



## *City of Caribou, Maine*

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

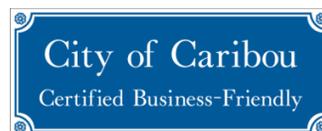
### **AGENDA Caribou City Council Regular City Council Meeting 7:00 P.M. Monday, April 28, 2014 Caribou City Council Chambers**

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 14, 2014 2-5
4. Consent Agenda
  - a) June 10, 2014 Elections 6-9
  - b) Approval of Licenses 10
5. Municipal Service Fees Ordinance 11-14
6. Heritage Road Abandonment 15-21
7. Consent Agreement with Stoneland Holdings 22-24
8. Library Steps Replacement Project 25
9. Fire Department Mutual Aid Agreement 26-29
10. 2014 Municipal Budget 29-32
11. Other Business

#### **Upcoming Meeting Dates:**

Regular City Council Meeting, May 12, 2014 at 7:00 p.m.

Regular City Council Meeting, June 9, 2014 at 7:00 p.m.



A regular meeting of the Caribou City Council was held 7:00 p.m. on Monday, April 14, 2014 in Council Chambers with the following members present: Mayor Gary Aiken, Deputy Mayor David Martin, Philip McDonough II, Joan L. Theriault, David R. Genthner, Sr., Shane McDougall, and Kenneth G. Murchison, Jr.

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

Department Managers: Penny G. Thompson, Tax Assessor and Kathleen Mazzuchelli, Supt. of Parks and Recreation.

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

Council Agenda Item #1: Public Input

Natalie Kavin, Presque Isle, offered her opinion on the poor condition of the former Birdseye Building. Ms. Kavin stated that because it is the first thing that is seen, coming into the City, it gives the impression that the City does not care. She stated that it is a danger. She suggested that a committee be formed to study and brainstorm for solutions.

The Mayor commented that the Council and administration are aware of the situation and are working on resolving the issue.

Larry Pelletier, 124 Lombard Road, offered his opinion on the unsightly appearance of a neighboring trailer and the land it sits on. In addition to the property being unsightly, trash and rubbish blow onto surrounding properties thus causing a mess for the neighbors to clean up. Mr. Pelletier wants to see something done to clean up this property.

Kathleen Mazzuchelli, Supt. of Parks and Recreation, announced that she will be retiring in 2014 around September 1<sup>st</sup> or Labor Day. After servicing the City for thirty-nine years, she wants to retire while in good physical and mental health. Supt. Mazzuchelli submitted a retirement letter to Mayor Aiken.

Mayor Aiken extended the Council's thanks and appreciation for her many years of service to the City of Caribou.

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

Councilor P. McDonough stated a conflict of interest with Agenda Item 4-f and Councilor D. Genthner stated that he would abstain on Agenda Item 3-b.

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

- a) March 24, 2014 Council Meeting

Motion made by P. McDonough, seconded by D. Martin, to accept the minutes of March 24, 2014 Council meeting as presented. (6 yes) So voted.

- b) March 31, 2014 Special Council Meeting

Motion made by P. McDonough, seconded by K. Murchison, to accept the minutes of March 31, 2014 Special Council meeting as presented. (5 yes, 1 abstention, D. Genthner) So voted.

Council Agenda Item #4: Consent Agenda

- a) March 2014 Fire Department Report
- b) March 2014 Police Department Report
- c) March 2014 Financials
- d) Approval of Licenses
  - 1. Taxi License Renewal -Town Taxi
  - 2. Rubbish Hauler License Renewal – McNeal’s Trucking and City Sanitation
- e) Lunch Wagon Application
  - 1. Lunch Wagon Renewal – Scott Walker d/b/a Theo’s
- f) Planning Board Appointment
  - 1. Philip J. McDonough, III

Motion made by D. Martin, seconded by P. McDonough, to approve the Consent Agenda with Business Items A, B, C, D, and E as presented. (6 yes) So voted.

Motion made by D. Martin, seconded by D. Genthner, to approve the Consent Agenda with Business Item F as presented. (5 yes, 1 abstention, P. McDonough) So voted.

Council Agenda Item #5: Mini-Split Heat Pumps

7:24 p.m. Public Hearing opens.

No public input.

Manager Bless answered a few questions from the Council.

7:29 p.m. Public Hearing closed.

Motion made by D. Martin, seconded by P. McDonough, to adopt Ordinance 2, 2014 Series, An Ordinance Amending Chapter 5 Fire Prevention, Short Title: An ordinance streamlining fees for Mini Split Heat Pumps allowing the permit fee to be lowered from \$90.00 to \$20.00. (6 yes) So voted.

Council Agenda Item #6: Municipal Service Fees Ordinance

If adopted this would allow the City to impose service charges on the owner of residential property other than student housing or parsonages, that is totally exempt from taxation under Title 36 Section 652 and that is used to provide rental income. Caribou Gardens, Central Aroostook Association, Facilities, Inc., and Rose Acres are examples of exempted properties that meet the definition. The service charge may not exceed 2% of the institution/organization’s gross annual revenues.

Councilor P. McDonough introduced Ordinance 3, 2014 Series, Short Title: An Ordinance Adopting Municipal Service Fees.

Motion made by P. McDonough, seconded by J. Theriault, to set a Public Hearing date for April 28, 2014. (6 yes) So voted.

Council Agenda Item #7: Abatement of Taxes

The Council was provided a list of tax amounts that have been on the City’s books for several years. The fourteen tax accounts are for mobile homes that have been moved and for lots that no longer exist as they have been combined with neighboring lots. The total abatement request is \$4,890.10.

Motion made by P. McDonough, seconded by J. Theriault, to approve the \$4,890.10 abatement request. (6 yes) So voted.

Council Agenda Item #8: Putting Tax Acquired Properties out for bid

Staff is recommending placing four Tax Acquired Properties out for bid.

Map 34 Lot 158	minimum sale \$100
Map 7 Lot 39-32	minimum sale \$100
Map 24 Lot 63	minimum sale \$12,500
Map 16 Lot 8-J	minimum sale \$1,000

Motion made by P. McDonough, seconded by K. Murchison, to place the four lots out to bid. (6 yes) So voted.

Council Agenda Item #9: Heritage Road Abandonment or Discontinuance

The City has received a request from Rick Solman on the behalf of him and his siblings regarding Map 35 Lots 185 and 179. They are requesting that the City discontinue the portion of Heritage Road that runs along their lot. This section has never been used as a street since it was created in 1956 through a subdivision.

Mr. Bless explained the difference between the discontinuance and abandonment of a road. His recommendation is to presume the property to be abandoned and to move forward with this it is necessary to hold a Public Hearing.

Motion made by P. McDonough, seconded by J. Theriault, to schedule a public hearing and move forward with the abandonment of this section of Heritage Road. (6 yes) So voted.

Motion made by K. Murchison, second by D. Martin, to schedule a Public Hearing for March 28, 2014. (6 yes) So voted.

Council Agenda Item #10: Approval of 2014 Municipal Budget

Manager Bless presented the Income Budget Message and it is ready for Council approval. As presented using 2013 Valuations, the projected mil rate would be 22.30. The 2013 mil rate was 20.5. The Manager stressed that it is too early to discuss a mil rate for 2014 as there are several unknowns; including, county tax, RSU #39 budget, and final valuation figures.

## Income Budget Highlights:

- Contractual Allowance moved from the expense side to the revenue side of the budget.
- 2014 Revenue Sharing amount is \$171,030 lower than 2013
- In 2013 one-time use of Tri-Community dividend payment of \$134,639
- The numbers for Property Taxes, Homestead Exemption, and BETE Reimbursement are not finalized
- Proposed budget includes an overlay of \$86,173
- Tax Lien Costs Collected increased due to new rate the state charges
- Vehicle Registration Local Fee has been decreased to account for the City offering Rapid Renewal
- GA State Reimbursement deceased due to lower amount of GA spending
- Building Permits decreased due to the number of projected building permits
- Department 30 – Fire Department Contracts
- Department 31 – Ambulance increased because there are fewer turn over calls
- Department 35 – Police’s COPS Grant has expired
- Department 39 – Emergency Management increased due to a new state grant
- Department 40 – Public Works increased due to the sharing of the P.W. Director with Presque Isle
- Department 60 – Trailer Park was deceased to equal the expected expenses

Councilor Martin stated his position from December, that he would support a budget with a 1.4 mil rate increase and that is all that he will support. Councilor Martin's position of supporting only a 1.4 mil rate increase is restricted to the municipal portion of the mil rate. The mil rate could be a full three mils lower if the State fully funded Revenue Sharing. Councilor McDonough stated that the City sets its budget in the blind because of the unknowns surrounding the school budget and he supports changing to a fiscal year. Councilor McDougall stated that some cuts would be difficult and unpopular in town but that might be the only way. Mayor Aiken requested that prior year budgets be changed to reflect this year's budgetary change with Contractual Allowance. Councilor Theriault supports only a 1.4 mil increase and the City will have to make cuts somewhere. Both Councilors Murchison and Genthner are not committed to only a 1.4 mil increase but will continue to work on the budget. Council Consensus: Will support a mil increase up to 1.4 mil.

Council Agenda Item #11: Other Business

- A. Councilor Martin asked when the Paving versus Chip Sealing Workshop will be held. Manager Bless stated that it is planned for May.
- B. Councilor McDonough wants CEO Wentworth to go investigate the conditions on the Lombard Road that Mr. Pelletier spoke about and to take whatever steps are appropriate.
- C. Nomination papers for the Council vacancy are available in the City Clerk's Office.
- D. The Mayor questioned what could be done to keep logging trucks from coming through town. The Manager will speak with the Public Works Director.

Council Agenda Item #12: Executive session pursuant to MRSA Title 1 Section 405 (6)(C) to discuss disposition of publicly held property.

Mayor Aiken excused himself due to a conflict of interest and was not present in this discussion.

8:03 p.m. Motion made by K. Murchison, seconded by D. Genthner, to move to executive session with City Manager and Assistant City Manager pursuant to MRSA Title 1 Section 405 (6)(C) to discuss disposition publicly held property. (5 yes) So voted.

8:16 p.m. Motion made by K. Murchison, seconded by P. McDonough, to move out of executive session. (5 yes) So voted.

No action taken.

Motion made by P. McDonough, seconded by S. McDougall, to adjourn at 8:17 p.m. (5 yes) So voted.

Upcoming Meeting Date:

Regular City Council Meeting, April 28, 2014 at 7:00 p.m.

Regular City Council Meeting, May 12, 2014 at 7:00 p.m.

Jayne R. Farrin, Secretary



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bless, City Manager  
Date: April 28, 2014  
Re: June 10, 2014 Elections

In preparation for the upcoming election the Council needs to authorize the following items:

- Approval of an 8:00 Opening Time for the June 10, 2014 Elections.
- Appointment of Jayne R. Farrin as Election Warden and Kalen Hill as Deputy Election Warden for June 10, 2014 Elections
- The notice of Special Election which is on the following page, for the upcoming election to be held June 10, 2014.
- The Warrant And Notice Of Election Calling Regional School Unit 39 Budget Validation Referendum.

**CITY OF CARIBOU  
NOTICE OF SPECIAL MUNICIPAL ELECTION  
TUESDAY, JUNE 10, 2014**

**COUNTY OF ARROSTOOK, SS**

**CITY OF CARIBOU**

You are hereby required to notify and warn the inhabitants of the City of Caribou, qualified by law to vote in City affairs, to meet at **the Caribou Wellness and Recreation Center at 55 Bennett Drive**, in said Caribou, on the 10th day of June 2014, at 8:00 a.m. in accordance with the provisions of Title 30-A §2551 of the Maine Revised Statutes, to elect:

**One member of the City Council with a term ending December 31, 2014**

Absentee ballots will be processed during Election Day (06/10/2014) starting at 9:00 a.m.

The polls shall open at **8:00 a.m. and will close at 8:00 p.m.**

Given under our hands, this 28<sup>th</sup> day of April 2014:


Majority of Municipal Officers of  
The City of Caribou, Maine

**A True Copy**

**Date:** \_\_\_\_\_

**Attested by:** \_\_\_\_\_

**Jayne R. Farrin, City Clerk**

**RETURN ON THE WARRANT**

Caribou, Maine April 29, 2014

Pursuant to Notice of Election, I have notified and warned the inhabitants of said city, qualified as herein expressed, to meet at said time and place, and for the purposes therein names, by posting an attested copy of said warrant at the Caribou City Office, Caribou Public Library, and the Caribou Wellness and Recreation Center in said city, being public and conspicuous places in said city, on the 29<sup>th</sup> day of April A.D., 2014, being at least seven days before the election.

\_\_\_\_\_

**WARRANT AND NOTICE OF ELECTION  
CALLING REGIONAL SCHOOL UNIT 39  
BUDGET VALIDATION REFERENDUM  
(20-A M.R.S.A. §1486)**

TO: Franklin R. McElwain, a resident of Regional School Unit 39 (the “Regional School Unit”) composed of the City of Caribou and Towns of Limestone and Stockholm, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within Regional School Unit 39, namely, the City of Caribou and the Towns of Limestone and Stockholm an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective municipal officers, who shall post the following warrant and notice of election:

**CITY OF CARIBOU  
REGIONAL SCHOOL UNIT BUDGET VALIDATION REFERENDUM  
WARRANT AND NOTICE OF ELECTION**

Aroostook ss.

State of Maine

TO: Jayne Farrin, Clerk of Caribou: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

**TO THE VOTERS OF THE CITY OF CARIBOU:**

You are hereby notified that a Regional School Unit budget validation referendum election will be held at the Caribou Wellness Center, 59 Bennett Drive in the City of Caribou on **June 10, 2014** for the purpose of determining the following referendum articles:

Article 1: Do you favor approving the Regional School Unit 39 budget for the upcoming school year that was adopted at the latest Regional School Unit budget meeting?

The voting on Article 1 shall be by secret ballot referendum. The polls will be opened at 8:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hand this day, \_\_\_\_\_ at Caribou, Maine.

\_\_\_\_\_  
Michelle Albert

\_\_\_\_\_  
Kent Forbes

\_\_\_\_\_  
Dale Gordon

\_\_\_\_\_  
Clifford Rhome

\_\_\_\_\_  
John Sjostedt

\_\_\_\_\_  
Tanya Sleeper

\_\_\_\_\_  
Mary White

A majority of the Regional school Unit Board of Regional School Unit 39

A true copy of the Warrant and Notice of Election, attest: \_\_\_\_\_  
Franklin R. McElwain, Resident of  
Regional School Unit 39

Countersigned this \_\_\_\_\_ day of \_\_\_\_\_, 2014 at Caribou, Maine.

\_\_\_\_\_  
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

A majority of the municipal officers of the City of Caribou

A true copy of the Warrant and Notice of Election, \_\_\_\_\_  
Jayne Farrin,  
Clerk  
City of Caribou



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bless, City Manager  
Date: April 28, 2014  
Re: Approval of Licenses

We have received an application from the following to be a Rubbish Hauler in Caribou:

- Caldwell's Sanitation
- Pine Tree Waste
- Gil's Sanitation
- Rossignol Sanitation

These have been reviewed by the Police Chief and the City Clerk and is recommended for approval by the City Council.

We have received an application from the following to be a Rubbish Hauler in Caribou:

- Crown of Maine Sanitation

This has been reviewed by the City Clerk, but has not yet been reviewed by the Police Chief. It is recommended for approval by the Council contingent upon approval by the Police Chief

We have received an application from Aroostook Cab Company for a Taxi Licenses. It has been reviewed by the Police Chief and the City Clerk and is recommended for approval by the City Council.



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bleess, City Manager  
Date: April 28, 2014  
Re: Municipal Service Fees Ordinance

As requested by the Council we have done some research on the Municipal Service Fee Ordinance that the City could implement as authorized by 36 M.R.S.A. § 508.

Notices were sent to the property owners listed below. As was noted during the last meeting Caribou Gardens already pays a PILOT based on this same formula. Based upon the formula and the valuation of the properties in question that would equal a total service fee of \$110,866 based upon 2013 valuation numbers, without taking into consideration the 2% limit. Staff does not feel the total amount collected would be the \$110,000, but without having some type of financial information from these groups it is hard to determine exactly how much would be collected.

The following information is the same as was in the April 14 memo to the Council.

The statute allows A municipality may impose service charges on the owner of residential property, other than student housing or parsonages, that is totally exempt from taxation under 36 M.R.S.A. § 652 and that is used to provide rental income.

If we were to assess charges there are some limitations that we would have to abide by. The total service charges levied by a municipality on any institution or organization under this section may not exceed 2% of the gross annual revenues of the institution or organization. In order to qualify for this limitation, the institution or organization must file with the municipality an audit of the revenues of the institution or organization for the year immediately prior to the year in which the service charge is levied. We are required to abate the portion of the service charge that exceeds 2% of the gross annual revenues of the institution or organization.

There are several organizations that would fall under this category. This includes:

- Caribou Gardens
- Central Aroostook Association
- Facilities Inc
- Rose Acres

All together this is \$4,729,100 in valuation that is currently exempt.

The fee for services charge shall be determined in accordance with the following formula:

$$(B \div V) \times AV = SC$$

Where:

B = Budget for current fiscal year for municipal services, except education and general assistance.

V = Total taxable valuation of municipality for the current fiscal year.  
AV = Assessed Value of the property in question.  
SC = Service charge of the property in question.

Based upon this formula and the valuation of the properties in question that would equal a total service fee of \$110,866 based upon 2013 valuation numbers, without taking into consideration the 2% limit.

The Council needs to have a Public Hearing on this ordinance tonight. After that the Council may vote on the proposed ordinance.

Councilor \_\_\_\_\_ introduced the following ordinance:

Ordinance No. 3, 2014 Series  
City of Caribou  
County of Aroostook  
State of Maine

**AN ORDINANCE CREATING CHAPTER 18 PROPERTY TAXES**

Short Title: An Ordinance Adopting Municipal Service 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:

**Article I. Municipal Service Fee**

**Section 18-101. Creation of Service Charge**

An annual service charge is hereby established, effective with the municipal fiscal year commencing on January 1, 2015. The service charge shall be levied by the municipal officers against all residential property owned by an organization or institution if the property is otherwise totally exempt from property taxation and is used to provide rental income as authorized by 36 M.R.S.A. § 508.

**Section 18-102. Property exempt from taxation.**

Pursuant to 36 M.R.S.A. § 652, properties in the City which are owned by benevolent and charitable institutions shall be exempt from property taxation. This article incorporates by reference the definition of "benevolent and charitable institutions" used in 36 M.R.S.A. § 652.

**Section 18-103. Fee imposed on rental property; exception.**

The owners of residential properties exempt from taxation under § 18-102 that are used to provide rental income (with the exception of student housing or parsonages) shall pay to the City of Caribou a service fee in lieu of property tax.

**Section 18-104. Calculation of fee.**

The fee for services in lieu of property tax shall be calculated according to the actual costs of providing municipal services to the property. Municipal services included in the calculation of the fee shall include fire and police protection, road maintenance and construction, traffic control, snow and ice removal, water and sewer service, sanitation services and all other municipal services except the costs of education and welfare, which shall be excluded.

The fee for services charge shall be determined in accordance with the following formula:

$$(B \div V) \times AV = SC$$

Where:

B = Budget for current fiscal year for municipal services, except education and general assistance.

V = Total taxable valuation of municipality for the current fiscal year.

AV = Assessed Value of the property in question.

SC = Service charge of the property in question.

In no instance shall this fee exceed 2% of the gross annual revenues of the organization.

**Section 18-105. Appeals.**

Any property owner levied a service charge in lieu of property tax shall have the right to appeal the levy to the Board of Assessors.

**Section 18-106. Administration**

Unpaid service charges shall be collected in any manner available to the municipality, including, without limitation, the manner provided in 38 M.R.S.A. §1208 as it may be amended from time to time.

This ordinance, being introduced on April 14, 2014 and a public hearing being held on April 28, 2014 was duly passed by the City Council of the City of Caribou, Maine, this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
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



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bless, City Manager  
Date: April 28, 2014  
Re: Heritage Road Abandonment

We have received a request from Rick Solman on the behalf of him and his siblings that own Lots 185 and 179 on map 35. They are looking to sell Lot 185 and to facilitate that sale they are requesting the City discontinue the portion of Heritage Road that runs along their lot. A map depicting what would be discontinued is on the next page.

Currently that portion of the street in question is not a usable street. There are well grown trees up in that area. It has never been used as a street since the street was created in the subdivision in 1956.

Rather than discontinuing the road the City Council has voted to move forward with the abandonment process. State Statute allows us to consider the street abandoned after 30 years of no municipal maintenance. As mentioned above the section of road in question has not been maintained for more than 30 years. The City can abandon the street after a public hearing. Any person affected by the presumption of abandonment may seek declaratory relief in Superior Court.

Heritage Road was laid out and accepted by the City on June 19, 1956. That determination is made based upon a review of the acceptance of the Home Farm Development, a subdivision adopted at a Town Meeting on June 19, 1956.

The City has not kept Heritage Road passable for the use of motor vehicles for a period of at least 30 consecutive years, starting January 1, 1984 and ending on April 28, 2014. This is based on the fact there are several trees in the street that are well matured and more than 30 years old. There is nothing that resembles a road on the portion of the street in questions. There has never been any attempt to make this portion of the road an actual road.

Several people who have lived in that area in the 1970's and 1980's have said that there has never been a road in that area. There is no historical documentation that any road maintenance had ever been done on the portion of the street in question.

On the following pages include the map with the road in question, a satellite view of the road, and a picture taken April 11, 2014 showing the road in, and a larger map for reference of location for Heritage Road..

At this time the Council needs to hold a public hearing on the matter. After that the Council may vote on the Notice of Determination of Presumption of Abandonment.

## **Notice of Determination of Presumption of Abandonment**

Be it known by all persons as follows:

On April 28, 2014 the undersigned Municipal Officers of the City of Caribou met in public session and after public hearing and deliberation, determined that a portion of the Heritage Road more particularly described as the portion abutting lots 185 and 179 that has been unimproved for more than 30 years is presumed abandoned pursuant to 23 M.R.S.A. § 3028.

In making this determination, the Municipal Officers received oral and written comments from: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_. Copies of written comments are on file at the Town Office.

The Municipal Officers determined that the Heritage Road was laid out and accepted by the Town on June 19, 1956. This determination is based upon the official warrants and minutes of the Caribou Town Meeting which reflect the road was laid out and accepted.

The Municipal Officers also determined that the City of Caribou has not kept said way or portion of way passable for the use of motor vehicles at Town expense for a period of at least 30 consecutive years, commencing on June 19, 1956 and ending on April 28, 2014. This determination is based on the fact there are several trees in the street that are well matured and more than 30 years old. There is nothing that resembles a road on the portion of the street in questions. There has never been any attempt to make this portion of the road an actual road.

Several people who have lived in that area in the 1970's and 1980's have said that there has never been a road in that area. There is no historical documentation that any road maintenance had ever been done on the portion of the street in question.

Witness our hand and seals this 14th day of April 2014.

\_\_\_\_\_  
David Martin

\_\_\_\_\_  
Joan Theriault

\_\_\_\_\_  
Kenneth G. Murchison Jr.

\_\_\_\_\_  
Philip McDonough II

\_\_\_\_\_  
Shane McDougall

\_\_\_\_\_  
Gary Aiken

\_\_\_\_\_  
David Genthner Sr.

**ACKNOWLEDGEMENT**

State of Maine

Date: \_\_\_\_\_

\_\_\_\_\_ County, ss.

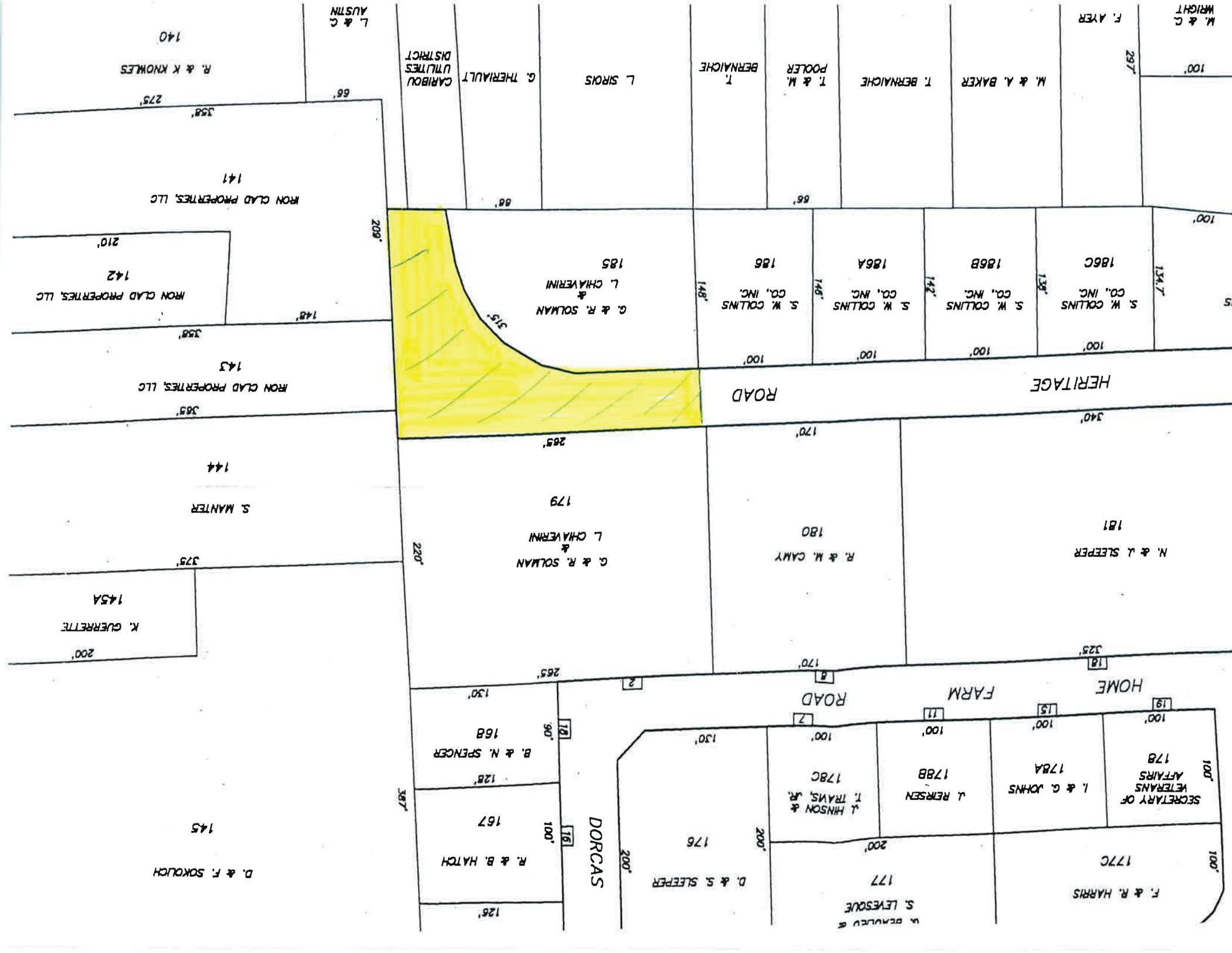
Then personally appeared before me the above-named Municipal Officers of the Municipality of Caribou, and acknowledged the forgoing to be their free act and deed in their said capacity and the free act and deed of the Inhabitants of the said Municipality.

Before me,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Print Name)

My commission expires:





Approximate shape to be discontinued.



General area of Heritage Road for Reference





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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bleess, City Manager  
Date: April 28, 2014  
Re: Consent Agreement with Stoneland Holdings LLC

Andy Ayer, Stoneland Holdings LLC, would like to build new housing units to house migrant workers for their broccoli harvesting operations. These new stick built units would replace the current mobile homes that are on the land. This will certainly be an improvement to the City and add value to the land.

In reviewing the files for the land it appears that the land was used for migrant housing back to the 1960's, and has been in the current form of housing migrant workers since the 1980's. However, there is no record of any type of subdivision review that was done on the property. That review is required as part of our ordinance that was adopted on September 23, 1971.

In order to facilitate this project to a good conclusion for both parties, staff is recommending a Consent Agreement be signed between Mr. Ayer and the City outlining the history of the land, allowing the construction of these new buildings, and requiring the removal of the mobile homes. All of the setbacks between buildings should be followed as part of the requirements as well.

## **CONSENT AGREEMENT FOR MIGRANT WORKER HOUSING**

This document constitutes an agreement between the City of Caribou, 25 High Street, Caribou, Maine (hereinafter “City”) and Ayer Potato Company, 33 Caribou Lake Road Caribou, Maine (hereinafter “Ayer”) for the purposes of resolving current land use and zoning conflicts relating to migrant housing on Tax Map 4, Lot 35A.

Both the City and Ayer agree as follows:

**WHEREAS**, Ayer owns land, Tax Map 4 Lot 35A, that has been and continues to be an active subdivision housing migrant workers for agricultural harvesting in existence on or before September 23, 1971, and

**WHEREAS**, City Land Use Codes requires a subdivision review when three or more housing units will be built on a single parcel, and

**WHEREAS**, Ayer has obtained a building permit subject to all conditions applicable to the construction of housing units on Tax Map 4 Lot 35A, and

**WHEREAS**, These new units will replace the current mobile homes that are on the property and not expand the number of housing units, and

**WHEREAS**, City desires to accommodate the development of new buildings that provide a higher quality of living, and

**THEREFORE BE IT RESOLVED THAT**, City through the Legislative Body of the City Council, will direct this consent agreement to be recorded at the Registry of Deeds for the lot in question and placed into the City Records for this land to provide a record of established use for this property.

City through the Legislative Body of the City Council will agree that this subdivision has existed since before the Subdivision Ordinance was enacted in 1971.

Ayer will abide by the Subdivision Review Criteria, Chapter 13, Section 406 of the Caribou City Code, for any future developments.

Ayer will remove all mobile homes from the property at Tax Map 4, Lot 35A by December 31, 2015.

Signed this 28<sup>th</sup>, day of April, 2014 by:

\_\_\_\_\_  
Andy Ayer  
Stoneland Holdings, LLC

Signed this 28<sup>th</sup>, day of April, 2014 by:

\_\_\_\_\_  
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



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bleess, City Manager  
Date: April 28, 2014  
Re: Library Steps Replacement Project

The steps leading up to the front of the Library are in need of replacement. The steps have had tread wears installed several years back, however the steps are deteriorating and cracked. They need to be replaced.

In 2013 the Library received a grant in the amount of \$15,000 to replace these steps. There is also \$14,383 left in the Library Roofing Reserve.

Recently the Library went out for bids on the projects. Specs for the project were drawn up with the help of Jan Murchison, and were quite thorough.

We opened bids on Wednesday. We received one bid for the project. The bid was from BMB Construction LLC from Hampden, in the amount of \$23,500.

We are recommending Council approve the project utilizing the grant money and \$8,500 left over from the roofing reserve.



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bleess, City Manager  
Date: April 28, 2014  
Re: Fire Department Mutual Aid Agreement

Madawaska Lake has requested that we no longer provide first response coverage to them for Fire Service, and instead go with a Mutual Aid Agreement.

This means that we will lose the contract revenue from them, about \$1,200, but our responsibilities will drastically decrease. Instead of responding with the full force as we did under the contract, now we will simply provide a truck and two fire fighters.

The Mutual Aid Agreement, on the following pages, has been updated to follow the newest models from the Maine Fire Chief's Association.

We are asking for Council approval on the Mutual Aid Agreement.

**FIRE PROTECTION SUPPORT**  
**FIREFIGHTING / RIT TEAM**  
**AGREEMENT**

Agreement made this \_\_\_\_ day of \_\_\_\_\_ 2014, by and between the Municipalities of Caribou and the County of Aroostook, North Lakes ( Madawaska Lake, Sinclair and Cross Lake) Volunteer Fire Department. Both municipal corporations located in the County of Aroostook, State of Maine.

**WITNESSES:**

WHEREAS, by virtue of 30-A M.R.S.A Section 3156, the parties by their municipal officers hereby resolve that their fire departments are authorized to give such aid, and in furtherance of this resolve, the parties agree as follows:

1. In the judgment of the Fire Chief or other Officer in Charge of the fire department of either party, a fire or other emergency is occurring or is about to occur in his municipality of such magnitude that it cannot be adequately controlled by local fire fighting equipment and personnel, or emergency rescue of department personnel, said officer may call the other party's fire department to furnish available fire fighting equipment and personnel for use; (1) in combating the fire or other emergency, (2) as a standby reserve to meet all other calls that may occur before the local fire fighting force is free to take care of them, (3) to furnish available fire RIT (Rapid Intervention Team) members.
2. Upon receipt of such a call, the aiding fire department shall furnish such equipment and personnel as may be available or needed for the stricken municipality except that said aiding fire department shall always be permitted to retain sufficient fire fighting equipment and personnel to fight any fire or meet any emergency within its own boundaries that may be reasonably anticipated. Special equipment may be needed for the RIT Team, i.e. Thermal Imaging Camera.
3. All personnel sent by the aiding fire department will be trained to a minimum of **NFPA Standard for Interior Fire Fighting** and be in compliance with all **Department of Labor requirements for SCBA use**. RIT Response Team members will be trained to the **IFSTA-RIT Standard**.
4. Whenever either fire department responds to a fire or emergency in the other municipality, all companies shall report to the Incident Commander or Chief of the municipality requesting aid and receive an assignment. The aiding fire department shall operate under the direction of this Incident Commander or Chief until dismissed. Each individual company shall operate under the immediate supervision of its own officer. RIT Team members shall be used only to standby Command for Emergency Rescue and Building Assessment. RIT members are to be released back to their department ASAP after department members are out of harms way. RIT Team members are not to be used for any other purpose.

5. Insurance Issues

- (a) Each party is responsible for damage to and loss of its own equipment, except for damage or loss caused by negligence or fault of the other party.
- (b) Each party will provide Workers' Compensation Insurance to cover its own personnel for compensatory injuries arising out of aid rendered under this agreement. Each party will maintain sufficient liability insurance on its vehicles and other liability insurance consistent with the limits on liability in the Maine Tort Claims Act.
- (c) Each party will be responsible for the consequences of its own negligence to the extent provided by law. It is understood that any liability to third parties caused by the negligence or fault of the Incident Commander or Chief of the community requesting aid, shall, to that extent, be the responsibility of the community requesting aid.

6. Costs

Any use of chemicals, including but not limited to AFFF Foam, Class A Foam and wet water, supplied and / or used by the aiding municipality / department shall be, at the aiding municipality / department's option, replaced or reimbursed by the requesting municipality / department.

7. The Maine Forest Service, under Title 12, Chapter 801, Section 8002, Maine Law, has the responsibility to handle suppression of all grass, brush and forest fires, but will reimburse any municipality that fights a grass or brush fire that is a threat to the forest of that municipality. They will also respond to structural fires when, and only when, personnel and equipment are nearby and available, and will do so in recognition of lack of other readily available sources of help or a potential hazard to the forest.

8. This agreement shall be in effect starting July 1, 2014. The City and Municipality shall review this agreement at the end of each period and either the City or the Municipality, by vote of their respective officials, can terminate this contract at any time upon Ninety (90) day written notice to the other party.

IN WITNESS WHEREOF, the parties to those present have executed this Contract, each of which shall be deemed original on the \_\_\_\_\_ day of \_\_\_\_\_ 2014.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

\_\_\_\_\_ Officials of Aroostook County

Witness to all

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

\_\_\_\_\_ Caribou City Councilors  
Witness to all

Filed with Secretary of State \_\_\_\_\_ 2014.

Ref. Municipal Fire Protection, Ch153 title 30-A subsection 3156.



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OFFICE OF THE CITY MANAGER  
CARIBOU, MAINE

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To: Mayor and City Councilors  
From: Austin Bleess, City Manager  
Date: April 28, 2014  
Re: Approval of 2014 Municipal Budget

This Income Budget Message and accompanying budget report are presented in fulfillment of the requirements set forth in the City Charter 5.06(c) and 5.06(d) and is presented for approval by the City Council.

The budget presented tonight is a total of \$8,698,999.

The Revenue Sharing amount for 2014 is \$171,030 lower than what it was for 2013. This is also about \$1 million less than what it would be if the State had kept its promise to the Citizens of Maine and fully funded Revenue Sharing.

In 2013 one-time funds in the amount of \$134,639, a dividend payment from Tri-Community, was utilized to help offset taxation.

So as we start the Revenue Budget we are already at \$305,669 less in revenues than we were in 2013. That is 0.83 of a Mill, based upon the 2013 valuation.

With the Revenue Budget as presented, including a \$44,301 overlay based upon 2013 valuations we would have a 21.9 mill rate. The Mill Rate for 2013 was 20.5. A tenth of a mill is approximately \$37,145, so a reduction to 21.8 mills would give us an overlay of \$7,156. I would not recommend an overlay that small. During the months of June through August the cash flow gets very tight, which makes it difficult to meet all of our payment obligations. If we can build up our cash reserve we will strengthen the overall financial position of the city.

I must emphasize that at this point in time it is still too early to talk accurate mill rates for 2014. We do not know what our portion of the County tax bill or the RSU tax bill will be. We also do not know what the final valuation will be for 2014, which will also change the amount of value captured in the TIF Districts. Simply put there are still too many variables right now to give an accurate mill rate for 2014.

With the reduction in Revenue Sharing, which the state does not look like they will share for much longer, and the use of one-time funds in revenue and cutting of Capital Reserves we are going to have to make tough choices for future budgets as to what services are going to be reduced or eliminated or how high of a mill rate the city is willing to tolerate.

Here is a list of the changes to the budget since the April 8<sup>th</sup> version.

Overlay	\$37,145
Assessing Reserve 1/4 Review	\$7,000
Fire Computer Reserve	\$2,000

Ambulance Computer Reserve	\$2,000
Ambulance Reserve	\$10,000
Municipal Building Reserve	\$15,000
Christmas Light Reserve	\$3,000
LED Street Lights	\$5,000
PW Reserves	\$10,300
Health Ins 70-18-01	\$1,000
Code Enforcement	\$10,000
Abatements	\$10,000
Parking Lot Reserve	\$3,000
General Assistance	\$5,000
General Assistance Revenues	\$ (2,500)
Boilers	\$2,000
Police OT	\$2,500
Police Gun Reserve	\$2,000
Rec Center Improvements Reserve	\$1,000
Parks Vehicle Reserve	\$1,500
Mower Reserve	\$300
City Owned Property Rev	\$13,000
Recreation Revenues (Increase)	\$2,500
Total:	\$142,745

There are several older reserve accounts that staff will be transferring into other reserve accounts within the department, pursuant to section 5.09(d) of the City Charter. This includes the Public Works Paint Booth and Ambulance Reimbursement reserves.

As was the Council consensus during the February 24, 2014 Council meeting we have moved the Contractual Allowance from the expense side of the budget to the revenue side of the budget. Contractual Allowance is something that we never expect to receive it's not entirely accurate to reflect it on the expense sheet. So this change was made, with Council consensus, to confirm with best accounting principles.

Some of these budget numbers will change when we get to the tax commitment. The Property Taxes (R 10-01-032), Homestead Exemption (R 22-01-04), and BETE Reimbursement (R 22-01-05). All of these numbers are based upon the final mill rate. The overall Revenue Budget should stay the same, but the amounts between these three lines will change.

In previous years these lines would not have budget amounts set until commitment. Not setting those numbers is allowable under accepted accounting procedures. However, with the change in the new Charter, specifically section 5.09(a) we feel we must put our best estimation for these lines in at the time of the budget adoption.

There are some specific line item changes to note as well:

- R 10-01-01 Tax Lien Costs Collected has been increased due to the new rate the state charges
- R 10-01-16 Vehicle Registration Local Fee has been decreased to account for the lost agent fees we are projecting to see since we now offer Rapid Renewal
- R 20-01-02 GA State Reimbursement has been decreased due to the lower amount of GA Spending that we have seen since 2009.
- R 23-01-02 Building Permits has been decreased due to the number of projected building permits.
- Department 30 (Fire) is mainly based upon the Fire Department Contracts.
- Department 31 (Ambulance) shows increases in several insurance billing lines. With the addition of more staff we have been able to turn over fewer calls, increasing revenue to the City. As the contractual allowance has been moved to the revenue side the bottom line shows close to the same projected budget as last year.
- Department 35 (Police) shows a decrease in revenue because the COPS Grant has expired.
- Department 39 (Emergency Management) shows an increase due to a grant we are able to receive from the state for some of the costs.
- Department 40 (Public Works) shows a slight increase due to the contract we had with sharing Dave Ouellette.
- Department 61 (Trailer Park) shows a decrease to equal the expected expenses. As this is run as an enterprise account any revenue generated above and beyond expenses goes into the Trailer Park Reserve Account.

The budget is provided under separate cover and is also available on our website at <http://www.cariboumaine.org/index.php/city-council/budgets/>