

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, February 6, 2007 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Wayne Fotter, Christinalyn Hamel, Louise Baker and Michael Gray. **ABSENT:** Brian Philbrick, Sr., Gary Jordan, Jr. Also present were Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Sharon Mack of the Bangor Daily News, Kay Fotter, Mary Gaeta, David Lyons, Arlene Lyons, Rick Curtis and Police Chief Steve Emery.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**.
2. **Adoption of Minutes** of the Regular Meeting on January 16, 2007.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Gray** that the Minutes of the Regular Meeting on January 16, 2007 be adopted.

VOTE: UNANIMOUS AYE

3. **PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS: NONE**
4. **PUBLIC HEARINGS/OLD BUSINESS: NONE**

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

Town Manager's Report: Town Council Meeting of 02/06/2007:

1. **The FYI Folder:** The FYI Book contains the following items this week: Read List
2. **Curbside Recycling:** The regularly scheduled pickup for Wednesday, 01/31/2007 was cancelled due to the breakdown of Palmyra's truck. The parts are on order but it will be a few days before they are received. Please use the Recycling Bin at the Town Office or go to the Transfer Station. We apologize for any inconvenience that this may cause.
3. **Garden Tour to Benefit the Library:** The Pittsfield Community Garden Club will sponsor a Garden Tour on Saturday, July 14, 2007 to help raise funds for the Library Restoration and Expansion Project. The Garden Club has 12 gardens that will be available, including two homes that will be open. More details will be available in the near future.
4. **Sebasticook Valley Chamber of Commerce Annual Banquet:** The Annual Meeting for SVCC is scheduled for Thursday, 02/15/2007 at the Millennium in Palmyra. The event starts at 5:00 p.m. and is usually over around 9:00 p.m. The 2007 proposed

slate of officers and directors, awards, recognition, and reports take place at the meeting as well as a social hour, dinner & silent auction to raise funds.

5. Notice to Dog Owners: The 2007 Dog Licenses are available. If dogs are not licensed additional fees will accrue. A valid Maine Rabies certificate and, if applicable, a certificate of spaying or neutering is required for licensing. Please notify the Town Office at 487-3136 if you not longer have your dog. Under the State Law, the Town is required to issue a warrant for unlicensed dogs. This will require a late fee of \$25.00 per dog.

6. E-911 Updates: The Town is pleased to announce that the Rural Routes portion of the E-911 new addresses have been completed. Letters are in the process of being sent out now, some have been sent out to the rural area and others will be sent out shortly. The numbers are being placed in the envelopes and some numbers are on back order and have not arrived. The new addresses will be in effect on April 1, 2007. The Post Office has a letter included in the Town's letter, which explains that they will continue to deliver the mail with the old address for a period of time. The Postal Service is still working on the in-town portion of the E-911 addresses and this will be completed soon.

7. Time Warner Cable Update: Time Warner's customer service numbers and contacts are as follows: Citizens requiring special assistance with a customer service issue, can e-mail either Shelley Winchenbach at shelley.winchenbach@twcable.com or Mike Edgecomb at michael.edgecomb@twcable.com with the appropriate customer contact information. The new statewide toll-free customer service numbers for the public to use are: 877-596-5366 or 800-833-2253. The Town has also posted these numbers on the front page on the Pittsfield website at www.pittsfield.org.

8. Serve New England: Serve New England is a food cooperative for people who volunteer their time. A new chapter has been opened in Waterville. The goal of the organization is to promote volunteerism. To qualify, people need to volunteer at least 2 hours a month. In return for volunteering in the community, people can purchase a good quality food package large enough for 4 or 5 meals for only \$22. The web site is www.servenewengland.org. People can sign up on-line.

9. Welcome to New Businesses: This evening we will be signing certificates of Welcome to two new businesses: Town Tavern which will be opening in a few weeks and Heidi Ann's Flower Shop at the corner of Main and Central Street run by Ann Duncombe.

Finance Committee: No Report.

Ordinance Committee: No Report.

Recycling Committee: No Report.

6. NEW BUSINESS

- a. ***ORDINANCE 07-01:*** (To be set to public hearing on 02/20/2007) That the Town of Pittsfield hereby ordains the following amendments to Chapter 7. Traffic Ordinance, Article 1.

Amend Section 104. Peltoma Avenue; and Add Section 111. Pooler Road

Moved by **Councilor Gray** and seconded by **Councilor Hamel** that Ordinance 07-01 be set to public hearing on 02/20/2007.

The Town Manager noted MDOT recently approved the Town's 2005 requests for speed limit changes for Peltoma Avenue and Pooler Road. Peltoma's speed limit would be reduced from 45 mph to 35 mph from Harrison Avenue a distance of .83 miles which is just past the cemetery. Pooler will be set at 35 mph for the entire road. Advisory signing for 25 mph has already been erected on the sharp curve on Pooler Road, the State recommended 30 mph and then in discussion with the PW Department recommended a further reduction to 25 mph. Setting the two proposed speed limit changes to public hearing is step one of a two step process to amend the traffic ordinance. Step 2 will be the public hearing and subsequent vote.

VOTE: UNANIMOUS AYE

- b. **RESOLUTION 07-15:** Resolved that the Town Council reaffirms the Liquor License Application for Town Tavern that was approved on October 17, 2006 and signs a letter stating such for John Chappell to submit to the Department of Public Safety Liquor Licensing & Inspection Division.

Moved by **Councilor Gray** and seconded by **Councilor Hamel** that Resolution 07-15 be adopted.

The Town Manager noted the liquor license application that was approved by the Town Council on 10/17/2006 was not submitted to the State due to remodeling issues at the facility. The application has to be submitted to the State within 60 days or it is void. Mr. Chappell is now ready to submit that application. It is over 60 days ago. It is suggested that we re-affirm the decision made on 10/17/2006 rather than hold the public hearing and go through all the steps again. The proposed business activity is not changing.

VOTE: UNANIMOUS AYE

- c. **RESOLUTION 07-16:** That the Town Council approves the Tax Acquired and Town Owned Property Sale Request for Proposals and authorizes the Town Manager and Deputy Tax Collector to seek bids.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Baker** to table Resolution 07-16.

The Town Manager noted there appear to be many encumbrances on this property, so much so that more than one party thinks they own this. More issues have developed. The Town's purpose of selling the TAP was not to make money, it is to make the Town whole again for all of the taxes, costs and interest.

After discussion with the Town Attorney regarding all of the new developments, it is recommended that the Town Council table this item and that we attempt to collect the remainder of the taxes, costs and interest that are due. If so, it is proposed that we quit claim it in the name of the prior property owner whose name is on all the tax liens. Then those who feel they have a claim can work together on it.

VOTE: UNANIMOUS AYE

- d.* **RESOLUTION 07-17:** That the Town Council waive the bid policy to follow the State Bid Package for Police Cruisers and to accept the proposed bid of Quirk Ford in an amount not to exceed \$17,794.00 (original price is \$21,194 - \$3,400 trade in for 2003 Police Cruiser) for a 2007 Ford P71 Crown Victoria 4-door police car.

Moved by **Councilor Gray** and seconded by **Councilor Hamel** that Resolution 07-17 be adopted.

Deputy Mayor Wayne Fotter questioned if the equipment is transferred to the new vehicle from the old cruiser. Police Chief Emery stated the car dealership does not do that, but the police department will be transferring the equipment.

VOTE: UNANIMOUS AYE

- e.* **RESOLUTION 07-18:** Resolved that the Town Council Appoint Jay Guber as Alternate Code Enforcement Officer through 12/31/2007.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Baker** that Resolution 07-18 be adopted.

The Town Manager noted Charles Porter is our current Alternate, he would continue to be an Alternate. Charlie can no longer issue building permits for the Town because his grandfather status has expired. He will help us in any way he can. The Building Inspector Steve Seekins will not be available from 02/13/2007 on for 2-3 weeks, probably through the end of February. I scheduled the proposed alternate for 3 weeks, to hold office hours each week. He would also cover items and phone calls during the week. In reality, on Thursdays, he will be there until the work is done, however, if it is quiet, being here for 2 hours should cover things. If not, it will be longer. He will also assist us during the week. As in the past, we would track items and call if it is needed prior to the next office hours. He is agreeable to the same terms and conditions as the current Building Inspector.

VOTE: UNANIMOUS AYE

- f.* **RESOLUTION 07-19:** Resolved that the Town Council Approve the Request for Proposals for the Land & Water Conservation Fund Grant: Picnic Tables for the Stein Park Renovation Project, Project #23-00787 and authorize the Town Manager to seek proposals for the same.

Moved by **Councilor Hamel** and seconded by **Councilor Gray** that Resolution 07-19 be adopted.

The Town Manager noted the bid specifications were approved by the State. Reasonable dates will be filled in. We would be ahead of schedule for work, however, do need to have this project completed in June so that we can apply for funding, if there is any this year, for projects. This is the only grant program opportunity available for a swimming pool, which would be capped at \$20,000. Plus we need to complete the project this year as the grant term is through 12/31/2007. It is a small project and should take several weeks.

VOTE: UNANIMOUS AYE

- g.* **RESOLUTION 07-20:** Resolved that the Town Council Approve the Request for Proposals for the Land & Water Conservation Fund Grant: 2007 Asphalt Concrete Paving – Walking Path for the Stein Park Renovation Project, Project #23-00787 and authorize the Town Manager to seek proposals for the same.

Moved by **Councilor Gray** and seconded by **Councilor Baker** that Resolution 07-20 be adopted.

The Town Manager noted these bid specs were also approved by the State of Maine and the Town's Engineering Consultant Mike Millett. This is a key component of the grant project. It should be interesting to obtain the pricing so we can see what we can do for paving.

Councilor Gray questioned why this project is not included in the paving bid. The Town Manager noted that when paving companies come to do the work it is late in the season and many times the work will be done after the deadline to file for additional grants.

VOTE: UNANIMOUS AYE

- h.* **RESOLUTION 07-21:** Resolved that the Town Council Authorizes the Town Manager to Sign Standard Services Contracts and Standard Goods Contracts in accordance with the Town's Rules and Regulations for the Federal Land & Water Conservation Fund Project titled Stein Park Renovation Project, Project #23-00787.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Gay** that Resolution 07-21 be adopted.

The Town Manager noted this approval provides the Town with the ability to utilize the contracts, if we are required by the State to do so, on a variety of the smaller purchases that we obtain quotes on – interpretative signing, bike racks, etc.

VOTE: UNANIMOUS AYE

- i. **RESOLUTION 07-22:** Resolved that the Town Council Authorize the Town Manager to Execute Pre-Project Memorandum No. 6 for Professional Engineering Services for the project of Vegetation Plan and Permitting at the Pittsfield Municipal Airport, AIP #3-23-0036-07-2006 between the Town of Pittsfield and Hoyle, Tanner & Associates (HTA) after FAA approval.

Moved by **Councilor Gray** and seconded by **Deputy Mayor Fotter** that Resolution 07-22 be adopted.

The Town Manager noted the Independent Review (IR) was completed at a price of \$1295. It develops price costs for the engineering work. 2 of the 3 projects were right on target, the 3rd is on hold pending an upcoming meeting with DEP – the price range between the IR and the HTA quote is large, however, it is based on the approach and we will know that on 02/15/2007. There is a discussion going on about the type of format for the contract, rates, and so forth. In the end, what we sign is what is approved by the FAA (and MDOT) as they are reimbursing 97.5% of the project costs. It has been an interesting 2 weeks addressing the Vegetation Plan, permitting items, future cutting and the apron project upcoming. The area at the airport where the obstructions are – which we are viewing as all the fallen trees placed by PW in 1999, then again in 2004 when MDOT showed up and instructed us to clear the area - has developed into quite a maze. Some of the work will be paid for by the grant and some may not be. This is all under discussion. We are trying to get people at several levels of government in multiple offices all on the same page. We have color coded a map of the proposed cutting areas and MDOT has agreed with the Town that the Vegetation Plan and the cutting project to address the out of control vegetation are mutually exclusive projects and may proceed at the same time. I have spent the good part of many days on the phone in conferences and discussions, which has taken up a lot of time, but we are talking about well over \$1.5 million dollars when all is said and done so the time spent was good.

VOTE: UNANIMOUS AYE

7. DISCUSSION ITEMS:

Financial As Listed Below:

- A. Financial Reports as of 12/31/2006:
 - 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
 - Reviewed Briefly**

- B. Other Reports as of 12/31/2006:
 - Building and Plumbing Permit Reports
 - Library Report – Librarian’s and Library Trustees Minutes
 - Police Report
 - Self Explanatory – Not Reviewed**

Other Items: Updates On:

- A. Grant: Regional Brownsfield Update on TAP: Eelwier Road, Map 7, Lot 47A
The Phase I review under the Brownsfield Regional Grant was completed. The conclusion is that there is the possibility of hazardous substances or petroleum products at the site. This is due to the historical use of the site as a printing company, there are a number of containers filled with materials, lack of documentation regarding historical chemical disposal practices, there is an old subsurface disposal system that was disconnected and a floor drain. If approved by the Committee, a Brownsfield Phase II Assessment would be completed which will test the soil and groundwater in the area. The next step is to develop a workplan (where the drilling will take place, what is being collected and sampling) as well as a Quality Assurance Project Plan (details the chemical methods to be used for sample analysis). If actual contaminants are found in Phase II The Brownsfield Regional Group would vote to determine if the grant project can develop cost estimated for cleanup and we may be able to apply in the Fall of 2007 for EPA Cleanup money for the Pittsfield Site.
- B. Financial: State Revenue Sharing Use
I have verified with the new Auditor and the Town Attorney that it would be fine to utilize the excess SRS that the Town received over our estimate in 2006. The State formula has changed and I reported that we had received the large check during the summer. This account was discussed during several financial reviews. The process would be to appropriate funds from unappropriated surplus prior to the Tax Commitment so that we can stabilize taxes. There is no effect from the Municipal Budget but we do not know the effect on the 2007 taxes from the County Assessment nor the School Budget yet. Since we do have funds available to us this year, we are in the unique advantage of being able to help the taxpayers. In one of my former towns, we did this as a regular item each year to stabilize the tax rate and the new auditor stated that he would help us with some formulas/process this year.
- C. Highway: MDOT Review of Truck Route for Pittsfield
MDOT met with the PW Foreman and the following will take place: Within a week, we will receive a map depicting the locations of the approved signs; MDOT will provide the truck route signs for their

roads – by I-95 sending the big trucks to the Industrial Park (IP), sign by Hartland Avenue to send the big trucks down to the Industrial Park, Sign on Route #100 to send the big trucks through the Industrial Park and a Sign on Hunnewell sending the trucks down South Main Street to the Industrial Park. Therefore, most big trucks will not be going through the traffic light. Some big trucks will still have to go through depending upon the location they are going to. The Town is responsible to provide all truck route signs and arrows in the IP. The Town will call DIG SAFE to get approval for all the locations. MDOT will bring its large Post Hole Digger that can be used in the Winter to put up the signs. The Town can order our signs through the State and get billed for them. This will all take place within the next month to 1.5 month. In the mean time, the Police Chief has been going around to talk with the business owners in the downtown with a lot of oversized loads to request that they talk with their vendors to send the trucks around the downtown. This is not mandatory.

- D. Highway: Gravel Road Engineering Review
Mike Millett of Millett Associates has been out to review the gravel roads, including the dump road for suggestions for improvements as well as to put cost figures together to re-build the roads and pave them so that we will have real figures for review for consideration. This does not mean that the gravel roads will be paved.
- E. Water Meter Project Update
The Assistant Superintendent/Plant Manager has been to 4 communities to review their systems, determine vendors, product information, how it works and costs. It is quite obvious that having the automatic reader is quite nifty and will be a good cost savings in the future. We will actually be able to use time fixing items and working on compliance rather than re-reading the meters and fixing them. We are still looking at the type of meters and need to draft bid specs. Then we will put a timetable together.
- F. Sewer Mains/Manholes Repair Project
Mike Millett of Millett Associates was down to review the Sewer Capital List of projects for the future including the new projects that Scott showed him.
- G. Codes Enforcement Update from Building Inspector: Junk Dealer and/or Second-Hand Dealer Licensing.
The Update on the two properties requiring a junk dealer and/or second-hand dealer license was included in your agenda package. The Building Inspector's recommendation is to continue to work with the two parties to obtain compliance without taking legal action at this point. If there was no progress, then the issue would be brought to the Town Council for action.

- H. Historical Society: Moses Martin Project, Date Set for August 04, 2007 for Celebration of Placement Marker.
The Daughters of the American Revolution Presentation of the Bronze Plaque to honor the site of the first homestead in Pittsfield will be Saturday, August 04, 2007. The ceremony will take place in town at one of our local facilities and then there will be a tour to the site if anyone would like to go out to Peltoma Avenue. The Historical Society and DAR are working with the State DAR organization. The plaque will be donated by the State DAR organization. A local company is going to assist the Historical Society and DAR to place the marker at the site.

REPORTS: Audience, Council

Audience:

Council: Mary Gaeta was in the audience to speak. Mary is the owner of Mary's Gardens. Mary is aware that the Town has been harassed about her donkey. Mary has received medicine from the vet. The medicine will be put in some apples and hopefully the donkey will eat the apples and go to sleep. The plan is to then move the donkey into a paddock. If that does not work the vet will send down somebody with a horse and a trailer to lure the donkey inside and down to the barn.

Councilor Baker: Does not want to comment, as Mary is her sister. However, it is disappointing that the people in her area, who are all good people, are calling the Town Offices and swearing at the clerks. This is unacceptable no matter what. That is bad judgment on their part and they should have a little more patience, this will be resolved.

Councilor Hamel: Questioned if dog licenses are out and people are not paying on them or are repeat offenders do we go after people. The Town Manager explained the process of the dog warrant and late fees. Councilor Hamel also questioned if there is a deadline for the cleanup process that the BI is enforcing. The Town Manager will request that the BI put together a timeline.

Councilor Philbrick: Absent.

Councilor Jordan: Absent.

Councilor Gray: Nice to see the new traffic lights up. Very happy to see E-911 is on its way.

Deputy Mayor Fotter: Many calls have been received on the donkey incident. The Town has done quite a bit to try and assist Mary. It probably cost a considerable amount when you think of the hours spent.. He understands the frustration of the neighbors. If they could bear with us a little longer, hopefully we can bring this to a conclusion. Calling the Town Office or harassing public officials is not in the best interest of the Town or the individuals that want this

taken care of. There are moose, deer and such that go through Town, now we have a donkey. It's not a problem that the Town would normally deal with. We are doing the best we can. Hopefully it will be a successful conclusion.

Mary Gaeta responded stating she was given this donkey by someone who they found out later lived on the Beans Corner Road. They got the donkey from an auction. There were 2 donkeys sold at the auction as a pair. The person who bought them then sold them individually. Mary feels this donkey is looking for its mate. Mary received a call a few weeks ago from someone, she is not sure who this person was, calling them names because the donkey was out in the weather. Mary states they live in the weather, but they tried to get the donkey harnessed to put it in the barn. The donkey slipped out of the barricade and came back the next morning. There is a neighbor down the street, that the donkey was never even on her property, who told someone that the donkey chased her. Mary states that the donkey wouldn't chase a monkey if it had to. The other lady who allowed Mary to keep her cow and her goats on her field is now complaining that the donkey is defecating on her lawn. Mary states its free fertilizer. Mary does not know who else is complaining. One neighbor came over and asked if it was her donkey. Mary tried to get the donkey but could not. They almost had it twice, but something scared it. The police department came over and brought the cruisers in the back yard and the donkey got scared again. Mary states she can get within 10 feet of the donkey, any closer he runs. Mary stated she didn't think that many people from the Town have been over to the property. Police Chief Emery has been over several times, the other Officers have been over, the vet and the ACO have been over. Some of the Councilors felt the discussion did not need to continue any further. **Councilor Gray** stated everything possible is being done. **Councilor Cote** stated this is to be expected as a normal part of rural Maine living.

Mayor Nichols: I echo the statements made. I get tired of hearing how these clerks get sworn at and called names, the same for the Town Manager. People need to conduct themselves in a reasonable manner. It gets to the point that it is borderline harassment. It comes down to plain ignorance. It is understandable to be upset and to be passionate, but they do not need to resort to bad language. Nothing gets resolved that way.

8. **ADJOURNMENT:**

Moved by **Councilor Gray** and seconded by **Councilor Hamel** that the meeting be adjourned at 8:15 p.m. All in agreement.

Nicole Nickolan, Town Clerk