

TOWN OF MILLINOCKET

John Davis, Town Manager

197 Penobscot Avenue, Millinocket, Maine 04462

Telephone 207-723-7000 FAX 207-723-7002

Web Site: www.millinocket.org

Town Manager's Report June 13, 2019

- 1. Next Regular Council Meetings held in Council Chambers at 4:30 p.m.**
 - A. June 27, 2019
 - B. July 11, 2019

- 2. Pay Increase for Transfer Nurses-**Discussion took place during budget hearings about increase pay for nurses to take ambulance transfer calls. Attached to this report is Chief Malcolm's plan to alleviate this problem.

- 3. LED Lights-**Emera changed all the streetlights in town to LED. No complaints yet.

- 4. Maine Water Rate Increases-**The Maine Public Utility Commission (MPUC) granted permission to Maine Water to add a charge on customer bills to reflect the incremental capital costs of its infrastructure replacement program. Currently, this charge represents a 6.98% increase on each bill. Maine Water expects this charge to change to 10% effective January 1, 2020, or an increase of 3.0%. The monthly bill for public fire protection for the Town of Millinocket from July 1, 2019 through December 31, 2019 will be \$33,078.27, and for the period January 1, 2020 through June 30, 2020, the cost will be \$34,000.

- 5. State of Maine Revenue Sharing-**Legislation passed that increased revenue sharing to 3% from the 2.5% the Governor proposed. Millinocket's FY20 distribution will increase from \$639,535 to \$759,081, an increase of \$119,546. Legislation passed that raised Homestead Exemption from \$20,000 to \$25,000. The State will reimburse the municipalities 100% of the \$5,000 increase.

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- 6. Millinocket Regional Hospital (MRH) Golf Tournament-** MRH will hold its Second Annual Golf Tournament on Friday June 28 at the Hillcrest Golf Course in Millinocket. Last year the event raised over \$18,000 for the Oncology Clinic Renovation Project and this year's event will benefit the Oncology Clinic Renovation Project as well.
- 7. Sprit of America-**Received correspondence from Bruce Flaherty about the Spirit of America June 30th deadline. Would like to have the Council choose candidates for this award. Previous winners are Susan D'Alessandro, Nancy Dewitt, Dick Angotti and the Friends of the Library.
- 8. Dr. Brien Walton-**Dr. Walton is the Chairman and CEO of Acadia Capital Management II, Inc., a certified Community Development Entity (CDE), affiliated with the Eastern Maine Development Corporation (EMDC). He has been reaching out to town managers and economic development directors and wants to start working together to create opportunity zones. This is something the Council should weigh in on and that discussion can take place at Thursday's meeting.
- 9. Update Town Resolve #1-2015-**Councilor Pelletier spoke with Roxanne Dubay of Bangor Public Health and Community Services about updating the Town's resolve to include the prohibition of vaping. If the Council agrees, I will make the changes and start the process at the next meeting.
- 10. Hemlock Street Cleanup-**Received an email from Dean informing me that the contractor had issues last week but should be able to complete the job this week.
- 11. Solar Farm-**Project moving forward. I Will send down the information that we have been able to compile this week.

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12. Yard Sale Ordinance-Dick Angotti, the Code Enforcement Officer is proposing an ordinance that will set rules and regulations on yard sales. Attached is a copy of that ordinance that I would like the Council to discuss at Thursday's meeting.

13. Property on 478 Penobscot Avenue-The lending institution offered to pay the back taxes, sewer bills, and other fees to retain this property. Shortly after the drop-dead date, we received notice that the bank was interested. They would like the Council to consider this offer.

14. Property on the Corner of Central Street and Main Street-I am waiting for an update from Christine Theriault.

Department Updates

Public Works

- Removed underground gas tank.
- Completed street sweeping.
- Mowing and trimming roadside parks.
- Emera completed installment of LED lights.
- Line painting nearly finished.
- Public Works making spot repairs on sidewalk bricks on Main Street.
- Waiting for a quote from B+B Paving.

Transfer Station

- Permit sticker revenue at \$23,000.
- Removed nails from the yard.
- Coordinating with East and Medway to haul wood ash to Dolby Landfill.

Airport

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- MDEP conducted stormwater inspection. Airport in compliance. FBO done an excellent job and the airport is now exempt from inspections. Will save \$600.00 per year.
- Awaiting report on the Wildlife Hazard Visit.

Cemetery

- Mowing, trimming, and doing burials.

Wastewater Treatment

- Conducted required testing.
- T. Buck Construction completing work on Minuteman Drive.
- Mowing and ground maintenance.
- Assisting with pool startup with Recreation Department. This qualifies as confined space training.

Police Department

- Responded to 375 incidents from May 17 to June 7, ranging from citizen agency assists to bail violations.
- Support patrol on the day shift due to officer out on injury.
- Dealing with personnel issues.
- Training Millinocket and surrounding area officers on writing effective search warrants, response to major crimes and cases, conducting pre-employment and background investigations, and cannabis & alcohol impairment detection.
- Applied for grant involving enforcement of underage drinking through Dirigo Safety Organization.
- Held graduation for fifth grade DARE class.
- Met with administrators of MRH and went over emergency drills and training.
- Started field training program for Officer Winslow.
- Gave presentation at the high school on opioids and other addictive drugs.
- Participated in 5k run with high school girls running team.

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Fire & Ambulance

- Fourteen local BLS calls
- Twenty-two ALS calls.
- No Transfer/PA: 22.
- Police Stage: 1.
- Two out-of-town BLS calls.
- Ten out-of-town ALS calls.
- Two lost BLS calls.
- Three lost ALS calls.
- One heating source fire.
- One smoke check.
- One false activation.
- One public assist.
- One PD assist.
- One cooking fire.
- One no burn permit.

Health Officer

- Assisted resident with trash concerns.
- One complaint about TA property that resident did not believe was habitable.
- Resident complaint about TA home that is full of garbage. Owner said he would get it hauled away.

Recreation Department

- Site visit with Land & Water Conservation to get approved to apply for grant.
- Worked on getting pool ready.

Administration

Treasurer

- Worked with auditors on pre-audit.
- Sewer liens filed on November 30, 2017 paid and foreclosures avoided.
- Preparing for fiscal year-end closing on June 30.

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Tax Collector

- Processed 30-day notices.
- Preparing research for lien process.
- High Motor Vehicle activity.
- Processed mail and completed weekly/monthly reporting.

Tax Assessor

- Completed catch-up work while computer was down.
- New computer is operational.
- Entering personal property declarations. Will then be able to provide a mill rate estimate.
- Summer intern is a terrific addition to the department. Working on a number of projects.
- Entering new Homestead and Veteran's exemptions.
- Will be in the field documenting new construction and demolitions.

Code Enforcement Officer

- Installed new computer for the Assessor and set up phone code for her.
- Wrote eight permits.
- Investigated citizen complaints.
- Writing letter for property maintenance violations.
- Worked with contractor on back canopies.

Town Clerk

- Finalized and sent June reports to state agencies.
- Daily & weekly end of month reconciliations up to date.
- Completed May 23, 2019 & May 24 Council meeting minutes.
- Processed & filed cemetery billing, accounts payable, registrations and licensing.
- Prepared for school budget and adoption election.
- Reached out to vendors with expired Victualers licenses. Application available in the Clerk's office.

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Human Resource/Welfare Director

- Worked on personnel issues.
- Payroll and A/P warrants.
- Month end work.

Manager

- Attended grievance meeting.
- Sat in on interview with police officer candidate.
- Attending economic development meetings.
- Phone conferences with potential businesses.
- Discussions with Our Katahdin.

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YARD SALE ORDINANCE

This Ordinance shall be known as and may be cited as the "Yard Sale Ordinance of the Town of Millinocket, Maine," and will be referred to herein as the "Ordinance."

Section 1. Purpose:

101. The Town finds that perpetual, prolonged, and extended yard sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create noise, traffic congestion, unsightly signage, and other nuisances, and often violate the Site Plan Review Ordinance of the Town of Millinocket. The rules and regulations contained herein are designed to control and restrict yard sales to protect the public health, safety and convenience of the citizens of Millinocket and to restrict sales to casual or occasional occurrences only, in keeping with the character of the residential neighborhoods. The Town finds a need to limit, regulate, restrict and control yard sales.

Section 2. Definitions:

Words and terms not defined in this Ordinance shall have the meanings given them in the Site Plan Review Ordinance of the Town of Millinocket, or in the absence of definition in said Ordinance, such words and terms shall have their customary dictionary definition.

202. Yard Sale - The sale of more than five items of personal property from any premises, whether advertised in local media, by signs, or otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organization and other non-profit organization if such sale is held within the Town of Millinocket.

203. Residential Premises - A building or structure having at least one dwelling unit and the lot of land associated therewith.

204. Personal Property — Shall mean tangible property which is owned, utilized and maintained by an individual or members of a residence or acquired in the normal course of living in or maintaining a residence, such as, but not limited to, household items, clothing, tools, toys, recreation equipment, or other used or second-hand items normally found in and about the home and advertised to the public.

205. Person — Shall mean any natural person or persons, association, partnership, firm, corporation or other entity.

206. Calendar Year - January through December.

Section 3. Authorization:

301. Yard Sales are permitted within the municipal limits of the Town of Millinocket under certain terms and conditions as herein set forth. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Ordinance, property other than personal property.

Section 4. Permit:

401. No person, firm, corporation, business or other entity shall conduct a yard sale in the Town of Millinocket without obtaining a yard sale permit from the town office.

402. Permit Fee —Yard sale permits shall be issued free of charge.

403. Permit to be Posted - Yard sale permits issued under this ordinance shall be posted at the yard sale in a location which is easily visible from the street while the sale is in progress.

404. Permit Applications - are available at the Town Office and may be obtained during normal business hours. The permit must be approved prior to commencement of the yard sale.

Section 5. Conditions of Conducting Yard Sale:

501. No yard sale may be conducted for more than three (3) consecutive days.

502. No person, firm, corporation or other entity shall conduct more than three (3) yard sales from any location in any one (1) calendar year.

503. If a hardship situation develops which may cause cancellation of a sale, the Code Enforcement Officer may issue another permit upon application from the person conducting the sale, setting forth the reason for such cancellation. A fee as prescribed shall not be required in such cases.

504. A sale may be conducted by a single person, multiple persons, church, social, civic, or charitable organizations. All items to be sold must originate as the legal property of the applicant, other persons participating in the sale, or members of the organization. Goods must be surplus to the needs of the owner and shall not include any items purchased for resale at the yard sale.

505. Yard sales may be conducted only on private property. No merchandise may be placed upon public right-of-way, streets or roads. All merchandise must be displayed at enough distance from public roadways in order to avoid obstruction of view or traffic hazards.

506. All unsold yard sale merchandise remaining on the permitted site at the conclusion of the yard sale, to include items sold to purchasers, must be removed from the site within twenty-four hours.

507. The yard sale permit shall authorize Code Enforcement Officers, to enter the permitted sale site to monitor, inspect and determine compliance with all the provisions of this Ordinance.

Section 6. Dangerous Conditions — Revocation of Permit:

601. The property owner or person conducting the yard sale must assume

responsibility for parking. Automobiles or pedestrians may not be allowed to impede traffic on any adjoining road/roads. If traffic on any road is impeded or a dangerous condition develops on any road, law enforcement officials or Town Officials may immediately suspend the permit and close the sale for the balance of that day.

Section 7. Advertising of Yard Sales:

701. A yard sale may be advertised to the public by means of Town web site, newspapers, radio, television, cablevision, handbills and signs. In the event an applicant chooses to advertise a permitted yard sale by means of signage or handbills, the following restrictions shall apply:

702. Signs designating yard sales shall not exceed four (4) square feet and shall bear the name of the permittee. Signs must not obstruct traffic view.

703. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

704. Signs shall be removed at the end of the permitted yard sale.

705. Off premise signs are only allowed for permitted yard sales. Signs may not be attached to any utility pole, street sign, sign post, traffic control sign or motor vehicle.

For the purposes of this provision, the term "off premise" shall include any portion of the property on which the yard sale is conducted that is located within the right of way of a public way.

Section 8. Exceptions:

This Ordinance shall not apply to or affect the following persons or sales:

801. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

802. Persons selling or advertising for sale an item of personal property which is specifically named or described in the advertisement and which separate items do not exceed five in number.

Section 9. Enforcement and Penalties:

901. Enforcement — All requirements contained in this Ordinance shall be enforced by the Code Enforcement Officer.

902. Violation - Any person who violates any provision of this section, or fails to comply with any of its requirements, shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00) not more than twenty-five hundred dollars (\$2500.00), plus reasonable attorney fees. Each day violations continue shall constitute a separate offense. Any person who is accused of violating this Ordinance may waive prosecution in the District Court by payment of a waiver fee of fifty dollars (\$50.00) for each violation to the Town Office within twenty (20) days of being notified of the right to waive prosecution by the Town Official issuing the notice of violation, in writing. Notice of this waiver provision may be made by mailing a copy of the notice to the alleged violator at their last known address, or by such other means as is reasonably calculated to reach the alleged violator in a timely fashion. When mailing is chosen as the manner of service, three days may be added to the period in which the waiver fee may be paid.

Section 10. Severability:

1001. If any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, sub-section, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

Enacted: _____