

TENTATIVE AGENDA
PUBLIC HEARINGS & REGULAR COUNCIL MEETING IN COUNCIL CHAMBERS
THURSDAY, APRIL 9, 2020

4:30 PM

‘This is a fragrance-free building. Please help us to accommodate our co-workers and clients who are chemically sensitive to fragrances and other scented products. Thank you for not wearing perfume, aftershave, scented hand lotion, fragranced hair products, and or similar products.’

1. Roll Call
2. Pledge of Allegiance
3. Adjustments to the Agenda
4. Approval of the Minutes of the March 12, 2020 Regular Town Council Meeting and Public Hearings.

OLD BUSINESS:

NEW BUSINESS:

5. SPEICAL PRESENTATIONS: N/A
6. **PUBLIC HEARING - ORDINANCE #1-2020 2nd Public Hearing – Adoption of Chapter 52 of the Code of the Town of Millinocket Concerning Yard Sales.**
7. **PUBLIC HEARING – ORDINANCE #4-2020 1st Public Hearing – Adoption of Chapter 39 of the Code of the Town of Millinocket Concerning Marijuana.**
8. Town Manager’s Report
9. ORDER #58-2020 Execution of the Warrant for March 5, 2020
10. ORDER #59-2020 Approval of Broadband Engineering Plan
11. Reports and Communications:
 - a. Warrant Committee for April 23, 2020 Council Meeting: Chair McEwen and Councilor Pelletier.
 - b. Chair’s Committees Reports
 - c. Two Minute Public Comment
12. Adjournment:

****The Town of Millinocket will enforce Social Distancing Mandate Regulations. Public Comments can be emailed to the Town Manager Prior to the Meeting: manager@millinocket.org or call (207) 723-7000 Ext.5 to make special arrangements. The meeting is also streamed live for your convenience @ Town Hall Streams or find the direct link on our website @ millinocket.org. We thank you for complying. Stay Home, Stay Healthy****

March 12, 2020

The Regular meeting and public hearings of the Millinocket Town Council was brought to order by Chair McEwen in Council Chambers at 4:32 pm.

Roll Call:

Town Council Members Present:

Pelletier	Pray
Jackson	Stratton
Madore	Golieb
McEwen	

Also present were: Town Manager John Davis, Town Clerk Diana M. Lakeman, Fire Chief Thomas Malcolm, Code Enforcement Richard Angotti, Police Chief Craig Worster, Assistant Clerk Lorri Haskell, Tax Collector Jesse Dumais, Media Ben Barr and KAT Tv, 6 in public.

Pledge of Allegiance

Adjustments to the Agenda: Manager Report updates, Remove Order #44-2020

OLD BUSINESS:

NEW BUSINESS

Approval of the Minutes of the February 27, 2020 Regular Town

Motion-Stratton Second-Golieb Vote as Amended 7 -0

Madore motion to amend minutes correcting to excuse Councilor Jackson from the meeting, second by Pray, Vote on the amendment 7-0.

SPECIAL PRESENTATIONS: n/a

ORDER #43-2020 PROVIDING FOR: Public hearing to discuss the Millinocket Downtown Revitalization Grant.

IT IS ORDERED that the Millinocket Town Council approves a public hearing to discuss an application being submitted to the State of Maine CDBG program for a Downtown Revitalization grant. The purpose of the grant application is to revitalize and improve the downtown business area. Public comments will be solicited at this Hearing and will be submitted as part of the application.

Motion-Pelletier Second-Madore Vote 7-0

PUBLIC HEARING IN @ 4:35 PM

Council Comments:

Councilor Jackson shares appreciation to all involved in preparation of this grant application and process.

Chair McEwen echoes Jackson noting a few key members of involvement.

Public Comment: N/A

Chair McEwen asks for motion to end public hearing- Madore, Second- Stratton Vote 7-0

PUBLIC HEARING OUT @ 4:38 PM

ORDINANCE #1-2020 PROVIDING FOR: An Adoption of Chapter 52 of the Code of the Town of Millinocket concerning Yard Sales

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLINOCKET that the attached Yard Sale Ordinance is hereby adopted as Chapter 52 of the Millinocket Code.

IT IS FURTHER ORDAINED that the Town Clerk make appropriate changes to incorporate this chapter into the Millinocket Code and distribute new pages to all persons known to have a copy of the Code.

52-1 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."

52-1 Purpose:

A. The Town finds 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 confine yard sales to enhance and 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.

52-2 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.

A. 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.

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

C. 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.

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

E. Calendar Year: January through December.

52-3 Authorization:

A. 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.

52-4 Permit:

A. 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.

B. Permit Fee: Yard sale permits shall be issued free of charge.

C. 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. All permits will have the location of all off premises signs before signs can be installed. **See 52-6 E. on advertising of yard sales.**

D. Permits are available at the Town Office and may be obtained during normal business hours. The permit must be obtained prior to commencement of the yard sale.

52-5 Conditions of Conducting Yard Sale:

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

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

C. If the town chooses to have a town wide yard sale, it will not affect the (3) yard sale limitation in B above.

D. If a hardship situation develops which may cause cancellation of a sale, the Code Enforcement Officer may issue another permit to the person conducting the sale, setting forth the reason for such cancellation.

E. 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.

F. 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.

G. 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.

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

52-6 Advertising of Yard Sales:

A. A yard sale may be advertised to the public by means of Town web site, newspapers, radio, television, cablevision, handbills and signs.

B. 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.

C. No road signs shall be exhibited for more than two (2) days prior to the day such sale is to commence.

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

E. 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.

52-7 Exceptions:

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

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

B. 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.

52-8 Enforcement and Penalties:

A. Enforcement: All requirements contained in this Ordinance shall be enforced by the Code Enforcement Officer or any Law Enforcement Official.

B. Violation: Any person who violates any provision of this section, or fails to comply with any of its requirements, shall, upon conviction thereof, will lose the privilege of having a yard sale for one year from the date of violation, and or be fined not more than five hundred dollars (500.00), plus reasonable attorney fees. Each day violations continue shall constitute a separate offense.

Any person 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 in writing of the right to waive prosecution by the Town Official issuing the notice of violation. 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.

52-9 Severability:

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.

Public Hearing In @4:39 pm

Motion-Stratton

Second-Madore

Public Comment: Wesley Waltz, 10 River St, favors yard sales, living here for years, no longer concerns or issues.

Susan Dalessandro, Chair McEwen read and submitted email into minutes.

Councilor discussion clarifies ordinance allows enforcement by Code and Police with established permits free of charge, shared concerns of limitations to economics in the community and enforcement noting max fine of \$500.00, clarifications of yard sale ordinance assists non-everyday sales which is addressed as a business, Chair McEwen requests further suggestions be sent to Code Enforcement to review.

Richard Angotti, Code Enforcement, states suggestions have been brought to Planning Board with multiple revisions noting this ordinance is written to be informative emphasizing fees are to be gradual with the ability to enforce and control traffic, notes thoughts of housing a flea market with in the Town.

Councilor Pelletier informs everyday out of home sales is considered a business and not a yard sale.

Out of Public Hearing @ 5:00pm -Madore

Second-Stratton

Vote 7-0

Town Manager Report:

Town Manager's Report March 12, 2020

Bicycle Coalition of Maine – Meeting held on March 5 at Designlab. Board President Tina West did a presentation on the event and how the town can be involved. Councilor Jackson attended this meeting on behalf of the Council.

Upper Valley Economic Corporation (UVEC) – Jeff Packard, UVEC office manager, informed me that the committee met on January 9 and agreed to talk about a plan for the park at the next meeting (currently no date set). Jeff said he would put the possibility of selling the land back to the town on the next agenda.

Broadband Request for Proposals – Attached to this report for discussion are the two proposals we received.

Planning Board Meeting – The Planning Board held a meeting on Tuesday, March 10, to discuss the 180-day moratorium on rehabilitation centers and the opening of another medical marijuana store in the Town of Millinocket.

Sanitary Sewer – Residents flushing wipes and other items into the sewer system and causing some complications. Pouring grease down sinks is another issue that causes difficulties and creates sewer backups. I urge people connected to town sewer to exercise caution in what they flush or pour into the system.

Library Lien – Mechanics lien filed on one of the contractors at the library. Matt Delaney wants you to know that this is an issue with the contractor and in no way is the library behind on any payment obligations. Matt is working diligently to put this issue to bed.

Workers' Comp Return of Surplus – The Maine Workers' Compensation Residual Market Pool's Board of Governors has voted to refund \$35,413.62 from this pool. Millinocket's share is \$2,776.79.

Tax Collector – The Tax Collector has submitted his two-week notice and will be accepting a part-time job at the Transfer Site. I would like to thank Jesse for his time and exemplary performance as Tax Collector and wish him luck in his new endeavor.

Department Budget and Capital Projects Update

Public Works

2016: \$110,460.76

Trac-less Sidewalk Machine & Snow Blower Attachment - \$11,000.00

Refurbished 1983 Cat Grader- \$99,460.76

2017: \$114,337.00

Used 2012 fork truck - \$22,900.00

2017 Demo Larue Loader mounter snow blower to replace 1994

Unit - \$85,637.00

New poly sander for the one ton - \$5,800.00

2018: \$187,567.00

Purchased used 2012 Western Star to replace 2001 Freightliner (Trash Truck) \$57,500.00.

Purchased 2019 Freightliner Plow Truck to replace 2002

International – \$130,067.

2019: \$250,387.45

Purchased new RPM Tech loader mounted blower to replace 2000 unit - \$99,576.98

New 2020 Freightliner plow truck to replace 2002 International - \$146,810.47.

New loader mounted snow pusher - \$4,000.00

Wastewater Treatment

2008 Pines Project: Katahdin Avenue Ext. & entire Iron Bridge Road.

2017: Smith Brook Upgrade – Project began at the manhole by the Minuteman Drive and through to Rhode Island Avenue.

2019: Project began and ended on New York Street. It got off to a slow start and we hope it goes better in the spring. We plan to start the Elm Street/Bates Street project in the summer of 2020.

Katahdin General and made its to the Pines Lift Station.

2018: Minuteman Drive project started on Mass Ave. up Minuteman Drive and through to Rhode Island Avenue.

Police Department

2018: Police Cruiser-AWD SUV \$35,000

2019: Police Cruiser-AWD Sedan \$35,000

2020: Police Cruiser – AWD SUV

2021: Scheduled to get taser software

Other capital items include weapons upgrade, rifle racks for the patrol vehicles, vests, and camera replacements.

Fire/Ambulance

2015: Replaced box on 2000 Ford Ambulance with Chevrolet Chassis Cab - \$82,856.80.

2017: Purchased 2018 Chevrolet 4 Dr 4x4 Pickup - \$33,190.09

2019: Purchased Ford Demers ambulance - \$167,000.00.

2020: Purchased 2020 Skidoo Expedition SWT 900 ACE and new hybrid trailer - \$16,602.00

Purchased ONAH generator for the Fire Department - \$27,508.00.

Additions: meeting 3/13/2020 @ 6:30, confirmed case of Corona Virus in Penobscot County, ½ day of school for workshop, all welcomed.

Councilor Comments:

Craig Worster, Police Chief, informs Sheriffs Depts. Are not transporting if not necessary.

5

ORDER 48-2020 PROVIDING FOR: Approval of an Application for an Entertainment License for the Hillcrest Golf Club.

IT IS ORDERED that the attached application for an Entertainment License is hereby approved for:

Randy D. Jackson, 106 Knox Street

d/b/a

Hillcrest Golf Course, 1 Golf Course Road

Motion-Pray

Second- Madore

Vote 6-0-1 (Jackson/Abstain)

ORDER #49-2020 PROVIDING FOR: Approval of an Application for a Malt, Vinous and Spirituous Liquor License for the Hillcrest Golf Club.

IT IS ORDERED that the attached application for a malt, vinous and spirituous liquor license is hereby approved for:

Hillcrest Golf Club, 1 Golf Course Road.

d/b/a

Hillcrest Golf Club, 1 Golf Course Road.

Motion-Madore

Second- Stratton

Vote 6-0-1 (Jackson/Abstain)

Reports and Communications:

a) The Warrant Committee for the March 26, 2020 Regular Town Council Meeting will be Chair McEwen and Councilor Pelletier

b) Chair's Committees Reports:

- Economic Development committee: meeting 3/21 & 3/23, CDBG 4/7 @5pm

- Age Friendly Committee: meeting 3/17

- Events Committee meeting: n/a

-Opioid & Mental Health Committee: n/a

-Sustainable Sub-Committee:

c) Two Minute Public Comments:

Susan D'Alessandro, email submitted into minutes.

Mr. Harnissm 14 Central Street, appreciates Public Works road crew clearing and plowing the streets as well as they do while noting this service isn't common coming from a larger community, furthers his appreciation for the quick response of the police department sharing appreciation for all Town workers.

d) Motion to adjourn at 6:14p.m. M- Stratton S -Pray Vote 7-0

ORDINANCE #1-2020

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IT IS FURTHER ORDAINED that the Town Clerk make appropriate changes to incorporate this chapter into the Millinocket Code and distribute new pages to all persons known to have a copy of the Code.

First Reading: 3/12/2020

Second Reading: _____

Effective Date: _____

ATTESTED: _____

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First Reading:

3/12/2020 - DML

Second Reading:

Effective Date:

ATTESTED:

Diana M. Loken

52-1 YARD SALE ORDINANCE

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52-1 Purpose:

A. The Town finds 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 confine yard sales to enhance and 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.

52-2 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.

A. 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.

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

C. 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.

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

E. Calendar Year: January through December.

52-3 Authorization:

A. 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.

52-4 Permit:

A. 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.

B. Permit Fee: Yard sale permits shall be issued free of charge.

C. 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. All permits will have the location of all off premises signs before signs can be installed. **See 52-6 E. on advertising of yard sales.**

D. Permits are available at the Town Office and may be obtained during normal business hours. The permit must be obtained prior to commencement of the yard sale.

52-5 Conditions of Conducting Yard Sale:

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

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

C. If the town chooses to have a town wide yard sale, it will not affect the (3) yard sale limitation in B above.

D. If a hardship situation develops which may cause cancellation of a sale, the Code Enforcement Officer may issue another permit to the person conducting the sale, setting forth the reason for such cancellation.

E. 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.

F. 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.

G. 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.

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

52-6 Advertising of Yard Sales:

A. A yard sale may be advertised to the public by means of Town web site, newspapers, radio, television, cablevision, handbills and signs.

B. 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.

C. No road signs shall be exhibited for more than two (2) days prior to the day such sale is to commence.

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

E. 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.

52-7 Exceptions:

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

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

B. 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.

52-8 Enforcement and Penalties:

A. Enforcement: All requirements contained in this Ordinance shall be enforced by the Code Enforcement Officer or any Law Enforcement Official.

B. Violation: Any person who violates any provision of this section, or fails to comply with any of its requirements, shall, upon conviction thereof, will lose the privilege of having a yard sale for one year from the date of violation, and or be fined not more than five hundred dollars (500.00), plus reasonable attorney fees. Each day violations continue shall constitute a separate offense.

Any person 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 in writing of the right to waive prosecution by the Town Official issuing the notice of violation. 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.

52-9 Severability:

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: _____

Millinocket Planning Board
197 Penobscot Ave. Millinocket, Me 04462
www.millinocket.org

Telephone 207-723-7005
Fax 207-723-7002

February 11, 2020

Mr. John Davis, Town Manager
197 Penobscot Avenue
Millinocket, ME 04462

Dear John,

At a meeting on February 11, 2020, the Planning Board approved the yard sale ordinance proposed by the Code Enforcement Officer, with suggested revisions. The revised ordinance will be made available for your review by the Code Enforcement Officer. Contact me if you wish to discuss the revised ordinance.

Sincerely,



Anthony Filauro, Chair

CC: Richard Angotti, CEO
Planning Board Members

ORDINANCE #4-2020

PROVIDING FOR: An Adoption of Chapter 39 of the Code of the Town of Millinocket concerning Yard Sales

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLINOCKET that the attached Marijuana Ordinance is hereby adopted as Chapter 39 of the Millinocket Code.

IT IS FURTHER ORDAINED that the Town Clerk make appropriate changes to incorporate this chapter into the Millinocket Code and distribute new pages to all persons known to have a copy of the Code.

First Reading: _____

Second Reading: _____

Effective Date: _____

ATTESTED: _____

Chapter 39

Marijuana

Article 1

Recreational Marijuana

- § 39-1-1 Authority
- § 39-1-2 Definitions
- § 39-1-3 Prohibition on Retail Marijuana Establishments
- § 39-1-4 Effective Date; duration
- § 30-1-5 Penalties

Article 2

Medical Marijuana

- § 39-2-1 Medical Marijuana Registered Dispensaries

Article 3

Adult use Home Cultivation

- § 39-3-1 Purpose
- § 39-3-2 Authority
- § 39-3-3 Definitions
- § 39-3-4 Limitation on Adult Use Home Cultivation
- § 39-3-5 No Authorization for Activities Other Than Home Cultivation
- § 39-3-6 Home Cultivation Must Comply With State Law
- § 39-3-7 Not Applicable to Marijuana Cultivation for Medical Purposes
- § 39-3-8 No Local Authorization for Commercial Marijuana Establishments
- § 39-3-9 Effective Date; Duration
- § 39-3-10 Penalties

Town of Millinocket
Chapter 39
Retail Marijuana Establishments and Retail Marijuana Social Clubs

Section 39-1-1 Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 39-1-2 Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 39-1-3 Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Millinocket.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 39-1-4 Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 39-1-5 Penalties.

This ordinance shall be enforced by the Code Enforcement Officer / Police Department. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

Council Signatures	1	2
	3	4
	5	6
	7	

Approved by Millinocket Town Council

Date Enacted:

Attest:

Article 2

Medical Marijuana

Section 39-2-1 Medical Marijuana Registered Dispensaries

A. No Medical Marijuana Registered Dispensary as defined by 22 M.R.S. § 2422, shall be located within 1000 feet of the property line of a public or private school at the time application is made.

B. No Medical Marijuana Registered Dispensary shall be located within 200 feet of the property line upon which the Dispensary is located and the nearest property line of any of the following which is in existence when an application for a Medical Marijuana Registered Dispensary is made:

- i. Church or other facility for religious worship,
- ii. Licensed daycare facility

C. No Medical Marijuana Registered Dispensary shall be located within 50 feet of the property line of a private residence at the time application is made.

D. No more than two (2) Medical Marijuana Registered Facilities shall be located in the Town of Millinocket.

E. Medical Marijuana Registered Dispensaries shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.

F. All exhaust fans and vents shall be brought above the eve of the roof line by 12" or per the manufactures installation instructions.

G. Security measures at Medical Marijuana Registered Dispensaries shall include the following at a minimum:

- i. Security surveillance cameras installed and in operation twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the dispensary or facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;
- ii. Door and window intrusion, robbery and burglary alarm systems with an audible on- site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communication.
- iii. A safe, lockable room must be present in the building and suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the dispensary or facility.
- iv. Exterior lighting that illuminates all exterior walls of the licensed dispensary or facility; and
- v. Deadbolt locks on all exterior doors and locks or bars on any other access point all security recordings shall be preserved for thirty (30) days by management of licensed dispensary.

H. Inspections of the property and buildings will be conducted yearly by the Millinocket Police Department and Code Enforcement Officer.

I. The operators of Medical Marijuana Registered Dispensaries shall obtain an annual business license from the Town of Millinocket after a successful inspection has been conducted and fee paid.

i. Inspection and permitting fees for Medical Marijuana Registered Dispensary shall be \$500.00 per year.

J. The consumption, ingestion or inhalation of medical marijuana on or within the property of a Medical Marijuana Registered Dispensary is prohibited; provided, however, that a Medical Marijuana Registered Dispensary employee who is a registered patient, as that term is defined in 22 M.R.S. § 2422 (12), as the same may be amended from time to time, may consume medical marijuana inside the building(s) on the licensed property, if such consumption occurs via oral consumption and not by smoking. For purpose of the subsection, the term "licensed property" shall include the lot or parcel of the land upon which the Medical Marijuana Registered Dispensary is located.

K. Visibility of activities; control of emissions; disposal plan for a Medical Marijuana Registered Facility shall be as follows:

i. All activities of Medical Marijuana Registered Dispensaries including, without limitation, cultivation, growing, processing, displaying, selling and storage shall be conducted indoors.

ii. No marijuana or paraphernalia shall be displayed or kept in a dispensary or facility so as to be visible from outside the building (s).

iii. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a dispensary or facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulation.

iv. All Medical Marijuana Registered Dispensaries shall have in place an operation plan for proper disposal of marijuana related byproducts.

L. Objectionable Odor Determination.

i. An odor will be deemed objectionable and is a public nuisance when any of the following occurs:

a. The odor generated by the Medical Marijuana Registered Dispensary creates a public nuisance at common law; or

b. The noxious exhalations or offensive smells from the Medical Marijuana

Registered Dispensary or Medical Marijuana Cultivation Facility is injurious and dangerous to the health, comfort or property of individuals or the public.

ii. Compliance. No Medical Marijuana Registered Dispensary or Medical Marijuana Cultivation Facility shall be exempt from complying with the odor management standards contained in this Ordinance. The odor standards apply to all existing and future Medical Marijuana Registered Dispensaries except as otherwise provided herein.

iii. Enforcement. In the event that the Code Enforcement Officer receives complaints that smells or odors are detectable beyond the property line, the following process shall be used to investigate and remedy the odor problem:

a. Within three (3) business days of receiving a complaint, the Code Enforcement Officer shall investigate the property to assess the situation and, if necessary, discuss odor compliance with the business operator, including but not limited to asking the business operator what is being done to mitigate odors. If the Code Enforcement Officer detects odor beyond the property lines, the Code Enforcement Department shall provide verbal and written warning to the business operator and instructions to comply with odor management provisions of this Ordinance. The Code Enforcement Officer shall require the business operator to remedy the odor problem and come into compliance with the provisions of this ordinance within five (5) business days.

b. If after five (5) business days the complaints persist and/or the Code Enforcement Officer continues to observe odor violations, the Code Enforcement Officer shall request the assistance of a law enforcement officer to investigate the complaints. If the Code Enforcement Officer and the law enforcement officer observe odor violations as described above, the Code Enforcement Officer shall notify the business operator of the violation in writing and require conformance within ten (10) business days.

c. If complaints persist and/or the Code Enforcement Officer and the Police Department continue to observe odor violations after the ten (10) business day period as described in Section 22.K.iii.b, the Code Enforcement Officer shall provide a second written notice of violation and require the business operator to submit a written report from a mechanical engineer with recommendations for modification/improvement of the ventilation system within thirty (30) days and installation of recommendations and compliance within forty-five (45) days.

d. If the business operator has not submitted the required report within thirty (30) days, or if the business operator has not submitted evidence of compliance within forty-five (45) days as described in Section 22.K.iii.c, the Code Enforcement Officer shall provide a third and final written notice of violation and turn the matter over to the Town Attorney for enforcement and imposition of penalties pursuant to 30-A M.R.S. §4452.

e. If the business operator has not submitted the required report within thirty (30) days as described in Section 22.K.iii.c or if the business operator has not submitted evidence of compliance within forty-five (45) days, the Town Council may suspend or decline to renew any medical marijuana establishment license or permit after notice and a public hearing.

iv. Exemptions.

a. Complaints related to outdoor burning will be directed to and enforced by the Millinocket Fire Department as per 12 M.R.S. §9325.

b. Smoke or odors originating from the use of outdoor grills or wood, pellet or coal stoves or furnaces.

Council Signatures:

1

2

3

4

5

6

7

Enacted Date:

Attest:

Note:

To be added to the **Schedule of Uses in 125 Zoning Ordinance**

Schedule of uses: Medical Marijuana Registered Dispensary Planning Board approval

Town of Millinocket

Chapter 39.3

ADULT USE MARIJUANA HOME CULTIVATION

Section 39-3-1. Purpose.

The purpose of this ordinance is to regulate the home cultivation of adult use marijuana within the Town of Millinocket.

Section 39-3-2. Authority.

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 1502(3).

Section 39-3-3. Definitions.

For purposes of this ordinance, the following terms have the following meanings.

“Adult use” means the use of marijuana for recreational, non-medical purposes in accordance with the Marijuana Legalization Act, 28-B M.R.S. §§ 101-1504.

“Domicile” means a person’s established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have only one domicile.

“Cultivate or Cultivation” means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana.

“Home Cultivation” means the cultivation of adult use marijuana for personal use in accordance with the Marijuana Legalization Act, 28-B M.R.S. § 1502.

“Immature marijuana plant” means a marijuana plant that is not a mature marijuana plant or a seedling.

“Marijuana” means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

“Marijuana” does not include hemp as defined in Title 7, section 2231.

“Marijuana plant” means all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling. “Marijuana Plant” does not include hemp as defined in Title 7, section 2231.

“Mature marijuana plant” means a marijuana plant that is flowering.

“Own or Owned” means to have legal title in fee simple, evidenced by a deed or equivalent instrument.

“Own” does not include rental agreements, leasehold interests, easements or rights of way, licenses or permissions to use real estate.

“Parcel of land” means all contiguous land in the same ownership. Lands located on opposite sides of a public or private road are considered one parcel of land.

“Person” means a natural person.

“Seedling” means a marijuana plant that is not flowering, is less than 6 inches in height, and less than 6 inches in width.

Section 39-3-4. Limitation on Adult Use Home Cultivation.

A person 21 years of age or older may, for personal use, cultivate no more than three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings, either on the parcel of land where the person is domiciled, or on a parcel of land within the municipality which the person owns but where the person is not domiciled, but not both.

A person may not cultivate marijuana for personal adult use on a parcel of land within the municipality that is not owned by the person and on which the person is not domiciled.

A person under 21 years of age may not cultivate marijuana.

Section 39-3-5. No Authorization for Activities Other Than Home Cultivation

This ordinance regulates only home cultivation of adult use marijuana. It does not authorize the transfer, sale, manufacture or processing of home cultivated adult use marijuana. Activities beyond home cultivation are subject to all applicable state and local land use and licensing requirements.

Section 39-3-6. Home Cultivation Must Comply With State Law.

All home cultivation must be done in accordance with the cultivation requirements and personal limits established by the Marijuana Legalization Act, 28-B M.R.S. § 1502. This ordinance does not authorize any home cultivation or related activity to be conducted in a manner that is prohibited by the Marijuana Legalization Act or any other applicable state law.

Section 39-3-7. Not Applicable to Marijuana Cultivation for Medical Purposes

This ordinance does not apply to the cultivation of marijuana for medical use by a qualifying patient, a caregiver, a registered caregiver, or a registered dispensary as authorized by the Maine Medical Use of Marijuana Act, unless such qualifying patient, caregiver, registered caregiver, or registered dispensary is also a person engaging in home cultivation for personal adult use.

Section 39-3-8. No Local Authorization for Commercial Marijuana Establishments

This ordinance does not authorize the commercial cultivation, manufacture, sale, or testing of marijuana within the municipality by adult use establishment licensees as provided in 28-B M.R.S. § 402(1)(A), or caregiver retail stores, registered dispensaries, medical manufacturing facilities or testing facilities as provided in 22 M.R.S. § 2429-D(3).

Section 39-3-9. Effective Date; Duration.

This ordinance is effective immediately upon enactment by the municipal legislative body and shall remain in effect until it is amended or repealed.

Section 39-3-10. Penalties.

This ordinance shall be enforced by the Code Enforcement Officer / Police Department. Violations of this ordinance are subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452.

Date Enacted:

Attest:

Council Signatures:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

John Davis

From: Cody McEwen <cody.mcewen@maine.edu>
Sent: Monday, April 06, 2020 8:43 AM
To: John Davis
Subject: Fwd: Marijuana

John,

Here are Jims comments, can you prep/distribute for Thursday's meeting?

Best,

----- Forwarded message -----

From: Jimmy Busque <jimbusque@yahoo.com>
Date: Mon, Apr 6, 2020 at 7:59 AM
Subject: Marijuana
To: Cody McEwen <cody.mcewen@maine.edu>

Good morning Chairman McEwen

This week is the first reading of the Marijuana ordinance this is a public hearing but because of the issue at hand the public will not be allowed to attend i ask that the hearing be tabled at this time many people would like to attend this important meeting.

Here are some changes we would like to see overall the ordinance is good

Section 39-1-1 Retail Marijuana Establishments and Retail Social Clubs looks good and follows the moratorium we had

Section 39-2-1 Medical marijuana

B and C why all the different distances make it all 1000 feet like line A

D - change 2 to 1 having a pot shop on each end of main street sends a poor message to our young people

I- Inspections and permitting change this to 5000.00

Section 39-3-1 Adult use home Cultivation

must have the wording like Medical Marijuana objectionable odor determination residents should not have to put up with this stench coming from next door this has been brought up before our home are close together here and residents need this language in the ordinance

thank you jim

Cody Ray McEwen
Town Councilor of Millinocket
BS Parks, Recreation & Tourism
Psychology Minor
(207) 731-8023

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 April 9, 2020

- 1. Next Meetings held in Council Chambers at 4:30 p.m.**
 - A. April 23, 2020**
 - B. May 14, 202**
- 2. Mobilize Katahdin – Mobilize Katahdin raised \$1,484.00 as of Friday, April 3.**
- 3. Three Rivers – Reached out to Joe at Three Rivers about personal property taxes. As of this writing, no response received.**
- 4. Curfew Ordinance – Attached are two curfew ordinance proposals for your review.**
- 5. Governor's Order – Effective Thursday morning, April 2nd, until at lease April 30, Governor Mills released an order for Maine people to stay at home. The order allows people to go grocery shopping, go to the pharmacy, receive medical care, care for a member of your family, go for a walk, run, hike, fishing, and walk a pet.**

Department Updates

Public Works

- Employees sent home and placed on call. Looking at a new schedule.
- Garage closed to the public.
- The Public Works Director will work from home and come in when necessary to conduct essential business.

Airport

- Closed the FBO building to the public. Jeff will be the only employee allowed inside. The FAA will not allow the shutdown of the airport.

TOWN OF MILLINOCKET

John Davis, Town Manager

197 Penobscot Avenue, Millinocket, Maine 04462

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Transfer Site

- Remain open to dispose of trash.
- Recycle building closed until further notice.

Wastewater Treatment

- Pump stations functioning well.
- Continue to disinfect locations as much as possible.
- As of 3/31/2020, the superintendent working alone until noon Monday to Friday. Operators are checking pump stations then going home and remain on call 24/7. This process is effective until threat of virus is over.

Police Department

- Domestic violence and theft calls increasing. This problem is nationwide.
- Attached copy of new schedule the Chief implemented.
- Providing updates for the Manager on a daily basis.
- Covering shifts when necessary.

Fire & Ambulance

- Month of March – 39 calls, 15 BLS & 24 ALS. Ten of the calls were possible COVID-19.
- Thirteen out-of-town calls – 4 BLS & 9 ALS.
- Five lost calls – 1 BLS & 4 ALS.
- Chief attached FD guidelines for COVID-19 crisis.
- Filling vacancies on day shift.
- **COVID-18 hotline – 447-4190.**

Recreation Department

- Most activities shut down.
- Administration will speak with Rec Director about summer events.

TOWN OF MILLINOCKET

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Administration

- Manager still on site Monday-Friday.
- All other employees working from home and from the town office when necessary
- Having two daily meetings via remote access.
- Set up guidelines for payroll and A/P warrants.
- Municipal building closed to the public.
- Experiencing a few problems with remote access. Maine Tech been very helpful.
- Things going well to this point.

John Davis

From: Nancy DeWitt <nancy@ourkatahdin.com>
Sent: Friday, April 03, 2020 11:34 AM
To: coalition@mobilizekatahdin.org
Subject: Donations to Mobilize Katahdin

Good morning everyone,

The fundraising page at Our Katahdin is up and running, and \$1,484.00 has been raised to date for Mobilize Katahdin. We are promoting the fundraising with a link on the Our Katahdin Facebook page. We are trying to think of additional ways to promote it and increase donations.

This is the link to the Mobilize Katahdin fundraising page. Please share it with friends and family via e-mail, and/or post it on your social media pages.

https://www.ourkatahdin.com/mobilize_katahdin

Thank you, and please stay safe.

Nancy DeWitt
On behalf of the Our Katahdin team

[Attention! This email originates from outside of the organization. Do not open attachments or click links unless you are sure this email comes from a known sender.]

Curfew Ordinance

Whereas, the purpose of the Ordinance is in the best interest of the public health, safety and welfare to reduce noise, disturbances and vandalism during the later evening hours in the Town of Millinocket.

NOW, THEREFORE, the Town of Millinocket does hereby ordain the following curfew ordinance.

SECTION 1. OFFENSES

(a) It shall be unlawful for any minor under the age of eighteen to be or knowingly remain in or upon any public place, including being in vehicle, between the hours of 11:00 p.m. and 5:00 a.m.

(b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in Section 1(a) of this ordinance.

(c) Exception

If the minor was engaged in participation in, or traveling to or from any event, function or activity for which the parent or guardian has given permission to attend.

SECTION 2. ENFORCEMENT

Except as provided below for a first offense for minors, issuance of a civil summons shall enforce this ordinance directly to the offender. Before taking any action to enforce the ordinance, the police officer shall in the case of a minor, ask the age of the apparent offender. The parent or guardian shall be contacted to verify permission for being out of compliance.

The police officer may ask for proof of the apparent offender's age and shall be justified in taking action to determine the apparent offenders age in the absence of identification, subject to and in compliance with all requirements imposed by law, including, but not limited to, the provisions of Title 17-A M&R&S&A Section 17. Pursuant to that statute, the police officer may require the minor to remain in his or her presence for a period of up to two (2) hours.

For minors, documented verbal warning shall be issued for the first offense, and said minor shall be given a copy of the curfew ordinance.

In all cases, upon finding a minor in violation of the Ordinance, the police officer shall advise the minor that he or she is in violation of this curfew ordinance and direct the minor to proceed at once by the most direct route to his or her home or usual place of abode.

If the minor refuses to proceed to his or her home or usual place of abode after having been warned of the violation, or if the minor is subsequently observed by a police officer to be in violation of the Ordinance after being previously warned, the police shall summons the minor and, if the minor's parent or guardian knowingly allowed the violation to occur, the police officer may also summons the parent or guardian.

SECTION 7. Penalties

The penalty for violation of the ordinance shall be as follows for a minor:

- (a) For the first offense, issue a written warning and provide the minor a copy of the curfew ordinance.
- (b) For each subsequent offense, a civil forfeiture of up to \$50.00 or, if the minor agrees, eight hours of community service to be completed within 60 days of adjudication. The penalty for violation of this Ordinance shall be as follows for parent or guardian having custody of the minor:

- (a) A forfeiture of no less than \$50.00 for a second and subsequent violation.

SECTION 8. Severability

If any provision of this Ordinance is determined invalid by account of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

Curfew Ordinance for the Town of Millinocket

This ordinance is for the purpose of alleviating the problem of juvenile delinquency.

WHEREAS, it is in the best interest of the public health, safety and welfare to reduce noise, disturbances and vandalism during the later evening hours in the Town of Millinocket.

NOW, THEREFORE, the Town of Millinocket does hereby ordain the following curfew ordinance.

SECTION 1. Title

This Ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Millinocket, Maine.

SECTION 2. Purpose

The purpose of the Ordinance is to aid in the control of juvenile delinquency in the Town of Millinocket Maine.

SECTION 3. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of the usage clearly indicates another meaning:

"Emergency" shall mean an unforeseen combination of circumstance or the resulting state that calls for immediate action. The term shall include, but not be limited to, fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.

"Guardian" shall mean the person(s) or public or private agency whom, pursuant to a court order, or a voluntary placement or appointment by the minor's parent(s), is the guardian of the person that is the minor.

"Minor" shall mean any person who has not attained the age of eighteen.

"Parent" shall mean the natural mother or father, adoptive mother or father, or stepmother or stepfather of a minor.

"Public Place" means any place to which the public has access and includes, but is not limited to, streets, highways, public parks, playgrounds, parking lots, and the common areas of schools, hospitals, , office buildings, houses, transport facilities and shops.

SECTION 4. Offenses

(a) It shall be unlawful for any minor under the age of eighteen to be or knowingly remain in or upon any public place within the Town of Millinocket between the hours of 11:00p.m and 5:00 a.m.

(b) It shall be unlawful for any minor to be or knowingly remain in or upon any public place while in a motor vehicle, regardless of whether or not it is stopped, parked or mobile, within the Town of Millinocket between the hours of 11:00 p.m and 5:00a.m.

(c) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in Section 4 (a) of this Ordinance.

(d) Violation of this section shall be punishable as provided in Section 7 of this ordinance.

SECTION 5. Defenses

It is a defense to prosecution under Section 4 of this Ordinance that:

(a) The minor was accompanied by his or her parent or guardian.

(b) The minor was accompanied by an adult specifically designated, before the fact, by his or her parent or guardian.

(c) The minor was on an errand made necessary by an emergency.

(d) The minor was attending a school, religious or government-sponsored activity or was traveling to or from a school, religious or government-sponsored activity.

- (e) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment.
- (f) The minor was on the sidewalk in front of the place where he or she resides.
- (g) The minor was on an errand specifically directed by his or her parent or guardian and had in his or her possession at the time the errand was performed a document, signed by the parent or guardian , which expressly permits the minor to knowingly remain in or upon any public place between the hours of 11:00 p.m and 5:00 a.m.
- (h) The minor was engaged in participating in, or traveling to or from any event, function or activity for which the application of Section 4 of this Ordinance would contravene his or her rights protected b the Maine or United States Constitutions.

SECTION 6. Enforcement

Except as provided below for a first offense for minors, this Ordinance shall be enforced by issuance of a civil summons directly to the offender. Before taking any action to enforce this ordinance, the police officer shall, in the case of a minor, ask the age of the apparent offender.

The police officer may ask for proof of the apparent offender's age and shall be justified in taking action to determine the apparent offenders age in the absence of identification, subject to and in compliance with all requirements imposed by law, including, but not limited to, the provisions of Title 17-A M>R>S>A> Section 17. Pursuant to that statute, the police officer may require the minor to remain in his or her presence for a period of up to two (2) hours.

For minors, documented verbal warning shall be issued for the first offense.

In all cases, upon finding a minor in violation of this Ordinance, the police officer shall advise the minor that he or she is in violation, of this curfew ordinance and direct the minor to proceed at once by the most direct route to his or her home or usual place of abode.

If the minor refuses to proceed to his or her home or usual place of abode after having been warned of the violation, or if the minor is subsequently observed by a police officer to be in violation of the Ordinance after being previously warned,

the police officer shall summons the minor and, if the minor's parent or guardian knowingly allowed the violation to occur, the police officer may also summons the parent or guardian.

SECTION 7. Penalties

The penalty for violation of the ordinance shall be as follows for a minor:

(a) For the first offense, subsequent to a receipt of a warning, as provided above, a civil forfeiture of twenty-five dollars (\$25.00) or, if the minor consents, four (4) hours of community service to be completed within thirty days (30) of adjudication; and

(b) For each subsequent offense, a civil forfeiture of up to one-hundred dollars (\$100.00) or, if the minor agrees, sixteen (16) hours of community service to be completed within thirty (30) days of adjudication. The penalty for violation of this Ordinance shall be as follows for a parent or guardian having custody of the minor:

(a) A forfeiture of no less than 25.00dollars for a first offense and not to exceed 100.00 dollars for each civil violation going forward.

SECTION 8. Severability

If any provision of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

MEMO

Millinocket Wastewater Treatment Facility

April 03, 2020

To: John Davis, Town Manager

From: Jim Charette, Superintendent

Re: WW Operations Report

The treatment facility and pump stations are all functioning well. We will continue to disinfect all locations as much as possible. This will be the new normal. As you know as of 3/31/2020, I have been working at the treatment facility by myself until noon Monday through Friday. Kirk and Everett are checking the pump stations and going home. We will stay separated until further notice. We are all on call 24/7. This will continue until the virus threat is over.

John Davis

From: Craig Worster
Sent: Wednesday, April 01, 2020 8:22 AM
To: John Davis
Cc: Michael Winslow
Subject: Virus modifications

John, Due to the increase in calls for service that requires a two officer response, I have shifted the hours of the day shift from 1200 to midnight. This will provide two officers on duty during those times and not require my response until after midnight. This puts my schedule at 0600-1600 during the week and 0600-1200 on Saturday and Sunday. The major change for me would be dress in a uniform on the weekends, since I am normally here for the shift change. This is how it would look:

Sunday (Chief's on call) 4/5/2020

0600-1200 Chief
1200-0000 Hrynuk
1800-0600 Jasper

Monday (Winslow on call) 4/6/2020

0600-1600 Chief
1200-0000 Winslow
1800-0600 Cram

Tuesday (Winslow on call) 4/7/2020

0600-1600 Chief
1200-0000 Winslow
1800-0600 Cram

Wednesday (Chief's on call) 4/8/2020

0600-1600 Chief
1200-0000 Hrynuk
1800-0600 Jasper

Thursday (Chief's on call) 4/9/2020

0600-1600 Chief
1200-0000 Hrynuk
1800-0600 Jasper

Friday (Winslow on call) 4/10/2020

0600-1600 Chief
1200-0000 Winslow
1800-0600 Cram

Saturday (Winslow on call) 4/11/2020

0600-1200 Chief
1200-0000 Winslow
1800-0600 Cram

Additionally, we continue to clean the cruisers before every shift and are monitoring the health and well being of those going off duty and on duty.

Craig Warster

Chief of Police
Millinocket Police Department.
207-723-9731
207-723-7019
207-350-5018 (cell)
207-723-7004 (Fax)

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MILLINOCKET FIRE AND AMBULANCE
222 AROOSTOOK AVENUE
MILLINOCKET, ME 04462
www.millinocket.org
chiefmalcolm@millinocket.org

FIRE AND AMBULANCE RUNS REPORT FOR MARCH 2020

AMBULANCE

Local BLS: 15

Local ALS: 24

(NOTE: 10 of these calls were possible COVID-19 and handled as such)

Out of Town BLS: 4

Out of Town ALS: 9

No Trans/PA: 10

Police Stage: 1

ACLS Intercept: 0

Public Assist: 1

Lost Calls BLS: 1

Lost Calls ACLS: 4

Lost Calls ACLS (Required Nurse): 0

FIRES:

1-CO Alarm (No Finding), 1-Snowmobile Rescue (Tote Rd BSP), 2-Vehicles (1 at Mlkt Lake), 1- Illegal Burn, 1-Auto Accident (Lake Rd w/ pole down), 1-PD Standoff, 1-Alarm Activation (Resident could not reset alarms)

Memo

To: John Davis

From: Chief Malcolm

Date: March 31, 2020

Re: Procedures for MFD during COVID-19

These procedures are a guideline for the Millinocket Fire Dept. during the COVID-19 pandemic.

We will staff as normal with the Chief working days, and the four crews working as they are scheduled now being down one man. If we have one out for medical or injury, we will continue to man with the Chief covering the day shift.

Should we have two out for any reason we will look at a temporary change in staffing and go to a different manning schedule, looking at work 24 on and 24 off rotation due to a state of emergency. Also, would investigate having spare EMT'S or drivers come in to help cover the station, this would be along with a full-time employee.

Vacations and PTO'S will be granted depending on staffing and availability of coverage.

If we have more than two out will have to look at having minimal staffing at the station and looking for assistance from East Millinocket Fire and from Medway Fire.

If the Chief goes out for any reason the 2nd Assistant Chief would step into that role and assume day to day operations, the Chief will have his laptop set up to do work from home if possible and would stay in contact with the 2nd Assistant Chief.

Staff will continue to self-monitor and try to keep their exposure minimal during these times.

Should staffing issues arise and crew is minimized it may be necessary to stop all transfers and only run for emergency calls.

John Davis

From: Tom Malcolm
Sent: Wednesday, April 01, 2020 10:22 AM
To: John Davis; Lori Santerre; Diana Lakeman; Jesse Dumais; Lorri Haskell; Mary Alice Cullen; Craig Worster; Lorna Thompson; Richard Angotti; Ralph Soucier; Jim Charette; Jeff Campbell; Matt Delaney; cody.mcewen@maine.edu; Charlie Pray; Mike Madore; Gilda Stratton; stevegolieb@gmail.com; Randy Jackson; Louis Pelletier; McNaughton, Joshua; Peavey, Beth; Frank Boynton (fboynton@millinocketschools.org)
Subject: MRH COVID-19 Phone
Importance: High

Please find attached the phone line that MRH has set up for the COVID-19 hotline to assist patients with questions. Please get this out to your people. Thanks.

447-4190

Tom
Chief Thomas M. Malcolm A EMT, PHO, FLSE, EMA Director
Millinocket Fire Department
222 Aroostook Avenue
Millinocket, ME 04462
Office: 207-447-4126
Cell: 207-447-0911
Fax: 207-723-7022
chiefmalcolm@millinocket.org

ORDER #58-2020

PROVIDING FOR: Execution of the Warrant for April 9, 2020

IT IS ORDERED that the Warrant for April 9, 2020 in the amount of \$_____ is hereby approved.

Passed by the Town Council_____

Attest:_____

ORDER #59-2020

PROVIDING FOR: Approval of a Broadband Engineering Plan.

IT IS ORDERED that the Millinocket Town Council approves a regional broadband proposal with the town of East Millinocket and Medway submitted by Casco Bay Advisors, LLC, for a fixed cost of \$45,150.00.

IT IS FURTHER ORDERED that the initial cost of \$3,115.35 be expended from Account G07-106-00 (CDBG/Cash).

Passed by the Town Council _____

Attest: _____

John Davis

From: John Davis
Sent: Friday, April 03, 2020 5:46 AM
To: Charlie Pray; Cody McEwen (cody.mcewen@maine.edu); Gilda Stratton; Lou Pelletier; Mike Madore; Randy Jackson (ajax01@myfairpoint.net); Steve Golieb (stevegolieb@gmail.com)
Subject: FW: Casco Bay Advisors - April 2020 Invoice
Attachments: EAST0420.pdf

John Davis
Millinocket Town Manager
(207) 723-7000

From: Angela Cote <acote@gwi.net>
Sent: Thursday, April 02, 2020 4:08 PM
To: John Davis <manager@millinocket.org>
Subject: FW: Casco Bay Advisors - April 2020 Invoice

John,

I am forwarding you a copy of the Broadband Study Invoice for you to process and pay. Looks like your portion amounts to \$3,115.35.

Angela

Angela L. Cote
Administrative Assistant
Town of East Millinocket
(207)746-3376

From: Brian Lippold [<mailto:brian.lippold@yahoo.com>]
Sent: Thursday, April 02, 2020 3:31 PM
To: Angela Cote <acote@gwi.net>; Kyle Leathers <kyleleathers23@gmail.com>
Subject: Casco Bay Advisors - April 2020 Invoice

Hi Angela & Kyle,

Attached is our April 2020 invoice for work performed during the month of March 2020.

Please note, I have included the 5% due upon contract commencement for Millinocket and also have included Millinocket in the 2% progress invoice amount. According to Steve Golieb, the Millinocket Town Council is going to vote to sign the contract at the April 9th council meeting. In your role as the fiscal agent for the three communities, If you can

forward this invoice to Millinocket in time for that meeting, they should be able to approve the expenditure at the same time they sign the contract.

Please let me know if you have any questions.

Thanks
Brian

Brian Lippold
Casco Bay Advisors, LLC
207-233-2976

[Attention! This email originates from outside of the organization. Do not open attachments or click links unless you are sure this email comes from a known sender.]



Casco Bay Advisors, LLC
Broadband/Telecom Consulting



Town of East Millinocket Assessment and Development of a Broadband Engineering Plan



**Proposal Submitted by
Casco Bay Advisors, LLC
December 20, 2019**



December 20, 2019

Selectmen's Office
Town of East Millinocket
53 Main Street
East Millinocket, Maine 04430

Re: Request for Proposal - Assessment and Development of a Broadband Engineering Plan

Dear Selectmen:

Casco Bay Advisors, LLC (Casco Bay) is pleased to provide our proposal to the Town of East Millinocket (Town) in response to the **"Request for Proposal - Assessment and Development of a Broadband Engineering Plan"**, issued on November 19, 2019.

Our response to this RFP leverages our 36 years' experience designing, constructing and operating telecommunications and fiber optic broadband networks and the success of similar engagements with the Town of Bar Harbor, the Town of Islesboro and the Town of Swan's Island. Our teaming partner, Sewall, founded in 1880 and headquartered in Old Town, Maine, has vast experience collecting detailed information in the field, integrating that data into Geospatial systems, and performing the site development required for the central office / POP facility location.

Casco Bay is able to execute a contract within one (1) week of selection and to perform the complete all work as indicated in the final Scope of Services. We are also able to appear on site for an interview if requested.

As one of the only independent broadband consultants in Maine focused on helping communities navigate the complex challenges to expand the availability of affordable, reliable high-speed Internet; we believe we and our partner Sewall are well positioned to assist the Town of East Millinocket to achieve the goals outlined in this RFP. Casco Bay appreciates the opportunity to respond to this RFP and to demonstrate our capabilities. We look forward to discussing our response with the Selectmen and answering any questions you may have.

Sincerely,

Brian Lippold
President



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1 Summary

Casco Bay Advisors, LLC (Casco Bay) understands the Town of East Millinocket (Town) wishes to have a Fiber-to-the-Home (FTTH) network engineered and a comprehensive Request for Proposal (RFP) developed for construction of such network to serve all potential subscribers (*residential and business*) within the Town. The network is to be designed with dedicated fibers capable of reaching each potential subscriber, plus 20% extra capacity, out of a new central office / point of presence (POP) structure to be centrally located within the Town.

The scope of work includes among other tasks, capturing detailed utility pole and underground conduit information for construction of the network, design of the network backbone and distribution facilities, design of drops into the potential subscriber locations, equipment and interconnection to the Internet, specification of the optical electronics in the central office / POP and subscriber locations, construction drawings and a Bill of Materials (BOM) for use in the RFP for construction. The scope also includes a determination of the estimates costs to construct the network as engineered.

Casco Bay has over 36 years' experience in the planning, engineering, construction and operation of fiber optic networks, including FTTH networks and has delivered consulting services to 78 communities across the State of Maine. Our teaming partner for this project is Sewall, a well-known civil engineering, survey and geospatial information systems firm based in Old Town, Maine. Sewall will be responsible for the site development engineering of the central office / POP location and the field collection of the detailed utility pole and subscriber location information that will be used by Casco Bay in the design and engineering of the network.

Our proposal addresses all on the information requested in this RFP and also offers optional services and pricing to include the Towns of Medway and Millinocket in the scope of the project, development of an RFP to solicit a Network Operator to operate the network on an ongoing basis and facilitation of potential Public-Private Partnership negotiations with service providers.

As one of the only truly independent broadband advisor/consultants in the state of Maine, providing communities with unbiased advice and analysis, Casco Bay does not build or operate broadband networks, nor do we sell broadband services. We believe this is an important distinction that will allow the Town to ensure its agenda is realized in the most transparent, independent and unbiased manner possible, while making sure the network is engineered and constructed according to industry standards to the benefit of the Town.



2 Work Plan

2.1 Kick-off Meeting & Bi-weekly Status Updates

Communicating, scheduling, and planning resources will be vital to successfully completing this project within the agreed upon timeline. Keeping the Town informed on a regular basis and validating progress internally and with our teaming partner – Sewall, will produce the best results.

- Teaming partner kick-off meeting – review the project scope, timeline, deliverables, and communications plan with Sewall
- Town kick-off meeting– review the project scope, timeline, information provided, and agreement on the overall communications plan for the project with the Town
- Bi-weekly project status call with the Town – to coordinate efforts, solicit input as needed, share progress updates, unforeseen challenges, and interim deliverables
- Teaming partner status calls – bi-weekly update of the project schedule to measure and adjust, ensuring timeline is maintained

2.2 Central Office / POP Site Selection

Casco Bay will collaborate with the Town officials to select the most appropriate location for the central office / POP. Our preliminary recommendation, without having viewed the sites in person or speaking with any Town officials would be a back corner of the Public Safety parcel. Our second choice would be a back corner of the Public Works parcel. Regardless of the site selected, selecting the location as early in the process as possible will be informative to the remaining tasks in this work plan.

2.3 Core Network Route Design (Strand Map)

In parallel with the central office / POP site selection, we will determine the right-of-way (utility pole and underground conduit routes) which will define the core distribution network to which subscriber drop cables will be connected. This product is referred to as a “strand map”. The strand map will be utilized to define the extent of the data that must be collected in the field as discussed in the next step of the work plan.

We will plan to design the network to serve all potential subscribers within orange polygon illustrated on the aerial image of East Millinocket on the cover of this proposal. Should the Town wish to extend the network outside the confines of this polygon, we will collaborate with the Town to make any adjustments.



2.4 Utility Pole & Subscriber Drop - Field Data Collection

Sewall will support Casco Bay in collecting service drop information to capture the pole locations and relevant attributes of the Scope of Work. Collected information will include the service drop poles, the approximate run to the service point of entry, whether the service is aerial or underground, and if underground is needed, does there appear space in an available conduit to accept the new fiber line.

Data collected by Sewall will include:

- Rte / Street Name
- Town Name
- TelCo #
- Elec #
- Pole Latitude
- Pole Longitude
- Support Pole Present Y/N
- Service Drop Pole Y/N
- Multiple Subscribers Y/N
- Subscriber Latitude
- Subscriber Longitude
- Subscriber Type A(erial)/U(nderground)/H(ybrid)
- Direct Buried Y/N
- Conduit Open Y/N
- Pull Rope Present Y/N
- Notes

All of the information collected, including photographs will be incorporated into the project geodatabase. The GPS coordinates and pole owner ID numbers collected have a dual purpose. The information is valuable for the planning process and engineering of the network and will also be required for the make-ready applications to be submitted when the future construction project is initiated.

We will rely upon our experience in similar projects to estimate the overall make-ready costs for similar types of projects.

Note: We will use our best effort to estimate the overall make-ready costs. Actual make-ready costs can only be determined by the pole owners after applications for attachment have been submitted and the joint ride-out with the applicant and pole owners has been completed.



2.5 Subscriber Drop Engineering

In our experience, detailed subscriber drop (*fiber cable from the street into the subscriber structure*) engineering is the most important aspect of the overall engineering plan and the quality of the drop engineering has the greatest potential impact on the subsequent construction, subscriber turn-up process and construction timeline. As an added benefit, having detailed drop engineering in the construction RFP generates lower bid costs as the bidders don't have to build as many contingencies into their bids.

Our process selects the most optimal route for each drop, determines the type of drop (*aerial attachment versus underground*), if underground, is there sufficient conduit capacity available, and if no sufficient conduit capacity is available, we specify the type of conduit to be installed. All of the information developed is incorporated into the overall engineering effort (*drawings, tabular data, etc.*) for inclusion in the construction RFP.

2.6 Optional - Refined Utility Pole Make-ready Estimate

The RFP and our base proposal include a requirement to provide an estimate of the costs for utility pole make-ready. Our base proposal anticipates using our experience on similar projects and utilization of average make-ready costs per pole. We suspect other bidders will utilize a similar practice.

In our experience, the make-ready costs are the greatest variable in any fiber optic network construction project, and while the actual costs will not be known until after the make-ready is completed; it may be prudent to require a greater level of scrutiny to minimize the potential for cost overruns¹.

Utilizing our enhanced process, the photographs of each utility pole are collected in a manner that provides sub-meter geospatial accuracy and laser range sensor data that allows our analysts to measure and classify the photographs including:

- Pole height
- Mid-span height between the ground (road surface) and existing cables
- Distance between attachments

¹ Community Networks Publication, October 18, 2018 - <https://muninetworks.org/content/egremont-mad-hell-and-theyre-not-going-to-take-it-anymore>



- Existing attachments that must be moved to accommodate the new fiber, including 3rd party attachees, service drops, alarm wires, distribution terminals, etc., each of which carries a specific charge
- Determine poles which will likely require replacement

Utilizing this process, we are able to inventory each required task and charge to develop a much more accurate, project specific make-ready cost.

Having said the above, we cannot guarantee the accuracy of this process. As we have noted previously, actual make-ready costs can only be determined by the pole owners after applications for attachment have been submitted and the joint ride-out with the applicant and pole owners has been completed.

Should you select to utilize this optional service, this classification will be incorporated into the project geodatabase and used to estimate the overall utility pole make-ready cost, as well as by pole, by route segment and by location to be served.

With the optional step completed, we will revisit our core network design to determine if there is opportunity to reroute the core network to reduce the overall make-ready costs.

2.7 Core Network Engineering

With the strand map completed and subscriber drops engineered, the core network engineering can be completed. In this phase we determine the fiber count required in each route segment, location of splice cases and slack loops. All of this data is incorporated into the overall engineering plan, drawings and Bill of Materials (BOM).

2.8 Central Office / POP - Site Development Engineering

This task can begin as soon as a site location has been determined. Our focus will be to develop a site to ensure sufficient drainage, sufficient access for a crane to place the prefabricated structure, security and diverse access into the site for the fiber network and electrical service. Our teaming partner - Sewall, a professional engineering firm with over 130 years of civil engineering experience will perform this task. The specific scope for this task includes:

- Underground conduit location for electric and communications
- Site plan including drainage & grading
- Vehicular & pedestrian site access including parking areas
- Required security features such as fencing that may be specified by others



- Structural foundation design and specifications per the POP structure manufacturer, generator manufacturer and related building codes
- Boundary survey and topographic survey that will serve as a base for the final construction drawings (to be completed when the site is free of snow)
- Typical sections and details to clarify aggregate requirements, underdrainage, and conduit location/installation
- Final drawings will be produced for bidding and construction purposes

Caveats:

- It is assumed that no DEP permitting is required and local coordination will be the responsibility of the Town
- Electrical engineering design, including electrical and communication conduit size, installation/grounding requirements, and routing will be included

Our Work Schedule identifies a 10-week period in which to accomplish the site development engineering. This entire amount of time is not required for this task, but we recognize snow cover may inhibit the boundary and topographical survey and have allowed extra time to accomplish this task in the schedule.

2.9 Central Office / POP - Structure Design & Engineering

This task will begin very early in the process in order to inform the site development engineering process discussed above. The structure will be a prefabricated concrete structure sized according to the Town specifications and will be intended to house all active electronics to operate the network and connect subscribers to the Internet. Auxiliary equipment such as a generator, automatic transfer switches, battery backup, etc. will be included as specified in the RFP.

2.10 Optical Electronics & Backhaul Engineering

This phase will specify the type and quantity of the optical electronics required to operate the network, along with any switching and routing to connect to the Internet backhaul. We plan to specify optical electronics from the two (2) leading vendors utilized by service providers currently serving the state. Those vendors include Calix and ADTRAN. The construction RFP will require bidders to price equipment from both vendors, which will provide the greatest flexibility in the selection of the Network Operator contracted to operate the network on behalf of the Town.

2.11 Bill of Materials

With the engineering completed, a Bill of Materials (BOM) will be created itemizing all of the materials required to construct and turn-up service on the network, with the assumption that a 3rd party



Network Operator will be contracted to operate the network on behalf of the Town. The BOM is include, but not be limited to:

- Amount of fiber optic cable required by fiber count
- Quantity of splice enclosures
- Quantity of snowshoes to store cable slack
- Amount of strand, down guys and anchors
- Optical electronics for subscriber premise and central office
- All parts for central office, including generator, propane tank, etc.
- Routers and switches for backhaul to Internet
- Quantity of drop cables by length to connect potential subscribers
- Spare parts

The BOM will be included in the construction RFP to ensure all bidders are bidding on the same quantity of materials.

2.12 Draft RFP

Our scope of work will include a complete RFP document, including all terms and conditions developed in collaboration with the Town. A full set of construction plans will be included for both the outside plant, central office and central office site development to accompany the BOM. The RFP will include a full description of the construction project and the construction standards to be met for the project.

2.13 Draft Final Engineering Report

In addition to developing the draft RFP, a final engineering report will be included summarizing the process used to engineer the network, assumptions utilized and recommended next steps to move forward with issuing the RFP.

Importantly, the plan will include cost estimates for any proposed build out of the network as engineered.

2.14 Engineering Plan Presentation

Our proposal includes an on-site presentation of the engineering plan and report.



3 Qualifications

Casco Bay Advisors, LLC (Casco Bay) is a telecommunications and broadband consulting firm **located in Gardiner, Maine**. Casco Bay specializes in developing broadband feasibility studies for state, county and locally funded broadband expansion initiatives, with an emphasis on facilitating and implementing Public/Private Partnerships. Casco Bay also provides network planning, network engineering, utility pole make-ready project management, construction management, financial modeling of fiber optic networks, and acts as an owner's project manager for state, county and municipally funded fiber optic initiatives to expand the availability of highspeed broadband and developing new fiber optic networks.

Established by Brian Lippold in 2012, Casco Bay prides itself on being one of the only truly independent broadband advisor/consultants in the state of Maine, providing communities with unbiased advice and analysis. Casco Bay does not build or operate broadband networks, nor do we sell broadband services. We do, however, leverage our deep past experience building and operating networks to provide our clients with the advice and expertise required to successfully negotiate with service providers, provide oversight of construction and monitor the performance of network operators.

Prior to establishing Casco Bay, Mr. Lippold served as EVP/COO of Integra Telecom, a Portland, Oregon based competitive local telephone company providing services across the western third of the United States. Over the course of his **36 years in the telecom industry**, Mr. Lippold has held key executive leadership roles, including; SVP Network Planning & Engineering for FairPoint Communications, built and led the business, government and wholesale sales channels for FairPoint across northern New England, served as SVP of State Government, Research & Higher Education sales at Level 3, VP Carrier Services at TelCove and General Manager of Kansas, Oklahoma and Missouri for TelCove. Brian's early telecom career was devoted to various engineering and operations leadership roles within the long-distance telecommunications industry.

Over the course of the last 8 years, Mr. Lippold has **served 78 Maine communities** by providing broadband feasibility studies, leading public-private partnership negotiations, engineering fiber optic networks, developing broadband business models and financial proformas, acting as the owners project manager, managing utility pole make-ready, serving as an expert witness and assisting the State of Maine and the Commonwealth of Massachusetts with strategic planning to expand the availability of affordable, reliable high-speed Internet.

Maine Communities Served		
Bar Harbor	36 Towns & Townships of Franklin County	Minot
Biddeford		Mount Desert
Boothbay		Mount Vernon
Boothbay Harbor	26 Towns of Cumberland County	Readfield
Fayette		Swan's Island
Fort Fairfield		Vienna
Islesboro	Lamoine	Wayne
	Leeds	



Casco Bay has intentionally limited its growth in order to ensure our clients receive the direct benefit of Mr. Lippold's 36 years' experience in the industry and to ensure our clients receive a high-quality product and service as a result of his direct involvement. Where additional resources or expertise are required, Casco Bay teams with subconsultants who are leaders in their field. **Team members include:**

- **James W. Sewall Company** - Survey, civil engineering, structural engineering, field crews for utility pole data collection, GIS and mapping support
- **VETRO FiberMap** - Fiber optic network management and engineering application
- **Matrix Design Group** - Fiber optic network engineering and field crew support
- **John Sepac** - Telecommunications Electrical Contractor - DC power plant engineering, emergency generator design and grounding
- **Mike Edgecomb** - Independent contractor - Cable TV Franchise negotiations, field support
- **Vern Zeigler** - Municipal Tax Advisor / Islesboro Tax Assessor - Municipal funding capacity and bonding advisor

4 Relevant Work Experience and References

Over the course of Mr. Lippold's career, he has been responsible for planning, designing, engineering, constructing and operating thousands of miles of fiber optic network for both consumer and business services. As general manager for TelCove, he built and operated fiber optic networks in Wichita, Kansas City, Oklahoma City and Tulsa. As vice president of wholesale services for TelCove, he extended fiber optic networks into hundreds of client locations across 70 markets primarily east of the Mississippi. As senior vice president of FairPoint Communications, he was responsible for implementing a DWDM-based IP/MPLS network across the states of Vermont, New Hampshire and Maine, connecting over 300 central offices and thousands of remote terminals, wireless towers and business customer locations.

Casco Bay recently completed the engineering of a dark fiber network in Bar Harbor, is currently finalizing a Fiber-to-the-Home engineering plan for Swan's Island and managed the deployment of the Islesboro Fiber-to-the-Home network, all of which are highlighted below.



4.1 Bar Harbor, Maine

While the fiber optic network engineered for Bar Harbor is not a Fiber-to-the-Home network, it has been engineered in a manner that will form the foundation for a future FTTH network.

Project Name:	Dark Fiber Network Design & Engineering
Name of Client:	Town of Bar Harbor, Maine
Client Contact Name and Address:	Steve Cornell Technology Systems Administrator Town of Bar Harbor 93 Cottage Street Bar Harbor, ME 04609 (973) 288-1799 steve@barharbormaine.gov
Period of Contract:	April 2019 - Current
Delivery:	On-time
Contract Value:	\$47,000+
Description of Overall Project Scope:	<p>Design and engineering of 20-mile dark fiber backbone connecting 26 municipal facilities, with extra capacity to support a potential future FTTH network</p> <p>Activities include:</p> <ul style="list-style-type: none">- Overall Project Management- Route planning- Utility pole make-ready data collection and cost estimation- Engineering and Bill of Materials for inclusion in potential RFP- Business case development to support Town Meeting Vote <p>Additional services include:</p> <ul style="list-style-type: none">- Interior engineering of fiber optic cable termination- Refined utility pole make-ready estimation- Service provider negotiations to share costs



4.2 Swan's Island, Maine

Project Name:	Broadband Planning Project
Name of Client:	Town of Swan's Island, Maine
Client Contact Name and Address:	Thom Ploch Broadband Committee Member Town of Swan's Island 125 Harbor Road Swan's Island, ME 04685 (973) 632-6836 plocht@outlook.com
Period of Contract:	January 2019 - Current
Delivery:	On-time
Contract Value:	\$75,000+
Description of Overall Project Scope:	<p>Provide technical and operational consulting and advisory services to Broadband Committee to expand the availability of affordable, reliable high-speed Internet for all consumers and businesses on the island.</p> <p>Project began with a ConnectMaine Authority Phase 1 Feasibility Plan to identify existing assets, competitive environment and backhaul capacity options to the mainland. As part of this effort, we engaged the incumbent telephone and DSL provider (TDS) to explore options to expand and upgrade DSL service and option for a FTTP upgrade. These discussions are ongoing.</p> <p>In parallel to negotiations with TDS, we are engineering a complete and separate FTTP network design in preparation for issuing an RFP for construction and operation should negotiations with TDS be unsuccessful.</p> <p>Should Swan's Island decide to build their own network, our services include managing the construction contractor and network operator RFP process and overall project management.</p>



4.3 Islesboro, Maine

While we did not perform the initial engineering for Islesboro, we represented the Town of Islesboro and provided value engineering, facilitated the re-engineering of subscriber drops, provided overall project management of the construction, final inspection process and a host of other activities necessary for the overall success of the project.

Project Name:	Owners Project Manager
Name of Client:	Town of Islesboro, Maine
Client Contact Name and Address:	Vern Zeigler Tax Assessor - Broadband Committee Member Town of Islesboro 150 Main Road Islesboro, ME 04848 (207) 649-3445 yzfha@outlook.com
Period of Contract:	October 2016 - January 2019
Delivery:	On-time
Contract Value:	\$225,000
Description of Overall Project Scope:	<p>Responsible for representing the Town of Islesboro and providing technical and operational oversight of engineering, utility pole make-ready, construction and network operator contractors for an Island-wide, municipally funded Fiber-to-the-Home (FTTH) network.</p> <p>Activities included:</p> <ul style="list-style-type: none">- Facilitated weekly broadband committee conference calls for duration of project- Identified value-engineering opportunities to reduce overall project costs and improve quality- Facilitated negotiations with incumbent provider to acquire existing network assets- Assisted Broadband Committee with finalizing contracts with Construction contractors- Facilitated re-engineering of subscriber drops- Re-engineering of central office site plan- Secured microwave backhaul design and engineering as alternative to subsea fiber lease from power company- Assisted Broadband Committee with contracting for subsea fiber lease- Developed standards for subcontractor activities to prepare subscribers for installation- Facilitated utility pole make-ready completion- Provided periodic inspection of construction contractor work and facilitated communication between contractors and Broadband Committee- Review and validation of contractor supplied fiber cable testing- Provided inspection and recording of all outside plant and inside plant construction- Produced detailed punch-lists for remediation by contractors- Provided test plan and oversight of central office operation, alarming and power backup capabilities- Assisted Broadband Committee with securing right-of-way easements where necessary- Assisted Broadband Committee to inform, educate and contract potential subscribers



5 Work Schedule

Engineering Plan Work Schedule																	
	January				February				March					April			
	5	12	19	26	2	9	16	23	1	8	15	22	29	5	12	19	26
Contract Award																	
Kick-off Meeting																	
Status Updates																	
Central Office / POP Site Selection																	
Core Network Route Design																	
Utility Pole & Subscriber Drop Field Data Collection																	
Subscriber Drop Engineering																	
Core Network Engineering																	
Utility Pole Make-ready Estimate																	
Central Office Site Development Engineering																	
Central Office / POP Structure Engineering																	
Optical Electronics & Backhaul Engineering																	
Bill of Materials																	
Draft RFP																	
Draft Final Engineering Plan Report																	
Engineering Plan Presentation																	

6 Insurance

Casco Bay maintains workman's compensation insurance, liability insurance of at least \$300,000 combined single limit and professional liability insurance. Casco Bay agrees to maintain such insurance and will provide the Town with proof of insurance during the term of any contract. Should the Town require proof of insurance prior to selection, Casco Bay agrees to immediately provide such proof.

7 Indemnification

Casco Bay agrees to indemnify and hold the Town harmless from claims, demands, suits, causes of action and judgments arising from its performance including claims of professional malpractice or negligence.



8 Options

8.1 Include Towns of Millinocket and Medway

Should the Towns of Millinocket and Medway decide to join East Millinocket in a combined engineering effort and share the use of the East Millinocket central office, we have included pricing to add these communities in the Pricing section below. The scope of work for each community will be the same as East Millinocket and will cover all potential subscribers within the polygon as noted on the map below. For each community added to the scope of work, the Work Schedule will be extended by one month.



8.2 Develop RFP for Network Operator

While the RFP does not include development of an RFP for a Network Operator to operate the network that is being engineered, we recommend development of a Network Operator RFP in conjunction with the development of the engineering RFP. Doing so concurrently will provide the Town with the maximum amount of flexibility in terms of selecting vendors. As example, a single vendor may bid on both the Construction and Network Operator RFP's jointly and separately. In addition, it will be beneficial to know who will be operating the network while the network is being constructed so the Network Operator can participate in the change management process, testing and turn-up of the network. Our pricing to develop the Network Operator RFP is included in the Pricing section below.



Casco Bay Advisors, LLC
Broadband/Telecom Consulting



8.3 Public-Private Partnership Service Provider Negotiations

At the Town's discretion, we recommend exploring the potential to negotiate with service providers to share the cost, ownership and/or maintenance of the network in order to lower the overall cost to the Town and to reduce the risk associated with operating the network over the long-term.

We propose leading these discussions on a time and expense basis and have included this option as a separate line item in our price proposal.



9 Pricing

Pricing		
Tasks	Amount	Fee Structure
Engineering Plan per RFP for East Millinocket	\$59,900	Fixed
Optional Cost to include Medway	\$25,250	Fixed
Optional Cost to include Millinocket	\$45,150	Fixed
Optional Cost for Refined Make-Ready Estimate - East Millinocket	\$2,400	Fixed
Optional Cost for Refined Make-Ready Estimate - Medway	\$3,200	Fixed
Optional Cost for Refined Make-Ready Estimate - Millinocket	\$4,000	Fixed
Optional Cost to add Network Operator RFP	\$4,000	Fixed
Optional Service Provider Negotiations	\$175	per hour plus expenses*

**Expenses are actual amounts incurred without mark-up. Mileage expense at then current IRS reimbursement rate.*

The pricing listed above is valid for 60 days. If the Town decides to proceed with the project after 60 days from the date of this proposal, Casco Bay reserves the right to review the cost estimate and schedule, and to make changes as needed. Five (5) percent of the contracted amount is due upon contract commencement.

Our pricing for each community is based upon the estimated metrics in the table below, although we do not necessarily recommend using these metrics to allocate costs between the communities as 100% of the following tasks are fully allocated to East Millinocket in the pricing above.

- Central office site selection, design, engineering and site development engineering
- Travel expenses
- RFP development
- Engineering Plan Report development and presentation

Estimated Community Metrics			
	Network Mileage	Pole Quantity	Potential Subscribers
East Millinocket	14.25	500	980
% of Total	16%	16%	26%
Medway	36.2	1,275	575
% of Total	40%	40%	15%
Millinocket	39.7	1,400	2,270
% of Total	44%	44%	59%
Total	90.15	3,175	3,825



9.1 Pricing Breakdown

Pricing Breakdown				
Tasks	East Millinocket	Medway	Millinocket	Fee Structure
	Base Amount	Incremental Amount	Incremental Amount	
- Kick-off Meeting / Bi-weekly Status Updates	\$3,850	\$600	\$600	Fixed
- Central Office Site Selection / Site Engineering	\$14,500	\$0	\$0	Fixed
- Core Network Design / Field Data Collection / Subscriber Drop Engineering	\$23,850	\$22,125	\$42,025	Fixed
- Core Network Engineering	\$2,650	\$1,325	\$1,325	Fixed
- Central Office Electrical Engineering / Structure Engineering / Optical Electronics / Backhaul Engineering	\$6,400	\$0	\$0	Fixed
- Bill of Materials / Draft RFP	\$4,800	\$1,200	\$1,200	Fixed
- Draft Final Engineering Report / Plan Presentation	\$3,850	\$0	\$0	Fixed
Engineering Plan per RFP Total	\$59,900	\$25,250	\$45,150	Fixed
Optional Cost for Refined Make-Ready Estimate	\$2,400	\$3,200	\$4,000	Fixed
Optional Cost to add Network Operator RFP		\$4,000		Fixed
Optional Service Provider Negotiations		\$175		per hour plus expenses*

9.2 Estimated Hours

Estimated Hours				
Tasks	East Millinocket	Medway	Millinocket	Fee Structure
	Base Amount	Incremental Amount	Incremental Amount	
- Kick-off Meeting / Bi-weekly Status Updates	24	4	4	Fixed
- Central Office Site Selection / Site Engineering	145	0	0	Fixed
- Core Network Design / Field Data Collection / Subscriber Drop Engineering	200	184	350	Fixed
- Core Network Engineering	16	8	8	Fixed
- Central Office Electrical Engineering / Structure Engineering / Optical Electronics / Backhaul Engineering	40	0	0	Fixed
- Bill of Materials / Draft RFP	32	8	8	Fixed
- Draft Final Engineering Report / Plan Presentation	24	0	0	Fixed
Engineering Plan per RFP Total	481	204	370	Fixed
Optional Cost for Refined Make-Ready Estimate	24	32	40	Fixed
Optional Cost to add Network Operator RFP		24		Fixed
Optional Service Provider Negotiations		to be determined		per hour plus expenses*



10 Funding

Should the Town require additional funding to move forward with this engineering plan, Casco Bay will assist the Town with writing grant applications for additional funds to the Maine Community Foundation and the ConnectMaine Authority. Deadlines for these grant applications are:

March 15, 2020 - Maine Community Foundation
March & May 2020 - ConnectMaine Authority

The grant writing assistance provided by Casco Bay will be free of charge.

11 Invoicing

Invoicing will occur monthly based upon the percentage of the project completed during the billing period. Payment is due within 30 days after the date of invoice and balances outstanding beyond these terms will accrue interest at the rate of 1.5% per month (18% per annum), or the legally permitted maximum if that rate is lower.

12 Acceptance

Your notice to proceed can be a letter or purchase order that makes reference to this proposal, or a copy of this proposal with an authorizing signature in the space provided below.

Accepted by: (Printed name and title) _____

Signature: _____ Date: _____

Casco Bay Advisors, LLC

Invoice Date 04/01/20
 Invoice # EAST0420
 Casco Bay Advisors, LLC
 Att: Brian Lippold
 2 Streamside Lane
 Gardiner, ME 04345

East Millinocket / Medway / Millinocket

Activity Code	Duration (hours)	Date	Description	Rate	Amount	Balance		
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Millinocket 5% Payment upon project start \$ 2,257.50
 2% complete 03/31/20 \$2,475.69

	East Millinocket	Medway	Millinocket
Fixed price contract	\$59,900.00	\$25,250.00	\$45,150.00
5% Payment upon project start	(\$2,995.00)	(\$1,263.00)	(\$2,257.50)
Amount remaining as of March 1, 2020	\$56,905.00	\$23,987.00	\$42,892.50
Invoice April 1, 2020	(\$1,138.10) 2%	(\$479.74) 2%	(\$857.85) 2%
Invoice May 1, 2020	\$0.00 0%	\$0.00 0%	\$0.00 0%
Invoice June 1, 2020	\$0.00 0%	\$0.00 0%	\$0.00 0%
Invoice July 1, 2020	\$0.00 0%	\$0.00 0%	\$0.00 0%
	\$0.00 0%	\$0.00 0%	\$0.00 0%
	\$0.00 0%	\$0.00 0%	\$0.00 0%
	\$0.00 0%	\$0.00 0%	\$0.00 0%
Amount remaining as of April 1, 2020	\$55,766.90 98%	\$23,507.26 98%	\$42,034.65 98%

Total Amount this Invoice \$ 4,733.19

\$ 4,733.19 For Professional Services Rendered
 - Additional Charges (Mileage)
 - Additional Charges (Other)

\$ 4,733.19 Total Amount of this Invoice
 \$ 4,258.00 Previous Balance
 \$ 4,258.00 Payments Received (Thank you)
 \$ 4,733.19 Total Amount Due (upon receipt)