



TOWN COUNCIL MEETING
MONDAY, APRIL 11, 2022 AT 6:30 P.M.
(End no later than 7:15 P.M.)

COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE
WATCH ONLINE AT <https://zoom.us/j/91594536423>
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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. Election of Council Chair *(Video record time 0:00:14 - 0:00:46)*

Councilor Gardner nominated Tom Perry to continue as Council Chair. No other nominations were made. All voted in favor, 7-0 to reappoint Councilor Perry as Chair.

3. Agenda Review *(Video record time 0:00:47 - 0:01:19)*

Town Manager Wilson suggested removing Orders 22-51 and 22-52 from the consent agenda for further discussion.

4. Approval of Minutes of March 14, 2022 *(Video record time 0:01:20 - 0:02:11)*

Moved by Meghan Gardner and seconded by Cheryl Robertson. All voted in favor, 4-0. Newly elected Councilors Birthisel, Kenney and Laraway did not vote because they were not seated on Council at that time.

5. Public Hearings *(Video record time 0:02:12 - 0:08:04)*

a. To consider a Victualer's License for CAMREP, Inc. d/b/a Spotlight Cinemas, 6 Stillwater Avenue.

Public hearing a. opened at 6:31 p.m. Ms. Wilson stated staff has completed the inspections, personal property taxes and sewer have been paid, and staff is recommending approval of the license. No public comments were made. Public hearing a. closed at 6:32 p.m.

b. To consider an On Premise Relocation Application for Chou Enterprises Inc. d/b/a China Garden, from 6 Stillwater Avenue to 12 Stillwater Avenue.

Public hearing a. opened at 6:32 p.m. Ms. Wilson stated that China Garden is moving its location from 6 Stillwater Avenue to 12 Stillwater Avenue (the former Burger King location). She noted they are not quite ready to make the move. However, all application fees are in, taxes and sewer have been paid. Ms. Wilson suggested moving the licenses forward, conditioned upon the business receiving a Certificate of Occupancy.. No public comments were made. Public hearing a. closed at 6:33 p.m.

c. To consider a Class I – Malt Liquor, Wine & Spirits License and Victualer’s License for Chou Enterprises Inc. d/b/a China Garden, 12 Stillwater Avenue.

Public hearing a. opened at 6:33 p.m. Ms. Wilson stated the business is in the process of moving. Their liquor license was due to expire in May, however, the State has extended liquor licenses for 90 days. She noted their licenses will be issued for the new location, once the current license expires. She noted she would be writing a bridge letter to the State for the new location at 12 Stillwater Avenue. No public comments were made. Public hearing a. closed at 6:34 p.m.

d. To consider a Class A - Restaurant/Lounge (XI) – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer’s License for Woodman’s LLC, d/b/a Woodman’s Bar & Grill, 31 Main Street.

Public hearing a. opened at 6:34 p.m. Ms. Wilson stated staff has completed all of the inspections, they are current on their personal property taxes and sewer, applications are in, and staff recommends approval of the licenses. No public comments were made. Public hearing a. closed at 6:35 p.m.

e. To consider a Class I - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License to Wardwell, LLC, d/b/a The Family Dog, 6 Mill Street.

Public hearing a. opened at 6:35 p.m. Ms. Wilson stated staff has completed all of the inspections, they are current on their personal property taxes and sewer, applications are in, and staff recommends approval of the licenses. No public comments were made. Public hearing a. closed at 6:36 p.m.

f. To consider Amendments to the Town of Orono Ordinances, Chapter 20 Law Enforcement to amend standards for recovery of costs for Police Services and Disorderly Property. *[This public hearing is postponed until the May 9th Council Meeting.]*

6. Acknowledgments by Council Members *(Video record time 0:08:05 - 0:11:14)*

Geoffrey Wingard acknowledged the Friends of the Orono Library for hosting their annual book sale.

Cheryl Robertson acknowledged Orlin who is leaving Orono April 22nd. He has had a downtown location for 10 years which has been a place of refuge and peace during Covid and the war. She noted that another local merchant has offered their space, but it will be sad to see them go.

Meaghan Gardner acknowledged all of the community volunteers that are on the consent agenda for volunteering their time on various boards and committees, and the elections. She also acknowledged the nice weather and upcoming Maine Day, and put out positive energy and solidarity for public safety through the end of the semester.

Sonja Birthisel acknowledged the Orono High School and Orono Middle School Show Choirs who have been doing beautiful things for the last couple of weeks.

Tom Perry acknowledged Cheryl Robertson and Meghan Gardner for stepping up to chair various meetings during his absence.

7. Unfinished Business

8. Consent Agenda (*Video record time 0:11:20 - 0:13:27*)

Orders 22-51 and 22-52 were removed from the consent agenda, as previously requested. Ms. Birthisel also requested Order 22-62 be removed from the consent agenda.

Order 22-50 Order, approving a Victualer’s License for CAMREP, Inc. d/b/a Spotlight Cinemas, 6 Stillwater Avenue.

Order 22-53 Order, approving a Class A - Restaurant/Lounge (XI) – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer’s License for Woodman’s LLC, d/b/a Woodman’s Bar & Grill, 31 Main Street.

Order 22-54 Order approving a Class I - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License to Wardwell, LLC, d/b/a The Family Dog, 6 Mill Street.

Order 22-55 Order, changing the time of the May 9, 2022 Regular Council Meeting from 7PM to 5PM.

Order 22-56 Order, setting the date of May 9, 2022 at 5PM for a Public Hearing to consider an Amendment to the Town of Orono Ordinances, Chapter 18, Sec. 18-31 Definitions, to create a definition for Fraternity and Sorority Houses.

Order 22-57 Order, appointing/re-appointing the following Board/Committee Members:

- ***Planning Board:***

- Christa Schwintzer (5-year term, regular seat: expiring 2027)

- Ashley Case and Robert Bayer (5-year terms, associate seats: expiring 2027)

- ***Board of Appeals:***

- Shane Martin (5-year term, regular seat: expiring 2027)

- ***Library Board of Trustees:***

- Francois Amar and Jennifer Bonnet (3-year terms, regular seats expiring 2025)

- Ashley Edes and Rachael Mahar (2-year terms, associate seats expiring 2024)

- ***Personnel Board of Appeals:***

- Brett Grandchamp (3-year term, regular seat: expiring 2025)

- ***Tree Board:***

- Tim White and Cindy Blease (3-year terms, regular seats: expiring 2025)

- ***Trails Committee:***
Jeffrey Boal, Gail White, David Thompson, David Frankel, Kate Locke and Mary Jean Sedlock (3-year terms: expiring 2025)
- ***Voter Registration Board of Appeals:***
Paula Moore (Dem), Janet Goodrich (Rep), Gwethalyn Phillips (Dem Alternate), John Beckett (Rep Alternate) (3-year terms: expiring 2025) and David Mitchell (Chairperson) (4-year term, filling unexpired seat until 2024)

Order 22-58 Order, appointing Election Clerks for two-year terms, as recommended by the Democratic and Republican Parties.

Democrats

Cathy Anderson	Aidan Andrews	Chantal Bussiere
Camden Bock	Karen Boucias	Debra Brooks
Genia Boko	Lisa Buck	Mary Cathcart
Jodi Clayton	Ben Cotton	David Cox
Geoff Gordon	Suzanne Gordon	Judith Hakola
Lucia Helder	Madeline Hanlon	Mary Anne Hillary
Peggy Holt	Jennifer Jain	Angela Kohtala
Ian Cobo-Lewis	Jerry Longcore	Cathryn Marquez
Julie Monroe	Paula Moore	Laurie O'Brien
Connie Perry	Gwethalyn Phillips	Janice Poulsen
Jewel Powers	Betsy Rose	Pamela Simon
Cynthia Smith	Barbara Smith	Kerry Sweet
Katherine Taylor	Robert Wheldan	

Republicans

Allison Applebee	Robert Bass Jr.	Connie Bates
John Beckett	Robin Beckett	Mark Brewer
Sally Booker	Judith Cyr	Jennifer Desmond
Jamie Giguere	Janet Goodrich	Nancy Grant
Dawn Kitchen	Daniel LaPointe	Mary Lapin
Anna Leek	Theresa Legere	Gary Noyes
Stephen O'Connell	Denise O'Connell	Francine Palmeter
Margaret Russell	Donna Slopey	Joshua Smith
Judith Sullivan	Patricia Thompson	Peter Triandafillou

Unenrolled

Jacob Chaplin	Roger Feeley	Lisa Feldman
Frank Kelly	David Mitchell	Johanna Toothaker
Adam Toothaker	Wanda Thomas	

Green Independent

MacKenzie Hayes

Order 22-59 Order, confirming the following 1-year appointments of the Town Manager:

Tree Warden	Robert Yerxa
Road Commissioner	Robert Yerxa
Code Enforcement Officer	Patrick Estey
Building Inspector	Patrick Estey
Alternate Electrical Inspector	Patrick Estey
Local Plumbing Inspector	Patrick Estey

Order 22-60 Order, confirming the Town Manager’s 1-year appointment of David Russell as Alternate Code Enforcement Officer, Alternate Building Inspector, Electrical Inspector, and Alternate Local Plumbing Inspector.

Order 22-61 Order, confirming the Town Manager’s 1-year appointment of Peter Hall as an Alternate Electrical Inspector.

Order 22-63 Order, accepting a donation of up to \$4,000 in matching funds from the St. Louis Family Fund and authorizing the Town Manager to purchase up to six (6) Zoll AED Plus systems from Allied 100, LLC of Woodruff, Wisconsin in an amount not to exceed \$9,040 with remaining funds to be drawn from approved FY22 Departmental Operating Budgets.

Order 22-64 Order, correcting Order 21-141 to purchase Two Hybrid Police Cruisers versus one Regular and one Hybrid Cruiser with the cost difference of approximately \$3,500 to be moved from the approved FY22 Police Department budget to the capital budget for this purchase. *(Note: This item was originally approved at the Council’s 7/12/2021 Meeting with changing instructions to staff at the 7/14/21 Council Committee Meeting.)*

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

9. New Business

Order 22-51 Order, approving an On Premise Relocation Application for Chou Enterprises Inc. d/b/a China Garden, from 6 Stillwater Avenue to 12 Stillwater Avenue, conditioned upon receiving a Certificate of Occupancy. *(Video record time 0:13:34 - 0:15:30)*

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

Ms. Wilson stated China Garden is trying to get the construction work completed to open in the new location, and it is the staff’s desire to not let the permit process be what stops them from opening.

Order 22-52 Order, approving a Class I – Malt Liquor, Wine & Spirits License and Victualer’s License for Chou Enterprises Inc. d/b/a China Garden, 12 Stillwater Avenue, conditioned upon receiving a Certificate of Occupancy. *(Video record time 0:15:32 - 0:16:15)*

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

Order 22-62 Order, approving the transfer of any portion of the Defendant in Rem \$237.00, as set forth in Penobscot Court Criminal Action Docket No. CR-21-1497, State v. Payson Viles, pursuant to 15 M.R.S.A. Sec. 5824(3) & Sec. 5826(6); further, authorizing the Town Manager, if approved by the court, to transfer 15% of the funds received to the Penobscot County District Attorney. (Video record time 0:16:16 - 0:20:07)

Moved by Cheryl Robertson and seconded by Geoffrey Wingard. The vote was in favor, 5-2 (with Councilors Birthisel and Laraway opposed).

Ms. Wilson noted this is a fairly routine action by Council. She explained that if someone is found guilty of a drug offense, and the District Attorney's Office determines the Police Department played a significant role, the District Attorney's Office can file forfeiture requests to the State. If the court awards the assets, the proceeds would be split 85% to the Town and 15% to the DA's Office. She stated the Town Council must agree in advance that they will accept the assets by vote prior to the Court's consideration of the forfeiture request. The funds can be used for law enforcement activity.

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. (Video record time 0:20:08 - 0:25:30)

Motion by Leo Kenney and seconded by Sonja Birthisel to postpone Order 22-65 until the July 11, 2022 Council Meeting. The vote was in favor, 6-1 (with Councilor Robertson opposed).

Mr. Kenney commented he would like to postpone voting on the proposed Ordinance because he has questions he would like to vet with Council. Ms. Birthisel appreciated all that has gone into this ordinance, but she also has questions, and would like more time to consider the ordinance.

Ms. Gardner noted she is fine with discussing this issue further, and noted the intent of the proposed ordinance is to make current Airbnb's legal. She noted the Council has worked hard on this ordinance to create harmony with rentals and neighborhoods, with owner occupied properties and non-owner occupied properties (with a local agent). Ms. Gardner noted that proposed State legislative bill LD2003 would negatively impact Orono and the work Council has tried to do by eliminating the requirement of having a local agent (for long term rentals). She encouraged people to read the bill and reach out to their legislators to make amendments to the bill.

10. Council Committee/Representative Reports (Video record time 0:25:32 - 0:30:52)

Community Development Committee - Geoffrey Wingard reported the Committee met on 3/28/22 and received an update on the Town Climate Action Planning efforts and grant, and reviewed the June Pride Month Proclamation and the Juneteenth Proclamation. Ms. Wilson provided an update regarding the Municipal Review Committee.

Environment Committee - Cheryl Robertson reported that the Committee vetted a potential municipal resolution on the Pine Tree Amendment and decided to give it some time. She noted the

Amendment did not pass in the legislature. The Committee was also updated on the Community Action Grant status.

Comprehensive Plan Committee - Meghan Gardiner reported that the Committee met on March 28th and discussed a Land Use Ordinance Amendment to define Fraternities and Sororities which was forwarded to the Planning Board for its review. The Committee also was updated on legislative bill LD2003 Housing Initiative. The Committee also met on April 4th for an introduction on the Comprehensive Planning revision process and an overview of the contract zoning process and planned development for Tyler Technology, 5 College Avenue.

Finance & Operations Committee - Tom Perry reported the Committee met on April 4th to discuss enhancing cyber security, whether to have Juneteenth as a holiday (to be discussed another year) and and a pre-budget discussion.

11. Future Agenda Items/Items of Concern (*Video record time 0:30:53 - 0:43:00*)

Leo Kenney suggested having Public Comment at the beginning of the meetings. Mr. Perry stated it will be discussed in committee and the agenda item will be “Public Comments at Council Meetings” (to discuss both types of meetings).

Sonya Birthisel would like to continue discussing the need for an ongoing DEI Committee. Ms. Wilson stated it will be discussed at the June 6th Council Committee meeting.

Tom Perry would like to discuss having a Vice Chair on Council for times when the Chair is absent and to assist in signing warrants.

Cheryl Robertson expressed concerns regarding the errors in the closed captions recently added to the meetings. She noted lots of dialog errors and misspelled words. Ms. Wilson spoke of the Zoom and Youtube limitations and staff resources that would be needed to fix it. Mr. Kenney suggested having Councilors speak up and be clearer for now. Ms. Ryder stated the new audio equipment will help improve the situation. Ms. Gardner suggested a safety filter. Ms. Birthisel suggested having the DEI Committee look into ideas (i.e. student volunteer). Mr. Perry noted that no action is being taken at this time. Council and staff have been made aware of the issue, everyone will attempt to speak more clearly, and the DEI Committee can provide recommendations in the future.

12. Public Petitions - None

13. Public Comments - None

14. Adjournment

Motion to adjourn by Meghan Gardner and seconded by Cheryl Robertson. All unanimously agreed. The Council Meeting adjourned at 7:13 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