

FINANCE COMMITTEE MEETING

Monday, March 19, 2012

5:30 p.m.

Hampden Town Office

1. Minutes of 3/5/2012 Meeting
2. Financial Statements – February 2012
3. Review & Signature of Warrants
4. Old Business
 - a. Lura Hoit Pool Heating Coil Replacement Cost Estimates
 - b. Code of Ethics - Review
 - c. Council Rules – Review
 - d. FOAA Request Policy
5. New Business
 - a. Police Vehicle Bid Results
6. Public Comment
7. Committee Member Comments

Tax Collection
02/29/2012

		To Be Collected 7/1/2011	Collected as of 2/29/2012	% Collected
2011-2012 Property Taxes	\$	8,777,314.83	\$ 4,820,039.75	54.91%
2010-2011 Tax Liens	\$	135,036.58	\$ 29,407.69	21.78%
2009-2010 Tax Liens		\$92,267.58	\$85,794.80	92.98%
2008-2009 Tax Liens		2,180.75	329.62	15.11%
2007/2008 Tax Liens		\$2,272.14	\$1,638.25	72.10%
		\$9,009,071.88	\$4,937,210.11	54.80
11-12 Personal Property Tax		\$344,785.15	\$209,854.29	60.87%
10-11 Personal Property Tax		\$48,877.45	\$2,476.48	5.07%
09-10 Personal Property Tax		\$39,972.92	\$76.32	0.19%
08-09 Personal Property		\$1,512.09	\$0.00	0.00%
07-08 Personal Property		\$1,807.07	\$0.00	0.00%
06-07 Personal Property		\$1,703.33	\$0.00	0.00%
		\$438,658.01	\$212,407.09	48.42

Sewer Collections
02/29/2012

	To be Collected Total	Amount Collected 2/29/2012	% Collected
Sewer Bills	\$445,038.59	\$409,373.90	91.99
Sewer Liens	\$25,559.98	\$8,824.68	34.53
TOTALS	\$470,598.57	\$418,198.58	88.87

Account #	Description	Balance	% of Total	Checking Interest	FMV Change	Invest Interest	Total FMV/Inv	Revenue	Expense	Balance
	Reserves 2011-2012									
	Feb-12									
702	Municipal Building	\$17,328.68	1.9591%	\$139.69	-\$784.53	\$401.99	-\$382.54			\$17,323.92
706	Contingency	\$607.24	0.0687%	\$2.74	-\$15.37	\$7.88	-\$7.49			\$607.07
708	Cemetery	\$25,380.02	2.8694%	\$0.10	-\$0.54	\$0.28	-\$0.26			\$25,373.05
710	City Bus Purchase Reserve	\$36,346.62	4.1092%	\$4.01	-\$22.51	\$11.53	-\$10.98			\$36,336.64
711	Computer	\$50,473.88	5.7064%	\$5.74	-\$32.24	\$16.52	-\$15.72	\$146.65		\$50,606.67
715	Copier Reserve	\$238.44	0.0270%	\$7.97	-\$44.77	\$22.94	-\$21.83			\$238.37
717	Publ.Wrks.Equip.Replace.	\$82,942.38	9.3772%	\$0.04	-\$0.21	\$0.11	-\$0.10			\$82,919.61
719	Town Records Restoration	\$5,168.41	0.5843%	\$13.10	-\$73.57	\$37.70	-\$35.87			\$5,166.99
721	Planning Board Development	\$3,144.41	0.3555%	\$0.82	-\$4.58	\$2.35	-\$2.24			\$3,143.55
723	Planning Board Reserve	\$2,452.85	0.2773%	\$0.50	-\$2.79	\$1.43	-\$1.36			\$2,452.17
725	Planning and Commissions	\$5,172.88	0.5848%	\$0.39	-\$2.18	\$1.11	-\$1.06			\$5,171.46
727	Economic Development Reserve	\$1,532.29	0.1732%	\$0.32	-\$4.59	\$2.35	-\$2.24			\$1,531.87
729	Town Properties Reserve	\$12,429.24	1.4052%	\$0.24	-\$1.36	\$0.70	-\$0.66			\$12,225.82
731	GIS Mapping Reserve	\$36,900.49	4.1718%	\$1.96	-\$11.02	\$5.65	-\$5.38		-\$200.00	\$36,890.36
733	Wage Study	\$31,584.48	3.5708%	\$5.83	-\$32.73	\$16.77	-\$15.96			\$31,575.81
737	Ambulance	\$105,811.79	11.9627%	\$4.99	-\$28.01	\$14.35	-\$13.66			\$105,782.74
739	Vaccine/Radio (EMS)	\$1,020.41	0.1154%	\$16.71	-\$93.85	\$48.09	-\$45.76			\$1,020.13
741	Fire Truck	\$35,873.18	4.0557%	\$0.16	-\$0.91	\$0.46	-\$0.44			\$35,863.33
743	Fire Truck Refurbishing	\$20,604.86	2.3295%	\$5.67	-\$31.82	\$16.30	-\$15.51			\$20,599.20
745	Fire Dept. Building Reserve	\$7,037.16	0.7956%	\$3.25	-\$18.28	\$9.36	-\$8.91			\$7,035.23
747	Visual Aid-Fire Dept	\$66.52	0.0064%	\$1.11	-\$6.24	\$3.20	-\$3.04			\$66.51
749	Fire Dept. Training Reserve	\$2,310.80	0.2613%	\$0.01	-\$0.05	\$0.03	-\$0.02			\$2,310.17
751	Boat Reserve	\$1,452.44	0.1642%	\$0.36	-\$2.05	\$1.05	-\$1.00			\$1,452.04
753	Police Cruiser/Corrim.	\$10,856.71	1.2274%	\$0.23	-\$1.29	\$0.66	-\$0.63			\$10,853.73
759	Communications Reserve	\$791.80	0.0895%	\$1.71	-\$9.63	\$4.93	-\$4.70			\$791.56
761	Streets and Roads	\$111,346.39	12.5884%	\$0.13	-\$0.70	\$0.36	-\$0.34			\$110,768.82
763	Library	\$15,993.49	1.8082%	\$17.58	-\$98.76	\$50.60	-\$48.16	\$19,453.00		\$15,989.10
765	Library Grant	\$254.20	0.0287%	\$2.53	-\$14.19	\$7.27	-\$6.92			\$254.13
767	Recreation Area Reserve	\$0.00	0.0000%	\$0.04	-\$0.23	\$0.12	-\$0.11			\$0.00
768	Playground	\$0.00	0.0000%	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
769	Recreation/Conservation	\$66,434.93	7.5109%	\$0.00	\$0.00	\$0.00	\$0.00			\$66,416.69
771	Pool Facility Reserve	\$71,502.40	8.0838%	\$10.49	-\$58.93	\$30.19	-\$28.73			\$71,527.74
773	Marina Improvements	\$15,732.06	1.7766%	\$11.29	-\$63.42	\$32.50	-\$30.92		-\$4,796.38	\$15,727.74
775	Buildings/Grounds Reserve	\$3,741.84	0.4230%	\$2.48	-\$13.95	\$7.15	-\$6.80			\$3,740.81
777	Solid Waste/Municipal Garage	\$17,798.21	2.0122%	\$0.59	-\$3.32	\$1.70	-\$1.62			\$17,793.32
778	Garage Modifications	\$49,113.87	5.5526%	\$2.81	-\$15.79	\$8.09	-\$7.70			\$49,100.38
780	Matching Grants	\$35,077.21	3.9657%	\$7.76	-\$43.66	\$22.32	-\$21.24			\$35,015.58
		\$884,512.58	100.0000%	\$5.54	-\$31.11	\$15.94	-\$15.17	\$19,599.65		\$889,320.00
				\$139.69	-\$784.53	\$401.99	-\$382.54			

Town Reserve AccountActivity
7/01/2011-12/31/2011

Full Fiscal Year	GL Balance	% of Total	Checking Inte	FMV Change	Invest Interes	Total FMV/Ir	Revenue	Expense	Balance
Reserves 2011 - 2012									2/29/2012
Account #	Description								
702	Municipal Building	3.1009%	\$ 21.25	\$ 6.78	\$ 159.13	\$ 165.91	\$ -	\$ (3,772.40)	\$ 17,323.92
706	Contingency	0.0892%	\$ 0.72	\$ (0.16)	\$ 5.36	\$ 5.20	\$ -	\$ -	\$ 607.07
708	Cemetery	3.5052%	\$ 29.31	\$ (10.87)	\$ 218.86	\$ 207.99	\$ 1,500.00	\$ -	\$ 25,373.05
710	City Bus Purchase Reserve	2.3661%	\$ 35.25	\$ (51.79)	\$ 230.04	\$ 178.26	\$ 20,168.65	\$ -	\$ 36,336.64
711	Computer	7.2687%	\$ 58.93	\$ (15.55)	\$ 440.88	\$ 425.33	\$ 1,109.38	\$ -	\$ 50,606.67
715	Copier Reserve	0.0350%	\$ 0.28	\$ (0.06)	\$ 2.11	\$ 2.04	\$ -	\$ -	\$ 238.37
717	Publ.Wrks.Equip.Replace.	5.4775%	\$ 95.87	\$ (17.69)	\$ 478.79	\$ 461.10	\$ 280,734.00	\$ (235,306.25)	\$ 82,919.61
719	Town Records Restoration	0.7588%	\$ 6.09	\$ (1.40)	\$ 45.63	\$ 44.24	\$ -	\$ -	\$ 5,166.99
721	Planning Board Development	0.4617%	\$ 3.70	\$ (0.85)	\$ 27.76	\$ 26.91	\$ -	\$ -	\$ 3,143.55
723	Planning Board reserve	0.3601%	\$ 2.89	\$ (0.66)	\$ 21.66	\$ 20.99	\$ -	\$ -	\$ 2,452.17
725	Planning and Commissions	0.7595%	\$ 6.09	\$ (1.40)	\$ 45.67	\$ 44.27	\$ -	\$ -	\$ 5,171.46
727	Economic Development Resel	0.2250%	\$ 1.81	\$ (0.41)	\$ 13.53	\$ 13.11	\$ -	\$ -	\$ 1,531.87
729	Town Properties Reserve	1.8807%	\$ 14.91	\$ (3.13)	\$ 112.34	\$ 109.21	\$ -	\$ (580.00)	\$ 12,225.82
731	GIS Mapping Reserve	5.4176%	\$ 43.47	\$ (9.98)	\$ 325.81	\$ 315.83	\$ -	\$ -	\$ 36,890.36
733	Wage Study	4.6371%	\$ 37.21	\$ (8.54)	\$ 278.87	\$ 270.33	\$ -	\$ -	\$ 31,575.81
737	Ambulance	15.5350%	\$ 124.65	\$ (28.62)	\$ 934.25	\$ 905.63	\$ -	\$ -	\$ 105,782.74
739	Vaccine/Radio (EMS)	0.1498%	\$ 1.20	\$ (0.28)	\$ 9.01	\$ 8.73	\$ -	\$ -	\$ 1,020.13
741	Fire Truck	5.2668%	\$ 42.26	\$ (9.70)	\$ 316.74	\$ 307.03	\$ -	\$ -	\$ 35,863.33
743	Fire Truck Refurbishing	3.0251%	\$ 24.27	\$ (5.57)	\$ 181.93	\$ 176.35	\$ -	\$ -	\$ 20,599.20
745	Fire Dept. Building Reserve	1.1434%	\$ 8.93	\$ (2.13)	\$ 68.18	\$ 66.04	\$ -	\$ (750.00)	\$ 7,035.23
747	Visual Aid-Fire Dept	0.0083%	\$ 0.07	\$ (0.02)	\$ 0.50	\$ 0.48	\$ -	\$ -	\$ 56.51
749	Fire Dept.Training Reserve	0.3393%	\$ 2.72	\$ (0.63)	\$ 20.40	\$ 19.78	\$ -	\$ -	\$ 2,310.17
751	Boat Reserve	0.2132%	\$ 1.71	\$ (0.39)	\$ 12.82	\$ 12.43	\$ -	\$ -	\$ 1,452.04
753	Police Cruiser/Comm.	1.1761%	\$ 11.53	\$ (7.98)	\$ 81.71	\$ 73.73	\$ 2,838.00	\$ -	\$ 10,853.73
759	Communications Reserve	0.1162%	\$ 0.93	\$ (0.21)	\$ 6.99	\$ 6.78	\$ -	\$ -	\$ 791.58
761	Streets and Roads	-2.6318%	\$ 77.54	\$ (315.49)	\$ 394.11	\$ 78.62	\$ 158,359.00	\$ (10,000.00)	\$ 130,768.82
763	Library	2.0792%	\$ 17.51	\$ (0.19)	\$ 119.26	\$ 119.07	\$ 5,000.00	\$ (3,167.72)	\$ 15,989.10
765	Library Grant	0.0373%	\$ 0.30	\$ (0.07)	\$ 2.24	\$ 2.18	\$ -	\$ -	\$ 254.13
767	Recreation Area Reserve	0.0000%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
768	Playground	0.0000%	\$ 0.00	\$ (0.00)	\$ 0.00	\$ 0.00	\$ -	\$ -	\$ 0.00
769	Recreation/Conservation	9.7538%	\$ 78.26	\$ (17.97)	\$ 586.58	\$ 568.61	\$ -	\$ -	\$ 66,416.69
771	Pool Facility Reserve	9.6121%	\$ 86.29	\$ (47.22)	\$ 633.00	\$ 585.78	\$ 15,000.00	\$ (13,800.00)	\$ 66,686.39
773	Marina Improvements	2.3097%	\$ 18.53	\$ (4.26)	\$ 138.90	\$ 134.65	\$ -	\$ -	\$ 15,727.74
775	Buildings/Grounds Reserve	0.5494%	\$ 4.41	\$ (1.01)	\$ 33.04	\$ 32.03	\$ -	\$ -	\$ 3,740.81
777	Solid Waste/Municipal Garage	2.6131%	\$ 20.97	\$ (4.81)	\$ 157.15	\$ 152.33	\$ -	\$ -	\$ 17,793.32
778	Garage Modifications	7.2108%	\$ 57.86	\$ (13.29)	\$ 433.65	\$ 420.36	\$ -	\$ -	\$ 49,100.38
780	Matching Grants	5.1499%	\$ 41.32	\$ (9.49)	\$ 309.71	\$ 300.22	\$ -	\$ (9,553.00)	\$ 25,514.58
		100.0000%	\$ 979.04	\$ (585.08)	\$ 6,846.63	\$ 6,261.55	\$ 484,709.03	\$ (276,929.37)	\$ 889,320.00

MEMORANDUM



TO: Darcy Peakall, Pool Director
FROM: Devon Carter, PE, LEED AP
DATE: March 12, 2012
RE: Lura Hoy Memorial Pool IDECVAV Ventilation Upgrade – Bid Results

Over the last two weeks, we have been reviewing the bid submitted by Industrial Heating & Piping Company (IH&P) for the pool ventilation improvements in an effort to be able to understand the basis of the higher than expected pricing. In our discussions with them, we have not identified opportunities for significant cost reductions within the framework of the original bids. We have determined that their pricing is higher across the board than we've been seeing for similar work but based on other bids received, it is apparent that pricing has changed.

With your approval, we will formally reject all bids received on the basis that they exceed the available funds. Anticipating this outcome we have also discussed options with IH&P that might provide the Town with a more cost effective solution. The primary option we've explored is for the direct replacement (or similar) of the existing ventilation unit which should be the lowest cost option.

We found that the original manufacturer is still in business but no longer makes equipment for swimming pool applications. We discussed the issue with IH&P and their equipment supplier (Trane) discussing specifically a replacement unit similar to the existing one on the pool. Trane, however, indicated that the equipment specified in the bid documents would likely be less than a replacement unit matching the existing one but that installing that unit in place of the existing one would still exceed the \$160,000 budget we had assumed would be sufficient.

IH&P has offered to provide us with pricing for that solution but we have yet to receive it. Regardless, as this solution is significantly different than the approach priced in the previous bid documents, we understand that it probably wouldn't be possible to proceed with negotiated terms.

We have kept Peter Neumayer of Mechanical Services in the loop on this project throughout our original design as well as while we've been exploring options for moving forward. We also are aware that Peter has been talking with you and that he has indicated that there may be an option of replacing the existing unit at or near the \$160,000 mark. His concept is generally sound in regard to providing a replacement roof top heat exchanger similar to existing and providing interior fans to improve air motion. However, based on our analysis of weather data, we recommend an 8,500 CFM (cubic feet per minute) unit vs. the 5,000 CFM unit he had been considering. The upsizing would provide the required humidity control 98% of the time. This size increase would likely add in excess of \$30,000 to unit cost and, therefore, be near \$200,000.

The condition of the existing unit is so bad that we do not feel that replacement of it should be delayed for another year. We recommend bidding the project again so that all interested parties are given the opportunity to price it. We suggest modifications to the bid documents to eliminate everything but the basics which should result in the lowest possible bid prices. The modifications discussed include eliminate new interior ductwork, moving fan speed controllers to the exterior air handler, leaving the heating coil in the original location, and eliminating cooling capabilities. The exhaust hoods/benches that extract chloramines more efficiently would be eliminated along with the proposed new exhaust ducts but a fan would be provided to break up the chloramine bubble at the pool surface.



In the short term, the existing heating coil, which is currently leaking badly, could be replaced in its current location instead of planning for that coil to be in future air handling equipment. The heating coil capacity should either match existing or match the heating capacity shown on the Air Handling Unit Schedule of Sheet H-03 of the W&C Jan 2012 bid documents. We would be glad to assist.

We appreciate the chance to continue to help you get this important work completed. Furthermore, we understand the investment that has been made and tight timeframe that must be met. If the Committee agrees that placing the work back out to bid is the appropriate next step, we suggest that the next steps would include:

1. Alert the previous bidders that the past bids are being rejected but that the bid documents are being revised and another bid solicitation would be given to them within the next two weeks.
2. W&C prepare a written bid solicitation based on the original bid set and distribute within a week.
3. Set a two-week bid window. All previous bidders are familiar with the project and with the steps to simplify it, two weeks should be sufficient.
4. Open new bids early-April.
5. Go to the Committee with the updated pricing at their April Meeting.

The issue the Committee will need to decide is whether they are comfortable with such a short bid window and if they think it's acceptable to limit the re-bid to the previous bidders. If not, the timeline would probably push you out one month because we would miss the April Committee meeting.

DLC/dam
214514.00 001

cc: Sue Lessard

The Town of Hampden hereby ordains:

**TOWN OF HAMPDEN
Code of Ethics**

Section 1. Declaration of Policy. The proper operation of democratic government requires that Town Councilors and their appointees be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that such Councilors and their appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors and all members and associate members of any Board or Committee appointed by the Council. This Code of Ethics is not intended to deny Council members nor Board or Committee members their constitutional rights nor violate their civil rights.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated.

Business: Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity, organized for the purposes of making profit.

Board Member: Any person elected to membership or associate membership on a Town board or appointed to such a board by or under the authority of the Town Council.

Censure: a judgment or resolution condemning a person for misconduct.

Confidential Information: any information, oral or written, which comes to the attention of, or is available to, a town official only because of his or her position with the Town and which is not a matter of public record. Information received or discussed during an executive session called pursuant to 1 M.R.S.A. 405 et seq. shall be considered confidential information, and shall not be disclosed to any third party unless permitted by affirmative vote of the body which held the executive session.

Council Appointee – any *sworn* member or associate member of any board or committee appointed by the Town Council including but not limited to appointed Board members, Committee members, and Commission members.

Financial Interest: a direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership of stock.

Immediate Family – Spouse, children, parents, brothers, and sisters. This includes family members related by marriage and adoption.

Special Interest: A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or

group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval thereof, by the Town Council or their appointees, and which interest is not shared by the general public.

Town Councilor: Sworn member of the Hampden Town Council

Town Employee: Any individual working for, on a permanent or temporary basis, and drawing a salary, wages or stipend from the Town of Hampden. The term "Town employee" shall not include consultants or professional personnel providing services to the Town as independent contractors under a written professional services contract or other similar engagement.

Town Official: A member of the Town Council or any appointed committee, board or commission of the Town Council.

Sec 3. Standard of Conduct:

The purpose of this Code of Ethics is to establish standard of conduct for all Town Councilors and Town Council appointees by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interests of the Town of Hampden.

3.1 Statutory Standards: There are certain provisions of the general statutes of the State of Maine, which should, while not set forth herein, be considered an integral part of this Ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics, and shall apply to all Town Councilors of the Town of Hampden whenever applicable, as if more fully set forth herein, to wit:

- 17 MRSA §3104 Conflicts of Interest; Purchases by the State
- 17-A MRSA §456 Tampering with Public Records or Information
- 17-A MRSA §602 Bribery in Office with Political Matters
- 17-A MRSA §603 Improper Influence
- 17-A MRSA §604 Improper Compensation for Past Action
- 17-A MRSA §605 Improper Gifts to Public Servants
- 17-A MRSA §606 Improper Compensation for Services
- 17-A MRSA §607 Purchase of Public Office
- 17-A MRSA §608 Official Oppression
- 17-A MRSA §609 Misuse of Information
- 17-A MRSA §903 Misuse of Entrusted Property
- 21-A MRSA §504 Persons Ineligible to Serve
- 30-A MRSA §2605 Conflicts of Interest
- 30-A MRSA §5122 Interest of Public Officials, Trustees of Employees

3.2 Disclosure of Confidential Information: No Town Councilor or Council appointee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance the financial or private interest of him or herself or others. For purposes of this subsection, the term "confidential information" shall mean any

information, oral or written, which comes to the attention of, or is available to, such Town Councilor or Council appointee only because of his or her position with the Town, and is not a matter of public record. Information received and discussed during an executive session of the Hampden Town Council or any Town Board, Committee, or Commission shall be considered within the constraints of this section, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

3.3 Gifts and Favors: No Town Councilor, or Town Council Appointee shall accept any gift, favor or thing of value, whether in the form of service, loan, thing or promise, from any person or business which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Town Councilor, or Town Council Appointee: 1) accept any gift, favor or thing of value that tends to influence that individual in the discharge of his or her official service or thing of value; 2) grant in the discharge of his or her official duties any improper favor, service or thing of value. The foregoing is not intended to prohibit normal social practices where gifts from friends, associates, and relatives are appropriate for certain occasions.

3.4 Use of Town Property: No Town Councilor or Council Appointee shall use, or permit the use of, any Town-owned property including, but not limited to, motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established for the public at large.

3.5 Conflicts of Interest: No Town Councilor or Town Council Appointee shall participate directly or indirectly by means of deliberation, voting, approval or disapproval, or recommendation, or otherwise take part in the decision making process, on any agenda item before the body of which he or she is a member if he or she, or a member of his or her immediate family, has a financial or special interest, other than that possessed by the public generally, in such purchase, award, or approval, held by:

3.5.1 The Town Councilor/Appointee or a member of their immediate family; or

3.5.2 A business in which the Town Councilor/Appointee or a member of their immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or

3.5.3 Any other person or business with whom the Town Councilor/Appointee or a member of their immediate family are in business or are negotiating, or have an arrangement concerning future employment.

No Town Councilor or Town Council Appointee shall participate directly or indirectly by means of deliberation, approval or disapproval, or recommendation of an application, purchase, contract, or other legal matter, or in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for employment or employee, where said applicant or employee is:

- A member of their immediate family; or

- A person with whom either the Town Councilor or Town Council Appointee of his/her immediate family are in business.

- A) **Deliberation and Vote Prohibited.** No Town Councilor or Town Council Appointee shall, in such capacity with the Town, participate in the deliberation or vote, or otherwise take part in the decision making process, on any agenda item before the body of which he or she is a member if he or she, or a member of his or her immediate family, has a financial or special interest, other than an interest held by the public generally.

- B) **Disclosure of Conflict.** Any Town Councilor or Town Council Appointee who believes he or she has a financial or special interest, other than an interest held by the public generally, in any agenda item before the body on which he or she serves shall disclose the nature and extent of such interest, and the Town Clerk or his or her designee shall make a record of such disclosure. Such disclosure shall be made no later than the date of the first meeting of the Town Council, Committee, Board, or Commission at which the agenda item concerned is to be taking up for consideration, recommendation, discussion or vote and at which the Town Councilor or Town Council Appointee is present. Additionally, any Town Councilor or Town Council Appointee who believes that any fellow Town Councilor or Town Council Appointee, or a member of such fellow Town Councilor's or Town Council Appointee's immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body shall disclose the nature and extent of such agenda item before his or her collective body shall disclose the nature and extent of such interest, and the Town Clerk or his or her designee shall make a record of such disclosure.

- C) **Determination of Conflict.** In the event that a conflict has been raised relative to an individual Town Councilor or Town Council Appointee, and disclosure has been made as described above, such individual's fellow Town Councilors or Town Council Appointee's shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each Town Councilor or Town Council Appointee present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual councilor's, appointee's alleged conflict of interest.
 - 1) **All votes of conflicts of interest questions shall be recorded.** A majority vote shall determine the question; but a vote by Boards, Committees, and Commissions may later be reviewed by Town Council upon the Town Council's consideration of the same agenda item.
 - 2) Upon determination that a conflict of interest in fact exists, the Town Councilor or Town Council Appointee concerned shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.

3. In lieu of the vote required by this subsection, the Town Council, upon motion and by majority vote may refer the conflict of interest question to the Town Attorney for a legal opinion, or may table its consideration of the relevant agenda item. In the event a majority of the Town Council, Board, or Commission concerned, or Committee thereof, shall require disclosure of further information not immediately available, or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.
4. **Avoidance of Appearance of Conflict:** To avoid the appearance of a violation of this Section, once any individual town councilor, committee member, board member or commission member is determined to have a conflict of interest in respect to any agenda item and once all conflicts of interest questions relating to the agenda item concerned have been determined as provided in Subsection C above, said individual shall immediately remove him or herself from the meeting room or to the area of the room occupied by the general public. He or she shall not return to his or her regular seat as a member of the body until deliberation and action on the item is completed. Nothing herein shall require an individual councilor, committee member, board member or commission member to remove himself or herself for any item contained on a consent agenda on which there is no deliberation, the individual's conflict has been determined by other members and the right to abstain from voting on the item has been granted.
5. **Personal Interest.** Nothing herein shall be construed to prohibit any Town Councilor or Town Council Appointee from representing his own personal interest by appearing before his or her collective body on any such agenda item, as long as the representation occurs in the area of the meeting room occupied by applicants or members of the general public.

D. Disclosure Statement. Within fifteen (15) days after each annual municipal election every Town Councilor shall file a completed disclosure form with the Town Clerk. Within thirty (30) days after his or her appointment, every Town Council Appointee shall file a completed disclosure form with the Town Clerk. Such forms shall be under oath and shall contain the following information to the best of the disclosing party's knowledge and belief:

1. The name of each person or entity whether incorporated or not, doing business with the Town in an amount in excess of \$1000 during the preceding calendar year from which such disclosing party or member of his immediate family has received money or other thing of value in an amount in excess of \$1000 during the preceding fiscal year, including, but not limited to campaign contributions, where applicable
2. The name of each entity, whether incorporated or not, doing business with the Town in an amount in excess of \$1000 for the preceding calendar year in which such disclosing party or member of his/her immediate family has a financial interest in an amount in excess of \$1000, including, but not limited to, the ownership of shares of stock
3. The name of each nonprofit and/or for profit entity, whether incorporated or not, for which such disclosing party or member of his/her immediate family

holds a position of officer or member of any board which does business or may potentially do business with the Town. For such entity, such disclosing party shall provide the following information:

- a. a brief description of the purpose of each board and/or office
- b. a short summary of such disclosing party's or family member's duties relative to any such board and/or office
- c. The term of service on each such board and/or office; and
- d. Whether or not such disclosing party or family member receives compensation for service on such board and/or office and the extent to which such compensation exceeds \$100 in the aggregate annually.

For purposes of this section "compensation" shall include, but not be limited to, monetary compensation, gifts, gratuities, perks, fringe benefits, services and any other thing of value.

4. Every Town Councilor or Town Council Appointee shall amend his/her annual disclosure statement as may be required from time to time to ensure the continued accuracy thereof. Each amendment shall be made within fifteen days following the occurrence which requires the amendment.

5. The Town Clerk shall deliver a copy of each completed disclosure statement to every fellow member of the Town Council/Board/Committee of each disclosing party within thirty days of filing.

6. For the purposes of this Code, a list prepared by the Finance Officer of those persons or entities doing business with the City in an amount in excess of \$1000 for the preceding year shall be determinative for purposes of reporting under this section. Income from and financial investments in, policies of insurance, and deposits from accounts from commercial or savings banks, savings and loan associations, or credit unions and the ownership of less than 5% of the outstanding shares of stock in a publicly held corporation shall not be considered a financial interest within the meaning of this section.

Section 4. Political Activities No Town Employee, Town Councilor, or Town Council Appointee shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties of the Town. In conjunction therewith, no Town Councilor, or Town Council Appointee may use his or her official authority or position for the purposes of influencing or interfering with or affecting the results of any election for public office, nor shall he or she solicit funds or contributions or accept or receive funds or contributions from Town Employees for political purposes. No Town Councilor or Town Council Appointee may distribute handbills or pamphlets while he or she is performing official functions or duties on behalf of the Town, unless such distribution has been authorized by the body of which he or she is a member. Nothing herein shall be construed to prohibit any Town Councilor, or Town Council Appointee from participating in the political process in their private capacity as candidates for elected office or as private citizens.

Section 5 Incompatible Employment or Office. No Town Councilor, or Town Council Appointee shall occupy any other office, elected or appointed, in another governmental entity when the duties of such office are incompatible with the proper discharge of his or her official duties with the Town. For purposes of this section, the occupancy of any

office, elected or appointed, with any other governmental entity by any Town Council or Town Council Appointee is hereby prohibited in the following circumstances:

- A. Where the duties of the other office make it a physical impossibility to discharge the duties of the Town position; or
- B. Where one office is subordinate to the other; or
- C. Where one office carries the power of removal of the other; or
- D. Where the occupancy of both offices is prohibited by the Town Charter or by other provisions of law.

Section 6 Violations of Ethical Standards by Councilors: When any Councilor believes there has been a breach of the ethical standards set forth herein by another Town Councilor, he or she may ask to enter executive session for purposes of informal discussing and resolving an ethical issue. During such session, the Councilor shall specify which area(s) of the ordinance he or she feels have been breached and by whom. After discussion among all Councilors, the Council shall leave executive session, and the Council may proceed with formal action only by majority vote of the Councilors not so named in the preliminary resolution as described in the Town Charter.

- 6.1 Based on information provided in said executive session, The Town Attorney shall provide the Council with an opinion on whether the cited matter(s) constitute a violation of this ordinance.
- 6.2 All procedures under this section shall be in accord with due process requirements, including, but not limited to, a right to notice and hearing
- 6.3 The Council may elect to give written warning in lieu of the provision for removal from office detailed in the Town Charter.

Section 9 Ethics in Contracting. The provisions of this Subsection shall apply to all persons doing business with the Town of Hampden as vendors, suppliers and contractors submitting bids or proposal in response to a Town solicitation or advertisement.

9.1 Gratuities and Kickbacks

A. **Gratuities.** It shall be a violation of this Code for any person to offer, give, or agree to give any Town Councilor, of Town Council appointee a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or award pertaining to a Town purchase order, contract, construction contract, or professional services contract, or with respect to any solicitation, advertisement, request for bids, request for proposals, or any bid, proposal, or other response thereto.

B. **Kickbacks.** It shall be a violation of this Code for any person to solicit, offer, give, accept, or receive any undisclosed gratuity or offer of employment in connection with the award or potential award of any subcontract or contract modification or change order under a Town of Hampden contract for construction, procurement or professional services. To be valid, any disclosure under this paragraph must be made in writing to the Town of Hampden Town Manager prior to the date of opening of any proposals or bids on the prime contract concerned. Notwithstanding an otherwise valid written disclosure, it shall be a violation of this Code to solicit, offer, give, accept, or receive any such gratuity or offer of employment in violation of applicable State or Federal Law.

9.2 Prohibition against Contingent Fees

It shall be a violation of this Code for a person to be retained, or to retain a person, to solicit or secure a Town contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

9.3 Recovery of Value Transferred or Received in Breach of Ethical Standards

The value of anything transferred or received in breach of the ethical standards of this Code by a Town Councilor or a Town Council appointee or other person may be recovered from both the Town Councilor/Appointee concerned as from the other person concerned.

9.4 Recovery of Kickbacks by the Town

Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or modification or change order, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract, modification or change order and ultimately borne by the Town and such amount shall be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

9.5 Penalties and Sanctions

- a. In addition to the recoveries provided in Subsection 9.4 above, any violation of subsection shall be a civil violation. Upon conviction, any person, firm or corporation found to be in violation of this subsection shall be fined not less than three times the value of any improper gift or kickback paid, solicited, or received, or \$500, whichever is greater. The penalties provided in this paragraph shall be in addition to any penalties imposed under State or Federal Law.
- b. Upon conviction of a violation of this subsection 9.4 or upon finding a violation by the Town Council or any Town Council appointee following written notice and hearing, the Town Council may impose one or more of the following sanctions on the person, firm, or corporation convicted or found to be in violation:
 - i. written warnings or reprimands
 - ii. termination of contracts
 - iii. debarment or suspension of Town purchasing
- c. Termination of a contract under this paragraph shall also terminate the contractors right to receive further payment thereunder
- d. The provisions of this section shall be provided to all interested bidders or proposers and shall be incorporated by reference as agreed terms in any Town of Hampden construction, procurement, or professional services contract with a base bid in excess of \$10,000. In the case of a professional services contract, the 'base bid price' shall be the expected value of services to be billed during the contract term, or on an annual basis if the contract is of indefinite duration.

Section 10 Personnel Matters. No Town Councilor or Town Council Appointee shall participate, by means of deliberation, approval or disapproval or recommendation in the decision to hire, promote, discipline, and lay off or to take any other personnel action in

respect to any applicant for town employment or town employee where said applicant or employee is:

- a) A member of the councilor's or council appointee's immediate family; or
- b) A person with whom either the council or council appointee's of his or her immediate family is in business.

Section 12 Penalties for Town Council or Town Council Appointees. Any person who violates a provision of this Ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$500.00 for each offense, which civil penalty shall inure to the benefit of the Town. In addition, violation of this Ordinance shall constitute cause for censure by the Town Council after notice and hearing conducted by that body.

Separability. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Code.

**TOWN OF HAMPDEN
ELECTED OFFICIAL DISCLOSURE FORM**

Date: _____

Lastname: _____ Firstname: _____

Address: _____

Telephone: _____

Email Address: _____

1. List of entities doing business with the Town from which the person named on this form or any member of his/her immediate family received more than \$1,000 during the preceding fiscal year.

2. List of entities doing business with the Town that the person named on this form or any member of his/her immediate family has an ownership interest in that exceed \$1,000, including, but not limited to the ownership of shares of stock.

3. List of any non-profit or for-profit entities which does business or may potentially do business with the Town for which the person named on this form or a member of his/her immediate family holds a position of officer or board member. Please include the name of position served, the term of service, and compensation received (if it is more than \$1,000 per year in the aggregate.)

Signature of Town Councilor

HAMPDEN TOWN COUNCIL RULES

1. The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy.
2. In all motions of command, the form of expression shall be 'ordered' and in all motions concerning principles, facts, or purposes, the form shall be 'resolved'.
3. The name of the Council member of other person, persons, or group requesting an item on the agenda will be indicated on the agenda with the said item.
4. As a matter of courtesy, conduct for all Council and Committee meetings shall be as follows:
 - a. Cell phones shall be silenced during Council & Committee meetings by Town Councilors, staff, and the general public.
 - b. Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings.
 - c. Cell phone use, texting, and email may be done during breaks in regular or special Council meetings or committee meetings.
5. Town Councilors shall participate in Freedom of Information Act training within 30 days of being sworn in as a Town Councilor and documentation of that training shall be filed with the Town Clerk.
6. Town Councilors shall participate in Elected Officials training offered by the Maine Municipal Association within the first year of office.
7. A New Councilor orientation packet shall be provided to all Councilors at the time they are sworn in.
8. Excused absences for Councilors for Council meetings may be granted as the result of illness, vacation, work commitments, or family illness.
9. The Mayor shall take the chair at the appointed time for the meeting, call the members to order, and proceed to the following order of business:
 - A. Consent Agenda
 1. Signatures – Treasurer's Warrants, etc
 2. Secretary's Report
 3. Communications
 4. Reports
 - B. Public Comments
 - C. Policy Agenda
 1. Public Hearings
 2. Nominations-Appointments – Elections
 3. Unfinished Business
 4. New Business
 - D. Committee Reports
 - E. Manager's Report

F. Councilor Comments

G. Adjournment

10. In the absence of the Mayor, the Deputy Mayor shall preside over the Town Council meeting. In the absence of the Deputy Mayor, the Mayor shall appoint, in advance, another Council to chair the meeting.
11. When a question is under debate, the Mayor shall receive no motion but to adjourn, or for the previous question, to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official or to amend, or to postpone indefinitely; which several motions shall have precedence in order in which they stand arranged.
12. When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion or reconsideration is decided, that vote shall not be reconsidered.
13. When any member is about to speak, they shall respectfully address the Mayor, confine themselves to the question under debate, and avoid personalities. No member speaking shall be interrupted by another but by a call to order, or to correct a mistake.
14. Every member present, when a question is put, shall give their vote, unless the Council, for special reasons, shall excuse them. Application to be so excused must be made before debate on the issue and the decision on the application shall be made by a majority vote of the council without debate.
15. The rules cannot be dispensed with or suspended if one or more members of the council shall object. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.
16. Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedure:
 - a. Persons wishing to address the Council on an item which appears on the agenda shall wait until the Mayor announces the consideration of such item, at which time they may address the Council on that particular item. There shall be a five minute limit on such comments per person, per item.
 - b. Any person wishing to address the Council on an item not appearing on the agenda shall be allowed to do so only in that section of the agenda referred to as "Public Comments". There shall be a five minute limit on such comments per person per subject raised. Items heard during Public Comment may be agendaed for a subsequent meeting or referred to a Committee or staff member for discussion/action. No votes may be taken by the Council on a subject raised during Public Comment without a vote by the Council to set aside the rules and add it to the regular agenda for consideration.

- c. Any person wishing to address the Council shall signify their desire by raising their hand and, when recognized by the Mayor, such person shall thereupon request permission to address the Council, giving their name and address and then designating the subject matter on which they desire to address the Council.
17. At the commencement of the Calendar year, or as soon thereafter as possible, there shall be chosen the following Committees, each Committee to consist of three (3) members of the Council as the Mayor may designate, or, upon a motion, the Council may ballot.
 - a. Finance & Administration – The purpose of this committee shall be to review all items related to their fiscal impact on the Town as well as all matters that pertain to items of administrative procedures. This committee will also have the responsibility for the review and signature of all payment warrants.
 - b. Services Committee – The purpose of this committee shall be to review all matters related to services provided by the Town related to recreation, parks, trails, the library, the pool, and other items related to non-emergency or public works services provided in the community
 - c. Infrastructure – The purpose of this Committee shall be to review all matters pertaining to public infrastructure including buildings, roads, and all town capital equipment.
 - d. Planning & Development – The purpose of this Committee shall be to review all matters related to all ordinances of the Town and all proposals for economic & community development.
 - e. Communications – The purpose of this Committee shall be to review all matters related to the Town Website, Town Newsletter, Town Cable Channel 7, and other town sponsored communication activities.
18. Committee procedure shall be governed as follows:
 - a. All Committees will be required to post an agenda at least 48 hours prior to the meeting and no issue may be voted on unless it is agendaed.
 - b. It shall be the responsibility of the Committee Chair to discuss the development of the meeting agenda with the assigned staff person at least 24 hours before the meeting is required to be posted.
 - c. The assigned staff member shall prepare and post the agenda.
 - d. Draft minutes of each meeting will be prepared by the staff member supporting the committee within three business days.
 - e. Committee meeting minutes shall be posted on the Town website following their voted approval by the Committee.
 - f. Non-committee Council members attending a Committee meeting will have voting rights if they have been present for the entire discussion of

an issue, providing that at least two of the three appointed members of the committee are present.

- g. Two appointed members of the Committee shall constitute a quorum
- h. The Mayor shall serve as an ex-officio member of all committees with the exception of Finance & Administration, and shall serve as a member and Chairperson of that Committee. The Mayor shall not count as an appointed member for the purpose of establishing a quorum at all other Committee meetings.

19. The Mayor of the Council may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Council. No Committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.

20. In all cases where the parliamentary proceedings are not determined by the by foregoing rules and orders. "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.

21. The first and third Mondays of each month are designated as 'regular' council meetings with the provision that a unanimous vote of the council would cancel a meeting. Whenever a regular meeting falls on a legal holiday, such meeting will take place the following day.

22. Special meetings of the Town Council may be scheduled for other dates for special purposes. The agendas for such meetings shall be posted at the Post Office, Town Office, Town Bulletin Board, on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held). The agenda for a Special Meeting shall be prepared as follows:

- A. Call to order
- B. Subject(s) for meeting
- C. Adjourn

The general public shall be allowed to comment on subjects at Special meetings in the same manner as for Regular Council meetings. There shall be no general Public Comment section for items not contained on the agenda for Special Council meetings.

23. Any item on the consent agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the consent agenda.

24. The Councilor Comment section of the agenda is reserved for the purpose of enabling any Council member to discuss matters not previously mentioned on the agenda. No official Council action can be taken at this time.

**TOWN OF HAMPDEN
PUBLIC SAFETY DEPARTMENT**

**POLICE VEHICLE
BID SHEET**

**March 6, 2012
10:00 a.m.**

BIDDER	VEHICLE	BID AMOUNT
Thornton Bros.	2012 Dodge Charger	25,856.00
O'Connor GMC	2012 Chevrolet Tahoe	30,456.00
O'Connor GMC	2012 Chevrolet Caprice	26,105.00
O'Connor GMC	2012 Chevrolet Impala	21,718.00
Darling's Ford	2013 Ford Interceptor	22,699.00
Darling's Ford	2013 Ford Police Interceptor Utility AWD	25,913.00
Central Maine Motors	2011 Chevrolet Caprice Demo	24,900.00
Dutch Chevrolet	2012 Chevrolet Caprice	26,540.00
Dutch Chevrolet	2012 Chevrolet Tahoe	30,529.00
Dutch Chevrolet	2012 Chevrolet Impala	21,991.00
Hartley's	2012 Dodge Charger V-6	22,999.00
Hartley's	2012 Dodge Charger V-8	23,999.00
Quirk Ford Augusta	2013 Ford Police Interceptor	24,075.00
Quirk Ford Augusta	2012 Dodge Charger V-6	23,949.00
Quirk Ford Augusta	2012 Ford Expedition	31,119.00
Quirk Ford Augusta	2012 Chevrolet Tahoe	30,987.00
Quirk Ford Augusta	2013 Ford Utility Police Interceptor AWD	26,082.00
Hight Chevrolet	2012 Dodge Charger	26,547.00