

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

MONDAY, APRIL 8, 2019 AT 7:00 P.M.

MINUTES

1. Roll Call

Present: Chairperson Pro Tem Meghan Gardner, Tom Perry, Sam Kunz, Laurie Osher, Cheryl Robertson, Terry Greenier and Town Manager Sophie Wilson. Absent: Council Chair Cindy Mehnert.

2. Election of Council Chairperson

Moved by Tom Perry and seconded by Sam Kunz to nominate Cindy Mehnert as Council Chairperson. Mr. Perry acknowledged Ms. Mehnert's willingness to serve. All voted in favor, 6-0.

3. Agenda Review

Moved by Sam Kunz and seconded by Tom Perry to remove the following orders from the Consent Agenda and consider the orders, as amended, under New Business:

Order 19-43 Order, revising the Credit Enhancement Agreement between the Town and James D. Swett Living Trust (dated 2/8/2016), Section I (d) to reflect the 10-year term, April 1, 2014 - April 1, 2023; and Section II (b) to reflect the term of agreement ending in FY2024.

Order 19-44 Order, revising the Credit Enhancement Agreement between the Town and Staar Properties (dated 10/19/2015), Section I (d) to reflect the 10-year term, April 1, 2014 - April 1, 2023; and Section II (b) to reflect the term of agreement ending in FY2024.

All voted in favor, 6-0.

4. Approval of Minutes of March 11, 2019 and March 18, 2019

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

5. Public Hearings

- a. To consider a Special Amusement Permit for Music, Dancing & Entertainment for Woodman's Brewing Company, LLC, d/b/a Orono Brewing Company, 61 Margin Street.**

Public hearing a. opened at 7:03 p.m. Community Development Director David Milan reported that all inspections have been completed, sewer and taxes have been paid and staff recommends approval of the license. Owner Abe Furth commented he was available for questions. No other public comments were made. Public hearing a. closed at 7:04 p.m.

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

Public hearing b. opened at 7:05 p.m. 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. Owner Abe Furth thanked the community for 14 years of business in Town. No other public comments were made. Public hearing b. closed at 7:06 p.m.

- c. To consider a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to Wardwell, LLC, d/b/a The Family Dog, 6 Mill Street.**

Public hearing c. opened at 7:07 p.m. 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. Mr. Milan noted that the applicants are present to answer any questions. No other public comments were made. Public hearing c. closed at 7:08 p.m.

- d. To consider the Town's application for funding through the Office of Economic and Community Development for a Community Enterprise Grant Program, Business Facade Grant. Eligible activities include approved exterior improvements to the building owned by Byer Manufacturing located at 74 Mill Street.**

Public hearing d. opened at 7:09 p.m. Community Development Director David Milan provided a brief overview of the CDBG program. He noted that the Town has been asked to submit a CDBG application on behalf of Byer Manufacturing (a 150-year old manufacturing business). Byer Manufacturing will use the funds to replace the siding and windows on their 74 Mill Street property along with making improvements to their heating system and energy efficiency. He stated that the CDBG grant allows business owners to invest in their building façade with the overall goal of eliminating slum and blighted store fronts. Mr. Milan noted that this is a spotlight blight situation. He commented on the competitive nature of the grant funds and stated that the application is due to DECD by April 26th.

Ms. Wilson provided an overview of the past CDBG Façade improvement grant that helped several downtown businesses. She noted that this application is for a singular building and Mr. Milan will be the administer of the program. She stated that the grant funds would cover 50% of the cost and the owner would fund the other 50% and anything over \$25,000.

Jay Shields, owner of Byer Manufacturing, spoke in support of the opportunity to work together with the Town and make improvements to his business.

Tom Perry commented that it is a great program and a worthy property to focus on.

Ms. Gardner read a comment submitted by Daniel LaPointe, stating he was opposed to a façade grant due to Orono’s high mill rate and pending property tax increase from the RSU#26 facilities project.

Abe Furth spoke in support of the CDBG façade grant, stating it was a great use of public funds and helpful for business owners. Public hearing closed at 7:17 p.m.

6. Acknowledgments by Council Members

Sam Kunz acknowledged the tragic passing of State Police Officer Detective Campbell who was killed on I-95. He commented on the efforts of the first responders.

Mr. Kunz congratulated the Orono High School and Middle School Show Choirs for winning their State Championships.

Laurie Osher commented that she was impressed with Firefighter Andrew Brogden who spoke recently at a Legislative Breakfast on a legislative issue.

Tom Perry acknowledged the passing of two Orono residents, Richard Morrow and Wendall Tremblay. He commented that both men lived in Orono for 50 years or more and contributed greatly to the community.

Cheryl Robertson acknowledged the work of the Orono Land Trust who held their annual meeting last Friday night. She noted that they represent Orono well throughout the state.

Terry Greenier acknowledged the University of Maine Women’s Basketball Black Bears for competing well and going to the NCAA Tournament.

Meghan Gardner acknowledged the passing of Orono resident Eloise Ricciardelli and noted her many contributions to the community and Orono Historical Society.

7. Unfinished Business - None

8. Consent Agenda

Order 19-37 Order, approving a Special Amusement Permit for Music, Dancing & Entertainment for Woodman’s Brewing Company, LLC, d/b/a Orono Brewing Company, 61 Margin Street.

Order 19-38 Order, approving a Class XI - Restaurant/Lounge - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer’s License for Woodman’s LLC, d/b/a Woodman’s Bar & Grill, 31 Main Street.

- Order 19-39** Order, approving a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to Wardwell, LLC, d/b/a The Family Dog, 6 Mill Street.
- Order 19-40** Order, setting May 13, 2019 at 7:00 p.m. as the date for a public hearing to consider a Credit Enhancement Agreement between the Town of Orono and Irena Bazhba/Kostakis Bazmpas/Kelly Bazmpa, relating to property within the Orono Downtown & Transit-Oriented Municipal Development and Tax Increment financing District located at 19 Mill Street.
- Order 19-41** Order, authorizing the Town Manager to execute a Quit Claim Deed for Tax Acquired Property located at 69 Margin Street to the last owner of record upon payment of the FY2017 real estate taxes, fees and interest.
- Order 19-42** Order, authorizing the Town Manager to transfer \$847 from the approved FY19 Economic Development Budget to the FY19 Town Manager's Budget for Professional Services.
- Order 19-45** Order, re-appointing the following Board/Committee Members:
- *Planning Board:*
Lisa Buck (5-year term, regular seat: expiring 2024)
 - *Board of Appeals:*
Shane Martin (3-year term, regular seat: expiring 2022)
 - *Board of Assessment Review:*
George Eaton, II (3-year term, regular seat: expiring 2021)
 - *Library Board of Trustees:*
Francois Amar (3-year term, regular seat: expiring 2022)
 - *Library Youth Member:*
Katherine Buetens (1-year term, regular seat: expiring 2020)
 - *Tree Board:*
Cindy Blease and Tim White (3-year terms: expiring 2022)
 - *Voter Registration Board of Appeals:*
Paula Moore (Dem.); Fiona Sorensen Hamilton (Alt. Dem.); Douglas Flagg (Rep.) (3-year terms: expiring 2022)
- Order 19-46** Order, confirming the following 1-year appointments of the Town Manager:
- | | |
|---------------------------------|----------------|
| Assessor | Michael Noble |
| Tree Warden | Robert Yerxa |
| Road Commissioner | Robert Yerxa |
| Code Enforcement Officer | William Murphy |
| Building & Electrical Inspector | William Murphy |
| Local Plumbing Inspector | William Murphy |

Order 19-47 Order, confirming the Town Manager’s 1-year appointment of David Russell as Alternate Code Enforcement Officer, Alternate Electrical Inspector and Alternate Local Plumbing Inspector.

Order 19-48 Order, appointing Council Members to the following standing Council committees:

<u>Finance & Operations</u>	<u>Community Development</u>	<u>Comp Plan Implement</u>
Tom Perry (Chair)	Sam Kunz (Chair)	Meghan Gardner (Chair)
Cindy Mehnert	Tom Perry	Terry Greenier
Laurie Osher	Terry Greenier	Sam Kunz
Meghan Gardner	Cheryl Robertson	Laurie Osher
		Cheryl Robertson

Moved by Sam Kunz and seconded by Cheryl Robertson to approve the consent agenda. All voted in favor, 6-0.

9. New Business

Order 19-43 Order, revising the Credit Enhancement Agreement between the Town and James D. Swett Living Trust (dated 2/8/2016), Section I (d) to reflect the 10- year term, April 1, 2014 - April 1, 2023; and Section II (b) to reflect the term of agreement ending in FY2024.

Moved by Tom Perry and seconded by Sam Kunz to accept the Order as read. All voted in favor, 6-0.

Mr. Milan noted it was a housekeeping correction to reflect the 10-year terms.

Order 19-44 Order, revising the Credit Enhancement Agreement between the Town and Staar Properties (dated 10/19/2015), Section I (d) to reflect the 10- year term, April 1, 2014 - April 1, 2023; and Section II (b) to reflect the term of agreement ending in FY2024.

Moved by Sam Kunz and seconded by Tom Perry to accept the Order as read. All voted in favor, 6-0.

Ms. Wilson stated that this order is a correction to reflect the 10-year terms with Staar Properties also.

Order 19-49 Order, authorizing and directing the Town Manager to submit an application for funding through the Office of Economic and Community Development for a Community Enterprise Grant Program, Business Facade Grant. Eligible activities include approved exterior improvements to the building owned by Byer Manufacturing located at 74 Mill Street.

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

Mr. Milan was available for questions. Ms. Osher asked why Orono had a blighted status before but not now. Mr. Milan described the hesitation of some communities to apply for funds to have the slum/blighted designation. Ms. Wilson described the past spot blight designations given to specific businesses in the downtown. She noted that Mr. Shields came to the Town looking for assistance and has funds available for the match. Ms. Osher asked about the grant funding limitations. Mr. Milan stated that each application is limited to \$25,000 within the Village Commercial District for commercial use. Ms. Osher questioned energy efficiency improvements for a façade grant. Mr. Milan stated that the owner can use his matching funds for energy efficiency with the grant funds for the façade improvements. Ms. Osher asked about the façade guidelines. Mr. Milan explained the Maine Historical Preservation Commission guideline process. Mr. Milan noted, if the project is accepted, he will be back to Council in July to accept the grant award.

Order 19-50 Order, authorizing the Town Manager to sign a lease agreement, in substantially similar form to that presented, with the Orono Paddler's Association to allow for the organization to construct and use a canoe and kayak storage facility on Town owned property at Brownies Park.

Moved by Cheryl Robertson and seconded by Sam Kunz. All voted in favor, 6-0.

Parks and Recreation Director Mitch Stone provided background that the Orono Paddlers Association have been to Council Committee and requested to build a structure (post and beam with a roof) at Brownies Park to provide canoe/kayak storage near the hand launch onto the Stillwater River. The Town, through the Parks and Recreation Department, is a collaborative partner with this organization, which encourages and educates the public (adults and children) about safely recreating on the water. The Paddlers are making an effort to expand recreation on the Stillwater River, as suggested in the Town's Comprehensive Plan. Storage of canoes and kayaks in proximity to the launch site will remove a substantial barrier for paddlers to access the river. Ms. Wilson noted that the lease agreement includes annual reviews and a 60-day termination notice.

Orono Paddlers President Jeff Owen spoke of the group's desire to provide this public service. He noted that fundraising will begin this spring with construction hopefully by the fall.

Order 19-51 Order, authorizing the Town Manager to execute an Agreement to Provide Emergency Medical Services to the Town of Veazie for the period July 1, 2019 - June 30, 2022.

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

Fire Chief Geoff Low stated that staff met with the Town of Veazie to discuss options to renew the Emergency Medical Services agreement. The proposed agreement includes a three-year contract and an increase in billing to \$225/call (an increase of \$25/call) for each EMS call the Orono Fire Department responds to, and the Town will continue to collect all patient billings received.

Order 19-52 Order, authorizing the Town Manager to enter into an agreement with Maine Fire Protection Systems of Bangor at a cost not to exceed \$16,040 for the emergency repair of the Public Safety Building Sprinkler System with said expense funded through a reallocation of \$15,000 originally approved in the FY19 Capital Facilities Budget for painting the Town Office with the remaining expense taken from the approved FY19 Facilities Operating Budget.

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

Fire Chief Low explained that the Public Safety Building sprinkler life safety system needs to be flushed and repaired. Staff is recommending that Council prioritize this maintenance/repair over the painting project that was approved in the FY19 Capital Facilities Budget.

Ms. Wilson spoke of the importance of the sprinkler system repair and that some of the town office work can be done internally.

Order 19-53 Order, authorizing the Town Manager to sign a Recycling Services Agreement with Coastal Resource of Maine, LLC for the processing of collected recycling material for a period of up to six years.

Moved by Cheryl Robertson and seconded by Terry Greenier. All voted in favor, 6-0.

Ms. Wilson spoke of the region being in the midst of a fairly major transition related to municipal solid waste (MSW) disposal and recycling processing. The Town currently has long term contracts (4 additional years) for both MSW and recycling collection; however, we are transitioning the disposal to the Coastal Resources of Maine (also known as Fiberright) facility currently under construction with plans to begin accepting waste this spring.

Up until June 30, 2018, the Town had an agreement with Pine Tree Waste Inc to process the recycling collected at no additional (per ton processing fee) cost. In July, this arrangement reverted to the market price (approximately \$140/ton processing cost) and the Town has continued to participate on a week to week basis in anticipation of transition from this Casella program to the Coastal Resources of Maine (CRM) recycling program. By virtue of our contractual obligation to deliver MSW to the plant, the Town has access to the CRM recycling processing program at a capped cost of 50% of the MSW tip fee. For example, at the start of operations, the Town would pay \$70/ton for MSW disposal and \$35/ton for recycling processing. Unlike the Town's 15-year MSW agreement with the Municipal Review Committee, this recycling agreement is for a two-year term with an automatic renewal of two additional years.

Ms. Wilson noted that unlike the MSW disposal transition which will have little impact on the residential trash generator, moving to the CRM recycling program will require adhering to more limited acceptable materials that recognizes the huge shift in the global recycling market.

Public Works Director Rob Yerxa noted that UMaine students will be assisting in getting the recycling changes out to the public through the website and social media. He noted the big changes will be that glass and #3-7 plastics will no longer be acceptable for the single sort program.

Order 19-54 Order, authorizing the Town Manager to purchase a Ferris ZRSZ2 Stand-up Zero-Turn Mower from Whittemore & Sons of Skowhegan at a price not to exceed \$7,050 with funds drawn from the approved FY19 Cemetery budget.

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

Mr. Yerxa stated that the FY20 budget includes transitioning the grounds maintenance of the Riverside Cemetery from an independent contract to the Public Works regular work plan. He noted that additional mowing equipment will be needed (which will be purchased with existing cemetery funds). In order to have equipment on-hand for spring cleanup, staff recommends the purchase of a stand-up zero-turn mower. Mr. Yerxa noted that price quotes were received and staff recommends the purchase from Whittemore & Sons.

Order 19-55 Order, adopting a formal Public Works Mailbox Replacement Policy.

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

Mr. Yerxa commented that State law is very clear that municipalities have no legal obligation to repair or replace objects damaged by plow activities within the right of way. Notwithstanding the law, the Town has a long-standing practice of working with residents to repair/replace mailboxes hit by the Town plow trucks during winter road maintenance. He stated that the practice has been very informal; however, staff is recommending adopting a policy limiting the expense and clearly defining the circumstances under which mailboxes will be repaired/replaced. Mr. Yerxa stated that the policy will reimburse up to \$25 per mailbox and \$25 per post. Mr. Yerxa stated that the Mailbox Replacement Policy and best practices information on mailboxes will be posted on the Town's website.

10. Council Committee/Representative Reports

Community Development Committee – Mr. Kunz reported that the Committee met on March 28th. UMaine students gave a presentation on the local option of banning polystyrene and single use plastic bags. The Committee also discussed local regulation of residency for convicted sex offenders and clarification of the Swett's Credit Enhancement Agreement timeframe.

Finance and Operations Committee – Mr. Perry reported that the Committee met on March 19th to discuss the purchase of cemetery equipment, repairs to the landfill cover, changes in recycling, the mailbox replacement policy, the EMS agreement with the Town of Veazie and review of the financial statements.

Comp Plan Implementation Committee – Ms. Gardner reported that the Committee did not meet this month but will meet on May 6th.

Orono Historical Society (OHS)– Ms. Gardner reported that OHS met on April 3rd and discussed membership renewals, a donation from Dwight Demeritt, Keith Anderson Community House improvements, a rededication of the Civil War Monument, and a Spaghetti Supper at the Old Town Elks Hall, April 23rd with a presentation on the history of the Old Town-Veazie Railroad. The next OHS meeting will be held at the Hampden Historical Society.

11. Future Agenda Items/Items of Concern

Tom Perry asked about the status of the audit report. Ms. Wilson stated she would have draft financials at the April 16th Finance Committee Meeting.

Laurie Osher reported on the Council Workshop held on March 25th. She stated that Council received a general overview and options for municipal solar projects. She noted it was the first step in learning and understanding more about solar options.

12. Public Petitions - None

13. Public Comments

Susan Whitmore welcomed Terry Greenier to Council.

David Milan clarified that the CDBG Application is for up to \$50,000, not \$25,000.

Sophie Wilson commented on the following:

- She congratulated Town Clerk Shelly Crosby for achieving the IIMC Master Municipal Clerk Certification.
- She noted that the Army Corps of Engineers approved the Town's Vernal Pools SAMP program and she thanked Evan Richert for his guidance in the process.
- She recognized the Public Works Department for their efforts through illness, injury and being short-staffed. She also acknowledged the leadership of Director Rob Yerxa.
- She stated that the budget process is underway and noted the meeting days and times.

Meghan Gardner read Dan LaPointe's comment regarding the March 12, 2019 Municipal Election vote on the Town Charter amendments (Articles 1 through 8), stating that 10% of the registered voters needed to have voted at the polls to approve the Charter changes.

Ms. Gardner also noted that a Council/RSU#26 Budget Workshop will be held on April 23, 2019 from 5-7p.m. in Council Chambers to discuss the budget and school facilities project.

14. Executive Session pursuant to 1 MRSA 405 (6)(D) to Discuss Collective Bargaining Negotiations with IAFF Local 3106 and Maine Association of Police Orono Unit

At 8:35 p.m., Sam Kunz motioned and Laurie Osher seconded to move into executive session to discuss collective bargaining negotiations with IAFF Local 3106 and Maine Association of Police – Orono Unit. All voted in favor, 6-0.

At 9:10 p.m., Sam Kunz motioned and Tom Perry seconded to move into regular session. All voted in favor, 6-0.

Order 19-56 Order, ratifying the agreement between the Town of Orono and the Maine Association of Police for the Orono Police Unit from July 1, 2019 to June 30, 2022, and authorizing the Council Chair and Town Manager to sign.

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

15. Adjournment

At 9:14 p.m., Sam Kunz moved and Cheryl Robertson seconded to adjourn. All voted in favor, 6-0.

Minutes are not verbatim. A video-recorded version is available on the Town's website at www.orono.org.

Respectfully submitted,

Nancy W. Ward
Executive Assistant