

September 28, 2009

09-20

A regular meeting of the Caribou City Council was held at 7:00 p.m. on Monday, September 28, 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; Michael Gahagan, Chief of Police; Stephen Wentworth, Code Enforcement Officer; Michael Shrewsberry, Director of Community Development; and Kathy Mazzuchelli, Director of Parks and Recreation, were present.

Also attending the meeting were William Flagg, Sandra Huck, James Cerrato, Paul Theriault, Joan Theriault, Freeman Cote, and Donald Goughan.

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

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

Council Agenda item #2: Sesquicentennial Update. Anyone interested in upcoming events may go to the website www.celebratecaribou.com.

Council Agenda item #3: Consider authorizing the Minutes of the September 14, 2009 Council Meeting.

Motion made by K. Bell, seconded by C. Bell, to accept the minutes of the September 14, 2009 Council meeting as printed. (6 yes, 1 abstention M. Goughan) So voted.

Council Agenda item #4: 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.

Michael Shrewsberry had contacted several area artists to work on designs for a Welcome to Caribou sign and he introduced Sandra Huck, the chair of the consultant group and one of the artists, to present several renditions that had been created and to discuss other options. Ms. Huck presented several variations of the trademark logo as well as a painted caribou image that the group thought would be more formal. The suggestion from the artists was to incorporate the variety of signs seen throughout the City into one format. The slogan was changed to read, "America's most northeastern city" to portray a more friendly welcome and one that would be easier to read. The Council discussed the images and the slogan with Ms. Huck.

Councilor K. Bell suggested having Ms. Huck contact the service clubs and organizations in the area to involve more people in making the final decision. Since Ms. Huck's schedule would not allow time for her to do this, Michael Shrewsberry volunteered to circulate the ideas for input as suggested.

Motion made by K. Bell, seconded by C. Bell, to table this item until Mr. Shrewsberry has a chance to contact area service clubs, organizations, and the CCC&I to get further input on the design to bring back to the Council. (7 yes) So voted.

Council Agenda item #5: Consider declaring the week of October 4 – 10, 2009 as Fire Prevention Week.

Motion made by D. Martin, seconded by K. Bell, to declare the week of October 4 – 10, 2009 as Fire Prevention Week. (7 yes) So voted. See Exhibit “A”

Council Agenda item #6: Consider authorizing a letter of support for the consideration of Vaughn Keaton for the Distinguished Eagle Scout Award.

Motion made by C. Bell, seconded by D. Martin, to authorize and submit a letter of support for the nomination of Vaughn Keaton for the Boy Scouts of America Distinguished Eagle Scout Award for a lifetime of achievements and contributions to his profession and to scouting. (7 yes) So voted. See Exhibit “B”

Council Agenda item #7: Consider acting upon Bids for the construction of a Boat Launch off Lyndon Street for the Aroostook River, project in partnership with ME Dept. of Conservation. .

The following bids were opened and reviewed:

M. J. Ouellette & Daughters	\$79,650
Soderberg Construction Co.	\$83,790
McGillan, Inc.	\$79,356

Kathy Mazzuchelli requested approval of the low bid from McGillan, Inc. for the project that is estimated to cost a total of \$93,291.60. A grant from the Department of Conservation of \$75,000.00 would reduce that amount to \$18,291.60, which would then be covered by a reserve account for this purpose totaling \$25,000.00. This would still leave \$6,708.40 in that reserve.

Motion made by C. Bell, seconded by K. Bell, to accept the bid of McGillan, Inc. in the amount of \$79,356.00 for the construction of the Lyndon Street Aroostook River Boat Ramp as per the specifications incorporated with in the bid package. (7 yes) So voted.

Council Agenda item #8: Consider acting upon a: **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 gave a power point presentation outlining how the passage of LD 974 would impact municipalities. Municipal excise would be reduced by 40% and would equate to a 1.77 mil reduction in the collection of excise in Caribou. Only vehicles one to three years old would benefit from the law by paying a reduced excise or no excise or sales tax. In Caribou only 5% of vehicles registered are one to three years old and would see a cut in excise or would pay no excise at all, while 68% of the vehicles registered are six years old or older and would receive no benefit. The City Manager stated that the Resolve was written, not to tell the voters how to vote on the issue, but to express the concerns of the Council and to provide for dissemination of the information relative to the facts of the question.

CITY OF CARIBOU, MAINE

In City Council Assembled

September 28, 2009

Title: 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:

WHEREAS, the Maine Policy Heritage Center initiated LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*, would decrease revenues to Maine's towns by over \$82 million per year used to plow, treat, maintain and reconstruct nearly 14,000 miles of local roads and nearly 850 bridges; and

WHEREAS, a yes vote would cut an estimated 40% or \$470,000 per year in locally generated non-property tax revenue that is currently used to maintain Caribou's 152 miles of roads and assist in maintaining 91 miles of State Aid road systems; and

WHEREAS, to replace the estimated impact of the Excise Tax amendment would require an increase in the local property tax rate of \$1.77 per thousand of assessed value, 1.77 mils; and

WHEREAS, Excise Tax currently provides the third largest non-property tax revenue collected and retained locally, a form of user fee, of approximately \$1.2 million annually and is in direct proportion to the resources expended by the City on maintaining and improving local road systems; and

WHEREAS, statewide municipalities currently expend approximately \$235 million per year to maintain and reconstruct local roads funded by \$210 million in Excise Tax receipts and \$25 million in state road assistance, an expenditure level that would be severely impacted by the potential loss of over \$82 million of this funding per LD 974; and

WHEREAS, the initiated Bill LD 974 provides inequitable tax rate reductions to vehicles less than six years old ranging from 38% to 70% and no tax rate reductions to vehicles 6 old and older which comprise 68% of vehicles registered in Maine; and

WHEREAS, the initiated Bill LD 974 further provides for a sales tax and three years of Excise Tax exemption for "alternative or hybrid" vehicles reducing the user fees for their road uses; vehicles having the same impacts on local roads as all others; and

WHEREAS, Maine municipalities receive an average of \$2,654 per local road mile in federal and state assistance as compared to the national average of \$4,553; a further reduction of locally generated user fees via Excise Tax will likely result in the reduction of road maintenance and reconstruction or the equivalent fiscal impact of other essential or local option services;

NOW, THEREFORE, BE IT RESOLVED that the Caribou City Council hereby acknowledges these detrimental founded impacts associated with the initiated Bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*; and further agrees to provide information to the voters of Caribou regarding the anticipated negative impacts of this initiated legislation.

Title: 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:

Motion made by C. Bell, seconded by D. Martin, to declare the concerns of the Caribou City Council on the November 2009 Referendum to amend the automobile excise tax initiated bill LD 974 as presented by Mr. Buck. Discussion. Councilor Goughan said he was voting no on this, although he had not made up his mind on the issue. He saw the document as accurate with inconsistencies, but added he could see inconsistencies in arguments from the other side as well. Referring to the fact that it takes \$200,000 a year to maintain asphalt roads and that previous Councils were putting away \$100,000 yearly (\$130,000 two years ago), but were now down to \$30,000 yearly, he said, "The argument could be made that we are already paying the tax and we're still not getting the roads fixed." Councilor Martin, pointing out that 68% of Caribou residents own vehicles six years old or older and will see no benefit from this bill, said it was a "no brainer" for him to vote yes. He thought anyone able to afford the newer vehicles should be the ones paying the fees involved. He said, "I will gain zero deduction in excise tax and my property tax will go up." Councilor C. Bell agreed and added, "If this thing passes the city will be obligated to pick up additional costs to repair our roads and maintain them." He thought taxing the vehicles that deteriorate the roads was a better alternative to raising property taxes to repair roads. Also, he had understood that the road reserve in CIP had not compromised the road repair schedule this year. Councilor Goughan viewed Councilor Bell's comment as "scare tactics" and said, "Regardless of how this bill goes, the roads will be plowed in the City of Caribou." Councilor C. Bell replied, "Well, I hope you remember that if this bill passes and it comes time to raising personal property taxes to accomplish that." (6 yes, 1 no, M. Goughan) So voted.

Council Agenda item #4B: Consider authorizing a Letter of Support for FairPoint Communication's application to the American Recovery and Reinvestment Act to extend broadband coverage.

Motion made by K. Bell, seconded by M. Williams, to authorize and send a Letter of Support for FairPoint Communication's application for \$9.8 million through the Federal Broadband Technology Opportunities Program and Broadband Initiative Program to extend coverage within Aroostook County and Caribou.
(7 yes) So voted. See Exhibit "C"

Council Agenda item #4C: Consider an application for a B.Y.O.B. Function and a Special Entertainment Permit for Eric Gustin, the musical band Turning Point, for an event at Spruce Haven on October 3, 2009.

There was a discussion about the lateness of this application and the fact that this group had been late earlier in the spring with the same type of application. At that time, the Council held a special meeting to accommodate them. Chief Gahagan reported some violations had occurred at the first gathering, but that he was working with Mr. Gustin to be sure this does not happen again. He was recommending approval at this time, adding that the group planned to hire three bouncers and a police officer.

Motion made by D. Martin, seconded by K. Bell, to approve an application for a B.Y.O.B. Function for Eric Gustin, the musical band Turning Point, for an event at Spruce Haven on October 3, 2009. (5 yes, 2 no, M. Goughan, M. Williams) So voted.

Council Agenda item #4D: Consider a renewal of a Special Entertainment Permit for Eric Gustin, the musical band Turning Point, for an event at Spruce Haven on October 3, 2009.

Motion made by K. Bell, seconded by M.K. Barbosa, to approve the renewal of a Special Entertainment Permit for Eric Gustin, the musical band Turning Point, for an event at Spruce Haven on October 3, 2009. (5 yes, 2 no, M. Goughan, M. Williams) So voted.

Councilor Martin said he would not approve of any future application from this group.

Council Agenda item #9: Consider the renewal of a Bingo Game of Chance License for the Lister-Knowlton VFW Auxiliary #9389, 253 Van Buren Road.

Motion made by C. Bell, seconded by D. Martin, to approve the renewal of a Bingo Game of Chance License for the Lister-Knowlton VFW Auxiliary #9389, 253 Van Buren Road. (7 yes) So voted.

Council Agenda item #10: Consider the acceptance of a donation of land to the City of Caribou.

The City Manager explained that a long time resident of Caribou, Mr. A. Atwood Anderson, was in the process of moving to Florida permanently and wanted to relinquish responsibilities of all property in the area. Neither of the abutting landowners had shown any interest in purchasing the property on Main Street. Mr. Anderson's request was to donate the land, which is a buildable lot valued at \$4,500, to the City in exchange for the 2009 tax amount owed of \$108.00. The Council discussed the issue.

Motion made by C. Bell, seconded by M. Williams, to accept the donation of land from Mr. Atwood Anderson in exchange for the abatement of the outstanding 2009 taxes in the amount of \$108.00 and to notify abutting property owners for interest in acquiring said piece of land. Councilor Martin asked if the piece of land would be offered for less than its value, for the amount of taxes due, or what other amount.

Motion amended, second amended, to accept the donation of land from Mr. Atwood Anderson in exchange for the abatement of the outstanding 2009 taxes in the amount of \$108.00, and to notify abutting property owners for interest in acquiring said piece of land for a minimum of \$4,500.00, and if that is not accepted, to place to public bid for the minimum of that amount (\$4,500). (7 yes) So voted.

Council Agenda item #11: Updates

The City Manager provided information on several topics including;

- Summary of N/S Hgy – According to project manager, Todd Pelletier, the official kick-off date of project is October 1st – Date coincides with submittal of final environmental impact statement to EPA – EPA has 60 days to review it and sign off – MDOT would then expend dollars to begin construction in 2010 – \$23 million grant

submitted for all of Segment 4 – Route 161 to Route 1 Van Buren Road portion set for 2010 construction - MDOT's Todd Pelletier to be in Caribou Oct 13 and 14 – Meeting to be scheduled with Steve – Several alternatives considered for Segment 4 - Follow property lines between farmers and not bisect any one farmer's land – Final design and bid documents to be developed for construction of northerly portion of Segment 4 – Southerly portion seen as more complex with more landowners – Round-a-bout possible for 161 intersection - Details on these to be known Oct 13 or 14

Councilors discussed their dismay and concerns regarding the changes to the project. It appeared that the project was not to be bid out as one project. Councilor Goughan and Councilor Williams both questioned what, if any, benefits are being realized from the \$5,000 being paid to LEAD for lobbying efforts. Councilors wished to meet with Todd Pelletier either in the late afternoon or early evening prior to the October 13th meeting. Steve would work out a time for this. In addition, the Council requested a letter be sent to LEAD and John Melrose (copy to John Martin) asking that a letter be sent to MDOT supporting the City's concerns and the fact that they were looking for multi year construction bid as a single project.

- Revaluation – Assessor in process of developing RFP for submission of full revaluation – Bid would require firms to be ready for 2012 tax commitment – Council to be kept abreast of results of RFP process
- CIP – Departments are working on plans for 2010 – CIP Committee to meet in October – Council to consider recommendations in December
- Mobilize Maine – Discovery Meeting held September 17th at NMCC – 85 in attendance – City Manager presented Goal Setting Committee's report – NMDC working to set regional specific goals for each element – Each region to develop strategies to meet goals

Council Agenda item #12: Other Business

a. Next Meetings

- i. Council Meeting, Tuesday, October 13th at 7:00PM Council Chambers
- ii. Workshop, Wednesday October 13th with Todd Pelletier (late afternoon, early evening?)
- iii. Council Meeting, October 26th at 7:00PM Council Chambers
- iv. Caribou Housing Agency Board of Commissioners meeting, October 22nd at 5:30PM, Caribou Inn & Convention Center

b. Discussion of potential Committee meetings

Late October or early November was thought to be suitable for the Personnel Committee to meet. The Airport Committee should plan to meet at some point to develop a scope of works for 2010. The Building Committee should plan to meet in the first part of November to discuss the energy audit that will be available at the end of October.

c. Other Business

Councilor Goughan asked about recent email messages concerning a donation for breast cancer research. Steve said there is no information on any donation at this time, but representatives from Cary Medical will be speaking to the

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Council in October about a conference to be held sometime in November in Caribou, which will feature a group of cancer research specialists discussing breast cancer research.

Councilor Williams asked the Mayor about the business sign in question on the Presque Isle Road. Mayor Murchison confirmed that MDOT has given notice that the sign that is infringing on the right of way must be removed.

9:50 p.m. Motion made by D. Martin, seconded by M. Williams, to adjourn the meeting. (7 yes) So voted.

Judy-Ann Corrow, Secretary

Workshop to follow meeting

September 28, 2009

**CARIBOU CITY COUNCIL
WORKSHOP**

DATE:MONDAY,
SEPTEMBER 28, 2009

PLACE:CITY
COUNCIL CHAMBERS

TIME:Following the Conclusion of Council Meeting

1. Review of Action Plan for Tax Acquired Properties
 - A. Presentation by Code – Public Safety on hazardous Buildings
 - B. Review of master listings and recommended actions
2. Review of Cops Grant for one Officer and gauging of the fiscal impact.
3. Review of the 2008 Audit of Financials
4. Review of information for TABOR II referendum question and potential Resolution by the Council
5. Adjourn