

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

JULY 20, 2009

7:00 P.M.

• **5:45 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

- a. Treasurer's Warrants

2. SECRETARY'S REPORTS

- a. May 18, 2009
b. June 1, 2009
c. June 15, 2009
d. July 6, 2009

3. COMMUNICATIONS

- a. Appeals Board Hearing – 7/21/09
b. Certificate of Organization – RSU #22
c. Air License Amendment – Pine Tree Landfill
d. Municipal Review Committee – Environmental Performance of PERC
e. Garden Club – Thank you to Public Works
f. Host Community Benefit – May 2009
g. Department of Labor – No Penalty Letter – 7/9/09
h. Maine Municipal Association – Request for Ethel Kelley Award Nominee

4. REPORTS

- a. Finance Committee Minutes – 7/6/09
b. Pine Tree Landfill Monthly Complaint Report – June 2009
c. Pine Tree Landfill Special Waste Report – June 2009
d. Garage Door Bids – Awarded to Bill Whitcomb
e. Bus Report – 5/31/09
f. Transfer Station Use – 7/11 and 7/12/09
g. MDOT/SAD #22 Property Transfer/Traffic Information

B. PUBLIC COMMENTS

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

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

a. Shoreland Zoning Ordinance – Referral to Planning Board

b. Sewer Fee Increase – Refer Fees Ordinance Amendment for Public Hearing

c. Maine Municipal Association Ballot – Executive Committee Elections

d. School Board/Council/Attorney – Meeting Dates

4. NEW BUSINESS

a. Retirement Celebration – Elwyn Brewer – 45 Years Call Fire Volunteer – 7/29/09 at 6:00 pm in Community Room

b. Drainage Issue – Route 1A/Hillside Drive – Matt Derosby

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

TOWN COUNCIL MINUTES**May 18, 2009**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 18, 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, Jean Lawlis Shannon Cox, and Janet Hughes

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Community & Economic Development Director Dean Bennett, Library Director Debbie Lozito, Recreation Director Kurt Mathies and Pool Director Darcey Peakall

Tree Board Members Jim Feverston and Shelby Wright and citizens

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting earlier in the evening. Councilor Shakespeare requested that Item A.4.e. be set aside and Councilor Brann asked that Item A.4.b. be set aside. Motion by Councilor Lawlis, seconded by Councilor Hughes to accept the balance of the Consent Agenda – unanimous vote in favor.

A.4.e. MDOT – SIGN CHANGE AT ROUTE 1A/ROUTE 9

Councilor Shakespeare wanted to inform the public that the “No Turn on Red” sign has been eliminated at the intersection of Routes 1A and 9. Right turns are now allowed, but there is a new sign that alerts motorists to yield to pedestrians.

A.4.b. DEPT. OF CONSERVATION – TREE CITY USA

Councilor Brann noted that this is an invitation for the Town to send a representative to accept the 2008 Tree City USA award at the Maine Arbor Week celebration in Augusta. Mayor Arnett informed the Council that the celebration was earlier today and there were several representatives from Hampden – Town Planner Bob Osborne, Mayor Arnett, and Tree Board members Jim Feverston and Shelby Wright. Mayor Arnett noted that it was a lovely celebration and that Hampden was one of sixteen towns in Maine to be designated as a Tree City USA.

Motion by Councilor Brann, seconded by Councilor Cushing to accept Items A.4.b. and A.4.e. – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM ANGLERS, INC. d/b/a ANGLERS RESTAURANT at 91 COLDBROOK ROAD:

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

Proponents – Bud Hall of Angler's Restaurant thanked the Town for helping his family feel welcome and offered special thanks to Dean Bennett, Bob Osborne, Ben Johnson, Chip Swan and Susan Lessard for working to help him achieve his extremely aggressive schedule for opening this week.

Councilor Brann noted that Hampden has had a long-standing reputation of not being friendly to business and he asked Mr. Hall if we were friendly enough to him. Mr. Hall said he would like to beg to differ with that comment. He said the Town laid out everything he needed to do at the very beginning of the process and there were no surprises. He said his project has far exceeded his expectations and he thinks the Town is directly responsible for that.

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

Motion by Councilor Brann, seconded by Councilor Cox to issue the Victualer's License to Anglers, Inc. – unanimous vote in favor.

Manager Lessard recognized the members of the Economic Development Team and noted that this is the first project completed under the new process of working with businesses in new development. She was pleased to hear Mr. Hall's comments regarding how well the new process is working.

- b. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM MWP ENTERPRISES, LLC d/b/a NEALLEY'S CORNER STORE AT 1230 KENNEBEC ROAD

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

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

- c. PROPOSED AMENDMENT TO TOWN OF HAMPDEN DOROTHEA DIX PARK ORDINANCE TO DELETE SECTION 12, RESERVATIONS

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

Motion by Councilor Shakespeare, seconded by Councilor Cox to adopt the amendment to delete Section 12 Reservations of the Dorothea Dix Park Ordinance – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

- a. WARRANT AND NOTICE OF ELECTION FOR SAD #22 BUDGET VALIDATION REFERENDUM – JUNE 9, 2009

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

- b. KAREN REILLY – HISTORIC PRESERVATION COMMISSION – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION FOR APPOINTMENT

Motion by Councilor Cushing, seconded by Councilor Brann to appoint Karen Reilly to the Historic Preservation Commission – unanimous vote in favor.

- c. MELINDA MERRILL-MAGUIRE – PLANNING BOARD – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION FOR APPOINTMENT AS ALTERNATE MEMBER

Motion by Councilor Cushing, seconded by Councilor Brann to appoint Melinda Merrill-Maguire as an alternate member of the Planning Board – unanimous vote in favor.

3. UNFINISHED BUSINESS

- a. TREE BOARD PRESENTATION – CONTINGENCY PLAN IN LIEU OF PROJECT CANOPY GRANT

Tree Board and Tree City USA Chair Jim Feverston reported further on the Tree City USA award presentation to the Town of Hampden today in Augusta. He noted that this is the second year the Town has received the award. The Town received a silver maple tree to be planted at the Town Office as well as several pine tree seedlings, which were distributed to everyone at the Council meeting. Additionally, the Town received a plaque and a new Tree City USA flag to be flown at the Town Office. Jim reminded everyone that Hampden's Arbor Day celebration is this Thursday afternoon at the Town Office.

Jim asked Shelby Wright to update the Council on Project Canopy. Shelby apologized for not being at the last meeting to answer the Council's questions. She reported that since the last meeting, the Tree

Board has established a better relationship with the three nurseries and is no longer concerned about the ability to acquire the necessary plants prior to the grant announcements at the end of May. She said the Tree Board is prepared to wait until that time.

Councilor Brann thanked Jim and Shelby for bringing the pine trees and he moved that in recognition of the work that Jim Feverston put into accelerating us into the Tree City USA program, when Hampden's first Tree City USA flag is replaced with the new one, that it be given to Jim in appreciation of the amount of effort he put in. Councilor Cox seconded the motion and vote was unanimously in favor.

b. HAMLIN MARINA PROJECT

1. PLANNING & DEVELOPMENT COMMITTEE
RECOMMENDATION TO APPROPRIATE RESOURCES FOR
BOUNDARY SURVEY OF THE TURTLE HEAD MARINA
PARCEL

Councilor Cushing once again briefly described the proposed project that was discussed in further detail at the last meeting. He moved to approve funding for a boundary survey of the Turtle Head Marina parcel. Councilor Lawlis seconded the motion and vote was unanimously in favor.

Manager Lessard noted that the funds for the survey would come from the Town Property survey account.

2. PLANNING & DEVELOPMENT COMMITTEE
RECOMMENDATION TO APPROPRIATE RESOURCES FOR
TWO YELLOW-BOOK APPRAISALS – TURTLE HEAD MARINA
PARCEL AND ABUTTING PARCEL

Councilor Cushing explained the need for a federally recognized yellow-book appraisal of each parcel. Community and Economic Development Director Dean Bennett pointed out that this is an opportunity to support the expansion and continued development of a local business and to establish a perfect beginning for a waterfront development for the purposes of potentially a municipal marina, parking lot, walking trails and recreational facilities and perhaps a restaurant. Dean noted that he has spent a considerable amount of time with Dan Higgins of Hamlin's Marine trying to identify any obstacles and the realities of moving forward with this project. He explained that this is called a conversion and if we decide to go forward, we as a community, are obligated to prove to the National Park Service that what we want to replace (i.e. the existing marina parcel and its purpose) with another parcel, is of equal or greater value.

Motion by Councilor Cushing, seconded by Councilor Hughes to approve the funding of yellow-book appraisals for the Turtle Head Marina parcel and the abutting peninsula parcel.

During discussion, Mayor Arnett reported that the Finance Committee discussed this item and there is a continuous concern about what happens under various contingencies. The Planning & Development Committee is working on that with Hamlin's Marine and the Finance Committee unanimously supports moving forward with a caveat that the Council receive an acceptable memorandum of understanding about that process and what will happen under various contingencies.

Manager Lessard informed the Council that the funding for the appraisals could come from the Economic Development Reserve.

Vote on the motion was unanimously in favor.

Motion by Councilor Brann, seconded by Councilor Cox to commit no further funds or activities to this project until we have an acceptable memorandum of understanding to proceed – unanimous vote in favor.

4. NEW BUSINESS

a. COMMUNITY ROOM USE POLICY

Manager Lessard informed the Council that the number of requests to use the Community Room has increased and she feels it is time to put a policy in place that addresses how those uses are prioritized, whether there are any rental/use fees and what rules must be followed when using the room. She has prepared a draft policy and asked that it be forwarded to the Services Committee for review. It was suggested that because there is a possible fee involved, it should also be referred to the Finance Committee as well.

Motion by Councilor Brann, seconded to Councilor Cushing to forward the proposed policy to both the Services Committee and the Finance Committee simultaneously – unanimous vote in favor.

b. OUTDOOR WOOD BOILER ORDINANCE – PROPOSED AMENDMENT RE DATES OF OPERATION – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Councilor Cushing reported that in response to a request to change the dates of operation set forth in the Ordinance, the Planning & Development Committee discussed this at length and reviewed a number of issues. The ordinance currently prohibits operation from May 1st through October 1st. The request was to shift those dates to June 1st and September 1st. Councilor Cushing reported that it is the unanimous recommendation of the Committee to maintain the dates of operation as currently stated in the ordinance.

Motion by Councilor Cushing, seconded by Councilor Lawlis to leave the dates as they currently stand for any wood boilers that are in operation within the town at this point – unanimous vote in favor.

c. 2010 BUDGET

1. LIBRARY

No change was made to the proposed total amount of \$231,190.00.

2. RECREATION

No change was made to the proposed total amount of \$123,587.00.

3. POOL

No change was made to the proposed total amount of \$320,971.00

4. DEBT SERVICE

No change was made to the proposed total amount of \$467,793.00.

D. COMMITTEE REPORTS

Councilor Cox reported that the Services Committee did not meet in May and the next meeting will be at 6:00 pm on Monday, June 8th.

Councilor Cushing reported that the Planning & Development Committee will meet on May 20th immediately following the Council's budget workshop.

Councilor Brann reported that the Infrastructure Committee will meet on Tuesday, May 26th to discuss the potential for a community composting/recycling program. A member of the Maine DEP will be present.

Manager Lessard reported that the Finance Committee met earlier and reviewed a draft policy for social service funding requests, discussed the Hamlin Marine proposal, and discussed a request by the Town Clerk to amend the Fees Ordinance relative to victualer's licenses and liquor licenses. The tax rebate program has been tabled indefinitely until the budget process is complete. The next meeting will be at 5:45 pm on June 1st.

E. MANAGER'S REPORT

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

Manager Lessard further reported that Channel 7 News broadcast live from Hampden last Thursday evening. They broadcast from the Council Chambers and interviewed Mayor Arnett, Manager Lessard and Public Safety Director Joe Rogers and filmed local commercials for town businesses. Sports teams from the Academy were featured and our own public safety personnel did some public safety messages.

F. COUNCILOR'S COMMENTS

Councilor Shakespeare commented that he watched the live Channel 7 News broadcast last week and he said it was a good presentation and the Mayor and Manager did a great job. He asked Manager Lessard if any town employees had signed up for the AFLAC insurance. She informed him that six employees have signed up. Councilor Shakespeare also asked Manager Lessard if she had found out anything from the Maine DOT regarding whether the traffic lights on Route 202 are permanent or temporary. Manager Lessard apologized and said she did not have an answer, but would find out before the next meeting.

Councilor Lawlis wished Happy Birthday to her neighbor Josephine Ross who turned 85 yesterday.

Councilor Cushing congratulated Dave Plowman, recipient of the Hampden Business Association's Business Person of the Year award. He and PDQ Door who were recognized at the Hampden Business Association's annual dinner last week.

Councilor Hughes expressed thanks to all the volunteers who participated in the stream cleanup. She extended special thanks to the Hampden Academy students and Mr. Burke's 8th-Grade Reed's Brook class.

Mayor Arnett invited everyone to participate in the Hampden Children's Day Golf Tournament fundraiser on June 6th.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:40 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
Monday, May 18, 2009

Flag Etiquette – We received a letter of complaint today from the VFW in regard to the fact that the flag did not fly at half staff on Friday in honor of fallen officers. It was our full intention to do so. However, on Thursday in the bad storm we took down the flags. On Friday they discovered that the ropes that hold the flags had been damaged in the storm and that the American Flag was also in very bad shape. No flag from Thursday through today while the equipment was being fixed. I wrote a response to the VFW but wanted to advise the Council of this issue.

Infrastructure Committee – The next infrastructure committee meeting is on Tuesday, May 26th. There will be a representative there from the DEP to discuss composting options for the community as well as a business that specializes in composting.

Home Composter Delivery – For those that ordered home composters – they should be arriving at the end of this week for distribution right after Memorial Day.

Memorial Day – The Town Office will be closed on Monday, May 25th for the Memorial Day Holiday.

Memorial Day Parade – The Memorial Day Parade will be on Monday, May 25th at 9:30 starting at the VFW Hall.

TOWN COUNCIL MINUTES**June 1, 2009**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 1, 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, Shannon Cox, Thomas Brann, William Shakespeare, Jean Lawlis and Janet Hughes; Andre Cushing was excused

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Galen Swan, Public Safety Director Joseph Rogers and Recreation Director Kurt Mathies

Pine Tree Landfill Representative Wayne Boyd, Tree Board Members Jim Feverston and Shelby Wright and citizens

A. CONSENT AGENDA

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

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA**1. PUBLIC HEARINGS**

- a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM WARREN CARUSO d/b/a DANA'S GRILL AT DOCKSIDE at 100 MARINA ROAD:

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 approve the application – unanimous vote in favor.

- b. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE
RECEIVED FROM CSW, INC. d/b/a HAMPDEN NATURAL FOODS at
281 WESTERN AVENUE

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

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

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

- a. RAYMOND LORD – BOARD OF APPEALS – PLANNING &
DEVELOPMENT COMMITTEE RECOMMENDATION

Councilor Hughes reported that the Planning & Development Committee
unanimously recommended reappointment. Motion by Councilor
Shakespeare, seconded by Councilor Cox to reappoint Raymond Lord to
the Board of Appeals – unanimous vote in favor.

- b. SAD #22 BUDGET VALIDATION REFERENDUM – JUNE 9, 2009

Town Clerk Denise Hodsdon reminded everyone that the SAD #22 District
Budget Meeting will be held at 7:00 pm on Thursday June 4th at the
Hampden Academy Skehan Gymnasium. The Budget Validation
Referendum will be held in the Community Room on Tuesday, June 9th
and polls will be open from 8:00 am to 8:00 pm.

3. UNFINISHED BUSINESS

- a. PUBLIC WORKS TRUCK BID RESULTS – INFRASTRUCTURE
COMMITTEE RECOMMENDATION

Councilor Brann reported that the Infrastructure Committee has reviewed
the bids and recommends acceptance of the lowest bid from Freightliner
of Maine in the amount of \$118,456.00.

Motion by Councilor Brann, seconded by Councilor Hughes to authorize
the purchase of the truck from Freightliner of Maine as recommended, to
be funded by the Public Equipment Reserve account – unanimous vote in
favor.

- b. LIBRARY ROOF REPAIRS – INFRASTRUCTURE COMMITTEE
RECOMMENDATION TO PUT OUT FOR BID

Councilor Brann reported that the Infrastructure Committee has discussed
the need to replace the library roof as it is no longer feasible to simply
make repairs. The estimated cost is \$13,200.00.

Motion by Councilor Brann, seconded by Councilor Hughes to authorize
replacement of the roof and authorize the Public Works Director to put it
out to bid – unanimous vote in favor.

c. PUBLIC WORKS PAVING

1. INFRASTRUCTURE COMMITTEE RECOMMENDATION FOR ANNUAL TONNAGE
2. INFRASTRUCTURE COMMITTEE RECOMMENDATION FOR 2009/2010 ROAD PAVING LIST

Councilor Brann reported that the Infrastructure Committee has reviewed the plans for paving in 2010 with the Public Works Director and because of an increased number of roads and the rising cost of paving material, we have seen significant increases in the cost of paving. The Committee voted to recommend deleting two roads from the 2010 paving list – Hughes Blvd. and Aaron’s Way – and postpone paving them to another time. The total appropriation without these two roads will be \$400,000.00.

Motion by Councilor Brann, seconded by Councilor Hughes to approve the list of roads to be paved, as amended, for a total budget of \$400,000.00, with \$150,000 to funded from the Public Works budget and the remainder to be funded from reserves – unanimous vote in favor.

d. LANDFILL CLOSURE AMENDMENT – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Brann reported that the Infrastructure Committee has reviewed the proposed modification to the landfill’s closure plan and unanimously recommended approval of the request. Manager Lessard explained that the request is to use a limited amount of front-end-process-residue (FEPR) as waste material from June 2, 2009 through the end of the landfill life which is 12/31/09. The need for this material to be used is based on the economic downturn and lack of construction that has severely limited the ability of Pine Tree to have enough waste to complete the planned shape, configuration, and closure of the remaining sections of the landfill.

Manager Lessard informed the Council that the landfill consultants are of the opinion that this should create relatively few problems and there will be minimal odors. However, there will be some construction at the landfill this summer that will require excavation and installation of gas extraction lines, which will cause some gas odors.

Motion by Councilor Brann, seconded by Councilor Shakespeare to approve the request and authorize the Town Manager to sign the compliance agreement on behalf of the Town of Hampden – unanimous vote in favor.

e. POST-CONSTRUCTION STORMWATER ORDINANCE – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION FOR PUBLIC HEARING

Councilor Hughes introduced this item for public hearing.

The Town of Hampden Hereby Ordains that the following Ordinance be adopted:
Post-Construction Stormwater Management Ordinance

C-3-e

ADOPTED: Hampden Town Council,
Effective Date:

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

Post-Construction Stormwater Management Ordinance

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6/1/09:
Introduced for public hearing on 6/15/09

Section 1. Purpose.

The purpose of this "Post-Construction Stormwater Management Ordinance" (the "Ordinance") is to provide for the health, safety, and general welfare of the citizens of the Town of Hampden through review and approval of post-construction stormwater management plans and monitoring and enforcement of compliance with such plans as required by federal and State law. This Ordinance establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the federal Clean Water Act, of federal regulations and of Maine's Small Municipal Separate Storm Sewer Systems General Permit.

Section 2. Objectives

This Ordinance seeks to meet the above purpose through the following objectives:

- A. Reduce the impact of post-construction discharge of stormwater on receiving waters; and
- B. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through use of Best Management Practices as promulgated by the Maine Department of Environmental Protection pursuant to its Chapters 500 and 502 Rules, and ensure that these management controls are properly maintained and pose no threat to public safety.

Section 3. Definitions.

For the purposes of this Ordinance, the terms listed below are defined as follows:

- A. **Applicant.** "Applicant" means a Person with requisite right, title or interest or an agent for such Person who has filed an application for New Development or Redevelopment that requires a Post-Construction Stormwater Management Plan under this Ordinance.
- B. **Best Management Practices ("BMP").** "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. **Clean Water Act.** "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the "Clean Water Act"), and any subsequent amendments thereto.
- D. **Construction Activity.** "Construction Activity" means Construction Activity including one acre or more of Disturbed Area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.
- E. **Discharge.** "Discharge" means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of Pollutants to "waters of the State." "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to,

any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

F. Disturbed Area. “Disturbed Area” is clearing, grading and excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered “disturbed area.” “Disturbed area” does not include routine maintenance but does include redevelopment. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

G. Enforcement Authority. “Enforcement Authority” means the Code Enforcement Officer and or the Public Works Director who are both authorized by the Municipality to administer and enforce this Ordinance.

H. Municipality. “Municipality” means the Town of Hampden.

I. Municipal Permitting Authority. “Municipal Permitting Authority” means the municipal official or body that has jurisdiction over the land use approval or permit required for a New Development or Redevelopment.

J. Municipal Separate Storm Sewer System, or MS4. “Municipal Separate Storm Sewer System” or “MS4,” means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, State agency or Federal agency or other public entity that discharges directly to surface waters of the State.

K. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. “National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the U.S. Environmental Protection Agency (“EPA”) or by the Maine Department of Environmental Protection (“DEP”) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

L. New Development. “New Development” means any Construction Activity on unimproved Premises.

M. Person. “Person” means any individual, firm, corporation, municipality, quasi-municipal corporation, State agency or Federal agency or other legal entity.

N. Pollutant. “Pollutant” means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

O. Post-Construction Stormwater Management Plan. “Post-Construction Stormwater Management Plan” means BMPs and Stormwater Management Facilities employed by a New

Development or Redevelopment to meet the standards of this Ordinance and approved by the Municipal Permitting Authority.

P. Premises. “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the Municipality.

Q. Qualified Post-construction Stormwater Inspector. “Qualified Post-construction Stormwater Inspector” means a Professional Engineer who conducts post-construction Stormwater Management Facilities inspections for compensation and has a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for stormwater management facilities, and the ability to determine if stormwater management facilities are performing as intended.

*Upon creation of DEP’s Qualified Post-construction Stormwater Inspector program, those individuals who have successfully completed said program and appear on DEP’s list of approved Post-construction Stormwater Inspector’s may at the sole discretion of the Enforcement Authority perform post-construction Stormwater Management Facilities inspections.

R. Redevelopment. “Redevelopment” means Construction Activity on Premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

S. Regulated Small MS4. “Regulated Small MS4” means any Small MS4 regulated by the State of Maine “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” effective July 1, 2008 (“General Permit”), including all those located partially or entirely within an Urbanized Area (UA) and those additional Small MS4s located outside a UA that as of the issuance of the General Permit have been designated by the DEP as Regulated Small MS4s.

T. Small Municipal Separate Storm Sewer System, or Small MS4. “Small Municipal Separate Storm Sewer System”, or “Small MS4,” means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems and State or federally-owned systems, such as Maine Department of Transportation Maine Turnpike Authority road systems and facilities.

U. Storm Drainage System. “Storm Drainage System” means the Municipality’s Regulated Small MS4.

V. Stormwater. “Stormwater” means any Stormwater runoff, snowmelt runoff, and surface runoff and drainage; “Stormwater” has the same meaning as “Storm Water.”

W. Stormwater Management Facilities. “Stormwater Management Facilities: means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the Post-Construction Stormwater Management Plan for a New Development or Redevelopment.

X. Urbanized Area (“UA”). “Urbanized Area” or “UA” means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of the Census.

Section 4. Applicability.

A. In General. This Ordinance applies to all New Development and Redevelopment within the Municipality and to associated Stormwater Management Facilities.

B. Exception. This Ordinance does not apply to New Development or Redevelopment on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this Ordinance; said lot, tract or parcel shall not require separate review under this Ordinance, but shall comply with the Post-Construction Stormwater Management Plan requirements for that approved subdivision.

Section 5. Post-Construction Stormwater Management Plan Approval

A. General Requirement. Except as provided in **Section 4.B.** above, no Applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for New Development or Redevelopment to which this Ordinance is applicable shall receive such permit or approval for that New Development or Redevelopment unless the Municipal Permitting Authority for that New Development or Redevelopment also determines that the Applicant’s Post-Construction Stormwater Management Plan for that New Development or Redevelopment meets the requirements of this Ordinance.

B. Performance Standards

1. **Stormwater Treatment Required.** The Applicant shall make adequate provision for the management of the quantity and quality of all stormwater generated by the New Development or Redevelopment through a Post-Construction Stormwater Management Plan. This Post-Construction Stormwater Management Plan shall be designed by a Professional Engineer to meet the standards contained in the Maine Department of Environmental Protection’s Chapters 500 and 502 Rules and shall comply with the practices described in the manual *Stormwater Management for Maine*, published by the Maine Department of Environmental Protection, January 2006, which hereby are incorporated by reference pursuant to **30-A M.R.S.A. § 3003**.

2. **Location of Facilities.** The Applicant may meet the quantity and quality standards above either on-site or off-site, but where off-site facilities are used, the applicant must submit to the Municipality documentation, approved as to legal sufficiency by the Municipality’s attorney, that the Applicant has a sufficient property interest in the property where the off-site facilities are located -- by easement, covenant or other appropriate legal instrument -- to ensure that the facilities will be able to provide post-construction stormwater management for the New Development or Redevelopment and that the property will not be altered in a way that interferes with the off-site facilities.

3. **Maintenance Agreement Required.** Where the Applicant proposes to retain ownership of the Stormwater Management Facilities shown in its Post-Construction Stormwater Management Plan, the Applicant shall submit to the Municipality documentation, approved as to

legal sufficiency by the Municipality's attorney that the Applicant, its successors, heirs and assigns shall have the legal obligation and the resources available to operate, repair, maintain and replace the stormwater management facilities. Applications for New Development or Redevelopment requiring Stormwater Management Facilities that will not be dedicated to the Municipality shall enter into a Maintenance Agreement with the Municipality. A sample of this Maintenance Agreement is attached as Appendix 1 to this Ordinance.

4. **Easements and Dedications.** Whenever elements of the Stormwater Management Facilities are not within the right-of-way of a public street and the facilities will not be offered to the Municipality for acceptance as public facilities, the Municipal Permitting Authority may require that perpetual easements not less than thirty (30) feet in width, conforming substantially with the lines of existing natural drainage, and in a form acceptable to the Municipality's attorney, shall be provided to the Municipality allowing access for maintenance, repair, replacement and improvement of the Stormwater Management Facilities. When an offer of dedication is required by the Municipal Permitting Authority, the Applicant shall be responsible for the maintenance of these Stormwater Management Facilities under this Ordinance until such time (if ever) as they are accepted by the Municipality.

5. **Conflict with State Laws or Rules.** In addition to any other applicable requirements of this Ordinance and the Municipality's land use ordinances, any New Development or Redevelopment which also requires a stormwater management permit from the Maine Department of Environmental Protection (DEP) under **38 M.R.S.A. 420-D** shall comply with the rules adopted by DEP under **38 M.R.S.A. 420-D(1)**, as the same may be amended from time to time, and the applicant shall document such compliance to the Municipal Permitting Authority. Where the standards or other provisions of such stormwater rules conflict with municipal ordinances, the stricter (more protective) standard shall apply.

6. **Engineering and administrative fees.** At the time of application, the Applicant shall pay to the Municipality the amount estimated by the Municipal Reviewing Authority to be sufficient to pay the engineering, legal review, and administrative costs incurred by the Municipality in review of the Post-Construction Stormwater Management Plan. The Municipality shall deduct from this amount the actual engineering, legal and administrative costs incurred by the Municipality. Any remaining engineering, legal and administrative review costs owed by the Applicant shall be paid in full by the Applicant prior to the issuance of any temporary or permanent certificate of compliance for the New Development or Redevelopment, and any unused balance remaining at that time shall be refunded to the Applicant.

In addition, any persons required to file an annual certification under **Section 6** of this Ordinance shall pay, prior to the issuance of any temporary or permanent certificate of compliance for the New Development or Redevelopment, an amount estimated to equal the Municipality's administrative and technical costs of review of the annual certification for a period of twenty (20) years.

7. **Notice of BMP Discharge to Municipality's MS4.** At the time of application, the Applicant shall notify the Municipal Permitting Authority if its Post-Construction Stormwater Management Plan includes any BMP(s) that will discharge to the Municipality's MS4 and shall include in this notification a listing of which BMP(s) will so discharge.

8. **As-Built Certification.** Prior to the issuance of a Certificate of Compliance for a project requiring a Post-Construction Stormwater Management Plan under this ordinance, the Applicant shall submit evidence in the form of a letter or plan prepared and stamped by a Professional Engineer who either prepared the Post-Construction Stormwater Management Plan and its associated Facilities or supervised the Plan and Facilities construction and implementation. The letter or plan shall certify that the Stormwater Management Facilities have been installed in accordance with the approved Post-Construction Stormwater Management Plan and that they will function as intended by said Plan.

Section 6. Post-Construction Stormwater Management Plan Compliance

A. General Requirements. Any Person owning, operating, leasing or having control over Stormwater Management Facilities required by a Post-Construction Stormwater Management Plan approved under this Ordinance, and the Facilities are located in the Urbanized Area and Discharge Stormwater to the Municipality's MS4, shall at their own expense demonstrate compliance with that Plan as follows.

1. **Scope of Inspection.** A Qualified Post-construction Stormwater Inspector shall, at least annually, inspect the Stormwater Management Facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved Post-Construction Stormwater Management Plan.

2. **Deficiencies Identified.** If the Stormwater Management Facilities require maintenance or repair to function as intended by the approved Post-Construction Stormwater Management Plan, that Person shall take or cause to be taken corrective action(s) to address the deficiency or deficiencies.

3. **Submission of Inspection Form.** A Qualified Post-construction Stormwater Inspector shall, on or by July 1 of each year, provide a completed and signed certification to the Enforcement Authority in a form identical to that attached as Appendix 2 to this Ordinance, certifying that he/she has inspected the Stormwater Management Facilities and that they are adequately maintained and functioning as intended by the approved Post-Construction Stormwater Management Plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the Stormwater Management Facilities and, if the Stormwater Management Facilities require maintenance or repair of deficiencies in order to function as intended by the approved Post-Construction Stormwater Management Plan, the Person shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

B. Right of Entry. In order to determine compliance with this Ordinance and with the Post-Construction Stormwater Management Plan, the Enforcement Authority may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the Stormwater Management Facilities.

C. Annual Report. Beginning September 1, 2009 and September 1 each year thereafter, the Municipality shall include the following in its Annual Report to the Maine Department of Environmental Protection: _____

- 1 The cumulative number of sites that have Stormwater Management Facilities discharging into their MS4;
- 2 A summary of the number of sites that have Stormwater Management Facilities discharging into their MS4 that were reported to the Municipality;
- 3 The number of sites with documented functioning Stormwater Management Facilities; and;
- 4 The number of sites that required routine maintenance or remedial action to ensure that Stormwater Management Facilities are functioning as intended.

Section 7. Enforcement.

It shall be unlawful for any Person to violate any provision of or to fail to comply with any of the requirements of this Ordinance or of the Post-Construction Stormwater Management Plan. Whenever the Enforcement Authority believes that a Person has violated this Ordinance or the Post-Construction Stormwater Management Plan, the Enforcement Authority may enforce this Ordinance in accordance with 30-A M.R.S.A. § 4452.

A. Notice of Violation. Whenever the Enforcement Authority believes that a Person has violated this Ordinance or the Post-Construction Stormwater Management Plan, the Enforcement Authority may order compliance with this Ordinance or with the Post-Construction Stormwater Management Plan by written notice of violation to that Person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

1. The abatement of violations, and the cessation of practices, or operations in violation of this Ordinance or of the Post-Construction Stormwater Management Plan;
2. At the Person's expense, compliance with BMPs required as a condition of approval of the New Development or Redevelopment, the repair of Stormwater Management Facilities and/or the restoration of any affected property; and/or
3. The payment of fines, of the Municipality's remediation costs and of the Municipality's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with BMPs, repair of Stormwater Management Facilities and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

B. Penalties/Fines/Injunctive Relief. Any Person who violates this Ordinance or the Post-Construction Stormwater Management Plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Municipality's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a

separate violation. Moreover, any Person who violates this Ordinance or the Post-Construction Stormwater Management Plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the Municipality for violation of federal and State environmental laws and regulations caused by or related to that Person's violation of this Ordinance or of the Post-Construction Stormwater Management Plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

C. Consent Agreement. The Enforcement Authority may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance or of the Post-Construction Stormwater Management Plan for the purposes of eliminating violations of this Ordinance or of the Post-Construction Stormwater Management Plan and of recovering fines, costs and fees without court action.

D. Enforcement Measures. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then the Enforcement Authority may recommend to the municipal officers that the Municipality's attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

Section 8. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

Section 9. Basis.

The Town of Hampden enacts this "Post-Construction Stormwater Management Ordinance" (the "Ordinance") pursuant to 30-A M.R.S.A. § 3001 (municipal home rule ordinance authority), 38 M.R.S.A. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 *et seq.* (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems," has listed the Town of Hampden as having a Regulated Small Municipal Separate Storm Sewer System ("Small MS4"); under this General Permit, listing as a Regulated Small MS4 necessitates enactment of this Ordinance as part of the Municipality's Storm Water Management Program in order to satisfy the minimum control measures required by Part IV H 5 ("Post-construction stormwater management in new development and redevelopment").

APPENDIX 1

**Maintenance Agreement for
Stormwater Management Facilities**

This Maintenance Agreement is made this ____ day of _____ 20__ by and between _____ and the Town of Hampden, Maine.

The project name is _____.

The location is: _____, Hampden, Maine.

The project's Tax Map and Lot Numbers are Tax Map _____, Lot _____.

The project is shown on a plan entitled " _____ " dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the Penobscot County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Hampden requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for herself/himself/itself, and her/his/its successors and assigns, agrees to the following:

(a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, as required by **Section 6** of the Town's Post-Construction Stormwater Management Ordinance, to prevent the build up and storage of sediment and debris in the system;

(b) To repair any deficiencies in the Stormwater Management Facilities noted during the required inspection;

(c) To provide a summary report on the inspection, maintenance, and repair activities performed, as required by **Section 6** of the Town's Post-Construction Stormwater Management Ordinance, on the Stormwater Management Facilities to the Town Enforcement Authority;

(d) To allow access by Town personnel or the Town's designee for inspecting the Stormwater Management Facilities for conformance with these requirements.

(e) To create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.

2. Upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

Witness

By: _____
Its: _____

TOWN OF HAMPDEN

Witness

By: _____
Printed Name: _____
Its: _____

STATE OF MAINE
_____, ss.

_____, 20__

Personally appeared the above-named _____, the _____ of _____, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Printed Name: _____

STATE OF MAINE
Penobscot, ss.

_____, 20__

Personally appeared the above-named _____, the
_____ of the Town of Hampden, and acknowledged the foregoing
Agreement to be said his/her free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Print Name: _____

APPENDIX 2

**Stormwater Management Facilities Certification
(to be sent to Municipality)**

I, _____ (print or type name), certify the following:
Qualified Post-construction Stormwater Inspector

1. I am making this Stormwater Management Facilities Certification for the following property: _____
(print or type name of subdivision, condominium or other development) located at _____
_____ (print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: _____
(name(s) of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I am a Qualified Post-construction Stormwater Inspector hired by the person/entity named in Paragraph 2;

4. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;

5. On _____, 20__, I inspected the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;

6. At the time of my inspection of the Stormwater Management Facilities on the Property, I identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:

7. On _____, 20__, the owner, operator, tenant, lessee or president of the homeowners' association took or had taken the following routine maintenance or the following corrective action(s) to address the deficiencies in the Stormwater Management Facilities stated in 6 above:

8. As of the date of this certification, the Stormwater Management Facilities are functioning as intended by the approved Post-Construction Stormwater Management Plan for the Property.

Date: _____, 20__.

By: _____
Signature

Print Name

STATE OF MAINE

_____, ss.

_____, 20__

Personally appeared the above-named _____, the
_____ of _____, and acknowledged the foregoing
Certification to be said person's free act and deed in said capacity.

Before me,

Notary Public/Attorney at Law

Print Name: _____

Mail or hand deliver this certification to the Municipality at the following address:

Public Works Director
Town of Hampden
106 Western Avenue
Hampden, ME 04444

f. POLICE CRUISER BID RESULTS

At the recommendation of Public Safety Director Joe Rogers, the Finance Committee recommended acceptance of the bid from Darling's for a Ford Crown Victoria even though it was not the low bid. The low bid was for a Chevrolet and it was Joe's recommendation to purchase the Ford as it is a larger vehicle and would require the same parts and maintenance as the other Ford vehicles in the fleet.

Motion by Councilor Shakespeare, seconded by Councilor Lawlis to accept the bid from Darling's Ford in the amount of \$22,406.00 as recommended by the Public Safety Director – unanimous vote in favor.

g. PROJECT CANOPY UPDATE/REQUEST

Tree Board members Shelby Wright and Jim Feverston informed the Council that they have received verbal confirmation that the Town was awarded the Project Canopy grant. It was unknown whether the grant is for the full amount, but official notification together with a contract will be forthcoming on Thursday of this week.

Shelby said the Tree Board is requesting waiver of the bid procedure to ensure that they have an adequate selection of trees from the vendors they have already consulted with.

Motion by Councilor Brann, seconded by Councilor Cox to accept the grant and authorize Manager Lessard to sign the contract on behalf of the Town – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cox to authorize the Tree Board to use the expertise within the Tree Board to make proper selection of healthy trees, and therefore waive the bid process, up to the limit of the award and upon official notice of the grant, to authorize the Town Manager to authorize the expenses for the purchase of the trees – unanimous vote in favor.

4. NEW BUSINESS

a. MMA NOMINATING COMMITTEE – EXECUTIVE COMMITTEE

Manager Lessard informed the Council that Mayor Arnett is interested in being nominated for the Maine Municipal Association's executive committee. Motion by Councilor Brann, seconded by Councilor Hughes to endorse the nomination of Mayor Arnett for the MMA executive committee – unanimous vote in favor.

**b. FEES ORDINANCE AMENDMENT re LIQUOR LICENSES AND VICTUALER'S LICENSES – FINANCE COMMITTEE
RECOMMENDATION AND INTRODUCTION FOR PUBLIC HEARING**

The proposed amendment increases fees for liquor license and victualer's license applications to \$125 when a public hearing is required. The

increase is necessary to cover the cost of publishing notice in the local newspaper and the Finance Committee recommends sending the amendment to public hearing.

Motion by Councilor Hughes, seconded by Councilor Lawlis to support the Finance Committee's recommendation and introduce this item for public hearing – unanimous vote in favor.

c. 2010 BUDGET – REVENUES, RESERVES AND FINAL REVIEW

Manager Lessard reported that the Finance Committee reviewed projections for revenues (\$3,624,516) and proposed reserves (\$264,000) for 2010 and it was the committee's unanimous recommendation to accept this as part of the upcoming budget.

Motion by Councilor Cox, seconded by Councilor Lawlis to support the Finance Committee's recommendation relative to the budget for revenues and reserves – unanimous vote in favor.

The Council reviewed the total 2010 proposed budget and following discussion regarding the outside agency request from Penquis CAP, Councilor Brann moved to reduce the appropriation to Penquis CAP from \$19,535.00 to \$14,274.00. Councilor Lawlis seconded the motion and vote was unanimously in favor. The revised total budget for Outside Agency Requests is \$27,839.00.

Councilor Cox introduced the budget for public hearing on June 15, 2009.

D. COMMITTEE REPORTS

In Councilor Cushing's absence, Councilor Hughes reported that the Planning & Development Committee discussed the proposed Post-construction Stormwater Management Ordinance, and continues work on the wood boiler ordinance and the customary rural business amendment to the Zoning Ordinance. The Committee's efforts for its next few meetings will be placed on shoreland zoning.

Councilor Cox reported that the Services Committee will meet on Monday, June 8th at 6:00 pm.

Councilor Brann reported that the Infrastructure Committee will meet on Monday, June 22nd at 6:00 pm. Councilor Lawlis added that representatives from the Department of Environmental Protection made a presentation to the Infrastructure Committee about a composting program, which could be a potential savings for the Town. There are a number of alternatives; one of which would be to build a simple facility at the transfer station for leaves and grass clippings. Others options include finding another facility that already has a composting program that could take our leaves and grass clippings or work with a local farm or third party that is in the business.

Manager Lessard reported that the Finance Committee reviewed the outside agency and school group funding request policy, the proposed community room rental policy, the police cruiser bids and the reserves and revenues portions of the budget.

Mayor Arnett reported that the Hampden Academy Re-use Committee meets monthly and is working diligently. There are some great ideas that have been suggested for the re-use, but there are some issues related to state-level statutory authority. He is confident the committee will come out with a creative recommendation.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

Councilor Shakespeare reported that he was recently contacted by a resident who was unhappy about the condition of gravestones in Hampden's cemeteries compared to other municipalities. Manager Lessard explained that this has been discussed in the past and because gravestones are private property, the Town Attorney has advised that the Town should not assume liability for potential damage to the stones.

Mayor Arnett commented that the flower beds in front of the municipal building have been freshened with new flowers and mulch, courtesy of the Hampden Garden Club. He expressed appreciation to the Garden Club and noted that they are also doing work at the Dyer Library and Dorothea Dix Park. He reported that the Garden Club has raised close to \$20,000 for the restoration of their building, Harmony Hall, and any donations toward that effort would be greatly appreciated.

Mayor Arnett also wished former Economic Development Director Bion Foster continuing progress in his recovery and noted that both he and his wife Dorain are an inspiration as they work at his recovery.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT

June 1, 2009

Pre-Audit – The auditors will be here for pre-end-of-year work on June 22nd. The final audit will be conducted in July.

Ambulance Services – We have had a request from the Town of Newburgh to consider offering ambulance coverage. I have referred this item to Public Safety for staffing discussions and would like to add it to the agenda for the next Infrastructure Committee meeting as well.

Generational Workplace – Staff member Gretchen Heldmann will be presenting a session the new Generational Workplace at the wellness luncheon on Tuesday, June 2nd.

Employee Newsletter – Staff member Tammy Ewing has taken responsibility for preparing a monthly staff newsletter. The first edition was included with payroll for last week. This is an effort to keep all employees that are part of the Hampden 'team' informed.

Newsletter Deadline – A reminder to all who are writing articles for the upcoming July edition of Hampden Highlights – the deadline for submissions is June 5th to Editor Annie Gabbianelli O'Reilly.

School Budget – The school budget meeting is Thursday evening, June 4th at the high school gym at 7 p.m. The validation referendum on the budget will be held on Tuesday, June 9th in the Community Room.

State Shut-down Days:

2009: Monday, July 6th
 Friday, August 7th
 Friday, September 4th
 Friday, October 9th
 Thursday, December 24th

2010: Friday, January 15th
 Tuesday, February 16th
 Friday, March 12th
 Tuesday, April 20th
 Friday, May 28th

No state agency will be open for business on those days including Motor Vehicle, Vital records, Inland Fish, etc.

TOWN COUNCIL MINUTES**June 15, 2009**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 15, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

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

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

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

Citizens

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting earlier in the evening. Councilor Brann requested that Item A.5.g. be set aside. Motion by Councilor Cushing, seconded by Councilor Hughes to accept the balance of the Consent Agenda – unanimous vote in favor.

A.5.g. ECONOMIC DEVELOPMENT TEAM REPORT – 6/1/09

Councilor Brann said he has heard from a number of people who have indicated that doing business in Hampden is much better than it used to be and he wanted to recognize the Economic Development Team's efforts in making it easier to do business in Hampden. Planning & Development Committee Chair Cushing updated the Council on the commercial and residential projects currently in process. Motion by Councilor Brann, seconded by Councilor Cushing to accept Item A.5.g. – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA**1. PUBLIC HEARINGS****a. 2009/2010 MUNICIPAL BUDGET ADOPTION**

Manager Lessard noted that as proposed, this budget is nearly \$200,000.00 less than last year's budget. She said this would allow us to

absorb the \$91,000 increase in the school budget and \$23,000 increase in the County tax and still maintain the current mill rate.

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 budget as proposed – unanimous vote in favor.

b. PROPOSED POST-CONSTRUCTION STORMWATER ORDINANCE

Code Enforcement Officer Ben Johnson explained that this ordinance is required as part of Hampden's DEP permit and it originates from EPA regulations regarding stormwater runoff. Town Planner Bob Osborne noted that the Planning & Development Committee has reviewed the proposed ordinance and has returned an ought-to-pass recommendation.

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

Motion by Councilor Cushing, seconded by Councilor Brann to adopt the ordinance.

During discussion, Councilor Hughes said while she understands that this needs to be passed by the July 1st deadline, she would like to see some things changed. Her issues of concern were the definitions of "disturbed area" and "qualified post-construction stormwater inspector"; fees proposed for administration and engineering; and whether it is necessary to make the ordinance applicable to the entire town or to just the urban area.

Code Enforcement Officer Ben Johnson said he has been advised that the DEP has indicated a willingness to give an extension as long as any projects that are submitted after July 1st are subject to and regulated under the new rules.

Following further discussion Attorney Russell recommended sending this back to the Planning & Development Committee for review and possible revision and then hold another public hearing on the amended ordinance at the meeting on July 6th.

Councilor Cushing moved to send the Post-Construction Stormwater Ordinance back to the Planning & Development Committee for further review and discussion. Councilor Cox seconded the motion and vote was unanimously in favor.

C-1-a

**TOWN OF HAMPDEN
PUBLIC NOTICE**

Notice is hereby given that the Hampden Town Council will hold a public hearing at 7:00 pm on Monday, June 15, 2009 at the Hampden Municipal Building for consideration of the entire FY 2010 proposed town budget.

**PROPOSED 2010
HAMPDEN TOWN BUDGET**

ACCOUNT NUMBER	ACCOUNT NAME	PROPOSED BUDGET 2010
01-01	ADMINISTRATION	\$548,071.00
01-02	GIS/IT	\$82,261.00
01-03	COMMUNICATIONS	\$33,642.00
01-05	TOWN COUNCIL	\$36,049.00
01-10	MUNICIPAL BUILDING	\$111,907.00
01-15	TAX COLLECTOR	\$6,000.00
01-20	ELECTIONS	\$12,963.00
01-25	PLANNING/ASSESSING	\$227,472.00
01-30	ECONOMIC DEVELOPMENT	\$86,445.00
05-03	NON-DEPT. UTILITIES	\$413,954.00
05-01	POLICE	\$945,713.00
05-05	FIRE DEPARTMENT	\$839,876.00
05-10	PUBLIC SAFETY	\$166,865.00
10-01	PUBLIC WORKS	\$1,253,261.00
10-05	MUNICIPAL GARAGE	\$33,840.00
15-10	SOLID WASTE	\$412,161.00
20-01	RECREATION	\$123,587.00
20-10	DYER LIBRARY	\$231,190.00
20-20	LURA HOIT POOL	\$320,971.00
20-25	MARINA	\$500.00
25-10	THE BUS	\$58,000.00
30-10	BUILDINGS & GROUNDS	\$86,800.00
38-00	OUTSIDE AGENCY REQUESTS	\$26,839.00
40-10	GENERAL ASSISTANCE	\$10,000.00
50-10	DEBT SERVICE	\$467,793.00
55-00	RESERVES	\$264,000.00
GROSS	MUNICIPAL BUDGET TOTAL	\$6,800,160.00
LESS	MUNICIPAL REVENUES -	\$3,624,516.00
= NET	MUNICIPAL BUDGET TOTAL	\$3,175,644.00
	SAD #22 TAXATION AMOUNT	\$5,115,775.23
	COUNTY TAXATION AMOUNT	\$610,045.00
	TIF APPROPRIATION	\$50,000.00

ESTIMATED TOTAL TAXATION REQUIREMENT \$8,951,464.23

As proposed, the 2010 Budget should result in a tax rate of \$15.90 per thousand, the same as 2009.

Proposed FY 2010 budget figures are as of 6/1/09.

Copies of the proposed FY 2010 Budget are available for public inspection at the Hampden Town Office.

Adopted by Town Council 6/15/2009

**c. PROPOSED AMENDMENTS TO FEES ORDINANCE –
VICTUALER'S LICENSES AND LIQUOR LICENSES**

Manager Lessard explained that the proposed amendments are to increase fees for liquor licenses and victualer's licenses when a public hearing is required in order to cover the cost of advertising for the public hearing.

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

Motion by Councilor Brann, seconded by Councilor Cox to adopt the amendments as proposed – unanimous vote in favor.

**d. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE
RECEIVED FROM MAC'S CONVENIENCE STORES, d/b/a CIRCLE
K #7057 at 63 MAIN ROAD NORTH**

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.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

**a. CONTRACT AWARD FOR ROUTE 1-A SEWER PROJECT –
FINANCE COMMITTEE RECOMMENDATION**

Manager Lessard reported that there were five bids received for the Route 1A sewer project and those bids were reviewed by the Public Works Director with the Finance Committee. The Finance Committee is recommending acceptance of the low bid from Sargent Corporation in the amount of \$1,505,665.00. She noted that the total budget for this project is \$1,850,000.00 and was approved by the voters in 2008.

Motion by Councilor Cushing, seconded by Councilor Brann to accept the bid from Sargent Corporation in the amount of \$1,505,665.00 – unanimous vote in favor.

**b. BID AMOUNT POLICY – FINANCE COMMITTEE
RECOMMENDATION TO CHANGE**

Manager Lessard reported that the Finance Committee has reviewed the Bid Procedure Guidelines and due to increased costs of advertising, is recommending that the bid thresholds be increased for purchases and sale of town property. The recommendation is to increase the purchase amount authorization from \$4,000.00 to \$10,000.00 without the need for a formal bid process; and to increase the sale of town property authorization

C-1-C

**TOWN OF HAMPDEN, MAINE
FEES ORDINANCE**

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- ADOPTED: Hampden Town Council October 20, 1986
Effective: November 19, 1986
- AMENDED: Hampden Town Council December 7, 1987
Effective: January 5, 1988
- AMENDED: Hampden Town Council March 21, 1991
Effective: April 21, 1991
- AMENDED: Hampden Town Council July 6, 1993
Effective: August 5, 1993
- AMENDED: Hampden Town Council December 20, 1993
Effective: January 19, 1994
- AMENDED: Hampden Town Council May 6, 1996
Effective: June 6, 1996
- AMENDED: Hampden Town Council February 7, 1998
Effective: March 18, 1998
- AMENDED: Hampden Town Council November 17, 2003
Effective: December 17, 2003
- AMENDED: Hampden Town Council March 21, 2005
Effective: April 20, 2005
- AMENDED: Hampden Town Council April 4, 2005
Effective: May 4, 2005
- AMENDED: Hampden Town Council October 6, 2008
Effective: November 5, 2008

Adopted by Council 6/15/09 ¹

TOWN OF HAMPDEN

Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

**TOWN OF HAMPDEN, MAINE
FEES ORDINANCE**

The Town of Hampden hereby ordains:

In addition to those Town fee and charges the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

**ARTICLE 1
ADMINISTRATION**
Amended 11-17-03, 3-21-05

1.1. Business or Corporation filing	State Regulated
1.2. Copy of Certificate (marriage/birth/death)	State Regulated
1.3. Copy of Subdivision Ordinance	At Cost
1.4. Copy of Zoning Ordinance	At Cost
1.5. Copy of other ordinances	
1.5.1. up to 20 pages	\$0.25/page
1.5.2. and a page after that	\$0.15/page
1.6. Photocopies	
1.6.1. 8 ¹ / ₂ inch x 11 inch or smaller	\$0.25/page
1.6.2. 8 ¹ / ₂ inch x 14 inch	\$0.50/page
1.6.3. 11 inch x 17 inch	\$0.75/page
1.7. Marriage License	State Regulated
1.8. Notary Fee	\$3.00
1.9. Record Search	\$5.00/hour
1.10. Recording of Pole Permits	
1.10.1. 1 st page	\$2.00
1.10.2. Additional pages	\$1.00/page

1.11. Tax Maps	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set
1.11.2. (24 inch x 36 inch)	\$4.00 map
1.12 Compact Disk copies of ordinances or documents	\$5.00
1.13 Liquor License (<u>Public hearing not required</u>)	\$ 50.00
(<u>Public hearing is required</u>)	<u>\$125.00</u>

2.12.5. Major Subdivision Final Plan <i>(Review/Inspection Draw Account)</i>	Fee based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.
2.12.6. Major Subdivision Final Plan <i>(Mobile Home Park Construction Review/Inspection Draw Account)</i>	Fee based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.
2.13. Victualers Ordinance	
2.13.1. Victualers License Application (<u>Public hearing not required</u>) <u>(Public hearing is required)</u> <i>(This includes public notice and initial inspection of premises. If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged \$50.00 prior to the inspection).</i>	\$ 50.00 <u>\$125.00</u>
2.14. Waste Disposal Facility Licensing Ordinance	
2.14.1. Application Fee <i>This is a draw account to be used by the Council to hire consultants as necessary to review the proposal. If at any time balance drops to \$10,000.00 the applicant shall deposit an additional \$10,000.00. Any unexpended balance shall be returned after a final decision on the application is rendered.</i>	\$50,000.00
2.15. Yard Sale Ordinance	
2.15.1. Permit Fee	\$5.00
2.16. Zoning Ordinance	
2.16.1. Building Permit Applications for all Construction <i>(Plumbing Permit Application)</i>	\$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas, basements, attics, decks, pools, porches, sheds, garages, etc. <i>State Regulated</i>
2.16.2. Demolition/Earth Moving Permit Application	\$25.00
2.16.3. Sign Permit Application	\$25.00 per sign
2.16.4. Certificate of Compliance Application <i>(Change of use, resumption of use, new use without building permit application)</i>	\$50.00

The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.

ARTICLE 9
ANNUAL REVIEW BY TOWN COUNCIL

9.1 An itemized listing of fees for each town department will be submitted to the Town Council by the Town Manager on or before October of each year for the Council's review, revision, and approval.

from \$1,000.00 to \$5,000. The Committee recommended that advertisement for items of sale, if under the \$5,000 amount, be included in the Town's newsletter or posted on the Town's website. In addition, the Town Manager will notify the Finance Committee of no-bid items between \$5,000 and \$10,000 and include those items on a consent agenda for the full Council.

Motion by Councilor Brann, seconded by Councilor Cox to amend the Bid Procedure Guidelines as recommended – unanimous vote in favor.

c. COMMUNITY ROOM USE POLICY – FINANCE & SERVICES COMMITTEE RECOMMENDATIONS

Because the Services Committee had not yet reviewed the proposed policy, this item was postponed until the next meeting.

d. OUTSIDE AGENCY/SCHOOL GROUPS FUNDING POLICY – FINANCE COMMITTEE RECOMMENDATION

The proposed policy standardizes the process of considering requests for funding from outside agencies and school groups (copy attached). Manager Lessard reported that the Finance Committee is recommending approval of the policy.

Motion by Councilor Brann, seconded by Councilor Cox to adopt the policy – unanimous vote in favor.

e. MAINE PERS PLAN CHANGES

Manager Lessard explained that this is a special plan for Public Safety employees (copy attached) and the Finance Committee recommends approval of the language with a correction to Item #2, which should state that the new plan would apply to service after June 20, 2009.

Motion by Councilor Cushing, seconded by Councilor Brann to adopt the proposed changes as amended – unanimous vote in favor.

4. NEW BUSINESS

a. STREET LIGHT RECOMMENDATION – PUBLIC SAFETY

Following a request from a resident for a street light at the corner of Highland Ridge and Main Road South, Public Safety has assessed the location and is recommending installation of a street light to better mark the road, creating a safer entrance from Highland Ridge onto Main Road South.

Motion by Councilor Lawlis, seconded by Councilor Cushing to support the installation of a streetlight as recommended – unanimous vote in favor.

DRAFT #2 5-27-09
TOWN OF HAMPDEN
OUTSIDE AGENCY BUDGET REQUEST & MID-YEAR FUNDING REQUEST POLICY

The Hampden Town Council adopts the following policy for requests for support from the Town of Hampden both as part of the annual budget process and mid-year requests.

Section 1: Purpose

The purpose of this policy is to standardize the process of considering requests for financial support from the Town of Hampden by groups and organizations that are not departments of the municipal government. Exempted from this policy are tax assessments for SAD #22 and Penobscot County, which are statutory responsibilities of the community.

Section 2: Definitions

Outside Agency: Shall include any non-profit organization requesting financial assistance for a service provided to or for the benefit of the residents of the Town of Hampden **as part of the Town's annual budget process.**

School Group: Shall include School academic groups, clubs, and sports teams that are affiliated with SAD #22.

Section 3. Administrative Procedures

1. Annual Budget

- a. Funding requests by Outside Agencies shall be made annually only as part of the Hampden Municipal Budget Process.
- b. Funding requests must be submitted in writing to the Town Manager no later than March 1st of each year and shall include information documenting services provided to Hampden residents.
- c. All requests received shall be included in the budget prepared by the Town Manager for Council Review.
- d. All Outside Agencies submitting requests shall be notified by the Town Manager of the date and time of the Budget Review Hearing where their request will be considered.
- e. The Town of Hampden reserves the right to accept or reject any request. Submission of a request is not a guarantee of funding. Decisions related to funding requests will be made by the Town Council as part of their annual budget review.

2. Mid-fiscal year Funding Requests

- a. Funding for **School** Group requests is limited to funds available from the Town Council General Expense line item budget.
- b. Funding requests from **School** Groups may be made at any time during the fiscal year, however, if the budget line item used to fund such requests has been exhausted, the Town Manager shall notify the Group that funding is not available in the current fiscal year.
- c. Requests shall be submitted in writing to the Town Manager for inclusion on a Finance Committee Agenda. The Finance Committee shall review the request of the **School** Group at a regular meeting at which Group representative(s) shall be present for Committee questions.
- d. The Finance Committee shall make a funding recommendation on the request to the full Council at a regularly scheduled Council meeting.
- e. The maximum award for any **School** Group request shall be \$200.
- f. Application by **a School** Group is not a guarantee of funding.

Section 4. Effective Date

This policy shall be effective upon approval by the Hampden Town Council.

**TOWN OF HAMPDEN
MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) PLAN
CHANGES**

1. **Special Plan for Public Safety Employees**
As a result of discussions held relative to the 2009/2010 municipal budget, the Hampden Town Council, at the request of the Public Safety employees, agrees to provide a new Plan through the Maine Public Employees Retirement System for Firefighters and Police Officers. The new Plan would be Special Plan 3. The new plan would apply to service rendered after June 30, 2009 and the effective date of the plan change is July 1, 2009. Service rendered prior to July 1, 2009 will remain under Regular Plan AN.

2. **Cost of Living Provision.**
The Town of Hampden also agrees to approve the cost of living provision, for future service only. The new plan would apply to service after June 30, 2009 and the effective date of the plan change is July 1, 2009. Service rendered prior to July 1, 2009 will remain under regular Plan AN.

3. **Employer Contributions**
For Public Safety Employees, the Town agrees to contribute 8.4% on behalf of employees, Employees must contribute 4.9%. Any future increases in the cost of this program shall be borne by an increase in the employee contribution.
For non-Public Safety Employees the Town agrees to contribute 8.4% on behalf of the employee. Employees must contribute .9%. Any future increases in the cost of this program shall be borne by an increase in the required employee contribution.

4. The Town Council authorizes the Town Manager to sign the agreement between the Town of Hampden and the Maine Public Employees Retirement System.

Adopted by the Hampden Town Council on Monday, June 15, 2009.

D. COMMITTEE REPORTS

Councilor Cox reported that the Services Committee met on June 8th and heard an update from Library Director Debbie Lozito on the work of the Library Board of Trustees regarding its by-laws and the library ordinance. Several citizens who live adjacent to Dorothea Dix Park expressed concerns about the potential work being done at the park. Their primary concerns were due to increased traffic and how it might affect Hopkins Road. The Services Committee recommended that the Friends of Dorothea Dix Committee look at different options for entrance to the park. Now that the Project Canopy grant has been awarded, the tree planting is scheduled for Saturday, June 27th. The Committee also had brief discussion about the potential development of a dog park and a community garden.

The Committee will hold a special meeting on Monday, June 22 at 6:00 pm to review the proposed Community Room Rental/Use Policy. The next regular meeting of the Services Committee will be at 6:00 pm on July 13th.

Councilor Cushing asked the Council to consider re-establishing the Committee on Committees to continue work on the review of the role and scope of citizen advisory committees and boards. He reported that the Planning & Development Committee will meet at 6:00 pm this Wednesday and the Communications Committee will be meeting soon.

Councilor Brann reported that the Infrastructure Committee will meet at 6:00 pm on June 22nd.

Manager Lessard reported that the Finance Committee met earlier in the evening and discussed and made recommendation on several of the items on the Council's agenda this evening.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

Councilor Shakespeare offered congratulations to Mayor Arnett on his nomination for election to the Maine Municipal Association Executive Committee and thanked employees Cheryl Johnson and Vivian Gresser for their dedication and sacrifice of their vacation time to volunteer at Camp Sunshine.

Councilor Cushing reported that he taped the Hampden Academy graduation yesterday and it was a very nice event. He hopes that we will be able to air it on Cable TV Channel 7 within the next couple of weeks. Councilor Cushing also reported that he received an inquiry from a resident regarding the lights at the basketball court on Canoe Club Road. Apparently the lights for the tennis courts are coming on at night, but the lights for the basketball court do not and he asked if someone could look into that.

MANAGER'S REPORT
JUNE 15, 2009

MAYOR ARNETT NOMINATED FOR MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE

Mayor Matthew Arnett has been nominated for election to the Maine Municipal Association Executive Committee for a three year term beginning in late 2009. Elections will be held during the summer of 2009. This important post gives both Hampden and the region a voice in policy development for this important state-wide organization. Congratulations Matt!

PUBLIC SAFETY – SAFETY ENHANCEMENT GRANT RECEIVED

Firefighter/paramedic Jason Lundstrom has successfully written another grant for the Fire Department in the amount of \$2,000 for a Scott RIT PAK. This grant is part of a safety incentive grant program through the Maine Municipal Association Risk Management Services. Thanks to Jason for another successful grant!

TOWN EMPLOYEE VOLUNTEERS –

Both Tax Collector Cheryl Johnson and Assessor Vivian Gresser are taking this week as vacation to volunteer at Camp Sunshine – the camp for families who have children suffering from cancer - on Sebago Lake. This is a return venture for both staff members.

DEPT OF LABOR MEETING

I will be meeting with a representative from the Department of Labor on June 23rd regarding the Safety Visit that was performed several months ago. We have completed all identified items and I have requested forgiveness of the fines that were attached to the few items that remained after Public Works was removed from the inspection.

Councilor Cox offered compliments to Manager Lessard, Town Staff and her fellow Councilors for a smooth budget process.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:53 p.m.

A handwritten signature in cursive script that reads "Denise Hodsdon".

Denise Hodsdon
Town Clerk

TOWN COUNCIL MINUTES

July 6, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, July 6, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

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

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Galen Swan and Town Planner Bob Osborne

Tree Board Chair Jim Feverston

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its 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

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE – AMENDED LANGUAGE

Town Planner Bob Osborne explained that at the last Council meeting, the proposed ordinance was referred back to the Planning & Development Committee to discuss several issues of concern raised by Councilor Hughes. This is an amended version which amends the definition of "Disturbed Area" to be consistent with State definitions; requires an engineer to sign off on inspections until such time the DEP designs and implements a satisfactory program of inspection training and qualification; and amends the applicable area to include only the defined urban area and not the rural areas of the community. The Committee also voted to send the issue of fee determination to the Finance Committee. Bob reported that the Planning & Development Committee 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 Cushing, seconded by Councilor Brann to adopt the Post-Construction Stormwater Management Ordinance as amended – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. PROJECT CANOPY – REQUEST BY TREE BOARD CHAIR

Tree Board Chair Jim Feverston expressed a personal thank you to the Council for its support and participation in this project. He noted that there were approximately 30 volunteers who gathered at the Western Avenue recreation area on June 27th and planted about 45 trees and shrubs. He recognized the efforts of the following volunteers and groups: the grant-writing team led by Shelby Wright; Volunteer Coordinator Jane Jarvi, Nancy Chaiyabhat, Hampden Garden Club, Hampden Kiwanis, Girl Scouts, Boy Scouts and numerous family members and Councilors. He also thanked the following community business partners: John Austin and Portland Air Freight, Mike Smith and Greenway Equipment, New England Organics, Edwards Shop & Save, and Hampden Recreation Director Kurt Mathies and GIS/IT Specialist Gretchen Heldmann. He thanked fellow Tree Board members Phil Stack, Chris Packard, Lance Case and Shelby Wright. Jim hoped that everyone would view the trees as a great addition to the community and noted that this type of community involvement is what makes Hampden one of the premier areas to live in Maine.

Councilor Cushing and Mayor Arnett thanked Jim and the entire Tree Board for coordinating a tremendous project, which is a huge asset to the Town.

b. COMMUNITY ROOM USE POLICY – FINANCE & SERVICES COMMITTEE RECOMMENDATIONS

Both the Finance Committee and Services Committee have reviewed the proposed policy and are recommending its adoption. Motion by Councilor Cox, seconded by Councilor Cushing to accept the Community Room Use Policy as written – unanimous vote in favor.

C-1-a



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Post-Construction Stormwater Management Ordinance
DATE: June 22, 2009

As you will recall on June 15, 2009 the Council returned this item to the Town Council Planning and Development Committee to work through some issues. That committee met on June 17, 2009 and discussed the questions raised primarily in Councilor Hughes memorandum. Staff provided written response prior to the meeting. Attached is an excerpt of the draft minutes from that meeting:

3. Old Business

a. Post Construction Storm Water Ordinance

CEO Ben Johnson presented a written response to the six issues of concern raised by Council Hughes at the June 15th Council Meeting. The following actions were taken by the Committee:

Definition of Disturbed Area: Committee voted to amend the definition of disturbed area to be consistent with State definitions.

Definition of Qualified Inspector: Committee voted to require an engineer to sign off on inspections until such time the DEP designs and implements a satisfactory program of inspection training and qualification.

Administrative/Engineering Fees: Committee voted to send the issue of fee determination to the Finance Committee. If it should be necessary to impose a fee prior to Finance Committee recommendation and subsequent Council approval, fees will be assessed based on actual costs associated with program implementation.

Applicability: Committee voted that Post Construction Stormwater Ordinance apply to defined urban area and not the rural areas of the community.

Final Action: Planning and Development Committee voted to direct staff to amend text as agreed and circulate to committee prior to forwarding to Council. Committee forwards recommendation to Council as "ought to pass".

At the time of this writing staff has had response from Councilor Hughes only.

The Town of Hampden Hereby Ordains that the following Ordinance be adopted:
Post-Construction Stormwater Management Ordinance

ADOPTED: Hampden Town Council,
Effective Date:

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

Post-Construction Stormwater Management Ordinance

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Adopted by Town Council: 7/6/2009

Section 1. Purpose.

The purpose of this “Post-Construction Stormwater Management Ordinance” (the “Ordinance”) is to provide for the health, safety, and general welfare of the citizens of the Town of Hampden through review and approval of *Post-Construction Stormwater Management Plans* and monitoring and enforcement of compliance with such plans as required by federal and State law. This Ordinance establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the federal *Clean Water Act*, of federal regulations and of Maine’s Small Municipal Separate Storm Sewer Systems General Permit.

Section 2. Objectives

This Ordinance seeks to meet the above purpose through the following objectives:

- A. Reduce the impact of post-construction *discharge of stormwater* on receiving waters; and
- B. Reduce *stormwater* runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through use of *Best Management Practices* as promulgated by the Maine Department of Environmental Protection pursuant to its Chapters 500 and 502 Rules, and ensure that these management controls are properly maintained and pose no threat to public safety.

Section 3. Definitions. (Note: Defined terms appear in *italics* throughout this ordinance).

For the purposes of this Ordinance, the terms listed below are defined as follows:

A. Applicant. “*Applicant*” means a *Person* with requisite right, title or interest or an agent for such *Person* who has filed an application for *New Development* or *Redevelopment* that requires a *Post-Construction Stormwater Management Plan* under this Ordinance.

B. Best Management Practices (“BMP”). “*Best Management Practices*” or “*BMPs*” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

C. Clean Water Act. “*Clean Water Act*” means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the “*Clean Water Act*”), and any subsequent amendments thereto.

D. Construction Activity. “*Construction Activity*” means work or activity undertaken on the *Premises* that results in one acre or more of *Disturbed Area*, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.

E. Discharge. “*Discharge*” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of *Pollutants* to “waters of the State.” “*Direct discharge*” or “point

source” means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which *Pollutants* are or may be *discharged*.

F. Disturbed Area. “*Disturbed Area*” means all land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project.

“*Disturbed area*” does not include routine maintenance, but does include re-development and new impervious areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered routine maintenance. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered “*disturbed area*”.

G. Enforcement Authority. “*Enforcement Authority*” means the Code Enforcement Officer and or the Public Works Director who are both authorized by the *Municipality* to administer and enforce this Ordinance.

H. Municipality. “*Municipality*” means the Town of Hampden.

I. Municipal Permitting Authority. “*Municipal Permitting Authority*” means the municipal official or body that has jurisdiction over the land use approval or permit required for a *New Development* or *Redevelopment*.

J. Municipal Separate Storm Sewer System, or MS4. “*Municipal Separate Storm Sewer System*” or “*MS4*,” means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any *municipality*, sewer or sewage district, fire district, State agency or Federal agency or other public entity that *discharges* directly to surface waters of the State.

K. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. “*National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit*” means a permit issued by the U.S. Environmental Protection Agency (“EPA”) or by the Maine Department of Environmental Protection (“DEP”) that authorizes the *discharge* of *pollutants* to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

L. New Development. “*New Development*” means any *Construction Activity* on unimproved *Premises*.

M. Person. “*Person*” means any individual, firm, corporation, *municipality*, quasi-municipal corporation, State agency or Federal agency or other legal entity.

N. Pollutant. “*Pollutant*” means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological

materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

O. Post-Construction Stormwater Management Plan. “*Post-Construction Stormwater Management Plan*” means *BMPs and Stormwater Management Facilities* employed by a *New Development or Redevelopment* to meet the standards of this Ordinance and approved by the *Municipal Permitting Authority*.

P. Premises. “*Premises*” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the *Municipality* from which *Discharges* to the *Storm Drainage System* are or may be created, initiated, originated or maintained.

Q. Qualified Post-construction Stormwater Inspector. “*Qualified Post-construction Stormwater Inspector*” means a Professional Engineer who conducts post-construction *Stormwater Management Facilities* inspections for compensation and has a practical knowledge of *stormwater* hydrology and *stormwater* management techniques, including the maintenance requirements for *stormwater* management facilities, and the ability to determine if *stormwater management facilities* are performing as intended.

R. Redevelopment. “*Redevelopment*” means *Construction Activity* on *Premises* already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

S. Regulated Small MS4. “*Regulated Small MS4*” means any *Small MS4* regulated by the State of Maine “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” effective July 1, 2008 (“General Permit”), including all those located partially or entirely within an *Urbanized Area* (UA) and those additional *Small MS4s* located outside a UA that as of the issuance of the General Permit have been designated by the DEP as *Regulated Small MS4s*.

T. Small Municipal Separate Storm Sewer System, or Small MS4. “*Small Municipal Separate Storm Sewer System*”, or “*Small MS4*,” means any *MS4* that is not already covered by the Phase I *MS4* stormwater program including municipally owned or operated storm sewer systems and State or federally-owned systems, such as Maine Department of Transportation Maine Turnpike Authority road systems and facilities.

U. Storm Drainage System. “*Storm Drainage System*” means the *Municipality’s Regulated Small MS4*.

V. Stormwater. “*Stormwater*” means any Stormwater runoff, snowmelt runoff, and surface runoff and drainage; “*Stormwater*” has the same meaning as “*Storm Water*.”

W. Stormwater Management Facilities. “*Stormwater Management Facilities*” means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the *Post-Construction Stormwater Management Plan* for a *New Development or Redevelopment*.

X. Urbanized Area (“UA”). “*Urbanized Area*” or “*UA*” means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of the Census.

Section 4. Applicability.

A. In General. This Ordinance shall apply to any application for a building permit, subdivision approval, site plan approval or other zoning, planning or land use approval that is filed on or after July 1, 2009 (or if filed before July 1, 2009, has not become a pending application within the meaning of 1 M.R.S.A. § 302) for any *New Development* or *Redevelopment* within the *Urbanized Area* that *Discharges Stormwater* to the *Municipality’s MS4* and to associated *Stormwater Management Facilities*, and to any *New Development* or *Redevelopment* that receives any such permits or approvals from the Town of Hampden on or after July 1, 2009.

B. Exception. This Ordinance does not apply to *New Development* or *Redevelopment* on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this Ordinance; said lot, tract or parcel shall not require separate review under this Ordinance, but shall comply with the *Post-Construction Stormwater Management Plan* requirements for that approved subdivision.

Section 5. Post-Construction Stormwater Management Plan Approval

A. General Requirement. Except as provided in **Section 4.B.** above, no *Applicant* for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for *New Development* or *Redevelopment* to which this Ordinance is applicable shall receive such permit or approval for that *New Development* or *Redevelopment* unless the *Municipal Permitting Authority* for that *New Development* or *Redevelopment* also determines that the *Applicant’s Post-Construction Stormwater Management Plan* for that *New Development* or *Redevelopment* meets the requirements of this Ordinance.

B. Performance Standards

1. **Stormwater Treatment Required.** The *Applicant* shall make adequate provision for the management of the quantity and quality of all *stormwater* generated by the *New Development* or *Redevelopment* through a *Post-Construction Stormwater Management Plan*. This *Post-Construction Stormwater Management Plan* shall be designed by a Professional Engineer to meet the standards contained in the Maine Department of Environmental Protection’s Chapters 500 and 502 Rules and shall comply with the practices described in the manual *Stormwater Management for Maine*, published by the Maine Department of Environmental Protection, January 2006, which hereby are incorporated by reference pursuant to **30-A M.R.S.A. § 3003**.

2. **Location of Facilities.** The *Applicant* may meet the quantity and quality standards above either on-site or off-site, but where off-site facilities are used, the *Applicant* must submit to the *Municipality* documentation, approved as to legal sufficiency by the *Municipality’s* attorney, that the *Applicant* has a sufficient property interest in the property where the off-site facilities are located -- by easement, covenant or other appropriate legal instrument -- to ensure that the facilities will be able to provide post-construction *stormwater* management for the *New*

Development or Redevelopment and that the property will not be altered in a way that interferes with the off-site facilities.

3. **Maintenance Agreement Required.** Where the *Applicant* proposes to retain ownership of the *Stormwater Management Facilities* shown in its *Post-Construction Stormwater Management Plan*, the *Applicant* shall submit to the *Municipality* documentation, approved as to legal sufficiency by the *Municipality's* attorney that the *Applicant*, its successors, heirs and assigns shall have the legal obligation and the resources available to operate, repair, maintain and replace the *stormwater management facilities*. Applications for *New Development* or *Redevelopment* requiring *Stormwater Management Facilities* that will not be dedicated to the *Municipality* shall enter into a Maintenance Agreement with the *Municipality*. A sample of this Maintenance Agreement is attached as Appendix 1 to this Ordinance.

4. **Easements and Dedications.** Whenever elements of the *Stormwater Management Facilities* are not within the right-of-way of a public street and the facilities will not be offered to the *Municipality* for acceptance as public facilities, the *Municipal Permitting Authority* may require that perpetual easements not less than thirty (30) feet in width, conforming substantially with the lines of existing natural drainage, and in a form acceptable to the *Municipality's* attorney, shall be provided to the *Municipality* allowing access for maintenance, repair, replacement and improvement of the *Stormwater Management Facilities*. When an offer of dedication is required by the *Municipal Permitting Authority*, the *Applicant* shall be responsible for the maintenance of these *Stormwater Management Facilities* under this Ordinance until such time (if ever) as they are accepted by the *Municipality*.

5. **Conflict with State Laws or Rules.** In addition to any other applicable requirements of this Ordinance and the *Municipality's* land use ordinances, any *New Development* or *Redevelopment* which also requires a *stormwater* management permit from the Maine Department of Environmental Protection (DEP) under 38 M.R.S.A. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. 420-D(1), as the same may be amended from time to time, and the *Applicant* shall document such compliance to the *Municipal Permitting Authority*. Where the standards or other provisions of such *stormwater* rules conflict with municipal ordinances, the stricter (more protective) standard shall apply.

6. **Engineering and administrative fees.** At the time of application, the *Applicant* shall pay to the *Municipality* the amount estimated by the Municipal Reviewing Authority to be sufficient to pay the engineering, legal review, and administrative costs incurred by the *Municipality* in review of the *Post-Construction Stormwater Management Plan*. The *Municipality* shall deduct from this amount the actual engineering, legal and administrative costs incurred by the *Municipality*. Any remaining engineering, legal and administrative review costs owed by the *Applicant* shall be paid in full by the *Applicant* prior to the issuance of any temporary or permanent certificate of compliance for the *New Development* or *Redevelopment*, and any unused balance remaining at that time shall be refunded to the *Applicant*.

In addition, any *persons* required to file an annual certification under Section 6 of this Ordinance shall pay, prior to the issuance of any temporary or permanent certificate of compliance for the *New Development* or *Redevelopment*, an amount estimated to equal the *Municipality's* administrative and technical costs of review of the annual certification.

7. **Notice of BMP Discharge to Municipality's MS4.** At the time of application, the *Applicant* shall notify the *Municipal Permitting Authority* if its *Post-Construction Stormwater Management Plan* includes any *BMP(s)* that will *discharge* to the *Municipality's MS4* and shall include in this notification a listing of which *BMP(s)* will so *discharge*.

8. **As-Built Certification.** Prior to the issuance of a Certificate of Compliance for a project requiring a *Post-Construction Stormwater Management Plan* under this ordinance, the *Applicant* shall submit evidence in the form of a letter or plan prepared and stamped by a Professional Engineer who either prepared the *Post-Construction Stormwater Management Plan* and its associated Facilities or supervised the Plan and Facilities construction and implementation. The letter or plan shall certify that the *Stormwater Management Facilities* have been installed in accordance with the approved *Post-Construction Stormwater Management Plan* and that they will function as intended by said Plan.

Section 6. Post-Construction Stormwater Management Plan Compliance

A. General Requirements. Any *Person* owning, operating, leasing or having control over *Stormwater Management Facilities* required by a *Post-Construction Stormwater Management Plan* approved under this Ordinance, and the Facilities are located in the *Urbanized Area* and *Discharge Stormwater* to the *Municipality's MS4*, shall at their own expense demonstrate compliance with that Plan as follows.

1. **Scope of Inspection.** A *Qualified Post-construction Stormwater Inspector* shall, at least annually, inspect the *Stormwater Management Facilities*, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved *Post-Construction Stormwater Management Plan*.

2. **Deficiencies Identified.** If the *Stormwater Management Facilities* require maintenance or repair to function as intended by the approved *Post-Construction Stormwater Management Plan*, that *Person* shall take or cause to be taken corrective action(s) to address the deficiency or deficiencies.

3. **Submission of Inspection Form.** A *Qualified Post-construction Stormwater Inspector* shall, on or by July 1 of each year, provide a completed and signed certification to the *Enforcement Authority* in a form identical to that attached as Appendix 2 to this Ordinance, certifying that he/she has inspected the *Stormwater Management Facilities* and that they are adequately maintained and functioning as intended by the approved *Post-Construction Stormwater Management Plan*, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the *Stormwater Management Facilities* and, if the *Stormwater Management Facilities* require maintenance or repair of deficiencies in order to function as intended by the approved *Post-Construction Stormwater Management Plan*, the *Person* shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

B. Right of Entry. In order to determine compliance with this Ordinance and with the *Post-Construction Stormwater Management Plan*, the *Enforcement Authority* may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the *Stormwater Management Facilities*.

C. Annual Report. Beginning September 1, 2009 and September 1 each year thereafter, the *Municipality* shall include the following in its Annual Report to the Maine Department of Environmental Protection:

- 1 The cumulative number of sites that have *Stormwater Management Facilities* discharging into their *MS4*;
- 2 A summary of the number of sites that have *Stormwater Management Facilities* discharging into their *MS4* that were reported to the *Municipality*;
- 3 The number of sites with documented functioning *Stormwater Management Facilities*; and;
- 4 The number of sites that required routine maintenance or remedial action to ensure that *Stormwater Management Facilities* are functioning as intended.

Section 7. Enforcement.

It shall be unlawful for any *Person* to violate any provision of or to fail to comply with any of the requirements of this Ordinance or of the *Post-Construction Stormwater Management Plan*. Whenever the *Enforcement Authority* believes that a *Person* has violated this Ordinance or the *Post-Construction Stormwater Management Plan*, the *Enforcement Authority* may enforce this Ordinance in accordance with **30-A M.R.S.A. § 4452**.

A. Notice of Violation. Whenever the *Enforcement Authority* believes that a *Person* has violated this Ordinance or the *Post-Construction Stormwater Management Plan*, the *Enforcement Authority* may order compliance with this Ordinance or with the *Post-Construction Stormwater Management Plan* by written notice of violation to that *Person* indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

1. The abatement of violations, and the cessation of practices, or operations in violation of this Ordinance or of the *Post-Construction Stormwater Management Plan*;
2. At the *Person's* expense, compliance with *BMPs* required as a condition of approval of the *New Development* or *Redevelopment*, the repair of *Stormwater Management Facilities* and/or the restoration of any affected property; and/or
3. The payment of fines, of the *Municipality's* remediation costs and of the *Municipality's* reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with *BMPs*, repair of *Stormwater Management Facilities* and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

B. Penalties/Fines/Injunctive Relief. Any *Person* who violates this Ordinance or the *Post-Construction Stormwater Management Plan* shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the *Municipality's* attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any *Person* who violates this Ordinance or the *Post-Construction Stormwater Management Plan* also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the *Municipality* for violation of federal and State environmental laws and regulations caused by or related to that *Person's* violation of this Ordinance or of the *Post-Construction Stormwater Management Plan*; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

C. Consent Agreement. The *Enforcement Authority* may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance or of the *Post-Construction Stormwater Management Plan* for the purposes of eliminating violations of this Ordinance or of the *Post-Construction Stormwater Management Plan* and of recovering fines, costs and fees without court action.

D. Enforcement Measures. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then the *Enforcement Authority* may recommend to the municipal officers that the *Municipality's* attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

Section 8. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any *person*, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

Section 9. Basis.

The Town of Hampden enacts this "Post-Construction Stormwater Management Ordinance" (the "Ordinance") pursuant to 30-A M.R.S.A. § 3001 (municipal home rule ordinance authority), 38 M.R.S.A. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 *et seq.* (the "*Clean Water Act*"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems," has listed the Town of Hampden as having a Regulated *Small Municipal Separate Storm Sewer System* ("*Small MS4*"); under this General Permit, listing as a *Regulated Small MS4* necessitates enactment of this Ordinance as part of the *Municipality's* Storm Water Management Program in order to satisfy the minimum control measures required by Part IV H 5 ("Post-construction stormwater management in new development and redevelopment").

APPENDIX 1

Maintenance Agreement for Stormwater Management Facilities

This Maintenance Agreement is made this ____ day of _____ 20____ by and between _____ and the Town of Hampden, Maine.

The project name is _____.

The location is: _____, Hampden, Maine.

The project's Tax Map and Lot Numbers are Tax Map _____, Lot _____.

The project is shown on a plan entitled " _____ " dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the Penobscot County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Hampden requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for herself/himself/itself, and her/his/its successors and assigns, agrees to the following:

(a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, as required by **Section 6** of the Town's Post-Construction Stormwater Management Ordinance, to prevent the build up and storage of sediment and debris in the system;

(b) To repair any deficiencies in the *Stormwater Management Facilities* noted during the required inspection;

(c) To provide a summary report on the inspection, maintenance, and repair activities performed, as required by **Section 6** of the Town's Post-Construction Stormwater Management Ordinance, on the *Stormwater Management Facilities* to the *Town Enforcement Authority*;

(d) To allow access by Town personnel or the Town's designee for inspecting the *Stormwater Management Facilities* for conformance with these requirements.

(e) To create a homeowners' association for the purpose of maintaining the *Stormwater Management Facilities*.

2. Upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

Witness

By: _____
Its: _____

TOWN OF HAMPDEN

Witness

By: _____
Printed Name: _____
Its: _____

STATE OF MAINE
_____, ss.

_____, 20__

Personally appeared the above-named _____, the _____ of _____, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Printed Name: _____

STATE OF MAINE
Penobscot, ss.

_____, 20__

Personally appeared the above-named _____, the
_____ of the Town of Hampden, and acknowledged the foregoing
Agreement to be said his/her free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Print Name: _____

APPENDIX 2

**Stormwater Management Facilities Certification
(to be sent to Municipality)**

I, _____ (print or type name), certify the following:
Qualified Post-construction Stormwater Inspector

1. I am making this Stormwater Management Facilities Certification for the following property: _____ (print or type name of subdivision, condominium or other development) located at _____ (print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: _____ (name(s) of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I am a Qualified Post-construction Stormwater Inspector hired by the person/entity named in Paragraph 2;

4. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;

5. On _____, 20__, I inspected the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;

6. At the time of my inspection of the Stormwater Management Facilities on the Property, I identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:

7. On _____, 20__, the owner, operator, tenant, lessee or president of the homeowners' association took or had taken the following routine maintenance or the following corrective action(s) to address the deficiencies in the Stormwater Management Facilities stated in 6 above:

8. As of the date of this certification, the Stormwater Management Facilities are functioning as intended by the approved Post-Construction Stormwater Management Plan for the Property.

Date: _____, 20__ By: _____
Signature

Print Name

STATE OF MAINE

_____, ss. _____, 20__

Personally appeared the above-named _____, the
_____ of _____, and acknowledged the foregoing
Certification to be said person's free act and deed in said capacity.

Before me,

Notary Public/Attorney at Law

Print Name: _____

Mail or hand deliver this certification to the Municipality at the following address:

Public Works Director
Town of Hampden
106 Western Avenue
Hampden, ME 04444

DRAFT
HAMPDEN COMMUNITY ROOM RENTAL/USE POLICY

A. Room Use Priorities

The Hampden Community Room's use priorities are as follows:

1. Voting location for all municipal, state, federal elections
2. Police/Fire/personnel Training for the Town of Hampden
3. Training space for Hampden municipal departments
4. Regional training space for municipal-government related entities
5. Meeting space for local non-profit agencies
6. Training space for local companies (Fee required)

B. Municipal Department Use

Hampden Municipal Departments wishing to utilize the community room shall complete a Municipal Department Request Form. Departments using the room are required to set up prior to and clean up after use.

C. Rules for use of Community Room by non-Hampden-municipal-government entities:

1. Parking for room users (during the work day) shall be along the sides of the building in the upper lot, in spaces in the lower lot, and in free spaces behind the post office. No parking during the day in spaces in front of the municipal building. (See attached diagram for entrance and parking areas)
2. Wireless internet is available on site, but there is no availability on site for photocopying, technical support, or provision of projectors or other equipment.
3. Room use is confined to the Community Room only. Access to the remainder of the Public Safety office and living space is not available. This includes the kitchen, unless special permission is granted in advance.
4. The facility set up and clean up is the responsibility of the entity requesting use of the room. A \$25 refundable cleaning deposit is required prior to room use and will be returned immediately after room use if left in clean and neat condition.
5. Local companies utilizing the space shall make arrangements **in advance** before bringing any large vehicles, trailers, or outside demonstration materials to the municipal complex. Space for such activities is very limited.
6. Entities utilizing the room shall be required to pay for any and all damages to the facility caused by participants of their activity.
7. Entities utilizing the facility for activities involving children shall insure that there are sufficient adult supervisors to keep noise and activity at reasonable levels. This facility is located in a Public Safety area and the business of police, fire, and EMS is the first priority there. Personnel in these areas are on duty 24/7 and we ask for courtesy to them while utilizing the facility.

Adopted by Town Council 2/6/09

8. Room users shall be required to fill out a Room Use Request form and submit it to the Town Manager, or his/her designee for approval, at least one month prior to the requested date.
9. For-profit entities utilizing the space shall pay a fee of \$50 for ½ day or evening use and \$100 for full-day use. Half day and evening use is defined as 4 hours or less, including clean-up.

D. Effective Date

Policy Effective Date: July 7, 2009

Council Approved: July 6, 2009

HAMPDEN COMMUNITY ROOM
ROOM USE REQUEST FORM
(Non-Hampden-Municipal-Department)

Date of Application: _____

Name of Entity Requesting Use _____

Address: _____

Telephone: _____

Email: _____

Contact Person Name: _____

Address: _____

Telephone: _____

Email: _____

Date Room Requested for Use: _____

Number of Participants: _____

If event involving children - # of adult supervisors _____

Time required: _____

I, _____, have read the Hampden Community Room Use Policy and agree to adhere to all terms and conditions of that policy.

Date: _____ Signature: _____

Application Granted _____

Application Denied _____

If denied, reason _____

Fee Paid (if any) \$ _____

Date Paid _____

Cleaning deposit paid \$ _____ Date: _____

Cleaning deposit refunded: Yes _____ Date: _____

No _____ Reason for retention _____

Date Posted on Calendar: _____ Posted by: _____

Approved by: _____ Date: _____

Hampden Community Room
Municipal Department Request Form

Date: _____

Department Name: _____

Department Contact: _____

Date Use Requested: _____

If use is for activities involving children, the department shall insure that there are sufficient adult supervisors to keep noise and activity at reasonable levels. This facility is located in the Public Safety area and the business of police, fire, and EMS is the first priority there. Personnel in these areas are on duty 24/7 and we ask for courtesy to them while utilizing the facility.

Time requested: _____

Approval Granted: _____

Approval Denied: _____

Reason: _____

Approved by: _____ Date: _____

Date posted on Calendar: _____

Posted by: _____

c. MAYO ROAD PROJECT – RECOMMENDATION TO CREATE
ORDINANCE FOR NOVEMBER 2009 REFERENDUM

Councilor Brann reported that the Infrastructure Committee has been discussing the need for this project for quite some time. The Committee feels that it is now necessary to go forward and obtain the funds necessary to do the construction. The Committee is recommending that the Mayo Road project be sent to the voters in November 2009.

Manager Lessard explained that referendum questions need to be developed as an ordinance for consideration by the Council after public hearing. She noted that in order for this to be on the November ballot, the Council will need to adopt an ordinance by the middle of August.

Motion by Councilor Cushing, seconded by Councilor Brann that the Town Manager and Town Attorney prepare an ordinance for a referendum question regarding the rebuilding of Mayo Road – unanimous vote in favor.

d. SEWER FEE INCREASE – INFRASTRUCTURE COMMITTEE
RECOMMENDATION TO SEND PROPOSED SEWER FEE
INCREASE IN FEES ORDINANCE TO PUBLIC HEARING

Councilor Brann explained that a fee increase is necessary to repay the bond for the current sewer reconstruction project. The proposed increase is \$1.00 per unit which was recommended to the Finance Committee by the Infrastructure Committee. Manager Lessard reported that the Finance Committee discussed the need for the increase at its meeting earlier this evening. She noted that there have been numerous upgrades to the sewer system without a rate increase, but existing reserves have absorbed all that they can. She explained that this is the first increase since 1998 and the impact for an average bill will be approximately \$8.00 per month.

Motion by Councilor Brann, seconded by Councilor Hughes to amend the fees ordinance to increase the sewer fees, to be referred at the next meeting for public hearing – unanimous vote in favor.

e. COMMITTEE STRUCTURE DISCUSSION

Manager Lessard reminded the Council that when it established the new Council committee structure in January of this year at the recommendation of the Committee on Committees, it was agreed that it would be assessed after six months. Additionally, the Committee on Committees had spent a great deal of time observing the operation of citizen advisory committees, but the Council decided not to take any action relative to these committees until after evaluation of the new Council committee structure.

Following discussion, it was decided that the new Council committee structure is working well and it is time to look at the structure and role of the advisory committees. The Committee on Committees was re-established for that purpose and Councilors Cox, Cushing and Lawlis will

serve on the committee. Community & Economic Development Director Dean Bennett will staff the meetings. It was also decided that members of the advisory committees should be involved in the process.

4. NEW BUSINESS

There was none.

D. COMMITTEE REPORTS

Councilor Cox reported that the next meeting of the Services Committee is scheduled for 6:00 pm on July 13th.

Councilor Cushing reported that the Planning & Development Committee will meet at 7:00 pm on July 15th. Victoria Burpee of EMDC will be addressing the Committee on the TIF process. At its last meeting, the Committee continued its work on shoreland zoning and the proposed ordinance will be on the Council's next agenda for referral to the Planning Board. The Committee also discussed re-use of the current Hampden Academy campus and Councilor Cushing reported that the Committee is recommending a joint meeting of the full Council and representatives of SAD #22. Councilor Lawlis noted that there are State rules that govern how this kind of property can be re-used and she thought it would be in everyone's best interest to get some legal clarification of what the alternatives are. Manager Lessard reported that Attorney Russell is willing to help find legal counsel that specializes in this area if the Council would like him to.

Motion by Councilor Brann, seconded by Councilor Hughes to instruct the Town Manager to secure additional legal representation in consultation with Attorney Russell to help understand the issues – unanimous vote in favor.

Manager Lessard reported that the Finance Committee met earlier in the evening and discussed the proposed sewer rate increase and proposed funding of the Mayo Road project by a referendum bond issue. The Committee also signed the warrants and reviewed year-end financials.

Councilor Brann reported that the Infrastructure Committee will meet at 6:00 pm on July 27th and will continue its discussion of composting opportunities.

E. MANAGER'S REPORT

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

Mayor Arnett asked Manager Lessard to contact SAD #22 representatives and propose some dates for a joint meeting to discuss the reuse of Hampden Academy.

F. COUNCILOR'S COMMENTS

Councilor Cushing commented that there are some bushes at the end of Coldbrook Road on Route 1A that are impeding visibility. Public Works Director Chip Swan will contact DOT to let them know.

MANAGER'S REPORT

July 6, 2009

Drainage, Flooding, & DOT Response – Challenged by the highest rainfall total in June in the history of recordkeeping in this region, there have been a number of instances where people had water in their basements, where we had minor road washouts, and where people have experienced drainage problems in backyards. In spite of this, the Town has been very fortunate in comparison to many in the State and in this area.

Councilors Arnett and Lawlis had requested follow up to a flooding complaint in the Main Road South area near the residence of Barry Martin. As you know, Route 1A is the responsibility of the State of Maine to maintain. Public Works Director Chip Swan has been in touch with officials from MDOT in regard to this particular drainage problem and attached is a memo from him outlining the State's plan for correcting the problem. It also identifies other work that the State has done on Route 1A recently to correct other drainage problems.

We have also received a complaint (I spoke with the property owner today) regarding drainage issues on Rte 1A at the end of Hillside Drive. A state engineer was out to visit the property last year but took no action due to no funding. Chip also made calls on this one last year. The State is on a shutdown day today so I will follow up on this one on Tuesday, July 7th.

Year-End 2008/2009 – Included in the packet for the Finance Committee meeting which you all received are the financial statements for year end. I am happy to report that we ended the year with 2.8% of the budget unexpended and with approximately \$47,000 over our estimates in revenue. Since we annually budget \$300,000 from fund balance to reduce taxation, the amount remaining in the 08-09 budget will more than accommodate that usage for the 09/10 fiscal year. In addition, it is noteworthy that not only were 97.6% of current year property taxes collected this past fiscal year – but 97.2 % of ALL taxes and liens that were outstanding. We are in a fortunate position thanks to the long – term planning of the Council over many years and the fiscal restraint practiced going forward.

Newsletter – The July 2009 Newsletter is at the printers and should be ready at the end of this week. It is posted online on the Town website at www.hampdenmaine.com for those with internet access.

Rain Garden – Despite the rain statistics cited above – and the fact that the rain garden was constructed just days before it all began, according to Laura Wilson from the UMaine Cooperative Extension office, who assisted with the design and plantings, it has fared well, all things considered. Once things have dried up a bit – necessary repairs will be done to correct damage and reinforce in areas stressed by the torrential rains. It survived, pretty much intact, from deluge after deluge and once reinforced, and once the plants have a better foothold – should function well.

Employee Newsletter – Long time employee Kathy Cole was the winner of the Name-the-employee-newsletter contest with “In the Loop”. A copy of the newsletter has been provided to each of you.

30 day Notices – 30 Day Notices for unpaid 2008-2009 Property Taxes will be sent out on Monday, July 13th.



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 6, 2009

To: Sue Lessard
From: Chip Swan
Subject: RTE 1A FLOODING

On June 22nd I sent an email to Dale Doughty, (Region 4 Manager of Maine DOT), and asked Dale if he would respond to Mr. Martin's complaint in regards to the flood issue on Main Rd south.

DOT plans on fixing the problem. They have dig safe the project and have plans to begin as weather permits.

Yours truly,

A handwritten signature in cursive script, appearing to read "Chip Swan".

Chip Swan, PWD

Councilor Lawlis commented that she has visited Dorothea Dix Park several times recently and noted that it is a lovely park. She complimented the efforts of Town employees and the Garden Club.

Councilor Shakespeare commented that the bushes at the end of Canaan Road on Western Avenue are starting to grow out again into Western Avenue and suggested that the Public Works Director take a look at it. Councilor Shakespeare also commented that he has suggested to Manager Lessard that when staff members answer the phone, it would be appropriate for them to identify themselves. Additionally, he commented that he recently saw a memo prepared by a staff member in which an individual was referred to only by last name. He feels that is not respectful and it would be more appropriate to identify individuals as "Mr." or "Mrs." or use their full name.

Mayor Arnett gave one more shout-out for Project Canopy. He particularly wanted to thank the Garden Club for the plants around the gazebo. He noted that Councilor Brann was there with a couple different pieces of equipment. Councilor Brann also recognized the efforts of the Public Works Department in this project.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:07 p.m.



Denise Hodsdon
Town Clerk



HAMPDEN PUBLIC SAFETY
Code Enforcement Division
106 Western Avenue
Hampden, Maine 04444
Phone 207-862-4500
Fax: 207-862-5067



A-3-a

Date: July 9, 2009
To: Mayor Arnett, Hampden Town Council
Chairman Weatherbee, Hampden Planning Board
Subject: Upcoming Board of Appeals Meeting
From: Ben Johnson, Code Enforcement Officer *BJ.*

Pursuant to 30-A M.R.S.A. § 4353 this memo is to notify the Town Council and Planning Board that there will be a Board of Appeals meeting Tuesday, July 21, 2009. The meeting and public hearing will be held at 7:00 pm in the Council Chambers of the Hampden Municipal Building the agenda is as follows:

Public Hearing:

Hampden Water District has requested four (4) general variances for a property located on Main Road North, further identified as tax map 21 lots 29 & 30 (pump station on Bangor line). The applicant is requesting: 1) a side yard property line setback reduction of approximately 22 feet; 2) a front yard property line setback reduction of approximately 35 feet; 3) a side yard property line setback reduction of 22 feet; and 4) a side yard property line setback reduction of approximately 25 feet. Variances 1 through 3 would allow for construction of a 32 ft. x 32 ft. pump house upgrade/replacement; variance 4 would apply to an existing storage building accommodating the relocation of the common property line between Hampden Water District property and land of Gregory Higgins. This property is located in the Commercial Service zoning district which would normally require a 30 foot side yard setback and a 40 foot front yard (street) setback. The Board of Appeals will consider this item pursuant to Article 6.2.2.1. General Variances of the *Town of Hampden Zoning Ordinance* and the *Town of Hampden Board of Appeals Ordinance*.



State of Maine
STATE BOARD OF EDUCATION

***Certificate of Organization of
Regional School Unit No. 22 d/b/a School Administrative Unit No. 22***

Pursuant to Title 20-A Section 1461 subsection 7 and in accordance with an order of the State Board of Education duly entered on the 19th day of June, 2009 a Certificate of Organization is hereby issued to the Regional School Unit No. 22 including the municipalities of Hampden, Newburgh and Winterport. Pursuant to Public Law 2007 Chapter 240 Part XXXX, Section 36, subsection 12 as amended by Public Law 2007 Chapter 668 Section 48, may continue to use the name School Administrative District No. 22.

Said Unit shall be managed by a Board of School Directors in accordance with the Title 20-A and as provided in the approved reorganization plan. The method of apportionment of the Board of School Directors selected is in accordance with Title 20-A Section 1472 subsection 4 is Method D.

Name of Municipality or Description of Section Represented	Number of School Directors	Votes Per School Director
<u>Hampden</u>	<u>7</u>	<u>1</u>
<u>Newburgh</u>	<u>2</u>	<u>1</u>
<u>Winterport</u>	<u>4</u>	<u>1</u>

The Regional School Unit and its Board of School Directors are subject to and have the powers, duties, benefits and authority conferred by the Maine Revised Statutes, Title 20-A, chapter 103-A and other general laws relating to public education and applicable to regional school units.

The member municipalities of Regional School Unit No. 22 are required to share costs and issue their warrants for the assessments authorized at the annual budget meeting for the required local contribution based on 20-A M.R.S.A. Chapter 606-B and for additional local share, if any, based on:

- State valuation.
- The number of resident pupils in each town.
- Alternate plan – ___ based on State valuation and ___ based on number of pupils.
- Specify _____

The Board of School Directors of Regional School Unit No. 22 elected pursuant to Title 20-A including the municipalities of Hampden, Newburgh and Winterport is authorized to conduct business effective on the 1st day of July, 2009 by order of the State Board of Education. The Certificate of Organization is delivered to the Board of School Directors, each participating municipality, and a copy of said Certificate, manually signed by the Chair of the State Board of Education, shall be filed and recorded in the office of the Secretary of State.

Dated this 19th day of June, 2009.

STATE BOARD OF EDUCATION

(Seal)

By: *Ann Weisleder*
Chair



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

A-3-c

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

June 30, 2009

Mr. Thomas Gilbert
Environmental Compliance Manager
Pine Tree Landfill
358 Emerson Mill Road
Hampden, Maine 04444

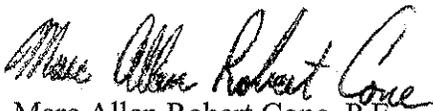
RE: New England Waste Services of ME, Inc. d/b/a Pine Tree Landfill
Application for Air Emission License Minor Revision

Dear Mr. Gilbert:

Enclosed please find the final air emission license for which you applied (A-850-77-6-M) as well as an information sheet on appealing a licensing decision and a customer service questionnaire.

If you have any questions, please write or call your project manager for your application, Lynn Ross. The telephone number is (207) 287-2437.

Sincerely,


Marc Allen Robert Cone, P.E.
Bureau of Air Quality

pc: Town of Hampden
Dixon Pike, Pierce Atwood



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACC
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

**New England Waste Services of ME, Inc.
d/b/a Pine Tree Landfill
Penobscot County
Hampden, Maine
A-850-77-6-M**

**Departmental
Findings of Fact and Order
New Source Review**

After review of the air emissions license amendment application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

FACILITY	New England Waste Services of ME, Inc. d/b/a Pine Tree Landfill (PTL)
PART 70 LICENSE NUMBER	A-850-70-A-I
LICENSE TYPE	Chapter 115 Minor Revision
NAICS CODES	562212
NATURE OF BUSINESS	Solid Waste Landfill
FACILITY LOCATION	Hampden, Maine
PART 70 LICENSE ISSUANCE DATE	June 9, 2003
NSR AMENDMENT ISSUANCE DATE	June 26, 2009

B. Revision Description

Conditions (3)(D) and (3)(E) of New Source Review Amendment A-850-77-3-A requires PTL to perform stack testing on one of the three engines each calendar year for three consecutive years. The intent of these provisions was to allow PTL to spread out the performance testing of their three engines over time.

However, following initial startup PTL made the decision to have all three engines tested to verify compliance. Therefore, PTL has requested that the performance testing that was conducted in July 2008 be considered to have met the requirements of these license conditions.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

New England Waste Services of ME, Inc.
d/b/a Pine Tree Landfill
Penobscot County
Hampden, Maine
A-850-77-6-M

Departmental
Findings of Fact and Order
New Source Review

2

The Department agrees that PTL has met the intent of the requirements to perform stack testing on the engines. Further stack testing of the engines will be performed upon request by the Department in accordance with Standard Conditions (8) and (9) of air emission license A-850-70-A-I.

C. Application Classification

This amendment will not increase emissions of any pollutant. Therefore, this modification is determined to be a minor revision under *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005) and has been processed as such.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-850-77-6-M pursuant to the preconstruction licensing requirements of 06-096 CMR 115 and subject to the conditions below.

The following shall replace Conditions (3)(D) and (3)(E) of Air Emission License A-850-77-3-A:

- D. Compliance with the CO g/bhp-hr emission limit shall be demonstrated by stack testing performed upon the request of the Department.
[06-096 CMR 115, BACT]

New England Waste Services of ME, Inc.
d/b/a Pine Tree Landfill
Penobscot County
Hampden, Maine
A-850-77-6-M

Departmental
Findings of Fact and Order
New Source Review

3

E. PTL shall stack test for PM, NO_x, and VOC upon the request of the Department. [06-096 CMR 115, BACT]

DONE AND DATED IN AUGUSTA, MAINE THIS 26th DAY OF June 2009.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: David P. Littell
DAVID P. LITTELL, COMMISSIONER

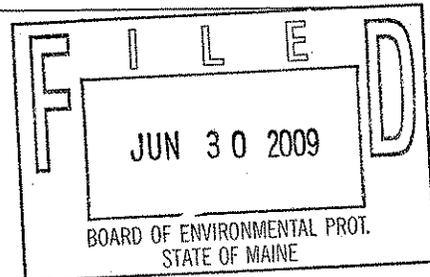
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 5/6/09

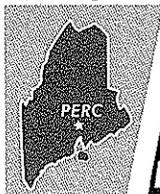
Date of application acceptance: 5/6/09

Date filed with the Board of Environmental Protection:

This Order prepared by Lynn Ross, Bureau of Air Quality.



40 Harlow Street
Bangor, ME 04401-5102



800-339-6389
207-942-6389
207-942-3548
glounder@emdc.org

Voice
Fax
E-mail

MEMORANDUM

TO: Charter Municipalities
FROM: Greg Louder, Municipal Review Committee, Inc.
RE: Environmental Performance of the PERC Facility
DATE: June 25, 2009

This memorandum presents our annual update on the key aspects of the PERC facility's record of environmental performance in 2008, including recent test results and general environmental performance. The memorandum also presents a quantitative description of the impact of the Facility to avoid greenhouse gas emissions by diverting waste from landfills. A key part of the MRC's mission is to ensure the long-term disposal of solid waste via methods that are environmentally sound. With environmental issues in the headlines and under discussion at the legislature, it is more important than ever for the Charter Municipalities to understand the superb performance of the PERC facility in achieving this aspect of the MRC's mission, and to be able to present accurate information to those with interest in the PERC facility's record.

Stack Test Results

In accordance with its air emissions license from the Maine DEP, every year PERC hires an independent third-party testing firm to test whether the facility complies with the emissions limits and operating conditions that are specified in the license. The tests are intended to ensure that the level of various constituents emitted by the PERC facility are within limits set by the Maine DEP to avoid significant impacts on public health and the environment. Tests are conducted for the following constituents:

Type	Measured constituent
Ozone precursors	Nitrogen oxides (NOx) Carbon monoxide (CO)
Acid gases	Sulfur dioxides (SOx) Hydrogen chloride (HCl)
Particulate matter	Total particulates
Trace metals	Arsenic, beryllium, cadmium, chromium, lead, mercury, nickel
Trace organics	Dioxins and furans
Fugitive emissions	Dust from the ash management system

The most recent tests were conducted in September 2008. To ensure objectivity, the tests are conducted by an independent contractor in accordance with strict protocols and standards, and the conduct of the tests is open to be witnessed by representatives of the Maine DEP. Yet again, we have reason to be proud of the results of these tests. As presented in Exhibit A, not only did the PERC facility comply with all of the standards in its air emissions license, but it performed significantly better than the license requirements – and by a wide margin.

Specific results can be summarized as follows:

- Emissions of total particulates were at 17.0 percent of the permitted level.
- Emissions of trace metals were very low. Emissions of mercury were too low to be detected during the stack test, even though the detection limit is approximately 3.2 percent of the permitted limit. Emissions of cadmium were at 3.3 percent of the permitted level, and emissions of lead were at 1.1 percent of the permitted level.
- Emissions of dioxins and furans were very low. In fact, emissions of dioxins and furans together were at 1.8 percent of the permitted level.
- Emissions of HCl (a contributor to acid rain), which are controlled by the facility's dry scrubbers, were well below the allowable limits. HCl emissions were at only 6.8 percent of the permitted level.
- No fugitive emissions were observed from the facility's ash handling system.

General Environmental Performance

The Charter Municipalities should be aware of the following information regarding the performance of the PERC facility in 2008:

- For the three pollutants that are monitored continuously (NO_x, CO and SO_x), average emission levels for each constituent throughout the year were well below the permit limits. Average emissions of NO_x and CO (the contributors to smog), which are controlled through good combustion practices, were at 81 percent and 52 percent of the allowable limits. Emissions of SO₂ (which contributes to acid rain), were at only seven percent of the allowable limit. The Facility did not record any occasions on which average emissions levels exceeded applicable daily limits for these pollutants – a compliance record through the year of 100.00 percent. This outstanding record for 2008 represents a significant improvement in performance over the late 1990s and is the culmination of steady improvements in environmental performance since the facility was retrofitted with a new boiler fuel feed system in 2000.
- The PERC facility generated and delivered to the grid 162,458 MWh of electricity in 2008. This represents enough electricity to power more than 16,000 homes. By using solid waste as fuel, the PERC facility avoided the need to combust the equivalent of 1200 billion cubic feet of natural gas or nearly 14 million gallons of #2 fuel oil in order to generate electricity. In that context, the PERC facility also avoided the emissions of greenhouse gases and other constituents that are associated with the production, importation and combustion of fossil fuels to generate electricity.
- The PERC facility received 312,365 tons of solid waste, but did not bypass any processible solid waste at all to landfills for disposal in 2008. Accounting for residuals materials such as ash and front-end process residue, the PERC facility reduced the volume of material going to landfills by 638,000 cubic yards, which is

approximately 85 percent of the volume that would have been required for landfill disposal of all solid waste delivered to the PERC facility.

- The PERC facility continued to implement its supplementary grinding program to convert waste elements previously considered “non-processible” into fuel. In 2008, only 36 tons of the waste received by the PERC facility were sent to a landfill for disposal as non-processible material.
- The PERC facility recovered 10,934 tons of ferrous material from incoming solid waste in 2008, making it one of the largest recycling facilities in Maine. The ferrous material was transported to a processing facility in southern New England for beneficiation and marketing for re-use as scrap metal. Moreover, by recovering the ferrous materials, the PERC facility avoided the emissions that would have been incurred during the course of mining and manufacturing a similar amount of ferrous material from natural sources.

Avoided greenhouse gas emissions

The PERC Facility combusts MSW that might otherwise be accepted for disposal at landfills. The Facility thereby avoids the creation of methane that would otherwise have been created by the degradation of MSW in a landfill through the anaerobic decomposition process. In particular:

1. In 2008, PERC accepted 312,365 tons of MSW at the Facility, of which 52,200 tons were glass and grit with an organic content approximately half that of the MSW.
2. If all of the 312,365 tons of MSW had been disposed of in a landfill, such MSW would generate 22,970 additional tons of methane over the time of its active decomposition (~30 years). Thus, by accepting 312,365 tons of MSW in 2008, PERC avoided the generation of approximately 23,000 tons of methane.
3. Taking into account the global warming potential of methane and other factors, by avoiding generation of 23,000 tons of methane in 2008, PERC avoided emitting the equivalent of 419,200 metric tons of carbon dioxide.

Exhibit A

Summary Results of Air Emissions Testing at the PERC Facility in 2008

Sources: Final Report, Stack Emissions Compliance Test Program, PERC Facility, 2008; PERC CEM data

<i>Constituent</i>	<i>Allowable limit</i>	<i>Average of test results</i>	<i>Test result value as percent of allowable limit</i>	
Nitrogen oxides (NOx)	230 ppmdv @ 7% O2	186 ppmdv @ 7% O2	81%	
Carbon monoxide (CO)	200 ppmdv @ 7% O2	107 ppmdv @ 7% O2	54%	
Sulfur dioxides (SOx)	29 ppmdv @ 7% O2	2.0 ppmdv @ 7% O2	6.9%	
Hydrogen chloride (HCl)	29 ppm @ 7% O2	1.96 ppm @ 7% O2	6.8%	
Particulate matter	22.9 mg/dscm @ 7% O2	3.89 mg/dscm @ 7% O2	17.0%	
Trace metals				
• Arsenic	• No limit in permit	• <0.00043 mg/dscm @ 7% O2	3.3%	
• Beryllium	• No limit in permit	• <0.00011 mg/dscm @ 7% O2		
• Cadmium	• 0.04000 mg/dscm @ 7% O2	• 0.0013 mg/dscm @ 7% O2		
• Chromium	• No limit in permit	• 0.0118 mg/dscm @ 7% O2		
• Lead	• 0.4400 mg/dscm @ 7% O2	• 0.0048 mg/dscm @ 7% O2		1.1%
• Mercury	• 0.0280 mg/dscm @ 7% O2	• <0.0009 mg/dscm @ 7% O2		3.2%
• Nickel	• No limit in permit	• 0.0082 mg/dscm @ 7% O2		
Dioxins/furans	30 ng/dscm @ 7% O2	0.546ng/dscm @ 7% O2	1.8%	
Fugitive emissions, ash system	< 5% of observation period	0% of observation period	0%	

Abbreviations

- ppmdv = parts per million dry volume
- mg/dscm = milligrams per dry standard cubic meter
- ng/dscm = nanograms per dry standard cubic meter

Values with < (a "less than" sign) are the detection limits, which are provided for tests when the identified constituent was not detected. In such cases, the emission level of such identified constituent was below the lowest value that could be detected by the test equipment used during the test (the detection limit).

Values are adjusted to 7% oxygen concentration to correct for dilution by excess combustion air.

Test results for NOx, CO and SOx represent average emission concentrations throughout the year as measured by the Facility's continuous emissions monitoring systems.

A-3-e

Also a special thanks to your crew at the Transfer Station. They were always more than helpful - even to the point of replacing the collection box because it got wet and fell apart.

Thanks again for your cooperation.

Sincerely,
Phyllis Bertlett
Hampton Garden Club

P.S. Hope all is well with you
and family



7/8/08

Dear Chip,

Thank you for allowing the Hampton Garden Club to place a box at the Transfer Station for donations of plant pots. We collected, washed and sorted at least 300 pots to be used for potting plants for our annual perennial plant sale next spring.

Profits from these sales go toward maintaining and the renovating of Harmony Hall.

June 30, 2009

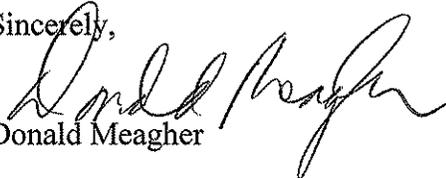
Susan Lessard
Town Manager
Municipal Building
106 Western Avenue
Hampden, ME 04444

Dear Susan:

The enclosed host fee payment of \$52,949.70 represents the period May 2009, during which 28,621 tons were disposed at PTL.

As always, please give me a call if you have any questions about the landfill.

Sincerely,


Donald Meagher

Enc: Host community benefit payment



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
WORKPLACE SAFETY & HEALTH DIVISION
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045

A-3-g

LAURA A. FORTMAN
COMMISSIONER

WILLIAM A. PEABODY
DIRECTOR

July 9, 2009

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

Request No. 220674

Dear Ms Lessard:

The Bureau of Labor Standards completed an inspection on 1/29/09, and workplace conditions were found which violate Occupational Safety and Health rules. SEE: Title 26 MRSA Chapter 6; 29 CFR sections 1910 and 1926. At your request, a discussion pertaining to the proposed penalty(s) was held on 6/23/09, with a representative of the Workplace Safety and Health Division. On the basis of that discussion, I have determined that the total amount of the penalty for the citation(s) is \$0.00. This letter serves as a final order to become effective fifteen business days from the date it is received. During that time you still reserve the right to file for a formal appeal as regards the citation(s), penalty, and/or abatement dates.

Please accept my thanks to you and your staff for your expeditious attention in this matter. Through our combined efforts we continue the safety and health in Maine workplaces. As always, **SafetyWorks!** is available to assist you with safety and health education and/or consultation services. If you wish to request **SafetyWorks!**, please call 1-877-723-3345 toll free. For additional information, you can go to our website at www.safetyworksmaine.org.

Sincerely yours,

William A. Peabody, Director
Bureau of Labor Standards

WAP/dr



PRINTED ON RECYCLED PAPER

A-3-h


Maine Municipal Association - Ethel Kelley Award

Wednesday, July 15, 2009 10:44 AM

From: "Chris Lockwood" <clockwood@memun.org>

To: "Keymunicipalofficials@imail.memun.org" <Keymunicipalofficials@imail.memun.org>

 ETHEL KELLEY NOMINATION FORM.pdf (33KB),
 NOTICE FOR TOWNSMAN ON ETHEL KELLEY AWARD.pdf (145KB)

TO: Key Municipal Officials of Member Cities, Towns & Plantations

FROM: Chris Lockwood, MMA Executive Director

DATE: July 14, 2009

RE: MMA Ethel Kelley Memorial Award – Call for Nominations

The Maine Municipal Association is pleased to offer an opportunity for you to nominate one of your own for MMA's most prestigious award. This is the 24th year the Maine Municipal Association has made the Ethel Kelley Memorial Award in the name of dedication to the cause of good local government. Ethel Kelley devoted 45 years of service to the Maine Municipal Association, from its founding in 1936, until her death in 1981. Some have described her as the "cement" that held the organization together during WWII. During those years, she served in many capacities. She held every title and did virtually every job in the organization. Ethel Kelley died in 1981 and the memorial award in her name was established in 1986.

Eligibility – Any elected or appointed municipal official, employee, or volunteer.

Criteria

- ★ Is dedicated to the cause of good local government;
- ★ Has conscientiously served local government and made this a life time achievement for 20 years or more;
- ★ Has demonstrated the capability and willingness to "Hold the Community Together";
- ★ Has a selfless concern for others in their community;
- ★ Has not received full recognition for their service in local government; and
- ★ Is currently serving or has retired in the past two years.

Judging Panel – A panel of three MMA Past Presidents will be asked to judge the nominees based on the criteria and supporting letters.

Nominating Process – Nominations may be made by elected and appointed officials of the member municipality. Nomination forms should be accompanied by signed, supporting letters (not to exceed

five in number), which describe the Nominee's exceptional contributions to local government within the above listed criteria. Please note that persons nominated for this award in the prior year may be re-nominated this year by means of a single letter of re-nomination. The enclosed Nomination Form should be completed and returned to: Ethel Kelley Memorial Award Committee, Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330.

Deadline – Nominations must be received by 4:30 p.m. on **Monday, August 31, 2009**.

Presentation of Award – The Ethel Kelley Memorial Award will be presented to the successful recipient on Thursday, October 8, 2009 at the MMA Awards Luncheon being held during the MMA Annual Convention at the Augusta Civic Center. If your nominee is selected, MMA staff will be in touch with the town/city key municipal official to make arrangements for family and friends of the recipient to be present at the Awards Luncheon.

If you have any questions or would like additional information, please contact my assistant, Theresa Chavarie, Manager of Member Relations & Executive Office, at (800) 452-8786 or in the Augusta area at 623-8428 ext. 2211, or by e-mail at tchavarie@memun.org. Thank you.

FINANCE COMMITTEE MEETING MINUTES

July 6, 2009

Attending:

- Councilor Shannon Cox
- Councilor William Shakespeare
- Councilor Andre Cushing
- Councilor Jean Lawlis
- Councilor Tom Brann
- Mayor Matthew Arnett (late)
- Sue Lessard, Town Manager
- Councilor Janet Hughes

The meeting was opened at 5:45 a.m. by Committee member Shannon Cox in the absence of Mayor Arnett.

1. Minutes of June 15, 2009 Meeting
No changes or amendments to the minutes were suggested. Motion by Jean Lawlis, seconded by William Shakespeare to approve minutes of 6/15/09. Unanimous vote.
2. Review of Financial Statements for June 2009
The Committee reviewed the financial states for June 30, 2009. The Town Manager gave an overview of them. No corrections or amendments were made. Motion by Andre Cushing, seconded by Jean Lawlis. Unanimous vote.
3. Review and signature of Warrants
Warrants were reviewed by Committee members and signed.
4. Old Business
 - a. Consideration of Mayo Road Reconstruction Project Funding – Motion by William Shakespeare, seconded by Jean Lawlis to recommend to the full Council that the council put out to referendum in November 2009 the Mayo Road Reconstruction Project for a bond in the amount of \$2.3 million dollars. Unanimous vote.
 - b. Sewer Fee Increase Consideration – Motion by Matthew Arnett, seconded by Shannon Cox to recommend to the full Council that the Sewer rate be amended in the Fee Ordinance to \$4.28/hundred cubic feet. Unanimous vote.
 - c. Long term resident tax rebate proposal – tabled until Council reviews 2009/2010 Commitment Information
5. New Business – None
6. Public Comments - None
7. Committee Member Comments - Councilor Hughes raised the issue of stormwater fees that were part of the Planning and Development Committee discussion related to the Stormwater Management Ordinance. This subject will be placed on a future Infrastructure and Finance Committee agenda. Councilor Cushing suggested that the Town explore discussions with the Town of Hermon related to joint ventures in infrastructure development.

Respectfully submitted –

Susan Lessard 
Town Manager

July 9, 2009

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 June 2009, one complaint was received pertaining to Pine Tree Landfill.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 245.

Sincerely,

PINE TREE LANDFILL



Tom Gilbert
Environmental Compliance Manager

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

PINE TREE LANDFILL
-LANDFILL COMPLAINT RECORD FORM-
 JUNE 2009

Date of Complaint	Time of Day	Nature of Complaint	Complainant Originating From	Real-time Complaint?	Wind From What Direction & Speed	Site downwind from landfill?	Call or Site Visit Made By	Potential Source of Odor	Landfill Odor Confirmed?	Call/Responder Comments
06/30/09	5:00 PM	Odor	155 Littlefield Ave	Yes	NW @ 3 MPH	No	Tom Gilbert	Older wastes from drilling	Yes	Drilling new LFG wells
Real-time Complaints for the Month:										
Non-Real-time Complaints for the Month:										
None										
Mobile Complaints for the Month:										
None										
None										
None										

Month Total Complaints: 1

Number of Complaints Confirmed to be Landfill: 1

Number of Complaints Not Confirmed as Originating from Landfill or Possibly from Other Sources: 0

Note:

A "Real-time Complaint" is a complaint called in within the first 30 minutes of detecting the odor to allow for proper response.

A "Non-Real-time Complaint" is a complaint called in after 30 minutes or more have passed since first detecting the presence of odor and does not allow for proper response time (the odor may no longer be present).

A "Mobile Complaint" is a complaint called in as detecting odor on a roadway and not at a particular residence.

July 9, 2009

Cyndi Darling
Maine Dept. of Environmental Protection
Bureau of Remediation & Waste Management
106 Hogan Road
Bangor, Maine 04401

**RE: New England Waste Services of ME
d/b/a Pine Tree Landfill
Monthly Special Waste Activity Report**

Dear Cyndi:

Enclosed please find the June 2009 Waste Activity Report for Pine Tree Landfill. All analytical data relating to special waste deliveries to the landfill is kept on file for your review as required.

If you should have any questions regarding the enclosed, please do not hesitate to contact me at 862-4200, ext.245.

Sincerely,

PINE TREE LANDFILL



Tom Gilbert
Environmental Compliance Manager

Enclosure

CC: Wayne Boyd, PTL
Toni King, Casella Waste Systems, Inc.
Susan Lessard, Town of Hampden

PINE TREE LANDFILL
HAMPDEN, MAINE
MONTHLY WASTE ACTIVITY REPORT
JUNE 2009

Delivery Date	Manifest Approval #	Waste Description	Quantity Delivered (tons)	Transporter Name	Generator Name	State of Origin
06/06/09	246185	NON FRIABLE ASBESTOS	10.66	CRESCIO	BU/BRANDIS/PRK ST.CONDOS	MA
06/02/09	245757	NON FRIABLE ASBESTOS	0.65	RIVER	HUSSON COLLEGE	ME
06/20/09	247916	NON FRIABLE ASBESTOS	1.17	RIVER	LOCAL YOICAL LLC	ME
06/23/09	248142	NON FRIABLE ASBESTOS	0.84	RIVER	LOCAL YCCAL LLC	ME
06/10/09	246579	BOILER ASH	0.26	BUMBEE	BUMBLE BEE FOODS LLC	ME
06/18/09	247660	CONTAMINATED SOIL-NON PCB	1.34	PS	BAR HARBOR BANK & TRUST	ME
06/26/09	248612	CONTAMINATED SOIL-NON PCB	0.50	WEBBER	WILLIAM CHADEAYNE	ME
06/10/09	246604	CONTAMINATED SOIL-NON PCB	7.49	CH	ST. JOSIPH HOSPITAL	ME
06/19/09	247830	FILTER MEDIA SHUTS	1.87	PTS	FISHER ENGINEERING	ME
06/22/09	248019	GRIT CATCH BASIN	2.17	CH	EASTERN MAINE MEDICAL CENTER	ME
06/04/09	246008	GRIT CATCH BASIN	10.24	CH	MAINE DOT	ME
06/18/09	247722	GRIT SAND BLAST	1.56	CH	DOWN EAST ENERGY	ME
06/05/09	246148	GRIT SAND BLAST	15.56	PTS	ROCKLAND MARINE	ME
06/10/09	246632	GRIT SAND BLAST	14.93	PTS	ROCKLAND MARINE	ME
06/25/09	248409	NON FRIABLE ASBESTOS	6.93	PTW	BIO SAFE BRUNSWICK ARMORY	ME
06/03/09	245841	NON FRIABLE ASBESTOS	8.43	PTW	CALAIS HOSPITAL	ME
06/11/09	246712	NON FRIABLE ASBESTOS	7.35	PTW	MORRISSEY ENVIRONMENTAL	ME
06/17/09	247432	NON FRIABLE ASBESTOS	10.27	PTW	MORRISSEY ENVIRONMENTAL	ME
06/22/09	248002	NON FRIABLE ASBESTOS	3.24	PTW	MORRISSEY ENVIRONMENTAL	ME
06/03/09	245866	NON FRIABLE ASBESTOS	5.05	PTW	PETER GILMAN	ME
06/24/09	248363	NON FRIABLE ASBESTOS	32.05	KBC	S&R CONTRACTING	MA
06/04/09	245966	NON FRIABLE ASBESTOS	2.10	PTW	SAPPI SKOWHEGAN	ME
06/11/09	246828	NON FRIABLE ASBESTOS	4.59	PTW	SAPPI SKOWHEGAN	ME
06/15/09	247133	OVERSIZED BULKY WASTE	28.16	KBC	MAINE ENERGY RECOVERY CO	ME
06/15/09	247173	OVERSIZED BULKY WASTE	23.25	KBC	MAINE ENERGY RECOVERY CO	ME
06/15/09	247194	OVERSIZED BULKY WASTE	22.66	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248144	OVERSIZED BULKY WASTE	17.68	KBC	MAINE ENERGY RECOVERY CO	ME
06/29/09	248747	OVERSIZED BULKY WASTE	29.34	KBC	MAINE ENERGY RECOVERY CO	ME
06/29/09	248757	OVERSIZED BULKY WASTE	23.28	KBC	MAINE ENERGY RECOVERY CO	ME
06/05/09	246149	FEPR	18.93	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247924	FEPR	21.09	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247925	FEPR	22.22	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247915	FEPR	23.17	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	247975	FEPR	23.51	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248063	FEPR	24.18	KBC	MAINE ENERGY RECOVERY CO	ME
06/21/09	247957	FEPR	24.42	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248074	FEPR	24.64	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248066	FEPR	24.74	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247930	FEPR	24.95	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248558	FEPR	25.58	KBC	MAINE ENERGY RECOVERY CO	ME
06/27/09	248661	FEPR	25.75	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248047	FEPR	25.91	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248465	FEPR	25.93	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246494	FEPR	25.94	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248083	FEPR	25.96	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246260	FEPR	25.97	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248054	FEPR	25.97	KBC	MAINE ENERGY RECOVERY CO	ME
06/16/09	247369	FEPR	26.15	KBC	MAINE ENERGY RECOVERY CO	ME
06/27/09	248662	FEPR	26.18	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248112	FEPR	26.30	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248429	FEPR	26.36	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248057	FEPR	26.39	KBC	MAINE ENERGY RECOVERY CO	ME
06/13/09	247047	FEPR	26.46	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248055	FEPR	26.46	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247911	FEPR	26.56	KBC	MAINE ENERGY RECOVERY CO	ME
06/12/09	246873	FEPR	26.59	KBC	MAINE ENERGY RECOVERY CO	ME
06/11/09	246731	FEPR	26.63	KBC	MAINE ENERGY RECOVERY CO	ME
06/10/09	246565	FEPR	26.65	KBC	MAINE ENERGY RECOVERY CO	ME
06/06/09	246182	FEPR	26.81	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246416	FEPR	26.85	KBC	MAINE ENERGY RECOVERY CO	ME
06/30/09	248836	FEPR	26.89	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248166	FEPR	26.94	KBC	MAINE ENERGY RECOVERY CO	ME
06/12/09	246960	FEPR	26.97	KBC	MAINE ENERGY RECOVERY CO	ME
06/18/09	247604	FEPR	26.99	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247909	FEPR	27.00	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247926	FEPR	27.00	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248579	FEPR	27.02	KBC	MAINE ENERGY RECOVERY CO	ME
06/19/09	247877	FEPR	27.08	KBC	MAINE ENERGY RECOVERY CO	ME
06/19/09	247807	FEPR	27.10	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248529	FEPR	27.11	KBC	MAINE ENERGY RECOVERY CO	ME
06/05/09	246167	FEPR	27.18	KBC	MAINE ENERGY RECOVERY CO	ME

PINE TREE LANDFILL
HAMPDEN, MAINE
MONTHLY WASTE ACTIVITY REPORT
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06/22/09	248023	FEPR	27.24	KBC	MAINE ENERGY RECOVERY CO	ME
06/14/09	247095	FEPR	27.25	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248148	FEPR	27.25	KBC	MAINE ENERGY RECOVERY CO	ME
06/10/09	246659	FEPR	27.26	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246351	FEPR	27.34	KBC	MAINE ENERGY RECOVERY CO	ME
06/18/09	247625	FEPR	27.36	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247907	FEPR	27.37	KBC	MAINE ENERGY RECOVERY CO	ME
06/21/09	247958	FEPR	27.43	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246251	FEPR	27.44	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246340	FEPR	27.45	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248381	FEPR	27.47	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248545	FEPR	27.47	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246419	FEPR	27.49	KBC	MAINE ENERGY RECOVERY CO	ME
06/18/09	247582	FEPR	27.49	KBC	MAINE ENERGY RECOVERY CO	ME
06/28/09	248692	FEPR	27.50	KBC	MAINE ENERGY RECOVERY CO	ME
06/16/09	246619	FEPR	27.52	KBC	MAINE ENERGY RECOVERY CO	ME
06/27/09	248633	FEPR	27.53	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	247971	FEPR	27.55	KBC	MAINE ENERGY RECOVERY CO	ME
06/28/09	248693	FEPR	27.61	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248111	FEPR	27.64	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246412	FEPR	27.65	KBC	MAINE ENERGY RECOVERY CO	ME
06/30/09	248811	FEPR	27.70	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248457	FEPR	27.71	KBC	MAINE ENERGY RECOVERY CO	ME
06/16/09	247262	FEPR	27.74	KBC	MAINE ENERGY RECOVERY CO	ME
06/12/09	246899	FEPR	27.75	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247910	FEPR	27.75	KBC	MAINE ENERGY RECOVERY CO	ME
06/30/09	248812	FEPR	27.76	KBC	MAINE ENERGY RECOVERY CO	ME
06/10/09	246573	FEPR	27.78	KBC	MAINE ENERGY RECOVERY CO	ME
06/14/09	247094	FEPR	27.82	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248578	FEPR	27.82	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248188	FEPR	27.83	KBC	MAINE ENERGY RECOVERY CO	ME
06/05/09	246131	FEPR	27.86	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248516	FEPR	27.86	KBC	MAINE ENERGY RECOVERY CO	ME
06/28/09	248691	FEPR	27.90	KBC	MAINE ENERGY RECOVERY CO	ME
06/28/09	248695	FEPR	27.91	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246253	FEPR	27.92	KBC	MAINE ENERGY RECOVERY CO	ME
06/06/09	246191	FEPR	27.99	KBC	MAINE ENERGY RECOVERY CO	ME
06/18/09	247748	FEPR	28.00	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248068	FEPR	28.01	KBC	MAINE ENERGY RECOVERY CO	ME
06/11/09	246824	FEPR	28.02	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247912	FEPR	28.09	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248032	FEPR	28.09	KBC	MAINE ENERGY RECOVERY CO	ME
06/13/09	247024	FEPR	28.12	KBC	MAINE ENERGY RECOVERY CO	ME
06/10/09	246637	FEPR	28.14	KBC	MAINE ENERGY RECOVERY CO	ME
06/27/09	248654	FEPR	28.14	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246394	FEPR	28.15	KBC	MAINE ENERGY RECOVERY CO	ME
06/17/09	247484	FEPR	28.16	KBC	MAINE ENERGY RECOVERY CO	ME
06/17/09	247426	FEPR	28.18	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248067	FEPR	28.18	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	247974	FEPR	28.19	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248114	FEPR	28.19	KBC	MAINE ENERGY RECOVERY CO	ME
06/17/09	247505	FEPR	28.24	KBC	MAINE ENERGY RECOVERY CO	ME
06/27/09	248635	FEPR	28.25	KBC	MAINE ENERGY RECOVERY CO	ME
06/29/09	248730	FEPR	28.27	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248116	FEPR	28.28	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248422	FEPR	28.33	KBC	MAINE ENERGY RECOVERY CO	ME
06/24/09	248270	FEPR	28.35	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246396	FEPR	28.37	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248391	FEPR	28.37	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246256	FEPR	28.40	KBC	MAINE ENERGY RECOVERY CO	ME
06/29/09	248711	FEPR	28.41	KBC	MAINE ENERGY RECOVERY CO	ME
06/14/09	247098	FEPR	28.43	KBC	MAINE ENERGY RECOVERY CO	ME
06/13/09	247026	FEPR	28.48	KBC	MAINE ENERGY RECOVERY CO	ME
06/12/09	246862	FEPR	28.49	KBC	MAINE ENERGY RECOVERY CO	ME
06/18/09	247586	FEPR	28.49	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248183	FEPR	28.49	KBC	MAINE ENERGY RECOVERY CO	ME
06/11/09	246706	FEPR	28.50	KBC	MAINE ENERGY RECOVERY CO	ME
06/24/09	248258	FEPR	28.51	KBC	MAINE ENERGY RECOVERY CO	ME
06/16/09	247313	FEPR	28.54	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248125	FEPR	28.57	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	247994	FEPR	28.59	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246252	FEPR	28.60	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248396	FEPR	28.62	KBC	MAINE ENERGY RECOVERY CO	ME
06/16/09	247255	FEPR	28.65	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246249	FEPR	28.71	KBC	MAINE ENERGY RECOVERY CO	ME
06/11/09	246733	FEPR	28.72	KBC	MAINE ENERGY RECOVERY CO	ME
06/24/09	248252	FEPR	28.72	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246385	FEPR	28.73	KBC	MAINE ENERGY RECOVERY CO	ME
06/15/09	247113	FEPR	28.77	KBC	MAINE ENERGY RECOVERY CO	ME
06/18/09	247749	FEPR	28.82	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248177	FEPR	28.84	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248045	FEPR	28.86	KBC	MAINE ENERGY RECOVERY CO	ME
06/16/09	247265	FEPR	28.89	KBC	MAINE ENERGY RECOVERY CO	ME

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06/15/09	247111	FEPR	28.90	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	247973	FEPR	28.90	KBC	MAINE ENERGY RECOVERY CO	ME
06/30/09	248804	FEPR	28.92	KBC	MAINE ENERGY RECOVERY CO	ME
06/13/09	247044	FEPR	28.98	KBC	MAINE ENERGY RECOVERY CO	ME
06/12/09	246865	FEPR	29.00	KBC	MAINE ENERGY RECOVERY CO	ME
06/15/09	247122	FEPR	29.02	KBC	MAINE ENERGY RECOVERY CO	ME
06/19/09	247894	FEPR	29.05	KBC	MAINE ENERGY RECOVERY CO	ME
06/24/09	248249	FEPR	29.07	KBC	MAINE ENERGY RECOVERY CO	ME
06/17/09	247422	FEPR	29.08	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246263	FEPR	29.10	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246400	FEPR	29.10	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248627	FEPR	29.12	KBC	MAINE ENERGY RECOVERY CO	ME
06/26/09	248523	FEPR	29.15	KBC	MAINE ENERGY RECOVERY CO	ME
06/17/09	247496	FEPR	29.20	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248048	FEPR	29.20	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247908	FEPR	29.21	KBC	MAINE ENERGY RECOVERY CO	ME
06/05/09	246049	FEPR	29.35	KBC	MAINE ENERGY RECOVERY CO	ME
06/11/09	246705	FEPR	29.35	KBC	MAINE ENERGY RECOVERY CO	ME
06/17/09	247523	FEPR	29.36	KBC	MAINE ENERGY RECOVERY CO	ME
06/19/09	247776	FEPR	29.36	KBC	MAINE ENERGY RECOVERY CO	ME
06/05/09	246047	FEPR	29.38	KBC	MAINE ENERGY RECOVERY CO	ME
06/10/09	246571	FEPR	29.42	KBC	MAINE ENERGY RECOVERY CO	ME
06/21/09	247959	FEPR	29.44	KBC	MAINE ENERGY RECOVERY CO	ME
06/09/09	246438	FEPR	29.45	KBC	MAINE ENERGY RECOVERY CO	ME
06/05/09	246138	FEPR	29.46	KBC	MAINE ENERGY RECOVERY CO	ME
06/24/09	248300	FEPR	29.53	KBC	MAINE ENERGY RECOVERY CO	ME
06/25/09	248380	FEPR	29.54	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248197	FEPR	29.63	KBC	MAINE ENERGY RECOVERY CO	ME
06/20/09	247906	FEPR	29.65	KBC	MAINE ENERGY RECOVERY CO	ME
06/23/09	248220	FEPR	29.68	KBC	MAINE ENERGY RECOVERY CO	ME
06/14/09	247099	FEPR	29.72	KBC	MAINE ENERGY RECOVERY CO	ME
06/11/09	246710	FEPR	29.94	KBC	MAINE ENERGY RECOVERY CO	ME
06/16/09	247260	FEPR	29.95	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246255	FEPR	30.04	KBC	MAINE ENERGY RECOVERY CO	ME
06/22/09	248011	FEPR	30.22	KBC	MAINE ENERGY RECOVERY CO	ME
06/08/09	246250	FEPR	30.47	KBC	MAINE ENERGY RECOVERY CO	ME
06/15/09	247110	FEPR	30.53	KBC	MAINE ENERGY RECOVERY CO	ME
06/11/09	246815	LEATHERSCRAPS	9.47	PTS	IRVING TANNING	ME
06/08/09	246279	NON-HAZARD CHEMICAL RELATED	14.79	TRO	ENPRO	ME
06/12/09	246950	NON-HAZARD CHEMICAL RELATED	8.50	PTS	GAC CHEM	ME
06/18/09	247688	OILY DEBRIS	6.04	AMER	BRIDGWATER STATE HOSPITAL	MA
06/05/09	246042	OILY DEBRIS	31.74	EN	ENPRO ENVIRONMENTAL SERVICES	ME
06/25/09	248416	OILY DEBRIS	24.06	EN	ENPRO ENVIRONMENTAL SERVICES	ME
06/01/09	245620	OILY DEBRIS	12.24	CLEAN VENT	GENERAL CHEMICAL	MA
06/11/09	246766	OILY DEBRIS	17.94	CLEAN VENT	GENERAL CHEMICAL	MA
06/12/09	246924	OILY DEBRIS	17.43	CLEAN VENT	GENERAL CHEMICAL	MA
06/23/09	248157	OILY DEBRIS	14.31	CLEAN VENT	GENERAL CHEMICAL	MA
06/29/09	248741	OILY DEBRIS	16.31	CLEAN VENT	GENERAL CHEMICAL	MA
06/30/09	248815	OILY DEBRIS	3.92	CLEAN VENT	GENERAL CHEMICAL	MA
06/22/09	248051	OILY DEBRIS	0.46	PS	KEVIN MOONEY	ME
06/22/09	248061	OILY DEBRIS	0.47	CH	NORMAN STANLEY	ME
06/23/09	248143	OILY DEBRIS	0.54	CH	NORMAN STANLEY	ME
06/03/09	245835	OILY DEBRIS	31.99	SAMS	UNITED OIL RECOVERY	NH
06/04/09	245958	OILY DEBRIS	31.20	SAMS	UNITED OIL RECOVERY	NH
06/05/09	246112	OILY DEBRIS	29.40	SAMS	UNITED OIL RECOVERY	NH
06/08/09	246294	OILY DEBRIS	29.75	SAMS	UNITED OIL RECOVERY	NH
06/09/09	246456	OILY DEBRIS	31.42	SAMS	UNITED OIL RECOVERY	NH
06/10/09	246614	OILY DEBRIS	33.35	SAMS	UNITED OIL RECOVERY	NH
06/12/09	246922	OILY DEBRIS	31.40	SAMS	UNITED OIL RECOVERY	NH
06/16/09	247327	OILY DEBRIS	31.44	SAMS	UNITED OIL RECOVERY	NH
06/18/09	247685	OILY DEBRIS	31.07	SAMS	UNITED OIL RECOVERY	NH
06/23/09	248173	OILY DEBRIS	28.38	SAMS	UNITED OIL RECOVERY	NH
06/23/09	248243	OILY DEBRIS	32.86	SAMS	UNITED OIL RECOVERY	NH
06/25/09	248445	OILY DEBRIS	30.16	SAMS	UNITED OIL RECOVERY	NH
06/30/09	248862	OILY DEBRIS	30.75	SAMS	UNITED OIL RECOVERY	NH
06/05/09	246048	FEPR	27.86	KBC	PERC	ME
06/05/09	246074	FEPR	27.94	KBC	PERC	ME
06/05/09	246090	FEPR	27.25	KBC	PERC	ME
06/05/09	246116	FEPR	27.95	KBC	PERC	ME
06/05/09	246135	FEPR	27.29	KBC	PERC	ME
06/05/09	246160	FEPR	28.08	KBC	PERC	ME
06/06/09	246184	FEPR	27.89	KBC	PERC	ME
06/06/09	246198	FEPR	27.65	KBC	PERC	ME
06/08/09	246266	FEPR	27.88	KBC	PERC	ME
06/08/09	246301	FEPR	28.00	KBC	PERC	ME
06/08/09	246338	FEPR	27.50	KBC	PERC	ME
06/08/09	246339	FEPR	27.73	KBC	PERC	ME
06/08/09	246361	FEPR	27.10	KBC	PERC	ME
06/09/09	246395	FEPR	27.99	KBC	PERC	ME

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HAMPDEN, MAINE
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06/09/09	246418	FEPR	28.09	KBC	PERC	ME
06/09/09	246445	FEPR	28.06	KBC	PERC	ME
06/09/09	246467	FEPR	28.10	KBC	PERC	ME
06/09/09	246487	FEPR	27.09	KBC	PERC	ME
06/09/09	246516	FEPR	27.89	KBC	PERC	ME
06/09/09	246546	FEPR	27.40	KBC	PERC	ME
06/10/09	246562	FEPR	27.87	KBC	PERC	ME
06/10/09	246581	FEPR	27.77	KBC	PERC	ME
06/10/09	246613	FEPR	27.11	KBC	PERC	ME
06/10/09	246635	FEPR	26.92	KBC	PERC	ME
06/10/09	246649	FEPR	27.34	KBC	PERC	ME
06/10/09	246700	FEPR	27.79	KBC	PERC	ME
06/11/09	246709	FEPR	26.91	KBC	PERC	ME
06/11/09	246726	FEPR	27.20	KBC	PERC	ME
06/11/09	246756	FEPR	27.24	KBC	PERC	ME
06/11/09	246770	FEPR	29.01	KBC	PERC	ME
06/11/09	246777	FEPR	27.26	KBC	PERC	ME
06/11/09	246794	FEPR	27.69	KBC	PERC	ME
06/11/09	246809	FEPR	28.33	KBC	PERC	ME
06/11/09	246826	FEPR	27.99	KBC	PERC	ME
06/12/09	246867	FEPR	27.55	KBC	PERC	ME
06/12/09	246891	FEPR	27.91	KBC	PERC	ME
06/12/09	246918	FEPR	27.90	KBC	PERC	ME
06/12/09	246944	FEPR	27.73	KBC	PERC	ME
06/13/09	247025	FEPR	27.60	KBC	PERC	ME
06/13/09	247043	FEPR	28.16	KBC	PERC	ME
06/13/09	247064	FEPR	28.15	KBC	PERC	ME
06/14/09	247096	FEPR	28.55	KBC	PERC	ME
06/14/09	247101	FEPR	29.22	KBC	PERC	ME
06/15/09	247115	FEPR	27.80	KBC	PERC	ME
06/15/09	247137	FEPR	27.82	KBC	PERC	ME
06/15/09	247161	FEPR	29.01	KBC	PERC	ME
06/15/09	247162	FEPR	27.16	KBC	PERC	ME
06/15/09	247180	FEPR	29.60	KBC	PERC	ME
06/15/09	247181	FEPR	27.01	KBC	PERC	ME
06/15/09	247203	FEPR	27.01	KBC	PERC	ME
06/15/09	247225	FEPR	28.01	KBC	PERC	ME
06/16/09	247267	FEPR	28.22	KBC	PERC	ME
06/16/09	247300	FEPR	27.76	KBC	PERC	ME
06/16/09	247315	FEPR	27.22	KBC	PERC	ME
06/16/09	247347	FEPR	28.03	KBC	PERC	ME
06/16/09	247363	FEPR	27.78	KBC	PERC	ME
06/16/09	247387	FEPR	28.09	KBC	PERC	ME
06/16/09	247413	FEPR	27.84	KBC	PERC	ME
06/17/09	247437	FEPR	28.02	KBC	PERC	ME
06/17/09	247461	FEPR	27.61	KBC	PERC	ME
06/17/09	247483	FEPR	27.86	KBC	PERC	ME
06/17/09	247497	FEPR	27.98	KBC	PERC	ME
06/17/09	247532	FEPR	27.39	KBC	PERC	ME
06/17/09	247540	FEPR	27.43	KBC	PERC	ME
06/18/09	247585	FEPR	28.41	KBC	PERC	ME
06/18/09	247613	FEPR	28.05	KBC	PERC	ME
06/18/09	247648	FEPR	28.09	KBC	PERC	ME
06/18/09	247666	FEPR	27.44	KBC	PERC	ME
06/18/09	247684	FEPR	26.96	KBC	PERC	ME
06/18/09	247691	FEPR	18.85	KBC	PERC	ME
06/19/09	247773	FEPR	28.22	KBC	PERC	ME
06/19/09	247789	FEPR	27.56	KBC	PERC	ME
06/19/09	247792	FEPR	26.07	KBC	PERC	ME
06/19/09	247808	FEPR	27.98	KBC	PERC	ME
06/19/09	247833	FEPR	28.21	KBC	PERC	ME
06/20/09	247857	FEPR	27.65	KBC	PERC	ME
06/20/09	247913	FEPR	28.17	KBC	PERC	ME
06/20/09	247922	FEPR	26.44	KBC	PERC	ME
06/20/09	247932	FEPR	27.96	KBC	PERC	ME
06/22/09	247935	FEPR	28.30	KBC	PERC	ME
06/22/09	247976	FEPR	27.57	KBC	PERC	ME
06/22/09	247977	FEPR	31.43	KBC	PERC	ME
06/22/09	247996	FEPR	30.86	KBC	PERC	ME
06/22/09	247997	FEPR	27.79	KBC	PERC	ME
06/22/09	248025	FEPR	28.05	KBC	PERC	ME
06/22/09	248026	FEPR	30.94	KBC	PERC	ME
06/22/09	248031	FEPR	29.81	KBC	PERC	ME
06/22/09	248042	FEPR	28.06	KBC	PERC	ME
06/22/09	248058	FEPR	30.42	KBC	PERC	ME
06/23/09	248064	FEPR	27.68	KBC	PERC	ME
06/23/09	248121	FEPR	27.56	KBC	PERC	ME
06/23/09	248129	FEPR	30.74	KBC	PERC	ME
06/25/09	248153	FEPR	28.12	KBC	PERC	ME
06/25/09	248386	FEPR	30.58	KBC	PERC	ME
06/25/09	248405	FEPR	31.09	KBC	PERC	ME
06/25/09	248431	FEPR	30.44	KBC	PERC	ME
06/25/09	248450	FEPR	30.60	KBC	PERC	ME

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06/25/09	248470	FEPR	27.70	KBC	PERC	ME
06/26/09	248475	FEPR	26.75	KBC	PERC	ME
06/26/09	248521	FEPR	27.75	KBC	PERC	ME
06/26/09	248543	FEPR	27.85	KBC	PERC	ME
06/26/09	248552	FEPR	29.25	KBC	PERC	ME
06/26/09	248573	FEPR	27.56	KBC	PERC	ME
06/26/09	248592	FEPR	29.31	KBC	PERC	ME
06/28/09	248598	FEPR	28.19	KBC	PERC	ME
06/29/09	248699	FEPR	29.15	KBC	PERC	ME
06/29/09	248718	FEPR	29.71	KBC	PERC	ME
06/29/09	248722	FEPR	26.24	KBC	PERC	ME
06/29/09	248736	FEPR	29.58	KBC	PERC	ME
06/29/09	248740	FEPR	27.45	KBC	PERC	ME
06/29/09	248750	FEPR	29.84	KBC	PERC	ME
06/29/09	248752	FEPR	27.01	KBC	PERC	ME
06/29/09	248762	FEPR	29.50	KBC	PERC	ME
06/30/09	248771	FEPR	26.97	KBC	PERC	ME
06/30/09	248818	FEPR	27.63	KBC	PERC	ME
06/30/09	248831	FEPR	30.38	KBC	PERC	ME
06/30/09	248835	FEPR	26.95	KBC	PERC	ME
06/30/09	248855	FEPR	30.63	KBC	PERC	ME
06/30/09	248861	FEPR	27.54	KBC	PERC	ME
06/30/09	248879	FEPR	30.11	KBC	PERC	ME
06/30/09	248883	FEPR	27.71	KBC	PERC	ME
06/30/09	248909	FEPR	27.18	KBC	PERC	ME
06/26/09	248530	LAUNDRY RESIDUALS	16.02	NE EXPRESS	ALLTEX UNIFORM	NH
06/01/09	245594	SUMP CLEAN OUT	3.63	MDOT	DOT FAIRFIELD DIV/2	ME
06/10/09	246680	URBIN FILL SOILS	29.48	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/10/09	246640	URBIN FILL SOILS	31.00	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/10/09	246650	URBIN FILL SOILS	32.90	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/10/09	246667	URBIN FILL SOILS	34.49	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/10/09	246643	URBIN FILL SOILS	35.65	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/11/09	246841	URBIN FILL SOILS	27.79	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/11/09	246827	URBIN FILL SOILS	29.50	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/11/09	246788	URBIN FILL SOILS	31.94	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/11/09	246819	URBIN FILL SOILS	33.73	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/16/09	247400	URBIN FILL SOILS	35.85	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/16/09	247417	URBIN FILL SOILS	35.98	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/16/09	247414	URBIN FILL SOILS	36.64	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/18/09	247771	URBIN FILL SOILS	34.62	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/18/09	247758	URBIN FILL SOILS	37.27	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/19/09	247891	URBIN FILL SOILS	31.01	RUSSELL	398/RT.44 INVESTMENT TRUST	MA
06/19/09	247880	URBIN FILL SOILS	34.37	RED	398/RT.44 INVESTMENT TRUST	MA
06/19/09	247890	URBIN FILL SOILS	35.54	RUSSELL	398/RT.44 INVESTMENT TRUST	MA
06/19/09	247791	URBIN FILL SOILS	37.05	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/19/09	247881	URBIN FILL SOILS	42.18	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/22/09	248090	URBIN FILL SOILS	33.54	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/22/09	248056	URBIN FILL SOILS	36.99	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/22/09	248085	URBIN FILL SOILS	38.05	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/22/09	248087	URBIN FILL SOILS	39.78	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/23/09	248200	URBIN FILL SOILS	34.43	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/23/09	248218	URBIN FILL SOILS	36.12	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/24/09	248331	URBIN FILL SOILS	33.08	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/24/09	248319	URBIN FILL SOILS	37.32	BRIGHTER	398/RT.44 INVESTMENT TRUST	MA
06/05/09	246107	VIRGIN PET CONT.SOIL	26.62	LAPOINTE	CUTLER NAVAL BASE	ME
06/05/09	246180	VIRGIN PET CONT.SOIL	27.82	GLOBAL REM	CUTLER NAVAL BASE	ME
06/05/09	246108	VIRGIN PET CONT.SOIL	28.42	LAPOINTE	CUTLER NAVAL BASE	ME
06/05/09	246110	VIRGIN PET CONT.SOIL	28.98	GLOBAL	CUTLER NAVAL BASE	ME
06/05/09	246106	VIRGIN PET CONT.SOIL	28.99	AMER	CUTLER NAVAL BASE	ME
06/05/09	246097	VIRGIN PET CONT.SOIL	29.35	AMER	CUTLER NAVAL BASE	ME
06/05/09	246178	VIRGIN PET CONT.SOIL	29.90	GLOBAL REM	CUTLER NAVAL BASE	ME
06/05/09	246179	VIRGIN PET CONT.SOIL	30.58	GLOBAL REM	CUTLER NAVAL BASE	ME
06/05/09	246172	VIRGIN PET CONT.SOIL	31.36	AMER	CUTLER NAVAL BASE	ME
06/05/09	246177	VIRGIN PET CONT.SOIL	31.79	GLOBAL REM	CUTLER NAVAL BASE	ME
06/05/09	246100	VIRGIN PET CONT.SOIL	34.03	MCCABE	CUTLER NAVAL BASE	ME
06/05/09	246173	VIRGIN PET CONT.SOIL	34.43	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246296	VIRGIN PET CONT.SOIL	27.86	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246378	VIRGIN PET CONT.SOIL	27.94	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246292	VIRGIN PET CONT.SOIL	29.29	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246298	VIRGIN PET CONT.SOIL	29.87	GLOBAL	CUTLER NAVAL BASE	ME
06/08/09	246379	VIRGIN PET CONT.SOIL	30.42	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246371	VIRGIN PET CONT.SOIL	30.72	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246366	VIRGIN PET CONT.SOIL	30.79	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246369	VIRGIN PET CONT.SOIL	31.12	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246375	VIRGIN PET CONT.SOIL	31.13	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246359	VIRGIN PET CONT.SOIL	31.14	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246293	VIRGIN PET CONT.SOIL	31.28	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246297	VIRGIN PET CONT.SOIL	31.39	GLOBAL	CUTLER NAVAL BASE	ME
06/08/09	246288	VIRGIN PET CONT.SOIL	31.50	GLOBAL REM	CUTLER NAVAL BASE	ME

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06/08/09	246357	VIRGIN PET CONT.SOIL	31.54	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246365	VIRGIN PET CONT.SOIL	31.89	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246376	VIRGIN PET CONT.SOIL	32.11	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246291	VIRGIN PET CONT.SOIL	32.20	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246289	VIRGIN PET CONT.SOIL	32.37	MCCABE	CUTLER NAVAL BASE	ME
06/08/09	246299	VIRGIN PET CONT.SOIL	32.41	GLOBAL REM	CUTLER NAVAL BASE	ME
06/08/09	246302	VIRGIN PET CONT.SOIL	33.32	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246529	VIRGIN PET CONT.SOIL	27.23	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246543	VIRGIN PET CONT.SOIL	27.83	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246436	VIRGIN PET CONT.SOIL	28.37	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246544	VIRGIN PET CONT.SOIL	28.64	MCCABE	CUTLER NAVAL BASE	ME
06/09/09	246531	VIRGIN PET CONT.SOIL	28.82	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246434	VIRGIN PET CONT.SOIL	29.03	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246553	VIRGIN PET CONT.SOIL	29.07	GLOBAL	CUTLER NAVAL BASE	ME
06/09/09	246549	VIRGIN PET CONT.SOIL	29.12	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246453	VIRGIN PET CONT.SOIL	29.13	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246443	VIRGIN PET CONT.SOIL	29.47	MCCABE	CUTLER NAVAL BASE	ME
06/09/09	246473	VIRGIN PET CONT.SOIL	30.17	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246447	VIRGIN PET CONT.SOIL	30.32	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246446	VIRGIN PET CONT.SOIL	30.49	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246440	VIRGIN PET CONT.SOIL	30.73	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246472	VIRGIN PET CONT.SOIL	31.14	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246526	VIRGIN PET CONT.SOIL	31.25	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246539	VIRGIN PET CONT.SOIL	31.78	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246435	VIRGIN PET CONT.SOIL	31.94	GLOBAL REM	CUTLER NAVAL BASE	ME
06/09/09	246535	VIRGIN PET CONT.SOIL	31.96	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246608	VIRGIN PET CONT.SOIL	27.53	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246664	VIRGIN PET CONT.SOIL	28.54	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246599	VIRGIN PET CONT.SOIL	29.51	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246603	VIRGIN PET CONT.SOIL	29.52	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246610	VIRGIN PET CONT.SOIL	29.54	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246615	VIRGIN PET CONT.SOIL	29.54	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246690	VIRGIN PET CONT.SOIL	29.56	GLOBAL	CUTLER NAVAL BASE	ME
06/10/09	246674	VIRGIN PET CONT.SOIL	29.72	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246676	VIRGIN PET CONT.SOIL	29.89	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246675	VIRGIN PET CONT.SOIL	30.08	GLOBAL	CUTLER NAVAL BASE	ME
06/10/09	246669	VIRGIN PET CONT.SOIL	30.15	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246597	VIRGIN PET CONT.SOIL	30.53	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246606	VIRGIN PET CONT.SOIL	30.53	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246666	VIRGIN PET CONT.SOIL	30.61	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246611	VIRGIN PET CONT.SOIL	30.65	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246691	VIRGIN PET CONT.SOIL	30.78	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246687	VIRGIN PET CONT.SOIL	30.81	GLOBAL	CUTLER NAVAL BASE	ME
06/10/09	246684	VIRGIN PET CONT.SOIL	31.03	GLOBAL	CUTLER NAVAL BASE	ME
06/10/09	246616	VIRGIN PET CONT.SOIL	31.06	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246662	VIRGIN PET CONT.SOIL	31.11	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246617	VIRGIN PET CONT.SOIL	31.15	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246601	VIRGIN PET CONT.SOIL	31.43	MCCABE	CUTLER NAVAL BASE	ME
06/10/09	246663	VIRGIN PET CONT.SOIL	31.47	GLOBAL REM	CUTLER NAVAL BASE	ME
06/10/09	246609	VIRGIN PET CONT.SOIL	32.54	MCCABE	CUTLER NAVAL BASE	ME
06/11/09	246804	VIRGIN PET CONT.SOIL	28.83	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246740	VIRGIN PET CONT.SOIL	28.86	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246739	VIRGIN PET CONT.SOIL	28.94	MCCABE	CUTLER NAVAL BASE	ME
06/11/09	246745	VIRGIN PET CONT.SOIL	29.70	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246754	VIRGIN PET CONT.SOIL	29.83	GLOBAL	CUTLER NAVAL BASE	ME
06/11/09	246843	VIRGIN PET CONT.SOIL	30.08	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246760	VIRGIN PET CONT.SOIL	30.25	AMER	CUTLER NAVAL BASE	ME
06/11/09	246825	VIRGIN PET CONT.SOIL	30.55	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246803	VIRGIN PET CONT.SOIL	30.70	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246755	VIRGIN PET CONT.SOIL	30.75	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246846	VIRGIN PET CONT.SOIL	30.85	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246759	VIRGIN PET CONT.SOIL	30.97	AMER	CUTLER NAVAL BASE	ME
06/11/09	246749	VIRGIN PET CONT.SOIL	31.01	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246836	VIRGIN PET CONT.SOIL	31.01	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246747	VIRGIN PET CONT.SOIL	31.12	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246762	VIRGIN PET CONT.SOIL	31.12	WC	CUTLER NAVAL BASE	ME
06/11/09	246734	VIRGIN PET CONT.SOIL	31.13	MCCABE	CUTLER NAVAL BASE	ME
06/11/09	246853	VIRGIN PET CONT.SOIL	31.28	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246850	VIRGIN PET CONT.SOIL	32.21	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246757	VIRGIN PET CONT.SOIL	32.49	AMER	CUTLER NAVAL BASE	ME
06/11/09	246832	VIRGIN PET CONT.SOIL	32.61	GLOBAL	CUTLER NAVAL BASE	ME
06/11/09	246834	VIRGIN PET CONT.SOIL	32.76	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246812	VIRGIN PET CONT.SOIL	33.37	GLOBAL REM	CUTLER NAVAL BASE	ME
06/11/09	246842	VIRGIN PET CONT.SOIL	34.21	GLOBAL REM	CUTLER NAVAL BASE	ME
06/12/09	246894	VIRGIN PET CONT.SOIL	28.21	GLOBAL	CUTLER NAVAL BASE	ME
06/12/09	246893	VIRGIN PET CONT.SOIL	28.60	GLOBAL	CUTLER NAVAL BASE	ME
06/12/09	246995	VIRGIN PET CONT.SOIL	29.33	BRANCH	CUTLER NAVAL BASE	ME
06/12/09	247014	VIRGIN PET CONT.SOIL	29.33	GURISSI	CUTLER NAVAL BASE	ME
06/12/09	246892	VIRGIN PET CONT.SOIL	29.47	TUFTS	CUTLER NAVAL BASE	ME
06/12/09	246913	VIRGIN PET CONT.SOIL	29.53	AMER	CUTLER NAVAL BASE	ME
06/12/09	246902	VIRGIN PET CONT.SOIL	29.81	AMER	CUTLER NAVAL BASE	ME
06/12/09	247008	VIRGIN PET CONT.SOIL	29.86	AMER	CUTLER NAVAL BASE	ME
06/12/09	246911	VIRGIN PET CONT.SOIL	29.91	WC	CUTLER NAVAL BASE	ME

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06/12/09	246903	VIRGIN PET CONT.SOIL	30.10	GLOBAL	CUTLER NAVAL BASE	ME
06/12/09	246996	VIRGIN PET CONT.SOIL	30.21	AMER	CUTLER NAVAL BASE	ME
06/12/09	246909	VIRGIN PET CONT.SOIL	30.43	AMER	CUTLER NAVAL BASE	ME
06/12/09	246992	VIRGIN PET CONT.SOIL	30.44	AMER	CUTLER NAVAL BASE	ME
06/12/09	246981	VIRGIN PET CONT.SOIL	30.46	GLOBAL REM	CUTLER NAVAL BASE	ME
06/12/09	247012	VIRGIN PET CONT.SOIL	31.11	AMER	CUTLER NAVAL BASE	ME
06/12/09	246984	VIRGIN PET CONT.SOIL	31.12	LAPLANT	CUTLER NAVAL BASE	ME
06/12/09	246975	VIRGIN PET CONT.SOIL	31.16	TUFTS	CUTLER NAVAL BASE	ME
06/12/09	246896	VIRGIN PET CONT.SOIL	31.19	LAPLANT	CUTLER NAVAL BASE	ME
06/12/09	246994	VIRGIN PET CONT.SOIL	31.70	GLOBAL	CUTLER NAVAL BASE	ME
06/12/09	246908	VIRGIN PET CONT.SOIL	31.74	AMER	CUTLER NAVAL BASE	ME
06/12/09	246895	VIRGIN PET CONT.SOIL	32.66	LAPLANT	CUTLER NAVAL BASE	ME
06/12/09	246904	VIRGIN PET CONT.SOIL	34.93	LAPLANT	CUTLER NAVAL BASE	ME
06/15/09	247144	VIRGIN PET CONT.SOIL	27.39	GLOBAL	CUTLER NAVAL BASE	ME
06/15/09	247148	VIRGIN PET CONT.SOIL	27.92	AMER	CUTLER NAVAL BASE	ME
06/15/09	247127	VIRGIN PET CONT.SOIL	28.06	GLOBAL REM	CUTLER NAVAL BASE	ME
06/15/09	247147	VIRGIN PET CONT.SOIL	28.73	GLOBAL	CUTLER NAVAL BASE	ME
06/15/09	247143	VIRGIN PET CONT.SOIL	28.83	GLOBAL REM	CUTLER NAVAL BASE	ME
06/15/09	247152	VIRGIN PET CONT.SOIL	28.94	WC	CUTLER NAVAL BASE	ME
06/15/09	247214	VIRGIN PET CONT.SOIL	28.96	GLOBAL	CUTLER NAVAL BASE	ME
06/15/09	247232	VIRGIN PET CONT.SOIL	29.01	AMER	CUTLER NAVAL BASE	ME
06/15/09	247150	VIRGIN PET CONT.SOIL	29.21	AMER	CUTLER NAVAL BASE	ME
06/15/09	247236	VIRGIN PET CONT.SOIL	29.22	AMER	CUTLER NAVAL BASE	ME
06/15/09	247213	VIRGIN PET CONT.SOIL	29.24	GLOBAL	CUTLER NAVAL BASE	ME
06/15/09	247221	VIRGIN PET CONT.SOIL	29.91	GLOBAL	CUTLER NAVAL BASE	ME
06/15/09	247228	VIRGIN PET CONT.SOIL	30.54	GURISSI	CUTLER NAVAL BASE	ME
06/15/09	247157	VIRGIN PET CONT.SOIL	30.55	BRANCH	CUTLER NAVAL BASE	ME
06/15/09	247132	VIRGIN PET CONT.SOIL	30.56	L&L TKING	CUTLER NAVAL BASE	ME
06/15/09	247138	VIRGIN PET CONT.SOIL	30.80	LAPLANT	CUTLER NAVAL BASE	ME
06/15/09	247207	VIRGIN PET CONT.SOIL	30.90	GLOBAL REM	CUTLER NAVAL BASE	ME
06/15/09	247208	VIRGIN PET CONT.SOIL	31.52	TUFTS	CUTLER NAVAL BASE	ME
06/15/09	247159	VIRGIN PET CONT.SOIL	31.69	BRANCH	CUTLER NAVAL BASE	ME
06/15/09	247235	VIRGIN PET CONT.SOIL	31.82	TUFTS	CUTLER NAVAL BASE	ME
06/15/09	247220	VIRGIN PET CONT.SOIL	32.02	GLOBAL	CUTLER NAVAL BASE	ME
06/15/09	247153	VIRGIN PET CONT.SOIL	32.12	TUFTS	CUTLER NAVAL BASE	ME
06/15/09	247240	VIRGIN PET CONT.SOIL	32.21	BRANCH	CUTLER NAVAL BASE	ME
06/15/09	247135	VIRGIN PET CONT.SOIL	32.65	LAPLANT	CUTLER NAVAL BASE	ME
06/15/09	247238	VIRGIN PET CONT.SOIL	32.81	BRANCH	CUTLER NAVAL BASE	ME
06/15/09	247130	VIRGIN PET CONT.SOIL	33.32	GLOBAL	CUTLER NAVAL BASE	ME
06/16/09	247404	VIRGIN PET CONT.SOIL	28.91	AMER	CUTLER NAVAL BASE	ME
06/16/09	247318	VIRGIN PET CONT.SOIL	28.94	AMER	CUTLER NAVAL BASE	ME
06/16/09	247297	VIRGIN PET CONT.SOIL	29.14	LAPLANT	CUTLER NAVAL BASE	ME
06/16/09	247405	VIRGIN PET CONT.SOIL	29.31	AMER	CUTLER NAVAL BASE	ME
06/16/09	247398	VIRGIN PET CONT.SOIL	29.56	BRANCH	CUTLER NAVAL BASE	ME
06/16/09	247382	VIRGIN PET CONT.SOIL	29.83	LAPLANT	CUTLER NAVAL BASE	ME
06/16/09	247380	VIRGIN PET CONT.SOIL	30.39	LAPLANT	CUTLER NAVAL BASE	ME
06/16/09	247316	VIRGIN PET CONT.SOIL	30.45	AMER	CUTLER NAVAL BASE	ME
06/16/09	247389	VIRGIN PET CONT.SOIL	30.52	LAPLANT	CUTLER NAVAL BASE	ME
06/16/09	247403	VIRGIN PET CONT.SOIL	30.55	AMER	CUTLER NAVAL BASE	ME
06/16/09	247326	VIRGIN PET CONT.SOIL	30.73	BRANCH	CUTLER NAVAL BASE	ME
06/16/09	247323	VIRGIN PET CONT.SOIL	30.84	BRANCH	CUTLER NAVAL BASE	ME
06/16/09	247375	VIRGIN PET CONT.SOIL	30.86	TUFTS	CUTLER NAVAL BASE	ME
06/16/09	247305	VIRGIN PET CONT.SOIL	30.90	WC	CUTLER NAVAL BASE	ME
06/16/09	247392	VIRGIN PET CONT.SOIL	30.93	WC	CUTLER NAVAL BASE	ME
06/16/09	247287	VIRGIN PET CONT.SOIL	31.00	GLOBAL	CUTLER NAVAL BASE	ME
06/16/09	247401	VIRGIN PET CONT.SOIL	31.03	BRANCH	CUTLER NAVAL BASE	ME
06/16/09	247378	VIRGIN PET CONT.SOIL	31.08	L&L TKING	CUTLER NAVAL BASE	ME
06/16/09	247294	VIRGIN PET CONT.SOIL	31.14	L&L TKING	CUTLER NAVAL BASE	ME
06/16/09	247395	VIRGIN PET CONT.SOIL	31.20	GLOBAL	CUTLER NAVAL BASE	ME
06/16/09	247312	VIRGIN PET CONT.SOIL	31.35	AMER	CUTLER NAVAL BASE	ME
06/16/09	247311	VIRGIN PET CONT.SOIL	31.80	TUFTS	CUTLER NAVAL BASE	ME
06/16/09	247295	VIRGIN PET CONT.SOIL	31.89	TUFTS	CUTLER NAVAL BASE	ME
06/16/09	247374	VIRGIN PET CONT.SOIL	31.91	GLOBAL	CUTLER NAVAL BASE	ME
06/16/09	247371	VIRGIN PET CONT.SOIL	31.97	GLOBAL	CUTLER NAVAL BASE	ME
06/16/09	247286	VIRGIN PET CONT.SOIL	32.31	GLOBAL REM	CUTLER NAVAL BASE	ME
06/16/09	247301	VIRGIN PET CONT.SOIL	32.44	LAPLANT	CUTLER NAVAL BASE	ME
06/16/09	247298	VIRGIN PET CONT.SOIL	35.67	LAPLANT	CUTLER NAVAL BASE	ME
06/17/09	247457	VIRGIN PET CONT.SOIL	27.03	LAPLANT	CUTLER NAVAL BASE	ME
06/17/09	247558	VIRGIN PET CONT.SOIL	28.83	WC	CUTLER NAVAL BASE	ME
06/17/09	247533	VIRGIN PET CONT.SOIL	28.84	LAPLANT	CUTLER NAVAL BASE	ME
06/17/09	247556	VIRGIN PET CONT.SOIL	28.89	GLOBAL	CUTLER NAVAL BASE	ME
06/17/09	247471	VIRGIN PET CONT.SOIL	28.95	GURISSI	CUTLER NAVAL BASE	ME
06/17/09	247560	VIRGIN PET CONT.SOIL	29.12	AMER	CUTLER NAVAL BASE	ME
06/17/09	247470	VIRGIN PET CONT.SOIL	29.13	AMER	CUTLER NAVAL BASE	ME
06/17/09	247458	VIRGIN PET CONT.SOIL	29.46	LAPLANT	CUTLER NAVAL BASE	ME
06/17/09	247536	VIRGIN PET CONT.SOIL	29.57	L&L TKING	CUTLER NAVAL BASE	ME
06/17/09	247466	VIRGIN PET CONT.SOIL	29.79	AMER	CUTLER NAVAL BASE	ME
06/17/09	247554	VIRGIN PET CONT.SOIL	30.08	AMER	CUTLER NAVAL BASE	ME
06/17/09	247569	VIRGIN PET CONT.SOIL	30.15	AMER	CUTLER NAVAL BASE	ME
06/17/09	247454	VIRGIN PET CONT.SOIL	30.32	GLOBAL REM	CUTLER NAVAL BASE	ME
06/17/09	247474	VIRGIN PET CONT.SOIL	30.39	AMER	CUTLER NAVAL BASE	ME
06/17/09	247549	VIRGIN PET CONT.SOIL	30.39	LAPLANT	CUTLER NAVAL BASE	ME
06/17/09	247513	VIRGIN PET CONT.SOIL	30.42	LAPLANT	CUTLER NAVAL BASE	ME

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06/17/09	247450	VIRGIN PET CONT.SOIL	30.44	LAPLANT	CUTLER NAVAL BASE	ME
06/17/09	247563	VIRGIN PET CONT.SOIL	30.76	BRANCH	CUTLER NAVAL BASE	ME
06/17/09	247538	VIRGIN PET CONT.SOIL	31.30	GLOBAL	CUTLER NAVAL BASE	ME
06/17/09	247477	VIRGIN PET CONT.SOIL	31.31	BRANCH	CUTLER NAVAL BASE	ME
06/17/09	247472	VIRGIN PET CONT.SOIL	31.53	BRANCH	CUTLER NAVAL BASE	ME
06/17/09	247456	VIRGIN PET CONT.SOIL	31.60	L&L TKING	CUTLER NAVAL BASE	ME
06/17/09	247541	VIRGIN PET CONT.SOIL	31.70	TUFTS	CUTLER NAVAL BASE	ME
06/17/09	247529	VIRGIN PET CONT.SOIL	31.75	GLOBAL	CUTLER NAVAL BASE	ME
06/17/09	247455	VIRGIN PET CONT.SOIL	31.87	TUFTS	CUTLER NAVAL BASE	ME
06/17/09	247565	VIRGIN PET CONT.SOIL	31.97	BRANCH	CUTLER NAVAL BASE	ME
06/17/09	247449	VIRGIN PET CONT.SOIL	32.17	GLOBAL	CUTLER NAVAL BASE	ME
06/17/09	247467	VIRGIN PET CONT.SOIL	32.98	TUFTS	CUTLER NAVAL BASE	ME
06/18/09	247627	VIRGIN PET CONT.SOIL	29.41	GLOBAL REM	CUTLER NAVAL BASE	ME
06/18/09	247752	VIRGIN PET CONT.SOIL	29.45	AMER	CUTLER NAVAL BASE	ME
06/18/09	247639	VIRGIN PET CONT.SOIL	29.57	LAPLANT	CUTLER NAVAL BASE	ME
06/18/09	247650	VIRGIN PET CONT.SOIL	29.75	AMER	CUTLER NAVAL BASE	ME
06/18/09	247743	VIRGIN PET CONT.SOIL	29.84	AMER	CUTLER NAVAL BASE	ME
06/18/09	247735	VIRGIN PET CONT.SOIL	30.17	GLOBAL	CUTLER NAVAL BASE	ME
06/18/09	247644	VIRGIN PET CONT.SOIL	30.52	BRANCH	CUTLER NAVAL BASE	ME
06/18/09	247620	VIRGIN PET CONT.SOIL	30.53	L&L TKING	CUTLER NAVAL BASE	ME
06/18/09	247742	VIRGIN PET CONT.SOIL	30.53	WC	CUTLER NAVAL BASE	ME
06/18/09	247723	VIRGIN PET CONT.SOIL	30.56	GLOBAL	CUTLER NAVAL BASE	ME
06/18/09	247719	VIRGIN PET CONT.SOIL	30.64	GLOBAL	CUTLER NAVAL BASE	ME
06/18/09	247731	VIRGIN PET CONT.SOIL	30.65	LAPLANT	CUTLER NAVAL BASE	ME
06/18/09	247649	VIRGIN PET CONT.SOIL	30.77	TUFTS	CUTLER NAVAL BASE	ME
06/18/09	247720	VIRGIN PET CONT.SOIL	30.83	LAPLANT	CUTLER NAVAL BASE	ME
06/18/09	247630	VIRGIN PET CONT.SOIL	30.86	GLOBAL REM	CUTLER NAVAL BASE	ME
06/18/09	247645	VIRGIN PET CONT.SOIL	30.86	BRANCH	CUTLER NAVAL BASE	ME
06/18/09	247656	VIRGIN PET CONT.SOIL	30.89	AMER	CUTLER NAVAL BASE	ME
06/18/09	247705	VIRGIN PET CONT.SOIL	30.92	L&L TKING	CUTLER NAVAL BASE	ME
06/18/09	247754	VIRGIN PET CONT.SOIL	31.08	AMER	CUTLER NAVAL BASE	ME
06/18/09	247632	VIRGIN PET CONT.SOIL	31.26	LAPLANT	CUTLER NAVAL BASE	ME
06/18/09	247700	VIRGIN PET CONT.SOIL	31.44	LAPLANT	CUTLER NAVAL BASE	ME
06/18/09	247734	VIRGIN PET CONT.SOIL	31.52	BRANCH	CUTLER NAVAL BASE	ME
06/18/09	247647	VIRGIN PET CONT.SOIL	31.75	GURISSI	CUTLER NAVAL BASE	ME
06/18/09	247739	VIRGIN PET CONT.SOIL	31.90	TUFTS	CUTLER NAVAL BASE	ME
06/18/09	247631	VIRGIN PET CONT.SOIL	31.93	TUFTS	CUTLER NAVAL BASE	ME
06/18/09	247703	VIRGIN PET CONT.SOIL	32.07	TUFTS	CUTLER NAVAL BASE	ME
06/18/09	247638	VIRGIN PET CONT.SOIL	32.13	LAPLANT	CUTLER NAVAL BASE	ME
06/18/09	247654	VIRGIN PET CONT.SOIL	32.25	AMER	CUTLER NAVAL BASE	ME
06/19/09	247868	VIRGIN PET CONT.SOIL	29.27	GLOBAL REM	CUTLER NAVAL BASE	ME
06/19/09	247831	VIRGIN PET CONT.SOIL	29.85	AMER	CUTLER NAVAL BASE	ME
06/19/09	247895	VIRGIN PET CONT.SOIL	30.02	AMER	CUTLER NAVAL BASE	ME
06/19/09	247832	VIRGIN PET CONT.SOIL	30.04	AMER	CUTLER NAVAL BASE	ME
06/19/09	247834	VIRGIN PET CONT.SOIL	30.14	GLOBAL	CUTLER NAVAL BASE	ME
06/19/09	247828	VIRGIN PET CONT.SOIL	30.20	WC	CUTLER NAVAL BASE	ME
06/19/09	247892	VIRGIN PET CONT.SOIL	30.31	GURISSI	CUTLER NAVAL BASE	ME
06/19/09	247875	VIRGIN PET CONT.SOIL	30.37	GLOBAL REM	CUTLER NAVAL BASE	ME
06/19/09	247883	VIRGIN PET CONT.SOIL	30.43	TUFTS	CUTLER NAVAL BASE	ME
06/19/09	247821	VIRGIN PET CONT.SOIL	30.57	LAPLANT	CUTLER NAVAL BASE	ME
06/19/09	247813	VIRGIN PET CONT.SOIL	30.61	LAPLANT	CUTLER NAVAL BASE	ME
06/19/09	247886	VIRGIN PET CONT.SOIL	30.65	LAPLANT	CUTLER NAVAL BASE	ME
06/19/09	247863	VIRGIN PET CONT.SOIL	30.77	LAPLANT	CUTLER NAVAL BASE	ME
06/19/09	247872	VIRGIN PET CONT.SOIL	30.92	L&L TKING	CUTLER NAVAL BASE	ME
06/19/09	247902	VIRGIN PET CONT.SOIL	30.94	AMER	CUTLER NAVAL BASE	ME
06/19/09	247815	VIRGIN PET CONT.SOIL	31.16	GLOBAL REM	CUTLER NAVAL BASE	ME
06/19/09	247829	VIRGIN PET CONT.SOIL	31.20	BRANCH	CUTLER NAVAL BASE	ME
06/19/09	247812	VIRGIN PET CONT.SOIL	31.34	LAPLANT	CUTLER NAVAL BASE	ME
06/19/09	247893	VIRGIN PET CONT.SOIL	31.34	BRANCH	CUTLER NAVAL BASE	ME
06/19/09	247818	VIRGIN PET CONT.SOIL	31.35	TUFTS	CUTLER NAVAL BASE	ME
06/19/09	247885	VIRGIN PET CONT.SOIL	31.53	BRANCH	CUTLER NAVAL BASE	ME
06/19/09	247862	VIRGIN PET CONT.SOIL	31.78	LAPLANT	CUTLER NAVAL BASE	ME
06/19/09	247824	VIRGIN PET CONT.SOIL	31.83	TUFTS	CUTLER NAVAL BASE	ME
06/19/09	247820	VIRGIN PET CONT.SOIL	32.30	L&L TKING	CUTLER NAVAL BASE	ME
06/19/09	247811	VIRGIN PET CONT.SOIL	32.61	GLOBAL REM	CUTLER NAVAL BASE	ME
06/19/09	247871	VIRGIN PET CONT.SOIL	32.80	TUFTS	CUTLER NAVAL BASE	ME
06/22/09	248099	VIRGIN PET CONT.SOIL	28.25	AMER	CUTLER NAVAL BASE	ME
06/22/09	248096	VIRGIN PET CONT.SOIL	29.25	AMER	CUTLER NAVAL BASE	ME
06/22/09	248001	VIRGIN PET CONT.SOIL	29.41	GLOBAL REM	CUTLER NAVAL BASE	ME
06/22/09	248077	VIRGIN PET CONT.SOIL	29.78	GLOBAL	CUTLER NAVAL BASE	ME
06/22/09	248027	VIRGIN PET CONT.SOIL	29.89	BRANCH	CUTLER NAVAL BASE	ME
06/22/09	248102	VIRGIN PET CONT.SOIL	30.21	WC	CUTLER NAVAL BASE	ME
06/22/09	248037	VIRGIN PET CONT.SOIL	30.24	AMER	CUTLER NAVAL BASE	ME
06/22/09	248098	VIRGIN PET CONT.SOIL	30.39	GLOBAL	CUTLER NAVAL BASE	ME
06/22/09	248034	VIRGIN PET CONT.SOIL	30.62	AMER	CUTLER NAVAL BASE	ME
06/22/09	248079	VIRGIN PET CONT.SOIL	30.63	LAPLANT	CUTLER NAVAL BASE	ME
06/22/09	248003	VIRGIN PET CONT.SOIL	30.73	TUFTS	CUTLER NAVAL BASE	ME
06/22/09	248030	VIRGIN PET CONT.SOIL	30.96	BRANCH	CUTLER NAVAL BASE	ME
06/22/09	248040	VIRGIN PET CONT.SOIL	30.98	LAPLANT	CUTLER NAVAL BASE	ME
06/22/09	248086	VIRGIN PET CONT.SOIL	31.01	LAPLANT	CUTLER NAVAL BASE	ME
06/22/09	248038	VIRGIN PET CONT.SOIL	31.15	GURISSI	CUTLER NAVAL BASE	ME
06/22/09	248039	VIRGIN PET CONT.SOIL	31.17	GLOBAL REM	CUTLER NAVAL BASE	ME
06/22/09	248004	VIRGIN PET CONT.SOIL	31.20	LAPLANT	CUTLER NAVAL BASE	ME

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06/22/09	248097	VIRGIN PET CONT.SOIL	31.71	BRANCH	CUTLER NAVAL BASE	ME
06/22/09	248075	VIRGIN PET CONT.SOIL	31.76	TUFTS	CUTLER NAVAL BASE	ME
06/22/09	248094	VIRGIN PET CONT.SOIL	32.03	TUFTS	CUTLER NAVAL BASE	ME
06/22/09	248100	VIRGIN PET CONT.SOIL	33.03	GLOBAL	CUTLER NAVAL BASE	ME
06/22/09	248006	VIRGIN PET CONT.SOIL	33.17	GLOBAL REM	CUTLER NAVAL BASE	ME
06/23/09	248141	VIRGIN PET CONT.SOIL	28.37	LAPLANT	CUTLER NAVAL BASE	ME
06/23/09	248152	VIRGIN PET CONT.SOIL	28.55	GURISSI	CUTLER NAVAL BASE	ME
06/23/09	248216	VIRGIN PET CONT.SOIL	28.95	LAPLANT	CUTLER NAVAL BASE	ME
06/23/09	248154	VIRGIN PET CONT.SOIL	29.46	AMER	CUTLER NAVAL BASE	ME
06/23/09	248147	VIRGIN PET CONT.SOIL	29.84	LAPLANT	CUTLER NAVAL BASE	ME
06/23/09	248232	VIRGIN PET CONT.SOIL	29.92	AMER	CUTLER NAVAL BASE	ME
06/23/09	248236	VIRGIN PET CONT.SOIL	30.00	WC	CUTLER NAVAL BASE	ME
06/23/09	248226	VIRGIN PET CONT.SOIL	30.03	AMER	CUTLER NAVAL BASE	ME
06/23/09	248140	VIRGIN PET CONT.SOIL	30.15	LAPLANT	CUTLER NAVAL BASE	ME
06/23/09	248161	VIRGIN PET CONT.SOIL	30.25	AMER	CUTLER NAVAL BASE	ME
06/23/09	248230	VIRGIN PET CONT.SOIL	30.28	BRANCH	CUTLER NAVAL BASE	ME
06/23/09	248149	VIRGIN PET CONT.SOIL	30.34	TUFTS	CUTLER NAVAL BASE	ME
06/23/09	248155	VIRGIN PET CONT.SOIL	30.36	BRANCH	CUTLER NAVAL BASE	ME
06/23/09	248202	VIRGIN PET CONT.SOIL	31.13	TUFTS	CUTLER NAVAL BASE	ME
06/23/09	248225	VIRGIN PET CONT.SOIL	31.24	TUFTS	CUTLER NAVAL BASE	ME
06/23/09	248134	VIRGIN PET CONT.SOIL	31.32	TUFTS	CUTLER NAVAL BASE	ME
06/23/09	248136	VIRGIN PET CONT.SOIL	31.32	GLOBAL REM	CUTLER NAVAL BASE	ME
06/23/09	248204	VIRGIN PET CONT.SOIL	31.44	GLOBAL	CUTLER NAVAL BASE	ME
06/23/09	248206	VIRGIN PET CONT.SOIL	31.63	LAPLANT	CUTLER NAVAL BASE	ME
06/23/09	248156	VIRGIN PET CONT.SOIL	31.84	BRANCH	CUTLER NAVAL BASE	ME
06/23/09	248219	VIRGIN PET CONT.SOIL	31.95	BRANCH	CUTLER NAVAL BASE	ME
06/24/09	248352	VIRGIN PET CONT.SOIL	26.94	LAPLANT	CUTLER NAVAL BASE	ME
06/24/09	248375	VIRGIN PET CONT.SOIL	28.21	AMER	CUTLER NAVAL BASE	ME
06/24/09	248286	VIRGIN PET CONT.SOIL	29.48	AMER	CUTLER NAVAL BASE	ME
06/24/09	248299	VIRGIN PET CONT.SOIL	29.62	AMER	CUTLER NAVAL BASE	ME
06/24/09	248360	VIRGIN PET CONT.SOIL	29.76	WC	CUTLER NAVAL BASE	ME
06/24/09	248365	VIRGIN PET CONT.SOIL	30.02	BRANCH	CUTLER NAVAL BASE	ME
06/24/09	248349	VIRGIN PET CONT.SOIL	30.08	GLOBAL	CUTLER NAVAL BASE	ME
06/24/09	248374	VIRGIN PET CONT.SOIL	30.11	AMER	CUTLER NAVAL BASE	ME
06/24/09	248353	VIRGIN PET CONT.SOIL	30.12	AMER	CUTLER NAVAL BASE	ME
06/24/09	248295	VIRGIN PET CONT.SOIL	30.17	AMER	CUTLER NAVAL BASE	ME
06/24/09	248368	VIRGIN PET CONT.SOIL	30.29	AMER	CUTLER NAVAL BASE	ME
06/24/09	248301	VIRGIN PET CONT.SOIL	30.40	AMER	CUTLER NAVAL BASE	ME
06/24/09	248278	VIRGIN PET CONT.SOIL	31.21	LAPLANT	CUTLER NAVAL BASE	ME
06/24/09	248281	VIRGIN PET CONT.SOIL	31.22	TUFTS	CUTLER NAVAL BASE	ME
06/24/09	248287	VIRGIN PET CONT.SOIL	31.31	GURISSI	CUTLER NAVAL BASE	ME
06/24/09	248338	VIRGIN PET CONT.SOIL	31.49	TUFTS	CUTLER NAVAL BASE	ME
06/24/09	248288	VIRGIN PET CONT.SOIL	31.52	TUFTS	CUTLER NAVAL BASE	ME
06/24/09	248283	VIRGIN PET CONT.SOIL	31.58	LAPLANT	CUTLER NAVAL BASE	ME
06/24/09	248277	VIRGIN PET CONT.SOIL	31.59	GLOBAL REM	CUTLER NAVAL BASE	ME
06/24/09	248347	VIRGIN PET CONT.SOIL	31.80	BRANCH	CUTLER NAVAL BASE	ME
06/24/09	248282	VIRGIN PET CONT.SOIL	31.91	BRANCH	CUTLER NAVAL BASE	ME
06/24/09	248362	VIRGIN PET CONT.SOIL	32.15	TUFTS	CUTLER NAVAL BASE	ME
06/24/09	248350	VIRGIN PET CONT.SOIL	32.65	LAPLANT	CUTLER NAVAL BASE	ME
06/24/09	248285	VIRGIN PET CONT.SOIL	33.41	BRANCH	CUTLER NAVAL BASE	ME
06/25/09	248456	VIRGIN PET CONT.SOIL	29.26	GLOBAL	CUTLER NAVAL BASE	ME
06/25/09	248426	VIRGIN PET CONT.SOIL	29.87	BRANCH	CUTLER NAVAL BASE	ME
06/25/09	248415	VIRGIN PET CONT.SOIL	31.03	GLOBAL	CUTLER NAVAL BASE	ME
06/25/09	248428	VIRGIN PET CONT.SOIL	31.10	WC	CUTLER NAVAL BASE	ME
06/25/09	248487	VIRGIN PET CONT.SOIL	31.17	GLOBAL REM	CUTLER NAVAL BASE	ME
06/25/09	248401	VIRGIN PET CONT.SOIL	31.19	LAPLANT	CUTLER NAVAL BASE	ME
06/25/09	248427	VIRGIN PET CONT.SOIL	31.58	BRANCH	CUTLER NAVAL BASE	ME
06/25/09	248423	VIRGIN PET CONT.SOIL	31.75	TUFTS	CUTLER NAVAL BASE	ME
06/25/09	248504	VIRGIN PET CONT.SOIL	31.95	GURISSI	CUTLER NAVAL BASE	ME
06/25/09	248419	VIRGIN PET CONT.SOIL	32.38	TUFTS	CUTLER NAVAL BASE	ME
06/25/09	248482	VIRGIN PET CONT.SOIL	32.49	TUFTS	CUTLER NAVAL BASE	ME
06/25/09	248500	VIRGIN PET CONT.SOIL	32.73	TUFTS	CUTLER NAVAL BASE	ME
06/25/09	248501	VIRGIN PET CONT.SOIL	32.93	BRANCH	CUTLER NAVAL BASE	ME
06/25/09	248490	VIRGIN PET CONT.SOIL	34.66	BRANCH	CUTLER NAVAL BASE	ME
06/17/09	247544	WATER AIR FILTRATION MED.	2.19	CH	AUGUSTA SANITARY DISTRICT	ME
06/18/09	247661	WATER AIR FILTRATION MED.	1.56	CH	AUGUSTA SANITARY DISTRICT	ME
06/25/09	248435	WOOD ASH	7.39	CH	STANDISH, ME RESIDENCE	ME
06/25/09	248460	WOOD ASH	12.36	CH	STANDISH, ME RESIDENCE	ME
06/26/09	248532	WOOD ASH	0.62	CH	STANDISH, ME RESIDENCE	ME

SPECIAL WASTES - MONTH TOTAL (TONS): 20,139.13

SCHEDULE OF COMPLIANCE (SOC) AMENDMENT REQUIRED DATA:

TOTAL RECEIPTS FOR MONTH (SPECIAL WASTES, CDD, FINES, ETC.):	53,815 TONS
TOTAL RECEIPTS FOR MONTH (FEPR):	7,920 TONS
FEPR (%):	14.72%

A-4-d

TOWN OF HAMPDEN
SALE OF MUNICIPAL GARAGE DOORS

BID SHEET

July 9, 2009

10:00 AM

BIDDER	TOTAL BID AMOUNT
Bill Whitcomb	400.00

10-05-20-35

A-4-f



Demo

Monday, July 13, 2009 12:07 PM

From: "Chip Swan" <hampdenpw@tds.net>

To: "'Light Lady'" <lightiady_1@yahoo.com>

This weekend we had 1029 visitors at the Transfer Station.

220 used the Demo and Brush piles. This would be 21% of the total. Chip

Current Folder: **INBOX**

A-4-9
Sign Out

[Compose](#) [Addresses](#) [Folders](#) [Options](#) [Search](#) [Help](#)

[Message List](#) | [Delete](#)

[Previous](#) | [Next](#)

[Forward](#) | [Forward as Attachment](#) | [Reply](#) | [Reply All](#)

Subject: FW: Draft TMP---Hampden Academy
From: "Mattson, Bruce" <Bruce.Mattson@maine.gov>
Date: Tue, July 7, 2009 9:30 am
To: "Landry, Stephen" <Stephen.Landry@maine.gov> ([more](#))
Priority: Normal
Options: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#)

Steve, Fred, Tom, Bob Osborn, Susan Lessard- I understand the property issues have been resolved. Attached is a copy of the Option Agreement between the MaineDOT & School which Tom Gorrill just forwarded to me. Also attached is a copy of the Draft Traffic Movement (TMP) Permit. Please review these materials and let Steve Landry and myself know if the proposed draft TMP is acceptable for signature.

Bruce W. Mattson, P.E.

Region Traffic Engineer & Access Management Engineer

Maine Department of Transportation-Region 4

219 Hogan Road

Bangor, Maine 04401-1208

(207) 941-4310 phone

(207) 990-2667 fax

From: Mattson, Bruce
Sent: Friday, November 21, 2008 1:21 PM
To: Landry, Stephen
Cc: RANDY DUNTON (rdunton@gorrillpalmer.com); Thomas Gorrill; Michaud, Fred; ozz788@me.acadia.net
Subject: Draft TMP---Hampden Academy

Attached is a draft permit for Hampden Academy. I placed some recent changes in red print. Please contact Fred Michaud to see if every thing is a go from the land transfer and town-School agreement standpoint.

Bruce W. Mattson, P.E.

Region Traffic Engineer & Access Management Engineer

Maine Department of Transportation-Region 4

PO Box 1208 219 Hogan Road

Bangor, Maine 04401-1208

(207) 941-4310 phone

(207) 990-2667 fax

Attachments:

untitled-[1.1]	1.3 k	[text/plain]		Download View
Hamden Academy Draft Text.doc	87 k	[application/msword]	Hamden Academy Draft Text.doc	Download
Option Agreement.pdf	1.7 M	[application/octet-stream]	Option Agreement.pdf	Download

Applicant: MSAD #22, Ms. Anne Deschesne
Project Location: South of Route 202/Western Avenue Intersection, Hampden, Maine
Hampden Tax Map 6, Lot 45
Project: Hampden Academy
Identification #: Reg.
Permit Category: 200 plus PCE
Traffic Engineer: Thomas L. Gorrill, PE, PTOE
Gorrill-Palmer Consulting Engineers
PO Box 1237
Gray, ME 04039

Pursuant to the provision of 23 M.R.S.A. § 704-A and Chapter 305 of the MaineDOT's Regulations, the Maine Department of Transportation has considered the application of MSAD #22 with supportive data, agency review and other related materials on file.

PROJECT DESCRIPTION

The applicant proposes to construct a 900-student high school, replacing the current facility along Route 1A (Maine Road). This facility is anticipated to generate an additional 369 trip ends in the AM peak hour and 252 trip ends in the PM peak hour of the generator. The site is proposed to be accessed via three driveways. The primary access will be across from the Route 202 approach to Western Avenue. The existing driveway for Reed Brook Middle School will be utilized for pick-ups, drop-offs, and bus access, while the McGraw/Weatherbee schools will be utilized for pick-ups and drop-offs. A gated inter-connection will be constructed between the Route 1A entrance to the Hampden Academy via Reed Brook and the new Western Avenue entrance. The project is expected to be completed prior to the start of the 2010 school year.

Findings

Based on a review of the files and related information, MaineDOT approves the Traffic Movement Permit Application of MSAD #22 subject to the following conditions:

MITIGATION

The mitigation is intended to describe that conceptually shown on the following plans provided by WBRC Architects and Engineers and Gorrill-Palmer Consulting Engineers, Inc.:

1. "Overall Site Plan", Sheet #CS102, dated August 6, 2008 signed by John S. Kenney, P.E. from WBRC.
2. "Preliminary Conceptual Plan-Western Avenue Improvements Associated with Hampden Academy and Rite Aid" dated 10-30-08 signed by Jennifer L. Williams, P.E. from Gorrill-Palmer.

The mitigation is also intended to describe the recommendations provided in the Traffic Impact Study by Gorrill-Palmer consulting Engineers, Inc.

If the descriptions contained herein conflict with the plans, these descriptions shall take precedence over the plans. Not all of the mitigation discussed herein may be shown on those or any plan. The following mitigation shall be constructed or implemented to MaineDOT's satisfaction prior to the opening of the facility, unless otherwise approved by MaineDOT.

On-Site Mitigation

Site Entrance / Western Avenue

A school zone flasher shall be installed on both sides of the Western Avenue driveway and activated as allowed in **Title 29-A §2074. Rates of speed**, to advise approaching traffic of the driveway and to advise of the 15 mph school zone.

The improvements required for this intersection shall consist of the following:

- Construction of a 150-foot right turn lane for eastbound traffic on Western Avenue entering the school
- Construction of a fully-shadowed 150-foot left turn lane for westbound traffic on Western Avenue entering the school
- Construction of a 150-foot left turn lane for northbound traffic on the school exit destined for Western Avenue
- Construction of a through/right turn lane for northbound traffic on the school exit destined for Western Avenue or Route 202
- Construction of a crosswalk across the northbound approach from the Academy and the provision of appropriate pedestrian heads on the intersection traffic signal
- Modifications to the traffic signal to accommodate a fourth approach to the intersection that will provide a concurrent pedestrian phase for pedestrians crossing the school driveway
- Construction of a median at the site driveway that would be flush concrete at the northern end to accommodate bus turning movements; the remainder of the median would be a raised island with sloped granite curbing and grass or other acceptable plantings in the center
- The traffic islands on Western Avenue approaching the intersection of Route 202 and the Hampden Academy Drive shall be raised & constructed of sloped granite with the exception of in front of the Town of Hampden's easterly driveway which will be stamped colored pavement or flush concrete to accommodate turns into that driveway. All other islands along Western Avenue shall be constructed of stamped colored pavement or flush concrete.

The design criteria for the auxiliary lanes shall be as per Table 8-4 of the MaineDOT Highway Design Guide.

The median exiting the proposed driveway shall be constructed to provide proper alignment for through traffic exiting the school to travel onto Route 202 as well as the reciprocal entering movement from Route 202.

Reed Brook Middle School / Route 1A

The driveway shall be modified to provide separate left and right turn exit lanes such that school buses can queue independently of one another.

If the Town or the School Department desires mitigation for exiting traffic from the Reed Brook driveway, a police officer can be posted at this location during school arrival dismissal periods to mitigate potential congestion during school peak periods.

The driveway radii will be widened to facilitate bus movements in order to minimize the need for additional turning lanes.

McGraw/Weatherbee Schools / Route 1A

The driveway radii will be widened to facilitate bus movements in order to minimize the need for additional turning lanes.

See general requirements.

School Complex

The School Department will continue to assess the need for better inter-connection between the various schools within the complex in order to facilitate safe and efficient flow of traffic and pedestrians. This will be coordinated with MaineDOT's and the Town of Hampden's study of access management along the Route 1A corridor in this area as well as reuse of the existing Hampden Academy school property.

General Requirements For All Entrances

A. The entrances shall provide overhead illumination, if not existing, to illuminate the intersections per MaineDOT standards at a minimum. Overhead lighting shall have an average of 0.6 to 1.0 foot candles, with the maximum to minimum lighting ratio of not more than 10:1 and an average to minimum light level of not more than 4:1.

B. Driveway radii shall be reviewed to ensure that a school bus can turn into or from the driveway without encroaching upon opposing lanes of traffic. If widening of the radii are required, then the curb radii shall be reconstructed with vertical granite curbing.

Off-Site Mitigation

None identified.

Overall Requirements

A. Provide all necessary auxiliary signs, striping and pavement markings to implement the improvements described herein according to MaineDOT and/or National standards. All pavement markings will be durable, long lasting materials such as thermo plastic, tape, or other approved products.

B. All plantings and signs (existing and/or proposed; permanent and/or temporary) shall be placed and maintained such that they do not block available sight distances and do not violate the State's "Installations and Obstructions" law. No signage, plantings or structures shall be allowed within the "clear zone" if they constitute a deadly fixed object as determined by MaineDOT. All signs shall meet MRSA Title 23, Chapter 21, Section 1914: "On-Premise Signs".

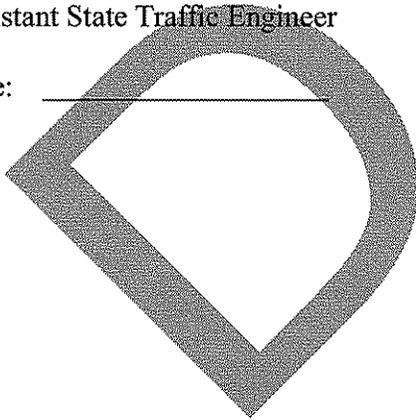
C. If any of the supporting data or representations for which this permit is based changes in any way or is found to be incorrect / inaccurate, the applicant shall request in writing from MaineDOT a decision of what impacts those changes will have on the permit. The applicant will then be required to submit those changes for review and approval and additional mitigation as a result of those changes may be required at the expense of the applicant.

D. Because the proposed project affects the State Highway and drainage systems and requires improvement to that system, the applicant must obtain approval of the design plans and coordinate work through MaineDOT's State Traffic Engineer or Assistant State Traffic Engineer, who can be reached at (207) 624-3620 in Augusta.

By:

Stephen Landry, P.E.
Assistant State Traffic Engineer

Date: _____



OPTION AGREEMENT

THIS AGREEMENT is made this 30th day of June, 2009, by and between the **State of Maine**, through its **Department of Transportation**, having a mailing address of 16 State House Station, Augusta, Maine 04333 (hereafter referred to as the "**Seller**") and **Maine School Administrative District No. 22**, having a mailing address of 24 Main Road North, Hampden, Maine 04444 (hereafter referred to as the "**Buyer**").

RECITALS

A. Seller is the owner of approximately 3.58 acres of land, situated on Route 9 in the Town of Hampden, Maine, shown on Map 31 of the Assessor of the Town of Hampden (having no Lot #), and which is described as Parcels No. 1, 2, and 3 in a Notice of Layout and Taking in favor of the Seller dated February 19, 1964, and recorded in the Penobscot County Registry of Deeds in Book 1937, Page 271 (hereafter the "**Premises**"), and which Premises are shown on a plan entitled "Maine State Highway Commission, Right of Way Map, State Highway '26', Hampden, Penobscot County" dated January, 1964, SHC File No. 10-150 and recorded in said Registry in Plan Book 23, Page 55 (hereafter the "**Plan**") and are more particularly described in Exhibit A attached hereto. Reference is also hereby made to Notice of Layout and Taking in favor of the Grantor dated January 22, 1964 and recorded in said Registry in Book 1934, Page 188.

B. Seller is willing to grant to Buyer an option to purchase the Premises.

AGREEMENT

In consideration of the mutual covenants, agreements, and undertakings hereinafter expressed, the parties agree as follows:

Section 1: Option. Seller hereby grants to Buyer (and/or its successor Regional School Unit, if any) the exclusive option of purchasing the Premises under the terms and conditions set forth herein.

Section 2: Term. This Option will remain in effect until five o'clock (5:00) p.m., prevailing time, twelve (12) months from the date hereof (the "**Option Term**"). This Option may be extended for an additional six (6) month term upon written request from Buyer prior to the expiration of the Option Term under the same terms and conditions as set forth herein.

Section 3: Option Price. The option price is Thirty-One Thousand, Seven Hundred Fifty Dollars (\$31,750.00), receipt of which is hereby acknowledged. All monies paid on account of the option price are not refundable. The Option Price shall be credited towards the Purchase Price in the event Buyer exercises this Option.

Section 4: Exercise. Buyer can exercise this Option by giving written notice of its intention to purchase the Premises (hereafter the "**Notice**") at any time during the Option Term or extension thereof, to Seller at the following address:

Andrew G. Johnson
Property Manager
Property Office
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016

Such Notice may be sent first class mail, postage prepaid, or delivered by hand.

Section 5: Purchase Price. The purchase price for the acquisition of the Premises shall be Three Hundred Seventeen Thousand, Five Hundred Dollars (\$317,500.00) Dollars (hereafter the “Purchase Price”). The Option Price shall be credited towards the Purchase Price as set forth in Section 3.

Section 6: Payment. The Purchase Price shall be paid in full at the Closing.

Section 7: Closing. The Closing shall take place not later than five o'clock (5:00) p.m., prevailing time, on the 60th day following the day upon which the Notice is posted or delivered, as the case may be, at the offices of the Maine Department of Transportation, Child Street, Augusta, Maine, or such other place within the State of Maine as the Seller and Buyer may agree upon.

Section 8: Title, Conditions of Conveyance, and Payment.

8.1 Approval. The transaction contemplated by this Option Agreement shall be subject to approval by the Commissioner of the Maine Department of Transportation and the Governor of the State of Maine.

8.2: Title. The Premises shall be conveyed by Governor's Deed substantially similar to the deed attached hereto as Exhibit B. The Governor's Deed shall contain no warranties or covenants of title whatsoever and shall convey all of the Seller's right, title and interest in and to the Premises, subject to easements and encumbrances that may appear of record in the Penobscot County Registry of Deeds, and the provisions of existing building, land use, subdivision control and zoning laws and regulations.

8.3: Conditions of Conveyance. Buyer agrees to use the Premises solely for construction and use of an access road and appurtenant sidewalks, paths or bike lanes (the “Access Road”) to a new public school campus to be constructed on the adjacent parcel (hereafter the “School Facility”) and to a public recreational or educational facility (hereafter the “Public Facility”) to be constructed on a town owned parcel south of the SAD 22 property. The construction and use of the Access Road on the Premises shall include all rights incident to pedestrian and vehicular ingress and egress, including without limitation the right to construct, erect, install, maintain, rebuild, repair and replace above-ground and subsurface utilities, together with the necessary appurtenances connected therewith, over, across or under the Premises, together with the right of the Buyer, its successors, assigns, agents, employees and private contractors to improve, maintain, grade, regrade, replace or repair the road or driveway to be constructed on the Premises and to erect, construct, install, maintain, rebuild, repair or replace the utilities on the Premises,

and to cut, trim and remove such trees, bushes, growth and rocks as the Buyer, its successors and assigns, may from time to time deem necessary for the safe and efficient use of the road or driveway and the operation and maintenance of the utilities. The construction and use of the Access Road shall be subject to the Buyer obtaining all federal, state and/or municipal permits and approvals required in connection therewith.

The Governor's Deed shall contain the express condition that the Premises are to be used solely for access to the School Facility and to the Public Facility, including the aforesaid rights incident thereto, and not for any separate commercial or residential purposes (the "**Condition**"). If the Premises are used in any manner which breaches the Condition, Seller, its successors and assigns, shall have the right to reenter the Premises and repossess the same in the event Buyer fails to cease using the Premises in breach of the Condition or to cure a third party's breach of the Condition within ninety (90) days after receipt by Buyer of written notice from Seller of such breach of the Condition or, if such breach by its nature cannot be cured within such period, such additional time as may be necessary to cure the breach (not to exceed one hundred eighty (180) days), provided Buyer is exercising reasonable efforts and taking reasonable steps to effect a cure within the initial ninety (90) day period. Such right of reentry and repossession for condition broken shall only be effective if an instrument executed by Buyer or issued by a Court of competent jurisdiction indicating that Seller may repossess the property is recorded in the Penobscot County Registry of Deeds. Notwithstanding the foregoing, the Premises shall automatically revert and title shall vest in the Seller, its successors and assigns, without the necessity of action on the part of the Seller, in the event Buyer does not undertake to construct the School facility by January 1, 2010.

8.4: Payment. Buyer will make all payments by certified, cashier's or attorney trust account check.

Section 9: Taxes. Seller represents that the Premises is exempt from property tax.

Section 10: Succession. This Agreement and the provisions herein shall be binding on the respective successors and assigns of Seller and Buyer.

Section 11: Miscellaneous.

11.1: Transfer Tax. Seller and Buyer are exempt from the Transfer Tax imposed by 36 M.R.S.A. §4641-C(1).

11.2: Legal Fees. Each party shall be responsible for paying its respective legal fees, including, without limitation, the preparation of documents, review of documents and attendance at closing,

11.3: Entry. Buyer shall have the right to enter upon the Premises at reasonable times for the purpose of making studies for Buyer's proposed use of the Premises as an access road to a public school. All of said studies shall be done in a good and workmanlike manner, done in accordance with all applicable laws, regulations, ordinances, governmental permits and approvals, and done at the sole expense of Buyer.

11.4: Possession. At the time of Closing, Seller will deliver over exclusive possession of the Premises to Buyer.

11.5: Brokers. Neither party has retained a real estate broker in this transaction.

11.6: Time. Time is of the essence in all matters relating to this Agreement.

11.7: "As Is" Condition. The Premises will be sold in "as is" physical condition, and Seller makes no representations to Buyer whatsoever as to the physical state of same. This limitation shall prevail through the Closing, and no further writing shall be necessary with respect thereto. Seller represents to Buyer, which representation shall remain in effect through the Closing, that Seller has not been advised by any governmental agency or authority that the real estate is in violation of any law, statute or regulation.

11.8: Governing Law. This Agreement and the transaction contemplated by it shall be governed by the laws of the State of Maine.

11.9: Notices. Any notices required by or useful under the terms of this Agreement shall be given, in the case of Seller, to:

Legal Division
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016
Attention: Toni L. Kemmerle, Chief Counsel

and

Andrew G. Johnson
Property Manager
Property Office
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016

And, in the case of Buyer, to:

Richard Lyons, Superintendent
MSAD No. 22
24 Main Road North
Hampden, ME 04444

or such other persons and addresses as the appropriate party may hereafter designate. All such notices shall be sent first class mail, prepaid, or delivered in hand.

11.10: Entire Agreement. This Agreement contains the entire and only agreement between the parties and no oral statements or representations or prior written matter not contained in this Agreement shall have any force and effect. This Option can be modified only by a writing signed by the parties hereto and recorded in the Penobscot County Registry of Deeds.

Section 12: Representations. Seller represents to Buyer that, as of the date of this Agreement and as of the date of the Closing:

12.1: No Pending Litigation Affecting Real Estate. There is no action, suit, legal proceeding or other proceedings pending or threatened (or, to the best knowledge of Seller, any basis therefor) against Seller affecting any portion of the Premises in any court or before any arbitrator of any kind or before or by any governmental body.

12.2: No Leases or Contracts. There are no leases, subleases or agreements concerning the leasing, subleasing or occupancy of the Premises. There are no service contracts, maintenance agreements or other agreements with respect to the Premises.

12.3: Compliance with Laws. To the best of Seller's knowledge, all applicable laws, statutes, ordinances and regulations have been complied with in regard to the Premises.

Section 13: Short Form for Recording. Buyer may wish to give notice of this Option through a recordation in the Penobscot County Registry of Deeds. Seller and Buyer agree that the entire contents of this Option need not be made public through such recording. Accordingly, a reduced version of this Option may be executed simultaneously with the execution of this Option, and Seller agrees that only the reduced version shall be so recorded. The reduced version of this Option when recorded shall serve as notice to all of the contents of the complete version of this Option Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written by their respective duly authorized representatives.

**STATE OF MAINE
Department of Transportation**

Maire McCaw
Witness

[Signature]
By: *William A. Pulver*
Its: *Property Office Dir.*

**MAINE SCHOOL ADMINISTRATIVE
DISTRICT NO. 22**

[Signature]
Witness
Emil F. Genest

[Signature]
By: *Richard A. Lyons*
Its: *Superintendent of Schools*

Exhibit A

LEGAL DESCRIPTION

A certain lot or parcel of land, situated on State Route 9, also known as Western Avenue, in the Town of Hampden, County of Penobscot and State of Maine, and being more particularly bounded and described as follows:

Beginning at a right of way monument installed on the assumed southerly sideline of State Route 9, on line of land formerly of Harry E. Perkins, now or formerly of Barco Federal Credit Union as described in deed recorded in the Penobscot County Registry of Deeds at Book 5740, Page 39, which point of beginning is 50 feet southerly from and as measured along a line normal to the base line of State Highway "210" at Sta. 617+50;

Thence running S 69° 34' 04" E by and along said land now or formerly of Barco Federal Credit Union a distance of 237.23 feet to a right of way control point;

Thence turning and running S 3° 16' 38" W by and along said land now or formerly of Barco Federal Credit Union a distance of 578 feet, more or less, to a point on the northerly line of land of the Grantee as described in deed recorded in said Registry at Book 1872, Page 76;

Thence turning and running S 80° 13' 31" E by and along said land of the Grantee a distance of 232 feet, more or less, to a point at the southwesterly corner of land formerly of Kenneth R. Brown, now or formerly of Hannaford Bros. as described in deed recorded in said Registry at Book 10154, Page 144;

Thence turning and running N 3° 16' 38" E by and along said land now or formerly of Hannaford Bros. a distance of 498 feet, more or less, to a right of way monument installed;

Thence turning and running N 20° 57' 51" E by and along said land now or formerly of Hannaford Bros. a distance of 154.78 feet to a right of way monument installed;

Thence turning and running in a northwesterly direction by and along the assumed southerly sideline of said State Route 9 a distance of 506 feet, more or less to the point and place of beginning.

Together with all of Grantor's right, title and interest, if any, in and to the land situated adjacent to the northwesterly most portion of the above-described Premises, and being shown as a triangular sliver of land between the northerly boundary lines of the above-described Premises measuring 197 feet in length and 103 feet in length and the southerly boundary line of State Route 9, being approximately 222.3 feet in length, as shown on the Plan.

Exhibit B

GOVERNOR'S DEED

The **STATE OF MAINE**, acting by and through its Governor, (the "**GRANTOR**") on recommendation of the Commissioner of the **Department of Transportation**, as successor to the Maine State Highway Commission, for consideration, the sufficiency of which is hereby acknowledged, does hereby **GIVE, GRANT, SELL AND CONVEY** to **Maine School Administrative District No. 22**, having a mailing address of 24 Main Road North, Hampden, Maine 04444 (the "**GRANTEE**"), pursuant to 23 M.R.S.A. §61 as amended, all its right, title and interest in and to a certain parcel of land in the Town of Hampden, County of Penobscot and State of Maine, more particularly described on the attached "Exhibit A – Legal Description" (the "**Property**") and which is further described as Parcels No. 1, 2, and 3 in a Notice of Layout and Taking in favor of the Grantor dated February 19, 1964 and recorded in the Penobscot County Registry of Deeds in Book 1937, Page 271, and also shown on a plan entitled "Maine State Highway Commission, Right of Way Map, State Highway '26', Hampden, Penobscot County" dated January, 1964, SHC File No. 10-150 and recorded in said Registry in Plan Book 23, Page 55 (the "**Plan**"). Reference is also hereby made to Notice of Layout and Taking in favor of the Grantor dated January 22, 1964 and recorded in said Registry in Book 1934, Page 188.

MEANING AND INTENDING to convey a portion of the property acquired by the Maine State Highway Commission by virtue of the Notice of Layout and Taking in favor of the Grantor dated January 22, 1964 and recorded in the Penobscot County Registry of Deeds in Book 1934, Page 188, and the Notice of Layout and Taking in favor of the Grantor dated February 19, 1964 and recorded in said Registry in Book 1937, Page 271, and by virtue of any other instrument of conveyance or by operation of statute.

The Grantor hereby also **RELEASES** to the Grantee any "Control of Access" rights it has along the boundaries of the herein conveyed Premises as set forth on the Plan. The Premises was never developed into a "highway" and therefore the "Control of Access" limitations reserved to the Grantor and set forth on the Plan are not applicable to the Premises.

RESERVING TO THE GRANTOR the following easements at the locations described below, and shown on a plan entitled, "State of Maine, Department of Transportation, Right of Way Map, Route 202/9, Western Avenue, Hampden, Penobscot" **DOT File No. [REDACTED], Sheets [REDACTED] and [REDACTED], dated March, 2009, PIN 15116.27**, by Gorrill-Palmer Consulting Engineers, Inc. (the "Gorrill-Palmer Plan"), and on file at the office of the Department of Transportation, Augusta, Maine.

SLOPES AND TOE OF SLOPE DITCHES

The perpetual right to enter, clear, grub and/or construct, and maintain slopes and toe of slope ditches and to flow water through and along said ditches as long as they are necessary for highway purposes, on land outside of and adjoining the southerly boundary lines of Route 202/9 (Western Avenue) and within the limits defined by the "Slope Easement Lines" as shown on the Gorrill-Palmer Plan, at the following location:

Location and Station:

- Sta 617+50.0, 50'± Rt; to
- Sta. 618+50.0, 85.00' Rt; to
- Sta 619+00.0, 85.00' Rt; to
- Sta 619+75.0, 50'± Rt

OUTLET DRAINAGE STRUCTURE EASEMENT

The perpetual right to enter upon land outside of and adjoining the southerly boundary line of Route 202/9 for all purposes necessary to install, construct, maintain, repair, remove and/or replace an outlet drainage structure and to flow water through and from the same over and across adjoining land in the direction specified, as shown on the Gorrill-Palmer Plan, at the following locations:

Location: Sta 618+00 Rt;
Direction of Flow: Southeasterly

INLET DRAINAGE STRUCTURE EASEMENT

The perpetual right to enter upon land outside of and adjoining the southerly boundary line of Route 202/9 for all purposes necessary to install, construct, maintain, repair, remove and/or replace an inlet drainage structure and to flow water through and from the same over and across adjoining land in the direction specified, as shown on the Gorrill-Palmer Plan, at the following locations:

Location: Sta 618+65 Rt; and,
Direction of Flow: Northerly

SIGNAL SYSTEM EASEMENT

The perpetual right to enter upon land outside of and adjoining the southerly boundary line of Route 202/9 (Western Avenue), opposite its intersection with Route 202, for all purposes necessary to install, maintain, repair, remove and/or replace a signal system to include pole bases, guys, control boxes, aerial and underground wires or cables, traffic loops and all other fixtures appurtenant to said system within the limits defined by the "Signal System Easement" as shown on the Gorrill-Palmer Plan, as follows:

- Sta 620+00.0, 50'± Rt to
- Sta 620+00.0, 77.00' Rt to
- Sta 621+50.0, 77.00' Rt to
- Sta 621+50.0, 50'± Rt

SUBJECT TO the perpetual right of the Grantor to enter upon the Property at reasonable times with prior notice to the Grantee (except in emergency circumstances when no prior notice

shall be required) to maintain any highway slopes and highway drainage facilities that may exist adjacent to State Route 9, provided, however, that all work of any kind whatsoever performed by or for the Grantor, its successors and assigns, shall be performed in a good and workmanlike manner, and that upon the completion of such work, the Grantor, its successors and assigns, shall restore the Premises to substantially its condition prior to the performance of such work.

THIS CONVEYANCE IS MADE subject also to all above-ground and underground utility easements and installations located on the Property, including but not limited to those shown on the above-referenced Plan and to those rights which any utility easement holder enjoys over the Property for maintenance, location or relocation of poles or other installations.

GRANTOR makes no representations or warranties with respect to the Property. The representations and warranties so excluded encompass, but are not limited to, those pertaining to: land use and environmental matters; fitness of the Property or any portion thereof for any particular purpose; water quality or quantity; the condition or quality of the soil; inchoate or unrecorded liens; or the existence, status, or condition of access to, or public utilities serving the Property. Any subsequent use of, improvement to, or construction on the Property is subject to all applicable laws, regulations, ordinances, and permitting requirements.

The Property is to be used solely for the construction and use of an access road and appurtenant sidewalks, paths or bike lanes (the "**Access Road**") to the new public school campus to be constructed on land of Grantee adjacent to the Property (hereafter the "**School Facility**"), and to a public recreational or educational facility to be constructed on land of the Town of Hampden south of the adjacent land of Grantee (hereafter the "**Public Facility**"), including all rights incident to pedestrian and vehicular ingress and egress, including without limitation the right to construct, erect, install, maintain, rebuild, repair and replace above-ground and subsurface utilities, together with the necessary appurtenances connected therewith, over, across or under the Property, together with the right of Grantee, its successors, assigns, agents, employees and private contractors to improve, maintain, grade, regrade, replace or repair the road or driveway to be constructed on the Property and to erect, construct, install, maintain, rebuild, repair or replace the utilities on the Property, and to cut, trim and remove such trees, bushes, growth and rocks as Grantee, its successors and assigns, may from time to time deem necessary for the safe and efficient use of the Access Road and the operation and maintenance of the utilities, and not for any separate commercial or residential purposes (the "**Condition**"). If the Property is used in any manner which breaches the Condition, Grantor, its successors and assigns, shall have the right to reenter the Property and repossess the same in the event Grantee, or its successors and assigns, fails to cease using the Property in breach of the Condition or to cure a third party's breach of the Condition within ninety (90) days after receipt by Grantee of written notice from Grantor of such breach of the Condition or, if such breach by its nature cannot be cured within such period, such additional time as may be necessary to cure the breach (not to exceed one hundred eighty (180) days), provided Grantee is exercising reasonable efforts and taking reasonable steps to effect a cure within the initial ninety (90) day period. Such right of reentry and repossession for condition broken shall only be effective if an instrument executed by Grantee or issued by a Court of competent jurisdiction indicating that Grantor may repossess the Property is recorded in the Penobscot County Registry of Deeds. Notwithstanding the foregoing, the Property shall automatically revert and title shall vest in Grantor, its successors and assigns, without the necessity of action on the part of Grantor, in the event Grantee does not undertake to construct the School Facility by January 1, 2010.

IN WITNESS WHEREOF, I, John Elias Baldacci, Governor of the State of Maine, have caused the name and great seal of the State of Maine to be hereto affixed this _____ day of _____ in the year two thousand eight.

STATE OF MAINE

By: _____, Governor
John Elias Baldacci

Affixed by: _____
Secretary of State

STATE OF MAINE
COUNTY OF KENNEBEC

_____, 2008

Personally appeared the above-named John Elias Baldacci, Governor of the State of Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the State of Maine.

Before me _____
Notary Public/Attorney at Law

Print Name: _____

My commission expires: _____

Seal:

Exhibit A – Legal Description

Grantor: State of Maine

Grantee: Maine School Administrative District No. 22

Attached and forming an integral part of the Deed from the above named Grantor to the above named Grantee, the real estate conveyed is described as follows:

A certain lot or parcel of land, situated on State Route 9, also known as Western Avenue, in the Town of Hampden, County of Penobscot and State of Maine, and being more particularly bounded and described as follows:

Beginning at a right of way monument installed on the assumed southerly sideline of State Route 9, on line of land formerly of Harry E. Perkins, now or formerly of Barco Federal Credit Union as described in deed recorded in the Penobscot County Registry of Deeds at Book 5740, Page 39, which point of beginning is 50 feet southerly from and as measured along a line normal to the base line of State Highway "210" at Sta. 617+50;

Thence running S 69° 34' 04" E by and along said land now or formerly of Barco Federal Credit Union a distance of 237.23 feet to a right of way control point;

Thence turning and running S 3° 16' 38" W by and along said land now or formerly of Barco Federal Credit Union a distance of 578 feet, more or less, to a point on the northerly line of land of the Grantee as described in deed recorded in said Registry at Book 1872, Page 76;

Thence turning and running S 80° 13' 31" E by and along said land of the Grantee a distance of 232 feet, more or less, to a point at the southwesterly corner of land formerly of Kenneth R. Brown, now or formerly of Hannaford Bros. as described in deed recorded in said Registry at Book 10154, Page 144;

Thence turning and running N 3° 16' 38" E by and along said land now or formerly of Hannaford Bros. a distance of 498 feet, more or less, to a right of way monument installed;

Thence turning and running N 20° 57' 51" E by and along said land now or formerly of Hannaford Bros. a distance of 154.78 feet to a right of way monument installed;

Thence turning and running in a northwesterly direction by and along the assumed southerly sideline of said State Route 9 a distance of 506 feet, more or less to the point and place of beginning.

Together with all of Grantor's right, title and interest, if any, in and to the land situated adjacent to the northwesterly most portion of the above-described Premises, and being shown as a triangular sliver of land between the northerly boundary lines of the above-described Premises measuring 197 feet in length and 103 feet in length and the southerly boundary line of State Route 9, being approximately 222.3 feet in length, as shown on the Plan.