

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, July 12, 2011 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Bob Stackhouse, Deputy Mayor Gary Jordan, Jr. and Christopher Carr. **ABSENT:** Caleb Curtis, William Bradshaw and Louise Baker. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Ryan McLaughlin of the Bangor Daily News

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 held on June 21, 2011

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that the minutes of the regular meeting held on June 21, 2011 be adopted.

VOTE: UNANIMOUS AYE

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

Community and Economic Development Activities and Events

Available Resources:

1. New Businesses: Crossway LLC at 217 Main Street. The business involves property investment and management. The owners purchased the property at the corner of Main Street and Libby Street. The building used to be owned by the Seabasticook Farms and was used for storage. It is all spruced up and the outside looks great. There are some other businesses still in development stages.

2. Employment Specialist Available in Pittsfield:
Looking for employment and not sure how to go about it? Interested in job training or improving your work skills? Want to learn to use the internet to apply for jobs?

As of January 2011, an Employment Support Specialist from the Kennebec Valley Community Action Program is available at the Pittsfield Public Library from **11:00 AM – 1:00 PM every 2nd and 4th Wednesday of the month**

The Employment Support Specialist will work with you by providing guidance and support and connecting you with the resources you need to be successful in your employment goals. You can get help with:

- searching on the internet for jobs
- creating a resume
- connecting to training or education opportunities
- how to apply for jobs on-line
- creating an email account

and many other activities that will assist you in meeting your career goals. Have questions? Feel free to call **1-800-542-8227 ext. 2533 or 859-2533**

Report on Meetings & Events:

Upcoming Meetings & Events

The next meeting of the Egg Festival will be held on Thursday, July 14, 2011 at 5:30 pm in the Council Chambers. The Egg Festival booklets are out. We have a copy of the schedule and the entire book on the Town's website under the Egg Festival tab if someone would like to review or download it.

4. **PUBLIC HEARINGS/OLD BUSINESS: NONE**

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

Town Manager's Report: No Report due to length of Agenda. The Town Manager reminded Councilors that they would be judging the pie, cheesecake and quiche contest on 07/22/2011.

Finance Committee: We had a good meeting with TD Banknorth. The accounts are holding steady. They are a bit down but are way in advance of past years.

Ordinance Committee: The Ordinance Committee met tonight to discuss the chicken ordinance. We reviewed the paperwork and will be moving forward to the next step with the proposed Ordinance.

Recycling Committee: No Report.

6. **NEW BUSINESS:**

ORDINANCE 11-07: (To be set to Public Hearing on 08/16/2011) That the Town of Pittsfield hereby ordains to repeal Pittsfield Town Code, Chapter 13 Zoning Ordinance, Section 4 – Performance Standards, B. Specific Requirements, Subsection Animals and replace it in its entirety with Pittsfield Town Code, Chapter 13 Zoning Ordinance, Section 4 – Performance Standards, B. Specific Requirements, Subsection Animals.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Ordinance 11-07 be set to Public Hearing on 08/16/2011.

The Town Manager noted this is the citizen request from a number of residents to allow female chickens to be raised in residential areas. The original proposal was amended in a few areas by the Planning Board and CEO, but generally was very well written. The Planning Board approved the proposal by a vote of 4-1 after holding a public hearing, recommending passage of the proposal to the Town Council.

The Ordinance Committee met on 06/21/2011, finding a few items that needed to be clarified so that a recommendation could be made. The amendment as proposed by the Planning Board indicates that the ACO will be involved with issues whereas the ACO's duties lie with cats and dogs, not with other animals such as chickens. The ACO has

since provided a proposal to cover her costs in addressing chicken issues at the request of the Committee. In addition, the Code Enforcement Officer has agreed to cover chicken issues when he is working.

VOTE: UNANIMOUS AYE

RESOLUTION 11-81: Resolved that the Town Council authorize the transfer of an airport lease agreement between the Town of Pittsfield and Central Maine Skydiving from Patrick Brown to Jef LeRette upon provision of a certificate of insurance listing the Town as additional insured.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that Resolution 11-81 be adopted.

The Town Manager noted the Airport Lease as approved only requires Council consent for a transfer, therefore, we do not have to process an ordinance as this is not a new lease.

Patrick Brown has notified the Town that he has sold the business to Jef LeRette. The name of the business will be kept the same.

The Town Council received a copy of the original airport lease. A five-year renewal option is available in 09/2012.

The new owner has been advised that the Town will need a certificate of insurance and we just received the certificate listing the Town as additional insured.

VOTE: UNANIMOUS AYE

RESOLUTION 11-82: Resolved that the Town Council authorize the Town Manager to execute a grant award from the Federal Aviation Administration and the Maine Department of Transportation for the Permitting and Environmental Assessment for the Apron Expansion at the Pittsfield Municipal Airport under Airport Improvement Program (AIP) Project No. 3-23-0036-___-2011.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 11-82 be adopted.

The Town Manager noted it is anticipated that a grant award will arrive at any time and the Town will be required to sign the grant agreement immediately, therefore this item has been placed on the agenda for approval. This grant application was authorized by the Town Council for filing at the 05/17/2011 Council Meeting.

The existing aircraft apron has 13 tie-down spaces. At times, planes occupy all tie-downs. The Town Council has heard at several meetings how the tie-downs and hangers are filled to capacity and that the facility can not accommodate all interested parties. The objective of this project is to add 18 additional spaces to accommodate current and future aviation needs. The immediate objective of this specific project is to complete an environmental assessment of the apron expansion and then to obtain the necessary state

and federal permits for construction. Construction is anticipated to be in 2012 if the Town is successful on an upcoming grant application.

The expansion of the apron will allow the airport to meet the demands for tie-downs now and into the immediate future. This portion of the project will assist the Town with obtaining the permits needed in order to construct the apron expansion. The environmental assessment will also aid in obtaining the permits since the information derived in the assessment will be used to form the basis of the permit applications.

The total project cost is \$117,000 with the Federal Aviation Administration's 95% of the project at \$111,150 and the MDOT's 2.5% of the project at \$2,925 for a total grant of \$114,075. The Town's 2.5% share of the cost is \$2,925. The Town's share will be paid from the Airport Reserve, which currently has a balance of \$41,715.98 as of 05/31/2011.

After the grant approval arrives, the Town Attorney will then process the paperwork as required by the Federal Government.

VOTE: UNANIMOUS AYE

RESOLUTION 11-83: Resolved that the Town Council accept the proposal of Haley Construction Inc. of Sangerville for the Waverly Street Water Main Replacement Project, DWSRF #2010-20 in an amount to not exceed \$483,478.00; and authorize the Town Manager to execute a contract for same; and further authorize the Town Manager to concurrently execute Change Order #1 to reduce the scope and budget of the project to \$428,500.00; all once approved by the State of Maine Drinking Water Program.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 11-83 be adopted.

The Town Manager noted all bids came in over budget. Olver Associates and the Town met with the low bidder, Haley Construction Inc. to determine if bid items could be deleted from the project to come in within budget. Olver Associates is convinced the project will still be successful and meet its original intent. The Town's departments will replace the 6" utility line that is used for washing trucks at the Town's Highway and Water/Sewer properties off Bow Street. The boring size was reduced from 10" to 8" which Olver Associates felt comfortable would work fine for the project. These deletions brought the project within budget.

The project can go forward without rebidding, which Olver and the Town do not think will bring in much lower bids and could result in higher bids. As the bid pricing is so close, it is unlikely that re-bidding will assist with bringing the project within budget. The Town has worked with Haley Construction before and found their work product excellent.

The Town Council received a copy of the bid tally, low bid and the recommendation received from Olver Associates.

VOTE: UNANIMOUS AYE

RESOLUTION 11-84: Resolved that the Town Council authorize the Town Manager to execute Change Order(s) as necessary for the Sludge Removal project currently being conducted by Mobile Dredging and Pumping as recommended by Olver Associates, the United States of America Rural Development and the Department of Environmental Protection to complete sludge removal at the Town's Wastewater Treatment Plant (Lagoon System) within the project's budget.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Stackhouse** that Resolution 11-84 be adopted.

The Town Manager noted this item was originally filed in case change orders were needed.

We have just discovered from review of Lagoon #2 that there is just so little in the Lagoon that it may not be advantageous to try to remove it, and due to the logs put in there when it was built that we have learned about, it could damage the facility as well as the contractor's equipment. The material is flakey and is expected to settle. This is still under review.

Lagoon #1 has material that can not be removed by the dredge and needs another piece of equipment and another staff member. To try to remove this material due to the swales of sludge with the equipment that was bid will not work.

We are under budget as there is less sludge on site than originally projected by the engineers over the years. In discussions with the USDA, DEP & Olver Associates, if there is another method to remove these swales, it would be advantageous to do it now so that we do not have to do this again in the future with a second mobilization charge.

A change order may not be necessary pursuant to discussion with the USDA and DEP, however, in case it is necessary, we would like to make sure that we are authorized to continue with sludge removal to complete Lagoon #2, if realistic. Due to the composition of the material, it will likely be more expensive to remove material from Lagoon #2 and we have been advised that there are some obstacles in the Lagoon, which need to be reviewed.

In discussions with Olver Associates, and I believe all will concur, it would be advantageous to get all material that can be reached removed so that the Town will not have to go through this process again. In addition, mobilization charges are very expensive, so it would be further advantageous to remove everything possible now rather than 5 or 6 years from now. In addition, we can start afresh hopefully with another method of removal/usage put into place funded by the new reserve for sludge removal required by the USDA.

VOTE: UNANIMOUS AYE

RESOLUTION 11-85: Resolved that the Town Council authorize the Town Manager to execute Change Order(s) as necessary for the Sewer System Improvements, CWSRF No. C230142-03 as recommended by Olver Associates and the United States of America Rural Development to provide for efficiency and effectiveness.

Moved by **Councilor Stackhouse** and seconded by **Councilor Carr** that Resolution 11-85 be adopted.

The Town Manager noted during this large project, change order(s) will be needed. As the Town Council is on its Summer Meeting schedule, it would be prudent to authorize the Town Manager to execute change orders that are recommended by Olver Associates and the USDA. If there is a major change or funding remaining after the project nears completion, the change order/s will be discussed with the Council as they have been with other major projects. In addition, as this project involves some of the older sewer lines in Town and some are cross country lines, it is likely with the Town's history of finding other "unmarked" lines, that something will develop in the field that needs to be addressed. Therefore, it would be good to be able to address any issue/s that may come up quickly in order to continue to move the project along.

VOTE: UNANIMOUS AYE

RESOLUTION 11-86: Resolved that the Town Council authorize the Town Manager to execute the Annual Software Maintenance Program for the Mueller Systems, formerly Hersey Automatic Meter Readers (AMR) for the EZ Reader system.

Moved by **Councilor Carr** and seconded by **Deputy Mayor Jordan** that Resolution 11-86 be adopted.

The Town Manager noted the Town's warranty period has just expired on the EZ Reader. The Town will need upgrades and assistance if there are any issues with this mechanism in the future for correct billing for water and sewer. Considering the importance of the meter readings and correct bills to finance the Water and Sewer Enterprise Accounts, the \$500.00 annual fee is low.

Hersey Meters was purchased by the Mueller System. The automatic meters were originally purchased from Hershey over a multi-year period to cover the Town's meter system.

VOTE: UNANIMOUS AYE

RESOLUTION 11-87: Resolved that the Town Council accept the quotation of G. Drake Masonry Inc. of Dixmont in an amount to not exceed \$7,300.00, and authorize the Town Manager to execute a contract for same, and further authorize the expenditure and transfer of funds in the amount of \$7,300.00 from G/L #1-698-00 Bangor Savings Library Account and G/L #1-649-00 PITT 41 Library Capital Reserve.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Stackhouse** that Resolution 11-87 be adopted.

The Town Manager noted the Town Council approved the RFP for this project on May 17, 2011. One bid was received for the project after advertising and posting the project as well as sending copies of the RFP to known masons. A copy of the bid tally sheet and

quotation was provided to the Council. As one bid was received, the company and name were filled in on the agenda form.

I have been advised that this work was not part of the original Library Renovations and Addition project completed in 2010. Volunteers thought at times that they had found the location of the leak, however, had not. This became evident later in 2010. The work needs to be completed. A cap on top of the chimney, which is now not used, will be very important.

Funding currently available:

Bangor Savings Bank	\$491.96
Library Capital Reserve	\$7,238.09
Total Available:	\$7,730.05

VOTE: UNANIMOUS AYE

RESOLUTION 11-88: Resolved that the Town Council approve the renewal of the Special Amusement Permit for the Sebacook Valley Lodge of Elks.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that Resolution 11-88 be adopted.

The Town Manager noted this is an annual renewal.

VOTE: UNANIMOUS AYE

RESOLUTION 11-89: Resolved that the Town Council approve a new application for a liquor license for Vittles Restaurant at 107 Main Street, Pittsfield, Maine 04967.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Carr** that Resolution 11-89 be adopted and amended as follows:

RESOLUTION 11-89: (To be set to Public Hearing 08/16/2011) Resolved that the Town Council approve a new application for a liquor license for Vittles Restaurant at 107 Main Street, Pittsfield, Maine 04967.

VOTE TO AMEND: UNANIMOUS AYE
VOTE: UNANIMOUS AYE

RESOLUTION 11-90: Resolved that the Town Council set the rate of interest to be charged on delinquent taxes for 2011 at 7.0% and the due date for payment of taxes at the end of the business day on Friday, October 14, 2011.

Moved by **Councilor Carr** and seconded by **Councilor Stackhouse** that Resolution 11-90 be adopted.

The Town Manager noted this is a yearly housekeeping action relating to the collection of property taxes. Taxes have traditionally been due on the second or third Friday of the month of October. The maximum rate of interest is set by the Treasurer of the State of

Maine for taxes that become delinquent during the taxable year of 2011. Towns usually adopt the maximum rate of interest. Listed are the last few maximum rates of 7.0% for 2010; 9.0% for 2009; 11.0% for 2008; 12.0% for 2007; 11.0% for 2006; 7.75% for 2005; 6.50% for 2004 and 7.0% for 2003.

VOTE: UNANIMOUS AYE

RESOLUTION 11-91: Resolved that the Town Council set the rate of interest for overpayments for 2011 at 3% to conform with 36 M.R.S.A. Section 506-A.

Moved by **Councilor Stackhouse** and seconded by **Deputy Mayor Jordan** that Resolution 11-91 be adopted.

The Town Manager noted this is a second yearly housekeeping action relating to the collection of property taxes. When overpayments are received, for example, when people pay their taxes on time and then receive an abatement, the interest rate on the rebate would be issued at the maximum rate listed above unless the Town adopts the lower rate. The lower rate is calculated by taking 7.0% - 4.00% = 3.0% under the State Law. For 2010, the rate was 3%; 2009, the rate was 5%; 2008, the rate was 7.0%; the rate was 7.0% in 2007; the rate was 8.0%; in 2006, the rate was 6.50%; 2005, the rate was 3.75%, for 2004, this rate was 2.50% and for 2003, the rate was 3.0%.

VOTE: UNANIMOUS AYE

RESOLUTION 11-92: Resolved that the Town Council authorize the Tax Collector/Treasurer to accept prepayment or decline prepayment of taxes not yet committed or received prior to the due date and pay no interest thereon in accordance with 36 M.R.S.A. Section 506.

Moved by **Councilor Carr** and seconded by **Deputy Mayor Jordan** that Resolution 11-92 be adopted.

The Town Manager noted with the constant change-over in mortgage companies or property owners having more than one mortgage on their property, the Town can occasionally receive more than one check to pay the taxes for an account and then have to send one back or rebate the additional monies paid. In additional, some tax bills will be overpaid which then becomes a prepayment for 2012 taxes. By this agenda item, the Town would not pay interest on the prepaid 2012 taxes.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Financial Reports as of 06/30/2011:

Budget Expenditure Report
Revenue Collections Report
Transfer Station/Recycling Monthly Report
Theatre Monthly Report
State Revenue Sharing Comparison Report

Excise Tax Collections Comparison Report
Personal Property Tax Collection Report
Real Estate Property Tax Collection
Tax Acquired Property Report
Reviewed Briefly by Town Manager

Other Reports as of 06/30/2011:

Building and Plumbing Permit Reports
Library Report-Librarian's and Library Trustees Minutes
Police Report
Self Explanatory – Not Reviewed

Updates:

Highway Projects: Public Works is on their two-week vacation. As soon as they are back, there are a lot of projects to finish – number of grant projects; trimming around all signs; paving; few projects with water/sewer for small projects; roadside ditching; stormwater items, shoulder tree cutting; and gravel work on gravel roadways. One of the projects PW has on the work list for some time is to excavate and rebuild the sidewalk in front of the Friend Property on Main Street from the railroad tracks up past the apartment building – across from the Library. We have some estimates and will bring this in a future meeting to transfer and expend funds for paving. It may need a bid based upon the cost. Another larger project is work on the transfer station road.

Water and Sewer Projects: There is a very small list of water meter replacements left to resolve. There are some small sewer line replacement projects along with some monitoring/assisting engineers with inspections on the Sewer Line major repairs. There have been 3 regular hydrant replacements (1 of which was hit by a motor vehicle) and 2 hydrants will be replaced as part of the Waverly River Crossing Project. We will see if we can afford to do a couple more.

Grants Update:

New Grants:

Airport Grants: Stormwater, Security and FAA Review : A final walk through has taken place. We should have the Study results shortly. The airport engineer and planner were at the airport today checking on the final details and we were discussing future projects.

Economic Development Administration Grant: Pittsfield Industrial Park

Expansion: We are scheduling an inspection for a punch list on the work that was already completed and reviewing the remaining work on the entrance to the Industrial Park. We just filed several required reports.

PUC Energy Efficiency: Block Grant to Towns: The four fire department bay doors have been installed. The furnace and hot water heater are scheduled to be installed this week. The solar thermal unit is on order.

Riverfront Community Development Grant: The State is very pleased with this project and as we are under budget, we have been approved to continue to supplement the park. Therefore, we have compiled a list of park items, which includes pricing for picnic tables; liner for the skating rink; benches for the skating rink; informational display sign; and bike rack. We will be filing for reimbursement for everything completed to date, which is all of the original items planned in the grant. Then once the additional work is done we will file for a second reimbursement and close out the grant.

Other Grant Opportunities:

MDOT Transportation Enhancement Grant: We are waiting for information on whether other project areas would be eligible for funding. If so, the Town would be responsible for a 20% cash match to obtain the 80% federal funding in the MDOT program. We would need to engineer the project in advance of applying for the grant next year.

8. **REPORTS:** Audience, Council

Audience: None

Council:

Councilor Baker: Absent.

Councilor Carr: No Comment.

Councilor Bradshaw: Absent.

Deputy Mayor Jordan: No Comment.

Councilor Curtis: Absent.

Councilor Stackhouse: Things are looking great at the Pinnacle and Hathorn Park. Kathryn is doing a wonderful job. Keep up the good work!

Mayor Nichols: Good to see the excise tax is starting to pick up. I went by the Pinnacle and it looks awesome. Keep up the good work.

9. **ADJOURNMENT:**

Motion by **Councilor Stackhouse** and seconded by **Councilor Carr** that the meeting be adjourned at 8:25 p.m. All in agreement.

Nicole Nickolan, Town Clerk