

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

MONDAY, JANUARY 13, 2020 AT 7:00 P.M.

MINUTES

1. Roll Call

Present: Council Chair Cindy Mehnert, Tom Perry, Meghan Gardner, Sam Kunz, Laurie Osher, Cheryl Robertson, Terry Greenier and Town Manager Sophie Wilson.

2. Agenda Review

Ms. Mehnert requested a motion to add Order 20-18 to the agenda. Motion by Tom Perry and seconded by Cheryl Robertson to add Order 20-18 to the agenda. All voted in favor, 7-0.

3. Approval of Minutes of December 9, 2019

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

Tom Perry noted a correction to be made to Police Chief Ewing's title on page 1. The correction was noted and will be made.

4. Public Hearings

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

Public hearing a. opened at 7:03 p.m. Community Development Director Dave Milan reported that all inspections have been completed, personal property taxes and sewer are current and staff recommends approval of the license. No public comments were made. Public hearing a. closed at 7:04 p.m.

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

Public hearing b. opened at 7:04 p.m. Mr. Milan reported that all inspections have been completed, personal property taxes and sewer are current and staff recommends approval of the license. No public comments were made. Public hearing b. closed at 7:05 p.m.

- c. 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 c. opened at 7:05 p.m. Mr. Milan reported that all inspections have been completed, personal property taxes and sewer are current and staff recommends approval of the licenses. No public comments were made. Public hearing c. closed at 7:06 p.m.

d. To consider an Expansion of the Village Commercial Zoning District to convert 85, 87, 88 and 92 Main Street from Medium Density Residential to Village Commercial.

Public hearing d. opened at 7:06 p.m. Town Planner Kyle Drexler presented the zoning map with the four properties on Main Street highlighted. He explained the expansion along Main Street that would convert Medium Density Residential to Village Commercial. He commented on Alpenglow's desire for additional signage, employees and floor space. The change for the other three parcels would make their non-conforming lots conforming.

Mr. Drexler stated the changes were reviewed by the Planning Board and they agreed with the goals of the Comprehensive Plan to grow the downtown, add jobs and create mixed uses. He noted a portion of the Alpenglow lot on Myrtle Street would remain MDR and spoke of maintaining the historic preservation requirements.

Ms. Wilson stated the VC zoning district expansion would be back to Council next month for consideration of adoption. No public comments were made. Public hearing d. closed at 7:13 p.m.

e. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-152 Mobile Food Vendors, to Implement Standards for Mobile Food Vendors, and related sections.

Public hearing e. opened at 7:14 p.m. Mr. Drexler stated this ordinance provides standards for mobile food vendors on two levels. The first level would be for one day or short-term use and a permit would be obtained through the Community Development Office. A longer use would require an indepth site plan review. No public comments were made. Public hearing e. closed at 7:17 p.m.

5. Acknowledgments by Council Members

Terry Greenier reminded citizens to visit the Town's Facebook page for town updates. He noted that dogs must be licensed by January 31st to avoid a \$25 fine.

Cheryl Robertson welcomed everyone to the first meeting of the new decade of 2020. She also spoke of supporting the Farmer's Market by visiting the market or making a donation.

Meghan Gardner announced that Candidates Night for Town Council and RSU26 will be held on Tuesday, January 28th starting at 7pm. She encouraged residents to participate by coming to the event, calling in, or emailing questions.

Tom Perry acknowledged Laura Mitchell for conducting a good professional development workshop with Council.

Laurie Osher acknowledged the great training the Council received to be able to do their jobs even better. She encouraged residents to contact Council with concerns. Ms. Osher stated she attended a workshop from the Progressive Government Academy.

Mr. Perry acknowledged Fredrica Smith for her help in organizing old vital records within the Town Office. He suggested having Council send her a note of appreciation.

Sam Kunz noted that Ms. Smith will also be moderating Candidates Night.

Cindy Mehnert reminded residents that the Presidential Primary Election will be held on March 3rd and the Annual Municipal Election will be held on March 10th. Absentee ballots will be available. Ms. Mehnert also noted that Council will be voting on a proclamation proclaiming the month of March as Science Month.

6. Unfinished Business – None.

7. Consent Agenda

Order 20-01 Order, approving a Victualer’s License for Global Montello Group Corp., d/b/a Alltown, 103 Park Street.

Order 20-02 Order, approving a Victualer’s License for DMCP, LLC, d/b/a Dunkin Donuts, 103 Park Street.

Order 20-03 Order, approving 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.

Order 20-04 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, 2020 until May 1, 2020 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 20-05 Order, approving Membership in the Maine Service Centers Coalition for 2020 and designating Sophia L. Wilson as the Voting Delegate Representative and designating Belle Ryder as the Alternate.

- Order 20-06** Order, approving the Warrants for the March 3, 2020 Presidential Primary and Special Referendum Election AND March 10, 2020 Annual Municipal Election, setting the hours of voting as 7:00am-8:00pm and the polling place as the Council Chambers of the Municipal Building for Ward 1, P1, 2 & 3.
- Order 20-07** 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 3, 2020 Presidential Primary and Special Referendum Election AND March 10, 2020 Annual Municipal Election. [MRSA 21A, Sec. 122.6A(2) and Sec. 122.8] (Mon-Wed 8am-4:30pm, Thursday 10am-6pm, Friday 8am-2pm).
- Order 20-08** Order, approving the Town Clerk's appointment of Sophia Wilson, Belle Ryder, Geoffrey Gordon, Suzanne Gordon and Judith Sullivan as Wardens and Patricia Davis and Lisa Feldman as Deputy Wardens for the March 3, 2020 Presidential Primary and Special Referendum Election AND March 10, 2020 Annual Municipal Election.
- Order 20-09** Order, authorizing the Town Manager to enter into a Lease/Purchase Agreement with Transco Business Technologies for a Multi-Functional Copier with a Service Contract for the Town Office for an amount not to exceed \$1,924.89 per year for five years with annual payments beginning August 2020 with a total cost not to exceed \$8,542.16.
- Order 20-10** Order, proclaiming the Month of March as Science Month in the Town of Orono.
- Order 20-11** 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/Lot 006-002-004, 108 Gould Road, back to the prior owner of record upon receipt of funds in accordance with the Town's Redemption Policy.
- Order 20-12** Order, authorizing the Town Manager to expend \$1,231.70 from Major Maintenance Reserve for costs associated with the removal of a heating oil tank located at the Old Fire Station on North Main Avenue.
- Order 20-13** Order, authorizing the Town Manager to expend up to \$1,330 from Council Special Projects Reserve for costs associated with Town Council professional development provided by Starboard Leadership Consulting, LLC of Bangor.

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

8. New Business

Order 20-14 Order, accepting the FY19 Town of Orono Financial Audit.

Moved by Tom Perry and seconded by Meghan Gardner. All voted in favor, 7-0.

Ms. Wilson stated Council engaged Runyon Kersteen Ouellette to conduct the audit. Staff did a great job preparing for the audit. Ms. Wilson recognized Finance Manager Connie Thorne for her team's work and that she will present next year's audit to Council.

Ms. Wilson reviewed the audit components, the statement of net position, the general fund, WPCF and special funds. *(See attached PowerPoint presentation.)*

Meghan Gardner pointed out the auditors reported there were no significant deficiencies and that it was a clean audit.

Tom Perry noted he and Ms. Mehnert met with the auditors who were very complimentary of the quality of the materials they received.

Order 20-15 Order, granting the Town Manager the discretion to offer, on a case by case basis, a signing bonus of up to \$10,000 to newly hired police officers who have obtained Maine Criminal Justice Academy Basic Law Enforcement Certification prior to hire with such bonus to paid in 260 weekly installments.

Moved by Tom Perry and seconded by Meghan Gardner. All voted in favor, 7-0.

Ms. Wilson noted a Waiver of Certificate would also be accepted.

Police Chief Ewing provided information on the workforce crisis and the significant decrease in employment applications. He described the signing bonus, which is an incentive to attract officers to come to Orono. He noted that the bonus would be paid out over 5 years. Chief Ewing commented on how police work has changed.

Ms. Gardner commented Orono's emphasis is on community policing and it is worth investing in trained officers. Mr. Perry noted the bonus would be attractive for experienced officers.

Order 20-16 Order, authorizing the Town Manager to enter into an Agreement with Penobscot County for Regional Animal Control Services for one year, beginning January 1, 2020 to December 31, 2020.

Moved by Tom Perry and seconded by Cheryl Robertson. All voted in favor, 7-0.

Police Chief Ewing stated Penobscot County provides excellent Animal Control Officer services. He noted the police officers handle most of the complaints and only refer about one-fourth of the complaints to the Animal Control Officer.

Ms. Wilson commented that under State law, communities must have an Animal Control Officer.

Order 20-17 Order, authorizing the Town Manager to send a Notice of Default to Webster Point, LLC declaring an event of default and terminating the Webster Point Credit Enhancement Agreement.

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

Community Development Director Dave Milan explained that Webster Point, LLC will not be continuing to develop the second phase of their development and has filed abandonment of the project which puts them in default of the Credit Enhancement Agreement (CEA). Ms. Wilson explained with a CEA there is an expectation to complete the development. She noted that Council needs to decide if there is an event of default. Ms. Wilson reviewed details of the situation with the CEA.

Councilors acknowledged the infrastructure that went into the development but agreed that a Notice of Default should be sent.

(Note: The Notice of Default was not sent, due to additional information regarding the Credit Enhancement Agreement. See Council Workshop Minutes of January 27, 2020.)

Order 20-18 Order, authorizing the Town Manager, in consultation with the Town Planner, Director of Public Works and Engineering, and the Town Engineer, to negotiate and execute utility easements, including those for drainage, on Town Owned Property adjacent to RSU 26 property as needed to facilitate planned renovation and construction at the Orono schools so long as, pursuant to Ordinance Section 2-150(c)(4), said easements do not unreasonably burden or unduly negatively impact the use of town or abutting properties; and, further, to authorize the Town Manager to negotiate and execute a memorandum of understanding with RSU 26, if required by a permitting agency, confirming the Town's intent to provide easements.

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 7-0.

Ms. Wilson spoke of the RSU#26 renovations project and the need to design stormwater drainage. She noted that the order would give her flexibility to work with RSU#26 on the location, memorandum of agreement and easement that will not negatively impact the use of the property.

Mr. Perry commented that the order makes sense and will help facilitate the school's project.

RSU#26 School Board Chair Brian McGill thanked the Council for their support of the project.

9. Council Committee/Representative Reports

Community Development Committee – Sam Kunz stated the Committee met on December 19th to discuss revisions to two Land Use Ordinances related to fraternity/sorority land use and excavation and filling of land.

Finance-Operation Committee – Tom Perry stated the Committee will meet on January 21st.

Comp Plan Committee - Meghan Gardner stated the Committee met on January 6th to review proposed updates to the existing fire prevention and protection ordinance.

Orono Historical Society (OHS) – Ms. Gardner stated the Committee met on January 7th to discuss their involvement in the March 14th Bicentennial Celebration. She noted residents can join and support OHS with an annual \$10 membership fee.

Bicentennial Committee - Terry Greenier reported the Committee is in the progress of planning the Bicentennial Celebration events. He stated they are working with grant deadlines. He recommended having residents check the Town’s website for future information. He noted that celebration ideas are welcome and volunteers will be needed for the March 14th Celebration.

10. Future Agenda Items/Items of Concern – None.

11. Public Petitions – None.

12. Public Comments

Susan Whitmore commented on gold prices increasing due to deep mining that is occurring.

13. Executive Sessions

a. Pursuant to 1 MRSA, § 405(6)(D) To Discuss Collective Bargaining Negotiations with Maine Association of Police Orono Unit

At 8:47 pm, Sam Kunz moved and Cheryl Robertson seconded to go into executive session to discuss collective bargaining negotiations with the Maine Association of Police Orono Unit. All voted in favor, 7-0.

At 9:12 pm, Tom Perry moved and Sam Kunz seconded to adjourn. All voted in favor, 7-0.

14. Adjournment

At 9:13 pm, Tom Perry moved and Cheryl Robertson seconded to adjourn. All voted in favor, 7-0.

Minutes are not verbatim. A video-recorded version is available on the Town’s website at www.orono.org.

Respectfully submitted, Nancy W. Ward, Executive Assistant