

TOWN COUNCIL MINUTES

MAY 16, 2011

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 16, 2011. The meeting was held at the municipal building council chambers and was called to order by Mayor Hughes at 7:00 p.m.

Attendance: Councilors: Mayor Janet Hughes, Thomas Brann, Jean Lawlis, William Shakespeare, Andre Cushing and Kristen Hornbrook (left at 8:20 due to illness)

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Recreation Director Kurt Mathies, Pool Director Darcey Peakall and Library Director Debbie Lozito

Attorney David Crocker, citizens and members of the press

A. CONSENT AGENDA

Councilors requested that items A.3.b. through A.3.i be set aside. Motion by Councilor Cushing, seconded by Councilor Lawlis to accept the balance of the consent agenda; unanimous vote in favor.

A.3.b. JAMES FEVERSTON – NEW APPLICATION FOR FRIENDS OF DOROTHEA DIX PARK – REFERRAL TO SERVICES COMMITTEE

A.3.c. WILLIAM CASTRUCCI – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

Mayor Hughes noted that these two applications had been received by the deadline and were referred to the Planning & Development Committee on May 4th.

A.3.d. LISA KELLEY – EMAIL REQUEST FOR INFORMATION:
1. GRANT MONEY RECEIVED BY TOWN IN PAST 4 YEARS
2. BREAKDOWN OF CONTRIBUTIONS TO OUTSIDE AGENCIES

A.3.e. SHELLEY BLOSSER – EMAIL REQUEST FOR INFORMATION re INVOLVEMENT BY TOWN OFFICIALS AND MONIES DIRECTED TO THE FOLLOWING:

1. PENOBSOT VALLEY COMMUNITY GREENPRINT (PVCG)
2. PENOBSOT VALLEY COUNCIL OF GOVERNMENT (PVCOG)
3. THE TRUST FOR PUBLIC LAND (TPL)
4. BANGOR LAND TRUST (BLT)
5. BEGINNING WITH HABITAT (BWH)

A.3.f. SHELLEY BLOSSER – EMAIL REQUEST FOR ITEMIZED TOWN BUDGETS & EXPENDITURES FROM 2000 TO 2010

A.3.g. LISA KELLEY – EMAIL REQUEST FOR INFORMATION re GIS

A.3.h. LISA KELLEY – EMAIL REQUEST FOR COPY OF CHECK LIST FOR 2010 COMPREHENSIVE PLAN

Councilor Shakespeare read the list of all requests and said he wanted to let the public know that these are requests made under the Freedom of Information Act. He has talked to a number of citizens who have expressed concern about the expense of all of these requests as they are putting quite a strain not only on the budget, but also on the Town Manager.

A.3.i ATTORNEY DAVID PETER CROCKER – REQUEST FOR REVIEW OF LEGAL STATUS OF 2001 COMPREHENSIVE PLAN ON BEHALF OF HAMPDEN ASSOCIATION OF LANDOWNERS (HALO)

Mayor Hughes noted that this letter was received at the last Council meeting and because the letter had not been received before-hand, it was referred to the Town Attorney for review. Attorney Russell hopes to have a legal opinion prepared by the next meeting and Mayor Hughes requested that this item be placed on the agenda for that meeting.

Motion by Councilor Cushing, seconded by Councilor Shakespeare to accept all items set aside from the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Bernie Philbrick of 1206 Western Avenue commented on the draft 2010 comprehensive plan. He said over the last few months, we have been told who did not author this draft plan and it has been difficult to find out who the actual authors of this plan were. Through some research, he said he could finally share some insight to that question. He noted that Penobscot Valley Council of Government is listed as the facilitator for this process and because the Town paid them over \$27,000 for the comp plan, he must assume it was for much more than just attending the meetings. He went on to say that he conducted further research and it did not take long to find that this group is closely tied at the hip with Penobscot Valley Community Greenprint. He said that it is interesting that one of Greenprint's goals is that the landowner set aside 55% of their land for conservation or open space should the owner decide to develop their asset. He noted there were some other similar groups tied to PVCOG – the Audubon Society, Beginning with Habitat, the Sierra Club, but the most striking partner would be the Trust for Public Land, based out of San Francisco. He said the TPL has a budget of hundreds of millions of dollars set aside for buying private land and turning it into conservation lands. He said his problem with this group is its newest vision for implementing their philosophies on others. He stated that to get the most bang for their buck, the TPL has found it is more cost effective to have at the local level ordinances and policies written around their philosophies via comprehensive or similar planning. He said it is not proper for the Town of Hampden's comprehensive plan to be influenced by a group of lawyers

out of San Francisco. He asked that this draft comp plan be abandoned as is and said we must start fresh and bring a responsible comp plan for the Town that recognizes the rights of the individual. This new document should be written solely by the people by which it will affect.

Shelley Blosser of 344 Main Road South said there are only three kinds of people in this world; those who make things happen, those who watch things happen and those who look around and ask what happened. She said at different times she has been in each of these categories, but for a very long time she has been in the last category and when friends informed her that her constitutional rights are being threatened, she thought they were being paranoid. She started paying closer attention and said she is finding there is reason for her to be concerned because she is not so sure that there aren't abuses going on in her own backyard. She said when she started asking some questions, and when she started her search, she saw nothing wrong with comprehensive planning as long as that plan keeps us looking like the United States of America. But then she wondered whose vision we are working toward as she started the money trail leading back and out to non-governmental organizations with a big old agenda. She asked the Town Manager about a handful of non-governmental organizations, among them the Penobscot Valley Community Greenprint (PVCG), which is an organization that implements the goals and vision of the Trust for Public Land out of San Francisco. She said she found that since 2000 the Town of Hampden has paid dues of over \$29,000 and since 2006 we have paid dues of over \$36,000 to Eastern Maine Development for the comprehensive plan. She said she then asked who from the Town has been involved with PVCG. She said she was told that Gretchen Heldmann, Gayle Zydlewski, and Nancy Chaiyabhat attended some meetings and served on some committees. She said she then got a further email that Tom Brann also attended some meetings. She went on to say that in her research, she came across a published literature for the PVCG and clearly saw that Ms. Lessard's name and Councilor Brann's name were on the page where they acknowledged the leaders in the organization. She said upon further questioning, she was informed that different mayors over the years had attended meetings. She said Economic Development Director Dean Bennett had been employed by PVCG from 1993 to 2007 so he definitely had a stake in furthering their vision. She said Manager Lessard indicated she did not attend any meetings, but Ms. Blosser said upon reviewing the publication of the PVCG, under special acknowledgment and honors, Sue Lessard of the Town of Hampden is listed as a member of their steering committee and Tom Brann is listed under the stakeholder group list. She feels there was calculated deception and now she is very concerned and wide awake. She said there is an outlay of over \$65,000 of taxpayer money; there is a direct connection to a non-governmental organization out of California with a very specific agenda and our Town Manager is trying to deceive her when she asks a direct question.

Councilor Shakespeare asked Manager Lessard if she would respond to Ms. Blosser's comments. Manager Lessard explained that the City of Bangor first contacted the Town about participating in a regional program called Penobscot Valley Community Greenprint, which has any number of members who were asked to be participants. Manager Lessard said she did not attend any meetings of that organization – staff attended the meetings and the Council discussed whether or not it wished to participate as a member of that organization and pay dues for that membership. Manager Lessard said she also did not participate in planning; the steering committee was the idea of "will your community send someone" and this community did and it is part of the Council minutes. She further explained that Penobscot Valley Council of Governments and

Penobscot Valley Greenprint are not the same entity. She explained that the PVCOG has been a regional entity which most communities in the Penobscot Valley area have been members of for many years. She said the Town participated and was represented by past Mayors and pointed out that those are the dues Ms. Blosser referenced in terms of what was paid to PVCOG. The amount of money to PVCOG through Eastern Maine Development was the amount of money that the Council voted to expend in a contract with them for assistance in development of the comprehensive plan, which was also voted on by the Council. The Penobscot Valley Greenprint that was presented as part of a regional way of looking at open space in this area was not sold or told to the towns in terms of the Trust for Public Lands. She offered to provide copies of emails from Bangor City Manager Ed Barrett when he first sent the request out to send someone to participate with that. She said she was sorry that Ms. Blosser feels deceived and it certainly wasn't her intent. The contract for work on the comp plan is separate from the dues and was paid to the Council of Governments. Eastern Maine Development Corp. is the umbrella under which the COG operates and the COG is currently defunct.

Lisa Kelley of 19 Clark Circle said she had requested the checklist that the state requires for comprehensive plans and she has cross-referenced what the state requires with what is in the comp plan. She said there are 37 policies on the state's checklist of required policies and the Hampden comp plan has 56. There are 68 strategies in the state's checklist and the Town has 140. She said she found this alarming and then referenced several implementation items contained in the draft plan – housing implementation strategy, transportation, recreation, parks department, town forest, playgrounds in subdivision plans (which she noted is on the direct agenda of the Trust for Public Land), marine resource implementation strategy and aquifer overlay. After a considerable amount of time, Mayor Hughes asked Mrs. Kelley to wrap up her comments and to bring these concerns to the citizen committee of which she is a member. Mrs. Kelley said it is appalling that a taxpayer cannot be heard to the full extent.

Scott Carter of Western Avenue said he wanted to make a few comments about ethics. He said there has been a lot of talk about ethics and civility and some Councilors have said they feel threatened by the anger of the citizens. He said what is going on is nothing but free citizens exercising their constitutional rights and when our freedoms are threatened we should definitely be angry. He said what you are witnessing is free people who are feeling the oppression of government and we are pushing back. He said this Council had a chance to do the ethical thing when 250 to 300 citizens gathered here to exercise their constitutional rights, but the majority of this Council chose to push forward with their agenda against the will of the citizens who elected them. He said it seems that you are more concerned with forcing your Greenprint agenda on the citizens to the point of throwing out all ethics.

Lisa Carter said if the citizens want to hear what Lisa Kelley has to say and what is in the comprehensive plan they should come to a meeting at the snowmobile club at 6:00 pm next Wednesday and the Hampden Association of Landowners will inform you.

Jeremy Williams of 1334 Carmel Road North said Manager Lessard commented that there was a loose association with PVCOG and PVCG, however he is still struggling as why he found a brochure in the lobby of the Town Office that clearly illustrates the Trust for Public Land on it. He then said the state requirements of a comprehensive plan states very plainly that there will be significant public input as to the composition of the plan. He said this whole thing has turned ugly and he would like to see the Council

move to completely abandon the 2010 or any draft comprehensive plan from this point forward until we can look at what we need to control growth in this town.

The Council took a 10-minute recess and upon return to session, Councilor Hornbrook informed the Council that she was not feeling well and needed to leave, but wanted to make a motion before she did. Motion by Councilor Hornbrook, seconded by Councilor Cushing to set aside the rules for the purpose of adding an item to the agenda; unanimous vote in favor.

Motion by Councilor Hornbrook, seconded by Councilor Cushing to add an item to the agenda; unanimous vote in favor. Motion by Councilor Hornbrook to add the item to consider abandoning the draft 2010 comprehensive plan and start the process from scratch as Item C-3-e under unfinished business; unanimous vote in favor.

Motion by Mayor Hughes, seconded by Councilor Brann to set aside the rules to add an item to the agenda; unanimous vote in favor.

Motion by Mayor Hughes, seconded by Councilor Brann to add an item to discuss purchasing a police cruiser as item C-3-d under unfinished business; unanimous vote in favor.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. WARRANT FOR SPECIAL ELECTION – 6/14/2011

Town Clerk Denise Hodsdon explained that this is the warrant for the special election to fill the Councilor At-Large vacancy. Motion by Councilor Brann, seconded by Councilor Cushing to sign the warrant; vote was 5-0-1 (Hornbrook) Councilor Hornbrook then left the meeting.

Town Clerk Denise Hodsdon informed the Council that she received the warrant today for the SAD #22 Budget Validation Referendum also to be held on June 14th. The next Council regular Council meeting is not until June 6th and it would be too late to countersign that warrant at that time. She asked if the Council would consider adding it to the agenda for authorization to sign the warrant at the Council's budget workshop tomorrow evening.

Motion by Councilor Brann, seconded by Councilor Cushing to set aside the rules for the purpose of adding an item to the agenda; unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cushing to add the warrant for the SAD #22 Budget Validation Referendum to the agenda; unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cushing to authorize the SAD #22 warrant and to sign it at tomorrow's budget workshop meeting; unanimous vote in favor.

3. UNFINISHED BUSINESS

a. COMPREHENSIVE PLAN CITIZENS COMMITTEE

Given that other items have been proposed for the agenda this evening, Councilor Brann moved that this item be tabled until such time as other items relative to the comprehensive plan have been discussed this evening; Mayor Hughes seconded the motion and vote was 4-1 (Lawlis)

During discussion of Item C.4.c., Councilor Brann moved to remove this item from the table. Councilor Cushing seconded the motion and vote was unanimously in favor.

Planning & Development Committee Chair Brann reported that the committee recommended that all people who applied to be members of the citizens comprehensive plan committee be appointed to that committee for the purposes of reviewing the 2010 comprehensive plan and making amendments and recommendations to that plan.

Following comments and questions from several citizens who once again expressed objection to the 2010 draft plan, the Council discussed the need to hire an independent moderator to lead meetings and to develop the charge and responsibilities of the committee.

Motion by Councilor Brann, seconded by Councilor Cushing to admit all applicants to the Citizens Comprehensive Planning Committee as the voting members of the committee; unanimous vote in favor.

Motion by Councilor Brann, seconded by Mayor Hughes to make every effort to find a moderator for the committee; unanimous vote in favor. The Council requested that Economic Development Director Dean Bennett research this and have some suggestions ready for the next Planning & Development Committee meeting.

Development and draft of the specific charge for the citizens committee was referred to the Planning & Development Committee.

b. HAMPDEN ACADEMY REUSE – COLLABORATION WITH SAD 22 – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Motion by Councilor Brann, seconded by Councilor Cushing to designate Mayor Hughes as the Town Council representative to the Hampden Academy reuse committee; unanimous vote in favor.

c. CODE OF ETHICS REVIEW

Motion by Mayor Hughes, seconded by Councilor Brann to table discussion of this item to a later date; unanimous vote in favor.

d. POLICE CRUISER PURCHASE

Manager Lessard explained that the low bid awarded at the last Council meeting for purchase of a cruiser was not available due to the fact that no more were being manufactured and the dealer was out of them. It is the recommendation of the Public Safety Director and the Finance Committee to accept the second lowest bid from Quirk of Augusta for an additional \$301.00; Councilor Brann so moved and Councilor Cushing seconded the motion; unanimous vote in favor.

e. ACTION TO ABANDON THE 2010 DRAFT COMPREHENSIVE PLAN AND TO HAVE THE CITIZEN COMPREHENSIVE PLAN COMMITTEE DRAFT A NEW COMPREHENSIVE PLAN

On Councilor Hornbrook's behalf, Councilor Cushing moved to abandon the 2010 draft comprehensive plan and to have the citizen comprehensive plan committee draft a new plan; the motion died for lack of a second.

Motion by Councilor Brann to agenda for the next meeting a discussion of calling a special election with a single item on the ballot asking the voters should we pass the 2010 comprehensive plan as it stands or should we re-engage the process of developing a new comprehensive plan; motion died for lack of a second.

4. NEW BUSINESS

a. DENNIS PAPER TIF TERMS – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

The Planning & Development Committee reviewed the terms of the TIF request from Dennis Paper which include a Credit Enhancement Agreement to include a 77% (5-years) and a 50% (5-years) and voted to forward the TIF terms to the full Council with the recommendation to approve the terms as proposed.

Motion by Councilor Brann, seconded by Councilor Cushing to grant the TIF as proposed; unanimous vote in favor.

b. TREE BOARD – SERVICES COMMITTEE RECOMMENDATION re DEFUNCT BOARD

Services Committee Chair Lawlis explained that we don't currently have a functioning Tree Board because there are not enough members. It is the recommendation of the Services Committee that in lieu of a Tree Board, that the Services Committee function as the Tree Board.

Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the Services Committee to function as the Tree Board until such time as the Tree

Board can be reassembled; following public comment and Council discussion, vote on the motion was unanimously in favor.

c. 2010 DRAFT COMPREHENSIVE PLAN – EFFECT OF MARCH 1, 2011 VOTE TO SUSPEND IMPLEMENTATION ON REQUEST FOR RECREATION PLANNING & OTHER TOWN TASKS

The March 1st vote was to “suspend implementation of the 2010 Comprehensive Plan until a new comprehensive plan committee can be formed from citizens of the community”. Before continuing with discussion of this item, the Council returned to Item C.3.a.

Following vote on item C.3.a. to form a Citizens Comprehensive Planning committee, Councilor Brann respectfully submitted that this item does not need to be considered because the citizen committee has now been created and Attorney Russell advised that the March 1st vote is no longer operative.

d. 2011/2012 BUDGET:

1. LIBRARY
2. RECREATION
3. POOL
4. DEBT SERVICE
5. RESCHEDULE MAY 10th BUDGET WORKSHOP

Motion by Councilor Brann, seconded by Councilor Cushing to postpone the budget discussions; unanimous vote in favor.

The May 10th meeting was rescheduled to June 1st and the items scheduled for discussion this evening were rescheduled to May 26th.

e. REQUESTS FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Mayor Hughes reported that the Finance & Administration Committee discussed the overwhelming number of requests for information related to the Freedom of Information Act. The committee reviewed a draft application form and it was noted that the Town is no longer able to support these requests without payment for copies and staff time.

Cindy Philbrick, Lisa Kelley and Jeremy Williams expressed objection to the Town imposing fees for providing information. This will be placed on the next agenda of the Finance & Administration Committee for further discussion.

D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare reported that paving is going on throughout Town, but unfortunately due to budget constraints this year, some of the roads that the Town had hoped to repave will have to wait another year.

Services – Councilor Lawlis reported that the committee met with representatives of the SAD #22 athletic department and discussed the pros and cons of the proposed trail near

the Reed's Brook school. She said there is enthusiasm for the trail as long as there is minimal cost to the Town and discussions will be ongoing.

Communications – Councilor Cushing reported that the committee will meet at 6:00 pm on May 19th, which will be followed by the candidate's forum.

Finance & Administration – Manager Lessard reported that in addition to items already discussed, the committee met with the Town's auditor about the 2010 audit.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Shakespeare commented that during public comments this evening there was some laughing when it was mentioned that the Town was planning for low-income housing and public parking. He felt it offensive and demeaning that people are laughing when there are people out there who may not have the financial means that they have. He also said he has talked with many people who say that HALO does not represent them or their views.

Councilor Lawlis informed everyone that there is a walk through for the proposed Town/SAD #22 trail scheduled for 9:00 am on Saturday June 25th. She also encouraged anyone interested in participating in budget discussions of outside agencies to attend that workshop.

Councilor Brann commented that he is getting tired of people telling the Council what the residents of the Town are thinking and maybe it is time to start looking at more referendum items, including the comprehensive plan.

Councilor Cushing commented that in the event that a committee does cease to perform its functions and the authority is conveyed to another entity, as was the case this evening with the Tree Board, he feels that the Council needs to consider what defines an appropriate quorum and where the duties will fall.

Mayor Hughes commented that when thinking about outside agencies, she wanted to reiterate that any contributions to these agencies has typically been affiliated with underprivileged persons and there has been great thought into how those agencies affect the Town. She also encouraged concerned residents to attend the budget workshop meetings.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:22 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
MAY 16, 2011

A Week of Meetings:

Budget – May 17th 6 p.m.

Planning & Development – Wednesday May 18th at 6 p.m.

Communications – Thursday May 19th at 5:30 p.m.

Candidate Forum – Thursday May 19th at 6:30 p.m.

Candidate Withdrawal –

One council candidate has withdrawn from the race. Darrel Sproul informed the Clerk today that he will not be able to continue with this race due to personal issues. Although the law does not require the Clerk to change a slate of candidates once the nomination papers have been filed and certified – in this case, the ballots were not yet printed so Denise outlined the formal process required to withdraw and Mr. Sproul completed the necessary paperwork and his name will not appear on the ballot.

Government on the Go –

The most recent edition of Government on the Go went out on Thursday, May 12th. If you haven't yet done so – go the town website at hampdenmaine.gov and sign up on the email list so that YOU can receive these biweekly updates on meetings and events happening with your local government.

Hampden Business Association Annual Dinner

The Hampden Business Association Annual Dinner is to be held on May 25th at the Spectacular Events Center. Dewey Martin of Hampden is this year's award winner as the business/businessperson of the year. If you wish to attend please let me know by Wednesday of this week so that we may get our reservations made for the event.

Hampden Academy Re-use – I attended a meeting of the Hampden Academy re-use committee on Wednesday, ~~June~~^{May} 11th. The Committee has narrowed its list of options to four, and anticipate making that decision by August or early September of this year in case it is necessary for them to have any questions related to demolition authority, etc. on the November ballot. They are in discussions with several education entities for use of parts of the facility. However, they want to know if the Town is interested in the use of any portion of it for its recreation programming, specifically, the Skehan Center. Since the Recreation Committee has requested permission from the Council to look at options, would it be acceptable to the Council for the Recreation Committee/staff to meet with the re-use committee to see what options might exist for the use of that portion of the property and bring back information to the Town Council? I have attached a list of the four options under consideration. I was also asked if the school decided to offer the property to the Town whether the Town would accept it. I told them that thus far the Council had committed to leaving such a decision to the referendum vote of the Town if it were to be considered.

MANAGER'S REPORT UPDATE
5-16-2011

Second Candidate Withdrawal – George Miller has also withdrawn his name from the upcoming ballot for the Council seat vacated by Matt Arnett. Mr. Miller cited personal reasons as his reason for withdrawing. That leaves Bernard Philbrick and Shelby Wright as the remaining candidates for the vacant position.