

TOWN COUNCIL MINUTES

APRIL 30, 2007

Due to lack of a quorum on Tuesday, April 17th, the regularly scheduled meeting of the Hampden Town Council was rescheduled for Monday, April 30, 2007. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:00 p.m.

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

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Safety Director Joseph Rogers and Public Works Director Greg Nash. Recreation Director Kurt Mathies arrived later in the evening.

Edna Bragg and Susan Hall, Pine Tree Landfill representatives, William and Rachel Shakespeare and citizens

A. CONSENT AGENDA

There were no Treasurer's Warrants for approval of the Finance Committee. The balance of the Consent Agenda was accepted without objection.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. SUMMER 2007 PAVING BID RESULTS

Public Works Director Greg Nash reported that two bids were received and opened on April 10, 2007. The bids were extremely

close, but are higher than the budget estimate of \$180,000. He recommended accepting the bid from Vaughn Thibodeau & Sons at \$59.77/ton. There are five roads scheduled for paving this summer at a total cost of \$188,514.58. Greg recommended eliminating Penobscot Meadow Drive from the list, which would save \$9,862.05. Motion by Councilor Arnett, seconded by Councilor Colford to accept the Public Works Director's recommendations – unanimous vote in favor.

b. POLICE VEHICLE BID RESULTS

The police vehicle bids were opened on March 23rd and Public Safety Director Joseph Rogers recommended acceptance of the bid from Bangor Chrysler Dodge for a 2007 Dodge Charger V-6 for the bid price of \$20,583.00. Motion by Councilor Colford, seconded by Councilor Arnett to accept the bid of \$20,583.00 from Bangor Chrysler Dodge for a Dodge Charger V-6 – unanimous vote in favor.

c. PROCLAMATION – EDNA BRAGG – 102nd BIRTHDAY

This item was moved to the beginning of the meeting. Mayor Briggs presented Edna with a bouquet of flowers and a proclamation from the Council, celebrating the 102nd birthday of Hampden's most senior citizen.

d. COMPLAINT ABOUT TOWN OFFICIALS – CONTINUED

Following the last meeting, the Council met in Executive Session and it was decided that all Councilors would review the file. All Councilors did review the file and Mayor Briggs asked how the Council wanted to proceed after reviewing the material. Councilor Murphy requested that Mr. Shakespeare be allowed to make comment for any additional information over and above what the Council has reviewed in the file.

Mr. Shakespeare did address the Council and a copy of his comments is attached hereto. Mr. Shakespeare also provided copies of documents that he said were missing from the file for the Council's review.

Councilor Arnett inquired as to what the nature and intent of a criminal trespass notice is. Attorney Russell addressed two things – First, the allegation that the police officers failed to cite the individual for removing the boundary marker. Attorney Russell said that is entirely a civil matter, the statute Mr. Shakespeare cited is a civil statute between private individuals, not a criminal statute. The statute provides that if the aggrieved party is successful in the lawsuit, they are entitled to damages from the other side, but the police officers had absolutely no authority to cite somebody for a violation of Title 14 civil statute. Second, Attorney Russell explained the criminal trespass statute. That is a crime and there are two

subsections that could come into play in situations like this. The first one is if an individual remains in any place in defiance of a lawful order to leave that was personally communicated to that person by the owner or another authorized person. The second is if they enter a place in defiance of such an order. Attorney Russell has reviewed the form used by the Hampden Police Department. He noted that it is not a citation of criminal trespass, but what it says is that the other people don't want you on their property and if you enter their property now you could be convicted of a criminal trespass. It does not allege that there was a criminal trespass and is not a citation.

Mayor Briggs commented that the file the Council reviewed was complete and noted that it was a tremendous effort to put it together. He stated that if a few documents were missing from that file, they have now been provided by Mr. Shakespeare and they will be entered into the record for this evening and will be included in the entire file.

Mayor Briggs summarized that Mr. Shakespeare has asked the Council to look at three different things: 1) Does the Council feel that an oversight committee of town staff is needed; 2) Does the Council feel that the replacement of the Town Manager or Public Safety Director is warranted or should be investigated at this point and 3) Does the Council feel that the Police Department responded properly and took proper action.

Mayor Briggs noted that the Council currently acts as the oversight committee. The Council hires the Town Manager and works with the Manager who hires the various department heads. He opened the floor for discussion relative to the need for creation of an oversight committee. Councilor Brann moved that at this time the Council feels it is unnecessary to form an additional oversight committee. Councilor Colford seconded the motion and vote was unanimously in favor.

Mayor Briggs asked for the Council's response to the request to replace the Town Manager and Police Chief. Motion by Councilor Colford, seconded by Councilor Brann to keep the current Town Manager and Police Chief – following discussion, vote was unanimously in favor of the motion.

Mayor Briggs asked how the Council wished to proceed with the complaint regarding whether the Police Department took proper action regarding the land boundary dispute and markers. Motion by Councilor Brann, seconded by Councilor Arnett that the Council finds that the steps the Police Officers took when being asked to intervene in a civil matter are appropriate, that the Council does not want the officers getting heavily involved in civil matters and the Council supports those actions – unanimous vote in favor.

Councilor Brann commented that the Council has gone through the review process and he hoped that this would be an end to the uncomfortable feelings between the Shakespeares and the Town of Hampden.

e. COMPREHENSIVE PLAN – COUNCILOR ARNETT

Councilor Arnett reminded the Council that this planning process got started in large measure because we wanted to assess the economic development climate and see whether there might be proposals forthcoming that could advance the economic development in the Town of Hampden in a way that would be consistent with our desire to have open space and parks, but also to have an enhanced tax base. He expressed concern that we are caught up a lot in satisfying the State of Maine's view of an appropriate Comprehensive Plan, but he is personally not interested in spending a lot of energy on going through everything to make sure all of our i's are dotted and t's are crossed relative to what Maine needs. He wants to see a planning document that works for the Town in terms of creating a future that we are moving toward.

Councilor Arnett applauded the work done by the Comp Planning group so far, but he still feels that it is unbalanced in terms of the business community. He would like to see a session or two to look at the town and its space relative to the business community needs, recognizing that in the end we will have to come back and balance all of these issues. He would like the Council to support a resolution asking the Economic Development Director to go out and get a couple people who are true experts in what it takes to be competitive in terms of attracting major kinds of development – something that starts at \$50,000,000 and has a potential of growing into the \$100,000,000 range – and to make sure that that is the kind of business we feel comfortable with and that they are located in appropriate places in the town. He would like to see what it is going to take to draw an organization that has high-level jobs that would want to come into a campus-type environment and would want to support trails, parks and preservation.

Councilor Arnett moved that the Council direct the Town Manager acting with the Economic Development Director to find two experts who could address the planning that might be necessary to attract truly major businesses to the town and that they be authorized to spend up to \$5,000 from Economic Development Reserves if necessary. Councilor Cox seconded the motion.

Discussion: Councilor Arnett noted that one of those experts might be the Director of Economic Development for the State of Maine, who would most likely not come at a high cost. He would like to see somebody who has done major development and really knows why one community wins out over another. If it is necessary to go

outside the State of Maine, he would like to see funds there to pay for it.

Councilor Colford said he agrees with most of what Councilor Arnett says and he is all for business, but he noted that Hampden is a town and has a small-town kind of atmosphere and he thinks that is what attracts people to Hampden. He does want some businesses and feels that we have an area for it, but wants to keep it closely balanced. Councilor Colford did not feel it was necessary to spend additional money at this point and thought that we could utilize the expertise of local professionals.

Mayor Briggs asked if this question has been proposed to the consultants from EMDC and if this is something they could help us with as part of their consulting. Councilor Brann said we have not asked that question. Councilor Brann acknowledged that the process is not as quick as some business people would like, but it is important to look at the entire town in the comprehensive planning process. Councilor Brann said he does not think we are at a stage now where we want to go out and spend money for someone to come in and come up with some kind of a grand plan on how we can develop a business campus until we find out whether or not people in the Town of Hampden want one or whether or not people who own the land in the Town of Hampden want to spend their land that way.

Councilor Gilberti agreed with Councilor Arnett and that we should at least look in that direction. He is in favor of the motion, but he noted the big problem he sees is that most of the big businesses don't want any part of Maine – they don't like the tax structure or the State's regulations.

Councilor Murphy said he does not want to turn commercial business away, but he does want to see some regulations in place to limit growth.

Councilor Cox felt that it is important to bring someone from outside who has that expertise, has done this someplace else and will look at the business climate in Maine, who can help us have that discussion and to make sure that we do look at all the possibilities. She said that gives us the ability to put together the best Comprehensive Plan that we can that will stand the test of time.

Mayor Briggs asked if the plan is on track with the time schedule and would this alter that schedule. Councilor Brann said this is a totally independent study and would not slow down the process. Councilor Brann does agree that we do need to go outside for a fresh point of view.

Councilor Murphy called the question and asked for a roll call vote:

5 in favor (Cox, Gilberti, Brann, Arnett and Briggs); 2 against (Murphy and Colford) – motion carried.

4. NEW BUSINESS

There was none.

D. COMMITTEE REPORTS

Councilor Arnett reported that the Charter and Ordinance Committee met earlier and has completed its initial work on the private pump station issue and is sending it to the Town Attorney and to the Planning Board. The committee is also making good progress on the mineral extraction ordinance.

Councilor Arnett further reported that the Communications Committee is proposing hiring an intern over the summer to help bring the website up to speed and to help with the cable station.

Councilor Murphy reported that he attended SAD #22 Budget Committee meetings on April 4, April 11 and April 25. The first draft of the 2008 proposed budget does not include any increase in teachers' positions and the budget would only increase by .061% for the Town of Hampden or approximately \$80,000.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached hereto.

David Lindemann – Recreation & Parks Citizen Volunteer Award - Mayor Briggs congratulated David for this honor and said Hampden is proud to have him as a volunteer. Mayor Briggs would like some acknowledgement of his award from the Council to say thank you for a job well-done.

F. COUNCILOR'S COMMENTS

Councilor Murphy asked Recreation Director Kurt Mathies how the new playground equipment is working out. Kurt said it has been highly used. Councilor Murphy also wished Happy Birthday to Edna.

Councilor Cox informed everyone that the Bangor Area Homeless Shelter's 12th annual hike is taking place this Saturday at 9:30 am. There is a 5-mile hike that begins in Hampden at the Weatherbee School and ends at the Sea Dog Restaurant in Bangor. She encouraged folks to get out and join this worthwhile effort.

Councilor Gilberti said he is back on a full-time basis and expressed appreciation to the Council for allowing him the opportunity to be absent from some meetings this winter.

Councilor Arnett hoped that folks were able to view the video of the Reed's Brook Patriots' Day celebration. He noted that David Haggan and all involved do a tremendous job and it was a wonderful event. He also noted that the Souadabscook Canoe Race was also a wonderful event and a video of some of the highlights was aired on the Town's cable television station.

Councilor Colford noted that the Bangor Daily News reported that the Hampden Academy seniors met their fundraising goal for an outside graduation. He encouraged them to continue raising money.

Councilor Colford further commented that Host Community Benefit money is used for infrastructure and public service (i.e. fire trucks, police cars and other things like that). He feels that with the Host Community Benefit funds negotiated, a fire truck is a well-worth venture and we should spend the money for what it is designed for. He noted that he was absent from the Council meeting when the Public Safety Committee reported on its discussion with the Public Safety Department about the possible need for a new fire truck and he wants it to be put back on the agenda for discussion of the full Council.

G. COUNCIL WORKSHOP – GOALS & OBJECTIVES

Motion by Councilor Arnett to postpone the discussion of goals and objectives until the budget process is complete. Councilor Gilberti seconded the motion and vote was unanimously in favor.

Manager Lessard said there is no clear direction from the Council for this year's Economic Development budget, which is a challenge for both her and the Economic Development Director. It was decided that the Council will agenda that issue for discussion at the next meeting.

H. ADJOURNMENT

There being no further business, the meeting was adjourned 10:07 p.m.

Denise Hodsdon
Town Clerk