

MINUTES

For a regular meeting of the Pittsfield Town Council held on Wednesday, November 4, 2009 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Wayne Fotter, Caleb Curtis, Deputy Mayor Gary Jordan, Jr., Donna Chale, Christopher Carr, Louise Baker **ABSENT:** None. Also present: Town Manager Kathryn Ruth and Assistant Treasurer Vickie Braley. Audience members included: Bob Stackhouse, Belinda Stackhouse, Shawn Stackhouse, Don Chute 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 on October 20, 2009.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Chale** that the minutes of the regular meeting on October 20, 2009 be adopted.

VOTE: UNANIMOUS AYE

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

Community and Economic Development Activities and Events

Terms on the following boards/committee will expire this year: Airport; Appeals; Assessment Review; Ethics; Health; Cemetery; Economic Development Team; Housing Rehabilitation Loan Fund; Library; Parks & Recreation; Personnel Appeals; Pinnacle Park; Planning Board; Pool; Recycling; and Theatre. Please contact Nicole, the Town Clerk at the Town Office at 487-3136 if you are interested in one of these positions on or by November 20, 2009.

SPARKLE SVCC Fundraiser at the Millennium on Saturday, November 07, 2009 from 6:00 pm – 10:00 pm. This event benefits local charities in the 12 Town region.

Central Maine Egg Festival Meeting will be held on Thursday, November 12, 2009 at 5:30 pm in the Municipal Building Council Chambers.

One Stop Shopping, a Theatre Restoration/Renovation Fundraiser, is scheduled for Saturday, November 14, 2009 at the First Congregational Church from 1:00 pm – 4:00 pm. Vendors include the Pampered Chef, Lia Sophia, Tastefully Simple, Longaberger and others. This is a great time to plan out Christmas shopping or just gifts. One place to go and take care of many gifts.

The Magic of the Steelgraves, Amazing Family Fun, will be presented at the Pittsfield Community Theatre on Sunday, November 15, 2009 at 2:00 p.m. featuring Maine's Multi-Award-Wining Entertainers Markus & Angelique Steelgrave. Magic, Juggling, Grand Illusions, Live Animals and Comedy. Tickets are \$10.00 available at the Pittsfield Town Office, Pittsfield Community Theatre from 6:30 pm – 9:00 pm and Bud's Shop 'N

Save in Pittsfield. This event is courtesy the Theatre Committee and is a special program of the Pittsfield Community Theatre

Energy Efficiency and Conservation Block Grants to Units of Local and County Government Opportunity

This is an exciting and highly competitive grant opportunity for energy efficiencies. It is exciting because it is good to conserve and to save natural resources and it is going to be highly competitive because this is the first time that funds have been available to Towns for energy conservation. Most towns have older buildings and drafts so there will be a lot of applications for a limited pool of funds.

We contacted a variety of companies in the area to look at the Municipal Building, Transfer Station/Recycling Center and Highway Garage. These are structures that are heated or need better heating, they have the highest utility bills and they are not part of a renovation/restoration project. 3 companies expressed interest and we conducted meetings with them asking for a comprehensive project and left it up to the companies to determine which would be the best application for the funding. The Municipal building was recommended by everyone. We have been working with Vaughan Woodruff of Yankee Solutions for the last couple of weeks as they provided a really good overall comprehensive review. They are aware that if we were so fortunate to receive funding that we may need to bid out the work depending on the requirements that are set for the projects.

The grant amount request is for \$79,000. We have the requested 10% match.

Some of these items are those, which we have wanted to do for years but have lacked the funding.

As part of this project, we also updated the Town's Environmental Plan to include all of the Energy Items that we have talked about over the years and new items that sounded sensible to do. The Councilors received a copy of that document which is going to the Recycling Committee next week at their meeting.

In addition, I had signed up for the Town to be a Cool Community earlier this year. This is a free resource and direction, which Towns are able to join with the motto of "solving global warming one Maine community at a time." It provides the Town with a lot of free resources and is very interesting on the different activities that can take place in the community, many of which we have been working on over the years.

The final step to join the Cool Communities and to be designated as one is for the Mayor to sign the US Mayors Climate Protection Agreement which means that the Town is making a commitment to reduce greenhouse gas emissions in the community through promoting items such as: Increasing energy efficiency, reducing vehicle miles travels, maintaining healthy urban forests, reducing sprawl and promoting the use of clean renewable energy resources.

The agreement also calls for Congress to pass legislation that sets meaningful timelines and limits on emissions through a flexible market-based system of tradeable allowances

among emitting industries. It means we are interested in working toward cleaner air, decreased dependence on imported oil and gas, healthy urban forests and reduced energy bills.

The actual document signed by the Mayors of the Towns just states “You have my support for the US Mayors Climate Protection Agreement.”

The Energy Pact was reviewed and Items to strive for were discussed. The Councilors were interested in applying for this grant. Mayor Nichols will sign the Climate Protection Agreement.

Review of the Comprehensive Plan Implementation Strategies and Goals

When the Comprehensive Plan Implementation Strategies and Goals was approved as a planning document for the Town on 01/02/2007, it was recommended that the document be reviewed each year. This process was recommended due to the fact that many of the projects would require additional funding.

This review is to consider if any projects will be proposed for 2010.

Given the economy, lower than average revenue collections and the need to budget for necessities, we do not recommend adding any new projects this year.

The Town has been spending all available time addressing regular business, more concerns than usual which appear to be driven by a down economy, streamlining services as best as possible to deal with a lower level of expenditures and multiple grant projects. We are planning to continue streamlining and planning for the future when the economy bounces back and revenue collections increase. The economists have indicated that we have turned the corner.

We are already performing many of the non-cost or very low cost opportunities in the Comprehensive Plan. With the exception of possibly having an Arts Council, specific projects were not listed.

Presentation by the Town Manager on Town Goals and Achievements

A brief presentation on the Town Goals and Achievements was given. A few departments’ achievements and goals were highlighted. Please see the 2009 Department Accomplishments and 2010 Department Goals for the full document.

It is always good to promote the Town’s achievements and to depict goals for the future. Even though we are in a down economy, revenue collections have been remarkable low and we have been under a budget freeze since March of 2009, the departments have all had accomplishments. In some ways, we are more proud of the accomplishments because they are harder to achieve as we have been operating with less funding. It requires a lot of creativity, it is more work and we have been incredibly busy.

I would like to point out a few accomplishments and a few goals as follows: Key points of the document were read.

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

- a. **ORDINANCE 09-21:** (Public Hearing) That the Town of Pittsfield hereby Ordains the amendment of Chapter 2A. Business Licenses and Permits to add Section 213. Pawnbroker and add Pawnbroker to Schedule A.

No one wished to speak in favor or against Ordinance 09-21. Public Hearing closed.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Ordinance 09-21 be adopted.

The Town Manager noted the Town of Pittsfield received a request to add this language back into Chapter 2A. from Mr. Quinn, who is currently operating the antique shop at 103 Main Street. He would like to expand his business to include a pawnshop.

In 2004, during extensive streamlining of Chapter 2A that people had noted was restrictive, including the current Code Enforcement Officer at the time, this section was deleted. It was deleted as there was an option to obtain a permit at the State level. Mr. Quinn called the State and found that such registration was very cost prohibitive and was encouraged to work with the Town. We reviewed the State website which now contains material about the permitting requirements. We would agree that obtaining a pawnbroker license through the State is extremely difficult.

The Ordinance Committee recommended approval of this request at their last meeting on 10/06/2009. The proposed language is attached as well as the information from the State website.

VOTE: UNANIMOUS AYE

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

Town Manager: No Report. **Finance Committee:** No Report.
Ordinance Committee: No Report. **Recycling Committee:** No Report.

6. **NEW BUSINESS:**

- a. **ORDINANCE 09-22:** (To be set to Public Hearing on 11/17/2009) That the Town of Pittsfield hereby Ordains the renewal of a franchise agreement with Time Warner NY Cable LLC d/b/a Time Warner Cable and will hold a public hearing on 11/17/2009 for the purpose of taking public comment.

Moved by **Councilor Fotter** and seconded by **Deputy Mayor Jordan** that Ordinance 09-22 be set to public hearing.

The Town Manager noted this public hearing will be scheduled in accordance with the terms of the Town's Cable Television Ordinance. The 1994 agreement for a cable franchise which Time Warner Cable acquired expires in December 2009. Time Warner has invoked federal regulation

47 U.S.C. 546 for a renewal. While the current contract and its renewal options expires this year, federal law allows for the company to request a renewal.

The public hearing will be to seek public comment regarding the renewal of a franchise agreement with Time Warner Cable. The purpose of the public hearing will be to determine whether there are sufficient grounds to believe that the franchise should not be renewed. State Law appears to make the test for renewal based upon “safe, adequate and reliable” service

We should take this opportunity to upgrade the old cable franchise agreement dating back to 1994 into a new up-to-date cable franchise agreement. Time Warner appears willing for the Town to make a proposal or they will submit a proposal, our choice.

Right now, the items which I perceive as open and which we would want resolved are as follows:

1. Senior Citizen discount;
2. Movie station that people like (the law does not allow the Town to approve channels, however, we certainly can suggest);
3. Cable television drops at the Municipal Building Meeting Room and Library, along with free cable. This can be used for the Town to see what is on the public access station; become more involved with the public access programming; and for educational purposes. This is not for people to watch television;
4. Cable television drops at School Buildings, along with free cable. This can be used for educational purposes.
5. The ability to hook into Time Warner Roadrunner internet access for free for town buildings.

We should use this meeting as an opportunity to determine if there are other items, which we perceive, are needed or should change.

Time Warner resolved the numerous citizen concerns over poor customer service when the calls were answered out of state for a period of time and we have not received any complaints for a very long period.

I have a copy of the draft cable franchise agreement, which a number of Southern Maine Towns hired an attorney to draft for them. We can start with this draft, as our franchise agreement is 15 years old. Time Warner is coming to Pittsfield on Friday so that we can discuss the Council’s ideas at that meeting. The Town Councilors were interested in the items listed at the meeting.

VOTE: UNANIMOUS AYE

- c. **RESOLUTION 09-151:** Resolved that the Town Council Authorize the Code Enforcement Officer and the Public Works Foreman to sign off on new pole permit easements along town ways on behalf of the Town of Pittsfield.

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Fotter** that Resolution 09-151 be adopted.

The Town Manager noted pole permit applications often come up very quickly. The Code Enforcement Officer and the Public Works Foreman always review the site and provide a recommendation on pole permits. In order to provide for better customer service (turn around

time) for people building homes and/or business development, it is recommended that the staff sign off on these permits rather than waiting to place the permits on the agenda for approval.

VOTE: UNANIMOUS AYE

- d.* **RESOLUTION 09-152:** Resolved that the Town Council Authorize the Town Manager to sign off on new pole permit easements on town properties on behalf of the Town of Pittsfield.

Moved by **Councilor Curtis** and seconded by **Deputy Mayor Jordan** that Resolution 09-152 be adopted.

The Town Manager noted pole permit applications for town properties often come up very quickly. Whether it is to move a pole for a utility entrenchment such as may be required for water and/or sewer line projects that could be coming up if funding is received on pending applications; the necessity for temporary power for an operation that may take place; or the need to enhance services, it is recommended that the Town Manager sign off on these permits rather than waiting to place the permits on the agenda for approval.

Depending on the projects that are approved for water and sewer, we could have a pole permit come up. We are also enhancing the Recycling Facility and the Wind Turbine Educational Project. The current arrangement involves the wind turbine being hooked directly into the Recycling Center and we are proposing to have the Wind Turbine hooked into its own service. Right now, all the wind turbine equipment is in the Recycling Center along with the Recycling equipment behind a large piece of equipment, which is not conducive to educational classes or tours. There is so much equipment hooked up that at times, we have to turn different items off. Everyone thought that this hookup would be advantageous but it is not, it is better to have the wind turbine located on its own service. The power that is put into the grid will still be netted toward the Recycling Center's operations. A meeting of the parties involved, which includes the vendor, town, electricians and others, has resulted in this recommendation so that we can run everything at the same time. CMP has been on site and advised the staff that hooking the wind turbine into its own service will work well. The vendor will be on site to oversee the work while it is being done. Donnie Chute, who is managing the wind turbine is here this evening in case further explanation is needed.

The Recycling Coordinator explained that when we are powering up we are using some of the energy that is coming in from the wind turbine and some from the grid. When the station is not running, we are building credits. So if we are not working, the meter is storing the energy and we get credits to pull from. Donnie explained that the Transfer Station has wiring from the 1984 era and is wired so that we can run everything that we have now. Donnie stated everything could be run before the wind turbine was hooked in and there were no issues. If we take the wind turbine out and it is hooked into the outgoing side on its own meter rather than on the in-coming side, it will work all the time. We are all right now at the Transfer Station, but if in the future we want to add more equipment, then we need to complete an upgrade. Donnie Chute indicated in discussions with CMP that they have pointed out that they have had issues from Day 1 when wind turbines are hooked directly into a number of existing facilities as the technology is not perfected and have recommended that the wind turbine be on a separate meter. It should be on the out-going side and not on the in-going side.

Mayor Nichols stated that we are waiting for CMP to run a line to the wind turbine so that it can be on its own line rather than being directly plugged in with the facility's equipment and then it can run all the time.

VOTE: UNANIMOUS AYE

- e. **RESOLUTION 09-153:** Resolved that the Town Council Authorize the expenditure of \$1,495 from the 2009 Theatre Budget for Farris Entertainment for a Magic of the Steelgraves Show on November 15, 2009 and Authorize the Town Manager to execute a contract for the same

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that Resolution 09-153 be adopted.

The Town Manager noted the Theatre Manager and Theatre Committee are working on a specialty show to draw more people into the Theatre, expanding the uses of the Theatre for entertainment, bring more visibility to the Theatre and as a revenue booster. This is their first specialty show so everyone should get a ticket. It is a Magic Show that is for both children and adults. As a contract is involved, the Town Manager should be authorized to sign the contract.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS: NONE**

8. **REPORTS:** Audience, Council

Audience:

Shawn Stackhouse: Questioned if it would be practical to have a Town wide discussion or informative meeting regarding the wind turbine. The Town Manager noted that tours are being planned.

Council:

Councilor Baker: No Report.

Councilor Carr: Congratulations to Bob on being elected to Council.

Councilor Chale: No Report.

Deputy Mayor Jordan: Congratulations to Bob, Tim and Louise on being elected to Council.

Councilor Curtis: No Report.

Councilor Fotter: Congratulations to everyone on being elected to Council.

Mayor Nichols: Thank you to everyone for voting for me again for Council. Congrats to Bob and Louise. The windmill process has a few bumps in the road – but it will work itself out.

9. **ADJOURNMENT:**

Moved by **Deputy Mayor Jordan** and seconded by **Councilor Curtis** that the meeting be adjourned at 8:42 p.m. All in agreement.

Nicole Nickolan, Town Clerk