HAMPDEN TOWN COUNCIL

HAMPDEN MUNICIPAL BUILDING

AGENDA

MONDAY MAY 16, 2011 7:00 P.M.

- ***5:30 pm – FINANCE COMMITTEE MEETING***

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

   a. April 4, 2011

3. COMMUNICATIONS

   a. The Glue Crew Destination Imagination Team – Thank You
   b. James Feverston – New Application for Citizen Comprehensive Plan Committee – (Referred to Planning & Development Committee 5/4/2011)
   c. William Castrucci – New Application for Citizen Comprehensive Plan Committee – (Referred to Planning & Development Committee 5/4/2011)
   d. Lisa Kelley – Email Request for Information:
      1. Grant Money Received by Town in past 4 Years
      2. Breakdown of Contributions to Outside Agencies
   e. Shelley Blosser – Email Request for Information re Involvement by Town Officials and Monies Directed to the following:
      1. Penobscot Valley Community Greenprint (PVCG)
      2. Penobscot Valley Council of Government (PVCOG)
      3. The Trust for Public Land (TPL)
      4. Bangor Land Trust (BLT)
      5. Beginning With Habitat (BWH)
   f. Shelley Blosser – Email Request for Itemized Town Budgets & Expenditures from 2000 to 2010
   g. Lisa Kelley – Email Request for Information re GIS
   h. Lisa Kelley – Email Request for Copy of Check List for 2010 Comprehensive Plan
   i. Attorney David Peter Crocker – Request for Review of Legal Status of 2001 Comprehensive Plan on behalf of Hampden Association of Landowners (HALO)

4. REPORTS

   a. Pine Tree Landfill – Complaint Report – April 2011
   b. Lura Hoit Pool Board Minutes – 4/12/2011
   c. Edythe Dyer Library Board Minutes – 3/9/2011

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

d. Street & Stream Cleanup Report – 5/7/2011
e. Draft Planning & Development Committee Minutes – 5/4/11

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. Warrant for Special Election – 6/14/2011

3. UNFINISHED BUSINESS

a. Comprehensive Plan Citizens Committee

b. Hampden Academy Reuse – Collaboration with SAD 22 – Planning & Development Committee Recommendation

c. Code of Ethics Review

4. NEW BUSINESS

a. Dennis Paper TIF Terms – Planning & Development Committee Recommendation

b. Tree Board – Services Committee Recommendation re: Defunct Board

c. 2010 Draft Comprehensive Plan – Effect of March 1, 2011 Vote to Suspend Implementation on Request for Recreation Planning & Other Town Tasks

d. 2011/2012 Budget:

1. Library
2. Recreation
3. Pool
4. Debt Service
5. Reschedule May 10th Budget Workshop

e. Requests for Information under Freedom of Information Act

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

A-2a

TOWN COUNCIL MINUTES

APRIL 4, 2011

The regularly scheduled meeting of the Hampden Town Council was held on Monday, April 4, 2011. The meeting was held at the municipal building council chambers and was called to order by Mayor Hughes at 7:00 p.m.

Attendance: **Councilors**: Mayor Janet Hughes, Thomas Brann, Jean Lawlis, William Shakespeare and Kristen Hornbrook; Andre Cushing was absent

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Former Mayor Matt Arnett; citizens

The first order of business was a special presentation in recognition of former Mayor Matt Arnett for his many years of service to the Town. Mayor Hughes presented him with an engraved clock and Manager Lessard read a poem she had written about his service as Town Councilor and Mayor. Matt made a few remarks and then cake was enjoyed by all.

A. CONSENT AGENDA

Mayor Hughes requested that all items under Communications be set aside. Motion by Councilor Brann, seconded by Councilor Shakespeare to accept the balance of the consent agenda - Unanimous vote in favor.

A.3.a. KYMPTON LOVLEY – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.b. JEREMY WILLIAMS – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.c. ROBERT DUNTON – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.d. GEORGE MILLER, III – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.e. GREG MILLER – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

Mayor Hughes noted that these applications have been referred to the Planning & Development Committee, which will be making a recommendation to the Council as to the composition and procedure for selection of that committee.

A.3.f. BANGOR WATER DISTRICT/TOWN – PROPOSED RATE ADJUSTMENT

Mayor Hughes noted that the Bangor Water District has notified us that the rate paid by the Hampden Water District to the Bangor Water District will be increased by 11%. She asked if there would be a rate increase request by Hampden Water District. Manager Lessard said not at this time; this was discussed at the last meeting of the Council and Water District Trustees and the Water District had indicated that they were trying their best to hold off on another rate increase until 2012.

Motion by Councilor Brann, seconded by Councilor Shakespeare to accept all items that had been pulled from the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Darrell Sproul of 321 Papermill Road informed everyone that he has turned in his nomination papers to run for Council. He said as he circulated his papers he talked to people about going on the new Comprehensive Planning Committee. He said he has sent people in to get their application and they have been turned down and told that the Council has not made up their mind on how they are going to set up this committee. He said he did not want to mention any names publicly, but he would like to know what is going on.

Manager Lessard responded that she was at a loss because the applications are available right in the lobby for anyone who wants to fill one out and turn it in. The application is also available on the website. She asked Mr. Sproul if he could let her know later who it was and who they spoke with in the Town Office.

Shelley Blosser of 344 Main Road South asked Mayor Hughes if there is a Code of Ethics for Town Councilors and does it include returning email? She said she knows that Mike Levesque has sent emails that have not been returned. She said she had a question two weeks ago for the Council about what would happen if a Comprehensive Plan was allowed to lapse and pass the 12-year timeline recommended by the State. She said she got conflicting responses from the Council and she emailed Councilor Brann and received no response. She had asked for a copy of the letter that he mentioned would lead to legal ramifications if the Comp Plan was not revised within twelve years. Mayor Hughes responded that it used to be that email was an informal means of communication but today it has become more prevalent and more formal. In the past the Council hasn't responded to questions independently; it responds to questions as a Council and in order to do that issues are discussed during the Council meetings. She noted that the Code of Ethics is on the agenda this evening and that Attorney Russell has responded to the question about the Comp Plan in a letter dated today and he will discuss that during Councilor Comments at the end of the agenda this evening. Ms. Blosser felt that it would be a matter of professional courtesy to return an email and said it is an important step in trying to build bridges and mend some of the trust issues and bad feelings. Mayor Hughes said that now that there is more correspondence by email, the Council does need to make a decision about where those

emails go from a Council level because Council members should not be responding independently without majority Council support.

Jeremy Williams of 1334 Carmel Road North added that we should not go down the road where residents have to make requests under the Freedom of Information Act. He said things are complicated enough right now and suggested taking a step back and throw in some common sense, courtesies and respect and build from that going forward. He said this doesn't have to be a big formal process and suggested considering a timeline for responding to email.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM COFFEE BREAK CAFÉ AT 75 MAIN ROAD NORTH

Mayor Hughes explained the procedure for the public hearing and then opened the hearing. No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Brann to renew the victualer's license for Coffee Break Café – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. TOWN COUNCIL RULES & CODE OF ETHICS

Mayor Hughes requested that this item be placed on the agenda because she thought it was a good time to review and update the Town Council Rules in order to ensure consistency. She asked the Council for comments only at this time and then at a later meeting, the Council as a whole will address those specific comments and concerns. There was considerable discussion about the Rules, particularly Rules #8, #9 and #10. It was suggested that a definitions section be added, which would include reasons for a Councilor to abstain from voting.

Rule #11 needs to be amended to reflect the restructuring of Council Committees that took place in 2009.

It was also suggested that sections be added to address the following issues:

- Under what conditions would a Councilor be granted an excused absence
- Requirements for a quorum for Council Committee meetings
- Identify when items must be or should be forwarded to the Planning Board

- New Councilor training/mentoring
- Council's use of email, use of public assets, and policies for communications and correspondence

Motion by Councilor Shakespeare, seconded by Councilor Lawlis to postpone discussion of the Code of Ethics until the next meeting – unanimous vote in favor.

4. NEW BUSINESS

a. 2011 ALEWIFE FISHING RIGHTS

Manager Lessard explained that in order for the Town to retain the ability to manage the alewife fishery on the Souadabscook Stream, it is necessary to preserve the rights and adopt a fishing plan prior to April 20th. The Department of Marine Resources' has a Model Alewife Ordinance which the Town has traditionally adopted as its fishing plan.

Following discussion about whether this should be approved as an ordinance, which would require notice and public hearing, Attorney Russell advised omitting the word ordinance and to call it the Model Alewife Regulations. Councilor Lawlis moved and Councilor Brann seconded to preserve alewife fishing rights and continue the alewife fishing plan according to the 2011 Model Alewife regulations – vote on the motion was 4-1 (Hornbrook); motion carried.

D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare reported that the committee did not meet last month.

Services – Councilor Lawlis reported that the next meeting will be at 6:00 pm on Monday, April 11th.

Communications – Councilor Hornbrook reported that the next meeting is scheduled form April 21st, but one member is unavailable so it may need to be rescheduled.

Planning & Development – Councilor Brann reported that the next meeting is at 6:00 on Wednesday, April 6th.

Finance – Manager Lessard reported that the Committee met earlier and reviewed the Treasurer's warrants and heard a presentation from Josh Faulkingham regarding the alewife fishery. There was a request for the Town's auditor to do a presentation to the Finance Committee on the 2010 audit, which is tentatively scheduled for May 2nd.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

Manager's Report
4-4-2011

Government on the Go – The first edition of Government on the Go was sent out on 3/31/11 to the 147 email addresses that have been entered into our email sign up on the website. I am in hopes that the article about it in the soon-to-be-released newsletter will get more people to sign up.

Newsletter – The newsletter should be available online this week and hopefully in mailboxes by Saturday the 9th.

Tax Due Date – Tax due date prior to the start of interest is Wednesday, April 6th. Even though the monster snow storm of this past Friday tried to obliterate the sign – it is once again visible.

Special Election – A reminder that nomination papers are available for the special election to be held on June 14th to replace the Council seat left vacant by the resignation of Matt Arnett. Papers may be obtained from the Town Clerk and require not less than 25 or more than 35 signatures of Hampden registered voters to qualify. The deadline for submitting nomination papers is Thursday, April 14th. Thus far there are three candidates who have taken out and returned papers – Bernard Philbrick, Darrel Sproul, and George Miller.

There was discussion about whether there would be a quorum for the next regular meeting which is scheduled for Tuesday, April 19th due to the Patriot's Day Holiday. Because there wouldn't be a quorum on that date, Councilor Brann moved and Councilor Lawlis seconded to reschedule the next Council meeting from April 19th to April 11th at 7:00 pm. – unanimous vote in favor.

F. COUNCILOR'S COMMENTS

Attorney Russell discussed his legal opinion regarding the expiration of the State Planning Office's certificate of consistency on the 2001 Comprehensive Plan. A copy of his written opinion is attached.

Councilor Lawlis commented that the Tree Board and Town Forester are concerned with managing the trees on public land and the only time they get involved with issues of private property are when there is a hazard to public health. She said there is an intention for the Tree Board to provide input to landscaping requirements in future zoning ordinances. They have an advisory role and if there is some concern about what powers the Tree Board might have in the future, people should consider applying to be part of the Tree Board as it is not operating now because there are not enough members.

Councilor Hornbrook thanked the residents who came out tonight and said she appreciated the Councilors' discussion this evening. She feels this is the start of a good discussion.

Mayor Hughes informed everyone that the Hampden Business Association will meet tomorrow at noon at Anglers Restaurant.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:05 p.m.

Denise Hodsdon
Town Clerk

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MEMORANDUM

Date: April 4, 2011

To: Susan Lessard

From: Tom Russell

Re: Comprehensive Plan Issue

As you know, it is my opinion that the so-called 2001 Comprehensive Plan is currently in effect. According to the March 10, 2011 letter from Phil Carey of the Maine State Planning Office to Dean Bennett, the determination by the State Planning Office that the 2001 Comprehensive Plan was consistent with the procedures, goals and guidelines established in Title 30-A M.R.S., Chapter 187, Subchapter 2 (Growth Management Act) will be valid through December 31, 2012. At the Town Council meeting on March 21st, a citizen asked what the consequences would be if the Town kept the 2001 Plan, and did not pursue adoption of a new Comprehensive Plan.

Although Title 30-A M.R.S. §4326(1) provides that a comprehensive plan must include an inventory and analysis section addressing state goals under the Act, and that the analysis must include "10-year projections of local and regional growth in population and residential, commercial and industrial activity; the projected need for public facilities; and the vulnerability of and potential impacts on natural resources," the Act does provide an express time limit on the duration or validity of a comprehensive plan.

Title 30-A M.R.S. §4347-A(3-A) contains the provisions dealing with the State Planning Office's review of a comprehensive plan, and its determination as to whether the comprehensive plan is consistent with the procedures, goals and guidelines of the Act. By Public Laws of 2007, c. 247, § 5, the Legislature amended Subsection 3-A to add the following paragraph at the end of Subsection 3-A:

> A finding by the office pursuant to paragraph D that a comprehensive plan is consistent with the procedures, goals and guidelines established in this subchapter is valid for 12 years from the date of its issuance. A finding by the office issued

> pursuant to this subchapter prior to December 31, 2000 that a comprehensive plan is consistent with the procedures, goals and guidelines established in this subchapter is valid until December 31, 2012. For purposes of section 4314, subsection 3 and section 4352, subsection 2, expiration of a finding of consistency pursuant to this subsection does not itself make a comprehensive plan inconsistent with the procedures, goals and guidelines established in this subchapter.

As you can see, the last sentence of this paragraph provides that for the purposes of §4314(3) [which provides that after January 1, 2003, a municipality's zoning ordinance must be consistent with a comprehensive plan adopted in accordance with the procedures, goals and guidelines of the Act] and §4352(2) [which provides that a zoning ordinance must be pursuant to and consistent with a comprehensive plan], the expiration of a finding of consistency by the State Planning Office *"does not itself make a comprehensive plan inconsistent with the procedures, goals and guidelines"* established by the Act. Therefore, the expiration of the State Planning Office's finding of consistency as of January 1, 2013 for the 2001 Comprehensive Plan does not automatically make that Plan invalid.

In Mr. Carey's letter, he stated that once the consistency finding for the 2001 Plan expires as of January 1, 2013, *"the legal advantages associated with its State Planning Office's consistency finding will be gone..."* I discussed this matter with Mr. Carey this morning, and he indicated that the "legal advantages" he was referring to included using the consistency finding as part of a defense to any challenge to the 2001 Comprehensive Plan subsequent to December 31, 2012, as well as losing the preferences afforded to a municipality under Title 30-A M.R.S. § 4349-A that has a certified comprehensive plan.

In conclusion, it is my opinion that the 2001 Comprehensive Plan does not automatically become invalid upon the expiration of the State Planning Office's certificate of consistency on December 31, 2012, and that therefore the existing Zoning Ordinance of the Town of Hampden does not become invalid because it is not pursuant to and consistent with a comprehensive plan. Although the Town would not have the advantage of using the certificate of consistency as a defense in a legal challenge to its comprehensive plan, the plan would still benefit from a presumption of validity, and the challenger would have the burden to prove that the 2001 Comprehensive Plan is not consistent with the procedures, goals and guidelines of the Act.

For your information, I have also provided a copy of the State Planning Office's FAQ concerning the December 31, 2012 deadline.

SPO Maine State Planning Office
Executive Department

PAUL R. LEPAGE
Governor

TIM GUDDEN
Acting Director

The 2012 Comprehensive Plan Deadline

Q: I have been told that my comprehensive plan will expire in 2012. Why?

A: A comprehensive plan generally sets out recommendations for ten years into the future. Beyond that period, not just the recommendations but community attitudes and concerns may shift and condition and trends analysis loose relevancy. The original Growth Management Act provided no "expiration date," but the legislature amended it in 2008 to say that the State Planning Office finding that a comprehensive plan is "consistent with the law" will expire after 12 years. For plans adopted prior to 2001, the grace period was extended to December 31, 2012.

Q: Will our plan become invalid if it is no longer consistent?

A: The way the law is written, it is not the plan itself that expires; it is the finding by the State Planning Office that the plan is consistent with the law. A consistency finding which has expired ("expired finding") does not invalidate a locally adopted plan, nor any of the recommendations that the plan carries.

Q: Why should we care if the state no longer finds the plan consistent?

A: The SPO finding of consistency triggers a number of state actions and benefits. Since passage of the Growth Management Act, various state agencies have tied their growth-related programs to it. The most well-known is the CDBG program, which will not award grant funding for growth-related capital investments to a town without a consistent plan. Other grant programs award point priorities to towns with consistent plans. Some state agencies, such as the MaineDOT, give priority in funding their own projects to towns with consistent plans.

Q: What about our zoning ordinance? I understand a zoning ordinance must be based on a consistent plan.

A: The law says that zoning ordinances (as defined), impact fees and rate-of-growth ordinances (building permit caps) must conform to a plan which meets the requirements of the Growth Management Act (Refer to 30A M.R.S.A. §4314 (3)). An expired finding does not invalidate these ordinances. It does, however, provide an opening for a party affected by the ordinance to challenge it in court. Consultation with legal counsel is recommended.

Q: Can't the SPO just "re-affirm" our old plan?

A: No. Should a community choose to submit a plan to the SPO, it would have to be reviewed for completeness with the current standards. Among other things, data has to be refreshed, conclusions based on that data re-examined, and implementation strategies bought up to date. SPO makes updated data for plans available to communities to insure the use of current data available from State agencies. If the plan meets the threshold of the review standards it is accepted for consistency review. Until a plan is reviewed for consistency, its status would remain "unknown" in SPO records.

Q: What about plans that have been fixed after a SPO finding of inconsistency? Can these still be found consistent?

A: There is some latitude depending on the nature of what's 'fixed' to respond to a finding of inconsistency on a plan prepared under the old rule (Chapter 202). Issues identified in a finding or inconsistency must be addressed within two years of the date of the finding. After that period of time, the plan must be resubmitted to SPO under the new rule.

A-3-a

Mrs. Lessard,

Thank you for allowing us to have our "Rubbish Removal and Recycling Assistance Day" at the Transfer Station. We really appreciate your support of our fundraising efforts.

Sincerely,
The Glue Crew
Destination Imagination team

Check One: X Initial ____ Reapp

A-3-b

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEE

NAME: Everston James
LAST FIRST MI

ADDRESS: 55 Dudley St.
STREET TOWN ZIP

MAILING ADDRESS (if different): SAME

TELEPHONE: 862-4647
HOME WORK

EMAIL: _____

OCCUPATION: R&D Research + Development

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Comprehensive Plan Review

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

Are there any issues you feel this board or committee should address, or should continue to address? _____

3 YEAR

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK
DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR

PLANNING BOARD

FOR TOWN USE ONLY Date Application Received: MAY 02 2011

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

Rev. 12/09

A-3-C

Check One: X Initial
___ Reapp

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEE

NAME: Castrucci (LAST) William (FIRST) A (MI)

ADDRESS: 47 Rawley Drive (STREET) Hampden (TOWN) 04444 (ZIP)

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-8088 (HOME) 203-848-5121 (WORK)

EMAIL: WCastrucci@hotmail.com

OCCUPATION: Physician

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Comprehensive Plan Review

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee?

Simply, I live in Hampden, with my wife and children, and I want this community to prosper and remain vibrant and inviting.

Are there any issues you feel this board or committee should address, or should continue to address?

_____

3 YEAR

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK
DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: MAY 02 2011

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

_____ NEW APPT _____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

A-3-d

Susan Lessard <manager@ham

Grant Money

8 messages

Lisa Kelley <lisakelley123@yahoo.com> **Wed, May 4, 2011 at 4:44 PM**
To: "manager@hampdenmaine.gov" <manager@hampdenmaine.gov>

Good Afternoon,

I was hoping you could direct me as to where on the town website I could find grant money the town has received over the past 4 years that required a Comprehension Plan in order to be considered.

I was also wondering if you have been notified of any increase or decreases in grant money that will be available on a state level.

Again, I thank you for your help with this inquiry.

-Lisa Kelley

Susan Lessard <manager@hampdenmaine.gov> **Thu, May 5, 2011 at 8:24 AM**
To: Lisa Kelley <lisakelley123@yahoo.com>

Good Morning Mrs. Kelley,
That information would not be on the website. I will review the grants we have received and check if the application had a question regarding a comp plan. We have received grants for a number of things - Project Canopy for the trees and improvements next to the pool, new boilers at the Municipal Building from Efficiency Maine, a new brush truck for the Fire Dept from a Federal agency, numerous safety and equipment grants from Maine Municipal Association, fitness equipment for public safety through a federal agency, etc.
I am trying to get the budget out the door so it will likely be the beginning of the week before I can get you the information.
Sue Lessard

[Quoted text hidden]

Lisa Kelley <lisakelley123@yahoo.com> **Thu, May 5, 2011 at 10:43 AM**
To: Susan Lessard <manager@hampdenmaine.gov>

Thank you again Susan for your prompt response. I understand the need to focus on the budget so I'll be looking for your response next week.

Speaking of the budget.... If you could forward me the break down for contributions to outside agencies I would appreciate it. If not, could you let me know when that information will be available.

Again, thank you for your time,

-Lisa

--- On **Thu, 5/5/11, Susan Lessard <manager@hampdenmaine.gov>** wrote:

> From: Susan Lessard <manager@hampdenmaine.gov>
> Subject: Re: Grant Money
> To: "Lisa Kelley" <lisakelley123@yahoo.com>
> Date: Thursday, May 5, 2011, 8:24 AM
> [Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov> **Thu, May 5, 2011 at 11:21 AM**

To: Lisa Kelley <lisakelley123@yahoo.com>

Mrs. Kelley -
Attached is a breakdown of the Outside Agency funding from 2008 - 2011. I will forward requests for 2012 that have been made by agencies along with the draft of the upcoming budget.
Sue Lessard

[Quoted text hidden]

Outside Agencies 2008 - 2011.xls
14K

Lisa Kelley <lisakelley123@yahoo.com> **Thu, May 5, 2011 at 11:30 AM**

To: Susan Lessard <manager@hampdenmaine.gov>

Once again, thank you very much.

-Lisa

--- On **Thu, 5/5/11, Susan Lessard <manager@hampdenmaine.gov>** wrote:

> From: Susan Lessard <manager@hampdenmaine.gov>
> Subject: Re: Grant Money
> To: "Lisa Kelley" <lisakelley123@yahoo.com>
> Date: Thursday, May 5, 2011, 11:21 AM
> [Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov> **Mon, May 9, 2011 at 4:31 PM**

To: Lisa Kelley <lisakelley123@yahoo.com>

Good Afternoon-
This may come in pieces - but I will eventually get you what you requested!

The Public Safety Department applies for grants from the Maine Municipal Association, Maine Fire Training, FEMA,and the State Forestry Service. According to the personnel in Fire and Police who prepare those applications, none of the applications for those grants includes questions regarding whether or not the Town has a Comprehensive Plan.

Community Development grant applications, and the Communities for Maine's Future Bond Program, through the State do have a requirement that applicants must submit "certification that the applicant's Comprehensive Plan is determined by the Executive Department, State Planning Office to be consistent with 30-A MRSAss4326 subsections 1 to 4 and it has been adopted by the municipality. The Town has not applied for, nor received, any grants from these agencies in the past four years.

Project Canopy Grant - The Town received a grant for the trees/plantings adjacent to the Lura Hoit Pool in 2009. There was a requirement that an applicant attend a pre-application meeting but to the best of my knowledge there was no grant requirement that a Comprehensive Plan be adopted or in place.

Boiler Replacement Grant - Efficiency Maine - The Town applied for and received a grant to replace the old, inefficient boiler at the Town Office with more efficient new ones in 2010. There was not a criteria for application or receipt of the grant that the Town have a Comprehensive Plan.

Trails Grant - Town/RSU #22 - This grant application is still in progress for the location of walking trails on land owned by the Town and the school in the four mile square. It is an application that most likely will be filed through the Maine Trails Funding Program. I have asked Kurt Mathies the Rec Director to check and see if there is a Comp Plan requirement for this grant. I will forward that information as soon as he reports back to me.

Thank you for your patience -
Sue Lessard
[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov> **Tue, May 10, 2011 at 7:26 AM**

To: Lisa Kelley <lisakelley123@yahoo.com>

Good Morning -
More information -

The Maine Trails Funding progam that would likely be the source of funding for the school/town project contains the following "Specific Recommendations for All Projects", Item 2."Further a trail-related goal int he Maine State Outdoor Recreation Plan (SCORP) or local/regional comprehensive plan."

Sue

[Quoted text hidden]

Lisa Kelley <lisakelley123@yahoo.com> **Tue, May 10, 2011 at 9:21 PM**

To: Susan Lessard <manager@hampdenmaine.gov>

Thank you for this information. I look forward to receiving more information. If MSAD#22 applied for the grant would the requirement you listed below be necessary? Also do you know what grant level they will be applying for and is there a total cost for the project? It is my understanding that there is a
Match Requirement.
RTP Development and Safety/Environmental Education grants will not exceed 80 percent or the grant cap, whichever is less, of a project's total cost. RTP Acquisition grants will not exceed 50% or the grant cap, whichever is less, of a project's direct property costs. The RTP grant is a reimbursement grant, meaning the applicant must be able to pay project costs in full as they are incurred prior to submitting requests for reimbursement of the federal share. Applicants must provide at least 20% match for development and safety/environmental education grants and at least 50% for acquisition projects
The match may include:
Cash
Volunteer labor, equipment, and materials
Other state, local grants, and certain federal grants.

I was hoping you could inform me of the financial structure that will be implimented if this grant is received. Also, I understand that MSAD# 22 will be taking on the cost of maintance for the trails. Is there an estimated cost for this? I ask because a substantial amount of tax payers funds go to the school, so ultimately we are paying for this.

Thank you,

Lisa kelley

--- On **Tue, 5/10/11, Susan Lessard <*manager@hampdenmaine.gov*>** wrote:

> From: Susan Lessard <manager@hampdenmaine.gov>
> Subject: Re: Grant Money
> To: "Lisa Kelley" <lisakelley123@yahoo.com>
> Date: Tuesday, May 10, 2011, 7:26 AM
> [Quoted text hidden]

A-3-e & f

Susan Lessard <manager@har

Request for Information

6 messages

shelley hackett <smillerhack@yahoo.com> **Thu, Apr 28, 2011 at 8:50 PM**

To: manager@hampdenmaine.gov

Susan,

As you have requested, I will address questions to you, rather than to individual Town Council members.

In an effort to better understand the utilization of funds historically in the town of Hampden, I'd like to know if any monies have been directed to the following organizations:

(PVCG) Penobscot Valley Community Greenprint

(PVCOG) Penobscot Valley Council of Governments

(TPL) The Trust for Public Land

(BLT) Bangor Land Trust

(BWH) Beginning With Habitat

I'd like to know if any money has been directed to these between the years of 2000 through present day. Specifically, I'm interested in whether monies have been granted through donations, funds, dues, stipends, slush funds, grants, loans, gifts, endowments, or through ANY other means. Do these organizations appear on any budgets or lists of expenditures between the years of 2000 through 2011? If they do appear, what specifically was the expenditure?

A-3-f I'd also like to know where I can find access to itemized budgets and expenditures for the Town of Hampden from the years 2000 through 2010. Is this information you can provide to me?

Thank you in advance,
Shelley Blosser

Susan Lessard <manager@hampdenmaine.gov> **Fri, Apr 29, 2011 at 6:19 AM**

To: shelley hackett <smillerhack@yahoo.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare

<wmshakespeare@hotmail.com>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbroook <hornbrooktowncouncil@gmail.com>, Matt Arnett <arnetttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <tombrann@tds.net>, Hampden <info@hampdenmaine.gov>

Good Morning -
First, I did not mean to imply that you could not or should not ask Councilors questions - I only asked that if you were seeking information - it might help to copy me so that I could make sure to get what you requested in a timely fashion.
I will put together the information that you have requested and get it scanned and emailed to you. Since we are talking about a ten year span of time, and the office is not open today - my goal will be to get it all to you by Wednesday of next week. Does that work for you?
Thank you for your request.
Sue Lessard
[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov> **Mon, May 2, 2011 at 6:15 AM**

To: shelley hackett <smillerhack@yahoo.com>

Good Morning-
Did you get my email letting you know the time frame for the information that you requested? Just checking to make sure that it did not end up in some cyber black hole!
Take care-
Sue Lessard

On Thu, Apr 28, 2011 at 8:50 PM, shelley hackett <smillerhack@yahoo.com> wrote:
[Quoted text hidden]

---

shelley hackett <smillerhack@yahoo.com> **Mon, May 2, 2011 at 10:22 AM**

To: Susan Lessard <manager@hampdenmaine.gov>

Susan,

I did receive your email about the timeline. I appreciate it and know that it's a big request. Thank you for letting me know the timeframe.

Shelley

From: Susan Lessard <manager@hampdenmaine.gov>
To: shelley hackett <smillerhack@yahoo.com>
Sent: Mon, May 2, 2011 6:15:17 AM
Subject: Re: Request for Information

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov> **Wed, May 4, 2011 at 8:05 AM**

To: shelley hackett <smillerhack@yahoo.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <wmshakespeare@hotmail.com>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbroook <hornbrooktowncouncil@gmail.com>, Matt Arnett <arnetttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <tombrann@tds.net>, Hampden <info@hampdenmaine.gov>

Hi Shelley -
Attached please find the information you requested about payments to the five organizations identified and involvement by Staff/council/etc. from 2000- 2010. I am still working on the budget/expense information. The Town converted its software in the 2005 fiscal year and information prior to that was in a DOS system that is no longer 'computer' accessible so I have to scan paper copies of information. My goal is still the end of the day but it may come in pieces if I do not have all the scanning done by then.
Sue Lessard

[Quoted text hidden]

Shelley Blosser Request - part of 1 and 2.doc
28K

Susan Lessard <manager@hampdenmaine.gov> **Wed, May 4, 2011 at 9:24 AM**

To: shelley hackett <smillerhack@yahoo.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <wmshakespeare@hotmail.com>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbroook <hornbrooktowncouncil@gmail.com>, Matt Arnett <arnetttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <tombrann@tds.net>, Hampden <info@hampdenmaine.gov>

Hi Shelley -
One correction to the information. Councilor Brann also attended meetings of the Penobscot Valley Greenprint group.
Thank you -
Sue Lessard

[Quoted text hidden]

Penobscot Valley Greenprint was an effort led by the City of Bangor to identify open space in communities on a regional basis. The Town of Hampden was a participant in this effort. Gretchen Heldmann from the Town Staff served on the Technical Advisory Committee and residents Gayle Zydlewski and Nancy Chaiyabhat attended some meetings. The Town Council paid a one-time local assessment in the 2009 fiscal year of $3,163. as its share of the assessment to the thirteen towns that participated. No other funds were paid to this organization. In actuality – the check was written to the Penobscot Valley Council of Governments which was the entity that staffed this work. The website for the mapping, etc. that resulted is located at the following web address: http://tplgis.org/Penobscot_Greenprint/

Penobscot Valley Council of Governments – The Town was a member of the Penobscot Valley Council of Governments when the organization acted as a regional entity for the promotion of economic development, planning, grants applications, etc. There was an annual assessment for that membership. Either a member of the Town Council or their appointee (usually the Manager) attended the meetings of the Council of Governments. Due to a decline in work product of that organization, the Town stopped contributing dues in the 2008 Fiscal year, but still had a contract (from 2007 FY) with a Planner there through Eastern Maine Development Corporation for assistance with the update of the Comprehensive Plan. The checks were payable to the Council of Governments. PVCOG is dormant for all intents and purposes as a regional group at the present time.

2000/2001 $2,810 Dues to PVCOG
2001/2002 $2,913 Dues to PVCOG
2002/2003 $3,184 Dues to PVCOG
2003/2004 $3,184 Dues to PVCOG
2004/2005 $3,694 Dues to PVCOG
2005/2006 $4,233 Dues to PVCOG
2006/2007 $4,233 Dues to PVCOG, $13,187.89 to Eastern Maine Development for Comp plan
2007/2008 $4,858 Dues to PVCOG, $ 7,085.18 to Eastern Maine Development for Comp plan
2008/2009 $14,793.38 to Eastern Maine Development for Comp Plan
2009/2010 $ 1,242.11 to Eastern Maine Development for Comp Plan

The Trust for Public Lands – The Town has made no payments to this organization from 2000 through the present. This entity was a partner in the Penobscot Valley Greenprint project. The Town of Hampden does not have any staff or council or community member assigned to this organization as a representative of the Town.

Bangor Land Trust - The Town has made no payments to this organization from 2000 through the present. This entity was a partner in the Penobscot Valley Greenprint project. The Town of Hampden does not have any staff or council or community member assigned to this organization as a representative of the Town.

Beginning With Habitat – This is an entity housed within State government. It has developed maps of natural resources in the State and provided them to communities for use in planning and in comprehensive planning. It also provides information to entities on how to do conservation planning. The Town has paid no monies to this department from 2000 through the present day. No member of the staff or council or community is assigned to it as a representative of the Town. The Town utilized maps from this program in developing the 2010 Comprehensive Plan Draft.

Susan Lessard <manager@hampdenmaine.gov>

2nd request for information

3 messages

shelley hackett <smillerhack@yahoo.com> **Mon, May 2, 2011 at 10:42 AM**
To: Susan Lessard <manager@hampdenmaine.gov>
Cc: acorm@tds.net, Ed Armstrong <ed@snowprint.com>, debraplowman@cs.com, Dynatec@midmaine.com, ELCOJared@aol.com, ELCOPaul@aol.com, heysuet@tds.net, Jerimleonard@gmail.com, jforbush@ocfm.com

Susan,

I have another request for information. During the same timeline -- 2000 through the present day, can you give me a list of which Hampden Town Councilors, lawyers, town employees, and town office staff were involved with the following organizations?

(PVCG) Penobscot Valley Community Greenprint

(PVCOG) Penobscot Valley Council of Governments

(TPL) The Trust for Public Land

(BLT) Bangor Land Trust

(BWH) Beginning With Habitat

Thanks very much,

Shelley Blosser

Susan Lessard <manager@hampdenmaine.gov> **Mon, May 2, 2011 at 11:22 AM**
To: shelley hackett <smillerhack@yahoo.com>

Hi Shelley -
I will check to see if any councilors, any town employees, or the Town Attorney had any involvement as Committee members, or did any work in any way with these organizations. I will try to have that as well by Wednesday.
Sue Lessard

[Quoted text hidden]

shelley hackett <smillerhack@yahoo.com> **Mon, May 2, 2011 at 12:51 PM**
To: Susan Lessard <manager@hampdenmaine.gov>

Thank you!

From: Susan Lessard <manager@hampdenmaine.gov>
To: shelley hackett <smillerhack@yahoo.com>
Sent: Mon, May 2, 2011 11:22:06 AM
Subject: Re: 2nd request for information
[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Request for Information #3

4 messages

shelley hackett <smillerhack@yahoo.com> **Wed, May 4, 2011 at 2:02 PM**
To: Susan Lessard <manager@hampdenmaine.gov>

Sue,

Thank you for the information about financial donations to the NGO's I had listed. However, I want to ask if your information about participation in those NGO's is complete and accurate.

I will remind you of the NGO's again:

(PVCG) Penobscot Valley Community Greenprint

(PVCOG) Penobscot Valley Council of Governments

(TPL) The Trust for Public Land

(BLT) Bangor Land Trust

(BWH) Beginning With Habitat

I am specifically looking for ANY and all involvement by Town Councilors, employees at the Town Office (including yourself), and anyone employed by the Town of Hampden, who was on any boards or a part of any of those organizations between the years of 2000 to the present day.

In your previous information, you stated that Gretchen Heldmann served on the Technical Advisory Committee and that residents Gayle Zydlewski and Nancy Chaiyabhat attended some meetings of Penobscot Valley Greenprint.

You were very vague with regard to any of the other NGO's I mentioned. I would think it is a matter of public record which Hampden Town Councilors and/or Town Managers attended meetings of these NGO's, particularly (PVCOG) Penobscot Valley Council of Governments. Could you please review your records again and provide me with a specific list?

Also, could you poll present Town Councilors as to their involvment in any leadership positions or on any board, or as a member of any of the NGO's I have listed?

Thank you,

Shelley Blosser

Susan Lessard <manager@hampdenmaine.gov> **Wed, May 4, 2011 at 4:19 PM**

To: shelley hackett <smillerhack@yahoo.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <wmshakespeare@hotmail.com>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbroook <hornbrooktowncouncil@gmail.com>, Matt Arnett <arnetttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <tombrann@tds.net>, Denise Hodsdon <info@hampdenmaine.gov>

Hi -
I apologize - I was not trying to be vague.

I will looked through Council minutes to see who was appointed/reported on attending PVCOG each year for the years that the Town was a member.
8/21/2000 Mayor Romano regular member
9/4/2001 Mayor Romano regular member, Robert Gilberti Alternate
2/4/2002 Rick Briggs regular Member, Robert Gilbert Alternate
9/3/2002 Rick Briggs Regular member, Robert Gilbert Alternate
1/20/2004 Mayor Briggs reported attending a PVCOG meeting
9/6/05 Mayor Briggs
3/27/06 Mayor Briggs reported on attending a PVCOG Meeting
1/7/08 Mayor Briggs regular member Councilor Colford Alternate
2009 Matthew Arnett attending meeting regarding dissolution

Our Economic Development Director used to be the Director of Planning for the Penobscot Valley Council of Governments - he was employed in that capacity by them from 1993 through 2007 at which point he left to be an independent consultant. I did not list that in the first letter because it was my understanding that you were looking for involvement of people acting as a representative for the Town of Hampden, and I am still not sure if this is what you are seeking. No other employees or Councilors (including me!) worked as an employee/consultant/etc. for any of these entitities before, during, or after their formal connection with the Town of Hampden.The original Penobscot Valley Greenprint invitation came from Ed Barrett, former City Manager of Bangor. As I stated - Gretchen was a member of the technical advisory committee and Nancy and Gayle and Councilor Brann also attended meetings. I did not attend meetings so I am not positive if anyone else ever did. I do not have minutes from those meetings to check to see if anyone else from Hampden was present. Eastern Maine Development, which is the entity that is/was the home of PVCOG also hosts the Municipal Review Committee - the Board that represents about 180 municipalities that use the PERC incinerator for trash disposal. I was on that board from about 2002 through 2007 when I was appointed to the Board of Environmental Protection by Governor Baldacci and resigned from it to prevent any sort of conflict of interest with matters related to solid waste that might come before the BEP.

The Bangor Land Trust and the Trust for Public Lands have no members representing the

Town of Hampden in any appointed or official capacity. I do not know if any councilors or employees have personal memberships or attendance at any of those groups. I personally do not and have not. The Town of Hampden has no records of these organizations or their meetings.

Beginning with Habitat is an entity housed in a State Office - we have no memberships with that entity representing the Town. Gretchen is the Chair and one of the Muncipal Representatives on the Maine GEOLibrary Board that works on making GIS mapping information available on a statewide basis. She was selected from a number of municipal representatives for that honor. It is a stand alone entity that is not part of the Beginning with Habitat Program.

Is there something specific you are looking for?

Sue Lessard
[Quoted text hidden]

---

shelley hackett <smillerhack@yahoo.com> **Thu, May 5, 2011 at 10:27 AM**
To: Susan Lessard <manager@hampdenmaine.gov>

Thank you.

From: Susan Lessard <manager@hampdenmaine.gov>
To: shelley hackett <smillerhack@yahoo.com>
Cc: Andre Cushing <andrec@roadrunner.com>; Bill Shakespeare <wmshakespeare@hotmail.com>; Janet Hughes <hughestowncouncil@gmail.com>; Jean Lawlis <lawlistowncouncil@gmail.com>; Kristen L Hornbroook <hornbrooktowncouncil@gmail.com>; Matt Arnett <arnetttowncouncil@gmail.com>; Thomas A. Russell <tar@frrlegal.com>; Tom Brann <tombrann@tds.net>; Denise Hodsdon <info@hampdenmaine.gov>
Sent: Wed, May 4, 2011 4:19:27 PM
Subject: Re: Request for Information #3
[Quoted text hidden]

Jean Lawlis <lawlistowncouncil@gmail.com> **Thu, May 5, 2011 at 1:25 PM**
To: Susan Lessard <manager@hampdenmaine.gov>

As you know, I'm not involved in any of these organizations and never have been. Don't know enough to evaluate their work, but believe that most of the other communities in the area have participated at one time or another.
Jean
[Quoted text hidden]

A-3-g

Susan Lessard <manager@hamp

Fwd: GIS question

1 message

Gretchen Heldmann <gheldmann@hampdenmaine.gov> **Tue, May 10, 2011 at 7:55 AM**

To: Susan Lessard <manager@hampdenmaine.gov>

This is the request for GIS information. It will take considerable time to research this and list out all the items she may be interested in (price, company, purpose). I am also unclear what she may mean by "several" years - three?

Thanks,
~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
http://www.maine.gov/geolib/

OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
http://www.hampdenmaine.gov/

---------- Forwarded message ----------
From: **Lisa Kelley** <lisakelley123@yahoo.com>
Date: Mon, May 9, 2011 at 8:14 PM
Subject: GIS question
To: gheldmann@hampdenmaine.gov

Hi Gretchen,

I understand that the Town of Hampden has made some investments in GIS over the past several years and I was hoping that you could forward me what has been purchased, from what company or organization it was purchased from and for what purpose.

Thank you in advance.

-Lisa Kelley

Susan Lessard <manager@hampdenmaine.gov>

GIS Information

2 messages

Susan Lessard <manager@hampdenmaine.gov> **Tue, May 10, 2011 at 9:03 AM**

To: Lisa Kelley <lisakelley123@yahoo.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <wmshakespeare@hotmail.com>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbroook <hornbrooktowncouncil@gmail.com>, Matt Arnett <arnetttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <tombrann@tds.net>, Hampden <info@hampdenmaine.gov>, Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Good Morning Mrs. Kelley,

The town staff person for GIS/IT has forwarded me your request for information. The Town has had some type of GIS software for many years - even before it had a staff person to operate it and the Town hired a consultant to prepare information from it. How far back do you want this information researched? If you let me know the time frame you are looking at I will be able to give you a estimated time in which you will receive the information requested.

Sincerely,
Sue Lessard

Lisa Kelley <lisakelley123@yahoo.com> **Tue, May 10, 2011 at 7:42 PM**
To: Susan Lessard <manager@hampdenmaine.gov>

The last 5 years would be fine.

Again, thank you for your prompt response.

Lisa

--- On **Tue, 5/10/11, Susan Lessard <*manager@hampdenmaine.gov*>** wrote:

> From: Susan Lessard <manager@hampdenmaine.gov>
> Subject: GIS Information
> To: "Lisa Kelley" <lisakelley123@yahoo.com>
> Cc: "Andre Cushing" <andrec@roadrunner.com>, "Bill Shakespeare" <wmshakespeare@hotmail.com>, "Janet Hughes" <hughestowncouncil@gmail.com>, "Jean Lawlis" <lawlistowncouncil@gmail.com>, "Kristen L Hornbroook" <hornbrooktowncouncil@gmail.com>, "Matt Arnett" <arnetttowncouncil@gmail.com>,

"Thomas A. Russell" <tar@frrlegal.com>, "Tom Brann" <tombrann@tds.net>, "Hampden" <info@hampdenmaine.gov>, "Gretchen Heldmann" <gheldmann@hampdenmaine.gov>
Date: Tuesday, May 10, 2011, 9:03 AM
[Quoted text hidden]

A-3-h

Susan Lessard <manager@hamp

Check list for 2010 Com Plan

3 messages

Lisa Kelley <lisakelley123@yahoo.com> **Tue, May 3, 2011 at 10:17 AM**
To: manager@hampdenmaine.gov

Good Morning!

In reviewing the state's Comp Plan website it referred to a "check list" that it ask the towns to attach to their Comp Plan submission for state approval. Did we submit one and if so I would like to obtain a copy.

If this request is to go to the town clerk please let me know and I will contact her directly.

Thank you in advance.

Sincerely,

Lisa Kelley

Susan Lessard <manager@hampdenmaine.gov> **Tue, May 3, 2011 at 10:49 AM**
To: Lisa Kelley <lisakelley123@yahoo.com>
Cc: Dean Bennett <economicdevelopment@hampdenmaine.gov>

Good Morning Mrs. Kelley -
Attached is a copy of the checklist that was attached to the 2010 Comprehensive Plan submission to the State Planning Office. If you have questions about the list, our Economic & Community Development Director Dean Bennett would be a good person to contact. He can be reached at this office at 862-3034.
Sue Lessard
Town Manager

[Quoted text hidden]

Hampden Chapter 208 checklist[1].pdf
550K

Lisa Kelley <lisakelley123@yahoo.com> **Tue, May 3, 2011 at 11:26 AM**
To: Susan Lessard <manager@hampdenmaine.gov>

Susan,

I greatly appreciate you responding to my email so promptly.

-Lisa

--- On **Tue, 5/3/11, Susan Lessard <*manager@hampdenmaine.gov*>** wrote:

> From: Susan Lessard <manager@hampdenmaine.gov>
> Subject: Re: Check list for 2010 Com Plan
> To: "Lisa Kelley" <lisakelley123@yahoo.com>
> Cc: "Dean Bennett" <economicdevelopment@hampdenmaine.gov>
> Date: Tuesday, May 3, 2011, 10:49 AM
> [Quoted text hidden]

Self Assessment Checklist

Directions: *Please complete and submit this checklist along with the comprehensive plan to the State Planning Office. Please check that each element exists, indicate page numbers, and use the space provided for comments as needed. Refer to Chapter 208 for details regarding the requirements for each topic area. If an element is determined by the community to be not applicable, please check the appropriate box and provide an explanation in the "comments" box or as an attachment. Some items, such as the applicability of marine resources in inland communities, will require only a simple explanation. Other items will require more detailed explanation. If an alternate strategy is proposed, please provide an explanation in the "comments" box or as an attachment.*

Completed by: _____ Date: _____

Required Element	✓	Page	SPO Review
Vision Statement that summarizes the community's desired future community character in terms of economic development, natural and cultural resource conservation, transportation systems, land use patterns and its role in the region.		Book 1 page 3	
Public Participation Summary of the public participation process used by the planning committee in developing the plan pursuant to 30-A MRSA §4324. The summary must indicate how the information gathered during the public process was used to guide the plan's vision statement, analyses, policies and strategies.		Book 1 page 1	
Regional Coordination Program summarizing regional coordination efforts for shared resources and facilities, including but not limited to lakes, rivers, aquifers, and transportation facilities. The plan must identify any shared resources and facilities, describe any conflicts with neighboring communities' policies and strategies pertaining to shared resources and facilities and describe what approaches the community will take to coordinate management of shared resources and facilities. In addition, the plan must include a summary of regional coordination efforts from all applicable topic areas.		Book 1 page RC-1 to RC-3	
Plan Implementation section that prioritizes how implementation strategies will be carried out, pursuant to 30-A MRSA §4326(3). The plan must identify the responsible party and anticipated timeline for each strategy in the plan.		Book 1 page 4 and each section	
Evaluation measures that describe how the community will periodically (at least every five years) evaluate the following: A. The degree to which future land use plan strategies have been implemented; B. Percent of municipal growth-related capital investments in growth areas; C. Location and amount of new development in relation to community's designated growth areas, rural areas, and critical resource areas D. Amount of critical resource areas protected through acquisition, easements, or other measures.		Book 1 page 5	
Future Land Use Plan that meets the requirements of Section 3 of Chapter 208. This section will be the focus of the Office's review for consistency with the Act.			
Comments:			

Future Land Use Plan	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. How does the Future Land Use Plan align and/or conflict with the community's vision statement?			Book 1 LU-44	
2. How is the configuration of the growth areas shaped by natural opportunities and/or constraints (i.e. the physical suitability or unsuitability of land for development)? The location of public facilities? The transportation network?			Book 2 pp 193-202	
3. How does the Future Land Use Plan relate to existing regional economic, housing, transportation and natural resource plans? How does the Future Land Use Plan relate to recent development trends?			Book 2 pp 193-194 + other secs	
4. Are most municipal capital investments currently directed toward growth areas? Why or why not?			Book 2 pg 161	
5. How can critical resource areas be effectively protected from future development impacts?			Book 2 pp 201-202	
Components				
1. A map or maps showing the following land use areas and any smaller land use districts within them: Growth (unless exempted), Rural, Critical Resource, and Transition (if proposed).			Existing and Proposed LU maps	
2. A narrative description of each land use area including: a. The area's relationship to the community's vision; b. The names of any smaller land use districts within the area; c. The area's natural opportunities and/or constraints; d. The area's transportation system; e. The types and intensity of proposed land uses, including the range of residential densities; f. The area's proximity to existing and proposed public facilities and services; g. The compatibility or incompatibility of proposed uses to current uses within and around the area along with any special development considerations (e.g. need for additional buffers, architectural design standards, etc.); and h. Any anticipated major municipal capital investments needed to support the proposed land uses.			Book 2 pp 193-202	
3. A summary of the key regulatory and non-regulatory approaches, including investment policies and strategies, the community will use to implement its Future Land Use Plan.			See Comment	
Comments: Land Use strategies 1-12 are the key strategies.				

Future Land Use Plan *(cont.)*	✓	N/A	Page	SPO Review
Policies				
1. To coordinate the community's land use strategies with other local and regional land use planning efforts.			LU-47 #4	
2. To support the locations, types, scales, and intensities of land uses the community desires as stated in its vision.			LU-44	
3. To support the level of financial commitment necessary to provide needed infrastructure in growth areas.			FC-39; LU-49; ClnP	
4. To establish efficient permitting procedures, especially in growth areas.			LU-44 #14.1.3 + 14.5	
5. To protect critical resource areas from the impacts of development.			LU-44 #14.1.6	
Strategies				
1. Assign responsibility for implementing the Future Land Use Plan to the appropriate committee, board or municipal official.			Book 1, page 4	
2. Using the descriptions provided in the Future Land Use Plan narrative, enact or amend local ordinances as appropriate to: a. Clearly define the desired scale, intensity, and location of future development; b. Establish fair and efficient permitting procedures and appropriate fees, and streamline permitting procedures in growth areas; and c. Clearly define protective measures for critical resource areas.			LU 44-49	
3. Include in the Capital Investment Plan anticipated municipal capital investments needed to support proposed land uses.			FC-40 to FC-43	
4. Meet with neighboring communities to coordinate land use designations and regulatory and non-regulatory strategies.			LU-47 # 15.5.4	
5. Provide the code enforcement officer with the tools, training, and support necessary to enforce land use regulations, and ensure that the Code Enforcement Officer is certified in accordance with 30-A MRSA §4451.			MR-21 #7	
6. Track new development in the community by type and location.			LU-49 #14.5.19	
7. Periodically (at least every five years) evaluate implementation of the plan in accordance with Section 2.8.			Book 1 page 5	
Comments:				

Population and Demographics	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. Is the rate of population change expected to continue as in the past, or to slow down or speed up? What are the implications of this change?			Book 2 pp 43-44	
2. Which demographic groups are the fastest growing and which are in decline?			Book 2 pp 33-34	
3. What will be the likely demand for housing, municipal and school services to accommodate the change in population and demographics, both as a result of overall change and as a result of change among different age groups?			Book 2 pp 33-34	
4. If most of the population growth is the result of newcomers, what can the community do to foster shared outlooks?			Book 2 page 45	
5. If your community has a significant seasonal population, is the nature of that population changing? What is the community's relationship to and dependence on seasonal visitors?		X		
6. If your community is a service center or has a major employer, what additional effort does it have to make to serve a daytime population that is larger than its resident population?		X		
Conditions and Trends				
1. The community's Comprehensive Planning Population and Demographic Data Set (including relevant local, regional and state-wide data) prepared and provided to the community by the State Planning Office or its designee.			Book 2 pp 28-45	
2. Information on natural population change (births and deaths).			Book 2 page 32	
3. Significance and role of seasonal population and anticipated trends (as applicable).		X		
Comments:				

Economy	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. Where does the local population work and how does the community fit into the economic region (labor market area)?			Book 2 pp 46-51	
2. Who are major employers in the region and what is their outlook for the future?			Book 2 pp 48-51 + 59	
3. Is the economy experiencing significant change, and how does this, or might this, affect the local population, employment and municipal tax base?			Book 2 pp 59-60	
4. What are the community's priorities for economic development? Are these priorities reflected in regional economic development plans?			Book 2 pp 59-60	
5. If there is a traditional downtown in the community, is it deteriorating or thriving? How is this affecting the community?		X		
6. Are natural resource-based industries (including fishing, farming, or forestry) important in the community and, if so, are they growing or declining? What steps has the community taken to support these industries?			Book 2 pg 52	
7. Is tourism an important part of the local economy? If so, does the community want to foster this industry and what steps can it take to strengthen tourism?		X		
8. What role do/should home occupations play in the community, if any?			Book 2 page 51	
9. Are there appropriate areas within the community for industrial or commercial development? If so, are performance standards necessary to assure that industrial and commercial development is compatible with the surrounding land uses and landscape?			Book 2 page 201-203	
10. What types of public facilities, including sewer, water, broadband access or three-phase power, are needed to support the projected location, type, and amount of economic activity, and what are the issues involved in providing them?			Book 2 page 202	
Conditions and Trends				
1. The community's Comprehensive Planning Economic Data Set prepared and provided to the community by the Office or its designee.			Book 2 pp 46-61	
2. A brief historical perspective on how and why the current economy of the community and region developed.			Book 2 page 46	
3. A list of local and regional economic development plans developed over the past five years which include the community.			Book 2 page 60	
4. A description of the major employers in the community and labor market area.			Book 2 pp 48-49	
5. A description of retail stores by type and how the composition has changed over past five or ten years.			Book 2 page 46	
6. A description of any economic development incentive districts, such as Tax Increment Financing Districts or Pine Tree Zones, in the community.			Book 2 page 59	
Comments:				

Economy *(cont.)*	✓	N/A	Page	SPO Review
Policies (minimum required to address State goals)				
1. To support the type of economic development activity the community desires, reflecting the community's role in the region.			EE-6 #2.1.1	
2. To make a financial commitment, if necessary, to support desired economic development, including needed public improvements.			EE-6 #2.1	
3. To coordinate with regional development corporations and surrounding towns as necessary to support desired economic development.			EE-6 #2.1	
Comments:				
Strategies (minimum required to address State goals)				
1. If appropriate, assign responsibility and provide financial support for economic development activities to the proper entity (e.g., a local economic development committee, a local representative to a regional economic development organization, the community's economic development director, a regional economic development initiative, or other).			EE- #7	
2. Enact or amend local ordinances, if appropriate, to reflect the desired scale, design, intensity, and location of future economic development.			EE-7 and FLUP	
3. Develop and adopt incentives suitable for the types and locations of economic development desired in the community.			EE-7	
4. If public investments are foreseen as required, identify the mechanisms to be considered to finance them (local tax dollars, creating a tax increment financing district, a Community Development Block Grant or other grants, bonding, impact fees, etc.)			EE-7	
5. Initiate participation in or continue to participate in any regional economic development efforts.			EE-7	
Comments:				

Housing	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. How many additional housing units, including rental units, will be necessary to accommodate projected population and demographic changes during the planning period?			Book 2 pp 62 and 70	
2. Is housing, including rental housing, affordable to those earning the median income in the region? Is housing affordable to those earning 80% of the median income? If not, evaluate local and regional efforts to address issue.			Book 2 pp 68-70	
3. Are seasonal homes being converted to year-round use or vice-versa? What impact does this have on the community?		X		
4. Will additional senior or assisted living housing be necessary to meet projected needs for the community and region? Will these needs be met locally or regionally?			Book 2 page 71-73	
5. Are there other major housing issues, such as substandard housing?		X		
6. Do existing regulations encourage or discourage development of affordable housing?			Book 2 page 73	
Comments:				
Conditions and Trends				
1. The community's Comprehensive Planning Housing Data Set prepared and provided to the community by the Maine State Housing Authority and the Office, or their designees.			Book 2 pp 62-73	
2. Information on existing regional affordable housing coalitions or similar efforts.			Book 2 page 71	
4. A summary of local regulations that affect the development of affordable housing.			Book 2 page 71	
Comments:				

Housing *(cont.)*	✓	N/A	Page	SPO Review
Policies (minimum required to address State goals)				
1. To encourage and promote adequate workforce housing to support the community's and region's economic development			H-10 #3.1.4 & 3.1.5	
2. To ensure that land use controls encourage the development of quality affordable housing, including rental housing.			H-10 #3.1	
3. To seek to achieve at least 10% of all housing built or placed during the next decade be affordable.			H-11 # 3.1.9	
4. To encourage and support the efforts of the regional housing coalitions in addressing affordable and workforce housing needs.			H-10 # 3.1.7	
Comments:				
Strategies (minimum required to address State goals)				
1. Enact or amend growth area land use regulations to increase density, decrease lot size, setbacks and road widths, or provide incentives such as density bonuses, to make housing less expensive to develop.			EE-8 #11; H-11; H-3; LU-45	
2. Allow the addition of at least one accessory apartment per dwelling unit in growth areas, subject to site suitability.			H-12 + LU-45 #5	
3. Create or continue to support a community affordable housing committee and/or regional affordable housing coalition.			H-12	
4. Designate a location(s) in growth areas where mobile home parks are allowed pursuant to 30-A MRSA §4358(3)(M).			Book 2 page 192	
Comments:				

Transportation	✓	N/A	Page	SPO Review
Analyses and Key Issues				
Roads, Bridges, Sidewalks, and Bicycle Routes				
1. What are the concerns for transportation system safety and efficiency in the community and region? What, if any, plans exist to address these concerns, which can involve:: i. Safety; ii. Traffic speed; iii. Congestion and travel delay; iv. Travel volume and type; v. Traffic problems caused by such things as road and driveway locations and design, road maintenance needs, traffic control devices, growth patterns and lack of transportation options; vi. Lack of transportation links between neighborhoods, schools, recreation, shopping, and public gathering areas; vii. Closed or posted bridges or roads; viii. Pedestrian and bicycling safety; ix. Light pollution.			Book 2 pp 72-107	
2. What conflicts are caused by multiple road uses, such as a major state or U.S. route that passes through the community or its downtown and serves as a local service road as well?			Book 2 pg 72	
3. Upon review of state and regional transportation plans, what are their impacts on your current and future community plans? What actions can the community take to address identified impacts?			98-106	
4. How do the community's land use regulations mesh with the MaineDOT, regional, and local objectives for transportation system facilities in the community? If growth areas are located on arterial highways, how will growth in these areas affect the ability of the arterial to safely and efficiently move traffic?			88-91	
5. What is the community's schedule for regular investments in road maintenance and improvement? How are MaineDOT Urban-Rural Initiative Program (URIP) funds used to off-set municipal road improvement costs?			98-102	
6. What concerns does your community have regarding its policies and standards for design, construction and maintenance of public and private local roads and bridges?			88-91	
Parking				
7. What are the parking issues in the community?			8; 83	
8. Do local parking standards promote development in desired areas or do they drive it to outlying areas?			83	
9. How do local ordinances consider safety related to parking lot layout and circulation for vehicles, pedestrians and all other users?			83	
10. What community investments are needed to expand or improve parking?			8; 83	
Comments: (1)				

Transportation *(cont.)*	✓	N/A	Page	SPO Review
Analysis and Key Issues (cont.)				
Other modes of transportation				
11. What transit services are available to meet the current and future needs of community residents? If transit services are not adequate, how will the community address the needs?			85-86	
12. If the community hosts a major transportation terminal, such as an airport, rail or ferry terminal, how does it connect to other transportation systems?		X		
13. If the community hosts any public airports, what coordination has been undertaken to ensure that required airspace is protected now and in the future? How does the community coordinate with the owner(s) of private airports?		X		
Environmental and cultural considerations				
14. What, if any, environmental degradation caused by state or local transportation facilities or operations (i.e. wildlife mortality, habitat fragmentation, erosion, groundwater contamination, non-point source pollution) is occurring?			103-105	
15. What are community's objectives for preserving or protecting important identified scenic, historic, or cultural resources adjacent to transportation facilities?			7-11	
16. How does the community address any transportation-related noise concerns?			146; 195-196	
17. What steps can the community take to encourage development to occur in a manner that minimizes transportation-related environmental impacts such as habitat fragmentation and/or vehicular CO_2 emissions?			83-85; 88-91	
Land use				
18. How do existing and proposed major transportation facilities complement the community's vision?			71; 88-90	
19. How do local land use decisions affect safety, congestion, mobility, efficiency and interconnectivity of the transportation system?			88-91	
20. How do existing land uses and development trends support or inhibit cost effective passenger transportation systems and the efficient use of freight rail systems?			85-88	
21. Does the community have in place, or does it need to put into place, access management or traffic permitting measures? How do these measures correlate with MaineDOT's access management program and regulations for traffic permitting of large development?			90-91	
22. How do the community's local road design standards support the type of village, suburban, or rural land use patterns the town wants?			9; 71	
23. Do planned or recently built subdivision roads (residential or commercial) simply dead-end or do they allow for expansion to adjacent land and encourage the creation of a network of local streets? Where dead-ends are unavoidable, are mechanisms in place to encourage shorter dead-ends resulting in compact and efficient subdivision designs?			9	
Comments:				

Transportation *(cont.)*	✓	N/A	Page	SPO Review
Analysis and Key Issues (cont.)				
Coastal communities only:				
24. What land-side and water-side transportation facilities are needed?			122-123	
25. How does the community protect access to facilities for island travelers, currently and in the future?		X		
26. How do the community's land use regulations mesh with MaineDOT, regional and local objectives for marine transportation facilities?		X		
Conditions and Trends				
1. The community's Comprehensive Planning Transportation Data Set prepared and provided to the community by the Department of Transportation and the Office, or their designees.				
Highways, Bridges, Sidewalks, and Bicycle Routes				
2. Location and overall condition of roads, bridges, sidewalks, and bicycle facilities, including any identified deficiencies or concerns.			71-85	
3. Identify potential off-road connections that would provide bicycle and pedestrian connections to neighborhoods, schools, waterfronts and other activity centers.			83-85	
4. Identify major traffic (including pedestrian) generators, such as schools, large businesses, public gathering areas/activities etc. and related hours of operation.			78	
5. Identify policies and standards for the design, construction and maintenance of public and private roads. Identify the location of private roads and assess their potential to become public roads.			9; 72-80	
Parking				
6. List and locate municipal parking areas including size, condition, and usage.			83	
Other Modes of Transportation				
7. List and locate all airports within or adjacent to the community and describe applicable airport zoning and airspace protection ordinances in place.			86-87	
8. Identify inter-local, fixed route, commuter and demand response bus or van services, including private or public operator information and local government involvement.			86-87	
Environmental and Cultural Considerations				
9. Location of evacuation routes identified in an emergency response plan, if applicable.		X		
10. Identify areas with transportation related noise concerns.			146; 195-196	
11. Identify areas where inappropriate lighting affects transportation safety.		X		
12. Identify and describe scenic, historic, or cultural resources within or adjacent to transportation facilities that the community wants to protect, such as street trees, covered bridges, etc.			8-11	
Comments:				

Transportation *(cont.)*	✓	N/A	Page	SPO Review
Conditions and Trends (cont.)				
13. Known locations with opportunities to restore habitat connections disrupted by a transportation facility owned and maintained by the community.		X		
14. Identify current local land use management strategies (such as access management, zoning, density, minimum lot size standards) that enhance or detract from the safety and efficiency of the transportation system (including highway, air, bus, bike, pedestrian, marine, and rail services.)			88-91	
Coastal Communities only:				
15. Location of current and potential seaport terminals. Identify whether seaport terminal is of local, regional, or state significance, its ownership/management and use (type and quantity/frequency of goods shipped in or out). List land-side and water-side facilities associated with port.		X		
16. Identify public ferry service and private boat transportation support facilities (may be covered under Marine Resources with cross reference) including related water-side (docks/piers/wharves) and land side (parking) facilities.		X		
Comments:				
Policies (minimum required to address State goals)				
1. To prioritize community and regional needs associated with safe, efficient, and optimal use of transportation systems			T-13 #4.1.1	
2. To safely and efficiently preserve or improve the transportation system.			T-13 #4.1	
3. To promote public health, protect natural and cultural resources and enhance livability by managing land use in ways that maximize the efficiency of the transportation system and minimize increases in vehicle miles traveled.			T-13 #4.1	
4. To meet the diverse transportation needs of residents (including children, the elderly and disabled) and through travelers by providing a safe, efficient and adequate transportation network for all types of users (motor vehicles, pedestrians, bicyclists).			T-13 #4.1.9	
5. To promote fiscal prudence by maximizing the efficiency of the state or state-aid highway network.			T-13 # 2,3,4,5 &7	
Comments:				

Transportation *(cont.)*	✓	N/A	Page	SPO Review
Strategies (minimum required to address State goals)				
1. Develop or continue to update a prioritized ten-year improvement, maintenance and repair plan for local/regional transportation system facilities that reflects community, regional and state objectives.			T-14	
2. Initiate or actively participate in regional and state transportation and land use planning efforts.			T14	
3. Enact or amend local ordinances as appropriate to be consistent with local, regional and state transportation policies identified in this plan.			T-14	
4. Enact or amend local ordinances as appropriate to address or avoid conflicts with: a) Policy objectives of the Sensible Transportation Policy Act (23 MRSA §73); b) State access management regulations pursuant to 23 MRSA §704; and c) State traffic permitting regulations for large developments pursuant to 23 MRSA §704-A.			T-14	
5. Enact or amend ordinance standards for subdivisions and for public and private roads as appropriate to foster transportation-efficient growth patterns and provide for future street and transit connections.			T-15-16	
6. Work with the MaineDOT as appropriate to address deficiencies in the system or conflicts between local, regional and state priorities for the local transportation system.			T-15	
Comments:				

Recreation	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. Will existing recreational facilities and programs in the community and region accommodate projected changes in age groups or growth in your community?			113-119	
2. Is there a need for certain types of services or facilities or to upgrade or enlarge present facilities to either add capacity or make them more usable?			115-119	
3. Are important tracts of open space commonly used for recreation publicly owned or otherwise permanently conserved?			108-112	
4. Does the community have a mechanism, such as an open space fund or partnership with a land trust, to acquire important open spaces and access sites, either outright or through conservation easements?			117	
5. Does the public have access to each of the community's significant water bodies? Is the type of access compatible with the protection of public drinking water sources?			115; 118	
6. Are recreational trails in the community adequately maintained? Are there use conflicts on these trails?			118	
7. Is traditional access to private lands being restricted?			108	
Comments:				
Conditions and Trends				
1. The community's Comprehensive Planning Recreation Data Set prepared and provided to the community by the Department of Conservation and the State Planning Office, or their designees.				
2. A description of important public and private active recreation programs, land and water areas (including hunting and fishing areas), and facilities in the community and region, including regional recreational opportunities as appropriate, and identification of unmet needs.			109-115	
3. An inventory of any fresh or salt water bodies in the community determined locally to have inadequate public access.			115; 118	
4. A description of trail systems, trail management organizations, and conservation organizations that provide trails for all-terrain vehicles, snowmobiling, skiing, mountain biking or hiking. Include mapped information as available.			118	
5. A map or list of important publicly-used open spaces and associated facilities, such as parking and toilet facilities.			109-115	
6. A list of local and regional land trusts in the area.			111	
Comments:				

Recreation *(cont.)*	✓	N/A	Page	SPO Review
Policies (minimum required to address State goals)				
1. To maintain/upgrade existing recreational facilities as necessary to meet current and future needs.			R-18	
2. To preserve open space for recreational use as appropriate.			R-18	
3. To seek to achieve or continue to maintain at least one major point of public access to major water bodies for boating, fishing, and swimming; and work with nearby property owners to address concerns.			R-18	
Comments:				
Strategies (minimum required to address State goals)				
1. Create a list of recreation needs or develop a recreation plan to meet current and future needs. Assign a committee or town official to explore ways of addressing the identified needs and/or implementing the policies and strategies outlined in the plan.			R-18 #5.3-R-1	
2. Include any capital needs identified for recreation facilities in the Capital Investment Plan.			R-18 #5.3-R-1	
3. Work with public and private partners to extend and maintain a network of trails for motorized and non-motorized uses. Connect with regional trail systems where possible.			R-19 #5.3-R-3	
4. Work with a local land trust or other preservation organization to pursue opportunities to protect important open space or recreational land.			R-19 #5.3-R-2	
5. Provide education regarding the benefits and protections for landowners allowing public recreational access on their property.			R-19 #5.3-R-4	
Comments:				

Marine Resources ***(if necessary)***	✓	N/A	Page	SPO Review
Analyses and Key Issues				
Fishery resources and water quality				
1. Is water quality being monitored on a regular basis?			121	
2. Is there a local or regional plan in place to identify and eliminate pollution source?			121	
3. Has closing of clam or worm flats threatened the shellfishing industry; are sources of contamination known? Are sources point (direct discharge) or nonpoint?			123	
4. Are fishery resources being properly managed at local and regional levels?			121	
Coastal land use				
5. Are traditional water-dependent uses thriving or in decline? What are the factors affecting these uses? If current trends continue, what will the waterfront look like in 10 years?			124	
6. Is there reasonable balance between water-dependent and other uses, and between commercial and recreational uses? If there have been recent conversions of uses, have they improved or worsened the balance?			124	
7. How does local zoning treat land around the harbor? How do the community's coastal land use regulations compare with neighboring communities?			124	
Harbor management				
8. Have arrangements for managing local harbors been effective?		X		
9. Is there a local or regional harbor or bay management plan? If not, is one needed?		X		
10. If the harbor is shared with other communities, is there cooperation in management of the harbor?		X		
11. What are the local dredging needs and how are they addressed?			123	
Coastal access				
12. Is adequate, protected access for commercial fishermen, aquaculturists, and recreational users available? Based on projections, will access, including support facilities such as parking and marine services, be adequate for the future? Are there opportunities for improved access?			121-123	
13. Are important points of visual access identified and protected?		X		
Comments:				

Marine Resources *(cont.)*	✓	N/A	Page	SPO Review
Conditions and Trends				
1. The community's Comprehensive Planning Marine Resources Data Set prepared and provided to the community by the Department of Marine Resources and the Office, or their designees.				
Coastal land use				
2. A map or description of current land use patterns along the shoreline and near coast area which differentiates water-dependent uses from other uses.			124	
3. A summary of current regulatory and non-regulatory provisions influencing land use patterns along the shoreline and near coast area.			124	
Harbor management				
4. A description of any local or regional harbor or bay management plans or planning efforts.		X		
Coastal access				
5. The location of facilities (wharves, boat ramps, pump-out stations, etc.), with a brief description of any regional or local plans to improve facilities.			113-119 plus map	
6. A description of or map showing beaches and other access points used by the public with a brief description of their use, capacity, physical condition, and plans to improve, expand, or acquire facilities such as parking or toilets.			113-119	
7. An inventory of significant scenic access points along the shoreline, including current ownership (public/private) and any protection, if any.		X		
Comments:				
Policies (minimum required to address State goals)				
1. To protect, maintain and, where warranted, improve marine habitat and water quality.			MR-20	
2. To foster water-dependent land uses and balance them with other complementary land uses.			MR-20	
3. To maintain and, where warranted, improve harbor management and facilities.			MR-20	
4. To protect, maintain and, where warranted, improve physical and visual public access to the community's marine resources for all appropriate uses including fishing, recreation and tourism.			MR-20	
Comments:				

Marine Resources *(cont.)*	✓	N/A	Page	SPO Review
Strategies (minimum required to address State goals)				
1. Working with local residents and businesses, neighboring communities, the DEP, and the Department of Marine Resources, develop an action plan to protect fishery habitats and identify and eliminate point and non-point source pollution.			MR-21	
2. Consistently enforce local shoreland zoning provisions and provide adequate training and resources to the code enforcement officer.			MR-21	
3. Develop a plan for addressing any identified needs for additional recreational and commercial access (which includes parking, boat launches, docking space, and swimming access) and their ongoing maintenance. Include necessary public improvements/upgrades in the Capital Investment Plan.			MR-21	
4. Encourage owners of marine businesses and industries to participate in clean marina/boatyard programs.			MR-21	
5. Provide information about the current use taxation program to owners of waterfront land used to provide access to or support the conduct of commercial fishing activities.			MR-21	
6. Implement any local or regional harbor or bay management plans, or work with neighboring communities to create a harbor management plan for shared resources.			MR-21	
7. If applicable, provide sufficient funding for and staffing of the harbormaster and/or harbor commission.			MR-21	
8. Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks.			MR-21	
Comments:				

Water Resources	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. Are there point sources (direct discharges) of pollution in the community? If so, is the community taking steps to eliminate them?			129	
2. Are there non-point sources of pollution related to development, agriculture, forestry or other uses that are affecting surface water resources and riparian areas? If so, are existing regulations sufficient to protect these resources?			125; 130	
3. Are point and/or non-point sources of pollution threatening groundwater supplies?			136-137	
4. Are public groundwater supplies and surface water supplies and their recharge areas adequately protected? Are any public water supply expansions anticipated? If so, have suitable sources been identified and protected?			136-137	
6. What non-regulatory measures can the community take to protect or enhance water quality? Are there opportunities to partner with local or regional advocacy groups that promote water resource protection?			130	
7. Do local road construction and maintenance practices and standards adequately protect water resources? Do public works crews and contractors use best management practices in daily operations (e.g. salt/sand pile maintenance, culvert replacement street sweeping, public works garage operations)?			104	
8. Are floodplains adequately identified and protected? Does the community participate in the National Flood Insurance Program? If not, should it? If so, is the floodplain management ordinance up to date and consistently enforced?			135-136	
Conditions and Trends				
1. The community's Comprehensive Planning Water Resources Data Set prepared and provided to the community by the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, and the Office, or their designees.				
2. A description of each lake, pond, river and stream including: a. Ecological, economic, and recreational values; b. Current watershed land uses; c. Threats to water quality or quantity; d. Documented water quality and/or invasive species problems.			125-137	
3. A list of water resource advocacy groups active in the community.			121; 130	
4. A summary of past and present activities to monitor, assess and/or improve water quality, mitigate sources of pollution, and control or prevent the spread of invasive species.			125-137	
5. A description of the location and nature of significant threats to drinking water supplies.			136-137	
6. A summary of existing lake, pond, river, stream and drinking water protection and preservation measures, including local ordinances.			132-137	
Comments:				

Water Resources *(cont.)*	✓	N/A	Page	SPO Review
Policies (minimum required to address State goals)				
1. To protect current and potential drinking water sources.			WR-23	
2. To protect significant surface water resources from pollution and improve water quality where needed.			WR-23	
3. To protect water resources in growth areas while promoting more intensive development in those areas.			WR-23	
4. To minimize pollution discharges through the upgrade of existing public sewer systems and wastewater treatment facilities.			WR-23	
5. To cooperate with neighboring communities and regional/local advocacy groups to protect water resources.			WR-23	
Comments:				
Strategies (minimum required to address State goals)				
1. Amend local land use ordinances as applicable to incorporate stormwater runoff performance standards consistent with: a. The Maine Stormwater Management Law and Stormwater Rules (Title 38 MRSA Section 420-D and 06-096 CMR 500 and 502). b. DEP's allocations for allowable levels of phosphorus in lake/pond watersheds. c. The Maine Pollution Discharge Elimination System Stormwater Program			WR-23	
2. Update the floodplain management ordinance to be consistent with state and federal standards.			WR-24	
3. Consider amending local land use ordinances, as applicable, to incorporate low impact development standards.			WR-24	
4. Where applicable, develop an urban impaired stream watershed management or mitigation plan that will promote continued development or redevelopment without further stream degradation.			WR-24	
5. Enact public wellhead and aquifer recharge area protection mechanisms, as necessary.			WR-24	
6. Provide water quality "best management practices" information to farmers and loggers.			WR-24	
7. Adopt water quality protection practices and standards for construction and maintenance of public roads and properties and require their implementation by the community's officials, employees and contractors.			WR-24	
8. Participate in local and regional efforts to monitor, protect and, where warranted, improve water quality.			WR-25	
9. Provide educational materials at appropriate locations regarding invasive species.			WR-25	
Comments:				

Critical Natural Resources	✓	N/A	Page	SPO Review
Analysis and Key Issues				
1. Are existing regulations sufficient to protect the community's critical natural resources threatened by development, overuse, or other activities?			140-143	
2. Are local shoreland zone standards consistent with state guidelines and with the standards on adjacent shorelands in neighboring towns?			125-127	
3. What non-regulatory measures can the community take to protect critical natural resources? Are there opportunities to partner with local or regional advocacy groups?			111-112; 140-143	
4. Is there current regional cooperation or planning underway to protect shared critical natural resources?			140	
5. In what other areas will protection of critical natural resources advance comprehensive plan policies (e.g. water resources, economy, recreation, agriculture and forestry, etc.)?			See sections	
Comments:				
Conditions and Trends				
1. The community's Comprehensive Planning Critical Natural Resources Data Set prepared and provided to the community by the Department of Inland Fisheries and Wildlife, Department of Environmental Protection, and the Office or their designees.				
2. A map or description of significant scenic areas and scenic views of local importance, and regional or statewide importance if available.			11	
Comments:				
Policies (minimum required to address State goals)				
1. To conserve critical natural resources in the community.			CR-26	
2. To coordinate with neighboring communities and regional and state resource agencies to protect shared critical natural resources.			CR-26	
Comments:				

Critical Natural Resources *(cont.)*	✓	N/A	Page	SPO Review
Strategies (minimum required to address State goals)				
1. Amend local shoreland zone standards to meet current state guidelines.			CR-28	
2. Designate critical natural resources as Critical Resource Areas in the Future Land Use Plan.			CR-27	
3. Through local land use ordinances, require subdivision or non-residential property developers to look for and identify critical natural resources that may be on site and to take appropriate measures to protect those resources, including but not limited to, modification of the proposed site design, construction timing, and/or extent of excavation.			CR-28	
4. Through local land use ordinances, require the planning board (or other designated review authority) to incorporate maps and information provided by the Maine Beginning with Habitat program into their review process.			CR-28	
5. Adopt natural resource protection practices and standards for construction and maintenance of public roads and properties and require their implementation by the community's officials, employees, and contractors.			CR-27	
6. Initiate and/or participate in interlocal and/or regional planning, management and/or regulatory efforts around shared critical natural resources.			CR-28	
7. Pursue public/private partnerships to protect critical natural resources such as through purchase of land or easements from willing sellers.			CR-28	
8. Distribute or make available information to those living in or near critical natural areas about applicable local, state or federal regulations.			CR-28	
Comments:				

(2)

Historic and Archeological Resources	✓	N/A	Page	SPO Review
Analysis and Key Issues				
1. Are historic patterns of settlement still evident in the community?			7-11	
2. What protective measures currently exist for historic and archaeological resources and are they effective?			24-25	
3. Do local site plan and/or subdivision regulations require applicants proposing development in areas that may contain historic or archaeological resources to conduct a survey for such resources?			24-25	
4. Have significant historic resources fallen into disrepair, and are there ways the community can provide incentives to preserve their value as an historical resource?			24-25	
5. Is there an active historical society, and does the community adequately support its efforts?			24-25	
Conditions and Trends				
1. The community's Comprehensive Planning Historic Preservation Data Set prepared and provided to the community by the Historic Preservation Commission and the Office, or their designees.				
2. An outline of the community's history, including a brief description of historic settlement patterns and events contributing to the development and character of the community and its surroundings.			7-25	
3. A brief description of the location, type, extent, condition, use, local, regional and/or national significance of historic resources, including but not limited to buildings, millworks, bridges, statues, cemeteries, trees, landscapes, and federally and/or locally designated properties and/or districts.			7-25	
4. Identify local historical society and/or preservation organizations.			24	
5. A general description of potential threats to the existence, physical integrity, or quality of identified historic and archaeological resources.			7-8	
Policies (minimum required to address State goals)				
1. Protect to the greatest extent practicable the significant historic and archaeological resources in the community.			HA-29	
Strategies (minimum required to address State goals)				
1. For sites with identified potential for historical and archeological resources, through local land use ordinances require subdivision or non-residential property developers to look for and identify any historical and archaeological resources, and to take appropriate measures to protect those resources, including but not limited to, modification of proposed site design, construction timing, and/or extent of excavation.			HA-29	
2. Through local land use ordinances, require the planning board (or other designated review authority) to incorporate maps and information provided by the Maine Historic Preservation Commission into their review process.			HA-29	
3. Work with the local or county historical society and/or the Maine Historic Preservation Commission to assess the need for, and if necessary plan for, a comprehensive community survey of the community's historic and archaeological resources.			HA-30	
Comments:				

Agriculture and Forestry Resources	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. How important is agriculture and/or forestry to the community and region? Are these activities growing, stable or declining? Are the farms or woodlots in the community important for non-economic reasons, such as scenic landscapes, wildlife habitat, outdoor recreation, or historic significance?			146-149	
2. How are land use patterns and land values contributing to the loss of farm or forest land?			149	
3. What regulatory and non-regulatory steps is the community currently taking to support productive farm and forest lands? Are there local or regional land trusts actively working to protect farms or forest lands in the community?			149	
4. Are there undeveloped parts of town in which prime farmland soils are prevalent? If so, how are these areas currently being used? How are they being protected?			149	
5. Are farm and commercial forest land owners taking advantage of the state's current use tax laws?			146-148	
6. Has proximity of new homes or other incompatible uses affected the normal operations of farms or woodlot owners?			149	
7. Are there large tracts of industrial forest land that have been or may be sold for development in the foreseeable future? If so, what impact would this have on the community?		X		
8. Is clear-cutting an issue in the community? Is the clear-cutting related to normal woodlands management, or is it in preparation for land development?		X		
9. Do local farmers and/or loggers take steps to minimize impacts on natural resources in the community? Do local farms participate in Natural Resource Conservation Service programs?			148	
10. How does the community support community forestry or agriculture (i.e. small woodlots, community forests, tree farms, community gardens, farmers' markets, or community-supported agriculture)?			149	
11. Does the community have, or need, a street tree or other tree planting and maintenance program?			147	
Comments:				

Agriculture and Forestry Resources *(cont.)*	✓	N/A	Page	SPO Review
Conditions and Trends				
1. The community's Comprehensive Planning, Agriculture, and Forestry Data Set prepared and provided to the community by the Department of Agriculture, the Maine Forest Service, and the Office, or their designees.				
2. A map and/or description of the community's farms, farmland and managed forest lands, including information on the importance of these resources to the local and regional economy and rural character.			146-149 + map	
3. Information on the number of farms and acres of farmland in the community enrolled in the state farm and open space law taxation program, including changes in enrollment over the past 10-20 years.			148	
4. Information on the number of parcels and acres of forest land enrolled in the state tree growth tax law program, including changes in enrollment over the past 10-20 years.			147	
5. A description of any community farming and forestry activities (e.g. street tree program, community garden, farmer's market, or community forest), including identification of managing officials and/or organizations.				
Policies (minimum required to address State goals)				
1. To safeguard lands identified as prime farmland or capable of supporting commercial forestry.			A-31 + F-33	
2. To promote the use of best management practices for timber harvesting and agricultural production.			A-31 + F-33	
3. To support farming and forestry and encourage their economic viability.			A-31 + F-33	
Strategies (minimum required to address State goals)				
1. Consult with the Maine Forest Service District Forester when developing any land use regulations pertaining to forest management practices.			F-33	
2. Consult with Soil and Water Conservation District staff when developing any land use regulations pertaining to agricultural management practices.			A-31	
3. Amend land use ordinances to require commercial or subdivision developments in critical rural areas to maintain areas with prime farm soils as open space to the greatest extent practicable.			A-32	
4. Limit non-residential development in critical rural areas to natural resource-based businesses and services, nature tourism/outdoor recreation businesses, farmers' markets, and home occupations.			F-34	
5. Encourage owners of productive farm and forest land to enroll in the current use taxation programs.			A-32 & F-35	
6. Permit activities that support productive agriculture and forestry operations, such as road-side stands, greenhouses, and pick-your-own operations.			A-32 & F-35	
7. Include agriculture and commercial forestry operations in local or regional economic development plans.			A-32 & F-35	
Comments:				

Public Facilities and Services	✓	N/A	Page	SPO Review
Analysis and Key Issues				
1. Are municipal services adequate to meeting changes in population and demographics?			150-151	
2. In what ways has the community partnered with neighboring communities to share services, reduce costs and/or improve services?			151-152	
3. If the community has a public sewer system, what issues or concerns are there currently and/or anticipated in the future? How is the sanitary district cooperating in the development of the comprehensive plan and related ordinances, as required by law (38 MRSA §1163-A)? How is the sanitary district extension policy consistent with the Future Land Use Plan as required by (38 MRSA §1163)?.			152	
4. If the town does not have a public sewer or water system, to what extent is this preventing it from accommodating current and projected growth?		X		
5. Are existing stormwater management facilities adequately maintained? What improvements are needed? How might cumulative impacts from future development affect the existing system(s)?			153	
6. How does the community address septic tank waste? What issues or concerns are there with the current arrangements?			153	
7. If the community has a public water system, what issues or concerns are there currently and/or anticipated in the future? How is the water district/supplier cooperating in the development of the comprehensive plan and related ordinances? How is the water system extension policy consistent with the Future Land Use Plan?			153	
8. What school improvements, including construction or expansion, are anticipated during the planning period? What opportunities are there to promote new residential development around existing and proposed schools? What steps will be taken to promote walking and bicycling to school?			153	
9. Is the community's emergency response system adequate? What improvements are needed?			154	
10. How well is the solid waste management system meeting current needs? What is the community doing to reduce the reliance on waste disposal and to increase recycling? What impact will projected growth during the planning period have on system capacity? What improvements are needed to meet future demand? What efforts have been or will be undertaken regionally to improve efficiency and lower cost?			154-155	
11. How do public facilities and services support local economic development plans? What improvements are needed in the telecommunications and energy infrastructure?			155	
12. Does the community have a public health officer? Are there significant public health issues?			155	
13. What other public facilities, such as town offices, libraries, or cemeteries, are nearing their respective capacities? How will these facilities accommodate projected growth?			155-156	
14. Are the community's priorities for funding needed improvements reflected in the capital investment plan?			156	
Comments:				

Public Facilities and Services *(cont.)*	✓	N/A	Page	SPO Review
Analysis and Key Issues (cont.)				
15. To what extent are investments in facility improvements directed to growth areas?			156	
Conditions and Trends				
For the following public facilities and services, identify the following as applicable: 1. location of facilities and service areas (mapped as appropriate); 2. general physical condition of facilities and equipment; 3. capacity and anticipated demand during the planning period; 4. identification of ownership/management systems; 5. estimated costs of needed capital improvements to public facilities; and 6. the following information related to each of these public facilities and services: a. Sewerage and/or Water Supply – Identify number and types of users, and percent of households served. b. Septage – Identify any community policies or regulations regarding septage collection and disposal. c. Solid Waste – Describe the community's solid waste management system. Identify types and amounts of municipal solid waste and recycled materials for the past 5 years. d. Stormwater Management – Identify combined sewer overflows. For Municipal Separate Stormwater System (MS4) communities, describe plan and status of the major goals of the MS4 requirements. e. Power and Communications – Availability of electricity (including 3-phase power), telephone, Internet (including broadband), and cable within the community. f. Emergency Response System –Describe fire, police, and emergency/rescue facilities and equipment. Include average call response times for different services and dispatch location with number of communities served (Public Safety Answering Point, or PSAP), staffing and training needs; and E911 addressing management system (addressing officer, ordinance, reporting system). g. Education – Identify school administrative unit. Include primary/secondary school system enrollment for the most recent year information is available and for the 10 years after the anticipated adoption of plan. Describe the extent and condition of pedestrian and bicycle access to school facilities. h. Health Care - Describe major health care facilities (hospitals, clinics) and other providers serving the community. Identify public health and social services supported by the community through municipal subsidy. i. Municipal Government Facilities and Services – Describe facilities and staffing for municipal administrative, enforcement, and public works operations.			156-176 + map	
Comments:				

Public Facilities and Services *(cont.)*	✓	N/A	Page	SPO Review
Policies (minimum required to address State goals)				
1. To efficiently meet identified public facility and service needs.			PF-36	
2. To provide public facilities and services in a manner that promotes and supports growth and development in identified growth areas.			PF-36	
Comments:				
Strategies (minimum required to address State goals)				
1. Identify any capital improvements needed to maintain or upgrade public services to accommodate the community's anticipated growth and changing demographics.			PF-37	
2. Locate new public facilities comprising at least 75% of new municipal growth-related capital investments in designated growth areas.			PF-37	
3. Explore options for regional delivery of local services.			PF-37-38	
Comments:				

Fiscal Capacity and Capital Investment Plan	✓	N/A	Page	SPO Review
Analysis and Key Issues				
1. In general, are tax revenues from new development offsetting the cost of needed additional services and capital investments?			177	
2. What are the capital investment and budgeting priorities identified in other sections of the plan?			177	
3. What changes in the community's tax base are anticipated and how will it affect the community? What impact do tax exempt properties and tax incentive programs have on taxes?			177	
4. How does the community currently fund its capital investments? How will future capital investments identified in the plan be funded? Does the community have any impact fee ordinances?			178	
5. If the community plans to borrow to pay for capital investments, does the community have sufficient borrowing capacity to obtain the necessary funds?			178	
6. How do county and school administrative unit assessments and/or obligations affect local ability to finance proposed capital investments?			178	
7. How are state or local spending limitations, such as those in P. L. 2005, Chapter 2 (effective June 29, 2005) (hereinafter "LD 1"), affecting the community's ability to pay for needed infrastructure and services?			178	
8. What efforts has the community made to participate in or explore sharing capital investments with neighboring communities?			179	
Conditions and Trends				
1. Identify community revenues and expenditures by category for last 5 years and explain trends.			184	
2. Describe means of funding capital items (reserve funds, bonding, etc.) and identify any outside funding sources.			184-186	
3. Describe the community's tax base, its degree of stability and any anticipated changes during the planning period. Include local and state valuations and local mil rates for the last 5 years.			180-183	
4. Identify any significant tax-exempt properties.			180	
5. Calculate current revenue dedicated to tax incentive programs (e.g. tax increment finance district, tree growth, farmland and open space).			183	
6. Identify LD 1 limits for the previous five years. Describe any occasions where LD 1 limits were surpassed, including the purpose and amount.			180	
Policies (minimum required to address State goals)				
1. To finance existing and future facilities and services in a cost effective manner.			FC-39	
2. To explore grants available to assist in the funding of capital investments within the community.			FC-39	
3. Direct a minimum of 75% of new municipal growth-related capital investments into designated growth areas in the Future Land Use Plan.			FC-39	
4. To reduce Maine's tax burden by staying within LD 1 spending limits.			FC-39	
Comments:				

Fiscal Capacity and Capital Investment Plan *(cont.)*	✓	N/A	Page	SPO Review
Strategies (minimum required to address State goals)				
1. Implement the capital investment plan (CInP) by developing a capital improvement program (CIP).			FC-40	
2. Review and/or update the capital improvement program annually or biennially.			FC-40	
3. Explore opportunities to work with neighboring communities to plan for and finance shared or adjacent capital investments to increase cost savings and efficiencies.			FC-40	
Comments:				
Capital Investment Plan				
The comprehensive plan must include a capital investment plan that: (1) Identifies and summarizes all anticipated capital investment needs within the planning period, including estimated costs and timing, and identifies which are municipal growth-related capital investments. (2) Establishes general funding priorities among the community capital investments; and (3) Identifies potential funding sources and funding mechanisms.			FC-41-43	
Comments:				

Land Use	✓	N/A	Page	SPO Review
Analyses and Key Issues				
1. How is most recent development occurring: lot by lot; in subdivisions; or in planned developments? How is recent development consistent with the community's vision?			188-189	
2. If the community considers itself rural, urban, or suburban, what are the characteristics that contribute to that sense? How does it fit in the regional context?			7-10; 187	
3. Is recent development occurring predominantly within or adjacent to traditional settlements or expanding into rural areas?			7-10; 187-188	
4. How effective are current land use regulations and other non-regulatory measures in directing growth to appropriate areas and protecting critical resources? How might they be improved?			61; 188	
5. How do current regulations promote or inhibit development in keeping with the community's traditional village or neighborhood character?			7-10; through out plan	
6. Given current regulations, development trends, and population projections, how many new residential units and how much commercial, institutional and/or industrial development will occur in the planning period? Where will this development go?			56; 69; 192-196	
7. What is the community's administrative capacity to manage its land use regulation program, including planning board and code enforcement officer?			198-199	
8. Are environmentally suitable areas within or adjacent to the growth area(s) identified for the location of mobile home parks?			194	
Conditions and Trends				
1. An existing land use map, by land use classification (such as mixed-use, residential, commercial, institutional, industrial, agricultural, commercial forests, marine, park/recreational, conserved and undeveloped land).			See map	
2. A summary of current lot dimensional standards.			200	
3. A description or map identifying the location of lots and primary structures created within the last ten years. Include residential, institutional, commercial, and industrial development.			See map	
4. A map depicting the constraints to development identified in the plan (may be a combination of maps from other sections).			See maps	
5. Identify locations in the community where mobile home parks are allowed.			194	
6. Provide a brief description of existing land use regulations and other tools utilized to manage land use, including shoreland zoning, floodplain management, subdivision, site plan review and zoning ordinances.			197-208	
7. Estimate the minimum amount of land needed to accommodate projected residential, institutional, commercial, or industrial development at least 10 years into the future.			56; 192	
Comments:				

A-3-1

David Peter Crocker

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May 2, 2011

VIA HAND DELIVERY

Ms. Susan Lessard, Town Manager
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Legal Status of Town of Hampden 2001 Comprehensive Plan

Dear Ms. Lessard:

This office represents the Hampden Association of Landowners (HALO), a newly formed association promoting and protecting the interests of Hampden property owners. HALO is very concerned with the status of Hampden's comprehensive planning process, the failure properly to approve the 2010 Comprehensive Plan and the plan's subsequent review.

After research, there is also considerable doubt as to whether the town properly approved the existing 2001 Comprehensive Plan. As I'm sure you'll agree, there are potentially serious legal ramifications in the absence of proper approval.

The baseline requirement for approval of any comprehensive plan may be found in section 604 of the Hampden charter, which states unequivocally that the Town Council "shall approve no changes in the comprehensive plan without the recommendation of the Planning Board." According to the charter's revision history, this provision was in effect in December 2001, when the 2001 plan was ostensibly approved by the Town Council.

A detailed review of the 2000-2001 Town Council and Planning Board meeting minutes reveals no Planning Board approval or recommendation for approval prior to the Town Council's December 17th vote approving the 2001 Plan. It is difficult to see how there could be such a recommendation. The Town Council minutes indicate that there were ongoing changes to the 2001 Plan as late as October-November of 2001 and that the council felt obliged to hold another public meeting on December 3, 2001. At the December 3rd meeting, the council attempted to approve the plan but was prevented from doing so by the town's attorney, who indicated that the amended plan should be put out for public reading and comment and only approved after full review by the council.

The council's formal approval vote took place on December 17, 2001, *without* recommendation by the Planning Board as required by the charter. While in previous correspondence with HALO members you indicated that the Planning Board and 2001 Comp Planning Committee were one and the same, a close inspection of town records shows this not to be the case. There were indeed two entities but only Planning Board recommendation is required by the town charter.

Needless to say, Hampden landowners have operated (some would say, suffered) under the ordinances enacted pursuant to the 2001 Plan and there is good reason to believe both the ordinances and the 2001 Comprehensive Plan are void. It is also reasonable to assume that the town has significant exposure to Hampden landowners who in reliance on an invalid plan and ordinances (a) were denied the full use of their property or (b) expended large sums for planning and approvals that they didn't need.

Our membership as well as Hampden residents generally are greatly concerned about these matters and the Town Council's apparent determination to push forward with implementation of the yet-unapproved 2010 Comprehensive Plan. I refer, of course, to the council's action during the March 1, 2011, special meeting during which the council excluded the BEAR program from the 2010 plan. This action was of dubious legality and merely confirms the suspicion abroad that there is an agenda at work. HALO urges the council to observe a moratorium of BEAR while all these matters are sorted out.

After these initial issues are resolved, HALO would like to work with the town on appropriate land use policy. The entire matter of comprehensive planning and the status of the 2010 Plan is deeply controversial at best. Hopefully, HALO can assist the town in formulating land use policy that permits owners to realize the economic potential of their property while preserving the town's unique character. Such policy planning is uniquely a *local* matter and should be *entirely* in the hands of people who live in the town. In fact, such local control of land use should be the foundation of the town's policy.

We look forward to the town's response regarding these issues.

Yours sincerely,

David P. Crocker

DPC/mbs
cc: HALO Board
Town Council
General Distribution

PINE TREE LANDFILL

A-4-a

May 10, 2011

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

RE: Pine Tree Landfill
Monthly Report of Landfill Complaints

Dear Susan:

During the Month of April 2011, no complaints were received pertaining to Pine Tree Landfill operations.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 233.

Sincerely,

Jeremy Labbe
Engineer & Environmental Manager
Pine Tree Landfill

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.

Lura Hoit Pool

A-4-b

Board Meeting Minutes ~ 4/12/11

Cedena McAvoy brought the meeting to order at 7:00 pm.

Those present: Cedena McAvoy, Pat Foley, Jim Feverston, Mary Ellen Conner, David Hawkins, Greg Hawkins, John Weinmann, Darcey Peakall, and Julie Macleod. Not present: Norm Stern and Karen Brooks

The secretary's minutes were accepted as presented.

The Director's Report:
~ The number of participants in March was up 260 people and daily receipts were up $4,461 compared to last year.
~ The pool rental income was up $40 compared to last year.
~ The monthly fuel usage went up 143 gallons compared to last year due to the mild temperatures last winter.

Darcey had a meeting with Susan Lessard and Mr. & Mrs. Abraham about the Susan G. Abraham Memorial Plaque. The Abraham's have designed the layout of the plaque. Darcey has received an estimate of $600 just for the engraved copper nameplate. She is currently getting prices for the corian back piece and mounting charges. A motion was made for Darcey to purchase a plaque up to $1,200. Motion was passed 7-0. John will help Darcey with this process.

The treasurer's report was accepted as presented.

Some of the landscaping around the pool needs to be replaced. Jim will get some estimates on how much it will cost and give a report at the next board meeting.

The nominating committee, composed of Karen & Norm, proposed their list of officers for next year's pool board. Julie read the report in absences of Karen and Norm.
Co-chairman: Cedena McAvoy and Greg Hawkins
Secretary: Mary Ellen Connor
Treasurer: Jim Feverston.

Darcey reviewed the pool schedule and passed out the fliers about the pre-competitive swim team program that the pool is offering this summer.

Pat reported the Texas Roadhouse fundraiser was going to take place on Saturday, May 7, however Texas Roadhouse pulled out of the date due to it being Mother's Day weekend. He has asked for May 14th or 21st instead. He is waiting to hear back.

The board had a brainstorming session for the Customer Satisfaction Survey. Cedena will type up a sample survey to review at the next board meeting.

Pat would like to apply online for raffle items from some of the professional sports teams. They donate merchandise and/or tickets to future games for organizations to use at their discretion. The motion was made for Pat to approach the Boston Red Sox, Celtics, Bruins, Patriots, Portland Sea Dogs and Pirates on behalf of the pool board. The motion passed 7-0.

Cedena would like to discuss a family friendly winter carnival theme for a future fundraiser at the next board meeting.

Jim would like to see Member Comments written as part of the agenda.

Meeting adjourned at 8:09pm.

Respectfully submitted,

Julie A. Macleod

Julie A. Macleod

A-4-C

EDYTHE L. DYER COMMUNITY LIBRARY
BOARD OF TRUSTEES' MEETING
MARCH 9, 2011
MINUTES

Call to order: A regular meeting of the Board of Trustees of the Edythe L. Dyer Community Library was held at the Edythe L. Dyer Community Library, Hampden, Maine on January 12, 2010. The meeting convened at 7:40 am, Don Desmarais presiding, Debbie Lozito recording secretary.

Members present: Debbie Lozito (ex officio), Ruth Stearns, Mark Russell, Don Desmarais, John Skehan, Mary Ann Bjorn, Richard Jenkins, Tony Mourkas, Dave Barrett, Yvonne Lambert

Members absent: Cheri Condon

Approval of minutes: Motion was made by Mary Ann and Yvonne seconded to approve the minutes of the January, 2011 meeting. **Motion carried.**

Library reports:

Fees and fines

Morgan Stanley Smith Barney

Circulation

Director

Old Business:

Annual Endowment reception—necessary or simply do a mail appeal?

Mary Ann made the motion to forgo the party this year but continue to send the appeal letter if we notice a big drop in funds we can take another look at the party. Yvonne seconded. Motion carried—Richard Jenkins opposed.

New Business:

Nominating committee: Mark, Ruth & MaryAnn

The next meeting is scheduled for May 11, 2011.

Adjournment: The meeting was adjourned at 8:14 a. m.

Debbie Lozito

Recording Secretary

_____

Date of approval

A-4-d

Hampden 2011 Street and Stream Cleanup Event Notes

This group cleaned up along Nadines Way and Mecaw Road
Ben Johnson
Heather Johnson
Reed Johnson
Roman Johnson
Dan Ledger
Diana Ledger
Jack Ledger

This group cleaned up at the Marina, Coldbrook Rd., Y Camp and Papermill Bridge
Phil Ruck, CES
Cedena McAvoy
Caleb McAvoy
Xenia Hsiao
Dana Hsiao
Andy Frost, CES
A few more that were not signed in.

This group cleaned up at Kiwanis, Irving and VFW
Bob Osborne
Joshua Osborne
David Bishop
Leanne Bishop
Anna Bishop
Abbie Bishop
Sarah Lingley, W&C
Kyle Corbeil, W&C
Jim Wilson, W&C
Josh Wilson
Ashley Wilson

This group cleaned up at the Business Park
Andrea Dickinson, CES
Laune Bridge, Camden National Bank
Denise Vera, Camden National Bank
Marco Vera
Diego Vera
Holly Burns, Camden National Bank
Bob Laffey
Rhonda Brissette
Tom Brissette

This group was the BBQ group
Laura Osborne
Albert Bishop

This group was the trash hauling detail
Tim Babcock, PW
Charlie Nash, PW

40 bags of trash picked up.

A-4-e

Planning and Development Committee
Minutes of May 4, 2011
6:00 PM
Hampden Council Chambers - Town Office

Attendees:	Tom Brann, Chair	Guests:	Staff:
	Janet Hughes	Ron Dennis	Robert Osborne
	Jean Lawlis		Dean Bennett
	William Shakespeare		

1. Approval of April 20, 2011 Minutes

Approved by Majority

2. Committee Interviews

There were no interviews scheduled.

3. Old Business

a. Comprehensive Plan Committee

The Committee reviewed the list of names of applicants who responded to the town wide solicitation for Citizen Comp Plan Committee members. Whereas there were approximately 20 applications received, the Committee took the following action:

Committee Action:

It was the consensus of the Committee to forward to the Town Council all of the applications received with request and recommendation to seat all applicants as members of the Citizens Comp Plan Committee.

b. Dennis Paper TIF Terms Negotiation

Timothy Pease of Rudman and Winchell and Ron Dennis of Dennis Paper presented their proposal requesting the terms of the TIF include a Credit Enhancement Agreement to include a 77% (5-

years) and a 50% (5-years). Total investment of expansion will exceed 3.5 million dollars.

Tom Brann and Janet Hughes stated they would recuse themselves and not take part in the decision making as they both were being represented by the Rudman and Winchell law firm on other matters. Whereas they were not able to get a legal opinion from Attorney Russell, they opted to remove themselves as a precaution and stated they would seek that opinion prior to formal Council action.

Committee Action:

The remaining members of the Committee agreed to forward the TIF terms proposal to the Town Council for formal acceptance with the recommendation to approve the terms as submitted and requested by Ron Dennis of Dennis Paper.

c. BEAR Business Form Schedule

CED Director stated that he has discussed the upcoming Business Forum with Bill Napjauer of Renaissance Planning Associates, and they both agree that the best time for the forum, given the loss of time and difficultly of gaining maximum attendance in the Summer, to hold the forum in the Fall. Promotion of the event will begin in the near future.

The Committee encouraged CED Director to engage the retail community/business owners through the Hampden Business Association in event planning for the Summer. CED Director indicated he would attempt to do so.

d. Business Park Priorities Discussion

Discussion was tabled to a future meeting.

e. Marina/Park Development Update

CED Director reported that the situation continues to evolve in a positive direction. He reminded the Committee of the May 18th scheduled meeting with Chevron attorneys in Augusta. The Mayor,

Manager, P&D Committee Chair and CED Director have been invited and will attend. CED Director is optimistic that the plan and approach to implementation will be concluded at that time.

f. Hampden Academy Reuse

Committee Action:

Committee agreed to encourage the Town Council to ask the Mayor to engage the municipal and educational representatives to facilitate action with regard to the Hampden Academy property reuse.

4. New Business:

a. Development Regulations/Facilitation Changes and Challenges

CED Director reports that due to recently adopted State mandatory Building Code, Energy Code, and Residential Code, the Committee and Council can expect increased frustration and irritation from the development community. CED Director suggested that Ben Johnson, Code Enforcement Officer, attend a future meeting to discuss the current challenges and realities that present themselves with the new State required Code.

Committee Action:

Committee welcomed Ben to a future meeting to present, inform and discuss.

5. Public Comments

6. Committee Member Comments

Town Planner presented a letter he has received from Lee Landry with regard to Sustainable Homes Hampden.

Chairperson Brann reminded the public in attendance to be sure to file a new Homestead Exemption Form.

7. Adjourn

C-2-a

WARRANT FOR SPECIAL ELECTION

TOWN OF HAMPDEN, MAINE

JUNE 14, 2011

COUNTY OF Penobscot, ss

TO: Devon E. Patterson, a resident of Hampden.

You are hereby required in the name of the State of Maine to notify the voters of Hampden, Maine.

TO THE VOTERS OF Hampden, Maine.

You are hereby notified that a Special Election in this municipality will be held at the Municipal Building Community Room on Tuesday, June 14, 2011 for the purpose of effecting the election to the following office:

Councilor At-Large (term to expire December 31, 2012)

The Polls shall be opened at 8:00 a.m. and closed at 8:00 p.m. The Registrar of Voters will hold office hours while the Polls are open at the Polling place to correct any error in or change a name on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered to vote may not vote in any election.

PURSUANT to Title 21-A, Section 759(7) absentee ballots will be processed at the polls at the following times: 11:00 am, 2:00 pm, 5:00 pm, and 8:00 pm

Dated at Hampden, Maine this day of May in the year of our Lord two thousand and eleven.

_____ _____

_____ _____

_____ _____

MUNICIPAL OFFICERS

A TRUE COPY:

ATTEST: _____
Denise R. Hodsdon, Town Clerk
Hampden, Maine

C-3-c

The Town of Hampden hereby ordains:

TOWN OF HAMPDEN
Code of Ethics

Section 1. Statement of Purpose. The purpose of this Ordinance is to establish ethical standards of conduct for town officials by setting forth those acts or actions that are incompatible with the best interests of the Town of Hampden, and by requiring disclosure of certain interests of town officials in matters affecting the Town.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

Confidential Information: any information, oral or written, which comes to the attention of, or is available to, a town official only because of his or her position with the town and which is not a matter of public record. Information received or discussed during an executive session called pursuant to 1 M.R.S.A. § 405 et seq. shall be considered confidential information, and shall not be disclosed to any third party unless permitted by affirmative vote of the body which held the executive session.

Financial Interest: a direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership of shares of stock.

Immediate Family: Spouse, parents and children.

Special Interest: a direct or indirect interest having a peculiar benefit to an individual or an identifiable group, whether economic or otherwise, which benefit would accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval of any application by the Town Council or any committee, board or commission of the Town, and which interest is not shared by the general public.

Town Official: an employee of the Town, or a member of the Town Council or any committee, board or commission of the Town.

Section 3. Conflicts of Interest.

A. Deliberation and vote prohibited. No town councilor, committee member, board member or commission member shall, in such capacity with the Town, participate in the deliberation or vote, or otherwise take part in the decisionmaking process, on any agenda item before the body of which he or she is a member if he or she, or a member of his or her immediate family, has a financial or special interest, other than an interest held by the public generally.

B. Disclosure of conflict. Any town councilor, committee member, board member or commission member who believes he or she, or a member of his or her immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before the body on which he or she serves shall disclose the nature and extent of such interest, and the town clerk or his or her designee shall make a record of such disclosure. Such disclosure shall be made no later than the date of the first meeting of the Town Council, committee, board or commission at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the town councilor, committee member, board member or commission member is present. Additionally, any town councilor, committee member, board member or commission member who believes that any fellow town councilor, committee member, board member or commission member, or a member of such fellow town councilor's, committee member's, board member's or commission member's immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body shall disclose the nature and extent of such interest, and the town clerk or his or her designee shall make a record of such disclosure.

C. Determination of conflict. Once the issue of conflict has been raised relative to an individual town councilor, committee member, board member or commission member and disclosure has been made as provided above, such individual's fellow town councilors, committee members, board members or commission members shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each town councilor, committee member, board member or commission member present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual councilor's, committee member's, board member's or commission member's alleged conflict of interest.

(1) All votes of conflicts of interest questions shall be recorded. A majority vote shall determine the question, but a vote by committee may later be reviewed by the full body of which the committee is a part upon that body's consideration of the same agenda item.

(2) Upon determination that a conflict of interest in fact exists, the town councilor, committee member, board member or commission member concerned shall be excused from participating in any discussion, deliberation or vote on the relevant agenda item.

(3) In lieu of the vote required by this Subsection, the Town Council, committee, board or commission, upon motion and by majority vote, may defer the conflict of interest question in order to require further information not immediately available or may require confirmation of information disclosed, so that consideration of the relevant agenda item shall be postponed to a more appropriate time.

D. Avoidance of appearance of conflict. To avoid the appearance of a violation of this Section, once any individual town councilor, committee member, board member or commission member is determined to have a conflict of interest in respect to any agenda item and once all conflicts of interest questions relating to the agenda item concerned have been determined as provided in Subsection C above, said individual shall not participate in the consideration or discussion of the agenda item on which he or she has a conflict. Nothing herein shall require an individual councilor, committee member, board member or commission member to remove himself or herself for any item contained on a consent agenda on which there is no deliberation, the individual's conflict has been determined by the other members and the right to abstain from voting on the item has been granted.

E. Personal interest. Nothing herein shall be construed to prohibit any town councilor, committee member, board member of commission member from representing his or her own personal interest by appearing before his or her collective body on any such agenda item, as long as the representation occurs in the area of the meeting room occupied by applicants or members of the general public.

Section 4. Political Activities. No town employee, town councilor, committee member, board member or commission member shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties of the Town. In conjunction therewith, no town employee, town councilor, committee member, board member or commission member may use his or her official authority or position for the purposes of influencing or interfering with or affecting the results of any election for public office, nor shall he or she solicit funds or contributions or accept or receive funds or contributions from town employees for political purposes. No town councilor, committee member, board member or commission member may distribute handbills or pamphlets while he or she is performing official functions or duties on behalf of the Town, unless such distribution has been authorized by the body of which he or she is a member. Nothing herein shall be construed to prohibit any town employee, town councilor, committee member, board member or commission member from participating in the political process in their private capacity as candidates for elected office or as private citizens.

Section 5. Incompatible employment or office. No town employee, town councilor, committee member, board member or commission member shall occupy any other office, elected or appointed, in any other governmental entity when the duties of such office are incompatible with the proper discharge of his or her official duties with the Town. For purposes of this section, the occupancy of any office, elected or appointed, with any other governmental entity by any town councilor, committee member, board member or commission member is hereby prohibited in the following circumstances:

A Where the duties of the other office make it a physical impossibility to discharge the duties of the town position;

B. Where one office is subordinate to the other;

C. Where one office carries the power of removal of the other; or

D. Where the occupancy of both offices is prohibited by the town charter or other provisions of law.

Section 6. Personnel Matters.

A. No town councilor, committee member, board member or commission member shall participate, by means of deliberation, approval or disapproval or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for town employment or town employee where said applicant or employee is:

(1) A member of the councilor's, committee member's, board member's or commission member's immediate family; or

(2) A person with whom either the councilor, committee member, board member, commission member, or a member of his or her immediate family, is in business.

B. Except as authorized under the Town's Personnel Rules and Regulations, no town employee shall participate, by means of deliberation, approval or disapproval or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for town employment or town employee where said applicant or employee is:

(1) A member of the town employee's immediate family; or

(2) A person with whom either the town employee, or a member of his or her immediate family, is in business.

Action by a town employee shall be deemed authorized under this subsection when such action is permitted under the Town's Personnel Rules and Regulations or when the town council has waived those rules so as to allow creation of a supervisory relationship that would otherwise violate the Personnel Rules.

Section 7. Gifts. No town councilor, employee, board member, committee member or commission member shall directly or indirectly solicit any gift, or accept or receive any gift whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could reasonably be inferred the gift was intended as influence, or could reasonably be expected to influence, in the performance of official duties, or was intended as a reward for any official action on the part of said employee, councilor, committee member, board member or commission member. The foregoing is not intended to prohibit normal social practices where gifts from friends, associates and relatives are appropriate for certain occasions.

Section 8. Investments in Conflict with Official Duties. No town councilor, employee, board member, committee member or commission member shall invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction which would create an ongoing conflict with one's official duties.

Section 9. Confidential Information. No town councilor, employee, board member, committee member or commission member shall, without proper legal authority, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance his or her financial or private interest or the financial or private interest of others.

Section 10. Penalties. Any person who violates a provision of the Ordinance shall be subject to a civil penalty of not less than $100.00 and not more than $500.00 for each offense, which civil penalty shall inure to the benefit of the Town. In addition, violation of this Ordinance shall constitute cause for censure by the body of which the person is a member, after notice and hearing conducted by that body.

Section 11. Board of Ethics.

A. There is hereby created and established a Board of Ethics consisting of three (3) regular members and two (2) alternate members who shall hold no other office or employment with the Town. All members shall be residents of the Town, and shall be appointed by the Town Council. The terms of office for all members shall be three (3) years, provided, however, that those first appointed may be appointed for shorter terms to create staggered terms. The Board shall annually elect a chairperson and secretary, and may adopt rules for the conduct of its business. The chairperson shall designate an alternate member to participate and vote in Board proceedings if a regular voting member is incapable or unavailable to serve or is disqualified from participation because of a conflict of interest.

B. The Board shall have the authority to issue advisory opinions on questions referred to it relating to conflicts of interest under Section 3 or the incompatibility of employment or office under Section 5.

C. When a public official does not voluntarily refrain from participation in a matter and there is a question as to the existence of a conflict of interest under the provisions of Section 3 or there is a question of the existence of an incompatibility of office under Section 5, the matter may be referred to the Board for an advisory opinion on the matter in accordance with the following:

(1) A public official may request that the question of whether he or she has a conflict of interest or holds an incompatible office be referred to the Board,

(2) Two or more members of a town body may request that the question of whether a member of that body has a conflict of interest or holds an incompatible office be referred to the Board, or

(3) A resident of the Town may request that the question of whether a member of any town body has a conflict of interest or holds an incompatible office be referred to the Board.

D. Any request for a referral to the Board and the reasons therefor shall be submitted in writing to the town clerk or his or her designee, and shall be placed on the council agenda for the next available regularly scheduled meeting of the Town Council. Upon a vote of two-thirds (2/3) of the members of the Town Council present and voting, the matter subject to the request shall be referred to the Board for an advisory opinion.

E. Upon referral, the Board shall provide notice of and conduct a hearing on the matter or question referred to it. Upon conclusion of the hearing, the Board shall conduct its deliberations on the matter or question referred to it, and shall issue a written advisory opinion on the same. The opinion shall be filed with the town clerk, or his or her designee, and a copy shall be provided to the affected public official and the chairperson of the town body of which the public official is a member.

Section 12. Severability. If any provision of this Ordinance is held to be invalid by a court, such invalidity shall not affect any other provision of this Ordinance.

Adopted: 5-15-00

Effective: 6-14-00

She was glad all her treatments were completed and, again, appreciated everyone putting up with what had gone on this winter.

The meeting was reconvened at 7:18 p.m.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. PROPOSED CODE OF ETHICS

Mayor Romano explained the procedures of the public hearing and there being no questions or comments, declared the public hearing in session.

Proponents - None. Opponents - None. General questions or comments - none. Public Hearing was closed. Councilor Hastings moved and Councilors Hatch and Gamble seconded that the proposed Code of Ethics be adopted. Councilor Stover inquired if they would be looking for volunteers to fill the Board of Ethics at this time? Councilor Hastings said he thought it had been decided to set up a standing committee but it wouldn't meet regularly, only as needed. Vote on the motion was unanimous. Councilor Stover stated his comment was to get on record that they would be seeking some volunteers for these positions.

b. PROPOSED AMENDMENT TO ZONING ORDINANCE

Mayor Romano noted that the proposed amendment to the Zoning Ordinance dealing with shoreland zoning had come back from the Planning Board with an "ought to pass"recommendation. He explained the procedures of the public hearing and, there being no questions or comments, declared the public hearing in session.

Proponents - none. Opponents - none. General questions or comments - none. Public Hearing was closed. Councilor Gilberti moved and Councilor Gamble seconded the proposed amendments to the Zoning Ordinance - Section 4.14.8.B.4 be adopted. Vote was unanimous.

2. NOMINATIONS - APPOINTMENTS - ELECTIONS

a. APPOINTMENTS COMMITTEE REPORT - COUNCILOR GAMBLE

Councilor Gamble reported the Appointments Committee recommended the nomination of William Burke to the Recreation Committee and so moved.

C-4-a

RUDMAN • WINCHELL

John K. Hamer
E-Mail: jhamer@rudmanwinchell.com
Direct Dial: (207)992-2598

April 19, 2011

Dean Bennett, Economic Development Director
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

Re: Proposed Tax Increment Financing District for Dennis Paper & Food Services, Inc.

Dear Dean:

Enclosed please find our letter to the Committee regarding the proposed TIF. We can supplement or revise the letter if there are any details that you think the Committee in addition to what we have provided.

Thank you and see you on May 4th.

Sincerely,

John Hamer
Enclosure

RUDMAN • WINCHELL

John K. Hamer
E-Mail: jhamer@rudmanwinchell.com
Direct Dial: (207)992-2598

April 19, 2011

Thomas Brann, Chair
Town of Hampden Planning & Development Committee
106 Western Avenue
Hampden, Maine 04444

Re: Proposed Tax Increment Financing District for Dennis Paper & Food Services, Inc.

Dear Chair Brann and Members of the Planning & Development Committee:

Our office is pleased to represent Dennis Beverage Company, operating under the name Dennis Paper & Food Services, in this request to establish a tax increment financing district ("TIF").

Background Information about Dennis Paper & Food Services

Dennis Paper & Food Services, established in 1908, has been serving Central and Eastern Maine with pride for generations. Five Russian immigrant brothers originally founded the company as a bottling service known as Washington County Bottling Works. Deliveries were made by horse-drawn wagon, limiting the territory covered to the Cherryfield area. Eventually, Max Dennis bought his brothers' shares of the business and moved the company into Ellsworth in the early 1920's. Though troubling times were ahead, Max Dennis was able to keep the business running during the depression and World War II, with the help of his wife and son. When his son, Lawrence Dennis, took over operations in 1945, productions had increased dramatically. The company had developed its own brand of soft drink known as University Club Soda, and was now bottling and distributing national brands such as Hires Root Beer and Nesbitt's Orange. In 1949, the company incorporated and came to be known as the Dennis Bottling Company.

In the 1950's Dennis Bottling Company began distributing malt beverages. This development was so well received by the community that a warehouse was opened in Brewer to accommodate distribution and in 1968 the company's headquarters were moved to Veazie. Distribution then became the main focus of the company, resulting in a change of name to Dennis Beverage Company. Soon after the move to Veazie, Dennis Beverage Company expanded its operations once again, this time to include paper and plastic disposable products and janitorial supplies. In an effort to best reflect the nature of the business, the name changed to Dennis Paper Company. The company continued to grow, thanks in large part to the dedication and hard work of Lawrence's wife Lee, his sister Bertha and the children of Lawrence and Lee: Hayden, Ron,

Mark and Michele Dennis. After close to 40 years in the Veazie area, the Dennis Paper & Food Service Company moved to Thatcher Street in Bangor in 2002. Due to their very rapid growth between 2002 and 2005, the company soon outgrew the Thatcher St. location.

In December of 2005, Dennis Paper & Food Services moved to a 55,000 square foot facility at 101 Mecaw Road, Hampden. The company now distributes over 9,000 brand name products throughout the region, and currently employs 103 people. And the company continues to grow.

Need for TIF

Dennis Paper & Food Services has already outgrown the Mecaw Road facility. The company has two options: either expand the existing facility or relocate. While the company likes its current location and the Hampden environment, the ultimate decision must be based on economics. Consequently, Dennis Paper & Food Services is exploring both possibilities.

If expanding the current facility is economically feasible, the company would purchase the building and construct an addition to provide for an additional 17,000 square feet of frozen/dry storage space. Improvements to the existing facility would also be made- specifically, repairing the roof and adding employee parking. Finally, Dennis Paper & Food Services would purchase lots 3 and 4 of the subdivision to allow for further future expansion.

Undertaking this project will entail a $3.5 million investment by Dennis Paper & Food Services: $1 million to purchase the building, $2 million to expand the building, $250,000 to improve the existing building, and $250,000 to purchase the two additional lots. This investment would ensure a long-term home for Dennis Paper & Food Service in the Town of Hampden. Establishing the proposed TIF would ensure that Dennis Paper & Food Service remains a Hampden business for an extended period of time.

Providing a TIF benefits both Dennis Paper & Food Services and the Town of Hampden. Not only would the TIF keep the facility occupied and on the Town's tax roll, it would preserve 103 jobs in Hampden, increase the tax rolls, create new jobs, and enable the company to further expand in the future. Once the facility has been expanded, it is likely that the company will add ten to fifteen new jobs over the following two years. Furthermore, there are significant indirect economic benefits to other business in the area from maintaining such a workforce and from the business's general needs, not to mention from the construction project itself.

Proposal

A project of this magnitude requires front-loaded financial assistance, which a TIF could provide. Specifically, we propose a TIF with a 10-year duration and a graduated front-loaded tax increment revenue sharing formula.

Currently, Dennis Paper & Food Services pays approximately $21,895 in annual real estate taxes. According to the Hampden Assessor, a total investment of $2.25 million will generate a

tax increment of approximately $35,775. (This would make the total tax after investment approximately $57,670.) We propose a TIF of 77% for the first five-year period, which would be reduced to 50% for the second five-year period, more specifically described as follows. The purpose of the 50% TIF for ten years would be to off-set project costs of the expansion as allowed by 30-A M.R.S.A. § 5225. This would assist Dennis Paper & Food Services in making debt service payments on the $2 million expansion to the building. The additional 25% for the first five-year period would assist Dennis Paper & Food Service with the costs of the $250,000 improvements to the existing building. Finally, the last 2% for the first five-year period is designed to cover Dennis Paper & Food Service's legal fees for establishing the TIF. No TIF proceeds are allocated to the purchase of the building or two lots, and the total value of the TIF over the ten year period is less than 10% of Dennis Paper & Food Service's costs for improving and expanding the building.

As discussed above, the economic benefit to the Town are long-term business retention (including the indirect economic benefits to the area), increased employment opportunities, and increased real estate taxes. In short, this proposal provides significant benefits to everyone.

Thank you for considering our request. We would be happy to answer any questions about the proposal.

Sincerely,

John Hamer

C-4-d

TO: Hampden Town Council
FROM: Sue Lessard, Town Manager
RE: 2011/2012 Draft Budget
DATE: May 11, 2011

The purpose of this memo is to transmit the draft budget for the 2011/2012 fiscal year. We are challenged this year on a number of fronts including dramatic fuel price increases, a water rate increase that takes full effect in this budget year, increases in the County Tax and increases in the School Budget.

As presented, the gross budget has a 1.3% increase, which translates to $178,901.12. Of that increase, $38,782.12 is due to the SAD #22 increase, $28,928 is the County Tax increase, and $42, 954 is due to the full impact of the Water Rate increase passed last year by the Hampden Water District

At the present time, it appears that the Town should have approximately $7,500,000 in new valuation to act as an offset to the increases. At the present mil rate of $15.90, $7,500,000 of valuation will generate an additional $119,250. in tax revenue. That leaves an amount of $59,651.12. If the council were to raise that amount, it would require the mil rate to go up approximately one cent.

In an effort to minimize budget impacts, this budget does the following:

- Reduces Reserve amounts necessary by budgeting for 5 year lease purchases on Public Works vehicles.
- Reduces Administration salaries due to the retirement of the Finance/HR position and replacement with a lower wage rate as well as no raise proposed for the Manager salary for 2011-2012
- Reduced Public Safety reserve accounts for fire truck reserve and ambulance reserve by dedicating funds left at the end of this fiscal year to be transferred to the reserve account rather than budgeting and raising more funds for that purpose. This includes $25,000 for the Fire Truck reserve and $15,000 for Ambulance reserve.
- Caps the amount set aside for new voting machines at $24,000 – which was raised over the past four years. The Election budget has been reduced by the $6,000 per year that was funding that reserve.

Increases in the budget are driven in some areas by the following:

- Workers' Compensation is up significantly due to two serious injuries from last year. One was a bee sting that resulted in anaphylactic shock and an intensive care stay, and the other a serious leg injury that resulted from a small cut on a knee that turned into a major infection.
- Admin legal fee budget is up to accommodate the increased use of the Town Attorney to review documents for legal opinions.

- Communications includes the additional monthly cost of adding video streaming of meetings so that non-cable subscribers can view meetings from their computers.
- Employees in some departments have had life/family changes in the past year that have changed their health insurance plan from single to family. Although employees pay a portion of the cost of family health insurance, it results in an increase in the line items of several budgets including Public Works, Police, and the Fire Department.
- The final year of the contract with Police and Fire defines the raise to be given as 3%. That percentage has been applied across the board to all employees, with the exception of the Town Manager and the Public Safety Director (at his request).

Other positives for this budget include the following:

- Reduced Public Works Equipment Reserve budgets by utilizing 5 year lease purchases on the large plow truck and the loader instead of full payment in one year.
- The combination of the new boilers at the municipal building and the change in hours of operation have resulted in the savings of nearly 3000 gallons of fuel from 7/1/10 – 5/1/11 over the comparable prior period. At the budgeted cost of $3.60 per gallon – that translates to a savings of $10,800.
- The Transfer Station construction and demolition debris budget continues to come down based on actual usage of the station. The budget for 2012 for the Transfer Station is over $100,000 less than the budget for 2008.
- The Building and Grounds budget is reduced by $8,500 because no equipment is due for purchase this year
- Debt service is reduced by $66,033 this year due to the payoff of the business park and the land which occurs in September of 2011. The Town picks up the Mayo Road bond but it was less of a payment than the business park so there is a net reduction.
- TIF reimbursements go down this year since the current year is the last year of the TIF for the grocery store.
- A portable sound system for the Community Room can be purchased from existing reserves set aside for the Municipal Building without adding it to the operating budget.

Other factors:

- The budget includes requests from Outside Agencies totaling $21,193. Representatives from these organizations will attend the

5/17 budget workshop to address the Council in that regard. These and other entities routinely make requests of Communities all over the State for funding. The Council has the authority to include or exclude any or all of them in the final budget.

- Economic Development requested a higher compensation increase than the 3% across the board raise for all employees due to work responsibilities, the possibility of some restructuring in the planning and development area, and to the fact that of all our employees, his salary is the most out-of-sync with salaries of employees in similar positions in other comparable communities. I have not included that request in the draft budget. However, the Council has a reserve account (wage/salary study) that could accommodate an increase during the year at such time that an evaluation of the best structure for planning and development has taken place.
- The Council budget is up to accommodate the number of meetings estimated to occur in the coming year.

I look forward to the review of this budget with the Town Council. Please feel free to contact me with questions.

2011/2012
Budget Draft
05/11/2011

Account	Account Name	2008 Budget	2009 Budget	2010 Budget	2011 Budget	Expended	Proposed	Difference	
Number						3/31/2011	2012		
01-01	**ADMINISTRATION**								
01-01-01-01	Salaries	$300,728.00	$315,764.00	$331,362.00	$342,310.00	$282,575.00	$337,629.00	**-$4,681.00**	
01-01-05-01	FICA/Medicare	$23,006.00	$24,156.00	$25,349.00	$26,187.00	$21,446.00	$25,829.00	**-$358.00**	
01-01-05-05	Retirement	$22,534.00	$24,676.00	$27,834.00	$28,754.00	$25,323.00	$28,361.00	**-$393.00**	
01-01-05-10	Worker's Comp	$900.00	$1,800.00	$2,100.00	$2,100.00	$2,743.00	$2,800.00	**$700.00**	
01-01-05-15	Health Insurance	$43,058.00	$42,500.00	$46,800.00	$42,507.00	$36,994.00	$49,935.00	**$7,428.00**	
01-01-05-20	Life Insurance	$733.00	$667.00	$801.00	$801.00	$509.00	$801.00	**$0.00**	
01-01-05-25	Dental Insurance	$680.00	$675.00	$825.00	$825.00	$816.00	$900.00	**$75.00**	
01-01-05-45	Group Insurance	$64,000.00	$62,000.00	$55,000.00	$48,000.00	$48,321.00	$49,000.00	**$1,000.00**	
01-01-10-01	Office Supplies	$7,500.00	$7,500.00	$7,000.00	$7,000.00	$3,167.00	$6,500.00	**-$500.00**	
01-01-10-05	Postage/Shipping	$9,000.00	$8,000.00	$7,000.00	$7,000.00	$2,717.00	$6,500.00	**-$500.00**	
01-01-10-10	General Expense	$2,500.00	$2,500.00	$2,000.00	$1,500.00	$687.00	$1,500.00	**$0.00**	
01-01-10-22	Manager's Expense	$550.00	$550.00	$500.00	$500.00	$177.00	$500.00	**$0.00**	
01-01-10-23	Tuition - Manager	$3,500.00	$3,500.00	$0.00	$0.00	$0.00	$0.00	**$0.00**	
01-01-15-01	Telephone	$2,500.00	$2,500.00	$3,000.00	$3,000.00	$2,119.00	$2,900.00	**-$100.00**	
01-01-20-01	Equipment Replace.	$1,000.00	$1,000.00	$500.00	$500.00	$0.00	$500.00	**$0.00**	
01-01-20-05	Equipment Maint.	$2,500.00	$2,000.00	$1,000.00	$1,000.00	$365.00	$1,000.00	**$0.00**	
01-01-30-01	Advertising	$3,100.00	$3,100.00	$2,500.00	$2,500.00	$947.00	$2,000.00	**-$500.00**	
01-01-30-10	Audit	$10,000.00	$10,000.00	$9,500.00	$9,500.00	$8,011.00	$9,500.00	**$0.00**	
01-01-30-15	Software Contracts	$5,200.00	$6,500.00	$6,500.00	$6,500.00	$7,108.00	$7,108.00	**$608.00**	
01-01-30-60	Dues	$2,500.00	$2,500.00	$2,000.00	$2,000.00	$425.00	$1,500.00	**-$500.00**	
01-01-30-80	Travel/Training	$3,800.00	$4,000.00	$4,500.00	$4,500.00	$5,058.00	$4,500.00	**$0.00**	
01-01-35-01	Legal	$16,000.00	$12,000.00	$12,000.00	$12,000.00	$13,618.00	$20,535.00	**$8,535.00**	
	Total 01-01	**$525,289.00**	**$537,888.00**	**$548,071.00**	**$548,984.00**	**$463,126.00**	**$559,798.00**	**$10,814.00**	

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01-02	GIS/IT	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
01-02-01-05	Wages	$22,000.00	$44,000.00	$44,000.00	$47,817.00	$38,415.00	$50,861.00	**$3,044.00**
01-02-05-01	FICA/MED	$1,683.00	$3,366.00	$3,366.00	$3,658.00	$2,696.00	$3,890.00	**$232.00**
01-02-05-05	Retirement	$0.00	$3,696.00	$3,696.00	$4,256.00	$3,419.00	$4,300.00	**$44.00**
01-02-05-10	W/C	$250.00	$210.00	$210.00	$210.00	$0.00	$0.00	**-$210.00**
01-02-05-15	Health Insurance	$0.00	$14,400.00	$7,520.00	$14,819.00	$11,920.00	$15,909.00	**$1,090.00**
01-02-05-20	Life	$0.00	$0.00	$134.00	$134.00	$85.00	$134.00	**$0.00**
01-02-05-25	Dental	$0.00	$0.00	$150.00	$150.00	$113.00	$150.00	**$0.00**
01-02-10-01	Supplies	$4,000.00	$3,000.00	$3,000.00	$2,000.00	$869.00	$2,000.00	**$0.00**
01-02-10-05	Postage/Shipping	$650.00	$450.00	$450.00	$350.00	$125.00	$350.00	**$0.00**
01-02-20-01	Equipment Replace	$52,075.00	$44,210.00	$16,035.00	$25,868.00	$18,772.00	$20,350.00	**-$5,518.00**
01-02-30-60	Dues	$200.00	$200.00	$200.00	$200.00	$200.00	$225.00	**$25.00**
01-02-30-80	Train/Travel	$750.00	$1,500.00	$1,500.00	$1,500.00	$691.00	$1,300.00	**-$200.00**
01-01-35-01	Legal	$0.00	$3,600.00	$2,000.00	$1,000.00	$720.00	$1,000.00	**$0.00**
								$0.00
	Total 01-02	**$81,608.00**	**$118,632.00**	**$82,261.00**	**$101,962.00**	**$78,025.00**	**$100,469.00**	**-$1,493.00**

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		2008 Budget	**2009 Budget**	**Council**	**2011 Budget**	**Expended**	**Proposed**	**Difference**	
01-03	**COMMUNICATIONS**			**2010**		**3/31/2011**	**2012**		
01-03-01-05	Cable TV Wages	$3,780.00	$13,280.00	$20,090.00	$15,000.00	$6,140.00	$11,700.00	**-$3,300.00**	
01-03-05-01	FICA/MED		$1,016.00	$1,537.00	$1,148.00	$470.00	$894.00	**-$254.00**	
01-03-01-05	Program Develop.	$7,500.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**	
01-03-10-01	Office Supplies	$500.00	$1,500.00	$1,500.00	$1,500.00	$298.00	$1,000.00	**-$500.00**	
01-03-15-01	Internet Costs	$6,700.00	$4,837.00	$1,515.00	$1,500.00	$1,182.00	$5,311.00	**$3,811.00**	
01-03-16-01	Special Events	$1,250.00	$1,181.00	$500.00	$500.00	$459.00	$500.00	**$0.00**	
01-03-20-05	Equipment Maint.	$1,000.00	$1,000.00	$500.00	$500.00	$610.00	$500.00	**$0.00**	
01-03-25-10	Rental	$300.00	$300.00	$0.00	$0.00	$0.00	$0.00	**$0.00**	
01-03-30-15	Computer/Equipment	$7,084.00	$5,000.00	$2,000.00	$2,000.00	$1,140.00	$1,000.00	**-$1,000.00**	
01-03-30-30	Printing/Publications	$7,500.00	$7,500.00	$6,000.00	$6,000.00	$6,546.00	$9,662.00	**$3,662.00**	
	Total 01-03	**$35,614.00**	**$35,614.00**	**$33,642.00**	**$28,148.00**	**$16,845.00**	**$30,567.00**	**$2,419.00**	

Account Nun	Account Name		2011 Budget	Expended 3/31/2011	Proposed 2012	Difference	
01-05	**TOWN COUNC**						
01-05-01-05	Wages	0	$16,500.00	$11,620.00	$18,060.00	**$1,560.00**	
01-05-05-01	FICA/Medicare	0	$1,263.00	$889.00	$1,382.00	**$119.00**	
01-05-05-10	Worker's Comp	0	$0.00	$0.00	$0.00	**$0.00**	
01-05-10-10	General Expens	0	$8,000.00	$6,234.00	$8,000.00	**$0.00**	
01-05-30-60	Dues	0	$10,825.00	$10,062.00	$11,049.00	**$224.00**	
	TOTAL 01-05	**0**	**$36,588.00**	**$28,805.00**	**$38,491.00**	**$1,903.00**	

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
01-10	**Municipal Building**							
01-10-01-05	Wages	$10,000.00	$12,500.00	$12,500.00	$12,500.00	$9,455.00	$12,785.00	**$285.00**
01-10-05-01	FICA/Medicare	$765.00	$957.00	$957.00	$957.00	$723.00	$978.00	**$21.00**
01-10-05-10	Workers' Comp.	$350.00	$350.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
01-10-10-01	Office Supplies	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$906.00	$1,400.00	**-$100.00**
01-10-15-01	Telephone	$750.00	$750.00	$750.00	$750.00	$504.00	$750.00	**$0.00**
01-10-15-05	Electricity	$42,000.00	$46,000.00	$46,000.00	$44,000.00	$32,500.00	$44,000.00	**$0.00**
01-10-15-10	Fuel	$32,000.00	$36,000.00	$28,000.00	$26,000.00	$20,054.00	$25,500.00	**-$500.00**
01-10-15-15	Water	$2,700.00	$2,800.00	$3,200.00	$3,200.00	$2,758.00	$3,735.00	**$535.00**
01-10-20-10	Equip. Service Cont.	$7,000.00	$7,000.00	$7,000.00	$7,000.00	$4,129.00	$4,600.00	**-$2,400.00**
01-10-20-35	Building Maintenance	$10,000.00	$12,000.00	$12,000.00	$12,000.00	$7,854.00	$12,000.00	**$0.00**
	TOTAL 01-10	**$107,065.00**	**$119,857.00**	**$111,907.00**	**$107,907.00**	**$78,883.00**	**$105,748.00**	**-$2,159.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
01-15	**TAX COLLECTOR**							
01-15-30-15	Computer Services	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$1,022.00	$2,500.00	**$0.00**
01-15-30-40	Liens & Transfers	$3,500.00	$3,500.00	$3,500.00	$3,500.00	$2,555.00	$3,500.00	**$0.00**
	Total 01-15	**$6,000.00**	**$6,000.00**	**$6,000.00**	**$6,000.00**	**$3,577.00**	**$6,000.00**	**$0.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference	
01-30	**Economic Development**							**$0.00**	
01-30-01-01	Salaries	$65,000.00	$54,600.00	$52,500.00	$54,338.00	$46,460.00	$55,968.00	**$1,630.00**	
01-30-05-01	Fica/Medicare	$4,973.00	$4,177.00	$4,016.00	$4,157.00	$3,262.00	$4,282.00	**$125.00**	
01-30-05-05	Retirement	$2,184.00	$4,586.00	$4,410.00	$4,565.00	$3,723.00	$4,701.00	**$136.00**	
01-30-05-10	Workers' Comp	$400.00	$185.00	$120.00	$120.00	$282.00	$300.00	**$180.00**	
01-30-05-15	Health Insurance	$9,308.00	$12,000.00	$14,064.00	$14,819.00	$11,357.00	$15,909.00	**$1,090.00**	
01-30-05-20	Life Insurance	$60.00	$120.00	$150.00	$150.00	$85.00	$150.00	**$0.00**	
01-30-05-25	Dental Insurance	$75.00	$150.00	$185.00	$185.00	$113.00	$185.00	**$0.00**	
01-30-10-01	Office Supplies	$1,700.00	$1,700.00	$1,000.00	$250.00	$338.00	$250.00	**$0.00**	
01-30-10-05	Postage/Shipping	$1,000.00	$1,500.00	$750.00	$250.00	$0.00	$350.00	**$100.00**	
01-30-15-01	Telephone	$500.00	$500.00	$250.00	$150.00	$0.00	$250.00	**$100.00**	
01-30-30-01	Advertising	$5,000.00	$3,000.00	$1,500.00	$2,500.00	$2,635.00	$1,500.00	**-$1,000.00**	
01-30-30-45	Marketing	$3,000.00	$3,000.00	$1,000.00	$500.00	$295.00	$3,000.00	**$2,500.00**	
01-30-30-60	Dues	$300.00	$300.00	$500.00	$250.00	$0.00	$250.00	**$0.00**	
01-30-30-80	Training/Travel	$4,000.00	$4,000.00	$5,000.00	$4,000.00	$3,715.00	$4,000.00	**$0.00**	
01-30-35-01	Legal	$2,500.00	$2,500.00	$1,000.00	$500.00	$2,393.00	$1,000.00	**$500.00**	
	Total 01-30	**$100,000.00**	**$92,318.00**	**$86,445.00**	**$86,734.00**	**$74,658.00**	**$92,095.00**	**$5,361.00**	

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	Non-Dept. Utilities	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference	
06-06-15-05	Streetlight Electricity	$55,000.00	$55,000.00	$53,000.00	$51,000.00	$33,345.00	$49,750.00	**-$1,250.00**	
06-06-20-30	StreetlightRepair	$3,000.00	$3,000.00	$2,500.00	$2,500.00	$1,481.00	$2,500.00	**$0.00**	
06-06-30-35	Hydrant Rental	$336,468.00	$353,078.00	$355,454.00	$369,672.00	$295,498.00	$412,626.00	**$42,954.00**	
06-06-30-76	Crosswalk/Sidewalk	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$0.00	$3,000.00	**$0.00**	
	Total	**$397,468.00**	**$414,078.00**	**$413,954.00**	**$426,172.00**	**$330,324.00**	**$467,876.00**	**$41,704.00**	

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
05-01	**Police**							
05-01-01-05	Wages	$598,130.00	$625,207.00	$616,724.00	$641,826.00	$452,279.00	$650,952.00	**$9,126.00**
05-01-01-15	Clothing	$6,000.00	$6,000.00	$6,000.00	$6,000.00	$3,650.00	$6,000.00	**$0.00**
05-01-01-20	Contract	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
05-01-05-01	FICA/Medicare	$47,757.00	$47,829.00	$47,180.00	$49,100.00	$33,395.00	$49,798.00	**$698.00**
05-01-05-05	Retirement	$47,531.00	$49,751.00	$49,504.00	$51,696.00	$42,195.00	$52,379.00	**$683.00**
05-01-05-10	Workers' Comp	$12,500.00	$13,000.00	$13,000.00	$13,000.00	$16,602.00	$16,600.00	**$3,600.00**
05-01-05-15	Health	$121,105.00	$125,950.00	$114,605.00	$111,887.00	$93,392.00	$131,548.00	**$19,661.00**
05-01-05-20	Life	$1,332.00	$1,386.00	$1,400.00	$1,400.00	$857.00	$1,400.00	**$0.00**
05-01-05-25	Dental	$900.00	$900.00	$900.00	$900.00	$675.00	$900.00	**$0.00**
05-01-10-05	Postage/Shipping	$450.00	$500.00	$500.00	$500.00	$556.00	$0.00	**-$500.00**
05-01-10-20	Supply/Materials	$7,500.00	$7,500.00	$7,500.00	$7,500.00	$5,727.00	$7,500.00	**$0.00**
05-01-10-25	Gas/Oil/Lube	$23,000.00	$28,000.00	$27,000.00	$27,000.00	$16,354.00	$27,000.00	**$0.00**
05-01-15-01	Telephone	$5,500.00	$5,500.00	$5,000.00	$5,000.00	$2,414.00	$4,000.00	**-$1,000.00**
05-01-20-01	Cruiser Replacement	$25,000.00	$26,400.00	$26,400.00	$14,000.00	$518.73	$28,000.00	**$14,000.00**
05-01-20-01	Equip. Maintenance	$5,000.00	$1,000.00	$1,000.00	$1,000.00	$0.00	$1,000.00	**$0.00**
05-01-20-20	Communication Maint.	$3,500.00	$3,500.00	$3,000.00	$2,500.00	$1,336.00	$2,000.00	**-$500.00**
05-01-20-25	Vehicle Maintenance	$14,000.00	$15,000.00	$15,000.00	$14,000.00	$7,243.00	$13,500.00	**-$500.00**
05-01-30-25	Dare	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
05-01-30-50	Pet Control	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$1,917.00	$11,200.00	**$7,200.00**
05-01-30-80	Travel/Training	$7,000.00	$7,000.00	$7,000.00	$7,000.00	$4,579.00	$7,000.00	**$0.00**
	Total 05-01	**$930,205.00**	**$968,423.00**	**$945,713.00**	**$958,309.00**	**$683,689.73**	**$1,010,777.00**	**$52,468.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
05-05	**Fire Department**							
05-05-01-05	Wages	$452,666.00	$513,216.00	$515,150.00	$555,952.00	$380,521.00	$570,961.00	**$15,009.00**
05-05-01-10	Call Wages	$60,000.00	$60,000.00	$60,000.00	$40,000.00	$26,144.00	$40,000.00	**$0.00**
05-05-01-15	Clothing Allowance	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$3,163.00	$4,000.00	**$0.00**
05-05-01-20	Contract	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
05-05-05-01	Fica/Medicare	$39,219.00	$43,852.00	$43,998.00	$45,590.00	$29,817.00	$46,739.00	**$1,149.00**
05-05-05-05	Retirement	$38,024.00	$43,111.00	$43,273.00	$46,700.00	$33,568.00	$47,961.00	**$1,261.00**
05-05-05-10	Workers' Comp	$21,000.00	$21,800.00	$23,000.00	$26,000.00	$30,954.00	$31,000.00	**$5,000.00**
05-05-05-15	Health Insurance	$93,802.00	$108,374.00	$84,460.00	$112,688.00	$86,455.00	$122,078.00	**$9,390.00**
05-05-05-20	Life Insurance	$1,465.00	$1,695.00	$1,695.00	$1,500.00	$829.00	$1,500.00	**$0.00**
05-05-05-25	Dental Insurance	$1,350.00	$1,500.00	$1,500.00	$1,200.00	$513.00	$1,200.00	**$0.00**
05-05-10-05	Postage/Shipping	$600.00	$750.00	$750.00	$750.00	$10.00	$0.00	**-$750.00**
05-05-10-20	Supplies/Materials	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$2,118.00	$3,000.00	**$0.00**
05-05-10-25	Gas/Oil/Lube	$5,750.00	$7,000.00	$8,000.00	$8,000.00	$5,860.00	$8,000.00	**$0.00**
05-05-10-30	EMS Supplies	$7,800.00	$7,800.00	$9,000.00	$11,000.00	$8,160.00	$12,000.00	**$1,000.00**
05-05-15-01	Telephone	$2,400.00	$2,400.00	$2,100.00	$2,000.00	$1,443.00	$2,000.00	**$0.00**
05-05-01-25	Vehicle Expense	$9,000.00	$9,000.00	$9,000.00	$9,000.00	$2,003.00	$7,500.00	**-$1,500.00**
05-05-20-01	Equipment Replace.	$7,500.00	$22,000.00	$6,000.00	$4,000.00	$0.00	$2,035.00	**-$1,965.00**
05-05-20-05	Equip. Maintenance	$3,800.00	$3,800.00	$4,800.00	$4,000.00	$5,947.00	$6,000.00	**$2,000.00**
05-05-20-20	Communication Maint.	$1,500.00	$1,500.00	$2,500.00	$2,500.00	$126.00	$2,000.00	**-$500.00**
05-05-20-40	Station 1 Maintenance	$2,600.00	$2,600.00	$2,600.00	$2,600.00	$1,782.00	$3,600.00	**$1,000.00**
05-05-25-01	ALS Equipment	$500.00	$540.00	$500.00	$0.00	$0.00	$0.00	**$0.00**
05-05-25-05	Safety	$6,000.00	$6,000.00	$6,000.00	$6,000.00	$315.00	$6,000.00	**$0.00**
05-05-30-37	License Fees	$1,300.00	$1,300.00	$1,300.00	$1,300.00	$950.00	$1,500.00	**$200.00**
05-05-30-55	Prevent/Ed	$750.00	$750.00	$750.00	$750.00	$644.00	$750.00	**$0.00**
05-05-30-80	Travel/Training	$6,500.00	$6,500.00	$6,500.00	$6,500.00	$1,710.00	$6,500.00	**$0.00**
	05-05 Totals	**$770,526.00**	**$872,488.00**	**$839,876.00**	**$895,030.00**	**$623,032.00**	**$926,324.00**	**$31,294.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
05-10	**Public Safety**							
05-10-01-01	Salaries	$105,211.00	$107,840.00	$107,840.00	$111,616.00	$85,859.00	$112,776.00	**$1,160.00**
05-10-05-01	FICA/Medicare	$8,049.00	$8,250.00	$8,250.00	$8,539.00	$6,188.00	$8,628.00	**$89.00**
05-10-05-05	Retirement	$8,838.00	$9,059.00	$9,059.00	$9,376.00	$10,018.00	$9,474.00	**$98.00**
05-10-05-10	Workers' Comp.	$1,200.00	$1,200.00	$1,200.00	$1,200.00	$0.00	$0.00	**-$1,200.00**
05-10-05-15	Health Insurance	$21,600.00	$22,465.00	$21,120.00	$22,744.00	$17,429.00	$24,415.00	**$1,671.00**
05-10-05-20	Life Insurance	$267.00	$278.00	$278.00	$278.00	$170.00	$278.00	**$0.00**
05-10-05-25	Dental Insurance	$300.00	$300.00	$300.00	$300.00	$225.00	$300.00	**$0.00**
05-10-10-01	Office Supplies	$5,000.00	$3,500.00	$3,500.00	$3,500.00	$583.00	$2,500.00	**-$1,000.00**
05-10-10-30	Medical	$3,000.00	$3,000.00	$5,000.00	$5,000.00	$2,142.00	$4,000.00	**-$1,000.00**
05-10-20-01	Equipment Replace.	$0.00	$250.00	$250.00	$0.00	$0.00	$0.00	**$0.00**
05-10-20-20	Communication Maint.	$500.00	$500.00	$500.00	$500.00	$0.00	$500.00	**$0.00**
05-10-25-10	Equipment Rental	$2,248.00	$3,712.00	$3,568.00	$2,880.00	$1,047.00	$2,880.00	**$0.00**
05-10-30-65	Recruitment Expense	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$4,429.00	$4,000.00	**$0.00**
05-10-30-80	Travel/Training	$2,200.00	$2,000.00	$2,000.00	$2,000.00	$1,119.00	$2,000.00	**$0.00**
	Total 05-10	**$162,413.00**	**$166,354.00**	**$166,865.00**	**$171,933.00**	**$129,209.00**	**$171,751.00**	**-$182.00**

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Account Nun	Account Name	2008 Budgeted	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
10-01	**Public Works**							
10-01-01-05	Wages	$458,304.00	$507,282.00	$523,380.00	$557,098.00	$448,168.00	$577,790.00	**$20,692.00**
10-01-01-15	Clothing Allowance	$5,850.00	$6,150.00	$6,700.00	$6,700.00	$6,537.00	$7,100.00	**$400.00**
10-01-01-25	Vehicle Expense	$3,400.00	$3,540.00	$4,004.00	$4,004.00	$2,626.00	$4,004.00	**$0.00**
10-01-05-01	FICA/Medicare	$35,795.00	$36,675.00	$40,039.00	$42,618.00	$35,791.00	$44,200.00	**$1,582.00**
10-01-05-05	Retirement	$39,304.00	$40,270.00	$43,964.00	$43,694.00	$41,501.00	$48,534.00	**$4,840.00**
10-01-05-10	Workers' Comp	$22,000.00	$22,000.00	$22,000.00	$22,000.00	$29,481.00	$30,000.00	**$8,000.00**
10-01-05-15	Health Insurance	$132,432.00	$132,304.00	$150,063.00	$164,042.00	$129,109.00	$180,863.00	**$16,821.00**
10-01-05-20	Life Insurance	$1,465.00	$1,596.00	$1,596.00	$1,596.00	$984.00	$1,596.00	**$0.00**
10-01-05-25	Dental Insurance	$900.00	$1,050.00	$1,050.00	$1,050.00	$650.00	$1,050.00	**$0.00**
10-01-10-01	Office Supplies	$850.00	$850.00	$850.00	$850.00	$0.00	$850.00	**$0.00**
10-01-10-05	Postage/Shipping	$350.00	$385.00	$385.00	$385.00	$0.00	$385.00	**$0.00**
10-01-10-17	Tree Removal	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	**$0.00**
10-01-10-20	Supply/Materials	$2,800.00	$2,800.00	$2,800.00	$2,800.00	$1,684.00	$2,800.00	**$0.00**
10-01-10-25	Gas/Oil/Lube	$46,000.00	$96,647.00	$72,800.00	$52,800.00	$47,687.00	$90,300.00	**$37,500.00**
10-01-10-40	Salt	$88,875.00	$111,341.00	$98,000.00	$83,000.00	$80,776.00	$88,788.00	**$5,788.00**
10-01-10-45	Culverts	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$290.00	$3,000.00	**$0.00**
10-01-10-50	Tar Patching	$3,000.00	$2,000.00	$3,000.00	$3,000.00	$1,385.00	$3,000.00	**$0.00**
10-01-10-55	Street Signs	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$1,968.00	$3,000.00	**$0.00**
10-01-10-60	Calcium Chloride	$1,500.00	$1,500.00	$2,500.00	$2,500.00	$2,272.00	$2,500.00	**$0.00**
10-01-10-65	Steel Plows	$12,500.00	$22,500.00	$22,500.00	$22,500.00	$15,313.00	$22,500.00	**$0.00**
10-01-10-70	Resurfacing Roads	$142,775.00	$150,000.00	$150,000.00	$159,800.00	$0.00	$150,000.00	**-$9,800.00**
10-01-15-01	Telephone	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$2,851.00	$4,000.00	**$0.00**
10-01-20-01	Equipment Replace.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
10-01-20-05	Equipment Maint.	$45,000.00	$50,000.00	$60,000.00	$60,000.00	$53,395.00	$60,000.00	**$0.00**
10-01-20-15	Copier	$400.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
10-01-25-05	Safety	$800.00	$880.00	$880.00	$1,600.00	$118.00	$1,600.00	**$0.00**
10-01-25-10	Rental	$12,800.00	$13,550.00	$19,500.00	$15,000.00	$11,450.00	$15,000.00	**$0.00**
10-01-30-75	Street Construction	$19,500.00	$19,500.00	$13,550.00	$19,500.00	$18,649.00	$19,500.00	**$0.00**
10-01-30-80	Travel/Training	$1,200.00	$1,200.00	$1,200.00	$1,200.00	$1,102.00	$1,200.00	**$0.00**
	10-01 Total	**$1,090,300.00**	**$1,236,520.00**	**$1,253,261.00**	**$1,280,237.00**	**$936,287.00**	**$1,366,060.00**	**$85,823.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
10-05	**Municipal Garage**							
10-05-05-05	Electricity	$4,200.00	$5,340.00	$5,340.00	$5,340.00	$3,748.00	$5,340.00	**$0.00**
10-05-05-10	Fuel	$9,800.00	$18,000.00	$14,000.00	$12,400.00	$11,118.00	$14,000.00	**$1,600.00**
10-05-20-35	Building Maintenance	$4,500.00	$14,500.00	$14,500.00	$11,000.00	$7,450.00	$11,000.00	**$0.00**
	10-05 Total	**$18,500.00**	**$37,840.00**	**$33,840.00**	**$28,740.00**	**$22,316.00**	**$30,340.00**	**$1,600.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
15-10	**Solid Waste**							
15-10-01-05	Wages	$58,910.00	$63,412.00	$65,338.00	$62,592.00	$51,017.00	$66,462.00	**$3,870.00**
15-10-01-15	Clothing Allowance	$1,040.00	$1,100.00	$1,100.00	$1,100.00	$1,059.00	$1,100.00	**$0.00**
15-10-05-01	FICA/Medicare	$4,507.00	$4,851.00	$4,998.00	$4,789.00	$3,712.00	$5,085.00	**$296.00**
15-10-05-05	Retirement	$4,949.00	$5,000.00	$5,154.00	$5,154.00	$4,335.00	$5,582.00	**$428.00**
15-10-05-10	Workers' Comp	$1,800.00	$1,800.00	$2,200.00	$1,800.00	$2,764.00	$2,800.00	**$1,000.00**
15-10-05-15	Health Insurance	$21,500.00	$22,360.00	$21,584.00	$22,743.00	$17,429.00	$24,416.00	**$1,673.00**
15-10-05-20	Life Insurance	$267.00	$267.00	$267.00	$267.00	$170.00	$267.00	**$0.00**
15-10-05-25	Dental	$300.00	$300.00	$300.00	$300.00	$0.00	$300.00	**$0.00**
15-10-10-20	Supply/Materials	$3,000.00	$3,000.00	$3,000.00	$1,000.00	$500.00	$1,000.00	**$0.00**
15-10-15-05	Electricity	$1,200.00	$1,200.00	$1,500.00	$1,500.00	$1,261.00	$1,500.00	**$0.00**
15-10-20-01	Equipment Replace.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
15-10-20-05	Equipment Maint.	$1,500.00	$1,500.00	$1,500.00	$1,000.00	$0.00	$1,000.00	**$0.00**
15-10-25-10	Rental	$2,600.00	$12,360.00	$2,800.00	$1,500.00	$0.00	$1,500.00	**$0.00**
15-10-30-53	Solid Waste Removal	$381,345.00	$365,670.00	$302,420.00	$278,170.00	$182,172.00	$272,470.00	**-$5,700.00**
	15-10 Total	**$482,918.00**	**$482,820.00**	**$412,161.00**	**$381,915.00**	**$264,419.00**	**$383,482.00**	**$1,567.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
20-01	**Recreation**							
20-01-01-05	Wages	$76,931.00	$78,853.00	$78,853.00	$81,620.00	$62,803.00	$84,056.00	**$2,436.00**
20-01-05-01	FICA/Medicare	$5,885.00	$6,033.00	$6,033.00	$6,244.00	$4,292.00	$6,430.00	**$186.00**
20-01-05-05	Retirement	$6,462.00	$6,624.00	$6,624.00	$7,040.00	$5,417.00	$7,061.00	**$21.00**
20-01-05-10	Workers' Comp	$2,038.00	$2,152.00	$2,152.00	$2,227.00	$5,477.00	$4,500.00	**$2,273.00**
20-01-05-15	Health Insurance	$21,500.00	$26,075.00	$24,910.00	$29,639.00	$22,713.00	$31,819.00	**$2,180.00**
20-01-05-20	Life Insurance	$267.00	$267.00	$267.00	$267.00	$170.00	$267.00	**$0.00**
20-01-05-25	Dental Insurance	$300.00	$300.00	$300.00	$150.00	$112.00	$150.00	**$0.00**
20-01-10-01	Office Supplies	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$586.00	$1,000.00	**$0.00**
20-01-10-05	Postage/Shipping	$300.00	$300.00	$300.00	$300.00	$102.00	$300.00	**$0.00**
20-01-15-01	Telephone	$1,476.00	$1,255.00	$1,235.00	$1,291.00	$865.00	$1,327.00	**$36.00**
20-01-40-50	Parks	$1,722.00	$2,083.00	$1,913.00	$2,752.00	$1,825.00	$2,500.00	**-$252.00**
	20-01 Total	**$117,881.00**	**$124,942.00**	**$123,587.00**	**$132,530.00**	**$104,362.00**	**$139,410.00**	**$6,880.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
20-10	**Dyer Library**							
20-10-01-05	Wages	$134,568.00	$140,062.00	$140,062.00	$144,965.00	$108,656.00	$150,124.00	**$5,159.00**
20-10-05-01	FICA/Medicare	$10,294.00	$10,715.00	$10,715.00	$11,090.00	$8,426.00	$11,484.00	**$394.00**
20-10-05-05	Retirement	$9,567.00	$9,806.00	$9,806.00	$10,149.00	$8,069.00	$10,453.00	**$304.00**
20-10-05-10	Workers' Comp	$500.00	$500.00	$500.00	$500.00	$676.00	$600.00	**$100.00**
20-10-05-15	Health Insurance	$25,304.00	$27,500.00	$26,325.00	$22,907.00	$21,780.00	$21,267.00	**-$1,640.00**
20-10-05-20	Life Insurance	$400.00	$420.00	$420.00	$420.00	$254.00	$420.00	**$0.00**
20-10-05-25	Dental	$450.00	$300.00	$300.00	$300.00	$225.00	$300.00	**$0.00**
20-10-10-01	Office Supplies	$500.00	$500.00	$500.00	$500.00	$87.00	$500.00	**$0.00**
20-10-10-03	Interlibrary Loan	$1,288.00	$1,409.00	$1,196.00	$1,144.00	$713.00	$1,685.00	**$541.00**
20-10-10-05	Postage/Shipping	$400.00	$500.00	$568.00	$568.00	$394.00	$568.00	**$0.00**
20-10-10-15	Books/Publications	$13,500.00	$13,905.00	$13,905.00	$14,322.00	$11,176.00	$14,752.00	**$430.00**
20-10-10-16	Periodicals	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$250.00	$1,500.00	**$0.00**
20-10-10-20	Supplies/Materials	$1,400.00	$1,400.00	$1,400.00	$1,400.00	$690.00	$1,400.00	**$0.00**
20-10-15-01	Telephone	$672.00	$648.00	$648.00	$708.00	$432.00	$588.00	**-$120.00**
20-10-15-05	Electricity	$5,100.00	$5,524.00	$5,375.00	$5,375.00	$3,827.00	$5,112.00	**-$263.00**
20-10-15-10	Fuel	$3,900.00	$5,070.00	$6,500.00	$5,500.00	$4,479.00	$5,500.00	**$0.00**
20-10-15-15	Water	$300.00	$280.00	$320.00	$271.00	$230.00	$326.00	**$55.00**
20-10-15-20	Sewer	$300.00	$148.00	$224.00	$176.00	$136.00	$181.00	**$5.00**
20-10-20-15	Copier	$600.00	$250.00	$250.00	$250.00	$0.00	$250.00	**$0.00**
20-10-20-35	Building Repair	$3,300.00	$3,300.00	$3,500.00	$3,500.00	$1,519.00	$3,500.00	**$0.00**
20-10-30-15	Computer Service	$3,500.00	$3,500.00	$4,250.00	$4,250.00	$0.00	$4,447.00	**$197.00**
20-10-30-60	Dues	$461.00	$326.00	$326.00	$326.00	$90.00	$326.00	**$0.00**
20-10-30-80	Travel/Training	$800.00	$800.00	$800.00	$500.00	$493.00	$500.00	**$0.00**
20-10-40-98	Library Programs	$1,800.00	$1,800.00	$1,800.00	$1,800.00	$599.00	$1,800.00	**$0.00**
	20-10 Totals	**$220,404.00**	**$230,163.00**	**$231,190.00**	**$232,421.00**	**$173,201.00**	**$237,583.00**	**$5,162.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
20-20	**Lura Hoit Pool**							
20-20-01-05	Wages	$165,086.00	$174,526.00	$171,162.00	$175,553.00	$128,992.00	$175,905.00	**$352.00**
20-20-05-01	FICA/Medicare	$12,629.00	$13,351.00	$13,094.00	$13,094.00	$9,838.00	$13,457.00	**$363.00**
20-20-05-05	Retirement	$5,615.00	$5,879.00	$6,173.00	$6,173.00	$5,096.00	$6,708.00	**$535.00**
20-20-05-10	Workers' Comp	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$5,477.00	$4,120.00	**$120.00**
20-20-05-15	Health Insurance	$21,600.00	$22,464.00	$15,040.00	$15,849.00	$12,145.00	$17,013.00	**$1,164.00**
20-20-05-20	Life Insurance	$267.00	$267.00	$267.00	$267.00	$170.00	$267.00	**$0.00**
20-20-05-25	Dental Insurance	$300.00	$300.00	$150.00	$150.00	$113.00	$150.00	**$0.00**
20-20-10-01	Office Supplies	$1,171.00	$1,171.00	$997.00	$997.00	$385.00	$1,025.00	**$28.00**
20-20-10-05	Postage/shipping	$300.00	$350.00	$400.00	$450.00	$176.00	$450.00	**$0.00**
20-20-10-20	Supplies/Materials	$1,320.00	$1,500.00	$1,000.00	$1,050.00	$329.00	$1,050.00	**$0.00**
20-20-10-80	Chlorine	$5,593.00	$5,692.00	$5,801.00	$6,188.00	$6,675.00	$6,629.00	**$441.00**
20-20-15-01	Telephone	$972.00	$981.00	$990.00	$996.00	$682.00	$996.00	**$0.00**
20-20-15-05	Electricity	$24,200.00	$25,047.00	$25,047.00	$25,047.00	$15,314.00	$22,000.00	**-$3,047.00**
20-20-15-10	Fuel	$66,530.00	$85,000.00	$55,350.00	$51,555.00	$32,947.00	$55,400.00	**$3,845.00**
20-20-15-15	Water	$2,000.00	$2,500.00	$3,000.00	$3,000.00	$2,084.00	$3,000.00	**$0.00**
20-20-15-20	Sewer	$2,000.00	$2,500.00	$3,000.00	$3,000.00	$2,027.00	$3,000.00	**$0.00**
20-20-20-05	Equipment Maint.	$6,000.00	$7,000.00	$9,000.00	$10,000.00	$10,987.00	$13,000.00	**$3,000.00**
20-20-20-35	Building Maintenance	$4,500.00	$4,500.00	$4,500.00	$4,500.00	$3,925.00	$4,500.00	**$0.00**
20-20-30-01	Advertising	$1,500.00	$1,500.00	$500.00	$1,100.00	$748.00	$1,100.00	**$0.00**
20-20-30-80	Travel/Training	$2,500.00	$2,000.00	$1,500.00	$1,500.00	$1,525.00	$1,500.00	**$0.00**
	20-20- Total	**$328,083.00**	**$360,528.00**	**$320,971.00**	**$324,469.00**	**$239,635.00**	**$331,270.00**	**$6,801.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
20-25	**Marina**							
20-25-10-10	General Expense	$600.00	$500.00	$500.00	$500.00	$7.27	$500.00	**$0.00**
	20-25-Totals	**$600.00**	**$500.00**	**$500.00**	**$500.00**	**$7.27**	**$500.00**	**$0.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference	
25-10	**The Bus**								
25-10-55-15	Expense	$40,000.00	$55,000.00	$58,000.00	$52,000.00	$23,347.44	$50,000.00	**-$2,000.00**	
	25-10 Total	**$40,000.00**	**$55,000.00**	**$58,000.00**	**$52,000.00**	**$23,347.44**	**$50,000.00**	**-$2,000.00**	

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
30-10	**Building/Grounds**							
30-10-01-05	Wages	$42,927.00	$59,373.00	$61,178.00	$58,693.00	$42,577.00	$68,349.00	**$9,656.00**
30-10-05-01	FICA/Medicare	$3,284.00	$4,542.00	$4,680.00	$4,490.00	$3,162.00	$5,229.00	**$739.00**
30-10-05-05	Retirement	$1,900.00	$3,279.00	$3,387.00	$3,387.00	$0.00	$3,841.00	**$454.00**
30-10-05-10	Workers' Comp	$1,200.00	$1,200.00	$2,200.00	$2,200.00	$3,046.00	$3,000.00	**$800.00**
30-10-10-18	Flowers	$150.00	$150.00	$500.00	$500.00	$0.00	$500.00	**$0.00**
30-10-10-20	Supplies/Materials	$500.00	$500.00	$500.00	$1,000.00	$699.00	$1,000.00	**$0.00**
30-10-10-75	Maps/Markers	$350.00	$1,000.00	$3,000.00	$500.00	$0.00	$500.00	**$0.00**
30-10-10-85	Memorial Day	$175.00	$175.00	$175.00	$175.00	$0.00	$175.00	**$0.00**
30-10-15-15	Water	$290.00	$331.00	$330.00	$330.00	$158.00	$330.00	**$0.00**
30-10-20-01	Equipment Replace.	$6,000.00	$9,000.00	$6,000.00	$8,500.00	$7,009.00	$0.00	**-$8,500.00**
30-10-20-05	Equipment Maint.	$1,500.00	$1,500.00	$1,500.00	$2,000.00	$631.00	$1,500.00	**-$500.00**
30-10-20-35	Building Repair	$0.00	$0.00	$2,600.00	$2,600.00	$0.00	$1,205.00	**-$1,395.00**
30-10-20-50	Grounds Improvement	$500.00	$500.00	$500.00	$500.00	$0.00	$500.00	**$0.00**
30-10-25-05	Safety	$250.00	$250.00	$250.00	$600.00	$91.16	$600.00	**$0.00**
30-10-25-10	Equpment Rental	$0.00	$5,000.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
								$0.00
	30-10 Total	**$59,026.00**	**$86,800.00**	**$86,800.00**	**$85,475.00**	**$57,373.16**	**$86,729.00**	**$1,254.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
38-00	**Outside Agencies**							
38-00-00-01	Hammond St. Sr. Ctr.	$4,795.00	$4,690.00	$4,305.00	$5,285.00	$5,285.00	$5,775.00	**$490.00**
38-10-04-04	Eastern Area Agency	$3,500.00	$3,500.00	$3,500.00	$3,500.00	$3,500.00	$3,500.00	**$0.00**
38-00-00-05	UCP	$1,000.00	$0.00	$0.00	$1,000.00	$1,000.00	$1,000.00	**$0.00**
38-10-04-05	Hampden Historical	$250.00	$250.00	$250.00	$600.00	$600.00	$1,000.00	**$400.00**
38-10-04-06-	Com.Health & Counsel	$2,152.00	$2,152.00	$2,380.00	$0.00	$0.00	$0.00	**$0.00**
38-10-04-07	Bangor STD Clinic	$150.00	$150.00	$150.00	$150.00	$150.00	$500.00	**$350.00**
38-10-04-08	Penquis Cap	$12,594.00	$14,274.00	$14,274.00	$9,126.00	$9,126.00	$7,238.00	**-$1,888.00**
38-10-04-09	American Folk Fest.	$0.00	$400.00	$400.00	$400.00	$400.00	$0.00	**-$400.00**
38-10-04-03	Hampden Kiwanis	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
	Hampden Garden Club	$0.00	$0.00	$0.00	$0.00	$0.00	$600.00	**$600.00**
38-10-04-10	Red Cross	$0.00	$0.00	$1,580.00	$1,580.00	$1,580.00	$1,580.00	**$0.00**
	38-00 Totals	**$24,441.00**	**$25,416.00**	**$26,839.00**	**$21,641.00**	**$21,641.00**	**$21,193.00**	**-$448.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
40-10	**General Assistance**							
40-10-43-01	Expenses	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$4,262.00	$10,000.00	**$0.00**
	40-10 Totals	**$10,000.00**	**$10,000.00**	**$10,000.00**	**$10,000.00**	**$4,262.00**	**$10,000.00**	**$0.00**
45-10	**County Tax**	**2008 Budget**	**2009 Budget**	**Council 2010**	**2011 Budget**	**Expended 3/31/2011**	**Proposed 2012**	**Difference**
45-10-55-10	Tax	$545,837.05	$586,820.00	$610,044.56	$633,244.00	$633,243.00	$662,172.00	**$28,928.00**
	45-10 Totals	**$545,837.05**	**$586,820.00**	**$610,044.56**	**$633,244.00**	**$633,243.00**	**$662,172.00**	**$28,928.00**
50-10	**Debt Service**	**2008 Budget**	**2009 Budget**	**Council 2010**	**2011 Budget**	**Expended 3/31/2011**	**Proposed 2012**	**Difference**
50-10-50-01	Sewer	$69,793.00	$69,793.00	$69,793.00	$0.00			
50-10-50-10	Route 202 Park	$120,000.00	$120,000.00	$120,000.00	$196,515.00	$188,937.00	$11,833.00	**-$184,682.00**
	Mayo Road Rebuild	$0.00	$0.00	$0.00	$0.00	$18,285.97	$126,989.00	**$126,989.00**
50-10-50-15	Mun. Bldg. Addition	$149,000.00	$150,000.00	$150,000.00	$130,078.00	$130,077.92	$126,510.00	**-$3,568.00**
	Road Paving-Gravel	$0.00	$80,000.00	$80,000.00	$100,667.00	$100,666.37	$97,187.00	**-$3,480.00**
50-10-50-20	LL Bean Purchase	$45,800.00	$48,000.00	$48,000.00	$42,461.00	$42,460.50	$41,169.00	**-$1,292.00**
	50-10 Total	**$384,593.00**	**$467,793.00**	**$467,793.00**	**$469,721.00**	**$480,427.76**	**$403,688.00**	**-$66,033.00**
		2008 Budget	**2009 Budget**	**Council 2010**	**2011 Budget**	**Expended 3/31/2011**	**Proposed 2012**	**Difference**
67-10-50-20	**TIF REIMBURSEMENT**	$44,000.00	$50,000.00	$50,000.00	$50,000.00	$3,959.00	$32,000.00	**-$18,000.00**

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference	
65-10	**SAD 22 Assessment**	$5,027,577.79	$5,024,922.00	$5,115,775.23	$5,145,805.88	$3,859,354.39	$5,184,588.00	**$38,782.12**	

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Account Nun	Account Name	2008 Budget	2009 Budget	Council 2010	2011 Budget	Expended 3/31/2011	Proposed 2012	Difference
03-700	**RESERVES**							
03-702-00	Municipal Building	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$10,000.00	$0.00	**-$10,000.00**
03-711-00	Computer Reserve	$7,100.00	$9,970.00	$0.00	$17,300.00	$17,300.00	$20,000.00	**$2,700.00**
03-717-00	Public Works Equip.	$65,200.00	$100,000.00	$170,000.00	$150,000.00	$150,000.00	$100,000.00	**-$50,000.00**
03-727-00	Economic Devel.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-729-00	Town Property Survey	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-731-00	GIS Mapping	$10,000.00	$10,000.00	$10,000.00	$5,000.00	$5,000.00	$0.00	**-$5,000.00**
03-737-00	Ambulance	$0.00	$20,000.00	$0.00	$15,000.00	$15,000.00	$0.00	**-$15,000.00**
03-741-00	Fire Truck	$25,000.00	$25,000.00	$0.00	$20,000.00	$20,000.00	$0.00	**-$20,000.00**
03-743-00	Fire Truck Refurbishing	$0.00	$4,000.00	$4,000.00	$4,000.00	$4,000.00	$0.00	**-$4,000.00**
03-753-00	Police Cruiser	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-761-00	Streets/Roads	$45,000.00	$45,000.00	$50,000.00	$50,000.00	$50,000.00	$100,000.00	**$50,000.00**
03763-00	Library Reserve	$0.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	**$0.00**
03-767-00	Recreation Reserve	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-771-00	Pool Reserve	$15,000.00	$15,000.00	$15,000.00	$15,000.00	$15,000.00	$15,000.00	**$0.00**
03-739-00	EMS Reserve	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-733-00	Salary/Benefits Res.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-768-00	Playground	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-777-00	Garage/Solid Waste	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
03-778-00	Matching Grant Res.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
	Total Reserves	**$177,300.00**	**$243,970.00**	**$264,000.00**	**$291,300.00**	**$291,300.00**	**$240,000.00**	**-$51,300.00**

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TOTALS		$11,959,457.34	$12,635,510.00	$12,575,979.79	$12,767,564.88	$9,802,417.75	$12,946,466.00	$178,901.12	1.40%
TOTAL GROSS INCREASE		**$178,901.12**							
	School Increase	$38,782.12							
	County Increase	$28,928.00							
	Hydrant Rental	$42,954.00							
Outside Entity Increases		**$110,664.12**							
Municipal Budget Increase		**$68,237.00**							

DRAFT
submitted by
Councilor BRANN

C-4-e

Due to the overwhelming number of requests for public records, the cost of responding to those requests, and that the requests are delaying the regular activities of town staff, the following procedures to address information requests are implemented. The general public and Town Councilors alike are subject to these rules.

1) All requests for public records ***MUST*** be submitted to the Town Council using the ***"Public Record Request Form"***. All requests will be addressed by the full council and not sent to committee for recommendations.
2) ***Only Persons*** may make requests
3) The form ***MUST be completed in FULL*** by the ***person*** requesting the information. If the ***Council*** finds that the request is ***complete,*** it shall, in consultation, with the Town Manager determine an approximate time by which the request may be satisfied, and make findings relative to Item 8 below before requesting that the information be provided. Satisfying the request for inspection, translation and copying must be scheduled to occur at such a time as will not delay or inconvenience the regular activities of the Town and/or staff. The normal activities assigned to staff WILL take precedent.
4) The request itself becomes part of the public record, and will remain on file.
5) Due to the anonymous nature of E-Mail ***No Town Records will be sent by E-Mail*** to assure that the person requesting the record receives the information requested.
6) The charge for photo coping will be ***$.25 per page***, Electronic copies will be provided ***only on CD at the rate of $5.00/CD***.
7) ***Viewing is free, Searching, Retrieving and, compiling the requested public record is NOT!***
   The maximum fee provided for Searching, Retrieving and, compiling the requested public record permitted by State Law will be charged, (Presently $10/hour after the first hour).
   As per State Law "compiling" the public record includes reviewing for and redacting out confidential information
8) Payment ***MUST*** be made in advance if the estimated ***cost exceeds*** the amount permitted by State Law (Presently $100), and/or if the person has ***previously failed to pay a properly assessed fee at the time that the information was received***. Fees in whole or part my only be waive by the 2/3 majority of the elected council members, if the requester has provided evidence that he/she is indigent, and/or, if the release of the public record is in the public interest because so doing is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.
9) The C***ouncil*** will set the hours during which the public record may be inspected.
10) The person that requested the information ***MUST sign and date*** the form when the information is received.

The **"Public Record Request Form"** shall require:

1) Persons name
2) Persons Address
3) Persons telephone number
4) Date of request
5) Name of the staff member taking the request
6) Date at which the item may appear on the Council Agenda
7) The EXACT record requested, (This will impact the time required to comply with the request and the cost of complying with the request.)
8) The purpose for the request, (This will impact the time required to comply with the request and the cost of complying with the request, it will not prevent compliance with the request)
9) A check-box for an indigent status request. When checked proof of status must be provided.
10) A check-box if the requester feels that a public interest fee waiver is justified. When checked a detailed statement in support from the requester must be provided.
11) The estimated billable time required to satisfy the request.
12) A check-box indicating that a copy of the information is required, When checked The estimated copying and/or CD cost of satisfying the request
13) A check-box (marked by staff) if and immediate estimate for 11 and/or 12 is not available. When checked an estimated date as to when estimates for 11 and 12 may be available, and an initial box indicating that the requester will return on or after the date indicated to complete the request.
14) An initial box indicating that the requester understands and is willing to pay the costs associated with the request, that the costs are estimates, and the actual costs may exceed the estimates provided . The requester may indicate a maximum cost that they are willing to pay and authorize the expenditure up to that limit. When satisfying the request reaches that limit the compiling of the requested record will stop, and a NEW request must be made.
15) A signature line indicating that the requester understands and agrees with the conditions specified in 11,12,14 and wishes to proceed with the retrieval of the record. If box 9 and/or 10 are checked and the Council rules against a waiver of fees, the retrieval will not be ordered.
16) An action box to record the Council's findings and/or actions, and the date.
17) A box indicating the approximate date on which the record may be viewed.
18) Indication that the required fee has been paid
19) A signature box in which the requester acknowledges that the requested records have been provided, with date

Maine Revised Statute Title 1, Chapter 13:
PUBLIC RECORDS AND PROCEEDINGS

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Subchapter 1: FREEDOM OF ACCESS

1 §401. DECLARATION OF PUBLIC POLICY; RULES OF CONSTRUCTION

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter. [1975, c. 758, (RPR).]

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent. [1975, c. 758, (RPR).]

SECTION HISTORY
1975, c. 483, §1 (AMD). 1975, c. 758, (RPR).

1 §402. DEFINITIONS

1. Conditional approval. Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued.

[1975, c. 758, (NEW) .]

1-A. Legislative subcommittee. "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.

[1991, c. 773, §1 (NEW) .]

2. Public proceedings. The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees; [1975, c. 758, (NEW).]

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [1989, c. 358, §1 (AMD); 1989, c. 443, §1 (AMD); 1989, c. 878, Pt. A, §1 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [1991, c. 848, §1 (AMD).]

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1995, c. 608, §1 (AMD).]

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [2009, c. 334, §1 (AMD).]

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection,

unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [2009, c. 334, §2 (AMD).]

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [2009, c. 334, §3 (NEW).]

[2009, c. 334, §§1-3 (AMD) .]

3. Public records. The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

A. Records that have been designated confidential by statute; [1975, c. 758, (NEW).]

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [1975, c. 758, (NEW).]

C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [1991, c. 773, §2 (AMD).]

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [1989, c. 358, §4 (AMD).]

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [1989, c. 358, §4 (AMD); 1989, c. 443, §2 (AMD); 1989, c. 878, Pt. A, §2 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more

political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [1995, c. 608, §4 (AMD).]

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [1999, c. 96, §1 (AMD).]

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization; [2001, c. 675, §1 (AMD).]

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; [2003, c. 392, §1 (AMD).]

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; [2003, c. 614, §1 (AMD).]

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure and systems. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [2005, c. 381, §1 (AMD).]

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife; [2009, c. 176, §1 (AMD); 2009, c. 339, §1 (AMD).]

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; [2009, c. 1, §1 (COR).]

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; and [2009, c. 1, §2 (COR).]

(Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402, SUBSECTION 3, PARAGRAPH Q)

Q. (REALLOCATED FROM T. 1, §402, sub-§3, ¶P) Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure. [.]

[RR 2009, c. 1, § 3 (RAL).]

[2009, c. 1, §§1-3 (COR) .]

3-A. Public records further defined. "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, conviction data, address of furlough and dates of furlough; [1997, c. 714, §1 (NEW).]

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, conviction data, address of residence and dates of supervision; and [2001, c. 477, §1 (AMD).]

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, conviction data and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [2001, c. 477, §1 (AMD).]

[2001, c. 477, §1 (AMD) .]

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.

[2009, c. 334, §4 (NEW) .]

SECTION HISTORY
1973, c. 433, §1 (AMD). 1975, c. 243, (RPR). 1975, c. 483, §2 (AMD). 1975, c. 758, (RPR). 1977, c. 164, §§1,2 (AMD). 1977, c. 696, §9 (AMD). 1985, c. 695, §§1,2 (AMD). 1985, c. 779, §§1,2 (AMD). 1987, c. 20, §1 (AMD). 1987, c. 402, §A1 (AMD). 1987, c. 477, §1 (AMD). 1989, c. 358, §§1-4 (AMD). 1989, c. 443, §§1,2 (AMD). 1989, c. 878, §§A1,2 (AMD). 1991, c. 448, §§1,2 (AMD). 1991, c. 773, §§1,2 (AMD). 1991, c. 848, §1 (AMD). 1995, c. 608, §§1-5 (AMD). 1997, c. 714, §1 (AMD). 1999, c. 96, §§1-3 (AMD). 2001, c. 477, §1 (AMD). 2001, c. 675, §§1-3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 392, §§1-3 (AMD). 2003, c. 614, §§1-3 (AMD). 2005, c. 381, §§1-3 (AMD). 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). 2009, c. 176, §§1-3 (AMD). 2009, c. 334, §§1-4 (AMD). 2009, c. 339, §§1-3 (AMD).

1 §402-A. PUBLIC RECORDS DEFINED

(REPEALED)

SECTION HISTORY
1975, c. 483, §3 (NEW). 1975, c. 623, §1 (RPR). 1975, c. 758, (RP).

1 §403. MEETINGS TO BE OPEN TO PUBLIC

Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public, any person must be permitted to attend any public proceeding and any public record or minutes of such proceedings that are required by law must be made promptly and must be open to public inspection. [2009, c. 240, §1 (AMD).]

SECTION HISTORY
1969, c. 293, (AMD). 1975, c. 422, §1 (AMD). 1975, c. 758, (RPR).
2009, c. 240, §1 (AMD).

1 §404. RECORDED OR LIVE BROADCASTS AUTHORIZED

In order to facilitate the public policy so declared by the Legislature of opening the public's business to public scrutiny, all persons shall be entitled to attend public proceedings and to make written, taped or filmed records of the proceedings, or to live broadcast the same, provided the writing, taping, filming or broadcasting does not interfere with the orderly conduct of proceedings. The body or agency holding the public proceedings may make reasonable rules and regulations governing these activities, so long as these rules or regulations do not defeat the purpose of this subchapter. [1975, c. 758, (RPR).]

SECTION HISTORY
1975, c. 422, §2 (RPR). 1975, c. 483, §4 (AMD). 1975, c. 758, (RPR).

1 §404-A. DECISIONS

(REPEALED)

SECTION HISTORY
1973, c. 433, §2 (NEW). 1973, c. 704, §§1,2 (AMD). 1975, c. 758, (RP).

1 §405. EXECUTIVE SESSIONS

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions. [1975, c. 758, (NEW).]

1. Not to defeat purposes of subchapter. An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.

[2009, c. 240, §2 (AMD) .]

2. Final approval of certain items prohibited. An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.

[2009, c. 240, §2 (AMD) .]

3. Procedure for calling of executive session. An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

[2009, c. 240, §2 (AMD) .]

4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

[2003, c. 709, §1 (AMD) .]

5. Matters not contained in motion prohibited. Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

[2009, c. 240, §2 (AMD) .]

6. Permitted deliberation. Deliberations on only the following matters may be conducted during an executive session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal; [2009, c. 240, §2 (AMD) .]

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire; [2009, c. 240, §2 (AMD) .]

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency; [1987, c. 477, §3 (AMD) .]

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions; [1999, c. 144, §1 (RPR) .]

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional

responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage; [2009, c. 240, §2 (AMD).]

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; [1999, c. 180, §1 (AMD).]

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and [1999, c. 180, §2 (AMD).]

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter. [1999, c. 180, §3 (NEW).]

[2009, c. 240, §2 (AMD) .]

SECTION HISTORY
1975, c. 758, (RPR). 1979, c. 541, §A3 (AMD). 1987, c. 477, §§2,3 (AMD). 1987, c. 769, §A1 (AMD). 1999, c. 40, §§1,2 (AMD). 1999, c. 144, §1 (AMD). 1999, c. 180, §§1-3 (AMD). 2003, c. 709, §1 (AMD). 2009, c. 240, §2 (AMD).

1 §405-A. RECORDED OR LIVE BROADCASTS AUTHORIZED

(REPEALED)

SECTION HISTORY
1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

1 §405-B. APPEALS

(REPEALED)

SECTION HISTORY
1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

1 §405-C. APPEALS FROM ACTIONS

(REPEALED)

SECTION HISTORY
1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

1 §406. PUBLIC NOTICE

Public notice shall be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding. [1987, c. 477, §4 (AMD).]

SECTION HISTORY

1975, c. 483, §6 (AMD). 1975, c. 758, (RPR). 1987, c. 477, §4 (AMD).

1 §407. DECISIONS

1. Conditional approval or denial. Every agency shall make a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The agency shall set forth in the record the reason or reasons for its decision and make finding of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it.

[1975, c. 758, (NEW) .]

2. Dismissal or refusal to renew contract. Every agency shall make a written record of every decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. The agency shall, except in case of probationary employees, set forth in the record the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the individual concerned and any interested member of the public of the basis for the decision. A written record or a copy thereof must be kept by the agency and made available to any interested member of the public who may wish to review it.

[2009, c. 240, §3 (AMD) .]

SECTION HISTORY
1975, c. 758, (NEW). 2009, c. 240, §3 (AMD).

1 §408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING

1. Right to inspect and copy. Except as otherwise provided by statute, every person has the right to inspect and copy any public record during the regular business hours of the agency or official having custody of the public record within a reasonable period of time after making a request to inspect or copy the public record. An agency or official may request clarification concerning which public record or public records are being requested, but in any case the agency or official shall acknowledge receipt of the request within a reasonable period of time.

[2007, c. 501, §1 (AMD) .]

2. Inspection, translation and copying scheduled. Inspection, translation and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the public record sought.

[2003, c. 709, §2 (NEW) .]

3. Payment of costs. Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying. [2003, c. 709, §2 (NEW).]

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than $10 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information. [2003, c. 709, §2 (NEW).]

C. If translation is necessary, the agency or official may charge a fee to cover the actual cost of translation. [2003, c. 709, §2 (NEW).]

D. An agency or official may not charge for inspection. [2003, c. 709, §2 (NEW).]

[2003, c. 709, §2 (NEW) .]

4. Estimate. The agency or official shall provide to the requester an estimate of the time necessary to complete the request and of the total cost. If the estimate of the total cost is greater than $20, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than $100, subsection 5 applies.

[2003, c. 709, §2 (NEW) .]

5. Payment in advance. The agency or official may require a requester to pay all or a portion of the estimated costs to complete the request prior to the translation, search, retrieval, compiling and copying of the public record if:

A. The estimated total cost exceeds $100; or [2003, c. 709, §2 (NEW).]

B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. [2003, c. 709, §2 (NEW).]

[2003, c. 709, §2 (NEW) .]

6. Waivers. The agency or official may waive part or all of the total fee if:

A. The requester is indigent; or [2003, c. 709, §2 (NEW).]

B. Release of the public record requested is in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [2009, c. 240, §4 (AMD).]

[2009, c. 240, §4 (AMD) .]

SECTION HISTORY
1975, c. 758, (NEW). 2003, c. 709, §2 (RPR). 2007, c. 501, §1 (AMD). 2009, c. 240, §4 (AMD).

1 §409. APPEALS

1. Records. If any body or agency or official who has custody or control of any public record refuses permission to inspect or copy or abstract a public record, this denial must be made by the body or agency or official in writing, stating the reason for the denial, within 5 working days of the request for inspection by any person. Any person aggrieved by denial may appeal , within 5 working days of the receipt of the written notice of denial, to any Superior Court within the State. If a court, after a trial de novo, determines such denial was not for just and proper cause, it shall enter an order for disclosure. Appeals are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by the State against individuals.

[2009, c. 240, §5 (AMD) .]

2. Actions. If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action is illegal and the officials responsible are subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was

taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus or actions brought by the State against individuals.

[2007, c. 695, Pt. C, §1 (AMD) .]

3. Proceedings not exclusive. The proceedings authorized by this section are not exclusive of any other civil remedy provided by law.

[2009, c. 240, §6 (AMD) .]

4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.

[2009, c. 423, §1 (NEW) .]

SECTION HISTORY
1975, c. 758, (NEW). 1987, c. 477, §5 (AMD). 2007, c. 695, Pt. C, §1 (AMD). 2009, c. 240, §§5, 6 (AMD). 2009, c. 423, §1 (AMD).

1 §410. VIOLATIONS

For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall be liable for a civil violation for which a forfeiture of not more than $500 may be adjudged. [1987, c. 477, §6 (RPR).]

SECTION HISTORY
1975, c. 758, (NEW). 1987, c. 477, §6 (RPR).

1 §411. RIGHT TO KNOW ADVISORY COMMITTEE

1. Advisory committee established. The Right To Know Advisory Committee, referred to in this chapter as "the advisory committee," is established to serve as a resource for ensuring compliance with this chapter and upholding the integrity of the purposes underlying this chapter as it applies to all public entities in the conduct of the public's business.

[2005, c. 631, §1 (NEW) .]

2. Membership. The advisory committee consists of the following members:

A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

C. One representative of municipal interests, appointed by the Governor; [2005, c. 631, §1 (NEW).]

D. One representative of county or regional interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

E. One representative of school interests, appointed by the Governor; [2005, c. 631, §1 (NEW).]

F. One representative of law enforcement interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

G. One representative of the interests of State Government, appointed by the Governor; [2005, c. 631, §1 (NEW).]

H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

I. One representative of newspaper and other press interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]

J. One representative of newspaper publishers, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]

L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; and [2005, c. 631, §1 (NEW).]

M. The Attorney General or the Attorney General's designee. [2005, c. 631, §1 (NEW).]

The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

[2005, c. 631, §1 (NEW) .]

3. Terms of appointment. The terms of appointment are as follows.

A. Except as provided in paragraph B, members are appointed for terms of 3 years. [2005, c. 631, §1 (NEW).]

B. Members who are Legislators are appointed for the duration of the legislative terms of office in which they were appointed. [2005, c. 631, §1 (NEW).]

C. Members may serve beyond their designated terms until their successors are appointed. [2005, c. 631, §1 (NEW).]

[2005, c. 631, §1 (NEW) .]

4. First meeting; chair. The Executive Director of the Legislative Council shall call the first meeting of the advisory committee as soon as funding permits. At the first meeting, the advisory committee shall select a chair from among its members and may select a new chair annually.

[2005, c. 631, §1 (NEW) .]

5. Meetings. The advisory committee may meet as often as necessary but not fewer than 4 times a year. A meeting may be called by the chair or by any 4 members.

[2005, c. 631, §1 (NEW) .]

6. Duties and powers. The advisory committee:

A. Shall provide guidance in ensuring access to public records and proceedings and help to establish an effective process to address general compliance issues and respond to requests for interpretation and clarification of the laws; [2005, c. 631, §1 (NEW).]

B. Shall serve as the central source and coordinator of information about the freedom of access laws and the people's right to know. The advisory committee shall provide the basic information about the requirements of the law and the best practices for agencies and public officials. The advisory committee shall also provide general information about the freedom of access laws for a wider and deeper understanding of citizens' rights and their role in open government. The advisory committee shall coordinate the education efforts by providing information about the freedom of access laws and whom to contact for specific inquiries; [2005, c. 2, §1 (COR).]

C. Shall serve as a resource to support the establishment and maintenance of a central publicly accessible website that provides the text of the freedom of access laws and provides specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. The website must include the contact information for agencies, as well as whom to contact with complaints and concerns. The website must also include, or contain a link to, a list of statutory exceptions to the public records laws; [2005, c. 2, §1 (COR).]

D. Shall serve as a resource to support training and education about the freedom of access laws. Although each agency is responsible for training for the specific records and meetings pertaining to that agency's mission, the advisory committee shall provide core resources for the training, share best practices experiences and support the establishment and maintenance of online training as well as written question-and-answer summaries about specific topics. The advisory committee shall recommend a process for collecting the training completion records required under section 412, subsection 3 and for making that information publicly available; [2007, c. 576, §1 (AMD).]

E. Shall serve as a resource for the review committee under subchapter 1-A in examining public records exceptions in both existing laws and in proposed legislation; [2005, c. 631, §1 (NEW).]

F. Shall examine inconsistencies in statutory language and may recommend standardized language in the statutes to clearly delineate what information is not public and the circumstances under which that information may appropriately be released; [2005, c. 631, §1 (NEW).]

G. May make recommendations for changes in the statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations; [2005, c. 631, §1 (NEW).]

H. Shall serve as an adviser to the Legislature when legislation affecting public access is considered; [2005, c. 631, §1 (NEW).]

I. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records; [2005, c. 631, §1 (NEW).]

J. Shall review the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public; and [2005, c. 631, §1 (NEW).]

K. May undertake other activities consistent with its listed responsibilities. [2005, c. 631, §1 (NEW).]

[2007, c. 576, §1 (AMD) .]

7. **Outside funding for advisory committee activities.** The advisory committee may seek outside funds to fund the cost of public hearings, conferences, workshops, other meetings, other activities of the advisory committee and educational and training materials. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind

contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

[2005, c. 631, §1 (NEW) .]

8. Compensation. Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

[2005, c. 631, §1 (NEW) .]

9. Staffing. The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

[2005, c. 631, §1 (NEW) .]

10. Report. By January 15, 2007 and at least annually thereafter, the advisory committee shall report to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

[2005, c. 631, §1 (NEW) .]

SECTION HISTORY
RR 2005, c. 2, §1 (COR). 2005, c. 631, §1 (NEW). 2007, c. 576, §1 (AMD).

1 §412. PUBLIC RECORDS AND PROCEEDINGS TRAINING FOR CERTAIN ELECTED OFFICIALS

1. Training required. Beginning July 1, 2008, an elected official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person's duties as an elected official. For elected officials subject to this section serving in office on July 1, 2008, the training required by this section must be completed by November 1, 2008.

[2007, c. 349, §1 (NEW) .]

2. Training course; minimum requirements. The training course under subsection 1 must be designed to be completed by an official in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings; [2007, c. 349, §1 (NEW).]

B. Procedures and requirements regarding complying with a request for a public record under this chapter; and [2007, c. 349, §1 (NEW).]

C. Penalties and other consequences for failure to comply with this chapter. [2007, c. 349, §1 (NEW).]

An elected official meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

[2007, c. 576, §2 (AMD) .]

3. Certification of completion. Upon completion of the training course required under subsection 1, the elected official shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The elected official shall keep the record or file it with the public entity to which the official was elected.

[2007, c. 576, §2 (AMD) .]

4. Application. This section applies to the following elected officials:

A. The Governor; [2007, c. 349, §1 (NEW).]

B. The Attorney General, Secretary of State, Treasurer of State and State Auditor; [2007, c. 349, §1 (NEW).]

C. Members of the Legislature elected after November 1, 2008; [2007, c. 576, §2 (AMD).]

D. [2007, c. 576, §2 (RP).]

E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments; [2007, c. 576, §2 (NEW).]

F. Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments; [2007, c. 576, §2 (NEW).]

G. Officials of school units and school boards; and [2007, c. 576, §2 (NEW).]

H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2. [2007, c. 576, §2 (NEW).]

[2007, c. 576, §2 (AMD) .]

SECTION HISTORY
2007, c. 349, §1 (NEW). 2007, c. 576, §2 (AMD).

Subchapter 1-A: EXCEPTIONS TO PUBLIC RECORDS

1 §431. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [2003, c. 709, §3 (NEW).]

1. Public records exception. "Public records exception" or "exception" means a provision in a statute or a proposed statute that declares a record or a category of records to be confidential or otherwise not a public record for purposes of subchapter 1.

[2003, c. 709, §3 (NEW) .]

2. Review committee. "Review committee" means the joint standing committee of the Legislature having jurisdiction over judiciary matters.

[2003, c. 709, §3 (NEW) .]

3. Advisory committee. "Advisory committee" means the Right To Know Advisory Committee established in Title 5, section 12004-J, subsection 14 and described in section 411.

[2005, c. 631, §2 (NEW) .]

SECTION HISTORY
2003, c. 709, §3 (NEW). 2005, c. 631, §2 (AMD).

1 §432. EXCEPTIONS TO PUBLIC RECORDS; REVIEW

1. Recommendations. During the second regular session of each Legislature, the review committee may report out legislation containing its recommendations concerning the repeal, modification and continuation of public records exceptions and any recommendations concerning the exception review process. Before reporting out legislation, the review committee shall notify the appropriate committees of jurisdiction concerning public hearings and work sessions and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.

[2005, c. 631, §3 (AMD) .]

2. Process of evaluation. According to the schedule in section 433, the advisory committee shall evaluate each public records exception that is scheduled for review that biennium. This section does not prohibit the evaluation of a public record exception by either the advisory committee or the review committee at a time other than that listed in section 433. The following criteria apply in determining whether each exception scheduled for review should be repealed, modified or remain unchanged:

A. Whether a record protected by the exception still needs to be collected and maintained; [2003, c. 709, §3 (NEW).]

B. The value to the agency or official or to the public in maintaining a record protected by the exception; [2003, c. 709, §3 (NEW).]

C. Whether federal law requires a record to be confidential; [2003, c. 709, §3 (NEW).]

D. Whether the exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

H. Whether the exception is as narrowly tailored as possible; and [2003, c. 709, §3 (NEW).]

I. Any other criteria that assist the review committee in determining the value of the exception as compared to the public's interest in the record protected by the exception. [2003, c. 709, §3 (NEW).]

[2005, c. 631, §3 (AMD) .]

2-A. Accountability review of agency or official. In evaluating each public records exception, the advisory committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

[2005, c. 631, §3 (NEW) .]

2-B. Recommendations to review committee. The advisory committee shall report its recommendations under this section to the review committee no later than the convening of the second regular session of each Legislature.

[2005, c. 631, §3 (NEW) .]

3. Assistance from committees of jurisdiction. The advisory committee may seek assistance in evaluating public records exceptions from the joint standing committees of the Legislature having jurisdiction over the subject matter related to the exceptions being reviewed. The advisory committee may hold public hearings after notice to the appropriate committees of jurisdiction.

[2005, c. 631, §3 (AMD) .]

SECTION HISTORY
2003, c. 709, §3 (NEW). 2005, c. 631, §3 (AMD).

1 §433. SCHEDULE FOR REVIEW OF EXCEPTIONS TO PUBLIC RECORDS

1. Scheduling guidelines.

[2005, c. 631, §4 (RP) .]

2. Scheduling guidelines. The advisory committee shall use the following list as a guideline for scheduling reviews of public records exceptions.

A. Exceptions codified in the following Titles are scheduled for review in 2008:

(1) Title 1;

(2) Title 2;

(3) Title 3;

(4) Title 4;

(5) Title 5;

(6) Title 6;

(7) Title 7;

(8) Title 8;

(9) Title 9-A; and

(10) Title 9-B. [2005, c. 631, §5 (NEW).]

B. Exceptions codified in the following Titles are scheduled for review in 2010:

(1) Title 10;

(2) Title 11;

(3) Title 12;

(4) Title 13;

(5) Title 13-B;

(6) Title 13-C;

(7) Title 14;

(8) Title 15;

(9) Title 16;

(10) Title 17;

(11) Title 17-A;

(12) Title 18-A;

(13) Title 18-B;

(14) Title 19-A;

(15) Title 20-A; and

(16) Title 21-A. [2005, c. 631, §5 (NEW).]

C. Exceptions codified in the following Titles are scheduled for review in 2012:

(1) Title 22;

(2) Title 23;

(3) Title 24;

(4) Title 24-A; and

(5) Title 25. [2005, c. 631, §5 (NEW).]

D. Exceptions codified in the following Titles are scheduled for review in 2014:

(1) Title 26;

(2) Title 27;

(3) Title 28-A;

(4) Title 29-A;

(5) Title 30;

(6) Title 30-A;

(7) Title 31;

(8) Title 32;

(9) Title 33;

(10) Title 34-A;

(11) Title 34-B;

(12) Title 35-A;

(13) Title 36;

(14) Title 37-B;

(15) Title 38; and

(16) Title 39-A. [2005, c. 631, §5 (NEW).]

[2005, c. 631, §5 (NEW) .]

3. Scheduling changes. The advisory committee may make adjustments to the scheduling guidelines provided in subsection 2 as it determines appropriate and shall notify the review committee of such adjustments.

[2005, c. 631, §5 (NEW) .]

SECTION HISTORY
2003, c. 709, §3 (NEW). 2005, c. 631, §§4,5 (AMD).

1 §434. REVIEW OF PROPOSED EXCEPTIONS TO PUBLIC RECORDS

1. Procedures before legislative committees. Whenever a legislative measure containing a new public records exception is proposed, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the review committee to review and evaluate the proposal pursuant to subsection 2 and to report back to the committee of jurisdiction. A proposed exception may not be enacted into law unless review and evaluation pursuant to subsection 2 have been completed.

[2003, c. 709, §3 (NEW) .]

2. Review and evaluation. Upon referral of a proposed public records exception from the joint standing committee of the Legislature having jurisdiction over the proposal, the review committee shall conduct a review and evaluation of the proposal and shall report in a timely manner to the committee to which the proposal was referred. The review committee shall use the following criteria to determine whether the proposed exception should be enacted:

A. Whether a record protected by the proposed exception needs to be collected and maintained; [2003, c. 709, §3 (NEW).]

B. The value to the agency or official or to the public in maintaining a record protected by the proposed exception; [2003, c. 709, §3 (NEW).]

C. Whether federal law requires a record covered by the proposed exception to be confidential; [2003, c. 709, §3 (NEW).]

D. Whether the proposed exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records; [2003, c. 709, §3 (NEW).]

H. Whether the proposed exception is as narrowly tailored as possible; and [2003, c. 709, §3 (NEW).]

I. Any other criteria that assist the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception. [2003, c. 709, §3 (NEW).]

[2003, c. 709, §3 (NEW) .]

2-A. Accountability review of agency or official. In evaluating each proposed public records exception, the review committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

[2005, c. 631, §6 (NEW) .]

3. Report. The review committee shall report its findings and recommendations on whether the proposed exception should be enacted to the joint standing committee of the Legislature having jurisdiction over the proposal.

[2003, c. 709, §3 (NEW) .]

SECTION HISTORY
2003, c. 709, §3 (NEW). 2005, c. 631, §6 (AMD).

Subchapter 2: DESTRUCTION OR MISUSE OF RECORDS

1 §451. LAWFUL DESTRUCTION OF RECORDS

(REPEALED)

SECTION HISTORY
1965, c. 441, §2 (RP).

1 §452. REMOVAL, SECRETION, MUTILATION OR REFUSAL TO RETURN STATE DOCUMENTS

Whoever intentionally removes any book, record, document or instrument belonging to or kept in any state office, except books and documents kept and deposited in the State Library, or intentionally secretes, alters, multilates, defaces or destroys any such book, record, document or instrument, or, having any such book, record, document or instrument in his possession, or under his control, intentionally fails or refuses to return the same to that state office, or to deliver the same to the person in lawful charge of the office where the same was kept or deposited, shall be guilty of a Class D crime. [1977, c. 696, §10 (RPR).]

SECTION HISTORY
1969, c. 318, §1 (RPR). 1977, c. 696, §10 (RPR).

Subchapter 3: PRINTING AND PURCHASE OF DOCUMENTS AND LAWS

1 §501. STATE AGENCY DEFINED

As used in this subchapter, the word "agency" shall mean a state department, agency, office, board, commission; or quasi-independent agency, board, commission, authority or institution. [1975, c. 436, §1 (RPR).]

SECTION HISTORY
1975, c. 436, §1 (RPR).

1 §501-A. PUBLICATIONS OF STATE AGENCIES

1. Definitions. As used in this section, the term "publications" includes periodicals; newsletters; bulletins; pamphlets; leaflets; directories; bibliographies; statistical reports; brochures; plan drafts; planning documents; reports; special reports; committee and commission minutes; informational handouts; and rules and compilations of rules, regardless of number of pages, number of copies ordered, physical size, publication medium or intended audience inside or outside the agency.

[1997, c. 299, §1 (NEW) .]

2. Production and distribution. The publications of all agencies, the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 to 46. The State Purchasing Agent may determine the style in which publications may be printed and bound, with the approval of the Governor.

[1997, c. 299, §1 (NEW) .]

3. Annual or biennial reports. Immediately upon receipt of any annual or biennial report that is not included in the Maine State Government Annual Report provided for in Title 5, sections 43 to 46, the State Purchasing Agent shall deliver at least 55 copies of that annual or biennial report to the State Librarian for exchange and library use. The State Purchasing Agent shall deliver the balance of the number of each such report to the agency that prepared the report.

[1997, c. 299, §1 (NEW) .]

4. State agency and legislative committee publications. Except as provided in subsection 5, any agency or legislative committee issuing publications, including publications in an electronic format, shall deliver 18 copies of the publications in the published format to the State Librarian. These copies must be furnished at the expense of the issuing agency. Publications not furnished upon request will be reproduced at the expense of the issuing agency. The agency or committee preparing a publication may determine the date on which a publication may be released, except as otherwise provided by law.

[1997, c. 299, §1 (NEW) .]

5. Electronic publishing. An agency or committee that electronically publishes information to the public is only required to provide the State Librarian with one printed copy of an electronically published publication. An electronically published publication is not required to be provided to the State Librarian if the publication is also published in print or in an electronic format and is provided to the State Librarian in compliance with subsection 4 or the publication is:

A. Designed to provide the public with current information and is subject to frequent additions and deletions, such as current lists of certified professionals, daily updates of weather conditions or fire hazards; or [1997, c. 299, §1 (NEW).]

B. Designed to promote the agency's services or assist citizens in use of the agency's services, such as job advertisements, application forms, advertising brochures, letters and memos. [1997, c. 299, §1 (NEW).]

[1997, c. 299, §1 (NEW) .]

6. Forwarding of requisitions. The State Purchasing Agent, Central Printing and all other printing operations within State Government shall forward to the State Librarian upon receipt one copy of all requisitions for publications to be printed.

[1997, c. 299, §1 (NEW) .]

SECTION HISTORY
1975, c. 436, §2 (NEW). 1975, c. 746, §1 (AMD). 1985, c. 584, (AMD). 1985, c. 779, §3 (AMD). 1987, c. 402, §A2 (RPR). 1997, c. 299, §1 (RPR).

1 §502. PROPERTY OF STATE

All Maine reports, digests, statutes, codes and laws, printed or purchased by the State and previously distributed by law to the several towns and plantations within the State, shall be and remain the property of the State and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof.

1 §503. DELIVERY TO SUCCESSOR IN OFFICE

All revisions of the statutes, and supplements thereto, the session laws and the Maine Reports sold or furnished to any state, county or municipal officer, shall be held in trust by said officer for the sole use of his office; and at the expiration of his term of office or on his removal therefrom by death, resignation or other cause, such officer, or if he is dead, his legal representatives, shall turn them over to his successor in office. If there is no successor to his office, such officer, or his legal representatives, shall turn over all of said publications to the State, county or municipal unit which purchased the same. [1981, c. 48, §1 (AMD).]

SECTION HISTORY
1965, c. 425, §2 (RPR). 1981, c. 48, §1 (AMD).

1 §504. SOURCE OF AUTHORITY TO BE SHOWN

All publications printed or published by the State as a requirement of law shall set forth the authority for the same at an appropriate place on each copy printed or published. Publications printed or published by the State which are not required by law shall set forth the source of funds by which the publication is printed or published at an appropriate place on each copy. This section shall not apply to publications paid for out of the legislative appropriation.

1 §505. MAILING LISTS

All addressees on mailing lists used for the distribution of all matters printed or distributed at state expense by dedicated or undedicated revenues shall at least once in every 12-month period be contacted in writing to inquire if continuance of delivery to said addressees is desired. Failure of the addressee to affirmatively reply within 30 days of the written inquiry shall cause such addressees to be removed from said mailing list. However, nothing in this section shall prevent any printed matter being distributed where otherwise required by law. [1973, c. 331, (NEW).]

SECTION HISTORY
1973, c. 331, (NEW).

Subchapter 4: EXECUTIVE ORDERS

1 §521. EXECUTIVE ORDERS

1. Available to public. The Governor shall maintain in his office a file containing a copy of every executive order issued by him or by previous governors, which is currently in effect. This file shall be open to public inspection at reasonable hours.

[1975, c. 360, (NEW) .]

2. Dissemination. A copy of every executive order shall be filed with the Legislative Council, the Law and Legislative Reference Library and every county law library in this State within one week after the Governor has issued that order.

[1977, c. 696, §11 (AMD) .]

SECTION HISTORY
1975, c. 360, (NEW). 1977, c. 696, §11 (AMD).

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