



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

OCTOBER 20, 2014

7:00 P.M.

NOTE: These minutes are action minutes only recording motions and votes. Video tapes of all meetings are available for review at the Town Office.

Attending:

<i>Mayor Carol Duprey</i>	<i>Councilor William Shakespeare</i>
<i>Councilor David Ryder</i>	<i>Councilor Tom Brann</i>
<i>Councilor Jean Lawlis</i>	<i>Councilor Greg Sirois</i>
<i>Councilor Ivan McPike</i>	<i>Council Candidates Stephen Wilde, Andrew Colford</i>
<i>Planner Robert Osborne</i>	<i>Dennis Marble, Terry McAvoy</i>
<i>Town Manager Susan Lessard</i>	<i>Town Clerk Denise Hodsdon</i>
<i>Town Attorney Tom Russell</i>	<i>Media Representatives</i>
<i>Citizens</i>	

The meeting was called to order at 7:00 p.m. by Mayor Duprey.

- A. PLEDGE OF ALLEGIANCE** – *Mayor Duprey led the pledge of allegiance*
- B. CONSENT AGENDA** – *No items were requested to be set aside on the consent agenda and it was approved by unanimous consent.*
 - 1. SIGNATURES**
 - 2. SECRETARY'S REPORTS**
 - 3. COMMUNICATIONS**
 - 4. REPORTS**
 - a. Finance & Administration Committee Minutes – 9/2/2014**
 - b. Services Committee Meeting Minutes – 9/8/2014**
- C. PUBLIC COMMENTS** – *Janet Hughes, 34 Old County Road received a robocall and at first thought it was a tax reminder from the Town but was aghast when she heard the last part about Ivan McPike being responsible for raising taxes. One Councilor is not responsible for raising taxes. Misleading calls especially by members of the Council is inexcusable. In addition she was informed after the last meeting that her emails as mayor had received a FOIAA request from the current mayor. Mayor Duprey responded that it was for informational purposes. Janet Hughes said that townspeople were looking for a fair and balanced Council and she asked the Council to stop behaving in this fashion. Clyde McDonald, Main Road, stated that robocalls blaming a couple of Councilors for the taxes going up when the increases from the school and county were not within the control of the Council is wrong. He considered that the incumbents deserved to be re-elected.*

D. POLICY AGENDA

1. **NEWS, PRESENTATIONS & AWARDS-** *Mayor Duprey said that it had been a productive year and that the Manager had prepared a list of accomplishments that is posted on the Town website.*

2. PUBLIC HEARINGS

- a. **General Assistance Ordinance – Adoption of Revised Appendices A, B and C** – *The public hearing was opened by Mayor Duprey. There were no comments. The public hearing was closed. Motion by Councilor Lawlis, seconded by Councilor Brann to adopt revised appendices A, B, and C. Unanimous vote in favor.*
- b. **Zoning Ordinance Text Amendment – Article 4.6 Rural Cluster Housing Open Space Exception** – *The public hearing was opened by Mayor Duprey. There were no comments. The public hearing was closed. Motion by Councilor Sirois, seconded by Councilor Ryder to approve the zoning ordinance text amendment to Article 4.6 Rural Cluster Housing Open Space Exception. Unanimous vote in favor.*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Warrant for Municipal Election – 11/4/2014** – *Motion by Councilor Brann, seconded by Councilor McPike to approve the warrant for the municipal election. Unanimous vote in favor.*

4. UNFINISHED BUSINESS

- a. **Proposal for Feasibility Study to Expand Natural Gas into Hampden – Recommendations of Planning & Development and Finance & Administration Committees** – *Motion by Councilor McPike, seconded by Councilor Sirois to appropriate \$9,900 from Host Community Benefit to fund a feasibility study for bringing natural gas to Hampden with the funds to be replaced in the Host Community Benefit fund from the Emera TIF when it is adopted. Unanimous vote in favor.*

Items 4b, 4c & 4d were moved to the end of the agenda.

- b. **Possible Violation of Code of Ethics by a Town Councilor – Requested by Councilor Brann**
 1. **Executive Session pursuant to 1 MRS Sections 405(6)(A) and 405(6)(E);**
 2. **Council Action;**
 3. **Vote of Confidence - Executive Session pursuant to 1 MRS Sections 405(6)(A) and 405(6)(E);**
 4. **Council Action**

Resident Jeremy Jones, Partridge Road, stated that Councilors control the budget because they adopt it and if you voted for it you are responsible for

D-2-a

GENERAL ASSISTANCE ORDINANCE APPENDICES A 2014-2015

The Municipality of Hampden adopts the MMA Model Ordinance GA Appendices A for the period of July 1, 2014 June 30, 2015. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) 2014 (year) by the municipal officers:

(Print Name)

(Signature)

Adopted by Council 10/20/14

**GENERAL ASSISTANCE ORDINANCE
APPENDICES B and C
2014-2015**

The Municipality of Hampden adopts the MMA Model Ordinance GA Appendices B and C for the period of October 1, 2014 September 30, 2015. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) 2014 (year)
by the municipal officers:

(Print Name)

(Signature)

GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendix A* are effective from **July 1, 2014 to June 30, 2015**. The maximums found in *Appendices B, C, D, E, and F* are effective from **October 1, 2014 to September 30, 2015**.

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
	\$603	\$725	\$874	\$1096	\$1261	

NOTE: For each additional person add \$69 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	45.12	194
2	83.02	357
3	118.84	511
4	150.93	649
5	179.30	771
6	215.12	925
7	237.67	1,022
8	271.86	1,169

NOTE: For each additional person add \$146 per month.

APPENDIX C - HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	\$ 106	\$ 432	\$ 126	\$ 543
1	\$ 120	\$ 518	\$ 153	\$ 657
2	\$ 145	\$ 625	\$ 185	\$ 796
3	\$ 184	\$ 790	\$ 233	\$ 1,004
4	\$ 210	\$ 904	\$ 268	\$ 1,154

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

D-2-b



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner *RO*
SUBJECT: Zoning Ordinance Text Amendment, Article 4.6 Rural Cluster Housing Open Space Exception
DATE: September 29, 2014

At the September 10, 2014 meeting the Planning Board held a public hearing on the subject amendment. No member of the general public spoke on the item. The Planning Board voted unanimously to return an "ought-to-pass" recommendation to the Town Council for the attached amendment to the Rural Cluster Housing provisions.

Adopted by Council 10/20/2014

TOWN OF HAMPDEN
Draft

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

Additions are Double Underlined Deletions are ~~Strikethrough~~

4.6. Rural Cluster Housing - In order to promote the health and general welfare of the community and to preserve and make available open space for recreation and conservation, the Planning Board may grant a developer permission to vary lot size requirements in districts in which cluster development is allowed, thus leaving a substantial area free of building lots to become permanent open space. This section shall apply to the Rural District. The cluster provision for Residential A and Residential B are contained in *Article 3.7.6 and 3.8.7* respectively.

(Amended: 06-03-91, 05-04-92)

4.6.1. Minimum Size - A cluster proposal shall not be considered unless the land area involved is at least ten (10) times the minimum lot size in the district for which it is being proposed.

4.6.2. Uses Allowed - No use shall be allowed in a cluster subdivision which is not allowed in the district for which it is being proposed with one exception: The planning board may allow dwellings with four (4) dwelling units in the Rural District in cluster subdivisions provided that such allowance shall not increase the maximum number of dwelling units allowed as determined by *Article 4.6.3* of the Ordinance.

4.6.3. Maximum Number of Dwelling Units Allowed - The maximum number of dwelling units permitted on a particular parcel of land shall be determined with reference to *Article 3* of this Ordinance and the following:

1. Subtract fifteen (15%) percent of the gross acreage of the tract (for streets) to obtain the net acreage of the tract.
2. Determine the maximum number of dwelling units allowed in the district in which the cluster is being proposed based on the net acreage of the parcel. The maximum number of dwelling units is determined by reference to *Article 3*. In the rural district the maximum number of dwelling units shall be based on three (3) dwelling units for two (2) acres of land.
3. The gross acreage of the tract shall include only land that is not encumbered with easements or other restrictions which prevent the full use of the area. Open space, set aside as required under 4.6.5, which is not otherwise encumbered with easements or restrictions, shall be considered part of the gross acreage of the tract.
4. An example for the Rural District of the calculation necessary to determine the maximum number of dwelling units is as follows: Parcel size: 20 acres (less) - 15% for streets - net acreage 17 acres. 17 acres (divided by 2 acres per lot) = 8.5 lots + 3 units per lot = 25.5 or 26 units, 2 acre lots. These twenty-six (26) units can be either one, two, three, or four unit buildings.

4.6.4. Density Bonus - For excellence in site design or for dedication of more than thirty (30%) percent of the gross area of the tract to permanent open space, the planning board may award up to ten (10%) percent more dwelling units than allowed under *Article 4.6.3* above.

4.6.5. Open Space - The land area not allocated to building lots and street shall be permanently and legally preserved as open space. At least twenty (20%) percent of the gross area of the development shall be so dedicated. These areas shall be in locations designated as open space or green belts in the Comprehensive Plan or, where the subdivider proposed open space in other areas, such proposals shall be subject to the approval of the planning board.

Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. This exception shall also apply to further division of lots in previously approved subdivisions.

Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation.

1. **Maintenance of Open Space** - The developer shall make provision for the permanent maintenance of open space areas. The planning board shall approve such provision when it is satisfied that the provision, proposed by the developer, will result in the open space continuing as such and being properly maintained. No building permit shall be issued until the approval of the Planning Board has been given regarding the maintenance of open space. The developer shall either:
 - a. Dedicate such open space to public use if the town or another public agency has indicated it will accept such dedication;
 - b. Retain ownership and responsibility for maintenance of such open space;
 - c. or Provide for and establish one or more organizations for the ownership and maintenance of all common open space and property. Such organization shall be either, a non-profit homeowners corporation or a community open space trust.

2. **Rules Governing Home-Owners Associations or Open Space Trusts** - If a homeowners association or open space trust is formed, it shall be governed according to the following regulations:
 - a. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development.
 - b. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
 - c. The organization shall be responsible for maintenance of common open space and property. It shall also be responsible for insurance and taxes on common open space and property.
 - d. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them.
 - e. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

4.6.6. Single Family Cluster Subdivision - Lot Requirements In cluster subdivisions or sections of cluster subdivisions made up of single family residences, individual lots shall meet the following requirements with regard to area, width, setback, etc:

1. *Minimum lot area* - One-quarter (1/4) the minimum lot area required in the district for which the cluster is proposed. In no case, however, to be less than 8,000 square feet.
2. *Minimum lot frontage* - 66 feet
3. *Maximum lot coverage* - 35%
4. *Minimum side yard setback* - 10 feet
5. *Minimum street yard setback* - 10 feet
6. *Minimum rear yard setback* - 25 feet

All of the above dimensions may be increased (decreased in the case of #3) by the planning board if they feel it is necessary to insure good site design. The objective of reducing them from the dimensions normally required is to allow flexibility in the development of the site. The flexibility thus allowed should result in more creative patterns of land utilization and savings in land development costs over those possible under conventional subdivision patterns.

4.6.7. Multi-Family Cluster Subdivision

4.6.7.1. Requirements - In cluster subdivisions or sections of cluster subdivisions made up of multi-family residences, the following requirements with regard to lot design shall apply:

1. *Maximum density of dwelling units.* - 16 units per acre
Subject to the other provisions of this Ordinance, especially *Article 4.6.3*,
2. *Minimum building setback:* - 40 feet.
3. *Minimum distance between buildings:*
 - a. Where both facing walls contain a window or windows; such distance shall be no less than one and one half (1-1/2') feet for each foot of height of the higher facing wall above the lowest adjacent ground elevation.
 - b. Where only one of the facing walls contains a window or windows; such distance shall be no less than one foot for each foot of height of the facing wall with no windows, above the lowest adjacent ground elevation.
 - c. Where neither of the facing walls contains a window or windows; such distance shall be no less than twenty (20') feet.
 - d. Between corners of two (2) buildings where no exterior wall of one building lies such that it can be intersected by a line drawn perpendicular to any exterior wall of the other building, other than such a line that results from co-linear exterior walls: ten (10') feet.
4. *Minimum side yard* - 20 feet
5. *Minimum parking* - 2 spaces per dwelling unit
6. *Maximum building height* - 35 feet

4.6.7.2. Maintenance of Common Property - In cases where common property or facilities exist such as elevators, stairwells, heating units, etc., the developer shall make provision for their

continual ownership and maintenance either through a homeowners association or by retaining ownership and responsibility for maintenance himself. In the case of a homeowners association, the rules governing homeowners associations as stated in *Article 4.6.5.2* of this Ordinance shall apply.

4.6.8. This multi-family cluster subdivision provision will be allowed only in the case of land development. Land subdivision without subsequent development of housing units by the developer does not qualify as cluster subdivision.

4.6.9. All pertinent sections of this Ordinance or any other ordinance of the Town of Hampden shall apply to cluster subdivisions with the exception of those regulations specifically waived in the cluster section of this Ordinance.

the tax increase and that the calls were not presented as being from the Mayor.

Motion by Councilor Shakespeare, seconded by Councilor Brann to enter executive session pursuant to 1 MRS Section 405(6)(A) and 405(6)(E) to include the Town Manager and the Town Attorney. Unanimous vote in favor.

See Addendum at end of minutes.

c. Possible Violation of Code of Ethics by a Town Councilor – Requested by Mayor Duprey

1. **Executive Session pursuant to 1 MRS Sections 405(6)(A) and 405(6)(E);**
2. **Council Action**
3. **Vote of Confidence - Executive Session pursuant to 1 MRS Sections 405(6)(A) and 405(6)(E);**
4. **Council Action**

See addendum at end of minutes

d. Possible Violation of Code of Ethics by a Town Councilor – Requested by Mayor Duprey

1. **Executive Session pursuant to 1 MRS Sections 405(6)(A) and 405(6)(E);**
2. **Council Action**
3. **Vote of Confidence - Executive Session pursuant to 1 MRS Sections 405(6)(A) and 405(6)(E);**
4. **Council Action**

See addendum at end of minutes.

5. NEW BUSINESS

a. Exit Lighting at Skehan Center – Reserve Use – Recommendations of Services and Finance & Administration Committees – *Motion by Councilor Shakespeare, seconded by Councilor McPike to expend \$2229 from the Recreation Enterprise fund for the purchase of 15 LED light fixtures with the understanding that \$600 will be refunded from Efficiency Maine. Unanimous vote in favor.*

b. Reschedule November 3rd Council Meeting - *Motion by Councilor Sirois, seconded by Councilor Lawlis to cancel the 11/3/14 meeting and just have one council meeting in November due to the election. Unanimous vote in favor.*

E. COMMITTEE REPORTS – *Councilor Lawlis reported that Services met last Monday to discuss how to get people to help identify and prioritize activity related to Town parks. Infrastructure did not meet this month. Councilor Sirois reported that Planning & Development is working on a draft of the subdivision ordinance and mitigation guidelines for town land. Mayor Duprey reported that Finance reviewed the General Code revisions and discussed exit lighting at the Skehan Center.*

F. MANAGER'S REPORT – *The Manager's report is attached hereto and made a part of the minutes.*

G. COUNCILORS' COMMENTS – *Mayor Duprey stated that there should be no politicking from the Council bench. Councilor McPike stated that he did not think that the robocalls about him were accurate and Mayor Duprey stopped his comments. Councilor Lawlis thanked Trish Bruen for her services as the Animal Control Officer. Councilor Shakespeare noted that the Services Committee discussion about what should be done with parks in the future was not complete. The Council is looking for citizens interested in helping out.*

H. ADJOURNMENT

Addendum to Council Meeting Minutes of 10-20-2014

Item 4 (b) (1)

Motion by Councilor McPike, seconded by Councilor Brann to return to regular session at 8:35 p.m. Unanimous vote in favor.

Attorney Russell gave his opinion that no legal breach of ethics had been done by the Mayor because the robocalls were done in her capacity as a private citizen.

Item 4 (b)(2)

Motion by Councilor Brann, seconded by Councilor Shakespeare to affirm that no statutory violation of the code of ethics had occurred. Unanimous vote in favor.

Item 4 (b)(3)

Motion by Councilor Brann, seconded by Councilor McPike to enter executive session at 8:50 p.m. to include the Town Manager and the Town Attorney pursuant to 1MRS Sections 405 (6)(A) and 405 (6)(E) for the purpose of discussing performance related to a town councilor. Unanimous vote in favor.

Motion by Councilor Ryder, seconded by Councilor Lawlis to re-enter regular session at 9:05p.m. Unanimous vote in favor.

Item 4 (b)(4)

Motion by Councilor Brann, seconded by Councilor Shakespeare for a vote of No-Confidence in Mayor Duprey as the chair of the Council. Vote 6 – 1. (Shakespeare, Brann, Lawlis, McPike, Sirois, Ryder in favor Duprey opposed.)

Mayor Duprey turned the gavel over to Deputy Mayor Ryder for the remaining items on the agenda.

Item 4 (c) (1) & 4 (c)(2)

Motion by Mayor Duprey to enter executive session pursuant to 1 MRS Sections 405 (6)(A) and 405 (6)(E). The motion failed for lack of a second.

Town Council Meeting
October 20, 2014

Item 4 (c)(3)& 4 (c)(4)

Motion by Mayor Duprey to enter executive session pursuant to 1 MRS Sections 405 (6)(A) and 405 (6)(E). The motion failed for lack of a second.

Item 4 (d)(1) & 4(d)(2)

Motion by Mayor Duprey to enter executive session pursuant to 1 MRS Sections 405 (6)(A) and 405 (6)(E). The motion failed for lack of a second.

Item 4 (d)(3) & 4 (d)(4)

Motion by Mayor Duprey to enter executive session pursuant to 1 MRS Sections 405 (6)(A) and 405(6)(E). Motion failed for lack of a second.

Motion by Councilor Ryder, seconded by Councilor Brann to adjourn at 9:15 p.m. Unanimous vote in favor

Respectfully submitted,

Susan Lessard
Town Manager

MANAGER'S REPORT
October 20, 2014

Sewer Liens – Sewer liens were placed today for unpaid sewer bills for the fourth quarter of 2013 and the first quarter of 2014.

Dog Licenses – 2015 Dog licenses are available at the Town Office. All dogs must be licensed by January 31, 2015 to avoid a \$25 late fee.

Newsletter – The October edition of the newsletter will be in mailboxes by October 28th and will be available online by Wednesday, October 22nd. This edition features photos and introductions to the candidates for RSU#22 School Board seats as well as for all District Council seats. There are also articles related to Turtlehead Park, Services Committee seeking help in park planning, communications opportunities, winter heating safety, administrative matters, domestic violence awareness, Halloween open house, zero sort recycling, the library, the pool, the new red street number signs, and redistricting.

Animal Control Officer – The Town has a new animal control officer. Her name is Lindsey Levesque. She has replaced Trisha Bruen who has resigned in this capacity due to the workload as the full-time ACO for Bangor. A reminder that animal complaint complaints are initially handled by Public Safety and the ACO is then contacted by them if necessary.

Zero-sort statistics – Jim Dunning of Casella Waste sent along some interesting statistics about our Zero Sort recycling program that he had put together for a presentation to an elementary school class. There were two that really stood out – one is that the Town of Hampden is on track with zero sort to recycle the equivalent of a basketball court that is 9 stories tall this year – which translates to an amount that could fill a backyard swimming pool twice a day for an entire year!

Parks Committee Members Needed – The Town Services Committee is seeking interested persons to help develop a parks policy for presentation to the Town Council. Interested persons should complete an application that can be found on the Town's website at hampdenmaine.gov or by picking one up at the Town Office. This item will be on the agenda for the Services Committee on Monday, November 10th.

Town Business 2014 – I have posted an article on the Town website listing a number of accomplishments by the Town Council since January of 2014. The list was the result of Councilor requesting information related to what the Town Council had accomplished since the beginning of the year.