



COUNCIL COMMITTEES MEETING
MONDAY, JULY 17, 2023 AT 5:00 P.M.
COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE

MINUTES

1. Roll Call

Present: Council Chair Geoffrey Wingard, Rob Laraway, Leo Kenney, Sarah Marx, Dan Demeritt, and Town Manager Sophie Wilson.

2. Community Development Commit a letter from a resident tee

- a. Orono-Veazie Water District Board of Trustees Correspondence Regarding November 2024 Municipal Referendum on Fluoridation of the Public Water Supply (Video record time 0:0:44 - 0:48:54)**

This spring, the Orono Town Council received a letter from the Orono-Veazie Water District Board of Trustees expressing concern regarding the current practice of adding fluoride to the public water system. The Orono-Veazie Water District is a separate legal entity that is responsible for the public water supply in Orono and Veazie. While operating the water system is not a Town function, state law vests the sole discretion of whether to fluoridate the public water supply with the voters in the communities served by the system, the Town Councils have a role in determining whether to call an election to place this question in front of the voters.

In recent years, the Orono and Veazie Town Councils have discussed this matter on a couple of occasions. Last year, the Orono and Veazie Town Managers provided a background memorandum on this item. In February 2022, the Orono Town Council received a letter from a resident expressing concern about the continuation of the practice of adding fluoride to the public water supply.

Ms. Wilson explained there are 2 ways to initiate the possibility of changing the practice of adding fluoride to the water supply:

1. Council initiated referendum
2. Formal public petition from either community

Comments were heard by resident Patrick Rowe in regards to studies showing the benefits of lower levels of fluoride in the water.

Council members had a discussion regarding studies put out on both sides of the issue with the Orono-Veazie Water District Board members that were present.

Ms. Wilson noted the Town of Veazie will also talk about this subject at their next Council Meeting, because it affects their community as well.

3. Comprehensive Plan Implementation Committee (Video record time 0:48:55- 1:46:04)

a. General Overview and Timeline Regarding the Revisions to the Town of Orono Land Use Ordinance Required to Meet LD 2003 Requirements

In 2022, the Maine Legislature adopted An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. The stated goal of this legislation is to establish statewide housing production goals, increase residential density, and remove land use regulatory barriers to attaining these goals. For many communities, compliance with this new law requires local land use ordinances. Given the length of time it took to create the guidelines and standards at the State level, during this legislative session the deadline for meeting the new statutory requirements has been extended for Town Council communities to January 1, 2024.

Town Planner Kyle Drexler gave a presentation with content and background information in regard to State Law and the Town's Ordinance and explained that the goal of the ordinance change is to comply with the requirements of State Law.

Councilor Marx asked about things the Town can change on a local level. Ms. Wilson explained that the Council can be more restrictive than the State.

Resident Katherine Thibodeau asked the Council to consider other ways to expand housing in Orono and gave some examples of things being done in Bangor.

4. Finance & Operations Committee (Video record time 1:46:05 - 2:17:14)

● Orono Public Library Collection Development Policy

Library Director Laurie Carpenter provided a brief overview of a proposed Library Collection Development Policy for the Orono Public Library. Ms. Carpenter detailed how the Library Collection Development Policy works and fielded questions from Council members. The difference between misinformation, disinformation, and censoring were discussed at length.

A majority of the Council Committee members agreed with the policy as written.

● Update on Changes to Laws Governing Municipal Lien Foreclosure Sales

Background information: In May, the US Supreme Court issued a decision in the case of Tyler v. Hennepin County that impacts Maine's historical tax lien foreclosure sales process. The underlying facts revolve around Hennepin County, Minnesota's foreclosure on Geraldine Tyler's condominium for unpaid real estate taxes. After foreclosure, the County seized and sold the condo for \$40,000, which was \$25,000 more than Tyler owed in back taxes. Like Maine law, Minnesota law allows the government to keep tax lien foreclosure sale proceeds that exceed the taxpayer's delinquent tax debt. After the sale, Tyler sued, claiming the County violated the U.S. Constitution's Fifth and Eighth Amendments by keeping the excess proceeds.

In a unanimous decision, the Court held that Tyler stated a plausible claim under the Fifth Amendment's Takings Clause, which prohibits the government from taking property for public use without just compensation. The Court found that although Minnesota law allowed the County to seize and sell the condo to recover delinquent taxes, the County violated the constitution by taking more property than was due from Tyler. It was not the foreclosure or sale of the property that violated the

constitution, rather, the County violated the Takings Clause by keeping the surplus equity.

The Maine Legislature passed emergency legislation, LD 101, this year that seeks to address this new case law.

Ms. Wilson provided a brief review of the impact of this case and guidance received for funds received through municipal foreclosure sales. She spoke of the *two major changes this update has on the Town's current processes*. Ms. Wilson stated that the sale of 3 Water Street will not be affected by the changes.

- **Review of FY24 Expense and Revenue Report Summaries** (Video record time 2:17:15 - 2:25:48)
 - i. **FY24 Expense Reports (July 1, 2023 - July 14, 2023)**
 - ii. **FY24 Revenue Reports (July 1, 2023 - July 14, 2023)**

Councilor Kenney explained his two reasons for the review of the revenue report summaries.

1. To make sure we know where we are as far as budget oversight.
2. And, to see how the changes are reflected in the document.

Ms. Wilson answered questions from Councilors Kenney and Marx.

5. Town Manager's Report (Video record time 2:25:49 - 2:39:10)

- Moving forward with participation in the Byrne Justice Assistance Grant with an allocation to Orono of \$3,031.20.
- Land use violation on Stillwater Avenue: Working with DEP and the town attorney.
- Election Update: People with questions on candidates are being directed to the website bios.
- Westwood Drive pavement is postponed due to sinkholes. Working with Maine Earth concerning lack of compaction.
- Parks & Recreation: Summer Recess M-W until 7/26; pop up ice cream event; RAD Camp with 81 kids touring the Public Safety building; Sean Owens ran a successful Backyard Campground campaign; He is also heading up the Couch to 5K course on Tuesdays and Thursdays; Laurie Carpenter and Parks and Recreation kicked off the summer concert series.
- Recognized Tyler Technologies for their stormwater site management.
- Closing the books June 31st and rolling into Trio Web.
- Reminder that there is a Council Workshop next week for Town Council Priorities, Planning & Communication strategies.
- Special Council Meeting and Workshop on July 31st.

6. Public Comment - none

7. Adjourn

The Committee unanimously agreed to adjourn at 2:39:11

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