder notes that the roof will be on by September 24, 2016. The other bidder notes that the building will be in order no later than October 2016. One bid will assist one or more families while the other bid will assist an organization of many members.

VOTE: UNANIMOUS AYE

ORDINANCE 14-11: (Set to Public Hearing on 11/05/2014) That the Town Council accept the name of Clans Court for the drive which is located off Higgins Road and has two homes owned by Stephen Bush.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Nichols** that Resolution 14-11 be amended to Bush Clans Court.

VOTE TO AMEND: UNANIMOUS AYE

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Nichols** that Resolution 14-11 be set to Public Hearing.

The Town Manager noted Financial Clerk Tonja Lary performs the duties of E-911 Coordinator for new street name request. Tonja consulted with the State of Maine E-911 Office, Sheriff's Office, SVH Ambulance and the Pittsfield Police Department regarding Mr. Bush's request and all offices did not express any concerns. Mr. Bush would like to have the name Bush Clans Court accepted by the Council as the name of his driveway, which currently services two homes. In the future he will be adding additional homes for his daughters. This road will be lengthened to service the homes when built, but will be a dead end. This will be a private drive. Mr. Bush has already purchased the street sign himself. It

was noted by the Mayor and Town Manager that Bush Clans Court may pose some confusion, as there are numerous roadways such as Bush Street, Bush Avenue, etc. in nearby Towns. Mr. Bush is aware of the risk of confusion if a passerby was calling in an emergency with the road name and takes responsibility for any issues this could cause.

VOTE AS AMENDED: UNANIMOUS AYE

ORDINANCE 14-12: (Set to Public Hearing on 11/05/2014) That the Town Council accept the name of Blueberry Court for the drive which is located off Main Street and has two homes owned by Todd Southard.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Donahue** that Resolution 14-12 be set to Public Hearing.

The Town Manager noted Mr. Southard converted a gambrel garage to house an apartment that he rents out. Because this driveway now services two residences it is necessary to name the driveway for E-911 purposes. The name chosen is a usual name found in communities across the State. This is a private drive.

VOTE: UNANIMOUS AYE

ORDINANCE 14-13: (EMERGENCY) That the Town of Pittsfield hereby ordains by Emergency Ordinance The Town of Pittsfield Medical Marijuana Dispensary Moratorium Ordinance to become effective immediately.

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that Resolution 14-13 be adopted.

The Town Manager noted with larger buildings on the market for some time and the possibility that pricing will be reduced so that entities or uses that normally could not afford the facilities may be able to bid on them, a review of our regulations has taken place. At the 10/07/2014 Council Meeting I thought about how different uses could be introduced into the Town's critical industrial zones. A few days later it became apparent that the Town could have property critically needed for our health, safety and welfare be utilized for other functions and the Town would not have sufficient input to protect the health, safety and welfare. Understanding that uses can not be prohibited throughout the entire community, the Town needs time to review such uses and determine the needed regulations as well as the zoning district/s for such uses.

This item is on the agenda in both the form of an Emergency Ordinance and a regular ordinance. An Emergency Ordinance can be adopted immediately at the 10/21/2014 meeting if the Council so desires and there are 5 members present voting in the affirmative. If we find ourselves in the situation of not having 5 members, this Ordinance is proposed in a second form of a regular ordinance. The Ordinances were drafted by the Town Attorney which has experience in this subject.

If the Emergency Ordinance is passed, then the next Ordinance, which is the Regular Ordinance, could then be passed over.

VOTE: UNANIMOUS AYE

ORDINANCE 14-14: (Set to Public Hearing on 11/05/2014) That the Town of Pittsfield hereby ordains the Town of Pittsfield Medical Marijuana Dispensary Moratorium Ordinance.

This item was passed over as Emergency Ordinance 14-13 was approved by Town Council.

VOTE: UNANIMOUS AYE

ORDER 14-04: Ordered that the Town Council Revise the Official Town of Pittsfield Fee Schedule by adding the Theatre Committee's amendments to the Pittsfield Community Theatre fee listing for tickets, concessions, facility rental and advertising.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** that Resolution 14-04 be adopted.

The Town Manager noted Nearly all fees and charges are established by the Town Council. In a few cases, the Town charges the fees established by State law for services. In the case of the Pittsfield Community Theatre, the Theatre Committee is responsible for establishing the fees and charges for the use of the theatre as it deems necessary and reasonable for the proposed use.

At the 09/30/2014 Theatre Committee Meeting, the Theatre Committee approved the addition of advertising fees to be forwarded to the Town Council after a few revisions were made to the package. Mike Brooks who is an expert on advertising and promotion has been working with the Theatre Manager. Advertising space is now available prior to the movies due to having the digital projector.

The Theatre needs to raise more funds to keep the theatre open and to assist with future renovations. Businesses need more avenues for publicity given how expensive some of the media is now. In addition, this provides an avenue for small businesses with a very limited income to be advertised to the community. We offered an opportunity to the non-profits to have free advertising this summer and a few organizations were interested. Advertising would be available to not only businesses in town, but also outside the community to introduce their products and services.

We are currently reviewing how we should limit the advertising given that we need to make sure that the advertising fits with the vision and mission of the theatre to provide appropriate viewing to children and adults.

To have an adequate record of revisions to the fee schedule, the Town Council should vote to revise the official town fee chart. The Town Council Package contains the current fee schedule with proposed amendments and the proposed advertising package. The advertising package is very colorful and we have copied it as best as possible for the Town Council package which is black and white.

The Committee has also been working with school groups and community groups to increase the user base proposing a cost sharing arrangement so that it is a win-win for everyone. Schools and community groups can not afford \$300.00 for the theatre rental while a commercial entity generally can do so and obtain a profit if the show is well advertised.

VOTE: UNANIMOUS AYE

RESOLUTION 14-114: Resolved that the Town Council authorize the Town Manager to execute Amendment #2 to the Maine Department of Transportation Memorandum of Agreement and/or Municipal/State Agreement Proposed Improvements to Somerset Avenue to provide for reimbursement from the State of Maine for ADA Compliance for the Sidewalk Project Construction Area and remainder of Somerset Avenue that was added to the Mill and Fill Project by the Maine Department of Transportation in September, 2014; and that such funds be designated to pay for the additional work to be undertaken by the Town.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Curtis** that Resolution 14-114 be adopted.

The Town Manager noted this is the second amendment to the Standard Agreement with the State of Maine for projects within the State right of way and for reimbursement for ADA compliance.

This is a new development as there have been several numbers provided by varying parties for the ADA compliance and we had counted the areas on the road.

The Public Works Foreman has confirmed with the Field Project Manager how to complete these and has set some of the ADA detectable basins before when reconstructing sections of sidewalk.

The agreement is being drafted by MDOT and a copy is not available at the Council Meeting. However, as the next Town Council meeting does not take place until November 05, 2014 and cold weather is setting in, it would be advantageous to address this matter now and then work this out in the field.

To date, the Town counts 7 sets of handicap detection ramps to install and MDOT states there are 9 sets for the area added to the project in September right before it began – which is the section from Hartland Avenue/Hathorn Park down to Main Street. I have sent a list of what John Dickson, Public Works Foreman and I have concluded from studying the plans and then walking the roadway. We also have 1 set to install on the original project which were not on the plans and so not installed but legally required

VOTE: UNANIMOUS AYE

RESOLUTION 14-115: Resolved that the Town Council authorize the Town Manager and Deputy Treasurer to transfer and expend \$8,375.00 from PITT#20 Road Construction Reserve (G#1-607-00) for paving of two sections of sidewalk along Somerset Avenue.

Moved by **Councilor Stackhouse** and seconded by **Councilor Curtis** that Resolution 14-115 be adopted.

The Town Manager noted the Town Council authorized the Town Manager and Public Works Foreman to obtain quotations for further paving on the Somerset Avenue Sidewalks, accept the lowest qualified proposal; and authorize the Town Manager to execute a contract for same if sufficient funds remain for further work after completion of the Somerset Avenue Sidewalk Improvements Project. The Town issued the RFP, received several proposals by the due date and chose the low bidder Hopkins Landscaping of Hermon at a cost of \$8,375.00 to complete the two sections of sidewalk as follows: (1) From Middle Street to Connors Street and (2) From Connors Street to Main Street) along Somerset Avenue. Both

sections were problematic in that the section in front of the Town Office was of varying heights and had dips while the section between Connors and Main Street had deteriorated substantially. The Town had the funding available for this project and as discussed at the last meeting, will need to expend and transfer funds from the Highway Road Construction Reserve which covers paving, construction and re-construction of roads and sidewalk. This is the account that excess paving budget allocations were put in at the end of the year. A small amount of funding is available for additional sidewalk work in excess of this project in case it is needed.

The contractor had some pavement left on his truck when the sidewalk was completed and spread it on the front walkway, which enhanced the area significantly. Hopkins Landscaping was very professional, arrived on time and knowledgeable about paving. The contractor is new in this field and the work performed was good. He is interested in other town paving projects in the future.

VOTE: UNANIMOUS AYE

RESOLUTION 14-116: Resolved that the Town Council Authorize the Town Manager to Execute the Industrial Waster Services & Disposal Agreement with Waste Management Disposal Services of Maine, Inc., for a term of Thirty-six (36) months without a minimum or maximum tonnage requirement.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** that Resolution 14-116 be adopted.

The Town Manager noted the Town is currently contracted with PERC with a five (5) year contract. The Town Council received a copy of the proposed Contract with Waste Management Disposal Services of Maine, Inc. for disposal at Norridgewock. This contract is for material that the Town can not take to PERC for any reason which is acceptable at Norridgewock or in case of an emergency in which the Town was unable to haul to PERC for any reason. Basically, this is a back-up facility for the Town's use.

The cost for the low amount of tonnage taken to Waste Management is at the going rate plus the CPI increase for the next years – the same as the last contracts.

VOTE: UNANIMOUS AYE

RESOLUTION 14-117: Resolved that the Town Council authorize the Town Manager to Execute Contracts with Constellation NewEnergy, Inc., for the Electricity Supply Agreements for the Town's Streetlight Accounts, Medium Accounts; and/or Small Accounts when conditions are favorable due to the short window of opportunity to join or renew offers received.

Moved by **Councilor Donahue** and seconded by **Councilor Stackhouse** that Resolution 14-117 be adopted.

The Town Manager noted a current summary analysis of pricing is on the table for the Town Council's review. As the pricing changes daily, this is the most current situation.

For a number of years pricing through the Maine Power Options Program has allowed for a cost savings for the Town's Streetlight accounts, and medium accounts (Theatre, Municipal

Building, Middle Street Parking Lot Lights and Water Pump Station). It also has provided a savings for the smaller accounts, which are considered to be all of the town's other electricity accounts since these were offered in 2011.

Other companies can supply the electricity such as the Maine Power Options program through a vendor, however, the distribution part of the bill remains with CMP.

As I am sure everyone has heard, electric rates, as well other rates for natural gas, etc. are projected to skyrocket in 2015.

When offers are received from the Maine Power Options, we are often given a few hours to 1-2 days to execute the offers. To date, the offers have been higher costs and continue to be higher, however are going down in cost as each offer is received. By the time that we have the meeting, the price will have changed again. Therefore, I would recommend a blanket approval to sign the Town up when it seems the best rate is available and this is in the best interest of the Town. This may also mean staying with the default rate with CMP as in a few cases over the years it has saved money for the Town.

Basically one can study all the trends and it is a guessing game. Of all the years since Maine Power Options came on line, we have studied and "guessed" correctly to save money in all but one year.

The contract offer received on 10/14/2015 which expired on 10/15/2015 for the large accounts was included in the Town Council's package. Maine Power Options is to send the latest offer (as they are distributed by the day's pricing and generally good for at least a day) to the Town prior to the Town Council Meeting for consideration. It may be that we will want to wait a bit to sign up but still authorize the vote in the likelihood that the rate will again decrease. We do need to be careful as the CMP Default rates are projected to be quite high. There is a good chance that we will pay more than we currently do for the next year or more, however, will save money by not defaulting to the regular CMP rate.

VOTE: UNANIMOUS AYE

Councilor Curtis had to leave the meeting at 7:00 pm, after all votes were made on necessary business.

7. DISCUSSION ITEMS:

Financial Reports as of 09/30/2014:

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 09/30/2014:

Building and Plumbing Permit Reports

Library Report-Librarian's and Library Trustees Minutes

Police Report

Self-Explanatory – Not Reviewed

Updates:

1. Water & Sewer Projects Update:

Projects have included:

- a. Cleaning up the few lawns on Madawaska Ave that we disturbed;
- b. Finishing flushing and winterizing the hydrants which is a several week process; and
- c. Assisting the Highway Department as needed.

2: CWSRF Peltoma Avenue Project: It was reported at past meetings that the Town has received confirmation in writing from the CWSRF program at DEP that our project is approved and eligible for funding at \$445,000. We were also advised that we can fund the design work by obtaining a CWSRF interim loan, bank loan or internal town funding mechanism. As the design and bidding work that would get the Town to a project would be \$24,000 at the most, we should be able to fund this internally. I have contacted the Town Attorney and Town Auditor to determine how to do this. To date, we have not received confirmation on how to proceed. Once the budget is done, this will become a major priority to complete.

3. Highway Projects Update: Highway has been working on projects to get ready for winter including hauling sand, patching the last potholes, cleaning out the drains, cleaning out the Town's accessory buildings to bundle them up for the winter and finishing up the last maintenance projects. Public Works is also cleaning out the ends of culverts for good water flow. Other projects on the work list were shingling the front of the Re-Use Building with the donated shingles which has been completed, sill work at the Airport in the old Airport Hanger, Cutting brush, shrubs and little trees that have sprung up in the Industrial Park Expansion and when the ground is frozen, more tree and brush work at the Airport to enhance clearings around the runway. There are many other projects to complete.

4. Small Projects Paving – Roads: As the original paving company was over the deadline to complete the additional work and we needed to move forward, I cancelled out the remaining work to be completed under the Spring bid. The company has apologized, however, they are overwhelmed with work and did not know when they could be back here. We do not like cold weather paving. In the meantime, this freed up the funds for the other necessary work. We also had a second contract for smaller paving projects in which the Parking Lot, multiple cuts and sections of roads as well as the sewer manhole paving was completed. I had noted at the last meeting that John had several culvert problems including a collapsed one and so these cuts were also paved as it was less expensive to have the contractor who was here complete the work rather than bring another contractor in who would have to build in additional costs/charges to cover the cost of three little tiny projects in order to come. The bill was just received for this work and in the warrants this evening to sign.

5 Small Projects Paving – Sidewalk: Originally the Town had bid out four sections of the sidewalk on Somerset Avenue. Ultimately, three sections of sidewalk were approved for work as follows: (1) Hartland to School Street – rehabilitation only, removing selected deteriorated granite and replacing it, excavating the pavement, adding 2” of gravel and paving; (2) School Street to Somerset Plaza – full reconstruction; and (3) Oak to Central – full reconstruction.

The section of sidewalk bid for full reconstruction that the Town was unable to include in the Somerset Avenue Sidewalk project was from Main Street to Middle Street which is comprised of (1) Main Street to Connors Street which is in very deteriorated condition and (2) Connors to Central Street which is out of shape. The Town did not have the additional \$32,000 that was needed for this project.

As it is getting later in the year, this authorization is sought so that we can determine if any additional paving can take place.

We received authorization to put this work out to bid and accept a bid for the 4th section of sidewalk on Somerset Avenue – from Main to Connors and Connors to Middle Street. The Town received 3 bids ranging from \$8,375 to \$10,000. The low bidder was Hopkins Landscaping LLC from Hermon. The company has added equipment and is now paving. Public Works carefully removed the pavement and rough graded the area. The Public Works Department completed their work on two days last week and the paving was completed on 10/06/2014. It is certainly a vastly improved walk on the sidewalk. Since the company had a little pavement left over, it was spread along the front entrance of the Municipal Building.

This project was completed and is on the agenda this evening for the necessary transfer of funds from the Road Reconstruction/Paving account utilized for street and sidewalk projects.

6. Somerset Avenue Sidewalk Project: The contractor has the third section, which is Oak to Central completed, and it looks very nice. Paving was completed on the binder on the third section. All paving has been completed and the landscaping of the lawns has taken place. In a few places, the hay has washed off the areas due to the rain since the work was done.

In taking the new quantities that have been measured in the field by Public Works and verified as being placed at the project, it is clear that the quantities required for the project differ from the estimated quantities in the bid package, which the Contractor responded to in determining the price to proceed forward with the project. As discussed at the Council Meeting when the RFP was approved and again at the Council Meeting when the bid was accepted, it was based upon quantities that were estimated by the engineering firm. Now that we have as much information that we will receive, it is clear that the project is over the initial estimate by the engineers. This item is on the agenda this evening for resolution as it was clear that the project was based on estimated quantities and that the Town is obligated by the bid documents to pay for the actual quantities utilized. Public Works has verified quantities in the field several times to ensure that the correct quantities are paid for and we are comfortable that we are paying for the product at the correct quantities.

The good news is that the project is a vast improvement to the area, we are receiving lots of compliments, and the work quality was excellent on the two new sections. The work quality on the first section that was just rehab was good. We simply did not have the funds for three new sections and based upon the quantities in the field being higher than anticipated when approved, it is quite clear that we could only complete two new sections. We will definitely

have \$0 funds available for future sidewalk projects and that is why we are going to work on a proposed Bike Pedestrian Plan in order to determine how to fund any future work through non-tax dollars and to determine the priorities for work. The good news is that this difficult project is completed!

7. Pan Am Railways Crossings at Webb Road and Industrial Park Road: No further information has come forward regarding the Industrial Park Road.

Pan Am repaired the Webb Road Railroad Crossing last week. Cold patch was applied in between the rails. This was the railing that was damaged last summer when railroad cars went off the road dumping corn starch along a section of tracks. The crusher dust that was applied only stayed in place for a short period of time and then there would be a drop off in the tracks which was extremely bumpy. Pan Am had pledged to pave the area, however, has budget issues so it has been patched. I have learned that Pan Am has built the panel needed for the Industrial Park Road. I was contacted by Pan Am to determine how much the Town will contribute for the pavement between the tracks. I explained our budget issues, outstanding projects and outstanding payments and that in order to be involved with projects, we need to budget for them. I told the railroad that we will haul the hot top from the plant to the project area for them as our contribution. I was told that there would be further discussion.

8. Handicap Accessibility along Main Street: New information has come forward regarding Pan Am's intentions for Webb Road and Industrial Park Street.

After the last Town Council Meeting I contacted the Director of Facilities for the business and advised of the direction which is to extend the sidewalk the distance that will be available to make up for as much of the width of the sidewalk that would be taken up by the handicap accessibility plan. We also requested information on the design and cost of having the access on the Connors Street side which is heavily utilized. I was advised on 09/29/2014 that the recommendations and request for further information on the Connors Street entrance feasibility/costs was forwarded to their engineering consultant for further discussion. I was also advised that it does not sound like the company could complete the project in this construction season. They will be in touch once they have reviewed the recommendations and compiled the information.

The Town met with MDOT Division Engineer about the sidewalk which will be reduced from 9'4" to 5' by the proposed project. MDOT noted since it was a handicap accessibility issue, they had to approve the project. With that said, we were advised that gaining back some of the sidewalk was a reasonable request from the Town as the Town's sidewalk will be reduced by this project. Due to the setup on Main Street, MDOT preliminarily advised that 18" to 2' could likely be approved. When the entire sidewalk is dug up for this project, the company would remove the granite and extend the concrete sidewalk by the agreed upon amount. It would be tapered on both sides of the project area. The area is the length of 2.5 parking spots. MDOT would require plans to be submitted and a road opening permit, which they would waive if the Town applied. The MDOT Engineer wanted to talk to others in the MDOT office, however, he thought this was a reasonable approach – the Town would be made as whole as it can be with the project requested. We are losing 4' 4", however, that amount of room is not available so we would obtain the amount that can be made available which is 18" to 2'.

9. Paper Streets: The subject of paper streets comes up continuously through requests for the Town to deed them to the individuals whose property they run through. The Planning Board recommended to the Town Council that all paper streets be listed on the Order to extend rights for 20 years. The 20 year extension runs out on September 26, 2017. Paper streets are those streets on subdivision plans that generally are not built. Due to the 207 paper streets on the Order, the extensive number of requests for the streets to be vacated and the related costs of vacating the streets, the Town has taken the position that it will not vacate any streets. Rather, after checking on where their paper street is located, we have advised people that the vacation order will expire in September 2017. Attorney Bachrach represents a client that desires to obtain clear title to a paper street on his property as well as resolving title to other streets in an old subdivision by transferring portions of the roads to all abutting landowners.

Consulting with the Town Attorney, we have been advised that without a full title search no one can verify that the Town owns the streets in question. The Town Attorney advised that the Town would be unable to conduct or pay for a full title search on this issue. Assuming they provide a full title search to the Town, it appears that the deeds in question convey the fee in those roads to the Town. If these paper streets are actually owned by the Town, the Town Charter requires an ordinance to convey municipal property. This conveyance would not terminate the private rights of other abutters along the proposed streets. It does not appear that the expiration of the paper street order will vest title in the abutters since there appears to be an actual deed. The Town Attorney suggested an idea for consideration – for the parties that benefit from the old plan to swap a series of release deeds giving up their right in the streets (or releasing them to Town directly) and the Town could convey its fee interest to each individual owner based on an agreed division---that would terminate the private rights and convey the Town's fee. Arguably, since these streets were included on the 1997 list, a separate vacation may still be required regarding possible public rights but if the Town did the foregoing, it could not dedicate the street thereafter before September 2017---and the Town Council would then have to stipulate to that.

I have advised that due to the costs involved in this procedure and the constraints on the Town budget, we would be unable to pay for the cost of taking on this project. If the project was undertaken by the requesting party, it would not be considered until 2015 which should not be an issue as it is just a couple of months away and this process would take time. We are now into the budget process and do not schedule items unless they are mandatory requirements, time-sensitive deadlines or emergencies.

This looks like an expensive time-consuming process that needs some thought to see if there is some other way to address this to the client's satisfaction. Since properties in that area have been sold, it does not appear that all of these paper streets in place would prohibit a sale of property. We have so many people that have asked the Town to address the paper streets that if we start doing these, we will need to complete all of them.

10. Request for Proposals for Tax Assessor Services: It is recommended that one or more Town Councilors be involved with the interviewing of the Assessor firms. I would plan to schedule appointments as soon as the elections and budget are completed – so likely the 2nd or 3rd week of November. Do we have any interested volunteers?

History: Our Assessor Jim Phillips is retiring at the end of the year after serving at the Town's Tax Assessor for 25 years. An RFP was put out to bid for a replacement contract Assessor for a three year period. The RFP was advertised in the newspaper legal section,

posted and sent to all known contract assessors/assessing companies. The Town received five proposals as follows:

Jacki Robbins of Monroe for 26 days a year at a price of \$400/day for a total cost of \$10,400.00

Carroll Weeks of Sangerville for 52 days a year at a price of \$320/day for a total of \$16,640.00

RJD Appraisal of Pittsfield for unknown # days at a price of \$25,500.00.

Hamlin Associates of Parkman for 52 days a year at a price of \$500/day for a total of \$26,000.00.

William VanTurnen of Madison for 60 days a year at a price of \$400/day for a total of \$24,000.00.

The current Tax Assessor is paid \$1,100/month for a total of \$13,200.00 per year.

This is an important area that will require interviews of all 5 Contract Assessors/Assessing Firms to determine the best arrangement and best cost for the Town.

11. Dam Leases Update: New information has not been received for this meeting.

Mr. Anthony's son has contacted the Town to determine the steps to have his father's long-term leases on the Dams turned over to him. He would propose to hire a company to manage the dam and may eventually move to the community or area. The son is currently out of state. Chris would work with the company for awhile. I advised that we would need background for a typical assignment such as financial information, technical information on the company to operate the dams, who would be involved and future plans. Can we think of anything else?

12. Personal Property Tax Collection:

The Town has signed payment agreements with all of the personal property tax accounts contacted.

As of 10/17/2014, the Town has received \$31,190.70 on back personal property taxes of accounts that people had not paid on for many years, if at all. I did not like utilizing the Town Attorney to contact them, however, it did work. In the end, the Town Attorney instructed them to pay up and if they continued to ignore requests from the Town that an Order listing their name and non-payment of taxes would be entered into the record. This resulted in the 4 that had not made an effort to talk with the Town. The other 6 that we had been working with also made payments. We now have payment arrangements for all of these. There are a few businesses that had been paying on their own in their own way, which was fine and since they volunteered to pay and had been doing so, a written agreement was not required. Now, we have a few smaller accounts to work on and several that may need to be written off due to circumstances such as the owner passed away, bankruptcy, etc. In all, there were generally there had been over 40 contacts made per taxpayer account, multiple discussions and meetings. I would like to thank Emmalee Reed for her perservance. Both Emmalee and I have literally hundreds of hours in collecting these taxes.

History: On 08/19/2014 after at least 40 attempts to collect outstanding back personal property taxes, the Town Council authorized the Town Manager and Deputy Tax Collector to forward accounts with multiple year delinquent personal property taxes in which the owners have made no effort to make a payment plan and/or payments to the Town Attorney for

collection and action. As part of this effort, I had read a last attempt letter to be sent to those with delinquent personal property taxes. There were 8 accounts with 3 or more year's back personal property taxes. When the last attempt letter was sent, 4 of the 8 accounts called, paid money or stated they would do something. 4 did not respond, therefore, those 4 were sent to the Town Attorney with full background information.

Legal letters were sent with a due date of October 1 for full payment. By October 1, all 4 had contacted the Town and arrangements have been made. We have written agreements with nearly all of the taxpayers with two more to come in to sign their written agreement for payment. We will have received nearly \$20,000 in a three week period for back taxes which is great. Now, we have some of the smaller accounts and those with 2 years of back taxes to contact. In general to this point, we have well over 40 contacts including bills, reminder notices, letters and often phone calls. So this extra effort worked well.

The motion that was approved to refer the very delinquent accounts to the Town Attorney has worked well and is a general motion so it can be utilized as needed.

13. Tax Acquired Property Status: The Town is now working on the next set of foreclosures coming up with the intent of avoiding as many foreclosures as possible by having the individuals pay up their taxes. In addition, when we write off the taxes for one of the TAPs being sold, we will also write off the taxes for 1 or more of the old TAPs that is truly the Town's now. We have one actual TAP now that is being paid on. This TAP was not put out to bid with a relative of the Heirs of the property which has been tax acquired. The last payment arrangement was broken again. The house was posted for non-payment with a 8.5 X 11 sign stating Tax Acquired Property Notification with a letter. This was added to the 37 notifications that payment was needed in the form of phone calls, tax bills, reminder notices, lien notice process notifications, and letters. The heir came in to make another payment arrangement and paid \$500 against the oldest taxes.

Grants Update: All grants are ongoing.

8. **REPORTS:** Audience, Council

Audience: None.

Council:

Councilor Donahue: Somerset Avenue looks great.

Councilor Stackhouse: The finished road looks great as well as the sidewalks. The only negative is the speeding now. Kathryn, I know it's a hard job that you do, but you do great. Nicole, the same to you and the girls upstairs, you all do a great job. I hear nothing but good things.

Councilor Ferland: Absent.

Councilor Nichols: None.

Councilor Curtis: None.

Councilor Cianchette: Absent.

Councilor Jordan: None.

9. EXECUTIVE SESSION:

Title 1, Section 405, 6.C., Economic Development, Disposition of Property and Acquisition of Property

Motion by **Deputy Mayor Nichols** to enter into executive session to discuss Economic Development, Disposition of Property and Acquisition of Property under Title 1, Section 405, 6.C. at 7:29 p.m. The motion was seconded by **Councilor Stackhouse**.

VOTE: UNANIMOUS AYE

Motion by **Deputy Mayor Nichols** to exit the executive session having discussed Economic Development, Disposition of Property and Acquisition of Property at 8:09 p.m. The motion was seconded by **Councilor Stackhouse**.

VOTE: UNANIMOUS AYE

10. ADJOURNMENT

Motion by **Councilor Stackhouse** and seconded by **Councilor Donahue** that the meeting be adjourned at 8:10 p.m. All in agreement.

Nicole Nickolan, Town Clerk