

**TENTATIVE AGENDA**  
**PUBLIC HEARINGS FOR FISCAL 2020 MUNICIPAL, WASTEWATER AND SCHOOL BUDGET ADOPTIONS**  
**And the REGULAR TOWN COUNCIL MEETING IN COUNCIL CHAMBERS**  
**THURSDAY, July 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 for the May 14<sup>th</sup>, 2020 Regular Town Council Meeting.
5. SPECIAL PRESENTATIONS: n/a

**(Out of Rotation)**

6. ORDER #171-2020 Approval of Settlement of Claim
7. ORDER #120-2020 **2<sup>ND</sup> Public Hearing** for the Fiscal 2021 Municipal and Wastewater Budgets
8. ORDER #121-2020 **1<sup>st</sup> Public Hearing** for the 2021 School Budgets
9. ORDER #122-2020 General Administration Departments
10. ORDER #123-2020 Community & Economic Development Departments
11. ORDER #124-2020 Public Safety and Protection Departments
12. ORDER #125-2020 Public Works Departments
13. ORDER #126-2020 Community and Recreation Services Departments
14. ORDER #127-2020 Debt Services and Interest Department
15. ORDER #128-2020 Capital Improvements Departments
16. ORDER #129-2020 Anticipated Revenues and Transfers
17. ORDER #130-2020 Transfer of Funds from Designated Dog Fee Revenue Reserve Account for the Care of Animals
18. ORDER #131-2020 Transfer of Funds from Fund Balance Account
19. ORDER #132-2020 County Tax
20. ORDER #133-2020 Acceptance of State of Maine Funds
21. ORDER #134-2020 Approval of Written Policy Concerning Disbursement of State Fees
22. ORDER #135-2020 Disbursement of Employees Wages and Benefits

23. ORDER #136-2020 Payment of Property Taxes for Multiple Years
24. ORDER #137-2020 Wastewater Department Anticipated Revenues and Transfers
25. ORDER #138-2020 Wastewater Department Operations
26. ORDER #139-2020 Payment of Sewer Bills for Multiple Bills
27. ORDER #140-2020 Appropriation for System Administration (School)
28. ORDER #141-2020 Appropriation for School Administration
29. ORDER #142-2020 Appropriation for Regular Instruction
30. ORDER #143-2020 Appropriation for Special Education
31. ORDER #144-2020 Appropriation for Student and Staff Support
32. ORDER #145-2020 Appropriation for Other Instruction
33. ORDER #146-2020 Appropriation for Career and Technical Education
34. ORDER #147-2020 Appropriation for Facilities Maintenance
35. ORDER #148-2020 Appropriation for Transportation and Buses
36. ORDER #149-2020 Appropriation for Debt Services and Other Commitments
37. ORDER #150-2020 Appropriation for All Other Expenditures
38. ORDER #151-2020 Total Cost of Funding Public Education
39. ORDER #152-2020 Annual Payments on Debt Service
40. ORDER #153-2020 Additional Local Funds
41. ORDER #154-2020 Funding of Public Education
42. ORDER #155-2020 Additional Local Dollars in Support of the Food Service Program
43. ORDER #156-2020 Appropriation for Adult Education
44. ORDER #157-2020 Regional Vocational Operating Budget
45. ORDER #158-2020 Regional Vocational Adult Education Operating Budget
46. ORDER #159-2020 Acceptance of State, Federal or Other Sources of Funds
47. ORDER #160-2020 Acceptance of Enterprise and Agency Funds

#### **REGULAR TOWN COUNCIL MEETING**

#### **Old Business:**

48. ORDINANCE #5-2020 **2<sup>nd</sup> Public Hearing** An Adoption of Chapter 94 Article II - Curfew

New Business:

49. Special Presentations: n/a
50. Town Manager's Report
51. ORDER #161-2020 Execution of the Warrant for July 9, 2020
52. ORDER #162-2020 Date, Time, Place and Warden for the July 14<sup>th</sup>, 2020 Primary and Special Referendum Election
53. ORDER #163-2020 Absentee Ballot Processing for the July 14<sup>th</sup>, 2020 Primary and Special Referendum Election
54. ORDER #164-2020 Registrar Office Hours
55. ORDER #165-2020 Date, Time, Place and Warden for the School Budget Validation Referendum Election
56. ORDER #166-2020 Absentee Ballot Processing for the School Budget Validation Referendum Election
57. ORDER #167-2020 Registrar Office Hours
58. ORDER #168-2020 Lease Option Agreement
59. ORDER #169-2020 Municipal Release Deed (Schmid)
60. ORDER #170-2020 The Development of a Code of Ethics
61. Reports and Communications:
  - a. Warrant Committee for the July 23, 2020 Town Council Meeting: Chair McEwen and Councilor Pelletier.
  - b. Chair's Committee Reports
  - c. Town Minute Public Comment
62. Adjournment:



**PROVIDING FOR:** Approval of Settlement of Claim

**IT IS ORDERED** that the Confidential Settlement Agreement and General Release on file with the Town Manager concerning Paul Gamble is approved.

**IT IS FURTHER ORDERED** that the Town Manager is authorized and directed to execute the agreement on behalf of the Town and to take all action necessary to comply with the terms and conditions of the Agreement.

**PASSED BY THE COUNCIL:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

**Note - The Gamble matter is pending before the Maine Human Rights Commission and all proceedings before that body are confidential until the matter is resolved. Upon approval of the settlement agreement by the Town Council and execution of the agreement by the parties, substantial portions of the agreement will be a public record as defined by Maine law and subject to public release. It is expected that portions will remain confidential and not a public record as required by Maine law.**

**If the order does not pass, the proposed settlement agreement will remain confidential pending further Maine Human Rights Commission proceedings.**



**ORDINANCE #5-2020**

**PROVIDING FOR: An Adoption of Chapter 94 Article II of the Code of the Town of Millinocket concerning Curfew.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLINOCKET that the attached Curfew Ordinance is hereby adopted as Chapter 94 Article II 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:** 6/25/2020

**Second Reading:**

**Effective Date:**

ATTESTED: \_\_\_\_\_

Chapter 94  
Peace & Good Order  
Article II  
CURFEW

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 in Chapter 94 Article II.

**§ 94-3 Title**

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

**§ 94-4 Purpose**

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

**§ 94-5 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.

#### **§ 94-6 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 § 94-6 (a) of this Ordinance.

(d) Violation of this section shall be punishable as provided in § 94-9 of this ordinance.

#### **§ 94-7 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 by the Maine or United States Constitutions.

#### **§ 94-8 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.

#### **§ 94-9 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.

#### **§ 94-10 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.

Date Enacted:

Attest:

Council Signatures:

1.

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4.

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