



HAMPDEN TOWN COUNCIL MINUTES

August 1, 2011

Attending:

Councilor Andre Cushing
Councilor William Shakespeare
Councilor Jean Lawlis
Councilor Kristen Hornbrook
Councilor Thomas Brann
Councilor Shelby Wright
Mayor Janet Hughes

Town Manager Susan Lessard
Town Attorney Tom Russell
Public Safety Director Joseph Rogers
Interested residents

- A. CONSENT AGENDA – *Request by Councilor Hornbrook to pull items 3 .a. and 3. b. from the consent agenda for discussion. Motion by Councilor Shakespeare, seconded by Councilor Brann to accept the balance of the consent agenda. Unanimous vote.*

Councilor Hornbrook requested that the public be allowed to address the Council on items 3 a. and 3 b. Motion by Councilor Cushing, seconded by Councilor Brann to move item 3.a. to Old Business Item 3.g. for discussion purposes. Unanimous vote.

After considerable discussion over whether or not this item should be moved to the policy agenda during this meeting, there was a Motion by Councilor Cushing, seconded by Councilor Brann to place Item 3.b. on the next regular Council Agenda under Old Business to allow for discussion by the public. Vote 6 – 1 (Hornbrook).

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Email/Legal Opinion Janet Hughes, Hughes Brothers/HBA – Request for Inclusion on Agenda by Linda Valcourt
- b. David Crocker/Town re: Legal Status of 2001 Comprehensive Plan

4. REPORTS

- a. Finance Committee Minutes – 7/18/2011
- b. Infrastructure Committee Minutes – 7/25/2011
- c. Communications Committee Minutes – 7/21/2011

B. PUBLIC COMMENTS - None

C. POLICY AGENDA

1. PUBLIC HEARINGS - None

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Nomination Papers Available August 10th –Town Council, Districts 1-4, SAD #22 Board of Directors and Water District Board of Trustees – *The Town Manager explained that Nomination Papers would be available from the Town Clerk from August 10, 2011 through September 8, 2011. Papers for all offices must be returned to the Town Clerk by close of business on September 8th.*

3. UNFINISHED BUSINESS

- a. MDOT Sidewalk Grant Acceptance – *Tabled until the August 15, 2011 meeting.*
- b. Chevron/City of Bangor Request for use of Sewer System – Infrastructure Committee Recommendation – *Motion by Councilor Brann, seconded by Councilor Cushing to authorize the Town Manager to negotiate with Chevron and the City of Bangor the terms under which Chevron can hook into the Town sewer system. Unanimous vote.*
- c. Bid Award – (2) 1-ton Trucks – Public Works Dept. – Infrastructure Committee Recommendation – *Resident Jeremy Williams cautioned the Town in its purchase of one-ton trucks to make sure that the trucks, once loaded, would not be over their gross vehicle weight limits. Motion by Councilor Shakespeare, seconded by Councilor Brann to accept the Infrastructure and Finance Committee recommendations to purchase two one-ton F350 vehicles from Darlings for a total cost of \$61,690 to be funded from Public Works Equipment Reserve over a five year repayment period. Vote 6 – 1 (Hornbrook)*
- d. Proposed Zoning Ordinance and Shoreland Zoning Text Amendments re Definition of Family – Introduction for Public Hearing *Councilor Lawlis introduced this item for Public Hearing at the next regular Council Meeting on Monday, August 15th.*
- e. Committee on Committees Recommendation to Accept Draft Departmental Handbooks for Pool, Library and Recreation Departments Until Comprehensive Plan is Complete – *Councilor Cushing explained the background for the Committee on Committees and that the purpose of the proposed Handbooks was to provide guidance to members of the Citizen advisory committees. Councilor Hornbrook indicated that she had not had sufficient time to review the supplied information, and was uncomfortable in voting to approve the documents without a more exhaustive review. Motion by Councilor Cushing seconded by Councilor Brann to accept the Committee recommendation. Following discussion, a motion was made by Councilor Shakespeare, seconded by Councilor Cushing to table the item until the meeting on August 15th to allow Councilors additional time to review this information. Unanimous vote.*

- f. *Committee on Committees Recommendation for Services Committee to Inventory Parks, Trails and Town-owned Open Space – This was referred to the Services Committee.*
- g. *Email from Agenda Item A. 3.a. – Mayor Hughes turned the meeting over to Deputy Mayor Cushing since the email in question was written by Janet Hughes from Hughes Construction to the Hampden Business Association. Deputy Mayor Cushing opened the subject up to public comment.*

Linda Valcourt, 205 Monroe Road – considered the email to a violation of the Town's Ethics Ordinance, a misrepresentation of Bernie Philbrick and his views. She had requested that the subject be put on the agenda again for discussion since nothing was said about it when it was part of the July 18th Council Consent Agenda.

Lisa Carter, Western Avenue – spoke as President of HALO in regard to the mission of that organization – a copy of her comments is attached to and made a part of these minutes.

Albie Valcourt – 205 Meadow Road – indicated that he believes that some Councilors are afraid of information and do not want to work cooperatively with landowners who are just concerned about trying to protect their property rights.

Jeremy Williams – 1334 Carmel Road North – indicated that he believed that the Council should get back to basics, mend fences with those who have been disenfranchised in the process, and bring civility back to the local government level. He stated that he believes that the Citizen Comp Plan review is going well and that all should work toward what is best for Hampden.

Councilor Hornbrook stated that based on the legal opinion from the Town Attorney she believed that the second sentence of Section 4 Political Activities of the Code of Ethics should be removed from the document since it apparently infringed on the rights of free speech of the Town Councilors. The Town Attorney clarified his position on the matter by stating that his opinion was in regard specifically to the one email in question and whether it was in violation of that ordinance – not whether or nor the entire ordinance language was not appropriate.

4. NEW BUSINESS

- a. *Acceptance of Urban/Rural Initiative Program Funds – Infrastructure Committee Recommendation – Motion by Councilor Brann, seconded by Councilor Cushing to authorize the Town Manager to sign for acceptance of the 2011/2012 URIP funds from the Maine Department of Transportation. Unanimous vote.*
- b. *Papermill Road Culvert Replacement – Infrastructure/Finance Committee Recommendations – The Town Manager explained that the Infrastructure*

Councilors, Manager Lessard and Fellow Hampden Residents. My name is Lisa Carter and I live in Hampden. I am here tonight speaking on behalf of the Hampden Association of Landowners. Also, known as HALO.

On June 13th of this year, the day prior to the election between candidates Bernie Philbrick and Shelby Wright, an e-mail was sent out to members of the Hampden Business Association by the sitting Mayor of the Town Council. In this e-mail it is stated, (and I quote), "The Hampden Association of Land Owners (HALO) through Attorney David Crocker and Bernie Philbrick (from personal requests) are now challenging the 2001 Comprehensive Plan, hoping to remove ordinances for the past 10 years and identify damages to associated land owners by way of local government restrictions." The correspondence goes on to make claims that HALO through Attorney Crocker, requested a moratorium be placed on the Business Expansion and Retention program along with the Recreation program. This kind of hyperbole by an elected official of Town Government is not only disappointing at best but clearly appears to be used as a method to malign and sow seeds of discord among the residents of Hampden.

The fact of the matter is that Hampden Association of Land Owners is a non-profit corporation whose 5 main purposes are:

To support, protect and enhance the rights of all landowners in Hampden, Maine, to realize the economic value of their property.

To oversee land use planning and ordinances to ensure that such planning and ordinances encourage economic development and the public officials involved are fully accountable to the public.

To provide continuing education to elected officials and the general public concerning property rights as a foundation of individual liberty, such rights being the most effective way to promote prosperity and preserve and protect the environment for future generations.

To keep Association members informed of matters effecting their property, such as taxes and legislative actions.

To be a catalyst for the creation of similar Associations in other Maine cities and towns.

To form an organized group in order to work together for a common interest is a well established tradition here in Maine and Nationally. Sportsman Alliance of Maine (SAM), Maine Snowmobile Association (MSA) and Maine Teachers Association (MTA) are just a few of such groups. Just like these groups, HALO consists of many friends and neighbors of Hampden, many of them business owners themselves. It also consists of Democrats, Republicans and Independents, men and women of all ages who all care deeply about balancing property rights with sane, reasonable, responsible and fair land

use planning and zoning. Yes, zoning. In spite of repeated misstatements made by the town politicians, HALO and its members are not anti-zoning.

Furthermore, once it was pointed out by the town manager that the controversial 2010 Comprehensive Plan had not been passed properly, it was reasonable to look into how the 2001 Comprehensive Plan had been passed. After thoroughly reviewing town council and committee minutes from 2000 and 2001, it became clear that the passage of the 2001 Comprehensive Plan was also in serious question. HALO had an attorney also review these records and he concluded the same, the 2001 plan was not adopted properly in accordance with the Town's Charter and state law. It was pointed out to the town council in order to protect the town from future liability. However, for whatever reasons, this legal opinion from HALO's attorney was met with hostility and accusatory conjecture.

Regarding the BEAR and Recreation programs, once the Town Council recognized the fact that the 2010 Comprehensive Plan was not properly adopted, Maine law prohibits implementation of any part of the Comprehensive plan until it is properly and legally adopted in accordance with the Town's Charter and state law. Instead of removing the BEAR and Recreation programs from the 2010 plan in order to proceed, the Council insisted on passing portions of a plan that had not been reviewed or legally adopted. It was not HALO, nor HALO's members who prohibited the Town Council from proceeding with these programs. These programs had to be suspended solely due to the unfortunate, uncompromising actions of the Council.

It is indeed unfortunate that we find ourselves in a position that requires us to correct the record with facts. It is also most disheartening that many of our elected officials have decided to embrace prideful, uncompromising attitudes towards the very people they are elected to serve. It is HALO's sincere desire that we all work together respectfully and productively, leaving behind pride and hostility for the good of the town of Hampden and its residents.

Thank you.

and Finance Committee had recommended that a deteriorated culvert on Papermill Road be replaced in this fiscal year with funds to be taken from the Public Works Reserve account since the item was not budgeted as part of work for this fiscal year. It currently presents not only a drainage problem but a public safety concern as well. Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the Papermill Road culvert replacement project at a cost not to exceed \$10,000 from Public Works Reserve. Unanimous vote.

- c. *Notice of Boat Abandonment – 12 M.R.S § 1866(2)(C) – Tabled until the 8/15/2011 meeting.*
- d. *Sewer Commitment – 4/1/2011 to 6/30/2011 – Motion by Councilor Cushing, seconded by Councilor Brann to approve the Sewer Commitment for the period from April 1, 2011 through June 30, 2011. Unanimous vote.*
- e. *Application for Renewal of Victualers License received from Hampden Country Club, 25 Thomas Road – Motion by Councilor Cushing, seconded by Councilor Wright to approve the renewal of the Victualer's License for Hampden Country Club. Unanimous vote.*

- D. *COMMITTEE REPORTS – Mayor Hughes reported that Finance was working on a review of the Code of Ethics, Council Rules, and Charter, had discussed whether or not the Town should consider issuing license plates and determined not to go forward with a recommendation for that activity at this time, made recommendations on items for the current agenda in regard to truck purchase, culvert funding, and URIP monies.*

Councilor Cushing reported that the Committee on Committees would be meeting again on August 16th to finish the rest of its work.

Councilor Hornbrook reported that the Communications Committee had met on July 21st and discussed new programs, one of which may feature Ed Webster, the newsletter, a lower cost option for video streaming that will be further explained at the next meeting on September 13th, a change in meeting dates from the 3rd Thursday to the second Tuesday of each month – with no meeting to be held in August due to the absence of Councilor Cushing. In addition, the Town Manager is putting together information for use on the Town Website that will feature photos and bios of Town Councilors.

Councilor Lawlis reported that the Services Committee would be meeting on August 9th and would be going over rules for the trails involved in the MSAD #22 Trails project.

- E. *MANAGER'S REPORT – The Manager's report is attached to and made a part of the permanent record of the meeting. Based on information in the report related to the Manager being on vacation the first full week of September, it was the consensus of the Council to hold only one meeting in that month, that being on September 19th.*
- F. *COUNCILORS' COMMENTS – Councilor Cushing asked if the Infrastructure Committee had discussed the Water District changes. The Town Manager reported that the Infrastructure Committee would be discussing that issue at its next meeting on August 22nd.*

G. ADJOURNMENT – *The meeting was adjourned at 9:15 p.m.*

Respectfully submitted,



Susan Lessard
Town Manager

MANAGER'S REPORT
August 1, 2011

Children's Day – Remember to mark your calendars – Children's Day is just a few weeks away. Reserve August 20th for a day of family fun! The Committee is still seeking volunteers to help with set up, events, and clean up as well.

Government on the Go! – The most recent edition of Government on the Go! went out on July 29th. In addition, the most recent edition of the newsletter was in mailboxes on July 23rd. My apology for the error in the website address that was part of the question of the quarter. I have posted the correction on the front page of the website and included it in Government on the Go! as well. We have had a number of responses to the Question of the Quarter related to funding of outside agencies. I will compile those and make them available when the Council discusses that subject over the course of the coming year.

Front Office Clerk Position – I have placed the ad for a Front Office Clerk to replace Tammy Ewing who is taking over for retiring Finance/HR officer Janie Pitcher when she retires in September. It is on the Maine Municipal Association website as well as in the Bangor Daily News, on our website, and in the most recent Government on the Go!. We have already received a number of applications from qualified persons. I am sure we will be able to secure the services of a well-qualified individual for the position. Applications close on August 11th and interviews will be held the following week.

September 5th Council Meeting – Does the Council wish to hold the regular meeting on September 6th (rescheduled from 9/5 due to Labor Day)? As cited at an earlier meeting – I will not be present for that meeting due to vacation plans.