

TOWN COUNCIL MINUTES

OCTOBER 3, 2011

The regularly scheduled meeting of the Hampden Town Council was held on Monday, October 3, 2011. The meeting was held at the municipal building council chambers and was called to order by Mayor Hughes at 7:07 p.m.

Attendance: Councilors: Mayor Janet Hughes, Andre Cushing, Thomas Brann, Jean Lawlis, William Shakespeare, and Kristen Hornbrook; Shelby Wright was excused

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Economic Development Director Dean Bennett

Citizens and members of the press

Mayor Hughes informed the Council that Councilor Wright was out of town and asked for a motion to excuse her absence. Motion by Councilor Brann, seconded by Councilor Cushing to excuse Councilor Wright – unanimous vote in favor.

A. CONSENT AGENDA

Councilor Hornbrook requested that Item A.2.a. be set aside and Councilor Brann requested that Item A.3.b. be set aside. Motion by Councilor Cushing, seconded by Councilor Brann to accept the balance of the consent agenda – unanimous vote in favor.

Item A.2.a. SECRETARY'S REPORT – SEPTEMBER 19, 2011 MINUTES

Councilor Hornbrook noted that in Item C.3.c. the minutes make reference to an email sent by Jon Henry to Councilor Hornbrook, but the email was sent to the Mayor and Town Manager and all Councilors, not just her. Additionally, in Item C.4.e. the motion should be: Motion made by Councilor Brann, seconded by Mayor Hughes to table this item; vote 5-1 (Hornbrook).

Motion by Councilor Brann, seconded by Councilor Shakespeare to accept Item A.2.a. – unanimous vote on favor.

Item A.3.b. NANCY HAMILTON/TOWN – NATURAL GAS LINE

Councilor Brann noted that the letter states that three years ago Mrs. Hamilton had requested that the Town consider having Bangor Gas extend its line into Hampden, but apparently there was no interest to pursue this idea. He clarified that the idea was pursued by the Town, but there are not enough potential customers with a high-enough consumption rate to justify extending the gas line into Hampden at this time. He

explained that they keep it under continuous study and should it become reasonable to extend into Hampden, they will be more than willing to do so. He apologized if Mrs. Hamilton was not made aware of that.

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

B. PUBLIC COMMENTS

Linda Valcourt of 205 Monroe Road commented that at the last Council meeting, it was decided to hold the next meeting of the Citizens Comprehensive Plan committee, which was later cancelled. She asked what that was based on. Councilor Brann explained that the Committee was no longer in effect and no longer authorized to hold meetings after the termination date that was originally established. No extension was provided so they would have been meeting without any authority.

Mrs. Valcourt also said that after the last Council meeting, it appeared that the Council held a meeting after the meeting and she asked what that was about. Mayor Hughes assured Mrs. Valcourt that there was no meeting after the regular meeting.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. WARRANT FOR MUNICIPAL ELECTION – 11/8/2011

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

3. UNFINISHED BUSINESS

a. CITIZENS COMP PLAN COMMITTEE – REQUEST FOR EXTENSION OF 2010 COMPREHENSIVE PLAN RECOMMENDATIONS

Mayor Hughes explained that the Council had given the Committee a deadline of September 8, 2011 to submit its recommendations. The Committee has requested an extension until February 29, 2012. At the last Council meeting, there was some discussion about the request for extension and a motion was made by Councilor Hornbrook and seconded by Councilor Cushing to extend the deadline to February 29, 2012 with Dean Bennett acting as the facilitator for the meetings. During discussion of that motion, the Council voted to table this item until the October 3rd meeting.

Following public comment from several committee members and residents urging the Council to grant the extension, Councilor Cushing moved and Councilor Brann seconded to remove this item from the table – unanimous vote in favor.

Following considerable Council discussion about the length of the requested extension and the need for the committee to begin with the review of the land use portion of the plan, vote on the original motion was 2 in favor (Hornbrook & Cushing) and 4 opposed (Shakespeare, Lawlis, Hughes & Brann); motion failed.

After further discussion, motion by Councilor Brann, seconded by Councilor Shakespeare to grant an extension to the Citizens Comprehensive Planning Committee with Dean Bennett acting as facilitator; to address the land use portion first with a December 5, 2011 deadline for final draft of recommendations from the committee; vote was 5 – 1 (Hornbrook).

b. ABANDONED BOAT – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Manager Lessard reported that the boat owner had indicated it was his plan to repair the boat, pump it out and float it. He was given a deadline of September 15th in order to ensure that it would be gone before winter to prevent possible hazards to navigation. She explained that pursuant to the law, the Department of Conservation, when notified by the municipality in which such a vessel is grounded, considers it abandoned. Then the Department of Conservation has the authority to issue an order that it will be removed within 60 days and in the event of non-compliance on the part of owner, the Department can take action itself.

Manager Lessard had prepared a draft letter to the Department of Conservation and requested that the Council consider the boat abandoned under the statute and authorize her to send the letter.

Motion by Councilor Brann, seconded by Councilor Cushing to declare the boat abandoned – unanimous vote in favor. Motion by Councilor Brann, seconded by Councilor Shakespeare to authorize the Town Manager to send the letter to the Department of Conservation – unanimous vote in favor.

c. PENOBSCOT MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN – INFRASTRUCTURE COMMITTEE RECOMMENDATION TO APPROVE

Motion by Councilor Shakespeare, seconded by Councilor Lawlis to approve participation in the plan – unanimous vote in favor.

d. CITIZENS JOURNAL ARTICLE OF 9/15 REFERRED TO BY COUNCILOR LAWLIS AT 9/19 MEETING – RENEE CLARK REQUEST

Renee Clark read the last paragraph of the article (copy attached) and noted that at the last meeting Councilor Lawlis stated that in reading the article, it seemed to her that if the extension was granted, maybe you will get a new Town Council and it will go a different way. Mrs. Clark quoted Councilor Lawlis as saying “that seemed to me to be not stating a real agenda, but instead having something that

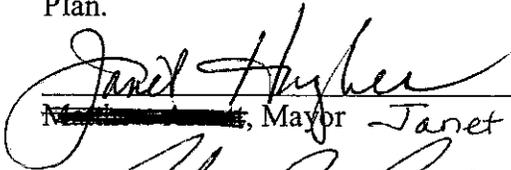
**Town of
HAMPDEN
RESOLUTION**

Whereas natural disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property, and lives in the Town of Hampden;

Whereas the creation of the Penobscot County Multi-Jurisdictional Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

Whereas the Town is committed to the mitigation goals and measures as presented in this plan;
and

Therefore, the Town hereby adopts the Penobscot County Multi-Jurisdictional Hazard Mitigation Plan.



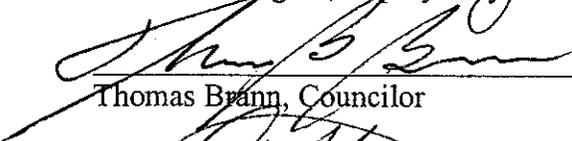
~~Janet Hughes~~, Mayor Janet Hughes

10/3/2011
Date



Andre Cushing III, Deputy Mayor

10/3/11
Date



Thomas Brann, Councilor

10/3/2011
Date

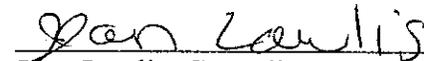


William Shakespeare, Councilor

10/3/2011
Date

~~Shelby Wright~~ Councilor Shelby Wright

Date



Jean Lawlis, Councilor

10/3/2011
Date



~~Kristew Hornbrook~~ COUNCILOR KRISTEW HORN BROOK

10/3/11
Date

Article from the Citizen Journal that appeared in the September 15th edition. Photocopied version from the newspaper was barely legible so it has been transcribed in its entirety below.

HAMPDEN COUNCIL TO DECIDE ON EXTENSION

By Larry Grard

The Town Council on September 19th will decide if an extension should be granted on a comprehensive plan proposal.

Since early summer, the Citizen Comprehensive Plan Committee has been working on a revised plan that would comply with the town charter. But the original Sept 8th deadlines for submission to the town council and ultimately the planning board – has passed.

In a detailed letter, Shelley Blosser of the Citizen Comprehensive Plan Committee has requested an extension until Feb. 29.

Town Councilor Kristen Hornbrook praised the work of the Committee. "They have done an awesome job", said Hornbrook, a member of the Hampden Area Landowners Association (HALO) which says the plan under consideration poses too many restrictions on landowners. "They have really made some good headway but they have been through only three sections and there are 18".

Hornbrook said that the committee has offered to extend its meetings from two to three hours to get the job done.

The September 19 town council meeting begins at 7 p.m. Hornbrook emphasized that the Council can accept the Feb 29 extension request, grant a shorter extension, or grant no extension at all, and pass the plan on to the planning board.

"As soon as it comes up at the council meeting, I'm going to make a motion to pass it," she said.

Should the Feb 29 extension be granted, the plan would be submitted well after the November municipal elections. Four councilors who favor the comprehensive plan are up for re-election.

was behind the scene that was not really honest and it is making me feel mistrustful”.

Mrs. Clark said she didn't mean to point out Councilor Lawlis, but said that there is so much going on that seems to be based solely on emotion and no fact. She finds that very frustrating and nothing seems to be resolved. She wonders what would make a Councilor think that you can't trust Town citizens. She said even if there was a new Council after the election, so what; that is what elections are supposed to do by design and that is how we the people, are represented by you the Council. She said if you, the Council are doing what we, the people, have elected you to do, then you should fear no election.

Mrs. Clark stated that healing wounds are re-opened with the emotional irrational behaviors that continue meeting after meeting and she challenged everyone to be vigilant of what we say and how we say it so we can pass a plan that represents all of us, not just some of us.

e. OLD HAMPDEN ACADEMY RE-USE UPDATE

This item was postponed until the next meeting.

f. TOWN MANAGER SEARCH UPDATE & SET NEXT MEETING DATE

The Council scheduled a meeting for 5:30 pm on October 25th to review the resumes received for the Town Manager position.

4. NEW BUSINESS

a. MUNICIPAL BUILDING RESERVE USE - \$1,100 – MAINE TREE & LANDSCAPE

This item was postponed until the next meeting.

b. WETLAND MITIGATION FOR NEW SCHOOL

Mayor Hughes explained that approximately 3 acres of wetland is being impacted by the Hampden Academy project and in lieu of paying fees, it is proposed that the wetland mitigation be conducted on a portion of the town-owned former LL Bean parcel on Route 202. The plan for mitigation includes preserving 45 acres in perpetuity via a conservation easement and RSU 22 had set aside \$50,000 to be used toward the development of a trail system on the town-owned property. RSU 22 has advised that the \$50,000 line-item in their budget is part of their Department of Education funding and they can not simply write a check to the Town in the amount of \$50,000 to be placed in reserve for future trail development; it must be expended as reimbursement for rendered services to actually construct the trail system.

The Town and RSU 22 have been working on a joint trail project on parcels owned by the District and the Town near the Reeds Brook School. The District was going to apply for grant monies to develop that system and there would be no cost to the Town. However the District has missed the deadline for this grant

cycle. Assistant Superintendent Emil Genest indicated that the District feels that it is in the best interest of not only SAD 22, but also the Town of Hampden and the community to possibly utilize that \$50,000 towards the Reeds Brook land for a trail.

Mayor Hughes said the question now is do we want to continue with the LL Bean parcel or could those monies be used for the already discussed trail system on the lands near Reeds Brook?

Councilor Brann said it was always his understanding that the \$50,000 was to compensate the Town for an easement. At the time of discussion of mitigation options, the concept of putting trails on land next to the high school was never discussed. He questioned why it would be in the best interest of the Town to give away a 45-acre easement, especially under the restrictions that are usually proposed by the Army Corps of Engineers, without any form of compensation whatsoever. He feels that this is a bait and switch operation.

Councilor Lawlis pointed out that the Town and SAD 22 have been talking about the Reeds Brook trails for over a year now and when SAD 22 brought the proposal to the Town, they said if the Town let them use its land; it would not cost the citizens anything. She said now it looks like it will cost the citizens of Hampden \$50,000.

Manager Lessard stated that the Town certainly wants to work with the school, but pointed out that we need to get back on the same page with the plan.

This item was referred to the Planning & Development Committee and Services Committee for further discussion. Both committees are scheduled to meet on October 5th.

c. **RSU 22 & TOWN TRAIL MOU UPDATE**

This item was removed from the agenda as it will be discussed during a joint meeting of the Services Committee and SAD 22 on October 5th.

d. **MMA VOTING DELEGATE**

No action was taken on this item due to the fact that no members of the Council will be attending the annual meeting of the Maine Municipal Association.

e. **PENQUIS FUNDING REQUEST – FINANCE COMMITTEE RECOMMENDATION**

Mayor Hughes reported that it was the recommendation of the Finance Committee to not fund the request (copy attached). Manager Lessard reported that a denial by the Town is necessary in order for SAD #22 to submit a grant application for this program. Motion by Councilor Cushing, seconded by Councilor Brann to not fund the request – unanimous vote in favor.

PENQUIS

Helping Today • Building Tomorrow

Q-4-e

September 26, 2011

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

Dear Ms. Lessard:

Penquis is seeking funding to offer CAST (Coping and Support Training) to students of Hampden Academy.

CAST is a school-based prevention program that targets young people in grades 9-12. CAST's skills training sessions target three overall goals: increased mood management (depression and anger), improved school performance, and decreased drug involvement. Group sessions focus on group support, goal setting and monitoring, self-esteem, decision-making skills, better management of anger and depression, "school smarts," control of drug use with relapse prevention, and self-recognition of progress through the program. Each session helps youth apply newly acquired skills and increase support from family and other trusted adults. Detailed lesson plans specify the type of motivational preparation, teaching, skills practice, and coaching activities appropriate for at-risk youth. Every session ends with "Lifework" assignments that call for the youth to practice the session's skills with a specific person in their school, home, or peer-group environment. CAST has been tested and proven effective, and is on the U.S. Department of Substance Abuse and Mental Health Services Administration's Registry of Evidenced-based Programs and Practices.

Hampden Academy is supportive of this effort and will work with Penquis to make this opportunity available to students.

This project will require a budget in excess of \$20,000. Penquis asks the Town of Hampden to consider funding CAST to support the health and well being of area students.

Please contact Tamar Mathieu at 973-3671 or 1-800-215-4942 ext. 671 with any questions. I look forward to hearing from you.

Sincerely,



Charles R. Newton
Chief Executive Officer

262 Harlow Street (207) 973-3500
PO Box 1162 Fax (207) 973-3699
Bangor, Maine 04402 TDD (207) 973-3520
www.penquis.org 1-800-215-4942

f. LIQUOR LICENSE APPLICATION RECEIVED FROM WHITE HOUSE MOTEL, INC. d/b/a FILIBUSTER LOUNGE

Motion by Councilor Brann, seconded by Councilor Cushing to waive the public hearing – unanimous vote in favor. Motion by Councilor Brann, seconded by Councilor Shakespeare to approve the application – unanimous vote in favor.

g. CHANGE OF NAME OF HAMPDEN BUSINESS AND COMMERCE PARK TO “HAMPDEN BUSINESS PARK” – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

This item was postponed until the next meeting.

D. COMMITTEE REPORTS

Communications – Councilor Cushing explained to those people who questioned about the Council holding a meeting after the last Council meeting, that the system did not get properly turned off at the conclusion of the meeting. There was no audio, but the meeting that was referred to was communications between some of the Councilors and a member of the media who was asking questions after the meeting.

Planning & Development Committee – Councilor Brann reported that the next meeting will be at 6:00 pm on October 5th.

Services – Councilor Lawlis reported that the Services Committee will meet at 5:00 pm on October 5th to discuss the Memorandum of Understanding for the Reeds Brook Trail.

Infrastructure – Councilor Shakespeare reported that in addition to the minutes included in the packet, at the last meeting Manager Lessard had reported that Saturday bus service has begun and is doing well and that she was able to lock in fuel prices that are under budgeted amounts.

Finance & Administration – Mayor Hughes reported that the Finance Committee continues to work on the Code of Ethics.

E. MANAGER’S REPORT

A copy of the Manager’s Report is attached.

F. COUNCILOR’S COMMENTS

Councilor Brann asked everyone to please review the proposed Memorandum of Understanding for the Reeds Brook trail system before the meeting on October 5th.

Councilor Hornbrook expressed thanks to the residents for coming out tonight and watching at home.

Mayor Hughes apologized for extending the meeting into the late hour.

MANAGER'S REPORT
October 3, 2011

Newsletter – The October edition of the *Hampden Highlights Newsletter* will be delivered by Saturday of this week. The online version is already available as a link on the front page of the Town website at hampdenmaine.gov. This edition features a photo and introduction for each of the Town Council and RSU 22 Candidates for office.

Candidate Forum – The Communications Committee of the Town Council is sponsoring a Candidate Forum on Wednesday, October 19th at the Town Office at 6 p.m. Take advantage of this opportunity to get to know candidates running for local offices! This forum will be aired live on Cable Channel 7 and taped for rebroadcast as well.

Municipal Valuation – We received the newest state valuation of the community today. The Town of Hampden is now valued at \$600,850,000. We are the third highest valued community in Penobscot County, behind Bangor and Brewer. The valuation reflects an increase in our state valuation of \$21,300,000 over last year's valuation of \$579,550,000.

Tax Due Date – Tax due date for the first half of property taxes is Wednesday, October 5th to avoid interest.

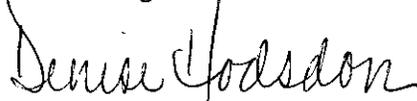
Route 9/202 Intersection – The backup of traffic that has occurred during the morning commute hours created by the activation light facing the school entrance at the Route 9/202 intersection has created numerous complaints. The school and the contractors are working on a solution, and in the meantime a flagger will be at the site during weekday morning commuting hours until a solution is found.

Infrastructure Committee/Water District – The next meeting of the Infrastructure Committee will be at 7 p.m. on Monday, October 24th. From 6-7 will be the semi-annual joint meeting with the Hampden Water District Trustees and Town Council.

Regional Household Hazardous Waste Collection Day – The Town gave out 25 permits for residents to take hazardous waste to the regional hazardous waste collection day in Bangor. These permits reflected a total of 156 gallons of hazardous waste.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:17 p.m.

A handwritten signature in cursive script that reads "Denise Hodsdon". The signature is written in black ink and is positioned above the printed name and title.

Denise Hodsdon
Town Clerk