



TENTATIVE AGENDA
PUBLIC HEARING, ORGANIZATIONAL & REGULAR TOWN COUNCIL MEETINGS
in COUNCIL CHAMBERS & via ZOOM
MONDAY, NOVEMBER 14, 2022 at 7:00 PM
*****Note DATE and TIME Change*****

‘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 Minutes: August 30, 2022 PH & Special Meeting.
5. ORDINANCE #3-2022 **Public Hearing** – 2nd Reading – Amendment to Chapter 125, Zoning

UNFINISHED BUSINESS:

6. ORDER #272-2022 Approval of Bee Line, Inc Franchise Agreement – Tabled 10/27/2022

NEW BUSINESS:

7. ORDER #276-2022 Execution of the Town Warrant for November 14, 2022
8. ORDER #277-2022 Execution of the Wastewater Warrant for November 14, 2022
9. ORDER #278-202 Ratify the 2022 Municipal Election Results

Special Presentation:

10. Swearing in of New Town Council Members
11. Swearing in of New School Board Members
12. Open the Floor to Nominations for Council Chair
13. ORDER #279-2022 Election of New Town Council Chair
14. Town Manager’s Report
15. ORDER #280-2022 Acceptance of the Town Council Procedure Policy – Amended 7/22/2021
16. ORDER #281-2022 Approval of an Appointment to the Events Committee – M. Crocco

17. ORDER #282-2022 Approval of Victualer License Application – Mainely Coffee
18. ORDER #283-2022 Authorization for Municipal Release Deed – Iron Bridge Road
19. ORDER #284-2022 Authorization to Provide Funds for Subsidized Transportation to Millinocket Residents
20. ORDER #285-2022 Airport Plow Truck Maintenance
21. ORDER #286-2022 General Obligation Bond for the Purchase of Land
22. ORDER #287-2022 Municipal Release Deed to Joseph and Cheryl Maskell
23. ORDER #288-2022 Advertising in Support of Performing Arts
24. Reports and Communications:
 - a. Warrant Committee for the November 28, 2022, Council Meeting will be Councilor Pelletier and Councilor
 - b. Chair's Committees Reports
 - c. Two Minute Public Comment
25. Adjournment

Meetings are open to the public for in person attendance and via Zoom.

The Town of Millinocket supports optional face masks/coverings and social distancing.

Submit any public comments to the Town Manager prior to the meeting: manager@millinocket.org or call (207) 723-7000 Ext.5 to make special arrangements. Meetings are also available via Zoom and YouTube Channel.

Find all direct links on our website: Millinocket.org.

****Stay Healthy, Stay Safe****



Millinocket

Maine's Biggest Small Town

Town of Millinocket

197 Penobscot Avenue

Millinocket, Maine 04462

Manager@Millinocket.org www.millinocket.org

207-723-7000 Ext 5

Citizen Guide to Town Council Meetings

This is an overview of information related to Council Meetings. We hope it is helpful to understanding the process. Thank you for participating in our local government. The town meeting is a place where the public is encouraged to participate. Below are some of the terms:

- **Order** – Item of business to be proposed (motioned) to council for discussion and vote.
- **Motion** – A Councilor proposal to the whole Council for discussion and vote. This could include an Order, an Amendment, or other. Any councilor can make a motion at any point in time during a Town Council meeting, regardless of whether it is on the agenda or not.
- **Second** – A “second” is used when a councilor supports an order to be discussed and voted upon. Without a “second” an order or motion does not get discussed or voted on.
- **Amendment** – A change to an original order, which can be motioned by a councilor and approved or voted down by the whole council.
- **Minutes** – Summary of past meetings, including votes and discussion, that needs Council approval for officially entering the record.
- **Parliamentary Procedure**—This is the protocol used and questions go to the Council Chair. The Council follows Robert’s Rules of Order. The Council adopted additional procedures at the initial session of a new term.
- **Warrant** – a list of articles for items the Council may act on, which usually comes in the form of approving expenditures.
- **Mil Rate** – Tax rate. The tax rate determines what is paid in property taxes. It is stated in “so many dollars per thousand dollars of valuation.” Residential property owners may want to seek homestead exemptions or Veteran’s exemptions (for qualified veterans) to potentially lower their property tax rate, which may be done through the town’s Tax Assessor.
- **Two Minute Public Comment** – Typically the last agenda item provides any member of the public an opportunity to express general concerns, thoughts, or feedback publicly. The Council invites any and all people to speak. Each member of the public will be allowed to speak for a period of not more than two minutes and the Council shall not enter into a debate or a question-and-answer session unless the question can be answered in a brief statement without a debate. This will be at the discretion of the Council Chair.
- **Executive Sessions** – These are private meetings held by the Council when certain matters must be kept confidential to protect other parties, as required by US and/or Maine law, Town Charter, or by contract. This could include personnel issues, legal issues, economic development issues or other. No Action by the Council can be taken in Executive Session—only in public Council meetings can any vote or decision be made by the Council.

- **To ask questions** or offer feedback during Town meetings, the public may do so within the public comment period of each order on the agenda. Any Councilor motion will be open to both the Council and the Public for discussion.

The public is asked to be respectful and orderly. It is of the Council Chairman's discretion to determine whether a public comment is disrespectful or inappropriate in nature, at which point the Chairman may request the ceasing of comment or removal of the public member.

Millinocket publishes the draft agendas on the website and Facebook prior to meetings. If you have questions, you may ask the manager and/or a Town Councilor before the meeting. The town website is www.millinocket.org.

HOW CAN I GET MORE INVOLVED? Come up and speak or submit a written statement to the Council Chairman and/or Town Manager. The Town Council is always seeking public input to ensure all perspectives, beliefs and desires of the public are considered.

Want to do more? Become an appointed member of a committee or board such as the Planning Board, Events Committee, or Board of Appeals. The Town publishes these openings on the website, Facebook, and local newspaper. You may also request to serve on an existing subcommittee by filling out a form on the town website at:

<https://millinocket.org/government/committees-andboards/>.

August 30, 2022

The Public Hearing and Special meetings of the Town Council was brought to order in the Council Chambers and via Zoom at 5:30 pm by Town Clerk Diana Lakeman.

Roll Call:

Town Council Members Present:

Golieb-Absent	Madore
Bragdon	Pray
Pelletier	McEwen
Danforth	

Also in attendance: Town Manager Peter Jamieson, Treasurer Mary Alice Cullen, Town Clerk Diana Lakeman, Fire Chief Tom Malcolm, Int. Superintendent of Schools Beth Peavey, School Finance Director Josh Deacon, 9 in person public attendance, and 14 via Zoom.

Pledge of Allegiance –

Town Clerk Diana Lakeman seeks nominations for Pro Chair Tem in the absence of Chair Golieb; Councilor Bragdon Nominates Councilor Pray, Councilor Madore Seconds the nomination of Councilor Pray; hearing no other nominations, Town Clerk calls for vote on Councilor Pray's nomination for Pro Chair Tem for the 8/30/22 council meeting (Vote 5-0-1/Pray Abstain)

Adjustments to the Agenda –

Entered into Public Hearing: 5:38 pm

Order #225-2022 PROVIDING FOR: Public Hearing.

IT IS ORDERED That the Millinocket Town Council enter into a public hearing for discussion on the FY2023 School Budgets.

Motion –Madore Second – Bragdon Vote 6-0

Council Comment: Chair Pro Tem Pray recognizes Josh Deakin, School Bookkeeper, and Beth Peavy Int. Superintendent of Schools for discussion.

Josh Deakin addresses the proposed budget with changes, informs International Program has 2 confirmed students with anticipation the China students to fulfill commitments to school, expressed comfort with the budget as presented in proper format acknowledging the time spent reviewing information and Beth's assistance to produce a final budget; Int.

Superintendent Peavey expresses concern in hopes the Council had an efficient amount of time to study the budget with its appropriate changes.

Councilor Madore seeks clarification of monies for athletic Director/Assistant Principal; Josh informs salary line is explained on page 6 while also receiving athletic director stipend explained on page 16.

Councilor Pelletier inquires if monies for international program are expected to be received by September; Beth informs some payments are received throughout the year; Councilor Pelletier

expresses concern of previous years issues not receiving anticipated monies and exceeding spent monies not received to fund program; Josh Deakin acknowledges current and prior concerns stated with International program revenue shortfall; Councilor Pelletier states it is not a good financial practice to expend monies prior to revenues received. Councilor Pray clarifies the expectation on revenues is an estimate going forward and acknowledges past practice pertaining to this account, addresses concerns with changing events of current global situations, expresses concerns with assessment used having previous issues with committed involvements, looks for confirmation of contracts with substance; Beth expresses her confidence with anticipated revenues coming in.
Public Comment: none
Out of Public Hearing: @ 5:48 pm.

Unfinished Business: 6/23/2022 Tabled Orders – Line Item Articles for Approval of the Millinocket School Department Budget
2022-2023

ORDER #156-2022 (Tabled 6/23/2022)

PROVIDING FOR: Appropriation for System Administration (School)

IT IS ORDERED that \$774,097.85 is hereby raised and appropriated for School System Administration for Fiscal 2023. Recommended: \$774,097.85.

Motion- Pelletier Second- McEwen Vote 6-0

Council Comment: none

Public Comment: none

ORDER #157-2022 PROVIDING FOR: Appropriation for School Administration

IT IS ORDERED that \$391,840 is hereby raised and appropriated for School Administration for Fiscal 2023. Recommended: \$391,840.

Motion- Bragdon Second- Madore Vote 6-0

Council Comment: none

Public Comment: none

ORDER #158-2022 ***AMENDED** PROVIDING FOR: Appropriation for Regular Instruction

IT IS ORDERED that ***\$2,596,118** is hereby raised and appropriated for Regular Instruction for Fiscal 2023. Recommended: ***\$2,596,118**

Motion- Madore Second- McEwen Vote 6-0 as Amended

Council Comment: Councilor Bragdon Motion to amend total to reflect corrected amount \$2,596.11; Second- Pelletier, Vote on Amendment 6-0.

Public Comment: none

ORDER #159-2022 PROVIDING FOR: Appropriation for Special Education

IT IS ORDERED that \$1,375,417.20 is hereby raised and appropriated for Special Education for Fiscal 2023. Recommended: \$1,375,417.20

Motion- Danforth Second- Pray Vote 6-0

Council Comment: none

Public Comment: none

ORDER #160-2022 PROVIDING FOR: Appropriation for Student and Staff Support
IT IS ORDERED that \$429,918 is hereby raised and appropriated for Student and Staff Support for Fiscal 2023. Recommended: \$429,918

Motion- McEwen Second- Bragdon Vote 6-0

Council Comment: none

Public Comment: Mary Alice Cullen, Treasurer, inquires page of budget item to reflect the amounts in total; Josh Deakin, School Bookkeeper informs items are reflected on pages 15 and 14, Student and Staff.

none

ORDER #161-2022 PROVIDING FOR: Appropriation for Other Instruction
IT IS ORDERED that \$350,986 is hereby raised and appropriated for Other Instruction for Fiscal 2023. Recommended: \$350,986

Motion- Pelletier Second- Bragdon Vote 6-0

Council Comment: none

Public Comment: none

ORDER #162-2022 PROVIDING FOR: Appropriation for Career and Technical Education
IT IS ORDERED that \$28,803 is hereby raised and appropriated for Career and Technical Education for Fiscal 2023. Recommended: \$28,803

Motion- Bragdon Second-Madore Vote 6-0

Council Comment: none

Public Comment: none

ORDER #163-2022 PROVIDING FOR: Appropriation for Facilities Maintenance
IT IS ORDERED that \$1,259,581 is hereby raised and appropriated for Facilities Maintenance for Fiscal 2023. Recommended: \$1,259,581

Motion-Madore Second-Danforth Vote 6-0

Council Comment: none

Public Comment: none

ORDER #164-2022 PROVIDING FOR: Appropriation for Transportation and Busses
IT IS ORDERED that \$273,065 is hereby raised and appropriated for Transportation and Busses for Fiscal 2023. Recommended: \$273,065

Motion-McEwen Second-Danforth Vote 6-0

Council Comment: none

Public Comment: none

ORDER #165-2022 PROVIDING FOR: Appropriation for Debt Services and Other Commitments
IT IS ORDERED that \$97,208 is hereby raised and appropriated for Debt Services and Other Commitments for Fiscal 2023. Recommended: \$97,208

Motion-Danforth Second-Bragdon Vote 6-0

Council Comment: none; Public Comment: none

ORDER #166-2022 PROVIDING FOR: Appropriation for All Other Expenditures
IT IS ORDERED that \$13,205.34 is hereby raised and appropriated for All Other Expenditures for Fiscal 2023. Recommended: \$13,205.34

Motion-Pelletier Second-Bragdon Vote 6-0

Council Comment: none

Public Comment: none

ORDER #167-2022 PROVIDING FOR Appropriation for Total Cost of Funding Public Education

IT IS ORDERED that \$5,027,807.80 be appropriated for the total cost of funding public education from prekindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$1,210,668.34 be raised as the municipality's contribution to the total cost of funding public education from prekindergarten to grade 12 as described in the Essential Programs, and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688. The School Committee Recommends \$1,210,668.34

Explanation: The Municipality's contribution to the total cost of funding public education from prekindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

Motion-Bragdon Second-Madore Vote 6-0

Council Comment: none

Public Comment: none

ORDER #168-2022 PROVIDING FOR Appropriation for Debt Services

IT IS ORDERED that \$97,208 be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, on-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from prekindergarten to grade 12. The School Committee Recommends \$97,208

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

Motion-McEwen Second-Bragdon Vote 6-0

Council Comment: Councilor Pray inquires debt timeline; Josh Deakin, Bookkeeper, informs 24years.

Public Comment: none

ORDER #169-2022 PROVIDING FOR Appropriation of Additional Local Funds

IT IS ORDERED that \$1,543,062.25 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$43,988.25 as required to fund the budget recommended by the School Committee.

The School Committee recommends \$1,543,062.25 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$43,988.25: The EPS formula does not reflect the actual cost of funding education in rural areas where education may cost more because of its smaller size as compared to larger city schools. Therefore, monies will provide revenues to fully fund programs and operate schools, as well as, contractual obligations, areas excluded under EPS such as 504 programs, extra and co-curricular activities, capital improvements and repairs, etc.

Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from prekindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the Town's budget for educational programs.

Motion-Madore Second-Pelletier Vote 6-0

Council Comment: none

Public Comment: none

ORDER #170-2022 PROVIDING FOR Appropriation for Total cost of Funding Public Education

IT IS ORDERED that the School Committee be authorized to expend \$7,590,239.39 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 from the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. The School Committee Recommends: \$7,590,239.39

Motion-Pelletier Second-Danforth Vote 6-0

Council Comment: none

Public Comment: none

ORDER #171-2022 PROVIDING FOR Additional Local Dollars in Support of the Food Service Program

IT IS ORDERED that the municipality/district/unit will raise and to appropriate \$10,000 in additional local dollars in support of the food service program. The School Committee Recommends \$10,000

Motion-McEwen Second-Madore Vote 6-0

Council Comment: none

Public Comment: none

ORDER #172-2022 PROVIDING FOR Adult Education

IT IS ORDERED that \$3,205.34 be appropriated for Adult Education and that \$3,205.34 be raised as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program. The School Committee recommends a "Yes" vote.

Motion-Bragdon, Second-Madore, Vote 6-0; Council Comment: none; Public Comment: none

ORDER #173-2022 PROVIDING FOR Regional Vocational Operating Budget

IT IS ORDERED that the Regional Vocational Operating Budget, as approved by the Cooperative Board for the period July 1, 2022, through June 30, 2023, be approved in the amount of \$1,854,595.81 (Millinocket's share is \$28,802.88), with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and well-being of the vocational programs. The School Committee Recommends a "Yes" vote

Motion-Danforth Second-Madore Vote 6-0

Council Comment: none

Public Comment: none

ORDER #174-2022 PROVIDING FOR Regional Vocational Adult Education Operating Budget

IT IS ORDERED that the Regional Vocational Adult Education Operating Budget, as approved by the Cooperative Board for the period July 1, 2022, through June 30, 2023, be approved in the amount of \$43,900 (Millinocket's share is \$3,205.34) with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and well-being of the Adult Education vocation programs. The School Committee Recommends a "Yes" vote

Motion- Madore Second-Danforth Vote 6-0

Council Comment: none

Public Comment: none

ORDER #175-2022 PROVIDING FOR: Acceptance of State, Federal, or Other Sources of Funds

IT IS ORDERED that the Town of Millinocket Town Treasurer is authorized to accept and expend grants, including carryover amounts, from State, Federal or other Sources for the interest of education in Fiscal 2023. Special dedicated revenue budget amounts, to be in addition to the amounts appropriated and raised in the general budget \$7,590,239.39 and the clearing account budget. Amount unknown but estimated to be \$2,000,000. Sources include Title 1-A, Title II-A, Title V, Tier III, Local Entitlement, School Lunch Program and others. Sources do not include the International Program which is approved under a separate order. (Some of these monies are now included in the new EPS funding model adopted in 2005 by the Maine State Legislature. The School Committee Recommends a "Yes" vote.

Motion-McEwen Second-Bragdon Vote 6-0 as Amended

Council Comment: Councilor Bragdon motions to amend for amounts to reflect \$7,590,239.39 and \$2,000,000.00; Second by Councilor Madore; Vote on amendment 6-0.

Public Comment: Mary Alice Cullen, Treasurer, seeks clarification on the \$2,000,000 and how it effects cash flow regarding the ESSER grant and states she will need direction on how to manage these monies going forward noting if there is a release on the paused spending.

Josh Deakin, Bookkeeper, notes approximately \$84,000 of ESSER funds received; Councilor Pray inquires on the process of the State released funding; Josh informs monies are received after invoices are submitted noting no anticipation of lingering issues with process holding reimbursement funding having most submissions approved within ten days.

Councilor Madore suggests unpausing of ESSER Grant spending with the reimbursement of funds and prior concerns remedied, anticipates order at next meeting to release pause hoping for continued timely State reimbursements.

Councilor Pelletier expresses concern and caution releasing pause taking the Town Treasurers statement to heart.

Councilor McEwen calls for vote with interest to vote having prior engagements; Councilor McEwen Exits at 6:28 pm expressing appreciation to the .

ORDER #176-2022 PROVIDING FOR: Acceptance of Enterprise and Agency Funds
IT IS ORDERED that the Town of Millinocket Town Treasurer is authorized to accept and expend enterprise and agency funds, including any carryover funds, on behalf of the following: with any amounts to be expended in the clearing account budget in addition to amounts appropriated and raised for the general education budget \$7,590,239 and the special revenue budget \$2,000,000. Amount unknown but estimated to be \$516,596. Sources include Millinocket School Lunch Program and any others. Sources exclude the International Program which is approved under a separate order. (Some of these monies are now included in the new EPS funding model adopted in 2005 by the Maine State Legislature).

The School Committee Recommends a “Yes” vote.

BE IT ORDERED, that in addition to the amount approved for the total school budget next fiscal year, the school committee is authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, including the foreign student tuition program and the dual diploma program, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

Motion-Madore Second-Danforth Vote 5-0

Council Comment: Councilor Bragdon clarifies the order read is order 176-2022 not 2023.

Public Comment: none

ORDER #184-2022 PROVIDING FOR: Date, Time, Place, Warden for the Special School Budget Validation Referendum.

IT IS ORDERED that the Special School Budget Validation Referendum will be held on Tuesday, September 13, 2022, from 8:00 a.m. to 8:00 p.m. at the Stearns High School Gymnasium.; and

IT IS FURTHER ORDERED that Diana M. Lakeman shall be Warden of said election.

Note: It is the recommendation of the Town Manager and Town Clerk to hold the referendum on September 13, 2022 pursuant to Title 21-A §621-A Notice of Election (7-day notice) and Title 20-A §1486.2 Budget Validation Referendum (by 30th day of the calendar month of the council approved budget).

Motion-Danforth Second-Bragdon Vote 5-0

Council Comment: Councilor Danforth inquires the recommendation of the Town Clerk of a suggested election date; Diana Lakeman, Town clerk suggests the order should reflect September 13, 2022 allowing at least 7 days for proper public notice and needing to hold the election on the following Tuesday; with the clerk's recommendation, Councilor Danforth reads the corrected order; Councilor Pelletier inquires the need for an election; Councilor Pray clarifies the town voters passed the referendum question noting is voted on every three years; Diana Lakeman, Town Clerk informs this referendum question will included in next years budget election; Councilor Pelletier advocates for not having to have the approved school budget go to a public vote.

Public Comment: none

ORDER #185-2022 PROVIDING FOR: Processing Absentee Ballots for the School Budget Validation Referendum.

WHEREAS, Title 21-A MRSA Section 759.7 allows the Election Warden to process absentee ballots while the polls are open; and

WHEREAS, processing such ballots will assist the Election Clerks and result in an expedited process after the polls are closed; and

WHEREAS, expediting the process after the polls are closed will result in some savings to the Town of Millinocket;

NOW THEREFORE IT IS ORDERED that the Election Warden is authorized to process absentee ballots at 10:00 A.M., 12:00 P.M., 2:00 P.M. and 6:00 P.M. during the School Budget Validation Referendum.

Motion-Pelletier Second-Bragdon Vote 5-0

Council Comment: none

Public Comment: Diana Lakeman, Town Clerk, informs Absentee ballots will be ready and available tomorrow at 7:30 am.

ORDER #186-2022 PROVIDING FOR: Office Hours of the Registrar for the School Budget Validation Referendum

WHEREAS, Title 21-A MRSA Section 122(6) specifies the process that the Registrar must follow in registering voters; and

WHEREAS, The Town Clerk also serves as Registrar; and

WHEREAS, the Registrar and/or Deputy Registrars are available during poll hours on election day;

WHEREAS, the Town Clerk has regular hours on four business days before election day to register voters; and

WHEREAS, being open evening hours as required by law to receive voter registrations will be an added cost to the municipality;

NOW THEREFORE IT IS ORDERED that it is not necessary that the Registrar be opened to accept voter registrations for two hours in the evening between 5 P.M. and 9 P.M. on at least three days before election day.

Motion-Danforth Second-Madore Vote 5-0

Council Comment: none

Public Comment: none

New Business:

ORDER #226-2022 PROVIDING FOR: FY23 International Program Budget

IT IS ORDERED that the International Program revenue budget of \$267,000 and expense budget of \$43,000 be approved; and

IT IS FURTHER ORDERED that any fund balance will transfer to the school operating budget at the end of the fiscal year; and

IT IS FURTHER ORDERED that the Town of Millinocket Town Treasurer is authorized to accept and expend funds related to the approved International Program Budget to the extent that the funds are available throughout FY23 to cover the program expenses.

Motion-Madore Second-Danforth Vote 5-0

Council Comment: Councilor discussion with the town manager acknowledged the need for a new order with corrected budget totals reflected for revenue and expense as the original order #177-2022 was previously passed, TM Jamieson's recommends eliminating the date as the deadline is in a couple of days and seeks updated amounts; Josh Deakin, School Bookkeeper informs of the updated amounts in the budgeted line.

Public Comment: Matthew Waite, school employee, acknowledges order #225-2022 previously used for the public hearing; Order was read with its corrected number as #226-2022.

Motion to Adjourn @ 6:55pm –Councilor Bragdon, Second- Councilor Madore Vote 4-1 (Pelletier/Abstain)

ORDINANCE #3-2022

PROVIDING FOR: Amendments and Updates to Chapter 125, Zoning, §125-41 Schedule of Uses and §125-50 Dimensional Requirements Code of the Town of Millinocket

BE IT ORDAINED by the Town Council of Millinocket in Town Council assembled that the Millinocket Code, Chapter 125, Zoning, §125-41 Schedule of Uses and §125-50 Dimensional Requirements, be amended per the attached appendices;

IT IS FURTHER ORDERED that this ordinance take effect 30 days after enactment.

1st Reading 10/27/2022

2nd Reading _____

Council Approved _____

Effective Date _____

Town Council:

ATTEST: _____

Diana M. Lakeman, Town Clerk



Millinocket

Maine's Biggest Small Town

**TOWN OF MILLINOCKET
PUBLIC HEARING
ORDINANCE #3-2022
CHAPTER 125 ZONING, §125-41 & §125-50
CODE OF THE TOWN OF MILLINOCKET**

The Millinocket Town Council will hold public hearings on the proposed amendments to the Code of the Town of Millinocket, Chapter 125 Zoning, §125-41 Schedule of Uses and §125-50 Dimensional Requirements. The hearings will be held during the Council meetings of October 27th, 2022, and November 14th, 2022 in the Council Chambers located in the Municipal Building, 197 Penobscot Avenue, and via Zoom beginning at 5:30 PM.

Dated at Millinocket, ME

October 11th, 2022

Diana M. Lakeman

Town Clerk



Millinocket

Maine's Biggest Small Town

9/30/2022

Attn: Town Manager and Town Council

Below are the Planning Boards recommended changes to the Code of the Town of Millinocket sections §125-41 and §125-50.

§125-41 Schedule of Uses:

4. Residential Activities

- B) Single family homes under the R2 column be changed from a N to a Y.
- C) Multi-Family Dwelling: 2 Family Duplexes; under the R2 column be changed from a N to a Y.
- D) Multi-Family Dwelling: 3 or more families, including apartments, grouped houses, and row houses; under column R2 and RD be changed from N to S.

§125-50 Dimensional Requirements:

R1 Zone- Maximum height of a principal structure is recommended to increase from 40 feet to 50 feet.

R2 Zone- Increase maximum lot coverage from 25% to 30% and increase maximum building height of a principal structure from 30 feet to 40 feet.

RD Zone- Increase maximum lot coverage from 20% to 30% and increase maximum building height of a principal structure from 30 feet to 50 feet.

DC Zone- Increase maximum building height of a principal structure from 40 feet to 50 feet.

HC Zone- Decrease minimum road/shore frontage from 200 feet to 150 feet and increase maximum building height from 40 feet to 50 feet.

NC Zone- Increase maximum building height of a principal structure from 30 feet to 40 feet.

I have attached copies with the current figures shown stricken through and the proposed changes are adjacent in red.

Please Note: N=No, it's not allowed. Y=Yes, its allowed. S= Proposed project needs to go through Site Plan Review. R1= Downtown Residential Zone. R2= Medium Density Residential Zone. RD= Rural Development Zone. DC= Downtown Commercial Zone. HC= Highway Commercial Zone. NC= Neighborhood Commercial Zone.

Thank You
Evan Campbell, Code Enforcement Officer

§125-50. Dimensional requirements.

[Amended 1-20-1994 by Ord. No. 1-94; 4-13-1995 by Ord. No. 1-95]

All structures and uses shall meet or exceed the following dimensional requirements:

A. Residential zone dimensional requirements.

Residential Zone Dimensional Requirements	R1 Downtown Residential Zone	R2 Medium Density Residential Zone	RD Rural Development Zone
Minimum lot size (square feet)	5,000	10,000	40,000
Minimum road/shore frontage (feet)	50	100	150
Minimum front yard setback from edge of right-of-way (feet)	10	25	50
Minimum side yard setback Principal structures (feet)	5	5/10sq.2	20
Accessory structures (feet)	5	5	10
Minimum rear yard setback Principal structures (feet)	10	10	20
Accessory structures (feet)	5	5	10
Maximum lot coverage	60%	25% 30%	20% 30%
Maximum building height Principal structures (feet)	40 50	30 40	30 50
Accessory structures (feet)	20	16	16

NOTES:

1. These dimensional requirements do not prohibit the change of a permitted use to another permitted use where the property or structure on or in which the use is located is a legal nonconformity.

2. On all built-upon lots, one (1) side yard setback may be reduced to five (5) feet, provided that the remaining side yard setback is ten (10) feet. On all lots not built upon prior to January 1, 1994, both side yard setbacks shall be ten (10) feet or greater.

B. Commercial zone dimensional requirements.¹

Commercial Zone Dimensional Requirements	DC Downtown Commercial Zone	HC Highway Commercial Zone	NC Neighborhood Commercial Zone
Minimum lot size (square feet)	5,000	1 acre	7,500
Minimum road/shore frontage (feet)	50	200 150	75
Minimum front yard setback from edge of right-of-way (feet)	0	50	20
Minimum side yard setback			
Principal structures (feet)	N/A	25	10
Accessory structures (feet)	N/A	10	5
Minimum rear yard setback			
Principal structures (feet)	10	25	10
Accessory structures (feet)	5	10	5
Maximum lot coverage	90%	80%	60%
Maximum building height			
Principal structures (feet)	40 50	40 50	30 40
Accessory structures (feet)	20	20	16

NOTES:

1. These dimensional requirements do not prohibit the change of a permitted use to another permitted where the property or structure on or in which the use is located is a legal nonconformity.

C. Industrial zone dimensional requirements.¹

Industrial Zone Dimensional Requirements	ID Industrial Zone
Minimum lot size	2 acres
Minimum road/shore frontage	²⁰⁰ /300 feet
Minimum front yard setback from edge of right-of-way	100 feet
Minimum side yard setback	
Principal structures	25 feet
Accessory structures	25 feet

§125-50	MILLINOCKET CODE	§125-50
Industrial Zone Dimensional Requirements	ID Industrial Zone	
Minimum rear yard setback		
Principal structures	25 feet	
Accessory structures	25 feet	
Maximum lot coverage	30%	
Maximum building height		
Principal structures	100 feet	
Accessory structures	100 feet	

NOTES:

¹ These dimensional requirements do not prohibit the change of a permitted use to another permitted use where the property or structure on or in which the use is located is a legal nonconformity.

D. Commercial forestland zone dimensional requirements. ¹

Commercial Forestland Zone Dimensional Requirements	CF Commercial Forestland Zone
Minimum lot size	10 acres
Minimum road/shore frontage	200/300 feet
Minimum front yard setback from edge of right-of-way	100 feet
Minimum side yard setback	
Principal structures	25 feet
Accessory structures	25 feet
Minimum rear yard setback	
Principle structures	25 feet
Accessory structures	25 feet
Maximum lot coverage	30%
Commercial Forestland Zone	CF Commercial Forestland Zone
Dimensional Requirements	
Maximum building height	
Principal structures	100 feet
Accessory structures	100 feet

¹ These dimensional requirements do not prohibit the change of a permitted use to another permitted use where the property or structure on or in which the use is located is a legal nonconformity.

5 125-41. SCHEDULE OF USES (continued)

ACTIVITIES/DISTRICTS	R 1	R 2	R D	D C	H C	N C	I D	A D	O R	W P	S P'	C E
4. RESIDENTIAL ACTIVITIES												
a) Single-Family Detached Dwelling;	Y	Y	Y	Y	Y	Y	N	N	N	N	N	<u>N</u>
b) Single-Family Mobile Homes;	Y	Y	Y	Y	Y	Y	N	N	N	N	N	<u>N</u>
c) Multi-Family Dwelling: 2 family Duplexes;	Y	Y	Y	Y	Y	Y	N	N	N	N	N	<u>N</u>
d) Multi-Family Dwelling: 3 or more families, including apartments, grouped houses, and row houses;	S	S	S	S	S	S	N	N	N	N	N	<u>N</u>
e) Mobile Home Park;	S	N	<u>N</u>	N	S	S	N	N	N	N	N	<u>N</u>
f) <u>Subdivisions</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
g) Nursing/Convalescent Home, Congregate Housing, and Boarding Care Facilities;	S	N	<u>N</u>	S	S	S	N	N	N	N	N	<u>N</u>
h) Home Occupations;	S	S	S	S	S	S	N	N	N	N	N	<u>N</u>
i) Accessory uses and structures that are essential for the exercise of uses listed above;	Y	Y	Y	Y	Y	Y	N	N	N	N	N	<u>N</u>

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

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

June 14, 2022

Mr. Peter Jamieson, Town Manager
197 Penobscot Avenue
Millinocket, ME 04462

Dear Peter,

On June 8, the Planning Board held a public hearing concerning changes to Millinocket's zoning ordinance as recommended by the Planning Board. The Board received no comments from the public concerning the proposed changes. Please submit the recommended changes to the Town Council for their consideration. The recommended changes are as follows:

Schedule of Uses (Sections 125-36 & 125-37 *41*)

In the R2 zone (Medium Density Residential Zone) the board recommends allowing single family mobile homes and multifamily dwellings for three or more families, including apartments and grouped houses. *f*

In the RD zone (Rural Development Zone) the board recommends allowing two-family dwelling duplex units; multifamily dwellings for three or more families, including apartments and grouped houses and mobile home parks. *J*

Dimensional Requirements of lots (Section 125-50)

In the R1 zone, maximum building height of a principal structure was recommended to increase from 40 feet to 50 feet.

In the R2 zone, maximum lot coverage was recommended to increase from 25% to 30% and maximum building height of a principal structure was recommended to increase from 30 feet to 40 feet.

In the RD zone, maximum lot coverage was recommended to increase from 20% to 30% and maximum building height of a principal structure was recommended to increase from 30 feet to 50 feet.

In the DC zone, maximum building height of a principal structure was recommended to increase from 40 feet to 50 feet.

In the HC zone, minimum road/shore frontage was recommended to decrease from 200 feet to 150 feet and maximum building height of a principal structure was recommended to increase from 40 feet to 50 feet.

In the NC zone, maximum building height of a principal structure was recommended to increase from 30 feet to 40 feet.

Millinocket Planning Board
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www.millinocket.org

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

Please contact me if you wish to discuss the recommended changes prior to submitting them to the Town Council.

Sincerely,

Anthony Filauró

Cc: Evan Campbell, CEO
Planning Board Members

ORDER #272-2022

(TABLED: 10/27/2022 to 11/14/2022)

PROVIDING FOR Approval of Bee Line, Inc Franchise Agreement

IT IS ORDERED that the Town Council hereby approves the Cable Television Franchise Agreement with Bee Line, Inc, a copy of which is attached and made a permanent part of the Town's records, per the terms and conditions contained therein. The agreement will be effective from October 27, 2022, through to October 27, 2032, if approved today, with a single ten (10) year renewal option subject to the mutual agreement of the parties.

Passed by Council _____

Attest: _____

CABLE TELEVISION FRANCHISE AGREEMENT

THIS CABLE TELEVISION FRANCHISE AGREEMENT ("Agreement") entered into this ____ day of October 2022 by and between the **INHABITANTS OF THE TOWN OF MILLINOCKET**, County of Penobscot and State of Maine, a body politic and corporate (the "Town") and **BEE LINE, INC.**, a corporation duly organized and existing under the laws of the State of Maine (the "Grantee").

WHEREAS, on March 30, 1961, the Town granted to the Grantee a franchise for a local cable television system; and

WHEREAS, the aforementioned franchise expired on December 13, 2017, and

WHEREAS, the Town desires to renew its franchise for a local cable television system pursuant to its authority under Title 30-A.M.R.S.A. 3008; and

NOW THEREFORE, in consideration of their mutual covenants, promises and agreements contained herein, the Town and the Grantee agree as follows:

I. SHORT TITLE

This Franchise shall be known and may be cited as the Town of Millinocket Cable Franchise.

II. DEFINITIONS

For the purpose of this Franchise, the following terms, phrases and words and their derivations shall have the meanings specified herein. When not inconsistent with the context, words used in the present tense include the future and words in the singular form include the plural form.

A. "Basic Cable Service" means any service tier which includes the retransmission of local television broadcast signals.

B. "Town Council" means the Town Council of the Town of Millinocket.

C. "Cable Service" means the two-way transmission to subscribers of video or other programming services and subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

D. "Cable Television System" or "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the franchise area for a fixed or periodic fee, employing wires or cables passing along, over, under, across and upon streets, ways, lanes, alleys, parkways, bridges, highways and other public places, including property over which the Town has an easement or right of way. "Cable Television System" shall not include any such facility that exclusively serves the residents of one or more unit dwellings under common ownership.

E. "Federal Communications Commission" or "FCC" means the present federal agency which is granted jurisdiction over certain activities of the Town and the Grantee pursuant to the Communications Act, as amended, or any successor agency created by the United States Congress having equivalent jurisdiction.

F. "Franchise" means the authorization granted under this Agreement relating to right, privilege and authority to construct, erect, operate, and maintain, in, upon, along, across, above, over and under the streets, alleys, telephone line easements, power line easements, public ways and public places now laid out or dedicated, and all extensions thereof, in the Town, a system of poles, wires, cables, optical fibers, underground conduits, manholes and other conductors and fixtures necessary to maintain and operate a Cable Television System.

G. "Grantee" means Bee Line, Inc.

H. "Subscriber" means any person, firm, partnership, company, municipality, corporation or association lawfully receiving services from the Grantee.

I. "Town" means the Town of Millinocket, its Town Council, officials, agents and employees unless otherwise specifically designated, and the area within the territorial Town limits.

J. Other Definitions: any term defined in FCC rules and/or regulations, or by Federal law, as of the effective date of this Franchise, but not included in the foregoing definitions, shall be incorporated herein by reference as if set forth in full, and shall be defined as appears in such rules and/or regulations.

III. AUTHORIZATION

A. Grant of Franchise. There is hereby granted by the Town of Millinocket the right, privilege and Franchise to construct, operate and maintain a cable television system in, upon, along, across, above, over and under the streets, alleys, telephone line easements, power line easements, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, poles, wires, cables, underground conduits, manholes and other cable conductors and fixtures necessary for maintenance and operation in the Town of Millinocket of a Cable Television System, to be used for the sale and distribution of Cable Television Service to Subscribers and institutions in the town. This Franchise is granted in conformity with and should be construed in accordance with federal, state, and local laws in force and effect during the period for which this Franchise is granted. This Franchise shall take effect and be in force from and after the final execution of this Franchise by the Town and Grantee. The duration of the rights, privileges and authorizations hereby granted shall be for a period of ten (10) years from the effective date hereof, unless validly terminated, revoked or otherwise discontinued as provided in this Agreement. The Grantee shall have the option to renew this Franchise for one (1) ten (10) year period, with approval of the Town. The application for renewal or extension of the Franchise shall not be made within the first six (6) years of the effective date of this Franchise and not later than one (1) year before the expiration date of this Franchise. The Cable Television System for which this Franchise is granted shall be primarily for the purpose of transmission and distribution of audio and visual impulses of television energy, in accordance with the laws and regulations of the United States of America, the State of Maine and the ordinances of the Town now in existence or hereafter adopted, provided that no such future ordinance or regulation of the Town shall amend the terms of this agreement without the consent of the Grantee. The foregoing description of purpose shall not be deemed a limitation of the right of the Grantee to use the Cable Television System for any lawful purpose.

B. Assignment. Said Franchise cannot in any event, be sold, transferred, leased, assigned or disposed of in whole or in part, either by forced or voluntary sale, merger, consolidation, mortgage, trust, receivership or any other means without the prior consent of the Town expressed by a vote of the Town Council. Such consent will not be arbitrarily or unreasonably withheld by the Town. No such transfer shall be effective unless the transferee shall file a written statement with the Town agreeing to be bound by all the terms and conditions of this Franchise. It shall not be deemed a transfer if it is transferred to any entity controlled more than fifty percent (50%) by Grantee.

C. Approval. Grantee agrees to obtain the prior approval of the Town before transferring or selling controlling interest in the corporation, which approval shall not be unreasonably or unnecessarily withheld.

IV. STREET OCCUPANCY

A. No Interference. The Grantee's transmission and distribution system, poles, wires, and appurtenances shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements the Town may deem proper to make or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, or public property. Removal of poles to avoid such interference will be at the Grantee's expense, and all such poles or other fixtures placed in a street shall be placed in the right of way between the roadway and the adjacent property.

B. Installation. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the Town affecting electrical installations which may be in effect.

C. Nature of Installations. All installations of equipment shall be permanent in nature, durable, and installed in accordance with good engineering practices and of sufficient height to comply with all existing Town regulations, ordinances, and State laws so as not to interfere in any manner with the right of the public or individual property owner, and shall not

interfere with the travel and use of public places by the public and during the construction, repair or removal thereof; and shall not obstruct or impede traffic.

D. Maintenance and Operation. In the maintenance and operation of its cable television system in the streets, alleys and other public places and in the course of any new construction or addition to its facilities, the Grantee shall proceed so as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places made by the Grantee in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which, during periods of dusk and darkness, shall be clearly designated by warning lights. Any excavation or taking up of pavement, curbing or sidewalks shall be done only with the approval of the Town, and shall be repaved by the Grantee.

E. Relocations. In the event the Town shall relocate a street, raise or lower a bridge, or make any other changes requiring the removal of utility installations, the Grantee shall remove or relocate its installations at said locations at no cost to the Town.

F. Restoration or Reimbursement. In the event of disturbance of any street or private property by the Grantee, it shall at its own expense, and within a reasonable period of time, replace and restore such street or private property to be safe for the general public.

V. OPERATIONS

A. Operations to be in Accordance with Rules. The Grantee shall maintain and operate its Cable Television System in accordance with Federal law (47 U.S.C. & 521 et seq.) (the "Cable Act"), the rules and regulations of the Federal Communications Commission (47 C.F.R. Part 76) and its policies and order, the laws of the State of Maine and the Town, as are incorporated herein or may be promulgated hereafter, provided that no such future rule or regulation of the Town shall contradict preempting Federal authority, nor amend the terms of this Agreement without the consent of the Grantee.

B. Public Lines. The Grantee shall, without an installation or monthly subscription charge, provide one basic cable outlet to the Town Office and one basic cable outlet to all public schools, libraries and buildings within the Town.

C. Services. The Grantees shall maintain a Cable Television System with a frequency spectrum of five (5) to eight hundred sixty (860) Megahertz (Mhz) as currently operated in said Town. It is the Grantee's and the Town's intent that new developments in the art be incorporated into the cable system whenever it would be in the Subscriber's best interest to do so, taking into consideration all relevant economic and technological factors.

D. Public Access Channel. At the request of either a majority of Subscribers or a majority of the members of the Town Council, the Grantee shall set aside one channel within Grantee's system which shall be dedicated to public access services and which shall be for the joint use of the Town and the Town of East Millinocket. This channel shall be made available to the public for educational and governmental users, as requested by the Town, except that advertising by or on behalf of candidates for public office, lottery information, or obscene or indecent material shall be prohibited from carriage on this channel.

E. The Grantee will make semi-annual monetary contributions to the support of the Public Access Channel of \$6,000.00, totaling \$12,000 per year, to assist with the operating expenses, equipment purchases, and general maintenance of the Channel. Payment shall be due and payable no later than 90 days after the end of the fiscal year for which payment is made.

VI. INDEMNIFICATION AND INSURANCE

A. Indemnification. The Grantee shall indemnify, protect and save harmless the Town, its officers, agents and employees from and against all claims, damages, losses and expenses, including reasonable attorney's fees incurred by the Town on account of any suit, judgment, execution, claim or demand whatsoever arising from the operation or maintenance of the Grantee's Cable system in the Town. The Town shall notify Grantee within thirty (30) days after the presentation of any claim or demand, either by suit or otherwise, made against the Town on account of any negligence or other claim or liability occasioned or arising out of the operation, maintenance, or construction of the Grantee's Cable System within the Town. For the duration of the Franchise and all renewals thereof, Grantee shall carry and present evidence of carriage of liability insurance covering property damage and public liability from an insurance company or companies duly authorized to do business in the State of Maine, insuring the Grantee and the Town with respect to the construction, operation and maintenance of the system. The

amounts of such insurance against liability due to physical damages to property shall not be less than Fifty Thousand Dollars (\$50,000.00) as to any one accident and not less than Three Hundred Thousand Dollars (\$300,000.00) aggregate in any single policy year; and against liability due to bodily injury or to death of persons not less than Three Hundred Thousand Dollars (\$300,000.00) as to any one person and not less than One Million Dollars (\$1,000,000.00) as to any one accident. Said policy shall protect the Town by naming it as an insured party from and against any and all claims, actions, suits, liabilities, expenses or damages of any kind or description which may occur to or be suffered by the Town or any one, by reason of the construction, maintenance, or operation of the Grantee's facility. The Grantee shall also carry such insurance as it deems necessary to protect it from all claims under the Workers' Compensation Laws in effect that may be applicable to the Grantee. In addition, the Grantee shall indemnify the Town and its officials and shall hold them and each of them harmless of and from any and all liability with respect to alleged copyright infringements, and with respect to the subject matter of any program transmitted by the Grantee.

B. Contravention of Provisions; Costs of Litigation. The reasonable costs of any litigation incurred by the Town to enforce either the provisions of this Franchise or the laws governing this Franchise against the Grantee shall be reimbursed to the Town by the Grantee. Such costs shall include filing fees, costs of depositions, discovery and expert witnesses, all other expenses of suit and a reasonable attorney's fee. The reimbursement of such costs shall be required only if a final judgment should be entered in favor of the Town.

VII. SERVICE STANDARDS

A. The Grantee shall provide Subscribers and Town with thirty (30) days advance notice of an increase in rates or deletion of a channel.

B. Upon reasonable notice, Grantee shall expeditiously investigate and resolve complaints regarding the quality of service, equipment malfunctions, and other matters. In the event service to any Subscriber is interrupted for six (6) or more consecutive hours, the Grantee shall, upon request, grant that Subscriber a pro rata credit or rebate, if such interruption was not caused by the subscriber.

C. Grantee shall have at least one full time technician stationed within the Millinocket system. Company shall have a location (office, store or mail drop) in the Millinocket area or in such other location sufficient to provide reasonably comparable access by Subscribers and service and response times, available from at least 9:30 a.m. to 4:00 p.m. Monday through Friday, legal holidays excepted, where Subscribers can make payment of bills received from Company. Grantee shall have a listed toll-free number so that complaints and requests for repairs or adjustments may be received twenty-four hours a day, seven days a week. All Subscriber complaints must be handled promptly and in no case shall go unanswered or uninvestigated for more than three (3) business days.

D. Complaint Procedure:

1. Grantee shall promulgate a written policy statement setting forth the procedure for reporting and resolving Subscriber complaints. For each new Subscriber, and annually thereafter, the Grantee shall cause to be mailed to each of its Subscribers a notice that:

- a. Informs Subscribers of how to communicate their views and complaints to the Grantee, the proper municipal official and the Attorney General;
- b. States the responsibility of the Department of the Attorney General to receive consumer complaints concerning matters other than channel selection and rates; and
- c. States the policy regarding and method by which Subscribers may request rebates or pro rata credits as described in subsection E of this Section.

The notice shall be understandable by the general public, written in non-technical language, and contained in a convenient format. On or before January 30th of each year, the Grantee shall certify to the Town and to the Department of the Attorney General that it has distributed the notice during the previous calendar year as required by this paragraph.

2. Recording Subscriber complaints shall be as follows:

- a. The Grantee shall keep a record or log of all written complaints received regarding quality of service, equipment malfunctions, billing procedure,

employee attitude and similar matters. These records shall be maintained for a period of 2 years.

b. The record shall contain the following information for each complaint.

- (i) Date, time and nature of the complaint;
- (ii) Name, address and telephone number of the person complaining;
- (iii) Investigation of the complaint;
- (iv) Manner and time of resolution of the complaint;
- (v) If the complaint regards equipment malfunction or the quality of reception, a report indicating corrective steps taken, with the nature of the problem stated; and
- (vi) Consistent with subscriber privacy provisions contained in the Cable Communications Policy Act of 1984, Public Law 98-549, as amended by the Cable Television Consumer Protection and Competition Act of 1992, Public Law 102-385, the Grantee shall make the logs or records of complainants available to any authorized agent of the Town upon request during normal business hours for on-site review.

E. Pro-Rated Service. In the event a Subscriber's service is terminated, monthly charges for service shall be pro-rated on a daily basis and, where advance payment has been made by a Subscriber, the appropriate refund shall be made by the Grantee to the Subscriber within thirty days of such termination.

VIII. FRANCHISE FEE

A. Franchise Fee. The Town shall retain its rights to adopt and impose a franchise fee on the Grantee, upon proper notice to the Grantee consistent with this agreement.

B. Computation. The Town shall be furnished at the time the fee is paid, with a financial statement from a Certified Public Accountant reflecting the total annual gross Subscriber revenue as defined immediately above in subsection A, for the payment period. The fee shall be due and payable on or before January 1 for the Grantee's previous fiscal year in

which the fee has accrued. If the fee is not paid when due, interest therein shall accrue at the rate allowable by the State for past-due real property taxes.

C. **Limitation on Franchise Fee Actions.** The period of limitation for recovery of any franchise fee payable hereunder shall be two (2) years from the date on which payment by the Grantee is due. Unless within two (2) years from and after said payment due date the Town initiates a lawsuit for recovery of such franchise fees in a court of competent jurisdiction, such recovery shall be barred and the Town shall be stopped from asserting any claims whatsoever against the Grantee relating to any such alleged deficiencies.

IX. RATES, CHARGES AND SERVICES

A. **Charges for Services.** All subscription rates and charges for any Subscriber service or installation of equipment shall be adequate and nondiscriminatory, and shall be uniform across the franchise area.

B. **Annually, at a time mutually agreed to by the Town and Grantee, a representative of the Grantee shall attend a meeting of the Town Council to discuss cable service during the past year and any plans the Grantee has for the coming year. At this public meeting, interested citizens may also be provided an opportunity to comment on cable services.**

X. NEW TECHNOLOGY

A. **Town Options.** The Town shall have the right ("option"), effective at any time after the end of the third year of term hereof, to require Grantee to provide technological improvements necessary to give the cable system the capability of offering services then being offered by at least 30 percent of American cable systems comparable in size (number of subscribers served by the system).

B. **Requirements.** In order for The Town to exercise any of the options, the following requirements must be met:

1. The Town must first conduct a public hearing to consider the technological improvements which are the subject of the option, on at least sixty (60) days notice to Grantee, and all interested parties, including Grantee, are given an opportunity to be heard.

2. Such technological improvements are technically and economically feasible. Economically feasible shall mean that Grantee will have reasonable prospects of earning a reasonable return on its net investment in the cable system after installation of equipment necessary for the provision of such technological improvements.

3. The Town may exercise any of its options by giving Grantee at least nine months' notice thereof, such notice to be given not later than six months after the date of the above-required hearing held to consider exercise of such option.

The procedures provided in this subsection are not exclusive of any other remedies or procedures that may be available at law or in equity.

XI. EXTENSION POLICY

Grantee shall extend its actual cable lines to any dwelling unit where said lines will serve twenty (20) or more Subscribers per mile, or reach a location with a number of subscribers equivalent to the above standard for the distance traveled. This provision sets a minimum standard for the average number of Subscribers in the extension; the actual extensions will cover the maximum distance arrived at by using the twenty (20) Subscriber per mile standard on any road within the town. Grantee also agrees to extend and provide service to Subscribers who do not qualify under the extension policy only if said Subscribers agree to pay the actual costs incurred by Grantee in constructing said extension. A petition must be presented to the Grantee containing the required number of Subscribers, with a duplicate filed with the Town. Such extension shall be completed within a time period agreed upon by the Town and Grantee. Distances provided for herein shall be measured along the center line of roads and the number required Subscribers for an extension will be adjusted for each fraction of a mile.

XII. RENEWAL OF FRANCHISE

The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provision of Section 626 of the Cable Act (as such existed as of the effective date of the Cable Act), unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent

provision of federal and state law. In addition to the procedures set forth in said Section 626 (a), the Franchising Authority agrees to notify Grantee of its preliminary assessments regarding the identity of future cable-related community needs and interests, as well as, the past performance of Grantee under the then current Franchise term. The Franchise Authority further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four (4) month period referred to in Subsection (c) of Section 626 is considered to begin.

Notwithstanding anything to the contrary set forth in this paragraph, the Grantee and the Franchising Authority agree that any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the Franchising Authority and the Grantee may agree to undertake and finalize negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof. The Grantee and the Franchising Authority consider the terms set forth in this section to be consistent with the express provisions of Section 626 of the Cable Act.

XIII. SALE OR ASSIGNMENT OF SYSTEM

Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an Affiliate, without the prior consent of the Franchising Authority, such consent not to be unreasonably withheld, *provided, however*, that notwithstanding the foregoing and Section III (B) hereof, no such consent shall be required for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Grantee in the Franchise or Cable System in order to secure indebtedness.

XIV. TERMINATION

A. Revocation. The Town reserves the right to terminate this Franchise and rescind all rights and privileges associated with it in the following circumstances:

1. If Grantee persistently and deliberately fails to comply in any material respect with the provisions of this Franchise and such failure shall continue beyond thirty (30) days after receipt of written notice of such failure from the Town Council; provided, however, that noncompliance shall not be cause for termination if Grantee is making a bona-fide attempt to cure the condition causing noncompliance or if the condition causing noncompliance is beyond the control of the Grantee;

2. If a petition is filed by or against the Grantee under the Bankruptcy Act, or any other insolvency or creditors' rights law, state or federal, and the Grantee shall fail to have it dismissed;

3. If the Grantee becomes financially insolvent or makes an assignment for the benefit of creditors; or

4. If the Grantee ceases to provide service over the Cable Television System and fails to reinstate service after notice as in Paragraph (1) above.

B. Procedure Prior to Revocation. Prior to any decision by the Town to terminate this Franchise, Grantee shall be entitled to an opportunity to be heard by the Town Council upon a minimum of thirty (30) days' notice.

C. Surrender of Franchise. The Grantee may surrender this Franchise at any time upon filing with the Town Clerk a written notice of its intention to do so at least six (6) months before the surrender date. On the surrender date specified in the notice, if Grantee has completed performance as specified herein, and on payment of any franchise fees due as of the surrender date, all of the rights and privileges and all of the obligations, duties and liabilities of the Grantee shall terminate.

D. If, after the occurrence of a public hearing as provided in paragraph B, the Town revokes this Franchise, or if the Grantee surrenders this Franchise pursuant to paragraph C, Grantee shall have the option (i) to remove all of its equipment associated with the Cable Television System at its own expense or (ii) to sell the Cable Television System.

XV. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Franchise, should be held invalid or unconstitutional either by the FCC or any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or word shall be deemed severable as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

XVI. CONSTRUCTION

No provision of this Agreement shall be construed to limit the rights of, or protections given, to the Grantee pursuant to federal law.

XVII. AMENDMENT OR MODIFICATION, MOST FAVORED NATION

This Franchise shall not be amended or modified except by written agreement executed in the same manner as this Franchise. In the event the Franchising Authority enters into a franchise, permit, license, authorization or other agreement of any kind with any other person or entity other than Grantee to enter into the City's streets and public ways for the purpose of constructing or operating a Cable System or providing Cable service, or other video programming comparable to Cable Service, to any part of the service area, the material provisions thereof shall be reasonable comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law.

XVIII. NOTICES

Notices required to be sent to the Town shall be in writing and shall be delivered by hand, or shall be sent by certified mail, return receipt requested, in either case to the Town Manager, Town of Millinocket, 197 Penobscot Avenue, Millinocket, Maine 04462, or such other address as may be designated by the Town in writing. Notices required to be sent to Grantee shall be in writing and shall be delivered by hand, or shall be sent by certified mail, return receipt requested, to Grantee at P.O. Box 2276, Skowhegan, Maine 04976.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

WITNESS:

TOWN OF MILLINOCKET

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

WITNESS TO ALL

BY: _____
ITS TOWN COUNCIL

BEE LINE, INC.

WITNESS

BY: _____
ITS PRESIDENT

ORDER #276-2022

PROVIDING FOR: Execution of the Town Warrant for November 14, 2022

IT IS ORDERED that the Town Warrant for November 14, 2022, in the amount of \$485,249.71 is hereby approved.

Passed by the Town Council_____

Attest:_____

A / P Check Register
Bank: BANGOR SAVINGS A/P

Type	Check	Amount	Date	Wrnt	Payee
R	33220	1,210.88	11/10/22	140	2095 AMBULANCE MEDICAL BILLING
R	33221	12,668.25	11/10/22	140	2061 ARCADIA DESIGNWORKS LLC
R	33222	322,684.50	11/10/22	140	1572 B&B PAVING INC.
R	33223	1,649.74	11/10/22	140	0869 BIDDEFORD INTERNET CORPORATION
R	33224	253.75	11/10/22	140	1869 BLOOMER & RUSSELL, P.A.
R	33225	465.00	11/10/22	140	2049 BRAGDON, MATTHEW
R	33226	450.00	11/10/22	140	2019 BREAKING THE CYCLE
R	33227	38.21	11/10/22	140	0280 CHARETTE, JAMES
R	33228	9,727.27	11/10/22	140	0157 DEAD RIVER
R	33229	790.00	11/10/22	140	1775 DESIGNLAB, LLC
R	33230	675.23	11/10/22	140	0207 FASTENAL COMPANY
R	33231	245.08	11/10/22	140	0222 FREIGHTLINER OF MAINE, INC.
R	33232	148.75	11/10/22	140	1629 GATEWAY PRESS
R	33233	6,610.22	11/10/22	140	2143 GERALD PELLETIER
R	33234	139.00	11/10/22	140	0235 GILMAN ELECTRICAL SUPPLY
R	33235	1,105.12	11/10/22	140	0240 GREEN THUMB LAWN SERVICE
R	33236	1,134.70	11/10/22	140	0120 HALEY WARD, INC
R	33237	101.25	11/10/22	140	1488 HASKELL, LORRI L
R	33238	6,547.23	11/10/22	140	0805 HOYLE, TANNER & ASSOCIATES
R	33239	1,108.02	11/10/22	140	0828 HYGRADE BUSINESS GROUP, INC.
R	33240	65.00	11/10/22	140	2102 JAMIESON, PETER
R	33241	582.06	11/10/22	140	0311 JORDAN EQUIPMENT CO.
R	33242	525.00	11/10/22	140	0107 KATAHDIN AREA CHAMBER OF COMMERCE
R	33243	616.84	11/10/22	140	1903 KATAHDIN TRUE VALUE
R	33244	85.22	11/10/22	140	1270 LAKEMAN, DIANA M.
R	33245	42.48	11/10/22	140	1992 LEVESQUE, ALLEN
R	33246	100.00	11/10/22	140	0387 MAINE FIRE CHIEF'S ASSOCIATION
R	33247	195.00	11/10/22	140	0392 MAINE MUNICIPAL ASSOCIATION
R	33248	1,350.00	11/10/22	140	0395 MAINE RESOURCE RECOVERY ASSOC.
R	33249	2,321.92	11/10/22	140	1849 MAINE TECHNOLOGY GROUP LLC
R	33250	34,176.43	11/10/22	140	0037 MAINE WATER COMPANY
R	33251	245.39	11/10/22	140	0687 MALCOLM, THOMAS M.
R	33252	178.00	11/10/22	140	2144 MIKE HOLT ENTERPRISES OF LEEBURG, INC
R	33253	600.10	11/10/22	140	0456 MILLINOCKET, TOWN OF
R	33254	19,316.45	11/10/22	140	0471 MUNICIPAL REVIEW COMMITTEE, INC
R	33255	120.20	11/10/22	140	2023 NORTH COAST SERVICES, LLC
R	33256	64.00	11/10/22	140	0511 OAK GROVE SPRING WATER CO.
R	33257	591.94	11/10/22	140	1669 OFFICE DEPOT, INC
R	33258	632.00	11/10/22	140	2113 OUELLETTE, ADAM
R	33259	1,000.00	11/10/22	140	1999 OUR KATAHDIN
R	33260	16,004.30	11/10/22	140	1537 PELLETIER MANUFACTURING, INC.
R	33261	15.00	11/10/22	140	0653 PERREAULT, STEVEN L.
R	33262	3,460.86	11/10/22	140	1596 PREBLE OIL COMPANY
R	33263	109.30	11/10/22	140	0584 REGISTER OF DEEDS
R	33264	6,000.00	11/10/22	140	2083 RHR SMITH & COMPANY
R	33265	126.59	11/10/22	140	0371 SANTERRE, LORI A.
R	33266	463.27	11/10/22	140	0649 STERNS LUMBER COMPANY INC
R	33267	25,500.00	11/10/22	140	0919 SULINSKI, MICHAEL J.

Millinocket
1:17 PM

A / P Check Register
Bank: BANGOR SAVINGS A/P

11/10/2022
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	33268	501.88	11/10/22	140	2093 THE SNOWMAN GROUP
R	33269	119.97	11/10/22	140	0075 TRACTION
R	33270	56.95	11/10/22	140	1404 TRACTOR SUPPLY COMPANY
R	33271	120.00	11/10/22	140	0706 TREASURER, STATE OF MAINE
R	33272	558.00	11/10/22	140	0863 TWIST, CAROL A.
R	33273	85.00	11/10/22	140	0731 TWO DUCKS ON AN ISLAND, LLC
R	33274	82.50	11/10/22	140	0737 UNIFIRST CORPORATION
R	33275	234.55	11/10/22	140	0748 US CELLULAR
R	33276	882.00	11/10/22	140	1502 VERSANT POWER
R	33277	123.99	11/10/22	140	1799 WEST BRANCH AVIATION LLC
R	33278	154.02	11/10/22	140	2115 WHEATON, AMBER G
R	33279	91.30	11/10/22	140	2073 XEROX FINANCIAL SERVICES LLC
Total		485,249.71			

Count	
Checks	60
Voids	0

ORDER #277-2022

PROVIDING FOR: Execution of the Wastewater Warrant for November 14, 2022

IT IS ORDERED that the Wastewater Warrant for November 14, 2022, in the amount of \$9,701.92 is hereby approved.

Passed by the Town Council_____

Attest:_____

Millinocket
8:46 AM

A / P Check Register
Bank: KEY BANK WW A/P FD 3

11/10/2022
Page 1

Type	Check	Amount	Date	Wrnt	Payee
R	10261	72.74	11/10/22	139	0869 BIDDEFORD INTERNET CORPORATION
R	10262	1,200.00	11/10/22	139	0092 CALS SEPTIC SERVICE
R	10263	80.00	11/10/22	139	0292 CAMPBELL, JEFFREY W
R	10264	38.21	11/10/22	139	0280 CHARETTE, JAMES
R	10265	923.08	11/10/22	139	1901 CREATIVE DIGITAL IMAGING, INC
R	10266	169.85	11/10/22	139	0157 DEAD RIVER
R	10267	341.01	11/10/22	139	0235 GILMAN ELECTRICAL SUPPLY
R	10268	357.63	11/10/22	139	1903 KATAHDIN TRUE VALUE
R	10269	425.11	11/10/22	139	1849 MAINE TECHNOLOGY GROUP LLC
R	10270	2,608.62	11/10/22	139	0456 MILLINOCKET, TOWN OF
R	10271	119.29	11/10/22	139	1819 NAPA AUTO PARTS
R	10272	987.23	11/10/22	139	1596 PREBLE OIL COMPANY
R	10273	171.00	11/10/22	139	0584 REGISTER OF DEEDS
R	10274	26.96	11/10/22	139	0649 STERNS LUMBER COMPANY INC
R	10275	35.00	11/10/22	139	0748 US CELLULAR
R	10276	326.19	11/10/22	139	1502 VERSANT POWER
R	10277	220.00	11/10/22	139	0792 WINTERPORT BOOT
R	10278	1,600.00	11/10/22	139	2145 YVONNE WITHAM
Total		9,701.92			

Count	
Checks	18
Voids	0

ORDER #278-2022

PROVIDING FOR: Ratification of the November 8, 2022, Municipal Election Results

IT IS ORDERED that the results of the November 8, 2022, Municipal Election are hereby ratified as follows:

Total Ballots Cast: 1936

TOWN COUNCIL 3 Year (Vote for 2):

ROVC: 3872

Dumais, Jesse O.	1225
Higgins Jr, Robert F.	1184
Stratton, Gilda	686
Blanks	777

SCHOOL BOARD 1 Year (Vote for 1)

ROVC: 1936

Malcolm, Thomas M.	1590
Blanks	346

SCHOOL BOARD 3 Year (Vote for 2)

ROVC: 3872

Gregory, Kevin J.A.	841	Libby, Kevin	1002
Hewke, Julie P.	734	Wheaton, Amber	670
Blanks	625		

Note: Warden's Return of Votes Cast attached.

Passed by the Town Council _____

Attest: _____

WARDEN'S RETURN OF VOTES CAST: November 8, 2022 Millinocket Municipal Election

TBC: 1936

TOWN COUNCIL 3 Year (Vote for 2): **ROVC 3872**

Dumais, Jesse O.	1225
Higgins Jr., Robert F.	1184
Stratton, Gilda	686
Blanks	777

SCHOOL BOARD 1 Year (Vote for 1) **ROVC 1936**

Malcolm, Thomas M.	1590
Blanks	346

SCHOOL BOARD 3 Year (Vote for 2) **ROVC 3872**

Gregory, Kevin J.A.	841	Libby, Kevin	1002
Hewke, Julie P.	734	Wheaton, Amber	670
Blanks	625		

CERTIFICATION

We, the undersigned election officials duly sworn, do declare that, in accordance with 21-A MRSA §695 & §698, we have publicly sorted, counted, declared, recorded, and packaged all ballots cast at the Referendum/Municipal Election held on Tuesday, November 8, 2022.

Warden's Signature S/ Micheal Kight Election official's Signature S/ Debra J Bradford

THIS SIGNED COPY MUST BE SEALED WITH THE TALLY TAPE AND VOTED BALLOTS.

****2 copies - One Copy Must be Delivered to the Clerk***

Sharon A Cyr
Deputy Clerk

WARDEN'S RETURN OF VOTES CAST: November 8, 2022 Millinocket Municipal Election

TBC: 1936

TOWN COUNCIL 3 Year (Vote for 2):

ROVC 3872

Dumais, Jesse O. 1225

Higgins Jr., Robert F. 1184

Stratton, Gilda 686

Blanks 777

SCHOOL BOARD 1 Year (Vote for 1)

ROVC 1936

Malcolm, Thomas M. 1590

Blanks 346

SCHOOL BOARD 3 Year (Vote for 2)

ROVC 3872

Gregory, Kevin J.A. 841

Libby, Kevin 1002

Hewke, Julie P. 734

Wheaton, Amber 670

Blanks 625

CERTIFICATION

We, the undersigned election officials duly sworn, do declare that, in accordance with 21-A MRSA §695 & §698, we have publicly sorted, counted, declared, recorded, and packaged all ballots cast at the Referendum/Municipal Election held on Tuesday, November 8, 2022.

Warden's Signature [Signature] Election official's Signature [Signature]

THIS SIGNED COPY MUST BE SEALED WITH THE TALLY TAPE AND VOTED BALLOTS.

***2 copies - One Copy Must be Delivered to the Clerk**

ORDER #279-2022

PROVIDING FOR: Election of Town Council Chairman

IT IS ORDERED that the Millinocket Town Council elects _____ as its Chairman for a one-year term commencing on November 14, 2022 and ending November 2023, or until a successor is duly elected.

PASSED BY THE COUNCIL: _____

ATTEST: _____

ORDER #280-2022

PROVIDING FOR: Acceptance of Town Council Procedure Policy.

IT IS ORDERED that the Millinocket Town Council re-adopt the Town Council Meeting Procedure Policy proposed as amended on July 22, 2021, a copy of which is attached to this order.

PASSED BY THE COUNCIL: _____

ATTEST: _____

TOWN OF MILLINOCKET
TOWN COUNCIL MEETING PROCEDURE POLICY

The Millinocket Town Council hereby adopts the following Town Council Meeting Procedure Policy:

Section 1— Intent. It is the intent of this policy to provide a general guideline on the conduct of business by the Town Council. It is not intended to conflict with the Town Charter or to be rigid in its application. The Chairperson is given latitude in its administration.

Section 2 — Quorum. A majority of the full Council shall constitute a quorum for the conduct of business.

Section 3 — Action by Council. For an item of business to be approved, a majority of the quorum present and voting must be in the affirmative, except for matters requiring a majority vote of the entire Council specifically addressed in the Town Charter.

Section 4 — Business Items. Items to be considered by the Council will be placed on a written agenda and may include the following:

- A. Roll call of members.
 - 1. Recital of the Pledge of Allegiance.
- B. Approval of the minutes of the preceding meeting(s) with or without corrections.
- C. Special Presentations (15 minutes)
- D. Town Manager's Report
- E. Unfinished business.
- F. New business.
- G. There will be a separate warrant for pass through accounts.
- H. Upload packet to the Town's Website

Section 5 — Presiding Officer. The presiding officer shall be the Chairperson.

- A. Duties of the Chairperson. The Chairperson shall preside at all meetings; preserve decorum and order; speak to points of order in preference to other members and decide such matters, subject to appeal of the entire Council by motion and second which may override the decision of the Chair; call and declare all votes; and perform other functions, presiding or ceremonial in nature, consistent with the position.
- B. In the absence of the Chairperson, the Town Clerk shall call the meeting to order; cause the roll to be called; and, upon a quorum being present, preside over

C. the election of a Chairperson pro tempore.

Section 6 — Actions. The Council shall act by ordinance, order, or resolve per the Town Charter. Except for appropriation orders and resolves, all such ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. Council members or the town manager may propose ordinances, orders, or resolves. All proposed actions shall be in written format, unless the Council decides otherwise or if the action is procedural in nature.

- A. All by-laws passed by the Town Council shall be termed "Ordinances" and the enacting style shall be: "Be it ordained by the Town Council of the Town of Millinocket, in Town Council assembled..."
- B. All votes of command shall be termed "Orders" and the enacting style shall be: "It is ordered..."
- C. All votes of opinions, principles, facts, or purposes shall be "Resolves" and the enacting style shall be: "Resolved..."
- D. The Chairperson shall appoint all special committees unless otherwise directed by the Council.

Section 7 — Agendas. The town clerk shall be responsible for establishing the agenda in coordination with the Council Chairperson and the town manager, with the Council Chairperson having final approval. Meeting agendas will be distributed to all members at least 48 hours prior to the called meeting. Agendas will be posted at the Municipal Office, Town's Website and also be advertised, when possible, in a local paper.

Section 8 — Motions, Debate, and Voting. The following process shall be used in considering a question.

- A. Every member present shall vote on each matter, unless such member shall be excused or excuse him/herself due to a conflict of interest or other special reason.

Section 9 — Public Participation. Members of the public will be required to sign in if attending in person. Public attendance and participation at meetings is encouraged and valued, within reasonable guidelines that promote the accomplishment of business by the Council. Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedures:

- A. Public comment shall be solicited and allowed during the discussion of each agenda item at the discretion of the Chairperson. Such public input will be received after Council and staff discussion and Council and staff will be allowed to respond to the public comments. The Chairperson may impose time limits in order to allow for as many as possible to make comments and/or to

provide for the timely transaction of business. Members of the public will address the Council from the podium after stating their name and address. Comment will be limited to the subject under discussion and be limited to no more than three (3) minutes.

B. Public comment during workshop sessions of the Council is not generally allowed unless provided by the order authorizing the session or unless solicited by the Council.

C. A fifteen-minute period for members of the public to speak on any issue will be added to the end of the Regular Council Meeting Agenda. Each member of the public will be allowed to speak for a period of not more than two minutes and the Council shall not enter into a debate or a question-and-answer session ***unless the question can be answered in a brief statement without a debate. This will be at the discretion of the council chair.**

Section 10 – Parliamentary Procedure. Unless otherwise stated in this policy or changed by action of the Council, *Roberts Rules of Order* shall be used as the applicable parliamentary procedure of the Council.

Section 11 – Special/Emergency Meetings. Special meetings may be called by the Chairperson or, in the case of his/her absence, disability, or refusal, by a majority of the Council. Notice of such meeting shall be served in person upon, or left at the residence of, each member of the Town Council and of the Town Manager at least 24 hours before the scheduled time of the meeting. The Town Council may meet upon shorter notice in emergency session by unanimous consent of its available members with such decision to be recorded in the minutes of such meeting.

Section 12 – Workshop Meetings. At any Council meeting, a majority of the Council may vote to hold workshop meetings at a scheduled time for a specific purpose.

Section 13 – Special Presentations by the Public. Special Presentations by the public to the Council shall be set at the discretion of the Chairperson. Special Presentations may be made by members of the public to the Town Council, provided that: At the discretion of the Chairperson, Special Presentations may be made by members of the public to the Town Council, provided that:

- A. The presentation is related to Town business; and,
- B. The presentation is limited to no more than fifteen (15) minutes; and,
- C. A list of all speakers who will participate in the presentation is furnished to the Town Manager no later than Friday before the Council meeting so that they can be listed on the agenda.

Presentations may be made at the request of a councilor and determined by Chairperson. Nothing in this Section shall limit provided such presentations are requested by Friday of the week preceding a Council meeting, nothing in this Section shall limit the number of Special Presentations made to the Council at any meeting by a member of the Town Council, the Town Manager, the Town Attorney, Town staff, or others in the conduct of their business with the Town such as engineers, auditors, etc., provided that the Chairperson approves such request(s), after signing in and stating their name and address to the council, limited to no more than three (3) minutes.

Section 14 – Changes/Amendments to Procedures. These procedures shall not be dispensed without the unanimous consent of the members present and said dispensation shall apply only to the matter under discussion at the time. These procedures may be formally amended through the submission and consideration of a written Order adopted by a majority plus one of the Council.

In the event that Town Council meetings will be held virtually the following additions and/or changes to procedures will apply under the aforementioned Sections:

Sections 1 through 14 - All references to "votes" in the aforementioned sections must be done via "roll call," which is an audible vote.

Section 7 - Agendas - Virtual access to the Town Meetings will be subject to these same requirements.

Section 9 - Public Participation - Virtual Town Council meetings are open to the public, as are in-person meetings. In addition to the parameters set in Section 9, those interested in attending virtual meetings must provide their full name in the "waiting room", or its equivalent, before being accepted into the meeting. Those who do not provide their full name will not be admitted to the meeting. Any participant to the Virtual Town Council Meetings may be subject to being muted or removed, at the discretion of the Chair and/or host. Participants may also submit comments via "chat", or its equivalent, and will be monitored by the Chair and/or host.

Amended 01/26/2006

Amended 09/26/2007

Amended 12/7/2015

Amended 12/8/2016

Amended 12/10/2020

***Amended 7/22/2021**

ORDER #281-2022

PROVIDING FOR: Appointment to Millinocket Town Committee – Events Committee

IT IS ORDERED that the Millinocket Town Council approves the appointment of Melissa Crocco to serve on the Events Committee.

PASSED BY THE COUNCIL: _____

ATTEST: _____

Town of Millinocket
Application for Boards & Committees

**IMPORTANT COMMITTEE TO ADVISE THE MUNICIPALITY ON MATTERS
PERTAINING TO SPECIFIC MUNICIPAL DEPARTMENTS**

Committee/Board: Events Committee

In order to assess the interest related to this committee, please complete this brief application.

Date: 10/13/2022

Name: Melissa Crocco Address: 22 Maple St

Telephone Numbers: Day Time: (207) 447-8251 Evenings: (207) 447-8251

EMAIL: mcrocco.mc@gmail.com

Why are you seeking to become a committee representative? I would like to be more involved in events for our kids, teens, and young adults.

What talents/skills do you feel you would bring to this position? volunteering at MML the past 4 yrs. I have gotten to know most of our youth and have helped. I was also a Cub Scout Den Leader for 3 years.

What do you feel is the responsibility of this board/committee? bringing our community together in a fun and exciting way.

What municipal boards, volunteer organizations or community service groups have you worked with the past and for what length of time? Pack 66 Cub Scouts. 3 years. MML for 4 years.

What have you to offer to this committee which our Town can use in this important undertaking? having teenagers, and their friends, at my house all the time. I am able to get a insightful perspective on what they would like to see and do in town.

When are you available to meet, please specify?

Weekday Tuesday A.M. _____ P.M. 5:30pm
and available by email. other days are dependent on work hours.

If you need more space, please feel free to use the back or attach additional page(s).

ORDER #282-2022

PROVIDING FOR: Approval of an Application for a Victualer License for Mainely Coffee.

IT IS ORDERED that the attached application for a Victualer License is hereby approved for:

Roger Buzby, 47 Katahdin Avenue
d/b/a
Mainely Coffee, Mobile Food Truck, Millinocket

Passed by the Town Council _____

Attest: _____

RCVD - 11/4/2022

PD
10/26/20

TOWN OF MILLINOCKET

197 PENOBSCOT AVE

MILLINOCKET, MAINE 04462

APPLICATION FOR A VICTUALERS LICENSE

FEE: \$25.00

1. NAME OF APPLICANT Roger Buzby
2. PHONE NUMBER OF APPLICANT 207-723-8900
3. RESIDENCE OF APPLICANT 47 Katahdin Ave
4. NAME OF BUSINESS Mainely Coffee
5. PHONE NUMBER OF BUSINESS 207-723-8900
6. BUSINESS ADDRESS 47 Katahdin Ave
7. NATURE OF BUSINESS Coffee Roaster
8. LOCATION TO BE USED Varies - will be used for samples
9. RESIDENCE OF APPLICANT IN THE LAST FIVE YEARS
47 Katahdin Ave, Millinocket, ME 04462
10. LIST OF PRINCIPAL OFFICERS, TITLES AND ADDRESS FOR THE PAST THREE YEARS
Roger Buzby - Owner 47 Katahdin Ave, Millinocket
Sarah Buzby - Owner 47 Katahdin Ave, Millinocket
11. DESCRIPTION OF PREMISES TO BE LICENSED M.F.T. (Mobile Food Truck)
Will be giving samples at the Marathon Craft Fair

**(PLEASE INCLUDE CURRENT COPY OF YOUR STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES FOOD VENDOR'S LICENSE)**

State of Maine
DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 28341
EATING PLACE - MOBILE

MAINELY COFFEE
47 KATAHDIN AVE
MILLINOCKET ME 04462

EXPIRES: 08/06/2023

FEE: \$270.00

ATTN ROGER BUZBY
MAINELY COFFEE LLC
MAINELY COFFEE
47 KATAHDIN AVE
MILLINOCKET ME 04462



Jeanne M. Lamborn

Commissioner

NON-TRANSFERABLE

▽ DETACH HERE ▽

Employers must establish a written smoking policy that prohibits smoking in any business facility, including in vehicles used for work, and in outdoor areas where employees perform services under the control of the employer. Smoking in workplaces shall only be permitted outdoors. Employers shall only permit employer and employees to smoke outside within a Designated Smoking Area that is at least 20 feet away from the business facility and designed in a way to prevent smoke from escaping back into a workplace, public place or other areas where smoking is prohibited.

Eating Establishments shall prohibit smoking in outdoor eating areas and all enclosed areas of public places. Smoking includes the use of electronic smoking devices, whether or not they contain nicotine.

Tobacco Retailers are required to card all persons 30 years of age or younger by photographic identification that contains the persons date of birth. Tobacco products may not be sold to any person under 21 years of age unless the person obtained 18 years of age on or before July 1, 2018. Tobacco products include, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus, electronic smoking devices, and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine.

For free guidance regarding Maine's retail tobacco and workplace smoking laws, please contact the Maine CDC Tobacco and Substance Use Prevention and Control program at tsup.dhhs@maine.gov or call 207-287-4627.

PROVIDING FOR: Approval of Municipal Release Deed

WHEREAS: The Eastern Maine Railway Company seeks lien discharge for the premises located at 81 Station Road and shown as Map R04 Lot 025 on the Town of Millinocket Tax Maps

WHEREAS: The proper documentation for lien discharge cannot be located; and

WHEREAS: Town of Millinocket seeks no interest in foreclosure of this property; and

WHEREAS: The Eastern Maine Railway Company and the Town of Millinocket have reached an agreement to process the attached Municipal Release Deed

IT IS ORDERED: that the Millinocket Town Council approves of the attached Municipal Release Deed for 81 Station Road and shown as Map R04 Lot 025 on the Town of Millinocket Tax Maps.

IT IS FURTHER ORDERED: that the Town Manager is authorized to execute and file all necessary paperwork, including signing a municipal release deed to complete the sale of the property referenced above.

Passed by the Town Council _____

Attest: _____

MUNICIPAL RELEASE DEED

(DLN: _____)

The **TOWN OF MILLINOCKET**, a body corporate, with a mailing address of 197 Penobscot Avenue, Millinocket, Maine, 04462 ("Grantor"), for consideration paid, releases to **EASTERN MAINE RAILWAY COMPANY**, a Maine corporation, with a mailing address of 300 Union Street, Saint John, NB E2L4Z2 Canada ("Grantee"), *successor in interest to the delinquent taxpayer*, a certain lot or parcel of land, together with the buildings and all other improvements thereon, **situated in Millinocket, County of Penobscot, State of Maine**, and being described in **Exhibit A** attached hereto (the "Property").

The purpose of this deed is to convey any and all, interest the Grantor may have in the foregoing Property by virtue of the tax lien dated September 26, 2003 and recorded in Book 8994, Page 115 of the Penobscot County Registry of Deeds.

This deed shall be construed according to the laws of the State of Maine.

IN WITNESS WHEREOF, The Town of Millinocket has caused this instrument to be signed in its corporate name by Peter Jamieson, its Town Manager, duly authorized by Order # _____-2022 of its Town Council, this _____ day of November, 2022.

Witness:

TOWN OF MILLINOCKET

By: _____

PETER JAMIESON
Its Town Manager

STATE OF MAINE
PENOBSCOT, ss.

November ____, 2022

Personally appeared the above named Peter Jamieson, Town Manager of said Grantor municipality, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said municipality.

Before me, _____

NOTARY PUBLIC

TYPE OR PRINT NAME AS WRITTEN

EXHIBIT A

The premises located at 81 Station Road and shown as Map R04 Lot 025 on the Town of Millinocket Tax Maps and being more particularly described in the deed from Great Northern Paper Company to Bangor and Aroostook Railroad Company dated March 14, 1936 and recorded on April 2, 1936 in Book 1105, Page 12 of the Penobscot County Registry of Deeds, to which reference is had for a more particular description.

ORDER #284-2022

PROVIDING FOR: Authorization to Provide Funds for Subsidized Transportation to Millinocket Residents.

IT IS ORDERED that the Millinocket Town Council authorize the expenditure of \$500 to Penquis to provide subsidized transportation for residents of Millinocket and other towns in the Katahdin Region; and

IT IS FURTHER ORDERED that the Town Council sanction the Town Manager and/or Council Chairman to authorize any additional contracts with Penquis to allow them to expend those funds with monthly reporting to Age Friendly Millinocket; and

IT IS FURTHER ORDERED that the funds will be disbursed from the Thriving Older Adults grant, which will leave a grant balance of zero dollars.

PASSED BY THE COUNCIL: _____

ATTEST: _____

PROVIDING FOR: Airport plow truck maintenance

WHEREAS: The Airport plow truck is essential to the winter operation of Millinocket's airport terminal

AND WHEREAS: The transmission in this vehicle is failing and needs to be replaced.

AND WHEREAS: The Airport Manager and Town Manager have done proper due diligence in researching best options for proactively addressing this issue

IT IS ORDERED: The Millinocket Town Council grants permission to the Town Manager and/or Airport Manager to accept the attached ESTIMATE OF REPAIR COSTS provided by Katahdin Motors, Inc. of Millinocket.

IT IS FURTHER ORDERED: The Millinocket Town Council grants permission to the Town Treasurer transfer \$5,549.49 from the Unassigned Fund Balance to account E1101-2008 (Airport Operations/Equipment Repairs) to cover the cost of this work.

Note: This vehicle is otherwise in excellent condition thanks to past maintenance by our Public Works Mechanic and Steve's Auto Body. This transmission replacement is expected to extend the life of this vehicle by 5+ years.

Passed by the Town Council _____

Attest: _____

KATAHDIN MOTORS, Inc.
AUTHORIZED CHEVROLET - PONTIAC - CADILLAC DEALERSHIP
 Phone 723-5154 and 5155
 991 Central Street • MILLINOCKET, MAINE 04462

1000

ESTIMATE OF REPAIR COSTS

Name	Millinocket Regional Airport		Address	Millinocket		State	ME		Date	11/07/22	
Make of Car	GMC		Year	2002		Type	Pass		License Number		
Insured by			Adjuster			Mileage	167 HK		Vin. No.	24U42E149751	
						Color Code			Phone Home	<input type="checkbox"/>	
									Business	<input type="checkbox"/>	

DESCRIPTION OF REPAIRS AND REPLACEMENTS	PARTS		Labor Amount	Paint Amount	Total Amount
	Number	Amount			
Replace Transmission	P1180251	3595.95	640.00		
3yr/100,000 mile warranty	Fluid	130.00			
whichever occurs first	Gasket	11.11			
Replace Transmission		422.43	160.00		
Cooler (atrm) + Lines					
Replace Radiator	22840116	350.00	240.00		
<div style="border: 1px solid black; border-radius: 50%; padding: 10px; margin: 10px;"> <p>Total Estimate \$559.49</p> <p>*Parts Available at time of writing 11/07/22. Cannot guarantee future availability. *</p> </div>					

The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the work has been opened up. Occasionally after the work has started, worn or damaged parts are discovered which were not evident on the first inspection. Because of this the above prices are not guaranteed. The above estimate is offered for immediate acceptance only.

TOTAL	4509.49	1040.00
TAX		
TOTAL ESTIMATE	5549.49	
ESTIMATOR		

Thank You For Letting Us Serve You!

TOWN COUNCIL

AN ORDER PROVIDING FOR: General Obligation Bond for the Purchase of Land.

BE IT ORDERED, that under and pursuant to the provisions of Title 30-A, Section 5772 of the Maine Revised Statutes, as amended, and the Charter of the Town of Millinocket, Maine, a Capital Acquisition Project consisting of the purchase of land referenced as Map R05, Lot 011 on the Millinocket tax map, and including transaction costs and other expenditures reasonably related to the Project, are hereby approved; and

BE IT FURTHER ORDERED that a sum not to exceed \$260,000 is hereby appropriated to provide for the costs of said Project; and

BE IT FURTHER ORDERED, that to fund said appropriation, the Treasurer and the Chair of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town in an aggregate principal amount of \$260,000; and

BE IT FURTHER ORDERED that the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s) and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chair; and

BE IT FURTHER ORDERED that the Town Council hereby confirms its determination that the term of the Bond does not exceed 120% of the economic life of the Project.

BE IT FURTHER ORDERED that a tax levy is hereby imposed upon all taxable property within the Town of Millinocket, Maine, in an amount necessary to meet the payment of the annual serial installments of principal and interest of said general obligation securities and such necessary amounts shall be included in the tax levy for each year until the debt created by the issuance and sale of said general obligation securities is extinguished.

BE IT FURTHER ORDERED, that said general obligation bond is hereby designated a bank-qualified, tax-exempt obligation of the Town for the 2022 calendar year pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IN THE TOWN COUNCIL.

Read and Adopted:

Chair

Attest: _____

Passed by the Town Council _____

ORDER #287-2022

PROVIDING FOR: Municipal Release Deed to Joseph and Cheryl Maskell

IT IS ORDERED that the Millinocket Town Council authorizes the Town Manager to execute and file all necessary paperwork including signing a Municipal Release Deed to Joseph and Cheryl Maskell to complete the sale of a property located at 73 Maine Avenue, Map and Lot U03-245 for \$7,612.45 which covers all outstanding sewer and tax fees and other costs.

PASSED BY THE COUNCIL: _____

ATTEST: _____

PROVIDING FOR: Advertising in support of Performing Arts

WHEREAS: The Unified Performing Arts have approached the Town Manager to advertise in the program for their Fall Musical performances of Beauty & the Beast; and

WHEREAS: The Town of Millinocket proudly supports the arts in our community

IT IS ORDERED: that the Millinocket Town Council authorizes the Town Manager to purchase a \$100.00 advertisement in this program; funding to be expended from account E0112-2001 Administration/Advertising.

Note: The updated advertisement is attached

Passed by the Town Council_____

Attest:_____

Millinocket Performing Arts Department

with students from



UNIFIED PERFORMING ARTS

East Millinocket, Medway, Millinocket

presents

Disney
BEAUTY AND THE BEAST

Dates: November 17, 18, 19

THREE opportunities for your Ad to be seen!

Name: TOWN OF MILLINOCKET

Address: _____

Business Phone: 723-7000

Program Size Prices:

Full Page: \$100 ✓

Half Page: \$50 _____

1/4 Page: \$25 _____

Patron \$10 _____

Circle One

Payment: Check _____ (included/mailed) Cash _____

Please make checks payable to Unified Performing Arts, Thank you.

Design and Special Details (please do not staple)

TRANSMISSION VERIFICATION REPORT

TIME : 05/28/2009 06:42
NAME : KATAHDIN REGION NEWS
FAX : 2074476914
TEL : 207-447-6914
SER.# : BROF6J487991

DATE, TIME	05/28 06:42
FAX NO./NAME	7942004
DURATION	00:00:00
PAGE(S)	00
RESULT	BUSY
MODE	STANDARD

BUSY: BUSY/NO RESPONSE



Millinocket

Maine's Biggest Small Town

*Proudly supporting the arts
in our community and beyond!*

Break a leg!



UNIFIED PERFORMING ARTS

East Millinocket, Newry, Millinocket