

TOWN COUNCIL MINUTES

May 4, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 4, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:03 p.m.

Attendance: Councilors: Mayor Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis and Janet Hughes; Shannon Cox was absent

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Chip Swan and Economic Development Director Dean Bennett

Heather Foster, Hamlin Marina representative Dan Higgins and citizens

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting earlier in the evening. Motion by Councilor Cushing, seconded by Councilor Shakespeare to accept the balance of the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Heather Foster of Orrington addressed the Council and made comments about air pollution and mercury contamination at the former HoltraChem site in Orrington. She commented that this might be a health issue in Hampden and feels that public officials should be looking at the risks.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR A LIQUOR LICENSE RECEIVED FROM ANGLERS, INC. d/b/a ANGLERS RESTAURANT at 91 COLDBROOK ROAD:

Mayor Arnett 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 Cushing, seconded by Councilor Lawlis to approve the application – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

- a. DAVID CALIENDO – BOARD OF ASSESSMENT REVIEW – INFRASTRUCTURE COMMITTEE RECOMMENDATION FOR APPOINTMENT

Councilor Brann reported that the Infrastructure Committee unanimously recommends the appointment. Motion by Councilor Cushing, seconded by Councilor Hughes to accept the Committee's report and appoint David Caliendo to the Board of Assessment Review – unanimous vote in favor.

3. UNFINISHED BUSINESS

- a. SEWER LINE ACCEPTANCE – HUGHES BROTHERS, OFF COLDBROOK ROAD – INFRASTRUCTURE COMMITTEE RECOMMENDATION TO APPROVE

Councilor Brann reported that the Infrastructure Committee recommends acceptance of this sewer line extension. Manager Lessard reported that this has been reviewed and supported by Staff and Attorney Russell has reviewed the easement deed.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to accept the sewer line from Hughes Bros. Vote was 5-0 in favor; Councilor Hughes abstained.

- b. PUBLIC WORKS EQUIPMENT – REQUEST TO PUT OUT TRUCK BID – INFRASTRUCTURE COMMITTEE RECOMMENDATION TO APPROVE

Councilor Brann reported that the Infrastructure Committee has reviewed this request with the Public Works Director and recommends approval to going to bid.

Motion by Councilor Brann, seconded by Councilor Cushing to authorize proceeding with obtaining bids for truck replacement – unanimous vote in favor.

- c. PROPOSED PRIVATE PUMP STATION – SAD #22 NEW HIGH SCHOOL PROJECT – INFRASTRUCTURE COMMITTEE RECOMMENDATION TO APPROVE

Councilor Brann reported that there are two options available to SAD #22 for connection to the existing sewer system – they can either connect to the pump station at the corner of Routes 9 and 202, which would have a very shallow pitch, or they can install a privately owned and operated pump station at the bottom of the hill by Reed's Brook. The Infrastructure Committee has reviewed the request and feels that the private pump station is the best solution and recommends approval.

Motion by Councilor Brann, seconded by Councilor Hughes to approve installation of a privately maintained and operated pump station for the benefit of SAD #22 at the designated location – unanimous vote in favor.

d. TRANSFER STATION REVIEW & OPERATION

1. INFRASTRUCTURE COMMITTEE RECOMMENDATION TO CONTINUE CURRENT OPERATIONS

Councilor Brann reported that when the current operations and procedures were put in place last year at the transfer station, the Council agreed to review the operations again by May of 2009. The Infrastructure Committee has reviewed the operations and procedures and discussed the pros and cons of continuing with current policies. The Committee voted 5-1 to continue operations as they currently exist.

Motion by Councilor Brann, seconded by Councilor Lawlis to continue current operations at the transfer station.

During discussion, Councilor Shakespeare expressed disagreement with the motion and suggested that the transfer station should be closed on Wednesdays and Thursdays and that it should be open for construction and demolition debris every Friday, Saturday and Sunday, not just alternate weekends. He doesn't feel there is any proof that the money saved can be attributed solely to the fact that C&D is only accepted on alternate weekends; but rather he believes the savings is due to monitoring the stickers at the gate and keeping contractors and non-residents out.

Following further discussion, vote on the motion was 5 in favor and 1 opposed (Shakespeare) – motion carried.

2. TRANSFER STATION ACCESS LIMITS – INFRASTRUCTURE COMMITTEE (3-2) RECOMMENDATION TO DENY ACCESS WITHOUT CURRENT TRANSFER STATION DECAL AFTER FEBRUARY 1, BEGINNING WITH 2010 YEAR

Councilor Brann reported that with a vote of 3-2, it is the recommendation of the Infrastructure Committee to deny access to the transfer station after February 1st without a current decal. Motion by Councilor Brann, seconded by Councilor Shakespeare to deny access to the transfer station without a current decal after February 1st.

During discussion, Councilor Brann noted that he was one of the committee members who voted in opposition for this because the expiration date on the sticker is December 31st, which indicates that after January 1st people would not be allowed access to the transfer station with the prior year's sticker. He feels that this action would be a contradiction to the date on the sticker and

that people should be required to get new stickers prior to January 1st.

Vote on the motion was 4 in favor; 1 opposed (Brann); 1 abstention (Hughes) – motion carried.

e. SERVICES COMMITTEE MISSION STATEMENT

In Councilor Cox's absence, Manager Lessard reported that it is the Services Committee recommendation to adopt the Mission Statement as proposed. Manager Lessard read the statement for the record (copy attached).

Motion by Councilor Cushing, seconded by Councilor Lawlis to adopt the Mission Statement as proposed.

Following discussion, vote on the motion was 4 in favor and 2 opposed (Brann and Hughes) – motion carried.

f. DOROTHEA DIX PARK ORDINANCE – DELETION OF SECTION 12, RESERVATIONS – SERVICES COMMITTEE RECOMMENDATION AND INTRODUCTION FOR PUBLIC HEARING

Councilor Brann introduced this item for public hearing at the next meeting.

g. TREE BOARD/FRIENDS OF DOROTHEA DIX PARK PRESENTATION – CONTINGENCY PLAN IN LIEU OF PROJECT CANOPY GRANT

Manager Lessard reported that Tree Board member Shelby Wright was going to make this presentation but was unable to be here. GIS/IT Specialist Gretchen was also unable to attend, but did provide a written report/request to Manager Lessard, which she read to the Council (copy attached).

Councilor Brann moved to authorize the Tree Board to proceed and order the plants necessary to complete the project with or without the grant from Project Canopy; and for purposes of discussion, Councilor Cushing seconded the motion.

There was discussion regarding the original presentation that was made to the Council in March and it was pointed out that at that time, the Council approved the project if the grant was awarded, up to \$9,000, most of which would be in-kind contributions of labor and staff time, to be funded from the Recreation/Conservation Reserve account. Upon successful receipt of the grant, the funds will be returned to that account. Because there were no representatives of the Tree Board present to answer questions that the Council had, Councilor Hughes moved and Councilor Lawlis seconded to table this item until the next meeting; vote was 5 in favor and 1 opposed (Brann) – motion carried.

Mission Statement:

As directed by the Town Council the Services Committee shall advise and recommend strategies and actions on matters of community recreation and development, parks, forests and reserves, sports grounds, public halls, libraries, walkways, camping grounds, community and cultural facilities, underground and above ground water resources and public property management.

The Services Committee shall promote a family-oriented community environment that provides for balanced allocation of the land resources among residential, business, and natural resource protection. It will encourage regional planning to promote connectivity to include trails providing natural interior and shoreland pathways within Hampden as well as pedestrian access to neighboring communities throughout the greater Bangor area.

TOWN OF HAMPDEN

Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Dorothea Dix Park Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

TOWN OF HAMPDEN
DOROTHEA DIX PARK ORDINANCE

1. Purpose. The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in the Dorothea Dix Park situated in Hampden.
2. Motor Vehicle Access. Access to the Park by motor vehicles (as defined in 29 M.R.S.A. §1) will generally be permitted between April 1 and November 1, although the Public Works Director shall have the authority to provide for different dates of motor vehicle access if circumstances are such that alternative dates are necessary to preserve the condition of the Park or are necessary for the proper operation and maintenance of the Park. No person shall operate a motor vehicle in the Park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public. No person shall operate a motor vehicle in the Park on or in any area except established roads, driveways, or parking areas, or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Public Works Director.
3. Other Vehicles Prohibited. No person shall operate a trail bike, all terrain vehicles, snowmobile, or any other motorized recreational vehicle within the Park.
4. Hours. The Park shall be open to the public during the hours of 6:00 a.m. to 10:00 p.m., Eastern Standard Time or Eastern Daylight Time, as may be in effect from time to time.
5. Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours, any movable structures or special vehicle that could be used for such purposes.

5/4/09 - Introduced for Public Hearing

Upon prior approval of a law enforcement officer of the Town of Hampden, overnight camping may be permitted in situations involving unique circumstances.

6. Firearms/Hunting. No person shall carry or discharge a firearm or engage in any hunting activity within the Park.
7. Fires. No person shall kindle, build, maintain or use a fire except in areas designated for such purposes. All fires shall be properly extinguished. Fires may be prohibited by the Public Works Director when, in his or her judgment, the conditions are such that any fire would represent a safety hazard.
8. Wood. No person shall cut any wood within the Park without a prior permit from the Public Works Director, who shall have the discretion to deny any application for such a permit if he or she determines that the proposed activity is inconsistent with the goal of maintaining the majority of the Park as wooded land.
9. Alcoholic Beverages. No person shall bring alcoholic beverages or controlled substances into the Park, nor shall any person drink or use the same at any time or be under the influence of the same in the Park.
10. Trash. No person shall scatter, drop or leave any debris trash or other rubbish within the Park except in receptacles provided for that purpose.
11. Animals. All animals brought into the Park shall be under the control of their owners or custodians at all times so as to not interfere with the enjoyment of the Park by other members of the public.
- ~~12. Reservations. Although all areas of the Park are to be generally open to the public, the ballfield area of the Park may be reserved on a first come, first served basis through the Town Office for family and civic group outings, community groups and the like. Any person seeking the reservation of said portion of the Park for such a use shall make application to the Town Office, setting forth their name and address, the person or group sponsoring the event, and the day and hours for which the reservation is sought.~~
- 13-12. Enforcement.
 - A. Any law enforcement officer of the Town of Hampden shall have the authority to revoke the permission of any individual to use the Park when the officer observes, or has probable cause to believe, that such individual has violated any provisions of this

ordinance, committed a civil infraction within the Park, or has violated any provision of the laws and ordinances of the State of Maine or the Town of Hampden within the Park.

B. The Public Works Director and his or her subordinate employees shall be empowered to enforce the provisions of this Ordinance. In addition, the Code Enforcement Officer and the members of the Hampden Police Department shall also have the authority to enforce the provisions of this Ordinance.

~~14.~~ 13. Penalties. Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than Twenty-five (\$25.00) nor more than One Hundred Fifty Dollars (\$150.00) for each violation. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any fines recovered shall inure to the benefit of the Town of Hampden.

~~15.~~ 14. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed as separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

11/3/86 Public Hearing

Adoption

Effective Date: 12/3/86

04 May 2009 Council Request

Tree Board Project Canopy Grant Contingency Plan Request

The Project Canopy grant is not awarded until May 31st. The target planting date is June 27th. In order to select the trees needed so that a nursery can fill such a large order, we need to select trees much earlier, even before the grant announcement date. The Board also wants to ensure there is adequate time to dig the holes and ensure that the materials needed (mulch, compost) are ordered and fulfilled for the planting date.

- 1) The Board would like a decision from the Council about going forward with this project in the event that the grant is not awarded to Hampden.
- 2) The Board would like permission to select and order materials at area nurseries prior to the award date of May 31st.
- 3) The Board would like to ask the Council to consider waiving the bid process for materials so that they can have the freedom to select from more than one nursery to ensure the best stock is chosen for this project.

Benefits of doing this project (spending the entire amount from the town) even if not awarded grant:

- will take care of the Tree City USA spending requirement, ensuring our status for another year
- will bring community organizations together and create sense of civic pride
- this is part of a long-term plan for the pool area

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4. NEW BUSINESS

a. HEALTH OFFICER APPOINTMENT – TOWN MANAGER

Manager Lessard reported that former Health Officer Vivian Gresser no longer wishes to serve in that capacity. Manager Lessard has had some discussions with the City of Bangor about sharing the services of a Health Officer, however in the interim; the State had passed regulations requiring every community to have a named health officer who had taken the training associated with Local Health Officer Certification. Manager Lessard has completed the training and requested that the Council appoint her as Health Officer until we change to an agreement with the City of Bangor.

Motion by Councilor Cushing, seconded by Councilor Lawlis to appoint Town Manager Lessard as the Town's Health Officer – unanimous vote in favor.

b. SEWER COMMITMENT – FIRST QUARTER 2009

Motion by Councilor Cushing, seconded by Councilor Hughes to sign the commitment – unanimous vote in favor. The commitment was circulated for signatures of the Council.

c. REQUEST FOR TAX ABATEMENT – ARTHUR MURRAY ESTATE

Manager Lessard informed the Council that this property had gone into foreclosure last year, but the Estate redeemed it for all outstanding costs and fees through 2008. The 2008/2009 taxes are unpaid and the estate has made arrangements to sell it to the neighbor for the value of the land only because the house has been deemed to have no value by our assessor. The abatement request is for the amount of the building that was on the property. The total abatement amount is \$666.21, leaving a total amount to be collected of \$367.29 plus interest.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to abate the taxes as requested – unanimous vote in favor.

d. RESOURCES FOR APPRAISALS – HAMLIN PROJECT – REFERRAL BY PLANNING & DEVELOPMENT COMMITTEE

Councilor Cushing explained that the property known as Turtle Head Marina is currently leased by Hamlin Marine and Hamlin's owns the improvements on the property. Hamlin's also has an option to purchase an abutting parcel of land and they have proposed a land swap with the Town whereby Hamlin's would own the current marina parcel and the Town would own the abutting parcel for possible future development of a park area. Councilor Cushing noted that this is a somewhat complicated process because there were federal and state funds used in the development of the marina. He explained that in order to potentially acquire the abutting parcel for a public park, we would have to ascertain

the value and a survey would also need to be done. The Planning & Development Committee has discussed this project over several meetings and the Committee is interested in pursuing aspects of this proposal that may benefit the Town.

Councilor Cushing further reported that the Finance Committee also discussed this proposal earlier this evening and some members asked for clarification of the relationship between the Town and Hamlin Marine before we commit to expending the estimated \$14,000 for the appraisals and survey. Mayor Arnett added that the Finance Committee requested that the Planning & Development Committee generate a memorandum of understanding so everybody would be clear about the relationship. Councilor Cushing will bring it back to the Planning & Development Committee later this week.

Councilor Cushing then asked Dan Higgins of Hamlin Marine to give a brief presentation of the proposed project to the full Council and for the benefit of the public.

**e. TITLE CHANGE – ECONOMIC DEVELOPMENT SPECIALIST –
PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION**

Councilor Cushing reported that at its last meeting, the Planning & Development Committee had discussion about the title designation for Dean Bennett, the current Economic and Community Development Specialist. The contract with former Economic Development Director Bion Foster has expired and the committee recommends changing Dean's title to Economic Development Director. Manager Lessard noted that this title more accurately reflects Dean's role in the community.

Motion by Councilor Brann, seconded by Councilor Cushing to approve the title change – unanimous vote in favor.

f. BUDGET SCHEDULE

The proposed schedule of budget meetings was approved by the Council.

D. COMMITTEE REPORTS

There were none.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

Councilor Cushing expressed concern about the budget this year and he asked Manager Lessard if she has had any conversations with SAD #22 regarding the effect the State budget cuts will have on their budget. Manager Lessard said it was her

MANAGER'S REPORT
MAY 4, 2009

State Budget Changes – The newest proposed budget cuts at the State level make the budget balancing act for this year even more difficult. On the municipal side, cuts to Revenue Sharing and a reduction in funding for the Homestead Exemption, as well as tree growth tax reimbursement reduce anticipated revenues. You will be receiving your budget information this week in preparation for next Monday's first budget meeting.

Channel 7 – Channel 7 will be airing the six o'clock news on Thursday, May 14th from the front of the Hampden Municipal Building. We are their kick-off show for a series of off-site news broadcasts over the course of the summer.

Newsletter – A reminder that the deadline for submitting articles for the next newsletter is June 12th. In addition to department updates, this edition will feature our Communication efforts with a major piece on using our website as well as the Cable TV piece and the newsletter itself.

HBA Dinner – The dinner is on Wednesday, May 13th at 5 p.m. at the Spectacular Events Center. David Plowman is this year's Business Person of the year.

New Work Week Schedule Begins – Today is the first day of the 4-ten-hour-day workweeks for the administration building. We mailed notices to all Hampden residents as part of the last newsletter and also have posted notices on the website, the Cable TV station and in the lobby.

BEP Meeting – Thursday – I will be attending the regular BEP meeting in Augusta on Thursday, May 7th but should be back in the office by 2.

Former Economic Development Director – I am pleased to report that former Economic Development Director Bion Foster is at home and doing well in recovering from a recent health event. He and Dorain greatly appreciate the cards and notes that they have received.

Development Team Report – Attached to this report is a report from the Economic Development team related to commercial and residential activity in the community. Dean Bennett will be providing this type of report to the Council on a monthly basis.

Development Team Report
Project Status
May 1, 2009

Commercial:

Anglers Restaurant

Owner: Bud Hall
Project: Anglers Restaurant
Location: Corner of Coldbrook and 202 (stone house)
Status: Application Submitted and Approved
Construction Plans Submitted and Approved
Awaiting Final Inspection (Certificate of Occupancy)

Rawcliffe Car Wash

Owner: Jeff Rawcliffe
Project: Car Wash (Automated with bays)
Location: Main Road North
Status: Application Submitted and Approved
Awaiting Construction Plans

Rite Aid Pharmacy:

Owner: Rite Aid
Project: Pharmacy
Location: Western Avenue
Status: Application Submitted and Approved
Awaiting Building Plans Submission

Dunkin Donuts:

Owner: Tony DeCosta
Project: Duncan Donuts
Location: Town Center
Status: Application Submitted and Approved
Renewal of Certificate of Appropriateness (April 09)

Residential:

Dance Hall Subdivision

Owner: Lane Construction
Project: Residential Subdivision
Location: Off Main Road North
Status: Subdivision Application Submitted and Approved
Ground Construction Underway

Institutional:

High School

Owner: MSAD
Project: High School Construction
Location: Four Mile Square
Status: Site Plan Review Submission Expected (May09)

NOTE:

Inquiries/Confidential Discussion: Due to the necessity and expectation of confidentiality, I am unable to provide more specific information at this time on the ongoing discussions:

Park Property Lots: (Availability)
Retail Establishment (Location Inquiries)
Commercial Establishment (Location Inquiries)
Retail Re-location: (Availability/Options for Expansion)

Respectfully Submitted,

Dean L. Bennett
Community and Economic Development Specialist

Development Review Team:

Dean Bennett, Community and Economic Development
Gretchen Heldmann, IT/GIS
Ben Johnson, Code Enforcement
Bob Osborne, Planner
Chip Swan, Public Works

understanding that stimulus funds seem to absorb some of the cuts in this current year. She said the problem will be in the next couple of years when the confluence of flat funding and reduced stimulus money creates a place where education paid for by the State will be at 45% instead of close to the 55% or at the 49%, where we are now. Therefore when that happens, the local share will be larger, even if the school budget doesn't grow.

Councilor Cushing further commented that Hampden's participation in the Hike for the Homeless was once again the largest contingent of the four communities that participated. He expressed thanks to Mayor Arnett for his participation and to Walt Cupples and school personnel. He said it was a very proud moment to see the Sea of Purple again.

Councilor Shakespeare commented that several citizens have asked why the Town put the traffic lights on Route 202 near the post office. He has informed them that the Town did not have the lights installed. Manager Lessard said she believes that the lights were installed due to the re-routing of traffic on I-395 and that they are only temporary. She will confirm that with the State.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:13 p.m.



Denise Hodsdon
Town Clerk