

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, January 20, 2009 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Deputy Mayor Gary Jordan, Jr., Caleb Curtis, Wayne Fotter, Louise Baker, Christopher Carr and Donna Chale. **ABSENT:** None. Also present: Town Manager Kathryn Ruth and Assistant Treasurer Vickie Braley. Audience members included: Sharon Mack, Ann McGowan, Mike Lange, Mike Gray, Doug Frati and others.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**.
2. Council Member elected at the January 14, 2009 special election take the oath of office and is seated:

Councilor at Large: Christopher A. Carr

3. Adoption of Minutes of the Regular meeting on January 6, 2009.

Moved by **Councilor Fotter** and seconded by **Deputy Mayor Jordan** that the Minutes of the Regular meeting on January 6, 2009 be adopted.

VOTE: UNANIMOUS AYE

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

Upcoming 2009 Community & Economic Development Events

Scheduled:

USDA WORKSHOP on Renewable Energy for America and the Value-Added Producer Grant Program will be held on Thursday, February 12, 2009 from 8:00 am - 11:00 am in the Council Chambers. This will be presented by John Sheehan and Mike Grondin from the USDA. The Town of Pittsfield and Healthy Living will be partners.

THIRD LEADERSHIP FORUM FOR THE SEBASTICOOK VALLEY CHAMBER OF COMMERCE will be held in Pittsfield on Thursday, March 12, 2009 from 6:00 p.m. - 8:00 p.m. at the Pittsfield Masonic Lodge, catered by Eastern Star.

THE 13TH ANNUAL TRADE SHOW AND COMMUNITY FAIR FOR THE SEBASTICOOK VALLEY CHAMBER OF COMMERCE will be held at the Warsaw Gym and Cafeteria on Saturday, May 2, 2009 from 9:00 am to 1:00 pm.

In the process of being scheduled, date to be announced:

The next REGIONAL ENERGY FORUM, sponsored by the Pittsfield Recycling Committee, to be scheduled in March 2009.

The next REGIONAL JOB FAIR FOR SOMERSET COUNTY, sponsored by the Somerset County Transition Team and the Town of Pittsfield, to be scheduled in May 2009.

The PAUL E. BERTRAND COMMUNITY POOL COMPLEX GRAND OPENING, to be scheduled in May-June 2009.

Presentation to former Town Councilor Michael R. Gray for his years of service to the community

The Mayor presented Mike with a plaque acknowledging and thanking him for his years of dedication to the community. Mike served on several committees and was Chairman of the Council Ordinance Committee for three years. He has worked on many projects and will be missed. Mike is still working on projects for the Town and will continue to serve on the Economic Development Team.

5. **PUBLIC HEARINGS/OLD BUSINESS:**

- a. **RESOLUTION 09-01:** (Public Hearing) That the Town Council hereby resolves to hold a Public Hearing on January 20, 2009 at 7:30 p.m. at the Council Chambers of the Pittsfield Municipal Building to discuss the acceptance of a State of Maine Riverfront Community Development Bond Program Grant for \$32,200. The purpose of the grant is to implement the Pinnacle Park Recreation Plan, Phase I which includes a skating rink; skateboard park; boat launch; parking area; multi-use recreational trails; habitat restoration; bird watching lean-tos; fishing; and interpretative nature signs. Public comments will be solicited at this hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: Kathryn Ruth, Town Manager, 112 Somerset Avenue, Pittsfield, Maine 04967 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the Town's programs or services, please call Vickie Braley, Assistant Treasurer at 487-3136 so that accommodations can be made.

There was no one who wished to speak for or against Resolution 09-01. Public Hearing closed.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that Resolution 09-01 be adopted.

The Town Manager noted this is our fun exciting project that we were very fortunate to receive an invitation into Phase II.

Step 1 is to hold the public hearing and hear comments from the citizens. It would be good if a lot of people came to support the project and volunteer to work on it on 01/20/2009. There is a later authorization item on the agenda also.

Step 2 is to work on the Environmental Permits. This will include DEP Permit by Rule, Planning Board Site Plan and to follow the CDBG Environmental Book for all state and federal agency approvals. This will take a bit of time.

VOTE: UNANIMOUS AYE

- b. **RESOLUTION 09-02:** (Public Hearing) That the Town Council hereby resolves to hold a Public Hearing on January 20, 2009 at 7:30 p.m. at the Pittsfield Municipal Building Council Chambers for the purpose of receiving input from the citizens of Pittsfield relative to the \$150,000 Public Facilities Historic Preservation Grant awarded to the Town through the Department of Economic and Community Development. This grant provided funding for the following work at the Pittsfield Public Library: (1) addressing problems created by moisture in the basement, rotted bases of the wooden walls and weakened underpinnings to prevent eventual failure of the first floor and (2) repairs or replacement of damaged walls and floors included painting, reconstruction of crumbling interior masonry, repairs of horsehair plaster, leveling and refurbishing of uneven floors. All persons wishing to make comments or ask questions about the work are invited to attend this Public Hearing. Comments may be submitted in writing to: Lyn Smith at the Pittsfield Town Office, 112 Somerset Avenue, Pittsfield, Maine 04967 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the Town's programs or services, please call Kathryn Ruth at 1-207-487-3136 so that accommodations can be made.

Ann McGowan was in attendance to speak in favor of Resolution 09-02. Ann stated this project has been 5 years in the making. In late 2007 prices were soaring, but we started some of the restoration work. In doing that work, Doug Frati found the deterioration in the basement. This was most discouraging. At that point the Community Development Block Grant Organization met with the Library to discuss the issues. The Organization was unsure if the Library would be eligible. At that point Doug Frati took the Organization on a tour. They soon realized that the project needed to be done. It was wonderful that they saw the need. We are very grateful and finally on the way.

Doug Frati was in attendance to speak in favor of Resolution 09-02. Doug stated he was available at the meeting tonight for any structural or construction questions. This work needed to be done. There was extensive and through waterproofing done to the foundation exterior and interior. The entire downstairs was gutted and rebuilt and reinsulated. It is now a dry, clean, warm space. It is a fantastic job and was done very well.

Mike Gray was in attendance tonight to speak in favor of Resolution 09-02. Mike stated like many things that have happened today, the foundation for this project was just laid. The country has done a lot today and it is historic that this happens today. The Council has supported this project whole-heartedly as Kathryn has and I urge you to continue this project and support it as it has been in the past.

There was no one who wished to speak against Resolution 09-02. Public Hearing closed.

Moved by **Councilor Chale** and seconded by **Councilor Baker** that Resolution 09-02 be adopted.

The Town Manager noted this public hearing is required as part of the CDBG process as we close out the grant. The work was completed by the first week in December with the exception of a couple of minor change orders, which were just completed. To date, \$128,308 has been drawn down for the grant for 75% of the cost and the Town's match has been \$42,769 for a total cost of \$171,077. We hope to close the grant out shortly. The on-site federal standards audit went very well.

Councilor Chale stated she has had a chance to see the changes in the Library. Not only does it look beautiful and fresh it smells much cleaner. It's a huge improvement.

Councilor Fotter stated the Committee has done a wonderful job. They have done a lot of hard work. We are on the right track and we should continue to support this project.

VOTE: UNANIMOUS AYE

Tabled from the 12/02/2008 Town Council Meeting

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

To Appropriate and Authorize the Expenditure of \$ **80,000** from Unappropriated Surplus (G/L #01-710-0) for structural repairs to the Pittsfield Community Theatre to stabilize the roof structure.

ORDINANCE 08-22: (EMERGENCY)

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

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

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

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

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

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

WHEREAS, if a regular ordinance was set to public hearing for the January 20, 2009 Council Meeting to be heard and adopted, it would not take effect for thirty (30) days, thus having the potential of increasing Town costs at the taxpayers' expense and depriving the community for a further time of a working theatre.

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

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

To Appropriate and Authorize the Expenditure of \$ **80,000** from Unappropriated Surplus (G/L #01-710-00) for structural repairs to the Pittsfield Community Theatre to stabilize the roof structure.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** to remove Ordinance 08-22 from the table.

VOTE: UNANIMOUS AYE

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that Ordinance 08-22 be adopted as amended.

The Town Manager noted the emergency ordinance was tabled pending the bid process so that we could know the exact amount of funds that would be needed.

The low responsible bidder (that met the Town's requirements) was \$79,555 or so use \$80,000.

I would also change the date of the meeting listed in paragraph 8 right before the end of the page 2 to read January 20, 2009 (as it had been tabled).

We left the entire operating budget for the Theatre in the budget, even though it would not be open for 4 months, with the understanding that we would utilize the budget for other expenses that occurred. So we can take the engineering cost from the Theatre budget. We have received the design bill for \$9,000.

VOTE: UNANIMOUS AYE

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

Town Manager's Report: Town Council Meeting of 1/20/2009:

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

2. Board/Committee Openings: There are several board/committee openings available. Anyone who is interested in serving on one or more of these boards/committees, please contact the Town Clerk at 487-3136 or clerk@pittsfield.org

3. The Welcome Table Opening: The Welcome Table will be open on Fridays from 10:30 am – 2:30 pm at the First Universalist Church at 6 Easy Street. The volunteers are serving a free lunch every Friday for all looking for a warm place, warm food and warm friends.

4. Dog Licenses for 2009: Licensing is due for your dogs. Rabies certificates need to be up to date or still effective. Late fees will be added soon so please make sure that you license your dogs as soon as possible.

5. Community Theatre Fundraising Starts: The Capital Campaign Kick-Off for the Pittsfield Community Theatre has begun. The first fundraiser is a performance by Comedian Bob Marley on Friday, January 30, 2009 at 8:00 p.m. at the Millennium in Palmyra off Route #100. Tickets are \$25.00 each, available at Bud's Shop 'N Save in Pittsfield and the Pittsfield Town Office. Doors open at 7:30 p.m.

There also will be dancing from 10:00 pm - 12:00 midnight with music provided by DJ Jaceman.

For more information, contact the Pittsfield Town Office. All proceeds to benefit the Pittsfield Community Theatre Campaign.

This is for the renovation of the Theatre and the Theatre Fundraising Committee will be working away on many fundraisers to benefit the Community Theatre, which is part of our community.

6. State Budget Impacts: The immediate impacts from the State Budget shortfall have been relayed as follows: Notice Read

7. Census Work Positions Available: Notice Read

8. Grants In Progress: We have many projects on-going and time is of the essence. I recently updated our list of grants received and projects working on since we started in 2003, we are now up to \$8,080,383 worth of approved grants, submittals and on-going development. One of those projects that we will submit shortly, on a very accelerated schedule will be the Airport Apron with the New Gate. The bid specifications have arrived from the Airport Engineers and are available at the Town Office. Bid Notice was read.

Finance Committee: No Report.

Ordinance Committee: No Report. Noted - Need to set up a time to meet in the not to distant future. Please see Mayor at end of meeting.

Recycling Committee: Met last Wednesday. Welcomed new member Joanne Stevens. Discussed upcoming energy forum. Have the availability of using Vickery or Warsaw Gym. We also have the option of 3 dates in March that are available, the 8th, 9th or 10th. The Committee is leaning towards the 10th. Suggested speakers and businesses for the forum were discussed. The possibility of having the schools attend were discussed.

7. **NEW BUSINESS:**

- a. **RESOLUTION 09-14:** Resolved that the Town Council Accept the bid of Bowman Brothers, Inc. of Newport, Maine in an amount not to exceed \$79,555.00 for the Pittsfield Community Theatre Roof and Canopy Stabilization Project.

Moved by **Councilor Fotter** and seconded by **Deputy Mayor Jordan** that Resolution 09-14 be amended inserting the winning bidders information and adding the paragraph below:

Resolved to disqualify the bid of Fellis Construction as the bid did not use the specified bid form and failed to comply with specific requirements of the Request for Proposals for the Pittsfield Community Theatre Roof and Canopy Stabilization Project.

VOTE TO AMEND: UNANIMOUS AYE

The Town Manager noted the Town Council received a package of information regarding the bids that were received Friday afternoon, 01/16/2009. There were 14 bids received for the job plus 2 bids received to supply just the steel. The low bidder did not submit the required bid form. The Engineering firm recommended to disqualify the bidder. The Town's attorney would agree in this case, as all of the necessary information that was to be on the bid form was not submitted by the low bidder so this really is not fair to the other bidders. The low bidder is Fellis Construction of Mariaville, Maine.

The Engineer, Sewall Company, reviewed the bids with the Building Inspector Friday afternoon. Today, we received their formal recommendation of that review:

To accept the bid of Bowman Brothers, Inc. of Newport in the amount of \$79,555.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that Resolution 09-14 be adopted as amended.

Amended Resolution:

RESOLUTION 09-14: Resolved that the Town Council Disqualify the bid of Fellis Construction as the bid did not use the specified bid form and failed to comply with specific requirements of the Request for Proposals for the Pittsfield Community Theatre Roof and Canopy Stabilization Project and Accept the bid of Bowman Brothers, Inc. of Newport, Maine in an amount not to exceed \$79,555.00 for the Pittsfield Community Theatre Roof and Canopy Stabilization Project.

VOTE: UNANIMOUS AYE

- c. **RESOLUTION 09-15:** Resolved that the Town Council Waive the bid policy to follow the State Bid Package for Police Cruisers and to accept the proposed bid of Quirk Ford in an amount not to exceed \$21,400.00 (original price is \$22,833.00 - \$1,433.00 trade in for 2004 Police Cruiser) for a 2009 Ford P71 Crown Victoria 4-door police car.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that Resolution 09-15 be adopted.

The Town Manager noted the 2009 budget, through the capital account, contained funds for a vehicle purchase for the Police Department to keep the fleet up to date. Generally, we have purchased under the State Police Package, although information will be submitted to all of the Ford dealers in the area.

We had allocated \$23,500 with \$5,000 to come from the reserve. The Police Chief will need to get the costs for transferring over the cage, light bar, etc.

The capital allocation for 2009 was \$18,500. The reserve account has \$8,483.22 as of 12/31/2008.

VOTE: UNANIMOUS AYE

- d. **RESOLUTION 09-16:** Resolved that the Town Council Authorize the Town Manager to execute the application for outdoor fireworks display as property owner of the Pittsfield Municipal Airport for the Greater Pittsfield Area Kiwanis for the 2009 Egg Festival to be conducted by Central Maine Pyrotechnics subject to receiving approval of the FAA and the appropriate insurance certificate naming the Town of Pittsfield as additional insured

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that Resolution 09-16 be adopted.

The Town Manager noted the Town Council received a copy of the State Fire Marshal Office's Application for Outdoor Fireworks Display including a map of the site. The Fireworks has been at the Airport for many years. The Kiwanis is starting the process early which is greatly appreciated. The next step will be to submit the information to the FAA for approval once the certificate of insurance listing the Town as additional insured arrives.

VOTE: UNANIMOUS AYE

8. **DISCUSSION ITEMS:**

9. **REPORTS:** Audience, Council

Audience:

Council:

Councilor Baker: Would just like to comment today on the new president being in office. I wish him well and feel that things are going to get better for us all.

Councilor Carr: No Comment.

Councilor Chale: Welcome to Chris Carr. Nice to have all the seats filled with Councilors. Congratulate Mike Gray on all the work he has done for the Town.

Deputy Mayor Jordan: Welcome to Chris Carr. Look forward to working together. Also wanted to note that the Pinnacle is hosting the Special Olympics. The events will be starting on February 6, 2009 at 9 AM. Would also like to thank Mike Gray for his many years of service. Hope we do see you occasionally.

Councilor Curtis: Would like to welcome Chris Carr to the Council. I am starting to learn myself about the Council and it is exciting.

Councilor Fotter: Would also like to welcome Chris Carr to the Council. It is good to see a full slate here at the meeting. It has been a pleasure working with Mike Gray.

Mayor Nichols: Would echo all the comments tonight. Welcome to Chris Carr. Congratulations to the Library Project. Congratulations to the Pinnacle for hosting the Special Olympics. It is very special that the Pinnacle was chosen to host. It really is a big deal. Being granted over 8 million dollars in grants is wonderful. Would like to thank Kathryn for all her hard work as well as all the Town employees and Town Council. Thank you to Mike Gray for all his years on the Council. I also would like to wish our new president well on his first day in office.

10. **ADJOURNMENT:**

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that the meeting be adjourned at 8:20 p.m. All in agreement.

Nicole Nickolan, Town Clerk