

## TOWN COUNCIL MINUTES

June 21, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 21, 2010. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:07 p.m.

**Attendance: Councilors:** Mayor Matt Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis, Shannon Flavin Cox, and Janet Hughes

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** None

Hampden Resident Mark Pierce

### A. CONSENT AGENDA

Motion by Councilor Cox, seconded by Councilor Shakespeare to accept the consent agenda. Unanimous vote.

### B. PUBLIC COMMENTS

Mayor Arnett said good-bye to Councilor Cox and presented her with a clock and cards and flowers on behalf of the Town Council. Councilor Lawlis said that she ran for Council at the urging of Councilor Cox and appreciated her help and enthusiasm. Councilor Cushing thanked Councilor Cox for her service and noted her many significant contributions during her Council tenure.

Mark Pierce of Main Road North, Hampden from Paper Talks Magazine requested that the Council Consider a 1/9<sup>th</sup> page ad for \$364 in the next edition of Paper Talks.

Motion by Councilor Brann, seconded by Councilor Cushing to set aside the rules to consider the request. Unanimous vote.

Motion by Councilor Brann, seconded by Councilor Cushing to add the Paper Talks ad to the agenda. Unanimous vote.

Motion by Councilor Brann, seconded by Councilor Cox to purchase a 1/9 page ad in Paper talks for \$364. Unanimous vote.

### C. POLICY AGENDA

#### 1. PUBLIC HEARINGS

a. 2010 – 2011 BUDGET ADOPTION

The Public Hearing was opened at 7:20 p.m. by Mayor Arnett. No proponents, no opponents, or those with general questions or comments. The Public Hearing was closed at 7:25 p.m.

Motion by Councilor Brann, seconded by Councilor Cox to adopt the 2010 – 2011 budget as presented. Unanimous vote.

b. ADOPTION OF ORDINANCE ENACTING A MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES AND SITES OF MARIJUANA CULTIVATION

The purpose of the moratorium is to allow 6 months for the Council to review the zoning ordinance and add language necessary for the review of any Medical Marijuana Dispensary applications received by the Town.

The Public Hearing was opened at 7:25 p.m. by Mayor Arnett. No proponents, opponents, or those with general questions or concerns spoke. The Public Hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Hughes to approved the ordinance as presented. Unanimous consent.

c. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM MAC'S CONVENIENCE STORES, LLC D/B/A CIRCLE K #7057 AT 63 MAIN ROAD SOUTH.

The Public Hearing was opened by Mayor Arnett. There were no proponents, opponents or those with general questions or concerns. The Public Hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Brann to renew the Victualer's License for Mac's Convenience Store. Unanimous vote.

**2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

None

**3. UNFINISHED BUSINESS**

a. GOODWILL RIDERS SNOWMOBILE CLUB – REQUEST FOR FUNDS

The Finance Committee recommends that the Council approve \$1,000 from the Fire Department Building Reserve for the purpose of aiding the Goodwill Riders Snowmobile Club in repairs to the Town-owned building on Western Avenue used by the Club.

C-1-a

TOWN OF HAMPDEN  
PUBLIC NOTICE

Notice is hereby given that the Hampden Town Council will hold a public hearing at 7:00 pm on Monday, June 21, 2010 at the Hampden Municipal Building for consideration of the entire FY 2011 proposed town budget.

PROPOSED 2010  
HAMPDEN TOWN BUDGET

ACCOUNT NUMBER	ACCOUNT NAME	PROPOSED BUDGET 2010
01-01	ADMINISTRATION	\$548,984.00
01-02	GIS/IT	\$101,962.00
01-03	COMMUNICATIONS	\$28,148.00
01-05	TOWN COUNCIL	\$36,588.00
01-10	MUNICIPAL BUILDING	\$107,907.00
01-15	TAX COLLECTOR	\$6,000.00
01-20	ELECTIONS	\$12,963.00
01-25	PLANNING/ASSESSING	\$246,836.00
01-30	ECONOMIC DEVELOPMENT	\$86,734.00
05-03	NON-DEPT. UTILITIES	\$426,172.00
05-01	POLICE	\$958,309.00
05-05	FIRE DEPARTMENT	\$895,030.00
05-10	PUBLIC SAFETY	\$171,933.00
10-01	PUBLIC WORKS	\$1,280,237.00
10-05	MUNICIPAL GARAGE	\$28,740.00
15-10	SOLID WASTE	\$381,915.00
20-01	RECREATION	\$132,530.00
20-10	DYER LIBRARY	\$232,421.00
20-20	LURA HOIT POOL	\$324,469.00
20-25	MARINA	\$500.00
25-10	THE BUS	\$52,000.00
30-10	BUILDINGS & GROUNDS	\$85,475.00
38-00	OUTSIDE AGENCY REQUESTS	\$22,241.00
40-10	GENERAL ASSISTANCE	\$10,000.00
50-10	DEBT SERVICE	\$469,721.00
55-00	RESERVES	\$291,300.00
67-10	TIF	\$50,000.00
<b>GROSS</b>	<b>MUNICIPAL BUDGET TOTAL</b>	<b>\$6,989,115.00</b>
<b>LESS</b>	<b>MUNICIPAL REVENUES -</b>	<b>\$3,624,618.00</b>
<b>= NET</b>	<b>MUNICIPAL BUDGET TOTAL</b>	<b>\$3,364,497.00</b>
	<b>SAD #22 TAXATION AMOUNT</b>	<b>\$5,145,805.88</b>
	<b>COUNTY TAXATION AMOUNT</b>	<b>\$633,244.00</b>

**ESTIMATED TOTAL TAXATION REQUIREMENT \$9,143,546.88**

As proposed, the 2011 Budget should result in a tax rate of \$15.90 per thousand, the same as 2010.

Proposed FY 2011 budget figures are as of 6/7/10.

Copies of the proposed FY 2011 Budget are available for public inspection at the Hampden Town Office.

Adopted by Town Council 6/21/2010

TOWN OF HAMPDEN

PUBLIC NOTICE

Notice is hereby given that the Hampden Town Council will conduct a public hearing at 7:00 p.m. on Monday, June 21, 2010 at the Hampden Municipal Building Council Chambers, 106 Western Ave. to hear the following:

1. Adoption of proposed Ordinance Enacting a Moratorium on Medical Marijuana Dispensaries and Sites of Marijuana Cultivation – This ordinance would establish a 180 day moratorium to allow for the study, review, and development of recommendations for changes to the Zoning Ordinance and other applicable laws and regulations because the Town's existing ordinances are not adequate to prevent any serious public harm and/or overburdening of public facilities that may be the result of the location of Marijuana Dispensaries and Sites of Marijuana Cultivation in the Town of Hampden.

Copies of the proposed Ordinance Enacting a Moratorium on Medical Marijuana Dispensaries and Sites of Marijuana Cultivation are available for review at the Town Office or online at [www.hampdenmaine.com](http://www.hampdenmaine.com).

Denise R. Hodsdon  
Town Clerk

# Medical Marijuana Moratorium

Ordinance, Enacting a Moratorium on Medical Marijuana Dispensaries and Sites of Marijuana Cultivation

**WHEREAS**, a referendum was passed by the Maine voters liberalizing the laws relating to Marijuana Dispensaries; and

**WHEREAS**, the State of Maine Department of Health and Human Services adopted emergency Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), effective May 5, 2010; and

**WHEREAS**, the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, has issued a Request for Applications for non-profit corporations to become dispensaries for growing and dispensing marijuana to registered patients under the Maine Medical Use of Marijuana Act (Title 22 M.R.S. §§2421-2430-A); and

**WHEREAS**, the potential location of Marijuana Dispensaries and Sites of Marijuana Cultivation in the Town of Hampden raises legitimate and substantial questions and concerns about the impact of such facilities on the Town of Hampden, including questions of the adequacy of streets for additional traffic; the compatibility of Marijuana Dispensaries and Sites of Marijuana Cultivation within existing residential and commercial zones; the potential adverse health and safety effects of the Marijuana Dispensaries and Sites of Marijuana Cultivation on the community; the possibility of illicit sale and use of illegal drugs, misuse of prescribed marijuana, associated criminal activity, and drug related deaths; and the increased burden on the Hampden Police Department; and

**WHEREAS**, marijuana is illegal to possess under federal law; and

**WHEREAS**, the State of Maine allows the possession of certain amounts of marijuana, and

**WHEREAS**, the current Hampden Zoning Ordinance and Comprehensive Plan do not adequately address the concerns listed above; and

**WHEREAS**, the possible effects of the location of Marijuana Dispensaries and Sites of Marijuana Cultivation has implications for the health, safety and welfare of the Town of Hampden and its citizens; such implications include, but are not limited to, the location of such Marijuana Dispensaries and Sites of Marijuana Cultivation proximate to schools, residential areas, and public ways; and

**WHEREAS**, the Town of Hampden needs a reasonable amount of time to study the Zoning Ordinance and Comprehensive Plan to determine the implications of future proposed Marijuana Dispensaries and Sites of Marijuana Cultivation and to develop reasonable regulations governing the location and operations of such treatment facilities; and

**WHEREAS**, the Town of Hampden, under its home rule authority and its police power, has the authority to impose reasonable restrictions, conditions, and limitations on such a facility; and

**WHEREAS**, the Council members for the Town of Hampden, through the advice of the Hampden Planning Board and staff, shall study the Hampden Zoning Ordinance to determine the land use implications of Marijuana Dispensaries and Sites of Marijuana Cultivation and consider what locations and conditions of approval might be appropriate for such facilities and such cultivation; and

Adopted by Town Council 6/21/2010

**WHEREAS**, the existing Comprehensive Plan, Zoning Ordinance, and other applicable laws and regulations, if any, are not adequate to prevent serious public harm by the development of Marijuana Dispensaries and Sites of Marijuana Cultivation in the Town of Hampden; and

**WHEREAS**, the Moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of Marijuana Dispensaries and Sites of Marijuana Cultivation being located in the Town of Hampden; and

**WHEREAS**, it is anticipated that such a study, review, and development of recommendations will take at least one hundred eighty (180) days;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMPDEN THAT THE FOLLOWING ORDINANCE ENACTING A MORATORIUM ON MARIJUANA DISPENSARIES AND SITES OF MARIJUANA CULTIVATION BE ENACTED:**

1. **Applicability and Purpose:** This moratorium shall apply to Marijuana Dispensaries and Sites of Marijuana Cultivation, as defined below, that may be proposed to be located within the Town of Hampden.
2. **Prohibition:** During the time this Ordinance is applicable, no officer, official, employee, office, board, or agency of the Town of Hampden shall accept, process, approve, deny, or in any other way act upon any application for a building permit, certificate of occupancy, site plan review, conditional use plan review and/or any other permits or approvals related to such use. No person or organization shall develop or operate Marijuana Dispensaries or Sites of Marijuana Cultivation within the Town of Hampden on or after June 7, 2010.
3. **Enforcement, violation, and penalties:** If Marijuana Dispensaries or Sites Marijuana Cultivation are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate offense for this purpose. The Town shall be entitled to all rights available to it in law and equity, including its reasonable attorney fees and costs in prosecuting any violations.
4. **Definitions:** As used in this Ordinance, the following terms have the following meanings:
  - a. "Marijuana" shall have the definition set forth in Title 17-A M.R.S.A. Section 1101 (1) and 10-144 CMR Chapter 122, Section 1.15.
  - b. "Marijuana Dispensaries" means one or more marijuana dispensary, facility or location, whether fixed or mobile, where marijuana is made available to or distributed to any person or entity authorized to receive it under Maine Law.
  - c. "Sites of Marijuana Cultivation" means one or more sites at which marijuana may be cultivated for the specific purpose of making marijuana available to or distributed to any person or entity authorized to receive it under Maine Law.
5. **Date:** This Ordinance shall apply retroactively to June 7, 2010 and shall remain in effect for a period of one hundred eighty (180) days after said date, unless extended, repealed, or modified by the Hampden Town Council.

Motion by Councilor Cushing, seconded by Councilor Lawlis to approve a \$1000 expenditure from the Fire Department Building Reserve for the purpose of aiding the Goodwill Rider's Snowmobile Club with building repairs. Unanimous vote.

b. ZONING TEXT AMENDMENTS FOR RURAL DISTRICT USES – PLANNING BOARD RECOMMENDATION – REFERRAL FOR PUBLIC HEARING

The item was referred for Public Hearing by Councilor Hughes.

**4. NEW BUSINESS**

a. LEGISLATIVE POLICY COMMITTEE BALLOT – 2 Candidates

Motion by Councilor Brann to nominate Michael Crooker and motion by Councilor Cushing to nominate Julia Pike, both motions seconded by Councilor Cox. Unanimous vote.

**D. COMMITTEE REPORTS**

Councilor Shakespeare - Infrastructure Committee will meet next Monday.

Councilor Lawlis reported that the Services Committee met last week and HOTDOG presented plans and information and will go back and do more work before coming to the Council. She also reported that an inventory of trees impacted by the Mayo Road Project had been done by the GIS/IT Specialist/Forester.

Councilor Brann reported that the Comprehensive Plan had been forwarded to the State for final review.

Councilor Cox reported that the Committee on Committees work is nearly done but running behind schedule. The handbook draft is ready and in the hands of committee members. She will continue to follow up that project.

Finance Committee – Warrants and financial statements reviewed, personnel policy/employee handbook discussion, and Goodwill Riders Snowmobile Club request review and recommendation.

**E. MANAGER'S REPORT**

Rick Moore has resigned from the School Board due to his spouse applying for job. She did not get the job and he wants to stay on the School Board.

July 6<sup>th</sup> is the next Council meeting.

The School Superintendent, assistant Superintendent and Engineers are happy to meet with the Council to discuss the Hampden Academy project.

The School Board will be meeting on 7/7 regarding re-use of the Hampden Academy property and most likely will vote to retain it. After that the School Board would like to meet with the Council to discuss the portion of the property not to be used for educational purposes.

The Town Manager will be absent the third week of July and requested that the next Council meeting be held on July 26<sup>th</sup> instead. Councilor Brann suggested that a meeting for that date be scheduled with the School Officials to discuss the Hampden Academy project .

#### **F. COUNCILOR'S COMMENTS**

Councilor Cox stated that it had been an honor and a privilege to serve the community as a Town Councilor and that she would miss the people and the work. She encouraged anyone with an interest in their community to run for office.

Councilor Cushing stated that it had been a pleasure serving on the Council with Councilor Cox.

Councilor Brann expressed thanks to Councilor Cox for serving on the Council.

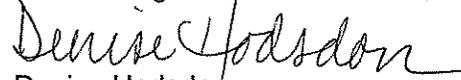
Councilor Lawlis wished Councilor Cox an enjoyable summer and told her that she would be missed.

Councilor Shakespeare thanked Councilor Cox for her service and wished her well.

Mayor Arnett wished Councilor Cox well and said that her sharp mind will be missed on the Council.

#### **G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:05 p.m.

  
Denise Hodsdon  
Town Clerk