

TOWN COUNCIL MINUTES

DECEMBER 15, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, December 15, 2008. The meeting was held at the municipal building council chambers and was called to order by Mayor Rick Briggs at 7:00 p.m.

Attendance: **Councilors:** Mayor Rick Briggs, Andrew Colford, Matthew Arnett, Thomas Brann, Andrew Cushing, and Shannon Cox; Edward Murphy was absent

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Galen "Chip" Swan, Town Planner Bob Osborne and GIS/IT Specialist Gretchen Heldmann

Councilors-Elect Janet Hughes, Jean Lawlis and Bill Shakespeare
Citizens

A. CONSENT AGENDA

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

A.4.b. CONSERVATION COMMISSION/COUNCIL – NOMINATION FOR CONSERVATION AWARD

Councilor Brann said he wanted to publicly acknowledge Betsy Bass for her volunteer work with the Hampden Academy Envirothon Team. He also thanked the Conservation Commission for its work on behalf of the community. Motion by Councilor Brann, seconded by Councilor Arnett to accept Item A.4.b – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE
RECEIVED FROM KLITON XHEMALI, d/b/a ANGELO'S PIZZA AT 102
MAIN ROAD SOUTH – CONTINUED

This hearing had been postponed at the last meeting because the work on the hood had not been completed. The work has now been done and Councilor Cushing moved to reopen the public hearing. Councilor Cox seconded the motion and vote was unanimously in favor. Mayor Briggs opened the hearing.

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

Motion by Councilor Brann, seconded by Councilor Arnett to approve the application – unanimous vote in favor.

b. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE
RECEIVED FROM DANA EDWARDS d/b/a EDWARDS FAMILY SHOP
'n SAVE AT 77 WESTERN AVENUE

Mayor Briggs 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 approve the application – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. REAPPOINTMENT OF DENISE HODSDON AS REGISTRAR OF
VOTERS

Motion by Councilor Brann, seconded by Councilor Cox to reappoint Denise Hodsdon as Registrar of Voters – unanimous vote in favor.

3. UNFINISHED BUSINESS

a. MAYOR'S REMARKS

This was Mayor Briggs' last Council meeting and he reflected on the accomplishments of the Town during the last ten years while he served on the Council. He recognized and thanked his family for their support and allowing him the time to serve. He thanked his fellow Councilors, Manager Lessard and town staff for their hard work and dedication to the Town of Hampden.

He noted that the next few years are going to be tough and the Council will be faced with many difficult decisions. He urged the citizens to continue their support and faith in the Town Council. He urged the Council to

continue the efforts set in place over the last ten years. Mayor Briggs ended by commenting that the Town of Hampden is a great community in which to live and raise a family and he has no doubt it will survive and will be better than ever. He said it has been an honor and a pleasure to serve as Council Chair.

Mayor Briggs then turned the gavel over to Deputy Mayor Andrew Colford to chair the remainder of the meeting.

b. REGIONAL OPEN SPACE PLAN – DECISION ON DUES

GIS/IT Specialist Gretchen Heldmann explained that this is a one-time assessment to pay for the Trust for Public Lands Regional Greenprinting project, which aims to identify areas of local importance for conservation and park creation. Hampden's assessment is in the amount of \$3,163.50 and Councilors Arnett and Cox feel that this project will help in the Town's comprehensive planning.

Motion by Councilor Arnett, seconded by Councilor Brann to pay the required assessment – unanimous vote in favor.

c. TRANSFER STATION – RULE REGARDING TRUCK WEIGHT

Manager Lessard informed the Council that the Town Office has started issuing transfer station stickers for 2009 and one issue that continues to come up is the 10,000 pound weight limit for trucks. There are many regular pickup trucks in town that are registered for more than 10,000 pounds in order to accommodate hauling campers or snowmobiles. She has discussed this issue with Public Works Director Chip Swan, who suggested that instead of setting a weight limit, to allow pickup trucks with standard 6' or 8' beds and four tires to have a sticker as long as they are not a company vehicle.

There was some discussion about the number of tires on a standard-bed pickup truck. It was pointed out that some standard size pickups do have 6 tires and they would haul the same amount that a 4-tire truck would haul.

Motion by Councilor Arnett to accept the recommendation of the Public Works Director. Following further discussion, Councilor Arnett withdrew the motion and then moved to refer this item to the new Public Works Committee; Mayor Briggs seconded the motion and vote was unanimously in favor.

d. COMMITTEE ON COMMITTEES – REPORT & RECOMMENDATION

Councilor Cushing thanked everyone who helped in this process and noted that in the process of preparing the report, the committee focused on three areas: 1) the structures, the interaction and level of effectiveness of the committees as they relate to the Council and departments of our town government; 2) the manner in which policy is effectively handled by the current system and steps we might take to improve them, if necessary; and

3) the process for orienting and training those who participate in our committees.

Councilor Cox noted that the committee will have to re-visit the role of citizen committees and how those interplay with fully sanctioned sub-committees of the Council. She pointed out that there is some ambiguity about how those committees are structured and how they should be operating.

Councilor Cushing then reported the committee's recommendations for consideration by the full Council (copy attached).

For purposes of discussion, Councilor Cushing moved acceptance of the committee report; Councilor Brann seconded the motion and vote was unanimously in favor. It was stipulated that the motion was only to accept the report, not necessarily the recommendations.

Motion by Councilor Cushing, seconded by Councilor Cox to accept the recommendations of the Committee on Committees to establish five new committees in place of the current eight Council committees. Following considerable discussion about the structure of the proposed committees, it was the consensus of the Council that additional work needed to be done and Councilor Cushing withdrew his motion.

Motion by Councilor Brann, seconded by Councilor Cushing to develop a Council committee structure with no more than four committees – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cox to schedule a Council workshop for January 26, 2009 for the purpose of discussing committee structure – unanimous vote in favor.

Motion by Councilor Cushing, seconded by Councilor Cox to accept recommendation B.1 of the Committee on Committees that prior to placement on a Council agenda, all items shall obtain a sitting Councilor's sponsorship. A sponsoring Councilor will present a summary of the item to the full Council.

Following discussion about how to handle citizen requests, Councilor Cushing moved and Councilor Cox seconded to table discussion until the workshop on January 26, 2009 – unanimous vote in favor.

e. MOBILE HOME PARK ORDINANCE TEXT AMENDMENT –
REFERRAL FOR PUBLIC HEARING

Councilor Arnett referred this item for public hearing at the next meeting.

4. NEW BUSINESS

C-3-d

**Committee on Committee
Report to Town Council
December 15, 2008**

Recommendations:

A. Council Sub-Committees

1. Reduce and the number of Council Sub-Committees from 8 to 5.

New Committee

Former Committee

- | | |
|--------------------------|-----------------------------|
| 1. Public Works | 1. Public Works |
| 2. Public Safety | 2. Public Safety |
| 3. Community Services | 3. Community Services |
| | 4. Communications Committee |
| 4. Community Development | 5. Economic Development |
| | 6. Charter/Ordinance |
| 5. Finance | 7. Finance |

Appointments Committee responsibilities to be directed to the applicable Council Sub-Committee having jurisdiction.

2. Establish meeting days for Council Sub-Committees.

Sub-Committee Meetings: Alternating Tuesdays & Thursdays @ 7:00 pm

B. Agenda Items

1. Prior to placement on a Council agenda, all items shall obtain a sitting Councilor's sponsorship. A sponsoring Councilor will present a summary of the item to the full Council.
2. Items requiring Town Council consideration must be directed to a Council Committee of appropriate jurisdiction. Committee's of jurisdiction will hold work sessions and seek staff and public input prior to presenting report with recommendation for action to the full Council..

C-3-e



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Mobile Home Park Ordinance Amendment
DATE: December 10, 2008

The Town Council may recall that some time ago Hampden Trailer Park's owner Ed Emmons spoke to the Council during an open discussion about some concerns that he has about the current Mobile Home Park Ordinance. Subsequently in October he requested to speak to the Council's Charter and Ordinance Committee to specifically address his issues which primarily centered around annual inspections and certifications each trailer. The Charter and Ordinance Committee asked the attending staff (Code Enforcement, Public Safety and Planning) to address these comments and subsequently there was a consensus that some reasonable accommodation was advisable.

At the Charter and Ordinance Committee's December 1, 2008 meeting the committee voted unanimously to refer the attached amendment for public hearing.

Introduced for public hearing at next meeting

**TOWN OF HAMPDEN
Draft**

The Town of Hampden Hereby Ordains
Proposed Amendments to the Mobile Home Park Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

**TOWN OF HAMPDEN, MAINE
MOBILE HOME PARK ORDINANCE**

ENACTED DATE: October 12, 2004
EFFECTIVE DATE: November 12, 2004

AMENDED: Hampden Town Council, June 19, 2006
Effective Date, July 19, 2006

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

**MOBILE HOME PARK ORDINANCE
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ARTICLE 1
GENERAL PROVISIONS

1.1. Title. This Ordinance shall be known as the "Mobile Home Park Ordinance of the Town of Hampden, Maine," and shall be referred to herein as the "Ordinance."

1.2. Authority. This Ordinance is enacted under the authority granted to the Town by the constitution and statutes of the State of Maine.

1.3. Purposes. The purposes of this Ordinance are:

1. To promote the public health, safety and welfare of the residents of the Town;
2. To establish standards for mobile homes located in mobile home parks;
3. To establish standards for the maintenance and operation of mobile home parks;
4. To establish standards for the maintenance and occupancy of mobile homes and mobile home lots located in mobile home parks; and
5. To establish a licensing and enforcement mechanism for mobile home parks.

1.4. Applicability. The provision of this Ordinance shall apply to all mobile home parks, and the mobile homes located within mobile home parks, as defined by this Ordinance and by Title 30-A M.R.S.A. § 4358, located within the Town of Hampden on or after May 1, 2004.

1.5. Conflict With Other Ordinances. Whenever the requirements of this Ordinance are in conflict with the requirements of any other rule, regulation, ordinance, or statute, the more restrictive requirement shall prevail, unless otherwise prohibited by state law or expressly provided for in this Ordinance.

1.6. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

Accessory Structure: A structure of a nature customarily incidental or subordinate to the principal structure.

Code Enforcement Officer: A person or persons appointed by the Town Manager to administer and enforce Town Ordinances. The term shall also include Building Inspector, Fire Inspector, Local Plumbing Inspector and the like, if applicable.

Licensee: The mobile home park owner or the applicant for a mobile home park license.

Mobile Home: Two types of mobile homes are included in this definition:

1. *Certified mobile home.* Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein. This term shall also include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which

the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Codes 5401, et seq.

2. *Non-certified mobile homes:* Those units constructed prior to June 15, 1976, meaning structures, transportable in one (1) or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Mobile Home Owner: A person having ownership and/or legal control of a mobile home herein after referred to as home owner.

Mobile Home Park: A parcel of land under unified ownership approved by the Town for the placement thereon of three or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual mobile home is situated within a mobile home park and which is reserved for use by the occupants of that mobile home.

Mobile Home Park Owner: A person having ownership and/or legal control of a mobile home park herein after referred to as Park Owner.

Mobile Home Stand: The part of an individual mobile home lot which has been constructed and reserved for the placement thereon of a mobile home.

Person: An individual, partnership, corporation, limited liability company, limited liability partnership, trust or any other form of legal entity recognized under the laws of the State of Maine.

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to something located on the ground, including, but not limited to, buildings and mobile homes.

Utility Structure: A structure located on a mobile home lot which is designated and used for the storage and use of personal property of the mobile home occupants.

1.7. Conversion of Mobile Home Park. No individual mobile home lot in a mobile home park may be sold or conveyed, unless said lot meets all of the minimum requirements for a lot in the zoning district in which it is located.

1.8. Administration. It shall be the responsibility of the Code Enforcement Officer to approve, approve conditionally, or disapprove mobile home park licenses, to issue certificates of compliance where warranted, to enforce the provisions of this Ordinance, and to carry out the inspections required by this Ordinance.

1.9. Transition Provisions. All mobile home parks that had a mobile home park license under the Zoning Ordinance as of April 30, 2004 may continue to operate under said license. Provided, however, that any such park and the mobile homes contained therein shall be governed by the provisions of this Ordinance. The owner or operator of a mobile home park shall apply for a license under this Ordinance by not later than April 1, 2005, and the Park shall be licensed under this Ordinance by not later than August 1, 2005. Failure to make application within the time specified shall constitute a violation of this Ordinance. In addition, the continued operation or maintenance of a mobile home park without a license and/or in violation of the provisions of this Ordinance after August 1, 2005 shall constitute a violation of

this Ordinance. Any non-certified mobile home located in a mobile home park on the date of adoption of this Ordinance shall be brought into compliance with the requirements of Article 8 by not later than August 1, 2005.

1.10. Separability. In the event that any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such action shall not be deemed to affect the validity of any other provision of this Ordinance.

ARTICLE 2 ANNUAL MOBILE HOME PARK LICENSE REQUIRED.

2.1. No person shall establish, operate, or maintain a mobile home park in the Town of Hampden without first obtaining an annual license issued in conformity with the provisions of this Ordinance.

2.2. The Code Enforcement Officer shall be responsible for the review of license applications, and shall approve, approve with conditions, or deny any license application. The applicant has the burden to demonstrate that the application complies with the provisions of this Ordinance, as well as all applicable laws, ordinances, statutes, or regulations.

2.3. Each license shall expire on the first day of August next following the date of issuance. Applications for license renewal shall be submitted no later than the first day of June in order to be acted upon by the first day of August.

2.4. The Code Enforcement Officer is hereby authorized and directed to make inspections of mobile home parks and the mobile homes located therein to determine the condition of the parks and mobile homes in order to safeguard the health and safety of the occupants of mobile home parks. The Code Enforcement Officer shall inspect ~~each mobile home in the park~~ and if necessary individual mobile homes within the park as well as the park itself prior to making a decision on a license application. The Code Enforcement Officer, or a duly authorized representative, shall have the authority to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the administration or enforcement of this Ordinance.

2.5. A license application shall be in writing, and shall contain the following:

1. Name, address, and telephone number of the applicant. If the applicant is not the mobile home Park Owner, the applicant must also provide the name and address of the Park Owner, as well as the legal relationship of the applicant to the Park Owner and documentation evidencing the applicant's legal authority to operate or maintain the mobile home park.
2. A register containing the record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 1. The name of the owner of each mobile home in the park.
 2. The manufacturer's name, model number, year, and serial number of each mobile home.
 3. The lot location by number of each mobile home.
 4. If not owner-occupied, the names of the occupants of each mobile home.

5. The Park Owner shall keep the register up to date, and available for inspection at all times by law enforcement officers, emergency services personnel, code enforcement officials, and other officials whose duties necessitate acquisition of the information contained in the register.
3. A mobile home park plan, prepared and / or certified by a professional land surveyor, drawn at a scale of not less than one inch equals 40 feet, depicting the boundaries of the park, the streets within the park, the common areas within the park, the mobile home lots within the park, and the location of each mobile home within the park. For emergency purposes, the lot numbering required by Article 3 shall be shown on the plan.
4. The name of the mobile home park.
5. The license application shall also be accompanied by the application fee established by the Hampden Fees Ordinance.
6. A park management plan, including a 24 hour contact person, rules of the park, schedule for park maintenance, trash removal, and road maintenance for the park.

2.6. The Code Enforcement Officer shall issue a written decision on the application for a mobile home park license. In order to grant a license, the Code Enforcement Officer must find the following:

1. That the mobile home park is in compliance with all applicable laws, ordinances, regulations, and has received all necessary approvals from the Town of Hampden and the State of Maine.
2. ~~That the mobile home park, and all of the mobile homes and mobile home lots located therein, are in compliance with all of the requirements of this Ordinance, including the safety standards set forth in Article 8. Deleted~~
3. ~~For renewal licenses,~~ That the Park Owner has complied with the requirements of this Ordinance during the term of the prior license.

2.7. The Code Enforcement Officer may issue a conditional license if the Park Owner enters into a written agreement with the Town that contains a detailed schedule of compliance setting forth the specific improvements to the park, mobile home lots, or mobile homes that the Park Owner shall make during the term of the license. If the Park Owner fails to comply with the provisions of said agreement, said noncompliance shall be the grounds for revocation, or non-renewal, of the license.

2.8. The Code Enforcement Officer, after notice and a hearing on the matter, may revoke any license to establish, maintain or operate a mobile home park upon making a finding that the park is not being operated or maintained in accordance with the provisions of this Ordinance, or any other applicable law or ordinance.

ARTICLE 3 MOBILE HOME LOT IDENTIFICATION.

3.1. Each mobile home lot shall have a number supplied by the Park Owner, and the lots shall be numbered in an orderly, consecutive fashion. Even numbers shall be on one side of the street and odd numbers shall be on the opposite side of the street.

3.2. Each mobile home shall be numbered in a manner consistent with the number assigned to the lot.

3.3. The mobile home lot number shall be at least three inches high, and the Park Owner shall be responsible for the placement and maintenance of the numbers on each mobile home in a prominent place so that they may be readily observable by emergency services personnel.

3.4. The Park Owner shall be responsible for the placement and maintenance of the lot numbers on the electrical service (i.e., meter junction box) for each mobile home.

**ARTICLE 4
MOBILE HOME PARK STREET IDENTIFICATION.**

4.1. The Park Owner shall cooperate with the Code Enforcement Officer to establish names for streets within the mobile home park. Said street names shall be substantially different than existing street names within the Town of Hampden so as not to be confused in sound or spelling. In general said streets shall have names not numbers or letters.

4.2. The Park Owner shall erect, and maintain, street name signs at all street intersections, which signs shall contain lettering that is reflectorized.

**ARTICLE 5
OBLIGATIONS OF PARK OWNERS.**

5.1. The Park Owner shall provide the occupants of the mobile home park with a copy of this Ordinance, and inform the occupants of their duties and responsibilities under this Ordinance.

5.2. The Park Owner shall operate the mobile home park, or cause the same to be operated, in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities, improvements, and equipment in good repair and in a clean and sanitary condition, as well as in compliance with all state and local laws, regulations, or ordinances.

5.3. The Park Owner shall maintain all streets, roadways and driveways in the mobile home park in good repair, and shall keep the same clear of snow, ice, standing water, and debris. In addition, the streets and roadways in the mobile home park shall be constructed and maintained so as to comply with the "Fire Lane" requirements of the Town of Hampden Fire Prevention Code.

5.4. The Park Owner shall maintain the mobile home park in a clean, orderly, safe and sanitary condition at all times.

5.5. The Park Owner shall remove any abandoned, burned, dilapidated, or abandoned mobile home from the mobile home park within ten business days of a notice from the Code Enforcement Officer.

5.6. The Park Owner shall not permit the presence or any accumulation of any (1) abandoned, unregistered or un-inspected motor vehicles, or parts thereof, or (2) discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment; household appliances; furniture; discarded, scrap or junked lumber; old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or scrap iron, steel or other scrap ferrous or nonferrous material, or other solid waste or debris in the mobile home park, whether on the streets or other common areas under the control of the Park Owner or on the individual mobile home lots.

5.7. The Park Owner shall be responsible for the proper placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections. Owner shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home from the park.

5.8. The Park Owner shall conspicuously post a copy of the license in Park Owner's office or on the premises of the mobile home park at all times.

5.9. The Park Owner shall notify the Code Enforcement Officer and Tax Assessor, in writing, of the arrival or impending departure of any mobile home or any change of ownership that occurs within the park.

5.10. The Park Owner shall make adequate provision for the storage, collection, and lawful disposal of all refuse from the mobile home park, and shall take adequate measures to prevent the creation of health hazards, rodent harborage, insect breeding areas, accident hazards, or air, water, or ground pollution. All refuse and garbage shall be bagged in plastic garbage bags by the homeowner or occupant for storage in fully and tightly enclosed, watertight, rodent-proof containers, which shall be provided by Owner in sufficient number and capacity to prevent any refuse or garbage from overflowing. Satisfactory container racks or holders shall be provided by the Owner and shall be located not more than 150 feet from any mobile home lot, or the Park Owner shall cooperate with the Code Enforcement Officer to establish mutually agreed upon locations.

5.11. The Park Owner shall bring all nonconforming non-certified mobile homes into compliance with the safety standards of Article 8. The Code Enforcement Officer may, as part of a conditional license, enter into a schedule of compliance with the Owner.

5.12. The Park Owner shall provide adequate supervision to ensure that the mobile home park, mobile home lot, mobile homes, and the owners or occupants of mobile homes comply with the provisions of this Ordinance. Owner shall include provisions in rental agreements requiring that individual owners or occupants of mobile homes shall comply with the provisions of this Ordinance, and Owner shall be obligated to pursue legal remedies for any breach of those requirements.

5.13. The Park Owner shall cooperate fully with the Code Enforcement Officer in the administration and enforcement of this Ordinance, including providing assistance in gaining access to mobile homes for the required inspections.

5.14. The Park Owner shall not assign or transfer the license without the prior approval of the Code Enforcement Officer. Any assignment or transfer shall be subject to the condition that the transferee agree in writing to abide by the terms and conditions of the license and this Ordinance.

5.15. The owner(s) of the land on which the mobile home park is located shall be ultimately responsible for compliance with this Ordinance, and shall remain responsible therefor regardless of the fact that this Ordinance may also place certain responsibilities on the license holder, or mobile home owners and/or occupants. This shall be so regardless of any agreements between the owners of the land and the license holder or owner/occupants of mobile homes as to which parties shall assume such responsibility.

ARTICLE 6

OBLIGATIONS OF MOBILE HOME OWNERS OR OCCUPANTS.

6.1. It shall be the duty of the owners or occupants of mobile homes in a mobile home park to give the Code Enforcement Officer access to the mobile homes at reasonable times for the purpose of conducting an inspection thereof to determine satisfactory compliance with the requirements of this Ordinance.

6.2. The owners or occupants of mobile homes in a mobile home park shall comply with all applicable requirements of this Ordinance, and shall maintain his/her mobile home, mobile home lot, and any facilities, improvements, or equipment, in good repair and in a clean and sanitary condition. The home

owner or occupant shall not cause or permit the presence or accumulation of the items specified in Article 5.6 on his/her mobile home lot, or at any other location within the mobile home park.

6.3. No home owner or occupant shall allow animals in his/her custody to run at large, or commit any nuisance, within the mobile home park.

6.4. No home owner or occupant shall permit his/her mobile home to be occupied by a greater number of persons than that for which it was designed.

6.5. The space directly beneath each mobile home shall be kept clean and free from refuse, or other combustible materials.

6.6. No home owner or occupant shall permit the parking of vehicles or the storage of personal property so as to interfere with access to the lots or mobile homes in the mobile home park by other owners or occupants, or especially with access by emergency vehicles or personnel.

6.7. No home owner or occupant shall locate or use a utility structure on his/her lot unless it is located no closer than 10 feet to any mobile home or other utility structure, and is made of noncombustible materials. In addition, said structure shall not exceed 150 square feet in area and 10 feet in height.

6.8. No home owner or occupant shall dispose of any garbage or refuse except by first bagging the garbage or refuse into a plastic garbage bag and the placing them into provided facilities in a clean and sanitary manner.

6.9. The individual owner of a non-certified mobile home shall be responsible for bringing the mobile home into compliance with the safety standards set forth in Article 8. The Code Enforcement Officer is authorized to enter into a schedule of compliance with such a home owner.

**ARTICLE 7
RESTRICTIONS ON THE SALE, LEASE, TRANSFER, OCCUPANCY OR LOCATION
OF MOBILE HOMES IN A MOBILE HOME PARK.**

7.1. No person may sell, transfer, or otherwise convey a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance. The provisions hereof shall not apply to a mobile home that is being removed from the mobile home park.

7.2. No person shall locate, move from one mobile home lot to another mobile home lot, or replace a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance.

7.3. No person shall permit or allow the occupancy of a mobile home in a mobile home park for dwelling purposes without a prior Certificate of Compliance from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good

state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance, and that the mobile home is properly placed on a mobile home stand and properly connected to water, sewer, and electrical utilities. The Park Owner shall be responsible for the proper installation of all utility connections, which shall be accomplished by duly qualified and licensed persons.

7.4. The placement of a mobile home that is not (1) a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws, or regulations, including the requirements of Article 8 of this Ordinance in or near the mobile home park is strictly prohibited. The area of the mobile home park and any of Park Owner's land in the vicinity shall not be used as a staging area for the rehabilitation of non-certified mobile homes. The foregoing shall not preclude the rehabilitation of mobile homes that existed in a park as of the date of adoption of this Ordinance.

ARTICLE 8 SAFETY STANDARDS.

8.1. The purpose of this Article is to establish minimum standards to attain a condition of safety that will allow a non-certified mobile home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

8.2. These standards shall apply to all non-certified mobile homes located in mobile home parks. These standards shall also apply to any non-certified mobile homes being brought into parks.

8.3. Standards.

8.3.1. Light and Ventilation

1. Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area.
2. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.

8.3.2. *Ceiling Height.* Every habitable room shall have a minimum ceiling height of 6 feet and 6 inches.

8.3.3. Exit Facilities – Exterior Doors

1. Homes shall have a minimum of two exterior doors located remote from each other.
2. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
3. Doors may not be less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors.

4. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
5. All exterior swinging doors in mobile homes shall provide a minimum door leaf dimension of 28 inches wide by 74 inches high. Notwithstanding this regulation replacement swinging doors that were installed prior to adoption of this ordinance measuring at least 28 inches in width by 72 inches in height shall not require replacement. All exterior sliding glass doors shall provide a clear opening of at least 28 inches wide by 72 inches high. Locks shall not require the use of a key for operation from the inside.

8.3.4. Exit Facilities – Egress Windows and Devices. Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor.

1. *Exception.* In lieu of this regulation, an approved automatic sprinkler system may be installed in accordance with NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.*

8.3.5. Interior – Doors. Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

8.3.6. Room Requirements

1. Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a manufactured home.
2. Every home shall have at least one common area with no less than 150 square feet of gross floor area.
3. All bedrooms shall have at least 50 square feet of floor area.
4. Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two.
5. ~~Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with rod and shelf. Deleted.~~
6. Bedrooms shall have an operable door with a latch to separate the room from the common area.
7. Each toilet compartment shall have a minimum of 21 inches of clear space in front of each toilet.
8. Hallways shall have a minimum horizontal dimension of 28 inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

8.3.7. Fire Detection Equipment All homes, regardless of the date of manufacture, shall meet the following requirements. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
5. Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of the detector shall be located 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connector by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

8.3.8. Cooking Unit Separation. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

8.3.9. Kitchen Cabinet Protectors All homes, regardless of the date of manufacture, shall meet the following requirements.

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3 inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood will not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

8.3.10. Carpeting. Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8.3.11. Roof Loads. Prior to construction of an addition or alteration of the roof of a mobile home design plans bearing the seal of a State of Maine registered professional engineer shall be submitted. Said plans shall demonstrate that the roof design can withstand any snow loads or wind uplifts that may occur. Building Inspector shall inspect the roof framing and supporting members prior to sheathing.

8.3.12. Floors. All floors shall be of a solid construction to protect users of the mobile home from the hazard of an unsafe floor.

8.3.13. Exterior Coverings. Exterior coverings shall be of moisture and weather resistant materials to resist wind, snow, sleet, or rain.

8.3.14. Deleted

8.3.15. Plumbing Systems. A person holding a master license issued by the State of Maine Plumbers Examining Board shall inspect and certify that the plumbing system is in conformance with the requirements of the Maine State Plumbing Code, is safe and verify that the following conditions are met.

1. The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.
2. Water closets are adjusted to use a minimum quantity of water consistent with proper performance and cleaning.
3. All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.
4. All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing under normal occupancy. To prevent freezing, a modern technological designed heat cable should be used.
5. All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine.
6. Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.
7. Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl.
8. Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.
9. Water supply plumbing systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage.

10. Each home shall be equipped with a kitchen sink and bathtub and/or shower and be provided with a hot water supply system including a listed water heater.
11. No part of a water system shall be connected to any drainage or vent piping.
12. All new plumbing after the effective date of these standards shall be lead free with solders and flux containing not more than 0.2 percent lead and pipes and pipe fittings containing not more than 8.0 percent lead.

8.3.16. Heating and Fuel Burning Systems

1. A person holding a master license issued by the State of Maine Oil and Solid Fuel Technicians, Board of Licensure and/or a person holding a master license issued by the State of Maine Propane and Natural Gas Technicians, Board of Licensure shall inspect and certify that the heating and fuel system is in a safe condition and meets all ~~current~~ State of Maine laws and rules as adopted by said boards.
2. Heat-producing appliances and vents, roof jacks and chimneys necessary for installation in mobile homes shall be listed or certified by a nationally recognized testing agency for use in mobile homes.

8.3.17. Electrical System. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system that is accessible, including the wiring of the smoke detector, is safe and meets the National Electrical Code in effect at the time the mobile home was constructed.

1. Homes wired with aluminum conductors shall meet the current Underwriter Laboratory (UL) requirements for connecting to branch circuits of 30 amps or less. (Note: The intent of this is not to require the mobile home to be rewired, but only to require that U. L. Listed conductors be affixed to receptacle switches and light fixtures. There are several methods of doing this. The most preferred is the "pig tail" method.)

8.3.18. Minimum Separation Requirements. No mobile home shall be located closer than twenty (20) feet from another mobile home or ten (10) feet from a utility structure. Notwithstanding this regulation mobile homes placed end to end shall ensure a minimum separation of ten (10) feet. Any mobile home that was not in compliance with the prescribed separation requirements as of the date of adoption of this Ordinance may remain at that location, but any replacement for such a mobile home shall meet the separation requirements to the greatest practical extent as determined by the Code Enforcement Officer, and in no event shall the replacement mobile home be located so as to make the separation distances more nonconforming. Provided, however, that the replacement of a non-certified mobile home with a certified mobile home shall be permitted if the following conditions are met: (1) the separation requirements are met to the greatest practical extent as determined by the Code Enforcement Officer, (2) the replacement mobile home is no wider than fourteen (14) ~~twelve (12)~~ feet, (3) ~~all mobile homes adjacent to the replacement mobile home (side to side) are certified mobile homes- Deleted,~~ (4) the replacement mobile home shall be located no less than fifteen (15) feet (side to side) and ten (10) feet (end to end) from another mobile home or ten (10) feet from a utility structure, and (5) the area necessary to comply with this reduced separation provision is not created by moving or replacing an existing mobile home so as to make it more nonconforming with the requirements of Section 4.13.3.3.1. of the Zoning Ordinance, the foregoing reduced separation provision shall prevail. For purposes of this section, any addition to a mobile home, including

carports, decks, porches, living spaces, sunrooms, etc. (but excluding steps) shall be considered to be part of the mobile home, and shall be subject to the minimum separation requirements.

ARTICLE 9 VIOLATIONS AND ENFORCEMENT.

9.1. Any condition existing in violation of this Ordinance is deemed to be a nuisance.

9.2. The Code Enforcement Officer shall provide written notice of any violation to the Park Owner and/or operator of the mobile home park. In addition, if the violation involves a violation by the home owner or occupant of a mobile home, written notice shall also be given to the home owner or occupant. The notice shall be mailed to the last known address according to records maintained by the Town. The notice shall describe the violations, and shall state the corrective action necessary. The giving of notice hereunder shall not be a prerequisite to the commencement of an enforcement action.

9.3. The Code Enforcement Officer, with the advice and consent of the Town Manager, is authorized to institute, or cause to be instituted by the Town Attorney, in the name of the Town of Hampden, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

9.4. Any person, firm or corporation, being the owner or operator of, or having control or use of any mobile home, mobile home lot or mobile home park, who violates any provision of this Ordinance shall be subject to the penalties set forth in 30-A M.R.S.A. § 4452. Each violation, and each day of each violation, shall constitute a separate offense.

ARTICLE 10 APPEALS. *Amended 06-19-2006*

10.1. Appeals. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. Any appeal from the Code Enforcement Officer's approval, approval with conditions, or denial of a license application, or the revocation of a license, shall be made to the Board of Appeals within 30 days of the rendering of such a decision. *Amended 06-19-2006*

10.2 Appellate Review The review by the Board of Appeals shall be limited to an appellate review of the Code Enforcement Officer's decision, and said decision may be overturned only if the officer committed an error of law, abused his/her discretion, or made findings that are not supported by substantial evidence on the record. No appeal may be taken from a violation determination or enforcement action taken by the Code Enforcement Officer, except to the extent that said determination or action forms the basis of a revocation of a license by the Code Enforcement Officer. *Amended 06-19-2006*

10.3 Basis of the Appeal. The appellant must demonstrate that the decision of the Code Enforcement Officer: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record. *Amended 06-19-2006*

10.4 Modification or Reversal of the Decision. The Board of Appeals may modify or reverse the decision of the Code Enforcement Officer if they determine that he: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record. *Amended 06-19-2006*

a. DRAFT CHARTER OF FRIENDS OF DOROTHEA DIX PARK

Councilor Cox reported that the Community Services Committee has unanimously voted to accept the draft Charter of Friends of Dorothea Dix Park (copy attached).

Motion by Councilor Brann, seconded by Councilor Arnett to accept the Charter of Friends of Dorothea Dix Park as submitted; following discussion vote was unanimously in favor of the motion.

b. TREE CITY ARBOR DAY PROCLAMATION

Motion by Councilor Cushing, seconded by Councilor Arnett to add this item to the agenda. Manager Lessard explained that the Council needs to adopt the proposed proclamation prior to December 31st for Arbor Day 2009.

Motion by Councilor Cushing, seconded by Councilor Brann to adopt the proclamation as proposed – unanimous vote in favor.

c. VFW GAMES OF CHANCE

Motion by Councilor Cushing, seconded by Councilor Arnett to add this item to the agenda. Manager Lessard explained that she just received this request today, but the annual authorization for the Hampden VFW to operate games of chance expires on December 31st.

Motion by Councilor Cushing, seconded by Councilor Arnett to authorize the Whitcomb-Baker Post 4633 Veterans of Foreign Wars to operate games of chance – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Cox reported that the Community Services Committee met and worked on the draft charter of Friends of Dorothea Dix Park and continued work on re-writing the Recreation Committee by-laws. The next meeting is scheduled for January 6, 2009.

E. MANAGER'S REPORT

Manager Lessard reported that the audit went very smoothly this year and the auditors were very complimentary about the work of the staff.

She reported that the town will be reimbursed by the Cable Consortium for the recent purchase of a video camera.

Manager Lessard presented engraved clocks to Councilor Colford and Mayor Briggs.

She then read her annual holiday/end of the year poem.

Charter
Friends of Dorothea Dix Park
Hampden, Maine

- 1) Friends of Dorothea Dix Park established: The Town of Hampden hereby establishes the Friends of Dorothea Dix Park for the following purpose:
 - a) To raise awareness of the community of the unique historical resource which the park offers to the Town of Hampden;
 - b) To assure the on-going care and support of the park by providing the organizations of the Town of Hampden and the School Administrative District¹ with information and focus on the park to use in their course of business;
 - c) To advance the history, natural environment, and educational value of the park within the Town of Hampden;
 - d) To facilitate the development of Dorothea Dix Park as an educational facility for the whole community;
 - e) To encourage active and passive recreation opportunities in a natural environment.
- 2) The Friends of Dorothea Dix Park shall collaborate with and work through the Town of Hampden Tree Board
- 3) Membership: It is desired that the Friends of Dorothea Dix Park be comprised of individuals who are appointed through the Town of Hampden appointment process and shall include:
 - a) A representative of the Planning Board;
 - b) A representative of the Tree Board;
 - c) A representative of the Community Services Committee;
 - d) A representative from SAD #22;
 - e) A representative of the Recreation Department;
 - f) A representative from the Town of Hampden staff, appointed by the Town Manager;
 - g) A representative of the Hampden Historical Society;
 - h) A representative of the Hampden Historic Preservation Commission;
 - i) A representative of the Hampden Garden Club;
 - j) Representatives of the community at large.
- 4) Leadership: The Friends of Dorothea Dix Park shall elect a chair and vice-chair to serve for one year term of office.
- 5) Meetings of the Friends of Dorothea Dix Park shall typically coincide with the meetings of the Tree Board.
- 6) Staff support for the Friends of Dorothea Dix Park shall be provided the Town staff as requested.
- 7) Expenditure requests shall be directed to the Town of Hampden through appropriate Town Departments and Committees.

¹ Town Council, Hampden Planning Board, Hampden Community Services Committee, Hampden Tree Board, Hampden Recreation Committee, SAD #22 Board of Directors and Schools

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, Sterling Morton proposed that a special day be set aside for the planting of trees, and

WHEREAS, the holiday called Arbor Day, was first observed with the planting of more than a million trees in a single state, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in Hampden increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

THEREFORE, I RICK BRIGGS, MAYOR OF THE TOWN OF HAMPDEN, TOGETHER WITH THE HAMPDEN TOWN COUNCIL, DO HEREBY PROCLAIM MAY 21, 2009 AS

ARBOR DAY

IN THE TOWN OF HAMPDEN, AND WE URGE ALL CITIZENS TO SUPPORT THE EFFORTS TO PROTECT OUR TREES AND WOODLANDS, and

FURTHER, We urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

DATED this 15th day of December in the year 2008.

Mayor

F. COUNCILOR'S COMMENTS

Councilor Arnett reminded viewers that Hampden Highlights Day will be held on January 17th from 9:00 am to noon. This is an opportunity for all civic-minded organizations to come and present their mission and goals.

Councilor Brann said goodbye to the Councilors who are leaving and thanked them for all that they have contributed over the years. He noted that the Town of Hampden is better off than it was prior their time on the Council. He said he will miss them.

Mayor Briggs wished everyone a Merry Christmas and Happy New Year. He also extended thanks from Councilor Murphy for all the calls and cards. He said Councilor Murphy sends his regrets for not being able to attend his last meeting as a Councilor and to pass on that he has enjoyed his time on the Council. Mayor Briggs wished Councilor Murphy well.

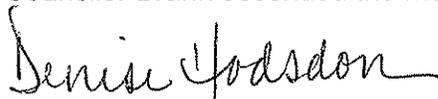
Councilor Cox expressed appreciation to Mayor Briggs for his view of the town's history and for his sense of openness and fairness. She expressed appreciation to Councilor Colford for his willingness to listen. She wished Councilor Murphy well and said she has always appreciated his dedication to the folks on the Public Safety staff.

Councilor Cushing commented that it has been a real honor to serve with Mayor Briggs and Councilors Colford and Murphy. He thanked Mayor Briggs for his sense of tradition and his guidance through the Council process. He thanked Councilor Colford for his enthusiasm and persistence. He wished everyone a Merry Christmas and Happy New Year.

Councilor Colford thanked Mayor Briggs for handing the chair over to him this evening. He said he has enjoyed working with the Council and staff and hoped that he will be back in the future.

G. ADJOURNMENT

There being no further business, Mayor Briggs moved to adjourn at 10:25 p.m. Councilor Brann seconded the motion and vote was unanimously in favor.



Denise Hodsdon
Town Clerk