



TOWN COUNCIL MEETING

MONDAY, JUNE 12, 2023 AT 5:00 P.M.

COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE

MINUTES

1. Roll Call

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

2. Agenda Review *(Video record time 0:0:13 - 0:01:13)*

Council Chair Geoffrey Wingard suggested two changes to the agenda: Order 23-97 to be tabled to have a longer conversation with the applicants in a smaller meeting, and the removal of the Executive Session due to no new business to discuss.

3. Approval of Minutes of May 8 and June 1, 2023 *(Video record time 0:1:14 - 0:01:35)*

Moved by Sonja Birthisel and seconded by Rob Laraway. All voted in favor, 6-0.

4. Public Comments *(Video record time 0:1:36 - 0:02:52)*

Mathew Powers of Main Street spoke of his support for the direction the Council is taking. He supported looking at the 5 and 10 year projects for what the town needs and to have more data for the use of funds.

5. Public Hearings

- a. **Victualer's Licenses for American Legion, Dysart's Travel Stop, Leadbetter's, Orono IGA, The Store/Ampersand, Spotlight Cinema, and Thai Kitchen.** *(Video record time 0:02:53 - 0:04:27)*

Public hearing a. opened at 5:03 p.m. Code Enforcement Officer Patrick Estey explained the purpose of Victualer's licenses. He noted his comments are the cumulative recommendation of staff. He stated staff is recommending approval of the licenses. No public comments were made. Public hearing a. closed at 5:04 p.m.

- b. **A Class I – Malt Liquor, Wine & Spirits License and Victualer's License for Chou Enterprises Inc. d/b/a China Garden, 12 Stillwater Avenue.** *(Video record time 0:4:28 - 0:05:29)*

Public hearing b. opened at 5:04 p.m. Code Enforcement Officer Patrick Estey stated staff is recommending conditional approval of the licenses upon Code Enforcement approval of the fire suppression system. No public comments were made. Public hearing b. closed at 5:05 p.m.

- c. **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.** *(Video record time 0:5:30 - 0:05:59)*

Public hearing c. opened at 5:05 p.m. Mr. Estey stated all inspections have been completed and staff is recommending approval. No public comments were made. Public hearing c. closed at 5:06 p.m.

- d. **A Class XI - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Margs Mex Orono, LLC, d/b/a Margaritas Mexican Restaurant, 15 Mill Street.** *(Video record time 0:6:00 - 0:06:46)*

Public hearing d. opened at 5:06 p.m. Mr. Estey stated staff is recommending conditional approval of the license. He noted staff is waiting for proof of previous licenses from the new management. No public comments were made. Public hearing d. closed at 5:06 p.m.

- e. **A Class III Wine and Class IV Malt Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Sodexo America, LLC, 5748 Memorial Union, University of Maine.** *(Video record time 0:6:47 - 0:07:13)*

Public hearing e. opened at 5:06 p.m. Mr. Estey stated staff has completed all the inspections and is recommending approval of this license. No public comments were made. Public hearing e. closed at 5:07 p.m.

- f. **A Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Sodexo America, LLC, 5780 Wells Commons, University of Maine.** *(Video record time 0:7:14 - 0:07:42)*

Public hearing f. opened at 5:07 p.m. Mr. Estey stated staff has completed all inspections and is recommending approval. No public comments were made. Public hearing f. closed at 5:07 p.m.

- g. **To hear comments regarding the relocation of the November Election Polling Place used for any Federal/State Elections held during 2023-2025 to the Collins Center for the Arts, University of Maine Campus, due to an infrastructure project taking place at the previous location (New Balance Field House).** *(Video record time 0:7:43 - 0:10:03)*

Public hearing g. opened at 5:07 p.m. Ms. Wilson stated for many years the November election was split in multiple locations. More recently, the November elections have been held in one location at the New Balance Field House on the University campus. She noted the Field House is currently undergoing construction and staff has been working with the University to utilize the Collins Center. Staff has also been working with the Secretary of State to make sure the Collins Center meets all the standards. She noted the cost to rent the Collins Center will be under \$1,500. No public comments were made. Public hearing g. closed at 5:10 p.m.

- h. **To discuss the 2023-2024 Municipal, Capital, and Water Pollution Control Facility (WPCF) budgets.** *(Video record time 0:10:04 - 1:30:19)*

Public hearing h. opened at 5:10 p.m. Ms. Wilson presented an overview of the FY24 municipal budget (**See attached Powerpoint**). She reviewed the General Fund operations and capital revenue sources of \$15,164,150, and the expenses of the same. She noted an increase in grants and a \$1.3M increase in State Revenue Sharing. Ms. Wilson stated the Parks and Recreation budget is up significantly, due to additional programming and recreational demand. She reviewed the highlights of

this budget: Maintain most existing services, include wage adjustments to support retention and recruitment of the workforce, and to continue existing (and begin to expand) stable capital investment strategies. Ms. Wilson reviewed the municipal service increases (community building grant fund, asset management software, Park & Rec programming and OEDC outdoor center) and decreases (two Public Works positions unfunded and a 10-wheel truck not purchased).

Public comments:

Fredrica Smith of 8 Chestnut Court spoke against reducing the Public Works positions and the negative impact it will have on responding to ice and snow events.

Tom Perry of 136 Bennoch Road spoke of being disappointed with cutting back two Public Works positions and reducing the winter plowing ability. He also commented on the loss of staff negatively impacting the ability to take care of the cemetery. He stated it is an important service that the community expects and deserves.

Geoffrey Gordon of 22 Hamlin Street spoke of the Council's lack of experience and lack of historic knowledge and pleaded with them to reconsider the Public Works staff reduction. He urged the Council to wait a year to make changes. He commented on Council's tone towards staff and the need to listen.

Meghan Gardner of 69 Bennoch Road noted that the cuts to Public Works are a result of the increases in the school and county budgets. She urged Council to put the positions and plow truck back in the budget, noting that street plowing and sidewalks are equity issues. She noted that Councilors need to be good stewards of the town's resources.

Doug Johnson of 109 Forest Avenue expressed concerns about cutting the Public Works positions and its effect on the crew's morale. He spoke of the high quality of the Town Manager and Public Works Director.

Tom Spitz of 14 Kell Street spoke in support of maintaining the Public Works positions and noted storms are not getting easier. He spoke highly of the Public Works Director and thanked the Council for serving.

Matthew Powers spoke of the importance of Parks and Recreation and the Library and appreciated that family priorities are being taken into account.

Nancy Watson of 30 Orono Landing Road spoke in support of maintaining the Public Works crew and stated that Public Works is the foundation for everything in the community.

Catherine Thibedeau of 37 Broadway spoke in support of maintaining the Public Works snow removal efforts. She also spoke of the disrespectful and discounting approach to employees at meetings.

Geoff Gordon noted the 15 years on Council were the most rewarding years of his life.

Dan Demeritt asked how long the two Public Works positions have been vacant; Ms. Wilson responded with the vacancies occurring in March and the end of May 2023.

Ms. Wilson reviewed the 5-year Capital Investment Plan. She noted this year's FY24 investment plan is in the amount of \$2.1M. *(Details can be found in the Powerpoint presentation.)*

Ms. Wilson also presented the components of the tax rate, which are made up of the municipal, Penobscot County and RSU 26 budgets. She noted the components of the proposed tax rate are the

Town at 39.1%, Penobscot County at 6.1% and RSU 26 at 54.8%. She gave examples of the property tax impact.

Ms. Wilson presented the WPCF budget which maintains the same service level, increases the reserve appropriation and proposes an increase in sewer user fees by \$0.35/100 c.f. of water consumption. Public hearing h. closed at 6:30 p.m.

i. To consider a Sewer User Fee Increase for FY2024. *(Video record time 1:30:20 - 1:31:15)*

Public hearing i. opened at 6:30 p.m. Ms. Wilson provided the information in public hearing h. No public comments were made. Public hearing i. closed at 6:31 p.m.

j. To accept comments on the Proposed FY2024 Fee Schedule. *(Video record time 1:31:16 - 1:35:21)*

Public hearing j. opened at 6:32 p.m. Ms. Wilson reviewed the proposed changes to the FY24 Fee Schedule *(see the Powerpoint presentation)*. She noted the increases to RAD Summer Camp, the sewer fees, and returned check fee, and the decrease to the copying fee. No public comments were made.

Councilor Kenney expressed concern for increasing the returned check fee that tends to affect the people that can least afford it. Ms. Wilson noted that Council can discuss this item at the Council Committee meeting on June 20th. Public hearing j. closed at 6:35 p.m.

k. To review the Orono Village Center District Development Program and the Implementation of an assessment of \$0.00 per \$1,000 of taxable real and personal property for the municipal development district located in the downtown area, known as the Village Center Tax District, from July 1, 2023 to June 30, 2024. *(Video record time 1:35:22 - 1:40:50)*

Boundaries of District: Said District shall include real and personal property located on land shown on Orono tax maps as follows: Tax Map 019-004, Lots 061, 062, 063, 065, 066, 067; Map 027-002, Lots 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 047, 048, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 119, 120, 121, 122, 123, 124, 125, 126, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149; Map 027-12, Lots 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035 (maps on file in the Assessor's Office at the Municipal Building, 59 Main Street, Orono, ME 04473). The preceding map and lot numbers encompass an area generally described as follows: most properties abutting Route 2 from 87 Main Street to Murray's Campus Service, 5 properties on Forest Avenue, properties abutting Canal, Oak and Summer Streets, most properties abutting Mill Street from Route 2 to Byer Manufacturing, properties abutting the West side of Pleasant Street, most properties abutting Pine Street from Route 2 to Birch Street, 6 Myrtle Street and Alpenglow Adventure Sports.

Public hearing k. opened at 6:35 p.m. Ms. Wilson showed and explained the history of the Orono Village Center Tax District. Later, the Town formed the Downtown Transit Oriented TIF District.

Ms. Wilson explained that the Orono Village Center Tax District is continued each year, but no taxes are being raised. Funding for the downtown is supported from the Downtown Transit Oriented TIF District. She reviewed the ongoing services and programs that are being supported by the TIF.

No public comments were made. Public hearing k. closed at 6:40 p.m.

6. Acknowledgments by Council Members *(Video record time 1:40:51 - 1:45:18)*

Sarah Marx acknowledged all the people that attended the public hearing. She encouraged anyone listening, to complete the budget survey link online for public input on the taxes and desired service levels.

Rob Laraway Orono encouraged people to visit the Town's website to provide feedback on the budget. He acknowledged all the wonderful flowers around town that set a wonderful tone and atmosphere.

Sonja Birthisel thanked all of the previous Town Councilors and public servants who attended tonight. She also thanked Cheryl Robertson for her amazing work on the Environment Committee and environmental issues throughout the years.

Leo Kenney acknowledged the Orono Boys and Girls Track Team for their championship win. He acknowledged all the athletes and coaching staff for their efforts. Mr. Kenney acknowledged all of the staff for their efforts on the budget.

Dan Demeritt echoed all of the previous acknowledgements. He also acknowledged and congratulated Ruth White for winning the Track and Field Championship.

Geoffrey Wingard acknowledged the turnout and feedback received from the public. He reminded people that Artsapalooza will be held this weekend in downtown Orono. He also acknowledged the Public Safety staff for their quick response and intense commitment to keeping our community safe.

Sarah Marx acknowledged all the Orono High School seniors that graduated yesterday.

7. Unfinished Business - None

8. Consent Agenda *(Video record time 1:45:19 - 1:45:41)*

Order 23-79 Order, approving a Victualer's License for American Legion.

Order 23-80 Order, approving a Victualer's License for Dysart's Travel Stop.

Order 23-81 Order, approving a Victualer's License for Leadbetter's.

Order 23-82 Order, approving a Victualer's License for Orono IGA.

Order 23-83 Order, approving a Victualer's License for The Store/Ampersand.

Order 23-84 Order, approving a Victualer's License for Spotlight Cinema.

Order 23-85 Order, approving a Victualer's License for Thai Kitchen.

Order 23-86 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 Code Enforcement approval.

- Order 23-87** 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 23-88** Order, approving a Class XI - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Margs Mex Orono, LLC, d/b/a Margaritas Mexican Restaurant, 15 Mill Street, conditioned upon Code Enforcement approval.
- Order 23-89** Order, approving a Class III Wine and Class IV Malt Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Sodexo America, LLC, 5748 Memorial Union, University of Maine.
- Order 23-90** Order, approving a Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Sodexo America, LLC, 5780 Wells Commons, University of Maine.
- Order 23-91** Order, changing the time of the July 10, 2023 Regular Council Meeting from 7PM to 5PM.
- Order 23-92** Order, setting July 10, 2023 at 5:00 p.m. as the date for a public hearing to consider an Amendment to the Town of Orono Land Use Ordinances, Section 18-106, Schedule of Uses, to reduce the minimum lot area requirement in the Commercial-2 District from 40,000 square feet to 20,000 square feet.
- Order 23-93** Order, accepting grant funds and approving the expenditure in an amount up to \$2,964.34 from MMA's Workers Compensation Fund, Ed MacDonald Safety Enhancement Grant Program for the purchase of two Workstations and five Chairs for the Fire Department.

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

9. New Business

- Order 23-94** Order, accepting the resignation of Cheryl Robertson from Town Council (term expiring March 2024). *(Video record time 1:45:42 - 1:49:19)*

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

Mr. Wingard read Ms. Robertson's resignation into the record. Mr. Kenney spoke of accepting Ms. Robertson's resignation with regrets.

Former Councilor Meghan Gardner thanked Mr. Robertson for her years of service. She noted that Cheryl was a great example of how staff and Council can work together. She commented that the Town is run by a staff of experts and it is important to recognize their knowledge, and Councilors can bring a rich wealth of experience which staff may not have. Together the relationship can positively affect the way the Town functions. Ms. Robertson was an excellent example of this, by changing staff and Council's view on environmental causes, which shifted how the Town looked at these issues.

Order 23-95 Order, calling a Special Election on Tuesday, August 8, 2023 to fill the vacant Town Council term expiring March 2024 to be held in the Orono Town Council Chambers located at 59 Main Street, Orono, Maine with polls open on election day from 7:00AM until 8:00PM. *[Informational: The nomination period for this election would be from Tuesday, June 13, 2023 at 8:00AM until Wednesday, July 5, 2023 at 12:00PM and absentee ballots would be available beginning Thursday, July 6, 2023.] (Video record time 1:49:20 - 1:54:03)*

Moved by Sonja Birthisel and seconded by Sarah Marx. All voted in favor, 6-0.

Ms. Wilson noted that with Ms. Robertson's resignation, staff turned to the Charter for guidance. In situations where there is more than six months prior to the next annual municipal election, the Town Council must call a special election to fill the remainder of the unexpired term within 60 days of accepting the resignation. With the acceptance of Councilor Robertson's resignation on June 12th, the sixtieth day would be August 11, 2023.

Title 21-A mandates that elections must have a minimum 30-day absentee balloting period. Therefore, the minimum timeframe for having an election is 40 days. The Council Committee recommended holding the election on August 8, 2023 with the nomination period open from June 13th - July 5th at noon and an absentee voting period from July 6th - August 8th.

Order 23-96 Order, approving 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. *(Video record time 1:54:04 - 1:56:28)*

Moved by Leo Kenney and seconded by Sarah Marx. All voted in favor, 6-0.

Town Planner Kyle Drexler stated this is the final step in repealing and replacing the floodplain management ordinance. He noted this change has been reviewed by the Planning Board and Town Council public hearings. This proposed ordinance revision seeks to conform to the recently adopted State of Maine Model Floodplain Ordinance to meet the requirements of the National Floodplain Management Plan.

Order 23-97 Order, appointing Gabriel Frey and Arthur White to the Diversity, Equity, Inclusion, and Belonging Committee for 3-year terms, expiring April, 2026. *(Video record time 1:56:29 - 1:57:00)*

Moved by Leo Kenney and seconded by Rob Laraway to table Order 23-97. All voted in favor, 6-0.

Order 23-98 Order, authorizing the Town Manager to submit an application to the Secretary of State for the relocation of the November Election Polling Place used for any Federal/State Elections held during 2023-2025 to the Collins Center for the Arts, University of Maine, due to an infrastructure project taking place at the previous location (New Balance Field House). *(Video record time 1:57:01 - 2:07:32)*

Moved by Leo Kenney and seconded by Dan Demeritt. All voted in favor, 7-0.

Assistant Town Manager Belle Ryder explained that parking space at the Collins Center will be blocked off and available for the election. She explained the \$1,500 fee for the facility rental is for the day of, and day before, the election and she described how the space will be used. Ms. Wilson described other locations that were looked at and why they would not work. She also described the robust absentee ballot process.

Councilors spoke of the importance of having the elections in a single polling location. Ms. Ryder spoke of the Community Connector being available to provide bus services.

Order 23-99 **Order, authorizing the Town Manager to execute a Municipal Quit Claim Deed to transfer the Town's ownership interest in Tax Acquired Property currently described as Map 031-002 Lot 028, 69 Margin Street, to Richard Kunkel of Jewett City, CT on behalf of the prior owner of record upon receipt of funds. (Video record time 2:07:23 - 2:10:39)**

Moved by Dan Demeritt and seconded by Rob Laraway. All voted in favor, 6-0.

Ms. Wilson explained that the prior owner of record paid all of the fees owed and deeded his interest to his brother by virtue of a deed recorded at the Penobscot Registry of Deeds, so therefore the Town is deeding its interest back to the current owner of record, Richard Kunkel.

Order 23-100 **Order, approving the purchase of Self Contained Breathing Apparatus (SCBA) Bottles from Fire Tech & Safety of Winthrop, Maine at total cost of up to \$8,475 to be paid from approved FY23 Capital Equipment Budget (HazMat Reserve). (Video record time 2:10:40 - 2:14:50)**

Moved by Sonja Birthisel and seconded by Sarah Marx. All voted in favor, 6-0.

Deputy Fire Chief Kevin Sirois described the multi-year effort to replace self contained breathing apparatus air bottles.

Order 23-101 **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 2:14:51 - 2:17:54)**

Moved by Dan Demeritt and seconded by Sarah Marx. The vote was in favor, 5-1 (with Leo Kenney opposed).

Public Works Director Rob Yerxa stated staff is recommending accepting the proposal from Sebago Technics for the Public Safety building facility assessment study to address the needs of both the police and fire departments for operational and spatial needs, and a full assessment of the building. This assessment will be paid with ARPA funds.

10. Future Agenda Items/Items of Concern - None

11. Public Petitions - None

12. Public Comments *(Video record time 2:18:10 - 2:24:15)*

Public Safety Director Geoff Low spoke of resuscitating a man today which required the help of eight rescue people, both police and fire. He spoke of his perceived view of Council's distaste for the FY24 budget and some of the members of staff. He spoke of police, fire and public works being critical infrastructure for the community, which have to be balanced against the social wants and desires. He asked that the Council take time to listen to staff and learn from the professionals doing their jobs.

Mr. Demeritt noted it was not his intent to question anyone's professionalism. He just wants what is best for the community. Ms. Marx expressed feeling the same, and was just inquiring to understand what the Town is doing. She noted she is grateful for the information to make decisions.

13. Executive Sessions

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

This item was removed from the agenda.

15. Adjournment

At 7:26 p.m., Sarah Marx motioned and Dan Demeritt seconded to adjourn the meeting. All voted in favor, 6-0.

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