HAMPDEN TOWN COUNCIL

HAMPDEN MUNICIPAL BUILDING

AGENDA

MONDAY DECEMBER 19, 2011 7:00 P.M.

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

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

   a. Maine Bond Bank – Refinancing Credit – Municipal Building Addition Loan
   b. Email – Bernie Philbrick – Rain Garden, Bangor Area Stormwater Group
   c. Email – Lisa Carter/Secretary of State's Office

4. REPORTS

   a. Finance Committee Minutes – 12/5/2011
   b. Lura Hoit Pool Board Minutes – 10/11/2011

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

   a. Adoption of Proposed Personnel Rules and Policies Ordinance/Handbook

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

   a. Request for New Election – Cindy Philbrick

   b. Comprehensive Plan
      1. Re-Affirm Citizen Committee's Charge
      2. Assign Citizens Comprehensive Plan Committee the responsibility for public hearing per statutory requirement:
         Title 30-A M.R.S. § 4324 Responsibility for Growth Management
         Sec. (2) Planning Committee
         Sec. (8) Public Hearing Required

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

c. Old Hampden Academy Re-Use Update

d. Town Manager Search Update

4. NEW BUSINESS

a. Annual Report – 2011 – Town Manager

D. COUNCILOR SHAKESPEARE RECOGNITION

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT

A-3-a

Maine Municipal Bond Bank

Robert O. Lenna, *Executive Director*
Tel 207-622-9386
Fax 207-623-5359

December 06, 2011

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

Dear Ms. Lessard:

On behalf of the Commissioners of the Maine Municipal Bond Bank, I am pleased to inform you that your debt service payments shall be reduced by $12,382.93, which represents your pro-rated portion of the savings the Bond Bank is providing as a result of its recent refunding issue. In the current fiscal environment, the Bond Bank was particularly proud of accomplishing the refunding at no cost to you and providing this benefit to you. Your total savings were derived as follows:

Series	Original Principal	Total Savings	Provided By Check	Provided By Debt Service Credit
2001 D	$1,686,000.00	$12,382.93	$0.00	$12,382.93

The ongoing debt service payment on your bonds is now due in accordance with the enclosed schedule. Please disregard all previous debt service schedules and make your revised semi-annual debt service payments to US Bank.

For over thirty years the Bond Bank has provided Maine's local governmental units with capital financing at a total cost as low as, and in most instances lower than, what is available elsewhere. We are proud that such a standard of consistent, cost effective financing continues to be available to Maine localities.

This refunding credit also gives the Bond Bank a chance to express its gratitude for your loyal support. Part of the Bank's success can be attributed to your continued use of our services through the years. I hope you will look to us for any possible future capital needs.

The staff at the Bond Bank is ready to assist you with any analysis of your capital requirements to help provide you the assurance that you have reviewed all of the available options as you analyze your capital needs. It is our goal however you decide to raise capital that you achieve the lowest total cost financing package available to you. Thank you again for allowing the Bond Bank to serve you.

Sincerely,

Robert O. Lenna
Executive Director

Enclosure(s): Debt Service Payment Schedule(s)

A-3-b

Susan Lessard <manager@ham|

Re: Bangor Area Stormwater Group Information

1 message

Bernie Philbrick <elcobern@aol.com> **Mon, Dec 12, 2011 at 2:55 PM**
To: manager@hampdenmaine.gov
Cc: andrec@roadrunner.com, shakespeareTowncouncil@hampdenmaine.gov, clerk@hampdenmaine.gov, hughestowncouncil@hampdenmaine.gov, lawlistowncouncil@gmail.com, hornbrooktowncouncil@hampdenmaine.gov, wrighttowncouncil@gmail.com, tar@frrlegal.com, branntowncouncil@hampdenmaine.gov

Sue,

I would like to thank you for the information. Yes, please do send me a copy of the MS4 application. Also please attach the information that requires us to participate in the BASWG by donating nearly $4,000 per year. Considering in the past year the Council has informed us that citizens need to pay for information from the town office or putting unrealistic timelines for the Comp Plan Committee due to lack of funding. How can justify spending monies to be part of this group? Especially where there is no return on investment. It seems like we would be better off simply paying for the services we need then to funnel money to a group for nothing or next to nothing.

At last weeks Council meeting I heard Councilor Lawlis state the need for these NGO's once again. I assume she was talking about my email to you regarding the Rain Garden. I have seen a considerable amount of town resources literally dumped into a hole at the town office. Jean may think this is acceptable because someone told her to do it, but I and many others would like to see us get something for our money, other than a hole.

Perhaps the one thing that irks me the most is that, YOU, tried to keep this hidden. There were many discussions back last Summer where it was asked of you to provide a list of all the NGO's and outside agencies. I remember we were given a short list of agencies like PVCOG, the Bangor STD clinic and the American Red Cross. Some of which are worth while causes but why was the BASWG omitted from this list? I'm sure it was just another overlook on your part but it sure seems like the truth is often misrepresented when dealing with Hampden Town Officials these days.

Perhaps it would be best for the Town to divulge where all expenditures are going. Become transparent and let the citizens see what is happening with their money you collect.

Thank You,
Bernie Philbrick
Hampden

BTW, The one rain garden you previously mentioned as being a success, is actually a higher elevation than parking lot run off. Next time it rains, go out and see for yourself, the

water runs downhill. Please stop the bleeding and fill the holes in.

-----Original Message-----
From: Susan Lessard <manager@hampdenmaine.gov>
To: Bernie Philbrick <elcobern@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 Hornbroook <hornbrooktowncouncil@hampdenmaine.gov>; Shelby Wright <wrighttowncouncil@gmail.com>; Thomas A. Russell <tar@frrlegal.com>; Tom Brann <branntowncouncil@hampdenmaine.gov>
Sent: Tue, Nov 29, 2011 11:11 am
Subject: Bangor Area Stormwater Group Information

Dear Mr. Philbrick -
The following are answers to the questions related to the Bangor Area Stormwater Group. Do you want a copy of the Town's MS4 permit with the State? If so - I will provide that.
Sue Lessard

What exactly are the fee's associated with Hampden being an active MS4 member of this group? Yearly membership fees can change, as they are a calculation based on town population and total assessed value. BASWG comes up with a budget, and plugs the number into this formula, to come up with the allotment for each town or participating entity.
Fees for the last five years are as follows:
2011: $3,670.15
2010: $3,670.15
2009: $3,670.15
2008: $3,390.14
2007: $2,400.10
As you can see, BASWG has held the line with their budget because of the pressure each town has faced with their own budgets.

What is the extent of town resources devoted to this group?
The town also occasionally pays BASWG for workshops and trainings, and for student interns to collect data required for our permits. For example, we have had people attend a workshop on road salt application, held a training on oil spill prevention, and have had interns collect data on our outfalls and catch basins. Since 10/2007, this has totaled $1,922.21

Specifically, what grants have we received from this group?
The only grant I am aware of is for the rain garden as mentioned previously.

Are these true grants or matching funds?
That grant was a match to what the Council provided.

A-3-c

Janet Hughes <hughestowncouncil@hampdenmaine.gov>

Re: election question

Susan Lessard <manager@hampdenmaine.gov> **Tue, Nov 22, 2011 at 11:05 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 Hornbroook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Andrew Neff <aneff@bangordailynews.com>, editor@svweekly.com

Good Morning -
The following was received by the Town Clerk from the Secretary of State's office this morning in reponse to the email sent (also attached) from Lisa Carter to the Secretary of State.

The recount for District 2 will go forward on Monday at 1 p.m. Candidate Gray has been gracious in his requests and his dealings with this office and that is very much appreciated.

Sue Lessard
Town Manager

---------- Forwarded message ----------
From: **Denise Hodsdon** <clerk@hampdenmaine.gov>
Date: Tue, Nov 22, 2011 at 10:30 AM
Subject: Fwd: election question
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: **Packard, Melissa** <Melissa.Packard@maine.gov>
Date: Tue, Nov 22, 2011 at 10:13 AM
Subject: RE: election question
To: lisafsa@aol.com
Cc: "Office, SOS" <SOS.Office@maine.gov>, clerk@hampdenmaine.gov, "Flynn, Julie" <Julie.Flynn@maine.gov>

Dear Ms. Carter:

As you may be aware, the Maine Constitution allows for "Home Rule" authority for municipalities to conduct their own affairs. Accordingly, the Secretary of State does not have jurisdiction over the conduct of a local election conducted under a municipality's home rule authority. Although Hampden's charter may require the election officials to follow the provisions of Title 21-A, which is the statute that governs statewide elections, we have no jurisdiction over local elections that may be conducted under this title. We can offer advice, but generally can only advise election officials and the public how situations are handled for state elections.

I will address several of the concerns addressed in your email to inform you how these situations might be handled for a state election.

Title 21-A, section 698.3 requires the voting list to remain sealed for 5 business days. For the state referendum election, this deadline was 5 p.m. on Wednesday, November 16th. We could not and did not authorize any town to open their list prior to this time. The Town of Hampden did not violate state election because the deadline for the state election had passed. I understand the plan to open the list was discussed at a council meeting. The opening the voting list was also done while the town office was open so that anyone present could observe.

Title 21-A, section 721 does require the municipal clerk to scan voting history for all elections. This must be done within 20 days of the election, but the clerk may begin as soon as the deadline to open the voting list has passed. As I indicated previously, for the state election, this deadline was 5 p.m. on November 16th.

Title 30-A requires the clerk to charge a deposit that is 50% of the estimate of the cost to the municipality. The municipal clerk is responsible for determining this estimate. The deposit will be refunded if the outcome of the election changes. Again the Secretary of State has no authority to determine this estimate.

Melissa K. Packard
Director of Elections and APA
(207) 624-7650

From: Lisa Carter [mailto:lisafsa@aol.com]
Sent: Monday, November 21, 2011 6:55 PM
To: Packard, Melissa
Subject: Fwd: election question

Begin forwarded message:

> **From:** Lisa Carter <lisafsa@aol.com>
> **Date:** November 21, 2011 6:54:21 PM EST
> **To:** Cindy Philbrick <philbrickcindy@aol.com>
> **Subject: Fwd: election question**

Begin forwarded message:

> **From:** Lisa Carter <lisafsa@aol.com>
> **Date:** November 21, 2011 6:03:17 PM EST
> **To:** Cindy Philbrick <philbrickcindy@aol.com>
> **Subject: Re: election question**

SO LETS REVIEW THUS FAR AS TO

WHAT IS HAPPENING IN THE TOWN OF HAMPDEN:

THERE WAS AN ELECTION HELD LAST TUESDAY, NOVEMBER 8TH. THE ELECTION RESULTS WERE EXTREMELY CLOSE IN DISTRICTS 2 AND 3. CANDIDATES HAVE 5 BUSINESS DAYS TO DECIDE IF THEY ARE GOING TO REQUEST A RECOUNT. BALLOTS AND REGISTERED VOTER LISTS ARE SEALED IMMEDIATELY AFTER THE ELECTION TO PROTECT THE INTEGRITY OF THE BALLOTS AND LISTS. THEY MUST BE SEALED FOR A MINIMUM OF 5 BUSINESS DAYS.

***ACCORDING TO E-MAILS FROM MANAGER LESSARD ON NOVEMBER 10TH, REGISTERED VOTERS IN HAMPDEN HAD REPORTED TO THE TOWN OFFICE THAT THEY WERE GIVEN THE WRONG BALLOTS. THEY LIVED IN DISTRICT 2 AND WERE GIVEN DISTRICT 1 BALLOTS. (THEY INFORMED THE VOLUNTEER AT THE POLLS OF THIS AND THEY WERE SHOWN THE REGISTERED VOTER LIST WHERE IT STATED THEY WERE IN DISTRICT 1) (MORE PEOPLE HAVE COME FORWARD IN RECENT DAYS)**

***REGISTERED VOTERS IN CANDIDATE MARK GRAY'S DISTRICT NOTIFIED MR. GRAY OF THIS.**

*THE GRAY'S (MARK AND HIS WIFE KIM) MADE A WRITTEN INQUIRY REGARDING THIS AND REQUESTED INFORMATION REGARDING THE DEADLINE FOR FILING A RECOUNT.
*THE GRAY'S AND OTHERS WERE INFORMED BY MANAGER LESSARD THAT THE 5TH BUSINESS DAY WAS THURSDAY, NOVEMBER 10TH AT 5 P.M. (AN EXPLANATION WAS INCLUDING COUNTING THE ACTUAL DAYS TO THURSDAY)
*ON WEDNESDAY, NOVEMBER 9TH, WITHOUT NOTICE AND PRIOR TO THE 5TH BUSINESS DAY, AFTER 5 P.M. THE SEAL WAS BROKEN ON THE REGISTERED VOTER LISTS.
*MANAGER LESSARD'S ANSWER TO THE PUBLIC VIA THE E-MAILS BELOW REGARDING THIS VIOLATION WAS THAT THEY WANTED TO LOOK AT THE LISTS TO HELP THE CANDIDATES DECIDE WHETHER OR NOT THEY MIGHT WANT A RECOUNT.
*THEN WE WERE INFORMED VIA THE E-MAILS BELOW THAT THE SEAL WAS BROKEN TO DO THE CVR COUNT, "WHICH WAS REQUIRED BY LAW BY THE 5TH BUSINESS DAY". THE STATE STATUTE ACTUALLY STATES 20 DAYS. IN ADDITION, ACCORDING TO STATE STATUTE, TO BREAK THE SEALS (OR UNSEALING) IS 5 BUSINESS DAYS

OR THE TIME IN WHICH TO REQUEST A RECOUNT, WHICHEVER IS LONGER.
***IT WAS THEN STATED BY MANAGER LESSARD THAT SHE WOULD SEEK A LEGAL OPINION ON THE MATTER BY THE MAINE MUNICIPAL ASSOCIATION. (SEE E-MAILS BELOW)**
***IT WAS THEN STATED BY MANAGER LESSARD THAT THE MAINE MUNICIPAL ASSOCIATION REFUSED THE REQUEST.**
***WE FOUND OUT TODAY: VIA CANDIDATE LAWLESS'S (AND INCUMBENT COUNCILOR) E-MAIL THAT**
-"THERE IS EVIDENCE THAT SOME ERRORS OCCURED IN HAMPDEN ON NOVEMBER 8TH."
-"IN MY DISTRICT ONE MORE VOTE WAS COUNTED THAN VOTERS"
-"IN DISTRICT 4, THERE WERE FOUR MORE BALLOTS CAST THAN WERE VOTERS"
-"TEN FEWER BALLOTS WERE RECORDED IN DISTRICT 2 THAN VOTERS WHO VOTED"

***CANDIDATE/COUNCILOR LAWLESS THEN GOES ON TO WRITE THAT THOSE PEOPLE WHO ARE CONCERNED WITH THIS "RAISED THE DISTURBING IDEA OF A CONSPIRACY WITH MANY MORE UNDETECTED ERRONEOUS VOTES DELIBERATELY ENGINEERED TO BALANCE NUMBERS".**

***CANDIDATE/COUNCILOR LAWLESS CHALKS IT UP TO VOTER CONFUSION. (IN DISTRICT 2, OUT OF EVERY 100 VOTES CAST ON NOVEMBER 8TH, 15 WERE NOT COUNTED PER THE INFORMATION DISTRIBUTED BY THE HAMPDEN TOWN CLERK)**

***VIA A PRESS CONTACT, APPARENTLY THE PRESS HAS BEEN INFORMED BY HAMPDEN ADMINISTRATION, THAT THERE IS NO OVERSIGHT ON ELECTIONS HELD AT MUNICIPALITIES, AND IT IS THE PLAN TO HAVE THE TOWN COUNCIL DECIDE THE OUTCOME.**
***FACT: THE HAMPDEN TOWN COUNCIL HAS 7 MEMBERS, 4 OF WHICH ARE CANDIDATES IN THIS ELECTION AND THEREFORE WOULD HAVE A VESTED INTEREST IN THE RESULTS. IF 4 RIGHTLY RECUSE THEMSELVES FROM ANY VOTE THAT LEAVES 3, NOT A QUORUM.**
***FACT: THIS WAS NOT JUST A MUNICIPAL ELECTION BUT AN ELECTION WITH STATE WIDE ISSUES AND STATE BALLOTS ISSUED.**

THE ISSUES KEEP MOUNTING. THIS ALL STARTED APPROXIMATELY 2 WEEKS AGO AT A CLOSED DOOR MEETING OF THE COUNCIL WITH THE MAYOR (AND CANDIDATE) APPARENTLY STATING THAT DEPENDING ON THE OUTCOME OF THIS ELECTION, MANAGER LESSARD WOULD STAY. APPARENTLY THE MAYOR WENT ON TO SAY THAT MANAGER LESSARD WAS NERVOUS THAT IF THE INCUMBENTS DIDN'T WIN SHE MAY BE FIRED. (INFORMATION PER CITIZEN'S JOURNAL ARTICLE AND FOAA REQUEST FOR COUNCIL E-MAILS)

CANDIDATE MARK GRAY HAS REQUESTED A RECOUNT. HE IS BEING CHARGED $850.00 TO RECOUNT APPROXIMATELY 500 BALLOTS. THE QUESTION IS, WHAT PURPOSE DOES A RECOUNT HAVE IF THE STATE SANCTIONED INTEGRITY OF THE SEALS HAS BEEN VIOLATED? THIS CANDIDATE HAS LOST HIS RIGHT TO HAVE A FULLY LEGAL RECOUNT WHERE THE SEALS ARE BROKEN IN FRONT OF HIM OR HIS REPRESENTATIVES.

LISA CARTER

---------- Forwarded message ----------
From: **Jean Lawlis** <lawlistowncouncil@gmail.com>
Date: Sun, Nov 20, 2011 at 12:16 PM
Subject: Election
To: Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, William Shakespeare <shakespearetowncouncil@hampdenmaine.gov>, Kristen Hornbrook <Hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

I would like to read this into the record on Monday night:

Municipal and state elections are held in a strict manner with state regulations governing every aspect. The procedure is not perfect, and with thousands of voters coming through a town's polling station, there is always a chance for error. There is evidence that some errors occurred in Hampden on November 8th. In my district, one more vote was recorded than voters from the district voted – indicating someone from another district was given a district three ballot. In District 4, there were four more ballots cast than there were voters who voted. Ten fewer ballots were recorded in District 2 than voters voted. To complicate things, five people who voted absentee ballot did not hand in district ballots. The number of errors that were made is unknowable, but is estimable (at least 5 people were given wrong ballots and more may have been); given the closeness of the district voter numbers and district votes cast the number of errors made even including undetected mistakes is estimated to be very small.

A few people have raised the disturbing idea of a conspiracy with many more undetected erroneous votes deliberately engineered to balance numbers. This idea is ludicrous. It would require us to believe that our friends and neighbors who man the polling station have agreed to risk their reputations and undertake a criminal activity in order to sway a municipal election. And it would require that the large number of voters deliberately given wrong ballots for the most part did not notice or complain.

A lot of voters came through the polling station, some did not realize there were no district wide town council candidates, as there are some years. Because many candidates had signs that were posted all through town, many voters may have been confused about which candidates were running in their district. On Western Avenue was a big banner urging voters to vote for Williams, Gray and Duprey. No doubt several voters

were confused when they couldn't find all three of those names on their ballots. Brian Duprey's signs all mentioned "Re-elect Duprey." Since his last position was representing the entire town, it's no surprise that some outside of district 3 expected to see his name on their ballot since they had voted for him before. I was standing at the door greeting folks, a few came back and let me know they hadn't seen my name- I let them know that candidates are by district and they will only see those candidates running for their district.

On Nov 17, 2011, at 3:38 PM, Lisa Carter wrote:

> Sue,
>
> This is how this whole thing appears to me and it is causing me to be alarmed at best:
>
> *According to your e-mails and others, registered Hampden voters came in to the town office to report that they were given the wrong ballot. They lived in District 2 and they said they were given District 1 ballots.
> *They apparently informed Mark Gray (candidate in District 2) of this.
> *The Gray's apparently made an inquiry and questioned as to the deadline of filing for a recount. (I believe this was confirmed in several of your past e-mails)
> *Via an e-mail from you, not to just the Gray's but others as well, you informed that the end of the 5th business day was Thursday, November 17th at 6:00 p.m. In fact, you went into detail explaining why.
> *According to your e-mail the Seal was broken on the Incoming Voter List (the very issue that may have warranted a recount) after the town office closed on Wednesday, November 16th, (the fourth business day)
> *After multiple inquiries and responses between the two of us and the attachments I sent regarding the actual statutes, we are left with a final e-mail from you that you are forwarding this on to the MMA Legal department.
>
> Sue, the fact that you can not give me statutes yourself backing the decision to break the Seal potentially compromising this election is alarming. As you are forwarding this on, I will follow your lead and do so as well.
>
> Lisa Carter

> Lisa -
> I have forwarded your emails and my responses to Maine Municipal Association Legal for their review. Tom Russell is out of his office today so I cannot contact him. I will provide you with their response as soon as I get it.
> Susan

Begin forwarded message:

> **From:** Lisa Carter <lisafsa@aol.com>
> **Date:** November 17, 2011 1:36:41 PM EST
> **To:** Susan Lessard <manager@hampdenmaine.gov>
> **Subject: Re: election question**
>
> Sue,
>
> Again, this does not appear to ring true according to the statutes. I am attaching the referred to statutes. Basically, within 5 business days the clerk must update absentee voter information in the central voter registry. This is for voters who requested or were furnished an absentee ballot. As to updating voter participation in the CVR, this is done within 20 business days of the election, UNLESS a recount has been requested, and this lengthens the time. You won't be able to do it until you know there's been a recount request.

<Update Voter Participation 21-A section 721.pdf>

<Updating Absentees title21-A section 753-B.pdf>

[Quoted text hidden]

A-4-a

FINANCE COMMITTEE MEETING
Monday, December 5, 2011

Attending:

Mayor Janet Hughes
Councilor Jean Lawlis
Councilor William Shakespeare
Councilor Thomas Brann
Councilor Shelby Wright
Councilor Kristen Hornbrook
Councilor Andre Cushing (6:40 p.m.)
Sue Lessard, Town Manager

1. Review Minutes of 11/21/2011 – Motion by Councilor Wright, seconded by Councilor Lawlis to approve the minutes of 11/31/2011. Vote 6 – 0.

2. Review & Signature of Warrants – Warrants were reviewed and signed by Committee members

3. Old Business

    a. Code of Ethics Review – The Committee reviewed the draft provided by the Town Manager. Several changes to be made were noted:
        1. Definition of family to be consistent with zoning ordinance
        2. A one-page disclosure form needs to be prepared
        3. Sections 3.2 and 3.6 are duplicative and need to be combined
        4. Section 3.4 needs the final statement added,"The foregoing is not intended to prohibit normal social practices where gifts from friends, associates and relatives are appropriate for certain occasions."
        5. Calendar year under 3.6.D.1 needs to be changed to fiscal year.
        6. Section 3.6.d.3 needs a line added at the end of the first sentence which says "which does business or may potentially do business with the Town of Hampden".
        7. Section 4 Political Activities is being reviewed by the Town Attorney

    The Committee will review another draft including these items at its next meeting on 12/19/2011.

4. New Business

    a. Council Rules Review – The Committee discussed possible changes needed to the Council Rules. The majority of the discussion centered around the need to update the rules to reflect the current committee structure, as well as better

definition of what citizen committees fall within the responsibility of what Council Committees. A good deal of discussion also centered on the work of the Committee on Committees. Mayor Hughes requested that possible combination of the Committee on Committees with the Communications Committee be put on the next Council agenda.

5. Public Comment - None

6. Committee Member Comments – None

Motion by Councilor Wright, seconded by Councilor Lawlis to adjourn at 6:50 p.m. Vote 7-0.

Respectfully submitted,

Susan Lessard
Town Manager

A-4-b

Lura Hoit Pool ~ Board Meeting Minutes ~ 10-11-11

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, Darcey Peakall and Julie Macleod. Not present: Greg Hawkins, Pat Foley and Jim Feverston.

The secretary's minutes from August were accepted as presented.

The Director's Report:
~ The number of participants in September was up 34 people compared to last year.
~ Daily receipts were up $490 in September and were up $4,849 in August compared to last year.
~ The pool rental income in September was down $75 compared to last year.
~ The monthly fuel usage was down 603.3 gallons in September and up 346.6 gallons in August compared to last year. Darcey said it was due to the timing of deliveries.
~ Swim lessons session I-V for the year 2011 was 991 group participants + 135 private lessons for a total of 1,126 participants. The income was $42,388 group + $12,750 private for a total of $55,138. In 2010, we had 1,042 group participants + 169 private lessons for a total of 1,211 participants. The income in 2010 was $41,906.25 group + $14,664 private for a total of $56,570. This is a decrease of 85 participants and an income decrease of $1,432 compared to last year.

The treasurer's reports were tabled due to Jim's absence.

Darcey is still waiting on re-imbursement from Jim for session IV and V swim lessons, check for Woodard & Curran and for the remaining balance on the plaque. She also has sent a bill for session I swim lessons to him. The board would also like to know the anniversary date for the Susan G. Abraham Scholarship Fund. Darcey will add the Susan G. Abraham Scholarship Fund to November's agenda. Norm feels that the board needs to look at having a fluid $5,000 set aside for Darcey's use to cover any scholarships that want to be handed out after the interest income has been spent. Topic was tabled until Jim is present to answer questions.

Darcey passed out the flier with the new fee structure information that took affect October 1st. It could potentially bring in $11,000 more income in a year.

Darcey gave an update on the progress of a new air handler. The Town Council approved to pay $13,000 for Woodard and Curran to design and oversee bid process for a new air handling system. The design will be done in November or December with potential start date in the spring. The board had a discussion on engineering firms and how the process works.

Cedena passed out a rough draft of the fundraising letter to the board. Some changes with wording are to be made and brought back at the next board meeting for approval then the letter can go to Susan Lessard for approval.

Meeting adjourned at 8:50pm.

Respectfully submitted,

Julie A. Macleod

Julie A. Macleod

C-1-a

PERSONNEL RULES AND POLICIES ORDINANCE/HANDBOOK

TOWN OF HAMPDEN, MAINE

12/5/2011 - Introduced for Public Hearing on 12/19/11

TOWN OF HAMPDEN

PERSONNEL RULES AND POLICIES ORDINANCE/HANDBOOK

The Town of Hampden hereby ordains as follows:

1. The attached Personnel Rules and Policies Ordinance/Handbook is hereby adopted.

2. The existing Personnel Rules and Policies Ordinance, as last amended on August 15, 2005, is hereby repealed in its entirety.

3. Pursuant to Section 213(c) of the Town Charter, the foregoing provisions shall be effective 30 days after the adoption of this Ordinance by the Town Council.

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SECTION 1

Dear New Employee:

Welcome to the Town of Hampden. As a new employee for the Town, I want to wish you success and personal satisfaction as a member of the Town of Hampden employee 'team'.

We are fortunate to have many highly qualified and talented individuals who work for the Town. There is a wealth of experience and knowledge and a cooperative, team-centered approach to the work that needs to be done. There are high standards and expectations for accomplishment, but there is also training and advancement opportunities, fair pay, and excellent benefits offered in return.

This Employee Handbook defines work rules, benefits, applicable policies that identify regulations related to smoking and drug and alcohol use and family medical leave, the grievance procedure-and many other items that really define the employer-employee relationship here. It is important that you read and understand the contents of the handbook. After doing so, if you have questions about any material in it, please see Finance and Human Resource Officer Janie Pitcher and she will be happy to answer them.

Janie handles all questions related to payroll and accounts payable as well as information for employees who are both newly hired and those separating from service. Questions related to insurance coverage(s) and changes should be addressed to Tammy Ewing, the Finance Assistant.

Again - welcome. I look forward to working with you.

Sincerely,

Susan Lessard
Town Manager

MISSION STATEMENT
TOWN OF HAMPDEN

Our mission is a continual journey to improve Quality, Understanding, Enthusiasm, Service and Teamwork in all levels of the Town of Hampden by providing an open forum to achieve excellence in communication, work processes and to promote unity.

We will continually reinforce our reputation for superior customer service by providing respect, training, involvement, recognition, reward, security and advancement opportunities to our employees.

We will address both internal and external needs, never losing sight of the value of humor.

We will reach for the best within ourselves.

GENERAL PROVISIONS

Purpose: The purpose of the Town Council in adopting the Personnel Rules and Regulations Ordinance (hereinafter "Ordinance") was to set forth a uniform and equitable system of personnel administration for the Town of Hampden, to promote the most effective and efficient municipal operations on behalf of the citizenry, and to pursue positive employee morale. The purpose of this Handbook is to provide each employee with a written summary of work benefits, privileges and responsibilities to better ensure that all employees are treated equally. The Handbook is based on the provisions of the Ordinance, and also includes administrative provisions issued by the Town Manager. We strive to provide a logical, workable method for employees to resolve any conflicts that may arise.

Scope: Except as otherwise provided, the rules and policies set forth in the Ordinance and this Handbook shall apply to all Town of Hampden employees. These rules shall not apply to any employee covered by a collective bargaining agreement between the Town and its organized employees. Fringe benefits provided by the Town apply to full time employees only.

Administration: Insuring the day to day administration of the rules and policies shall be the function of the Town Manager, working with each Department Head. It shall be the responsibility of each Department Head to insure his/her own familiarity with the rules and policies, as well as that of his/her staff.

Department Rules: It is recognized that there may be a need to establish and maintain departmental rules of conduct and procedures, especially in the emergency service areas. In the case of conflict between the rules and policies of the Ordinance and this Handbook and those rules and procedures of specific departments, the rules and policies of the Ordinance and this Handbook shall be controlling unless the department rules and any revisions have received Council approval.

Note: We shall try to make every effort to insure maximum compatibility between these rules and departmental rules.

Compliance with Governmental Laws and Regulations:
The Town of Hampden has made every effort to ensure that the rules and policies of the Ordinance and this Handbook are in compliance with all federal, state and local employment laws and regulations. In the event that a provision in the Ordinance or this Handbook is in conflict with a federal, state or local law or regulation, the appropriate law or regulation will prevail, and the provision in the Ordinance or this Handbook shall be deemed amended to the extent necessary to comply with such law or regulation.

NATURE OF HANDBOOK

Neither the Ordinance, nor this Handbook, is intended to create an employment contract, express or implied, and the Town of Hampden reserves the right to modify the rules, policies and procedures contained in the Ordinance or this Handbook. Any changes to the Ordinance or this Handbook must be in writing and approved by the Town Council.

This Handbook is intended as a summary of the rules, policies and procedures contained in the Ordinance, and is not intended to be a complete description of the Town of Hampden's rules, policies and procedures concerning employment by the Town. The actual policies referenced in this Handbook can be accessed in their entirety during normal business hours in the personnel office.

HOW WE BEHAVE

We accept the need to be accountable to the public for the resources with which we are entrusted. We are self-motivated, committed to doing our best work and honest in our use of time and talents, recognizing that we share a reputation that is dependent upon the actions and behaviors of each of us. We take pride in our work.

We share the responsibility to create and maintain a clean, safe work environment that enables each of us to do our best job and to realize our personal purpose and potential. Personal commitment to mission, enthusiasm for the work, mutual support and an interest in finding some fun amongst the toil are the most important things that we offer to each other.

We are honest and candid about our individual and collective performance: we look to do better what we do well. We are adaptable. We take risks and accept failure as part of the learning process.

STANDARD OF CONDUCT

Employees of the Town of Hampden are to regard themselves as public employees and as such they are to be governed by the highest ideals of honor and integrity in all their public relationships in order that they may merit the respect and confidence of the general public. The Town of Hampden maintains a drug and alcohol free workplace. No employee shall report to work under the influence of alcohol or drugs. Employees on medication for treatment of illness or injury shall not perform work activities that are prohibited under the terms of the prescriptions.

WHAT WE EXPECT OF EACH OTHER

- We expect everyone to behave as responsible, professional adults.
- We expect hard work, a positive attitude and a personal commitment; you expect to be fairly compensated and fairly treated.
- We expect you to treat tools well, use your time honestly and stay well informed; you expect to be given the tools, time and information to do your work well.
- We expect everyone to treat our customers with courtesy, dignity and respect; You expect our customers to treat you with courtesy, respect and dignity.
- We expect everyone to take pride in his/her work and to openly be supportive of coworkers and the Town of Hampden; you expect to receive support from your coworkers and the Town of Hampden.
- We don't have many rules and we expect everyone to follow them; you expect everyone to follow the rules.
- We all expect to have some fun together.

ORIENTATION

- Tour of the work area
- Receipt of the Employee handbook and signed Acknowledgement Form
- Introduction to co-workers
- Basic information on keys, rest rooms, break areas, entrances, exits
- Review and discussion of job descriptions, job expectations and short term goals
- Details on the work area (use of telephones, computers, e-mail system, appropriate access instructions)
- Completion of necessary payroll forms and communication of pay cycles
- Lunch/Break schedules
- Assign a buddy or peer to shadow with
- Meet with them briefly at the end of the day to discuss any concerns they have
- Copy of 'In the Loop' employee newsletter
- Discussion on Open Door Policy

EMPLOYEE ACKNOWLEDGMENT FORM

This form acknowledges that I have received a copy of the Town of Hampden's Employee Handbook and that I understand that the Employee Handbook describes important information about the Town. I understand that I should consult the Human Resource Officer regarding any questions not answered in the Handbook.

I have entered into my employment relationship with the Town of Hampden voluntarily and acknowledge there is no specified length of employment, unless otherwise provided in a notice of appointment or employment contract.

Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document. I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this Handbook and any revisions made to it. Any contract of employment must be in writing and must be signed by the Town Manager.

_____

DATE:_____

SECTION 2

EQUAL OPPORTUNITY POLICY

The Town of Hampden is committed to providing equal employment opportunities for all persons making application to the Town and for equity of treatment and advancement opportunities for its employees. The Town therefore sets forth the following:

1. The Town of Hampden shall recruit, hire, upgrade, train and promote in all job titles without regard to race, color, ethnicity, national origin, ancestry, religious belief, political affiliation or belief, age, gender, sexual orientation, marital status, veteran status, physical or mental disability (except where based on a bona fide occupational qualification).
2. All other personnel actions, such as compensation, layoffs, discipline, etc. shall be administered without regard to those characteristics as outlined in #1 above.
3. All employment decisions will be based upon the principles of Equal Opportunity and with the intent to further the Town of Hampden's commitment to Equal Opportunity.
4. It is the policy of the Town of Hampden that no person shall, on the grounds of race, color, ethnicity, national origin, ancestry, religious belief, age, gender, sexual orientation, marital status, veteran status, or physical or mental disability, be discriminated against.
5. Any violation of this stated policy, or the practice of discrimination by any person employed by the Town of Hampden, may be considered grounds for disciplinary action, up to and including dismissal.

The responsibility for implementing and monitoring this policy for the Town of Hampden is assigned to the Town Manager and/or the Human Resource Officer.

SEXUAL HARASSMENT POLICY

It is the policy of the Town of Hampden that all employees have the right to work in an environment free of illegal discrimination, which includes freedom from sexual harassment. The Town will not tolerate any form of sexual harassment by Supervisors, co-workers, members of the general public or any other visitors to the workplace. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale.

Sexual Harassment is outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act.

1. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition for employment (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions (c) such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile or offensive working environment.
2. The following are some common types of conduct that may constitute sexual harassment:
    - slurs, jokes or degrading comments of a sexual nature
    - unwelcome sexual advances
    - suggestive or lewd remarks
    - unwelcome hugging, touching or kissing
    - requests for sexual favors
    - repeated offensive sexual flirtation or propositions
    - the display of sexually offensive pictures or objects
    - repeated unwelcome physical contact or touching such as patting, pinching or constant brushing against another's body

Department heads, Supervisors and the Town Manager are responsible for monitoring behavior which could be construed as harassment and for initiating necessary action to eliminate such behavior. An employee who feels exploited should immediately report the matter to his/her Supervisor, Department Head or if they prefer, the Town Manager and /or the Human Resource Officer.

The Town Manager, or designee, will immediately investigate any complaints and take disciplinary action if warranted. Such action may include suspension, demotion or termination of employment.

HOSTILE WORK ENVIRONMENT AND INCIVILITY POLICY

The Town of Hampden promotes a productive work environment and does not tolerate verbal or physical conduct by any employee that disrupts or interferes with another's work performance. The Town will not tolerate unlawful discrimination, harassment or incivility.

"Incivility" is defined as seemingly inconsequential, inconsiderate words or deeds that violate a conventional work place conduct. It includes such behavior as shaming, verbal humiliation, potshots, sarcasm and rudeness. Passive hostility, manipulation and team sabotage are also considered to be an "incivility".

Such behavior should be directed to your Supervisor, Department Head or Town Manager. The Human Resource Officer is also available if necessary.

THE AMERICANS WITH DISABILITIES ACT (ADA) POLICY

The following policy is the Town of Hampden's commitment to the American with Disabilities Act ("ADA") and Maine's counterpart, the Maine Human Rights Act (MHRA):

Purpose:

The ADA and MHRA prohibits discrimination in employment on the basis of a physical or mental disability.

Employment Requirements:

As an employer, the Town of Hampden must:

- Have non-discriminatory application procedures, qualification standards and selection criteria and all other terms and conditions of employment.
- Make reasonable accommodation to the known limitations of a qualified applicant or employee unless to do so would cause an undue hardship.

Exceptions:

The ADA and MHRA make exceptions regarding employment of a person who poses a direct or significant risk to the person or to others, such as a person with a contagious disease or a person who illegally uses drugs or alcohol.

Disability Defined:

Anyone with a physical or mental impairment substantially limiting one or more major life activities; has a record of such impairment; or is regarded as having such an impairment, is considered a person with a disability.

In terms of employment, the law defines a "qualified individual with a disability" as an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements and who can perform the essential functions of the job with or without reasonable accommodations.

The responsibility for implementing and monitoring this policy is assigned to the Town Manager and/or the Human Resource Officer. All complaints should be directed to them.

SECTION 3

RECRUITMENT, TESTING, AND HIRING PRACTICES

Appointments: The employment of all personnel shall be the responsibility of the Town Manager in accordance with Section 206 and Section 301 of the Town Charter. There shall be as wide a search for a candidate as possible. The character of this search will vary from position to position, but will consist of internal posting for Town employees first. The search may then include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information in each case.

Eligibility: It is the policy of the Town Council that all positions in the Town of Hampden be filled by fully qualified persons who have been examined on the basis of job related criteria. Eligibility for appointment shall be based on such an examination. Individuals will be recruited from a geographic area as wide as necessary to ensure obtaining well-qualified persons for employment. In cases where residents and non-residents are substantially equally qualified for particular vacancies, residents shall receive first consideration.

Applications: Applications for employment shall be made on a standard application form or by submission of a resume, or both. Employment forms are available from the Human Resource Office.

I-9 Forms: After a job offer has been made, but before any person can begin work, this form needs to be completed. It is proof of employment eligibility and is a requirement of Federal Law.

Application/Testing: Candidates for positions shall be examined on the basis of the job related criteria. Examinations may include such things as: applications/resume review, completion of written or skills tests, evaluation of education and job experience, personal interview, medical examination, psychological examination and background investigation. Any required medical or psychological examination shall occur after a job offer, but before the offeree can begin work.

TYPES OF EMPLOYMENT

Full Time Employment: An appointment to work a standard work week (based on 40 hours unless employed by Public Safety) on a continuing or indefinite basis. Except as otherwise provided, such employees are subject to the rules, policies and procedures of the Ordinance and this Handbook, and receive all benefits and rights provided by the Town of Hampden.

Part Time Employment: An appointment to work less than the standard work week, but on a continuing or indefinite basis. No employer-paid benefits will be offered by the Town of Hampden.

Seasonal Employment: An appointment to work for a specific season (may work a standard week or less) and with the expectation of being laid off at the end of the season for which appointed. No benefits will be offered by the Town of Hampden.

Student Appointments: These appointments are on an "internship basis" and afford students majoring in fields valuable to public service an opportunity to gain work experience. Such appointments are for a definite period of time, typically less than six (6) months. Compensation and other conditions of employment are determined in accordance with the internship program of the sending school and applicable portions of the Town's personnel rules.

Temporary Employment: These appointments are made for a definite but limited period of time when a special project requires additional employees for a specific time, or to fill a position of an employee on a leave of absence or long term training such as occurs in the police field. These appointments may also include persons hired under an existing federal manpower program. In such cases, the range of benefits made available to the employee will be assessed in the light of the applicable federal or state regulations and these personnel rules.

On Call Employment: An appointment to render a specified type of service to the Town (such as fire fighting) on an irregular basis and only in response to a specific call to service from the Town. Periods of service normally involve only a few hours.

PROBATIONARY PERIOD

All persons appointed, promoted or transferred to a full-time position in the Town Government shall serve a probationary period of six (6) months. A full-time employee who is transferred or promoted and who does not meet or otherwise comply with the work standards of the new position shall be transferred to the previous position held, if possible, or to another position for which she/he is deemed to qualify, if one is available. Reasonable efforts shall be made to schedule such transfers as to protect the employee's job security.

POSITION CLASSIFICATION AND PAY PLAN

Purpose and Responsibility: The Town Manager shall maintain inventory of the positions in the Town Service by classification that shall be the basis of compensation for employees holding such positions.

Content: Compensation shall take into consideration the relative difficulty and responsibility existing between various classes, and the prevailing pay for similar types of work in the relevant public and private labor market. Individual pay increases shall also take into account employee performance as evaluated by proper authority.

Pay Plan: A pay plan providing at least a schedule of minimum-maximum salary ranges for each job classification shall be prepared and annually revised in the light of labor market realties. The Town Manager will ensure that copies of the pay plan and revisions are provided to Department Heads.

a) New employees will be paid at the minimum rate applicable to the position classification for which they were hired. At the request of the Department Head, exceptions may be made by the Town Manager for an applicant with unusual experience or education.

b) The rate of pay for employees promoted or transferred shall be established by the Town Manager.

Work Outside of Classification: Regardless of job classification, all employees are required to perform all job assignments made by their Supervisors, Department Heads or Town Manager.

PROMOTIONS AND TRANSFERS

The Town Council desires that Town employees be given maximum opportunity for advancement in the service. In so far as possible vacancies will be filled from lower classifications within the same department. Present employees shall be given consideration in filling a vacancy, but it is recognized, from time to time, the good of the service will require that a vacancy be filled from outside the service. Such a decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.

HOURS OF WORK AND STANDARD WORK WEEK

Policy: A "standard work week" shall be the calendar week commencing 0001 A.M. on Sunday and expiring at midnight on Saturday. Administration employees are scheduled for four (4) work days of ten (10) hours each (except in the case of flexible scheduling) for a total of forty (40) hours. Public Works schedule consists of five (5) work days of eight (8) hours each. Public Safety scheduling is defined by the Public Safety Director. The Lura Hoyt Pool schedule is defined by the Pool Director. The Library schedule is five (5) days, eight (8) hours a day for a total of forty (40) hours.

Scheduling: The Town Manager and the Department Heads shall endeavor to establish schedules of working hours not in excess of those stipulated by general law of the business and industry for related positions.

Posting: All departments and divisions or sections thereof shall post the regular hours of work for the respective groups in a conspicuous place.

OVERTIME

Policy: When circumstances warrant, overtime work shall be required. All employees in the labor and trades classifications (except employees in classifications exempted under Federal/State Wage-Hour Laws) when required to work more than the established work week of forty (40) hours will be paid time and one-half for each additional hour worked. This provision will not apply to situations where schedules other than forty (40) hours per week are established for more efficient operation or employee convenience. All overtime hours shall be approved by the appropriate Supervisor or Department Head.

ATTENDANCE

Policy: Employees shall be at their respective places of work in accordance with the general or departmental regulation pertaining to the hours of work. It is the responsibility of the employee to notify the immediate Supervisor and make any arrangements for any absence, not previously approved, prior to the beginning of the work shift to be missed.

Records: Each Department Head shall be responsible for maintaining daily attendance and work records and shall furnish weekly reports to the Payroll Department.

TIME SHEETS

Policy: A weekly time sheet shall be completed by every employee and submitted to the Department Head for approval. Every employee shall keep accurate record of their time, to include vacation, sick and compensatory time used. No employee shall be paid for lunch breaks, but are entitled to a fifteen minute break in the morning and in the afternoon. It is the employee's responsibility to report any inaccuracies that may occur on their pay stub to the Payroll Department so that the records may be corrected. Intentional falsification of any payroll records may be just cause for disciplinary action, up to and including dismissal.

All time sheets are to be submitted to your Department Head for approval. The Department Head will complete a transmittal sheet that includes all hours broken down respectively for each employee. The Department Head will then submit the transmittal sheet to the Finance Office on Monday morning before 9 AM.

All employees are required to have direct deposit of their payroll check. A voided check will be printed so that you will have the ability to track your sick, vacation, and compensatory time. These are available to each department on Thursday mornings for distribution to the employees.

EMPLOYEE PERFORMANCE EVALUATION

Policy: Employee performance evaluations shall be in writing utilizing a standard form and shall be made part of the employee's personnel file. In all cases, the evaluations will be discussed with the employee by the Department Head and signed by both parties. A copy will be kept in the personnel file. A copy will be retained in the employees personnel file.

Frequency of evaluation:

a) Probationary employees shall be evaluated by the Department Head prior to the conclusion of six months of employment. The Department Head shall recommend to the Town Manager whether the employee should be retained.
b) Commencing with the employee's anniversary date, performance evaluations shall be conducted annually.

NOTE: Public Safety utilizes "rating periods" in lieu of yearly evaluations.

EMPLOYEE TRAINING

Policy: The Town of Hampden is committed to the maintenance of a well trained and efficient staff. It shall attempt to make opportunities for development available to employees within the framework of organization needs and priorities. Employees, as a condition of employment, shall attend and participate in such training programs and courses as may be directed by the Department Head or Town Manager and for which the Town assumes the cost.

TRAVEL REIMBURSEMENT POLICY AND PRACTICES

Policy: The Town of Hampden reimburses all approved travel expenses directly related to its activities and reasonable under the particular circumstances involved. This policy and related practices apply to all paid employees, as well as the Town Council.

Practices:

All travel plans and anticipated expenses must have prior approval by the Department Head and/or the Town Manager.

Take a copy of the Tax Exemption Certificate to avoid tax charges. A copy can be obtained from the Finance Office.

1. The following travel costs are reimbursed at the stated rates:
    a) For employees and Council members who use their private vehicle, reimbursement is determined by the official IRS mileage reimbursement rate.
    b) Tolls, parking, taxi and other fares are paid at actual costs: Receipts are required.
    c) Reasonable service tips are actual costs: Receipts are required.
2. Documented actual meal and lodging costs are reimbursable if reasonable for the function and location. Receipts are required.
3. The Town of Hampden will not reimburse you for separate travel costs associated with your spouse or partner. The cost of a shared hotel room need not be allocated between you and your spouse/partner unless said room is higher than the cost for a single person.
4. The Town of Hampden does not allow compensatory time. If you are traveling to an office, conference etc. outside your typical travel area for one day, you are paid your hourly wage for travel time beyond your scheduled working/commuting hours for the day. If you do not or can not readjust your work schedule on other work days that week and your actual work hours in that work week exceed 40 hours, you will receive pay at the rate of time and one-half for all hours in excess of 40.
5. Travel time associated with overnight stays is considered compensable work time when the business travel occurs during the employee's normal work hours, regardless of what day of the week travel takes place.
6. The Town Manager may approve higher reimbursement rates when necessary.
7. Claims for reimbursement must be:
    a) On the correct Expense Request form
    b) Verified by receipts
    c) Signed by the employee and Department Head
    d) Submitted to the Finance Officer within 30 days following the completion of the travel

EMERGENCY CALL-BACK PAY

Policy: All full-time hourly employees of the Public Works shall be paid a minimum of two (2) hours for emergency call backs. Rate of pay in excess of the two hour minimum shall be at the normal hourly rate applicable based on the number of hours worked in the pay period. Police and Fire/EMS shall be paid consistent with the in-force union contracts for those departments.

DRESS CODE POLICY

Public Safety and Public Works Departments both require uniforms, which are provided by the Town of Hampden.

Pool and Recreation employees dress more casually because of the nature of their jobs. However, clothing is required to be clean and neat. Shirts with Town Logos are required when working with programs and events.

Administration employees may wear jeans only when wearing shirts/sweaters/blazers with the Town Logo on them. The tops are limited in the choice of color an employee may choose and must be approved by the Town Manager. They are not limited in the style that an employee may choose.

All employees are asked to dress appropriately. It is important that we present a responsible and respectable image to the customers that we deal with daily. 'Mini' skirts, short shorts, halter tops and revealing clothing are not appropriate dress for Town employees.

When in doubt, ask your Department Head or Supervisor.

PERSONNEL FILES

Personnel Files: The Town of Hampden keeps a personnel file containing your application for employment, resume and other information considered pertinent to your employment. It also holds your job description, Letter of Hire (including starting date and scheduled hours), job title, starting wages, evaluations and other material related to performance. It shall contain any written disciplinary actions, as well. The Town keeps a copy of all benefits requested by you.

The Human Resource Office keeps a separate file containing confidential information, such as medical information and verification of employment requests.

Workmen's Compensation claims also have a separate file. These files are maintained by the Town Clerk.

If you wish to look at your file(s), you may make an appointment with the Human Resource Officer. The file(s) can be examined on the premises. You may not remove anything from nor add anything to the file(s). You may have a complete photocopy of your file(s). Additions may be placed in your file(s) upon written request and with the approval of the Town Manager.

Requests for employee information: Requests for general information for an employee will be directed to the Human Resource Officer, such as date of hire or job title. Specific questions pertaining to an employee's job abilities or character will be referred to their Department Head.

LAY-OFF, RECALL, RESIGNATION

Lay-off: An employee may be laid off by competent authority for lack of work, lack of funds, reductions in staff, or other legitimate reasons. All employees shall be furnished a written statement setting forth the reasons for the lay-off.

Lay-off Procedure: Full-time employees will, in so far as possible, be laid off in order of seniority within the department by classification and with "bumping" rights provided the employee is qualified to perform the duties of the job to which he/she is to be transferred.

Lay-off Notice: Full-time employees shall be given one (1) week notice before the effective date of the lay-off. Employees who are not full-time and full-time employees who have not completed the probationary period may be laid off at any time without recourse to the grievance procedure set forth in the Ordinance or this Handbook.

Recall: Employees who are laid off in good standing shall, provided that their qualifications are equal to the qualifications of other applicants, be given preference for re-employment. In the case of substantially equal qualifications among former employees seeking re-employment, preference shall be given to the employee with the greatest seniority within the hiring department at the time of lay-off. For purposes of this article, seniority rights shall be retained for six (6) months after the date of lay-off.

Resignation: An employee serving in the capacity of Department Head shall file a written notice of intent to terminate employment with the Town of Hampden thirty (30) days prior to such time. Any employee wishing to leave Town Employment in good standing shall file with his/her Department Head a written notice of intent to terminate employment two (2) weeks prior to termination. All Town property shall be returned to the Town prior to separation from service. Final pay shall include wages earned, accumulated vacation and compensation time and 25% of accrued sick time. Payment will occur on the 1st payroll following termination.

OUTSIDE/NON-TOWN EMPLOYMENT

Policy: No employee shall, during non-duty hours, be engaged in any employment activity or enterprise that is incompatible or in conflict with his/her duties with the Town. Such employment may be ordered to be curtailed or terminated by the appropriate Department Head or the Town Manager if, in his/her judgment, such employment hinders the employee in the impartial or efficient performance of his/her duties. In any event, no employee shall fail to appear for a mandatory work assignment or shift due to conflicting outside employment or business commitments.

POLITICAL ACTIVITIES

Policy: While employed by the Town of Hampden, employees shall refrain from seeking or accepting nomination or election to any office in the Town of Hampden government, and from using their influence publicly in any way for or against any candidate for elective office in the Town of Hampden government. Town employees shall not circulate any petitions or literature for elective Town of Hampden officials, or be in any way connected with soliciting or receiving subscriptions, contributions or political service from any person for any political purpose pertaining to the government of the Town of Hampden. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

SECTION 4

EMPLOYEE BENEFITS

Retirement System: The Town of Hampden is a participating district in the Maine Public Employees Retirement System ("MainePERS") for the benefit of all full-time employees who choose to join. The Town also participates in the International City Manager's Association Retirement (ICMA) 401 plan and the 457 plan. The employee must choose which plan he/she would prefer. Information on these plans can be obtained from the Human Resource Office.

Social Security: In addition to the MainePERS System and/or the ICMA Retirement Program, the Town participates jointly with the employees in Social Security payments. Benefits provided include a retirement feature, survivor's benefit payments if death occurs before retirement, disability insurance and Medicare coverage. Questions may be directed to the Human Resource Officer.

Group Hospital, Surgical and Major Medical Insurance: The Town participates in the Maine Municipal Association Health Benefit Plan (MMEHT) up to and including the family level of coverage. Major features of this plan will be explained at time of employment and are available for full-time employees. Scheduled part-time employees working 20 hours per week may purchase Group Hospital coverage at Town's rates.

The Town pays 100% of the cost for a single subscriber to the health plan. The Town pays 70% of the difference between single subscriber and the cost for family or employee/dependant coverage as a weekly payroll deduction. Full time employees who are covered by insurance from their spouse or an alternate source may elect to receive a payroll adjustment (subject to all tax and FICA withholdings) in lieu of insurance coverage equal to 50% of the annual single subscriber premium through the Maine Municipal Association Health Trust. Employees electing to utilize this provision must provide the Payroll Department with proof of alternative health insurance coverage.

Group Life Insurance: The Town participates in a group life insurance program which offers life insurance and accidental death and dismemberment coverage. Provisions of this policy will be outlined at time of employment and are available for full-time employees.

Unemployment Compensation: The Town provides unemployment compensation coverage for its employees as required by Maine State Law.

Dental Insurance: The Town participates in a dental plan, through MetLife, up to and including the family level of coverage. Major features of this plan will be explained at the time of employment and is available to full-time employees. The Town pays $150.00 yearly per employee for dental insurance premiums for employees who elect to participate.

WORKER'S COMPENSATION

The Town of Hampden provides Workers' Compensation Insurance for all its employees, as mandated by law. The purpose is to provide medical/hospital care and partial salary replacement when an employee is incapacitated due to work related reasons.

All employee injuries at work, no matter how slight, are to be reported to the employee's Department Head or Supervisor who will provide the necessary accident report forms (Employers First Report of Occupational Injury or Disease and Accident/Injury Investigation Form). These forms are completed regardless whether medical care is received and/or time from work is lost. Injury reports must be made and must reach the Town Clerk's office within 24 hours of the injury.

Employees who suffer injuries that require time off to recover are still Town of Hampden employees and will be asked to comply with certain procedures. It would be prudent of the employee to contact the payroll office to discuss deductions the employee may have and make any arrangements that may be necessary.

While off work due to an injury, employees shall report to their Supervisor or Department Head once a week, at a previously arranged time, in order to keep the Town informed of the healing process and when return to work can be expected. If the employee is ambulatory, this weekly reporting should be made in person.

When the injured employee is released by his/her attending physician for alternative work or regular work, the release should be presented by the employee to the Department Head or Supervisor immediately. Failure to report as outlined here without valid reason may be considered the employee's voluntary termination of employment.

SECTION 5

VACATION LEAVE

Policy: Vacation privileges are available only to full-time employees. Each full-time employee shall earn annual vacation with pay on the following basis:

a) Vacation earned;
   1. 0-4 years of employment: Vacation shall accrue at the rate of 8 hours per month
   2. 5-9 years of employment: Vacation shall accrue at the rate of 10 hours per month.
   3. 10-19 years of employment: Vacation shall accrue at the rate of 14 hours per month.
   4. 20+ years of employment: Vacation shall accrue at the rate of 16 hours per month.

b) Vacations shall be granted at such time or times as is mutually agreeable to the employees and their Department Heads and shall not disrupt departmental operations. Due consideration shall be given to an employee's seniority in regard to scheduling vacation.
c) An employee, upon resigning, is entitled to 100% of any accrued vacation time.
d) At the discretion of the Department Head, employees may request to be paid in lieu of vacation, not to exceed two weeks and must have the approval of the Town Manager. Contact the Finance Office to get the necessary paperwork.
e) Any vacation accrual of more than 80 hours at the end of the fiscal year must have the approval of the Town Manager before it can be carried forward to the next year.
f) An employee may request an advance of their vacation time (prior to actual accrual of said time) with permission of the Town Manager.

NOTE: Vacation accrual time may vary with Fire Department personnel. Refer to your contract.

SICK LEAVE

Eligibility and Accrual: Sick leave for full-time employees shall accrue at a rate of 8 hours for each calendar month of service, accumulative of 960 hours. The first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month.

Sick Leave Usage: Sick leave may be used for personal illness or physical/mental incapacity of such degree as to render the employee unable to perform the duties of his/her position or other assigned duties within their respective department, or for the illness of a spouse or family member in the care of the employee. If requested, after three consecutive sick days, the employee shall furnish the Department Head a certificate from his/her attending physician. Sick leave may also be used for the care of immediate family members who are under the care of a physician.

Sick Leave Accounting: Sick leave usage shall be recorded regularly on the payroll. The Town Manager/Human Resource Officer shall review all sick leave records periodically and shall investigate any cases that indicate abuse of the privilege.

Abuse of Sick Leave: Willful abuse of the sick leave privilege may be cause for dismissal.

Sick Leave and Worker's Compensation: Employees are eligible for Worker's Compensation for a service connected injury and may elect to take earned sick leave in addition to Worker's Compensation to the extent that it provides no more than regular pay, and to the extent of earned sick leave credit.

Sick Time Payment: At the time of resignation or retirement, an employee in good standing is entitled to payment for 25% of accrued sick time.

JURY DUTY

Should you be required to serve on jury duty, you will be compensated the difference between the amount received and your salary with the Town of Hampden. Time spent on jury duty will be considered equal to regular working hours, thus you will accrue all benefits due you.

Payments you receive from your jury duty service must be turned into the Finance Officer for processing. You will receive a full paycheck for the period of time in question.

You are required to return to work on any day or part of a day that you are excused from jury duty.

HOLIDAY LEAVE

The Town of Hampden follows the State of Maine holiday schedule. The number of hours in a holiday are based on 8(10) hour work day, depending on your department. Holidays falling within a period of vacation/earned time are paid at the holiday rate. Employees on a leave of absence without pay are not eligible for holiday pay.

Holidays that fall on a Saturday are observed on the preceding Friday and those falling on a Sunday are observed on the following Monday. The exception to this rule is the Administration Department. The Saturday ruling does not apply because this department is closed on Fridays.

Exempt (Salaried) employees can not hold over holiday leave for future use. It must be recorded in the week which in it actually occurred.

All full time employees, including those on probation, who have worked at least thirty days, shall be entitled to paid holidays.

New Years Day
Martin Luther King's Birthday
President's Day
Patriot's Day
Memorial Day
Fourth of July
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day & the Friday after
Christmas Day

BEREAVEMENT LEAVE

The Town Manager may grant up to three (3) days of leave with pay, as necessary, in the event of the death of an immediate family member. Immediate family member for this purpose is defined as: spouse, children, parents, brothers, sisters, grandparents, grandchildren and domestic partners. This leave is intended to accommodate the need to travel or conduct necessary business and need not be taken consecutively.

For the death of intermediate family members defined as aunts, uncles, nieces, nephews, cousins, any in-law, persons sharing a residence or "someone close to you, one (1) day of leave may be approved by the Town Manager.

Earned time or time without pay may be used at your own discretion.

Employees who need bereavement leave must contact their Supervisors or Department Head as soon as possible.

The Town Manager reserves the right to extend the leave to a maximum of five (5) days when distance or unusual circumstances are factors.

COMPENSATORY TIME OFF

Policy: Salaried employees exempted for overtime rates of pay when required to work in excess of the standard work week, may be compensated by compensatory time off to be granted by the Department Head, except that it is understood that exempt salaried positions are paid on the basis of job responsibility and it is the responsibility of the person filling the position to accomplish the work, within reason. Department Heads, Supervisors or other salaried professionals reporting directly to the Town Manager shall be ineligible for overtime rates of pay but shall be eligible for compensatory time off at the discretion of the Town Manager.

a) Exempted positions eligible for compensatory time off in lieu of overtime, at the discretion of the Department Head, shall include all full-time, hourly paid employees. No hourly paid employee shall accrue more than eighty (80) hours of compensatory time. All compensatory time records for compensatory time earned and used shall be submitted to the Finance Officer for record keeping purposes.
b) Exempted salaried employees shall be eligible for compensatory time in circumstances where the hours of work required exceed the "normal" work week due to night/weekend meetings, special projects and other work not a routine part of job responsibilities. No salaried shall accrue more than 80 hours of compensatory time. Records for compensatory time earned and used shall be submitted to the Finance Officer for record keeping purposes.
c) Compensatory time for both salaried and hourly paid exempted employees shall accrue at the rate of 1.5 hours for each hour worked in excess of the normal work schedule. It will not accrue if a sick, vacation or holiday day occurs in the same week. It would then be considered straight time.

DISCRETIONARY LEAVE WITHOUT PAY

Policy: A full-time employee may be granted a leave of absence without pay by the Town Manager for a period deemed necessary for the purpose of the leave, but in no case to exceed six (6) months without prior approval by the Town Council. The employee must use all accrued vacation, compensatory and holiday entitlements before commencing his/her leave of absence. The employee is expected to return to work upon expiration of the granted leave or arrange an extension of the leave prior to its expiration. Failure on the part of the employee to return to work on the expiration of a granted leave, without having arranged for an extension of leave, shall be deemed a resignation from the Town of Hampden.

No employee shall receive a salary or Town-paid fringe benefits while on discretionary leave of absence. Employees on discretionary leave may continue to participate through the Town in Group Health, Life and Dental Insurance at their own expense. Employment and leave of absence shall terminate when the employee accepts other employment. When computing length of service for any reason, time spent on a leave of absence will not be computed. In effect, this changes the anniversary date of the employee for salary increases and other benefits.

EMPLOYMENT LEAVE FOR VICTIMS OF VIOLENCE

Pursuant to 26 M. R. S. §850, the Town of Hampden will grant reasonable and necessary unpaid leave from work for an employee to:

1. prepare for and attend court proceedings
2. receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse.
3. obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking

The leave must be needed because you, or your daughter, son, parent or spouse are victims of violence, assault, sexual assault, stalking or any act that would support an order of protection. The Town of Hampden will not take adverse actions against exercising your rights under the law.

Any request for leave from work must be made in advance, within a reasonable time given the circumstances. Reasonable time will be defined by the Town Manager on a case by case need. These requests must be made in writing to the Town Manager accompanied by the proper documentation. Confirmation and/or Denial of leave will be made in a timely fashion.

The Town of Hampden does reserve the right to deny requests for leave for any of the following reasons:

1. if the Town would sustain undue hardship from the absence
2. the request for leave is not communicated to the Town Manager within a reasonable time frame under the circumstances
3. the requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the Town Manager.

The length of leave shall be determined by the purpose for which it is sought.

FAMILY AND MEDICAL LEAVE

Federal Family Medical Leave

The Family & Medical Leave Act (29 U.S. C. § 2601 et seq.) is a federal law that requires unpaid leave for employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months to deal with family and personal matters. Eligible employees may take up to 12 weeks of job protected unpaid leave in a 12-month period for the following reasons:

1. Birth and/or care of a child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, child or parent who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. To address a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed forces;
6. To care for a covered servicemember who is the spouse, child, parent or next of kin of the employee (for up to 26 workweeks in a 12-month period).

This law guarantees certain rights to eligible workers:

1. Restoration to the same position upon return to work, or one that is equal in pay, benefits and responsibility
2. Protection of employee benefits while on leave.
3. Protection from retaliation by an employer for exercising this right

State Family Medical Leave

Under the Maine Family Medical Leave law (26 M.R.S. § 843 et seq.), employees who have worked for the Town for 12 consecutive months but for less than 1,250 hours, and are therefore ineligible for Federal family and medical leave, may be eligible for up to 10 work weeks of unpaid leave in any 2 years for the following reasons:

1. Serious health condition of the employee;
2. Birth of the employee's child or the employee's domestic partner's child;
3. Placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
4. A child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;
5. Donation of an organ of the employee for a human transplant; or

6. Death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child, as a member of the state military forces (as defined in Title 37-B M.R.S. §102) or of the Unites States Armed Forces, including the National Guard and Reserve, dies or incurs a serious health condition while on active duty.

If both Federal and State leave are applicable, the time on leave will count toward the leave limits under both the Federal and the State laws, as it is the Town's intent for leave to run concurrently under both laws.

For further information contact the Human Resource Office. All necessary forms are also available at the same location.

MAINE FAMILY MILITARY LEAVE

In accordance with 26 M.R.S. §814, employees with family members serving on active duty in the military are entitled to a leave of absence, which leave of absence shall be unpaid leave.

In order to be eligible for family military leave, an employee must meet both of the requirements below:

1. The employee must have been employed by the Town for at least 12 months and for at least 1250 hours during the 12-month period preceding the leave.

2. The employee must be a spouse, domestic partner or parent of a serviceperson who is:

   a. a Maine resident, and

   b. in the state military forces (as defined in 37-B M.R.S. §102) or the U.S. Armed Forces, including the National Guard and Reserves, and

   c. deployed for military service in a combat theatre or in an area where armed conflict is occurring for a period lasting longer than 180 days.

An eligible employee may receive up to 15 days of family military leave per deployment, if requested. The leave may be taken only during one or more of the following time frames:

1. The 15 days immediately prior to the deployment;

2. Deployment, if the military member is granted leave; or

3. The 15 days immediately following the deployment.

In order to be eligible for family military leave, employees must comply with the following notice requirements. An employee must give at least fourteen (14) days' notice of the intended date upon which the leave will commence if leave will consist of 5 or more consecutive work days. An employee taking family military leave for fewer than 5 consecutive work days must provide such advance notice as is practicable. An employee shall consult with the Town to schedule leave so as not to unduly disrupt the operations of the Town.

The Town will make it possible for an employee to continue employee benefits at the employee's expense during any family military leave. Taking family military leave will

not result in the loss of any employee benefits accrued before the date on which the leave commences.

Any employee who exercises the right to family military leave is entitled to be restored to the position held when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and conditions of employment, unless the employer proves that the employee was not restored to such employment because of circumstances unrelated to the employees' exercise of family military leave rights prevent the Town from restoring the employee to the same or equivalent position..

MILITARY SERVICE LEAVE

Policy: The Town will grant military leave as necessary in compliance with all applicable state and federal laws.

Reserve Service Leave: Reserve service leave is available to regular full-time employees who are members of the military reserves or National Guard in accordance with the terms of applicable Federal and State law. In addition, for any period of reserve service up to two (2) weeks in any calendar year, the Town will compensate the employee for the difference between his/her regular weekly wages and his/her total military pay. In instances where the military pay is equal to or exceeds the pay that would have been earned by the employee in service to the town, such leave shall be without pay. Employees using reserve service leave must furnish the Department Head with an official statement of reserve service pay received. Any amount served in excess of two (2) weeks shall be considered leave without pay.

Long-Term Active Duty Leave: Regular full-time employees required to interrupt their active employment specifically for the purpose of entering active military service are entitled to a leave of absence in accordance with the Uniformed Services Employment and Reemployment Rights Act.

SECTION 6

CUSTOMER COMPLAINT POLICY

From time to time, you may have a complaint or concern regarding the quality of our work. It is important to address such matters promptly.

In most instances, if you are the first staff person to hear the complaint, you should be able to resolve the issue immediately and are encouraged to do this.

When immediate resolution is not possible, you should refer the matter to your Department Head or Supervisor who will take over the responsibility for resolution and will inform the Town Manager if it is warranted by the nature of the complaint.

The Department Head or Supervisor will establish a file of the complaint, including the original complaint and will work to resolve the matter through direct interaction with the complainant.

If the independent resolution is acceptable to the complainant and the Department Head or Supervisor, the case will be closed and a summary report will be sent to the Town Manager.

If the independent resolution is unacceptable to both parties, the case and the resolution will be reviewed by the Town Manager and a final determination will be made by the Town Manager.

This will exhaust the internal complaint process.

SMOKE FREE WORKPLACE POLICY

The Town of Hampden is committed to wellness and the health and safety of our employees and their families. The Town Council has established the following policy concerning smoking in the Town of Hampden public proceedings, in buildings owned or occupied by the Town of Hampden, or in places of employment owned or occupied by the Town of Hampden.

1. SMOKING PROHIBITED IN PUBLIC PROCEEDINGS: No person may smoke tobacco or any other substance in any public proceedings conducted by any Board, Commission, Agency or other body of the Town of Hampden when such proceedings are held inside.

2. SMOKING PROHIBITED IN PUBLIC AREAS OF PUBLICLY OWNED BUILDINGS: No person may smoke tobacco or any other substance in any public area of a building owned or occupied by the Town of Hampden. For the purpose hereof, the term "public area" shall mean any area in which members of the public are allowed.

3. SMOKING PROHIBITED IN WORKPLACE OF THE TOWN OF HAMPDEN: No person may smoke tobacco or any other substance in any structurally enclosed location or portion thereof owned or occupied by the Town of Hampden. This provision would also include any vehicles owned and operated by the Town of Hampden. If public employees' rights under a current collective bargaining agreement are affected by this provision, the Town Manager may designate smoking areas in the non-public areas of buildings owned or occupied by the Town.

4. SMOKING DEFINED: For the purposes hereof, the term "smoking" includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke.

5. DISCIPLINARY ACTION: Any employee who violates the provisions of this policy may be subject to disciplinary action in accordance with the Town of Hampden Personnel Rules and Policies Ordinance and/or applicable collective bargaining agreements.

NOTE: Effective September 12, 2009, Maine State Law requires that designated smoking areas must be located outside and must be at least twenty (20) feet from entryways, vents and doorways.

DRUG FREE WORKPLACE POLICY STATEMENT

It is the policy of the Town of Hampden to maintain a drug/alcohol free work place. In accordance with this policy, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited by the Town of Hampden, and any employee convicted of such activity may be subject to disciplinary actions up to and including dismissal.

As a condition of employment with the Town of Hampden you agree to abide by the policies concerning a drug/alcohol free work place as stated in the policy. Further you agree to notify the Town of Hampden immediately of any criminal drug status conviction, for a violation occurring in the work place, of yourself or any other employee of whom you become aware, no later than five (5) days after such conviction.

PROGRAM ADMINISTRATOR:

The Town Manager is designated by the Town of Hampden as the Alcohol/Drug Testing Program Administrator. The Program Administrator is responsible for answering questions from drivers, employees or the public in general. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may provide such information as necessary to enable the appropriate Department Head or Supervisor to take the appropriate action to ensure compliance with this policy. In addition to his/her duties under this policy, the Program Administrator is also responsible for compliance with the Program Administrator Guidelines.

SCOPE OF POLICY:

This policy applies to all regular full-time, part-time, seasonal, on-call and temporary employees who are required to hold a Commercial Driver's License (CDL) for their positions. All applicants for employment positions requiring a CDL are required to pass a drug test as a prerequisite of employment, after a conditional offer of employment and prior to final hiring. Any applicant who fails a drug test shall not be hired, although may re-apply for employment in the future.

Any person who was employed on a part-time or on-call basis for the Town of Hampden at least once during 1995 and is employed at least once annually thereafter shall be considered a continuing employee for the purpose of this policy, and is not subject to pre-employment testing prior to recommencing work. However, such employees are subject to all other provisions of this policy.

All covered employees shall receive a copy of this policy, as well as educational materials on alcohol and substance abuse.

COMPLIANCE WITH REGULATIONS:

All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town of Hampden. This includes all time spent operating commercial vehicles, as well as time spent maintaining or repairing those vehicles.

Note regarding independent contractors:

Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of 49 CFR part 382 and are responsible for compliance with that and related laws. The Town of Hampden will not provide or pay for test, evaluation or rehabilitation for independent contractors or their employees. The Town of Hampden shall make compliance with the law a condition of any contract which requires a CDL driver.

SUBSTANCE TESTED:

When drug and alcohol screening is required by this policy, a breath test and/or urine test will be given to detect the following:

1. Alcohol
2. Marijuana
3. Cocaine
4. Phencyclidine (PCP)
5. Opiates

PRESCRIPTION DRUG USE:

Employees covered by this policy may use prescription drugs and "over the counter" medications provided that:

1. The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
2. The employee does not consume prescribed drugs more often than as prescribed by the employee's physician.
3. Any employee who has been informed that the medication could cause adverse side effects while working shall inform his/her Department Head or Supervisor prior to using these substances. The Town of Hampden at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, the Town of Hampden may notify the employee's physician (with employee's permission) to determine if other medications are available which would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town of Hampden may limit or suspend the employee's work activities to non-safety sensitive duties.

CONSEQUENCES OF VIOLATION OF THIS POLICY

- Any employee who violates this policy shall be immediately removed from the safety-sensitive function and will be advised by the Town of Hampden of the resources available for evaluating and resolving drug and alcohol abuse problems. The employee shall be required to be evaluated by a substance abuse professional. All evaluation and rehabilitation shall be at the employee's cost unless otherwise agreed by the Town of Hampden. An employee shall not be allowed to return to the safety-sensitive function until he/she has a return-to-duty alcohol test result of less than 0.02 or a return-to-duty drug test with a verified negative result.
- In addition, any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment or dismissal is imposed following a confirmed positive drug test, the employee shall have the opportunity to participate for up to 6 months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program unless otherwise agreed by the Town of Hampden. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to the following: the employee's work history, length of employment, current job performance and existence of past disciplinary actions. Disciplinary action is imposed by municipal policy; it is not required by federal law.

  *Under State law, if part of all of the costs of drug abuse rehabilitation are covered by a group health insurance plan which includes the employee in question, then such insurance may be used by the employee for that purpose; See: 26 M.R.S. §685.

CONFIDENTIALTY OF INFORMATION

Unless the employee or applicant consents, all information acquired by the Town of Hampden in connection with the testing processes is confidential and may not be released to any person other than to the employee or applicant who is tested, the Program Administrator, officials with a need to know and the rehabilitation provider. The foregoing shall not prevent the release of information required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or lawsuit relating to the imposition of the test or the use of the test results.

SEVERABILITY

In the event that a Court finds any provision of this policy void or unenforceable, the remaining provisions shall continue in full force and effect.

VIOLENCE IN THE WORKPLACE POLICY AND PRACTICES

PURPOSE:

The policy states the values and points of view from which we develop our Violence in the Workplace practices. The Council retains the right to change and interpret these policies, and shall review and approve them.

POLICY:

It is the policy of the Town of Hampden to promote a safe work environment for its employees. We are committed to working with employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior. The Town of Hampden does not tolerate violent, threatening, aggressive, abusive, intimidating or other disruptive behavior on the part of employees, customers or anyone else involved in its business or facilities. All reports of such incidents will be taken seriously and will be dealt with appropriately. The purpose of this policy is intended to be protective and to prevent instances of work place violence. We need your cooperation to implement this policy effectively and maintain a safe work environment.

PRACTICES:

Employees may not use or be subjected to rude or abusive language or behavior, threats, harassment, intimidation or acts of physical, emotional or psychological violence. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical or mental harm. If such instances occur, all business with such individuals and in the immediate area is to stop until the situation is resolved. Individuals who commit such acts may be removed from the premises and may be subject to corrective action, criminal complaint or both.

If a customer is behaving in a manner that you find intimidating, explain our policy regarding behavior, discontinue providing service and focus on de-escalating the situation.

If the customer cannot resume appropriate behavior and he/she is on the telephone, tell them that they may call back when they are calmer and hang up.

If a customer cannot resume appropriate behavior and are in your physical presence, ask the customer to leave telling them they may return on another day when they are under control. If the customer refuses to leave, disengage, leave the area and notify your Department Head or Supervisor who will then assume direction of the situation.

If, in your best judgment, an individual's behavior, whether a co-worker, customer or other guest may endanger anyone or if the person refuses to leave the premises, call the police (or closest law enforcement official) and notify your Department Head or Supervisor.

Do not ignore violent, harassing, intimidating or other disruptive behavior. If you observe or experience such behavior by anyone on the premises, whether an employee or customer, you must report it to your Department Head or Supervisor. The Supervisor will notify the Town Manager who will log the incident, investigate as necessary and assure that appropriate action is taken.

If you have foreknowledge of a potentially abusive or violent circumstance that may present itself in our workplace (e.g. the arrival of an abusive partner or an irate customer) immediately inform your Department Head or Supervisor or the most senior staff person in the facility.

The above "umbrella" practices provide guidance to all employees. Departments may issue additional practices to their work settings. All such practices must be filed with the Human Resource Officer and appended here.

Employees at each work site should discuss specific plans of action they will follow to best address their particular circumstance.

NOTE: The Town Office and Public Safety lobbies are under audio and video surveillance, 24 hours a day, 365 days a year.

WHISTLEBLOWER PROTECTION

The Town of Hampden strives to conduct its business with integrity and in strict compliance with all applicable federal, state and local laws and regulations. Accordingly, any employee is encouraged to bring to the attention of the employee's supervisor or the Town Manager any actions of town officials or employees which the employee believes may be improper. The Town will not retaliate against any employee who makes a report in good faith to the employee's supervisor, the Town Manager, or a regulatory body.

SECTION 7

INFORMATION SYSTEMS POLICY AND PRACTICES

These policies state the values and points of view from which we develop our Information Systems practices. The Council retains the right to change and interpret these policies and approve them.

POLICY:

This policy applies to all information systems owned, leased or used by the Town of Hampden and used by employees to manage and communicate information such as paper documents, spoken communication, telephones and cell phones, including voice mail, fax machines, computer hardware and software including e-mail, cameras, recording devices, photocopiers and any other information systems, equipment or technology that the Town of Hampden owns, licenses, operates or may acquire in the future.

As an employee, you are expected to utilize the Information Systems, including the Internet, and the equipment in a responsible, professional manner for programmatic and business activities of the Town of Hampden. As a benefit to you, you may occasionally use the Town's computers for Internet access, for other non job related use, during breaks or times approved by your Department Head or Supervisor: any such personal use is governed by the same expectations that the systems and equipment be used in a responsible, professional manner in accordance with this policy and in such a manner that will not embarrass or otherwise effect the reputation of the Town of Hampden or limit our ability to accomplish our work. Any personal use shall not interfere with an employee's performance of their duties.

All information transferred to and from and/or stored on equipment and in files owned by the Town of Hampden is the property of said Town. The Management of the Town of Hampden reserves the right to examine all voice mail, e-mail, faxes, electronic documents, databases, personal file directories and other information transferred through or stored on computers and telephones owned by the Town, as well as paper documents and records. By using equipment, you waive all expectations of privacy in respect to document files, software, e-mail, voice mail, fax communications and Internet access. All information systems must be used in accordance with all Town policies and practices.

If you have questions about the appropriateness of any activity, consult your Department Head or Supervisor. Irresponsible use the Town's equipment and information may be subject to corrective action, up to and including dismissal.

Purchasing of software and equipment:

The Town of Hampden intends to have standardized equipment and software. All purchases shall be made through the IT Officer using Town procurement policies under the guidance the Town Manager. Equipment and software are provided for the use of the employees when needed to conduct Town business. The installation or downloading of

new software on the computers is the sole duty of the IT Officer with the approval of the Town Manager. No installation of software shall be done without the approval of the IT Officer or the Town Manager.

Personal computers:

Configuration of desktops will be managed by the IT Officer to obtain maximum efficiency and uniformity from Town owned machines.

Computer equipment may not be altered or added to in any way without the knowledge and authorization of the IT Officer.

The Town of Hampden is committed to working safely. Safety is the responsibility of both Management and Staff. If you find your environment uncomfortable or unsafe, report the condition to your Department Head or Supervisor for further evaluation and correction.

Passwords must be selected carefully with no obvious relation to the user and not easy to guess .Passwords should contain letters, numbers and special characters.

Internet usage:

- Access to the Internet is provided for business use. Access is coordinated by the IT Officer.

- Personal use is restricted to work related tasks except during breaks or Department Head or Supervisor approved periods of time and is expected that your personal usage will conform to the Town's expectations of professionalism and this policy.

Using e-mail and voice mail systems:

- Activity, communications and messages are subject to review at any time to ensure that the use of the system is consistent with the Town's legitimate interests.

- You should attend to current e-mail messages in a timely way.

- E-mail and voice mail messages should be deleted or archived as soon as possible to avoid degrading performance of the system.

- Voice mail greetings must be professional and courteous.

- The content of e-mail and voice mail messages should be brief and courteous. Sensitive information should not be sent via electronic mail.

Fax machines

- If possible, fax machines should be avoided for transmission of information that is restricted or confidential.

- If the information is confidential or restricted, a cover letter must accompany it stipulating that the information is confidential or restricted.

- Faxing of information should be limited to job related duties. It is not to be used for public faxes. You may make personal use of the fax machine, at cost, on an infrequent basis consistent with these policies.

Other Prohibited Uses

1. Engaging in any communication that is discriminatory, defamatory, pornographic, obscene, racist, sexist, or that evidences religious bias, or is otherwise of a derogatory nature toward any specific person, per Maine Human Rights Act.
2. Browsing or downloading and/or forwarding and/or printing pornographic, profane, discriminatory, threatening or otherwise offensive material from any source including, but not limited to, the Internet.
3. Engaging in any communication that is in violation of Federal, State or Local laws.
4. Promoting any religious belief or tenet.
5. Campaigning for or against any candidate for political office or any ballot proposal or issue.
6. Sending, forwarding, redistributing or replying to "chain letters".
7. Unauthorized use of passwords to gain access to another user's information or the Town of Hampden's communications system or elsewhere.
8. Advertising, solicitation or other commercial, non-programmatic use.
9. Knowingly introducing a computer virus, spyware or malware into the Town's communication system or knowingly causing damage to the Town's systems.
10. Using the Town's systems in a manner that interferes with normal business functions in any way.
11. Excessive personal use of the Town's technologies that preempts any business activity or interferes with Town productivity.
12. Sending e-mail messages under an assumed name or obscuring the origin of an e-mail message sent or received.

SECTION 8

DISCIPLINARY ACTION

Policy: The Town has a policy of progressive discipline of employees, which means that repeated instances of poor job performance or misconduct will be subject to progressively more severe sanctions, which may include oral warnings, written reprimands, suspension with or without pay, demotion or dismissal. Progressive discipline does not mean that the initial disciplinary response to unsatisfactory job performance or misconduct will always be the same. Serious job performance problems or misconduct such as, but not limited to, dishonesty, violence or theft, may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence.

Examples of Conduct Warranting Disciplinary Action: The following examples illustrate types of conduct which may constitute grounds for disciplinary action, and are not exclusive:

1. Attendance

    a. Improper or unauthorized use or abuse of paid leave.
    b. Excessive absenteeism, regardless of reason, the effect of which disrupts or diminishes operational effectiveness.
    c. Being absent without authorized leave, or repeated unauthorized late arrival or early departure from work.
    d. Abuse of break and lunch periods.

2. Behavior

    a. Violation of the provisions of Town ordinances, including Personnel Rules and Regulations, department operating rules or procedures, or related directives.
    b. Failure to carry out a direct order from a supervisor, except where the employee's safety may reasonably be jeopardized by the order, or the order is illegal or in conflict with any law.
    c. Engaging in a conflict of interest.
    d. Conduct that discredits the employee or the Town, or willful misrepresentation of the Town.
    e. Conviction of a crime, including convictions based on a plea of nolo contendere or of a misdemeanor involving moral turpitude, the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of the employee.
    f. Knowingly falsifying, removal, or destruction of information related to employment, payroll, or work-related records or reports.
    g. Soliciting outside work for personal gain during business hours; participating in any off-duty employment that adversely affects the employee's performance of work for the Town.

h. Discourteous treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others.
i. Conduct that interferes with the management of Town operations.
j. Violation or neglect of safety rules, or contributing to hazardous conditions.
k. Unauthorized use of Town property.
l. Physical altercations
m. Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, sex (including sexual harassment), age, religious beliefs or political affiliations.
n. Accepting gratuities intended to influence the employee's job performance.
o. Misuse of Town telephones, computers, or internet service.
p. Possession, display, or use of explosives, firearms, or other dangerous weapons while on duty or on Town property. (Except for police officers and other authorized employees in the performance of their duties.)
q. Possession of alcohol, narcotics, or drugs while on Town property (except in the official discharge of police duties). Alcohol may only be on Town property at sanctioned events as authorized by the Town Manager.

3. Performance

a. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
b. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
c. Refusal to accept reasonable and proper assignments from an authorized supervisor.
d. Intoxication or incapacity on duty due to the use of alcohol or drugs.
e. Driving under the influence of alcohol or drugs while on duty; suspension of driver's license where job duties require driving.
f. Careless, negligent, or improper use of Town property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property
g. Unauthorized release of confidential information or official records.

Authority of Disciplinary Action

The Town Manager shall have the authority to take necessary disciplinary action which may include such remedies as oral warnings, written reprimands, suspension with or without pay, demotion or dismissal. Such authority may be delegated by the Town Manager. Supervisors below the Department Head level shall NOT be given the authority to suspend, demote or dismiss a subordinate. If a Department Head has been delegated

disciplinary authority, no suspension without pay for more than two (2) days, demotion or dismissal shall be taken by the Department Head without consultation with, and approval by, the Town Manager.

Just Cause: All disciplinary action involving suspension without pay for more than two (2) days, demotion or dismissal shall be for just cause.

Due Process Hearing

Before making a final decision to suspend without pay for more than two (2) days, demote or dismiss an employee, the Town Manager or designee shall hold an informal hearing. The employee shall be given written notice of the proposed disciplinary action and the reasons therefor in advance of the informal hearing. The hearing shall include, at a minimum, the employee, the employee's Department Head and the Town Manager or designee. The employee shall be afforded an opportunity at the informal hearing to respond to the reasons and to present reasons why the employee believes the discipline or discharge is not justified. The employee shall be permitted to have witnesses speak on the employee's behalf and to be assisted by a representative. A prior informal hearing shall not be required when in the judgment of the Town Manager the employee's conduct or job performance creates an immediate threat of injury to the employee, any other Town employee, or members of the public, or is otherwise detrimental to the Town, provided that the employee shall be suspended with pay until such time as an opportunity for an informal hearing is offered.

Appeal to Personnel Appeals Board

Should an employee be dissatisfied with the Town Manager's decision with respect to suspension without pay for more than two (2) days, demotion or dismissal, the employee may file an appeal of the decision to the Personnel Appeals Board. The appeal shall be in writing and shall be filed with the Town Clerk within seven (7) calendar days of the decision. The appeal shall set forth the relief sought. The Personnel Appeals Board shall conduct a hearing on the matter within fourteen (14) days from the receipt of the appeal by the Town Clerk. The Board shall render a written recommendation based on its findings to the Town Council and Town Manager pursuant to Section 301 of the Town Charter, which recommendation shall be made within seven (7) days from the conclusion of the hearing.

GRIEVANCE PROCEDURES

Definition: A grievance is a dispute between an employee and the employer concerning the interpretation or application of the terms of the Personnel Rules and Policies, departmental rules or this Handbook, but excluding disciplinary matters involving a suspension without pay for more than two (2) days, demotion or dismissal.

Procedure:

1. Any employee who deems himself or herself aggrieved shall, within five (5) calendar days of the occurrence or knowledge of the problem, bring such grievance to the attention of the immediate Supervisor who shall render a decision within five (5) calendar days.

2. If the employee does not feel the matter has been adequately resolved, he/she may bring the matter to the attention of the Department Head in writing within five (5) calendar days from the date of the Supervisor's decision. The Department Head shall have five (5) calendar days in which to render a written decision. NOTE: If the immediate Supervisor is the Department Head, the employee shall proceed, in the case of dissatisfaction, from step 1. to step 3.

3. If the employee is not satisfied with the decision of the Department Head, he/she may within five (5) calendar days from such decision, bring the matter to the attention of the Town Manager who shall render a written decision within seven (7) days.

4. Should the employee be dissatisfied with the Town Manager's decision, the employee may within seven (7) calendar days from such decision, submit the grievance to the Personnel Appeals Board in writing and shall set forth the relief being sought. The Appeals Board shall conduct a hearing into the matter within fourteen (14) calendar days from the receipt of the grievance. The Board shall render a written recommendation based on its findings to the Town Council and Town Manager pursuant to Section 301 of the Town Charter, which recommendation shall be made within seven (7) days from the conclusion of the hearing. The above time limits may be extended by mutual agreement.

5. Nothing in the Ordinance or this Handbook shall diminish the right of any employee to present his/her own grievance.

C-3-a

Susan Lessard <manager@hamp

New Election

3 messages

Cindy Philbrick <philbrickcindy@aol.com> **Thu, Nov 17, 2011 at 4:34 PM**
To: manager@hampdenmaine.gov

Good afternoon,

Because of the reported errors that took place during this last election with voters getting the wrong ballots, even after they argued that they were given the wrong ballots, I believe that we need a new election. How will we ever know how many people were handed the wrong ballots? Let this email go on record this 17th day in November, 2011 that I hereby request a new election in Hampden, Maine.

Cindy Philbrick

cc Secretary of State

Susan Lessard <manager@hampdenmaine.gov> **Thu, Nov 17, 2011 at 4:56 PM**

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

Cindy
I have forwarded your email to the Town Council.
Susan

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov> **Thu, Nov 17, 2011 at 6:00 PM**
To: editor@svweekly.com, Andrew Neff <aneff@bangordailynews.com>

[Quoted text hidden]

C-3-b

30-A ss4324: Responsibility for Growth Management

2. Planning committee. If a municipality or multi-municipal region chooses to prepare a growth management program, the municipal officers of a municipality or combination of municipalities shall designate and establish a planning committee, which may include one or more municipal officials.

A. The municipal officers may designate any existing planning board or district established under subchapter 4, or a former similar provision, as the planning committee. Planning boards established under former Title 30, section 4952, subsection 1 continue to be governed by those provisions until they are superseded by municipal charter or ordinance. [2003, c. 641, §7 (AMD).]

B. The planning committee may develop and maintain a comprehensive plan and may develop any portion of an implementation program to which it is assigned in an adopted comprehensive plan or otherwise directed by the municipal officers or municipal legislative body or bodies. In performing these duties, the planning committee shall:
(1) Hold public hearings and use other methods to solicit and strongly encourage citizen input; and

8. Public hearing required. The planning committee shall hold at least one public hearing on its proposed comprehensive plan.

A. Notice of a public hearing must be posted in each municipality at least 30 days before the hearing, except that, if a follow-up hearing is held pursuant to comments made at a public hearing, the follow-up hearing may be conducted if public notice is given pursuant to Title 1, section 406. [2003, c. 641, §8 (AMD).]

B. A copy of the proposed comprehensive plan must be made available for public inspection at each municipal office or other convenient location with regular public hours at least 30 days before the hearing. If modification of the plan is proposed pursuant to comments made at a public hearing, and if a follow-up public hearing is to be held, the proposed changes must be made available for public inspection at each municipal office or other convenient location with regular public hours before any follow-up hearing. [2003, c. 641, §8 (AMD).]