



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

TUESDAY

JANUARY 17, 2012

7:00 P.M.

Attending:

<i>Mayor Janet Hughes</i>	<i>Councilor Andre Cushing (7:20 p.m.)</i>
<i>Councilor Jeremy Williams</i>	<i>Councilor Jean Lawlis</i>
<i>Councilor Thomas Brann</i>	<i>Town Manager Jean Lawlis</i>
<i>Councilor Shelby Wright</i>	<i>Robert Osborne, Town Planner</i>
<i>Councilor Kristen Hornbrook</i>	<i>Channel 2 representative, citizens</i>

The meeting was opened at 7 p.m. by Mayor Hughes.

Motion by Councilor Lawlis, seconded by Councilor Brann to accept the consent agenda. Unanimous vote in favor.

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Emails requested by Councilor Hornbrook to be included on 1/3/2012 agenda that were not included
- b. Yvonne Lambert – Application for Reappointment to Library Board – Referral to Services Committee
- c. MaryAnn Bjorn – Application for Reappointment to Library Board – Referral to Services Committee
- d. Karen Reilly – Application for Reappointment to Historic Preservation – Referral to Planning & Development Committee

4. REPORTS

- a. Edythe Dyer Library Board of Trustees Minutes – 11/9/2011

B. PUBLIC COMMENTS - *None*

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Proposed Zoning Ordinance Text Amendment to Section 3.6 Interchange District – *The Town Planner did a brief introduction to the*

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

proposal prior to the start of the public hearing. The Public hearing was opened by Mayor Hughes. Proponents – None. Opponents – None. Neither for nor Against – None. The public hearing was closed. Motion by Councilor Brann, seconded by Councilor Wright to adopt the proposed zoning text amendment to Section 3.6 Interchange District. Unanimous vote.

2. NOMINATIONS – APPOINTMENTS – ELECTIONS - None

3. UNFINISHED BUSINESS

- a. Council Committee Assignments and Council Chair Responsibilities – *Council members discussed the role of Committee Chairs. Other than running the meetings, the Committee Chairs also should work with staff to ensure that there is a meeting agenda posted at least 2 days prior to the meeting. There was also discussion about merging Communications and Services Committees, but no consensus. The Mayor asked the Communications Committee to discuss that idea at their next meeting and report back to the Council with a recommendation.*
- b. New Council Information/Orientation – *Mayor Hughes distributed a draft Councilor Handbook put together by staff member Gretchen Heldmann and asked Councilors to review it. The purpose of the handbook is to provide Councilors with an overview of process, policies, and Councilor responsibilities.*
- c. Discussion of Councilor Brann's Comments at December 5, 2011 Meeting re Legal Review (postponed from 1/3/2012 meeting) *A motion was made by Councilor Brann to enter executive session pursuant to Title 1, ss405(6)(e) legal consultation to discuss accusations against people by name without substantiation". There was no second to the motion.*

Councilor Brann indicated that the original purpose of this item was to request that the Town Attorney prepare a statement clarifying what qualified as defamation of character, libel, or slander.

Councilor Hornbrook indicated that she was not willing to go into executive session for this subject, that the original discussion was in reference to emails that were defamatory. She has not seen any emails that would qualify as such and asked where the emails in question were.

Councilor Williams looked over the emails that were included in the packet and did not see anything about specific individuals.

Additional discussion about other meetings and statements made at them ensued. Councilor Cushing requested guidance from the Town

C-1-a



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment to Interchange District
DATE: December 15, 2011

Please be advised that the Planning Board at their December 14, 2011 meeting held a public hearing on the subject draft Zoning Ordinance text amendment to the Interchange District. There was no public comment. The Board discussed the amendment and voted unanimously to return the item to the Town Council with an "ought-to-pass" recommendation.

At the November 14, 2011 Town Council meeting this item was referred to the Planning Board for a public hearing and recommendation. As you are likely aware the Interchange District is located only on Coldbrook Road from the Hermon Town Line to the parcel of land that included the soccer dome on both sides of the street. The Planning and Development Committee sent forward this language for a draft Interchange District amendment to address moving an existing landscaping company to the district. The proposal is to permit service business with outdoor display and storage in the district. The draft language would broaden the contemplated uses in the district to any retail or service business and require that those businesses with over 5,000 sq. ft. of outdoor display or storage get conditional use review.

1/3/2012 - Introduced for Public Hearing
1/17/2012 - Adopted by Town Council

**TOWN OF HAMPDEN
Draft**

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.6. Interchange District

3.6.1. Purpose - This district is intended to provide areas for motels, restaurants, service stations and similar uses that provide accommodations for tourists and other travelers using Interstate 95. Residential structures in existence prior to January 1, 1979 may be repaired or modified and accessory structures may be added, provided minimum setback requirements are met.

3.6.2. Permitted Uses (Subject to Site Plan Review) – Any retail or service business, hotel, motel, take-out restaurant, small restaurant, sit-down restaurant, automobile and truck service station and repair facility, gift shop, truck terminal, business or professional office, indoor recreation, home occupation (subject to *Article 4.10*), accessory uses or structures, essential services, and wireless telecommunications facilities (subject to *Article 4.22*). (*Amended: 03-08-99, 05-21-01, 10-01-01, 12-6-04*) (*03-21-05*).

3.6.3. Conditional Uses (Subject to Site Plan Review) - Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, outdoor recreation, stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities and buildings necessary for essential services. (*Amended: 05-21-01, 12-6-04, 12-17-07*) Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment.

3.6.4. Lot Dimensions

Minimum Area	-	1 acre
Minimum Road Frontage	-	200 feet
Minimum Setbacks:		
Street Yard	-	30 feet
Side Yard	-	20 feet
Rear Yard	-	20 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	50 feet

(*Amended: 01-19-06*)

3.6.5. Special District Regulations

1. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. (*Amended: 12-6-04*)
2. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. (*Amended: 12-6-04*)
3. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor

dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. Title 28-A: LIQUORS §1051. Licenses generally which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. (Amended: 12-6-04)

4. No bar or dance hall shall be located within 500 feet of a residence. (Amended: 12-6-04)
5. Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each yard setback requirement. (Amended: 01-19-06)

EXAMPLE: A 48 foot tall building is proposed. By subtracting the base Interchange District maximum building height from the proposed height the following is the result $48' - 35' = 13'$.

Then add that amount to each yard or setback.

Setback Type		Base Setbacks:	Total Setback
Street Yard	-	30 feet	43 feet
Side Yard	-	20 feet	33 feet
Rear Yard	-	20 feet	33 feet

(Amended: 01-19-06)

attorney on the subject. The Town Attorney responded that he had not researched the subject. Motion by Councilor Brann, seconded by Councilor Lawlis to ask the Town Attorney to research how the law works in regard to public officials/defamation/libel and to then give a presentation of that opinion in open session. Vote 4-3 (Hornbrook, Williams, Wright). Motion carried.

- d. *Citizens Comprehensive Plan Committee Update – The Comprehensive Plan draft is currently being reformatted and updated to include recommendations of the Citizen’s Comprehensive Plan Committee. Eleven members of that committee are needed for a quorum for the public hearing to be held by the Committee. It is estimated that the plan will be ready for inspection by the first of February and available for a thirty day period prior to the public hearing. The revisions suggested by the Citizen’s Committee have been sent to the State Planning Office for review.*
- e. *Old Hampden Academy Re-use Update* - Moved to end of agenda for executive session*
- f. *Town Manager Search Update** - Moved to end of agenda for executive session*

4. NEW BUSINESS

- a. *Authorization for Reserve Fund Use – WebGIS – \$1,200 from GIS Reserve – Motion by Councilor Brann, seconded by Councilor Lawlis to approve the use of \$1,200 of reserve funds from the GIS reserve for the purpose of funding the WEBGIS. Unanimous vote in favor.*
- b. *Authorization for Reserve Fund Use – Cooling Equipment for Network - \$5,950 from Municipal Building Reserve – Motion by Councilor Cushing, seconded by Councilor Brann to approve the use of Municipal Building Reserve funds in the amount of \$5,950 for the purpose of purchasing cooling equipment for the server room in the Public Safety department. Unanimous vote in favor.*
- c. *Authorization for Temporary Construction Easement – Route 1A Project – Motion by Councilor Cushing, seconded by Councilor Brann to approve the temporary construction easement for MDOT for the Route 1A project, with compensation to the Town in the amount of \$300. Unanimous vote.*
- d. *Application for Renewal of Victualers License received from Wang & Lo, Inc. d/b/a Fresh Ginger at 64 Main Road North – Motion by Councilor Brann, seconded by Councilor Williams to approve the Victualer’s license for Wang & Lo d/b/a Fresh Ginger at 64 Main Road North. Unanimous vote in favor.*

- e. Application for Renewal of Liquor License received from Wang & Lo, Inc. d/b/a Fresh Ginger at 64 Main Road North – *Motion by Councilor Brann, seconded by Councilor Wright to approve the application for renewal of the liquor license for Wang & Lo, d/b/a Fresh Ginger at 64 Main Road North. Unanimous vote in favor.*
- f. Service Fee Bills – 2012 – *The Town Manager explained that these bills were for entities in town that met the criteria of the Town’s Service Fee Ordinance for those properties that were not taxable for real estate purposes. Motion by Councilor Brann, seconded by Councilor Williams to approve the service charge ordinance fees for 2012 in the amount of \$24,341.71 for seven properties. Unanimous vote.*

D. COMMITTEE REPORTS – *Services Committee, Councilor Lawlis reported that the committee had not met since the last council meeting but that the next meeting would be 1/25/12 at 6 p.m. to discuss Reed’s Brook Trails project and the community garden idea. Planning & Development will meet on January 18th at 6 p.m. Communications Committee, Councilor Hornbrook indicated that the meeting was moved to February 21st at 6 p.m. Infrastructure, Councilor Wright indicated that infrastructure would be meeting on February 23rd at 6 p.m. Finance Committee, the Town Manager reported that the committee had met prior to the Council meeting and discussed the service charge fees, outside funding requests, manager transition recommendations, warrants and financial reports. Draft Council Rules will be discussed at the next meeting.*

E. MANAGER’S REPORT – *The Manager’s Report is attached and hereby made a part of the minutes. After the manager’s report, Mayor Hughes indicated that she hoped to have a special council meeting on 1/23 regarding the manager search and the old Hampden Academy.*

F. COUNCILORS’ COMMENTS –

Councilor Hornbrook thanked residents for calls and emails and reminded residents that dogs do not need to be registered until they are 6 months old. Councilor Lawlis reminded residents that the Lura Hoit Pool is in the process of fundraising for the \$100,000 needed for a new air handling system at the pool. Councilor Williams thanked residents for coming and reminded them to drive safely. Resident Ed Armstrong asked to approach the Council and wanted to say a few words to the Town Manager. He stated that she had done a good job as manager and that her new community was lucky to get her and that she handled the landfill situation very well.

Motion by Councilor Brann, seconded by Councilor Lawlis to enter executive session pursuant to 1 MRSA §405 (6) (F) (c)(A) – Real Estate and confidential records to include the Town Attorney. Vote 6 – 1 (Hornbrook). Motion carried.

Motion by Councilor Brann, seconded by Councilor Cushing to re-enter regular session. Unanimous vote. No action taken.

G. ADJOURNMENT

MANAGER'S REPORT
January 17, 2012

One More Reminder – Dog licenses are due by 1/31 to avoid a \$25 late fee.

Budget – I will be distributing budget worksheets to Department Heads by the end of the Month. The Council has not had a workshop/meeting to discuss its goals and objectives for the coming year. I am in hopes that one can be scheduled so that personnel have a clearer idea of what the Council's priorities and constraints are for the next fiscal year.

Infrastructure – Public Works has no items for the Infrastructure Committee for the scheduled meeting on January 23rd. Are there items that Councilors wish to have on the agenda? If not, I would suggest canceling the meeting.

Newsletter – I have delayed the newsletter to the end of January in hopes that we have more information related to the manager search/hiring, and the date of the Citizen's Comprehensive Plan Committee Public Hearing.

Respectfully submitted,



Denise Hodsdon
Town Clerk

* Due to the nature of this item, portions of the discussion may be conducted in Executive Session pursuant to 1 MRSA §405 (6) (C) (Real Estate)

** Due to the nature of this item, portions of the meeting may be conducted in Executive Session pursuant to 1 MRSA §405 (6) (A) (personnel matters) and 1 MRSA §405 (6) (F) (confidential records)