

TOWN COUNCIL MINUTES

July 26, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Monday, July 26, 2010. The meeting was held at the municipal building council chambers and was called to order by Deputy Mayor Cushing at 7:00 p.m.

Attendance: **Councilors:** Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis, and Janet Hughes; Mayor Arnett was excused.

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Kurt Mathies, Recreation Director

SAD #22 Representatives Rick Lyons, Emil Genest, Martha Harris, Tim Pease, Peter Buzzini, Jon Henry

WBRC Personnel Mike Pullen, Ray Bolduc, Jeff Davis

Town appointed Building Committee Representatives Kathy Walker and Norm Prouty

Shelby Wright, Steve Eyles

A. CONSENT AGENDA

Motion by Councilor Hughes, seconded by Councilor Shakespeare to accept the consent agenda. Unanimous vote.

B. PUBLIC COMMENTS

1. HAMPDEN ACADEMY BUILDING PROJECT

SAD #22 Superintendent Rick Lyons introduced School Board members and WBRC representatives and outlined the presentation to be made. Mike Pullen of WBRC outlined work done as part of Phase I of the project and indicated that it was nearing completion. Ray Bolduc of WBRC gave a further overview of the site work and infrastructure work done as part of Phase I and discussed the Phase 2 portion of the project which started in June including the utilities installation, geothermal wells installation, and the construction of the 'footprint' of the building. The contractor selected for Phase 2 is J & J Contractors with a low bid of \$28.4 million. Final completion is scheduled for June of 2012.

SAD #22 has information related to the construction project on their website and is setting up a webcam that can be viewed by going to www.sad22.us and clicking on Building Project. Bernie Littlefield will be the archivist for the project.

The bids received for the construction have resulted in \$4.5 million dollars 'left on the table', \$2 million of which have been approved by the State Department of Education for additional projects not included in the budget.

The School representatives welcome questions from the Council and the public at any time and will be happy to come back and update the Council as construction progresses.

A copy of the maps and presentation is attached to and made part of the minutes.

C. POLICY AGENDA

- 1. PUBLIC HEARINGS - None**
- 2. NOMINATIONS-APPOINTMENTS-ELECTIONS - None**
- 3. UNFINISHED BUSINESS –**

- a. **SCHOOL BOARD RESIGNATIONS**

1. **BASIL CLOSSON**
2. **RICK MOORE**

Rick Moore had indicated a desire to return to his former seat. The Town Attorney notified the Council that Mr. Moore could be appointed to fill the term until November, but that he would have to run for the unexpired term at the next regular election.

Motion by Councilor Brann, seconded by Councilor Hughes to appoint Rick Moore to fill his vacated seat until the Election in November. Unanimous vote.

Motion by Councilor Hughes, seconded by Councilor Brann to refer the question of filling the other school board vacancy to the Services Committee. Unanimous vote.

- b. **MMA EXECUTIVE COMMITTEE/VP BALLOT**

The Council asked the Town Manager for a recommendation on the Vice President position. The Manager explained the procedure followed by the Maine Municipal Association to determine who would be the candidate placed on the ballot for that position. It involves an application and interview process and provides a thorough review of all candidates. The other means of

a candidate getting on the ballot is through the petition process whereby a candidate gets the signatures of municipal officials from five communities. The Manager indicated that she believed that the process set up by the association was one that should be followed and therefore would recommend the candidate, Sophia Wilson of Brownville that had emerged as the nominee from that process.

Motion by Councilor Brann, seconded by Councilor Lawlis to cast the ballot for Vice-President for Sophia Wilson of Brownville. Unanimous vote.

Motion by Councilor Brann, seconded by Councilor Lawlis to cast votes for the three named candidates for the MMA Executive Committee. Unanimous vote.

Motion by Councilor Brann, seconded by Councilor Hughes to designate the Town Manager to sign on behalf of the Council. Unanimous vote.

c. DOG PARK GROUP REQUEST

Kurt Mathies updated the Town Council on the progress of the HOTDOG (Hampden Off-Leash Territory Dog Owners Group) group. They are seeking the Council's blessing to go forward with planning and fundraising. Councilor Lawlis stated that the Services Committee recommends supporting the group.

Councilor Brann stated that he supported the concept with conditions – that the group needs a better name than HOTDOG and it needs a mission statement and goals.

Motion by Councilor Brann, seconded by Councilor Hughes to recommend establishment of a citizen-level committee to pursue the concept of a dog park. Unanimous vote. The Services Committee is charged with working with the group to establish a mission statement and goals and formalize the work that has already been done.

Recreation Director Kurt Mathies asked the Council to consider setting up an account to accept donations from fundraising efforts for this project. He pointed out that in the event that the project did not happen, the funds would be returned to the donors.

Motion by Councilor Brann, seconded by Councilor Lawlis to set up an account to hold funds for development of a dog park, to be under council control until the park is approved and to revisit and review the account on June 1, 2011 – unanimous vote in favor.

d. PROJECT CERTIFICATION – SNOWMOBILE CLUB

Trail master Steve Eyles explained to the Council that the Club needed a letter on Town letterhead certifying the application for regional assistance for snowmobile trail maintenance from the Bureau of Parks and Lands. This application was also made last year and resulted in a substantial amount of money being granted to the Club for trails work.

Motion by Councilor Brann, seconded by Councilor Hughes to certify the project application. Unanimous vote.

Motion by Councilor Brann, seconded by Councilor Hughes to authorize the Town Manager to sign on behalf of the Town. Unanimous vote.

4. NEW BUSINESS

a. PACE ORDINANCE – REFERRAL FOR PUBLIC HEARING

Councilor Hughes introduced the PACE Ordinance for Public Hearing.

Shelby Wright, a representative of the Maine Green Energy Alliance, explained the program and the benefits that would be available to Hampden residents through the Efficiency Maine Trust if the Town adopts the PACE ordinance. Hampden and Old Town are pilot communities in this effort.

b. WORKSHOP – DISCUSSION OF POSSIBLE PARTNERING OPTIONS WITH RSU 22 FOR FORMER HAMPDEN ACADEMY SITE

Postponed until next meeting due to the absence of Mayor Arnett.

Motion by Councilor Lawlis, seconded by Councilor Shakespeare to excuse the Mayor from attendance at the 7/26/2010 meeting. Unanimous vote.

D. COMMITTEE REPORTS

Councilor Shakespeare - The Infrastructure Committee meeting included an update on Mayo Road construction, review of a new streetlight acceptance policy, discussion of tree trimming needed on Emerson Mill Road, review of the truck weight limit pilot project and its future, and the increased water rates proposed by the Hampden Water District.

Councilor Lawlis reported that the Services Committee had been working with a SAD #22 group on a trail project around Reed's Brook on Town owned property.

C-4-a

**DRAFT
TOWN OF HAMPDEN, MAINE
PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE**

Adopted: Hampden Town Council, Date
Effective: Date

CERTIFIED BY:

Denise Hodsdon, Town Clerk

Town Clerk
Affix Seal

1/26/2010:
Introduced for public hearing on 8/16/2010

DRAFT
TOWN OF HAMPDEN, MAINE
PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE
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TOWN OF HAMPDEN

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

ARTICLE I
GENERAL

1.1 Title - This Chapter shall be known and may be cited as “Town of Hampden Property Assessed Clean Energy (PACE) Ordinance.”

1.2 Purpose - By and through this Ordinance, the Town of Hampden (“Town” or “Hampden”) declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that property owners can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and state laws.

1.3 Enabling Legislation - The Town enacts this Ordinance pursuant to State law. Specific enabling legislation is found in Public Law 2009, Chapter 591, 124th Maine State Legislature—“An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses.”

1.4 Reserved

ARTICLE II
DEFINITIONS

2.1 Definitions - Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have meanings indicated.

2.1.1. *Energy saving improvement* - “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

1. Will result in increased energy efficiency and substantially reduced energy use and:
 - a. Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - b. Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
2. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the Trust.

2.1.2. *Municipality* - “Municipality” shall mean the Town of Hampden.

2.1.3. *PACE agreement* - "Pace agreement" means an agreement entered into by an owner or owners of a qualifying property and the Trust, or an agent authorized by the Trust, that authorizes a PACE loan and the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

2.1.4. *PACE assessment*. "PACE assessment" means an assessment made against qualifying property to repay a PACE loan.

2.1.5. *PACE district*. "PACE district" means the district in which the PACE program may operate and which is defined geographically to include the entire municipality as determined by municipal boundary lines.

2.1.6. *PACE loan*. "PACE loan" means a loan made to the owner(s) of a qualified property for an energy saving improvement.

2.1.7. *PACE mortgage*. "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

2.1.8. *PACE program*. "PACE program" means a program established under State statute by the Trust and a municipality under which property owners can finance energy savings improvements on qualifying property.

2.1.9. *Qualifying property*. "Qualifying property" means real property located in the Town of Hampden.

2.1.10. *Renewable energy installation*. "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

2.1.11. *Trust*. "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103.

ARTICLE III PACE PROGRAM

3.1 Establishment; funding - The Town of Hampden hereby establishes a PACE program allowing property owners in the Town of Hampden who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust, or its agent. The PACE loan funds are available from the Trust through grant money awarded to the State of Maine under the federal Energy Efficiency and Conservation Block Grant Program. These loan funds are available to citizens who reside in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, and 3) require that participants in the program conform to the requirements of the Home Energy Savings Program administered by the Efficiency Trust or any successor or corollary program adopted by the Trust for the purpose of administration of PACE loan funds. The Town may, from time to time, use

any other funding sources made available to it, or appropriated by it, for the express purpose of its PACE program. The Town shall be entitled to, and shall avail itself of, recoupment of administrative or other costs incurred by the Town in conjunction with its PACE program to the fullest extent permissible by the Trust or governing law.

3.2 PACE District - The Town hereby establishes a PACE district in which the PACE program may operate and which is defined geographically as being the entire municipality as determined by municipal boundary lines.

3.3 Reserved -

ARTICLE IV CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

4.1. Property Owners; Home Energy Savings Program - In order to access PACE loans for home energy savings improvements, participating property owners must conform to the requirements of the Home Energy Savings Program administered by the Trust or any successor or corollary program adopted by the Trust for the purpose of administration of PACE loan funds.

4.2. Standards adopted; Rules promulgated; model documents - If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to Town's adoption of this Property Assessed Clean Energy ("PACE") Ordinance and those standards, rules or model documents substantially conflict with Town's PACE Ordinance, the Town, should it desire to remain eligible to participate with the Trust in this program, will be required to take necessary steps to conform this PACE Ordinance and its PACE program to those standards, rules, or model documents.

4.3. Rights to carbon emissions reductions - PACE agreements entered into pursuant to this PACE Ordinance shall specify that all rights of participating property owners related to carbon emissions reductions from energy saving improvements are deemed to be assigned by the property owner(s) to the Trust and are held by the Trust for the purpose of quantifying, monetizing and/or marketing aggregated carbon emission reductions in the State of Maine.

4.4. Reserved -

ARTICLE V PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

5.1. Program Administration

5.1.1. Pursuant to §10154(2)(A)(2) and (B) of the State enabling legislation, the Town will enter into a contract with the Trust to administer the functions of the PACE program for the municipality. The contract with the Trust will establish the administration of the PACE program including, without limitation, that:

1. the Trust, or its agent, will be the entity to enter into PACE agreements with property owners;
2. the Trust, or its agent, will create and record a Notice of the PACE agreement in the Penobscot County Registry of Deeds;

3. the Trust, or its agent, will disburse the PACE loan to the property owner;
4. the Trust, or its agent, will send assessment statements with payment deadlines to the property owner;
5. the Trust, or its agent, will be responsible for collection of the PACE assessments;
6. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment; and
7. the Trust, or its agent, will ensure the collection of data required to quantify carbon savings and to facilitate access to and eligibility for voluntary carbon markets, for federal grants for energy efficiency and for other incentive programs that support energy savings improvements; and

5.2. *Adoption of Education and Outreach Program* - In conjunction with adopting this PACE Ordinance, the Town shall adopt and implement an education and outreach program so that citizens of the Town are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

5.3. *PACE Assessments* - PACE assessments do not constitute a municipal tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

5.4. *Liability of Municipal Officials; Liability of Municipality*

5.4.1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

5.4.2. Other than the fulfillment of its obligations specified in a contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

It will require a memorandum of understanding to be drawn up between SAD #22 and the Town.

E. MANAGER'S REPORT

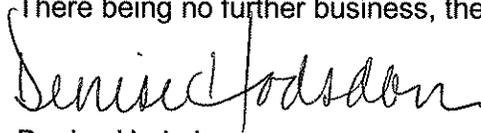
A copy of the Manager's Report is hereto attached.

F. COUNCILOR'S COMMENTS

Councilor Cushing reminded the Council of the Public Hearing on the Water District Rate Increase that is scheduled for 7/29 at 6 p.m. at Reed's Brook Middle School. He also commended the efforts of the local Little League program to host an All-Stars tournament where Hampden resident Dewey Martin was recognized for 23 years of service to that program.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:41 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT

July 26, 2010

Newsletter – The next edition of the newsletter will be taken to the Post Office tomorrow for delivery. Thanks to all who worked on this edition and to Editor Annie O'Reilly and layout designer Val Williams for their continued good work.

Communications Committee – Councilor Cushing has obtained updated quotes for digital equipment for the Cable TV operation and Newsletter Editor Annie O'Reilly would like the opportunity to discuss ongoing newsletter items as well. Since we have two subjects that need attention – is it possible to schedule a meeting in the next several weeks?

Pool Air Handling System Information – Information should be available on suitable engineers by August 30th for the assessment of the air handling system and any follow up design/necessary timetable.

Municipal Building Boilers – the Boiler replacement project will go out to bid sometime next week with estimated completion by October.