

## TOWN COUNCIL MINUTES

SEPTEMBER 4, 2007

Due to the Labor Day Holiday, the regularly scheduled meeting of the Hampden Town Council was held on Tuesday, September 4, 2007. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:02 p.m.

**Attendance:** **Councillors:** Mayor Rick Briggs, Robert Gilberti, Thomas Brann, Matthew Arnett, Edward Murphy, and Andrew Colford. Shannon Cox was excused but arrived at 8:52 pm.

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** Economic Development Director Bion Foster and Public Works Director Chip Swan

Pine Tree Landfill representatives, Economic Development Committee Chair Colby Clendenning, a member of the press and citizens

### A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. The balance of the consent agenda was accepted without objection.

### B. PUBLIC COMMENTS

Sue Mock, acting as spokesperson on behalf of residents of Roe Village, requested that the Town do something more than just the crosswalk from Roe Village to the Town Office and Post Office. Traffic travels at a high rate of speed and it has become very dangerous. Public Works Director will look into what else may be done.

### C. POLICY AGENDA

#### 1. PUBLIC HEARINGS

##### a. PROPOSED CHARTER AMENDMENT – SEC. 204 MAYOR AND DEPUTY MAYOR

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 Colford to adopt the amendment to Section 204 as outlined – unanimous vote in favor.

b. PROPOSED CHARTER AMENDMENT – SEC. 209 INDUCTION OF COUNCIL INTO OFFICE

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 to Section 204 as written – unanimous vote in favor.

c. PROPOSED CHARTER AMENDMENT – SEC. 211 PROCEDURE (d) VOTING

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

Motion by Councilor Arnett, seconded by Councilor Colford to adopt the amendment to Section 211 as drafted – unanimous vote in favor.

d. PROPOSED CHARTER AMENDMENT – SEC. 301 TITLES AND APPOINTMENT

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

Motion by Councilor Colford, seconded by Councilor Arnett to adopt the amendment to Section 301 as presented – unanimous vote in favor.

Attorney Russell advised the Council that by State statute, charter amendments, if adopted by voters, take effect on the date determined by the municipal officers and if the municipal officers do not specify, they take effect the first day of the next municipal year, which would be July 1<sup>st</sup>. He advised that the Council make a determination as to when they become effective. Motion by Councilor Brann, seconded by Councilor Colford that the amendments become effective upon adoption by the voters – unanimous vote in favor.

e. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE RECEIVED FROM FRANK CLARK, d/b/a HIGHLANDS CORNER STORE LOCATED AT 557 KENNEBEC ROAD **(Continued)**

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

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

## 2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

### 3. UNFINISHED BUSINESS

#### a. FLAG DISCUSSION – ALLISON BERUBE REQUEST

This item was moved to the beginning of the agenda. Allison Berube has joined the efforts of the Friends of Hamlin on their proposed flag project. Mayor Briggs reminded everyone that when the Friends of Hamlin last came to the Council, they had three requests: 1) to approve the project of placing approximately 92 flags on poles in the community; 2) to help with storage of the flags; 3) assistance with the installation and take-down of the flags. Since that meeting the Town was advised that the Council did not have the authority to grant approval for that type of project.

Allison Muth Berube reported that the Friends of Hamlin have raised the funds to purchase over 92 flags. Allison said she was here to make the proposal that the Public Works Department put up and take down the flags. It is proposed that the flags will go up in May before Memorial Day and come down in November after Veterans' Day. She proposed that 72 flags be erected from the Kennebec Road down the Main Road to Route 9 and out Route 9 as far as the railroad tracks and the flags will be hung only on lighted poles. She said the flags will be hung ten feet up the poles and she believed that at this height, the flags could be hung while standing in the back of a dump truck or large pickup truck and should not require special equipment. There will be a flag committee that will keep track of the flags and notify Public Works should they need to be replaced. There will be a bank account set aside to replace worn or damaged flags. The flag committee will inspect the flags when they are taken down each year and they will be cleaned free of charge by Gold Star Cleaners. Councilor Colford volunteered to store the flags in his barn.

Councilor Murphy asked Manager Lessard for her input regarding the proposal. Manager Lessard noted that if the Council votes in favor of this proposal, it will be up to the Public Works Director to determine how to install and take down the flags in order to meet all safety regulations. She noted that it clearly could not be done in the back of a pickup truck. The Town does not have a bucket truck and she did not know the cost of renting one. Allison informed the Council that the biggest part of this job is putting up the hardware and if it becomes cost prohibitive to have the equipment for that long, she has had an offer from some people to help install the hardware. Public Works would then only have to put the flags up and take them down. Councilor Gilberti asked Public Works Director Chip Swan if he had any idea what it would cost to rent a bucket truck. Chip estimated that it would cost approximately \$75 per hour.

Mayor Briggs inquired if there would be any problems with the Town putting hardware on property owned by the utilities. Manager Lessard indicated that the utilities will not issue a letter of permission, but as with the holiday decorations, they will not object as long as it is put up in a secure, non-obstructive manner.

Motion by Councilor Arnett, seconded by Councilor Gilberti to support the project as presented by Allison Berube subject to the Public Works Director recommending a procedure that he views as safe and reasonably cost effective to both install the equipment and to do maintenance that may be necessary from time to time. Mayor Briggs asked Councilor Arnett to further define cost effective. Councilor Arnett said the hourly rate identified by Chip with approximately 10-20 hours would be reasonable in his mind.

During discussion, Councilor Colford suggested that the flags could be taken down the same time that the holiday decorations go up. Councilor Arnett noted that there is a chance that the flag will furl around the utility pole and part of the anticipated maintenance would be to unfurl the flags if that does happen. Councilor Brann reiterated that he has a number of concerns about flying the flag in this fashion and the ability to take adequate care of it and said he would be voting against providing support.

By roll call, vote on the motion was 5 in favor (Murphy, Gilberti, Arnett, Colford and Briggs) and 1 opposed (Brann) – motion carried.

b. PUBLIC WORKS GARAGE FURNACE – REQUEST TO PUT OUT TO BID

Public Works Director Chip Swan informed the Council that the current oil-fired furnace in the central bay at the garage needs to be replaced and the line under the floor is leaking. He has received proposals from Mechanical Services for two types of systems. The cost to replace the hot air furnace and upgrade the system would be \$23,410, but Mechanical Services has also proposed a new propane system for \$28,390 and Chip recommends going to bid for the propane system and a separate bid for 5,000 gallons of propane. Councilor Colford reported that the Public Works Committee has reviewed the proposal and recommends the propane system. Manager Lessard informed the Council that there are sufficient funds in the Public Works Garage reserve account to fund the new system. Motion by Councilor Colford, seconded by Councilor Arnett to go out to bid for the specified heating system that the Public Works Director has put forth – unanimous vote in favor.

c. TREE CITY PROGRESS REPORT AND REFERRAL TO ORDINANCE COMMITTEE – COUNCILOR BRANN

Councilor Brann informed the Council that the Conservation Commission is drafting a Tree Ordinance to present to the Ordinance Committee by next week. Jim Feverston is shepherding the Tree City project and gave a report on the progress of that project. He explained that the purpose of having the Tree City USA designation is to promote and protect the rural character of Hampden and the ecological environment, as well as the health and safety of our residents. He explained the four standards of a Tree City USA (copy attached) and noted that the Tree Care Ordinance would create a Tree Board. The Tree Board would be responsible for establishing a forestry work plan.

Motion by Councilor Murphy, seconded by Councilor Brann to refer this to the Ordinance Committee for its consideration – unanimous vote in favor.

#### **4. NEW BUSINESS**

a. APPLICATIONS FOR OUTDOOR WOODBURNING FURNACE LICENSE RECEIVED FROM GARY THIBODEAU, 665 WESTERN AVENUE

Motion by Councilor Colford, seconded by Councilor Gilberti to approve the application for Outdoor Woodburning Furnace License – unanimous vote in favor.

b. MMA VOTING DELEGATE FOR ANNUAL BUSINESS MEETING

Motion by Councilor Arnett, seconded by Councilor Brann to appoint Councilor Colford as the voting delegate and Mayor Briggs as the alternate at the annual meeting of the Maine Municipal Association – unanimous vote in favor. The ballot was circulated for signatures of the Council.

c. BUSINESS PARK LOTS 13 and 15 – OFFER TO PURCHASE

Mayor Briggs noted that this item would need to be moved to Executive Session. Motion by Councilor Gilberti, seconded by Councilor Murphy to go into Executive Session at the end of the meeting pursuant to 1 M.R.S.A. §405 (6) (C) to include the Council, Town Attorney, Town Manager, Economic Developer Director Bion Foster and Economic Development Committee Chair Colby Clendenning – unanimous vote in favor.

d. BUSINESS PARK COVENANTS AND RESTRICTIONS – ROOF PITCH

Economic Development Director Bion Foster informed the Council that the current covenants for the Business Park require that any building less than 10,000 square feet must have a minimum roof pitch of 5/12. It was discovered during site plan review for Lots 13 and 15 and discussion with the contractor who will be constructing a steel building, that the industry standard for any steel roof can not exceed 3/12 pitch in order to have a “standing seam” roof, which is the preferred roof on a steel building. This was not evident at the time the covenants were passed. Bion reported that the Economic Development Committee is recommending that the covenant for steel frame buildings that are less than 10,000 square feet be modified to a roof pitch not to exceed 3/12 as opposed to the 5/12 that currently exists, but that the covenant for any wood framed building remain as is.

Motion by Councilor Gilberti, seconded by Councilor Arnett to refer this item to the Town Attorney for research and to draft appropriate language to amend the covenants – unanimous vote in favor.

e. PRIVATE PUMP STATION, AREYS CORNER CONDOMINIUMS,  
KENNEBEC ROAD – CONCEPTUAL ACCEPTANCE

Mayor Briggs noted that this item was inadvertently omitted from the agenda and it was added at this time. James Kiser who represents the developer asked the Council for conceptual acceptance of a private pump station on this project. (Copy of proposed project plan attached). He noted that conceptual acceptance was discussed at the committee meetings related to pump station approval and the need to have the Council give conceptual acceptance for a particular project before significant design efforts are undertaken. He was requesting conceptual acceptance - that the Council can see that area being developed and that it will take a pump station. The project is scheduled to go to the Planning Board next week.

During discussion, Councilor Brann commented that investigation by Public Works would be necessary to determine if the existing sewer system is capable of handling the addition of a pump station. Attorney Russell expressed concern about the Council's involvement at this stage without any information. Motion by Councilor Murphy, seconded by Councilor Brann that the Town Manager direct the Public Works Director to look at the area and forward information to the Public Works Committee for recommendation to the full Council – unanimous vote in favor.

Councilor Arnett requested that the Town Planner work with Public Works to establish criteria and benchmarks for projects involving private pump stations.

**D. COMMITTEE REPORTS**

Councilor Arnett reported that the Ordinance Committee continues to work with the Planning Board's Ordinance Committee relative to mineral extraction. It is a difficult process, but a substantial number of industry representatives have been involved.

Councilor Brann reported that the Comprehensive Planning Committee will meet on September 11 and will be taking its first look at a conceptual zoning map that has been developed as they discuss the process to figure out what zoning changes may be necessary.

**E. MANAGER'S REPORT**

A copy of the Manager's Report is attached.

Councilor Brann requested that Manager Lessard look into the process and cost of extending sidewalks on the other side of Route 9 from Avalon Village to the grocery store. He also asked that the Public Works Director and Recreation Director develop a plan as to what would work well for picnic tables in the town's parks.

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

Councilor Colford requested that the Police Department put the portable speed sign out on Western Avenue. Manager Lessard reported that the sign will be making its way around town.

Councilor Arnett will be away during the next Council meeting and asked to be excused.

Councilor Brann wondered if yellow strobe lights would make people more aware of the crosswalk on Route 1-A near Hampden Academy.

Councilor Gilberti announced that the Run for Hope will be held on September 9<sup>th</sup> and he will be accepting the Terry Fox Award. The race is underwritten by the Lafayette family and all funds raised go directly toward cancer research at Eastern Maine Medical Center.

Councilor Cox thanked the Council for letting her miss the first part of the meeting.

## **EXECUTIVE SESSION:**

The Council entered Executive Session at 9:35 pm. Motion by Councilor Gilberti, seconded by Councilor Arnett to re-enter regular session at 10:05 pm.

Motion by Councilor Gilberti, seconded by Councilor Colford to accept not less than \$200,000 for Lots 13 and 15 and to authorize Manager Lessard to sign all documents relative to the sale – unanimous vote in favor.

## **G. ADJOURNMENT**

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

Denise Hodsdon  
Town Clerk