

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, March 4, 2014 at 6:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Gary Jordan, Jr., Michael Cianchette, Caleb Curtis, Trudy Ferland and Heather Donahue. **ABSENT:** Tim Nichols and Robert Stackhouse. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Stanley Short, Mike Havey, Ryan-Michael Havey and Morgan Havey.

1. **Mayor Jordan, Jr.** opened the meeting by leading the **Pledge of Allegiance**. The Council observed a moment of silence.
2. Adoption of minutes of the regular meetings held on February 4, 2014 and February 18, 2014

Moved by **Councilor Cianchette** and seconded by **Councilor Curtis** that the minutes of the meetings held on February 4, 2014 and February 18, 2014 be adopted.

VOTE: UNANIMOUS AYE

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

Presentation by Representative Stanley B. Short Jr. of a Legislative Sentiment to Ryan-Michael Havey for his life saving actions on October 7, 2013

Representative Stanley Short presented the Legislative Sentiment to Ryan-Michael Havey. Ryan-Michael was able to remove a car accident victim from an immersed vehicle which had left the road and was in the Sebasticook River. This action saved the individual's life.

Community and Economic Development Activities and Events:

Report on New Business Activity & Opportunities in Pittsfield:

Wednesday, April 09, 2014: Regional Business Resources Night 6:30 – 8:30 pm
Wednesday, May 14, 2014: 7th Annual Regional Job Fair 3:30 – 6:30 pm

Report on MDOT Somerset Avenue Mill & Fill Project:

In addition to the agreement on the agenda this evening that needs to be returned by March 12, 2014, the Town was notified on Monday, March 3, 2014 that we will also have to sign an agreement verifying that the sidewalks on Somerset Avenue will meet all state design standards. This is a new requirement and needs to be carefully reviewed as the Town has very little funding and there are extensive sidewalks on Somerset Avenue.

Report on Somerset Avenue Sidewalk Engineering Review:

We have received Olver Associates' recommendation on the use of the Town's limited funding for the sidewalks on Somerset Avenue. This is a project that we received an excellent price for engineering, design, coordination with MDOT and bidding from Olver Associates for recommended work that fits within our budget. There was a lengthy discussion on the proposed

project before placing the bid specifications on the agenda for approval. Councilors briefly reviewed the preliminary plans. The Town Councilors were in favor of the four proposed areas to go out to bid with the ability of the Town to choose the work to be completed if pricing was higher than the available funds. Copies of the preliminary plans are available at the Town Office.

- 4. **PUBLIC HEARINGS/OLD BUSINESS: NONE**
- 5. **REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:**

Town Manager's Report: Town Council Meeting of 03/04/2014:

1. The FYI Folder: FYI Folder which contains items that come in between the Town Council Meetings has the following this evening: List Read

2. Sebasticook Regional Land Trust Farm & Habit Ride: The Town has been contacted by representatives of the Land Trust to start the collection of information for the 2nd Annual Farm & Habitat Ride. This year, the group is going to check all schedules to try to plan the ride on a day that another significant bike ride is taking place. This will lead to more participants as many of the regular bicyclists were at a large biking event. As soon as the date is chosen, we will start to promote and publicize the bike ride and padding event.

3. Central Maine Egg Festival: The Central Maine Egg Festival is seeking members for their Board of Directors. The Officers were chosen in 2013 and now the group needs to vote in members for several director positions as well as fill vacancies for committee chairs. The next meeting has been re-scheduled to the regular meeting date on Thursday, March 13, 2014. All of the volunteer organizations will be invited to the meeting in order to participate and share ideas. This meeting has been re-scheduled twice due to winter storms and the Chamber meeting so it is now scheduled for the 4th Thursday of February at 6:30 pm.

The Central Maine Egg Festival will be held Monday, July 14, 2014 – Saturday, July 19, 2014.

4. Airport 2014-2018 Capital Improvement Plan: MDOT has released the joint Federal Aviation Administration (FAA) and Bureau of Planning (BP) Airport Capital Plan (ACIP). The following projects are listed:

2014	Airport Master Plan Update (including Wildlife Hazard Site Plan	\$150,000
2015	No project	
2016	Environmental Assessment & Permitting for T-Hanger	\$100,000
2017	8-Bay Nested T-Hangar	\$420,000
2018	Perimeter Fencing	\$166,000

These are the planned projects to meet state and federal requirements as well as to provide for the hangar requested by the Town. The Town is required to update its airport master plan which should be done as it is over 10 years old and may be required to have perimeter fencing. The hangar is needed as individuals/companies have been interested in hangar space and the Airport hangars are all full. Having a hangar that is owned by the Town would allow airplane owners to operate from the Pittsfield Municipal Airport and/or store their planes inside. It would increase the economic impact and opportunities at the Airport. Currently, to develop hangar space, a lease is required with the Town, DEP permitting is required, Planning Board Site Plan Review

takes place and regular building, plumbing, and utility permits, if water and sewer are available, need to be issued. Having the hangar already built and permitted already done would be a great asset for development of the airport. Funding from the FAA and MDOT are not guranteed and projects may be moved back based upon the number of grant applications received and funding available.

5. Upcoming Agenda Items: SAD #53 is interested in scheduling its annual meeting with the Town Council. Several dates have not worked as of yet due to scheduling, however, the Town Council's Regularly Scheduled Meeting on April 01, 2014 looks like a good date for the School.

6. Pittsfield Library Program: The next Pittsfield Public Library program is "Do-It-Yourself Funerals" and book discussion in Pittsfield – 5:00 Thursday, March 12 at the First Universalist Church of Pittsfield.

The second of the four-part "The Last Word: an End of Life Book Discussion Series" series will begin with a discussion of "Without", a book of poems by Donald Hall followed a talk about alternative funerals. Natural-burial and home-funeral advocate Chuck Lakin is a graduate of the U.S. Naval Academy at Annapolis who later earned a master's degree in library science and served as the Colby College reference librarian for 22 years. He got started building wooden coffins when his woodworking interests merged with his belief in natural burials and his work as a Hospice volunteer.

This program is sponsored by the Pittsfield Public Library and the Mid-Maine Community Forum with a grant from the Maine Humanities Council. For more information, please call the library at 487-5880.

7. Town Farm Lot Forest Management Plan: This project was going to begin this month to plan out a project for this year. The Trail Map data is not yet plotted for the communities for the HealthySV/Chamber of Commerce Project. When that lot is plotted with the GPS coordinates that were obtained by volunteers, we can provide this information to the Forester Mr. Gettle, who noted he would lay that map on his map of cutting areas free of charge so we could see what we have. Then once we have everything laid out, the Town would hold some public sessions and also meet with all the various town boards/committees to update them. Therefore, this project will start when we have the trail map. HealthSV is talking with the mapper to see if he will map out this lot ahead of the others so we can start this project.

Finance Committee: None.

Ordinance Committee: The Ordinance Committee met tonight prior to the Town Council Meeting. We reviewed all the proposed Ordinances and will be recommending approval to the Town Council.

Recycling Committee: None.

6. **NEW BUSINESS:**

The Public Hearing for Ordinance 14-01 was held on February 18, 2014.

TOWN OF PITTSFIELD ORDER AND ORDINANCE AUTHORIZING TAX ANTICIPATION BORROWING

ORDINANCE 14-01: That the Town of Pittsfield Town Council hereby ordains the tax anticipation note borrowing for the fiscal year ending December 31, 2014 on the following terms:

Ordered that, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, as amended and the Ordinance adopted on the date hereof, the Town Treasurer is hereby authorized and empowered to borrow money from time to time during the fiscal year ending December 31, 2014 in the principal amount or amounts not exceeding \$500,000 at any one time outstanding, in anticipation of the collections or receipts from taxes, by the issuance of tax anticipation notes of the Town, each of which notes shall be designated "Town of Pittsfield 2014 Tax Anticipation Notes." All of such tax anticipation notes, and any extensions, renewals or replacements thereof, shall be signed by the Town Treasurer and countersigned by at least a majority of the members of the Town Council, shall be payable on or before November 1, 2014, out of money raised by taxation during the fiscal year ending December 31, 2014 shall bear interest payable at maturity at a rate determined in the manner as approved by the Treasurer, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form, as shall be approved by the officers signing the same, whose approval shall be conclusively evidenced by their execution thereof, and

Be It Further Ordered that the Treasurer is hereby authorized to award the notes to such person or entity as approved by the Town Council, such approval to be conclusively evidenced by the execution of the 2014 Tax Anticipation Notes; and

Be It Further Ordered that the notes authorized by the foregoing are hereby designated as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and

Be It Further Ordered that the Treasurer of the Town be authorized to covenant with the purchasers of the notes on behalf of the Town and for the benefit of the holders of the notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain free from federal income taxes, including without limitation, the filing of information returns and reports with the Internal Revenue Service and the payment of any rebate due to the United States of America.

Moved by **Councilor Curtis** and seconded by **Councilor Cianchette** that Ordinance 14-01 be adopted.

The Town Manager noted this is the first step in the authorization process in order to issue a Tax Anticipation Note until the Town's major revenue source in the form of property taxes are received later this year. As the property tax bill is due in October of each year for the calendar year, the Town is spending funds for 8-9 months with smaller revenue sources coming in until October.

VOTE: UNANIMOUS AYE

ORDINANCE 14-02: (To be set to Public Hearing on 04/01/2014) That the Town of Pittsfield Town Council hereby ordains the following proposed amendments to Chapter 2, Administrative Code:

Division 1: Town Council, Article 1. General Rules Governing Council Actions, Section 106. Regulations of Bids and Contracts

Division 1: Town Council, Article 2. Council Meetings – Rules of Procedure, Section 101.
Regular Meetings

Moved by **Councilor Ferland** and seconded by **Councilor Cianchette** that Ordinance 14-02 be set to Public Hearing on 04/01/2014.

The Town Manager noted the Town has had multiple proposed amendments under consideration since last year when the Planning Board and Code Enforcement Officer started working on the junky yard issues. Last year, the Town Council discussed updating the Bid Policy and Council Meeting schedule in the Administrative Code. These items are all being considered at the same meeting in order to consolidate time and cost.

Bid Policy – this is to update the 1980's bid amounts, address emergencies and make it easier as there are many amounts listed. I have consolidated this to make it clearer.

Meeting Time – this is to update the time of the meetings as we have been operating on a resolution to change the meeting time to see if the Councilors liked it and it worked well.

VOTE: UNANIMOUS AYE

ORDINANCE 14-03: (To be set to Public Hearing on 04/01/2014) That the Town of Pittsfield Town Council hereby ordains the following proposed amendments to Chapter 13, Zoning Ordinance:

To delete Section 2 – Non Conformance, F. Unsafe, Dilapidated and Casualty Damaged Property and replace with F. Maintenance After Casualty Damage

Section 4 – Performance Standards, B. Specific Requirements: Add Property Maintenance and Screening

ORDINANCE 14-04: (To be set to Public Hearing on 04/01/2014) That the Town of Pittsfield Town Council hereby ordains the following proposed amendments to Chapter 13, Zoning Ordinance:

Section 4 – Performance Standards, B. Specific Requirements: Add Accessory/In-Law Apartments and amend Table P to add Accessory/In-Law Apartments under Principal Uses, All Residential Districts

ORDINANCE 14-05: (To be set to Public Hearing on 04/01/2014) That the Town of Pittsfield Town Council hereby ordains the following proposed amendments to Chapter 13C. Land Use Definitions Ordinance:

Add definitions for Infestation and Junk and delete definition Junk Yard and replace with Junkyard

Moved by **Councilor Cianchette** and seconded by **Councilor Donahue** that Ordinance 14-03 through Ordinance 14-05 be set to Public Hearing on 04/01/2014.

The Town Manager noted under the State law, the Zoning Ordinance Amendments must be considered at a Council Meeting that is at least 14 days after the Planning Board public hearing

and consideration. As the Planning Board has scheduled a public hearing at their 03/10/2014 meeting, the next available meeting for Town Council consideration is 04/01/2014.

These items were scheduled for Ordinance Committee review on 02/18/2014 prior to the last regularly scheduled meeting. Both meetings lacked a quorum. The Ordinance Committee Meeting was re-scheduled to prior to this Town Council Meeting for review of the proposals and recommends approval by the Town Council. To date, we have discussed these topics at several regular Council Meetings.

VOTE: UNANIMOUS AYE

RESOLUTION 14-16: Resolved that the Town Council authorize the Town Manager and Deputy Tax Collector to issue the notice of Tax Acquired Property Sale and place the Tax Acquired Parcels out to bid.

Moved by **Councilor Donahue** and seconded by **Councilor Cianchette** that Resolution 14-16 be adopted.

The Town Manager noted the Tax Acquired Property sale was put out to bid without receiving any bids received on February 5, 2014 at 11:00 am, which was when the bid opening was held. In accordance with the TAP Ordinance, we would propose to put the properties out to bid again.

The due date for bids would be April 23, 2014 at 11:00 am – plenty of time to advertise, better weather, etc.

The properties were the land on Estelle Street, building and land on Middle Street, and building and land at the corner of Livingston and North Main.

Pricing has to cover the Town's costs. We would be able to lower the land on Estelle Street to \$6,000, from \$9,000, in order to try to sell it. It is a house lot and this is very low.

The Middle Street property would have to be increased from \$8,000 to \$8,500 to cover the interest accruing and the additional advertising.

The Livingston Street Property could remain at \$8,000 as the costs are covered.

VOTE: UNANIMOUS AYE

RESOLUTION 14-17: Resolved that the Town Council approve the issuance of a parade permit to Maine Central Institute for a 5K Fun Run/Walk on August 2, 2014 and waive the permit fees.

Moved by **Councilor Donahue** and seconded by **Councilor Cianchette** that Resolution 14-17 be adopted.

The Town Manager noted this is the yearly 5K Fun Run/Walk, which has been submitted for approval.

VOTE: UNANIMOUS AYE

RESOLUTION 14-18: Resolved that the Town Council approve the Town Manager's appointment for the Recreation Director position pursuant to Town Regulations.

Moved by **Councilor Donahue** and seconded by **Councilor Curtis** that Resolution 14-18 be tabled.

The Town Manager noted at this time, a recommendation is not available. The agenda item was submitted in case we were ready. Under Discussion items, we should discuss the future of recreation and options available.

VOTE: UNANIMOUS AYE

RESOLUTION 14-19: Resolved that the Town Council authorize the Town Manager to execute the Municipal/State Agreement with the State of Maine Department of Transportation for the three thermo-plastic pavement markings for crosswalks added to the MDOT Mill and Fill Project and authorize the expenditure of \$6,720, which is the Town's estimated Municipal share.

Moved by **Councilor Cianchette** and seconded by **Councilor Donahue** that Resolution 14-19 be adopted.

The Town Manager noted the Town Councilors have received a copy of the MDOT agreement for the three Thermo-plastic pavement markings (crosswalks) added to the standard Mill and Fill Project as discussed at the last meeting.

The Town had requested additional project components for Somerset Avenue due to issues crossing this busy road. The thermo-plastic pavement markings would be at the busiest intersections in the project area: School/Somerset; Hartland/Somerset and where State and Federal regulations allow closest to Somerset Plaza/Industrial Park/Somerset.

Originally the cost was \$4,400 each X 3 = \$13,200; then the cost was advised as \$12,000; and the last estimate is \$13,440. The State had notified the Town that funds were not available in their project. We requested funding from MDOT Transportation Enhancement Programming as small amounts are sometimes left over from projects.

MDOT will charge the Town \$6,720 as our 50% match and the other \$6,720 is covered through left over MDOT funding. In order to meet federal requirements, this project was broken out and the Town's responsibility is listed as 100% of ½ of the estimated work.

The Town Manager noted that this is still an estimate and apparently will be until the project is awarded and we know the exact cost.

The Agreement has been forwarded to the Town Attorney for review.

MDOT has requested to have this document back by March 12, 2014 if at all possible.

VOTE: UNANIMOUS AYE

RESOLUTION 14-20: Resolved that the Town Council approve the issuance of a parade permit to Seabasticook Valley Federal Credit Union for a 5k Run/Walk on June 22, 2014 and waive the permit fees.

Moved by **Councilor Cianchette** and seconded by **Councilor Donahue** that Resolution 14-20 be adopted.

The Town Manager noted Seabasticook Valley Federal Credit Union holds a 5K Run/Walk each year during the Egg Festival. Due to how busy that day is and the desire to focus on the run/walk, the race will be moved to June.

VOTE: UNANIMOUS AYE

RESOLUTION 14-21: Resolved that the Town Council approve the issuance of a parade permit to HealthySV for a 5Km Race on May 10, 2014 and waive the permit fees.

Moved by **Councilor Donahue** and seconded by **Councilor Ferland** that Resolution 14-21 be adopted.

The Town Manager noted this is the 4:20 Race - High on Life, however, has been moved to May 10 as April 20 is Easter Sunday. Same race as last year involving the MCI Campus and the Town, which worked out so well last year. The race is free again this year.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Financial Reports as of 01/31/2014:

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
Town Manager Briefly Reviewed

Other Reports as of 01/31/2014:

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

Updates:

Water & Sewer Projects Update: Both Water and Sewer have been very busy with regular work including upgrading procedures/updating all Safety Regulations, interior upgrade of the garage facilities including the heating venting system, bathrooms, and eye wash area after checking with the Code Enforcement Officer.

Highway Projects Update: Highway has been extremely busy with snow removal on several roads as well as regular snow removal. Trucks have needed quite a bit of repairs due to age. Regular winter maintenance activities have been continuous including cleaning out catch basins,

sanding gravel roads and salting areas that did not clear up. Potholes came out in force after the last storm and patching has taken place. More patching is needed. Tree Removal bid documents will be put together shortly.

Personal Property Tax: One of the companies with several years' personal property tax outstanding has agreed to a payment plan, offering to pay a year's worth of taxes every 3 months so that was excellent. We have compiled all the information we have in the files for the Town Attorney on the other properties. Considering the time of the year with heating bills and bleak weather, we waited until March to make the phone calls to the delinquent taxpayers with several years of taxes due.

State Revenue Sharing & Budget Cuts: It appears that Revenue Sharing for the Towns has been saved at this time. The bill was not vetoed so the \$40 million will remain for distribution to the Towns. The Town used to receive \$542,000 and now may receive around \$207,000 - \$221,000.

Building Repairs: The proposals received for the Municipal Building work were very good and within the insurance proceeds.

The Transfer Station, which was previously denied by the insurance company, for repairs to the roof damaged during the ice storm, will now be covered. We received a denial, which seemed to be due to the different issues going on at the facility, which are buildings meshed together. I asked our Department Head to write up the actual claim asked for, provide copies of the estimates and then we made sure it was clear what the claim was based on so it has been approved. Basically, there is other damage in that building that has nothing to do with the damage from the ice storm and apparently there was confusion. The contractor fixing the damage from the ice storm was there when the adjustor showed up for a second visit, so this was resolved. This ice storm was the first time there was any report of water leakage at that facility. There are some other problems there such as the ripped insulation and wind barrier that need to be repaired, however, that is not ice related so not insurance related.

The Department Head was advised that we would receive adequate funds for the project. The insurance proceeds arrived and are a fraction of the cost so we need to file another appeal for payment. The work was completed as the company ordered the Town to have the work done before any decision was made.

The appeal will be written this week and forwarded to the insurance company.

Recreation Department Future: There was a lengthy discussion regarding the future of recreation and how fast would it grow. The conclusion of the interesting and stimulating discussion was that the Town cannot fund a full-time Recreation Department and it would be unfair to try to create a lot of new programs to fund a full-time department in the near future. It would be too stressful and unfair, as we would constantly be looking for money. After the discussion, it was clear that the Town would be unable to increase its offerings until the economy fully turned around, which could be several years. Councilors could see a full time department in 5 or so years. The citizens are having trouble paying the minimum recreation program fees now and need to spend their funds on oil and food, not more fees. Grants for programming is generally one-time and not guaranteed, although we would likely obtain some programming funds over a period of time. Ultimately, it would be wonderful to have a full-time department, however, everyone agreed now is not the time. The Town will continue with the same budget and will stay within the designated staffing line items. The Town needs to keep its commitment to fund the

current programs in the budget as best as it can within the budget freeze and not create new programs and/or positions.

8. **REPORTS:** Audience, Council

Audience: None

Council:

Councilor Donahue: None.

Councilor Stackhouse: Absent.

Councilor Ferland: It seems like no one at SAS has considered the impact that this has on a small town. What if Pittsfield residents wrote in, asking SAS to help a small town? The Town Manager noted that the property is in a trust and contact is made through an attorney. We are not able to deal directly to the owners, although this is a very good idea.

Councilor Nichols: Absent.

Councilor Curtis: None.

Councilor Cianchette: My job takes me here and there and doesn't always allow for me to be here for Town Council Meetings. I just want to apologize for any inconvenience.

Councilor Jordan: None.

9. **ADJOURNMENT**

Motion by **Councilor Curtis** and seconded by **Councilor Donahue** that the meeting be adjourned at 7:50 p.m. All in agreement.

Nicole Nickolan, Town Clerk