

**TOWN OF ORONO
COUNCIL MEETING
COUNCIL CHAMBER - MUNICIPAL BUILDING**

MONDAY, APRIL 11, 2016 AT 7:00 P.M.

MINUTES

1. Roll Call

Present: Council Chair Cindy Mehnert, Sam Kunz, Tom Spitz, Geoff Gordon, Judy Sullivan, Tom Perry, Clint Relyea and Town Manager Sophie Wilson.

2. Agenda Review - None

3. Approval of Minutes of March 14, 2016 Special Council Meeting, March 14, 2016 Regular Council Meeting and March 21, 2016 Special Council Meeting

Motion by Sam Kunz and seconded by Tom Spitz to approve the minutes. The vote passed in favor, 6-0-1 (with Judy Sullivan abstaining).

4. Election of Council Chairperson

Moved by Tom Perry and seconded by Geoff Gordon to nominate Cindy Mehnert as Council Chairperson. All voted in favor, 7-0. Ms. Mehnert accepted the nomination.

5. Public Hearings

a. To consider a Class XI Malt, Spirituous & Vinous Liquor License, Victualer's License and Special Amusement Permit for Music, Dancing and Entertainment for Stillwater Brewing Company, d/b/a Bear Brew Pub, 36 Main Street.

Public hearing a. opened at 7:04 p.m. Economic Development Director Dave Milan reported all inspections have been completed and all taxes and sewer have been paid. Staff recommends approval of the licenses. No public comments were made. Public hearing a. closed at 7:05 p.m.

b. To consider a Class XI - Restaurant/Lounge - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Woodman's LLC, d/b/a Woodman's Bar & Grill, 31 Main Street.

Public hearing b. opened at 7:06 p.m. Economic Development Director Dave Milan reported all inspections have been completed and all taxes and sewer have been paid. Staff recommends approval of the licenses. No public comments were made. Public hearing b. closed at 7:07 p.m.

c. To consider a Lunch Wagon License to Cutler, LLC, d/b/a The Stray Dog, 6 Mill Street.

Public hearing c. opened at 7:07 p.m. Economic Development Director Dave Milan reported that the fees have been paid, but the vehicle inspection is scheduled for next week. Staff recommends conditional approval of the license upon inspection by the Code Officer. No public comments were made. Public hearing c. closed at 7:08 p.m.

d. To consider a Victualer's License for Susan Whitmore d/b/a SDW, 27 Park Street.

Public hearing d. opened at 7:08 p.m. Economic Development Director Dave Milan reported all inspections have been completed and all taxes and sewer have been paid. Staff recommends approval of the license. No public comments were made. Public hearing d. closed at 7:09 p.m.

e. To consider an ordinance amendment to the Land Use Ordinance Section 18-31 Definitions and Section 18-140 Signs, defining and allowing "Light Pole Signs" in certain locations.

Public hearing e. opened at 7:09 p.m. Town Planner Evan Richert stated that this is the first of several amendments to be brought forward as part of the implementation of the recently adopted Comprehensive Plan. He noted that this amendment allows light pole signs within certain locations (i.e. the urban plaza) and establishes the standards. He noted that the amendment was reviewed and recommended for approval by the Planning Board, after holding its public hearing. Mr. Richert noted that Council will consider approval of the amendment next month. No public comments were made. Public hearing e. closed at 7:10 p.m.

f. To consider an ordinance amendment to the Land Use Ordinance Section 18-136 Clustered Development, concerning Land Area and Sewer and Water Supply Systems required in Clustered Developments.

Public hearing f. opened at 7:11 p.m. Town Planner Evan Richert stated that this was a housekeeping amendment to be brought forward as part of the implementation of the recently adopted Comprehensive Plan. He noted that the amendment was reviewed and recommended for approval by the Planning Board, after holding its public hearing. He stated that the amendment allows for Clustered Development on smaller land sizes and allows for onsite sewer and water supply systems. Mr. Richert commented that the amendment provides additional opportunities for development. No public comments were made. Public hearing f. closed at 7:12 p.m.

6. Acknowledgments by Council Members

Judy Sullivan and Sam Kunz acknowledged that the Orono High School and Middle School Show Choirs did well in the recent State Competitions.

Tom Spitz thanked all of the residents who volunteer their time to serve on the Town's committees, boards and for elections.

Sam Kunz welcomed Clint Relyea as the newest member of Town Council.

Cindy Mehnert acknowledged Dave Milan and his staff for their proactive work within the Economic Development and Code Enforcement Offices.

7. Unfinished Business - None

8. Consent Agenda

Order 16-42 Order, approving a Class XI Malt, Spirituous & Vinous Liquor License and a Special Amusement Permit for Music, Dancing and Entertainment for Stillwater Brewing Company, d/b/a Bear Brew Pub, 36 Main Street.

Order 16-43 Order, approving a Victualer's License for Stillwater Brewing Company, d/b/a Bear Brew Pub, 36 Main Street.

Order 16-44 Order, approving a Class XI - Restaurant/Lounge - Malt, Spirituous & Vinous Liquor License and a Special Amusement Permit for Music, Dancing & Entertainment for Woodman's LLC, d/b/a Woodman's Bar & Grill, 31 Main Street.

Order 16-45 Order, approving a Victualer's License for Woodman's LLC, d/b/a Woodman's Bar & Grill, 31 Main Street.

Order 16-46 Order, approving a Victualer's License for Susan Whitmore d/b/a SDW, 27 Park Street.

Order 16-47 Order, accepting \$888 from the Edward Byrne Memorial Justice Assistance Grant (JAG).

Order 16-48 Order, accepting the MeBHS Traffic Enforcement Grant, 2016 Click It or Ticket/ Buckle Up No Excuses Enforcement and Education Program, in an amount up to \$1,886 to pay for a number of (4) four hour special police details targeting seatbelt use.

Order 16-49 Order, accepting \$2,700 from the Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, to purchase four (4) police vests.

Order 16-50 Order, appointing the following board/committee appointments, as recommended by the Community Development Committee:

- ***Planning Board:***
Phil Ruck (5-year term, regular seat: expiring 2021)
- ***Board of Appeals:***
Jennifer Jain & Shane Martin (3-year terms, regular seats: expiring 2019)
- ***Board of Assessment Review:***
George Eaton, II (3-year term, regular seat: expiring 2019)

- **Library Board of Trustees:**
 Judy Hakola & Francois Amar (3-year terms, regular seats: expiring 2019)
 Fran Neubauer & Judy Stickles (2-year terms, associate seats: expiring 2018)
- **Library Youth Member:**
 Stephen Nelson (1-year term, regular seat: expiring 2017)
- **Personnel Board of Appeals**
 Gary Noyes (3-year term, regular seat: expiring 2019)
- **Tree Board:**
 David Lambert, Tim White & Cindy Blease (3-year terms: expiring 2019)
- **Voter Registration Appeals Board**
 Mary Cathcart (Chairman) (4-year term: expiring 2020)
 Carol Mower (Rep.) (3-year term: expiring 2019)
 Fiona Sorensen-Hamilton (Dem.) (3-year term: expiring 2019)
 Doug Flagg (Rep. Alt.) (3-year term: expiring 2019)
 Paula Moore (Dem. Alt.) (3-year term: expiring 2019)

Order 16-51 Order, confirming the following appointments of the Town Manager:

Assessor	Richard Sands
Tree Warden	Robert Yerxa
Road Commissioner	Robert Yerxa
Building & Electrical Inspector	William Murphy

Order 16-52 Order, appointing William Murphy as Code Enforcement Officer and Local Plumbing Inspector.

Order 16-53 Order, appointing David Russell as Alternate Code Enforcement Officer and Alternate Local Plumbing Inspector.

Order 16-54 Order, appointing Charles Heinonen as Alternate Plumbing Inspector.

Order 16-55 Order, appointing David Russell and Peter Hall as Alternate Electrical Inspectors.

Order 16-56 Order, appointing all Council members to the standing Council committees and appointing the following chairpersons: Sam Kunz – Operations; Tom Perry – Finance; and Geoff Gordon – Community Development.

Order 16-57 Order, appointing Election Clerks for two-year terms, as recommended by the Democratic and Republican Parties.

Democrats

Gail Bickford

Mary Cathcart

Debra Brooks

Jodi Clayton

Lisa Buck

Krista Culina

Suzanne Estler
Peggy Holt
Judith Hakola
Claudia Lowd
Paula Moore
Dorothy Plummer
Porter Washington
Kerry Sweet

Judith Ellis
Jennifer Jain
Daniel Lambert
Cathryn Marquez
Laurie O'Brien
Janice Poulsen
Rosemary Sidelinker
Katherine Taylor

Mary Anne Hillery
Angela Kohtala
Alan Cobo-Lewis
Julie Monroe
Connie Perry
Nancy Roe
Pamela Simon

Republicans

John Beckett
Mark Brewer
Gwen Fenderson
Marion Grandchamp
Carol Mower
Donna Slopey
Wanda Thomas

Phyllis Borns
Alida Cotes
Douglas Flagg
Nancy Grant
Gary Noyes
Joseph Taylor

Imogene Brightman
Betty Comstock
Janet Goodrich
Theresa Legere
Margaret Russell
Patricia Thompson

Order 16-58 Order, committing a true list of sewerage service assessments to Jessie Daniels, Treasurer, in the amount of \$112,518.11.

Moved by Sam Kunz and seconded by Tom Perry to approve the consent agenda. All voted in favor, 7-0.

9. New Business

Order 16-59 Order, approving a Lunch Wagon License to Cutler, LLC, d/b/a The Stray Dog, 6 Mill Street.

Moved by Sam Kunz and seconded by Tom Perry to approve the license, conditioned upon satisfactory inspection and approval from the Code Enforcement Officer. All voted in favor, 7-0.

Mr. Cutler, owner of The Family Dog and The Stray Dog lunch wagon, stated that the lunch wagon would be located on The Family Dog's terrace and at The Grove. He described the idea of an expanded menu and assistance to The Family Dog's kitchen. He noted approvals from the Planning Board. He also noted that he has paid taxes on the vehicle.

Order 16-60 Order, awarding a contract for Pavement Marking Services to Lucas Striping, LLC of Sidney in the amount of \$20,656.

Moved by Tom Perry and seconded by Judy Sullivan. All voted in favor, 7-0.

Public Works Director Rob Yerxa stated that four responses to the request for proposals were received. He noted that Lucas Striping, LLC was low bidder and has provided this service to the town for the past three years. He commented on their excellent work and noted that the bid is under budget.

Order 16-61 Order, approving the purchase of a Plan Scanner and Printer from Canon Solutions America, Inc. in the amount of \$7,357 to be funded from the Downtown and Transit Oriented TIF District Fund (\$2,607), Fire Operating Budget (\$750), Police Operating Budget (\$750), WPCF Operating Budget (\$750), and Public Works Facility Fund (\$2,500).

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 7-0.

Economic Development Director Dave Milan stated that the plan scanner and printer will be used by many different departments.

Mr. Gordon asked about the personnel resources to be used to scan the maps. Ms. Wilson stated that a significant amount of work (electronically scanning and indexing) will be done through a summer intern from June to August. Mr. Gordon requested a report of the progress at the end of the summer.

Order 16-62 Order, approving a contract zone request by Starr Properties LLC., to change the Shoreland zoning of the property located at 5 College Avenue, Tax Map 19-4 Lot 66 from Limited Commercial (LC) to General Development (GD) to allow for the placement of a gazebo/pavilion to within 40 feet of the high water mark of the Stillwater River.

Moved by Tom Perry and seconded by Geoff Gordon. All voted in favor, 7-0.

Planner Evan Richert stated that this action is the final step in the rezoning of a portion of Starr Properties LLC's property. He noted that both the Planning Board and Council held public hearings on this contract zone request. He commented that the neighbors were notified as part of the public hearing process. He explained that the request is a limited zoning change to allow for the construct a gazebo within 40 feet of the high water mark of the Stillwater River to enhance their special events (wedding) business.

Order 16-63 Order adopting Amendments to the March 2009 Addendum to the Town Comprehensive Plan Regarding the Low Density Residential District. This district encompasses a section of Orono along Stillwater Ave. and west along Forest Ave. about 1.5 miles from I-95.

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 7-0.

Planner Evan Richert stated that this action is the final step in amending the Comprehensive Plan, which provides guidance for the ordinances. He noted that Comprehensive Plan Committee Chair Phil Ruck presented a Powerpoint presentation of the amendments to the Comprehensive Plan regarding the Low Density Residential (LDR) District at the March 14th Council Meeting public hearing. Mr. Richert briefly reviewed the amendments and answered a few questions related to home occupations and mineral extraction.

Daniel LaPointe spoke of his property rights being taken away with these amendments. He stated that the process should be reviewed more closely. He noted a lack of consideration.

Order 16-64 Order, authorizing the Execution of the Municipal Joinder Agreement with the Municipal Review Committee, RESOLVED, by the Town Council on Orono, Maine, that:

- (i) the Town of Orono shall continue as a member of the Municipal Review Committee, Inc. (“MRC”), organized as Maine nonprofit corporation and acting as a regional association pursuant to Title 13-B and Title 38 of the Maine Revised Statutes, as amended (and specifically Section 1304-B(5-A) of Title 38) for the purposes of managing and facilitating solid waste disposal;**
- (ii) the Town of Orono hereby adopts, ratifies and confirms the Restated Articles of Incorporation and the Restated Bylaws of the MRC in substantially the form on file with the Town Clerk and attached to this Resolution;**
- (iii) the Town of Orono hereby is authorized to execute and deliver a Municipal Joinder Agreement with the MRC in substantially the form on file with the Town Clerk and attached to this Resolution (the “Municipal Joinder Agreement”) pursuant to which the Town of Orono will be a Joining Member of the MRC (as defined therein) and deliver its municipal solid waste for disposal to a waste management facility being developed by Fiberight, LLC and/or its affiliates (collectively, “Fiberight”) in Hampden, Maine, or other waste disposal facility; and**
- (iv) the Town of Orono hereby authorizes the MRC to take action on behalf of the Town of Orono as set forth in the Municipal Joinder Agreement.**

NOW, THEREFORE, BE IT HEREBY VOTED AND ORDERED BY THE TOWN COUNCIL OF ORONO:

Sophia L. Wilson or his or her designee or designees is authorized as a representative of the Town of Orono to execute and deliver the Municipal Joinder Agreement on behalf of the Town of Orono and to execute and deliver on behalf of the Town of Orono in conjunction therewith such other documents and to take such further actions as they may deem necessary or appropriate in order to effect the transactions contemplated by the Municipal Joinder Agreement.

Moved by Sam Kunz and seconded by Clint Relyea. The vote passed in favor, 6-1 (with Judy Sullivan opposed).

Ms. Mehnert noted that over the past six months, Council and the public has heard several presentations on trash alternatives, held two public discussions and reviewed hundreds of pages

of documentation. Staff has provided Council with high level comparisons of the plans as they related to Orono.

Public Works Director Rob Yerxa noted that MRC has been working on the post-2018 solid waste disposal issue for years. He spoke of the effect of the two proposals on the Town of Orono. He noted that the MRC/Fiberight proposal provides the most economical solution initially and moving forward. He also noted that the Town would always have a place for recycling. Mr. Yerxa spoke of the costs and tipping fees. He summarized that MRC/Fiberight provides flexibility and economic value with a wider range of product solutions for the entire waste stream.

Ms. Sullivan expressed concerns about the Fiberight process and whether it will work. Ms. Wilson spoke of MRC's 2.5 year in-depth look at the process. Ms. Wilson described the waste stream process, organics and DEP permit process.

Ms. Sullivan asked several financial questions of MRC. Ms. Wilson provided details of MRC's financial strength and their mission to provide long-term environmentally sound solid waste disposal.

10. Future Agenda Items/Items of Concern

Tom Perry requested having a meeting to review the current year's finances before getting into the next budget proposal.

Ms. Sullivan requested a calendar of the upcoming budget meetings.

11. Public Petitions - None

12. Public Comments

Daniel LaPointe encouraged Councilors to look at the following website: www.womensinternationalmediagroup.org. He spoke of not devaluing people's properties. He voiced concerns about the Town's relationship with the Orono Land Trust and taking away landowners' rights in perpetuity. He commented that the end result was treason.

13. Adjournment

At 8:20 p.m., Clint Relyea moved and Sam Kunz seconded to adjourn. All voted in favor, 7-0.

Minutes are not verbatim. A tape-recorded version is available in the Town Office.

Respectfully submitted,

Nancy W. Ward
Administrative Assistant