

February 27, 2012

12-05

A regular meeting of the Caribou City Council was held 7:00 p.m. on Monday, February 27, 2012 in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr., Mary Kate Barbosa, John R. Boone, Philip McDonough II, Gary Aiken, and Bryan Thompson. Deputy Mayor David Martin was absent and excused.

Steven R. Buck, City Manager was present.

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

Council Agenda Item #1: Public Input. None

Council Agenda Item #2: Updates from City Administration

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

- Airport Off Site Obstruction Removal – Draft plans for the Obstruction Removal Phase II and Obstruction Lighting have been submitted. The plan details the trees on private property adjacent to the Airport site. An engineer from Stantec has met with property owners to explain the project including survey work, appraisals, and draft easements. Twenty-seven trees have been identified for removal along runway #1. Financial offers have been made to each property owner to compensate for the loss of trees. The scope of work includes five solar powered obstruction lights. These on site lights will mark obstructions that will be removed at a future date.
- CCH/ATX – Representatives from Caribou Economic Growth Council, Aroostook Partnership for Progress, and Maine & Company have toured the facility at 63 Sweden Street. CCH will vacate the building by June 15, 2012. The City and CEGC have been working together to market the facility.
- Fire Chief Position – The five person team has completed interviews with six in house applicants. At this time the team has paused awaiting development of the City's budget which will address the payment of associated legal fees and whether a Public Safety Director position will be created.
- Maine townsman – The February issue includes an article submitted by Code Enforcement Officer Steve Wentworth. The topic is Board of Appeals and how the City of Caribou solved the problem of maintaining a viable board.
- Biomass – Last week met with an engineer from Trane to update the City's detailed energy audit program to exam the installation of wood pellet boilers at Fire & Ambulance, Library, and Municipal Building.
- December Retail Sales – December 2011 retail sales grew 3.7% as compared to December 2010.
- Mr. Paperback – The Caribou store plus the other nine in the chain are closing.

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

A. February 13, 2012 Council Meeting

Motion made by P. McDonough, seconded by G. Aiken, to approve the minutes of the February 13, 2012 Council Meeting as presented. (6 yes) So voted.

Council Agenda Item #4: Review of terms and conditions for potential Consent Agreements for the following:

A. Caribou Pet Rescue located at 11 Pioneer Avenue

City Attorney Solman is developing a Consent Agreement for the City between Halfway Home Pet Rescue (HHPR) and the City of Caribou. The Council discussed and agreed to several items that need to be included in the Consent Agreement. The Council agreed that the end date for the Consent Agreement will be March 1, 2015. The Council does not want expansion of the nonconforming use; limit HHPR to cats only, safety issues need to be addressed as such preventing the public from entering the basement, and a penalty if the Consent Agreement is violated.

B. Valley Woodworking located at 6 Carroll Street

On March 1st, the Planning Board will be holding a Public Hearing regarding the proposed rezoning of this parcel. Later this evening the Council will consider setting March 12th as the date to consider the proposed rezoning of this same parcel. The Code Enforcement Officer will prepare a Consent Agreement once the Public Hearings are held.

Council Agenda Item #5: Consider a review and pending authorization of a Municipal Quitclaim Deed from the City of Caribou to Regional School Unit #39 for seven parcels.

The prepared Municipal Quitclaim Deed was reviewed. The deed includes a reversion paragraph that outlines the events that would require the RSU #39 to return ownership of any of the parcels to the City of Caribou.

Motion made by P. McDonough, seconded by MK Barbosa, to authorize the Municipal Quitclaim Deed transferring the former Caribou School Department properties to the Regional School Unit #39 as set forth by Deed developed by Kirkpatrick and Bennett and signed upon review by the City Attorney. (6 yes) So voted.

Council Agenda Item #6: Consider setting a Public Hearing Date of March 12, 2012 for the following:

A. Rezone Tax Map 11 Lot 5-H, 6 Carroll Street, from I-2 to C-2 pursuant to the recommendation of the Planning Board

Motion made by MK Barbosa, seconded by P. McDonough, to set a Public Hearing date of March 12, 2012 to consider the rezoning of Tax Map 11 Lot 5-H, 6 Carroll Street, from I-2 to C-2 pursuant to the recommendation of the Planning Board. (6 yes) So voted.

B. Consumer Fireworks Ordinance proposed Article VI Fireworks

Motion made by P. McDonough, seconded by Bryan Thompson, to set a Public Hearing date of March 12, 2012 to consider the proposed Consumer Fireworks Ordinance, Article VI Fireworks. (6 yes) So voted.

C. Wireless Telecommunications Facilities Ordinance

Motion made by P. McDonough, seconded by MK Barbosa, to set a Public Hearing date of March 12, 2012 to consider the proposed Wireless Telecommunications Facilities Ordinance as recommended by the Planning Board. (6 yes) So voted.

Council Agenda Item #7: Consider setting a Public Hearing Date of March 19, 2012 to receive verbal and written comment on the 2012 Capital Improvements Program, pursuant to former Charter Section 5.09.

Motion made by P. McDonough, seconded by Bryan Thompson, to set a Public Hearing date of March 19, 2012 to receive verbal and written comment on the 2012 Capital Improvements Program. (6 yes) So voted.

Council Agenda Item #8: Consider setting a Public Hearing Date of March 19, 2012 to receive verbal and written comment on the proposed 2012 Municipal Budget, pursuant to former Charter Section 5.08.

Motion made by P. McDonough, seconded by Bryan Thompson, to set a Public Hearing date of March 19, 2012 to receive verbal and written comment on the 2012 Municipal Budget. (6 yes) So voted.

Council Agenda Item #9: Consider authorizing the expenditure of legal fees incurred from an Independent Investigation into a personnel matter.

The City has been billed for legal fees resulting from an Independent Investigation into a personnel matter:

- Redman Winchell Counselors at Law \$19, 521.03
- Bernstein Shur Counselors at Law 3,249.00

The City Manager is requesting authorization because the amount owed exceeds the amount appropriated to the 2011 General Government legal line and the 2012 Municipal Budget has not been adopted.

To offset these legal fees the City could postpone the hiring of a new Fire Chief until April 11, 2012.

Motion made by P. McDonough, seconded by MK Barbosa, to pay the total legal fees of \$22,770.00 and to credit to General Government Legal Fees E-10-01-005-04. (6 yes) So voted.

Council Agenda Item #10: Other Business

- a. First Read: None
- b. Other: None

Meeting Dates previously set:

- Council Meeting – March 12, 2012 at 7:00PM Council Chambers
- Public Hearings - Budget & CIP March 19, 2012 at 7:00PM Council Chambers
- Council Meeting – March 26, 2012 Council Chambers

Council Agenda Item #11: 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).

8:10p.m. Motion made by MK Barbosa, seconded by P. McDonough, 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).

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9:00 p.m. Returned from Executive Session.

Council directed the City Manager to write a brief on the matter and submit to legal counsel for an opinion on future actions. The Council will review the opinion before taking any further action/s.

Council Agenda Item #12: Adjourn

Meeting adjourned at 9:00 p.m. and the Council moved to a Workshop for the continued review of the 2012 Municipal Budget.

Jayne R. Farrin, Secretary