

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

MONDAY, MARCH 8, 2010 AT 7:30 P.M.

MINUTES

1. Roll Call

Present: Council Chair Geoffrey Gordon, Cindy Mehnert, Tom Spitz, Lianne Harris, Judy Sullivan, and Town Manager Catherine Conlow. Absent: Mark Haggerty and Tom Perry

2. Approval of minutes of February 8 and February 17, 2010

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 5-0.

3. Public Hearings

- a. To consider a Victualer's License for Miralam K. Mohmand d/b/a Orono Thriftway, 153 Park Street.**

Public hearing a. opened at 7:30 p.m. Ms. Conlow reported that an inspection was performed on February 23, 2010 by the Code Enforcement Officer and the Fire Inspector. The Code Enforcement Officer reports that the work to upgrade the electrical system in the building is proceeding according to Code. No other violations were found. Evidence of a grease trap in the kitchen could not be found, but the owner has agreed to install one.

Ms. Conlow stated that the staff is recommending approval with the following conditions: that the electrical repairs be completed according to Code by no later than April 1, 2010, and that an approved grease trap be installed by no later than June 1, 2010.

No comments from the public were made. Public hearing a. closed at 7:32 p.m.

- Order 10-34 Order, approving a Victualer's License for Miralam K. Mohmand d/b/a Orono Thriftway, 153 Park Street.**

Moved by Lianne Harris and seconded by Cindy Mehnert and friendly amended by Tom Spitz to approve the license with the following conditions: that the electrical repairs be completed according to Code no later than April 1, 2010, and that an approved grease trap be installed no later than June 1, 2010. All voted in favor of the motion as amended, 5-0.

- b. To consider a Class I – Club Malt, Spirituous & Vinous Liquor License and Special Amusement Permit for Music, Dancing and Entertainment for O. H. M. H. American Legion Post #84, 156 Park Street.**

Public hearing b. opened at 7:34 p.m. Ms. Conlow reported that an inspection was performed on February 25, 2010 by the Fire Inspector and on February 17, 2010 by the Code Enforcement Officer.

No violations were found.

The Code Enforcement Officer reports that there is a grease trap in the kitchen and they have agreed to maintain appropriate records. The staff is recommending approval.

No comments from the public were made. Public hearing b. closed at 7:35 p.m.

Order 10-35 Order, approving a Class I – Club Malt, Spirituous & Vinous Liquor License for O. H. M. H. American Legion Post #84, 156 Park Street.

Moved by Cindy Mehnert and seconded by Lianne Harris. All voted in favor, 5-0.

Order 10-36 Order, approving a Special Amusement Permit for Music, Dancing and Entertainment for O. H. M. H. American Legion Post #84, 156 Park Street.

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 5-0.

c. To consider a Class XI – Restaurant/Lounge Malt, Spirituous and Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Stillwater Brewing Co. d/b/a Bear Brew Pub, 36 Main Street.

Public hearing c. opened at 7:36 p.m.

Ms. Conlow stated that Mr. Bence is the new owner of the Bear Brew Pub. She reported that an inspection was performed by the Code Enforcement Officer and Fire Marshal on February 23, 2010 and some minor violations of the state electrical code were found. New signage is needed on the doors to the restrooms. Evidence of a grease trap in the kitchen was not found. These issues were discussed with Mr. Bence and it is his intention to make the necessary upgrades and repairs to the building by March 15, 2010. Mr. Bence is not intending to use the third floor.

The staff is recommending approval conditioned on a Certificate of Occupancy inspection being performed and the following conditions being met no later than March 15, 2010: That all electrical repairs be completed according to Code; that an approved grease trap be installed; and that new signage be installed on the Mens’ and Ladies’ restrooms.

Mr. Bence stated that most of the repairs have been completed, the facility has been cleaned and changes have been made. He commented that he intends to open around April 1, 2010. He stated that his future plans include opening up the front entrance and installing a well-lit boardwalk in the alleyway.

Ms. Mehnert asked if Mr. Bence has the same egress requirements as the prior owner. Ms. Conlow commented that the requirements are not the same because it is all one business and does not require a separate egress.

Mr. Gordon asked about Mr. Bence’s resources in serving alcohol. Mr. Bence stated that he has hired someone to run the bar that has worked at the Bear Brew before. He assured the Council that it will be run well. Mr. Gordon and Ms. Conlow noted resources available through the University and the River Coalition.

Public hearing c. closed at 7:46 p.m.

Order 10-37 **Order, approving a Class XI – Restaurant/Lounge Malt, Spirituous and Vinous Liquor License for Stillwater Brewing Co. d/b/a Bear Brew Pub, 36 Main Street.**

Moved by Cindy Mehnert and seconded by Lianne Harris. All voted in favor, 5-0.

Order 10-38 **Order, approving a Special Amusement Permit for Music, Dancing and Entertainment for Stillwater Brewing Co. d/b/a Bear Brew Pub, 36 Main Street.**

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 5-0.

Order 10-39 **Order, approving a Victualer’s License for Stillwater Brewing Co. d/b/a Bear Brew Pub, 36 Main Street.**

Moved by Lianne Harris and seconded by Cindy Mehnert and friendly amended by Judy Sullivan to approve the license conditioned on the work being completed no later than March 15, 2010 or a Certificate of Occupancy being obtained from the Code Enforcement Officer. All voted in favor of the motion as amended, 5-0.

d. To consider the Conveyance of Real Estate and Personal Property to RSU #26.

Public hearing d. opened at 7:47 p.m.

Ms. Conlow stated that under the new State law, the RSU #26 is no longer a department of the town and the properties related to the provision of education are required to be placed under the control of RSU #26. After several meetings with school officials, the boundaries and conditions of the transfer were established. Ms. Conlow described the boundaries of the property. She noted that the properties are required to be maintained in good repair. If the property is discontinued for educational purposes it is offered back to the town and the town has the right to accept or refuse.

Attorney Tom Russell further explained the two types of Release Deeds. The Release Deed he recommended was the Fee Simple Subject to a Condition Subsequent. This type of deed gives the Town the right to the property should the RSU cease to use it for educational purposes, but it also gives the Town the option to refuse to take the property.

Ms. Conlow stated that the town retains easements and rights to use trails and facilities which are described in the deed and the survey.

Dan LaPointe expressed concerns about the town giving away its property and interests to the RSU. He commented that the town needs an oversight committee and that the transfer of property should not take place without a vote of the people.

Public hearing d. closed at 7:59 p.m.

Order 10-40 Order, approving conveyance of real estate used for educational purposes to RSU #26 and authorizing the Town Manager to sign and execute the Release Deed (Fee Simple Subject to a Condition Subsequent).

Moved by Cindy Mehnert and seconded by Lianne Harris. All voted in favor, 5-0.

Ms. Conlow commented that this transfer was discussed at length with the RSU Board and was included in the RSU vote.

Ms. Sullivan commented that she originally felt the property should revert back to the town without any conditions. However, she noted that if the RSU knows we do not have to take it back there is more accountability.

Tom Spitz presented a scenario that if the property was contaminated in the future, the town would have the option of taking it back versus automatically taking it back.

Ms. Conlow noted that the town was not signing off on its interests with the easements and unlimited access to the property.

Attorney Russell explained that if the town did not want the property back, any building/land sale would require the town to release its interest. Ms. Conlow stated that this position is stronger than a first refusal.

Geoff Gordon thanked Attorney Russell for presenting the best possible control for the town in the future.

Order 10-41 Order, approving conveyance of tangible personal property used for educational purposes to RSU #26 and authorizing the Town Manager to sign and execute the Bill of Sale.

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 5-0.

Ms. Conlow stated that this order conveys to RSU#26 all the contents of the schools, such as the school equipment, desks, chairs, computers, etc.

4. Acknowledgments by Council Members

Lianne Harris thanked the Councilors for running and encouraged residents to get out and vote tomorrow.

Tom Spitz encouraged residents to vote tomorrow and noted that he is running again. He commented that he usually thanks Public Works for snow removal this time of year, but there is not any snow.

Judy Sullivan encouraged residents to vote tomorrow. She also encouraged residents to attend the RSU#26 budget meetings which are open to the public. Ms. Sullivan noted that she has been on the Council for a year and has enjoyed it and has found it interesting.

Geoff Gordon acknowledged that there are several new businesses opening in town and he thanked

them for their interest in the community. He also acknowledged the opening of the new Islamic building on Saturday and wished them well.

Mr. Gordon announced that all voting for the Municipal Election will be held tomorrow in the Council Chambers from 7:00 a.m. to 8:00 p.m.

5. Unfinished Business - None

6. Consent Agenda

Order 10-42 Order, setting April 12, 2010 at 7:30 p.m. as the date for a public hearing to consider amendments to the Ordinances of the Town of Orono, Chapter 18, Land Use, Article V. Performance Standards, Section 18-149. Domesticated Chickens, and related sections.

Order 10-43 Order, appointing the following to the Rental Property Advisory Committee: Owners/agents of rental units (3-year terms): Keith Manaker, Scott Thomas, Dennis Cross and Chad Bradbury; Two students/tenants of rental units (1-year terms) – supplied by the University; Owner/occupant of an MDR District (3-year terms): Brian Molloy; UMaine Representative: Barbara Smith; one representative from the Police Department and one representative from the Fire Department.

Order 10-44 Order, committing a true list of sewerage service assessments to Wanda J. Thomas, Treasurer, in the amount of \$130,065.36.

Moved by Cindy Mehnert and seconded by Lianne Harris to approve the consent agenda. All voted in favor, 5-0.

7. New Business

Representative Emily Cain gave an update on the State budget projections. She spoke of the economic challenges and uncertainties affecting General Purpose Aid to Education. She estimated the FY2011 loss to the Town of Orono at \$500,000. She noted that a restoration of \$69,000 is expected for Orono. Rep. Cain stated that communities that came together as RSUs will be given time to find cost savings and efficiencies.

Ms. Conlow asked if the issue of school choice has been discussed. Rep. Cain commented that it has not been discussed yet. She noted that the first step is to get all the school units to come into conformity with the law.

Cindy Mehnert asked what the anticipated decrease in RSU#26 funding was going to be. Rep. Cain commented that it was \$496,000 for the whole RSU.

Order 10-45 Order, approving amendments to the Ordinances of the Town of Orono, Chapter 18, Land Use, implementing the March 2009 Addendum to the Comprehensive Plan (Forestry & Agriculture Zoning District).

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 5-0.

Planner Evan Richert commented that the document before Council represents a three year effort involving the Rural Zoning Working Committee, an amendment to the Comprehensive Plan, and amendments to the Town Ordinances and Zoning Map changes. He noted that this is the final action to be taken by Council.

When asked by Mr. Gordon, Mr. Richert commented that the amendments have no effect on the Shoreland Zone.

Lianne Harris thanked Mr. Richert and the committee members for the enormous amount of work and time that was contributed.

Dan LaPointe commented that it is not a good plan for the long term. He noted that the amount of land set aside for development in the F&A Zone is too great. He urged Council to table this item. He felt it is not in the town's best interest and violates the Hatch Act.

Geoff Gordon stated for the record that Mr. LaPointe's views are his own opinion and there has been no violation of the Hatch Act.

Judy Sullivan stated that there has been a lot of discussion on these changes and this is a well thought out series of amendments. She also stated that nothing is forever and if the Council desires, changes can be made in the future.

Order 10-46 Order, approving an Online Registration Payment program for the Parks and Recreation with applicable fees to be drawn from the Parks and Recreation operating budget and authorizing the Treasurer to open an account with Camden National Bank for the purpose of receiving the payments.

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 5-0.

Norm Poirier stated that the Parks and Recreation website and registration program has been up and running for about eight months and has been successful. The Department would like to move into the next phase of the program which is to allow for online payments and direct deposits into the Town's specific program account.

Ms. Conlow stated that this is an experimental phase that can be elaborated on in the future with online car renewals and such. She commented that the staff will keep an eye on how the program is going and report back to Council.

Mr. Gordon asked how the program will be monitored and how feedback will be obtained. Mr. Poirier stated that the program will allow for detailed monthly reporting.

Ms. Sullivan commented that she would like to see if it is cost effective and improves the payment rate.

8. Future Agenda Items/Items of Concern

Judy Sullivan stated that she is looking forward to the budget process. She commented on the need to establish priorities and determine what we can do without.

Cindy Mehnert invited community input to the Council through the budget season.

Tom Spitz commented that the loss in revenues from the state equates to about 15%. He noted that he is glad to hear that the RSU is looking at their budget seriously.

Lianne Harris commented that the “Welcome to Orono” sign on Kelley Road is not legible and needs to be replaced or taken down. Ms. Conlow stated that the Public Works Director is working on replacing the sign.

9. Public Petitions - None

10. Public Comments

Dan LaPointe of 201 Kelley Road stated that Gary Parent of Renaissance Signs did the signs in the past.

Paul Melanson of 91 Stillwater Avenue requested that Council change the discharge of firearms boundaries to allow him to discharge a shotgun on his property for duck hunting. He commented that his rights are being denied on his own property and he would like to start the process to make changes. Ms. Conlow stated that she will need to talk with the town’s attorney.

Geoff Gordon requested that citizens write letters of appreciation to their Congressional Delegation thanking them for the pilot program that has moved the heavy weight trucks off our local roads and onto I-95.

11. Adjournment

At 9:05 p.m., Lianne Harris moved and Cindy Mehnert seconded to adjourn. All voted in favor, 5-0.

Minutes are not verbatim. A tape-recorded version is available in the Town Office.

Respectfully submitted,

Nancy W. Ward
Administrative Assistant