

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

MONDAY, OCTOBER 17, 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, Judy Sullivan and Town Manager Sophie Wilson.

2. Agenda Review

Ms. Mehnert stated that information has been provided to Council to deal with a consent agenda item, if it is taken out of consent. Ms. Wilson presented an amendment to Order 16-184 to be taken up later in the agenda.

3. Presentations

a. Bystander Intervention and Public Safety

**Lauri Sidelko, Director - University of Maine Student Wellness Resource Center and
Joshua Ewing, Chief of Police – Town of Orono**

Police Chief Josh Ewing commented on public safety concerns from seeing an increase of drug overdoses and heavy alcohol use in the community. He described the police department's education and reactive approach to the issues.

Lauri Sidelko, Director of the UMaine Student Wellness Resource Center, presented information on intervention and prevention efforts related to drug and alcohol use. She noted that drug issues are spreading to the community and described the University's proactive approach to address the issues. She provided handouts on the Bystander Intervention campaign related to drug overdose. Ms. Sidelko stated that she would be willing to work on a community public health campaign.

Police Chief Ewing and Ms. Sidelko spoke of the medical amnesty program and education to students. Ms. Sidelko spoke of support services and explained resources available.

Tom Perry suggested discussing this issue further at a Council Committee meeting. Council agreed.

Resident Kathy Pollard asked whether there was a partnership with the new student housing complexes. Police Chief Ewing confirmed that the complexes are coming on board.

4. Approval of Minutes of September 12, 2016

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

5. Public Hearings

a. To consider a Victualer's License for Bell's IGA, 6 Stillwater Avenue.

Public hearing a. opened at 7:25 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, State licenses are current and staff recommends approval of the license. No public comments were made. Public hearing a. closed at 7:26 p.m.

b. To consider a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.

Public hearing b. opened at 7:26 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, State licenses are current and staff recommends approval of the license. No public comments were made. Public hearing b. closed at 7:27 p.m.

c. To consider a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue.

Public hearing c. opened at 7:27 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, State licenses are current and staff recommends approval of the license. No public comments were made. Public hearing c. closed at 7:28 p.m.

d. To consider a Victualer's License for Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.

Public hearing d. opened at 7:28 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, State licenses are current and staff recommends approval of the license. No public comments were made. Public hearing d. closed at 7:29 p.m.

e. To consider a Class I - Malt, Spirituous & Vinous Liquor License and Victualer's License for S & M Corporation, d/b/a Thai Orchid, 28 Mill Street.

Public hearing e. opened at 7:29 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid, State licenses are current and staff recommends approval of the licenses. No public comments were made. Public hearing e. closed at 7:30 p.m.

f. To consider a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to Cutler, LLC, d/b/a The Family Dog, 6 Mill Street.

Public hearing f. opened at 7:30 p.m. Dave Milan reported that all inspections have been completed, taxes and sewer have been paid and State licenses are current.

Mr. Milan reported that the Code Enforcement Office was made aware of noise complaints and worked with the business owner and complainant to mitigate the issues.

Police Chief Josh Ewing reported that the Police Department received noise complaints from the same complainant. He noted that the owner made adjustments. He also stated that officers received updated training on the use of the noise meters and the noise decibels fell within the acceptable range.

George Markowsky described the frequency and nature of the noise issues. He requested having some constraints on the business. He felt that the noise did not need to be amplified. He suggested noise ordinance changes to address time limits.

Leo Kenney discouraged changing the noise ordinance. He spoke of the business making a positive investment in the community.

Owner Bob Cutler commented that he does not like conflict and described positive changes he made to be more business friendly.

Town Manager Sophie Wilson stated that changes to the noise ordinance, regarding noise sensitivity areas, are scheduled to come before Council in November; however, there is no intent to do an ordinance overhaul.

Mr. Gordon asked about the number of noise complaints. Chief Ewing stated the police responded to six noise complaints and all were within the allowable limits.

Public hearing f. closed at 7:48 p.m.

g. To consider a Class I - Malt, Spirituous & Vinous Liquor License to the University of Maine d/b/a Collins Center for the Arts, 5746 Collins Center.

Public hearing g. opened at 7:49 p.m. Dave Milan reported that all inspections have been completed, State licenses are current and staff recommends approval of the license. No public comments were made. Public hearing g. closed at 7:50 p.m.

h. To consider a Special Amusement Permit for Music, Dancing and Entertainment for Orono House of Pizza, Inc., 154 Park Street.

Public hearing h. opened at 7:50 p.m. Dave Milan reported that Orono House of Pizza renewed their licenses last month, but are requesting to add the Special Amusement Permit. All inspections and licensing are in order. He described the entertainment as small 1-2 people acoustical groups. No public comments were made. Public hearing h. closed at 7:51 p.m.

i. 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 and locations of these Uses.

Public hearing i. opened at 7:51 p.m.

Planner Evan Richert stated that this amendment is one of a series of amendments as part of the Comp Plan implementation process. He noted that the changes clear up some ambiguity by defining self-storage facilities as distinct from warehouses and the locations of these uses. It also defines self-storage facilities in an accessory structure as long as the property is owner-occupied and meets the requirements for appearance and size as stated in the ordinance.

No public comments were made. Public hearing i. closed at 7:55 p.m.

j. 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.

Public hearing j. opened at 7:56 p.m.

Mr. Richert stated that this amendment was recommended by the Comprehensive Plan Committee. He explained that the amendment describes travelers' lodging by creating a hierarchy of lodging opportunities: homestays, bed-and-breakfast and hotel/motel. Mr. Richert described details of each type of lodging.

No public comments were made. Public hearing j. closed at 8:03 p.m.

k. 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, Economic Development Zone, and Village Commercial Districts.

Public hearing k. opened at 8:04 p.m.

Mr. Richert stated that this amendment was recommended by the Comprehensive Plan Committee. He explained that the amendment has two significant changes: it recognized that multi-family dwelling units have become too intense (too many people) and it limits the number of bedrooms per acre and dwelling units per acre.

No public comments were made. Public hearing k. closed at 8:05 p.m.

l. 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.

Public hearing l. opened at 8:06 p.m.

Mr. Richert stated the proposed Moratorium Ordinance is consistent with the Comprehensive Plan which calls for a transportation management improvement program for the Park Street corridor, recognizing the burdens on the area. He noted that the corridor is at, or beyond,

capacity at peak hours. He spoke of the need for a corridor study related to traffic and land use to determine appropriate regulatory or infrastructure investments for the area. Mr. Richert stated that the ordinance would place a 6-month moratorium on development in the C-2 and a portion of the University Districts, except for the exceptions stated. He noted that staff spoke with BACTS regarding funding for a traffic analysis (with Complete Streets review) along with funds from the University.

Richard McGuckin supported a moratorium, but commented that it is a year too late. He spoke of the traffic impact on his business. He asked about the process and funding.

Ms. Wilson discussed the specific steps of the corridor study to be conducted through BACTS. She also noted that Mr. Richert would look at land use options at the same time. She commented on what development could occur without a moratorium. She noted that the 6-month moratorium can be extended for another six months if needed. Ms. Wilson spoke of funding sources.

Kathy Pollard of 164 Park Street, spoke of the effect of the student housing complex on her family's quality of life due to noise and traffic issues. She noted that property owners have commercial potential and she would not want to prevent the opportunity for repurposing.

Public hearing I. closed at 8:21 p.m.

Ms. Wilson noted that all of the ordinance amendments, including the moratorium ordinance, will be on the November 14, 2016 Council Meeting agenda for Council action.

6. Acknowledgments by Council Members

Tom Perry acknowledged that Anne Hall an Orono High School alumni, was appointed to be the U. S. Ambassador to Lithuania. Ms. Wilson stated that she would send out a letter of congratulations.

Sam Kunz acknowledged the work of the Beautification Committee and the business owners' efforts for a successful Homecoming Weekend.

Tom spitz reminded everyone that Election Day is November 8, 2016 and the new polling location is the UMaine Field House. He commented on the plan for parking near the field house, traffic flow and bus services that will be available free of charge all day.

7. Unfinished Business - None

8. Consent Agenda

Judy Sullivan requested that Order 16-171 be taken out of the consent agenda and taken up separately.

- Order 16-166** Order, approving a Victualer’s License for Bell’s IGA, 6 Stillwater Avenue.
- Order 16-167** Order, approving a Victualer’s License for Mac’s Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.
- Order 16-168** Order, approving a Victualer’s License for Mac’s Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue.
- Order 16-169** Order, approving a Victualer’s License for Brewers of the North, d/b/a Aroma Joe’s, 99 Park Street.
- Order 16-170** Order, approving a Class I - Malt, Spirituous & Vinous Liquor License and Victualer’s License for S & M Corporation, d/b/a Thai Orchid, 28 Mill Street.
- Order 16-172** Order, approving a Class I - Malt, Spirituous & Vinous Liquor License for the University of Maine d/b/a Collins Center for the Arts, 5746 Collins Center.
- Order 16-173** Order, approving a Special Amusement Permit for Music, Dancing and Entertainment for Orono House of Pizza, Inc., 154 Park Street.
- Order 16-174** Order, approving a “Blanket Letter of Approval” from November 30, 2016 to November 30, 2021 to operate Beano/Bingo and/or Games of Chance to the American Legion Post #84, 156 Park Street.
- Order 16-175** Order, setting November 14, 2016 at 7:00 p.m. as the date for public hearing to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, 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.
- Order 16-176** Order, setting November 14, 2016 at 7:00 p.m. as the date for public hearing to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 13, Environment, Article II, Noise Control Ordinance, Sections 13-52 Definitions and 13-53 Sound level limits, concerning noise sensitive areas.
- Order 16-177** Order, accepting the resignation of Janet Elvidge from the Library Board of Trustees.

Order 16-178 Order, appointing the following to the Library Board of Trustees: Fran Neubauer to fill the Regular Member seat until April, 2017; Amy Averre to fill the Associate Member seat until April, 2018; and Alana Cassinelli to fill the Associate Youth Member seat until April, 2017.

Order 16-179 Order, approving FY17 budget adjustments for the Village Green Capital Project decreasing the total project budget by \$28,982 for a total expense of \$246,018 with offsetting use of funds in the amounts of \$235,182 from the Village Green Fund and \$10,836 from the Library/Pine Street Construction Account.

Order 16-180 Order, setting the hours of voting as 7 a.m. to 8 p.m. and the polling place as the University of Maine Field House in Ward 1, Precincts 1, 2 and 3 for the November 8, 2016 General Presidential Election.

Order 16-181 Order, changing the hours that the Registrar will accept registration of applicants who appear in person as follows: On the last five business days before the November 8, 2016 General Presidential Election from 8:30 a.m. to 4:30 p.m. [MRSA 21A, Sec. 122.6A(2) and Sec. 122.8].

Order 16-182 Order, approving the Town Clerk's appointment of Sophia L. Wilson and Belle A. Ryder as Wardens for the November 8, 2016 General Presidential Election.

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

9. New Business

Order 16-171 Order, approving a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to Cutler, LLC, d/b/a The Family Dog, 6 Mill Street.

Moved by Sam Kunz and seconded by Judy Sullivan. All voted in favor, 7-0.

The Council discussed the noise issue and the nature of the complaints. Police Chief Ewing noted that 10:00 p.m. is when the noise decibels are reduced for the area. Mr. Gordon commented on the noise issue not being able to be addressed with the noise ordinance. Ms. Wilson described how the noise meters take noise measurements to determine violations.

Owner Bob Cutler stated that his business closes each night at 10 p.m. and 9 p.m. on Sundays.

Mr. Markowsky noted several times when the business was noisy past 10 p.m. He stated that he was looking for Council to establish guidelines for reducing the noise occurrences. He acknowledged that the Family Dog has taken steps to make noise reduction improvements and that 10 p.m. was an acceptable deadline.

Ms. Mehnert stated that all six complaints measured noise levels within the acceptable range and therefore she did not feel the license should be conditioned. Mr. Kunz agreed. Ms. Sullivan noted that the owner is attempting to make things work. Councilors acknowledged that both parties are being reasonable.

Order 16-183 Order, designating the Town of Orono as a hybrid entity as defined by the Health Insurance Portability and Accountability Act (HIPAA), adopting the Town of Orono Hybrid Entity Status Policy, and confirming the Orono Fire Chief as the Town of Orono Privacy Officer.

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

Ms. Wilson stated that as a provider of emergency medical services, the Town of Orono is subject to the Health Insurance Portability and Accountability Act (HIPAA) and its incorporated Privacy Rule. By designating the Town as a Hybrid Entity, only the EMS functions will be subject to the rule while all other functions will follow general municipal and employment privacy regulations. Enacting this policy will ensure that the Town maintains compliance with local, state, and federal privacy regulations.

Order 16-184 Order, authorizing the Town Manager to carry forward into the FY2017 municipal budgets the following FY2016 funds up to a total of \$395,930 and budgeted for projects or expenditures that were not completed by the close of the fiscal year (June 30, 2016):

Council	\$ 3,000
Town Manager	\$ 9,100
Finance & Administration	\$ 5,000
Code/Planning	\$ 11,935
Police	\$ 15,000
Fire	\$ 1,310
Library	\$ 1,500
Parks & Recreation	\$ 8,215
Facilities	\$ 6,500
Capital Equipment	\$175,000
Capital Infrastructure	\$145,870
Miscellaneous	\$ 13,500

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

Ms. Mehnert read the order as amended with the list of FY2016 funds and the total amount.

Ms. Wilson noted that these carry forward funds are for projects and expenditures not completed or undertaken by the end of FY2016. Ms. Wilson described the various projects.

10. Discussion

a. Update on November 8, 2016 Election Voting Processes

Town Clerk Shelly Crosby described (in detail) the following 2016 Election voting processes:

- How to Register to Vote (including information on the two House Districts 123 and 124)
- The Absentee Voting process
- Election Day process and promoting the new polling location at the UMaine Field House.

b. Initiating the Process of Enacting a Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs

Ms. Wilson asked Councilors whether or not they want staff to begin the process of enacting a Moratorium Ordinance for Orono on retail marijuana establishments and retail marijuana social clubs. She noted that this moratorium would provides the opportunity to fully understand the law, if approved by voters, and take steps to consider what, if any, local regulations would need to be put in place to protect public health, safety, and welfare. She noted that if Council wants to move forward, a public hearing would be scheduled for next month that could reach back to tonight.

The Council unanimously agreed to add Order 16-186 to the agenda.

Order 16-186 Order, Order, setting November 14, 2016 at 7:00 p.m. as the date for public hearing to consider a 6-Month Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs

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

11. Future Agenda Items/Items of Concern

Geoff Gordon requested having the Police Chief update Council on the police training process regarding "Use of Force: at a future committee meeting.

12. Public Petitions - None

13. Public Comments

Susan Whitmore expressed condolences to the families of the two students who lost their lives from drug overdoses. She also wished everyone a Happy Halloween and fall season.

14. 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 9:35 p.m., Sam Kunz motioned and Tom Perry seconded to move into Executive Session pursuant to MRSA, 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, 7-0.

At 9:59 p.m., Sam Kunz motioned and Tom Perry seconded to return to regular session. All voted in favor, 7-0.

Order 16-185 Order, ratifying the agreement between the Town of Orono and the International Association of Firefighters, AFL-CIO Local 3106 from July 1, 2016 to June 30, 2019, and authorizing the Council Chair and Town Manager to sign.

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

15. Adjournment

At 10:00 p.m., Geoff Gordon moved and Sam Kunz seconded to adjourn. All voted in favor, 7-0.

Respectfully submitted,

Nancy W. Ward
Administrative Assistant