



TOWN COUNCIL MEETING

MONDAY, JANUARY 9, 2023 AT 5:00 P.M.

COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE

MINUTES

1. Roll Call

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

2. Agenda Review *(Video record time 0:0:18 - 0:00:49)*

Council Chair Tom Perry asked for a motion to add Order 23-19 to the agenda under New Business. Motion by Sonja Birthisel and seconded by Rob Laraway to add Order 23-19 to the agenda. All voted in favor, 7-0.

3. Approval of Minutes of December 12, 2022 *(Video record time 0:0:50 - 0:01:14)*

Motion by Meghan Gardner and seconded by Cheryl Robertson to approve the minutes. All voted in favor, 7-0.

4. Public Comments - None

5. Public Hearings *(Video record time 0:01:35 - 0:25:53)*

- a. **To consider Victualer's Licenses for: Global Montello Group Corp., d/b/a Alltown, 103 Park Street; DMCP, LLC, d/b/a Dunkin Donuts, 103 Park Street; Nest Coffee, LLC d/b/a The Nest, 24 Main Street; and Legacy CP Maine, LLC d/b/a Wendy's Old-Fashioned Hamburgers, 4 Stillwater Avenue.**

Public hearing a. opened at 5:02 p.m. Town Manager Sophie Wilson stated staff has completed all the inspections and is recommending approval of the licenses. No public comments were made. Mr. Perry stated he was impressed with the renovations at Alltown. Public hearing a. closed at 5:04 p.m.

- b. **To consider a Class I – Malt Liquor, Wine & Spirits Liquor License and Victualer's License for Farnsworth Enterprises Inc., d/b/a Pat's Pizza, 11 Mill Street.**

Public hearing b. opened at 5:04 p.m. Ms. Wilson stated staff has completed the inspections and is recommending approval of the license. She noted there are minor issues with the sprinkler system and the owner representative has made an appointment to have it fixed. No public comments were made. Public hearing b. closed at 5:05 p.m.

c. To consider a Class XI Malt Liquor, Wine & Spirits Liquor License and Victualer's License for Yama's Inc., dba Yama's Bar & Grill, 19 Mill Street.

Public hearing c. opened at 5:05 p.m. Ms. Wilson stated staff has completed the inspections and is recommending approval of the license. She stated staff noted minor issues that the owner will address. No public comments were made. Public hearing c. closed at 5:06 p.m.

d. To consider a Class I – Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to the University of Maine d/b/a Collins Center for the Arts, 5746 Collins Center.

Public hearing d. opened at 5:06 p.m. Ms. Wilson stated staff has completed the inspections and is recommending approval of the license. She noted the University has several subsets that require licenses. No public comments were made. Public hearing d. closed at 5:07 p.m.

e. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 2, Article V Finance, Division 2 Purchasing, to update purchasing information to current practice standards.

Public hearing e. opened at 5:07 p.m. Ms. Wilson stated that Councilors and staff reviewed the proposed revisions to the Town's Purchasing Ordinance in Committee. She reviewed the various revisions that attempt to update purchasing practices and procedures, balance operational limitations on bidding, and provide the Town Council with more flexibility in arriving at purchasing decisions that are in the best interest of the Town.

Mr. Kenney asked for time to review the changes further before adopting them. Ms. Wilson stated she also wants to talk with Council at a later date about making changes to the Internal Controls Manual, which will coincide with the purchasing ordinance. Mr. Perry noted this is just the public hearing, and Council will have time to review it again before consideration of adoption. Mr. Laraway would like to further discuss the preferences to Maine businesses. Ms. Birthisel noted additional capitalizations that need to be made to the proposed ordinance. Ms. Wilson reviewed the proposed differences between small and large purchases. Ms. Wilson stated she will review the changes with Mr. Kenney and work with the Finance Manager to propose changes to the Internal Controls Manual. No public comments were made. Public hearing d. closed at 5:24 p.m.

f. To allow for public input regarding proposed amendments to the Town of Orono Fee Schedule. [Postponed to the February 13, 2023 Council Meeting]

6. Acknowledgments by Council Members (Video record time 0:25:54 - 0:28:56)

Rob Laraway stated the December lights on the Stillwater River trail looked very nice.

Sonja Birthisel acknowledged the NAACP and the University of Maine for holding their Martin Luther King, Jr. breakfast this coming Monday.

Meghan Gardner acknowledged that the sun is setting later and lifting spirits.

Cheryl Robertson wished everyone a Happy New Year.

Leo Kenney acknowledged Firefighter Dennis Bean for his amazing artwork on the new Fire Department truck. He appreciated that Mr. Bean donated his time and talents to Orono.

Tom Perry acknowledged the Orono Fire Department for the time and effort it took to develop the specifications they wanted for the new truck. He also acknowledged the Public Works crew for their efforts with the recent storm.

7. **Unfinished Business** - None

8. **Consent Agenda** (*Video record time 0:29:00 - 0:29:45*)

Councilor Birthisel requested that Orders 23-10 and 23-11 be taken up separately under New Business.

Order 23-01 Order, approving a Victualer's License for Global Montello Group Corp., d/b/a Alltown, 103 Park Street.

Order 23-02 Order, approving a Victualer's License for DMCP, LLC, d/b/a Dunkin Donuts, 103 Park Street.

Order 23-03 Order, approving a Victualer's License for Nest Coffee, LLC d/b/a The Nest, 24 Main Street.

Order 23-04 Order, approving a Victualer's License for Legacy CP Maine, LLC d/b/a Wendy's Old-Fashioned Hamburgers, 4 Stillwater Avenue.

Order 23-05 Order, approving a Class I – Malt Liquor, Wine & Spirits Liquor License and Victualer's License for Farnsworth Enterprises Inc., d/b/a Pat's Pizza, 11 Mill Street.

Order 23-06 Order, approving a Victualer's License for Class XI Malt Liquor, Wine & Spirits Liquor License and Victualer's License for Yama's Inc., dba Yama's Bar & Grill, 19 Mill Street.

Order 23-07 Order, approving a Class I – Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to the University of Maine *d/b/a* Collins Center for the Arts, 5746 Collins Center.

Order 23-08 Order, changing the time of the February 13, 2023 Regular Council Meeting from 7PM to 5PM.

Order 23-09 Order, pursuant to 29-A M.R.S.A., Sec. 2395, the Council hereby designates Bennoch Road from Main Street to the Orono-Old Town Line, Forest Avenue from Main Street to I-95, and Taylor Road from Forest Avenue to Putnam Road as being closed to vehicular traffic carrying heavy loads from January 15, 2023 until May 1, 2023 when necessary, unless solidly frozen and that said roads shall be subject to the same restrictions and definitions of heavy loads as promulgated by the Department of Transportation for State and State Aid

Highways, which restrictions are incorporated herein by reference. The Town Manager shall be authorized to cause the enforcement thereof.

Order 23-12 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 14, 2023 Annual Municipal Election. [MRSA 21A, Sec. 122.6A(2) and Sec. 122.8] (Monday-Thursday 7:30am-5:30pm).

Order 23-13 Order, pursuant to 21-A MRSA § 501, approving the Town Clerk's appointment of Belle Ryder, Angela Kohtala and Judith Sullivan as Wardens and Patricia Davis and Danielle Nightingale as Deputy Wardens for the March 14, 2023 Annual Municipal Election.

Order 23-14 Order, accepting the Maine Municipal Employees Health Trust Wellness Grant in the amount of \$2,600 for the Town's 2023 Employee Wellness Program.

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

9. New Business

Order 23-10 Order, approving the Membership in the Maine Service Centers Coalition for 2023 and designating Sophia L. Wilson as the Voting Delegate Representative and designating Belle Ryder as the Alternate. (Video record time 0:29:46 - 0:34:19)

Moved by Meghan Gardner and seconded by Geoffrey Wingard. All voted in favor, 7-0.

Ms. Birthisel requested information about this order. Ms. Wilson described the Maine Service Center Coalition and how it serves the various communities. She noted that Orono is a Maine Service Center.

Order 23-11 Order, approving the Warrants for the March 14, 2023 Annual Municipal Election, setting the hours of voting as 7:00am-8:00pm and the polling place as the Council Chambers of the Municipal Building for Ward 1 (Precincts 1, 2, and 3). (Video record time 0:34:20 - 0:37:57)

Moved by Cheryl Robertson and seconded by Sonja Birthisel. All voted in favor, 7-0.

Ms. Birthisel asked for clarification on how the locations of the elections are determined. Ms. Wilson noted federal and state elections are held at the University of Maine (approved by the University and State) and local and potential small referendum elections are held in the Council Chamber. Ms. Ryder noted that the Orono Black Bear Express is free and runs all day during the elections and the Community Connector is also available free for students.

Order 23-15 Order, approving a Contract Zone Application by Zachary Pike located at 74 Mill Street, Tax Map 27-12 Lot 35. The application proposes to change the zoning district for the parcel from Medium Density Residential to Village Commercial, subject to certain restrictions. (Video record time 0:37:58 - 0:45:28)

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

Town Planner Kyle Drexler stated this contract zone application has been through Council Committee, the Planning Board public hearing process, and the Town Council public hearing process. On December 19, 2022, the Council Committee reviewed the comments received at the Council public hearing and Councilor questions and concerns, and proposed revisions to the draft agreement. As a result of the discussion, staff worked with the developer to make the following revisions to the agreement: 1) Clarify that restaurant use does not include drinking establishment, dance hall, or nightclub; 2) Clearly prohibit the construction of any deck or patio on the westerly side of the property abutting the 68 Mill Street property line and limit the construction of any deck or patio to no further than the existing building line on the northerly side of the property abutting the 5 Summer Street property; 3) Reduce the cap on three-bedroom dwelling units to no more than 5 units; 4) Clarify that the total allowed commercial space is capped at 6,000 square feet; and 5) Require the property to meet the noise ordinance requirements for the zoning district of the directly abutting properties with frontage on Mill Street, as opposed to the Village Commercial District.

Councilors expressed their appreciation for the process and the outcome and for creating more housing for Orono.

Order 23-16 Order, authorizing the Town Manager to accept and expend, if awarded, a grant from Brookfield Renewable of up to \$7,000 for equipment purchase and training related to Fire Department Swiftwater Rescue Operations. (Video record time 0:45:29 - 0:49:50)

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

Ms. Wilson stated that last year, the Town Council authorized the Town Manager to apply for, accept, and expend grant funds from Brookfield Renewable to purchase swift water rescue equipment and cover related training costs. Initially, this grant was not funded; however, staff received notification that \$7,000 was awarded to the Town.

Deputy Fire Chief Kevin Sirois explained, with the dams removed, there is a need for swiftwater rescue. He described that the grant would allow for training, and the purchase of wetsuits, drysuits, ropes, and gear.

Order 23-17 Order, engaging Runyon Kersteen Ouellette of South Portland for FY2022-FY2026 Financial Auditing Services; and further, authorizing the Town Manager or Town Council Chair to execute all necessary documents to formalize said engagement. (Video record time 0:49:51 - 1:08:13)

Moved by Cheryl Robertson and seconded by Meghan Gardner. The vote was in favor, 4-3 (with Leo Kenney, Geoffrey Wingard, and Sonja Birthisel opposed).

Ms. Wilson stated the Town Council has engaged Runyon Kersteen Ouellette (RKO) to complete the statutorily required annual financial audit since 2013. Mr. Perry stated an extensive audit process was conducted at the time to select RKO. He noted RKO excels in providing information on best practices.

Ms. Robertson asked whether consistency was a good thing. Mr. Perry spoke of consistency with a firm being good, but not necessarily good with an individual. RKO proposed the following audit costs: (Fiscal Year, Base Audit, Single Item Audit) FY23, \$31,200, \$3,100; FY24, \$32,300, \$3,200; FY25, \$33,600, \$3,300; and FY26, \$34,700, \$3,400.

Mr. Wingard asked about RKO's pricing increase. Ms. Wilson explained that audit firms are having difficulty with staffing and noted RKO's wage package has increased.

Mr. Kenney noted that 10 years with an auditing firm is a long time, and he supported putting together an RFP for Auditing Services. Ms. Birthisel agreed.

Ms. Wilson stated for FY23, there is not enough time to put out an RFP, with audit meetings scheduled for June and August. Ms. Gardner suggested accepting the four-year contract with RKO today, and noting that it would be good business practice to consider making a change in the future.

Order 23-19 Order, authorizing the Town Manager to expend up to \$20,000 for payments associated with a Salt-Affected Well Insurance Claim at 88 Kelley Road with funds drawn from the Contingency Account. (Video record time 1:08:14 - 1:17:19)

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

Ms. Wilson described the salt affected well insurance claim at 88 Kelley Road. She stated the claim was made, a hydrologist was consulted, and it was determined to be due to road salt. She reviewed the expenses which totaled \$17,500, plus extra costs associated with carpentry and such. Direct payments will be made directly to the service providers. Ms. Wilson noted the owners were interested in being part of the public water system, but it is a lot more expensive to extend the line.

Mr. Wingard asked how many claims the Town has had. She noted there have been three during her tenure, and the other two were below the insurance coverage limit of \$25,000.

10. Future Agenda Items/Items of Concern (Video record time 1:17:20 - 1:17:59)

Geoffrey Wingard asked about putting parking issues on a future agenda.

11. Town Manager's Report (Video record time 1:17:20 - 1:24:52)

Ms. Wilson noted that her Manager's report was emailed to Councilors. Mr. Perry stated the Forest Avenue meeting was well attended and residents were satisfied with the Town's direction in regard to speeding. Mr. Kenney asked if the electronic speed sign belongs to the Town. Ms. Wilson confirmed that it does belong to the Town and noted it collects data, along with providing speed calming measures. Ms. Wilson stated the sign will be moved to different sections. She noted that the data collected reflects the neighborhood's concerns. She noted similar concerns with speeding on Bennoch Road, College Avenue, and Park Street. Mr. Yerxa is working with BACTS regarding traffic calming measures.

12. Public Petitions - None

13. **Public Comments** - None

14. **EXECUTIVE SESSIONS**

a. Pursuant to 36 MRSA, § 841 et seq. to Consider a Request for Poverty Tax Abatement Based on Poverty and/or Disability #2022-004.

At 6:26 p.m., Cheryl Robertson motioned and Sonja Birthisel seconded to move into executive session to consider a request for Poverty Tax Abatement Based on Poverty and/or Disability #2022-004. All voted in favor, 7-0.

At 6:45 p.m., Cheryl Robertson motioned and Meghan Gardner seconded to move into regular session. All voted in favor, 7-0.

Order 23-18 Order, to consider a Request for Poverty Tax Abatement Based on Poverty and/or Disability #2022-004.

Moved by Cheryl Robertson and seconded by Leo Kenney to deny a request for Poverty Tax Abatement based on Poverty and/or Disability #2022-004. All voted in favor, 7-0.

b. Pursuant to 1 MRSA § 405 (6)(A) for the Town Manager’s Annual Performance Review

At 6:46 p.m., Geoffrey Wingard motioned and Meghan Gardner seconded to move into executive session for the Town Manager’s Annual Performance Review. All voted in favor, 7-0.

At 7:30 p.m., Cheryl Robertson motioned and Meghan Gardner seconded to move into regular session. All voted in favor, 7-0.

15. **Adjournment**

Motion to adjourn by Meghan Gardner and seconded by Cheryl Robertson. All voted in favor, 7-0. The Council Meeting adjourned at 7:30 p.m.

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