

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

**MONDAY, JANUARY 11, 2016 AT 7:00 P.M.**

**MINUTES**

**1. Roll Call**

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

**2. Agenda Review - None**

**3. Approval of Minutes of the December 14, 2015 Special Council Meeting and the December 14, 2015 Regular Council Meeting.**

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 5-0.

**4. Public Hearings**

- a. To consider a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License, Victualer’s License and Special Amusement Permit for Music, Dancing and Entertainment for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.**

Public hearing a. opened at 7:04 p.m. Economic Development Director Dave Milan reported all inspections have been completed and personal property taxes and sewer have been paid. Real estate taxes have not been paid. Staff recommends approval of the licenses. No public comments were made. Public hearing a. closed at 7:05 p.m.

- Order 16-01 Order, approving a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.**

Moved by Tom Spitz and seconded by Sam Kunz. All voted in favor, 5-0.

Mr. Haggerty asked about the real estate taxes. Mr. Milan confirmed that there were outstanding real estate taxes and the amount. Ms. Wilson commented that a condition of licensing is that personal property taxes are paid; real estate taxes are secured by the tax lien process. She noted that the business has paid the prior taxes owed to prevent foreclosure.

**Order 16-02 Order, approving a Special Amusement Permit for Music, Dancing and Entertainment for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 5-0.

**Order 16-03 Order, approving a Victualer's License for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.**

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 5-0.

**b. To consider a Class I-A Malt, Spirituous & Vinous Hotel Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for University Inn Academic Suites, 5 College Avenue.**

Public hearing b. opened at 7:09 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 7:10 p.m.

**Order 16-04 Order, approving a Class I-A Malt, Spirituous & Vinous Hotel Liquor License for University Inn Academic Suites, 5 College Avenue.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 5-0.

**Order 16-05 Order, approving a Special Amusement Permit for Music, Dancing and Entertainment for University Inn Academic Suites, 5 College Avenue.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 5-0.

**Order 16-06 Order, approving a Victualer's License for University Inn Academic Suites, 5 College Avenue.**

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 5-0.

**c. To consider a Class XI – Restaurant - Malt, Spirituous & Vinous Liquor License Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for J.V.R. Hospitality, Inc. d/b/a The Roost, 19 Mill Street.**

Public hearing c. opened at 7:12 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 c. closed at 7:13 p.m.

Ms. Mehnert stated that she is the Corporate Counsel for J.V.R. Hospitality, Inc. and will be abstaining from the votes on their licenses.

**Order 16-07 Order, approving a Class XI – Restaurant - Malt, Spirituous & Vinous Liquor License for J.V.R. Hospitality, Inc. d/b/a The Roost, 19 Mill Street.**

Moved by Tom Perry and seconded by Sam Kunz. The vote was in favor, 4-0-1 (with Cindy Mehnert abstaining).

Mr. Haggerty asked about receiving police response reports for establishments. Ms. Wilson noted that recent practice has been to report to Council if necessary, so as not to discourage calls to the police department when assistance is needed. She stated that the Police Chief reviews the police history for each establishment during the license application process.

**Order 16-08 Order, approving a Special Amusement Permit for Music, Dancing and Entertainment for J.V.R. Hospitality, Inc. d/b/a The Roost, 19 Mill Street.**

Moved by Sam Kunz and seconded by Tom Spitz. The vote was in favor, 4-0-1 (with Cindy Mehnert abstaining).

**Order 16-09 Order, approving a Victualer’s License for J.V.R. Hospitality, Inc. d/b/a The Roost, 19 Mill Street.**

Moved by Tom Perry and seconded by Tom Spitz. The vote was in favor, 4-0-1 (with Cindy Mehnert abstaining).

**d. To consider a Victualer’s License for Global Montello Group Corp., d/b/a Alltown, 103 Park Street.**

Public hearing d. opened at 7:15 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 7:16 p.m.

**Order 16-10 Order, approving a Victualer’s License for Global Montello Group Corp., d/b/a Alltown, 103 Park Street.**

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 5-0.

**e. To consider a Victualer’s License for DMCP, LLC, d/b/a Dunkin Donuts, 103 Park Street.**

Public hearing e. opened at 7:17 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 e. closed at 7:18 p.m.

**Order 16-11 Order, approving a Victualer's License for DMCP, LLC, d/b/a Dunkin Donuts, 103 Park Street.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 5-0.

Mr. Haggerty asked whether grease trap maintenance is being reviewed by staff. Mr. Milan confirmed that it is part of Code Enforcement's inspection process for the licenses.

**5. Acknowledgments by Council Members**

Tom Spitz commented on the recent rainstorm with hopes that residents have their power back and their basements are dry. He asked whether Cable Channel 7 is up and running. He also noted that the University students would be back in session soon.

Assistant Town Manager Belle Ryder confirmed that the cable channel is up and running. She noted problems with the connection and equipment that have been or will be addressed.

Tom Perry thanked Police Officer Ed Leskey and Police Chief Josh Ewing for their recent presentations to Council Committee on the school resource officer position and active shooter training.

Mark Haggerty welcomed in the New Year.

Cindy Mehnert acknowledged the passing of Eliot Lamb and commented that he was a vibrant young man that will be missed.

**6. Unfinished Business - None**

**7. Consent Agenda**

**Order 16-12 Order, pursuant to 29-A M.R.S.A., Sec. 2395, the Council hereby designates Bennoch Road from Main Street to the Orono-Old Town Line, Forest Avenue from Main Street to I-95, and Taylor Road from Forest Avenue to Putnam Road as being closed to vehicular traffic carrying heavy loads from January 15, 2016 until May 1, 2016 when necessary, unless solidly frozen and that said roads shall be subject to the same restrictions and definitions of heavy loads as promulgated by the Department of Transportation for State and State Aid Highways, which restrictions are incorporated herein by reference. The Town Manager shall be authorized to cause the enforcement thereof.**

**Order 16-13 Order, appointing Kate Locke to the Trails Committee to fill an unexpired 2-year seat until April, 2017.**

**Order 16-14 Order, accepting the resignation of Mark Kittridge from the Planning Board.**

- Order 16-15** Order, authorizing the Town Manager to engage Clear Water Laboratory of Newport, Maine and expend \$5,775 from the approved FY2016 WPFC Operating Budget for testing associated with the renewal of Departmental of Environmental Protection licensing associated with the Town's Water Pollution Control Facility.
- Order 16-16** Order, approving the Membership in the Maine Service Centers Coalition for 2016 and designating Sophia L. Wilson as the Voting Delegate Representative and designating Belle Ryder as the Alternate.
- Order 16-17** Order, approving the Warrant for the March 8, 2016 Municipal Referendum Election, setting the hours of voting as 7:00 a.m. to 8:00 p.m. and the polling place as the Council Chambers of the Municipal Building for Wards 1 & 2.
- Order 16-18** Order, changing the hours that the Registrar will accept registrations of applicants who appear in person as follows: On the last five business days before the March 8, 2016 Municipal Referendum Election, from 8:30 a.m. to 4:30 p.m. [MRSA 21A, Sec. 122.6.A (2) and (8)].
- Order 16-19** Order, approving the Town Clerk's appointment of Geoffrey Gordon and Cynthia Mehnert as Wardens for the March 8, 2016 Municipal Referendum Election.
- Order 16-20** Order, committing a true list of sewerage service assessments to Jessie Daniels, Treasurer, in the amount of \$136,683.30.

Moved by Mark Haggerty and seconded by Tom Spitz to approve the consent agenda. All voted in favor, 5-0.

## **8. New Business**

- Order 16-21** Order, authorizing the Town Manager to enter into an Agreement with Orono Economic Development Corporation that terminates the previous agreement, recognizing OEDC's early payment of all outstanding debt, and defines the working relationship between the groups moving forward.

Moved by Tom Perry and seconded by Sam Kunz.

**Motion to Amend** by Mark Haggerty and seconded by Tom Perry to include the following language in #3 of the Agreement "**... including goals, objectives, resources used and outcomes expected**". All voted in favor of the amendment to the Agreement, 5-0.

All voted in favor of the motion as amended, 5-0.

Mr. Milan explained that this document will replace the previous agreement that primarily addressed OEDC repayment of debt related to 3 Godfrey Drive and the Town's rights regarding potential sale of the building. In 2015 with the sale of the property, all of the outstanding debt has been repaid (and the Town has custody of all of the funds needed to satisfy the bonds related to the construction of the building).

Mr. Milan stated that the new agreement provides a general framework for the Town/OEDC relationship to work hand-in-hand to with their work plan and budget. He noted the important role that OEDC plays with Economic Development.

Ms. Wilson noted the relationship between the Economic Development staff and OEDC works well to achieve the Town's priorities. Mr. Milan stated the OEDC is excited about future innovative ideas.

Mr. Haggerty requested greater transparency with OEDC in regards to being able to assess their goals and outcomes, not just reporting results. Ms. Wilson commented that departments present their budgets with goals, objectives, resources used and outcomes expected and the same can be expected from OEDC. Mr. Haggerty requested the OECD Agreement be amended to include the expectation of goals, objectives, resources used and outcomes expected.

Mr. Haggerty commented that it is an exciting time for OEDC.

**Order 16-22 Order, certifying and countersigning the RSU No.26 Warrant and Notice of Election which directs the Town Clerk to add the following question to the March 8, 2016 Referendum Election municipal ballot.**

*“Question 1: Do you favor seating newly elected Board Members and have them begin serving their term of office at the next regularly scheduled Board meeting following the election?”*

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 5-0.

Ms. Wilson stated that several years ago, the RSU #26 Board of Directors initiated a change in its process, which voters approved through referendum election, to seat the newly elected members from all of the member communities (Orono, Glenburn, and Veazie) in July of each year. Since this change, Glenburn and Veazie have withdrawn from the RSU which leaves the new Board members being elected in March and then officially seated in July. The current RSU Board of Directors has initiated the process to revert back to seating new members in March at the same time that new Councilors are sworn into office.

Ms. Wilson noted that since the election process is run by the Town, Council needs to formally direct the Town Clerk to include the referendum question language on the ballot.

**Order 16-23 Order, authorizing the Town Manager to enter into an Agreement with Penobscot County for Regional Animal Control Services for one year, beginning January 16, 2016 to January 15, 2017.**

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 5-0.

Ms. Wilson stated that this will be the third year contracting with Penobscot County for Animal Control Officer Services. She noted that in order to insure quality service to our residents and keep contract costs as low as possible for our taxpayers, the Orono Police Department usually makes the first response to animal control type complaints. Chief Ewing reports a high level of satisfaction with the contract and confidence in the County's Animal Control Officer. The presented contract represents a \$544 decrease from last year's agreement which is due to a decrease in Orono's proportional use of ACO time and travel expense. Ms. Wilson noted that if the Town goes over the established call volume, we will be charged an hourly rate.

Ms. Mehnert asked about police liability. Ms. Wilson commented that the police department triages the situation and calls the Animal Control Officer as needed.

**Order 16-24 Order, authorizing the Town Manager to enter into an Agreement with Olver Associates of Winterport for Engineering Services for the implementation of two sewer remediation projects (Charles Street and Stillwater Interceptor) in the amount of \$30,000 to be drawn from the Sewer Infrastructure Reserve Account.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 5-0.

WPCF Superintendent Joe Madigan presented a video of a section of the interior of the sewer main (approximately 600 ft.) of the Stillwater Interceptor between Noyes Drive and Main Street as well as the main on Charles Street that need to be rehabilitated (relined). The video showed sewer joint problems and root infiltration. Mr. Madigan spoke of the need to address these types of issues to prevent CSOs (combined sewer overflows). Olver Associates will assist with design development, contract administration, inspection budgets and agreements for both the projects.

Mr. Perry spoke in support of protecting the sewer infrastructure and preventing CSOs.

Ms. Wilson stated that development of an RFQ for engineering services has begun. She noted that she has alerted the current vendor.

**9. Future Agenda Items/Items of Concern**

Mark Haggerty commented that the December 16, 2015 MRC meeting was informative and optimistic. He looks forward to more information in the future. Ms. Wilson noted that some Councilors were unable to attend and have technical questions they would like answered. She noted that Orono will host a Regional MRC meeting in Council Chambers on January 26, 2016 at 7pm. The next step will be to review the documents at a February Council Committee Meeting. She noted that MRC needs a commitment from communities by May 1, 2016.

Tom Perry acknowledged a meeting with the Finance Director on January 25, 2016. He asked about the status of the audit report. Ms. Wilson noted that a draft of the audit findings has been received and staff will be providing additional information. The auditors present a formal presentation to Council in March, 2016.

**10. Public Petitions - None**

**11. Public Comments**

Susan Whitmore commented on the sewer system video presentation and in support of the Animal Control Officer. She noted an FBI video against animal cruelty. She wished everyone a Happy New Year. She also acknowledged the passing of David Bowie.

**12. Adjournment**

At 7:55 p.m., Tom Perry moved and Sam Kunz seconded to adjourn. All voted in favor, 5-0.

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

Respectfully submitted,

Nancy W. Ward  
Administrative Assistant