

# MINUTES

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

**PRESENT:** COUNCILORS: Mayor Tim Nichols, Deputy Mayor Wayne Fotter, Michael Gray, Gary Jordan, Jr., Louise Baker and Christinalyn Hamel. **ABSENT:** Brian Philbrick. Also present were Town Manager Kathryn Ruth and Assistant Treasurer Vickie Braley. Audience members included: Alan Wyman, Don Hallenbeck, Mary Parsons, Mary Gaeta and other residents.

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

Moved by **Councilor Gray** and seconded by **Councilor Jordan** that the Minutes of the Regular Meeting on October 16, 2007 be adopted.

**VOTE: UNANIMOUS AYE**

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

Dedication of a Council Plaque in Memory of Jasper Wyman: Commendation for Town Service

Mayor Nichols formally dedicated a Council Plaque in Memory of Jasper to be hung in the Town Council Chambers. The Plaque honors Jasper for his many years of town service including his years of dedication as a Deputy Mayor, Councilor, and Chairman of the Board of Appeals.

Jasper was very involved in the community and government for decades. He assisted many people with both Council items earlier on and later with the procedures utilized by the Board of Appeals. He was always active in the community as a member of the American Legion and the Veterans of Foreign Wars. Jasper assisted the Town of Pittsfield with many community activities.

Many of us miss Jasper very much and wanted to acknowledge and remember his accomplishments.

Alan Wyman attended the dedication on his family's behalf and thanked everyone for the commendation. Alan stated that being so involved with the Town and the different issues, was one of the biggest things that kept Jasper going.

Mayor Nichols stated that he knew Jasper for a long time and it was a pleasure working with him. He was a very important person in the Town. He was always concerned with the well being of others and always put them first.

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

- a. **ORDINANCE 07-17:** (Public Hearing 11/07/2007) That the Town Council hereby Ordains to Accept all tax year payments of Ruth Ann Brooks (Per Rep) and Estate of Wendall R Brooks, including interest and lien costs, for the property at 377 Webb Road (Map 010, Lot 016-001), the Town having acquired said property as a result of automatic foreclosure of a 2002 property tax lien, recorded in the Somerset Registry of Deeds on July 18, 2003 at Book 3156, Page 273, which matured on January 18, 2005. The Town Council further authorizes the Town Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to Ruth Ann Brooks (Per Rep) and Estate of Wendall R Brooks.

There was no one who wished to speak in favor or opposition of this ordinance. Public Hearing was closed.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Baker** that Ordinance 07-17 be adopted.

The Town Manager noted this property was acquired due to the automatic foreclosure of 2002 taxes in 2005. One of the family members has been living at the property and paid off the taxes.

**VOTE: UNANIMOUS AYE**

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

##### **Town Manager's Report: Town Council Meeting of 11/07/2007:**

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

**2. 2008 Budget Calendar:** The calendar of meetings has been available at the Town Office since September and on the Town's web site. A budget session will be held this evening and the next session will be 11/20/2007.

**3. New Water Meter Installation for the Automatic Reading System:** Letters are going out starting Friday to schedule the appointments for installation of the new meters. Books 3&4 will be the first area to have the new meters installed as those are the last readings to be taken. Letters will be sent out a couple of weeks and will be staggered, which means that given the number of meters to be installed across Town, that this project will be on-going this Winter into Spring. Books 3&4 include Lancey; Nichols; Franklin; Peltoma; Harrison; Cianchette; Chester, Summer; Cross; Main (formerly South Main); Stinson; Library; Manson; Libby; and Raymond Streets.

**4. Environmental Community Forum:** Project Canopy Program in conjunction with Maine Recycles Week, Let's Celebrate Pittsfield is scheduled for Tuesday, 11/13/2007.

Displays are set up by 6:30 p.m. and the Program will be held from 7:00 p.m. – 8:00 p.m. at Vickery School Gym on School Street. Presenters will be Leo St. Peter, Licensed Arborist on Tree planting in Maine & Pittsfield; Carol Millett on Re-use Projects – Paper Crafting Re-Creations; and Tom Roberts of Snakeroot Organic Farm on using compost and various mulches in and around the garden. There will be free give-aways for the first 50 attendees and a free drawing for “the Earth Machine.”

**5. Neighborhood Watch:** A new neighborhood watch group has been formed and they are inviting everyone to join them to exchange ideas and share information to make the community a safer place. Get tips on how to protect your loved ones and your property while learning how you can make a difference doing things you already do. The meeting dates and schedule are:

Monday, 11/19/2007 6:30 p.m.: Crimes in progress vs. Crimes discovered (past): Things to remember to give to dispatch to assist in locating suspect(s) and when should you get involved and when not to.

Monday, 12/03/2007 6:30 p.m.: Vacation planning – who to tell you are leaving: Things to do to keep your home safe while you are gone.

Monday, 01/07/2008 6:30 p.m.: Street Security: Know your neighbors and know your neighborhood and Keys to a good neighborhood watch system.

#### **6. The Paul E. Bertrand Community Pool Upcoming Fundraisers:**

Benefit Spaghetti Dinner: Saturday, November 24, 2007 from 5:00 pm - 7:00 pm at the new MCI Dining Hall and Student Center, the Donna Leavitt Furman '41 Student Center. Tickets on sale now at Heidi Ann's Flower Shop, corner of Main Street and Somerset Avenue (487-5557); Arts Club Members Bev Rollins (487-2778), Connie Thies (487-3122), and Kim Duncombe (487-6356); and at the Town Office (487-3136). Tickets will also be available at the door for your convenience. Adults - \$5.00; Children under 12 - \$3.00; and Family - \$20.00.

Pennies for the Pool: Students in each of the elementary schools - Manson Park, Burnham, Vickery and Warsaw - are collecting pennies for the pool. Contribute your change to a student that you know!

Scrapbooking Expo: Coming in late January, 2008

The Fundraising Goal: \$400,000

Funds Left to Raise: \$128,000

The gunite is in and the pool is being filled for the winter this week. Now we need to concentrate on raising the funds and donations for the essential components of the pool – the security lighting, new fencing, bathhouse/restrooms, picnic tables, groundwork, paving, etc.

Send contributions to the Town of Pittsfield, c/o Pittsfield Community Swimming Pool Fund, 112 Somerset Avenue, Pittsfield, ME 04967 to help make this entire project a reality!

**Finance Committee:** No Report.  
**Ordinance Committee:** No Report.  
**Recycling Committee:** No Report.

6. **NEW BUSINESS:**

- a. **RESOLUTION 07-128:** Resolved that the Town Council Cancel the 09/04/2007 default notice on the land installment contract with Janette Jones for which she is making payments for tax years 2001 forward, provided that Mrs. Jones make all required payments as depicted by the 01/12/2004 contract by the 10<sup>th</sup> of each month, maintains proper insurance coverage, and if Mrs. Jones misses a payment or does not follow the requirements of the installment contract, she will be found in default and the issue will be turned over to the Town Attorney for collection of all back amounts.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Gray** that Resolution 07-128 be adopted.

The Town Manager noted the Town Council is familiar with this installment contract. The 1999 taxes foreclosed in 2001 for non-payment. Mrs. Jones is unable to attend this evening as she has just had surgery. As of the date of this meeting, Mrs. Jones will owe \$10,828.53 in back taxes, interest and costs. The first installment contract was for \$400/month, which was in default. In January 2004, the Town executed a second installment contract with Mrs. Jones, which is now in default. Many letters and phone calls have been made regarding this agreement including default notices. The Town has made numerous attempts to try to work this situation out. On 09/04/2007, a final default notice was sent which we have discussed. Mrs. Jones has requested that that she be allowed to continue to make her required regular payments by the 10<sup>th</sup> of the month and not come up with the back tax amount that is due at this time. Instead, the agreement would simply continue, adding additional years to the installment contract. We have advised her that if the Council should approve this request that she must provide proof of insurance coverage and follow the terms of the agreement. Specifically as discussed by the Town Council at the last meeting, this means that no more payment dates can be missed. At the current rate of payment of \$200/month, it will take 5 years to pay off the current taxes assessed and during that period of time, 5 more years worth of taxes will accumulate. It is expected that the taxes, interest and costs will be paid off on or prior to 2017. The Town Attorney recommends that we give Mrs. Jones this last chance to continue with her installment contract with the Town. He also notes that if there is a default, that the Council will need to vote on this issue one last time to refer the issue to the Town Attorney for collection, however, we are making our requirements very clear. Further, we would write this up for Mrs. Jones and have her sign that she received the information.

The Councilors debated this issue extensively. It was mentioned that future liens would continue to be added to Mrs. Jones' property and that other residents of the Town are not able to have this option. This was one of the last installment contracts done before MMA recommended discontinuing installment contracts. The Councilors felt that the applicants also need to help themselves. There was a lot of concern on having the taxes accumulate

for such a long period of time. The Councilors had a difference of opinion on this request. There was a tie vote, which caused the motion to be defeated. This issue will be brought back to the next meeting for collection procedures to be authorized.

**VOTE: 3 NAY/3 AYE**

- b. **RESOLUTION 07-129:** Resolved that the Town Council Approve the settlement offer negotiated between Thomas & Daphne Wright; Michael & Michelle Hodgins; Stanley Kitchen, Sr.; Skowhegan Bank and the Town of Pittsfield regarding Map 15, Lots 31 & 51, former tax acquired property acquired by 1997 tax liens foreclosed on 12/05/99 subject to obtaining satisfactory mutual release from other parties, such releases to be approved by the Town Attorney.

Moved by **Councilor Gray** and seconded by **Councilor Baker** that Resolution 07-129 be adopted.

The Town Manger noted the background was consolidated due to it dating back to the 1990's, specifically the background on the tax acquired property and references to the defaulted economic development loan in which property formally owned by the Wrights was auctioned off by the Town and lays adjacent to the tax acquired property that the Town sold. It is intended that this will finally put the former Wright property to rest.

**VOTE: UNANIMOUS AYE**

- c. **RESOLUTION 07-130:** Resolved that the Town Council Accept the bid of Penobscot Energy Recovery Corp. of Orrington, Maine in an amount not to exceed \$ see below /ton for MSW/Demo Debris/Bulky Waste and Tires and Authorize the Town Manager to sign a contract with Penobscot Energy Recovery Corp.

**Penobscot Energy Recovery Corp.**

<u>Time Period</u>	<u>MSW/Demo Debris/Bulky Waste</u>	<u>Tires</u>
01/01/2008 – 12/31/2008	\$50.00/ton	\$50.00/ton
01/01/2009 – 12/31/2009	\$51.00/ton	\$51.00/ton
01/01/2010 – 12/31/2010	\$52.02/ton	\$52.02/ton
01/01/2011 – 12/31/2011	\$53.06/ton	\$53.06/ton
01/01/2012 – 12/31/2012	\$54.12/ton	\$54.12/ton

Moved by **Councilor Gray** and seconded by **Councilor Hamel** that Resolution 07-130 be adopted.

The Town Manager noted our current contract expires 12/31/2007. The current price for MSW/demo debris/bulky waste is \$60.10/ton and tires are \$98.00/ton. The bid results were great. The Town Council received a copy of Donnie Chute's write-up. For the first year, we would save \$10.10/ton – so well in excess of \$20,000. This is excellent news.

**VOTE: UNANIMOUS AYE**

7. **DISCUSSION ITEMS: NONE**

8. **REPORTS:** Audience, Council

**Audience: None**

**Council:**

**Councilor Baker:** Wanted to thank Alan Wyman for coming in and accepting the plaque for his dad. He was a great man and she was glad to have known him all the years that she did.

**Councilor Hamel:** Would like to agree with Louise. Although she was only a councilor for the past 3 years, Jasper was always there to help. Councilor Hamel had great admiration for Jasper especially as a veteran. He had a lot of pride for veterans.

Councilor Hamel also mentioned the railroad sign in Industrial Park still needs the brush cut away from it. The Town Manager noted that Public Works cut the brush and she will check on this again.

**Councilor Philbrick:** Absent.

**Councilor Jordan:** Councilor Jordan knew Jasper for a long time and thought he was a very polite gentleman. It is very appropriate that we have this plaque in the Council Chambers due to all the contributions he has made to this Town. Councilor Jordan also mentioned he attended an RPC meeting just prior to the Council meeting. Things are coming along very well and hopes to have some additional information for the next Council meeting. Gary mentioned the upcoming meeting for the Pinnacle and the leftover funds that need to be allocated for additional repairs for items in the Pinnacle before it opens. The roof has been repaired.

**Councilor Gray:** Would like to echo what everyone said about Jasper. Councilor Gray doesn't think enough was said regarding Jasper's service in the military. Jasper was an inspiration to him. Also mentioned the pool is coming along really well.

**Deputy Mayor Fotter:** Wanted to say he was happy to see Alan here on behalf of his father. The Red Sox represented him this year. Hopefully he's up there with his dad and brother celebrating. Deputy Mayor Fotter said that Jasper was a wonderful man and he really misses his calls everyday. He was truly dedicated to the Town and we were well benefited to have him. He was part of a great generation and

fought in some of our greatest battles in the service. Also, wanted to mention that he hopes everyone has signed the card for Fred and he is looking forward to coming back and we are all eager for his return.

**Mayor Nichols:** Wanted to thank Alan Wyman for coming tonight. Mayor Nichols stated again that Jasper was a wonderful man that he spent many an evening talking to. He was always involved in Pittsfield. He was a well-respected and knowledgeable man, who is greatly missed.

Mayor Nichols wanted to say regarding his vote on the installment contract that he didn't like that he had to vote that way, but felt it was necessary due to the advice of the Town attorney.

9. **ADJOURNMENT:**

Moved by **Councilor Gray** and seconded by **Councilor Hamel** that the meeting be adjourned at 8:12 p.m. All in agreement.

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Nicole Nickolan, Town Clerk