



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

MARCH 7, 2016

7:00 P.M.

Attending:

Mayor David Ryder

Councilor Greg Sirois

Councilor Ivan McPike

Councilor Stephen Wilde

Councilor Dennis Marble

Councilor Mark Cormier

Councilor Terry McAvoy

Town Manager Angus Jennings

Town Clerk Denise Hodsdon

Incoming Town Clerk Paula Scott

Citizens

Mayor Ryder called the meeting to order at 7:00 pm.

A. PLEDGE OF ALLEGIANCE – *Mayor Ryder led the Pledge of Allegiance*

B. CONSENT AGENDA – *Motion by Councilor Marble, seconded by Councilor Wilde to accept the Consent Agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. **February 16, 2016 Meeting Minutes**
- b. **February 22, 2016 Special Meeting Minutes**

3. COMMUNICATIONS

- a. **Manager Jennings/DEP –Response to 12/28/15 Letter re MS4 Stormwater**
- b. **Erickson Family – Notice of Purchase of Schacht's Hardware**
- c. **Lowell T. Sherwood, Jr. – Application for Appointment to Library Board of Trustees – Referral to Services Committee**
- d. **CSO Annual Report to Maine DEP**
- e. **MDOT/Town – Route 1A Project**

4. REPORTS

- a. **Finance Committee Minutes – 2/1/2016**
- b. **Infrastructure Committee Minutes – 1/13/2016**
- c. **Planning & Development Committee Minutes – 2/22/2016**

C. PUBLIC COMMENTS – *Kathy Walker of 5 Old Coldbrook Road said she wanted to go on record in opposition to the unanimous vote of this Town Council at the special meeting on February 22, 2016. This vote authorized the Town Manager to sign an agreement to send our garbage to the conceptual Fiberight facility. As a bit of*

background, Mrs. Walker informed the Council that the Hampden landfill is in her backyard. That fact has made her more aware of solid waste issues over the past 40 years. She has followed news of the PERC - Fiberight decision and has watched for this item to appear on an agenda. She said she would have come to speak if it had been on a regular meeting agenda and somehow she missed notice of the special meeting. She wanted to express her concerns tonight. She asked if she is the only person in Hampden who says "enough already"? Haven't we been the recipient of the state's garbage long enough? Why does the Municipal Review Committee think that a facility that has never been built in this country needs to be built in Hampden? She said she realizes that several Councilors have spent many hours on this issue; that the projected tax revenue looks good to Councilors; and that the facility still has to meet DEP and Planning Board approval. She also realizes that PERC did not come through with a proposal to the Committee until the eleventh hour. There are still questions about the long-term viability of that proposal from PERC. Aren't there more questions about the viability of a facility that has never been built; a facility that is based on new technology; a facility that has limited flexibility for the reduction of waste, something we have all been working toward, especially organic waste? She realizes that Fiberight will cover the construction cost. She asked why is the Town giving up our accumulated equity in PERC to help fund the infrastructure cost? She also realizes that both Bangor and Brewer have signed commitments with Fiberight. Finally, she realizes that "state of the art" means many things to different people. Generating methane from trash is a relatively new state of the art. She reminded the Council that burying garbage in a gravel pit was state of the art at one time and we know what happened there.

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

- a. Denise Hodsdon Retiring Town Clerk Recognition of 15 Years of Service** – Mayor Ryder, Councilors and Manager Jennings recognized and thanked retiring Town Clerk Denise Hodsdon for her 15 years of service.
- b. Welcome Newly Appointed Clerk Paula Scott** – The Council and Manager Jennings welcomed incoming Town Clerk Paula Scott.

2. PUBLIC HEARINGS - None

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Paula Scott as Registrar of Voters** – Motion by Councilor Marble, seconded by Councilor Sirois to appoint Paula Scott as Registrar of Voters. Unanimous vote in favor.
- b. Nomination of Paula Scott as Agent for Department of Inland Fisheries and Wildlife** – Motion by Councilor Wilde, seconded by Councilor Sirois to nominate Paula Scott as Agent for Department of Inland Fisheries and Wildlife. Unanimous vote in favor.

4. UNFINISHED BUSINESS

a. **Service Fees – Finance Committee Recommendation – Finance Committee Chair Sirois reported that the Finance Committee had discussed the six properties that had been assessed Service Charges for FY16. Five of the six properties have sent payment less than the assessed amount and are requesting abatement. It was the recommendation of the Finance Committee to abate the balances. The sixth property has never paid a service charge and it was the Committee’s recommendation to move forward with the collection process.**

1. **Abatements – The five properties requesting abatement are:**
 - a. **Community Housing of Maine – Map 5, Lot 27-A – Abatement Amount \$1602.76**
 - b. **OHI George Street – Map 23, Lot 70-C – Abatement Amount \$1,057.22**
 - c. **OHI Patterson Road – Map 5, Lot 39 – Abatement Amount \$1,549.18**
 - d. **The Housing Foundation – Map 31, Lot 8 – Abatement Amount \$13,633.88**

Motion by Councilor Sirois, seconded by Councilor Wilde to approve the abatements. Unanimous vote in favor.

2. **Process for Collections – Medical Care Development, d/b/a Hampden Meadows at 1282 Kennebec Road – Map 1, Lot 23-A has never paid a service charge. The amount assessed for FY16 is \$4,896.02. Motion by Councilor Sirois, seconded by Councilor Wilde to move forward with the process of collection on Medical Care Development, d/b/a Hampden Meadows at 1282 Kennebec Road. Unanimous vote in favor.**

b. **HVAC System Quote – Recommendations of Infrastructure and Finance Committees – Upon recommendation of the Finance Committee Councilor Sirois moved and Councilor Marble seconded to go forward with the quote from Penobscot Temperature Controls, Inc. for the installation of a “Red Link” thermostat in the amount of \$900.35 to be paid from Municipal Building Reserve account. Unanimous vote in favor.**

5. NEW BUSINESS

a. **Dangerous Building Hearing Notice – Mayor Ryder explained that over the past several months, the Council and Code Enforcement have been discussing the property at 758 Main Road North as the building is in danger of collapsing. Code Enforcement has sent several letters and contacted the owner several times to try to resolve this problem. Motion by Councilor Marble, seconded by Councilor Wilde to authorize**

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email: townmanager@hampdenmaine.gov

D-4-a

TO: Finance Committee and Town Council
FROM: Angus Jennings, Town Manager
DATE: March 3, 2016
RE: Service Charge Abatement Requests and Collection Procedures

In its October 19, 2015 meeting the Town Council approved the amount of Service Charges imposed pursuant to the Service Charge Ordinance. Charges were assessed to the six properties identified at that time, in the approved amounts. To date, five of the assessed properties have sent payment, though each amount was less than the assessed amount, with the balance requested to be abated. Funds assessed and received to date are summarized as follows:

Properties Subject to Service Charge			
Property Owner	FY16		Difference (requested abatement)
	Amount invoiced	Amount received	
Community Housing of Maine 177 Canaan Road (Map 5 Lot 27-A)	\$ 1,949.84	\$ 347.08	\$ (1,602.76)
Medical Care Development, DBA Hampden Meadows 1282 Kennebec Road (Map 1 Lot 23-A)	\$ 4,896.02	\$ -	n/a
OHI George Street 35 George Street (Map 23 Lot 70-C)	\$ 1,971.27	\$ 914.05	\$ (1,057.22)
OHI Patterson Road 143 Patterson Road (Map 5 Lot 39)	\$ 1,510.59	\$ 303.63	\$ (1,206.96)
Penquis Mental Health Services 1012 Carmel Road North (Map 1 Lot 31-A)	\$ 1,810.56	\$ 261.38	\$ (1,549.18)
The Housing Foundation 113 Western Ave (Map 31 Lot 8)	\$20,451.88	\$6,818.00	\$(13,633.88)
	<u>\$32,590.16</u>	<u>\$8,644.14</u>	<u>\$(19,050.00)</u>

Under the Service Charge Ordinance Sec. 6, "the municipal officers shall abate the service charge amount that is in excess of 2% of gross annual revenue."

A question arose regarding whether the 2% figure in the Ordinance referred to revenues of the property owner, or of the property itself. Correspondence with the former Town Manager and

former Town Attorney to determine past practice has confirmed that it is the latter. In other words, a showing that the assessed charge exceeds 2% of the gross revenue derived from the property in question should be considered adequate to support an abatement.

It is recommended that the Council take action on each of the five pending requests for abatement.

The sixth property presents another question. Over the course of years, there is no record that Medical Care Development dba Hampden Meadows has ever paid a service charge, and a review of past correspondence shows that they have contested the application of the service charge. The enclosed correspondence dated September 2014 is the most recent correspondence on file; we do not have a record that this matter was ever resolved.

It is my opinion that the service charge is appropriately applied to this property. I would look to the Finance Committee for consideration of this question. If the Committee is in agreement, I would intend to pursue collection of unpaid amounts pursuant to statutory authority.

NOTICE OF HEARING
Pursuant to 17 M.R.S.A. § § 2851-2859
(Dangerous Buildings)

TO: JAMES BUTLER, JR.
691 MAIN ROAD NORTH
HAMPDEN, MAINE 04444

You are hereby notified that the Municipal Officers of the Town of Hampden, Maine will hold a hearing on March 21, 2016 at 7:00 PM at the Town of Hampden Municipal Building, Town Council Chambers, to determine whether the residential building/structure owned by you and located on land owned by you and shown on Map 21, Lot 008 of the current Tax Maps of the Town of Hampden, Maine on file at the Town of Hampden Municipal Building, Assessor's Office, is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851.

If the Municipal Officers find that the building/structure is dangerous or a nuisance, they may order appropriate corrective action, including but not limited to demolition and removal of the building/structure. If their order is not complied with by the deadline stated in their order and no appeal is taken, the Municipal Officers may take the corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action. This hearing is your opportunity to present evidence as to why the building/structure is not dangerous and to oppose any corrective action ordered by the Municipal Officers.

Dated: March 7th, 2016 Municipal Officers Town of Hampden, Maine

/s/ David Ryder
/s/ [Signature]
/s/ [Signature]
/s/ [Signature]

/s/ Stephen Wilde
/s/ Mark Cormier
/s/ Ivan McPike

STATE OF MAINE
Penobscot County, ss

Date: March 7, 2016

Personally appeared before me the above-named David Ryder,
Stephen Wilde, Gregory Sirois,
Mark Cormier, Ivan McPike,
Terry McAvoy, and Dennis Marble
and each acknowledged the foregoing instrument to be his/h~~er~~ free act and deed.

Cheryl M. Johnson
Notary Public/Attorney at Law

Cheryl M. Johnson
Notary Public • State Of Maine
My Commission Expires March 20, 2020

*the Town Manager to send a Notice of Hearing to the owner.
Unanimous vote in favor.*

- b. Budget Adjustment for TIF CEA Payments –** *Manager Jennings explained that the Town has entered into a number of Tax Increment Financing agreements over the years, most recently with Emera Maine. As part of the TIF agreements, there have been Credit Enhancement Agreements which entitle the developer to a rebate of a portion of the property taxes paid. The property owner is assessed the full amount of taxation, they pay the full bill and upon receipt of the total amount due, a percentage is sent back to the owner. In order to send back the amounts due under the Credit Enhancement Agreements, that amount needs to have been budgeted in the current fiscal year. The FY16 budget as approved did not carry the full amount to cover the CEA obligations, and it is his recommendation to authorize a budget adjustment in the amount of \$80,260.11 from the Unassigned Fund Balance to the TIF Budget account, which will provide the revenues needed to honor those agreements. Manager Jennings noted that this is essentially an accounting mix-up in the last budget, but the amounts that were reported to the state on the form that sets the property tax rate were recorded correctly locally and reported correctly to the state. The amounts he is recommending for transfer through the budget adjustment were in fact budgeted, the funds were raised to cover these obligations, but at the local level it did not get into the budget document. It was the recommendation of the Finance Committee to make the adjustment as recommended by the Manager. Motion by Councilor Sirois, seconded by Councilor Wilde to make the budget adjustment for TIF payments. Unanimous vote in favor.*
- c. Foreclosed Properties – Request to Advertise for Public Sale –** *Mayor Ryder read the list of foreclosed properties as listed below. Motion by Councilor Sirois, seconded by Councilor McAvoy to approve the request to advertise for public sale the foreclosed properties noted as Map 13, Lot 27-A; Map 41, Lot 18; Map 1, Lot 56; and Map 3, Lot 18-A. Unanimous vote in favor.*
- 1. Map 13, Lot 27-A – Kathleen Henry**
 - 2. Map 41, Lot 18 – Sherri Chen**
 - 3. Map 1, Lot 56 – Brian Sullivan**
 - 4. Map 3, Lot 18-A – Highland Ridge Real Estate**
- d. Hampden Business Park – Renewal of Authorization to Sell Agreement with Epstein Commercial Real Estate – Planning & Development Committee Recommendation –** *Motion by Councilor McPike, seconded by Councilor Marble to approve renewal of the Authorization to Sell Agreement with Epstein Commercial Real Estate for lots in Hampden Business Park. Unanimous vote in favor.*

E. COMMITTEE REPORTS

Services Committee – The next meeting is at 6:00 pm on Monday, March 14th.

Infrastructure Committee – Councilor Marble reported that the committee last met on February 17th and referred to the Finance Committee the proposed purchase of the Red Link thermostat, recommended to Finance that the annual donation to the Goodwill Riders snowmobile Club be increased from \$1,000 to \$2,000 annually, heard an update regarding the Town's municipal stormwater annual report; received an update on the condition of the existing sewer line that was installed to serve Ammo Park; and voted to continue a lease for the new John Deere front-end loader rather than to use the purchase option on the existing one.

Planning & Development Committee – Councilor McPike reported that the committee met on March 2nd. He noted that the draft Zoning Ordinance amendments regarding the mineral extraction repeal and home occupations have been referred to the Town Attorney. Subdivision Ordinance criteria is in the process of being reworked regarding private roads and has gone to the Planning Board. The codification document should be completed by April 18th. The committee discussed the renewal contract with Epstein Commercial Real Estate and heard an update on the MRC/Fiberight project.

Finance & Administration Committee – Councilor Sirois reported that most of the items on tonight's Finance Committee agenda have already been discussed by the Council, but additional items included an update on recording of meetings and discussion of the process for the Town Manager's 6-month evaluation.

F. MANAGER'S REPORT – Manager Jennings reported that he has received news from the State that preliminarily the Town could expect an increase in revenue sharing for FY17 of approximately \$30,000.

He reported that he has been working with the other three communities in the RSU #22 District to share information in coordination on the municipal level and appeared before the School Board back in January to communicate budgets issues. They have also met with the Administration on February 25th which he feels was very constructive and hopes it provided them with some good information to help inform their budget process.

He reported that the Town has received the signed contract from ELCO Electric for the LED lighting project at the Library.

Finally, he reported that the local application for the MRC/Fiberight project was filed last week and it is expected that the Planning Board will hold a public hearing at its meeting on April 13th.

G. COUNCILORS' COMMENTS

Councilor McPike congratulated and thanked Town Clerk Denise Hodsdon and wished her good luck in the future.

Councilor Wilde thanked Denise for the assistance she gave him when he first started with the Council and he commented that she will be greatly missed.

Councilor Marble informed everyone that young Mr. Casavant on Hampden's track team who was awarded the Gatorade Athlete of the State Award back in February. He reminded everyone that the District 2 Hot Stove meeting will be held at 9:00 am on Saturday, March 19th at the Library.

Councilor Cormier thanked Denise and wished her well.

Councilor McAvoy reminded everyone to shop local and buy American.

Town Council Meeting

March 7, 2016

Mayor Ryder reminded everyone that there will be an open house for Denise on Thursday from 1:00 to 6:00 pm.

H. ADJOURNMENT – *There being no further business, the meeting was adjourned at 7:34 pm.*



Denise Hodsdon
Town Clerk