



## **TOWN COUNCIL MEETING**

**MONDAY, FEBRUARY 13, 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 (remote), Sonja Birthisel, Robert Laraway, and Town Manager Sophie Wilson.

#### **2. Agenda Review** (*Video record time 0:0:24 - 0:01:27*)

Council Chair Tom Perry asked for a motion to add a second Executive Session to the end of the agenda for a discussion related to a personnel matter. Moved by Meghan Gardner and seconded by Cheryl Robertson. All voted in favor, 7-0.

#### **3. Approval of Minutes of December 19, 2022 and January 9, 2023** (*Video record time 0:1:28 - 0:02:09*)

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

#### **4. Public Comments** (*Video record time 0:2:10 - 0:07:49*)

Sarah Marx requested that Order 23-28 (The Town Manager's two-year contract extension) be taken off the consent agenda and be taken up separately under New Business due to the importance and significance of the Town Manager position. Ms. Marx was grateful to the Council for the Town Manager evaluation process, and asked that it be expanded to include all employees, and community members by reaching out to the Councilors. Ms. Gardner noted that employment contracts are generally included on the consent agenda.

#### **5. Public Hearings - None**

#### **6. Acknowledgments by Council Members** (*Video record time 0:7:50 - 0:13:58*)

Leo Kenney acknowledged the passing of Shayne Cobb, a long-time employee of Orono High School, who was part of the fabric of the community and will be greatly missed.

Sonja Birthisel acknowledged all of the students who participated in the International Dance Festival.

Cheryl Robertson also acknowledged the International Dance Festival this past weekend and that it was well attended.

Meghan Gardner acknowledged the hard work of Parks & Recreation Manager Meghan Mazella for her efforts in launching the Community English Program to provide non-native English speakers an opportunity to improve their communication skills. She noted it is a free class that will meet on Mondays at the Orono Public Library and on Wednesdays in the UMaine Memorial Union. from 10-11:30am both days.

Ms. Gardner acknowledged the retirement of Councilor Tom Perry after 50+ years of service to the community, starting as the Assistant Principal of Orono High School in 1971, to Principal, to Superintendent of School until 2004. He then joined Town Council in 2006, and spent the last three years as Council Chair. She noted that Mr. Perry has given a lot to the community and will be missed. She wanted to express everyone's appreciation and gratitude.

Rob Laraway expressed appreciation to Mr. Perry for being a fair voice on Council and allowing everyone to be heard.

Geoff Wingard expressed appreciation for Mr. Perry's years of service. Mr. Wingard recognized the Orono Land Trust volunteers and Penobscot Valley Ski Association for putting on a great Caribou Bog Ski Race and events.

Tom Perry acknowledged the Caribou Bog family event being held on February 26th from 11:30am-2:30pm at the Caribou Bog Outdoor Center on Taylor Road in Orono.

Mr. Perry acknowledged the passing of Shayne Cobb, who he had the pleasure of working with for 30 years. Mr. Perry also acknowledged the passing of longtime Orono resident Charlie Grant, who was the Director of the Counseling Center at the University of Maine.

**7. Unfinished Business - None**

**8. Consent Agenda** *(Video record time 0:13:59 - 0:15:36)*

Mr. Perry noted that Order 23-28 would be removed from the consent agenda. Councilor Leo Kenney requested Orders 23-21, 23-24, and 23-26 be taken off the consent agenda. Mr. Perry noted that the orders would be taken up separately under New Business.

**Order 23-20** Order, changing the time of the March 13, 2023 Regular Council Meeting from 7PM to 5PM.

**Order 23-22** Order, authorizing the Town Manager to pay Beauregard Equipment of Hermon up to \$21,872 for emergency repairs to the Public Works Backhoe with funds drawn from the Capital Equipment Reserve Account.

**Order 23-23** Order, authorizing the Town Manager to enter into a 3-Year Zoll Extended Warranty and Preventive Maintenance Service Contract on three (3) EMS Monitors at a total cost of \$15,715.44, and to expend \$5,238.48 from the approved FY23 Fire Department Operating Budget for the first of three annual payments.

**Order 23-25** Order, authorizing the Town Manager to submit an application to the New England Grassroots Environment Fund for Grow Program grant funds of up to \$4,000 to support Orono's Window Dressers Program; accepting any funds awarded; and, further authorizing the Town Manager to expend said funds in accordance with the grant.

**Order 23-27** Order, authorizing the Town Manager to execute any and all documents necessary for the Town of Orono to participate in a National Opioid Settlement Agreement(s) with Teva, Allergan, CVS, Walgreens, and Walmart.

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

## 9. New Business

**Order 23-21** Order, authorizing the Town Manager to pay Greenwood Emergency Vehicles, LLC of Brunswick up to \$27,708 for emergency hydraulic system repairs to the Fire Tower Truck with funds drawn from the Capital Equipment Reserve Account. *(Video record time 0:15:37 - 0:18:57)*

Moved by Leo Kenney and seconded by Rob Laraway. All voted in favor, 7-0.

Public Safety Director Geoff Low stated the Fire (tower) ladder truck had significant failures within its hydraulic system. Specifically, one of the canisters needed to be sent to Texas to be repaired by a certified vendor and the truck cannot be placed in service for use without this part. Mr. Kenney asked if information about spending from reserves had been sent to Councilors. Ms. Wilson confirmed that an email had been sent, and the balance in the account is \$352,000.

**Order 23-24** Order, increasing the previously authorized expense of up to \$20,000 related to the Town's portion of a salt affected well insurance claim at 88 Kelley Road (Order 23-19) an additional \$15,000 to a total of up to \$35,000 with all funds drawn from the Contingency Account. *(Video record time 0:18:58 - 0:22:40)*

Moved by Leo Kenney and seconded by Meghan Gardner. All voted in favor, 7-0.

Mr. Kenney asked about the total cost. Ms. Wilson stated the total is \$57,000, with \$25,000 to be covered by the Town's insurance. Ms. Wilson stated this covers the cost of the claim; however, there can be other future claims. She noted the cost to connect to the Orono-Veazie Water supply is estimated at \$150,000-\$250,000. She noted the new well will not be in the same place.

**Order 23-26** Order authorizing the Town Manager to apply to the MDEP Courtesy Boat Inspector Program with Greater Pushaw Lake Association in an amount not to exceed \$5,000 to fund an intern to complete boat inspections at Goulds Landing during the 2023 Summer Season with any required match funded from the approved FY23 municipal budget or through a donation from the Greater Pushaw Lake Association. *(Video record time 0:22:41 - 0:24:50)*

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

Mr. Kenney asked what happens if we do not receive funding. Ms. Wilson stated the program will only operate if the grant funds are received. She noted that matching funds will come from the Greater Pushaw Lake Association, or through the approved FY23 Parks and Recreation Operating Budget.

**Order 23-28 Order, amending Section 2 of the Employment Agreement between the Town of Orono and Sophia L. Wilson as follows: The term of this Agreement shall commence on July 1, 2019, and shall continue until ~~June 30, 2024~~ June 30, 2026, unless terminated pursuant to the terms of this Agreement or unless a specific term is provided for by a subsequent amendment to this Agreement. All other language in this section shall remain and apply to the new ending date. (Video record time 0:24:51 - 0:27:25)**

Moved by Cheryl Robertson and seconded by Meghan Gardner. The vote was in favor, 5-0-2 (with Sonja Birthisel and Rob Laraway abstaining).

Ms. Gardner stated one of Council's primary roles is overseeing the routine employment contract process of the Town Manager.

Sonja Birthisel appreciated the public comment that this item is important and should not be a consent agenda item. She would like to consider, with future Town Manager evaluations, making it a process with more voices.

**Order 23-29 Order, authorizing the Town Manager to submit an Application for the Assistance to Firefighters Grant in an amount of \$120,000 to replace soon to be regionally incompatible mobile and portable radios; accepting any funds awarded; and, further authorizing the Town Manager to expend said funds in accordance with the grant. (Video record time 0:27:26 - 0:31:09)**

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

Chief Low explained that Penobscot County and area public safety agencies (including the Orono Police Department) are moving from analog to digital radio communication systems. In an effort to ensure continued interoperability, the Orono Fire Department is seeking permission to apply for up to \$120,000 in mobile and portable radio equipment. This grant seeks to replace necessary communications equipment with most of the cost paid for by non-local property tax dollars.

Note: Order 23-30 was taken up after Order 23, 31

**Order 23-31 Order, authorizing the Town Manager to purchase Rack Storage from Uline of Pleasant Prairie, WI to store HazMat supplies at a cost not to exceed \$6,700 with funds drawn from the HazMat Reserve Account. (Video record time 031:10 - 0:34:50)**

Moved by Rob Laraway and seconded by Meghan Gardner. All voted in favor, 7-0.

Chief Low explained that the Orono Fire Department stores Hazardous Material Response equipment and supplies on the UMaine campus in an older building slated to be rehabbed or removed. Staff has been working to organize and dispose of unnecessary items with a plan to organize, maintain, and utilize a reasonable inventory at its storage space within the Public Works facility. In order to support this move, they need commercially certified storage racks to properly organize and maintain the items.

**Order 23-30 Order, authorizing the Town Manager to submit an Application for the Gloria MacKenzie Foundation Grant to Replace Existing Jaws of Life Extrication Equipment in the amount of \$70,000 (No match required); accepting any funds awarded; and, further authorizing the Town Manager to expend said funds in accordance with the grant. (Video record time 034:51 - 0:37:35)**

Moved by Rob Laraway and seconded by Meghan Gardner. All voted in favor, 7-0.

Chief Low stated this grant would allow the Town to replace the current Jaws of Life that is outdated and needs to be replaced. The current equipment does not have the ability to effectively manage newer vehicle construction and requires hose connections in order to be able to work versus the new battery operated units.

**Order 23-32 Order, authorizing the Town Manager to purchase a 2023 Ford F250 4x4 Crew Cab Pick-Up Truck with Snow Plow Prep Package for Public Works from Whited Ford Truck Center of Bangor for a total cost of \$54,015 with funds drawn from the approved FY23 Capital Equipment Budget. (Video record time 037:36 - 0:42:16)**

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

Town Manager Wilson explained that in FY21, the Town Council approved the purchase of two pick-up trucks for the Public Works Department to replace existing work trucks (2006 and 2009). These trucks were ordered as part of a municipal fleet program that Ford suspended prior to the trucks being built and delivered. Last year, the 2006 pick-up truck was taken out of service as it was no longer safe to operate. The Town Council then approved the purchase of a used truck off a car lot with the expectation that Ford's municipal program may be reinstated. Whited Ford notified staff that the municipal program will not be restarted; however, it has started building the trucks initially ordered for the Town. Without the municipal discount, this vehicle will cost \$54,015.

Ms. Robertson stated she would like to see the Town electrify its fleet when purchasing new vehicles. Ms. Birthisel seconded Ms. Robertson's comment.

**Order 23-33 Order, authorizing the Town Manager to purchase a 2023 GM Sierra 2500 Regular Cab for the Water Pollution Control Facility (WPCF) from Varney Buick GMC of Bangor at a cost not to exceed \$45,695 with funds drawn from the WPCF Capital Equipment Reserve Account. (Video record time 042:17 - 0:48:30)**

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

WPCF Superintendent Chris Prue stated this purchase would replace the 2013 pick-up truck. He stated that Varney GMC is currently holding a 2023 GMC Sierra 2500 at a cost not to exceed \$45,695.

Mr. Kenney noted that this reduces the capital budget to \$56,000. Ms. Wilson agreed that the sewer reserves need to be built up; however, this truck is critical for operations. She noted the other piece of equipment needed at WPCF is a press, which costs over \$1M.

Ms. Robertson spoke in support of electrifying the fleet of vehicles going forward. Ms. Wilson stated staff has heard her concern.

**Order 23-34 Order, appointing Town Council Diversity, Equity, Inclusion, and Belonging Committee Members for the following Initial Terms:**

**Three-Year Terms: Carlos Lopez Garcia and Michael Williams;  
Two-Year Terms: Leah Hakkola, Malcolm Himshoot, and Emily Roth;  
and One-Year Terms: Brian Pitman and Douglas Johnson** *(Video record time 048:31 - 0:50:23)*

Moved by Meghan Gardner and seconded by Rob Laraway. All voted in favor, 7-0.

Rob Laraway spoke in appreciation of the work of the Council and Town Manager to put together this committee. Ms. Gardner thanked everyone who applied for this committee.

**Order 23-35 Order, appointing Sonja Birthisel as the Council Liaison to the Diversity, Equity, Inclusion, and Belonging Committee.** *(Video record time 050:24 - 0:51:35)*

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

Mr. Perry stated he met to discuss the role of liaison with Councilor Birthisel and is pleased she is willing to serve in that capacity. Mr. Laraway spoke in support of Ms. Birthisel as being an excellent choice.

**10. Future Agenda Items/Items of Concern** *(Video record time 051:36 - 0:52:23)*

Rob Laraway stated he has been hearing stirs about a unionization effort on Town staff and expressed concern about not being alerted to it sooner, as well as a potential personnel issue involved with it. He asked if it should be discussed in executive session. Ms. Wilson stated she can only alert Council to issues she is aware of, and she is not aware of a unionization effort. She noted there is an executive session to discuss a personnel issue.

**11. Public Petitions - None**

**12. Public Comments - None**

**13. Executive Session: Pursuant to 1 MRSA § 405 (6)(C) for Discussions related to the Acquisition of Real Property or Economic Development**

At 5:55 p.m., Meghan Gardner motioned and Sonja Birthisel seconded to move into executive session for discussions related to the acquisition of real property or economic development. All voted in favor, 7-0.

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

**Executive Session: Pursuant to 1 MRSA § 405 (6)(A) for Discussions related to a Personnel Matter with the Town Attorney**

At 6:45 p.m., Meghan Gardner motioned and Cheryl Robertson seconded to move into executive session for discussions related to a personnel matter with the Town Attorney. All voted in favor, 7-0.

At 7:35 p.m, Leo Kenney motioned and Rob Laraway seconded to move into regular session. All voted in favor, 7-0.

**14. Adjournment**

Motion to adjourn by Leo Kenney and seconded by Rob Laraway. All agreed and declared adjourned by the Council Chair. The Council Meeting adjourned at 7:35 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