

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

MONDAY, MAY 9, 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 April 11, 2016 and April 25, 2016

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

4. Public Hearings

a. To consider a Victualer's License for Verve Inc., 2 Mill Street.

Public hearing a. 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 license. No public comments were made. Public hearing a. closed at 7:07 p.m.

b. To consider a Class I – Malt, Spirituous and Vinous Liquor License and Victualer's License for Chou Enterprises Inc. d/b/a China Garden, 6 Stillwater Avenue.

Public hearing b. opened at 7:07 p.m. Economic Development Director Dave Milan reported that the taxes have been paid. He stated that the Fire Marshal's inspection has not been completed due to a scheduling issue with the company that tests the fire sprinkler system. The company will inspect the system on May 11, 2016. Staff recommends conditional approval of the Victualer's license upon final inspection and approval by the Fire Marshal. Ms. Wilson explained that third party inspections of the sprinkler system are conducted once every five years. No public comments were made. Public hearing b. closed at 7:08 p.m.

c. To consider a Class IV – Tavern Liquor License and Special Amusement Permit for Music, Dancing and Entertainment and Victualer's for Timothy Gallon, d/b/a Black Bear Brewery, 19 Mill Street, Suite 4.

Public hearing c. 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 license. Owner Tim Gallon stated that the entertainment license is mainly for music; there is very little dancing. He commented that he enjoys doing business in Orono.

Public hearing c. closed at 7:10 p.m.

5. Acknowledgments by Council Members

Tom Spitz congratulated all the University of Maine graduates. He noted that over 12,000 people will attend the University's graduation ceremonies on Saturday, May 14, 2016.

Sam Kunz commented that he witnessed John Bradson, owner of The Store, cleaning the street in front of his store. He acknowledged his commitment to make a difference.

Tom Perry acknowledged the work of the Beautification Committee on Maine Day. He noted that they were joined by twelve University of Maine students.

Police Chief Josh Ewing updated Council on Maine Day activities at The Reserve (formerly The Grove). He noted that several hundred students gathered to party and the police department was called in to disburse the crowd. Many local public safety officers aided in the process which took several hours. Chief Ewing commented that he will follow up with the corporate leadership of The Reserve. He spoke of the need to revisit the Disorderly Events Ordinance to tighten up the enforcement language.

Ms. Wilson stated that The Avenue will be opening in the fall with 800 students, which will put more demands on limited resources. She stated that proposed changes to the Disorderly Events Ordinance will be coming forward to Council after the budget process. She also noted that she would be talking with the University about Maine Day.

6. Unfinished Business - None

7. Consent Agenda

Order 16-65 Order, approving a Victualer's License for Verve Inc., 2 Mill Street.

Order 16-66 Order, approving a Class I – Malt, Spirituous and Vinous Liquor License for Chou Enterprises Inc. d/b/a China Garden, 6 Stillwater Avenue.

Order 16-67 Order, approving a Class IV – Tavern Liquor License and Special Amusement Permit for Music, Dancing and Entertainment for Timothy Gallon, d/b/a Black Bear Brewery, 19 Mill Street, Suite 4.

Order 16-68 Order, approving a Victualer's License for Timothy Gallon, d/b/a Black Bear Brewery, 19 Mill Street, Suite 4.

Order 16-69 Order, setting June 13, 2016 at 7:00 p.m. as the date for a public hearing to discuss the 2016-2017 Municipal, Capital and WPCF budgets.

Order 16-70 Order, setting June 13, 2016 at 7:00 p.m. as the date for a public hearing to accept comments on the Proposed FY2016-2017 Fee Schedule.

- Order 16-71** Order, setting June 13, 2016 at 7:00 p.m. as the date for a public hearing for reviewing the Orono Village Center District Development Program.
- Order 16-72** Order, setting June 13, 2016 at 7:00 p.m. as the date for the public hearing on the estimating and assessing of assessments upon all lots or property within the Village Center Tax District (Municipal District) and establishing a tax rate for Fiscal Year 2017.
- Order 16-73** Order, approving the Notice of Election for the June 14, 2016 State Primary and RSU#26 Budget Validation Referendum Election and setting the hours of voting as 7:00 a.m. to 8:00 p.m. and the polling place as the Orono Middle School Gym, 14 Goodridge Drive for Ward 1, Precincts 1, 2 & 3.
- Order 16-74** Order, certifying and countersigning the RSU No.26 June 14, 2016 Warrant and Notice of Election.
- Order 16-75** 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 June 14, 2016 State Primary and RSU#26 Budget Validation Referendum Election, from 8:30 a.m. to 4:30 p.m. [MRSA 21A, Sec. 122.6.A (2) and (8)].
- Order 16-76** Order, approving the Town Clerk's appointment of Cynthia Mehnert, Judith Sullivan, Geoffrey Gordon, Belle Ryder and Sophia Wilson as Wardens for the June 14, 2016 State Primary and RSU#26 Budget Validation Referendum Election for Ward 1, Precincts 1, 2 & 3.
- Order 16-77** Order, nominating Thomas Perry to Maine Municipal Association's Legislative Policy Committee for the 2016-2018 biennium.
- Order 16-78** Order, proclaiming May 19, 2016 as the official day for the celebration of Arbor Day in the Town of Orono.
- Order 16-79** Order, authorizing the Town Manager to execute a Municipal Quit Claim Deed to transfer the Town's ownership interest in Tax Acquired Property currently described as Map 014 Lot 008, 2396 Essex Street, back to the prior owner of record, Kimberly J. Rich, as fees have been paid in accordance with the Town's Redemption Policy.
- Order 16-80** Order, committing a true list of sewerage service assessments to Jessie Daniels, Treasurer, in the amount of \$128,917.84.

Moved by Geoff Gordon and seconded by Sam Kunz to accept the consent agenda. All voted in favor, 7-0.

Councilors requested posting the RSU#26 Budget Adoption Meeting date on the Town's website. Mr. Perry noted that the meeting is on Tuesday, May 17, 2016 at 6 p.m. in the High School Cafeteria.

8. New Business

Order 16-81 Order, approving a Victualer's License for Chou Enterprises Inc. d/b/a China Garden, 6 Stillwater Avenue.

Moved and friendly amended by Tom Perry and seconded by Geoff Gordon to approve the license, conditioned upon final approval being received by the Fire Marshall. All voted in favor, 7-0.

Order 16-82 Order, approving 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.

Moved by Sam Kunz and seconded by Geoff Gordon. All voted in favor, 7-0.

Planner Evan Richert stated that this amendment and others are part of the implementation of the Comprehensive Plan. He noted that the Planning Board and Council have both reviewed the proposed amendments to the Land Use Ordinances and held the public hearings. He highlighted the changes to the light pole signs.

Order 16-83 Order, approving 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.

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

Mr. Richert explained that this amendment is also part of the implementation of the Comprehensive Plan. He noted that Town Council and the Planning Board have both reviewed the proposed amendments to the Land Use Ordinances and held public hearings. He highlighted the proposed changes to the land area (reducing the area from 5 acres to 3 acres) and the sewer and water supply systems.

Order 16-84 Order, approving a project budget of \$270,836 for the construction of the Village Green, with \$260,000 from the Village Green Fund and \$10,836 from the Library Construction Fund; and, further, awarding the bid for construction of the Orono Village Green adjacent to the Orono Public Library to Sargent Corporation of Old Town, Maine in an amount not to exceed \$212,968 to be drawn from the Village Green Fund (\$202,132) and Library Construction Fund (\$10,836).

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

Public Works Director Rob Yerxa stated that the team (staff, Orono Public Library Foundation members and Mandy Olver of Olver Associates) has been working with the low bidder, Sargent Corporation, to revise the scope and bring the project within budget.

Ms. Wilson noted that one change was to take the cost of the steps to the mechanical room (\$10,836) from the Library Construction Funds (which currently has \$16,904 in funds) instead of the project funds.

Geoff Gordon thanked Rob Yerxa and staff for their assistance with the project.

9. Future Agenda Items/Items of Concern

Tom Perry requested having Council review revisions to the Disorderly Events Ordinance as soon as possible.

Geoff Gordon requested reviewing town-owned parcels of land that have not public purpose that the Council may want to liquidate.

10. Public Petitions - None

11. Public Comments

Diane Donovan expressed concerns about moving the Orono Historical Society from the Keith Anderson Community House to the Birch Street School. Ms. Wilson explained the reason for the move and the Town's need for additional space. When asked about the Garden Club, she noted that there is adequate space at Birch Street School, if the program continues.

12. Executive Sessions

a. (MRSA, Title 1, Chapter 13, Section 405(6)(D)) To Discuss Collective Bargaining Negotiations with Maine Association of Police, Orono Unit

At 7:51 p.m., Tom Perry motioned and Sam Kunz seconded to move into Executive Session pursuant to MRSA, Title 1, Chapter 13, Section 405(6)(D)) to discuss Collective Bargaining Negotiations with Maine Association of Police, Orono Unit. All voted in favor, 7-0.

At 8:22 p.m., Geoff Gordon motioned and Clint Relyea seconded to return to regular session. All voted in favor, 7-0.

Order 16-85 Order, ratifying the agreement between the Town of Orono and the Maine Association of Police for the Orono Police Unit from July 1, 2016 to June 30, 2019, and authorizing the Council Chair and Town Manager to sign.

Moved by Sam Kunz and seconded by Clint Relyea. All voted in favor, 7-0.

b. Executive Session (MRSA, Title 1, Chapter 13, Section 405(6)(A)) To finalize the Town Manager's Annual Performance Review.

At 8:35 p.m., Tom Perry motioned and Geoff Gordon seconded to move into Executive Session pursuant to MRSA, Title 1, Chapter 13, Section 405(6)(A)) to finalize the Town Manager's Annual Performance Review. All voted in favor, 7-0.

At 9:05 p.m., Clint Relyea motioned and Sam Kunz seconded to return to regular session. All voted in favor, 7-0.

13. Adjournment

At 9:06 p.m., Clint Relyea moved and Sam Kunz seconded to adjourn. All voted in favor, 7-0.

Respectfully submitted,

Nancy W. Ward
Administrative Assistant