

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

**MONDAY, OCTOBER 21, 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, Cheryl Robertson and Town Manager Sophie Wilson.

**2. Agenda Review**

Ms. Mehnert asked for a motion to take Order 19-180 off the consent agenda and take it up separately. Moved by Tom Perry and seconded by Sam Kunz. All voted in favor, 7-0.

**3. Approval of the Minutes of September 9, 2019**

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

**4. Police Presentation: BOLA Remote Restraint Wrap**

Police Chief Josh Ewing and Police Captain Dan Merrill provided a demonstration of the BOLA remote restraint wrap. He noted that it could assist with a mentally ill person to provide a restraint without hurting the person. Chief Ewing commented that the wrap would be another tool for the officers to use. He explained that the Criminal Justice Academy needs to approve the use of the device and Orono would be the first community to use it.

Ms. Wilson stated the device would be provided to the Town at no cost from the company because Orono would be the pilot for its use.

**5. Public Hearings**

**a. To consider Victualer's Licenses for the following businesses:**

**Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.  
Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue.  
Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.  
Big Shoe, Inc., d/b/a Subway, 10 Stillwater Avenue.**

Public hearing a. opened at 7:16pm. Community Development Director 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 a. closed at 7:17pm.

- b. **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 b. opened at 7:18pm. 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 7:19pm.

- c. **To consider a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License to the University of Maine d/b/a Collins Center for the Arts, 5746 Collins Center.**

Public hearing c. opened at 7:19pm. 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 c. closed at 7:20pm.

- d. **To consider a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, Victualer’s License and Auxiliary License for a Mobile Service Bar for Penobscot Valley, LLC, d/b/a Penobscot Valley Country Club, 366 Main Street.**

Public hearing d. opened at 7:20pm. Mr. Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the licenses.

Mr. Milan described the mobile service bar which provides beverages generally at the 9<sup>th</sup> hole. No public comments were made. Public hearing d. closed at 7:21pm.

- e. **To consider Maine Municipal Association Model General Assistance Ordinance Appendices A-F and H for the period of October 1, 2019 to September 30, 2020 to be in compliance with Title 22, MRSA, Sec. 4305(4).**

Public hearing e. opened at 7:22pm. Ms. Wilson explained that each year municipalities are required to hold a public hearing and adopt appendices to the General Assistance Ordinance. These appendices establish the maximum benefit amounts allowed under the General Assistance Program. She provided details of the program and noted that it is designed to be a 30-day emergency stop gap for residents. Ms. Wilson noted that the Town is reimbursed by the State at 70%. She spoke of the flexibility within the program and the benefit to the community.

Mr. Perry commented that the flexibility makes it a reasonable program. No other public comments were made. Public hearing e. closed at 7:25pm.

## **6. Acknowledgments by Council Members**

Sam Kunz acknowledged that 2020 dog licenses are now available at the Town Office.

Laurie Osher commented that she was pleased to have the citizens attend the Council meeting.

Tom Perry acknowledged the Public Works Department (and specifically Mike Smart) for their excellent job with the cemetery. In addition, he noted that a contractor is restoring some of the old stones.

Meghan Gardner encouraged everyone to get out and vote on November 5<sup>th</sup>. She also commented that North Main Avenue's reconstruction looks great and the new curbing change will make the intersection safer.

Cheryl Robertson also acknowledged that the cemetery looks beautiful, including the restored stones. She thanked everyone involved.

Terry Greenier acknowledged the recent Maine Municipal Association Conference and noted that it was very good and informative. He noted that Maine will be celebrating its bicentennial next year. Mr. Greenier congratulated the University of Maine for finishing #2 in the country (Division 1) and #1 in New England for the 2019 Outdoor Campus Community Challenge.

**7. Unfinished Business – None.**

**8. Consent Agenda**

**Order 19-166 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.**

**Order 19-167 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue.**

**Order 19-168 Order, approving a Victualer's License for Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.**

**Order 19-169 Order, approving a Victualer's License for Big Shoe, Inc., d/b/a Subway, 10 Stillwater Avenue.**

**Order 19-170 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 19-171 Order, approving a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to the University of Maine d/b/a Collins Center for the Arts, 5746 Collins Center.**

**Order 19-172 Order, approving a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, Victualer's License and Auxiliary License for a Mobile**

**Service Bar for Penobscot Valley, LLC, d/b/a Penobscot Valley Country Club, 366 Main Street.**

**Order 19-173 Order, approving the Maine Municipal Association Model General Assistance Ordinance Appendices A-F and H for the period of October 1, 2019 to September 30, 2020 to be in compliance with Title 22, MRSA, Sec. 4305(4).**

**Order 19-174 Order, changing the date of the Regular Council Meeting from November 11 to November 18, 2019 due to the Town's observance of Veterans Day.**

**Order 19-175 Order, setting the hours of voting as 7 a.m. to 8 p.m. and the polling place as the University of Maine New Balance Field House in Ward 1, Precincts 1, 2 and 3 for the November 5, 2019 Referendum Election.**

**Order 19-176 Order, changing the hours that the Registrar will accept registration of applicants who appear in person as follows: On the last five business days during normal business hours before the November 5, 2019 Referendum Election [MRSA 21A, Sec. 122.6A(2) and Sec. 122.8] (Mon-Wed 8am-4:30pm, Thurs 10am-6pm, Fri 8am-2pm).**

**Order 19-177 Order, approving the Town Clerk's appointment of Sophia L. Wilson, Belle A. Ryder, Cynthia Mehnert, Geoffrey Gordon, Suzanne Gordon and Patricia Davis as Wardens for the November 5, 2019 Referendum Election.**

**Order 19-178 Order, setting November 18, 2019 at 7:00 p.m. as the date for a public hearing on the Ordinance Opting In and Regulating certain Adult Use and Medical Marijuana Commercial Activities.**

**Order 19-179 Order, authorizing a budget adjustment of \$95,000 to be reallocated from the Route 2 Culvert Project to the Overlay Budget.**

*(Order 19-180 taken up under New Business.)*

**Order 19-181 Order, authorizing the Town Manager to carry forward the authorization to expend up to \$10,000 from the FY19 Budget to the FY20 Downtown TIF Budget to complete the Keith Anderson Community House Assessment.**

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

## 9. New Business

### **Order 19-182 Resolve, Urging the United States Congress to Take Action Regarding Climate Change.**

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

Ron Davis commented that this is a broad ranging issue regarding climate change and the environment and he commended Council on taking action on a higher level.

Councilors spoke in support of the need to have Congress take action regarding climate change. Ms. Robertson expressed concern regarding a tax effect on low income people. Ms. Mehnert expressed concern as to whether a carbon fee was the answer. But, all Councilors agreed that the issue of climate change needs to be addressed.

*(Order 19-180 taken up separately from the Consent Agenda.)*

### **Order 19-180 Order, authorizing the Town Manager to file a Waiver of Foreclosure of a 2018 Property Tax Lien filed at the Penobscot Registry of Deeds against Tracey Smith for taxes outstanding on a building located at 2 Austin Drive (Acct #1079/ Map 019-003 Lot 040-02).**

Moved by Meghan Gardner and seconded by Cheryl Robertson. All voted in favor, 7-0.

### **Order 19-183 Order, approving 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.**

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

Town Planner Kyle Drexler stated that this is the final step in the process. He noted that the amendment revision is required to comply with conditions placed upon the Town by the Department of Environmental Protection (DEP) as part of its approved delegated regulatory authority.

### **Order 19-184 Order, approving Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-145 Wireless Telecommunications Facilities.**

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

Mr. Drexler stated that this is the final step in the process. He noted that this amendment to the ordinance brings it up to date with wireless technology and allows antennas in accessory uses.

**Order 19-185 Order, approving Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-151 Temporary Markets, and other related sections.**

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

Mr. Drexler stated that this is the final step in the process. He noted that this amendment addresses the uniqueness of temporary markets.

**Order 19-186 Authorizing the Pool Repair Project with Copia Specialty Contractors, Inc. in the amount of \$10,000 to be drawn from the Building Maintenance Funds.**

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

Parks and Recreation Director Mitch Stone stated that a leak in the below grade pit at the pool has been identified. Staff recommends addressing the leak by sealing the pit box at a cost of \$10,000. He noted that Copia Specialty Contractors, Inc. has worked with WPCF and is able to address the issue right away.

Mr. Perry commented it was discussed at the Finance Committee meeting and unanimously recommended for approval.

**10. Council Committee/Representative Reports**

**Orono Historical Society (OHS)**– Ms. Gardner reported that OHS met on October 2<sup>nd</sup> and Gifts & Collectibles Sale raised \$500. She noted that OHS will attend the Hampden Historical Society’s meeting on November 6<sup>th</sup>. She encouraged residents to join OHS for \$10 per year.

**Comp Plan Implementation Committee** – Ms. Gardner reported that the Committee met on October 7<sup>th</sup> to discuss the short-term rentals inspection process which was referred to the Council Workshop. An update was given on the Sailor Development Public Meeting which included looking at options for development.

**Natural Resources of Maine** – Ms. Robertson reported on the State of Maine plan to have companies pay a fee for package recycling. Details of the program will be discussed at a future committee meeting.

**Finance and Operations Committee** – Mr. Perry reported that the Committee met on October 10<sup>th</sup> and most of the items were brought forward to this meeting. Other items reviewed were the Town’s investment portfolio and the financial reports.

**MMA Natural Resources Program** – Ms. Osher spoke of Vernal Pools SAMP program which can receive funds from developers that affect wetlands to be used to purchase other lands.

**Community Development Committee** – Mr. Kunz reported that the Committee met on September 19th and discussed the parking ordinance, regulations for mobile food vendors and branding Orono through signage.

#### **11. Future Agenda Items/Items of Concern**

Sam Kunz commented that Councilor should make sure to be appointed by Council before officially representing Council on boards/committees.

#### **12. Public Petitions** – None.

#### **13. Public Comments**

Ms. Wilson stated that Mill Street will be closed on October 31<sup>st</sup> from 3-6pm for the Truck or Treat festivities.

#### **14. Adjournment**

At 8:00pm, Tom Perry moved, and Sam Kunz 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](http://www.orono.org).

Respectfully submitted,

Nancy W. Ward  
Executive Assistant