



## TOWN COUNCIL MEETING

MONDAY, JULY 11, 2022 AT 5:00 P.M.

COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE

WATCH ONLINE AT <https://us06web.zoom.us/j/84851674242>

CALL IN (312) 626-6799 Webinar ID: 848 5167 4242

### MINUTES

#### 1. Roll Call

Present: Council Chair Tom Perry, Meghan Gardner, Cheryl Robertson, Geoffrey Wingard, Sonja Birthisel, Leo Kenney, Robert Laraway, and Town Manager Sophie Wilson.

#### 2. Agenda Review - None

#### 3. Approval of Minutes of June 13 and June 27, 2022 *(Video record time 0:01:15 - 0:01:38)*

Moved by Meghan Gardner and seconded by Cheryl Robertson. All voted in favor, 7-0.

#### 4. Public Hearings

- a. **To consider a Class I – Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Marsh Island Brewing, LLC, 2 Main Street.** *(Video record time 0:01:39 - 0:02:42)*

Public hearing a. opened at 5:01 p.m. Code Enforcement Officer Pat Estey stated staff has completed all the inspections and is recommending approval of the licenses. No public comments were made. Public hearing a. closed at 5:03 p.m.

- b. **To consider a Class I – Malt Liquor, Wine & Spirits Liquor License and Victualer’s License for ZRKM, LLC, d/b/a Tacorita, 2 Mill Street.** *(Video record time 0:02:43 - 0:03:25)*

Public hearing b. opened at 5:03 p.m. Code Enforcement Officer Pat Estey stated staff has completed all the inspections and is recommending approval of the licenses. No public comments were made. Public hearing b. closed at 5:04 p.m.

- c. **To consider an Amendment to the Town of Orono Ordinances, Chapter 2 Administration, Article II Town Council, to create the position of Town Council Vice Chair, and to amend the procedures for addressing the Town Council.** *(Video record time 0:03:26 - 0:10:13)*

Public hearing c. opened at 5:04 p.m. Ms. Wilson stated this amendment is limited to three specific changes related to 1) creating the position of Vice-Chairperson to the Town Council elected leadership;

2) addressing public comment opportunities at Council meetings, and 3) updating to gender neutral pronouns. In regards to public comments, Ms. Wilson stated there was significant discussion about public comment periods at Council Committee meetings and Council workshops, but the current ordinance and proposed revision only addresses the formal comment periods at regular Town Council meetings. She noted that more changes to Chapter 2 will be considered in the fall. No public comments were made. Public hearing closed at 5:10 p.m.

**5. Acknowledgments by Council Members** *(Video record time 0:10:16 - 0:13:41)*

Leo Kenney acknowledged Rob St. Louis' retirement and the wonderful send off by staff. He noted that Mr. St. Louis will be missed.

Meghan Gardner commented she had a fun Covid-safe weekend with her family and friends at the playground and paddleboarding on the river, and acknowledged the wonderful recreational landscape that Orono has to offer.

Tom Perry also acknowledged Rob St. Louis' send-off and the staff for organizing it. He congratulated Mr. St. Louis on his future endeavors.

Cheryl Robertson acknowledged that the pool is open and the kids and parents are excited.

Sonja Birthisel acknowledged the wonderful downtown businesses.

Geoffrey Wingard acknowledged the wonderful professional library staff. He spoke of them greeting everyone, assisting people with different needs, and helping him with research.

Rob Laraway stated that his cousin commented on how clean the town is. He expressed his appreciation to the staff and citizens of Orono.

**6. Unfinished Business** *(Video record time 0:13:42 - 0:14:20)*

**Order 22-65 Order, approving Ordinance Amendments to the Town of Orono Code of Ordinances, Chapter 18 Land Use, Sec. 18-31, Definitions, Sec. 18-106, Schedule of uses, and Sec. 18-131, Home occupations, to amend zoning and performance standards for Homestays.** *(Postponed to the September 12, 2022 Council Meeting)*

Council Chair Tom Perry noted that this order has been postponed to the September 12, 2022 Council Meeting.

**7. Consent Agenda** *(Video record time 0:14:21 - 0:14:37)*

**Order 22-135 Order, approving a Class I – Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Marsh Island Brewing, LLC, 2 Main Street.**

**Order 22-136 Order, approving a Class I – Malt Liquor, Wine & Spirits Liquor License and Victualer's License for ZRKM, LLC, d/b/a Tacorita, 2 Mill Street.**

**Order 22-137 Order, casting a vote for Rick Bronson and Cheryl Robertson to serve as Regional Representatives on Maine Municipal Association's Legislative Policy Committee (7/1/2022-6/30/2024).**

**Order 22-138 Order, confirming the employment contract of Meghan Mazzella as the Parks and Recreation Manager for the Town of Orono, effective July 3, 2022 to June 30, 2025.**

**Order 22-139 Order, deeming \$52,860.31 of delinquent personal property taxes as uncollectible due to bankruptcy or related court proceedings and authorizing the Town Manager to write off the remaining outstanding taxes and related accrued interest (not shown):**

- **Account PP 410 Nexlinx Corporation, Inc. \$41,118.69**
  - **FY2015 \$13,818.69**
  - **FY2016 \$14,159.32**
  - **FY2017 \$13,140.68**
- **Account PP 36 Northcountry, LLC \$11,741.62**
  - **FY2020 \$11,741.62**

**Order 22-140 Order, changing the time of the September 12, 2022 Regular Council Meeting from 7PM to 5PM.**

Moved by Meghan Gardner and seconded by Cheryl Robertson to approve the consent agenda. All voted in favor, 7-0.

## **8. New Business**

**Order 22-141 Order, approving an Amendment to the Town of Orono Ordinances, Chapter 2 Administration, Article II Town Council, to create the position of Town Council Vice Chair, and to amend the procedures for addressing the Town Council. (Video record time 0:14:40 - 0:15:30)**

Moved by Cheryl Robertson and seconded by Rob Laraway. All voted in favor, 7-0.

**Order 22-142 Order, authorizing the purchase of one (1) 2022 Ford Utility Police Interceptors from Darling' Bangor Ford of Bangor, for the Police Department in the amount of \$41,078; plus up to \$3,179 for equipment purchase and set-up for total cost not to exceed \$44,257 to be drawn from the FY23 Capital Equipment Budget. (Video record time 0:15:31 - 0:17:36)**

Moved by Meghan Gardner and seconded by Geoffrey Wingard. The vote was in favor, 6-0-1 (with Sonja Birthisel abstaining.)

Ms. Wilson stated this item was discussed during the budget workshops. She noted this purchase would turnover one police vehicle. She noted it is a gas vehicle, no hybrid or electric vehicle was available, and the town is on a waiting list to receive the vehicle before next June.

**Order 22-143 Order, allocating a budget of \$233,850 from the Town's allocation of American Rescue Plan Act State and Local Fiscal Recovery Funds for the following one-time, capital projects as considered in the FY23 Municipal Budget: (Video record time 0:17:38 - 0:24:14)**

- \$ 80,000      **Municipal Pool Filtration System and Deck Repair**
- \$110,000     **Public Safety Facility Assessment & Related Repairs**
- \$ 43,850      **Public Safety Administrative Vehicle**

Moved by Cheryl Robertson and seconded by Meghan Gardner. All voted in favor, 7-0.

Ms. Wilson stated this was discussed during the FY23 municipal budget process, and the capital items (detailed above) were removed from the General Fund Capital Budget after being identified as one-time purchases that the Town Council identified as appropriate for funding through the Town's ARPA funds. Ms. Birthisel asked about the Public Safety Administrative vehicle. Ms. Wilson noted it is a gas vehicle, because there were no hybrid or electric vehicles available. Ms. Robertson spoke of many municipalities running into the same issue. Ms. Wilson noted there is approximately \$600,000 remaining in the ARPA funds, and she will be bringing a project forward to consider at a future meeting.

**Order 22-144 Order, authorizing the purchase of one (1) 2022 Ford Utility Police Interceptors from Darling' Bangor Ford of Bangor, in the amount of \$40,668 as a Public Safety Administrative Vehicle; plus up to \$3,179 for equipment purchase and set-up for a the total cost not to exceed \$43,847 to be funded with American Rescue Plan Act State and Local Fiscal Recovery Funds. (Video record time 0:24:15 - 0:26:25)**

Moved by Meghan Gardner and seconded by Cheryl Robertson. All voted in favor, 7-0.

Ms. Wilson stated this is the same vehicle mentioned before that is being funded through the Town's ARPA funds. This purchase is based upon the vehicle and vendor having been selected through the state bidding process.

**Order 22-145 Order, authorizing the Town Manager to purchase a 2022 Doosan DL280-7 Front End Loader from Central Maine Equipment of Stillwater, Maine in an amount not to exceed ~~\$147,401~~ \$179,401, including trade-in of the Town's ~~2003 Komatsu WA250 Front End Loader~~. (Video record time 0:26:26 - 0:45:33)**

Moved by Rob Laraway and seconded by Cheryl Robertson.

Motion to amend by Leo Kenney and seconded by Sonja Birthisel to increase the purchase price to \$179,401, and to delete the trade-in. All voted in favor of the amendment, 7-0.

All voted in favor of the order as amended, 7-0.

Mr. Yerxa stated that five bids were received with Central Equipment being the low bidder (with the loader in stock) and noted a \$32,000 trade-in allowance. Councilors noted the wide range of bids received.

Mr. Kenney asked if staff considered retaining the (trade-in) loader. Mr. Yerxa supported retaining the loader for work in the landfill. Councilors discussed this option and supported retaining the loader in the fleet. Ms. Wilson also supported retaining the loader. Councilors discussed amending the motion. Mr. Wingard asked about how the change would affect the borrowing. Ms. Wilson explained the details. Ms. Birthisel expressed concerns about not creating infrastructure creep in the future.

**Order 22-146 Order, authorizing the borrowing of funds from The First National Bank to purchase the Front End Loader and related attachments and accessories with a tax-exempt loan in the amount of ~~\$177,500~~ **\$209,407** with a repayment term of up to 5 years (with first payment of ~~\$38,562.68~~ due by October 1, 2022) and an interest rate of 3.81%; and, further, to authorize the Council Chair and Town Manager/Treasurer to execute any and all documents necessary to execute said borrowing. (Video record time 0:45:34 - 0:49:38)**

Moved by Meghan Gardner and seconded by Cheryl Robertson.

Motion to amend by Meghan Gardner and seconded by Cheryl Robertson to increase the loan amount to \$209,407, to strike out the payment amount, and to maintain the first payment due by October 1, 2022. All voted in favor of the amendment, 7-0.

All voted in favor of the order as amended, 7-0.

Ms. Wilson noted the amended amount of \$209,407 and striking the first payment amount. She noted the first payment will be due by October 1, 2022.

**Order 22-147 Order, allocating a budget of \$347,500 for the following projects funded through the Capital Infrastructure Reserve Fund: (Video record time 0:49:39 - 1:02:27)**

- \$ 12,500 Riverdale Drive Drainage and Overlay
- \$ 80,000 Westwood Drive Drainage and Overlay
- \$130,000 Beech Street Drainage and Road Reconstruction
- \$ 15,000 College Avenue Sidewalk Reconstruction
- \$ 55,000 Park Street Temporary Shim
- \$ 55,000 MDOT Planning Partnership Grant Match

Moved by Meghan Gardner and seconded by Sonja Birthisel. All voted in favor, 7-0.

Ms. Wilson explained that each year the Town Council authorizes staff to sweep the balance of the previous year's capital infrastructure budget into the Capital Infrastructure Reserve Fund when the financial books are closed. As part of this process, staff annually recommends an Capital Infrastructure Reserve Fund budget for the Town Council's consideration. This usually consists of completing projects that had been budgeted for but not yet started (due to timing of the construction year versus the fiscal year, project funding availability, etc.) or new projects aimed at leveraging grant

funding or responding to existing conditions. Mr. Yerxa reviewed details of the projects.

Mr. Yerxa stated the MDOT Planning Partnership Grant match (Route 2, from Kelley Road to the town line project) will be discussed at a Special Town Council meeting on July 18, 2022.

## **9. Council Committee/Representative Reports** *(Video record time 1:02:30 - 1:07:37)*

**Finance Committee** - Mr. Perry reported the Committee met and reviewed the FY2023 budget and received a presentation by UMaine Professor Rob Glover who spoke on Incentives for Councilors, to encourage broader participation in the elected office. He noted the research did not support that increasing the salary would necessarily bring a more diverse Council. This topic will be discussed again at a future Council workshop.

**Seminar** - Ms. Robertson reported on the Communities Leading on Climate Change Conference she attended on June 17th. She noted increased funding that is available through Efficiency Maine.

**Environment Committee** - Ms. Robertson reported the Committee met on June 23rd and is organizing an Orono Energy Efficiency Fair on Saturday, October 22, 2022 at UMaine Wells Common, that is part of the Community Resilience grant.

**Community Development Committee** - Mr. Wingard reported the Committee met and discussed the Diversity, Equity, and Inclusion (DEI) process.

## **10. Future Agenda Items/Items of Concern** *(Video record time 1:07:40 - 1:31:40)*

Geoffrey Wingard would like to continue discussing the roadway between Mill Street and the Pine Street parking lot this fall.

Leo Kenney asked for an update on the lighting issue and “no jumping” signs for the Brandon Silk bridge. Regarding the lighting, Mr. Yerxa stated they are working to locate the junction box on the bridge. Regarding signage, Ms. Wilson noted some research has been done, but she will follow up with the Maine Municipal Association for further information.

Mr. Kenney requested a future agenda item of reviewing what the State is doing regarding freezing property taxes for senior citizens (LD290). Ms. Wilson will report back on how that will be managed by the State.

Rob Laraway mentioned a future agenda item from the Orono-Veazie Water District Trustees regarding not fluoridating the water supply. He also asked about the next steps regarding the Penobscot County’s proposal about a jail expansion. Ms. Wilson is waiting for a response back from the County.

Meghan Gardner commented she has not received some of the emails. Ms. Wilson will forward them.

Rob Laraway referenced an email from an 8th grader regarding pride flags on the bridge year round. Ms. Wilson explained the relationship between the University and the Town regarding flags on the bridge and on Main Street that the University puts up. Mr. Perry suggested the Council discuss it further at a Council Community Development Committee Meeting.

Ms. Wilson reported on the following items:

- Staff met with residents regarding speeders on Forest Avenue and other streets.
- Staff met with residents on Mountain View regarding 20-foot area clearings on public lands.

- The Council/Committees Meeting schedule from now through September. At this point, there will be no meeting the weeks of August 15, 22, 29, and September 5th.

**11. Public Petitions - None**

**12. Public Comments** (*Video record time 1:31:41 - 1:38:30*)

John Schuster stated he would love to see the arts downtown. He suggested using the Keith Anderson Community Center on Bennoch Road as a space to show art and the production of art. He is willing to look for artists to fill the space. Councilor Wingard stated there will be a Community Public Facilities Meeting on Thursday, July 28, 2022 at 5 p.m. to discuss the broad use of the public spaces.

**13. Executive Sessions**

**a. Pursuant to 1 MRSA § 405 (6)(c) to discuss a potential Economic Development Redevelopment Project**

At 6:39 p.m., Meghan Gardner motioned and Rob Laraway seconded to move into executive session to consider a request for Poverty Tax Abatement based on poverty and/or disability #2022-002. All voted in favor, 7-0.

At 6:49 p.m, Cheryl Robertson motioned and Rob Laraway seconded to move into regular session.

**b. Pursuant to 1 MRSA § 405 (6)(d) to discuss on-going Collective Bargaining Negotiations between the Town of Orono and Maine Association of Police - Orono Unit**

At 6:28 p.m., Rob Laraway motioned and Cheryl Robertson seconded to move into executive session to consider a request for Poverty Tax Abatement based on poverty and/or disability #2022-002. All voted in favor, 7-0.

At 6:49 p.m, Cheryl Robertson motioned and Rob Laraway seconded to move into regular session.

**14. Adjournment**

Motion to adjourn by Sonja Birthisel and seconded by Rob Laraway. All unanimously agreed. The Council Meeting adjourned at 7:59 p.m.

Minutes are not verbatim. A video-recorded version is available on the Town's website at [www.orono.org](http://www.orono.org).

Respectfully submitted,

Nancy W. Ward  
Executive Assistant