

June 14, 2010

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A regular meeting of the Caribou City Council was held at 7:00 p.m. on Monday, June 14, 2010, in Council Chambers with the following members present: Mayor Kenneth G. Murchison, Jr., Deputy Mayor Karla M. Bell, R. Mark Goughan, David Martin, Mary Kate Barbosa, Christopher A. R. Bell, and John R. Boone.

Steven R. Buck, City Manager, Mike Shrewsberry, Director of Community Development, Michael W. Gahagan, Chief of Police, Stephen Wentworth, Code Enforcement Officer, Kathleen A. Mazzuchelli, Supt. of Parks and Recreation, and Corlene Singletary, Human Resource Director.

Also attending the meeting were Vaughn M. Brewer, Paul Theriault, Joan Theriault, Dale R. Blackstone, Freeman Cote, Lucas Butler, Donald W. Goughan, Doug Morrell, Wilfred Martin, and James T. Cerrato.

Time Warner covered the meeting.

Council Agenda item #1: Public Input.

a. Miles Williams – Thank you to the City for Hosting the Relay for Life Mr. Williams was unable to attend the meeting and his thank you letter was read into the record. This event raised nearly \$122,000 to benefit the American Cancer Society.

Council Agenda item #2: Public Hearing to receive written and verbal input on a proposed Ordinance to Regulate Medical Marijuana Dispensaries pursuant to Maine Public Law.

7:01 p.m. Public Hearing opened.

Mayor Murchison requested that City Manager Buck update the council and public with the events leading to this public hearing. The City implemented a six month moratorium and has been working to develop an ordinance. Several groups have been involved in this process, including City Council, Planning Board, CADET, and City Administration.

While working on developing an ordinance, the group identified two categories; registered patients and registered caregivers. These individuals may have a set number of mature plants; the City has no say regarding the zone that they can be in, or if they are located nears school or churches.

Chief Gahagan spoke about possible public safety issues. He does not know of anyone requesting that medical marijuana be available but he has been told that some individuals are afraid to be put on a Registry. His recommendation is to put the Ordinance on hold.

The City Manager pointed out that all the work done to date is well founded as the Planning Board has identified the review process.

Wilfred Martin questioned why the hospital wasn't being looked at as a dispensary for the medical marijuana. The City Manager explained that Cary Medical is not defined as a non-profit 501C3 that is required under the law. The groups or agencies that best fit

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this definition are Pines and AMHC and neither are interested in dispensing and cultivating marijuana.

7:29 p.m. Public Hearing closed.

Council Agenda item #3: Consider acting upon the adoption of an Ordinance to regulate the placement and permitting of Nonprofit Medical Marijuana Dispensaries.

Motion made by C. Bell, seconded by D. Martin to table the adoption of amendments to Caribou Code to establish an Ordinance to regulate the placement and permitting of Nonprofit Medical Marijuana Dispensaries and Cultivation Facilities pending finalization of the Rule Making Process by the State. (7 yes) So voted.

Council Agenda item #4: Consider authorizing an employee loan program against individual retirement accounts.

Human Resource Director Corlene Singletary reviewed the five elements that need to be defined if the Council wishes to move forward with authorizing an employee loan program against individual retirement accounts. The Councilor asked several questions of HR Director Singletary regarding; number of requests, definition of hardship, and whether it is paid back with taxed or pre-taxed monies.

Motion made by K. Bell, seconded by D. Martin to designate the loan for only in the case of hardship. (5 yes, 2 no, J. Boone, C. Bell) So voted.

Motion made by D. Martin, seconded by C. Bell, to allow an employee to have has no more than two loans at one time. (7 yes) So voted.

Motion made by K. Bell, seconded by J. Boone, to allow the length of a loan to be a maximum of 5 years with a minimum of 24 months. (7 yes) So voted.

Motion made by D. Martin, seconded by K. Bell to allow loans for both Full-time and Part-time employees. (7 yes) So voted.

Motion made by K. Bell, seconded by D. Martin to have all loans due and payable in full upon the employee's separation from service. (7 yes) So voted.

Motion made by K. Bell, seconded by C. Bell, to establish a Loan Program for municipal employees to borrow against their individual retirement account as stipulated. (7 yes) So voted.

Council Agenda item #5: Consider approval of the minutes of the following meetings:

- a. Council Meeting of May 24, 2010
- b. Council Workshop of May 24, 2010

Motion made by K. Bell, seconded by C. Bell, to approve the minutes of the May 24, 2010 Council Meeting as printed (6 yes, 1 abstention, D. Martin) So voted.

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Motion made by K. Bell, seconded by M. K. Barbosa, to approve the minutes of the May 24, 2010 Council Workshop as printed. (6 yes, 1 abstention, D. Martin) So voted.

Council Agenda item #6: Consider authorizing a Letter of Support for the Caribou Historical Society's application to USDA Rural Development for new storage facilities.

Caribou Historical Society Director Vaughn M. Brewer addressed the Council requesting a Letter of Support for the Caribou Historical Society's application to USDA Rural Development for a new storage facility. Mr. Brewer explained that the new building would be 40 feet by 60 feet.

Motion made by K. Bell, seconded by M. K. Barbosa, to authorize a Letter of Support for the Caribou Historical Society's application to USDA Rural Development for new storage facilities. (7 yes) So voted.

Council Agenda item #7: Consider acceptance of the Financial Statements for the period ending May 31, 2010.

The City Manager reported the month of May ended with Revenues closing at 3.99 % behind projections YTD, an improvement of 6.55%. This major improvement is due entirely to the response within the Ambulance billing Department as bills are being submitted with the acceptance of the Super Rural reimbursement in Medicare. The Expense Summary Report is closing at 3.89% under Budget YTD. The Net Cash Position YTD is a positive \$121,487, a net improvement of \$448,864 as compared to last month. He summarized the major factors contributing to the final figures and provided information on the various departments and the line items most impacting the final figures.

Motion made by D. Martin, seconded by K. Bell, to accept the Financial Statement for the period ending May 31,2010. (6 yes, 1 no, R. M. Goughan) So voted.

Council Agenda item #8: Consider the extension of the Cargill Salt Contract for the 2010-2011 seasons as per the State's extension of the same.

Motion made by D. Martin, seconded by K. Bell, to accept the State negotiated cooperative Road Salt Purchase for the 2010-2011 snow removal season in the amount of \$76.92 per ton delivered by Cargill. (7 yes) So voted.

Council Agenda item #9: Consider authorizing a Contract for Services for Revaluation of Real and Personnel Property with RJD Appraisal.

The City Manager briefly mentioned that RJD Appraisal will be furnishing the City a performance surety bond and that a payment schedule has been finalized.

Motion made by D. Martin, seconded by K. Bell, to authorize the Contract for Services with RJD Appraisal of Pittsfield, Maine to perform a complete revaluation of all real and personal property for the City of Caribou to be completed by July 1, 2012. (7 yes) So voted.

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Council Agenda item #10: Consider authorizing a Consent Agreement between the City and James Beacon for property off Brook Street.

James Beacon is building a new home at 7 Brook Street and a question has arisen regarding the right-of-way of the street and whether his new foundation meets the set back requirements. Code Enforcement Officer Wentworth explained the events leading up to proposed Consent Agreement.

Motion made by C. Bell, seconded by K. Bell, to authorize a Consent Agreement that the city will not in the future context the placement of the building as it may pertain to an undetermined 18-inch differential in the setback. (7 yes) So voted.

Council Agenda item #11: Consider authorizing a memorandum of Understanding with RSU #39 for the cooperative use and maintenance of shared playgrounds and park space.

Supt. Mazzuchelli to explained the history of cooperation between the Caribou Parks and Recreation Department and the Caribou School Department. In 2009, Caribou School Department consolidated with other school systems to form Eastern Aroostook RSU #39. This Memorandum of Understanding was developed to insure continued public use of the Teague Park School and Hilltop School Playgrounds and to define the roles and responsibilities of each party.

Motion made by K. Bell, seconded by M. K. Barbosa, to authorize the implementation of a Memorandum of Understanding with RSU #39 for the cooperative use and maintenance of shared playgrounds and park space within Caribou. (7 yes) So voted.

Council Agenda item #12: Consider authorizing a Fire Protection Support and RIT Team Agreement with the North Lakes Volunteer Fire Department.

Motion made by K. Bell, seconded by D. Martin, to renew the Fire Protection Support and RIT Team Agreement with the North Lakes Volunteer Fire Department for the amount of \$1092.73. (7 yes) So voted.

Council Agenda item #13: Consider a review and authorization for an Application for a Quality Community Programs Grant from MDOT for sidewalk construction on North Main St.

A MDOT Quality Community Programs Grant application has been completed. The requested funds would construct 3,500 linear feet of sidewalk and storm drainage improvements along side the northbound lane of North Main Street from Garden Circle to the Van Buren Road rotary intersection. The total value of the project is \$196,208.00 with \$54,050.00 being Caribou's in-kind contributions and requesting \$142,158.00 from MaineDOT. The application deadline is July 1, 2010.

Motion made by C. Bell, seconded by D. Martin, to authorize an Application for a Quality Community Programs Grant from MDOT for sidewalk construction on North Main Street. (7 yes) So voted.

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Council Agenda item #14: Consider Authorizing a Municipal Quitclaim Deed to Chu Sun Tang, Tax Map 25 Lot 73, for taxes paid in full.

Motion made by C. Bell, seconded by D. Martin, to authorize a Municipal Quitclaim Deed to Chu Sun, Tax Map 25 Lot 73, for taxes paid in full. (7 yes) So voted.

Council Agenda item #15: Consider the issuance of a Game of Chance License, Texas Hold'Em, for July 3rd to the American Legion Post #15, 67 Sweden Street.

Motion made by C. Bell, seconded by D. Martin to authorize a Game of Chance License, Texas Hold 'Em, for July 3rd to the American Legion Post #15, 67 Sweden Street. (7 yes) So voted.

Council Agenda item #16: Consider the renewal of a Bottle Club License to the Lister-Knowlton VFW Post 9389, 253 Van Buren Road.

Motion made by C. Bell, seconded by D. Martin to authorize a Bottle Club License to the Lister-Knowlton VFW Post 9389, 253 Van Buren Road. (7 yes) So voted.

Council Agenda item #17: Consider a request from Clinton Deschene for support as a write in candidate by petition for the Maine Municipal Associations Vice President position.

Clinton Deschene is the Town Manager in Hermon and has served on the MMA Executive Committee. To have his name placed in nomination; Mr. Deschene needs the support of at least five member municipalities.

Motion made by D. Martin, seconded by K. Bell, to support Clinton Duschene's petition for nomination for the Maine Municipal Association's Vice President Position for the 2011 term. (7 yes) So voted.

Council Agenda item #18: Updates

- Railroad – On June 2nd, a shippers' meeting was held at NMDC. The State voted the monies to purchase the Montreal, Maine & Atlantic and work is being done on a business plan.
- Maine State Revenue Sharing – The City Manager provided information on the Maine State Revenues.
- Target Technology Incubator Center – The City Manager updated the Council on his tour of the Orono site.
- June 8, 2010 Election - RSU #39 Budget and Charter Amendment passed. The City Manager briefly outlined the next step in the Charter Amendment process.
- Police Department and a revised work schedule.
- GrowSmart Maine workshop being held at June 21, 2010 at NMDC

Council Agenda item #19: Other Business

- a. First Read: Review of a Resolution expressing concerns pertaining to the Great Maine Forest Initiative and Treasured Landscape Initiative
Summer Intern Lucas Butler presented information on the Great Maine Forest Initiative and answered Councilor questions. The Councilors requested additional information on tax incentives, large land owners, involved government agencies, jobs as related to large national parks.
- b. Update on the Application to the Maine Department of Environmental Protection for Brownfield funding for Property off Glen Street
Director of Community Development Mike Shrewsberry provided information on the application for Brownfield funding.
- c. Budget adjustments.
Council and City Manager had a discussion regarding fuel prices.

Meeting Dates previously set:

- Council Meeting June 28th, 2010 at 7:00PM in the Council Chambers
- Council Workshop June 28th, 2010 following the conclusion of the Regular Council meeting
- Council Meeting with MDOT June 16th, 2010 6:00PM Chambers Segment 4
- MDOT Public Forum June 17th, 2010 6:00PM at the CPAC Segment 4
- *Note: Cary/Council Workshop June 17th, 2010 has been rescheduled to June 30th, 2010 at 5:00PM

Council Agenda item #20: Adjourn

9:47 p.m. Motion made by D. Martin, seconded by C. Bell to adjourn the meeting. (7 yes)
So voted.

Jayne R. Farrin, Secretary