

TOWN COUNCIL MINUTES

JANUARY 16, 2007

Due to the Martin Luther King, Jr. Day holiday, the regularly scheduled meeting of the Hampden Town Council was held on Tuesday, January 16, 2007. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:00 p.m.

Attendance: Councilors: Rick Briggs, Thomas Brann, Andrew Colford, Edward Murphy, Matthew Arnett and Shannon Cox. Robert Gilberti was excused.

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Town Planner Bob Osborne and Public Works Director Greg Nash

Pine Tree Landfill representatives and citizens

A. CONSENT AGENDA

There were no Treasurer's Warrants for signatures of the Finance Committee. The balance of the Consent Agenda was accepted without objection.

Councilor Brann noted that the Consent Agenda included an application from James Feverston to serve on the Community Service Committee. Councilor Brann pointed out that a formal appointment is not necessary for this committee and he welcomed Mr. Feverston's participation.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR A VICTUALER'S LICENSE RECEIVED FROM SSRZ ENTERPRISES d/b/a NEALLEY'S CORNER STORE at 1230 KENNEBEC ROAD

Mayor Briggs 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 Arnett, seconded by Councilor Brann to approve the application as submitted – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. HAMPDEN ENVIRONMENTAL TRUST – TRUSTEE STIPENDS

Manager Lessard explained that the Trustees receive a stipend of \$25.00 per meeting and the Council needs to authorize payment of \$25.00 to Trustees George Thomas and Michael Hastings. Councilor Brann moved approval; seconded by Councilor Murphy – unanimous vote in favor.

b. STREET LIGHT REQUESTS – COTTAGE ST. and CONSTITUTION AVE.

Requests were received from residents of Cottage Street and Constitution Avenue for additional street lighting. The requests were forwarded to the Public Safety Department for review and recommendation. It is Public Safety's recommendation that there is ample lighting on Cottage Street, however the resident who had made the request was unable to attend the meeting and asked that discussion be postponed until the next meeting.

There is currently no street lighting in the newly developed portion of Colonial Heights and Public Safety recommended that additional lighting would be beneficial on the corner of Constitution Avenue in the new section and at the intersection of Liberty and Constitution. There was some question as to why lighting was not installed at the time the subdivision was built. Town Planner Bob Osborne recalled that there were some street lights shown on the Constitution/Liberty plan and was not sure why they were not established. It was decided that Bob would look into that and report back at the next meeting.

Motion by Councilor Brann, seconded by Councilor Colford to postpone decision on these requests until the next meeting – unanimous vote in favor.

c. TRACTOR BID RESULTS – PUBLIC WORKS

Public Works Director Greg Nash reported that bids for a new tractor were opened on January 4, 2007 and there were two bidders. This is a scheduled replacement and a budgeted item to

replace a 1991 tractor. He recommended acceptance of the bid from Greenway Equipment for a John Deere tractor in the amount of \$14,599.90. He noted that funding would be from the Grounds and Maintenance line item #30-10-20-01.

Motion by Councilor Arnett, seconded by Councilor Colford to accept the bid from Greenway Equipment in the amount of \$14,599.90 to be funded from the Grounds/Maintenance account – unanimous vote in favor.

d. LOTS 1, 3 and 7 ACCESS ROAD – BUSINESS PARK

Manager Lessard explained that Lots 1, 3 and 7 are currently under contract for sale and it is necessary to construct the access road for these lots in order to complete the sales. Last year's budget included \$75,000 for the construction of the road. A bid was requested from Sargent Corporation, the contractor who originally built the park, because they had all the plans and specs. While the Council budgeted for the road, it did not formally vote to set aside the bid procedure and authorize construction of the road. A bid was received from Sargent Corporation in November 2006 in the amount of \$120,244.00. Manager Lessard indicated that funding for the additional amount could come either from Host Community Benefits or from the proceeds of the lot sales.

Councilor Colford moved to set aside the bid procedure for this project. Councilor Arnett seconded the motion and vote was unanimously in favor.

Motion by Councilor Colford, seconded by Councilor Brann to award the contract to Sargent Corporation from the proceeds of lots 1, 3 and 7 to build the stub road for the amount of \$120,244.00 – unanimous vote in favor.

e. OUTDOOR WOOD BURNING FURNACE UPDATE

Councilor Brann reported that the Charter and Ordinance Committee continues to work on a draft ordinance relative to outdoor wood burning furnaces. Pursuant to discussions at the last meeting, definitions have been added to the ordinance as well as a section requiring permitting. The Committee still believes that prohibiting their use between May 1 and October 31, requiring installation according to manufacturers' recommendations and prohibiting the use of anything other than clean wood would probably solve the problem. The permits would require an inspection at the time of installation.

Additionally, the Committee has drafted an ordinance requiring that these furnaces be licensed annually. This provides the Town with the opportunity to revoke a license and shut down a furnace which is not operated in compliance with the regulations of the license.

Councilor Brann noted that these ordinances are still in draft form and the Committee is looking for direction/guidelines from the Council. It was the consensus of the Council that an annual license be required. There was also discussion about the permitted zones (Rural, Industrial 2 and Industrial Districts) with the consensus being that a minimum lot size of three acres and setback of 200 feet should be required and perhaps it could also be a conditional use in Residential A and Residential B if those requirements are met. Councilor Arnett felt that allowing them in residential areas is not a good idea and he was not entirely comfortable with allowing them in industrial zones. He requested that Town Planner Osborne look into whether any industries are using this kind of device. He noted that someone could build a much larger device for industrial use and it would be difficult to anticipate what problems would arise with that.

Town Planner Osborne and Town Attorney Russell will fine-tune the draft for further review by the Committee.

4. NEW BUSINESS

a. BANGOR AREA STORMWATER GROUP – AUTHORIZATION TO ACCEPT GRANT

The Bangor Area Stormwater Group has been awarded a \$75,459 Regionalization Grant. Under the terms of the grant the governing body of each participating entity must vote to accept the grant. Motion by Councilor Arnett, seconded by Councilor Cox to approve Bangor Area Storm Water Group's acceptance of a \$75,459 Regionalization Grant – unanimous vote in favor.

b. COMPOSTER PROGRAM

Manager Lessard noted that this has been a popular program the last two years. The Council has subsidized part of the cost of the composters in the past and she recommended continuing with the program and funding at the same level as the previous two years. Motion by Councilor Brann, seconded by Councilor Colford to continue with the program as funded last year – unanimous vote in favor.

D. COMMITTEE REPORTS

Mayor Briggs distributed copies of the 2007 Council committee assignments.

Councilor Arnett reported that the Communications Committee continues to be very active and has two new members – Bud Poll and Richard Newcomb. The Committee continues to investigate the audio problems in the Council Chambers and will look into the possibility of using wireless lapel microphones. The newsletter will go out later this week and the website subgroup has completed its

evaluation of the Town's website and has decided to remain with GovOffice. They will do a custom design which will be more graphically inviting and will make navigation much easier. Councilor Arnett also expressed appreciation to the Town Manager and staff for their support on a number of Town Committees.

Mayor Briggs reported that the first meeting of the SAD 22 School Building Committee will be at 6:00 pm on Monday, January 22nd at the Hampden Academy cafeteria. Several community meetings that be held monthly on Friday evenings and Saturday mornings at the Hampden Academy cafeteria, beginning February 1st and 2nd.

E. MANAGER'S REPORT

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

Manager Lessard thanked TDS for assisting the Public Works crew in taking down the holiday lights.

She further reported that there are several personal property accounts that are unpaid for several years and she will be filing with the small claims court to try to collect these accounts.

Proposal for School District Consolidation: Councilor Cox added that she had attended meetings regarding the Governor's proposed school district consolidation plan. She encouraged community members to attend tomorrow night's School Board meeting and to go to the Maine.gov website (Maine Dept. of Education) to view a copy of the PowerPoint presentation presented to the superintendents and education professionals last week. Councilor Cox said there is implication for Hampden – they are talking about the consolidation of Hampden into a 32 town region including Bangor and Brewer. Councilor Cox believes that this has impact for small communities and for local control. The proposal could potentially put building projects on hold because no bonds would be issued in the transition process. It would disband all local school boards and create a super board for each region, the largest having a membership of 15 people so not all communities will have representation. She encouraged community members to become educated and weigh in and to contact Senator Plowman and Representative Duprey.

Manager Lessard pointed out that as written, this is part of the budget for the State of Maine – it is not an LD. Therefore its implications are far greater than an LD would be because the budget is built around this passing. The assets of every school entity would revert to the regional councils. For communities like Hampden, who have had multi-million dollar donations go to athletic facilities, to turn those assets over to an entity with 32 different communities who then have control over all of those assets, completely changes the dynamic for this community on what its offerings can be.

F. COUNCILOR'S COMMENTS

Councilor Murphy asked Manager Lessard to gather information regarding kilowatt usage of the different town facilities. He wants to provide these figures to some windmill experts.

Councilor Cox said she is looking forward to serving on the different committees.

Councilor Arnett commented that a resident on Main Road North has expressed her appreciation for the service rendered her during the sewer construction project. He said from everything he has heard, the Sargent Corp. did a wonderful job and hoped that would get relayed to them.

Councilor Arnett added that the Communications Committee is in the process of compiling a master schedule of all events and in the process of doing that the Committee invites all community organizations to select a member to facilitate the flow of news from their organization to the Committee.

Councilor Colford asked for a status report on the house on Patterson Street where the sewer backed up. Manager Lessard informed the Council that there will be a non-jury trial for disposition of this case sometime before June 30, 2007. The Town's attorney has requested that the final deposition be held by the beginning of February.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:30 p.m.

Denise Hodsdon
Town Clerk