



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

APRIL 2, 2012

7:00 P.M.

• **5:30 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. Planning & Goal Setting Meeting Minutes – 3/17/2012

3. COMMUNICATIONS

4. REPORTS

a. Finance Committee Minutes – 3/19/2012

b. Infrastructure Committee Minutes – 3/26/2012

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. Mark Russell – Reappointment to Dyer Library Board of Trustees –
Services Committee Recommendation

3. UNFINISHED BUSINESS

a. November 2011 Election – Attorney General Report

b. Public Works Vehicle Purchase – Infrastructure and Finance
Committee recommendations

c. Fees Ordinance Updates – Introduction for Public Hearing

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

d. Personal Property Abatements:

1. Carlen Transport – 2011	\$29,306.88
2. Thibodeau – 2010	\$ 5,030.76
3. Thibodeau – 2011	\$14,705.91

4. NEW BUSINESS

- a. Destination Imagination – Funding Requests – 5th and 6th Grade Teams
- b. Bangor Hydro President Gerry Chasse – Current Initiatives – Councilor Williams
- c. Request from ACANE to hold 2012 Souadabscook Stream Canoe Race
- d. Preservation of Exclusive Rights for the Taking of Alewives
- e. Draft FY 2013 Budget Meeting Schedule

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

Council Goals & Planning Workshop

March 17, 2012

Attending:

Councilor Tom Brann

Councilor Jeremy Williams

Councilor Jean Lawlis

Councilor Shelby Wright

Councilor Kristen Hornbrook

Councilor Andre Cushing

Mayor Janet Hughes

Town Manager Susan Lessard, Facilitator

Interested residents

The meeting was opened at 8:30 a.m. by facilitator, Town Manager Susan Lessard. Each Councilor gave a brief introduction explaining why they had sought public service. Following the introductions, the Council discussed ground rules for the day. Ground rules established were as follows:

1. Courtesy
2. All ideas have value
3. Stay on task

Expectations of the session were cited as follows:

1. Tie planning to expectations and reality
2. Clearer expectations for Council actions
3. Periodic evaluation and documentation of progress
4. Financial discussions on a five year plan basis
5. Assess reserves and their purpose
6. Adjust Town to State business practices with an emphasis on customer service
7. Clear direction
8. More communication with residents in more user –friendly ways

2011 Goals/Objectives/Accomplishments

1. Keep the mil rate the same – accomplished
2. Comprehensive Plan adoption – still in process
3. Sell lots in the business park – 2 sold in 2011
4. Hampden Academy re-use – still in process
5. Turtle Head Marina Park - \$520,000 grant to facilitate received – details of completion still in process
6. Saturday bus service – implemented September 2011, good ridership, well received by the public
7. Pool concerns – ongoing, working on air handler issues
8. Transfer station – increase in fees – not accomplished
9. Outside agencies - process needs to be developed prior to 2012/12 budget consideration
10. Providing services to other Towns – GIS service being shared with Water District, Public Safety collaboration explored with Hermon, recreation opportunities explored with Newburgh and Winterport

Positives and negatives of 2011/2012

Positives:

1. Mil rate
2. Marina project
3. Hampden academy moving forward
4. Open communication with SAD #22
5. Mayo Road Project
6. Public Safety service delivery
7. Grants
8. Business/residential growth

Negatives

1. Perception of Council
2. Better communication needed
3. Logistics – meeting schedules, cancelled committee meetings
4. Potential costs of Hampden Academy re-use
5. More department updates needed
6. More systematic way to deal with feedback
7. Solutions for pool problems needed

Background/Images

1. School budget increase \$125,000 -\$125,000
2. County tax increase
3. Union contracts expire 6/30/2012
4. Stormwater rules will add major costs
5. Sucker Brook –urban impaired stream

The Council took a lunch break for an hour and reconvened at 12:30 p.m.

Focus Areas

1. Clean up rules of governance, codification of ordinances
2. Comp plan to Planning Board for implementation
3. Solid waste options – recycling
4. Change in attitude toward new ideas
5. Cooperation with other communities for challenges
6. Maria project
7. Waterfront development
8. Senior Citizen services
9. Improve relationship/effectiveness of council
10. Improve public perception of Council
11. Look at ways to shrink government/costs
12. More creative ways to provide/fund services
13. Combine water and sewer services
14. Community survey of service provision/costs
15. Pool funding - no imperative to change attitude toward funding

16. Pursue corporate sponsorships/support
17. People should have to pay taxes with two checks – one for school portion, one for municipal portion of budget
18. What is the Council's role?
19. Education needed on role of each department
20. Changes needed in development/planning department
21. IT assistance needed for GIS/IT
22. Coldbrook Road planning
23. Open Space & Connectivity of green space
24. Park Management
25. Town Forest

2012/2013 Priorities

1. Citizen survey/education piece
2. Hampden Academy re-use
3. Improve relationships/effectiveness of Council & improve public perception of Council
4. How big should government be?
5. Improve business/customer service (ordinances. Rules, planning, negotiating red tape)
6. Parks/Trails
7. Stormwater Management/Sucker Brook
8. Creative ways to provide and fund municipal services
9. Evaluation process for outside services agency funding before budget begins
10. Review election issues related to district elections (change charter/separate voting areas/etc?)
11. Rules of governance/review of Charter for inconsistencies

Mil Rate

1. Mil rate the same, town to absorb school/county increases – Hornbrook, Williams
2. Town-based mil rate the same, voters voted to absorb the .35 increase due to school debt service – Hughes, Lawlis, Wright
3. Town-based mil rate as close as possible but not absorb school increases – Brann
4. Seek to keep the mil rate as close to current as possible – Cushing

The workshop was adjourned at 2:15 p.m.

Respectfully submitted,

Susan Lessard

Town Manager

FINANCE & ADMINISTRATION COMMITTEE MEETING MINUTES

Monday, March 19, 2012

Attending:

Mayor Janet Hughes	Councilor Shelby Wright
Councilor Tom Brann	Councilor Andre Cushing (6:30)
Councilor Jean Lawlis	Councilor Jeremy Williams
Councilor Kristen Hornbrook	Town Manager Susan Lessard
Eleanor Willey	

The meeting was opened by Mayor Hughes at 5:40 p.m.

Item 5b – Exemptions was moved to the front of the agenda to accommodate the attendance of a member of the public for that one topic. Councilor Williams explained his concern over a letter he and Mrs. Willey had received from the Assessor requesting documentation of their airstrips for exemption purposes. He indicated that he had gone through the process with the prior assessor 10 years ago and that nothing had changed. Both Councilor Williams and Mrs. Willey stated that their airstrips were used by the public and therefore qualify for the exemption. Of particular concern was the request for documentation of DOT approval for the airstrips as a condition of the exemption. Both indicated that their airstrips did not require DOT approval. The manager explained that the Assessor was updating records to insure that we had all appropriate documentation for exemptions granted. She also stated that she would have the Assessor contact Councilor Williams and Mrs. Willey about the airfield exemptions.

1. Minutes of 3/5/2012 Meeting – Motion by Councilor Wright, seconded by Councilor Lawlis to approve the minutes of 3/5/12 as presented. Vote 6-0.
2. Financial Statements – February 2012 – The Town Manager explained the February Financial statements. Questions related to an overage on the outside agency expenditures were explained by the Manager as the result of repairs to the Kiwanis Hall necessitated by the collapse of the roof section over the handicap ramp. The costs, with the exception of the \$1000 deductible, are being reimbursed by insurance. The expenditures were listed under the Kiwanis item on the Outside Agencies list.
3. Review & Signature of Warrants – Warrants were reviewed and signed by Committee members.
4. Old Business
 - a. Lura Hoyt Pool Heating Coil Replacement Cost Estimates – Councilor Lawlis explained that this part was necessary in order

to keep the pool in an operating condition. Its condition has deteriorated to the point where it is leaking the equivalent of a five gallon bucket of water a day. The part will be necessary no matter what final solution for an air handler upgrade is selected. The Services Committee recommended that the pool be allowed to have the part replaced for a cost not to exceed \$10,000. Mayor Hughes expressed concern that the Committee had no written cost estimate in front of it on which to base the decision. Councilor Lawlis indicated that the Pool director was obtaining that estimate from Mechanical Services. Motion by Councilor Brann, seconded by Councilor Lawlis to recommend to the full Council that the town spend up to \$10,000 from pool reserve for replacement of the heating coil. Vote 4-2 (Hornbrook, Hughes)

- b. Code of Ethics – Review – Tom Russell draft should be reviewed by Committee members for discussion at next meeting
- c. Council Rules – Review – Not discussed
- d. FOAA Request Policy – The Committee reviewed a draft FOAA policy and made suggestions for changes. The Town Manager will provide an updated draft at the next meeting

5. New Business

- a. Police Vehicle Bid Results – The Public Safety Director discussed the police vehicle bid results with the Committee. It is the preference of the department to purchase another SUV, and specifically a Chevrolet Tahoe because they are more versatile for use by the department, more comfortable for the police officers with all their gear, have four wheel drive capability, and have longer use for the Town after they are retired as a police vehicle. Councilor Williams asked whether the department had looked at the Ford 'crossover' vehicle that was listed as a purchase option. The Public Safety Director indicated that they had not done so. This is a first year for that type of vehicle and the Town has generally waited a year or so after new models come out to see how they perform over time. The Public Safety Director said that although the Tahoe was the preference, the department would be happy with whatever choice the Council made. Motion by Councilor Brann, seconded by Councilor Lawlis to recommend to the full council the purchase of a 2012 Chevrolet Tahoe from Dutch Chevrolet at a cost of \$30,529 to be funded from the operating account appropriation with the balance from Police Cruiser reserve. Vote 4-3 (Hornbrook, Hughes, Williams)
- b. Exemptions – Homestead & Airfield – see above.

6. Public Comment - None

7. Committee Member Comments – None

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

INFRASTRUCTURE COMMITTEE MEETING MINUTES
MARCH 26, 2012

Attending:

Councilor Jeremy Williams
Councilor Kristen Hornbrook
Councilor Tom Brann
Public Works Director Chip Swan
Town Manager Susan Lessard

The meeting was opened at 6:00 p.m. by Councilor Williams.

1. Minutes of 2/27/2012 meeting – The minutes could not be approved because there were not enough members present who had been in attendance at that meeting. The minutes will be put on the April agenda for consideration.
2. Old Business
 - a. Review truck bids – Public Works Vehicle – Public Works Director Chip Swan presented information on the truck bids received for replacement of the 2002 Freightliner. His information included maintenance cost figures for all vehicles, the current vehicle/equipment replacement schedule through 2022, and photos of the 2002 Freightliner to be replaced.

Committee members discussed truck types and ways to improve maintenance and longevity of them. Councilor Williams agreed to check with a business with a truck wash bay to see if there was an opportunity for the Public Works department to use the facility.

Motion by Councilor Hornbrook, seconded by Councilor Brann to recommend to Finance Committee the purchase of a 2012 Ford F550 from Whited Ford at a net cost after trade in of \$72,113.32. Vote 3 – 0.

3. New Business - None
4. Public Comment - None
5. Committee Member Comments – None

Motion by Councilor Hornbrook, seconded by Councilor Brann, to adjourn at 6:40 p.m.
Vote 3-0.

Respectfully submitted,

Susan Lessard
Town Manager



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

C-2-a

NAME: RUSSELL LAST Mark FIRST E. MI

ADDRESS: 163 MIMO ROAD STREET Hampden TOWN 04444 ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-2502 HOME 207-852-7870 WORK

EMAIL: mrussell0419@hotmail.com

OCCUPATION: FINANCE

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: DYER LIBRARY

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

20 YEARS as LIBRARY BOARD IN Hampden

Are there any issues you feel this board or committee should address, or should continue to address? _____

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK

3 YEAR

- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: FEB 27 2012
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

C-3-a

William J. Schneider
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE, 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY: 1-800-577-6690

March 26, 2012

Senator Debra Plowman
3 State House Station
Augusta, ME 04333

Deb.

Dear Senator ~~Plowman~~:

Pursuant to your recent inquiry regarding the November 2011 Hampden election, please find attached a memo prepared by Assistant Attorney General Phyllis Gardiner after her thorough review of the matter.

I hope you find this information helpful, please let me know if you have any questions.

Sincerely,


William J. Schneider
Attorney General

cc: Representative Andre Cushing
Representative Beth Turner
Julie Flynn, Office of the Secretary of State
Denise Hodsdon, Town Clerk, Hampden
Thomas Russell, Esq.

**OFFICE OF ATTORNEY
GENERAL**

State House Station 6
Augusta, Maine 04333-0006
Phone: 626-8830

FAX: 287-3145
email:
phyllis.gardiner@maine.gov

Memorandum

TO: William J. Schneider, Attorney General
FROM: ^{PG} Phyllis Gardiner, Assistant Attorney General
DATE: March 26, 2012
SUBJECT: Town of Hampden election issues

In mid-January, Senator Debra Plowman and several citizens of the town of Hampden met with you to present the citizens' concerns about the conduct of the town's election last November. The particular issues the citizens raised were: a) that several voters had been given the wrong ballots (i.e., ballots for a different town council district than the one in which they reside); b) that the incoming voting list had been opened and reviewed by the town clerk on the evening of November 16, before the deadline for requesting a recount, c) that the incoming voting list was not made available for inspection and review during the subsequent recount, and d) that a town council candidate who had asked to withdraw from the November election was not allowed to do so, even though another local candidate had been allowed to withdraw last spring, before a special election held in June.

Although our office does not have general oversight authority with respect to local elections, we agreed to look into these issues to see if we could address the citizens' concerns about the overall integrity of the local election process going forward. Since that meeting, I have reviewed correspondence, memoranda, and meeting notes posted on the town's web site concerning the election (including the allegations made by the citizens who met with us), as well as the incoming voting list, the absentee voting list and related documentation. I have also spoken with the town's attorney and interviewed several people, including the town clerk and the District 2 candidates. Deputy Secretary of State Julie Flynn participated in my interviews with the clerk and assisted in reviewing much of the documentation, providing the benefit of her expertise regarding the conduct of elections and election recounts.

This memorandum summarizes the results of our review.

I. Factual Background:

On November 8, 2011, the town of Hampden held its local election in conjunction with the statewide referendum election. Four town council seats were on the ballot, three of which were contested races. Also on the local ballot was an election for Water District Trustee and for Directors of MSAD #22.

Shortly after the election, the town manager received emails from two sources indicating that voters in Council District 2 had erroneously been given District 1 ballots by election clerks at the polls. (See Attachment A – emails from Mark Cormier and Kim Gray, dated Nov. 10 and 11, 2011.) Both reports concerned Raymond and Mary Cormier, whose residence address of 18 Evergreen Drive is within District 2, as reflected on the incoming voting list used at the polls. Mr. Cormier came into the town office to discuss this situation with the town clerk, Denise Hodsdon. He told her it was his wife who had realized at the polls that they had been given the wrong ballots, but that when they informed the election clerk at the check-in table, they were told that they lived in District 1. The clerk investigated this situation and interviewed the election clerks identified by Mr. Cormier. None of them remembered the incident that he described. (See Attachment B -- email from Denise Hodsdon to Mark Cormier, dated Nov. 15, 2011 at 2:37 p.m.)

The citizens who came to the meeting in our office stated that at least ten voters in District 2 had said they were given the wrong ballot. However, no individuals other than the Cormiers have come forward to report such errors to the town office.¹ Candidate Gray also has not received reports from any other voters indicating that they were given a ballot for the wrong district without an opportunity to exchange it for the correct ballot in time to cast their vote.

In an effort to determine whether there had been significant problems with the issuance of ballots, the town clerk unsealed the incoming voting list on the evening of November 16, 2011, and compared the tally of ballots cast (from the machine tapes) to the number of persons checked off the incoming voting list as having voted at the election. The results of this review, which were outlined in an email to the candidates, town councilors and the press on the evening of November 16, 2011, showed that a total of 2,549 voters cast state referendum ballots but that only 2,544 voters cast local ballots. (See Attachment D – email from town manager, dated Nov. 16, 2011 at 10:14 p.m.) This indicated to the clerk that five absentee voters had returned a state ballot but not a local ballot. Her comparison of names checked off on the incoming voting list to the number of ballots cast in each council district race revealed the following discrepancies:

¹ The other errors reported to the town office were corrected in time for the voter to cast the appropriate ballot. For example, the clerk reported that a week before the election, a gentleman came to the office to pick up absentee ballots for himself and other family members. He later brought them back after he realized he had been given the wrong ones, and he was then given the correct ballots. Similarly, on October 18, 2011, a couple came to vote absentee at the town office and were initially given the wrong ballots. The town staff realized the error; the voters were contacted; and they returned to cast the correct ballots. One other individual reported being given the wrong ballot at the polls but was able to exchange it for the correct one. (See Attachment C - email from Denise Hodsdon to Lisa Carter, dated Jan. 31, 2012 at 3:09 p.m.)

District 1: 505 voters from this District voted
505 ballots were counted for candidates in District 1
0

District 2: 684 voters from this District voted
674 ballots were counted for candidates in District 2
-10

District 3: 640 voters from this District voted
641 ballots were counted for candidates in District 3
+1

District 4: 720 voters from this District voted
724 ballots were counted for candidates in District 4
+4

The official election returns reported by the town for District 2 (*see Attachments E1 and E2*) show the following:

Thomas B. Brann	304
Mark E. Gray	285
Blanks/Undeclared Write-ins	<u>85</u>
	674

On November 17, 2011, the apparent loser of the Council District 2 race by a margin of 19 votes, Mark Gray, requested a recount. (*See Attachment F – handwritten note requesting recount.*) The recount was held on November 28, 2011, and began with the clerk reading aloud a description of the procedures to be followed. (*See Attachment H – Instructions & Procedure for Recount.*)²

All of the ballots were hand counted by teams of two – one for each candidate – in accordance with the rules for conducting election recounts. 29-250 CMR ch. 502 (2010). At the end of the recount, no ballots remained in dispute, reflecting agreement by the teams of counters for the two candidates as to how each ballot should be counted. The candidates then signed the “Final Count” form (*see Attachment G*) to indicate their agreement with the recount results, which were as follows:

Thomas B. Brann	304
Mark E. Gray	285
Undeclared Write-in votes	10
Blank votes	75
Disputed ballots	<u>0</u>
TOTAL	674

² The clerk reported that she wrote this in an effort to summarize the requirements of the state’s rules on election recounts (Chapter 502) rules in a simple, straightforward way. Her description accurately tracks the requirements of the state’s rules for election recounts.

The recount procedures read by the clerk at the beginning of the recount included the following statements: "The containers of unused ballots and absentee ballot envelopes may be inspected immediately after the ballots have been counted. The voting list and other election materials are available for inspection after all the ballots have been counted and the final recount tabulation has been completed." (See Attachment H, paragraph 6.) The clerk recalls asking both candidates at the end of the process if they wished to inspect the incoming voting list or review the unused ballots, and she recalls that both candidates declined. The town's attorney, Thomas Russell, says that he overheard this exchange. Mark Gray says that he definitely does not remember being asked whether he wanted to see the incoming voting list or the unused ballots, and his mother-in-law who was at the recount also did not hear it. Mark Gray's opponent, Thomas Brann, however, recalls being asked this and declining the offer. One of Mr. Brann's counters, James Feverston, remembers hearing the clerk ask if the candidates wished to see the unused ballots, but he did not have a specific memory of her mentioning the incoming voting list. One of the deputy clerks, Amy Eaton, remembers hearing the clerk offer the candidates an opportunity to come up and look at other election materials but cannot recall the exact words that were used.

With regard to candidate withdrawals, on June 14, 2011, a special town election was conducted to fill an at-large council seat for the unexpired term of a councilor who had resigned. The deadline for filing nomination papers was April 14, 2011. As of April 4, three candidates had filed nomination papers, and one more candidate subsequently filed. On or about May 16, two of the candidates advised the town clerk that they wished to withdraw from the race for personal reasons. (See Attachment I -- Manager's Report and Update of May 16, 2011.) Because this occurred less than 45 days prior to the scheduled election, the town's attorney advised the town clerk that it was within her discretion whether to allow withdrawal. Ballots had not yet been printed, and no machines had been programmed because the ballots were to be hand-counted. Accordingly, the clerk allowed the candidates to withdraw, and only two candidates' names appeared on the ballot for the June election.

On or about September 28, 2011, a candidate for Councilor District 3, Michelle ("Shelley") Blosser, called the town office to say that she wished to withdraw. This was only 41 days prior to the general election. The clerk advised Ms. Blosser that less than 45 days prior to the election, Maine law allows candidates to withdraw only at the discretion of the clerk. Ballots had already been printed at that point and were due to be shipped to the town the next day. In addition, the tabulating machines had already been coded for tabulating the ballots as printed for this election. Accordingly, the clerk advised Ms. Blosser that she could not withdraw but suggested that she could get the word out to inform voters that she was no longer interested in the office. (See Attachment J -- email message from Denise Hodsdon to "Shelley," dated September 28, 2011.) The town's newsletter, published on October 23, 2011, contained a statement from Ms. Blosser indicating that she was no longer running for the District 3 council seat. (See Attachment K, at p. 2.)

II. Analysis of the Issues Presented:

A. Review of the incoming voting list:

Under Hampden's town charter (Article VIII, section 801), town elections are to be held according to the provisions of Title 21 of the Maine Revised Statutes, which has since been recodified as Title 21-A. Under Title 21-A, section 737-A, a losing candidate may request a recount by filing a written request within five business days after the election. The incoming voting list must be sealed after voting is completed on election night and must remain sealed for five business days after the election "or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer." 21-A M.R.S.A. § 698(3). The statute further provides that "[a]t the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the voting list and keep it in the clerk's office as a public record." Thus, under state election law, the incoming voting list is supposed to be kept sealed until the deadline for requesting a recount has passed without any request being filed.

Because Friday, November 11 was a legal holiday (Veterans Day), the fifth business day after the November 8th election fell on Wednesday, November 16, 2011. The Secretary of State's office informed the Hampden clerk that the deadline for requesting a state recount under 21-A M.R.S.A. § 737-A was Wednesday, November 16, at 5:00 p.m. and that if no recount was requested by that time, incoming voting list could be unsealed. Town officials in Hampden, however, had calculated that the 5th business day after election day was Thursday, November 17, because the town office was closed for business on Thursday, November 10, as well as on Veterans Day. This calculation was in error. "Business day" is a defined term in Title 21-A, which means "any day of the calendar year other than a Saturday, Sunday or legal holiday." 21-A M.R.S.A. § 1(4). The term does not exclude other days on which a town office may be closed for business.

To comply with Title 21-A and its town charter, therefore, the town should have applied the same deadline as the state for requesting a recount. Had that occurred, and had Mr. Gray requested a recount by that deadline – the close of business on November 16, 2011 – then the incoming voting list would have remained sealed until the recount and would have been opened at that time if (and only if) Mr. Gray or his opponent wished to inspect it. Whether or not the candidates chose to inspect it, the list would have been unsealed after the recount appeal period expired, in order for the clerk to record voter participation history (as she did on November 16) in accordance with 21-A M.R.S.A. § 721.

Thus, it was not a violation of election law for the town officials to unseal the list after 5:00 p.m. on November 16. The irregularity that occurred was in allowing the candidates another day to request a recount, which resulted in a discrepancy between that deadline and the date upon which the list could be unsealed. This irregularity in the timing of unsealing the incoming voting list relative to the recount deadline does not appear to have caused any harm, however, for the following reasons.

First, all the candidates, the town councilors, and the public were notified in advance that the incoming voting list would be opened and reviewed by the clerk after 5:00 p.m. on

Wednesday, November 16. (See Attachment L -- memorandum of November 14, 2011, from Town Manager Susan Lessard to the Town Council.)³ Anyone who wished to do so could have come to the town office to observe that process. Indeed, the clerk reported to us that she was surprised that no candidate or member of the public appeared at 5:00 p.m., or at any time before the regular close of business at 6:00 p.m. on that Wednesday.

Second, it appears that after the clerk unsealed the incoming voting list on November 16, she followed the proper procedures specified by the state for recording "voter participation history" (VPH) in the central voter registration (CVR) system.⁴ She scanned in the voter record bar codes for all the voter names that had been checked on the incoming voting list, using the bar code scanner; printed out a list of voters who had participated in the election; and then, together with her deputy, Cheryl Johnson, proofed the VPH list against the incoming voting list used at the polls to make sure the VPH data was correct. She then sorted the VPH data by council district and compared the number of voters who had participated to the numbers of ballots cast in each district as shown on the tapes from the tabulating machine. There was nothing illegal or improper about this procedure. The results of the clerk's review were summarized in an email communication, which was distributed to the candidates, the town councilors and the press at 10:14 p.m. that same evening. (See Attachment D.)

Third, there was an opportunity at the end of the recount for candidates to review the incoming voting list if they had any concerns or questions. This was required by the state's rules governing recounts, 29 CMR Chapter 502, § 2(B), and was referenced by the clerk in the procedures she read at the beginning of the recount. The clerk was following these rules and has a distinct memory of offering this opportunity to both candidates and of both of them declining it. Mr. Gray clearly disputes this account. Other witnesses have varying recollections of precisely what was said by the clerk, but several recall the clerk asking the candidates if they wished to inspect any other materials. It is undisputed that no candidate asked to see the incoming voting list before they left the recount. Since a public controversy had already arisen regarding the unsealing of the incoming voting list, and since the results of the clerk's analysis of the list had been circulated well before the recount, it is reasonable to expect that a candidate who was concerned would have asked about it. Mr. Gray may not have heard the clerk to be referencing an opportunity to inspect the list. He did, however, accept the results of the recount.

³ This memorandum was transmitted via email to the candidates and councilors at 2:50 p.m. on Monday, November 14, 2011. It was also read aloud by the town manager at the Town Council meeting on the evening of November 14, 2011. (See Attachment M – excerpt from minutes of Town Council meeting of Nov. 14, 2011.) The memorandum explained that after 5 p.m. on Wednesday, the incoming voting list would be unsealed and the clerk would be reviewing the list to determine how many people were checked off as having voted in each district and to compare those numbers to the election night tally of ballots. The stated purpose of this effort was to determine whether there was "a significant problem with the issuance of ballots."

⁴ State law requires municipal clerks to update the CVR with voter participation history *no later than* 20 business days after the election, unless a recount is requested, or within 10 business days after receiving the incoming voting list from the Secretary of State following a recount. 21-A M.R.S.A. § 721. The statute does not require public notice or an opportunity for the public to observe this process.

Finally, the incoming voting list was made public after the recount and has been available for inspection ever since then by any person who wishes to see it. *See* 21-A M.R.S.A. § 22(7). To date, no citizen or candidate has asked to see it, according to the clerk. There is no indication that the list was tampered with or altered in any way.

B. Issuance of incorrect ballots to certain voters:

The election night tally showed that 2,549 ballots were cast in the statewide referendum election, and 2,544 ballots were cast in the local election. The conclusion reached by the clerk -- that this meant five absentee voters had returned the state ballot but not the local ballot -- is a reasonable one, for several reasons.

First of all, voters who are given a local and a state ballot at the polls have to place each ballot into the appropriate ballot box (or tabulating machine) before they leave.⁵ If a voter has chosen not to vote the local ballot, then it goes into the machine unmarked and is recorded as a blank vote. In contrast, an absentee voter who chooses to vote only the state ballot would likely place only that ballot in the envelope returned to election officials.

Second, the election officials processed absentee ballots on the day before the November election. When they opened each absentee ballot envelope, they separated the state and local ballots into two separate piles. After all the envelopes had been opened, they counted a total of 242 state ballots, and 239 local ballots. This means at least three absentee voters did not return a local ballot. Several more absentee ballot envelopes were processed on election day.⁶ State law does not include any procedure for recording which ballots (state or local) are removed from an absentee ballot envelope.

For all of the above reasons, the difference of five ballots between the state and local elections is most likely the result of five absentee voters choosing not to cast a local ballot.

Based on comparing the numbers of voters checked off on the incoming voting list as having voted in each council District to the number of ballots cast in each district, the clerk concluded that five voters had been given the wrong ballot. This conclusion also appears reasonable based on the numbers shown on pages 2-3 of this report and on Attachment D. In District 2, ten fewer ballots were cast than the number of voters participating. Since five of these probably reflect the absentee voters who did not return a local ballot, that leaves a net of five voters who may not have been given a District 2 ballot. In District 3, there was one more ballot cast than the number of voters who participated, and in District 4, four extra ballots were cast -- a net of five voters who may have been given a different ballot.

⁵ Under 21-A M.R.S. § 671(4), "no ballot, marked or unmarked, may be left in the voting booth by the voter." The clerk "shall require the voter to deposit in the ballot box all ballots, marked or unmarked, issued to the voter... [and] the voter may not leave the guardrail enclosure until the voter has deposited all ballots that were issued to the voter." *Id.* § 671(5).

⁶ This can be seen on the town's absentee voter report. The handwritten notations of "AV" on the incoming voting list flag voters whose ballots were received and accepted on election day. The pre-printed "AV" notations reflect absentee ballots that were received and accepted before the incoming voting list was printed from the CVR on the eve of the election.

Although the citizens who met with us reported that as many as ten voters may have been given the wrong ballot, only two voters (Mr. and Mrs. Cormier) have come forward to report that they were given the wrong ballots and were not allowed to exchange them. All other instances of voters being issued incorrect ballots, of which town officials are aware, concerned errors that were corrected in time. (*See* note 1 above.)

C. Conduct of Recount:

The recount for District 2 provided an opportunity for teams of counters for each candidate to inspect each ballot, decide how it should be counted, and then tally the votes by hand. The recount appears to have been conducted in accordance with state statute and rules, and both candidates agreed to the final results. Moreover, as discussed in part B of this report, credible evidence shows that the District 2 candidates did have an opportunity to see the incoming voting list (as well as any unused ballots) if they wished to do so before leaving the recount.

The recount results confirmed the election night tally. They also revealed that, of the 85 ballots recorded by the machines on election night as blank or undeclared write-in ballots, 75 were completely blank for this race, and 10 showed a vote for an undeclared write-in candidate. The candidates both signed the Final Count signifying agreement with these results. (*See* Attachment G.)

Given the margin of 19 votes based on the recount, it does not appear that five (or even ten) wrongly issued ballots could have made a difference in the outcome of the election.

D. Candidate Withdrawals

There is a difference between Title 21-A and Title 30-A with respect to candidate withdrawals.

Under Title 30-A, section 2528 (6-A), a candidate has a right to withdraw and avoid having their name appear on the ballot if they notify the municipal clerk in writing at least 45 days before the election. If a candidate decides to withdraw *less than* 45 days ahead of the election, the municipal clerk has discretion whether to allow it. *Id.* § 2528(6-A)(B). If necessary, the municipal clerk “shall ensure that new ballots are produced to reflect the withdrawal. *Id.* § 2528(6-A)(C).

Title 21-A provides that a candidate for office on the general election ballot must withdraw at least 60 days before the election in order to avoid having the candidate’s name appear on the ballot. 21-A M.R.S.A. § 374-A(3). If the candidate withdraws less than 60 days before the election, the candidate’s name will still appear on the ballot, but the Secretary of State will instruct local election officials to post notices in the polling places and also enclose notices with absentee ballots that are distributed, informing voters that the candidate has withdrawn and that a vote for that candidate will not count. In a special election called to fill a vacancy in a state or county office, there is no opportunity for candidates to voluntarily withdraw and avoid having their names on the ballot because such elections are called less than 60 days before they occur.

The town clerk, on advice of the town's attorney, followed the provisions of Title 30-A in responding to local candidates' withdrawal requests in May and in September, 2011. Those requests were made less than 45 days before the scheduled elections. The clerk's exercise of her discretion in both instances was reasonable given the status of ballot preparation and programming of machines.

Under the town charter, it appears that town officials should have applied Title 21-A instead. Had they done so, none of the candidates for the June 2011 special election would have been allowed to withdraw. The clerk's decision to deny Ms. Blosser's request to withdraw from the local ballot for the November 2011 election was clearly correct under Title 21-A.

In light of the inconsistencies between Title 30-A and Title 21-A, we recommend that the town review its charter provision on the conduct of local elections to determine exactly which statutory provisions it wants to apply, and then adhere to that choice.

III. Conclusion

While it is extremely unfortunate that any voters were given the wrong ballots in the town's election last fall, human errors do occur in the election process in spite of the detailed procedures set forth in state statute and the training and best efforts of election officials. The recount process avails candidates of an opportunity to check the election night results by hand counting the ballots and reviewing related election materials. That opportunity was utilized in this case, and the recount appears to have been done correctly.

The errors that occurred were not of sufficient magnitude to affect the outcome of the District 2 election. Moreover, the results of this review do not reveal reasons to question the integrity of the town's election processes going forward.

If you have any questions concerning the matters discussed here, please let me know.



Susan Lessard <manager@hampdenmaine.gov>

Tuesdays election

4 messages

Annette Cormier <acorm@tds.net>

Fri, Nov 11, 2011 at 5:54 PM

To: "manager@hampdenmaine.gov" <manager@hampdenmaine.gov>

Dear Ms Lessard, My parents live at 18 Evergreen Drive. Their names are Raymond and Mary Cormier. Tuesday, when they went to vote they were given a ballot for district1 . They questioned this and we're told according to the list they were district1. They took the ballot and voted. As you probably know I have been very involved in town politics in the past year and while I don't think this is in any way purposeful I think this needs to be looked into. I have heard they aren't the only people this happened to. If someone asked me a year ago what district I was in I wouldn't have known. My folks do know. They live in district2. This was a very important election for the town and every vote needs to count. Just wanted to get this note to you before time runs out since the town hall is closed Thursday& Friday. Look for my father Monday, he'll be respectfully looking for an answer as to why he and his were given the wrong ballot. Thank-you and good luck in the future. Mark Cormier

Sent from my iPad

Susan Lessard <manager@hampdenmaine.gov>

Fri, Nov 11, 2011 at 7:15 PM

To: Annette Cormier <acorm@tds.net>

Cc: "Thomas A. Russell" <tar@frrlegal.com>, Denise <clerk@hampdenmaine.gov>

TMr. Cormier,

I received an email from Kim Gray last night about this. I forwarded her email to the town attorney and the town clerk for a response since I have no role in elections. The office was closed today and I told Mrs. Gray via email that I would have answers to her questions on Monday. I appreciate your concerns and look forward to speaking with your father on Monday.

Thank you for the good wishes. Hampden is a wonderful community but I am looking forward to moving on to the next chapter in my life.

Sincerely,

Sue Lessard

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Mon, Nov 14, 2011 at 10:11 AM

To: editor@svweekly.com

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Mon, Nov 14, 2011 at 3:09 PM

To: Andrew Neff <aneff@bangordailynews.com>

[Quoted text hidden]



Susan Lessard <manager@hampdenmaine.gov>

What District is 18 Evergreen Drive in

4 messages

dustythedog@juno.com <dustythedog@juno.com>

Thu, Nov 10, 2011 at 9:47 PM

To: manager@hampdenmaine.gov

Susan,

→ Mark received a phone call this evening that the Cormier's from 18 Evergreen Drive voted in District 1 but thought they should be voting in District 2. If they indeed voted in the wrong District do they have any recourse or would it be necessary for Mark to ask for a recount and if so what would the cost be?

Thank you for your time.

Kim Gray

Susan Lessard <manager@hampdenmaine.gov>

Fri, Nov 11, 2011 at 6:35 AM

To: Denise <clerk@hampdenmaine.gov>, "Thomas A. Russell" <tar@frlegal.com>

----- Forwarded message -----

From: dustythedog@juno.com <dustythedog@juno.com>

Date: Thu, Nov 10, 2011 at 9:47 PM

Subject: What District is 18 Evergreen Drive in

To: manager@hampdenmaine.gov

Susan,

Mark received a phone call this evening that the Cormier's from 18 Evergreen Drive voted in District 1 but thought they should be voting in District 2. If they indeed voted in the wrong District do they have any recourse or would it be necessary for Mark to ask for a recount and if so what would the cost be?

Thank you for your time.

Kim Gray

Susan Lessard <manager@hampdenmaine.gov>

Mon, Nov 14, 2011 at 10:09 AM

To: editor@svweekly.com



Susan Lessard <manager@hampdenmaine.gov>

Cormier voting

1 message

Susan Lessard <manager@hampdenmaine.gov>

Fri, Nov 11, 2011 at 6:34 AM

To: dustythedog@juno.com

Cc: Denise <clerk@hampdenmaine.gov>, "Thomas A. Russell" <tar@firlegal.com>

Dear Mrs. Gray,

The office is not open today but I have forwarded your email to the Town Clerk and the Town Attorney since I do not know all the answers to your questions. Did the Cormiers indicate whether they had spoken to anyone at the election about the fact that they believed they had the wrong ballot? We will be back to you on Monday with answers to your questions.

Sincerely-

Sue Lessard



Denise Hodsdon <clerk@hampdenmaine.gov>

Today's conversation

2 messages

 Mark <mcormier63@gmail.com>

Mon, Nov 14, 2011 at 6:52 PM

To: Denise <clerk@hampdenmaine.gov>

Denise, I'm sending this to you because Ms. Lessard said in our last e-mail exchange she had nothing to do with the election process(something along those lines, I'm sure you've seen the letter) What I gathered from talking to my father today is he was told that the book that is used to issue ballots clearly shows that they live in district 2 and the mistake was made by the person who checks the book. My questions are 1 if the book has been sent to the state and can't be released for 5 days how does anyone know what that book reflects and, 2 How can a mistake like this be made when the voters question the ballot they are issued? There are two people at the table, wouldn't they both check the book? Something happened Tuesday and I don't think they were the only ones. I've never been afraid to be wrong and I've never hesitated to apologize when I am. I think you do a great job. Mark

Sent from my iPad

 Denise Hodsdon <clerk@hampdenmaine.gov>

Tue, Nov 15, 2011 at 2:37 PM

To: Mark <mcormier63@gmail.com>

Hi Mark,

When I met with your father yesterday I did inform him that the incoming voter list does indeed indicate that they are in District 2. As to your question about how one knows what the book reflects, I offer this explanation: when the Incoming Voter List, which is used by the Election Clerks when checking in voters, is generated in the Central Voter Registration system a copy is saved in the reports section of that system. Therefore I was able to look at the saved copy to determine that the list did indeed indicate that they are in District 2. The actual list that was used on Election Day, which contains the check-offs indicating who voted, was sealed immediately after the election and does have to remain sealed for 5 days. It is not, however, sent to the State, but is stored in the vault at the Town Office until it can legally be unsealed.

As to your question about how a mistake like this could be made when a voter questions the ballot they are given, I did ask your Dad if he remembered who was at the incoming table when he and your mother came to vote as I wanted to investigate further by speaking with the individual election clerks. I spoke with the two people he said were at the table to find out if they remembered the incident. One of them said she remembered your parents coming in and that she did speak to them, but she was not checking voters in at that time - she was sitting at another table near the incoming table. The other clerk said she didn't know your parents so wouldn't have recognized them. She did say that several people did ask why they were only given one of the town ballots and not all of them.

I also spoke with the other clerk who was at the A-K incoming table and she said she was not familiar with your parents, but she did remember one incident where someone questioned whether they had the correct ballot and after determining that they did have the wrong one, they were given the correct one.

Your father did say that it was your mother who realized that they were given the wrong ballot and questioned it. Does your mother recollect who she talked to?

Thank you,
 Denise R. Hodsdon, CMC
 Town Clerk
 Town of Hampden
 106 Western Avenue
 Hampden, Maine 04444
 Tel: (207) 862-3034
 Fax: (207) 862-5067

[Quoted text hidden]

Town of Hampden Mail - Re: still waiting for the information requested <https://mail.google.com/mail/?ui=2&ik=947994bfe6&view=pt&search...>

Cc: Andre Cushing; Janet Hughes; Jean Lawlis; Kristen Hornbrook; Shelby Wright; Tom Brann; Tom Russell

[Quoted text hidden]

[Quoted text hidden]

Mon, Jan 30, 2012 at 12:15 PM

Lisa Carter <lisafsa@aol.com>

To: Denise Hodsdon <clerk@hampdenmaine.gov>

Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frlegal.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>

Good Morning Sue and Denise,

I would like an clearer explanation of number 3. Your response sounds like it is in direct conflict with Tom Russell's response at the January Town Council Meeting. Are you saying in your response below that the Incoming Registered Voter Lists that the seals were broken on November 16th and not seen by anyone in the public, including the candidates is now available for inspection or review by members of the public?

Denise, were you or anyone under your supervision notified prior to the election on November 8 of incorrect absentee ballots being received? By incorrect, wrong districts?

Thank you.

Lisa Carter

[Quoted text hidden]

Tue, Jan 31, 2012 at 3:09 PM

Denise Hodsdon <clerk@hampdenmaine.gov>

To: Lisa Carter <lisafsa@aol.com>

Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frlegal.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>

Good Afternoon,

Please see responses to your questions in red below.

Thank you,
Denise

Denise R. Hodsdon, CMC
Town Clerk
Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

On Mon, Jan 30, 2012 at 12:15 PM, Lisa Carter <lisafsa@aol.com> wrote:

Good Morning Sue and Denise,

I would like a clearer explanation of number 3. Your response sounds like it is in direct conflict with Tom Russell's response at the January Town Council Meeting. Are you saying in your response below that the Incoming Registered Voter Lists that the seals were broken on November 16th and not seen by anyone in the public, including the candidates is now available for inspection or review by members of the public? Since under Title 21-A M.R.S. § 737-A(10) there were no challenged or disputed ballots as a result of the recount and therefore there was no basis for appeal to Supreme Judicial Court, the incoming voter list was unsealed and became a public record. It is available for inspection or review by members of the public during regular business hours. I have reviewed the tape of the December 19, 2011 council meeting and this is consistent with Mr. Russell's comments regarding the incoming voter list.

Denise, were you or anyone under your supervision notified prior to the election on November 8 of incorrect absentee ballots being received? By incorrect, wrong districts?

Yes – on October 18th a couple came to the Town Office to vote their absentee ballots. They were given ballots, voted those ballots and then returned them to the front counter. After they left, a staff member realized that she had given them the wrong district ballot as she was looking at the congressional district number and not the municipal district number. We immediately contacted the voters and informed them that they had been given the wrong ballot and they came back in to vote the correct ballot.

The week before the election a gentleman came to the office to pick up ballots for himself, and two immediate family members. He contacted the office later to notify us that he had been given the wrong ballots. He brought those ballots back and he was given the correct ballots.

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>
To: Denise Hodsdon <clerk@hampdenmaine.gov>

Tue, Jan 31, 2012 at 3:46 PM

Sue and Denise,

Let's be clear on the response to the first question below: "There were no challenged or disputed ballots as a result of the recount", the Incoming Registered Voter Lists were NOT part of the recount. That would most likely explain the lack of challenged or disputed ballots. There was no opportunity if the Incoming Voter Lists were not reviewed at the recount by the Candidate's participants.

Your answer then goes on to say, ".....there were no challenged or disputed ballots as a result of the recount and therefore there was no basis for appeal to Supreme Judicial Court, the Incoming voter list was unsealed and became public record." Let's be very clear about this statement as well, the Incoming Registered Voter Lists were unsealed (or the seals were broken) prior to the recount, they were unsealed on Wed., November 16th, 2011, one day prior to the deadline for the recount request. I will review the DVD as well, it was understood by many in the audience that Mr. Russell indicated it would be 6 months before it would be available to the public.

I will also review the DVD for your comments on anyone coming forward who had received an incorrect ballot. My recollection is that you stated one person came forward after the election. Are you positive these are the only people who came forward receiving absentee ballots? Were there any mailed out that you or your staff were notified were incorrect?

This has aroused my curiosity regarding "blank" ballots in previous elections. Where can I obtain the tallies for perhaps the last two elections prior to November 2011?



Susan Lessard <manager@hampdenmaine.gov>

Result of Incoming Voter List Sort/Comparison to Ballots cast

1 message

Wed, Nov 16, 2011 at
10:14 PM

Susan Lessard <manager@hampdenmaine.gov>

To: dustythedog@juno.com, Jeremy Williams <jeremy@renegadeair.com>, B Duprey <repduprey@hotmail.com>, shelley hackett <smillerhack@yahoo.com>
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Andrew Neff <anef@bangordailynews.com>, editor@svweekly.com

Good Evening -

The following is the result of the sorting of the incoming voter list and comparing it to ballots cast and counted:

2549 voters cast State ballots

2544 local ballots were cast (reflecting that 5 absentee voters did not return the local ballot - we have no way to determine who did not because the envelopes and ballots are separated immediately when opened without examining the contents to protect voter privacy)

505 Voters from District 1 voted

505 Ballots were counted in District 1

684 Voters from District 2 voted

674 Ballots were counted in District 2

640 Voters from District 3 voted

641 Ballots were counted in District 3

720 Voters from District 4 voted

724 Ballots were counted in District 4

The "voters from" number comes from the incoming voters list. The "Ballots counted" numbers come from the machine tapes. The total difference between voters who voted in districts and the local ballots cast is 10. However, 5 of those are the result of unreturned local absentee ballots. The net difference indicates that 5 voters were given the wrong ballot. This is the most complete information that we can provide in answer to the question raised in regard to ballot distribution. Candidates have until 6 p.m. on Thursday,

November 17th to file a request for a recount.

Sincerely,
Sue Lessard
Town Manager

HAMPDEN OFFICIAL ELECTION RESULTS

November 8, 2011

STATE OF MAINE BALLOT

QUESTION 1: PEOPLE'S VETO - ELECTION DAY REGISTRATION

YES	<u>1503</u>
NO	<u>1036</u>
BLANK	<u>10</u>

QUESTION 2: CITIZEN INITIATIVE - BIDDEFORD/WASHINGTON COUNTY RACINO

YES	<u>805</u>
NO	<u>1730</u>
BLANK	<u>14</u>

QUESTION 3: CITIZEN INITIATIVE - LEWISTON CASINO

YES	<u>609</u>
NO	<u>1927</u>
BLANK	<u>13</u>

QUESTION 4: CONSTITUTIONAL AMENDMENT - REDISTRICTING

YES	<u>1386</u>
NO	<u>1012</u>
BLANK	<u>151</u>

COUNTY REFERENDUM QUESTION - TABLE GAMES

YES	<u>1579</u>
NO	<u>914</u>
BLANK	<u>56</u>

HAMPDEN MUNICIPAL ELECTION

COUNCILOR - DISTRICT 1 (3-Year Term)

(Vote for 1)

HUGHES	Janet M.	<u>406</u>
Blanks/Undeclared Write-ins		<u>99</u>

COUNCILOR - DISTRICT 2 (3-Year Term)

(Vote for 1)

BRANN	Thomas B.	<u>304</u>
GRAY	Mark E.	<u>285</u>
Blanks/Undeclared Write-ins		<u>85</u>

COUNCILOR - DISTRICT 3 (3-Year Term)

(Vote for 1)

DUPREY	Brian M.	<u>249</u>
BLOSSER	Michelle R.	<u>59</u>
LAWLIS	Jean H.	<u>287</u>
Blanks/Undeclared Write-ins		<u>46</u>

COUNCILOR - DISTRICT 4 (3-Year Term)

(Vote for 1)

SHAKESPEARE	William W.	<u>231</u>
WILLIAMS	Jeremy	<u>443</u>
Blanks/Undeclared Write-ins		<u>50</u>

DIRECTOR MSAD #22 (3-Year Term)

(Vote for 3)

FAIRCLOTH	Amy L.	<u>1528</u>
JONDY	Jenan A.	<u>1170</u>
PARKER	Niles D.	<u>1232</u>
WINCHESTER	Nicholas A.	<u>1276</u>
Blanks/Undeclared Write-ins		<u>2426</u>

TRUSTEE HAMPDEN WATER DISTRICT (5-Year Term)

(Vote for 1)

SKINNER	Dana L.	<u>2099</u>
Blanks/Undeclared Write-ins		<u>445</u>

**OFFICIAL RETURN OF VOTES
MUNICIPAL ELECTION
NOVEMBER 8, 2011**

District Councilors – Districts 1, 2, 3 and 4
Director(s) School Administrative District No. 22 – 3
Trustee(s) Hampden Water District – 1

Given in at the Municipal Election held November 8, 2011.

At a legal meeting of the Inhabitants of Hampden in the County of Penobscot, qualified to vote in the municipal election, held on the 8th day of November in the year of our Lord, two thousand eleven, the said Inhabitants gave their votes for District Councilors, Districts 1, 2, 3 and 4; Director(s) School Administrative District No. 22. – 3; and Trustee(s) Hampden Water District – 1.

The same were received, sorted and declared by the Warden who presided and in the presence of the Clerk, who formed a list of the person voted for and made a record thereof as follows:

Total Number of Ballots Cast: 2544

**For Councilor District 1
(To serve until 12/31/2014)**

Janet M. Hughes 406

**For Councilor District 2 –
As Determined by Recount
Conducted 11/28/2011
(To serve until 12/31/2014)**

Thomas B. Brann 304

Mark E. Gray 285

OFFICIAL RETURN OF VOTES – MUNICIPAL ELECTION
NOVEMBER 8, 2011

**For Councilor District 3
(To serve until 12/31/2014)**

Brian M. Duprey	<u>249</u>
Michelle R. Blosser	<u>59</u>
Jean H. Lawlis	<u>287</u>

**For Councilor District 4
(To serve until 12/31/2014)**

William W. Shakespeare	<u>231</u>
Jeremy Williams	<u>443</u>

**For Directors School Administrative District No. 22 – 3
(To serve for three (3) years)**

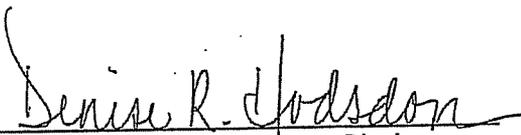
Amy L. Faircloth	<u>1528</u>
Jenan A. Jondy	<u>1170</u>
Niles D. Parker	<u>1232</u>
Nicholas A. Winchester	<u>1276</u>

**For Trustee(s) Hampden Water District – 1
(To serve for five (5) years)**

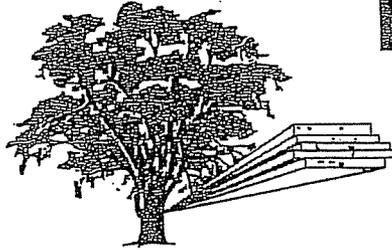
Dana L. Skinner	<u>2099</u>
-----------------	-------------

A True Copy.

Attest:



Denise R. Hodsdon, Town Clerk
Town of Hampden



Keiver-Willard Lumber Corporation

11-13 Graf Road
Newburyport, MA 01950-4091
(978) 462-7193
FAX: (978) 465-6631

11/17/11

I, MAURE E. GRAY, FORMERLY
REQUEST A RECORD OF
BALLOTS FOR RAUNPOD DIST #2
MUNICIPAL ELECTION 11/8/11

Sincerely

Maure E Gray
299-4172

RECEIVED
NOV 17 2011
5:37 pm
BY: _____

WHOLESALE
DOMESTIC AND IMPORTED HARDWOODS
MAHOGANIES • SOFTWOODS • MILLWORK

**FINAL COUNT
TOWN OF HAMPDEN
November 8, 2011 MUNICIPAL ELECTION RECOUNT
DISTRICT #2**

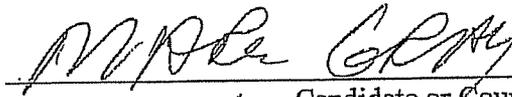
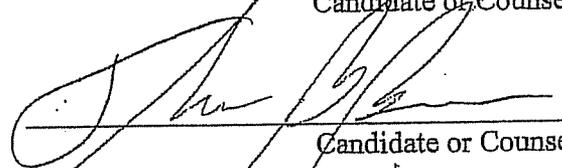
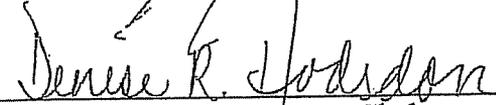
Date: November 28, 2011

FINAL COUNT

<u>Brann, Thomas B.</u> Candidate	<u>304</u>
<u>Gray, Mark E.</u> Candidate	<u>285</u>
UNDECLARED WRITE-IN VOTES:	<u>10</u>
BLANK VOTES:	<u>75</u>
FINAL DISPUTED BALLOTS:	<u>0</u>
TOTAL:	<u>674</u>

I hereby agree to the counts listed above.

SIGNED:

 _____ Candidate or Counsel	
 _____ Candidate or Counsel	
 _____ Town Clerk Recount Supervisor	

INSTRUCTIONS & PROCEDURE FOR RECOUNT
(Chapter 502 – Rules Governing the Conduct and Procedures for Election Recounts)

1. This recount will be held under the supervision of the Town Clerk (the Recount Supervisor) and 2 Recount Assistants according to the laws, rules and procedures governing the conduct of recounts and elections.
2. This is a public proceeding and there is a guardrail set up to separate the recount area from the public viewing area. Only the clerk's recount personnel, counsel for the candidates and the counters may be within the guardrail enclosure.

Candidates and members of the public must remain outside the guardrail area. Only limited conversation will be permitted and cell phones must be silenced during the recount. Any person who causes a disruption during the recount process may be removed from the room.

3. Each candidate has provided 2 counters and one counter for each candidate will be paired to form a counting team – Team A and Team B. Counters will sit beside one another, facing a recount assistant. Counters must remain at the tables during recount sessions, unless excused by the Recount Supervisor (the Clerk) or Recount Assistant. All persons participating in the recount will sign in before the start of the recount.
4. Only the purple pens and note paper provided will be used or allowed in the recount area.
5. Prior to the beginning of the recount, the candidates' counsels or their representatives will be allowed within the guardrail enclosure to inspect the tamper-proof containers, locks and seals and sign off on their condition.
6. Used (voted) ballots will be inspected and counted during the recount. Once the final count has been determined, the voted ballots will be resealed in tamper-proof containers, and will not be available for inspection again. The containers of unused ballots and absentee ballot envelopes may be inspected immediately after the ballots have been counted. The voting list and other election materials are available for inspection after all the ballots have been counted and the final recount tabulation has been completed.
7. Ballots will be unpacked and carried to the tables by the Recount Supervisor and Recount Assistants.
8. Ballots that were machine-tabulated on election night will be recounted by hand. Counters and Recount Assistants will first sort the ballots; separating, verifying and removing ballots that are not part of the recounted race. The ballots to be

recounted will then be formed into lots of 50 ballots, although some odd lots may be formed with more or fewer than 50 ballots.

9. Each lot of 50 ballots will be separated by candidate and counted by each counter. Upon completion of the recount of each lot of 50 ballots, the Recount Assistant for the counting team will be responsible for completing the Recount Tabulation form for that lot of ballots and obtaining the signatures of each team member. Each lot will be labeled with the alpha code assigned to the counting team and consecutively numbered. The tabulation form will indicate the recount counts for each candidate, the number of disputed ballots, the number of write-in votes and the number of blank votes for that lot.
10. Voter intent will be determined according the rules established by the Secretary of State's Rules for Determining Voter Intent which sets forth the criteria to be applied when counting ballots.
11. In the event of a disputed ballot, the recount supervisor (clerk) will complete a disputed ballot form which describes the nature of the dispute. Each disputed ballot will be labeled on the front with the alpha code assigned to the counting team, the lot number and an identifying sequential number. The candidate on whose behalf the ballot is being disputed, the reason for the ballot being disputed, and the identifying alpha/numeric code must be recorded by the Recount Supervisor (clerk) on the Disputed Ballot form.

The Disputed Ballot form will be attached to the disputed ballot and placed in a tamper-proof container clearly labeled "disputed ballots".

Prior to signing the final tabulation form, the candidates and/or their counsel may review the disputed ballots jointly and may resolve how individual ballots will be counted. Disputed ballots which are resolved before the final tabulation may be repacked and resealed with the other ballots.

12. Upon the completion of the recount of ballots, each candidate, or their counsel, will be required to sign the Final Recount Tabulation agreeing to the final count for the recount, including the number of ballots remaining in dispute, if any. Once this is signed, the used ballots will be resealed and neither the candidate nor the counsel will have access to these ballots again. The sum of the final count agreed to becomes the final count for the election.

MANAGER'S REPORT
MAY 16, 2011

A Week of Meetings:

Budget – May 17th 6 p.m.

Planning & Development – Wednesday May 18th at 6 p.m.

Communications – Thursday May 19th at 5:30 p.m.

Candidate Forum – Thursday May 19th at 6:30 p.m.

Candidate Withdrawal –

One council candidate has withdrawn from the race. Darrel Sproul informed the Clerk today that he will not be able to continue with this race due to personal issues. Although the law does not require the Clerk to change a slate of candidates once the nomination papers have been filed and certified – in this case, the ballots were not yet printed so Denise outlined the formal process required to withdraw and Mr. Sproul completed the necessary paperwork and his name will not appear on the ballot.

Government on the Go –

The most recent edition of Government on the Go went out on Thursday, May 12th. If you haven't yet done so – go the town website at hampdenmaine.gov and sign up on the email list so that YOU can receive these biweekly updates on meetings and events happening with your local government.

Hampden Business Association Annual Dinner

The Hampden Business Association Annual Dinner is to be held on May 25th at the Spectacular Events Center. Dewey Martin of Hampden is this year's award winner as the business/businessperson of the year. If you wish to attend please let me know by Wednesday of this week so that we may get our reservations made for the event.

Hampden Academy Re-use – I attended a meeting of the Hampden Academy re-use committee on Wednesday, ~~June~~^{May} 11th. The Committee has narrowed its list of options to four, and anticipate making that decision by August or early September of this year in case it is necessary for them to have any questions related to demolition authority, etc. on the November ballot. They are in discussions with several education entities for use of parts of the facility. However, they want to know if the Town is interested in the use of any portion of it for its recreation programming, specifically, the Skehan Center. Since the Recreation Committee has requested permission from the Council to look at options, would it be acceptable to the Council for the Recreation Committee/staff to meet with the re-use committee to see what options might exist for the use of that portion of the property and bring back information to the Town Council? I have attached a list of the four options under consideration. I was also asked if the school decided to offer the property to the Town whether the Town would accept it. I told them that thus far the Council had committed to leaving such a decision to the referendum vote of the Town if it were to be considered.

MANAGER'S REPORT UPDATE
5-16-2011

Second Candidate Withdrawal – George Miller has also withdrawn his name from the upcoming ballot for the Council seat vacated by Matt Arnett. Mr. Miller cited personal reasons as his reason for withdrawing. That leaves Bernard Philbrick and Shelby Wright as the remaining candidates for the vacant position.



Denise Hodsdon <clerk@hampdenmaine.gov>

District 3 Candidacy

2 messages

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Sep 28, 2011 at 9:51 PM

To: smillerhack@yahoo.com

Cc: repduprey@hotmail.com, Jean Lawlis <lawlistowncouncil@gmail.com>

Bcc: Susan Lessard <manager@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>

Hi Shelley,

When I returned to the office this evening, Sue Lessard told me that you had called the Town Office to inform me that you wished to withdraw your candidacy for District 3 Councilor. Maine law provides that after the 45th day before election day, withdrawal can be allowed only at the discretion of the clerk. There are various factors that a clerk may consider when determining whether to allow withdrawal, one of which is whether the ballots have already been printed.

I ordered the ballots on September 13th and approved the proofs on September 20th. I contacted the printer this evening and was advised that the ballots have been printed and will be shipped to the Town tomorrow. Additionally, our voting machines have been coded in order to test the ballots before they are printed. The Town has already incurred the expense of printing the ballots and coding the machines and it would be an unjustifiable burden and expense to change the ballot at this point. My suggestion would be for you to get the word out to inform voters that you are no longer interested in the office.

Please feel free to call me if you have any questions. I will be out of the office most of the day tomorrow at an elections conference but will return late in the day.

Denise R. Hodsdon, CMC
Town Clerk
Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

shelley hackett <smillerhack@yahoo.com>
Reply-To: shelley hackett <smillerhack@yahoo.com>
To: Denise Hodsdon <clerk@hampdenmaine.gov>

Thu, Sep 29, 2011 at 4:31 PM

Denise,

That's fine. I am very sorry to throw a monkey wrench in the proceedings. I

would not have even considered withdrawing, had I not spoken at length with Brian Duprey and come to the conclusion that he and I have parallel views with regard to town governance and the desire to see more balance on the Town Council. To stay in the race would have split the vote. My desire is to do what is best for the town and at this time I feel Brian's experience is what is necessary and would be most beneficial.

Sue has contacted me and I will be making a statement in the newsletter regarding my withdrawal. I also plan to contact the local papers for press releases.

Thanks for your email.

Shelley

From: Denise Hodsdon <clerk@hampdenmaine.gov>
To: smillerhack@yahoo.com
Cc: repduprey@hotmail.com; Jean Lawlis <lawlistowncouncil@gmail.com>
Sent: Wednesday, September 28, 2011 9:51 PM
Subject: District 3 Candidacy

[Quoted text hidden]

Hampden *Highlights*

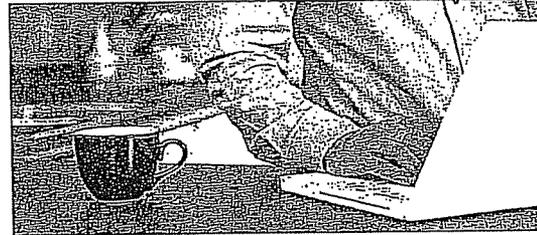
Quarterly Newsletter, Town of Hampden • Issue 23, October 2011

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Candidate Forum Set for Local Election Races

The Hampden Town Council Communications Committee is holding a candidate forum on Wednesday, October 19th at 6 p.m. The forum will be aired live on local Cable Channel 7 and taped for rebroadcast on that channel. We will also have copies of the Forum to borrow at the Edythe Dyer Library for those who cannot attend in person and do not have Time Warner Cable Channel 7.

There are contested races for Council Districts II, III, and IV as well as four candidates running for three seats on the RSU 22 School Board. We encourage you to attend this forum to learn more about the people seeking to represent you on the Town Council, the School Board, and the Water District. This forum will not be a debate between candidates, but instead an opportunity for candidates to state their views on a number of questions presented by a Moderator. ■



— VIDEO STREAMING —

The Town Council Communications Committee is working on a project that would allow for video streaming of Cable Channel 7 to persons in the community who have high speed internet access through a free video streaming application called UStream. The Town's video equipment that is used for broadcasting on Cable Channel 7 is also capable of allowing video streaming. However, at the present time, the bandwidth available from our current internet access provider is not sufficient to support the streaming effort. We are gathering information on the cost to increase that bandwidth and to upgrade internal network equipment at the municipal building. Once that information has been gathered, the Communications Committee will evaluate it and make a recommendation to the Town Council in regard to the feasibility of this project.

What do you think? Should the Town pursue video streaming to allow access to programming that is currently only available to Time Warner Cable viewers? Fill out our email feedback form on the town website at <http://www.hampdenmaine.gov> and let us know what YOU think! ■

Sign Up Now! For Government On The Go...

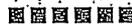
Go to <http://www.hampdenmaine.gov> and register your email address so that you can receive the new bi-weekly update email from the Town of Hampden. Find out when Council and Committee meetings are, what is on the agendas, where there are Committee vacancies and much more about what is happening in YOUR local government. ■

<http://www.hampdenmaine.gov>



MARK GRAY – Town Council District II

Native Mainer who graduated from Brewer High School in 1987, married to Kim Gray since 1995 and has two sons in the Hampden School system. He has been a Hampden resident since 2005 and is a small business owner. An Eagle Scout since 1987; he also served as a Scoutmaster for Troop 1 in Brewer from 1992-1995. He is a Maine Guide and a member of the NRA, Hampden Rifle & Pistol Club, Ruffed Grouse Society, and the Grand Lakes Stream Guides Assn.



Town Council – District III



SHELLEY BLOSSER – Town Council District III – Withdrawing Candidacy

My name is Michelle "Shelley" Blosser. As a teacher, Hampden landowner of 14 years, and a small business owner, I am very invested in the future of Hampden. It is with regret that I will not be able to run for the Town Council seat for District 3 this November. I am hoping that those of you who would have voted for me will consider the candidates for District 3 carefully and will vote for one who voices their convictions, and who views the Constitution as the standard by which legislative actions should be measured.



BRIAN DUPREY – Town Council – District III

Political Experience: Hampden Town Council 2001-2003
Maine House of Representatives representing Hampden 2000-2008
Bio: U.S. Navy 1985-1993 Anti-Submarine Warfare Specialist
Hampden Resident since 1995
Happily Married to Carol Duprey for over 20 years, 5 children, 1 grandchild
Business owner employing over 30 people in the Bangor area

After 8 years of public service I have taken the last 3 years away from politics to regain a fresh perspective. I absolutely love our community and want to ensure that it remains well managed and taxes kept at a reasonable level. I would appreciate your vote on November 8th.



JEAN LAWLIS – Town Council – District III

A member of town council since 2009, Jean Lawlis supports town services as Chair of the Services Committee which oversees the library, recreation facilities and parks and trails. She is an active participant in other town committees including Planning and Development and Finance. Jean believes in fiscal prudence, the protection of private property rights, and in the value of the efforts of citizens groups like the Garden Club, the Friends of Dorothea Dix, the Historical Society, and Goodwill Riders. A proud mother, wife and retired engineer/business manager, she's currently a high school Math teacher.

TOWN OF HAMPDEN
106 WESTERN AVENUE
HAMPDEN, ME 04444

PRESORT STD
US POSTAGE
PAID
HAMPDEN, ME
PERMIT NO. 201

ECRWSS

POSTAL CUSTOMER
HAMPDEN, ME 04444



Denise Hodsdon <clerk@hampdenmaine.gov>

Fwd: Notification for Recount/Ballot Questions

1 message

Thu, Mar 8, 2012 at 1:34 PM

Susan Lessard <manager@hampdenmaine.gov>

To: Denise <clerk@hampdenmaine.gov>

----- Forwarded message -----

From: Susan Lessard <manager@hampdenmaine.gov>

Date: Mon, 14 Nov 2011 14:50:23 -0500

Subject: Notification for Recount/Ballot Questions

To: Annette Cormier <acorm@tds.net>, dustythedog@juno.com, Jeremy Williams <jeremy@renegadeair.com>, B Duprey <repduprey@hotmail.com>,

Tom Brann <branntowncouncil@hampdenmaine.gov>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, shelley hackett <smillerhack@yahoo.com>

Cc: "Thomas A. Russell" <tar@firlegal.com>

Good Afternoon,

The purpose of this email is to provide you with a copy of a memo to the Hampden Town Council related to concerns raised over ballot distribution in the November 8th election and steps that the Town is taking to answer questions raised. As cited in the memo, the deadline for requesting a recount is Thursday, November 17th at 6 p.m. The Town Clerk is researching estimated costs for this process.

Please call if you have questions.

Sincerely,

Susan Lessard
Town Manager

TO: Hampden Town Council

FROM: Sue Lessard, Town Manager

DATE: 11-14-2011

RE: Questions regarding 11-08-2011 Election

The purpose of this memo is to bring the Council up to date on a question that has been raised as to voters being given the wrong ballot for their voting district on November 8th. I received an email from candidate Mark Gray's wife Kim who indicated that he had received a call telling him that persons from District II had been given ballots from District I. I told Mrs. Gray that I would forward the information to the Town Clerk and the Town Attorney for response. Subsequently, I received an email from Mark Cormier indicated that his parents, who live on Evergreen Drive, had

received a District 1 Ballot instead of a District II ballot and that his father would be in on Monday to discuss it. I responded to Mark that I would forward the email to the Town Clerk and the Town Attorney for response and that we looked forward to seeing his father on Monday.

In order to determine whether or not there is a significant problem with the issuance of ballots, the Town Clerk will be sorting the incoming voter list from the election by district to get a count of the number of voters from each district that appeared at the polls. Those numbers will be compared to the number of ballots tallied for each district. The incoming voters list is currently sealed by the Secretary of State's Office as part of regular election law that requires it to be sealed for five business days following an election. That list will not be released until 5 p.m. on Wednesday, after which the above-cited work will be done.

Although it has been custom and practice for the Town Council to 'approve' election results at the first Council meeting held after an election, there is no statutory requirement or authority for that action. The Warden certifies the election as of the close of the election on voting day, which was November 8th. Candidates will have five business days from the close of the election to request a recount. In the case of the Town of Hampden, that deadline would be 6 p.m. on Thursday, November 17th. That is calculated by counting Wednesday, November 10th as Day 1, Monday, November 14th as Day 2 (since the office was closed Thursday and Friday), Tuesday, November 15th as Day 3, Wednesday, November 16th as Day 4, and Thursday, November 17th as Day 5.

All candidates have been apprised of this information.



HAMPDEN TOWN COUNCIL MINUTES

Monday, November 14, 2011

Attending:

Mayor Janet Hughes

Councilor Andre Cushing

Councilor William Shakespeare

Councilor Jean Lawlis

Robert Osborne, Planner

Residents

Councilor Kristen Hornbrook

Councilor Tom Brann

Councilor Shelby Wright

Town Manager Susan Lessard

Town Attorney, Tom Russell

The meeting was opened at 7:30 p.m. by Mayor Hughes.

Request by Councilor Shakespeare to pull item A. 3. e. for discussion.

Motion by Councilor Cushing, seconded by Councilor Wright to accept the balance of the consent agenda. Vote 6 – 0.

Councilor Shakespeare read into the record the following email letter from Bernie Philbrick to the Town Council dated Friday, October 28th, as follows:

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

- a. Zoning Ordinance Text Amendment – Article 3.3.3 Commercial Services Conditional Uses –Addition of Church to the Contemplated Uses of the District. *Town Planner Robert Osborne introduced the proposed change which proposes to add churches as a conditional use in the Commercial Services District. The Planning Board recommendation for this item was a unanimous ought-to-pass. The Public Hearing was opened by Mayor Hughes.*
Proponents – None
Opponents – None
Neither for nor against – None
Mayor Hughes closed the public hearing.
Motion by Councilor Brann, seconded by Councilor Cushing to approve adoption of the proposed text amendment for Article 3.3.3 as presented. Vote 7 – 0.

- b. Application for Victualers License received from Sub Street, Inc. d/b/a Subway of Hampden at 7 Western Avenue. *The Public Hearing was opened by Mayor Hughes.*
Proponents – None
Opponents – None
Neither for nor against – None
Mayor Hughes closed the public hearing.
Motion by Councilor Cushing, seconded by Councilor Brann to grant a victualers license to Sub Street, Inc. d/b/a Subway of Hampden. Councilor Shakespeare asked why a public hearing was being held for a victualer's license since the business had been there more than five years. The Town Manager responded that that the public hearing was due to an ownership change. Vote 7 – 0.

- c. Application for Victualers License received from Elisaveta Turlia d/b/a Angelo's Pizzeria at 102 Main Road South – *Postponed until 11-21-2011 meeting.*

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. 11/8/2011 Election Results – *The Town Manager read a prepared statement that was sent to candidates and the Town Council, as follows:*

TO: Hampden Town Council
 FROM: Sue Lessard, Town Manager
 DATE: 11-14-2011
 RE: Questions regarding 11-08-2011 Election

The purpose of this memo is to bring the Council up to date on a question that has been raised as to voters being given the wrong ballot for their voting district on November 8th. I received an email from candidate Mark Gray's wife Kim who indicated that he had received a call telling him that persons from District II had been given ballots from District I. I told Mrs.

Gray that I would forward the information to the Town Clerk and the Town Attorney for response. Subsequently, I received an email from Mark Cormier indicated that his parents, who live on Evergreen Drive, had received a District 1 Ballot instead of a District II ballot and that his father would be in on Monday to discuss it. I responded to Mark that I would forward the email to the Town Clerk and the Town Attorney for response and that we looked forward to seeing his father on Monday.

In order to determine whether or not there is a significant problem with the issuance of ballots, the Town Clerk will be sorting the incoming voter list from the election by district to get a count of the number of voters from each district that appeared at the polls. Those numbers will be compared to the number of ballots tallied for each district. The incoming voters list is currently sealed by the Secretary of State's Office as part of regular election law that requires it to be sealed for five business days following an election. That list will not be released until 5 p.m. on Wednesday, after which the above-cited work will be done.

Although it has been custom and practice for the Town Council to 'approve' election results at the first Council meeting held after an election, there is no statutory requirement or authority for that action. The Warden certifies the election as of the close of the election on voting day, which was November 8th. Candidates will have five business days from the close of the election to request a recount. In the case of the Town of Hampden, that deadline would be 6 p.m. on Thursday, November 17th. That is calculated by counting Wednesday, November 10th as Day 1, Monday, November 14th as Day 2 (since the office was closed Thursday and Friday), Tuesday, November 15th as Day 3, Wednesday, November 16th as Day 4, and Thursday, November 17th as Day 5. All candidates have been apprised of this information.

Motion by Councilor Cushing, seconded by Councilor Lawlis to postpone action on this item until after information is verified by the Town Clerk. Vote 7 – 0.

3. UNFINISHED BUSINESS

- a. Contract for Sale of Lot 5, Hampden Business Park – Planning & Development Committee Recommendation – Mayor Hughes and Councilor Brann explained that terms of the lot sale proposed to Central Maine Diesel. Town Attorney Russell suggested that two changes be made to the agreement to make it consistent with other purchase/sales agreements done for sale of lots in the business park. Those two items were a pro-rated amount in lieu of property taxes and a change to the document for the allocation of transfer tax responsibility. Motion by Councilor Brann, seconded by Councilor Lawlis to sell lot five in the business park to Central Maine Diesel for \$88,000 and to authorize the Town Manager to sign the agreement including the two cited changes. Vote 7 – 0.
- b. Town Manager Resignation Acceptance – Councilor Hornbrook – Motion by Councilor Hornbrook, seconded by Councilor Shakespeare to accept the town manager's resignation as presented in the August 15th resignation letter.

Councilor Lawlis – Stated that research she had done shows that 1 of every 20 people in Hampden is handicapped/disabled and the town needs to take that into consideration in the development of both infrastructure and ordinances.

Councilor Shakespeare – Stated that he took offense to remarks about the council made by Mrs. Carter during the discussion of the executive session item. He also stated that the Citizen's Journal had printed erroneous information in regard to protection orders, stalking, etc. and that he wished to correct the record on those articles.

G. ADJOURNMENT

*Motion by Councilor Cushing, seconded by Councilor Lawlis to adjourn at 10:15 p.m.
Vote 6-0.*

Respectfully submitted,

*Susan Lessard
Town Manager*

**TOWN OF HAMPDEN
PUBLIC WORKS DEPARTMENT
2012 FORD TRUCK MODEL F-550 XL 4WD
BID SHEET**

March 22, 2012
10:00 AM

BIDDER	NEW TRUCK PRICE	ADD'L PLOW EQUIPMENT	EXTENDED WARRANTY	TRADE IN VALUE (2002 Freightliner)	TOTAL PRICE
QUIRK AUTO PARK	\$89,078.00	Included	Included	\$11,475.00	\$77,603.00
DARLING'S	\$42,276.00	\$45,653.00	\$3,300.00	\$ 6,000.00	\$85,229.00
WHITED FORD	\$40,960.32	\$45,653.00	\$2,500.00	\$17,000.00	\$72,113.32
VARNEY'S	\$39,946.00	\$45,653.00	\$1,815.00	\$6,500.00	\$80,914.00

C-3-b



HAMPDEN PUBLIC SAFETY
Police - Fire - EMS
106 Western Avenue
Hampden, Maine 04444
Phone 207-862-4000
Fax: 207-862-4588

C-3-C

①



This is a proposal to The Town of Hampden to a rate increase for the Ambulance service. This increase is based on other EMS Services in the area and the rates they are charging for EMS calls. The recommendation is to come in line with the EMS Services in the area and this would result in a rate increase for the Town of Hampden EMS Service. Included in this proposal is the current rate structure for the Town of Hampden and a current rate structure for the City of Bangor. The rate structure for the City of Bangor is the model and rate that area Services are billing by. The recommendation would be to come in line with the City of Bangor and to bill the same rates they do. The City of Bangor Fire Department does the billing for the Town of Hampden and this would not be a major change for them to convert to. The following Services charge the same rates as the City of Bangor:

Hermon Volunteer Rescue Squad
 Orono Fire Department
 Mattawamkeag Fire Department
 Bangor Fire Department

The major areas that we do 99% of billing for the Town of Hampden are the following:

ALS 1 Base Rate	Bangor	\$685.00	Hampden	\$525.00
BLS Base Rate	Bangor	\$550.00	Hampden	\$395.00
BLS & ALS Mileage	Bangor	\$17.00 m	Hampden	\$12.00 m
ALS Back Up	Bangor	\$100.00 flat	Hampden	\$80.00 flat

Hampden charges \$80.00 for ALS back up if the Paramedic does observation on the unit and no intervention. If we start an IV (\$75.00) or a cardiac monitor (\$65.00) then the base fee of \$80.00 can not be charged. The recommendation is to come in line with the City of Bangor, and others, and charge a flat fee of \$100.00 regardless what is performed or not performed for ALS. This fee will be billed for every call and will be expected reimbursed for every call. I have included other Services that their rates may be slightly different then what we are proposing. The Town of Hampden has not had a rate increase for many years (I do not know the date of the last increase) and with the cost of doing business going up the recommendation would be to accept the rate change proposal.

Respectfully,

Lt. Frank Coombs
 Nov. 22, 2011

BANGOR FIRE DEPARTMENT - JANUARY 1, 2011

Bangor
RATE
Hamden
Rate

CODE HCPC DESCRIPTION

CODE HCPC DESCRIPTION	Bangor RATE	Hamden Rate	
* ALS1 A0427 ALS 1 BASE RATE	\$685.00	525.00	
ALS2 A0433 ALS 2 BASE RATE	885.00	600.00	
ALSB Q3019 (use A0427) ALS BASE RATE NO SERVICES	685.00	475.00	
ALBN A0426 ALS NON EMERGENCY BASE RATE ALS SERVICES DONE	475.00	300.00	
ABNA Q3020 ALS NON EMERGENCY BASE RATE NO SERVICES DONE	475.00	300.00	
* BLSB A0429 BLS BASE RATE	550.00	395.00	
BBNE A0428 BLS BASE RATE NON EMERGENCY (ALSO BLNE)	450.00	300.00	
SCT A0434 SCT TRANSPORT (DR, NURSE, RESP THERAPIST DOING CARE ON BOARD)	1050.00	715.00	
* BLSM AND ALSM A0425 BLS AND ALS MILEAGE CHARGE	17.00	12.00	
OXYG A0422 OXYGEN	72.00	55.00	
MON A0999 (Y9214) CARDIAC MONITOR	155.00	110.00	65.00
IV A0394 IV	115.00	85.00	25.00
ET A0396 ET TUBE	155.00	55.00	
DEFI A0384 DEFIBRILLATION	135.00	75.00	
CERV A0398 CERVICAL IMMOBILIZATION	70.00	55.00	
ALSBU A0427 ALS BACKUP FEE	475.00	80.00	↑ 100.00
BLSN A0429 BLS NO TRANSPORT FEE	195.00	95.00	
MED ADMIN A0999	75.00	unable to charge for this	

* Backup Bgr. # 100.00
 flat fee regardless
 Humon, Bgr., Arono
 m/Kuag,

OLD TOWN FIRE RESCUE 150 BRUNSWICK STREET OLD TOWN, MAINE 04468

OLD TOWN FIRE RESCUE



FAX TRANSMITTAL

TO: *H. Frank Counts*

FAX #: *862-4588*

DATE: *11-22-11*

FROM: Chief Steve O'Malley

E-MAIL: somalley@oldtownfd.org

PHONE #: 207-827-3400

FAX #: 207-827-3976

Number of pages 2 including this cover sheet.

COMMENTS:

Frank,

The council did vote to establish the "recommended rate increase" in March 2011, so the amount the right is what we charge now.

Steve

MEDICAL REIMBURSEMENT SERVICES

PO BOX 1810, WINDHAM, ME 04062

PHONE (800) 734-6677

March 1, 2011

Dear Steve,

On January 1, 2011 Medicare adjusted what they will reimburse ambulance providers for an ambulance transport. I would recommend Old Town Ambulance Service to increase the following billable services:

<u>Service</u>	<u>Current Rate</u>	<u>Recommended Rate</u>
BLS	\$350	\$400
ALS	\$450	\$500
ALS 2	\$600	\$700
Miles	\$10	\$14
BLS (non-emergency)	\$300	\$300
Oxygen	\$40	\$40
I.V.	\$75	\$75
EKG	\$70	\$70
Defib	\$70	\$70
Air Way	\$85	\$85
On Scene	\$195	\$195
Intercept	\$200	\$200
Extraction	\$500	\$500

I know you only wanted what you currently charge but I added in our recommendation also. If you have any questions or want to increase your rates please let me know.

* Shawn McPherson

FAX COVER DOCUMENT



TO THE HONORABLE FRANK COOMBS OF BELFAST FROM S. LUCIANO

PAGES 1 DATE 11.22.11

THE FOLLOWING MATERIAL IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE PERSON LISTED ABOVE, ANY UNAUTHORIZED DISTRIBUTION, COPYING OR DISCLOSURE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FOLLOWING MATERIAL IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY PHONE AND RETURN THE ORIGINAL TRANSMISSION TO US WITHOUT MAKING A COPY. THANK YOU FOR YOUR ATTENTION.

**ORONO FIRE DEPARTMENT
 P.O. BOX 130
 ORONO, ME 04473
 PHONE- 207-866-4000
 FAX- 207-866-5056**

1 C-3-C
②

**TOWN OF HAMPDEN, MAINE
FEES ORDINANCE**

TABLE OF CONTENTS

ARTICLE 1- ADMINISTRATION	3
ARTICLE 2 - FEES FOR ACTIVITIES REGULATED BY TOWN ORDINANCE	4
ARTICLE 3 – FIRE DEPARTMENT	8
ARTICLE 4 – POLICE DEPARTMENT	9
ARTICLE 5 – PUBLIC WORKS DEPARTMENT	10
ARTICLE 6 – RECREATION	11
ARTICLE 7 – LIBRARY	12
ARTICLE 8 - POOL	13
ARTICLE 9 – ANNUAL REVIEW BY TOWN COUNCIL	15

ADOPTED: Hampden Town Council October 20, 1986
Effective: November 19, 1986

AMENDED: Hampden Town Council December 7, 1987
Effective: January 5, 1988

AMENDED: Hampden Town Council March 21, 1991
Effective: April 21, 1991

AMENDED: Hampden Town Council July 6, 1993
Effective: August 5, 1993

AMENDED: Hampden Town Council December 20, 1993
Effective: January 19, 1994

AMENDED: Hampden Town Council May 6, 1996
Effective: June 6, 1996

AMENDED: Hampden Town Council February 7, 1998
Effective: March 18, 1998

AMENDED: Hampden Town Council November 17, 2003
Effective: December 17, 2003

AMENDED: Hampden Town Council March 21, 2005
Effective: April 20, 2005

AMENDED: Hampden Town Council April 4, 2005
Effective: May 4, 2005

AMENDED: Hampden Town Council October 6, 2008
Effective: November 5, 2008

AMENDED: Hampden Town Council June 15, 2009
Effective: July 15, 2009

AMENDED: Hampden Town Council August 3, 2009
Effective: September 2, 2009

AMENDED: Hampden Town Council January 19, 2010
Effective: February 18, 2010

AMENDED: Hampden Town Council September 19, 2011 8.8.4, 8.9, 8.10, 8.11, 8.15, 8.16.1, 8.16.3,
Effective: October 19, 2011 8.16.5 (new 8.11 added and remainder of Article 8 re-numbered)

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**

The Town of Hampden hereby ordains:

In addition to those Town fees and charges, the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

**ARTICLE 1
ADMINISTRATION**
Amended 11-17-03, 3-21-05, 6-15-09

1.1.	<i>Business or Corporation filing</i>	State Regulated
1.2.	<i>Copy of Certificate (marriage/birth/death)</i>	State Regulated
1.3.	<i>Copy of Subdivision Ordinance</i>	At Cost
1.4.	<i>Copy of Zoning Ordinance</i>	At Cost
1.5.	<i>Copy of other ordinances</i>	
	1.5.1. up to 20 pages	\$0.25/page
	1.5.2. and a page after that	\$0.15/page
1.6.	<i>Photocopies</i>	
	1.6.1. 8 ¹ / ₂ inch x 11 inch or smaller	\$0.25/page
	1.6.2. 8 ¹ / ₂ inch x 14 inch	\$0.50/page
	1.6.3. 11 inch x 17 inch	\$0.75/page
1.7.	<i>Marriage License</i>	State Regulated
1.8.	<i>Notary Fee</i>	\$3.00
1.9.	<i>Record Search</i>	\$5.00/hour
1.10.	<i>Recording of Pole Permits</i>	
	1.10.1. 1 st page	\$2.00
	1.10.2. Additional pages	\$1.00/page

1.11. Tax Maps	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set
1.11.2. (24 inch x 36 inch)	\$4.00 map
1.12. Compact Disk copies of ordinances or documents	\$5.00
<u>1.13. DVD copies of recorded meetings</u>	<u>\$3.00</u>
1.13 Liquor License (Amended 6/15/09)	
<u>1.14.</u> (Public hearing not required)	\$ 50.00
(Public hearing is required)	\$125.00

ARTICLE 2
FEES FOR ACTIVITIES REGULATED BY TOWN ORDINANCE

Amended 11-17-03, 3-21-05, 6-15-09, 8-3-09

- 2.1. Animal Control Ordinance**
2.1.1. Animal Impoundment Fee \$30.00 for each offense.
- 2.2. Cable Television Ordinance**
2.2.1. Initial Franchise Application Filing Fee \$500.00
2.2.2. Renewal Franchise Application Filing Fee \$500.00
2.2.3. Modification of a Franchise Agreement \$500.00
2.2.4. Combined Filing Fee for participating towns \$7,000.00
- 2.3. Cemetery Ordinance**
2.3.1. Lot Fees including perpetual care.
2.3.1.1. Resident \$200.00
2.3.1.2. Resident -Infant or Cremation \$200.00
2.3.1.3. Non-Resident \$300.00
2.3.1.4. Non-Resident Infant or Cremation \$300.00
2.3.2. Interment fees
2.3.2.1. Grave Openings Weekdays Adult \$250.00
2.3.2.2. Grave Openings Weekdays Infant or Cremation \$125.00
2.3.2.3. Grave Openings Weekends or Holidays Adult \$350.00
2.3.2.4. Grave Openings Weekends or Holidays Infant or Cremation \$200.00
2.3.3. Town Crypt Fees
2.3.3.1. Resident Free
2.3.3.2. Non-Resident \$25.00
2.3.4. Disinterment \$800.00
2.3.5. Vault Cremation \$250.00
2.3.6. Public Works Dept. Labor After 3:00 PM \$25.00/hour
- 2.4. Concourse Gathering Ordinance**
2.4.1. Concourse Gathering Permit Fee \$100.00
- 2.5. Floodplain Management Ordinance**
2.5.1. Application Fee \$75.00
2.5.2. Experts Fee \$500.00 horizontal review
\$1,000.00 vertical review and horizontal review.
This is a draw account established for a professional to establish flood elevation data where possible. Any unspent funds are to be returned to the applicant
- 2.6. Harbor Ordinance**
2.6.1. Overnight tie up to public float \$0.40 per ft. boat hull length.
2.6.2. Private mooring \$25.00 annual fee.

2.7. Historic Preservation Ordinance		
2.7.1.	Certificate of Appropriateness Application Fee	\$75.00
2.7.2.	Historic Site or Landmark Designation Ap, Fee	\$150.00
2.8. Mobile Home Park Ordinance		
2.8.1.	Annual Mobile Home Park License <i>(This includes application review, initial inspection of premises and a follow-up inspection).</i>	\$150.00
2.8.2.	Additional Inspection Fee <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).</i>	\$100.00
2.9. Sewer Ordinance		
2.9.1.	Sewer Service Charge Rate <i>(Amended 8/3/09)</i>	\$4.28 per 100 cubic feet of water (c.f.w.) consumed as indicated by consumer's water meter.
2.9.1.1.	Sewer Charge Flat Rate Town Water No Meter	\$64.24
2.9.1.2.	Sewer Charge Flat Rate Well Water No Meter	\$105.44
2.9.2.	Sewer Service Capital Charge	
2.9.2.1.	Base Rate for 1 to 2,999 c.f.w. consumed	\$18.12
2.9.2.2.	3,000 to 5,999 c.f.w. consumed (double base)	\$36.24
2.9.2.3.	6,000 to 8,999 c.f.w. consumed (triple base)	\$54.36
2.9.2.4.	Other c.f.w. amount	Divide cubic feet of water consumed by 3,000 and round up to nearest whole number then multiply by \$18.12
2.9.3.	Sewer Service Minimum Charge Rate	\$18.12
2.9.4.	Sewer Service "Ready to Serve" Charge	\$18.12
2.9.5.	Special Sewer Service Charge	As determined by Town Council.
2.9.6.	Sewer Service Charge Rate Outside Town Limits	As determined by Town Council
2.10. Solid Waste Flow Control Ordinance		
2.10.1.	License Application Fee	\$10.00
2.10.2.	Annual License Fee Per Vehicle	\$25.00
2.11. Special Amusement Ordinance		
2.11.1.	Permit Application Fee	\$50.00
2.12. Subdivision Ordinance		
2.12.1.	Subdivision Sketch Plan	No Charge
2.12.2.	Minor Subdivision <i>(Less than 5 lots and no public improvements).</i>	\$35.00 plus \$20.00/acre
2.12.3.	Minor Subdivision Review/Inspection Draw	not required.
2.12.4.	Major Subdivision Preliminary Plan <i>(Five or more lots and/or public improvements).</i>	\$85.00 plus \$50.00/acre plus \$1,000.00 peer technical review draw account.

<p>2.12.5. Major Subdivision Final Plan <i>(Review/Inspection Draw Account)</i></p>	<p>Fee based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.</p>
<p>2.12.6. Major Subdivision Final Plan <i>(Mobile Home Park Construction Review/Inspection Draw Account)</i></p>	<p>Fee based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.</p>
<p>2.13. Victualers Ordinance <i>(Amended 6/15/09)</i></p>	
<p>2.13.1. Victualers License Application (Public hearing not required) (Public hearing is required) <i>(This includes public notice and initial inspection of premises. If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged \$50.00 prior to the inspection).</i></p>	<p>\$ 50.00 \$125.00</p>
<p>2.14. Waste Disposal Facility Licensing Ordinance</p>	
<p>2.14.1. Application Fee <i>This is a draw account to be used by the Council to hire consultants as necessary to review the proposal. If at any time balance drops to \$10,000.00 the applicant shall deposit an additional \$10,000.00. Any unexpended balance shall be returned after a final decision on the application is rendered.</i></p>	<p>\$50,000.00</p>
<p>2.15. Yard Sale Ordinance</p>	
<p>2.15.1. Permit Fee</p>	<p>\$5.00</p>
<p>2.16. Zoning Ordinance</p>	
<p>2.16.1. Building Permit Applications for all Construction <i>(Plumbing Permit Application)</i></p>	<p>\$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas, basements, attics, decks, pools, porches, sheds, garages, etc. <i>State Regulated</i></p>
<p>2.16.2. Demolition/Earth Moving Permit Application</p>	<p>\$25.00</p>
<p>2.16.3. Sign Permit Application</p>	<p>\$25.00 per sign</p>
<p>2.16.4. Certificate of Compliance Application <i>(Change of use, resumption of use, new use without building permit application)</i> <i>The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.</i></p>	<p>\$50.00</p>
<p>2.16.5. Additional Final Inspections <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will</i></p>	<p>\$25.00 per hour up to 50% of cost of building permit</p>

be charged prior to the inspection).

2.16..8.	Zoning Board of Appeals Variance Application	
2.16..8.1.	General Variance	\$100.00
2.16.8.2.	Dimensional Variance	\$100.00
2.16.8.3.	Disability Variance	Free
2.16.8.4.	Administrative Appeal Application	\$100.00
2.16.9.	Zoning Ordinance Map or Text Amendment Request	\$650.00
2.16.10.	Site Plan Review Applications	
2.16.10.1.	Minor Development	\$75.00
	<i>This includes reuse proposal or new structures with less than 3,000 sq. ft., and total site improvements of less than 5,000 sq. ft</i>	
2.16.10.2.	Major Development	\$500.00
	<i>This includes new structures in excess of 20,000 sq. ft or developments with more than 50,000 sq. ft. of site improvements</i>	
2.16.10.3.	All Others	\$150.00
2.16.11.	Commercial Secure Landfill Applications	\$0.005/cubic yard of capacity
	<i>(Application to expand or construct a Commercial Secure Landfill in addition to the above fees).</i>	
2.16.12.	Peer Technical Review Draw Accounts	
	<i>(In addition to the Planning Board application fees the Town shall assess a Peer Technical Review draw account accompanying a complete application as defined by ordinance and prior to review by the Board based on the following schedule. Applications which require subsequent re-review of additional information, or amended submittals shall be responsible to provide additional funds to cover these full peer review costs. Upon exhausting in excess of 75% of the funds in the original submittal, the applicant shall provide additional funding increments of 50% of the original fee. Any remaining fees held in the account upon completion of the review process shall be returned to the applicant).</i>	
2.16.12.1.	Engineering Analysis	\$600.00.
	<i>(Where the staff or planning board requires an Engineering Analysis based on any on-site or off-site impacts).</i>	
2.16.12.2.	Stormwater Analysis	\$500.00.
	<i>(Where the staff or planning board requires a pre-development and post-development storm-water impact study based on 2 acres of proposed impervious surface or other local stormwater drainage problems).</i>	
2.16.12.3.	Traffic Analysis	\$1,000.00.
	<i>(Where the staff or planning board requires a Traffic Impact Study based on 100 peak hour trips generated on-site or other known local traffic congestion problems).</i>	

ARTICLE 3
FIRE DEPARTMENT
Amended 11-17-03, 4-4-05

3.1.	<i>Private Culvert Flushing</i>	Hourly call rate	
3.2.	<i>Report Copies</i>	\$10.00	
3.3.	<i>Request for Tank Truck</i>	\$25.00/hour plus man hours	
3.4.	<i>Fee for pumping: 1 time emergency</i>	Free	
3.5.	<i>Additional calls to same address</i>	\$25.00/hr. minimum 1 hour fee.	
3.5.	<i>Advanced Life Support 1 Rates</i>		
3.5.1.	ALS 1 Base Rate	\$400.00	<u>\$685.00</u>
3.5.2.	ALS 2 Base Rate	\$500.00	<u>\$885.00</u>
3.5.3.	ALS Non-Emergency Rate	\$295.00	<u>\$475.00</u>
3.5.4.	ALS Mileage	\$10.00	<u>\$ 17.00</u>
3.5.5.	ALS Backup Fee	\$80.00	<u>\$100.00</u>
3.6.	<i>Basic Life Support Rates</i>		
3.6.1.	BLS Base Rate	\$275.00	<u>\$550.00</u>
3.6.2.	BLS Non-Emergency Rate	\$275.00	<u>\$450.00</u>
3.6.3.	BLS No Transport Rate	\$125.00	<u>\$195.00</u>
3.6.4.	BLS Mileage	\$10.00	<u>\$ 17.00</u>
3.7.	<i>Ambulance Stand-by fee for special events</i>	\$75.00 <u>\$125.00</u> per officer (each event)* *Plus Administrative Costs (12 admin cost/hr)	
3.8.	<i>Life Support Services</i>		
3.8.1.	Oxygen	\$50.00	<u>\$ 72.00</u>
3.8.2.	ET (Endotracheal Tube Therapy)	\$95.00	<u>\$155.00</u>
3.8.3.	IV (Intravenous Infusion Therapy)	\$75.00	<u>\$115.00</u>
3.8.4.	<u>Cardiac</u> Monitor	\$100.00	<u>\$155.00</u>
3.8.5.	Defibrillation	\$75.00	<u>\$135.00</u>
3.8.6.	Cervical Immobilization	\$50.00	<u>\$ 70.00</u>
3.8.7.	Usable Supplies	Set by Medicare/Medicaid	

ARTICLE 4
POLICE DEPARTMENT
Amended 11-17-03

- | | | |
|------|---------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 4.1. | <i>Report Copies</i> (accident or criminal) | \$10.00 for the first page
plus .25 per page
thereafter |
| 4.2. | <i>Special Detail</i> (Dances, games, guard duty, etc.) | \$75.00 per officer (each event)*
*Plus Administrative Costs
(\$12.00 admin. cost/hr) |
| 4.3. | <i>Concealed Weapons (Hand Gun) Permit</i> | |
| | 4.3.1. First Permit - State Maximum | \$35.00 |
| | 4.3.2. Renewal | \$20.00 |
| 4.4. | <i>Alarms</i> | |
| | 4.4.1. Monitoring - limit | \$30.00/year |
| | 4.4.2. False alarm - 2 per month | 2 hour min. call out |

ARTICLE 5
PUBLIC WORKS
Amended 11-17-03

5.1. Additional Fees

5.1.1.	Public Works Dept. Labor After 3:00 PM	\$25.00/hour
5.1.2.	Opening Public Way (Deposit)	\$300.00
5.1.3.	Sewer Hookup	\$200.00

5.2. Solid Waste Fees

5.2.1.	Business Companies Hauling Trash	\$200.00/annually
5.2.2.	Business Hauling directly to Pine Tree Landfill or to the transfer station	\$25.00/annually
5.2.3.	Non-resident Business working on Hampden Project (temp permit)	\$25.00/annually
5.2.4.	Resident Transfer Station Sticker	\$5.00

ARTICLE 6
RECREATION
Amended 11-17-03

6.1. **Recreation Fee Waiver Policy:** Any person interested in any Hampden Recreation program that feels they do not have the financial means to afford the full fee shall receive a waiver at the sole discretion of the Recreation Director. Full or partial fee waivers may be given as determined by financial need and the recreation program for which the waiver is requested.

6.2. **Program Fees:**

6.2.1. Kids Kamp	\$110.00/full week
6.2.2. Kids Korner morning session	\$6.00/day
6.2.3. Kids Korner afternoon session	\$10.00/day
6.2.4. Team Sport Resident eight week session	\$25.00
6.2.5. Team Sport Non-Resident eight week session	\$30.00
6.2.6. Individual Sport – length of session varies	Cost plus basis

6.3. **Resident Play Field Rental Fees** (all requests subject to availability and require submission of a completed facility request form):

6.3.1. Single Field, Single Game	Cost plus basis
6.3.2. Single Field, Entire Day	Cost plus basis
6.3.3. Single Field, Multi-week Program	Cost plus basis
6.3.4. Single Field, In-Town Travel Teams per game	Free

6.4. **Non-Resident Play Field Rental Fees** (all requests subject to availability and require submission of a completed facility request form):

6.4.1. Single Field, Single Game	\$50.00 plus Cost
6.4.2. Single Field, Entire Day	\$100.00 plus Cost
6.4.3. Single Field, Multi-week	\$40.00 plus Cost/per use
6.4.4. Single Field, Use of Lights	\$15.00 per event

ARTICLE 7
LIBRARY
Amended 11-17-03, 1/19/10

7.1. Library Fees	
7.1.1. Resident Annual Fee	Free
7.1.2. Non-Resident Annual Fee	\$35.00/year
7.1.3. Overdue Fees	
7.1.3.1. Books and Periodicals	\$0.10/day
7.1.3.2. Audio or Video	\$0.10/day
7.1.3.3. Maximum Overdue Fee	\$3.00/item
7.2 Self-service Photocopies	<u>\$0.25/page</u>
7.2.1. 8¹/₂ x 11 or smaller	\$0.10/page
7.2.2. 8¹/₂ x 14	\$0.10/page
7.2.3. 11 x 17	\$0.10/page
7.3 Self-service Printer Pages	<u>\$0.25/page</u>
7.3.1. 8¹/₂ x 11 or smaller	\$0.10/page
7.3.2. 8¹/₂ x 14	\$0.10/page
7.4 Self-service Sending of Faxes	
7.4.1. <u>Within United States</u>	<u>\$1.00/page</u>
7.4.2. <u>International</u>	<u>\$2.00/page</u>
7.5 Receiving of Faxes	<u>Not Allowed</u>

ARTICLE 8
POOL

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

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. (Amended 9/19/2011)

8.2. **Annual Resident Membership Fees:**

8.2.1. Family	\$255.00
8.2.2. Single Adult	\$155.00
8.2.3. Youth/Teen	\$120.00
8.2.4. Senior	\$145.00

8.3. **Six Month Resident Membership Fees:**

8.3.1. Family	\$155.00
8.3.2. Single Adult	\$ 95.00
8.3.3. Youth/Teen	\$ 75.00
8.3.4. Senior	\$ 90.00

8.4. **Three Month Resident Membership Fees:**

8.4.1. Family	\$ 95.00
8.4.2. Single Adult	\$ 60.00
8.4.3. Youth/Teen	\$ 50.00
8.4.4. Senior	\$ 55.00

8.5. **Annual Non-Resident Membership Fees:**

8.5.1. Family	\$280.00
8.5.2. Single Adult	\$180.00
8.5.3. Youth/Teen	\$145.00
8.5.4. Senior	\$170.00

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

8.6.1. Family	\$170.00
8.6.2. Single Adult	\$110.00
8.6.3. Youth/Teen	\$ 90.00
8.6.4. Senior	\$105.00

8.7. **Three Month Non- Resident Membership Fees:**

8.7.1. Family	\$105.00
8.7.2. Single Adult	\$ 70.00
8.7.3. Youth/Teen	\$ 60.00
8.7.4. Senior	\$ 65.00

8.8. **Daily Swim Fee during family or lap swim times** (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
8.8.4. Non-Resident 12 Use Punch Card	\$42.00

8.9.	<i>Resident Swim Lessons</i> <i>(Amended 9/19/2011)</i>	
8.9.1.	Members	\$4.50 per class
8.9.2.	Non-Members	\$5.50 per class
8.10.	<i>Non-Resident Swim Lessons</i> <i>(Amended 9/19/2011)</i>	
8.10.1.	Members	\$6.00 per class
8.10.2.	Non-Members	\$7.00 per class
8.11.	<i>Private Swim Lessons</i> <i>(Amended 9/19/2011)</i>	
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.	<i>Resident Adult Aqua Aerobics</i> (10 Classes):	
8.12.1.	Members	\$25.00
8.12.2.	Non-Members	\$30.00
8.13.	<i>Non-Resident Adult Aqua Aerobics</i> (10 Classes):	
8.13.1.	Members	\$30.00
8.13.2.	Non-Members	\$35.00
8.14.	<i>Adult Aqua Aerobics Drop Ins:</i>	
8.14.1.	Members	\$4.00/class
8.14.2.	Non-Members	\$5.00/class
8.15.	<i>Gentle Aerobics</i> <i>(deleted 9/19/2011 – see 8.12 & 8.13)</i>	
8.16.	<i>Pool Facility Rental Fees</i> (Limited Availability): <i>(Amended 9/19/2011)</i>	
8.16.1.	Resident Pool Rental	\$70.00/hour 30 total guests
8.16.2.	Resident Lounge Rental	\$20.00/hour
8.16.3.	Non-Resident Pool Rental	\$85.00/hour 30 total guests
8.16.4.	Non-Resident Lounge Rental	\$25.00/hour
8.16.5.	Additional Guests (As Required by Rules)	\$15.00/hour
8.17.	<i>Swim Diaper</i>	\$1.00

**ARTICLE 9
ANNUAL REVIEW BY TOWN COUNCIL**

- 9.1** An itemized listing of fees for each town department will be submitted to the Town Council by the Town Manager on or before October of each year for the Council's review, revision, and approval.

Non Zero Balance on All Accounts

Tax Year: 2003-1 To 2011-3

As of: 03/27/2012

C-3-d

Acct	Name ----	Year	Original Tax	Payment / Adjustments	Amount Due
248 P	AUTOMATIC VENDING & GAMES	2008	37.68	0.00	37.68
248 P	AUTOMATIC VENDING & GAMES	2009	28.62	0.00	28.62
248 P	AUTOMATIC VENDING & GAMES	2010	30.21	0.00	30.21
248 P	AUTOMATIC VENDING & GAMES	2011	31.80	0.00	31.80
183 P	BANGOR CEDAR FENCE INC	2011	477.00	238.50	238.50
57 P	BRYANT, ROBERT & LINDA	2006	93.52	0.00	93.52
57 P	BRYANT, ROBERT & LINDA	2007	94.20	0.00	94.20
57 P	BRYANT, ROBERT & LINDA	2008	97.34	0.00	97.34
224 P	CARLEN TRANSPORT/LEONARD PETERS	2011	29,306.88	0.00	29,306.88 *
30 P	COUILLARD, DARYL	2006	454.24	0.00	454.24
30 P	COUILLARD, DARYL	2007	456.87	0.00	456.87
30 P	COUILLARD, DARYL	2008	466.29	0.00	466.29
30 P	COUILLARD, DARYL	2009	553.32	0.00	553.32
30 P	COUILLARD, DARYL	2010	477.00	0.00	477.00
30 P	COUILLARD, DARYL	2011	524.70	0.00	524.70
84 P	DANA'S GRILL AT DOCKSIDE	2011	287.79	0.00	287.79
337 P	EAGLE SECURITY	2010	221.01	0.00	221.01
337 P	EAGLE SECURITY	2011	241.68	0.00	241.68
123 P	KAMDA'S POOL SHED	2010	87.45	15.58	71.87
123 P	KAMDA'S POOL SHED	2011	41.34	0.00	41.34
186 P	NORTHEAST TIMBER CORP.	2007	744.18	0.12	744.06
186 P	NORTHEAST TIMBER CORP.	2008	781.86	0.00	781.86
186 P	NORTHEAST TIMBER CORP.	2009	491.31	0.00	491.31
186 P	NORTHEAST TIMBER CORP.	2010	511.98	0.00	511.98
186 P	NORTHEAST TIMBER CORP.	2011	553.32	0.00	553.32
151 P	QWIK STOP VIDEO	2011	325.95	0.00	325.95
75 P	SHANOS, THOMAS	2009	143.10	0.00	143.10
75 P	SHANOS, THOMAS	2010	143.10	0.00	143.10
75 P	SHANOS, THOMAS	2011	143.10	0.00	143.10
277 P	VAUGHN THIBODEAU & SONS, INC.	2010	10,061.52	5,030.76	5,030.76 *
277 P	VAUGHN THIBODEAU & SONS, INC.	2011	14,705.91	0.00	14,705.91 *

C-4-c

A.C.A.N.E.
271 Kenduskeag Ave.
Bangor, ME 04401
March 14, 2012

Susan Lessard
Town Manager
Town of Hampden
106 Western Ave.
Hampden, ME 04444

Dear Susan,

My name is James (J.R.) Mabee, I am a member of A.C.A.N.E.(American Canoe Association New England). For the past few years I have been obtaining permits for the canoe races our organization holds in the State of Maine from the Dept. of Inland Fisheries and Wildlife(IF&W). IF&W requests we get written permission from the municipalities that our events are held in, on the municipalities letterhead.

The Souadabscook Stream canoe race and sprints course start and finish in the Town of Hampden. The race directors for this event are Rick and Renee O'Donald, they can be reached at (207)848-3391. The events are scheduled for Saturday April 14, 2012. Our organization gets liability coverage for our events through the American Canoe Association(A.C.A) which covers paddle sport events like this throughout the United States. We also communicate with the Town of Hampden Police Department regarding the event and any concerns they may have.

If you need more information regarding the event or liability coverage please feel free to contact me. My phone number is (207)942-0601, or email jrmabee@roadrunner.com. If approved the letter of permission can be sent by mail to me at 271 Kenduskeag Ave. Bangor, ME 04401.

Sincerely,

James (J.R.) Mabee

TOWN OF HAMPDEN**ALEWIFE HARVESTING PLAN – 2012**

Regulations for the taking of alewives shall be as follows:

- A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.
- The maximum mesh size of the wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1").
- There shall be a 72-hour weekly closed season on alewives from sunrise each Thursday morning until sunrise the following Sunday morning. During the closed season, a minimum size unobstructed opening of three feet by three feet (3' x 3') shall be maintained in the upstream and downstream end of the trap to allow escapement of spawning alewives and other migratory fish.
- Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the trap shall be removed and allowed to pass upstream.
- Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5.
- The total landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

ADDITIONAL REGULATIONS
FOR STREAMS WITH ATLANTIC SALMON RUNS

- The entrance to the dipping pen or trap shall be covered by bars, slats, or spacers with a maximum width of two inches (2") between said bars, slats or spacers.
- Dipping of alewives shall be confined to the dipping pen or trap.

TOWN OF HAMPDEN 2012/2013 BUDGET MEETING SCHEDULE

(Meetings start at 6:00 p.m. and are held in the Council Chambers on non-council meeting dates. Budget discussions on Council meeting nights follow the regular agenda.)

- May 7, Tuesday (Council Meeting)
Public Safety
Police
Fire

- May 16, Wednesday
Reserves
General Assistance
Education
Administration
County Tax
Assessor/Planning
Economic Development
GIS/IT
Communications

- May 21, Monday: (Council Meeting)
Library
Recreation
Lura Hoyt Pool
Debt Service

- May 23, Wednesday: Public Works
Municipal Garage
Solid Waste
Buildings & Grounds
Marina
Non-Departmental Utilities
The Bus
Revenues

- May 30, Wednesday: Social Service Agency Requests
Budget Review – (if necessary)

- June 4, Monday: (Council Meeting)
Budget Review – Post for Public Hearing

- June 18, Monday: (Council Meeting)
Budget Adoption