

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

**MONDAY, MARCH 14, 2016 AT 7:00 P.M.**

**MINUTES**

**1. Roll Call**

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

**2. Agenda Review**

Motion by Sam Kunz and seconded by Geoff Gordon to add Order 16-41 to the agenda. All voted in favor, 4-0.

**3. Approval of Minutes of February 8, 2016 and February 18, 2016**

Moved by Geoff Gordon and seconded by Sam Kunz. All voted in favor, 4-0.

**4. Public Hearings**

- a. To consider a contract zone request by Staar 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.**

Public hearing a. opened at 7:06 p.m. Planner Evan Richert stated that Staar Properties LLC is requesting a limited zoning change to construct a gazebo to enhance her special events business. The property is currently zoned Limited Commercial (LC) which restricts structures within 75' of the waterfront (high water mark). A Contract Zone agreement changing the zone to General Development reduces the waterfront setback to 25'. This agreement would enable the applicant to place the gazebo at the best location (40' setback). Mr. Richert stated that the neighbors were notified and a Planning Board review and public hearing were held. Mr. Richert noted that the nearby sewer easement was reviewed by the WPCF Superintendent Joe Madigan. He stated the Planning Board determined it was an appropriate use and voted in support of the request. No public comments were made. Public hearing a. closed at 7:10 p.m.

Ms. Mehnert noted that the contract zone request is a land use issue which requires a 10-day wait between the public hearing and vote; therefore, it will not be voted on until the April 11, 2015 Council meeting.

- b. To consider adoption of the 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.**

Public hearing b. opened at 7:11 p.m. Planner Evan Richert and Comprehensive Plan Committee Chair Phil Ruck presented a Powerpoint presentation of the amendments to the Comprehensive Plan regarding the Low Density Residential (LDR) District. *(See the presentation attached.)*

#### Public Comments

Susan Whitmore commented that she is concerned about mixed uses being allowed in the same district (residential uses and mineral extraction).

Meg Fergusson stated that Maxfield Drive is a transitional growth area with 15 houses, children and well water. She expressed the desire to eliminate mineral extraction as an allowed use, but commented that the language is reasonable.

Daniel LaPointe spoke of his family's longstanding right to use their land for mineral extraction. He expressed concerns about the amendments to the LDR District being a direct assault on his property rights.

Mr. Friess of Maxfield Drive expressed concerns for his family (children) and well water by allowing mineral extraction to occur in the LDR District.

Another resident of Maxfield Drive stated that he would not have purchased a home in the area if he had known that mineral extraction was allowed.

A resident of Stillwater Avenue, expressed concerns about not being able to harvest wood off his property. Mr. Richert noted that mixed uses were allowed. Ms. Mehnert clarified that no changes to wood production were being proposed (harvesting wood was allowed).

Public hearing b. closed at 7:50 p.m.

#### **5. Acknowledgments by Council Members**

Sam Kunz acknowledged everyone who ran for office in the Municipal and RSU#26 Election. He congratulated Tom Spitz, Clint Relyea and Michelle Smith for winning the election. Mr. Kunz also acknowledged the State Warden Service and Orono Police and Fire Departments for their recent search and rescue efforts.

Cindy Mehnert also congratulated Tom Spitz, Clint Relyea and Michelle Smith and noted that they would be sworn into office on Monday, March 21, 2016 at 7:30 p.m.

#### **6. Unfinished Business - None**

## 7. Consent Agenda

**Order 16-35 Order, setting April 11, 2016 at 7:00 p.m. as the date for a public hearing to consider the following:**

- a. **An ordinance amendment to the Land Use Ordinance Section 18-31 Definitions, Section 18-61 Administration and Enforcement, and Section 18-131 Home Occupations to include standards for “home office”, “home workshop” and “home business” and an amendment to Section 18-106(e) Schedule of Uses to include these three categories.**
- b. **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.**
- c. **An ordinance amendment to the Land Use Ordinance Section 18-31 Definitions to define “house guests” and add a reference to this definition under the definition of “family”.**
- d. **An ordinance amendment to the Land Use Ordinance Section 18-136 concerning land area and sewer and water supply systems required in clustered developments.**

**Order 16-36 Order, committing a true list of sewerage service assessments to Jessie Daniels, Treasurer, in the amount of \$136,502.44.**

Moved by Geoff Gordon and seconded by Sam Kunz to approve the consent agenda. All voted in favor, 4-0.

## 8. New Business

**Order 16-37 Order, appointing Leo Kenney as the RSU#26 Director to fill a vacancy until the Municipal Election in 2017.**

Moved by Sam Kunz and seconded by Geoff Gordon. All voted in favor, 4-0.

Ms. Wilson provided background on the RSU#26 Board vacancy. She stated that Shari Kinnison resigned from her position as a Director on January 19, 2016 which created an immediate vacancy on the RSU 26 School Board. While Shari indicated her intent to allow the remaining year on her term to be filled by the voters during the March 8, 2016 municipal election, there was insufficient time to hold the required nomination process and absentee balloting prior to Election Day. Thus, pursuant to State Law the Council is responsible for appointing an individual to fill the vacant seat until the next Municipal Election, March 2017.

She further stated that in late January, the Council Committee directed staff to advertise an application period which would allow interested community members to apply for the open seat

on the RSU Board. The Town received three applications, one of which was later withdrawn by the applicant. On March 10, 2015, the Council Committee interviewed Fran Neubauer and Leo Kenney. The Committee discussed the candidates, noted that both had skills and dedication that would serve the community well. Following discussion, the Committee recommended Leo Kenney to the position.

Cindy Mehnert extended her appreciation to both Leo Kenney and Fran Neubauer for their interest in the position.

**Order 16-38 Order, accepting the FY2015 Audited Financial Statements and Independent Audit Report.**

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 4-0.

Finance Director Jessie Daniels stated that the Council Finance Committee met with the Town Auditor in February to review the FY15 audited financial statements. Mr. Daniels presented an overview of the presentation given by the Town Auditors from Runyon Kersteen Ouellette. (*See attached.*)

Daniel LaPointe asked questions about the Planning Office and Town Planner position. Ms. Wilson provided details and noted that the Town Planner position is a contractual position approved by Council.

**Order 16-39 Order, authorizing the Town Manager to fund OTO Fiber Corporation, in the amount of \$5,000, to be drawn from the Downtown Transit-Oriented TIF District.**

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 4-0.

Assistant Town Manager and OTO Fiber Corporation President, Belle Ryder stated that Old Town-Orono Fiber Corporation is up and running and explained that funding is needed (separate from the feasibility study funds allocated in the FY16 budget and NBRC grant match). All three entities that make up the Corporation (Old Town, Orono, and the University of Maine System) have been asked to contribute \$5,000 each towards general operating and legal expenses related to the Corporation start up and NBRC grant acceptance. Staff has reviewed the Downtown and Transit Oriented TIF District Development Program and advises that this is an eligible use of TIF revenue.

**Order 16-40 Order, awarding a contract for Cemetery Mowing Services to Black Bear Lawn Care of Bangor in the amount of \$24,680.**

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 4-0.

Ms. Ryder stated that staff responded to the on-going concerns related to mowing of the cemetery grounds by terminating the Town's contract with the vendor. She noted that staff advertised a request for proposals (RFP) for cemetery mowing services that clearly defined the

Town's expectation for the quality of the service. Three companies responded; however, one had previously performed this service for the Town in a manner that resulted in a decision not to offer an extension as provided for in the contract and the other two did not have the municipal cemetery maintenance experience needed. The Council Committee authorized staff to reject all of the bids and contact vendors with cemetery maintenance experience and staffing adequate to manage this service at the level that the Town expected. Black Bear Lawn Care submitted a proposal to provide the service for \$24,680 for the year.

Ms. Mehnert asked if the Town had used Black Bear Lawn Care's services before. Ms. Ryder indicated that they had not, but their services have been used by the schools and Mount Hope Cemetery.

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

Sam Kunz stated that he would like to discuss park benches on Mill Street at a future meeting.

## **10. Public Petitions - None**

## **11. Public Comments**

Daniel LaPointe acknowledged Public Works Director Rob Yerxa's outstanding service to the community. He noted concerns about what certain departments and groups contribute to the community. He also asked about the OTO Fiber Corporation.

Susan Whitmore wished everyone a Happy St. Patrick's day.

### **Order 16-41 Order, appointing Fredrica Smith to the Board of Assessment Review to fill an unexpired 3-year term until April 2018.**

Moved by Sam Kunz and seconded by Tom Spitz. All voted in favor, 4-0.

Ms. Mehnert noted that there is a vacancy on the Board of Assessment Review and Fredrica Smith has stepped forward to apply for the seat.

Ms. Wilson stated that Ms. Smith has served on many national and local boards and committees and is known for her impartial review and reports. Ms. Wilson noted that this is a board that needs to operate with full membership.

## **12. Executive Session**

### **a. (MSRS, Title 1, Chapter 13, Section 405(6)(D)) To prepare for negotiations with the International Association of Firefighters, AFL-CIO Local 3106 and the Maine Association of Police, Orono Unit.**

At 8:21 p.m., Geoff Gordon motioned and Tom Spitz seconded to move into Executive Session for the purpose of preparing for negotiations with the International Association of Firefighters,

AFL-CIO Local 3106 and the Maine Association of Police, Orono Unit. All voted in favor, 4-0.

At 9:15 p.m., Sam Kunz motioned and Geoff Gordon seconded to return to regular session. All voted in favor, 4-0.

### **13. Adjournment**

At 9:16 p.m., Geoff Gordon moved and Tom Spitz seconded to adjourn. All voted in favor, 4-0.

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

Respectfully submitted,

Nancy W. Ward  
Administrative Assistant