

**ORONO TOWN COUNCIL MEETING
MONDAY, JULY 12, 2021 AT 5:00 P.M.**

**COUNCIL CHAMBER - MUNICIPAL BUILDING
59 MAIN STREET, ORONO, ME 04473**

**ONLINE <https://zoom.us/j/97684390119>
DIAL IN TO ZOOM WEBINAR 1-(312)-626-6799
Webinar ID: 976 8439 0119**

MINUTES

1. Roll Call

Present: Council Chair Tom Perry, Terry Greenier, Cheryl Robertson, Geoffrey Wingard, Laurie Osher (via Zoom at 5:02 p.m.), Laura Mitchell (via Zoom at 6:29 p.m.), and Town Manager Sophie Wilson. Absent: Meghan Gardner.

2. Agenda Review

Ms. Wilson introduced Order 21-148 to the agenda. Council unanimously agreed to add Order 21-148 to the agenda.

3. Approval of Minutes of June 3, June 14, and June 28, 2021

Moved by Cheryl Robertson and seconded by Terry Greenier. All voted in favor, 4-0.

4. Public Hearings

- a. To consider a Class I - Malt, Spirituous and Vinous Liquor License and Victualer's License for ZRKM, LLC, d/b/a Tacorita, 2 Mill Street. (Video record time 01:35 - 02:25)**

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

- b. To consider a written policy governing the condition upon which members of Town Council, boards, committees, and the public may participate in public proceedings of those bodies by remote method. (Video record time 02:26 - 15:05)**

Public hearing b. opened at 5:03 p.m. Town Manager Sophie Wilson stated that prior to the pandemic, municipal bodies were prohibited by State law from allowing formal participation by its members through remote means. As part of the State of Maine's response to public health concerns, Governor Mills issued an executive order that allowed public bodies to meet remotely

- via teleconference or virtual meeting platforms. In Orono, we moved to a Zoom webinar platform that allowed for Councilors, staff, and the public to interact and participate virtually. The authority to hold remote or virtual public meetings granted in the Executive Order expired. As part of the 130th Legislature, LD32 was enacted and the new law allows for public bodies to hold remote meetings under certain conditions. Ms. Wilson provided details of the law.

Ms. Wilson stated that staff has worked with the Town Attorney to draft a policy that meets this legal requirement and would allow the Town Council and other Town public bodies to meet remotely in compliance with State Law. Ms. Wilson commented that her plan would be to provide a hybrid meeting opportunity (in-person and remote). Councilors asked questions for clarification. No public comments were made. Public hearing b. closed at 5:15 p.m.

5. Acknowledgments by Council Members *(Video record time 15:10 - 17:45)*

Geoff Wingard acknowledged the Stillwater River landowners who graciously allow people to walk on the trail along the river. He reminded people to be respectful of the use of the landowner's land and use it appropriately.

Terry Greenier noted one of the best resources for information about what is happening in town is the Town's Facebook page. He acknowledged the Summer Concert Series that is being held on Tuesdays at 6 p.m. on the Library Village Green. He also acknowledged a recent Red Cross Blood Drive that was held at the American Legion on July 6th and the importance of donating.

Laurie Osher acknowledged the Orono Paddlers who have recently completed their boat barn and have started their Thursday night paddles for the community to join in.

6. Unfinished Business - None

7. Consent Agenda *(Video record time 17:47 - 18:24)*

Order 21-123 Order, approving a Class I – Malt, Spirituous and Vinous Liquor License and Victualer's License for ZRKM, LLC, d/b/a Tacorita, 2 Mill Street.

Order 21-124 Order, confirming a 3-Year Lease of a 2021 Hyundai Kona from Rowe Auburn for the Community Development Office with a gross capitalized cost of \$43,230 less rebates of \$10,750 from Hyundai and \$10,850.04 from Efficiency Maine resulting in \$0 in lease payments owed by the Town during the lease term.

Order 21-125 Order, approving a Memorandum of Understanding with the City of Bangor recognizing a Regional Climate Action Planning Process.

Order 21-126 Order, adopting written policy governing the condition upon which members of Town Council, boards, committees, and the public may participate in public proceedings of those bodies by remote method.

Order 21-127 Order, authorizing the Town Manager to expend funds from reserve, grant, and other special revenue funds for projects authorized, but not complete, in FY21.

Order 21-128 Order, transferring the balance of unspent appropriations remaining at year end (June 30, 2021) in the FY21 Capital Infrastructure Budget to the Infrastructure Reserve Fund.

Moved by Terry Greener and seconded by Cheryl Robertson to approve the consent agenda. All voted in favor, 5-0.

8. New Business

Order 21-129 Order, appointing Elizabeth Hufnagel as the RSU#26 Director filling a current vacancy until the Annual Municipal Election in March 2022.
(Video record time 18:25 - 19:45)

Moved by Cheryl Robertson and seconded by Terry Greenier. All voted in favor, 5-0.

Mr. Perry noted the Town Council advertised the opening and encouraged residents to submit letters of interest to be considered for the vacant position. The Town received three applications (Thomas “TJ” Herlihy, Elizabeth “Beth” Hufnagel, and Leo Kenney). The Town Council interviewed each candidate and reached agreement to forward Elizabeth Hufnagel for formal appointment.

Order 21-130 Order, approving Ordinance Amendments to Chapter 18 Land Use to amend Section 18-106(f), Schedule of dimensional requirements, to reduce the minimum lot area and minimum lot width in the Medium Density Residential District. *(Video record time 19:50 - 21:26)*

Moved by Cheryl Robertson and seconded by Geoff Wingard. All voted in favor, 5-0.

Town Planner Kyle Drexler stated this ordinance amendment reduces the lot size and minimum lot width requirement in the MDR zoning district and provides an opportunity for some increased housing/dwelling density while maintaining the general character of the MDR district.

Order 21-131 Order, approving Ordinance Amendments to Chapter 18 Land Use to create Section 18-114, Village Residential Overlay District, an optional overlay district that would allow for the creation of smaller lots if a property is owner-occupied. *(Video record time 21:27 - 22:55)*

Moved by Terry Greenier and seconded by Geoff Wingard. All voted in favor, 5-0.

Mr. Drexler noted this ordinance amendment followed all of the requirements of the MDR ordinance and meets the Comprehensive Plan's goal of allowing for greater housing density while maintaining the neighborhood character within the proximity of the village center.

Order 21-132 Order, approving Ordinance Amendments to Chapter 18 Land Use to create Section 18-154 Solar Energy Systems and amend Section 18-31, Definitions, and Section 18-106, Schedule of uses, to define, zone, and create performance standards for solar energy systems. (Video record time 22:57 - 26:41)

Moved by Terry Greenier and seconded by Cheryl Robertson. All voted in favor, 5-0.

Mr. Drexler noted that Council adopted a moratorium on large scale commercial solar installations with the goal of developing standards. He noted this ordinance amendment has been through the public process and is ready for adoption.

Mr. Wingard asked about the owner's responsibility to maintain the vegetation on solar panels. Mr. Drexler noted it would be covered under property maintenance standards. Ms. Wilson stated general property maintenance standards will be discussed in the future.

Mr. Greenier acknowledged the great work of Town Planner Kyle Drexler.

Order 21-133 Order, authorizing the Town Manager to enter into an agreement for Hot Mixed Asphalt Paving Services with B & B Paving of Hermon in the amount of \$466,565.50 for the 2021 construction season including projects on Kelley Road, Essex Street, Westwood Drive, Water Street, Lower Middle and James Streets, School and Plummer Streets, Broadway, Cedar and Elm Streets, Riverdale Drive, and Beech Street. (Video record time 26:42 - 29:54)

Moved by Cheryl Robertson and seconded by Terry Greenier. All voted in favor, 5-0.

Public Works Director Rob Yerxa stated that on July 1st, five bids were received ranging from \$466,565.50 to \$617,075.00. Low bid was submitted by B&B Paving. Staff has reviewed the proposals and recommends awarding the work to the low bidder. He noted the bids are \$66,000 under budget.

Mr. Greenier asked how Bangor Natural Gas' work affects the Town's work. Mr. Yerxa noted that Bangor Natural Gas would go first and his paving projects will be done after.

Order 21-134 Order, awarding a contract for the Mahaney Subdivision Utility and Roadway Improvements to Sargent Corporation of Stillwater in the amount of \$1,211,460, with \$760,000 to be paid from the Wastewater Clean Water State Revolving Loan Fund (CWSRF) for sewer work and \$452,00 from the 2020 Infrastructure General Obligation Bond proceeds for road/drainage work; and, further, authorize the Town Manager to execute related documents as necessary. (Video record time 29:55 - 36:30)

Moved by Cheryl Robertson and seconded by Terry Greenier. All voted in favor, 5-0.

Ms. Wilson stated the bid came in under budget for WPCF and slightly over for Public Works. Mr. Yerxa stated two-thirds of the budget represents the sewer work to address long-standing drainage and wastewater main issues in the Mahaney Subdivision area (Frost Lane, Erin Place, Edgewood Drive, and Mountain View Drive). He stated this project will address infiltration issues. Mr. Yerxa noted the bid schedule was extended to October 2022 and includes the CWSRF Loan and 2020 General Obligation Bonds.

Order 21-135 Order, authorizing the Town Manager to enter into an agreement with Sebago Technics for planning, design, and engineering services for the Main Street Safety and ADA Improvements (Phase 1) in the amount of \$44,500 to be paid from the 2020 Infrastructure General Obligation Bond proceeds. (Video record time 36:31 - 39:30)

Moved by Cheryl Robertson and seconded by Geoff Wingard. All voted in favor, 5-0.

Mr. Yerxa stated this is the next step in the process to focus on Main Street improvements for crosswalks in the Westwood, Gilbert and Spencer Street area. The project came in as budgeted. This phase allows for the design and engineering of construction drawings, the permitting process and to put the specifications out to bid. Mr. Yerxa noted the work will be completed next year.

Order 21-136 Order, authorizing the Town Manager to purchase a 2021 Wacker-Neuson WL32 wheel loader from Central Equipment Company of Stillwater for \$88,086, less the trade-in of the 2013 Wacker-Neuson WL30 for \$14,000, for a total expense of \$74,086 to be drawn from the approved FY22 Capital Equipment Budget. (Video record time 39:31 - 42:52)

Moved by Terry Greenier and seconded by Geoff Wingard. All voted in favor, 5-0.

Mr. Yerxa stated this is the mini loader for sidewalk maintenance which will replace the 2013 mini loader. He noted the quotes came in as budgeted, but the trade-in was \$6,000 higher than expected. Mr. Yerxa described being able to clear snow three times faster than the old machine.

Order 21-137 Order, authorizing the Town Manager to purchase two (2) Ford F250 4x4 pick-up trucks from Whited Ford Truck Center of Bangor for a total cost of \$72,505, two Maxon ME2 power lift tailgates provided and installed by The Shyft Group, LLC of Waterville at a cost of \$3,195 each, and up to \$5,000 for miscellaneous equipment to outfit the trucks with funds drawn from the approved FY22 Capital Equipment Budget. (Video record time 42:53 - 46:31)

Moved by Terry Greenier and seconded by Cheryl Robertson. All voted in favor, 5-0.

Public Works Director Rob Yerxa stated \$90,000 was budgeted for this purchase and five bids were received.

Mr. Yerxa stated that \$90,000 was budgeted. Staff worked with five vendors and received nine quotes. He noted the two trucks will have to be ordered and the delivery time is unknown. The two Ford F250 trucks will be outfitted with lift tailgates and the accessory budget will cover tool boxes and a fuel tank. The trucks are \$6,000 under budget.

Order 21-138 Order, adjusting the approved FY22 Capital Equipment Budget to: increase the projected revenue associated with equipment trade in from \$10,000 to \$14,000; decrease the approved budget for the Mini-Front End Loader from \$90,000 to \$89,000 and the Pick-Up Trucks from \$90,000 to \$86,000; and, further, increase the approved budget for the Small Tractor Fleet from \$35,000 to \$44,000. (This order seeks to redistribute unspent budget appropriations for the Mini-Loader and Pick-Up Trucks to the Small Tractor Fleet budget line.) (Video record time 46:32 - 49:01)

Moved by Terry Greenier and seconded by Cheryl Robertson. All voted in favor, 5-0.

Mr. Yerxa stated he overestimated the cost of equipment and underestimated the trade-in value. He is looking to adjust the approved FY22 Capital Equipment Budget to take advantage of unspent appropriations for the pick up trucks and mini-loader to cover a \$9,000 overage for the small tractor fleet. He is looking to trade in 5-6 units in exchange for three new units.

Order 21-139 Order, authorizing the Town Manager to purchase John Deere 3039R Compact Utility Tractor with related attachments and an X758 John Deere Tractor with related from Greenway Equipment Sales of Bangor for the total cost not to exceed \$29,143 to be drawn from the approved FY22 Capital Equipment Budget. (This is a net expense including the trade-in of six used tractors.) (Video record time 49:02 - 51:27)

Moved by Terry Greenier and seconded by Cheryl Robertson. All voted in favor, 5-0.

Mr. Yerxa stated he worked with four local tractor companies and received bids on trade-ins and new tractor purchases. He noted that Greenway Equipment Sales was the low bidder. He explained the use of the tractors for mowing and other grounds maintenance tasks at Riverside Cemetery and all other Town maintained fields and parks and the specialized uses of the backhoe attachment, bush hog attachment for mowing roadside and maintaining the closed landfill site, and a snowblower and broom attachment for the downtown sidewalks.

Order 21-140 Order, authorizing the Town Manager to purchase a Ferris ISX 3300 Zero-Turn Mower from Whittemore and Sons of Skowhegan at a cost not to exceed \$13,900. (Video record time 51:28 - 53:19)

Moved by Terry Greenier and seconded by Cheryl Robertson. All voted in favor, 5-0.

Mr. Yerxa explained the trade-in and new mower purchase. He spoke highly of the zero-turn mowing efficiency for the crew.

Order 21-141 Order, authorizing the purchase of two (2) 2021 Ford Utility Police Interceptors from Darling's Ford of Bangor, one in the amount of \$38,920 and another in the amount of \$42,109, for a total of \$81,029; plus \$23,600 for equipment purchase and set-up through Custom Installations LLC, of Levant with the total cost of up to \$104,629 to be drawn from the FY22 Capital Equipment Budget. (Video record time 53:20 - 57:57)

Moved by Cheryl Robertson and seconded by Geoff Wingard. All voted in favor, 5-0.

Police Chief Josh Ewing explained the cycle of retiring and replacing cruisers in the Police Department fleet by alternating yearly between purchasing one and two vehicles. The FY22 budget includes the purchase of two new police cruisers, along with equipment purchase and changeover, and adding graphics. During the bid process, the low bid was from Darling's Ford, of Bangor, for a regular engine and a hybrid engine. The cruiser equipment will include a mobile radio, radar unit, mobile data terminal (computer) and additional emergency lights. Chief Ewing noted the hybrid cruiser is anticipated to have fuel consumption savings.

Order 21-142 Order, authorizing the Town Manager to purchase seventeen (17) Glock 19MOS Gen5 9mm handguns with Trijicon RMR red dot optics, and related accessories from Witmer Public Safety Group of Coatsville, PA, at a cost of \$22,503.09, less the trade-in value of \$5,100, for a total expense of \$17,403.09 to be drawn from the approved FY22 Capital Equipment Budget, with the remaining \$403.09 drawn from the approved FY22 Police Operating Budget. (Video record time 57:58 - 1:02:54)

Moved by Geoff Wingard and seconded by Terry Greenier. All voted in favor, 5-0.

Police Chief Josh Ewing described the better optics system which is viewed through a lens mounted on the handgun that superimposes the dot on the target. This allows for maintaining a wider peripheral field of view.

Mr. Perry asked about the officer training with the new handguns. Chief Ewing stated the new sighting system will require additional training at the range. He noted this system is much more intuitive and allows for a wide range of focus.

Order 21-143 Order, authorizing the Town Manager enter into a five (5) year lease purchase agreement with Watchguard Video of Allen, TX for six (6) in-car video systems, seventeen (17) body-worn cameras, and the Video as a Service package at a total FY22 cost (for installation, set up, and lease payments) of up to \$28,612 to be drawn from the approved FY22 Capital Equipment Budget. (Video record time 1:02:55 - 1:11:05)

Moved by Terry Greenier and seconded by Cheryl Robertson. All voted in favor, 5-0.

Police Chief Josh Ewing spoke of the importance of having in-car and body-worn video cameras for documenting incidents and evidence, officer training, strengthening police transparency, performance, and accountability. This purchase includes a full deployment of body-worn cameras to each officer and

to increase to a total of 6 in-car systems (4 marked, detective, and spare). Ms. Wilson spoke of the offsite data storage and evidence management software that is critical to effectively manage the data received through vehicle and body worn cameras.

Ms. Robertson questioned why the Town isn't purchasing two hybrid cruisers. Chief Ewing spoke of the concerns for hybrid vehicle performance in extreme weather conditions, but recognized the increased technology and reliability. Ms. Wilson noted the greater expense for a hybrid vehicle in the past; She noted the budget allowed for one of each. Ms. Robertson noted the fuel efficiency with a hybrid.

Order 21-144 Order, authorizing the Town Manager to purchase a new Fire Engine through the Houston-Galveston Council's procurement process; and execute a tax-exempt lease purchase agreement with Androscoggin Savings Bank to finance up to \$675,000 at a term not to exceed 10 years and interest rate not to exceed 2.74%. (Video record time 1:11:07 - 1:26:55)

Moved by Terry Greenier and seconded by Geoff Wingard. All voted in favor, 5-0.

Fire Captain Kevin Sirois stated he was part of the committee that helped build the specifications for the fire engine to meet the community needs. Mr. Sirois described the 20-25 year lifespan of a fire engine. He stated staff is seeing signs of the 1998 engine aging and mechanical repairs are trending up. He stated staff is recommending the Town join the Houston-Galveston Area Council's procurement process. HGAC does nationwide competitive bidding that gets the lowest base price for the equipment and then allows the Town to make modifications as needed to the model.

Ms. Wilson stated the committee reviewed several financing options (both lease purchases and loans) from several vendors. Androscoggin Savings Bank came in with the best proposal (financing \$675,000) with a tax-exempt lease purchase arrangement. She recommended a Council order for up to a 10-year term at 2.74% for \$78,091/year with the option to prepay the loan. Ms. Wilson explained that the old engine would be sold. She noted the new engine would need to be ordered and built which takes several months to complete. The first payment would be due one year after closing the agreement (FY23).

Order 21-145 Order, authorizing the Town Manager to carry forward certain funds from FY21 into the FY22 Municipal Operating Budget to fund expenses approved but not completed in FY21 and special projects. (Video record time 1:26:56 - 1:28:45)

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

Ms. Wilson stated, at the end of each fiscal year, unspent expense appropriations automatically lapse to fund balance unless Council takes specific action to reauthorize or re-appropriate the funds. She noted staff is still finalizing expenditures for the end of the year. She asked Council to carry forward \$35,000 for the special intern project. She will be back to Council in September for further carry forwards. (Councilor Mitchell joined the meeting at 6:29 p.m.)

Order 21-146 Order, approving the following budget for the remaining 2020 Infrastructure General Obligation Bond Proceeds (\$1,932,289): (Video record time 1:28:46 - 1:37:04)

- **North Main, Chapel, and College Heights** **\$1,100,450**
- **Mahaney Subdivision Project** **\$ 472,000**
- **MDOT Route 2 Culvert Project Match** **\$ 235,000**
- **Main Street Sidewalk Project** **\$ 124,838**

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

Ms. Wilson stated that \$2M was borrowed last year for infrastructure projects and only about \$60,000 was used. Mr. Yerxa noted design work and bid results allow for a recalculation of the individual project needs. He described the projects and noted the \$1,932,289 that remains. Ms. Wilson described the different funding sources.

Order 21-148 Order, authorizing the Town Manager to expend up to \$806,500 from the Infrastructure Reserve on the following FY22 Capital Infrastructure Projects:
(Video record time 1:37:05 - 1:40:05)

- **Main Street Sidewalks Project** **\$600,000**
- **N. Main, Chapel & College Heights** **\$145,000**
- **College Avenue Sidewalks** **\$ 55,000**
- **Riverdale Paving** **\$ 6,500**

Moved by Cheryl Robertson and seconded by Geoff Wingard. All voted in favor, 6-0.

Ms. Wilson stated the Infrastructure Reserve Account has an anticipated balance of \$810,000 at year end. This reserve account is used for special projects

Mr. Wingard clarified the reserve fund is not to reduce the tax burden, but to finish projects already started.

9. Council Committee/Representative Reports *(Video record time 1:40:06 - 1:46:25)*

Finance and Operations Committee - Tom Perry reported that the Finance and Operations Committee met on June 28th and had a presentation from Penquis on affordable housing, a discussion to consider purchasing solar energy credits, introduction of the new Assessor, discussion regarding the fire truck purchase, and a discussion of the regional climate planning process.

Community Development Committee - Terry Greenier reported that the Committee met on June 17th and discussed changes to the mobile food truck ordinance, revision to the marijuana ordinance for the C-2 district, had a presentation from Sebago Technics on the Main Street sidewalks project, reviewed the RSU#26 candidates, and got an update on the revaluation process.

Environment Committee - Ms. Robertson reported the Committee did not meet in June, but will meet in July.

Diversity, Equity and Inclusion (DEI) Committee - Ms. Mitchell reported that the committee is still collecting survey results (300 have been received to date). An ad will run in the Penobscot Times encouraging people to complete the survey. The Committee met to start compiling the recommendations and will meet again in July/August to continue and give a presentation to Council in September.

State Legislature Update - Ms. Osher reported that the State Legislature ended its session but was called back for veto day. She noted a second veto day will be held on July 19th. Ms. Osher provided information on a bill on accessory dwelling units for single family homes. She encouraged the public to get in touch with her about bills they would like to see considered.

10. Future Agenda Items/Items of Concern (*Video record time 1:46:26 - 1:53:18*)

Ms. Wilson provided an update on the Bangor Natural Gas (BNG) project under the Stillwater River. She noted that BNG worked extensively with the Beautification Committee regarding the garden and they are making a \$2,000 donation to the Committee. Staff has worked with James Swett and BNG to meet their needs regarding not drilling too late. BNG has worked with staff regarding the garden and traffic. She noted it is an eight week project that will be completed by mid-August.

Ms. Wilson stated the Community Development Committee agenda will include the Climate Action Planning Resolution, Bob Bass with OECD on the Caribou Bog Recreation Center, and an update on the OTO Fiber project.

Ms. Mitchell asked for updates from the OEDC Council Representatives. Ms. Robertson (one of the OEDC Council representatives) noted the group is loosely constructed and rarely meets. Mr. Perry noted that updates will be given when they meet.

11. Public Petitions - None

12. Public Comments - None

13. Executive Session pursuant to 36 MRSA, § 841 et seq., to Consider a Request for Poverty Tax Abatement Based on Poverty and/or Disability #2021-002.

At 6:55 p.m, Terry Greenier moved and Cheryl Robertson seconded to move into executive session to consider a request for poverty tax abatement based on poverty and/or disability #2021-002. All voted in favor, 6-0. (Councilors Mitchell and Osher were not present for the executive session.)

At 7:15 p.m., Cheryl Robertson moved and Terry Greenier seconded to move back into regular session. All voted in favor, 4-0.

Order 21-147 Order, rendering a decision on a Request for Poverty Tax Abatement Based on Poverty and/or Disability #2021-002.

Moved by Cheryl Robertson and seconded by Geoff Wingard to approve a request for poverty tax abatement based on poverty and/or disability #2021-002. All voted in favor, 4-0.

14. Adjournment

Motion to adjourn by Cheryl Robertson and seconded by Geoff Wingard. All unanimously agreed. The Council Meeting adjourned at 7:16 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