

**TOWN OF ORONO
COUNCIL VIRTUAL MEETING & WORKSHOP
MONDAY, JUNE 14, 2021 AT 5:00PM**

**WATCH ONLINE AT
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MINUTES

1. Roll Call

Present: Council Chair Tom Perry, Meghan Gardner, Terry Greenier, Laura Mitchell, Geoffrey Wingard, Cheryl Robertson, and Town Manager Sophie Wilson. Absent: Laurie Osher, who is at the Maine House of Representatives Meeting.

2. Agenda Review *(Video record time 08:04-08:42)*

Mr. Perry stated staff recommends removing Order 21-99 from the consent agenda and taking it up under New Business with a proposed amendment.

Motion by Cheryl Robertson and seconded by Geoff Wingard to remove Order 21-99 from the consent agenda and take it up under New Business. All unanimously agreed.

3. Approval of Minutes of May 10, 2021 *(Video record time 08:43-09:41)*

Moved by Terry Greenier and seconded by Cheryl Robertson. All voted in favor, 6-0.

4. Public Hearings

- a. To consider Victualer's Licenses for: American Legion, Orono IGA, Dysart's Travel Stop, Leadbetter's, The Store/Ampersand, and Thai Kitchen.** *(Video record time 09:42-12:01)*

Public hearing a. opened at 5:02 p.m. Code Enforcement Officer Patrick Estey reported that all inspections have been completed (personal property taxes and sewer have been paid) and staff is recommending approval of the licenses. No public comments were made. Public hearing a. closed at 5:03 p.m.

- b. To discuss the 2021-2022 Municipal, Capital and WPCF budgets.** *(Video record time 12:02-01:08:15)*

Public hearing b. opened at 5:04. Town Manager Sophie Wilson gave a presentation on the FY2022 operating budgets and 5-year capital plans for municipal and Water Pollution Control

(WPCF) activities. *(See the attached presentation.)* She presented the net cost to be funded by local property taxes at an increase of 2.09% over the last fiscal year. She provided an overview of the projected revenues (including State Revenue Sharing for FY22 projected at 3.75% to 5%). Overall, expected revenues are at \$7.14M (an increase of \$1.15M from FY21). Ms. Wilson presented the expenses and noted that expenses are up approximately \$1M. She stated the proposed budget restores staffing in Public Works/WPCF and the Public Library; re-opens the municipal pool and supports Recreation programming; and implements a sustained reasonable investment plan in municipal public infrastructure (roads, sidewalks, stormwater systems, etc). Ms. Wilson stated she does not have the tax rate at this time due to the revaluation being in process with final numbers expected in July. It is expected that the value will increase, which will lower the tax rate.

Sam Kunz expressed concerns about the revaluation. He noted that incomes are not back to normal and asked Council to consider reducing the number of vehicle purchases and not make as many upgrades.

Ms. Wilson stated a lot of thought went into the budget and explained that the Town is behind in upgrade.

Ms. Wilson reviewed the WPCF revenues and expenses. She noted the sewer user fee will increase by \$0.50 to \$5.85 per 100 cu. ft., an increase of \$40/year per average user. Ms. Wilson also noted that Orono has the lowest sewer user fees in the greater community. No public comments were made. Public hearing b. closed at 5:58 p.m.

c. To accept comments on the Proposed FY2021-2022 Fee Schedule. *(Video record time 01:08:20 - 01:16:51)*

Public hearing c. opened at 5:59 p.m. Ms. Wilson stated that every year the Town Council reviews the proposed fee schedule and holds a public hearing to allow the community to provide feedback before the schedule is formally adopted. Ms. Wilson reviewed the proposed changes to the fee schedule which included: no overdue book fees, and increases to electrical permits, swim related fees, RAD camp, sewer connection fees, and notary fees. No public comments were made. Parks and Recreation Director Mitch Stone explained the pool rates and noted they are comparable with other communities. Public hearing c. closed at 6:09 p.m.

d. To review the Orono Village Center District Development Program. *(Video record time 01:16:53 - 01:25:18)*

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 d. and e. opened at 6:10 p.m. Community Development Director Dave Milan explained that prior to establishing the Downtown and Transit Oriented TIF District, the Town established the Village District to raise dedicated funds and establish a public-private partnership to address economic and infrastructure issues related to the village area. These efforts were funded in large part through an additional tax levy of \$0.50/\$1,000 of taxable valuation on all real and personal property within the district (yielding approximately \$7,000/year) as well as a directed donation from the University of Maine (as much as \$5,000/year).

He noted, in 2016 the Town Council determined that adequate funds were available in the TIF District to carry out the goals/projects in the annual village district development plan and decided to set the additional tax levy at \$0.00/\$1,000 of taxable valuation. The legal process associated with creating a village district is cumbersome and costly; therefore, the Town Attorney has advised to continue to adopt an annual development plan (detailing projects planned within the village district boundaries) and establish a tax levy of \$0.00.

Mr. Milan described the Village District Development Plan for FY22: to provide funding for the free Black Bear Orono Express Shuttle Bus, summer concerts, and community events.

Mr. Milan stated the OVA funds have been used for downtown programs, Beautification Committee, sidewalks, and downtown benches. Ms. Wilson noted there was \$40,000 in the account and \$8,000 of it was used for the benches. She stated there are no longer downtown funds from the University. No public comments were made. Public hearing d. and e. closed at 6:17 p.m.

- e. Implementation assessments to be assessed against real and personal property for the municipal development district located in the downtown area, known as the Village Center Tax District.**

Maximum Rate of Assessments to be Extended in Any One Year: \$0.50 per thousand dollars of assessed value as of April 1, 2021. The assessment proposed to be levied for a one-year program commencing on July 1, 2021 and ending on June 30, 2022 is \$0.00 per thousand dollars of assessed value.

This public hearing was taken up with public hearing d.

f. Ordinance Amendments to amend Section 18-106(f), Schedule of dimensional requirements, to reduce the minimum lot area and minimum lot width in the Medium Density Residential District. *(Video record time 01:25:20 - 01:44:12)*

Public hearing f. opened at 6:18 p.m. Town Planner Kyle Drexler stated staff, Council and the Planning Board have worked over the last several months to create an ordinance revision that reduces lot area and minimum lot width in the MDR zoning district. This ordinance change reduces the minimum lot size from 20,000 to 15,000 square feet in order to provide the opportunity for some increased housing/dwelling density while maintaining the general character of the MDR. He noted this change provides an opportunity for additional housing (creating 2 family homes) with smaller minimum lot sizes for lots that have access to water and sewer.

Mr. Perry noted this issue was discussed many times and was a recommendation from the Comprehensive Plan.

Jon Henderson asked about the goal of reducing lot sizes. Mr. Drexler stated it would allow for more affordable housing opportunities within the existing infrastructure. Mr. Henderson commented on homeowners investments in their properties and concern for multi-family homes causing a negative impact. Mr. Drexler stated multi-family units would not be allowed. He noted the goal is to create housing opportunities without affecting the character of the Town. Mr. Drexler noted the change is reducing the square footage requirement from 20,000 sq. ft. to 15,000 sq. ft. He also spoke of cluster development requirements. Mr. Henderson asked how many MDR lots are 30,000 sq. ft. or larger. Mr. Drexler stated 80 lots. Public hearing f. closed at 6:36 p.m.

g. Ordinance Amendments to create Section 18-114, Village Residential Overlay District, an optional overlay district that would allow for the creation of smaller lots if a property is owner-occupied. *(Video record time 01:44:13 - 01:52:25)*

Public hearing g. opened at 6:37 p.m. Mr. Drexler stated the Comprehensive Plan speaks of providing affordable housing opportunities within the Village Residential District while maintaining the neighborhood character. This amendment would create greater housing opportunities, if the property is owner occupied (with a deed restriction). Mr. Drexler provided details. No public comments were made. Public hearing g. closed at 6:44 p.m.

5. Acknowledgments by Council Members *(Video record time 01:52:26 -01:58:29)*

Terry Greenier congratulated the Orono High School Track Teams both placing 4th in the State Championship. The Orono Boys Baseball Team will be competing tomorrow for the Northern Maine Championship at Mansfield Baseball Field in Bangor.

Meghan Gardner acknowledged Community Development Director Dave Milan who will be retiring June 25th and the great work he has done for Orono over the past six years. She also acknowledged the Orono Pride work that has been done around town with the Pride Zoo and painted windows to raise awareness of LGBTQ+.

Cheryl Robertson acknowledged the Orono High School Graduates and wished them well with their future endeavors.

Laura Mitchell acknowledged the work of the Ad Hoc DEI Committee and encouraged everyone to take the DEI Survey which is on the Town of Orono Facebook Page and on the Town's website.

Tom Perry acknowledged the work of the Police and Fire Department with a recent car accident near his home. He also acknowledged Pauline Butler who will be celebrating her 100th birthday.

6. Unfinished Business - None

7. Consent Agenda *(Video record time 01:58:35 - 01:59:26)*

Mr. Perry noted that Order 21-99 has been removed from the consent agenda and will be taken up under New Business.

Order 21-91 Order, approving a Victualer's License for the American Legion.

Order 21-92 Order, approving a Victualer's License for Orono IGA.

Order 21-93 Order, approving a Victualer's License for Dysart's Travel Stop.

Order 21-94 Order, approving a Victualer's License for Leadbetter's, 232 Main Street.

Order 21-95 Order, approving a Victualer's License for The Store/Ampersand.

Order 21-96 Order, approving a Victualer's License for Thai Kitchen.

Order 21-97 Order, setting June 28, 2021 at 5:00 p.m. as the date for a public hearing on Ordinance Amendments to Chapter 18 Land Use to create Section 18-154 Solar Energy Systems and amend Section 18-31, Definitions, and Section 18-106, Schedule of uses, to define, zone, and create performance standards for solar energy systems.

Order 21-98 Order, confirming Assessing Services from Downeast Assessing and Real Estate Services of Lamoine, from June 1, 2021 to June 30, 2022 (13 months) in the amount of \$75,833.33.

Order 21-100 Order, authorizing the Town Manager to sign an Agreement with the Maine Department of Transportation for three New Pedestrian Crossings on Main Street in the amount of \$30,000 (\$24,000 Federally Funded with \$6,000 local share).

Order 21-101 Order, approving the transfer of any portion of the Defendant in Rem \$1,220.00, as set forth in Penobscot Court Criminal Action Docket No. CR-20-1780, State v. Eliza Berberian, 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.

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

8. New Business

Order 21-102 Order, authorizing the Town Manager to apply for up to \$2,500, non-matching, grant from Brookfield Renewable, and if awarded, acceptance of funds to purchase Youth Life Jackets and other Water Safety Equipment that supports safe outdoor recreation. (Video record time 01:59:26 - 02:01:49)

Moved by Terry Greenier and seconded by Geoff Wingard. All voted in favor, 6-0.

Ms. Wilson stated that Brookfield Renewable is providing an opportunity for municipalities and non-profit organizations to receive funding to purchase youth life jackets and other water safety equipment that supports safe outdoor recreation. This grant requires no matching funds from the Town.

Order 21-103 Order, authorizing the Town Manager to sign and execute Municipal/State Agreements with the Maine Department of Transportation for Capital Infrastructure Projects that are included in the Capital Improvement Plan adopted by Council, including any projects planned for the upcoming construction season. (Video record time 02:01:50 - 02:04:42)

Moved by Meghan Gardner and seconded by Terry Greenier. All voted in favor, 6-0.

Ms. Wilson stated, about five years ago, the Town Council adopted an order that authorized the Town Manager to execute contracts with the Maine Department of Transportation related to construction projects and state funding opportunities for projects that are on the adopted Capital Improvement Plan. This authority helps to facilitate an orderly work flow and to secure funds in a timely manner. She noted an example of the Route 2 Culvert Project, which required a quick turnaround for signatures. She asked the Council to consider re-authorizing this authority.

Order 21-104 Resolve, Acknowledging the Historic and Contemporary Indigenous Presence in Orono. (Video record time 02:04:44 - 02:15:31)

Moved by Cheryl Robertson and seconded by Meghan Gardner. All voted in favor, 6-0.

Councilor Wingard stated Councilors discussed the need for a land acknowledgement statement

as part of the DEI work. He presented a draft resolution that acknowledges the historic and contemporary Indigenous presence in Orono. He noted that this acknowledgement encourages Council to consider our responsibility to Indigenous people.

Ms. Robertson asked about the historic relationship reference to Orono and the other Wabanaki Tribal Nations in the resolution. She thought it may be too broad a statement. Councilors discussed it, and agreed with the broader language provided by the Penobscot Nation resource people.

Order 21-99 Order, confirming the grant award of \$856.59 (non-matching) from MMA's Workers Compensation Fund, Ed MacDonald Safety Enhancement Grant Program for the exclusive purchase of Vests, Cones and Signs. *(Video record time 02:15:33 - 02:18:53)*

Moved by Meghan Gardner and seconded by Terry Greenier.

Motion to amend by Meghan Gardner and seconded by Cheryl Robertson as follows:

Order 21-99 Order, confirming the grant award accepting grant funds and approving their expenditure in the amount of up to \$856.59 (non-matching) from MMA's Workers Compensation Fund, Ed MacDonald Safety Enhancement Grant Program for the exclusive purchase of Vests, Cones and Signs with matching funds drawn from the approved Fire Department budget. All voted in favor of the amendment, 6-0.

All voted in favor of the order as amended, 6-0.

Fire Chief Low stated that the funds would be used to purchase vests, cones and signage.

9. Council Committee/Representative Reports *(Video record time 02:18:54 - 02:25:02)*

Finance and Operations Committee - Tom Perry stated the Finance and Operations Committee will meet on June 28th.

Comp Plan Committee - Meghan Gardner reported the Committee met on June 7th and reviewed the pre-application form for new contract/conditional zone request process, the draft contract zone agreement for 163 Forest Avenue, and had a presentation by the Town Planner on the different types of affordable housing and the Comp Plan's identified needs.

Environment Committee - Ms. Robertson reported the Committee met on May 27th to review the draft resolution recognizing the climate emergency and committing to the municipal climate action planning process that will be going to the Community Development Committee on June 17th. They are also working on an environmental policy. She requested having another Councilor join her on the Environment Committee.

Community Development Committee - Terry Greenier reported that the Committee met on May 20th and discussed the Planning Board's recommendations regarding the Solar Energy

System Ordinance, repealing the Emergency Ordinance on Face Coverings, the Town's land acknowledgement, and proposed changes to the Municipal Review Committee contracts.

10. Future Agenda Items/Items of Concern - None

11. Public Petitions - None

12. Public Comments (*Video record time 0:25:30 - 02:27:45*)

Ms. Wilson acknowledged the Orono High School Graduates and specifically, Anna Drinkert who has worked from time to time for the Town, is a remarkable human being, and will be going to the Naval Academy.

Ms. Wilson also noted the Town has received calls from residents about their revaluation. She will provide more information at the June 17th Council Community Development Committee meeting. She encouraged residents to meet with Vision (the contracted assessing company) as the critical step.

13. WORKSHOPS

a. Council Reading Discussion: Setting the Stage for Creating a Draft Equity & Inclusion Decision Making Tool for Orono Policy Makers (*Video record time 2:27:46 - 02:49:56*)

Councilors discussed the process of creating an Equity & Inclusion Decision Making Tool for Orono policy makers. Ms. Mitchell noted that Council's work related to DEI is right on target with the schedule.

b. Council Meeting Schedule (*Video record time 02:49:57 - 02:56:04*)

Council discussed the third quarter (July-August 2021) meeting schedule. They agreed to take the month of August off (with very few scheduled meetings), to hold the meetings in-person with a hybrid setup, and to start the meetings at 5pm. They will review this schedule for the fourth quarter.

14. EXECUTIVE SESSION: Pursuant to 1 MRSA § 405 (6)(E) for Discussion with Town Attorney Regarding Settlement of a Pending Tax Matter with Black Bear Hydro Partners, LLC.

At 7:56 p.m, Cheryl Robertson moved and Meghan Gardner seconded to move into executive session for the purpose of discussing with the Town Attorney, the settlement of a pending tax matter with Black Bear Hydro Partners, LLC. All voted in favor, 6-0.

At 8:33 p.m., Meghan Gardner moved and Cheryl Robertson seconded to move back into regular session. All voted in favor, 6-0.

15. Adjournment

Motion to adjourn by Cheryl Robertson and seconded by Geoff Wingard. All voted in favor, 6-0. The Council Meeting adjourned at 8:34 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