

Council Agenda Item#1: Roll Call

The Caribou City Council held a City Council Meeting, Monday, November 16, 2020 at 6:00 p.m. in the Council Chambers with the following members present D. Morrell, H. Kirkpatrick, T. Ayer, N. Cote, J. Smith, and J. Theriault. R. Mark Goughan was absent.

Dennis L Marker, City Manager was present in Council Chambers along with Department heads K. Murchison, G. Marquis, P. Thompson, C. Kane-Gibson, Chief Susi, Chief Gahagan, and C. Grant via Zoom.

The meeting was broadcasted via Spectrum, and Caribou's YouTube Channel.

Council Agenda Item #2: Invocation / Inspirational Thought

City Manager, Dennis Marker led a prayer.

Council Agenda Item #3: Pledge of Allegiance

Deputy Mayor T. Ayer led the Pledge of Allegiance.

Council Agenda Item #4: Public Forum

There were no public comments.

Council Agenda Item#5: City Council Minutes

a. September 21 Regular Meeting

Motion made by D. Morrell, seconded by J. Theriault to accept the September 21 meeting minutes as written. (6 Yes) So voted.

b. October 5 Regular Meeting

Motion made by J. Theriault, seconded by N. Cote to accept the October 5 meeting minutes as written. (6 Yes) So voted.

c. October 26 Regular Meeting

Motion made by D. Morrell, seconded by J. Theriault to accept the October 26 meeting minutes as written. (6 Yes) So voted.

d. November 2 Regular Meeting

Motion made by J. Theriault, seconded by J. Smith to accept the November 2 meeting minutes as written. (6 Yes) So voted.

Council Agenda Item #6: Public Hearings and Possible Action Items

a. Safe Alternatives Registered Non-profit Medical Marijuana Dispensary License Renewal

Public Hearing Opened at 6:05 p.m.

There were no public comments.

Public Hearing Closed at 6:06 p.m.

Motion made by H. Kirkpatrick, seconded by D. Morrell to approve the Safe Alternatives Registered Non-profit Medical Marijuana Dispensary License Renewal. (6 Yes) So voted.

Council Agenda Item #7: Bid Award, Recognitions & Appointments

a. Recognition of Blight Toolkit Committee members

A special thanks goes out to the members of the Blight Toolkit Committee members and all of their hard work. Committee members include Paul Camping, Phil Cyr, John Swanberg, Robert White, Christine Solman, Dennis Marker, Penny Thompson, Ken Murchison, Christina Kane-Gibson and Denise Lausier.

b. Recognition of Teague Park Splash Pad Donation

Councilor D. Morrell presented Gary Marquis with a check for \$10,000 on behalf of himself, his wife and his grandchildren to go towards the new Splash Pad being installed at Teague Park.

Council Agenda Item #8: Reports of Officers, Boards and Standing Committees

a. October 2020 Financial Report

C. Grant reviewed the October 2020 Financial Report via Zoom.

Motion made by J. Smith, seconded by J. Theriault to accept the October 2020 Financial Report. (6 Yes) So voted.

b. Manager's Report

Manager Marker reviewed the City Manager's Report dated October 30, 2020.

C. Kane-Gibson gave a brief description on some upcoming events including Small business Saturday and having Reindeer in Caribou on November 28<sup>th</sup> and 29<sup>th</sup>.

Council Agenda Item #9: New Business

a. Sale of Tax Acquired Property

i. 48 Woodland Road

Motion made by J. Smith, seconded by J. Theriault to sell the property located at 48 Woodland Road in the amount of \$5,400 to Aaron Gagnon. (6 Yes) So voted.

ii. 45 River Road

Motion made by J. Smith, seconded by J. Theriault to sell the property located at 45 River road in the amount of \$4,889 to Tammy Gagnon. (6 Yes) So voted.

iii. 19 Katahdin

Motion made by D. Morrell, seconded by J. Smith to sell the property located at 19 Katahdin to Edward Gervais in the amount of \$800. (6 Yes) So voted.

b. Authorization of Non-Profit Entity Games of Chance for 2021-2023

i. American Legion Post #15

Motion made by N. Cote, seconded by J. Theriault to approve the Game of Chance License for the American Legion Post #15 (4 Yes, 2 No -D. Morrell, H. Kirkpatrick) So voted.

ii. Knights of Columbus

Motion made by J. Theriault, seconded by J. Smith to approve the Game of Chance License for the Knights of Columbus. (6 Yes)

iii. Lister-Knowlton VFW Auxiliary

Motion made by N. Cote, seconded by J. Theriault to approve the Game of Chance License for the Lister-Knowlton VFW Auxiliary. (4 Yes, 2 No D. Morrell, H. Kirkpatrick) So voted.

iv. Lister-Knowlton VFW Post 9389

Motion made by N. Cote, seconded by J. Theriault to approve the Game of Chance License for the Lister-Knowlton VFW Post 9389. (4 Yes, 2 No D. Morrell, H. Kirkpatrick) So voted.

c. Porvair Filtration Contract Update

Manager Marker explained the reimbursement agreement that was entered into in 2018 with Porvair. The reimbursement amount to Porvair is \$14,694.75 per year if they meet the commitments for increasing employee numbers. Porvair stated that they didn't have the numbers at the end of October, as required by the contract, but can show that they have them now. They are asking the Council to grant the reimbursement for 2020 since the employee numbers will be met before the check is cut.

Council has treated this as a first read and tabled the discussion until the meeting on November 30.

d. Resolution 11-01-2020 Accepting Teague Park Deed from RSU#39

Manager Marker and G. Marquis explained the process of receiving the deed from the RSU for the new Teague Park property and resolution of the punch list. There are only a couple items left such as pointing the lights on the ballfield that the contractor agreed to complete summer 2021.

Motion made by D. Morrell, seconded by J. Smith to accept Resolution 11-01-2020 Accepting Teague Park Deed from RSU#39. (6 Yes) So voted.

e. Resolution 11-02-2020 Establishing the Teague Park Improvement Loan Against Reserves

Manager Marker explained the amount of monies needed to complete the projects at Teague Park and the Splash pad. The current amount needed is \$278,960 minus the donations received today from Councilor Morrell of \$10,000 and \$250 from the Cigarette Shopper. Manager Marker reviewed Resolution 11-02-2020 which looks at reserve accounts and the possibility of moving money from other accounts to help with the Teague Park Improvements. The resolution establishes a Council commitment to repay funds over 5 years with a 1.5% self-imposed interest rate.

D. Morrell would like to know more information about selecting the interest rate in which the City would pay themselves back and make sure that the amount is appropriate and what it needs to be.

This was a first read to be discussed more at the next meeting on November 30, 2020.

Council Agenda Item #10: Old Business

a. 2018 Tax Lien Waivers

Motion made by J. Theriault, seconded by J. Smith to waive foreclosure of unpaid taxes and grant the abatements of the following tax accounts: 2212, 4617, 2068, 2073, 4566, 4716, 4794, 4943, 1999, 1418, 1942 as recommended by Administration in the packet memo. (6 Yes) So voted.

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

J. Smith- Would like to schedule an investment committee meeting for Thursday the 19<sup>th</sup> at 8:00 a.m. in the Council Chambers to get an update on the \$3M CD funds.

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

Manager Marker explained that one of the matters going to be discussed in executive session is regarding a complaint that was filed recently in Superior Court here in Aroostook County. Based on the complaint there is a possible conflict of interest with the parties in that Councilor Theriault may have financial considerations in the case against the City. The City's attorneys are recommending that councilor Theriault not be a party to any discussions on that matter.

J. Theriault- "I donated money to the GoFundMe fund for their legal fees for the legal action taken to get an opinion on the charter amendment concerning paying your taxes on or before December 31<sup>st</sup>. Apparently, that makes me have a conflict of interest, I don't believe so, I think that I have enough right to donate money any where that I want to. I don't have a problem with anything else as far as any of the issues going, I believe wholeheartedly that amendment stated it correctly with no gray area, and I think that to not allow me to attend the executive session just because I donated money that's like freedom of speech that's like of freedom of putting my money where I want to I don't believe that has any bearing on, I'm not a part of the law suit or anything else and I think that's part of my right to be able to donate wherever I want to and I do not feel that this is something that I should be barred from attending."

Deputy Mayor Ayer noted that Counselor Theriault has every right to do what she did; however, the recommendation from our attorney is that she not attend discussions on the case.

J. Theriault- "I could have done it anonymously, I didn't. I like to be upfront and forward so that you know where I stand, and I do not talk out of executive sessions so I do not believe that there should be any reason why I should be exempt from that."

Deputy Mayor Ayer called for a motion.

Motion made by H. Kirkpatrick, seconded by D. Morrell to excuse Councilor Theriault from executive session during 12b Consultation of City Attorney regarding pending litigation. (4 Yes, 2 No, J. Theriault N. Cote) So voted.

a. Collective Bargaining Negotiations with Fire Department Union under §405.6.D

Motion made by N. Cote, seconded by J. Smith to enter executive session at 7:06 p.m. Collective Bargaining Negotiations with Fire Department Union under 406.6.D (6 Yes) So voted.

Council exited executive session at 8:10 p.m.

No action was taken.

Motion made by H. Kirkpatrick, seconded by J. Smith to enter executive session at 8:10 p.m. to discuss a personnel matter regarding the Council and that only current Council members be present under 405.6.A.

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Manager Marker noted that Councilor Theriault had provided a written request that any discussion regarding her should be in open session. Vote to enter executive session was taken. (5 Yes, 1 No J. Theriault)

Council exited executive session at 8:52 p.m.

No action was taken.

Motion made by J. Smith, seconded by N. Cote to enter executive session at 8:53 p.m. to discuss pending litigation with the City's attorney under §405.6.E (6 Yes) So voted.

Council exited executive session at 9:01 p.m.

No action was taken. Councilor Theriault was excused from the meeting.

Motion made by D. Morrell, seconded by J. Smith to enter executive session at 9:02 p.m. to discuss pending litigation with the City's attorney. (5 Yes) So voted.

Council exited executive session at 9:29 p.m.

No action was taken

Council Agenda Item #13: Next Meeting(s)

November 30, December 14

Council Agenda Item #14: Adjournment

Motion made by H. Kirkpatrick, seconded by D. Morrell to adjourn the meeting at 9:29 p.m. (5 Yes) So voted.

Danielle M Brissette, Secretary