

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

MONDAY, SEPTEMBER 9, 2019 AT 7:00 P.M.

MINUTES

1. Roll Call

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

2. Agenda Review

Ms. Mehnert requested a motion to add Orders 19-164 and 19-165 to the agenda.

Moved by Sam Kunz and seconded by Tom Perry to add Orders 19-164 and 19-165 to the agenda at the end of New Business. All voted in favor, 6-0.

3. Approval of Minutes of June 10, July 8 and July 29, 2019

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

4. Public Hearings

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

Public hearing a. opened at 7:03pm. 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.

John Eden of Oak Street stated he was not against approving the license, but shared concern about parking issues on Oak Street, with regards to needing parking restrictions, road markings and signage.

Dan LaPointe of Kelley Road commented that parking signs should not be a concern for granting the license. Public hearing a. closed at 7:05pm.

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

Public hearing b. opened at 7:06pm. Mr. Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the licenses. No public comments were made. Public hearing b. closed at 7:07pm.

- c. To consider a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono House of Pizza, Inc., 154 Park Street.**

Public hearing c. opened at 7:07pm. Mr. Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the licenses.

Ms. Wilson noted that last year there was a noise complaint and the owners worked to address the issues. The complainant was contacted this year and he has no issues. No other public comments were made. Public hearing c. closed at 7:08pm.

- d. 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 d. opened at 7:08pm. Mr. Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the licenses. No public comments were made. Public hearing d. closed at 7:09pm.

- e. To consider a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Woodman's Brewing Co., d/b/a Orono Brewing Company, 61 Margin Street.**

Public hearing e. opened at 7:09pm. Mr. David Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the licenses. No public comments were made. Public hearing e. closed at 7:10pm.

- f. To consider a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Yama's Inc., dba Yama's Bar & Grill, 19 Mill Street.**

Public hearing f. opened at 7:10pm. Mr. Milan reported that this is a new license in the location formerly known as The Roost. The owners expect to open in October and are requesting a license approval, conditioned upon satisfactory final inspection by the Code Enforcement Officer and Life Safety Inspector.

Dan LaPointe spoke in support of granting the license. Public hearing f. closed at 7:11pm.

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

Public hearing g. opened at 7:12pm. Mr. Milan reported that the Code Enforcement Officer has inspected the facility and it is in full compliance. Staff recommends approval of the license.

Owner Dan LaPointe spoke of the business doing good things in the future. Public hearing g. closed at 7:13pm.

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

Public hearing h. opened at 7:14pm. Mr. Milan reported that the Code Enforcement Officer has inspected the facility and it is in full compliance with State law. Staff recommends approval of the license. No public comments were made. Public hearing h. closed at 7:15pm.

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

Public hearing i. opened at 7:15pm. Mr. Milan reported that the facility had minor violations from the State, but the Code Enforcement Officer reports that the violations have been corrected and it is now in full compliance. Staff recommends approval of the license.

Dan LaPointe commented that Silver's is a premier business in the state and doing a great service for the community. Public hearing i. closed at 7:16pm.

j. To consider an Ordinance Amendment to the Town of Orono Ordinances, Chapter 18 Land Use, Sec. 18-113 Vernal Pools Overlay District, (b) Applicability, approving partial delegated permitting authority for Vernal Pools with conditions.

Public hearing j. opened at 7:17pm. Town Planner Kyle Drexler recapped the Special Area Management Plan (SAMP) program, stating that the Vernal Pools District allows development in growth areas while protecting larger vernal pools. Mr. Drexler reviewed the proposed changes.

Dan LaPointe expressed concerns about placing conditions on construction and taking water rights.

Sue Oberholtzer expressed concerns about destroying vernal pools and the need for a balance between development and the environment.

Susan Whitmore spoke in support of both vernal pools and businesses. Public hearing j. closed at 7:29pm.

k. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-145 Wireless Telecommunications Facilities.

Public hearing k. opened at 7:30pm. Mr. Drexler explained that the amendments to this ordinance will allow for small scale antennas within closed structures and accessory structures to exist. He noted that the changes bring the ordinance up to date with technology.

Dan LaPointe spoke of the importance of grandfathering the use of a communications tower on his property.

Ms. Wilson explained that the ordinance amendment will let telecommunications that are currently not allowed to be allowed. Public hearing k. closed at 7:35pm.

I. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-151 Temporary Markets, and other related sections.

Public hearing l. opened at 7:36pm. Mr. Drexler stated that this is a new ordinance that will formally recognize temporary markets and the standards for their operation. He noted that temporary markets will be allowed in every district with review. Mr. Drexler stated that existing markets will be grandfathered. The performance standards will include: location, setbacks, accessibility, hours and frequency of operation, and allow items that are grown, produced and made by vendor.

No public comments were made. Public hearing l. closed at 7:42pm.

Ms. Wilson noted the next step is for the three ordinance amendments to go to Council Workshop on September 23rd for review and consideration to Council for the October 21st meeting.

5. Acknowledgments by Council Members

Terry Greenier acknowledged the UMaine Women's Field Hockey Team and their recent match with Kent State University that ended early due to an administration decision. He stated that residents have voiced their support to the team.

Meghan Gardner acknowledged an application for an equipment grant from USA Field Hockey FUNDamental Field Hockey with a retail value up to \$700 for Parks & Recreation Field Hockey.

Ms. Gardner acknowledged that school is back in session and the new Hands-Free Law goes into effect this month. She cautioned motorists to put their phone down because it can cause traffic delays and the law will be enforced.

Tom Perry acknowledged Co-chairs Christine Mainella and Gail White for their work on the Beautification Committee. The gardens looked fantastic this year. He noted that Ms. Mainella will be moving to Connecticut and she will be sorely missed. He requested a letter be sent to the co-chairs thanking them for their work on behalf of the Council.

Laurie Osher acknowledged there were several events over the weekend: The Annual Pie in the Sky Road Race which raises funds to support the arts in the schools and the Library's 10th Anniversary Celebration. She thanked everyone involved in the events and acknowledged the work of the Friends of the Orono Public Library and the Orono Public Library Foundation.

Sam Kunz acknowledged the students are back and so is the vitality. He noted several performances that will take place in the community this fall through Some Theater Company, True North Theater and the Orono High School's performance of Little Mermaid. Mr. Kunz also acknowledged that D R Disc Golf just opened and he had a great time playing golf for \$3.

Sophie Wilson acknowledged the wonderful volunteers involved in the Pie in the Sky Race. She noted that the Town of Orono is a sponsor of the race. Ms. Osher commented that the police were very helpful to make sure everyone was safe.

Cindy Mehnert acknowledged that the Orono Bog Boardwalk celebrated the completion of the boardwalk with composite boards. She stated the boardwalk has had over 400,000 visitors and it is a true asset to the community. Ms. Mehnert noted the Town donated funds for the boardwalk.

6. Unfinished Business – None.

7. Consent Agenda

Order 19-140 Order, approving a Victualer’s License for Marsh Island Brewing, LLC, 2 Main Street.

Order 19-141 Order, approving a Class I Malt, Spirituous & Vinous Liquor License and Victualer’s License for Harvest Moon, LLC, 18 Mill Street.

Order 19-142 Order, approving a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer’s License for Orono House of Pizza, Inc., 154 Park Street.

Order 19-143 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 19-144 Order, approving a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Woodman’s Brewing Co., d/b/a Orono Brewing Company, 61 Margin Street.

Order 19-145 Order, approving a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Yama’s Inc., dba Yama’s Bar & Grill, 19 Mill Street, conditioned upon satisfactory final inspection by the Code Enforcement Officer and Life Safety Inspector.

Order 19-146 Order, approving an Automobile Graveyard and/or Junkyard Permit for LaPointe’s Enterprises, Inc., 201 Kelley Road.

Order 19-147 Order, approving an Automobile Graveyard and/or Junkyard Permit for the Town of Orono, off Taylor Road.

Order 19-148 Order, approving an Automobile Graveyard and/or Junkyard Permit to Silver’s Auto Parts Inc, 485 Main Street.

Order 19-149 Order, changing the date of the Regular Council Meeting from October 14 to October 21, 2019 due to the Town's observance of Indigenous Peoples Day.

Order 19-150 Order, proclaiming the week of September 17 through 23, 2019 as Constitution Week in the Town of Orono.

Order 19-151 Order, awarding the Landfill Remediation Project to Whitmore Contracting, Inc. of Holden in the amount of \$25,120 from the Landfill Reserve Account, and to accept 90% reimbursement funds from the Maine Department of Environmental Protection (MDEP) to be placed in the same account.

Order 19-152 Order, confirming the Emergency Repairs to Fire Tower 1 by East Coast Services Center, Inc. of Casco in an amount not to exceed \$8,528.23 paid from the FY20 Fire Department Operating Budget.

Order 19-153 Order, appointing the following Board/Committee Members:

- **Board of Appeals:**
Paula Moore (5-year term, Regular Seat: expiring 2023)
- **Board of Assessment Review:**
Paula Moore (3-year term, Associate Seat: expiring 2021)
- **Tree Board:**
David Olick-Llano (3-year term, Regular Seat: expiring 2021)
- **OTO Fiber Corporation:**
Ray Soucy (3-year term, Regular Seat: expiring 2022)

Order 19-154 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 2, 2019.

Order 19-155 Order, authorizing the Town Manager to apply for and, if awarded, accept equipment from a USA Field Hockey FUNDamental Field Hockey Grant with a retail value of up to \$700 for Parks & Recreation Field Hockey.

Order 19-156 Order, deeming the following personal property taxes assessed Account #698 as uncollectible and authorize the Town Manager to write off the remaining balances for these tax years:

- | | | | |
|---|--------|----------|----------------------------|
| ● | FY2017 | \$422.45 | Northstar Photography, LLC |
| ● | FY2016 | \$512.40 | David Brown |
| ● | FY2015 | \$574.84 | David Brown |

Order 19-157 Order, carrying forward the following FY19 Budget Authorizations related to major projects funded by special reserve accounts:

- **Downtown & Transit Oriented TIF Development Program Reserve**
 - \$276,995 Capital Infrastructure Projects
 - \$22,500 BB Express 4th Quarter Shuttle Payment
- **ME Tech Park Omnibus TIF Development Program Reserve**
 - \$7,952 Fiber Project
- **MBNA Infrastructure Grant Reserve**
 - Account Balance (approx \$38,000) for the Fiber Project
- **Water Pollution Control Facility - Capital Reserve**
 - \$40,000 Headworks Roof Project
- **Water Pollution Control Facility - Sewer Infrastructure Reserve**
 - \$28,500 Kell Street
 - \$55,000 Margin Street
 - \$15,000 Chapel Street (Design)

Moved by Tom Perry and seconded by Sam Kunz to approve the consent agenda. All voted in favor, 6-0.

5. New Business

Order 19-158 Order, authorizing additional Ambulance Box Retrofit Project Costs (including retrofitting the second Ambulance Stretcher Mechanism) of up to \$16,457 to PL Custom d/b/a Sugarloaf Ambulance and Rescue of Wilton be drawn from the Ambulance Reserve Fund.

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

Ms. Wilson stated that Council approved the purchase of a new chassis and retrofit of the existing patient box. Upon further evaluation of the box, it was determined that the patient box needs more body work than anticipated and will also require the box to be repainted and relettered. Staff has also identified the need for the alternate ambulance stretcher mechanism to be retrofit, these items will add \$16,457 to the purchase cost.

Tom Perry stated this item was discussed at the Finance Committee meeting and was recommended for approval.

Order 19-159 Order, awarding a contract for a WPCF Roof on the Headworks Building to Smith Builders Roofing Specialists of Bangor in the amount of \$23,250 for the Roof to be drawn from WPCF Capital Reserve.

Moved by Sam Kunz and seconded by Terry Greenier. All voted in favor, 6-0.

WPCF Superintendent Joe Madigan stated that Smith Builders Roofing Specialists was the low bidder and the bid was well under the \$40,000 budget approved for this project.

Order 19-160 Order, authorizing the Town Manager to reallocate \$15,000 of budget remaining in the WPCF Headworks Roof Project budget line to create a new FY20 Yard Repair Account to address underground repairs at WPCF (60 Broadway).

Moved by Tom Perry and seconded by Laurie Osher. All voted in favor, 6-0.

Mr. Madigan explained that staff has identified a couple of leaks underground in the WPCF yard that need to be excavated and repaired. This repair will be completed by Town staff augmented with outside equipment/labor support. This order seeks to take the remainder of the funds originally approved to be spent from WPCF Capital Reserve for the roof and set them aside to cover the cost of additional inventory, equipment rental, and contract labor expense.

Order 19-161 Order, awarding a contract for WPCF Energy Conservation LED Lighting Project to Wesco Distribution of Bangor in the amount of \$9,527.40 to be drawn from WPCF Capital Reserve; and, further, to authorize the Town Manager to apply for and accept an Efficiency Maine Incentive Rebate estimated at \$4,190.

Moved by Sam Kunz and seconded by Meghan Gardner. All voted in favor, 6-0.

Mr. Madigan explained that the project was included in the budget for LED lighting upgrades at the treatment plant. Wesco Distribution was low bidder. Staff will seek rebates from Efficiency -Maine that will reduce the cost of the project to \$5,337 with a 1.25-year payback.

Susan Whitmore expressed concern about LED lights causing health issues. Mr. Madigan stated he would look into it. Ms. Whitmore stated she would send the information to Mr. Madigan.

Order 19-162 Order, authorizing the Town Manager to: accept the bid of \$2,760 from Joseph and Melissa Reinzo for Tax-Acquired Property located at 30 Island Avenue; execute a Purchase and Sale Agreement detailing conditions related to property clean-up, demolition of the outbuilding, and demolition/renovation of the house; and execute a Quit Claim Deed without Covenant to the awarded bidder upon successful completion of the conditions of sale.

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

Ms. Wilson stated the Town has owned the property for many years. Staff issued the bid notice to sell 30 Island Avenue. The Town received one bidder who asked that the Town allow him to take down the garage, but work with code enforcement to see if, all or a portion of, the house is structurally sound and can be renovated. The Town Attorney has suggested that we utilize a

purchase and sale agreement that details conditions for the sale and transfer ownership to the bidder once the work is complete (and funds received).

The Council discussed various conditions that could be imposed. Ms. Wilson noted that the Town can work with people when effort has been shown. The Council agreed to approve the order as is.

Order 19-163 Order, authorizing the Town Manager to carry forward into the FY2020 municipal budgets the following FY2019 funds up to a total of ~~\$1,009,476.49~~ \$893,608 and budgeted for projects or expenditures that were not completed by the close of the fiscal year (June 30, 2019):

Town Manager	\$	6,975.00	
Assessing	\$	43,480.00	
Police	\$	15,000.00	
Parks & Recreation	\$	7,300.00	
Public Works	\$	18,225.00	
Library	\$	800.00	
Capital Infrastructure	\$	914,196.49	<u>\$798,328</u>
Miscellaneous	\$	3,500.00	
		\$1,009,476.49	<u>\$893,608</u>

Moved and friendly amended by Tom Perry and seconded by Sam Kunz. All voted in favor of the order as amended, 6-0.

Ms. Wilson said that a mistake was made with the original order and offered the correct financial information.

Order 19-164 Order, appointing Joseph Sprecher to the Planning Board to fill an unexpired Associate Member term until April 2022.

Moved by Sam Kunz and seconded by Terry Greenier. All voted in favor, 6-0.

Ms. Mehnert noted that Council interviewed Mr. Sprecher earlier and agreed that he will be a great addition to the Planning Board.

Order 19-165 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 020-003-040, 48 Peters Street, back to the prior owner of record, Estate of Glenna D. Cornett, upon receipt of funds in accordance with the Town's Redemption Policy.

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

Ms. Wilson explained that the Town foreclosed on this property for non-payment of sewer use

fees and has been working with the State of Maine (estate receiver) to resolve this matter. The State has secured a buyer for this property and will pay the Town all funds it is owed (taxes, sewer, interest, lien costs, and 15% administrative fee); however, the funds and deed need to be transferred simultaneously at closing which requires this authorization prior to the receipt of the money.

6. Council Committee/Representative Reports

Comp Plan Implementation Committee – Ms. Gardner reported that the Committee met on August 5th to discuss short term rentals and review draft language that make rentals such as Airbnb legal in Orono.

Orono Historical Society (OHS)– Ms. Gardner reported that OHS met and a reading from Doug Glanville’s book Old Orono Oddments was given. She noted that the Gifts & Collectables sale will be held on October 5th. She encouraged residents to join OHS for \$10 per year.

Community Development Committee – Mr. Kunz reported that the Committee met on July 18th and discussed wireless telecommunication facilities, temporary markets and an audio/video recordings policy.

Finance and Operations Committee – Mr. Perry reported that the Committee met on September 3rd and most of the items were brought forward to this meeting. Other items discussed were an asset forfeiture policy which will be referred to a Council Workshop, the FY20 tax commitment report by the Assessor and a financial report by the Finance Director.

7. Future Agenda Items/Items of Concern

In light of changes to the Town Charter to address gender references, Megan Gardiner suggested changing the Constitution Week proclamation which stated “chairman” to “chairperson”. Council agreed.

Tom Perry requested discussing reducing the amount of agenda packet materials that are sent to Council at the next Council Workshop.

Laurie Osher commented the Town has many committees and values people getting involved. She stated there is a need for an OVWD Board member. She encouraged residents to step up, if interested, and getting involved in the community by contacting the Town Manager.

8. Public Petitions - None

9. Public Comments

Susan Whitmore expressed concern about people listening to police scanners and such for entertainment. She also expressed environmental concerns about radioactive materials from Japan ending up in the ocean.

Laurie Osher stated that MDOT will hold a public meeting on September 26th at 6pm in the Council Chamber to discuss repairs to the Kelley Road bridge.

Stuart Dexter thanked the Council for reducing FY20 property taxes and encouraged them to keep taxes at the same level next year. Mr. Dexter provided Council with a list of Maine communities tax rates for 2018-2019.

10. Adjournment

At 8:49pm, Sam Kunz moved, and Terry Greenier seconded to adjourn. All voted in favor, 6-0.

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