

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

MONDAY, FEBRUARY 11, 2013 AT 7:00 P.M.

MINUTES

1. Roll Call

Present: Council Chairman Geoff Gordon, Mark Haggerty, Tom Perry, Judy Sullivan, Lianne Harris, Cindy Mehnert, and Town Manager Sophie Wilson. Absent: Tom Spitz.

2. Adding Orders 13-33 and 13-34

Mr. Gordon requested a motion to add Orders 13-33 and 13-34 to the end of the agenda.

Moved by Tom Perry and seconded by Cindy Mehnert to add Order 13-33 and Order 13-34 to the agenda. All voted in favor, 6-0.

3. Approval of minutes of January 14, 2013

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

4. Public Hearings - None

5. Acknowledgments by Council Members

Judy Sullivan acknowledged the activities happening at the school (i.e. Orono Cheerleaders' competition) and commented she was glad to be informed on what is happening.

Lianne Harris acknowledged the recent snowstorm and thanked the Public Works crew for their snow removal efforts. Mr. Gordon echoed the same acknowledgement.

Tom Perry acknowledged the reports from the Department Heads and specifically how clear and informative the financial statements have been.

6. Unfinished Business - None

7. Consent Agenda

Order 13-23 Order, setting the hours of voting as 7:00 a.m. to 8:00 p.m. and the polling place as the Council Chambers of the Municipal Building for Wards 1 & 2 for the March 12, 2013 Municipal Election.

Order 13-24 Order, changing the hours that the Registrar will accept registrations of applicants who appear in person as follows: On the last five business days before the March 12, 2013 Municipal Election, from 8:30 a.m. to 4:30 p.m. [MRSA 21A, Sec. 122.6.A (2) and (8)].

Order 13-25 Order, approving the Town Clerk's appointment of Warden and Assistant Warden for the March 12, 2013 Municipal Election: Wardens – Judy Sullivan and Stan Borodko.

Order 13-26 Order, committing a true list of sewerage service assessments to Annie Brown, Treasurer, in the amount of \$130,833.72.

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

8. New Business

Order 13-27 Order, approving a Resolution in Support of a U.S. Constitutional Amendment to Regulate Campaign Spending.

Moved by Lianne Harris and seconded by Cindy Mehnert.

Mr. Gordon noted grammatical changes to be made in the Resolution. He also suggested striking the words "...by special interest groups..." in the 5th and 6th "Whereas" section. He noted that striking those words broadens the true intent of the statement.

Motion by Cindy Mehnert and seconded by Lianne Harris to amend the Resolution to correct grammatical errors as noted and to delete "...by special interest groups..." in the 5th and 6th "Whereas" section. All voted in favor of the amendment, 6-0.

Ms. Sullivan stated that she objects to passing the Resolution because she believes Council should be neutral. She also stated that passing the Resolution puts the First Amendment at risk. She noted that the sentiments of the Resolution do not reflect all residents of Orono.

Mark Haggerty commented that Council has held several meeting on this topic. He stated that the real issue is the impact on campaign spending and the Resolution will help create conversations to address the issue.

When asked about taking public comments, Mr. Gordon stated that the public process has been held and it is Council's time to deliberate. He stated that Council can make a motion to suspend the rules and allow further public discussion, if desired.

Judy Sullivan made a motion to suspend the rules and allow public discussion. No second was made. The motion failed for lack of a second.

The vote on the motion as amended was 5-1, with Ms. Sullivan opposed.

Order 13-28 Order, approving an amendment to the Town of Orono Ordinances, Chapter 18 Land Use, Article V. Performance Standards, Section 18-133(a) Manufactured Housing, Location (concerning newer mobile homes in the Low Density Residential District).

Moved by Lianne Harris and seconded by Tom Perry. The vote was 5-1, with Ms. Sullivan opposed.

Mr. Richert stated that this amendment is to correct a housekeeping matter that has policy implications for mobile homes in the LDR. As part of review and revisions to the Forestry and Agriculture (F&A) District, a portion of the former F&A district was carved out to create the Low Density Residential (LDR) District. The intent was to carry over into the LDR District all of the residential uses (and most of the non-residential activities) allowed in the F&A District. The change to allow newer mobile homes was missed when drafting the LDR District.

Ms. Sullivan expressed concern about only allowing newer mobile homes in a portion of the F&A District (west of I-95). She commented that she would like to see inconsistencies resolved. She suggested allowing newer mobile homes in all of the F&A District but not the LDR District.

Ms. Wilson suggested passing this amendment to be consistent with the plan. She noted that changes can be addressed later with the overall Comp Plan review.

Mr. Haggerty commented that he was part of the F&A District review and this amendment was the group's intent. He noted that the broader view is being looked at by the current Comp Plan Committee. Mr. Gordon noted that this amendment makes it compliant with the existing Plan.

Order 13-29 Order, authorizing the Town Manager to sign an Agreement with the Maine Department of Transportation for Improvements to the Intersection of Main and Mill Streets with funding from the New Freedom Grant.

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

Ms. Wilson stated that Council approved the submission of this grant application and subsequently accepted the nearly \$50,000 in state funds by Maine Department of Transportation on efforts to improve accessibility to public transportation in downtown Orono at the Mill Street, Main Street, and Bennoch Road intersection. MDOT has been working, with input from Town staff, to develop the proposed scope of work. The agreement is the final approval from Council necessary to facilitate this construction project.

Councilors asked clarifying questions of the sidewalk design and pavement for the intersection of Main and Mill Streets and the intersection of Main and Bennoch Road.

Order 13-30 Order, accepting the bid of \$300 from Robert Garnett, Jr. of 165 AA Landing Road for .04-acre parcel of Town-owned land, shown as Tax Map 6-3 Lot 9, and authorizing the Town Manager to sign the necessary documents to execute a Municipal Quitclaim Deed.

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

Ms. Wilson stated that a public hearing was held last month to allow for comment regarding the proposed disposal of this property. After the hearing closed with no concerns raised, the Council authorized the Town Manager to proceed with the process to dispose of the parcel through the Sale to Abutter method outlined in Town Ordinance. As directed, staff contacted the abutter of the property and received a written offer of \$300 for this property. Staff reviewed the property and Town's assessment for similar acreage in this neighborhood and agreed that this was a reasonable offer and recommends approval.

Order 13-31 Order, authorizing the Town Manager to sign and execute a Lease Extension up to 30 days to negotiate a new Lease Agreement with A & A Orono, Inc. regarding the Parking Lot at 6 Mill Street.

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

Ms. Wilson stated that the 60-day extension of the lease terms will expire on February 13, 2013. Staff continues productive negotiations with the property owner, but requires more time to complete negotiations and present a tentatively agreed upon lease to the Council for approval at its regular March meeting.

Order 13-32 Order, accepting a Dedication of Maxfield Drive and Crestview Drive from Jon F. Dawson and Libby Brothers, Inc. as described in the Warranty Deed for the Rights-of-Way and the Drainage/Stormwater Easements to the Town of Orono, and establishing the same as a Town Way.

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

Ms. Wilson stated that this issue was discussed at a Special Council Meeting held last month. The developer's attorney has worked with the Town's attorney to draft the necessary documents. The Town's Engineer and Public Works Director state that the road was built to Town specifications. The Town has received a \$5,000 deposit for warranty items related to the road.

Mr. Gordon noted that he recently drove on the road and was surprised by the road surface condition. Ms. Wilson noted that the funds will be used to address the warranty work. Mr. Yerxa stated that the issues will be corrected in the spring.

Order 13-33 Order, authorizing the Town Manager to engage Bernstein Shur to provide professional services to the RSU #26 – Orono Subcommittee related to collective bargaining with funds drawn from the \$25,000

appropriated for this purpose with repayment in full as detailed in the promissory note executed with RSU #26.

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

Ms. Wilson stated that the RSU #26 Orono Subcommittee voted to engage professional services to assist with the upcoming collective bargaining process. The Subcommittee Chair has approved the following scope of work and is comfortable engaging the attorney that the Town uses in labor matters:

- Review current contract(s) and any legal review documents available
- Meet with the Orono School Board Members to:
 - Educate members about the bargaining process & role/responsibilities of the Subcommittee
 - Facilitate the development of bargaining goals
 - Develop and ensure understanding of proposed ground rules for bargaining
- Provide technical assistance and representation, if requested, during the bargaining discussions
- Draft and/or review all tentative agreements
- Upon tentative agreement between bargaining members, meet with the Subcommittee to review the proposed contract to ensure understanding prior to authorization to accept the contract

Ms. Mehnert commented the estimated cost is about \$5,000-7,000. Ms. Wilson noted the reason the amount was not stated was because negotiations can be costly. She clarified that the attorney will be present for some situations and other he will not. She assured Council that she would monitor and manage the time wisely.

Order 13-34 Order, authorizing the Council Chair to correspond with the Maine Liquor Licensing and Inspection Unit, stating that Council has no objection to Cutler, LLC, d/b/a the Family Dog, 6 Mill Street, adding a Class III Vinous Only Liquor License to their existing license, based on a Public Hearing held on November 19, 2012 where no objections were stated and approval was granted by Council.

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

Ms. Wilson explained that The Family Dog received their liquor license in November 2012 and they are requesting to amend their license to include wine. To do so, the Maine Liquor Licensing and Inspection Unit is requesting a letter from the Council, stating that Council has no objections to adding to their license.

Ms. Wilson stated that they will also be requesting a Special Amusement Permit which requires a public hearing at the next Council meeting.

9. Future Agenda Items/Items of Concern

Councilors did not add any additional items.

10. Public Petitions

Dan LaPointe spoke of his Constitutional rights being violated and cited case law. He urged the Council to let the people vote by ballot on issues that affect the community. Mr. Gordon asked whether Mr. LaPointe had a petition to submit. Mr. LaPointe stated he did not have one at this time.

11. Public Comments

Susan Whitmore wished everyone a Happy Valentine's Day.

John Beckett asked about posting the Resolution. Mr. Gordon stated it will be on the Town's website.

Dan LaPointe expressed concerns about Council passing the Resolution and denying the citizenry the right to speak.

12. Executive Session (MSRS, Title 1, Chapter 13, Section 405(6)(A)) Town Manager Annual Performance Review

At 8:03 p.m., Cindy Mehnert moved and Judy Sullivan seconded to go into executive session to discuss the Town Manager's Annual Performance Review. All voted in favor, 6-0.

At 9:05 p.m., Cindy Mehnert moved and Tom Perry seconded to come out of executive session. All voted in favor, 6-0.

13. Adjournment

At 9:08 p.m., Tom Perry moved and Judy Sullivan 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