

**TOWN OF ORONO
COUNCIL VIRTUAL MEETING AND WORKSHOP
MONDAY, FEBRUARY 8, 2021 AT 5:00PM**

WATCH ONLINE AT

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

MINUTES

1. Roll Call

Present: Council Chair Tom Perry, Laurie Osher, Meghan Gardner, Cheryl Robertson, Terry Greenier, Sam Kunz (arrived at 5:05 p.m.) and Town Manager Sophie Wilson.

2. Agenda Review - None

3. Approval of Minutes of January 11, 2021

Moved by Cheryl Robertson and seconded by Laurie Osher. All voted in favor, 5-0.

4. Public Hearings

a. To consider a Victualer's License for Nest Coffee, LLC, 24 Main Street.

(Video record time 01:24-02:30)

Public hearing a. opened at 5:01 p.m. Code Enforcement Officer Patrick Estey reported that staff has completed all of the inspections and recommends approval of the license.

Ms. Wilson noted that complaints had been received regarding compliance with masks, but it has been addressed and there have not been any further complaints. No public comments were made. Public hearing a. closed at 5:02 p.m.

b. To consider a Victualer's License for Black Bear Nutrition, LLC, 5 Mill Street, Suite 5. (Video record time 02:31-04:22)

Public hearing b. opened at 5:02 p.m. Mr. Estey stated this is a new business and staff will not issue a Certificate of Occupancy until all inspections are completed and the property is found in compliance. Staff recommends approval of the license, conditioned upon the applicant receiving a Certificate of Occupancy from the Code Enforcement Officer before opening March 1st. Mr. Estey described the business as serving nutritional shakes and teas. No public comments were made. Public hearing b. closed at 5:03 p.m.

c. To consider a 6-Month Moratorium Ordinance on Commercial Solar Projects to Regulate Large-Scale Solar Facilities. *(Video record time 04:23-07:53)*

Public hearing b. opened at 5:03 p.m. Town Planner Kyle Drexler explained that the Town Council is currently working through the process of adopting ordinance language that establishes standards and regulations for large-scale solar facilities. Mr. Drexler stated much progress has been made to date on the ordinance language; however, an additional 6-months moratorium is needed to complete the process and hold the Planning Board and Council public hearings and review. He anticipated completing the process in less than six months. Ms. Wilson noted that the moratorium can be discontinued if the ordinance is ready for adoption sooner than six months. Mr. Drexler confirmed that the Planning Department has not received any inquiries by solar companies. No public comments were made. Public hearing c. closed at 5:05 p.m.

5. Acknowledgments by Council Members *(Video record time 07:54-15:08)*

Cheryl Robertson thanked Ms. Ryder and staff for conducting Candidates' Night. She noted it made a good impression on the public.

Meghan Gardner acknowledged Dave Milan on his retirement announcement. She noted the great work that he has done with local businesses.

Laurie Osher noted the State Legislative Session has started and thanks the Orono citizens that have submitted testimony for new laws. She also recognized Candidates' Night.

Terry Greenier echoed Ms. Gardner's sentiments about Mr. Milan. He acknowledged Mr. Milan's talents in creating parade floats and looked forward to his continued involvement in the future.

Sam Kunz acknowledged that Candidates' Night went well. He also acknowledged Mr. Milan's community efforts (i.e. Light Up the Night Stationary Parade). He wished him the best.

Dave Milan thanked the Council for their sentiments and noted that he will be available for the next few months and anytime in the future.

Tom Perry wished Mr. Milan well in his retirement. Mr. Perry acknowledged David Chase for doing an excellent job moderating Candidates' Night and asked the Town Manager to send him a thank you note on behalf of Council. He also acknowledged the quality of candidates running for Council and the RSU26 School Board.

6. Unfinished Business - None

7. Consent Agenda *(Video record time 15:13-16:00)*

Order 21-20 Order, approving a Victualer's License for Nest Coffee, LLC, 24 Main Street.

Order 21-21 Order, approving a Victualer's License for Black Bear Nutrition, LLC, 5 Mill Street, Suite 5, conditioned upon the applicant receiving a Certificate of Occupancy from the Code Enforcement Officer.

Order 21-22 Order, accepting the Maine Municipal Employees Health Trust Wellness Grant in the amount of \$2,400 for the Town's 2021 Employee Wellness Program.

Order 21-23 Order, approving the transfer of any portion of the Defendant in Rem \$2,201.00 as set forth in Penobscot Court Criminal Action Docket No. CR-20-817, State v. Vernon Baker, 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.

Moved by Sam Kunz and seconded by Meghan Gardner to approve the consent agenda. All voted in favor 6-0.

8. New Business

Order 21-24 Resolve, supporting an Extended Producer Responsibility (EPR) for Packaging Law as endorsed by the Legislature in 2019 though the passage of the Resolve, to Support Municipal Recycling Programs (LD 1421). *(Video record time 16:05-21:44)*

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

Ms. Robertson noted the Legislative number has changed to LD2104. She noted it is a resolution to protect Orono's rights to receive funding if the resolution passes. She noted the resolve seeks to make recycling in Maine more effective, sustainable, and equitable. Ms. Robertson stated this will take time, but will hopefully shift financial responsibility to the producers and be beneficial to the community.

Ms. Gardner encouraged residents to support the resolve and the community's recycling efforts. Mr. Kunz echoed the same sentiments and thanked Ms. Robertson for her efforts. Mr. Greenier supported putting ownership of recycling on the source, the producers.

Order 21-25 Order, authorizing the Town Manager to submit a grant application for up to \$15,375 to Firehouse Subs, and if awarded, accepting the funds for the purchase of a Lucas Chest Compression System. (21:45-28:29)

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

Fire Chief Geoff Low explained the grant opportunity from Firehouse Subs of up to \$15,375 to purchase a Lucas Chest Compression System. He noted this device is utilized by Emergency Medical Services to perform high-quality chest compressions when administering Cardiopulmonary Resuscitation (CPR) to a patient. He described the Fire Department's current method of delivering CPR using the traditional hands-on method. He stated, this means that a person must be pressing on the patient's chest for the entire time CPR is administered, with no more than thirty seconds allowed for interruptions as any longer can be extremely detrimental to the patient's outcome. He noted that responders need to be switched out every two minutes before the quality of CPR begins to diminish. The Lucas Chest Compression System takes the human element out of this physically demanding job. He noted, having a machine deliver compressions enables responders to quickly perform other lifesaving procedures. He confirmed the grant has no requirement for matching local funds.

Councilors spoke in support of this grant opportunity.

Order 21-26 Order, authorizing the Town Manager to submit a grant application for up to \$44,765 to the Federal Emergency Management FY20 Assistance to Firefighters Grant (AFG) Program for equipment to aid in the development of a new Fire Department Physical Fitness Program with the 5% match (\$2,132) drawn from the approved FY21 Fire Department Operating Budget. (Video record time 28:34-37:25)

Moved by Meghan Gardner and seconded by Sam Kunz. All voted in favor, 6-0.

Chief Low explained that Fire Department personnel have been working over the last several months to develop a Physical Fitness Program aimed at improving firefighter strength and conditioning. The Town maintains an informal workout area in the Fire Station; however, the equipment is aging and is residential quality. Working in conjunction with experienced trainers from UMaine and staff, they have identified key pieces of commercial quality equipment that support a formal departmental physical fitness program. The total grant request is approximately \$44,765 and includes the purchase of commercial quality core equipment: stair stepper, treadmill, Jacob's ladder, dumbbell set, assault bike, rogue donkey, and other miscellaneous equipment.

Chief Low spoke of the nature of work that fire service responders engage in which poses elevated health and safety risk. He noted the importance of physical fitness and that individuals who maintain a high degree of physical strength and cardiovascular fitness are healthier and quicker to recover from work related accidents, injuries, and illnesses. He noted staff is working with the union to consider mandatory fitness requirements.

He noted the grant requires a 5% match, which based upon the request of \$44,765, would be \$2,240. He noted staff took the initiative to bring this grant opportunity forward.

Councilors spoke in support of this physical fitness grant opportunity.

~~**Order 21-27 Order, authorizing the Town Manager to purchase and install a Generator with funds drawn from Center for Tech and Civic Life Grant Fund.**~~

Order 21-27 Order, authorizing the Town Manager to negotiate with the two lowest bidders to purchase and install a Generator for the Town Office at a cost not to exceed \$55,000, including Site Work and Fuel Connection, with funds drawn from Center for Tech and Civic Life Grant. (37:26-45:15)

Moved by Sam Kunz and seconded by Cheryl Robertson to replace Order 21-27 and approve new Order 21-27. All voted in favor, 6-0.

Assistant Town Manager Belle Ryder noted that the Town received a \$159,000 grant from the Center for Tech and Civic Life to support an effective and secure November election and was further amended to support future elections. She noted that staff is recommending expending the remaining \$55,000 of grant funds to cover a significant portion of the purchase and installation of a generator for the Town Office. Ms. Ryder explained that electrical outages are becoming more common and interrupt staff's ability to prepare for, secure, and manage the elections.

She noted that staff continues to work with two vendors to secure final estimates for the purchase of a generator, installation, related rewiring of the Town Office and Public Safety Building, and connection of an additional underground propane line. Ms. Ryder confirmed that this is an allowable grant expense.

Councilors asked questions of the quotes and pricing. Ms. Ryder stated she would forward the quotes to Council.

Order 21-28 Order, authorizing a loan of up to \$5,000 made to Old Town-Orono Fiber Corporation, contingent upon its receipt of matching funds from the City of Old Town, to be used for legal expenses; and further, to authorize the Town Manager to execute any and all necessary documents related to this transaction. (Video record time 45:16-47:36)

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

Ms. Ryder stated OTO Fiber recently issued a request for proposals related to an additional phase of fiber buildout in our area. Based upon the responses received from vendors, OTO needs to engage legal counsel aimed at moving this project forward in the best interests of the communities.

Ms. Ryder requested a \$5,000 advance on the Council approved FY21 General Obligation Bond New Issue for Infrastructure Improvements (\$250,000).

Order 21-29 Order, authorizing the Town Manager to reallocate \$400,000 of the funds remaining in the Debt Reserve Account to the Capital Infrastructure Reserve Account. *(Video record time 47:38-50:38)*

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

Ms. Wilson explained the recommendation of reallocating (as reassigning) \$400,000 of the remaining balance of the assigned Debt Reserve Fund to the Capital Infrastructure Reserve Fund to cover the remaining costs associated with the planned FY21 Special Capital Infrastructure Investment Project Budgets.

Order 21-30 Order, adopting the following Special 2021 Capital Infrastructure Investment Project Budgets funded through \$2,000,000 in infrastructure bond proceeds and the remaining from the Capital Infrastructure Reserve Fund: *(Video record time 50:40-1:04:52)*

- **College Heights & Chapel Road Reconstruction** \$900,000
- **Mahaney Development Reconstruction** \$500,000
- **Route 2 Culvert Replacement Matching Funds** \$270,000
- **North Main Avenue (Final Phase)** \$230,000
- **Main Street Pedestrian and Bike Safety Project** \$500,000

Moved by Sam Kunz and seconded by Terry Greenier. All voted in favor, 6-0.

Public Works Director Rob Yerxa stated the proposed projects were chosen because they were significant improvements that would last a long time (at least the length of the bond). Mr. Yerxa described details of each of the five projects. He noted the order not to expend the funds at this time, but rather to assign budget authority so that it can work with technical consultants, design, pre-construction, and project expenses.

Mr. Yerxa spoke of the short term response to the Main Street sidewalk situation regarding visibility and accessibility concerns. He noted the Main Street corridor project will most likely be a two year (two summer) project.

Councilors spoke in support of the projects and the advance of infrastructure for the community.

9. Council Committee/Representative Reports *(Video record time 1:04:56-1:18:56)*

Finance and Operations Committee - Tom Perry stated the Committee met on January 25th and heard a presentation from James Jackson Sanborn on the early plans for the Orono Public

Library Foundation expansion project, the Town Office generator purchase, the FY22 Municipal Budget process and timeline, and reviewed the Town's financial reports.

Community Development Committee - Terry Greenier reported that the Committee met on January 21st and discussed the Town Office appointment schedule, received an update from Bangor Area Comprehensive Transportation System (BACTS) on increasing the Community Connector Bus times, Code Enforcement Office's new approach to electrical permits and inspections (with the assistance of David Russell of Old Town), the Marijuana Referendum public information plan and the expansion of the Police Department's Community Policing Program.

Comp Plan Committee - Meghan Gardner reported the Committee met on February 1st and reviewed the draft Language related to MDR Lot Size Reduction (20,000 to 15,000 sq. ft.) and the Implementation of the Village Residential Overlay District, an initial Contract Zone request for 163 Forest Avenue, and formalizing the internal staff and Council process for considering Contract Zone requests.

Orono Economic Development Corporation - Cheryl Robertson stated the Orono Economic Development Corporation (OEDC) received a \$120,000 grant to retrofit and renovate the Taylor Bait Farm to the new Caribou Bog Recreation Center.

Environment Committee - Ms. Robertson reported the Committee met to continue working on their charge and she reviewed their projects. She also noted Lee Warren has joined the Environment Committee.

State Legislature Updates - Ms. Osher stated she gave testimony on LD 2 - An act to Require the Inclusion of Racial Impact Statements in the Legislative Process. She noted several training and other bills she is co-sponsoring. She noted one of her goals is to get more Orono people connecting in Augusta.

Sam Kunz stated he attended the Safe Zone Training at the UMaine Rainbow Resource Center and noted there were other opportunities for people to attend.

10. Future Agenda Items/Items of Concern *(Video record time 1:19:01-1:23:30)*

Laurie Osher stated she was impressed with the new Defense Secretary Lloyd Austin making it clear that all leaders of public service, and specifically within the Department of Defense and Pentagon, are not allowed to make statements on social media that are anti-democratic statements, or have anti-BLM rhetoric. She noted challenges within the ranks of combating anti-democratic statements. She would like to revisit the Town's policies on such actions.

Ms. Wilson confirmed that the Town does have policies on employee's social media behavior and she is willing to provide training to Council on the First Amendment and employee rights.

11. Public Petitions - None

12. Public Comments - None

13. WORKSHOP DISCUSSION: *How to Be an Antiracist* (Book by Ibram X. Kendi)

(Video record time 1:23:50-2:17:50)

As part of the Town Council's on-going efforts to become more aware of issues related to racial and social justice and equity, members were invited to read the book "How to Be an Antiracist" by Ibram X. Kendi. Councilor Gardner facilitated a brief group discussion about this book and the concept being an antiracist.

14. Adjournment

At 7:18pm, Cheryl Robertson motioned to adjourn and Sam Kunz seconded. All voted in favor, 6-0.

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