

September 14, 2009

09-19

A regular meeting of the Caribou City Council was held at 7:00 p.m. on Monday, September 14, 2009 in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr., Christopher A.R. Bell, Karla M. Bell, David Martin, Mary Kate Barbosa, and Miles R. Williams. R. Mark Goughan was absent and excused.

Steven R. Buck, City Manager, and Stephen Wentworth, Code Enforcement Officer, were present.

Also attending the meeting were John Swanberg, Bill Flagg, Vickie Flannery, Doug Morrell, Paul and Joan Theriault, Milo and Priscilla Haney, Vaughn Brewer, Dale Gordon, Donald Goughan, and Freeman Cote.

Barbara Scott, representing the Aroostook Republican; and Time Warner Cable covered the meeting.

Council Agenda item #1: Public Input

Council Agenda item #2: Sesquicentennial Update

John Swanberg reported on the success of the events of September 5th and thanked the Councilors for their support to help make it all possible. He extended gratitude to the many individuals, groups, organizations and some ninety-five businesses that contributed to the cause in many capacities. In particular, he thanked the Police, Fire and Parks and Recreation Departments for all of their efforts in planning, coordinating and insuring safety.

Council Agenda item #3: Consider issuing a Thank You Letter to the Community for their work in organizing and working the celebratory events of September 5, 2009, Caribou 150th Parade and Events.

Motion made by M. Williams, seconded by K. Bell, to authorize and extend a letter of appreciation and gratitude to the Community of Caribou for the Sesquicentennial Celebration events held on September 5, 2009. (6 yes) See Exhibit "A"

Council Agenda item #4: Consider authorizing the minutes of the August 17, 2009 Council Meeting.

Motion made by K. Bell, seconded by D. Martin, to accept the minutes of the August 17, 2009 Council Meeting as printed. (6 yes) So voted.

Council Agenda item #5: Public Hearing to consider written and verbal input on the proposed adoption of the State of Maine mandatory Shoreland Zoning Act, pursuant to title 38 MRSA §438-A.

7:10 p.m. Public Hearing opened.

Dale Gordon, a resident at 305 Old Washburn Road whose property would be affected by the ordinance, asked about any possible restrictions on timber harvesting, hunting, or fishing, that could change the use of her land or the pond located on it. She also wanted to know if the

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ongoing efforts to discourage beaver activities would be prohibited and if her taxes would increase. The City Manager said he would research the facts on her taxes being affected, but added that the ordinance would not affect efforts to prohibit beavers, etc. Stephen Wentworth told her that there would be no restrictions on sporting activities and the restriction on timber harvesting was that it could not be conducted within 75 feet of the waters' edge.

Stephen Wentworth went over the changes made by the ordinance and pointed out that several sections of Caribou that had been under the Stream Protection designation were removed, while other sections were added to the Resource Protection status. In reply to Councilor K. Bell's question about recreational activities and if they would be affected, Steve said the ordinance would actually be advantageous.

7:28 p.m. Public Hearing closed.

Council Agenda item #6: Consider acting upon the adoption of the State of Maine mandatory Shoreland Zoning Act, pursuant to title 38 MRSA §438-A.

Motion made by C. Bell, seconded by MK. Barbosa, to adopt the Shoreland Ordinance of the City of Caribou as presented on September 14, 2009, pursuant to the State of Maine Mandatory Shoreland Zoning Act, Title 38 MRSA §438-A. (6 yes) So voted.

Council Agenda item #7: Consider a request by Auburn Mayor, John Jenkins, to proclaim September 30, 2009 as Prescription Awareness Day in partnership with Pines Health Services to raise awareness of their important program for prescription drug assistance

Vickie Flannery, the Prescription Assistance Coordinator for Pines Health Services, provided information on the program that provides financial assistance to qualified patients who might otherwise not be able to afford the medications they need. The program currently serves 560 consumers.

Bill Flagg pointed out that Cary Medical Center had been one of six initial participants in the State to receive grant funding for such a program. He was pleased to say that Pines Health Services was now continuing the program with approximately one million dollars in new grant funding to assist those in need.

Motion made by C. Bell, seconded by D. Martin, to proclaim September 30, 2009 as Prescription Awareness Day in Caribou to raise awareness of the Pines Health Services Prescription Assistance Program. (6 yes) So voted. See Exhibit "B"

Council Agenda item #8: Consider authorizing the Financial Statements for the period ending August 31, 2009.

The City Manager reported the month of August ended with the Revenue Summary Report closing at 70.94%, or 4.27% over projections and the Expense Summary Report closing at 64.14%, or 2.53% under budget. He reviewed the status of the departments and detailed those most impacting the budget.

Motion made by D. Martin, seconded by K. Bell, to accept the Financial Statements for the period ending August 31, 2009. (6 yes) So voted.

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Council Agenda item #9: Consider authorizing the City Manager to sign the following documents on behalf of the City of Caribou to cash out of the West Site/Hows Corner Superfund Site, Plymouth, Maine:

- a. Consent Decree
- b. Natural Resources Damages Compensation Plan and Settlement
- c. Escrow Agreement

The City Manager said he had reviewed the consent agreement and was knowledgeable about the settlement documents from past experience dealing with Superfund Sites. He recommended authorization to sign all of the documents in order to participate in the FAME funding and to avoid being sued by the Federal Environmental Agency. The signed documents would be held in Escrow until the FAME bond sale on September 22, 2009. At that time the actual amount of funds available to satisfy the settlement would be known.

Motion made by M. Williams, seconded by C. Bell, to authorize the City Manager to sign on behalf of the City of Caribou the following documents for the settlement of the West Site/Hows Corner Superfund Site in Plymouth, Maine: the Consent Agreement, Natural Resources Damages Compensation Plan and Settlement, and Escrow Agreement as presented.
(6 yes) So voted.

Council Agenda item #10: Discussion of a First Read: **RESOLVE**, TO DECLARE THE CONCERNS OF THE CARIBOU CITY COUNCIL ON THE NOVEMBER 2009 REFERENDUM TO AMEND THE AUTOMOBILE EXCISE TAX INITIATED BILL LD 974.

The City Manager presented a Resolve, which he read aloud and had drafted for possible consideration at the next meeting. The document outlines the detrimental impacts that passage of LD974 would have on the City of Caribou. As an example of this, LD974 would cut approximately \$470,000 per year in locally generated non-property tax revenue currently used to maintain streets and roads. A power point presentation, further detailing those impacts, would also be part of the next regular meeting.

Council Agenda item #11: Consider a review of designs for Welcome to Caribou signs to be placed at the major entrances to the Community, replacing the damaged and lost signs.

Several local artists are still working on designs, an example of which will be presented for review at the next regular meeting.

Council Agenda item #12: Consider authorizing a By-law change to the Maine Municipal By-laws and appoint a voting Delegate and Alternate for the 2009 MMA Annual Meeting.

Motion made by K. Bell, seconded by D. Martin, to support the proposed By-Law Amendments to allow additional response time for nomination, petition, and election processes to the Maine Municipal Executive Committee and Board of Directors. (6 yes) So voted.

Motion made by K. Bell, seconded by M. Williams, Steven Buck as Voting Delegate and Wanda Ouellette as Alternate Voting Delegate for the MMA Annual Meeting. (6 yes) So voted.

Council Agenda item #13: Consider placing to Bid three Tax Acquired Properties as processed by the Tax Collector:

- d. Map 25 Lot 122, vacant lot west side of Harvey St. by intersection with Donnelly Ave.
- e. Map 34 Lot 158, vacant lot off end of Veronica St.
- f. Map 23 Lot 10C, vacant lot at 62 Lafayette Street

It was suggested that it would be better to hold onto Map 34 Lot 158 for the time being. Councilor K. Bell wanted to be sure the City had no need of it for recreational purpose, trails, etc. Councilor D. Martin thought it might be more beneficial to combine it with an adjacent lot belonging to the City and bid out as one parcel. The City Manager would do further research on this parcel.

Motion made by M. Williams, seconded by C. Bell, to place out to bid Map 25 Lot 122, minimum bid being \$2,500; and place out to bid Map 23 Lot 10C, minimum bid being \$3,200. Councilor K. Bell pointed out that Map 25 Lot 122 had only a dirt road access. Councilor Williams noted that was a buildable lot valued at \$5,000. (5 yes, 1 no, K. Bell) So voted.

Council Agenda item #14: Consider acting upon Bids for Tax Acquired Property, Tax Map 7 Lot 039-031 – (1999 Skyline/Claridge 14 x 56 mobile home unit, located at 306 Washburn Rd., Caribou Stream Park, Lot #31).

One bid was received from John Tribou of Hodgdon, Maine for \$9000.

Motion made by K. Bell, seconded by C. Bell, to accept the bid of John Tribou in the amount of \$9,000 for Tax Map 7, Lot 039-031. (6 yes) So voted.

Council Agenda item #15: Consider issuing a Quitclaim Deed for back taxes paid in full to Michelle McDougal, Map 30 Lot 30, 59 River Road.

Motion made by K. Bell, seconded by M.K. Barbosa, to issue a Quitclaim Deed for back taxes paid in full to Michelle McDougal, Map 30 Lot 30, 59 River Road. (6 yes) So voted.

Council Agenda item #16: Consider acting upon Bids for the sale of the following vehicles from the Police Department:

- g. 1991 Ford Explorer
- h. 1997 Ford Crown Victoria
- i. 2000 Ford Crown Victoria
- j. 2007 Ford Crown Victoria

The 1991 Ford Explorer received no bids.

The following bids were received for the 1997 Crown Victoria:

Jersey One Auto Sales, Inc.	\$111.00
A & Silver Auto Sales	\$100.00
Edith Kinney	\$200.97

The following bids were received for the 2000 Crown Victoria:

Jersey One Auto Sales, Inc.	\$515.00
A & Silver Auto Sales	\$270.00

The following bids were received for the 2007 Crown Victoria:

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A & Silver Auto Sales	\$3,449.00
Grace Quality Used Cars, Inc.	\$3,258.00
Jersey One Auto Sales, Inc.	\$3,898.00
Benjamin Zetterman	\$1,033.33

Motion made by M. Williams, seconded by K. Bell, to accept the bid from Jersey One Auto Sales, Inc. in the amount of \$3,898.00 for the 2007 Crown Victoria; and to accept the bid from Jersey One Auto Sales, Inc. in the amount of \$515.00 for the 2000 Crown Victoria; and to accept the bid from Edith Kinney in the amount of \$200.97 for the 1997 Crown Victoria; and to instruct Public Works to dispose of the 1991 Ford Explorer for what they can get for it.

(6 yes) So voted.

Council Agenda item #17: Consider the issuance of a Texas Hold'em Game of Chance License for the American Legion Post #15, 67 Sweden Street for October 3, 2009.

Motion made by C. Bell, seconded by D. Martin, to approve the issuance of a Texas Hold'em Game of Chance License for the American Legion Post #15, 67 Sweden Street for October 3, 2009. (6 yes) So voted.

Council Agenda item #18: Consider the renewal of the following licenses for Tammie Crouch d/b/a Caribou Bowladrome & Sports Inn, 97 Bennett Drive:

- k. Restaurant Class Liquor License, Malt, Spirituous, Vinous
- l. Special Entertainment Permit

Motion made by K. Bell, seconded by C. Bell, to approve the renewal of a Restaurant Class Liquor License, Malt, Spirituous, Vinous and a Special Entertainment Permit for Tammie Crouch d/b/a Caribou Bowladrome & Sports Inn, 97 Bennett Drive.

(5 yes, 1 abstention, M. Williams) So voted

Council Agenda item #18A: Consider the renewal of a Special Entertainment Permit for the Par and Grill, 18 Bennett Drive.

Motion made by K. Bell, seconded by D. Martin, to approve the renewal of a Special Entertainment Permit for the Par and Grill, 18 Bennett Drive. (6 yes) So voted.

Council Agenda item #19: Updates

The City Manager presented information on several topics including:

- Public Works – High Street project completed \$7,000 under estimates – West Gate Road grind is completed – Impacted residents will be contacted before possibly closing the road one day – Public urged to use caution when in the area of work
- Public Safety Meeting – Caribou Emergency Rescue Team debriefing session to review coordinated team work as part of training exercise during September 5th parade and festivities
- Natural Resource Council – City Manager and Kathy Mazzuchelli were interviewed by NRC representative about uses of bordering unorganized territory – Purpose was to learn how West and Southwestern Maine uses of such land differs from Northern Maine – “Primitive”

use seen in north with camping, hunting, fishing – Southern and Western Maine use is more for tourist based, resort type facilities – NRC to provide interview information after hearing from the rest of the Aroostook region

- MM&A RR – Stakeholders met to assist MDOT in applying for a \$23 million grant to provide \$17 million to purchase railroad and \$6 million for system upgrades – It would then be leased back to MM&A to operate – Twenty three cars per year needed to sustain operations – Currently only nine cars per year are the norm
- Mobilize Maine – City Manager has been part of Initiative since June 16th – Mobilize Maine addresses how Maine influences economic development – Past Initiatives not effective – Intent to develop a leadership driven consistent state wide plan and model – Grass roots model same as one used in Washington State to boost its economic level to what it is currently – Steve on goal setting team – Regional meeting to present work on September 17th at NMCC Edmunds Conference Center from 2:30 to 5:00 p.m. – Businesses and government leaders encouraged to attend – Contact Judy Dinsmore at NMDC 98-8736 with RSVP

Council Agenda item #20: Other Business

m. Next Meetings

- i. Council Meeting, September 28, 2009 7:00PM Council Chambers
- ii. Council Workshop, September 28, 2009 following Council meeting

n. Discussion of potential Committee meetings

The Personnel Committee planned to meet on Wednesday, the 16th at 5:15 p.m.

o. Confirmation of Workshop Items for September 28, 2009

Items set for discussion: Tax acquired property listing and recommendations, Referendums (LD974 on excise tax and Tabor II), review of work for contract negotiations, and the audit.

p. Presentation of Annual Audit

Councilors were given a copy of the audit to review before the workshop session.

q. First Read: Outfall Extension to Aroostook River, Limestone Water & Sewer District

Limestone, DEP and CUD have approved of the plan to route treated wastewater from Limestone and the LDA to the Aroostook River. Project engineers will be asking the City for permission to use the right of way to trench along Richards Road. Routing discharge water via CUD would not affect capacities nor cause any problems with normal operations.

r. Notice: Bids for review and acceptance to construct the Lower Lyndon Street Boat Ramp – Bids due for Council Action September 28, 2009

The time line for construction of the boat ramp begins with a pre-bid meeting at the site on September 15th with the bid opening scheduled for 2:00 p.m. on the September 28th and consideration of bids at Council meeting that evening. If a bid is accepted, an execution of notice to proceed to be done September 29th with completion of the ramp anticipated by this fall.

s. Other Business

9:29 p.m. Motion made by M. Williams, seconded by C. bell, to adjourn. (6 yes) So voted.

Judy-Ann Corrow, Secretary