

TOWN COUNCIL MINUTES

AUGUST 6, 2007

The regularly scheduled meeting of the Hampden Town Council was held on Monday, August 6, 2007. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:06 p.m.

Attendance: Councilors: Mayor Rick Briggs, Robert Gilberti, Thomas Brann, Matthew Arnett, Edward Murphy, and Shannon Cox. Andrew Colford was excused.

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Town Planner Bob Osborne, Public Safety Director Joseph Rogers and Economic Development Director Bion Foster

Richard and Sharon Newcomb, Frank Jewell, Chris Shrum of PVCOG and citizens

A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. Councilor Arnett requested that Item A.3.c., Item A.3.d. and Item A.4.c. be set aside. Motion by Councilor Arnett, seconded by Councilor Cox to accept the balance of the Consent Agenda – unanimous vote in favor.

Mayor Briggs noted that Councilor Colford was unable to attend tonight's meeting and has asked to be excused. Councilor Gilberti so moved; Councilor Cox seconded the motion and vote was unanimously in favor.

A.3.c. PINE TREE/DEP – SOLID WASTE ORDER

Councilor Arnett asked Town Manager Lessard what is the purpose of the berm and what aesthetic affect will it have, if any on the viewing of the landfill. Manager Lessard explained that the construction of the earthen berm is basically an infill behind what is the existing road around the edge. It is part of the closure plan that changes the slope to the 2.5 and when it is finally capped and covered you will not see a wall around the landfill. It simply fills in behind where the road is and ties the toe of the 2.5:1 slope into the existing waste so it fits in with the rest of the environment. Motion by Councilor Arnett, seconded by Councilor Cox to accept Item A.3.c. – unanimous vote in favor.

A.3.d. DEP/TOWN – BIG APPLE CLEANUP

Councilor Arnett noted that DEP has found that this site has been satisfactorily investigated and remediated to the Department's guidelines and asked what significance this has for the Town as contrasted with a potential buyer of that property.

Manager Lessard noted that this location had been approved for the siting of a Dunkin' Donuts some time ago. Subsequent to the Planning Board approval, there was an item that was raised in the permitting with the State Department of Transportation related to the right of way. Following that it was identified by the DEP that there was the presence of a plume of petroleum underneath that site because it has served as a gas station for many years. The contaminated soil had to be removed from the property and replaced. This letter identifies that the site has indeed been cleaned up and is now ready for whatever project to go forward. Manager Lessard said she did not have any information as to where the permitted activity stands in terms of its plans. Motion by Councilor Arnett, seconded by Councilor Gilberti to accept Item A.3.d. – unanimous vote in favor.

A.4.c. LANDFILL SPECIAL WASTE ACTIVITY REPORT – JUNE 2007

Councilor Arnett noted that the landfill accepted sludge on two occasions after June 1st, the date on which such waste would no longer be accepted. Manager Lessard will check with the landfill to determine the nature of the sludge. She will confirm that it was short paper fiber, which is a cover material. Motion by Councilor Arnett, seconded by Councilor Gilberti to accept Item A.4.c. – unanimous vote in favor.

B. PUBLIC COMMENTS

Richard Newcomb, Founder and President of Friends of Hamlin, which collects, restores, preserves and educates people of the life of Hannibal Hamlin, informed the Council that he had recently been presented with the beaver top hat worn by Hannibal Hamlin at the Inauguration in February 1861 in which he became the Vice President of the United States. He brought the hat to share with the Council.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. SEWER ORDINANCE TEXT AMENDMENTS TO ALLOW PRIVATE PUMP STATIONS

Mayor Briggs explained the procedure for the public hearing and then opened the hearing.

Proponents – None; Opponents – None; General Questions or Comments – None. The hearing was closed.

Motion by Councilor Arnett, seconded by Councilor Brann to adopt the Sewer Ordinance text amendments as presented – unanimous vote in favor.

b. SUBDIVISION ORDINANCE TEXT AMENDMENT re: PRIVATE PUMP STATIONS

Mayor Briggs explained the procedure for the public hearing and then opened the hearing.

Proponents – None; Opponents – None; General Questions or Comments – None. The hearing was closed.

Motion by Councilor Murphy, seconded by Councilor Arnett to adopt the amendment as presented – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. FLAG PROJECT REQUEST

Sharon Newcomb, Vice President of Friends of Hamlin asked for the Town's support of their plan to put 92 American flags on the lighted electrical poles along the Main Road and Western Avenue. They have raised enough funds for 89 flags and hope to have them up by Children's Day. At this time they are looking for a blessing from the Council, support for installation of the flags as they only have one volunteer to help put the flags up and they need a place to store the flags. They have contacted Bangor Hydro and TDS, the owners of the poles and they are not opposed to the project.

During discussion, Councilor Arnett expressed concern about the liability of the Town's involvement in this project. Councilor Cox was concerned about ongoing maintenance of the project from year to year. Councilor Brann and Councilor Cox each said they would support one central community flag within the community, but not multiple flags. While they understand the sentiment to support troops, Councilors Arnett, Brann and Cox felt that the flag should not be used as a decoration.

There was also discussion about whether the Town had authority to approve the project because the poles are located within the right of way of State roads. It was decided that the lighted poles are located in the urban compact area and that the Town does have that authority.

Frank Jewell noted that The Friends of Hamlin have had excellent response to this project and expressed surprise and disappointment in the attitude of the Council. He pointed out that they are not asking for financial support, only help from the Public Works Department to put the flags up and make the Town look better patriotically.

Following further discussion about the concept of the project, Councilor Gilberti said he had mixed feelings – it is a worthwhile cause, but there are concerns about storage and maintenance. Councilor Gilberti then moved to support the project of the Friends of Hamlin.

Frank Jewell asked to address the Council once again. He informed the Council that the Friends of Hamlin had talked during the Council's discussion and they have decided that even though the public has been

very responsive, the Council has presented many reasons not to do it. He said they are going to abandon the project and return the money to all the contributors. Councilor Gilberti withdrew his motion.

Councilor Brann suggested that if the Town wants to show real support for the armed forces, we should put up a flag pole for each of the five armed forces together with an American flag and a State flag near the Veterans Memorial. Motion by Councilor Murphy, seconded by Councilor Brann to give authority to the Town Manager to move forward with a design concept involving flags, the monument and benches for people to rest in the vicinity of the monument; that these flags should be fully lighted at all times at night so to make one central location to observe the flags, all subject to review by the VFW, the Monument Committee and the Friends of Hamlin – unanimous vote in favor of the motion.

b. JOB DESCRIPTION – ECONOMIC & COMMUNITY DEVELOPMENT SPECIALIST

Manager Lessard had re-drafted the job description after Councilors' comments at the last meeting. Motion by Councilor Gilberti, seconded by Councilor Arnett to accept the draft proposal as submitted by the Town Manager for the new position of Economic and Community Development Specialist – unanimous vote in favor.

c. COMPREHENSIVE PLAN

At a special meeting on July 23rd the Council heard an overview of the Comprehensive Planning Committee's work to date. The Committee had asked for approval of the concept as presented at that meeting. In a memo to the Council (copy attached), Manager Lessard listed several areas which required Council decision at this time. It was decided that the Council would discuss each of the bulleted items listed in the memo and determine the general consensus of each item by show of hands:

- Does the Council agree with the "zone" concept that spans the triangle bounded by the Souadabscook, Interstate 95, and Route 202?

The Council was in agreement with this overall concept, but Councilor Gilberti questioned the term "limited industrial use" for the Ammo Park area. Councilor Brann explained that the reason "limited" was used is because there will be some additional limitations once the mineral extraction ordinance is passed. It was suggested that the Committee should look at the best use of that property.

- Do the proposed "zones" appropriately represent the type of development that the Council deems appropriate for those areas?

The Council was in agreement with this item.

- Does the Council agree with the "town forest" concept included in the proposed plan?

Councilor Gilberti felt that there needs to be more discussion as to how much acreage is devoted to the town forest, but the Council was in agreement with the concept.

- Does the Council agree with the zone uses identified for the Route 1-A north area?

The Council was in agreement with this concept.

- Does the Council agree with the concept of a “school zone” within four-mile square?

The Council was in agreement with this concept.

- Is high-density residential development appropriate for affordable housing in four-mile square?

Councilor Gilberti felt that this should not be limited to the four-mile square and other areas should be identified as well. Councilor Murphy said he would agree if public water and sewer is provided.

- Is wetland protection across all zones a priority for the Town?

The Council was generally in agreement, but Councilor Arnett said if the State has identified bodies of water and mandated that they be protected he would want to go along with that, however he would not be opposed to fill in certain swampy areas if it is not against state law. Councilor Brann said the Committee is really focusing on streams in town.

- Is it a priority for recreation areas to have connectivity whenever possible?

The Council was in agreement with this concept.

- Is cluster development preferable to traditional subdivision development to preserve open space?

The majority of the Council was in agreement with this concept. Councilor Murphy said he was not in favor of it at this point as he would not want to see a development where the houses are too close together. Councilor Gilberti noted that consumer demand will determine the type of development a developer would be willing to build. Chris Shrum will do some research as to what the marketplace is saying with regard to cluster development.

Economic Development Director Bion Foster informed the Council that the Economic Development Committee discussed the Coldbrook Road corridor and the committee does not feel it is in the best interest of the community to entirely limit curb cuts along Coldbrook Road. They feel

that proximity and accessibility is of prime importance for service-type businesses.

The Council also reviewed each bullet-point of Chris Shrum's memo dated July 23, 2007 (copy attached). Councilor Gilberti said he would like to see water and sewer extended to the Coldbrook Road before the LL Bean parcel. Councilor Arnett said he would like to hear more discussion about limiting curb cuts along the water side of Route 1A.

Councilor Brann suggested that the Town should commission an engineering study of the Mayo Road as soon as possible and it was decided that this would be agendaed for discussion at the next meeting.

4. NEW BUSINESS

a. ACCEPTANCE – LIBRARY ROAD – REQUEST TO HOLD PUBLIC HEARING

Manager Lessard said she would like to agenda this for the next meeting for Council consideration of accepting the library road as a public way. The Town owns the private road from Route 1A to the Library and its status as a non-town road calls in to question the way the Town maintains it. Attorney Russell has advised that it is not necessary to hold a public hearing.

b. MMA OFFICIALS BALLOT

Motion by Councilor Gilberti, seconded by Councilor Arnett to accept all the proposed candidates – unanimous vote in favor. The ballot was circulated for signatures of the Council.

c. ACCEPTANCE OF FORFEITED PROPERTY

Public Safety Director Joe Rogers informed the Council that the property is a 2005 Subaru Legacy automobile, which is in very good shape with approximately 36,000 miles. The car was used in an illegal drug transaction, which subjected it to seizure and forfeiture. The court case was developed by Hampden Officers. Joe recommended acceptance of the vehicle and placing it in the Town fleet for use as a transport vehicle by town employees going to training. He said there is also an occasional need for a surveillance vehicle. Motion by Councilor Brann, seconded by Councilor Murphy to accept the vehicle and authorize the Mayor to sign the Approval of Transfer – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Murphy reported that the Finance Committee met with the Pool Director Darcey Peakall and members of the Pool Board who outlined capital improvements needed at the pool with in the next year, namely the air handling system. Darcey and the Board will get more information for the Finance Committee's review.

Councilor Gilberti reported that the Economic Development Committee met last week and there may be two possible proposals for lots in the business park in the near future.

Councilor Gilberti further reported that the Appointments Committee met earlier this evening and interviewed candidates for the Planning Board, Recreation Committee and Pool Board of Trustees. The Committee will make recommendations for appointment at the next Council meeting.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

EDWARDS SHOP 'N SAVE FUNDRAISING EFFORTS: Motion by Councilor Brann, seconded by Councilor Arnett to suspend the rules for the purpose of accepting fundraising on the town's behalf – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Arnett to add the Edwards Shop and Save funding effort request to the agenda – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Arnett to notify Edwards Shop and Save that the Council is willing to accept a donation from them to support the purchase of a 12 lead system for our ambulance and authorize them to collect funds on our behalf – unanimous vote in favor. Manager Lessard will send a thank you letter to Dana Edwards.

F. COUNCILOR'S COMMENTS

Councilor Cox said she was glad to reach a reasonable compromise on the flag issue.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:16 p.m.

Denise Hodsdon
Town Clerk