

November 13, 2017

17-28

Council Agenda Item #1: Roll Call

A regular meeting of the Caribou City Council was held 6:00 p.m. on Monday, November 13, 2017 in Council Chambers with following members present: Deputy Mayor David Martin, Philip McDonough II, Joan L. Theriault, Jody L. Smith, Timothy C. Guerrette, and Nicole L. Cote. Mayor Aiken was absent and excused.

Dennis L. Marker, City Manager.

Department Managers: Gary Marquis, Supt. of Parks & Recreations; Penny Thompson, Tax Assessor; Lisa Plourde, Housing Director; Michael Gahagan, Police Chief; Dave Ouellette, Public Works Director; Wanda Raymond, Finance Director; and Scott Susi, Fire Chief.

Chris Bouchard of the Aroostook Republican and Spectrum covered the meeting.

Council Agenda Item #2: Pledge of Allegiance

Deputy Mayor Martin led the Pledge of Allegiance.

Council Agenda Item #3: Public Input

There wasn't any public input.

Council Agenda Item #4: Declaration of Potential Conflicts of Interest

No one declared a potential conflict of interest.

Council Agenda Item #5: Consent Agenda

- a. Minutes for October 10, 2017 Meeting
- b. September 2017 Financials
- c. October 2017 Financials

Motion made by P. McDonough, seconded by J. Theriault, to approve the Consent Agenda A-C as presented. (6 yes) So voted.

Council Agenda Item #6: Bid Openings, Awards and Appointments

- a. Award of Bid for New Recreation Van

Bids:

Griffeth Ford Lincoln - 2018 Ford Transit 15 passenger van: \$32,300.00

Gagnon's Auto Sales - 2018 GMC 15 passenger Savana van: \$32,186.80

The Recreation Commission's recommendation is to accept the lower bid of \$32,186.80 from Gagnon's Auto Sales for a 2018 GMC 15 passenger Savana van.

Motion made by P. McDonough, seconded by T. Guerrette, to accept the bid of \$32,186.80 from Gagnon's Auto Sales for a 2018 GMC 15 passenger Savana van. (6 yes) So voted.

Council Agenda Item #7: Formal Public Hearings

a. Junkyard License Renewals

- I. Mark Nadeau d/b/a Mark's Towing – 508 Access Highway
- II. AIM Recycling USA LLC d/b/a AIM Recycling – 208 Limestone Street
- III. John Gilbert d/b/a Gilbert's Salvage – 1060 Albair Road

6:02 p.m. Public Hearing opened.

There wasn't any public input.

6:03 p.m. Public Hearing closed.

Motion made by P. McDonough, seconded by J. Theriault, to approve the three Junkyard permits with the recommendations provided by staff for Gilbert's Salvage which includes "improve / repair screening along Albair Road within 6 months". (6 yes) So voted.

b. Application for EPA Brownfield Funding

City Manager Marker stated that the engineering firm CES Inc. is preparing a grant application to be submitted to the Environmental Protection Agency (EPA) for Brownfield Funding. If the City is awarded the grant, the funds will go towards cleanup of the former Birdseye property. The matching grant application is for \$200,000, part of the City's match can be in-kind contributions as well as the \$100,000 grant the City was awarded from the Northern Border Regional Commission (NBRC). As part of the grant application process, it is necessary that the City holds a public hearing and allow the public to comment on the application. This evening's hearing was noticed in accordance with the EPA requirements and the City's noticing procedures. Application materials have been available for public review in City Office since November 2, 2017.

6:04 p.m. Public Hearing opened.

David Chapman, from CES Inc., provided an overview of the grant application process, stating that this evening's public hearing, the posting on the City's website, and the ad in the local newspaper are part of that process. Mr. Chapman encouraged individuals to submit their questions and comments regarding the application process as directed by the notice on the City's website and in the newspaper. He noted that he and his colleagues are more than willing to address any issue or question that the public may have. The application deadline is November 16, 2017. Grants are awarded sometime in the spring.

Councilmember Martin asked what time restrictions would be associated with an award. Mr. Chapman responded that the grants have a three-year window for the work to take place or until the funds have been used.

City Manager asked Mr. Chambers to comment on the total cost of the site cleanup. Mr. Chapman responded that the total cleanup cost for the former Birdseye property exceeds the \$200,000 maximum grant award available through Brownfield Funding. Because of this, the grant application is targeting specific tasks; including, the removal of hazardous material from buildings or demolition and PCBs on the property. Overall the estimated cost for cleanup for this property exceeds \$500,000.

No additional questions were asked and no public comments were made.

November 13, 2017

17-28 Pg. 3

6:09 p.m. Public Hearing closed.

Motion made by Councilor McDonough, seconded by Councilor Theriault, to authorize a Brownfield Grant Application to be submitted on behalf of the City of Caribou to the United States Environmental Protection Agency (USEPA) for cleanup of the former Birdseye property. (6 yes) So voted.

- c. A new Registered Nonprofit Dispensary Permit for Safe Alternatives located at 1137 Presque Isle Road

6:09 p.m. Public Hearing opened.

Leo Trudel, Executive Director of Safe Alternatives, stated that the Planning Board permit was received last June. This evening Safe Alternatives is requesting that the Council approve their business license. Mr. Trudel stated that all information was submitted last November and the fee was paid at that time.

Councilor Theriault asked whether it was medical marijuana. Mr. Trudel responded "correct".

Motion made by P. McDonough, seconded by J. Theriault, to approve Safe Alternatives' business license under Caribou's Chapter 7 Article XI. (6 yes) So voted.

6:10 p.m. Public Hearing closed.

- d. Ordinance No. 7, 2017 Series, Amending General Assistance Guidelines

6:10 p.m. Public Hearing opened.

Jayne Farrin, General Assistance Administrator, stated that each fall DHHS informs us as to the changes that need to be done to keep the City's ordinance in compliance. Overall the changes are small and affect the Overall Maximum, Food and Housing maximums.

6:12 p.m. Public Hearing closed.

Motion made by P. McDonough, seconded by J. Theriault, to adopt Ordinance No. 7, 2017 Series, An Ordinance amending Chapter 17 General Assistance, Short Title: An Ordinance Amending General Assistance Guidelines. (6 yes) So voted.

- e. Ordinance No. 8, 2017 Series, Rezoning of 0.3 acres from Industrial 2 to Residential 1 at 47 York Street

6:13 p.m. Public Hearing opened.

Manager Marker stated that the rezoning request originated with Troy Haney. Mr. Haney had removed the single-family dwelling that was there and wants to rebuild a new single-family dwelling. The Planning Board has completed their process and they are recommending that the Council approve this rezoning.

6:14 p.m. Public Hearing closed.

Motion made by P. McDonough, seconded by J. Theriault to adopt Ordinance No. 8, 2017 Series, An ordinance amending Chapter 13 Zoning Section 13-202 Official Zoning Map, Short Title: An ordinance amending the Caribou Zoning Map, which changes the parcel of land at 47 York Street, Tax Map 28, Lot 122 from Industrial 2 zone to Residential 1 zone. (6 yes) So voted.

November 13, 2017

17-28 Pg. 4

- f. Ordinance No. 9, 2017 Series, Rezoning of 18 acres from Residential 1 to Residential 3 at approximately 30 Lee Street

6:15 p.m. Public Hearing opened.

Deputy Mayor Martin mentioned the horses you see in the pasture along the bypass is the site of the 18 acres referred to in the proposed ordinance.

6:16 p.m. Public Hearing closed.

Motion made by J. Smith, seconded by T. Guerrette, to adopt Ordinance No. 9, 2017 Series, An ordinance amending Chapter 13 Zoning Section 13-202 Official Zoning Map, Short Title: An ordinance amending the Caribou Zoning Map, which rezones a portion of Tax 8, Lot 29 from Residential 1 zone to Residential 3 zone., land located east of Montgomery Avenue and Scenic Drive and west of the bypass. (6 yes) So voted.

- g. Ordinance No. 10, 2017 Series, Releasing Interest in Properties to be Conveyed to RSU #39 for the New Elementary School in Accordance with Previously Approved Purchase Agreements

6:16 p.m. Public Hearing opened.

Manager Marker explained the reasons for the proposed ordinance which includes authorizing the Manager to execute a Termination and Release of Reversion instrument (Exhibit A). The ordinance and reversion instrument terminates and release to RSU#39 all rights and interest the City may have from a deed from the City to the RSU#39 dated March 26, 2012 and recorded in the Southern Aroostook County Registry of Deeds in Book 5039 Page 332. The properties in question are located around Teague and Park Street.

6:18 p.m. Public Hearing closed.

Motion made by P. McDonough, seconded by J. Smith, to adopt Ordinance No. 10, 2017 Series, An ordinance authorizing the release of a real property interest between the City of Caribou and RSU#39, Short Title: An Ordinance Authorizing Release of Property Interest Pertaining to New School. (6 yes) So voted.

- h. DRAFT 2018 Expense and Capital Budgets

Manager Marker updated the Council with the changes that have been done since the packet was sent out on the 11th.

- \$76,000 has been found that doesn't need to be in the budget and it has been removed
- Total Budget including Capital and Enterprise Funds is 1.7% over 2017 Budget
- The Budget presented this evening totals \$10.4 million
- The Expense Budget totals nearly \$9.9 million, which is 2.43% increase over 2017 Expense Budget

6:22 p.m. Public Hearing opened.

James Cerrato – Van Buren Road – asked if the 2017 City Budget includes money for repairing of High Street

Public Works Director Ouellette wants the citizens of Caribou to understand that High Street and Bennett Drive are state roads and come under the jurisdiction of the Maine Department of Transportation (MDOT). They are located within the urban compact zone so the City is responsible for maintenance and the State is responsible for infrastructure. Currently the City has applied for a 50-50 cost share project and the City has been putting money aside for the City's share. The 2018 Budget doesn't include any additional monies for a High Street project because the monies have already been put aside. Over the past few years, the scope and cost of a High Street project has evolved. Ouellette is confident that the project will be done in 2018.

Troy Haney – Caribou – asked if the 2018 Budget includes money for economic development

Deputy Mayor Martin stated that one half of the Manager's salary is budgeted out of economic development.

Manager Marker stated that \$338,000 has been budgeted for economic development. TIF monies are used to promote economic development. City employee Christina Kane-Gibson's position is funded out of the TIF and one of her goals is to build interest in the City. For 2018, the City is creating a new zoning administrator position. This individual will help the City revise and review the City's development procedures.

The Manager requested clarification as to whether during the Budget Work Session the Council consensus was a 2% step increase that occurs on the employee's anniversary or a 2% COLA that would occur January 1st. The 2018 Budget as presented this evening, includes a 2% step increase. If the Council meant a 2% COLA than that will increase the budget by \$19,000. Councilors McDonough and Smith recall that the consensus was for a 2% COLA. It would be a \$33,000 increase to give both a step and COLA.

6:33 p.m. Public Hearing closed.

Councilor Theriault questions keeping the Nylander open for three hours a week at the cost of more than \$12,000. She believes it is time to put the building on the market and move the collection.
Discussion.

Council Consensus: Wages – 2% COLA

Council Agenda Item #8: New Business & Adoption of Ordinances and Resolutions

- a. Ordinance No. 7, 2017 Series, Amending General Assistance Guidelines
- b. Ordinance No. 8, 2017 Series, Rezoning of 0.3 acres from Industrial 2 to Residential 1 at 47 York Street
- c. Ordinance No. 9, 2017 Series, Rezoning of 18 acres from Residential 1 to Residential 3 at approximately 30 Lee Street
- d. Ordinance No. 10, 2017 Series, Releasing Interest in Properties to be Conveyed to RSU #39 for the New Elementary School in Accordance with Previously Approved Purchase Agreements

Ordinances No. 7 through 10 were adopted after the Public Hearings that were held under Council Agenda Item #7 – Formal Public Hearings

e. Quit Claim Deed approval

Motion made by P. McDonough, seconded by J. Smith, to sell at the minimum bid price the parcel of land at Map 17, Lot 31 to Land Ho, Inc. (6 yes) So voted.

f. Request by Mark Westin for Deferral of Foreclosure

Mr. Westin is requesting a waiver of foreclosure on his property at 40 Washburn Street for the 2015 taxes. The Finance Director Raymond commented that a waiver of foreclosure was granted for Mr. Westin for 2013 and 2014. Mr. Westin recently finished paying 2014 taxes and still owes three years.

Motion made by P. McDonough, seconded by J. Theriault, to deny Mark Westin's request for a deferral of foreclosure and if the foreclosure occurs to give him until January 31, 2018 to pay in full all three years of taxes owed on 40 Washburn Street. (6 yes) So voted.

g. Resolution approving amendments to the Tri-Community Landfill Interlocal Agreement

Manager Marker reported that this evening it is more informational for the Council. This evening, if it is the wishes of the Council, Resolution 2017-4 approving amendments to the Tri-Community Landfill Interlocal Agreement could be signed. Negotiations are continuing between Tri-Community and the City of Presque Isle. A new Interlocal Solid Waste Agreement for the Central Aroostook Waste Management Corporation has been drafted, which has Caribou and Presque Isle having two Directors each and Fort Fairfield and Limestone having one director each. All three owner communities will have to support a merge for it to go forward. A legal review of the draft Interlocal Solid Waste Agreement has been completed. According to Executive Director Mark Draper, most financial decisions will request three fourths vote. Currently, the Board is awaiting a response from the City of Presque Isle to Tri-Community's latest offer. Deputy Mayor Martin wants to know what the "deal" is before approving anything. Manager Marker commented that the Resolution could be tabled.

Motion made by P. McDonough, seconded by J. Theriault, to table the Resolution approving amendments to the Tri-Community Landfill Interlocal Agreement until the deal with the City of Presque Isle is completed. (6 yes) So voted.

h. Resolution on Discontinuance of Park Street

Manager Marker noted that there are several steps that need to be done to discontinue a road and the adoption of Resolution 2017-3 A Resolution of the Caribou City Council approving the Discontinuance of Park Street between Bennett Drive and Glenn Street is the final step in closing the street. The Manager stated that there has been some concerns with the wording of the Resolution about the discontinuance occurs with the mobilization of construction equipment on the property associated with the new RSU #39 elementary school. In other words, the City would retain the right of way until that occurs. Councilor McDonough stated that giving up the right of way is the point and why would we retain it until the mobilization of construction equipment. Discussion.

Motion made by P. McDonough, seconded by J. Theriault, to adopt Resolution 2017-3 with the strikeout of Condition #2 "Such discontinuance shall occur with mobilization of construction equipment on the property associated with the new RSU 39 elementary school." (5 yes, 1 no, Nicole Cote) So voted.

i. Airport T-Hangar Change Order

Manager Marker stated this agenda item is a FYI rather than an action for item for this evening. The initial Change Order was for \$191,980 and additional 21 days of construction, but because of the time of the year, construction methods have been changed. These ways increase the costs to \$206,000 and additional 22 days of construction. The Manager is still waiting for the final designs, final line item bid that would outline all the elements to the Change Order. It may be necessary to have a Special Council Meeting on the 20th. The design firm is responsible for this design error for the Airport T-Hanger project and the cost to correct the design error.

j. Introduction of Ordinance No. 11, 2017 Series, Amending Caribou Zoning Map

Councilor McDonough introduced Ordinance No. 11, 2017 Series, An ordinance amending Chapter 13 Zoning Section 13-202 Official Zoning Map, Short Title: An ordinance amending the Caribou Zoning Map.

k. Introduction of Ordinance No. 12, 2017 Series, Amending Caribou Zoning Map

Councilor McDonough introduced Ordinance No. 12, 2017 Series, An ordinance amending Chapter 13 Zoning Section 13-202 Official Zoning Map, Short Title: An ordinance amending the Caribou Zoning Map.

Public Hearings were scheduled for November 27th for both ordinances.

Council Agenda Item #9: Old Business

a. Request for Abatement of Property Taxes – Bell

At the October 10th Council meeting, Jamie Bell and his wife requested an abatement for a portion of their 2016 property taxes because of nonuse of their house for a period of time due to a fire. Council had requested legal advice. MMA Legal Services advise the City not to abate a portion of the 2016 property taxes. Shortly after the Bells purchased a building permit to rebuild, the City reduced to cost of building permits to a flat \$50.00. Discussion. The Manager mentioned that the Council could adopt a policy to reduce building permit fees in the event a home is total loss due to a fire or another disaster. This is a way to alleviate some of the burden to rebuild.

Motion made by J. Smith, seconded by N. Cote, to deny the abatement request, reduce the rebuilding permit fee to \$50.00 and to refund the Bells the balance over the \$50.00 permit fee. (5 yes, 1 no, P. McDonough) So voted.

Mr. Bell stated that his building permit fee to rebuild was \$1,075.00.

Manager Marker stated that when the price of building permits were reduced to \$50.00 that the revenue for a Department of the City went from approximately \$12,000 to \$15,000 a year to essentially to \$2,000 to \$3,000 a year.

Council Agenda Item #10: Reports of Officers, Staff, Boards, and Committees

There weren't any reports.

November 13, 2017

17-28 Pg. 8

Council Agenda Item #11: Reports and Discussion by Mayor and Council Members

There weren't any reports.

Council Agenda Item #12: Executive Session (May be called to discuss matters under Maine Revised Statutes, Title 1, §405.6)

7:12 p.m. Time in. Motion made by P. McDonough, seconded by T. Guerrette, to move to executive session pursuant to 1 MRSA §405(6)(C) to discuss economic development. (6 yes) So voted.

After moving out of executive session, no action was taken.

Council Agenda Item #13: Adjournment

The meeting adjourned at 7:42 p.m.

Jayne R. Farrin, Secretary