

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, August 4, 2014

6:00 p.m.

Hampden Town Office

1. Meeting Minutes
 - a. July 7, 2014
2. Review & Sign Warrants
3. Old Business
 - a. Elm Street East Culvert Additional Funding Request – Use of Streets & Roads Reserve Funds
 - b. Charter Review:
 1. Article II – Town Council – Section 211(d) – Procedure/ Voting (Quorum)
 2. Article VIII – Nominations and Elections
 3. Article IX – Referendum and Initiative
 4. Article X – General Provisions
4. New Business
 - a. Pool Roof Bid Award
 - b. Municipal Garage Fuel Tank Bid Award
 - c. Pool Fees Increase Request
5. Public Comment
6. Committee Member Comments

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, July 7, 2014

Attending:

Mayor Carol Duprey

Resident Terry McAvoy

Councilor David Ryder

Councilor Ivan McPike

Town Manager Susan Lessard

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

1. Meeting Minutes
 - a. June 16, 2014 – Motion by Councilor McPike, seconded by Councilor Ryder to approve. Unanimous vote in favor.
2. Review & Sign Warrants – The warrants were reviewed and signed by Committee member.
3. Old Business
 - a. Route 1A Sidewalk – Use of Streets & Roads Reserve Funds – Motion by Councilor McPike, seconded by Councilor Ryder to recommend to the Council that the Route 1A sidewalk repair be funded from Streets and Roads reserves in an amount not to exceed \$5,000. Unanimous vote in favor.
 - b. Elm Street East Culvert – Use of Streets & Roads Reserve Funds – Motion by Councilor Ryder, seconded by Councilor McPike to recommend to Council that the Elm Street Culvert project be awarded to Maine Earth and the \$65,707 cost be funded from Streets and Roads Reserve. Unanimous vote in favor.
 - c. Article VII – Financial Procedure – No committee members had suggestions for any changes to this section of the Charter. The Town Attorney had not yet provided a review for conflict with State Statutes. That review will be provided and if there are conflicts, they will be reported back to the Committee. In the absence of any conflicts, the next section of the Charter, Article VIII, will be discussed at the next Finance & Administration Committee meeting.
4. New Business
 - a. Emergency Street Signs – Use of Grant Funds – Motion by Councilor McPike, seconded by Councilor Ryder to recommend to Council the use of remaining grant funds to purchase emergency street signs. Unanimous vote in favor.
 - b. Littlefield Avenue Paving & Reclamation – Use of Streets & Roads Reserve Funds – Motion by Councilor Ryder, seconded by Councilor McPike to recommend to the Council that the Hampden portion of Littlefield Avenue be awarded to Wellman Paving for a cost of \$8,991.50, to be funded from Streets & Roads Reserve. Unanimous vote in favor.

c. Local Road Assistance Program Funds Acceptance – 2014/15 – Motion by Councilor Ryder, seconded by Councilor McPike to recommend to the Council to accept 2014/15 Local Road Assistance Funds from the State in the amount of \$64,916. Unanimous vote in favor.

5. Public Comment - None

6. Committee Member Comments – None

The meeting was adjourned at 6:18 p.m.

Respectfully submitted,

Susan Lessard
Town Manager



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 30, 2014

To: Sue Lessard
From: Chip Swan
Subject: ELM ST EAST CULVERT

Susan,
Due to a design flaw the guard rail areas on Elm St East culvert had to be extended. The cost of this change is \$1000.00
I would like the council to approve using reserve funds for this change.

Yours truly,

Chip Swan, PWD

for the compulsory attendance of witnesses, the administering of oaths, the taking of compulsory production of evidence.

3b

Sec. 211 Procedure –

- (a) *Meetings* - The council shall meet regularly at least once in every month at such time and place as the council may prescribe by rule. Special meetings may be held on the call of five (5) or more members by causing a notification to be given or left at the usual dwelling place of each council member. If practicable, such notice shall be given not less than twelve hours before the special meeting and shall be published in a paper having general circulation in the town. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership, town manager and to other persons the council votes to admit, any matter which would tend to defame or prejudice the character or reputation of any person, provided that the precise subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. The foregoing action shall be governed by state law, MRSA, Title 1, §405, as amended. Any citizen at the meeting shall have the opportunity to speak upon any subject before the council. (Amended: June 8, 1982)
- (b) *Rules and Journal* - The council shall determine its own rules.
- (c) *Secretary* - The town clerk shall act as secretary of the town council and shall keep a record of all council proceedings including all roll call votes. The Town Clerk or designee shall act as recording secretary at town council meetings. (Amended: December 5, 1977)
- (d) *Voting* - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. Five members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present. (Amended: June 8, 1982, November 6, 2007)
- (e) *Agenda* - Any subject may be placed on the agenda for a council meeting by a councilor, the town manager or at the request of any citizen. Any subject presented by a citizen must be received at the town office at least 5 calendar days prior to the council meeting. The agenda shall be prepared and posted in the town office at least one business day prior to a scheduled council meeting.

Sec. 212 Action Requiring an Ordinance - In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of council shall be by ordinance which:

- (1) Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money other than tax anticipation notes;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the town;

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

for the recount of ballots in case of doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter. Qualified voter shall mean any person qualified and registered to vote under law. *(Amended: June 2, 1982, November 5, 2013)*

Sec. 802 Officials Nominated and Elected At Large

- (a) *Councilors at Large.* The full names and street addresses of all candidates nominated for councilor at large, except those who have withdrawn, died, or become ineligible shall be printed on the official ballots under a heading reading: "Nominees for Councilor at Large". *(Amended: November 6, 1990, November 5, 2013)*
- (b) *District Councilors.* The full names and street addresses of all candidates nominated for district councilor, except those who have withdrawn, died, or become ineligible, shall be printed only on the official ballots under the separate heading reading: "Nominees for District Councilor".

Sec. 803 Nomination Paper for Specimen Ballot

- (a) Nomination Paper will be provided upon request from town office.
- (b) Specimen ballot will be provided upon request from town office.

Sec. 804 Ordering Candidate Surnames - When two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in the order determined by lot. The municipal clerk shall determine, by lot, the order that said candidates' names shall appear on the ballot, provided the proceedings shall be public and the candidates shall be given an opportunity to be present.

Sec. 805 Election Provisions - Provisions of Title 21-A of the Maine Revised Statutes relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter. 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. *(Amended: November 5, 2013)*

Sec. 806 Nomination - Any Hampden voter may be nominated for the town council in accordance with the provisions of the Charter and of the laws of the State of Maine. A candidate for district councilor must obtain the names of not less than 10, nor more than 25, Hampden voters, who must reside in the candidate's district. At large candidates must obtain the names of not less than 25, nor more than 35, Hampden voters, who may reside any place in the town. *(Amended: November 2, 2004)*

- (a) The signatures to a nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper and that the circulator believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to that person's signature the date of signing and the street address where that person resides. *(Amended: November 6, 1990)*

The regular election to choose members of the town council, School Administrative District 22, and the Water Board, shall be held on the Tuesday following the first Monday of November. *(Amended: June 2, 1982)*

- (b) **Filing and Acceptance of Nomination Petitions.** All separate papers comprising a nominating petition for district councilor shall be assembled and filed with the municipal clerk as one

instrument not earlier than 90 days or later than 60 days before the election. The clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by signed acceptance of the nomination. (*Amended: November 6, 1990*)

- (c) *Procedure After Filing Nomination Petitions.* Within five days after the filing of a nominating petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Sec. 807 District Boundaries - District boundaries are as follows: (*Amended November 6, 2001; June 10, 2014*)

DISTRICT I: Beginning on the shore of the Penobscot River at the Hampden/Bangor town line; thence southwesterly by and along the shore of the Penobscot River to the centerline of the extension of Carver Road; thence northwesterly by and along the centerline of Carver Road to the centerline of Route 1A; thence southwesterly by and along the centerline of Route 1A to the centerline of Coldbrook Road; thence northwesterly by and along the centerline of Coldbrook Road to the centerline of Route 202; thence northeasterly by and along the centerline of Route 202 to the Hampden/Bangor town line; thence northeasterly and southeasterly by and along the Hampden town line to the point of beginning.

DISTRICT II: Beginning at the shore of the Penobscot River at the extension of the centerline of Carver Road; thence southwesterly by and along the shore of the Penobscot River to the centerline of Reed's Brook; thence westerly by and along the centerline of Reed's Brook to the centerline of Route 1A; thence southerly by and along the centerline of Route 1A to the centerline of Kennebec Road; thence westerly by and along the centerline of Kennebec Road to the centerline of Mayo Road; thence northwesterly by and along the centerline of Mayo Road to the centerline of Route 9; thence westerly by and along the centerline of Route 9 to the railroad tracks; thence northerly by and along the centerline of the railroad tracks to the Hampden/Hermon town line; thence easterly by and along the Hampden/Hermon and Hampden/Bangor town line to the centerline of Route 202; thence southwesterly by and along the centerline of Route 202 to the centerline of Coldbrook Road; thence southeasterly by and along the centerline of Coldbrook Road to the centerline of Route 1A; thence northeasterly by and along the centerline of Route 1A to the centerline of Carver Road; thence southeasterly by and along the center line of Carver road to the point of beginning.

DISTRICT III: Beginning on the shore of the Penobscot River at the centerline of Reed's Brook; thence southerly by and along the shore of the Penobscot River to the Hampden/Winterport town line; thence southwesterly by and along the Hampden/Winterport town line to the centerline of Route 69; thence northwesterly by and along the centerline of Route 69 to the centerline of Kennebec Road; thence easterly by and along the centerline of Kennebec Road to the centerline of Meadow Road; thence northwesterly by and along the centerline of Meadow Road to the centerline of Patterson Road; thence northeasterly by and along the centerline of Patterson Road to the centerline of Route 9; thence easterly by and along the centerline of Route 9 to the centerline of Mayo Road; thence southeasterly by and along the centerline of Mayo Road to the centerline of Kennebec Road; thence easterly by and along the centerline of Kennebec Road to the centerline of Route 1A; thence northerly by and along the centerline of Route 1A to the centerline of Reed's Brook; thence easterly by and along the centerline of Reed's Brook to the point of beginning.

DISTRICT IV: Beginning at the intersection of the centerline of the railroad tracks and the centerline of Route 9; thence westerly by and along the centerline of Western Avenue to the centerline of Patterson Road; thence southwesterly by and along the centerline of Patterson Road to the centerline of Meadow Road; thence southeasterly by and along the centerline of Meadow Road to the centerline of Kennebec Road;

thence westerly by and along the centerline of Kennebec Road to the centerline of Route 69; thence southeasterly by and along the centerline of Route 69 to the Hampden/Winterport town line; thence southwesterly by and along the Hampden/Winterport town line to the Hampden/Newburgh town line; thence northerly by and along the Hampden/Newburgh town line to the intersection of the Hampden/Newburgh/Carmel/Hermon town lines; thence northeasterly, northerly, southeasterly, and northeasterly by and along the Hampden/Hermon town line to the centerline of the railroad tracks; thence southerly by and along the centerline of the railroad tracks to the point of beginning.

ARTICLE IX REFERENDUM AND INITIATIVE

Sec. 901 General Authority

- (a) *Referendum.* The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal or change an ordinance so reconsidered, to approve or reject it by referendum at a town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriations of money, levy taxes, or salaries of officers or employees.
- (b) *Initiative.* The qualified voter shall have the power to propose ordinances, resolves or orders to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officials or employees.

Sec. 902 Referendum on Council Action - All ordinances, resolves, or orders appropriating 10% or more of the previous year's town operating budget exclusive of those funds set aside for SAD #22 and all ordinances, orders or resolves authorizing general obligation of bond issues of 10% or more of the previous year's town operating budget for capital improvements shall be submitted to referendum. (*Amended: June 2, 1982, November 6, 1990*)

Sec. 903 Commencement of Proceedings - Any 5 registered voters may begin referendum proceedings by a request in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's address.

Each paper of the petition, when filed, shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.

If within 20 days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less than 10% of the registered voters of the town is filed with the town clerk requesting its reference to a referendum, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance, order or resolve submitted to a referendum vote to be held at the next scheduled election, or in the case of no election being scheduled within 6 months of the date of said public hearing, the council may order a special election to be held for that purpose. Pending action by the voters of the town, the referred ordinance, order or resolve shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question. (*Amended: November 6, 1990*)

Sec. 904 Ordinances, Orders or Resolves Submitted to Popular Vote - The town council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 905 Enactment of Ordinances by Initiative - Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's address.

Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 10% of the registered voters of the town, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance submitted to a vote to be held at the next scheduled election, or in the case of no election being scheduled within six months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative. *(Amended: June 2, 1982)*

Sec. 906 Attorney's Examination - Any such proposed ordinance shall be examined by an attorney before being submitted to the voters. This attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in text and references, and clearness and preciseness in its phraseology, but the attorney shall not materially change its meaning and effect and cause it to be placed upon a ballot the form of which will be determined by the Town Council.

ARTICLE X GENERAL PROVISIONS

Sec. 1001 Oath of Office - Every officer of the town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk. "I..... do affirm, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen hereof, that I will in all respects observe the provisions of the charter and ordinances of the Town of Hampden, Maine and I will faithfully discharge all the duties incumbent upon me as..... according to the Constitution and laws of the state, so help me, God." *(Amended: June 2, 1982, November 6, 1990)*

Sec. 1002 Activities Prohibited - No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of religion, age sex, marital status, race, color, ancestry, national origin, physical or mental handicap. *(Amended: June 2, 1982)*

Sec. 1002.A Forfeiture of Office by Council Decision - Any person serving on any town board or committee shall forfeit that person's seat if that person (1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during the term, reasonably related to that person's ability to serve or (4) fails to attend three consecutive regular meetings or no more than a maximum of six (6) regular meetings per year of the board without being excused by said board. *(Amended: November 5, 1985, November 6, 1990)*

Sec. 1003 Charter Amendment

(1) *Proposal of Amendment.* Amendments to this charter may be framed and proposed:

- (a) In the manner provided by state law, or
- (b) By ordinance of the town council containing the full text of the proposed amendment and effective upon adoption, or
- (c) By the registered voters of the town, or
- (d) By report of a charter commission created by ordinance.

Proposal of an amendment by the registered voters of the town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article IX for initiative petitions until such time as a final determination as to the sufficiency of the petitions is made. The petition must be signed by registered voters of the town equal in number to at least 10% of the total number of registered voters.

(2) *Election.* Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a charter commission, proposing an amendment pursuant to subsection I, the town council shall submit the proposed amendment to the voters of the town at an election. Such election shall be announced by a public notice that will include a brief summary of the change(s) and location(s) where the complete text is available for inspection by the general public and shall be published in one or more newspapers of general circulation in the town at least 30 days prior to the date of the election. The election shall be held at the next regular municipal election. *(Amended: November 2, 2004)*

(3) *Adoption of Amendment.* If a majority of the qualified voters of the town voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

(4) The town council is hereby authorized to correct typographical errors and misspelled words within the text of the charter for the purpose of accuracy in its phraseology except that there shall be no additions to or deletions from the subject matter of the charter other than by ordinance as prescribed by Section 212. *(Amended: December 5, 1977)*

Sec. 1004 Ordinances Not Inconsistent Continue in Force - All ordinances of the Town of Hampden in force at the time when this charter takes effect, not inconsistent with this charter, shall continue in force until amended or repealed.

Sec. 1005 Deleted June 2, 1982

Sec. 1006 Existing Contracts Not Invalidated - All rights, actions, proceedings, prosecutions, and contracts of the town, pending or unexecuted when this charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1007 Short Title - This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Hampden, Maine". The clerk shall cause it to be printed and made available to the public promptly.

Sec. 1008 Separability Clause - If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions hereof.

Sec. 1009 Repealing Clause - All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Hampden, Maine, inconsistent with this charter, are repealed, as to their force and effect on the Town of Hampden.

The Town of Hampden hereby ordains that the following amendments to the Town Charter be enacted:

Deletions ~~stricken~~

Additions underlined

ARTICLE II TOWN COUNCIL

Sec. 211 Procedure –

(d) Voting - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. ~~Five~~ Four members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present.

Effective Date: This Charter Amendment shall take effect upon adoption by the voters.

Summary: The current quorum provision requires a super majority of 5 members of the 7 member Town Council for a quorum to conduct business. There have been a number of times when the Town Council was unable to hold a council meeting due to a lack of the presence 5 members. This amendment would reduce the quorum requirement to a simple majority. This amendment will not have an effect on the number of votes required for council action, as Section 211(d) requires a majority vote of the councilors present at the meeting. For both a meeting with 4 members present and a meeting with 5 members present, the majority vote required would be 3 votes.

FARRELL, ROSENBLATT & RUSSELL

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e-mail: tar@frrlegal.com

MEMORANDUM

Date: July 31, 2014
To: Susan Lessard
From: Tom Russell
Re: Town Charter Review
Articles VII, VIII, IX and X

Article VII Financial Procedure

I have reviewed the provisions of Article VII and Title 30-A M.R.S. Chapter 223 (Sections 5651-5826), entitled "Municipal Finances", and I did not find any inconsistencies between the Charter provisions and the statutory provisions.

Article VIII Nominations and Elections

As you know, Article VIII was amended last November to incorporate the provisions of Title 21-A, with Title 30-A as a backup if an election matter was not covered by the Charter or Title 21-A. The language of Section 802 dealing with councilors at large was also amended at that time. Section 807 was amended on June 10, 2014 to bring the districts into compliance with the requirements of Title 30-A M.R.S. § 2503. With the foregoing amendments, Article VIII is consistent with state election laws.

Article IX Referendum and Initiative

Most of the Maine statutes dealing with this subject at the municipal level only apply to plantations or towns with the town meeting form of government. In large part, municipalities have home rule authority over referenda and initiatives. However, Title 30-A M.R.S. § 2504 provides that no municipality may enact a charter provision or ordinance that prohibits the circulation of petitions for any local initiative. In other words, for local initiatives, a municipality may not require that voters come to the municipal office to sign such a petition. Article IX does not prohibit the circulation of petitions, so it is in compliance with the requirements of Section 2504, and Article IX is not inconsistent with any applicable state law applicable to municipal referendum initiatives.

However, Article IX itself has some internal inconsistencies. Section 901(a) provides that the qualified voters of the town shall have the power to require reconsideration of certain ordinances adopted by the Town Council. However, Section 903, dealing with the commencement of referendum proceedings, provides that the full text of the “ordinance, order or resolve” sought to be reconsidered by referendum be contained in or attached to the petition throughout the circulation process, and also refers to the submission of the question of adopting an ordinance, order or resolve to a referendum vote. I recommend that Section 903 be amended to delete references to “order” or “resolve” therefrom, thereby making it consistent with Section 901(a). Also, it would be advisable to amend the title to Section 903 to add the word “Referendum” after the words “Commencement of”.

In addition, it is common for charters to provide the town council an opportunity to repeal an ordinance if a qualified referendum petition is filed with the town clerk. If the council repeals the ordinance that is subject to the referendum petition, the question to approve or reject the ordinance is not submitted to the voters. Language to that effect is contained in Section 901(a), but it is not contained in Section 903, the section that sets forth the proceedings involving a referendum petition. I recommend that such language be added to Section 903. (Note: That would be consistent with Section 905, which provides that no election on an ordinance proposed via the initiative process is required if the town council enacts the proposed ordinance.)

Section 901(b) is also internally inconsistent. It provides that qualified voters have the power to propose ordinances, resolves or orders to the council, and if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it (i.e., the proposed ordinance) at an election. However, Section 905, which establishes the initiative procedure, only refers to the “proposed ordinance” throughout its language. I recommend that the words “resolves” and “orders” be deleted from Section 901(b).

Denise Hodsdon has requested that the last sentence in the first paragraph of both Section 903 and Section 905 be amended to require that the voter’s printed name and street address follow each signature on the petition.

Article X
General Provisions

Section 1003 is inconsistent with the provisions of Title 30-A M.R.S. § 2104, and the Town Council has already passed an amendment to that section to be submitted to the voters at the upcoming November election.

Section 1002 prohibits discrimination based on certain matters, but it does not contain “sexual orientation”, a matter that is protected under the Maine Human Rights Act. Also, Section 1002 uses the term physical or mental handicap, when the protected matter under the MHRA is physical or mental disability.

I have drafted proposed charter amendments for consideration to address the foregoing recommendations.

The Town of Hampden hereby ordains that the following amendments to the Town Charter be enacted:

Deletions ~~stricken~~

Additions underlined

Article IX-Referendum and Initiative

Sec. 901 General Authority

- (a) *Referendum.* The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal or change an ordinance so reconsidered, to approve or reject it by referendum at ~~a town~~ an election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriations of money, levy taxes, or salaries of officers or employees.
- (b) *Initiative.* The qualified voters shall have the power to propose ordinances, ~~resolves or orders~~ to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officials or employees.

Sec. 903 Commencement of Referendum Proceedings - Any 5 registered voters may begin referendum proceedings by a request in writing, to the town clerk for the appropriate petition blanks. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, ~~order or resolve~~ sought to be reconsidered. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's printed name and street address.

Each paper of the petition, when filed, shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.

If within 20 days after the enactment of any such ordinance, ~~order or resolve~~, the appropriate petition signed by not less than 10% of the registered voters of the town is filed with the town clerk requesting its reference to a referendum, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance, ~~order or resolve~~ submitted to a referendum vote to be held at the next scheduled election, or in the case of no election being scheduled within 6 months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be repealed by the council prior to the call for said election. Pending action by the voters of the town, the referred ordinance, order or resolve shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

Sec. 905 Enactment of Ordinances by Initiative - Ordinances may be enacted by the following initiative procedure:

Any 5 registered voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. The petition shall be signed only by registered voters of the town and each voter's signature shall be followed by that person's printed name and street address.

Each paper of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Upon receipt by the town clerk of the appropriate petition signed by not less than 10% of the registered voters of the town, the town council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk, and shall order the question of adopting such ordinance submitted to a vote to be held at the next scheduled election, or in the case of no election being scheduled within six months of the date of said public hearing, the council may order a special election to be held for that purpose, unless such ordinance shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Effective Date: These Charter Amendments shall take effect upon adoption by the voters.

Summary: The purposes of the amendments are to correct inconsistencies in the provisions dealing with referenda and initiatives, and to require the printed names and street addresses of the persons signing a petition to enable the Town Clerk to verify their status as a registered voter in Hampden.

The Town of Hampden hereby ordains that the following amendments to the Town Charter be enacted:

Deletions ~~stricken~~

Additions underlined

ARTICLE X GENERAL PROVISIONS

Sec. 1002 Activities Prohibited - No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, physical or mental ~~handicap~~ disability.

Effective Date: This Charter Amendments shall take effect upon adoption by the voters.

Summary: The purpose of this amendment is to make Section 1002 consistent with the Maine Hyman Rights Act.

4a



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 24, 2014

To: Sue Lessard
From: Chip Swan
Subject: LAURA HOIT POOL ROOFING BID RESULTS

Below are the results of the recent Roofing bid opening on July 24th 2014

<u>BIDDER</u>	<u>OPT #1</u>	<u>OPT#2</u>
(1) WILLIAMS ROOFING	\$19,256.00	\$17,990.00 (2)
(2) MCLAUGHLIN BUILDERS	\$23,849.00	\$15,420.00 (1)
(3) D H PINETTE & SONS	\$27,720.00	-----
(4) HAHNEL BROS CO	\$34,945.00	\$29,775.00 (3)
(5) G R ROOFING	\$39,375.00	-----
(6) ROOF SYSTEMS OF MAINE	\$47,400.00	

We received 6 bids on Option #1 (Standing Seam) and 3 bids on Option #2 Corrugated metal.

Williams Roofing had a low bid of \$19,256.00 Option#1

Mclaughlin Builders had a low bid of \$15,420.00 for Option # 2

Yours truly,

Chip Swan, PWD

4-b



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 24, 2014

To: Sue Lessard
From: Chip Swan
Subject: MUNICIPAL GARAGE FUEL TANK BID RESULTS

Below are the results of the recent Roofing bid opening on July 24th 2014

<u>BIDDER</u>	<u>BID</u>
(1) SIMARD & SONS, INC	\$8749.00.00
(2) GAFTEX, LLC	\$10485.00
(3) PRECISION TANKS, INC	\$13830.00

We received 3 bids for the fuel tank.
Simard & Sons, Inc was low bid with \$8749.00

I recommend Simard & Sons, Inc with a low bid of \$8749.00
To provide and install fuel tank at Public Works garage.

Yours truly,

Chip Swan, PWD

TOWN OF HAMPDEN

MUNICIPAL GARAGE
FUEL TANK
BID SHEET

July 24, 2014
10:15 AM

BIDDER	BID AMOUNT
Precision Tanks, Inc.	13,830.00
Simard & Sons, Inc.	8,749.00
Gaftek, LLC	10,485.00

ARTICLE 8
POOL

Amended 11-17-03, 4-4-05, 10-6-08, 9-19-11, 11-27-12

4c

- 8.1. **Susan G. Abraham Memorial Endowed Scholarship** provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and must be resident of (Hampden, Winterport or Newburgh) (Amended 9/19/2011) RSU 22 District
- 8.2. **Annual Resident Membership Fees:**
- | | |
|---------------------|----------------|
| 8.2.1. Family | \$255.00 - 265 |
| 8.2.2. Single Adult | \$155.00 - 160 |
| 8.2.3. Youth/Teen | \$120.00 - 125 |
| 8.2.4. Senior | \$145.00 - 150 |
- 8.3. **Six Month Resident Membership Fees:**
- | | |
|---------------------|----------------|
| 8.3.1. Family | \$155.00 - 165 |
| 8.3.2. Single Adult | \$ 95.00 - 100 |
| 8.3.3. Youth/Teen | \$ 75.00 - 80 |
| 8.3.4. Senior | \$ 90.00 - 95 |
- 8.4. **Three Month Resident Membership Fees:**
- | | |
|---------------------|----------------|
| 8.4.1. Family | \$ 95.00 - 100 |
| 8.4.2. Single Adult | \$ 60.00 - 65 |
| 8.4.3. Youth/Teen | \$ 50.00 - 55 |
| 8.4.4. Senior | \$ 55.00 - 60 |
- 8.5. **Annual Non-Resident Membership Fees:**
- | | |
|---------------------|----------------|
| 8.5.1. Family | \$280.00 - 290 |
| 8.5.2. Single Adult | \$180.00 - 185 |
| 8.5.3. Youth/Teen | \$145.00 - 150 |
| 8.5.4. Senior | \$170.00 - 175 |
- 8.6. **Six Month Non-Resident Membership Fees:**
- | | |
|---------------------|----------------|
| 8.6.1. Family | \$170.00 - 180 |
| 8.6.2. Single Adult | \$110.00 - 115 |
| 8.6.3. Youth/Teen | \$ 90.00 - 95 |
| 8.6.4. Senior | \$105.00 - 110 |
- 8.7. **Three Month Non-Resident Membership Fees:**
- | | |
|---------------------|----------------|
| 8.7.1. Family | \$105.00 - 110 |
| 8.7.2. Single Adult | \$ 70.00 - 75 |
| 8.7.3. Youth/Teen | \$ 60.00 - 65 |
| 8.7.4. Senior | \$ 65.00 - 70 |
- 8.8. **Daily Swim Fee during family or lap swim times** (Amended 9/19/2011)
- | | |
|---------------------------------------|--------------|
| 8.8.1. Single Swim - Resident | \$ 4.00 |
| 8.8.2. Single Swim - Non-Resident | \$ 5.00 |
| 8.8.3. Resident 12 Use Punch Card | \$30.00 - 36 |
| 8.8.4. Non-Resident 12 Use Punch Card | \$42.00 - 48 |

8.9. Resident Swim Lessons (Amended 9/19/2011)	
8.9.1. Members	\$4.50 per class
8.9.2. Non-Members	\$5.50 per class - 6.00
8.10. Non-Resident Swim Lessons (Amended 9/19/2011)	
8.10.1. Members	\$6.00 per class
8.10.2. Non-Members	\$7.00 per class - 7.50
8.11. Private Swim Lessons (Amended 9/19/2011)	only non-member price ↑
8.11.1 Resident Member	
1 Child	\$15.00 per class
2 Children	\$20.00 per class
8.11.2. Resident Non-member	
1 Child	\$20.00 per class
2 Children	\$25.00 per class
8.11.3 Non-resident Member	
1 Child	\$20.00 per class
2 Children	\$25.00 per class
8.11.4 Non-resident Non-member	
1 Child	\$25.00 per class
2 Children	\$30.00 per class
8.12. Deleted November 27, 2012	
8.13. Deleted November 27, 2012	
8.14. Adult Aqua Aerobics Drop Ins:	
8.14.1. Members	\$4.00/class
8.14.2. Non-Members	\$5.00/class
8.15. Gentle Aerobics (deleted 9/19/2011)	
8.16. Pool Facility Rental Fees (Limited Availability): (Amended 9/19/2011)	
8.16.1. Resident Pool Rental	\$70.00/hour 30 total guests - 80
8.16.2. Resident Lounge Rental	\$20.00/hour
8.16.3. Non-Resident Pool Rental	\$85.00/hour 30 total guests - 95
8.16.4. Non-Resident Lounge Rental	\$25.00/hour
8.16.5. Additional Guests (As Required by Rules)	\$15.00/hour
8.17. Swim Diaper	\$1.00