



TOWN COUNCIL MEETING & WORKSHOP

MONDAY, OCTOBER 17, 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, Leo Kenney, Cheryl Robertson, Geoffrey Wingard, Robert Laraway, Town Manager Sophie Wilson, and (Remote) Sonja Birthisel.

2. Agenda Review *(Video record time 0:01:04 - 0:01:39)*

Council Chair Tom Perry noted Orders #22-200 and #22-203 will need to be amended prior to final action. He also asked to have Order #22-199 removed from the consent agenda to be taken up separately under New Business.

3. Approval of Minutes of September 12, 2022 *(Video record time 0:01:40 - 0:02:36)*

Moved by Cheryl Robertson and seconded by Rob Laraway. The vote was in favor, 6-0-1, with Geoff Wingard abstaining because he was not present for the September meeting.

4. Public Comments - None.

5. Public Hearings *(Video record time 0:02:50 - 0:45:51)*

a. To consider a Victualer's License for Stillwater Nutrition, 5 Mill Street, Suite 1.

Public hearing a. opened at 5:02 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 a. closed at 5:03 p.m.

b. To consider a Class I - Malt Liquor, Wine & Spirits Liquor License and Victualer's License for S & M Corporation, d/b/a Thai Orchid, 28 Mill Street.

Public hearing b. opened at 5:03 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval of the licenses, conditioned upon approval by the Code Enforcement Officer and Life Safety Inspector due to the hood needing to be cleaned (December 5th). He confirmed the business has 60 days to address the issue. No public comments were made. Public hearing b. closed at 5:04 p.m.

c. To consider a Class I-A Hotel Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Black Bear Inn and Conference Center, 4 Godfrey Drive.

Public hearing c. opened at 5:05 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval of the licenses. Town Manager Sophie Wilson noted this is a new owner so the licenses need to be approved again. No public comments were made. Public hearing c. closed at 5:06 p.m.

d. To consider a Class I Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Woodman's Brewing Co., d/b/a Orono Brewing Company, 61 Margin Street.

Public hearing d. opened at 5:06 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval of the licenses. No public comments were made. Public hearing d. closed at 5:07 p.m.

e. To consider a Class I Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono House of Pizza, Inc., 154 Park Street.

Public hearing e. opened at 5:07 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval of the licenses. Ms. Wilson noted there is a noise complaint and the police are evaluating. She added that the owner has been very good about resolving prior concerns. No public comments were made. Public hearing e. closed at 5:08 p.m.

f. To consider a Class I – Golf Club – Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, Victualer's License and Auxiliary License for a Mobile Service Bar for Penobscot Valley, LLC, d/b/a Penobscot Valley Country Club, 366 Main Street.

Public hearing f. opened at 5:08 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections, and is recommending approval of the licenses. Ms. Wilson noted that all fees and taxes have been paid. No public comments were made. Public hearing f. closed at 5:09 p.m.

g. To consider the Maine Municipal Association Model General Assistance Ordinance Appendices A-G for the period of October 1, 2022 to September 30, 2023 to be in compliance with Title 22 M.R.S., Sec. 4305(4).

Public hearing g. opened at 5:09 p.m.

Ms. Wilson explained the General Assistance (GA) program. She noted that in accordance with State Law, each year municipalities are required to adopt appendices to the General Assistance Ordinance. These appendices establish the maximum benefit amounts allowed under the General Assistance Program. She reviewed the housing maximums and overall for Orono (which is part of the Bangor HMFA). She stated General Assistance is emergency stop gap assistance. GA looks at the most basic living necessities – shelter, food, medicine, heat (in the winter), etc. Ms. Wilson reviewed the number of households that received assistance over the last few years. She also reviewed the increased

percentage of assistance in the different categories. No public comments were made. Public hearing g. closed at 5:25 p.m.

h. Determining the best interest of the Town regarding a request to dispose of property located on Essex Street (Tax Map Lot 006-004-059).

Public hearing h. opened at 5:26 p.m. Ms. Wilson provided information on how the Town acquired this 0.13 acre parcel many years ago due to delinquent property taxes and the foreclosure process. She also described details of the property. Ms. Wilson stated staff is recommending disposal of the property in keeping with the goals of the Town through an open and fair process. She described the appropriate options of “sale to abutters” or “alternate sale”. Ms. Wilson noted the Town has not been able to contact the other abutter.

Abutter Sandy Mitchell, of 2547 Essex Street, described her request to purchase the property through alternate sale due to the unique situation with their garage and entrance being partially on the property. Ms. Mitchell asked if there would be any way to divide the parcel if the abutter has interest in the property. Ms. Wilson described the clear title process and that the Town would be selling its interest. Public hearing h. closed at 5:46 p.m.

6. Acknowledgments by Council Members *(Video record time 0:45:52 - 0:53:20)*

Meghan Gardner acknowledged the Parks and Recreation staff who created the spiders on the lawn outside the Town Office. Ms. Wilson noted it is part of Halloween Alley and the holiday festivities.

Cheryl Robertson acknowledged the community build of the window dresser inserts. She noted many people helped build 204 window dresser inserts, and many rewraps. She thanked Environmental Services Coordinator Meghan Hess for her work and assistance. She also spoke of the Orono Efficiency Fair which will be held on Saturday, October 22nd. She stated 16 vendors will be present, including Efficiency Maine.

Geoffrey Wingard acknowledged the assistance he received from everyone over the past month during his absence.

Rob Laraway acknowledged the staff for getting the lights fixed on the Brandon Silk Bridge.

Sonja Birthisel spoke of a new found appreciation of the Town’s accessibility related infrastructure due to her foot injury.

Tom Perry acknowledged everyone involved in the 2021 Town Report and noted it was well put together. He spoke of enjoying the recent Maine Municipal Association’s Conference in Bangor. He also acknowledged the passing of David Dekanich, who was a longtime Orono police officer (and police chief for three years).

Leo Kenney acknowledged the passing of Bob Cobb, a longtime resident of Orono and pillar of the community.

7. Unfinished Business - None.

8. Consent Agenda (*Video record time 0:53:25 - 0:55:07*)

Order 22-187 and Order 22-199 were taken off the consent agenda and moved to New Business.

Order 22-184 Order, approving a Victualer's License for Stillwater Nutrition, 5 Mill Street, Suite 1.

Order 22-185 Order, approving a Class I - Malt Liquor, Wine & Spirits Liquor License and Victualer's License for S & M Corporation, d/b/a Thai Orchid, 28 Mill Street, conditioned upon approval from the Code Enforcement Officer and Life Safety Officer.

Order 22-186 Order, approving a Class I-A Hotel Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Black Bear Inn and Conference Center, 4 Godfrey Drive.

Order 22-188 Order, approving a Class I Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono House of Pizza, Inc., 154 Park Street.

Order 22-189 Order, approving a Class I – Golf Club – Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, Victualer's License and Auxiliary License for a Mobile Service Bar for Penobscot Valley, LLC, d/b/a Penobscot Valley Country Club, 366 Main Street.

Order 22-190 Order, approving the Maine Municipal Association Model General Assistance Ordinance Appendices A-G for the period of October 1, 2022 to September 30, 2023 to be in compliance with Title 22 M.R.S., Sec. 4305(4).

Order 22-191 Order, changing the time of the November 14, 2022 Regular Council Meeting from 7PM to 5PM.

Order 22-192 Order, setting the date of November 14, 2022 at 5PM for a Public Hearing to consider an Amendment to the Town of Orono Ordinances, Chapter 18, Sec. 135 Off-street Parking and Loading, (b)(2) Reducing Minimum Parking Spaces for Residential Uses.

Order 22-193 Order, appointing the following Board/Committee Members:

- ***Board of Appeals:***
Dennis Cross (from Associate Member to Regular Member, filling a 5-year unexpired term until April 2026)
- ***Board of Assessment Review:***
Paula Moore (from Associate Member to Regular Member, filling a 3-year unexpired term until April 2025)

Dennis Cross (3-year Associate Member, filling an unexpired term until 4/2024)

William Devoe (3-year Associate Member, filling an unexpired term until 4/2025)

- ***Library Board of Trustees:***

Ashlyn Edes (from Associate Member to Regular Member, filling a 3-year unexpired term until April 2023)

Carol Toner (2-year Associate Member, filling an unexpired term until 4/2024)

Faith Broad (1-year Youth Member, filling an unexpired term until 4/2023)

- ***Tree Board:***

Jayne Titus (3-year Associate Member, filling an unexpired term until 4/2023)

Order 22-194 Order, setting the hours of voting as 7 a.m. to 8 p.m. and the polling place as the University of Maine New Balance Field House in Ward 1, Precincts 1, 2 and 3 for the November 8, 2022 State General Election.

Order 22-195 Order, changing the hours that the Registrar will accept registration of applicants who appear in person as follows: On the last five business days during normal business hours before the November 8, 2022 State General Election [MRSA 21A, Sec. 122.6A(2) and Sec. 122.8] (Monday-Thursday, 7:30am-5:30pm).

Order 22-196 Order, confirming the Town Clerk's appointment of Belle Ryder, Angela Kohtala, Geoffrey Gordon, and Suzanne Gordon as Wardens, and Danielle Nightingale and Amy Millett as Deputy Wardens for the November 8, 2022 State General Election.

Order 22-197 Order, authorizing the Town Manager to apply for up to \$3,730 in Stephen & Tabitha King Foundation Grant Funds for Stop the Bleed Campaign to purchase three Stop the Bleed Station; and, if awarded, authorizing the Town Manager to accept and expend said funds in accordance with grant requirements.

Order 22-198 Order, authorizing the Town Manager to purchase the following equipment with awarded and previously accepted FEMA Assistance to Firefighter Grant funds (Order 21-223), with the required local match funded through the adopted FY23 Municipal Operating Budget, at a total cost not to exceed \$36,450:

- 1. Milnor Gear Washer with Gear Guardian from Bergeron Protective Clothing of Epsom, NH (\$16,156)**
- 2. Ram Air Dryer from Fire Tech & Safety of Winthrop, ME (\$12,950)**
- 3. Ultrasonic Gear Cleaner from Omega Sonic of Simi Valley, CA (\$7,341)**

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

9. New Business

Order 22-187 Order, approving a Class I Malt Liquor, Wine & Spirits Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Woodman's Brewing Co., d/b/a Orono Brewing Company, 61 Margin Street. (Video record time 0:55:08 - 0:56:18)

Moved by Cheryl Robertson and seconded by Rob Laraway. The vote was in favor, 6-0-1 (with Meghan Gardner abstaining due to her spouse working for the business).

Order 22-199 Order, selecting Sebago Technics, Inc. of South Portland for professional services related to a Route 2 Corridor Transportation Feasibility Study; authorizing the Town Manager to execute any agreements or other documentation necessary to support this cooperative planning project with the selected vendor, Maine Department of Transportation, and the Town of Orono; and, further, to authorize the expenditure of funds from the awarded and previously accepted Planning Partnership Initiative Program Grant for this purpose. (Video record time 0:56:19 - 1:00:11)

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

Mr. Yerxa stated, that after executing the agreement with the MaineMDOT, the Town jointly issued a request for qualifications (RFQ) for professional services necessary to complete the Route 2 corridor transportation feasibility study. Ms. Wilson noted the reason for only two bids is due to the vendors having to be pre-qualified by the State to submit a proposal. Mr. Yerxa also noted the large size of the project. After review of the two submittals, the team is recommending the Town Council select Sebago Technics at a total cost not to exceed \$125,000 (or \$62,500 in local matching funds).

Order 22-200 Order, determining that it is in the best interest of the Town to dispose of property located on Essex Street described as Tax Map Lot 006-004-059; and, further, determining the method of said disposal as sale to abutters as identified in the Town of Orono Code of Ordinances Chapter 2 Section 2-150. (Video record time 1:00:12 - 1:12:14)

Moved by Meghan Gardner and seconded by Cheryl Robertson.

Motion to amend by Leo Kenney and seconded by Meghan Gardner, determining the method of said disposal **as sale to abutters as identified in the Town of Orono Code of Ordinances Chapter 2 Section 2-150.** All voted in favor of the amendment, 7-0.

All voted in favor of the amended motion, 7-0.

Council discussed the sale to abutters option for the disposal of the property due to fairness. Ms. Wilson noted it would be a two-week process to receive bids from the abutters, after they receive the notice. Ms. Wilson clarified the Town is selling its interest in the property not clearing the title.

Order 22-201 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. (Video record time 1:12:15 - 1:19:16)

Moved by Cheryl Robertson and seconded by Meghan Gardner. The vote was in favor, 4-2-1, with Leo Kenney and Geoff Wingard opposed and Sonja Birthisel abstaining.

Town Planner Kyle Drexler stated this ordinance amendment has been through the public hearings of the Planning Board, Town Council, and discussed in Council Committee. He noted that Council addressed and amended the definition of Owner Occupancy within Section 18-31 to address their concerns.

Leo Kenney commented that the Homestay Ordinance is anything but the “lightest touch”. He suggested removing homestays entirely from the land use ordinance and leaving short-term rentals in the rental registration program. He felt the ordinance is an equity issue and discriminatory. He encouraged Council to vote against the Ordinance.

Mr. Perry noted he would be voting in favor; however, he appreciated Mr. Kenney’s issues and suggested revisiting the ordinance in a year.

Order 22-202 Order, authorizing the Town Manager to purchase two redundant servers with Microsoft Server 2022 and 85 Client Access Licenses at a cost not to exceed \$15,045.29 from Dell Computers with funds drawn from the IT/Audiovision Reserve. (Video record time 1:19:17 - 1:22:22)

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

Assistant Town Manager Belle Ryder stated the Town’s existing server is nine years old and well beyond its useful life. Staff is recommending the purchase of two redundant servers from Dell and using Microsoft Server 2022 that will be located in separate physical locations.

Order 22-203 Order, authorizing the Town Manager to purchase AreaRAE (Hazmat Area Monitoring Equipment) from Safeware of Landham, MD at a price not to exceed ~~\$88,000~~ \$85,193 with the awarded and previously accepted Homeland Security Grant (PCEMA), with the required local match of up to \$15,750 funded through the Hazmat Reserve funds. (Video record time 1:22:23 - 1:28:55)

Moved by Cheryl Robertson and seconded by Meghan Gardner.

Motion to amend to add the details of the purchase as noted by Town Manager Wilson (and added to the order). The vote on the amendment was in favor, 6-0-1 (with Sonja Birthisel abstaining).

The vote on the motion as amended was in favor, 6-0-1 (with Sonja Birthisel abstaining).

Ms. Wilson stated staff is recommending an amendment to purchase an AreaRAE from Safeware of Landham, MD for \$85,193. Staff is also recommending that the Town purchase ancillary equipment/services totalling approximately \$3,345 related to this equipment. The total cost of the purchases result in a local match of \$15,750.

Deputy Fire Chief Kevin Sirois described the area monitoring equipment and meters, and the work to secure the funds through the Homeland Security Grant.

10. Council Committee/Representative Reports *(Video record time 1:29:00 - 1:32:28)*

Finance Committee - Mr. Perry reported the Committee met on September 19th to discuss the request to sell the parcel of land on Essex Street, and on October 3rd to discuss changes to parking enforcement practices.

Comprehensive Plan Committee - Ms. Gardner reported the Committee met on September 19th to discuss a proposed contract zone request for 74 Mill Street (Byers Manufacturing) which was forwarded to the Planning Board, and the language revision for short term rentals. The Committee also met on October 3rd to discuss the Planning Board report and next steps for the Parking Ordinance to reduce the minimum parking standards.

Community Development Committee - Mr. Wingard reported the Committee met on September 19th to discuss the Library Foundation updates, and on October 3rd to discuss the request from Down East Emergency Medicine Institute (DEEMI) to purchase a portion of Town-owned property, and discuss the process and selection of the Diversity, Equity, Inclusion, and Belonging Committee.

Environment Committee - Cheryl Robertson stated the Environment Committee did not meet. She noted she is on the Penobscot Region Climate Action Plan Advisory Committee.

11. Future Agenda Items/Items of Concern *(Video record time 1:32:30 - 1:36:10)*

Leo Kenney suggested having a discussion about the homelessness in Penobscot County and the Town Council's role. Ms. Wilson commented on the Council having a discussion about homelessness being a State and County issue, and while not directly impacting Orono, we can see how it is impacting the City of Bangor. Ms. Wilson offered to reach out to the City of Bangor to see if there is a political avenue for us to leverage support and discussion from the County Commissioners.

12. Public Petitions - None.

13. Public Comments - None.

Break taken before the workshop (7 minutes)

14. Workshop: Community Facility Assessment Update and Opportunity for Feedback *(Video record time 1:43:25 - 2:50:10)*

Chris Snowdeal (Senior Project Manager), Mathew Carter (Senior Architect, and Jessamine Potte (Community Outreach) of Haley Ward provided the project overview, efforts to date, and sought feedback from the Town Council related to the current/future community facility needs and next project steps. This was an interim check-in to obtain additional feedback before moving forward with the assessment project. They provided feedback on: Keith Anderson Community House (Bennoch Road); Old Fire Station (North Main Avenue); Former Public Works Garage (Penobscot Street); and the Senior Center (Birch Street School). At the meeting Councilors provided input and indicated agreement with the framework for the project's next steps. Staff expressed a goal of having a final draft report to the Community Development Committee for review before the end of the calendar year.

15. Executive Session: Pursuant to 1 MRSA § 405 (6)(d) to discuss Collective Bargaining Negotiations between the Town of Orono and Maine Association of Police - Orono Unit.

At 7:55 p.m., Geoff Wingard motioned and Leo Kenney seconded to move into executive session to discuss collective bargaining negotiations between the Town of Orono and Maine Association of Police - Orono Unit. All voted in favor, 6-0 (Councilor Birthisel was not in attendance).

At 8:15 p.m, Meghan Gardner motioned and Cheryl Robertson seconded to move into regular session. All voted in favor, 6-0.

Order 22-204 Order, ratifying the agreement between the Town of Orono and the Maine Association of Police - Orono Unit from July 1, 2022 to June 30, 2024, and authorizing the Council Chair and Town Manager to sign.

Moved by Meghan Gardner and seconded by Rob Laraway. All voted in favor, 6-0.

16. Adjournment

Motion to adjourn by Leo Kenney and seconded by Rob Laraway. All voted in favor, 6-0. The Council Meeting adjourned at 8:16 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