

**LOWELL TOWN COUNCIL
REGULAR MEETING
FEBRUARY 25, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, February 25, 2008 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. Council members answering roll call were Donald Huseman, Shane Tucker, John Alessia, Phillip Kuiper, and David Gard. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Park Superintendent Tom Sullivan, Police Chief John Shelhart, one member of the media and seven interested citizens. President Kuiper commented that by looking at all of the signs and billboards through town, he knew that the Town of Lowell, along with the Town Council, was very proud of Amy Davis' accomplishments on American Idol. They wish, whatever her hopes and dreams are, that something good comes out of the national exposure she received.

TREASURER'S REPORT

Councilman Huseman made a motion to approve the Treasurer's Report for January, 2008 as presented, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the February 11^h regular meeting, seconded by Councilman Tucker. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1167-1219, Water Vouchers #2103-2130 and Waste Water Vouchers #3080-3098 and recommended them for approval. Councilman Gard made a motion to approve the vouchers as listed, seconded by Councilman Huseman. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

Act on favorable recommendation from Plan Commission: President Kuiper read a letter of favorable recommendation from the Plan Commission regarding approval of the zone change from R-1 SF to R-2 SF for the Preserves Subdivision, Phase V. Director Cox stated he had no additional comments on the matter.

1st & 2nd Reading - Ordinance #2008-04 - rezoning from R-1 to R-2 Preserves Subdivision, Phase V - Councilman Gard made a motion to hold Ordinance #2008-04, an Ordinance granting Rezone and changing Zoning Map from R-1 Single Family Residential to R-2 Single Family Residential for Preserves Subdivision, Phase V, over for second reading by name and title only, seconded by Councilman Huseman. The motion carried by voice vote. Councilman Gard made

a motion to suspend the rules, seconded by Councilman Huseman. Attorney Sobkowski explained that technically, because this is a zoning ordinance with a recommendation from the Plan Commission, it can be adopted right away without suspending the rules by simple majority vote. Councilman Gard withdrew his motion. Councilman Gard made a motion to adopt Ordinance #2008-04 by name and title only, seconded by Councilman Huseman. Roll call vote carried with five ayes.

Resolution #2008-03 - Transfer of funds - Cumulative Sewer Fund - President Kuiper read Resolution #2008-03 to transfer funds in the amount of \$15,000 within the Cumulative Sewer Fund. The transfer does not affect the balance in the fund. Councilman Tucker made a motion to adopt Resolution #2008-03, seconded by Councilman Alessia. The motion carried by voice vote.

UNFINISHED BUSINESS

Lowell Utilities Update - Nothing was reported for any of the following items: WWTP JMOB Requests; WWTP Phase II Project; Water Infrastructure Improvement Plan; Storm Sewers/Lift Station, East Side Sewer Project.

Storm Water Project at Hilltop and Joe Martin - Director Shook reported that he has received some preliminary engineering for Joe Martin Road which involves the installation of about eight inlets, drains, a twelve inch sewer line running along the east side from the south side of Southview Drive to Evergreen pond. That looks like the best way to get the water off of Joe Martin Road. He met with Roger Kotlowski from Commonwealth last Friday. They are looking at the actual Hilltop subdivision right now and they are trying to stay away from the idea of building any ponds. There really isn't room to put any in. He hopes to have something for the Hilltop subdivision by the next meeting and should have everything finalized by the end of March to go out and get pricing. Commonwealth is putting together some estimates of cost. President Kuiper asked if they have been keeping the Cencion's informed. Director Shook reported that he just spoke with them earlier in the day, showed them the engineering plans and explained what was being done and they were very happy. Councilman Huseman commented that during a heavy rain, the level in Evergreen pond raises and he asked if the outfall would hold the water back. Director Shook stated they discussed the outlet and are looking into it further. When just looking at the manhole across Route 2, it appears to be a twelve inch. Commonwealth is going to run the calculations to determine if the twelve inch will have to be upsized or not.

Apartment comparisons - utility billing - Financial Solutions Group - President Kuiper read a letter from Financial Solutions Group regarding a comparison study they performed on apartment consumption in Lowell. The EPA Region 5 standard, which has been used for an excess of 20 years, is that apartments generally are considered to use approximately 20% less volume with 20% less demand on the system. The comparison study proved that the apartments are lower than that standard, but using a lower standard would require constant monitoring and review. FSG recommended that the utility use the EPA standard on only the fixed charge or service charge in the ordinance. Since the rate does not currently appear in the ordinance at this time, an ordinance amendment would be required. Councilman Huseman asked if they were going to go

with the 20%. Clerk-Treasurer Walters explained that they would have to amend the ordinance to allow them to get the 20%. Right now, if there is a twenty four unit apartment building, they are paying a minimum bill times twenty four units. What FSG is saying is that they don't use enough water to meet the minimum so they are paying a maximum allowed but their water usage isn't high enough to meet the amount they are paying for. This way, they would get 20% off the sewer portion of their bill. Councilman Huseman asked if each unit was metered. Clerk-Treasurer Walters stated the apartment buildings only have one meter for all units. Some apartment buildings use enough water that they are past the minimum so it doesn't matter. If they use less than the minimum, this way they would not be charged the larger amount. Councilman Gard made a motion to authorize counsel to prepare an ordinance amendment, seconded by Councilman Huseman. The motion carried by voice vote.

Tabled from previous meetings:

12/10/07 - Paving of street in Meadowbrook Subdivision - Director Cox reported that he has been in contact with Harris Bank out of Canada, which is where the stand-by letters of credit are held. The town has sent notice to them that it is the intent of the town to draw down on the letters of credit. There are a couple of things that need to be done and he has shared this information with the town attorney, who has a call in to the bank. One of the things that needs to be done is to get a proposal for repairs and for the list of items that need to be finished in the subdivision. It appears that there will be sufficient funds with both letters of credit to cover the work that needs to be done. Councilman Gard asked if that included the alleys and Director Cox stated it did. Councilman Huseman stated they are going to grind around the castings so there will be no flaking off and grind the approaches to the garages where cold patch was put down to allow the residents access to their garages in the alleys. Director Cox stated that Councilman Huseman was kind enough to go out the other day with Asphalt Paving to go over all of the places where work needed to be done. Councilman Gard asked for a time frame on when the money would become available. Attorney Sobkowski stated that is what he was trying to confirm with the representative from Harris in Montreal, Canada, but it looks like they require the town to obtain the bids and they provide the money once the work is completed based on invoices. Because of the size of the project, since it exceeds \$50,000, it will require formal bidding, so project plans and specs will have to be prepared, due notice given in the newspapers and solicitation of proposals for the work. Councilman Gard asked how quickly this could be made to happen. Director Cox said they could be working on this now, during bad weather, so it is hopefully ready to begin in good weather. It will be done this year and he said it is likely that it will be done by June 30th, which is the date they were hoping for anyway. Councilman Huseman commented on some items he wanted to make sure were included in the spec sheet. Director Cox said he would work with him on getting that written up and he suggested the engineer be involved also.

01/14/08 - No parking snow ordinance - Director Shook reported they were not ready for this item yet. President Kuiper asked if it would be ready by the next meeting and Director Shook said he would work on it.

NEW BUSINESS

Acting as Board of Finance - cancel outstanding warrants over two years old - Clerk-Treasurer Walters reported that there is a list of six meter deposit refunds that have been carried on the books for two years that have not been cashed. She requested permission to void them out and put the funds in the operating fund. If they come back within the next seven years, they will be issued a new check. Councilman Tucker made a motion to grant permission to void outstanding warrants over two years old, seconded by Councilman Gard. The motion carried by voice vote.

Act on Compliance with Statement of Benefits for two Tax Abatements - Saco Industries - Attorney Herman Barber, representative for Saco Industries, stated they have two abatements. The first abatement has two years left since it was done back in 2000. The second abatement has either four or five years left and was for an addition on to the first building. On the first abatement, they had 156 employees at the time and estimated they would add 60 more, when in actuality they added 180 employees. The payroll went from \$3,380,000 to the current payroll of \$9,467,000. On the second abatement, at the time they requested abatement, they had 220 employees and estimated adding 8 more. They have actually added 116. It's kind of hard to separate the salaries so they have used the total for the whole factory which is \$9,467,000. Since there are only two years left on the first abatement, the full amount of the improvement for that abatement is 90% on the tax rolls now. He requested approval of both CF-1 forms for both abatements. Councilman Gard made a motion to approve the request, seconded by Councilman Huseman. The motion carried by voice vote.

President Kuiper stated that while not on the agenda, he would like consideration of approval of \$4,500 for Freedom Park. They have a BMX organization out there and there have been some commitments. Last year they ran without, but they need electric service out to the BMX track at a cost of \$9,000. He proposed the town would help them out and cover half of the cost with the BMX organization covering the other half. Councilman Huseman made a motion to approve the expense of \$4,500 from the Gaming Revenue Fund for Freedom Park to be specifically used for the electric phase that is going to the BMX track on an established route, seconded by Councilman Tucker. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting on Monday, March 10, 2008 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media stated she did not catch the figures for the transfer under Ordinances & Resolutions. Clerk-Treasurer Walters explained it was transferring \$15,000 from one line to another.

John Masepohl, 323 Spruce Ct., commented that what he thought he heard, it sounded like pretty good news for Meadowbrook. He said he thought the town would need a contact for when work is scheduled for getting people to move cars and such. He said if it is okay with the Town

Council and Director Cox, that contact person would be himself. He said he would stop by the town hall and give Director Cox his phone number. He said he was not at the last meeting, but if he understood what was said, the town would be drawing down on the existing, expiring bond. President Kuiper said that was correct and that there were two bonds. He asked what happened with the new bond they were trying to get extended. Director Cox stated he did not think Harris Bank was in a position that they wanted to continue the bond at the increased rate. Mr. Masepohl asked if there was going to be enough money, with the two bonds, to do the streets and alleys. President Kuiper stated they believe there is enough. Mr. Masepohl asked if the alleys they were discussing were between Meadowbrook and Dogwood. Councilman Huseman said there were two alleys. Director Cox said all of them that need fixed. Mr. Masepohl said the one that parallels Meadowbrook Drive that runs east and west was the first one they put in and is probably in the best shape of all of them. As time went on and more work was done, the quality got worse and worse. He wondered if all of them were going to be done, if some would be patched or if they were going to do just what was required. Councilman Huseman said they were going to do both alleys. Mr. Masepohl said those would be between Meadowbrook and Dogwood and then between Dogwood and Greenbrier. He said there is also a little short alley by the cul-de-sac that is not in too bad a shape. It was one of the last ones put in and is only about five houses long. He said he has a plat with him and would show them after the meeting. President Kuiper said that was the plan at this time and when they got further along, Director Cox will get in touch with Mr. Masepohl to discuss the matter. Mr. Masepohl asked about grinding and Councilman Huseman said that grinding was included. He thanked the Council for the good news.

There being no further business or discussion, Councilman Huseman made a motion to adjourn, seconded by Councilman Gard at 7:27 P.M.

Phillip Kuiper, President
Lowell Town Council

ATTEST:

Judith Walters, Clerk-Treasurer