

June 8, 2009

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A regular meeting of the Caribou City Council was held at 7:00 p.m. on Monday June 8, 2009, in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr., Christopher A.R. Bell, R. Mark Goughan, Karla M. Bell, David Martin, Mary Kate Barbosa, and Miles R. Williams.

Steven R. Buck, City Manager, was present.

John Swanberg, Philip McDonough, Vernon Leavitt, Doug Morrell, Donald Goughan, Wilfred Martin, Paul and Joan Theriault also attended.

Time Warner covered the meeting.

Council Agenda item #1: Public Input Session - There was no public input.

Council Agenda item #2: Sesquicentennial Update

John Swanberg related that an additional twenty-two historical prints have been enlarged to poster size and are being placed in various spots in the community. Plans are being made for the 20th Maine Regiment representatives to set up camp in Teague Park for a reenactment session during the September 4th and 5th weekend. There will an opportunity for those interested to hear about the Civil War. Float participants are still invited to take part in the September 5th parade, which will include, to name a few, the UMO marching band and the Bangor Community Band. The printing of the history/recipe book has been delayed but will be available by next week. The purchased trees are being planted around the community; nearly one hundred have been donated for planting on City property.

Council Agenda item #16B: Consider a request from the Caribou Chamber of Commerce and Industry to use parking spaces on Sweden Street in front of the former Boise and American Travel buildings on August 6th from 8:00 a.m. to 4:00 p.m. for a Sesquicentennial event.

Motion made by M. Williams, seconded by D. Martin, to allow the CCC&I to use the parking spaces on Sweden Street in front of the former Boise and American Travel buildings on August 6th from 8:00 a.m. to 4:00 p.m. for a Sesquicentennial event. (7 yes) So voted.

Council Agenda item #3: Consider authorizing the Minutes for the following:

- a. May 26, 2009 Council Meeting
- b. May 26, 2009 Council Workshop

Motion made by K. Bell, seconded by MK Barbosa, to authorize the minutes of the May 26, 2009 Council Meeting and Workshop as printed. (7 yes) So voted.

Council Agenda item #4: Public Hearing to receive written and verbal comment on the proposed re-zoning of Tax Map 5 Lot 10D near the Rt. 1 and Buck Road intersection from Rc-2 to R03.

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7:12 p.m. Public Hearing opened.

The City Manager said this proposal stemmed from the consent agreement signed by the Council at the April 27th meeting to support the construction of an agriculture storage building on property that the CCC&I had sold to Irving Farms. This zoning change was being recommended by the Planning Board, and all abutting property owners have been notified.

Mayor Murchison thought that agriculture storage buildings should be considered commercial and RC-2 zoning should recognize them as commercial. Steve said that the Planning Board had done extensive work on the Land Use Tables and it was thought to make more sense to just change this particular zone for this request.

7:18 p.m. Public Hearing closed.

Council Agenda item #5: Consider acting upon the re-zoning of Tax Map 5 Lot 10D from RC-2 to R-3.

Motion made by C. Bell, seconded by D. Martin, to re-zone Tax Map 5 Lot 10D from the current RC-2 designation to R-3 incorporating said parcel into the abutting R-3 Zone and to amend Caribou's Map accordingly. (7 yes) So voted.

Council Agenda item #6: Consider authorizing the Financial Statements for the period ending May 31, 2009.

The City Manager reported the month of May ended with the Revenue Summary Report closing at 41.64% or 0.03% below projections and the Expense Summary Report closed at 38.13% or 3.54% under budget. He gave more detailed information on the major factors affecting the budget, which is basically tracking well overall, when compared to 2008. State Revenue Sharing, with its anticipated shortfall and unpredictability, appears to have the most impact to the non-property tax revenue category.

Motion made by D. Martin, seconded by M. Williams, to authorize the Financial Statements for the period ending May 31, 2009 as printed. (6 yes, 1 no, M. Goughan) So voted.

Council Agenda item #7: Continued review of the 2009 Municipal Budget, non-property tax revenue and adjustments.

The City Manager distributed information to the Council and discussed his and the departments' efforts to reduce the anticipated negative impact of State Revenue Sharing, which could be as much as \$173,000. The Council studied a spreadsheet showing initial budget adjustments being worked on by the various departments, which showed, thus far, a net reduction of \$145,066.81 to the 2009 Municipal Appropriation from the prior budget. The Council discussed the situation with the City Manager.

There was a discussion on the informational leaflet that has accompanied the 2009 tax bills in recent years. The City Manager explained that the information needed for the leaflet would not be known in time to accompany the tax bills. To avoid delays in sending out the tax bills, he

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suggested the Council might want to save the \$1,500 in printing costs and omit the leaflet this year. After some discussion, the consensus of the Council was to omit sending the leaflet with the bills this year. Instead it would be published in the Aroostook Republican and on Channel 8, copies would also be available in the Municipal Building and the Library.

Council Agenda item #8: Consider acting upon the recommendation of the Building Committee to engage Trane in a Detailed Energy Audit for the Municipal Buildings to identify long term savings.

Motion made by D. Martin, seconded by C. Bell, to authorize the expenditure of \$4,800 from G-1-392-00 Planning and Engineering to engage Trane under contract to perform a Detailed Energy Audit for the municipal buildings of City Hall, Library, Fire/Ambulance and Public Works. (7 yes) So voted.

Council Agenda item #9: Consider a recommendation of the Building Committee to pursue a Department of Energy Block Grant for a Central Woodchip Boiler installation.

The Community Director has since learned that Caribou does not meet the requirements of the grant application.

Council Agenda item #10: Consider setting the opening time for the Polls for the June 24, 2009 RSU School Budget Referendum as 8:00 a.m., pursuant to MRSA, Title 21-A, 626. (Closing time fixed at 8:00 p.m.)

Motion made by M. Williams, seconded by K. Bell, to set the opening time for the Polls for the June 24, 2009 RSU School Budget Referendum as 8:00 a.m., pursuant to MRSA, Title 21-A, 626. (7 yes) So voted.

Council Agenda item #11: Consider appointing Judy Corrow as Election Warden and Jayne Farrin as Deputy Election Warden for the June 24, 2009 RSU School Budget Referendum election.

Motion made by K. Bell, seconded by D. Martin, to appoint Judy Corrow as Election Warden and Jayne Farrin as Deputy Election Warden for the June 24, 2009 RSU School Budget Referendum election. (7 yes) So voted.

Council Agenda item #12: Consider setting a Public Hearing date of June 22, 2009 to receive written and verbal input on the setting of the 2009 Mil Rate.

There was a discussion that the RSU school budget hearing, which the Councilors desire to attend, has been scheduled for June 22nd at the Performing Arts Center.

Motion made by C. Bell, seconded by D. Martin, to change the date of the regular City Council meeting from June 22 to June 23, 2009 at 7:00 p.m. (7 yes) So voted.

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Motion made by M. Williams, seconded by MK Barbosa, to set a Public Hearing date of June 23, 2009 to receive written and verbal input on the setting of the 2009 Mil Rate.

Councilor C. Bell pointed out that the Council had fulfilled its obligations as far as public hearings for the budget. Since there has been an opportunity to speak during the public input sessions, he could see neither the necessity nor the value of holding another public hearing. He noted that the only piece outstanding was the school budget and the Council has no control over that; that would be in the hands of the voters. (1 yes, M. Goughan, 6 no) Motion failed.

Council Agenda item #13: Discussion on televising the Council Workshop Sessions

Councilor Goughan, wanting the workshops televised, said educating the people by giving them all the facts would be the best way to avoid misunderstandings.

Councilor Williams, pointing out the fact that workshops are open to the public, added that he had heard from people who had tuned in to the televised sessions part way through a discussion, hadn't gotten all the facts, and consequently had a misconception of what actually took place. He said he did not support televising the workshops.

Mayor Murchison said that there had not been an actual vote to not televise workshops, it had been his own decision.

Councilor K. Bell thought that the consensus in the beginning to not televise workshops should be adhered to.

Motion made by M. Goughan, seconded by D. Martin, to televise all Council workshops. (2 yes, M. Goughan, D. Martin, 5 no) Motion failed.

Council Agenda item #14: Consider setting a Council meeting schedule for July and August

Motion made by D. Martin, seconded by C. Bell, to set the Council summer schedule to one regular meeting a month in July and August. Meeting dates are to be July 13 and August 17, 2009, with the regular schedule to begin September 14, 2009. Discussion. Councilor Barbosa asked if both meetings would include workshop sessions. Mayor Murchison confirmed that they would. (6 yes, 1 no, M. Goughan) So voted.

Council Agenda item #15: Consider authorizing a Texas Hold'Em game of Chance permit for the American Legion Post 15, Sweden Street, for July 11, 2009.

Motion made by C. Bell, seconded by D. Martin, to authorize a Texas Hold'Em game of Chance permit for the American Legion Post 15, Sweden Street, for July 11, 2009. (7 yes) So voted.

Council Agenda item #16: Consider application of the Caribou Senior Citizens, Sweden Street, for a Safari Game of Chance License

Motion made by K. Bell, seconded by D. Martin, to approve an application of the Caribou Senior Citizens, Sweden Street, for a Safari Game of Chance License. (7 yes) So voted.

Council Agenda item #17: Updates

The City Manager presented information on several topics, including:

- ME DEP – The Caribou Stream 604(b) application was found to be ineligible due to the determination that Caribou Stream is no longer deemed an urban impaired watershed as of the 2008 Integrated Report – Ten applications were received – Four were funded – The Caribou Stream application scored 6 out of 9 – Comments: Problem well defined – Watershed based plan is not most effective way to address problem – Camera surveillance provides good potential to identify problems – Strengthen how problem areas will be handled – Application does not address biological impairment – Not clear how applicant would address anything but illicit discharge – No experience with writing Watershed Based Plan - Mike Shrewsbury is working on identifying Collins Pond as needing work.
- RSU Budget Referendum Warrant – RSU Board to complete the warrant for the June 15th election – Council must authorize the warrant - June 17th is last day to satisfy 7 day requirement to post before election – Special meeting necessary

Motion made by K. Bell, seconded by M. Williams, to hold a Special Council meeting on June 17, 2009 at 6:00 p.m. to authorize a warrant for the RSU Budget Referendum election.

(7 yes) So voted.

- District Budget Meeting – 7:00 p.m. at CPAC to present RSU Budget – Vote to be taken from floor to send to Referendum election – Simple majority vote of registered voters is sufficient – Voters are urged to attend to have any questions addressed
- Tracy Corbin – Tracy resigned her position effective July 29th – She has taken a position as a counselor – The Family Sufficiency Director position will be advertised with the hope of hiring in time for a cross training period.
- Howes Corner – PRP group to hold meeting June 25th to talk about final settlement terms and cash out cost – Caribou is an eligible party to have proceeds from FAME bond made on behalf of the City to the Trust identified in the Consent Decree – Potential for substantial (not entire) amount of cashout payment to be covered – Proceeds to be approximately \$13 million possibly more - Financial terms of settlement detailed – EPA has agreed to pay \$2,875,000 toward site as “mixed funding” to reduce shares paid by individual PRPs - Final proposed settlement allocation for Caribou to be provided by the June 23rd Council meeting – City asked to sign a tolling agreement by deadline of June 19th – Agreement allows both sides to continue settlement discussions without a lawsuit being filed – It would allow time to evaluate EPA’s settlement policies in order to offer parties most advantageous settlement – If lawsuit is filed against any party, the benefits of EPA’s settlement policies would not be offered as incentives without agreement in place – Under Superfund law, liability is joint and several -Agreement does not require an admission of liability or any responsibility for defenses to date – Does not require City to reimburse EPA for any costs – All signed agreements remain in escrow until PRP group determines a significant participation both in number and volume – If there is not a significant number of tolling agreements signed and a lawsuit is filed, the focus of lawsuit would be on those who did not sign

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Motion made by D. Martin, seconded by K. Bell, to authorize the City Manager to sign a tolling agreement for the Howes Corner negotiations. (7 yes) So voted.

Council Agenda item #18: Other Business

- a. Discussion of June meeting Schedules:
 - i. Special Council meeting June 17, 2009 at 6:00 p.m. to sign warrant for RSU Budget Referendum
 - ii. RSU Budget Public Hearing June 22, 2009 at 7:00 p.m. at CPAC
 - iii. Workshop June 23, 2009 to continue review of Municipal Budget prior to setting Mil Rate
 - iv. Council Meeting June 23, 2009 7:00 p.m. Council Chambers
 - v. Special Council Meeting June 29, 2009 at 6:00 p.m. Council Chambers to set Mil Rate for 2009
 - vi. Other Committee or Council meetings
- b. Invitation from the United Baptist Church of Caribou – Sunday June 28, 2009 at 10:45 a.m. to celebrate “Citizenship Sunday” followed by a picnic. Councilors, City Manager, Chief Woods, Chief Gahagan, Police and Fire/Ambulance Department employees are invited. Anyone planning to attend may email Denise with RSVP.
- c. Other Business.

9:34 p.m. Motion made by C. Bell, seconded by D. Martin, to adjourn. (7 yes) So voted.

Judy-Ann Corrow, Secretary