

TOWN COUNCIL MINUTES

July 20, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, July 20, 2009. 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 Matthew Arnett, Shannon Cox, Thomas Brann, Andre Cushing, William Shakespeare, Jean Lawlis, and Janet Hughes

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Town Planner Bob Osborne

Stanley & Carole Abraham, Matt DeRosby of Hillside Drive, Nicole & David Hammer, Summit Drive, 2 Boy Scouts working on merit badges

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee. Motion by Councilor Cushing, seconded by Councilor Cox to accept the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Stanley Abraham addressed the Council regarding his concern that the shrubbery at the end of Canaan Road makes the Canaan Road/Route 9 intersection unsafe. He stated that he had traveled that route today (7/20) and had to pull out onto Route 9 in order to have a clear line of vision of oncoming traffic. The Town Manager indicated that she had reported a similar concern raised by Councilor Shakespeare at the last Council Meeting to the Public Works Director who indicated that he would be in contact with MDOT.

Carole Abraham addressed the Council regarding her concern over the speed at which vehicles travel Route 9. She stated that she had followed one from the Canaan Road intersection toward town and the truck was traveling at least 65 miles an hour. The posted speed limit is 45 miles per hour. The Town Manager will discuss increased speed patrols for that area with the Police Department.

The Abrahams asked what procedure would be needed to get a flashing yellow light at the Canaan Road/Route 9 intersection. The Town Manager explained that the Town could request that MDOT do a need assessment for such a traffic control device at that location. Based on the outcome of that assessment, installation of a light could be scheduled by MDOT.

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. SHORELAND ZONING ORDINANCE – REFERRAL TO PLANNING BOARD

Councilor Cushing referred the Shoreland Zoning Ordinance updates to the Planning Board for review.

b. SEWER FEE INCREASE – REFER FEES ORDINANCE AMENDMENT FOR PUBLIC HEARING

Councilor Brann referred the Fee Ordinance Amendment for the Sewer Fee Increase for public hearing at the next Council meeting.

c. MAINE MUNICIPAL ASSOCIATION – EXECUTIVE COMMITTEE ELECTIONS

Motion by Councilor Brann, seconded by Councilor Cox to nominate Mark Green for MMA Vice-President and delegates Arnett, Maker, and Nielsen for director positions. Unanimous vote in favor.

d. SCHOOL BOARD/COUNCIL/ATTORNEY – MEETING DATES

The Town Manager explained that Attorney Russell had located an attorney specializing in school matters to assist the Council in determining options related to the fate of the current high school property after the new high school is constructed. That attorney needs some background information on what has occurred thus far, and some guidance as to what the Council is seeking in this matter. The Town Manager and Mayor will have a discussion with Attorney Russell and the other attorney some time this week. After that a meeting with the full council and the attorneys will be scheduled.

The School Superintendent will meet with his Board during the first week of August and determine some available dates for the Council and the School Board to get together to discuss available options related to the Hampden Academy site.

The purpose of these discussions is to make sure that the Town and the School are working cooperatively as the new school project moves ahead.

4. NEW BUSINESS

- a. RETIREMENT CELEBRATION – ELWYN BREWER – 45 YEARS
CALL FIRE VOLUNTEER – 7-29-09 AT 6:00 P.M. IN COMMUNITY
ROOM

The Town Manager reported that Mr. Brewer would be retiring at the end of July and that the Fire Department would be holding a celebration on July 29th at 6 p.m. in the Community Room and that all Councilors were invited. Mayor Arnett indicated that he would be out of town and asked that Deputy Mayor Cushing attend in his stead if possible.

- b. DRAINAGE ISSUE – ROUTE 1A/HILLSIDE DRIVE, MATT DEROSBY

The Town Manager presented a memo (attached) to the Council regarding the activities to date related to the Hillside Drive/Route 1A drainage concern of Mr. Derosby. After that, Mr. Derosby made a presentation to the Council outlining health and safety concerns for his family of stagnant water in a muddy ditch adjacent to his home. He also discussed his frustration with the failure of the State and the Town to come up with a solution that he believes will solve the drainage problem. He presented photos and a drawing of the site and a detailed explanation of what he believes would be a reasonable solution to the problem. The Councilors asked questions to further define the issues and then Councilor Cushing made a motion, seconded by Councilor Hughes to refer this matter to the Infrastructure Committee for consideration at its meeting on Monday July 27th.

D. COMMITTEE REPORTS

Councilor Cox reported that the next meeting of the Services Committee is scheduled for 6:00 pm on August 10th. She indicated that the Friends of Dorothea Dix and the Tree Board, along with Services, would be holding a public meeting on August 12th in the Community Room for the purpose of discussing plans for the improvements to Dorothea Dix Park with interested citizens. The Services Committee also discussed the idea of a dog park for Hampden. Residents were encouraged to contact point-person Councilor Lawlis if they are interested in such a venture for the Town.

Councilor Cushing reported that the Committee on Committees will meet at noon on July 22nd. He also reported that Victoria Burpee of EMDC addressed the Planning and Development Committee on the TIF process at its most recent meeting. The next meeting of Planning and Development will be on Wednesday, August 19th. The Communications Committee will be meeting on Wednesday, July 22, 2009 at 7 p.m. for the purpose of discussing the fall edition of the newsletter as well as topics for cable tv shows. The draft of the complete Comprehensive Plan has been provided to the Town by its consultant and the Planning and Development Committee will begin review of it at its next meeting. Councilor Brann noted that this is the beginning of another phase of the comprehensive planning process in which the general public will be encouraged to review and comment on the plan.

TO: Hampden Town Council
FROM: Sue Lessard, Town Manager
DATE: July 15, 2009
RE: Drainage Issue – Route 1A/Hillside Drive

Matt Derosby, who lives at the corner of Hillside Drive and Route 1A has requested to be on the agenda to address the council about a drainage issue next to his home adjacent to Route 1A. While Mr. Derosby will provide his own information and presentation in regard to this issue – the following is background from the Town’s perspective.

Mr. Derosby complained about drainage problems at his residence to the State of Maine last year and was told that there was no money to do any work on the problem. Mr. Derosby contacted me approximately 3 weeks ago about the problem and I referred it to Public Works Director Chip Swan. Chip contacted the State MDOT and was told that they would be in contact with Mr. Derosby.

On Monday, July 13, Mr. Derosby called back and asked whether we had made any progress on the issue. I informed him that our PW Director had been in touch with MDOT who assured us they would be in contact with him. I contacted Chip again who contacted the Regional supervisor and arranged to meet with him on Wednesday, July 15th to discuss the matter. In the interim, Chip was in contact with Mr. Derosby about the meeting. Mr. Derosby also had conversations with a foreman from MDOT who indicated that the State would be doing little work in the area due to limited funds.

At the meeting on Wednesday, July 15th, the Regional Supervisor indicated that their plan in regard to this problem was to initially clear out accumulated silt in the ditch, allowing the water to drain more effectively. Once the season had dried up more, they would go back and widen out the ditch, ‘bank’ it with stone to keep silt from washing in and accumulating in it, and replace the cross culvert on Route 1A that has collapsed and further exacerbated the problem. Once that was completed, it would be monitored for effectiveness. If it were not successful, the State would look at other options for correction.

Chip called Mr. Derosby to explain what the DOT had planned to do and Mr. Derosby was very upset. He indicated that that solution would not help water issues in his backyard – which Chip told him was not something that either the Town or the State was responsible for correcting. Mr. Derosby considers the situation to be a health hazard because of water accumulating in the ditch – but if the State’s remedy is successful, that should no longer be such a problem. Indeed, water and drainage have been huge issues – particularly these past two years, but it is not limited simply to Route 1A. Also, water in backyards is a problem this year in areas that have never suffered such things.

We have no easements behind properties on Hillside Drive and no ability to put public works equipment on private property. Further, the State is not installing closed drainage on Route 1A in this area at this time.

Councilor Brann reported that the Infrastructure Committee would be meeting at 6 p.m. on July 27th. Items for that agenda include the Hillside/Route 1A drainage problem, and composting in addition to other items provided by the Manager and the Public Works Director.

E. MANAGER'S REPORT

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

The Manager also reported to the Council that she had been attending planning meetings of Hampden businesses and residents interested in a naming opportunity for a portion of the new cancer facility being constructed by Eastern Maine Healthcare Systems. The group is setting a fundraising goal and looking at ideas for what section of the facility a 'Hampden' connection might be most appropriate. Christopher Cox is the EMHS representative facilitating the sessions. Anyone interested in participating in this venture should contact the Town Manager.

F. COUNCILOR'S COMMENTS

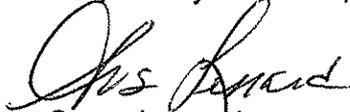
Councilor Lawlis reported that she had plans to visit several Dog Parks in other communities during the course of the summer and that she encouraged anyone interested in the subject to contact her.

Mayor Arnett reported that he was very impressed with the lifeguarding staff at the pool. He took guests of his there during a recent visit and was impressed with their polite, friendly, and professional demeanor. He also thanked the two boy scouts who had filled in with taping the Council meeting for this evening in the absence of our regular videographer.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,


Susan Lessard
Town Manager

MANAGER'S REPORT
July 20, 2009

Rain Garden Update –

Attached is an email from Laura Wilson in regard to the rain garden and plans for its repairs. As indicated in the email, she will also be providing an informational flyer that we can have available both in the office and online.

Sewer Project Update

Due to OSHA requirements related to construction activity within a certain distance from active power lines, Bangor Hydro will have to be on-site for much of the sewer project. Homes along the route will have the power disconnected for times when the project is adjacent. Sargent will be doing advance notification to all affected property owners and there will be no overnight outages.

Groundbreaking – New High School

MSAD#22 has announced plans for the groundbreaking on the new high school project. The ceremony will be held on Wednesday, September 9th at 3:30 p.m. at the new high school site. Additional details will be forthcoming from SAD #22. They are in hopes to have the Governor as well as the Commissioners from MDOT and Education.

Chamber of Commerce Article

The next edition of the Bangor Chamber Newsletter will include an article about our won Dean Bennett, Economic and Community Development Director.

Paper Talks

The most recent edition of Paper Talks, with an ad sponsored by the Town of Hampden, has been released. You each have been provided with a copy of it at the dais.

Dinosaur Installation

The Broncosaurus slide scheduled to be installed has been received. Unfortunately, removing the seashell slide has turned into the Nightmare from Elm Street! During the excavation over the past weekend a large section fell into the pool which required cleaning of the pool and a shutdown on Monday, July 20th. The plan is still for the Broncosaurus to be finally installed by the beginning of September.

**RE: Rain Garden Repairs**

Thursday, July 16, 2009 8:01 AM

From: "Laura Wilson" <lwilson@umext.maine.edu>**To:** "Susan Lessard" <LightLady_1@Yahoo.com>

Ms. Lessard, of course people are concerned!

We cannot get onto the garden until it dries, as the soil structure (which was amended to promote infiltration) could be compromised. Thus, the waiting. I have been talking with Phil Ruck from CES and he and I are planning with Chip Swan to come up with a plan for restabilizing the garden ASAP –

As for adding more plants – I'd need to look again at the full-grown size of the plants that we put in. It's hard to believe that some of those small plugs will grow to 6' tall spreading Joe Pye, but it will happen. I'll take a look.

I'd like to send the town a quick flyer for cable access TV and perhaps to post at the town office describing the situation, so if anyone has questions about what's going on, it becomes more clear. It is unfortunate that we had the rain that we did – but we WILL make it look better together.

~Laura

From: Light Lady [mailto:lightlady_1@yahoo.com]
Sent: Thursday, July 16, 2009 6:10 AM
To: Laura Wilson
Subject: Rain Garden Repairs

Hi Laura -

Just a note to check and see what the plan is for repairs and improvements to the rain garden. Although I know it survived reasonably well considering the monsoons we had immediately after planting it - I am getting hammered by people who consider it to be an eyesore since the rain damage. I have done my best to assure them all that we would be making repairs but now that it has dried up some - I am hoping that that is soon! We still have money left that was appropriated for this purpose and we still have lots of mulch at the site as well as compost from the project canopy project at the Lura Hoit Pool. Would more plants be permitted in it? I have to be in Augusta this morning at a BEP meeting but would appreciate an update on what is to happen next - and whether we are supposed to be doing it or there is another plan.

Thanks, in advance, for your help.

Sue Lessard
Town Manager
Hampden