



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

Monday

December 15, 2008

7:00 P.M.

- 6:00 pm to 7:00 pm – “Thank You” Reception

A. CONSENT AGENDA

1. SIGNATURES

- a. Treasurer’s Warrants

2. SECRETARY’S REPORTS

- a. May 19, 2008
- b. June 16, 2008
- c. August 18, 2008
- d. October 20, 2008
- e. November 24, 2008
- f. December 1, 2008

3. TREASURER’S REPORT

4. COMMUNICATIONS

- a. Department of Conservation – Bangor Water District Submerged Lands Permit
- b. Conservation Commission/Council – Nomination for Conservation Award

5. REPORTS

- a. Edythe Dyer Library Trustees Minutes – 11/12/2008
- b. Rapid Renewal – November 2008

B. PUBLIC COMMENTS

C. POLICY AGENDA

NOTE: The Council will take a 5-minute recess at 8:00 pm.

1. PUBLIC HEARINGS

- a. Application for Renewal of a Victualer's License Received from Kliton Xhemali, d/b/a Angelo's Pizza at 102 Main Road South – **CONTINUED**
- b. Application for Renewal of a Victualer's License Received from Dana Edwards d/b/a Edwards Family Shop 'n Save at 77 Western Avenue

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Reappointment of Denise Hodsdon as Registrar of Voters

3. UNFINISHED BUSINESS

- a. Mayor's Report
- b. Regional Open Space Plan – Decision on Dues
- c. Transfer Station – Rule Regarding Truck Weight
- d. Committee on Committees – Report & Recommendation
- e. Mobile Home Park Ordinance Text Amendment – Referral for Public Hearing

4. NEW BUSINESS

- a. Draft Charter of Friends of Dorothea Dix Park

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

TOWN COUNCIL MINUTES

MAY 19, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 19, 2008. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:03 p.m.

Attendance: Councilors: Mayor Rick Briggs, Thomas Brann, Matthew Arnett, Andrew Colford, Andre Cushing, Shannon Cox and Edward Murphy

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Safety Director Joe Rogers, GIS/IT Specialist Gretchen Heldmann

A. CONSENT AGENDA

There were no Treasurer's Warrants for approval of the Finance Committee. Councilor Cushing requested that Item A.2.a. be set aside. Motion by Councilor Brann, seconded by Councilor Cushing to accept the balance of the Consent Agenda – unanimous vote in favor.

A.2.a. SECRETARY'S REPORT – APRIL 22, 2008

Councilor Cushing pointed out that there is an error in a motion to excuse Councilor Colford – the motion was seconded by Councilor Cushing, not Councilor Colford. The minutes will be amended to reflect the correction. Motion by Councilor Cushing, seconded by Councilor Brann to accept Item A.2.a. – unanimous vote in favor.

B. PUBLIC COMMENTS

Jim Feverston of the Tree Board reported that he, Mayor Briggs and Town Planner Bob Osborne represented the Town of Hampden at the Hall of Flags at the State House in Augusta and received formal Tree City USA status. He presented a plaque and Tree City USA flag to the Council. The Town also received a crab apple tree which will be planted outside the municipal building in addition to 100 spruce seedlings to be distributed throughout the community.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE RECEIVED FROM WARREN CARUSO, d/b/a DANA'S GRILL AT DOCKSIDE, 100 MARINA 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 Brann, seconded by Councilor Arnett to approve the application – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

- a. WESTERN AVENUE – DOT SPEED ZONE REVIEW RESULTS

Public Safety Director Joe Rogers reported that the Department of Transportation has completed its engineering speed zone analysis of Western Avenue from the Newburgh line to Route 202. Based on the analysis, the area that prompted the study (from Town Farm Road into town) remained the same, but a portion of the 35 mph zone was increased to 40 mph.

Manager Lessard also informed the Council that Public Works Director Chip Swan and the State DOT are meeting with the property owners at the corner of Canaan Road and Western Avenue and the existing shrubs will be coming down and different plantings will be going in. She said the Town will be providing assistance in removing the shrubs.

- b. SCHOOL/TOWN – MEMORANDUM OF UNDERSTANDING Re: ROUTE 9 ACCESS

Manager Lessard reported that the agreement is now in the hands of the School. She spoke with Superintendent Richard Lyons last week and he indicated that he and Assistant Superintendent Emil Genest have had a chance to discuss its contents with the Department of Education who were very pleased with the agreement. It will be reviewed by the School Board on Wednesday, after which it will come back to the Town for ratification.

- c. POLICE & FIRE CONTRACTS – FINANCE COMMITTEE RECOMMENDATION

Finance Committee Chair Brann reported that the Finance Committee discussed the proposed contract and is unanimously recommending approval of the contract.

Motion by Councilor Brann, seconded by Councilor Colford to direct the Town Manager to sign the Police and Fire Contract as submitted.

Councilor Arnett had some questions about several language changes in the agreement so Councilor Cushing moved to table the vote until after the Council's break. Councilor Murphy seconded the motion – Councilors Colford and Arnett opposed; all others in favor – motion carried.

Following the break, vote on the original motion was unanimously in favor.

4. NEW BUSINESS

a. COMMERCIAL SERVICE DISTRICT – USE & DIMENSIONAL REQUIREMENTS – REFERRAL TO ORDINANCE COMMITTEE

Motion by Councilor Brann, seconded by Councilor Cox to refer this item to the Ordinance Committee – unanimous vote in favor. Councilor Brann moved to refer this to the Planning Board simultaneously; Councilor Colford seconded the motion and vote was unanimously in favor.

b. LEGISLATIVE POLICY COMMITTEE NOMINATIONS - MMA

Manager Lessard explained that the Maine Municipal Association is seeking nominees to serve on the Legislative Policy Committee. There were no nominations made by the Council at this time.

c. MMA EXECUTIVE COMMITTEE – REQUEST FOR CANDIDATES

This was a request for candidates to serve on the Maine Municipal Executive Committee. The Council had no nominations at this time.

5. BUDGET

a. GIS/IT

Manager Lessard noted that this budget includes laptop computers for the Town Council, and because this position will now be full-time, it includes health insurance but there needs to be a line-item for Retirement in the amount of \$3,696.00 which would increase the proposed total to \$118,632.00. No changes were made to the revised total budget.

b. COMMUNICATIONS

No change was made to the proposed total amount of \$35,614.00.

c. TOWN COUNCIL

No change was made to the proposed total amount of \$36,525.00. There was also discussion about the need for establishing some guidelines for

prioritizing requests for funding from outside organizations. This will be referred to the Finance Committee.

D. COMMITTEE REPORTS

Councilor Colford reported that the Appointments Committee met earlier with two applicants for Town Committees and will be making a recommendation at the next regular Council meeting.

Councilor Arnett reported that the Communications Committee will be meeting on Wednesday and will consider continued involvement in the Penobscot Cable Consortium and will work on the July newsletter.

Councilor Brann reported that the Comprehensive Planning Committee will not be meeting tomorrow.

Councilor Cushing reported that the Committee on Committees will be meeting Thursday at noon.

Councilor Cox reported that the Community Services Committee will meet tomorrow at 7:00 pm and will discuss Friends of Dorothea Dix Park.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Murphy noted that there seems to be an increase in the number of daytime committee meetings and urged the Council to review the established committee schedule and adhere to that schedule.

Councilor Cox commented that she was happy to participate in the forum on underage drinking last week and said it was a terrific start for the community. She felt it was a great shared effort among the School Administration team and the Town.

Councilor Cushing recalled the Council's challenge to Bangor, Brewer and Veazie regarding participation in the Hike for the Homeless and reported that he delivered the purple t-shirts to the Bangor City Council who was very generous in wearing them. He looks forward to delivering shirts to Brewer and Veazie as well. He also commented that there are several stop signs throughout Town that have deteriorated and hoped that they could be fit in the maintenance schedule for replacement. Councilor Cushing also informed the Council that he would like to investigate the possibility of working with the Hampden Business Association or some other group in providing signage for the various civic groups in Hampden.

MANAGER'S REPORT
May 19, 2008

Flag Project - The American Flags were put up last week. We have identified several that are getting caught either on the lines or in branches and those will be corrected. We have had many people who come into the office comment on how much they like them.

Public Safety Awards Banquet - A reminder that the award dinner is Tuesday, May 20th at the Community Room at 6 p.m.

Program Regarding Underage Drinking - The program to discuss underage drinking was held on Thursday the 15th at the Reed's Brook School. Although attendance could have been better - it was a very good program. Thanks to Councilors Cushing, Cox, Brann and Mayor Briggs for attending - and to Corporal Chris Bailey of the Police Department for organizing the event. We will be following up with implementation of some of the strategies discussed at the meeting and will be holding another meeting in the Fall to continue this important work.

Patterson Street Sewer - The case regarding the Patterson Street sewer accident has been adjudicated. We were granted summary judgment in the case in 2007 and it was appealed. That appeal was upheld by the Law Court in a decision rendered on May 15, 2008. A copy of the judgment is attached to this report. The Town and its insurance company tried very hard to do the right thing in this case but there was little in response to that. In 2004 when the accident occurred, the insurance company paid more than \$40,000 to the property owner as the estimate received to repair the damages. What they have done with those funds is not clear, but it appears that nothing has been done to the home.

School Disposition Information - Councilor Arnett had asked that our Town Attorney research what the legal options were for the closing/disposition of school property. Attached to this report is a memo from Tom Russell that outlines those options. The Building Committee of SAD #22 is forming a subcommittee for the purpose of looking at re-use options for the site.

Transfer Station Changes - We have had a lot of positive feedback from the changes at the transfer station in regard to checking stickers at the gate. There have been some who prefer the 'old days' but for the most part the reaction is supportive. We did have a letter from a resident who is unhappy that we no longer allow 'picking' from the construction and demolition and wood and metal piles. This has been a problem for a number of reasons, including people hanging around and bothering people as they were trying to unload vehicles but primarily because of our insurance liability for injuries. I have attached a copy of that letter to this report. Items with a useful life can be left in the Swap

Shop for people to take; however, 'picking' the piles represents a large insurance liability if someone is injured. I spoke with our insurance carrier this past week about this issue and they indicated that we should not have been allowing people to 'pick' the metal and wood and demo piles before this from an insurance liability standpoint. Although I can empathize with those who wish to creatively repair or reconstruct by pulling things from the waste areas, it really is a bad idea. We can encourage people to be more liberal with what is left at the Swap Shop, but we have to be careful with that because we end up throwing away items that are left at the shop that are broken or unusable.

Eastern Maine Community College - The College is hosting a discussion on workforce development in the region on Friday, May 23rd from 11:30 a.m. to 1 p.m. at Rangely Hall. We have been invited to attend and participate in this discussion.

Tree City USA - Mayor Briggs, Town Planner Bob Osborne, and Tree Board member Jim Feverston attended the ceremony at the capital on Monday, May 19th for recognition of the Town receiving its 'Tree City USA' designation along with the other communities in the State who qualified.

Letter Regarding Hampden Highlights Article - I have attached a copy of an email that I received from a taxpayer who was upset with an article in the Hampden Highlights newsletter. She did me the courtesy of calling the office as well, and I explained that the Council and the School seemed to be working pretty well together over the current Memorandum of Understanding regarding the new school and that there had been discussion of a meeting with the school board and the Town Council as well. Her concern was that the tone of the article.

Councilor Brann said he was disappointed in the attendance at the underage drinking forum and hoped that there would be additional meetings before fall. He feels the community needs to be more proactive and not wait until fall for the next meeting.

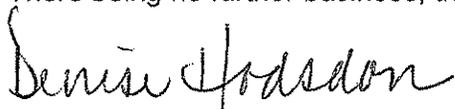
Councilor Arnett complimented those who worked on the effort to get Hampden established as a Tree City USA and he encouraged folks to get involved in Friends of Dorothea Dix Park.

Councilor Colford noted that the Hampden Business Association's annual dinner was very well attended and congratulated them on doing a great job.

Mayor Briggs wished everyone a Happy Arbor Day.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:38 p.m.



Denise Hodsdon
Town Clerk

TOWN COUNCIL MINUTES**JUNE 16, 2008**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 16, 2008. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:03 p.m.

Attendance: Councilors: Mayor Rick Briggs, Andrew Colford, Matthew Arnett (until 8:45 pm), Andre Cushing, Shannon Cox and Edward Murphy. Thomas Brann was excused.

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Chip Swan, Public Safety Director Joseph Rogers, Library Director Debbie Lozito and GIS/IT Specialist Gretchen Heldmann

Mayor Briggs noted that Councilor Brann was unable to attend the meeting and had requested an excused absence. Motion by Councilor Arnett, seconded by Councilor Colford to excuse Councilor Brann – unanimous vote in favor.

A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. Councilor Cushing requested that Item A.3.c. be set aside. Motion by Councilor Arnett, seconded by Councilor Cox to accept the balance of the Consent Agenda – unanimous vote in favor.

A.3.c. STEVE FALOON – MPBN MOVE TO SOUTHERN MAINE

Councilor Cushing expressed concern that there is a continued effort to shift MPBN's staffing and services to Southern Maine. He felt it is important for citizens to be aware of this. He noted that according to the memo, the decision is a follow-up to a 1995 plan by MPBN to locate all services and staffing in Southern Maine as Portland is "the cultural and economic center of Maine." Councilor Cushing said he takes umbrage at the thought that the world revolves around Southern Maine when Bangor has proven itself to be a significant contributor and our community certainly has proven to have a real interest in educational programming. He encouraged citizens to share their thoughts and concerns with the Board members of MPBN. Motion by Councilor Cushing, seconded by Councilor Arnett to accept Item A.3.c. – unanimous vote in favor.

B. PUBLIC COMMENTS

Kathy Walker of 5 Old Coldbrook Road, a member of the Hampden Academy Building Committee, reminded everyone that there is a straw poll tomorrow night and another straw poll the following Tuesday evening at the old Academy gym. She stressed the importance of public input about the site and initial building concept.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. 2009 BUDGET ADOPTION

Manager Lessard presented a PowerPoint presentation regarding the proposed budget and its various impacts (copy attached). She noted that as proposed, the budget would require an increase of \$.70 in the mil rate. She presented two options for funding the increase. The first option would require the use of Host Community Benefit funds to fund Reserves and increasing revenue estimations for Pool, Ambulance and Revenue Sharing, leaving a net increase required of \$.03. Option 2 includes financing options for vehicle purchases and increase revenue projections for Pool, Ambulance and State Revenue Sharing, leaving a net increase required of \$.38.

Mayor Briggs read the proposed amounts for each account. He 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 Colford to adopt the budget as read by the Mayor.

During discussion, Manager Lessard cautioned that if the budget is adopted as read, the projected revenue amount can not be increased. She encouraged the Council to add \$125,000 to the proposed revenues amount, which would reduce the mil rate increase by \$.22.

Motion by Councilor Cushing, seconded by Councilor Arnett to increase Municipal Revenues by \$125,000.00 – unanimous vote in favor.

There was considerable discussion about the use of Host Community Benefit funds to fund Reserves. There was some objection to using the principal amount but discussion about the possibility of using one year's worth of interest to help reduce the mil rate. It was determined that one year's interest on Host Community Benefits is \$56,000.00 which would reduce the mil rate by \$.10. Manager Lessard suggested increasing the revenue amount by \$56,000 to offset the budget. Under Option 2, financing vehicle purchases would reduce the mil rate by an additional \$.10, which would result in a net mil rate increase of approximately \$.28.

Following the discussion, Councilor Colford moved and Councilor Arnett seconded to add \$112,000.00 to revenues to reduce the burden from taxation (\$56,000 from financing of vehicles and \$56,000 from Host Community Benefit interest) – unanimous vote in favor.

The revised total taxation requirement is \$8,814,010.68. Councilor Colford moved and Councilor Cushing seconded to adopt the budget as revised. By roll call, vote was 7-0 in favor of the motion.

b. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM
SHERYL AND CULLEN WILLIAMS d/b/a HAMPDEN NATURAL
FOODS AT 281 WESTERN AVENUE

Mayor Briggs opened the hearing.

Proponents – None; Opponents – None; General Questions or Comments – None. The hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Cox to approve the application – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. JUNE 10, 2008 PRIMARY/REFERENDUM ELECTION RESULTS

Town Clerk Denise Hodsdon reported the results of the Primary Election and noted the results are posted on the Town's website. Hampden had a 22% voter turnout and Denise commended all the election workers for their hard work and dedication to the election process.

3. UNFINISHED BUSINESS

a. SEWER CAPITAL PLAN

This item was moved to the top of the Policy Agenda, before the budget adoption hearing. Public Works Director Chip Swan informed the Council that this sewer project, if approved, would coincide with DOT's Route 1-A project. Chip discussed the Budgetary Opinion of Probable Cost for Priorities 1 through 7 prepared by Woodard & Curran (copy attached) and noted that this list is a long-term plan. Priority Areas 1, 2 and 3 are the immediate concern, covering areas of Main Road North, Wheelden Heights, Northern Avenue, Perry Road, Coolidge Avenue, and Patterson Street, with a total cost of \$1,859,000.00.

Manager Lessard informed the Council that this project would be financed over 20 to 30 years and would require an increase in sewer rates with the average user seeing an increase of approximately \$8.00 per quarter.

Motion by Councilor Arnett, seconded by Councilor Cox to refer this to the Public Works Committee for recommendation to the Council at its first meeting in July – unanimous vote in favor. A meeting of the Public Works Committee was scheduled for Thursday June 19th at 7:00 pm.

b. MEMORANDUM OF UNDERSTANDING – SAD #22

Manager Lessard reported that this is still in the negotiation process. SAD #22 has had made some amendments to the Town's draft and Attorney Russell has some concerns about some of those changes and he suggested going into Executive Session to discuss specifics. This item was postponed until the end of the meeting.

c. TOWN MANAGER PERFORMANCE REVIEW

This item was moved to the end of the Policy Agenda. Manager Lessard prepared a memo to the Council regarding her primary responsibilities as Town Manager and what went well and not so well.

Mayor Briggs noted that this review comes in the middle of Manager Lessard's current contract. He provided an overview of the evaluations he received from Councilors, staff and Manager Lessard's peers. He noted that there were no surprises – she received a 5 in almost every category. He reported that there was an overall appreciation by staff, community and Council, particularly of her competence, dedication, open-door policy and caring nature, as well as her ability to solve problems. He said there were suggestions for more department head meetings, more delegation of responsibilities to others and the need to be a little more concise. Mayor Briggs reported that there were several suggestions for a merit increase and he encouraged the Council to look into that in the near future. Mayor Briggs noted that the Town of Hampden is extremely fortunate to have her as our Town Manager.

The members of the Council expressed appreciation to Manager Lessard for all that she does.

4. NEW BUSINESS

a. PUBLIC SAFETY BUILDING SURVEILLANCE EQUIPMENT BID RESULTS

Bids were opened on June 2nd for the Public Safety security system. Six bids were received and Public Safety Director Joe Rogers and GIS/IT Specialist Gretchen Heldmann recommended acceptance of the low bid from Norris, Inc. in the amount of \$6,842.00 to be funded by the IT and Public Safety budgets. Councilor Cushing so moved; Councilor Cox seconded the motion and vote was unanimously in favor.

b. POSSIBLE GAS PIPELINE INTO HAMPDEN – CITIZEN REQUEST

The citizen who requested that this item be placed on the agenda was not in attendance but Manager Lessard requested that this item be referred to the Public Works Committee. Councilor Cushing so moved; Councilor Cox seconded the motion and vote was unanimously in favor. It will be added to the agenda for the Public Works Committee meeting on Thursday evening and a representative from Bangor Gas will be invited to attend.

c. OFF-PREMISES CATERING PERMIT – BLACK BEAR CATERING

Motion by Councilor Cushing, seconded by Councilor Colford to approve the permit – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Cushing reported that the Committee on Committees will be meeting on Thursday at noon and will review the structure of the citizen advisory committees.

Councilor Cox reported that the Community Services Committee is scheduled to meet on June 24th, but the meeting may be rescheduled due to the Hampden Academy project straw poll scheduled for that same time.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Cushing requested that Manager Lessard make the budget PowerPoint presentation available on the Town's website.

Mayor Briggs requested a current list of all registered sex offenders.

EXECUTIVE SESSION:

Motion by Councilor Cushing, seconded by Councilor Cox to enter into Executive Session for the purpose of attorney/client consultation pursuant to 1 MRSA §405(6)(E), to include the Town Council, Town Attorney and Town Manager – unanimous vote in favor.

Motion by Councilor Cushing, seconded by Councilor Cox to re-enter regular session – unanimous vote in favor. No action was taken on the Memorandum of Understanding.

MANAGER'S REPORT
June 16, 2008

Tax Collections - Tax Collector Cheryl Johnson reports that 2007/08 Tax Collections are at 98% with two weeks to go before year end. She sent out reminders to unpaid accounts so that people would have an opportunity to pay prior to year end when the unpaid tax list goes into the Town Report.

Regional Public Health - I will be attending a meeting at Bangor City Hall on June 24th to discuss regional public health issues and service possibilities. The regulations regarding local health officers are increasing and we had discussed the idea of perhaps contracting with the City of Bangor for that service.

Bus Subsidy - We received notification today that we will be receiving a transit subsidy of \$10,396 for the 08/09 year. That should help to offset the cost of Saturday bus service if the Council determines that should be investigated for the coming year.

Stormwater Utility Meeting - On Friday, June 13th I attended a stormwater meeting sponsored by MDEP along with several staff members who work on this program. It was a sobering look at the regulations we now are responsible for meeting in terms of stormwater management, and the cost of those duties. It makes sense to look at management and funding of this effort in a regional way through a collaborative partnership with the other members of the Bangor Area Stormwater Group. I will be providing you with more information on this program in the near future.

Finance Committee - Councilor Brann asked that Finance Committee meetings be scheduled on the assigned dates for the foreseeable future (2nd & 4th Thursdays). That would make the next meeting of the Finance Committee on Thursday June 26th.

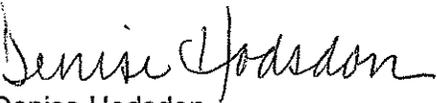
Sewer System Upgrade Results - Review of our records indicate that the last sewer upgrade to the Route 1A/Westbrook Terrace area resulted in a reduction in infiltration of nearly a hundred thousand gallons per year. That results in not only a substantial savings in what we have to pay to Bangor for treatment, but also reserves capacity for Hampden to 'grow' in areas that are accessible to public utilities.

Debit Cards - Finance & Human Resource Officer Janie Pitcher will be meeting with officials on Tuesday, June 17th to gain more information on the acceptance of debit cards for payment of vehicle registrations, licenses and fees at the Town Office. It is our goal to bring a recommendation to the Town Council at one of the meetings in July.

July Council Meeting - The first meeting of July is scheduled for the 7th and the second for the 21st. I am checking now to see whether or not we have a quorum for the 7th since we often have a difficult time getting a quorum for the first meeting in July.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:15 p.m.


Denise Hodsdon
Town Clerk

TOWN COUNCIL MINUTES

AUGUST 18, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, August 18, 2008. 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: Mayor Rick Briggs, Andrew Colford, Thomas Brann, Matthew Arnett, Andre Cushing, Shannon Cox and Edward Murphy

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Citizens

A. CONSENT AGENDA

There were no Treasurer's Warrants for approval of the Finance Committee. Councilor Arnett requested that Item A.3.a. be set aside. The balance of the Consent Agenda was accepted without objection.

A.3.a PINE TREE LANDFILL/TOWN – WORK PLAN FOR GROUNDWATER EXTRACTION

Councilor Arnett asked Manager Lessard whether this has any significance for the Town. Manager Lessard explained that this is part of the remediation plan for the landfill and the purpose is to remediate water quality issues which are currently onsite and to prevent any issues from travelling off that site. It has no adverse affect for neighbors. Motion by Councilor Arnett, seconded by Councilor Cox to accept Item A.3.a. – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE RECEIVED FROM JUDITH ADAMS AND ELMER GAMBLE, d/b/a HAMPDEN COUNTRY CLUB at 25 THOMAS ROAD

Mayor Briggs explained the procedure of 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 Murphy to approve the application – unanimous vote in favor.

b. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE
RECEIVED FROM FRANK CLARK, d/b/a HIGHLAND CORNER
MARKET at 557 KENNEBEC ROAD

Mayor Briggs opened the hearing.

Proponents – None; Opponents – None; General Questions or Comments – None. The hearing was closed.

Motion by Councilor Cox, seconded by Councilor Cushing to approve the application – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There was none.

3. UNFINISHED BUSINESS

a. COMMUNITY SERVICES COMMITTEE – REQUEST FOR DEED
RESEARCH – COUNCILOR COX

Councilor Cox reported that the Community Services Committee has been meeting with the Friends of Dorothea Park and the Tree Board regarding the renovation of the park in consultation with Prentiss & Carlisle. What has come out of the most recent meetings has been summarized in a memorandum from the Tree Board to the Council, Manager Lessard and the Community Services Committee (copy attached). Councilor Cox reported that there are some questions about right-of-way usages and easements along Hopkins Road. The Committees are asking for Council support in requesting that the Town Attorney to do some deed research and investigation into right-of-way access. In order for Prentiss & Carlisle to draft a proposal of the work that needs to be done in the park, they will need rear access into the property.

Motion by Councilor Arnett, seconded by Councilor Brann to authorize the Town Attorney to do deed research as requested by the Committee working in conjunction with the Town Manager's consent – Following discussion, by roll call, vote on the motion was 7-0 in favor.

4. NEW BUSINESS

There was none.

D. COMMITTEE REPORTS

Councilor Arnett reported that the Charter & Ordinance Committee met earlier in the evening and was brought up to date on ongoing agenda items. The Committee spent a bit of time discussing the importance of documenting what goes on in committee meetings and making sure the public is informed. The Committee is recommending to the Committee on Committees that we regularize the process by which agendas are established and communicated to the public. The Committee also had discussion regarding the definition of "institution" and "institutional uses" and will continue discussion at its next meeting.

Councilor Brann reported that the Finance Committee meeting scheduled for last Thursday was postponed and has been rescheduled for August 28th at 7:00 pm. He further reported that the Comprehensive Planning Committee is meeting tomorrow evening.

Councilor Cushing reported that the Committee on Committees met last Thursday and continues to make progress. The next meeting will be at noon on Thursday, August 28th at the Town Office.

Councilor Cox reported that the Community Services Committee met last week and the nature of what was discussed is outlined in the memo from the Tree Board. The next meeting will be tomorrow evening at 6:00 pm.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

Manager Lessard further reported that Nomination Papers are available at the Town Office for District Town Council, School Board and Water District Trustee. Papers must be returned by September 5th at 4:30 pm.

She will be meeting with the School Superintendent this week regarding the Memorandum of Understanding relative to access off Route 202.

Manager Lessard extended wishes for a speedy recovery to Economic Development Consultant Bion Foster.

She also informed the Council that Town Staff is putting together Team Denise to participate in the Komen Race for the Cure in September in support of Town Clerk Denise Hodsdon. She encouraged anyone who wishes to participate as part of the team to contact the Town Office.

F. COUNCILOR'S COMMENTS

MANAGER'S REPORT
August 18, 2008

Tax Bills - 2008/09 Property Tax bills will be mailed on August 25th. First half payments are due by October 1st to avoid interest.

Children's Day - The Children's Day Parade and festivities were a real success this year. The weather cooperated right up until the evening - and despite some rain - cleared early enough for an absolutely stupendous fireworks display courtesy of Blue Hill Pyrotechnics. I am happy to report that the Town Office float won first prize in the Float category of the parade. Many thanks to H.O. Bouchard, Inc. for supplying a truck and driver - and to Galen Deprey for his help in getting the equipment delivered and picked up in a timely fashion. It has been many years since the Town has entered a float and hats off to Tammy Ewing for designing and coordinating the effort with help from admin staff members. The Recreation Department also was instrumental in helping make sure that the day's events ran smoothly and thanks to them for all of their work. It was so nice to see so many families and children enjoying the day.

Gazebo - The gazebo is now ready for use thanks to the efforts of Kurt Mathies and the committee who helped to rebuild it after the move to the field next to the pool. We also have a number of very sturdy new picnic tables that were built by local high school students through MSAD #22 - thanks to them for their efforts.

Transfer Station Accident - Our new Transfer Station Manager fell off a ladder on Sunday at the transfer station and injured his back and neck. Fortunately, nothing was broken and it is anticipated that he will be back to work within a week.

Manager's Institute - The annual Manager's Institute will be held Wednesday and Thursday of this week in Bar Harbor. I will be attending at least part of the institute, depending on the work schedule here.

Folk Festival Volunteers - The Bangor Area Stormwater Group is seeking volunteers for shifts at the booth at the Folk Festival the weekend of the 22nd-24th. I can put interested persons in touch with the appropriate people if anyone wishes to participate.

Councilor Murphy informed the Council that he feels he no longer has the time to commit to the Council and taking care of town business and as a result, he will not be seeking re-election to the Council this year.

Councilor Cushing expressed appreciation to Annie O'Reilly for taking on a greater role in some of the Communications Committee activities related to Cable TV shows. She was able to recruit Deke Rhinehart who helped with filming the Children's Day activities and on-air interviews, which were conducted by Karen Field of Reed's Brook School. Councilor Cushing commented that it is nice to see new faces coming along and giving our programming a different flavor.

Councilor Arnett was happy to hear about the progress Annie O'Reilly is making. He thanked Councilor Cushing for taking a major leadership role in the Communications Committee and for all his time in producing some very informative programs about our Town, its people, its activities and the reasons why Hampden is such a great place to live.

Councilor Colford said he was glad to be able to judge the Children's Day parade. He noted it was an outstanding parade this year. He said he was very impressed by the fireworks display and felt it was the best around.

Mayor Briggs credited the Children's Day Committee for another successful and safe day.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:45 p.m.



Denise Hodsdon
Town Clerk

TOWN COUNCIL MINUTES

OCTOBER 20, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, October 20, 2008. The meeting was held at the municipal building council chambers and was called to order by Deputy Mayor Andrew Colford at 7:04 p.m.

Attendance: Councilors: Deputy Mayor Andrew Colford, Matthew Arnett, Thomas Brann, Andre Cushing, and Shannon Cox; Mayor Rick Briggs and Edward Murphy were absent

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Galen Swan

A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. The Consent Agenda was accepted without objection.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. NOVEMBER 4, 2008 ELECTION INFORMATION – TOWN CLERK

Town Clerk Denise Hodsdon reported that voting will be in the Community Room and polls will be open from 7:00 am until 8:00 pm. She reported that there have been many new voters and the Clerk's office will be open on Thursday, October 30th until 7:00 pm for the purpose of registering new voters. There is a significant increase in absentee ballot requests for this Election and all next week Election Clerk staff will be in the Council Chambers to administer in-person absentee voting. Denise reminded everyone that there will be no in-person absentee voting the day before the Election, but all other methods of absentee voting will be available.

3. UNFINISHED BUSINESS

a. GOODWILL RIDERS SNOWMOBILE CLUB – REQUEST TO USE
TOWN PROPERTY FOR TRAIL

Trailmaster Steve Eyles of Shaw Hill Road requested permission from the Council to relocate the existing snowmobile trail in order to avoid the recent residential expansion on Constitution Avenue and make a safer crossing zone on Reeds Brook. Mr. Eyles explained that the Club proposes moving the existing trail to the south side of Reed's Brook over Town-owned land and he provided a map indicating the proposed relocation area. Ryan Armstrong of Kennebec Road will be taking on this project as his Eagle Scout project.

Councilor Arnett said this sounds like a great idea, but asked if the Conservation Commission has reviewed this proposal. Mr. Eyles said he had not been in contact with anyone from the Conservation Commission.

Motion by Councilor Arnett, seconded by Councilor Cox to grant Goodwill Riders Snowmobile Club the use of the Town property subject to affirmative approval from the Conservation Commission – unanimous vote in favor.

b. HAMPDEN ENVIRONMENTAL TRUST – TRUSTEE
RECOMMENDATION TO MOVE TRUST

Manager Lessard reported that due to a substantial increase in the maintenance rates charged at the existing institution, the Trustees of the Environmental Trust have recommended moving the trust funds to Bangor Savings Bank. Motion by Councilor Brann, seconded by Councilor Cox to authorize moving the trust account from Bank of America to Bangor Savings Bank – unanimous vote in favor.

A special Council meeting was scheduled for 7:00 pm on November 24th for the purpose of the Landfill Consultants to give an update on the landfill.

c. APPLICATION FOR RENEWAL OF OUTDOOR WOOD BURNING
FURNACE LICENSE RECEIVED FROM DOUG AND APRIL
STANHOPE, 560 WESTERN AVENUE

Motion by Councilor Arnett, seconded by Councilor Cox to approve the application – unanimous vote in favor.

d. APPLICATION FOR RENEWAL OF LIQUOR LICENSE RECEIVED
FROM PIZZA GOURMET WITH REQUEST TO WAIVE PUBLIC
HEARING

Motion by Councilor Arnett, seconded by Councilor Cox to waive the public hearing – unanimous vote in favor.

Motion by Councilor Cushing, seconded by Councilor Cox to approve the application – unanimous vote in favor.

- e. PUBLIC WORKS COMMITTEE – REQUEST FOR MEETING TO DISCUSS:
- BUS PROGRAM
 - COMPLAINT REGARDING TRANSFER STATION RULES

Motion by Councilor Arnett, seconded by Councilor Cushing to refer these items to the Public Works Committee – unanimous vote in favor. Manager Lessard will contact Public Works Committee Chair Murphy to schedule a meeting.

f. BID RESULTS – MUNICIPAL BUILDING ROOF

Bids for re-roofing of the municipal building were opened on October 17th. Six bids were received with three different options, but one of the bids was withdrawn. Public Works Director Chip Swan recommended acceptance of the bid from Catalano's Construction for Option #1 for 30-year architectural shingles on the original municipal building in the amount of \$17,835.00.

Motion by Councilor Arnett, seconded by Councilor Cox to accept and approve the recommendation of the Public Works Director – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cushing to withdraw the investigation into re-roofing the municipal buildings from the Finance Committee's agenda – unanimous vote in favor.

g. BID RESULTS – PUBLIC WORKS GARAGE DOORS

Three bids were received and opened on October 17, 2008. Public Works Director Chip Swan recommended acceptance of the bid from Overhead Door Co. of Bangor in the amount of \$5,514.00.

Motion by Councilor Arnett, seconded by Councilor Brann to accept the Public Works Director's recommendation and award the bid to Overhead Door Co. of Bangor in the amount of \$5,514.00 – unanimous vote in favor.

4. NEW BUSINESS

a. REQUEST TO CHANGE COUNCIL MEETING DATE

The next regular meeting of the Council is scheduled for Monday, November 3rd, which is the evening before the Election. Manager Lessard asked the Council to consider moving the meeting to the second Monday of the month or to have only one meeting in November.

Motion by Councilor Brann, seconded by Councilor Cox to not hold a meeting on November 3rd and have only one meeting in November – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Arnett reported that the Communications Committee met on October 15th and the minutes were included in the Council's packet as part of the Consent Agenda.

Councilor Arnett further reported that the Charter & Ordinance Committee has received a request to review sections of the Mobile Home Ordinance regarding the requirements concerning heating units in mobile homes. The Committee met earlier this evening and asked the Town Planner and Code Enforcement Officer to review the relevant sections and bring back a recommendation to the Committee at its next meeting. The Committee continues to work on the Town Way Ordinance as it relates to issuing building permits in subdivisions.

Councilor Brann reported that the Finance Committee will meet this Thursday, October 23rd at 7:00 pm.

Councilor Cushing reported that the Economic Development Committee met and is discussing with the current operators of Hamlin Marina a proposal relating to a peninsula of land which Hamlin currently has the option to purchase. It would facilitate them moving some of the public traffic that is currently in the midst of their operation. Economic and Community Development Specialist Dean Bennett has met with officials of State and Federal Government to determine what can be done. Councilor Cushing said this has the potential to be beneficial to the Town and the Committee will keep the Council further abreast of those items as they evolve.

He further reported that the Committee on Committees is working on a draft document and hopes to have something to present to the Council in November. He expressed appreciation to Councilors and residents for their input in this process.

Councilor Cox reported that the Community Services Committee met on October 7th. The nature of the meeting focused on discussions with Tree Board members about the future plans of the Tree Board and its role and responsibilities. The Committee has put work on the Recreation Committee bylaws on hold until the work of the Committee on Committees has been completed. There also was discussion about the pool fee increase and how it was brought forth to the Council. Although it went to the Finance Committee, the Community Services Committee felt it should have been brought into that discussion before it was brought to the Council as the Pool does fall under the purview of Community Services. She pointed out that this highlights the work that is being done by the Committee on Committees about purview and streaming of information to certain committees. She hoped that there would be some clarification coming out that work.

Councilor Colford will be scheduling a meeting of the Public Safety Committee in the near future.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

MANAGER'S REPORT
October 20, 2008

Sewer Liens -

Sewer liens for unpaid sewer bills for the last quarter of 2007 and the first quarter of 2008 will be placed this week. Thirty day notices were sent out a month ago and we have had good response.

Perkins Property - Back Winterport Road -

I had an opportunity to meet with Don Pelletier who purchased the other two parcels that we sold that are adjacent to this one. I will be discussing his offer with the Finance Committee meeting on 10/23 so that they can make a recommendation to the full council about whether or not to accept it.

Candidate's Night -

The Communications Committee is sponsoring a Candidate's Night on Monday, October 27th at 7 p.m. It will be moderated by Annie Gabbianelli O'Reilly and Heather Seavey. All local candidates for all seats have been invited as well as those involved in the State House and Senate races for this district.

Halloween -

Edward's Shop and Save and the Public Safety Department are sponsoring an outdoor Haunted House on Friday, October 31st. There will also be games and indoor activities in the Community Room for children that evening. We are unable to have the indoor Haunted House because it requires that it be set up several days in advance in order to be inspected by the Fire Marshall - and that cannot be done due to the fact that that space is utilized for offices, etc. on a daily basis.

Public Safety

Public Safety Director Joe Rogers has asked for a meeting of the Public Safety Committee of the Council. The department has obtained information on the fire truck that was requested and would like the opportunity to discuss it with the Committee.

Finance Committee Meeting

There will be a Finance Committee meeting on Thursday, October 23rd at 7 p.m. at the Town Office. The Committee will discuss possible ordinance language for the proposed Long Term, Over 65 Tax Rebate Program, the ten year Capital Reserve Plan, Fire Truck Funding, and potential impacts from State flat-funding education in the next fiscal year.

Pool Fees

Attached to this memo is a breakdown of the approximate income difference that would have resulted from the implementation of recently-approved fee increases at the Lura Hoyt Pool if they had been in place for the 2007/2008 fiscal year. With a goal of reaching 50% of operating expenses - we would have been very close if we had implemented these increases at the beginning of the 08/09 Fiscal year in July. This information does not identify how many *different* people utilized the pool - only how many times it was used at all.

School Funding - Current Year and Next Year

I spoke with the school superintendent in regard to the information coming from the Commissioner of Education's office in regard to reduced/flat funding for the 09/10 year as well as the very real possibility of reductions in General Purpose Aid to Education during this fiscal year. Flat Funding at the State Level would require increases at the local level. Just maintaining current contracts with no additional increases will move the school budget 3-3 ½ % - which translates to \$660,000 to \$770,000 in additional monies from the local share - for Hampden that will be \$409,200 to \$477,400. This year we actually saw a slight reduction in our assessment due to increased state funding and changes in the valuation mix between the three district communities. This impact will be in addition to the effect within two years of borrowing for the new high school project. Since education comprises such a large percent of the tax dollars that we collect - this has a significant impact on how we look at our own budgets over the next several years.

PERKINS PROPERTY – BACK WINTERPORT ROAD – Motion by Councilor Brann, seconded by Councilor Cox to forward this item to the Finance Committee as requested by the Manager – unanimous vote in favor.

F. COUNCILOR'S COMMENTS

Councilor Cushing commented that as the Charter & Ordinance Committee met earlier, it ran into a couple of issues regarding Town ordinance standards being higher than those of the State. At times this has created some hardships on individuals and entities in Town to comply with different standards. He suggested it may be time for another goal setting session of the Council and, in the course of that, look at what it is we hope to accomplish and try to develop some guiding principles for staff as we revise the Comp Plan. He feels we need to be sensitive to what drives costs up, but at the same time protect the public good.

In response to Councilor Cushing's comments, Councilor Brann said to keep in mind that when regulations are set by the State and by the Town, they are minimum standards, not the ideal standards. He said the last thing we would want to do is to set the standards so low that when people conform just to the minimum standards, we end up not getting what we would like to see. He said it is a fine line.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:02 p.m.



Denise Hodsdon
Town Clerk

TOWN COUNCIL MINUTES

NOVEMBER 24, 2008

A special meeting of the Hampden Town Council was held on Monday, November 24, 2008 for the purpose of the Town's Landfill Consultant to give a presentation updating the Town Council and public on Pine Tree Landfill. The meeting was called to order by Deputy Mayor Andrew Colford at 7:00 p.m.

Attendance: Deputy Mayor Andrew Colford, Andre Cushing, Shannon Cox, Matthew Arnett, Andrew Colford and Thomas Brann; Mayor Rick Briggs and Councilor Edward Murphy were absent;

Town Manager Susan Lessard;

Pine Tree Landfill Representative Don Meagher, Representatives from Sevee & Maher Engineers; Landfill Consultant Matt Reynolds and Interested Citizens

The Town's Landfill Consultant Matt Reynolds gave a presentation regarding water quality assessment; closure, corrective actions and on-going assessments; and review of closure construction activities. A copy of the presentation is attached hereto.

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


Susan M. Lessard
Town Manager

TOWN COUNCIL MINUTES**DECEMBER 1, 2008**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, December 1, 2008. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:05 p.m.

Attendance: Councilors: Mayor Rick Briggs, Andrew Colford, Matthew Arnett, Thomas Brann, and Shannon Cox; Edward Murphy was excused and Andre Cushing was absent

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Safety Director Joseph Rogers

School Building Committee members Kathy Walker and Norman Prouty

Mayor Briggs noted that Councilor Murphy was unable to attend the meeting and had requested an excused absence. Motion by Councilor Colford, seconded by Councilor Arnett to excuse Councilor Murphy – unanimous vote in favor.

A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. The Consent Agenda was accepted without objection.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

Manager Lessard informed the Council that there was an item which had been inadvertently left off the agenda for this meeting. She requested that the Council set aside the rules to add an item from Goodwill Riders Snowmobile Club regarding relocation of the snowmobile trails.

Motion by Councilor Brann, seconded by Councilor Arnett to set aside the rules to add an item to the agenda – unanimous vote in favor.

Motion by Councilor Arnett, seconded by Councilor Cox to add the item regarding Goodwill Riders Snowmobile Club's relocation of the snowmobile trails to the agenda as Item C.3.c. – unanimous vote in favor.

1. PUBLIC HEARINGS

- a. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE RECEIVED FROM KLITON XHEMALI, d/b/a ANGELO'S PIZZA at 102 MAIN ROAD SOUTH – CONTINUED

This item had been continued from the last meeting because there were some violations with the hood system which needed to be corrected before the license can be issued. Manager Lessard informed the Council that the work has not yet been completed, but is scheduled for December 7th. Motion by Councilor Brann, seconded by Councilor Arnett to continue this item until the next regular meeting – unanimous vote in favor.

- b. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM CARROLL CREW, LLC d/b/a PAT'S PIZZA at 662 MAIN ROAD NORTH

Mayor Briggs 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 – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

- a. PUBLIC SAFETY COMMITTEE – FIRE TRUCK RECOMMENDATION

Public Safety Committee Chair Colford reported that the Committee met with Public Safety Director Joe Rogers and Lt. Ray Pipes of the Fire Department regarding the proposed new truck and he asked Joe to discuss the truck the Department is hoping to acquire. Joe requested permission to solicit bids for a pumper/tanker truck to replace both the current tank truck and the existing second-responding fire engine which is due to be replaced in 1½ years. He noted that there are not enough funds in the reserve account to fully pay for the new truck and if a bid is accepted, the Finance Committee will have to discuss funding options. Councilor Colford reported that it was the Committee's recommendation to go out to bid for a pumper/tanker truck at this time.

Motion by Councilor Colford, seconded by Councilor Cox to allow the Public Safety Director to go out to bid for the fire truck with the specifications requested by the Department – unanimous vote in favor.

b. SCHOOL BUILDING COMMITTEE UPDATE – KATHY WALKER and
NORMAN PROUTY

School Building Committee member Kathy Walker reported that the favorable outcome of the vote on the new school was very gratifying for all who worked on the project. However, now the difficulty will be getting the school constructed as the State has frozen the funding for capital projects and it appears that construction will be delayed for another year until January 2011. With this delay, the Committee is anticipating moving forward with construction in September 2010.

Norm Prouty expressed appreciation to the Council for its work in making this project happen.

The Committee will continue to meet, but it has been restructured and divided into sub-committees which will each deal with different facets of the project. There is an academic sub-committee; a materials/construction sub-committee and Norman Prouty will be part of that committee; and a community use sub-committee, on which Kathy Walker will serve.

It was decided that Kathy and Norm will provide monthly written reports of the Building Committee's activities to the Council as part of its Consent Agenda.

c. GOODWILL RIDERS SNOWMOBILE CLUB – REROUTING OF
SNOWMOBILE TRAIL

Manager Lessard informed the Council that the Goodwill Riders Snowmobile Club is requesting town funding in the amount of \$587.63 to be used to purchase materials to construct three bridges. She noted that the Town receives almost \$3,000 from the State for reimbursement of snowmobile registration fees and currently only \$1,000 of that amount is given to the Club. She asked for permission to use up to \$600 additional funds from the State's reimbursement to be used for this project.

Motion by Councilor Colford, seconded by Councilor Cox to approve up to \$600 from the State snowmobile reimbursement for the Goodwill Riders Snowmobile Club to fix the Reed's Brook trail – unanimous vote in favor.

4. NEW BUSINESS

a. LIBRARY ROOF REPAIRS – AUTHORIZATION FOR PAYMENT OF
\$3900 TO MARDEN CONSTRUCTION FROM RESERVE ACCOUNT

Manager Lessard explained that this is an authorization to pay for the work to be done at the Library. The Town will pay for the materials and Marden Construction will provide labor only. Motion by Councilor Brann, seconded by Councilor Cox to authorize payment of \$3,900 to Marden Construction from the Library Reserve fund – unanimous vote in favor.

b. **MANAGER ANNUAL REPORT - 2008**

A copy of the Manager's Annual Report is attached. It will also be posted on the Town's website.

D. COMMITTEE REPORTS

As Chair of the Public Safety Committee and Appointments Committee, Councilor Colford expressed appreciation to the members of both committees for all their hard work this past year.

Councilor Arnett reported that the Charter & Ordinance Committee met this evening and is working on revisions to the Mobile Home Park Ordinance. The revisions have been completed and will be on the next Council agenda. The Committee continues discussion of Zoning Ordinance text amendments relating to building permits and height and use regulations for water-dependent uses.

Councilor Arnett further reported that the Communications Committee is working on the next newsletter and the deadline for this issue is Friday, December 6th. The Committee continues to review equipment issues and website utilization and is planning a Hampden Highlights Day for Saturday, January 17th in the Community Room.

Councilor Cox reported that the Community Services Committee will be meeting tomorrow at 6:30 pm. Agenda items include updates from the Friends of Dorothea Dix and the Tree Board as well as a review of the Recreation Committee bylaws.

E. MANAGER'S REPORT

Manager Lessard reported that the new ambulance had a fire in the engine compartment while in the bay after returning from a call on Thanksgiving Day. There is video from the surveillance system which will be part of the record for the investigation into what happened. The damage appears to be limited to the engine compartment. The Fire Department is looking into the possibility of getting a loaner ambulance until ours is rebuilt.

She reminded the Council that the Hampden Business Association will be meeting tomorrow at Haverlock, Estey & Curran.

The Annual Tree Lighting will take place this Sunday at 4:00 pm at the Municipal Building.

There has been a suggestion from a resident that the Town collect returnables at the Transfer Station and that the money be dedicated to a Town-maintained fund for fuel assistance. She asked the Public Works Committee to think about this possibility.

Manager Lessard extended her best wishes to Councilor Murphy as he recovers in the hospital.

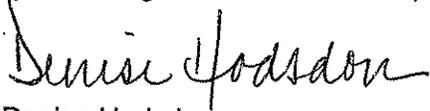
F. COUNCILOR'S COMMENTS

Mayor Briggs said Councilor Murphy extended his appreciation for the flowers and would welcome calls.

Councilor Brann asked whether it would be possible to request that DOT take another look at the speed limit on Route 9 near the railroad tracks. He noted that with the higher speed limit and the crest of the hill, there is a period of time in which vehicles are not visible. He suggested that the siting distances need to be re-examined.

G. ADJOURNMENT

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



Denise Hodsdon
Town Clerk



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

A-4-A

JOHN ELIAS BALDACCI
GOVERNOR

December 8, 2008

Municipal Officials
Town of Hampden
106 Western Ave.
Hampden ME 04444-1428

RE: Submerged Lands Renewal Application – Bangor Water District

Dear Municipal Officials:

The Bureau of Parks and Lands has received an application from the Bangor Water District regarding its existing water main on submerged lands in the Penobscot River between Hampden and Orrington. The District has applied to renew the existing submerged lands conveyance that is expiring. No changes to the structure are proposed.

The purpose of this letter is to provide the municipality and the general public with an opportunity to comment on any significant impacts the structure may have as described on the enclosed Notice. **Please post this Notice in the municipal office.** Because this application involves an existing structure, the Bureau has reduced the comment period to 14 days, unless we receive a request for an extension.

If you have any questions, please feel free to contact me at 287-4922, in writing, or by email to carol.dibello@maine.gov. Thank you.

Sincerely,

Carol DiBello

Carol DiBello
Submerged Lands Coordinator

Enc: notice, plan

cc: Harbormaster w/ enclosures





STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

JOHN ELIAS BALDACCI
GOVERNOR

PATRICK K. MCGOWAN
COMMISSIONER

NOTICE

Applicant: Bangor Water District

Description: Maintain an existing 12 inch water main extending approximately 1,000 feet on submerged lands.

Location: Penobscot River, Hampden to Orrington

Pursuant to Title 12 M.R.S.A., Section 1801 & 1862, the Bureau of Parks and Lands serves as trustee of submerged lands for the State of Maine. Submerged lands include all land from the mean **low-water** mark seaward to the 3-mile territorial limit including all land below the mean **low-water** mark of tidal rivers upstream to the farthest natural reaches of the tides. The Bureau has received an application to renew a 30-year conveyance for the **existing** structure described above.

A new lease or easement may be granted if the structure(s) does not:

- unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, recreation, and navigation) in, on or over the submerged lands;
- unreasonably interfere with fishing or other existing marine uses of the area;
- unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and
- unreasonably interfere with ingress and egress of riparian owners.

While reviewing the application, the Bureau will take into account the fact that the structure has been in place for 30 years, and that some portion(s) may not comply with the current Submerged Lands Rules. As part of the Bureau's review, it will consider whether any non-permanent elements of a structure, such as floats, should be adjusted to improve the distance between structures. A copy of the site plan is attached for information. Any interested party or anyone who is knowledgeable about the area is welcome to comment on possible impacts to the activities listed above. **Comments must be received by the Bureau on or before DECEMBER 23, 2008.**

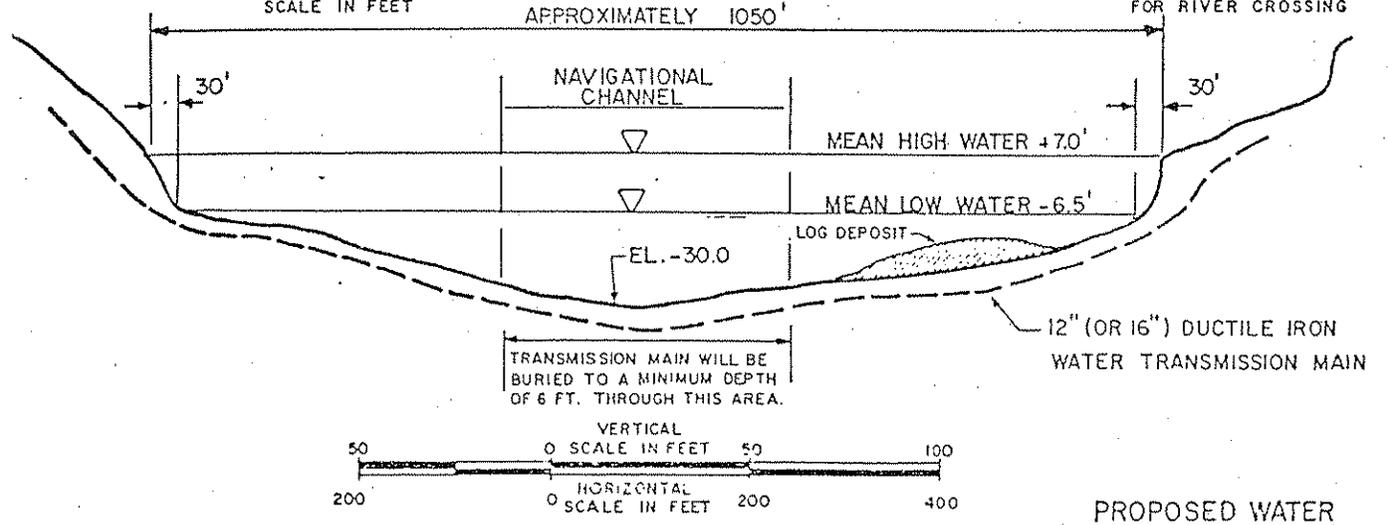
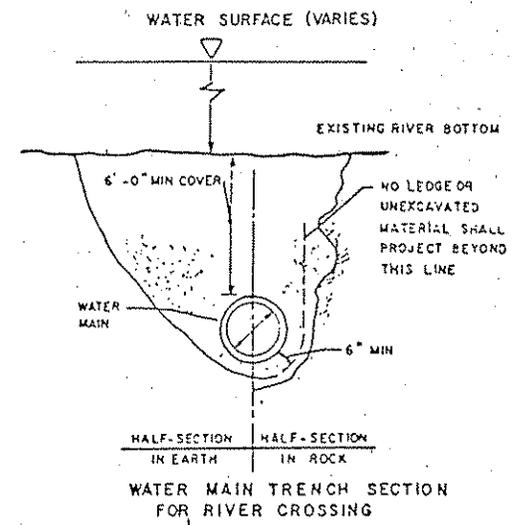
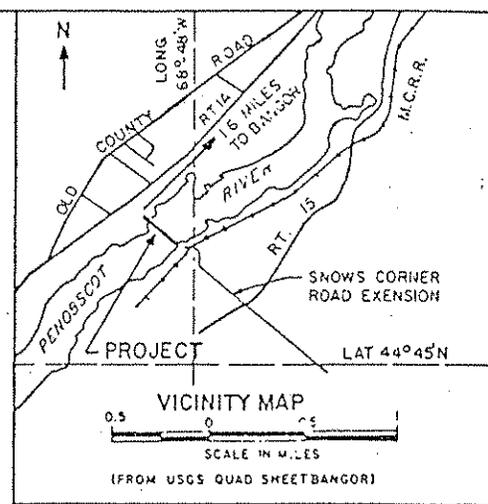
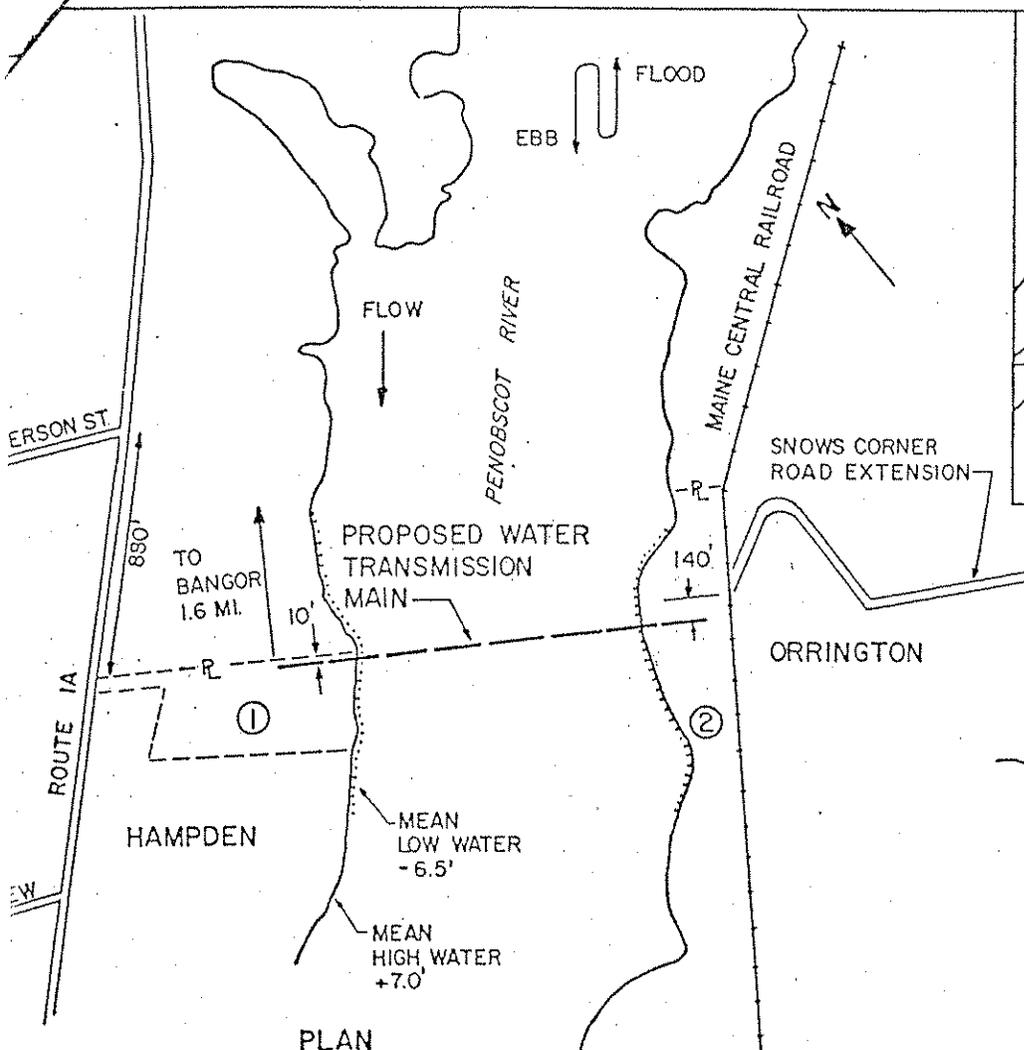
For more information, please contact Carol DiBello, Bureau of Parks and Lands.

Phone: (207) 287-4922

Fax: (207) 287-6170

Email: carol.dibello@maine.gov





PURPOSE: SUPPLY WATER TO HAMPDEN AND ORRINGTON
DATUM: MEAN SEA LEVEL 1929

ADJACENT PROPERTY OWNER:

- ① P. MORRILL
- ② G. COLE

PROPOSED WATER TRANSMISSION MAIN IN PENOBSCOT RIVER

IN THE TOWNS OF HAMPDEN AND ORRINGTON
COUNTY OF PENOBSCOT STATE: MAINE
APPLICATION BY BANGOR WATER DISTRICT
SHEET 1 OF 1 DATE 7/14/78

A-4-b



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: 2009 Hampden Conservation Award
DATE: December 10, 2008

Please be advised that at the November 25, 2008 Hampden Conservation Commission meeting the Commission voted unanimously to support the nomination of Betsy Bass for the Hampden Conservation Award for 2009. The commission found that Betsy has an exemplary public service record in the area of conservation and that she has made a difference in the lives of the students that participate in the Envirothon.

Betsy Bass nomination for 2009 Hampden Conservation Award

The Hampden Conservation Commission unanimously supports the nomination of Betsy Bass as recipient of the 2009 Hampden Conservation Award. Since 2002 Betsy has volunteered to lead the Hampden Academy Envirothon Team. Envirothon is an annual competition in which winning state/provincial teams compete for recognition and scholarships by demonstrating their knowledge of environmental science and natural resource management. The teams, each consisting of five high school-aged students, exercise their training and problem-solving skills in a competition centered on four universal testing categories - soils/land use, aquatic ecology, forestry, and wildlife and a current environmental issue.

For the last 8 years Betsy has helped to mentor and train the Hampden team. Each year 5 to 6 students participate and in a few years Hampden has sponsored two teams. In 2004 the Hampden team won the state of Maine competitions (out of 50-60 teams) and went to the national competition in West Virginia where they were 18th out of 52 teams. The team has won the eastern Maine regional competition several times and placed second in the state competition in 2007.

Betsy invites local experts on soils, aquatic ecology, forestry and wildlife to Hampden Academy to work with the student. This helps students learn many skills, but also allows them to meet career professionals. All Envirothon team members have gone on to college, and most choose majors in the sciences.

Students must develop a project related to the annual current issue. Under Betsy's leadership, students have applied their themes to natural resources in Hampden. Some of the more interesting topics have been:

- 2003 a study of land conservation practices on Hampden farms
- 2004 – managing the cultural landscape – Canoe Club Road Park management plan
- 2006 water stewardship - students designed a greenway trails plan for the Soudabscook Stream corridor
- 2007 – renewable energy – students developed geothermal ideas and other energy efficient designs for the new high school
- 2008 – recreational impacts on natural resources – students assessed the effects of ATV-related erosion on Hampden trails to vernal pools and other aquatic habitats
- 2009 – this year's theme will be biodiversity in a changing world

The students have sometimes made presentations to the Hampden Conservation Commission. Several of their projects, including the Soudabscook Stream greenway and trail erosion have been of great interest to the Commission. The Envirothon students helped with decisions on heating the new school with geothermal technology.

Betsy spends hundreds of hours with the students each year in training, assisting in developing their projects, and transporting them to competitions. The town of Hampden is fortunate to have such a dedicated volunteer.

**EDYTHE L. DYER LIBRARY
BOARD OF TRUSTEES
MINUTES
November 12, 2008**

Members present: Debbie Lozito (ex officio), Don Desmarais, MaryAnn Bjorn, Richard Jenkins, Ruth Stearns, Cheri Condon, Tony Mourkas, Mark Russell and Janet Briggs.

Members absent: Fred Jones, Dave Barrett, Judy Beebe, John Skehan and Yvonne Lambert.

Meeting called to order at 7:35 a.m.

Bill Arata, UBS Advisors, addressed the Board on the state of the Endowment Fund. He proposed changing the mix of commodities and stocks from 28% of the portfolio to 15% of the portfolio with the other 13% being put into bonds.

MaryAnn Bjorn made the motion to 'Accept Bill's recommendations' and Ruth Stearns seconded the motion. After some discussion, vote was called. The motions passed with six members voting yes and one abstaining.

In the interest of time, the remainder of the meeting was tabled and motion was made to adjourn. Meeting was adjourned at 8:55 a.m.

The next meeting will be December 10 at 7:30 a.m.

Respectfully submitted,

Donna Beck
Recording Secretary

	Current Month Renewals		Current Month Circulations		Total	Previous Year Circulations		Cardholders	2008	2007
	November, 2008		November, 2008			November, 2007				
Adult										
Fiction	1538		461		1999		1878		2008	2007
Non-Fiction	223		123		346		271	Resident	2921	2896
Biography	17		10		27		22	ILL	187	193
Maine	15		7		22		22	Library Use	18	12
Magazines	324		110		434		372	Nonresident	344	392
Videos	647		233		880		864	Total	3470	3493
Audios	409		180		589		623			
Adult Total	3173		1124		4297		4052			
Children										
Picture Book	1444		347		1791		1832			
Beginner Reader	162		74		236		221	Hampden	-11	2921
Board Book	90		50		140		87	Bangor	0	34
Juvenile Fiction	357		166		523		534	Hermon	0	24
Juvenile Non-Fiction	106		38		144		184	ILL	-5	187
Juvenile Biography	8		5		13		13	Newburgh	0	54
Young Adult	235		74		309		197	Winterport	1	145
Juvenile Video	511		284		795		862	*Other	0	87
Juvenile Audio	117		64		181		210	Library Use	6	18
Children Total	3030		1102		4132		4140	Total	-9	3470
*Minerva ILL in	0		0		677		687			
*Minerva ILL out	0		0		624		643	than 25 patrons		
Netlibrary downloads					22		30	Netlibrary registered patrons	2008	2007
Monthly Circulation	6203		2226		8451		8222		95	95
YTD previous month	10346		28501		38847		8222			
YTD current month	16549		30727		47276		8222			

*These are included in Circulation report

New Cards # per town

*Other includes towns with less than 25 patrons

Netlibrary registered patrons

3

*Edythe L. Dyer Community Library Circulation Report
November, 2008*

Edythe L. Dyer Community Library
Director's report for the month November, 2008
Presented at the Annual Meeting of the Trustees
Wednesday December 10, 2008
At 7:30 am
At The Library

During November 210 children and 182 adults came to the Library to participate in 23 programs. Our second annual Daddies and Donuts program was extremely successful. Seventeen Dads, four moms, and 26 children enjoyed stories read by four of the Dads. We already have one Dad signed up to read next year. Moms will have their turn in January when we have our second annual Mommies and Muffins program.

The town council has approved expenditure from the library reserve account so that the riverside roofs can be repaired. That roof leaks quite badly during the winter. Marden Construction will do the work early in December.

One hundred ten invitations were sent for the Endowment Reception to be held this year at the library on December 4th.

Respectfully submitted,



Debbie Lozito

Rapid Renewal Transaction Volume Summary
Town of Hampden: Transaction date >= 20081101 and < 20081201

A-5-6

Payment Method	Transaction Count	Transaction Amount	Processing Fees
Credit/Debit Card	0	0.00	0.00
Electronic Check	33	5517.24	0.00
TOTAL	33	5517.24	

Class Code Summary

Class	Count
BB	1
CR	6
LB	2
PC	23
VT	1

Rapid Renewal
November 2008



HAMPDEN PUBLIC SAFETY

Police - Fire - EMS
106 Western Avenue
Hampden, Maine 04444
Phone 207-862-4000
Fax: 207-862-4588

C-1-a



RE: Angelo's

Located at: 102 Maine Road South

I re-inspected Angelo's on December 10, 2008 and found the new hood system was completed. It is now up to code per NFPA 96. All proper safety requirements are in place.

Keith Barnhard

A handwritten signature in cursive script that reads "Keith W. Barnhard".

Fire/Building Inspector



State of Maine
Department of Public Safety
Construction Permit



Not
Reviewed
for Barrier
Free

Not Sprinkled

18127

ANGELO'S

Located at: 102 MAINE RD.

HAMPDEN

Occupancy/Use: BUSINESS

Permission is hereby given to:

ANGELO'S

102 MAINE RD.
HAMPDEN, ME 04444

to construct or alter the afore referenced building according to the plans hitherto filed with the Commissioner and now approved.

No departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 .

Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the 2 nd of June 2009

Dated the 3 rd day of December A.D. 2008

Commissioner

Copy-6 Fire Department

Comments:

Schmoemoe Commercial
Kitchens

12-9-08

2178 Northfield Rd
Northfield, me

Duct system for Angelo's PIZZA

102 main Rd South
Hamden me

constructed by Schmoemoe
Kitchens is up to N.F.P.A. 96
State Fire Code and Ready
for use.

phone # 256-6384

Brian D. Cawane

Brian D. Cawane



TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Public Hearing Date: 11/17/08
(if applicable)

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Angelo's Pizza Klinton Xhemali
Business Name Individual

ADDRESS: 102 Main Rd. South PHONE: 862-2224

MAP/LOT: Map 43/Lot 36 DATE: 10/15/08

DEPARTMENT REPORT:

I inspected Angelo's Pizzeria and found the hood system had some violations. I spoke with the owner and he understands the violations. He has already hired a professional to come inspect the hood and make a plan of corrections. The owner stated that the works should be completed in a couple of weeks. He stated that he will have to close down for a couple of days while the work is going on. He will keep me updated and I will re-inspect it upon completion. I feel that we

DATE: 11-10-08

BY: Keith W. Barnhart
Title: Fire/Building Inspector

over

BY: _____
Title: _____

Should issue his Victualer's License with the condition that the hood system will be brought up to code in the next couple of weeks.

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 10/ PHONE NUMBER: 862 2224

NAME(S): Kliron Xhernali

ADDRESS: 7 HUSSON AVE BANGOR ME

NAME OF BUSINESS: Angelos Pizzeria

LOCATION OF BUSINESS: 102 main rd South

SIGNATURE: [Signature]

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

[Signature]
Code Enforcement Officer

Keith W. Bamhart
Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

cc [Signature]
Tax Collector

cc [Signature]
Town Treasurer

Please return completed form to: **Town Clerk
Town of Hampden
106 Western Avenue
Hampden, ME 04444**

LICENSE FEE: \$50.00 Date Received/Fee Paid: OCT 14 2008 / \$50.00

C-1-b



TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Public Hearing Date: 12/15/08
(if applicable)

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Edwards Family Shop N Save Dana Edwards
Business Name Individual

ADDRESS: 77 Western Avenue PHONE: 862-5444

MAP/LOT: Map 31, Lot 2 DATE: 12/1/08

DEPARTMENT REPORT:

Inspected on December 8, 2008 and
found all Proper safety requirements to
be in place.

DATE: 12-8-08

BY: [Signature]
Title: CEO

BY: Keith W. Barnhart
Title: Fire/Building Inspector

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

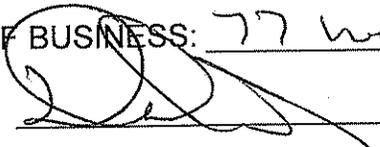
DATE: 11/25/08 PHONE NUMBER: 207-862-5444

NAME(S): Edwards Family Shop n Save / Donna Edwards

ADDRESS: 77 Western Ave.

NAME OF BUSINESS: Edwards Family Shop n Save

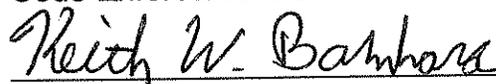
LOCATION OF BUSINESS: 77 Western Ave.

SIGNATURE: 

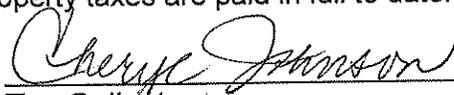
(FOR TOWN USE ONLY)

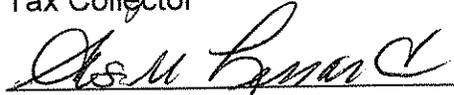
*This facility has been inspected and meets ordinance criteria.


Code Enforcement Officer


Fire Inspector/Building Inspector

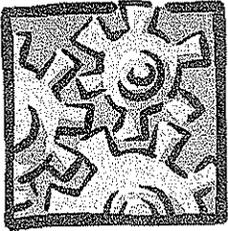
*All sewer user fees and personal property taxes are paid in full to date.


Tax Collector


Town Treasurer

Please return completed form to: **Town Clerk
Town of Hampden
106 Western Avenue
Hampden, ME 04444**

LICENSE FEE: \$50.00 Date Received/Fee Paid: 12/1/08 1\$50.00



Penobscot Valley Council of Governments

40 Harlow Street • Bangor, Maine 04401-5102
1-800-339-6389 • (207) 942-6389 • (207) 942-3548 Fax

Invoice

Town of Hampden
106 Western Avenue
Hampden ME 04444-1428

04/08/2008

Invoice #: 7110 Order #:

Description: Local assessment for Regional Open Space Plan as outlined in Municipality-PVCOG
Memorandum of Understanding

Total Amount Due

\$3,163.50

RECEIVED
APR 20 2008

BY: V399

BY:



From the Desk of Gretchen Heldmann, GIS/IT Specialist

Thoughts on the Trust for Public Lands Regional Greenprinting Project to Date

Summary: The TPL Greenprinting project aims to identify areas of local importance for conservation and park creation. This process is accomplished through stakeholder meetings of people of various backgrounds and agendas. The end product is a GIS map of the region with high-priority conservation areas set apart from areas geared for development. The GIS data put into the Greenprint GIS model comes from state and local sources, and is coded to reflect the priorities as identified through stakeholder meetings. Therefore, when the model is run, it prioritizes data layers over one another to produce the highest priority areas.

My Thoughts: I was skeptical of this process at first, because local GIS data is not readily available- or so I thought. However, as a member of the Technical Advisory Team (TAT), it became apparent after a few meetings of the TAT that local datasets are available. Individual towns may not hold GIS data or use GIS, but their consultants (EMDC for example) have quite a few GIS datasets available, including parcels, zoning, trails, and more.

My experience with the TAT has been a positive one; the members of the TAT are diverse and present useful viewpoints that help others to think of things they may not have thought of otherwise. As a municipal employee, I am constantly thinking, "Is this practical? Is it a wise use of [time, money, personnel]?" I find that the other members of the TAT appreciate this view and have often pared down their wishes in order to come up with a model that is feasible, efficient, and effective. I feel that so far the work of the TAT has been meaningful and will result in a useful end product- a GIS model and map for both the region and Hampden.

TPL did a Greenprint for my home state of Connecticut, and it looks extremely useful. This product is a valuable resource for local officials to use that do not otherwise have access to or knowledge of how to use a GIS software program. This web-based tool can be utilized by anyone, anywhere, and it puts all the information out there so everyone can be on the same page. The Litchfield, CT Greenprint is here:

http://tpl.geocortex.net/imf/sites/Litchfield_Greenprint/jsp/launch.jsp

TRANSFER STATION – TRUCK WEIGHT

C-3-C

The concern raised is in regard to the fact that we set a truck weight limit for use of the transfer station in an attempt to keep larger vehicles out. The weight set was 10,000 lbs – the same as a regular half ton pick-up normal weight. The problem is that some people register their regular trucks from more weight in order to haul campers, snowmobile trailers, tractors, etc. Many people who are in this position also have another vehicle registered but generally it is a 'wife's car' situation in which they use the truck to transport the trash. Last year at this time we were issuing stickers but had not refined the rules to the point of truck weight limit so this question was not an issue when they got their stickers.

The Public Works Director suggested that we amend the rules to regular pick-up trucks with 6-8 foot bodies regardless of weight. That would solve this problem without opening the facility up to trucks with dump bodies, etc.

C-3-d

**Committee on Committee
Report to Town Council
December 15, 2008**

Recommendations:

A. Council Sub-Committees

1. Reduce and the number of Council Sub-Committees from 8 to 5.

New Committee

Former Committee

- | | |
|--------------------------|-----------------------------|
| 1. Public Works | 1. Public Works |
| 2. Public Safety | 2. Public Safety |
| 3. Community Services | 3. Community Services |
| | 4. Communications Committee |
| 4. Community Development | 5. Economic Development |
| | 6. Charter/Ordinance |
| 5. Finance | 7. Finance |

Appointments Committee responsibilities to be directed to the applicable Council Sub-Committee having jurisdiction.

2. Establish meeting days for Council Sub-Committees.

Sub-Committee Meetings: Alternating Tuesdays & Thursdays @ 7:00 pm

B. Agenda Items

1. Prior to placement on a Council agenda, all items shall obtain a sitting Councilor's sponsorship. A sponsoring Councilor will present a summary of the item to the full Council.
2. Items requiring Town Council consideration must be directed to a Council Committee of appropriate jurisdiction. Committee's of jurisdiction will hold work sessions and seek staff and public input prior to presenting report with recommendation for action to the full Council..

C-3-e



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Mobile Home Park Ordinance Amendment
DATE: December 10, 2008

The Town Council may recall that some time ago Hampden Trailer Park's owner Ed Emmons spoke to the Council during an open discussion about some concerns that he has about the current Mobile Home Park Ordinance. Subsequently in October he requested to speak to the Council's Charter and Ordinance Committee to specifically address his issues which primarily centered around annual inspections and certifications each trailer. The Charter and Ordinance Committee asked the attending staff (Code Enforcement, Public Safety and Planning) to address these comments and subsequently there was a consensus that some reasonable accommodation was advisable.

At the Charter and Ordinance Committee's December 1, 2008 meeting the committee voted unanimously to refer the attached amendment for public hearing.

**TOWN OF HAMPDEN
Draft**

The Town of Hampden Hereby Ordains
Proposed Amendments to the Mobile Home Park Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

**TOWN OF HAMPDEN, MAINE
MOBILE HOME PARK ORDINANCE**

ENACTED DATE: October 12, 2004
EFFECTIVE DATE: November 12, 2004

AMENDED: Hampden Town Council, June 19, 2006
Effective Date, July 19, 2006

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

**MOBILE HOME PARK ORDINANCE
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ARTICLE 1
GENERAL PROVISIONS

1.1. Title. This Ordinance shall be known as the "Mobile Home Park Ordinance of the Town of Hampden, Maine," and shall be referred to herein as the "Ordinance."

1.2. Authority. This Ordinance is enacted under the authority granted to the Town by the constitution and statutes of the State of Maine.

1.3. Purposes. The purposes of this Ordinance are:

1. To promote the public health, safety and welfare of the residents of the Town;
2. To establish standards for mobile homes located in mobile home parks;
3. To establish standards for the maintenance and operation of mobile home parks;
4. To establish standards for the maintenance and occupancy of mobile homes and mobile home lots located in mobile home parks; and
5. To establish a licensing and enforcement mechanism for mobile home parks.

1.4. Applicability. The provision of this Ordinance shall apply to all mobile home parks, and the mobile homes located within mobile home parks, as defined by this Ordinance and by Title 30-A M.R.S.A. § 4358, located within the Town of Hampden on or after May 1, 2004.

1.5. Conflict With Other Ordinances. Whenever the requirements of this Ordinance are in conflict with the requirements of any other rule, regulation, ordinance, or statute, the more restrictive requirement shall prevail, unless otherwise prohibited by state law or expressly provided for in this Ordinance.

1.6. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

Accessory Structure: A structure of a nature customarily incidental or subordinate to the principal structure.

Code Enforcement Officer: A person or persons appointed by the Town Manager to administer and enforce Town Ordinances. The term shall also include Building Inspector, Fire Inspector, Local Plumbing Inspector and the like, if applicable.

Licensee: The mobile home park owner or the applicant for a mobile home park license.

Mobile Home: Two types of mobile homes are included in this definition:

1. *Certified mobile home.* Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein. This term shall also include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which

the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Codes 5401, et seq.

2. *Non-certified mobile homes:* Those units constructed prior to June 15, 1976, meaning structures, transportable in one (1) or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Mobile Home Owner: A person having ownership and/or legal control of a mobile home herein after referred to as home owner.

Mobile Home Park: A parcel of land under unified ownership approved by the Town for the placement thereon of three or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual mobile home is situated within a mobile home park and which is reserved for use by the occupants of that mobile home.

Mobile Home Park Owner: A person having ownership and/or legal control of a mobile home park herein after referred to as Park Owner.

Mobile Home Stand: The part of an individual mobile home lot which has been constructed and reserved for the placement thereon of a mobile home.

Person: An individual, partnership, corporation, limited liability company, limited liability partnership, trust or any other form of legal entity recognized under the laws of the State of Maine.

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to something located on the ground, including, but not limited to, buildings and mobile homes.

Utility Structure: A structure located on a mobile home lot which is designated and used for the storage and use of personal property of the mobile home occupants.

1.7. Conversion of Mobile Home Park. No individual mobile home lot in a mobile home park may be sold or conveyed, unless said lot meets all of the minimum requirements for a lot in the zoning district in which it is located.

1.8. Administration. It shall be the responsibility of the Code Enforcement Officer to approve, approve conditionally, or disapprove mobile home park licenses, to issue certificates of compliance where warranted, to enforce the provisions of this Ordinance, and to carry out the inspections required by this Ordinance.

1.9. Transition Provisions. All mobile home parks that had a mobile home park license under the Zoning Ordinance as of April 30, 2004 may continue to operate under said license. Provided, however, that any such park and the mobile homes contained therein shall be governed by the provisions of this Ordinance. The owner or operator of a mobile home park shall apply for a license under this Ordinance by not later than April 1, 2005, and the Park shall be licensed under this Ordinance by not later than August 1, 2005. Failure to make application within the time specified shall constitute a violation of this Ordinance. In addition, the continued operation or maintenance of a mobile home park without a license and/or in violation of the provisions of this Ordinance after August 1, 2005 shall constitute a violation of

this Ordinance. Any non-certified mobile home located in a mobile home park on the date of adoption of this Ordinance shall be brought into compliance with the requirements of Article 8 by not later than August 1, 2005.

1.10. Separability. In the event that any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such action shall not be deemed to affect the validity of any other provision of this Ordinance.

ARTICLE 2 ANNUAL MOBILE HOME PARK LICENSE REQUIRED.

2.1. No person shall establish, operate, or maintain a mobile home park in the Town of Hampden without first obtaining an annual license issued in conformity with the provisions of this Ordinance.

2.2. The Code Enforcement Officer shall be responsible for the review of license applications, and shall approve, approve with conditions, or deny any license application. The applicant has the burden to demonstrate that the application complies with the provisions of this Ordinance, as well as all applicable laws, ordinances, statutes, or regulations.

2.3. Each license shall expire on the first day of August next following the date of issuance. Applications for license renewal shall be submitted no later than the first day of June in order to be acted upon by the first day of August.

2.4. The Code Enforcement Officer is hereby authorized and directed to make inspections of mobile home parks and the mobile homes located therein to determine the condition of the parks and mobile homes in order to safeguard the health and safety of the occupants of mobile home parks. The Code Enforcement Officer shall inspect ~~each mobile home in the park~~ and if necessary individual mobile homes within the park as well as the park itself prior to making a decision on a license application. The Code Enforcement Officer, or a duly authorized representative, shall have the authority to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the administration or enforcement of this Ordinance.

2.5. A license application shall be in writing, and shall contain the following:

1. Name, address, and telephone number of the applicant. If the applicant is not the mobile home Park Owner, the applicant must also provide the name and address of the Park Owner, as well as the legal relationship of the applicant to the Park Owner and documentation evidencing the applicant's legal authority to operate or maintain the mobile home park.
2. A register containing the record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 1. The name of the owner of each mobile home in the park.
 2. The manufacturer's name, model number, year, and serial number of each mobile home.
 3. The lot location by number of each mobile home.
 4. If not owner-occupied, the names of the occupants of each mobile home.

5. The Park Owner shall keep the register up to date, and available for inspection at all times by law enforcement officers, emergency services personnel, code enforcement officials, and other officials whose duties necessitate acquisition of the information contained in the register.
3. A mobile home park plan, prepared and / or certified by a professional land surveyor, drawn at a scale of not less than one inch equals 40 feet, depicting the boundaries of the park, the streets within the park, the common areas within the park, the mobile home lots within the park, and the location of each mobile home within the park. For emergency purposes, the lot numbering required by Article 3 shall be shown on the plan.
4. The name of the mobile home park.
5. The license application shall also be accompanied by the application fee established by the Hampden Fees Ordinance.
6. A park management plan, including a 24 hour contact person, rules of the park, schedule for park maintenance, trash removal, and road maintenance for the park.

2.6. The Code Enforcement Officer shall issue a written decision on the application for a mobile home park license. In order to grant a license, the Code Enforcement Officer must find the following:

1. That the mobile home park is in compliance with all applicable laws, ordinances, regulations, and has received all necessary approvals from the Town of Hampden and the State of Maine.
2. ~~That the mobile home park, and all of the mobile homes and mobile home lots located therein, are in compliance with all of the requirements of this Ordinance, including the safety standards set forth in Article 8. Deleted~~
3. ~~For renewal licenses,~~ That the Park Owner has complied with the requirements of this Ordinance during the term of the prior license.

2.7. The Code Enforcement Officer may issue a conditional license if the Park Owner enters into a written agreement with the Town that contains a detailed schedule of compliance setting forth the specific improvements to the park, mobile home lots, or mobile homes that the Park Owner shall make during the term of the license. If the Park Owner fails to comply with the provisions of said agreement, said noncompliance shall be the grounds for revocation, or non-renewal, of the license.

2.8. The Code Enforcement Officer, after notice and a hearing on the matter, may revoke any license to establish, maintain or operate a mobile home park upon making a finding that the park is not being operated or maintained in accordance with the provisions of this Ordinance, or any other applicable law or ordinance.

ARTICLE 3 MOBILE HOME LOT IDENTIFICATION.

3.1. Each mobile home lot shall have a number supplied by the Park Owner, and the lots shall be numbered in an orderly, consecutive fashion. Even numbers shall be on one side of the street and odd numbers shall be on the opposite side of the street.

3.2. Each mobile home shall be numbered in a manner consistent with the number assigned to the lot.

3.3. The mobile home lot number shall be at least three inches high, and the Park Owner shall be responsible for the placement and maintenance of the numbers on each mobile home in a prominent place so that they may be readily observable by emergency services personnel.

3.4. The Park Owner shall be responsible for the placement and maintenance of the lot numbers on the electrical service (i.e., meter junction box) for each mobile home.

**ARTICLE 4
MOBILE HOME PARK STREET IDENTIFICATION.**

4.1. The Park Owner shall cooperate with the Code Enforcement Officer to establish names for streets within the mobile home park. Said street names shall be substantially different than existing street names within the Town of Hampden so as not to be confused in sound or spelling. In general said streets shall have names not numbers or letters.

4.2. The Park Owner shall erect, and maintain, street name signs at all street intersections, which signs shall contain lettering that is reflectorized.

**ARTICLE 5
OBLIGATIONS OF PARK OWNERS.**

5.1. The Park Owner shall provide the occupants of the mobile home park with a copy of this Ordinance, and inform the occupants of their duties and responsibilities under this Ordinance.

5.2. The Park Owner shall operate the mobile home park, or cause the same to be operated, in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities, improvements, and equipment in good repair and in a clean and sanitary condition, as well as in compliance with all state and local laws, regulations, or ordinances.

5.3. The Park Owner shall maintain all streets, roadways and driveways in the mobile home park in good repair, and shall keep the same clear of snow, ice, standing water, and debris. In addition, the streets and roadways in the mobile home park shall be constructed and maintained so as to comply with the "Fire Lane" requirements of the Town of Hampden Fire Prevention Code.

5.4. The Park Owner shall maintain the mobile home park in a clean, orderly, safe and sanitary condition at all times.

5.5. The Park Owner shall remove any abandoned, burned, dilapidated, or abandoned mobile home from the mobile home park within ten business days of a notice from the Code Enforcement Officer.

5.6. The Park Owner shall not permit the presence or any accumulation of any (1) abandoned, unregistered or un-inspected motor vehicles, or parts thereof, or (2) discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment; household appliances; furniture; discarded, scrap or junked lumber; old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or scrap iron, steel or other scrap ferrous or nonferrous material, or other solid waste or debris in the mobile home park, whether on the streets or other common areas under the control of the Park Owner or on the individual mobile home lots.

5.7. The Park Owner shall be responsible for the proper placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections. Owner shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home from the park.

5.8. The Park Owner shall conspicuously post a copy of the license in Park Owner's office or on the premises of the mobile home park at all times.

5.9. The Park Owner shall notify the Code Enforcement Officer and Tax Assessor, in writing, of the arrival or impending departure of any mobile home or any change of ownership that occurs within the park.

5.10. The Park Owner shall make adequate provision for the storage, collection, and lawful disposal of all refuse from the mobile home park, and shall take adequate measures to prevent the creation of health hazards, rodent harborage, insect breeding areas, accident hazards, or air, water, or ground pollution. All refuse and garbage shall be bagged in plastic garbage bags by the homeowner or occupant for storage in fully and tightly enclosed, watertight, rodent-proof containers, which shall be provided by Owner in sufficient number and capacity to prevent any refuse or garbage from overflowing. Satisfactory container racks or holders shall be provided by the Owner and shall be located not more than 150 feet from any mobile home lot, or the Park Owner shall cooperate with the Code Enforcement Officer to establish mutually agreed upon locations.

5.11. The Park Owner shall bring all nonconforming non-certified mobile homes into compliance with the safety standards of Article 8. The Code Enforcement Officer may, as part of a conditional license, enter into a schedule of compliance with the Owner.

5.12. The Park Owner shall provide adequate supervision to ensure that the mobile home park, mobile home lot, mobile homes, and the owners or occupants of mobile homes comply with the provisions of this Ordinance. Owner shall include provisions in rental agreements requiring that individual owners or occupants of mobile homes shall comply with the provisions of this Ordinance, and Owner shall be obligated to pursue legal remedies for any breach of those requirements.

5.13. The Park Owner shall cooperate fully with the Code Enforcement Officer in the administration and enforcement of this Ordinance, including providing assistance in gaining access to mobile homes for the required inspections.

5.14. The Park Owner shall not assign or transfer the license without the prior approval of the Code Enforcement Officer. Any assignment or transfer shall be subject to the condition that the transferee agree in writing to abide by the terms and conditions of the license and this Ordinance.

5.15. The owner(s) of the land on which the mobile home park is located shall be ultimately responsible for compliance with this Ordinance, and shall remain responsible therefor regardless of the fact that this Ordinance may also place certain responsibilities on the license holder, or mobile home owners and/or occupants. This shall be so regardless of any agreements between the owners of the land and the license holder or owner/occupants of mobile homes as to which parties shall assume such responsibility.

ARTICLE 6 OBLIGATIONS OF MOBILE HOME OWNERS OR OCCUPANTS.

6.1. It shall be the duty of the owners or occupants of mobile homes in a mobile home park to give the Code Enforcement Officer access to the mobile homes at reasonable times for the purpose of conducting an inspection thereof to determine satisfactory compliance with the requirements of this Ordinance.

6.2. The owners or occupants of mobile homes in a mobile home park shall comply with all applicable requirements of this Ordinance, and shall maintain his/her mobile home, mobile home lot, and any facilities, improvements, or equipment, in good repair and in a clean and sanitary condition. The home

owner or occupant shall not cause or permit the presence or accumulation of the items specified in Article 5.6 on his/her mobile home lot, or at any other location within the mobile home park.

6.3. No home owner or occupant shall allow animals in his/her custody to run at large, or commit any nuisance, within the mobile home park.

6.4. No home owner or occupant shall permit his/her mobile home to be occupied by a greater number of persons than that for which it was designed.

6.5. The space directly beneath each mobile home shall be kept clean and free from refuse, or other combustible materials.

6.6. No home owner or occupant shall permit the parking of vehicles or the storage of personal property so as to interfere with access to the lots or mobile homes in the mobile home park by other owners or occupants, or especially with access by emergency vehicles or personnel.

6.7. No home owner or occupant shall locate or use a utility structure on his/her lot unless it is located no closer than 10 feet to any mobile home or other utility structure, and is made of noncombustible materials. In addition, said structure shall not exceed 150 square feet in area and 10 feet in height.

6.8. No home owner or occupant shall dispose of any garbage or refuse except by first bagging the garbage or refuse into a plastic garbage bag and the placing them into provided facilities in a clean and sanitary manner.

6.9. The individual owner of a non-certified mobile home shall be responsible for bringing the mobile home into compliance with the safety standards set forth in Article 8. The Code Enforcement Officer is authorized to enter into a schedule of compliance with such a home owner.

ARTICLE 7

RESTRICTIONS ON THE SALE, LEASE, TRANSFER, OCCUPANCY OR LOCATION OF MOBILE HOMES IN A MOBILE HOME PARK.

7.1. No person may sell, transfer, or otherwise convey a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance. The provisions hereof shall not apply to a mobile home that is being removed from the mobile home park.

7.2. No person shall locate, move from one mobile home lot to another mobile home lot, or replace a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance.

7.3. No person shall permit or allow the occupancy of a mobile home in a mobile home park for dwelling purposes without a prior Certificate of Compliance from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good

state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance, and that the mobile home is properly placed on a mobile home stand and properly connected to water, sewer, and electrical utilities. The Park Owner shall be responsible for the proper installation of all utility connections, which shall be accomplished by duly qualified and licensed persons.

7.4. The placement of a mobile home that is not (1) a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws, or regulations, including the requirements of Article 8 of this Ordinance in or near the mobile home park is strictly prohibited. The area of the mobile home park and any of Park Owner's land in the vicinity shall not be used as a staging area for the rehabilitation of non-certified mobile homes. The foregoing shall not preclude the rehabilitation of mobile homes that existed in a park as of the date of adoption of this Ordinance.

ARTICLE 8 SAFETY STANDARDS.

8.1. The purpose of this Article is to establish minimum standards to attain a condition of safety that will allow a non-certified mobile home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

8.2. These standards shall apply to all non-certified mobile homes located in mobile home parks. These standards shall also apply to any non-certified mobile homes being brought into parks.

8.3. *Standards.*

8.3.1. *Light and Ventilation*

1. Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area.
2. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.

8.3.2. *Ceiling Height.* Every habitable room shall have a minimum ceiling height of 6 feet and 6 inches.

8.3.3. *Exit Facilities – Exterior Doors*

1. Homes shall have a minimum of two exterior doors located remote from each other.
2. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
3. Doors may not be less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors.

4. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
5. All exterior swinging doors in mobile homes shall provide a minimum door leaf dimension of 28 inches wide by 74 inches high. Notwithstanding this regulation replacement swinging doors that were installed prior to adoption of this ordinance measuring at least 28 inches in width by 72 inches in height shall not require replacement. All exterior sliding glass doors shall provide a clear opening of at least 28 inches wide by 72 inches high. Locks shall not require the use of a key for operation from the inside.

8.3.4. Exit Facilities – Egress Windows and Devices. Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor.

1. *Exception.* In lieu of this regulation, an approved automatic sprinkler system may be installed in accordance with NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.*

8.3.5. Interior – Doors. Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

8.3.6. Room Requirements

1. Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a manufactured home.
2. Every home shall have at least one common area with no less than 150 square feet of gross floor area.
3. All bedrooms shall have at least 50 square feet of floor area.
4. Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two.
5. ~~Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with rod and shelf. Deleted.~~
6. Bedrooms shall have an operable door with a latch to separate the room from the common area.
7. Each toilet compartment shall have a minimum of 21 inches of clear space in front of each toilet.
8. Hallways shall have a minimum horizontal dimension of 28 inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

8.3.7. Fire Detection Equipment All homes, regardless of the date of manufacture, shall meet the following requirements. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
5. Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of the detector shall be located 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connector by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

8.3.8. Cooking Unit Separation. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

8.3.9. Kitchen Cabinet Protectors All homes, regardless of the date of manufacture, shall meet the following requirements.

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3 inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood will not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

8.3.10. Carpeting. Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8.3.11. Roof Loads. Prior to construction of an addition or alteration of the roof of a mobile home design plans bearing the seal of a State of Maine registered professional engineer shall be submitted. Said plans shall demonstrate that the roof design can withstand any snow loads or wind uplifts that may occur. Building Inspector shall inspect the roof framing and supporting members prior to sheathing.

8.3.12. Floors. All floors shall be of a solid construction to protect users of the mobile home from the hazard of an unsafe floor.

8.3.13. Exterior Coverings. Exterior coverings shall be of moisture and weather resistant materials to resist wind, snow, sleet, or rain.

8.3.14. Deleted

8.3.15. Plumbing Systems. A person holding a master license issued by the State of Maine Plumbers Examining Board shall inspect and certify that the plumbing system is in conformance with the requirements of the Maine State Plumbing Code, is safe and verify that the following conditions are met.

1. The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.
2. Water closets are adjusted to use a minimum quantity of water consistent with proper performance and cleaning.
3. All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.
4. All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing under normal occupancy. To prevent freezing, a modern technological designed heat cable should be used.
5. All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine.
6. Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.
7. Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl.
8. Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.
9. Water supply plumbing systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage.

10. Each home shall be equipped with a kitchen sink and bathtub and/or shower and be provided with a hot water supply system including a listed water heater.
11. No part of a water system shall be connected to any drainage or vent piping.
12. All new plumbing after the effective date of these standards shall be lead free with solders and flux containing not more than 0.2 percent lead and pipes and pipe fittings containing not more than 8.0 percent lead.

8.3.16. Heating and Fuel Burning Systems

1. A person holding a master license issued by the State of Maine Oil and Solid Fuel Technicians, Board of Licensure and/or a person holding a master license issued by the State of Maine Propane and Natural Gas Technicians, Board of Licensure shall inspect and certify that the heating and fuel system is in a safe condition and meets all ~~current~~ State of Maine laws and rules as adopted by said boards.
2. Heat-producing appliances and vents, roof jacks and chimneys necessary for installation in mobile homes shall be listed or certified by a nationally recognized testing agency for use in mobile homes.

8.3.17. Electrical System. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system that is accessible, including the wiring of the smoke detector, is safe and meets the National Electrical Code in effect at the time the mobile home was constructed.

1. Homes wired with aluminum conductors shall meet the current Underwriter Laboratory (UL) requirements for connecting to branch circuits of 30 amps or less. (Note: The intent of this is not to require the mobile home to be rewired, but only to require that U. L. Listed conductors be affixed to receptacle switches and light fixtures. There are several methods of doing this. The most preferred is the "pig tail" method.)

8.3.18. Minimum Separation Requirements. No mobile home shall be located closer than twenty (20) feet from another mobile home or ten (10) feet from a utility structure. Notwithstanding this regulation mobile homes placed end to end shall ensure a minimum separation of ten (10) feet. Any mobile home that was not in compliance with the prescribed separation requirements as of the date of adoption of this Ordinance may remain at that location, but any replacement for such a mobile home shall meet the separation requirements to the greatest practical extent as determined by the Code Enforcement Officer, and in no event shall the replacement mobile home be located so as to make the separation distances more nonconforming. Provided, however, that the replacement of a non-certified mobile home with a certified mobile home shall be permitted if the following conditions are met: (1) the separation requirements are met to the greatest practical extent as determined by the Code Enforcement Officer, (2) the replacement mobile home is no wider than fourteen (14) ~~twelve (12)~~ feet, (3) ~~all mobile homes adjacent to the replacement mobile home (side to side) are certified mobile homes.~~ Deleted, (4) the replacement mobile home shall be located no less than fifteen (15) feet (side to side) and ten (10) feet (end to end) from another mobile home or ten (10) feet from a utility structure, and (5) the area necessary to comply with this reduced separation provision is not created by moving or replacing an existing mobile home so as to make it more nonconforming with the requirements of Section 4.13.3.3.1. of the Zoning Ordinance, the foregoing reduced separation provision shall prevail. For purposes of this section, any addition to a mobile home, including

carports, decks, porches, living spaces, sunrooms, etc. (but excluding steps) shall be considered to be part of the mobile home, and shall be subject to the minimum separation requirements.

ARTICLE 9 VIOLATIONS AND ENFORCEMENT.

9.1. Any condition existing in violation of this Ordinance is deemed to be a nuisance.

9.2. The Code Enforcement Officer shall provide written notice of any violation to the Park Owner and/or operator of the mobile home park. In addition, if the violation involves a violation by the home owner or occupant of a mobile home, written notice shall also be given to the home owner or occupant. The notice shall be mailed to the last known address according to records maintained by the Town. The notice shall describe the violations, and shall state the corrective action necessary. The giving of notice hereunder shall not be a prerequisite to the commencement of an enforcement action.

9.3. The Code Enforcement Officer, with the advice and consent of the Town Manager, is authorized to institute, or cause to be instituted by the Town Attorney, in the name of the Town of Hampden, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

9.4. Any person, firm or corporation, being the owner or operator of, or having control or use of any mobile home, mobile home lot or mobile home park, who violates any provision of this Ordinance shall be subject to the penalties set forth in 30-A M.R.S.A. § 4452. Each violation, and each day of each violation, shall constitute a separate offense.

ARTICLE 10 APPEALS. *Amended 06-19-2006*

10.1. Appeals. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. Any appeal from the Code Enforcement Officer's approval, approval with conditions, or denial of a license application, or the revocation of a license, shall be made to the Board of Appeals within 30 days of the rendering of such a decision. *Amended 06-19-2006*

10.2 Appellate Review The review by the Board of Appeals shall be limited to an appellate review of the Code Enforcement Officer's decision, and said decision may be overturned only if the officer committed an error of law, abused his/her discretion, or made findings that are not supported by substantial evidence on the record. No appeal may be taken from a violation determination or enforcement action taken by the Code Enforcement Officer, except to the extent that said determination or action forms the basis of a revocation of a license by the Code Enforcement Officer. *Amended 06-19-2006*

10.3 Basis of the Appeal. The appellant must demonstrate that the decision of the Code Enforcement Officer: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record. *Amended 06-19-2006*

10.4 Modification or Reversal of the Decision. The Board of Appeals may modify or reverse the decision of the Code Enforcement Officer if they determine that he: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record. *Amended 06-19-2006*

C-4-a



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Friends of Dorothea Dix Park Charter
DATE: December 10, 2008

The Town Council will recall that the Community Services Committee has been working on developing a Friends of Dorothea Dix Park for the express purpose of bringing to fruition the vision of the park. At the most recent Community Services Committee meeting the vote was unanimous that the draft charter is acceptable and to send this draft charter of the Friends of Dorothea Dix Park to the Town Council.

Charter
Friends of Dorothea Dix Park
Hampden, Maine

- 1) Friends of Dorothea Dix Park established: The Town of Hampden hereby establishes the Friends of Dorothea Dix Park for the following purpose:
 - a) To raise awareness of the community of the unique historical resource which the park offers to the Town of Hampden;
 - b) To assure the on-going care and support of the park by providing the organizations of the Town of Hampden and the School Administrative District¹ with information and focus on the park to use in their course of business;
 - c) To advance the history, natural environment, and educational value of the park within the Town of Hampden;
 - d) To facilitate the development of Dorothea Dix Park as an educational facility for the whole community;
 - e) To encourage active and passive recreation opportunities in a natural environment.
- 2) The Friends of Dorothea Dix Park shall collaborate with and work through the Town of Hampden Tree Board
- 3) Membership: It is desired that the Friends of Dorothea Dix Park be comprised of individuals who are appointed through the Town of Hampden appointment process and shall include:
 - a) A representative of the Planning Board;
 - b) A representative of the Tree Board;
 - c) A representative of the Community Services Committee;
 - d) A representative from SAD #22;
 - e) A representative of the Recreation Department;
 - f) A representative from the Town of Hampden staff, appointed by the Town Manager;
 - g) A representative of the Hampden Historical Society;
 - h) A representative of the Hampden Historic Preservation Commission;
 - i) A representative of the Hampden Garden Club;
 - j) Representatives of the community at large.
- 4) Leadership: The Friends of Dorothea Dix Park shall elect a chair and vice-chair to serve for one year term of office.
- 5) Meetings of the Friends of Dorothea Dix Park shall typically coincide with the meetings of the Tree Board.
- 6) Staff support for the Friends of Dorothea Dix Park shall be provided the Town staff as requested.
- 7) Expenditure requests shall be directed to the Town of Hampden through appropriate Town Departments and Committees.

¹ Town Council, Hampden Planning Board, Hampden Community Services Committee, Hampden Tree Board, Hampden Recreation Committee, SAD #22 Board of Directors and Schools