



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MARCH 19, 2012

7:00 P.M.

Attending:

*Mayor Janet Hughes
Councilor Andre Cushing
Councilor Tom Brann
Councilor Jean Lawlis
Councilor Shelby Wright
Councilor Kristen Hornbrook
Councilor Jeremy Williams*

*Joe Rogers, Public Safety Director
Economic Development Director Dean Bennett
Galen Swan, Public Safety Director
Amanda Charette – Habitat for Humanity
Senator Debra Plowman
Members of the Press
Interested Citizens*

The meeting was opened at 7 p.m. by Mayor Hughes. Two items were added to the agenda – Item C-3-a Heating Coil Replacement at Pool and Item C-3-h Committee Assignments Request from Mayor Hughes to set aside item A-3-h and A-3-k.

Motion by Councilor Brann, seconded by Councilor Lawlis to approve the balance of the consent agenda. Unanimous vote.

A-3-h Mayor Hughes informed the public of the contents of a letter from Nancy Pfrommer to the Council in regard to the Old Hampden Academy property and stated that the letter would be kept in the file being compiled by the Economic Development Director.

A-3-k Amanda Charette of the Bangor Chapter of Habitat for Humanity informed the Council that they had purchased a piece of property in Hampden, at the corner of Cottage Street and Route 1A and were planning on beginning a building project there in May. They have started the application process for the project and hope to be well received in the community.

Motion by Councilor Brann, seconded by Councilor Williams to accept items A-3-h and A-3-k. Unanimous vote in favor.

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. February 8, 2012 Special Meeting
- b. March 12, 2012 Special Meeting

3. COMMUNICATIONS

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

- a. General Assistance Reimbursement Threshold 7/1/2012
- b. Thank You – Ambulance Crew
- c. Thank You Letter – Penquis CAP
- d. Thank You Letter – Hammond Street Senior Center
- e. Thank You Letter – American Red Cross
- f. Thank You Letter – UCP
- g. Thank You – Hampden Historical Society
- h. Nancy Pfrommer/Council – Old Hampden Academy Property
- i. Mark Russell – Application for Reappointment to Library Board – Referral to Services Committee
- j. Thank You Letter – Hampden Garden Club
- k. Habitat for Humanity Hampden Project

4. REPORTS

- a. Rapid Renewal Statistics - 2011
- b. Finance Committee Minutes – 2/6/2012
- c. Infrastructure Committee Minutes – 2/27/2012

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Application for Liquor License received from Keith Gamble and Elmer Gamble d/b/a Hampden Country Club at 25 Thomas Road
The public hearing was opened at 7:22 p.m. by Mayor Hughes. Proponents – none. Opponents – none. Neither for-nor-against – none. Motion by Councilor Williams, seconded by Councilor Cushing to approve the application. Unanimous vote in favor.

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Karen Reilly – Reappointment to Historic Preservation Commission – Planning & Development Committee Recommendation – *Motion by Councilor Brann, seconded by Councilor Cushing to approve the appointment. Vote 6-1 (Hornbrook).*
- b. Yvonne Lambert – Reappointment to Dyer Library Board of Trustees – Services Committee Recommendation- *Motion by Councilor Lawlis, seconded by Councilor Brann to approve the appointment. Vote 6-1 (Hornbrook).*
- c. Mary-Anne Bjorn – Reappointment to Dyer Library Board of Trustees – Services Committee Recommendation- *Motion by Councilor Lawlis, seconded by Councilor Brann to approve the appointment. Vote 6-1 (Hornbrook).*
- d. Karen Brooks – Reappointment to Lura Hoit Pool Board of Trustees – Services Committee Recommendation – *Motion by Councilor Lawlis, seconded by Councilor Brann to approve the appointment. Vote 6-1 (Hornbrook).*

3. UNFINISHED BUSINESS

- a. Heating Coil Replacement – Pool – *Councilor Lawlis explained that the air handling system at the pool is failing. We have gone through a design and bid process to replace it and the result is more than anticipated in cost. We are going through a second bid process but this particular part is failing and can be replaced for an estimated \$9,000. It would be replaced as part of the whole system replacement anyway – so it is not something that would have to be done again. Motion by Councilor Lawlis, seconded by Councilor Brann to approve the purchase and installation of the heating coil out of pool reserve at a cost not to exceed \$10,000. Vote 4-3 (Hughes, Hornbrook, Williams).*
- b. Sidewalk – Route 1-A – Finance Committee & Infrastructure Committee recommendations – *The estimate for the Town Share of the Route 1A sidewalk is \$82,000. Infrastructure and Finance & Administration Committees recommend that it be approved and funded from Host Community Benefits. Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the Town Manager to sign the agreement with MDOT for the Route 1A sidewalk with funds to come from Host Community Benefits. Vote 6-1 (Hornbrook)*
- c. Hampden Academy Property Update – *Mayor Hughes summarized the events to date, indicated that the Town Attorney and the Economic Development Director were working on negotiations for a purchase and sale agreement, and asked the Economic Development Director to give an update on the project. Dean Bennett, Economic Development Director, stated that the Town was in the process of doing due diligence to ensure that any environmental liabilities on the site were identified prior to the sale. This Phase I Assessment will help with the marketability of the site, as well as allowing the Town to apply for brownfield redevelopment monies if hazards are identified. Senator Plowman asked if funds from the sale of the school would go to reduce the local debt service. Mayor Hughes indicated that would not be the case. Senator Plowman stated that she had many questions about the advisability of the town acquiring the property including where the purchase price included waiving the liability for hazardous materials at the site. Bill Shakespeare, Western Avenue stated that at the goals and objectives meeting held last Saturday that furnishings such as desks for the new school were discussed. He was concerned whether or not the construction contract included the cost for new furniture for the facility. He has volunteered for the School Re-use Committee.*
- d. Town Manager Position – *Mayor Hughes summarized the process that had been ongoing since August of 2011 to find a town manager. The Council had great difficulty in getting quorums for meetings and interviews and the candidate to which an offer was made recently, turned it down. The Council's options moving forward are to continue to look in the pool of applications that were submitted, re-advertise, or to accept the offer of Susan Lessard to stay on as Town Manager and*

fulfill the terms of the unexpired contract through June 30, 2015. Ms. Lessard had written a letter to the Council offering to stay on if that was their desire.

Public Comment – Rick Kelley, 840 Kennebec Road – a lot of searching has been going on, how much has been spent for Maine Municipal Association services. He had nothing against Ms. Lessard but she did resign and put us through this decision made by her. He believes that there is an agenda by the Council in not accepting her resignation. Jeremy Jones – Partridge Road – In six months, you failed. Mayor Hughes responded to Mr. Kelley's comments – if quorums had been maintained, the results might have been different. If things had been followed through – we would not be looking to bring back Manager Lessard.

Motion by Councilor Brann, seconded by Councilor Lawlis to reinstate Susan Lessard as the Town Manager for the remaining period of the current contract (June 30, 2015), under the same terms and conditions.

Discussion –

Councilor Hornbrook indicated that she felt that dishonest comments were made by Councilors, improperly called executive sessions were held, and items that should not have been discussed in executive session were discussed. She said she had no personal agenda against Sue Lessard but the Town spent money to hire someone that never really quit and she felt that this was the plan all along. This kind of activity does not cause the public to trust the Council and that she will not support this vote because of the way that things have happened. Mayor Hughes questioned what would have been gained by such a plan? Councilor Williams indicated that he was sick over what has occurred. The Town Manager had done a good job but will not support this vote because of the time and effort and expense involved with the hiring process and because he feels that it will call the Council's credibility into question. Councilor Lawlis said it was a simple decision – the Town needs a Town Manager and Sue Lessard is willing to stay and that the most important thing is to get on with the business of the Town. Councilor Brann said that he feels we are ending up with the best manager we could get and he would be remiss in not supporting it. Councilor Cushing said that it had been a long and difficult process, that the Council had offered the position to another individual who chose not to accept it. Sue Lessard read aloud the letter that she had written to the Town Council. She stated that she had not participated in the Council's hiring process, and if there had been some 'plan' she would likely have inserted herself into things before the Council made an offer to another candidate. She had made a decision, found another job and began working there as well. It became clear that it was a mistake but she said nothing because the Council was still working on hiring a manager. It was not until the council offer had been rejected by the first candidate and that the Council could not get together on an offer to the second candidate that she made the offer to stay. She

stated that if she were looking for the easy road – this would not have been it because part of the community was suspicious of the whole process.

Vote on the motion by roll call: Councilor Lawlis – Yes; Councilor Brann – Yes; Councilor Cushing – Yes; Mayor Hughes – Yes; Councilor Hornbrook – No; Councilor Williams – No; Councilor Wright – No. Motion carried 4-3.

Mayor Hughes asked for authorization to sign the contract. Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the Mayor to sign on behalf of the Council. Vote 5-2 (Hornbrook, Williams).

- e. *November 2011 Election – Councilor Hornbrook – Councilor Hornbrook stated that a lot of questions have been raised since the weeks before the election and that a lot of residents feel that this cannot move forward before it has been resolved. Voting is sacred and people are not willing to say mistakes were made, let's move on. Attorney Russell stated that since the Attorney General's office had been asked to look into the election and how it was conducted, it makes sense to wait until that analysis is complete. Councilor Williams indicated that at the council goal setting session the subject of district elections was raised and the Council will be working on a better setup for future such elections. Motion by Councilor Lawlis, seconded by Councilor Brann to postpone discussion on this item until the next meeting when it is anticipated the report from the Attorney General's office will have been received. Vote 5-2 (Hornbrook, Williams)*
- f. *FOAA Request – Councilor Hornbrook – Due to the fact that the person making the FOAA request of Councilor Hornbrook was related to the Mayor, she recused herself from this discussion and turned the gavel over to Deputy Mayor Andre Cushing. Councilor Hornbrook discussed the FOAA request that had been filed by Larry Langille. She had not received it in a timely fashion, but agreed to provide the information when she did receive it. She had also indicated via email to Mr. Langille that she was upset with the fact that he had distributed her email/contact information to others and that he was not welcome to contact her any further and that he could consult his mother, Mayor Hughes for representation. She asked Mr., Langille if he wished to make any comments on the request. Mr. Langille indicated that he wanted to try to understand Councilor Hornbrook better and that it was his right to request the emails as a way of doing that. Councilor Hornbrook stated that she was not challenging anything, that she had nothing to hide but was upset that her phone and email were given to a political organization.*

Councilor Brann indicated that Mr. Langille had the right to make a FOAA request and he apologized to Mr., Langille for the email that Councilor Hornbrook sent telling him not to contact her further.

Jeremy Jones, Partridge Road stated that the solution is simple and that is for councilors to all use town email so that information can be obtained by the Town's IT person.

- g. *Law of Defamation – Public Officials – Attorney Russell presented his memo of 2/2/12 that discussed researched into this matter. In summary, it is very difficult for public officials to prevail in defamation cases since people's opinions are protected by the first amendment. Councilor Brann indicated that it was his intent to make sure Councilors could keep themselves from getting into trouble – not to silence the public. This memo will be filed for future reference*
- h. *Committee Assignments – Mayor Hughes asked that the Communications Committee have discussion as whether that committee should be rolled into the Services Committee.*

4. NEW BUSINESS

- a. *Applications for Renewal of Victualers Licenses received from:*
 - 1. *Bangor Tennis, 60 Mecaw Road – Motion by Councilor Williams, seconded by Councilor Brann to approve. Unanimous vote in favor.*
 - 2. *White House Inn Filibuster Lounge, 155 Littlefield Avenue – Motion by Councilor Williams, seconded by Councilor Cushing to approve. Unanimous vote in favor.*
 - 3. *Dysart's Travel Stop, Coldbrook Road – Motion by Councilor Williams, seconded by Councilor Brann to approve. Unanimous vote in favor.*
 - 4. *McK's Variety, 995 Western Avenue – Motion by Councilor Williams, seconded by Councilor Brann to approve. Unanimous vote in favor.*
 - 5. *Pizza Gourmet, 60 Main Rd. North, Suite A – Motion by Councilor Williams, seconded by Councilor Brann to approve. Unanimous vote in favor.*
 - 6. *R & K Variety, 573 Main Rd. North – Motion by Councilor Williams, seconded by Councilor Brann to approve. Unanimous vote in favor.*
- b. *Police Vehicle Bid Results – Finance Committee Recommendation – The Town Manager reported that the Finance Committee had recommended the purchase of a 2012 Chevrolet Tahoe from Dutch Chevrolet in Belfast at a price of \$30,529 on a 4-3 vote. Motion by Councilor Brann, seconded by Councilor Wright to purchase a 2012 Chevrolet Tahoe from Dutch Chevrolet with \$25,000 from the operating account and the balance from Police Cruiser Reserve. Vote 4-3 (Hornbrook, Williams, Hughes).*
- c. *Zoning Ordinance Text Amendment & Map Amendment re Waterfront District – Referral to Planning Board – Motion by Councilor Brann,*

seconded by Councilor Lawlis to refer this item to the Planning Board. Unanimous vote in favor.

- d. *Bangor Daily News – Councilor Hornbrook – Councilor Hornbrook said that she had received a lot of negative comments regarding articles published in the Bangor Daily News and invited those watching to contact her via phone or email if they had any questions. Cindy Philbrick, Western Avenue thanked the Citizen’s Journal for their article last week which she considered factual as opposed to the Bangor Daily News. She stated that Town Councilors took the opportunity to grandstand and slant information. She questioned where the Bangor Daily News got their information because Councilor Cushing was not in Augusta as reported but was in Carmel when he was supposed to be at a meeting. She also stated that the headline on the most recent article was misleading. She thanked Councilor Hornbrook for upholding the constitution and said that without her people would already have been more repressed.*

D. COMMITTEE REPORTS

Infrastructure – Councilor Wright reported that it met on the 27th of February to discuss sidewalk funding, street lights, public works bid request for a new truck. The next meeting will be on March 26th at 6 p.m.

Communications – Councilor Hornbrook stated that there would be a Communications Committee meeting at 6 p.m. on March 20th.

Planning & Development – Councilor Brann stated that there will be a Planning and Development Committee meeting on Wednesday, March 21st to discuss the old Hampden Academy property and reminded people that the Citizen’s Comprehensive Planning Committee would be holding their public hearing on the draft 2010 Comprehensive Plan on Thursday, March 22nd.

Services – Councilor Lawlis reported that the Services Committee had met the prior Monday and finished the draft of the Outdoor Facilities Licensing Ordinance and that it was now being reviewed by the Town Attorney.

Finance & Administration – The Town Manager reported that the Committee had met prior to the Council meeting and discussed Homestead exemption form questions, police vehicle bids, and the heating coil replacement for the Pool.

- E. *MANAGER’S REPORT – The Manager’s Report is attached hereto and made part of the minutes.*

F. COUNCILORS’ COMMENTS –

Councilor Hornbrook thanked people for showing up and watching at home and said that she appreciates their support.

Councilor Cushing – Echoed the Town Manager’s condolences to the Fenlason family and also noted that Hampden had lost several other residents of late. He congratulated the boys’ varsity basketball team for winning the Eastern Maine Championship and to Christian McCue for being named Mr. Basketball.

Councilor Brann – Stated that the Planning and Development agenda is online and that those interested in the old Hampden Academy property should come to the meeting.

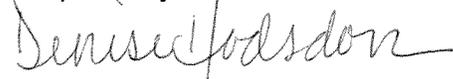
Councilor Williams – Thanked everyone for coming and stated that he hoped that whatever happened with the Hampden Academy property that it would not require much in the way of taxpayer support.

Mayor Hughes congratulated the Hampden Academy boys' basketball team and the cheerleaders who are in state competition as well. There is a bowling fundraiser for Hampden Children's Day on Saturday and discussions related to executive sessions will be on a later agenda.

G. ADJOURNMENT

The meeting was adjourned at 10:26 p.m.

Respectfully submitted,



*Denise Hodsdon
Town Clerk*

MANAGER'S REPORT
March 19, 2012

Condolences – Condolences to the family of Blossom Fenalson who passed away this past weekend. Blossom was a long-time ballot clerk and election worked for the Town of Hampden.

Comprehensive Plan Public Hearing – A reminder that the Public Hearing on the draft Comprehensive Plan prepared by the Citizen's Comprehensive Plan Committee will be held on Thursday, March 22nd at 7 p.m. in the Town Council chambers. All interested citizens are encouraged to attend.

Council Planning Workshop – I would like to thank the Council for the work done at their planning workshop on Saturday, March 17th. Although the outcome involves a good deal of work over the coming years – it also provides some clear direction for the budget and work plan of the Town staff.

Langley Sewer Back up 4-14-2004– The Town has received a FOAA request from an attorney representing Beverly Langley – the former owner of the property at the end of Patterson Street that sued the town for damages resulting from a sewer back up in 2004. That suit was settled by the courts a number of years ago. However, I have notified our insurance carrier that this matter is being resurrected.

Tax Due Date – A reminder to all that the second half of 2011-2012 property taxes is due by Wednesday, April 4, 2012 to avoid interest. As always - the staff will be providing refreshments on Tax Due Date for those who come to pay in person.

School Budget Numbers – An update to the Council on the school budget numbers that were discussed at the council workshop on Saturday. At that time we were not sure if the \$125,000-\$150,000 range of increase for the 2012-2013 school budget included the local debt service on the \$6,000,000 associated with the new school construction. I spoke with the Assistant Superintendent today and he confirmed that the \$125-\$150,000 increase range included the debt service as well as the operating budget.

WEB/GIS - The Town's WEB/GIS is currently being readied for roll-out to the general public. Our GIS/IT specialist has been working on this for the past several months and it should be up and running soon. We are in hopes that this will be of great service to residents and businesses in the community.

A Request – This request is to all the residents of Hampden who come to the Town Office to conduct business. The past year has been one involving a great deal of controversy. The majority of that controversy centers around the policies

set by the council and by my administration of those policies. An unfortunate byproduct of that controversy has been that the staff that work at the Town Office are increasingly being tarred with the same brush – as if setting policy and administering it are somehow their 'fault'. They have been accused by some of shredding documents, of turning away applicants for committees, of engineering elections, and more. The morale of the office, as a result of this is at an all time low.

Residents have the right to not only be unhappy with policies set by their elected officials and carried out by the Manager – but to also actively make their displeasure known to those entities. I would just ask all of you to make sure that you save that displeasure for those responsible – and not allow it to affect your treatment of the people who work for the Town.