



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

TUESDAY

SEPTEMBER 2, 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:

Mayor Carol Duprey
Councilor Tom Brann
Councilor David Ryder
Councilor Greg Sirois
Town Clerk Denise Hodsdon
Media Representative

Councilor William Shakespeare
Councilor Jean Lawlis
Councilor Ivan McPike
Town Manager Susan Lessard
Town Attorney Tom Russell
Residents

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

- A. PLEDGE OF ALLEGIANCE** – *Mayor Duprey led the pledge of allegiance.*
- B. CONSENT AGENDA** – *No items on the Consent Agenda were set aside for discussion and it was approved by unanimous consent.*
- 1. SIGNATURES**
- 2. SECRETARY'S REPORTS**
- 3. COMMUNICATIONS**
- a. **Highlands Corner Market – Renewal of Victualers License**
 - b. **Maine Municipal Risk Management – Dividend Payment for Worker's Compensation and Property & Casualty Insurance**
- 4. REPORTS**
- a. **Infrastructure Committee Minutes -7/28/14**
 - b. **Bangor Humane Society Report – July 2014**
 - c. **Services Committee Minutes – May 12, 2014**
- C. PUBLIC COMMENTS** - *None*
- D. POLICY AGENDA**
- 1. NEWS, PRESENTATIONS & AWARDS** – *Mayor Duprey welcomed Councilor Ryder to the meeting and was glad that he is doing well enough after his car accident to attend the meeting. She also noted that school is back in session and people should be mindful of speed limits in school zones and that busses are back on the road again.*

2. PUBLIC HEARINGS

- a. **Proposed Amendments to Fees Ordinance – Article 8 Pool Fees**
The public hearing was opened by Mayor Duprey. No one spoke in regard to the proposed amendment. The hearing was closed. Motion by Councilor Lawlis, seconded by Councilor McPike to increase the pool fees as proposed. Unanimous vote in favor.
- b. **Proposed Amendment to Town Charter – Article II Town Council, Section 201(d) Voting – Quorum – Mayor Duprey opened the hearing. Resident Terry McAvoy asked what the quorum would be under the proposal. The proposal sets the quorum at 4. The hearing was closed. Motion by Councilor Sirois, seconded by Councilor McPike to reduce the quorum requirement from 5 to 4 and send to the amendment to referendum in November.**
Discussion – Councilor Shakespeare is concerned that such a change could result in a very small number of councilors making decisions. Councilor Lawlis is relatively neutral on the subject but is concerned because there have been cases where there was no quorum and important town business is put in jeopardy. Councilor Brann agrees with Councilor Shakespeare that 4 is too low for a quorum. Mayor Duprey said there had been meetings in the past where a Councilor had to leave and the meeting had to end as a result. Vote on the motion, 4-3 (Ryder, McPike, Sirois, Duprey in favor and Lawlis, Shakespeare and Brann opposed). Motion carried.
- c. **Proposed Amendments to Town Charter – Article IX Referendum and Initiative, Sections 901, 903 and 905 – Mayor Duprey opened the public hearing. There were no comments. The public hearing was closed. Motion by Councilor Sirois, seconded by Councilor McPike to adopt the proposed amendment Article IX of the Town Charter and send it to the public for referendum in November. Vote 6 – 1. (Brann opposed).**
- d. **Proposed Amendments to Town Charter – Article X General Provisions, Section 1002 – Mayor Duprey opened the public hearing. There were no comments. The public hearing was closed. Motion by Councilor Sirois, seconded by Councilor McPike to adopt the amendment to Article X of the Town Charter and send to the public for referendum in November. Unanimous vote in favor.**

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Reminder – Nomination Papers due September 4, 2014 – This item was for informational purposes only.**

D-2-a

TOWN OF HAMPDEN

Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

TOWN OF HAMPDEN, MAINE FEES ORDINANCE

ARTICLE 8

POOL

Amended 11-17-03, 4-4-05, 10-6-08, 9-19-11, 11-27-12

8.1. *Susan G. Abraham Memorial Endowed Scholarship* provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and must be resident of ~~Hampden, Winterport or Newburgh~~ RSU #22 District. *(Amended 9/19/2011)*

8.2. *Annual Resident Membership Fees:*

| | | |
|---------------------|---------------------|-----------------|
| 8.2.1. Family | \$255.00 | <u>\$268.00</u> |
| 8.2.2. Single Adult | \$155.00 | <u>\$163.00</u> |
| 8.2.3. Youth/Teen | \$120.00 | <u>\$126.00</u> |
| 8.2.4. Senior | \$145.00 | <u>\$152.00</u> |

8.3. *Six Month Resident Membership Fees:*

| | | |
|---------------------|---------------------|-----------------|
| 8.3.1. Family | \$155.00 | <u>\$163.00</u> |
| 8.3.2. Single Adult | \$ 95.00 | <u>\$100.00</u> |
| 8.3.3. Youth/Teen | \$ 75.00 | <u>\$ 79.00</u> |
| 8.3.4. Senior | \$ 90.00 | <u>\$ 95.00</u> |

8.4. *Three Month Resident Membership Fees:*

| | | |
|---------------------|---------------------|-----------------|
| 8.4.1. Family | \$ 95.00 | <u>\$100.00</u> |
| 8.4.2. Single Adult | \$ 60.00 | <u>\$ 63.00</u> |
| 8.4.3. Youth/Teen | \$ 50.00 | <u>\$ 53.00</u> |
| 8.4.4. Senior | \$ 55.00 | <u>\$ 58.00</u> |

8.5. *Annual Non-Resident Membership Fees:*

| | | |
|---------------------|---------------------|-----------------|
| 8.5.1. Family | \$280.00 | <u>\$294.00</u> |
| 8.5.2. Single Adult | \$180.00 | <u>\$189.00</u> |
| 8.5.3. Youth/Teen | \$145.00 | <u>\$152.00</u> |
| 8.5.4. Senior | \$170.00 | <u>\$179.00</u> |

8.6. *Six Month Non-Resident Membership Fees:*

| | | |
|---------------------|---------------------|-----------------|
| 8.6.1. Family | \$170.00 | <u>\$179.00</u> |
| 8.6.2. Single Adult | \$110.00 | <u>\$116.00</u> |
| 8.6.3. Youth/Teen | \$ 90.00 | <u>\$ 95.00</u> |
| 8.6.4. Senior | \$105.00 | <u>\$110.00</u> |

Adopted by Town Council - 9/2/2014

| | | | |
|--------------|---|---|-----------------|
| 8.7. | Three Month Non- Resident Membership Fees: | | |
| 8.7.1. | Family | \$105.00 | <u>\$110.00</u> |
| 8.7.2. | Single Adult | \$ 70.00 | <u>\$ 74.00</u> |
| 8.7.3. | Youth/Teen | \$ 60.00 | <u>\$ 63.00</u> |
| 8.7.4. | Senior | \$ 65.00 | <u>\$ 68.00</u> |
| 8.8. | Daily Swim Fee during family or lap swim times for non-members (Amended 9/19/2011) | | |
| 8.8.1. | Single Swim - Resident | \$ 4.00 | |
| 8.8.2. | Single Swim – Non-Resident | \$ 5.00 | |
| 8.8.3. | Resident 12 Use Punch Card | \$30.00 | <u>\$ 36.00</u> |
| 8.8.4. | Non-Resident 12 Use Punch Card | \$42.00 | <u>\$ 48.00</u> |
| 8.9. | Resident Swim Lessons (Amended 9/19/2011) | | |
| 8.9.1. | Members | \$4.50 per class | |
| 8.9.2. | Non-Members | \$5.50 <u>\$6.00</u> per class | |
| 8.10. | Non-Resident Swim Lessons (Amended 9/19/2011) | | |
| 8.10.1. | Members | \$6.00 per class | |
| 8.10.2. | Non-Members | \$7.00 <u>\$7.50</u> per class | |
| 8.11. | Private Swim Lessons (Amended 9/19/2011) | | |
| 8.11.1 | Resident Member | | |
| | 1 Child | \$15.00 per class | |
| | 2 Children | \$20.00 per class | |
| 8.11.2. | Resident Non-member | | |
| | 1 Child | \$20.00 per class | |
| | 2 Children | \$25.00 per class | |
| 8.11.3 | Non-resident Member | | |
| | 1 Child | \$20.00 per class | |
| | 2 Children | \$25.00 per class | |
| 8.11.4 | Non-resident Non-member | | |
| | 1 Child | \$25.00 per class | |
| | 2 Children | \$30.00 per class | |
| 8.12. | Deleted November 27, 2012 | | |
| 8.13. | Deleted November 27, 2012 | | |
| 8.14. | Adult Aqua Aerobics Drop Ins: | | |
| 8.14.1. | Members | \$4.00/class | |
| 8.14.2. | Non-Members | \$5.00/class | |
| 8.15. | Gentle Aerobics (deleted 9/19/2011) | | |

- 8.16. Pool Facility Rental Fees (Limited Availability): (Amended 9/19/2011)**
- 8.16.1. Resident Pool Rental (up to 30 total guests) ~~\$70.00~~ \$75.00/hour ~~30 total guests~~
 - 8.16.2. Resident Lounge Rental \$20.00/hour
 - 8.16.3. Non-Resident Pool Rental (up to 30 total guests) ~~\$85.00~~ \$91.00/hour ~~30 total guests~~
 - 8.16.4. Non-Resident Lounge Rental \$25.00/hour
 - 8.16.5. Every 10 Additional Guests (As Required by Rules) \$15.00/hour
- 8.17. Swim Diaper** \$1.00

D-2-b

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

Deletions ~~striken~~
Additions underlined

ARTICLE II TOWN COUNCIL

Sec. 211 Procedure –

(d) Voting - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. ~~Five~~ Four members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present.

Effective Date: This Charter Amendment shall take effect upon adoption by the voters.

Summary: The current quorum provision requires a super majority of 5 members of the 7 member Town Council for a quorum to conduct business. There have been a number of times when the Town Council was unable to hold a council meeting due to a lack of the presence 5 members. This amendment would reduce the quorum requirement to a simple majority. This amendment will not have an effect on the number of votes required for council action, as Section 211(d) requires a majority vote of the councilors present at the meeting. For both a meeting with 4 members present and a meeting with 5 members present, the majority vote required would be 3 votes.

9/2/14 - Adopted by Town Council & sent to Referendum

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

Deletions ~~stricken~~
Additions underlined

Article IX-Referendum and Initiative

Sec. 901 General Authority

- (a) *Referendum.* The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal or change an ordinance so reconsidered, to approve or reject it by referendum at ~~a town~~ an election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriations of money, levy taxes, or salaries of officers or employees.
- (b) *Initiative.* The qualified voters shall have the power to propose ordinances, ~~resolves or orders~~ to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officials or employees.

Sec. 903 Commencement of Referendum Proceedings - Any 5 registered voters may begin referendum proceedings by a request in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, ~~order or resolve~~ sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's printed name and street address.

Each paper of the petition, when filed, shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.

If within 20 days after the enactment of any such ordinance, ~~order or resolve~~, the appropriate petition signed by not less than 10% of the registered voters of the town is filed with the town clerk requesting its reference to a referendum, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance, ~~order or resolve~~ submitted to a referendum vote to be held at the next scheduled election, or in the case of no election being scheduled within 6 months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be repealed by the council prior to the call for said election. Pending action by the voters of the town, the referred ordinance, ~~order or resolve~~ shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

9/2/14 - Adopted by Town Council & sent to Referendum

Sec. 905 Enactment of Ordinances by Initiative - Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's printed name and street address.

Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 10% of the registered voters of the town, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance submitted to a vote to be held at the next scheduled election, or in the case of no election being scheduled within six months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Effective Date: These Charter Amendments shall take effect upon adoption by the voters.

Summary: The purposes of the amendments are to correct inconsistencies in the provisions dealing with referenda and initiatives, and to require the printed names and street addresses of the persons signing a petition to enable the Town Clerk to verify their status as a registered voter in Hampden.

D-2-d

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

Deletions ~~stricken~~
Additions underlined

ARTICLE X GENERAL PROVISIONS

Sec. 1002 Activities Prohibited - No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, physical or mental ~~handicap~~ disability.

Effective Date: This Charter Amendments shall take effect upon adoption by the voters.

Summary: The purpose of this amendment is to make Section 1002 consistent with the Maine Human Rights Act.

9/2/14 - Adopted by Town Council and sent to Referendum

4. UNFINISHED BUSINESS

- a. **Continuation of Recording/Re-broadcasting School Board Meetings** – *Public Comment: Terry McAvoy, Monroe Road sees no reason to spend time and money to tape and broadcast school board meetings with the exception of budget meetings.*
Motion by Councilor McPike, seconded by Councilor Lawlis to continue to video all school board meetings to be rebroadcast. Unanimous vote in favor.

5. NEW BUSINESS

- a. **Service Fees – 2014/15** – *Motion by Councilor Shakespeare, seconded by Councilor Lawlis to approve the Service Fees list for billing for the 2014/15 fiscal year as presented. Unanimous vote in favor.*

- E. **COMMITTEE REPORTS** – *Councilor Lawlis reported that there is a Services Committee meeting next Monday and that discussion of new activities and parks and lands will take place. Councilor Ryder reported that the Infrastructure Committee had discussed electrical permits and whether the Town should have staff to issue those. Councilor Sirois reported that Planning & Development continues to work on the Sargent business park plan, private ways, and review of the subdivision ordinance. Mayor Duprey reported that the Finance Committee had an update on the codification project, the GIS/IT replacement process, and service fees.*
- F. **MANAGER'S REPORT** – *The Manager's report is attached hereto and made a part of the minutes. The Manager also read into the record a letter from resident Jim Folsom in regard to the fact that the selection of Hampden met on 9/2/1814 to discuss strategy for the last battle of 1812.*
- G. **COUNCILORS' COMMENTS** – *Councilor Shakespeare thanked Mr. Folsom for his contribution and said he hoped this Council never had to make decisions about the defense of Hampden. He thanked Councilor Ryder for coming and said he was glad that he was okay.*
Councilor Sirois asked why the Town Manager used vacation time to serve on a Committee for the Maine Municipal Association to choose the Ethel Kelley Award winner. He does not believe she should have to use vacation time for such things.
- H. **ADJOURNMENT** – *The meeting was adjourned at 8:00 p.m.*


Denise Hodsdon
Town Clerk

MANAGER'S REPORT
Monday, September 2, 2014

Tax Due Date Reminder – First half of 2014/15 taxes are due by Wednesday, October 1st to avoid interest. I am pleased to report that we have already had a sizeable number of people pay the first half even though the bills have only been out for a week.

Zero Sort – We will be distributing information/clear plastic bags on the second and fourth weekends of September to try and get more people to take advantage of the zero sort recycling program.

Ethel Kelly Memorial Award – As a past president of the Maine Municipal Association I have been asked to chair the selection committee for the annual Ethel Kelley Memorial Award. This award is given annually to a person who works or has worked for a community in some capacity and who has long term service plus extensive volunteering efforts or other additional service to the community. Persons are nominated for the award by their communities. This role will require review of applications, which I will do outside of business hours, and one afternoon in the middle of this month, which I will take as vacation time.

Video Streaming – A reminder that video streaming of Cable Channel 7 is up and running on Ustream video. You can access this by going to the Town website and clicking on the video streaming icon on the home page or by going to live.hampdenmaine.gov Video streaming is the live feed from Cable Channel 7 so viewers can see the same on video streaming as any viewer can see on Cable Channel 7 at the same time.