



## **TOWN COUNCIL MEETING WITH BUDGET WORKSHOP**

**MONDAY, MAY 9, 2022 AT 5:00 P.M.**

**COUNCIL CHAMBER, 59 MAIN STREET, ORONO, MAINE**

**WATCH ONLINE AT <https://us06web.zoom.us/j/96594371348>**

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### **MINUTES**

#### **1. Roll Call**

Present: Council Chair Tom Perry, Meghan Gardner, Cheryl Robertson, Geoffrey Wingard, Sonja Birthisel, Leo Kenney, Robert Laraway, and Town Manager Sophie Wilson.

Mr. Perry acknowledged the length of the agenda and the time commitment, and stated he would evaluate whether to postpone the Council Workshop to June 2, 2022 after the Executive Session.

#### **2. Agenda Review - None**

#### **3. Approval of Minutes of March 21, April 11, and April 25, 2022 (Video record time 0:00:55 - 0:01:22)**

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

#### **4. Public Hearings (Video record time 0:01:23 - 0:19:43)**

- a. To consider a Class I - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono Football Pub Co., LLC d/b/a The Common Loon Public House, 36-38 Main Street.**

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

- b. To consider a Class IV – Tavern Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's for Timothy Gallon, d/b/a Black Bear Brewery, 19 Mill Street, Suite 4.**

Public hearing b. opened at 5:02 p.m. Code Enforcement Officer Pat Estey stated staff has completed all the inspections, and staff is recommending approval of the licenses. No public comments were made. Public hearing b. closed at 5:03 p.m.

- c. **To consider a Class XI - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Margs Mex Orono, LLC d/b/a Margaritas Mexican Restaurant, 15 Mill Street.**

Public hearing c. opened at 5:03 p.m. Code Enforcement Officer Pat Estey stated staff has completed all the inspections, and staff is recommending approval of the licenses, conditioned upon approval from the Life Safety Officer regarding inspection of the sprinkler system. No public comments were made. Public hearing b. closed at 5:04 p.m.

- d. **To consider a Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for The Bear's Den, Memorial Union, University of Maine.**

Public hearing d. opened at 5:04 p.m. Code Enforcement Officer Pat Estey stated staff has completed all the inspections, and staff is recommending approval of the licenses. No public comments were made. Public hearing d. closed at 5:05 p.m.

- e. **To consider a Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Wells Catering, University of Maine.**

Public hearing e. opened at 5:05 p.m. Code Enforcement Officer Pat Estey stated staff has completed all the inspections, and staff is recommending approval of the licenses. No public comments were made. Public hearing e. closed at 5:06 p.m.

- f. **To consider an Amendment to the Town of Orono Ordinances, Chapter 18 Land Use, Sec. 18-31 Definitions, to create a definition for Fraternity and Sorority Houses.**

Public hearing f. opened at 5:06 p.m. Town Planner Kyle Drexler stated this ordinance amendment was reviewed by the Council Committee, and the Planning Board held its public hearing and review. The amendment creates a definition for fraternity and sorority houses which are an allowed use in the University zoning district. He noted this amendment supports the existing practice and defines the summer use of fraternity/sorority houses for lodging of groups of people taking part in University sponsored events or programs. Ms. Wilson stated the language addresses groups of people and gets away from individual use. He noted the Planning Board suggested adding language that clarifies the common interest, "approved by the University". Councilors discussed this change, and agreed it was redundant and unnecessary to add. Council supported the language as presented. No public comments were made. Public hearing f. closed at 5:14 p.m.

- g. **To consider Amendments to the Town of Orono Ordinances, Chapter 20 Law Enforcement, to amend standards for recovery of costs for Police Services and Disorderly Property. *[This public hearing was postponed from the April 11th Council Meeting.]***

Public hearing g. opened at 5:15 p.m. Town Planner Kyle Drexler stated this ordinance amendment was reviewed by the Council Committee, but not required to go to the Planning Board because it is not a land use ordinance amendment. He reviewed the changes to Article II (Recovery of Costs for Police Services at Large Events on Private Property), changing the meaning of large events from gatherings of

five or more persons to 20 or more, police response, and police service fees. He also reviewed the changes to Article III (Disorderly Property), which creates two types of disorderly activity; involving fewer than 20 persons (Disorderly Activity-1), and 20 or more persons (Disorderly Activity-2). Mr. Drexler stated he met with landlords and discussed the language to address larger scale activities having a larger impact. He noted the adoption of the ordinance will be discussed next month. No public comments were made. Public hearing g. closed at 5:19 p.m.

**5. Acknowledgments by Council Members** (*Video record time 0:19:44 - 0:23:53*)

Meghan Gardner acknowledged the Public Safety staff for their service during the Maine Day events. She noted it was a challenging day that was handled smoothly. Ms. Gardner also acknowledged Public Works for the new road projects they will be doing this season, and for the Landfill Days coming up on May 13-15. Ms. Wilson noted that residents will need to have an annual landfill pass, but do not need tickets.

Cheryl Robertson acknowledged the people taking care of the beautiful flower gardens around town. She also congratulated the 2022 UMaine graduates who were able to graduate in person.

Leo Kenney stated his neighbor, Ray Thomas, wanted to thank the Town for the flags on the bridge. Ms. Wilson acknowledged UMaine Facilities who donate their time and equipment to put up the flags, Sonja Birthisel acknowledged the 1,500 UMaine students who did service projects on Maine Day. Students involved with the Black Bear Exchange packed 15,000 meals for those in need.

Rob Laraway acknowledged the beautiful gardens around town.

Tom Perry recognized Public Safety for their efforts during Maine Day. He noted that the State Police complimented the Police Department for their Maine Day planning and organizational efforts.

Mr. Perry also acknowledged the passing of Evan Osgood, a longtime resident of Orono and UMaine Professor of Entomology.

**6. Unfinished Business - None**

**7. Consent Agenda** (*Video record time 0:23:56 - 0:24:48*)

**Order 22-67 Order, approving a Class I - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Orono Football Pub Co., LLC d/b/a The Common Loon Public House, 36-38 Main Street.**

**Order 22-68 Order, approving a Class IV – Tavern Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's for Timothy Gallon, d/b/a Black Bear Brewery, 19 Mill Street, Suite 4.**

**Order 22-69 Order, approving a Class XI - Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for Margs Mex Orono, LLC d/b/a Margaritas Mexican Restaurant, 15 Mill Street, conditioned upon approval from the Life Safety Officer.**

**Order 22-70 Order, approving a Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for The Bear's Den, Memorial Union, University of Maine.**

- Order 22-71** Order, approving a Class I – Malt Liquor, Wine & Spirits License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Wells Catering, University of Maine.
- Order 22-72** Order, changing the time of the June 13, 2022 Regular Council Meeting from 7PM to 5PM.
- Order 22-73** Order, setting June 13, 2022 at 5:00 p.m. as the date for a public hearing to discuss the 2022-2023 Municipal, Capital and WPCF budgets.
- Order 22-74** Order, setting June 13, 2022 at 5:00 p.m. as the date for a public hearing to consider a Sewer Rate for FY2023.
- Order 22-75** Order, setting June 13, 2022 at 5:00 p.m. as the date for a public hearing to accept comments on the Proposed FY2023 Fee Schedule.
- Order 22-76** Order, setting June 13, 2022 at 5:00 p.m. as the date for a public hearing for reviewing the Orono Village Center District Development Program.
- Order 22-77** Order, setting June 13, 2022 at 5:00 p.m. as the date for a public hearing on the estimating and assessing of assessments upon all lots or property within the Village Center Tax District (Municipal District) and establishing a tax rate for Fiscal Year 2023. (*Recommendation for FY23 is \$0.00/\$1,000 taxable value*)
- Order 22-78** Order, proclaiming May 19, 2022 as the official day for the celebration of Arbor Day in the Town of Orono.
- Order 22-79** Order, proclaiming the Month of June as Pride Month in the Town of Orono.
- Order 22-80** Order, proclaiming June 19, 2022 as Juneteenth in the Town of Orono.
- Order 22-81** Order, appointing/re-appointing the following Board/Committee Members:
- ***Board of Appeals:***  
Dennis Cross (3-year term, associate seat: expiring 2025)
  - ***Trails Committee:***  
Glen Koehler and Jim Rose (3-year terms: expiring 2025)
  - ***Tree Board:***  
Kenneth Fergusson and Jason Clarke (3-year terms, regular member seats: expiring 2025 and Cindy Blease (3-year associate seat, filling an unexpired term until April 2024)

**Order 22-82 Order, appointing Council Members to the following standing Council committees:**

<u>Finance &amp; Operations</u>	<u>Community Development</u>	<u>Comp Plan Implementation</u>
Tom Perry (Chair)	Geoff Wingard (Chair)	Meghan Gardner (Chair)
Leo Kenney	Tom Perry	Cheryl Robertson
Meghan Gardner	Sonja Birthisel	Geoff Wingard
	Rob Laraway	Rob Laraway
	Leo Kenney	
	<u>Environment</u>	
	Cheryl Robertson (Chair)	
	Sonja Birthisel	

**Order 22-83 Order, acknowledging the date of June 14, 2022 as the date of the State Primary and RSU#26 Budget Validation Referendum Election and setting the hours of voting as 7:00 a.m. to 8:00 p.m. and the polling place as the Council Chambers for Ward 1, Precincts 1, 2 & 3.**

**Order 22-84 Order, changing the hours that the Registrar will accept registrations of applicants who appear in person as follows: On the last five business days before the June 14, 2022 State Primary and RSU#26 Budget Validation Referendum Election, from 7:30 a.m. to 5:30 p.m. [MRSA 21A, Sec. 122.6.A (2) and (8)].**

**Order 22-85 Order, approving the Town Clerk's appointment of Belle Ryder, Angela Kohtala, and Judith Sullivan as Wardens, and Patricia Davis, Danielle Nightingale, and Cynthia Smith as Deputy Wardens for the June 14, 2022 State Primary and RSU#26 Budget Validation Referendum Election for Ward 1, Precincts 1, 2 & 3.**

**Order 22-86 Order, amending the \$1,000,000 General Obligation Note dated May 14, 2021, and awarded to the Maine Municipal Bond Bank, Augusta, Maine by changing the maturity date to May 14, 2023, as shown on the attached Allonge, which is hereby adopted as if fully stated herein, and further to authorize the Treasurer and Chair of the Town Council to execute said Allonge and all other documents necessary to complete said amendment. *All other terms and conditions as stated in said General Obligation Note will remain the same.***

Moved by Cheryl Robertson and seconded by Sonja Birthisel to approve the consent agenda. The vote was in favor, 6-0-1 (with Ms. Gardner abstaining due to her husband's business license, Order #22-67).

## 8. New Business

**Order 22-87 Order, approving the Zoning Change of Map 27-2 Lots 118, 119, and 121 (39 Pine Street (Orono Public Library), 10 Birch Street (Senior Center), and related parking lot) from Medium Density Residential to Village Commercial.**  
*(Video record time 0:24:55 - 0:26:32)*

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

Town Planner Kyle Drexler noted this zone change has gone to the Planning Board and Council for their public hearings regarding the expansion of the Village Commercial District to include adjacent properties owned by the Town of Orono, including the Orono Public Library. No concerns were stated. Mr. Drexler stated this change will update the zoning map to include the properties stated.

**Order 22-88 Order, approving the purchase of a Camera System for the Police Interview Room from Motorola Solutions of Allen, Texas in an amount not to exceed \$25,600 with funds drawn from the Police Asset Forfeiture Fund.** *(Video record time 0:26:33 - 0:42:38)*

Moved by Meghan Gardner and seconded by Cheryl Robertson. The vote was in favor, 6-0-1 (with Ms. Birthisel abstaining without stating a reason).

Ms. Wilson stated the current camera system is not working. She explained that recording videos are critical in case development, as well as for departmental accountability and training, and accreditation. The quote provided by Motorola Solutions includes required hardware, set up, 5-year subscriptions for video operations, evidence and document management, redaction, and transcription services. Staff continues to work with Motorola to expand the system to include an evidence room camera; however, the additional quote had not been received. Staff recommend utilizing the State Asset Forfeiture Account, which currently has a balance of \$59,152.96. She noted the quote for the evidence room will be brought to Council at a later date.

Deputy Police Chief Dan Merrill described the two camera perspectives of the Motorola system.

Ms. Birthisel questioned whether the body cameras would be enough. Chief Merrill spoke of the two camera perspectives/angles that are important. Ms. Wilson noted, with the body cameras, you would not see the officer or get the best view.

Ms. Gardner spoke of Orono's accreditation when other communities were not, noting Orono has had best practices for a long time. She supported the use of the funds. Mr. Perry spoke of the importance of video for legal case support.

Ms. Birthisel asked about the lesser cost for the evidence room camera. Chief Merrill explained the subscription and upfront costs of the system, and that the added camera will fold into the system.

Ms. Wilson spoke highly of Public Safety's support during the recent UMaine graduation.

**Order 22-89 Order, authorizing the Town Manager to enter into a contract for Pavement Marking Services to Lucas Striping, LLC of Readfield in the amount of \$29,446 to be drawn from the approved Public Works Operating Budget.**  
*(Video record time 0:42:39 - 0:47:21)*

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

Public Works Director Rob Yerxa stated he received three bids for pavement markings services, and Lucas Striping, LLC was the low bidder. He noted it is a one-year contract, with the option of two, 1-year additional contracts. Mr. Yerxa described the striping of lines, symbols and crosswalks that are required by traffic control and safety regulations and the good service received by Lucas Striping. Mr. Yerxa noted the increase from last year was about \$4,000.

Mr. Kenney noted the crosswalks with lights on College Avenue are very effective.

**Order 22-90 Order, authorizing the Town Manager to allocate \$250,000 of the 2020 Infrastructure (Fiber) bond proceeds to fund additional expenses related to the Chapel Road/College Heights Drainage and Road Improvement Project.**  
*(Video record time 0:47:22 - 0:57:46)*

Moved by Meghan Gardner and seconded by Robert Laraway. All voted in favor, 7-0.

Mr. Yerxa stated when the North Main Avenue (final phase), Chapel Road, and College Heights road and drainage project was bid, the initial scope of work needed to be value engineered (strategically reduced) in order to bring the project within budget. Construction on Chapel Road began this week and staff has identified conditions under the pavement that will reduce the effectiveness (longevity) of the road if the base is not rebuilt. Staff and the Town Engineer are working with the contractor to reach agreement with the restoration of the original scope of the project.

Staff is recommending that the Town Council consider allocating the remaining \$250,000 of the 2020 Infrastructure bond that had been issued for fiber to this road infrastructure project. Shortly after the bond had been issued, Old Town-Orono Fiber Corporation informed the Town that it no longer required the matching funds to build out the regional fiber network. Council had discussed the option of attempting to use these matching funds to expand the coverage planned through the OTO Fiber/OTELCO project and determined that the amount of additional rural coverage was extremely small and not a good use of these funds. Mr. Yerxa stated that restoring the project to its original scope will extend the life of the roads many years.

**Order 22-91 Order, authorizing the Town Manager enter into an agreement with Sebago Technics of South Portland, Maine for Engineering Services related to a Webster Neighborhood Traffic and Pedestrian Safety Study; and, further, to re-allocate \$9,900 remaining in the Water Street Capital Infrastructure Project to fund said Study.**  
*(Video record time 0:57:49 - 1:06:10)*

Moved by Meghan Gardner and seconded by Geoffrey Wingard. All voted in favor, 7-0.

Ms. Wilson stated that last December, staff met with residents, property owners, and property managers from the Webster Neighborhood to learn more about concerns related to the safety and livability of the neighborhood. Residents shared several concerns related to traffic and pedestrian safety in this area. As staff began to discuss strategies for addressing these concerns, it became apparent that further data and technical (engineering) assistance were needed to identify options and provide support for recommendations to the Town Council regarding how the Town could best address these concerns. Sebago Technics provides traffic engineering services to the Town and has significant understanding of the Route 2/Park Street corridor and is best positioned to conduct this study.

Councilors discussed details of the neighborhood situation. Staff provided details of the engineering study that would be conducted. Mr. Wingard suggested getting the news out to the community about this project.

**Order, 22-92 Order, authorizing the purchase of UV Lamps from UV Superstore in the amount of \$12,224; and, further authorizing the purchase of additional replacement bulbs of up to \$1,916, not to exceed the total budgeted amount of \$14,140 as approved in the FY22 WPCF Capital Budget with funds drawn from the WPCF Capital Reserve Account. (Video record time 1:06:11 - 1:10:24)**

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

WPCF Superintendent Chris Prue stated the plant uses ultraviolet light to disinfect treated wastewater prior to it being discharged into the Penobscot River. This equipment consists of two banks of lamps. One bank is enough for proper disinfection and the other bank sits in reserve with an expected lamp life of approximately 12,000 hours. Staff alternates the banks from year to year in an effort to achieve about 7 years from two sets of lamps. The Town's State issued license required disinfection from May 15th to October 1st each year. He noted the State intends to increase the disinfection time from April to November, due to climate change. Staff recommends the purchase of one set now, which was approved as part of the FY22 WPCF Capital Budget, and the other in the upcoming budget cycle.

**9. Council Committee/Representative Reports (Video record time 1:10:25 - 1:22:45)**

**Environment Committee** - Ms. Robertson reported that the Committee met on April 27th and had a presentation from a UMaine student group regarding recycling at the three large housing complexes. The group did research and reported their findings that students, given the opportunity, would recycle. Megan Hess provided an MS4 overview, and the Committee discussed the Community Resilience Grant (weatherize Orono campaign).

Ms. Wilson provided information on the Town's recycling program. She also provided information about the Street and Stream Clean Up event, May 21, 2022 with the overview, education and outreach piece at 9 a.m. on Zoom, and watch parties in neighborhoods. Mr. Yerxa explained that people should register online and safety equipment will be provided. Ms. Ryder stated 130 people participated last year. Mr. Yerxa stated crews will pick up the bags of trash that are collected that day.

Mr. Yerxa and Ms. Wilson described the education and outreach, including the poster contest, and cleaning/inspection of catch basins. More information can be found under the Environmental Services tab on the Town's website, and also on the homepage.

**10. Future Agenda Items/Items of Concern - None**

**11. Public Petitions - None**

**12. Public Comments (Video record time 1:23:05 - 1:31:35)**

John Schuster of Longfellow Heights, presented an idea for an artisan gallery in downtown Orono. He envisioned an active participation for artists to create and people observe their work in a downtown space. He noted it could be funded through a community grant.



Ms. Wilson suggested that Mr. Schuster discuss this idea with Community Development Director Mitch Stone, and have Mr. Stone report back to the Council Community Development Committee in June or July.

Ms. Wilson also noted the leaves/brush pick up will start on May 20th.

**13. EXECUTIVE SESSION: Pursuant to 1 MRSA 405 (6)(D) to Discuss Collective Bargaining Negotiations with IAFF Local 3106 and Maine Association of Police Orono Unit** *(Video record time 1:31:37 - 1:32:50)*

At 6:32 p.m., Sonja Birthisel motioned and Leo Kenney seconded to move into executive session to discuss collective bargaining negotiations with IAFF Local 3106 and Maine Association of Police Orono Unit. All voted in favor, 7-0.

At 7:30 p.m., Cheryl Robertson motioned and Meghan Gardner seconded to move into regular session.

**Order 22-93 Order, ratifying the agreement between the Town of Orono and the International Association of Firefighters, AFL-CIO Local 3106 from July 1, 2022 to June 30, 2024, and authorizing the Council Chair and Town Manager to sign.** *(Video record time 2:28:38 - 2:29:19)*

Moved by Meghan Gardner and seconded by Sonja Birthisel. All voted in favor, 7-0.

**14. BUDGET WORKSHOP: FY23 Municipal Budget** *(Video record time 2:29:20 - 2:32:30)*

Council Chair Tom Perry stated at 7:30 p.m. Council is not ready to go into the Budget Workshop. He noted this meeting will be postponed to June 2, 2022 due to the late hour.

Ms. Wilson stated the next Budget Workshop will be held on May 16th at 5 p.m. to review Community Development (Assessing, Code Enforcement, Planning, and Economic Development), Parks & Recreation, and Public Library).

**15. Adjournment**

Motion to adjourn by Cheryl Robertson and seconded by Sonja Birthisel. All unanimously agreed. The Council Meeting adjourned at 7:35 p.m.

Minutes are not verbatim. A video-recorded version is available on the Town's website at [www.orono.org](http://www.orono.org).

Respectfully submitted,

Nancy W. Ward  
Executive Assistant