

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, August 11, 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, Christopher Carr and Louise Baker **ABSENT:** None. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Donnie Hallenbeck, Don Chute, Mike Lange, Fred Raynes, Alan Dunphy, Bud Newell, Nick Livesay, Charemon Willey-Staples, Annaleis Hafford of Olver Associates, David Whitman, Scott Monroe, Richard Silkman 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 July 7, 2009.

Moved by **Councilor Chale** and seconded by **Councilor Baker** that the minutes of the regular meeting on July 7, 2009 be adopted.

VOTE: UNANIMOUS AYE

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

Presentation of the Audit for the period ending 12/31/2008 by Charemon Willey-Staples of RH Smith & Company:

The Town Manager noted Charemon Willey-Staples, an auditor from the firm of RH Smith & Company is here this evening to present highlights of the audit for the period ending 12/31/2008.

Our unappropriated fund balance which is the account that is utilized for financial stability for the community, as cash flow so that we can lessen the amount of time that we need a TAN and for emergencies, is now just above \$1 million. We took more than usual out during the budget process last year to try to stabilize taxes.

To address the long-term stabilization of the water system, we are working on our first rate increase in a decade. The first one will address the current budget and its issues. A second and third one will be for major rehabilitation of the system to address the problem lines, problem hydrants and problem valves. The Water Metering project to bring everyone on line with properly calibrated meters is nearing completion. We have been working toward a major sewer project which is needed for the system and that will result in a rate increase in the sewer rate.

Charemon gave a brief explanation of the layout of the audit along with a brief overview of what each section consists of. It was noted that we have a \$3.2 million in our fund balance (unappropriated and appropriated), which was an increase of

\$223,000. It was noted that the Water & Sewer funds still need to be higher for necessary improvements to the infrastructure, which the Town is currently working on. All in all, the Town is in good shape.

Presentation of proposed Water Rates and Water Rates Structure for Pittsfield Water Works by Olver Associates:

The Town Manager noted the Town has identified the need to improve the water infrastructure of the Town. The capital improvement plan and program includes a listing of lines that need to be upgraded, valves that need to be replaced, and hydrants that need to be replaced. We were fortunate that one of our applications for federal stimulus funding was approved – a backup finish pump for the water treatment plant which is underway. Our projects, although very important, did not rank high enough due to a number of reasons – specifically one is that our water rates are among the lowest in the State of Maine. Just as our sewer rates were the lowest in the State of Maine until we approved a rate increase, the water rates in 2008 were the 10th lowest rate in the State of Maine overall. The State documents ranking the rates was dated early in 2008 so since then, we may be even lower if any of those other 9 towns or districts had a rate increase since then.

In addition, we have not been eligible for some grant programs because the community is not considered low-moderate income, such as for Community Development Block Grant funding that would allow \$500,000 of infrastructure repairs with the Town's match of 25% toward the project. This is why we undertook the income survey which is still underway trying to obtain responses. If income results showed sections of the community might be eligible, we may be able to obtain funding for those areas if they needed improvement. Then those projects would not be paid for entirely by rate increases.

We knew that we would not have a rate increase put into place until we got the meters into better order. In 2006 we obtained financing for the meters and have worked on installing meters from 2006 – 2009. We some left that we can not change over as the people refuse to respond, there is bad plumbing, can not get under the house, they can not afford to upgrade their plumbing, etc. But in all, we now have a reliable metering program so that people are treated fairly and now will need to install rate increases.

The first rate increase is simply to balance the budget: We understood that adding on loans would result in the need to pay for those loan payments.

Depreciation is now charged to the Town's water system and we can not absorb an extra \$60,000 – \$90,000 cost to the budget.

Future rate increases after this first one would be improvement driven.

Annaleis is here from Olver Associates. The firm was hired to review our multi-tier rate system and to recommend an approach to address the needs of the water system – to pay for the current system and for future improvements. Olver Associates is a firm whose expertise is water and sewer systems.

Annaleis of Olver Associates noted that the last rate increase was in May of 1989. Olver Associates have been working with the Water & Sewer Department for the last

few months. The Town's budget is very conservative. The rate increase will only pertain to Water & Sewer items that are currently planned. There is already an existing revenue gap. The details of the increase were briefly discussed along with a review of the paperwork explaining the rate increase. Anna Leis wanted to note that the PUC would not allow rates to be raised for projects that are not currently scheduled.

Presentation by GridSolar, LLC regarding their plan to use "smart-grid" technology to serve each community's specific energy needs:

GridSolar, LLC had contacted the Building Inspector looking for an opportunity to discuss their project they are looking to bring to the State of Maine. Upon discussion, the company is looking for interest in their project and not so much as to file a site plan at this moment.

Richard Silkman of GridSolar, LLC noted this is an alternative to CMP's project. Mr. Silkman noted that the program they are proposing would be built out only as load grows, not all at once. It was also noted that all solar generation is subject to property tax. Mr. Silkman noted that because GridSolar, LLC is still acquiring approval from the PUC, they are fielding calls from people interested in selling land, but are not purchasing parcels at this time.

Community and Economic Development Activities and Events

Report on Meetings & Events:

Central Maine Egg Festival on Tuesday, July 21 – Saturday, July 25, 2009

The Egg Festival did very well regardless of being rained out 1 of the 3 nights that the Karnival and Mid-way were open. The Central Maine Egg Festival Organizational Meeting for the 2010 Egg Festival Activities will be held on Tuesday, 10/13/2009 at the Pittsfield Municipal Building in the Council Chambers at 5:30 pm. New members and volunteers are welcome with ideas for new events. We will also be inviting the non-profit organizations in the community to see how they can become involved.

Upcoming Meetings & Events:

Sebasticook Valley Healthy Communities Coalition Leadership Meeting on Tuesday, August 25, 2009. at the SVH Main Street facility Conference Room. These meetings are held quarterly.

The Ken-Som Transitional Team will hold its next meeting on Wednesday, September 16, 2009 at 9:00 am at the Pittsfield Municipal Building Council Chambers.

KVCAP has announced a Free service to connect people looking for a job with resources that they need to be successful. Contact KVCAP Employment Support Services at 1-800-542-8227, ext. 2533.

The Business and Energy Forum will be held on Tuesday, September 22, 2009 from 6:00 pm – 8:30 pm. at the Warsaw Middle School Gym & Cafeteria. Setup for businesses is anytime after 5:00 pm. Purpose of the event is to have tables and displays for small businesses to obtain information on services; tables and displays on energy resources; and tables and displays by local businesses.

Upcoming Economic Development and Community Development Activities:

The Town Council's FYI Book contains a copy of the background on the Public Utility Commission's Energy Efficiency Grant Program for Towns. The PUC will have approximately \$5.75 million to be granted out to municipalities through the federal stimulus program which includes many energy resources such as energy retrofitting, technical consulting for plans to deal with energy conservation. We have done a lot on our own, however, we have older buildings that need to be converted over to a more efficient energy system such as the FD boiler, the Town Office original air conditioning/heating system; the PW Garage old furnace; and so forth.

At the end of July, we received approval to proceed with the Pinnacle Riverfront Community Development Block Grant: That project is now underway. The Town obtained many permits, approvals and sign-offs on the project. The Boat Launch will be rehabilitated first. We will then move to the skating rink and skateboard park area and lastly to the parking lot. Days will be scheduled when the Pinnacle Ski Club is available for park trail development, the building of the bird lean-tos and the building of the fishing platforms.

Bud's Shop 'N Save's Expansion to add on facilities and space has commenced at the Somerset Plaza.

The Airport Apron Reconstruction Project funded 95% by federal and state grant funding has commenced at the Pittsfield Municipal Airport.

Certificates of Congratulations to New Businesses:

Bargain Den at 430 Main Street

Central Maine Counseling at 106 Business Court

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

- a. **ORDINANCE 09-07:** (Public Hearing) The Town of Pittsfield hereby ordains the amendment of Zoning Ordinance, Chapter 13, District Use and Dimensional Standards Tables "P" and "Q" to add essential services as a principal use in zoning districts R-1, R-2, R-3, R-4, C-1, C-2, C-3 and C-4 and to add essential services as a conditional use to Special District Use and Dimensional Standards Table "R" District RF and foot note # six (6) Electric power transmission lines and their related towers, wire runs and equipment are required to meet the property line setback standards of the district in which located. Where such transmission lines are located in an easement, the setback shall be measured from the edge of the easement.

Nick Livesay was in attendance to speak in favor of Ordinance 09-07. Mr. Livesay is in favor of essential services, however, would like to see uniform setbacks of only 20 feet as 50 feet is problematic to the project.

No one wished to speak against Ordinance 09-07. Public Hearing closed.

The Town Manager noted as everyone is aware, Central Maine Power through TRC

Solutions requested a zoning ordinance amendment several months ago as it was found that the Town's ordinances do not allow any essential services in any zones except the shoreland zoning ordinance. The Shoreland Zoning Ordinance came from the State and was a stand-alone ordinance. The original request for the Maine Power Reliability Project is that which is in regular print. A sentence was also requested to be added to the tables that stated that this type of project was not subject to setbacks. Under the current Ordinance, people were under the impression before this was reviewed by the MMA Legal Department that the setbacks were in effect. The additional language drafted by the Town Attorney and added to the proposal from CMP will basically restore what the Town already assumed was in regulation.

At the current time, the MPRP project is not eligible for a permit to proceed as the Zoning Ordinance does not recognize essential services as permitted uses.

Deputy Mayor Jordan noted the information on guy wires in a letter sent by the MPRP. It was noted that any changes to setbacks would require the Public Hearing process to be restarted.

Councilor Fotter questioned if the guy wires would be in the easement or right of way. Bud Newell advised the guy wires would be located in CMP's corridors.

The Ordinance was amended to add the following sentence at the end: Guy wires and ground anchors are not subject to the setback.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Ordinance 09-07 be adopted as amended.

VOTE: UNANIMOUS AYE

b. **ORDINANCE 09-08:** (Public Hearing) The Town of Pittsfield hereby ordains the amendment of the Land Use Definitions Ordinance to add the following language: **Transmission Line: Electric power transmission line of 115 kV through 345kV, including the associated transmission poles or towers.**

Bud Newell was in attendance to speak in favor of Ordinance 09-08. Mr. Newell stated CMP is in favor of Ordinance 09-08.

No one wished to speak against Ordinance 09-08. Public Hearing closed.

Moved by **Councilor Fotter** and seconded by **Councilor Chale** that Ordinance 09-08 be adopted.

VOTE: UNANIMOUS AYE

c. **ORDINANCE 09-09:** (Public Hearing) The Town of Pittsfield hereby ordains to repeal Pittsfield Town Code, Chapter 16, Shoreland Zoning Ordinance, dated June 6, 2000 and Town of Pittsfield Zoning Map revised February 21, 2006 and replace in their entirety with Pittsfield Town Code, Chapter 16, Shoreland

Zoning Ordinance and the Town of Pittsfield Zoning Map revised April 2009 as recommended by the Ordinance Committee.

There was no one who wished to speak in favor or against Ordinance 09-09. Public Hearing closed.

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

The Town Manager noted on the Council agenda this evening, there are two ordinances for consideration on this subject.

Both of the versions of the Shoreland Zoning Ordinance before the Town Council tonight were set to public hearings of the Planning Board and Town Council. The Planning Board wanted to insert additional requirements that were not mandated language or options from the State of Maine, however, they were not posted for any of Planning Board's meetings or the Town Council's Meetings so any additional requirements will need to be addressed at a later date. Only the posted ordinance versions can be addressed this evening.

Every decade or so the State of Maine requires all the Towns that have shoreland zoning which is land within 250' of water bodies and high value wetlands to enact a new shoreland zoning ordinance. This is a requirement of the law. The State provides the required language. The state provided a few options for choice – very few options.

No substantial changes may be made to the ordinances on the agenda this evening, as this is the mandated language. We can not delete any of this language. If someone wants to add language such as more restrictions or regulations, it can not be done at this meeting. It takes 2-3 months to go through all the steps for the approval of a new shoreland zoning ordinance or an amendment to the shoreland zoning ordinance. We are now past the state required date for enactment of this ordinance and have been requested to get this done.

As part of this process, the State of Maine requires that undeveloped, non-forested, freshwater wetlands that are at least 10 acres in size and rated as moderate or high value by the Maine Department of Inland Fisheries and Wildlife be zoned as Resource Protection. The State does the mapping, provides this to the Town and requires that those individuals whose parcels are being rezoned by this Ordinance and the state maps receive a letter of the Planning Board meeting and then a certification be signed by the Town Council that the notices were sent. This was the list that was certified at the last Council Meeting.

Both versions are based upon state mandated language, which includes a few options available from the State. There is only one difference between the Planning Board's recommendation on the state mandated language and options and the Ordinance Committee's recommendation on the state mandated language and options. That deals with how to address expansions of non-conforming buildings. The Planning Board recommended a new method for expansion called the Alternate Expansion Rule and the Ordinance Committee recommended the 30% expansion rule, which the Town

previously had in affect in the old ordinance. There is a chart available on the differences between the two options, which is very detailed so I will not read it.

The Planning Board and the Ordinance Committee agreed on all other options which include:

1. The Town will not regulate structures built on, over or abutting a dock, wharf, pier. This is more for towns along the ocean.
2. The Town would not regulate the Municipal Timber Harvesting regulations. The State of Maine Forest Service would administer timber harvesting.
3. If there were contiguous lots or parcels in single or joint ownership of record at the time to adoption of the Ordinance and one or more of the lots are vacant and do not have a principal structure, they would be combined to meet the dimensional requirements. This would help people to build.
4. The State law now allows Industrial Uses to be in the General Development District if approved by the Planning Board. Previously they were not allowed.
5. The Town could have increased the required setback of a proposed structure, as a condition to permit approval for instances such as steep slope, shallow soils or where an adequate vegetative buffer does not exist. These lots are difficult enough to build upon under the mandated ordinance so this option was not included.
6. The Town's current definitions are able to be utilized. The State does have some new definitions for items such as: abutting property; accessory building; accessory use and so.

So one of the two agenda items on shoreland zoning should be approved this evening based upon what is felt to be appropriate for the Town regarding expansion of non-conforming buildings.

If the Council wishes to remain with the 30% expansion rule, then the Board would approve the Ordinance Committee version. If the Town Council wishes to approve the new Alternate provisions, the Board would approve the Planning Board recommendation.

VOTE: UNANIMOUS AYE

- d.* **ORDINANCE 09-10:** (Public Hearing) The Town of Pittsfield hereby ordains to repeal Pittsfield Town Code, Chapter 16, Shoreland Zoning Ordinance, dated June 6, 2000 and Town of Pittsfield Zoning Map revised February 21, 2006 and replace in their entirety with Pittsfield Town Code, Chapter 16, Shoreland Zoning Ordinance and the Town of Pittsfield Zoning Map revised April 2009 as recommended by the Planning Board.

Alan Dunphy was in attendance to speak in favor of Ordinance 09-10. Mr. Dunphy pointed out that there was information that they approved to be in their copy that was left out.

Fred Raynes was in attendance to speak in favor of Ordinance 09-10. The Planning Board wants it noted that they feel strongly if they set forth a document, that it needs to go forth with the same language.

There were additional setbacks that were not part of the state mandated language or options that were in the first version they approved, but not in the second version that was the subject of the Planning Board's public hearing or posted.

Deputy Mayor Jordan wanted to put on record that Planning Board documents should not be edited. Councilors were in agreement. The Town Manager noted that she put new requirements in place to check for omissions in the Planning Board packages.

There was no one to speak against Ordinance 09-10. Public Hearing closed.

No vote needed as Ordinance 09-09 was adopted.

e. **ORDINANCE 09-11:** (Public Hearing) The Town of Pittsfield hereby ordains the Hathorn Park Revitalization: Legge's Field & Sports Area, Phase I to include essential components of the sports facilities at the park on the following terms:

1. The Town Council hereby authorizes the expenditure of up to \$50,000 for this project, such amount to be funded from (a) donations and in-kind work; and (b) state and/or federal grant funds, including grants pursuant to the Land and Water Conservation Fund Act, Public Law 88-578, subject to the \$50,000 total expenditure limitation.
2. The Town is hereby authorized and empowered to borrow money, from time to time for a term for up to one year, in an amount not to exceed \$25,000 at any one time outstanding, in anticipation of the collection or receipt from the grant of such federal or state aid, or both, to pay costs of such project, by the issuance of negotiable general obligation grant anticipation notes of the Town, which notes, and any extensions, renewals or replacements thereof, shall be signed by the Town Treasurer and countersigned by at least a majority of the Town Council, with such dates, maturities, denominations, interest rate(s) and other details as the Town Treasurer shall determine.
3. This Ordinance shall take effect 30 days after its adoption.

There was no one who wished to speak in favor or against Ordinance 09-11. Public Hearing closed.

Moved by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that Ordinance 09-11 be adopted.

The Town Manager noted this is the language required in order to consider submitting a Land & Water Conservation Fund Project. After completing several park projects and the Swimming Pool project, the Legg's Field and Sports Area is the next project with sufficient volunteers. Letters of support are coming in for the project.

The Town has never borrowed any monies for these projects. Projects under review for Phase I include renovation of the basketball court to include new gravel and new pavement; and renovation of Legg's Diamond area to include the dugouts, spectator benches, and fence repairs. Additional phases would include the restrooms, playground, concessions, storage facility; gazebo, etc. We listed the items that needed the immediate attention first.

The grant applied for would be \$25,000 and the Town's match would be \$25,000, which would be from contractors, companies, individuals and the Town's PW Force Account. The project would proceed if we obtain the grant funding.

There is a Recreation Plan available which explains the timeline, which essential components are completed first, and other steps available this evening.

VOTE: UNANIMOUS AYE

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

Town Manager's Report: None due to length of agenda

FYI Folder: The FYI Book contains the following items this week: List read

Finance Committee: No Report.

Ordinance Committee: Met tonight prior to the meeting. Discussed adding Article 17. Safe Zone Areas to the Town Codes. This would allow increase penalties for drug trafficking, furnishing or cultivating drug for areas where children frequent. The Committee was in favor of this Ordinance.

Recycling Committee: No Report.

6. **NEW BUSINESS:**

- a. **ORDINANCE 09-12:** (To be set to Public Hearing on 09/01/2009) The Town of Pittsfield hereby ordains the amendment of Chapter 6. Offenses – Miscellaneous to add Article 17. Establishment and Enforcement of Designated Safe Zone Areas.

Moved by **Councilor Curtis** and seconded by **Councilor Fotter** that Ordinance 09-12 be set to Public Hearing.

The Town Manager noted this item was a Councilor suggestion. The State Law now allows for the Town to designate safe zone areas where children would be present. These would be in addition to school zones. I listed out all the major areas where it seemed that children would be present – basically all the recreational facilities in town, which include playgrounds, athletic fields and are designated as parks. I also included the old railroad bed that is utilized by children walking, biking, on ATVs and Snowmobiles.

We will have to get some signs made up to do this. We would put the signs at the town boundaries of the properties listed. Also, it would be good to put one as you enter a facility.

VOTE: UNANIMOUS AYE

- b. **ORDINANCE 09-13:** (To be set to Public Hearing on 09/01/2009) That the Town Council hereby Ordains the following amendments to Chapter 2A, Business Licenses and Permits, Schedule A.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that that Ordinance 09-13 be set to Public Hearing.

The Town Manager noted every two years, the Town reviews the fees that we have for services and the reimbursement fees that are set. The fees were updated for the first time in 2006, reviewed in 2007 and found to be adequate and now are under review. We have several pages of fees, however, the only ones before you this evening are those which need to be updated. A few fees are part of ordinances and need to be set to public hearing. Most fees can be adjusted by order this evening.

VOTE: UNANIMOUS AYE

- c. **ORDINANCE 09-14:** (To be set to Public Hearing on 09/01/2009) The Town of Pittsfield hereby Ordains the following amendments to the Building Permit Fee Schedule in Chapter 3. Building Code, Article 4. Permit, Building Permit Fee Schedule:

Demolition Fees		
1 to 1000 square feet	\$5.00	<u>\$10.00</u>
1001 to 2500 square feet	\$10.00	<u>\$20.00</u>
2501 square fee and up	\$30.00	<u>\$40.00</u>

Moved by **Councilor Chale** and seconded by **Councilor Curtis** that Ordinance 09-14 be set to Public Hearing.

The Town Manager noted the fee increases are recommended to cover the cost of reviewing the assessor's record, building permit record and issuing the permit.

VOTE: UNANIMOUS AYE

- d. **ORDER 09-08:** Ordered that the Town Council hereby re-affirms that all applicants will reimburse the Town for the advertising fees incurred with their application and that such fees will be adjusted from time to time to cover the Town's costs.

Current 2009 fees:

Planning Board public hearings:	\$98.25 per application
Board of Appeals public hearings:	\$61.47 per application
Tax Increment Financing District:	\$140.00 per application

New alcoholic beverage and special amusement public hearings:	\$35.00 per ad	<u>\$43.00</u>
All other applications	\$35.00 per ad	<u>\$43.00</u>
<u>Requests for Ordinance Amendments</u>		<u>\$343.00 per request</u>

2010 and years beyond: Authorized by the Town Council to reflect the cost incurred.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that Order 09-08 be adopted.

The Town Manager noted An ordinance amendment costs more than \$35.00 or the updated cost of \$43.00. It involves two ads at the Planning Board level for the public hearing (1 of the RT that is available to everyone and 1 for the actual legal ad) and two ads at the Town Council level for the public hearing plus 1 ad after an amendment or ordinance is passed.

VOTE: UNANIMOUS AYE

e. **ORDER 09-09:** Ordered that the Town Council hereby approves the following fees be added to the Town of Pittsfield Fee Schedule Miscellaneous Fees.

Incoming faxes: \$1.00/page

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

The Town Manager noted the Town always let people fax items here and did not charge as there was not a long-distance # or number to be dialed but this is starting to cost a lot in paper and toner. We had to replace the fax machine a couple of years ago and would like to not have to replace this one shortly or if we did, to have generated the funds for it. This would also affect people having insurance costs faxed to the Town Office. About 60% of people bring their card, the remainder forget, call the insurance company from the Town Office, we call the company for them if it is not a long-distance call, etc. so this would no longer be free. Because of the cost, many towns are now charging for this service.

VOTE: UNANIMOUS AYE

f. **ORDER 09-10:** Ordered that the Town Council hereby approves the fee changes for the Cemetery effective with the 2009-2010 ~~Winter Season~~ Closed Season effective the end of the first week in October.

Burials: Regular hours \$300.00, Weekends and overtime on weekdays \$450.00, Holidays and Closed Season \$600.00.

Cremations: Regular \$75.00, Weekends and overtime on weekdays \$100.00, Holidays and Closed Season \$150.00.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Order 09-10 be adopted.

The Town Manager noted this proposal is to close the Cemetery earlier than we have been in the past. Closure means that we do not keep on in October – November and be available all day at the cemetery and regularly scheduling burials into November or until the ground freezes. This is latest that I have seen a town be open, I am used to closing in October in other communities. It does not mean that people cannot go into the cemeteries, of course, they can visit loved ones. It means that these will not be our regular hours, and we have to hire people back or obtain staff to perform the services. This will be an operational savings for the cemetery operations.

VOTE: UNANIMOUS AYE

- g.* **ORDER 09-11:** Ordered that the Town Council hereby approves the fee changes for the Library effective for 2010:

Non-resident membership: Student up to age 18: \$10.00, Adult: \$20.00 \$25.00, Family: \$35.00 \$50.00.

Patron's lost card: \$5.00 \$2.00 to replace.

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Order 09-11 be adopted.

The Town Manager noted these are more realistic costs for library services as calculated by the Librarian. The family cost is actually well over \$100.00 but that is too much to charge. These fees would go into effect in 2010 when the Library project is completed.

VOTE: UNANIMOUS AYE

- h.* **ORDER 09-12:** Ordered that the Town Council hereby approves the following fee increase for the container fee from \$175.00 per load to \$225.00 per load for usage of the Pittsfield Transfer Station effective 08/24/2009.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Order 09-12 be adopted.

The Town Manager noted with diesel costs, more repairs for the new truck and other operational costs, this fee is much more realistic.

VOTE: UNANIMOUS AYE

- i.* **ORDER 09-13:** Ordered that the Town Council hereby approves fees for usage of the Pittsfield Transfer Station effective 08/24/2009:

1. Demolition Debris:
Commercial Waste Haulers: \$60.00/ton \$75.00/ton with a certified weight slip required
Contractors with pickup trucks: \$10.00/pickup truck load \$20.00/pickup truck load
2. Asphalt Roofing Shingles:
Commercial Waste Haulers: \$75.00/ton \$90.00/ton with a certified weight slip required
Contractors with pickup trucks: \$25.00/pickup truck load \$30.00/pickup truck load
3. MSW:
Commercial Waste Haulers: 50% of the Town's current tipping fee with a certified weight slip required NO CHANGE

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Order 09-13 be adopted.

The Town Manager noted these are more realistic fees as proposed by the Recycling Coordinator.

VOTE: UNANIMOUS AYE

- j.* **RESOLUTION 09-115:** Resolved that the Town Council Authorize a change in the operational hours for the Pittsfield Transfer Station and Recycling Center to assist with Town operational costs.

Moved by **Councilor Curtis** and seconded by **Councilor Baker** that Resolution 09-115 be adopted.

The Town Manager noted the Recycling Coordinator is here this evening to discuss a recommended change in the operational hours of the Recycling and Transfer Station. The facility would be open as much, however, it would be on fewer days with longer hours. This would be done to save operational expenses.

Don Chute, Recycling Coordinator, noted he looked at other facilities like Newport and Dexter to make a decision. Facilities our size are typically open 3-4 days a week. Currently our Transfer Station is closed Tuesday and Thursday. This proposal would close the Transfer Station down completely on Sunday and Monday. Operating days would be Tuesday through Saturday with ten-hour days. The hours would be 8 AM to 6 PM to allow people who work to be able to still come in on weekdays. There would still be weekend hours, but it would be limited to Saturdays only. It was discussed that the changes for operational hours would not be in effect until sometime in the beginning of October.

VOTE: UNANIMOUS AYE

- k.* **RESOLUTION 09-116:** Resolved that the Town Council Authorize the Town Manager and Assistant Treasurer to advertise a tax acquired property sale on the following parcel:

Map & Lot	Current Valuation	Location & Acreage	Taxes. Cost, Interest	Minimum Bid Recommended
018-049-001	\$52,100	38 Family Court 15 Acres	\$2931.77	\$10,000

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 09-116 be adopted.

The Town Manager noted this property automatically foreclosed on November 26, 2008 for 2006 taxes. Tax bills and liens totaled \$2,931.77. A new tax bill was just issued for 2009, which adds to the cost. The Town has made multiple contacts with the heirs. As one son was living there when the tax lien process was completed, we technically did not have to contact the heirs but we have tried to get this resolved. We know of two sons of the deceased property owner. After a few contacts on 12/01/2008, one of the sons made a monthly installment agreement with the Town and then broke it as no payments were made. We called the employer and the son no longer lives there. All mail comes back undeliverable. No phone numbers provided to us work. I asked the staff to call all individuals in town with the same last name to try to reach the heirs.

Property is located off Phillips Corner Road, 15 acres with a garage and drilled well. There was a mobile home there and garage with people living in both at one time. The mobile home was hauled out. No one is living there now. One would assume there is septic but there does not appear to be an evidence of that in close proximity to where the structures were.

Under the Tax Acquired Property Ordinance, the Town needs to make a few attempts to locate the parties. We have made over 10 attempts now.

If the Town Council decides to sell the property, the heirs have first refusal and basically 21 days to redeem the property and if it is not redeemed, it goes out to the public.

VOTE: UNANIMOUS AYE

1. **RESOLUTION 09-117:** Resolved that the Town Council Waive the Regulation of Bid and Contracts (Section 106 of the Administrative Code) and Authorize the Town Manager to sign a one year contract for snowplowing with S & G Construction with a yearly cost of \$89,500 for 2009-2010.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 09-117 be adopted.

The Town Manager noted this is a one-year contact for all Town roads. Cost of \$89,500 which is a 1.7% increase. I know we have severe budget issues due to the revenue collection, however, the Town can not take on the plowing, hire additional people and so forth at this time and diesel is continuing to go up.

VOTE: UNANIMOUS AYE

- m.* **RESOLUTION 09-118:** Resolved that the Town Council Authorize the Town Manager to execute the Customer Net Energy Billing Agreement (Facilities of 100 Kilowatts or Less) between Central Maine Power Company and Town of Pittsfield for five (5) years for the Town's generating equipment (recycling center wind turbine).

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 09-118 be adopted.

The Town Manager noted CMP's contracts are 5 years in length. This is the standard language. We bank the kwatt hours to use later on when we need them. Those are the Town's hours if we get extra hours above what we use, then they are our hours to use in another month. It is unlikely with the capacity of the Recycling Center and Transfer Station and the size of our wind turbine that we are going to have too many hours for the year. If that ever did happen, we can put the extra hours onto another bill. We had figured that this wind turbine would generate enough electricity to take care of the section of the CMP bill for the two facilities that is for the Recycling Center.

VOTE: UNANIMOUS AYE

- n.* **RESOLUTION 09-119:** Resolved that the Town Council Amend the Standard Services Contract between the Town of Pittsfield and Crede Associates, thereby increasing the contract from \$87,305.50 by \$4,686 to a total of \$91,991.50 to cover additional tonnage at the Eelwier Property.

Amended as follows:

RESOLUTION 09-119: Resolved that the Town Council Amend the Standard Services Contract between the Town of Pittsfield and Crede Associates, thereby increasing the contract from \$87,305.50 by \$5,912.90 to a total of \$93,218.40 to cover additional tonnage at the Eelwier Property

Moved by **Councilor Chale** and seconded by **Councilor Fotter** that Resolution 09-119 be adopted as amended.

The Town Manager noted as noted on the agenda sheet, the tonnage was much higher. Many parts of the large structure had collapsed in and had a foundation under some of it.

The State then wanted to bring its mobile lab in test and then no one would have to come back if everything was fine. All testing came out great. Samples are also sent to another lab and the engineering firm just got the samples back which indicate a low level of contamination for a couple of elements. So there are conflicting testing results and I expect more testing will be needed so there will be additional costs. The project is way under budget because the quotations the engineering company got for the work approved by EPA and the Town were extremely competitive. Then we had extra tonnage and now will need more testing.

So basically in the 14,000 square foot collapsing building used for a commercial and industrial purposes before it was abandoned 14 years ago that involved hazardous materials that was full of material had very few questionable drums and items leaking.

I most likely will have to be back once we figure all of this out for another approval, however, this approval allows us to pay all the contractors to date. If more testing is gone, EPA may just allow the Town to pay the bill and not add it to the contractor's responsibilities and we could get reimbursed. I will have to check into this once we know exactly what the plan of action will be

VOTE AS AMENDED: UNANIMOUS AYE

- o.* **RESOLUTION 09-120:** Resolved that the Town Council Authorize the Town Manager to apply, on behalf of the Town, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the Hathorn Park Revitalization Project for the Legge's Field & Sports Area, Phase I; and further authorizes the Town Manager to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 09-120 be adopted.

The Town Manager noted these are all the required actions for the Land & Water Conservation Fund Grant Application for the Hathorn Park Revitalization Project. These are all motions that we made for the last three recreation projects.

VOTE: UNANIMOUS AYE

- p.* **RESOLUTION 09-121:** Resolved that the Town Council Approve the Town of Pittsfield Celebrating Community Recreation Plan for the Hathorn Park Revitalization Project for the Legge's Field & Sports Area, Phase I dated July 15, 2009.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Resolution 09-121 be adopted.

VOTE: UNANIMOUS AYE

- q.* **RESOLUTION 09-122:** Resolved that the Town Council Authorize the Parks and Recreation Committee to serve as the project committee for the Land and Water Conservation Project: Hathorn Park Revitalization Project for the Legge's Field & Sports Area, Phase I and designates Paul Bertrand as the day-to-day contact person for the project.

Moved by **Councilor Chale** and seconded by **Councilor Carr** that Resolution 09-122 be adopted.

VOTE: UNANIMOUS AYE

- r. **RESOLUTION 09-123:** Resolved that the Town Council Authorizes the signing of the project certification for the Hathorn Park Revitalization: Legge's Field & Sports Area, Phase I.

Moved by **Councilor Fotter** and seconded by **Councilor Curtis** that Resolution 09-123 be adopted.

VOTE: UNANIMOUS AYE

- s. **RESOLUTION 09-124:** Resolved that the Town Council Approve the Town Manager's appointment for the Recreation Director Position.

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that Resolution 09-124 be tabled.

The Town Manager noted this item needs to be tabled. The background check is taking longer than expected which is not a reflection of anyone, simply that people are still on vacation or away from work. To address this situation: I may be able to hire someone temporarily to manage items.

VOTE: UNANIMOUS AYE

- t. **RESOLUTION 09-125:** Resolved that the Town Council Approve a renewal application for a liquor license for the Sebasticook Valley Lodge of Elks at 140 Middle Street, Pittsfield, Maine 04967.

Moved by **Councilor Fotter** and seconded by **Councilor Chale** that Resolution 09-125 be adopted.

The Town Manager noted these are regular yearly applications. No issues

VOTE: UNANIMOUS AYE

- u. **RESOLUTION 09-126:** Resolved that the Town Council Approve the renewal of the special amusement permit for the Sebasticook Valley Lodge of Elks.

Moved by **Councilor Fotter** and seconded by **Councilor Chale** that Resolution 09-126 be adopted.

VOTE: UNANIMOUS AYE

- v. **RESOLUTION 09-127:** Resolved that the Town Council Authorize the expenditure and transfer of up to \$5,000 from G/L #01-607-00 PITT20 Road Construction Reserve for the purchase of materials for roadways.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 09-127 be adopted.

The Town Manager noted as we are unable to afford to pave this year, we have identified a few projects to take care of problematic areas:

Small areas that are full of patched potholes/heaving/sunken in:
End of Stinson Street at the entrance to Industrial Park
End of the new pavement of Webb Road and beginning of older pavement
Snakeroot Road on the two hills
Corner of Waverly/Hartland going down the knoll on one side
Intersection of Somerset and Central Street
Intersection of Somerset and Middle Street

We will use cold patch in most areas with hot top in one.
The last two will be cut out and rolled.
The others will be done with the grader.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

A. Financial Reports as of 06/30/2009:

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

B. Other Reports as of 06/30/2009:

Building and Plumbing Permit Reports
Library Report-Librarian's and Library Trustees Minutes
Police Report

All reports to be reviewed by Council members

1. **Update on Water Projects:**

Federal Stimulus Funding for Back-up Water Pump: The loan was signed and approved; we are working on Requisition #1 for Bond Counsel costs and Engineering costs. The contractor received the Notice to Proceed. Should be able to have the pre-construction meeting shortly as the pump should be in.

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. Installations will be weather dependent. The

project is schedules to take place during the weeks of: July 13 – 17, 2009; July 20 – 24, 2009; August 10 – August 14, 2009; August 17 – August 21, 2009. Letters had previously been sent out. It is still wet in some of the areas that the installations have to take place.

For the Repair of Cuts in the Roadways: The Water/Sewer Department and Public Works Departments will be repairing cuts across the roadways from emergency water work and other emergency work along with repair work beginning July 27, 2009. It is expected that this work will take several days. We will rent the equipment and do the work ourselves.

2. **Update on Sewer Projects:**

Sludge Removal Project: The Town held the mandatory pre-bid meeting with 10 firms in attendance. At the pre-bid meeting, the Town received a request to move the bid due date back one week, which we did after receiving approval from the Town Attorney that this was appropriate. An addendum was issued with the due date change and forwarded to those who attended the mandatory pre-bid meeting.

Bids were opened on Monday, 08/10/2009. Results reviewed by Town Manager.

3. **Water/Sewer Project Possibilites: Income Survey for State and Federal Funding Opportunities:** We need to continue to talk to the public about the necessity of completing this survey. We have many results with people refusing to provide income.

4. **2009 Budget cuts proposed by Department to address declining revenues:** The Town Council received a package of the accounts that have been frozen in the regular budget as proposed by the Departments to assist with the significant decline in revenues. The nation-wide trend is certainly here in Maine and the Town Council has been receiving reports since February of this year when I noticed a decline. The economy is slowly turning around but I must emphasize very slowly.

These budget lines frozen will remain in their accounts, not be spent and then help to balance out the loss of revenues in the revenue account at the end of the year. We will need to do more.

It is proposed that we have a one-time freeze on the capital allocations remaining in the budget. Each year we appropriate \$190,000 in tax dollars for a variety of capital needs and the funds generally build up in the reserves until we have enough and then we go do the work. \$164,132 remains after the police cruiser and zero turn mower were purchased. It is great to build up capital reserve accounts and then do the projects, however, without doing something drastic in the budget, we can not come up with the amount of funds that are being put away for future projects. To come up with \$164,132 we would need more than 54 furlough days for the employees. The change in cemetery hours

and transfer station hours was not budgeted for on the list the Councilors received as it was an item the Town Council needs to vote upon and we would only have a few months of effect vs. a year's worth.

All the departments were extremely helpful. Our purpose is to keep everyone going with services and to keep the town employees we have. For a town of our size, the staffing is low and the budget is low so we are going to be more impacted than a town that had not held the line on taxes and spending for 7 budget years and actually lowered the tax commitment for the Town budget from 2002 to now by over \$155,000 a year.

If it is agreeable as we need to freeze more funding so that we have less expenditures to match up with less revenue coming in, I will put this on the next Council Agenda for 09/01/2009 to set to public hearing with the capital funding being transferred to a Revenue or Budget Stabilization Account. If it ends up that revenue collections increase drastically, we can look into allocating some of it back or just bring it back in 2010. It was decided this item will be put on the next Council agenda.

Grants Update:

Not reviewed at this meeting due to length of agenda

New Grants:

Airport Grants: Apron Reconstruction Grant Application

Brownfields Grant: Clean-up Grant for Eelwier (now know as 8 Mount Road)

Renewable Energy Grant

Riverfront Community Development Grant

State Planning Office Recycling Education Grant

Pending Grants:

CDBG Grant/Business Assistance: Moosehead Cedar Log Homes

State Library Grants dedicated to the Library Building Project

Grants waiting to be closed:

CDBG Grant/Public Facilities/Historic Preservation/Library

FEMA Reimbursements: 04/28 – 05/14/2008

L&W Conservation Fund: Stein Park Renovation Project

L&W Conservation Fund: Swimming Pool Essential Components

Safe Routes to School, Phase II

Closed Grants:

Airport Grants: Design Engineering for Apron Reconstruction

Airport Grants: Runway Obstruction Clearing

Airport Grants: Vegetation Plan/Permitting Grant

CDBG Grant/Special Projects Matching Funds/GCS

Efficiency Maine Business Program

Nutrition Grant for Summer Program

Project Canopy: Mill Pond Loop

Other Grant Opportunities:
Economic Development Administration Grant Application
Fire Grant – Aerial/Pumper
Fire Grant – Fire Station Renovations
L&W Conservation – Hathorn Park
Mobile Electric Power Grant
Municipal Investment Trust Fund

Updates:

1. Pinnacle: Maine Central Institute contacted the Town as they wanted to take gravel off the land leased to the Town for the Pinnacle. The Town owns part of the facility known as the Pinnacle and MCI owns the remainder, which is leased to the Town. The Town's lease for the MCI piece allows the town to take gravel off the site if it benefits and is used at the Pinnacle.

MCI needs gravel for a parking lot that is being created down by the Music Building to address a public safety issue. One of the private roads with parking in between the buildings at the campus will be shut down to pedestrian traffic so that the students aren't darting out between the vehicles. All the parking will be shifted from that road to the new parking lot.

The Town needs gravel for the Pinnacle Revitalization effort for the parking lot.

Both entities do not really have the finances available in this economy and are looking at creative measures to finance projects. Cianbro has donated its equipment and manpower to remove the gravel.

Removal of the gravel will be done in such a manner as to promote the Pinnacle ski slope and open up some areas. Gary was on site and can explain how this will be of benefit.

Because the town is the leasee on 1 parcel and the owner of the other parcel, we would file the application. Cianbro wants to do the work in a few weeks. A PB conditional use permit and shoreland zoning permit would be required.

I have advised everyone that no gravel can be extracted within or nothing disturbed within the 75' setback. All of the many permits that the Town had to get for the Pinnacle Recreation Plan are for the town to keep out of the 75' mandatory setback except for our permitted activities. This is not one and not going to be one. So before this is filed, I wanted to let you know about it and see if there were any concerns.

The Councilors had no concerns.

2. Insurance Change-over: from MMA to Lehr Insurance Agency which represents Massamont Insurance Agency will require the Town to finance ½ of the payment. The insurance company requires full year payment up front. We were paying by ½ year. That means during the change over that the Town

would have to pay 1.5 years of insurance which we could not do, especially during the budget freeze. Even with the financing cost for \$794.60, the insurance is still less expensive. Next year this will not be an issue.

3. Cheerleading: Jennifer Watrous has been running a cheerleading program and has asked us see if we could find someone to run it. She has changed jobs and can not operate it anymore. It is not part of the Recreation Program. We can barely handle what we do have. Cheerleading has benefits for the ladies involved. I am going to ask MCI and SAD #53 to send out a request for interested parties to contact Jennifer. Any other suggestions would be appreciated.

4. Councilors have brought up a resolution in opposition to TABOR II. This will be coming to the Town Council at the 09/01/2009 meeting along with a resolution to consider for opposition to the excise tax referendum. Both will drastically affect the Town.

5. Get Comfortable in Pittsfield Chairs need to be auctioned off in the near future. Donna and Sharon Mack thought that a silent auction would be good. The funds would go to raising funds for the theatre seats, which is a very good project and rather fitting. If you like this idea, we can get this in progress. The actual approval would be on the 09/01/2009 meeting as these are property of the Town so if we have the silent auction all set up for after 09/01/2009 we will be all set.

8. **REPORTS:** Audience, Council

Audience:

Donnie Hallenbeck noted that the Theater used to require a specific number of admissions to run a movie. Donnie also noted that in the past it was a school teacher that ran the swimming pool.

Council:

Councilor Baker: No comment.

Councilor Carr: No comment.

Councilor Chale: Enjoyed seeing the chairs in Town. Wanted to let people know the Welcome Table is still serving 30-60 people. However, they are running short of volunteers to donate meals for the day. Wanted to get the word out.

Deputy Mayor Jordan: No comment.

Councilor Curtis: No comment.

Councilor Fotter: No comment.

Mayor Nichols: Found the GridSolar presentation very interesting. Wanted to thank all the Town Workers for all they do.

9. **ADJOURNMENT:**

Moved by **Councilor Curtis** and seconded by **Councilor Carr** that the meeting be adjourned at 10:17 p.m. All in agreement.

Nicole Nickolan, Town Clerk