

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

MONDAY, APRIL 12, 2010 AT 7:30 P.M.

MINUTES

1. Roll Call

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

2. Election of Chairman

Moved by Tom Spitz and seconded by Cindy Mehnert to nominate Geoffrey Gordon as Council Chair. All voted in favor, 6-0.

3. Approval of minutes of March 8 and March 15, 2010

Moved by Tom Spitz and seconded by Cindy Mehnert. All voted in favor, 6-0.

4. Presentation by A4 Architects of Concept Drawings for the Katahdin Site

A4 Architects presented a Powerpoint of their concept drawings for the Katahdin site. They presented two drawings that were labeled the yellow and blue scheme. The yellow scheme has a prominent component on the corner with a repetitive design down Bennoch Road. It has two-three floors (28,000 sq. feet) with a drive through and 40-50 parking spaces in the back. The blue scheme is larger (34,000 sq. feet) with a plaza style and u-shape with five separate buildings. It has a walk-through area with underground parking with 60 parking spaces.

Ms. Conlow reminded everyone that these are concept drawings of what could be, not what is actually going to be built. Tom Perry commented that he was impressed with the possibilities.

5. Public Hearings

a. To consider a Victualer's License for Stillwater One Stop, 10 Stillwater Avenue.

Public hearing a. opened at 8:22 p.m. Code Enforcement Officer Bill Murphy reported that an inspection was performed on April 2, 2010 and no violations were found. He noted that since all food sold by this store is prepared and packaged off site and there is no seating inside, they are not required to have a grease trap. No comments from the public were made. Public hearing a. closed at 8:23 p.m.

**Order 10-48 Order, approving a Victualer's License for Stillwater One Stop,
10 Stillwater Avenue.**

Moved by Tom Perry and seconded by Cindy Mehnert. All voted in favor, 6-0.

- b. To consider a Class XI - Malt, Spirituous and Vinous Liquor License, Victualer's License and Special Amusement Permit for Music, Dancing & Entertainment for Woodman's Bar & Grill, 31 Main Street.**

Public hearing b. opened at 8:24 p.m. Code Enforcement Officer Bill Murphy reported that an inspection was performed on March 30, 2010 and no violations were found. He noted that they have a grease trap installed and are maintaining the records.

Owner Abe Firth thanked Police Detective Whitehouse for training his new employees. Mark Haggerty thanked Mr. Firth for having a safe business with a positive environment. No other public comments were made. Public hearing b. closed at 8:26 p.m.

- Order 10-49 Order, approving a Class XI - Malt, Spirituous and Vinous Liquor License for Woodman's Bar & Grill, 31 Main Street.**

Moved by Tom Perry and seconded by Cindy Mehnert. All voted in favor, 6-0.

- Order 10-50 Order, approving a Victualer's License for Woodman's Bar & Grill, 31 Main Street.**

Moved by Tom Spitz and seconded by Cindy Mehnert. All voted in favor, 6-0.

- Order 10-51 Order, approving a Special Amusement Permit for Music, Dancing & Entertainment for Woodman's Bar & Grill, 31 Main Street.**

Moved by Cindy Mehnert and seconded by Tom Perry. All voted in favor, 6-0.

- c. To consider a Class I – Restaurant/Lounge – Malt, Spirituous & Vinous Liquor License for Chou Enterprises, d/b/a China Garden, 6 Stillwater Avenue.**

Public hearing c. opened at 8:27 p.m. Code Enforcement Officer Bill Murphy reported that an inspection was performed on April 2, 2010 and no violations were found. He noted that they have a grease trap installed although it is not required for the liquor license inspection. Ms. Conlow commented that the business has worked hard in the past couple of years to install a grease trap. No other public comments were made. Public hearing c. closed at 8:29 p.m.

- Order 10-52 Order, approving a Class I – Restaurant/Lounge – Malt, Spirituous & Vinous Liquor License for Chou Enterprises, d/b/a China Garden, 6 Stillwater Avenue.**

Moved by Tom Perry and seconded by Cindy Mehnert. All voted in favor, 6-0.

- d. 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.**

Public hearing d. opened at 8:30 p.m. Code Enforcement Officer Bill Murphy stated that the primary purpose of the ordinance is to recognize a greater public interest in locally grown food and to be more permissive to households that want to produce food for their own consumption while protecting the interest of people living in the MDR district. He gave an overview of the main provisions of the proposed ordinance. He noted that complaints will be logged and the ordinance will be reviewed in one year.

Bess Koffman commented that the ordinance is a great idea. She noted that she grows her own food when she can, which helps with their health and budget. Eric DeSilva stated he was also in favor of the ordinance and thanked the Council for considering it.

No one spoke in opposition to the ordinance amendments.

Ms. Sullivan confirmed that the chicken pen setbacks are to follow the requirements in Section 18-106, but in no case be closer than 10 feet. In section i. Feed and Water, Ms. Sullivan clarified that the language should read, "...appropriate access to feed ~~at all times~~..." Ms. Sullivan also noted that Section 18-124 references all districts and should not affect areas such as the F&A. Ms. Mehnert suggested adding, "except domesticated chickens in the MDR, ..." Ms. Conlow commented this will be corrected so as not to affect the other districts.

Public hearing d. closed at 8:38 p.m.

6. Acknowledgments by Council Members

Mark Haggerty acknowledged that there are several town employees that are out of work for various illnesses and he wished them a speedy recovery.

Tom Perry acknowledged Town Manager Conlow for serving as president of the Maine Town and City Managers Association.

Tom Spitz acknowledged the election clerks for serving and thanked them for their important role for the elections.

Cindy Mehnert acknowledged the Public Works crew for taking the boards off Ferry Hill bridge. She commented that spring is here. She also acknowledged the five Destination Imagination teams and the success of one of the teams in winning first place and going on to the national competition. She noted that the Debate Team and the Speech Team are also going on to nationals.

Geoff Gordon acknowledged Maria Weinberger for organizing Orono's part in the Hike for the Homeless. He announced that the annual Stream Cleanup will take place on May 15, 2010 and encouraged volunteers to call the Town Office to participate.

7. Unfinished Business - None

8. Consent Agenda

**Michael Morcom
Christine Daniels
Dorothy Griffin**

**Janet Rourke
Barbara Nichols
Louise Libby**

Order 10-60 Order, Certifying Benefit Assessment Installment Payments for Outer Forest Avenue Sewer Main Project:

The Orono Town Council, in its capacity as the municipal officers of the Town of Orono hereby certifies that the following installment payment on the benefit assessments for the Forest Avenue Sewer Extension Project is due to be paid to the tax collector on or before May 15, 2010:

Name of Owner(s) Against Whom Assessment is Made	Lot/Parcel of Land Assessed (Tax Map Lot No.)	Installment Amount Due
Kimberly D. Taylor	Map 19-3, Lot 33	\$586.99

Any installment not paid by the due date shall be subject to a special tax, equal to the amount of the total unpaid assessment. This certification shall be filed with the tax collector for collection.

Order 10-61 Order, setting May 10, 2010, 7:30 p.m., as the date for a public hearing to consider an amendment to the Ordinances of the Town of Orono, Chapter 18 Land Use, Sec. 18-102 Zoning Map, to clarify policy that Shoreland Districts function as an Overlay of Townwide Districts.

Order 10-62 Order, setting May 10, 2010, 7:30 p.m., as the date for a public hearing to consider a Proposed Zoning Map Amendment to Shoreland property at 20 Water Street.

Order 10-63 Order, setting May 10, 2010, 7:30 p.m., as the date for a public hearing to consider a Proposed Zoning Map Amendment to Shoreland property at 5 Shore Drive.

Order 10-64 Order, setting May 10, 2010, 7:30 p.m., as the date for a public hearing to consider a Proposed Zoning Map Amendment to Shoreland property at 74 Mill Street.

Order 10-65 Order, setting May 10, 2010, 7:30 p.m., as the date for a public hearing to consider a Proposed Zoning Map Amendment to Shoreland property at 5 College Avenue.

Order 10-66 Order, committing a true list of sewerage service assessments to Wanda J. Thomas, Treasurer, in the amount of \$127,188.24.

Moved by Cindy Mehnert and seconded by Judy Sullivan to approve the consent agenda. All voted in favor, 6-0.

Mr. Gordon read the orders relating to public hearings that are scheduled for May 10, 2010.

9. New Business

Order 10-67 Order, authorizing the purchase of an ICOP In-Car Camera System in the amount of \$6,210 to be drawn from the Police Department Cash Capital.

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

Police Chief Duquette explained that he would be replacing the server and getting four cameras replaced under an extended warranty. He commented that this system is very important for evidence. He noted that he would be using remain funds from the current budget.

Order 10-68 Order, authorizing the Town Manager to sign and execute an extension of the Agreement dated April 15, 2009, between the Town of Orono and Deep Cove II relating to Webster Mill, to June 30, 2010.

Moved by Tom Perry and seconded by Cindy Mehnert. All voted in favor, 6-0.

Evan Richert stated that the due diligence agreement regarding the Webster Mill Site expires April 30, 2010. He noted that good progress is being made and Deep Cove is pursuing an option agreement to acquire the property. A first draft of the option agreement should be before the Community Development Committee on April 21, 2010.

Order 10-69 Order, authorizing the Town Manager to sign and execute an additional six month extension to the Tolling Agreement, dated November 2009, between the Town of Orono and Robert Dudley, Jr. and Jennifer Whitney-Dudley concerning Redevelopment of a Nonconforming Land Use on a parcel identified as Tax Map 27-002 Lot 51.

Moved by Cindy Mehnert and seconded by Judy Sullivan. All voted in favor, 6-0.

Mr. Richert stated that the extension will give the Dudleys and adjacent property owners time to talk about a unified development plan for the site. He noted that good progress has been made but at least another 6 months is needed for discussions.

Order 10-70 Order, authorizing the Town Manager to sign a contract with Sewall Co. of Old Town in the amount of \$19,000 (\$15,000 to be drawn from the Planning and Code Enforcement and \$4,000 from the Assessor's budget) for mapping services.

Moved by Cindy Mehnert and seconded by Tom Perry. All voted in favor, 6-0.

Mr. Richert explained that the Sewall Company will convert the Town's digital tax map data into an ESRI geodatabase, develop a web hosting service so that map layering information will be available online (including a layer of data for the Rental Registration program), and create a digitized zoning layer to precisely overlay the property tax maps. He noted that Sewall Co. will host the information and give the public access to the resources.

Mr. Richert answered Councilors' questions by stating that it will be a three month timeframe to initiate, the Rental Registration fees are more than enough to fund a portion of the project, the public can access the information through the internet at the public library if they do not have a computer and the information will be much more reliable than the paper maps. He noted that Ruth Vaughan and he will review the data map by map and the SHAPE files from EMDC will be give to Sewall Co. to incorporate.

Geoff Gordon asked about the legal zoning lines. Aaron Weston of Sewall stated that the tax maps are not a legal document for boundaries; a survey is necessary to be legally binding.

Mr. Gordon asked about security of the system. Mr. Richert stated there will be a firewall petition for public viewing. Mr. Gordon asked whether existing easements and such would be converted to the digitized GIS format. Mr. Richert commented that it would be too costly to record information from the past, but new information during Planning Board site plan review (CAD files) can be input. Mr. Richert noted that all the current files that exist for floodplain, wetlands, vernal pools, sewer/stormwater, trails, etc will be added.

Order 10-71 Order, accepting a bid for a Trailer Mounted Sewer Cleaner to J. F. McDermott Corporation of Whitman, MA in the amount of \$45,490 less a trade-in allowance of \$6,000 for a net price of \$39,490 to be drawn from the WPCF budget.

Moved by Cindy Mehnert and seconded by Tom Perry. All voted in favor, 6-0.

Ms. Conlow stated that \$50,000 was budgeted for this sewer cleaner. Five bids were sent out and three were received. She noted that the demo model was the best deal with the same warranty as a new machine, a \$6,000 trade in allowance and a 20-year life expectancy.

Order 10-72 Order, transferring \$598,770 to RSU #26 in the following manner: \$200,000 being allocated for Mill Rate Reduction for Orono for the fiscal year beginning July 1, 2010; and \$200,000 allocated for Mill Rate Reduction for Orono for the fiscal year beginning July 1, 2011; and the remaining balance including accrued interest to Mill Rate Reduction for Orono for the fiscal year beginning July 1, 2012.

Moved by Tom Perry and seconded by Cindy Mehnert. All voted in favor, 6-0.

Ms. Conlow introduced Assistant School Superintendent Doug Smith as the Interim School Superintendent for RSU#26 as of July 1, 2010. Mr. Smith spoke of his 25 years of experience and his desire to work openly with the Council.

Order 10-73 Order, accepting the Audit Report for Fiscal Year Ending June 30, 2009.

Moved by Tom Perry and seconded by Cindy Mehnert. All voted in favor, 6-0.

Ms. Conlow stated that Auditors from Purdy Powers and Company work closely with the town staff to produce the audit. She noted that this past year the school portion took longer to review because of the

separation from the town. She noted that the audit was clean.

Mr. Gordon commented that Council received a glowing report of the dedicated staff.

**Order 10-74 Order, appointing all Council members to the standing Council committees with the following members serving as chairpersons:
Finance/Administration – Tom Perry; Community Development – Cindy Mehnert; and Operations - Tom Spitz.**

Moved by Tom Spitz and seconded by Judy Sullivan. All voted in favor, 6-0.

10. Future Agenda Items/Items of Concern

Ms. Conlow announced that there will be no budget meeting on April 14, 2010.

Mark Haggerty asked if there was a lesser designation that the Town could get from MDOT after being denied a school zone designation across Route 2. Ms. Conlow said she would check into it.

Mr. Haggerty asked about clarification of the snow removal expenses. Ms. Conlow noted that some of the added expense is from stockpiling supplies.

Mr. Haggerty asked about clarification of the library facility expenses being lower. Ms. Conlow stated she would report back after reviewing it.

Mr. Haggerty asked why there was \$130,000 in uncollected ambulance fees. Ms. Conlow stated that Medicare reimbursements have been slow and ambulance calls are down. She noted that she is looking into it with the Fire Chief and will get back to Council.

11. Public Petitions - None

12. Public Comments - None

13. Adjournment

At 9:35 p.m., Tom Spitz moved and Cindy Mehnert seconded to adjourn. All voted in favor, 6-0.

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

Respectfully submitted,

Nancy W. Ward
Administrative Assistant