



TOWN COUNCIL MEETING

MONDAY, SEPTEMBER 12, 2022 AT 5:00 P.M.

COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE

MINUTES

1. Roll Call

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

2. Agenda Review *(Video record time 0:00:22 - 0:01:21)*

Tom Perry noted changes to the agenda: Order 22-172 will be pulled from the consent agenda and taken up during new business; Order 22-177 will have a new table of carry forward amounts; and Order 22-183 will be added to the agenda, if Council unanimously agrees.

Moved by Meghan Gardner and seconded by Cheryl Robertson to add Order 22-183 to the agenda. All voted in favor, 6-0.

3. Approval of Minutes of August 8, 2022 *(Video record time 0:01:22 - 0:02:02)*

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

4. Public Hearings *(Video record time 0:02:04 - 0:16:02)*

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

Brewers of the North, d/b/a Aroma Joe's, 99 Park Street

Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street

Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue

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 5:02 p.m. Code Enforcement Officer Pat Estey stated staff has reviewed the application, completed the inspections, and is recommending approval of the licenses. No public comments were made. Public hearing a. closed at 5:03 p.m.

b. To consider a Marijuana Establishment (Retail Store) License for Red Brick & Mortar, d/b/a Firestorm of Orono, 6 Stillwater Avenue, Suite 300.

Public hearing b. opened at 5:03 p.m. Code Enforcement Officer Pat Estey stated staff has reviewed the application, completed the inspections, and is recommending approval of the license. No public comments were made. Public hearing b. closed at 5:04 p.m.

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

Public hearing c. opened at 5:05 p.m. Code Enforcement Officer Pat Estey stated staff has reviewed the application, completed the inspections, and he has spoken with the Maine DEP about the non-conforming use and the ongoing process of moving junkyard items away from the 100-foot property mark. Mr. Estey stated staff is recommending approval of the license.

Ben Schreder of 173 Kelley Road asked if Michael LaPointe is the responsible party for the property. Ms. Wilson stated LaPointe Enterprises is the entity that has applied for the license, not a specific person. Mr. Perry noted the Estate of Perry LaPointe owns LaPointe Enterprises. Ms. Wilson noted the license is being granted to LaPointe Enterprises, and the Town Council is not the avenue to dispute ownership. Mr. Schreder spoke of an incident at LaPointe Enterprises. Mr. Perry noted the Town Council is not the forum to address his issues.

Mike LaPointe stated he and his brothers are taking care of the junkyard and are cleaning it up. He noted he has been working with the Code Enforcement Officer and the State, and at this point the estate is going through the probate court system. Public hearing c. closed at 5:15 p.m.

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

Public hearing d. opened at 5:16 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval of the license. No public comments were made. Public hearing d. closed at 5:17 p.m.

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

Public hearing e. opened at 5:18 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval of the license. No public comments were made. Public hearing e. closed at 5:19 p.m.

5. Acknowledgments by Council Members *(Video record time 0:16:03 - 0:21:50)*

Cheryl Robertson acknowledged the University is back in session. She welcomed back the college students. Ms. Robertson announced the 1st Annual Orono Efficiency Fair will be held on Saturday, October 22nd on the UMaine campus at Wells Common. She noted the event is free and commented on how vendors can participate by contacting Meghan Hess, the Environment Services Coordinator.

Sonja Birthisel also acknowledged the upcoming Orono Efficiency Fair and the sign up for window dressers.

Rob Laraway acknowledged the people responsible for the upkeep of Webster Park and the river trails.

Meghan Gardner acknowledged the Town's new gateway signs look amazing. She noted they are bold, cheerful and attractive. Ms. Robertson noted that Chief Orono is on the signs.

Leo Kenney acknowledged Town Planner Kyle Drexler and commented that he has received feedback from people on how great he is to work with.

Tom Perry acknowledged former Orono firefighter Gary Robichaud for his volunteer work at the Town's cemetery fixing stones of veterans. Mr. Perry acknowledged Patricia Davis for receiving her State certification as a Town Clerk. He also acknowledged the fire department staff for their efforts in receiving several grants.

6. Unfinished Business - None

7. Consent Agenda (*Video record time 0:21:55 - 0:23:24*)

Mr. Perry noted that Order 22-172 will be taken up separately under new business.

- Order 22-161 Order, approving a Victualer's License for Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.**
- Order 22-162 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.**
- Order 22-163 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue.**
- Order 22-164 Order, approving a Victualer's License for Harvest Moon, LLC, 18 Mill Street.**
- Order 22-165 Order, approving a Victualer's License for Big Shoe, Inc, d/b/a Subway, 53 Main Street.**
- Order 22-166 Order, approving a Victualer's License for Big Shoe, Inc, d/b/a Subway, 10 Stillwater Street.**
- Order 22-167 Order, approving an Automobile Graveyard and/or Junkyard Permit for LaPointe's Enterprises, Inc., 201 Kelley Road.**
- Order 22-168 Order, approving an Automobile Graveyard and/or Junkyard Permit for the Town of Orono, off Taylor Road.**
- Order 22-169 Order, approving an Automobile Graveyard and/or Junkyard Permit to Silver's Auto Parts Inc, 485 Main Street.**
- Order 22-170 Order, proclaiming the week of September 17 through 23, 2022 as Constitution Week in the Town of Orono.**
- Order 22-171 Order, changing the date of the Regular Council Meeting from October 10 to October 17, 2022 due to the Town's observance of Indigenous Peoples' Day and changing the time from 7PM to 5PM.**
- Order 22-173 Order, authorizing the Town Manager to execute an agreement with Black Bear Sports Properties for marketing services; and further, to authorize payment under the terms of the agreement not to exceed \$5,000 with funds**

taken from the approved FY23 Tax Increment Financing District Program Development Budget (Economic Development Budget).

Order 22-174 Order, authorizing the Town Manager to reimburse the City of Old Town for Household Hazardous Waste Collection Day expenses in the amount of \$8,200 to be drawn from the approved FY22 Public Works budget.

Order 22-175 Order, accepting FEMA Assistance to Firefighters Grant funds in the amount of \$36,010 for Gear Washing Equipment; and, further, authorizing the Town Manager to expend said funds in accordance with grant requirements with matching funds (of approximately \$1,800) drawn from the approved FY23 Fire Department Operating Budget.

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

8. New Business

Order 22-172 Order, designating Cheryl Robertson as Orono's Official Voting Delegate and ~~Sophia Wilson~~ Thomas Perry as the Alternate to the MMA Annual Business Meeting to be held Wednesday, October 5, 2022. (Video record time 0:23:27 - 0:27:23)

Moved and friendly amended by Sonja Birthisel and seconded by Meghan Gardner. All voted in favor, 6-0.

Mr. Perry noted that he will be attending the MMA Annual Business meeting and is willing to be the alternate. Ms. Wilson noted she is unable to attend. She invited Councilors to let staff know if they would like to attend the convention.

Order 22-176 Order, approving 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 0:27:24 - 0:32:59)

Moved by Meghan Gardner and seconded by Leo Kenney. All voted in favor, 6-0.

Town Planner Kyle Drexler stated this is the final step in the contract zone process. The contract zone was discussed at the Town Council Community Development Committee, Orono Planning Board, and at the Town Council meeting, which also held a public hearing on the matter. Tyler Technologies submitted an application for a Contract Zone to be able to change the underlying zoning district for 5 College Avenue from Medium Density Residential (MDR) to Village Commercial (VC). Tyler Technologies has proposed locating an office building of a similar size and location as the former inn and is requesting that the Town Council consider approving its application with certain additional constraints identified to mitigate conflicts with the surrounding MDR properties. Mr. Drexler noted a 1000-ft. reduction to the building away from the abutters property line, which the Town's attorney said does not affect the contract zone agreement.

Ms. Birthisel asked about the buffer strip. Ms. Wilson stated staff has reached out to the resident regarding the buffer strip to address the issue. Mr. Drexler noted details will be discussed at the pre-construction meeting.

Order 22-177 Order, authorizing the Carrying Forward of funds from the balance of the FY22 Municipal Budget into FY23 to complete projects identified in FY22. (A table of proposed carry forward balances will be provided in background material.) *(Video record time 0:33:00 - 0:57:17)*

Moved by Meghan Gardner and seconded by Sonja Birthisel. The vote was in favor, 5-1 (with Leo Kenney opposed).

Ms. Wilson stated staff is proposing to carry forward \$23,520 from the balance remaining in expended funds from the FY22 Municipal Operating Budget to fund projects that were identified but not completed in the prior fiscal year. The carry forward includes continuing education for library personnel, Parks and Recreation scholarships, and for accessories to the Deputy Fire Chief's vehicle.

She noted the last carry forward is for professional services to assist with parking, accessibility, and technical services related to creating greenspace/pedestrian space downtown (next to Margarita's). She noted the importance of looking at the infrastructure and the DEI Committee asked about looking at the ADA parking spaces. Mr. Kenney felt that staff could validate the Town's ADA parking spaces without the need of an outside consultant.

Public Works Director Rob Yerxa commented he supported the idea of having a consultant to provide the foundation for further analysis and to help through the process.

Order 22-178 Order, approving the designation of FY22 Year End Assigned Fund Balance. *(Video record time 0:57:18 - 1:08:50)*

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

Ms. Wilson explained that the Town assigns a portion of its fund balance as funds reserved for specified future projects or spending. This year staff is proposing that the Town Council consider a reallocation of the year ending funds to 1) meet existing need to complete the Community Facilities Assessment Project (final project remaining in the Professional Development Fund); 2) eliminate and reallocate the Police Technology Reserve to reflect the new approach to lease or purchase specialized PD technology through operational payment plans; and 3) consolidate the funds remaining in the PW Garage Project Fund into the PW Facility Maintenance Reserve Fund.

Order 22-179 Order, authorizing the Town Manager to purchase Six Portable Radios and related accessory parts for the Orono Fire Department at a cost not to exceed \$6,356 from RCM Communications of Portland, Maine funded through Maine Emergency Management Agency (MEMA) FY20 and FY21 HazMat Reimbursement Funds. *(Video record time 1:08:51 - 1:13:47)*

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

Ms. Wilson stated the Town receives an annual allotment of funds from which it receives

reimbursement for certain approved expenses related to the Town's Hazardous Material (HazMat) operations and response. The Town has been authorized to utilize these funds to purchase six portable radios and related equipment. Deputy Chief Sirois explained the need. Ms. Wilson stated staff is recommending that the Council approve this sole source purchase, as RCM Communications was awarded the Penobscot County bid.

Order 22-180 Order, accepting grant funds from the Maine Forest Service Invasive Plant Management Program to create an Invasive Plant Control Practice Plan (IPCPP) for the Colburn Lot in the amount of \$300, with the matching funds of \$300 to be drawn from the Public Works Operating Budget. (Video record time 1:13:48 - 1:16:16)

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

Rob Yerxa stated the Town received a \$300 grant fund from the Maine Forest Service's Invasive Plant Management program to create an Invasive Plant Control Practice Plan (IPCPP) for the Colburn Lot. The grant will help create a plan for the Town to manage the invasive buckthorn. The plan will be prepared by Hunter Manley of Legacy Woodlot Services, Inc at a total cost of \$600.

Order 22-181 Order, authorizing the Town Manager to apply for an Efficiency Maine Grant of up to \$24,000 to install Two Pedestal Level 2 (L2) Electric Vehicle Charging Stations (with 2 plugs each), with the Town's required match provided through in-kind services and approved FY23 Capital Infrastructure Miscellaneous Electrical Project Funds (estimated at no more than \$3,000); and, further, authorizing the Town Manager to accept and expend said funds in accordance with grant requirements, if awarded. (Video record time 1:16:17 - 1:20:07)

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

Mr. Yerxa stated Efficiency Maine released a notice for grant funds to assist rural communities in Maine's northern counties to install level 2 (L2) electric vehicle charging stations. Charging stations must be available to the public at all times, maintained for at least 5 years, and be installed by May 31, 2023. The grant funds will cover 80% of the total costs up to a maximum of \$5,000 per level 2 plug and offer a bonus of \$2,000 per L2 plug installed at a public library.

Mr. Yerxa stated staff is recommending that the Town install two pedestal L2 charging stations that contain two plugs each in the public parking lots located at the Orono Public Library and behind the Town Office building. This would allow for a total of four chargers within the downtown area. The Town is allowed to use a combination of in-kind services and cash to meet its match requirement. Staff is estimating a final cash match of \$1,500 - \$3,000. The charging station will have meters and the rules will be developed.

Order 22-182 Order, authorizing the Town Manager to apply for up to ~~\$50,000~~ \$125,000 in State of Maine Climate Action Grant Funds (Round 2) with the City of Bangor to fund expenses related to Phase 2 of the Penobscot Regional Climate Action Planning Project; and, further, authorizing the Town Manager to accept and expend said funds in accordance with grant requirements, if awarded. (Video record time 1:20:08 - 1:30:43)

Moved by Sonja Birthisel and seconded by Cheryl Robertson.

Motion to amend by Meghan Gardner and seconded by Cheryl Robertson to apply with the City of Bangor for up to \$125,000. All voted in favor of the amendment.

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

Ms. Wilson stated she was just informed that the Town and the City of Bangor were invited to apply for up to \$125,000 grant in the second round of the State of Maine Climate Action Grant Program applications. Staff is recommending that the Town apply in this second round for \$125,000 with the City of Bangor for phase 2 of the regional climate vulnerability study. Assistant Town Manager Belle Ryder stated Phase 2 will design and execute a regional climate action planning process for the BACTS region which builds on and incorporates findings from Phase 1 and will promote community outreach. Ms. Wilson noted that only one community will be responsible for the financial accountability and we will look to the City of Bangor to do so.

Order 22-183 Order, authorizing the purchase of UV Lamps from UV Superstore in the amount of \$12,224; and, further authorizing the purchase of additional replacement bulbs of up to \$1,916, not to exceed the total budgeted amount of \$14,140 as approved in the FY22 WPCF Capital Budget with funds drawn from the WPCF Capital Reserve Account. (Video record time 1:30:44 - 1:32:57)

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

WPCF Superintendent Chris Prue stated the Water Pollution Control Facility (WPCF) uses two banks of 64 ultraviolet lamps to disinfect treated wastewater. One bank is enough for proper disinfection and the other bank sits in reserve with an expected lamp life of approximately 12,000 hours. Staff alternates the banks from year to year in an effort to achieve about 7 years from two sets of lamps.

The Town purchased one bank of lights in FY22 and approved a budget for the purchase of the second bank in the FY23 WPCF Capital Budget. The vendor has held the same price for this purchase.

9. Council Committee/Representative Reports (Video record time 1:30:00 - 1:58:57)

Environment Committee - Cheryl Robertson stated the Committee met and discussed the 1st Annual Energy Efficiency Fair and Window Dressers and the progress being made. She encouraged Councilors to attend the Energy Fair on October 22, 2022 from 9 a.m.-3 p.m.

Community Meeting on Municipal Services - Ms. Wilson reported that eight residents attended the Community Meeting. She stated people are happy with town services and especially the sidewalks. The Boy Scouts have shown interest in being stakeholders. She spoke of the skate park funds.

She noted the next Zoom only Community Facilities Meeting will be held on September 20th at 6 p.m. She also noted the next Community Meeting will be held by Zoom on September 29th at 6 p.m.

Property Tax Stabilization Program (for citizens over 65 years old) - Ms. Wilson noted the Town has received 134 applications to date.

Tax bills were mailed August 31st and are due September 22nd. She noted the tax rate only increased by \$.05.

10. Future Agenda Items/Items of Concern - None

11. Public Petitions - None

12. Public Comments (*Video record time 1:59:21 - 2:14:55*)

John Schuster stated he has been taking care of the trail that runs along the Penobscot River. He was asking about the community gardens apple orchard and offered to take care of the trees with initial help from the Town. He noted he would need help with tools.

Ms. Gardner noted that much of the land along the river is privately owned by Versant Power and Black Bear Hydro. Ms. Wilson stated it is great to have volunteers, but it is important for people to go through the Trails Committee process and the Parks and Recreation Manager to help with trails.

Ms. Wilson reviewed the agenda items for the September 19th Council Committees Meeting. She also noted the town will be extending the deadline to apply to the Diversity, Equity, Inclusion, and Belonging Committee.

13. Adjournment

Motion to adjourn by Cheryl Robertson and seconded by Sonja Birthisel. All unanimously agreed. The Council Meeting adjourned at 7:18 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