

## **FINANCE & ADMINISTRATION COMMITTEE MEETING**

Monday, May 2, 2016

**6:30 p.m.**

Hampden Town Office

1. Meeting Minutes – April 19<sup>th</sup>, 2016
2. Review & Sign Warrants
3. Old Business
  - a. Review of foreclosed property sale process for Map 1 Lot 56
4. New Business
  - a. Managers preview of FY17 budget
5. Public Comment
6. Committee Member Comments

## FINANCE & ADMINISTRATION COMMITTEE MEETING

Tuesday, April 19, 2016

### MINUTES – DRAFT

*Attending:*

*Mayor David Ryder*

*Councilor Terry McAvoy*

*Councilor Greg Sirois, Chair*

*Councilor Dennis Marble*

*Councilor Ivan McPike*

*Councilor Stephen Wilde*

*Councilor Mark Cormier*

*Town Manager Angus Jennings*

*Chairman Sirois called the meeting to order at 6 p.m.*

1. **Meeting Minutes – April 4, 2016 Meeting** – *There was a motion and a second to approve the April 4, 2016 minutes as written. Approved 7-0.*
2. **Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*
3. **Old Business**
  - a. **Sewer fund status update & financing options** – *Manager Jennings presented his most recent analysis of the Sewer Fund financial status including current and projected costs and revenues. He summarized his recent conversation with Bond Counsel regarding potential financing options to allow the Sewer Fund to get current with amounts due. Any financing would require voter approval through the referendum process unless the funding is within a single fiscal year – such as a Revenue Anticipation Note (similar to a Tax Anticipation Note). Councilor Marble said we're facing four issues: getting current with amounts due; maintaining current debt service obligations; having enough revenue to operate on an ongoing basis; and funding system maintenance and future improvements. Manager Jennings agreed. He will keep the Committee apprised on this issue, including regarding conversations with the City of Bangor regarding current amounts due and financing Hampden's share of capital improvements to the Bangor Wastewater Treatment Plant. He expects conversations to proceed in the coming months.*

#### 4. **New Business**

- a. Mobile food vendors on public property** – *Manager Jennings discussed the request that has been received from a Hampden resident to set up an ice cream cart and sell ice cream one day a week at the Lura Hoyt Pool site. He said there is no adopted policy on this matter, and referred to the Farmers’ Market as the closest precedent he or staff is aware of. The Committee discussed the Farmers’ Market, and it was agreed that their strong preference was that Hampden residents be allowed to participate in the Farmers’ Market whether they’re a member of the organization or not.*

*Manager Jennings said he needs direction regarding how to handle the pending ice cream cart request. Councilor McAvoy expressed concern that we don’t have a public land use policy, and stated that he felt it would be inappropriate to allow private businesses the use of public property to sell products. He said if this is allowed, we will have a de facto unwritten policy and that additional requests can be expected.*

*Councilor Sirois said he thinks the Farmers’ Market provides a public service. Councilor Marble agreed with Councilor McAvoy that we need a policy, and that this is within the mission and spirit of local government. Mayor Ryder noted the concerns about parking at the Pool site. Manager Jennings agreed that we should have a written policy regarding licensing public land for these purposes, or not.*

*Motion by Councilor Marble, seconded by Councilor McAvoy, to refer this matter to the Infrastructure Committee for further consideration of a draft concept/policy. Motion carried 7-0.*

- b. Historic District Ordinance – Process for review** – *Manager Jennings explained that, under the Historic District Ordinance, certain actions are required by a Historic District Commission (HDC), such as issuance of a Certificate of Appropriateness for work within Hampden’s Historic District. A HDC has not been active for many years, and he and the Town Clerk are actively pursuing volunteers to serve on a newly constituted HDC. In the event that a filing comes in before a HDC with quorum is duly appointed and sworn in, he asked the Committee whether they agreed that either the Council or a Committee of the Council could serve the HDC’s role. After discussion, the Committee agreed that the Services Committee would be appropriate to serve in this role on an interim basis. Motion by Councilor McPike, seconded by Councilor McAvoy to refer this matter to the Services Committee. Approved 7-0.*

**5. Public Comment** – None.

**6. Committee Member Comments** – None.

*There being no further business, the meeting was adjourned at 6:59 p.m.*

Respectfully submitted –  
Angus Jennings  
Town Manager

**TOWN OF HAMPDEN  
SALE OF TOWN OWNED REAL ESTATE ORDINANCE**

**ARTICLE I - SALE OF TOWN OWNED REAL ESTATE**

**1.1 AUTHORITY**

In accordance with ARTICLE II, Section 212 (b) of the Town Charter the Town Council shall be authorized to convey or lease any lands of the Town within the limitations fixed by the Constitution and statutes of the State of Maine as they now or may hereafter apply to said Town of Hampden.

**1.1.1 SALE BY TOWN**

Real estate shall be sold by the Town only after the adoption by affirmative vote of a majority of all the members of the Town Council of a Resolution calling for the sale of real estate owned by the Town; the resolution shall contain a reasonably accurate description of the property which is proposed to be sold.

**1.2 DISPOSAL**

After the Town Council has voted to sell real estate, notices shall be sent to each landowner abutting the proposed parcel to be sold as well as to each landowner within three (300) feet of any property line of said parcel. Landowners shall be considered to be those to whom property taxes are assessed. Failure of any landowner to receive a notice of public sale shall not necessitate another sale or invalidate any action of the Town Council. Notices shall be sent to the previous owner in the case of tax acquired property. In addition, notice of the proposed sale shall be published as specified in Article II, Section 213 (d) of the Charter, such publication to be not less than seven (7) days before the Council's final action on such sale. The notice shall contain a reasonably accurate description of the property to be sold and shall provide for a day and place when and where bids for said property shall be submitted to the Town Office.

**1.3 BID PROCEDURE**

All bids shall be submitted in writing and shall clearly identify the purchaser and the price bid for the property. Bids shall be placed in sealed envelopes and given to the Town Clerk who shall hold all such bids until the date and time designated in the notice, when the bids shall be opened by the Town Clerk. The results of

the bidding shall then be submitted to the Town Council at its next regular meeting; after proponents and opponents if any, to said proposed sale have been heard, the Council may by the affirmative vote of a majority of all the members of the Council vote to convey the property to the highest bidder. The Council may reject any bid which does not comply with Town's bid procedure guidelines; furthermore, the Council may reject all bids and withdraw the offer to sell the property.

**1.3.1. DEED EXECUTION**

The Town Treasurer is hereby authorized for and on behalf of the Town of Hampden to make, execute and deliver a Quitclaim Deed to convey title to the purchaser.

**1.4 FORECLOSURE ACQUIRED PROPERTY**

The Town Treasurer shall give written notice to the prior owner of record of real estate acquired by the Town by way of foreclosure of tax lien or sewer lien of the Town's intent to sell said real estate at public sale. Said notice shall be given in writing and sent via U.S. mail to the property owner's last known address at least 30 days before notice of public sale is given in the manner specified in Section 1.2 above. Failure of any prior owner to receive such notice shall not necessitate another sale or invalidate any action of the Town Council.

If the prior owner of record makes full payment of all sums due the Town, including but not limited to the amount of tax and/or sewer liens, real estate taxes, personal property taxes, sewer charges, recording fees, interest and costs, before notice of public sale is given, the Town Treasurer shall release title to said real estate to its record owner.

**ADOPTED BY THE HAMPDEN TOWN COUNCIL: November 19, 1979**

**EFFECTIVE: December 19, 1979**

**AMENDED: July 6, 1987**

**EFFECTIVE: August 4, 1987**

**AMENDED: April 21, 2015**



Angus Jennings <townmanager@hampdenmaine.gov>

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## Sale of Town Owned Real Estate Ordinance

1 message

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Edmond J. Bearor <ebearor@rudmanwinchell.com>  
To: Angus Jennings <townmanager@hampdenmaine.gov>  
Cc: "Lynn E. Brochu" <lbrochu@rudmanwinchell.com>

Thu, Apr 28, 2016 at 3:36 PM

Angus; I understand that the former owners of property that recently was advertised for sale pursuant to section 1.4 of the Sale of Town Owned Real Estate Ordinance, have contacted you and are desirous of paying all sums due the Town for past and current taxes, any sewer charges owed, recording fees, interest and costs. It is our opinion that the Council retains authority to convey the property back to the party which lost title by virtue of automatic foreclosure of a tax lien. This is still the case even though the property has been advertised for sale by sealed bid. The Council may set the terms upon which it will convey the property back to the former owners which, at a minimum, ought to include all those items listed in section 1.4.

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### NOTICE:

This email and any files transmitted with it are confidential and intended solely for the use of the entity or individual to whom they are addressed, and may contain information that is privileged and/or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature, a legal opinion, or establishing an attorney-client relationship. If you have received this email in error, please notify the system manager at Admin@rudmanwinchell.com immediately and permanently delete or destroy the original and its attachments, along with any electronic or physical copies. Rudman Winchell cannot accept responsibility for the accuracy or completeness of this email as it has been transmitted over a public network. If you suspect that the email may have been tampered with, intercepted or amended, please notify the system manager.



Angus Jennings <townmanager@hampdenmaine.gov>

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**Re: 1037 Kennebec Road, Hampden ME**

1 message

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American Wireless Management <joe@commonwealthri.com>

Thu, Apr 28, 2016 at 4:04 PM

Reply-To: American Wireless Management <joe@commonwealthri.com>

To: Brian Sullivan <bsullivan@jleeassociates.net>, Angus Jennings <townmanager@hampdenmaine.gov>

Cc: Paul Kean <pjkean28@yahoo.com>

Hello Again Mr. Jennings,

I see that my brother Brian has sent the permission letter you requested. I am now in the process of preparing the check for the \$9,000.00 we discussed to show the council we are serious about this re-payment before the Monday meeting. I am fully aware that there may be additional costs to quell the Auction, and I can assure you I will repay those costs to the Town of Hampden as well.

As I have stated to you before, this land has been in our family for more that 60 years, the Cabin was built by the hands of my Family, and there is nothing I wont do to save it form this action.

I cannot thank you enough, for the effort and kindness you have put into this matter, and I will be sure to abide to anything the Council asks us to do.

*Thank you for the opportunity to earn your business,*

Joseph Sullivan, CFO

*American Wireless Management*

*JLee & Associates Lead T-Mobile-AT&T Consultant*

*Air32/L1900/700MHZ/MetroKeep/MDRN Projects, P.M.*

joseph@commonwealthri.com

781.866.9646 direct

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**From:** Brian Sullivan <bsullivan@jleeassociates.net>

**To:** Angus Jennings <townmanager@hampdenmaine.gov>

**Cc:** American Wireless Management <joe@commonwealthri.com>

**Sent:** Thursday, April 28, 2016 3:37 PM

**Subject:** 1037 Kennebec Road, Hampden ME

Good afternoon Mr. Jennings.

My Brother and I really appreciate all your help with this sorting out this matter. It means a lot to Joe and I to know the Town understands how much this property means to us.



Angus Jennings <townmanager@hampdenmaine.gov>

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## 1037 Kennebec Road, Hampden ME

1 message

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**Brian Sullivan** <bsullivan@jleeassociates.net>  
To: Angus Jennings <townmanager@hampdenmaine.gov>  
Cc: American Wireless Management <joe@commonwealthri.com>

Thu, Apr 28, 2016 at 3:37 PM

Good afternoon Mr. Jennings.

My Brother and I really appreciate all your help with this sorting out this matter. It means a lot to Joe and I to know the Town understands how much this property means to us.

Joe has authorization to act on my behalf on all matters regarding this property.

Thank you.

Brian Sullivan

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**From:** American Wireless Management [mailto:joe@commonwealthri.com]  
**Sent:** Wednesday, April 27, 2016 2:31 PM  
**To:** Angus Jennings <townmanager@hampdenmaine.gov>  
**Cc:** Brian Sullivan <bsullivan@jleeassociates.net>  
**Subject:** Re: Checking in

Hello Mr. Jennings,

I genuinely thank you for checking in with me. It is a welcomed piece of mind during this stressful situation, and your professionalism is refreshing, and greatly appreciated!

*Thank you for the opportunity to earn your business,*

Joseph Sullivan, CFO

**FORECLOSED PROPERTY SALE  
TOWN OF HAMPDEN, ME**

The Town of Hampden is accepting sealed bids for a foreclosed property located at 1037 Kennebec Road in Hampden, ME. This property contains approximately 50 acres of land with building(s). Information on this bid is available on the Town website at [www.hampdenmaine.gov](http://www.hampdenmaine.gov) or by calling the Town Manager at 862-3034. A minimum bid of \$9,000 is required and will be used to cover all outstanding taxes, costs and interest on the parcel.

Sealed bids clearly marked **FORECLOSED PROPERTY SALE, 1037 Kennebec Road** must be submitted by Thursday, May 12, 2016 at 10 a.m. to the Hampden Town Office, 106 Western Avenue, Hampden, ME 04444 and must contain a certified check in the amount of 10% of the bid. Bids will be publicly opened at that time. The winning bidder shall have 30 days from award of the bid to complete the sale.

The Hampden Town Council will award the bid as part of its regular meeting on Monday, May 16, 2016 at 7 p.m.

**Bid Specifications  
Town Acquired Property  
LOT & LOCATION**

The Town of Hampden has one property available for public sale resulting from expired tax liens. The property is located at 1037 Kennebec Road, identified as MAP 1, LOT 56, real estate tax account #122.

Approximate acreage of the property is 50± acres. A copy of the property card that lists acreage and assessments are attached to this notice. Tax maps showing location of the lot may be viewed at the Hampden Town Office Monday through Thursday between 7:30 am and 6:00 pm.

**BIDDER'S INSTRUCTIONS**

Interested bidders shall submit a bid which shall include a statement of the amount of the bid with a certified check for 10% of the proposed purchase price. The winning bidder shall have 30 days from award of the bid to complete the sale. Failure to do so will result in forfeiture of the 10% deposit. In case of default, Town retains the right to negotiate with remaining bidders for sale of the lot.

Bids must be submitted in a sealed envelope clearly marked as **FORECLOSED PROPERTY SALE, 1037 Kennebec Road**. Bids must be submitted to the Hampden Town Office, 106 Western Avenue in Hampden, ME 04444 no later than 10:00am on Thursday, May 12, 2016, when they will be publicly opened. The bid award will take place at the Town Council meeting on Monday, May 16 at 7:00 pm.

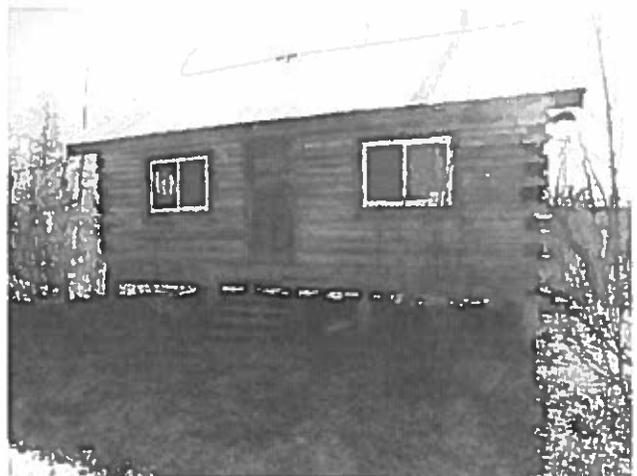
**MINIMUM BID**

Minimum bid for this property is \$9,000.00.

**OTHER INFORMATION**

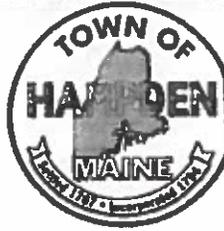
The Town of Hampden retains the right to accept or reject any and all bids.

The Town shall issue a quitclaim deed without covenants to the successful bidder. It will be the bidder's responsibility to obtain warranty title to the property. Proceeds from the sale of the lot shall be used to clear all outstanding taxes, interest, and costs for the parcel. Properties will be sold with the property taxes cleared through June 30, 2017.



COPY

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



March 14, 2016

Brian M. Sullivan  
10 Fellowship Circle  
West Wareham, MA 02576

RE: Property Foreclosure, 1037 Kennebec F  
Map & Lot: 01-0-056

Dear Mr. Sullivan,

The purpose of this letter is to notify you that the Town of Hampden has foreclosed on your property at 1037 Kennebec Road in Hampden, ME for unpaid 2013/2014 real estate taxes. The foreclosure date for these taxes was on February 20, 2016. The Town mailed all legal notices in regard to these taxes/liens to you.

On Monday, March 7, 2016 the Hampden Town Council voted to begin the process for property sale consistent with the Town of Hampden "Sale of Town Owned Real Estate Ordinance". Pursuant to section 1.4 of that ordinance, this letter serves as formal notification that it is the Town's intent to sell this property at a public sale. As record owner of the property, in order to retain the property you have thirty days from the date of this notice to pay all years of outstanding tax, costs, and interest. Failure to do that within the 30 day time frame will result in the advertisement and public sale of the property.

At the present time the total outstanding for taxes, costs, and interest is \$6,357.18 and interest is accruing at the rate of \$0.9159 per day. However, an additional year of taxes will be due and payable as of April 1, 2016. If the property is redeemed after March 31<sup>st</sup> but before the final date of April 14, 2016, the total due would be \$8,329.56 (including interest through April 14 plus estimated FY17 taxes). I have enclosed a copy of this report.

Please contact me immediately if it is your intent to redeem this property.

Sincerely,

Angus Jennings  
Town Manager

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

**OFFICIAL USE**

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 2.50
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 4.9
Total Postage and Fees	\$ 6.74

Sent To: Brian Sullivan  
Street and Apt. No., or PO Box No.: 10 Fellowship Circle  
City, State, ZIP+4: West Wareham MA 02576

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

4425 5236 2000 DEPT 5102  
2016  
U.S.P.

*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.**

State of Maine  
Notice of Impending Automatic Foreclosure  
Title 36, M.R.S.A. Section 943

000122

January 7, 2016

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2014 PROPERTY TAXES, INTEREST AND COSTS.

SULLIVAN, BRIAN M  
"TENANTS IN POSSESSION"  
10 FELLOWSHIP CIRCLE  
WEST WAREHAM, MA 02576

You are the party named on a tax lien certificate filed on August 20, 2014, and recorded in Book 13621, Page 10 in the Penobscot County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

Map & Lot: 01-0-056  
Location: 1037 KENNEBEC RD

On February 20, 2016, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY.

If you cannot pay the property taxes you owe, please contact me to discuss this notice.

\*\*\*\*\*  
\* IF YOU ARE A DEBTOR IN BANKRUPTCY, \*  
\* THIS NOTICE DOES NOT APPLY TO YOU. \*  
\*\*\*\*\*

Principal	1,854.81
Interest	277.46
Lien Costs	60.49
Fee	3.00
Cert Mail Fee	6.74
<u>Total</u>	<u>2,202.50</u>

  
\_\_\_\_\_  
Angus Jennings  
Treasurer  
Town of Hampden  
County of Penobscot

Amount due as of February 20, 2016. Please call 862-3034 for the amount due on any desired payment date.





Town of HAMPDEN  
106 WESTERN AVENUE  
HAMPDEN, MAINE 04444

CERTIFIED MAIL



7015 1730 0002 3923 5244



201c  
NOW MACHINEABLE PERFORATES

ADDRESS SERVICE REQUESTED

1ST NOTICE \_\_\_\_\_

2ND NOTICE \_\_\_\_\_

RETURN \_\_\_\_\_

*unc*  
*3/17*  
*3/24*  
*4/11*

*E*

NIXIE

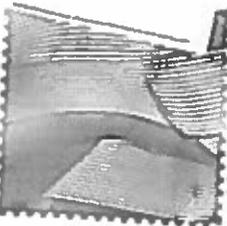
*fm*

015 DE 1

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 04444143606  
#1669-14597-05-28

0004/05/16



0257632406 R003



**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



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

TO: Finance Committee and Town Council

FROM: Angus Jennings, Town Manager

DATE: April 28, 2016

RE: FY17 Budget Status

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My work on the proposed FY17 Budget is well underway, but is not complete for inclusion in Monday's meeting packets. On or before Sunday, May 1, the date established by the Town Charter, I will circulate a proposed Budget and post to the Town website.

I'll present the proposed Budget at Monday's meeting as well as a schedule of proposed dates for Council review of specific Departmental budgets.

**Sec. 603 Planning Board: Organization and Rules**

- (1) The board shall elect a chairperson and a secretary from among its members and create and fill such other offices as it may determine. The term of offices shall be one year with eligibility for re-election.
- (2) When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that person's stead.
- (3) An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when so designated by the chairperson to sit for a member.
- (4) Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- (5) The chairperson shall call at least eight regular meetings of the board each year.
- (6) No meetings of the board shall be held without a quorum consisting of four members or associate members authorized to vote.
- (7) The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable times. *(Amended: June 2, 1982, November 6, 1990)*

**Sec. 604 Planning Board: Comprehensive Plan** - The town council shall approve no changes in the comprehensive plan without the recommendation of the Planning Board. Such recommendations may be overturned by an affirmative vote of five councilors.

**ARTICLE VII  
FINANCIAL PROCEDURE**

**Sec. 701 Fiscal Year** - Effective July 1, 1985, the fiscal year of the Town shall begin on the first day of July and end on the last day of June of the following year. *(Amended: November 6, 1984)*

**Sec. 702 Submission of Budget and Budget Message** - On or before the 1st day of May of each year the Town Manager shall submit to the Town Council a budget for the next fiscal year and an accompanying message. *(Amended: November 4, 1986)*

**Sec. 703 The Budget Message** - The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable.

**Sec. 704 Budget** - The budget shall begin with a clear summary of its contents. It will show in detail all estimated income and all proposed expenditures, including debt service, the actual and estimate portion of the SAD #22 Budget allocated to Hampden, the estimated and actual portion of the Penobscot County budget allocated to the Town of Hampden and the proposed tax levy. It shall provide a complete financial plan of all town funds and activities for the next fiscal year and except as required by this Charter, be in such form as the Town Manager deems desirable and the Town Council may require. It will be so arranged as to show comparative budget and expenditure figures between the proposed budget and the prior and current fiscal year budgets. It shall indicate in separate sections as follows: *(Amended: November 5, 2002)*

- (1) Proposed expenditures for operations detailed by offices, departments and agencies for the next fiscal year; and
- (2) Proposed Capital Expenditures detailed by offices, departments, and agencies for the next fiscal year; and
- (3) Anticipated net surplus or deficit for the next fiscal year of each utility owned or operated by the Town, if any, and the proposed method of its disposition; subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget. *(Amended: June 2, 1982)*

THE TOTAL OF PROPOSED EXPENDITURES SHALL NOT EXCEED THE TOTAL OF ESTIMATED INCOME.

***Sec. 705 Capital Program***

- (a) *Submission to Council:* The manager shall prepare and submit to the council a five-year capital program at the same time as the manager submits the budget. *(Amended: November 6, 1990)*
- (b) *Contents:* The capital program shall include:
  - (1) A clear general summary of its contents;
  - (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - (3) Cost estimates, methods of financing and recommended time schedules for each improvement; and
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

***Sec. 706 Council Action on Budget***

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:
  - (1) The times and places where copies of the message and budget are available for inspection by the public, and
  - (2) The time and place of the public hearing on the budget. The public hearing shall be held no sooner than two weeks after said publication but in no case later than the third Monday in June. *(Amended: November 6, 1984)*
- (b) *Amendment Before Adoption.* After the public hearings the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

- (c) *Adoption.* On or before January 1, 1985 the town council shall adopt a budget for the period from January 1, 1985 to July 1, 1985. Thereafter the council shall adopt the budget before the first day of July each year and if it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. *(Amended: November 6, 1984)*

Adoption of the budget shall be done by council order listing a chart of accounts and shall be enumerated by appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. *(Amended: June 2, 1982)*

**Sec. 707 Council Action on Capital Program**

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the capital program and notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public,
  - (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
- (b) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and before the 1st day of July. *(Amended: November 6, 1984)*

**Sec. 708 Public Records** - Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

**Sec. 709 Amendments After Adoption**

- (a) *Supplemental Appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of temporary notes which may be renewed from time to time, but the temporary notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and a recommendation as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution or order reduce one or more appropriations. *(Amended: November 6, 1990)*
- (d) *Transfer of Appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered funds within an appropriation. Upon written request by the manager, the

council may by affirmative vote of five members transfer part or all of any unencumbered appropriation balance from one appropriation to another.

- (e) *Limitations: Effective Date.* No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**Sec. 710 Lapse of Appropriations** - Every general fund appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any activity or encumbrance of the appropriation by the council. (Amended: June 2, 1982)

### **Sec. 711 Administration of Budget**

- (a) *Work Programs and Budgets.* At such time as the manager shall specify, each department, office or agency shall submit the work programs for the ensuing fiscal year. The manager shall review and authorize such budgets with or without revision as early as possible in the fiscal year. The manager may revise such budget during the year if the manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 709. (Amended: June 2, 1982, November 6, 1990)

- (b) *Payments and Obligations Prohibited.* No payment shall be made or obligation except in accordance with appropriations duly made and unless the manager or designee first certified that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any official who knowingly authorized or made such payment or incurred such obligation, and that official shall also be liable to the town for an amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinances. (Amended: June 2, 1982, November 6, 1990)

**Sec. 712 Annual Post-Audit** - Council shall each year appoint a certified public accountant for the purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law. Said audit shall be received in its entirety within the first quarter of the ensuing year. (Amended: June 2, 1982)

## ARTICLE VIII NOMINATIONS AND ELECTIONS

**Sec. 801 Conduct of Elections** - The regular municipal election shall be held on the Tuesday following the first Monday of November in each year. Except as otherwise provided by this charter, the provisions of Title 21-A of the Maine Revised Statutes shall apply to elections held under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21-A. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply. For the conduct of elections, for the prevention of fraud in such elections and