



TOWN COUNCIL MEETING

MONDAY, SEPTEMBER 11, 2023 AT 5:00 P.M.

COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE

MINUTES

1. Roll Call

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

2. Agenda Review *(Video record time 0:0:14 - 0:01:42)*

Council Chair Geoffrey Wingard asked for consideration of adding the following orders to the agenda at the end of New Business:

Order 23-179 Order, authorizing the Town Manager to pay the Orono Economic Development Corporation a dedicated donation of \$9,500 for the Caribou Bog Outdoor Center with funds drawn from the approved FY24 Parks & Recreation Department Operating Budget.

Moved by Sonja Birthisel and seconded by Leo Kenney to add Order 23-179 to the agenda. All voted in favor, 7-0.

Order 23-180 Order, appointing Councilor Rob Laraway to Chair of the Council Comprehensive Plan Implementation Committee.

Moved by Sonja Birthisel and seconded by Leo Kenney to add Order 23-179 to the agenda. All voted in favor, 7-0.

3. Approval of Minutes of July 10 and July 31, 2023 *(Video record time 0:1:43 - 0:02:02)*

Moved by Rob Laraway and seconded by Sarah Marx. All voted in favor, 7-0.

4. Public Comments *(Video record time 0:2:03 - 0:11:51)*

Dan LaPointe of LaPointe Enterprises, Inc. described serious issues with his family members and the LaPointe family business situation. Council Chair Wingard noted that this issue will be discussed during the public hearing section of the agenda.

Bob Sinclair asked about a recent settlement involving a former employee and the Human Rights Commission regarding discrimination/retaliation. Mr. Wingard noted there are public documents available that describe the settlement the Town entered into; however, the Council is precluded by the settlement from speaking on the matter. Ms. Wilson explained that the document can be provided with a FOAA request. Mr. Wingard noted it was a settlement between the Town and an individual, not with the Human Rights Commission.

5. **Public Hearings** (*Video record time 0:11:52 - 0:26:30*)

a. **To consider Victualer's Licenses for the following businesses:**

- **Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.**
- **Harvest Moon, LLC, 18 Mill Street.**
- **Big Shoe, Inc, d/b/a Subway, 53 Main Street.**
- **Big Shoe, Inc, d/b/a Subway, 10 Stillwater Street.**

Public hearing a. opened at 5:11 p.m. Mr. Estey stated all paperwork has been received, inspections have been completed, and staff is recommending approval. No public comments were made. Public hearing a. closed at 5:12 p.m.

b. **A Victualer's License for FWOB, LLC, a Food Truck located at 56 Main Street.**

Public hearing b. opened at 5:13 p.m. Mr. Estey stated that staff is asking for conditional approval of the license upon final inspection and approval by the Code Enforcement Officer. He noted some mechanical issues that needed to be addressed. No public comments were made. Public hearing b. closed at 5:14 p.m.

c. **A Class III Wine and Class IV Malt Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Million Dreams, LLC d/b/a Black Bear Cinemas, 6 Stillwater Avenue.**

Public hearing c. opened at 5:14 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 5:15 p.m.

d. **To consider an Automobile Graveyard and/or Junkyard Permit for LaPointe's Enterprises, Inc., 201 Kelley Road.**

Public hearing d. opened at 5:15 p.m. Ms. Wilson noted that the Town staff is aware of some disputes with the ownership of the business; however, the Town Attorney confirmed that the heirs of Perry LaPointe are the owners of the property pursuant to a court order. She noted the permit is for the heirs of LaPointe's Enterprises, Inc., 201 Kelley Road and the court order has not changed at this time. Ms. Wilson further explained the details of the clean up and court process. Mr. Estey stated he completed the inspection and spoke of a multi-year mediation plan to bring the property into compliance. He noted that staff is recommending approval of the permit, and noted he has not received any complaints in the last year. Daniel LaPointe spoke of owning the property that is tied up in the court system and provided information about the past fine. Public hearing d. closed at 5:25 p.m.

e. **To consider an Automobile Graveyard and/or Junkyard Permit for the Town of Orono, off Taylor Road.**

Public hearing e. opened at 5:25 p.m. Mr. Estey stated all inspections have been completed and staff is recommending approval. No public comments were made. Public hearing e. closed at 5:26 p.m.

f. To consider an Automobile Graveyard and/or Junkyard Permit for Silver's Auto Parts, Inc., 485 Main Street.

Public hearing f. opened at 5:26p.m. Mr. Estey stated all inspections have been completed and staff is recommending approval. No public comments were made. Public hearing f. closed at 5:27 p.m.

6. Acknowledgments by Council Members *(Video record time 0:26:31 - 0:31:40)*

Geoff Wingard acknowledged the significant change in the Town's staffing model and shared his appreciation for the time, service, and professionalism of three members of staff: Assistant Town Manager Belle Ryder, Town Planner Kyle Drexler, and Executive Assistant to the Town Manager Nancy Ward.

Dan Demeritt acknowledged UMaine Student Senate Liaison Julian Bowman who was present. He also acknowledged the Block Party at the Union Street Boat Launch with the help of Taylor and Katie Ashley and the result of a future community boat launch project.

Leo Kenney acknowledged Belle Ryder's 11 years of service, Kyle Drexler's five years, and Nancy Ward's 22 years of service to the Town.

Rob Laraway acknowledged the people who worked on Election Day, August 8th. He also acknowledged the work of the Orono Historical Society.

Sonja Birthisel acknowledged the upcoming holidays.

Sarah Marx acknowledged the students who are back in school, and Public Works for the work they are doing in the community.

Matt Powers acknowledged Community Policing Director Ed Leskey for directing traffic and providing a positive and safe experience for students at the crosswalk.

7. Unfinished Business - None

8. Consent Agenda *(Video record time 0:31:41 - 0:31:52)*

Order 23-153 Order, approving a Victualer's License for Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.

Order 23-154 Order, approving a Victualer's License for Harvest Moon, LLC, 18 Mill Street.

Order 23-155 Order, approving a Victualer's License for Big Shoe, Inc, d/b/a Subway, 53 Main Street.

Order 23-156 Order, approving a Victualer's License for Big Shoe, Inc, d/b/a Subway, 10 Stillwater Street.

Order 23-157 Order, approving a Victualer's License for FWOB, LLC, a Food Truck located at 56 Main Street conditioned upon code enforcement approval.

- Order 23-158** 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 Million Dreams, LLC d/b/a Black Bear Cinemas, 6 Stillwater Avenue.
- Order 23-159** Order, approving an Automobile Graveyard and/or Junkyard Permit for LaPointe's Enterprises, Inc., 201 Kelley Road.
- Order 23-160** Order, approving an Automobile Graveyard and/or Junkyard Permit for the Town of Orono, off Taylor Road.
- Order 23-161** Order, approving an Automobile Graveyard and/or Junkyard Permit to Silver's Auto Parts Inc, 485 Main Street.
- Order 23-162** Order, proclaiming the week of September 17 through 23, 2023 as Constitution Week in the Town of Orono.
- Order 23-163** Order, changing the date of the Regular Council Meeting from October 9 to October 16, 2023 due to the Town's Observance of Indigenous Peoples' Day and changing the time from 7PM to 5PM.
- Order 23-164** Order, confirming the employment contract of Laurie Carpenter as the Library Director for the Town of Orono, effective July 1, 2023 to June 30, 2026.
- Order 23-165** Order, accepting the resignation of Brett Grandchamp from the Board of Assessment Review, and appointing Alternate William Devoe to the Regular Member seat to fill the unexpired term until April 2026.
- Order 23-166** Order, appointing James Stewart to the Tree Board as an Associate Member to fill the unexpired term until 4/2026.

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

9. New Business

- Order 23-167** Order, approving 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. *(Video record time 0:31:53 - 0:35:00)*

Moved by Sonja Birthisel and seconded by Leo Kenney. All voted in favor, 7-0.

Town Planner Kyle Drexler stated this Ordinance Amendment reduces the minimum lot size in the Commercial-2 zoning district (mainly on Park Street) to better reflect the Comprehensive Plan's intent to be a mixed-use, compact area of the town which creates a more walkable feel. This change would make it possible for more development options due to this change than was previously allowed. He

noted this change has been through the Planning Board and Council public hearings and is ready for adoption.

Order 23-168 Order, approving the Traffic Calming Project Proposal and Evaluation Plan.
(Video record time 0:35:01 - 0:44:55)

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

Public Works Director Rob Yerxa presented the final draft of the Traffic Calming Project Proposal and Evaluation Plan for approval. He noted that the MDOT wants the local jurisdiction to have an adopted policy (or plan) that guides a consistent evaluation and implementation of traffic calming measures. He explained details of the public process, evaluation, prioritization, and uniform implementation of traffic calming measures. Councilors spoke in support of this process and appreciated the feedback that goes out to the community.

Order 23-169 Order, designating FY23 year end Assigned Fund Balance. (Video record time 0:44:56 - 1:22:23)

Moved by Sonja Birthisel and seconded by Sarah Marx.

Motion to amend by Sonja Birthisel and seconded by Rob Laraway to include the following:

- **\$10,000** to support community initiated improvements to the Union Street Boat Launch
- **\$50,000** to better take up the responsibilities that come with our town name and to collaborate with the Penobscot Nation (if they are interested) in creating new signage about Chief Orono and/or whatever other visual, written or interactive information is deemed appropriate to honor Chief Orono and Penobscot history/ongoing presence in our town.
- **\$10,000** to revive Orono Festival Days
- **\$25,000** donation to Orono Economic Development Corporation to support the construction of the Caribou Bog Outdoor Center (mid-year request deferred to year end for consideration)
- **\$5,000** added to the Trails Maintenance Reserve to be used as a match for an Orono Land Trust grant application(s) for community trails improvements.
- **\$20,000** to the Skate Park Reserve

The vote on the amendment was in favor, 6-1 (with Leo Kenney opposed).

The vote on the motion as amended was in favor, 6-1 (with Leo Kenney opposed).

Ms. Wilson explained that as part of the annual development of the Town's financial statements, the Town Council approves an allocation of Assigned Fund Balance. At the September 28th Council Committees Meeting, the Council identified the bullet points above.

Order 23-170 Order, authorizing the Town Manager to accept, and expend, up to \$3,032 in Byrne Memorial Justice Assistance Grant Funds, as a Subrecipient from the Town of Veazie, for the purchase of Police Uniform and Training Equipment; and, further, authorizing up to \$100 in remaining funds to be transferred to support Region 5 Area Training. *(Video record time 1:22:25 - 1:25:56)*

Motion by Leo Kenney and seconded by Sarah Marx. The vote was in favor, 5-2 (with Rob Laraway and Sonja Birthisel opposed).

Ms. Wilson stated that each year Penobscot County receives an allotment of the Byrne JAG grant funds that are allocated to each law enforcement agency within the county to supplement law enforcement operational purchases. Staff is recommending that the Town use these funds (approximately \$3,032) for police uniform and training equipment. She stated one of the uniform changes is changing the badges from patrolman to patrol officer. She noted other supply needs.

Order 23-171 Order, authorizing the Town Manager to pay the City of Auburn \$45,833 for the Maine Criminal Academy Basic Law Enforcement Training Program Costs, as statutorily mandated. *(Video record time 1:25:57 - 1:29:18)*

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

Ms. Wilson explained that the Town is required to reimburse the City of Auburn for costs it incurred related to the Maine Criminal Justice Academy Basic Law Enforcement Training Program for a recently graduated Police Patrol Officer recently hired by the Town of Orono.

Order 23-172 Order, appointing Gabriel Frey and Danielle Gabrielli to the Council Diversity, Equity, Inclusion, and Belonging Committee to fill unexpired terms until 4/2026. *(Video record time 1:029:19 - 1:30:23)*

Moved by Rob Laraway and seconded by Sonja Birthisel. All voted in favor 7-0.

Councilor Birthisel noted that the names of these two individuals are being brought forward to Council by the recommendation of the Diversity, Equity, Inclusion, and Belonging Committee.

Order 23-173 Order, authorizing the Town Manager to enter into a Planning Contract Agreement Isabelle Oechslie, dba IOV Community Planning and Consulting from 9/2023 through 2/28/2024 with funds drawn from the FY24 Municipal Operating Budget. *(Video record time 1:30:24 - 1:38:27)*

Moved by Sonja Birthisel and seconded by Dan Demeritt. All voted in favor, 7-0.

Ms. Wilson noted that Town's Planner Kyle Drexler will be moving to another community. In order to ensure a smooth transition and maintain this critical professional capacity, the Town Manager identified IOV Community Planning and Consulting through network referrals. Staff has met with Ms. Oechslie to identify a scope of work aimed at transitioning the existing workload and ensuring full review of development projects and Planning Board administration. The proposed agreement provides for interim services from 9/12/2023 through 2/28/2024 to

allow time to evaluate whether contracted services meet the Town's planning needs and determine the processes for procuring these services long-term. Ms. Wilson noted that the Comp Plan project is not included in this agreement. Ms. Oechsle will work with the Planning Board. Ms. Wilson noted the agreement is for \$60 per hour, up to 20 hours/week, unless there is written approval from the Town to do more hours.

Order 23-174 **Order, designating Orono's Official Voting Delegate and Alternate to the MMA Annual Business Meeting to be held Wednesday, October 4, 2023.** *(Video record time 1:38:28 - 1:41:45)*

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

Ms. Wilson stated that each year, the Maine Municipal Association holds a business meeting in which each member community is provided with one vote. She noted in the past it has been Tom Perry. Dan Demeritt volunteered to be designated as Orono's Official Voting Delegate. Ms. Wilson was willing to be the alternate. The Council agreed.

Order 23-175 **Order, approving the purchase of WPCF Garage Door Operators for the Headworks Building from PDQ Door of Hampden in an amount not to exceed \$5,817 to be drawn from the approved FY24 WPCF Capital Budget (Capital Facilities Reserve).** *(Video record time 1:41:46 - 1:44:15)*

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

WPCF Superintendent Chris Prue explained that the garage door operators at the headworks building need to be replaced. Staff sought quotes for this purchase, and PDQ Door of Hampden provided the lowest bid which is under the approved \$12,000 budget for this purchase.

Order 23-176 **Order, authorizing the Town Manager to accept and expend, if awarded, a Grant from Maine Municipal Association Risk Reduction Program of up to \$3,000 for the purchase of Three Handheld Seek Thermal Imagers.** *(Video record time 1:44:16 - 1:47:04)*

Moved by Dan Demeritt and seconded by Sonja Birthisel. All voted in favor, 7-0.

Deputy Fire Chief Kevin Sirois stated he is seeking to purchase three compact and affordable thermal imaging cameras through a MMA Risk Reduction Grant. Deputy Chief Sirois described the thermal imaging cameras being able to see through smoke, regain orientation inside a structure, and navigate more safely through smoke filled environments.

Order 23-177 **Order, approving carrying forward \$14,791 from the FY23 budget to the FY24 Municipal Operating Budget as follows:** *(Video record time 1:47:05 - 1:51:24)*

- **\$5,040 Previously approved (Council Order 22-33) purchase of Automated External Defibrillator (AEDs) for Town Owned Buildings (matching \$4,000 in donated funds)**

- **\$9,751 To Fire Department for Knox and Med Box Security**

Moved by Leo Kenney and seconded by Sarah Marx. All voted in favor, 7-0.

Ms. Wilson noted this is a carry forward of funds from FY23 to the FY24 budget. She noted staff immediately ordered the AEDs in 2022; however, supply chain issues created a very long backlog and the equipment arrived late last month. While the funds were initially carried forward into FY23, the balance lapsed in FY24 and needs to be carried forward again. She noted the other request is to carry forward funds for the Knox and Med Box security measures.

Order 23-178 Order, authorizing the Town Manager to purchase four Knox Box Key Retention Systems and two Medication Vaults for emergency apparatus from The Knox Company of Phoenix, Arizona in an amount up to \$9,751 to be drawn from the approved FY24 Municipal Operating Budget. *(Video record time 1:51:25 - 1:56:49)*

Moved by Dan Demeritt and seconded by Rob Laraway. All voted in favor, 7-0.

Deputy Fire Chief Sirois stated staff is requesting funds to install Knox Box key securing systems in apparatus and Knox medication vaults in the two ambulances. He noted the challenges of entering a locked premise and the added security of the Knox box. Ms. Wilson noted the visibility of the keys through the box and the added security of requiring a code to the box.

Order 23-179 Order, authorizing the Town Manager to pay the Orono Economic Development Corporation a dedicated donation of \$9,500 for the Caribou Bog Outdoor Center with funds drawn from the approved FY24 Parks & Recreation Department Operating Budget. *(Video record time 1:56:50 - 1:57:56)*

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

Ms. Wilson stated this was discussed during the budget process.

Order 23-180 Order, appointing Councilor Rob Laraway to Chair of the Council Comprehensive Plan Implementation Committee. *(Video record time 1:57:57 - 2:00:04)*

Moved by Sonja Birthisel and seconded by Sarah Marx. All voted in favor, 7-0.

Council Chair Wingard noted this does not require a vote, but it supports the community and mission. Ms. Wilson noted the committee was created for the Comp Plan Implementation, but now operates to support land use issues.

10. Future Agenda Items/Items of Concern *(Video record time 2:00:05 - 2:06:41)*

Ms. Marx asked to add a second Executive Session to the agenda related to the FOAA request. Mr. Wingard was not comfortable adding the item to the agenda to protect the rights of the person and the public. Ms. Wilson stated that to discuss a legal matter in Executive Session, the Town Attorney must be present.

Mr. Demeritt suggested having the Town Attorney join the October Council Meeting in Executive Session to address the codes regarding Council approving settlement funds.

11. Public Petitions - None

12. Public Comments (*Video record time 2:06:42 - 2:10:47*)

Daniel LaPointe asked the Council to review the fines paid by LaPointe Enterprises, Inc. He also asked about his permit and stated he had no notice of the permit process.

Mr. Wingard noted that the September 18th Council Committees Meeting will begin at 4:30 p.m. due to the RSU26 Chili Cook Off.

13. Executive Session

a. Pursuant to 1 MRSA § 405 (6)(A) for Discussions Related to a Personnel Matter

At 7:13 p.m., Leo Kenney motioned and Rob Laraway seconded to move into executive session for discussions related to a personnel matter.

At 8:35 p.m., Leo Kenney motioned and Sonja Birthisel seconded to move into the regular session.

14. Workshop: Council Policies and Procedures Manual Revision

Motion by Leo Kenney and seconded by Sonja Birthisel to table the workshop to a future meeting to be determined. All voted in favor, 7-0.

15. Adjournment

Motion to adjourn by Rob Laraway and seconded by Sonja Birthisel. All voted in favor, 7-0. The Council Meeting adjourned at 8:36 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