

## TOWN COUNCIL MINUTES

August 2, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Monday, August 2, 2010. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

**Attendance: Councilors:** Mayor Matt Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis and Janet Hughes

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** None

### A. CONSENT AGENDA

Motion by Councilor Cushing, seconded by Councilor Hughes to accept the Consent Agenda – unanimous vote in favor.

### B. PUBLIC COMMENTS

None

### C. POLICY AGENDA

1. PUBLIC HEARINGS - None

2. NOMINATIONS-APPOINTMENTS-ELECTIONS - None

3. UNFINISHED BUSINESS - None

4. NEW BUSINESS

a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM HIGHLANDS CORNER MARKET AT 557 KENNEBEC ROAD.

Motion by Councilor Shakespeare, seconded by Councilor Brann to renew the Victualer's license for Highlands Corner Market. Unanimous vote.

b. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM HAMPDEN COUNTRY CLUB AT 25 THOMAS ROAD.

Motion by Councilor Shakespeare, seconded by Councilor Brann to renew the Victualer's License for Hampden Country Club. Unanimous vote.

c. SEWER COMMITMENT – 2<sup>ND</sup> QUARTER 2010

Motion by Councilor Cushing, seconded by Councilor Hughes to commit sewer charges for the 2<sup>nd</sup> quarter of 2010. Unanimous vote.

d. REQUEST FROM RLE PROPERTY MANAGEMENT REGARDING AMENDMENT TO MOBILE HOME PARK ORDINANCE – REFERRAL TO PLANNING AND DEVELOPMENT COMMITTEE

Councilor Hughes referred this item to the Planning and Development Committee for consideration.

e. URIP FUNDS ACCEPTANCE - MDOT – 2010-2011

Motion by Councilor Brann, seconded by Councilor Cushing to accept 2010/2011 URIP funds in the amount of \$72,855 from the State of Maine for town road improvements and to authorize the Town Manager to sign the acceptance document on behalf of the Council. Unanimous vote

F. DISCUSSION OF POSSIBLE PARTNERING OPTIONS WITH RSU #22 FOR FORMER HAMPDEN ACADEMY SITE

Mayor Arnett read a statement of opening remarks (copy attached) and then opened the floor to Councilors for thoughts and comments.

Councilor Lawlis stated that she believed that Newburgh and Winterport citizens should be involved as well and questioned what the Comprehensive Plan envisioned for that portion of town. She believes that this process should be inclusive since both the Towns and the School are in this together.

Councilor Brann responded that the Comprehensive Planning process envisioned that area of Town as the community center but that there is no detail as to what that means in the plan. He also indicated that while he believed SAD #22 did a great job with education, he is concerned at the apparent desire to expand that role in a way that may negatively impact local K – 12 education. He also is concerned that the rationale for the new school involved serious safety concerns with the old site

## **Introductory remarks on HA Reuse Action by SAD22 Board of Directors**

At a recent meeting the Board of Directors of SAD22 voted to retain the current buildings and property of Hampden Academy after the students, faculty and all regular high school activities are shifted to the new, \$52 million dollar facility currently under construction and scheduled to open in September 2012.

When an existing school building is closed as a result of building a new school to replace it, the usual and customary procedure in Maine is for the school district to transfer the property to the town where it exists. This provision of law recognizes that the host community has provided numerous public services to the school at no cost to the school or to its partner communities. It also recognizes that because schools are exempt from property taxes the host community has been denied tax revenues from the property that would have otherwise been taxable.

We believe the usual and customary procedure for school closings should be followed here in Hampden.

The brief explanation for the District's decision to retain the property for educational use is that the property may be needed for future expansions or for an expanded educational mission, possibly the creation of a Magnet High School, or for possible regional educational activities, such as an innovation program.

We do not believe, once the new high school is complete, that additional expansion of educational capacity will be needed for many years. Nor do we believe that there are other urgent educational opportunities needed by our students that can't be met in the new high school and other existing school buildings.

What the Town of Hampden and the District taxpayers need now is a plan that facilitates the transformation of the current Academy property into a vital and attractive town center—a mix of residential, commercial, and public uses that will create retail and commercial jobs, add to the tax base which supports the schools, and makes Hampden an even more desirable place to buy a home and bring a business. We have a once in a lifetime opportunity to shape the future of the town and we need the help of the SAD22 Board of Director to turn that opportunity into reality.

The creation of a mixed-use town center was a very strong theme of the public input in the Re-Use Visioning Forum held on January 29, 2008. It continued to be an important element in the deliberations and suggestions of the District's Re-Use Planning Committee. The District's architects produced dozens of land use designs and architectural rendering of just such a redevelopment of the Academy property.

The town of Hampden has bent over backwards to help the school district create the new high school; now it's time for the school district to help the town create a new town center. The town relinquished a long-standing desire to create a local road crossing four-mile square as an extension of Route 202. The town facilitated the acquisition of the

crucial entryway to the new school from the Department of Transportation. The town turned on a dime to alter building code restrictions to allow a design modification for the performing arts center to reach 45 feet in elevation. The town has agreed to dedicate 45 acres of its property to provide wetlands mitigation required of the school district to offset wetlands loss caused by the new construction. And the town, at the behest of Principal Ruey Yehle and Athletic Director David Shapiro is prepared to make 17 acres of its property adjacent to the new high school available for the development of a cross-country track and ski course to be jointly used by the school athletic program and by local residents. We do this gladly as partners in civic and educational development. We need the School District to reciprocate and be good partners in the further development of the town of Hampden.

The Town applauds and supports the Districts efforts to create excellence in our schools. But we do not think that an expanded educational mission requiring the retention of buildings and properties with attendant operational expenses that will have to be born by local and state taxpayers is the right course of action. The only magnet school in Maine is located at Limestone. It is chartered as a state run institution. It has produced excellent education results for it 104 in-state and out-of-state students. The full cost per student of this program, however, exceeds \$30,000 per year. All current projections suggest that major cuts to all public programs including education will be needed to close a projected \$1 Billion gap in the state budget. Is the legislature likely to be interested in increasing its educational obligations by acquiring, renovating and operating an additional magnet school and doing it in Hampden where it is currently investing more than \$44 million for a state of the art public high school?

The other suggestion we have heard is for the District to use the old buildings for a regional program in innovation. If our students need a more creative approach to innovation can't that be accomplished thru modification of curriculum, reshaping teaching strategies, and providing additional training to our current teaching staff? Is the retention and probable renovation of old buildings really the answer?

There are those who believe that if the usual and customary procedure of transferring ownership of the Academy property were followed, it would be unfair to our partner towns of Winterport and Newburgh who have also paid taxes in support of Hampden Academy. I will say for myself, that if the school being replaced was in Winterport or Newburgh I would fully support the transfer of that property to the town in which it is located and leave the decision about what to do with the property to the citizens of that community. Why should a District committee or Board of Directors be making that decision? Why should Hampden representatives be involved in redesigning Winterport? Or Winterport or Newburgh representatives be involved in redesigning Hampden?

Others have argued that the current academy property has been owned by the school district for over 200 years and it should continue to own it for another 200 years. In fact SAD22 did not even exist for the first 160 years of that time; the property was acquired by a grant to the Town of Hampden by the Great and General Court of Massachusetts and was supported exclusively by the citizens and Academy Foundation of the town of

Hampden for 160 years. Furthermore the expenses associated with acquiring additional lands and buildings since the District was formed in 1962 have been paid largely by the state department of education not the towns. What the taxpayers in Winterport and Newburgh, as well as those in Hampden have received from their tax payments is the fine education that their children have received, which I would argue is a full and fair return on their investments.

We do not believe that the majority of citizens in Winterport and Newburgh would oppose the usual and customary transfer of school property in Hampden to the town of Hampden just as we would support transfers of school properties in their communities to their towns. But we are fully prepared to listen to their concerns and seek accommodation with what all can agree is just and fair. And, were it to be the case that the result of the transfer of school property in Hampden to the Town of Hampden resulted, thru redevelopment, in a net profit to the Town of Hampden we would be willing to consider sharing the net profit with the towns of Winterport and Newburgh.

What we fear most is that the retention of the property by the School District will result in largely vacant buildings with attendant costs for upkeep, maintenance and utilities to preserve the current condition of the buildings. Under the most optimistic scenario, given the current economic conditions, the buildings are likely to be vacant for a minimum 2 years; that could easily stretch into 5 years or more.

One way to deal with vacant building is to fill them with programs that add to the tax burden of local residents and businesses. Another way is to redevelop them into an innovative, mixed use town center which will add jobs, services, tax base, and appeal to our town. We call upon the Board of Directors to open the door to this opportunity. Work with us so that the hopes and dreams of a bright future for our town can be realized. We supported your hopes and dreams over the past three years; please support our hopes and dreams now.

and the lack of ability to configure it in such a way as to suit educational needs.

Councilor Cushing reminded the Council of the lengthy visioning process for that site already conducted by SAD #22, and the safety concerns cited as part of the rationale for moving the school off the site. He also cited cost factors that would have to be absorbed by the District for the maintenance and retention of the facilities and stated that while the District has the right as the current property owner to make decisions regarding the site – the Town Council has a responsibility to the taxpayers to ask questions.

Councilor Shakespeare deemed this a wait and see situation and his biggest fear is that it will become a financial negative to the district and the taxpayers.

Councilor Hughes is concerned about the schedule related to the re-use planning and that it may be too long a timetable to allow enough time to be ready when the new academy opens to move forward expeditiously to keep ongoing expenses at the old site to a minimum. She is also concerned about the burden on the taxpayers for the cost of redeveloping the site including demolition costs.

The Town Manager indicated that SAD 22 was willing to discuss partnering possibilities with the Town but that it would be appropriate to include Winterport and Newburgh in those discussions as well.

Mayor Arnett suggested use of the next edition of Hampden Highlights as an opportunity to lay out what is discussed as part of tonight's meeting and the results of the meeting with Winterport and Newburgh municipal officials as well.

#### **D. COMMITTEE REPORTS**

Councilor Cushing - The next meeting of the Communications Committee is 8/11/2010 at 6:30 p.m. at the Town Office.

Councilor Hughes – The Planning and Development Committee will meet at 6 p.m. on Wednesday, August 4<sup>th</sup>.

Finance Committee – The Town Manager reported that minutes from the previous meeting were approved, warrants for payment of bills were signed, and that she attended the public hearing related to the Water District Rate Increase.

**E. MANAGER'S REPORT**

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

Additional Items:

1. Nomination papers will be available Wednesday, August 4<sup>th</sup>.

**F. COUNCILOR'S COMMENTS**

Councilor Cushing reported that he would like to tape the employee picnic this year.

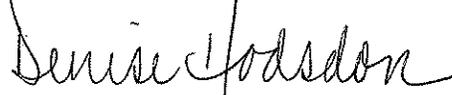
Councilor Lawlis reported that the Dog Park committee was reviewing regulations for a dog park.

Councilor Shakespeare noted that it was nice to have the Mayor back since he was absent at the last meeting.

Mayor Arnett was pleased to see the cost savings related to the reduction in fuel usage at the pool due to the new boilers. He also noted that Hampden is a leading community in Maine in the Maine Green Energy Alliance, that Shelby Wright is the local coordinator for the program and that he believed that it would provide many positive opportunities for the Town and its residents.

**G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:28 p.m.



Denise Hodsdon  
Town Clerk