



City of Caribou, Maine

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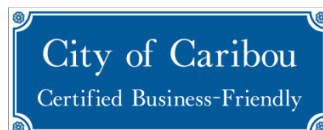
AGENDA Caribou City Council Regular City Council Meeting 6:00 P.M. Monday, April 27, 2015 Caribou City Council Chambers

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) April 13, 2015 City Council Meeting 2-6
4. Consent Agenda
 - a) March 2015 Financials
 - b) Approval of CDBG Resolution 7-8
 - c) Approval of Licenses 9
5. Secession Public Hearing – Paul Camping 10
6. Nylander Museum Ordinance 11-13
7. Administration Ordinance Changes 14-18
8. Knox Memorial Fund 19
9. Fire Truck Bids 20
10. Lawn mower bids 21
11. Rails to Trails Grant 22
12. Other Business
13. Executive Session pursuant to 1 MRSA §405(6)(c) to discuss economic development and real property.

Upcoming Meeting Dates:

Regular City Council Meeting May 11, 2015 at 6pm

Regular City Council Meeting June 8, 2015 at 6pm



A regular meeting of the Caribou City Council was held 6:00 p.m. on Monday April 13, 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.

Austin Bleess, City Manager was present.

Department Managers: Penny G. Thompson, Tax Assessor; Michael Gahagan, Police Chief; Gary Marquis, Supt. of Parks & Recreation; and Scott Susi, Fire Chief.

Members of the Maine Elks Association: Thomas Callahan, State President; James Ferland, Past State President; Gregory Daniel, Past State President; Alan Harding, President Presque Isle Elks; Mike LaFrance, Past Lodge President; Curtis Lewin, Drug Awareness District Chair; and Rachel Murchison, Lodge Chaplain.

Members of the Police Chief Michael W. Gahagan's family.

Joshua Archer, representing the Aroostook Republican; and Time Warner covered the meeting.

Prior to Public Input:

Each year, the BPO Elks present the Enrique S. Camarena Award to a member of the law enforcement community who best exemplifies the qualities and principles for which DEA Agent Camarena, in 1985, gave his life. Nominees should be involved in their communities in efforts to make them drug-free.

James Ferland, Past State President, announced that Police Chief Michael W. Gahagan has been selected as Maine's 2015 Enrique "Kiki" Camarena Award Nominee and his name has been submitted to the National Organization for their consideration.

Congratulatory remarks were given by Mayor Aiken, City Manager Bleess, and Elk members.

Council Agenda Item #1: Public Input

Paul R. Camping, Secession Committee, requested and received permission to speak under Agenda Item #6 Petition on Secession.

Milo Haney requested reimbursement of \$735.00 for attorney fees plus the interest that he incurred while disputing his 2012 personal property taxes.

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) March 23, 2015 Council Meeting
- b) March 30, 2015 Special Council Meeting
- c) April 7, 2015 Council/Nylander Meeting

Motion made by P. McDonough, seconded by J. Theriault, to approve the minutes of the March 23, 2015 Council Meeting, March 30, 2015 Special Council Meeting, and April 7, 2015 Council/Nylander Meeting as presented. (6 yes) So voted.

Council Agenda Item #4: Consent Agenda

- a) March 2015 Police Department Report
- b) March 2015 Fire Department Report
- c) March 2015 Library Department Report
- d) Approval of Quit Claim Deeds
 - 1. Aroostook Cold Storage LLC – Map 28 Lot 78
 - 2. Danielle McLaughlin – Map 34 Lot 167
- e) Approval of Licenses
 - 1. Liquor License & Special Amusement Permit
 - I. Caribou Country Club
 - 2. Rubbish Haulers Licenses
 - I. Pine Tree Waste
 - II. McNeal's Trucking
 - 3. Taxi Licenses
 - I. Lori Hodsdson dba Town Taxi

Motion made by P. McDonough, seconded by J. Smith to approve the Consent Agenda with Business Items A-E as presented. (6 yes) So voted.

Council Agenda Item #5: Public Hearing on CDBG Application

City Manager Bless stated that the City is working with Virtual Managed Solution (VMS) in developing a CDBG application that if approved, would assist VMS in adding 100 new jobs. The CDBG application is for \$367,833, which is half of the total project costs of \$735,666. The other half of the funds would come from other sources. Manager Bless noted that VMS has outstanding taxes of \$17,430. Manager Bless also stated he thinks this is a good project and the impacts would be very beneficial for Caribou.

6:32 p.m. Public Hearing opened.

CB Smith, CEO of VMS, spoke about the opportunities ahead for VMS with addition of a new client that would require hiring additional employees. Currently VMS employs twenty-five. This opportunity would allow the interjection of \$3.2 million in payroll into the local economy. Mr. Smith stated that VMS is not in the position to come in and pay all outstanding taxes, but he stated that VMS is working on getting them paid.

Maynard St. Peter stated that the outstanding taxes should be paid before this is approved. Mr. St. Peter asked if the City's economic development program was being used as a funding source for the other half of the project. CB Smith replied that the City's economic development program was not being used. Mr. St. Peter asked how many jobs \$3.2 million would bring to the community and Mr. Smith stated between 50 and 70. Additional questions were asked about whether the new employees would be residents of Caribou or the surrounding communities and what would this project add in taxes to the City. Mr. Smith commented that many of the new employees could be former ATX employees. VMS plans to do some minimum upgrades to the building. The City is more likely to see an increase in the personal property valuation because of equipment being added.

Duane Walton, NMDC Director of Business Finance, stated that he is working to assist VMS with the other necessary funding. Mr. Walton has worked with CB Smith and VMS since the beginning. In addition to adding jobs, VMS plans to pay employees more than typical service centers do.

Jan Murchison was told the CDBG application is due April 24th. Mrs. Murchison questioned what the conditions would be regarding the back taxes.

Steve Boody, partner at VMS, stated that regular payments are being made on the back taxes. Mr. Boody stated the projected \$3.2 million in payroll is new money to the County and will be spent by employees in the Caribou area.

Ken Murchison, a member of the Caribou Business Investment Group (B.I.G.) congratulated CB Smith and VMS for being named the 2015 Veteran Small Business Owner of the Year. Mr. Murchison applauded the City for working on a grant application to help VMS; furthermore, it sends a message that Caribou is open for business.

CB Smith stated that having to pay the taxes in full before that application is submitted will kill the project.

Mark Goughan spoke in support of the City moving ahead with CDBG application.

Councilor Martin spoke in support of the CDBG application.

If the grant is approved, the City serves as fiscal agent as the award is made to the City and then the City forwards the money to the vendors. Documentation of jobs creation is a necessary part of the grant process.

CB Smith stated that the scope of the grant application has been scaled back from \$735,666 to \$645,000 and 100 jobs to 50 to 70 jobs.

The application is due on April 24th, and it is anticipated the grant awards will be announced no sooner than July 1. If the City is awarded the grant, funds would not be available until the September-October timeframe.

CB Smith stated that he like the idea of having a plan to pay the back taxes. He stated he would commit to making regular payments during the time of the application and award process, and if the taxes are still are not current, then the tax balance will be added to his other loan package.

6:55 p.m. Public Hearing closed.

Motion made by J. Smith, seconded by D. Martin, to move forward with the CDBG Application process contingent on a plan for the payment of back taxes is made between CB Smith and Manager Bleess. (6 yes) So voted.

Council Agenda Item #6: Petition on Secession

Paul R. Camping, Caribou Secession Committee (CSC) spokesperson and resident of 710 Grimes Road, formally requested a public hearing as called for in the CSC's petition. Mr. Camping outlined the purpose of the public hearing and the committee's request that the hearing be classified as a legislative public hearing rather than a quasi-judicial public hearing. The CSC provided the Mayor and City

Manager a list of items that are needed from the City so that the committee can prepare the required Tax Impact Statement. Mr. Camping referred to the City Manager's memo that suggest dates and potential locations for the public hearing. The CSC would prefer the public hearing to be held Saturday,

May 23rd at 7:00 p.m. at the RSU#39 Caribou Performing Arts Center rather than a Tuesday or Thursday at the City of Caribou's Wellness Center as outlined by Manager Bless in his memo.

The CSC provided an outline for their suggested format for the running of the public hearing. The Mayor stated his surprise that the CSC requested that the hearing be held Saturday evening of Memorial Day week-end. Maynard St. Peter stated that date was selected so it would allow the CSC time to complete their work, people work during the week and are available on week-ends, and the suggested time was to accommodate the residents of north Caribou that attend church Saturday evenings. Mr. St. Peter offered to pay the fee to use the Caribou Performing Arts Center.

The Mayor suggested that Council wait to set the public hearing date until the CSC receives the requested information and they have determined that the Tax Impact Statement will be ready. Mr. Camping stated that in a "perfect world" the CSC would have the report completed one week prior to the public hearing.

Motion made by J. Smith, seconded by T. Stewart, to table setting the public hearing date to April 27, 2015 Council Meeting. (6 yes) So voted.

Council Agenda Item #7: Connor Snowplowing Contract

Motion made by P. McDonough, seconded by S. McDougall, to approve the Snow Removal Contract with the Aroostook County Commissioners for the Unorganized Territory of Connor. (6 yes) So voted.

Council Agenda Item #8: Downtown Paving Project Bids

Motion made by S. McDougall, seconded by P. McDonough, to accept the low bid of \$186,444 from Trombley Industries of Limestone. (6 yes) So voted.

Council Agenda Item #9: Parks and Recreation Vehicle

Motion made by P. McDonough, seconded by J. Smith, to accept Griffeth Ford Lincoln's Option #2 for a new 2015 F250 for a price of \$26,900. (6 yes) So voted.

Council Agenda Item #10: Nylander Museum Ordinance

Councilor McDonough introduced Ordinance No. 7, 2015, an Ordinance amending Chapter 15, Section 15-101, Nylander Museum, Short Title: An ordinance regarding the Nylander Board of Trustees.

Public Hearing to be held April 27, 2015.

Council Agenda Item #11: Personal Property for Caribou Hydraulic

Motion made by J. Smith, seconded by J. Theriault, to abate \$1,403.32 in personal property taxes. (6 yes) So voted.

Council Agenda Item #12: Other Business

1. Council recognized the attendance of Boy Scout Troop #186. By attending a Council meeting, the Scouts are completing one of the requirements for one of their citizenship merit badges.
2. Motion made by J. Smith, seconded by P. McDonough, to forgive interest of \$201.29 for Milo Haney's personal property taxes contingent that Mr. Haney pays the remaining personal property taxes in full within 30 days. (6 yes) So voted.
3. The Mayor will schedule an Investment Committee meeting.
4. The Council voted in February to mark City vehicles with the City logo. Councilor Theriault commented that the vehicles have been lettered but the logo hasn't been added. There was Council discussion concerning what is appropriate markings for a City vehicle. Manager Bless stated that the logo can be added.
5. The Mayor commented on the unkempt appearance around Tri-Community's two recycling sites. The City Manager will contact Mark Draper.

Council Agenda Item #13: Executive Session pursuant to 1 MRSA §405(6)(E) to discuss a legal issue.

7:42 p.m. Time In. Motion made by P. McDonough, seconded by J. Theriault, to move to Executive Session with City Manager Bless and Police Chief Gahagan pursuant to 1 MRSA §405(6)(E) to discuss a legal issue. (6 yes) So voted.

7:55 p.m. Time Out. Motion made by D. Martin, seconded by P. McDonough, to move out of Executive Session. (6 yes) So voted.

Motion by D. Martin, seconded by J. Smith, to approve the proposed settlement negotiated at a judicial settlement conference in Nichols v. City of Caribou and to approve the Consent Decree in the consolidated cases of United States of America v. City of Caribou and Nichols v. City of Caribou. The City Manager is authorized and directed to sign the decree and any other documents that may be required to comply with the decree and any provision therein. (6 yes) So voted.

Council Agenda Item #14: Executive Session pursuant to 1 MRSA §405(6)(D) to discuss economic development.

7:56 p.m. Time In. Motion made by P. McDonough, seconded by J. Theriault, to move to Executive Session with City Manager Bless pursuant to 1 MRSA §405(6)(D) to discuss economic development. (6 yes) So voted.

8:07 p.m. Time Out. Motion made by P. McDonough, seconded by J. Smith to move out of Executive Session. (6 yes) So voted.

Motion made by D. Martin, seconded by S. McDougall, to allow the City Manager to bid on property going for auction. (5 yes, 1 no, P. McDonough) So voted.

Motion made by P. McDonough, seconded by J. Smith, to adjourn the meeting. (6 yes) So voted.

Upcoming Meeting Dates:

Regular City Council Meeting April 27, 2015 at 6:00 p.m.

Regular City Council Meeting May 11, 2015 at 6:00 p.m.

Jayne R. Farrin, Secretary



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bless, City Manager
Date: April 27, 2015
Re: Resolution for CDBG Grant

As part of the application for the CDBG Grant DECD is requesting the following resolution be approved and sent to them.

This more formally acknowledges what the Council agreed to at our last meeting.

A RESOLUTION AUTHORIZING THE APPLICATION OF CDBG

WHEREAS, the City of Caribou wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Caribou is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the Council of the City of Caribou that the City Manager:

1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine’s CDBG Program:

Program: Economic Development Program Amount: _____

To the Department of Economic and Community Development on behalf of the City of Caribou substantially in the form presented to this council;

2) Is authorized to make assurances on behalf of the City of Caribou required as part of such applications, and

3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the City of Caribou and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

This resolution was duly passed and approved to by a majority of the City Council of the City of Caribou this 27th day of April 2015.

Gary Aiken, Mayor

David Martin, Councilor

Shane McDougall, Councilor

Tiffany Stewart, Councilor

Philip J. McDonough II, Councilor

Jody Smith, Councilor

Joan Theriault, Councilor

Attest:

Jayne R. Farrin, City Clerk
SEAL



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: April 27, 2015
Re: Approval of licenses

Marty Clayton DBA Aroostook Cab Company has applied for a taxi license. This has been reviewed by the Police Dept and the City Clerk and is recommended for approval.

James Smith DBA The Happy Belly has submitted an application for a lunch wagon. He'll operate Mon-Thursday 11am-7pm and Friday-Saturday 11am-10:00pm. He'll be at the corner of Fort Street and Birdseye Ave in the parking lot there. This has been reviewed by the Police Chief, Fire Chief, and Code Enforcement Officer with their approval being given.

Gils Sanitation has applied for a Rubbish Hauler permit. The application has been reviewed and is recommended for approval by staff.

Rossignol Sanitation has applied for a Rubbish Hauler permit. The application has been reviewed and is recommended for approval by staff.

Caldwell's Sanitation LLC has applied for a Rubbish Hauler permit. The application has been reviewed and is recommended for approval by staff.

Crown of Maine Sanitation has applied for a Rubbish Hauler permit. The application has been reviewed and is recommended for approval by staff.

City Sanitation has applied for a Rubbish Hauler permit. The application has been reviewed and is recommended for approval by staff.

The Council will need to authorize these.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: April 27, 2015
Re: Petition on Secession

At our last meeting the secession representatives presented a Freedom of Access Act request. Since then staff has worked to gather the information they requested, and that information will be given to them today.

At the meeting the representatives asked for the Council to set the meeting for 7pm on Saturday, May 23rd which is Memorial Day Weekend.

As noted at the last council meeting, in looking at potential dates and facilities it was recommended holding the meeting on Tuesday May 19 or Tuesday May 26 at the Rec Center or May 19, 21, 26, or 28 at the CPAC. We can utilize the Rec Center for free, but staff would need to figure out a way to record the meeting. In talking with Sue White, the Superintendent, we would not have to pay to use the CPAC those dates as there is custodial staff already there. If it were held on a Saturday the costs would increase as we would have to hire a custodian. We would have to pay for a person to run the sound which would be approximately \$100. At either location we would likely want to look into costs to having the proceedings recorded. The costs depend upon how long the meeting lasts.

At the meeting we are required to allow nonresidents to participate, and it does not appear we can limit the number of people that can speak or require them to sign up a head of time to speak.

The meeting requires at least a 14 day notice with one notice to be published as close as possible to the 14th day before the hearing and a 2nd notice to be published as close as possible to the 7th day before the hearing.

The Council should decide on a location for the meeting and set a date and time for the meeting, or request more information from the secession representatives before the meeting is set.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: April 27, 2015
Re: Nylander Museum Ordinance

As was discussed at the Council meetings with the Nylander we need to update the ordinance. The ordinance changes as proposed would allow for a 5 or 7 member board, it removes the requirement that members must be residents of Caribou and removes the position of treasurer from the board.

This ordinance was introduced at our last meeting. A public hearing was properly scheduled and advertised. The Council should have the public hearing tonight and after that can take action on the ordinance.

Councilor _____ introduced the following ordinance:

Ordinance No. 7, 2015 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE AMENDING CHAPTER 15, SECTION 15-101, NYLANDER MUSEUM

Short Title: An ordinance regarding the Nylander Board of Trustees

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 15-101, Board of Trustees Established; Appointment; Term; Purpose, of Chapter 15, Nylander Museum, of the Caribou City Ordinances is hereby repealed.

Section 15-101, Board of Trustees Established; Appointment; Term; Purpose, of Chapter 15, Nylander Museum, of the Caribou City Ordinances is hereby created and shall read as follows:

Whereas, it is desirable and necessary that all of the collections sold by the late Olof Nylander to the City of Caribou and all other collections donated by others and kept in the Nylander Museum be properly cared for, preserved, added to, and maintained for the use of the public, and for the public good, and for the maintenance, upkeep, and repair of the Nylander Museum, for which said collections are maintained.

That there be established a board of trustees of the Nylander Museum to manage and control all its affairs, composed of at least five (5) but no more than seven (7) voting members and one non-voting member, ex-officio, who shall be residents of the City of Caribou and who shall be ~~elected~~ appointed by the City Council of the City of Caribou within thirty (30) days after the acceptance of this ordinance by the City Council of the City of Caribou, as hereinafter provided, but none of such members of the Caribou City Council shall be eligible for such office of trustees, and whenever any of said trustees becomes a member of said City Council, he shall automatically cease to be such trustee.

As soon as convenient after the members of said board have been appointed, said trustees shall hold a meeting in the City of Caribou, and organize by the election of a President and Clerk, ~~and choose a Treasurer~~ and, when necessary, all other needful officers and agents.

Whenever a vacancy occurs in the office of President, ~~Treasurer~~, or Clerk, it shall be promptly filled by said Board of Trustees. The City Council shall appoint trustees of the Board in the following manner: Two (2) trustees for a period of one year; two (2) trustees for a period of two (2) years; three (3) trustees for a period of three (3) years. The City Council shall appoint a member of the City Council or the City Manager to serve as a non-voting member, ex-officio, in addition to the seven (7) voting trustees, who shall serve at the City Council's pleasure. The respective terms of the trustees shall expire with the end of the municipal year, and whenever a

trustee's term shall terminate for any reason before his term shall have expired, the City Council shall appoint a new trustee to finish the unexpired term.

~~When any trustee ceases to be a resident of the City of Caribou, he vacates the office of trustee.~~
The Board of Trustees shall ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the Nylander Museum. Members of the Board shall be eligible to any office under the Board and shall be sworn into office by a Justice of the Peace, Notary Public, or the City Clerk of the City of Caribou.

This ordinance, being introduced on _____, 2015 and a public hearing being held on _____, 2015 was duly passed by the City Council of the City of Caribou, Maine, this _____ day of _____ 2015.

Gary Aiken, Mayor

David Martin, Councilor

Shane McDougall, Councilor

Tiffany Stewart, Councilor

Philip J. McDonough II, Councilor

Jody Smith, 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: April 27, 2015
Re: Administration Ordinance Changes

On the following pages are proposed changes to the sexual harassment policy of our Administration Ordinance Changes. These changes are being made based upon the recommendations of the Department of Justice.

The Council would need to introduce the ordinance tonight and a public hearing will be scheduled for our May 11th meeting.

Councilor _____ introduced the following ordinance:

Ordinance No. 8, 2015 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION

Short Title: An ordinance modifying the City's Harassment Policy

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: Harassment Policy of Chapter 2, Administration, of the Caribou City Ordinances shall be modified to read as follows:

HARRASSMENT POLICY

It is the intent of the City of Caribou to provide a work environment that is free from discrimination or harassment. Therefore, it is the policy of the City that sexual and verbal harassment is unacceptable conduct in the workplace and will not be tolerated from any source, including supervisors, co-workers and non-employees. Employees are encouraged to assist the City with its goal of maintaining a workplace free of sexual and verbal harassment and with its commitment to deal seriously with allegations of sexual and verbal harassment when they arise.

Sexual Harassment Is Illegal under State and Federal Law. ~~per~~ Per State Law MRSA; Title 26.

It is illegal for any employee to sexually harass another employee, and for any supervisory employee to permit any act of sexual harassment in the workplace by anyone, whether or not an employee.

Definition of Sexual Harassment under State and Federal Law *per State Law MRSA; Title 26.*

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Description of Sexual Harassment.

- A. Physical assaults of a sexual nature such as:
 - 1. Rape, sexual battery, molestation or attempts to commit these assaults; and
 - 2. intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another employee's body.
- B. Unwanted sexual advances, propositions or other sexual comments, such as:
 - 1. sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;
 - 2. Preferential treatment or promise of preferential treatment to an employee for submitting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
 - 3. subjecting or threatening to subject, an employee to unwelcome sexual attention or conduct or making performance of an employee's job more difficult because of that employee's sex.
- C. Sexual or discriminatory displays or publications anywhere in the organization by employees such as:
 - 1. displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.
 - 2. Reading or otherwise publicizing in the work environment material that are in any way sexually demeaning or pornographic; and
 - 3. Displaying signs or other material purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/ changing rooms.)

Verbal Harassment: Resolving Harassment

Any employee who believes he or she has been harassed should take the following steps to resolve the problem:

- 1. If an employee finds someone's behavior offensive, they may attempt to resolve the behavior by calmly but firmly informing the individual that they find the behavior offensive and requesting that the behavior cease.
- 2. If the harassment continues and/or the employee does not feel comfortable discussing the behavior with the individual(s) involved, or if they believe some employment consequence may result from his/her confrontation with the individual whose behavior offends them, they should register a complaint orally or in writing, preferably in writing, with their any supervisor, the Equal Employment Opportunity Officer or with the City Manager.

Any supervisory or management level employee who receives an oral or written complaint of sexual harassment from an employee must report the complaint to the City's EEO Officer within five (5) business days of receiving such a complaint. Any supervisory employees who fail to meet this requirement may be subject to discipline.

Any supervisory or management level employee with actual knowledge of what he or she believes is conduct that has or may contribute to a sexually hostile work environment must report his or her knowledge of this conduct to the City's EEO Officer within five (5) business days of obtaining such knowledge. Any supervisory or management level employees who fail to meet this requirement will be subject to discipline.

Within twenty (20) days of the EEO Officer's receipt of a complaint of sexual harassment or receipt of information from a supervisor about sexual harassment, the EEO Officer shall inform the alleged victim of harassment that the allegations of sexual harassment will be promptly investigated. All complaints will be investigated promptly, and to the extent possible, on a confidential basis.

An independent investigator who does not work for the City and who has expertise in investigating harassment complaints will investigate all complaints of sexual harassment promptly and objectively.

During the course of a sexual harassment investigation, the person who is the alleged victim of sexual harassment is not required to meet with the alleged sexual harasser, work with the alleged sexual harasser, or discuss the allegations of harassment in the presence of the alleged sexual harasser.

The City will provide the results of sexual harassment investigations to the alleged victim of harassment in writing as soon as possible, but in no event later than thirty (30) workdays after the commencement of the investigation, unless a written explanation is provided to the alleged victim as to the reason(s) that the investigation could not be completed within thirty (30) workdays.

Confirmed instances of verbal or sexual harassment will be dealt with by utilizing whatever disciplinary action the City deems appropriate, up to and including termination.

~~3. — If what the employee considers to be a reasonable length of time has gone by and they believe inadequate corrective action has been taken by their supervisor, they should register their complaint in writing with the City Manager.~~

For this harassment policy "supervisory employee," "supervisor" and "management level employee" are defined to include: (a) any employee who possesses the authority to direct the work activities of at least one other employee and (b) any employee who has the authority to hire, fire, promote, transfer, or discipline another employee.

Legal Recourse through the Maine Human Rights Commission.

With regard to a sexual harassment complaint, if the employee does not want to make the report internally, the employee may make the complaint to the Maine Human Rights Commission which is located at the State House Station 51, Augusta, Maine, 04333, telephone number 289-2326. Any complaint must be filed with the Commission within 180 days of the act of harassment. Once a signed charge form has been received by the Commission, an investigation will be conducted and a determination will be made by the Commission of whether or not there are reasonable grounds to believe sexual harassment occurred.

If the Commission determined that sexual harassment did occur, it will attempt to resolve the situation between you and your employer through informal means. If informal means of resolution are unsuccessful, the Commission counsel may file a civil action on your behalf in Superior Court seeking appropriate relief.

Maine Human Rights Act Protection against Retaliation for Complaining about Sexual Harassment.

~~Under the law, no employee may be punished or penalized in any way for reporting, complaining about or filing a claim concerning sexual harassment, or for testifying in any procedure brought by anyone else.~~

Any employee who opposes conduct he or she believes in good faith violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended which includes but is not limited to reporting, complaining about or filing a claim concerning sexual harassment with the City, filing an EEOC or MHRC charge, and/or participating in any manner in an investigation or proceeding or hearing under Title VII, shall not be subjected to retaliation.

This notice is provided to all employees in compliance with 26 M.R.S.A. 807(2). If anyone has any questions regarding this notification, please ask your supervisor, the EEO Officer, or contact the City Manager.

This ordinance, being introduced on _____, 2015 and a public hearing being held on _____, 2015 was duly passed by the City Council of the City of Caribou, Maine, this _____ day of _____ 2015.

Gary Aiken, Mayor

David Martin, Councilor

Shane McDougall, Councilor

Tiffany Stewart, Councilor

Philip J. McDonough II, Councilor

Jody Smith, 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: April 27, 2015
Re: Knox Memorial Fund

Back in 1976 the City accepted a donation of \$30,000 to be used for the Cary Memorial Hospital to be known as Knox Memorial Fund. This is shown on our balance sheet as the G 1-183-00 account. When the money was given to the City Cary Medical Center was using our tax id number, which is why we were the beneficiary. Since then they have gotten their own tax id number. As this money is to be used for only the hospital it makes sense that we transfer ownership of the funds to the hospital for them to maintain and watch over, rather than keeping it on the city books.

We would need Council authorization to transfer ownership of the CD to Cary.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Mayor and Council Members
From: Austin Bleess, City Manager
Date: April 27, 2015
Re: Fire Truck Bids

Recently we went out for bids for our 1990 Fire Truck that we have replaced utilizing grant funds from FEMA. The old truck cannot be used in the United States as a fire truck any more, per the regulations of the grant. As Council will recall our share of the cost for the \$350,000 truck was \$17,5000.

We received three bids on the vehicle. The bid results are as follows:

Gas Motors: \$4,567.89
Moir Farms LLC \$4,004
Brown Developments \$3,500

The Council reserves the right to accept or reject any and all bids which are deemed to be in the best interest of the City.

CARIBOU PARKS & RECREATION DEPARTMENT
55 BENNETT DR.
CARIBOU, ME. 04736
207-493-4224
207-493-4225 Fax

MEMO

TO: Caribou City Council
CC: Austin Bless, City Manager
FROM: Gary Marquis
RE: Purchase of a new front line Zero Turn Mower for the Parks and Recreation Dept.
DATE: April 27, 2015

Tonight I'm approaching the Caribou City Council to request that we be allowed to use \$7,522.91 from our Recreation Lawn Mower Reserve Fund to purchase a 2015 TORO Zero Turn Mower for the Parks and Recreation Dept. Currently we have \$21,162 in the reserve. We have gone out for competitive bid to all of the Caribou dealers. We opened the bids have are recommending Council approve the lowest bid from Bernaiche Sales and Service in the amount of \$7,522.91 which includes \$1000.00 trade in value of the 2002 Exmark zero turn mower.

Our current fleet of mowers consists of two Toro zero turn mowers, they are both 2007 units. We also have a 2002 Exmark zero turn that is used as a backup mower and also is used primarily at Teague Park. We have had very good luck with the Toro brand as we have had them for the past 8 seasons.

With allowing us to trade in the Exmark mower and dropping one of the Toro zero turns to the second line, this will allow us the ability to continue to mow and keep the City looking as good as we can make it.

I will be available to answer questions you might have regarding this request.

Thank you for your consideration.

Gary Marquis
Supt. of Parks & Recreation

CARIBOU PARKS & RECREATION DEPARTMENT
55 BENNETT DR.
CARIBOU, ME. 04736
207-493-4224
207-493-4225 Fax

TO: Caribou City Council
FROM: Gary Marquis
RE: Funding for Permanent Bridge over Caribou Stream
DATE: April 24, 2015

The Caribou Recreation Department has been tasked with the construction of a permanent bridge over the Caribou Stream. Back in 2008 we built a removable wharf for the ATV's it has been a challenge year after year as it needs to be rolled down into the stream and tied with another section in the spring, and removed in the fall before winter settles in. This work has been done by Parks and Recreation personnel with the help of the Caribou Public Works department. As one knows stream channels are constantly changing so the installation of the wharf has become more and more difficult.

I have been monitoring the spring ice outs for the past 7 years and building a permanent bridge in this location would make this trail 100% better not only for the user but also for the people who maintain this section of trail.

The bridge would be an engineered steel structure with concrete abutments, some of the old wharf steel would be repurposed as this will allow us to keep costs lower than building everything with new materials. All work to be done by BMB Construction, LLC. The prices that are on the revised RTP application are all prices that have been generated by BMP Construction

The Caribou Parks and Recreation Department has worked very hard over the last two decades to promote all types of recreational opportunities, and with the help of receiving these federal funds this will guarantee that the trail system around Caribou will continue to be one of the best in the State.

The cost of the entire project is \$70,150

The Caribou Parks Department was successful in obtaining RTP funding in the amount of \$24,000. This will leave us with a deficit of \$46,150. I am here tonight asking the council to allow the rec dept. to use \$19,420 from the Collins Pond Recreation trail Reserve account, also use \$26,730 from the RC2 TIF district.

With this being said we will work with the public works department to remove one section of the removable wharf and transport it to the Parks and Recreation Maintenance Shop. The ramp section of the wharf will be repurposed and has been included in the design of the new bridge.

Thank you for your consideration

Gary Marquis
Supt. Parks & Recreation