



**City of Old Town
Regular Council Meeting Minutes
January 02, 2024**

Council convened January 02, 2024, in the Old Town City Council Chambers, 265 Main Street.

Councilors present: Council President Chris Pushor, Tim Folster, David Wight, Carol May, Mike May, and Linda McLeod. Absent - Councilor Stan Peterson.

Administration present: Bill Mayo, Laura Engstrom, Danielle Berube, Irene Pehrson, EJ Roach, Lee Miller, Travis Roy, April Buchanan and Kyle Milan.

Others present: Kristi Trafton (City Attorney), 3 residents Old Town

Council President Pushor called the meeting to order at 6:00 p.m.

Approval of the Minutes:

Resolved, the Old Town City Council hereby approves the following minutes as presented:

December 19, 2023, Administrative Services, Financial Services, and Special Council meeting.

Motion made by Councilor Wight, seconded by Councilor Mike May.

Approved, 6 - 0, (Motion passed)

**Petitions, Communications, and Citizens' Requests
Reports**

- Patricia Lech, a resident of Old Town addressed the City Council stating her displeasure in the inaccuracy of some of the minutes from previous Council/Committee meetings, pertaining to the Expanded Archery Hunting. She asked that the attachments that she handed out to the City Council at the meetings to be included with these minutes and a reflection of the November 06th and November 20th done.
(Attachments included)

**Petitions, Communications, and Citizens' Requests
Reports, cont.**

The City Clerk explained the minutes are not verbatim and the video is included to address such instances. The City Clerk further as addressed in these such minutes a few updates to the previous meeting minutes as requested:

November 06, 2023, Regular Council meeting minutes:

- Stated that the concerns over the Expanded Archery Hunting was on **City Owned property** when in effect the concerns from residents were on **Residential properties.**

November 20, 2023, Special Council Meeting minutes:

- Stated **Two** residents spoke about the continued concerns over the Expanded Archery Hunting permitted, should reflect **several residents spoke** at the meeting with these concerns.

Patricia Lech also had concerns over the State biologist report, "stating she felt there were multiple contradictions in that report based on what's known and previous State of Maine reports".

Furthermore, she (Ms. Lech) thought there was some agreement on the November 20th, 2023, Committee/ Special meeting that a representative of the City would talk to the City Attorney about what the City can and cannot do regarding the Expanded Archery Hunt. Council President Pushor said he would have to follow up on that request as he was not 100% sure that the City Council was going to get an actual opinion from the City Attorney regarding this matter and will update her.

A. Council President (No Report)

B. Standing Committees

**Administrative Services, Economic Development, Finance Services, and Public Services
(No Report)**

C. City Councilor: (No Report)

D. City Attorney: (No Report)

E. Special Comm.: (No Report)

F. City Manager

Bill Mayo updated the City Council on the following:

- Mast Arms for the Downtown traffic light project are painted, just waiting for MDOT to sign off on them and they will be shipped and installed.
 - On January 09, 2024, there will be a hearing in Augusta on the changes to the Sudden and Severe Bill. The City will provide some testimony and input at the hearing on funding, use of Fund Balance, and timing on when this will be happening. Bill will keep the City Council updated on the progress as the bill moves forward through Legislation. Councilor Folster asked if this bill was representing just the City of Old Town or Statewide. Bill said it was Statewide and would impact lots of communities.
 - Apron project at the airport was not projected to start until spring 2024 but Sargent's was able to do some groundwork on the project because of the mild weather. That will be a jump start for when the project starts up after winter.
- Councilor Wight asked Bill Mayo, if the City has any contracts open with Maine Earth and the answer was no.

Consent Agenda

1. Resolved, the Old Town City Council hereby re-appoints the following to stated Boards/Committees.

Board of Assessment Review: 2 yr. term to expire 12/31/2025.

- Dale Dubay

Dewitt Airport Advisory Committee: 2 yr. term to expire 12/31/2025.

- Chris Blackie, Stephen Paul, and Dan Coffey

Planning Board: 5 yr. term to expire 12/31/2028.

- Travis Folsom, Ted Shina, Glenna Washburn

Landfill Advisory Board: 5 yr. term to expire 12/31/2028.

- Peter Dufour

RPC (Reg. Planning Comm.) Advisory Committee: 2 yr. term to expire 12/31/2025.

- EJ Roach and David Russell

Old Town Development LLC: 3 yr. term to expire 12/31/2026.

- Timothy Folster, Jake Ward, Bruce Segee, and Jeff Letourneau

Motion made by Councilor Mike May, seconded by Councilor McLeod.
Approved, 6-0. (Motion passed)

Public Hearings and Second Reading of Ordinances (None)

Old Business: (None)

New Business

1. Resolved, the Old Town City Council hereby approves the request from City Manager, Bill Mayo to hire a qualified Academy graduate, and pay the Maine Criminal Justice Academy BLETP reimbursement cost of \$45,833.00.
(Informational email attached)

Motion made by Councilor Wight, seconded by Councilor Folster.
Approved, 6-0, (Motion passed)

2. Resolved, the Old Town City Council hereby approves a Beer Garden to be provided by Pepper's Landing for the City of Old Town's Fire and Ice Event held on January 19th and 20th. Pepper's Landing will get all necessary permits and licensing needed from the State of Maine. Furthermore, City of Old Town will hire Private security for both evenings.

Motion made by Councilor Folster, seconded by Councilor Wight.
Approved, 6-0, (Motion passed)

3. Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter.

Motion made by Councilor McLeod, seconded by Councilor Carol, to go into Executive Session at 6:18 pm.

Approved, 6-0, (Motion passed)

Motion made by Councilor McLeod, seconded by Councilor Carol May, to come out of Executive Session at 6:33 pm.

Approved, 6-0, (Motion passed)

Added Item: Ty Sullivan, resident on Poplar Street in Old Town asked to address the Council. He gave thanks to Old Town Public Works in the help and great attitude of the clean-up of the debris of wood/limbs that he had piled at the front of his property, from Monday's storm.

Adjournment:

Motion to adjourn at 6:34 pm made by Councilor Wight, seconded by Councilor Mike May.

Approved, all in favor, 6-0. (Motion passed)

**Respectfully submitted,
Laura Engstrom
City Clerk -Old Town**

Council
received 09/05/2023

City Council

Intro

Patrica Lech, a twenty something year resident of OT.

Thank you for allowing me to address you, the City Council about my concerns on hunting on the OT side of Marsh Island

There are questions that should be addressed before allowing hunting to continue.

I understand that there are multiple views on the deer population ranging from those who moved to Marsh Island because it was a no hunting preserve to those who want a "zero deer" population.

Why?

Is hunting still necessary on Marsh Island portion of OT? The deer population seems much reduced. We used to routinely have deer in our yard early in the morning and at dusk. One doe had two fawns on the islands behind our house. We rarely see deer now. The population may have been too high fifteen years ago. Before hunting was allowed, a deer was hit on College Ave. Disease and accidents are indicators that a population needs reduction. Hunting was presented as something that would be reassessed. It is my understanding that there has been no monitoring of deer population on the OT side of Marsh Island.

Where?

OT has multiple regulations related to zoning. Only specific times on a few days, fireworks can be shot in certain areas while they are legal year-round in less populated areas. The OT regulations allow hunting in all areas including highly population areas. Zoning is not considered. Other municipalities and even state parks limit hunting in populated areas such as no hunting withing 100 yards of a trail. I understand that bow hunting has a range of 100 yards, it is also my understanding that those with a disability or over 65 years of age can use a crossbow. These have a range of 350 yards to 400 yards. Although Orono and the university do not allow hunting, I have encountered hunters several times on the trails. Most upsetting was the interchange I had with a hunter 50 yards from the UMaine New Balance recreation center. He was insisting that the trail markers indicated that hunting was allowed. Another time, a hunter in camouflage popped out from behind a tree to yell at me for not wearing orange on the university trails. Other hunters have told me that even though hunting is not allowed on university land, they have not only the right but the obligation to pursue deer they may have hit. What brought me here today was learning of hunters who had planted a "deer garden" on a property that borders university property. Last year I learned they had a stand set-up in this yard while the residents were spending their time at their other house. There was a truck out there most days during last fall's hunting season. It is 150 yards from the university family housing garden, 200 yards from the family housing playground, and less than 250 yards from where university housing was torn down to expand the day care. It also is less than 100 yards from the university farm road that many use to access the trails. The encounters with hunters are very unnerving. I don't believe the majority of hunters would even consider hunting in a populated area, much less oppose reasonable regulations around hunting in these areas.

Council received
09/05/2023

When?

If OT determines the deer population is so high that hunting is indicated, then a short season should suffice. I read an article that Eastport (a much lower population area) felt an archery deer hunt was indicated. They had a two-week season which required hunters to be at least 100 yards from any house. OT allows hunting not only during the archery season but through the entire extended archery season from mid-September through mid-December. If OT determines a hunt is necessary (the why), decides on the where, then I feel they should determine if the population can be controlled with a limited hunting season.

Who?

I don't think there is any monitoring of who is hunting. Are they coming from Bangor or other areas? How many hunters are out on a given day? Some cities require hunters register.

How?

OT has hunting regulations which I first learned about when Councilor Pushor sent them to me when I asked to testify. Thank you, Councilor. For those of you who do not know, OT only allows hunting if the property owner or tenant is present or has given written permission. Abutting property owners or tenants are to receive written notification 72 hours prior to a hunt. As noted earlier, I have heard multiple justifications for hunting on university property. No one has ever mentioned this to me. I have some concerns about this regulation. It does not allow abutting property owners to object. In densely populated areas there could be multiple other properties or tenants within a 100-yard radius. Our property is across a double yellow road but still within 100 yards of the deer garden and stand. Has there ever been any enforcement of these regulations or are they like the legendary light on cat tail regulations?

I don't know if hunting on city land is allowed. Each year there are many new students, faculty, and residents who should be alerted to the fact that hunting is occurring on and near trails.

Does the city feel a duty to warn of a hazardous situation they created?

When it comes to enforcement, I believe the city should have the obligation to respond with the police in a timely manner instead of suggesting game wardens be called. Why is there a difference between waving a knife and a lethal weapon, bow and arrow?

Conclusion:

I feel the council should pause hunting until these commonsense questions are answered.

Why- what deer population warrants hunting.

Where is it reasonable and safe to allow hunting. I found my encounters MUCH more stressful than hearing fireworks fired.

When- what is the least amount of time needed to reduce the deer population

Who- who is doing the hunting?

How- how are the regulations going to be communicated and enforced?

As mentioned previously, I don't think the majority of OT hunters would consider hunting in populated areas. As the deer population has decreased, it seems the few hunters have become more aggressive. OT resident well-being, including peace of mind when engaging in outside activities should take precedence over the "hunting rights" of a few. Thank you.

Maine Department of Inland Fisheries and Wildlife
Wildlife Division - Region F
16 Cobb Road Enfield, ME 04493

MEMORANDUM

October 2, 2023

To: Old Town City Council

From: Mark A. Caron; Regional Wildlife Biologist-Enfield

Subject: Marsh Island Deer Hunt:

Enclosed please find information requested by the Old Town City Council referenced in an email from Travis Roy; Assistant City Manager on September 12, 2023.

Question 1: Has the Marsh Island hunt been effective in achieving the State's deer herd management goals?

The Department completed its most recent Big Game Planning Process which includes deer for the period 2017-2027. From this public-driven process three Goals were identified. Goals 1 and 2 are relevant to the Marsh Island process of adding the island to the already existing Bangor Expanded Archery Area.

Goal #1: Maintain a healthy sustainable deer population that provides opportunities for hunting and viewing with minimal impacts on natural ecosystems.

Part of this Goal address over population of deer that negatively impact forest regeneration and simplifying vegetative communities. This could be extended to include negative impacts on landowner's gardens, flower beds, trees, and shrubs. This was one of the concerns originally expressed by Marsh Island residents in 2005.

As part of the Goal we identified 'Local-level strategies' that address high deer densities in local areas like Marsh Island. A variety of management strategies can address locally high deer densities one of which is Expanded Archery Areas. This of course is the management tool that was used to address the Marsh Island deer issue. After a six-year effort Marsh Island was added to the already existing Bangor Expanded Archery Area. This solution supported by both the City of Old Town and the Town of Orono was put in place to address a variety of nuisance deer issues and car-deer accident concerns.

Goal #2: Ensure public satisfaction with Maine's deer population.

Part of 'public satisfaction' includes limiting levels of human-deer conflicts including car-deer accidents, minimizing the risk of Lyme Disease and other tick-borne diseases, facilitating

hunting opportunities of private land in an effort to manage deer-human conflicts through hunting and other conflict response programs.

One of the strategies was to evaluate the effectiveness of the Expanded Archery Program (EAP) in managing deer-human conflicts. The EAP was established in 1997 by the Maine Legislature. The EAP was created to promote hunting in areas where deer hunting opportunities was limited or non-existent, and other challenges associated with heavily developed areas such as Marsh Island. No specific deer removal objectives were set with the creation of the program. The expanded archery areas were established in more developed parts of the state and given challenges associated with controlling deer populations in developed areas, expanded archery was/is a tool to limit deer populations in developed areas to decrease deer-human conflicts. A review of the program by the Department's deer biologist in 2019 showed that the EAP has succeeded in providing both hunting opportunities in developed areas of the State and in increasing deer harvest rates in these areas. Further stated in the review was that the Expanded Archery Program should continue and expand where needed.

Question 2: Has the Marsh Island hunt reduced the amount of car accidents involving deer?

This is a difficult question to answer. Car-deer accidents are recorded by Town. Both Orono and Old Town municipal boundaries include both Marsh Island and the surrounding mainland. Assistant City Manager Travis Roy in his September 12, 2023, email stated that he would work with the Old Town Police Department to address the question.

Question 3: Has the hunt had any effect on the health of the (Marsh Island) deer herd?

The Department is not specifically monitoring the health of the deer herd on Marsh Island. The Department annually surveys for Chronic Wasting Disease (CWD) statewide. This is largely accomplished by sampling from deer harvested during the firearm season. Additionally, deer that are reported to be exhibiting signs of poor health may be euthanized and tested for CWD or other wildlife diseases.

Lyme disease has been reported to be more prevalent in areas with over-abundant deer densities, similar to Marsh Island. Maintaining deer populations at lower densities may lower tick abundance and subsequently reduce the risk of tick-borne pathogens. Public concern regarding Lyme Disease (along with nuisance deer issues and car-deer accidents) was one of the topics that was discussed at the onset of meetings with the City in 2005.

Question 4: Has the hunt been so effective that it is no longer needed?

It was never the intention for this initiative to be short-term or temporary. The process of adding Marsh Island to the already existing Bangor Expanded Archery Area was considered by the Department to be permanent. This was made clear to both municipalities at the onset of discussions dating back to 2005. The Department is also not estimating the deer population on the island at any point in time or conducting any other surveys.

The Department spent six years (2005-2011) conducting meetings, public hearings, attending Town and City Council hearings, and ultimately two Department Rule-making procedures. One procedure changed the Sanctuary status of Marsh Island to include bow hunting. The other rule-making procedure added Marsh Island to the already existing Bangor Expanded Archery Area. In addition, The Department also worked alongside the Maine Bowhunters Association (MBA) utilizing their Bowhunters/Landowners Information Program (BLIP). Working together we conducted three years of experimental bow hunting on Marsh Island to demonstrate that bow hunting could be conducted safely and effectively.

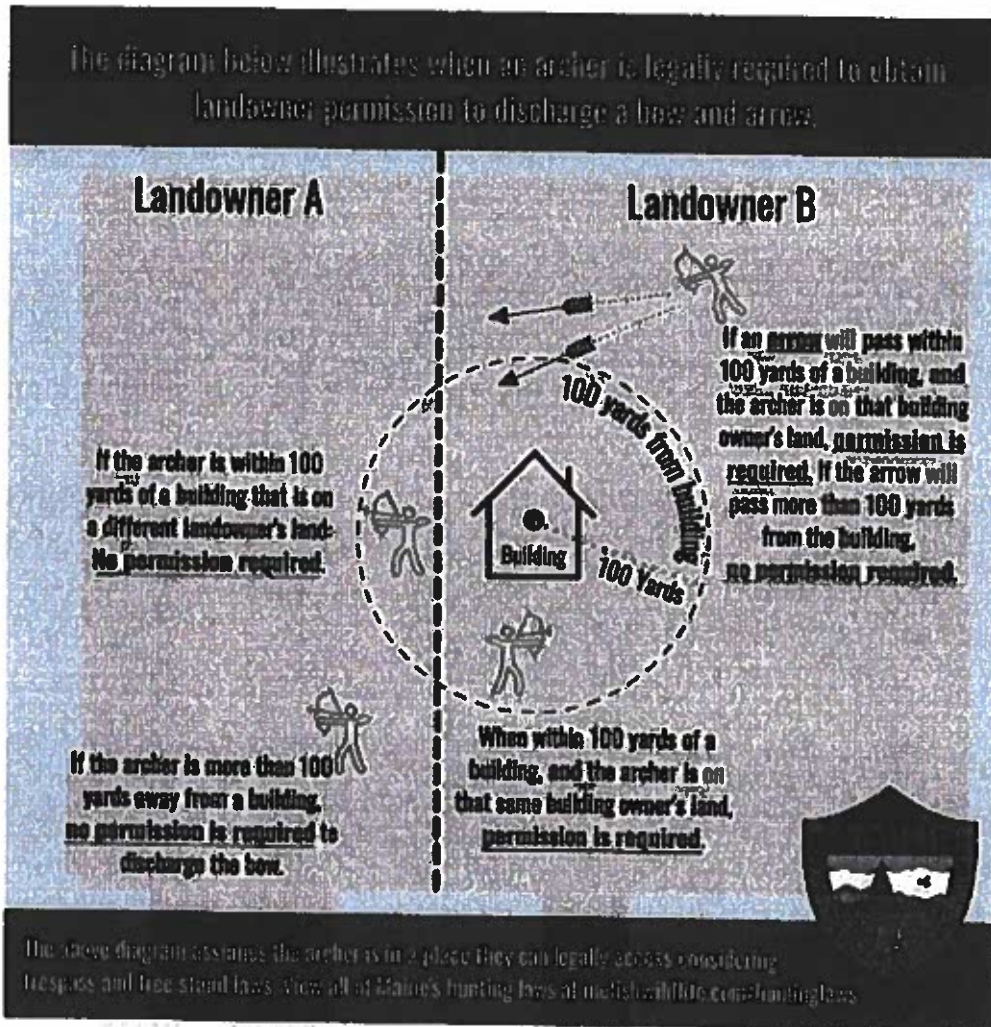
It should be noted that the issue of too many deer on Marsh Island and the associated 'social' concerns including nuisance deer, car-deer accidents, deer strikes at the Old Town Airport goes back to the 1990s. At one time in 1993, there was a petition with 250 signatures requesting the Department to do something about the deer on Marsh Island. This generated a number of meetings over the ensuing years. The Department was again approached in 2005 with the same concerns and this time including the concern over Lyme Disease.

Hunting, and in this case bow hunting, is the only cost-effective management tool available that has the potential to reduce deer numbers on the island. For example, in the first four years after adding Marsh Island to the already existing Bangor Expanded Archery Area (2011-2014), as compared to the previous four years (2007-2010) the deer harvest for Old Town increased from 94 to 227. The overall expanded archery harvest increased from 12 to 177. More specifically the harvest of does increased from 8 to 123.

The hunt has clearly made a difference. This in spite of the fact that much of Marsh Island is closed to hunting due to the University land and other areas that are not available. If bow hunting was removed from Marsh Island, it would only be a matter of time before the deer population rebounded and the same social concerns regarding nuisance deer, car-deer accidents, and the potential for increased cases of Lyme Disease would surface.

<https://www.maine.gov/ifw/hunting-trapping/hunting/laws-rules/general-laws.html>

Discharge of Bow and Arrow: it is unlawful to discharge an arrow from a bow when on land of another person and within 100 yards of a building on that land without permission of the owner (or in the owner's absence, permission from an adult occupant) of that building or cause an arrow from a bow and arrow to pass across the land of another person and within 100 yards of a building on that land without the permission of the owner (or in the owner's absence, permission from an adult occupant) of that building.



Definitions, as Used in This Section:

"Building" means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

"Projectile" means a bullet, pellet, shot, shell, ball, arrow, bolt or other object propelled or launched from a firearm, bow, or crossbow.

https://www.hunter-ed.com/national/studyGuide/Bow-Shooting-Safety/201099_92977/

- Release an arrow only when the path to the target and beyond is clear.
- Make sure there's something to stop the arrow if you miss—never shoot over the horizon.
- Avoid shooting an arrow in the general direction of another person. Arrows are easily deflected. A small twig, unseen by you, can cause an arrow to veer dangerously off course.
- Don't shoot straight up. A falling arrow carries enough force to penetrate the human skull.

<https://maine.maps.arcgis.com/apps/dashboards/bd9753317d3740d78146a96f5a095985>

White Tailed Deer Old Town

Year	Harvest
2022	42
2021	33
2020	30
2019	28
2018	33
2017	16
2016	47
2015	46
2014	48
2013	56
2012	53
2011	70
2010	15
2009	43
2008	16

<https://umaine.edu/wle/graduate-program/>

Since its inception in 1935, the Wildlife Ecology Program at the University of Maine has developed a tradition of excellence in the graduate-level training of wildlife professionals. In recent years, our program also has broadened to be part of interdisciplinary programs in Conservation Biology and Ecology and Environmental Sciences at the University of Maine. Our graduates work for a wide variety of agencies and organizations across the United States and in many other nations. With 12 faculty and about 30 graduate students, the graduate program in Wildlife Ecology is large enough to create a stimulating environment but small enough for students to receive individual attention. Close relationships with many federal and state agencies and private conservation organizations provide a substantial funding base and a network for collaborative research. The faculty also are joined in research and graduate student advising by several cooperating faculty and research associates.