

November 23, 2015

15-27

A regular meeting of the Caribou City Council was held 6:00 p.m. on Monday, November 23, 2015 in Council Chambers with following members present: Mayor Gary Aiken, Deputy Mayor David Martin, Philip McDonough II, Joan L. Theriault, Shane McDougall, Tiffany J. Stewart and Jody R. Smith.

Councilor-Elect: Timothy C. Guerrette.

Austin Bless, City Manager was present.

Department Managers: Penny G. Thompson, Tax Assessor; Michael Gahagan, Police Chief; Lisa Shaw, Library Director; Scott Susi, Fire Chief; Dave Ouellette, Public Works Director; and Gary Marquis, Supt. of Parks and Recreation.

Chris Bouchard, representing the Aroostook Republican covered the meeting.

Council Agenda Item #1: Public Input

Tina Disy requested a three month extension to pay Tony Disy's 2013 tax lien.

Today at 5:00 p.m. the City of Caribou's 2013 tax liens matured. The City Council will discuss newly tax acquired properties at the December 14, 2015 Council Meeting.

Council Agenda Item #2: Declaration of Conflicts of Interest from the City Council regarding any agenda item.

None.

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

- a) November 9, 2015 Council Meeting
- b) November 9, 2015 Special Council Meeting

Motion made by P. McDonough, seconded by J. Smith, to approve the minutes of the November 9, 2015 Council Meeting and November 9, 2015 Special Council Meeting as presented. (6 yes) So voted.

Council Agenda Item #4: Consent Agenda

- a) October 2015 Financials
- b) Acceptance of November 3, 2015 Election Results

Motion made by P. McDonough, seconded by J. Theriault, to approve Consent Agenda Items with business items A-B as presented. (6 yes) So voted.

Council Agenda Item #5: City Owned Property

Based on current payment arrangements there are six individuals that will never be able to get caught up on their taxes and reacquire their former property from the City. Discussion about waiving the interest if the tax amount was paid within a certain timeframe.

Motion made by J. Smith, seconded by D Martin, to waive interest if all taxes are paid in full, to current, within six months for these six individuals. (6 yes) So voted.

Council Agenda Item #6: Loader for Public Works

Loader bids:

<b>Brand</b>	<b>New Unit</b>	<b>Trade-In Value of 2003 JD 710G</b>	<b>Trade-In Value of 1994 Volvo L120B</b>	<b>Cost after Trade- In</b>
<b>TB Equipment Hyundai L960</b>	\$173,917	\$22,000	\$25,000	\$126,917
<b>Chadwick Baross L110H</b>	\$216,000	\$30,000	\$20,000	\$166,000
<b>Nortax John Deere 644K</b>	\$217,000	\$29,000	\$10,500	\$177,500
<b>Milton Cat 950M</b>	\$246,000	\$24,000	\$16,000	\$206,000

Staff recommended the acceptance of the \$166,000 bid from Chadwick Baross for a L110H plus trade in the 2003 JD 710G and 1994 Volvo L120B.

Motion made by S. McDougall, seconded by T. Stewart, to authorize the purchase of the Chadwick Baross L110H for \$166,000 with a trade in of two units. (6 yes) So voted.

Council Agenda Item #7: Christmas Eve Holiday

Motion made by S. McDougall, seconded by T. Stewart, to grant a whole day off for Christmas Eve for City Staff otherwise not contractually covered by holiday pay. (5 yes, 1 no, P. McDonough) So voted.

Councilor McDonough stated that he would have supported the motion if it had been for half a day off.

Council Agenda Item #8: 2016 Budget

Changes include a minor adjustment in the ambulance revenue, adjusted salary lines for 53 pay periods, and the amount budgeted for Tri Community is down slightly. With these changes the amount needed to run the City is up approximately \$128,000, which is about a third of a mil.

Motion made by D. Martin, seconded by S. McDougall, to approve the 2016 Budget as presented. (3 yes, S. McDougall, J. Theriault, D. Martin, 4 no, T. Stewart, J. Smith, P. McDonough, G. Aiken) Motion Failed.

Councilor Stewart wants to see another full-time staff person added to the Library budget.

Budget Workshop set for November 30, 2015 at 6:00 p.m.

Council Agenda Item #9: Lyndon Keck – PDT Architects RSU 39 School Project

Lyndon Keck, Senior Principal of PDT Architects, attended to update the Council with the progress being made with the development of a new school. Scheme Three continues to be the current scheme of choice for the new school. Two meetings have been held since last meeting with the Council, one was with the Department of Education where Scott Brown, Director of Facilities, stated that his group would recommend the demolition of Teague School, Middle School, and the Learning Center. Mr. Keck did note that Mr. Brown doesn't have the final say regarding the demolition of the buildings. Under State law only the State Board of Education is allowed to spend money as it relates to the building of schools.

After the State Board of Education approves the funding then it will go to a vote in the three RSU communities. Mr. Keck explained to the DOE about the possible land swap with the City for Teague Park and when asked DOE representatives answered in the affirmative that they would recommend the State paying for the cost of improvements to move Teague Park facilities to a new site. The second meeting was with representatives from the Attorney General's Office to discuss Teague Park. When asked as to whether or not the Council are trustees of Teague Park, an Assistant Attorney General was unsure as to whether the terms of the deed meet the definition of a "charitable trust" therefore she is unsure if the Council are trustees. The Assistant Attorney General will have to issue an opinion on this matter. It would be easier to exchange Teague Park land if it is owned in "fee simple" rather than being held in trust. Mr. Keck hopes to have this AG opinion before the end of the year. He has learned that the National Park's restrictions on Teague Park trumps the gift of the Park. The National Park's restrictions are into perpetuity. The gift of the land for a park may have already been fulfilled because the park has been a park for 118 years. In some instances the courts look at the intent of the gift and could rule that the City has fulfilled the intent of the gift because it has been a park for over a 100 years.

Doug Beck, representative for the Land and Water Conservation Fund, has provided further explanation regarding the so called 6(f) restrictions on Teague Park which includes the playground that is on RSU land. Instead of having a "yellow book" appraisal done, for now, the RSU is planning to have only a regular appraisal completed and that should be done before the end of the year. They plan to submit a completed application to the National Park Service once the appraisal price has been received. If the project continues down this road, the RSU can spend an additional \$4,000 to have the appraisal upgraded to a "yellow book" appraisal. The acreage on the City's tax records differs from the acreage on the deeds. It may be necessary for the RSU to come up with additional land to exchange with the City. The RSU Board and the National Park Service are considering three RSU sites, they are a portion of the Hilltop School parcel, RSU wetland areas, or Sincok School. Mr. Keck hopes to come before Council in January, 2016 with an option for land to exchange. A straw poll regarding the site of the new school will be held in January, 2016 and another straw poll for the building design and cost in July, 2016.

Mr. Keck stated that the RSU attorneys feel that some reversionary language that was used in deeds between the City and the RSU is not correct and that it now needs to be corrected.

Councilor McDonough expressed his concerns that a referendum vote could fail and the RSU could lose this opportunity to build a new school. Supt. Doak responded that there will be public meetings way in advance to any budget vote so people will know what expenses are the State's and what is possibly an expense for the RSU. For example, he stated that if people don't want to pay for a second gym then possibly there won't be a second gym.

Council Agenda Item #10: Other Business

Councilor McDonough asked about having a building on Broadway Street secured.

Council Agenda Item #11: Executive Session pursuant to 1 MRSA 405(6)(D)

7:00 p.m. Time in. Motion made by P. McDonough, seconded by J. Smith, to move into executive session pursuant to 1 MRSA 405(6)(D) with Manager Bleess and Councilor-Elect T. Guerrette for Labor Negotiations. (6 yes) So voted.

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8:11 p.m. Time out. Motion made by D. Martin, seconded by J. Smith, to move out of executive session.  
(6 yes) So voted.

No action taken.

Motion made by P. McDonough, seconded by T. Stewart, to adjourn the meeting at 8:12 p.m.

Upcoming Meeting Dates:

Council Workshop November 30, 2015 at 6:00 p.m.

Regular City Council Meeting December 14, 2015 at 6:00 p.m.

Organizational City Council Meeting January 4, 2016 at 6:00 p.m.

Jayne R. Farrin, Secretary