

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, March 3, 2015 at 6:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Gary Jordan, Jr., Tim Nichols, Robert Stackhouse and Heather Donahue. **ABSENT:** Trudy Ferland and Michael Cianchette. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Annaleis Hafford, Harold Goodridge and Sumner Jones.

1. **Mayor Jordan, Jr.** 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 February 17, 2015.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** that the minutes of the regular meeting held on February 17, 2015 be adopted.

VOTE: UNANIMOUS AYE

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

Annaleis Hafford, Vice-President and Senior Process Engineer for Olver Associates:

Annaleis gave a brief update on the Peltoma Avenue Sewer Replacement Project. We are looking to advertise on March 7, 2015. The pre-bid will be on March 27, 2015 with the bid opening on April 3, 2015. There is approximately 1,000 feet of sewer line that needs to be replaced. This is a priority #2 location in Town that is in poor shape with massive infiltration. This is a good time to bid the project out as we are seeing very competitive pricing on current bids. The new sewer lines will mostly be put in the same area as the old lines. There are some sections that will be approximately 1 foot deeper. There is one unknown manhole in the area as well as a few unknown service lines. It is a straightforward project. We will be hoping for work to start in mid-May or so. We may run into some trouble with the frost this year, which could make for slower starts. The project should be completed by this summer. The Town Councilors and Town Manager discussed how beneficial the sewer financing programs have been for the Town of Pittsfield.

Community and Economic Development Activities and Events:

Saturday, May 2, 2015: 19th Annual SVCC Trade Show and Community Fair

Wednesday, May 13, 2015: 8th Annual Regional Job Fair

Completed Events to report on:

Wednesday, February 18, 2015: Large Resource Fair for Unemployed and Underemployed

February 1 – February 28, 2015: Bangor Savings Bank Community Matters More –
Vote for the Pittsfield Community Theatre!

February 1 – February 28, 2015: Masonic Charitable Foundation website – Vote for the
Friends of the Pittsfield Public Library once per day!

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

ORDINANCE 15-03: (Public Hearing) That the Town of Pittsfield hereby ordains the following Ordinance Amendments:

1. Medical Marijuana Dispensary

Amendments to Chapter 13. Zoning Ordinance to regulate Medical Marijuana Dispensary including Table Q Commercial District Use and Dimensional Standards and Section 4 – Performance Standards,
B. Specific Requirements

Amendments to Chapter 13C. Land Use Definitions Ordinance for definition

Amendments to Chapter 16, Shoreland Zoning Ordinance, Table 1 Land Uses and Section 17. Definitions

2. Methadone Clinic:

Amendments to Chapter 13. Zoning Ordinance to regulate Methadone Clinic including Table Q Commercial District Use and Dimensional Standards and Section 4 – Performance Standards,
B. Specific Requirements

Amendment to Chapter 13C. Land Use Definitions Ordinance for definition

Amendments to Chapter 16, Shoreland Zoning Ordinance, Table 1. Land Uses and Section 17. Definitions

Mayor Jordan, Jr. opened the Public Hearing. No one wished to speak for or against Ordinance 15-03. The Public Hearing was closed.

Sumner Jones: What does this mean? Are we going to be selling marijuana in Town?

Mayor Jordan noted that these amendments are to put regulations in place to regulate a Medical Marijuana Dispensary or a Methadone Clinic as inquires have been made. The Town does not currently have any regulations pertaining to these types of businesses. The Town Manager gave a brief overview of the proposed amendments.

Harold Goodridge: Questioned the locations these types of facilities will be allowed in on Route 2. The Town Manager reviewed the locations that would be allowed to house these facilities on Route 2.

Sumner Jones: Questioned will facility approval be voted on by the public? Can we prevent these facilities from being in Town? The Town Manager noted that these types of facilities are allowed by the State of Maine and we can not ban them from Town. If the Town puts regulations in place, we can regulate certain items.

The Town Manager noted the proposed amendments have been approved by the Ordinance Committee at their meeting on February 04, 2015 and were approved by the Planning Board after holding a public hearing at their regularly scheduled meeting on February 09, 2015.

Due to health, safety and welfare issues, the Town Council has passed a moratorium ordinance on both facilities until regulations could be put into place.

Moved by **Councilor Donahue** and seconded by **Councilor Stackhouse** that Ordinance 15-03 be adopted.

VOTE: UNANIMOUS AYE

ORDINANCE 15-04: (Public Hearing) That the Town of Pittsfield hereby ordains to accept all tax year payments of Christopher M. Anthony, including interest and lien costs, for the property at 52 Webb Road (Map 011, Lot 006-006-ON), the Town having acquired said property as a result of automatic foreclosure of a 2012 property tax lien, recorded in the Somerset Registry of Deeds on June 5, 2013 at Book 4669, Page 018, which matured on December 5, 2014. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Christopher M. Anthony.

Mayor Jordan, Jr. opened the Public Hearing. No one wished to speak for or against Ordinance 15-04. The Public Hearing was closed.

The Town Manager noted Mr. Anthony has completed final payment on two properties including the 2015 taxes. The next step in the process of deeding back the two properties acquired by automatic foreclosure is to schedule the public hearing. A public hearing is required for an ordinance to quit claim the property back to the former owner.

Moved by **Councilor Donahue** and seconded by **Deputy Mayor Nichols** that Ordinance 15-04 be adopted.

VOTE: UNANIMOUS AYE

ORDINANCE 15-05: (Public Hearing) That the Town of Pittsfield hereby ordains to accept all tax year payments of Christopher M. Anthony, including interest and lien costs, for the property at Detroit Street (Map 026, Lot 135), the Town having acquired said property as a result of automatic foreclosure of a 2012 property tax lien, recorded in the Somerset Registry of Deeds on June 5, 2013 at Book 4669, Page 017, which matured on December 5, 2014. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Christopher M. Anthony.

Mayor Jordan, Jr. opened the Public Hearing. No one wished to speak for or against Ordinance 15-05. The Public Hearing was closed.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Donahue** that Ordinance 15-05 be adopted.

VOTE: UNANIMOUS AYE

ORDINANCE 15-06: (Public Hearing) That the Town of Pittsfield hereby ordains a five (5) year lease agreement with five (5) year renewals between the Town of Pittsfield and the Burns W. Knowlton Jr. Post 32 American Legion for parking spots at the southerly side of the Municipal Parking Lot on Map 25, Lot 70 adjacent to Middle Street for parking for the American Legion Hall proposed for 123 Middle Street.

Mayor Jordan, Jr. opened the Public Hearing.

Harold Goodridge and Sumner Jones were in attendance in favor of Ordinance 15-06.

No one wished to speak against Ordinance 15-05. The Public Hearing was closed.

The Town Manager noted the Town Councilors received a sample agreement that the Town has utilized previously for other leases for spots in the parking lots. The five (5) year agreement has multiple five-year renewal periods.

The area to be leased has a history of being used for parking by the owners and tenants of buildings in the area. Under the Site Plan Review Ordinance, the development of 123 Middle Street would need designated parking. In order to provide designated parking, an agreement or permission would be needed from the Town. In order to lease land, of any type, the Town Charter requires an ordinance be approved.

When people utilize the Legion Hall, there will be members and visitors who will park in the Municipal Parking Lot anyway so we are simply designating an area for that parking.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Donahue** that Ordinance 15-06 be adopted.

VOTE: UNANIMOUS AYE

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

Town Manager's Report: Town Council Meeting of 03/03/2015:

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. 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. Pittsfield Community Theatre – Play presented by the Levi Stewart Community Theatre Volunteers: The Levi Stewart Community Theatre Group will come to the Pittsfield Community Theatre on Saturday, March 7, 2015 to perform “Death by Dessert” by Nathan Hartswick, produced by Special Arrangement with Heuer Publishing LLC. Tickets are \$5.00 each or \$15.00 for a family of 4. This is a fundraiser for the Theatre. The doors open at 6:30 pm and the play starts at 7:30 pm. This is a murder mystery that is suitable for all members of the family. Come see a play at our own theatre on Saturday, March 7!

4. Library Program for Book Discussions: The book discussion group meets Thursdays at 4:00 pm. Everyone is welcome to join. The library can help you get the books.

- Thursday, March 12 -- Yankee Warrior: the Story of a Civil War Hero From Maine
- Thursday, April 9 -- Grant and Twain: the Story of a Friendship That Changed America
- Thursday, May 14 -- Whistling Past the Graveyard

5. Free Western Classic Matinees: The Pittsfield Community Theatre is pleased to announce free western movies each month during the winter at Saturday matinees. All Western Movies Will Show At 2 PM Doors Open At 1:30 PM

Our last one is March 14

(Cartoon 1939) Gold Rush Daze

(Cartoon 1929) Finding His Voice

(1939) Zorro's Fighting Legion: Chapter 3 "Descending Doom"

Feature (1931) Range Feud Starring Buck Jones With John Wayne

6. Upcoming Community and Economic Development Activities: Reviewed list.

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

6. **NEW BUSINESS:**

ORDINANCE 15-07: (EMERGENCY) That the Town of Pittsfield hereby ordains to reenact by Emergency Ordinance The Town of Pittsfield Moratorium Ordinance on Methadone Clinics, with said reenactment to become effective immediately, pursuant to the provisions of Section 2.14 of the Town Charter.

This item was passed over as Ordinance 15-03 was adopted.

RESOLUTION 15-23: Resolved that the Town Council approve the bid specifications for the 2015 Peltoma Avenue Sewer Replacement Project under Clean Water State Revolving Loan Program and authorize the Town Manager and Assistant Water/Sewer Superintendent to seek bids for the same once approved by the State of Maine Department of Environmental Protection (DEP).

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Donahue** that Resolution 15-23 be adopted.

Deputy Mayor Nichols stated this is a good project and with the amount of heavy infiltration, it is also an important project.

The Town Manager noted Peltoma Avenue was one of the sewer locations listed in the Sewer Study as having the highest infiltration. In 2014, the Town applied for Clean Water State Revolving Loan funding with the opportunity to qualify for principal forgiveness. Our project did not rank in the top listed projects due to the type of project and our sewer rate. Projects with health issues and communities with very high sewer rates scored higher for principal funding. The Town, though, was included in the State Plan for Federal Fiscal Year 2014 for the Clean Water State Revolving and Wastewater Facilities Construction Program.

The standard CWSRF program provides loans made by the Maine Municipal Bond Bank for a term of up to 20 years and with a 2% subsidy on the interest rate. In January 2015, the Town Council authorized the Ordinance to Issue the Bond for the project to not exceed \$445,000. In February 2015 the Ordinance became effective. The Bond Bank application was filed in February 2015. The application will likely be considered by the Maine Municipal Bond Bank in March 2015. The current interest rate as of this week would be .50%. It may differ at the date of loan close.

VOTE: UNANIMOUS AYE

RESOLUTION 15-24: Resolved that the Town Council authorize the Town Manager to execute the 2014 Project Canopy Assistance Agreement for the Pittsfield Community Project: Gateway to Downtown.

Moved by **Councilor Donahue** and seconded by **Councilor Stackhouse** that Resolution 15-24 be adopted.

The Town Manager noted the Town was advised on 02/25/2015 that paperwork is on its way from the State of Maine on the Town's recent award of a 2014 Project Canopy Assistance grant for the Planning and Education project applied for in December 2014. I have been advised that the contract is the same as with past projects through the U.S.D.A. Forest Service Urban and Community Forestry Program.

The Town was awarded 100% of our request or \$4,563. The total project is \$10,477 for the purchase and planting of 20 trees in the public right-of-way along Somerset Avenue. Most of our required 50% match is in-kind including the public works force account.

The Project: The 2014 Comprehensive Plan supports a safe and attractive pedestrian and bicycle network in the urban portion of Town. The Town proposes to continue its relationship with MDOT to create an entry point to the downtown on Somerset Avenue with enhanced crosswalks, traffic calming and/or gateway signage. Traffic calming through the planting of trees is very important on the major thoroughway into Town. The Comprehensive Plan also supports a street tree planting program in the urban portion of Town and envisions an enhanced entry point to the downtown to maintain an attractive pedestrian and bicycle network in the urban part of town. The Town's Street Tree Inventory identified 83 trees as being in poor condition along the urban section of Somerset Avenue which is only .7 miles in length! Many of the trees along this road are very deteriorated. The Town has made extensive efforts to cut down the trees in the worst condition in order to maintain a safe environment so that there will not be property damage and power outages. While it is important to cut diseased and deteriorated trees, it is equally important to restock the tree inventory. As a major vehicular traffic route, it is also a major walking route from the downtown to the large shopping mall by the Interstate. Somerset Avenue is also a popular walking route for exercise for citizens as well as the walking loop for the established walking exercise program for the children at Vickery and Warsaw Schools (school population of 663). Currently five town properties, in the form of public parks, have been revitalized with tree plantings. The Town would like to continue its efforts with plantings and direct its attention to the Town's Gateway to Downtown.

Goals of the Project:

- 1.) To use the Gateway planting project as a catalyst to continue to build support in the community for caring, developing and maintaining our community's tree stock. This project will restock trees, which have been cut down due to deterioration or have fallen during the last fifteen (15) years along Somerset Avenue.
- 2.) To provide traffic calming for the main gateway into the downtown by developing a shade tree program along Somerset Avenue.
- 3.) To accent the new sidewalks and roadway along Somerset Avenue, enhancing the project with well-planted trees.
- 4.) To utilize forestry practices that will enhance the health and quality of the urban forest.
- 5.) To increase awareness of residents and visitors on the benefits of tree plantings.
- 6.) To engage the elementary and middle school students in the importance of planting trees by conducting tree walks.
- 7.) To engage the high school students in the importance of planting trees through assisting with tree walks and plantings.
- 8.) To engage the residents' whose property is adjacent to the Somerset Avenue right-of-way to become vested in tree planting and maintenance of the trees.
- 9.) To provide the results of the project to the citizens and residents of area communities for educational purposes and to promote proper tree maintenance.
- 10.) To produce a brochure with a map depicting the results of the project including the location of the trees, which will add to the rich inventory of tree plantings in the parks.

There was a very lively discussion regarding the type of trees, potential locations and community involvement. This will be one of our more popular projects.

VOTE: UNANIMOUS AYE

RESOLUTION 15-25: Resolved that the Town Council approve the issuance of a parade permit to Youth Haven Ministry for a 5K Walk on May 30, 2015 and waive the permit fees.

Moved by **Councilor Stackhouse** and seconded by **Councilor Donahue** that Resolution 15-25 be adopted.

The Town Manager noted this is an annual yearly walk for a worthy cause.

VOTE: UNANIMOUS AYE

RESOLUTION 15-26: Resolved that the Town Council sign the Application for Catered Function by Qualified Catering Organization for a MCI Reunion Reception to be held on 07/31/2015 from 4:00 pm - 9:00 pm at Maine Central Institute by qualified caterer Jeff's Catering & Banquet Center.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** that Resolution 15-26 be adopted.

The Town Manager noted these are housekeeping approvals for important annual MCI events. The State requires Town Council approval. The events are catered by a qualified catering firm that has an excellent reputation.

VOTE: UNANIMOUS AYE

RESOLUTION 15-27: Resolved that the Town Council sign the Application for Catered Function by Qualified Catering Organization for a MCI Snow Ball to be held on 07/31/2015 from 8:00 pm - 11:00 pm at Maine Central Institute by qualified caterer Jeff's Catering & Banquet Center.

RESOLUTION 15-28: Resolved that the Town Council sign the Application for Catered Function by Qualified Catering Organization for a MCI Reunion Reception to be held on 08/01/2015 from 12:00 pm - 5:00 pm at Maine Central Institute by qualified caterer Jeff's Catering & Banquet Center.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** that Resolution 15-27 and Resolution 15-28 be adopted as a group.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Updates:

Water and Sewer Projects Update – Winter cleanup, addressing issues that develop, cleaning up the facilities, improving the facilities and working on inventory. A lot of time is spent cleaning out the water hydrants, plowing and removing snow. Hussey Communications had finished their work last month and the static address needed from Time Warner was accomplished so that the system at the Garage can review and monitor all of the other facilities. Everything was switched over and has worked well.

The first water problem of the Winter season was at the Quint's home on Somerset Avenue involving both their line and the Town's main. After trying to not touch the sidewalk, a section finally had to be removed to fix the problem. The Water Department will have the section of sidewalk professionally paved when the weather conditions allow it this spring.

Then the second water break took place this afternoon down on Franklin Street. When I left, it was still on the outer edges of the road, however, they will have to dig into the pavement.

CWSRF Peltoma Avenue Project – MDOT opening permit was approved with conditions involving some revisions in the final plan for the project; MDOT has decided not to pave Peltoma Avenue as they would like the trench paving to settle in for 2-3 years; and the project is on line to be put out to bid in March. There are still very few projects out to bid and very little work, so we should get some interest. The actual interest rate is quoted at .5 of a percent, although when it is closed, likely next month, it will be a different rate, however, still low.

Highway Projects Update – Since the last meeting, snow removal and more snow removal. That is basically the day for public works. The area that was mentioned at the last meeting by Nichols Street has only been an issue the one time after the blizzard. There is a parking

lot there owned by a company that was out plowing so they did not clean it out so we now know to check that area if there is a very large winter storm.

Public Works has been out cleaning out intersections and fixing as many areas as possible with the backhoe in anticipation of the wet snow/rain/40 degree temperature tomorrow.

Proposed State Budget Impact: Governor's State of Maine Budget Proposal:

So far there has not been any further information except reports on the testimony that took place on the Governors' budget:

As anticipated a large number of people went down on Wednesday, 02/18/2015 to testify against the cuts in SRS. This was the day of the Resources and Jobs Fair. The next day was small attendance due to the big storm. The communities on the rim of Augusta are called in to assist in these type of events. The testimony to do away with the Business Equipment Tax was 50% towns to 50% businesses. This is the problem area as few towns have large reimbursements – generally the cities, Pittsfield, Skowhegan, etc. Generally people are not going to testify to take away SRS, however, they will testify to take away BETE.

2015 Spirit of America Foundation Award & Ceremony in April 2015: We only have a small group here today so we can choose the individual at the next meeting. At the 03/17/2015 meeting, we do need to select the candidate and then present the award in 04/2015 in order to qualify for the Town's acknowledgement. The individual will be recognized for their history of volunteerism, compassion and good deeds. The Town Manager asked the Town Councilors to submit any names of interest beyond those on the list.

Grants Update:

New Grants:

Airport Grants: Airport Master Plan Update – On-going, should have a summary document shortly. Town received projections of usage and requested they be revised.

Airport Grants: Airport Taxiway Reconstruction – to be completed late this spring/early summer.

Airport Grants: Airport Apron Expansion – to be completed late this spring/early summer

HealthySV: Community Resources Program – Events are being scheduled.

The Local and Legendary grant that has been on-going has been one that PHS and the Town separately and together had looked at before and discarded as it was very exacting and we did not think we had the volunteers; we definitely did not meet the criteria for the grant as we do not have enough collectibles; and it was very cumbersome. That was 3 and 2 years ago. It was the passion for Heart of Pittsfield members so it had moved forward through the hard work of MCI and Jared McCannell who has since left MCI.

Towns are not part of this Maine Memory network. There are just three listed that I can see of the 100's. South Portland like the Town Of Pittsfield requested changes to the Maine Memory Agreement. Once I found the right person to deal with at the Maine Historical Society, we were able to have a win-win situation and the agreement and addendum were signed.

Just by luck, we came across a Civil War expert who was sympathetic to our situation. Many people will appraise items for \$200 an hour and \$100-150 for travel, write-ups, and research. The Town does not have funds for this type of review. Dale Penny was gracious enough to appraise the larger items in 2004 for free. However, to appraise everything with a regular appraiser was an outrageous figure. We found an auctioneer, Mr. Gould, in Smithfield who charged a token fee basically to cover his travel. PHS is searching for materials on the guns, which are separate from the Local and Legendary grant, and he will review those for appraisal purposes. Currently, they are secured and have not been in the Depot since I learned of them.

I have located a grant that might be of assistance to PHS in order to put all of these archives into a system that will support the group. It is called a Preservation and Access Education and training in which there would be an opportunity to hire some help for all of the work that is needed as well as the training. Perhaps a student or two could be involved from MCI for a project as one would think that there are 1-2 students each year enamored with history. It is a National grant so very difficult to obtain. I will download more materials to determine eligibility. It would go to PHS, not the Town. The grant is due in early May 2015 and was just announced at the end of February 2015.

8. **REPORTS:** Audience, Council

Audience: None

Council:

Councilor Donahue: Kathryn, thank you for all the work you and the girls upstairs did on the job fair.

Councilor Stackhouse: No Report.

Councilor Ferland: Absent.

Councilor Nichols: It is nice to have the American Legion in the audience. I am excited to see the building improved. I don't think there will be any problems with the parking situation. I have not seen anyone at the redemption center the last few weeks. I think it is closed. I saw on TV that if Manna does not come up with \$18,000 by Friday they will have to close. They have been providing services for a very long time and are needed by their community. We are very lucky to have the food bank here in Town to help our Residents. They are doing an excellent job and it is always stocked with food.

Councilor Cianchette: Absent.

Councilor Jordan: The old Corner Cupboard property was sold today. It will be having a facelift soon.

9. **EXECUTIVE SESSION:**

Executive Session for 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 7:52 p.m. The motion was seconded by **Councilor Donahue**.

Motion by **Deputy Mayor Nichols** to return to regular session. The motion was seconded by **Councilor Donahue**. The Town Council exited executive session at 8:55 p.m.

VOTE: UNANIMOUS AYE

Motion by **Deputy Mayor Nichols** that the Mayor and Town Manager are authorized to set the price on the former Tech Center based on the professional documents available on the Town's behalf. The motion was seconded by **Councilor Stackhouse**.

VOTE: UNANIMOUS AYE

10. **ADJOURNMENT**

Motion by **Deputy Mayor Nichols** and seconded by **Councilor Stackhouse** that the meeting be adjourned at 8:59 p.m. All in agreement.

Nicole Nickolan, Town Clerk