



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MARCH 21, 2016

7:00 P.M.

• **6:00 pm – Finance & Administration Committee Meeting**

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. March 7, 2016 Meeting Minutes

3. COMMUNICATIONS

- a. MDOT/Town – Installation of rumble strips
- b. Armstrong Tennis Center – Victualer's License Renewal
- c. Dysarts – Victualer's License Renewal
- d. Pizza Gourmet – Victualer's License Renewal
- e. R & K Variety – Victualer's License Renewal
- f. Maine PowerOptions informational meeting

4. REPORTS

- a. Planning & Development Committee Minutes – 3/2/2016
- b. Services Committee Minutes- 2/8/2016
- c. Infrastructure Committee Minutes-1/13/2016

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

a. Dangerous Building – James Butler – Map 21 Lot 8

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

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Lowell T. Sherwood to Library Board of Trustees - Services Committee recommendation.
- b. Appointment of Betty Magaw to Personnel Appeals Board - Finance Committee recommendation.

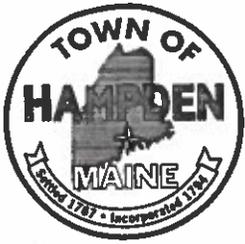
4. UNFINISHED BUSINESS

- a. FY16 Proposed Budget Adjustment-TIF Revenues

5. NEW BUSINESS

- a. Order establishing rules for Conservation/Recreation funds-referral from Services committee
- b. Funding proposals from Conservation/Recreation account
 1. VFW Tennis court resurfacing
 2. VFW Basketball and Tennis court repairs
 3. Dorothea Dix Park Signage
 4. Marina ramp paving
 5. Port-a-Potty enclosures for various locations
 6. Picnic tables for various park locations
 7. Community Center Plan revisions
 8. VFW Road parking area
- c. Proposed ordinance amendments
 1. Fees Ordinance – referral from Infrastructure committee and from Services committee
 2. Zoning Ordinance – referral from Planning & Development committee
 3. Subdivision Ordinance – referral from Planning Board
 4. Shoreland Zoning Ordinance - referral from Planning Board
 5. Sewer Ordinance – referral from Infrastructure committee
- d. Request to use IT computer reserve funds to purchase first year of service of MyRec.com - Request # 1: \$3,695.00 or Request #2: \$4,495.00 - recommendation of the Finance committee

- E. COMMITTEE REPORTS
- F. MANAGER'S REPORT
- G. COUNCILORS' COMMENTS
- H. ADJOURNMENT



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

B-2-A

MONDAY MARCH 7, 2016 7:00 P.M.

Attending:

Mayor David Ryder
Councilor Greg Sirois
Councilor Ivan McPike
Councilor Stephen Wilde
Councilor Dennis Marble
Councilor Mark Cormier
Councilor Terry McAvoy

Town Manager Angus Jennings
Town Clerk Denise Hodsdon
Incoming Town Clerk Paula Scott
Citizens

Mayor Ryder called the meeting to order at 7:00 pm.

A. PLEDGE OF ALLEGIANCE – Mayor Ryder led the Pledge of Allegiance

B. CONSENT AGENDA – Motion by Councilor Marble, seconded by Councilor Wilde to accept the Consent Agenda. Unanimous vote in favor.

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. February 16, 2016 Meeting Minutes
- b. February 22, 2016 Special Meeting Minutes

3. COMMUNICATIONS

- a. Manager Jennings/DEP –Response to 12/28/15 Letter re MS4 Stormwater
- b. Erickson Family – Notice of Purchase of Schacht's Hardware
- c. Lowell T. Sherwood, Jr. – Application for Appointment to Library Board of Trustees – Referral to Services Committee
- d. CSO Annual Report to Maine DEP
- e. MDOT/Town – Route 1A Project

4. REPORTS

- a. Finance Committee Minutes – 2/1/2016
- b. Infrastructure Committee Minutes – 1/13/2016
- c. Planning & Development Committee Minutes – 2/22/2016

C. PUBLIC COMMENTS – Kathy Walker of 5 Old Coldbrook Road said she wanted to go on record in opposition to the unanimous vote of this Town Council at the special meeting on February 22, 2016. This vote authorized the Town Manager to sign an agreement to send our garbage to the conceptual Fiberight facility. As a bit of

background, Mrs. Walker informed the Council that the Hampden landfill is in her backyard. That fact has made her more aware of solid waste issues over the past 40 years. She has followed news of the PERC - Fiberight decision and has watched for this item to appear on an agenda. She said she would have come to speak if it had been on a regular meeting agenda and somehow she missed notice of the special meeting. She wanted to express her concerns tonight. She asked if she is the only person in Hampden who says "enough already"? Haven't we been the recipient of the state's garbage long enough? Why does the Municipal Review Committee think that a facility that has never been built in this country needs to be built in Hampden? She said she realizes that several Councilors have spent many hours on this issue; that the projected tax revenue looks good to Councilors; and that the facility still has to meet DEP and Planning Board approval. She also realizes that PERC did not come through with a proposal to the Committee until the eleventh hour. There are still questions about the long-term viability of that proposal from PERC. Aren't there more questions about the viability of a facility that has never been built; a facility that is based on new technology; a facility that has limited flexibility for the reduction of waste, something we have all been working toward, especially organic waste? She realizes that Fiberight will cover the construction cost. She asked why is the Town giving up our accumulated equity in PERC to help fund the infrastructure cost? She also realizes that both Bangor and Brewer have signed commitments with Fiberight. Finally, she realizes that "state of the art" means many things to different people. Generating methane from trash is a relatively new state of the art. She reminded the Council that burying garbage in a gravel pit was state of the art at one time and we know what happened there.

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

- a. Denise Hodsdon Retiring Town Clerk Recognition of 15 Years of Service** – Mayor Ryder, Councilors and Manager Jennings recognized and thanked retiring Town Clerk Denise Hodsdon for her 15 years of service.
- b. Welcome Newly Appointed Clerk Paula Scott** – The Council and Manager Jennings welcomed incoming Town Clerk Paula Scott.

2. PUBLIC HEARINGS - None

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Paula Scott as Registrar of Voters** – Motion by Councilor Marble, seconded by Councilor Sirois to appoint Paula Scott as Registrar of Voters. Unanimous vote in favor.
- b. Nomination of Paula Scott as Agent for Department of Inland Fisheries and Wildlife** – Motion by Councilor Wilde, seconded by Councilor Sirois to nominate Paula Scott as Agent for Department of Inland Fisheries and Wildlife. Unanimous vote in favor.

4. UNFINISHED BUSINESS

- a. **Service Fees – Finance Committee Recommendation** – *Finance Committee Chair Sirois reported that the Finance Committee had discussed the six properties that had been assessed Service Charges for FY16. Five of the six properties have sent payment less than the assessed amount and are requesting abatement. It was the recommendation of the Finance Committee to abate the balances. The sixth property has never paid a service charge and it was the Committee's recommendation to move forward with the collection process.*
1. **Abatements** – *The five properties requesting abatement are:*
 - a. *Community Housing of Maine – Map 5, Lot 27-A – Abatement Amount \$1602.76*
 - b. *OHI George Street – Map 23, Lot 70-C – Abatement Amount \$1,057.22*
 - c. *OHI Patterson Road – Map 5, Lot 39 – Abatement Amount \$1,549.18*
 - d. *The Housing Foundation – Map 31, Lot 8 – Abatement Amount \$13,633.88**Motion by Councilor Sirois, seconded by Councilor Wilde to approve the abatements. Unanimous vote in favor.*
 2. **Process for Collections** – *Medical Care Development, d/b/a Hampden Meadows at 1282 Kennebec Road – Map 1, Lot 23-A has never paid a service charge. The amount assessed for FY16 is \$4,896.02. Motion by Councilor Sirois, seconded by Councilor Wilde to move forward with the process of collection on Medical Care Development, d/b/a Hampden Meadows at 1282 Kennebec Road. Unanimous vote in favor.*
- b. **HVAC System Quote – Recommendations of Infrastructure and Finance Committees** – *Upon recommendation of the Finance Committee Councilor Sirois moved and Councilor Marble seconded to go forward with the quote from Penobscot Temperature Controls, Inc. for the installation of a “Red Link” thermostat in the amount of \$900.35 to be paid from Municipal Building Reserve account. Unanimous vote in favor.*

5. NEW BUSINESS

- a. **Dangerous Building Hearing Notice** – *Mayor Ryder explained that over the past several months, the Council and Code Enforcement have been discussing the property at 758 Main Road North as the building is in danger of collapsing. Code Enforcement has sent several letters and contacted the owner several times to try to resolve this problem. Motion by Councilor Marble, seconded by Councilor Wilde to authorize*

*the Town Manager to send a Notice of Hearing to the owner.
Unanimous vote in favor.*

- b. Budget Adjustment for TIF CEA Payments –** *Manager Jennings explained that the Town has entered into a number of Tax Increment Financing agreements over the years, most recently with Emera Maine. As part of the TIF agreements, there have been Credit Enhancement Agreements which entitle the developer to a rebate of a portion of the property taxes paid. The property owner is assessed the full amount of taxation, they pay the full bill and upon receipt of the total amount due, a percentage is sent back to the owner. In order to send back the amounts due under the Credit Enhancement Agreements, that amount needs to have been budgeted in the current fiscal year. The FY16 budget as approved did not carry the full amount to cover the CEA obligations, and it is his recommendation to authorize a budget adjustment in the amount of \$80,260.11 from the Unassigned Fund Balance to the TIF Budget account, which will provide the revenues needed to honor those agreements. Manager Jennings noted that this is essentially an accounting mix-up in the last budget, but the amounts that were reported to the state on the form that sets the property tax rate were recorded correctly locally and reported correctly to the state. The amounts he is recommending for transfer through the budget adjustment were in fact budgeted, the funds were raised to cover these obligations, but at the local level it did not get into the budget document. It was the recommendation of the Finance Committee to make the adjustment as recommended by the Manager. Motion by Councilor Sirois, seconded by Councilor Wilde to make the budget adjustment for TIF payments. Unanimous vote in favor.*
- c. Foreclosed Properties – Request to Advertise for Public Sale –** *Mayor Ryder read the list of foreclosed properties as listed below. Motion by Councilor Sirois, seconded by Councilor McAvoy to approve the request to advertise for public sale the foreclosed properties noted as Map 13, Lot 27-A; Map 41, Lot 18; Map 1, Lot 56; and Map 3, Lot 18-A. Unanimous vote in favor.*
- 1. Map 13, Lot 27-A – Kathleen Henry**
 - 2. Map 41, Lot 18 – Sherri Chen**
 - 3. Map 1, Lot 56 – Brian Sullivan**
 - 4. Map 3, Lot 18-A – Highland Ridge Real Estate**
- d. Hampden Business Park – Renewal of Authorization to Sell Agreement with Epstein Commercial Real Estate – Planning & Development Committee Recommendation –** *Motion by Councilor McPike, seconded by Councilor Marble to approve renewal of the Authorization to Sell Agreement with Epstein Commercial Real Estate for lots in Hampden Business Park. Unanimous vote in favor.*

E. COMMITTEE REPORTS

Services Committee – The next meeting is at 6:00 pm on Monday, March 14th.

Infrastructure Committee – Councilor Marble reported that the committee last met on February 17th and referred to the Finance Committee the proposed purchase of the Red Link thermostat, recommended to Finance that the annual donation to the Goodwill Riders snowmobile Club be increased from \$1,000 to \$2,000 annually, heard an update regarding the Town's municipal stormwater annual report; received an update on the condition of the existing sewer line that was installed to serve Ammo Park; and voted to continue a lease for the new John Deere front-end loader rather than to use the purchase option on the existing one.

Planning & Development Committee – Councilor McPike reported that the committee met on March 2nd. He noted that the draft Zoning Ordinance amendments regarding the mineral extraction repeal and home occupations have been referred to the Town Attorney. Subdivision Ordinance criteria is in the process of being reworked regarding private roads and has gone to the Planning Board. The codification document should be completed by April 18th. The committee discussed the renewal contract with Epstein Commercial Real Estate and heard an update on the MRC/Fiberight project.

Finance & Administration Committee – Councilor Sirois reported that most of the items on tonight's Finance Committee agenda have already been discussed by the Council, but additional items included an update on recording of meetings and discussion of the process for the Town Manager's 6-month evaluation.

F. MANAGER'S REPORT – Manager Jennings reported that he has received news from the State that preliminarily the Town could expect an increase in revenue sharing for FY17 of approximately \$30,000.

He reported that he has been working with the other three communities in the RSU #22 District to share information in coordination on the municipal level and appeared before the School Board back in January to communicate budgets issues. They have also met with the Administration on February 25th which he feels was very constructive and hopes it provided them with some good information to help inform their budget process.

He reported that the Town has received the signed contract from ELCO Electric for the LED lighting project at the Library.

Finally, he reported that the local application for the MRC/Fiberight project was filed last week and it is expected that the Planning Board will hold a public hearing at its meeting on April 13th.

G. COUNCILORS' COMMENTS

Councilor McPike congratulated and thanked Town Clerk Denise Hodsdon and wished her good luck in the future.

Councilor Wilde thanked Denise for the assistance she gave him when he first started with the Council and he commented that she will be greatly missed.

Councilor Marble informed everyone that young Mr. Casavant on Hampden's track team who was awarded the Gatorade Athlete of the State Award back in February. He reminded everyone that the District 2 Hot Stove meeting will be held at 9:00 am on Saturday, March 19th at the Library.

Councilor Cormier thanked Denise and wished her well.

Councilor McAvoy reminded everyone to shop local and buy American.

Town Council Meeting

March 7, 2016

Mayor Ryder reminded everyone that there will be an open house for Denise on Thursday from 1:00 to 6:00 pm.

H. ADJOURNMENT – *There being no further business, the meeting was adjourned at 7:34 pm.*



Denise Hodsdon
Town Clerk



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

B-3-A

David Bernhardt
COMMISSIONER

March 10, 2016

Town of Hampden
RECEIVED

MAR 14 2016

Office of the
Town Manager

Angus Jennings, Town Manager
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Subject: Highway Safety Improvements
Rumble Strip installation
Federal Project Number HSIP-1890(00)
Project Number: 18900.00

Dear Mr. Jennings:

The Maine Department of Transportation is currently working on estimating a highway safety project on Route 202 in the Town of Hampden for advertisement of the subject project for competitive bids in May 2016. Construction will occur during the summer months, exact start and completion dates will be forwarded once a schedule from the Contractor has been reviewed and approved.

The project is further described as follows:

CENTERLINE RUMBLE STRIP INSTALLATION on Route 202 in the Town of Hampden. Centerline rumble strips will be installed in areas that speeds that are 45 MPH or over, shoulder widths that meet or exceed 4' in width and will allow for breaks at side roads and entrances.

For More detailed information about rumble Strips please visit the Department's web site at: <http://www.maine.gov/mdot/safety/docs/rumblestrip-brochure-general.pdf>

We hereby request that you provide a copy of this notice to all municipal officials, employees and boards with responsibilities for utility and/or land-use planning/permitting, and that you post this letter on any municipal public bulletin boards, media outlets and/or municipal websites as public meeting will not be held regarding this project unless specifically requested by the municipality.

Should you have any questions, concerns or other areas of interest, we would appreciate your comments and input. Please feel free to contact me at (207)-624-3470 with any questions or concerns.

Sincerely,

Denis Lovely, Senior Project Manager
Highway Program, Augusta
Emory.lovely@maine.gov

Enc.

What people are saying about rumble strips in their community

"I have been road commissioner in the town of Woolwich for over 30 years and was supportive of the center-line rumble strip installation on the Woolwich portion of Route 1. Route 1 is a heavily travelled road, especially during the summer months. I firmly believe the strip is very effective as a preventative safety measure; most significantly, in the avoidance of head-on collisions. The benefit, in my opinion, far outweighs any inconvenience experienced due to the occasional resulting noise."

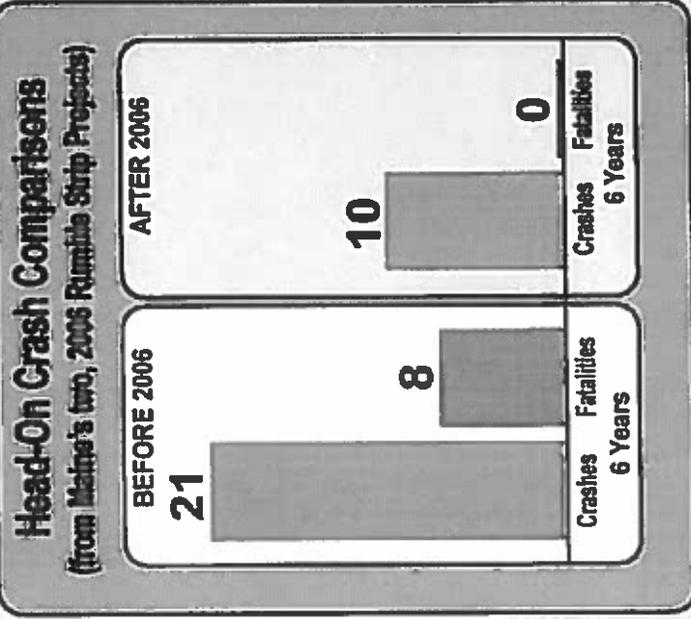
- Jack A. Shaw, Woolwich Road Commissioner

"...the positive impact of rumble strips along U.S. Route 1 in Woolwich - a 100% decrease in fatalities over a 5 or 6 year period - speaks for itself. Since I've been sheriff, beginning in January of 2009, we have only had a couple of head-on collisions. On a heavily traveled road that is considered wide and open, speed will always be a factor. Keeping vehicles in their proper lane is crucial, and that is what rumble strips do."

As for the noise related to the rumble strips, we have not received complaints, and now that they have been there for so many years, residents have become acclimated to them. Besides, the sheer volume of traffic along Route 1 creates enough noise that the rumble strips are really not noticed."

-Sheriff Joel A. Merry
Sagadahoc County Sheriff's Office

52% Reduction in Crashes
100% Reduction in Fatalities



Improving Safety on Maine's Roads



Questions?

Contact MaineDOT at:
207-624-3278
or duane.brunell@maine.gov



mainedot.gov

Understanding Rumble Strips

MaineDOT

Maine's Leading Crash Issue

70% of Maine highway fatalities occur when drivers leave their proper lane of travel and drive off the road or into oncoming traffic.

Maine experiences an average of 800 head-on crashes a year. They are devastating, claiming nearly 40 lives annually.

What causes drivers to drive out of their lane? The leading factors are:

- driver fatigue and drowsiness;
- distracted driving;
- unsafe speed; or
- alcohol and drugs.

Slippery road surfaces and poor visibility in adverse weather conditions can increase the chances of lane departure.

Although technologies are being developed to help drivers stay in their lane, other mitigations are needed. The most effective and proven prevention to date is the rumble strip. Use of rumble strips has contributed to a significant reduction of serious lane departure crashes.



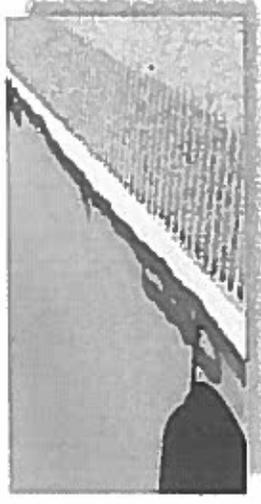
An Effective Safety Solution

Rumble strips create noise and vibration when the vehicle drives off the pavement or across the center line. Often, this alert gets the attention of a distracted or drowsy driver, who can quickly make a corrective steering action. Rumble strips can also alert drivers to the lane limits when conditions such as rain, fog, or snow reduce driver visibility. Rumble strips retain lane paint markings and provide improved lane identification.

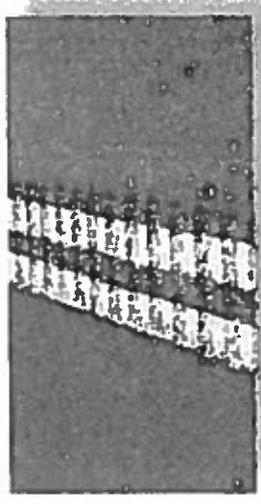
11 states and one national study have analyzed the effectiveness of centerline rumble strips in reducing crashes. These studies conclude that crossover crashes were reduced by 18% to 64%, with most studies showing 40% to 60% reductions.

Types of Rumble Strips

Edge line or shoulder rumble strips are placed on the right side of the lane to alert drivers when they have drifted from their lane. Shoulders of adequate width are necessary for this type of rumble strip.



Centerline rumble strips are the most common treatment installed on Maine's two-lane roads. They are designed to alert drivers who may be heading for a potentially deadly head-on collision.



Maine rumble strips will be selectively installed on roads with speed limits of 45 mph or greater. Skips in the rumble strip pattern facilitate motorcycle lane changes and are for bicycle safety.

Maine's first non-interstate rumble strips were installed in 2006. Maine currently has centerline rumble strips installed on portions of twelve routes throughout the state. Crash reductions, particularly for head-on crashes, have been significant.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

B-3-B

March 9, 2016

Dean Armstrong
Armstrong Tennis Center
60 Mecaw Rd.
Hampden, Me. 04444

Dear Dean:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Paula A. Scott

Paula A. Scott, CCM
Town Clerk

Enclos

VICTUALER'S LICENSE CERTIFICATE

No. 16-6

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: March 9, 2016

KNOW YE, that Dean Armstrong, doing

business as Armstrong Tennis Center

has been duly licensed as a Victualer at 60 Mecaw Rd in the

Municipality of Hampden by said Municipality until March 31, 2017, and

has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).

Myles T. Blawie
Authorized Municipal Officer

CODE ENFORCEMENT OFFICER

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

B-3-C

March 9, 2016

Dysarts Service
PO Box 1689
Bangor, ME 04402-1689

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Paula A. Scott, CCM
Town Clerk

Enclos

VICTUALER'S LICENSE CERTIFICATE

No. 16-5

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: March 9, 2016

KNOW YE, that Dysart's Service,

doing business as Dysart's Travel Stop

has been duly licensed as a Victualer at Coldbrook Road

in the Municipality of Hampden by said Municipality until March 31, 2017,

and has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).

Authorized Municipal Officer CODE ENFORCEMENT OFFICER

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

B-3-D

March 7, 2016

Brian Carlisle
Pizza Gourmet
60 Main Road North, Ste A
Hampden, ME 04444

Dear Brian:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC
Town Clerk

Enclost

VICTUALER'S LICENSE CERTIFICATE

No. 16-4

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: March 7, 2016

KNOW YE, that Brian and Cindy Carlisle

doing business as Pizza Gourmet

has been duly licensed as a Victualer at 60 Main Road North Suite A

in the Municipality of Hampden by said Municipality until March 31, 2017,

and has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).

Authorized Municipal Officer CODE ENFORCEMENT OFFICER

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

B-3-E

March 9, 2016

Kathy Smith
R & K Variety
573 Main Rd. North
Hampden, ME 04444

Dear Kathy:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Paula A. Scott, CCM
Town C

Enclos

VICTUALER'S LICENSE CERTIFICATE

No. 16-7

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: March 9, 2016

KNOW YE, that Kathy Smith

doing business as R & K Variety

has been duly licensed as a Victualer at 573 Main Road North

in the Municipality of Hampden by said Municipality until March 31, 2017,

and has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).

Authorized Municipal Officer

CODE ENFORCEMENT OFFICER



Angus Jennings <townma

B-3-F

Maine PowerOptions Informational meeting

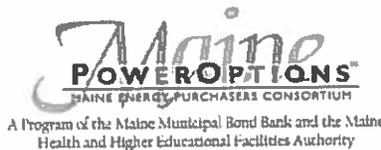
1 message

Maine PowerOptions <jry@mainepoweroptions.org>

Mon, Mar 7, 2016 at 3:00 PM

Reply-To: jry@mainepoweroptions.org

To: townmanager@hampdenmaine.gov



Maine PowerOptions informational meeting

Constellation Sponsored Energy Meeting

Dear Angus,

As part of our effort to assist you in making informed energy decisions we are participating in an energy meeting at the Hollywood Casino in Bangor. The current provider (Constellation NewEnergy) for the Maine PowerOptions program is sponsoring the event and good information on many of the issues affecting electricity pricing will be discussed.

Constellation NewEnergy works with many associations like MPO throughout the country; in Maine they also work with the Maine Association of Manufacturers (MAMc). This event will be open to both MPO members and MAMc members, after the meeting MAMc members will tour a local manufacturing facility.

The event should provide a good opportunity to meet with MPO staff and discuss any energy topics and also to meet other MPO members and to hear about many of the issues affecting pricing today We hope to see you there, the event location, time and topics for review are shown below:

Hollywood Casino Hotel & Raceway

Room Lancaster A

500 Main Street

Bangor, ME 04401

Thursday, March 24th | 2:00-3:30 PM

Topics to include:

- The relationship between New England power prices, natural gas prices and fuel oil prices.
- Learn how the ISO-NE capacity market impacts your business and how you can manage energy costs
- Review key influences on energy pricing in 2016 and beyond. Procurement Strategy - monitor the market for favorable times to make purchases.

We hope to see you there; please let me know if you can attend and if you need any

additional details.

Please RSVP by e-mail to jry@mainepoweroptions.org

Maine PowerOptions | 127 Community Drive | Augusta | ME | 04330

This email was sent to townmanager@hampdenmaine.gov by jry@mainepoweroptions.org

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Try it FREE today.

B-4-A

**Planning and Development Committee
March 2, 2016
6:00 PM
Conference Room
DRAFT MINUTES**

Attendees:

Committee

Ivan McPike - Chair
Stephen Wilde
Dennis Marble
Terry McAvoy
David Ryder
Greg Sirois

Staff

Angus Jennings, Manager
Dean Bennett, Community Dev Director (CDD)

1. Approval of February 22, 2016:

Minutes were unanimously approved

2. Committee Applications: None

3. Updates:

Subdivision Ordinance Rework Private Roads
Draft Complete and Distributed to Committee prior to meeting.

Codification – April 18th
Tentative Deadline for Return to Town Council

MRC/Fiberight Timeline Update
Tentative Timeline Distributed to Committee

4. Old Business:

A. Draft Mineral Extraction Repeal – Attorney

CDD advised Committee that the draft had been provided to the Manager for forwarding to the Town Attorney

B. Draft Home Occupation – Attorney

CDD advised Committee that the revised draft had been provided to the Manager for forwarding to the Town Attorney

C. Subdivision Ordinance Rework Private Roads

CDD briefed the Committee on the Planning Boards perspective of the draft. The Planning Board felt that the Subdivision process, as provided in the Statute, needed to be followed whether there were private or public roads proposed within the subdivision. The Planning Board asked that the draft be reworked with the changes made to address their concerns. CDD felt that he had adequately addressed their concerns in the redraft. He further stated that neither the Rework of Private Road nor the Criteria Rework had been reviewed by the Town Attorney.

Subdivision Ordinance Criteria Rework

CDD briefed the Committee on the Planning Board's perspective of the draft. The Planning Board felt that the Subdivision Criteria Guidelines were excessive and asked that they be simplified. CDD felt that he had addressed their concerns and draft was ready to go back to the Planning Board.

5. New Business:

A. David Hughes, Epstein Realty
Business Park Agreement

David Hughes of Epstein Realty reported to the Committee on the current demand or lack thereof for commercial and industrial properties in the region, indicating there was an excessive amount of empty buildings which impacted the demand for commercial and industrial lots.

He shared his observations on land pricing, presented comparisons on recent sales in neighboring parks and proposed changes to the draft Exclusive Authorization to Sell Agreement that is up for renewal.

Committee Action: Motion and Seconded to refer the draft Exclusive Authorization to Sell Agreement to the Town Council with "recommendation to approve as presented." Vote 6-0

- 6. Zoning Considerations/Discussion: None
- 7. Citizens Initiatives: None
- 8. Public Comments: None
- 9. Committee Member Comments: None
- 10. Adjourn: 7:30pm

SERVICES COMMITTEE MEETING
Monday, February 8, 2016

B-4-B

MINUTES

Attending:

Councilor Terry McAvoy, Chair
Mayor David Ryder
Councilor Dennis Marble
Councilor Greg Sirois
Councilor Stephen Wilde

Councilor Ivan McPike
Councilor Mark Cormier (partial)
Town Manager Angus Jennings
Recreation Director Shelley Abbott
Resident Jeremy Jones

Chairman McAvoy called the meeting to order at 6 p.m.

1. **MINUTES – January 11, 2016** – *It was motioned and seconded to approve the minutes of the January 11, 2016 Services Committee meeting. Unanimous vote (7-0) in favor.*

2. **OLD BUSINESS**

- a. **Review of correspondence to landowner regarding Skehan Center lease** – *Manager Jennings reported that, following on the Committee's direction at its December meeting, he is working on a letter to the owner of the former Hampden Academy to document issues regarding the heating and electrical costs associated with the Skehan Center lease. He circulated a draft letter for discussion and asked the Committee whether the letter should also include identified concerns regarding parking, and ensuring that the Recreation Department has access to those spaces identified in the lease. The Committee agreed this should be included.*

The Committee asked that the Manager post the executed Skehan Center lease to the Recreation Department website and the Manager agreed he would do so.

3. **NEW BUSINESS**

- a. **Recreation/Conservation Reserve Account (3-769-00), including funds received in lieu of open space: Update on account balance, and discussion of eligible uses** – *In support of the Committee's request at a prior meeting regarding the account balance in the Recreation/Conservation account, and the eligible uses for these funds, Manager Jennings circulated excerpts of the two sections of the Ordinances (one in Zoning, one in Subdivision) that provide for dedication of open space (or payment of funds in lieu of open space) as part of new development. The Committee discussed this language for guidance regarding what uses of these funds would be*

consistent with the language in the ordinances. Sec. 544(3) of the Subdivision Ordinance applies a standard that "Land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision." Councilor Marble said he thought that if recreational resources were available to the general public that this would satisfy this language. He noted that, in many cases, there may not be a practical way to apply funds within or in close proximity to a specific subdivision.

[Councilor Cormier arrived.]

Manager Jennings discussed a precedent in his prior work in Massachusetts whereby funds deposited into a "gift account" (which is defined in statute) were deposited for a specific purpose, and could only be expended in a manner consistent with that purpose. If the purpose was general, or if it was for the benefit of a specific location, this would govern eligible uses. He suggested that a similar approach may make sense here, but because there is not a consolidated record of all deposits to this account over the years and any specified purposes (if any), it may be beneficial for the Committee to recommend a framework to define eligible uses and to guide management of this account.

Mayor Ryder noted that several developments set aside land as open space rather than providing funds in lieu. Councilor Marble asked whether such land was for specific use by the residents or open to the general public. Manager Jennings said that it varies depending on the terms of deed restrictions which have been put on specific open space parcels, and noted that in at least one instance the open space within a development was eligible public land for bow hunting (not rifle hunting). He expressed that he hadn't been totally comfortable granting this request when it came in last fall, but after review of the law and the open space restrictions in that specific location, he did not feel that he could deny the request. He approved it, but advised the hunter to be aware that this is a residential neighborhood and that he should notify residents prior to hunting the back land of the development because, even though it's publicly owned land, it may be perceived by neighborhood residents as part of their back yards. He used this as an example of how public open space within neighborhoods may not always make sense.

Councilor McAvoy said that he felt that recreation/conservation land should be convenient to the people served. Councilor Wilde noted that the language refers to land "purchase or developed" and that this could include improvements to land or facilities already owned by the public. Manager Jennings agreed with this interpretation, and Mayor Ryder agreed that "developed" would include improvements to existing resources.

Councilor McPike asked for clarification regarding the purpose of tonight's discussion. Mayor Ryder said that we're trying to make clear how these funds

can be used. He said that he felt the funds should be used to serve Hampden residents. Councilor Wilde agreed that the funds should result in a public good. Manager Jennings suggested that the issue for consideration is to determine what is within the intent and spirit of the Ordinance that generated the funds.

Councilor McAvoy asked whether the intent is to create an obligation that is greater than the available amount of funds (i.e. to purchase new land). He said he had no problem with putting the funds toward a facility the Town already owns.

Mayor Ryder noted that Dorothea Dix Park needs benches and signs. Papermill Park needs improvements. The VFW land would benefit from parking where the ice rink used to be. All of these are current public facilities. Councilor Marble agreed we should put the funds to public use.

Councilor McPike suggested that a simple one-page policy guiding use of these funds would be helpful, which could be reviewed by the Town Attorney if needed.

Resident Jeremy Jones asked whether, once the Ordinances requiring open space set-asides are repealed, the land would be given back to the developer or to abutters. Mayor Ryder said that, once the open space is no longer required, a developer (or whomever is the owner of the land) would have the option to resubmit the plan removing the open space.

4. PUBLIC COMMENTS – *Manager Jennings brought up an issue that had been brought to his attention earlier in the day by GIS/IT Specialist Severance. He asked the Committee whether they would like staff to file the paperwork for continued recognition of Hampden under the Tree City USA program. There was discussion about the level of effort needed, and whether there were adequate benefits to participation to justify the effort and paperwork. Councilor Wilde made a motion to table this matter, seconded by Councilor McAvoy. There was discussion, and Councilor Wilde withdrew the motion. He made another motion to not pursue the Tree City USA designation this year. Councilor Sirois seconded, and the motion carried by unanimous vote.*

5. COMMITTEE MEMBER COMMENTS – *Councilor McAvoy asked whether the Farmers' Market would go to the Kiwanis. Manager Jennings said that it operates in the Town Office parking lot in the summer and at the Kiwanis building in the winter.*

There being no further business, the meeting was adjourned at 6:46 p.m.

Respectfully submitted –
Angus Jennings, Town Manager

INFRASTRUCTURE COMMITTEE MEETING

Wednesday, January 13, 2016

MEETING MINUTES**Attending:***Councilor Dennis Marble, Chair**Mayor David Ryder**Councilor Terry McAvoy**Councilor Greg Sirois**Councilor Stephen Wilde**Councilor Ivan McPike**Town Manager Angus Jennings**DPW Director Sean Currier*

Chairman Marble called the meeting to order at 6 PM.

1. **MINUTES – 12/28/2015 Meeting** – *There was a motion and a second to approve the December 28, 2015 minutes. The vote was 5-0 vote in favor. Councilor McPike did not vote since his term on the Council had not started before the previous meeting.*

2. OLD BUSINESS

- a. **Proposed changes to sewer rates to cover operational and prior incurred costs – Town Manager Angus Jennings** – *Manager Jennings presented his memo, included in the meeting packet, summarizing the need for sewer rates to increase in order to cover operational and debt service costs. Sewer rates were increased just one time since 1998, in 2009. He projected a database on the wall which included every sewer customer, total revenues (both service charges and capital charges) for 2014 (the last complete year of billings available). The database allowed for adjustment of rates with instantaneous recalculation of what that rate would generate in total projected revenues (service and capital), as well as how rate adjustments would affect sewer customers using the median amount of flow, and the 25th percentile and 75th percentile flows. DPW Director Currier provided information to the Committee regarding sewer operations and costs, including the need to budget for reserves to provide for system maintenance, repairs and upgrades.*

The Committee discussed the sewer rates at length, and “tested” several rate scenarios.

Councilor McAvoy asked how the City of Bangor’s rates had changed since 1998, and suggested looking at how these increases would have affected Hampden sewer customers, if the Hampden rates had been adjusted every year or two, like Bangor. Manager Jennings and DPW Director Currier agreed to look into this.

The Committee recommended referring this matter to the Town Council to schedule a public hearing to amend the Fees Ordinance relative to sewer rates.

3. NEW BUSINESS

- a. **Set date for next meeting of Infrastructure Committee – Tonight's meeting was a special meeting of the Committee. The Committee members asked Manager Jennings whether there were any items scheduled for the regular January meeting of the Infrastructure Committee and he said that there weren't. Items that will be brought forward to the Committee can wait until February. The Committee agreed to cancel the Infrastructure Committee's regularly scheduled meeting in January.**

4. PUBLIC COMMENTS – None.

5. COMMITTEE MEMBER COMMENTS – None.

There being no further business, the meeting was adjourned at 7:28 PM.

Respectfully submitted –
Angus Jennings, Town Manager

D-2-A

NOTICE OF HEARING
Pursuant to 17 M.R.S.A. § § 2851-2859
(Dangerous Buildings)

TO: JAMES BUTLER, JR.
691 MAIN ROAD NORTH
HAMPDEN, MAINE 04444

You are hereby notified that the Municipal Officers of the Town of Hampden, Maine will hold a hearing on March 21, 2016 at 7:00 PM at the Town of Hampden Municipal Building, Town Council Chambers, to determine whether the residential building/structure owned by you and located on land owned by you and shown on Map 21, Lot 008 of the current Tax Maps of the Town of Hampden, Maine on file at the Town of Hampden Municipal Building, Assessor's Office, is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851.

If the Municipal Officers find that the building/structure is dangerous or a nuisance, they may order appropriate corrective action, including but not limited to demolition and removal of the building/structure. If their order is not complied with by the deadline stated in their order and no appeal is taken, the Municipal Officers may take the corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action. This hearing is your opportunity to present evidence as to why the building/structure is not dangerous and to oppose any corrective action ordered by the Municipal Officers.

Dated: March 7th, 2016 Municipal Officers Town of Hampden, Maine

/s/ David Ryder
/s/ [Signature]
/s/ [Signature]
/s/ Terry McAvoy

/s/ Stephen Wilde
/s/ Mark Cormier
/s/ Ivan McPike

STATE OF MAINE
Penobscot County, ss

Date: March 7, 2016

Personally appeared before me the above-named David Ryder,
Stephen Wilde, Gregory Sirois,
Mark Cormier, Ivan McPike,
Terry McAvoy, and Dennis Marble
and each acknowledged the foregoing instrument to be his/her free act and deed.

Cheryl M. Johnson
Notary Public/Attorney at Law

Cheryl M. Johnson
Notary Public • State Of Maine
My Commission Expires March 20, 2020

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February 17, 2016

Mayor David Ryder
Members of the Hampden Town Council
106 Western Avenue
Hampden, Maine 04444

Ref: 758 Main Road North, Title 17, §2851. Dangerous buildings

Mayor Ryder:

This letter is to inform you and the members of the Town Council of the condition and status of the two-family dwelling located at 758 Main Road North in Hampden, Tax Map 21 Lot 008. The property is currently owned by James Butler, Jr. of 691 Main Road North in Hampden.

I was first made aware of the condition of this property during a field inspection around the end of August 2015 by a concerned contractor. On August 31, 2015, I sent Mr. Butler a certified letter requesting an on-site meeting "to discuss the condition of the building and possible mitigation of the condition." The USPS attempted to deliver and left notice of this certified letter on September 3, 2015 and September 10, 2015 and the letter was returned to the town on September 18, 2015. Lt. Jason Lundstrom then made contact with Mr. Butler on October 8, 2015 and spoke with him in person. Please see the enclosed activity report for details on that conversation. This in-person meeting was followed up with a letter on October 14, 2015 which was sent by certified mail and delivered and signed for by Mr. Butler on October 15, 2015. Copies of both letters are enclosed as part of this packet.

Lt. Lundstrom's Activity Report documents both the communications the Code Enforcement Office has had with Mr. Butler since the delivery of the last letter, and the lack of remediation efforts by Mr. Butler on the property.

Photographs (copies enclosed) of the structure taken on August 25, 2015, November 17, 2015 & February 17, 2016 show its continual decline.

Lt. Lundstrom and I both agree that the structure is structurally unsafe, unstable, and unsanitary; it poses a fire hazard, a health and safety hazard, and is ultimately a danger to life and/or property. Numerous sections of the foundation walls have collapsed and first-floor joists have fallen into the basement and are no longer supporting the structure. Since August, we have noted that the building continues to deteriorate steadily. The windows are starting to fall in on themselves and the building appears to be collapsing in the middle. The foundation collapse noted above has exposed the interior of the building to the weather and

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outside elements, creating unsanitary conditions visible from the exterior. A survey of the 1st and 2nd floor spaces for unsanitary conditions has not been performed due to the potential structure collapse. If the building were to completely collapse, it would be a fire hazard as there is still power connected to 1 of the entrance boxes. In the current condition, this structure is a health and safety hazard as it is not suitable for human habitation.

This property poses significant danger to persons and property abutting the structure, as well as the general public that traverse Main Road North. In the event of collapse, both areas are within the collapse zone of the building.

Lt. Jason Lundstrom is currently sworn in by the Town of Hampden as the Fire Inspector responsible for enforcement of Life Safety Code and Fire Code, the Alternate Building Official and Inspector responsible for enforcement of Building Code, Alternate Code Enforcement Officer responsible for Zoning and Land Use Ordinance, and the Local Health Officer. Lt. Lundstrom is also employed by the town as a Fire Lieutenant-Training Officer/Advanced EMT. Lt. Lundstrom is certified by the Maine Department of Economic and Community Development, Code Enforcement Officer Training and Certification Program in Residential Building Code, Commercial Building Code, Residential Energy Code, Commercial Energy Code, Residential Ventilation Code and Commercial Ventilation Code. Since initial certification in January 2015, Lt. Lundstrom has completed additional training consisting of 3-hours of Legal Issues, 6-hours of Residential Building Code, 12-hours of Commercial Building Code, and 3 hours of Residential Energy. Lt. Lundstrom is certified by the ProBoard Fire Service Professional Qualifications System as a Firefighter I & II, Fire Instructor I & II, and Fire Officer I & II. Lt. Lundstrom has further certification from the Maine Center for Disease Control & Prevention, Division of Infectious Disease as a Local Health Officer. Lt. Lundstrom is licensed by Maine EMS as an Advanced Emergency Medical Technician. Lt. Lundstrom also holds an Associates of Applied Science Degree in Fire Science Technology from Southern Maine Community College.

Currently I am sworn in by the Town of Hampden as the Code Enforcement Officer, Local Plumbing Inspector, Alternate Building Inspector responsible for Enforcement of Building Code, and Alternate Fire Inspector responsible for Enforcement of Life Safety Code and Fire Code. I am also employed by the town as a Firefighter/Paramedic. I am certified by the Maine Department of Economic and Community Development Code Enforcement Officer Training and Certification Program in Land Use, Shoreland Zoning, Residential Building Code, Commercial Building Code, Residential Energy Code, Commercial Energy Code, Residential Ventilation Code, Commercial Ventilation Code, and Residential Radon Code. Since initial certification in January 2015, I have completed additional training consisting of 6-hours of Legal Issues, 3-hours of Land Use, 9-hours of Residential Building Code, and 15-hours of Commercial Building Code. I am also certified by the Maine Department of Economic and Community Development, Municipal Code Enforcement Certification as a Local Plumbing

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Inspector. Additionally, I hold certifications from the ProBoard Fire Service Professional Qualifications System as a Firefighter I & II, Fire Instructor I & II, and Fire Officer I & II. I am licensed by Maine EMS and Certified by the National Registry of Emergency Medical Technicians as a Paramedic. I also hold a Bachelor of Science Degree in Marine Engineering Technology from Maine Maritime Academy and an Associate of Applied Science Degree in Emergency Medical Services from Eastern Maine Community College.

Ultimately, both Lt. Lundstrom and I individually and jointly, agree that the structure located at 758 Main Rd North, Tax Map 21 Lot 003, constitutes a Dangerous Building under M.R.S. Title 17 §2851. It is the opinion of the Code Enforcement Office that the building is structurally unsafe, unstable, and unsanitary; and it poses a fire hazard, a health and safety hazard, and a danger to life and property in its current condition. Based on this conclusion, we recommend that the building be deemed dangerous and the removal of the building be ordered under the statutory authority given to the municipal officers of the Town of Hampden.

Respectfully Submitted,

Myles M. Block
Code Enforcement Officer

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DANGEROUS BUILDING 758 MAIN ROAD NORTH

ACTIVITY LOG

A violation file was opened reference property owned by James Butler at 758 Main Road North (Route 1A) in the Town of Hampden. On 11/20/2015, a violation permit was created in the Trio Records Management system to track and document the violations and corrective actions.

10/8/2015

I (Lt. Jason Lundstrom) spoke with James Butler at his office in reference to the property he owns at 758 Main Road North in Hampden. I advised Mr. Butler that we had received multiple complaints from residents concerned that the building itself would collapse, or that the chimney would fall off and into the traffic of the highly traveled Route 1A. Mr. Butler said he was aware of the condition of the building, but advised he had no plan to stabilize the building in the near future. I advised Mr. Butler it was imperative that the building be stabilized or removed because the current status poses a risk to the public. Mr. Butler stated he would have to think about this, and that he would have to come up with a plan because he did not want to tear the building down. He stated, "I will fight the town every step of the way if they try to tear my building down."

After speaking with Mr. Butler, I consulted with CEO Myles Block and Public Safety Director Joe Rogers. It was our consensus that the property posed a risk to the public, including passing motorists. A certified letter was drafted and mailed to Mr. Butler on 10/14/15 directing him to put a fence around the property and remove the chimney now, and we would revisit the status of the building in the spring. We felt this gave Mr. Butler an opportunity to properly stabilize the building.

Mr. Butler stated he was not going to put a fence around the property. He asked if he could stabilize the building himself. I advised him that if he was going to do so, it would need to be done under the direction and approval of a structural engineer. I told him that the engineer would have to provide a stamped letter outlining the scope of the work. Mr. Butler said he agreed and would take that option. He advised he would call our office to provide a timeline for the work to be completed.

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*Dangerous Building
758 Main Road North
Lt. Jason Lundstrom
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11/11/2015

At 1608 hours I received a phone call from James Butler. He indicated he had assessed the damage at 758 Main Road North, and realized that the repairs are more extensive than he had anticipated. He stated he was going to use a jack hammer to cut up pieces of the concrete foundation that have failed. He stated he would then remove the concrete and place temporary cribbing. He stated he would then place railroad ties as semi-permanent cribbing until he can replace the foundation under the building. He explained this work would be done within two weeks, but it could potentially take up to 30 days. I advised him I would follow up with him in two weeks to check on the status of the project. I asked Mr. Butler if he had consulted a structural engineer to assist in developing a plan to stabilize the building. He said he did, but didn't identify the engineer. I advised him that per our conversation in early November, he was to have a letter submitted to the Town of Hampden stamped by the engineer outlining the scope of the work and approving the stabilization plan. Mr. Butler stated he would consult with the engineer again and assured me that he would submit the stamped letter to the town as part of the remediation plan.

11/30/2015

An inspection of the property revealed that no work had been done at all.

12/30/2015

At 1147 hours, I spoke with James Butler reference the property at 758 Main Road North. Mr. Butler stated he had still not completed the work to make the property safe. Mr. Butler stated there was a lot going on in his life and that he was focusing on other things at this point. Mr. Butler said he was aware of the danger the building posed, and knew it needed to be addressed; but he could not make the repairs to the building at this point and could not identify a time he would be able to do so. I explained to Mr. Butler that I would speak with Town Manager Angus Jennings to determine how the Town Council wished to proceed. I advised I would contact him both by phone and in writing to notify him of the Town's plan.

I spoke with Town Manager Angus Jennings who said he would present this situation to the Planning and Development Committee at their next meeting on January 6, 2016 at 1800 hours.

2/11/2016

As of this date, I have not had any further communication from James Butler reference the property at 758 Main Road North. It is the opinion of the Code

Dangerous Building
758 Main Road North
Lt. Jason Lundstrom
2/11/2016

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Enforcement Department that this building fits M.R.S. Title 17 § 2851, Chapter 91
(4), Dangerous Buildings.

*Dangerous Building
758 Main Road North
Lt. Jason Lundstrom
2/11/2016*

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Lieutenant/Paramedic

Myles Block
CEO/Paramedic

Jared LeBarnes
Building Inspector/Paramedic

Joseph Dunton
Paramedic/Chaplain

Matthew Thomas
FF/Paramedic

Shaun McNally
FF/Paramedic

Aaron Jellison
FF/Paramedic

Matthew Roope
FF/Paramedic

Code Enforcement Office Enforcement Action 16-129

Dangerous Building 758 Main Road North Photograph Descriptions

Photo 1

Photo taken on 8/25/15 – Shows the front view condition of the property. Note the uneven ridge line, chimney flashing that the roof has fallen down from, and the front porch that is leaning into the structure. Also note the close proximity to the abutting structure and the sidewalk and roadway of Main Rd N.

Photo 2

Photo taken on 8/25/15 – Shows the left rear side of the structure with lack of a foundation wall on the right side of the photo. Also note the trash and supporting members that have fallen.

Photo 3

Photo taken on 8/25/15 – Is a view looking under the front porch looking into the basement. Note the collapse of the foundation wall as well as the supporting floor members that have fallen into the basement. You can also clearly see the interior basement stairs.

Photo 4

Photo taken 11/17/15 – Another front view of the property with further tilting of the window sashes noted.

Photo 5

Photo taken 11/17/15 – Shows the tilting of the window sashes being caused by the lack of support of the structure. You can also note the foundation wall is not in contact with the structure.

Photo 6

Photo taken 11/17/15 – Note the electrical service still connected to the structure as well as the deterioration of the foundation wall.

Photo 7

Photo taken 11/17/15 – Note the tilting of the window sashes, the siding that is starting to come off from the lack of building support and the roof soffit area coming apart from the structure.

Photo 8

Photo taken 11/17/15 – Note the tilting of the window sashes, siding and soffit issues as well as the connected electrical service.

Hampden Public Safety

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Photo 9

Photo taken 11/17/15 – Front view, note the Chimney flashing and the overall appearance that that structure on falling into the center. Also note the lack of foundation on the lower left.

Photo 10

Photo taken 2/17/16 – Front view after a couple snow storms, Note the front left window sash has now fallen and the roof has moved more from the chimney flashing.

Photo 11

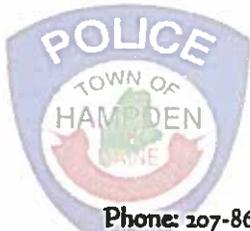
Photo taken 2/17/16 – Note the continued tilting of the window sashes and the fallen foundation wall.

Photo 12

Photo taken 2/17/16 – Note the movement of the lower window frame no longer could the window up and it was fallen open and the tilting of the window sashes above and below.

Photo 13

Photo taken 2/17/16 – Note the increased movement of the roof from the chimney and increased roof collapse/damage around the chimney.



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Photo 1

8/25/2015



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Photo 2

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Photo 3

Photo taken on 8/25/15 – Is a view looking under the front porch looking into the basement. Note the collapse of the foundation wall as well as the supporting floor members that have fallen into the basement. You can also clearly see the interior basement stairs.





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Photo 4

Photo taken 11/17/15 – Another front view of the property with further tilting of the window sashes noted.





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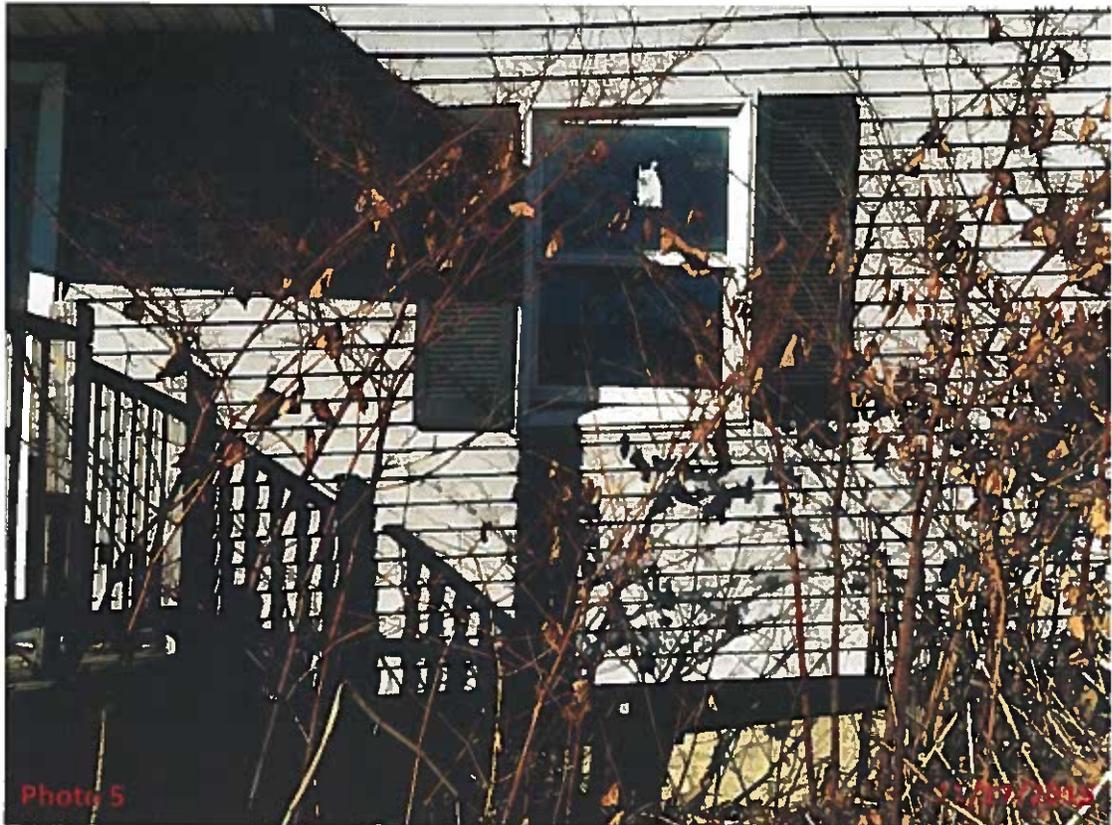
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Photo 5

Photo taken 11/17/15 – Shows the tilting of the window sashes being caused by the lack of support of the structure. You can also note the foundation wall is not in contact with the structure.





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Photo 6

Photo taken 11/17/15 – Note the electrical service still connected to the structure as well as the deterioration of the foundation wall.





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Photo 7

Photo taken 11/17/15 – Note the tilting of the window sashes, the siding that is starting to come off from the lack of building support and the roof soffit area coming apart from the structure.





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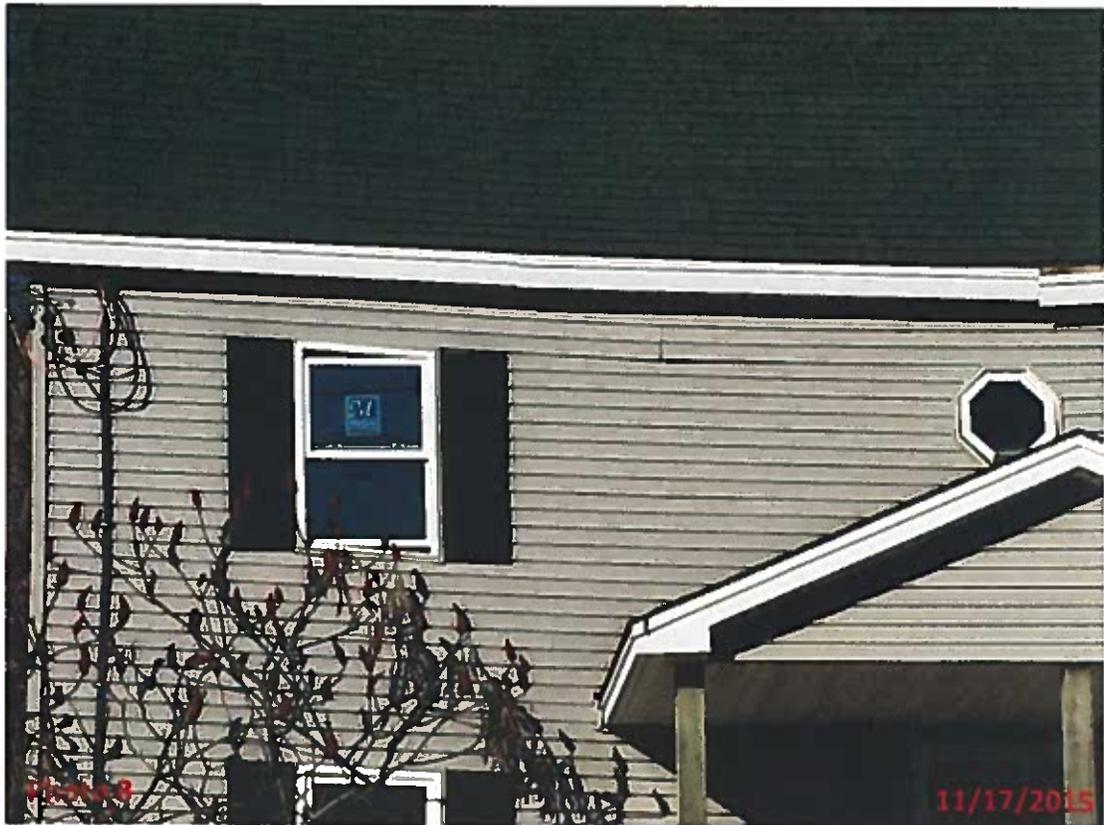
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Photo 8

Photo taken 11/17/15 – Note the tilting of the window sashes, siding and soffit issues as well as the connected electrical service.





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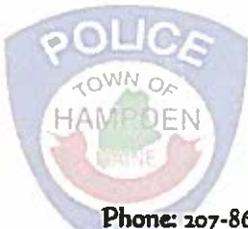
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Photo 9

Photo taken 11/17/15 – Front view, note the Chimney flashing and the overall appearance that that structure on falling into the center. Also note the lack of foundation on the lower left.





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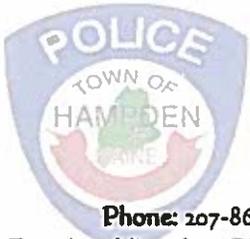
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Photo 10

Photo taken 2/17/16 – Front view after a couple snow storms, Note the front left window sash has now fallen and the roof has moved more from the chimney flashing.





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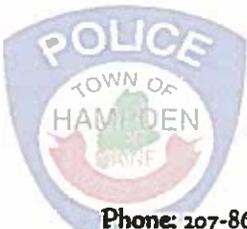
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Photo taken 2/17/16 – Note the increased movement of the roof from the chimney and increased roof collapse/damage around the chimney.



FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859 (DANGEROUS BUILDINGS)

TO: James W. Butler, Jr., 691 Main Road North, Hampden, Maine, 04444.

On March 21, 2016 at 7:00 pm. at the Town of Hampden Municipal Building, Town Council Chambers, the Municipal Officers of the Town of Hampden, Maine held a hearing to determine whether the building/structure owned by you and located on land owned by James W. Butler, Jr., described as **758 Main Road North, Hampden, Maine and shown on Map 21, Lot 008**, of the current Tax Maps of the City of Hampden, Maine on file at the Town of Hampden Municipal Building, Assessor's Department at 106 Western Avenue, Hampden, Maine, is a dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of said hearing was duly served on said owner and all parties in interest on March 10, 2016. The following persons were present and testified:

Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

Based on the foregoing findings, the Municipal Officers conclude that said building/structure is dangerous or a nuisance because (specify applicable conditions as described in 17 M.R.S.A. § 2851):

THEREFORE, pursuant to 17 M.R.S.A. § 2851, you are hereby OREDERED to (specific action): _____

Said abatement to be completed within _____ days of service of this Order. This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake said abatement at municipal expense and recover all such expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: March ___, 2016 Municipal Officers, Town of Hampden, Maine.

/s/ _____
David Ryder

/s/ _____
Stephen Wilde

/s/ _____
Gregory Sirois

/s/ _____
Mark Cormier

/s/ _____
Ivan McPike

/s/ _____
Terry McAvoy

/s/ _____
Dennis Marble

STATE OF MAINE
PENOBSCOT, ss.

March ___, 2016

Personally appeared before me the above-named David Ryder, Stephen Wilde, Gregory Sirois, Mark Cormier, Ivan McPike, Terry McAvoy and Dennis Marble and each acknowledged the foregoing instrument to be his/her free act and deed.

Notary Public



Check One: Initial Application
 Reappointment Applicant

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Sherwood Lowell T Jr

ADDRESS: 63 Geifford Ave Hampden 01444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 862-2273 745-7932
HOME WORK

EMAIL: tshhs@aol.com

OCCUPATION: Retired

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Dyer Library

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? 50 years of successful business experience

Long time Library Patron

Librarian asked that I apply

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

- 3 YEAR
- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK
- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>2/22/2016</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Original Return - 10/1/2015
Refer to F&A



Check One: Initial Application
 Reappointment Application

D-3-B

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: MAGAW BETTY (BAMBI) A.
LAST FIRST MI

ADDRESS: 502 MAIN ROAD SOUTH HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: (207) 862-5110 _____
HOME WORK

EMAIL: bammo@tds.net

OCCUPATION: MEDIATOR (STATE OF MAINE COURTS) / TRANSPORTATION SECURITY
DHS/TSA OFFICER

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: PERSONNEL APPEALS BOARD AND/OR BOARD OF APPEALS

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? As a professional mediator (20+ years), I have developed excellent listening and communication skills. Listening as a neutral allows me to consider all aspects of the issue(s) and then enable me to work together with others to explore options for resolution. Additionally, I'm very familiar working with legal documentation, contracts, ordinances, statutes, etc.

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

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

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>NOV 17 2015</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

D-4-A

TO: Finance Committee and Town Council
FROM: Angus Jennings, Town Manager
DATE: March 17, 2016
RE: Proposed FY16 Budget Adjustment for TIF funds

As was discussed at the March 7 meetings of the Finance Committee and the Town Council, the approved FY16 budget budgeted \$20,000 for TIF. This amount was inadequate to support the FY16 Credit Enhancement Agreement (CEA) obligations of \$100,260.11 and was well short of the \$189,147.88 that the Assessor reported to Maine Department of Revenue (DOR) as the TIF Financing Plan Amount in her 2015 Tax Rate Calculation Form.

At the prior meeting, the Council approved a budget adjustment of \$80,260.11 from the Unassigned Fund Balance to the TIF Budget Account 67-01-55-25. This will allow us to meet our FY16 obligations under the CEAs.

As was discussed at that meeting, the matter now before you is whether to transfer some or all of the remaining eligible amount to the TIF Budget Account for use in FY16, and/or for carry-forward to subsequent fiscal years. (Just as with Reserve Accounts, unexpended TIF balances survive the change of fiscal years).

Because the Assessor's calculation and reporting of TIF revenues to DOR was accurate, the maximum allowable TIF revenues may be "sheltered" – provided that such funds are actually budgeted to TIF. Accounting for the prior budget adjustment to meet the CEA obligations, and excluding revenues from the HEC Hampden TIF (which, per the terms of the TIF Agreement, are deposited to the General Fund and not subject to TIF sheltering), this leaves an amount of \$88,887.51 that is eligible for transfer to TIF funds and for use for the purposes included in the approved TIF agreements. The large majority of this amount – \$86,198.00 – results from the Emera TIF; eligible purposes for Emera TIF funds (if sheltered) are summarized at the end of this memo.

If the Council wishes to "shelter" the full eligible amount, a motion to amend the FY17 budget to transfer \$88,887.51 from Unassigned Fund Balance to the TIF Budget would be in order. At Monday's meeting the Council may, but need not, make any decision regarding how such funds

would be expended. This action would simply transfer the funds to allow for future use for TIF eligible purposes.

If less than the full amount of reported TIF revenues is transferred, the portion not transferred would remain in the General Fund, and my office would work with the Assessor to file an amended 2015 Municipal Tax Rate Calculation Standard Form. This would affect DOR's calculation of Municipal Revenue Sharing, County Tax, and the Town's portion of assessment for RSU-22 (since each of these is based on total valuation, and were based on the reported TIF revenues).

<u>Eligible Uses, Emera TIF Funds</u>	
<u>Within District</u>	<u>Cap (over the life of the TIF)</u>
Capital costs including land acquisition/road upgrades and public infrastructure including power/sewer/water/natural gas utilities, building demolition/alteration, site preparation/finishing work, associated fees/expenses (some exclusions)	\$ 1,960,000.00
Financing	\$ 75,000.00
Real property assembly such as right of way acquisition	
Professional services including planning/licensing/legal	\$ 50,000.00
Administration including prorated municipal salaries	\$ 32,000.00
Organizational costs including impact studies	\$ 5,000.00
<u>Outside District</u>	
Infrastructure improvements	\$ 18,150,000.00
Public safety such as traffic mitigation/ signalization and fire protection equipment	\$ 1,000.00
Portage of revenues to future downtown-designation Municipal TIF District, while its IAV capture remains 100%	\$ 300,000.00
<u>Within Municipality</u>	
Economic development programs/events that market Town as business location, marketing/feasibility and other studies, prorated municipal salaries	\$ 200,000.00
Environmental improvement projects	\$ 50,000.00
Permanent revolving loan funds, investment funds and grants per Sec. 5225(1)(C)(3) for costs of economic development activities authorized by 30-A M.R.S. Sec. 5225 and Department rules as may be amended from time to time	\$ 50,000.00
Training fund/scholarships for jobs created or retained in Hampden	\$ 100,000.00
Recreational trails	\$ 40,000.00
Grant matching related to economic activities in 30-A M.R.S. Sec. 5221-5235	\$ 100,000.00
	\$ 21,113,000.00

Tax Increment Financing (TIF) How to Effectively Use it in Your Community

So What is a TIF?

TIF stands for “Tax Increment Financing”

TIF Captures the taxes on new investment while protecting the “Original Assessed Value” for the General Fund. The difference is the ‘increment’.

TIF is a LOCAL economic development financing tool

TIF is a flexible finance tool used by municipalities, towns, plantations, and unorganized territories to leverage new property taxes generated by a specific project or projects.

Types of TIF

Economic Development or “Municipal” TIF

Created by State Statute and administered by the Maine Department of Economic & Community Development

Affordable Housing TIF “AHTIF”

Created by State Statute and administered by Maine State Housing Authority

RUDMAN • WINCHELL
COUNSELORS AT LAW

Purpose of TIF

Economic Development or “Municipal” TIF

Created to promote new development to:

- Provide new employment opportunities;
- Improve and broaden the tax base; and
- Improve the general economy of the State.

Affordable Housing TIF “AHTIF”

Created to promote the development of affordable, livable housing and contain the costs of unplanned housing growth in Maine.

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COUNSELORS AT LAW

Components of a TIF

Defined Geographic Boundary

Development Program

Financial Plan

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COUNSELORS AT LAW

Standard Municipal District Conditions

Criteria:

At least 25% of the real property within a district must meet at least one of the following criteria.

Must be:

- 1) blighted;
- 2) in need of rehabilitation, redevelopment or conservation work including a fisheries and wildlife or marine resources project; or
- 3) suitable for commercial or arts district uses.

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Standard Municipal District Conditions

Valuation Limitations:

OAV of all Districts cannot exceed 5% of municipal valuation.

Acreage Limitations:

Total area of a district may not exceed 2% of the total acreage of the municipality. Total area of all districts may not exceed 5% of total acreage of the municipality.

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Exemption Districts

Large Taxpayer Districts: The proposed project exceeds \$10,000,000 and the OAV of the District exceeds 10% of the total taxable value of the municipality.

- other conditions apply
- *Not subject to valuation limitation*

Downtown Districts

Wind Power District: generation facilities owned by a community wind power generator

Transit-Oriented Districts

- *These Districts NOT subject to criteria, acreage or valuation limitations.*

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Why Pursue TIF?

Municipality

- Means of funding economic development efforts;
- Tool for attracting investment, thus increasing tax base;
- Control of performance standards related to project;
- Protects from loss of state revenue sharing (tax shift)

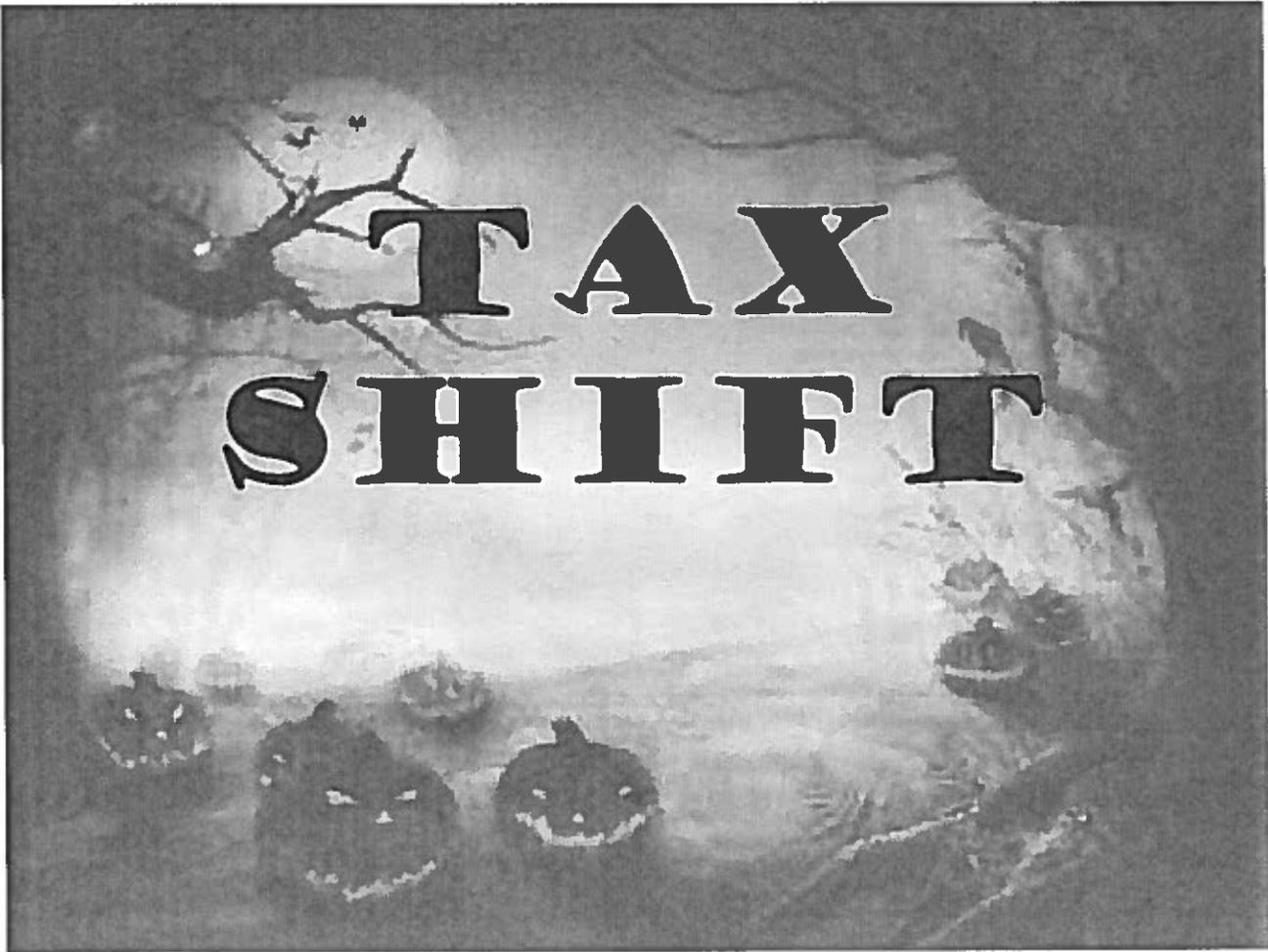
Developer / Company

Via credit enhancement, TIF provides:

- An annual revenue stream;
- Increases profitability of the project;
- An aid in securing financing;
- Effectively reduces the property tax burden

RUDMAN - WINCHELL

COUNSELORS AT LAW



**TAX
SHIFT**

How Economic Development Works Without a TIF

- Municipal assessed value is used to compute:
 - General Purpose Aid to Education
 - State Revenue Sharing
 - County Taxes
- When valuation increases, is a *decrease* in Education Subsidy and Municipal Revenue Sharing and an *increase* in County Tax obligations.
- This means that *new* tax revenues resulting from a development project must fund lost subsidies and increased County taxes.

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COUNSELORS AT LAW

Every New Tax Dollar – without the TIF *One small town in Maine...*



70% Lost Revenue : 3% - Revenue Sharing
55% - School Aid
12% - County Tax

Every New Tax Dollar – with the TIF



No Lost Revenue
(assumes 100% TIF)

TIF Documentation

Development Program

- Project Description
- Projects to be funded with TIF Revenues
- Map of District Boundaries
- Financial Plan: TIF Revenue Projections, Value/ Structure of credit enhancement and Tax Shift Calculation
- Assessor's Certification
- Evidence of Municipal Approvals
- Statutory Requirements and Thresholds

Credit Enhancement Agreement (if applicable)

Eligible Project Costs

Costs of improvements made within the tax increment financing district, including, but not limited to:

- 1) Capital costs;
- 2) Financing costs;
- 3) Real property assembly costs;
- 4) Professional service costs;
- 5) Administrative costs;
- 6) Relocation costs;
- 7) Organizational costs; and
- 8) In transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited to operator salaries, vehicle fuel and vehicle parts replacements

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Eligible Project Costs

Costs of improvements that are made outside the TIF district but are directly related to or made necessary by the district:

- 1) Portion of costs reasonably related to the construction, alteration or expansion of facilities not located within the district that are required due to improvements or activities within the district;
- 2) Costs of public safety improvements made necessary by the establishment of the district; and
- 3) Costs of funding to mitigate any adverse impact of the district upon the municipality and its constituents. This funding may be used for public facilities and improvements if:
 - The public facilities or improvements are located in a downtown TIF district; and
 - The entire tax increment from the downtown TIF district is committed to the development program of the tax increment financing district

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Eligible Project Costs

Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training within the municipality:

- 1) Economic development programs or events developed by the municipality or marketing the municipality as a business or arts location;
- 2) Costs of funding environmental improvement projects for commercial or arts district use or related to such activities;
- 3) Establish permanent economic development revolving loan funds, investment funds and grants;
- 4) Services and equipment to provide skills development and training;

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Eligible Project Costs

Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training within the municipality (continued):

- 5) Quality child care costs, including finance costs, construction, staffing, training, certification and accreditation costs related to child care;
- 6) Costs associated with new or existing recreational trails determined to have significant potential to promote economic development;
- 7) Costs associated with a new or expanded transit service; and
- 8) Costs associated with the development of fisheries and wildlife or marine resources projects.

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Eligible Project Costs

Costs of constructing or improving facilities or buildings leased by State Government or a municipal or plantation government that are located within approved Downtown TIF districts.

except for above...buildings or facilities used predominantly for the general conduct of government or for public recreational purposes are not eligible for funding with TIF revenues.

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Minimum Procedure for Creating/Amending a TIF District

- Public notice
- Public hearing
- Vote by legislative body (City Council, Town Council, Town Meeting)
 - Designation of TIF District
 - Development Program for the District
- Approval by Commissioner of the Department of Economic and Community Development (DECD)

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COUNSELORS AT LAW

Timing Issues

- Original Assessed Value (OAV)
 - The OAV is the starting value for the TIF district.
 - As of March 31 of the tax year preceding the year in which it was designated by the legislative body of the municipality.
- Project Financing can drive timing (for TIFs with CEAs)
- For town meeting forms of government: Annual vs. Special Town Meeting
- Publish the public hearing notice at least 10 days prior to the public hearing.

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Commissioner Review: TIF Criteria & Program Limits

- 25% of area blighted; need of rehabilitation, redevelopment or conservation, or suitable for commercial or arts district uses
- Acreage Cap
- Value Cap
- Term limits

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COUNSELORS AT LAW

Commissioner Review: Other Statutory Requirements

- Financial Plan
- Public Process
- Project Eligibility

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COUNSELORS AT LAW

Some Examples of What TIFs can accomplish

- Maximize Tax Dollars
- Fund Infrastructure Improvements
- Solve Environmental Problems
- Attract New Investment
- Create/Retain Jobs
- Promote Downtown Development
- Promote Transit-Oriented Development
- Leverage other Sources of Revenue

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TOWN OF HAMPDEN

IN THE TOWN COUNCIL

Order 2016-01

Adoption: March 21, 2016

ORDER ESTABLISHING RULES FOR THE EXPENDITURE OF CONSERVATION/RECREATION FUNDS

Whereas, the Town of Hampden has received, over the course of years, funds in lieu of open space that would otherwise have been required pursuant to Town ordinances; and

Whereas, said funds are held in a Conservation/Recreation General Ledger Account; and

Whereas, the Town Council desires to maximize the potential public benefit that may result from expenditure of said funds in a manner that is not inconsistent with the purposes for which the funds were provided;

It is hereby **ORDERED**, that, beginning on March 21st, 2016 Conservation/Recreation funds may be properly expended toward the purchase of land, or for the development or improvement of conservation or recreational land or facilities already owned by the Town.

That some portion of the Conservation/Recreation funds was provided pursuant to Sec. 544(3) of the Subdivision Ordinance which applies a standard that "land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision".

That funds expended toward the purchase or development or improvement of land or facilities that are open to the general public shall be considered to benefit all Hampden residents, including those residing in any particular subdivision.

That expenditure of funds from the Conservation/Recreation account shall follow the same procedures as those followed for reserve accounts, in that the Town Council shall authorize in advance any such expenditure.

That expenditure of funds from the Conservation/Recreation account shall be governed by all other policies and procedures applicable to expenditure of Town funds, including but not limited to the Hampden Town Council Bid Procedure Guidelines.

This order shall remain in effect until rescinded by the Town Council.

Town Clerk:

ORDERED by a majority of the Town Council:

Paula A. Scott

D-5-B

Your message has been sent.

Mail

More

COMPOSE

Conservation & Recreation Account Allocation

Inbox x

- Inbox (2)
- Starred
- Important
- Sent Mail
- Drafts
- Attorney General
- ES&S
- FOAA Requests
- Genealogy
- Legal
- Misc
- MTCCA List (6)
- Paula
- Priority
- Vital Records
- Yahoo
- More

Sean Currier
to me, Angus

11:02 AM (0 mi)

Paula, Here is a list of items (for Council Approval) to complete uncr
Conservation and Recreation Account Reserve.

Thank you,

Sean

- 1) VFW Tennis Court Resurfacing
- 2) VFW Basketball and Tennis Court Repairs
- 3) Dorothea Dix Park Signage
- 4) Marina Ramp Paving
- 5) Porta-Potty Enclosures for various locations
- 6) Picnic Tables for various Park locations
- 7) Community Center Plan Revisions
- 8) VFW Road Parking Area

Current Account Status

G 3-769-00 RESERVE ACCT / REC/CONSERV

-69,269.93 = Beg Bal
291.73 = Adjust

-386.68 = YTD Net
0.00 = YTD Enc

-69,364.88 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
07	0107		08/12/15		Beg Bal Adjustments	B GJ	291.73	0.00
08	0151		08/27/15		July Reserve Ckg Int	R GJ	0.00	0.41
08	0152		08/27/15		Res Int/FMV July	R GJ	0.00	386.27
Totals-							291.73	386.68

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
July	0.00	0.00	291.73	0.00
August	0.00	386.68	0.00	0.00
Totals	0.00	386.68	291.73	0.00

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

D-5-C

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: March 17, 2016
RE: Referral to public hearing, Fees Ordinance and Sewer Ordinance

At Monday's meeting, the Council will be asked to refer several proposed Ordinance amendments to public hearing. If so referred, separate hearings on each Ordinance would be scheduled for Monday, April 4.

The enclosed memo from Dean Bennett includes proposed amendments to the Zoning, Subdivision and Shoreland Zoning Ordinances.

I am presently working with the DPW, Recreation and Pool Directors to prepare proposed amendments to the Fees Ordinance and the Sewer Ordinance to accomplish the following objectives:

1. Amend Recreation and Pool fees to absorb the cost (to the Town) that would result from acceptance of credit cards.
2. Amend the Sewer Ordinance, and Public Works Sewer fees (in the Fees Ordinance) to reflect the revised connection fees and associated protocols (inspections, etc) to reflect policy and practice in Bangor, based on the referral from the Infrastructure Committee on October 26, 2015.

Proposed language will be available at Monday's meeting to support the Council's referral to hearing. The proposed language will of course be subject to revision by the Council within the public hearing, but we're working to get the drafts in shape for referral to hearing so as to continue to advance these initiatives.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-4500
Fax: (207) 862-5067
email:
economicdevelopment@hampdenmaine.gov

To: Angus Jennings, Town Manager
From: Dean Bennett, Community Development Director
Subject: Planning Board Recommendations
Date: March 14, 2016

.....

On February 10, 2016, the Planning Board's Ordinance Committee reviewed the following items and returned them to the full Planning Board on March 9, 2016 with an "ought to pass" recommendation.

On March 9, 2016, the Planning Board conducted a Public Hearing on these items and unanimously voted to return these items to the Town Council with a recommendation "ought to pass" on all items.

The items are:

1. Draft Responses and recommendations to General Code's Editorial and Legal Analysis which pertain to the Planning Board's review authority.
2. Subdivision Ordinance Amendment to repeal Article 540 Open Space and Recreation Land.
3. Zoning Ordinance Amendment to repeal a paragraph from Article 4.6: Rural Cluster Housing, which refers to Article 540 Open Space and Recreation Land.

I have attached these items as approved by the Planning Board and request Council consideration of these items at an upcoming Town Council Meeting. If I can be of further assistance, please let me know.

Town of Hampden, ME

Decision:

- Revise as follows:
- Make no change

(2) Is the maximum fine amount of \$100 still satisfactory?

Decision:

- Revise as follows:
- Make no change

Section 377-60 is problematic, as it is inconsistent with the other penalty provisions of the ordinance. Although the heading of Article IX is "Penalties-Residential", headings are not considered to be part of the ordinance, and the language in the body of the ordinance controls. There is no language in Section 377-60 limiting residential users, and there is no language in Sections 377-48 or 377-49, or the Bangor ordinance's counterpart language, limiting those provisions to industrial users. At the very least, Section 377-60 should include language to specify

that it is limited to specified residential users.

The fine is a policy issue, but a maximum fine of \$100 is not much of a deterrent

Ch. 382, Shoreland Zoning

3-1-2010

A. In § 382-2 the reference to 38 M.R.S.A. §§ 435 through 449 could be updated to §§ 435 through 448. Section 449 was repealed in 2011 (L. 2011, c. 120).

Decision:

- Revise as indicated
- Make no change

B. In the note at the end of § 382-3 it appears that the word "structures" should be added as follows: "The Town of Hampden, Maine, has opted to not govern docks, wharfs, piers or other structures extending or located below the shoreline. Such structures are subject to other regulatory bodies."

Decision:

- Add "structures" as indicated
- Revise as follows:

C. Section 382-12A(1) refers to "a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008." Does "the Department" refer to the Department of Environmental Protection?

Decision:

Town Question

- Change "the Department" to "the Department of Environmental Protection"
- Revise as follows:
- Make no change

- D. We will make the following correction in the note at the end of § 382-12E: "Portions of these brooks in association with jurisdictional wetlands, streams or rivers may be in Resource Protection, Limited Residential and General ~~Commercial~~ Development Districts."
- E. In § 382-14I(2) the Town might want to clarify the reference to "Department Chapter 500." The intent appears to be to reference Chapter 500, Stormwater Management, of the Department of Environmental Protection Rules.

Decision:

- Revise to Chapter 500, Stormwater Management, of the Rules of the Department of Environmental Protection
- Revise as follows:
- Make no change
- F. In § 382-14M(1) we will update the reference to the Department of Agriculture to the Department of Agriculture, Conservation and Forestry. This subsection also refers to the Nutrient Management Law, 7 M.R.S.A. § § 4201 to 4209. Section 4209 was repealed in 2003 (L. 2003, c. 688). This reference could be updated as follows: "the Nutrient Management Act (7 M.R.S.A. § 4201 et seq.)."

Decision:

- Revise as indicated
- Revise as follows:
- G. Section 382-16, Definitions.
- (1) The term "Bureau" is defined in this section to mean the State of Maine Department of Conservation's Bureau of Forestry. The term "Bureau" is not used in this chapter. The only instance of the word "Bureau" is in § 382-15I(2)(c), which refers to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection. Also "Department of Conservation" is an outdated title (now the Department of Agriculture, Conservation and Forestry).

Decision:

- Delete definition of "Bureau"
- Retain definition; update title of Department
- Make no change
- (2) In the definition of "forest stand" is the wording "uniform in age class distribution" correct?

Town of Hampden, ME

Decision:

- Revise to "uniform in age, class, distribution"
- Revise as follows: **Town's definition is identical to the definition in DEP's Chapter 1000 Shoreland Zoning Guidelines.**
- Make no change

(3) In the definition of "recreational vehicle" is the reference to the State Division of Motor Vehicles correct?

Decision:

- Revise to Department of Motor Vehicles
- Revise to Bureau of Motor Vehicles **Same reference as in DEP's Guidelines.**
- Make no change

(4) The definition of "shoreland permit" is awkward and does not make sense; see below. Is wording missing?

Documented municipal authorization of any activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use requiring a permit within the shoreland area in accordance with this chapter.

Shoreland permit. "Shoreland permit" means a document issued by the duly authorized Town official indicating that the activity or use referenced in the document has received the review and approval required under chapter. The document shall contain any conditions attached to the approval.

Decision:

- See revisions marked above
- Revise as follows:

(5) The definition of "significant river segments" begins "See Appendix B." No such appendix was included with this ordinance.

Decision:

- Delete reference to "Appendix B or"
- Include Appendix B; copy enclosed
- Other:

Ch. 389, Storm Drainage System

Art. I, Nonstormwater Discharges

6-18-2007

A. Section 389-4 provides that "The Building Inspector is the enforcement authority who shall administer, implement, and enforce the provisions of this article." Is this designation still

Town of Hampden, ME

Decision:

- Revise as follows:
 Make no change

Ch. 398, Subdivision of Land

5-17-1982

- A. Sections 398-1, 398-2 and 398-9B(8) refer to the State Subdivision Law as 30 M.R.S.A. § 4956. That section was repealed in 1987 (L. 1987, c. 737). The current law is contained in 30-A M.R.S.A. §§ 4401 to 4408. We will update this reference accordingly.
- B. The text for § 398-4B, Exceptions, appeared in the original ordinance at the end of the definition of "subdivision." As this wording does not really define the term "subdivision" and relates to the applicability of this chapter, we have moved this wording and included it in § 398-4, Applicability.

Decision:

- This change is acceptable
 Move this wording back to the definition of "subdivision"
- C. Section 398-5D sets the penalty for violations of this chapter at a fine of not more than \$1,000. Is any revision desired? Several of the Town's other ordinances relating to land use and development refer to the penalties in 30-A M.R.S.A. § 4452, and the State Subdivision Law also refers to that section in 30-A M.R.S.A. § 4406, Enforcement:

Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable, shall be penalized in accordance with section 4452.

Decision:

- Revise to read "shall be subject to the penalties prescribed in 30-A M.R.S.A. § 4452"
 Revise as follows:
 Make no change
- D. Section 398-8A(2)(e) provides for the following notice of the public hearing on a preliminary plan of a major subdivision: "Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days prior to the hearing." The following notice requirement is prescribed by 30-A M.R.S.A. § 4403 and included in this chapter in § 398-9B(7) with respect to the public hearing on a minor subdivision:

The municipal reviewing authority shall have notice of the date, time and place of the hearing: A. Given to the applicant; and B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing.

Decision: Section 398-8A(2)(e) should be amended to comply with 30-A M.R.S. Section

Revise as follows: 4403(4).

Make no change

- E. Section 398-8A(2)(f) reads "The purpose of the public hearing shall be for the Planning Board to receive testimony from the public and the Town Council relative to any municipal ordinance, standard, or regulation which is applicable to the proposed subdivision." Is the reference to the Town Council in this subsection correct? Similar wording in § 398-8B(1)(g) regarding the hearing on the final plan refers only to "testimony from the public."

Decision:

Delete "and the Town Council"

Revise as follows:

Make no change

- F. In § 398-21B(2) we will update the reference to the Soil Conservation Service to the Natural Resources Conservation Service.
- G. In § 398-22A(2) should "Hampden Conservation Committee" be revised to "Hampden Conservation Commission"? See Chapter 18, Conservation Commission.

Decision:

Change "Conservation Committee" to "Conservation Commission"

Make no change

- H. Section 398-22D, Standards for cash in lieu of land, provides that "At the time of final plan submission, the subdivider shall contribute to the Town of Hampden \$400 per lot, \$200 per unit or \$200 per acre, whichever is greatest." Are these amounts up-to-date?

Decision:

Revise as follows:

Policy Issue

Make no change

- I. Regarding the definition of "subdivision" in § 398-37, the Town might want to review this definition against the current definition in 30-A. M.R.S.A. § 4401. For example:

Town of Hampden, ME

Subsection A(1): Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in 36 M.R.S.A. § 1102, for a period of at least five years before the second dividing occurs.

Statute: Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division.

Decision:

- See revisions on enclosed copy
- Make no change

Town should compare definitions in ordinance to the definitions in state statute, and amend ordinance definitions to make them consistent with statute.

Change made in proposed amendments faithoming

Ch. 410, Zoning

3-13-1979

- A. Section 410-5, Zoning districts, does not include the Waterfront 1 District. See § 410-24. Should this district be added?

Decision:

- Add Waterfront 1 District to § 410-5
- Make no change

- B. Section 410-8, Zoning requirements for parcels in more than one district. Subsection B(1) refers first to the Interchange District then to the Business District:

A two-acre lot is comprised of one acre of Interchange District and one acre of Industrial District. In this instance, a mixed-use site development could locate a service station in the Business District and a self-storage warehouse use in the Industrial District.

Decision:

- Change "Business District" to "Interchange District"
- Change "Interchange District" to "Business District"
- Other: *Do not change*

Town Question

- C. Section 410-10, Industrial District.

- (1) In Subsection B we have moved the wording "treatment or warehousing of goods and products" as follows:

Facilities for manufacturing, compounding, processing, packaging, treatment or warehousing of goods and products; essential services; wireless telecommunications

facilities (subject to § 410-46); ~~treatment or warehousing of goods and products;~~
wholesale distribution...

Decision:

- Change is correct
- Revise as follows:

- (2) We have made a similar revision in Subsection C as shown below; however, we question whether the inclusion of this wording in both Subsection B (permitted uses) and Subsection C (conditional uses) is correct:

facilities for manufacturing, compounding, processing, packaging, treatment, or warehousing of good and products; buildings necessary for essential services; ~~or warehousing of goods and products;~~ wholesale distribution...

Decision:

- Delete this wording from Subsection C
- Revise as follows:
- Make no change

Make change as indicated.

Subsection B permits such facilities if they have less than 5,000 square feet of gross floor area. Subsection C elevates review to conditional use approval if the facility has more than 5,000 square feet of gross floor area. The ordinance language does not address a facility of exactly 5,000 square feet. Recommend amending Subsection B by changing "less than" to "up to" 5,000 square feet of gross floor area.

- D. In § 410-14, Interchange District, Subsection D(5) provides that the maximum building height in this district is 50 feet. If that is correct, the provisions in Subsection E(5) regarding building height no longer make sense, as Subsection E(5) is based on the maximum building height being 35 feet.

Decision:

- Delete Subsection E(5)
- Change maximum building height in Subsection D(5) to 35 feet
- Other: *Leave as is. Town amended ordinance to increase building height to 50 feet, but to require additional amount setbacks for each foot of height above 35 feet to minimize the impact of the increased height on the neighborh*

- E. In § 410-18, Seasonal District, Subsection E(1) provides that "All land area and uses in this district shall conform to the standards established in § 410-38 of this chapter." Section 410-38 contained shoreland regulations and was repealed in 2010. Should this wording be revised to read "shall conform to the standards established in Chapter 382, Shoreland Zoning"?

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

Town of Hampden, ME

- F. In § 410-21D, the first sentence in the note at the end of this subsection is incomplete and does not make sense; see below. Based on similar wording in § 410-16D (see below) the following revisions could be made

§ 410-21D: Any lawfully existing lot of record situated in a Business B District containing road frontage of 100 feet or less as of June 1, 2014, which is served by public sewer with existing ~~may be developed for~~ single-family dwellings and accessory structures with minimum street yard and other yards of not less than 10 feet each.

§ 410-16D: Any lawfully existing lot of record situated in a Residential B District containing road frontage of 100 feet or less as of July 3, 1991, which is served by public sewer may be developed for single-family dwellings and accessory structures with minimum side yards of not less than 10 feet each.

Decision:

- Revise as indicated
- Revise as follows:

- G. In § 410-24, Waterfront 1 District, the reference in Subsection E(1)(a) to the Commercial Service District is incorrect. We will make the following revision: "By subtracting the base ~~Commercial Service~~ Waterfront 1 District maximum building height from the proposed height the following is the result: 48 feet minus 35 feet equals 13 feet."

- H. Section 410-29B includes provisions relating to nonconforming structures in the shoreland area. Is any revision needed in light of the Shoreland Zoning Ordinance adopted in 2010? See Chapter 382, Shoreland Zoning, particularly § 382-11C, Nonconforming structures.

The nonconformity provisions of the Shoreland Zoning Ordinance and the Zoning Ordinance need to be reviewed and reconciled, especially in light of the conflict provisions of Sections 382-6 and 410-3. It appears that nonconformity provisions from various editions of the DEP Shoreland Zoning Guidelines have been incorporated into the general Zoning Ordinance without appropriate editing to make them generic for non-shoreland properties. It is my recommendation that all nonconformity provisions applicable to shoreland area be in the Shoreland Zoning Ordinance and that all nonconformity provisions for non-shoreland property be in the general Zoning Ordinance. It should be noted that DEP adopted new Guidelines on January 26, 2015, and some of the shoreland nonconformity provisions have changed, especially those dealing with expansion of nonconforming structures.

Decision:

- See revisions on enclosed copy
- Make no change

Currently being addressed

- I. Section 410-29D, Nonconforming uses. Subsection D(4) states: "A nonconforming structure or use which has been destroyed by fire or other hazard shall not be rebuilt except in conformity with this chapter." This provision appears to be inconsistent with Subsection B(3), which allows the reconstruction or replacement of damaged or destroyed nonconforming structures under certain conditions.

Decision:

- Revise as follows:
- Make no change

Do not believe this is inconsistent. Subsection D(4) establishes the general rule and recognizes there are exceptions, and Subsection B(3) establishes an exception. More importantly, Section is another example of the need to reconcile the nonconformity provisions. Since Subsection B(3) relates to properties with less than the required setback from the water line, the reconstruction or replacement provisions in Subsection B(3) only apply to those properties located in the shoreland area, and not to all properties town-wide.

J. Section 410-31, Off-street parking, loading, drive-through design and bufferyard requirements. In Subsection A(3), Parking setbacks, do any of the zoning district designations in the table require revision?

Decision:

- See revisions on enclosed copy Town Question
- Make no change

K. The term "Code Official" appears multiple times in this chapter. See for example § 410-32, Signs. Should this term be changed to "Code Enforcement Officer"? See the definition of "Code Enforcement Officer" in § 410-57 and § 410-49, which provides for this chapter to be enforced by the Code Enforcement Officer.

Decision:

- Change "Code Official" to "Code Enforcement Officer"
- Revise as follows:
- Make no change

L. Section 410-32, Signs. Subsection C(8), regarding temporary signs, applies to signs related to political campaigns and candidates and includes the following restriction: "Such signs shall be displayed not more than two weeks before the event and shall be removed within one week after the event." In 23 M.R.S.A. 1913-A, Subsection 1H authorizes political signs to be placed within the public right-of-way up to six weeks before the election:

Signs bearing political messages relating to an election, primary or referendum, which may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter;

Decision:

- Revise as follows:
- Make no change

Note: Under statute, Town has authority to be more restrictive. However, Town is in the process of amending the sign provisions, and it is my recollection that the subject provision is under consideration to make it consistent with the statute.

Has been addressed in Sign Revisions

M. It appears the following correction should be made in § 410-33E(4): "The applicant shall submit written approval from the Department of Marine Resources and Fisheries or the Department of Inland Fisheries and Game Wildlife, as applicable, prior to consideration by the Planning Board.

Decision:

- Revise as indicated
- Revise as follows:

Town of Hampden, ME

N. Section 410-37, Mobile homes.

- (1) We recommend the following revision in Subsection A(1) to make a complete sentence: "The purpose of this section is to regulate mobile homes and mobile home parks..."

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- (2) Subsection B(2)(d) includes the following: "The skirting shall be properly installed in accordance with the BOCA Basic Building Code." Is an update needed in light of the state-wide Building Code established in 2010?

Decision:

Need to verify with Code Enforcement Officer which Code covers skirting around mobile home. Also, need to verify which Code governs foundation standards under Subsection B(2)(c).

- Change "BOCA Basic Building Code" to "Maine Uniform Building and Energy Code"
- Revise as follows:
- Make no change

- (3) In Subsection B(2)(f) should the reference to the State of Maine Department of Business Regulation be updated to the Department of Professional and Financial Regulation?

Decision:

- Update to Department of Professional and Financial Regulation
- Revise as follows:
- Make no change

- O. Sections 410-43C(8) and 410-48H(4) refer to "Hampden Public Safety." Is this meant to be a reference to the Public Safety Department or Public Safety Director?

Decision:

- Revise to "Hampden Public Safety Director"
- Revise to "Hampden Public Safety Department"
- Other:

- P. Section 410-45B, Applicability, reads as follows: "Existing structures providing access for persons with disabilities which comply with the design guidelines of 25 M.R.S.A. § 2701,

American National Standards Institute Document A117.1-1986, and Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as may be amended from time to time."

- (1) This sentence is incomplete. Should the first part read "This section applies to existing structures providing access..."?

Decision:

- Revise as indicated
 Revise as follows:

- (2) The reference to 25 M.R.S.A. § 2701 is no longer correct. Chapter 331, Construction for Physically Disabled, of Title 25 (consisting of §§ 2701 to 2704) was repealed by L. 2011, c. 613.

Decision:

- Delete this reference
 Revise as follows:

Q. Section 410-47, Excavation, gravel pit and quarry.

- (1) Subsection C includes the following: "Examples of exceptions include, but are not limited to, previously issued site location of development permits (38 M.R.S.A. § 480), filed a notice of intent to comply with the performance standards for excavation and/or quarries (38 M.R.S.A. § 490)." This wording is awkward and unclear. In addition, both of the statutory references are incorrect. There is no § 480 in Title 38; Article 6, Site Location of Development, of Title 38 begins with § 481. Section 490 of Title 38 was repealed by L. 2011, c. 653. Article 7, Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt, of Title 38 begins with § 490-A. Perhaps the following revision could be made:

Examples of exceptions include, but are not limited to, previously issued site location of development permits (38 M.R.S.A. § 481 et seq.) which have filed a notice of intent to comply with the performance standards for excavations and/or quarries (38 M.R.S.A. § 490-A et seq.)...

Decision:

- Revise as indicated
 Revise as follows:

- (2) Subsection G(16), Waste disposal, refers to "the rules of the Maine Department of Environmental Protection Chapter 13." We were unable to confirm this reference. The rules of the Department of Environmental Protection posted on the state's

Town of Hampden, ME

website do not include a Chapter 13. Solid waste management rules are contained in Chapters 400 to 425.

Decision:

Believe Subsection G(16) intended to reference Chapter 13 of Title 38 M.R.S., as that statute deals with solid waste disposal.

- Revise as follows: "the provisions of Title 38 M.R.S. Chapter 13, including any rules adopted by the Department of Environmental Protection."
- Make no change

- (3) Subsection I(2) reads "RP and SP Districts and land areas subject to shoreland zoning are further regulated under § 410-38, Shoreland regulations." As these districts are not provided for in this chapter and shoreland regulations are established by separate ordinance, perhaps the following revision could be made: "Resource Protection and Stream Protection Districts and land areas subject to shoreland zoning are further regulated under Chapter 382, Shoreland Zoning."

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- R. Section 410-48B establishes a separation requirement of 1,000 feet for medical marijuana registered dispensaries, medical marijuana cultivation facilities and methadone clinics from certain other uses, including a preexisting public or private school. State law provides that "A dispensary may not be located within 500 feet of the property line of a preexisting public or private school." See 22 M.R.S.A. § 2428, Subsection 6B. Subsection 10 of that section provides as follows: "A local government may not adopt an ordinance that is duplicative of or more restrictive than the provisions of this Act." The Town Attorney should be consulted as to whether the Town can impose a different separation distance requirement (1,000 feet) than that prescribed by state law (500 feet).

Decision:

- Revise as follows
 - Make no change
- On the date the Town enacted Section 410-48 (3/7/11), Subsection 10 provided that the statute did not prohibit a municipality from limiting the number of dispensaries or enacting reasonable regulations appli to dispensaries. The sentence quoted above was added by Public Law 2011, c. 407, which became eff on 9/28/11. This sentence places a limitation on the Town's home rule authority on this subject matter. I recommend that the entire Section 410-48 be reviewed against the backdrop of the amended Subsectic Quite frankly, I am not sure a municipality has much authority on this subject anymore, as Subsection 1 provides that an ordinance cannot be duplicative of or more strict than the provisions of the statute. Not is the separation distance more restrictive than the statute, but so is the ordinance's list of properties fro which a dispensary must be separated.

- S. Section 410-52 sets the penalty for violations of this chapter at a fine of not less than \$100 nor more than \$2,500. The wording of this section is based on 30-A. M.R.S.A. § 4452(3) and would not appear to require revision.
- T. Section 410-54B(3) refers to "a physical or mental handicap under 5 M.R.S.A. § 4553." The Town might want to update this wording to "a physical or mental disability under 5 M.R.S.A. § 4553-A."

Decision:

- Revise as indicated
- Change "handicap" to "disability"; do not change statutory reference
- Make no change

U. Section 410-55, Appeal procedure. There are conflicts between this section and Chapter 7, Appeals, Board of. For example, § 410-55 requires 10 days' notice of public hearings; in § 7-4 this time frame is seven days. Section 410-55 requires appeals to the Superior Court to be taken within 30 days; in § 7-4 this time frame is 45 days. The Town might want to consider whether any of the provisions in § 410-55 could be deleted as covered by Chapter 7.

Decision:

- See revisions on enclosed copy
- Revise time frames in § 410-55 to match § 7-4; no other changes needed
- Other: **It appears that most of Section 410-55 is unnecessary because the matter is covered by Chapter 7. Recommend review of Section 410-55 to see if anything needs to be retained**

V. Section 410-57, Definitions.

(1) In the definitions of "bar," "restaurant, small" and "tavern, neighborhood" is the wording "with a gross floor" supposed to read "with a gross floor area"?

Decision:

- Revise to "with a gross floor area"
- Make no change

(2) In the definition of "community building" is the wording "the municipality RSU22" correct?

Decision:

- Revise as follows: **"the municipality, RSU No. 22 and/or"**
- Make no change

(3) In the definition of "customary rural businesses" is the wording "tack shop" correct?

Decision:

- Revise to "bait and tackle shop"
- Revise as follows:
- Make no change **"tack shop" is an equestrian supply store**

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- (4) The definition of "dance hall" contains essentially the same wording as the definition of "bar," stating that the primary use of a dance hall is the service of alcoholic beverages. Is this definition correct?

Decision:

- Revise as follows: **Definition should be clarified.**
- Make no change

- (5) In the definition of "essential services" is the wording "but shall include buildings which are necessary for furnishing of such services" supposed to read "but shall not include buildings which are necessary for furnishing of such services"?

Decision:

Town Question- Intent?

- Add "not" as indicated
- Make no change

- (6) In the definition of "hazardous waste" we will update the reference to 38 M.R.S.A. § 1303(5) to 38 M.R.S.A. § 1303-C(15). Section 1303 was repealed by L. 1989, c. 585.

- (7) The definition of "tributary stream" includes the following: "The term stream does not include 'stream' previously defined and only pertains to tributary streams within the shoreland zone." This wording does not make sense in the context of this section, as there is no previous definition of "stream" in this section.

Decision:

Since by definition, this term only applies to tributary streams in the shoreland zone it should be deleted from the general Zoning Ordinance, as the term is also defined in Chapter 382, Shoreland Zoning. The definition in Section 382-16 is based on definition in the DEP Guidelines.

- Revise as follows:
- Make no change

- (8) In the definition of "wireless telecommunications facilities, microcell" the second sentence does not make sense. Perhaps the following revision could be made:

Microcell wireless telecommunication facilities shall be co-located on water towers including the tank surfaces in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes, and vistas through careful design, siting, screening, landscaping, and innovative camouflaging techniques and shall be considered accessory to a water tower use.

Decision:

- Revise as indicated
- Revise as follows:

~~540. *Open Space and Recreation Land*—All subdivisions shall be required to set aside land for open space and recreation or to provide cash in lieu of land. The primary intent of this section is to provide open space and recreation land in all areas of the community. It is understood that not all developments will have land suitable for open space or recreation within their boundaries, therefore this section is designed to be as flexible as possible. To that end, this section shall allow the provision of off-site open space and recreation areas, and cash in lieu of land. In cluster development, the cash in lieu of land provision shall not apply.~~

~~541. *Approval Authority*—The Planning Board shall approve the means of meeting this requirement.~~

~~The Hampden Conservation Committee and Recreation Committee shall be given opportunity to make written recommendations to the Planning Board on all open space proposals within forty-five (45) days of receiving notice. Where land is to be dedicated to the town, or otherwise requires action of the Town Council, the Planning Board shall require the subdivider provide documentation as to the Town Council's decision as provided in 545.2. (Amended: 05-20-96)~~

~~542. *Area Required*—The area of land set aside shall be based on the open space requirements of the Zoning Ordinance. If no open space requirement exists in the Zoning Ordinance, the applicant shall be required to provide land in accordance with the following: 500 square feet per unit, or five (5) percent of the parcel to be developed, whichever is greater.~~

~~Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. No fee in lieu or open space is required for subdivisions that satisfy this exception. The intent of this exception is to avoid creating very small open spaces that do not serve the interests of the subdivision or the Town while maintaining the densities that the ordinances contemplate. This exception shall also apply to further division of lots in previously approved subdivisions. (Amended: 07-11-2014, Effective Date 8-13-2014)~~

~~543. *Standards for Land*—The purpose of this section is to provide for permanent open space. The subdivider may offer dedicated land, conservation easements, or other means to meet the requirements of this section. These areas shall be in locations designated as open space or green belts in the Comprehensive Plan. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. (Amended: 05-20-96)~~

~~1. Where the open space requirement is in excess of ten (10%) percent of the land to be subdivided, the subdivider may elect to provide land identified in the Open Space and Recreation Plan, if one exists. Where off-site open space is proposed, the following standards apply:~~

~~A. Ten (10%) percent shall be provided within the subdivision.~~

~~B. The off-site open space shall be within one (1) mile of the subdivision.~~

~~C. The off-site open space shall have been previously designated in the Open Space and Recreation Plan.~~

~~D. The subdivider shall provide proper right, title or interest to the off-site land.~~

~~544. Standards for Cash-in-Lieu of Land—Where cash in lieu is proposed, the following standards shall apply:~~

- ~~1. At the time of Final Plan submission, the subdivider shall contribute to the Town of Hampden \$400/lot, \$200/unit or \$200/acre, whichever is greatest.~~
- ~~2. All monies placed in this fund shall be used for the purchase or development of open space or recreation land.~~
- ~~3. Land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision. (Amended: 06-03-91)~~

~~545. Provisions for Ownership and Maintenance of Open Space or Recreation Areas—If land is to be set aside under the provisions of this section, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such land. The means for insuring the open space will be available in perpetuity shall be:~~

- ~~1. Retain ownership and responsibility for maintenance of such land; or~~
- ~~2. Dedicate such land to public use if the town or another public agency has indicated it will accept such dedication. If the subdivider proposed that the town accept the land, the subdivider must provide the planning board, as part of the final plan, with a copy of the minutes of the meeting of the Town Council, attested by the town clerk, in which the Town Council agreed to accept such land; or~~
- ~~3. Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:
 - ~~A. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.~~
 - ~~B. Membership in the organization is mandatory for all purchasers of units therein and their successors.~~
 - ~~C. The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for insurance and taxes on common open space and property.~~
 - ~~D. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with written procedures established by them. (Amended: 09-21-87, 06-03-91)~~~~

4.6. Rural Cluster Housing - In order to promote the health and general welfare of the community and to preserve and make available open space for recreation and conservation, the Planning Board may grant a developer permission to vary lot size requirements in districts in which cluster development is allowed, thus leaving a substantial area free of building lots to become permanent open space. This section shall apply to the Rural District. The cluster provision for Residential A and Residential B are contained in *Article 3.7.6 and 3.8.7* respectively. (*Amended: 06-03-91, 05-04-92*)

~~Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. This exception shall also apply to further division of lots in previously approved subdivisions. (*Amended: 10-06-2014*)~~

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

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

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

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

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



D-5-D
M

To: Angus Jennings
From: Kyle Severance
Date: 03/16/2016
Re: Request to use IT Computer Reserve Funds to Purchase First Year Service of MyRec.com 03-711-00

Message:

In order to sign up for a recreation program or swimming class, residents must visit the facility and make payment using cash or check. Over time, more and more residents have been requesting that the Town take credit/debit cards and give them the ability to sign up for classes from home.

On February 9th, Town Manager, Pool Director, Recreation Director, and GIS/IT Specialist attended a demonstration by the Bangor Recreation Department on a product known as MyRec.com that allows online registration and electronic payment for recreation classes/programs/gift cards/etc. Other municipalities using the same program besides Bangor include Old Town, Orono, Brewer (currently getting set up), and Hermon (currently seeking approval).

The demonstration focused both on the simple process for residents to sign up as well as the robust internal functionality for reporting and accounting.

The cost for the first year was quoted at \$3,595 because our revenues fall between the \$100,001 to \$200,000 brackets (see next page for pricing levels). We would need two card swipe readers which are \$50 each.

OPTION 1: The GIS/IT specialist will use existing computer equipment (former council laptops, refurbished monitors, etc.) to equip the existing front counters with program registration / payment stations. Total: **\$3,695.**

OPTION 2: Since the myREC.com is completely web based, it does not need to run on a high-end computer; however, it would be advisable to have it run on newer hardware. Dell Chromebook computers would be the recommended option because they are \$300 for a new computer, do not need any additional software, and they are fast. For two computers and mounting stations for each location the total would be an additional \$800 – totaling a requested **\$4495.**

Paying for the first year out of the IT computer reserves allows us to determine the percent of transactions that are done electronically so subsequent years can be appropriately budgeted and split up by the pool and recreation departments.



P.O. Box 302
 Killington, VT 05751
 Phone: 1-866-466-9732
 Fax: 802-422-3839

MyRec.com Recreation Management Software STANDARD AGREEMENT

This Agreement is made this 25th day of February, 2016 between:

Business Name ("Client"): Hampden Recreation

Having its principal place of business at:

Address: 106 Western Ave.

City: Hampden **State:** ME **Zip:** 04444

Phone: (207) 862-6451

And

Business Name: MyRec.com

Having its principal place of business at:

PO Box 302

City: Killington **State:** VT **Zip:** 05751

Phone: 866-466-9732 **Fax:** 802-440-3074

Email: info@myrec.com

In consideration of Client retaining MyRec.com to provide recreation management software with online registration for Client, it is agreed as follows:

1. Compensation and Term

The above named Client retains MyRec.com, and MyRec.com agrees to perform the following services: Recreation management software with online registration. Client is solely responsible for all data entered into the software. Term shall be March 1, 2016 to February 28, 2017 The following fees shall apply:

Core Prices

Annual System Fees

Fee	Annual Revenue Minimum	Annual Revenue Maximum	Level
\$2,895	\$0.00	\$50K	1
\$3,295	\$50K	\$100K	2
\$3,595	\$100K	\$200K	3
\$3,995	\$200K	\$300K	4
\$195	For each \$100K over \$300K		5+

Fee of \$3,595 Includes:

Web based software with unlimited training & support, program management, online registration portal/website, facility scheduling, reservations, memberships with card scanning, financial reporting, team management, email marketing, after school/camp programming, point of sale inventory, domain, hosting, SSL, and more. There are no other annual software fees.



MyRec.com
 1-866-GoMyRec Info@MyRec.com

P.O. Box 302
 Killington, VT 05751
 Phone: 1-866-466-9732
 Fax: 802-422-3839

One-time Fees

Fee: Using Preferred Processor*	Fee: Using Own Processor	Item
\$0.00	\$995	Data Entry and Training
\$500 (optional)	\$500 (optional)	Design Option: Customized Site Look

* Preferred processor is Priority Payment Systems

2. Warranties by MyRec.com

MyRec.com represents and warrants to Client that it has the experience and ability to perform the services required by this Agreement; that it will perform said services in a professional and competent manner; that it has the power to enter into and perform this Agreement; . However, Client will not determine or exercise control as to general procedures, formats or sub-contracting necessary to have these services meet Client's satisfaction.

3. Independent Contractor

MyRec.com acknowledges that the services rendered under this Agreement shall be solely as an independent contractor. It is expressly understood that this undertaking is not a joint venture.

4. Confidentiality

MyRec.com recognizes and acknowledges that this Agreement creates a confidential relationship between MyRec.com and Client and that information concerning Client's business affairs, customers, vendors, finances, properties, methods of operation, computer programs, and documentation, and other such information, whether written, oral, or otherwise, is confidential in nature. All such information concerning Client is hereinafter collectively referred to as "Confidential Information."

5. Non-Disclosure

MyRec.com agrees that, except as directed by Client, it will not at any time during or after the term of this Agreement disclose any Confidential Information to any person whatsoever and that upon the termination of this Agreement it will turn over to Client all documents, papers, and other matter in its possession or control that relate to Client.

6. Grant

Client agrees that copyrights to MyRec.com's work product produced in the performance of this Agreement shall remain the exclusive property of MyRec.com, and that it will not sell, transfer, publish, disclose or otherwise make the work product available to third parties without MyRec.com's prior written consent. Any rights granted to Client under this Agreement shall not affect MyRec.com's exclusive ownership of the work copyright.

IN WITNESS WHEREOF, Client and MyRec.com have duly executed this Agreement as of the day and year first above written.

MyRec.com
 Name: Ray Foley
 Title: President
 Date: 2/15/2016
 Signature:

Hampden Recreation
 Name:
 Title:
 Date:
 Signature:

Current Account Status

G 3-711-00 RESERVE ACCT / COMPUTER

-65,246.47 = Beg Bal
299.65 = Adjust

-7,250.15 = YTD Net
0.00 = YTD Enc

-72,196.97 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
07	0005		07/02/15		07/02/2015 C/R	R CR	0.00	21.00
07	0016		07/08/15		07/08/2015 C/R	R CR	0.00	3.00
07	0019		07/09/15		07/09/2015 C/R	R CR	0.00	6.25
07	0035		07/15/15		07/15/2015 C/R	R CR	0.00	19.50
07	0057		07/23/15		07/23/2015 C/R	R CR	0.00	46.50
07	0075		07/30/15		07/30/2015 C/R	R CR	0.00	3.75
07	0107		08/12/15		Beg Bal Adjustments	B GJ	299.65	0.00
08	0093		08/06/15		08/06/2015 C/R	R CR	0.00	10.00
08	0106		08/12/15		08/12/2015 C/R	R CR	0.00	3.00
08	0111		08/13/15		08/13/2015 C/R	R CR	0.00	19.25
08	0130		08/20/15		08/20/2015 C/R	R CR	0.00	11.75
08	0151		08/27/15		July Reserve Ckg Int	R GJ	0.00	0.39
08	0152		08/27/15		Res Int/FMV July	R GJ	0.00	363.10
08	0158		08/27/15		08/27/2015 C/R	R CR	0.00	13.25
09	0181		09/03/15		09/03/2015 C/R	R CR	0.00	10.25
09	0188		09/08/15		09/08/2015 C/R	R CR	0.00	3.00
09	0202		09/10/15		09/10/2015 C/R	R CR	0.00	31.50
09	0215		09/15/15		09/15/2015 C/R	R CR	0.00	11.00
09	0222		09/16/15		09/16/2015 C/R	R CR	0.00	15,000.00
09	0223		09/17/15		09/17/2015 C/R	R CR	0.00	10.50
09	0257		09/28/15		09/28/2015 C/R	R CR	0.00	3.00
10	0291		10/08/15		10/08/2015 C/R	R CR	0.00	71.50
10	0297		10/13/15		10/13/2015 C/R	R CR	0.00	13.00
10	0309		10/15/15		10/15/2015 C/R	R CR	0.00	12.00
10	0321	1786	10/21/15	01094 HCP COMPUTER	DELL SERVER W/ INTEL XEON	R AP	4,010.00	0.00
10	0326		10/22/15		10/22/2015 C/R	R CR	0.00	6.50
10	0335		10/26/15		10/26/2015 C/R	R CR	0.00	3.00
10	0343		10/28/15		10/28/2015 C/R	R CR	0.00	17.00
10	0350		10/29/15		10/29/2015 C/R	R CR	0.00	58.25
11	0361		11/04/15		11/04/2015 C/R	R CR	0.00	20.00
11	0366		11/05/15		11/05/2015 C/R	R CR	0.00	20.25
11	0379		11/12/15		11/12/2015 C/R	R CR	0.00	20.75
11	0401		11/18/15		11/18/2015 C/R	R CR	0.00	0.25
11	0404		11/19/15		11/19/2015 C/R	R CR	0.00	15.50
11	0419	1789	11/25/15	01094 HCP COMPUTER	SERV INSTALLATION/CONFIGU	R AP	4,875.00	0.00
11	0433		11/30/15		11/30/2015 C/R	R CR	0.00	25.00
12	0441		12/03/15		12/03/2015 C/R	R CR	0.00	9.75
12	0464		12/10/15		12/10/2015 C/R	R CR	0.00	26.25
12	0484		12/16/15		12/16/2015 C/R	R CR	0.00	7.00
12	0485		12/17/15		12/17/2015 C/R	R CR	0.00	3.00
12	0513		12/28/15		12/28/2015 C/R	R CR	0.00	21.00
12	0522		12/30/15		12/30/2015 C/R	R CR	0.00	2.00
01	0537		01/07/16		01/07/2016 C/R	R CR	0.00	24.25
01	0550		01/14/16		01/14/2016 C/R	R CR	0.00	27.91
01	0576		01/21/16		01/21/2016 C/R	R CR	0.00	5.75
01	0596		01/28/16		01/28/2016 C/R	R CR	0.00	23.50
02	0616		02/04/16		02/04/2016 C/R	R CR	0.00	10.50

Current Account Status

G 3-711-00 RESERVE ACCT / COMPUTER

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-72,196.97 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
02	0620		02/08/16		02/08/2016 C/R	R CR	0.00	1.00
02	0631		02/11/16		02/11/2016 C/R	R CR	0.00	18.00
02	0635		02/16/16		02/16/2016 C/R	R CR	0.00	5.00
02	0649		02/18/16		02/18/2016 C/R	R CR	0.00	9.75
02	0673		02/25/16		02/25/2016 C/R	R CR	0.00	24.75
03	0694		03/03/16		03/03/2016 C/R	R CR	0.00	34.00
03	0703		03/07/16		03/07/2016 C/R	R CR	0.00	8.00
03	0707		03/08/16		03/08/2016 C/R	R CR	0.00	0.75
Totals-							9,184.65	16,135.15

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
July	0.00	100.00	299.65	0.00
August	0.00	420.74	0.00	0.00
September	0.00	15,069.25	0.00	0.00
October	4,010.00	181.25	0.00	0.00
November	4,875.00	101.75	0.00	0.00
December	0.00	69.00	0.00	0.00
January	0.00	81.41	0.00	0.00
February	0.00	69.00	0.00	0.00
March	0.00	42.75	0.00	0.00
Totals	8,885.00	16,135.15	299.65	0.00