

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, December 2, 2008 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Deputy Mayor Wayne Fotter, Gary Jordan, Jr., and Donna Chale. **ABSENT:** Michael Gray, Louise Baker and Michael Cianchette. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Donnie Hallenbeck, Carolyn Dodge, Sharon Mack, Mike Lange, Donna Dunphy, Lyn Smith, Melissa Hackett and others.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**.
2. Adoption of Minutes of the Regular meeting on November 18, 2008.

Moved by **Councilor Chale** and seconded by **Councilor Jordan** that the Minutes of the Regular Meeting on November 18, 2008 be adopted.

VOTE: UNANIMOUS AYE

2. **PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS: NONE**
3. **PUBLIC HEARINGS/OLD BUSINESS: NONE**
4. **REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:**

Town Manager's Report: Town Council Meeting of 12/02/2008:

With budget sessions, the Town Manager's Report will be brief this evening:

1. The FYI Folder: The FYI Book contains the following items this week: LIST READ

2. 2009 Budget Sessions: After this evening's budget sessions, the public hearing on the budget will be held at the 12/16/2008 Council Meeting beginning at 7:30 p.m.

3. Polar Express Pajama Party: The Pittsfield Public Library will held a Polar Express Pajama Party on Friday, December 5, 2008 from 6:30 p.m. to 7:30 p.m. There will be games, a reindeer craft project, reading of the book Polar Express an refershments.

4. 2008 Board/Committee Openings: The following boards/committees have openings due to term expirations. If anyone is interested in serving on one or more of these boards/committees, please contact the Town Clerk at 487-3136 or clerk@pittsfield.org by December 9, 2008 at 5:00 pm. The following boards have openings: Board of Appeals, Board of Assessment Review, Board of Ethics, Board of Health, Cemetery Trustees, Housing Rehab Revolving Loan Committee, Library Trustees, Parks and Recreation,

Personnel Appeals Board, Pinnacle Park Board, Planning Board, Pool Committee, Recycling Committee and Theatre Committee.

5. Parent Enrichment Classes & Workshops: There are numerous classes and workshops being held by KVCAP's Family Enrichment Council of Somerset & Kennebec Counties:

1,2,3,4 Parents

Positive Parenting Tips

Eating, Sleeping: Helping Your Child with the Basics

Active Parenting Now

Active Parenting for Parents of Teens

For information and to register in advance, please call Ruth Lessard at 859-1514 or Deb Rich at 859-1580.

6. Paul E. Bertrand Community Pool: For anyone who has not been down to the pool, it is quite spiffy: The pool, decking, bathhouse, paving, lighting and fencing are complete. Fundraising will now go toward furnishings and interior work in the bathhouse, picnic tables and benches, canopy, landscaping and other site improvements.

Finance Committee: No Report.

Ordinance Committee: No Report.

Recycling Committee: No Report.

6. NEW BUSINESS:

- a. **ORDINANCE 08-20:** (To be set to Public Hearing on 12/16/2008) That the Town of Pittsfield hereby Ordains to authorize the transfers of unencumbered appropriation balances to various departments as follows:

| | | | |
|-------|-------|-------------------|----------|
| FROM: | 10-15 | Cemetery | \$3,000 |
| | 15-05 | Transfer Station | \$11,000 |
| TO: | 05-10 | Police Department | \$4,000 |
| | 05-25 | Animal Control | \$2,000 |
| | 10-05 | Public Works | \$7,000 |
| | 10-10 | Buildings/Grounds | \$1,000 |

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Chale** that Ordinance 08-20 be set to Public Hearing.

The Town Manager noted by following the budget goals set each year, we have very frugal budgets. There are no built in contingencies or emergency funds. Transfers used to be higher, but in the last few years have averaged around \$7,000 - \$8,000. With the fuel, diesel and gas prices for most of this year, it is higher this year. Because we can transfer, it allows the Town to budget bare bones and helps with the amount of taxes raised.

The explanations are on the agenda sheet – the amounts are estimated higher to try to make sure we are all set.

VOTE: UNANIMOUS AYE

- b. **ORDINANCE 08-21:** (To be set to Public Hearing 12/16/2008) That the Town Council hereby Ordains that Chapter 2B General Assistance Ordinance, Appendices A, B, and C be rescinded and the new Appendices A, B, and C be adopted to reflect the revised maximums for the period of October 1, 2008 to October 1, 2009.

Moved by **Councilor Jordan** and seconded by **Councilor Chale** that Ordinance 08-21 be set to Public Hearing.

The Town Manager noted each year, based upon the cost of basic necessities, the State sets maximums for general assistance based upon the Counties. The Maine Municipal Association puts together the Appendices for basic necessities.

There were only a few categories with revisions: Overall Maximums, Food Maximums and Monthly Rent with Heat. All other categories remained the same.

VOTE: UNANIMOUS AYE

- c. **ORDINANCE 08-22:** That the Town of Pittsfield hereby Ordains that the Town Council of the Town of Pittsfield by Emergency Ordinance Approve and Adopt the following Ordinance pursuant to Section 2.14 of the Charter:

To Appropriate and Authorize the Expenditure of \$ _____ from Unappropriated Surplus (G/L #01-710-0) for structural repairs to the Pittsfield Community Theatre to stabilize the roof structure.

ORDINANCE 08-22: (EMERGENCY)

WHEREAS, the Town has received the Community Theatre Roof & Canopy Structural Analysis prepared by the James W. Sewall Company and met with the engineers of the company on November 24, 2008.

WHEREAS, the Town has been advised that some of the roof structural elements are visibly stressed beyond their load capacity and public use of the building should be suspended until these elements have been repaired and/or stabilized.

WHEREAS, this situation threatens the public health, safety, welfare and public property.

WHEREAS, the Town needs to protect the public health, safety and welfare of the Community.

WHEREAS, the Community Theatre is a part of people's lives, a part of the Town's history and important for the children and adults of the community and the region.

WHEREAS, the Town has made substantial improvements to the Community Theatre over the last few years and needs to protect the Town's investment.

WHEREAS, if a regular ordinance was set to public hearing for the December 16, 2008 Council Meeting to be heard and adopted, it would not take effect for thirty (30) days, thus having the potential of increasing Town costs at the taxpayers' expense and depriving the community for a further time of a working theatre.

THEREFORE, the Pittsfield Town Council finds that a public emergency exists affecting health, property and public peace.

BE IT ORDAINED that the Town Council of the Town of Pittsfield by Emergency Ordinance approve and adopt the following Ordinance pursuant to Section 2.14 of the Charter:

To Appropriate and Authorize the Expenditure of \$_____ from Unappropriated Surplus (G/L #01-710-00) for structural repairs to the Pittsfield Community Theatre to stabilize the roof structure.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Chale** that Ordinance 08-22 be tabled until a future meeting.

The Town Manager noted Sewall was just in the building yesterday and an estimated price has not been made available as of yet. Per the Town Charter an emergency Ordinance requires 5 Councilors are present to authorize an item.

VOTE: UNANIMOUS AYE

- d.* **RESOLUTION 08-152:** Resolved that the Town Council Authorize the Town Manager and Assistant Treasurer to Make an End of the Year Transfer to Capital Reserves for 2008 as follows:

Transfer Cable Franchise Funds of \$20,400 in the Expenditure Budget Cable allocation (E 35-05-50-30) to the Cable Reserve.

Moved by **Councilor Jordan** and seconded by **Councilor Chale** that Resolution 08-152 be adopted.

VOTE: UNANIMOUS AYE

- e.* **RESOLUTION 08-153:** Resolved that the Town Council Authorize the Town Manager to Sign the State of Maine Community Development Block Grant Agreement letter between the Department of Economic and Community Development (DECD) and the Town of Pittsfield dated November 18, 2008.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Chale** that Resolution 08-153 be adopted.

The Town Manager noted the Town Council received a lengthy background on the agenda sheet. In a nutshell, some subs of a sub of the general contractor were not paid. That sub was paid for the work and did not pass payments forward to his subs.

The Town applied for this grant for the company to expand their facilities and passed the funds through to the company in accordance with all requirements and procedures. The company passed the money through following all requirements and procedures. Down the line, some of the subs were not paid by a subcontractor.

At this time, the State of Maine has the authority for the accounts receivables collection and proposes to pay the subs from the funds that were kept on the project and available. In return the subs will sign over the accounts receivables over to the Town and agree to not file liens or take liens off the business. The Town will then sign over those accounts receivables to the business to pursue if it so desires.

VOTE: UNANIMOUS AYE

- f.* **RESOLUTION 08-154:** Resolved that the Town Council Waive the bid policy (Section 106 of the Administrative Code: Regulation of Bid and Contracts) and Authorize the Town Manager and Librarian to Accept the proposal of Kleinschmidt dated November 18, 2008 to perform (1) site design, (2) building structural design, (3) building electrical design and (4) bidding assistance on the Pittsfield Public Library Expansion Project in an amount to not exceed \$9,000, thus continuing with the same firm which to date has provided approximately \$40,000 of in-kind services donated to this project.

Moved by **Councilor Chale** and seconded by **Deputy Mayor Fotter** that Resolution 08-154 be adopted.

The Town Manager noted this is a continuation of the work that Kleinschmidt has been doing on the Library Restoration and Expansion project. Kleinschmidt reduced their rates to cover costs to help with the last work involved with the restoration project after their gift ran out. Originally it was to be \$35,000 worth of engineering assistance and they provided \$40,000 due to the complexity of the project. Kleinschmidt has all the knowledge and background and this would be a regular proposal.

VOTE: UNANIMOUS AYE

- g.* **RESOLUTION 08-155:** Resolved that the Town Council approve the discharge of mortgage for the Economic Development Loan for Melissa Kuespert/Ramsey having received full payment on November 7, 2008.

Moved by **Councilor** and seconded by **Councilor** that Resolution 08-155 be adopted.

The Town Manager noted Melissa's economic development loan from the late 1990's was paid off in full earlier this month. Melissa had committed to paying this loan off a few years ago and has been very successful.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS: NONE**

8. **REPORTS:** Audience, Council

Audience: None

Council:

Councilor Baker: Absent

Councilor Cianchette: Absent

Councilor Chale: Would like to have a positive comment, but recently she is hearing questions on the sewer, lagoons and theater. We are now paying for things that should have been done in the past – but haven't. **Councilor Fotter** interjected that he would like the public to note that during the last several years this Council has not been afraid to take on hard issues.

Councilor Jordan: Considering the size of our Town we are lucky to have things available like the pool, the library and the theater. These are expenses that most small Towns don't have the privilege of having available to them. The Water and Sewer increases should be expected, as this is the only way to upkeep our systems. We should be thankful for the unique opportunities in our Town.

Councilor Gray: Absent

Deputy Mayor Fotter: In regards to the theater, we are lucky to have one available in Town, but unfortunately it needs to be closed right now. Safety has to come first. Wanted to thank all the Councilors who sent cards to him during his illness. He is recovering and on the mend.

Mayor Nichols: Wanted to echo the same comments. A lot of Towns don't have a theater, a library and pool right in their Town. Usually facilities like ours require users to travel to another Town. As far as the other situations in Town, things are expensive right now. These are all just hurdles the Town has to get over. The Town can not pay for everything with tax dollars. Pittsfield has always accomplished a lot – and I believe in this Town. We do well for what we have. The Movie Theater will reopen, the Library will get what is needed and the Pool will work out. If we work together – we will be fine.

9. **EXECUTIVE SESSION:**

Title 1, Section 405, 6.A., Personnel: Yearly Evaluation of Town Manager

Motion by **Deputy Mayor Fotter** and seconded by **Councilor Chale** to move into executive session according to Title 1, Section 405, 6.A., Personnel: Yearly Evaluation of Town Manager.

VOTE: UNANIMOUS AYE

The Town Councilors entered executive session at 9:16 p.m.

Motion by **Councilor Chale** and seconded by **Councilor Jordan** to return to regular session after completing the Town Manager's evaluation.

VOTE: UNANIMOUS AYE

The Town Councilors exited executive session at 10:01 p.m.

10. **ADJOURNMENT:**

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Jordan** that the meeting be adjourned at 10:02 p.m. All in agreement.

Nicole Nickolan, Town Clerk