

February 8, 2021

Council Agenda Item #1: Roll Call

The Caribou City Council held a City Council Meeting on February 8, 2021 at 6:00 p.m. in Council Chambers with the following members present Councilors Ayer, Boma, Morrell, Theriault, Willey and Mayor Smith. Councilor Goughan was absent and excused.

Dennis L Marker, City Manager and Danielle Brissette, City Clerk were present.

Staff members and parties with interest in agenda items connected through electronic Zoom Meeting.

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

Council Agenda Item #2: Invocation/Inspirational Thought

Cynthia Salerno, Relief Society President for the Caribou Ward of the Church of Jesus Christ of Latter-Day Saints led the invocation via Zoom.

Council Agenda Item#3: Pledge of Allegiance

Mayor Smith led the Pledge of Allegiance.

Council Agenda Item#4: Public Forum

Shane McDougal and Danny Dupree were present via Zoom and were interested in more information regarding the reason for increases on the hangar rental rates at the airport.

They were asked to stay on for the discussion later in the meeting.

Council Agenda Item #5: Minutes

a. Amended January 4, 2021 Organization Meeting

Motion made by Deputy Mayor Ayer, seconded by Councilor Boma to accept the amendment to the minutes from January 4, 2021 where a name would be changed from Andrew Sullivan to Michael Sullivan for leading the invocation for the meeting.

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Yes, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

b. January 25, 2021 Regular Council Meeting

Motion made by Deputy Mayor Ayer, seconded by Councilor Theriault to accept the minutes from the January 25, 2021 meeting as presented.

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Yes, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

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

a. Sue Skidgell as Certified Municipal Clerk by International Institute of Municipal Clerks

Manager Marker explained that there is quite a process that a clerk can participate in with the Municipal Clerk's Association. He explained that Sue Skidgell has been involved in clerking for many years, first with Mapleton, Chapman, and Castle Hill and now with us. Sue has spent a lot of time in training and has been able to receive this special recognition and we would like to highlight her achievement and recognize that we are grateful to have her on our staff and what she adds to our clerk office.

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Council expressed their gratitude and would like to congratulate Sue on her achievement.

Council Agenda Item #7: Reports by Officials and Staff

a. Manager's Report

Manager Marker reviewed the Managers report dated February 3, 2021.

Council Agenda Item#8: Old Business

a. Resolution 02-01-2021 Allowing Employees to Retain Prior Year Non-Used Vacation Time

Manager Marker explained Resolution 02-01-2021 and that it is a one-time policy change and we are doing it in appreciation for the staff. This resolution would allow an employee to carry over up to 40 hours from the prior year and it would expire December 31, 2021.

Motion made by Councilor Theriault, seconded by Councilor Willey to approve Resolution 02-01-2021, Allowing Employees to Retain Prior Year Non-Used Vacation Time.

Councilor Morrell asked if employees know about the current use it or lose it policy. He explained that he appreciates the dedication that the employees have but that it is very important that it is used to give the person a time to rejuvenate.

Councilor Willey stated that it is important to remember that it is a onetime deal and would not extend past this year.

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Yes, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

b. Discussion Regarding Airport Hangars

Manager Marker explained that in December the Council adopted some amended rates for the hangars. The new small hangar base rates went up by \$5, mid-size went up \$10 and another one went up by \$15 a month. There has been concern that if people are utilizing the hangars to store things other than just airplane or aviation, are we then competing with the private market in the City, and are we charging fair market rates.

During a recent walkthrough of the leased hangars, some hangars were not accessible, and some had non-aviation related items inside. One hangar did not have an airplane inside but did have a boat and other items. Manager Marker noted that under FAA guidelines the city is not at risk of losing grants if non-aviation related items are stored in the hangars so long as a plane can still be stored in the hangars. Mr. McDougall asked the Council to reconsider charging additional fees for non-aviation related items and was concerned that the fee increases could result in lost revenue and interest in the airport.

c. Discussion Regarding 2021 Budget Review

Manager Marker explained and stated that he needed to get the general direction from the Council on the budget because the deadline to set the budget is March 15.

Currently were just a little under 9.3 million roughly 45 thousand dollars less than the 2020 budget in the General Operating Expenses portion. The general operating expenses make up all funds except capital, and funds 11, 24, 52 and 96.

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From a capital standpoint the draft expenses for 2021 are over 1.7 million dollars on the expense side. Looking at the funding sources, it has been indicated that we want to tap into reserve accounts to help pay for some of these items. Out of the 1.7 million we are showing \$853,772 from reserves and it means that we are identifying the need for \$871,000 for new capital in the budget or \$320,000 more than we had in the budget last year. The capital plan is currently using \$853,772 from reserves, but putting back only \$299,000 which makes a difference at the end of the year of negative \$554,772 to the city's bottom line.

Mayor directed that the Council Capital Committee meet before the next meeting to review the plan and bring back a recommendation.

d. Discussion regarding City Council Priorities for 2021

Manager Marker reviewed the results from the City Council Priorities Survey and how the different categories were ranked.

Top ranking items in the categories were items such as Opioid and Drug Enforcement, Capital Vehicle and Equipment Plan, Teague Park Splash Pad Improvements, Union Contract Negotiations, Small Business Expansion and Retention, and Blight Removal.

7:25 p.m. 5-minute break

Council Agenda Item #9: New Business & Adoption of Ordinances and Resolutions

a. Acceptance of Donations to the Nylander Museum

Two donations were recently made to the Nylander museum, Earl and Ethelyn Langley donated a large rock and mineral collection from Maine as well as around the country. Carol Wolfington and Susie Plourde donated their mother's fur stoles.

Motion made by Deputy Mayor Ayer, seconded by Councilor Theriault to accept the donations to the Nylander Museum.

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Yes, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

b. Cooperative Agreement with the City of Belfast for FAA Capital Funding

Manager Marker explained that the City of Belfast is requesting the use of Caribou's FAA allocation for 2021. Each year the city is allocated \$150,000 from the FAA to be used for the purchase of major airport equipment, upgrades, or facility maintenance. The agreement outlines that Belfast would transfer \$150,000 of its future allocations to Caribou for the 2023-2024 season, which is when Caribou's next project is planned at the airport.

Motion made by Councilor Morrell, seconded by Deputy Mayor Ayer to authorize the City Manager to sign the Cooperative Agreement with the City of Belfast to transfer the 2021 FAA entitlement funds.

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Yes, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

Council Agenda Item #10: Reports and Discussion by Mayor and Council Members

a. Discussion Regarding City Councilor Attendance at meetings

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Manager Marker explained that the discussion was planned so that the council could discuss the attendance practice at meetings and attorney Rick Solman is available to speak with the Council via phone regarding the topic.

The discussion is because questions have been asked by the public, and amongst the councilors particularly about the requirement that the councilors attend all the meetings and particularly the executive sessions when they are called. The discussion is to determine what should be the practice and how does it tie in with regards to the charter and state statute as far as requirements go. MMA Legal indicated that there's nothing in state statute that requires a city councilor or an elected official to attend meetings and they defer entirely to a local charter. The local charter does not mandate attendance either, but it does have the provision that if councilors have unexcused sequential absences that its potential grounds for forfeiture of a position.

Attorney Rick Solman via phone stated that he has not done extensive research, but he does concur that there is no state statute that would provide for a forfeiture of office for not attending executive sessions. Any such matter in Maine would be a matter of the individual charter of the municipality under home rule.

Councilor Morrell wanted to know if when in executive session there is a leak and the third party suffered damages in some form or fashion, would the council in its entirety in that meeting be held liable for that? Attorney Rick Solman stated that he does not believe that the council would be legally liable for discussions during an executive session that were illegally leaked.

Deputy Mayor Ayer stated some economically sensitive information could be discussed in executive sessions.

The Council asked legal counsel to research how individual Councilors might be liable if a leak from executive session occurs, are there requirements that a Councilor attend executive sessions, any issues with sharing information from an executive session with a Councilor who was not in attendance, and conducting of executive sessions via electronic means such as zoom.

Councilor Ayer reported that there is a planning board this Thursday via Zoom where they will be discussing a few businesses coming, site design review process, land bank legislation, notice of violations and Chapter 13 Revision Process for City Council.

Councilor Morrell stated that he would like to apologize to the Building Committee and asked to be excused from the recent meeting he called but then forgot about because he was tied up in a bidding process with work.

Councilor Willey stated that she attended the Library Board meeting and stated that there are several different activities that are going and new ones each month. She encourages everyone to check it out and bring their children.

Councilor Theriault stated that the Nylander Board has a meeting next Thursday night.

Councilor Boma stated that that there is a Trailer Park Closure Committee meeting tomorrow.

Council Agenda Item #11: Executive Session(s) (May be called to discuss matters identified under Maine Revised Statutes, Title 1, §405.6)

a. Real Estate Negotiation with Carla Chomka under §405.6.C

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Manager Marker stated that he can give a report on this topic because it has been in open discussion. Dubois and King will survey the property. They are the engineering firm that did the survey work around that property prior. They've indicated that they can come up after the thaw and be able to do the survey work for the property. Until that survey is completed there would be no further discussion.

Councilor Morrell exited the meeting.

b. Discussion regarding pending legal action under §405.6.E

Motion made by Deputy Mayor Ayer, seconded by Councilor Theriault to enter executive session to discuss regarding matters under §405.6.E

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Absent, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

Council exited executive session at 9:15 p.m.

No action was taken.

c. Labor Negotiation items with the city's four unions under §405.6.D

Motion made by Councilor Willey, seconded by Councilor Theriault to enter executive session to discuss labor relation matters under §405.6.D

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Absent, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

Council exited executive session at 9:39 p.m.

No action was taken.

Council Agenda Item #12: February 22, March 8

Council Agenda Item #13: Adjournment

Motion made by Deputy Mayor Ayer, seconded by Councilor Theriault to adjourn the meeting at 9:39 p.m.

Roll Call Vote: T. Ayer - Yes, C. Boma - Yes, D. Morrell - Absent, J. Theriault - Yes, L. Willey - Yes, J. Smith - Yes (So voted)

Danielle Brissette, Secretary