



City of Caribou, Maine

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

Planning Board Meeting Minutes Tuesday, March 5, 2014 @ 5:30 pm City Council Chambers

In Attendance: Jim Cerrato, Matthew Hunter, Todd Pelletier and Graham Freme

Members Absent: Phil Cyr & Bob White

Others In Attendance: Phil McDonough II, Lisa Plourde, Robert Fern, Brian Ostlund, Paul Vincent, Sue Ouellette, Will Labbe, Patrick Labbe, Sonia Labbe, Stephen Richards, Mike Beaulieu, Austin Bless, Kate McCartney, Pat Bennett and Denise Lausier

I. Call Meeting to Order. Jim Cerrato called the meeting to order at 5:30 pm.

II. Minutes of February 5, 2014 meeting. Todd moved to accept the minutes as presented; seconded by Matthew; Vote was unanimous.

III. New Business.

A) Public Hearing on Nuisance Property Ordinance. Jim Cerrato opened the Public Hearing at 5:35 pm. Many landlords were in attendance speaking in opposition to the proposed ordinance.

Robert Fern, a landlord in Caribou, had concerns with landlords being responsible for nuisance tenants. He questioned charging the landlord fines versus charging the nuisance tenants.

Steven Richards, landlord in Caribou, stated that he believes the landlord should be notified by the Police Department if they have had issues with a tenant, so the landlord can take care of the issue. If they don't know, they cannot take care of the problem. Steven doesn't agree with the landlords having to pay fines on nuisance tenants. Jim Cerrato agreed with the Police Department notifying the landlord of nuisance tenants to diffuse problems.

Patrick Labbe, landlord in Caribou, questioned the definition of nuisance properties. Jim Cerrato read the definition aloud – five or more occasions in 60 days or ten occasions in a year. Patrick also questioned the wording on fines and believes there is nothing he can do as a landlord if he is called by the police, except eviction which is a tough process. Patrick questioned why landlords would be penalized for a tenant's behavior. He stated that laws are already very strict on landlords. Matthew Hunter commented that the proposed ordinance is talking about if there is refusal to take action as a landlord, then steps will be taken. Patrick Labbe believes his hands as a landlord are tied and this ordinance would be a punishment to landlords and makes him want to leave Caribou.

Will Labbe, landlord in Caribou, believes this ordinance is a punishment and an obstacle to landlords and stated that the City needs to work with landlords not dictate. Todd Pelletier commented this is only a draft and the Board is simply looking for feedback.

Brian Ostlund, landlord in Caribou, commented that penalties and prohibitions under State law are not working. Sergeant Paul Vincent stated that the judicial system doesn't work as well as it should. Brian Ostlund stated that service call charges should be charged to those who call not the landlord. Jim Cerrato questioned if leases bind them as landlords. Brian said they do and every one of his clients has a mental disability with caseworkers through AMHC, in transitional housing. If they have problems, they bring in the tenant with their caseworker and work it out. Brian questioned at what point are the costs incurred on the tenant, that they should be given a summons if causing multiple nuisances. Matthew Hunter questioned Brian if there are grounds for evictions in leases other than non-payment of rent. Brian stated that it is federal housing and no drug activity even medical marijuana is allowed and is grounds for an eviction. Brian also questioned if it should be only one man, such as the Chief of Police, having the sole authority in these issues. He recommends a committee be formed. Brian also stated that the way it is written that the Police Department would be busier than they would like.

Patrick Bennett, an attorney in Caribou, questioned what is driving this proposed ordinance and what is not being addressed at this point that warrants such an ordinance. Patrick spoke on city & criminal laws that address these issues and recommends to "scrap this" proposed ordinance. He explained of a movement across the country to enact these laws moving responsibility onto landlords which causes unconstitutional laws. Not allowing others to call on emergency personnel is a fifth amendment issue. Patrick stated he would send an email with his research to the City Manager to distribute to the Planning Board. Some communities have been sued for hundreds of thousands of dollars. According to State law this may not be enforceable against the landlord. As worded, it's as the tenant moves in, it is like they have become the owner. There is exposure for potential liability, more work for the Police Department and going to court more. Eviction would be the only remedy with this ordinance in place, which is putting burdens on landlords to evict, which is difficult to do. It will make it almost impossible for landlords to enforce. He stated it is unfair to unload costs to landlords. He believes there are a lot of legal problems with this ordinance. It is also unfair to tenants who may have a mental disorder. Patrick advises caution for a Certified Business Friendly Community being Business Unfriendly as a political side as well.

Jim Cerrato thanked everyone for their input. Public Hearing was closed at 6:25 pm.

IV. Adjournment Todd Pelletier moved to adjourn the meeting at 6:25 pm; seconded by Matthew Hunter; Vote was unanimous.

Respectfully Submitted,



Robert White
Planning Board Secretary