

TOWN COUNCIL MINUTES

JUNE 6, 2011

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 6, 2011. Due to the number of citizens in attendance, the meeting was held at the municipal building community room and was called to order by Mayor Hughes at 7:02 p.m.

Attendance: **Councilors:** Mayor Janet Hughes, Thomas Brann, Jean Lawlis, William Shakespeare, and Kristen Hornbrook; Councilor Cushing was excused.

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Economic Development Director Dean Bennett

Citizens and members of the press

Before discussion of agenda items, Mayor Hughes reviewed the rules of conduct for Council meetings and asked that everyone follow those rules. She noted that Councilor Cushing was absent this evening and had asked to be excused. Motion by Councilor Lawlis, seconded by Councilor Hornbrook to excuse Councilor Cushing. During discussion Councilor Shakespeare expressed concern about the conflict of Councilor Cushing's duties to the Council with his duties as a State Representative. He said he would like to see something in the Charter that would prohibit a Councilor from holding two conflicting political positions at the same time and asked that it be put on a future agenda for discussion. Following further discussion, vote on the motion was 3 in favor (Lawlis, Hornbrook and Hughes) and 2 opposed (Brann and Shakespeare); motion carried.

A. CONSENT AGENDA

Councilor Shakespeare requested that item A.3.a. be set aside and Councilor Hornbrook requested that Item A.3.b also be set aside. Motion by Councilor Brann, seconded by Councilor Lawlis to accept the balance of the consent agenda; unanimous vote in favor.

A.3.a. LETTER FROM JOHN MAHONEY

Councilor Shakespeare read Mr. Mahoney's letter and noted that contrary to what some people have stated, there are citizens in the Town that are not opposed to the 2010 comprehensive plan.

A.3.b. ATTORNEY RUSSELL – LEGAL OPINION re 2001 COMPREHENSIVE PLAN

Councilor Hornbrook noted that there is a lot of information in the legal opinion and said she has some questions. Mayor Hughes summarized the events that led to the Town Attorney's review of the process in adopting the 2001 plan and she asked him to discuss his memorandum (copy attached).

May 16, 2011

To Whom It May Concern,

I am writing to express my concerns about the vocal public opposition regarding the Comprehensive Plan, and the process by which it was created. A contingent accuses the Town of being secretive in the development of the Plan; however, this was not the reality. After seeing an article in *Hampden Happenings*, and having an interest in the issue, I attended the first meetings and continued to attend most of subsequent meetings through the Plan's completion. My interest in participating stemmed a desire to improve upon the Town's recreation facilities and trail network, both of which I consider to be deficits of the Town of Hampden.

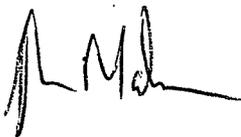
The Plan itself was written over a period of 2 years; the meetings were open to the public; and the time and locations of the meetings were well-advertised throughout town. I made it to them without any sort of special invitation, and the notices were easy to find for anyone who cared to look. In addition to private citizens such as me, a wide variety of political and business interests, including elected officials, representatives from Lane construction, members of the Conservation Commission, and the head of economic development attended the meetings. The pace of the discussion was deliberate, giving more than enough time to each of the issues outlined in the Comprehensive Plan. One could argue that the process took far too long, and as far as I could tell, at no time was anyone excluded from the meetings.

Now that the Comprehensive Plan planning meetings have become local news by virtue of hostile and, at times, embarrassing antics, I simply can't help but wonder where the outrage was while the plan was being written? Why is it, that members of the HALO group are interested enough to come to Town Council meetings every other Monday to complain, but were nowhere to be found for the two years of discussion surrounding the development of the Comprehensive Plan? After reading the letters from their attorney, and observing the votes of at least one Town Councilor, it appears that the goal of that this new group is to have no plan at all, potentially leaving the town unable to enforce its current zoning ordinances. Is a town with minimal zoning ordinances really what the majority of people of Hampden want? In addition, the State of Maine gives out more than 80 million in grant money each year, with the stipulation that each municipality is required or encouraged to have a Comprehensive Plan to be considered for this money. Kowtowing to a handful of people who are intent on eliminating the Comprehensive Plan, will exclude the Town of Hampden from having any chance of acquiring these monies, costing all the citizens of Hampden money and opportunities in the future.

In conclusion, the Town of Hampden should not suffer the consequences of being without a Comprehensive Plan due to a self-imposed lack of participation in the development process by a small but extremely vocal segment of the town. The Town is trying to retroactively address these peoples' lack of participation in developing the 2010 Comprehensive Plan by forming a new citizen's advisory committee. This is a confusing, redundant, and unnecessary step in the process. I sincerely hope the town can figure out a way to move forward with the 2010 Comprehensive Plan, which was developed following years of citizens' input.

Thank you,

John Mahoney



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MEMORANDUM

Date: June 1, 2011
To: Susan Lessard
From: Tom Russell
Re: Validity of 2001 Comprehensive Plan

BACKGROUND

As you know, David P. Crocker, an attorney representing the Hampden Association of Landowners, delivered a letter dated May 2, 2011 at the Town Council meeting of May 2, 2011. Mr. Crocker opined that there is "considerable doubt" as to whether the Town of Hampden properly approved the 2001 Comprehensive Plan because it did not appear from the minutes of Town Council and Planning Board meetings that the Planning Board recommended the 2001 Comprehensive Plan as required by Section 604 of the Town Charter. The Town Council asked me to research the matter, and to render an opinion concerning the validity of the 2001 Comprehensive Plan.

FACTS

The Town Clerk provided me with a DVD containing the minutes of Planning Board meetings and Town Council meetings from 1996 through 2001. I personally reviewed those minutes, discussed the matter with David Gould (former Town Planner) and Robert Osborne (current Town Planner), and reviewed additional documentation provided by Bob Osborne. My review has revealed the following facts:

1. According to David Gould, the Town of Hampden commenced the creation of a new comprehensive plan in 1992 in response to the Growth Management Act. The Town Council apparently appointed a Comprehensive Planning Committee. David informed me that he prepared the original November 1995 Draft

Comprehensive Plan, working in conjunction with the Committee and with assistance from various consultants retained by the Town. Since this process was new to both the State and the Town, there was a learning curve for both the State and the Town. Therefore, the Town decided to submit the 1995 Draft Comprehensive Plan to the State Planning Office for review and comment.

2. Town Manager Marie Baker, in response to a question from Council Brann at the February 17, 1998 Town Council meeting, informed the Town Council that the Draft Comprehensive Plan had been sent to the State for review and comment.
3. The minutes of the June 10, 1998 meeting of the Planning Board indicate that David Gould informed the Board that the Draft Comprehensive Plan had been returned by the State with comments and suggestions, and that the local review could begin. He also informed the Board that the Comprehensive Planning Committee had been working on the plan, but that the Town Charter required that the Town Council cannot adopt a comprehensive plan without a recommendation by the Planning Board.
4. At September 21, 1998 Town Council meeting, David Gould informed the Town Council that the Town had reviewed the comments from the State Planning Office concerning the Draft Comprehensive Plan.
5. At the January 19, 1999 Town Council meeting, David Gould requested, and the Town Council approved, retaining a consultant to address the issues raised by the State Planning Office.
6. By a Memorandum to the Town Council and Planning Board dated July 7, 2000, David Gould advised that the Draft Comprehensive Plan ("May 2000") was found by the State Planning Office to be consistent with the Growth Management Law. Due to the Town Charter provision dealing with comprehensive plans, he recommended that the Planning Board now be designated as the "Local Planning Committee," and that the former members of the original Comprehensive Planning Committee be invited to join in the process.
7. During a discussion at the July 10, 2000 Town Council meeting concerning David Gould's resignation as Town Planner, Town Manager Marie Baker informed the Town Council that the Draft Comprehensive Plan ("May 2000") had been forwarded to the Planning Board for review.
8. At the July 17, 2000 Town Council meeting, the Town Council voted to designate the Hampden Planning Board as the " 'Local Planning Committee' for Comprehensive Plan Review."
9. By letter dated July 20, 2000, Town Manager Marie Baker advised the Chairman of the Planning Board that she would like to discuss comprehensive plan procedures at the Planning Board meeting scheduled for August 9, 2000.

10. At the August 9, 2000 Planning Board meeting, Town Manager Marie Baker advised the Board that the Town Council wanted to know if the Planning Board would accept the designation of "Local Planning Committee" for the purpose of reviewing the Draft Comprehensive Plan, and to provide suggestions, comments and recommendations to the Town Council. Chairman Ingram asked the Board for suggestions in setting up meetings to review the Draft Comprehensive Plan, and Board members agreed to meet at 6:00 p.m. before the next scheduled meeting.
11. Bob Osborne started work as the new Town Planner on August 14, 2000.
12. By Memorandum to the original Comprehensive Planning Committee dated September 5, 2000, Bob Osborne advised the Committee that the Planning Board was now the "Local Planning Committee," but that all members of the original Committee were invited to join the plan review process. The Memorandum stated that the first meeting of the Planning Board on the Draft Comprehensive Plan was scheduled for September 13, 2000 at 6:00 p.m.
13. Bob Osborne's Memorandum to the Planning Board dated September 8, 2000 states that a meeting has been scheduled for 6:00 p.m. on September 13, 2000 "to lay out a strategy to finalize the Comprehensive Plan."
14. The Planning Board minutes for its regular meetings from September 13, 2000 through August 29, 2001 do not contain any references to the new Comprehensive Plan. However, Bob Osborne has informed me that he attended numerous workshops with the Planning Board concerning the Comprehensive Plan. Unfortunately, consistent with the Town's customary practice at the time, minutes were not prepared for workshop sessions of the Planning Board.
15. By correspondence dated September 4, 2001, Bob Osborne forwarded a "Final Draft of the Hampden Comprehensive Plan" to the Town Council and the Planning Board. The correspondence suggested that the Town Council and the Planning Board hold a joint public hearing to receive public comment, and then a joint workshop session to develop any proposed changes for final adoption.
16. The minutes for the September 12, 2001 Planning Board meeting indicate that Bob Osborne spoke to the Board about the "long awaited Comprehensive Plan for the Town of Hampden."
17. At the Town Council meeting of September 17, 2001, Bob Osborne recommended that the Town Council and the Planning Board hold a joint hearing on the Draft Comprehensive Plan, with a subsequent joint workshop to address any updates or changes to the Plan. Councilor Brann introduced the Draft Comprehensive Plan for a public hearing at the next council meeting on October 1, 2001. The consensus of the Council was to schedule a joint workshop, preferably for October 4, 2001.

18. By correspondence dated September 18, 2001, Bob Osborne advised the Town Council and Planning Board of the joint public hearing scheduled for October 1, 2001, and the joint workshop scheduled for October 4, 2001.
19. A public hearing on the Draft Comprehensive Plan was held at a regular Town Council meeting on October 1, 2001. The minutes indicate that Planning Board members were present, and Mayor Romano stated that members of the Planning Board were present to hear public testimony concerning the Draft Comprehensive Plan. A member of the original Comprehensive Planning Committee spoke in favor of the Draft Comprehensive Plan, as did the Chairman of the Planning Board. No one spoke in opposition to the Plan. The Town Manager informed the public that a joint Planning Board and Town Council workshop was scheduled for October 4th. Mayor Romano advised the public that the comments and letters received concerning the Draft Comprehensive Plan would be reviewed at the workshop meeting, and that a revised edition would be presented for another public hearing.
20. The joint workshop was held on October 4, 2001. Bob Osborne's Memo dated October 24, 2001 contains his "notes" from the October 4, 2001 joint workshop (copy attached).
21. By correspondence dated October 16, 2001, Bob Osborne advised the Town Council and the Planning Board that a second joint workshop was scheduled for October 24, 2001.
22. A second joint workshop occurred on October 24, 2001, and the proposed revisions to the Comprehensive Plan were finalized. Bob Osborne's Memo dated October 25, 2001 contains his notes from the October 24, 2001 joint workshop (copy attached).
23. At the Town Council meeting on November 19, 2001, Councilor Muth introduced the Comprehensive Plan for a public hearing on December 3, 2001.
24. At the public hearing on December 3, 2001, Bob Osborne advised the Town Council that the changes to the Comprehensive Plan agreed upon at the Planning Board/Town Council joint workshop on October 24, 2001 had been made in the computer, but that he had not printed a subsequent draft of the Plan because he thought it would make more sense to make final copies after the public hearing. He indicated he did have a list of the changes for inclusion in the public record. One person spoke in favor of the Comprehensive Plan, and no one spoke in opposition. I advised the Town Council to continue the matter until a printed version of the revised Comprehensive Plan was on file with the Town Clerk and available for public inspection. The Town Council voted to postpone the matter until the next regular meeting.

25. On December 17, 2001, the Town Council held another public hearing on the Comprehensive Plan. Mayor Romano stated that all changes had been incorporated into "the book", and he opened the public hearing. No one spoke on the matter and the hearing was closed. Councilor Muth moved to adopt the Comprehensive Plan with the amendments as presented, Councilor Gamble seconded the motion, and the motion was adopted by a unanimous vote (7-0).

ANALYSIS AND CONCLUSION

Title 30-A M.R.S. § 4324(2) of the so-called Growth Management Law provides that if a municipality chooses to prepare a growth management program (which includes a comprehensive plan), the municipal officers shall designate and establish a "planning committee," which may include one or more municipal officials. The municipal officers may designate an existing planning board as the planning committee. Initially, it appears that the Town Council designated and established a separate planning committee, which has often been referred to as the Comprehensive Planning Committee in various minutes of the Planning Board and Town Council, as well as in various other documents. Although the established Committee contained one member of the Planning Board and a few former members of the Board, the Planning Board members as a whole were not part of the membership of the original Comprehensive Planning Committee. [It should be noted that the 1996-2001 Planning Board minutes make reference to a Comprehensive Plan Committee, but that particular Committee was a subcommittee of the Planning Board that often reviewed proposed zoning text or map amendments from the context of consistency with the 1986 Comprehensive Plan, and other land use policy considerations. That particular subcommittee of the Planning Board was not directly involved in the development of the 2001 Comprehensive Plan during the 1996-2000 period.]

In addition to the statutory duties of the "planning committee" and the "legislative body" concerning the development and adoption of a comprehensive plan, Section 604 of the Town Charter provides as follows: "The town council shall approve no changes in the comprehensive plan without the recommendation of the Planning Board. Such recommendations may be overturned by an affirmative vote of five councilors."

David Gould informed me that he was aware of the Charter provision, which is corroborated by this comments to the Planning Board as reflected in the minutes of the June 10, 1998 Planning Board meeting. Once the State Planning Office had given approval to the Draft Comprehensive Plan ("May 2000"), David Gould recommended in a Memorandum dated July 7, 2000 that the Planning Board be designated as the planning committee. The Town Council voted at the July 17, 2000 meeting to designate the Planning Board as the planning committee. That designation was within the authority of the Town Council, in its capacity as the municipal officers of the Town of Hampden, under 30-A M.R.S. § 4324(2). Therefore, as of July 17, 2000, the Planning Board was the planning committee.

Although it does not appear from the minutes provided that the Planning Board took a formal vote at a regular meeting to recommend the 2001 Comprehensive Plan, it is my opinion that the totality of the circumstances clearly demonstrates that the Planning Board was in favor of the Comprehensive Plan as revised from September of 2000 through the adoption process ending on December 17, 2001, and that the facts demonstrate that its recommendation may be reasonably inferred. Given that the Planning Board, in cooperation with Bob Osborne, developed the version of the Comprehensive Plan that was sent out by Bob Osborne on September 4, 2001, that the Planning Board attended the joint public hearing on October 1, 2001 to hear public testimony, that the Chairman of the Planning Board spoke as a proponent of the Comprehensive Plan at the October 1, 2001 public hearing, and that the Planning Board participated in two joint workshops with the Town Council to finalize the Comprehensive Plan before its introduction for another public hearing, I do not believe that a court, under these circumstances, would conclude that the Comprehensive Plan was not recommended by the Planning Board.

Furthermore, the purpose of Section 604 of the Town Charter is to ensure that the Planning Board has a role in the review and recommendation of any changes to the comprehensive plan, whether that be amendments to an existing comprehensive plan or the adoption of a new comprehensive plan. With respect to the 2001 Comprehensive Plan, the process used to develop the final version of the Plan was consistent with that purpose, as the Planning Board was designated as the planning committee under 30-A M.R.S. § 4324 as of July 17, 2000, it worked with the Town Planner for approximately one year to review and revise the May 2001 Draft Comprehensive Plan and to prepare a final draft for consideration by the Town Council, and it then worked with the Town Council at two joint workshops to develop the "final" Comprehensive Plan that was adopted by the Town Council on December 17, 2001. Finally, Section 604 does not prescribe any particular mechanism for the Planning Board to use in making a recommendation.

In conclusion, it is my opinion that the actions of the Planning Board clearly demonstrate that the Board endorsed and recommended the 2001 Comprehensive Plan, and that the 2001 Comprehensive Plan is valid.

MEMORANDUM

TO: Joint Council - Planning Board Comprehensive Plan Workshop
FROM: Bob Osborne, Town Planner
RE: Notes from last workshop meeting
DATE: October 24, 2001

Transportation

The general topic of pedestrian ways was discussed. It was suggested that the sidewalk plan found in Transportation Chapter after page 8 does not address the network of trails that are available in the town. Walking trails are also depicted on a map found in Open Space and Recreation Chapter after page 4. A plan depicting the interconnection of sidewalks- trails - walkways and snowmobile trails could be developed. (BACTS has an area map of sled trails) It was suggested that walkways are an important public meeting place.

It was suggested that the stated goals and objectives for sidewalks set out in the Transportation Chapter, page 7 cross reference to Public Facilities and Services Chapter page 12 and vice versa.

The Route 202 bypass discussion in the Transportation Chapter, page 15 states there is no need to preserve 202 ROW through four mile square but it should be changed to indicate that local access should be preserved to provide access to areas on the north side of Reeds Brook, particularly the schools and possibly some additional commercial development in that area.

Route 1A Corridor-

The Land Use Plan map's depiction of commercial zoning extending farther south than its current limit was discussed. Added commercial properties would necessitate center turn lanes. The limitations for widening 1A, both financial and cultural, are a clear obstacle to expanding the commercial area. However, no change was proposed.

Don Meagher letter address -

The Natural Resources Chapter, page 13 incorrectly indicates the location of the aquifer in relation to the Pine Tree Landfill.

The Community Character and History Chapter Scenic Resources map found after page 18 indicates the sole scenic drive along Emerson Mill Road. It was suggested that this drive was not particularly scenic and others such as Patterson Road, Kennebec Road and Western Avenue might be.

Affordable housing-

Some concern was raised that the housing section of the plan did little to create Affordable housing. A balance of young and old/rich and poor was seen as essential to the future health of the community. Examples were cited of affordable housing creation in other communities.

Open Space-

The value of the open space dedications that have been created through the subdivision process was questioned. It was suggested that perhaps the Town should take a different approach by specifically seeking out open spaces that are more important such as the Dehan property or vistas such as the Perry farm.

MEMORANDUM

TO: Joint Council - Planning Board Comprehensive Plan Workshop
FROM: Bob Osborne, Town Planner
RE: Notes from October 24, 2001 final workshop meeting
DATE: October 25, 2001

Pedestrian ways-

An additional mapping product will be produced that depicts the interconnection of sidewalks- trails - walkways and snowmobile trails.

Four Mile Square-

The plan should clearly identify the need to explore additional interior access roads for the Four Mile Square. The continued development of the Four Mile Square could generate significant new traffic. Perhaps 200 acres are quite suitable for development inside the square (and another 200 acres outside the square on the outside of Mayo Road and Kennebec Road). The routes by which that associated traffic could access the Four Mile Square must be planned early enough to take advantage of access routes (while they remain feasible and unobstructed). The discussion primarily focused on the feasibility of a local access road that would extend south from the intersection of the Route 202 bypass and Western Avenue. The discussion identified the Graves Supermarket and Maine Savings (BARCO - CUSO) site developments that could immediately benefit from access to the traffic signal located at that intersection. Farther south an access road might also serve to address a current source of congestion on Route 1-A at the cluster of schools. The proposed expansion of the Academy at an undetermined location was also questioned as it may also exacerbate traffic congestion. Finally, concern was expressed about anticipated increases in background traffic at two percent annually and expected expansion of trucking activities in Searsport routed north through Hampden on 1-A that would exacerbate traffic congestion on 1-A.

It was also determined that the plan should identify the need to explore the feasibility of extending sewer and water into the interior of the Four Mile Square. The Four Mile Square is seen as the Town center and a feasible location to create affordable housing, not as a wilderness reserve. Thus, alternatives should be shown on the urban services map.

Route 1A Corridor-

The Land Use Plan map's depiction of commercial zoning extending farther south than its current limit was not changed.

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Councilor Hornbrook noted that Section 604 of the Town Charter is ambiguous in that it is not clear as to what form the Planning Board's recommendation should take. She said her interpretation of Section 604 would be that the Planning Board should take a vote to make a recommendation but Attorney Russell's opinion states that it does not appear from the minutes that the Planning Board took a formal vote at a regular meeting to recommend the 2001 plan. She said where the question comes in is that now we are saying the 2010 plan is not valid because there was no vote of recommendation from the Planning Board, but in 2001 we didn't require a vote. She said this is confusing and needs to be made clearer – what does a recommendation from the Planning Board mean?

Attorney Russell explained that in the 2010 plan, the Planning Board did not participate at all in the development of the plan, but in 2001 they worked on the plan for a year with the planner to finalize the draft, they attended the workshops and went to public hearing and that is enough to reasonably infer that they recommended their own work product.

Motion by Councilor Brann, seconded by Councilor Shakespeare to accept Items A.3.a and Item A.3.b – unanimous vote in favor.

B. PUBLIC COMMENTS

Mayor Hughes asked that anyone wishing to make comment to please limit their comments to two minutes.

David King of 54 Summer Street said he takes pride in our community and in watching the last several council meetings, he has witnessed attacks on the Council personally and on its work on the comprehensive plan. He said the plan he has reviewed is a fine plan and bears no resemblance to the comments he has heard. He apologized for not having attended meetings and giving the Council the support he should have. He then thanked the Council for the work it has done and the effort it has put in and for the civility in treating those who have not used that civility. He applauded the efforts of the Council and hoped others would join in.

Eric McVay of 23 Cottage Street welcomed the new Mayor and noted that she has come in under difficult circumstances. He has been watching the meetings from home, recognized that the Council has put in some very long nights and said he was sorry that the Council had to deal with the abuse.

Alex King of Kennebec Road referenced John Mahoney's letter and said he had reviewed the comprehensive plan manual from the State Planning Office which talks about enlisting the participation of all aspects of citizens in the town. He feels that did not happen and that is his problem with this plan. He said there are far more people who are upset with the plan than there were who actually created the plan.

Al Valcourt of 205 Monroe Road commented that this group first found out about this plan in February and now realize that our land could possibly be restricted and nobody asked us anything about it so we went into a meeting at the White House Hotel. He said we all came as concerned citizens but what we got from the Council was a lot of bitterness. He said we want to be represented, we do not want our lands restricted or

governed and we don't need it. He said none of the landowners have been boisterous toward the Council, we feel it is the other way around and so we formed this group.

Paul Philbrick of 1220 Western Avenue said he wanted to address a few points about the 2010 plan and asked "are the following strategies and implementation thereof your vision for Hampden?" The former LL Bean property purchased by the Town by bonded indebtedness to become an industrial park will become a very expensive deer yard in the comprehensive plan; development of forestry regulations and permit processes which are redundant with state forestry regulations but with much greater restrictions – the town forester will have authority over every public and private tree and landscaping detail in town and are you ready for a \$100 fine per branch for pruning your trees without a permit?; the Council will be recommending increased bonded indebtedness to buy targeted natural resource protection land areas for purposes of conservation and enacting land-grabbing ordinances that impede development and permitting and encouraging those with back lots to give up ownership or control of their property via easements and property tax reductions; the 2010 plan proposes to wrest control of more than 50 percent of Hampden's land mass – just look at the maps. He said it's been stated that that is the template the ordinances will follow. This transfer of privately owned property to the public or to other non-governmental land trusts out of San Francisco and elsewhere is unconstitutional and we should turn it down and stop it - this is why HALO was formed. He said that these properties will no longer be taxed at full value as they are now and everyone's tax bills will go up to offset those losses. He commented that there has been suggestion of trails all through town, but the hypocrisy is that once the trails are developed for walking and cross-country skiing the snowmobilers will have to find somewhere else to ride even though they established and maintain these same routes. He warned that private property owners will start to post their property and said it has already started. He said the 2010 plan has a strategy to construct sidewalks the entire length of Route 1A from Bangor to Dorothea Dix Park and property owners won't have any say in how their front yards are cut up. He said we will have to say goodbye to privately owned driveways, wells and septic systems as under the 2010 plan, new housing developments must be cluster developments, which only allows for sharing of those items, and 50% of the land area of each new development must be dedicated to open space, this all being Randall Arendt's vision of how Hampden should look. He ended his comments by saying that each new resident of Hampden will be assessed a \$150 per person impact fee if the authors of the plan get their way – which is the Penobscot Valley Council of Governments.

Mayor Hughes said she is hearing misunderstanding and misinterpretation of the comprehensive plan and she asked Mr. Philbrick to bring his comments and concerns to the citizen review committee. She said reiterating these comments in the Town Council chambers is not going to help.

Kathryn King, a teacher and coach at Hampden Academy said that since the March 7th meeting she has spent time reviewing Book One of the proposed plan and has prepared a series of questions to make sure she understands what the language in the land management proposal actually purports to do. She went on to ask the questions, but because this was the public comment portion of the agenda, it was pointed out that the Council should not be answering questions. Mrs. King concluded by saying that having carefully reviewed the comprehensive plan, she noticed a recurring theme throughout the proposal: 1) nothing about the proposal exceeds that of a mission statement and 2) the language repeatedly emphasizes that the plan attempts to balance and respect

individual property owners' desires to maximize the private use of their land with the broad diverse needs of a growing town. She thanked the Council for its hard work on this proposal and urged Councilors to not only continue hearing the request of individual landowners but also to continue to consider the long-term needs of a diversified growing community.

Jeremy Williams of 1334 Carmel Road South took exception to John Mahoney's letter and said it is an unfair assumption and characterization that members of HALO don't want a comprehensive plan or zoning, but they are concerned about how to manage growth. He invited the Council to a meeting at the snowmobile club next Wednesday at which time he will be giving a presentation on why this particular plan won't work.

Lisa Kelley of 19 Clark Circle noted that in his letter, John Mahoney did mention that there is approximately \$80 million in grant money, however the only grant that the Town of Hampden has tried to get in the last four years that requires a comprehensive plan is the one they're trying to get for the trails. She said there have been other grants that did not require a comp plan. Mrs. Kelley said that she did attend the budget meeting where funding for outside agencies was discussed and she reiterated her concerns made at that meeting. She believes that donating money is a very personal and sometimes emotional decision that we taxpayers make on an individual basis and she also believes that as a community there is some responsibility to help these charities obtain the funding they are looking for, but there are other ways to do it, such as putting information in the quarterly town newsletter.

Lisa Carter of Western Avenue noted that there are a lot of new faces her tonight and it is sad that neighbors have come together on polarized opposite ends. She said if some of you really listened and put pride away, we do have some common ground, but that the people who have some concerns are not being heard. She asked the new faces not to allow government to separate us as neighbors but to talk with your neighbor with an open ear as to why they're concerned. She also commented that the Council goes on and on about planning, but she just went to Roe Village and their back yard has been completely consumed with the new school and all the water from the tennis court and track drains into their little garden spot. She said the residents there said they came over repeatedly asking if their little garden spot could be saved and what they got was deaf ears.

Jim Feverston of 55 Dudley Street commented that recently there have been some vocal public accusations leveled against and regarding the Town of Hampden and its home building and lot development review process and the individuals involved in that process. He said anyone can condemn anyone with vague accusations and the way to combat that is with data. He conducted some research on data on lots and home building and between 1995 and 2008 there were 504 lots approved and there were 234 dwellings added to the tax rolls. He noted that there are currently 179 lots available for construction in the town. He said he has never worked with finer men than Bob Osborne in the planning office and Ben Johnson in the code enforcement office – they have always been forthcoming and have helped the process through and obviously they have done that for many other people. Mr. Feverston thanked the Council for setting up the process that allows these fine people to do their job and noted that the rules are for the benefit of the public.

Lois Brann of 262 Western Avenue thanked the Council for taking care of the needs of all of us and for making committees so that those who have concerns have another place to speak.

David Ryder of 315 Meadow Road said that at the last meeting, there was discussion about the cost of making copies and what would have to be done because there were so many requests for information and he suggested that the Council set aside some of the money geared for outside agencies and use it to hire one of the kids from the high school to come in for the summer and do that work. He also said he doesn't know why we need to spend money on a trail when we've got this mess out in front of the Town Office – the worst looking garden he ever saw.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR VICTUALERS LICENSE RECEIVED FROM KIM GRAHAM d/b/a COWGIRL KIM'S, A TEMPORARY MOBILE STRUCTURE TO BE LOCATED AT WATERFRONT MARINE, 759 MAIN ROAD NORTH

Mayor Hughes explained the procedure for the hearing and then opened the hearing. No one spoke in favor or opposition and there were no questions or comments – the hearing was closed.

Motion by Councilor Brann, seconded by Councilor Lawlis to approve the application; unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

- a. CITIZENS COMPREHENSIVE PLAN COMMITTEE – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS REGARDING OBJECTIVES

Councilor Brann read the Planning & Development committee's recommended objectives for the citizens comprehensive plan committee (copy attached).

Lisa Kelley of 19 Clark Circle said she has been speaking directly with the State Planning Office who informed her that they are in the process of updating and amending its review criteria for comprehensive plans and are looking at an adoption date of no later than August 11th so she felt it might be best to wait to hire a facilitator until the changes in the review criteria have been implemented.

Motion by Councilor Brann, seconded by Councilor Shakespeare to adopt the procedures and proceed; unanimous vote in favor.

Citizens Comprehensive Plan Committee

Recommended Objectives for Council Consideration

The Planning and Development Committee recommends Council approval of the following objectives for the Citizens Comprehensive Plan Committee (CCPC):

- CCPC to review Book 1 of the 2010 Comprehensive Plan Draft
- First meeting will be scheduled for June 9th at 6 p.m. The first meeting will be an overview of the Comprehensive Plan, its history, purpose, and design. Meeting times and dates will be scheduled.
- A facilitator will run the meetings and will present the rules for the meeting conduct at the first meeting. All members must abide by the rules.
- The CCPC will consist of the attached list of members. A quorum shall be 9 CCPC members. The Council and Planning Board are encouraged to attend; however, they will be non-voting members. Members will be removed from the Committee if they miss 3 consecutive meetings.
- Meetings are open to the public. The public will be allowed to make comments in accordance with meeting rules; however, they will be non-voting members.
- Meetings will be televised on Local Cable Channel 7.
- Meetings will be conducted every two weeks with the goal of discussing two sections per week.
- Copies of Book One, double spaced for note-taking, will be provided to the CCPC at the first meeting.
- The end product will be recommendations for amendments to the 2010 Draft Comprehensive Plan. A summary of the recommendations will be submitted to the Town Council by September 9, 2011.

b. POOL AIR HANDLING SYSTEM – INFRASTRUCTURE COMMITTEE
RECOMMENDATION

Infrastructure Committee Chair Shakespeare reported that the committee met with the Pool Director relative to the potential cost related to the replacement of the air handling system. It was the committee's recommendation to request that the Pool Board expend \$3500 from the Pool Board Trustee's fund for an engineering firm to review and determine the replacement options of that system.

Motion by Councilor Shakespeare, seconded by Councilor Brann to request from the Pool Board the expenditure of \$3500 from the pool trust for an engineering study; unanimous vote in favor.

c. SALT ACQUISITION – 2011/2012 – EXPLANATION OF CONTRACT – MAYOR
HUGHES

Mayor Hughes said there have been a number of questions and comments were made during the candidate forum relative to how the town acquires salt. She explained that in the past the Town has joined with PVCOC as a method of gaining a competitive bid price with other towns but since the PVCOC is now defunct, the Town has piggybacked with the State of Maine at a bid price of \$63.42 per ton from Harcross and this is one of those times when we strive for regionalization and to keep costs down. She said there were a number of questions regarding whether there was any conflict regarding Hughes Bros. but she wanted to make it clear that Hughes Bros. did not bid on it and had no desire to bid on it.

d. HAMPDEN ACADEMY RE-USE – RECREATION – REFER TO PLANNING &
DEVELOPMENT COMMITTEE

Mayor Hughes referred this item to the Planning & Development Committee.

e. 2002 GMC PICKUP TRUCK BID RESULTS – FORFEITED PROPERTY

The Finance Committee had reviewed the bids received for the sale of the 2002 GMC pickup truck that had been awarded to the Town as forfeited property through the court. The committee recommended acceptance of the high bid from Asian Auto Services in the amount of \$2,632.12. Motion by Councilor Brann, seconded by Councilor Shakespeare to accept the bid from Asian Auto Services in the amount of \$2,632.12; unanimous vote in favor.

f. 2012 BUDGET – REFERRAL TO PUBLIC HEARING

Councilor Brann introduced the budget for public hearing on June 20th.

4. NEW BUSINESS

a. MAINE DEVELOPMENT DISABILITIES COUNCIL – 5-YEAR PLAN – ERIC McVAY REQUEST

On behalf of the Maine Development Disabilities Council, Eric McVay wanted to inform the Council and the public about the 5-year state plan. He brought information relative to the council's goals and objectives which was distributed to members of the audience and he requested that people go to their website to complete a survey. He thanked everyone for helping him complete his duties as a board member.

b. 2010 GUARANTEED ANNUAL TONNAGE SHORTFALL TO PERC – FINANCE COMMITTEE REQUEST

Manager Lessard explained that the Town has been assessed a shortfall penalty in the amount of \$618.84 from PERC for failing to meet the guaranteed annual tonnage in 2010 by 55 tons. There are three options for payment of the penalty; writing a check, having the penalty deducted from the next quarterly distribution from the Municipal Review Committee or having the amount deducted from the Town's share of equity in the facility. It was the recommendation of the Finance Committee that the penalty be taken from the next quarterly MRC payment.

Motion by Councilor Brann, seconded by Councilor Lawlis to accept the recommendation of the Finance Committee; unanimous vote in favor.

c. REQUEST TO REDUCE GUARANTEED ANNUAL TONNAGE TO PERC

Because the Town did not meet its current Guaranteed Annual Tonnage (GAT) in both 2009 and 2010, it was Manager Lessard's recommendation that the Town request a reduction in the Town's GAT from 3500 to 3450 tons per year.

Motion by Councilor Brann, seconded by Councilor Lawlis to request a reduction to 3450 tons; unanimous vote in favor.

d. MUNICIPAL SNOWMOBILE CERTIFICATION – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Upon recommendation of the Infrastructure Committee, Councilor Shakespeare moved and Councilor Brann seconded to approve the certificate and authorize the Town Manager to sign on behalf of the town; unanimous vote in favor.

e. MAINE POWER OPTIONS – PERMISSION TO ACCEPT BID(S)

Manager Lessard informed the Council that the bids for heating oil and road diesel will be released tomorrow at 10:00 am and a response is needed by 3:00 pm. She asked the Council for authority to accept the low bid.

Motion by Councilor Brann, seconded by Councilor Shakespeare to authorize the Town Manager to act on behalf of the Town Council in acceptance or rejection of bids for heating oil and road diesel; unanimous vote in favor.

f. **ETHICS QUESTION – FORFEITURE OF OFFICE PROVISION OF TOWN CHARTER – REQUEST BY COUNCILOR HORN BROOK**

Councilor Hornbrook explained that she had requested this item after a resident had made some comments regarding Councilor Shakespeare at the last meeting and because it was made in a public way at a Council meeting, she felt it would make sense for the Council to discuss it in a public manner. She read Section 207 of the Town Charter and said she wanted anyone who wished to make comment to have the opportunity to do so but also asked that this be included as part of the ongoing review and discussion of the Code of Ethics.

Several residents had comments and/or questions and Attorney Russell advised that the Council should avoid getting into evaluating a dispute between neighbors. He noted that the court system is handling that and this should not be another forum for that particular matter. He further advised that the things he just heard described do not meet that part of Section 207 of the Charter.

D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare reported that in addition to the items already discussed tonight, the committee reviewed a memo from Town Planner Bob Osborne on the status of Sucker Brook, which is likely to be named as an urban impaired stream and that designation carries with it the responsibility of the Town to take action to protect and improve the watershed through the development of a Watershed Management Plan.

Services – Councilor Lawlis reported that the committee will meet next Monday and the first item on the agenda is the proposed Town/SAD #22 trail.

Planning & Development – Councilor Brann reported that items discussed by the committee have already been addressed this evening.

Communications – Councilor Hornbrook reported that the next meeting is scheduled for 6:00 pm on June 16th.

Finance & Administration – Manager Lessard reported that most of the items discussed by the committee this evening have already been discussed. She noted that the proposed record request form will be on the next agenda.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Hornbrook thanked everyone for coming to the meeting and commented that there is nothing better than to see citizens involved in their government.

Councilor Lawlis reminded everyone about the election next week and encouraged everyone to get out and vote. She commented that she doesn't know the details of what

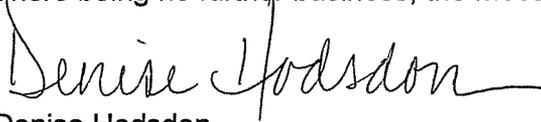
is going on with Councilor Shakespeare, but said it sounds like it is a dispute between neighbors. She said she has the greatest confidence in Councilor Shakespeare's concern for the people of Hampden and in his ethics.

Councilor Shakespeare reminded everyone that the first meeting of the citizens comprehensive plan is this Thursday at 6pm and that there are several other meetings scheduled for next week.

Mayor Hughes commented that she attended the Hampden Business Association's annual dinner where she had the pleasure of presenting the Key to the Town to Dewey Martin who was recognized as Business Person of the Year.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:53 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
June 6, 2011

Kid's Kamp Restaurant – The Town Council is cordially invited to the Kid's Kamp Restaurant for lunch on Thursday, July 14th at 12 pm at the Reed's Brook cafeteria. This annual event is always a wonderful and fun experience! The children in the program never fail to do an amazing job.

Fiscal Year End – The Town's fiscal year ends on June 30, 2011. A reminder that a list of all names of property owners with unpaid on that date is required to be published in the Town's Annual Report. Reminder cards are going out this week to property owners with outstanding balances.

Katahdin Trust – Katahdin Trust will be opening the new bank on Western Avenue next to Rite Aid on June 20th. We welcome them to Hampden as a new business and wish them well.

Newsletter – The deadline for the next Newsletter is June 27th.

Government on the Go! – The next edition of Government on the Go! will go out on Thursday, June 9th.

Meeting Reminder - The first meeting of the Citizen's Comprehensive Planning Committee will be held this Thursday at 6 p.m. at the Town Office.

Route 1A MDOT Project - .26 mile north of Wheeldon Heights .5 miles to Hillside Drive. The MDOT public meeting on this project will be held on Tuesday, June 21st from 6 – 8 p.m. at the Hampden Town Office.

HBA Businessperson of the Year – The HBA Annual Dinner on May 25th was a well attended and successful event. This year's award winner, Dewey Martin, runs a successful accounting business in Hampden, serves as a professor at Husson University and has been a lynchpin in the development of children's sporting programs in the Town of Hampden for thirty years. Congratulations to an accomplished Hampden citizen.