

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, November 17, 2009 at 7:30 pm in the Council Chambers.

**PRESENT:** COUNCILORS: Mayor Tim Nichols, Wayne Fotter, Caleb Curtis, Donna Chale.

**ABSENT:** Deputy Mayor Gary Jordan, Jr., Christopher Carr, Louise Baker. Also present: Town Manager Kathryn Ruth and Assistant Treasurer Vickie Braley. Audience members included: Bob Stackhouse, Peter Snow, John Dickson, Don Chute, Bernard Williams, Dean Billings, Steve Emery, Scott Monroe, Chris Cousins, Mike Lange, Amy Mitchell, Andy Burt 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 November 4, 2009.

Moved by **Councilor Chale** and seconded by **Councilor Fotter** that the minutes of the regular meeting on November 4, 2009 be adopted.

**VOTE: UNANIMOUS AYE**

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

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

#### Upcoming Meetings & Events

Board/Committee Vacancies: Would you like to serve your community? Do you have an interest in the following areas? Terms on the following boards/committee will expire this year: Airport; Appeals; Assessment Review; Ethics; Health; Cemetery; Economic Development Team; Housing Rehabilitation Loan Fund; Library; Parks & Recreation; Personnel Appeals; Pinnacle Park; Planning Board; Pool; Recycling; and Theatre. Please contact Nicole, the Town Clerk at the Town Office at 487-3136 if you are interested in one of these positions on or by November 20, 2009.

#### Report on Meetings & Events:

One Stop Shopping, a Theatre Restoration/Renovation Fundraiser took place on Saturday, November 14, 2009 at the First Congregational Church from 1:00 pm – 4:00 pm. Vendors include the Pampered Chef, Lia Sophia, Tastefully Simple, Longaberger and others

The Magic of the Steelgraves, Amazing Family Fun, was presented at the Pittsfield Community Theatre on Sunday, November 15, 2009 at 2:00 p.m. featuring Maine's Multi-Award-Wining Entertainers Markus & Angelique Steelgrave. The show in involved Magic, Juggling, Grand Illusions, Live Animals and Comedy.

The Town filed its grant application under the PUC Request for Applications for Energy Efficiency and Conservation Block Grants to units of Local and County Government on Monday, November 16, 2009.

We filed for 3 projects: (1) Municipal Building Energy Retrofit to include air sealing; insulation improvements and boiler replacement; (2) Installation of Solar Thermal System for facility hot water and space heating; and (3) Review of Town Codes to promote Energy Efficiencies, development and alternative energy sources. Vaughan Woodruff was very helpful in putting together the numbers and reviewing the grant application. This is a very interesting project and has a lot of benefits. The total project was \$97,961. The grant funds requested are \$84,425 and the local match is \$13,536. This is a very competitive RFP and many grant applications are expected.

#### Upcoming Meetings & Events

The next Kennebec-Somerset (Ken-Som) Transition Team Meeting is scheduled for Wednesday, 11/18/2009 from 9:00 am – 11:00 am at the Pittsfield Town Office

#### **Maine Partners for Communities:**

The Town has a long history of environmental efforts through the efforts of the Town Councilors, Recycling Committee, town staff and citizens. We had been looking at the Cool Communities efforts earlier this year.

The Town has a basic Energy and Environmental Conservation Plan which was recently updated in October, 2009 which describes many energy conservation and environmental projects of concern to the Town.

At our last meeting, the Town Councilors endorsed and the Mayor signed the U.S. Mayors Climate Protection Agreement, becoming the 26<sup>th</sup> Town in the State of Maine to make a commitment to reduce greenhouse gas emissions in the community through promoting items such as Increasing energy efficiency, reducing vehicle miles travels, maintaining healthy urban forests, reducing sprawl and promoting the use of clean renewable energy resources. We had been doing many of these items for several years.

Andy Burt, Environmental Consultant with the Maine Partners for Cool Communities was in attendance this evening to provide the Mayor with a Cool Communities Certificate. Pittsfield is the 26<sup>th</sup> municipality in the State to join the Maine Partners for Cool Communities.

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

- a. **ORDINANCE 09-20:** (Public Hearing) That the Town Council hereby Ordains to accept the offer of David & Amy Mitchell consisting of \$16,600.00 for the property located at 38 Family Court (Map 18, Lot 49-1) the Town having acquired said property as a result of automatic foreclosure on a 2006 property tax lien, recorded in the Somerset Registry of Deeds on May 31, 2007 at Book 3854, Page 261 which matured on November 26, 2008. The Town Council further authorizes the Town

Manager to execute a municipal quitclaim deed releasing the Town's interest in said property to David & Amy Mitchell.

No one wished to speak in favor or against Ordinance 09-20. Public Hearing closed.

Moved by **Councilor Fotter** and seconded by **Councilor Chale** that Ordinance 09-20 be adopted.

The Town Manager noted the property at 38 Family Court was foreclosed on in 2007. After numerous attempts, the Town did not receive any payments toward back taxes from the heirs. The Town Council authorized a Tax Acquired Property Sale on August 11, 2009. After giving the heirs an additional redemption period to pay up the taxes beyond the two tax payment plan arrangements that were broken, the property was advertised.

Bids were due on October 09, 2009 with the high bid being David & Amy Mitchell in the amount of \$16,600.00. The 20% deposit of \$3,400 was provided with the bid. The Mitchells plan to reside on the property.

**VOTE: UNANIMOUS AYE**

- b.* **ORDINANCE 09-22:** (Public Hearing) That the Town of Pittsfield hereby Ordains the renewal of a franchise agreement with Time Warner NY Cable LLC d/b/a Time Warner Cable and will hold a public hearing on 11/17/2009 for the purpose of taking public comment.

No one wished to speak in favor or against Ordinance 09-22. Public Hearing closed.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Ordinance 09-22 be adopted.

The Town Manager noted this public hearing was scheduled in accordance with the terms of the Town's Cable Television Ordinance. The 1994 agreement for a cable franchise, which Time Warner Cable acquired, expires in December 2009. Time Warner has invoked federal regulation **47 U.S.C. 546** for a renewal. While the current contract and its renewal options expires this year, federal law allows for the company to request a renewal.

The public hearing will be to seek public comment regarding the renewal of a franchise agreement with Time Warner Cable. The purpose of the public hearing will be to determine whether there are sufficient grounds to believe that the franchise should not be renewed. State Law appears to make the test for renewal based upon "safe, adequate and reliable" service

We should take this opportunity to upgrade the old cable franchise agreement dating back to 1994 into a new up-to-date cable franchise agreement. Time Warner appears willing for the Town to make a proposal or they will submit a proposal, our choice.

Right now, the items which I perceive as open and which we would want resolved are as follows:

1. Senior Citizen discount;
2. Movie station that people like (the law does not allow the Town to approve channels, however, we certainly can suggest);
3. Cable television drops at the Municipal Building Meeting Room and Library, along with free cable. This can be used for the Town to see what is on the public access station;

- become more involved with the public access programming; and for educational purposes. This is not for people to watch television;
4. Cable television drops at School Buildings, along with free cable. This can be used for educational purposes.
  5. The ability to hook into Time Warner Roadrunner internet access for free for town buildings.

We should use this meeting as an opportunity to determine if there are other items, which we perceive, are needed or should change.

Time Warner resolved the numerous citizen concerns over poor customer service when the calls were answered out of state for a period of time and we have not received any complaints for a very long period.

I have a copy of the draft cable franchise agreement which a number of Southern Maine hired an attorney to draft for them so we can start with this as our franchise agreement is 15 years old. Time Warner is coming to Pittsfield on Friday so that we can discuss the Council's ideas at that meeting.

Councilor Fotter stated he felt that a signing a shorter contract would be a better choice for the Town as technology can tend to change quickly and we could review our options more frequently if the contract was shorter.

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

**Town Manager:** No Report. **Finance Committee:** No Report.

**Ordinance Committee:** No Report. **Recycling Committee:** The Committee met on 11/10/2009. Carol Dyar-Eaton spoke to the Committee regarding numerous subjects including cooling and warming centers, Efficiency Maine projects and window inserts. The Committee will be getting more information at the next meeting on a workshop that is to be held on 12/12/2009 in Skowhegan. Overall, it was a productive meeting.

## 6. **NEW BUSINESS:**

- a. **ORDINANCE 09-23:** (To be set to Public Hearing on 12/01/2009) The Town of Pittsfield hereby Orders and Ordains that pursuant to Section 5.09(d) of the Pittsfield Town Charter, the following capital balances shall be transferred from their existing accounts to a new account to be entitled "Revenue Stabilization" which funds will be made available and expended, as needed, in order to meet budget shortfalls at the end of the year: Paving/Resurfacing \$52,640; Municipal Parking Lot \$15,000; Highway Mower \$2,632; Municipal Building \$5,000; Theatre \$5,000; Revaluation \$5,000; Library \$5,000; Highway Equipment \$36,000; Fire Utility \$17,860; Fire Equipment \$15,000 and Fire Station \$5,000 for a total of \$164,132.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Ordinance 09-23 be set to public hearing.

The Town Manager noted the Town is still running behind schedule on revenue collections, which have not followed any usual trends during the last 10 months. The Town has attempted to save over \$90,000 from the budget by cutting back on projects, cutting out projects, no equipment purchases, people donating travel, less postage and notices, not paying subscriptions or memberships and many more items. Back in August, the Town Council received a two page report on the items that the department heads recommended to balance the budget at the end of the year due to very low revenue collections. In addition, all other regular accounts are frozen, however, these are maintenance accounts, which cannot be guaranteed as emergencies, break-downs and unexpected costs need to be addressed.

In September, we decided that the safest precaution was to freeze the capital budget. These funds are for future expenditures and for when future projects are needed. We can not freeze them the same way that we did with the regular budget accounts as the funds that were frozen go to the fund balance against the revenue budget account balances not collected. The capital budget allocations go straight to the capital reserve accounts. To finalize the freeze of the capital accounts, the Town Attorney has recommended that a transfer be authorized between accounts. The Town is very revenue dependent as we have many revenue accounts in addition to taxes and we have been dealing with very slow revenue collections for nearly all revenue accounts.

**VOTE: UNANIMOUS AYE**

- b. **ORDINANCE 09-24:** (To be set to Public Hearing on 12/15/2009) That the Town of Pittsfield hereby Ordains the 2010 Capital Budget be approved as follows:

Highway Sidewalks	\$ 21,590
Municipal Parking Lots	\$ 20,000
Highway Waste Oil Furnace	\$ 7,500
Municipal Building Capital	\$ 5,000
Police Cruiser	\$ 26,650
Cemetery Mower	\$ 7,000
Library Building Capital	\$ 5,000
Highway Equipment	\$ 36,760
Highway Sander	\$ 15,500
Highway Loader	\$ 25,000
Fire Equipment	\$ 15,000
Fire Station	\$ 5,000
Highway Paving	\$ 92,000
Highway Construction/Reconstruction	\$ 50,000
Industrial Park Expansion	\$ 100,000
Airport Safety	\$ 300,000
Airport Apron	\$ 400,000
Theatre Grants	\$ 17,710
<u>Energy Conservation</u>	<u>\$ 100,000</u>
 Total	 \$1,249,710
 Funding by Loans/Bonds	 -\$ 142,000

Funding by Reserves	-\$ 35,000
Funding by Grants	<u>-\$ 882,710</u>
Total to be raised by taxation	\$ 190,000.

Moved by **Councilor Chale** and seconded by **Councilor Curtis** that Ordinance 09-24 be set to public hearing.

The Town Manager and Town Councilors discussed some of the individual line items in the 2010 Capital Budget.

**VOTE: UNANIMOUS AYE**

- c. **ORDINANCE 09-25:** (To be set to Public Hearing 12/15/2009) That the Town of Pittsfield hereby ordains that the 2010 Operating Budget in the amount of \$2,639,473 ( ) be approved, and the total sum of \$3,889,183 ( ) be appropriated (Operating plus Capital Budgets);

AND FURTHER, that \$1,297,483 ( ) be raised through taxation; that \$1,007,801 ( ) be raised from estimated revenues; that \$374,189 ( ) be appropriated from State Revenue Sharing; that \$142,000 ( ) be appropriated from Loans/Bonds; that \$35,000 ( ) be taken from reserve funds; that \$882,710 ( ) be appropriated from grants; that \$0 ( ) be appropriated from other Revenue Sources; and that an additional sum of \$150,000 ( ) be taken from undesignated fund balance.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Ordinance 09-25 be set to public hearing.

**VOTE: UNANIMOUS AYE**

- d. **ORDINANCE 09-26:** (To be set to Public Hearing 12/15/2009) That the Town of Pittsfield hereby ordains that the 2010 Water and Sewer Department Enterprise budgets in the respective amounts of \$404,832 ( ) and \$404,703 ( ) be appropriated from the respective estimated departmental revenues.

Moved by **Councilor Fotter** and seconded by **Councilor Curtis** that Ordinance 09-26 be set to public hearing.

The Town Manager noted as the Town Charter requires a two-week period for public notice and publication of the public hearing, the hearing is set and notice approved at the second regular Council Meeting in November. If the action was held until the first meeting in December, the proper timeline is not available for a public hearing scheduled for 12/15/2009. Changes to date are reflected. Any changes made to the budgets at this meeting and subsequent meetings will be tallied up for the motions to be made for adoption after the public hearing on 12/15/2008.

**VOTE: UNANIMOUS AYE**

- e. **ORDINANCE 09-27:** (To be set to Public Hearing 12/15/2009) That the Town of Pittsfield hereby ordains to exceed the Property Tax Levy Limit established for Pittsfield under 30-A MRSA 5721-A by \$180,959.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Ordinance 09-27 be set to public hearing.

The Town Manager noted Under LD 1, the property tax cap legislation in affect since the mid 2000's, requires the Town to vote upon a separate article if the tax commitment exceeds the total of the property growth factor, the income growth factor and net new State funds.

This is a new situation for the Town as until this year, as we have always had additional revenues each year. Due to the on-going recession, everyone is aware of decreased revenue collections throughout the government's operations in most every town and state.

Therefore, the Town Council will need to consider voting to exceed the cap and the exact amount that the cap will be exceeded will not be known until the year is closed out with all state revenue source payments received. We can, however, estimate the amount that the cap will be exceeded. As State revenue sharing checks have been so low, the amount listed above should be the highest amount that the cap would be exceeded unless the Council decides to increase the draft budget. The amount should, therefore, be less than \$180,959.

We are required to vote upon this ordinance at the same time that the other regular ordinances are voted upon for the municipal operational budget, municipal capital budget, water enterprise fund and sewer enterprise fund.

**VOTE: UNANIMOUS AYE**

- f. **RESOLUTION 09-154:** Resolved that the Town Council Authorize the Town Manager to execute paperwork for the Economic Development Administration Grant for the expansion of the Pittsfield Industrial Park (Phase II) in the amount of \$880,000 in American Recovery and Reinvestment Funds.

Moved by **Councilor Fotter** and seconded by **Councilor Chale** that Resolution 09-154 be adopted.

The Town Manager noted the Town Council received a copy of the U.S. Department of Commerce Economic Development Administration (EDA) grant funding package from the American Recovery and Reinvestment Act of 2009. The project is on a strict timetable that the engineer has verified can be met with bidding and construction build out.

The Town was recently approved for funding for Phase II of the Pittsfield Industrial Park project. Given that cities and towns across the United States were competing for this funding, we were very fortunate to be approved. The funding is to stimulate the economy and help towns recover from the effects of the recession.

Earlier this year, the Town Council appropriated and approved the transfer of \$295,000 in former federal grant funding which was utilized decades ago to create the Economic Development Revolving Loan Fund into a new Economic Development Fund. The purpose of the fund is to

finance Economic Development Activities and in particular, this expansion. The Town left sufficient funding in the Loan Fund in order to be able to fund loans. The funding in both of these funds, as former federal grant funding, can only be utilized for economic development activities.

The EDA grant program has always required a 50% match with 50% provided in grant funding for projects like this. If a community was severely distressed, an additional share up to 20% might be available, however, the economic indicators had to show a severe situation. Generally Towns in the State of Maine were not eligible for this additional funding and therefore, had to come up with 50% of the funding.

This is the first time and since it is one-time ARRA money, may be the only time that the match is 20% instead of 50%, therefore, providing a one-time opportunity to the Town to move forward with this project.

Councilor Curtis indicated this was a very exciting opportunity for the Town and is very supportive of the project.

**VOTE: UNANIMOUS AYE**

- g.* **RESOLUTION 09-155:** Resolved that the Town Council Authorize the expenditure of \$220,000 from the Economic Development Fund as the Town's match in order to receive \$880,000 in American Recovery and Reinvestment Funds for the expansion of the Pittsfield Industrial Park (Phase II).

Moved by **Councilor Chale** and seconded by **Councilor Fotter** that Resolution 09-155 be adopted.

**VOTE: UNANIMOUS AYE**

- h.* **RESOLUTION 09-156:** Resolved that the Town Council Authorize the Town Manager to sign the blanket approval letter to the Department of Public Safety, Licensing and Inspections Unit, for Pittsfield Driftbusters Snow Club to have games of chance, video poker and beano/bingo. This letter will expire 12/31/2010 and will be renewable at that time.

Moved by **Councilor Curtis** and seconded by **Councilor Chale** that Resolution 09-156 be adopted.

The Town Manager noted the Driftbusters are proposing to raise funds for the club through Texas Hold Em Poker Tournaments that are gaining popularity. They will schedule a number of games starting with 12/05/2009 if feasible and then continue with the fundraising efforts. The club has asked for a one-year blanket letter to try this out. If they wish to continue next year, the next blanket letter will be for five years.

**VOTE: UNANIMOUS AYE**

7. **DISCUSSION ITEMS: NONE**

8. **REPORTS:** Audience, Council

**Audience:**

**Council:**

**Councilor Baker:** Absent.

**Councilor Carr:** Absent.

**Councilor Chale:** No Report.

**Deputy Mayor Jordan:** Absent.

**Councilor Curtis:** No Report.

**Councilor Fotter:** No Report.

**Mayor Nichols:** Wanted to send his condolences to Bud Cianchette's family and to Ann and Peter Duncombe on the loss of their son, Trey.

9. **ADJOURNMENT:**

Moved by **Councilor Fotter** and seconded by **Councilor Chale** that the meeting be adjourned at 8:20 p.m. All in agreement.

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Nicole Nickolan, Town Clerk