

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, April 3, 2007 at 7:30 pm in the Council Chambers.

**PRESENT:** COUNCILORS: Mayor Tim Nichols, Wayne Fotter, Brian Philbrick, Sr., Louise Baker, Gary Jordan, Jr. and Michael Gray **ABSENT:** Christinalyn Hamel. Also present were Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Sharon Mack of the Bangor Daily News, Donnie Hallenbeck, Robert Hackley Sr., Robert Hackley Jr., Katherine Kehoe, Tammy Seavy, John Dickson and other citizens.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**.
2. **Adoption of Minutes** of the Regular Meeting on March 20, 2007.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Philbrick** that the Minutes of the Regular Meeting on March 20, 2007 be adopted.

**VOTE: UNANIMOUS AYE**

3. **PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS:**
4. **PUBLIC HEARINGS/OLD BUSINESS:**
5. **REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:**

## **Town Manager's Report: Town Council Meeting of 04/03/2007:**

**1. The FYI Folder:** The FYI Book contains the following items this week: Read List

**2. E-911 Addressing Letters:** Letters were sent to all households with the new E-911 addresses. The Town worked in conjunction with the U.S. Postal Service and the State of Maine E-911 and GIS Offices over a multi-year period to complete this project. E-911 matches a physical address with a telephone number and this information is displayed on a computer screen to dispatchers. With each letter, the Town opted to purchase and enclose numbers to be placed on everyone's houses and businesses. We encourage everyone to have their numbers up as soon as they are able. You should start changing your address now and over the next few months. Remember, the Post Office will deliver your mail up to 1 year from the date of your notification, so you have time to use up your checks, letterhead, etc. With your next order, order the items with your new address. Kleinschmidt Associates has finished the new maps for the Town, which have all of the new street names, there is an urban in-town map and a country roads map. When these are printed up, we will announce it, put a copy of the maps on the web site and copies around Town for people to pick up. Show copy of map.

**3. Reminder for police issues:** If there is an emergency, call 911. If you are calling in a police complaint, please call the regular police number of 487-3101 and relay the issue. The Police voice mails should not be used for filing police complaints. With a rotating schedule and days off, it may be 2 or more days for a police officer to check their voice mail. Complaints need to be answered right off so they can not be left on the officers' voice mail.

**4. Comprehensive Plan Update:** Copies of the update to the Comprehensive Plan for the Implementation Strategies are available at the Town Office. We also have copies of the original Comprehensive Plan from 1997 in case anyone would like a set. The Update to the Plan will be available on the Town website under Economic Development.

**5. Recycling/Environmental Celebration Dates for 2007:**

<b>Sunday 04/22/2007</b>	<b>Earth Day</b>	<b>Set nationally each year</b>
--------------------------	------------------	---------------------------------

Earth Day Activities are scheduled with the school(s) to fit in with their classes and vacation calendar

<b>Sunday, 05/20/2007 - Saturday, 05/26/2007</b>	<b>Arbor Day Week</b>	<b>3<sup>rd</sup> full week in May*</b>
--	-----------------------	---

Weekday Activities are also scheduled with the school(s)

<b>Saturday, 05/26/2007</b>	<b>Arbor Day Park Activities</b>	<b>Saturday of Arbor Day Week</b>
-----------------------------	----------------------------------	-----------------------------------

<b>Saturday, 05/26/2007*</b>	<b>Trash to Treasure Day Day</b>	<b>Established locally to match Arbor Activities</b>
------------------------------	--------------------------------------	--

\*Trash to Treasure Days: In case of inclement weather on the scheduled date, the day long event will be held the following Saturday (06/02/2007 for the Spring date).

**6. Earth Day:** To celebrate Earth Day and remind everyone of its importance all year round, we have Earth Care A to Z tips and Celebrate Earth Day Wildflower Mix seeds free for everyone to pick up – they are available at the Town Office, Public Library and the Transfer Station.

**7. Highway News:** Street sweeping was scheduled for this week. Once we get past the last snow, this is the Highway Department's first priority. Crosswalks will then be painted and our 4 new pedestrian yield crosswalk signs will go up on Somerset, Hartland and Main Street down by MCI.

**8. 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.

**9. Household Hazardous Waste Collection Day:** In conjunction with the Kennebec Council of Governments and the Town of Skowhegan, the Town of Pittsfield will offer a Household Hazardous Waste Collection Day on Saturday, October 6, 2007. Details will be available this summer on times, sign-up, etc.

**10. Sale of Used Town Equipment:** The Town has surplus used computer and office equipment out for best bid available at the Town Office. Interested parties can review the equipment at the Town Office.

**11. 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](mailto:shelley.winchenbach@twcable.com) or Mike Edgecomb at [michael.edgecomb@twcable.com](mailto: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](http://www.pittsfield.org).

Time Warner has filed notification with the Town that the company intends to renew its cable franchise pursuant to the Federal Code. The contract expires 12/01/2009. They are invoking the federal law, which requires that we enter good faith negotiations with them.

**12. 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](http://www.servenewengland.org). People can sign up on-line.

**Finance Committee:** No Report.

**Ordinance Committee:** No Report.

**Recycling Committee:** No Report.

## 6. NEW BUSINESS:

- a. **ORDER 07-04:** That the Town of Pittsfield Town Council hereby ordains the tax anticipation note borrowing for the fiscal year ending December 31, 2007 on the following terms:

Ordered that, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, as amended and the Ordinance adopted on the date of March 06, 2007, the Town Treasurer is hereby authorized and empowered to borrow money from time to time during the fiscal year ending December 31, 2007 in the principal amount or amounts not exceeding \$650,000 at any one time outstanding, in anticipation of the collections or receipts from taxes, by the issuance of tax anticipation notes of the Town, each of which notes shall be designated "Town of Pittsfield 2007 Tax Anticipation Notes." All of such tax anticipation notes, and any extensions, renewals or replacements thereof, shall be signed by the Town Treasurer and countersigned by at least a majority of the members of the Town Council, shall be payable on or before November 2, 2007, out of money raised by taxation during the fiscal year ending December 31, 2007 shall bear interest payable at maturity at a rate determined in the manner as approved by the Treasurer, and shall contain such other terms and provisions, not

inconsistent herewith, and be in such form, as shall be approved by the officers signing the same, whose approval shall be conclusively evidenced by their execution thereof, and

Be It Further Ordered that the Treasurer is hereby authorized to award the notes to such person or entity as she deems appropriate, and

Be It Further Ordered that the notes authorized by the foregoing are hereby designated as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and

Be It Further Ordered that the Treasurer of the Town be authorized to covenant with the purchasers of the notes on behalf of the Town and for the benefit of the holders of the notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain free from federal income taxes, including without limitation, the filing of information returns and reports with the Internal Revenue Service and the payment of any rebate due to the United States of America.

Moved by **Councilor Gray** and seconded by **Councilor Jordan** that Order 07-04 be adopted.

The Town Manager noted the Order establishes the necessary language to borrow funds in anticipation of taxes. This is a yearly housekeeping process that the Town goes through as the property taxes, the major source of revenue for the Town, are due once per year. We have established the TAN as a line of credit for the last several years, therefore, we are borrowing as we need the funds through the months that the revenue collections are lower. The revenue collections increase when the tax bills are released and tax payments start coming in. The Town can require the funds as early as the end of April – July and then pays the TAN back after taxes are due in October of each year. This year it is estimated that the funds will be needed around June - July. A later Resolution on the agenda will accept the low bid for the TAN borrowing.

**VOTE: UNANIMOUS AYE**

- b.* **ORDINANCE 07-06:** (To be set to Public Hearing 04/17/2007) That the Town Council hereby ordains to Appropriate \$110,982.00 from Unappropriated Surplus to be applied toward the 2007 Tax Commitment, being the amount of the additional State Revenue Sharing received by the Town during the 2006 budget year.

Moved by **Councilor Jordan** and seconded by **Councilor Philbrick** that Ordinance 07-06 be sent to Public Hearing.

The Town Manager noted the formula for SRS was changed going into effect during last year. Rev II was created which provided funds to communities such as Pittsfield, which have additional tax burdens due to our service center status. The additional SRS was \$110,892 which is proposed to be utilized for the 2007 Tax Commitment.

This will be a great help this year, especially with the County Tax Increase of 31.4% over last year and losing some personal property valuation with the law change. The Town Attorney has approved the language of the Ordinance and the Auditor has agreed this is prudent to do. This will help with the taxes.

**VOTE: UNANIMOUS AYE**

- c. **RESOLUTION 07-37:** Resolved that the Town Council Accept the Bid of Bangor Savings Bank with interest payable at maturity at the rate of 3.76% per annum.

Moved by **Councilor Gray** and seconded by **Councilor Jordan** that Resolution 07-37 be adopted.

The Town Manager noted we received excellent interest rates for TAN from 6 banks with Bangor Savings being the low bidder. The bids ranged from a low of 3.76% to a high of 4.09%. I drafted the paperwork for all the bid documents and the Town Attorney is checking them as well as completing the required bond counsel opinion. When the documents come in, we will call you to drop by the Town Office or bring the paperwork by to you to be signed that was authorized this evening for approval.

**VOTE: UNANIMOUS AYE**

- d. **RESOLUTION 07-38:** Resolved that the Town Council Approve a renewal application for a liquor license for The Broken Putter Restaurant & Lounge at 94 Hartland Avenue, Pittsfield, Maine 04967.

Moved by **Councilor Jordan** and seconded by **Councilor Philbrick** that Resolution 07-38 be adopted.

The Town Manager noted there are two items on the agenda this evening for The Broken Putter Restaurant. Both are renewals. The Building Inspector and Fire Chief recommend approval subject to applying to the State for a Dance Hall Permit. Evidently, there is a section in the State law that the inspectors have found in their review that requires a permit if there is any dancing. Both permits should be approved as everything else is in order at the Town level.

**VOTE: UNANIMOUS AYE**

- e. **RESOLUTION 07-39:** Resolved that the Town Council Approve the Renewal of the Special Amusement Permit for the Broken Putter Restaurant & Lounge.

Moved by **Councilor Gray** and seconded by **Councilor Philbrick** that Resolution 07-39 be adopted.

**VOTE: UNANIMOUS AYE**

f. **RESOLUTION 07-40:** Resolved that the Town Council Prioritize Sewer projects as follows:

#1: Summer Street sewer project, funding through the Sewer Loan for Sewer Mains and Manholes and the 2007 Capital Budget Paving Funds and

#2: Henry Street Cross Country, funding through the 2007 Sewer Enterprise Funds; and Authorize the required engineering work as proposed.

Moved by **Councilor Jordan** and seconded by **Councilor Philbrick** that Resolution 07-40 be adopted.

The Town Manager noted this approval will prioritize the many sewer projects that have been proposed. There really was no competition for the 1<sup>st</sup> Place – the Summer Street main is a big maintenance problem and the road surface is deteriorating. With \$150,000 available for all projects, this project will take the entire amount. The paving of this section of road would come from the Paving Budget. The second project is a section of sewer, which runs cross-county called the Henry Street Cross Country which is problematic. This requires some permitting first. The entire project including engineering, is estimated at \$10,200. We started placing a budget item in the Sewer Enterprise Fund/Budget last year to allow for one smaller project each year. This motion would also approve the engineering for the project, which includes a number of steps, we would be billed per step but no more than \$7,700 for both project (Summer Street is \$5,500 for plans development, bidding and construction administration/inspection) and Henry Street (NRPA permit, bid package and administration of the project/inspection).

**VOTE: UNANIMOUS AYE**

g. **RESOLUTION 07-41:** Resolved that the Town Council Approve the Request for Proposals for the 2007 bituminous paving program and authorize the Town Manager and Public Works Foreman to seek proposals for same.

Moved by **Councilor Jordan** and seconded by **Councilor Philbrick** that Resolution 07-41 be adopted.

The Town Manager noted each year the Town puts out to bid the paving of town roads. The budget for the last few years has been \$92,000. This year, the budget again is \$92,000 with \$50,000 coming from the 2007 Capital Budget and \$42,000 from the Highway Reconstruction/Paving Reserve. The roads listed are Priority #1 roads. It is anticipated that the entire length of the Powers Road from U.S. Route #2 to the Pooler Road may not be completed. Some sections will be and that will depend upon the cost of pavement. Same bid specifications. We would ask for Superpave and C Mix. Both are MDOT Spec with Superpave being the most current Superpave specs issued and C Mix being the last MDOT spec issued as MDOT no longer uses C Mix. No paving will be done until we approve the paving spec received from the company. There are a few more roads left on Priority #1, these were all of concern due to their condition (Bean's Corner and Snakeroot Road) or subdivisions being built off them, which will result in a lot of

truck traffic. It would be preferable to pave them after the development takes place rather than before (Curtis & Leighton).

**VOTE: UNANIMOUS AYE**

- h.* **RESOLUTION 07-42:** Resolved that the Town Council Approve the discharge of mortgage for the Housing Revolving Loan recorded in the registry of deeds in Book 3607, Page 283 to Page 287 for Edward N. Reynolds having received full payment on March 21, 2007.

Moved by **Councilor Gray** and seconded by **Councilor Philbrick** that Resolution 07-42 be adopted.

The Town Manager noted this was a new loan, taken out in late 2005 for 3 years. It was paid off ahead of time in full, which was excellent so a discharge of mortgage is in order.

**VOTE: UNANIMOUS AYE**

## 7. **DISCUSSION ITEMS:**

Brief Updates On:

- A. Paved Roads Capital Costs: Discussion of Roads to review for Reconstruction Work.

All the roads on Priority #1 for Paving have been paved, are on the paving list for this year or are on hold (Roads being hauled over for major subdivision activity or may need reconstruction/additional road work prior to paving.

The Town Council, Public Works Foreman and Town Manager discussed the roads to be reviewed. It was agreed to ask the Town Engineering Consultant Millett Associates to look at the following roads for recommendations and estimated costs:

These are roads the Town Manager and Public Works Foreman would not feel comfortable just paving as it appears that the pavement would break up sooner than regular road paving should:

Snakeroot Road headed from Taylor Road over to Route #100 (large truck ruts in the road for many years). We spoke to a paving company in the past and were told that this was a huge reconstruction job.

Snakeroot Road, section by the hills by Higgins Road (formerly known as Weeks Road).

Middle section of the Webb Road, truck ruts again, deteriorating faster than other sections of the Webb Road.

Bean's Corner Road, sections need additional work

Johnson Flats Road, section shared with Clinton

Most of these are old State roads, given back to the Towns, there is an issue with the base.

This will be valuable information going forward. Either we put off paving in future years on these roads and reconstruct them or repair sections or we pave them, knowing that we can not afford the reconstruction and realize that paving is the best that we can do or some middle ground. But we do it informed.

B. Kennebec Regional Development Authority (FirstPark) Update

We are a member of FirstPark along with 23 other communities. The Town's involvement was authorized in the late 1990's and then we signed the Revenue Sharing Agreement in 2002/2003 in order to receive rebates.

The Town's pay a prorated share of the expenses of the budget and when property tax receipts come in, the Town's share the proceeds. FirstPark is not realizing as much sales as first anticipated, although the T-Mobile Project has come along quite well. This means that the 2007/2008 budget needs to be revised. The Town Manager explained the proposal in detail.

In 1999, Cianbro offered to make the payments due the Town so that the Town of Pittsfield would join FirstPark and as part of that agreement, Cianbro also receives any rebates that the Town receives each year by the end of year.

C. Grants Update:

Airport Grants: Closing out Runway Grant; Closing out Snow Removal Building Grant; Update on Vegetation Plan/Permitting Grant; and update on Clearing Grant

L&W Conservation Application: Swimming Pool  
Rural Road Initiative Grants, Phillips Corner Road  
Safe Routes to School Application and Program

Closing out Runway Grant: Waiting for payment by the State

Closing out Snow Removal Building Grant: Waiting for payment by the State

Update on Vegetation Plan/Permitting Grant: All paperwork submitted to the State and Federal government, waiting for approval to proceed forward to sign the contract authorized by the Town Council in February, 2007.

Update on Clearing Grant: Review was completed of proposed engineering work and scope of work by federal government, waiting for confirmation letter from federal government, the Engineers are issuing the specifications for the clearing work for obstructions, ad was sent to the newspapers today, bids will be opened on 04/24/2007 and grant application filed by or on May 01, 2007. At this point, there is no way to move these projects any faster, if we do not receive approvals, the airport projects may be moved back a year.

L&W Conservation Application: Swimming Pool: We need to file a request for an inspection on or by 04/30/2007 with some basic background information. We do not have the basic background material so the Recreation Director is working on that. Review of the grant application shows that this will be a very time-consuming process as we are starting from scratch for this type of grant information.

Rural Roads Initiative Grants, Phillips Corner Road: The Town received a bill for the Town's share of this work. Due to some internal State budget issues/documentation, the bill was not correct so it is being re-issued. As the MDOT project was overdrafted, it appears we will need to pay more than first quoted, but not a lot. If so, I will bring back a resolution to take the additional funding from the Road Reconstruction/Paving Account.

Safe Routes to School Application and Program: Announcements for the Safe Routes to School Grant awards has been on hold pending MDOT budget issues. The results may be issued later this month or at the latest in May, 2007. Work could not start until later this year anyway due to the federal funding cycle. With the grant requirements, if we were fortunate to receive funding for the construction of the sidewalk by Vickery School, the construction would most likely proceed in Spring of 2008. It is very difficult to obtain funding two times in a row.

I did attend the Safe Routes to School Training last week, which was exceptional, and the MDOT Local Project Administration Intense Training Course, so I am now certified to manage local projects involving MDOT and Town funds.

8. **REPORTS:** Audience, Council

**Audience:** Robert Hackley Sr. and Robert Hackley Jr. were in the audience to discuss Estelle Street. Robert Hackley Sr. questioned who owns Estelle Street. He has recently purchased a house in January 2007 with the understanding that the Town was going to pave the road. He was advised by the Council that it was a private road. The Town Manager advised Mr. Hackley Sr. that the Town can not pave private roads. Mr. Hackley Jr. stated that his parents recently purchased the house and are worried about the street condition. There are 2 people with MS that live on the street and there is discomfort when driving on the road for certain residents due to medical conditions.

Donnie Hallenbeck had some information on the establishment of Estelle Street. The road was cut through with a bulldozer by Cianbro and that's why it is so rough. Apparently no one ever applied to the Town for a road permit. Also, if Norm LaBarge needs any information on the pool that Mr. Hallenbeck might have, please have Norm contact him. Glad to be back at the meetings.

John Dickson, Public Works Foreman, stated that he has been called 2 or 3 times by real estate agents and he has advised them that Estelle Street is not a Town owned road. If the real estate agents are advising people who are looking at property on that street that the road is to paved, perhaps the people who purchased homes under that understanding have some recourse they can take.

**Council:**

**Councilor Baker:** No Comment.

**Councilor Hamel:** Absent.

**Councilor Philbrick:** Noted that the Estelle Street issue was addressed at the last meeting and we will have an engineer look at the road to provide information to residents to advise what would need to be done to bring the road up to specifications. Mr. Hackley Sr. stated that he is on a fixed income and couldn't put any money into the street.

**Councilor Jordan:** No Comment.

**Councilor Gray:** No Comment.

**Deputy Mayor Fotter:** No Comment.

**Mayor Nichols:** Wanted to mention that Mathys Van Dam had passed away. He was an excellent worker for the Town. He was very sharp and never forgot a thing. He left here in 2001 and started work in Addison. He will be sorely missed. Wanted to offer condolences to his family.

9. **ADJOURNMENT:**

Moved by **Councilor Gray** and seconded by **Councilor Philbrick** that the meeting be adjourned at 8:10 p.m. All in agreement.

---

Nicole Nickolan, Town Clerk