

TOWN COUNCIL MINUTES

March 1, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Monday, March 1, 2010. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

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

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Town Planner Bob Osborne, Code Enforcement Officer Ben Johnson and Public Works Director Chip Swan

Citizens

A. CONSENT AGENDA

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

B. PUBLIC COMMENTS

Manager Lessard informed the Council that several people have expressed to Town Office staff that they were upset when turned away from the Transfer Station after February 1st because they did not have their 2010 sticker. Everyone with complaints was informed that they could attend the Council meeting to express their displeasure to the Council.

Hampden resident Bill Leathem expressed his frustration with the way that the Town Council and the Town have crafted how we run the transfer station. He felt that posting a guard at the transfer station on a Saturday to turn away taxpayers without stickers was punitive because it was impossible to get a permit at that time as the Town Office was not open. He said it would seem simpler if we made it more user-friendly and suggested adding \$5.00 to tax bills when they are sent out and ask the people if they want a sticker or to allow people to purchase their stickers at the transfer station on a Saturday at the beginning of the year. He thought this would save time and aggravation on both taxpayers and on the people in the Town Office. He asked the Council to review the policies and make them more friendly at little or no expense to the Town. Mayor Arnett noted that this would be referred to the Infrastructure Committee.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. ADOPTION OF DRAFT SHORELAND ZONING ORDINANCE AND MAP

Town Planner Bob Osborne noted that the Council held a public hearing on the proposed ordinance in January, at which time it was referred back to the Planning & Development Committee for further review of four specific areas: 1) requirement for a forester to create a plan for timber harvesting; 2) height regulation; 3) definition of "family"; and 4) discussion about what changes could or should be made to the map. After review and discussion, the Committee did not vote to make any changes to the text of the proposed Ordinance, but did recommend that the property lines should be removed from the map.

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

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

Motion by Councilor Brann, seconded by Councilor Hughes to adopt the Shoreland Zoning Ordinance and Map as submitted – unanimous vote in favor.

b. ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 5.3.1 re ISSUANCE OF BUILDING PERMITS ON SUBDIVISION LOTS IN CONJUNCTION WITH PLUMBING PERMITS

Town Planner Osborne explained that these amendments clarify the criteria under which building permits can be issued for houses in new subdivisions; and following issuance of a wastewater disposal permit. The Planning Board has returned an "ought to pass" recommendation.

Mayor Arnett opened the hearing. Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Hughes, seconded by Councilor Brann to approve the amendments as presented – unanimous vote in favor.

c. ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 3.3 re CONDITIONAL USES IN COMMERCIAL SERVICES DISTRICT

Town Planner Osborne explained that this amendment would allow buildings in excess of 35 feet under certain criteria and would exempt functionally water-dependent uses along the Penobscot River from the district building height criteria. The Planning Board has returned an "ought to pass" recommendation.

Mayor Arnett opened the hearing. Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Cox to accept the text amendment as presented – Vote: 6-0 in favor; Hughes abstained.

d. **ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 7.2 re INSTITUTIONAL BUILDING DEFINITION**

The amendment adds a definition for “institutional building” to the ordinance. The Planning Board has returned an “ought to pass” recommendation.

Mayor Arnett opened the hearing. Proponents – none; Opponents – none; General Questions or Comments – None. The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Shakespeare to approve the amendment as proposed – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. **Aimee Smith Application for Reappointment to Board of Appeals – Finance Committee Recommendation:**

Upon recommendation of the Finance Committee, Councilor Cox moved and Councilor Lawlis seconded to reappoint Aimee Smith to the Board of Appeals – unanimous vote in favor.

3. UNFINISHED BUSINESS

a. **PLANNING & DEVELOPMENT RECOMMENDATION TO APPROVE RENAISSANCE PLANNING ASSOCIATES AS BEAR CONSULTANT**

Manager Lessard explained that this is a Business Expansion and Retention program and is an important tool in engaging existing businesses in the community to determine how the Town can be a resource for them in their continued location in Hampden. She noted that the funding for this program would come from the Economic Development reserve account. Planning & Development Committee Chair Hughes reported that the Committee interviewed three of the firms who submitted bids and felt that the proposal by Renaissance Planning Associates would best match our needs.

Motion by Councilor Hughes, seconded by Councilor Brann to authorize the Town Manager to enter into a contract with Renaissance Planning Associates based on their proposal dated October 1, 2009 in the amount of \$18,500.00 – unanimous vote in favor.

b. **COMPREHENSIVE PLAN PUBLIC PROCESS – SCHEDULE DEVELOPMENT – COUNCILOR BRANN**

Councilor Brann has discussed with Economic Development Director Dean Bennett how to proceed with the public process of adopting the proposed Comp Plan. They are proposing holding four public meetings with each meeting focusing on an individual district. Following public comment and final draft of the plan, it will need to be returned to the State

Planning Office for review and comment and then the Council will hold a final public hearing for approval. Councilor Brann suggested that these public meetings be considered special council meetings and that we open the public hearing at the first meeting and keep it open through all of the meetings until the final public hearing for adoption.

Following discussion, it was decided that the Council will hold a workshop on March 29th for the purpose of a final review before the public meetings. The public meetings were scheduled for Monday April 26th, Tuesday May 4th, Thursday May 13th and Thursday May 20th, with all meetings starting at 6:00 pm.

c. INFRASTRUCTURE COMMITTEE RECOMMENDATION TO
AUTHORIZE MUNICIPAL BOILER REPLACEMENT PROJECT TO
BE PUT OUT FOR BID

Manager Lessard informed the Council that the Town has received a grant through the Maine Public Utilities Commission in the amount of \$94,350.00 for replacement of the boiler in the municipal building. She pointed out that a similar project at the pool has resulted in a substantial savings in oil consumption. This would be a 33-week project that would take place over the spring and summer once a bid has been awarded. Infrastructure Committee Chair Shakespeare reported that the Committee recommends going out to bid for the project.

Motion by Councilor Shakespeare, seconded by Councilor Lawlis to put the boiler replacement project out to bid – unanimous vote in favor.

d. INFRASTRUCTURE COMMITTEE RECOMMENDATION TO
APPROVE BANGOR HYDRO POLE LOCATION PERMITS – OFF
ICHABOD LANE

Committee Chair Shakespeare reported that the Committee has reviewed the request from a resident for authorization to place utility poles within the unbuilt accepted town way off Ichabod Lane to the home he is building in that area. The Town has received a pole permit application from Bangor Hydro and it is the recommendation of the Public Works Director and the Infrastructure Committee to grant approval of that application.

Motion by Councilor Shakespeare, seconded by Councilor Hughes to approve the application – unanimous vote in favor.

e. INFRASTRUCTURE COMMITTEE RECOMMENDATION TO
PROCEED TO BID FOR MAYO ROAD PROJECT

Infrastructure Committee Chair Shakespeare reported that following two public meetings and discussion of the concerns raised by residents of the Mayo Road, the Committee recommends approval of the revised plan presented by the Public Works Director; i.e. not to have calming islands nor speed bumps, but to have a 4-foot shoulder to allow vehicles to pull over and back into their driveways and to line the lanes at a 10-foot width as a calming measure.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to proceed to bid for the Mayo Road project and for the Town Manager and Mayor to send a letter to Mayo Road residents explaining the Council's decision. – unanimous vote in favor.

f. **INFRASTRUCTURE COMMITTEE RECOMMENDATION TO AUTHORIZE PUBLIC WORKS DIRECTOR TO USE SRF FUNDS FOR CSO MANHOLE REPAIR PROJECT**

Public Works Director Chip Swan explained that the manhole adjacent to the combined sewer overflow (CSO) tanks has a broken line and needs replacement. The Town can use existing State Revolving Loan Fund (SRF) monies that remain from the Route 1A Sewer Project to do the work from the same contractor that did the 1A project.

Councilor Shakespeare reported that the Infrastructure Committee recommends authorization to use the SRF funds. Motion by Councilor Shakespeare, seconded by Councilor Cushing to authorize the Public Works Director and Town Manager to use these funds to repair the CSO manhole problem – unanimous vote in favor.

4. NEW BUSINESS

a. **MONUMENT FUND – REQUEST TO TURN OVER TO TOWN – FINANCE COMMITTEE RECOMMENDATION**

Manager Lessard reported that the Finance Committee has discussed a request by the monument committee to turn over to the Town the fund that is used to add names to the Veterans Memorial and to plant flowers around the memorial. It was the consensus of the Finance Committee that the Town Manager work with the monument committee to draft an agreement for the Town to hold and administer the fund and bring the proposal back to the Finance Committee for review and recommendation to the Council.

b. **SENIOR CITIZENS CLUB – REQUEST FOR CHANGE IN USE OF APPROPRIATION – FINANCE COMMITTEE RECOMMENDATION**

Manager Lessard reported that the Town received a request from the Hampden Senior Citizens Club that monies appropriated annually from the Recreation's Enterprise account in the amount of \$2,000 be turned directly over to the club for their use rather than distributed by Recreation on a per request basis. She reported that the Finance Committee discussed the request and recommends that the budget funding and operation of this item remain the same.

c. **MDOT – REQUEST FOR OVERLIMIT TRANSPORT**

Manager Lessard explained that the Maine Department of Transportation is doing a construction project on I-95 Northbound in the Towns of Carmel, Newburgh, Hermon and Hampden and has requested a permit

for a stated period of time to transport construction equipment that exceeds the legal weight limits, over our roads.

Motion by Councilor Cushing, seconded by Councilor Brann to approve the request for overlimit transport – unanimous vote in favor. The agreement was circulated for signatures of the Council.

d. ARBOR DAY PROCLAMATION

A copy of the proposed proclamation is attached.

Motion by Councilor Brann, seconded by Councilor Cushing to approve the Arbor Day Proclamation – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Shakespeare reported that in addition to the items already reported this evening, the Infrastructure Committee discussed whether or not the Town should explore extending the sewer line the rest of the way across Mayo Road and it was the Committee's recommendation to not go forward with further exploration at this time. There was also discussion about problems with the pitched portion of the pool roof. The Committee directed the Public Works Director to meet with the Town's engineering consultant and bring back a recommended course of action. He further reported that the Committee and Public Safety Director Rogers met with representatives of the Town of Hermon this evening to discuss the possibility of combining some public safety services. The Public Safety Director and staff will meet with Hermon's Town Manager and representatives to come up with some possible proposals to bring back to the Committee.

Councilor Lawlis reported that the Services Committee met on February 8th and heard reports from some of the sub-committees. The Friends of Dorothea Dix Park has had its first meeting and she will have a report of that meeting for the Council at the next meeting. The next meeting of the Services Committee is at 6:00 pm on March 8th.

Councilor Cox reported that the Committee on Committees met last week with the Recreation Director, Pool Director and Library Director and continues work on developing an advisory board handbook. The next meeting is scheduled for 6:00 pm on March 9th.

Councilor Hughes reported that the Planning & Development Committee met two weeks ago and devoted its time to meeting with consultants for the BEAR program. The meeting for this week has been cancelled and the Committee will meet next at 6:00 pm on March 17th.

Manager Lessard reported that the Finance Committee met earlier this evening and reviewed and approved the Treasurer's Warrants in addition to items already discussed by the Council this evening.

E. MANAGER'S REPORT

A copy of Manager's Report is attached hereto.

ARBOR DAY PROCLAMATION

WHEREAS, In 1872, Sterling Morton proposed that a special day be set aside for the planting of trees, and

WHEREAS, the holiday called Arbor Day, was first observed with the planting of more than a million trees in a single state, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in Hampden increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

THEREFORE, I MATTHEW ARNETT, MAYOR OF THE TOWN OF HAMPDEN, TOGETHER WITH THE HAMPDEN TOWN COUNCIL, DO HEREBY PROCLAIM MAY 20, 2010 AS

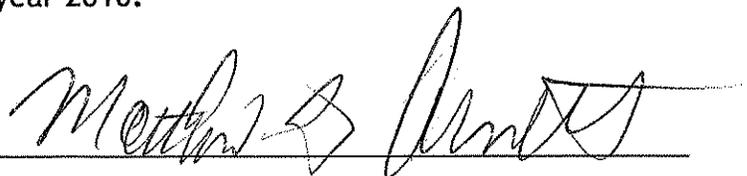
ARBOR DAY

IN THE TOWN OF HAMPDEN, AND WE URGE ALL CITIZENS TO SUPPORT THE EFFORTS TO PROTECT OUR TREES AND WOODLANDS, and

FURTHER, We urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

DATED this 1st day of March in the year 2010.

Mayor

A handwritten signature in black ink, appearing to read "Matthew Arnett", is written over a horizontal line. The signature is cursive and somewhat stylized.

MANAGER'S REPORT

March 1, 2010

Tax Due Date – A reminder that the second half of property taxes are due by Wednesday, April 7th in order to avoid interest.

HBA – Economic and Community Development Director Dean Bennett and representatives from the firm that will be doing the BEAR program are the featured speakers at the next meeting of the Hampden Business Association at noon on Tuesday, March 2nd at the Angler's Restaurant here in Hampden.

Budget – Department budgets are due the beginning of next week. I will have some preliminary information for the Council by the second meeting in March.

Assessor – Our new assessor fell and injured her shoulder over the past weekend at home but plans on returning to the office for work tomorrow.

F. COUNCILOR'S COMMENTS

There were none.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:52 p.m.

A handwritten signature in cursive script that reads "Denise Hodsdon". The signature is written in black ink and is positioned above the printed name and title.

Denise Hodsdon
Town Clerk