

TOWN COUNCIL MINUTES

April 20, 2010

Due to the Patriot's Day holiday, the regularly scheduled meeting of the Hampden Town Council was held on Tuesday, April 20, 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, Thomas Brann, William Shakespeare, Jean Lawlis, Shannon Cox and Andre Cushing; Janet Hughes was excused

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Library Director Debbie Lozito, Public Works Director Galen 'Chip' Swan and Town Planner Bob Osborne

Brian and Cindy Carlisle of Pizza Gourmet, Hampden Academy Mock Trial Team Advisor Kathryn King, and Cheryl Fasse and members of the Weatherbee School Destination Imagination Team

Mayor Arnett noted that Councilor Hughes was unable to attend the meeting this evening. Motion by Councilor Cox, seconded by Councilor Cushing to excuse Councilor Hughes – unanimous vote in favor.

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 Cushing, seconded by Councilor Cox to accept the balance of the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Hampden Academy Mock Trial Team Advisor Kathryn King informed the Council that the team will be attending the national championship in Philadelphia. She submitted a letter to Councilor Cushing on behalf of the team requesting support from the Council. The Finance Committee discussed the request and recommended funding the team to the maximum amount allowed under the policy. Motion by Councilor Cushing, seconded by Councilor Lawlis to support the Mock Trial Team in the amount of \$200 – unanimous vote in favor.

Town Planner Bob Osborne encouraged Hampden citizens to participate in the 5th Annual Stream Cleanup scheduled for Saturday May 1st from 9:00 am until noon. There will be a barbeque following the event at the Municipal Building.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 7.2 re DEFINITIONS OF “ANIMALS AS USUAL PETS” AND “ANIMALS OTHER THAN USUAL PETS”

Town Planner Bob Osborne explained that this amendment will allow up to six hen chicks as a conditional use in the Residential A and Residential B districts. The Planning Board has returned an “ought to pass” recommendation.

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 Lawlis, seconded by Councilor Cox to adopt the amendment. During discussion, Councilor Shakespeare stated that he would vote against the amendment as he does not agree that a hen/ chicken is a pet. Vote on the motion was 5-1 (Shakespeare) – motion carried.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

Councilor Cox announced that she will be resigning from the Council effective June 21, 2010. She said she has enjoyed her time on the Council, but needs to focus on her work and personal life at this time. She said it has been an honor to serve on the Council and thanked the citizens who voted for her.

Mayor Arnett regretfully accepted the resignation and commented that Councilor Cox has made an outstanding contribution and brings a great deal of sensitivity and skill to the process.

3. UNFINISHED BUSINESS

a. 2010 PAVING BID AWARD – (Continued)

Public Works Director Chip Swan has met with the low bidder, T. R. Ginise and he is confident that they can do the work and that their asphalt supplier is able to meet MDOT specifications. Chip recommended that the Council accept their bid in the amount of \$361,359.40.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to accept the bid from T. R. Ginise as recommended by the Public Works Director – unanimous vote in favor.

b. SALE OF LOT 12 – BUSINESS PARK

Manager Lessard reported that the Planning & Development Committee has discussed an offer on Lot #12 in the Hampden Business and

C-1-a



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Planning Board Recommendation on Draft Zoning Ordinance Text
Amendment Definition of Usual Pets/Other Than Usual Pets
DATE: March 31, 2009

Please be advised that at their March 10, 2010 meeting the Hampden Planning Board voted unanimously that the subject zoning ordinance text amendment "ought-to-pass". This language differs slightly from the text that the Town Council referred to the Board at your January 19, 2010 for a public hearing. The number of chickens was adjusted because there are state regulations that require chicks be sold in lots of six or more for the wellbeing of the chicks. The language was also clarified to avoid conflicts between the two definitions (animals as usual pets/animals other than usual pets).

Town Attorney Tom Russell has reviewed this document and his comments were incorporated into this draft.

The Zoning Ordinance as a Conditional Use regulates "animals other than usual pets". The Zoning Ordinance is silent on usual pets providing no definition of either the "usual" or the "other than usual". The term pet suggests that the animal is tame and treated with affection.

The Zoning Ordinance sets out "animals other than usual pets" as a Conditional Uses because of the specific needs of certain barnyard animals for grazing and because of their waste byproducts. Birds generally and hens specifically, in limited quantities, are quite benign presenting very little threat or nuisance to surrounding properties.

This proposed text amendment grew out of both a request for hens in a residential district and the concern that the terms contained in the ordinance are not defined and give neither the Code Enforcement Officer or citizens any guidance. (We are not recommending consideration of an animal husbandry ordinance).

4/5/10- Introduced for public hearing

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 7
DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Animals as usual pets: Those animals which by their type, behavior and quantity are suited to be pets in an urban neighborhood and which would not generally be disruptive to neighboring properties. Quantities are limited, with the exception of fish, to no more than five animals of one species or ten animals overall. Such animals would include or be similar to dogs, cats, small mammals such as hamsters and rabbits, hen chickens, pigeons and game hens but not roosters. Such animals would not include wild animals such as raccoons, turkeys and deer. Notwithstanding the foregoing limitation on maximum quantity no more than six hen chickens are permitted because hen chicks as governed by state agricultural regulation are sold in quantities of no less than six.

Animals other than usual pets: Those animals which by their type, behavior and quantity are not generally suited to be pets in an urban neighborhood and which could be disruptive to neighboring properties but are more suitable on larger lots with buffers from those neighboring property lines. Such animals would include or be similar to horses and ponies and would also include types of animals described in animals as usual pets but in excess of 10 animals up to 15 animals overall. Quantities (like the animals as usual pets) are limited to no more than five animals of one species. Such animals would not include wild animals such as raccoons, turkeys and deer. Notwithstanding the foregoing limitation on maximum quantity no more than six hen chickens are permitted because hen chicks as governed by state agricultural regulation are sold in quantities of no less than six.

4/20/10 - Adopted by Council

Commerce Park. The conditions of the offer were \$50,000 at time of acquisition and the additional \$20,000 at time of building permit application or three years from the date of acquisition, whichever comes first. The Committee unanimously voted to recommend that the Council accept the offer.

Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the Town Manager to proceed with the sale of Lot #12 as stipulated – unanimous vote in favor.

c. 2010/2011 BUDGET SCHEDULE – FINANCE COMMITTEE
RECOMMENDATION

Manager Lessard reported that the Finance Committee has reviewed the proposed budget schedule and approved the schedule as presented with one change – the May 19th workshop will be moved to May 18th.

4. NEW BUSINESS

a. DESTINATION IMAGINATION TEAM – FUNDING REQUEST

This item was moved to the beginning of the meeting. Cheryl Fasse, one of the managers of the Weatherbee School Destination Imagination team introduced members of the team who presented their first-place award winning project to the Council. Mrs. Fasse informed the Council that the team will be attending the global finals in Knoxville, Tennessee and they will need to raise \$12,000 to send the team members, team managers and chaperones. They are looking for support from the community to help them achieve their fundraising goal.

Mayor Arnett reported that the Finance Committee has discussed the funding request and is recommending supporting the DI Team to the maximum amount allowed under the Council's funding policy. Motion by Councilor Cushing, seconded by Councilor Cox to support the Destination Imagination Team in the amount of \$200.00 – unanimous vote in favor.

b. NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE –
5/8/2010

Motion by Councilor Cox, seconded by Councilor Shakespeare to adopt the proclamation as proposed and authorize the Mayor to sign on behalf of the Council – unanimous vote in favor.

c. BRIAN & CINDY CARLISLE – CERTIFICATE OF RECOGNITION –
PIZZA & POETRY PROGRAM SUPPORT

This item was also moved up on the agenda. Library Director Debbie Lozito explained that 20 years ago the Library started a program called "Pizza and Poetry" and noted that for the entire 20 years Pizza Gourmet has donated pizza to the program. Debbie and Mayor Arnett recognized Brian and Cindy Carlisle of Pizza Gourmet for their contribution and presented them with a Council proclamation and key to the town.

TOWN OF HAMPDEN
2010/2011 BUDGET MEETING SCHEDULE

C-3-C

(Meetings start at 6:00 p.m. and are held in the Council Chambers on non-council meeting dates. Budget discussions on Council meeting nights follow the regular agenda.)

May 10, Monday: Public Safety
 Police
 Fire
 Administration
 Town Council
 Municipal Building
 Tax Collector
 Elections

May 17, Monday: (Council Meeting)
 Library
 Recreation
 Lura Hoit Pool
 Debt Service

18 Tuesday
May 19, Wednesday Reserves
 General Assistance
 Education
 County Tax
 Revenues
 Social Service Agency Requests
 Assessor/Planning
 Economic Development
 GIS/IT
 Communications

May 24, Monday: Public Works
 Municipal Garage
 Solid Waste
 Buildings & Grounds
 Marina
 Non-Departmental Utilities
 The Bus

June 1, Tuesday: Budget Review – Post for Public Hearing

June 7, Monday: Budget Review – if necessary – Post for Public Hearing

June 21, Monday: (Council Meeting)
 Budget Adoption

**Town Of Hampden Proclamation
National Association of Letter Carriers Food Drive Day
Saturday, May 8, 2010**

WHEREAS, the National Association of Letter Carriers, the United States Postal Service, and the AFL/CIO have partnered with the United Way of Eastern Maine for the 18th annual National Association of Letter Carriers Food Drive; and

WHEREAS, this event is the largest one-day food drive in the nation and has raised over 90 million pounds of food nationally for each of the past three consecutive years, feeding families throughout the nation; and

WHEREAS, an estimated 30 million people in America face hunger each day, including 12 million children; and

WHEREAS, letter carriers across Maine will collect food at residents' mailboxes on Saturday, May 8, 2010, to be dispersed to local food banks and pantries;

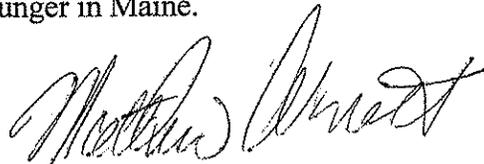
NOW, THEREFORE, I, Matthew Arnett, Mayor of the Town of Hampden, do hereby proclaim Saturday, May 8, 2010 as

NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY

in Hampden, and urge all citizens to combat hunger in Maine by leaving non-perishable food items by their mailboxes for their letter carriers on this day. Further, I encourage all residents to recognize and commend Hampden letter carriers, the volunteers involved and the people who donate food throughout the city for their generosity and participation in this tremendous community event to alleviate hunger in Maine.

Dated: _____

4/20/10



Matthew Arnett, Mayor

d. JUSTIN RUSSELL – CERTIFICATE OF RECOGNITION – LIBRARY WEBSITE

Library Director Debbie Lozito acknowledged Justin Russell for his contribution of services to the library's website. While he was in high school Justin designed and administered the website and has been doing so for the last ten years. Although Justin was unable to attend, Mayor Arnett read the Council proclamation recognizing him for his years of volunteer service to the Library and community.

e. 2010 ALEWIFE FISHING RIGHTS

Motion by Councilor Brann, seconded by Councilor Cushing to preserve alewife fishing rights and continue the alewife fishing plan according to the 2010 Model Alewife Ordinance – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Shakespeare reported that the next meeting of the Infrastructure Committee will be at 5:00 pm on Monday, April 26th.

Councilor Lawlis reported that the Services Committee met on April 12th and heard a report from the Tree Board which is drafting a mission statement for the Friends of Dorothea Dix Park. She further reported that she attended the meeting of the Friends of Dorothea Dix Park and noted that there is a lot of support and enthusiasm in that group. The Dog Park group is drawing up plans and is drafting a set of rules for submission to the Town Attorney for review.

Councilor Brann reminded everyone that the first Comp Plan informational meeting will be at 6:00 pm on Monday, April 26th.

Councilor Cushing reported that the Communications Committee is developing some new programs and the April newsletter has been mailed out to citizens.

Councilor Cox reported that the Committee on Committees will meet at 5:30 pm on April 27th. The Committee is putting together a draft advisory booklet for the volunteer boards and committees, with focus on the library, pool and recreation.

Manager Lessard reported that the Finance Committee met earlier and reviewed the Treasurer's Statements and financial statements. Manager Lessard presented an overview of the controls and procedures in place to ensure the fiscal integrity of our funds. The Finance Committee requested a meeting with the Town's auditors at its second meeting in June.

Mayor Arnett reported that the Town Manager's contract expires at the end of the fiscal year and the Finance Committee will conduct a performance review and make a proposal for a new contract.

MODEL ALEWIFE ORDINANCE

**TOWN OF HAMPDEN
ALEWIFE ORDINANCE – 2010**

Regulations for the taking of alewives shall be as follows:

- A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.
- The maximum mesh size of the wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1").
- There shall be a 72-hour weekly closed season on alewives from sunrise each Thursday morning until sunrise the following Sunday morning. During the closed season, a minimum size unobstructed opening of three feet by three feet (3' x 3') shall be maintained in the upstream and downstream end of the trap to allow escapement of spawning alewives and other migratory fish.
- Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the trap shall be removed and allowed to pass upstream.
- Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5.
- The total landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

**ADDITIONAL REGULATIONS
FOR STREAMS WITH ATLANTIC SALMON RUNS**

- The entrance to the dipping pen or trap shall be covered by bars, slats, or spacers with a maximum width of two inches (2") between said bars, slats or spacers.
- Dipping of alewives shall be confined to the dipping pen or trap.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

Councilor Cushing offered congratulations to the Destination Imagination and Mock Trial teams for their success.

Councilor Lawlis said she was sad to see Councilor Cox leaving and thanked her for all the help she has given her this past year.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:14 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
Tuesday, April 20, 2010

Rain Garden – A team of volunteers from Maine Savings has agreed to maintain the rain garden on an ongoing basis. Public works in conjunction with Laura Wilson and Gretchen Heldmann will be doing some up-front work this year but weeding and clean up will be managed by Maine Savings volunteers. Thanks to Maine Savings for their willingness to step up and assist the Town with this worthwhile project!

Bangor Daily News Article – Landfill Closure – I hope that you all had the opportunity to see the BDN article on Saturday, April 18th regarding the landfill closure and what-comes-next in terms of oversight of that facility. I think that the article did a good job of explaining where things stand.

2009 – 2010 Taxes – I am pleased to report that we have now collected 94% of the 2009 – 2010 tax commitment. Thanks to all the Hampden residents who do such a good job of staying current with their taxes.

Energy Audit – The Lura Hoit Pool had an energy audit performed last week by Efficiency Maine. When the report is returned, we will schedule a review of it by the Infrastructure Committee.

Sidewalks – Western Avenue – Planner Robert Osborne is preparing an application for funding under the Safe Routes to School Program for sidewalks to access the new Hampden Academy and to complete the sidewalk on Western Avenue that ends before Mayo Road. The deadline is in June.

Recreation Grant Application – Kurt is applying for a \$5,000 grant to make some improvements to the picnic table shelters, tree plantings, and playground equipment at Dorothea Dix Park to the Center for Disease Control and Prevention. The application deadline is 4/23/2010 and decisions will be made on April 30, 2010.

Hampden/Hermon Public Safety – At this time the Town of Hermon has decided to go forward with advertising for a replacement for their fire chief and seeing what kind of applicant pool they receive. They appreciate our willingness to work with them but will not be considering any combined options at this time since they are going through their own personnel replacement process.