

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

MONDAY, NOVEMBER 8, 2010 AT 7:00 P.M.

MINUTES

1. Roll Call

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

2. Approval of minutes of October 18, October 27, and November 1, 2010

Moved by Lianne Harris and seconded by Tom Perry to approve the minutes. All voted in favor, 7-0.

3. Public Hearings

a. To consider a Class I – Malt, Spirituous & Vinous Liquor License for Farnsworth Enterprises, Inc., 11 Mill Street.

Public hearing a. opened at 7:01 p.m. Ms. Conlow stated that all the inspections were performed, no violations were found and the staff is recommending approval. No public comments were made. Public hearing a. closed at 7:02 p.m.

Order 10-214 Order, approving a Class I – Malt, Spirituous & Vinous Liquor License for Farnsworth Enterprises, Inc., 11 Mill Street.

Moved by Tom Perry and seconded by Lianne Harris. All voted in favor, 7-0.

Councilors asked about their Victualer's license and grease trap status. Ms. Conlow stated that the Victualer's license renewed in May 2010 and there were no issues with the grease trap.

b. To consider a request for conditional zoning by the Town of Orono and Developers Collaborative Predevelopment, LLC for the property located at 5 Shore Drive, Tax Map 28-1 Lot 35, to change the zoning from Medium Density Residential (MDR) to High Density Residential (HDR) and thereby amend the Ordinances of the Town of Orono, Chapter 18 Land Use, by adding Section 106-A Conditional Use Districts, "Webster Mill High-Density Residential District".

Public hearing b. opened at 7:04 p.m.

Mr. Richert presented information on the conditional zone change and ordinance amendment to accommodate the development project between the Town and Developers Collaborative, LLC. He noted that the plan has been in place for 18 months. He described the project and noted that the

concept was reviewed by the Council at the Community Development Committee meetings. He stated that the zone would change to high density residential with specific restrains and conditions placed on the zone for uses. He noted that the concept plan is currently being reviewed by the Planning Board.

Mr. Richert stated that the Planning Board reviewed the proposed ordinance language and made recommended changes as shown in the document presented. Mr. Richert reviewed the language regarding the public access to viewing points of the rivers, the parking spaces allowed, buffering, occupancy limitations and capital improvements offsite that can be paid with TIF funds.

Mark Haggerty asked if the concept plan can be changed beyond the requirement placed by the Planning Board and State of Maine. Mr. Richert confirmed that the plan cannot be changed without coming back to Council. He stated that the concept plan is part of the conditional zoning for one structure with 24 units.

Tom Perry noted that the project has been discussed for over a year and a half and he is very excited about the project and appreciates all the work that has been involved in it.

Ms. Mehnert asked if there were enough Brownfields funds to cover the parking lot. Mr. Richert noted that the substantial part of it will be paved.

Ms. Sullivan asked about the 15-year timeframe for capital improvements. Mr. Richert explained that the timeframe coincides with the TIF duration. He noted that a portion of the TIF will be used for capital improvements offsite.

Mr. Gordon asked about the definition of family in section 7(c). Mr. Richert explained that the regular ordinance allows three unrelated people, but this conditional use district can be more restrictive in defining a family as blood related, marriage, or other legal relationships, to the extent allowed by law.

A representative of George and Sue Mishou asked if owners will be allowed to rent to third parties. Ms. Harris commented that the condominium association can establish limits and restrictions to maintain continuity and peace.

Public hearing b. closed at 7:30 p.m.

c. To consider an amendment to the Ordinances of the Town of Orono, Chapter 13 Environment, adding Article V Property Assessed Clean Energy (PACE) Ordinance.

Public hearing c. opened at 7:31 p.m.

Dana Fisher of Efficiency Maine stated that in April 2010 the State Legislature passed an act to increase the affordability of clean energy for homeowners and businesses, also known as the PACE Act. The Act authorizes a municipality that adopts the PACE Ordinance to establish a program or have the Trust administer the program so that owners of qualified property can access financing for energy savings improvements and weatherization through funds awarded to the Efficiency Maine

Trust by a federal block grant. Mr. Fischer stated that the loan financing involves a second mortgage and establishes a secondary lien status. He noted that thirty-five municipalities have entered contracts with Efficiency Maine to administer the program.

Ms. Sullivan questioned why an Ordinance is necessary. Mr. Fischer stated that the original language was written in California. When the program was brought to Maine some of the language and requirements were changed, but the ordinance language did not change.

Ms. Sullivan asked what happens if someone defaults on the loan. Mr. Fischer stated that a lien would be placed on the property, but there is no liability or obligation by the Town. Ms. Sullivan asked if there were income qualifying restrictions. Mr. Fischer confirmed that there would be standards incorporated into the process. He noted that the difference from other loans would be that it has an energy efficiency focus, with the ability to borrow up to \$15,000 and low interest rates for anyone who qualifies.

Mr. Haggerty asked, if adopted, what the Town's requirements were. Mr. Fischer stated it would involve educational outreach; Efficiency Maine will provide pamphlets for distribution and media for viewing on the cable TV channel.

Mr. Fischer stated that the loans should be available by the end of 2010. Ms. Harris asked about additional information and pricing. Mr. Fischer stated that the website is Efficiencymaine.com\PACE for more information.

Public hearing c. closed at 8:02 p.m.

**Order 10-215 Order, adopting an amendment to the Ordinances of the Town of Orono,
Chapter 13 Environment, adding Article V Property Assessed Clean Energy
(PACE) Ordinance.**

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 7-0.

4. Acknowledgments by Council Members

Mark Haggerty commented that it has been a pleasure to work with Cathy Conlow and she has done a fantastic job.

Tom Perry seconded Mr. Haggerty's comments and added that he has had the benefit of working with Cathy in several capacities. He wished her well in her new position. Mr. Perry acknowledged the work of the election workers and noted that the election ran smoothly. He sent out a special note of thanks to the Town Office staff for all the work that went into the election process.

Lianne Harris thanked the election workers and wished Sue Hart well with regards to her health issues. Ms. Harris acknowledged Ms. Conlow and thanked her for being a wonderful manager and neighbor. She noted that she will miss her and her family.

Tom Spitz thanked Ms. Conlow and stated that he appreciates all she and the staff have done for the town. He acknowledged Sue Hart and wished her the best.

Cindy Mehnert commented that she was impressed with the voter turnout. She wished Ms. Conlow well with her new position as City Manager of Bangor. She announced that there will be a Farewell Reception for Ms. Conlow held in the Council Chambers on November 16th, from 4-6:00 p.m. for anyone interested in attending.

Judy Sullivan echoed the previous sentiments of Councilors. She stated that she has enjoyed working with Ms. Conlow and appreciated her willingness to share.

Mr. Gordon stated that he wrote a letter to Ms. Conlow accepting her resignation. He commented that it has been an honor to work with her over the years. Mr. Gordon announced that the Senior Citizens Thanksgiving Dinner will be held on Thursday, November 18, 2010 at 4:30 p.m. at the Birch Street School. He also announced that the University of Maine will be testing their emergency alarm system Wednesday morning at 11:00 a.m.

5. **Unfinished Business - None**

6. **Consent Agenda**

Order 10-216 Order, accepting the resignation of Town Manager Catherine Conlow effective November 26, 2010.

Order 10-217 Order, appointing Jay Fortier to the Orono-Veazie Water District for a 5-Year Term, Expiring December 2015.

Order 10-218 Order, committing a true list of sewerage service assessments to Wanda J. Thomas, Treasurer, in the amount of \$109,577.44.

Moved by Tom Perry and seconded by Cindy Mehnert to approve the consent agenda. All voted in favor, 7-0.

7. **Executive Session (MSRS, Title 1, Chapter 13, Section 405 (6)(A)) Discussion of a Personnel Matter**

Moved by Lianne Harris and seconded by Cindy Mehnert to go into executive session at 8:10 p.m. to discuss a personnel matter. All voted in favor. 7-0

Moved by Cindy Mehnert and seconded by Lianne Harris to come out of executive session at 8:20 p.m. All voted in favor, 7-0

Moved by Tom Spitz and seconded by Lianne Harris to add Order 10-220 to the agenda. All voted in favor, 7-0.

Order 10-220 Order, appointing Maria Weinberger as Acting Town Manager, effective November 26, 2010, with compensation consistent with Town of Orono Ordinances, Sec 28-44 (b).

Moved by Cindy Mehnert and seconded by Tom Spitz. All voted in favor, 7-0.

8. New Business

Order 10-219 Order, hiring the services of Don Gerrish of Eaton Peabody for assistance in the recruitment and hiring of a new Town Manager in an amount not to exceed \$4,500, plus miscellaneous expenses, to be drawn from Contingency.

Moved by Lianne Harris and seconded by Tom Perry. All voted in favor, 7-0.

Ms. Conlow stated that three bids were received for assistance in the recruitment and hiring of a new Town Manager: \$4,500 from Don Gerrish of Eaton Peabody; \$4,900 from David Barrett of Maine Municipal Association; and \$7,500 from Municipal Resources, Inc. The Council talked with Mr. Gerrish and Mr. Barrett in greater detail during a Council Workshop on October 27, 2010.

Ms. Harris noted that Don Gerrish of Eaton Peabody was chosen not just because he has the lowest bid, but because the Council agrees that he will be the best representative.

9. Future Agenda Items/Items of Concern

Judy Sullivan expressed concerns about the lack of privacy when voting in Ward 2 due to the cardboard dividers. Ms. Conlow stated that she would talk with Town Clerk Wanda Thomas about the voting situation. Lianne Harris also noted that the voting booths need new cloth curtains because the current ones are moldy.

Mark Haggerty commented that he would like to see all Council Committee meetings videotaped. Ms. Harris noted that it is problematic because you have to speak directly into the microphones to be heard. Ms. Weinberger stated she would look into the cost of a new system. Mr. Perry suggested discussing it at a committee meeting.

10. Public Petitions - None

11. Public Comments

Michael Griffin presented photographs from Salt Lake City, Utah, where pedestrians use flags when crossing sidewalks. He stated that this system is used by many cities and it helps make pedestrians more visible. He asked the Council to consider this option. Mr. Harris commented that this system is used in Brunswick, but they keep losing the flags. Mr. Griffin commented that purchasing flags would not be a problem.

Mr. Perry stated that Council is concerned about pedestrian safety, especially in light of the recent personal injury accident that happened after dark on Main Street. Mr. Gordon noted that there are also concerns about the speed of the drivers.

12. Adjournment

At 8:36 p.m., Tom Perry moved and Cindy Mehnert seconded to adjourn. All voted in favor, 7-0.

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

Respectfully submitted,

Nancy W. Ward
Administrative Assistant