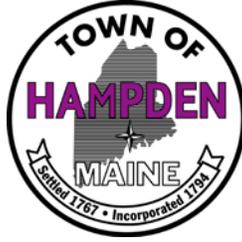


Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Planning & Development Committee
FROM: Angus Jennings, Town Manager
DATE: April 5, 2016
RE: Marina, and Harbor Ordinance

Following a related discussion at P&D on October 7, 2015, on October 26 the Infrastructure Committee provided direction to declare the floats at the Turtle Head Marina surplus (which was accomplished by vote of the Council on December 7), and to bring forward amendments to the Harbor Ordinance to match past practice.

During that meeting (minutes attached), there were questions raised regarding what legal obligation, if any, the Town may have regarding the Harbor.

Since that time, we have been in touch with the Federal Land and Water Conservation Fund. Because this property benefited from LWCF funds, there are periodic reporting obligations, and there are requirements for appropriate signage. Recreation Director Abbott led the effort to bring this property (and the Lura Hoit Pool site) into compliance with the LWCF signage and reporting requirements.

I have begun work on potential amendments to the Harbor Ordinance, and this working draft was included in the P&D packet circulated yesterday. Where I felt that I had adequate policy direction to do so, I have marked proposed revisions. In other areas of the Ordinance, where I was not clear on the policy direction (or had questions regarding whether portions of the Ordinance may be required in order to comply with Maine statute), I highlighted the text in yellow for discussion.

You will also find attached Title 38 M.R.S.A., Chapter 1, the Statute referenced in the Harbor Ordinance which relates to Harbor Masters. I have highlighted sections of the Statute that I think may have relevance here. It does appear to me that a Harbor Master, and some aspects of the Harbor Ordinance, may be required. However I have not requested review by the Town Attorney so as not to incur expense until further policy direction from the Council.

We were recently contacted by a resident, George Berube, who feels that the Town has an important role to play in authorizing moorings. He was notified of the upcoming P&D meeting and may be in attendance.

cc: Dean Bennett, Sean Currier, Chief Rogers

amount of the sewer fees and the connection charges have been talked about for many years. Director Currier advised that, because our sewer ties in to the Bangor infrastructure, it makes sense that we should be looking at monitoring procedures and a fee structure following Bangor's model. Motion by Councilor Wilde, seconded by Councilor Sirois, to recommend that the Council incorporate sewer fees comparable to those in effect in Bangor. Approved 6-0.

- d. Turtlehead Park / Marina – condition of dock and boat ramp –** *Manager Jennings provided background and photos regarding the deteriorating condition of the boat ramp and the floats at the marina. He has spoken with representatives from Hamlin's and McLaughlin's, and a cost estimate received by Hamlin's in June indicated the cost of the ramp repairs could be \$25,000. Councilor Sirois asked whether we are legally required to provide service to the floats. Councilor McAvoy noted that the Harbor Ordinance includes requirements. Councilor Marble suggested that we may need review by the Town Attorney. Councilor Sirois noted that the Town bears some risk resulting from these facilities. Mayor Ryder noted that the ramp is the most costly aspect of repairs. Councilor Sirois said that, one way or another, we need to make it safe. Councilor Wilde requested Manager Jennings to look into having the floats pulled from the water this winter, with responsibility then transferred to one of the private owners. Councilor Wilde asked Manager Jennings to find out what obligations are in place, in addition to the Harbor Ordinance, regarding the ramp and docks.*
- e. Municipal Building HVAC System and Software –** *Manager Jennings described challenges associated with the software that manages the town building's heating and cooling, as well as the age and lack of reliability of the work station with the software. Director Currier advised that he would look into these issues to better understand what it may cost to improve the system.*

4. PUBLIC COMMENTS – None.

- 5. COMMITTEE MEMBER COMMENTS –** *Several Councilors noted that they were unable to access wi-fi for tonight's meeting and could therefore not access their online meeting packets. Manager Jennings said that he'd speak to IT staff Kyle Severance to ensure service during Council meetings.*

There being no further business, the meeting was adjourned.

Respectfully submitted –
Angus Jennings, Town Manager

Title 38: WATERS AND NAVIGATION

Chapter 1: OPERATION OF VESSELS

Subchapter 1: HARBOR MASTERS

§1. APPOINTMENT; COMPENSATION

The municipal officers of a town that borders or contains territorial waters, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall appoint a harbor master for a term of not less than one year, who is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, municipal harbor commissioners, municipal port authorities or other such bodies empowered to regulate municipal harbors. The municipal officers may establish the harbor master's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the harbor master and appoint another one. [2005, c. 492, §4 (AMD).]

The municipal officers may prohibit a harbor master from making arrests or carrying a weapon. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I. Any law enforcement officer vested with the authority to carry a weapon and make arrests has the authority to enforce this subchapter. [1999, c. 682, §6 (AMD).]

For purposes of this section, "territorial waters" has the same meaning as provided in Title 12, section 6001, subsection 48-B. [2005, c. 492, §4 (NEW).]

SECTION HISTORY

1977, c. 696, §330 (AMD). 1985, c. 531, §2 (AMD). 1985, c. 692, §§1,4 (RPR). 1987, c. 412, §§1,8 (RPR). 1987, c. 655, §1 (AMD). 1999, c. 682, §6 (AMD). 2005, c. 492, §4 (AMD).

§1-A. TRAINING

The following provisions govern the training of harbor masters and deputy harbor masters appointed pursuant to section 1 or 2. [2005, c. 525, §1 (NEW).]

1. Basic training course. A person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 must complete a basic harbor master training course offered by a statewide harbor masters association within one year after being appointed or reappointed unless that person has previously completed such a course. The person appointed or reappointed a harbor master or deputy harbor master shall pay the cost of the training required under this subsection.

[2005, c. 525, §1 (NEW) .]

2. Reimbursement. Nothing in this section may be construed to prohibit a municipality, at its sole discretion, from reimbursing a harbor master or deputy harbor master for the cost of training under this section.

[2005, c. 525, §1 (NEW) .]

3. Additional training. Nothing in this section may be construed to prohibit a municipality from requiring a harbor master or deputy harbor master to obtain training beyond that required by this section.

[2005, c. 525, §1 (NEW) .]

SECTION HISTORY

2005, c. 525, §1 (NEW).

§2. RULES FOR CHANNEL LINES; ENFORCEMENT

The municipal officers of all maritime towns and plantations, other bodies empowered to regulate municipal harbors and the county commissioners in the case of maritime unorganized townships **may make rules and regulations, with suitable provision for enforcement, to keep open convenient channels for the passage of vessels in the harbors and waterways** of the towns or townships for which they act, and may establish the boundary lines of those channels and assign suitable portions of their harbors and other coastal and tidal waters within their jurisdiction for anchorages. [1987, c. 655, §2 (AMD).]

In the event fishing gear is within the boundary lines of a channel in violation of local rules, the harbor master may issue a warning of navigational interference and may commence court action to order removal of that gear. [1987, c. 655, §2 (NEW).]

Such rules and regulations as may be made by those municipal officers, other bodies empowered to regulate harbors or county commissioners **shall be enforced and carried out by the harbor master** of that town or unorganized township, or any other law enforcement officer of the State or any political subdivision of the State. [1987, c. 655, §2 (AMD).]

The harbor master may appoint deputies who, under his direction, shall enforce and carry out the rules and regulations of this section. [1987, c. 412, §§ 2, 8 (NEW).]

SECTION HISTORY

1965, c. 242, (AMD). 1987, c. 412, §§2,8 (AMD). 1987, c. 655, §2 (AMD).

§3. MOORING SITES

In all harbors wherein channel lines have been established by the municipal officers, as provided in section 2, and in all other coastal and tidal waters, harbors and great ponds where mooring rights of individuals are claimed to be invaded and protection is sought of the harbor master, **the harbor master shall assign and indicate only to the masters or owners of boats and vessels the location that they may occupy for mooring purposes** and shall change the location of those moorings from time to time when the crowded condition of that harbor or great pond, the need to conform to section 7-A or other conditions render the change desirable. [1991, c. 838, §16 (AMD).]

Unless permitted by an ordinance adopted under section 3-A, mooring assignments may not be transferred. Assignments may not be rented unless the provision for rental was part of the agreement when the mooring was assigned. [1991, c. 685, §1 (AMD).]

Assignment of these mooring privileges does not confer any right, title or interest in submerged or intertidal lands owned by the State. To the extent that there is any inconsistency between this subchapter and any law that establishes or otherwise provides for a port authority, board of harbor commissioners or similar authority for any coastal waters of the State, that inconsistency must be resolved in favor of this subchapter. [2003, c. 660, Pt. A, §23 (AMD).]

Whenever practicable, the harbor master shall assign mooring privileges in those waters where individuals own the shore rights to a parcel of land, are masters or owners of a boat or vessel and are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently, as the case may be, fronting their land, if so requested, but not to encroach upon the natural channel or channels established by municipal officers; provided that not more than one mooring may be assigned to any shorefront parcel of land under this privilege. Notwithstanding section 11, persons who, prior

to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot have mooring privileges assigned according to this section. The limitation of one mooring assigned under this privilege does not prevent the owner of a shorefront parcel from receiving additional mooring assignments under the allocation system for all other residents. [2003, c. 660, Pt. A, §23 (AMD).]

A harbor master may refuse to assign mooring privileges to any vessel or boat owner or master who has not paid any fee, charge for services, forfeiture or penalty levied pursuant to this subchapter. [1987, c. 655, §3 (NEW).]

Municipalities may not charge mooring fees for and do not have jurisdiction over the siting or specifications of structural moorings used to secure aquaculture equipment within the boundaries of a lease site when that site's lease is issued pursuant to Title 12, section 6072, 6072-A or 6072-B. [2003, c. 660, Pt. A, §23 (NEW).]

Municipalities have jurisdiction over boat and vessel moorings within the boundaries of a lease site when that site's lease is issued pursuant to Title 12, section 6072, 6072-A or 6072-B. A municipality may not charge a mooring fee for a boat or vessel within the boundaries of a lease that is inconsistent with that municipality's other mooring fees for commercial vessels. [2003, c. 660, Pt. A, §23 (NEW).]

A harbor master, a code enforcement officer or, in the case of a great pond located in an unorganized territory, a board of county commissioners of the county in which the unorganized territory is located may direct the master or owner of a boat or vessel to remove that person's mooring or floating dock from a great pond if the harbor master, code enforcement officer or the board of county commissioners determines that leaving the mooring or floating dock in during ice-in conditions would create a public safety hazard. [2015, c. 105, §1 (NEW).]

SECTION HISTORY

1987, c. 412, §§3,8 (RPR). 1987, c. 655, §3 (RPR). 1991, c. 685, §1 (AMD). 1991, c. 838, §16 (AMD). 2003, c. 660, §A23 (AMD). 2015, c. 105, §1 (AMD).

§3-A. MOORING TRANSFER PERMITTED BY ORDINANCE

A municipality may adopt an ordinance that allows the transfer of a mooring assignment used for commercial fishing purposes. The ordinance may permit a mooring assignment to be transferred only at the request or death of the assignee, only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purposes of this section, "member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood, or an assignee's spouse. [1993, c. 66, §1 (AMD).]

SECTION HISTORY

RR 1991, c. 2, §140 (COR). 1991, c. 685, §2 (NEW). 1993, c. 66, §1 (AMD).

§4. NEGLECTING TO REMOVE OR REPLACE MOORINGS

In case of the neglect or refusal of the master or owner of any boat or vessel to remove his mooring or to replace it by one of different character, when so directed by the harbor master, that harbor master shall cause the entire mooring to be removed or the buoy removed and the chain dropped to the bottom or shall make such change in the character of the mooring as required, and collect from the master or owner of that boat or vessel the sum of \$100 for either of those services rendered and the necessary expenses. [1987, c. 412, §§ 4, 8 (RPR).]

Before removing a mooring or a buoy, a harbor master shall notify the master or owner, if ownership can be determined, by mail at his last known address of the action desired of him, the fact that the mooring will be removed and the fine. If the matter is not settled to his satisfaction within 2 weeks, the harbor master may take the action provided for in this section. [1987, c. 412, §§ 4, 8 (NEW).]

SECTION HISTORY

1987, c. 412, §§4,8 (RPR).

§5. REMOVAL OF VESSELS OBSTRUCTING ANCHORAGE

A harbor master, upon receiving complaint from the master, owner or agent of any vessel, shall cause any other vessel or vessels obstructing the free movement or safe anchorage of that vessel to remove to a position to be designated by the harbor master and shall cause, without any complaint being made to the harbor master, any vessels anchoring within the channel lines as established by the municipal authorities, as provided in section 2, to remove to such anchorage as the harbor master may designate. [1987, c. 655, §4 (AMD).]

If that vessel has no crew on board or if the master or other person in charge neglects or refuses to move such vessel as directed by the harbor master, the harbor master may put a suitable crew on board and move that vessel to a suitable berth at a wharf or anchorage at the cost and risk of the owners of the vessel and shall charge \$100, to be paid by the master or owner of that vessel, which charge, together with the cost of the crew for removing that vessel the harbor master may collect by civil action. [1987, c. 412, §§ 5, 8 (RPR).]

SECTION HISTORY

1977, c. 696, §331 (AMD). 1987, c. 412, §§5,8 (RPR). 1987, c. 655, §4 (AMD).

§6. POWER TO ARREST FOR ASSAULT

Harbor masters, whose authority is not restricted as described in section 1, may arrest and deliver to the police authorities on shore any person committing an assault upon them or another person acting under their authority. [1985, c. 531, §3 (AMD).]

SECTION HISTORY

1985, c. 531, §3 (AMD).

§7. RELATION TO OTHER LAWS

Nothing in this subchapter may be construed to be a limitation on the authority of municipalities to enact ordinances to regulate the assignment or placement of moorings and other activities in their harbors. These ordinances may include, but are not limited to: A process for assigning mooring privileges and determining the location of moorings; a waiting list for the assignment of mooring privileges; a fee schedule; construction standards for moorings; time limits on the mooring of vessels; a process for appeals from decisions of the harbor master; provisions that recognize that mooring privileges in lawful existence on the effective date of an ordinance may be preserved or continued after adoption of that ordinance, the location and use to be determined by the harbor master or other appropriate local authority; and provisions that establish a harbor commission or committee to administer the ordinance or ordinances and oversee the duties of the harbor master. Regulations adopted by the municipal officers under section 2 remain in effect unless the municipality's legislative body enacts an ordinance pertaining to the same matter pursuant to the Constitution of Maine, Article VIII, Part 2, and Title 30-A, section 3001. [1997, c. 89, §1 (AMD).]

SECTION HISTORY

1985, c. 692, §§2,4 (NEW). 1987, c. 412, §§6,8 (AMD). 1987, c. 655, §5 (RPR). 1997, c. 89, §1 (AMD).

§7-A. WAITING LISTS; NONRESIDENT MOORINGS

1. Waiting lists. If a municipality receives more applications for mooring privileges on state-owned lands that are controlled by its rules or ordinances than there are mooring spaces, the municipality shall assign spaces as they become available from a waiting list or lists according to its rules or ordinances, except as provided in this section. Waiting lists in effect at the time that this section becomes law may continue in effect, but persons shall be selected from those lists in accordance with the allocation provisions of this section. If at the time a person applies for a mooring there is no waiting list, this person may be assigned a mooring without regard to the allocation provisions of this section.

[1987, c. 655, §6 (NEW) .]

2. Allocations to nonresidents. If there are applicants who are nonresidents who wish to moor a vessel the principal use of which is noncommercial and less than 10% of the moorings are currently assigned to persons fitting this description, the next mooring available shall be assigned to the first such person on the list. If there are applicants who are nonresidents who wish to moor a vessel the principal use of which is commercial and less than 10% of the assigned moorings are currently assigned to persons fitting this description, the next mooring available shall be assigned to the first such person on the list. If both nonresident noncommercial and nonresident commercial assignments are below 10% and there are both types of applicants on the waiting list, the available space shall be assigned to an applicant in the category that is the farthest below 10%. The burden of proof in determining residence and the principal use of a vessel shall be upon the applicant.

Each year, persons with mooring assignments shall report to the harbor master their anticipated residency status for the next year and whether they anticipate the principal use of their boats to be commercial or noncommercial. The harbor master shall update the percentage of mooring holders in each category from this data.

It is not a requirement of this section that a person lose a current mooring assignment to meet the objectives of this section.

Shorefront property owners shall be assigned mooring privileges as established in section 3.

If the mooring fee charged to nonresidents exceeds \$20 a year, the fee charged shall be reasonable in relation to the costs involved in providing that mooring and shall not exceed 5 times the amount charged to residents.

This subsection shall be construed broadly in order to accomplish the distribution of moorings to nonresidents as specified in this section.

[1987, c. 655, §6 (NEW) .]

SECTION HISTORY

1987, c. 655, §6 (NEW).

§8. WAITING LIST

Whenever there are more applicants for a mooring assignment than there are mooring spaces available, the harbor master or other town official shall create a waiting list. The town officials shall work out a reasonable procedure for persons to add their names to this list. The procedure shall be posted in a public place. The list shall be considered a public document under the freedom of access law. [1987, c. 412, §§ 7, 8 (NEW) .]

SECTION HISTORY

1987, c. 412, §§7,8 (NEW).

§9. ABANDONMENT OF WATERCRAFT

No person may bring into or maintain in the harbor any derelict watercraft, watercraft for salvage, or abandon any watercraft in the harbor without a permit from the harbor master or, if there is no harbor master, the appropriate municipal official. Whoever does so without permit is guilty of a Class E crime. Watercraft which are to be salvaged by firms licensed by the State to do salvage work shall be excluded from this section. The municipal board or commission entrusted with harbor management shall be the sole determiner as to what constitutes a watercraft that is derelict and what constitutes a watercraft that is abandoned. [1987, c. 412, §§ 7, 8 (NEW).]

SECTION HISTORY

1987, c. 412, §§7,8 (NEW).

§10. HARBOR MASTER LIABILITY

In addition to the immunities from liability and the limitations and defenses provided under the Maine Tort Claims Act, Title 14, sections 8103, 8111 and 8112, a harbor master who, in the performance of statutory duties as set forth in sections 4 and 5, causes any damage to property or any injury to a person shall not be liable for damage or injury, unless the damage or injury is a direct result of the gross negligence, gross recklessness or bad faith intentional misconduct of the harbor master. [1987, c. 655, §7 (AMD).]

SECTION HISTORY

1987, c. 412, §§7,8 (NEW). 1987, c. 655, §7 (AMD).

§11. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 548, Pt. D, §9 (AMD).]

1. Municipal resident. "Municipal resident" means any person who occupies a dwelling within the municipality for more than 180 days in a calendar year. A municipality may by ordinance include other persons in the definition of resident.

[1987, c. 412, §§ 7, 8 (NEW) .]

2. Parcel of land. "Parcel of land" means the larger of the minimal buildable lot size in the municipality or 20,000 square feet and, in either case, including 100 feet of shoreline frontage.

[1987, c. 412, §§ 7, 8 (NEW) .]

3. Watercraft. "Watercraft" means any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation on water other than a seaplane.

[1987, c. 412, §§ 7, 8 (NEW) .]

SECTION HISTORY

1987, c. 412, §§7,8 (NEW). 1991, c. 548, §D9 (AMD).

§12. VIOLATION OF SUBCHAPTER

Except as provided in section 13, a violation of this subchapter or any harbor ordinance may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A, section 4452. [1991, c. 262, §1 (AMD).]

SECTION HISTORY

1987, c. 655, §8 (NEW). 1989, c. 287, §5 (RPR). 1991, c. 262, §1 (AMD).

§13. FAILURE TO OBEY ORDERS OF HARBORMASTERS

1. Offense defined. A person is guilty of failure to obey an order of a harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a harbormaster authorized pursuant to this subchapter.

[1991, c. 262, §2 (NEW) .]

2. Penalty. Failure to obey an order of a harbormaster is a Class E crime.

[1991, c. 262, §2 (NEW) .]

SECTION HISTORY

1991, c. 262, §2 (NEW) .

Subchapter 2: PORT WARDENS

§41. ELECTION; QUALIFICATIONS; TERM; REMOVAL; VACANCIES; RECORDS

Port wardens shall be elected in any city or town situated on navigable waters upon the petition of 10 or more citizens engaged in commercial pursuits therein.

If in such city or town there is a board of trade duly incorporated, said board shall annually elect the port warden. Otherwise the municipal officers thereof shall annually elect him.

Port wardens shall be men of commercial or nautical experience and shall hold office one year from each election and until others are qualified in their stead, except when removed for cause or when elected to serve out an unexpired term. They shall be sworn faithfully to perform their duties.

Said boards of trade, by their managers, or said municipal officers shall forthwith on complaint of any person aggrieved, after hearing, remove for cause any port warden by them elected, and all vacancies shall be filled by said authorities.

Port wardens shall make a record of their doings and keep the same in their office for inspection at any time, free of charge, by any person interested therein.

§42. DUTIES; VESSELS ARRIVING

When requested by any person interested, port wardens shall proceed on board of any vessel on her arrival in port and survey her hatches and notice if they are properly caulked and secured, and if they have been opened by some person not a port warden, that fact shall be noticed, and all the facts in relation to the hatches of said vessel shall be entered in the official record. They shall examine the condition and stowage of the cargo of any vessel, and if any portion of it is found to be damaged, they shall inquire into and ascertain the cause thereof, and make a memorandum of the same, noting particularly the marks and numbers of each damaged package, and shall enter the same in full in the records of their office. For the purpose of ascertaining the extent of said damage, they shall examine goods, wares or merchandise of any description in any warehouse or store, or on any wharf or at any place where the same are, provided said goods, wares or merchandise are part of the cargo and are claimed to be damaged. They shall note particularly the marks and numbers of every package examined by them and the extent of the damage received, and all the facts in relation thereto shall be entered in the records of their office.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
GRANTS COMMUNITY RECREATION
124 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

2/1/2016

Town Manager
106 Western Avenue
Hampden, Maine 04444

Re: Land and Water Conservation Fund Project Stewardship: Hampden

I'm contacting you today in regard to the Hampden Land and Water Conservation Fund (LWCF) grant assisted project(s). Receipt of a LWCF grant comes with long term stewardship obligations. To assure that these obligations are being met, all LWCF funded projects must be inspected at least once every five years.

I am asking for your help in fulfilling this periodic inspection obligation. Accompanying this letter is a list of the LWCF projects within your jurisdiction, and the date of award. Your agency should have a file for each project listed which should include specific project information most importantly the project 6(f)(3) map delineating the protected portion of the project site. I have also included information about the LWCF stewardship obligations and a project self-assessment form.

Please complete and sign one inspection sheet per project and return to me either by USPS at the address above, or you can scan and email the completed inspection to me at doug.beck@maine.gov. Including photos of each site to accompany the inspection form is encouraged and welcomed.

If you have any questions about this request or about your LWCF projects, please contact me at my email address above, or at the phone number below

Sincerely,

Douglas S. Beck
Outdoor Recreation Supervisor
Grants Community Recreation
Bureau of Parks Lands

Enc. LWCF project list
LWCF stewardship pamphlet
LWCF signage guidance
Self-Assessment Form

DOUG BECK, PROGRAM MANAGE
GRANTS COMMUNITY
RECREATION



PHONE: (207) 287-4962
EMAIL: DOUG.BECK@MAINE.GOV
WWW.MAINE.GOV/DACF



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
GRANTS COMMUNITY RECREATION
124 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

LWCF project list

2/1/2016

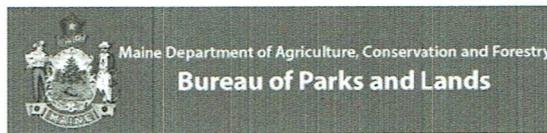
Hampden

ProjectYear:	ProjectNo:	Project:
1981	23-00481	Boat Facility

DOUG BECK, PROGRAM MANAGE
GRANTS COMMUNITY
RECREATION



PHONE: (207) 287-4962
EMAIL: DOUG.BECK@MAINE.GOV
WWW.MAINE.GOV/DACF



5 Year Inspection Report

To be completed by project sponsor at least once every 5 years, and or after any significant site changes.

1. NPS Project Number: 23- 00481 Date Inspection Completed: _____

2. Name of Project: Turtle Head Park

3. Project Sponsor: Town of Hampden

4. Findings (If you reply "No" to any question, provide explanation below that question)

Yes No N/A

a. Is the property used for public recreation?

b. Is the site ADA compliant?

c. Is upkeep and maintenance adequate?

d. Is the site (and programs) open to the general public for residents and non-residents?

e. Is the site open at all times? If no, please list hours of operation.

f. Are fees and charges assessed and if so are they reasonable? (provide schedule)

g. The 6(f)(3) boundary is whole and only qualifying recreational uses occur within.

h. Is the NPS Land & Water Conservation sign posted in a prominent location?

on order 2/22/16; installed 3/17/16

i. The Civil Rights Title VI "Equal Opportunity" statement is posted in a prominent location?

on order 2/22/16; installed 3/17/16

j. Is the site free of any major problems (vandalism, safety/health issues, disrepair, etc.,)?

k. Are all the buildings on site used in support of outdoor recreation?

5. Provide GPS coordinates for park entrance or other primary feature Lat _____ Lon _____

6. The overall general condition of this site is (circle selection)

Excellent	Good	Fair	Poor
-----------	------	------	------

Shelley Abbott
Name of person completing this form (print)

Shelley Abbott
Signature

Town of Hampden
Agency

02/22/2016
Date Inspection Completed

7. You may use the back of this form for any additional comments. Please check here if comments are included.

8. Include photos of signage, of significant portions of the project area (if possible), and of any problematic elements.



Town of Hampden, Maine
"Turtle Head Park"

Aided by the Federal

THE LAND AND WATER CONSERVATION FUND

Administered by the National Park Service
and the Maine Bureau of Parks and Lands

This facility is open and available to the general public pursuant to Land and Water Conservation Act of 1964 and is subject to Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973.

If you believe you have been discriminated against on the basis of your race, color, national origin, disability, or age, please contact:

The Director, Office of Equal Opportunity
U.S. Department of the Interior

1849 C Street NW
Washington, DC 20240

03/17/2016



Angus Jennings <townmanager@hampdenmaine.gov>

Re: Hampden Marina Meeting

1 message

Dean Bennett <economicdevelopment@hampdenmaine.gov>

Mon, Nov 2, 2015 at 7:43 AM

To: Angus Jennings <townmanager@hampdenmaine.gov>

Angus,

I contacted Doug Beck on October 13th at the DEP. Doug has replaced Mick Rogers with whom we coordinated the Conversion Application process years ago. Doug has researched the files and has concluded as I that we have no obligation for a dock at the public landing. Our obligation for a parking lot and ramp have been met and we are in compliance with our obligations to the State and National Park Service.

Our ongoing obligation is to maintain these facilities in support of the public access they provide.

Dean

Dean L. Bennett
Director of Community and Economic Development
106 Western Avenue
Hampden, Maine 04444
[207-862-3034](tel:207-862-3034)

A reasonable effort will be made to respond to all emails received in a timely manner. Please note that all emails sent from or coming to this address are considered a public document and are subject to the State of Maine Freedom of Access Law.

On Thu, Oct 29, 2015 at 5:51 PM, Angus Jennings <townmanager@hampdenmaine.gov> wrote:

Sean, let me know if you can make the meeting time below as we're going to talk over the options relative to the floats and the ramp. I spoke with Dan on Tuesday and advised him of the Council's direction at Monday's meeting that public funds wouldn't be available to replace the floats. It's our hope that the private parties will take over this cost and responsibility.

Dean, if you're available we can also take the opportunity to advance the signage conversation. I'd also like you to look into the grant materials that supported the Turtle Head improvements as I suspect there may be an ongoing obligation on the town to provide public access as a result of having accepted federal funds. This may apply only to the ramp, or also to the floats, but I'd like to do some additional research on this specific question prior to seeking an opinion from the town attorney.

Thanks -

----- Forwarded message -----

From: **Dan Higgins** <dhiggins@hamlinsmarina.com>
Date: Thu, Oct 29, 2015 at 5:04 PM
Subject: Hampden Marina Meeting
To: townmanager@hampdenmaine.gov

Angus,

Please confirm that Thursday November 5th at 3:00 PM at the marina works with your schedule to meet up

with McLaughlin's at the Marina.

Dan Higgins

General Manager

Hamlin's Marina

(207) 907-4385 ext. 101

--

Angus Jennings

Town Manager

Town of Hampden

106 Western Avenue

Hampden, ME 04444

(207)-862-3034

townmanager@hampdenmaine.gov

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation.



Angus Jennings <townmanager@hampdenmaine.gov>

Re: Town Marina floats

1 message

Dan Higgins <dhiggins@hamlinsmarina.com>
To: Angus Jennings <townmanager@hampdenmaine.gov>
Cc: rgarrity@hamlinsmarina.com

Mon, Mar 14, 2016 at 4:03 PM

Angus,

Thanks for the update. We have found a replacement and no longer need the deteriorated floats for our operations. I don't know if there is any value to us. I will check in with my crew and let you know.

Thanks,

Dan Higgins

Sent from my iPhone

On Mar 14, 2016, at 3:44 PM, Angus Jennings <townmanager@hampdenmaine.gov> wrote:

Dan, Kimberly,

As the warmer weather approaches I'm writing to inform you of the Town Council's action this winter to declare surplus the portions of the Marina floats that the Town owns. The effect of this vote is that it allows me to dispose of the floats by sale or otherwise pursuant to the Council's Bid Procedure Guidelines (online [here](#)).

Please let me know if either of you have interest in taking ownership of the floats or, if not, whether you'd like the Town to arrange for their removal and disposal.

Dan, did I hear correctly that you have found an alternative to continued use of the floats?

Although the Council was not able to allocate funds toward repairing or replacing the floats, there appears to be a good chance they will move ahead on improvements to the launch ramp. We have been in touch with Wellman Paving to receive an updated quote and that project will be considered this spring. If they do vote to proceed with the work I will let you both know.

Thanks,
Angus

ps. we are also continuing to look at options that could allow for installation of a shared sign to highlight the Marina and businesses; this continues to be a priority of the Council and while it's raised some thorny issues we may have found a path that will lead to this outcome -

--

Angus Jennings
Town Manager

Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207)-862-3034
townmanager@hampdenmaine.gov

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public

TOWN OF HAMPDEN
IN THE TOWN COUNCIL

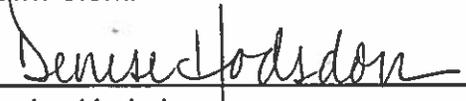
Adoption: December 7, 2015

DECLARATION OF SURPLUS PROPERTY

DECLARED, that the floats at the Town of Hampden Turtle Head Marina Park which are owned by the Town of Hampden (see exhibits, attached) are hereby found to be surplus. As surplus property, these floats are found to be not needed at present, or for the foreseeable future, and are no longer of value or use to the Town.

The Town Council hereby authorizes the Town Manager to dispose of the floats pursuant to Item 5 of the Town of Hampden Bid Procedure Guideline or, if no party is interested in taking ownership of the floats, to discard the floats in a suitable manner.

Town Clerk:



Denise Hodsdon

DECLARED by a majority of the Town Council:

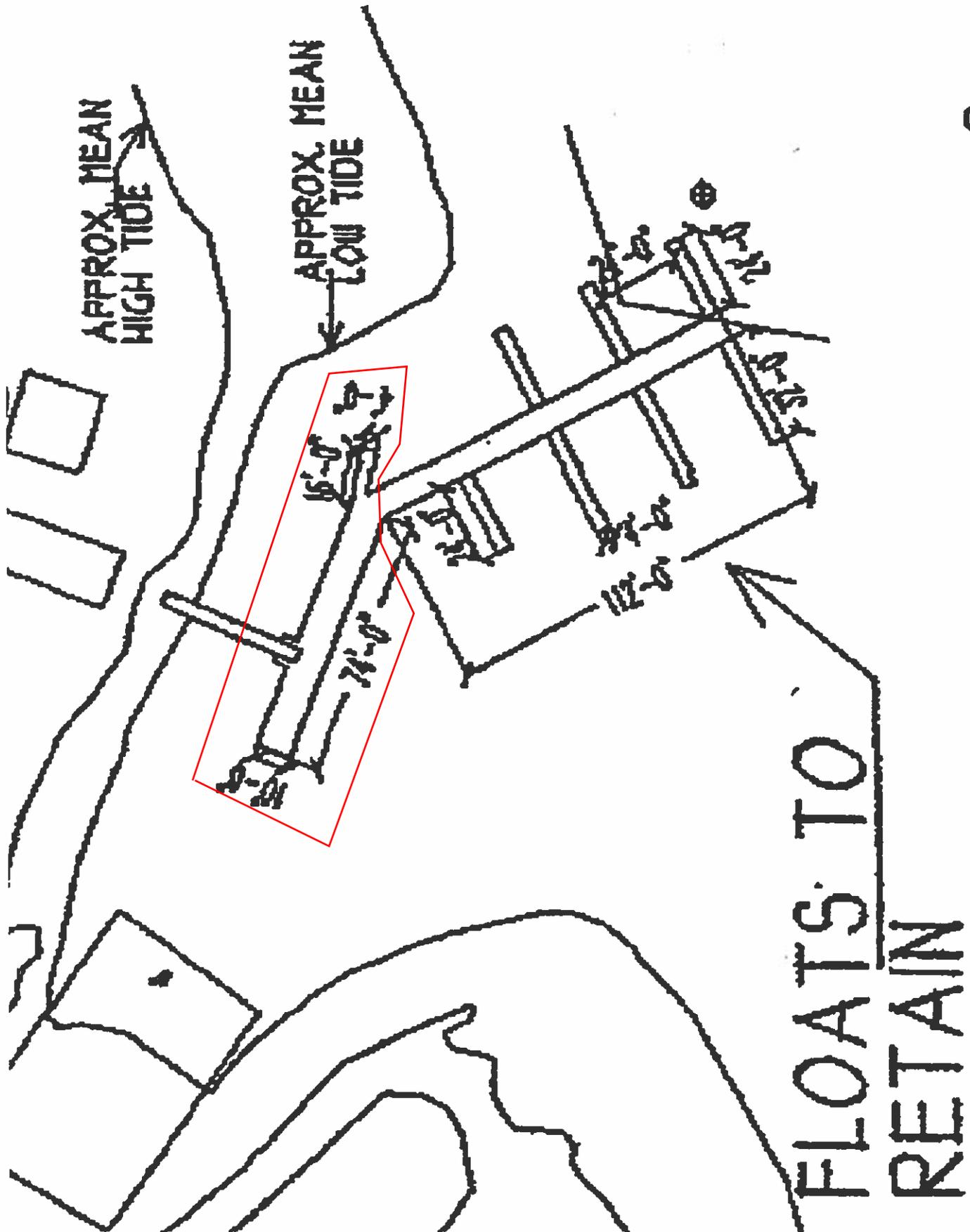












Floats at Town Turtle Head Park Marina

