



**TOWN COUNCIL MEETING**  
**MONDAY, APRIL 10, 2023 AT 5:00 P.M.**

**COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE**

**MINUTES**

**1. Roll Call**

Present: Interim Council Chair Geoffrey Wingard, Cheryl Robertson, Sonja Birthisel, Leo Kenney, Sarah Marx, Daniel Demeritt, and Town Manager Sophie Wilson. Absent: Robert Laraway.

**2. Election of an Interim Council Chair** (*Video record time 0:0:20 - 0:01:26*)

Councilor Wingard stated Council has decided to elect an Interim Chair until the annual election at the regular Council Meeting in May so that all Councilors are able to attend.

Motion by Leo Kenney and seconded by Cheryl Robertson to nominate Geoffrey Wingard as the Interim Council Chair. All voted in favor, 6-0.

**3. Agenda Review** (*Video record time 0:1:27 - 0:02:30*)

Town Manager Wilson stated Order 23-59 was inadvertently left off the agenda and noted Council could add it to the agenda if they unanimously agree.

Council unanimously agreed to add, Order 23-59 Order, authorizing the Town Manager to enter a Memorandum of Understanding with Regional School Unit 26 (RSU#26) to establish an Outdoor Learning Space on Town-owned Property, to the agenda under New Business.

**4. Approval of Minutes of March 6, March 13, and March 20, 2023** (*Video record time 0:2:31 - 0:03:23*)

Moved by Cheryl Robertson and seconded by Leo Kenney to approve the minutes with the correction. All voted in favor, 6-0.

Councilor Robertson noted a spelling correction to be made to Erin Schroeder's name.

**5. Public Comments - None**

**6. Public Hearings** (*Video record time 0:3:48 - 0:10:15*)

**a. Consideration of a Victualer's License for The Donut Grove, LLC, 153 Park Street, Suite B.** [*Tabled until further notice.*]

**b. Consideration of a Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Sodexo Company, The Bear's Den, Memorial Union, University of Maine.** [*Postponed to May 8, 2023 Council Meeting.*]

- c. **Consideration of a Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Sodexo Company, Wells Catering, University of Maine.** *[Postponed to May 8, 2023 Council Meeting.]*
- d. **To determine whether or not it is in the best interest of the Town to dispose of Tax Acquired Property located at 3 Water Street, Map 27-12 Map 40, pursuant to the Town of Orono Ordinance, Section 2-150(c).**

Public hearing d. opened at 5:04 p.m. Ms. Wilson stated the purpose of the public hearing is to allow for public comments on whether or not it is in the best interest of the Town to dispose of tax acquired property at 3 Water Street. She explained that the Town of Orono foreclosed on this property in December, 2022 for non-payment of FY21 property taxes. She noted that Code Enforcement has declared this property a dangerous building and unfit for human habitation due to the foundation being unstable, among other things. She provided information that the mortgage company had discharged the mortgage, but did not assume ownership of the property. She explained that a notice had gone out to all foreclosed property owners about the redemption process. She noted that the former owners have indicated that they would sign a release deed. This would remedy issues with the lien notification process. Ms. Wilson stated once the release deed is received, the property could be put out to bid with conditions of a minimum bid of \$8,242.34 to cover taxes and utility fees assessed, interest, and fees as well as providing a plan to the Code Enforcement Officer to address identified code violations.

No public comments were made. Public hearing d. closed at 5:10 p.m.

## **7. Acknowledgments by Council Members** *(Video record time 0:10:16 - 0:13:52)*

Sarah Marx acknowledged Sophie Wilson, Nancy Ward, and Shelly Crosby for help with onboarding this past month. She also acknowledged the Orono Show Choirs that performed well during the state competition and received awards and for performing locally for the town.

Cheryl Robertson acknowledged the life and the passing of Nancy Rampe, who was an honored member of the community and stated that she will be missed. She also acknowledged Tyler Technologies for their new business in Orono. She noted they broke ground on Wednesday (April 5th) and have made an effort to be very collaborative. Ms. Robertson stated the building is anticipated to be completed by May 2024.

Leo Kenney acknowledged the community volunteers for their service on the various boards and committees.

Sonja Birthisel acknowledged and thanked the students who took it upon themselves to help clean up downtown.

Dan Demeritt acknowledged Meaghan Mazella, Meaghan Dean, and Cheryl Robertson who came together to talk about the ski program and the opportunity for Parks and Recreation to provide leadership.

Geoffrey Wingard acknowledged the folks who attended the Community Conversations that were held over the last few weeks and to hear their ideas.

8. **Unfinished Business** - None

9. **Consent Agenda** (*Video record time 0:13:58 - 0:15:25*)

**Order 23-45** Order, changing the time of the May 8, 2023 Regular Council Meeting from 7PM to 5PM.

**Order 23-46** Order, setting the date of May 8, 2023 at 5PM for a Public Hearing to consider the Repeal and Replacement of Chapter 18, Article VIII Floodplain Management of the Town of Orono Ordinances to conform to the State of Maine Model Floodplain Ordinance.

**Order 23-47** Order, appointing/re-appointing the following Board/Committee Members:

- **Planning Board:**  
John Beckett (5-year term, regular seat: expiring 2028)
- **Board of Appeals:**  
Paula Moore (5-year term, regular seat: expiring 2028)  
Roberta Munger (3-year term, unexpired associate seat: expiring 2025)
- **Board of Assessment Review:**  
Brett Grandchamp (3-year term, regular seat: expiring 2026)
- **Personnel Board of Appeals:**  
Fredrica Smith (3-year term, regular seat: expiring 2026)
- **Library Board of Trustees:**  
Katherine Edes and Ashlyn Edes (3-year terms, regular seats expiring 2026)
- **Tree Board:**  
David Thompson (3-year term, regular seat: expiring 2026)  
Jayme Titus (3-year term, associate seat: expiring 2026)
- **OTO Fiber Corporation:**  
Geoffrey Gordon (3-year term, regular seat: expiring 2026)

**Order 23-48** Order, confirming the following 1-year appointments of the Town Manager:

<b>Tree Warden</b>	<b>Robert Yerxa</b>
<b>Road Commissioner</b>	<b>Robert Yerxa</b>
<b>Code Enforcement Officer</b>	<b>Patrick Estey</b>
<b>Building Inspector</b>	<b>Patrick Estey</b>
<b>Electrical Inspector</b>	<b>Patrick Estey</b>
<b>Local Plumbing Inspector</b>	<b>Patrick Estey</b>

**Order 23-49** Order, appointing Shelly Crosby as Registrar of Voters for a two-year term, expiring December 31, 2024.

**Order 23-50** Order, confirming the Town Manager's 1-year appointment of David Russell as Alternate Code Enforcement Officer, Alternate Building Inspector, Alternate Electrical Inspector, and Alternate Local Plumbing Inspector.

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

**10. New Business**

**Order 23-51 Order, authorizing the Town Manager to pay Jackson Plumbing and Heating of Old Town \$7,130 for emergency repairs to Replace Two Propane Water Heaters in the Public Safety Building with funds drawn from the adopted FY23 Municipal and Public Safety Buildings Facilities Budget. (Video record time 0:15:26 - 0:17:09)**

Moved by Cheryl Robertson and seconded by Sonja Birthisel. All voted in favor, 6-0.

Public Works Director Rob Yerxa explained that the hot water heating system in the Public Safety Building experienced a failure that left the building without adequate hot water. Given the nature of the work performed in this building, the decision was made to effect an emergency repair to get hot water flowing as soon as possible. Staff received quotes from two area vendors and selected the company that provided the lowest quote to complete the work.

**Order 23-52 Order, authorizing the Town Manager to write-off the following property taxes owed on accounts that have been deemed uncollectable: (Video record time 0:17:10 - 0:20:25)**

<b>Acct # 404</b>	<b>7 Schoppe Drive</b>	<b>(018-047-007)</b>	<b>\$649.81</b>
<b>Acct #1025</b>	<b>0 Lexington Road</b>	<b>(019-001-031)</b>	<b>\$616.89</b>
<b>Acct #2524</b>	<b>0 Essex Street</b>	<b>(006-004-059)</b>	<b>\$310.85</b>

Moved by Sonja Birthisel and seconded by Leo Kenney. All voted in favor, 6-0.

Mr. Wingard asked for a motion to waive the reading of the order. Motion by Sonja Birthisel and seconded by Leo Kenney to waive the reading. All unanimously agreed.

Ms. Wilson stated staff review of these outstanding property tax accounts indicated that the original assessments were not correct and the amounts owed are not collectable. She explained the reasons.

**Order 23-53 Order, determining that it is in the best interest of the Town to dispose of Town owned property pursuant to the Town of Orono Ordinances, Section 2-150 (c), located at 3 Water Street (Tax Map 027-012 Lot 040), through sealed bid offered to general public. (Video record time 0:20:26 - 0:28:03)**

Moved by Cheryl Robertson and seconded by Sonja Birthisel. All voted in favor, 6-0.

Mr. Demeritt asked about determining whether it is in the best interest for the Town. Ms. Wilson explained the internal review process and that Council generally wants properties back on the tax roll. With foreclosures, the Town wants to release its interest in a property, and the buyer would address any cloudy title. Ms. Wilson noted that is why the bids for this process are generally low. She noted the mortgage has been released, but there may be a couple mechanic liens from

contractors. She stated the fairest way to sell our interest is through a sealed bid, highest bidder process.

Zake Pike asked if the Town did the title work. Ms. Wilson stated the Town did lien research. She noted it is up to the buyer to do title work at the registry of deeds.

**Order 23-54 Order, authorizing the Town Manager to accept up to \$4,000 from the Patrick Leahy Bulletproof Vest Partnership Grant Funds offered through the U.S. Department of Justice, Office of Justice Programs for partial reimbursement of the cost of Police Officer Bulletproof Vests; and further, to authorize the Town Manager to expend said funds according to the grant requirements. (Video record time 0:28:04 - 0:32:28)**

Moved by Cheryl Robertson and seconded by Sarah Marx. All voted in favor, 6-0.

Ms. Wilson stated that most municipalities have access to the Patrick Leahy Bulletproof Vest Partnership to receive revolving grant funds for police vests. She noted that every five years the vest warranties expire. She noted the vest cost is approximately \$1,400 and the Town receives reimbursement of \$700 (50%). Ms. Birthisel questioned what happens to the old vests. Public Safety Director Geoff Low spoke of the vests' wear and tear, sweat, and degraded fibers over the five years lifespan. He noted that he believes the Kevlar can be repurposed. Ms. Wilson stated the Town disposes of them.

**Order 23-55 Order, approving a second amendment to the \$1,000,000 General Obligation Note dated May 14, 2021, and awarded to Maine Municipal Bond Bank, Augusta, Maine, by changing the maturity date to May 10, 2024, and further to authorize the Treasurer and Interim Chair of the Town Council to execute said Allonge and all other documents necessary to complete said amendment. All other terms and conditions as stated in said General Obligation Note will remain the same. (Video record time 0:32:29 - 0:36:03)**

Moved by Cheryl Robertson and seconded by Leo Kenney. All voted in favor, 6-0.

Ms. Wilson stated the Town borrowed \$1M from the Maine Municipal Bond Bank to fund the sanitary sewer main improvements in the Mahaney Neighborhood. Delays in construction led to the Town needing to allonge (or extend) the deadline for project completion to May 14, 2023. While much of the project work is substantially complete, there is still some expenses remaining related to the final project completion and staff is working with Maine Department of Environmental Protection and the Maine Municipal Bond Bank to see if the remaining unspent funds (estimated to be approximately \$130,000) can be used for the design of the Hillside (Webster Neighborhood) sanitary and storm sewer project.

Mr. Kenney asked when the Town will start paying on the bond. Ms. Wilson stated the repayment starts one year after closure and it is a 20-year note that is paid through the sewer user rate.

**Order 23-56 Order, authorizing the Town Manager to enter into an agreement with Sebago Technics of South Portland, Maine for a Public Safety Building Facility Assessment at a cost not to exceed \$58,300 with funds drawn from the**

**remaining approved FY23 Capital Budget for this project and remainder from American Rescue Plan Act Grant Funds (ARPA).** *(Video record time 0:36:04 - 1:15:02)*

Moved by Cheryl Robertson and seconded by Sonja Birthisel. Motion failed, 2-4 (with Geoff Wingard and Cheryl Robertson in favor and Sarah Marx, Leo Kenney, Sonja Birthisel, and Dan Demeritt opposed).

Public Safety Director Geoff Low explained that the problems with the Public Safety building are bigger than staff realized, and problem solving is several steps away. He gave examples of the poor HVAC system and not knowing what is driving it. He also spoke of other challenges (i.e. single pane windows, the need for LED lighting in the building, etc). He noted that this agreement with Sebago Technics will help to identify the departments' needs, how we can address them, and look at the facility itself. He noted the first phase will include a full evaluation of the existing conditions, and a programming and needs assessment for Public Safety operations.

Mr. Yerxa noted this study will help identify problems to address needs, and to look at all of the components within the facility itself. This project will give us a far better understanding of the existing conditions, what the needs are, and a prioritized plan to move forward.

Mr. Yerxa noted the most valuable piece of information from the last study was the engineering review, and Sebago Technics can build on that study to fact check in less time.

Mr. Kenney suggested having a meeting to synthesize what we know so far. He suggested fixing what we can for now, because the major fixes are years from now. Mr. Yerxa noted that staff is keeping the building operational, but engineering work needs to be done.

Dan Demeritt stated he feels it is a comprehensive decision that should be made through the budget process. Ms. Birthisel agreed and suggested looking at the existing report.

Ms. Robertson noted she trusted staff to develop a comprehensive plan to move forward.

Ms. Marx understood there are problems to address, and supported having a workshop to look at the current study, and have staff explain the gaps of what we don't have. She also supported a comprehensive building plan.

Ms. Birthisel suggested discussing this item next month and having a workshop in between.

Ms. Wilson noted that she does not have confidence in the initial report; she noted the firm built their assessments based on building a new facility.

Mr. Kenney felt it was reasonable to have a meeting discussion about the building.

Mr. Wingard suggested having a workshop to review the initial report. Ms. Birthisel asked for a copy of Haley Ward's matrix of uses for the other facilities. Mr. Demeritt asked for any health safety issues that need to be addressed immediately (air quality, HVAC). Ms. Marx suggested taking a comprehensive look at all the Town buildings. Mr. Demeritt suggested touring the public safety building. Ms. Wilson will send out a calendar invite to pick a workshop date.

**Order 23-57** Order, authorizing the Town Manager to renew a one-year agreement with Downeast Assessing and Real Estate Services of Lamoine, Maine for Assessing Services for the period July 1, 2023 through June 30, 2024 at a cost not to exceed \$82,000. *(Video record time 1:15:04 - 1:17:07)*

Moved by Cheryl Robertson and seconded by Dan Demeritt. All voted in favor, 6-0.

Ms. Wilson noted this is the second renewal with Downeast Assessing and Real Estate Services. She noted that the Town has struggled to find a full-time certified Assessor. The Town has contracted with Downeast Assessing and Real Estate Services to complete the assessing functions. This contract price of \$82,000 is the same as last year.

**Order 23-58** Order, authorizing the Town Manager to enter into a one-year contract extension with Lucas Striping, LLC of Readfield, Maine for Pavement Markings at a cost not to exceed \$34,259 with funds drawn from the approved FY23 Operating Budget. *(Video record time 1:17:08 - 1:21:02)*

Moved by Leo Kenney and seconded by Cheryl Robertson. All voted in favor, 6-0.

Rob Yerxa stated that Lucas Striping, LLC was the low bidder last year for an annual price of \$29,446. (The second lowest bid last year was \$62,648.) The contract allows for up to two additional negotiated one-year extensions. The one-year extension is not to exceed \$34,259.

Mr. Yerxa noted the ideal time to do pavement markings would be June-July. He noted the high traffic areas wear off sooner than other areas. Sarah Marx asked whether high traffic streets can be repainted. Mr. Yerxa stated this can be discussed during the budget discussion.

**Order 23-59** Order, authorizing the Town Manager to enter a Memorandum of Understanding with Regional School Unit 26 (RSU#26) to establish an Outdoor Learning Space on Town-owned Property. *(Video record time 1:21:03 - 1:24:23)*

Moved by Sonja Birthisel and seconded by Cheryl Robertson. All voted in favor, 6-0.

Ms. Wilson stated that representatives from the school asked about putting in an outdoor classroom near the ballfield, behind the old St. Mary's. Ms. Wilson stated she worked with DEP to draft a memorandum of understanding, with assistance from the Environmental Services Coordinator.

Ms. Robertson spoke in support of an outdoor classroom. Ms. Birthisel agreed.

#### **11. Future Agenda Items/Items of Concern** *(Video record time 1:24:24 - 0:28:00)*

Ms. Robertson requested being flexible with the winter parking ban with the warm temperatures. Ms. Wilson agreed to end the winter parking ban early.

Mr. Wingard asked about the planning around Maine Days. Ms. Wilson stated the event will focus on clean up, UMaine classes will be held, and staff is working on Maine Day events, and life safety

issues. She noted the Public Safety staff is working on a plan with the Maine State Police and the University of Maine Police.

**12. Public Petitions - None**

**13. Public Comments - None**

**14. Executive Sessions**

Ms. Wilson requested that executive session b. be taken up first.

**b. Pursuant to 1 MRSA § 405 (6)(C) for Discussions Related to a Land Acquisition**

At 6:30 p.m., Sarah Marx motioned and Leo Kenney seconded to move into executive session to discuss a personnel matter. All voted in favor, 7-0.

At 6:42 p.m, Leo Kenney motioned and Sonja Birthisel seconded to move into regular session. All voted in favor, 7-0.

**a. Pursuant to 1 MRSA § 405 (6)(D) for Discussions Related to Collective Bargaining Negotiations with AFSCME Council 93**

At 6:42 p.m., Leo Kenney motioned and Cheryl Robertson seconded to move into executive session to discuss a personnel matter. All voted in favor, 7-0.

At 7:10 p.m, Leo Kenney motioned and Cheryl Robertson seconded to move into regular session. All voted in favor, 7-0.

**15. Adjournment**

The meeting was declared adjourned by Interim Chair Geoffrey Wingard at 7:10 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