

**TOWN OF ORONO**  
**COUNCIL VIRTUAL MEETING**  
**MONDAY, SEPTEMBER 14, 2020 AT 4:30 P.M.**

**WATCH ONLINE AT**  
<https://zoom.us/j/97572616861>

**(LINK AVAILABLE AT ORONO.ORG)**

*Comments can be submitted via email prior to the meeting start time  
at [info@orono.org](mailto:info@orono.org) and during the meeting by using Zoom comment features.*

**AGENDA**

- 1. Roll Call**
- 2. Agenda Review**
- 3. Approval of Minutes of August 10, 2020**
- 4. Public Hearings**
  - a. To consider a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Marsh Island Brewing, LLC, 2 Main Street.
  - b. To consider a Victualer's License for Harvest Moon, LLC, 18 Mill Street.
  - c. To consider a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono House of Pizza, Inc., 154 Park Street.
  - d. To consider a Class I-A Hotel Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Black Bear Inn and Conference Center, 4 Godfrey Drive.
  - e. To consider a Class I Malt, Spirituous & Vinous 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.
  - f. To consider a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Yama's Inc., dba Yama's Bar & Grill, 19 Mill Street.

- g. To consider an Automobile Graveyard and/or Junkyard Permit for LaPointe's Enterprises, Inc., 201 Kelley Road.
- h. To consider an Automobile Graveyard and/or Junkyard Permit for Town of Orono, off Taylor Road.
- i. To consider an Automobile Graveyard and/or Junkyard Permit for Silver's Auto Parts, Inc., 485 Main Street.
- j. To consider Ordinance Amendments to the Town of Orono Ordinances, for the addition of Section 18-153, Marijuana Establishments, and the amendment of Section 18-106, Schedule of uses, to Chapter 18, Land Use, to establish performance standards and zoning regulations for marijuana establishments; as well as the addition of Article 3, Marijuana Establishments, to Chapter 29, Public Health and Safety, to establish licensing requirements for marijuana establishments should the Town of Orono decide to opt-in to allow such establishments.
- k. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 26 Parks and Recreation, Section 26-30 (b) Tobacco, Marijuana, and Related Products.
- l. To determine whether it is in the best interest of the Town and how to dispose of tax acquired property at 25 College Heights (Tax Map 019-002 Lot 053).
- m. To consider a proposed Order entitled *Debt Refunding and New Money Bond Order*. The Order will provide for the issuance of bonds in an amount not to exceed \$15,268,518, with the proceeds of the bond sale to be used for the following purposes: 1) to refund (refinance), at a lower interest rate, a USDA loan and general obligation bonds previously issued for capital improvement projects having an approximate cost of \$13,018,518; and 2) to fund new capital improvements having an approximate cost of \$2,250,000, including fiber-optic lines and public works; and 3) to fund transaction costs and other expenses related to the identified projects and the bond sale.

**5. Acknowledgments by Council Members**

**6. Unfinished Business**

**7. Consent Agenda**

Order 20-140 Order, approving a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Marsh Island Brewing, LLC, 2 Main Street.

Order 20-141 Order, approving a Victualer's License for Harvest Moon, LLC, 18 Mill Street.

- Order 20-142 Order, approving a Class I Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Orono House of Pizza, Inc., 154 Park Street.
- Order 20-143 Order, approving a Class I-A Hotel Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Black Bear Inn and Conference Center, 4 Godfrey Drive.
- Order 20-144 Order, approving a Class I Malt, Spirituous & Vinous 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.
- Order 20-145 Order, approving a Class XI Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Yama's Inc., dba Yama's Bar & Grill, 19 Mill Street.
- Order 20-146 Order, approving an Automobile Graveyard and/or Junkyard Permit for LaPointe's Enterprises, Inc., 201 Kelley Road.
- Order 20-147 Order, approving an Automobile Graveyard and/or Junkyard Permit for the Town of Orono, off Taylor Road.
- Order 20-148 Order, approving an Automobile Graveyard and/or Junkyard Permit to Silver's Auto Parts Inc, 485 Main Street.
- Order 20-149 Order, proclaiming the week of September 17 through 23, 2020 as Constitution Week in the Town of Orono.
- Order 20-150 Order, changing the date of the Regular Council Meeting from October 12 to October 19, 2020 due to the Town's observance of Indigenous Peoples' Day.
- Order 20-151 Order, confirming the Town Manager's 1-year appointment of Peter Hall as Alternate Electrical Inspector.
- Order 20-152 Order, approving the transfer of any portion of the Defendant in Rem \$1,877.00, as set forth in Penobscot Court Criminal Action Docket No. CR-19-1951, State v. Farris Aurelius, pursuant to 15 M.R.S.A. Sec. 5824(3) & Sec. 5826(6); further, authorizing the Town Manager, if approved by the court, to transfer 15% of the funds received to the Penobscot County District Attorney.

Order 20-153 Order, authorizing the Town Manager to accept and expend funds from the Maine Emergency Management Agency (MEMA) for expenses related to Hazardous Material Response Team operations; and, further, limiting this authority to those expenditures that are within the current scope of services provided by the Team, conform to the Town purchasing policy, and do not exceed \$15,000 in total for FY21.

**5. New Business**

Order 20-154 Order, approving Ordinance Amendments to the Town of Orono Ordinances, Chapter 26 Parks and Recreation, Section 26-30 (b) Tobacco, Marijuana, and Related Products.

Order 20-155 Order, determining it is in the best interest of the Town to dispose of tax acquired property at 25 College Heights (Tax Map 019-002 Lot 053) through the bid process outlined in Town Ordinance Section 2-150 (b).

Order 20-156 Order, entitled Debt Refunding and New Money Bond Order, authorizing the issuance of general obligation bonds in an amount not to exceed \$15,268,518 (the “2020 Bonds”).

BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF ORONO, MAINE, AS FOLLOWS:

The Treasurer of the Town and Chair of the Town Council be and hereby are authorized to borrow an aggregate principal amount not to exceed \$15,268,518, the proceeds of which (including bond premium and investment earnings thereon) shall be used and are hereby appropriated for the following purposes:

1) to refund (refinance), at a lower interest rate, a USDA loan and general obligation bonds previously issued for capital improvement projects having an approximate cost of \$13,018,518; and 2) to fund new capital improvements having an approximate cost of \$2,250,000, including fiber-optic lines and public works; and 3) to fund transaction costs and other expenses related to the identified projects and the bond sale; and

That pursuant to 30-A M.R.S. §§ 5231 and 5772, the Orono Town Charter, as amended, and all other authority thereto enabling, in order to evidence such loan and to accomplish the borrowing authorized above, the Town Council hereby authorizes and approves issuance of the 2020 Bonds in an amount not to exceed \$15,268,518, which 2020 Bonds shall be general obligation bonds, the payment of which shall be backed by the full faith and credit and taxing power of the Town; and

The Treasurer and Chair of the Town Council shall determine the date, maturities, denominations, interest rate or rates, and be in such form and contain such other terms and provisions as they shall approve, such approval to be conclusively evidenced by their execution thereof; and

The Treasurer shall be and hereby is authorized to provide that the 2020 Bonds may be made callable, with or without premium, prior to their stated date(s) of maturity; and

The 2020 Bonds shall be executed in the name and on behalf of the Town by its Treasurer and Chair of the Town Council and shall bear the corporate seal of the Town thereon, attested by the Town Clerk; and

The term “cost” or “costs” as used herein and applied to the use of the proceeds of the 2020 Bonds, or any portion thereof, includes, but is not limited to the cost of financing charges and issuance costs, including premiums for bond insurance, interest for a period not to exceed 3 years from the issue date of the 2020 Bonds thereof and other fees and expenses relating to the financing transaction; and

The Treasurer and Chair of the Town Council be and hereby are individually authorized to execute and deliver, in the name of and on behalf of the Town, an underwriting or private placement commitment as may be necessary or appropriate to provide for the issuance and sale of the 2020 Bonds, which shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Treasurer and Chair of the Town Council, such approval to be conclusively evidenced by the execution thereof; and

The Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement, a Private Placement Memorandum or any other offering document for use in the offering and sale of the 2020 Bonds, such Preliminary Official Statement and Official Statement, Private Placement Memorandum or other offering document for use in the issuance of the 2020 Bonds, such materials to be in such form and contain such information as may be approved by the Treasurer and that the distribution of such materials in the name of and on behalf of the Town in connection with the issuance of the 2020 Bonds thereof be and hereby is approved; and

The Treasurer be and hereby is authorized to select the registrar, paying agent and transfer agent (the “Transfer Agent”) for the 2020 Bonds and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services; and

The 2020 Bonds shall consist of registered bonds and shall be transferable only on registration books of the Town kept by the transfer agent, and said principal amount of the 2020 Bonds of the same maturity (but not of other maturity) in the denomination of \$5,000 or any multiple thereof (or such other minimum denomination as the Treasurer shall approve) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a 2020 Bond the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same; and

The Treasurer and the Chair of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of 2020 Bonds as heretofore authorized, all such bonds to bear the signature of the Treasurer, countersigned by the Chair of the Town Council, and to be attested by the Town Clerk; and

The officers executing the 2020 Bonds be and hereby are individually authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of such 2020 Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission are met; and

The Treasurer and the Chair of the Town Council are hereby authorized and empowered to execute all reasonable and necessary transaction documents with respect to issuance of the 2020 Bonds, and to do all such acts and things as may be necessary or advisable, to carry out the provisions of this Order in connection with the execution, sale and delivery of the 2020 Bonds, which transaction documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the officer executing the same, such approval to be conclusively evidenced by his execution thereof; and

If any of the officers or officials of the Town who have signed or sealed the 2020 Bonds shall cease to be such officers or officials before the 2020 Bonds so signed and sealed shall have been actually authenticated or delivered by the Town, such 2020 Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such 2020 Bonds had not ceased to be such

officer or official; and also any such 2020 Bonds may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such 2020 Bonds, shall be the proper officers and officials of the Town, although at the nominal date of such 2020 Bonds any such person shall not have been such officer or official; and

If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the 2020 Bonds or any of the related bond or transaction documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself/herself performed such act; and

That the bid premium, if any, may be used at the discretion of the Treasurer to capitalize construction period interest, or to apply funds to the project that would reduce the annual amount(s) of the 2020 Bonds; provided that, in the event that the Treasurer chooses to apply any bid premium to reduce the amount of bonds issued, the Town will apply the same percentage amount of "underwriters spread per thousand" to the reduced issue amount; and

That the projects to be financed with the new-money portion of the 2020 Bonds all have a useful life that extends beyond the final maturity of the 2020 Bonds, thereby complying with the requirement that the term of the bonds not exceed 120% of the useful life of the projects; and

That the 2020 Bonds are not designated as a "qualified tax-exempt obligation" of the Town; and

That the Town shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax-exempt status of the interest on the 2020 Bonds; and

That all actions heretofore taken by the Municipal Officers of the Town relating to the issuance of the 2020 Bonds be and hereby are ratified, approved and confirmed.

Order 20-157 Order, authorizing the Town Manager to engage Olver Associates to perform pre-construction survey work for the proposed Mahaney Development Drainage and Road Project at a cost not to exceed \$20,000 with funds drawn from the Capital Infrastructure Reserve Fund.

Order 20-158 Order, authorizing the Town Manager to purchase Police Radio Equipment from Radio Communications Management of Maine of Portland, Maine at a cost not to exceed \$11,000 with up to \$10,100 drawn from the State Asset

Forfeiture Fund and the remainder from the FY21 approved Police Department Operating Budget.

**6. Council Committee/Representative Reports**

**7. Future Agenda Items/Items of Concern**

**8. Public Petitions**

**9. Public Comments**

**10. Adjournment**

**ADA Notice.** Any person with a disability who requires auxiliary aids or services to fully participate in the activities of the Orono Town Council should contact the Town Manager's Office (866-2556) 72 hours prior to the meeting.