



TOWN COUNCIL MEETING

MONDAY, AUGUST 8, 2022 AT 5:00 P.M.

COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE

MINUTES

1. Roll Call

Present: (In person) Council Chair Tom Perry, Meghan Gardner, Geoffrey Wingard, Sonja Birthisel, and Robert Laraway. (Remote) Leo Kenney, Cheryl Robertson, and Town Manager Sophie Wilson.

2. Agenda Review - None

3. Approval of Minutes of July 11 and July 18, 2022 *(Video record time 0:00:25 - 0:01:10)*

Moved by Geoff Wingard and seconded by Rob Laraway. All voted in favor, 7-0.

4. Election of Town Council Vice-Chair *(Video record time 0:01:11 - 0:03:14)*

Tom Perry nominated Meghan Gardner as Town Council Vice-Chair and Cheryl Robertson seconded the motion. No other nominations were made. All voted in favor of electing Meghan Gardner as Town Council Vice-Chair, 7-0.

Cheryl Robertson asked if the Vice-Chair position will be voted on each year with the Council Chair position. Tom Perry confirmed that both are annual appointments that Council will vote on at their March or April meeting.

5. Public Hearings

a. To consider a Victualer's License for FWOB, LLC, a Food Truck located at 56 Main Street. *(Video record time 0:03:15 - 0:04:40)*

Public hearing a. opened at 5:03 p.m. Code Enforcement Officer Pat Estey stated staff has reviewed the application and is recommending approval of the license, conditioned upon an onsite final approval of the food truck by the Code Enforcement and Life Safety Officers. (FWOB, LLC has permission to locate the food truck at this location.) No public comments were made. Public hearing a. closed at 5:04 p.m.

b. To consider a Contract Zone application by Tyler Technologies, Inc located at 5 College Avenue, Tax Map 19-4 Lot 66. The application proposes to change the zoning district for the parcel from Medium Density Residential to Village Commercial, with certain restrictions put in place. *(Video record time 0:04:41 - 0:21:14)*

Public hearing b. opened at 5:04 p.m. Town Planner Kyle Drexler provided details of the Contract Zone Agreement between the Town and Tyler Technologies to change the underlying zoning district

for 5 College Avenue (the former University Inn and Academic Suites) from Medium Density Residential to Village Commercial. Mr. Drexler explained that currently the majority of the developed area (building and parking lot) is a legally non-conforming use located within the Medium Density Residential (MDR) Zone. Tyler Technology has proposed locating an office building of similar size and location at the former inn and is requesting that the Town Council consider approving its application that calls for an underlying zone of Village Commercial, with certain additional constraints identified to mitigate conflicts with the surrounding MDR properties. Mr. Drexler reviewed the residential setback requirement (50 ft) and the reduced off street parking spaces (to 60 spaces) with the Village Commercial zoning. He spoke of the changes being consistent with the Comprehensive Plan.

He noted that the Planning Board held its public hearing to review and accept comments on the project and stated the Board did not have any recommended changes to the Contract Zone.

Geoff Wingard asked about the stormwater/sewer easement line. Ms. Wilson stated it is not part of the contract zone agreement, and the Town will be working with the property owner on this issue.

Leo Kenney asked about public access to the river. Ms. Wilson noted this property has never had public access, just informal access.

Resident John Banks asked about maintaining the buffer strip at the river. Mr. Drexler noted there is no proposed change or development to the river; it will be the same as it is now. Mr. Drexler noted that the current path will be moved from the lawn to the tree line.

Rob Laraway and Sonja Birthisel noted their appreciation for informal access to the river. Mr. Perry stated the contract zone will be voted on by Council at the September 12, 2022 meeting. Public hearing b. closed at 5:21 p.m.

6. Acknowledgments by Council Members *(Video record time 0:21:15 - 0:25:02)*

Tom Perry acknowledged Geoffrey Wingard who has been recognized as the State Social Studies Teacher of the Year.

Meghan Gardner acknowledged the partnership between the Town and the University to provide Recreation Programming through RAD Camp to the children of Orono. She noted it is a great option for parents.

Cheryl Robertson acknowledged Environmental Services Coordinator Meghan Hess for her work providing window dressers to the people of Orono. She encouraged the public to contact Ms. Hess if they are interested in window dressers for the winter.

Sonja Birthisel acknowledged the Orono Farmers' Market and home gardens that are providing fresh produce to people.

7. Unfinished Business

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. [Postponed from April 11, 2022] (Video record time 0:25:03 - 0:56:59)

Moved by Meghan Gardner and seconded by Sonja Birthisel.

Motion by Meghan Gardner and seconded by Cheryl Robertson to table Order 22-65 to allow for committee discussion. All voted in favor, 7-0.

Town Planner Kyle Drexler noted that homestays are defined under travelers accommodations as a type of home occupation in an owner-occupied single-family dwelling in which the homeowner(s) reside permanently in the home and rent no more than two furnished bedrooms to no more than four transient guests on a temporary, night-by-night basis; and that meets all other standards in this ordinance for a home occupation, with a permit from the code officer. He stated homestays are currently limited to owner occupied single-family dwellings and limits size, number of occupants, and days homestays can be rented. These limitations do not align with known uses in the community. Once identified, the Councilors directed staff to develop an ordinance revision that reasonably expanded the allowed use to allow for much of the existing activity.

Over the past several years, Councilors worked through the committee process to understand the spectrum of regulatory options available and ultimately directed staff to move forward with an approach of treating this activity through the land use ordinance similar to other home occupations. Staff has developed two types of homestays: Homestays 1 (owner occupied) requiring a permit, and Homestays 2 (non-owner occupied) requiring Planning Board approval.

Councilors discussed details of the homestay ordinance and made the following points:

Mr. Laraway and Ms. Birthisel felt that the requirement for a local agent was too restrictive, and the requirement to be a voting Orono resident was also restrictive. Mr. Kenney felt that homestays belong under the rental registration program, not land use. He suggested looking at the whole homestay ordinance. Mr. Wingard suggested rethinking the process. Ms. Gardner supported the changes, noting the goal is to allow people to best utilize their properties, while maintaining a balance on the types of uses, and keeping an eye on it.

Mr. Laraway spoke against the voting requirement. Ms. Wilson agreed, but noted it is a substantive change that cannot be made tonight. She noted the major issue is to make the current use legal.

Mr. Perry made a motion to table this item. No second was made, so the motion died.

Ms. Robertson agreed with the ordinance changes due to safety issues, but was supportive of tabling the ordinance to review and remove the voting requirement. Ms. Birthisel agreed with spending more time with the ordinance, to have the lightest touch, legalizing what is happening, and preempting problems. Ms. Gardner suggested tabling this item.

8. Consent Agenda (*Video record time 0:57:00 - 0:57:55*)

Council Chair Tom Perry removed Order 22-151 from the consent agenda to be taken up under New Business.

Order 22-152 Order, confirming the employment contract of Geoffrey Low as the Fire Chief for the Town of Orono, effective May 1, 2022 to June 30, 2025.

Order 22-153 Order, confirming the employment contract of Kyle Drexler as the Town Planner for the Town of Orono, effective June 1, 2022 to June 30, 2025.

Order 22-154 Order, confirming the employment contract of Zachary Turner as the Finance Manager for the Town of Orono, effective July 17, 2022 to June 30, 2025.

Order 22-155 Order, casting votes for the nominated slate of candidates for Maine Municipal Association's (MMA) Election of Vice President (Diane Hines) and Executive Committee Members (Ivan McPike, Philip Crowell, and Anthony Ward).

Order 22-156 Order, authorizing the Town Manager to execute an agreement renewing its partnership with the University of Maine to provide Recreation Programming Services from July 1, 2022 - June 30, 2025.

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

9. New Business

Order 22-151 Order, approving a Victualer's License for FWOB, LLC, a Food Truck located at 56 Main Street, *conditioned upon final inspection by the Life Safety and Code Enforcement Officers.* (Video record time 0:57:56 - 0:59:02)

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

Order 22-157 Order, authorizing the purchase of a Front End Loader Plow, Metal Pless Model PLLD1042-18 from Allied Equipment of Hartland, ME in an amount not to exceed \$28,134.00 installed. (Video record time 0:59:03 - 1:01:03)

Moved by Rob Laraway and seconded by Geoff Wingard. All voted in favor, 7-0.

Public Works Director Rob Yerxa stated \$30,000 was budgeted to purchase a plow for the front end loader. Staff solicited quotes from three vendors, and is recommending the second lowest quote of \$28,134 (installed) from Allied. The plow is in stock and ready for delivery as soon as the Town receives the new loader. He noted the Town has received good support from Allied with previous purchases.

Order 22-158 Order, authorizing the Town Manager to enter into an agreement with Haley Ward of Bangor for Building Energy Assessments and to negotiate a contract with funds drawn from the Community Resilience Partnership Grant. (Video record time 1:01:04 - 1:05:55)

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

Assistant Town Manager Belle Ryder stated this project was identified as part of the Community Resilience Partnership Grant scope, which included several building energy assessments. Three requests for qualifications were received. Haley Ward was determined to be the highest qualified. The cost proposal was received after the agenda was finalized, and is \$17,500, which is under budget.

Ms. Ryder stated this type of project will capture some energy savings. Mr. Kenney asked if this type

of energy assessment has been done in the past. Ms. Ryder stated it has not been done before, but the buildings are now at an age that it will be beneficial. Ms. Robertson stated the grant was written specifically for this type of project.

Order 22-159 Order, adopting the charge for the Town Council Committee on Diversity, Equity, Inclusion, and Belonging. *(Video record time 1:05:56 - 1:24:44)*

Moved by Meghan Gardner and seconded by Sonja Birthisel. The vote was in favor, 6-1 (with Councilor Robertson opposed).

Geoffrey Wingard stated the Council Community Development Committee worked hard to develop a charge that creates and identifies the role and responsibilities for the Town Council Committee on Diversity, Equity, Inclusion, and Belonging. Councilors spoke in support of the charge.

Cheryl Robertson expressed concerns about the formal membership of the committee. She spoke in support of the other elements of the charge, but felt the formal committee should be Orono residents, with the ability to gain advice from outside individuals/groups. She was concerned about setting a precedent with future committees. Leo Kenney shared Ms. Robertson's concerns about residency.

Meghan Gardner was not concerned about setting a precedent, because Council has the ability to make changes, and supported the idea that non-residents could provide diversity on the committee.

Rob Laraway commented there are non-residents that are part of the fabric of Orono.

John Banks of the Penobscot Nation supported having the core members of the committee be residents of the community.

Geoff Wingard noted the charge states that preference will be given to Orono residents.

Order 22-160 Order, authorizing the Town Manager to carry forward FY22 expense budget account balances remaining in the following accounts: *(Video record time 1:24:45 - 1:27:53)*

- **Police Watchguard Video System**
- **Police Wages & Benefits (Up to \$6,500 for Seasonal Goulds Landing Staff)**
- **Police Cruiser for Installation of Equipment**
- **Fire Department Fire Hose**
- **Public Works Pick Up Truck (Up to \$50,000)**
- **Town Manager Professional Services**
- **IT Consulting Services**

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

Ms. Wilson stated this order allows the remaining FY22 expense budgets to be carried forward into the FY23 budget for projects that were started, but have not been completed.

10. Council Committee/Representative Reports *(Video record time 1:27:54 - 1:32:05)*

Finance Committee - Mr. Perry reported the Committee met and discussed a request related to flags on Main Street. He noted the Committee will be working on a flags policy and revisions to the procurement policy.

Comprehensive Plan Committee - Ms. Gardner reported the Committee met and discussed Low Impact Development Ordinance guidelines. Staff will be developing the Ordinance placeholder/framework to meet the State's deadline of September 1st. The Committee also discussed the homestays ordinance, the contract zone for Tyler Industries, and reviewed a draft of the minimum parking standards.

Community Development Committee - Mr. Wingard reported the Committee met and discussed the winter parking ban, DEI Committee charge, the Orono-Veazie Water District fluoridation referendum process, and had a discussion regarding the Penobscot County Jail infrastructure expansion.

Community Facilities Conversation - Mr. Wingard also reported on the Community Facilities Conversation meeting with Haley Ward regarding the four buildings and the community's desires and wants. He noted that a long list was developed. He also noted there would be an opportunity for people to respond online through the homepage of the Town's website. He noted that copies of the list will be available. Ms. Wilson noted that minutes of the meeting will also be drafted.

11. Future Agenda Items/Items of Concern (*Video record time 1:32:06 - 1:33:14*)

Mr. Kenney asked if the Town will have information on the new Property Tax Stabilization for Senior Citizens. Ms. Wilson stated information is available at the Town Office and is available at www.orono.org (under Departments/Assessor).

12. Public Petitions - None

13. Public Comments - None

14. Executive Session

- a. Pursuant to 1 MRSA § 405 (6)(d) to discuss on-going Collective Bargaining Negotiations between the Town of Orono and Maine Association of Police - Orono Unit.** (*Update only, no formal action is expected following this executive session.*)

At 6:35 p.m., Meghan Gardner motioned and Rob Laraway seconded to move into executive session to discuss on-going collective bargaining negotiations between the Town of Orono and Maine Association of Police - Orono Unit. All voted in favor, 7-0.

At 6:49 p.m, Meghan Gardner motioned and Sonja Birthisel seconded to move into regular session.

15. Adjournment

Motion to adjourn by Geoff Wingard and seconded by Sonja Birthisel. All unanimously agreed. The Council Meeting adjourned at 6:49 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