

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, November 20, 2012 at 6:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Bob Stackhouse, Caleb Curtis, Deputy Mayor Gary Jordan, Jr. and Christopher Carr. **ABSENT:** Donna Chale and Louise Baker. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Donnie Hallenbeck, Scott Noble, Ellen Najpauer, Peter Snow, John Dickson, Donna Dunphy, Lyn Smith, Steve Emery, Bernard Williams, Donnie Chute, Michael Lynch and others.

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 October 16, 2012.

Moved by **Councilor Stackhouse** and seconded by **Councilor Carr** that the minutes of the regular meeting held on October 16, 2012 be adopted.

VOTE: UNANIMOUS AYE

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

Theatre Restoration Update on Digital Projector

The Town Council received a preliminary write-up regarding the Theatre Digital Projector project in their Council package.

Donna Dunphy, Theatre Manager and Ellen Najpauer, who specializes in economic and community development as well as grants, are here this evening regarding the Theatre.

There has been considerable research and meetings taking place to collect information on the type of digital projector and items needed to run the projector as well as costs.

Ellen gave a brief presentation to the Town Council. Ellen noted it was very overwhelming when you see everything that is out there. We will need a projector, server and a new sound system. Kodak and Fuji make films currently but both will discontinue producing film in 2013. We met at the Theatre with a Representative from Strong. They were able to help explain some of the process to us. One of the first things we will need to do is cut a hole in the projector room for the projector. We found the space to cut, but will need someone with construction experience to perform the work properly. We will need a way to hoist the projector into the projector room, as the space available is too narrow. There is some concern with the porthole and this may need to be widened. We can use the one speaker that we currently have, but need to add two additional speakers for surround sound. We will also need Internet service for access to the movie information as well as a laptop to calibrate the lamp. The lamp may need to be changed a bit more often or it has the potential to explode and ruin the equipment. There will also be the cost of a service contract although it may not be necessary the first year. Many of the systems are repaired remotely, which also will require the use of a laptop. The tech thought the airflow was fine, as long as it is in good working order. We will need an electrician to upgrade the electrical

system. Donna Dunphy noted that the Theater should only be down 1–2 days while the system is being upgraded.

Ellen noted the next step was to put bid specs together. This will be difficult as we don't know much about equipment size or what equipment is best for our size Theatre, etc.

Mayor Nichols questioned if this new system would expand services available at the Theater. Ellen stated that this upgrade would open up many activities for the Town. Kids could go to the Theatre to play games, you could have sports events like the Superbowl, live theatre, MET performances. People that rent the Theatre for birthday parties could even bring their own Blue Ray disk to personalize the movie during the party.

Deputy Mayor Jordan questioned if ticket prices will go up. Donna noted that would have to happen but it may only be an increase to \$5.00 like the Skowhegan Theatre or \$6.75 like a matinee ticket at a regular theatre.

Ellen noted we are waiting for a return call from a municipally owned theatre in Minnesota. They may be able to provide a sample of their bid specs as they just went through this process.

Radio Tower, Building and Emergency Power Setup

The Town Council received in informational handout from Bernard Williams, Fire Chief regarding the new radio tower on site that the County will be installing in Pittsfield on the property owned by the Grignons and leased to the County. The Town will be able to place its radio equipment there with no cost except taking care of our equipment the same as we would now. Bernard was able to obtain grant funding through the county, which is great.

Community and Economic Development Activities and Events:

Report on New Business Activity & Opportunities in Pittsfield:

A Business Certificate will be issued for the following new businesses:

The House Next Door Bed & Breakfast by Milton Webber at 303 Main Street

Pittsfield Transmission & Auto Repair by Steven Valente, Jr. at 437 Main Street, Suite 107 (Merlon's LaSalle's property on Main Street)

Newport Eye Care at 453 Main Street in the SVH Complex

Some private sector business activities remain under review. One applicant is completing the final touches for the business office. A second business owner has met with the Planning Board to determine that the business is less intensive than a prior use and therefore, does not require site plan review.

Some projects are on the agenda later this evening. Another applicant is working on the plans for an addition to their business.

A local business owner is interested in purchasing a parcel of property owned by the Town off the Eelwier Road, which was cleaned up through a Brownfield Grant for the EPA. The property has been listed on the Town's website, economic development listings on the internet, at the

Town Office and provided to Real Estate Companies over the last 2 years. This is the second party to express interest. The first party did not purchase the adjacent property and if they had, would have been interested in this parcel.

The property is approximately 1 acre in the commercial Corridor Overlay Zone along Route #100 adjacent to Mount Road. Former Brownfields Cleanup property with State Certificate. It was listed as price negotiable.

The property is listed as valued at \$10,600 on the property tax cards. It has \$14,670.52 in back taxes from 1995 to 2008 and \$12,366.21 in interest for a total due of \$27,635.25. The property used to be part of the neighboring residence and had a shared septic and well. It is debatable on whether it could be built on with traditional infrastructure. It's value would be to an adjacent property owner. This is no longer TAP so it does not require a bid process and it has been listed for 2 years. If it would be alright, I would have the interested party submit their proposed offer to the Town.

SAS Property Available:

SAS Property placed on the market by MTC Holdings, LTD of San Antonio, Texas – information update

The Trust holding the former SAS building for several years decided that it will put the property out for sale. The RE agent handling the property has promised that the Town will receive a copy of the information package. Terry Sortwell of LandVest, a company from Camden that handles Luxury Real Estate was retained by the company. It would be great to have this property on the market so that it could be used, rather than be vacant. The information is on the Town's website as well as distributed to a number of regional and state entities. Our DECD Governor's Account Representative came from Augusta to review the building's potential for future state inquiries and we met with Mr. Mulligan. The State does not receive a lot of inquiries due to the economy, however, we are definitely on the State's radar when requests come in, especially manufacturing, as the building has the potential to put 300-400 people back to work.

Certified Business Friendly Community Designation:

Pittsfield received word on 08/27/2012 that the Town had been designated one of the Business Friendly Communities by the Governor. The Town of Pittsfield is 1 of 14 towns that was recently recognized by the State of Maine as business friendly. The Certified Business Friendly Community Program recognizes and promotes those communities that show a true commitment to business development.

Commissioner Gervais would like to come to Pittsfield to present the sign to the Town. George will present the certificate and signs to the Town on Wednesday, 10/21/2012 at 2:00 pm in the Council Chambers. Tim, Gary and I will have very short speeches and George will talk and conduct the presentation.

Save Our Historic Depot Campaign:

Everyone can help our Save the Depot fundraising campaign.

This historic 1880's building needs to be preserved and/or restored.

As a historic building on the Historic Register of National Buildings, the Town must follow historic preservation requirements and standards. As such, the project would cost more than if a resident or business fixed up their building.

The original estimates without architectural fees included are listed below:

Phase I consists of the roof replacement and the masonry reconstruction and pointing, a total of \$47,265 plus estimated engineering costs of \$5,000 for a total of \$52,265.

Phase II consists of removing the old siding with lead based paint and installing cedar clapboard siding and trim, a total of \$39,425 plus estimated engineering costs of \$5,800 for a total of \$56,225.

Phase III includes the windows restoration; replacement doors; and insulation, a total of \$24,174. The total cost of Phases I-III is estimated at \$121,664.

We would plan to complete Phase I first, if at all possible, then head to Phase II and so forth. The estimates are based upon the cost schedules from an architect with historic preservation background, Ames & Associates of Bangor. It is possible, that we may be able to have work completed for less.

The Town has raised the funds for Phase I, consisting of the roof replacement and the masonry reconstruction and pointing through donations and several recent grant awards. The roof replacement bids were due on 09/28/2012. Four bids were received ranging in cost from \$26,999 to \$46,885. The low bidder was Hahnel Brothers Co. which the Architect and the Building Inspector have noted is experienced and has a very good reputation. The pre-construction meeting took place on 10/10/2012. The architect checked all the details and verified the low bid, the insurance certificates were provided and the contract signed. Originally prior to the tropical storm, the project was to begin by November 1, 2012. The Contactor's representative has indicated that the company will arrive th week of December 3 or December 10 and will complete the project in approximately one week. The company is not concerned about the January 01, 2013 due date. This is a small project for them. We just need really good weather.

Once the roof is completed and we know if there are any change orders due to unknown issues found, then we will draft the bid specs for the foundation work and get that ready to go out in early Spring, 2013 when companies can see the foundation to bid on it. We will have time to get this all together for a late Spring, 2013 foundation project.

This project is being funded through many donations, many fundraisers and many small grants.

2012 Comprehensive Plan Update (2007 and 1997 Plans)

The planning process is ahead of schedule with draft Assessment sections including history, updated information and public input for Historic Profile, Demographic Profile, Natural Resources, Recreation and Culture, Local Economy, Housing, Transportation, Essential Services and Fiscal Capacity. The recommended Strategies have been reviewed. The Land Use Section will be worked on at the next Planning Board Meeting on Monday, 11/26/2012. We need to calculate the best time for the public hearingsthe Board will also detail out the timeline for completion of the project as there will need to be a public hearing as well as submittal to the State of Maine to start the review.

Project Canopy Forest Management Plan Update

Interested staff and committee/organization representatives attended a session with the Forester who put together the Management Plan. We have received a comprehensive Management Plan including Harvesting recommendations. There are aerial photographs and a chart of the tree stands, which is quite interesting.

The Town will review the Forest Management and Harvest Plan created for the Town Farm Lot located across from the Recycling/Transfer Station at the Recycling Committee Meeting on

Wednesday, December 05, 2012 at 5:00 pm in the Council Chambers at the Pittsfield Municipal Building. A copy of the Forest Management Plan is available at the Town Office in print and a copy may be downloaded at www.pittsfield.org All are welcome to attend to learn about the great opportunity that the Town has to harvest and then develop this large lot for future recreational pursuits and other community projects. Funding for this project was provided through the Project Canopy Program from the Maine Forest Service, Department of Conservation

Report on Meetings & Events:

Upcoming Meetings & Events:

- 11/08/2012 Somerset Connect Workforce Development Network at 1:00 pm in Skowhegan
- 11/08/2012 First Universalist Church's Local Harvest Turkey Supper starting at 5:30 pm at 123 Easy Street
- 11/09/2012 SEDC Legislative Forum and Board of Directors Meeting in Madison at 7:30 am
- 11/15/2012 Safety Committee Meeting at 10:00 am
- 11/15/2012 Pittsfield Historical Society Meeting at 6:00 pm at the Library
- 11/20/2012 HealthySV Executive Finance Committee Meeting at 9:00 am at the HealthySV Office (SVH Community Health) Cancelled

Upcoming Meetings & Events:

- 11/27/2012 Theater Committee Meeting at 6:00 pm
- 12/03/2012 USDA Sewer System Pay Requisition Meeting at 1:00 pm
- 12/03/2012 Somerset County Community College Network Meeting from 1:00 pm – 3:00 pm
- 12/05/2012 Recycling Committee Meeting at 5:00 pm
- 12/06/2012 Mid Maine Chamber Orientation for new Members at 11:30 am at the Chamber Office in Waterville
- 12/06/2012 Sebasticook Valley Chamber of Commerce Strategic Planning Committee Meeting at 4:00 pm at the Chamber Office in Palmyra
- 12/06/2012 Sebasticook Valley Chamber of Commerce Board of Directors Meeting at 5:00 pm at the Chamber Office in Palmyra
- 12/11/2012 KVCOG Board of Directors Meeting at 10:00 am at the KVCOG Office in Fairfield
- 12/11/2012 KVCOG Comprehensive Economic Development Strategy Committee Meeting at 11:00 am at the KVCOG Office in Fairfield
- 12/13/2012 Egg Festival Committee Meeting at 6:30 pm

Special Reminder:

11/28/2012 Heart of Pittsfield Exploratory Gathering at 6:00 pm with a light meal, discussion and brainstorming at Vittles led by town citizens. The cost is \$15.00 per person with limited seating. We would plan to pay for the cost of the meal for the Planning Board and Council members attending as it is a community function in which the Town will realize volunteers and assistance in revitalizing the downtown. That energy and enthusiasm would be positive assets.

We have received a tremendous amount of funding for our infrastructure, however, there are some items that funding is not available for so our citizens are coming forward to assist with those areas which is great.

Plus other meetings not yet announced by our state and regional partners/coalitions.

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

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

Town Manager's Report: Town Council Meeting of 10/16/2012:

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

2. Bin Sale:

PITTSFIELD RE-USE CELEBRATION: BACKYARD COMPOST BIN SALE

The sale is over with, however, people can still order a bin as we were under the maximums required for an order so we have a few more that will be available for each of the Earth Day products.

To celebrate re-use in the community, the Town of Pittsfield is part of a statewide backyard composting bin sale. A home compost bin and how-to-guide with a combined retail value over \$100 can be purchased for only \$45.00 (tax included). The bin is black, has a 10 year warranty, and is made of 100% recycled plastic. It's approximately 35" high and 33" wide, or large enough for a family of five. The Town will also have the wing digger compost turner for a discounted price of \$17.00 and the Reotemp Backyard Compost Thermometer with a 20" stem for \$18.50.

3. Egg Festival Volunteers: Read Notice

4. Thank You to the American Legion: The Burns W. Knowlton American Legion Post has held a number of wonderful ceremonies starting with the 911 ceremony on September 11, 2012 leading up to the Veteran's Day Ceremony on Sunday, November 11, 2012. The Veterans have spent a great deal of time, energy and dedication to veterans and community, which is greatly appreciated. The post is led by Legion Commander Harold Goodridge. Numerous Blue Star banners have been presented to families of active duty service members along with letters of commendation and appreciation and certificates thanking veterans such as our own Councilor Stackhouse. Peter Snow, who served in the Vietnam gave a heartfelt speech at the Veteran's Day Ceremony and I got to see one of my favorite people World War II veteran Arthur Dewey, who was instrumental in the construction of the Veteran's Park. A sincere thanks to the American Legion.

Finance Committee: None.

Ordinance Committee: None.

Recycling Committee: The Committee met on 11/14/2012. We discussed the Trash to Treasure re-use building and the staining of the building. We discussed the tonnage usage and what the re-use center is saving the Town. Bike racks in Town and hiking trails were discussed. The Map

My Walk program was discussed as well as the Community Garden. There was also a short presentation on what we would like to do regarding the tree harvesting.

6. **NEW BUSINESS:**

ORDINANCE 12-04: (To be set to Public Hearing 12/18/2012) That the Town of Pittsfield hereby ordains the 2013 Capital Budget be approved as follows:

Police Cruiser	\$ 28,150
Highway Loader	\$ 35,000
Highway General Equipment	\$ 3,850
Highway Paving	\$ 110,000
Waste Transporter	\$ 100,000
Recycling Forklift	\$ 5,000
Library Capital	\$ 5,000
Highway Waste Oil Furnace	\$ 3,000
Airport Apron Expansion	\$ 650,000
Theatre Renovations/Revitalization	\$ 50,000
Historical Depot	<u>\$ 75,000</u>
 Total Projects/Reserves:	 \$ 1,065,000
 Funding by Lease/Purchase	 -\$ 100,000
Funding by Reserves	-\$ 16,250
Funding by Grants	-\$ 708,750
<u>Funding by Other Resources</u>	<u>-\$ 50,000</u>
Total to be raised by taxation	\$ 190,000

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that Ordinance 12-04 be set to Public Hearing on 12/18/2012.

The Town Manager noted the next three proposed ordinances would be set to public hearing on 12/18/2012 for adoption of the 2013 budget. As the Town Charter requires a two-week period for public notice and publication of the public hearing, the hearing is set and notice approved at the second regular Council Meeting in November. If the action was held until the first meeting in December, the proper timeline is not available for a public hearing scheduled for 12/18/2012. Any changes made to the budgets at this meeting and subsequent meetings will be tallied up for the motions to be made for adoption after the public hearing on 12/18/2012.

VOTE: UNANIMOUS AYE

ORDINANCE 12-05: (To be set to Public Hearing 12/18/2012) That the Town of Pittsfield hereby ordains that the 2013 Operating Budget in the amount of \$2,695,350 () be approved, and the total sum of \$3,760,350 () be appropriated (Operating plus Capital Budgets);

AND FURTHER, that \$1,273,087 () be raised through taxation; that \$1,002,465 () be raised from estimated revenues; that \$340,798 () be appropriated from State Revenue Sharing; that \$100,000 () be appropriated from Lease/Purchase; that \$0 () be appropriated from Loans/Bonds; that \$16,250 () be taken from reserve funds; that \$708,750 () be appropriated from grants; that

\$50,000 () be appropriated from other Revenue Sources; and that an additional sum of \$269,000 () be taken from undesignated fund balance.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 12-05 be set to Public Hearing on 12/18/2012.

VOTE: UNANIMOUS AYE

ORDINANCE 12-06: (To be set to Public Hearing 12/18/2012) That the Town of Pittsfield hereby ordains that the 2013 Water and Sewer Enterprise Fund budgets in the respective amounts of \$430,732 () and \$501,350 () be appropriated from the respective estimated departmental revenues.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that Resolution 12-06 be set to Public Hearing on 12/18/2012.

VOTE: UNANIMOUS AYE

RESOLUTION 12-151: Resolved that the Town Council waive the bid policy, Chapter 2, Administrative Code, Section 106, to accept the proposal from Reliance Equipment of Vassalboro for a total to not exceed \$6,000.00 for the repair and rebuild of the foam system pump on Engine 4.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 12-151 be adopted.

The Town Manager noted the Fire Chief came into the Town Office to advise of an issue with Engine 4 regarding the Foam System Pump and the fact that there is one place that Reliance Equipment can find to fix it. Reliance Equipment has been servicing fire equipment for decades for most of the communities in a large portion of the state.

VOTE: UNANIMOUS AYE

RESOLUTION 12-152: Resolved that the Town Council authorize the Town Manager and Transfer Station/Recycling Coordinator to seek bids for Disposal of Municipal Solid Waste (MSW)/Bulky Waste/Demolition Debris and Tires from the Town's Transfer Station.

Moved by **Councilor Carr** and seconded by **Councilor Curtis** that Resolution 12-152 be adopted.

The Town Manager noted it is time to bid out the disposal of the Town's Solid Waste (MSW), Bulky Waste, Demolition Debris and Tires. The bid document is essentially the same as the prior document utilized in 2007.

The current year cost for disposal is \$54.12 per ton of acceptable waste at the Penobscot Energy Recovery Company (PERC).

Don Chute, Transfer Station/Recycling Coordinator discussed the bid specifications and hopes to receive a reduced rate for the Town.

VOTE: UNANIMOUS AYE

RESOLUTION 12-153: Resolved that the Town Council approve the Request for Proposals to provide Centrex and Local Services for the Town's telephone system and authorize the Town Manager and Deputy Treasurer to seek bids.

Moved by **Councilor Carr** and seconded by **Councilor Curtis** that Resolution 12-153 be adopted.

The Town Manager noted the Town Council received a copy of the RFP for Centrex and Local Service in their Council Package. It is time to go out to bid again for telephone services to support the Centrex System and to provide local telephone service.

Centrex is a telephone network that connects the towns departments – library, theatre, police, fire, water, sewer, recycling, public works and Town Office are all on one system. In the United States, the usage of Centrex lines has fallen over the past decade from 16.5 million in 2002 to 10.7 million in 2008 as users transition to IP-PBX (through VoIP). Centrex continues to be used by large institutions, government agencies, and universities as most of the equipment has already been paid for.

VOTE: UNANIMOUS AYE

RESOLUTION 12-154: Resolved that the Town Council approve the Request for Proposals to provide Long-Distance Services for the Town's telephone system and authorize the Town Manager and Deputy Treasurer to seek bids.

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Resolution 12-154 be adopted.

The Town Manager noted the Town Council received a copy of the RFP for the Long-Distance Services for the Town's telephone system. It is time to go out to bid again for telephone services to support Long-Distance Calling.

VOTE: UNANIMOUS AYE

RESOLUTION 12-155: Resolved that the Town Council appoint Brent Newhouse to the Planning Board as a regular member to fill an unexpired term through 12/31/2015.

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Resolution 12-155 be adopted.

The Town Manager noted Chris Cookson had to resign from the Planning Board due to scheduling issues. Brent Newhouse was willing to move up from an Alternate position to a regular member.

VOTE: UNANIMOUS AYE

RESOLUTION 12-156: Resolved that the Town Council appoint Paul Faria to the Recycling Committee to fill an unexpired term through 12/31/2014

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 12-156 be adopted.

The Town Manager noted Mary Gaeta's position is vacant as she moved out of state this year and Paul Faria was interested in returning to the Recycling Committee. He was on the Committee in the early 2000's.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Financial Reports as of 10/31/2012:

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
Reviewed Briefly by Town Manager

Other Reports as of 10/31/2012:

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

8. **REPORTS:** Audience, Council

Audience:

Michael Lynch: I grew up here and moved back to Pittsfield over 20 years ago. I am a Registered Investment Advisor, Stockbroker, and Financial Planner for individuals across the United States and Europe. Approximately 6 weeks ago a sewer project was started without any knowledge, without any upfront knowledge being shared. It has put me out of business the last 5-½ weeks. I questioned the engineering firm they told me it was working under the construction company's time line and schedule. The construction company stated it was the engineering group that was in charge. When I came to the Town Manager it was somebody else. My concern is what is going to happen going forward. I understand my losses are mine. The income I did not earn, I will not earn. When I asked in August when this would be happening I was told next year, not this year. On a Friday in October I found a gentleman on my lawn taking pictures and I went out to inquire. He told me he was the engineer on the project and it would be starting Monday morning. I'm not sure if I should be offended or angry or both. When I step into Bangor Savings Bank there are signs that were sent to them from the engineering firm telling them about interruptions to traffic for the business if it happened anytime between October of this year through next year. At this time the only business impacted was mine. I was unable to use my office due to the noise. I also have damage to my building due to the construction equipment being used outside. I understand those are all my costs. It stinks to be me at this point. As I have called out to other business owners that will be impacted next year, hopefully not as negatively as I have been, I have made them aware and they have been aware as they have seen the slow

progress of this project. I tried to make them aware they need to be in communication with people before, during and after so it does not negatively effect them as it has myself. Unbeknown to whoever is in charge of the project, which I still am not sure who that is, my busiest time is October through November. This basically shut me down. As I reached out to TaxPro I found out that it will impact him in March and April which is his busiest time. I think I am a business. I have been on Somerset Avenue for 8 years. My warning was approximately 4 business hours to arrange more then a months work. My expenses rose dramatically as I was driving to clients all over New England who generally come to see me. Again, I understand that is my bad luck and my bad fortune. I hope going forward whoever is in charge of this do a better job then writing a letter that is received the same day as they are breaking ground. That's what happened. That's the realistic situation. I call in to question the professionalism and integrity of the engineering firm because on my last phone call to them, which was to ask them for a paving schedule because I was moving clients over and over and over, I was told it was up to the contractor. I had been informed by the contactor moments before it was the engineering firm. When I called the engineering firm to question that I was asked who is this calling. When I said my name the answer was this conversation is over and I was disconnected. If this is who we do business with, I understand we are already in bed with them and need to move forward, that's fine. I still don't know who's signatures are on these contracts. I don't know if it's a Town Council issue, the Mayor or Town Manager, but we have an engineering firm that paid no mind to my business. We have construction companies that choose to park in front of my building to unload their equipment. I am unable to conduct business with machines idling outside. I am unable to talk on the phone. My house is shaking while trying to carry on a conversation with a client. I try to put forth a professional atmosphere, which is why I manage over 300 million dollars across the United States. I think I am a business. It is hard that this fall in my busiest time. The profitability of my business has been impacted greatly. I will be hiring a carpenter to come in and tear down the plaster that is cracked through my conference room to re-sheetrock. That is more time and energy out of my production going forward. Councilor Jordan asked if we were aware of the damage. The Town Manager noted that this was the first time this has been mentioned. The Town Manager asked Mr. Lynch if that information was provided to the engineer who is in charge of the project. Mr. Lynch stated he was hung up on by the engineering firm. Gary Jordan asked if Olver Assoiates was in charge of the project. The Town Manager confirmed this. Mr. Lynch stated he no longer communicate with them. I am glad the project is over and the pavement got done before the winter got here. I am not going to conduct my business out of my living room. When someone comes to see me they come to a professional office. They don't come to my home. That was one of the suggestions given to me. That is disrespectful. I just want you folks to be aware of what is going on. I appreciate your time. I hope going forward other businesses are not inconvenienced. Again it was my poor luck that it was on the south side of Somerset Avenue. I don't know more then that cause no one has stepped forward. I know they do not want to communicate with me and I am glad it is over. I will pick up my pieces and move forward. I thought it was important you know the quality of what has happened so far. It is now shut down so there will be a few months of peace. Again, when I came in and asked when this was going to happen, I was told they were starting this in spring. For whatever opportunity, construction equipment being close by, they took advantage of that. I can understand that piece of it. What they didn't know as they were breaking ground was the State would shut them down from being able to complete that portion of the project as it didn't fit the State requirements. That is what has been explained to me by the construction firm and the engineering firm. So they are going to have to come in and tear up again from the Woodruff residence to Main Street, which they anticipated getting done. Deputy Mayor Jordan asked the Town Manager what Mr. Lynch was referring to. The Town Manager noted that DOT advised Olver Associates that the area that had been recently rebuilt, which is the former Park Street area, would be done next year. The State requested Olver Associates and the contractor to proceed in the other direction. The project

will start again in spring 2013 when MDOT indicates the project can start and will go in the direction they indicate to proceed in.

Michael Lynch stated he thanks the Town Council. Again, as the construction folks told me, their anticipation was to go all the way up through the Park Street area. They will coming back to do that again so there will be opportunities for continued struggles. I am concerned for Tax Pro, for AE Robinson, the car wash, Varney's and I have reached out to those folks to make them aware that the process has not gone as quickly or as smoothly as anticipated. That is what I wanted to let you guys know. I appreciate your time.

The Mayor noted that the project was in the newspaper and everyone was notified at least 2 times. The Town Manager noted that the first notice went out in March. Mr. Lynch has stated he has not received any notices. He has indicated he has not received any of the notices from Scott that were posted or any from the Post Office. He is stating the engineers are refusing to meet with him and the engineer is indicating that the firm has talked to him several times and offered to meet. Deputy Mayor Jordan noted that we do need to look at the damage to the building. The Town Manager agreed and stated again that this was new information and that she will contact Olver Associates tonight after the meeting. Olver Associates has always done an excellent job. Mayor Nichols also stated that we offered Mr Lynch use of Town facilities. The Town Manager noted Annaleis of Olver Associates has asked to meet with Mr. Lynch numerous times. Councilor Curtis noted that anything that I have seen Annaleis involved in has been totally professional. She really knows what she is doing. Deputy Mayor Jordan noted that Olver Associates has always been very good. Councilor Curtis noted that everything they do for us has been outstanding. The Town Manager noted we have received compliments from a number of businesses along the road about the work. Today, Cianbro complimented us on how well the project has gone. The Mayor noted that everyone needs to remember these projects were DEP items we needed to start or we would have been under a violation under DEP. There are bound to be some issues during the project no matter how good the company is. Olver Associates have always been professional and have utilized the same notice procedures since 1994. This is the first time they have had an issue like this. The Town Manager noted there were three notifications from the Town, although these were not required, but we felt it was the right thing to do. Two notifications were sent by Olver Associates, plus additional notifications after the project started. Councilor Carr questioned if there were any other complaints from that area of Somerset Avenue. The Town Manager stated there were none, we received compliments. Councilor Stackhouse stated Dr. West and Fred Bachrach would have been in the construction area, any issues from them? The Town Manager stated there were none.

Council:

Councilor Baker: Absent.

Councilor Carr: I always thank the citizens for coming in so I want to thank Michael Lynch for coming in.

Councilor Chale: Absent.

Deputy Mayor Jordan: I want to thank Michael Lynch for coming in and we do need to take a look at his building soon.

Councilor Curtis: No Comment.

Councilor Stackhouse: The American Legion had a very nice Presentation at Veterans Park on Veterans Day. It is good to see them growing again.

Mayor Nichols: Good to see some small businesses coming into Town. Mayor Nichols questioned if someone was going to the Mid-Maine Chamber meeting. The Town Manager noted Deputy Mayor Jordan is planning on attending. Mayor Nichols stated Ellen gave a very good presentation on the Theatre. It is nice to hear about the work to be done at the Historical Society.

9. **ADJOURNMENT**

Motion by **Councilor Stackhouse** and seconded by **Councilor Carr** that the meeting be adjourned at 7:46 p.m. All in agreement.

Nicole Nickolan, Town Clerk