



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING

MINUTES

MONDAY

APRIL 4, 2016

7:00 P.M.

*Attending:*

*Mayor David Ryder*

*Councilor Greg Sirois*

*Councilor Ivan McPike*

*Councilor Stephen Wilde*

*Councilor Dennis Marble*

*Councilor Mark Cormier*

*Councilor Terry McAvoy*

*Town Manager Angus Jennings*

*Town Clerk Paula Scott*

*Town Attorney Edmond Bearor*

*Code Enforcement Officer Myles Block*

*Fire Inspector Jason Lundstrom*

*Building Official Jared LeBarnes*

*James Butler*

*Community Dev. Director Dean Bennett*

*Members & Supporters of the*

*Hampden Academy Unified Basketball team*

*Members of the Public*

*Mayor Ryder called the meeting to order at 7:00 p.m.*

- A. **PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance*
- B. **CONSENT AGENDA** – *Motion by Councilor Marble, seconded by Councilor McAvoy to accept the Consent Agenda. Unanimous vote in favor.*

**1. SIGNATURES**

**2. SECRETARY'S REPORTS**

- a. **March 21, 2016 Meeting Minutes**

**3. COMMUNICATIONS**

- a. **JC's Variety-Victualer's License Renewal**

**4. REPORTS**

- a. **Planning & Development Committee Minutes – 3/2/2016**  
b. **Services Committee Minutes- 2/8/2016**  
c. **Infrastructure Committee Minutes-1/13/2016**

- C. **PUBLIC COMMENTS** - *None*

**NOTE:** The Council will take a 5-minute recess at 8:00 pm.

**D. POLICY AGENDA**

1. **NEWS, PRESENTATIONS & AWARDS** – *Mayor Ryder presented a proclamation to the Hampden Academy Unified basketball team regarding their winning the 2016 State championship. Zach Ewing spoke on behalf of the team thanking everyone for their support.*

**2. PUBLIC HEARINGS**

- a. **Erickson's Hardware – application for a new Victualer's license-**  
*Motion by Councilor Sirois, seconded by Councilor McAvoy to approve the Victualer's license for Erickson's Hardware. Unanimous vote in favor.*
- b. **Dangerous Building – James Butler – Map 21 Lot 8 -** *At 7:15, Mayor Ryder began the public hearing on the dangerous building by asking Code Enforcement Officer Myles Block to approach the podium to present the case. Mr. Block passed out inspection reports that show inspections that have taken place since the 3/21/16 hearing, per request of the Council. He was accompanied to the podium by Fire Inspector Jason Lundstrom who addressed the Council. He stated that it appears as though there has been some work done, there has been debris cleaned up and some foundation materials removed and it appears as though the house has been jacked up and some blocking materials placed underneath it. He stated that the problems that existed with this property are still there. There is sagging in the roof, the front porch is sagging. What they observed today was some type of orange 4' fence around the north side of the property. It didn't extend all the way around the property, but it looks like it may at some point. Mr. Lundstrom pointed out that even in spite of these changes, it still meets the dangerous building statute. He stated that from their standpoint, there is not much more they can add further; although there have been a few changes made, the building is still as it is and they have no way to gauge how much the work has improved the building. He then asked Council members if they had any questions of them. At this time, Attorney Bearor read the Dangerous Building statute (MRSA Title 17 § 2851) for the benefit of all in attendance.  
<http://legislature.maine.gov/legis/statutes/17/title17sec2851.html>  
At the conclusion of the reading, Attorney Bearor addressed CEO Block and Fire Inspector Lundstrom stating that the threshold question is whether or not, based upon what they have seen and evidence they have presented to the Council, if the building, Mr. Butler's property, is unstable, structurally unsafe, constitutes a fire danger, is unsuitable for the use or occupancy for which it is put, or is otherwise a hazard to health or safety. Inspector Lundstrom answered for the Code Enforcement team by stating that it is their*

*belief that the building meets every one of the criteria that was read. He further stated that the code office has reached out to Mr. Butler and informed him that cleaning up the debris and property was fine, but before jacking up a structurally unsound building, they need to have a building permit on file. With the permit comes construction documents. The construction documents are documents from a structural engineer that state what will be done to the building and will be signed off by that engineer to ensure that the building will be safe. Without those construction documents, there is absolutely no way that the building is safe, and it does meet all of those points the attorney read. Councilor Marble asked Mr. Lundstrom if they can comment on the relative safety of the building today as opposed to a week ago. CEO Block answered by saying that he was looking at comparative photos today and as a lay person it appears as though more of the building is starting to collapse in the center. It looks like the porch is sagging in more, but stated that the photos were not totally at the same angle. Inspector Lundstrom added that since the last hearing, there has been an effort in cleaning up the debris around the property, the chimney has been removed, the top of where the chimney had sat on the roof has been flashed so no water will get in, but there is still structural instability. He reiterated that at this point, there is no plan, no definitive way to say that this building is safe and that is what we are here for. This concluded this portion of testimony from CEO Block and Fire Inspector Lundstrom. Mayor Ryder now called Mr. Butler to the podium. Attorney Bearor stated that Mr. Butler may pose questions of our Code Enforcement Officer and Fire Inspector. Mayor Ryder asked Mr. Butler if he wanted to address the Council or code enforcement to which he stated he wanted to ask code enforcement a couple of questions. He said they stated that it appears that he had jacked the building up and he wanted to know what they were basing that on. The Fire Inspector replied that it was from the photographs and the way the blocking and cribbing was stacked under the building; that comparing it, they felt that there was no way to have done that without jacking the building. Mr. Butler asked if they remembered his conversation in which he had told them that he was going to secure his building and put cribbing under it. Mr. Butler said, (still addressing the code office team) that they told him it was ok to do that but not to jack the structure and if he did he needed a structural engineer to ok it. All parties agreed to that conversation. Mr. Butler then stated that he did not jack the building, but he did put cribbing underneath it. He turned to the Council to update them and state that the Code Officer was accurate in that he did take the chimney down. He also confirmed putting up a 6' fence completely around the property and clarified that it is not a snow fence. He said it is an OSHA approved fence for securing job sites that comes in 4' widths and that he doubled it because the Fire Inspector wanted a 6' fence. He said he checked*

*with Code Enforcement to find out if he needed a permit and was told he did not for 6' and under. He said that this fence is not just around the house, it is around the whole property and all the debris. He stated that he asked the Code Enforcement officer if he needed a permit to clean up the debris and was told he didn't need one for that but he would need a permit if he was going to do any repairs to the property. He told the Council that he was not doing repairs, he was cleaning up and securing the property. He remarked that he was kind of in an odd situation because he is being asked what he has done to secure his property but he can't do anything without a permit. He then told the Council that what he has done so far is to put up a 6' fence that has posts every 7 or 8 feet, he has put up no trespassing signs across the front, the chimney is down. He also went in and took out all the debris and concrete from underneath the foundation. He said the house is sitting on its foundation on two ends and the walls in the back are on its original piers. Mr. Butler told the Council that he had many pictures of the house, that it is straight, it is square but that unfortunately for him, the property owner, the one wall you can see driving by is that front wall. He stated that the porch is tipping because it has its own foundation and piers out front. He stated again how he is trying to secure his property but is limited because he needs a permit first. He said he has gone in under the building and removed the old concrete. He has dug down, hand dug, and put 12" of crushed stone in and cribbed it up with 8 X 10 cribbing, and secured it. He said it was "ready to go", that all he needs is that permit and that if he had it, he could have it jacked up in an hour. He said it is definitely secure. He then stated that he would have a permit tomorrow; that applying for a permit and spending the money on a permit is not the problem, the problem is that the Fire Inspector wants him to spend the money on a structural engineer to jack up that wall. He then said if that's what has to be done, he is not opposed to it. He said it is a perfectly good house, that unfortunately Mother Nature affected it. He said there is no rebar in the foundation, it is a hand poured foundation from back in the 20's, maybe 30's. He said he does intend to go forward with a permit and passed out pictures for the Council to look at. Manager Jennings asked Councilor McAvoy to retain them afterwards so that the Town will be able to get a copy of them as a part of the official record. Mr. Butler stated he also had digital pictures he could send and that he did not have a color printer. Mayor Ryder asked if there were any other questions. Councilor Sirois asked Mr. Butler when it was first communicated to him that he needed a structural engineer. Mr. Butler stated that "he" (nodding his head toward the Code Enforcement team) communicated that to him, in early October. He said he was approached by the Code officer who asked him what he was going to do with the building. Butler stated that he told him he was not going to do anything because winter was coming on. Mr.*

*Butler then said he was told that he had to put up a fence and take care of the chimney. Mr. Butler said he assumed that a fence was going to be fairly expensive and he told the CEO he would rather put the money toward jacking up the building. Mr. Butler stated that at that time he was told that was fine, that he would need to come in and get a permit but that he would also need a structural engineer on jacking up the building. Mr. Butler then told the Council that he has spoken to two people that jack up buildings and was told that this is a new thing and they had never heard of needing a structural engineer to jack up a house. Mr. Butler said again that it was really only that one front wall that is the key. He said as soon as he is issued a permit it will be jacked up, that the building is stable, it has cribbing under all the beams, it is inside the right amount so that a trench can be dug and a footer put in, and whatever the code is, whether a 10" wall with rebar, he would do it. Mayor Ryder posed a question to either CEO Block or Inspector Lundstrom, asking if he was correct in believing that the reason for the structural engineer was not for the jacking of the building but more for the support that is to go under it to hold the building. Inspector Lundstrom answered by saying that the code that the Town of Hampden is under follows Empirical Construction which starts with the foundation and works its way up to the roof. He stated that whether the front wall is there or not, and we could all agree to disagree, that the foundation is dilapidated and it has effected the entire structure. This means that it is not just the foundation, but as can be seen in the pictures, the window sashes are skewed, the roofline is sagging. Mr. Lundstrom further clarified that the structural engineer was not going to advise how to jack up the house, but how to stabilize the structure. Councilor Marble posed a question by paraphrasing the steps involved to make sure his understanding was clear. He asked if the first step was in obtaining a permit, and then getting the opinion of a structural engineer. This was confirmed by the Code Enforcement team. Councilor Marble then asked if the Town would sign off on a permit without this engineer's report. Inspector Lundstrom explained that the requirement for the engineer is a protection for the Town because the permit would say what Mr. Butler wants to do, the construction documents and the report of the engineer would say how it could be done. He stated that this building is a two family house and that there could be the potential for two families in there. A structural engineer is going to evaluate that. Councilor Marble then asked Attorney Bearor if Mr. Butler were to jack the building and do further work there and someone got hurt, would the town be liable. Mr. Bearor said no, that the Town has made it clear to Mr. Butler that he needs these permits and engineer. Mr. Bearor said what the Town hasn't done yet is to issue a stop work order which could plainly be done. He said that in candid conversations last week, we did not want to preclude Mr. Butler the opportunity to fix a problem*

before he came back to the Council as we had previously agreed he would for April 4<sup>th</sup>, but he would strongly suggest that we would in fact issue a stop work order until a permit has been issued for this project. Mr. Bearor further stated that even if we did not issue the order, it would not rise to the level of negligence but stated that at this point we would be duty bound to issue the stop work order. Mayor Ryder recognized Councilor McAvoy who asked of the Code Enforcement officer if the permit that is required now differed from one that would bring it up to code. CEO Block answered by saying that the code this falls under is the International Residential Code that states that any owner or authorized person that attempts to enlarge, construct, alter or repair, move, demolish or change the occupancy shall get a permit from the building official. This code further states that when special conditions exist, the building official can require additional construction documents by licensed professionals. CEO Block stated that this situation is at that level to require the construction documents and to rely upon the expertise of an engineer. Mayor Ryder recognized Councilor McPike who began by telling Mr. Butler he appreciated the effort he has put in on this, but stated his concern is the time frame. This process was started in the fall and now it is April and since the requirement for a structural engineer is a part of it, what does he see for a time period in getting this accomplished. Mr. Butler stated it would be within the next 30 days indicating that the Code Enforcement Officer told him that upon receipt of an application he can take up to 30 days to issue a permit. Mr. Butler stated that he can do the permit quickly, but because he has to get a structural engineer to jack up the building, now he is waiting on someone else. Councilor McPike asked if he had spoken to a structural engineer to which Mr. Butler replied that he had. He further stated that this process is not standard stuff. Fire Inspector Lundstrom was recognized and clarified to the Council that although Mr. Butler stated he could have the building jacked up without an engineer, the State of Maine requires no kind of license for building contractors. The code allows for the requirement for someone with a professional background to sign off on this to ensure that the building is safe and that is what the code office is looking for. Councilor McPike then stated that he would like a little more definitive time frame and asked Mr. Butler if, since he has spoken to a structural engineer, he knew when he would be receiving the plans. Councilor McPike stated that this whole thing has been dragged out for a while and would like to know how soon he would have something concrete that would allow him to then apply for a permit. Mr. Butler replied that actually this was the first time he had been involved in a meeting about the building except for the last one when he asked for the extension. He stated that in the fall CEO Block had told him he would no longer be hearing from him because it was out of his hands. He said that then the winter months came and there had been meetings

with the Council and committees that he was not a part of up until last meeting. He said there had not been any side stepping on his part. He then told the Council that he could do this within 30 days, and that if he didn't have to meet the level of expectation that is being imposed on him, he could have the permit tomorrow. Fire Inspector Lundstrom clarified to the Council that upon receipt of the application, as long as all the information is there, the permit could be issued within 14 days. Mr. Butler wanted to make sure that the 14 days from the code office was not a part of his 30 days. Mayor Ryder restated for all present that Mr. Butler was saying he could have everything he needed from the engineer and for the permit in 30 days. If it takes code enforcement another 14 days then so be it. Manager Jennings stated that this would also not take into account the time it would take to actually complete the work once the permit is issued. He then posed a clarification question to determine if the end result of the permit is to get the building to where it is structurally safe, or if it is to get the building to where an occupancy permit can be issued. CEO Block stated that either a certificate of compliance or a certificate of occupancy could be issued depending on the work done. Mayor Ryder recognized Councilor Wilde who asked if there was any reason to expect that the permit would take 14 days to issue if Mr. Butler had the whole package together. CEO Block replied that it would depend upon the volume of permit requests coming in at that time. Inspector Lundstrom also stated that as long as the application was complete when it came in, there is no reason to think that it could not be issued sooner. Councilor Wilde asked Mr. Butler if he had everything he needed, a checklist from the code office to make sure that he met the requirements. Mr. Butler replied that he did, that he was given a packet of information from CEO Block and also stated that CEO Block has been very helpful and always returns his calls when he has questions. Councilor Wilde stated that although some contractors may think that this is a lot to require, it is the fact that the foundation was already gone that we need to assure the proper steps. The structural engineer will make sure that the building doesn't come down on anyone when the work is started. Councilor Sirois was recognized who summarized that there are two things that need to be done. The first is that the permit has to be acquired with the engineer's recommendation to firm it up. The second thing is to firm up the building. He then asked if the 30 days was to simply obtain the permit, or if it was to do what the engineer recommends. Mr. Butler interjected and said that he is asking for 30 days to get the permit and obtain the report from the engineer, and then it would be up to 14 days before the permit is issued, and then he would be able to begin the work on the building. He said he would just need to know how long the permit was good for, if it was issued for 6 months or a year. CEO Block informed the Council that a typical permit is good for 6 months but that in a

consent agreement such as this, they could set their own timeline for completion. Councilor Sirois stated that he would like to see the Council establish a specific time line so that this situation is not still being discussed this fall as the past track record has demonstrated. Councilor Marble asked Mr. Butler what he would do if the permitting process and engineer's report indicated more work than he was anticipating. Mr. Butler acknowledged that he feels that some of what the engineer may require is an unknown. Councilor Marble stated that the Council will have to build in some steps and requisites for completion along the time line. He also stated that the stop work order needs to be issued in the interim. Councilor McPike stated that it would also be a protection for Mr. Butler in that he would not want to see Mr. Butler spending time and money on work that may need to be redone after the engineer does the report. Mayor Ryder recognized Councilor Cormier who stated that the agenda indicated that the decision to be made tonight is whether the building is deemed or is not deemed a dangerous building. He further stated that he would like to understand what deeming it a dangerous building would force the town to do. Attorney Bearor addressed the Council and informed them that they were proceeding under the Dangerous Building statute, if based upon the evidence in front of them, and the testimony they have heard from the three witnesses if the structure of the building owned by Mr. Butler at 758 Main Rd. North is unsafe, or unstable, or is a danger to public health and safety, then they would find that it is and their decision would be backed up with the reason for the decision. The Town might say it is because of a lack of a proper foundation, or because of the condition of the front wall, or the sagging of the roof; anything that would suggest that it is an unsafe building. Mr. Bearor said that the Council would have options at that point, such as making necessary all of what has been discussed tonight and requirements for Mr. Butler to obtain the necessary permits within a certain period of time. The time period is very important because the statute that this falls under says when that time passes, whatever that time is, that if the owner does not bring the building into compliance the Council has the authority to declare it a nuisance and to abate it, at the town's expense. A lien could then be placed against the property so that the town could recover its expenses. This means that the end game is that either Mr. Butler will need to bring the building into compliance or the town will have to take action. Councilor Cormier clarified that the first step would be to deem it a dangerous building, and then talk about what has been talked about all night. Attorney Bearor stated that his understanding is that evidence and testimony was to be presented in front of the Council and the Council was to make the determination that it either is or is not a dangerous building. If it is a dangerous building, it would be incumbent upon the Council to either order it to be fixed, or not. Mayor Ryder asked if there were any other

questions or comments and Mr. Butler stated that he wanted to say that he secured his building and it was not a dangerous building. After asking if there was any public comment, Mayor Ryder asked what the pleasure of the Council was. **Councilor McAvoy made a motion that the Town Council deem the building at 758 Main Rd North a dangerous building pursuant to 17 M.R.S.A. §2851 and to allow Mr. Butler 30 days to apply for the appropriate permit related to stabilizing the building such that it is no longer a dangerous building within 60 days of issuance of the permit. Motion was seconded by Councilor Marble.** Mayor Ryder called for discussion after the motion. Councilor Sirois asked for clarification on the intent of the motion to which Councilor McAvoy stated that the 60 days would be to get it to where it was no longer a dangerous building. He said the rest would be for code enforcement to work out with Mr. Butler on getting it habitable. Mr. Butler objected to this stating that it might be a problem if the engineer comes back with something that could not be completed in 60 days. Councilor McPike stated he agreed with the motion but is concerned that the 60 day time frame may not give enough time to make the building stable. Inspector Lundstrom stated that the engineer may want to do his own inspections on the progress if he is stamping the recommendation. Mayor Ryder stated that he also agreed with the motion but not the 60 day time frame, stating this is the construction season and if this building has to have a new foundation under it, those contractors are booked solid. Mayor Ryder doesn't want to hold Mr. Butler responsible for not being able to get a contractor there within the 60 day time frame. Councilor McAvoy said his intent was making a time line and wasn't tied just to the 60 days, it could be 90 or 120 or whatever the Council decided. Mr. Butler asked to speak, and implied that it was the location of the house, being close to the road that is at issue and if it was on a back road it would be different. He stated that he is sure this is not the only house in Hampden with a sagging roof. He recapped one more time that he had secured the property by putting up the fence, removing the chimney and cribbing under the house. He stated he was following what the code office indicated he needed to do to secure the property for the safety of the public, both in trying to keep people out and also in the house itself so it wouldn't fall in. Mr. Butler stated that he was not looking to have the town deem his property unsafe. Councilor Marble stated that he would like to offer an amendment that would support the original motion in finding the building dangerous and would require the 60 day permit period or if necessary because of construction, a period for completion mutually agreed upon between the Council and Mr. Butler. Councilor McAvoy the presenter of the original motion and Councilor Marble who seconded the original motion both indicated they would agree to amend the motion, however, Councilor McAvoy stated that he felt the

*mutually agreed upon time frame should be between the property owner and the code office. Attorney Bearor clarified that sentiment. Councilor McPike stated that he felt as though the original 30 days to apply for a permit and then up to 14 days to issue the permit should stand, but is afraid that once things get going, there may be structural issues that may put Mr. Butler in a bind with a 60 day time frame. Councilor Marble stated that his intent on asking for an amendment to the original motion was to be sensitive to that very issue. Mr. Butler objected to the finding of the building as a danger and requested being able to have a structural engineer look at the building first to determine its safety before they deem it dangerous. He stated that he didn't want to have to rely solely on the observation of the Code Enforcement officer when an engineer would probably support his side of it. Attorney Bearor interjected at this point and addressed Mr. Butler, reminding him that the proceeding was a hearing. He reminded him that he could have brought a structural engineer to tell the Council what he wants them to believe. He further stated that the word "secure" or "securing the property" do not appear anywhere in the dangerous building statute, that it was actually a pretty straight forward statute. He said we are talking about the structure itself, whether or not it is unsafe or unstable and not whether or not kids could crawl in to the property. He informed Mr. Butler that it is what the Council thinks that matters, not what he thinks or what code enforcement thinks. It is what the Council decides after hearing all of the evidence. He stated that it was very generous of the Council to continue to accept comments from both Mr. Butler and Town staff when they are deliberating. He informed Mr. Butler that the Council was going to make a decision, and if he didn't like that decision, he could appeal it to the court. Mayor Ryder called for action on the motion and asked that the amended motion be explained for clarity.*

**Councilor McAvoy made an amended motion that the Town Council deem the building at 758 Main Rd North a dangerous building pursuant to 17 M.R.S.A. §2851 and to allow Mr. Butler 30 days to apply for the appropriate permit related to stabilizing the building such that it is no longer a dangerous building within 60 days of issuance of the permit or for a period of time longer than 60 days if it is mutually agreeable between Mr. Butler, the structural engineer and the code office. Councilor Marble seconded the amended motion. Councilors McAvoy, Cormier, Marble, Wilde, McPike and Ryder voted in favor of the motion. Councilor Sirois voted in opposition. Motion carries. Attorney Bearor advised Mr. Butler that the Council decision has been announced and that the 30 day period begins now. He also informed the Council that he would work with the Clerk and Manager in the wording of the Findings of Fact and Stop Work Order which will be issued on April 5th. Attorney Bearor also noted that the 30 day appeal**

*period will coincide with the permit period. Councilor Sirois also requested updates every 30 days. Manager Jennings stated that he would like to discuss with Attorney Bearor as to whether or not if this has to come back to Council because of non-completion in the time line or a hypothetical situation like that, if it would require a new notice and posting. Attorney Bearor stated that it did not require further action of that nature just to inform the Council. This concluded the dangerous building public hearing at 8:10 p.m. and Mayor Ryder announced a 5 minute break.*

- a. **Zoning Ordinance Amendments- Article 4.6 –referral from Planning Board** – Mayor Ryder asked Community Development Director Dean Bennett to come to the podium to explain the recommendations. Mr. Bennett gave the background of the requirement in the Subdivision Ordinance that required set aside land for open space and recreation. Results of this created portions of land in town that could not be used, such as wet lands. Discussions began in 2014 to scale this back to include a provision to exempt minor subdivisions. In the beginning of 2016, there was an effort to repeal Section 540 of the Subdivision Ordinance, next on the agenda, but included in that repeal is the paragraph 4.6 in the Zoning Ordinance that deals with cluster housing. Mr. Bennett further clarified that this would repeal the mandatory requirement for open space. Councilor McPike made a motion to repeal Article 4.6 of the Zoning Ordinance, and to also repeal the correct Sections 540 – 545 of the Subdivision Ordinance. Seconded by Councilor McAvoy. Unanimous vote in favor.
- b. **Subdivision Amendments – Sections 540-554- referral from Planning Board** – This agenda item was voted in a block with item D.2.a, Zoning Ordinance Amendments. Unanimous vote in favor.

### 3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Appointment of Election Clerks – Pursuant to 21-A, §503(2)**  
*In reading the list of Election clerks up for appointment, Mayor Ryder corrected the district for Lisa Carter as district 4 not district 5. Councilor Wilde made a motion to appoint, with the correction, the list of election clerks. Seconded by Terry McAvoy. Unanimous vote in favor.*

### 4. UNFINISHED BUSINESS

- a. **Sewer Ordinance Amendment – refer to Public Hearing**
- b. **Fees Ordinance Amendment – refer to Public Hearing**

- c. **Town Ways Ordinance Amendment – refer to Public Hearing**  
*Councilor Wilde made a motion to send all items to public hearing. Councilor McAvoy asked for clarification on the need for a formal vote. The Town clerk stated that meeting protocol dictates that any Councilor can introduce an item for public hearing without the need for a formal vote. Councilor Wilde restated his motion and thus made a referral to public hearing for all above ordinance amendments with no objection.*

## 5. NEW BUSINESS

- a. **Council Action on Alewife Fishing Rights – Councilor McPike**  
*made a motion for the Town of Hampden to retain fishing rights, seconded by Councilor Marble. Unanimous vote in favor.*
- b. **Orient Avenue Apartments Snow Plowing and Storage Easement – Councilor Marble**  
*made a motion to accept the Orient Avenue Apartments Snow Plowing and Storage Easement, seconded by Councilor Wilde. Unanimous vote in favor.*
- c. **Proposed Street Opening/Utility Ordinance – refer to Public Hearing – Councilor Sirois**  
*made the referral to public hearing with no objection.*
- d. **Penobscot Temperature Controls, Inc. – referral from Finance & Administration Committee – Councilor Sirois**  
*made a motion to pay Penobscot Temperature Controls, Inc. for work performed on the boiler in the amount of \$2,317.27 out of the municipal building reserve account, seconded by Councilor Wilde. Unanimous vote in favor.*
- e. **Culvert Policy – Referral from Infrastructure Committee – Councilor Marble**  
*made a motion to accept the Culver Policy as written, seconded by Councilor Wilde. Unanimous vote in favor.*
- f. **Request authorization to transfer funds from the Personnel Reserve Account to reimburse personnel line items (Administration, Public Works) for FY16 retirement pay-outs – Councilor Sirois**  
*made a motion to authorize the transfer of funds from the Personnel Reserve Account to reimburse personnel line items in Administration and Public Works for retirement pay outs, seconded by Councilor Wilde. Unanimous vote in favor.*
- g. **Proposed 2016-2017 RSU #22 District Budget – Manager Jennings**  
*made the Council aware that the Budget Committee of RSU 22 held an initial hearing on March 29<sup>th</sup> which was continued until April 14<sup>th</sup>. Material presented in the packet will be discussed. If there is no public attendance, the RSU may close budget talks so it is imperative for all members of the public to attend. Councilor Marble requested clarification of the ruling on a quorum of Councilors in attendance at the same time and whether or not it constitutes a meeting. Attorney Bearor stated that if 3 or more are in*

*attendance at the same place and not discussing town business, it is not considered a meeting. If 3 or more are in attendance at the same place discussing town business, it is considered a meeting and notice would be required. Town clerk confirmed the method of notification would need to remain consistent with the normal notice process.*

**E. COMMITTEE REPORTS**

**Services Committee** – Councilor McAvoy stated that there was nothing to report. The next Services Committee meeting is scheduled for April 11<sup>th</sup>.

**Infrastructure Committee** – Councilor Marble reported that at the last meeting discussions involved the monitoring of the landfill and the forthcoming environmental report, the meeting with Casella at the landfill site and the presentation by Karen Marysdaughter on the Solarize Bangor Initiative which has potential for savings for Hampden residents. The committee agreed to support this initiative and place information on the town's website. To be discussed further at the next Planning & Development meeting. The next Infrastructure Committee meeting is scheduled for April 25<sup>th</sup>.

**Planning & Development Committee** – Councilor McPike reported that this committee has not met since the last Council meeting but the next one is Wednesday the 13<sup>th</sup> at 6:00.

**Finance & Administration** – Councilor Sirois reported that two of the four items discussed in committee were discussed tonight at Council, the transfer of funds from the personnel reserve account as well as the payment to Penobscot Temperature Controls. Other discussions involved the evaluation of the Town Manager as well as the reorganization of the Planning Department.

**F. MANAGER'S REPORT** – Manager Jennings reported that budget preparation for FY17 has begun. He has sent budget sheets to all department heads with a due date back to him of Thursday. He is also in beginning preparation for the spring Hampden Highlights newsletter in which budget workshops will be announced.

**G. COUNCILORS' COMMENTS**

Councilor Sirois – no comment

Councilor McPike –no comment

Councilor Wilde – no comment

Councilor Marble – Echoed Councilor Cormier's comment from last meeting that the public should avail themselves to these public meetings and absolutely should attend the budget meetings for the RSU

Councilor Cormier – no comment

Councilor McAvoy – no comment. Inquired of the Manager as to whether budget hearings would be in committee or at Council level. Manager Jennings stated that the hearings would be at the Council, but that does not preclude some discussion to be held within appropriate committee. Councilor McAvoy then reminded the public to shop local and buy American.

*Mayor Ryder – Closing comments are that he wanted to touch on the 6 month evaluation of Manager Jennings. Councilors are very pleased with his work, he has been doing an excellent job and is looking out for the best interests of the Town and we are lucky to have him.*

- H. ADJOURNMENT** – *At 8:45 p.m., Councilor Cormier made a motion to adjourn, seconded by Councilor Sirois. Unanimous vote in favor.*

Respectfully Submitted,

Paula A. Scott  
Town Clerk