

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

MONDAY, MAY 13, 2019 AT 7:00 P.M.

MINUTES

1. Roll Call

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

2. Agenda Review

Councilors requested pulling Orders 19-58 and 19-60 from the Consent Agenda to discuss under New Business.

3. Approval of Minutes of April 8 and April 22, 2019

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

4. Public Hearings

- a. **To consider a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono Football Pub Co., LLC d/b/a The Common Loon Public House, 36-38 Main Street.**

Public hearing a. opened at 7:02 p.m. Community Development Director David Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the license. Mario Kent spoke against a license for The Roost. Co-Owner Cory Gardner commented that he was glad to be back for another year. Public hearing a. closed at 7:06 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. Community Development Director David Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the license. Mr. Kent supported renewing the license. Public hearing b. closed at 7:08 p.m.

- c. **To consider a Class IV – Tavern Liquor License, 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. Community Development Director David Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the license. Mr. Kent supported renewing the license. Public hearing c. closed at 7:10 p.m.

- d. **To consider a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Margs Mex Orono, LLC d/b/a Margaritas Mexican Restaurant, 15 Mill Street.**

Public hearing d. opened at 7:11 p.m. Community Development Director David Milan stated that this license is needed as the result of a change in ownership of the restaurant. Staff has completed all inspections and confirm that taxes and sewer are current; however, the transfer of ownership scheduled after the posting of the hearing notice did not occur as planned. Staff recommends approval of the license conditioned upon the Town being provided with satisfactory documentation of the applicant's right, title, or interest in the establishment. New Owner Dave Reeseman commented that the documents will be signed on Friday. Mr. Kent supported renewing the license. Public hearing d. closed at 7:12 p.m.

- e. **To consider a Class I – Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for The Bear's Den, Memorial Union, University of Maine.**

Public hearing e. opened at 7:13 p.m. Community Development Director David Milan reported that all inspections have been completed, sewer has been paid and staff recommends approval of the license. No public comments were made. Public hearing e. closed at 7:14 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 for Wells Catering, University of Maine.**

Public hearing f. opened at 7:15 p.m. Community Development Director David Milan reported that all inspections have been completed, sewer has been paid and staff recommends approval of the license. No public comments were made. Public hearing f. closed at 7:16 p.m.

- g. **To consider a Credit Enhancement Agreement between the Town of Orono and Irena Bazhba/Kostakis Bazmpas/Kelly Bazmpa, relating to property within the Orono Downtown & Transit-Oriented Municipal Development and Tax Increment financing District located at 19 Mill Street.**

Public hearing g. opened at 7:17 p.m. Community Development Director David Milan spoke of the Downtown Tax Increment Financing District and ability for business owners to invest in their properties through a Credit Enhancement Agreement (CEA). He noted the owners have met the minimum requirements for the CEA and the Assessor feels the improvements will exceed the minimums. Ms. Wilson noted that the CEA kicks in after the improvements are made.

Mr. Kent spoke in support of the improvements and the owners investing in the downtown. Co-Owner Mr. Bazmpas spoke of making improvements to the roof, downstairs business and adding new siding. Sarah York spoke in favor of allowing outdoor seating at the Black Bear Brewery. Public hearing c. closed at 7:21 p.m.

5. Acknowledgments by Council Members

Terry Greenier acknowledged a new business in downtown Orono, called “Found” that sells antiques.

Cheryl Robertson acknowledged the Fire Department for their immediate response to a house fire in Orono. She noted there will be a spaghetti supper fundraiser on June 21st at the school for the family.

Meghan Gardner acknowledged the Public Safety Department and their efforts during Maine Day. She also acknowledged the upcoming Street and Stream Cleanup Event on May 18th.

Tom Perry acknowledged the passing of Orono resident Tom Taylor.

Laurie Osher acknowledged the assistance of local fire departments through mutual aid during a recent fire.

Sam Kunz acknowledged the University of Maine’s commencement efforts, their assistance during Maine Day, and Fire Department’s response during the recent fire. He also acknowledged the Public Works Department’s crew.

6. Unfinished Business - None

7. Consent Agenda

Orders 19-58 and 19-60 were pulled from the Consent Agenda and taken up under New Business by Council request.

Order 19-59 Order, approving 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.

Order 19-61 Order, approving a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Margs Mex Orono, LLC d/b/a Margaritas Mexican Restaurant, 15 Mill Street, conditioned upon the applicant providing satisfactory documentation of right, title, or interest in the property.

Order 19-62 Order, approving a Class I – Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and

Victualer's License for The Bear's Den, Memorial Union, University of Maine.

Order 19-63 Order, approving a Class I – Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Wells Catering, University of Maine.

Order 19-64 Order, acknowledging the Notice of Election for the June 11, 2019 RSU#26 Budget Validation/Construction Bond Referendum Election and setting the hours of voting as 7:00 a.m. to 8:00 p.m. and the polling place as the Council Chambers for Ward 1, Precincts 1, 2 & 3.

Order 19-65 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 11, 2019 RSU#26 Budget Validation/Construction Bond Referendum Election, from 8:30 a.m. to 4:30 p.m. [MRSA 21A, Sec. 122.6.A (2) and (8)].

Order 19-66 Order, approving the Town Clerk's appointment of Belle Ryder, Judith Sullivan, Patricia Davis, Mia Caballero and Roger Feeley as Wardens for the June 11, 2019 RSU#26 Budget Validation/Construction Bond Referendum Election for Ward 1, Precincts 1, 2 & 3.

Order 19-67 Order, proclaiming May 23, 2019 as the official day for the celebration of Arbor Day in the Town of Orono.

Order 19-68 Order, appointing/reappointing the following Board/Committee Members:

- ***Planning Board:***
Judson McIntosh (5-year term, regular seats: expiring 2024)
- ***Board of Appeals:***
Jennifer Jain (5-year term, regular seat: expiring 2024)
- ***Personnel Board of Appeals:***
Brett Grandchamp (3-year term, regular seat: expiring 2022)
- ***Library Board of Trustees:***
Jennifer Bonnet (3-year term, regular seat: expiring 2022) and Ana Neary (1-year term, Associate Youth Member: expiring 2020).
- ***Tree Board:***
Jessica Leahy (3-year term: expiring 2022)
- ***Orono Economic Development Corporation, Council Liaison:***
Laurie Osher (3-year term: expiring 2022)

Order 19-69 Order, confirming the Town Manager's previously conveyed authority to sign Qualified Catering License for Catered Functions.

Order 19-70 Order, setting June 10, 2019 at 7:00 p.m. as the date for a public hearing to discuss the 2019-2020 Municipal, Capital and WPCF budgets.

Order 19-71 Order, setting June 10, 2019 at 7:00 p.m. as the date for a public hearing to consider a Sewer Rate Increase for FY2020.

Order 19-72 Order, setting June 10, 2019 at 7:00 p.m. as the date for a public hearing to accept comments on the Proposed FY2020 Fee Schedule.

Order 19-73 Order, setting June 10, 2019 at 7:00 p.m. as the date for a public hearing for reviewing the Orono Village Center District Development Program.

Order 19-74 Order, setting June 10, 2019 at 7:00 p.m. as the date for a 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 2020.

Order 19-75 Order, authorizing the purchase of sixteen (16) protective vests for Fire Department personnel from Spartan Armor Systems of Tuscan, Arizona in an amount not to exceed \$5,567.24; and, further, to accept funds from the University of Maine (\$3,117.24) and Maine Emergency Management Agency (\$2,450) to fund said purchase.

Order 19-76 Order, adopting a revision to the Abatement of Wastewater User Fees Policy that changes the circumstances under which planned water consumption that does not flow to the sanitary sewer may be abated, the method for determining said abatements, and customer eligibility to apply for abatement.

Order 19-77 Order, awarding a contract for Pavement Marking Services to Lucas Striping, LLC of Sidney in the amount of \$21,577.

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

8. New Business

Order 19-58 Order, approving a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono Football Pub Co., LLC d/b/a The Common Loon Public House, 36-38 Main Street.

Moved by Tom Perry and seconded by Sam Kunz. The vote was in favor, 6-0-1 (with Council Gardner abstaining due to her business connection).

Order 19-60 Order, approving a Class IV – Tavern Liquor License, 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, *conditioned upon being granted permission for outdoor seating with Order 19-78.*

Moved by Tom Perry and seconded by Sam Kunz and friendly amended to be conditioned upon being granted permission for outdoor seating with Order 19-78. All voted in favor, 7-0.

Ms. Wilson noted that approval of this license is conditioned upon Council granting permission for outdoor seating with the next order, Order 19-78.

Order 19-78 Order, authorizing the Town Manager to execute an agreement with the owner of 19 Mill Street that grants the Town’s permission to close up to four public parking spaces in the alleyway adjacent to the building to be used for outdoor seating and safe re-routing of pedestrian travel from May 1st to October 15th of each year as well as to construct a deck or patio spanning up to 25 feet from the rear building wall into the Pine Street Parking Lot; further, such agreement shall protect the Town’s right to maintain and utilize all public infrastructure and legal rights adjacent to the building, thus resolving all boundary line and public use disputes for this property.

Moved by Laurie Osher and seconded by Terry Greenier. The vote was in favor, 6-0-1 (with Councilor Gardner abstaining due to her business connection downtown).

Ms. Wilson explained that she had reached an agreement with the owner of 19 Mill Street that grants the Town’s permission to close up to four public parking spaces in the alleyway adjacent to the building to be used for outdoor seating and safe re-routing of pedestrian travel from May 1st to October 15th of each year as well as to construct a deck or patio spanning up to 25 feet from the rear building wall into the Pine Street Parking Lot. She stated that the agreement will protect the Town’s right to maintain and utilize all public infrastructure and legal rights adjacent to the building which have been in place for 60 years, thus resolving all boundary line and public use disputes for this property.

Ms. Wilson stated the owners want to make improvements to the front of the business and noted they will maintain public access to the sidewalk.

Ms. Wilson noted the agreement would be sent to the Town’s attorney and would be sent to the Registry of Deeds to record.

Order 19-79 Order, approving a Credit Enhancement Agreement between the Town of Orono and Irena Bazhba/Kostakis Bazmpas/Kelly Bazmpa, relating to property within the Orono Downtown & Transit-Oriented Municipal Development and Tax Increment financing District located at 19 Mill Street.

Moved by Sam Kunz and seconded by Meghan Gardner. All voted in favor, 7-0.

Order 19-80 Order, authorizing the Town Manager to enter into an Agreement with Northeast Paving of Bangor for the Mill Street Roadway and Sidewalk Repairs Project in an amount not to exceed \$187,607 to be drawn from the Downtown and Transit Oriented TIF District.

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

Public Works Director Rob Yerxa stated that bids were received for the Mill Street Roadway and Sidewalk Repairs project and Northeast Paving was the low bidder. He explained the details of the work to be performed and that the Orono Veazie Water District's insurance company denied the claim and so did the Town's insurance company. He stated that staff will be meeting with OVWD and their insurance company Tuesday night. Mr. Yerxa reviewed the possible funding sources.

9. Council Committee/Representative Reports

Ms. Mehnert stated that due to time constraints items 9 and 10 would not be taken up.

10. Future Agenda Items/Items of Concern

11. Public Petitions - None

12. Public Comments

Susan Whitmore reminded people to be aware of bears and ticks.

Stuart Dexter provided Council with a list of the 2018 top tax rates in Maine.

Ms. Wilson announced several meetings that will take place this week:

May 14 – RSU#26 Public Budget Meeting

May 15 – Police and RSU#26, School Safety – A Shared Responsibility

May 16 – Council Community Development Committee Meeting

May 18 – Orono's Street and Stream Cleanup

13. Adjournment

At 7:58 p.m., Tom Perry moved and Terry Greenier 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