

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, June 16, 2009 at 7:30 pm in the Council Chambers.

**PRESENT:** COUNCILORS: Mayor Tim Nichols, Deputy Mayor Gary Jordan, Jr., Caleb Curtis, Wayne Fotter, Donna Chale and Christopher Carr **ABSENT:** Louise Baker. Also present: Town Manager Kathryn Ruth and Assistant Treasurer Vickie Braley. Audience members included: Donnie Hallenbeck, Sharon Mack, Michael Gray, Linda Quinn 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 on June 2, 2009.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that the minutes of the regular meeting on June 2, 2009 be adopted.

**VOTE: UNANIMOUS AYE**

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

Linda Quinn, Somerset County Commissioner for District 3 was at the meeting to present a plaque to the Town issuing a proclamation to the Town of Pittsfield in honor of Somerset County's Bi-Centennial, naming June 19, Town of Pittsfield Day.

#### **Community and Economic Development Activities and Events**

##### Report on Meetings & Events:

The Paul E. Bertrand Community Pool Complex Grand Opening on Saturday, June 13, 2009 at 10:00 am at the Complex was absolutely perfect. The program was short on speeches and long of celebration and thank yous - we provided certificates for the contractors, suppliers, the in-kind donations and volunteers, unveiling of the memorial plaques, tour of the facility and the Big Splash by the children.

##### Upcoming Meetings & Events:

The first time this year without any regional or large events scheduled.

##### In progress:

Business Forum on how to start a new business and tips on how to address challenging times, to be scheduled for 09/2009 – to be announced. Also been suggested to team up with an energy focus.

##### Certificates and Thank Yous:

Certificates have been created to thank:

The Rolling Thunder Express for the wonderful center spread on the Grand Opening of the pool which just kept getting bigger and bigger growing from the original 2 pages to 6 pages. It was magnificent, paid for by all the advertisers.  
The Seabasticook Valley Hospital for sponsoring our contributors listing so we could give credit to all of the people who made this project a reality.

4. **PUBLIC HEARINGS/OLD BUSINESS:**
5. **REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:**

## **Town Manager's Report: Town Council Meeting of 06/16/2009:**

1. **The FYI Folder:** The FYI Book contains the following items this week: See List
2. **Paul E. Bertrand Community Swimming Pool Hours:** Hours read and Adult Early Bird Swim Times.
3. **Pittsfield 3 on 3 Tournament:** Local citizens are organizing an event to benefit families in need in Pittsfield. The event is on Saturday, June 27, 2009 beginning at 12:00 noon and Sunday, June 28, 2009 beginning at noon in Manson Park at the Basketball hoops. It is double elimination, \$15 entry fee for a team and no age limit. The winning team will receive 3 gift certificates to the Freedom Cafe in Waterville. For more information, call 416-8275.
4. **SAD #53 Budget Referendum:** The budget meeting is Wednesday, June 17, 2009 at Warsaw Middle School Gym at 6:30 pm. The district wide-referendum is scheduled for Monday, June 22, 2009 with polls opening at 9:00 am for voting in the Council Chambers until 8:00 pm.
5. **Central Maine Egg Festival:** The 37<sup>th</sup> Annual Egg Festival is right around the corner. Mark your calendars for Tuesday, July 21 – Saturday, July 25, 2009. The Town has copies of the Egg Festival Marketplace Application Form and copies of the Central Maine Egg Festival Scholarship Pageant Applications at the Town Office. Applications are also on-line at the Central Maine Egg Festival site which is linked to the Town of Pittsfield website.
6. **Census 2010:** Remember that Census workers are out collecting information in the community. The individuals should have signs on their vehicle and proper Census identification.
7. **Notice of Public Sale:** Merlon LaSalle closed on the property at 214 Somerset Avenue on Friday, June 6, 2009. He has started hauling away debris from the property as best as one can during all the rainstorms. Merlon plans to rebuild the house. This is a large undertaking.
8. **Request from Somerset County Family Violence Shelter:** Request read.
9. **Board and Committee Vacancies:** We have two new vacancies created when Melissa Hackett re-located out of town. There is a vacancy on the Planning Board for an Associate or Alternate position and a vacancy on the Recycling Committee.

**10. Farmshare Program:** Seniors who qualify can receive up to \$50 in free local produce during the summer growing season. This is a partnership between the Maine Department of Agriculture and farmers throughout Maine. The State is now accepting applications.

**11. Pittsfield Farmers' Market:** The Farmers Market at Hathorn Park is available Mondays and Thursday from 2:00 pm – 6:00 pm until October 29, 2009.

**Finance Committee:** No Report.

**Ordinance Committee:** Met tonight prior to the Council meeting. Representatives from CMP were in attendance to discuss the setbacks for the transmission lines. The Shoreland Zoning Ordinance was also discussed. The Committee recommends the 30% expansion rule set by the State be retained. Also discussed was the possibility of a new Ordinance that would make all Town Parks Safe Zones. This would allow the State to increase fines for soliciting or distributing drugs. This will be discussed further.

**Recycling Committee:** Met on June 3, which will be the last meeting before restarting in September. There were some odds and ends discussed. The possibility of creating a Community Treasure Chest was discussed. The Committee discussed using a demonstration model at the Town Office Pennywise and the Library that would tell people how this idea would work. An Energy Forum for the fall was discussed. It was decided these need to be held in fall, as spring is too busy of a time for everyone.

## 6. **NEW BUSINESS:**

- a. **ORDER 09-07:** Ordered that the Town Council Authorize the return of the bid bond of Sitewerx, Inc. without any claim against it for the Airport Apron Project.

Moved by **Councilor Fotter** and seconded by **Councilor Curtis** that Order 09-07 be adopted.

The Town Manager noted the Town has been chugging its way through the process to obtain approval for the apron reconstruction project at the airport. The grant application was sent in ahead of time in February rather than in May as usual. Prior to the grant being sent in, we need to obtain bids for the project.

The low bidder would like to pull its bid and receive its bid bond back without penalty. This is due to limited bonding so that other work can be bid on. This is a small company.

We contacted the FAA and the Town Attorney with the FAA deferring to the Town Attorney. The Town Attorney created the Order to approve this and recommends this action as well as the Town.

The next low bidder, which was Cianbro, is \$16,360 higher than Sitewerx. The Town's portion of that additional cost is \$409 for this project. When all approvals are received Cianbro is willing to do the project in accordance with that bid.

I have done this before in other towns if we had other very good bids that we could afford. With grant projects, it does take awhile. This is a positive for all involved.

**VOTE: UNANIMOUS AYE**

- b. **RESOLUTION 09-90:** Resolved that the Town Council accept the donation of “Get Comfortable in Pittsfield” hand-painted and decorated Adirondack chairs.

Moved by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that Resolution 09-90 be adopted.

The Town Manager noted this is Sharon’s going away gift to the Town, which involves some very nifty artwork. All donations need to be accepted by the Town Council.

**VOTE: UNANIMOUS AYE**

- c. **RESOLUTION 09-91:** Resolved that the Town Council accept all cash donations for the Community Swimming Pool Campaign (G #1-643-00) from 01/01/2009 through 06/30/2009 and authorize the expenditure of the funds in accordance with Town Rules and Regulations.

Moved by **Councilor Fotter** and seconded by **Councilor Curtis** that Resolution 09-91 be adopted.

The Town Manager noted through 06/10/2009, the Town had received \$6,885.71. Now we will be fundraising for furniture.

**VOTE: UNANIMOUS AYE**

- d. **RESOLUTION 09-92:** Resolved that the Town Council accept all cash donations for the Library Capital Campaign (G #1-698-00) from 01/01/2009 through 06/30/2009 and authorize the expenditure of the funds in accordance with Town Rules and Regulations.

Moved by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that Resolution 09-92 be adopted.

The Town Manager noted through 06/10/2009, the Town had received \$59,075.96. The contract has been signed with the construction company and excavation has started. The kick-off meeting, basically an administrative meeting to organize the project, is on Thursday of this week.

**VOTE: UNANIMOUS AYE**

- e. **RESOLUTION 09-93:** Resolved that the Town Council authorize the expenditure of the funds in the Swimming Pool Reserve (G/L #1-609-00) remaining after the completion of the pool for essentials at the Swimming Pool Complex.

Moved by **Councilor Curtis** and seconded by **Councilor Fotter** that Resolution 09-93 be adopted.

The Town Manager noted all transfers from the reserves required Council approval. This is to pay the last bills for the construction project.

**VOTE: UNANIMOUS AYE**

- f.* **RESOLUTION 09-94:** Resolved that the Town Council accept the bid of T. Buck Construction of Auburn, Maine in the amount of \$ 55,975.00 for the Finish Water Pump Installation for Pittsfield Water Works and authorize the Town Manager to execute the agreement upon receipt of the Maine Municipal Bond Bank loan paperwork through the State Revolving Loan Fund.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that Resolution 09-94 be adopted.

The Town Manager noted bids were due on Friday, 06/12/2009. Olver Associates attended the bid and has provided the recommendation.

I will sign the contract once all the paperwork is signed with the Bond Bank. On the stimulus projects, they are holding the paperwork until bids come in to finalize all paperwork. That is in case the bids are lower, so they will lower our loan or the bids are higher and we need more funds. In our case, the bids came in lower, which has been the trend with the federal stimulus projects. There is additional work that can be done that would benefit the water facility.

**VOTE: UNANIMOUS AYE**

- g.* **RESOLUTION 09-95:** Resolved that the Town Council waive the bid policy (Chapter 2, Administrative Code, Section 106) to accept the proposal of E.D. Call and Son for memorial repairs at the Powers Cemetery.

Motion by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 09-95 be adopted.

The Town Manager noted this motion needs to be amended to indicate the source of funding which is a reserve fund: G/L #1-630-00 Cemetery Restoration. The account has \$9,960.51 in it without the interest updated.

The Cemetery Sexton did not issue a formal RFP and instead chose to obtain quotations due to the time element involved and the fact that when he started calling companies, people were not interested due to the extent of the work that was involved.

Motion by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that Resolution 09-95 be amended as follows:

**RESOLUTION 09-95:** Resolved that the Town Council waive the bid policy (Chapter 2, Administrative Code, Section 106) to accept the proposal of E.D. Call and Son for memorial repairs at the Powers Cemetery with the funding to come from the Cemetery Restoration Reserve (G1-630-00).

**VOTE: UNANIMOUS AYE**

**VOTE AS AMEND: UNANIMOUS AYE**

- h.* **RESOLUTION 09-96:** Resolved that the Town Council accept a grant award in the amount of \$10,800.00 from the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program to be used to upgrade radio equipment for the Pittsfield Police Department.

Moved by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that Resolution 09-96 be adopted.

The Town Manager noted the grant deadline was extended, which may have been partially done due to the issues with getting onto the federal website.

The funds are to upgrade the cruiser radios and provide the Department with a new portable radio. In the future, there will be a different bandwidth required so we would have to update all of our radios. This grant is federal stimulus funding and does not require a match.

**VOTE: UNANIMOUS AYE**

- i.* **RESOLUTION 09-97:** Resolved that the Town Council authorize the Town Manager to execute the Contract for Professional Engineering Services for the project of Reconstruction of the General Aviation Apron at the Pittsfield Municipal Airport under Airport Improvement Program (AIP) Project No. 3-23-0036-10-2009 between the Town of Pittsfield and Hoyle, Tanner & Associates (HTA) after FAA and MDOT approval in the amount of \$136,500.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 09-97 be adopted.

The Town Manager noted this is the approval required to get an engineer on board for the Apron Reconstruction Project. This is still under review by the State. I just got another e-mail with new required language. I would sign contracts after we get all governmental approvals in writing.

**VOTE: UNANIMOUS AYE**

- j.* **RESOLUTION 09-98:** Resolved that the Town Council ratify the Agreement between the Town of Pittsfield and the Pittsfield Police Association Affiliated with the Maine Association of Police covering period 01/01/2009 through 12/31/2011.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that Resolution 09-98 be adopted.

The Town Manager noted the Councilors received the details of the proposed agreement. Everything is basically the same. The length of time to complete the negotiations was due to the meeting schedules and commitments of some of the people involved.

**VOTE: UNANIMOUS AYE**

- k. **RESOLUTION 09-99:** Resolved that the Town Council act as necessary regarding Property and Casualty Insurance for 2009-2010 and accept the quotation of United Insurance/Lehr Insurance Agency.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 09-99 be adopted.

The Town Manager noted the Town Council received copies of the proposals from the MMA and the Lehr Insurance Agency, which represents United Insurance.

Councils have not seen agenda item for a couple of decades as the Town is one of the founding members of MMA Insurance and the insurance automatically renews.

After we were contacted by Michael Gray of Lehr Insurance, we did advise MMA that we wanted a proposal and reserved the right, if the Town Council so desired, to not automatically renew the insurance coverage.

I have passed out a list with the pros/cons of MMA insurance and commercial. The main differences are listed.

MMA insurance is very comprehensive as it is a pool with their own rules set.

Commercial insurance is less expensive.

Commercial insurance is like your own personal insurance in that when you buy something new, you make an additional payment and when you dispose of a vehicle, you get a credit or check.

Under MMA, the Town pays the standard price with no additional bills and the additional items are automatically part of the price for the next year.

Under MMA, we receive a rebate for loss experience at the end of the year based upon the fund performance and our performance.

We would not budget for the exact price of commercial insurance – we would have to add a line for additions/revisions for next year's budget.

With Commercial insurance, with an agent in town, we would be able to see and talk to people and have claims addressed, most likely, quicker.

The issue is making sure that the coverage is the same and only an insurance agent could determine that. I have questioned and reviewed quite a few items, however, neither Vickie nor I are trained in the insurance field. Michael is here to answer any questions that you have.

The Council had a brief discussion regarding this Resolution, with a few questions. Mr. Gray stated he reviewed both insurances and they are very similar.

**VOTE: UNANIMOUS AYE**

- l. **RESOLUTION 09-100:** Resolved that the Town Council certify that the Town sent notices to the list of properties to be rezoned under the new State required

Shoreland Zoning Ordinance (which includes the new mapping by the State of Maine).

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that Resolution 09-100 be adopted.

The Town Manager noted this is a state law requirement. It happens each time someone is rezoned under the Shoreland Zoning Ordinance, which is rare. The rezoning is created by the new mapping of shoreland from the State of Maine. The Municipal Officers have to certify that the letters were sent out and I can verify to you that the staff did work on this project.

**VOTE: UNANIMOUS AYE**

- m.* **RESOLUTION 09-101:** Resolved that the Town Council cancel the 07/21/2009 regularly scheduled Council Meeting for the summer meeting schedule.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 09-101 be adopted.

The Town Manager noted so that people can take vacations, we can have quorums and have time to get some regular work done, we have 1 meeting in July. **Councilor Chale** questioned if we would be having both August meetings. The Town Manager noted if the Council felt it was acceptable, we could have only 1 meeting in August. We would be sure to advertise the new schedule to allow people to bring in all the necessary items for the summer meetings. The dates were discussed and agreed upon.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that Resolution 09-101 be amended as follows:

**RESOLUTION 09-101:** Resolved that the Town Council cancel the 07/21/2009 regularly scheduled Council Meeting and reschedule the regularly scheduled Council meeting of 08/04/2009 to 08/11/2009 for the summer meeting schedule, resuming regularly scheduled meetings on 09/01/2009.

**VOTE: UNANIMOUS AYE**

**VOTE AS AMENDED: UNANIMOUS AYE**

## 7. **DISCUSSION ITEMS:**

- A. Financial Reports as of 05/31/2009:  
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**

- B. Other Reports as of 05/31/2009:  
Building and Plumbing Permit Reports  
Library Report-Librarian's and Library Trustees Minutes  
Police Report  
**Self-explanatory – not reviewed**

1. **Update on Water Projects: Federal Stimulus Funding for Back-up Water Pump**

**Water Meter Replacement and Automated Meter Reading (AMR System):** We have enough calibrated and tested manual meters to re-meter the remaining mobile home parks so this project will start shortly. Letters were sent to Carriage Estates. This project is on hold until we get the survey done and all of the water and sewer issues taking place as we only have 2 water/sewer employees and a very limited budget.

**Sewer Treatment Permit:** A question had come up on whether we want to continue to take septage at the Sewer Treatment Plant. At this time, we have about 1 load coming in a month (most months). We do not test so we have no idea what is in the material. There are some new permits that are required by DEP in order to have our new Wastewater Treatment Plant and they will require the assistance of Acheron. Are we interested in taking septage or do we want to send the pumper to the Plymouth facility. The Assistant Water/Sewer Superintendent has recommended that we stop taking septage.

I reviewed the State law and it is clear that we need to have a contract with a location that takes septage if we do not. I felt it was better that we continue with our own site as we already have it and it turned out that there would not be as much additional cost as staff thought when we requested the cost in writing. So we will continue providing a location for which residents can take septage by licensed companies.

**Sludge Removal Project:** A report of the research being conducted by the Sewer Department is attached. We have the exploratory bid document partially completed and it will be on the agenda of the next Council Meeting. We still need to refine items and it should be checked over by professionals. We will be sending it to DEP for review so that they are up to date on what we are doing. Since we started working on this on our own, we have been contacted by a number of companies so this is getting interesting. There will be an action item on the next Council agenda, which will be 07/07/2009. We will spend the month of July talking to companies that are bidding on the project and see the results at the beginning of 08/2009.

**Grants Update:**

## **New Grants:**

**Airport Design Grant:** We have submitted the request for funding reimbursement for this project.

**Airport Apron Reconstruction Grant Application:** On agenda this evening.

**Brownfields Grant:** The EPA review was excellent and all was found to be in very good order. It was mentioned how few employees we have working on grants. The kick-off meeting for the removal of hazardous materials and demolition of the buildings took place on Monday, June 15, 2009 to organize the work. A timetable is being put together now.

**Renewable Energy Grant:** The wind turbine logo contest presentation on 06/09/2009 was great with the PUC Commissioner coming down to award the prizes from Efficiency Maine to Joanna Lira. We had a lively attendance and it was a very nice event. Tim, Louise and Donna were able to attend which was great.

**Riverfront Community Development Bond:** All paperwork was forwarded to the State of Maine for review. We should hear back at the end of June, 2009. We were asked by the State to start the contract for the work on July 1, 2009

**Safe Routes to School:** This project began during the week of School Break with the sidewalk and curb being installed. Additional work as described at the last meeting was approved due to changing conditions. The State is still working on funding issues for the project. The cross walk is scheduled to be installed with the first good day with no rain expected.

**CDBG Grant/Business Assistance: Moosehead Cedar Log Homes:** No Report

**State Library Grants dedicated to the Library Building Project:** Waiting for use in project.

**CDBG Grant/Public Facilities:** This grant is waiting for official close-out.

**FEMA Reimbursements:** Still waiting for paperwork and final State match.

**L&W Conservation Fund:** The one reimbursement had been forwarded to the Dept. of Conservation for the L&W Fund grant for the Swimming Pool for the full \$25,000. The Town received payment minus 5% kept for inspection. The inspection took place last week and went well.

The next grant would be to focus on Hathorn Park Basketball/Baseball Field/Playground/Gabezo – all original construction which requires work as has all of the projects that we have received millions for to re-construct or rehabilitate. Have contacted the Recreation Director and the Bureau of Conservation to discuss this opportunity. The next L&W Conservation Fund Grant application is due at the end of August 2009. I met with the State at the site. I was advised that there are over \$1 million in projects coming in and very little money available.

Economic Development Administration Grant Application – Our project is moving along through the various meetings and requirements. We had put out a bid for engineering assistance that drew in a host of engineering firms wanting to work in Town. The bids are good for 6 months as it does take awhile for all of the steps involved with grant projects, especially these larger ones. We located almost every pin depicting the lots that had been originally set by the surveyor in the late 1980's/early 1990's. We have a legal review going to put on paper the transfers for the project to show ownership and are having the project reviewed by the applicable state and federal departments.

8. **REPORTS:** Audience, Council

**Audience:**

Michael Gray stated tonight is Sharon Mack's last Council meeting. As a former Councilor and community member, I want to thank you.

**Council:**

**Councilor Baker:** Absent.

**Councilor Carr:** Wanted to wish Sharon good luck in the future.

**Councilor Chale:** Wanted to thank the people that worked on the Police negotiations. It's a tough job. Appreciate the coverage Sharon has given our community. Not just for the Council, but the community in general.

**Deputy Mayor Jordan:** Wanted to thank Sharon for her coverage too, for the many years she has put in. Not only for the Council coverage, but for all she does for the community. She has done a good job. We had a great turn out for the pool opening. It was a beautiful day and a great celebration. Paul was well deserving of that. Wanted to let everyone know we are doing more clearing at the Pinnacle. We are working on the Pinnacle through the summer, to make more trails available to our citizens. The Boy Scouts, Cub Scouts and Girl Scouts are now using the Pinnacle once and twice a week. The kids are now helping out with some of the clearing, which is a great help. There will be activities planned for July and August.

**Councilor Curtis:** Wanted to thank Sharon for her years of service.

**Councilor Fotter:** Wanted to thank Sharon. We wish you the best of luck in your new Town. Wanted to let the Council know that Brian Philbrick was hurt at work. He is at home and if we could get a card to him that would be nice. Councilor Fotter noted he read the Somerset County budget that was in the package and he feels it is getting out of hand. Wanted to know if there is anything we can do or a representative we could talk to about this budget.

**Mayor Nichols:** Wanted to wish Sharon good luck in her move. I agree with Council Fotter on the situation with the County budget. It is a very hard situation. 90% of the increases in the budget are due to the jail. It is out of control. It was nice to have the

Windmill logo contest. The kick off for the pool was great and well attended. Not many other Towns would be able to pull off a fundraiser like this.

9. **ADJOURNMENT:**

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that the meeting be adjourned at 8:56 p.m. All in agreement.

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Nicole Nickolan, Town Clerk