

MINUTES

for a regular meeting of the Pittsfield Town Council, held on *Tuesday, October 04, 2022* at 6:30 pm in the Council Chambers at the Pittsfield Municipal Building at 112 Somerset Avenue and by teleconferencing technology.

Councilors Present: Mayor Michael Cianchette; Deputy Mayor Peter Logiodice; Councilor Jason Hall; Councilor Eric Saucier; Councilor Ronald Jester; and Councilor Lindsay Holmstrom

Councilors Present by ZOOM: None

Councilors Absent: Councilor Brent Frost

Also Present: Town Manager Kathryn Ruth; Public Works Director Don Chute, Acting Chief Marty Cochran; Cory Verrill; Ann Mathews and Heather Donahue

Also Present by ZOOM: Jan Laux, Howard Margolskee, Jane Woodruff, Don Woodruff, Nancie Breau and Kaitlyn Budion, Morning Sentinel

1. OPEN MEETING/PLEDGE OF ALLEGIANCE, FOLLOWED BY A MOMENT OF SILENCE:

Mayor Cianchette opened the meeting of the Council by leading the Pledge of Allegiance. The Council observed a Moment of Silence.

2. ADOPTION OF MINUTES OF:

Regular Meeting held on September 20, 2022

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt the Minutes of the Regular Meeting on September 20, 2022.

Motion passed with all votes in favor.

VOTE: UNANIMOUS AYE

3. PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS:

A. Discussion of Pittsfield Theatre, history of, prior assessments/architectural plans, fundraising opportunities, next steps and future plans requested by Council Holmstrom

Councilor Holmstrom provided background materials that she had collected from Ann Mathews and turned the floor over to Ann Mathews who is representing the Bijou Theatre and Entertainment Center, a 501c3. Their fiscal agent is the Center Theater in Dover-Foxcroft. Ms. Mathews explained the history of the closure in which she received a call from the Mayor asking what she thought about closing the theatre, the theatre was closed by the Town Council and then nothing happened after that. She was never called to notify her that the Theatre was opening back up after the pandemic. There was a lengthy discussion on the options available and explanation of materials in the package of materials collected by Councilor Holmstrom. Ann believes that we can start the theatre up again and that from her research she has found numerous grants for a 501c3. She stated that there were no grants for a theatre owned by the Town. Mayor Cianchette asked why the 501c3 did not approach the Town during the last two years to purchase the theatre or make an offer after it was put up for sale. After the discussion, there seemed to be a variety of ways to proceed – to have

the 501c3 come back with a plan; to lower the price on the property; to hold an open house at the theatre to gain information; to sell the property; or other options. Councilor Holmstrom would like to give the 501c3 thirty-six to forty-eight (36-48) months to put together a vision and plan of action. Jane Woodruff suggested having a meeting in the Theatre where more than twenty (20) people can gather to talk about the theatre. The Mayor closed the discussion.

B. Discussion of Pittsfield Economic Expansion Corporation (PEEC), PEEC Financials/Funds; Board Member terms/Skills Matrix; Last five-year accomplishments toward PEEC mission statement PEEC Bylaws requested by Councilor Hall

Councilor Hall indicated as discussed at a prior meeting, he had hoped that the PEEC President or other members could attend but they were not available. He and others on the Council and in the public have questions about where PEEC is coming from and what is PEEC doing. They do not know much about PEEC. We do not know if that is by design or not, it needs to be transparent. He would like clarification and have the President and some other PEEC members attend for questions and concerns at the next meeting.

The Mayor reminded the Council that some information is proprietary that PEEC receives so it cannot be discussed. It was decided to have this item on the next agenda for discussion.

A. Community and Economic Development Activities and Events

1. Projects and Grants:

- a. Planning Initiative Program Update
- b. Main Street Sidewalk Project
- c. Route #11/10 (Route 100) and Main Street Highway Construction/Rehabilitation
- d. Main Street Sidewalk Project Community Development Block Grant Funding; Northern Border Regional Commission Grant; Project Canopy Grants; and multiple smaller grant projects
- e. Main Street Sewer Main Rehabilitation Project including DEP American Rescue Plan Act (ARPA) Grant Funding
- f. Airport Grants
- g. Many other smaller Grant Opportunities
- h. Certificates and Ceremonies

The Town Manager updated the Town Council very briefly on the Planning Initiative Program as there are two items on the agenda this evening. Manager Ruth noted that she also provided a list of grant funding and matches that the Town has to date for the Main Street – Downtown Project in the Council Package. She advised that she is preparing for the federal grantor’s visit this week as well as compiling reimbursements for the airport grants.

4. PUBLIC HEARINGS: N/A

5. REPORTS:

A. Council Committees:

The Finance Committee reported that there would be a meeting next week on the budget. The Ordinance Committee indicated that it had not met. The Town Manager advised that the Recycling Committee will be starting up in January of 2023.

B. Committee Updates by Town Councilors and Manager:

The Town Manager reported that the Planning Board and Recreation Committee had been moved to the Departments Monthly Achievement Reports as the Mayor wanted them to provide a written report. Neither committee has met.

C. Town Manager's Report

TOWN MANAGER'S REPORT FOR 10/04/2022:

STREAMLINED VERSION FOR TOWN COUNCIL

As with the last report, almost all of our time has been spent on finances, taxes, utilities. grant requirements and fixes required from the TRIO financial conversion on August 3, 2022. Once the differences are found, we have been able to address all of them except for the automatic budget entries which did not take place and the utility program malfunctions. These have been identified and reported. Due to the time involved with the fixes, we are moving past them . Overall, conversion issues have lessened and are focused in several areas. Due to the time involved with the items listed above and being the busiest period of the year with an increase in customers, our priorities are focused on customers.

1. Nomination Papers: Each Town Councilor position has 2-3 candidates. There are 3 candidates on the ballot for the School Board. All nomination papers were found to be valid.

- A. Town Council: (one District 3 Council Member for a 3-year term and one At Large Council Member for a 3-year term)
- B. SAD#53 Board members: (two 3-year terms and one Remainder of Term)

2. Tax Bills for 2022: This tax bill is for the Somerset County Assessment; SAD#53 Assessment; and Municipal Appropriations. The mil rate for 2022 is \$24.40/\$1,000 valuation or an increase of \$1.30/mil or +5.6%. With all the sales, the Town's certified ratio has slipped from 100% to 92% for 2022. The Town is reviewing options to complete a revaluation. Town officials and employees have done the best job possible to maintain service levels, address some capital improvements and be conservative in spending, however, costs have increased across the board.

The 2022 budgetary changes affecting taxes were:

- Somerset County Assessment to the Town increased \$42,141.73 or 7.4%.
- SAD #53 Assessment to the Town increased \$24,317.17 from last year's assessment or .73%.
- The Municipal Appropriation, TIF Financing Plan and Overlay increased \$160,600.47 or 6.4%

Please go to www.somersetcounty-me.org / www.msad53.org / www.pittsfield.org for information about your county, school and municipality.

3. Open Positions Recruitment: The Town of Pittsfield is experiencing the same issues as many employers in Pittsfield and the State with positions unfilled and very few applicants. There still remain 17 pages of jobs on the Maine Municipal Association Job Bank, the one site in the State where nearly all municipal positions are listed. It is full of municipal positions in all departments with most pages having 20-30 position listed so there continues to be more than 500 jobs listed. The major issue we are running across is that people do not want to wait on customers and most applicants want to work remotely. It is certainly a different work environment now. We need to adjust to this and make it an opportunity to work for the Town.

Updated for Week of 10/04/2022:

Position	Vacancy	Status
Financial Clerk*	1 vacancy in Office	Reviewing on-line resume base for contacts
Public Works Driver/Equipment Operator**	1-2 positions open again	Application with CDL received; Interview
Police Chief	1 vacancy	Listed in multiple locations and
newspapers Police Officer	2 vacancies	Signed up for another Job Fair

*Easier to hire for an entry level Financial Clerk position; allows for cross training and promotional opportunities.
**One employee has decided to not retire and will continue to work until April 2023 and received a qualified candidate.

After a lengthy discussion on the issue of the use of credit cards with the Town Charter requirements and how gift and other cards do not work on some on-line sites, it was agreed to discuss this subject at the next Town Council meeting and see if it can be resolved.

4. Grant Applications:

2022 Grants for Municipal Stream Crossing Upgrades: This program requires engineering assistance which has been hard to obtain this year. Engineering has been requested on a number of projects that are outstanding. The Public Works Director and I will review opportunities for next year's competition.

Efficiency Maine Small Municipality Retrofits: The Town received a reimbursement for lighting so it needs to be determined if the Town is eligible to apply for heating and air conditioning (HVAC) projects this year or if we need to wait a year.

Airport Grant Reimbursement: Reimbursement for our last billings for the Airport Hangar grant were submitted in order to be processed before the federal government shuts down for the end of their fiscal year for a couple of weeks prior to October 1, 2022. Two requests are pending. In addition, our first reimbursement for payment on the Town hangar project will be submitted this week in the amount of \$46,502.59.

Funding Sources for the Main Street Project: The handout for Main Street funding sources has been updated for 10/01/2022 and is attached as Addendum #1. We have \$2.274 million dollars.

5. Public Works Updates:

2022 Paving Program: The binder coat for the country roads is to be applied by October 31, 2022. A letter has been drafted for the Public Works Director and myself to sign requesting the paving company's action plan to finish our paving. The company is to finish our paving when the weather is warm enough (40 degrees or more).

Culvert Work on the country roads with the work completed ahead of the paving crew. A lot of culverts have been completed, similar to when we published the Summer Highway Plan.

Re-bid documents for bridge/culvert work: This will need to be our #1 focus to finish for 2023. The work should be bid out during the winter when there is little work to bid on in order to obtain the best pricing. History: The re-bid documents for the Crawford Road Bridge and the remaining Sebasticook Street Culverts re-lining have not been received. At this point, it is now too late in the construction season and the work will need to be bid out for 2023 Spring Construction

6. Code Enforcement Status:

Alternate CEO Al Tempesta is assisting this week with a potential code and plumbing issue as well as reviewing two code enforcement cases. The Town Manager continues to assist with building, plumbing, permitting and planning questions. Councilor Holmstrom indicated that it is confusing to determine what work is being done on the spread sheet and stated that it does not seem that much is being done.

Councilor Holmstrom questioned if these items were actually being done. The Town Manager advised that she only lists what she can verify has been completed. Councilor Holmstrom stated getting items done is a Town Manager item. The Town Manager noted that this is not a Town Manager item, it is a personnel issue and that she is following the proper procedures for resolution. The Town Manager advised that she will highlight the new items for each meeting.

7. Energy Efficiency: As CMP has filed a three-year rate plan with the Maine Public Utilities Commission (PUC) and we have recently experienced a rate increase with some accounts, it would be prudent to seek assistance in reviewing energy efficiencies. I had recommended that the Town's buildings we reviewed as part of topics for the 2023 budget for consideration. Structural review and energy efficiency review would be helpful for the future. If the Town Council is interested in pursuing this, I will put together a Request for Proposals for this work.

8. Use of Drone Photographs: Please see below the legal advice written up for the Town by Town Attorney Natalie Burns, Esq. just prior to the last Town Council Meeting: "The Town would not be able to use drone photographs taken by someone other than the CEO. The CEO's testimony must be based upon his own knowledge and observations. He may use photos, but he must authenticate them to establish when and where he took them. He cannot use photos taken by someone else, whether by drone or otherwise. The CEO may not be able to utilize drone photos even if he takes them. This has not been litigated in Maine, but there is at least one state appellate decision that found that use of a drone for zoning ordinance enforcement purposes was a violation of the Fourth Amendment because it constituted a unlawful search of the property without a warrant or without the consent of the property owner. This case is not a final decision as it was appealed to the Michigan Supreme Court, which has asked the lower court to review some key issues. And so it is possible that the decision could be overturned. However, the use of a drone for enforcement purposes raises serious legal concerns, especially if it is the only evidence that the Town has of a violation." If you would like to read a brief from the Michigan appellate court decision let me know and I will print it out: [COA 349230 LONG LAKE TOWNSHIP V TODD MAXON Opinion - Authored - Published 03/18/2021 \(michigan.gov\)](#).

Councilor Hall indicated that he does not want to hear any more about TRIO being responsible for the bills being late. He stated it is not TRIO, you just need to get it done. The Town Manager advised that we are not blaming TRIO, simply stating why it took awhile with the meter issue and then the conversion. Issues are still on-going and TRIO is working with us on these items.

9. Upcoming Events:

Completed: Household Hazardous Waste Day on Saturday, October 01, 2022. The event went very well, the contractor received 68 units and the people from the contractor EPI were great as usual. As a comparison in 2021, we received 50 units and in 2020, the Town received 55 units.

Upcoming Holiday: The Town Office and Public Library will be closed on Monday, October 10, 2022 in observance of Indigenous Peoples Day.

6. OLD BUSINESS: N/A

RESOLUTION 22-90: Resolved that the Town Council instruct Allied Realty to lower the price on the property listed as Map 25, Lot 81 to \$ _____ if it is decided to not set Ordinance 22-09 to public hearing on 10/04/2022.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to remove Resolution 22-90 from the table.

Motion passed to remove from the table with all in favor.
VOTE: UNANIMOUS AYE

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to open for discussion.

Motion passed to table with all votes in favor.
VOTE: UNANIMOUS AYE

After a very long discussion with everyone having ample time to discuss their preference, the Mayor advised that there seems to be three separate items, we can put a price in the motion, we can remove the motion and put it back to being tabled or we can vote it down. The Mayor stated that we can entertain a price this evening if the Council would like to do so. He would like to have actionable items. The Mayor asked Ann Mathews how long her 501c3 would need to bring back a vision. Councilor Holmstrom advised that it would take seventy-five to one hundred and twenty (75-120 days) and note that Patrick can help with this. Ms. Mathews said that Patrick is not going to do this. Deputy Mayor Logiodice wanted to know what is the harm in taking the suggestion of our agent and wipe this off the table? Councilor Saucier noted that someone could come in without a business plan or anything, Deputy Mayor Logiodice stated that then you do not accept the offer. There was a brief discussion about not rejecting more offers. Councilor Holmstrom indicated that there is no fire, this has been going on for 2.5 years. She wanted to know why we can't take the time to consider everything.

Deputy Mayor Logiodice withdrew his motion for discussion and Councilor Hall made a motion to withdraw his second.

Motion passed to withdraw table with all votes in favor.
VOTE: UNANIMOUS AYE

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to table Resolution 22-90.

Motion passed to table with all votes in favor.
VOTE: UNANIMOUS AYE

7. NEW BUSINESS:

RESOLUTION 22-94: Resolved that the Town Council authorize the Town Manager to execute the Maine Department of Transportation (MaineDOT) Planning Partnership Initiative Grant Agreement for a Planning Study to not exceed \$80,000 with a 40% Town Matching Share of \$32,000 with such match to be paid for from the Town's Economic Development Budget.

The Town Manager reported that the funds for the Town's \$32,000 match will come from the Economic Development Budget, which is where this type of project should be funded. This covers the Charter requirements that the funds must be available. If the Council wants to budget for the cost next year, that can be done also, however, right now, we are in compliance.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt Resolution 22-94.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

RESOLUTION 22-95: Resolved that the Town Council approve the Request for Proposals

for Professional Services for Planning for the Main Street – Downtown Feasibility Study and authorize the Town Manager and Public Works Director to seek proposals for same.

The Town Manager reported that there will be a list of potential firms qualified for projects funded with MaineDOT and federal funding on the MaineDOT website. We will send out copies of the RFP to a number of them.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt Resolution 22-95.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

RESOLUTION 22-96: Resolved that the Town Council authorize the expenditure of \$2,548.48 (\$6,140.48 - \$3,592.00 trade-in value) for the purchase of 8 Glock G45 9mm handguns for full-time officers.

The Councilors agreed that the pricing is very good. Acting Chief Cochran was asked to check on the federal excise tax issue with a private sale proposed for two of the guns to officers. This needs to be checked to make sure it is legal. The trade-in of the guns to the vendor was approved as part of the motion.

Moved by Deputy Mayor Logiodice and seconded by Councilor Jester to adopt Resolution 22-96.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

RESOLUTION 22-97: Resolved that the Town Council authorize the Town Manager to file Application forms for the 2023 Drinking Water State Revolving Fund (DWSRF).

This is for the Drinking Water Program for Birchwood Terrace and the Hunnewell – Peltoma projects.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt Resolution 22-97.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

RESOLUTION 22-98: Resolved that the Town Council approve and authorize the Town Manager to sign the Application/Agreement for the Grant-in-Aid Program for the Department of Conservation, Bureau of Parks and Lands Snowmobile Program for an estimated project of \$47,061.00 to improve the snowmobile trails for the Driftbusters Snowmobile Club.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt Resolution 22-98.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

RESOLUTION 22-99: Resolved that the Town Council authorize the Town Manager and Town Clerk to advertise the Town of Pittsfield Surplus Property Sale and accept bids after consultation with the Department Heads/Supervisors which are felt to be appropriate for the surplus property in question in accordance with the amounts depicted in the bid policy.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt Resolution 22-99.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

RESOLUTION 22-100: Resolved that the Town Council Appoint Nicole Nickolan as Warden and Tina Farias and Brittney Metivier as Deputy Wardens for the November 8, 2022 State General Election, Municipal Election and MSAD #53 Budget Referendum.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt Resolution 22-100.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

RESOLUTION 22-101: Resolved that the Town Council approve the opening of absentee ballots on November 8, 2022 at 9:00 AM, 11:00 AM, 1:00 PM; 3:00 PM and 6:00 PM for the November 8, 2022 State General Election, Municipal Election and the MSAD#53 Budget Referendum.

Moved by Deputy Mayor Logiodice and seconded by Councilor Hall to adopt Resolution 22-101.

Motion passed with all votes in favor.
VOTE: UNANIMOUS AYE

8. DISCUSSION ITEMS: N/A

9. REPORTS:

Audience:

Heather Donahue: Indicated that as the Town Manager noted, there are multiple candidates for the position. She is running for the at-large seat rather than the district seat that she has held before. She has been talking to residents to hear a lot of items. One item in particular has led to a volunteer. One of our residents has been surprised at the amount of dog waste that is in the parks and has volunteered to install stations to assist those with animals in order to take care of their materials. This would include signage and bag stations. She asked the Town Council to think about it and let her know if they would like to have this citizen initiative take place.

The second item that she wanted to talk about are actionable items. Twice we could work on the theatre operations and action was not taken. The Council carefully studied and decided what to do with the theatre over a 10-year period. She is amazed that we are now talking about waiting 36-48 months for the 501c3 that is not ready to take action. Holding the property for 3-4 years means maintaining it. Having a lease with a non-profit means that the Town will maintain the building. The Town Council voted to close the theatre. It is not viable for the Town to operate it. There was an opportunity to sell it but it was not moved forward. The opportunity was there for the Town to not have the costs and for the building to be taxed. There was a second actionable item to have PEEC work with the realtors to move this into being a business. She is confused as these actions do not follow the last 10 years. It is late in the game to change. In her opinion, the Town should not own the building. We were told that Councilors wanted a zero increase in the budget and to reduce line items by 5%. This does not make sense to her to increase the theatre budget.

Councilors:

Councilor Hall: Thanked people for attending. Thanked the Council for not rubber stamping

agenda items. He pointed out that we have to look down the road. He did not pass it two weeks ago as there was a clause that if the theatre was not economically feasible that they can do what they wanted. We already know from the Town running it that it was not economically feasible. He was also concerned with on-line statements when people do not know all the details and comments are very one sided and lopsided. People should not be personally attacking people on forums when they have no knowledge of us and what we are trying to do. We are doing a great job doing work. We have had to shovel it off a few times, may want to turn the heat off. We have other entities that need to be looked at that cost the Town \$200,000 and there is no financial gain. He hopes that the 501c3 with the Dover Theatre works for the downtown.

Councilor Saucier: Indicated that they have had a short time to get educated. He is not going to take action on information received from the company that day. He will keep pushing for answers.

Councilor Jester: Thanked everyone for coming. Thanked Acting Chief Cochran. Stated that actionable items were not taken as action without credible information is reckless. A momentum pause is a sign of wisdom. Thanked everyone for fighting for clarity.

Deputy Mayor Logiodice: Thanked everyone for attending.

Councilor Frost: Absent.

Councilor Holmstrom: Thanked Ann for her putting her heart and soul into things. It can take less than five people to get items done. It will be very viable and worthwhile to have Ann spearhead the effort to hold an open house in the theatre, work with Patrick and see if we can get the Bijou and Enhancement Center to be viable in the next 36-48 months. Thanked Donnie and Acting Chief Cochran. Stated there was a lot of noise and criticism but she learned more about the opportunities and values. We need to keep getting items done in a positive way. Looking forward to getting into the budget.

Mayor Cianchette: Thank everyone for showing up. Thanked those who volunteer and who are active and dynamic. Wants to fill this room at meetings. Urged everyone to go out to vote.

10. ADJOURNMENT:

Moved by Deputy Mayor Logiodice and seconded by Councilor Saucier to adjourn the meeting at 8:48 pm.

Motion passed with all votes in favor.

VOTE: UNANIMOUS AYE

Respectfully submitted,

Kathryn Ruth, Deputy Town Clerk

Minutes are a synopsis of a meeting. For more detail, please go to www.pittsfield.org and click on Town Meeting Videos to listen to videos of Town Council and other Board/Committee Meetings.

