



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
**MINUTES**

MONDAY

DECEMBER 7, 2015

7:00 P.M.

*Attending:*

*Mayor David Ryder*

*Councilor Bill Shakespeare*

*Councilor Terry McAvoy*

*Councilor Dennis Marble*

*Councilor Stephen Wilde*

*Councilor Greg Sirois*

*Town Manager Angus Jennings*

*Town Clerk Denise Hodsdon*

*Councilor-Elect Ivan McPike*

*Citizens*

*Mayor Ryder called the meeting to order at 7:03 pm*

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

**1. SIGNATURES**

**2. SECRETARY'S REPORTS**

- a. November 16, 2015 Meeting Minutes**

**3. COMMUNICATIONS**

- a. Betty Magaw – Application for Appointment to Personnel Appeals Board or Board of Appeals – Referral to Finance Committee**
- b. Cheri Condon – Application for Reappointment to Library Board of Trustees – Referral to Services Committee**
- c. Anthony Mourkas - Application for Reappointment to Library Board of Trustees – Referral to Services Committee**
- d. Patrick Foley - Application for Reappointment to Pool Board of Trustees – Referral to Services Committee**
- e. Stephanie Shayne - Application for Reappointment to Recreation Committee – Referral to Services Committee**
- f. Gerry Ouellette – Application for Reappointment to Personnel Appeals Board – Referral to Finance Committee**
- g. Hampden Garden Club/Manager Jennings – Thank you**

**4. REPORTS**

- a. Finance Committee Minutes – 10/19/2015**
- b. Infrastructure Committee Minutes – 10/26/2015**

- C. PUBLIC COMMENTS** - *None*

**D. POLICY AGENDA**

**1. NEWS, PRESENTATIONS & AWARDS - None**

**2. PUBLIC HEARINGS - None**

**3. NOMINATIONS – APPOINTMENTS – ELECTIONS**

- a. **Joan Reilly – Appointment as Associate Member of Planning Board – Planning & Development Committee Recommendation – Motion by Councilor Shakespeare, seconded by Councilor McAvoy to appoint Joan Reilly as an Associate Member of the Planning Board. Unanimous vote in favor.**

**4. UNFINISHED BUSINESS**

- a. **Proposed Zoning Ordinance Map amendment to Map 9A/Lot 1 at corner of Emerson Drive and Coldbrook Road from Residential A District to Business District – Introduction for Public Hearing – Councilor Shakespeare introduced this item for public hearing at the next meeting.**
- b. **Pine Tree Landfill Post Closure Monitoring – Proposal from Drumlin, LLC and SoilMetrics, LLC – Recommendations of Infrastructure and Finance Committees – Mayor Ryder explained that the proposal is for Drumlin, LLC and SoilMetrics to continue to review Annual Reports and other documents prepared by Casella and the Maine Department of Environmental Protection and to provide an analysis of that review to the Town, at an estimated cost of \$3,000. Motion by Councilor Shakespeare, seconded by Councilor Marble to continue with the services of Drumlin, LLC for landfill post closure monitoring, at a cost of \$3,000 to be paid from the Host Community Benefit fund. Unanimous vote in favor.**
- c. **Discussion of Proposed MRC Legal Agreements & Potential Multi-town Legal Review – Manager Jennings noted that the Council's comments relative to the MRC/Fiberight proposed legal agreements have been forwarded on to the MRC. One of the comments that the Council had put on record was that before the Town entered into the agreements, it would be prudent to get legal review, but questioned if it made sense for the Town to incur legal costs to review proposed revisions that are coming from a non-profit that ostensibly is representing the Town. This issue was raised by several other towns as well and at their last meeting, the MRC Board approved funding for a third-party legal review which will be managed without any direct involvement of the MRC. The coalition of towns is being led by the Town of Hermon and they have agreed to a scope of work and to hire Attorney Jim Katsiaficas. Part of the review will be the question of what**

*are the implications of the proposed change to the corporate structure of the MRC, which at present is a non-profit, and how does its role as Hampden's and other communities' representative change as the partner and ultimately the vendor on municipal solid waste management? Manager Jennings has had several discussions with Hermon's Town Manager Roger Raymond and has asked what is involved in becoming a supporting community. Manager Raymond said that they have taken the position that because Hampden is the proposed host community that we would not be eligible to be a sponsoring community. They have taken the same position for any community that has a board member on the MRC. They are trying to avoid any conflict or any appearance of conflict. However Manager Jennings will be attending the meetings. It is expected that the MRC will have finalized the legal agreements by their annual meeting on December 16<sup>th</sup> and legal review will not begin until those documents are provided by MRC. Once those documents are received by the attorney, that will begin a 30-day review period. Therefore, Manager Jennings is estimating that it will be mid-January before the legal review is complete. Manager Jennings noted that in his review of the scope of work, it appears to be very responsive to some of the questions raised by the Council.*

## **5. NEW BUSINESS**

- a. Transfer Station Swap Shop Building Replacement – Recommendations of Infrastructure and Finance Committees –**  
*Councilor Marble reported that the Infrastructure Committee has been discussing issues at the Transfer Station with DPW Director Sean Currier. One of the problem areas is the swap shop and Director Currier has recommended replacing the swap shop shed with a pre-fab building and moving it to another location within the Transfer Station in order to alleviate traffic-flow issues. Motion by Councilor Marble, seconded by Councilor Shakespeare to authorize the Public Works Director to expend \$4792.00 from of the monies set aside from the savings on discontinuing Saturday Bus service, for the purchase of the shed. Unanimous vote in favor.*
  
- b. Fundraising at the Transfer Station –**  
*In the Infrastructure Committee's review of issues with the Transfer Station, there was discussion of the potential dangers of groups conducting fundraising activities at the facility. Manager Jennings had prepared a proposed order prohibiting fundraising activities within the fenced-in area of the Transfer Station for the Council's consideration. Councilor McAvoy expressed concern about limiting it to just fundraising activities and suggested that the proposed order be amended to prohibit any activities not directly related to the operation of the transfer station. Councilor Shakespeare agreed and felt that such activities should be prohibited on the entire transfer station property, not just the fenced-in area. Councilor Marble suggested that the policy be amended to read*

*“Ordered, that, in order to minimize potential danger or inconvenience associated with internal traffic circulation, activities not related to the disposal of waste shall not be permitted within or around the Town of Hampden Transfer Station.” and to strike the remainder of the language. Motion by Councilor McAvoy, seconded by Councilor Shakespeare to adopt the order as amended. Vote on the motion was 5-1 (Sirois); motion carried. Manager Jennings will have the revised order for Council signatures at the next meeting.*

**c. Proposed Mailbox Policy – Infrastructure Committee**

**Recommendation** – *Infrastructure Committee Chair Councilor Marble noted that the policy is basically the same as the State’s policy. It would hold the Town harmless for any damage to mailboxes through the act of plowing and it includes guidelines for the placement of mailboxes to minimize the chance of damage. Motion by Councilor Marble, seconded by Councilor Sirois to adopt the policy regarding mailboxes. Unanimous vote in favor.*

**d. Declaration of Surplus Property – Marina Floats –**

**Recommendations of Infrastructure and Finance Committees –**

*Manager Jennings explained that the Town has a legal obligation to provide public access to the waterfront, which is satisfied by the ramp. However, the floats are not a requirement in order to provide public access. The floats are owned by the Town but have historically been maintained by the marina operator. They have fallen into disrepair and there is no budget for their replacement. The Infrastructure Committee has recommended declaring them as surplus property. Motion by Councilor Marble, seconded by Councilor Sirois that the Town Council authorize the Town Manager to dispose of the floats pursuant to Item 5 of the Town of Hampden Bid Procedure Guideline or, if no party is interested in taking ownership, to discard the floats in a suitable manner. Unanimous vote in favor.*

**e. Approval of Expenditure of \$15,000 of Surplus Monies for Cruiser Replacement – Finance Committee Recommendation –**

**Mayor Recommendation** – *Mayor Ryder explained that \$15,000 was included in the FY14 budget as part of the Police Department budget for the purchase of a new police cruiser. There was no police vehicle purchase in FY14 and the unexpended \$15,000 cruiser replacement line item should have been carried forward to be used once a new vehicle was purchased. The funds had not been carried forward so were put into the “surplus” account. \$15,000 had also been included in the FY15 Police budget and a new vehicle was purchased in September 2015. Council approval is required to use “surplus” money from FY14 funds. Motion by Councilor Shakespeare, seconded by Councilor Sirois to approve the expenditure of \$15,000 from the general fund surplus monies for the cruiser replacement. Unanimous vote in favor.*

**TOWN OF HAMPDEN**  
IN THE TOWN COUNCIL

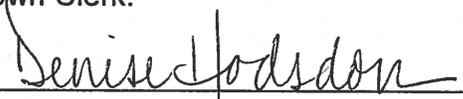
Adoption: December 7, 2015

**DECLARATION OF SURPLUS PROPERTY**

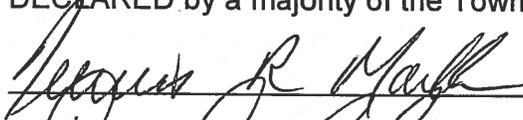
**DECLARED**, that the floats at the Town of Hampden Turtle Head Marina Park which are owned by the Town of Hampden (see exhibits, attached) are hereby found to be surplus. As surplus property, these floats are found to be not needed at present, or for the foreseeable future, and are no longer of value or use to the Town.

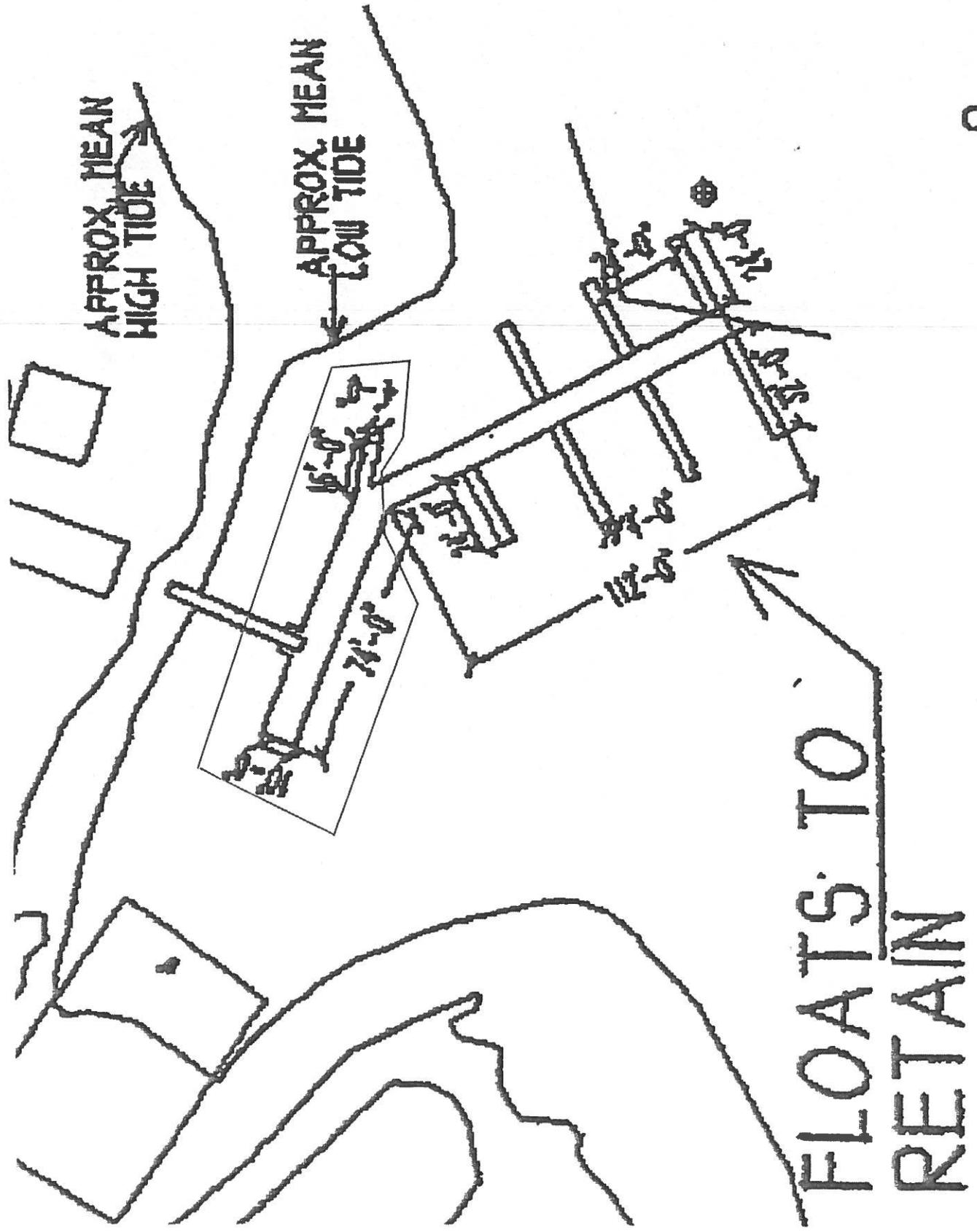
The Town Council hereby authorizes the Town Manager to dispose of the floats pursuant to Item 5 of the Town of Hampden Bid Procedure Guideline or, if no party is interested in taking ownership of the floats, to discard the floats in a suitable manner.

Town Clerk:

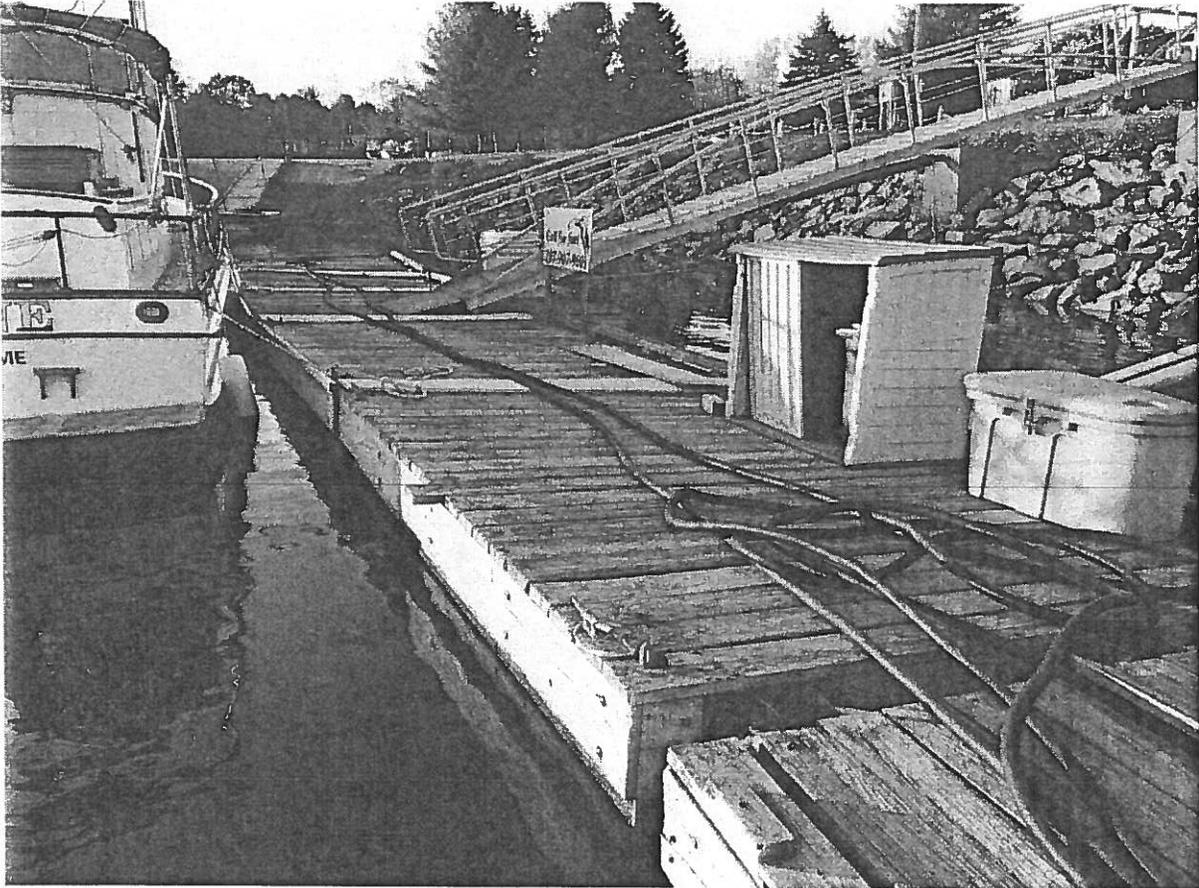
  
Denise Hodsdon

DECLARED by a majority of the Town Council:

Floats at Town Turtle Head Park Marina



David I. Ryder (Mayor, Dist. 4)  
Stephen L. Wilde (1)  
Dennis R. Marble (2)

**TOWN OF HAMPDEN**  
IN THE TOWN COUNCIL

Terry McAvoy (3)  
William W. Shakespeare (A/L)  
Gregory J. Sirois (A/L)

**Adoption: December 7, 2015**

**MAILBOX POLICY FOR THE TOWN OF HAMPDEN**

**ORDERED**, that the Town Council hereby approves a Mailbox Policy for mailbox installations within the right-of-way of Hampden's public streets.

For convenience and practicality, mailbox installations are allowed within the right-of-way of Maine's public highways; however such installations have two conditions:

- 1) The mailbox must be installed in accordance with applicable standards (See Attachment) to ensure that mail can be delivered and that the mailbox does not create an obstacle or safety hazard to those that use or maintain the highway, and
- 2) The mailbox is installed entirely at the owner's risk. In other words, if the mailbox incurs damage during any sort of highway operations or maintenance, the property owner is not entitled to replacement or compensation. In fact, if the mailbox was not installed in accordance with the applicable standards as stated above, the owner may be held liable for injuries or damages that may have been incurred as a result.

Mailbox design and installation standards are available from several sources, and mailbox owners are expected to consult this information prior to undertaking any mailbox installation or replacement. The following standards have nationwide relevance and were developed in cooperation with one another:

- The United States Postal Service (USPS) Mailbox Guidelines. The USPS defines the standards for mailbox construction, as well as the placement tolerance that must be met to accommodate postal operations. Specifics may be obtained from your local post office or online at:  
<https://www.usps.com/manage/know-mailbox-guidelines.htm?>
- American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide. The AASHTO Roadside Design Guide, Chapter 11: *Erecting Mailboxes on Streets and Highways* deals with the safety and construction of privately owned mailboxes, mailbox supports, and mailbox turnout designs and is less focused on postal operations. This publication may be obtained online through the AASHTO Bookstore at:  
[https://bookstore.transportation.org/Item\\_details.aspx?id=1807](https://bookstore.transportation.org/Item_details.aspx?id=1807)

The Town of Hampden has developed this policy to promote compliance with these national standards and to help further clarify the expectations and responsibilities of Maine mailbox owners to improve the safety of our roads.

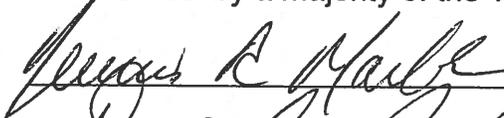
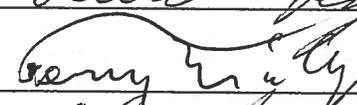
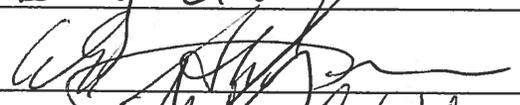
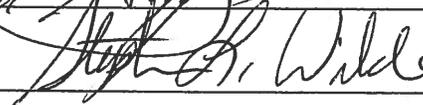
The attached pages further specify the details associated with the mailbox height, location, offset, and post type to minimize the potential hazards associated with mailbox installations and to reduce the opportunities for damage to mailboxes.

**NOTICE: Mailboxes, attachments or support systems not consistent with this policy are considered "Deadly Fixed Objects" (aka. "DFOs") and are in violation of 23 MRSA §1401-A on state and state aid roads. On local roads, they can be considered as "obstructions" and a number of statutes relate to these obstructions. If a mailbox was not installed in accordance with the applicable standards and is deemed to be an obstruction, the owner may be held liable for injuries or damages that have been incurred as a result.**

Town Clerk:

  
\_\_\_\_\_  
Denise Hodsdon

APPROVED by a majority of the Town Council:

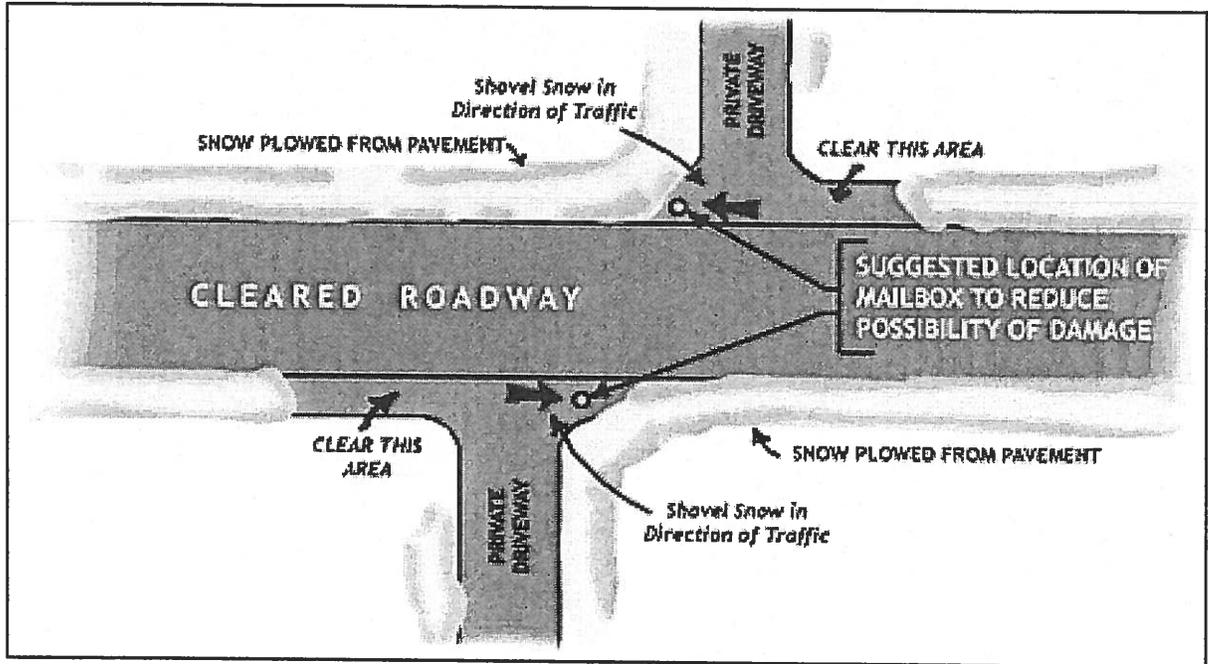
  
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Attachment: Mailbox Installation Standards – General Location; Mailbox Support Design; Offset; Height; and Post Size, Type and Embedment

## Attachment to Town of Hampden Mailbox Policy: Mailbox Installation Standards

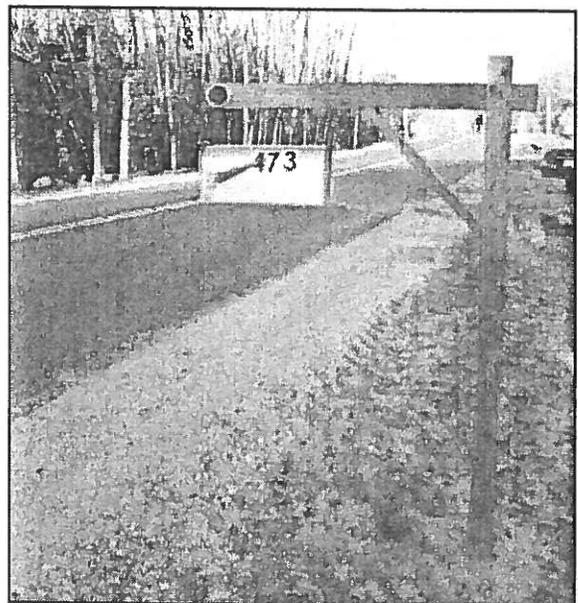
### General Location:

Whenever possible, mailboxes should be located after your driveway opening. This location placement improves visibility, minimizes the amount of snow that comes off of the snow plow, and improves the approach for the mail carrier. The diagram below further clarifies this preferred placement:



### Mailbox Support Design:

It is best to use an extended arm type of post with a free-swinging suspended mailbox. This allows snowplows to sweep near or under boxes without damage to supports and provides easy access to the boxes by carrier and customers. The picture to the right shows a free-swinging suspended mailbox:



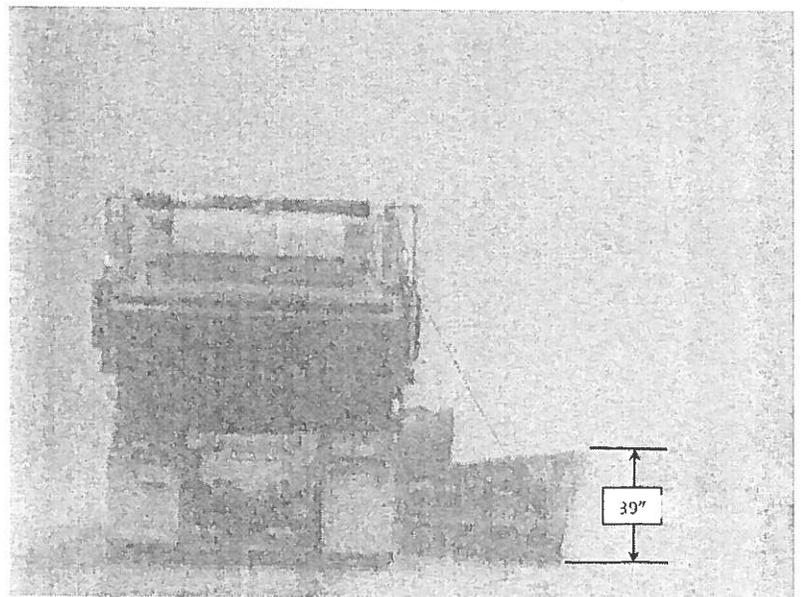
### Offset:

Mailboxes should be set back from the edge of the shoulder – regardless of whether the shoulder is gravel or paved. In other words, the face of the mailbox should be at least **one foot (1')** back from the edge of the normally plowed surface of the highway or the face of curb. Greater offset distances are encouraged whenever possible to allow the mail carrier to get further out of traffic and to minimize potential damage to your mailbox. The following picture shows a mailbox with a reasonable offset:



### Height:

According to USPS standards, a mailbox must be installed with the bottom of the mailbox located between 41" and 45" high above the surface of the highway shoulder. We recommend that this height be closer to the 45" measurement to minimize conflict with the height of the plow truck wing when snow is being pushed back during, or between, winter storms. The picture to the right further clarifies the height considerations:



### **Post Size, Type and Embedment:**

Mailbox posts must be sturdy enough to hold up the mailbox in all types of weather conditions. However they cannot be so rugged that they present a hazard to vehicles that inadvertently leave the road. If a mailbox support is struck by a vehicle, it must easily break away. Therefore, the following types of posts are acceptable:

- **4" x 4" wooden posts** embedded **2 feet** into the ground. Larger wooden posts may be used only if the post is drilled through with an appropriate spade bit to create a shear plane that is no higher than 6" above the surface of the surrounding ground. The number and size of the drilled holes depends upon what is necessary to bring the cross-section of the larger post down to the equivalent cross-sectional area of a standard 4" x 4" post. (MaineDOT Standard Specification 606.06)
- **1" to 2" round diameter steel or aluminum pipe or standard U-channel post** embedded **2 feet** into the ground.
- **Unacceptable** mailbox supports include: anything that is filled with concrete, masonry and stone structures, heavy steel structures, and most objects that were intended for other uses (e.g. antique plows, I-beams, and various other household tools and objects).

**E. COMMITTEE REPORTS**

**Services Committee** – Councilor McAvoy noted that the committee has not met since the last Council meeting and the next meeting is at 6:00 pm on December 14<sup>th</sup>.

**Infrastructure Committee** – Councilor Marble reported that the committee met on November 23<sup>rd</sup> and discussed the contract regarding landfill monitoring, a policy regarding the use of the community room, the condition of the marina floats, and the mailbox policy. The next meeting will be at 6:00 pm on December 28<sup>th</sup>.

**Planning & Development Committee** – Councilor Shakespeare reported that the committee met on December 2<sup>nd</sup> and continued discussion of a new marina sign, its type, location and how it would be funded. The committee completed its work on the proposed amendments to the Subdivision Ordinance relative to private roads. Code Enforcement Officer Myles Block updated the committee on the status of ongoing efforts to secure some buildings which are considered dangerous. The committee discussed the need for wetland mitigation for the proposed MRC project and utilizing a portion of the LL Bean property for that mitigation.

**Finance & Administration Committee** – Mayor Ryder reported that in addition to the items already discussed by the Council this evening, Manager Jennings reported the preliminary findings from the FY15 audit. One of the items that has come out of the audit is that the sewer revenues are not fully covering sewer operating and capital costs. The Town Manager and Public Works Director will be working on a proposal for increasing sewer rates in order to make that sustainable for itself.

**F. MANAGER'S REPORT** – Manager Jennings reported that the Development Review Team had a pre-application meeting with the MRC regarding the anticipated Fiberight development. The applicant's design engineer, the Town's independent review engineer, and superintendents from Hampden Water District and Bangor Water District also attended that meeting. The project is currently in the permitting process with DEP with hopes that the permit will be issued by the end of the year.

Manager Jennings will be meeting with Laurie Linscott of the Bus on December 16<sup>th</sup> regarding financing of the Bus and how the rate structures are allocated among the towns. Earlier that day he will be meeting with the Bangor City Manager to review a number of items of common interest.

He reported that the Town Office will be closed from 11:30 am to 1:30 pm on December 15<sup>th</sup> for the Employee Christmas Party.

He will be attending a regional managers' meeting on December 10<sup>th</sup> regarding the legal review of the MRC documents.

He met last week with Danny Lafayette regarding a number of issues at the Skehan Center. He will provide a detailed update on that meeting at the December 14<sup>th</sup> Services Committee meeting.

He informed the Council that the School Building Committee is meeting at 6:30 pm on December 14<sup>th</sup> where they will continue their discussion of the McGraw-Weatherbee complex. Because that conflicts with the Services Committee meeting, incoming Councilor Ivan McPike has volunteered to attend that meeting.

He also informed the Council that he has been looking at the possibility of developing an inclement weather policy. The Public Works Department is currently down one person from years past and it is the recommendation of the Public Works Director that transfer station employees be temporarily reassigned to support plowing and snow

*removal. If we do adopt this practice, it would result in temporary closures of the transfer station and any changes to normal hours of operation would be posted to the website and the Town's local cable channel with as much advance notice as possible.*

**G. COUNCILORS' COMMENTS**

***Councilor Shakespeare** thought the Christmas trees in the Council chambers and in front of the Town Office were beautiful.*

***Councilor Marble** thanked Kiwanis and Town Staff for the very nice tree lighting event on Sunday.*

***Councilor McAvoy** thanked Councilor Shakespeare and Tom Brann for taking the flags down and appreciated that the holiday lights are now up. He also reminded everyone to shop local and buy American.*

***Mayor Ryder** congratulated Denny Babcock on his retirement from the Public Works Department after 16 years of service. He appreciated that there were members of the public at tonight's meeting. He noted that when he thanked the Garden Club at the last meeting for the flowers out in the front of the Town Office, he should have acknowledged that they also tend the gardens at the gazebo at the pool, the Reeds Brook School entrance, Dorothea Dix Park and Harmony Hall. He expressed appreciation to them again for the beautiful gardens around town.*

**H. ADJOURNMENT** – *There being no further business, the meeting was adjourned at 7:58 pm.*



Denise Hodsdon  
Town Clerk