

Council Agenda Item #1: Roll Call

The Caribou City Council held a City Council meeting on Monday, July 24, 2023, in the Council Chambers with the following members present; Mayor Smith, Councilors Bagley, Goughan, Morrill, Theriault and Willey. Deputy Mayor Boma was present via Zoom.

Manager Thompson was present for the meeting.

Melissa Lizotte of the Aroostook Republican covered the meeting, and it was broadcasted via Spectrum and YouTube.

Council Agenda Item #2: Invocation/Inspirational Thought

Mayor Smith read an invocation.

Council Agenda Item #3: Pledge of Allegiance

Mayor Smith led the Pledge of Allegiance.

Council Agenda Item #4: Public Forum

There were no comments made by the public.

Council Agenda Item #5: Minutes

There were no minutes submitted for approval.

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

a. Bids for work at the Nylander Museum of Natural History

Motion made by Councilor Morrill, seconded by Councilor Willey to accept the bid from Aroostook Power Washing LLC.

Roll Call Vote: D. Bagley – No, Boma – Yes, R.M. Goughan – Yes, J. Morrill – Yes, J. Theriault – Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

Council Agenda Item #7: Public Hearings and Possible Action Items

a. Application for Malt Liquor, Wine & Spirits sales for RJ Rossignol LLC DBA Bechard's Grille

Open Public Hearing: 6:15 p.m.

There were no comments from the public.

Close Public Hearing: 6:16 p.m.

Motion made by Councilor Morrill, seconded by Councilor Theriault to approve the liquor license application from RJ Rossignol, LLC DBA Bechard's Grille at 30 Skyway Drive Unit 300/400.

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Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan – Yes, J. Morrill – Yes, J. Theriault – Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

b. Dangerous Building Public Hearing – 7 Water Street, Map 31, Lot 171

Open Public Hearing: 6:17 p.m.

Mayor Smith recessed the public hearing until August 28<sup>th</sup>.

c. Dangerous Building Public Hearing – 24 Park Street, Map 35 Lot 73

Open Public Hearing: 6:20 p.m.

Councilor Willey asked when Ms. Mueller was served.

Manager Thompson responded that she was served after the last meeting. She also explained that the property owner was ignoring the notices because she thought that she was losing the property due to bankruptcy.

Mark Leuhrs, Caribou Resident

Can the City do something instead of tearing it down and explained that he believes that it is a beautiful spot for something.

Mayor Smith explained that in this process the biggest expense when tearing down a home is the abatement which can be costly.

Manager Thompson explained that the City would go out to bid for the demo and that it would have to be hauled off to the landfill where there is also an additional fee. After the demolition and disposal is done the City sends a bill to the owner of the property and if they don't pay it then it becomes a special tax at the next commitment.

Mayor Smith recessed the public hearing until August 28<sup>th</sup>.

Councilor Bagley and Councilor Morrill both expressed concern about recessing the hearing until a later date and stated that it should go to a vote of the Council.

Closed public hearing at 6:32 p.m.

Motion made by Councilor Theriault to recess the public hearing until August 28<sup>th</sup> for the property at 24 Park Street.

Motion made by Councilor Morrill, seconded by Councilor Willey to consider the property at 24 Park Street a dangerous building and continue with the process that abdicates that.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –No, J. Morrill – Yes, J. Theriault –No, L. Willey – Yes, J. Smith – No, C. (So voted)

Agenda item 7 b Continued

Manager Thompson read an email from the City attorney regarding the property at 7 Water Street, that in exchange for the cleanup of the property, the Bickford's would deed the property to the City.

Closed the public hearing at 6:37 p.m.

Motion made by Councilor Morrill, seconded by Mayor Smith to deem the property at 7 Water Street a dangerous building and continue the process in order to eliminate that situation.

Roll Call Vote: D. Bagley – No, Boma – No, R.M. Goughan –No, J. Morrill – Yes, J. Theriault – No, L. Willey – No, J. Smith – Yes, C. (Motion failed)

d. Charter Amendment Public Hearing – Ordinance 3, 2023 Series, Charter Amendment, and Ordinance to Amend the Capital Improvement Referendum Process

Open the public hearing at 6:40 p.m.

Councilor Goughan explained that in his opinion it is not so much dealing with a majority of votes that show up, but that when you spend over \$500,000 and the vote is put in front of the people in the June election when people are not used to voting. He suggested that it would be best to wait until the November election when people are used to voting.

Councilor Willey explained that we put that it needs to have that it would be at a November election because a 65% turnout is not reasonable.

Deputy Mayor Boma stated that she agrees with Councilor Willey, and that even in November we rarely have a 65% turnout.

Councilor Theriault stated that maybe what they need to do is clarify what the 65% is. It is not a majority of the 65% of the turnout, it means that 65% of the voters in Caribou would need to turnout to vote on the topic.

Doug Morrell, Caribou Resident

Mr. Morrell came in and stated that the ordinance was meant to control how the council spends. He stated that the decisions should be made by those who pay the bills. He stated he believes that if you want to do something you need to sell it to the public.

Councilor Bagley explained that a significant number of people passed the vote. He stated that he thinks that most people understood what they were voting on, and it was passed. Councilor Bagley stated that it was passed, but that he agrees that 65% of voter turnout is too high, because it has not been achieved more than 1 time in 13 years. He proposed to change it to a 45% voter turnout rather than the 65% which is achievable in November elections.

Councilor Willey stated that the ordinance was approved with less than 65% turnout. She believes that everything over \$500,000 has to be brought to the voters, so that is the parameter there. She stated that she has no issue with putting in what Councilor Goughan had mentioned about it having to be a fall vote.

Councilor Morrill stated that he agrees that \$500,000 is a lot of money and that it should go to the vote of the people. He explained that majority rules, just like when he became a councilor it was because majority elected him as a Councilor. He stated that when the question first came to him, he did not understand that it meant that it meant 65% of the registered voters in Caribou. He is in favor for it to be a majority vote on a November ballot.

Deputy Mayor Boma explained that in history things have been amended several times.

Closed Public Hearing at 7:00 p.m.

Motion made by Councilor Morrill, seconded by Councilor Theriault to put the charter amendment on the November 7<sup>th</sup> ballot.

Councilor Willey suggested that they amend the motion to include that it be on a November ballot.

Councilor Morrill amended his motion, and it was seconded by Councilor Theriault to put the charter amendment on the November 7<sup>th</sup> Ballot and that any capital improvement exceeding \$500,000 would need to be approved by the voters by a majority vote of the public on a November ballot.

Roll Call Vote: D. Bagley – No, Boma – Yes, R.M. Goughan –No, J. Morrill – Yes, J. Theriault – Yes, L. Willey – Yes, J. Smith – No, C. (So voted)

Council Agenda Item #8: Reports by Staff and Committees

a. June 2023 Financials – Finance Director

Carl Grant (Finance Director) reviewed the June 2023 Financial report.

Motion made by Councilor Theriault, seconded by Councilor Willey to accept the June 2023 Financial report as presented.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –Yes, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

b. Tax acquired property at 375 Belanger Road – legal update

At the May 22, 2023, City Council meeting, then-CEO Ken Murchison brought up properties for the City Council to consider dangerous buildings. He stated that the property at 375 Belanger Road is tax-acquired property and he suggested that an eviction process be started. The occupants are working with Matthew Dyer of Pine Tree Legal Assistance, Inc. They claim that the City failed to strictly follow the statutory procedures for automatic foreclosure. The City Council should decide if it is worth the expense to fight this in court.

Mayor Smith asked if we own the property.

Manager Thompson explained that as far as the City is concerned the property is tax acquired.

Carl Grant (Finance Director) explained that he brought the lien to the registry on the 22<sup>nd</sup>. It was during COVID, and he was unable to go to the register to stay and watch. It was Memorial Day weekend and they processed it on Tuesday. He stated that there was a 30-day lien notice that had been sent which would be what could stand up in court.

c. City Manager's Report

Manager Thompson reviewed the City Manager's report dated July 24, 2023.

**Council Agenda Item #9:** New Business, Ordinances and Resolutions

a. PILOT – Caribou Solar LLC 46 Dow Siding Road

Caribou Solar LLC has a solar installation at 46 Dow Siding Road. They have offered to enter into an agreement for a payment in lieu of taxes. For 2023 tax year, the equipment at the site in BETE exempt. Starting in the tax year 2024, the solar installation will be exempt under the renewable energy exemption because it will be generating power. The PILOT agreement would start once the installation begins to produce power. It should also be noted that although solar installations that started construction after October 1, 2021, are subject to a decommissioning plan requirement, Caribou Solar LLC started construction in September 2021, so would not be subject to this decommissioning requirement. Therefore, I would recommend that any proceeds of the PILOT be placed in a reserve account if funds are needed for decommissioning.

Motion made by Councilor Willey, seconded by Councilor Theriault to authorize City Manager Penny Thompson to execute the PILOT agreement with ENGIE and place any proceeds into a reserve account.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –Yes, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

b. MMA Annual Election ballot

Motion made by Councilor Morrill, seconded by Councilor Theriault to support the candidates proposed by the MMA Nominating committee and either authorize and designate City Manager Penny Thompson to sign the ballot, or circulate and sign after the meeting.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –No, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

c. Member Services Agreement with NMDC for 2024 Comprehensive Plan

Councilor Bagley asked if there was any information of who the staff would be that would be working on the plan.

Manager Thompson explained that she received the information back when the former CEO was still here and it had previously been sent to the Council. She stated that one of the people that will be working on the contract will be Jay Kamm.

The City of Caribou must submit an updated Comprehensive Plan in 2024. The City Council has appropriated money in support of this. The Planning Board will be taking the lead on this project,

assisted by City Staff. There are some components of the 2024 Comprehensive Plan that will require professional assistance. NMDC has assisted the City of Caribou in the past and is willing to assist on the 2024 Comprehensive Plan at a member-reduced rate of \$20,000.

Motion made by Councilor Morrill, seconded by Councilor Theriault to authorize City Manager Penny Thompson to sign the agreement with NMDC for work on the 2024 Comprehensive Plan.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –Yes, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

d. 2023 American Rescue Plan Act grant award from Aroostook County - \$100,349

Motion made by Councilor Morrill, seconded by Councilor Theriault to accept, and sign the agreement with Aroostook County for the grant funding in the amount of \$100,349.

Councilor Bagley asked which reserve accounts the funds would be going into.

Manager Thompson explained that the funding would be allocated through several accounts.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –Yes, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

e. Resolution 07-02-2023, Establishing the 2023 Property Tax Rates and Related Deadlines

Motion made by Councilor Theriault, seconded by Councilor Willey to rescind the motion relating to the setting of the 2023 tax rate at 18.55 which was adopted at the July 10, 2023, City Council Meeting.

Roll Call Vote: D. Bagley – No, Boma – Yes, R.M. Goughan –No, J. Morrill – Yes, J. Theriault – Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

Motion made by Councilor Theriault, seconded by Mayor Smith to rescind items tow through seven on Resolution 07-01-2023 which was adopted at the July 10, 2023, City Council Meeting

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –Yes, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

Motion made by Councilor Willey, seconded by Councilor Theriault to reduce the 2023 Capital Budget by \$87,000 in account # G 1-373-50 from \$173,500 to \$86,500. Money was appropriated for 12-months of payments on the loan approved last year to make repairs to municipal buildings and other capital projects. The loan was not taken out until June so there will only be 6 payments. The monthly payment amount is \$14, 277.32.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –Yes, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

Motion made by Councilor Theriault, seconded by Councilor Willey to set the 2023 tax rate at .02000 or 20.00 mils.

Councilor Goughan stated that he would like to use the \$191 thousand that is in the relief fund which would reduce this by roughly ½ of a mil.

Councilor Theriault rescinded her motion, and Councilor Willey rescinded her second to the motion to set the 2023 tax rate at .02000 or 20.00 mils.

Councilor Goughan made a motion, seconded by Mayor Smith to move the money from the Resource Reserve Account in the amount of \$188,540.10 to offset the expense budget for the year.

Roll Call Vote: D. Bagley – Yes, Boma – Yes, R.M. Goughan –Yes, J. Morrill – Yes, J. Theriault –Yes, L. Willey – Yes, J. Smith – Yes, C. (So voted)

Mayor Smith set a meeting for August 14<sup>th</sup> to set the mil rate.

**Council Agenda Item #10:** Old Business

There were no topics scheduled for discussion.

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

Deputy Mayor Boma stated that she has been hearing from residents about an impending rat problem and that more rats are being sighted, and it should be something that is looked into.

**Council Agenda Item #12:** Next Meetings- Special Council Meeting August 14, Regular meeting August 28<sup>th</sup>.

**Council Agenda Item #13:** Executive Session(s)

a. Executive Session to obtain legal counsel pursuant to MRSA, Title 1, §405.6.E

Motion made by Councilor Morrill to enter executive session at 7:56 p.m. to obtain legal counsel pursuant to MRSA, Title 1, §405.6.E.

Vote was unanimously approved.

Council exited executive session at 8:25 p.m.

Motion made by Councilor Morrill, seconded by Deputy Mayor Boma to authorize City Attorney Richard Solman to correspond with attorney for Cary Medical Center and Caribou Hospital District Board to advise of procedural issues that he has noted that will be addressed by the Caribou City Council.

Vote was unanimously approved.

**Council Agenda Item #14:** Adjournment

Motion made by Councilor Morrill, seconded by Deputy Mayor Boma to adjourn the meeting at 8:30 p.m.

Vote was unanimously approved. Danielle Brissette, Secretary