

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

MONDAY, SEPTEMBER 12, 2016 AT 7:00 P.M.

MINUTES

1. Roll Call

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

2. Agenda Review - None

3. Approval of Minutes of June 27, July 11, July 18 and August 30, 2016

Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 6-0.

4. Presentations

Ms. Mehnert commented on the importance of volunteers to the community and applauded the efforts of two individuals with over 25 years of combined service to the Town; Phil Ruck and David Thompson.

Ms. Wilson recognized Phil Ruck for volunteering over eleven years of service to the Planning Board and Comprehensive Plan Committee. She commented on the remarkable efforts of Mr. Ruck in facilitating difficult land use issues and allowing citizens to be heard.

Mr. Ruck commented on the quality of the entire group of volunteers and their contributions to the Town.

Ms. Wilson also recognized David Thompson for over fifteen years of service to the Planning Board, Tree Board, Trails Committee, Comprehensive Plan Committee, Orono Economic Development Committee and more. She commented on the extraordinary contributions of his time, talents, perspective and experience to the Town and staff.

Mr. Thompson commented that he likes the opportunity to serve and enjoys working on projects. He thanked his wife, Pat, for her support throughout the years.

5. Public Hearings

a. To consider a Victualer's License for Orono Trampoline Park, 6 Stillwater Avenue.

Public hearing a. opened at 7:10 p.m. Economic Development Director Dave Milan reported that this is a new business. All inspections have been completed and staff recommends approval of the license. Susan Whitmore asked whether the business would be selling alcohol. Ms.

Mehnert responded that they will not be selling alcohol. No other public comments were made. Public hearing a. closed at 7:11 p.m.

b. To consider a Victualer's License for Marsh Island Brewing, LLC, 2 Main Street.

Public hearing b. opened at 7:12 p.m. Dave Milan reported that there is an existing brewery on site and the business is looking to sell food. He stated that all licenses have been applied for and staff recommends conditional approval of the license upon final inspection and approval by the Code Enforcement Officer.

Owner Alice Swett explained that there was some confusion from the State on an additional license the business needed that they are expediting. Ms. Swett stated that the business anticipates opening on September 23, 2016. She described the snack food menu and hours of operation. No other comments were made. Public hearing b. closed at 7:17 p.m.

c. To consider a Victualer's License for Leadbetter's Orono, 232 Main Street.

Public hearing c. opened at 7:17 p.m. Dave Milan reported that all inspections have been completed and staff recommends approval of the license. No public comments were made. Public hearing c. closed at 7:18 p.m.

d. To consider a Class I Malt, Spirituous & Vinous Liquor License and Victualer's License for Orono House of Pizza, Inc., 154 Park Street.

Public hearing d. opened at 7:18 p.m. Dave Milan reported that the business is operating and waiting for the addition to be completed. Staff recommends conditional approval of the license upon final inspection and approval by the Code Enforcement Officer. No public comments were made. Public hearing d. closed at 7:19 p.m.

e. To consider a Class I Malt, Spirituous & Vinous Liquor License and Victualer's License for Harvest Moon, LLC, 18 Mill Street.

Public hearing e. opened at 7:19 p.m. Dave Milan reported that all inspections have been completed and staff recommends approval of the licenses. Owner Zack Richardson commented that they would be selling beer and wine only. No other public comments were made. Public hearing e. closed at 7:20 p.m.

f. To consider a Class I-A Hotel Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Black Bear Inn and Conference Center, 4 Godfrey Drive.

Public hearing f. opened at 7:20 p.m. Dave Milan reported that all inspections have been completed and staff recommends approval of the licenses. No other public comments were made. Public hearing f. closed at 7:21 p.m.

g. To consider an Automobile Graveyard and/or Junkyard Permit for LaPointe's Enterprises, Inc., 201 Kelley Road.

Public hearing g. opened at 7:21 p.m. Dave Milan reported that staff has performed its inspection and recommends approval of the permit. Owner Operator Daniel LaPointe stated that a lot of work has been done to the business and he appreciates the Town renewing the permit. Public hearing g. closed at 7:22 p.m.

h. To consider an Automobile Graveyard and/or Junkyard Permit for Town of Orono, off Taylor Road.

Public hearing h. opened at 7:23 p.m. Dave Milan reported that staff has performed its inspection and recommends approval of the permit. No public comments were made. Public hearing h. closed at 7:24 p.m.

i. To consider an Automobile Graveyard and/or Junkyard Permit for Silver's Auto Parts, Inc., 485 Main Street.

Public hearing i. opened at 7:24 p.m. Dave Milan reported that staff has performed its inspection and recommends approval of the permit. Dan LaPointe noted that he has been lifelong friends with the owners and stated that the business is an asset to the community. Public hearing i. closed at 7:25 p.m.

j. To consider Maine Municipal Association Model General Assistance Ordinance Appendices A-D for the period of October 1, 2016 to September 30, 2017 to be in compliance with Title 22, MRSA, Sec. 4305(4).

Public hearing j. opened at 7:26 p.m. Town Clerk Shelly Crosby explained the General Assistance Program and funding. She noted that the program is run in every community in cooperation with the State. She described the services provided over the past fiscal year. She noted that the guidelines presented in the appendices are the maximum allowed by the State.

Ms. Wilson stated that staff has assessed the housing needs and the amounts presented are a fair assessment. She explained the process for determining the Town's own numbers. Ms. Mehnert asked if it was a substantial increase from last year. Ms. Crosby stated that it was not. No public comments were made. Public hearing j. closed at 7:30 p.m.

6. Acknowledgments by Council Members

Tom Spitz welcomed the students, staff and faculty back for the school year.

Sam Kunz also welcomed back the students and complemented the Public Works Department for a fantastic job with the paving of the downtown parking lots.

Tom Perry echoed the comments made and also acknowledged the passing of Mary Ryan.

Clint Relyea acknowledged that Orono was named one of the top 30 safest communities in America.

7. Unfinished Business - None

8. Consent Agenda

Order 16-138 Order, approving a Victualer's License for Orono Trampoline Park, 6 Stillwater Avenue.

Order 16-139 Order, approving a Victualer's License for Marsh Island Brewing, LLC, 2 Main Street upon final inspection and approval of the Code Enforcement Officer.

Order 16-140 Order, approving a Victualer's License for Leadbetter's Orono, 232 Main Street.

Order 16-141 Order, approving a Class I Malt, Spirituous & Vinous Liquor License and Victualer's License for Orono House of Pizza, Inc., 154 Park Street upon final inspection and approval of the Code Enforcement Officer.

Order 16-142 Order, approving a Class I Malt, Spirituous & Vinous Liquor License and Victualer's License for Harvest Moon, LLC, 18 Mill Street.

Order 16-143 Order, approving a Class I-A Hotel Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Black Bear Inn and Conference Center, 4 Godfrey Drive.

Order 16-144 Order, approving an Automobile Graveyard and/or Junkyard Permit for LaPointe's Enterprises, Inc., 201 Kelley Road.

Order 16-145 Order, approving an Automobile Graveyard and/or Junkyard Permit for the Town of Orono, off Taylor Road.

Order 16-146 Order, approving an Automobile Graveyard and/or Junkyard Permit to Silver's Auto Parts Inc, 485 Main Street.

Order 16-147 Order, adopting the Maine Municipal Association Model General Assistance Ordinance Appendices A-D for the period of October 1, 2016 to September 30, 2017 to be in compliance with Title 22, MRSA, Sec. 4305(4).

Order 16-148 Order, confirming an Agreement with Northern Maine Rural Collaborative Partnership in Community Health Grant (Capacity Building Grant 2015-2016) for \$1,000 from Bangor Public Health and

Community Services to provide mile marker signage along walking routes in Orono.

- Order 16-149** Order, confirming the Agreement with Malcolm L. Collins AIA, LEED AP, for Architectural Services for the Main Street Overlay not to exceed \$8,840 to be drawn from FY16 Carry Forward Planning Department Funds designated for Comprehensive Plan Implementation.
- Order 16-150** Order, authorizing the Town Manager to sign a Road and Drainage Easement for a portion of Charles Street from the University of Maine System
- Order 16-151** Order, adopting a Town of Orono Investment Policy and Guidelines.
- Order 16-152** Order, approving the Acceptance of Credit Cards for payment at the Town Office Front Counter through the INFORME State Agency.
- Order 16-153** Order, designating Thomas Perry as Orono's Official Voting Delegate and Cynthia Mehnert as the Alternate to the MMA Annual Business Meeting to be held Wednesday, October 5, 2016.
- Order 16-154** Order, changing the date of the Regular Council Meeting from October 10 to October 17, 2016 due to the Columbus Day Holiday.
- Order 16-155** Order, setting October 17, 2016 at 7:00 p.m. as the date for public hearing to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18-31 and 18-106(e) to provide for Self-Storage Facilities, as distinct from Warehousing and Wholesale Business and to clarify definitions of these Uses.
- Order 16-156** Order, setting October 17, 2016 at 7:00 p.m. as the date for public hearing to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18-31, 18-106(e) and 18-135 amending definitions and Districts for types of Travelers' Lodging.
- Order 16-157** Order, setting October 17, 2016 at 7:00 p.m. as the date for public hearing to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18-31, 18-105, 18-106(e), 18-136 concerning certain Land Uses and Dimensional Standards in the Commercial-1, Commercial-2 and Economic Development Zone Districts.
- Order 16-158** Order, setting October 17, 2016 at 7:00 p.m. as the date for a public hearing to consider a 6-Month Moratorium Ordinance on future development of Park Street in the C-2 District and a portion of the University District.

Order 16-159 Order, proclaiming the week of September 17 through 23, 2016 as Constitution Week in the Town of Orono.

Order 16-160 Order, accepting the low quote from Quirk Chevrolet of Bangor for the purchase of a Boss V-Plow in the amount of \$5,275 from the Approved FY17 Capital Equipment Budget.

Moved by Tom Perry and seconded by Sam Kunz to approve the consent agenda. The vote passed, 6-0.

9. New Business

Order 16-161 Order, approving an Ordinance Amendment to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-138 to allow the renting of an accessory dwelling unit in an accessory structure as well as in the single-family dwelling itself.

Moved by Tom Perry and seconded by Clint Relyea. The vote passed 5-1, with Geoff Gordon opposed.

Dave Milan gave a brief overview of the Council Committee meetings and public hearings held by both the Planning Board and Town Council on this ordinance amendment. He highlighted the ordinance amendment requirements: that the property be owner-occupied, meet minimum lot size requirements of at least 0.2 acres, and meet setback requirements of at least 15 feet from the property line and 20 feet from an existing structure on any adjacent property. He also noted that accessory dwelling units shall be registered with the Town and the Town will then register the property at the Penobscot County Registry of Deeds. Mr. Milan stated that the ordinance amendment was discussed recently in committee, but remains unchanged since the Council's public hearing.

Mr. Gordon noted that he has recommended changes along the way for greater restrictions of accessory dwelling units in accessory structures. He felt it was not a good idea and it would continue to erode the integrity of the Town.

Order 16-162 Order, authorizing the purchase of two Carousel Tables from Landscape Forms of Michigan for the Library Village Green in the amount of \$4,577.65 from the Helen Park Trust Fund.

Moved by Clint Relyea and seconded by Sam Kunz. The vote passed, 6-0.

Library Director Laurie Carpenter stated that the Orono Public Library Foundation (OPLF) completed its fundraising last spring and the Orono Village Green was constructed this summer. Landscaping of shrubs and trees will occur next year. One item that was not anticipated in the original budget was furniture for the patio. In order for the community to fully utilize this large space, furniture is a necessity. Through a private solicitation, the library was gifted six Adirondack chairs from LL Bean. Purchasing two tables for public use would fill the space and allow for a variety of activities. The OPLF has requested the purchase of two Carousel tables

from Landscape Forms of Michigan. Ms. Carpenter presented information on the Carousel tables, noting the three-year warranty and 15-20 year durability.

Ms. Carpenter stated that the Town receives income from the Helen L. Park Trust of approximately \$900 annually “to be used for general purposes for the benefit of said library...” The current balance of the fund is \$4634.90. Ms. Carpenter recommended using the funds to purchase two Carousel tables (with attached chairs) for the Orono Village Green patio.

Order 16-163 Order, approving a bid from Transco Business Technologies for the lease purchase of Multi-Functional Copiers with Service Contracts for the Town Office for an amount not to exceed \$298.48 per month for 60 months.

Moved by Clint Relyea and seconded by Geoff Gordon. The vote passed, 6-0.

Town Clerk Shelly Crosby explained that staff went through an RFP bid process for multifunctional printing equipment with the bid opening on July 28, 2016. She noted that bidders were allowed to visit the Town and be creative with their proposals. Ms. Crosby provided the Council with a chart of bid comparisons and noted the reasons for recommending Transco Business Technologies.

Ms. Wilson noted that staff conducted a thorough bid process and review. She stated that staff reviewed leasing versus purchasing the machines and described the reasoning behind recommending the leasing option. Ms. Crosby explained the need for the front counter State compatible printer for motor vehicles.

Order 16-164 Order, approving the purchase of Election Equipment (Polling Booths, Guardrails-Post Signage and signs/banners) in the amount of \$5,440 to be drawn from the Elections Reserve Account.

Moved by Tom Perry and seconded by Sam Kunz. The vote passed, 6-0.

Ms. Crosby commented that the State approved merging the polling locations to the University of Maine Field House. She noted that staff is promoting the new polling location through various means (i.e. the Orono Observer, tax bills, website, signs, etc). Staff is requesting the purchase of additional polling booths, guardrails and signage for the November 8, 2016 Presidential Election and for many years to come.

Ms. Wilson stated that the new polling location at the UMaine Field House is the best solution of the locations available. She noted that the Community Connector will offer a free shuttle to the voting location and residents will also have the option of voting absentee.

Order 16-165 Order, approving the purchase and installation of a Fire Department Vehicle Exhaust System from Air Cleaning Specialist of New England, LLC of Hanover, MA in an amount not to exceed \$25,000 to be drawn from Capital Equipment Reserve.

Moved by Sam Kunz and seconded by Clint Relyea. The vote passed, 6-0.

Fire Chief Rob St. Louis stated that the vehicle exhaust system in the Fire Station is no longer operating correctly. This is critical safety equipment that captures the exhaust in the bay from the trucks upon start up and parking. The current system is outdated and no longer sold or supported. He noted that while staff may be able to find older parts, the system would not be certified or fully warrantied; therefore, staff recommends a replacement of the hose drops and truck connections – a portion of the system. The requested amount covers replacement of six hose drops at \$3,520 per drop.

10. Future Agenda Items/Items of Concern

Tom Perry requested an update on the Civil War Monument. Ms. Wilson noted that Public Works Director Rob Yerxa hopes to get the monument set in place by fall. Ms. Wilson was unsure of an Orono Historical Society dedication date.

11. Public Petitions - None

12. Public Comments

Susan Whitmore commented on HIV/Aids clusters in the United States and Maine. She also commented on alcohol and substance abuse in her neighborhood.

Tom Perry reminded Councilors of the Maine Municipal Association Annual Conference on October 5th and 6th at the Cross Center in Bangor and encouraged them to attend.

Sophie Wilson stated she would send Councilors a meeting schedule. She noted that the Council Committee Meeting on September 19, 2016 would include discussion on whether to take a position on State Referendum Question 2.

13. Executive Session (MRS, Title 1, Chapter 13, Section 405(6)(D)) To Discuss Collective Bargaining Negotiations with International Association of Firefighters, AFL-CIO Local 3106

At 8:20 p.m., Geoff Gordon motioned and Sam Kunz seconded to move into Executive Session pursuant to MRS, Title 1, Chapter 13, Section 405(6)(D) to discuss Collective Bargaining Negotiations with International Association of Firefighters, AFL-CIO Local 3106. All voted in favor, 6-0.

At 8:37 p.m., Clint Relyea motioned and Tom Perry seconded to return to regular session. All voted in favor, 6-0.

14. Adjournment

At 8:38 p.m., Sam Kunz moved and Geoff Gordon seconded to adjourn. All voted in favor, 6-0.

Respectfully submitted, Nancy W. Ward, Administrative Assistant