



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

JANUARY 4, 2016

7:00 P.M.

Attending:

Councilor David Ryder

Councilor Greg Sirois

Councilor Ivan McPike

Councilor Stephen Wilde

Councilor Dennis Marble

Councilor Mark Cormier

Councilor Terry McAvoy

Town Attorney Edmond Bearor

Town Manager Angus Jennings

Town Clerk Denise Hodsdon

Community Dev. Dir. Dean Bennett

Media Representatives

Citizens

The meeting was called to order by Town Attorney Ed Bearor at 7:00 pm.

- **Swearing in of Councilors At-Large** – Councilors Greg Sirois, Ivan McPike and Mark Cormier were sworn in to office by Town Clerk Denise Hodsdon.
 - **Election of Mayor, Deputy Mayor** – Town Attorney Ed Bearor presided over the election of Mayor and asked for nominations. Councilor Sirois nominated Councilor David Ryder, seconded by Councilor McAvoy. Nominations were closed and vote was unanimously in favor of the nomination. The Town Clerk swore in Mayor Ryder, who then presided over the remainder of the meeting.
 - Councilor Marble nominated Councilor Sirois for Deputy Mayor, seconded by Councilor McPike. Nominations were closed and vote was unanimously in favor of the nomination. The Town Clerk swore in Deputy Mayor Sirois.
- A. PLEDGE OF ALLEGIANCE** – Mayor Ryder led the Pledge of Allegiance
- B. CONSENT AGENDA** – Motion by Councilor McAvoy, seconded by Councilor Marble to accept the Consent Agenda. Unanimous vote in favor.
- 1. SIGNATURES**
 - 2. SECRETARY'S REPORTS**
 - a. December 21, 2015 Meeting Minutes**
 - 3. COMMUNICATIONS**
 - a. Time Warner – Rate Notification – 12/9/2015**
 - b. Maine Municipal Association/Town Manager – Loss Control Visit – 10/29/2015**
 - c. Maine Municipal Employees Health Trust – 2016 Rates**

**d. Maine Municipal Association – Workers Compensation Fund
Renewal**

4. REPORTS

a. Infrastructure Committee Minutes – 11/23/2015

b. Finance Committee Minutes – 12/7/2015

C. PUBLIC COMMENTS – *Hampden resident and State Representative Jim Davitt offered congratulations to the incoming Councilors and newly elected Mayor and Deputy Mayor. He said he is looking forward to working with the Council and encouraged the Council to reach out to him if he could do anything to help with legislative matters.*

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - None

2. PUBLIC HEARINGS

a. Proposed Zoning Ordinance Text Amendment – Article 4.8 Signs – *Community Development Director Dean Bennett explained that the proposed amendments address some inconsistencies with State law and various issues that have arisen over time with sign regulations in Town. The amendments have been reviewed by the Planning Board with an “ought to pass” recommendation with the exception of Article 4.8.2.6. Nuisance Signs. Former Town Attorney Russell had recommended a slightly different version from that recommended by the Planning Board. Attorney Russell revised the language to provide that the nuisance must arise from the operation or illumination of the sign, so that it is clear that the nuisance cannot be related to the message on the sign. Both versions were included in the proposed amendments presented for public hearing. Mayor Ryder opened the hearing and nobody spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor McAvoy, seconded by Councilor Marble to adopt the amendments with the language as recommended by Attorney Russell for Article 4.8.2.6. Unanimous vote in favor.*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

4. UNFINISHED BUSINESS

5. NEW BUSINESS

a. Proposed Amendments to Training Room Use Policy – *Given increased security regulations for law enforcement facilities, Public Safety Director Rogers requested that the policy for use of the Community Room be revised to limit allowed uses of the room to*

D-2-a



To: Hampden Planning Board
From: Dean Bennett, Director of Community and Economic Development
Subject: Sign Revision Recommendations
Date: November 4, 2015

At the Planning Board Ordinance Committee Meeting of October 14, 2015, the following actions were taken:

Committee Action: Motion was made and seconded to forward the draft Sign Revisions to the Planning Board as presented, with the addition of two minor changes on page 4 of the document as noted. Recommendation is "ought to pass". Vote: 5-0.

The drafts Sign Revisions are attached.

In addition, I have attached the email from Attorney Russell explaining why he recommended the wording of 4.8.2.6 that was originally proposed to the Committee.

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions underlined

Deletions ~~stricken~~

4.8. Signs. Signs provide vital information to the public, assist in the response and rescue of public safety and engender a sense of place. The following provisions shall apply to signs and billboards in all districts where permitted.

4.8.1. Off-Premises Signs - No off-premises signs shall be erected or maintained in the Town of Hampden except in conformity with *23 MRSA section. 1901-1925 the Maine Traveler Information Services Law*. Off-premises official business directional signs may be located in the Town of Hampden in such locations and in such a manner as allowed under *23 MRSA sections 1901-1925* and under the rules and regulations of the State of Maine Department of Transportation. Provided, however, that off-premises official business directional signs for home occupations are prohibited. Authorization for official business directional signs shall be obtained from the Code Enforcement Officer~~Official~~.

- 1. Exception for property identification numbers** - Each residential premises is allowed a mailbox with the identification number of the property clearly marked on it. If the mailbox is on the opposite side of the street of the house or if there is no mailbox, the premises is also allowed an MDOT approved sign post, or similar structure, with numbers that meet the standards of subparagraph a below. Such signs are also allowed on an adjacent parcel with written permission of the landowner.
 - a. All non residential uses must display the identification number of the property. The area required by the number is not included in the calculation of the total square footage of the sign.
 - b. Approved address numbers shall be placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet

letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

2. *Exception for industrial subdivision entrance sign* - In Planning Board approved Industrial Subdivisions a sign marking each public street entrance shall be permitted. Such signs shall be limited to 70 square feet per face and shall only contain the name of the subdivision, the name of the public subdivision's street, and owner identification information. The sign may be located in the raised median of the entrance street provided that it is at least 20 feet from the nearest perpendicular traveled way and the sign itself creates no visual barrier from the ground up to a height of 6 feet.
3. *Exception for industrial subdivision directory sign* - In Planning Board approved Industrial Subdivisions a directory sign marking tenants in the subdivision located near each public street entrance shall be permitted. Such signs shall: be unlighted, be limited to 50 square feet per face, not exceed five feet in height, and shall only contain the name of subdivision, information about the subdivision's management, and the name and address of each subdivision's tenant. The sign may be located in the public right of way provided that it is at least 100 feet from the entrance and does not create a visual barrier to individual lot entrances.

4.8.2. On-Premises Signs - All on-premises signs shall be located and erected in conformity with State Law (23 MRSA sections 1901-1925). In addition the following regulations apply:

1. *Visual obstruction* - No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
2. *Sign Illumination: Sign illumination is permitted in all districts, except on properties used for residential purposes, as long it conforms to 4.8.2.1.*
- ~~2.~~ 3. *Visual distraction* - Flashing, moving, or animated signs are prohibited.
- ~~3.~~ 4. *Height limit* - No sign shall exceed twenty-five (25') feet in height.
- ~~4.~~ 5. *Size limit* - No sign shall exceed the maximum sign size for the district in which the sign is placed. Freestanding signs are sized of the basis of one sign face. Except that

signs located on-premises but greater than fifty (50') feet from a building and visible from Interstate 95 shall be limited to one sign and shall not exceed one hundred fifty (150) square feet in area or the maximum sign size allowed in the district, whichever is less. Such signs, visible from Interstate 95, shall have no panel dimension greater than twenty (20') feet.

~~5.~~ 6. Neighborhood nuisance - No sign shall be erected ~~maintained~~ in a manner in which the operation or illumination thereof may cause nuisance or undue distraction to nearby residents or occupants.

~~Planning Board Ordinance Committee Recommended Change to 6. Above:~~

~~6. Nuisance Signs - No sign shall be erected or maintained in a manner in which the operation or illumination thereof may cause nuisance or undue distraction to nearby residents or occupants.~~

~~5. Setback - Signs shall be set back at least eight (8') feet from the street line and other lot lines, except signs on properties adjacent to Residential A, B, or Rural District boundaries. In that case, signs shall be set back from the side lot line at least the distance of the minimum required side yard depth for the district to which they are adjacent and shall be set back from the street line at least eight (8') feet.~~

7. Roof signs - Roof signs shall not extend more than ten (10') feet above the roofline.

8. Changeable Signs - Arc Permitted in all districts, except on properties used for residential purposes.

a. "Changeable sign" means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one display by another on each side.

b. "Display" means that portion of the surface area of a changeable sign that is or is designed to be or is capable of being periodically altered for the purpose of conveying a message.

c. "Message" mean a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.

- d. "Sign assembly" means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundation.
- e. "Time and temperature sign" means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.
- f. The display on each side of a changeable sign:
 - i. May be changed no more than once every 10 seconds;
 - ii. Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing, display continuous streaming of information, video animation or blending;
 - iii. May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images.

4.8.3. Permitted Signs Not Requiring a Permit – The following on-premises signs shall be permitted in all districts without a permit:

1. *Real estate signs* - The following signs relating to the sale, rental or lease of a premises may be displayed on the premises of a premises which is available for sale, rent or lease.
 - a. A single freestanding sign, not over five (5) square feet in area.
 - b. A single wall sign not over three (3) square feet in area.All such signs shall be removed when PURPOSE IS FULFILLED.
2. *Posting signs* - Signs relating to trespassing and hunting.
3. *Residential identification signs* - A single sign denoting the name and/or address of the occupants of residential premises, such sign shall not exceed four (4) square feet in area.
 - a. Or one sign naming the premises where located. Such sign shall not exceed six (6) square feet if it is a wall sign, or four (4) square feet if it is a freestanding sign.
(Examples: Twin Oaks, Fox Fire, Kinsley House, etc.).
4. *Tradesman signs* - A single sign, placed on the premises where construction, repair, or renovation is in progress, which denotes the architect, engineer, contractor, and/or funding source for the work in progress. Such sign shall not exceed sixteen (16) sq.ft. in

area and shall be removed when the work is completed. Federal and state government-mandated signs are exempt.

5. *Traffic signs* - Signs providing traffic and directional information to the public.
6. *Home occupation sign* - In place of the sign allowed in *Article 4.8.3.3.* above, approved home occupations may display a single sign, not over four (4) sq.ft. in area, relating to the home occupation.
7. *For sale signs* - In addition to the sign allowed in *Article 4.8.3.3.* above, residential users may display a single temporary sign, not over four (4) sq.ft. in area, relating to goods or services for sale on the premises, if such sale does not constitute either a business, a home occupation, or a yard sale. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, or other occasional sales.
8. *Temporary event signs* - Temporary signs announcing public and semi-public occasional events, ~~political campaigns, candidates, etc.~~ Such signs shall be displayed not more than two (2) weeks before the event and shall be removed within one (1) week after the event. Signs established more than two weeks prior to the announced event shall be deemed unlawful and are subject to removal under *Article 4.8.10.2.*

9. *Political Signs* – Signs bearing political messages relating to an election, primary or referendum may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations as follows:

- a. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum surface area of 50 square feet;
- b. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one (1) week following that date of the election, primary or referendum. Provided, however, that political signs may not be located within the right-of-way limits of any Controlled Access Highway (Route 202 from I-395 to Western Avenue) or within any right-of-way limit of the Interstate Highway System.

10. Personal Signs-Signs bearing political, religious, ideological or personal messages by the owner(s) or occupant(s) of a property, limited in size to a maximum surface area of 50 square feet.

11. Prohibited Practices-Signs allowed by this Section 4.8.3 shall be subject to the following:

- a. Shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;**
- b. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device, such as a stop sign;**
- c. Political signs may be displayed to view to all public ways except that such signs may not be erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway. No political signs may be located at the interstate interchanges,**

4.8.4. Permitted Signs With a Permit - The following on-premises signs shall be permitted in all districts with a permit:

- 1. Housing project sign** - A single sign not over thirty-two (32) sq.ft. describing a multi-family housing project or a subdivision.
- 2. Subdivision sign** - A single sign not over thirty-two (32) sq.ft. describing a subdivision.
- 3. Non-residential principal building or use sign** - A single sign not over sixteen (16) sq. ft. describing a non-residential principal building or use on the premises.

4.8.5. Signs in the Rural District - In the Rural District the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

- 1. Farm product signs** - A maximum of two (2) signs describing farm products raised or produced on the premises. The maximum sign size shall not exceed sixteen (16) sq.ft.

4.8.6. Signs In Residential Districts - In the Residential A and Residential B Districts the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

1. *Housing project or subdivision sign* - A maximum of two (2) signs whose combined area shall not exceed thirty-two (32) square feet, describing a multi-family housing project or a subdivision on the premises.
2. *Non-residential sign* - A maximum of two (2) signs whose combined area shall not exceed sixteen (16) square feet, describing a non-residential principal building of less than 5,000 square feet gross floor area or use on the premises.
3. *Non-residential sign for larger site developments* - A maximum of one sign located at each street entrance whose area shall not exceed sixteen (16) square feet and describing a non-residential principal building or buildings in excess of 5,000 square feet gross floor area or use. Additional signage shall be permitted on the interior of such site developments provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 30 feet from all property lines.
4. *Prohibited signs* - Notwithstanding the provisions of this section roof signs and internally illuminated signs are prohibited in the residential districts.
5. *Scoreboards* - Notwithstanding the provisions of this section scoreboards are permitted in the residential districts and are not subject to the preceding regulations including size. The content of a scoreboard shall be generally limited to the score, period, time, and other information pertinent to the sporting activity, the name of the school and team. Scoreboards may contain limited product advertising provided it is not back-lighted and is limited to 10 sq. ft.

4.8.7. Signs in the Commercial Districts

1. *Signs in the Business District and Rural Business District* - Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business District and the Rural Business District:
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet.

- b. Wall signs not to exceed one and one-half (1-1/2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed one hundred fifty (150) square feet.
 - c. One (1) projecting or roof sign not to exceed thirty-six (36) square feet in area.
- 2. *Signs in the Business B District* - Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business B District provided total signage does not exceed 250 square feet in area.
 - a. One (1) freestanding sign, not to exceed fifty (50) square feet in area.
 - b. Wall signs not to exceed two square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
 - c. Projecting signs not to exceed (25) square feet in area.
- 3. *Signs in the Commercial Service District* - The following on-premises signs, identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Commercial Service District:
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet.
 - b. Wall signs not to exceed two (2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
 - c. One (1) projecting, or roof sign not to exceed seventy-two (72) square feet in area.
 - d. Industrial Parks, as defined, may erect one industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
- 4. *Signs in the Interchange District* - The following on-premises signs, identifying on-premises business names, uses or goods sold or services rendered, shall be allowed for uses in the interchange District:
 - a. One (1) freestanding, projecting, or roof sign not to exceed one hundred fifty (150) square feet in area.
 - b. Wall signs not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed four hundred (400) square feet.

- c. Industrial parks, as defined, may erect one (1) industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
- 5. *Signs in the Village Commercial and Village Commercial II Districts* - Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Village Commercial Districts provided total signage does not exceed 30 square feet in area.
 - a. One (1) freestanding sign not to exceed twenty-four (24) square feet in area and fifteen (15') feet in height.
 - b. Wall signs not to exceed twelve (12) square feet in area.
 - c. Projecting signs not to exceed (12) square feet in area.
 - d. *Prohibited signs* - No roof signs shall be permitted in the Village Commercial District.
 - e. *Shopping center signs* - Shopping Center Signs shall be allowed in conformance with *Article 4.8.7.7*, provided the sign does not exceeds twenty (20') feet in height.
- 6. *Fuel sales* - In addition to signs allowed under *Article 4.8.7* of the Ordinance, uses selling gasoline or diesel fuel may display one on-premises sign not to exceed sixteen (16) square feet in area, advertising the price of said gasoline or diesel fuel.
- 7. *Signs in shopping centers* – In lieu of signs allowed under *Article 4.8.7* of the Ordinance, Shopping centers, as defined, each tenant within the shopping center may have a projecting or roof sign (where permitted) not to exceed thirty-six (36) square feet. Additionally each tenant within the shopping center shall be allowed wall signs not to exceed thirty (30) square feet. Notwithstanding the foregoing limitation on wall signage the wall signs may be increased to fifty (50) sq. ft. if both the exterior wall of the tenant space is 50 feet or more from the street frontage and if that tenant has a floor area of at least 10,000 sq. ft. Shopping centers shall not have individual freestanding signs for each tenant, but instead shall have one common freestanding sign identifying the shopping center and the tenants therein. The overall size of the freestanding shopping center sign shall not exceed sixty (60) sq. ft. The shopping center freestanding sign may include a place name for the shopping center located at the top of the sign not to exceed twelve (12) sq. ft. in area and shall include tenant identification not to exceed forty-eight (48) sq.

ft. in area. No one tenant's sign content shall exceed twenty-four (24) sq. ft. of the shopping center sign's area and shall not be less than six (6) sq. ft. unless the space demands on the sign requires it. The tenant area of the shopping center sign may either be utilized by identifying the name of the tenant's premises (such as Smith's Pet Shop) or by categorically identifying what the tenant's use is (such as bakery or florist). Additional signage shall be permitted on the interior of such shopping centers to provide building identification and serve onsite pedestrian and vehicular movements provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 20 feet from all property lines.

4.8.8. Signs in the Industrial Districts – The following on-premises signs, identifying on-premises business or industrial uses, shall be allowed on conforming uses in the Industrial District, the Industrial Park District, and the Industrial 2 District:

1. One freestanding, projecting or roof sign not to exceed one hundred (100) square feet in area;
2. Wall signs, not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall, signs on the premises shall not exceed four hundred (400) square feet;
3. Industrial Parks, as defined, may erect one Industrial Park sign per entrance. Such sign shall not exceed fifty (50) square feet.

4.8.9. Maintenance of Signs - All signs shall be properly maintained and kept. Any sign which advertises a business, product, activity, or campaign which is no longer operative or extant shall be removed by the owner, agent, or person having the beneficial use of the structure or lot upon which such sign may be found, within ten (10) days after written notification from the town manager or Code ~~Enforcement Officer~~Official. Upon failure to comply with such notice, the Code ~~Enforcement Officer~~Official or Town Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or lot to which the sign is attached.

4.8.10. Removal of Unlawful Signs

4.8.10.1. Removal of Unlawful On-premises Signs.

1. Notice to remove - The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this ordinance shall be in violation of this ordinance until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code ~~Enforcement Officer~~Official. If the identity of such owner is not known or reasonably ascertainable by the Code ~~Enforcement Officer~~Official, such notice may instead be sent to the owner of the land on which the sign is placed. ~~All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.~~
2. Code ~~Enforcement Officer~~Official to remove sign - If the owner fails to remove the sign as required, the Code ~~Enforcement Officer~~Official shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.
3. Procedure for notice, hearing, appeal. The procedure for notice, hearing and appeal is as follows.
 - a. The Code ~~Enforcement Officer~~Official shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed. Such notice shall be a final order if not appealed under Article 4.8.10.4.B. If the identity of such owner is not known or reasonably ascertainable by the Code ~~Enforcement Officer~~Official, such notice may instead be sent to the owner of the land on which the sign is placed.
 - b. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the Board of Appeals pursuant to Article 6 of this ordinance. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court.

4.8.10.2. Removal of Unlawful Off-premise Signs.

1. Notice to remove- Because of the difficulty to identify those individuals that own, erect or established off-premise signs, the Code Enforcement Officer shall contact the subject of the sign or their local representatives. The subject of the sign or their local representative shall remove the sign within 48 hours of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code Enforcement Officer~~Official~~. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer~~Official~~, such notice may instead be sent to the owner of the land on which the sign is placed. ~~All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.~~
2. Code Enforcement Officer~~Official~~ to remove sign - If the owner fails to remove the sign as required, the Code Enforcement Officer~~Official~~ shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.

4.8.10.3. Removal of signs from Right of Ways. Notwithstanding the notice to remove provisions of this Article the Code Enforcement Officer, Public Works Director and Public Safety Director shall have the authority to immediately remove signs located in public right-of-ways that are deemed to constitute a traffic hazard or impede snow removal. In such cases notification of the removal of the sign may be after the fact. Notice of removal shall be sent by certified mail, return receipt requested, by the Code Enforcement Officer~~Official~~. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.

—
Myles M. Block
Code Enforcement Officer
Firefighter/Paramedic

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On Mon, May 11, 2015 at 2:28 PM, Thomas A. Russell <tar@fmlegal.com> wrote:

Myles: Please find attached a pdf redlined version and a clean version of the sign amendments with my proposed revisions. Under our newer tracking software, sometimes funky things happen when somebody else opens the marked up document in word. That is why I sent the redlined version in pdf format. Please note that under proposed Section 4.8.2.9(f)(i), dealing with changeable signs, the proposed draft permits changing the display once every 2 minutes. Title 23 M.R.S. 1914(11-A)(B)(1), enacted by the legislature in 2013, provides that the display may be changed no more than once every 20 minutes. I do not know whether 2 minutes was a typographical error, or whether the Committee decided that 2 minutes was appropriate. The statute does authorize a municipality to adopt a different time frame, but if it does so it must so notify DOT in writing of that ordinance. I also added a Section 4.8.3.10 concerning on-premises personal signs. The evolving case law on regulating signs is providing that private citizens have a free speech right to personal expression on their own property. In a similar vein, I also revised Section 4.8.2.6 to provide that the nuisance must arise from the operation or illumination of the sign, so that it is clear that the nuisance cannot be related to the message on the sign. I believe the other revisions are self-explanatory. If you have any questions or comments, please contact me. Tom Russell

government related events, trainings and functions. Councilor Marble reported that the Infrastructure Committee has reviewed the proposed amendments and recommends adoption. Motion by Councilor Marble, seconded by Councilor Sirois to adopt the final draft of the Training Room Use Policy. Unanimous vote in favor.

- b. Discussion of RSU #22 Building Committee Recommendation to School Board at 1/6/2016 Meeting** – *Manager Jennings reported that since last summer he and Community Development Director Dean Bennett have been attending meetings of the RSU #22 School Board's Building Committee, with particular interest in the work going on relative to the McGraw-Weatherbee complex. He explained that the potential scope of that project is broken into two phases, the first being focused on internal and external traffic circulation and access and egress, and the second being relative to a potential building addition to connect the McGraw and Weatherbee Schools. The School Board is meeting on January 6th and one of the items on the agenda is for the Board to act upon the Building Committee's concept plan. The packet for the meeting included a proposed timeline which included a referendum as early as June 2016 for the first phase. Manager Jennings has reached out to Superintendent Lyons and shared the Town's budgeting issues and plans to give them an updated report once the FY15 audit is received. Because the meeting is just a couple of days away, he recommended that the Council authorize him to send a letter tomorrow to the School Board suggesting that with the impending new information from the FY15 audit, that any decision the School Board may make with implications for FY17 would be premature until we are able to provide full information about the Town's financial standing. It was the consensus of the Council that Manager Jennings send such letter to the School Board.*
- c. Set Date(s) for Annual Council Goals & Objectives Session(s)** – *Manager Jennings recommended a two-step process this year where the Council has an initial meeting with Department Heads to review each department's structure and operations and to discuss upcoming needs for each department. The Council would then hold a follow-up meeting at a later date to process information from the first meeting and discuss goals and objectives for the upcoming year. The Council will hold its first session to include Department Heads on Saturday, February 6th at a time to be determined.*

E. COMMITTEE REPORTS

Infrastructure Committee – *Councilor Marble reported that the committee met on December 28th and discussed the Training Room Policy, HVAC bids for the municipal building, proposed upgrades at the Library, snow plowing routes for sidewalks, the rain garden at the municipal building, the proposed PERC agreement for municipal solid waste after March 2018, and proposed changes to sewer rates. There will be a*

HAMPDEN PUBLIC SAFETY TRAINING ROOM USE POLICY

A. Room Use Priorities

Use of the Public Safety Training Room is limited to the following purposes, in this priority:

1. Voting location for all municipal, state, federal elections
2. Hampden Public Safety Department Training
3. Training for other Hampden municipal departments
4. Training space for other governmental entities, including regional trainings
5. As a general rule, non-governmental events, trainings, or functions will not be permitted in the training room. However, the Town Manager, upon consultation with the Director of Public Safety, may approve or deny any requests for such use on a case by case basis.

With the exception of voting, use of the room will be on a first come, first served basis. Staff members wishing to utilize the room should check the schedule and reserve dates as early as possible. Scheduling shall be done through the Hampden Public Safety administrative assistant.

B. Responsibility of Municipal Personnel for Training Room Use

A Hampden employee shall serve as the single point of contact for any use of the Training Room, including regional trainings, and shall be responsible for completing, or ensuring completion of, all associated responsibilities.

The Municipal Department or Personnel requesting use of the room, or "sponsoring" its use by a non-Hampden governmental entity, shall be responsible for:

1. Communicating with attendees about where they should and shouldn't park, and addressing any concerns with parking should it arise.
2. Maintaining building security - at no time shall anyone be permitted unescorted access to areas designated as public safety work or storage space.
3. Set up prior to and clean up after use.

C. Rules for use of Training Room by non-Hampden governmental entities:

1. Parking for room users (during the work day) shall be along the sides of the building in the upper lot, in spaces in the lower lot, and in free spaces behind the post office. No parking during the day in spaces in front of the municipal building. (See attached diagram for entrance and parking areas)

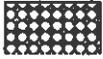
2. Wireless internet is available on site, but there is no availability on site for photocopying, technical support, or provision of projectors or other equipment.
3. Room use is confined to the Training Room only. Access to the remainder of the Public Safety office and living space is not available. This includes the kitchen, unless special permission is granted in advance.
4. Entities utilizing the room shall be required to pay for any and all damages to the facility caused by participants of their activity.

D. Effective Date

Policy Effective Date: July 7, 2009

Council Approved: July 6, 2009

Council Amended: January 4, 2016



PARKING ALLOWED



PARKING NOT ALLOWED

PUBLIC SAFETY/
COMMUNITY ROOM
ENTRANCE



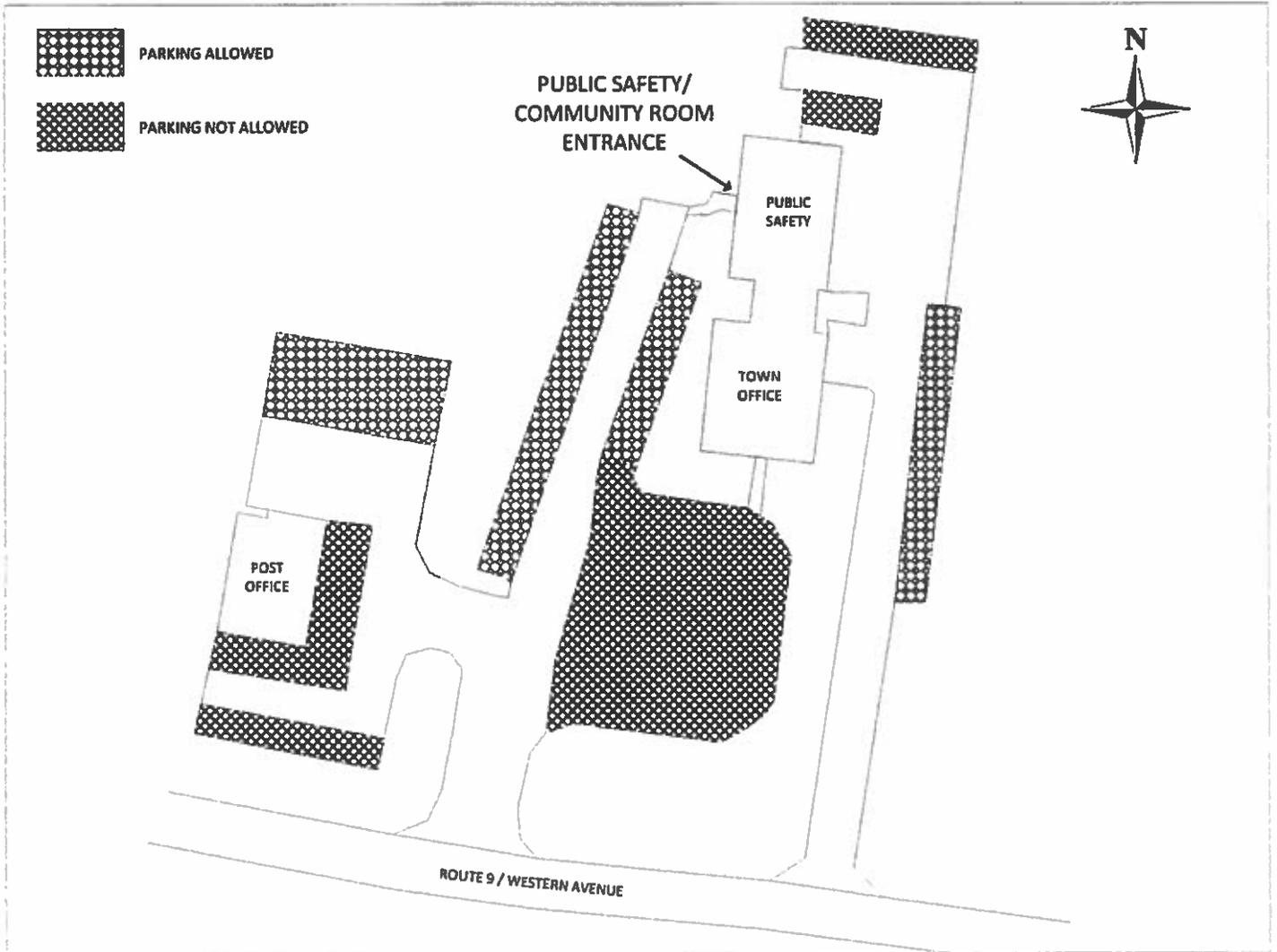
PUBLIC
SAFETY

TOWN
OFFICE

POST
OFFICE



ROUTE 9 / WESTERN AVENUE



special meeting of the Infrastructure Committee at 6:00 pm on Wednesday, January 13th to further discuss sewer rates.

F. MANAGER'S REPORT – *A copy of the Manager's Report is attached and made a part of the minutes.*

G. COUNCILORS' COMMENTS

Councilor McAvoy wished everyone a Happy New Year and welcomed incoming Councilors Cormier and McPike. He said he expects that the budget process will be intense this year and announced that he will be holding a Hampden Taxpayers Clinic on the 4th Saturday of each month from 11:00 am to 2:00 pm at Anglers Restaurant. He invited all residents to attend and discuss anything of interest or concern.

Councilor Cormier thanked everyone who voted for him and promised to do his best.

Councilor Marble welcomed the incoming Councilors.

Councilor Wilde welcomed Councilors Cormier and McPike and congratulated Councilor Sirois on his re-election.

Councilor McPike thanked the public for voting for him.

Councilor Sirois wished everyone a Happy New Year.

Mayor Ryder thanked his fellow Councilors for electing him as Mayor again this year.

H. ADJOURNMENT – *There being no further business, the meeting was adjourned at 7:48 pm.*



Denise Hodsdon
Town Clerk

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: January 4, 2016

RE: Town Manager's Report to Town Council meeting

This report is intended to provide brief updates regarding current matters of potential interest that are not otherwise addressed on the Council agenda.

Welcome, New Councilors!

I would like to extend my welcome to incoming Town Councilors Ivan McPike and Mark Cormier. As I have told you both, my door is always open. The Town Clerk is compiling a useful guide for new Councilors with many valuable reference materials, and this will be circulated soon. In addition, both I and any other Hampden personnel will be pleased to provide whatever information you may find will assist your work on the Council.

You each have been assigned new Town of Hampden email accounts, as well as iPads to support your work. Your Town email account should be used for any and all Town-related email correspondence. Our GIS/IT Specialist Kyle Severance is available to assist as needed. Finally, it will be necessary for Councilor Cormier to complete paperwork with Tammy Ewing, our Finance and Human Resources Coordinator, for tax reporting purposes relative to the Council stipend.

Signed 2016-17 Agreement with Maine Energy Purchasers Consortium

My office recently executed an extension of the Town's current agreement with the Maine Energy Purchasers Consortium to lock in lower prices for heating oil and diesel oil. The new pricing, which will take effect April 30, 2016 (when the current agreement expires), extends for one year and locks in pricing at \$1.659 for heating oil (down from current price of \$2.188) and \$1.939 for diesel oil (down from \$3.3357).

In the course of securing this agreement I worked with the building managers of the DPW Facility, Pool, Library and Skehan Center to update our estimates of oil usage amounts based on

our prior three years of invoices. Overall, we are projecting reductions from the amounts reflected in the prior agreement. Heating oil usage is estimated at 32,304 gallons (down from 40,000) and diesel usage estimated at 14,069 gallons (down from 15,000). If actual usage matches estimates, and holding usage constant, the lower prices can be expected to result in annual savings of approximately \$36,740.

Progress Update, FY15 Audit

We have completed entry of the FY14 and FY15 audit adjustments in our accounting software Trio. We are now able to provide accurate FY15 year-end reports regarding revenues and expenses, and the audit adjustments will ensure that our reporting of account balances during FY16 is accurate. We recently received the final review draft of the FY15 audit, and we expect to have the final audit within a week. At the January 19 Finance Committee meeting I'll present an updated financial report, including the audit, to inform the FY17 budget process.

Special Meeting regarding Sewer Rates and Ordinance, Wednesday January 13 at 6 PM

On the recommendation of the Infrastructure Committee at their meeting on December 28, a special meeting of the Infrastructure Committee will be held next Wednesday evening to review and discuss proposed changes to sewer rates and policies. This work will benefit from the close-out of the FY15 audit. My office is working closely with the DPW Director, as well as with the City of Bangor to ensure that we are doing everything possible to control costs. In preparation for the January 13 meeting, my office is preparing an analysis of current expenses and revenues, alternative rate structures for consideration by the Committee, as well as estimates of how alternative rate structures would affect ratepayers.

Lighting Request for Bid Issued for LED Lighting at Library

Last week, a Request for Bid package was finalized and posted to the Town's website, advertised in the Bangor Daily News, and distributed to known electrical and lighting contractors. The proposed work, funded by a 2015 grant from Tabitha and Stephen King Foundation, will include installation of LED lighting fixtures both inside and outside the library, and can be expected to result in operational cost savings. A pre-bid walk-through will take place this Thursday January 7 at 2 PM at the Library, and proposals are due on Monday, February 1 at 10 AM. Complete details are available on the Town website under "Public Notices."

Town Attorney Transition

As part of the transition of town legal services from Tom Russell to Rudman & Winchell, we recently received four bankers' boxes of materials compiled by Atty. Russell during his work for Hampden. My office is reviewing these files to ensure that they'll be stored in a manner that will allow us to access these files in the future if needed.

Budgeting for Stormwater Management

In the fall, the Council voted a FY16 Budget Adjustment to create, for the first time, a distinct budgetary framework to account for expenses related to the Town's compliance with State and Federal mandates relative to stormwater management. (This did not increase the Town budget, but rather reallocated \$10,000 in funds that had been budgeted for The Connector Bus).

We are undertaking a comprehensive review of our stormwater management activities, including reviewing the Scope of Work of our consultant, Stillwater Environmental, in order to ensure that we are completing any work in-house that is within our professional and operational capabilities. We expect to receive an updated proposed Scope of Work later this month, and as we work through this process it will provide us more predictability regarding stormwater related expenses in support of the FY17 budget process.

Early Closure due to Snow, December 29, 2015

Last Tuesday, the Town offices were closed early due to snow. The Town does not have written policies regarding storm closures, but I am researching other communities' policies and may recommend adoption of a written policy in the future. I have asked RSU-22 whether they have a written policy and it does not appear that they do.

The day after our early closure, I requested a report from Hampden Public Safety to assist in my own post-evaluation of whether the early closure was warranted. Their report follows:

According to Penobscot County Regional Dispatch records, there were 39 incidents reported requiring police assistance due to the weather in the greater Bangor area. The majority were vehicles that had gone off the road or couldn't make it up hills. Hampden, specifically, received 4 weather related calls, 3 of which were on Main Road North, and 2 of those were on Waterworks Hill. There were many more incidents reported that were covered by the Maine State Police or the Waldo County Sheriff's Office, but we do not share databases with those agencies and do not have access to the numbers.