

TOWN OF ORONO
COUNCIL VIRTUAL MEETING & WORKSHOP
MONDAY, APRIL 12, 2021 AT 5:00PM
(The meeting will end by sundown.)

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MEETING MINUTES
(The annotated agenda and background material will be posted [here](#) prior to the meeting.)

1. Roll Call

Present: Council Chair Tom Perry, Meghan Gardner, Cheryl Robertson, Terry Greenier, Laura Mitchell, Geoffrey Wingard, Laurie Osher (arrived at 5:02 p.m.), and Town Manager Sophie Wilson.

2. Election of Council Chairperson *(Video record time 00:20-01:26)*

Cheryl Robertson nominated Tom Perry as Council Chairperson. Mr. Perry accepted the nomination. No other nominations were made. The Council unanimously voted in favor, 6-0.

3. Agenda Review - None

4. Approval of Minutes of March 8, March 15 and March 29, 2021 *(Video record time 01:36-02:57)*

Moved by Cheryl Robertson and seconded by Laura Mitchell. All voted in favor, 7-0.

5. Public Hearings *(Video record time 02:58-05:20)*

a. Consideration of a Victualer's License for CAMREP, Inc. d/b/a Spotlight Cinemas, 6 Stillwater Avenue.

Public hearing a. opened at 5:02 p.m. Code Enforcement Officer Patrick Estey reported that staff has completed all the inspections and there are no life safety issues or code violations. Staff recommends approval of the license. No public comments were made. Public hearing a. closed at 5:03 p.m.

b. Consideration of a Class XI - Restaurant/Lounge - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment

and Victualer's License for Woodman's LLC, d/b/a Woodman's Bar & Grill, 31 Main Street.

Public hearing b. opened at 5:03 p.m. Code Enforcement Officer Patrick Estey reported that staff has completed all the inspections and recommends approval of the license. No public comments were made. Public hearing b. closed at 5:04 p.m.

c. Consideration of a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License to Wardwell, LLC, d/b/a The Family Dog, 6 Mill Street.

Public hearing c. opened at 5:04 p.m. Code Enforcement Officer Patrick Estey reported that staff has completed all the inspections and recommends approval of the license. No public comments were made. Public hearing c. closed at 5:05 p.m.

6. Acknowledgments by Council Members *(Video record time 05:21-10:09)*

Cheryl Robertson acknowledged the passing of Dennis "Red" Gendron (Head Coach of the UMaine Hockey Team). She also acknowledged Tracey Whitten, owner of the University Inn, for her uplifting messages on the Inn's sign. She commented the messages are a consistent ray of light for the community. Ms. Robertson acknowledged Connie Carter for the great job she does with Operation Breaking Stereotypes. She had an opportunity as a Councilmember to talk to middle school kids from Orono and Indian Island about climate change.

Geoff Wingard acknowledged the great work that Town employees and Public Works are doing with spring cleanup at the landfill. He noted it was very busy and being run very well.

Meghan Gardner acknowledged this week is Pride Week on the UMaine Campus. She noted that eleven different flags will be raised throughout the week and there are other events happening. She encouraged people to check out UMaine's Rainbow Resource Center for more information.

Laurie Osher thanked the Town Manager for being so responsive to her request for Orono housing information for the legislative housing caucus.

7. Unfinished Business - None

8. Consent Agenda *(Video record time 10:12-13:30)*

Order 21-38 Order, approving a Victualer's License for CAMREP, Inc. d/b/a Spotlight Cinemas, 6 Stillwater Avenue.

Order 21-39 Order, approving a a Class XI - Restaurant/Lounge - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing & Entertainment and Victualer's License for Woodman's LLC, d/b/a Woodman's Bar & Grill, 31 Main Street.

Order 21-40 Order, approving a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License to Wardwell, LLC, d/b/a The Family Dog, 6 Mill Street.

Order 21-41 Order, changing the time and place of the May 10, 2021 Regular Council Meeting from 7:00pm in Council Chamber to 5:00pm Via Zoom Meeting due to the declared Public Health Emergency.

Order 21-42 Order, setting May 10, 2021 at 5:00pm via Zoom Meeting as the date for a public hearing to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 38, Vegetation Ordinance.

Order 21-43 Order, appointing/re-appointing the following Board/Committee Members:

- ***Planning Board:***
Phil Ruck (5-year term, regular seat: expiring 2026)
- ***Board of Appeals:***
Gary Noyes (5-year term, regular seat: expiring 2026)
- ***Board of Assessment Review:***
Fredrica Smith (3-year term, regular seat: expiring 2024)
Paula Moore (3-year term, associate seat: expiring 2024)
- ***Library Board of Trustees:***
Fredrica Smith (3-year term, regular seats expiring 2024)
Judy Stickles (3-year term, regular seats expiring 2024)
- ***Library Youth Member:***
Celia Buetens (1-year term, regular seat: expiring 2022)
- ***Personnel Board of Appeals:***
Lauri Sidelko (3-year term, regular seat: expiring 2024)
- ***Tree Board:***
Jennifer Dann (3-year term, regular seat: expiring 2024)
Terri Triandafillou (3-year term, regular seat: expiring 2024)
- ***Beautification Committee:***
Gail White, Chair (3-year term: expiring 2024)

Order 21-44 Order, confirming the following 1-year appointments of the Town Manager:

Assessor	Michael Noble (Per Diem)
Tree Warden	Robert Yerxa
Road Commissioner	Robert Yerxa
Code Enforcement Officer	Patrick Estey
Building Inspector	Patrick Estey

**Alternate Electrical Inspector
Local Plumbing Inspector**

**Patrick Estey
Patrick Estey**

- Order 21-45 Order, confirming the Town Manager’s 1-year appointment of David Russell as Alternate Code Enforcement Officer, Alternate Building Inspector, Electrical Inspector, and Alternate Local Plumbing Inspector.**
- Order 21-46 Order, confirming the Town Manager’s 1-year appointment of Peter Hall as an Alternate Electrical Inspector.**
- Order 21-47 Order, confirming the Town Manager’s appointment of Robert O. St. Louis, Jr. as the Health Officer for a 3-year term until April 2024.**
- Order 21-48 Order, authorizing the Town Manager to enter into an agreement with Zuhlke Tree Services for a 2021 Tree Maintenance Contract.**
- Order 21-49 Order, authorizing a Lease Agreement for a Term of Sixty-Three (63) Months with A-Copi of Bangor in the amount of \$76.53/month for a Photocopier for the Public Library.**
- Order 21-50 Order, authorizing the Town Manager to enter into an agreement with Olver Associates of Winterport for the development of a WPCF Climate Adaptation Plan to be funded by Maine Department of Environmental Services Climate Adaptation Planning Grant funds.**
- Order 21-51 Order, authorizing the Town Manager to enter onto a 50-Year Land Lease Agreement with University of Maine System for property upon which the College Avenue Wastewater Pump Station resides.**
- Order 21-52 Order, adopting an Orono Town Council Practices and Procedures Manual.**
- Order 21-53 Order, adopting Guidelines for Issuing Council Proclamations and Resolutions.**
- Order 21-54 Order, authorizing the Town Manager to execute a Municipal Quit Claim Deed to transfer the Town’s ownership interest in Tax Acquired Property currently described as Map 26 Lot 16, 173 Kelly Road, back to the prior owner of record upon receipt of funds in accordance with the Town’s Redemption Policy.**
- Order 21-55 Order, authorizing the Town Manager to expend up to \$5,020 from the EnvisioNet Tax Increment Financing District Development Program for legal fees related to the District’s TIF renewal.**

Order 21-56 Order, authorizing the Town Manager to expend funds from the Unemployment Reserve for costs associated with unemployment liabilities assessed to the Town by the State of Maine.

Order 21-57 Order, deeming a past due sewer user fee balance of \$682.33 and accumulated interest for Wastewater Account #70025 as uncollectible and authorizing the Town Manager to write off this balance.

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

Ms. Gardner acknowledged all of the volunteer appointments in the consent agenda and thanked them for their efforts on behalf of the Town.

Ms. Robertson noted that the deed for Order 21-51 describes a skating rink and stone wall which are now the University parking lot and asked when the description changes. Ms. Wilson noted it is part of the original deed description that has not changed; however the pump station is just a small building of a few feet on the property.

9. New Business

Order 21-58 Order, authorizing the Town Manager to submit an application and a letter of support on behalf of the Town Council for up to \$1,000,000 in Community Project Funding for the Main Street Sidewalk and Pedestrian Safety Project. (Video record time 13:40-24:01)

Moved by Laura Mitchell and seconded by Terry Greenier. All voted in favor, 7-0.

Public Works Director Rob Yerxa described a funding opportunity (Community Project Funding program) through Congressman Golden that has significant community engagement and support, can be completed in Fiscal Year 2022, and is supported by locally elected officials. He noted the Main Street Sidewalks Safety and ADA Improvements Project fits well into the guidelines and is important for ADA and pedestrian safety compliance.

Ms. Wilson commented that Main Street is an important corridor because it is the gateway to the University, safe route to school, access to the Village, and will address Heads Up concerns. It is also on the State Plan and in the Comprehensive Plan.

Mr. Yerxa noted the Town Council has allocated \$500,000 and Maine DOT funds of \$100,000. The application is due by April 14, 2021. Letters of support have been obtained from many sources, including RSU#26 and the University of Maine. He noted it is a competitive process that will take time. Final notification will be by October 1, 2021.

Order 21-59 Order, pursuant to Section 2-150 of the Town of Orono Code of Ordinances, determining that the granting of an easement or easements to Bangor Natural Gas across a portion of Webster Park and through an easement owned by the Town for the Stillwater Wastewater Interceptor does not unreasonably burden or will not have an undue negative impact on Town property or neighboring properties; and, further, authorizing the

Town Manager to execute any and all related documents necessary to grant these easements while protecting the Town's infrastructure and its other interests. *(Video record time 24:02-58:52)*

Moved by Cheryl Robertson and seconded by Laurie Osher. The vote failed, 1-6 (with Councilors Gardner, Robertson, Greenier, Mitchell, Wingard, and Laurie Osher voting against).

Ms. Wilson stated in order to adopt this order without a public hearing, the order must pass unanimously as written (Ordinance 2-150). A less than unanimous vote will result in a public hearing to be held and Council consideration on a similar order (without determination language) at the May 10th Regular Council Meeting.

Mr. Yerxa described Bangor Natural Gas' request for a utility location permit and utility easement. Bangor Natural Gas Manager of Engineering Ryan Rancourt explained the need to remove the gas line from the underside of the Main Street bridge and replace it 25-50 feet under the riverbed (Maine DEP has reviewed the plan, but a permit-by-rule will be needed). To facilitate this project, the company is asking the Town to consider providing permission (in the form of easements) to cross a portion of Webster Park.

Councilors asked questions about the process, environmental issues, impact on the park access, easement, repairs, timeline and urgency of the project. Ms. Robertson noted she is not comfortable approving the agreement without having a public hearing.

Mr. Yerxa and Mr. Rancourt provided information about the process, low environmental impact, use of one-third of the park, the easement for the project, prevention versus repairs, and that it would be a two month process with the goal to be completed before the students are back in session. They also spoke of the trend from MDOT to ask towns to not locate utilities on bridges and to drill under the riverbed when possible.

With the vote failing, Mr. Perry noted that the next step will be to hold a public hearing at the May 10th Council Meeting. Ms. Mitchell requested hearing from MDOT about utilities on the bridge. Ms. Osher spoke of supporting under river drilling. Her concerns were about the project priority and timing during the summer. Ms. Wilson requested a slide presentation from Mr. Rancourt in May to show a visual of the affected area. Mr. Perry asked for a slide on the area to be impacted in the park.

Order 21-60 Order, extending the contract for Pavement Marking Services with Lucas Striping, LLC of Sidney for an additional year, in the amount of \$22,909.
(Video record time 58:53-1:02:20)

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

Mr. Yerxa stated the 2019 contract with Lucas Striping allows for two one-year extensions. He noted there was no increase in 2020, this year's contract includes a 6.2% increase. He stated staff is pleased with the quality of their work and recommends granting the second extension. The work will commence in May and be completed by July 4th.

Order 21-61 Order, adopting the Town Council Diversity, Equity, and Inclusion Plan; creating an Ad Hoc Diversity, Equity, and Inclusion Committee charged with gathering information from community members and making specific actionable recommendations to the Town Council for steps the Town can take to engage marginalized populations in Orono's municipal government to benefit the whole community, ensure that Orono is a welcoming and inclusive community, and address issues unique to Orono; and, further, to authorize the Council Chairperson, in consultation with the Finance and Operations Council Standing Committee, to appoint said Ad Hoc Committee membership. (Video record time 1:02:21-1:14:04)

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

Laura Mitchell stated information was provided to Council. Ms. Gardner commented that several people have already been identified to serve on this diverse committee. Ms. Mitchell noted that 7-9 people will be on the committee. Ms. Mitchell and Ms. Gardner reviewed the application that will be posted on the Town's website and promoted through Facebook.

Ms. Mitchell and Ms. Gardner will review the applications and make recommendations to the Finance-Operations Committee for their review and for Mr. Perry to make the appointments.

Order 21-62 Order, authorizing the Town Manager to continue to provide benefits, first provided under the Families First Coronavirus Response Act (FFCRA), which were voluntarily extended through December 31, 2020 and then April 15, 2021 after the expiration of the statutory mandate, through June 30, 2021; and further, to authorize the Town Manager to execute side agreements to existing Collective Bargaining Agreements to provide similar benefits to members through the end of the fiscal year (6/30/2021). (Video record time 01:14:05-01:23:00)

Moved by Laura Mitchell and seconded by Cheryl Robertson. All voted in favor, 7-0.

Ms. Wilson stated that last year, Congress passed the FFCRA which provided certain COVID related leave benefits that employers with less than 500 employees were required to provide to their employees. On December 31, 2020, the FFCRA expired and the successor enabling legislation now makes providing these benefits voluntary. The new provisions allow private sector employers to receive payroll tax credits; however, tax-exempt municipalities gain no credit or reimbursement for the costs associated with providing these benefits. In December, the Town Council agreed to extend these benefits to Town employees to allow the new administration to address the FFCRA.

Ms. Wilson noted that Town staff's use of FFCRA or COVID-FMLA leave has been very limited; however, management sees this benefit as a critical component to the Town's internal health and safety measures and encourages Council to extend these benefits through the end of the fiscal year.

Mr. Perry supported this action, but also encouraged staff to take advantage of being vaccinated.

Ms. Wilson noted that employees have the opportunity to have the vaccination on Town time.

10. Council Committee/Representative Reports *(Video record time 01:23:00-01:37:00)*

Comp Plan Committee - Meghan Gardner reported the Committee met on April 5th and reviewed the Planning Board reports on Reduction of MDR Minimum Lot Size and the Creation of a Village Residential Overlay District and then the entire state of Maine lost internet. She noted the Regulatory Approach to Long-term and Short-term Rentals will be held at a later date.

Maine State Legislature - Laurie Osher stated the Legislature met twice in March in Augusta to pass bills and the budget until June. The Legislature also passed a preliminary budget for the next cycle. She noted that her Committee also met. She encouraged people to submit testimony on any bills they would like to support and she would be glad to assist.

Community Development Committee - Terry Greenier reported that the Committee met on March 18th and discussed the process for filling the Orono Veazie Water District Trustee position. The Committee also discussed the public health implications and potential response to Large and/or Unruly Gatherings during the pandemic, the Juneteenth Proclamation, Pride Month Proclamation, and the next steps related to Council's Diversity, Equity, and Inclusion Initiative.

Environment Committee - Ms. Robertson reported the Committee met on March 25th to discuss partnering with Old Town (or Holden) on solar panels for municipal buildings which would provide renewable energy credits (a 15% reduction in energy costs). She noted it would not happen for a couple of years, but the Committee was able to vet the idea. Ms. Wilson noted there are experts on the Environment Committee that are able to assist with providing information to the Community Development Committee when they are ready. The Committee continues to work on the draft Climate Action Plan (regarding land conservation).

Finance and Operations Committee - Tom Perry stated the Committee met on March 22nd and discussed a tax acquired property that the Town is hoping to sell back to the original owner. They also discussed the upcoming public hearings on the Marijuana Moratorium for the C-2 District and the Fee Schedule changes and reviewed the financial reports. Appointments to the Council Subcommittees will be made at the May 10th Council Meeting.

11. Future Agenda Items/Items of Concern *(Video record time 01:37:00-01-46:04)*

Ms. Mitchell spoke of a request to move two benches on Main Street to Mill Street. She also noted a request from Stillwater Community Arts to make improvements to the kiosk on Mill Street. Ms. Wilson commented there is a sidewalk ownership issue and ADA clearance issue with the bench location on Mill Street and she was waiting to hear back from Stillwater Community Arts on their proposal for a new kiosk.

Ms. Osher asked about the Council discussing a statement against gun violence. Ms. Mitchell proposed Council have a vision/values statement to take an overarching stance as a response to issues that states that Orono is a welcoming and safe community. She offered to draft a statement for Council. Mr. Greenier felt that gun laws are on a legislative level and Council should get grounded back to town issues. Ms. Osher appreciated the comments, but noted she

just wanted this as a future agenda item. Mr. Perry suggested discussing it at a future Council workshop. Ms. Wilson suggested addressing this issue after the budget process.

12. Public Petitions - None

13. Public Comments - None

14. Adjourn

At 6:46 p.m., Meghan Gardner motioned to adjourn and Cheryl Robertson seconded. All voted in favor, 7-0.

WORKSHOP AGENDA

The workshop started at 6:47 p.m.

1. DISCUSSION: Council Priorities and Expectations for Staff Resources *(Video record time 01:46:30-02-21:44)*

Ms. Wilson referenced an email sent to Council regarding priorities and expectations of staff resources. She explained that in the past Council has always been very operationally focused, but over the last year Council's priorities and focus have taken an outward focus on state and national issues. She noted the shift is fine if it is Council's desire, but she will need more support on operations to meet the expectations and to change the structure.

Mr. Greenier agreed the Town should shift its focus back on town issues. He noted Council should do more of the legwork on special issues to take it off the Manager's plate. Ms. Robertson agreed with Mr. Greenier. Mr. Perry noted the Town sought out an operational manager and he is in favor of staying with that mode of operation. Ms. Gardner stated Council's focus and support should be on local needs, realizing there are finite resources. Ms. Osher asked for specific examples of the shift in focus. Ms. Wilson sighted the example of spending the weekend writing the statement condemning Anti-Asian Violence. Ms. Osher spoke of the Council being visionaries for the town. Ms. Mitchell suggested having Council focus on issues they have control over versus state and federal issues. Ms. Gardner spoke of the Council Work Plan as the tool for driving the work. Mr. Wingard appreciated the time and effort staff puts in and commented the Council should be aspirational and do the work. Ms. Wilson noted that the Environment Committee is a good example of staff and a Councilor moving an aspirational goal forward in a way that fits within the Town's operations and resources. Ms. Mitchell stated the vision should be focussed on Orono. Ms. Wilson spoke of the process focusing on Orono and being part of the Council Work Plan.

2. Adjourn

The Council Workshop adjourned at 7:22 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