

February 13, 2012

12-04

A regular meeting of the Caribou City Council was held 7:00 p.m. on Monday, February 13, 2012 in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr., Deputy Mayor David Martin, Mary Kate Barbosa, John R. Boone, Philip McDonough II, Gary Aiken, and Bryan Thompson.

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

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

Also attending the meeting were Caribou High School FFA Members: Desiree Fuhmann, Colby Johnson, Dylan Greenier, Lucas Kinney, Jeremy Miller, Sara Huston, Zae Gorence, and FFA Advisor Tom Hall. Halfway Home Pet Rescue Representatives: Robyn M. Smith, Anne Price, and Norma Milton.

Council Agenda Item #1: Public Input. None.

Council Agenda Item #2: Updates from City Administration.

Let's Move Minute – Starting this evening, Council meetings will open with a “Let's Move Minute” with tonight's minute provided by Kathleen Mazzuchelli, Director Parks & Recreation.

Message: Walking is the single best and easiest exercise you may ever need to improve your health.

The City Manager provided updated information on a variety of topics including:

- Fabulous February – Winter Carnival activities are to be held in Caribou. The events are being organized by CACC and Caribou Recreation Department.
- Hershey Track Program - Caribou's After School Youth Running Program is being recognized by the Hershey Track Program as a model program.
- CADET – Has recently established a Youth Commission. In March, they will be making a presentation to the City Council.
- Base Closings – A press release has been issued by Senators Collins and Snowe stating their support for Maine's remaining military facilities including DFAS-Limestone.
- State Receipts – January State Revenues have fallen nearly \$40 million.
- Fire Chief Position – On January 26<sup>th</sup>, this position was posted internally. Six applications have been received. The hiring team is made up of the City Manager, Police Chief, and three Captains. Interviews will be held and if no one is identified then it will be posted outside the department.
- Assessing Department – During April and May, RJD Appraisals will continue with secondary field appraisals. During the week of May 14<sup>th</sup>, the Board of Assessors and RJD Appraisals will meet to review values. It is anticipated that new property value notices will be mailed May 25<sup>th</sup>. Hearings will be scheduled from June 11<sup>th</sup> to the 14<sup>th</sup>.
- Airport Beacon Light – The light has been ordered but has not been received.

Council Agenda Item #3: Consider authorizing the minutes of the following meetings:

A. January 23, 2012 Council Meeting

Motion made by G. Aiken, seconded by MK Barbosa, to accept the minutes of the January 23, 2012 Council Meeting as presented (6 yes, 1 abstention, P. McDonough) So voted.

B. January 23, 2012 Council Workshop – Workshop was tabled

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Council Agenda Item #4: Consider authorizing a Proclamation declaring National FFA Awareness Week in Caribou.

Caribou FFA President Jeremy Miller introduced Caribou FFA Officers' Team. He extended his thanks to the Councilors for their hard work and dedication to the City of Caribou.

Motion made by MK Barbosa, seconded by D. Martin, to authorize a Proclamation declaring February 18 to 25, 2012 National FFA Awareness Week in Caribou. (7 yes) So voted.

Mayor read the Proclamation into the minutes (See Exhibit A).

Council Agenda Item #5: Public Hearing to consider the amendment of the RC-2 Zone Land Use Table to allow Agricultural Product Storage Buildings.

7:22 p.m. Public Hearing Opened.

The proposed amendment to the RC-2 Zone Land Use Table to allow for the development of Agricultural Produce Storage Buildings is being recommended by the Caribou Planning Board. Last fall, area residents expressed concerns about the increased noise produced by the new storage building's fans. Since then the City has acquired decibel measuring equipment that will be used to enforce the City's current noise ordinance.

7:31 p.m. Public Hearing Closed.

Council Agenda Item #6: Consider acting upon proposed amendment of the RC-2 Zone Land Use Table to allow Agricultural Product Storage Buildings.

Motion made by P. McDonough, seconded by D. Martin, to amend the RC-2 Zone Land Use Table to allow Agricultural Product Storage Buildings with site design review and approval by the Planning Board. (7 yes) So voted.

Council Agenda Item #7: Public Hearing to consider amending the definitions within Section 13-700 §17 Kennels.

7:32 p.m. Public Hearing Opened.

Currently the City has one definition for Kennels. The Planning Board is proposing changes to the Caribou Code which would provide better definition for Kennels, Animal Shelters, Rescue Group. The proposed changes would eliminate the current limit of three pets per household.

Halfway Home Pet Rescue representative Norma Milton spoke of working with local animal hoarders and questioned the elimination of the language limiting the number of pets per household. Code Enforcement Officer Stephen Wentworth stated that hoarder situations would be handled by the City's Animal Officer as it involves the welfare of animals. Current State Statutes does not include language limiting the number of pets. State Statutes does address cruelty to animals and includes minimum standards requiring animals to have proper shelter, protection from the weather and humanely clean conditions. The proposed amendment does not address issues with Halfway Home Pet Rescue.

8:05 p.m. Public Hearing Closed.

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Council Agenda Item #8: Consider acting upon proposed amendments the definitions within Section 13-700 §17 Kennels.

Motion made by P. McDonough, seconded by MK Barbosa, to amend Section 13-700 subsection 17 Kennels and the definitions within Section 13-900 to read as amended and presented to include definitions for Animal Shelter, Boarding Kennel, Breeding Kennel, and Rescue Group with the land use table amended to reflect the allowance of each per zone and to add “Provided that all aspects of Title 7 Subsection 4015 are met for proper shelter, protection from weather, and humanely clean conditions” to the end of the second sentence in the section “Kennels”. (6 yes, 1 no, D. Martin) So voted.

Council Agenda Item #9: Consider directing Code Enforcement actions relating to violation at 6 Carroll Street.

The owner of 6 Carroll Street is residing in the building located on this parcel. This property is located in an I-2 Industrial zone and residential dwellings are prohibited. Code Enforcement Officer Stephen Wentworth has sent a letter telling her to cease and desist residing there immediately. The owner has requested a zone change from I-2 to C-2 that would allow for a dwelling unit. The Planning Board will consider this request at their February 16<sup>th</sup> Workshop and a Public Hearing will be held March 1<sup>st</sup>.

Motion made by P. McDonough, seconded by D. Martin, to issue a six month Consent Agreement allowing for the violation to continue with terms determined by the Code Enforcement Officer as to the zone and the health and safety of the residents. (7 yes) So voted.

Council Agenda Item #10: Consider authorizing an Agreement for Services for Police Dispatching for the Town of Limestone.

The fee for this service is \$3.00 per capita plus an additional amount of \$1,500.00 for Loring Fire Department Dispatching. The total revenue for the contract is \$8,442.00.

Motion made by P. McDonough, to authorize the City Manager and Chief of Police to work with the Town of Limestone to complete and implement an Agreement for Dispatch Services for both Fire and Police with the Town of Limestone based upon the Agreement as presented. (7 yes) So voted.

Council Agenda Item #11: Consider adopting a Rule of Procedure – Addressing the Caribou City Council, pursuant to Charter Section 2.10 (a)(i)(b).

Motion made by B. Thompson, seconded by D. Martin, to adopt the Rule of Procedure – Addressing the Caribou City Council as amended on February 13, 2012 to comply with Charter Section 2.10 (a)(i)(b). (7 yes) So voted.

Council Agenda Item #12: Consider approval of the 2012 CIP request for General Government Computers to replace a failed server and restore full operations.

On February 7<sup>th</sup>, the server used for Ambulance Billing and General Assistance failed. This evening Administration is requesting that the Council authorize the purchase of a replacement server using monies in the proposed 2012 CIP.

Motion made by D. Martin, seconded by G. Aiken, to authorize the 2012 CIP early encumbrance of \$10,000 to account G-1-395-00 General Government Computer Reserves to provide for the central server replacement. (7 yes) So voted.

Council Agenda Item #13: Consider setting a meeting date for the February 27, 2012 Workshop with Facilities Inc. and the current PILOT Agreement.

Since 2009, the PILOT has not been paid and the balance due the City is \$40,000.00. Mayor Murchison and Councilors G. Aiken and P. McDonough will meet with the Board of Directors for Facilities, Inc. to discuss the nonpayment of the PILOT.

Council Agenda Item #14: Consider actions on tax acquired properties pursuant to Policy for:

- a. Map 13 Lot 12D, address of 46 Ouellette Road
- b. Map 23 Lot 6, address of 8 Alexander Avenue
- c. Map 34 Lot 63, address of 20 Hillcrest Avenue
- d. Map 36 Lot 97, address of 0 Mayo Street

Motion made by D. Martin, seconded by P. McDonough, to place out to bid the following tax acquired properties:

- a. Map 13 Lot 12D, address of 46 Ouellette Road – minimum bid of \$1,000.00
- b. Map 23 Lot 6, address of 8 Alexander Avenue – minimum bid of \$2,800.00
- c. Map 34 Lot 63, address of 20 Hillcrest Avenue – minimum bid of \$500.00
- d. Map 36 Lot 97, address of 0 Mayo Street – minimum bid of \$500.00

(7 yes) So voted.

Council Agenda Item #15: Consider issuing Municipal Quitclaim Deeds for taxes paid in full to the following:

- a. Joseph & Michelle McDougal for Map 27 Lot 8
- b. Katherine M. Turck for Map 12 Lot 25B
- c. Edgar Eldredge, Jr. for Map 32 Lot 135

Motion made by P. McDonough, seconded by D. Martin, to issue Municipal Quitclaim Deeds to Joseph & Michelle McDougal for Map 27 Lot 8, Katherine M. Turck for Map 12 Lot 25B, and Edgar Eldredge, Jr. for Map 32 Lot 135. (7 yes) So voted.

Council Agenda Item #16: Consider approval of Licenses for the following:

- a. Restaurant Class Liquor License to Gary St. Peter d/b/a/ Napoli's Restaurant, LLC
- b. Special Entertainment Permit for Gary St. Peter d/b/a/ Napoli's Restaurant, LLC

Motion made by P. McDonough, seconded MK Barbosa, to authorize a Restaurant Class Liquor License and Special Entertainment Permit for Gary St. Peter d/b/a Napoli's Restaurant, LLC. (7 yes) So voted.

Council Agenda Item #17: Other Business

- a. First Read: Draft Whistleblower Policy for addition to the Personnel Policy

The Caribou Personnel Policy has not been reviewed since it was adopted. Human Resource Director Corlene Singletary is working her way through the policy noting areas that should be updated. Management plans to bring proposed changes to the Council as a series of First Reads until the Council is satisfied with all proposed language and changes. Once this has been completed, it will be presented to the Council for adoption.

The current Personnel Policy does not include a section on Whistleblowers. Several Councilor questions were answered by Manager.

b. First Read: Draft Code of Ethics Policy for addition to the Personnel Policy

This Policy requires the reporting by Department Heads, employees, appointees, and volunteers of illegal or unethical behavior. It is planned to develop a separate handbook for appointees. Councilors Aiken and Barbosa offered comments.

c. Information Request: List of Active Employee Count and Assets Listing

Council received copies of the documents requested by Milo Haney on behalf of CFRCM.

d. Notice of pending return of land by the Caribou Children's Discovery Museum

The Caribou Children's Discovery Museum Board of Directors has decided to partner with the Francis Malcolm Science Center in Easton. The Manager will speak with Attorney Solman concerning any necessary paperwork to return the land to the City.

e. Other- Councilor D. Martin requested an update on union mediation.

Councilor P. McDonough asked about Council Workshops and whether they should be held different evening than the night of regular Council meetings.

Meeting Dates previously set:

- Council Meeting – February 27, 2012 at 7:00PM Council Chambers
- Council Workshop – February 27, 2012 following Council meeting, Council Chambers
- Council Budget Workshop – February 21, 2012 at 6:00 PM Council Chambers

Council moved Agenda Item #19 ahead as two City personnel were waiting to address this item.

Council Agenda Item #19: Executive Session: Consider moving to Executive Session to discuss a personnel matter for future contract negotiations, pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D).

9:58 p.m. Motion made by P. McDonough, seconded by MK Barbosa, to move to Executive Session to discuss a personnel matter for future contract negotiations, pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D). (7 yes) So voted.

11:04 p.m. Returned from Executive Session.

Motion made by David Martin, seconded by MK Barbosa, to pay Sergeant Curtis his accrued sick time bank over 960 hours at the rate of \$6.25 per hour at time of retirement, as interpreted from the Sergeant's Contracts. No further discussion. (7 yes) So voted.

Council returned to Agenda Item #18

Council Agenda Item #18: Executive Session: Consider moving to Executive Session to discuss the future disposition of real property for economic development purposes, pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(C).

11:07 p.m. Motion by Bryan Thompson, seconded by D. Martin, to move to Executive Session to discuss the future disposition of real property for economic development purposes, pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(C). (7 yes) So voted.

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11:16 p.m. Returned from Executive Session.

Prior economic development proposal has been removed from consideration as the business entity is not ready to commit at this time.

Council Agenda Item #20: Adjourn

Meeting adjourned at 11:16 p.m.

Jayne R. Farrin, Secretary