

## TOWN COUNCIL MINUTES

MAY 7, 2007

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 7, 2007. The meeting was held at the municipal building council chambers and was called to order by Mayor Pro-tem Robert Gilberti at 7:00 p.m.

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

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** Public Safety Director Joseph Rogers, Fire Department Personnel, and Recreation Director Kurt Mathies

Pine Tree Landfill representatives, Jim Kiser and citizens

### A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. Councilor Arnett requested that Item A.3.a. be set aside. The balance of the Consent Agenda was accepted without objection.

#### A.3.a PINE TREE/DEP

This is a letter from Marty Drew, General Manager of Pine Tree Landfill to Cynthia Darling regarding the timing of the Department's review of the application for the first phase of closure. Councilor Arnett asked Manager Lessard if there were any problems that the Council should anticipate. Manager Lessard explained that the timely review by DEP of the documents is necessary in order to keep the schedule set out in the closure agreement. Pine Tree has submitted everything they were to supposed to submit to DEP and the purpose of this letter is to document that the Department's review must be done in a timely fashion in order for the landfill to comply with the closure schedule. Motion by Councilor Arnett, seconded by Councilor Colford to accept Item A.3.a. – unanimous vote in favor.

### B. PUBLIC COMMENTS

Heather Foster of 378 Center Drive, Orrington was here last year and is back to put the Town on notice and request a review of facts regarding potential healthcare fraud in the cover up of the health consequences of toxic exposures in Maine. She said it is relevant that she is in Hampden and that she is putting the Town on notice because landfills are mercury polluters.

## **C. POLICY AGENDA**

### **1. PUBLIC HEARINGS**

There were none.

### **2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

There were none.

### **3. UNFINISHED BUSINESS**

#### **a. POLICE CRUISER BIDS**

At the last meeting, the Council awarded the police cruiser bid to Bangor Dodge. Public Safety Director Joe Rogers informed the Council that Dodge is no longer taking orders as Chrysler Corp. stopped making police cars two weeks ago. Joe recommended that the Council award the bid to Quirk Augusta for a 2007 Crown Victoria police vehicle for \$20,625.00. Motion by Councilor Arnett, seconded by Councilor Brann to accept the Public Safety Director's recommendation and authorize the bid of \$20,625.00 for a 2007 Crown Victoria from Quirk Augusta – unanimous vote in favor.

#### **b. ECONOMIC DEVELOPMENT BUDGET DISCUSSION**

Because Economic Development Director Bion Foster was unable to attend the meeting, Councilor Arnett moved and Councilor Colford seconded to postpone this item until the next regular meeting on May 21<sup>st</sup>. Vote was unanimously in favor.

#### **c. FIRE TRUCK – COUNCILOR COLFORD**

Councilor Colford requested that the pumper/tanker truck be put back on the agenda for discussion. He attended the Public Safety Committee meeting when this item was discussed, but was not able to attend the Council meeting when the matter was reported out of Committee. He said he had a different understanding after the Committee meeting than what was discussed at the Council meeting. He feels that this truck would be beneficial in the rural areas of town. To put the price of a new truck in perspective, he noted that the Town pays a hydrant rental fee every year in excess of \$300,000 and the benefit of that is that there is fire protection for everyone on the hydrant lines. However, for the people in the rural districts, the Town relies on tank trucks, mutual aid and other forms of fire protection. He said for the cost of the truck, which would last anywhere from 15 to 20 years, if you figure that out compared to what the hydrant rental cost is every year, there is no comparison of what the value is. He feels that some of the Host Community

Benefit payments should be used for the purchase of a new pumper/tanker truck.

Councilor Murphy said in concept he agreed with Councilor Colford, but the Public Safety Committee heard the presentation from the Public Safety Department regarding the different options of replacing or refurbishing the current tanker truck and the Committee recommended that the concept and cost of a pumper/tanker was too much to handle at this time. They asked the Public Safety Director to make sure that the existing tanker be brought up to reasonable safety standards, and if that gets too expensive to put together a proposal for a new tanker truck for discussion at budget time.

Several Councilors objected to further discussion of this item at this time and felt that it should go back to the Public Safety Committee. Motion by Councilor Murphy, seconded by Councilor Cox to discontinue discussion of this subject at this time and send it back to the Public Safety Committee for further review – vote: Councilor Colford opposed; all others in favor – motion carried.

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

##### **a. RECREATION DEPARTMENT LAND – COUNCILOR ARNETT**

Councilor Arnett said that during the Comprehensive Plan review process and in discussions with the Recreation Director, it has become clear that the Town needs to take action to acquire additional land for recreational use. Councilor Arnett moved that a Council Committee be formed and that they be commissioned to come back with three proposals to develop adequate recreational space for the Town and that we be prepared to purchase, if necessary, this land on market basis to be funded from Host Community Benefits. The motion died for lack of a second.

Manager Lessard noted that the Recreation Director has a meeting with the Recreation Committee this week to discuss a number of items, including this issue. Following that meeting, the Recreation Director will come back with recommendations for needs, which could then be referred to the Community Services Committee.

Motion by Councilor Brann, seconded by Councilor Arnett to ask the Town Manager to discuss this with the Recreation Director and come back with an assessment of our current condition and a set of goals and a methodology for achieving those goals – unanimous vote in favor.

##### **b. BAILEY SUBDIVISION – ACCEPTANCE OF OPEN SPACE**

Jim Kiser represented the Baileys and requested that the Council accept in concept the open space proposed on the plan. The open space is approximately 6.5 acres abutting the Souadabscook

Stream. Councilor Brann noted for the record that access to the open space would be over a piece of land where the road is not going to be constructed by the developer at this time, and the Town will not own the piece. The Town will have an easement to cross it and use it to get access to the open space.

Motion by Councilor Brann to accept the deed as proposed by the Town Attorney for the transfer of that space. Councilor Murphy seconded the motion and vote was unanimously in favor.

c. BUDGET 2008 – RECREATION, POOL & LIBRARY

Manager Lessard informed the Council that the budget process will not begin until May 14<sup>th</sup>. She noted that this year's municipal budget is up 1.37%, the SAD #22 taxation amount is up 1.64% and the County tax is up 2.8% for a total overall increase of 1.54%, or approximately \$177,000. This budget maintains current services, but there are additional items, such as an additional paramedic and new microphones for the Council chambers, that will be discussed during the process that are not built into the proposed budget. Manager Lessard said that for the first time in many years, there will be no valuation adjustments for comparable sales and the goal is to keep the current mil rate, in which case most people will see no increase in their taxes unless they have actually constructed something.

**D. COMMITTEE REPORTS**

Public Works candidate interviews with the Public Works Committee will be held next Wednesday and Thursday nights.

Councilor Arnett reported that the Charter and Ordinance Committee met earlier and continues to go through the mineral extraction ordinance. Progress is being made, but it is not quite ready to bring to the Council.

Councilor Brann reported that the Comprehensive Planning Committee is moving right along. The Community Services Committee and the GIS/IT Specialist have reviewed the land use map prepared by Prentiss & Carlisle and are very happy with it. The next meeting of the Comprehensive Planning Committee is on May 15<sup>th</sup>. The Committee is getting close to an agreement as to what it sees as a potential direction for the triangle area they were charged to look at first in the review process. The Community Services Committee is making progress on Tree City and has identified some areas where tree planting will take place on town land. The Conservation Commission will also be working on this project.

**E. MANAGER'S REPORT**

Manager Lessard reminded the Council that the stream clean-up for Marina Road and Sucker Brook is scheduled for May 19<sup>th</sup>.

She reported that the Lura Hoyt Pool will be closed tomorrow afternoon so that staff may attend Susan Abraham's funeral. Susan was a lifeguard at the pool and Manager Lessard extended condolences to her family on behalf of the Council and staff. She noted that this has been a very difficult week for the entire community. Manager Lessard pointed out that the wisdom of transcending Police and Fire Departments to Public Safety all those years ago was brought home to us in this tragedy. The response time and coordinated effort was beyond belief.

Manager Lessard reported that she has received notice from the bank that handles the Town's Environmental Trust that the fees will be going up \$7500.00. She will be looking for another institution and discussing this with the Trustees.

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

Councilor Cox asked that the Community hold the Abraham family in its thoughts and prayers as they go through this difficult time.

Councilor Brann commented that the Council directed the Charter & Ordinance Committee to review the Town Charter to make sure that we are doing everything correctly and to come up with a consolidated set of modifications it feels are necessary. He said that is on the agenda, but the Committee has not been able to get to it yet. However, he wanted to point out that Section 211 describes how the Council shall vote and the opening sentence states that voting, except for procedural motions shall be by roll call. He said he believes that a show of hands is not a roll call and is not appropriate. Attorney Russell said he agreed with that. Councilor Brann indicated that unless the Charter is amended, the Council needs to start voting by roll call. He also pointed out that under Titles and Appointments, officials to boards shall be appointed by ballot.

Mayor Pro-tem Gilberti also expressed sincere condolences to the Abraham family. He also commented that while sometimes the Council is lackadaisical in procedures, he does not believe it is intentional. He feels that the Council has been very cohesive in working together to make this a better community and hopefully the decisions the Council does undertake give direction to the Town Manager and department heads to accomplish those goals that the Council sets. He thinks that is a commendation to the Council and to the department heads and staff.

#### **G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:38 p.m.

Denise Hodsdon  
Town Clerk