

**TOWN OF ORONO
COUNCIL VIRTUAL MEETING
MONDAY, OCTOBER 18, 2021 AT 5:00 P.M.**

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MINUTES

1. Roll Call

Present: (In person) Council Chair Tom Perry, Geoffrey Wingard, Terry Greenier, Cheryl Robertson, Laura Mitchell (joined at 5:01pm), Town Manager Sophie Wilson, and (remote) Laurie Osher and Meghan Gardner.

2. Agenda Review - None

3. Approval of the Minutes of September 13, 2021

Moved by Cheryl Robertson and seconded by Terry Greenier. All voted in favor, 6-0.

4. Public Hearings (*Video record time 0:02:09 - 0:10:25*)

- a. To consider Victualer's Licenses for the following businesses: 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; Brewers of the North, d/b/a Aroma Joe's, 99 Park Street; Big Shoe, Inc., d/b/a Subway, 53 Main Street; and Big Shoe, Inc., d/b/a Subway, 10 Stillwater Street.**

Public hearing a. opened at 5:01 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval, with some orders noting conditional approval of the licenses. No public comments were made. Public hearing a. closed at 5:02 p.m.

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

Public hearing b. opened at 5:02 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and he is recommending a 30-day approval, with final approval conditioned upon confirmation of satisfactory maintenance of the grease removal system from the Code Enforcement Officer. Mr. Perry noted that the order reflects the conditions set forth. No public comments were made. Public hearing b. closed at 5:03 p.m.

- c. **To consider a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to the University of Maine d/b/a Collins Center for the Arts, 5746 Collins Center.**

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

- d. **To consider a Class I – Golf Club – Spirituous, Vinous and Malt 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 d. opened at 5:04 p.m. Code Enforcement Officer Pat Estey stated staff has completed the inspections and is recommending approval, conditioned upon receiving payment of sewer and personal property taxes. No public comments were made. Public hearing d. closed at 5:05 p.m.

- e. **To consider an Ordinance Amendment to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-152 Mobile Food Vendors, to amend the permitting process for mobile food vendors operating in the University District.**

Public hearing e. opened at 5:05 p.m. Town Planner Kyle Drexler stated this ordinance change was discussed before with Council to allow mobile food vendors on campus for events upon receiving a permit through the Code Enforcement Officer. He noted that all of the required standards of the ordinance must be met. No public comments were made. Public hearing e. closed at 5:07 p.m.

- f. **To consider a Contract Zone Agreement for 163 Forest Avenue, to change the zoning of the lot from Low-Density Residential to Economic Development Zone to allow for a medical office/counseling office within the existing structure on the lot.**

Public hearing f. opened at 5:07 p.m. Town Planner Kyle Drexler described the contract zone agreement to operate a small scale medical/counseling office at 163 Forest Avenue. He noted the agreement was reviewed by the Planning Board with a public hearing. Conditions were put in place to limit the scale of the business operation and parking to fit with the character of the area. He stated this is the last step before considering adoption of the agreement. No public comments were made. Public hearing f. closed at 5:09 p.m.

5. Unfinished Business - None

6. Consent Agenda *(Video record time 0:10:27 - 0:13:36)*

- Order 21-178 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street, conditioned upon receipt of the permit application fee.**

- Order 21-179** Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue, conditioned upon receipt of the permit application fee.
- Order 21-180** Order, approving a Victualer's License for Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.
- Order 21-181** Order, approving a Victualer's License for Big Shoe, Inc., d/b/a Subway, 53 Main Street.
- Order 21-182** Order, approving a Victualer's License for Big Shoe, Inc., d/b/a Subway, 10 Stillwater Street.
- Order 21-183** Order, approving a Class I - Malt, Spirituous & Vinous Liquor License and Victualer's License for S & M Corporation, d/b/a Thai Orchid, 28 Mill Street for 30 days, with final approval conditioned upon confirmation of Satisfactory Maintenance of the Grease Removal System from the Code Enforcement Officer.
- Order 21-184** Order, approving a Class I – Golf Club – Spirituous, Vinous and Malt 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, conditioned upon confirmation of full payment of delinquent sewer fees and personal property taxes.
- Order 21-185** Order, approving the Maine Municipal Association Model General Assistance Ordinance Appendices A-H for the period of October 1, 2021 to September 30, 2022 to be in compliance with Title 22 M.R.S., Sec. 4305(4). *(The Public Hearing was held on September 13, 2021.)*
- Order 21-186** 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 2, 2021 State Referendum Election.
- Order 21-187** 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 2, 2021 State Referendum Election [M RSA 21A, Sec. 122.6A(2) and Sec. 122.8] (Monday-Thursday, 7:30am-5:30pm).
- Order 21-188** Order, confirming the Town Clerk's appointment of Belle A. Ryder, Sophia Wilson, and Angela Kohtala as Wardens, and Patricia Davis and Danielle Nightingale as Deputy Wardens for the November 2, 2021 State Referendum Election.
- Order 21-189** Order, changing the time of the November 8, 2021 Regular Council Meeting from 7PM to 5PM.

- Order 21-190** Order, setting the date of November 8, 2021 at 5PM for a Public Hearing to consider an Ordinance Amendment to the Town of Orono Ordinances, Chapter 8, Article IV, Rental Unit Registration, Secs. 8-110 through 8-117.
- Order 21-191** Order, confirming the employment contract of Mitchell Stone as the Economic Development Director for the Town of Orono, effective July 1, 2021 to June 30, 2024.
- Order 21-192** Order, authorizing the Town Manager to purchase Courtyard Trash Receptacles from Uline at an amount not to exceed \$5,900 from the Downtown Transit Oriented TIF District.
- Order 21-193** Order, authorizing the Town Manager to donate \$1,066 to the Orono Economic Development Corporation (OEDC) to help defray the permitting costs associated with its Outdoor Recreation Project on Taylor Road, and further, authorizing the Town Manager to expend said donated funds from the EnvisioNet TIF Development Program Fund and to adjust the budget accordingly.
- Order 21-194** Order, authorizing the Town Manager to expend up to \$15,000 from the Professional Development Reserve Account for Training and Consultation for Staff and Councilors related to Diversity, Equity, and Inclusion; and, further, to authorize the Town Manager to engage Mandy Levine Consulting of Cumberland Center, Maine to Assist with this Effort.
- Order 21-195** Order, authorizing the Town Manager to carry forward \$22,909 from the FY21 Budget to the FY22 Budget to fund calendar year 2021 Pavement Marking Services.
- Order 21-196** Order, approving the transfer of any portion of the Defendant(s) in Rem #1 \$51,347.00, and Rem #2 one Walther 9mm SN WK071476, as set forth in Penobscot Court Criminal Action Docket No. CR-20-4268, State v. Thomas Hammond, pursuant to 15 M.R.S.A. Sec. 5824(3) & Sec. 5822(4)(A); further, authorizing the Town Manager, if approved by the court, to transfer 15% of the funds received to the Penobscot County District Attorney.

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

Mr. Perry announced the Election Day details to the public. Geoffrey Wingard asked about requesting absentee ballots on Fridays when the office is closed. Ms. Wilson stated residents can drop off a ballot request in the drop box, request a ballot by email, phone, in person (Monday-Thursday) or by mail (which may be slow).

7. New Business

Order 21-197 Order, authorizing the Town Manager to execute an Agreement with the University of Maine's Department of Industrial Cooperation to accept and place equipment described as SunRule Webster Park Sculpture in Webster Park. (Video record time 0:13:38 - 0:34:50)

Moved by Cheryl Robertson and seconded by Geoffrey Wingard. All voted in favor, 7-0.

Economic Development Director Mitch Stone noted staff routinely works with the University of Maine to support entrepreneurial efforts that stem from vibrant research and development efforts on campus. Over the last several months, staff has been working with SunRule to understand its product and assist as it develops a demonstration product that can be characterized as public art that is hands-on and educational.

Representatives of SunRule and the University of Maine (Renee Kelly, Justin Dimmel, and Eric Pandiscio) discussed the product, shared images, and spoke about the relationship with the Town. Specifically, the University of Maine is asking the Town to accept the SunRule sculpture and install it at Webster Park for the public to enjoy and potential customers to view. The sculpture makes learning math more engaging through an analog calculator that uses sunlight to multiply/divide. The agreement with the Town provides for the equipment to be gifted to the Town, all but soft installation costs (in-kind labor) to be borne by the company, and the equipment to be removed at the University's expense should the Town decide it no longer wants to host it in this location. Ms. Wilson stated the maximum size is 3-5 foot square.

Order 21-198 Order, authorizing the purchase of a 2022 GMC Sierra 1500 from Varney GMC of Bangor, Maine in the amount of \$37,570 and an additional \$2,430 for miscellaneous accessories for a total price of \$40,000 to be drawn from the approved FY22 Fire Department Capital Budget. (Video record time 0:34:52 - 0:37:18)

Moved by Cheryl Robertson and seconded by Geoffrey Wingard. All voted in favor, 7-0.

Fire Chief Geoff Low stated this vehicle was discussed during the FY2022 budget process for a multi-purpose truck to replace the older vehicle. Mr. Perry noted that staff solicited three quotes and this was the low bidder.

**** WORKSHOP - Public Safety Restructuring Plan ** (Video record time 0:37:20 - 1:01:15)**

Town Manager Sophie Wilson provided a brief statement regarding Police Chief Josh Ewing's resignation after 22 years of service, provided information about the public safety operations, and outlined a plan for restructuring the Town's public safety departments by appointing the Fire Chief as the Public Safety Director and promoting an individual into the Deputy Police position.

Ms. Robertson stated the background information was sufficient to describe the changes. Mr. Greenier noted he was sick about the Police Chief leaving. Ms. Gardner supported the plan and stated it will be good for morale. She noted the Police Department has taken a beating in the last two years over what has happened nationally. She stated she supported the fight nationally, but is frustrated by the community being heated up and vague. Orono's police department is leagues ahead of any in the state. The community is losing a Police Chief who is committed to the vision of what people want. Ms. Gardner stated she supports equality and justice, but the community is making a big mistake. Mr. Wingard spoke of Chief Ewing's professionalism to the job and thanked the Town Manager for working with the public safety leaders and crew. Ms. Mitchell commented it is a big loss to have Chief Ewing leave and she agreed with the restructuring. Ms. Osher thanked Chief Ewing for his years of service in a stressful job and asked for more details about the restructuring. Ms. Wilson stated the restructuring allows the town to maintain stability when recruiting during the current climate and difficult times. She noted the changes will not happen all at once. Mr. Perry thanked Ms. Wilson for knowing her staff and needs.

Order 21-199 Order, authorizing the Town Manager to adjust the approved FY2022 Municipal Budget as follows: *(Video record time 1:01:17 - 1:06:44)*

- 1. Reallocating \$22,480 from the Overlay Account to Increase the Police Department operating budget \$7,690 and the Fire Department operating budget \$14,790 for wages and benefit increases; and**
- 2. Authorize the Town Manager to appropriate and expend up to \$53,500 from the EnvisioNet Tax Increment Financing District Program Development Fund for Business Development Staff.**

Moved by Terry Greenier and seconded by Cheryl Robertson. The vote was in favor, 6-0-1 (with Laurie Osher abstaining).

Ms. Wilson explained the reallocation of the current budget to fund the new operational model. She noted these are not new funds, just being directed in a new way and explained the changes. Ms. Osher expressed concern about the position changes and whether it is better to hire from outside.

8. Acknowledgments by Council Members *(Video record time 1:06:45 - 1:16:18)*

On behalf of Council, Mr. Perry acknowledged Police Chief Ewing's 22 years of service to Orono (the last 8 years as Chief) and noted the community is better because of his special initiatives. He noted Council's \$250 donation to the Special Olympics on behalf of his service.

Cheryl Robertson thanked Chief Ewing for his years of service to the community.

Terry Greenier stated he would miss Chief Ewing and wished him the best. He also acknowledged Nora White for being the PVC State Champion, and for giving her award away to another runner.

Geoff Wingard acknowledged Chief Ewing for all of his assistance, and help with the elderly and kids in the community. He also acknowledged RSU#26 for completing the second phase of redevelopment with the opening of the new track. He noted it is a great facility and an economic engine for the town.

Cheryl Robertson acknowledged two Orono residents for being recognized by the National Resource Council of Maine: Ivan Fernandez for being a leader in the Maine Climate Council and John Banks for a lifetime achievement award from the National Resource Council and his work on the Orono Land Trust as a steward of the rivers and lands.

Laura Mitchell thanked Chief Ewing for his years of service, and for the safety and nature of the community.

9. Council Committee/Representative Report *(Video record time 1:16:20 - 1:21:00)*

Finance and Operations Committee - Tom Perry reported that the Finance and Operations Committee met on October 4th and reviewed the Council Meeting schedule, carry forward request for road striping, utilization of the professional development reserve, and Municipal Review Committee correspondence.

Community Development Committee - Terry Greenier reported that the Committee met to discuss UMaine Economic Development project, community events, the Scott Scripture Memorial Community Dinner, and information on Boo Boxes.

Comprehensive Plan Committee - Ms. Gardner reported the Committee met on October 4th to discuss revisions to the rental registration ordinance (Council public hearing to be held on November 8th) and a new permitting process for homestays (referred to the Planning Board).

Environment Committee - Ms. Robertson reported the Committee met on September 22nd to discuss their new charge, Orono weatherization projects, and Maine Recycles week.

Ms. Wilson noted that Culture Fest will be held this Saturday, October 23rd from 11am-3pm.

10. Future Agenda Items/Items of Concern - None

11. Public Petitions - None

12. Public Comments *(Video record time 1:21:20 - 1:23:08)*

Alice Kelley commented on the issue of livable neighborhoods (specifically the Webster neighborhood). She noted the community policing has gone well, but has not addressed all of the neighborhood's issues and suggested holding a future meeting or workshop.

13. Adjournment

Motion to adjourn by Cheryl Robertson and seconded by Terry Greenier. All unanimously agreed. The Council Meeting adjourned at 6:24 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