

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, June 16, 2014

6:00 p.m.

Hampden Town Office

1. Meeting Minutes
 - a. June 2, 2014
2. Review & Sign Warrants
3. Old Business
 - a. Winterport Winery Farmer's Market Permission – Change of Location
 - b. Animal Control Shelter Contract
 - c. Charter Review
 1. Article V – Tax Administration
 2. Article VI – Zoning Board of Appeals and Planning Board
4. New Business
 - a. Forfeiture of Assets/Use of Proceeds
 - b. Municipal Building Reserve Use – Community Room divider wall repair
5. Public Comment
6. Committee Member Comments

FINANCE & ADMINISTRATION COMMITTEE MINUTES

Monday, June 2, 2014

Attending:

Mayor Carol Duprey	Councilor Ivan McPike
Councilor William Shakespeare	Councilor Greg Sirois
Councilor Tom Brann	Town Manager Susan Lessard
Councilor Jean Lawlis	
Councilor David Ryder	

The meeting was opened at 6 p.m. by Mayor Duprey.

1. Meeting Minutes
 - a. May 19, 2014 – Motion by Councilor McPike, seconded by Councilor Ryder to approve the minutes. All in favor.
2. Review & Sign Warrants – Warrants for the payments of bills were reviewed and approved and signed by Committee members.
3. Old Business - None
4. New Business
 - a. Proposed Council Compensation Ordinance Amendment – Councilor Sirois – Motion by Councilor Sirois, seconded by Councilor McPike to recommend that this item be forwarded to the council for public hearing. Councilor Brann objected to the procedure used to introduce this proposal and did not believe that it should have been on the agenda for the subsequent Council meeting. He considered the change between this proposal and the \$0 funded proposal heard previously to be virtually identical and a means to circumvent the rules regarding reconsideration. The Town Attorney had provided an opinion that the change in the compensation amount was enough to make it a new ordinance. Vote on the motion – 4-3 (Lawlis, Brann & Shakespeare) motion carried.
 - b. Charter Review – Article IV Town Manager – The Town Attorney provided a review of this section of the charter and did not find any items that were in conflict with state law. Committee members did not cite any other changes that they wished to consider.
5. Public Comment - None
6. Committee Member Comments – None

Motion by Councilor McPike, seconded by Councilor Ryder to adjourn at 6:15 p.m.
Meeting adjourned.

Respectfully submitted,



Susan Lessard
Town Manager

**Bureau of Alcoholic Beverages
& Lottery Operations
Liquor Licensing & Enforcement**



<u>BUREAU USE ONLY</u>

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

Application for a Farmer's Market
ALL QUESTIONS MUST BE ANSWERED IN FULL

NAME OF FARMER'S MARKET Hampden Farmers Market
LOCATION OF FARMER'S MARKET 106 Western Ave HAMPDEN 04444
CONTACT PERSON LAURE PHILBRICK
ADDRESS OF CONTACT PERSON FRANKFORT ME 04438
City/Town State Zip Code 321-1455 223-1215
Telephone Number Fax Number

Dated at: HAMPDEN, ME on May 30, 2014
Town/City, State Date

[Signature] [Signature]
 Signature of Applicant Please sign in blue ink Hampden Farmers Market

If the farmer's market is held on private property, this application must include a written statement signed by the owner of the property permitting the sale of wine or malt liquor

I _____, owner of property that the above farmer's market is to
Print name of owner of property
 be held on, do agree to allow alcohol sales on my property during legal hours of sale of alcohol at the farmer's market.

 Signature of property owner

Farmer's Market Authorization, At least 30 days prior to the sale of wine or malt liquor, a farmer's market must obtain municipal approval and apply and receive authorization from the bureau for a licensee authorized by the bureau to sell wine or malt liquor at the farmer's market.

**STATE OF MAINE
MUNICIPAL APPROVAL**

Dated at: _____, Maine _____ SS
City/Town (County)

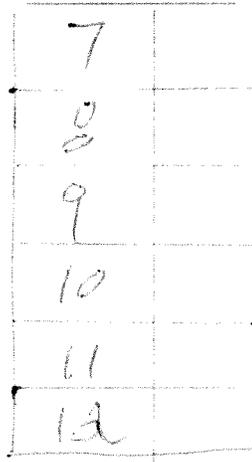
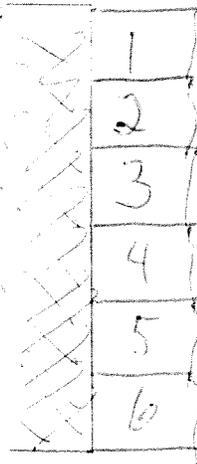
On: _____
Date

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

**A diagram is required showing the number of booths at the Farmer's Market.
 There must be at least 6 stalls or booths not including booth for sale of alcohol**

*Hamden
Police*

*Hamden Town Office
106 Weston Ave*



← West

Weston Ave — *East* →
 164 State House Station Farmer's Market 2011
 Augusta ME 04333-0164



Chief Sean P. Geagan

BUCKSPORT POLICE DEPARTMENT

PUBLIC SAFETY BUILDING, 89 FRANKLIN STREET
P.O. BOX C-1, BUCKSPORT, MAINE 04416
(207) 469-7951/FAX (207) 469-3122

May 30, 2014

Susan Lessard
Town of Hampden
106 Western Avenue
Hampden, Me 04444

RE: Animal Contract

Dear Susan,

This letter is in response to your request for the Town of Bucksport to consider housing stray cats and dogs for the Town of Hampden.

The finance committee discussed this matter at a meeting on May 29th and recommended the following to the Town Council:

The Town of Bucksport is willing to complete an annual contract to house stray cats and dogs from the Town of Hampden. The fee will be \$.75 cents per population, with a boarding charge of \$9 per day for cats and \$12 for dogs for a 6 day period plus any medical expenses incurred with the animals, this is per existing policy for this department. The cost with your current population of 7257 would be \$5442.75 per year plus the additional expenses as mentioned.

If you have any questions feel free to contact me.

Sincerely,

Sean P. Geagan
Chief of Police
Bucksport Police Department



RENEWAL ADDENDUM

THIS RENEWAL ADDENDUM is made and executed in duplicate as of this 1st day of March, 2014 by and between the Town of Hampden and Bangor Humane Society ("BHS").

RECITALS:

A. The parties entered into an Agreement on 6/15/2011 concerning the provision of shelter and care of strayed and lost dogs, cats, and rabbits.

B. The term (or renewal term, as the case may be) of said Agreement expires on **June 30, 2014**, and the parties are desirous of renewing said Agreement for an additional one year period.

NOW, THEREFORE, in consideration of the foregoing recitals and the benefits and obligations in the original Agreement, the parties hereby agree as follows:

1. The term of the Agreement (or the most recent renewal term thereof, as the case may be) shall be extended for an additional one year period, commencing on **July 1, 2014**, and expiring on **June 30, 2015**.

2. For the services to be provided by BHS during the renewal term, the Town of Hampden agrees to pay BHS the total annual sum of 8656.20, which is based on 1.35 per capita of the Town of Hampden's population as of the most recent Maine Municipal Association census, payable in advance in 11 equal monthly installments of 723.85 and a final installment of \$723.85, the first installment being due and payable on the date of commencement of this renewal term set forth in Paragraph 1.

3. Other terms:

4. Except as expressly modified hereby, the parties agree that the terms and conditions of the original Agreement shall be applicable to and binding on the parties for the one year renewal term set forth in Paragraph 1.

IN WITNESS WHEREOF, the parties have caused this Renewal Addendum to be duly executed and sealed on their behalf, in duplicate counterparts, as of the date first above written.

BANGOR HUMANE SOCIETY

Witness

By: _____
Printed Name: Suzan Bell
Its: Executive Director

Witness

MUNICIPALITY OF _____
By: _____
Printed Name: _____
Its: _____

(8) *Administrative Code.* The manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

(9) *Other Duties.* The manager shall perform such other duties as are specified in this charter or may be required by the council. (Amended: November 6, 1990)

Sec. 404 Absence of Town Manager - By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified town administrative official to exercise the powers and perform the duties of manager during any temporary absence or disability. During such absence or disability the council may revoke such designation at any time and appoint another official of the town to serve until the manager shall return or the disability shall cease. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative official of the town to perform the duties of the manager until the manager shall return or the disability shall cease. (Amended: November 6, 1990)

ARTICLE V TAX ADMINISTRATION

Sec. 501 Assessment Administration, Assessor - There shall be a single assessor appointed by the manager subject to the approval of the town council. The assessor shall perform all duties and responsibilities provided for assessors under general law. The salary, hours and working conditions shall be determined by the town manager, subject to the approval of the town council. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such practice is generally accepted and lawful. (Amended- June 8, 1986, November 6, 1990)

Sec. 502 Board of Assessment Review, Appointments; Vacancies - There shall be a Board of Assessment Review to consist of five members who will be appointed by the town council for a term of three years, except of those first appointed, one shall be for a term of two years and one for a term of one year. Two alternates serving staggered terms, shall also be appointed. Three (3) members will constitute a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term. (Amended: March 13, 1979)

Sec. 503 Board of Assessment Review Duties - The Board of Assessment Review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

ARTICLE VI ZONING BOARD OF APPEALS AND PLANNING BOARD

Sec. 601 Composition and Terms - There shall be a zoning board of appeals whose composition and term of office shall be in accordance with state law. Further reference is made to the Town of Hampden Zoning Ordinance. (Amended: June 2, 1982)

Sec. 602 Planning Board: Appointment

- (1) Appointment to the board shall be made by the municipal officers.
- (2) The board shall consist of seven members and two associate members.
- (3) The term of each member and associate member shall be five years.
- (4) Not more than one municipal officer may serve as a member or associate member. (Amended: June 2, 1982)

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

4a



HAMPDEN PUBLIC SAFETY

Police - Fire - EMS
106 Western Avenue
Hampden, Maine 04444
publicsafety@hampdenmaine.gov
Phone 207-862-4000
Fax: 207-862-4588



TO: Susan Lessard, Town Manager
FROM: Joe Rogers, Public Safety Director
RE: Approval of Transfer of Forfeiture Assets
DATE: June 2, 2014

On November 2, 2013, Officer James Ryan, Jr. conducted a traffic stop on a vehicle operated by Matthew Graves. During this routine traffic stop, Officer Ryan detected evidence of drug trafficking. Ultimately, Mr. Graves was charged with felony drug offenses and monies totaling \$5111 was confiscated as evidence in our case. Last week, Mr. Graves pleaded guilty to the charges Officer Ryan levied against him, and the money confiscated, believed to be proceeds from drug sales, were ordered forfeited.

With the Council's approval and acceptance of the funds, we would purchase four new Tasers (roughly \$1000 each), new Taser holsters, and both duty and training cartridges. Each cartridge costs approximately \$25. This purchase is only made possible due to the efforts and intuitive investigative skills demonstrated by Officer Ryan during what began as a routine patrol stop for running a stop sign.

JANET T. MILLS
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

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

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST. STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

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

May 27, 2014

Hampden Police Department
Chief Joseph Rogers
106 Western Avenue
Hampden, ME 04444

RE: State of Maine vs. Matthew Graves
Penobscot County Superior Court Doc. No. CR-13-4172 - **Criminal Forfeiture**
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Rogers:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final

forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is “embossed” with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick Larson for".

Patrick Larson
Assistant Attorney General

Enclosure

STATE OF MAINE
Penobscot, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-13-4172

State of Maine	}	
	}	Municipality of Hampden
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Matthew Graves,	}	
Defendant;	}	
	}	
And	}	
	}	
\$5,111.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Hampden, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$5,111.00), or any portion thereof, on the grounds that the Hampden Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Hampden, Maine does hereby approve of the transfer of the Defendant(s) in Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Hampden municipal legislative body on or about _____.

Dated: _____

Municipal Officer
Hampden, Maine
(Impress municipal legislative body seal here)

REMIT TO OUR MAIN OFFICE:



www.pdqdoor.com

589 Main Road North
Hampden, ME 04444
207-947-1899
800-734-1701
Fax: 207-947-1839



46
INVOICE

DATE: 5/30/2014
INVOICE #: H102764

BILL TO:

Town of Hampden
106 Western Avenue
Hampden, ME 04444

Job Location:
Fire Dept Training Room



P.O. NUMBER	TERMS	REP	CONTACT
	NET 10	Will	Dan@ 862-4000

QUANTITY	DESCRIPTION	AMOUNT
1	Kwik Wall Parts	64.00
1	Shipping	8.80
1	Commercial Service	351.50
	Movable wall is not working correctly	
	5/14/14 - Eric	
	Travel .25, On Site 1.5	
	5/28/14 - Eric & Derrick	
	Travel .25, On Site 1.25	

3-702-00

RECEIVED
JUN 02 2014

BY:

Acct. No. 3-702-00

[Signature]
DEPARTMENT HEAD SIGNATURE

DATE 6/2/2014

Work has been completed to my satisfaction. I understand that I will be charged 1 1/2% interest per month as well as reasonable collection costs for any overdue balance.



Additional Convenient Locations:					TOTAL	\$424.30
209A State Road West Bath, ME 04530 207-443-7426 888-559-3667 Fax: 207-443-6152	10 Rockport Park Center Rockport, ME 04856 207-230-0808 877-230-0809 Fax: 207-230-0888	50 Airport Road Waterville, ME 04901 207-872-7711 866-570-7711 Fax: 207-872-7713	P.O. Box 1543 331 North Street Houlton, ME 04730 207-532-0808 877-529-3719 Fax: 207-532-0880	78 Industrial Street Presque Isle, ME 04769 207-764-0213	Payments/Credits	\$0.00
					Balance Due	\$424.30



www.pdqdoor.com

REMIT TO OUR MAIN OFFICE:

589 Main Road North
Hampden, ME 04444
207-947-1897
800-734-1400
Fax: 207-947-1839



INVOICE

DATE 6/6/2014 INVOICE # H103089

BILL TO:

Town of Hampden
106 Western Avenue
Hampden, ME 04444

Job Location:

Hampden Fire
Bay #6



P.O. NUMBER	TERMS	REP	CONTACT
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NET 10 Jim Dan

QUANTITY	DESCRIPTION	AMOUNT
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1	Door is only opening a foot. Can be used manually. Cables, rollers and pulleys seem to be functional. Chain will not engage after the door raises about a foot.	
1	P.D.Q. Lube 14 OZ	12.00
1	LockTite	2.00
1	2" Commercial Roller	3.95
2	Torsion Springs 262 x 56 x 2	256.00
1	Shipping	22.00
1	Commercial Service	253.00
	5/30/14 - AJ	
	Travel .25, On Site 1	
	6/4/14 - Don & Travis	
	Travel .25, On Site 1.25	

3-702-00

RECEIVED JUN 09 2014

Acct. No. Mon Bldg Reserve
Craig M. Dora
DEPARTMENT HEAD SIGNATURE
DATE 6-10-2014

BY: _____

Work has been completed to my satisfaction. I understand that I will be charged 1 1/2% interest per month as well as reasonable collection costs for any overdue balance.



Additional Convenient Locations:

209A State Road West Bath, ME 04530 207-443-7426 888-559-3667 Fax: 207-443-6152	10 Rockport Park Center Rockport, ME 04856 207-230-0808 877-230-0809 Fax: 207-230-0888	50 Airport Road Waterville, ME 04901 207-872-7711 866-570-7711 Fax: 207-872-7713	P.O. Box 1543 331 North Street Houlton, ME 04730 207-532-0808 877-529-3719 Fax: 207-532-0880	78 Industrial Street Presque Isle, ME 04769 207-764-0213
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TOTAL	\$548.95
Payments/Credits	\$0.00
Balance Due	\$548.95