



City of Caribou, Maine

AGENDA
Caribou City Council
Regular City Council Meeting
7:00 P.M. Monday, November 25, 2013
Caribou City Council Chambers

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org

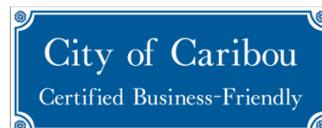
1. Public Input
2. Declaration of Conflicts of Interest from the City Council regarding any agenda item.
3. Consider authorizing the minutes of the following meetings:
 - a) November 12, 2013 2-5
4. Chamber of Commerce Ordinance 6-7
5. Fire Permit Ordinance 8-9
6. Mobile Home Ordinance 10-12
7. Joint Public Works Committee appointments 13
8. Introduction of GA Ordinance 14-15
9. 2014 Budget 16
10. Other Business
11. Executive session pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D) to discuss Labor Negotiations with New England Police Benevolent Association Local 605 and Teamsters Local 340.
12. Executive session pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(A) to discuss personnel issues.

Upcoming Meeting Dates:

Regular City Council Meeting, December 9, 2013 at 7:00 p.m.

Organizational City Council Meeting, January 2, 2014 at 7:00 p.m.

Regular City Council Meeting, January 13, 2013 at 7:00 p.m.



A regular meeting of the Caribou City Council was held 7:00 p.m. on Tuesday, November 12, 2013 in Council Chambers with the following members present: Deputy Mayor Kenneth G. Murchison, David Martin, Philip McDonough II, Joan L. Theriault, David R. Genthner, Sr., and Shane McDougall. Mayor Gary Aiken was absent and excused.

Austin Bless, City Manager and Tony Mazzucco, Assistant City Manager were present.

Department Manager: David Ouellette, Public Works Director; Elizabeth O'Bar, Tax Assessor; Scott Susi, Fire Chief; William Tasker, Chamber of Commerce Director; Lisa Plourde, Housing Director; Michael Gahagan, Police Chief; Wanda Raymond, Finance Director; and Kathleen Mazzuchelli, Supt. of Parks & Recreation.

Natalie De La Garza, representing the Aroostook Republican and Time Warner covered the meeting.

Council Agenda Item #1: Swearing in of new City Councilors

The City Clerk administered the oath of office to Shane McDougall to serve as Councilor until December 31, 2014.

Council Agenda Item #2: Public Hearing on Proposed 2014 Budget

The City Manager read into the record his memorandum outlining the 2014 Proposed Budget. Following direction from the Council, the budget presented this evening is \$581,593 lower than was presented in October.

7:05 p.m. Public Hearing opened.

Wilfred Martin questioned why the Budget Public Hearing was being held before Public Input.

Paul R. Camping, 710 Grimes Road, spoke against the use of TIF money to support the Chamber of Commerce and the Snowmobile Trail Fund. Mr. Camping commented that the revised 2014 Budget is a budget that protects the status quo and next year will lead the City down the path of financial crisis. He supports Caribou working with the City of Presque Isle regarding the sharing of services and equipment. His other recommendations include: reduce labor costs by not filling positions and having five unpaid furlough days, cap the City's insurance contributions at 2013 rates, stop the population decline of the City, keep Caribou an affordable place to live, have Council appoint a committee to explore the City's withdrawal from RSU #39, make our assets work for us by producing additional revenues, and create a County task force which would work with the local delegation in sponsoring legislation to allow for an increase in local sales taxes.

Councilor Martin questioned why funding for Aroostook Area Agency on Aging was not included in the budget. The Manager stated that it can be added back if that is the Council's wishes.

7:20 p.m. Public Hearing closed.

Council Agenda Item #3: Public Input

Wilfred Martin requested that prior year expenses be included in the 2014 budget. He was informed that this information is included in the 2014 budget.

Mr. Martin spoke about the November Election, the filling of the two one-year Council positions, and the Charter requirement that requires prior taxes to be paid to qualify to serve on Council.

After seeking legal advice, Manager Bleess explained that two people were elected to City Council but one is not eligible to hold the office of City Councilor; therefore Joan Theriault is still sitting in that seat because she was appointed until her successor was elected. In January, Joan Theriault will be sworn into her new position which will then create a vacancy. At that point the Council will have 30 days to appoint someone and could call for a special election. There is no prohibition as to who can be a candidate for City Council; the eligibility factor comes into place as to who can hold the office.

Dick St. Peter, a local contractor, expressed his concerns about Code Enforcement staffing levels and his ability to obtain permits in a timely matter. He suggested that this might be an area that the Cities of Caribou and Presque Isle could work together allowing for increased code enforcement coverage.

Paul R. Camping, 710 Grimes Road, stated his opinion regarding the actions of the City Clerk, the results of November 5, 2013 election, and the ineligibility of one of the elected candidates to serve as a City Councilor. Mr. Camping wants the Council to declare Norma Milton a duly elected councilor-elect. He stated that the results of the election are in dispute and until they are settled fair and equitable for all parties concerned, he recommends and encourages the Council not to follow the attorney's course of action as this will drag the City in a protracted civil law suit. Ms. Milton has retained legal counsel, who is in the process of preparing a civil lawsuit against the City Caribou. He stated that he proudly voted for Ms. Milton, as did his wife, and 456 other citizens of Caribou. He plans to donate to the Norma Milton legal defense fund. He ended his comments by imploring the Council to immediately declare Ms. Milton Councilor-elect to avoid a lawsuit.

Council Agenda Item #4: Declaration of Conflicts of Interest from the City Council regarding any agenda item.

None.

Council Agenda Item #5: Consider authorizing the minutes of the following meetings:

- a) October 28, 2013 Council Meeting
- b) October 21, 2013 Council Workshop
- c) October 23, 2013 Council Workshop

Councilor McDonough stated that he attended both the October 21st and 23rd Council Workshops. The minutes as presented have him showed as absent and excused.

Motion made by P. McDonough, seconded by J. Theriault, to accept the minutes October 28, 2013 Council Meeting as presented, October 21, 2013 Council Workshop with a correction to show that Councilor McDonough was in attendance, and October 23, 2013 Council Workshop with a correction to show that Councilor McDonough was in attendance. (4 yes, 1 abstention, S. McDougall) So voted.

Council Agenda Item #6: Consent Agenda

- a) Approval of October 2013 Financials
- b) October 2013 Fire Department Report
- c) October 2013 Police Department Report

Motion made by P. McDonough, seconded by D. Martin, to approve the Consent Agenda with Business items A, B, & C as presented. (4 yes, 1 abstention, S. McDougall) So voted.

Council Agenda Item #7: Sale of Tax Acquired Property

Motion made by P. McDonough, seconded by D. Martin, to accept the high bid of \$3,100 from David Lewis for the tax acquired property located on Map 28, Lot 122 47 York Street. (5 yes) So voted.

Motion made by P. McDonough, seconded by D. Martin, to accept the high bid of \$16,500 from Derrell Richerson for the tax acquired property located on Map 15, Lot 51B 15 Bog Road.

Discussion occurred between the Council, Caribou Tax Assessor, representatives from Cain Realty Trust, Derrell Richerson, and Wilfred Martin.

D. Martin withdrew his second, P. McDonough withdrew his motion to accept the high bid of \$16,500 from Derrell Richerson for the tax acquired property located on Map 15, Lot 51B 15 Bog Road.

Motion by P. McDonough to table. P. McDonough withdrew his motion to table.

Motion made by D. Martin, seconded by J. Theriault, to reject the bid from Derrell Richerson, for Map 15, Lot 51B, and to sell to Derrell Richerson Map 15, Lot 51B and Lot 51B-001 for \$10,000 and \$18,000 respectively for a total of \$28,000. (5 yes) So voted.

Motion made by D. Martin, seconded by D. Genthner, to sell to Cain Realty Trust Map 15 Lot 51 for \$72,000 and to put all \$72,000 from the sale into G 1-490-00. (5 yes) So voted.

Council Agenda Item #8: Introduction of Fire Permit Ordinance

Councilor McDonough introduced Ordinance No. 16, 2013 Series, An Ordinance amending Section 5-106 Fire Prevention – Permits, Short Title: An ordinance establishing Fire Permit Fees.

Council Agenda Item #9: Second Council Meeting in December

Motion made by P. McDonough, seconded D. Martin, to have only one Council Meeting in December. (5 yes) So voted.

Council Agenda Item #10: Christmas Eve Holiday

Motion made by P. McDonough, seconded by J. Theriault, to authorize a Christmas Eve Holiday of four hours for City Staff. (5 yes) So voted.

Council Agenda Item #11: Other Business

None.

Council Agenda Item #13: Executive session pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D) to discuss personnel issues.

8:15 p.m. Motion made by P. McDonough, seconded by D. Genthner, to move to executive session with City Manager , Assistant City Manager, and Fire Chief pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D) to discuss personnel issues. (5 yes) So voted.

8:35 p.m. time out. No action taken.

Council Agenda Item #12: Executive session pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D) to discuss Labor Negotiations with AFCSME.

8:36 p.m. Motion made P. McDonough, seconded by D. Genthner, to move to executive session with City Manager and Assistant City Manager pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D) to discuss Labor Negotiations with AFCSME. (5 yes) So voted.

8:45 p.m. time out. Motion made by P. McDonough, seconded by J. Theriault, to accept modifications to the agreements. (5 yes) So voted.

Council Agenda Item #13: Executive session pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D) to discuss personnel issues.

8:46 p.m. Motion made by P. McDonough, seconded by D. Genthner, to move to executive session with City Manager pursuant to MRSA Title 1 Chapter 13 Section 405 (6)(D) to discuss a personnel issue. (5 yes) So voted.

8:50 p.m. time out. No action taken.

Motion made by P. McDonough, seconded by D. Genthner, to adjourn the meeting at 8:50 p.m.

Upcoming Meeting Dates:

Workshop Meeting with Cary Medical, November 13, 2013 at 5:00 p.m. Chan Center

Workshop Meeting with Caribou Economic Growth Council, November 14, 2013 at 5:00 p.m.

Community Vision Follow-Up Session, November 16, 2013 at 10:00 a.m. to noon, Caribou Wellness Center

Joint Workshop Meeting with Presque Isle City Council, November 19, 2013 at 6:00 p.m. Presque Isle

Regular City Council Meeting, November 25, 2013 at 7:00 p.m.

Regular City Council Meeting, December 9, 2013 at 7:00 p.m.

Jayne R. Farrin, Secretary



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bless, City Manager
Date: November 25, 2013
Re: Chamber of Commerce Ordinance

The following ordinance has been drafted by request of the Mayor. The Ordinance would remove the Chamber of Commerce from being a department of the City effective at the end of this year.

This ordinance was read in during our October 28 Council Meeting. The Public Hearing has been scheduled for tonight. After the Public Hearing we will need Council action on this issue.

Councilor _____ introduced the following ordinance:

Ordinance No. 15, 2013 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE AMENDING SECTION 10-103 Chamber of Commerce

Short Title: An ordinance removing the Chamber of Commerce.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Section 1: Sec. 10-103 of Chapter 10 Planning is repealed effective December 31, 2013.

This ordinance, being introduced on October 28, 2013 and a public hearing being held on November 25, 2013 was duly passed by the City Council of the City of Caribou, Maine, this ___th day of _____ 2013.

Gary Aiken, Mayor

Kenneth G. Murchison Jr, Councilor

Shane McDougall, Councilor

David Martin, Councilor

Philip J. McDonough II, Councilor

David Genthner Sr, Councilor

Joan Theriault, Councilor

Attest:

Jayne R. Farrin, City Clerk



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bless, City Manager
Date: November 25, 2013
Re: Fire Permit Ordinance

As we have been working through the budget one area of potential revenue that was discussed was charging for fire permits. Currently people may get a permit at no cost. We issue approximately 900 permits each year. If we were to charge \$10 for a permit we would see about \$8,000 in new revenue after assuming a decline in the number issued.

To charge for permits we are presenting Ordinance 16-2013 that would allow the Council to set a fee for permits. We are not specifying fees for this in the ordinance to give the City some flexibility in how it charges these fees.

Tonight we need to hold a public hearing on this ordinance. After the public hearing the City Council may take action on the ordinance.

Councilor _____ introduced the following ordinance:

Ordinance No. 16, 2013 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE AMENDING SECTION 5-106 Fire Prevention - Permits

Short Title: An ordinance establishing Fire Permit Fees.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Section 1: Sec. 5-104 of Chapter 5 Fire Prevention is hereby created and shall read:

Fees: The fee for permits under this section shall be at a rate the Council may determine from time to time.

This ordinance, being introduced on November 12, 2013 and a public hearing being held on November 25, 2013 was duly passed by the City Council of the City of Caribou, Maine, this ___th day of _____ 2013.

Gary Aiken, Mayor

Kenneth G. Murchison Jr, Councilor

Shane McDougall, Councilor

David Martin, Councilor

Philip J. McDonough II, Councilor

David Genthner Sr, Councilor

Joan Theriault, Councilor

Attest:

Jayne R. Farrin, City Clerk



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: November 25, 2013
Re: Mobile Home Ordinance

Previously the City Council has introduced this ordinance and held the public hearing on this topic.

The Council asked staff to research any potential liability the City may have in passing this ordinance and allowing mobile homes to be issued a certificate of occupancy without having met the snow load requirements. After researching this a bit more the City would not have liability on this matter.

The Council also questioned whether or not this would apply to the mobile homes owned by Andy Ayer. According to state law: "Mobile home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile homes.

Our ordinance defines a mobile home park as 3 or more mobile homes.

Councilors McDonough and Theriault have also expressed their opinions that the entire Mobile Home Park Ordinance should be looked at. They have requested an ad hoc committee to be formed to work with the public, mobile home park owners, and the Planning Board on this topic. If the Council wishes to create a Community Mobile Home Park Advisory Committee they can do that to assist the Planning Board in looking at this ordinance. The Mayor would appoint two members of the Council, with Council approval, to the committee.

The Council should act to either approve or not approve this ordinance.

Councilor Martin introduced the following ordinance:

Ordinance No. 14, 2013 Series
City of Caribou
County of Aroostook
State of Maine

**AN ORDINANCE AMENDING SECTION 13-740 OF CHAPTER 13 LAND USE
ORDINANCES**

Short Title: An ordinance regarding Seasonal Certificates of Occupancy for Mobile Homes.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Section 1: Sec. 13-740 of Chapter 13 Land Use is amended to read:

3. Mobile Homes Built Before June 15, 1976, or Not Built According to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70.

H. Roof Loads.

1. All homes with roofs added after construction shall require a Maine Registered Professional Engineer to inspect the roof to determine that the roof can withhold seventy (70) pounds per square foot.
2. This roof requirement may be waived by the Code Enforcement Officer for trailers to be occupied seasonally for housing of agricultural workers in federally approved migrant worker programs no earlier than April 15 and no later than October 31 each calendar year providing all other requirements of this ordinance are met.
3. The Code Enforcement Officer may issue a Certificate of Occupancy annually in such cases listing the period of time the Mobile Home is allowed for occupancy.

This ordinance, being introduced on October 15, 2013 and a public hearing being held on October 28, 2013 was duly passed by the City Council of the City of Caribou, Maine, this ___th day of _____ 2013.

Gary Aiken, Mayor

Kenneth G. Murchison Jr, Councilor

Joan L. Theriault, Councilor

David Martin, Councilor

Philip J. McDonough II, Councilor

David Genthner Sr, Councilor

Shane McDougall, Councilor

Attest:

Jayne R. Farrin, City Clerk



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bless, City Manager
Date: November 25, 2013
Re: Joint Public Works Committee appointments

Mayor Aiken would like to appoint Councilors McDonough and Martin to a committee to work with Presque Isle to study the feasibility of a joint Public Works Department for the two cities.

If we would like to have an alternate appointed as well Councilor McDougall has expressed interest in serving on the committee.



OFFICE OF GENERAL ASSISTANCE
CARIBOU, MAINE

To: Mayor and Council Members
From: Jayne R. Farrin, General Assistance Administrator
Date: November 25, 2013
Re: Introduction of GA Ordinance

Once again in 2013, it is necessary to adopt changes to the Caribou's General Assistance Ordinance and to amend Appendix B (Food Maximums). This is necessary to keep the City's program in compliance with the State.

Recently Maine Municipal Association updated the General Assistance Model Ordinance to include the numerous changes that have occurred in recent years. The Maine Welfare Directors Association strongly recommends the adoption of this ordinance.

Appendix B is a listing of the maximum levels of assistance food which are the same as the USDA Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services.

Number in Household	Weekly Maximum	Monthly Maximum
1	\$43.95	\$189
2	\$80.70	\$347
3	\$115.58	\$497
4	\$146.97	\$632
5	\$174.42	\$750
6	\$209.30	\$900
7	\$231.40	\$995
8	\$264.42	\$1137

I will be available for your questions on the 9th of December.

For tonight we will need Council to introduce this ordinance. We will schedule a public hearing for December 9, 2013. After that the Council may take action on this.

Councilor _____ introduced the following ordinance:

Ordinance No. 17, 2013 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE ESTABLISHING CHAPTER 17 - GENERAL ASSISTANCE

Short Title: An ordinance establishing General Assistance Guidelines.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Section 1: Chapter 17 is hereby created and established with the General Assistance Ordinance and Appendixes as prepared by the Maine Municipal Association dated September 2013 in compliance with Title 22 MRSA §4305.

Section 2: Upon adoption by the Caribou City Council the City Clerk is directed to file a copy with the Department of Health & Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

This ordinance, being introduced on November 25, 2013 and a public hearing being held on December 9, 2013 was duly passed by the City Council of the City of Caribou, Maine, this ___th day of _____ 2013.

Gary Aiken, Mayor

Kenneth G. Murchison Jr, Councilor

Shane McDougall, Councilor

David Martin, Councilor

Philip J. McDonough II, Councilor

David Genthner Sr, Councilor

Joan Theriault, Councilor

Attest:

Jayne R. Farrin, City Clerk



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bless, City Manager
Date: November 25, 2013
Re: 2014 Proposed Budget

The 2014 Budget was presented to the City Council at our November 12 meeting. The Council set the goal to see the Mill Rate increase be no higher than 1.4 mills, which translated into about a \$568,753 reduction from the original budget presentation. The budget presented on the 12th was \$581,593 lower than was presented in October.

Since the budget was presented at the last meeting I have not heard any feedback from the Council on the budget. Therefore we are bringing this topic to Council tonight for action or discussion.