

**TOWN OF ORONO  
COUNCIL VIRTUAL MEETING  
MONDAY, OCTOBER 19, 2020 AT 4:30 P.M.**

WATCH ONLINE AT <https://zoom.us/j/95903367971>  
For Dial in Only call 1-312-626-6799 Webinar ID:959 0336 7971  
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*Comments can be submitted via email prior to the meeting start time  
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**MINUTES**

**1. Roll Call**

Present: Council Chair Cindy Mehnert, Tom Perry, Laurie Osher, Meghan Gardner, Cheryl Robertson, Terry Greenier, Sam Kunz and Town Manager Sophie Wilson.

**2. Agenda Review**

Moved by Terry Greenier and seconded by Tom Perry to add Order 20-183 to the agenda. All voted in favor, 7-0.

**3. Approval of the Minutes of August 26, September 14, October 1 and October 5, 2020**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 7-0.

**4. Public Hearings**

**a. To consider Victualer's Licenses for the following businesses:**

**Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.  
Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue.  
Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.  
Big Shoe, Inc., d/b/a Subway, 53 Main Street.  
Big Shoe, Inc., d/b/a Subway, 10 Stillwater Avenue.**

Public hearing a. opened at 4:37pm. Ms. Wilson reported all inspections have been completed and staff recommends approval of the licenses. No public comments were made. Public hearing a. closed at 4:38pm.

**b. To consider a Class I - Malt, Spirituous & Vinous Liquor License and Victualer's License for S & M Corporation, d/b/a Thai Orchid, 28 Mill Street.**

Public hearing b. opened at 4:38pm. Community Development Director Dave Milan reported all inspections have been completed and staff recommends approval of the license. No public comments were made. Public hearing b. closed at 4:39pm.

- c. To consider a Class I - Malt, Spirituous & Vinous Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer's License for the University of Maine *d/b/a* Collins Center for the Arts, 5746 Collins Center.**

Public hearing c. opened at 4:39pm. Ms. Mehnert continued the public hearing to November 9, 2020.

- d. To consider a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, and Victualer's License for Penobscot Valley, LLC, *d/b/a* Penobscot Valley Country Club, 366 Main Street.**

Public hearing d. opened at 4:41pm. Mr. Milan reported all inspections have been completed and the Life Safety Inspector will continue to enforce restrictions until the construction work is completed. No public comments were made. Public hearing d. closed at 4:42pm.

- e. To consider Maine Municipal Association Model General Assistance Ordinance Appendices A-H for the period of October 1, 2020 to September 30, 2021 to be in compliance with Title 22, MRSA, Sec. 4305(4).**

Public hearing e. opened at 4:33pm. Ms. Wilson stated the General Assistant Appendices change each year. She noted there is not a lot of choice if the Town wants the 90% reimbursement from the State. She explained the General Assistance program and noted it is meant to be a temporary stop-gap for assistance. No public comments were made. Public hearing e. closed at 4:45pm.

- f. To determine whether it is in the best interest of the Town to dispose of Town Owned Property at 98 Penobscot Street (Tax Map 020 Lot 008).**

Public hearing f. opened at 4:45pm. Ms. Wilson stated the property at 98 Penobscot Street used to be the Public Works facility. She noted it has been through a Brownfield's assessment and has a Voluntary Response Action Plan (VRAP) letter of no assurance from Maine DEP. She noted private partners for development were sought out without success. The purpose of the public hearing is to determine whether to dispose of the property.

Public Works Director Rob Yerxa described working with Sebago Technics in 2017 for the DEP VRAP no assurance letter and also the Phase 2 Site Assessment (resulting in no contaminants soils or groundwater issues). He described DEP's future restrictions on the property for three types of uses: commercial/industrial use, multi-unit residential use and a single family use. He noted the deed restrictions were recorded in 2018.

Ms. Robertson asked about the 2-foot cover requirement for single family use. Mr. Yerxa described the requirement and that about 500 yards of screened fill was left onsite that could be used for that requirement. No public comments were made. Public hearing f. closed at 4:55pm.

## 5. Acknowledgments by Council Members

Tom Perry acknowledged the passing of long-time Orono resident Imogene Brightman who was a great elementary school teacher at Asa Adams School for many years.

Laurie Osher acknowledged the Town Clerk, staff and volunteers who worked at the UMaine New Balance Field House conducting in person absentee voting from 11am-3pm on Saturday. She noted that no more than 50 people were allowed in the building at one time due to State regulations. She noted it was well organized. Ms. Osher also acknowledged the passing of Orono resident Betty Carr who was an Asa Adams teacher and well loved.

Terry Greenier asked residents to support local businesses/restaurants for gift card purchases. He also noted the winter parking ban will be in effect from November 1st to April 15th.

Sam Kunz also acknowledged the passing of his neighbor Betty Carr. He acknowledged the election workers and the opportunities for in person absentee voting. Mr. Kunz acknowledged the Orono High School Fall Arts Extravaganza. He reminded everyone to be patient and kind to people during these difficult times.

Meghan Gardner acknowledged the Town Hall Halloween Alley decorations and the orono.org homepage activities. She also noted election information is also available on the website. She stated there will be two additional in-person absentee voting days, October 22nd and 30th.

Cheryl Robertson acknowledged all of the people who have already voted and all of the people who are continuing to wear face masks.

Cindy Mehnert stated that 2,000 absentee ballots have been received. She acknowledged the appointment of two Library Board of Trustees Youth Members; Zoe Swanson and Celia Beutens.

## 6. Unfinished Business - None

## 7. Consent Agenda

**Order 20-162 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7089, 53 Main Street.**

**Order 20-163 Order, approving a Victualer's License for Mac's Convenience Stores LLC, d/b/a Circle K #7021, 2 Stillwater Avenue.**

**Order 20-164 Order, approving a Victualer's License for Brewers of the North, d/b/a Aroma Joe's, 99 Park Street.**

**Order 20-165 Order, approving a Victualer's License for Big Shoe, Inc., d/b/a Subway, 53 Main Street.**

- Order 20-166** Order, approving a Victualer’s License for Big Shoe, Inc., d/b/a Subway, 10 Stillwater Avenue.
- Order 20-167** Order, approving a Class I - Malt, Spirituous & Vinous Liquor License and Victualer’s License for S & M Corporation, d/b/a Thai Orchid, 28 Mill Street.
- Order 20-168** Order, approving a Class I – Golf Club – Spirituous, Vinous and Malt Liquor License, Special Amusement Permit for Music, Dancing and Entertainment and Victualer’s License for Penobscot Valley, LLC, d/b/a Penobscot Valley Country Club, 366 Main Street.
- Order 20-169** Order, approving the Maine Municipal Association Model General Assistance Ordinance Appendices A-H for the period of October 1, 2020 to September 30, 2021 to be in compliance with Title 22, MRSA, Sec. 4305(4).
- Order 20-170** Order, appointing Zoe Swanson to the Library Board of Trustees as the Youth Member and Celia Beutens as the Associate Youth Member, both for 1-year terms, expiring 2021.
- Order 20-171** Order, setting November 9, 2020 at 5:00pm via Zoom as the date to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-130 Excavation, Removal and filling of Lands.
- Order 20-172** Order, setting November 9, 2020 at 5:00pm via Zoom as the date to consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 18 Land Use, Section 18-140, Signs, to permit an exemption for the Town of Orono to own and operate a digital sign adjacent to the Municipal Offices on Main Street in the Village Commercial District.
- Order 20-173** Order, setting the hours of voting as 7 a.m. to 8 p.m. and the polling place as the University of Maine New Balance Field House in Ward 1, Precincts 1, 2 and 3 for the November 3, 2020 Presidential and State Referendum Election.
- Order 20-174** Order, changing the hours that the Registrar will accept registration of applicants who appear in person as follows: On the last five business days during normal business hours before the November 3, 2020 Presidential and State Referendum Election [MRSA 21A, Sec. 122.6A(2) and Sec. 122.8] (Mon-Wed 7:30am-4:30pm, Thurs 7:30am-5:30pm, Fri 7:30am-5pm).

**Order 20-175** Order, confirming the Town Clerk's appointment of Belle A. Ryder, Cynthia Mehnert, Sophia Wilson and Danielle Nightingale as Wardens for the November 3, 2020 Presidential and State Referendum Election.

**Order 20-176** Order, accepting the State of Maine Bureau of Highway Safety Traffic Enforcement Grant, 2021 High Visibility Distracted Driving Enforcement, in an amount up to \$9,200 to pay for police special details.

**Order 20-177** Order, adopting a Post Issuance Compliance Policy for Tax-Exempt Bonds issued by the Town of Orono.

**Order 20-178** Order, adopting minor revisions to the Town of Orono Controlled Substances and Alcohol Program Policy.

Moved by Tom Perry and seconded by Sam Kunz to approve the consent agenda. All voted in favor, 7-0.

## **8. New Business**

**Order 20-179** Order, approving a Notice of Election to be held on March 9, 2021 in conjunction with the Annual Municipal Election with polls open from 7AM to 8PM for consideration of 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.

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 7-0.

Ms. Wilson stated this order is not about the content, but about Council's decision to send it to referendum. She noted that no public comments were made at the public hearing last month.

Ms. Mehnert asked if there will be presentations before the referendum election. Ms. Wilson stated a taped presentation, and a public presentation, will be available at least 60 days prior to the election.

**Order 20-180** Order, determining it is in the best interest of the Town to dispose of Town Owned Property at 98 Penobscot Street (Tax Map 020 Lot 008).

Moved by Terry Greenier and seconded by Tom Perry. All voted in favor, 7-0.

**Order 20-181 Resolve, supporting the Creation of an Equitable Healthcare Plan for all Maine Residents.**

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 7-0.

Ms. Wilson stated a community member came forward to request Council consider passing a resolution urging the Maine Legislature to create an equitable healthcare plan for all Maine residents. She noted that Council is supporting that affordable healthcare should be a human right. She reviewed the statements in the resolution. Councilors made comments of support for the resolution.

Ms. Mehnert noted she generally does not like to pass resolutions on a municipal level that do not have power; however, Councilors were able to focus on how it would impact Orono.

**Order 20-182 Order, authorizing the Town Manager to enter into an agreement with Sebago Technics, Inc. of South Portland, Maine for planning and preliminary design services related to the Main Street Sidewalks Safety and ADA Improvements Project in an amount not to exceed \$65,750 with funds drawn from Infrastructure Capital Reserves.**

Moved by Sam Kunz and seconded by Tom Perry. All voted in favor, 7-0.

Mr. Yerxa stated requests for qualifications were sent out in September for planning and design services for the Main Street Sidewalks Safety and ADA Improvement Project. Eight proposals were received, staff reviewed and scored the qualifications and Sebago Technics was chosen as the most qualified and best fit for the project. He described the advisory committee guidance, public involvement, budget process and timeline for the project. He stated the project will span from the Brandon Silk Memorial Bridge to Kelley Road with construction commencing next summer, if not delayed due to available grants.

**Order 20-183 Order, authorizing the Town Manager to purchase ten Laptops from Dell in the amount of \$7,969.50 and Election Equipment/Signage from Inclusion Solutions in the amount of \$8,067.16 for the upcoming Presidential Election with funds drawn from the approved and accepted Center for Tech and Civic Life Grant.**

Ms. Wilson stated the Town received a grant from the Center for Tech and Civic Life in the amount of \$159,025 for the upcoming election. She noted a trailer was already approved to purchase, with these additional purchases, there will be approximately \$120,000 remaining.

## 9. Council Committee/Representative Reports

**Finance and Operations Committee** - Tom Perry stated the Committee met on October 8th and reviewed the revenues/expenses, status of the audit and tax collection/excise tax status along with items on this agenda.

**Community Development Committee** - Terry Greenier reported that the Committee met on October 15th and reviewed a zone change request for the self storage facility on Park Street, the Planning Board's recommended changes to the Excavation/Fill Ordinance, Universal Healthcare and DEP Waste Diversion.

**Comp Plan Committee** - Meghan Gardner stated the Committee met on October 5th to recap the evaluation of future use of town-owned land in the Sailor Development and conducting a feasibility study, receive an update on Marden Park concept plan (focus on drainage and do the project in phases) and review the Town Planner's plan for community outreach related to the three proposed land use ordinances (Reduction in MDR Minimum Lot Size, Village Residential Overlay District, and Village Commercial Conditional Zoning District).

**Environment Committee** - Cheryl Robertson stated the Committee met on October 22th to discuss a recycling program for large housing complexes and waste diversion grant. The Committee is researching the recycling options.

## 10. Updates from Council Chair and Town Manager

**Homelessness** - Ms. Mehnert stated she and staff met with the City of Bangor on homelessness. She noted there will be further conversations with Bangor on a regional approach. Ms. Wilson commented it is a larger issue that should involve Penobscot County. Councilors and staff discussed the magnitude of the problem and supported the Town Manager and Police Chief's efforts.

**Racial Equity and Justice** - Ms. Wilson read a general statement related to the Town's non-discrimination and anti-bias policies, practices and training efforts. She spoke of Orono as a unique and caring community. She noted the community's recognition of racial injustice and call for nationwide action is expected. Ms. Wilson spoke of the Town's respectful work environment that strives for equality and inclusivity and the training that staff has received.

Ms. Wilson spoke of first-hand awareness of racial injustice to her immediate family members. She spoke of the Town's commitment to equity on all levels and how seriously it is taken. She understands the community's cry for action; however, this is not new for the Town and is a work in progress. She expressed that she hopes we can all work together so that equity and inclusivity are the norm.

Ms. Mehnert stated, from the Council's perspective, she has been seeking out a facilitator to aid in community discussions. She also commented on seeing the Council's role as policy makers and letting the Town operations continue with training.

Councilors made the following comments: Building relationships are what matter and make long-term change. We need to listen and affect change. Communication is important and we should lead by example. The logistics of training are more complicated with the Zoom. There will be a stakeholders meeting and they are still working on the details.

### **11. Future Agenda Items/Items of Concern**

Ms. Osher would like to be the liaison for Racial Equity and Justice.

Mr. Greenier commented that we all need to be better listeners and be aware of the impact you have on others.

Ms. Gardner explained that she, Ms. Mehnert and Ms. Wilson has been working on this issue without the full Council to not hold a public meeting. Mr. Perry thanked Ms. Mehnert and Ms. Gardner for their efforts.

### **12. Public Petitions - None**

### **13. Public Comments**

Ms. Osher stated she will be attending the GrowSmart Maine 2020 Summit and Alpha Institute, Maine Humanity Council training on Race and Real Estate this Thursday.

Ruthie Clements read the letter/petition that was provided to Council regarding racial inequity concerns. The letter requests that Council commit to the following: 1) create an ongoing Justice and Equity Committee for the Town of Orono by the end of November 2020 (with detailed points made in the letter); 2) implement indepth Live or Zoom Anti-Racism Training for all Town of Orono Staff and Council members by January 2021 (with details of facilitators); and 3) provide updates on the above initiatives to the community monthly during Town Council meetings on money being spent, training being considered, and other progress being made. She stated that 229 community members have signed the petition (74% are Orono residents). She asked Council to commit to creating a Justice and Equity Committee and greater transparency.

Ms. Robertson asked about the goals and objectives of the committee. Ms. Clements stated it would be up to the committee. Ms. Mehnert stated Council is not willing to make a commitment at this time without formal listening sessions. She noted it is an ongoing process.

Sarah Marx asked Council to commit to an ongoing consultation committee/resource that would have a timeline and report back to the community. Sonja Birthesel echoed Ms. Marx comments.

Ms. Wilson stated there will be In Person Absentee Voting on October 22nd, 29th and 30th in the Council Chamber from 7:30am-5:00pm.



#### **14. Adjournment**

At 6:40pm, Councilors unanimously agreed to adjourn. All voted in favor, 7-0.

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