

# MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, January 17, 2017 at 6:30 pm in the Council Chambers.

**PRESENT:** COUNCILORS: Robert Stackhouse, Timothy Nichols, Marie Manning, Heather Donahue and Scott Strom. **ABSENT:** Michael Cianchette and Howard Margolskee. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members: Don Hallenbeck and Trudy Ferland.

1. **Mayor Stackhouse** 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 January 3, 2017.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Strom** that the minutes of the Regular Meeting held on January 3, 2017 be adopted.

**VOTE: UNANIMOUS AYE**

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

#### **Commendation for Town Service: Former Town Councilor Trudy A. Ferland**

The Mayor presented a plaque to former Councilor Trudy A. Ferland to thank her for her three (3) years of service on the Town Council and spoke of how helpful former Councilor Ferland had been to the Town. Mrs. Ferland thanked the Town Councilors and Town Manager for the privilege of being able to serve.

#### **Community and Economic Development Activities and Events**

**Sebasticook Valley Chamber of Commerce Annual Dinner on Wednesday, February 22, 2017 at Maine Central Institute from 5:00 pm – 10:00 pm:** The dinner announcement was received today for this networking and achievements banquet. Numerous Councilors expressed interest in attending.

**Report on the SEDC Tour of CM Almy on Thursday, 01/13/2017:** We had a very interesting tour of the CM Almy manufacturing plant here in Pittsfield off Ruth Road with V-P Michael Fendler and his department heads. They have an amazing customer service philosophy as well as very talented employees with high quality products for the churches. Most of their clients are outside of the State of Maine and many are outside of the United States. After the Tour, SEDC had an abbreviated business meeting.

Then we held the informal business session: SEDC Executive Director Heather Johnson and the Town meeting with businesses about resources and opportunities, basically technical assistance and financial resources. Heather reported on what SEDC does. Both SEDC and

the Town relayed that our success is not through having lots of money to give out, it is through having the connections and network to find the resources that people need and to send them to the property agencies for assistance. No town or economic development agency has money for people's projects. We establish networks to help people.

We had just under 20 people which for a lunch time meeting is good. The breakfast events are very well attended here and the business networking events at night. The lunch meetings are a low attendance so they are helpful in flushing out business projects because people feel comfortable talking. Since SEDC was going to be here, it was easy to have their Executive Director stay over to meet with interested businesses. There were 5 business projects under consideration in the room. 4 were expansions of current hobby or smaller businesses, 1 was going to open up a closed business.

We also discussed Broadband. The Broadband planning grant that we were a part of shows for Pittsfield that there are underserved areas, however, they are surrounded by well served areas. Therefore, we would not be eligible for grant funding as our community is as we indicated previously very fortunate for our internet service. The good item about being part of the grant is that opportunities exist due to relationships and networking to see if a current company would serve those areas that need better service or do not have service. There are pockets along Route #2, Route #100 and other locations in Town that would be reviewed with a current company. SEDC is willing to work with us on that.

We also identified businesses at the meeting for which the internet which the Town Office thinks is great is not enough for their business and they need more. So depending upon what this entails, there may be town involvement or not. We would need to know the details.

Good News:

**Outback Farm** will be in during the next few months on their microbrewery business and the tasting facility/facility for gatherings at the farm. Michael and Heather Holland, who we worked with, prior to their review of the former DeNatale farm, then purchased the property and have been running the orchard, community farming and some other projects. They will be proceeding to the brewing of beer and nice facility for gatherings. That project will be coming to the Planning Board for a site review plan.

**Big Bill's** is under consideration or review by 3 parties so we are in hopes that one will purchase it. The property is now being actively marketed and the price is reasonable. There was a period when it was not marketed and the number listed on the front of the building did not yield phone calls back so it was not marketed for 2/3 of a year.

A number of exciting development projects are being planned or are in progress which will need to be discussed in executive session as they have been requested to be kept confidential.

Business Networking for Sebasticook Valley: I am the Chair of the Business Networking Committee for the SVCC Chamber now that Strategic Planning is completed. The Executive Director and I will be meeting this week to discuss potential projects. Read a notice on this

item. Nicole Robinson and I are combining all of our ideas for presentation to the Board of Directors.

The Egg Festival will be the week of July 10, 2017 this year. Read a notice on this item..

#### **4. PUBLIC HEARINGS: NONE**

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

##### **Town Manager's Report: Town Council Meeting of 01/17/2017:**

**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. RFP for Checking Account Banking Services:** This is the hot RFP for the last few years for the Town of the many items that we have put out to bid. READ Notice.

**3. Pittsfield's Birthday on June 19, 2019:** The Town was incorporated on June 19, 1819 so our 200<sup>th</sup> birthday is coming up. READ Notice.

**4. Library news:** Read NOTICE from Library

**5. MDOT News:** Read NOTICE from MDOT

Also, a contractor came in to advise that an RFP is out for the re-decking of the three bridges. These are the bridges that were involved with the last one year of negotiations with the State over having a lit tunnel along our Recreational Trail. We will look into this item.

**6. Sebasticook Valley Chamber of Commerce Annual Banquet will be held in Pittsfield in February 2017:** Touched upon under the Economic Development Report.

**7. Somerset Economic Development Corporation Board of Directors Meeting in Pittsfield:** Touched upon under the Economic Development Report.

**Finance Committee:** No Report

**Ordinance Committee:** No Report

**Recycling Committee:** No Report

#### **6. NEW BUSINESS:**

***ORDINANCE 17-01: (EMERGENCY)*** The Town of Pittsfield hereby Ordains to enact by Emergency Ordinance, The Town of Pittsfield Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs, with said enactment to become effective immediately, pursuant to the provisions of Section 2.14 of the Town Charter.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Strom** that Ordinance 17-01 be adopted.

The Town Manager noted at their 01/03/2017 Ordinance Committee Meeting, it was voted to recommend an emergency moratorium regarding the recreational use of marijuana. The Town had been in the process of reviewing these materials when phone calls were received from businesses and individuals regarding their concerns about the passage of the referendum. After explaining the process, the businesses and individuals were pleased that we would consider a moratorium. In the recent referendum, the citizens of Pittsfield voted 1071 No to 886 Yes on Question 1, the Legalization of Marijuana.

The Ordinance Committee received a package with background material from the Maine Municipal Association, various versions of a Moratorium, and other background material received on the recent legalization.

After a detailed review of the various ordinance samples, the Ordinance Committee voted to recommend the Ordinance which had been drafted by the Town Attorney for another community as an Emergency Ordinance due to health, safety and welfare issues. I formatted the Emergency Ordinance for the Town of Pittsfield's ordinance process and had the Town Attorney review it. Attached is an Emergency Ordinance to go into effect immediately as reviewed by the Town Attorney. This Emergency Ordinance will need to have a 60-day period of enactment, at which point, if State law is not completed and/or the Town has not finished its review, the Town may re-enact the Ordinance.

As we know, there is a lot of confusion on this issue. The larger towns around us as well as Newport are considering a moratorium. It protects the Town while this all gets hashed out at the State level. Once we have an idea of what the State proposes, we can have the Planning Board and Code Enforcement Officer start reviewing the zoning and how this type of facility would fit into our community (or would not). We have to remember that the medical marijuana regulations are separate from recreational marijuana.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 17-17:** Resolved that the Town Council Adopt the Proclamation for the Mayor to declare January 22 – 28, 2017 as Town of Pittsfield School Choice Week.

Moved by **Deputy Mayor Nichols** and seconded by **Councilor Strom** that Resolution 17-17 be adopted.

The Town Manager noted the Town Council received a copy of the request to declare January 22 -28, 2017 as School Choice Week in Pittsfield. A sample proclamation was prepared for the Town of Pittsfield for the Mayor to sign. This was forwarded to the Town as a Proclamation and these are signed by the Mayor after approval by the Town Council. It does not state that we are in favor or not in favor of School Choice, just that this is the School Choice week and it is good to emphasize this type of item.

**VOTE:**  
**AYE: Nichols/Strom/Manning/Stackhouse**  
**NAY: Donahue**

**RESOLUTION 17-18:** Resolved that the Town Council authorize the Town Manager and Deputy Tax Collector to issue notices of Tax Acquired Property Sale and place a Tax Acquired Parcel out to bid as follows: Property Map 029, Lot 081 located on 235 North Main Street, Pittsfield, ME 04967.

Moved by **Councilor Manning** and seconded by **Deputy Mayor Nichols** that Resolution 17-18 be adopted.

The Town Manager noted the Town Council received a copy of a bid notice for one parcel. After consulting with the Town Tax Assessor for the minimum bid amount, we would propose a minimum bid amount of \$17,000.

All bids must be received at the Pittsfield Town Office, Attention Deputy Tax Collector, 112 Somerset Avenue, Pittsfield, ME 04967-1432 by March 15, 2017 at 11:00 a.m., at which time they will be publicly opened. Late bids will not be opened or considered.

The Town shall issue a Municipal Quit Claim Deed Without Covenant to convey title. All property is sold “as is”.

The successful proposer shall be responsible for the removal of all occupants of purchased tax acquired property and shall, in writing, forever indemnify and save harmless the municipality from any and all claims arising out of the sale of the tax acquired property brought by the occupants of the purchased property, their heirs or assigns.

This is a two apartment building, vacant for several years due to bank foreclosure issues with multiple financial institutions and an out of state former owner.

There are almost \$7,000 in taxes, costs and interest so the Town would clear \$10,000 with this price if bids were received. \$17,000 for an apartment building is a good price and then as with all TAP, it will need to be rehabilitated/renovated.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 17-19:** Resolved that the Town Council waive the Bid Policy and accept the proposal of RHR Smith & Company, CPA of Buxton in the amount of \$9,900 for the Municipal, Water Enterprise and Sewer Enterprise Audits; \$1,200 for the Single Audit for Grants when required, and \$250 for the PUC Report if required for the Audit Year of 2016; and approve the firm as the external auditor for the Town’s 2016 Audit.

Moved by **Councilor Strom** and seconded by **Councilor Donahue** that Resolution 17-19 be adopted.

The Town Manager noted the Town Council had authorized an RFP for Auditing Services for the 2006 and 2007 audits. The cost of RHR Smith & Company was \$9,900 for each year for the Municipal Services, Water and Sewer Enterprises. For many, many years prior to this the Town had another auditor that did a great job, however, was quite expensive with the audits costing around \$20,000. This was a very good price and the firm has agreed to keep the same price for 2008 – 2015.

RHR Smith & Company has agreed to keep the same audit costs for 2016. Considering the size and extensive complexity of the many state and federal grants that the Town has received for these years as well as for 2016, and the Town's many additional services, funds and small grants, this is an excellent price.

\$7,000 for the Municipal Services

\$1,450 for Water Enterprise

\$1,450 for Sewer Enterprise

\$1,200 for Single Audit for Federal Grants

\$ 250 for the PUC Report if we would like them to compile it.

Mr. Ron Smith, Managing Partner, met with the Town Council in 2011, 2012 and 2014 while Charemon Davis, Senior Auditor, met with the Town Council in 2013, 2015 and 2016. It is clear that both auditors were well versed in auditing principles and quite knowledgeable about the Town's bookkeeping system.

**VOTE: UNANIMOUS AYE**

**RESOLUTION 17-20:** Resolved that the Town Council appoint members to fill the vacancies on the various Town Boards and Committees from the attached list.

Moved by **Councilor Donahue** and seconded by **Deputy Mayor Nichols** that Resolution 17-20 be adopted.

The Town Manager noted Ruth Hodges has requested to be on the Theatre Committee which has one opening.

Howard Margolskee has noted that he would serve on the Board of Health and the Economic Development Team. He would have the background that could be of great assistance for the Board of Health. For the Economic Development Team, this group may be combined with another group. We have PEEC and the Team, both of which were doing the same thing so the Economic Development Team was put on hold.

**VOTE: UNANIMOUS AYE**

## **7. DISCUSSION ITEMS:**

### **Updates:**

**Ordinance Amendments Update:** The Planning Board is putting its finishing touches on the property maintenance ordinance amendments to address Junky yards. Once this is completed, the proposed ordinance amendments will go to the Town Attorney for review.

**Code Enforcement Violations Update:** The Building Inspector has not been able to work on these items. The Town Manager will request that he prepare for Spring so that the Town can hit the ground running with some of the pending issues. With the sale of the old mobile home park off Somerset Avenue, many of the park's issues should be addressed.

**Police Chief Hiring Process:** It is now time to start this process as enough time for decorum has passed and we are past the holidays. The Town Manager asked if 1 or 2 Councilors would be interested in assisting. Both Mayor Stackhouse and Councilor Donahue volunteered to assist with the interviewing process. The Town Manager will draft an outline to discuss at the next meeting for due dates.

**Water and Sewer Liens:** The Town Manager advised of the situation with one lien in a mobile home park that has a large balance outstanding.

**Town Office Filing Project:** This project is going along really well. Filing into one master plan all of the records for the last 15 years as well as the entire safes is a massive project that will make the Town more efficient and effective in the future as staff members change.

**Spirit of America Nominees for 2017:** It is time to make a choice for 2017. The Town Manager will have a list of nominees for the next Council Meeting. Councilors are to send any names of new nominees to the Town Manager by next week. Even if the names are submitted at the meeting, the Councilors can still choose a nominee.

**200<sup>th</sup> Anniversary Committee:** It has been very slow for the submittal of volunteer names. Extensive advertising and promotion has taken place.

**Pittsfield Theatre History Orientation Packages:** The Town Manager discussed the Orientation packages that were compiled for the entire Committee after receiving some questions from Councilor Manning. It seemed prudent to provide the same information to everyone, therefore, all future Theatre Committee members will receive an Orientation Package.

**Financial:**

Financial Reports as of 12/31/2016  
(Without Accounts Receivables & Payables)  
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

**Other Reports as of 12/31/2016:**

Building and Plumbing Permit Reports  
Library Report – Librarian's and Library Trustees Minutes  
Police Report

The Town Manager advised of the following:

Budget Expenditure Report: 100.0% of period; 94.6% municipal, 85.9% municipal, water & sewer (depreciation and transfers done by Auditor so percentage will increase)

Revenue Collections Report: 100.0% period; 102.0% municipal, 96.1% municipal, water & sewer

Excise Tax Collections Comparison Report: For this period, \$45,103.39 ahead of 2015 collections at this time of the year.

State Revenue Sharing Comparison Report: For this period, \$29,939.96 behind the 2015 collections. This account needs to be watched closely as it continues to fall behind.

The remainder of the Financial Reports are self-explanatory.

**8. REPORTS:** Audience, Council

**Audience:**

**Don Hallenbeck:** The old filing system in the safe sounds like an episode of Storage Wars. Come spring there is a lot of patchwork that needs to be done on Seabasticook Street. There are many large craters. There seems to be many lights burned out down by the old pharmacy.

**Council:**

**Councilor Manning:** I have received many questions from Community members regarding snow removal on Main Street The Town Manager noted that there has been some issues with the snow removal. This has been a difficult year with many storms all at once with considerable ice and extensive overtime. Councilor Manning asked when Dunkin Donuts will open. This is the most asked question! The Town Manager noted that the project continues to be planned for late Spring. **Councilor Strom** also noted that the project is to open in late Spring. There are two others being built and they had to have the Plumber go to one of the other sites due to some issues so our site had to wait for the Plumber to come back. Councilor Manning thanked Deputy Mayor Nichols for his 20 years of service. This is huge commitment. It would be good publicity to do something special for him. Maybe a photo with the Mayor or having some kind of recognition at the Statehouse. It is a big week. I hope Trump serves our Country well. I hope the march will be peaceful. When there is fear or anger in our hearts, peace gets lost. I hope everyone stays safe on Saturday.

**Councilor Donahue:** I was able to go to the CM Almay tour. It was so fascinating. They have a new candle line that I think will be wildly popular. The session after the tour was very encouraging. I attended a marketing workshop in Bangor. It was about low cost ways to market a business. It was very informative. I recently received an email from the Community Grant Foundation. I thought it might be something the Theatre could use. I will share the information with Councilor Manning for the next Theatre meeting. I will also send it to the Town Manager.

**Councilor Margolskee:** Absent.

**Deputy Mayor Nichols:** I would like to attend the Egg Festival Meeting but I cannot take off work on Thursdays. There will be many people eligible for the Spirit of America Award. I will send my suggestion to the Town Manager.

**Councilor Strom:** The Legislature is now in full session. There are items that members of the public can do to volunteer. They can lead the Prayer or sing the National Anthem. It looks like they will be moving forward with the new exit at Burnham. I recently went to a meeting in Fairfield and there was talk about the possibility of a passenger train in Central Maine. It would have stops at Brunswick, Augusta, Waterville and Bangor. It would be very expensive as it would be over \$1 million dollars a mile.

**Councilor Cianchette:** Absent.

**Mayor Stackhouse:** The Spirit of America award will be coming up. I will get my names to the Town Manager.

## 9. EXECUTIVE SESSION:

Executive Session for Title 1, Section 405, 6.C., Economic Development, Disposition of Property and Acquisition of Property

Motion by **Deputy Mayor Nichols** to enter into executive session to discuss Economic Development, Disposition of Property and Acquisition of Property under Title 1, Section 405, 6.C. at 7:46 p.m. The motion was seconded by **Councilor Donahue**.

Motion by **Deputy Mayor Nichols** to return to regular session. The motion was seconded by **Councilor Strom**. The Town Council exited executive session at 8:40 p.m.

## 10. ADJOURNMENT

Motion by **Deputy Mayor Nichols** and seconded by **Councilor Manning** that the meeting be adjourned at 8:41 p.m. All in agreement.

**VOTE: UNANIMOUS AYE**

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Nicole Nickolan, Town Clerk