

TOWN COUNCIL MINUTES

September 23, 2009

The regularly scheduled meeting of the Hampden Town Council was moved to Wednesday, September 23, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:02 p.m.

Attendance: Councilors: Mayor Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Shannon Cox and Jean Lawlis; Janet Hughes was excused in order to attend the Planning Board meeting

Town Manager: Susan Lessard

Town Counsel: Thomas Russell was absent

Department Heads/Staff: None

A. CONSENT AGENDA

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

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

- a. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM BLUE SKY ENTERPRISES, d/b/a HAMPDEN NATURAL FOODS at 281 WESTERN AVENUE

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 Cushing to approve the application – unanimous vote in favor.

3. UNFINISHED BUSINESS

There was none.

4. NEW BUSINESS

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

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

- b. EXCISE TAX REFERENDUM QUESTION – FINANCE COMMITTEE RECOMMENDATION

Manager Lessard reported that the Finance Committee discussed the potential impact to the Town if the referendum question related to the reduction in excise tax were to pass. After review of the information, the Committee determined that passage of the referendum would reduce the amount of excise tax by over \$600,000. Manager Lessard advised that a reduction of that amount in the excise tax, which is used annually for road repair and the Public Works budget and operation, would create a need for a \$1.11 increase in the mil rate or a cut in services to accommodate for the loss. It was the consensus of the Committee that this approach is too drastic and too sudden and to recommend to the Council to enact a resolution in opposition to the initiated bill LD 974. Manager Lessard read the proposed resolution for the record.

Motion by Councilor Brann, seconded by Councilor Cox to adopt the resolution as proposed and recommended by the Finance Committee – unanimous vote in favor.

- c. MMA VOTING DELEGATE

Motion by Councilor Cushing, seconded by Councilor Lawlis to designate Mayor Arnett as Hampden's voting delegate at the annual business meeting of the Maine Municipal Association on October 7, 2009 – unanimous vote in favor.

- d. PENQUIS – ROBERT PORTER, 10 MAYO ROAD - REPAIRS

The property at 10 Mayo Road is currently in tax acquired status and is in need of repair for a badly leaking roof. Manager Lessard discussed the matter with the Finance Committee and requested permission to expend the estimated \$2,500 to \$3000 to make the repair as it would be in the best interest of the Town to keep the property in good repair. The Committee recommended that the Town Manager be authorized to expend up to \$3,000 for structural repairs for the tax acquired property.

RESOLUTION
IN OPPOSITION TO THE INITIATED BILL LD 974
'AN ACT TO DECREASE THE AUTOMOBILE EXCISE TAX AND PROMOTE ENERGY
EFFICIENCY'

WHEREAS, the initiated Bill LD 974, An act to Decrease the Automobile Excise Tax and Promote Energy Efficiency, would cut over \$80 million of revenue each year to Maine's Towns and Cities that is used to plow, treat, construct, repair, and maintain over 13,000 miles of local roads and over 800 local bridges; and

WHEREAS, LD974 would cut approximately \$601,000 in revenue this community uses every year to repair and maintain approximately 74 miles of local roads; and

WHEREAS, the motor vehicle excise tax revenue is vitally necessary to adequately maintain this infrastructure for reasons of public safety and welfare and economic development; and

WHEREAS, the adoption of the excise tax initiative would likely lead to a significantly deteriorated transportation system in this community, or, in the alternative, increases to the Town's mil rate of \$1.11; and

WHEREAS, the excise tax inappropriately increases the regressivity of the motor vehicle excise tax by providing substantial benefits to the owners of newer and specialized motor vehicles while providing no tax benefits to the owners of motor vehicles that are older than five years of age, which represents the majority of registered motor vehicles; and

NOW THEREFORE, BE IT RESOLVED that the Hampden Town Council hereby expresses its grave concern about the initiated bill LD 974, An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency; and further agrees to provide information to the voters of Hampden regarding the potential negative impacts of this initiated legislation.

Adopted this 23rd day of September, 2009, by the Hampden Town Council.

Motion by Councilor Brann, seconded by Councilor Cox to accept the recommendation of the Finance Committee and authorize the Town Manager to expend up to \$3,000 for the repair – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Brann reported that the Infrastructure Committee will meet on September 28th at 6:00 pm and will hear a presentation on the impact of stormwater runoff.

Councilor Cushing reported that the next meeting of the Planning & Development Committee will be at 6:00 pm on October 7th.

Councilor Cox reported that due to lack of a quorum the Services Committee was unable to meet in September. The next meeting will be October 12th.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

Councilor Shakespeare commented that he has recently been involved in a commercial project downtown and there has been some confusion over lighting on signs in the village commercial area. He has discussed this with the Code Enforcement Officer and they have come to the conclusion that this needs to be addressed. Councilor Shakespeare also noted that there was an article regarding non-compliance of individual roadside signs in the latest edition of the newsletter and requested that the Planning & Development Committee conduct an in-depth review and discussion of the ordinance language regarding signs in order to clarify issues.

Councilor Lawlis commented that at the last Council meeting there was a presentation by the Goodwill Riders and Councilors received a map of the snowmobile trails that currently exist in Hampden. She said it was pointed out that these are multi-use recreation trails and she has started hiking the trails with her dog. She said they are wonderful and a real treasure for the Town and she encouraged everyone to take advantage of this resource. She also noted that as we look at the Comprehensive Plan, one of the objectives is to, while supporting ongoing development, both residential and commercial, that we do it in such a way as to maintain treasures like this.

Councilor Brann suggested that the Council should have some discussion about policies and procedure to refer items to the various Council committees. He feels there has been some confusion as of late regarding the process.

Councilor Cushing informed everyone that absentee ballots are now available at the Town Office.

MANAGER'S REPORT
Wednesday, September 23, 2009

The BAT – I am pleased to inform you that the fourth quarter payment for our share of the Bangor BAT system was a -\$13,000+ dollars! The City of Bangor received a federal grant for excellence in operation and our proportionate share of that was larger than the last quarter of the 2008/2009 fiscal year! Since we had already sent the fourth quarter payment before the grant was received, the City has given us a credit against the first quarter of the 2009/2010 year and we will realize that cost savings in the 2009/2010 year! Although the application had been made prior to year end, the City of Bangor wisely did not make any assumptions about receipt of the grant until it had finally been approved.

Bangor Waterfront – Coal Tar Disposal

I visited the Bangor Waterfront site today to see what the process was for preparation of the material being dredged prior to disposal at Pine Tree or Juniper Ridge. I am pleased to report that while standing immediately adjacent to the material – there was virtually no odor other than the 'cement' smell of the material being mixed with the dredge spoils. They were excavating from the river at the time I was there and there was very little odor from that either. Originally, the material was going to be stabilized with a material called Quik Set 20 – but that has been changed to a cement mix due to the fact that the original 'mixer' did not perform well enough to make its use feasible. The cement additive is the more common one is use for such projects. It is likely that disposal will begin sometime next week.

Komen Race for the Cure – Team Denise

Town Clerk Denise Hodsdon was a co-chair for the race this year. It was held on Sunday the 20th and it surpassed prior year totals for both participants – over 5000! and fundraising – over \$300,000! Congratulations to Denise and her race committee for all the hard work! Team Denise had 92 participants this year and raised over \$5,400!

Route 1A MDOT Project – Good News!

Public Works Director Chip Swan has informed me that the Route 1A project due to be done next year WILL include the portion of Route 1A that has caused problems at the end of Hillside Drive. Apparently the drawings show that portion to be included. That should be a permanent solution for the affected property owners who came to the Council several months ago. In the interim, MDOT has been out to not only clean out that ditch area, but to redo parts of it as well.

Meeting Reminder – September 28th

The Infrastructure Committee will meet at 6 on Monday night and the special Stormwater 101 meeting with the Planning Board and Conservation Commission will convene at 6:30 here at the Town Office.

Councilor Cox noted that the Friends of Dorothea Dix Park will be holding its first organizational meeting on September 29th from 7:00 to 8:30 pm in the Community Room. She encouraged anyone interested in participating in this organization to attend the meeting.

Mayor Arnett reported that he and Manager Lessard will be having preliminary discussions with SAD #22 Superintendent Richard Lyons and School Board Chair Timothy Pease relative to the re-use of Hampden Academy. Councilor Brann said he is anxious to see the report from the attorney the Town hired to clarify the state laws relative to the re-use of school property.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:56 p.m.



Denise Hodsdon
Town Clerk