



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

AUGUST 5, 2013

7:00 P.M.

Attending:

*Mayor Janet Hughes
Councilor Tom Brann
Councilor David Ryder
Councilor Jean Lawlis
Councilor Bill Shakespeare
Councilor Carol Duprey*

*Town Manager Susan Lessard
Town Attorney Thomas Russell
Town Clerk Denise Hodsdon
Town Planner Bob Osborne
Economic Dev. Director Dean Bennett
Danny Lafayette
Members of the Press
Citizens*

The meeting was called to order by Mayor Hughes at 7:02 pm.

- A. CONSENT AGENDA** – *Motion by Councilor Shakespeare, seconded by Councilor Lawlis to accept the Consent Agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

a. Victualers License Renewals:

- 1. Circle K #7057 – 63 Main Road North**
- 2. Dunkin' Donuts – 76 Main Road North**

4. REPORTS

- a. Pool Board Meeting Minutes – 6/11/2013**
- b. Finance & Administration Committee Minutes – 7/15/2013**
- c. Infrastructure Committee Minutes – 7/22/2013**
- d. Bangor Humane Society Stray Animal Report – June 2013**

- B. PUBLIC COMMENTS** – *Linda Valcourt of 205 Monroe Road said she recently read the Manager's Report in the 2012 Annual Report and said she was disappointed that the Manager referred to the "challenging environment" of the past year. She said she thought that the differences between the Town Council, Town staff and some of the members of the community had been laid to rest and we were finally building a working relationship in spite of our differences until she read the report. Mrs. Valcourt said we should be working shoulder-to-shoulder and not battling back and forth and this will not happen with reports like these.*

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. **Zoning Ordinance Map Amendment to change the old Hampden Academy property (Tax Map 36, Lot 76; Map 41, Lot 5; and Map 41, Lot 4) from Residential B and Residential A Districts to Village Commercial II District** – *Town Planner Bob Osborne explained that the intent of the proposed amendment is to broaden uses for redevelopment of the property. The Planning Board has returned an “ought to pass” recommendation. Mayor Hughes opened the hearing. Proponents: Todd Hardy of 4 Main Road South stated he was definitely for the sale of the old Hampden Academy property but asked if there is a size restriction for buildings in the Commercial II District – would a super Wal-Mart be allowed? Town Planner Bob Osborne noted that there was no restriction on the size, but there are restrictions as to the permitted uses. Mr. Hardy suggested a review of the proposal and consider making the front part of the parcel Village Commercial which would restrict the size and use of what is on Route 1A and making the portion toward the back/riverfront Village Commercial II.*
No one spoke in opposition and there were no general questions or comments. The hearing was closed.
Motion by Councilor Brann, seconded by Councilor Shakespeare to adopt the Zoning Ordinance Map Amendment for property identified as Old Hampden Academy. Unanimous vote in favor.
- b. **Zoning Ordinance Text Amendment – Article 4.8.7.5 Signs in the Village Commercial and Village Commercial II Districts; and Article 4.8.7.7 Signs in Shopping Centers** – *Town Planner Bob Osborne explained that the purpose of this amendment to the sign provisions of the Zoning Ordinance is to eliminate the prohibition of internal illumination of signs in the Village Commercial Districts and to increase the height allowed from 15 feet to 20 feet. The Planning Board returned an “ought to pass” recommendation. Mayor Hughes opened the hearing and no one spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor Shakespeare, seconded by Councilor Brann to adopt the Zoning Ordinance text amendment to Article 4.8.7.5 and to Article 4.8.7.7 as proposed. Unanimous vote in favor.*
- c. **Zoning Ordinance Text Amendment – Article 3.8.4 Residential B District Conditional Uses to add bed and breakfast and child care center as conditional uses; and Article 3.8.6.10 Special District Regulations by further defining the bed and breakfast regulations** – *Town Planner Bob Osborne explained that the purpose of the amendment is to allow Bed and Breakfasts and child care centers to the list of conditional uses in the Residential B District. Mayor Hughes*

opened the hearing and no one spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor Shakespeare, seconded by Councilor Brann to adopt the amendment to Article 3.8.4 and Article 3.8.6.10 to as proposed. Councilor Duprey recused herself because she owns a day care center close to Town. Vote on the motion was 5-0-1 (Duprey recused)

- d. Ordinance Authorizing Conveyance of Land owned by the Town of Hampden (Old Hampden Academy Property) – Continued from 7/15/2013 Meeting** – *Mayor Hughes reopened the public hearing which had been continued from the last meeting to allow the public more time to review the proposed Purchase & Sale Agreement and Lease Agreement between the Town and Historic Hampden Academy, LLC (HHA, LLC).*

Proponents: Lisa Kelly of 19 Clark Circle stated she believes that the Town is in the business of running the town, not in the real estate or re-development business. She feels that this responsibility should be given to a businessman with a proven track record. She said there are too many unknowns and what ifs and feels it is best to sell the property and cut our losses already incurred.

Todd Hardy of 4 Main Road South stated he supports the sale of the property to HHA, LLC. He feels they will be great neighbors and has faith in what they may do. He respects that the Town has taken time and dissected this prospect, but it seems that the taxpayers just want to get rid of it.

Walter Cupples of 42 Main Road North said he just met Dan Lafayette tonight, but his philosophy is clear. Mr. Cupples said we need a strong developer who respects the property and encouraged the sale.

Opponents: None

General Questions/Comments: Anna Santos of 402 Main Road South said she only hears good things about the Lafayettes, but feels this should go to referendum. She questioned how only six people can decide something so important for our Town.

The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Shakespeare to adopt the Ordinance Authorizing Conveyance of Land owned by the Town of Hampden (Old Hampden Academy Property) to Historic Hampden Academy, LLC.

During discussion, Councilor Duprey said she too believes that the Town should not be in the real estate of redevelopment business, but she feels that this was not done in the proper way and that it should have gone out to RFP. Councilor Lawlis said that people have told her they wish they knew what the property will be used for. She asked Mr. Lafayette if he would be willing to talk about his plans for the property. There were no objections from the Council in allowing Mr. Lafayette to speak while there was a motion pending.

Danny Lafayette of 89 Main Road North said his wife was born and brought up in Hampden and he met her at Hampden Academy. He

noted that her grandparents and her parents went to Hampden Academy and her mother taught there. He and his wife have a strong attachment to the Town and to Hampden Academy, including having made a \$400,000 donation for the new athletic field. He and his wife have purchased property to give to the Methodist Church, purchased and refurbished a rundown home by Reed's Brook, which they sold at a significant loss, but thought it would be good for the Town. They have made several donations to youth football and other sports programs. They have committed over \$2,000,000 to the Cancer Center and made substantial donations to the MS Center, Pediatric Cancer Center and the University of Maine. He noted that Economic Development Director Dean Bennett had contacted him about the possibility of purchasing the property and that if the Town had gone through the RFP process, they would not have participated. He said when we buy something we work on the inside of the building and you can be rest assured that there will be no Wal-Mart there. He said he knows that they will lose a lot of money on this property, but their goal is to preserve those buildings for their family. He and his wife employ over 1,000 people and they have talked about moving some of their HQ operations to the property, but he hasn't spent a lot of time looking for proposed businesses to move in there because he doesn't know if he will get the property. He noted that they have never sold a hotel and they don't plan to move from Hampden. Their only plan and goal is to save every building and not to expand. Councilor Brann called the question. Vote on the motion was 5-1 (Duprey); motion carried.

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Aimee Smith – Board of Assessment Review – New Appointment**
– Manager Lessard reported that the Finance & Administration Committee recommended this appointment. Motion by Councilor Shakespeare, seconded by Councilor Brann to appoint Aimee Smith to the Board of Assessment Review. Unanimous vote in favor.

3. UNFINISHED BUSINESS

- a. Proposed Sale of Old Hampden Academy Property to Historic Hampden Academy, LLC and proposed Lease of Skehan Center by Town of Hampden from Historic Hampden Academy, LLC**
– Motion by Councilor Brann, seconded by Councilor Ryder to authorize Manager Lessard to complete the Purchase & Sale Agreement and Lease Agreement with Historic Hampden Academy, LLC. Attorney Russell noted that the proposed Purchase & Sale Agreement indicated a closing date of August 19th, but since the public hearing had been continued and the ordinance doesn't take effect for 30 days, the closing date would need to be changed to September 6th. Motion by Councilor Brann, seconded by Councilor Ryder to amend the closing date in the Purchase & Sale Agreement to September 6th. Unanimous

C-1-a



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Map Amendment, Old Hampden Academy
DATE: July 11, 2013

At the June 17, 2013 Town Council meeting this item was referred to the Hampden Planning Board for public hearing, review and recommendation.

The Planning Board held a public hearing on this item at their July 10, 2013 meeting. There were comments from Jennifer Dysart who indicated that they wished for the zoning to extend to their property and questioned what uses the Village Commercial II District allows, question from Jeff O'Sullivan questioning why his lot at the end of Cottage Street is Residential B while the rest of Cottage Street is Residential A District and Dennis Patterson who indicated that while he supports the proposed amendment he wanted to bring to the Planning Board and Town Council's attention that there are significant drainage issues at 17 Cottage Street that appear to be at least in part of uncontrolled runoff from the old academy site development.

The Planning Board voted to recommend "ought-to-pass to the zoning map amendment with the noted comment about the drainage issues in the neighborhood.

The proposal is to amend the Zoning Ordinance Map to change Map 36, Lot 76, Map 41, Lot 5, and Map 41, Lot 4, which are the three parcels that the old Hampden Academy property are comprised of from Residential B District and a smaller portion of Residential A District to Village Commercial II District. The neighboring commercial plaza including Schacht's, Eastern Maine Healthcare's new facility and Bangor Savings Bank is zoned Village Commercial II.

It was also discussed that the Comprehensive Plan contains language that would encourage the Council to consider such a change in zoning.

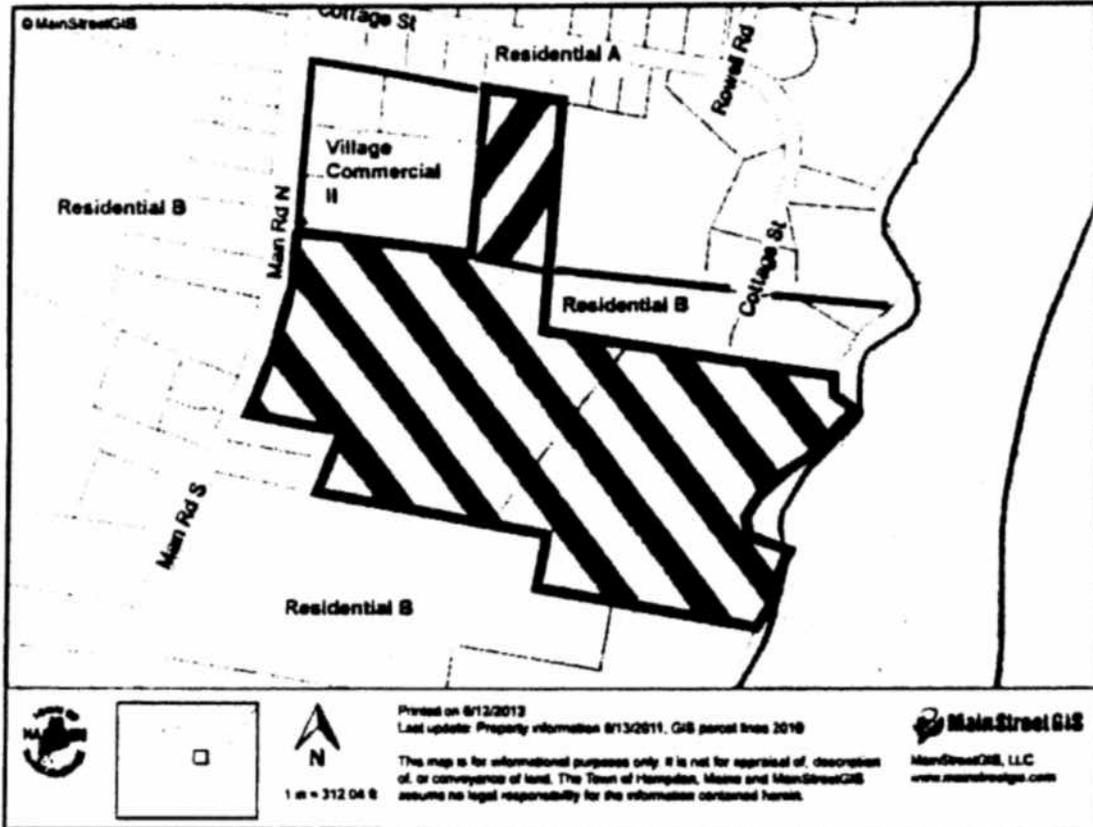
Four Mile Square

- 1.) *Create an institutional zone to accommodate the school complex on the western side of Route 1A within the Four Mile Square.*
- 2.) *Determine the appropriate re use for the "old" Hampden Academy once the new high school is constructed (east side of Route 1A)...*

Adopted by Town Council: 8/5/2013

TOWN OF HAMPDEN
Draft

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



Residential A to Village Commercial II



Residential B to Village Commercial II

C-1-b



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Village Commercial Signs
DATE: July 11, 2013

At the June 17, 2013 Town Council meeting this item was referred to the Hampden Planning Board for public hearing, review and recommendation

The Planning Board held a public hearing on this item at its July 10, 2013 meeting and no one from the general public spoke concerning this item. The Planning Board voted unanimously to recommend "ought-to-pass" with two minor amendments.

Both changes were in Article 4.8.7.7 Signs in Shopping Centers: The first was the language "In addition to signs allowed under Article 4.8.7".... The Planning Board indicated that the language should be changed to "In lieu of"... because the intent of the shopping center signage language is to replace the district language in the case of a shopping center. The second change was to clarify that the shopping center "place name" element of the sign is optional given the fact that not all shopping centers will in fact have a place name.

This draft amendment of the sign provisions of the Zoning Ordinance allow internal illumination of signs in the Village Commercial Districts and also make adjustments on shopping center signage including increasing the height allowed in the VC Districts to 20 feet.

A number of changes are also proposed to shopping center signage to clarify that it is limited to one freestanding sign and to provide adequate space on the sign for major tenants as well as additional signage for multiple building site developments.

Adopted by Town Council: 8/5/2013

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

4.8.7. Signs in the Commercial Districts *Amended 01/21/03*

1. **Signs in the Business District and Rural Business District** - Two (2) of the following 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: *Amended 01/21/03*
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet. *Amended 01/21/03*
 - 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. *Amended 01/21/03*
2. **Signs in the Business B District** - Two (2) of the following 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. *Amended 01/21/03*
 - a. One (1) freestanding sign, not to exceed fifty (50) square feet in area. *Amended 01/21/03*
 - 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 signs, identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Commercial-Service District: *Amended 01/21/03*
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet. *Amended 01/21/03*
 - 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. *Amended 01/21/03*

- 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 signs, identifying on-premises business names, uses or goods sold or services rendered, shall be allowed for uses in the Interchange District: *Amended 01/21/03*
 - a. One (1) freestanding, projecting, or roof sign not to exceed one hundred fifty (150) square feet in area. *Amended 01/21/03*
 - 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 sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Village Commercial District provided total signage does not exceed 30 square feet in area. *Amended 01/21/03*
 - a. One (1) freestanding sign ~~indirectly illuminated~~ not to exceed twenty-four (24) square feet in area and fifteen (15') feet in height. *Amended 01/21/03*
 - 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 ~~internally illuminated or~~ 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 is ~~neither internally illuminated nor~~ does not exceeds ~~fifteen (15')~~ 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 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 addition to~~ lieu of signs allowed under *Article 4.8.7* of the Ordinance, Shopping centers, as defined, each ~~store or shop~~ tenant within the shopping center may have a projecting or roof sign (where permitted) not to exceed thirty-six (36) square feet. Additionally ~~stores~~ each tenant within the shopping center shall be allowed wall signs as allowed in 4.8.7.1.b above 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. and one (1) detached or freestanding sign as allowed under Article 4.8.7.1.a. above. Each shopping center may display a shopping center sign naming the shopping center and identifying uses or services rendered on the premises and/or the name(s) of stores on the premises. The main panel of the sign, which names and gives general information about the

~~shopping center shall not exceed twenty four (24) square feet in area. In addition, each store or shop in the shopping center may display a single sign, attached to the shopping center sign, identifying the name of the store or shop and services it provides. Such store or shop sign shall not exceed six (6) square feet in area.~~ 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 on-site 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.

C-1-c



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Bed and Breakfasts and Child Care Center in the Residential B District
DATE: July 11, 2013

At the June 17, 2013 Town Council meeting the Bed and Breakfast item was referred to the Hampden Planning Board for public hearing, review and recommendation

This amendment was prompted by a request.

The Town of Hampden has also received a request to consider Child Care Center as a contemplated use in the district as well. The item was advertised for both uses as conditional uses.

The Planning Board held a public hearing on this item. Jennifer Dysart spoke in favor of the child care center language and David Spang spoke in favor of the bed and breakfast language. No one spoke against the amendment.

The Planning Board voted to in favor of a motion to recommend "ought-to-pass" in favor of both amendments.

Child Care Centers allow more four or more children in daycare and does not require that the building be a residence.

Adopted by Town Council: 8/5/2013

**TOWN OF HAMPDEN
Draft**

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.8. Residential B District

3.8.1. Purpose - These areas are designated for a mixture of residential uses: single family, multi-family, and mobile home parks, developed as either individual lots, conventional subdivisions or cluster subdivisions. In addition, the RB District shall allow certain low impact nonresidential uses.

3.8.2. Deleted - (Amended 12-05-05, Effective 01-04-06)

3.8.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwellings, certified manufactured homes, home day care (subject to *Article 4.19*), accessory uses and structures; non commercial parks or playgrounds, essential service, congregate care facility, public schools, multi-family structures, multi-family attached structures, elderly housing, mobile home parks (subject to *Article 4.13.3*) home occupation (subject to *Article 4.10*),. (Amended: 8-22-94, 1-21-97) (03-21-05)

3.8.4. Conditional Uses (Subject to Site Plan Review) - Day care facility (subject to *Article 4.19*), churches, non-profit schools, funeral homes, community buildings, community facilities, nursing homes, bed and breakfast, child care center, institutional buildings in excess of 35 feet in height, buildings necessary for essential services, animals other than usual pets provided the premises consists of at least 2.5 acres, and animals shall be kept a minimum of fifty (50) feet from any property line. (Amended: 8-22-94) (Amended: 12-04-01) (03-21-05) (Amended: 08-11-2008)

3.8.5. Lot Dimensions

		Public Sewer & Water		On-Site Waste Disposal
Minimum Lot Area	-	16,500 sq. ft.	-	25,000 sq. ft.
Minimum Road Frontage	-	100 feet	-	125 feet
Minimum Setbacks:				
Street Yard	-	25 feet	-	30 feet
Other Yards	-	20 feet*	-	30 feet
Maximum Ground Coverage	-	25 percent	-	25 percent
Maximum Building Height	-	35 feet	-	35 feet

(Amended 12-05-05, Effective 01-04-06)

*Any lawfully existing lot of record situated in a Residential B District containing road frontage of 100' or less as of July 3, 1991 which is served by public sewer may be developed for single family dwellings and accessory structures with minimum side yards of not less than 10' each. Any such lots containing between 100' and 120' of road frontage may be developed for single family dwellings and accessory structures with minimum side yards of 10' each, plus .5' per side yard for each foot of road frontage in excess of 100'. (Amended 7-6-92)

Notwithstanding the above requirements, accessory structures which are not attached to a principal building may be located on a lot in accordance with the following:

Accessory Structures Ground Floor Area		Up to 250 Square Feet
Maximum Height	-	16 feet
Minimum Other Yard	-	5 feet

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. *(Amended: 10-3-94)*

3.8.6. Special District Regulations

1. No multi-family structures, cluster developments, and group developments in the RB District shall be established without public sewer and water service. Notwithstanding this regulation a single multifamily structure may be established with public water only
2. A single multi-family structure of up to six units may be located in areas with public water only provided that an additional 10,000 sq. ft. of lot area is provided for each dwelling unit over the base lot area requirement. Adequate area must be provided for an approved on-site waste disposal design and for an approved replacement on-site waste disposal system design.
3. Any combination of multi-family structures shall be allowed provided the maximum gross density does not exceed five (5) units per acre, nor shall any structure contain more than ten (10) units.
4. For multi-family structures in excess of four (4) units, the required yards shall be increased by two (2') feet per unit over four (4).
5. For churches, schools, funeral homes, community buildings, nursing homes and congregate care facilities, which abut an existing residential use or district shall increase the required other yard(s) setback by fifty 50% along the applicable property line(s). *(Amended: 1-16-96)*
6. Nursing homes shall not exceed a density of twenty-five (25) beds per acre.
7. No churches, schools, funeral homes, or community buildings shall be established unless it has public sewer and water service and access from, and frontage on an arterial street.
(Amended 12-05-05, Effective 01-04-06)
8. Notwithstanding the maximum building height regulation herein building height for institutional uses may be up to 60 feet maximum height under the following condition: 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 base yard setback requirement. *(Amended: 08-11-2008)*

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result $60 - 35 = 25$. *(Amended: 08-11-2008)*

Minimum Setbacks: Modified Setback

Street Yard	-	25 feet	50 feet
Other Yard	-	20 feet	45 feet

9. *Infill Uses of Existing Community Buildings.* Community buildings of which portions are occupied by qualified community educational, fraternal, cultural and recreational activities such as an auditorium, library, historical building, lodge, indoor swimming, performing arts, etc. may also infill their vacant space with low traffic uses such as a single residential apartment unit, business or professional office, a single storage space consisting of records management and other similar uses as determined by the Code Enforcement Officer. Nonresidential infill uses may not be open between the hours of 9:00 pm and 8:00 am, except for special events upon a prior determination by the Code Enforcement Officer that the proposed event will not be unreasonably disruptive to other occupied buildings in the vicinity. The Planning Board review of the infill use must determine that the existing site development can either function properly with no changes or the Planning Board must be provided with a revised site plan that details the changes to the building and site development that will function properly and with minimal disruption to the neighborhood and limited modifications to the existing site development and building. Existing community buildings are not required to satisfy the area and yard requirements of Article 3.8.6.5. to utilize the provisions of Article 3.8.6.9. *Amended: 10-29-2012.*

10. *Bed and Breakfast and Child Care Center.* Bed and breakfast and child care center use shall be limited to the re-use of existing buildings in the Residential B District however alterations and expansions are contemplated in the reuse of such existing buildings.

C-1-d

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING CONVEYANCE OF LAND OWNED BY THE TOWN OF HAMPDEN

RECITALS

Whereas, the Town of Hampden owns land and the improvements thereon acquired from Maine School Administrative District No. 22 by virtue of a deed dated October 5, 2012, recorded in the Penobscot County Registry of Deeds in Book 12969, Page 195 (hereinafter the "Old Hampden Academy Parcel"); and

WHEREAS, the Town of Hampden has been negotiating with Historic Hampden Academy, LLC concerning its acquisition of the Old Hampden Academy Parcel; and

WHEREAS, as part of the negotiations, Historic Hampden Academy, LLC has agreed to lease the so-called Skehan Center building and associated common areas and parking spaces located on the Old Hampden Academy Parcel to the Town of Hampden.

NOW, THEREFORE, THE TOWN OF HAMPDEN HEREBY ORDAINS:

1. That the Town of Hampden shall convey the Old Hampden Academy Parcel to Historic Hampden Academy, LLC in accordance with the terms and conditions of a Purchase and Sale Agreement to be approved by the Town Council by separate action.
2. That the Town of Hampden shall lease the so-called Skehan Center building located on the Old Hampden Academy Parcel and associated common areas and parking spaces from Historic Hampden Academy, LLC in accordance with the terms and conditions of a Purchase and Sale Agreement and Lease Agreement to be approved by the Town Council by separate action.
3. That the Town Manager is hereby authorized to execute any and all documents deemed necessary or appropriate to accomplish the transactions authorized by this Ordinance and contemplated by the Purchase and Sale Agreement and Lease Agreement to be approved by the Town Council by separate action(s).
4. That this Ordinance shall become applicable upon the date of adoption by the Town Council.

Adopted by Town Council: 8/5/2013

vote in favor. Mayor Hughes moved to remove the second paragraph of the Purchase & Sale Agreement; Councilor Brann seconded the motion. Vote was 3 in favor (Duprey, Lawlis, Hughes) and-3 opposed (Ryder, Brann and Shakespeare); motion failed. Following further discussion, Councilor Brann amended the original motion, agreed to by Councilor Ryder, to authorize Manager Lessard to complete the Purchase & Sale Agreement for old Hampden Academy to Historic Hampden Academy, LLC as amended by the change in closing date and the associated Lease of the Skehan Center from Historic Hampden Academy, LLC. Unanimous vote in favor.

- b. Proposal for Development of Phase II of Hampden Business Park – Update** – *Planning & Development Committee Chair Brann reported that the Town received only one proposal, which was from Sargent Corporation. The committee has met with the developer in executive session and asked for clarification of some of the terms in the proposal. It is now in the hands of the attorneys and the committee is awaiting response. Attorney Russell said the ball is now in his court and he is completing his review. He hopes to get a memo to the committee by their meeting Wednesday night.*
- c. Proposed Ordinance Enacting Charter Amendments – Introduction for Public Hearing** – *Manager Lessard reported that the Finance & Administration Committee reviewed the proposed Charter amendments at its meeting earlier in the evening. It was the committee’s recommendation not to move forward with the amendment to Section 201 to stagger the terms of the Town Council. The committee felt that it was too complicated and would cause confusion with ballots. The committee vote to move forward with the amendments to Section 206 was a 3-3 tie so there is no effective motion to recommend that to the Council. The committee recommends going forward with amendments to Sections 207, 801, 802 and 805. Councilor Lawlis introduced the proposed amendments for public hearing without Sections 201 and 206.*
- d. Infrastructure Committee Recommendation to Appoint Jason Richard to Hampden Water District Trustee Appointment to Complete Term Vacated by Dana Skinner** – *Infrastructure Committee Chair Shakespeare reported that the committee is recommending the appointment of Jason Richard to the Hampden Water District Board of Trustees to complete the term vacated by Dana Skinner. Motion by Councilor Shakespeare, seconded by Councilor Brann to appoint Jason Richard to fill the vacancy. Unanimous vote in favor.*

4. NEW BUSINESS

- a. Proposed E911 Addressing Ordinance – Introduction for Public Hearing** – *Councilor Brann introduced this item for public hearing.*

ORDINANCE ENACTING CHARTER AMENDMENTS

The Town of Hampden hereby ordains that the following amendments to the Town Charter be enacted:

Deletions in ~~strikeout~~.
Additions underscored.

ARTICLE II
TOWN COUNCIL

8/5/2013 *Sec. 201 Composition and Term of Office*

Upon recommendation
of Finance &
Admin. Committee

(b) *Term of Office* – The term of office for councilors elected ~~on or after~~ at the regular municipal elections held in ~~2005~~ 2014 and 2015 shall be ~~three (3) years~~ as follows:

Sec. 201 & Sec. 206

- 2014 Election -
 - 2 District Councilors for 3 years
 - 1 District Councilor for 2 years
 - 1 District Councilor for 1 year

will be deleted
from the ordinance

(The initial term for each District Councilor position shall be determined by a lottery conducted by the Town Clerk no later than July 1, 2014.)

Remainder was
introduced for
public hearing

- 2015 Election -
 - 1 District Councilor for 3 years
 - (Note: For the one year term position elected in 2014)
 - 1 At Large Councilor for 3 years
 - 1 At Large Councilor for 2 years
 - 1 At Large Councilor for 1 year

2016 Election - Staggered elections for three year terms for all expiring councilor terms shall resume in 2016.

Provided, however, that any councilor elected to fill a vacancy shall serve the unexpired term of that position.

Note: The purpose of this amendment is to create annual staggered elections for a combination of District and At Large councilors, with 3-year terms to resume after the transition period.

Sec. 206 Prohibitions – Except where otherwise authorized by statute no councilor shall hold any other elected state, county, or town office or town employment during the term for which that person was elected to the town council. Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officials or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Note: The purpose of this amendment is to no longer allow persons who serve in elected state or county offices to also serve concurrently as a town councilor.

Sec. 207 Vacancies; Forfeiture of Office; Filling of Vacancies

- (b) Forfeiture of Office – A councilor shall forfeit that person’s office if that person (1) lacks at any time during that person’s term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during that person’s term, reasonably related to that person’s ability to serve as councilor, or (4) fails to attend ~~three (3) consecutive regular meetings or misses more than a maximum of six (6)~~ regular or special meetings ~~per year~~ of the council in the prior twelve month period, ~~without being excused by the council.~~

Note: The purpose of this amendment is to define the number of absences that a councilor can have on a rolling year basis before forfeiting the office.

ARTICLE VIII
NOMINATIONS AND ELECTIONS

Sec. 801 Conduct of Elections – The regular municipal election shall be held on the Tuesday following the first Monday of November in each year. Except as otherwise provided by this charter, the provisions of Title 21-A of the Maine Revised Statutes Annotated shall apply to elections held under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21-A. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply. For the conduct of elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter. Qualified voter shall mean any person qualified and registered to vote under law.

Note: The purpose of this amendment is to clarify that elections for the Town of Hampden are governed by the charter or Title 21-A of the Maine statutes. Title 21 referenced in the current Charter provision was repealed and replaced by Title 21-A. In addition, language was added to provide that if the charter and Title 21-A do not cover a particular election matter, the relevant provisions of Title 30-A (the Title dealing with municipalities) would apply.

Sec. 802 Officials Nominated and Elected at Large

- (a) ~~Names on Ballots:~~ Councilors at Large. The full names and street addresses of all candidates nominated for councilor at large, except those who have withdrawn, died,

or become ineligible shall be printed on the official ballots under a heading reading: “Nominees of for Councilor at Large”.

- (b) ~~Councilor Elected by District Councilors~~. The full names and street addresses of all candidates nominated for ~~membership as district councilor in the council~~, except those who have withdrawn, died, or become ineligible, shall be printed only on the official ballots ~~for their respective districts~~ under the separate heading reading: “Nominees for District Councilor”.

Note: The purpose of this amendment is to clarify the language.

Sec. 805 Election Provisions – Provisions of Title 21-A of the Maine Revised Statutes ~~the laws of the State of Maine~~ relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply.

Note: The purpose of this amendment is to clarify that elections for the Town of Hampden are governed by the charter or Title 21-A of the Maine statutes. Title 21 referenced in the current Charter provision was repealed and replaced by Title 21-A. In addition, language was added to provide that if the charter and Title 21-A do not cover a particular election matter, the relevant provisions of Title 30-A (the Title dealing with municipalities) would apply.

EFFECTIVE DATE: The foregoing amendments to the Town of Hampden Town Charter shall become effective upon adoption by the voters.

C-4-a

**TOWN OF HAMPDEN, MAINE
E911 ADDRESSING ORDINANCE**

ENACTED DATE: MONTH, XX, 2013
EFFECTIVE DATE: MONTH, XX, 2013

CERTIFIED BY: _____
Name

Title Affix Seal

**TOWN OF HAMPDEN, MAINE
E911 ADDRESSING ORDINANCE
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8/5/2013 - Introduced for Public Hearing

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**ARTICLE 1.
TITLE**

1.1 Title. This Ordinance shall be known as the "Addressing Ordinance."

**ARTICLE 2.
PURPOSE**

2.1 Purpose. The purpose of this Ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Hampden.

**ARTICLE 3.
AUTHORITY**

3.1 Authority. This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

**ARTICLE 4.
DEFINITIONS**

4.1 Construction Language. In this Ordinance, certain terms or words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company, corporation or other legally recognized entity, as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory; the word "structure" includes the word "building" and the word "dwelling" includes the word "residence", the word "parcel" includes the words "lot" or "plot". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control. Terms not defined shall have the customary dictionary meaning.

4.2 Definitions. In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Road: A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare serving three or more structures. A road name assigned by the municipality in accordance with this ordinance shall not constitute or imply Town acceptance of the road as a public way or Planning Board approval as a feature of a subdivision plan.

**ARTICLE 5.
ADMINISTRATION**

5.1 Administration. This Ordinance shall be administered by the designated e911 Addressing Officer who is authorized to and shall assign and/or approve road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Articles 6 and 7. The Addressing Officer shall be responsible for maintaining the following official records of this ordinance:

- a) A municipal map(s) for official use showing road names and numbers.
- b) An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.
- c) An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Town Manager shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

**ARTICLE 6.
ROAD NAMING SYSTEM**

6.1 Road Naming System. All roads that serve three or more structures shall be named regardless of whether the ownership is public or private. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- a) No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- b) No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- c) Each road shall have the same name throughout its entire length located within the boundaries of Hampden. Roads that continue through into an adjacent town may change names at the town border.

**ARTICLE 7.
NUMBERING APPLICATION PROCESS AND NUMBERING SYSTEM**

7.1 Numbering Criteria. The following criteria shall govern the numbering system:

7.1.1 Numbers shall be assigned to structures only. This includes but is not limited to: single or multi-family dwellings, camps, businesses, apartments, mobile homes, construction site office trailers. This process is initiated when a building permit application is pulled, so that numbers are assigned to structures being built, and not at the end of the construction period.

7.1.2 Numbers shall be assigned every 50 (fifty) feet along both sides of the road regardless of zone or location in town, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend.

7.1.3 All number origins shall begin from the intersection of Route 9 (Western Avenue) and Route 1A (Main Road North) or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

7.1.4 The number assigned to each structure shall be that of the numbered interval falling closest to the driveway of said structure.

7.1.5 Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy, i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2.

7.1.6 Parcels with more than one structure, such as a mobile home park or group development, shall be assigned unique addresses that make the most logical sense to each situation. Each structure shall be identified by a unique number. For example, 235 Maple Road, Lot 1 or 235 Maple Road, Unit 1.

7.2 Numbering Application Process. Numbers will be assigned when an applicant fills out and submits a "Driveway Entrance/e911 Address" application available at the town office. This application can be completed as a stand-alone application for an already-existing structure, or as part of the building permit application process for new structures. Applicants must adhere to all terms of the application, including staking and flagging the proposed or existing driveway entrance. The Addressing Officer will then GPS the staked/flagged location, process the GPS data, and scale out and assign an appropriate number.

ARTICLE 8. COMPLIANCE

8.1 Compliance. All owners of structures shall display and maintain in a conspicuous place, assigned numbers in the following manner:

- a) **Number at the Road Line.** The assigned number shall be displayed on a post, fence, wall, mail box, or on some structure adjacent to the walk or access drive to the residence or structure.
- b) **Size, Color, and Location of Number.** Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of the year.
- c) **Proper number.** Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this Ordinance.

- d) Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

**ARTICLE 9.
NEW CONSTRUCTION, NEW SUBDIVISIONS, AND NEW ROADS**

9.1 New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Addressing Officer. This shall be done at the time of the issuance of the building permit.

9.2 New Subdivisions. Any prospective subdivider shall show a proposed road name system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Addressing Officer, shall constitute the assignment of road names in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

9.3 New Roads. Any prospective new roads not serving a new subdivision shall show a proposed road name on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Addressing Officer, shall constitute the assignment of road names. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

**ARTICLE 10.
EFFECTIVE DATE**

10.1 Effective Date. This Ordinance is not retroactive. Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of 30 days after its adoption by the Town Council. It shall be the duty of the Addressing Officer to notify each property owner and the U.S. Postal Service of any new addresses assigned after the effective date of this ordinance.

**ARTICLE 11.
ENFORCEMENT AND CIVIL PENALTY**

11.1 Enforcement. The Addressing Officer has the authority to enforce the provisions of this Ordinance, as well as any officer of the Public Safety Department. If the Addressing Officer finds that any provision of this Ordinance has been violated, the Officer shall notify the property owner(s), or other person(s) responsible, in writing of the nature of the violation and the corrective action required. If the corrective action is not completed within 15 days of the issuance of the notice, the Town Manager, upon notice from the Addressing Officer, may authorize any and all actions and proceedings that may be available or necessary to enforce the provisions of this Ordinance.

11.2 Civil Penalty. Any person who violates any provision of this Ordinance commits a civil violation, and shall be subject to relief and a civil penalty in accordance with 30-A M.R.S. A. §4452, as may be amended or replaced from time to time. Each day that a violation continues shall constitute a separate violation. If the Town is the prevailing party in an enforcement action, it shall be entitled to its costs, expert witness fees, and reasonable attorney's fees.

ARTICLE 12. SEVERABILITY

12.1 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

- b. Request for use of Tech Reserve Funds for Replacement of Ambulance Laptops** – *Manager Lessard explained that the Town has received a grant to cover 2/3 of the cost of replacing the laptops in the ambulance. The Town's 1/3 share is \$2,363.00 and the Finance & Administration Committee recommends approval. Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the use of Computer Reserve funds in the amount of \$2,363.00 to fund replacement of ambulance laptops. Unanimous vote in favor.*
- c. Request for use of Tech Reserve Funds to Continue Document Scanning Project** – *It was the recommendation of the Finance & Administration Committee to approve the use of \$2,999 from the Computer Reserve Account to continue with the project. Motion by Mayor Hughes, seconded by Councilor Ryder to approve the use of \$2,999 from the Computer Reserve account for the document scanning project. Unanimous vote in favor.*
- d. MMA Annual Election – Vice President and Exec. Committee Members** – *Motion by Councilor Shakespeare, seconded by Councilor Ryder to designate the Town Manager to cast the ballot for the recommended candidates for the Maine Municipal Association's annual election. Unanimous vote in favor.*
- e. MDOT Local Road Assistance Program – Acceptance of Funds** – *Manager Lessard explained that the Town will receive \$70,288 for paving and \$14,448 to offset the cost of operating the Bus system. Motion by Councilor Lawlis, seconded by Councilor Shakespeare to authorize the Town Manager to accept the funds on behalf of the Town. Unanimous vote in favor.*
- f. Sewer Commitment – 4/1/2013 to 6/30/2013** – *Motion by Councilor Ryder, seconded by Councilor Lawlis to certify the commitment. Unanimous vote in favor.*
- g. Added Item: Resignation of Councilor** – *Mayor Hughes moved to set aside the rules to add an item to the agenda. Councilor Brann seconded the motion and vote was unanimously in favor. Motion by Councilor Brann, seconded by Councilor Lawlis to add item Resignation of Councilor. Unanimous vote in favor. Mayor Hughes informed the Council that after much consideration she has decided to resign from the Council due to personal reasons. Her resignation will be effective as of December 1, 2013, but she wanted to allow time for the nomination process to get candidates on the ballot for November. Motion by Councilor Brann, seconded by Councilor Shakespeare to reluctantly accept the resignation of Janet Hughes effective December 1, 2013. Unanimous vote in favor.*

August 5, 2013

Thank Agenda

To Councilors:

After ~~an~~ 4½ years of serving as ~~Chair~~
Town Council representing District 1,
I regret to make notice of my resignation
~~as of~~ effective on December 1, 2013.

This cuts my current term short by
1 year. This early notice will allow
sufficient time for the ~~Ex~~ Council
opening to be placed on the November
ballot. The reason for my resignation
is personal and not intended to
reflect any displeasure with
my position. It has been an
honor to work with all of you
and to serve the community.
A formal resignation will follow.

Janet Hughes

D. COMMITTEE REPORTS

Services Committee – Councilor Lawlis – next meeting is Monday 8/12.

Planning & Development Committee – Councilor Brann - next meeting is this Wednesday and agenda items include the Business Park proposal and a zoning amendment.

Infrastructure Committee – Councilor Shakespeare - met on July 22nd and discussed the condition of properties located at the intersection of 1A and Western Avenue and the intersection of 1A and Kennebec Road. Because the Town has no property management ordinance, there are no enforcement mechanisms beyond those related to safety issues. The Town Manager will contact the owner of the property at the intersection of 1A and Kennebec to see if he is looking to sell that property and if the Economic Development Director can assist in locating a business to buy the site.

Finance & Administration Committee – Mayor Hughes reported that everything the committee discussed earlier this evening has already been addressed by the Council.

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

F. COUNCILORS' COMMENTS

Councilor Ryder said he was happy to finally get the old Hampden Academy property behind us and we can move on to other projects. He said he will miss working with Mayor Hughes.

Councilor Lawlis said she is disappointed that Mayor Hughes is resigning. She has always appreciated how well-prepared Mayor Hughes is and how well her summaries refresh everyone's memory.

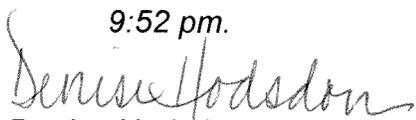
Councilor Brann thanked Mayor Hughes and wished her well. He also commented that it is that time of year when the two long-standing sink holes at the intersection of Route 202 and 1A begin to show up again. He asked if Manager Lessard if she would speak with DOT.

Councilor Shakespeare told Mayor Hughes that she has done a fantastic job; that she is very dedicated and he will miss her. He also said he is glad that we moved through and did what we did with the Old Hampden Academy property. He looks forward to moving on to other important issues such as the Business Park.

Councilor Duprey commented that even though she was not a fan of the process with the old Hampden Academy property, she is glad it's over. She said she is sorry that Mayor Hughes is resigning and thanked her for the great job she has done.

Mayor Hughes said she has been thinking about the lease with Historic Hampden Academy, LLC and asked that the Town clarify the responsibility for mowing the athletic field which is not part of the leased premises. She said she hopes we look forward to improving the downtown area and making the community center a better place.

G. ADJOURNMENT – There being no further business, the meeting was adjourned at 9:52 pm.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
August 5, 2013

Children's Day – A reminder that Children's Day is Saturday, August 17th. It is always a wonderful community event and the Committee can still use help!

Time Warner – As of July 23rd, Time Warner stopped broadcasting the Town's local cable channel in analog. As a result, residents with older televisions will not be able to view the Town's programming unless they obtain a digital converter for their television set(s). Time Warner sent out a notice of this to all Time Warner customers – but if you somehow missed the notice, you can still contact Time Warner to get a converter box at no charge.

Tax Rate – Setting the 2013/2014 mil rate will be on the August 19th Council agenda. Tax bills will go out the following week.