



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

NOVEMBER 14, 2011

7:30 P.M.

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Special Council Meeting 10/25/2011 Legal Opinion
- b. Executive Session – Attorney Response to Question from Councilor Hornbrook
- c. Legal Opinion – Applicability of Title 21-A – Write-in Candidates
- d. Legal Opinion – Follow up to Write-in Candidate Opinion
- e. Email regarding Manager Resignation – Bernie Philbrick
- f. Email regarding 10/25/2011 meeting – Councilor Hornbrook
- g. Email Request – Information related to Finance & Administration Committee – Councilor Hornbrook
- h. Email Request – Payments to Hughes Brothers – Lisa Carter
- i. Email Request – Cable TV Franchise Agreement, Maine Municipal Association Manager Search Contract, Town Attorney Contract, Information on Special Meetings, Regular Meetings and Executive Sessions from 7/2001 to present – Terry McAvoy
- j. Email Request – Manager Resignation information/terms/etc – Larry Grard, Citizen's Journal
- k. Email Request – Campaign Sign Information requests – Lisa Carter
- l. Information Request – Bid Information 2007-Present – Lisa Carter
- m. Email Request – Write-in Candidate Information – Michael Levesque
- n. Email Request – Setback from Polling Place for Signs – Cynthia Philbrick
- o. Email Request – Zoning Change Information – Ruth Stearns
- p. Information Request – Tree Cutting Penalties – Dept. of Conservation
- q. Lura Hoit Pool – Fundraising Letter
- r. Senator Plowman – Legislative Summary
- s. Cold Brook Road Speed Zone Review – 10/24/2011
- t. Freedom of Information Request – Emails regarding 10/25/2011 Meeting – Larry Grard, Citizen's Journal
- u. Information Request re: Police Officers at Meetings – Councilor Hornbrook
- v. Information Request – Budget Information – Peter Frazier
- w. DEP/Gulf Oil Limited Partnership – Air Emission License Renewal

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

#### 4. REPORTS

- a. Finance Committee Minutes – 10/17/2011
- b. Infrastructure Committee Meeting Minutes – 10/24/2011
- c. Semi-Annual Water District/Council Meeting Minutes – 10/24/2011
- d. Landfill Complaint Report – September 2011
- e. Lura Hoit Pool Trustees Minutes – 9/8/2011
- f. Edythe Dyer Library Trustees Minutes – 9/24/2011

#### B. PUBLIC COMMENTS

#### C. POLICY AGENDA

##### 1. PUBLIC HEARINGS

- a. Zoning Ordinance Text Amendment – Article 3.3.3 Commercial Services Conditional Uses – Addition of Church to the Contemplated Uses of the District
- b. Application for Victualers License received from Sub Street, Inc. d/b/a Subway of Hampden at 7 Western Avenue
- c. Application for Victualers License received from Elisaveta Turlla d/b/a Angelo's Pizzeria at 102 Main Road South

##### 2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. 11/8/2011 Election Results

##### 3. UNFINISHED BUSINESS

- a. Contract for Sale of Lot 5, Hampden Business Park – Planning & Development Committee Recommendation
- b. Town Manager Resignation Acceptance – Councilor Hornbrook
- c. Billington LLC Subdivision Conservation Easement Acceptance – Planning & Development Committee Recommendation
- d. Hampden Academy Re-use Update
- e. School/Town MOU for Trails – Services Committee Recommendation
- f. Concept Approval Letter for Trails – Services Committee Recommendation

4. NEW BUSINESS

- a. Sewer Commitment – 7/1/2011 to 9/30/2011
- b. Draft Zoning Ordinance Text Amendment – Interchange District – Referral to Planning Board – Planning & Development Committee Information
- c. Channel 7 Sound Quality – Mayor Hughes
- d. Questions regarding Fines & Fees in the Community – Mayor Hughes
- e. Discussion regarding Concerns Related to Disclosure of Information from Executive Sessions – Mayor Hughes
- f. Application for Liquor License received from Countrymeadow, Inc. d/b/a Pizza Gourmet at 60 Main Road North, Ste. A

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

A-3-a

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MEMORANDUM

Date: October 27, 2011  
To: Town Council  
From: Tom Russell  
Re: Special Council Meeting of October 25, 2011

It is my understanding that a Special Council Meeting was scheduled with a representative from MMA to review the applications for the Town Manager position. The following notice of the meeting was duly posted:

“Special Council Meeting – Executive Session re: Manager Search  
5:30 PM”

It is my understanding that a majority of the councilors were present at or about the appointed time, and that a review and discussion of the applications ensued. Mayor Hughes arrived at the meeting shortly after 6:00 p.m., and the discussion and review continued, resulting in the selection of a number of the applicants for interviews. At some point during the meeting, it was discovered that no official vote had been taken to enter into executive session. In response, a motion was made and seconded “that all information is confidential and the executive session is now open,” and the motion passed.

Although the notice of the meeting indicated that the Special Council Meeting would be an executive session concerning the search for a new Town Manager, 1 M.R.S. § 405(3) provides that an executive session “ may be called only by a public, recorded vote of 3/5 of the members, present and voting...” In addition, § 405(4) requires that a motion to go into executive session “must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business.”

Since there was no prior public, recorded vote before the commencement of the “executive session”, and the motion during the meeting did not comply with the requirements of § 405(4), it is my opinion that the meeting of October 25<sup>th</sup> was not a proper executive session. Therefore, to avoid any potential claim that the selection of certain applicants for interviews for the Town Manager position was improper, I have advised Mayor Hughes that it would be prudent to call a special meeting concerning the Town Manager applicants, at which meeting the Council could vote to go into executive session to discuss the applications and to select the applicants that the Council desires to interview for the position.

In my opinion, the selection process for a new Town Manager, including reviewing applications and conducting interviews, constitutes subject matter that qualifies for an executive session under 1 M.R.S. § 405 (6)(A). Discussing the pros and cons of the applicants in an open meeting could be reasonably expected to cause damage to an applicant’s reputation, or could result in a violation of an applicant’s right to privacy. Likewise, interviewing applicants in an open meeting raises the same concerns.

Title 30-A M.R.S. § 2702(1)(A) provides that certain records are confidential and not open to public inspection, and are therefore not “public records” within the meaning of 1 M.R.S. § 402(3). The confidential records include “applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the applicant or the municipality for use in the examination or evaluation of applicants for positions as municipal employees.” Section 2702(1)(A)(1) goes on to provide that the applications, resumes, and non-confidential letter and notes of reference pertaining to the hired candidate become public records after the applicant is hired. Therefore, discussions about information contained in the above-referenced documents may also be held in executive session under 1 M.R.S. § 405(6)(F).

A-3-b

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MEMORANDUM

Date: October 31, 2011  
To: Town Council  
From: Tom Russell  
Re: Executive Session

Councilor Hornbrook requested my opinion on whether it was appropriate to discuss matters concerning the upcoming election at the "executive session" meeting on October 25, 2011. I replied that since I was not at the meeting, I did not have sufficient information to provide an answer to that question. I do not know what was actually discussed at the meeting, the statements made by the councilors (including the Mayor), or the context of any discussions or statements.

In an email to me on Saturday, Councilor Hornbrook stated as follows: "for future reference at future executive sessions, in general, is a discussion of an upcoming election proper subject matter for executive session?" Since that request is general in nature, and is not related to the meeting of which I have no knowledge, I am comfortable addressing that general issue.

As you know, Section 403 of Maine's Freedom of Access statute (1 M.R.S. §§ 401-412) provides that all public proceedings must be open to the public, except as otherwise provided by statute or by Section 405 of the Freedom of Access statute. Section 405 provides that public bodies or agencies may hold executive sessions subject to the conditions set forth in that Section. Section 405(6) sets forth the matters in which deliberations may be conducted during an executive session. Based on my review of Section 405(6), it is my opinion that an "upcoming election" is not expressly included in Section 405(6) as an independent subject matter that may be deliberated in an executive session. Therefore, in general, deliberation on an upcoming election should not be conducted in an executive session. However, to the extent that discussion of that matter is relevant and/or material to deliberations on a matter that does qualify for an executive session, those discussions may be permissible, depending on the circumstances.

Again, since I do not have any personal knowledge of what transpired at the October 25<sup>th</sup> meeting, my opinion does not relate to that meeting.

A-3-C

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MEMORANDUM

Date: November 1, 2011  
To: Susan Lessard  
From: Tom Russell  
Issue: Whether Write-In Candidates for Town Council Are Subject to the Provisions of Title 21-A of the Maine Revised Statutes Dealing with Write-In Candidates

It is my understanding that in accordance with the Title 30-A M.R.S. § 2528(6)(B), the ballots for the upcoming secret ballot election for town councilors, SAD #22 directors, and a water district trustee contain a blank space after each position in which a voter may write the name of any person for whom the voter desires to vote. Therefore, any voter is afforded the opportunity to vote for a so-called write-in candidate. The issue presented is whether those votes will be counted if the person voted for as a write-in candidate has not filed a declaration of write-in candidacy with the Town Clerk on or before 5:00 p.m. on the 45<sup>th</sup> day prior to the election.

At the outset, it must be pointed out that Maine election laws are not found in one neat package. Municipal elections may be governed by the municipality's charter, the provisions of Title 30-A of the Maine Revised Statutes dealing with municipal elections, and/or the general election provisions found in Title 21-A of the Maine Revised Statutes. Therefore, when presented with a municipal election question, one must look to, and analyze, all three sources of election law.

Section 801 of the Town Charter provides as follows:

*"Except as otherwise provided by this charter, the provisions of Title 21 of the Revised Statutes Annotated shall apply to elections held under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21."*

To the best of my knowledge, the Town Council has not adopted an ordinance dealing with the conduct of elections, or the recount of ballots. The Town Charter does not contain any provisions dealing with write-in candidates.

The Title 21 referenced in Section 801 of the Town Charter was repealed in its entirety by the Maine Legislature in 1985, and replaced with Title 21-A. In my opinion, Section 801 should be interpreted to apply Title 21-A to municipal elections, as it is the replacement for Title 21. Otherwise, as far as the Charter goes, there would be no provisions governing municipal election matters not addressed by the Charter. In addition, the language of Title 30-A itself leads to the same result, as Title 30-A M.R.S. § 2501 provides as follows:

*“Except as otherwise provided by this Title or by charter, the method of voting and conduct of a municipal election are governed by Title 21-A.”*

In addition, Title 30-A M.R.S. § 2501(1) provides that when Title 21-A applies to any municipal election, “the municipal clerk shall perform the duties of the Secretary of State prescribed by Title 21-A.”

Title 21-A M.R.S. § 722-A provides as follows:

*“To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the Secretary of State, on a form approved by the Secretary of State, on or before 5 p.m. on the 45<sup>th</sup> day prior to the election. The candidate must meet all the other qualifications for that office.”*

Title 21-A M.R.S. § 692(2) provides as follows:

*“2. **Write-in vote.** If the voter wishes to vote for a write-in candidate, the voter must write the name of the candidate in the blank space provided at the end of the list of nominees for the office in question. The voter must then mark the ballot as instructed in the directions on the ballot. A sticker may not be used to vote for a write-in candidate.”*

Note: This provision is generic, and does not limit the voter’s right to vote for a write-in candidate to a declared write-in candidate.

However, Title 21-A M.R.S. § 723, entitled “Determination of election” provides as follows:

*“2. **Other elections.** In any other election, the person who receives a plurality of the votes cast for election to any office, as long as there is at least one vote cast for that office, is elected to that office, except that a write-in candidate must also comply with either section 722-A or section 737-A, subsection 2-A.”*

Note: Section 723(1) deals with primary elections, so the “any other election” in Subsection 2 above refers to elections other than primary elections.

In addition, Title 21-A M.R.S. § 696(2) provides as follows:

***“2. Invalid vote.** A vote for an office, candidate or question held to be invalid by the warden, ward clerk or deputy warden may not be counted for that office, candidate or question as follows.*

*[Subsections A, B, C, and D omitted.]*

*E. If a voter writes in a write-in space the name of a person who has not filed a declaration of write-in candidacy as provided by section 722-A, the vote for that office may not be counted except in accordance with section 737-A, subsection 2-A.”*

Title 21-A M.R.S. §737-A (entitled “Recount”) is part of Chapter 9 (entitled “Conduct of Elections”) of Title 21-A, Subchapter 3 (entitled “Post Election Procedure”), Article 3 (entitled “Inspection and Recount”). Section 737-A(2-A) deals with recount for write-in candidates, and provides as follows:

***“ 2-A Recount for write-in candidates.** For the purposes of this section, a declared write-in candidate who has complied with the requirements of section 722-A is treated the same as any candidate whose name is printed on the ballot. An undeclared write-in candidate also may request a recount and be treated as a designated recount candidate, but only upon first submitting a written request for a recount that must contain a statement signed by the candidate that the candidate will accept the nomination. The consent must contain a declaration of the candidate’s place of residence and party designation and a statement that the candidate meets the qualifications of the office the write-in candidate seeks, which the candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. The undeclared write-in candidate must submit a \$10,000 deposit. If the recount fails to reverse the outcome of the election, the undeclared candidate must also pay the actual cost of the recount, as determined by the Secretary of State.”*

Essentially, this provision creates a mechanism whereby an undeclared candidate can request a recount and be counted as a designated recount candidate. Section 723(2) and Section 696(2)(E) create exceptions for counting votes for undeclared candidates that follow the provisions of Section 737-A(2-A). Presumably, these coordinated provisions were intended to permit the “will of the people” in the event that an undeclared candidate receives a plurality of the votes cast in the election.

My review and analysis of the relevant provisions of the Town Charter, Title 30-A, and Title 21-A, leads me to the conclusion that the Town Clerk’s determination that the declared write-in candidate provisions of Title 21-A apply to municipal elections is correct and consistent with the relevant provisions of the Town Charter, Title 30-A, and Title 21-A.

My analysis and conclusion is also supported by recent actions of the Maine Legislature. As part of this past session, the Legislature repealed 30-A M.R.S.A. § 2531-A, entitled “Recount hearing”, and replaced it with Section 2531-B, entitled “Recount of an election for municipal office.” Section 2531-B provides that a “*recount for municipal office must be performed by a municipal clerk or the clerk’s designee pursuant to the provisions of Title 21-A, Section 737-A, and the rules adopted pursuant to Title 21-A, section 737-A, except that the provisions of Title 21-A, section 737-A, subsections 1, 5 and 12 and the duties of the State Police do not apply to this section.*” It is important to note that the Legislature did not except the application of Section 737-A(2-A) from the recount process for elections for municipal office. Furthermore, Section 2531-B(3), entitled “Forfeiture or refund of deposit”, provides as follows:

*“All deposits required by this section must be made with the municipal clerk when a recount is requested by a losing candidate or an undeclared write-in candidate.”*  
*(Emphasis supplied.)*

It must be assumed that the Legislature believed that the declared and undeclared write-in candidate provisions of Title 21-A applied to municipal elections. Otherwise, why would the Legislature not except the recount write-in candidate provisions of Subsection (2-A) from the recount process it made applicable to municipal elections, and why would Section 30-A M.R.S. § 2531-B(3) make specific reference to the deposit requirements of a recount request by an-undeclared write-in candidate in a municipal election.

A-3-d

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MEMORANDUM

Date: November 2, 2011

To: Susan Lessard

From: Tom Russell

Re: Follow up to Write-In Candidate Issue

I just wanted to follow up to outline the practical impact of the statutory provisions I discussed in my Memorandum dated November 1<sup>st</sup>:

1. A duly registered voter in a district in Hampden may vote for any write-in candidate who resides in that district for the position of a district councilor. The write-in vote must comply with the requirements applicable to the methods of voting for write-in candidates.
2. Such a ballot would be declared invalid if the named write-in candidate is not a declared write-in candidate.
3. The named write-in candidate may call for an inspection of the ballots, including the ones invalidated.
4. The named write-in candidate could ask for a recount in accordance with Title 30-A M.R.S. § 2531-B and 21-A M.R.S. §737-A(2-A).
5. If the named write-in candidate follows the requirements of both statutory provisions concerning recounts, including filing the necessary written request required under 21-A M.R.S. § 737-A(2-A) and the deposit required under 30-A M.R.S. § 2531-B.

Note: Since § 2531-B has specific deposit requirements for recounts of municipal elections, the deposit amount required under § 737-A(2-A) does not apply to municipal election recounts.

6. If the named write-in candidate satisfies the requirements of 30-A M.R.S. § 2531-B and 21-A M.R.S. § 737-A(2-A), the named write-in candidate is to be treated as a “designated recount candidate.”
7. During the recount, the ballots declared invalid under the declared write-in candidate provisions are counted as votes for the designated recount candidate.
8. If the designated recount candidate gets a plurality of the votes on recount, that candidate becomes the duly elected official, and any deposit is returned to that individual.
9. If the recount fails to reverse the outcome of the election, Title 30-A M.R.S. § 2531-B provides that the clerk shall calculate the actual cost of the procedures for the recount. If the deposit is greater than the actual costs calculated by the clerk, the overpayment must be refunded to the candidate. If the actual cost is greater than the amount of the deposit, the candidate is required to pay the remainder of the actual cost to the municipality.

<wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frlegal.com>, Tom Brann  
<brantowncouncil@hampdenmaine.gov>

Tom,

I was not present at the meeting discussed below so I cannot provide details related to the concerns expressed by Councilor Hornbrook. Can you follow up on this with the mayor and councilor Hornbrook?

Thank you,

Sue

[Quoted text hidden]

**Bernie Philbrick <elcobern@aol.com>**

**Fri, Oct 28, 2011 at 3:03 PM**

To: hornbrooktowncouncil@hampdenmaine.gov, andrec@hampdenmaine.gov,  
shakespearetowncouncil@hampdenmaine.gov, hughestowncouncil@hampdenmaine.gov,  
wrighttowncouncil@gmail.com, brantowncouncil@hampdenmaine.gov, lawlistowncouncil@gmail.com

Kristen,

As you always perform due diligence in whatever task you set your mind to, I am sure you have reviewed the Town Charter in regards to "executive sessions". I also have reviewed "Section 211 Procedure" in our Town Charter where executive session are discussed. It appears that executive session should only be used to discuss town personnel, whereas the subject matter could be considered defaming to this person. Whatever the purpose, the public should be notified of a meeting and the said agenda. To not follow this rule is criminal and fraudulent to the public.

**I did not see anything where the Charter allows Mayor Hughes or other Council Members to engineer elections behind closed doors.** This is a very serious breach of law for elected officials to partake in and this is not the first time. Although the Town Clerk is in charge of our local elections. One must consider the past bias the Town Clerk has shown with her multiple sets of election rules and in doing so I would not show her what you know, yet. This is something that should be handled by an authority higher up. Perhaps the AG would be of some help for our Town to proceed in the future, legally, without bias, where all of the citizens in Hampden are treated as equals and enjoy equal opportunities. Until then our little Town will continue to be known as the Banana Republic.

On another note, a few weeks ago while at the grocery store in Hampden, I ran in to a Town Office employee who informed me of some startling information which I brushed off as rumor at the time. After reading your email I am thinking this rumor may have some value or merit behind it. Apparently Susan Lessard did not quit her job as Town Manager. It was simply a ruse to gain sympathy of the Townspeople and also to cast doubt on those who stand for property rights in our town. Lessard's ploy (which I am told was a calculated effort with Tom Brann and Mayor Hughes) was to announce her resignation. The BDN bought this ploy 100% when they printed the article about her. BUT the Town Council never voted to accept her resignation! So much like the 2001 & 2010 Comp Plans, Lessard's resignation has a cover but lacks anything in between. This is all eerily similar to Brann, Shakespeare and Mayor Hughes announcing in the BDN that they would not seek re-election. Basically they are a bunch of liars and use the BDN as their tool!

Back to Lessard. Apparently she has been telling people that she does not intend to leave her position as Manager pending the outcome of this election. If the successful candidates are in her favor she will decide to stay in Hampden, should the election fall in another direction she will pack her bags and leave. What does this say about Lessard's integrity? If she can't push her ultra liberal land grabbing agenda she can't find a way to remain *neutral*? Should Town Managers have an agenda other than the will of the people. So, does this point to a conflict of interest or a reason to engineer elections and keep your 4 day a week job? Does this indicate wasteful spending with the MMA looking for a replacement manager when one knowingly may not be needed if Lessard can gain favor via the election? Was the Lessard resignation paper not voted on by the Council because of: 1) Complete ignorance or 2) Fraudulent activities within our Town Office?

This seems to be a never ending story with Manager Lessard and her loyal subjects on the Council. Now instead of simply being rude and unprofessional, their actions have breached criminal.

Bernie Philbrick

**Susan Lessard <manager@hampdenmaine.gov>**

**Wed, Oct 26, 2011 at 9:45 AM**

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>  
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>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Dear Kristen -

Attached is a document from the Maine Municipal Association website that discusses Right to Know and Executive Sessions. I have enlarged, highlighted and bolded the information related to these topics. I hope it is helpful.

Susan

On Wed, Oct 26, 2011 at 7:41 AM, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov> wrote:

Good morning Sue,

I would like to ask if you could direct me to where I can find the 'rules' for council meeting in exec. session? There are most likely strict guidelines councils and council members must follow when having a closed-door meeting in exec. session?  
Thank you very much,

Blessings,  
Kristen

On Mon, Oct 24, 2011 at 8:09 PM, Susan Lessard <manager@hampdenmaine.gov> wrote:

Good Evening -

The Town Council will be meeting in Executive Session with David Barrett from Maine Municipal Association at 5:30p.m. on Tuesday, October 25th to review applications received for the Town Manager position.

Thank you -  
Sue



**MMA Packet on Right to Know Including Executive Sessions.doc**

59K

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**tar@frrlegal.com <tar@frrlegal.com>**

**Wed, Oct 26, 2011 at 9:45 AM**

To: manager@hampdenmaine.gov

Please be advised that I will be out of the office from October 18th to October 26th.

If you need immediate assistance, please forward your email to my assistant Kathleen at [kab@frrlegal.com](mailto:kab@frrlegal.com) or call her at the office at 990-3314.

Susan Lessard <manager@hampdenmaine.gov>

Wed, Oct 26, 2011 at  
9:48 AM

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>  
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Kristen-

I have no way to respond to this. I was not present.

Tom Russell was has been on vacation this past week and is still out today I believe - he was either returning today or tomorrow. He is on the distribution list for your email so I am sure that he will respond.

Susan

On Wed, Oct 26, 2011 at 9:31 AM, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov> wrote:

Good morning,

In regard to the council meeting last night that was supposedly in 'executive session.' You are all so diligent with everyone but yourselves following the rules, while you continue to bend and break them at will. I will be silent no longer.

First, this supposedly 'executive session' was never held as such. According to the Hampden Town Charter Section 211 (a) "All meetings are public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership, town manager, and to other person the council votes to admit, any matter which would tend to defame or prejudice the character or reputation of any person, provided that the precise subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. **The foregoing action shall be governed by state law, MRSA, Title 1, ss405, as amended.**"

That section states in part, "A motion to go into executive session must indicate the precise nature of the business of the executive session and included a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this sub chapter if one or more of the authorities are accurately cited in the motion."

No such specific motion was made. In fact, motion to enter into executive session was not made until 8 PM well after the discussion started, and then no topic of discussion was named. Several council members were there at 5:30 and the official meeting began at 6 PM. No motion was taken. It was an afterthought. Frankly, an embarrassing one at that, and possibly illegal.

Second, I am completely aware that discussion of resumes received for the position of Town Manager are to be held in complete and strict confidence. I intend to honor that. However, the discussion that followed after the applicant discussion had ended which began just before 8 PM by Councilor Hughes in which Councilor Hughes discussed information regarding our current Town Manager Sue Lessard as well as her feelings on the upcoming election were highly questionable for an exec. session (if we were even in one). The motion and vote had still not been taken when this conversation occurred. At best this conversation was gossip and inappropriate, at worst, illegal. I am contacting the Maine Attorney General to discover which. It is my understanding that upcoming elections or the results of such elections is not appropriate topic for exec. session.

Lastly, there were no minutes taken of this meeting until the gentleman from MMA told us what to do and how to do it at 8 PM. **He advised the Council Chair to let the minutes show that the meeting was opened and a vote to go into exec. session was taken at 6 PM, was seconded, and all voted.** This is a complete lie and I will not participate in it. Rest assured, I will be watching for the minutes to make sure they accurately show what really happened at this supposedly 'executive session.'

In my opinion this illustrates the very problems which have gotten us into this mess with gov't at every level. This is shameful behavior on the part of our elected officials. I am embarrassed and disgusted at this behavior and I will remain silent no longer.

Kristen

On Mon, Oct 24, 2011 at 8:09 PM, Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)> wrote:

Good Evening -

The Town Council will be meeting in Executive Session with David Barrett from Maine Municipal Association at 5:30p.m. on Tuesday, October 25th to review applications received for the Town Manager position.

Thank you -  
Sue

A-3-g

Hi Sue,

I've tried to find any information regarding "Finance & Administration Committee" on the website of Finance Committee.

Could you please direct me as to when the name of that committee was changed and where I might find the name of the committee was changed.

Thank you.

I've had several people question why so many non-financial conversations are taking place at the town level. I am wondering the same thing. Why, for example, are we discussing Ethics ordinance, Council rules? Should this not be done at the full council level, in full view of the residents, since it affects each of us?

I would also like the town Attorney's opinion of section 11 of the Council Rules.

Last night, after first stating that the rule for councilors to be on 3 committees was in the town Charter, the section which states that there must be 3 council members on each committee, using that for the 3 committees. It does not say that in the council rules either.

Thank you,  
Kristen

On Mon, Oct 17, 2011 at 2:55 PM, Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)> wrote:

- Show quoted text -

[Reply](#)   [Reply to all](#)   [Forward](#)

**Susan Lessard** to Kristen, Andre, Bill, Denise, Janet, Jean, Shelby, Thomas, Tom

Good Morning Kristen -

I have attached information from the Council packet of January 28, 2009 in which a restructuring of the Council was discussed at the February 6th meeting of the Council - this action was ratified. As you can see from the information attached, 'Finance'.

Tom Russell is on vacation for the next week, beginning today, so I cannot ask him at the moment. The language in Council rules, it does say that each Council Committee shall have three council members on all committees, except Finance, where he/she shall serve as the Chair. The application of this rule is that the Mayor and Council members should equally share the workload of the Town Council.

Discussions of proposed changes to an ordinance, although discussed in Committee - go back to the hearing. Changes to the Town Charter - although discussed in committee - are referred back to the voters. Changes to the Charter have to be further ratified by the voters at an election. There is opportunity to manage the workload of the Council without the extensive work done in Committees by the Council members, with a town budget of more than \$13 million dollars - Imagine how long and how ineffective and how considerable legwork done at the Committee level.

I apologize for this long-winded email. I want this Council to be effective. I want our meetings to be productive. I want to discuss the school re-use, serious budget issues related to school costs for 2013, how to maintain our infrastructure, etc etc. I want you not to feel marginalized in this process. I want to figure out how to help you better. It is important to me that all Councilors have the information they need in order to make good decisions. I hope you are not feeling disheartened at best.

I hope that this information is helpful. Please call if you want to discuss any items further.  
Sincerely-

Sue

- Show quoted text -

---

**2 attachments** — [Download all attachments](#)

 **Additional 1-28-09 packet information.pdf**  
145K [View](#) [Download](#)

 **1-28-09 packet information.pdf**  
95K [View](#) [Download](#)



A-3-h

Susan Lessard <manager@hampdenmaine.gov>

## bid and non-bid items

4 messages

**Lisa Carter <LisaFSA@aol.com>**

**Wed, Nov 2, 2011 at 7:02 PM**

To: Susan Lessard <manager@hampdenmaine.gov>

Hi Sue,

Thank you for the bid information you sent me a bit ago. I would also like some information on the non-bid jobs from the town. In particular, how many jobs (rather non-bid or bid) went to Hughes Brothers in the last 3 years? I assume you would only have the town's information on this and not the S.A.D.'s information. Would that be correct?

Thank you for your assistance.

Lisa Carter

**Susan Lessard <manager@hampdenmaine.gov>**

**Wed, Nov 2, 2011 at 9:25 PM**

To: Lisa Carter <LisaFSA@aol.com>

Hi Lisa -

Just a note to let you know that I am going to be in Augusta in the morning for a meeting but will be back in the afternoon and get the information out to you related to Hughes Brothers and work for the Town. You would have to contact the Superintendent's Office to get information on work done for the school district.

Sue

[Quoted text hidden]

**Lisa Carter <lisafsa@aol.com>**

**Wed, Nov 2, 2011 at 9:37 PM**

To: Susan Lessard <manager@hampdenmaine.gov>

Thanks Sue.

Sent from my iPhone

[Quoted text hidden]

**Susan Lessard <manager@hampdenmaine.gov>**

**Thu, Nov 3, 2011 at 3:56 PM**

To: Lisa Carter <lisafsa@aol.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>

Lisa,

Attached please find a spreadsheet that shows payments to Hughes Brothers, Lane Construction, Sargent, Harriman Brothers, and K & K from 2005/06 – 2011/12. I have also scanned in the vendor detail sheets from each year for each vendor as backup. Each contractor is attached as a separate file. Each page is a separate year. If you look at the top left hand corner of the sheets, it says Hampden - 06, or Hampden -07, etc. - that signifies the year of data involved. The town's fiscal year is 7/1 - 6/30. The final sheet in the vendor packets of Lane, and Harriman do not have a number in the upper left hand corner and that signifies that it is the current (11/12) year.

The one job that Hughes did for the town in 2010/2011 was at the library which got a grant that redid the circulation desk, filled the old pool that was under the children's area, and reorganized the space. The portion of the work that was done by Hughes was the tearing up of the floor and filling the old pool with concrete and putting a new floor on top.

I have included the information from the other contractors for comparison purposes. As you can see, some of the payments are from contract work that is over the bid price, some are for materials only, and others such as the Library pool fill work for Hughes, and the culvert work for Harriman are under the bid amounts. Without it, you would be unable to put in context what percent of such work had gone to Hughes Brothers. I have also included the three years prior to those requested for comparison purposes as well.

I hope that this is helpful.

Sue

[Quoted text hidden]

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#### 5 attachments

 **Hughes Brothers.pdf**  
203K

 **Lane.pdf**  
524K

 **Sargent.pdf**

237K

 **Harriman.pdf**  
64K

 **K & K.pdf**  
101K

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Major Contractor Payments  
2005/06 - 2011/12

Year	Hughes Brothers	Lane Construction	Sergeant & Sergeant	K & K Excavation	Harriman & Sons
2005/2006	\$ 140.96 (materials)	\$ 190,671.31 Paving and Material	\$ 176,572.35 Sewer Work		
2006/2007	\$ 964.00 material	\$ 1,127,873.27 Road work & Material	\$ 1,587,845.88 Sewer Work		
2007/2008	\$ 1,060.00 truck rental & material	\$ 353,679.60 paving, street sweeping	\$ 284,637.16 Business Park Road, 1A		
2008/2009	\$ 1,404.80 fill & truck rental	\$ 364,991.84	\$ 35,945.87		
2009/2010	\$ 200.00 material purchase	\$ 3,246.58 materials	\$ 1,586,486.68	\$ 127,653.40	
2010/2011	\$ 8,706.45 library pool fill, material	\$ 3,711.06 material	\$ 85,940.53	\$ 1,436,888.18	\$ 5,010.00
2011/2012	\$ -	\$ 675.03 materials	\$ -	\$ 33,291.11	\$ 4,500.00
Totals	\$ 12,476.21	\$ 2,044,848.69	\$ 3,757,428.47	\$ 1,597,832.69	\$ 9,510.00

A-3-i  
Susan Lessard <manager@hampdenmaine.gov>

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## Meeting Information

1 message

Thu, Nov 3, 2011 at  
5:56 PM

Susan Lessard &lt;manager@hampdenmaine.gov&gt;

To: Terry McAvoy <energysecurity@myfairpoint.net>  
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>

November 4, 2011

Mr. McAvoy,

In your request of November 3<sup>rd</sup> you asked for "dates of all 'special', 'executive', and emergency Town Council meetings that have occurred since July 31, 2001.

First – a definition to help explain the attached spreadsheets. A "special" meeting of the Town Council is any meeting other than the two, regularly scheduled Council meetings per month that are scheduled to fall on the first and third Monday of each month. Occasionally, due to weather or lack of a quorum a regular meeting gets moved to a different date. It is still a regular meeting and still has all the components of a regular meeting.

The Council also schedules special council meetings, usually for single subjects that require more extensive discussion. These meetings are scheduled on days other than the first and third Mondays – but are posted and noticed in the same manner as a 'regular' council meeting.

The first spreadsheet lists the date of each Special meeting since July of 2001, the purpose of the meeting, and whether or not it was held in Executive session (closed to the public). Of the 65 Special meetings held since July of 2001, 8 have contained a closed session, 5 of which related to negotiations related to Pine Tree Landfill, 1 regarding the business park, and two for review of resumes for replacement of the Town Manager.

The second spreadsheet lists the date of the Regular Council meeting on which one of the agenda items listed was discussed in executive session, and the agenda item that was discussed there. Of the 248 regular council meetings scheduled from July of 2001 through October of 2011, 36 contained an item that was discussed in a closed session. 7 of those items were related to Pine Tree negotiations, 11 related to personnel, union negotiation, or employee contract issues, 4 were related to legal matters facing the Town, 13 related to business park, land acquisition, or economic development items, and one was a poverty abatement application. These meetings were only closed during the discussion of the one item cited – the remainder of the items on these agendas were all discussed in open session. Minutes of all these meetings reflect this.

Finally, since not all minutes for 2011 have been completed, I need to review those agendas and notes that are not done manually to be sure I have not missed anything else

I hope that this is helpful.

Sue Lessard

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**2 attachments**

 **special Meetings.xls**  
21K

 **Regular Meetings With Executive Session Items.xls**  
15K

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Special Meetings Held from 2001-2011 and identification of any held in Executive Session

	A	B	C
1	<b>Special Meeting</b>	<b>Purpose of Meeting</b>	<b>Executive Session</b>
2			<b>Y/N</b>
3	7/30/2001	Host Community Benefit Neg.	Y
4	8/1/2001	Host Community Benefit Neg.	Y
5	9/10/2001	Host Community Benefit Neg.	y
6	11/29/2001	Hearing on Application VIII-C	
7		Pine Tree Landfill	N
8	12/10/2001	License - VIII C Pine Tree	N
9			
10	5/13/2002	Budget Workshop	N
11	5/16/2002	Budget Workshop	N
12	5/28/2002	Budget Workshop	N
13			
14	5/12/2003	Budget Workshop	N
15	5/27/2003	Budget Workshop	N
16	12/8/2003	80,000lb trucks hauling to	
17		Juniper Ridge	N
18			
19	5/3/3004	Budget Workshop	N
20	5/10/2004	Budget Workshop	N
21	5/24/2004	Budget Workshop	N
22	8/9/2004	Transfer Station Operation	N
23	8/30/2004	Public Safety Staffing	N
24	9/27/2004	Mobile Home Park Ordinance	N
25	12/13/2004	Open Space & Land Use	
26		Committee Report	N
27			
28	5/9/2005	Budget Workshop	N
29	5/12/2005	Budget Workshop	N
30	5/23/2005	Budget Workshop	N
31	11/2/2005	Pine Tree Landfill Consultants	N
32	11/28/2005	Pine Tree Landfill -Council Rights	Y
33		& Responsibilities w/expansion	
34			
35	1/23/2006	Pine Tree Landfill Issue with DEP	N
36	5/8/2006	Budget Workshop	N
37	5/10/2006	Budget Workshop	N
38	5/24/2006	Budget Workshop	N
39	6/26/2006	Set Date for Special Election	N
40	7/24/2006	Economic Development	N
41	9/25/2006	Pine Tree Technical Consultants	
42		Water Quality Report	N
43	11/13/2006	Legal Issues - Business Park	Y
44	11/27/2006	Host Community Benefit Neg.	Y
45			
46	5/14/2007	Budget Workshop	N
47	5/29/2007	Budget Workshop	N
48	7/23/2007	Comp Plan Update - Council	N
49	8/27/2007	Commerce Court Road Accept	N
50	9/12/2007	Set Date for Special Election	N
51	1/28/2008	Goals & Objectives	N
52	5/12/2008	Budget Workshop	N
53	5/14/2008	Budget Workshop	N
54	5/27/2008	Budget Workshop	N

Special Meetings Held from 2001-2011 and identification of any held in Executive Session

	A	B	C
55	<b>Special Meeting</b>	<b>Purpose of Meeting</b>	<b>Executive Session</b>
56			<b>Y/N</b>
57	7/28/2008	Zoning Text Amendments for	
58		Height Change for new high school	N
59	11/24/2008	Pine Tree Technical Consultants	
60		Presentation on Landfill	N
61			
62	5/11/2009	Budget workshop	N
63	5/20/2009	Budget workshop	N
64	5/27/2009	Budget workshop	N
65	9/28/2009	Stormwater Mangement Session	N
66	11/30/2009	Goals & Objectives	N
67			
68	4/26/2010	Comp Plan - Public Comments	N
69	5/4/2010	Comp Plan - Public Comments	N
70	5/13/2010	Comp Plan - Public Comments	N
71	5/18/2010	Budget Workshop	N
72	5/20/2010	Comp Plan - Public Comments	N
73			
74			
75			
76	<b>Special Meeting</b>	<b>Purpose</b>	<b>Executive Session</b>
77			<b>Y/N</b>
78	5/24/2010	Budget Workshop	N
79	11/10/2010	Hamlin Marina Land Swap	N
80			
81	2/5/2011	Strategic Planning	N
82	3/1/2011	Comp Plan Concerns	N
83	3/12/2011	Strategic Planning	N
84	5/17/2011	Budget workshop	N
85	5/23/2011	Budget workshop	N
86	5/26/2011	Budget workshop	N
87	6/1/2011	Budget workshop	N
88	9/12/2011	Hiring Search Firms	N
89	10/25/2011	Discuss Manager Resumes	Y
90	10/31/2011	Discuss Manager Resumes	Y

<b>Regular Meeting w/executive session agenda item - Date</b>	<b>Agenda Item discussed in Executive Session</b>
1/2/2001	Lawsuit loss Atty fees Pine Tree
3/5/2001	Economic Dev Proposal
3/19/2001	Lawsuit loss Atty fees Pine Tree
4/16/2001	Lawsuit loss Atty fees Pine Tree
5/21/2001	Manager Performance Review
6/4/2001	Economic Dev Proposal
7/16/2001	Perry Lot Acquisition
8/21/2001	Personnel Matter
9/4/2001	Personnel Matter
9/4/2001	Host Community Benefit Neg.
9/17/2001	Host Community Benefit Neg.
10/1/2001	Host Community Benefit Neg.
10/17/2001	Personnel Matter
2/25/2002	Police & Fire Contract Neg
6/3/2002	Personnel Matter
2/3/2003	Land Acquisition Proposal
6/16/2003	Lot Sale - Business Park
10/6/2003	Helena Perry Estate
9/7/2004	Land Acquisition Proposal
4/5/2005	Lot Sale - Business Park
5/20/2005	Police & Fire Contract Neg
6/20/2005	Lot Sale - Business Park
3/6/2006	Marina Lease
10/16/2006	Economic Dev Proposal
12/4/2006	Host Community Benefit Neg.
4/2/2007	Complaints Against TM & PSD
9/4/2007	Lot Sale - Business Park
11/5/2007	Pending litigation

<b>Regular Meeting w/executive session agenda item</b>	<b>Agenda Item discussed in Executive Session</b>
2/19/2008	Legal issues- Water District
3/3/2008	Contract - Econ Dev Director
4/7/2008	Personnel Matter
5/14/2008	Legal issues- SAD 22
6/16/2008	Legal issues- SAD 22
8/11/2008	Land Acquisition Proposal
2/1/2010	Poverty Abatement Application
5/18/2010	Manager Contract



Susan Lessard <manager@hampdenmaine.gov>

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## Attorney Bill

1 message

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Mon, Nov 7, 2011 at  
8:44 AM

Susan Lessard <manager@hampdenmaine.gov>

To: Terry McAvoy <energysecurity@myfairpoint.net>  
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>

Dear Mr. McAvoy,

Attached please find a recent bill from attorney Tom Russell. As you will note on the bill, his regular rate per hour is \$145. As you will also see, on the dates when he attends a Town Council meeting, that fee is capped at 2 hours. Both meetings on the bill attached ran longer than two hours, which is why the rate per hour for those two appears to be a smaller number. If the meeting had only been one hour - the Town would have only been billed for that 1 hour. As you will note from the bill, Mr. Russell reviews many matters for the Town including deeds and legal documents for development projects, legal opinions on subjects requested by the Town, review of ordinances/policies, etc.

As I have stated before, there is no contract with Mr. Russell and the Town pays no retainer to Mr. Russell to insure his availability. He has been the attorney used by the Town for many many years.

I hope that this is helpful.

Sue Lessard

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 **Attorney Bill.pdf**  
523K

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A-3-j



Susan Lessard <manager@hampdenmaine.gov>

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## From Larry Grard

2 messages

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**Larry Grard** <lgrard@svweekly.com>

**Fri, Oct 28, 2011 at 9:27 AM**

Reply-To: Larry Grard <lgrard@svweekly.com>

To: Susan Lessard <manager@hampdenmaine.gov>

Good morning, Susan

I recall writing the story regarding your official resignation. Did the town council officially accept that resignation?

Thanks,  
Larry Grard  
Editor  
Citizen Journal

---

**Susan Lessard** <manager@hampdenmaine.gov>

**Fri, Oct 28, 2011 at 9:56 AM**

To: Larry Grard <lgrard@svweekly.com>

Good morning,  
How interesting. You are the second person in less than 24 hours to ask for this information. In order to make sure everyone gets exactly the same info I will forward you the emails that I provided to Mr. McAvoy yesterday. If you have questions feel free to call.  
Sue Lessard

On Friday, October 28, 2011, Larry Grard <lgrard@svweekly.com> wrote:

- > Good morning, Susan
- > I recall writing the story regarding your official resignation. Did the town council officially accept that resignation?
- > Thanks,
- > Larry Grard
- > Editor
- > Citizen Journal
- >



Susan Lessard <manager@hampdenmaine.gov>

## Hampden meeting

8 messages

**Larry Grard <lgrard@svweekly.com>**

**Fri, Oct 28, 2011 at 9:57 AM**

Reply-To: Larry Grard <lgrard@svweekly.com>

To: Susan Lessard <manager@hampdenmaine.gov>

Good morning, Susan

Could you send me Mr. Russell's written opinion regarding the Oct. 25 meeting?

Thanks again,  
Larry

**Susan Lessard <manager@hampdenmaine.gov>**

**Fri, Oct 28, 2011 at 10:06 AM**

To: Larry Grard <lgrard@svweekly.com>

I will forward it when I get back to Hampden and to the office. I am at my mother's in northport right now. The office is closed.

Take care.

Susan

[Quoted text hidden]

**Larry Grard <lgrard@svweekly.com>**

**Fri, Oct 28, 2011 at 10:08 AM**

Reply-To: Larry Grard <lgrard@svweekly.com>

To: Susan Lessard <manager@hampdenmaine.gov>

Thanks as always for your cooperation, Susan.

**From:** Susan Lessard <manager@hampdenmaine.gov>

**To:** Larry Grard <lgrard@svweekly.com>

**Sent:** Friday, October 28, 2011 10:06 AM

**Subject:** Re: Hampden meeting

[Quoted text hidden]

**Larry Grard <lgrard@svweekly.com>**

**Fri, Oct 28, 2011 at 12:47 PM**

Reply-To: Larry Grard <lgrard@svweekly.com>

To: Susan Lessard <manager@hampdenmaine.gov>

Thanks, Susan. Are there any circumstances in which you could be convinced to remain in office?

---

**From:** Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>  
**To:** Larry Grard <[lgrard@svweekly.com](mailto:lgrard@svweekly.com)>  
**Sent:** Friday, October 28, 2011 10:06 AM  
**Subject:** Re: Hampden meeting

[Quoted text hidden]

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**Susan Lessard** <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>

**Mon, Oct 31, 2011 at  
9:24 AM**

To: Larry Grard <[lgrard@svweekly.com](mailto:lgrard@svweekly.com)>  
Cc: Andre Cushing <[andrec@roadrunner.com](mailto:andrec@roadrunner.com)>, Bill Shakespeare <[shakespearetowncouncil@hampdenmaine.gov](mailto:shakespearetowncouncil@hampdenmaine.gov)>, Denise <[clerk@hampdenmaine.gov](mailto:clerk@hampdenmaine.gov)>, Janet Hughes <[hughestowncouncil@hampdenmaine.gov](mailto:hughestowncouncil@hampdenmaine.gov)>, Jean Lawlis <[lawlistowncouncil@gmail.com](mailto:lawlistowncouncil@gmail.com)>, Kristen L Hornbrook <[hornbrooktowncouncil@hampdenmaine.gov](mailto:hornbrooktowncouncil@hampdenmaine.gov)>, Shelby Wright <[wrighttowncouncil@gmail.com](mailto:wrighttowncouncil@gmail.com)>, "Thomas A. Russell" <[tar@frrlegal.com](mailto:tar@frrlegal.com)>, Tom Brann <[branntowncouncil@hampdenmaine.gov](mailto:branntowncouncil@hampdenmaine.gov)>, Andrew Neff <[anef@bangordailynews.com](mailto:anef@bangordailynews.com)>

Mr. Grard-

I have been the manager in the Town of Hampden for almost 11 years. I care greatly about the community, because if not, I would simply have left after the required 30 day notice period. When I decided it was time to move on I tried to do so in a responsible manner by giving the Council sufficient time to advertise, interview, and find a new person. I have made contacts and interviewed for other positions - and am still in the 'deciding' phase of what is next for me - not the least of which is the fact that I promised myself a month off between this job and whatever is next. Some staff, some residents, and some councilors have asked if I would consider staying on for a period of time. I resigned to explore other opportunities, and I remain committed to that.

I actually have told many people that my resignation would be a good thing for the community in many ways. Not because I am some evil incarnate or because I have done a bad job - but because the community is going through a difficult and divided time. I am, because of the fact that I am the 'face' who has carried out the policies of the elected officials for many years, identified with that policy. A new face, with no prior associations here, would have a real opportunity to provide healing for the community by building bridges to all segments of the community.

Until I received the attached email sent to Town Councilors by Bernie Philbrick, I was more than a little confused at your question - as well as why you and Mr. McAvoy wanted to see my resignation letter and what actions the council has taken to replace me. It appears that conspiracy theories are not limited to state and federal actions. I can tell you that Mr. Philbrick is mistaken on virtually all of his accusations related to me. The idea that I am a left-leaning liberal would be laughable if it were not so sad. I am a registered republican - and have been for a number of years. I do not set policy for the town - I administer the policy set by the elected officials and I have done my best to do that in the Town of Hampden. The Council has taken substantive steps following my resignation to find a new manager and I wish them the best in this process. I have had no involvement with the

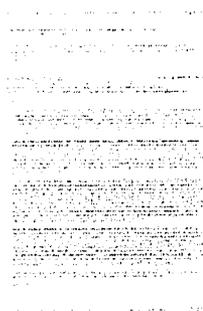
process and attended no meetings in its regard.

I am most astounded at Mr. Philbrick's assertion that he had a discussion with one of my employees at the grocery store regarding my resignation. I do intend to follow up with Mr. Philbrick on this - since it is a total fabrication, I believe it is within my rights to know who is making up such stories - and why.

Finally, I will be leaving the Town of Hampden as its Manager by the end of the year. I said that in my resignation letter, and I am following through with that.

If you have questions - please call.

Sincerely  
Susan Lessard  
[Quoted text hidden]



**Bernie Philbrick email.jpg**  
626K

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**Larry Grard <lgrard@svweekly.com>**  
Reply-To: Larry Grard <lgrard@svweekly.com>  
To: Susan Lessard <manager@hampdenmaine.gov>

**Mon, Oct 31, 2011 at 10:08 AM**

Thanks for your reply, Susan

I do seem to recall you stating that you would stay on for the rest of the year if necessary. Would Dec. 31 be the end date, then?

Thanks,  
Larry

---

**From:** Susan Lessard <manager@hampdenmaine.gov>  
**To:** Larry Grard <lgrard@svweekly.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 <aneff@bangordailynews.com>

**Sent:** Monday, October 31, 2011 9:24 AM

**Subject:** Re: Hampden meeting

[Quoted text hidden]

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**Susan Lessard <manager@hampdenmaine.gov>**

**Mon, Oct 31, 2011 at  
10:35 AM**

To: Larry Grard <lgrard@svweekly.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 <aneff@bangordailynews.com>

Mr. Grard -

I told the Council that I wanted the transition to be done by year end - which is 12/31. My hope is that the Council will identify and hire a candidate in November - after which time I will leave so that there is a period of time between my service and that of the next manager. I believe that this is necessary so that staff and Council can be preparing for the arrival of a new person without worrying about hurting the feelings of the outgoing one. It is certainly possible that this will all be accomplished prior to 12/31, if it is not, I have kept my word and fulfilled my commitment to the community through that date and will be moving on to another position.

Sue Lessard

[Quoted text hidden]

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**Susan Lessard <manager@hampdenmaine.gov>**

**Tue, Nov 1, 2011 at 8:00 AM**

To: Andre Cushing <andre@andrecushing.com>

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

From: **Susan Lessard <manager@hampdenmaine.gov>**

Date: Mon, Oct 31, 2011 at 9:24 AM

Subject: Re: Hampden meeting

[Quoted text hidden]

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**Bernie Philbrick email.jpg**



A-3-k

Susan Lessard &lt;manager@hampdenmaine.gov&gt;

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**signs**

13 messages

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**Lisa Carter <LisaFSA@aol.com>****Tue, Oct 25, 2011 at 12:34 PM**

To: Susan Lessard &lt;manager@hampdenmaine.gov&gt;

Good Morning Sue,

I received several phone calls last night and this morning regarding a call that Mark Gray received last night from Denise. From what I was told, Mark received a call from Denise telling him he needed to go out last night and remove his signs because they were not allowed to be out until today (Tuesday). Mark told her he had not put any signs on public property and that he only knew about a few signs that were up on private property. From what I was told Denise told him that didn't matter and that no signs including political signs could be out yet even on private property.

Is this story correct?

Thank you.

Lisa Carter

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**Susan Lessard <manager@hampdenmaine.gov>****Tue, Oct 25, 2011 at 1:00 PM**

To: Lisa Carter &lt;LisaFSA@aol.com&gt;

Cc: Denise &lt;clerk@hampdenmaine.gov&gt;

Good afternoon Lisa,

I asked Denise about your email and she said that she spoke with Kim yesterday morning in regard to signs that were out on Western Avenue. Kim told Denise that Mark had not put out any signs and Kim said she was going to contact him to let him know. That was the extent of the conversation.

The sign ordinance in regard to political signs says that signs cannot be in the public right of way until two weeks prior to an election, which in this case, would be today. The public right of way includes such locations as intersections, roadsides within road right of ways, and public property - such as the Town Office. A good example is the fact that someone placed a number of political signs on the front lawn here either Sunday or Monday - which is not allowed.

People are allowed to have such signs on their private property outside of the two week period.

I hope that this is helpful.

Sue

[Quoted text hidden]

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**Lisa Carter <LisaFSA@aol.com>**

**Tue, Oct 25, 2011 at 1:47 PM**

To: Susan Lessard <manager@hampdenmaine.gov>

Hi Sue,

Please clarify "public right of way".

Thank you.

Lisa Carter

[Quoted text hidden]

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**Lisa Carter <LisaFSA@aol.com>**

**Tue, Oct 25, 2011 at 2:04 PM**

To: Susan Lessard <manager@hampdenmaine.gov>

Sue,

One more thing, I checked out the signs on Western Ave. and many of them were Jeremy Williams and a few were Mark Gray's. The one's I saw were on private property. Another question for me is why was Mark Gray the only one to receive any call? What signs specifically caused Denise to make that call?

Lisa Carter

On Oct 25, 2011, at 1:00 PM, Susan Lessard wrote:

[Quoted text hidden]

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**Susan Lessard <manager@hampdenmaine.gov>**

**Tue, Oct 25, 2011 at 2:25 PM**

To: Lisa Carter <LisaFSA@aol.com>

Hi Lisa-

This is the language directly from the zoning ordinance, section 4.8.3 (8). Political signs are included under temporary event signs. The Town does not regulate temporary signs outside of those that are located in the right of way of a road, on public property, at an intersection, etc. There is not a specific definition of public right of way in our zoning ordinance. It has been interpreted to mean the rights of ways of roads/intersections/etc. Tom Russell is on vacation - so I cannot get more defined that this at the moment.

Sue

4.8.3. Permitted Signs Not Requiring a Permit – The following signs shall be permitted in all districts without a permit: Amended 01/21/03

1. Real estate signs - The following signs relating to the sale, rental or lease of a premises may be

displayed on the premises of a premises which is available for sale, rent or lease.

a. A single freestanding sign, not over five (5) square feet in area.

Amended 01/21/03

b. A single wall sign not over three (3) square feet in area.

All such signs shall be removed when PURPOSE IS FULFILLED.

2. Posting signs - Signs relating to trespassing and hunting.

3. Residential identification signs - A single sign denoting the name and/or address of the occupants of

residential premises, such sign shall not exceed four (4) square feet in area.

a. Or one sign naming the premises where located. Such sign shall not exceed six (6) square feet if

it is a wall sign, or four (4) square feet if it is a freestanding sign. (Examples: Twin Oaks, Fox

Fire, Kinsley House, etc.). Amended 01/21/03

Town of Hampden, Maine

Zoning Ordinance

54

4. Tradesman signs - A single sign, placed on the premises where construction, repair, or renovation is

in progress, which denotes the architect, engineer, contractor, and/or funding source for the work in

progress. Such sign shall not exceed sixteen (16) sq.ft. in area and shall be removed when the work

is completed. Federal and state government-mandated signs are exempt.

5. Traffic signs - Signs providing traffic and directional information to the public.

6. Home occupation sign - In place of the sign allowed in Article 4.8.3.3. above, approved home

occupations may display a single sign, not over four (4) sq.ft. in area, relating to the home occupation.

7. For sale signs - In addition to the sign allowed in Article 4.8.3.3. above, residential users may display

a single temporary sign, not over four (4) sq.ft. in area, relating to goods or services for sale on the

premises, if such sale does not constitute either a business, a home occupation, or a yard sale.

Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used

appliance, or other occasional sales.

**8. Temporary event signs - Temporary signs announcing public and semi-public occasional events, political campaigns, candidates, etc. Such signs shall be displayed not more than two (2) weeks**

**before the event and shall be removed within one (1) week after the event. Signs established more**

**than two weeks prior to the announced event shall be deemed unlawful and are subject to removal**

**under Article 4.8.10.2. .(Amended 04-04-05)**

On Tue, Oct 25, 2011 at 12:34 PM, Lisa Carter <[LisaFSA@aol.com](mailto:LisaFSA@aol.com)> wrote:

[Quoted text hidden]

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**Lisa Carter <[LisaFSA@aol.com](mailto:LisaFSA@aol.com)>**

**Tue, Oct 25, 2011 at 2:31 PM**

To: Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>

Thank you Sue. I still would like to know what signs in particular caused Denise to call Mark.

Lisa Carter

[Quoted text hidden]

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**Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>**

**Tue, Oct 25, 2011 at 2:40 PM**

To: Lisa Carter <[LisaFSA@aol.com](mailto:LisaFSA@aol.com)>

Cc: Denise <[clerk@hampdenmaine.gov](mailto:clerk@hampdenmaine.gov)>

Lisa -

I believe that Mark's home got a call and Jeremy got an email (Mark indicated that he does not have computer access) both in regard to the ones that are next to the sidewalk on Western Avenue. None of them were in front of anyone's home or business. The signs clumped together on the edge of the sidewalk at the end of the property of the funeral home caused calls in the same way that the signs on the front lawn of the Town Office did. None of the signs were removed, and at this point the issue is moot because the time limit is within the two week period in which such signs will sprout virtually everywhere.

Sue

[Quoted text hidden]

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**Lisa Carter <[LisaFSA@aol.com](mailto:LisaFSA@aol.com)>**

**Tue, Oct 25, 2011 at 2:45 PM**

To: Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>

Thank you Sue.

[Quoted text hidden]

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**Michael Levesque <[info@perfectfitusa.com](mailto:info@perfectfitusa.com)>**

**Tue, Oct 25, 2011 at 3:46 PM**

To: Lisa Carter <[lisaftsa@aol.com](mailto:lisaftsa@aol.com)>

Cc: Gary Gilpatrick <[garryg@roadrunner.com](mailto:garryg@roadrunner.com)>, Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>

I put them where Gary told me to put them!!!! Well off the road on his property!!!!

---

**From:** Lisa Carter [mailto:[lisafsa@aol.com](mailto:lisafsa@aol.com)]  
**Sent:** Tuesday, October 25, 2011 2:46 PM  
**To:** Cindy Philbrick; Jeremy Williams; Michael Levesque; Lisa Kelley  
**Subject:** Fwd: signs

Begin forwarded message:

**From:** Lisa Carter <[LisaFSA@aol.com](mailto:LisaFSA@aol.com)>  
**Date:** October 25, 2011 2:45:17 PM EDT  
**To:** Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>  
**Subject:** Re: signs

[Quoted text hidden]

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**Lisa Carter** <[LisaFSA@aol.com](mailto:LisaFSA@aol.com)>  
To: Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>

**Wed, Oct 26, 2011 at 11:28 AM**

Good Morning Sue,

Thank you for all your research on this. I did some further research as well. Jeremy did not get an e-mail. The signs referred to by the funeral home are on private property and were put exactly where the owner of the property wanted them. Apparently, Denise talked with Kim and did not say which signs but said Mark's signs needed to be removed. It would seem "moot" at this point except for the fact that Denise, who is in charge of the elections in this town, contacted only one candidate and requested he take down his signs, she apparently did not indicate which ones, private or public. The questions I have is who complained to Denise and who instructed Denise to call Mark?

Thank you.

Lisa Carter  
On Oct 25, 2011, at 2:40 PM, Susan Lessard wrote:

[Quoted text hidden]

**Wed, Oct 26, 2011 at  
12:31 PM**

**Susan Lessard <manager@hampdenmaine.gov>**

To: Lisa Carter <LisaFSA@aol.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>

Bcc: Michael Levesque <leather1@tdstelme.net>

Lisa -

I have attached a copy of the email that was sent from Denise to what she believed was Jeremy. When she entered the email address, there is an autocomplete and it apparently went to Jean Lawlis instead of Jeremy - as you can see from the address line - she clearly intended to send this to Jeremy - the email is addressed to him.

The signs along the sidewalk at the end of the funeral home property were the ones identified. I do not have names of persons who called in that regard or whether they were mentioned when people came in. No one instructs Denise to call persons in regard to election signs - it is part of her responsibility as the Town Clerk in charge of elections to notify candidates whose signs are placed early or left late. Mike Levesque was in this morning and indicated that it was he that had put out the signs and that he had done so on Sunday because that was when he had time to do it. No mention was made of signs that were clearly on private property in other areas that he put out. The location of the signs right next to the sidewalk and not in front of anyones home was the impetus for the notification I am sure. As I said - no signs were removed - and Michael provided information that addressed the cause of their location. As you can see from the email that Denise tried to send to Jeremy - she cited the sign ordinance, thanked him for his cooperation, and asked him to call her if he had questions.

Michael was also in this morning to obtain documentation to answer allegations that somehow Denise was looking to sway the election by not taking Shelley Blosser's name off the ballot when Shelley decided to withdraw from the race at the end of September. To say that Denise was devastated at such an allegation is an understatement. Mr. Levesque indicated that he would be distributing the information provided to him showing when the ballots were ordered and approved to allay that concern. I am concerned that the tone of your email seems to suggest that Denise is acting in an unprofessional manner in her work as a the Town Clerk - and nothing could be further from the truth. Not only does she have an untarnished reputation from her fifteen years of work as a paralegal - as Town Clerk she is certified at both the State and National level and sworn to uphold the duties of her office in an impartial manner. She is responsible to the laws of the State of Maine and to the Charter and ordinances of the Town. Never once in the struggles that have ensued in the Council Chambers over the past 10 months has she every behaved in anything other than an impartial and fair manner.

I am not sure what else to say here. I have provided all the information that I have.  
Susan

[Quoted text hidden]



**Jeremy Williams email from Denise.pdf**

69K

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**Lisa Carter <lisafsa@aol.com>**

**Wed, Oct 26, 2011 at 4:15 PM**

To: Susan Lessard <manager@hampdenmaine.gov>

Cc: Michael Levesque <info@perfectfitusa.com>

Good Afternoon Sue,

I really am puzzled by your e-mail back to me regarding the questions I asked you regarding sign removal requested by Denise. First of all, I am a firm believer in getting the facts and not listening to rumors. In order to do so you must ask questions, that is just the reality.

Secondly, I am not pleased that you found it proper or necessary to fill me in on an apparent visit from a resident to the town office. That, frankly, is none of my concern. I would be concerned if I was Michael Levesque and found out that such an e-mail went out. Thirdly, I am not aware that I ever questioned Denise's professionalism, partiality or work ethic. For you to make such an assumption from a few questions gives me pause. Fourthly, a bit of friendly advise.... when one is in public office they definitely should be used to questions and not react in such an emotional manner as to be "devastated". I am not aware of any questions that have been unfriendly or less than polite and cordial. To be afraid of asking questions for fear it may cause an emotional reaction is not acceptable when dealing with the public.

Please from this point on do not include me in other matters that do not concern me.

Thank you.

Lisa Carter

[Quoted text hidden]

[Quoted text hidden]

<Jeremy Williams email from Denise.pdf>

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**Susan Lessard <manager@hampdenmaine.gov>**

**Wed, Oct 26, 2011 at 4:38 PM**

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

[Quoted text hidden]



A-3-1

Susan Lessard &lt;manager@hampdenmaine.gov&gt;

## Bid Information

1 message

Susan Lessard &lt;manager@hampdenmaine.gov&gt;

Tue, Oct 18, 2011 at  
8:49 AM

To: Lisa Carter &lt;lisafsa@aol.com&gt;

Cc: Andre Cushing &lt;andrec@roadrunner.com&gt;, Bill Shakespeare &lt;shakespearetowncouncil@hampdenmaine.gov&gt;, Denise &lt;clerk@hampdenmaine.gov&gt;, Janet Hughes &lt;hughestowncouncil@gmail.com&gt;, Jean Lawlis &lt;lawlistowncouncil@gmail.com&gt;, Kristen L Hornbrook &lt;hornbrooktowncouncil@hampdenmaine.gov&gt;, Shelby Wright &lt;wrighttowncouncil@gmail.com&gt;, "Thomas A. Russell" &lt;tar@frrlegal.com&gt;, Tom Brann &lt;branntowncouncil@hampdenmaine.gov&gt;

Dear Lisa -

Attached please find the bid results and bids that were advertised by the Town from 2007 to date. You will receive several emails because there are lots of files. All of these items are at or over the bid threshold as defined by the Town's Bid Policy. For those items that do not require a formal bid, but do require getting quotes from three entities - I will have to go back through the Committee meeting minutes to find them but should have those within a day or two.

I did not understand at the last Council meeting that you were seeking seeking specific bid results - I thought you were asking about process, which was explained at that meeting.

I hope this is helpful.

Sue

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### 10 attachments

-  **Police vehicle 2007.pdf**  
125K
-  **Paving 2007.pdf**  
183K
-  **Backhoe Loader 2007.pdf**  
217K
-  **Tractor 2007.pdf**  
213K
-  **2007 Public Works Truck.pdf**  
229K
-  **Cemetery Expansion 2007.pdf**  
186K



Susan Lessard <manager@hampdenmaine.gov>

## Email 2 - Bids and Results

1 message

Susan Lessard <manager@hampdenmaine.gov>

Tue, Oct 18, 2011 at 8:52 AM

To: Lisa Carter <lisafsa@aol.com>

Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Additional bids.

### 10 attachments

-  **Pool Painting 2008.pdf**  
133K
-  **Pool Flooring 2008.pdf**  
128K
-  **PW Pickup Truck.pdf**  
150K
-  **2008 Public Works Truck.pdf**  
124K
-  **2008 mower.pdf**  
126K
-  **Pool Boiler Replacement 2008.pdf**  
116K
-  **municipal building roof replacement 2008.pdf**  
169K
-  **Garage Door Replacement 2008.pdf**  
150K
-  **Pumper Tanker Fire Truck March 2009.pdf**  
173K
-  **Paving March 2009.pdf**  
171K



Susan Lessard <manager@hampdenmaine.gov>

# Email 3 Bids

1 message

Tue, Oct 18, 2011 at 8:56 AM

Susan Lessard <manager@hampdenmaine.gov>

To: Lisa Carter <lisafsa@aol.com>  
Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@gmail.com>, 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>

## Additional Bids

### 10 attachments

-  **Police Vehicle 2009.pdf**  
98K
-  **2010 Public Works Truck.pdf**  
283K
-  **Sewer Replacement June 2009.pdf**  
311K
-  **Library Roof Replacement July 2009.pdf**  
248K
-  **BEAR Program October 2009.pdf**  
190K
-  **Police Vehicle February 2010.pdf**  
111K
-  **Paving March 2010.pdf**  
167K
-  **2011 Public Works Truck.pdf**  
178K
-  **Mayo Road Reconstruction April 2010.pdf**  
243K
-  **Sale of 1987 Freightliner.pdf**  
119K

 **Garage Heating System.pdf**  
179K

 **Library Air Conditioning 2008.pdf**  
192K

 **Paving 2008.pdf**  
188K

 **Security System 2008.pdf**  
147K

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Susan Lessard <manager@hampdenmaine.gov>

## Non-bid quote items

1 message

Tue, Oct 18, 2011 at  
12:50 PM

Susan Lessard <manager@hampdenmaine.gov>

To: Lisa Carter <lisafsa@aol.com>

Cc: Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Dear Lisa -

I have attached a copy of the Council's Bid Procedure Guidelines.

Items under the bid threshold of \$10,000 include, but are not limited to;

Line Striping and Crosswalk Markings - The Public Works director reports on quotes received and notifies the Infrastructure Committee on the vendor selected and the price

Electrical services - The Town tries to use local vendors for services such as this, for example, the Town hires ELCO Electric to put up and take down the Christmas lights annually. This is not a bid item - but they have the equipment necessary. At other times, for small jobs, the Town might hire Hampden Electric.

Office Supplies - Kathy Cole in the town office is responsible for purchasing of supplies and does so after reviewing pricing from a number of vendors.

Surveying - the Town has on occasion secured the services of a surveyor - whenever possible we use local vendors

Loader/Equipment Rental - The Public Works director contacts several vendors to get the best price and terms for what is needed, for example, the Town in the past has leased a loader for snow removal purposes at the Town office

Small paving jobs - The Public works director secures prices from paving vendors when needed to do work following small road projects such as the one that was recently done by the highway crew on Patterson Street.

These are examples - is there some specific kind of work that you are interested in? Are you looking for a list of vendors that we have used and what they have been hired to do? Is there a threshold amount of money that you are seeking? I will be happy to provide more specifics if you can define a little more clearly what you are looking for.

Thank you -

Sue

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 **Bid Guidelines.pdf**  
162K

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A-3-m



Susan Lessard <manager@hampdenmaine.gov>

## write-in

3 messages

**Michael Levesque** <leather1@tdstelme.net>

**Tue, Oct 25, 2011 at 4:06 PM**

To: Susan Lessard <manager@hampdenmaine.gov>

Good afternoon Sue-This write-in question...how did Lawlis get seated then?

Michael Levesque

Perfect Fit

PO Box 439

39 Stetson Road

Corinna, ME 04928

TEL 800.634.9208

FAX 800.222.0417

Website www.perfectfitusa.com

email info@perfectfitusa.com

**Susan Lessard** <manager@hampdenmaine.gov>

**Tue, Oct 25, 2011 at  
4:18 PM**

To: Michael Levesque <leather1@tdstelme.net>

Dear Mr. Levesque,

Jean Lawlis filed as a write-in candidate, as did Rick Briggs, for the November 4, 2008 election. The law in 2008 allowed for a write-in to file a declaration of candidacy no later than 3 days before an election. In 2009 the law changed to require that a write-in file a declaration of write-in candidacy 45 days prior to an election. The Town has always operated under the same premise for elections as Title 21A, which our Charter indicates governs actions in the absence of any other guidelines in the Charter itself.

I hope this is helpful.

Sue

[Quoted text hidden]

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**Michael Levesque** <[leather1@tdstelme.net](mailto:leather1@tdstelme.net)>  
To: Susan Lessard <[manager@hampdenmaine.gov](mailto:manager@hampdenmaine.gov)>

**Tue, Oct 25, 2011 at 4:25 PM**

thanks

Michael Levesque

Perfect Fit

PO Box 439

39 Stetson Road

Corinna, ME 04928

TEL [800.634.9208](tel:800.634.9208)

FAX [800.222.0417](tel:800.222.0417)

Website [www.perfectfitusa.com](http://www.perfectfitusa.com)

email [info@perfectfitusa.com](mailto:info@perfectfitusa.com)

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**From:** Susan Lessard [<mailto:manager@hampdenmaine.gov>]

**Sent:** Tuesday, October 25, 2011 4:19 PM

**To:** Michael Levesque

**Subject:** Re: write-in

[Quoted text hidden]



A-3-n

Susan Lessard &lt;manager@hampdenmaine.gov&gt;

## Election Question

3 messages

philbrickcindy@aol.com <philbrickcindy@aol.com>

Mon, Nov 7, 2011 at 9:27 AM

To: manager@hampdenmaine.gov

Good morning Sue,

Could you please tell me how many feet away from the polling place that we have to be to put up signs and have people standing outside with signs? I heard it was 250 feet but want to clarify that. Is the 250 feet measured from the front of the building? Or is the 250 feet measured from the actual polling, which is more in the back of the building? I think I'll call and get a legal opinion on that question. Could you do that as well?

Also, with the Write-In ballots - Will the voting machines count the write-in ballots if the arrow is not filled in? It is my understanding that the machines would not tabulate the write in, however, the vote will count when doing a recount. Is that your understanding as well?

Cindy Philbrick

Susan Lessard <manager@hampdenmaine.gov>

Mon, Nov 7, 2011 at 10:30 AM

To: philbrickcindy@aol.com

Cc: Denise <clerk@hampdenmaine.gov>, Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <shakespearetowncouncil@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>

Cindy,

It is my understanding that the 250 from the polling place, on the day of election, is 250 feet from the entrance to the actual polls (the back door). Since absentees are being returned and exception absentees are being processed in the front office today - the 250 from the polling place is from the front of the building for today. The Town Clerk will have the areas marked for tomorrow that apply.

Second, it is my understanding that for a vote to count in a recount- whether from a write-in or a declared on-the-ballot candidate, the arrow next to the name has to be completed.

I hope this is helpful.

Sue

[Quoted text hidden]

**philbrickcindy@aol.com <philbrickcindy@aol.com>**

**Mon, Nov 7, 2011 at 11:08 AM**

To: manager@hampdenmaine.gov

Ok - thanks Sue for your help.

Cindy

[Quoted text hidden]

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A-3-0



Susan Lessard <manager@hampdenmaine.gov>

---

## From ruth stearns

2 messages

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**Ruth Stearns <rstearns15@roadrunner.com>**

**Sun, Nov 6, 2011 at 12:34 PM**

To: hampden town office <manager@hampdenmaine.gov>

Could you tell me how my property on Riverside was rezoned?  
Ruth stearns

---

**Susan Lessard <manager@hampdenmaine.gov>**

**Sun, Nov 6, 2011 at 1:14 PM**

To: Ruth Stearns <rstearns15@roadrunner.com>

Cc: Ben Johnson <codeenforcement@hampdenmaine.gov>, Robert Osborne  
<planner@hampdenmaine.gov>

Hi Ruth -

I will have the Code Enforcement officer look at this on Monday and then I will call you. We have not changed any zoning recently.

Sue Lessard

[Quoted text hidden]



Susan Lessard <manager@hampdenmaine.gov>

---

## Fwd: Stearns Land along Penobscot River

1 message

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Mon, Nov 7, 2011 at 2:19 PM

Robert Osborne <planner@hampdenmaine.gov>

To: Susan Lessard <manager@hampdenmaine.gov>, Ben Johnson <codeenforcement@hampdenmaine.gov>

Dear Staff,

Please find below my response to Mrs. Ruth Stearns' email requesting info about her zoning.

Respectfully,

Bob Osborne  
Town Planner

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

From: **Robert Osborne** <planner@hampdenmaine.gov>

Date: Mon, Nov 7, 2011 at 12:50 PM

Subject: Stearns Land along Penobscot River

To: [rstearns15@roadrunner.com](mailto:rstearns15@roadrunner.com)

Dear Mrs. Stearns,

Please be advised that the Shoreland Zoning Ordinance that became effective on March 1, 2010 changed the zoning on your land in two significant ways: The full effect of the shoreland zoning district "Limited Residential District" extends 250 feet from the river on to your property. (The prior resource protection district which was a no-build district extended approximately 1,000 feet on to your property). The current "Limited Residential District" requires a 75 foot building setback from the Penobscot River but allows single family homes in the remainder of the district.

If you have any further questions please feel free to call me at 862-6527.

Respectfully,

Robert Osborne,  
Town Planner

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A-3-p

Susan Lessard &lt;manager@hampdenmaine.gov&gt;

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## Hampden Comprehensive Plan

1 message

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**Dean Bennett** <economicdevelopment@hampdenmaine.gov>Tue, Nov 8, 2011  
at 1:03 PM

To: gale.ross@maine.gov

Cc: Sue Lessard &lt;manager@hampdenmaine.gov&gt;

Good Afternoon,

Per your conversation with Manager Lessard regarding the Hampden Comprehensive Plan containing provisions and penalties for the cutting of trees, I think I can easily clear up this misunderstanding/misinterpretation.

I have attached the following for your review:

2010 Comprehensive Plan as adopted by Council on October 2010. (Implementation Strategies)

2010 Revised Draft Comprehensive Plan in its current form. (Implementation Strategies)

The 2010 Hampden Comprehensive Plan, reviewed and deemed consistent with the Growth Management Legislation by the State Planning Office, contains no regulations pertaining to the cutting of trees nor penalty provisions whatsoever. This is principally due to the fact that it not the purpose of a comprehensive plan and by itself, it is not an enforceable document. The plan serves as the basis for future land use and policy direction of the community based on the circumstances and presumptions that were made at the time of its drafting.

The Revised Draft 2010 Comprehensive Plan, which is currently being reviewed and revised, is very similar to the adopted 2010 Plan, with less specifics and a softer approach in the commitment of action items.

Land use regulations, when developed or amended, are required to be consistent with a duly adopted comprehensive plan. There is no basis to support the regulations that were suggested, nor intent of the community to regulate more than what it is obligated to do under State and Federal Legislation such as Shoreland Zoning, Natural Resource Protection Act, Endangered Species Act, etc etc. The Town of Hampden seeks to direct the development of their community in a fiscally responsible manner, while meeting its obligations to the many laws imposed upon it.

There is nothing in either version of the plan that exceeds the State minimum requirements or that is inconsistent with those requirements. If you would like any further information, please feel free to give me a call.

Regards,

Dean

--

Dean L. Bennett  
Director of Community and Economic Development  
106 Western Avenue  
Hampden, Maine 04444  
207-862-3034

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**2 attachments**

 **Draft November 7, 2011.doc**  
1091K

 **Book 1 - August 5 Final Draft.pdf**  
1125K

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From: **Dean Bennett** <[economicdevelopment@hampdenmaine.gov](mailto:economicdevelopment@hampdenmaine.gov)>  
Date: Tue, Nov 8, 2011 at 1:44 PM  
Subject: Hampden Tree Ordinance  
To: [gale.ross@maine.gov](mailto:gale.ross@maine.gov)

Good Afternoon,

Upon deeper investigation, I have discovered that the Town of Hampden has a Tree Ordinance which I have attached. **The Tree Ordinance pertains to public trees in parks, and trees within the town rights-of-way and does not pertain to any private property, unless there exists a situation where the public is placed in danger due to tree overhanging a sidewalk, or trees obstructing views along the traveled way endangering motorists or pedestrians.**

If you you note in Article XIX: Penalties, Claims and Appeals the following:

19.1. Civil Penalty. Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to any provision of this ordinance, upon being found guilty of violation, shall be subject to a civil penalty not to exceed \$500 for each separate offense. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense.

Regards,  
Dean

--

Dean L. Bennett  
Director of Community and Economic Development  
106 Western Avenue  
Hampden, Maine 04444  
[207-862-3034](tel:207-862-3034)

A-3-g



**Lura Hoit Memorial Pool**  
**146 Western Ave.**  
**Hampden, ME 04444**  
**(207) 862-4305**

Dear fellow community members,

Sixteen years ago, one woman's dying bequest came to fruition, and the Town of Hampden became the proud home of the Lura Hoit Memorial Pool! We have upheld her wishes by offering a community pool that serves the needs of our whole community through a wide variety of activities.

We are a non-profit organization that provides swim lessons for people as young as six months old. We offer aquatic exercise classes, senior citizen swims, open swims, lap swims and family swims. In addition, the Hampden Academy Swim Team uses our facility during their season. Our handicap zero degree access is unique to the area and crucial for people with developmental and physical difficulties. Enclosed is a copy of our current schedule.

On behalf of the Lura Hoit Memorial Pool Board of Trustees, I would like to thank you for your support and patronage of our facility. Having served the town of Hampden and surrounding communities for the last sixteen years our facility desperately needs mechanical and electrical equipment upgrades in excess of \$100,000 to be able to continue providing those valuable programs noted above. Please help by sending your check today or by completing the attached pledge form.

If you have not visited the pool, please come by and do so. Once you've been in our pool, I am sure you will realize just what a true treasure we have in Hampden. Thank you for taking the time to read about our program and especially for considering our urgent need. We greatly appreciate your contribution, input and assistance.

Sincerely,

Cedena McAvoy  
Co-chair LHMP Board of Trustees



**Lura Hoit Memorial Pool**  
**146 Western Ave.**  
**Hampden, ME 04444**  
**(207) 862-4305**

**CAPITAL CAMPAIGN**  
**Pledge Promise**

Name \_\_\_\_\_

Address \_\_\_\_\_

Town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( \_\_\_\_\_ ) \_\_\_\_\_

Yes, count me in! I wish to support the Lura Hoit Memorial Pool capital campaign with a total pledge of \$ \_\_\_\_\_ payable in the following payments:

\_\_\_\_\_ One time payment of \$ \_\_\_\_\_ to be paid by (date) \_\_\_\_\_

\_\_\_\_\_ Annual payments of \$ \_\_\_\_\_ for a period of 1, 2, or 3 years (circle one), payable on (preferred date) \_\_\_\_\_

\_\_\_\_\_ Semi-annual payments of \$ \_\_\_\_\_ to be paid by the following dates:

\_\_\_\_\_ and \_\_\_\_\_

every year for a period of 1, 2, or 3 years (circle one).

\_\_\_\_\_ Send me a reminder notice one month prior to my preferred payment date(s).

\_\_\_\_\_ Send me an annual statement at the end of each calendar year of payment(s) received for income tax purposes.

Please make checks payable to Town of Hampden, Lura Hoit Pool,  
106 Western Avenue, Hampden, Me. 04444

Thank you for helping make our pool such a precious community asset



**Lura Hoit Memorial Pool**  
**146 Western Ave.**  
**Hampden, ME 04444**  
**(207) 862-4305**

November 1, 2011

Dear \_\_\_\_\_

On behalf of the Lura E. Hoit Memorial Pool Board and all the current and future swimmers who will directly benefit from your generosity, we thank you. Your donation of \_\_\_\_\_, in support of the pool fundraiser is greatly appreciated.

Sincerely,  
Lura E. Hoit Pool Board

Mailing Address: 106 Western Ave, Hampden, ME 04444  
lurahoitpool @hampdenmaine.gov



*Senator Debra D. Plowman  
Assistant Republican Majority Leader*

A-3-r

*P.O. Box 468  
Hampden, ME 04444  
Home (207) 862-4506*

October 13, 2011

To Whom It May Concern:

Enclosed you will find a brief legislative summary of the events that took place during the First Regular Session of the 125<sup>th</sup> Legislature. As you will see, this was an extremely busy and productive session.

While the legislature dealt with some very contentious issues, the most dramatic reforms resulted from working together in a bi-partisan fashion. Difficult decisions were made in an atmosphere of respect and consensus building.

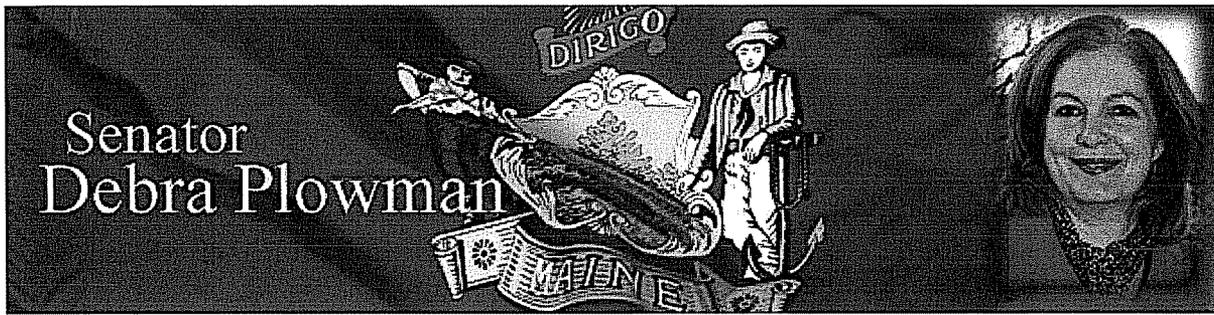
I encourage you and other local officials to review the work that we accomplished. Although there is much more to be done, I am confident that the atmosphere and productivity of the first session will carry on to when we reconvene next January for the second session. Please remember that I am only a phone call away and would be happy to assist you and others with any state related matter that might arise. I have listed my contact information below.

It is an honor to represent you in the State Senate.

Best regards,

Debra D. Plowman  
State Senator

*Home Phone: 862-4506  
E-mail: [debraplowman@cs.com](mailto:debraplowman@cs.com)*



## Keeping Our Promises... Working to Create Jobs... Moving Maine Forward

*We promised to take Maine in a different direction... One that is more prosperous, affordable and responsive to ALL Maine citizens. Working hard, we have kept our promises.*

**1 Regulatory Reform** – Our first legislative act was LD 1, “An Act To Ensure Regulatory Fairness and Reform.” This legislation and the ongoing process that we have created will result in future job creation, job retention, and expanded opportunities for Maine people. This is also a first step in changing the culture at all levels of state government to one that makes good jobs and economic opportunity the mission of every department. **LD 1:**

- Provides strong incentives for companies to report, correct and prevent violations through an environmental self-audit
- Increases capacity of small-business assistance program within the Department of Economic and Community Development
- Streamlines and increases efficiency of the Board of Environmental Protection
- Eliminates duplication of permitting for fire codes and restaurant health inspections
- Creates Small-business Advocate to help small-business owners who believe they have been aggrieved by a state agency

**2 Health Insurance Reform** – We passed **LD 1333**, landmark health insurance reform legislation. The new law will allow people to purchase insurance across state lines, increase competition, lower premiums and deductibles for everyone, and promote greater access to health care for the 133,000 Mainers who currently do not have health insurance.

**3 Maine Turnpike Authority** – After learning of lavish purchases, we aggressively investigated the Maine Turnpike Authority. Our investigation turned up questionable spending by senior officials and a lack of official oversight by the board. Our findings resulted in the resignation of the Executive Director and have been turned over to the State Attorney General’s office for a criminal investigation. We introduced legislation aimed at providing more transparency, accountability and oversight of the authority.

- Requires Executive Director to be subject to confirmation by the Maine Senate
- Allows board of directors to be removed for gross misconduct
- Transfers 5% of operating revenue to the Maine Department of Transportation for projects of mutual benefit
- Calls for authority to submit detailed budgets of spending and maintain a system for internal financial and compliance audits

[MORE ON OTHER SIDE]

# 4

## Budget -

- **Education-** The biennial budget, which passed both bodies with an overwhelming majority, increases state funding to local school districts by \$65 million. In contrast to other states which have drastically cut higher education funding, our budget made NO cuts to higher education.
- **Legislative Budget** – Mindful that we need to lead by example, we cut the Legislature's budget by \$8.3 million over the next two years. This is the largest reduction from a previous year in the history of the Maine Legislature. The same budget initiatives that affect state workers will apply to us.
- **Pension Reform** – We will ensure the solvency of the state pension system for retirees.
  - Reduces unfunded liability by \$1.7 billion
  - Does not require employees to increase the amount they currently contribute
  - Saves the state \$338 million in pension costs
- **Tax Policy** – Our plan, when fully implemented, will result in the largest tax cut in the history of the state. It provides tax relief to working families and eliminates 70,000 low-income filers from state income tax liability entirely. Our tax plan also targets job creation and retention. It will give relief to struggling taxpayers and help get more people back to work.
  - Reduces the numbers of tax brackets
  - Reduces top marginal tax rate from 8.5% to 7.95%
  - Conforms to federal standards for personal exemption and married filing jointly
  - Provides several tax credits and exemptions for businesses
- **Welfare Reform** – We achieved structural reforms and initiatives that will help people escape welfare and ensure scarce resources assist our most vulnerable people.
  - Establishes a 5 year limit on TANF benefits (consistent with federal law). Does allow for hardship cases
  - Ends MaineCare benefits for all legal non-citizens
  - Imposes strict sanctions for people who violate TANF rules
  - Requires mandatory drug testing for convicted drug felons who receive TANF benefits
- **Hospital Debt-Access to Healthcare** -- Maine hospitals, particularly those serving small communities, were owed an embarrassing \$400 million. This debt compromised access to healthcare and likely contributed to the loss of 600 good paying jobs in Maine over the last several years. We enacted a supplemental budget that made a significant payment on the monies owed, some as far back as 2006.

A-3-S



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
REGION 4  
219 HOGAN ROAD  
BANGOR, MAINE 04401-5603

Paul R. LePage  
GOVERNOR

David Bernhardt  
COMMISSIONER

October 24, 2011

Susan Lessard, Town Manager  
Town of Hampden  
106 Western Ave.  
Hampden, Maine 04444-1428

Re: Speed Zone Review (Coldbrook Road)

Dear Miss Lessard,

This letter is to notify you that a speed zone review has been completed for the State Aid Road, Coldbrook Road which has been accepted into the Commission Record.

The following speed limits are official:

**Coldbrook Road:**

**45 MPH** Starting at a point 0.10 miles north of the junction of State-aid Coldbrook Road and State Route 202 in the town of Hampden and extending northerly 1.39 miles to a point 0.04 miles south of the Interstate 95 northbound off-ramp, a total distance of 1.44 miles.

**40 MPH** Starting at a point 0.04 miles south of the Interstate 95 northbound off-ramp in the town of Hampden, and extending northerly 0.76 miles to a point 0.03 miles north of Littlefield Avenue in the town of Hermon, a total distance of 0.76 miles.

**45 MPH** Starting at a point 0.03 miles north of Littlefield Avenue in the town of Hermon and extending northerly to a point 0.20 miles south of the junction of State Route 2 and Coldbrook Road in the town of Hermon, a total distance of 1.39 miles.

These changes will be posted by the Maine DOT as soon as the work can be worked into the schedule.

Please call me at 941-4505 if you have any questions concerning this letter or the findings that have been expressed.

Sincerely,

Andrew Allen, Assistant Engineer  
Traffic Department, Eastern Region

A-3-t



Susan Lessard <manager@hampdenmaine.gov>

# Fwd: Freedom of Information request

1 message

Denise Hodsdon <clerk@hampdenmaine.gov>

Mon, Oct 31, 2011 at 7:55 AM

To: Susan Lessard <manager@hampdenmaine.gov>

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

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

From: **Larry Grard** <lgrard@svweekly.com>

Date: Fri, Oct 28, 2011 at 9:23 AM

Subject: Freedom of Information request

To: Bill Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Good morning,

Under the Freedom of Information Act, the Citizen Journal requests all emails between councilors regarding the Oct. 25 closed-door meeting on town councilors.

Respectfully,  
Larry Grard  
Editor  
Citizen Journal

A-3-u



Susan Lessard <manager@hampdenmaine.gov>

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## Police Officer at Council Meetings

1 message

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Susan Lessard <manager@hampdenmaine.gov>

Mon, Oct 31, 2011 at  
8:43 AM

To: 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>, Joe Rogers <jlrogers@hampdenmaine.gov>

Dear Kristen -

It has been brought to my attention that you wished to have information about why a police officer has been present at some Council meetings. I am happy to provide this information. Since the beginning of the year there have been a number of Town Council meetings that have been somewhat contentious. One meeting, if you remember, deteriorated to the point where the police had to be called to sort out disagreements between parties. In an effort to be pro active - not reactive, I have asked the department to have an officer attend the meetings so that any other disagreements that may occur do not deteriorate to a he said/she said situation with the Police department left trying to determine what actually happened after the fact.

Chief Rogers was at a seminar last week, but as his supervisor, and the person who requested that an officer be present, I wanted to get you the information that you had requested.

Sincerely -  
Susan

A-3-V



Susan Lessard <manager@hampdenmaine.gov>

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## Fwd: Feedback Form (form) has been filled out on your site.

1 message

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Denise Hodsdon <clerk@hampdenmaine.gov>  
To: Susan Lessard <manager@hampdenmaine.gov>

Mon, Oct 24, 2011 at 10:03 AM

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

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

From: **Please Do Not Click Reply** <support@govoffice.com>  
Date: Fri, Oct 21, 2011 at 11:40 AM  
Subject: Feedback Form (form) has been filled out on your site.  
To: "[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: [www.hampdenmaine.com](http://www.hampdenmaine.com)

-----  
First Name: Peter  
Last Name: Frazier  
Mailing Address: 80 griffin ave.  
Town/City: HAMPDEN  
State: ME  
Zip Code: 04444  
E-Mail: [psfinmaine@msn.com](mailto:psfinmaine@msn.com)

Comments: I am not sure this is the right place to make this request. I would like a full copy of the town's current and next years budgets.

Thank you,

Do Not Click Reply - This e-mail has been generated from an online form.



Susan Lessard <manager@hampdenmaine.gov>

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## Budget

1 message

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Susan Lessard <manager@hampdenmaine.gov>

Mon, Oct 24, 2011 at 10:32 AM

To: psfinmaine@msn.com

Dear Mr. Frazier -

Attached please find a copy of the current year budget (2011-2012) as well as the budgets for 2007/08, 08/09, 09/10 and 10/11 . The budget for 2012-2013 will not be developed by the Town Council until the Feb-June time period of 2012 with final adoption in June of 2012.

Please contact me if you have questions or want additional information.

Sincerely -  
Sue Lessard  
Town Manager

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**2008 - 2012 Budgets.xls**

75K

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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

A-3-W

PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

October 11, 2011

Mr. Nathan Stevens  
Environmental Compliance Manager  
Gulf Oil Limited Partnership  
100 Crossing Boulevard  
Framingham, MA 01702

RE: Air Emission License A-189-71-E-N (SM)  
for Chapter 115 Renewal

Dear Mr. Stevens:

Enclosed please find the final air emission license for which you applied (A-189+-71-E-N). This license completes the processing of the application(s) associated with the following DEP tracking number(s): 552847. Also enclosed please find an information sheet on appealing a licensing decision and a customer service questionnaire.

If you have any questions, please write or call your project manager, Lynn Cornfield. The main office number is (207) 287-2437.

Sincerely,

Marc Allen Robert Cone, P.E.  
Bureau of Air Quality

cc: ✓ Town of Hampden  
License File

Judy Shuckerow Bourdon, Senior Engineer/Program Director, NE Region, AECOM



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

**Gulf Oil Limited Partnership –  
Bangor Terminal  
Penobscot County  
Hampden, Maine  
A-189-71-E-N (SM)**

**Departmental  
Findings of Fact and Order  
Air Emission License  
After-the-Fact**

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., §344 and §590, the Department finds the following facts:

**I. REGISTRATION**

**A. Introduction**

1. The Air Emission License for Gulf Oil Limited Partnership – Bangor Terminal (Gulf Oil), expired on 9 May 2010. Gulf Oil has applied to renew their expired license permitting the operation of emission sources associated with their bulk storage and distribution facility.
2. The equipment addressed in this license is located at 809 Main Road North, Hampden, ME.
3. The Gulf Oil Bangor Terminal is currently not in operation, and has not operated for several years; Gulf Oil wishes to maintain the ability to operate this bulk storage and distribution facility in the future by maintaining a current Air Emission License.

**B. Emission Equipment**

The following equipment is addressed in this air emission license:

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04679-2094  
(207) 764-0477 FAX: (207) 760-3143

**Bulk Storage Equipment**

<u>Tank Number</u>	<u>Maximum Capacity (Gallons)</u>	<u>Product Stored</u>	<u>Roof Type</u>
2	1,058,904	Distillate	Fixed
3	557,340	Distillate/Gasoline	Floating
4	412,188	Gasoline	Floating
6	845,502	Distillate	Fixed

Note: Tanks 3 and 4, each equipped with a floating roof, are capable of storing gasoline or distillate products.

**Process Equipment**

<u>Equipment</u>	<u>Pollution Control Equipment</u>
Truck Loading Rack	None*
Vessel Loading Rack	None*
Tanker Trucks (owned independently)	None*

\* The Process Equipment is not currently in operation; should this equipment become operational, Gulf Oil shall be required to install, operate and maintain control equipment once the throughput threshold value specified in this license has been triggered.

**C. Application Classification**

The previous air emission license for Gulf Oil expired on May 9, 2010. A complete application was not submitted on time, therefore Gulf Oil is considered to be an existing source applying for an after-the-fact renewal. The Department has determined the facility is a minor source and the application has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115. Gulf Oil has accepted a federally enforceable restriction on total facility emissions of 49.9 tons per year of VOC, therefore it is considered a synthetic minor.

## II. BEST PRACTICAL TREATMENT (BPT)

### A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for an after-the-fact renewal requires an analysis similar to a Best Available Control Technology analysis per 06-096 CMR 115 (2)(N).

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

### B. Truck Loading Rack and Vessel Loading Dock

The Truck Loading Rack and the Vessel Loading Dock is not currently in use as the facility is not operating. Gulf Oil has requested an after-the-fact renewal of its license to continue the license to allow for future operations.

The gasoline loading operation at Gulf Oil may be subject to the requirements of 06-096 CMR 112 and/or 133. These Chapters regulate the installation and operation of control equipment and the procedure for petroleum liquid transfer to tank trucks and marine vessels. Gulf Oil may resume operation of its Bangor facility and transfer up to 3 million gallons of liquid petroleum product (distillate or gasoline) without additional control on their loading rack. To transfer product above the 3 million gallon threshold, Gulf Oil shall amend their license, install and operate control equipment on the loading rack and address all applicable state and federal requirements.

The 3 million gallon limit is a cumulative, one-time limit, based on a switch-loading study conducted by the Department that developed a factor for VOC loss per 1000 gallons of liquid (gasoline) loaded without the use of control equipment.

Gulf Oil shall begin tracking product transferred toward the 3 million gallon limit from the signature date of this license forward.

C. Petroleum Storage Tanks

Gulf Oil operates two fixed-roof storage tanks (Tanks #2 and #6) capable of storing distillate fuels. The tanks have capacities of 1,058,904 gallons and 845,502 gallons respectively. Tank throughput will vary depending on the demand for distillates throughout the year.

Gulf Oil operates two floating-roof storage tanks (Tanks #3 and #4) capable of storing gasoline. The tanks have capacities of 557,340 gallons and 412,188 gallons respectively. Currently there is no gasoline stored at Gulf Oil's Bangor facility, however Tanks #3 and #4 are capable of storing gasoline if necessary. In the interim, Gulf Oil may require the capacity of these tanks for the storage of distillates as needed. Tanks #3 and #4 may be operated as swing tanks depending on demand. Whether the tanks are kept empty, store gasoline or are swing loaded, Gulf Oil shall insure each tank is operated and maintained according to the requirements of this Order.

EPA's New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart Kb promulgates Standards of Performance for Volatile Organic Liquid Storage Tanks for Which Construction, Reconstruction or Modification Commenced After July 23, 1984. Tanks with capacities greater than 39,889 gallons and storing a liquid with a maximum true vapor pressure less than 3.5 kPa are exempt from the provisions of this subpart. Thus Tanks #2 and #6 are not subject to Subpart Kb. Gulf Oil shall keep readily available records showing the dimensions of these fuel storage tanks and analyses showing the capacities of the storage vessels. These records shall be kept for the life of the tanks. Tanks #3 and #4 are subject to standards of Subpart Kb.

At such time this facility is brought back into service, Gulf Oil shall comply with all requirements of 40 CFR Part 63, BBBBBB, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities*, including initial notification, record keeping and reporting requirements.

Tanks #2 and #6 are not subject to New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*, however Tanks #2 and #6 are subject, when brought back into service, to National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63 Subpart BBBB, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities*.

Tanks #3 and #4 are subject to New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*, and are also subject, when brought back into service, to National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63 Subpart BBBB, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities*. However, 40 CFR Part 63 Subpart BBBB states: "if your gasoline storage tank is subject to, and complies with, the control requirement of 40 CFR Part 60 Subpart Kb of this chapter, your storage tank will be deemed in compliance with this section. You must report this determination in the Notification of Compliance Status report under 63.11093(b)."

D. Tank Trucks

06-096 CMR 112 (3)(A) prohibits the owner or operator of a bulk gasoline terminal from loading gasoline into any tank truck or trailer unless the tank truck or trailer has been certified within the last 12 months as vapor-tight pursuant to 06-096 CMR 120.

06-096 CMR 120 requires all tank trucks that transport and receive gasoline from a bulk gasoline terminal and/or plant be maintained leak-tight and tested and certified annually. Tank trucks used in the gasoline transfer operation at Gulf Oil, whether owned by Gulf Oil or owned independently, shall meet the requirements of 06-096 CMR 120 (as amended).

E. Annual Emissions

Gulf Oil shall be restricted to the following annual emissions, based on a 12-month rolling total:

**Total Licensed Annual Emissions for the Facility**  
**Tons per year**  
(Used to calculate the annual license fee)

Pollutant	Tons per year
VOC	49.9

**III. AMBIENT AIR QUALITY ANALYSIS**

According to 06-096 CMR 115, the level of air quality analyses required for a minor after-the-fact renewal source shall be determined on a case-by case basis. Because the facility is not transferring gasoline at this time, the potential to emit the criteria pollutants in minimal, modeling and monitoring are not required for this renewal.

**ORDER**

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-189-71-E-N subject to the following conditions:

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

**STANDARD CONDITIONS**

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S.A. §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]

- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    - 2. pursuant to any other requirement of this license to perform stack testing.
  - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [06-096 CMR 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and

- B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
- C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

## SPECIFIC CONDITIONS

### (16) Loading Rack

- A. Gulf Oil is permitted to restart operations at its Bangor facility and to transfer up to 3 million gallons of petroleum product (gasoline and distillate oil.) Compliance shall be demonstrated by dated throughput records indicating petroleum throughput at the facility. The 3 million gallon limit is a cumulative, one-time limit. Gulf Oil shall begin tracking product transferred toward the 3 million gallon limit from the signature date of this license forward. [06-096 CMR 115, BPT]
- B. To transfer product in excess of the 3 million gallon throughput threshold, the bulk terminal shall be equipped with a vapor control unit that captures and controls displaced VOC vapors whenever petroleum product is being transferred to a tank truck at each load rack. The control equipment shall meet an emission control level of 10 ppm per liter transferred and the requirements of 06-096 CMR 133 (as amended). Gulf Oil shall amend its license to add the control equipment. The equipment shall be licensed, installed and operations prior to the facility exceeding 3 million gallons of product transferred. [06-096 CMR 115, BPT; 06-096 CMR 133]
- C. Gulf Oil shall not emit more than 49.9 tons per year of VOC on a 12-month rolling total basis. Compliance shall be demonstrated by throughput records and emissions calculated using the TANKS program or other program approved by the Department. [06-096 CMR 115, BPT]
- D. Gasoline loading shall be allowed only into tank trucks and trailers that have been properly certified pursuant to 40 CFR Appendix A, Method 27 and maintained and labeled as vapor-tight in accordance with 06-096 CMR 120 (as amended). [06-096 CMR 112]
- E. 100% of the lower explosive limit (LEL) obtained within one inch around any potential leak source of the tank truck, including all loading couplings, vapor lines and fittings employed in the transfer of gasoline, are prohibited. [06-096 CMR 115, BPT]
- F. Gulf Oil shall conduct a compliance test of the vapor control unit within thirty (30) days from exceeding the 3 million gallon throughput threshold. After that time, Gulf Oil shall conduct an annual compliance test of the vapor control unit prior to May 15<sup>th</sup> of each year. A report containing the test results shall be submitted to the Department within thirty (30) days of the completion of testing in accordance with the Department's stack test protocol. [06-096 CMR 115, BPT]

- G. Gulf Oil shall conduct a leak inspection of all equipment at the loading racks, utilizing sight, sound and smell, at a minimum of once per month. All leaks must be repaired as quickly as possible, but within fifteen (15) calendar days, with the first attempt at repair made no later than five (5) days from the initial detection of the leak. [06-096 CMR 115, BPT]
- H. Gulf Oil shall maintain an inspection log documenting routine leak inspections to include date of detection, nature of the leak and detection method, dates of repair attempts and methods used, details of any delays in repairs and the final date of repair. Gulf Oil shall make these records available for inspection by the Department. [06-096 CMR 133, 06-096 CMR 115, BPT]

**(17) Petroleum Storage Tanks**

- A. Gulf Oil shall keep readily available records showing the dimensions of these fuel storage tanks and analyses showing the capacities of the storage vessels. These records shall be kept for the life of the tanks. [40 CFR 60 Subpart Kb]
- B. Gulf Oil shall meet the requirements of 40 CFR 60 Subpart Kb and 40 CFR 63 Subpart BBBB for Tanks #3 and #4 when brought back into service. [40 CFR 60 Subpart Kb, 40 CFR 63 Subpart BBBB]
- C. Gulf Oil shall meet the requirements of 40 CFR 63 Subpart BBBB for Tanks #2 and #6 when brought back into service. [40 CFR 63 Subpart BBBB]

**(18) Facility VOC Limit**

Gulf Oil shall not emit more than 49.9 tons per year of VOC, on a 12-month rolling total basis. Compliance with this limit shall be demonstrated through the use of a Department-approved tank emission program, such as a recent version of TANKS, and total annual throughput records of the facility. [06-096 CMR 101]

**(19) Fugitive Emissions**

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20 percent opacity, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20 percent in any one (1) hour. [06-096 CMR 101]

(20) **Annual Emission Statement**

In accordance with *Emission Statements*, 06-096 CMR 137 (as amended), the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:

- 1) A computer program and accompanying instructions supplied by the Department; or
- 2) A written emission statement containing the information required in 06-096 CMR 137.

The emission statement must be submitted as specified by the date in 06-096 CMR 137.

- (21) Gulf Oil shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 M.R.S.A. §605).

DONE AND DATED IN AUGUSTA, MAINE THIS 7<sup>th</sup> DAY OF October, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie B. Babin  
PATRICIA W. AHO, COMMISSIONER

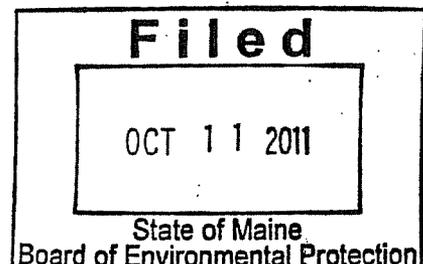
**The term of this license shall be five (5) years from the signature date above.**

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 7/28/2010  
Date of application acceptance: 7/29/2010

Date filed with the Board of Environmental Protection:

This Order prepared by N. Lynn Cornfield, Bureau of Air Quality.





# DEP INFORMATION SHEET

## Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

### SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

#### HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

#### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

#### **WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD**

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

#### **II. APPEALS TO MAINE SUPERIOR COURT**

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

#### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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**FINANCE COMMITTEE MEETING MINUTES**

Monday, October 17, 2011

## Attending:

Mayor Janet Hughes  
Councilor William Shakespeare  
Councilor Shelby Wright  
Councilor Kristen Hornbrook  
Councilor Jean Lawlis  
Councilor Tom Brann  
Councilor Andre Cushing

Town Manager Susan Lessard

1. Review Minutes of 10/3/2011 – The minutes of the meeting of 10/3/2011 were reviewed and approved as presented.
2. Review & Signature of Warrants – Warrants were reviewed and signed by Committee members.
3. Old Business
  - a. Code of Ethics/Council Rules Review – The Committee reviewed the draft Code of Ethics that had been presented by Mayor Hughes at 10/3/2011 Finance Committee meeting. The Town Manager was instructed to incorporate the changes that were suggested and provide a new draft at the next meeting. It was the consensus of the Committee not to include the provision for a standing Board of Ethics.
  - b. Personnel Handbook - TABLED
4. New Business
  - a. Carole & Aubrey Hoyle – Request to Purchase Map 9, Lot 66 – The Town Manager presented a letter from the Hoyles requesting to purchase Map 9 Lot 66 of Town owned property which is across from their lot on Papermill Road. The Manager was instructed to provide more details on the property for the committee at its next meeting.
  - b. Offer for Lot #5, Hampden Business Park – Executive Session pursuant to Title 1, §405(6)(C) - TABLED
5. Public Comment - None
6. Committee Member Comments

The Town Manager presented a request from Terry McAvoy for the use of the Town Government Channel for posting of a meeting being sponsored by HALO in the Community Room on 10/21/2011. HALO is a private non-profit entity. The current regulations limit the use of the Government Channel to content provided by the Government or the School. Motion by Councilor Brann, seconded by Councilor Lawlis to deny use of the Government Channel for the advertisement of the HALO function. Vote 6 – 1 (Hornbrook)

Motion by Councilor Cushing, seconded by Councilor Lawlis to send the subject of programming/ads/use of the local government channel to the Communications Committee for review and recommendations. Unanimous vote.

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

Respectfully submitted,

Susan Lessard  
Town Manager

INFRASTRUCTURE COMMITTEE MEETING MINUTES  
MONDAY, OCTOBER 24, 2011

Attending:

Councilor William Shakespeare	Town Manager Susan Lessard
Councilor Thomas Brann	Public Works Director Chip Swan
Councilor Jean Lawlis	Greg Nash
Councilor Shelby Wright	Andy Rudzinski, Bangor Pre-treatment Coordinator
Mayor Janet Hughes	

The meeting was opened at 7 p.m. by Chairman Shakespeare.

1. Minutes of September 26, 2011 meeting - Motion by Councilor Lawlis, seconded by Councilor Hughes to approve the minutes – unanimous approval.
2. Old Business
  - a. Abandoned boat – Route 1A – Update – The Town Manager reported to the Committee that the Department of Conservation had issued a letter to the owner of the boat that had run aground in the cove near the Bangor line ordering its removal within 60 days.
3. New Business
  - a. Sewer Ordinance – Draft Review – The Town Manager introduced the draft of the sewer ordinance. Its purpose is to bring the Town of Hampden’s Sewer Ordinance into compliance with the provisions of the City of Bangor Ordinance. This is necessitated both by an agreement signed by the Town of Hampden for use of the treatment facility, and by the Department of Environmental Protection for the City of Bangor to be in compliance with the permit for the operation of the Bangor Wastewater Treatment Facility. The draft presented is designed to replace the Town Sewer Ordinance that was first passed in 1978. It has been reviewed by Town staff and by the Town Attorney and signed off on by all parties. This ordinance makes few changes to the existing ordinance, beyond the inclusion of Section 6 which clearly defines the role of the City of Bangor in the operation of the sewer system for the Town of Hampden. Changes made to the existing ordinance were as follows:
    1. The authority/responsibility for carrying out provisions of the ordinance was distributed in the old ordinance to a variety of town positions. In order to make the ordinance clearer, the Town Manager or his/her designee is now the responsible party in all areas.
    2. A provision was added that required private sewer systems that were attached to the Town Sewer system

to have an annual visual inspection conducted with the results reported to the Town of Hampden and signed by a licensed engineer.

Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the Council that a Public Hearing be set for the Sewer Ordinance – vote 5 – 0 – 1 (Mayor Hughes).

4. Public Comment - None

5. Committee Member Comment –

Councilor Wright asked if the Town would be dealing with the subject of fireworks and was informed that this subject was on the agenda for the Planning and Development Committee.

Town Manager Lessard explained to the Committee that the questions regarding the sidewalk engineering proposed by the MDOT for the sidewalk needed to complete the sidewalk located on Western Avenue that stops short of Mayo Road several months ago had been answered. The total engineering cost was estimated to be \$8,000 with the Town paying \$1,600 and the State paying \$6,400. The total cost of the sidewalk was formerly estimated at over \$400,000 but now has a construction price of \$150,000.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Susan Lessard  
Town Manager

Bi-Annual Joint Meeting Minutes

Hampden Town Council & Hampden Water District Board of Directors

October 24, 2011

Pursuant to due notice, a meeting of the Hampden Water District Board of Trustees and the Hampden Town Council was held at the Hampden Town Office Council Chambers on Monday, October 24, 2011 at 6:00 p.m.

**Present on behalf of the Hampden Water District:** Trustees John Quesnel, Mark Beauregard, Shane Sargent, Dana Skinner, HWD employees Jannie Holyoke, Becky Chase and George Sibley.

**Present on behalf of the Hampden Town Council:** Tom Brana, William Shakespeare, Janet Hughes, Jean Lawlis, Shelby Wight and Town Manager Susan Lessard.

Meeting was brought to order at 6:00 p.m.

For Discussion:

1. John updated the Council on the operations of the Hampden Water District since the retirement of the General Manager. The Board has decided to not fill the position of General Manager. The General Manager's job duties will be distributed amongst the current employees of the District. The Board has hired Don Tyler of Human Resource Partners to assess the job duties of the current employees of the District, compose a new policy manual and perform a wage compensation study. The Board expressed that they are very pleased with the employee's performance in the absence of the General Manager's position.
2. Mark stated that the District's expenses have significantly decreased and we should have a flat budget for 2012 with no rate increase. The Council was very happy to know that we are decreasing our expenses which will delay another rate increase.
3. Bangor Water District is proposing a 25% rate increase in July of 2013. This increase is due to the ultraviolet treatment that will have to be done to the water from Flood's Pond. The Hampden Water District's plan is to delay another rate increase until 2013.

4. The Board informed the Council that a parcel of land off the Meadow Rd. in Hampden is a possible well site per Keith Taylor from St. Germain Associates. The next step is to drill test wells on the site. The HWD will find out in the future how much land will need to be protected surrounding the aquifer if it is a definite well site.
5. Shane discussed making water available to new subdivisions in town and possibly incorporating this into the Town's Comprehensive Plan. The Council was very responsive to this proposal.
6. Jamie informed the Council that the water quality is good at this time. The HWD has completed the fall flushing program as of the end of September. The lead and copper results for the second round in 2011 seem to be coming back with very positive results.
7. Councilor Shakespeare asked about the Canoe Club Rd. waterline project. The Board informed him that the project has been put off until the debt ratio for the HWD is decreased.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Dana Skinner  
Clerk  
Hampden Water District  
(Notes taken and typed by Becky Chase)

October 14, 2011

Susan Lessard  
Town Manager  
Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444

**RE: Pine Tree Landfill  
Monthly Report of Landfill Complaints**

Dear Susan:

During the Month of September 2011, no complaints were received pertaining to Pine Tree Landfill.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 233.

Sincerely,  
New England Waste Services of Maine, Inc.



Jeremy Labbe, P.E.  
*Engineer & Environmental Manager*

CC: Cyndi Darling, MDEP  
Wayne Boyd, Casella Waste Systems, Inc.  
Don Meagher, Casella Waste Systems, Inc.  
Toni King, Casella Waste Systems, Inc.

A-4-e

Lura Hoit Pool ~ Board Meeting Minutes ~ 8-9-11

Cedena McAvoy brought the meeting to order at 7:00 pm.

Those present: Cedena McAvoy, Karen Brooks, Norm Stern, John Weinmann, Mary Ellen Conner, David Hawkins, Pat Foley, Jim Feverston, Darcey Peakall and Julie Macleod. Not present: Greg Hawkins

The secretary's minutes from June and July were accepted as presented.

**The Director's Report:**

- ~ The number of participants in June was up 55 people and July was down 263 people. July was very warm and sunny this year compared to the rainy weather from last year.
- ~ Daily receipts were down in June \$1,856 and were down \$759 in July compared to last year.
- ~ The pool rental income in June was down \$80 and down \$345 in July compared to last year.
- ~ The monthly fuel usage was down 412 gallons in June and up 124 gallons in July compared to last year.

The treasurer's reports were tabled due to Jim's absence. (Jim came late to the meeting and did not have the reports so it will be voted on at the September meeting.)

Darcey is waiting on re-imburement from Jim for session IV and V swim lessons and for the remaining balance on the plaque.

Darcey canceled the swim team for the summer due to lack of enrollment. She will try offering it next summer if there is interest.

Darcey reported that the Texas Roadhouse fundraiser made \$453 between the raffle, donations and the check from the restaurant. The Touch-A-Truck fundraiser idea will be tabled until spring. There are currently two other organizations hosting the event this month.

Darcey explained the new registration policy for swim lessons. Monday, August 22<sup>nd</sup>, residents of Hampden and pool members will be able to sign up for group or private lessons then starting Tuesday, August 23<sup>rd</sup>, non-residents will be able to register for lessons.

Darcey attended the last Services Committee meeting and they suggested a goal to increase pool revenue by 30% in the next three years. Darcey proposed a new increase in fee structure for non-residents in certain areas. She passed out the new proposed fee structure worksheet and went over every section with the board. The Services Committee will recommend to the Town Council a public hearing to change the fees ordinance. Also, the Engineer from Woodard & Curran that has been hired by the pool board attended the Services Committee to discuss his report on the air handler. He discussed the differences between an air-to-air system and a dehumidification system. Darcey handed out his report to the board members. The Services Committee will report to the Town Council to start the process of formal bids for both systems.

Norm wanted more clarification on the difference between pool budget items and the town's capital expenditures fund.

The pool board is looking into a yearly letter writing capital campaign to help with fundraising. This year the board would like to ask for help with funding for the air handler. Susan Lessard has given approval for a letter to be drafted but must see the final letter before mailing. Cedena will ask Councilor Shelby Wright for help in drafting a letter. It will cost \$440 just to mail to 04444 zip code. The board would also like to mail the letter to 04496 zip code and all swim lesson participants and pool members. A motion was made to have Cedena approach Councilor Wright about assisting in the letter writing campaign and to bring a draft of the letter to the next board meeting. Motion was passed 7-0.

Pat has been researching grants that would be available for the pool to apply for. There are two that he requested to receive more information for. The board members are to bring names of other organizations to the next board meeting.

Meeting adjourned at 8:10pm.

Respectfully submitted,

Julie A. Macleod

EDYTHE L. DYER COMMUNITY LIBRARY  
BOARD OF TRUSTEES' MEETING  
SEPTEMBER 14, 2011  
MINUTES

**Call to order:** The meeting of the Board of Trustees of the Edythe L. Dyer Community Library was held at the Edythe L. Dyer Community Library, Hampden, Maine on September 14, 2011. The meeting convened at 7:44 am, Mark Russell presiding, Debbie Lozito recording secretary.

**Members present:** Debbie Lozito (ex officio), Dave Barrett, Mark Russell, Yvonne Lambert, Ruth Stearns, Mary Ann Bjorn, Don Desmarais, John Skehan

**Members absent:** Tony Mourkas, Cheri Condon, Richard Jenkins

**Approval of minutes:** Motion was made by Mark and Dave seconded to approve the minutes of the March, 2011 meeting. Motion carried.

**Library reports:**

Fees and fines

Morgan Stanley Smith Barney

Circulation

There was some discussion of the library's lower than circulation figures during the past two years. Debbie explained that many people use the library and don't necessarily check out items, but that is the way libraries traditionally show usage. Circulation reports given to the Trustees now include figures for people using library public access computers. Trustees suggested that the staff begin counting all people who enter the library, either by tally or with a purchased door counter.

Director

The Trustees expressed appreciation to Katahdin Trust Company for their gift and partnership which makes the 'first in Maine' high school Story Slam Series possible.

New business

a. Dave made a motion and Yvonne seconded that this year's Endowment Fund appeal be a letter appeal rather than a reception. The motion passed unanimously

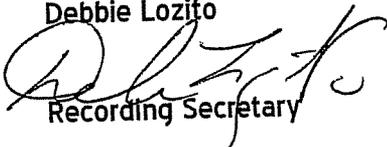
b. Bill Arata representing Morgan Stanley Smith Barney will present the state of the Edythe Dyer Community Library Endowment Fund at the next Trustees' meeting at 8 am.

c. Dave asked that the record show the Trustees' wish Donna Beck a speedy and full recovery.

**Adjournment:** The meeting was adjourned at 8:17 a. m.

The next meeting is scheduled for November 9, 2011.

Debbie Lozito



Recording Secretary

\_\_\_\_\_  
Date of approval

C-1-a



**TO:** Mayor Hughes and Hampden Town Council  
**FROM:** Robert Osborne, Town Planner *RO*  
**SUBJECT:** Draft Zoning Ordinance Text Amendment to consider Church as a  
Conditional Use in the Commercial Service District  
**DATE:** October 17, 2011

Please be advised that the Hampden Planning Board held a public hearing and returned an "ought-to pass" recommendation October 12, 2011 on the subject Zoning Ordinance Text Amendment referred by the Town Council at your September 16, 2011 meeting. Please find attached a copy of the draft amendment to the Zoning Ordinance. I spoke with Tom Russell regarding this question and he agreed with this approach of amending the district rather than alteration of a definition.

10/17/2011 - Introduced for public hearing on 11/14/2011

**TOWN OF HAMPDEN**  
**Draft**

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

Deletions are ~~Strikethrough~~      Additions Double Underlined

**3.3. Commercial Service District**

**3.3.1. Purpose** - This district is intended for the location of heavy commercial uses, wholesale uses, office buildings, automotive type of uses such as sales and service, convenience stores and commercial service type of uses. In general this area is devoted to service or wholesale uses.

**3.3.2. Permitted Uses (Subject to Site Plan Review)** - Any retail or service business, hotel and motels, business or professional offices, take-out restaurant, small restaurant, sit-down restaurant, automobile service, place of assembly, outdoor recreation and accessory uses or structures. Essential service and buildings for essential service, single family dwellings in existence on the date of this amendment. *(Amended 12-6-04)*

**3.3.3. Conditional Uses (Subject to Site Plan Review)** – Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility (subject to *Article 4.24*), methadone clinic (subject to *Article 4.24*), Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, commercial school, church, drive-thru business, wholesale distribution, truck terminal, light industrial operations (but not including excavation, gravel pit and quarry activities) which do not exceed 10,000 square feet, such as warehousing assembly or fabrication. Functionally water-dependent uses along the Penobscot River. Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment. Stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities. *(Amended 4-7-03, 12-6-04, 12-17-07, 03-01-10, 03-07-11)*

**3.3.4. Lot Dimensions**

Minimum Lot Area	-	20,000 sq. ft.
Minimum Road Frontage	-	100 feet
Minimum Setbacks:		
Street Yard	-	40 feet
Other Yards	-	30 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	35 feet

**3.3.5. Special District Regulations**

1. Where a commercial or industrial use abuts any residential use or residential district, the other yard setback shall be double where it abuts the residential property.
2. Notwithstanding the maximum building height regulations in Article 3.3.4. building height may be up to 50 feet under the following standards. Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35

feet from the proposed building height and add that difference to each yard setback requirement. *(Amended 03-01-10)*

*EXAMPLE:* A 48 foot tall building is proposed. By subtracting the base Commercial Service District maximum building height from the proposed height the following is the result  $48' - 35' = 13'$ .

Then add that amount to each yard or setback.

Setback Type		Base Setbacks:	Total Setback
Street Yard	-	40 feet	53 feet
Other Yard	-	30 feet	43 feet

- Notwithstanding other requirements in this section any structure which requires access to rail service shall not be required to setback from the railroad siding. *(Amended 8-17-92, 10-4-93)*
- Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. *(Amended 12-6-04)*
- Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. *(Amended 12-6-04)*
- Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended 12-6-04)*
- Notwithstanding the maximum building height regulations buildings used for functionally water-dependent uses along the Penobscot River are not subject to the maximum building height standard in Article 3.3.4. or 3.3.5.2. provided the lot area for such a use is at least five acres in size. *(Amended 03-01-10)*
- Notwithstanding the above requirements, residential use accessory structures which are not attached to a residential principal building may be located on a lot in accordance with the following:

Accessory Structures Ground Floor Area		Up to 150 Square Feet
Maximum Height	-	16 Feet
Minimum Other Yard	-	5 Feet

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. *(Amended 02-07-11)*

**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 8<sup>th</sup> 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 in open meeting 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:

<b>Total Number of Ballots Cast:</b>	<u>2544</u>
<b>For Councilor District 1 (To serve until 12/31/2014)</b>	
Janet M. Hughes	<u>406</u>
<b>For Councilor District 2 (To serve until 12/31/2014)</b>	
Thomas B. Brann	<u>304</u>
Mark E. Gray	<u>285</u>
<b>For Councilor District 3 (To serve until 12/31/2014)</b>	
Brian M. Duprey	<u>249</u>
Michelle R. Blosser	<u>59</u>
Jean H. Lawlis	<u>287</u>

OFFICIAL RETURN OF VOTES – MUNICIPAL ELECTION  
NOVEMBER 8, 2011

**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>
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_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Council Members of the Town of Hampden, Maine

A True Copy.

Attest: \_\_\_\_\_  
Denise R. Hodsdon, Town Clerk  
Town of Hampden

C-3-a

**CONTRACT FOR SALE OF REAL ESTATE**

November 3, 2011

RECEIVED of Central Maine Diesel IS Inc., or assigns, hereinafter called the Purchaser, the sum of:

FIVE THOUSAND DOLLARS (\$5,000) as a deposit on account of the purchase price of the following described real estate, situated in Penobscot County, State of Maine, to wit:

A certain parcel, lot or parcels of land of approximately 1.524 acres, together with other improvements situated thereon, located at Hampden Business and Commercial Park, Hampden, Maine and further depicted as Lot 5, on the Town of Hampden Business and Commercial Park Final Sub-Division Plan dated July 18, 2001 (hereinafter referred to as "Premises"), being a portion of the premises described in a deed of Mary T. Rice to the Inhabitants of the Town of Hampden recorded in the Penobscot County Registry of Deeds in Book 7832, Pages 274-385.

the TOTAL purchase price being EIGHTY EIGHT THOUSAND DOLLARS to be paid as follows:

\$ 5,000 upon acceptance of offer;  
\$83,000 balance in cash or certified check at closing.

Said deposit is received and held by Epstein Commercial Real Estate, subject to the following terms and conditions:

1. Seller shall have until 5 o'clock p.m. on November 14, 2011 to accept the within offer; and if Seller has not accepted the offer by such time, said deposit shall be returned promptly to Purchaser. Epstein Commercial Real Estate will hold said deposit and act as escrow agent until the closing.
2. Within 30 days from the full execution of this Contract, Purchaser shall notify the Seller of any title defects to which Purchaser objects, and Seller shall have a reasonable period of time, not to exceed 30 days, to cure such objections. If Seller is unable to cure the objections after having made reasonable efforts, Purchaser may either consummate the purchase of the Premises in accordance with this Contract or terminate this Contract, in which case the Seller shall refund to Purchaser the deposit made hereunder and the parties shall have no further obligation to each other.
3. The closing shall take place within 30 days of the satisfaction of the contingencies outlined in Paragraph 11, or at such other time or place as may be agreed by both parties. Seller shall on the date of closing execute

and deliver a good and sufficient quit claim deed with covenant conveying the Premises to the Purchaser or their nominee, in fee simple, with good and marketable title thereto. Seller shall deliver possession of the premises to the Purchaser or its nominee at the time of closing, free of all tenants and occupants, unless otherwise provided herein. The Premises shall be broom clean, free of all possessions and debris, and in the same condition as they are now, reasonable wear and tear accepted.

4. The following items will be pro-rated as of the Closing:  
Real estate taxes X; fuel \_\_\_; rents \_\_\_; utilities \_\_\_.
5. Risk of loss or damage to the Premises, by fire or otherwise, until title is passed, remains with the Seller.
6. In case of the failure of the Purchaser to pay the purchase price or to perform any of the covenants on its part made or entered into, at Seller's option, this Contract will be terminated and the deposit will be retained by the Seller as liquidated damages; the escrow agent is hereby authorized by the Purchaser to deliver the deposit to the Seller under the foregoing circumstances.
7. Time is of the essence under this Contract. All covenants and agreements herein contained will inure to and be binding upon the heirs, personal representatives, successors and assigns of the parties.
8. The Purchaser and Seller acknowledge that David Hughes of Epstein Commercial Real Estate is acting solely as the Seller's agent in this transaction.
9. The Seller and Purchaser will each pay one-half of the real estate transfer tax payable as a result of this transaction.
10. This Contract may be signed in any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original or faxed signatures are binding.
11. Purchaser's obligations hereunder are subject to and conditioned upon Purchaser obtaining all necessary approvals for Purchasers contemplated development from the Town of Hampden within 120 days of the full execution of this Agreement.

If the above-referenced contingency is unsatisfactory to the Purchaser, then the Purchaser may terminate this Agreement by written notice to Seller within the specified time frame, and the deposit shall be returned to the Purchaser and both parties shall be released from their prospective obligations hereunder. If Purchaser does not so elect to terminate this

Agreement by notice in writing to Seller within the specified time period, then this condition shall be deemed to have been satisfied.

12. Within five business days of the full execution of this Contract, Seller shall provide Purchaser with any existing abstracts of title, or title insurance policies, surveys and engineering reports in their possession related to the Premises. Seller discloses that there are no known hazardous materials or underground storage tanks on the property. Buyer shall seek information from professionals regarding any specific hazardous material or concern.
13. Any dispute or claim arising out of or relating to this Contract or the Premises address in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of this transaction.
14. Seller shall give Purchaser and Purchaser's agents and representatives' reasonable access to the Premises during normal business hours. If the transaction contemplated by this Contract does not close for any reason, Purchaser shall restore the Premises so examined or tested to its original condition prior to Purchaser's entry. Prior to entering onto the Premises, Purchaser shall furnish Seller with such certificates of insurance as Seller shall reasonably require, naming Seller as additional insured. Purchaser hereby indemnifies and agrees to defend and hold harmless Seller for any damage, claim, loss, liability or expense incurred or suffered in connection with the Inspections by reason of the granting or exercise of the right and license granted herein. The provisions of this paragraph shall survive the Closing or other termination of this Contract.

A COPY OF THE CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS ACKNOWLEDGED.

Epstein Commercial Real Estate, Seller's Broker

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**PURCHASER:**

I/We hereby agree to purchase the Premises at the price and upon the terms and conditions set forth above.

Signed this 4th day of November 2011

Farah Perry  
Witness

Bill Perry  
Central Maine Diesel IS Inc.  
By: Bill Perry  
Its:

**ACCEPTANCE**

I/We hereby accept the offer and agree to deliver the Premises at the price and upon the terms and conditions above stated.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**SELLER:**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By:  
Its:

C-3-C



**TO: Mayor Hughes and Hampden Town Council**  
**FROM: Robert Osborne, Town Planner**  
**SUBJECT: Billington, LLC Subdivision Conservation Easement Acceptance**  
**DATE: November 8, 2011**

At the November 2, 2011 Planning and Development Committee meeting there was a vote in favor of sending the revised conservation easement for the Billington, LLC subdivision to the Council with a recommendation that it be accepted in its current form as attached. Also please find attached a copy of Tom Russell's recommendation.

The Committee did not vote to recommend that the Town of Hampden accept the open space itself at this time but they did not rule it out.



Robert Osborne <planner@hampdenmaine.gov>

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## conservation easement

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Thomas A. Russell <tar@frrlegal.com>

Fri, Oct 14, 2011 at 10:14 AM

To: Robert Osborne <planner@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Cc: Susan Lessard <manager@hampdenmaine.gov>

Bob & Tom: The amendments look fine to me. However, the provisions absolving the Grantee (Town) of any responsibility or liability do not change the fact that if the Town also becomes the owner of the property, it also steps into the shoes of the Grantor, and will be responsible for its responsibilities and obligations. Tom

**From:** Robert Osborne [mailto:planner@hampdenmaine.gov]

**Sent:** Thursday, October 13, 2011 6:03 PM

**To:** Tom Brann; Tom Russell

**Subject:** Fwd: conservation easement

[Quoted text hidden]

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Robert Osborne &lt;planner@hampdenmaine.gov&gt;

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## Chickadee Crossing open space

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Jim Kiser &lt;jim@kiser-kiser.com&gt;

Mon, Oct 31, 2011 at 7:49 PM

To: Robert Osborne &lt;planner@hampdenmaine.gov&gt;

Bob,

Attached is the amended conservation easement based on comments provided by councilor Brann. This amendment has been accepted by the ACOE state office and regional legal staff. We believe this addresses the issues presented and hope that the council will now feel comfortable with both accepting the easement and fee interest in the land proposed as open space.

This conservation easement was previously amended to address Tom Russell's comments regarding the town's acceptance of the easement. Russell also indicated that the ownership of the land was a decision for the council. We still have not heard back from you regarding further review by Russell.

If you have any questions please contact me.

James Kiser



PO Box 282

Hampden, ME 04444

207-862-4700

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#377\_ACOE CONSERVATION EASEMENT 101111.pdf  
134K

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## CONSERVATION EASEMENT

### RECITALS

BY THIS INDENTURE, made this \_\_\_\_\_, day of \_\_\_\_\_ 2011, by **Billington LLC** (hereinafter referred to as the "Grantor" which word, where the context requires, includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs, successors, assigns, lessees, tenants and other occupiers and users) with address of 81 Park Street, Bangor, Maine, is the owner in fee simple of certain real property located in the town of Hampden, County of Penobscot, (hereinafter "Property") more particularly bounded and described in deeds recorded in the Penobscot County Registry of Deeds; book 11050, page 285 and book \_\_\_\_\_, page \_\_\_\_\_.

and;

WHEREAS, the Grantor intends to grant a Conservation Easement over a portion of the Property more particularly bounded and described as follows:

*[See Attachment A]*

(hereinafter "Easement Area"); and

WHEREAS, the **Town of Hampden**, a municipality, having a principal place of business at 106 Western Ave, Hampden, Maine (hereinafter referred to "Grantee" which word shall include all successors, assigns, agents and designees) has determined that it would be in the public interest to retain, maintain and preserve that portion of the Property designated as the Easement Area as open space, in its natural state; and

WHEREAS, Grantor is willing, in consideration of the need to preserve the natural, scenic, aesthetic and special character of the property, and desires to conserve and protect the property as a natural habitat for birds, wildlife, plants and similar ecosystems, the Grantor hereby grants in perpetuity to the Grantee, a conservation easement/restrictive covenants (hereinafter "Easement") on the Property; and

WHEREAS, MRSA Title 33, §477 permits the creation of a conservation easement; and

WHEREAS, the Grantee agrees, by accepting this grant, to honor the intention of the Grantor as stated herein, and to preserve and protect in perpetuity the conservation values of the Property;

WHEREAS the State of Maine by and through its Department of Environmental Protection, (hereinafter referred to as the "Third Party") will receive Third Party Rights of Enforcement under this Easement

NOW THEREFORE, be it known that **Billington LLC**, does hereby grant, release and dedicate to the **Town of Hampden** a conservation easement in perpetuity over the Easement Area.

1. PURPOSE

The Easement is hereby granted exclusively for the following conservation purposes:

- a. To have the Property remain in its present natural and open condition in order for it to fulfill its present historic, scenic, vegetative, wildlife and/or hydrological functions.

2. USE LIMITATIONS

Grantor intends that this Easement will confine the use of the Easement Area in perpetuity to such activities as are consistent with the purposes of this Easement. Any activity on or use of the Easement Area inconsistent with the purposes of this Easement is prohibited. The following limitations shall apply:

- a. The Easement Area shall not be subdivided and none of the individual tracts, which together comprise the Easement Area, shall be conveyed separately from one another.
- b. The Easement Area shall be maintained in perpetuity as open space without there being conducted thereon any industrial, commercial, agricultural or forestry activities. Agricultural and forestry shall include animal husbandry, floricultural, horticultural activities, the production of plant and animal products for domestic or commercial purposes, the growing, stocking, cutting and sale of forest trees of any size capable of producing timber or other forest products and the processing and sale of products produced on the property (e.g., maple syrup), except when associated with exempted activities.
- c. No structures, improvements or alterations, including but not limited to, a dwelling, any portion of a subsurface wastewater treatment and disposal system, mobile home, utility tower, or wireless communication facility shall be constructed, placed or introduced onto the Easement Area.
- d. No removal, filling, or other disturbances of soil nor any changes in the topography, surface or subsurface water systems, wetlands or natural habitats shall be allowed.
- e. No mining, quarrying, excavation or removal of rocks, minerals, gravel, sand, topsoil or other similar materials shall be allowed on the Easement Area.
- f. The placement of signs, billboards or other advertising materials or structures of any kind is prohibited.
- g. There shall be no use of pesticides, poisons, biocides or fertilizers, draining of wetlands, burning of marshland or disturbances or changes in the natural habitat of the premises.

- h. There shall be no manipulation or alteration of the natural watercourses, lakeshores, marshes or other water bodies, nor shall any uses of or activities upon the property be permitted which could be detrimental to water purity or to any vegetative, wildlife or hydrological function.
- i. There shall be no operation of vehicles, snowmobiles, dune buggies, motorcycles, mini-bikes, go-cars, all-terrain vehicles, or any other type of motorized vehicle upon the property.
- j. There shall be no storage or placement of equipment, natural or man-made materials or substances upon the premises.
- k. There shall be no dumping, burning, release, burial, injection, or disposal of any type of material on the Easement Area.
- l. Any other disturbances of the property except for those activities explicitly authorized by the Compensatory Mitigation Plan for Permit No. \_\_\_\_\_ issued by the Department of the Army, New England District, Army Corps of Engineers dated \_\_\_\_\_ and referenced under Section 4. Reserved Rights.

3. EXCEPTIONS

The Grantor may, ~~but is not obligated to~~ enter upon the Property to conduct the following activities after written application and approval from the Grantee and any other local or state agencies for which approval is required: The Grantee is not obligated to undertake any of the described activities.

- a. Removal of debris, dead trees, or brush for the purpose of promoting safety and aesthetic quality. Materials may be left on site if utilized for habitat management.
- b. Pruning and thinning live trees and brush for the purpose of promoting safety, aesthetic quality, fire control, wildlife habitat and to manage & remove invasive species.
- c. Planting of trees, shrubs, or other vegetation for the purpose of promoting wildlife or aesthetic quality.
- d. Grading and landscaping at the direction and approval of the Grantee and/or any other local or state boards/agencies.
- e. Install new utilities and the right to convey easements for such utilities.
- f. Maintain, repair and replace utilities and their easement areas.
- g. Construct ~~a~~ paths not greater than 10' wide to provide for passive recreation and enjoyment of the conservation lands. The path shall be located with approval of the Grantee and other state or local agencies and shall not exceed 10% of the land area.

h. Motorized vehicles shall be permitted to the path and for exempted maintenance activities provided they do not damage the soil surface or quality of the protected area. Emergency, rescue, fire control and damage restoration vehicles may access any portion of the property, if required.

4. RESERVED RIGHTS

It is expressly understood and agreed that this Easement does not grant or convey to members of the general public any rights of ownership, entry or use of the Property. This Easement is created solely for the protection of the Property and Grantor reserves the ownership of the fee simple estate and all rights appertaining thereto, including without limitation the right to exclude others and to use the Property for all purposes consistent with this Easement.

The Grantor reserves to itself the rights to create, restore, remediate, monitor and maintain those areas within the easement as required by the Compensatory Mitigation Plan Permit No. \_\_\_\_\_ issued by the Department of the Army, New England District, Corps of Engineers, dated \_\_\_\_\_.

5. COMPLIANCE INSPECTION

The Grantor expressly authorizes the Grantee, its duly authorized designee or agent to enter upon the lands subject to this Easement for the purpose of determining compliance with the terms and conditions contained within this document.

6. MARKING OF PROPERTY

The perimeter of the Property shall at all times be plainly marked by permanent signs or by an equivalent, permanent marking system designating the area a protected area.

7. PROPERTY TRANSFERS

Grantor shall include the following notice on all deeds, mortgages, plats, or any other legal instrument used to convey any interest in the Property. Failure to comply with this paragraph does not impair the validity or enforceability of this Easement:

NOTICE: This Property is Subject To a Conservation Easement recorded in the Penobscot County Registry of Deeds; book \_\_\_\_\_, page \_\_\_\_\_.

The Grantor shall provide a 60-day advance notification to the Grantee and the Army Corps of Engineers pursuant to permit no. \_\_\_\_\_, before any action is taken to void or modify this instrument, including transfer of title to, or establishment of any other legal claims.

Grantee shall be under no obligation to maintain the Easement Area, to enforce any provisions of this easement or pay any taxes or assessment thereon.

8. BENEFITS AND BURDENS

The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity. The benefits of said Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable to another qualified organization, which organization has among its purposes the conservation and preservation of the land and water areas and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

9. NOTICES

All notices, requests and other communication required or permitted to be given under this Easement shall be in writing and shall be delivered in hand or via Certified Mail, return receipt requested, to the appropriate address set forth in this Easement or at such other address as the Grantor or Grantee may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or mailed.

Said Grantor further covenants and agrees to provide a copy of the Conservation Easement by means of a notice by Certified Mail, return receipt requested, to the last known address of any person or entity who hereafter shall have any possessory interest in the subject property, including but not limited to any tenants, successors, or assigns. Failure of said Grantor to provide such notice shall not constitute any waiver of the Grantee's rights herein.

10. BREACH OF EASEMENT

- a. If a breach of this Easement, or conduct by anyone inconsistent with this easement, comes to the attention of the Grantee, it shall notify the Grantor, in writing, of such breach of conduct, delivered in hand or by Certified Mail, return receipt requested.
- b. The Grantor shall, within thirty (30) calendar days after receipt of such notice or after otherwise learning of such breach or conduct, undertake those actions, including restoration, which are reasonably calculated to cure swiftly said breach, or to terminate said conduct, and to repair any damage. The Grantor shall promptly notify the Grantee of its actions taken under this section.
- c. If the Grantors fails to take such proper action under this preceding paragraph, the Grantee shall may, as appropriate to the purposes of this deed, undertake any actions that are reasonably necessary to cure such breach or to repair any damage in the Grantor's name or to terminate such conduct. The cost thereof, including the Grantee's expenses, court costs and legal fees, shall be paid by the Grantor.

- d. If the Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate damages to the property, or to prevent action or potential action which is determined to be inconsistent with the stated purposes of this Easement, the Grantee may pursue any remedy it deems appropriate to correct such breach, without prior notice to the Grantor or without waiting for the period provided to cure to expire.
- e. The Grantee and the Grantor reserve the right, separately or collectively, to pursue all legal remedies against any third party responsible for any actions detrimental to the conservation purposes of this Easement.
- f. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by the Grantor shall impair Grantee's rights or remedies or be construed as waiver.

11. SEVERABILITY

If any provision of this Easement, or the application thereof to any person or circumstances, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

12. MERGER

The Grantor and Grantee agree that it is their express intent that the provisions of the Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee or any successor or assignee shall be deemed to eliminate the Easement, or any portion thereof, granted under the doctrine of "merger" or any other legal doctrine.

13. CONDEMNATION

- a. Whenever all or any part of the Easement Area is taken in exercise of eminent domain by a public, corporate, or other authority so as to abrogate in whole or in part the Easement conveyed hereby, the Grantor and the Grantee shall thereupon act jointly to recover the full damages from such taking, with all incidental or direct damages and expenses incurred by them thereby to be paid out of the damages recovered.
- b. The balance of the land damages recovered (including, for the purposes of this subsection, proceeds from any lawful sale, in lieu of condemnation, of the Property unencumbered by the restrictions hereunder) shall be divided between the Grantor and Grantee in proportion to the fair market value of their respective interests in that part of the Property condemned on the date of execution of this Easement. For this purpose, the Grantee's interest shall be the amount by which the fair market value of the Property immediately prior to the execution of this Easement is reduced by the use limitations imposed hereby. The values of the Grantor's and Grantee's interest

shall be determined by an appraisal prepared by a qualified appraiser at the time of condemnation.

- c. The Grantee shall use its share of the proceeds in a manner consistent with the conservation of land and natural resources.

GRANTOR hereby affirms that it is the sole owner of the property in fee simple and has the right to enter into this Conservation Easement and to grant and convey the Easement. The property is free and clear of all liens and encumbrances, including but not limited to any mortgage not subordinated to this Easement.

THE GRANTEE, by accepting and recording this Easement, agrees, except as otherwise provided in this easement, to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Easement is delivered.

THE GRANTOR hereby grants to the **Maine Department of Environmental Protection**, Third Party, the same inspection and compliance rights as are granted to the Grantee under this easement. However the Parties hereto intend that the Grantee-Grantor shall be primarily responsible for the enforcement of this easement, that the Grantee shall be secondarily responsible for the enforcement of this easement and that the Third Party will assume such responsibility only if the Grantor and/or Grantee shall fail to enforce it. If the Third Party shall determine that the Grantor and Grantee is-are failing in such enforcement, the Third Party may give notice of such failure to the Grantee and the Grantor, and if such failure is not corrected within a reasonable time thereafter, the Third Party may exercise, in its own name and for its own account, all the rights of compliance granted the Grantee under this Easement. The Third Party shall also have reasonable access to any and all records of the Grantee relevant to the Protected Property. Grantee shall not be responsible for any expenses, court costs or legal fees incurred by the Third Party.

IN WITNESS WHEREOF, BILLINGTON LLC has caused this instrument to be signed in its corporate name by Stanley E. MacMillan, its President, hereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2011.

WITNESS:

BILLINGTON LLC

By: \_\_\_\_\_

Stanley E. MacMillan  
Its President  
Hereunto Duly Authorized

STATE OF MAINE  
PENOBSCOT, ss.  
, 2011

Then personally appeared the above-named Stanley E. MacMillan and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public/Attorney-at-Law

The above and foregoing Conservation Easement was authorized to be accepted by the Town of Hampden, Grantee as aforesaid, and the said Grantee does hereby accept the foregoing Conservation Easement, by and through Susan Lessard, its Manager, hereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2011.

Town of Hampden

By: \_\_\_\_\_  
Susan Lessard  
Its Manager  
Hereunto Duly Authorized

STATE OF MAINE  
PENOBSCOT, ss.  
, 2011

Then personally appeared the above-named Susan Lessard and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Town of Hampden.

Before me,

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public/Attorney-at-Law

**THIRD PARTY ENFORCER ACCEPTANCE**

The third party rights of enforcement granted under the above and foregoing Conservation Easement, pursuant to Title 33 M.R.S.A Section 476 et seq., were authorized to be accepted by the State of Maine Department of Environmental Protection by Teco Brown, its Director of the Bureau of Land & Water Quality, hereunto duly authorized and the said Teco Brown does hereby accept the foregoing Conservation Easement this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

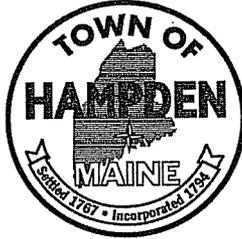
STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_  
Its: Director, Bureau of Land & Water Quality

DRAFT

C-4-a

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 838-2100  
Fax: (207) 838-2101  
email: hampden@maine.net

### CERTIFICATE OF COMMITMENT OF SEWER USER RATES

To: Susan M. Lessard, the treasurer of the municipality of Hampden, Maine.

We, the undersigned municipal officers of the municipality of Hampden, Maine hereby certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A §3406 for those properties, units, and structures required by local and state law to pay a sewer rate to the municipality, for the period beginning 07/01/11 and ending 09/30/11. This list is comprised of the pages numbered 1 to      inclusive which are attached to this certificate. The date(s) on which the rates included in this list are due and payable is (are) 11/30/11. You are hereby required to collect from each person named in the attached list his or her respective amount as indicated in the list, the sum total of those lists being \$ 142,558.48. You are hereby required to charge interest at a rate of 7 % per annum on any unpaid account balance beginning 12/01/2011. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law. On or before 04/2012 you shall complete and make an account of your collections of the whole sum herein committed to you.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Municipal Officers of the Town of Hampden, Maine



**TO: Mayor Hughes and Hampden Town Council**  
**FROM: Robert Osborne, Town Planner**  
**SUBJECT: Draft Zoning Ordinance Text Amendment to Interchange District**  
**DATE: November 8, 2011**

At the November 2, 2011 Council Planning and Development Committee meeting they voted to forward this item to the Council with a recommendation that it be sent to the Planning Board for a public hearing and recommendation. The draft Interchange District amendment was done to address moving an existing landscaping company to the district. The draft language would broaden the contemplated uses in the district to any retail or service business and require that those businesses with over 5,000 sq. ft. of outdoor display or storage get conditional use review.

**TOWN OF HAMPDEN**  
**Draft**

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

Deletions are ~~Strikethrough~~      Additions Double Underlined

**3.6. Interchange District**

**3.6.1. Purpose** - This district is intended to provide areas for motels, restaurants, service stations and similar uses that provide accommodations for tourists and other travelers using Interstate 95. Residential structures in existence prior to January 1, 1979 may be repaired or modified and accessory structures may be added, provided minimum setback requirements are met.

**3.6.2. Permitted Uses (Subject to Site Plan Review)** – Any retail or service business, motel, motel, take-out restaurant, small restaurant, sit-down restaurant, automobile and truck service station and repair facility, gift shop, truck terminal, business or professional office, indoor recreation, home occupation (subject to *Article 4.10*), accessory uses or structures, essential services, and wireless telecommunications facilities (subject to *Article 4.22*). (*Amended: 03-08-99, 05-21-01, 10-01-01, 12-6-04*) (*03-21-05*).

**3.6.3. Conditional Uses (Subject to Site Plan Review)** - Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, outdoor recreation, stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities and buildings necessary for essential services. (*Amended: 05-21-01, 12-6-04, 12-17-07*) Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment.

**3.6.4. Lot Dimensions**

Minimum Area	-	1 acre
Minimum Road Frontage	-	200 feet
Minimum Setbacks:		
Street Yard	-	30 feet
Side Yard	-	20 feet
Rear Yard	-	20 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	50 feet

(*Amended: 01-19-06*)

**3.6.5. Special District Regulations**

1. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. (*Amended: 12-6-04*)
2. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. (*Amended: 12-6-04*)
3. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor

dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. Title 28-A: LIQUORS §1051. Licenses generally which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. (Amended: 12-6-04)

4. No bar or dance hall shall be located within 500 feet of a residence. (Amended: 12-6-04)
5. Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each yard setback requirement. (Amended: 01-19-06)

*EXAMPLE:* A 48 foot tall building is proposed. By subtracting the base Interchange District maximum building height from the proposed height the following is the result  $48' - 35' = 13'$ .

Then add that amount to each yard or setback.

Setback Type		Base Setbacks:	Total Setback
Street Yard	-	30 feet	43 feet
Side Yard	-	20 feet	33 feet
Rear Yard	-	20 feet	33 feet

(Amended: 01-19-06)





# Pizza Gourmet Pizza Gourmet

60 Main Road North Ste. A  
Hampden, Maine 04444  
(207) 862-6900

October 19, 2011

Town of Hampden  
Hampden Maine

Please consider this our request to bypass a public hearing.

Thank you.

Brian Carlisle  
Pizza Gourmet

**Department of Public Safety  
Liquor Licensing & Inspection  
Division**



<b>BUREAU USE ONLY</b>
License No. Assigned:
Class:
Deposit Date:
Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

**PRESENT LICENSE EXPIRES \_\_\_\_\_**

**INDICATE TYPE OF PRIVILEGE:** ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

**INDICATE TYPE OF LICENSE:**

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| ☐ RESTAURANT (Class I,II,III,IV)   | ☐ RESTAURANT/LOUNGE (Class XI)       |
| ☐ HOTEL-OPTINONAL FOOD (Class I-A) | ☐ HOTEL (Class I,II,III,IV)          |
| ☐ CLASS A LOUNGE (Class X)         | ☐ CLUB-ON PREMISE CATERING (Class I) |
| ☐ CLUB (Class V)                   | ☐ GOLF CLUB (Class I,II,III,IV)      |
| ☐ TAVERN (Class IV)                | ☐ OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <i>Country meadow Inc</i> <b>DOB:</b>	<b>2. Business Name (D/B/A)</b> <i>Pizza Gourmet</i>
<b>DOB:</b>	
<b>DOB:</b>	<b>Location (Street Address)</b> <i>60 Maine Rd No Ste A</i>
<b>Address</b> <i>60 Main Rd No Ste A</i>	<b>City/Town</b> <b>State</b> <b>Zip Code</b> <i>Hampden</i> <i>ME</i> <i>04444</i>
	<b>Mailing Address</b> <i>Same</i>
<b>City/Town</b> <b>State</b> <b>Zip Code</b> <i>Hampden</i> <i>ME</i> <i>04444</i>	<b>City/Town</b> <b>State</b> <b>Zip Code</b>
<b>Telephone Number</b> <i>207 962 6900</i>	<b>Business Telephone Number</b> <b>Fax Number</b> <i>207 962 6900</i>
<b>Federal I.D. #</b> <i>01-0451740</i>	<b>Seller Certificate #</b> <i>0240282</i>

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 43072 LIQUOR \$ 3176.00
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO ☐  
complete Supplementary Questionnaire ,If YES
6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO
7. If manager is to be employed, give name: Paul Straton
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 60 Main Rd No Ste A Hampden ME
10. Is/are applicants(s) citizens of the United States? YES  NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES  NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Brian Carlisle	21451	Bancor ME
Gynthia Carlisle Connors	3-8-59	"
Paul Stratten	2-9-79	Winterport ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
 Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
 Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
 Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No, give name and address of owner: \_\_\_\_\_  
 CRRT PO Box 880728 Port St. Lucie FL

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_  
 60 Main Rd No Ste A.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES  NO  Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile Which of the above is nearest? School + Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Hampden ME on 10-6-11, 20 11  
Town/City, State Date

Brian Carlisle Pres  
 Signature of Applicant or Corporate Officer(s)  
Brian Carlisle  
 Print Name

**Please sign in blue ink**  
 \_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels-Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

**FILING FEE**.....\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: Hampden, Maine Penobscot ss  
City/Town (County)

On: November 14, 2011  
Date

The undersigned being:  Municipal Officers  County Commissioners of the  
 City  Town  Plantation  Unincorporated Place of: Hampden, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

**FLORIDA DEPT OF  
PUBLIC SAFETY**

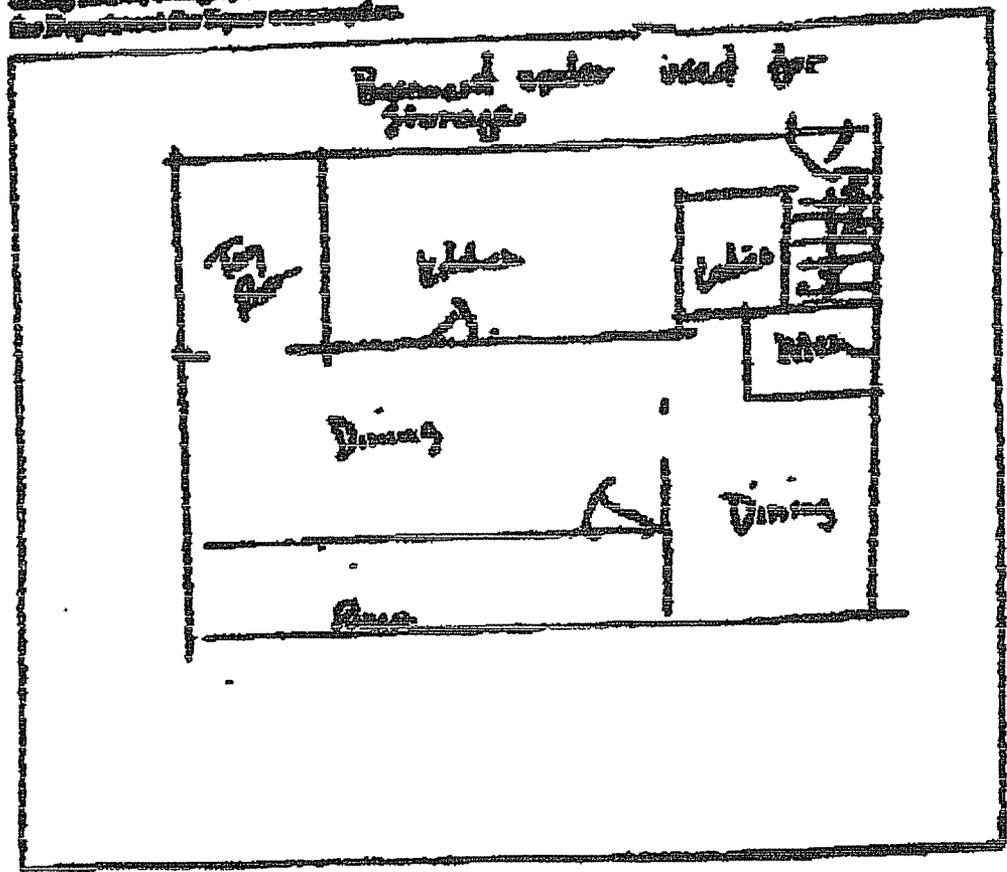
**STATE OF FLORIDA**  
**Department of Transportation**  
**190 West Orange Avenue**  
**ALBUQUERQUE, NEW MEXICO**  
**TEL: (505) 824-1743 Fax: (505) 824-1744**



**SUPPLEMENTAL APPLICATION FORM  
ORIENT-FURNISHING DIAGRAM**

In an effort to clearly define your layout, provide and to show the arrangement and storage of items in a room, the Motor Vehicle & Insurance Division is requiring all applicants to submit a diagram of the structure to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the name of your license including category, class, sex, license, license, license, license, license, license, license, license and all other items that you are requesting licensed from the Department for your license.



# MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE  
**Liquor Licensing & Inspection Division**  
 164 State House Station  
 Augusta ME 04333-0164  
 Tel: (207) 624-7220 Fax: (207) 287-3424



## SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

- Exact Corporate Name: Country meadow Inc  
 Business D/B/A Name: Pizza Power met
- Date of Incorporation: 10/89
- State in which you are incorporated: Me
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Brian Carlisle	69 Thurlow Rd Newburgh	2-14-51	50	Pres
Cynthia Carlisle	" "	3-8-59	50	Treas
Samuel Lanham Esq.				Clerk

- What is the amount of authorized stock? \_\_\_\_\_ Outstanding Stock? \_\_\_\_\_
- Is any principal officer of the corporation a law enforcement official? Yes  No
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes  No
- If YES, please complete the following: Name: \_\_\_\_\_  
 Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
 Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
 Dated at: \_\_\_\_\_ City/Town \_\_\_\_\_ On: \_\_\_\_\_ Date \_\_\_\_\_

Brian Carlisle  
 Signature of Duly Authorized Officer  
Brian Carlisle  
 Print Name of Duly Authorized Officer

10-6-11  
 Date