

INFRASTRUCTURE MEETING

Monday, October 25, 2010

6:00 p.m.

Hampden Town Office

A G E N D A

1. Minutes of 8/30/2010 meeting
2. Old Business
 - a. Mayo Road Update
3. New Business
 - a. Loader/Backhoe bids
 - b. Sewer Easement Acceptance – Western Avenue
 - c. Road Acceptance – Perkins Drive
 - d. Coldbrook Road – Cancer Cluster Information
4. Public Comments
5. Committee Member Comments

INFRASTRUCTURE COMMITTEE MEETING MINUTES
08/30/2010

Attending:

Chair William Shakespeare
Councilor Thomas Brann
Councilor Janet Hughes
Councilor Andre Cushing, III
Mayor Matthew Arnett

Town Manager Sue Lessard
Public Works Director Chip Swan

1. Minutes of 7/26/2010 – Motion by Matthew Arnett, seconded by Andre Cushing to approve the minutes as presented. There were no objections.
2. Old Business
 - a. Truck Weight Limit Pilot Project – Motion by Matthew Arnett, seconded by Tom Brann to recommend to the full council that they adopt the resolution presented in support of a continuation of the pilot project allowing 100,000 lb trucks on the interstate north of Augusta.
 - b. 3- Town Meeting regarding HA reuse – There will be a meeting on Tuesday, September 7th at 1 p.m. of council chairs/managers and the school superintendent/assistant Superintendent/board chair at 1 p.m. at the Hampden Town Office for the purpose of listening to what the school proposes. There will be a follow up meeting of all three SAD 22 community councilors/selectmen and Manager and School Board members/Superintendent on Tuesday September 14th at 7 p.m. at the Victoria Grant Center in Winterport. The Committee members discussed concerns related to the SAD 22 decision to retain the former Hampden Academy property.
 - c. Grant application – Sidewalk – The Committee discussed what the preferred location for a sidewalk from Route 202 to Mayo Road was in relation to grant applications to the DOT for funding. Motion by Andre Cushing, seconded by Tom Brann to recommend to the full Council that the Town apply for MDOT funding of the Route 202 to Mayo Road sidewalk on the southerly side of Western Avenue, vote 5-0.
 - d. Street Light Policy Discussion – The Committee reviewed the draft Streetlight Policy and amended it to include line of sight as a criteria for consideration. Motion by Matthew Arnett, seconded by Janet Hughes to recommend to the full Council that they adopt the Streetlight Policy as amended, vote 5-0.
 - e. Sewer Easement – Gary and Suzanne Mock have requested permission to hook into the town sewer system for a new home construction on Elm Street West. Motion by Matt Arnett, seconded by Andre Cushing to recommend that the Town Council approve an easement for connection to the Town Sewer system and that the

easement be prepared by Town Attorney Tom Russell with expenses for same to be borne by the Mocks. Vote 5-0.

- f. Western Avenue Sign – Councilor Shakespeare discussed an issue raised by a constituent related to the 'Vote out the Cockroaches' sign that is posted on outer Western Avenue. The constituent felt that the sign was inappropriate and should not be allowed by the Town. The Manager provided information from Public Safety Director Rogers and CEO Ben Johnson indicating that this sign was protected under the free speech clause in the Constitution and that the only parameters that had to be met were setbacks, which the sign does.
- g. Kennebec Road – Councilor Hughes asked for an update on the likelihood of Kennebec Road getting improved in this season. Public Works Director Swan reported that he had met with MDOT representatives and that 300 tons of reclaim material would be put on that road as shim this month in an effort to smooth out the traveling surface. He also reported that he had emailed the constituent who had contacted Councilor Hughes with the information.
- h. Saturday Bus Ridership = Councilor Hughes reported that resident Joyce Rankin (596 Main Road North) had requested that the Town re-institute Saturday bus service. The Town Manager informed the Committee that the Town had never had Saturday bus service and that the Council had discussed the idea of starting Saturday service a year or more ago and decided due to budget constraints not to pursue it at that time. The cost was approximately \$13,000 and would not be covered by any Federal/State subsidy.
- i. 91 Old County Road – Councilor Hughes expressed concern over the growing pile of debris at 91 Old County Road. It appears to be residual 'stuff' from a tenant moving in or out and it is possible for the occupants to get a transfer station decal to dispose of it. The Manager indicated that she would have the Code Enforcement Officer investigate the situation.
- j. Podium sign – Councilor Shakespeare asked that the Town Seal sign be put on the front of the podium so that during council meetings it would show when persons were addressing the Council. The Town Manager asked the Public Works Director to provide a Town Seal sign from inventory used for Town trucks.
- k. Trees – Emerson Mill and Sawyer Road – Councilor Shakespeare asked for an update on the tree trimming to be done on limbs overhanging the roads. The Public Works director reported that it would be taken care of before winter.
- l. Shared Entrances – Councilor Cushing expressed concern that the new Rite Aid and the new bank that are to be adjacent to each

other will not be required to have a shared entrance off Western Avenue. Suggestions were made that the Town revise its zoning ordinance to require shared entrances and limit curb cuts where possible. The Public Works director questioned whether the Town had the right to control such matters on State roads. The Town Manager was instructed to get more information on the subject and bring it back to the Committee.

- m. Comprehensive Plan – Councilor Brann reported that the State Planning Office had completed its review of the Town's Comprehensive Plan and that no changes were required. The plan will be put on the next Council agenda for referral for public hearing and adoption.
3. New Business – None
4. Public Comments – None
5. Committee Member Comments – Councilor Shakespeare asked the Committee members if they would be interested in seeing an 1859 Map of the town at the upcoming Planning and Development meeting. It was the consensus of the Committee that they would be interested in viewing the map.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Susan Lessard
Town Manager



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

October 25, 2010

To: Sue Lessard
From: Chip Swan
Subject: 2011 FRONT END LOADER BID RESULTS

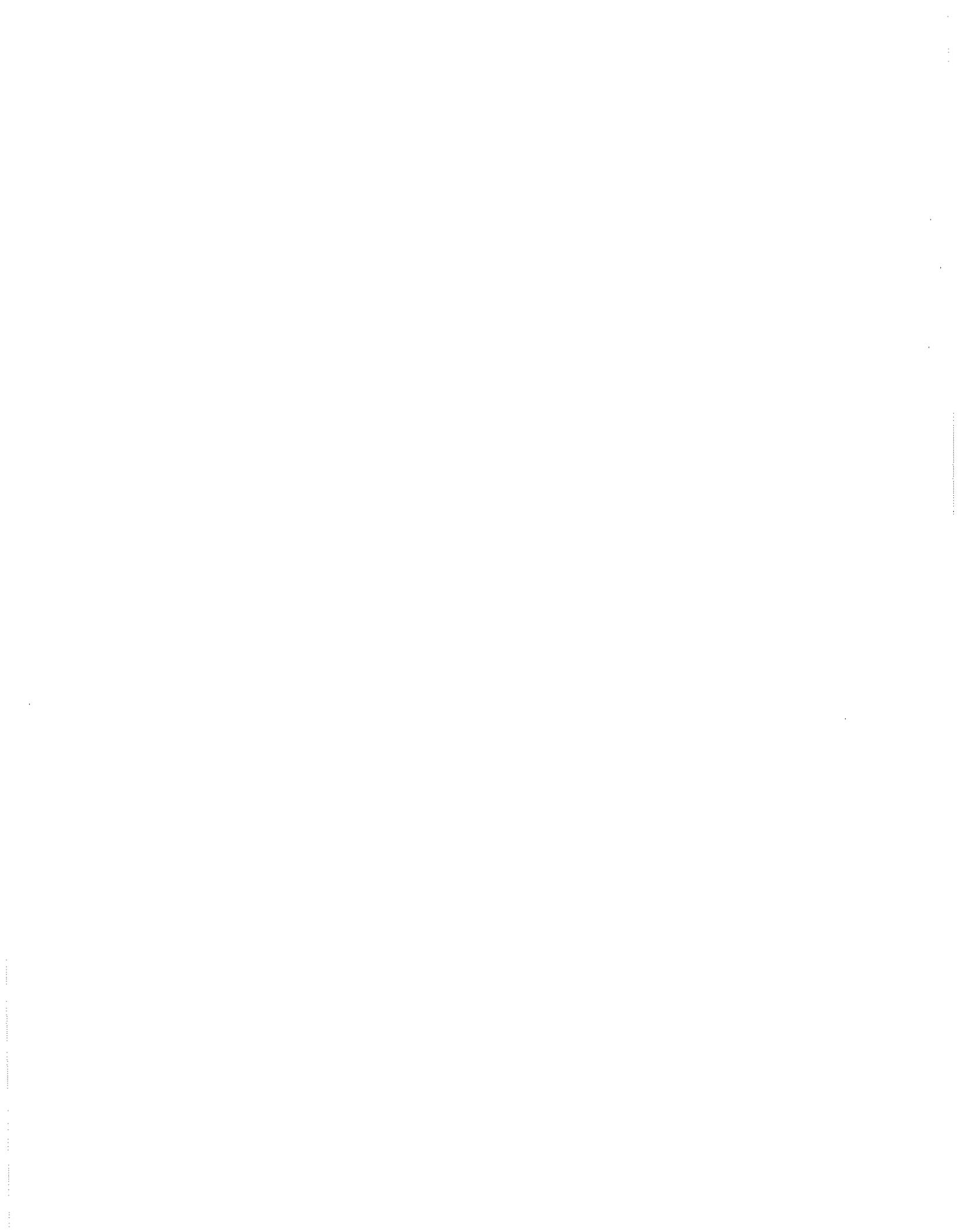
Bids were publicly opened on October 19th 2010 at 10:00am for one 2011 FRONT END LOADER. The bid results are attached

Option #1 was the guaranteed buy back with a total cost bid. Nortrax was the low bidder with a total cost bid of \$55,000. The price of the new loader will be \$72,000.00. In 5 years Nortrax will guarantee buying the machine back for \$72,000.00.

Option#2 was price of new loader less trade plus extended warranty. Beauregard Equipment was the low bidder on this option. T &B, Frank Martin did not meet spec with horsepower. Milton Cat bid a 2010 machine and the specs indicated a 2011 machine.

I recommend Awarding Nortrax the bid on Option#1 for \$72,000.00. In five years we have a guaranteed buy back of \$72,000.00. Total cost will be \$55,000.

Chip Swan, PWD



**TOWN OF HAMPDEN
PUBLIC WORKS DEPARTMENT
2011 FOUR WHEEL DRIVE BACKHOE/LOADER
BID SHEET**

OCTOBER 19, 2010
10:00 AM

BIDDER	OPTION #1	OPTION #2	TRADE IN VALUE	72 MONTH WARRANTY	TOTAL PRICE
Milton Cat Caterpillar 928 HZ		131,845.00	50,000.00	8,210.00	90,055.00
Frank Martin & Sons Kawasaki 65ZV-2		125,000.00	60,000.00	11,800.00	76,800.00
NorTrax John Deere 544K	127,000.00		55,000.00		72,000.00
NorTrax John Deere 544K		127,000.00	55,000.00	3,981.00	75,981.00
Beauregard Case 621E	127,998.00		56,000.00		71,998.00
Beauregard Case 621E		120,415.00	56,000.00	7,583.00	71,998.00
T & B Equipment Rental Hyundai HL740-9	125,500.00		60,000.00		65,500.00
T & B Equipment Rental Hyundai HL740-9		125,500.00	60,000.00	2,500.00	68,000.00

Infrastructure

3-b



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Acceptance of Sewer Manhole to be Added to the Town Sewer System
DATE: October 7, 2010

When the Rite Aid development was constructed Staff requested that they construct a new sewer manhole along Western Avenue that could serve both that development and the subsequent development which turned out to be Katahdin Trust. Under the Sewer Ordinance private sewer systems are not permissible and for this reason Staff recommends that the Town accept the subject sewer manhole and add it to the public system. Please find attached a copy of the signed easement document and an excerpt from the site plan to better understand the location of the easement.

Rudman & Winchell
COUNSELORS AT LAW

ABRAHAM M. RUDMAN (1896-1970)
ALBERT H. WINCHELL, JR. (1924-1992)

Edmond J. Bearor
E-Mail: ebearor@rudman-winchell.com
Direct Dial: (207)992-2626

October 5, 2010

Robert Osborne, AICP, Town Planner
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Katahdin Trust Company

Dear Bob:

Enclosed is the signed original Easement Deed from Katahdin Trust Company to the Town of Hampden for access to the sewer line in the northwest corner of the property.

Also enclosed for your records is a copy of the signed Easement from Katahdin Trust Company to Gilpatrick Realty Trust. I will hold this Easement until I receive word from Gilpatrick Realty Trust that it is acceptable.

I believe that Kathadin Trust Company has now complied with the prerequisites for obtaining a building permit. Let me know if I am wrong.

Sincerely,



Edmond J. Bearor
EJB/leb
Enclosures

cc: Bonnie Foster, Senior Vice President

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **KATAHDIN TRUST COMPANY**, a Maine corporation with a place of business in Presque Isle, County of Aroostook, State of Maine, ("Grantor"), in consideration of one dollar (\$1.00) and other valuable considerations, paid by the **TOWN OF HAMPDEN**, a municipal corporation located in Penobscot County, State of Maine, ("Grantee"), the receipt of which is hereby acknowledged, does hereby give, grant and convey unto said Town of Hampden, its successors and assigns forever, the following easement, upon certain real estate located in the northwesterly corner of Grantor's parcel located on the southerly side of Western Avenue, so-called and as further described in a deed to Grantor recorded in Book 11963, Page 38 of the Penobscot County Registry of Deeds.

SEE EXHIBIT A ATTACHED HERETO

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed this 4 day of the month of October, 2010.

Natasha Ritchie
Witness

KATHADIN TRUST COMPANY
By: Bonnie C Foster
Name: Bonnie Foster
Its Senior Vice President
Hereunto duly authorized

STATE OF MAINE
AROOSTOOK, SS.

October 4, 2010

Personally appeared the above-named Bonnie Foster, and in her capacity as Senior Vice President of Kathadin Trust Company, and acknowledged that the foregoing Easement which she has signed to be her free act and deed in said capacity and the free act and deed of said corporation.

Before me,

MARY BONNIE LONDON
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 6, 2016

Mary Bonnie London
Notary Public/Attorney-at-Law

EXHIBIT A

A non-exclusive Easement (the "Easement"), twenty feet in width, across the northwesterly portion of land conveyed to Katahdin Trust Company by deed dated October 30, 2009 and recorded November 2, 2009 in Penobscot County Registry of Deeds in Book 11963, Page 38, the centerline of said twenty foot wide Easement being located as depicted on the Utilities Plan for the Rite Aid Pharmacy by B. L. Companies, Project No. C06C1954 dated 09/28/09 Sheet No. C-103 (said twenty foot wide strip being herein after referred to as the "Easement Area"), for the purposes of installing, repairing, maintaining, replacing and reinstalling an underground sanitary sewer line and manhole, with the necessary underground appurtenances thereto. In its performance of any such work, Grantee shall coordinate such work with Grantor so as to minimize any interference with any business conducted on the Easement Area and avoid causing any damage to, or unreasonable interference with, any improvements on the Easement Area. The easement holder, after performing any such work, shall promptly restore the Easement Area to the condition existing prior to each entry and performance of such work.

Grantor, its successors and assigns, shall have the use and enjoyment of the Easement Area for any purposes that will not unreasonably interfere with the use of the Easement for the purposes herein set forth, provided that no building or permanent structure of any kind shall be erected over the said underground line. Without limiting the generality of the foregoing, Grantor, shall have the rights (a) to grade, pave and stripe the surface of the Easement Area and use the same for vehicular traffic and parking, (b) to install above ground utilities over the Easement Area and, (c) to connect ancillary pipes, conduits and other utilities to said underground manhole in order to serve the buildings located in order to serve any buildings located from time to time upon Grantor's property; provided that in making any such connections, Grantor will not unreasonably interfere with the Grantee's use or enjoyment of the Easement granted herein.

3C

WARRANTY DEED

S. E. MACMILLAN COMPANY, INC., a Maine corporation with a principal place of business at Hampden, Penobscot County, Maine, as a dedication without consideration pursuant to 23 M.R.S. §3025, grants to **THE INHABITANTS OF THE TOWN OF HAMPDEN**, a municipal corporation, located in Hampden, Penobscot County, Maine, with Warranty Covenants, the land, together with any buildings or improvements thereon, in Hampden, Penobscot County, State of Maine, described as follows:

A certain lot or parcel of land situated easterly of U. S. Route 1A, so called, in Hampden, Penobscot County, Maine, being Perkins Drive, so called, and an extension thereof and further described as follows:

Beginning at the point of intersection of the easterly side line of said U.S. Route 1A and the northerly side line of said Perkins Drive as shown on a plan of a subdivision entitled Amended River View Heights Subdivision dated August 20, 2008 and recorded in plan file 2008-210 in the Penobscot Registry of Deeds. Said point being the southwesterly corner of those premises conveyed to John and Wanda Pollard by deed recorded in Book 6724, Page 224 of the Penobscot Registry of Deeds.

Thence southerly along the easterly sideline of said Route 1A along a curve to the right having a radius of 2,914.79' for 66.36' to the southerly side of said Perkins Drive. The chord bearing and distance between the two last mentioned points is S 17°53'12"E (magnetic 1976) for 66.36'.

Thence N 78°06'14"E along Perkins Drive for 313.77' to the point of curvature of a curve to the right;

Thence along said curve to the right having a radius of 167.00' for 271.72' to the point of tangency; the bearing and distance between the two last mentioned points is S 55°17'02"E for 242.72;

Thence S 08°40'18"E for 426.86' to the point of curvature of a curve to the right;

Thence along said curve to the right having a radius of 40.00' and a length of 38.98' to the point of tangency of said curve and the point of curvature of a curve to the left; The bearing and distance between the two last mentioned points is S 19°14'50"W for 37.46';

Thence along said curve to the left having a radius of 90.00' for 160.48' (being a cul-de-sac) to a point. The bearing and distance between the two last mentioned points is S 03°54'55"W for 140.05;

Thence continuing along said curve to the left having a radius of 90.00' for 297.69' to the point of curvature of a curve to the right. The bearing and distance between the two last mentioned points is N 30°14'49"E for 179.38';

Thence along said curve to the right having a radius of 40.00' for 38.98' to the point of tangency of said curve; the bearing and distance between the two last mentioned points is N 36°35'26"W for 37.46';

Thence N 08°40'18"W for 426.86' to the point of curvature of a curve to the left;

Thence along said curve to the left having a radius of 233.00 for 127.13' to a point; The bearing and distance between the two last mentioned points is N 24°18'10"W for 125.56'; Said point marks the south westerly corner of Lot #58A and the northwesterly corner of Lot #1 as shown on said plan of Amended River View Heights Subdivision;

Thence continuing along said curve to the left having a radius of 233.00' for 194.24' to the end of said curve. The bearing and distance between the two last mentioned points is N 63°48'59"W for 188.67';

Thence on a non-tangent line with a bearing of N 21°11'14"W for 7.21';

Thence S 78°06'14"W for 376.67' to the point of beginning.

The above described parcel contains 2.24 acres.

Together with a drainage easement of variable width over a strip of land from the easterly side line of the above described parcel to the Penobscot River, so called;

Beginning at a 5/8" rebar set in the easterly side line of the above described parcel and at the intersection of the south westerly corner of Lot #58A and the northwesterly corner of Lot #1 as shown on said plan of Amended River View Heights Subdivision.

Thence N 34°25'36"E along the line between Lot #58A and Lot #1 for 131.02' to a 5/8" rebar with cap labeled "AMES A/E PLS 1297"; Said easement lies adjacent to and 15.0' on the southeasterly side of and adjacent to and 35.0' on the northwesterly side of that last described line.

Thence N 78°06'14"W along the line between Lot #58A and Lot #1 for 222.64' to a found iron rod; Said easement lines adjacent to and 15.0' on each side of the last described line.

Thence continuing N 78°06'13"E along the line between Lot #58A and Lot #1 for 160'+/- to the Penobscot River. Said easement lies adjacent to and 15.0' on each side of the last described line.

All as shown on the above mentioned plan of Amended River View Heights Subdivision.

The above described easement contains .41 acres.

Together with a drainage easement 10' in width over a strip of land along the easterly sideline of lot 5 and adjacent to the westerly sideline of Perkins Drive as previously described. Said easement begins at the southeasterly corner of lot 5 and follows the westerly line of Perkins Drive for 264.19' and ends at a point of curvature on Perkins Drive.

The above-described parcels are a portion of those premises conveyed by Merna B. Smith to S.E. MacMillan Company, Inc. by deed dated July 5, 1988 and recorded in book 4262, page 187; Said parcels are also a portion of those premises conveyed by Stanley E. MacMillan to S.E. MacMillan Company, Inc. by deed dated November 30, 1992 and recorded in book 5242, 285. Said parcels are shown in their entirety on the above noted plan of Amended River View Heights Subdivision dated August 20, 2008 and recorded in plan file 2008-210 in the Penobscot Registry of Deeds.

Courses used in this description were compiled from existing documents by AMES A/E during July 2003.

Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

The Grantee's mailing address is 106 Western Avenue, Hampden, Maine 04444.

IN WITNESS WHEREOF, S. E. MACMILLAN COMPANY, INC. has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Stanley E. MacMillan, its President, hereunto duly authorized, this ____ day of _____, 2010.

WITNESS:

S. E. MACMILLAN COMPANY, INC.

By: _____
Stanley E. MacMillan
Its President
Hereunto Duly Authorized

STATE OF MAINE
PENOBSCOT, ss.

, 2010

Then personally appeared the above-named Stanley E. MacMillan and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Name:

Notary Public/Attorney-at-Law

3-d



Coldbrook Road Questions- Hampden, Maine

Wednesday, August 4, 2010 1:04 PM

From: "Light Lady" <lightlady_1@yahoo.com>

To: Molly.Schwenn@maine.gov

Dear Ms. Schwenn,

The purpose of this email is to follow up on the information that you provided regarding questions related to a potential cancer cluster on Coldbrook Road in Hampden that was raised by Mr. Jim Barrows a number of years ago. Mr. Barrows was in the office today and asked if I had heard from the Maine Cancer Registry since the initial information was provided by your office as part of the work of Legislator Bob Deschaine in February of this year.

It was my understanding from the email that you sent to me at that time that your office would be contacting Mr. Barrows to set up a meeting if he desired to do so. He said that he had not heard from anyone in that regard.

The Town will gladly provide space for a meeting with Mr. Barrows if your office wishes to do so. Mr. Barrow's phone number is 207-862-3781.

Thank you - in advance - for your assistance.

Sincerely -

Susan Lessard

Town Manager

Town of Hampden

**FW: LESSARD**

Tuesday, March 16, 2010 7:13 AM

From: "Condon, Patricia A." <Patricia.A.Condon@maine.gov>
To: lightlady_1@yahoo.com

Good morning Ms. Lessard – I apologize for the delay in your receipt of this e-mail response below from our Center for Disease Control office. We just recently received your e-mail address to forward your response to.

Again my apologizes!

Sincerely,

Patt Condon

*Patricia A. Dudley-Condon
Director, Constituent Services
Office of the Commissioner
Department of Health and Human Services
(207) 287-1891
(207) 287-3005 (Fax)
(800) 606-0215 (TTY)*

From: Schwenn, Molly
Sent: Friday, March 05, 2010 8:14 PM
To: 'Hampden@midmaine.com'
Cc: Condon, Patricia A.; 'duchesne@midmaine.com'; Zukas-Lessard, Chris ; Wigand, Debra A.
Subject: FW: Response re Hampden cancer query

Dear Ms. Lessard,

As the medical director of the Maine Cancer Registry, I am distressed that this request for cancer information was never properly completed. Work was done in 2004 to interview the living individuals identified by Mr. Barrows. In 2008, incidence of cancer in the town and region were reviewed, after which I spoke to you, but I failed to reach Mr. Barrows. We have just done another database review of cancer incidence.

I apologize for my failure and on behalf of previously responsible registry staff members.

Information we collected and analyzed from the registry database for the 10 years from 1997 to 2006 shows that the overall cancer incidence rate in Hampden is similar to that in Penobscot County, but is higher than for the state as a whole. For Hampden, we see a pattern of primarily the types of tumors we expect (Lung, Prostate, Breast and Colorectal) and the age groups we expect but with one exception: colorectal cancer is not apparently increased, but it is occurring in a younger age distribution than expected. This can be suggestive of familial predisposition and leads me to recommend that colorectal cancer screening specifically be promoted in the community. Interested adults who are uninsured or underinsured with low income should be linked up with a newly available

free screening program for colorectal cancer. EMMC is a participating health system.

A list of people with cancer who lived on or near Coldbrook Road in Hampden at various times was developed with Mr. Barrows and investigated by epidemiologist Castine Verrill. She spoke to as many people as were alive and available, and then attempted to verify the diagnoses, year of diagnosis and address at time of diagnosis (which she was able to do for all but two individuals.) Our registry is based on residence at diagnosis, and does not include duration or previous residences. All but one cancer case was diagnosed in Maine . (Obviously, this is an incomplete list, but it also contains individuals diagnosed while living elsewhere.)

It is clear to me why Mr. Barrows is concerned: a relatively large number (4 of 15 individuals on the list) are biologically related to each other and Mr. Barrows; and one is the wife of a family member. There are reassuring findings in this group: there are no children or teenagers, all of the cancers were diagnosed at age 40 or older, and the majority had one of the 4 most common cancer sites: prostate, colorectal, breast, and lung (11 of the 17 total cancers) over a 20 year period. Because we don't have an accurate numerator or denominator for this area, it is difficult to know whether this specific area has a cancer incidence rate greater than Hampden as a whole, neighboring towns, Penobscot county or Maine. Also because of its small size, finding statistical significance of a higher (or lower) rate would be unlikely. Of course, to Maine residents like Mr. Barrows, statistical significance is not what matters.

Plan/Recommendations

1. I plan to call Mr. Barrows and propose a face to face meeting in Hampden with him, you (as town manager), and perhaps Rep. Duchesne.
2. I recommend private well water testing to include arsenic, radon, other (if it isn't being done on a regular basis) and
3. Promotion of colorectal cancer screening, and the new free colorectal cancer screening program for members of the community who qualify.

Sincerely,

Molly Schwenn , MD
Maine Cancer Registry
Maine CDC/DHHS
207-287-5196 or 287-5272
molly.schwenn@maine.gov

cc: Patricia Condon, Rep Duchesne