

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

MONDAY, DECEMBER 13, 2010 AT 7:00 P.M.

MINUTES

1. Roll Call

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

2. Approval of minutes of October 25, November 8, November 29, and December 6, 2010

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

3. Public Hearings

a. To consider a Class XI – Restaurant Lounge - Spirituous, Vinous and Malt Liquor

License for Tio Juan’s Margaritas Restaurant, 15 Mill Street.

Public hearing a. opened at 7:02 p.m. Code Enforcement Officer Bill Murphy reported 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 7:03 p.m.

Order 10-224 Order, approving a Class XI – Restaurant Lounge - Spirituous, Vinous and Malt Liquor License for Tio Juan’s Margaritas Restaurant, 15 Mill Street.

Moved by Cindy Mehnert and seconded by Lianne Harris. All voted in favor, 6-0.

b. To consider a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License, Victualer’s License and Special Amusement Permit for Music, Dancing and Entertainment for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.

Public hearing b. opened at 7:41 p.m. Code Enforcement Officer Bill Murphy reported that all the inspections were performed and no violations were found. Mr. Murphy noted that the personal property taxes had not been paid. The Council discussed conditionally approving the license until the taxes are paid. Ms. Annie Brown entered and stated that the taxes were paid as of 4:30 p.m. today. No other public comments were made. Public hearing b. closed at 7:07 p.m.

Order 10-225 **Order, approving a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.**

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

Order 10-226 **Order, approving a Special Amusement Permit for Music, Dancing and Entertainment for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.**

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 6-0.

Order 10-227 **Order, approving a Victualer’s License for Harris Golf Inc., d/b/a Penobscot Valley Country Club, 366 Main Street.**

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

4. Acknowledgments by Council Members

Tom Perry acknowledged the employees receiving service awards. He noted that the Town of Orono is a healthy organization to have retained employees for these lengths of time. He read the list of employees and congratulated them.

Lianne Harris acknowledged the Orono High School National Honor Society’s donation of teddy bears to the Orono Police Department’s Hug-a-Bear program. She also thanked the Town of Orono employees for their effort in putting on the Annual Senior Citizens’ Thanksgiving Dinner. Ms. Harris noted that the holiday lights downtown look very festive and thanked the Parks and Recreation Department.

Tom Spitz echoed the acknowledgements made. He commented that the lights around town look wonderful.

Cindy Mehnert acknowledged the Town’s higher bond rating. She thanked everyone involved for their hard work in achieving it. She also thanked Public Works Director Rob Yerxa and his crew for their projects being on schedule and completed.

Judy Sullivan echoed the acknowledgements made. She thanked the employees for their dedication and commitment to the Town through the years. Ms. Sullivan wished everyone Happy Holidays and a Happy New Year.

Geoff Gordon thanked Annie Brown and Wanda Thomas for their efforts in producing the information needed in refinancing the Town’s bonds. He noted that the Official Bond Statement is very thorough and encouraged people to read it.

5. Unfinished Business - None

6. Consent Agenda

Order 10-228 Order, appointing Kristen McGovern to the Beautification Committee for a term expiring April 2013.

Order 10-229 Order, authorizing employee recognition awards for those employees completing five, ten, fifteen, twenty, and twenty-five and thirty-five years of service.

5-Years

Derek Dinsmore
Kevin Peary
Donald Wickett

10-Years

Scott Wilcox

15-Years

Tony Boucher

20-Years

**Matt Grindle, Bryan Hardison, Joseph Madigan, Galen Moody,
Wesley Nelson, Rob St. Louis, Susan Hart**

25-Years

Laurie Carpenter

35-Years

Henry Vaughan

Order 10-230 Order, committing a true list of sewerage service assessments to Wanda J. Thomas, Treasurer, in the amount of \$148,712.24.

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

7. New Business

Order 10-231 Order, setting January 10, 2011 at 7:00 p.m., as the date for a public hearing to consider an Affordable Housing TIF Application for the Webster Mill Site.

Moved by Cindy Mehnert and seconded by Lianne Harris. All voted in favor, 6-0.

Mr. Richert stated that this is part of the financing arrangement with Developers Collaborative to apply for an Affordable Housing TIF district as a vehicle for the developer to recapture taxes paid to finance the project. This action sets the date for the public hearing.

Order 10-232 Order, approving 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".

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

Mr. Richert stated that this action will amend the zoning of this property and is in alignment with the Comprehensive Plan. He noted that review of this conditional zoning and public hearings have taken place with the Planning Board and the Council.

Order 10-233 Order, authorizing the Acting Town Manager to sign and execute a Grant Agreement with the Small Business Administration for \$345,000 for the engineering, design, and permitting of a Kelley Road Business Park.

Moved by Lianne Harris and seconded by Cindy Mehnert. All voted in favor, 6-0.

Mr. Richert stated that in 2008 the Town began preparing the property for a concept plan in conjunction with the BSA Katahdin Council and was encouraged to apply for a grant through Senator Collins' office. On September 30, 2010, the US Congress approved the funds through the Small Business Administration and on December 10, 2010 the Town received the final award letter. These funds will allow the town to start the design and engineering phase of the project and to apply for additional grants for development.

Mr. Richert stated that the Town has sent out RFQs for this work and five proposals were received. The proposals and a unanimous recommendation will come to the Community Development Committee at its next meeting. No matching funds are required for this grant.

Tom Perry stated that he is enthusiastically voting in favor of this grant. Mr. Gordon encouraged Councilors to write a letter of thanks to Senator Collins' office.

Order 10-234 Order, authorizing the Acting Town Manager to sign and execute an Option Agreement for the purchase of properties located at 3 Main Street (Map 27-2 Lot 53) and 11 Main Street (Map 27-2 Lot 52) from Philip E. Folger, Jr.

Moved by Lianne Harris and seconded by Cindy Mehnert.

Mr. Richert stated that the Option Agreement before the Council is not in its final form. The requirement of the preliminary agreement is to have an Option Agreement signed by December 31, 2010. Mr. Richert noted that he does not expect there to be any major changes to what was presented tonight. Mr. Richert commented that the redevelopment of 3 and 11 Main Street along with the Katahdin site will allow for the idea of assembling the properties in one block for development. He noted that there is a small piece of land to include near 3 Main Street. Mr. Richert stated that Council can act on this agreement knowing there will be minor changes or they can table it for now until the final document is ready.

Ms. Sullivan suggested tabling this item until the final document is drafted. Mr. Gordon noted that Councilors were in favor of what was presented but supported tabling the order for now.

Moved by Lianne Harris and seconded by Tom Spitz to table Order 10-234. All voted in favor, 6-0.

Order 10-235 Order, authorizing the Acting Town Manager to sign and execute Two Easements with Bangor Gas Company, LLC for Utility Purposes and Maintenance of Gas Lines within a 10-foot strip of land under the Town-Owned Parking Lot Adjacent to Pine Street.

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

Public Works Director Rob Yerxa explained that this is the final step with Bangor Gas Company for the Pine Street project. These easements will allow Bangor Gas to do maintenance and repairs on the lines without the Town taking ownership.

Mr. Gordon asked about gas access to the north side of Mill Street. Mr. Yerxa stated that access is up to Bangor Gas and the demand for the service, but access can be extended to that area. Michelle Goldman commented that there is interest by property owners on Mill Street.

Tom Perry noted some typographical errors in the document that say, "City of Old Town" instead of "Town of Orono".

Order 10-236 Order, authorizing the Acting Town Manager to sign and execute a Contract with Efficiency Maine for the purpose of Administering the PACE Program.

Moved by Cindy Mehnert and seconded by Lianne Harris. All voted in favor, 6-0.

Ms. Weinberger stated that the PACE Ordinance was passed last month and this contract will allow the Town to utilize Efficiency Maine to administer the program. She noted that the Town's part will be to aid in disbursing information about the program by making pamphlets available, cable TV, the Town's website and Orono Observer.

Ms. Sullivan asked who should be contacted if people have questions. Ms. Weinberger stated that all questions about the program should be directed to Efficiency Maine.

Ms. Sullivan stated that this is a good opportunity for a low-interest loan for people that may not have qualified due to a high debt ratio. She expressed concerns about getting information out to people that need it. Ms. Weinberger stated that the Town will do what it can to get the word out.

Order 10-237 Order, authorizing the Acting Town Manager to sign and execute an Agreement for Emergency Medical Services with the Town of Veazie.

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

Ms. Weinberger stated that this is a renewal agreement with the Town of Veazie and does not contain any substantive changes. The only changes are the dates and the list of equipment.

Fire Chief Buddy Webb stated that this agreement has worked out very well; Orono provides an ambulance that is housed and staffed in Veazie.

Mr. Perry asked if Orono is paying Veazie for calls that are not reimbursed. Chief Webb noted that of the 111 calls last year, there were only a few that were not reimbursed. He also noted that this arrangement is profitable for the Town of Orono. Ms. Weinberger commented that it is a great collaborative service in which both towns benefit.

8. Future Agenda Items/Items of Concern

Ms. Sullivan requested an interim budget meeting to gain a better understanding of the revenue and expense sheets and to understand why some of the lines are over or under spent. Tom Perry agreed with the desire to be better informed. Ms. Weinberger agreed to set up a Council workshop in January 2011.

Ms. Sullivan noted that the RSU#26 Referendum Election created a lot of work for the Town staff. She asked whether the school will be reimbursing the Town for expenses. Ms. Weinberger confirmed that they will be reimbursing the Town.

Mr. Gordon asked how the snow removal in the Village District went with the first snowstorm of the season. Ms. Goldman noted that there was a glitch the first day; however, a new person was hired to snowblow and the snow removal efforts are being coordinated with Public Works.

Ms. Weinberger reminded the public that there is an overnight parking ban in place during the winter months. Residents should not leave their cars on the street overnight.

9. Public Petitions - None

10. Public Comments - None

11. Executive Session (MSRS, Title 1, Chapter 13, Section 405(6)(E))

a. Discussion of a Legal Matter

At 8:10 p.m., Lianne Harris moved and Cindy Mehnert seconded to go into executive session. All voted in favor, 6-0.

At 9:19 p.m., Tom Perry moved and Cindy Mehnert seconded to adjourn. All voted in favor, 6-0.

12. Adjournment

At 9:20 p.m., Tom Perry 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