

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, December 4, 2012 at 6:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Bob Stackhouse, Caleb Curtis, Deputy Mayor Gary Jordan, Jr., Donna Chale and Louise Baker. **ABSENT:** Christopher Carr. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Michael Cianchette, Steve McCarron, Michael Haynes, Heather Donahue 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 held on November 7, 2012 and November 20, 2012.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that the minutes of the regular meetings held on November 7, 2012 and November 20, 2012 be adopted.

VOTE: UNANIMOUS AYE

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

Community and Economic Development Activities and Events:

Report on New Business Activity & Opportunities in Pittsfield:

Some private sector business activities remain under review. One applicant is completing the final touches for the business office. A second business owner has met with the Planning Board to determine that the business is less intensive than a prior use and therefore, does not require site plan review. Some projects are on the agenda later this evening. Another applicant is working on the plans for an addition to their business.

SAS Property Available:

SAS Property placed on the market by MTC Holdings, LTD of San Antonio, Texas – information update. The Trust holding the former SAS building for several years decided that it will put the property out for sale. The RE agent handling the property has promised that the Town will receive a copy of the information package. Terry Sortwell of LandVest, a company from Camden that handles Luxury Real Estate was retained by the company. It would be great to have this property on the market so that it could be used, rather than be vacant. The information is on the Town's website as well as distributed to a number of regional and state entities. Our DECD Governor's Account Representative came from Augusta to review the building's potential for future state inquiries and we met with Mr. Mulligan. The State does not receive a lot of inquiries due to the economy, however, we are definitely on the State's radar when requests come in, especially manufacturing, as the building has the potential to put 300-400 people back to work.

Certified Business Friendly Community Designation:

Pittsfield received word on 08/27/2012 that the Town had been designated one of the Business Friendly Communities by the Governor. The Town of Pittsfield is 1 of 14 towns that was recently recognized by the State of Maine as business friendly at that time and an additional 4 towns have received the designation – now there are 18 towns and cities in the State of Maine.

The Certified Business Friendly Community Program recognizes and promotes those communities that show a true commitment to business development.

Commissioner Gervais came to Pittsfield to speak to the local businesses and the Town. We received the certificate and 2 large signs. It was a nice gathering with a great turnout for the day before Thanksgiving. The Mayor, Deputy Mayor, Councilor Stackhouse and Councilor-elect Donahue attended. I had contacted 52 businesses that we had worked within the recent years and more than half were able to attend. People were genuinely pleased to be introduced to the Commissioner, who is very nice and wants to help businesses.

The signs are large. We are seeking permission to put them up on Somerset Avenue coming into Town. We looked at Route #2 and Route #100 and there is no really good location where they can be seen easily at the Town line. Somerset Avenue has a lot of signs, however, has a huge traffic count for visibility. For the winter, John has suggested putting them onto the Town's Welcome Sign or hanging them off the refurbished Industrial Park Sign. Other locations could be downtown in Hathorn Park, which is central and will be highly noticeable.

After discussion, Councilors thought one sign should go on Somerset Avenue coming into Town and one sign should go on Route #100 further into Town from Detroit by SVH.

Save Our Historic Depot Campaign:

It is exciting to announce that the Town has been awarded an additional \$11,000 by the Maine Community Foundation. The funds are dedicated to the siding, which is a total of \$45,225 so we are on our way to re-group during early January, 2013 on another fundraising campaign.

Everyone can help our Save the Depot fundraising campaign. This historic 1880's building needs to be preserved and/or restored. As a historic building on the Historic Register of National Buildings, the Town must follow historic preservation requirements and standards. As such, the project would cost more than if a resident or business fixed up their building. The original estimates without architectural fees included are listed below:

Phase I consists of the roof replacement and the masonry reconstruction and pointing, a total of \$47,265 plus estimated engineering costs of \$5,000 for a total of \$52,265.

Phase II consists of removing the old siding with lead based paint and installing cedar clapboard siding and trim, a total of \$39,425 plus estimated engineering costs of \$5,800 for a total of \$56,225.

Phase III includes the windows restoration; replacement doors; and insulation, a total of \$24,174. The total cost of Phases I-III is estimated at \$121,664.

We would plan to complete Phase I first, if at all possible, then head to Phase II and so forth. The estimates are based upon the cost schedules from an architect with historic preservation background, Ames & Associates of Bangor. It is possible, that we may be able to have work completed for less.

The Town has raised the funds for Phase I, consisting of the roof replacement and the masonry reconstruction and pointing through donations and several recent grant awards. The roof replacement bids were due on 09/28/2012. Four bids were received ranging in cost from \$26,999 to \$46,885. The low bidder was Hahnel Brothers Co. which the Architect and the Building Inspector have noted is experienced and has a very good reputation. The pre-construction meeting took place on 10/10/2012. The architect checked all the details and verified the low bid, the insurance certificates were provided and the contract signed. Originally prior to the tropical storm, the project was to begin by November 1, 2012. The Contactor's representative has indicated that the company will arrive the week of December 3 or December 10 and will complete the project in approximately one week. The company is not concerned

about the January 01, 2013 due date. This is a small project for them. We just need really good weather.

Once the roof is completed and we know if there are any change orders due to unknown issues found, then we will draft the bid specs for the foundation work and get that ready to go out in early Spring, 2013 when companies can see the foundation to bid on it. We will have time to get this all together for a late Spring 2013 foundation project.

This project is being funded through many donations, many fundraisers and many small grants.

2012 Comprehensive Plan Update (2007 and 1997 Plans)

The planning process is ahead of schedule with draft Assessment sections including history, updated information and public input for Historic Profile, Demographic Profile, Natural Resources, Recreation and Culture, Local Economy, Housing, Transportation, Essential Services and Fiscal Capacity. The recommended Strategies have been reviewed. The Land Use Section was reviewed at the last Planning Board Meeting on 11/26/2012. The Planning Board will be reviewing the draft of the completed plan at their 12/10/2012 Meeting. At this time, the Board is talking about a public hearing at their second meeting in January, 2013. After reviewing the draft, we will know if that is going to be feasible. The plan needs to be submitted to the State for approval and the Town Council needs to adopt it.

Project Canopy Forest Management Plan Update

Interested staff and committee/organization representatives attended a session with the Forester who put together the Management Plan. We have received a comprehensive Management Plan including Harvesting recommendations. There are aerial photographs and a chart of the tree stands which is quite interesting.

The Town will review the Forest Management and Harvest Plan created for the Town Farm Lot located across from the Recycling/Transfer Station at the Recycling Committee Meeting on Wednesday, December 05, 2012 at 5:00 pm in the Council Chambers at the Pittsfield Municipal Building. A copy of the Forest Management Plan is available at the Town Office in print and a copy may be downloaded at www.pittsfield.org. All are welcome to attend to learn about the great opportunity that the Town has to harvest and then develop this large lot for future recreational pursuits and other community projects. Funding for this project was provided through the Project Canopy Program from the Maine Forest Service, Department of Conservation.

Report on Meetings & Events:

11/27/2012	Theater Committee Meeting at 6:00 pm
11/28/2012	Heart of Pittsfield Exploratory Gathering at 6:00 pm with a light meal, discussion and brainstorming at Vittles led by town citizens. This was a nice community meeting, lots of conversation with people interested in working on downtown and community revitalization. This energy and enthusiasm is a positive asset. We have received a tremendous amount of funding for our infrastructure, however, there are some items that funding is not available for so our citizens are coming forward to assist with those areas which is great.
12/03/2012	USDA Sewer System Pay Requisition Meeting at 1:00 pm
12/03/2012	Somerset County Community College Network Meeting from 1:00 pm – 3:00 pm

Upcoming Meetings & Events:

12/05/2012	Recycling Committee Meeting at 5:00 pm
12/06/2012	Mid Maine Chamber Orientation for new Members at 11:30 am at the Chamber Office in Waterville
12/06/2012	Sebasticook Valley Chamber of Commerce Strategic Planning Committee Meeting at 4:00 pm at the Chamber Office in Palmyra
12/06/2012	Sebasticook Valley Chamber of Commerce Board of Directors Meeting at 5:00 pm at the Chamber Office in Palmyra
12/11/2012	KVCOG Board of Directors Meeting at 10:00 am at the KVCOG Office in Fairfield
12/11/2012	KVCOG Comprehensive Economic Development Strategy Committee Meeting at 11:00 am at the KVCOG Office in Fairfield
12/13/2012	Egg Festival Committee Meeting at 6:30 pm

Plus other meetings not yet announced by our state and regional partners/coalitions.

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

Town Manager's Report: Town Council Meeting of 12/04/2012:

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

2. Bin Sale: PITTSFIELD RE-USE CELEBRATION: BACKYARD COMPOST BIN SALE: The sale is over with, however, people can still order a bin as we were under the maximums required for an order so we have a few more that will be available for each of the Earth Day products.

To celebrate re-use in the community, the Town of Pittsfield is part of a statewide backyard composting bin sale. A home compost bin and how-to-guide with a combined retail value over \$100 can be purchased for only \$45.00 (tax included). The bin is black, has a 10 year warranty, and is made of 100% recycled plastic. It's approximately 35" high and 33" wide, or large enough for a family of five. The Town will also have the wing digger compost turner for a discounted price of \$17.00 and the Reotemp Backyard Compost Thermometer with a 20" stem for \$18.50.

3. Egg Festival Volunteers: Read Notice

4. Library News: The Pittsfield Public Library invites families to its regular activities that are great fun:

Storytime continues on Mondays at 10:15 am and the Playgroup meets Wednesdays from 10:30 am – 12:00 noon for active play in the Library's Play Hut and Tunnels.

The Friends of the Public Library are selling framed photographic prints by Pittsfield resident Irwin Leibowitz. The photographs of flowers, birds and landscapes sell for \$10.00; the profits go to the Friends to support library programs. The display of 24 photographs can be seen in the library lobby.

5. Christmas Movie: The Pittsfield Community Theatre Free Movie this Year is Puss & Boots to be held on Saturday, December 15, 2012. Doors open at 12:30 pm and the movie starts at 1:00 pm. Come Join the Fun. Each child can have a free kids popcorn and a free kids drink. There will be a drawing for gifts after the movie.

6. Maine Municipal Association Workshop: The Town will be the host of a regional workshop on Thursday, 04/11/2013 in the Town Council Chambers. Set-up is at 3:00 pm with Registration at 4:00 pm and the workshop on roles and responsibilities for elected officials and town managers/administrative assistants will be held from 4:30 pm to 8:30 pm with a break for dinner at 6:00 pm. This is a rare opportunity to have a workshop right in Town for the region with less travel distance for everyone. We recommended that Vittles cater the workshop.

Finance Committee: None.

Ordinance Committee: None.

Recycling Committee: None.

6. **NEW BUSINESS:**

ORDINANCE 12-07: (To be set to Public Hearing 12/18/2012) That the Town of Pittsfield hereby Ordains to authorize the transfer of unencumbered appropriation balances to various departments.

FROM:	01-25	Assessing	\$1,000
	01-45	Community Development	\$7,000
TO:	05-10	Police Department	\$7,000
	25-10	Library	\$1,000

Moved by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that Ordinance 12-07 be set to Public Hearing on 12/18/2012.

The Town Manager noted the Charter provides for the Town Council by ordinance to transfer part or all of any unencumbered appropriation balance from one department to another. This is a housekeeping process required under the Town Charter. Until 2002, the Town had not processed transfers for several years and the Auditor had identified this as needing to take place in the 2001 audit.

For 2012, it is proposed that \$8,000 be transferred. This is estimated high at this point and can be refined at the 12/18/2012 public hearing as we will have nearly all expenses for the year charged to the budget and/or will have the purchase order amounts for bills that have yet been received. At this time, as it is not the end of the month, the financial reconciliation process has not begun for 11/2012. Both of these departments are estimated high to try to ensure that we do not exceed these department budgets. It is believed that the cost will be less.

The Town also has 4 departments that will have expenditures, which are very close for the end of the year, and these are being watched carefully. It is believed that they will finish within budget,

however, if by 12/18/2012, unanticipated issues develop which are beyond the control of the departments, then the Ordinance will be recommended for amendment

VOTE: UNANIMOUS AYE

RESOLUTION 12-157: Resolved that the Town Council authorize the Town Manager to execute a Right of Entry Agreement as approved by the Town Attorney with Time Warner Cable Inc. for a small area of Map 25, Lot 70 in the parking lot isle where utility boxes are located in order to extend cable service to one or more businesses.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 12-157 be adopted.

The Town Manager noted Time Warner Cable Inc. through its East Region – Central New York Division, would like to extend cable to one or more businesses on Main Street. To do so, a connection is required through Connors Street which would be addressed through a Street Opening Permit and digging through the isle in the Town Parking Lot where the utility boxes are located.

On 10/30/2012, paperwork arrived in the form of a permanent easement and after review, it was clear that the paperwork could not be signed as the easement gave control of Connors Street to the cable company with the Town needing to receive permission to work on the road. The company was advised that we needed a standard utility easement and not the permanent easement proposed.

On 11/14/2012, Time Warner sent the permanent easement again and requested that the Town fix it for them.

After numerous conversations between Town staff and Time Warner Staff, I spoke with their Legal Department to find out how to resolve this issue so that it could move forward. Their legal staff advised that we should not have been receiving private easement forms and that we just needed a Right of Entry Form. I explained to the company that it is getting very late to dig and as time continues on it will be more costly to complete the needed trench work across the road.

The Right of Entry Form was received 11/27/2012 and was reviewed by the Town Attorney that day in order to move this along. The issue of temporary cover was discussed with the Town Attorney as the paving companies are now closed, therefore, the area dug during the winter months by the cable company will need to receive its permanent pavement next year.

VOTE: UNANIMOUS AYE

RESOLUTION 12-158: Resolved that the Town Council authorize the Town Manager and Deputy Treasurer to transfer any funds that remain in the 2012 Enterprise Fund Budgets after all charges are made for the end of the year to the Sewer Restoration Reserve and the Water Restoration Reserve for 12/31/2012.

Moved by **Councilor Chale** and seconded by **Councilor Stackhouse** that Resolution 12-158 be adopted.

The Town Manager noted this was a recommendation from the Town Auditor when the firm attended the Town Council meeting in June 2008. As the infrastructure is old, it was

recommended that any funds left over in the enterprise fund budget at the end of the year be transferred to a reserve. These two reserves were created in 2008, however, after depreciation was charged to the budget, there were no remaining funds that were appropriate to transfer. In 2011, funding was available to be transferred to both the sewer and water restoration accounts. Funds will be available for transfer to this account in 2012 from the sewer enterprise fund budget as it contains the required debt service payment for the \$1.9 million dollar loan. These loan funds are still being spent as sludge tonnage was less than projected in our prior engineer's three reports and sewer main projects are being completed. Funds will be available to be transferred to the water enterprise account. The funds will be available as the Town has been fortunate to have few water breaks this year (to date). We will not know the amounts to be transferred until after the audit is conducted as the level of depreciation will need to be charged.

Currently, the restoration accounts have the following balances:

Water	\$ 82,111.30
Sewer	\$107,230.75

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Financial Reports as of 11/30/2012:

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
Reviewed Briefly by Town Manager

Other Reports as of 11/30/2012:

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

8. **REPORTS:** Audience, Council

Audience:

Michael Haynes: Mr. Haynes made a complaint regarding Sunday morning road conditions. The Town Manager explained the call out procedure. The Officer on duty calls dispatch to page Public Works when road conditions decline. The Police Chief reviewed the procedure with the Officers and the Town Manager spoke with the Public Works Department Foreman. The situation has been resolved.

Council:

Councilor Baker: None.

Councilor Carr: Absent.

Councilor Chale: Noted the Keep ME Warm Project will be holding an event on winterizing homes with Vaughn and Don Woodruff. The event will be on Wednesday, December 12, 2012 at 6:30 pm at the Universalist Church.

Deputy Mayor Jordan: Noted he has received some complaints regarding a light that has been out by the I-95 on ramp. The Town Manager noted that has been called in for repair a few times but we have not heard back.

Councilor Curtis: None.

Councilor Stackhouse: Noted the roads were terrible on Sunday morning, as well as the sidewalks. The Town Manager noted we do not sand the sidewalks, but we do plow them.

Mayor Nichols: None.

9. **EXECUTIVE SESSION:**

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

Motion by **Councilor Stackhouse** and seconded by **Councilor Baker** 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 7:50 p.m.

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

VOTE: UNANIMOUS AYE

The Town Councilors exited executive session at 8:16 p.m.

10. **ADJOURNMENT**

Motion by **Councilor Chale** and seconded by **Deputy Mayor Jordan** that the meeting be adjourned at 8:17 p.m. All in agreement.

Nicole Nickolan, Town Clerk