

TOWN COUNCIL MINUTES

August 17, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, August 17, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

Attendance: Councilors: Mayor Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, and Janet Hughes; Shannon Cox and Jean Lawlis were excused

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Members of Boy Scout Troop 1776

Mayor Arnett welcomed members of Boy Scout Troop 1776, who are working on their Citizenship & Community Merit Badge. Those present this evening were Scoutmaster Curt Slininger, and Scouts Alex Charette, Adam Colter, Seth Erickson and Sr. Patrol Leader Ben DiSalvatore.

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at their meeting earlier in the evening. Motion by Councilor Shakespeare, seconded by Councilor Cushing to accept the balance of the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. MAYO ROAD RECONSTRUCTION – ORDINANCE TO SEND TO REFERENDUM

Infrastructure Committee Chair Brann explained that the Council had authorized an engineering study and plan to reconstruct the Mayo Road because there is a significant potential hazard for pedestrians and vehicles travelling the road. This Ordinance authorizes appropriation and

borrowing of funds not to exceed \$2,300,000.00 and if approved, will be sent to referendum in November for voter approval.

Mayor Arnett explained the procedure for the public hearing and then opened the hearing.

Proponents: none; Opponents: none

General Questions or Comments: Cathy DiSalvatore of 43 Coolidge Avenue asked what the specific hazards with the Mayo Road are. Councilor Brann explained that it is a very narrow road and has no sidewalks. It is a major through-road used on a regular basis and when originally designed, it was intended for a much lighter traffic load. Manager Lessard further explained that the repairs will add underground drainage, sidewalks and paved shoulders, while staying within the Town's existing right-of-way. Councilor Shakespeare also noted that an increase in traffic is anticipated once the new high school is built.

The hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Brann to adopt the proposed language to be placed on the November 2009 ballot – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. NOMINATION PAPERS FOR NOVEMBER 3, 2009 MUNICIPAL ELECTION

Town Clerk Denise Hodsdon reported that Nomination Papers are available for the November Municipal Election for the positions of Councilor At-Large, SAD #22 Board of Directors and Water District Board of Trustees. The deadline for filing papers with the Clerk is September 3, 2009.

3. UNFINISHED BUSINESS

a. SET TAX RATE FOR 2009/2010

Manager Lessard reported that the Town's valuation base is \$565,894,880.00 and with the 2010 budget as adopted, she informed the Council that the mil rate would need to be between \$15.82 and \$16.61, depending on how large an overlay the Council wished to have. She recommended setting the rate at \$15.90, the same as last year. She noted that the resulting overlay of \$46,164.81 is conservative, but she believes that should be sufficient to address any valuation challenges that result in tax abatements.

Motion by Councilor Brann, seconded by Councilor Cushing to set the mil rate at \$15.90 – unanimous vote in favor.

4. NEW BUSINESS

C-1-A

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE THE CONSTRUCTION AND/OR RECONSTRUCTION OF MAYO ROAD AND OTHER RELATED INFRASTRUCTURE IMPROVEMENTS THROUGH ISSUANCE OF GENERAL OBLIGATION BONDS OR NOTES OF THE TOWN OF HAMPDEN WHICH MAY BE CALLABLE IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,300,000.

The Town of Hampden hereby ordains as follows:

Section 1. That pursuant to Section 5772 of Title 30-A, Maine Revised Statutes, as amended, the Charter of the Town and any other applicable authority under Maine law, the Town of Hampden is hereby authorized to borrow a principal amount not to exceed in the aggregate of Two Million Three Hundred Thousand Dollars (\$2,300,000), said amount to be payable over a period not to exceed thirty (30) years, at such interest rates and on such further terms and conditions as may be approved by the Treasurer and a majority of the Town Council, the proceeds of said loan to be used substantially for the construction and/or reconstruction of Mayo Road and other related infrastructure improvements. Said loan to be evidenced by the General Obligation Bond or Bonds of the Town to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council (the "Bond") in a principal amount not to exceed \$2,300,000. The Bond may be subject to call for redemption as determined by the Town Treasurer and majority of the Town Council.

Section 2. That in anticipation of the receipt of the Bond proceeds for the Project, pursuant to the Charter of the Town and Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine, the Town of Hampden is hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority at least of the Town Council a principal amount not to exceed Two Million Three Hundred Thousand Dollars (\$2,300,000) and in evidence thereof to execute and deliver one or more General Obligation Bond Anticipation Notes (the "Note") of the Town for a period not to exceed one year and to bear interest at such rate and said note to be subject to such further terms and conditions as the Town Treasurer and a majority at least of the Town Council shall approve, and said Note, together with interest thereon, to be a general obligation of the Town, and intended to be repaid from the Bond, said Note to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council, and such Note may be refunded from time to time for a period not to exceed an aggregate of three years, with proceeds to be used to provide temporary funds to accomplish the Project.

Section 3. That the Town Treasurer, Mayor or other officers designated by the Town Council be and each of them hereby is authorized to execute such documents and do all things necessary or convenient in order to issue the Bond or Note or any part authorized to execute and

Adopted by Town Council: 8/17/2009

deliver such loan applications as may be necessary or appropriate to the Maine Municipal Bond Bank, or other lender. The Treasurer, Mayor, or other officers designated by the Town Council are further authorized to execute any and all loan agreements or resolutions required by Maine Municipal Bond Bank or other lender, in such form as may be required by the lender.

Section 4. That the Town Clerk shall distribute a copy of this ordinance to each Council member and to the Town Manager, and shall file a reasonable number of copies of this ordinance in the office of the Town Clerk and shall post a copy of this ordinance together with a Notice of Public Hearing at the following public places: Municipal Building, Post Office, Dyer Library, Hampden Transfer Station, McK's Variety, Pizza Gourmet and R & K Variety, as well as such other places as may be directed by the Town Manager.

Section 5. That a Public Hearing be held at 7:00 p.m. in the Hampden Municipal Building in Hampden, Maine on August 17, 2009, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of the Bond, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this ordinance and a place where copies of the complete ordinance have been filed and times available for inspection in the Bangor Daily News on or before August 7, 2009, together with a notice setting forth the time and place for the public hearing, and for the consideration of the proposed ordinance by the Town Council at a meeting to be held on August 17, 2008, immediately following the public hearing.

Section 6. That all actions heretofore taken by the Town Council of the Town of Hampden relating to the selling of the Town's General Obligation Bond and Note authorized hereby be and they hereby are ratified, approved and confirmed.

Section 7. That pursuant to the requirements of the Internal Revenue Code of 1986, as amended, the Town designates the Bond and the Note to be "qualified tax exempt obligations" of the Town; and that the Town shall not issue in 2009 an aggregate total amount of qualified tax exempt obligations in excess of \$30,000,000. Further, the Town does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of \$5,000,000 during 2009.

Section 8. That the Town shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the Bond and the Note as "qualified tax exempt obligations" of the Town, and that the Bond and the Note may be subject to such further terms and conditions as may be agreed to by a majority at least of the Councilors and the Treasurer of the Town to carry into effect the full intent of this ordinance.

Section 9. That the Town Council is hereby authorized to retain bond counsel for the Town to advise the Town with respect to the issuance and sale of the Bond and the Note, and to prepare documents and render opinions as may be necessary or convenient for that purpose.

Section 10. That the Town Council and officials of the Town are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Town, as may be necessary or convenient to carry out the full intent of this ordinance, and to

accomplish the Project and issue the Bond and the Note, including approval and signing of contracts and other agreements obligating the Town.

Section 11. That pursuant to Section 902 of the Town Charter, this ordinance shall go into effect only upon approval by the voters of the Town of Hampden. Be it further ordained that a referendum of the Town of Hampden be held to decide this question on November 3, 2009, on the ballot question pursuant to the Town Charter and the laws of Maine. The ballot question shall be substantially as follows:

TOWN OF HAMPDEN
BALLOT QUESTION NO. 1

Ordinance authorizing appropriation and borrowing of funds to finance the construction and/or reconstruction of Mayo Road and other related infrastructure improvements through issuance of general obligation bonds or notes of the Town of Hampden which may be callable in the principal amount not to exceed \$2,300,000.

Shall the above described ordinance be adopted and the municipal officers have the authority to issue general obligation bonds or notes of the Town and accomplish the Project as described above and in the ordinance?

Yes

No

Financial Statement

TOWN OF HAMPDEN

1. Total Town Indebtedness

A. Bonds outstanding and unpaid: \$ 10,577,585.00

B. Bonds authorized and unissued: \$ 0.00

C. Bonds to be issued if this question is approved: \$ 2,300,000.00

TOTAL: \$ 12,877,585.00

2. Costs

At an estimated maximum interest rate of 4%, the estimated costs of this bond issue will be: 1,652,999.00 (30) Years 30 Year Term

Principal: \$ 2,300,000.00

Interest: \$ 1,652,999.00

Total Debt Service: 3,952,999.00

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service or the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.



Susan M. Lessard
Treasurer, Town of Hampden

a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE
RECEIVED FROM HIGHLANDS CORNER MARKET, 557
KENNEBEC ROAD

It was noted that a public hearing was not required as the applicant has had a license for more than five years.

Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the application for renewal of a Victualer's License for Highlands Corner Market – unanimous vote in favor.

b. APPLICATIONS FOR RENEWAL OF OUTDOOR WOOD-BURNING
FURNACE LICENSES

1. Gary Thibodeau, 665 Western Avenue
2. Scott Stanhope, 99 Emerson Mill Road
3. Richard Golding, 156 Mayo Road
4. Rodney Stanhope, 540 Western Avenue

Mayor Arnett read the list of applicants for the record.

Motion by Councilor Brann, seconded by Councilor Hughes to approve all four applications – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Brann reported that the Infrastructure Committee will meet on Monday August 24th at 6:00 pm. He also reported that the Comprehensive Planning Committee met recently and has forwarded the current draft of the Plan to the Council and recommended a schedule for completing public review.

Councilor Cushing reported that the Planning & Development Committee will meet on August 19th at 6:00 pm. He further reported that the Communications Committee is once again broadcasting some new shows on Cable Channel 7. Councilor Cushing also reported that the Committee on Committees met approximately three weeks ago and outlined what areas need to be reviewed. No date has been set for the next meeting.

Manager Lessard reported that the Finance Committee met earlier and reviewed and signed the Treasurer's Warrants. The Committee discussed the tax rebate program for long-term seniors. The program would cost approximately \$48,000 and the Committee has determined that the program can not be supported at this time.

E. MANAGER'S REPORT

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

Manager Lessard further reported that the employee barbecue was well-attended. Employees with ten or more years of service were recognized and presented with certificates and pins. She remarked that the Town has 56 full-time employees and 25 of those employees have been with the Town more than ten years.

She also reported that the Town received an invitation to the groundbreaking for the new high school on September 9th at 4:00 pm. There is also a neighborhood meeting for Hampden Academy Phase I on August 26th at 5:00 pm at the Hampden Academy Old Gym.

Mayor Arnett noted that Councilors Cox and Lawlis were absent and both had asked to be excused. Motion by Councilor Cushing, seconded by Councilor Hughes to excuse Councilor Cox and Councilor Lawlis – unanimous vote in favor.

F. COUNCILOR'S COMMENTS

Councilor Cushing commended all the folks who worked to make the 30th Annual Children's Day a success. He said he was pleased to see Bion and Dorain Foster at the parade.

Councilor Shakespeare reminded everyone that a walk-through of Dorothea Dix Park is scheduled for this Wednesday evening at 6:00 pm. He pointed out that there is a conflict in that the Planning & Development Committee meeting is scheduled for the same time. It was suggested that a second walk-through of the park could possibly be scheduled for a later date. Councilor Shakespeare also welcomed the Boy Scouts and challenged them all to obtain their Eagle.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:48 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT

August 17, 2009

Assessor News – I am sad to report that our Assessor, Vivian Gresser, has announced plans to retire as of 12/31/09. It is my intention to advertise for a replacement shortly. This will be a critical replacement for us and I want to have made a selection before Vivian actually retires.

Elwyn Brewer Reception – Tuesday, August 18th at 6 p.m. there is a reception for retiring firefighter Elwyn Brewer who has served 45 years with the call fire department. It is being held in the Community Room of the Public Safety Building. It would be great if Council members could attend to show support.

Children's Day Success – From all reports, Children's Day attendance was the highest in recent memory. The weather could not have been more perfect. Thanks to all the hardworking volunteers who made the day go so smoothly.

Stormwater Booth – American Folk Festival – There are still shifts available for volunteers to work at the American Folk Festival at the Regional Stormwater Education booth. You can talk to Bob Osborne about it if you are interested.

Team Denise – Team Denise, the team that walked in the Race For the Cure in Bangor last September, is walking again this year. Flyers are available for sign up in the Town Office if anyone wishes to participate on our Team. We raised over \$7000 last year. You can also see Vivian Gresser, the Assessor, who is our team captain.

Tax Liens – Liens for unpaid 2008/2009 taxes are being placed this week. I am happy to report that we are placing fewer liens this year. We are placing 68 liens this year for a total of \$ 99,432.20, last year we placed 72 liens with a principal amount of \$116,224.06. Considering that our commitment for 2008/2009 was nearly \$300,000 higher than the prior year – this is a really good statistic for us, particularly in light of the way that the economy has been. We have less than 1 percent of taxes going to lien that is the lowest amount and the lowest percentage in the 9 years I have been here. Hats off to Tax Collector Cheryl Johnson for her hard work.

Conversions, conversions, conversions... Beginning the first payroll week in September we will have all employees paid through direct deposit. This saves the town time and money – and simplifies recordkeeping for check reconciliation purposes as well. We have also completed changing our health insurance coverage which will be effective 9/1/09 also. In addition, the change in Maine State Retirement System offerings have resulted in a host of plan changes there too. Finance and Human Resource Officer Janie Pitcher has done a huge amount of work to insure that all of these changes are smooth and seamless for the employees. Janie is also working on an Employee Handbook which will be provided to the Planning and Development Committee in the near future for review. Its purpose is to outline all the information that any employee of the Town should have about our hiring practices, our pay and benefit structures, and the 'rules of the road' for employment here.