



## TOWN COUNCIL MEETING

MONDAY, MAY 8, 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, Leo Kenney, Sarah Marx, Robert Laraway, Sonja Birthisel (remote), Daniel Demeritt (remote), and Town Manager Sophie Wilson.

#### 2. Election of a Council Chair and Vice Chair *(Video record time 0:0:20 - 0:02:32)*

Councilor Wingard described the process of electing a Council Chair and Vice Chair. He requested a motion for Council Chair. Leo Kenney motioned to elect Geoffrey Wingard as Council Chair and Rob Laraway seconded. All voted in favor, 7-0.

Sarah Marx motioned to elect Leo Kenney as Vice Chair and Rob Laraway seconded. The vote was in favor, 6-1 (with Cheryl Robertson opposed).

#### 3. Agenda Review - None

#### 4. Approval of Minutes of April 3, 2023 and April 10, 2023 *(Video record time 0:2:38 - 0:03:20)*

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

#### 5. Public Comments - None

#### 6. Public Hearings *(Video record time 0:3:40 - 0:07:08)*

- a. To consider 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 June 12, 2023 Council Meeting.]*
- b. To consider 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 June 12, 2023 Council Meeting.]*
- c. 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.

Public hearing c. opened at 5:04 p.m. Town Planner Kyle Drexler stated the floodplain ordinance was discussed in Council Committee and the Planning Board held its public hearing on the proposed revised ordinance and recommended the Town Council move forward with the adoption process with no changes.

Mr. Drexler provided an overview of the proposed ordinance. He stated that FEMA is in the process of updating the flood insurance rate maps. He noted the current maps were last updated in 1978. He stated that new maps will be adopted into the Town's ordinance when adopted by FEMA in July 2023.

No public comments were made. Public hearing c. closed at 5:07 p.m.

## **7. Acknowledgments by Council Members** *(Video record time 0:07:09 - 0:10:07)*

Cheryl Robertson acknowledged a successful University of Maine Graduation weekend and congratulated all the graduates.

Rob Laraway acknowledged the work of hand-numbering the budget book pages for Council.

Sarah Marx congratulated the University of Maine undergraduates and graduate students for completing another semester.

Sonja Birthisel acknowledged the Town's parks and public spaces and all the hard work that goes into maintaining those spaces.

Dan Demeritt acknowledged the Town Manager and the Town Attorney for finishing the work to get an agreement together for AFSCME Council 93, and for posting information on the website.

Geoff Wingard acknowledged the hard work that has gone into drafting a budget for Council. He noted the material is available online.

## **8. Unfinished Business - None**

## **9. Consent Agenda** *(Video record time 0:10:08 - 0:11:10)*

**Order 23-60** Order, changing the time of the June 12, 2023 Regular Council Meeting from 7PM to 5PM.

**Order 23-61** Order, setting June 12, 2023 at 5:00 p.m. as the date for a public hearing to discuss the 2023-2024 Municipal, Capital and WPCF budgets.

**Order 23-62** Order, setting June 12, 2023 at 5:00 p.m. as the date for a public hearing to consider a Sewer Rate for FY2024.

**Order 23-63** Order, setting June 12, 2023 at 5:00 p.m. as the date for a public hearing to accept comments on the Proposed FY2024 Fee Schedule.

**Order 23-64** Order, setting June 12, 2023 at 5:00 p.m. as the date for a public hearing for reviewing the Orono Village Center District Development Program.

**Order 23-65** Order, setting June 12, 2023 at 5:00 p.m. as the date for a public hearing on the estimating and assessing of assessments upon all lots or property within the Village Center Tax District (Municipal District) and establishing a tax rate for Fiscal Year 2024. *(Recommendation for FY24 is \$0.00/\$1,000 taxable value)*

- Order 23-66** Order, acknowledging and countersigning the warrants for the June 13, 2023 RSU#26 Budget Validation Referendum Election and setting the hours of voting as 7:00 a.m. to 8:00 p.m. and the polling place as the Council Chambers for Ward 1, Precincts 1, 2, & 3.
- Order 23-67** 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 June 13, 2023 RSU#26 Budget Validation Referendum Election, from 7:30 a.m. to 5:30 p.m. [MRSA 21A, Sec. 122.6.A (2) and (8)].
- Order 23-68** Order, approving the Town Clerk's appointment of Belle Ryder, Angela Kohtala, and Geoffrey Gordon as Wardens, and Suzanne Gordon and Lori Speed as Deputy Wardens for the June 13, 2023 RSU#26 Budget Validation Referendum Election for Ward 1, Precincts 1, 2, & 3.
- Order 23-69** Order, appointing current Tree Board Associate Member, Jayme Titus, as a Tree Board Regular Member with a term expiring April, 2026.
- Order 23-70** Order, proclaiming May 18, 2023 as the official day for the celebration of Arbor Day in the Town of Orono.
- Order 23-71** Order, proclaiming the Month of June as Pride Month in the Town of Orono.
- Order 23-72** Order, proclaiming June 19, 2023 as Juneteenth in the Town of Orono.

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

Ms. Wilson acknowledged the public hearing on the budget items that will be held on June 12th.

## **10. New Business**

- Order 23-73** Order, approving a change in the Maine Public Employees Retirement System Plan offered to qualifying members of the Orono Fire Department for future service only effective July 1, 2023; and, further, authorizing the Town Manager to execute any and all documents necessary, including the Amended Agreement between the Town and the Maine Public Employees Retirement System, to effect this change that reflect the Town's agreement to:
  - a) Provide Special Plan 3C to its firefighters who work more than 20 hours per week and are not seasonal or temporary as defined by the appendix to MainePERS Rule Chapter 802 for service rendered after June 30, 2023. Service rendered by firefighters during the period from July 1, 2005 through June 30, 2023 remains under Special Plan 2C; service rendered during the period from July 1, 2002 through June 30, 2005 remains under Special Plan 4C and service rendered before July 1, 2002 remains under Special Plan 4N.
  - b) Continue to provide Special Plan 3C to its police officers who work more than 20 hours per week and are not seasonal or temporary as defined by the appendix to MainePERS Rule Chapter 802.

- c) **Continue to provide Regular Plan AC to all other employees who work more than 20 hours per week and are not seasonal or temporary as defined by the appendix to MainePERS Rule Chapter.**
- d) **Continue to exclude employees who work 20 hours or less per week or who are seasonal or temporary as defined by the appendix to MainePERS Rule Chapter 802 and its elected/appointed officials from participating in the plan. (Video record time 0:11:11 - 0:14:31)**

Moved by Cheryl Robertson and seconded by Sarah Marx. All voted in favor, 7-0.

Ms. Wilson explained that last November the Town Council ratified a collective bargaining agreement with the Maine Association of Police - Orono Unit that included the agreement to move from Maine Public Employee Retirement System Special Plan 2C to Special Plan 3C effective July 1, 2023. While this change of retirement plan is a contractual obligation, the Maine Public Employees Retirement System requires that the municipality's legislative body formally approves the resolution contained in this order before taking the steps to affect this change.

**Order 23-74 Order, resolving the Town of Orono's Support for the Community's Graduate Students and Their Right to Form a Graduate Worker Union to Negotiate with the University of Maine System. (Video record time 0:14:32 - 0:21:17)**

Moved by Rob Laraway and seconded by Sarah Marx. The vote was in favor, 5-2 (with Cheryl Robertson and Leo Kenney opposed).

Ms. Birthisel stated this resolution was discussed at a Council Committee meeting and feedback was received by Council that it would have greater support if the language was more streamlined and focused on the impact to Orono residents. She and Mr. Demeritt redrafted the proposed resolution.

Ms. Robertson spoke in opposition to the resolution because she did not feel it was Council's business to favor one group over another. Ms. Robertson felt the University of Maine was capable of taking care of University business. Mr. Kenney was opposed for similar reasons. Mr. Laraway supported the resolution due to fairness of treatment for residents in Orono.

**Order 23-75 Order, authorizing the Town Manager to Negotiate and Execute an Agreement with Regional School Unit 26 to Lease Two (2) Offices in the Keith Anderson Community House for Adult Education Staff and Services through June 30, 2024 with a Base Annual Rent of \$0.00. (Video record time 0:21:18 - 0:27:43)**

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

Ms. Wilson stated staff is working with representatives from the Orono, Hampden, Old Town Adult Education Partnership to develop an agreement for Adult Ed to move into two office spaces and share conference and activity space within the Keith Anderson Community House for one year. She noted the upstairs space would still be available to the public. She stated the Town would provide the current level of service to the building, but would not clean the RSU 26 leased space.

Councilors spoke in support of the cooperation and collaboration for this one year lease, while still considering the long term use of the building.

**Order 23-76 Order, appointing the Councilors to Chair the following Town Council Committees: (Video record time 0:27:44 - 0:28:40)**

- **Finance and Operations** **Leo Kenney**
- **Community Development** **Dan Demeritt**

- **Comprehensive Plan Implementation** Cheryl Robertson
- **Environment** Sonja Birthisel

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

**Order 23-77 Order, appointing Orono Town Council Liaisons to the following:** *(Video record time 0:28:41 - 0:30:35)*

- **Bangor Target Area Development Corp** Leo Kenney
- **Orono Historical Society** Rob Laraway
- **Town Council DEIB Committee** Sonja Birthisel
- **Orono Economic Development Corp** Sarah Marx
- **Orono Economic Development Corp** Geoffrey Wingard

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

Ms. Wilson noted that Ms. Birthisel was already appointed as the Council Liaison to the Diversity, Equity, Inclusion, and Belonging Committee, but this action aligns the appointment timeframe with the other appointments.

Mr. Wingard noted that he has been the Library Board of Trustees' Council representatives and will continue to do so.

**Order 23-78 Order, authorizing the Town Manager to pay \$15,390 to SJ Rollins of Brewer, Maine for services rendered related to Emergency Server Recovery, New Server Installation, and Domain Rename with funds drawn from the approved FY23 Information Technology Department Operating Budget.** *(Video record time 0:30:36 - 0:33:25)*

Moved by Cheryl Robertson and seconded by Leo Kenney. All voted in favor, 7-0.

Assistant Town Manager and IT Director Belle Ryder spoke of the emergency server recovery, new server installation and domain renaming process. She noted, while the project was anticipated, the scale of the project was not anticipated.

**11. Future Agenda Items/Items of Concern** *(Video record time 0:33:26 - 0:34:08)*

Ms. Robertson requested having the "6-feet apart" signs removed from the Brandon Silk Bridge, now that the Covid crisis is over. Ms. Wilson stated she would put it on the Public Works' list.

**12. Public Petitions - None**

**13. Public Comments - None**

**14. Executive Session**

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

At 5:37 p.m., Rob Laraway motioned and Leo Kenney seconded to move into executive session for discussions related to collective bargaining negotiations with AFSCME Council 93. All voted in favor, 7-0.

At 6:16 p.m, Cheryl Robertson motioned and Leo Kenney seconded to move into regular session. All voted in favor, 7-0.

## **15. Adjournment**

The meeting was declared adjourned by Council Chair Geoffrey Wingard at 6:16 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