



AGENDA

**SELECT BOARD MEETING
MONDAY, JULY 12, 2021
EXECUTIVE SESSION 4:15 P.M.
CEMETERY TRUSTEES 5:00 P.M.
REGULAR MEETING: 6:00 P.M.**

IN-PERSON AT 13 VALLEY STREET

**NEW! LIVE STREAMING AVAILABLE ON THE TOWN WEBSITE OR BY VISITING:
https://www.townhallstreams.com/towns/thomaston_me**

EXECUTIVE SESSION AT 4:15 P.M.

1. Pursuant to MRS Title 1, §405 (E), for consultations with the Town Attorney.

CEMETERY TRUSTEES MEETING AT 5 P.M. (Please see attached agenda.)

REGULAR MEETING AT 6:00 P.M.

1. CALL THE MEETING TO ORDER
2. PUBLIC HEARINGS:
3. APPROVE THE MINUTES OF: June 28, 2021
4. APPROVE THE WARRANTS
5. ADJUSTMENTS TO THE AGENDA
6. TOWN MANAGER'S REPORT
7. TOWN BOARDS & COMMITTEES UPDATE
 - A. Update on the Garden Club per the request of Sandy Moore.
8. PUBLIC COMMENTS
9. OLD BUSINESS
10. NEW BUSINESS

- A. Authorize the Town Manager to sign the Midcoast Internet Development Corporation Interlocal Agreement.
- B. Authorize the Town Manager to sign and submit the application for the Local Road Assistance Program (LRAP). The Town of Thomaston is to receive \$25,528 this year, a \$1,936 increase over last year.
- C. Consider for approval a Remote Participation Policy as recommended by MMA to enable Town Boards and Committees to hold remote meetings in case of an emergency or an urgent matter.
- D. Discuss monthly reports from Department Heads per the request of Diane Giese.

11. ADJOURN

Upcoming Dates:

Wednesday, July 21st at 9 a.m.	Watts Block Trustees (Watts Hall)
Friday, July 23rd at 9 a.m.	Economic Development Committee (Municipal Building)
Monday, July 26th at 5 p.m.	Select Board Executive Session
Monday, July 26th at 6 p.m.	Select Board Regular Meeting

**Town of Thomaston
Select Board Minutes
June 28, 2021**

IN PERSON AT 13 VALLEY STREET

Select Board Present: Chair Diane Giese, Vice-Chair Peter Lammert, Bill Hahn, Zel Bowman-Laberge, Town Clerk Melissa Stevens, and Town Manager Kara George

Select Board Member Absent: Sandy Moore

Public Present: John Fancy, Tim Hoppe, Rene Dorr, Bandon Allen, Peggy McCrea, William Eustis, Joanne Richards, and Kim Matthews.

Meeting called to order at 6:00 p.m.

ACTION: The Breen motion was made by Bill Hahn to take the agenda out of order. Peter Lammert seconded. VOTE: 4-0

9A. Review two (2) bids for the replacement of the Town Office roof as submitted by G & E Roofing Company and C.O. Back & Sons.

There was discussion regarding the two proposals received for the replacement of the Town Office roof. Both companies have worked on the Municipal Building roof when the building was a school. Recreation Director Rene Dorr and Public Works Director Brandon Allen spoke about both proposals and would recommend either company. The proposal by G&E Roofing was less and included an option to replace the sky light in the hallway.

ACTION: Bill Hahn made a motion to go with G & E Roofing with a contingency that the work will be covered under the warranty and not just the product. Peter Lammert Seconded. VOTE: 3-1 (Zel Bowman-Laberge opposed.)

9B. Consider for appointment Quixada Moore-Vissing to the RSU #13 School Board for the Town of Thomaston.

ACTION: Bill Hahn made a motion to appoint Quixada Moore-Vissing to the RSU #13 School Board. Zel Bowman-Laberge Seconded. VOTE: 4-0

9C. Consider for appointment William Eustis as an alternate member of the Planning Board.

Zel Bowman-Laberge asked that the Planning Board waive the ordinance requirement to be a two-year resident of Thomaston to be appointed to the Planning Board. William Eustis grew up in Thomaston and has returned to Thomaston to live here long-term with his family.

Joanne Richards, Chair of the Planning Board supported the Board waiving the residency requirement.

ACTION: Bill Hahn made a motion to appoint William Eustis as an Alternate Planning Board member. Zel Bowman-Laberge Seconded. VOTE: 4-0

9D. Discuss the by-laws of the Midcoast Internet Development Corporation and continue discussion of the Interlocal Agreement.

ACTION: Bill Hahn made a motion to table the Midcoast Internet Development Corporation discussion until the next meeting, waiting for more information. Zel Bowman-Laberge Seconded. VOTE: 4-0

9E. Review for approval the directive for the Stakeholders Group and consider appointments for the same to work with consultants in the development of the Trails & Parks Masterplan.

Pollution Control Superintendent John Fancy stated that the list of folks who have volunteered wanting to be part of the Masterplan for the Parks & Trails, and all have unique qualifications that would be beneficial for developing the plan. John has worked with Zel Bowman-Laberge to combine groups that were interested in serving on the Thomaston Green Task Force, Friends of the Thomaston Green, and the Steering Committee to represent broadly as we can. The first meeting will be scheduled sometime in July to review what has been done so far. Starting in late August or September will be working with a consultant to see where we go from there.

ACTION: Bill Hahn made a motion to accept the Stakeholders Group directive and appoint the list of members. Zel Bowman-Laberge Seconded. VOTE: 4-0

9F. Authorize the Town Manager to sign the application to Maine Department of Transportation (MDOT) for a sidewalk across Mill River.

John Fancy spoke about the current pedestrian crossing to the east end of town, as Route 1 crossing is unsafe to cross. John met with Maine Department of Transportation (MDOT) to discuss the grant program they have. MDOT is willing to help with a proposal that would give a 10-foot-wide sidewalk on the south end of Route 1 and connects with existing sidewalks and trails on Fish Street and Main Street. There would be a new crossing that connects to High Street, where pedestrians can push a button to cross at Route 131. MDOT will pay 80% of the

cost and the Town will pay 20% of the cost. The Town would receive enough money for design in 2022 and presumably enough money to build in 2023.

Public Comment:

Peggy McCrea asked if it would be below the road level. John Fancy responded that it would be at road grade level.

ACTION: Zel Bowman-Laberge made a motion to authorize the Town Manager to sign the application to Maine Department of Transportation for a sidewalk across Mill River. Diane Giese Seconded. VOTE: 4-0

9G. Authorize the Town Manager to contract with Dirigo Engineering for a feasibility study for an east-west highway, north of the village, running from Old County Road to Route 1, with costs not to exceed \$20,000.

John Fancy presented a request for a feasibility study from Dirigo Engineering to gather data on building an east-west highway, north of the village to divert traffic from Route 1. The project has been discussed for many years and was recommended in the new Comprehensive Plan.

Public Comments:

Joanne Richards stated she lives on Emery Ave. It was discussed at a previous meeting with John Fancy that the road would be north on Dragon Mountain. Both lines drawn on the map are south of Dragon Mountain, which crosses Joanne's backyard. Joanne stated she was concerned that the study only includes southern routes. The southern route will effect houses on Emery Ave. and Old County Road.

John Fancy stated the map is several years old and Dirigo Engineering has not determined if it would be north or south, they will look at different options. Suggestions of routes will not be submitted to Dirigo Engineering and the Town will see what options the firm recommends for alternative routes. The feasibility study will determine the best route options, costs, benefits, and challenges, and whether the Town should even pursue the project or not.

ACTION: Zel Bowman-Laberge made a motion to authorize the Town Manager to contract with Dirigo Engineering for a feasibility study by Dirigo Engineering for an east-west highway, north of the village, with costs not to exceed \$20,000. Bill Hahn Seconded. VOTE: 4-0

9H. Review for approval the proposed Unmanned Aerial Vehicles (UAV) Policy for the Thomaston Police Department.

Chief Hoppe spoke that an officer that is certified to use a drone for aerial surveillance, but the use of such equipment requires a policy for the Thomaston Police Department.

ACTION: Bill Hahn made a motion to adopt the Unmanned Aerial Vehicles (UAV) Policy. Peter Lammert Seconded. VOTE: 4-0

9I. Approve for signature the municipal quit claim deed to release the lien placed on 62 Green Street.

ACTION: Bill Hahn made a motion to approve the signature for the municipal quit claim deed to release the lien placed on 62 Green Street. Diane Giese Seconded. VOTE: 4-0

9J. Consider approving the Request for Proposal (RFP) for Investment Management Services on the Town's Trust Funds.

ACTION: Bill Hahn made a motion to approve the Request for Proposal (RFP) for Investment Management Services on the Town's Trust Funds. Diane Giese Seconded. VOTE: 4-0

9K. Discuss a digital sign for municipal events and a public caucus per the request of Chair Diane Giese.

Select Board Chair Diane Giese discussed the Town purchasing and installing a municipal digital sign on Route 1 to announce Town events.

Public Comment:

Planning Board Chair Joanne Richards advised that digital signs were not allowed in the village zone.

The Board discussed the challenges of communicating with the public. Quixada Moore-Vissing suggested additional communications via text messaging chains. In addition, notices could be posted where people regularly go such as the Transfer Stations and local businesses.

Diane Giese suggested holding a gathering caucus outreach twice a year in September & March. Department Heads, the Select Board, and other Town Officials could attend to answer questions and hear concerns of the citizenry.

4. Approve the Warrants

ACTION: Pete Lammert made a motion to approve all the Warrants. Zel Bowman-Laberge Seconded. VOTE: 4-0

6. Town Manager Report. (Please see attached.)

7. Town Boards & Committees Update.

Zel Bowman-Laberge stated that the Owls Head, South Thomaston, Thomaston Co-op Transfer Station (OHSTT) is working on a hazardous waste collection program held annually that would include pesticides. The program would be like what the Town of Rockport offers.

8. Public Comments

John Fancy gave an update on the Solar Array project. There is a delay from CMP on connecting the solar panels to the power grid.

ACTION: Diane Giese made a motion to adjourn at 7:18 p.m. Zel Bowman-Laberge Seconded. VOTE: 4-0.

Brooks Trap Mill Tour

Last week, Brian Doyle, Chris Rector, and I had the opportunity to tour Brooks Trap Mill. It was a great opportunity to meet the local business owners and see the facility. The facility is sprawling and business is booming. Brooks Trap Mill recently acquired Friendship Trap Co. and they also have additional locations in Portland, West Bath, Jonesboro, Maine, with an additional location in Wakefield, Rhode Island. The company is looking for more workers. We were told they could easily hire another 100 employees.

Job Fair

After having conversations with local business merchants in Thomaston, Brian Doyle and I are working on co-sponsoring a Job Fair with the Career Center the end of July for Thomaston businesses. Tentatively on July 29th from 4-6:30 p.m. in the Multipurpose Room. There is such a need right now for added workforce in our community and I hope this will demonstrate our support to our local businesses.

From talking to local businesses and searching online these are all the businesses that I could find that are currently hiring in Thomaston: Flipside Coffee, Flagship Cinemas, Walmart, Cigaret Shopper, Town of Thomaston, Lowes, Hampton Inn, Grace Pond Farm, Lyman Morse, Organiclean, Horse and Hound Veterinary Services, Applebee's, Brooks Trap Mill, Dragon Cement, Midcoast Federal Credit Union, Tractor Supply, U.S. Cellular, McDonalds, Aspen Dental, Nouria Energy, and Inspiring Bright Beginnings Childcare to just name a few that we know of!

Academy Board of Trustees

The Academy Board of Trustees met last week and reviewed the new lease agreement. We will be changing all the leases effective this July to all expire on June 30th annually. We currently have 9 rooms rented out and the gym will be rented out again starting in September for the school year. Rent will be increasing 3% this year to coincide with the Watts Block building.

MMA HR & Management Conference

The Thursday before last, I participated as a panelist in MMA's annual HR & Management Conference. The session was "Why I Joined Municipal Government." There were about 40 people in attendance on Zoom. Other panelists included Galen Weibley, Economic & Community Development Director, City of Presque Isle and Emily Scully, City Clerk, City of South Portland. All folks that are relatively new to municipal government.

Upcoming Dates

The Town Office will be open this Wednesday, June 30th from 9am to 2pm. We are having a staff meeting at 8 a.m. and the office will be closing early so the staff can close out the end of the fiscal year. This will be the first year doing this on the new TRIO software. Additionally, the Town Office will be closed on Monday, July 5th in observance of Independence Day. Donna will be out on vacation starting this Friday and next week. If there is anything urgent, please forward items to Jodell or I.

Ribbon Cutting

Brian Doyle, Diane Giese, Charlie Grover, Bill Hahn and I participated in ribbon cuttings last Thursday for Village Soup to welcome new businesses on Main Street. This included all the business merchants in the Watts Block Building, plus Flipside Coffee and Dance N' Art Studio. If there's anyone that hasn't been in to any of these spaces yet, I highly recommend stopping by. The work completed in these spaces is substantial and you would never know the previous condition of the spaces. I was especially impressed with the Chiropractor's space that was formerly the Police Department.

Job Fair

The job fair planned for the end of this month has now been postponed to early September, where this is most businesses busiest time of year.

Building Maintenance & Custodial

Brandon, Rene, and I will interview one candidate on Friday, July 9th. We will keep the Board posted.

FOP

The Fraternal Order of Police collective bargaining agreement is finalized and signed by both parties. Contract agreements have been distributed to the Police Department and the Select Board.

I am waiting to receive a Memorandum of Understanding from our Attorney regarding the grievance with the Teamsters Union. There contract is still being negotiated at this time.

Circus

As a reminder the Zerbini Family Circus is coming to Thomaston on July 23-25th. Rene Dorr has been assisting in preparation for the Circus arrival. The State Fire Marshal's office has approved the event.

Local Agencies

The Town has received two letters of thanks from Waldo Community Action Partners (WCAP) and the Thomaston Food Pantry for our kind donation to their causes.

Sandwich Boards

Town Clerk Missy Stevens ordered 2 sandwich boards that the Town can display for events. They are quite heavy duty and sturdy. We plan to use them at the corner of Beechwood and Main during elections, town meetings, community events, etc.

Vacation

I will be out of the office next week on vacation, returning on Monday, July 26th. Diane and Donna will put together the agenda packets in my absence.

MIDCOAST INTERNET DEVELOPMENT CORPORATION INTERLOCAL AGREEMENT

This Interlocal Agreement (the “Agreement”) is made as of the ____ day of _____ 2021, by and among the following Municipalities: the Town of Camden and the Town of Rockport (the “Charter Municipalities”).

WHEREAS, 30-A M.R.S. § 2201, *et seq.*, permits political subdivisions, including municipalities and counties, to enter into interlocal agreements for mutual advantage;

WHEREAS, 30-A M.R.S. § 2203(9), permits, without limiting the powers, privileges or authority that may be jointly or cooperatively exercised pursuant to Chapter 115, any two or more parties to enter into an agreement to establish a regional municipal utility district to provide or, through public-private partnerships, to support or promote broadband services, internet services, and to issue revenue bonds in support of any of the activities undertaken therein;

WHEREAS, the legislative bodies of the Municipalities have determined that it is in the best interest of each Municipality to participate in an agreement for the feasibility, investigation, financing, development, and sharing of open-access fiber optic networks in the Municipalities.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the Municipalities agree as follows:

1. Purposes

The purposes of this Agreement are to provide a cooperative arrangement for the Municipalities to establish and participate in some or all of the following: (1) jointly engage and contract with one or more providers selected by the Corporation (as that term is defined below) to conduct a detailed engineering / technical design for a collaborative, open-access, cooperatively-operated fiber optic network in the service area of the Midcoast Internet Development Corporation (as that service area is defined below), (2) jointly establish, construct and maintain a fiber optic network to provide Broadband Services, (3) apply for all licenses and permits required for all services authorized under this Agreement; (4) jointly own any land and facilities necessary for the services, including but not limited to one or more “head-end” facilities and / or offices necessary for the operation of the fiber optic network contemplated under this Agreement; (5) own, construct, manage and maintain broadband facilities and to transfer properties and issue easements required for the facilities to support services authorized under this Agreement; (6) enter into any contracts associated with the design, construction, maintenance, replacement, and / or operation of the open-access fiber optic network or other associated broadband facilities to serve persons within the Municipalities, and (7) jointly incorporate and administer a regional municipal utility district authorized to make provisions for Broadband Services, including establishment of rates, collection of revenues, and undertaking all other actions necessary and appropriate for a regional municipal utility district of this nature consistent with this Agreement and the general law.

2. Definitions

As used in this Agreement, the following words and phrases have the following meanings:

- A. "Members" or "Member Municipalities" shall mean the members of the Midcoast Internet Development Corporation established in § 3 of this Agreement;
- B. "Charter Municipalities" shall mean the Towns of Camden and Rockport;
- C. "Governing Boards" shall mean the municipal officers of the Municipalities as that term is defined in 30-A M.R.S. § 2001(10);
- D. "Parties" or "Municipalities" shall mean the Charter Municipalities and other Participating Municipalities as defined herein;
- E. "Residents" shall mean any legal resident of, or other person actually residing in, any of the Municipalities on either a seasonal or year-round basis;
- F. "Midcoast Internet Development Corporation" or "Corporation" shall be the body described in § 3;
- G. "Open-access fiber optic network" or "network" shall mean an open-access dark fiber network that services the Municipalities;
- H. "Users" shall include but not be limited to residents of the Municipalities as that term is defined herein;
- I. "Budget Year" or "Fiscal Year" shall mean the period July 1st through June 30th of the subsequent calendar year, or such other budget year as may be mutually adopted by the Municipalities;
- J. "Broadband Services" shall include both broadband and internet services within the meaning of 30-A M.R.S. § 2203(9); and
- K. "Participating Municipalities" shall mean those municipalities or counties that adopt this Agreement subsequent to the Charter Municipalities.

3. The Corporation

A. Formation of Corporation. The Charter Municipalities hereto agree to form a non-profit corporation called the Midcoast Internet Development Corporation (the "Corporation"), organized under Title 13-B, M.R.S. §101 *et seq.*, which shall be organized with the Charter Municipalities as the sole Members. The Corporation shall be a regional municipal utility district, pursuant to 30-A M.R.S. § 2203(9), created to support or promote the provision of Broadband Services and to carry out the purposes set forth in Section 1 of this Agreement.

B. Powers of Corporation. The Corporation shall have and exercise all powers necessary or convenient to effect the purposes for which the Corporation is organized, or to further the activities in which the Corporation may lawfully be engaged, including but not limited to those powers enumerated in Title 13-B, M.R.S.A. §101 *et seq.* and Title 30-A M.R.S. § 2203 (9).

C. Board of Directors. The affairs of the Corporation shall be governed by a Board of Directors consisting of at least three (3) Directors, selected in accordance with the Corporation's bylaws. The Board of Directors shall consist of the Executive Director of the Corporation and one Director appointed by the Governing Board of each Municipality.

(1) The Board of Directors shall have all necessary and incidental powers granted to directors of non-capital stock corporations under Title 13-B, M.R.S.A. §101 *et seq.*

(2) The Board of Directors shall hold quarterly meetings at an established location and time; but the Corporation may, at its discretion, meet more frequently.

(3) **Quorum and Voting.** All decisions of the Board of Directors shall be made by vote, with each member of the Board of Directors present having one vote. There shall be no proxy voting. A quorum shall consist of a majority of members of the Board of Directors. In the event of a tie vote, the motion shall fail for lack of a majority.

D. Executive Committee. The day-to-day operations of the Corporation may be run by an Executive Committee, as determined by the Board of Directors. If one is appointed, the Executive Committee shall consist of the Executive Director, the one Director appointed by each Charter Municipality, and any / or all Officers of the Corporation.

E. Fiscal Year and Budget. Each year, prior to the last meeting of the Board of Directors before the close of the Corporation's Fiscal Year, the Treasurer shall develop and prepare a budget for the upcoming year. The budget shall be provided to the Municipalities and to the Board of Directors at least two weeks in advance of the meeting and shall be voted on by the Board of Directors.

4. Development, Expansion, Ownership

A. Initial Contributions. As of the effective date of this Agreement, the Charter Municipalities have made contributions set forth in Exhibit A. Additional contributions made by the Municipalities shall be kept as part of the official records of the Corporation.

B. Broadband Services Provided. After detailed engineering / technical design is completed, the Corporation may decide to contract to establish or expand the fiber optic network and / or operate or provide Broadband Services to the Municipalities, or to any other non-participating municipality, jurisdictions or locations that request such services.

C. Ownership of Network. The open-access fiber optic network constructed by or through the Corporation shall be owned by the Corporation.

5. Property.

A. Real Property. All real property acquired or developed pursuant to this Agreement shall be owned by the Municipality in which it is located, subject to Lease or License rights provided to the Corporation. Nothing in the foregoing shall prohibit the Municipalities from conveying, by gift or valuable consideration, property to the Corporation. The Corporation is authorized to own and encumber any property contributed to it, directly or indirectly, by the Municipalities or acquired pursuant to the Corporation's bylaws.

B. Improvements. All improvements upon real property that makes up a portion of the open-access fiber optic network shall be owned by the Corporation or the internet services providers, as the case may be, but not the Municipality. Upon withdrawal by a Municipality from the Corporation, the Corporation shall have the option to purchase, at market value, the land upon which improvements have been made.

6. Operation and Costs.

A. The costs of the design work, construction and operation of the open-access fiber optic network shall be paid by the Corporation from: funds provided for the development of the

network; fees or charges assessed on Users of the network; lease payments from internet service providers; or such other funds of the Corporation as approved by the Board of Directors.

B. **Funding.** Pursuant to the provisions of 30-A M.R.S. § 2203(9)(B), the Corporation shall be and hereby is authorized to issue revenue bonds in support of any of the activities undertaken pursuant to this Agreement. The Corporation is also hereby authorized to seek grants, contributions, and loans to fund its operations and capital expenditures, and to acquire, lease, encumber and sell property in furtherance of its purposes. Nothing in this Agreement shall be construed to limit the powers of the Corporation as provided by general law.

7. Assessment and Collection of Fees. The Corporation shall be responsible for the assessment, collection, and payment associated with the open-access fiber optic network (the "Revenue").

8. Distribution of Non-Tax Revenues; Reserves. The Corporation shall determine the amount of Revenue to be retained as reserves to fund future expenditures for maintenance, improvements, and / or expansion of the open-access fiber optic network. Any remaining Revenues not required for these purposes, in the sole determination of the Board of Directors, shall be distributed to Municipalities in proportion to the amount of each Municipality's contributions to the Corporation according to the records maintained by the Corporation.

9. Defaults and Dispute Resolution.

A. **Default and Remedies.** In the event either Municipality fails to pay any grant, payment, or other funds required to be paid on a timely basis, which failure to pay has not been cured within thirty (30) days after the Corporation delivers a written notice of default, the non-defaulting Member(s), at its option, may terminate this Agreement and / or pursue all of its remedies at law to recover damages associated with the Municipality's failure to pay, including recovery of its costs of collection, including reasonable attorneys' fees.

B. **Municipal Resolution of Disputes.** In the event of any dispute between the Parties hereto regarding the performance of either Party under this Agreement or as to the determination of any material rights or obligations or entitlements arising from or related to this Agreement, other than a dispute involving a failure to pay any payments required, the Parties shall refer the matter to their duly authorized Municipal Governing Board for resolution. Should such Governing Board fail to resolve the dispute within thirty (30) days from such referral, the Parties agree that any such dispute will be referred to binding arbitration in Knox County, Maine.

C. **Initiation of Arbitration.** Either Party may give notice in writing to the other of its desire to submit the dispute to arbitration and shall designate an arbitrator on its behalf. Within fifteen (15) days after the receipt of such notice, the other Party shall, in writing, serve upon the Party invoking such arbitration, a notice designating an arbitrator on its behalf. The two arbitrators so chosen shall within fifteen (15) days after the appointment of the second arbitrator, in writing, designate a third arbitrator. Upon the failure of the Party notified to appoint the second arbitrator within the required time, the Party invoking such arbitration may proceed with the single arbitrator or opt to designate an arbitrator to serve on behalf of the notified Party. In such event, the two arbitrators shall choose a third arbitrator in accordance with this paragraph.

D. Power and Authority of Arbitrators. No arbitrator, whether chosen by a Party hereto or appointed, shall have the power to amend or add to this Agreement. The arbitrator(s) shall, thereupon, proceed promptly to hear and determine the controversy pursuant to the then current rules of the American Arbitration Association for the conduct of commercial arbitration proceedings, except that if such rules shall conflict with the then current provisions of the laws of the State of Maine relating to arbitration, such conflict shall be governed by the then current provisions of the laws of the State of Maine relating to arbitration.

E. Time Periods, Award and Costs. The arbitrator(s) shall fix a time within which the matter shall be submitted to the arbitrator(s) and shall issue a decision within ten (10) days after the final submission of the matter, unless for good reasons to be certified by the arbitrator(s) in writing, the arbitrator(s) shall extend such time. The decision of the single arbitrator, or two of the three arbitrators, shall constitute the final arbitration decision. Such decision shall be made in writing and delivered to each of the Parties. The arbitrator(s)' award shall determine the manner in which the expense of the arbitration shall be borne, except that each Party shall pay the costs of its own counsel. Each Party shall accept and abide by the decision.

F. Final Award. The award of the arbitral tribunal shall be final except as otherwise provided by applicable law. Judgment upon such award may be entered by the prevailing Party in any court with jurisdiction, or application may be made by such Party to any such court for judicial acceptance of such award and an order of enforcement. No dispute shall interfere with the Parties' continued fulfillment of their obligations under this Agreement pending the decision of the Arbitrator(s).

10. Amendment and Termination

The Board of Directors may propose and shall approve by a majority vote, amendments to this Agreement, which shall also require an affirmative vote by the appropriate municipal authority of the Member Municipalities (e.g., by the municipal officers or, where required, by the legislative body of such member municipality). Additional Municipalities may be admitted pursuant to § 11 below, and shall not be construed as an amendment to this Agreement

11. Admission of New Members

The Charter Municipalities contemplate that additional municipalities may wish to become members. Any Maine municipality, plantation or county is eligible to apply for membership.

A. In order to be accepted, an applying member shall:

(1) Have sought and received the approval of its legislative body to become a member and to be bound by this Interlocal Agreement and the Midcoast Internet Development Corporation by-laws; and

(2) Agree to assume, deliver to or make available to the Corporation any grant, payment, or other funding as required by the Board of Directors for admission to the Corporation.

B. The Board of Directors may, by unanimous vote at a public meeting, accept the application of the applicant municipality outright or condition such acceptance upon fulfillment of one or more of the requirements set forth above.

12. Term of Agreement

A. This Agreement shall continue in force for a period of 20 years from the effective date of this Agreement and shall automatically renew for additional 20-year terms unless a Member Municipality or all Member Municipalities vote to terminate this Agreement with written notice to the Corporation, to be provided at least six (6) months prior to the expiration of the initial 20-year term..

B. If a Municipality votes to terminate this Agreement, the open-access fiber optic network in its geographical jurisdiction shall remain the property of the Corporation. Any “head-end” or other facility located in such Municipality, if not previously conveyed to the Corporation, shall remain available for the Corporation’s use pursuant to a lease upon reasonable terms, or the same terms, as existed prior to the termination, unless otherwise agreed by the Board of Directors.

C. Upon notice of termination, the Board of Directors shall take all necessary and proper steps to wind-up the affairs of the Corporation, including without limitation, the disposal of property. Upon any dissolution of the Corporation, or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed to Municipalities in proportion to the amount of each Municipality’s contributions to the Corporation according to the records maintained by the Corporation, unless the Municipalities have separately and unanimously agreed to another method of allocation.

13. Withdrawal of Members.

A Municipality may withdraw from this Agreement subject to each of the following conditions:

- A. Withdrawal shall be authorized by the Governing Board of the withdrawing Municipality;
- B. The withdrawing Municipality shall give written notice of its intent to withdraw at least ninety (90) days prior to the commencement of the Board’s fiscal year; and
- C. At or prior to the time of withdrawing, the withdrawing Municipality shall pay the entire amount of its outstanding obligations incurred pursuant to this Agreement, subject to any terms and conditions of grant or other funding. Contributions made pursuant to § 4 are not recoverable to the withdrawing Municipality.

14. Filing of Agreement. This Agreement shall take effect upon the filing of executed copies of this Agreement with the clerks of the Municipalities and the Secretary of State, which shall be filed after adoption by the appropriate legislative body of said Municipalities.

15. Effective Date. This Agreement shall be effective when fully approved by the Charter Municipalities as required by law and as set forth in this Agreement, provided however, that each Charter Member shall complete such approval no later than August 1, 2021. Notwithstanding the

above, nothing herein shall be read to preclude any municipality or county, other than the Charter Municipalities, from participating in this Agreement at a date subsequent to August 1, 2021.

IN WITNESS WHEREOF this Agreement has been executed on behalf of the named Municipalities by their duly authorized representatives. Attested copies of the resolutions of the legislative body of each Charter Municipality authorizing it to join in this Agreement is attached hereto as Exhibit B. Additional Municipalities admitted as Member Municipalities shall execute attested copies of the resolutions of their legislative body consistent with the format of Exhibit C, which resolutions shall be kept as part of the official records of the Corporation.

TOWN OF CAMDEN

_____ **Date:** _____
Select Board Chair

TOWN OF ROCKPORT

_____ **Date:** _____
Select Board Chair

EXHIBIT A

The Charter Municipalities have contributed the following funds as of the date of this Agreement:

Camden
\$35,000 = 50%

Rockport
\$35,000 =50%

EXHIBIT B

AUTHORITY OF TOWN OF XXX TO ENTER INTO AGREEMENT

BE IT RESOLVED BY THE BOARD OF SELECTMEN OF THE TOWN OF XXX, MAINE (the "Municipality") that:

WHEREAS, the XXX Town Meeting has determined that it is in the best interest of the Town of XXX to create the Midcoast Internet Development Corporation in order to design, construct and operate an open-access fiber optic network in the Municipality;

WHEREAS, there is a need in the Municipality for open-access fiber optic networks;

WHEREAS, the Municipalities of Camden and Rockport desire to enter into an interlocal agreement pursuant to 30-A M.R.S. § 2201, *et seq.*, for the purpose of establishing and operating an open-access fiber optic networks in the Municipalities.

NOW THEREFORE BE IT RESOLVED:

1. That the Town of XXX shall enter into the Midcoast Internet Development Corporation Interlocal Agreement (the "Agreement"), a copy of which is attached hereto as Exhibit 1, and further, that the Chairman of the Select Board shall be and is hereby authorized to execute said Agreement on behalf of the Town.
2. That the Town of XXX authorizes the Corporation formed pursuant to the Agreement to issue its revenue bonds in accordance with Title 30-A, section 2203(9) of the Maine Revised Statutes, and to acquire, lease and sell property in furtherance of its purposes.

ADOPTED this ___ day of _____, 2021.

A true copy, Attest:

Town Clerk
Town of XXX

[Authorized signature]

EXHIBIT C

AUTHORITY OF [NAME OF TOWN, CITY OR COUNTY] TO ENTER INTO AGREEMENT

BE IT RESOLVED BY THE [BOARD OF SELECTMEN OR OTHER GOVERNING BODY] OF THE [Name of Town, City or County] (the "Municipality") that:

WHEREAS, the [Name of Town, City or County] [Town Meeting or City Council] has determined that it is in the best interest of the [Name of Town, City or County] to join the Midcoast Internet Development Corporation in order to design, construct and operate an open-access fiber optic network in the Municipality;

WHEREAS, there is a need in the Municipality for open-access fiber optic networks;

WHEREAS, the Municipalities of Camden and Rockport have entered into an interlocal agreement pursuant to 30-A M.R.S. § 2201, *et seq.*, for the purpose of establishing and operating an open-access fiber optic networks in the Municipalities; and

WHEREAS, the Board of Directors of the Midcoast Internet Development Corporation [has approved or indicated that it will approve] the entry of [Name of Town, City or County] into the Midcoast Internet Development Corporation Interlocal Agreement.

NOW THEREFORE BE IT RESOLVED:

1. That the [Name of Town, City or County] shall enter into the Midcoast Internet Development Corporation Interlocal Agreement (the "Agreement"), a copy of which is attached hereto as Exhibit 1, and further, that the [Chairman of the Select Board or other authorized Municipal Official] shall be and is hereby authorized to execute said Agreement on behalf of the {Town, City of County}.
2. That the [Name of Town, City or County] authorizes the Corporation formed pursuant to the Agreement to issue its revenue bonds in accordance with Title 30-A, section 2203(9) of the Maine Revised Statutes, and to acquire, lease and sell property in furtherance of its purposes.

ADOPTED this ___ day of _____, 20__.

A true copy, Attest:

Town Clerk
[Name of Town, City or County]

[Authorized signature]



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

COMMUNITY SERVICES DIVISION

1-800-498-9133

<http://www.maine.gov/mdot/csd/lrap/>

June 24, 2021

LOCAL ROAD ASSISTANCE PROGRAM (LRAP)

The LRAP allocation for the new Fiscal Year 22 is going up slightly this year and does not include the across-the-board 5% reduction from "COVID year". LRAP remains 9% of the Highway Budget.

Please remember that:

- LRAP payments are now made ONCE a year and the full year's allocation will be sent to your municipality/county by December 1 of each year, **if we receive an accurate, completed certification form.**
- ALL Maine towns/cities are uniformly receiving the statutory lane-mile rates.

As in previous years, all LRAP recipients must provide information on how LRAP funds were expended from the previous fiscal year. ***If this information is not provided when we receive the certification form, we will return it to you for completion.***

Please submit the completed Certification Form for Fiscal Year 2022 (July 1, 2021 to June 30, 2022) either by US mail or by scanning and emailing it to us. **We no longer accept faxes.** The law says it must be received by **November 1 or earlier** (not August 1 anymore).

Once we receive your completed form, your funds will be ready for the November payment.

If your town has not done so already, we are also encouraging municipalities to sign up for electronic transfer (Direct Deposit) of LRAP funds from the State to their financial institution to reduce costs, and provide a speedy and secure service. If you are interested in Electronic Fund Transfer, see this: <https://www.maine.gov/osc/accounting/vendor-information/direct-deposit-efit>. There is no cost for this option.

If you have any questions, please feel free to contact me.

Sincerely,

Peter M. Coughlan, Director
207/ 624-3266 or peter.coughlan@maine.gov

MAINE DEPARTMENT OF TRANSPORTATION
LOCAL ROAD ASSISTANCE PROGRAM (LRAP)
CERTIFICATION 2021-2022 (FY22)
MUNICIPALITY of Thomaston 13140

To be eligible to receive FY-22 LRAP funds, each Municipality must **certify that the funds will be used in a manner consistent with Chapter 19 of Title 23**. Effective July 1, 2013, as defined by Title 23, §1803-B.1.A, ***“funds must be used for capital improvements ... or for capital improvements to state aid minor collector highways and state aid major collector highways as described in section 1803-C.”*** Effective July 1, 2008 municipalities must provide information on what capital improvements were done with the FY-21 (July 1, 2020 to June 30, 2021) LRAP funds received by the municipality. *****Please report this at the bottom on the back side of this form.***

It is estimated that the municipality of Thomaston will receive by December 1, 2021, **one payment of \$ 25,528** for the fiscal year beginning July 1, 2021. Notification will be made in the event of any change.

Beginning in 2014, municipalities receive 9% of MaineDOT's portion of the Highway Fund. This means that the disbursements to municipalities rise and fall with MaineDOT's budget.

We, the undersigned municipal officers or designee (i.e. Town Manager) of the municipality of Thomaston do hereby certify that funds received from the Local Roads Assistance Program for the fiscal year 2021-2022 will be used only for uses as stated above. ***We also certify that the previous year's funds were spent on the projects listed on the back of this form.***

Signed _____ Date ____/____/____ Signed _____ Date ____/____/____
Signed _____ Date ____/____/____ Signed _____ Date ____/____/____

Please print below the name, title, and phone of the person to contact for the information on this form and the email for the town/city official responsible.

Name: Brandon Allen Title: Thomaston P.W.D./Boardman Tel: 207)691-1316
Municipality E-mail Address ballen@thomastonmaine.gov

If your address **has changed in the last year** (and you have NOT signed up for electronic fund transfer (EFT), we **must** have the new address for you to receive your funds.

Address: _____
Town: _____ State: _____ Zip Code: _____

Prior to November 1, 2021, (see cover letter), please return this completed form (BOTH SIDES) by US mail or email, to: (FAXES ARE NO LONGER ACCEPTED)

Carrie Castonguay
MaineDOT- Community Services Division
16 State House Station
Augusta, Maine 04333-0016
Tel. (207) 624-3265, or carrie.castonguay@maine.gov

NO LRAP payment can be made until a completed form (BOTH SIDES) is received by MaineDOT- Community Services Division.

Thomaston 13140

Last year's (FY2021) LRAP Funds of \$ 23,592 As a result of 2007 Legislative inquiries and discussions focused on LRAP, MaineDOT needs to collect additional information on the uses of LRAP funding of all Maine municipalities, counties, and Indian reservations. This form is intended to be simple and provide an easy method to collect information on the use of over \$20 million per year by local agencies.

As noted on the front side of this form, LRAP funding can only be spent on capital improvements.

A **capital improvement** is defined as "any work on a road or bridge which has a life expectancy of at least ten years and restores the load-carrying capacity." Examples of eligible "capital" activities are defined as follows:

1. Medium to heavy overlays which improve the strength and ride quality (minimum 1 inch lift on a shimmed surface), pavement and/or base recycling, pavement cold planning and resurfacing
2. Road reconstruction or rehabilitation
3. Gravel road grade-raising or paving
4. Single culvert replacements or a series of drainage improvements
5. * Traffic signal or sign installation and/or replacements
6. * Sidewalk construction or reconstruction
7. * Heavy ditching, under drain and catch basin installation or total system replacement, permanent erosion control
8. * Wetland mitigation
9. * Guardrail installation
10. Bridge or minor span replacement and rehabilitation
11. Any bridge repair activities with a ten-year life
12. Local share of a Municipal Partnership Initiative (MPI) project on a state road
13. Debt financing/bond repayment for past capital improvements to public roads
14. The urban match component of any federal-aid project
15. "Banking it" to save up for a future project
16. Other (explain) _____

* Some of the categories of work (# 5, 6, 7, 8 & 9) qualify as capital improvements, but must be done in conjunction with roadway reconstruction/rehabilitation.

The "funds spent" (LRAP ONLY) below must add up to at least the amount of your FY-21 LRAP payment (shown on top of this page). There is no need to account for more than that amount.

All information must be filled in or the form will be returned.

- | | |
|--|--|
| 1. Road Name: <u>Booker Street</u> | Funds spent on Capital Improvements: \$ <u>40,193.77</u> |
| *Type of Capital Improvement: see above, list all numbers that apply: <u>1, 3, 4</u> | |
| *Length of Capital improvement (miles or feet): <u>2,575</u> miles or <u>2,575'</u> feet | |
| 2. Road Name: <u>Maurice Ave</u> | Funds spent on Capital Improvements: \$ <u>38,116.00</u> |
| *Type of Capital Improvement: see above, list all numbers that apply: <u>1, 3, 4</u> | |
| *Length of Capital improvement (miles or feet): _____ miles or <u>2,650'</u> feet | |
| 3. Road Name: <u>Sylvan Rd.</u> | Funds spent on Capital Improvements: \$ <u>4,774.00</u> |
| *Type of Capital Improvement: see above, list all numbers that apply: <u>1, 3</u> | |
| *Length of Capital improvement (miles or feet): _____ miles or <u>336'</u> feet | |

OPTIONAL: What was your municipality's TOTAL SUMMER CAPITAL IMPROVEMENT EXPENSES for FY-21 (including LRAP payments)? \$ 111,232.07

NO LRAP payment can be made until a completed form (BOTH SIDES) is received by MaineDOT- Community Services Division.



TOWN OF THOMASTON
13 VALLEY STREET
THOMASTON, MAINE 04861-0299
TEL: (207) 354-6107

REMOTE PARTICIPATION POLICY

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information. Remote means of participation will include Zoom accessibility features to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide Zoom accessibility features for disabled persons. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body

and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

Given under our hands this 12th day of July in the year of Our Lord Two Thousand Twenty-One by the vote of the Select Board.

THOMASTON SELECT BOARD:

Diane Giese, Chair _____

Peter Lammert, Vice-Chair _____

William Hahn _____

Sandra Moore _____

Zel Bowman-Laberge _____

A true copy of the signed Policy as certified to me by the Thomaston Select Board.

Melissa Stevens, Thomaston Town Clerk

Date

Title 1: GENERAL PROVISIONS
Chapter 13: PUBLIC RECORDS AND PROCEEDINGS
Subchapter 1: FREEDOM OF ACCESS

§403. Meetings to be open to public; record of meetings

1. Proceedings open to public. Except as otherwise provided by statute or by section 405 ([./1/title1sec405.html](#)), all public proceedings must be open to the public and any person must be permitted to attend a public proceeding.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

2. Record of public proceedings. Unless otherwise provided by law, a record of each public proceeding for which notice is required under section 406 ([./1/title1sec406.html](#)) must be made within a reasonable period of time after the proceeding and must be open to public inspection. At a minimum, the record must include:

A. The date, time and place of the public proceeding; [PL 2011, c. 320, Pt. C, §1 (NEW).]

B. The members of the body holding the public proceeding recorded as either present or absent; and [PL 2011, c. 320, Pt. C, §1 (NEW).]

C. All motions and votes taken, by individual member, if there is a roll call. [PL 2011, c. 320, Pt. C, §1 (NEW).]

[PL 2011, c. 320, Pt. C, §1 (NEW).]

3. Audio or video recording. An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

4. Maintenance of record. Record management requirements and retention schedules adopted under Title 5, chapter 6 ([./5/title5sch6sec0.html](#)) apply to records required under this section.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

5. Validity of action. The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

6. Advisory bodies exempt from record requirements. Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 293 (AMD). PL 1975, c. 422, §1 (AMD). PL 1975, c. 758 (RPR). PL 2009, c. 240, §1 (AMD). PL 2011, c. 320, Pt. C, §1 (RPR).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov), 7 State House Station, State House Room 108, Augusta, Maine 04333-0007

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https://www.thecentersquare.com/maine/mills-signs-bill-allowing-post-pandemic-remote-meetings-in-maine/article_543e4a58-d440-11eb-b1bd-67e0eebc15b8.html

Mills signs bill allowing post-pandemic remote meetings in Maine

By Christian Wade | The Center Square contributor

Jun 23, 2021



Lawmakers convene March 17, 2020, in the House Chamber at the State House in Augusta, Maine.

Robert F. Bukaty / AP photo

(The Center Square) – Emergency rules allowed the state and local governments in Maine to conduct much of their business remotely during the pandemic, and a law signed by Gov. Janet Mills makes the option for remote meetings permanent.

The measure, which was approved by the state Legislature in the final days of the session, authorizes municipal and county governments to provide regular remote access for local officials and constituents to meetings of governing boards.

Maintaining local remote meetings has emerged as a top priority for many local governments, boards, school committees and commissions after the pandemic. Many governing boards in cities and towns have not only adapted to remote meetings in the past year but found that they increase public participation.

Kate Dufour, of the Maine Municipal Association, said cities and towns saw increases in the number of residents tuning in to council, select board, planning board and committee meetings that would otherwise only draw a handful of participants.

Like what you see? Every day, The Center Square reporters shine a bright light on the most important news impacting your pocketbook. And we deliver our stories to more than 500 national, state and local news partners across the country for free, with no paywall. If you believe in our mission and want to see more of our reporting, you can make a secure, tax-deductible contribution to The Center Square. "The ability to keep an ear on a public proceeding while taking care of children, preparing dinner or avoiding the drive to town hall made it easier for residents to keep updated on government activities," she told members of the Legislature's Judiciary Committee during a recent hearing on the bill.

Support The Center Square

Stephen Gorden, president of the Maine County Commissioners Association, argues that remote participation has vastly improved public engagement of local government.

"With remote participation, members of the public are not trapped in a government building for hours, and can engage in other activities while waiting to participate," he told the panel. "This makes it more likely that members of the public can engage with their government."

Public schools and state universities will also be authorized under the new law to adopt policies making remote access to meetings permanent.

"Virtual meetings for school districts and municipalities have allowed our governing boards to do their essential work," Victoria Wallack, a spokeswoman for the Maine School Boards Association, said in recent testimony. "That work has never been more important as we deal with the pandemic and its impact on our students and staff, both this year, with hybrid learning still going on in places, and what is anticipated will be a full reopening in the fall."

The bill's primary sponsor, Sen. Trey Stewart, R-Presque Isle, said the changes are a "no-brainer" and will "allow Maine's local governments and organizations to move into the 21st Century, protect public health measures, ensure for good government operations, and increase public participation."

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Support The Center Square

An Act Regarding Remote Participation in Public Proceedings

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §403-B is enacted to read:

§403-B. Remote participation in public proceedings

1. Remote participation. This section governs remote means of participation in public proceedings of certain public bodies. For the purposes of this section, "remote means" includes participation by telephonic, video, electronic or other similar means of communication.

2. Requirements. Notwithstanding section 403-A, subsection 1, a public body described in section 402, subsection 2, paragraph B, C or D may allow members of the body to participate in a public proceeding using remote means under the following conditions:

A. After notice and hearing the body has adopted a written policy governing how the members of the body who are not physically present may participate in a public proceeding of that body. The policy may allow the public to attend and observe using remote means;

B. Each member of the body who is participating in the public proceeding must be able to hear and speak to all other members and must be heard by the members of the public attending and observing the public proceeding during the public proceeding;

C. Notice of the proceeding must be provided in accordance with section 406;

D. If the body determines that the public may attend a public proceeding of the body using remote means, all members of the public must be able to hear, or see and hear, all members of the body and any other speaker. The notice provided in accordance with section 406 must inform members of the public of the method by which they may attend remotely. Unless attendance by the public is only by remote means, the notice must also identify a location for members of the public to attend in person; and

E. All votes taken during the public proceeding must be taken by roll call vote.

SUMMARY

This bill authorizes municipal, county and school boards to adopt a policy allowing members of the body to participate remotely in a public proceeding. It extends the same authority to the University of Maine System, Maine Maritime Academy, the Maine Community College System and other state and regional boards and commissions.

Under the policy, a public body may allow the public to attend and observe via remote means. If the public may attend remotely, the notice of the public proceeding must inform the public how to attend remotely. Unless the only way for the public to attend is by remote means, the notice must also identify the location where the public can attend in person.