

**SERVICES COMMITTEE MEETING**

**Tuesday, October 11, 2016**

**6:00 pm**

**HAMPDEN TOWN OFFICE**

**A G E N D A**

**1. MINUTES**

- a. August 8, 2016
- b. September 12, 2016

**2. OLD BUSINESS**

- a. Update on DPW research regarding maintenance costs for athletic fields
- b. Discussion of future policy regarding facilities maintenance cost sharing with Recreation Affiliated Programs

**3. NEW BUSINESS**

- a. Services Committee role as Tree Board under Tree Ordinance
- b. Proposed addition of “vaping” to Outdoor Facilities Ordinance
- c. Notification of upcoming Region 3 Transit Workshop

**4. PUBLIC COMMENTS**

**5. COMMITTEE MEMBER COMMENTS**

**SERVICES COMMITTEE MEETING****Monday, August 8, 2016****MINUTES – DRAFT**

Attending:

*Councilor Terry McAvoy, Chair  
Mayor David Ryder  
Councilor Ivan McPike  
Councilor Mark Cormier  
Councilor Dennis Marble  
Councilor Stephen Wilde (arr. 6:12)*

*Town Manager Angus Jennings  
Recreation Director Shelley Abbott  
Library Director Debbie Lozito*

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

**1. MINUTES**

- a. **July 11, 2016** – *Motion by Councilor Marble seconded by Councilor McPike to approve the July 11 meeting minutes. Approved 5-0.*

**2. OLD BUSINESS****3. NEW BUSINESS**

- a. **Review of comparative data regarding other communities' spending on library books and collections – Debbie Lozito, Library Director** – *Manager Jennings invited Director Lozito to present her findings regarding other communities' annual spending on books and collections, and how Hampden compares. Director Lozito said that about \$11,000 of each year's spending comes from income from the perpetual endowment. The endowment is supplemented through an annual appeal for private donations. Chairman McAvoy asked why isn't the full amount of endowment income spent each year? Director Lozito asked if the point is to reduce Town contributions to that line item or to support additional purchases? She said the endowment was set up to supplement, not replace, the Town budget for books and collections. Chairman McAvoy said that the Town could cut its budget for books. Director Lozito said she thought that would be shocking because the Town has always supported the library. Councilor McPike noted that there was no library in Hampden when he was growing up, and now kids have access to google. Director Lozito said that google can return a million answers, but the library can give the correct answer.*

*Councilor McPike asked where are libraries headed over the next 5 to 10 years. Director Lozito said that many people rely on the libraries books and*

*other resources, and that the library is a public meeting place used by tutors, community groups, job seekers using the internet. She said it is a place someone can go with no expectation that they'll purchase anything. Councilor Marble said that he'd benefited from libraries his whole life and that supporting the library is part of the values of the town. He asked what is the value of the endowment and Director Lozito said about \$380,000. Chairman McAvoy said he would like to get an accounting of the endowment for the past ten years – the amount of the endowment, earnings, and spending. He'd like the library to make an attempt to offset its operating costs with the endowment.*

- b. Update on agreement with Bronco Travel Soccer Club for use of Lura Hoit fields in fall 2016, and discussion of future policy regarding facilities maintenance cost sharing with Recreation Affiliated Programs** – *Manager Jennings provided background regarding the Affiliated Program Guidelines and the ongoing consideration of appropriate sharing of costs and revenues. Director Abbott spoke about the agreement with Bronco Travel Soccer Club (BTSC) for use of the Lura Hoit Pool fields this fall. Chairman McAvoy asked if this was the first season BTSC used the fields, and Director Abbott said that it was the second season. Last year the Town initiated a Memorandum of Understanding but that the terms were not agreed. This year we've been working to get a clear agreement in place, and had asked BTSC for a \$1,000 contribution to direct expenses regarding fields maintenance. Chairman McAvoy asked whether BTSC's objection was due to the monetary contribution, and Director Abbott said yes. She said that there is a cost to maintain outdoor facilities but that, other than mowing, the Town hasn't put money into fields maintenance until this past spring for grubs prevention. Chairman McAvoy said that the Fees Ordinance should be changed at Sec. 6.4.4.*

*Councilor Marble asked how many players participate in BTSC, and Director Abbott estimated 150-175 players club-wide. She said there is typically one boys and one girls team per age range. She said space at the RSU-22 fields is limited, so the Pool fields have also been needed. She said she approaches agreements with a goal of limiting Town liability.*

*Councilor McPike said we should do whatever we can to support recreational sports. He really supports the Town Rec Department, but said that the Travel Leagues should pay their fair share, noting that intensive use of the fields will destroy them. Director Abbott noted that the Travel leagues charge a fee but the fee does not get to the Town. The Town establishes fees for its programs based on the costs to run particular programs. Councilor Wilde said that in Bangor the Rec Department gets sponsorships and permanent (sponsored) signage, and uses a telemarketer.*

*Manager Jennings told the Committee that there is a need to establish a policy framework to inform staff work to establish specific agreements with Affiliated Programs. Mayor Ryder said that he thinks programs should be run through the Rec Department.*

*Manager Jennings asked Director Abbott to summarize the week-long soccer camp in June. Director Abbott said that this program used to be run in-house but that it is now run in cooperation with BTSC. She said that the first year it was run this way the proceeds were split between Town and BTSC. The third year of the program, June 2016, was after the loss of the Bouchard Fields. The Town handles marketing, registrations, personnel and payroll. BTSC plans the curriculum.*

*Director Abbott said the Rec Department runs programs for kids age 4 to 6<sup>th</sup> grade, and that BTSC runs programs for kids in 2<sup>nd</sup> to 8<sup>th</sup> grade. BTSC is providing travel opportunities (which Town programs do not), and is more competitive. Chairman McAvoy asked whether BTSC members are Hampden kids and Director Abbott said that their participation includes kids from other RSU-22 towns and from Hermon. She said they're part of the larger Soccer Maine umbrella. Chairman McAvoy asked if there are cuts made or whether any child can participate. Director Abbott said that, at the Junior High School and High School level, cuts are made as necessary, but that Affiliated Program Guidelines require programs to be as inclusive as possible and cuts can only be made if there are tryouts.*

*Councilor Marble said that we want to offer every child in town access to sports. He would like to look at shared costs above a certain age. Chairman McAvoy said that our obligation is to provide recreational sports for ages that don't have other access. Councilor Marble asked whether the Recreation Committee could play a role in developing policy. Chairman McAvoy said he does not think the Affiliated Programs understand who's paying the costs, and he thinks Town facilities should be rented out based on actual costs. Councilor Marble said that identifying actual costs would be a good starting point. Director Abbott said we need to invest in the fields on an ongoing basis to protect the Town's prior investment in making the fields. Chairman McAvoy said that reserving fields for use by Affiliated Programs is a service that is not provided to other residents except with a fee.*

- c. Update on wetlands survey of Town Building / Pool site** – *Mayor Ryder discussed the wetlands survey prepared by Moyse Environmental, noting that additional parking cannot be added to the site without DEP permitting. Chairman McAvoy asked whether the current field facilities were adequate for the Town Rec programs. Director Abbott said that the facilities are operating at capacity to accommodate games and practice time, and that there is no opportunity for expansion. Chairman McAvoy asked why the season is only 7 weeks, not 12, and Director Abbott said that for ages K-6, cold and darkness*

*limit the season. Manager Jennings noted that we now have wetlands delineations, and that the next step is to determine what this means from a regulatory standpoint.*

**4. PUBLIC COMMENTS** – *Director Abbott noted that the Hampden Children’s Day Committee would conduct a walk-through of Children’s Day tomorrow at 6 PM, and that insurance has been secured for the event. Manager Jennings noted that volunteers are still needed on the day of Children’s Day between noon and 4 PM.*

**5. COMMITTEE MEMBER COMMENTS** – *None.*

*There being no further business, the meeting was adjourned at 7:40 PM.*

*Respectfully submitted –  
Angus Jennings, Town Manager*

**SERVICES COMMITTEE MEETING**

**Monday, September 12, 2016**

**MINUTES – DRAFT**

Attending:

*Councilor Terry McAvoy, Chair  
Mayor David Ryder  
Councilor Ivan McPike  
Councilor Mark Cormier  
Councilor Greg Sirois  
Councilor Stephen Wilde*

*Town Manager Angus Jennings  
Recreation Director Shelley Abbott  
Asst. Rec Director Jill McLaughlin  
Library Director Debbie Lozito  
GIS-IT Specialist Kyle Severance  
Citizen reps of Rec Affiliated Programs*

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

**1. MINUTES**

- a. **August 8, 2016** – *The previous meeting’s minutes were not yet available so this item was passed over with no action taken.*

**2. OLD BUSINESS**

- a. **Broadband research update, including regarding EMDC pilot program and pending Hampden grant application for participation in ConnectME Broadband Pilot Study** – *Manager Jennings said that his office had submitted a grant application earlier today based on work largely undertaken by Kyle Severance. Specialist Severance addressed the Committee, noting that if the grant was received that EMDC and Axiom Technologies would do the technical work associated with the feasibility study. He said the grant would be awarded to one municipality in Penobscot County.*
- b. **Discussion of future policy regarding facilities maintenance cost sharing with Recreation Affiliated Programs** – *Chairman McAvoy invited Director Abbott to address the Committee. Director Abbott said that, prior to the current FY17 budget, the Town had not budgeted for fields maintenance. Last spring there was grub damage and it was recommended and budgeted at \$10,000 in this year’s budget, but this is limited funding. Chairman McAvoy asked whether Affiliated Programs affect how programs are run. Director Abbott said her Department is working with all Affiliated Programs regarding how to improve facilities to ensure that they’ll continue to be there in the future. Councilor McPike asked whether all of our Rec programs have access to fields, and Director*

*Abbott said yes. She said there are 215 participants in soccer this fall, and that additional field space and staff time would be needed in order to accommodate further growth. In the fall, there is a 5 PM start time which provides a narrow window for fields use. With growth in programs, more space would be needed. She said that this fall's programming went from 3 games at a time to 2 games at a time in order to reduce parking overflow that happened last fall at the Pool fields. She said there has been overflow parking this fall, on the lawn, but that if the weather had been wetter this would cause damage.*

*Councilor McPike asked, of the 215 participants, what is the age range and what size fields are needed for different age groups. Director Abbott said that there are 85 participants in the PreK/K level and the remaining participants are distributed in the older age range. Councilor Sirois asked if we capped participation numbers, and Director Abbott said that the PreK/K program had initially been capped but that it was shifted to a wait list above 80, and the additional 5 registrants above 80 were able to be accommodated.*

*Heath Miller, president of Bronco Youth Football, introduced himself and spoke about the age divisions his programs serve. He said that they use the field owned by Danny Lafayette behind the former Hampden Academy, and the Hampden Academy turf field for games. He said they have 50 participants and that the Town covers their insurance costs as an Affiliated Program. He said it is working well and is not a lot of work for the town.*

*Chairman McAvoy asked whether the field behind the Skehan Center was appropriate for soccer. Director Abbott said that the Rec Programs don't have use of that field and that Mr. Lafayette had asked that the Town research the potential installation of irrigation if it was to use the field. She said that the Town didn't have the capability to take on a research project at that time with other responsibilities taking priority. She said that, as a tenant of the facility, she felt that the Town should have access to that field for its flag football program. Mr. Miller said that Mr. Lafayette had asked about irrigation due to the heat and drought conditions in August.*

*Chairman McAvoy asked whether all of the Affiliated Program agreements had been signed, and Director Abbott said that last year was the first year they had all been signed and that they are up for renewal in the coming weeks. She said she is looking for guidance that is either a framework for all Affiliated Program agreements or specific to each program. Chairman McAvoy asked whether the documents reference cost sharing and Director Abbott said that the current Affiliated Program Guidelines do not say anything about financial terms. She said that the Bronco Travel Soccer Club (BTSC) had agreed to contribute \$1,000 for direct expenses*

*for fields maintenance such as grub treatment, and was handling field striping for its portion of use from early September to early October. Chairman McAvoy asked how much staff time goes toward Affiliated Programs and Director Abbott said that it depends on the time of year, and that at certain times of year it is very time intensive.*

*Resident Nichole Sirois, president of the BTSC Board, introduced herself to the Committee and said that BTSC has been in existence as a non-profit since 1998 and that about 200 players a year participate in their programs, primarily from Hampden and Hermon and ranging in age from 8 to 8<sup>th</sup> grade. She said BTSC is very competitive in what it provides, and the BTSC dues are set at the lowest point necessary to cover costs. They run 1-2 practices per week, and attend travel tournaments elsewhere in Maine such as Sanford and Cumberland. Three years ago the organization was losing money. Soccer camp provides revenues needed for BTSC to provide quality equipment like new soccer goals. Their costs include dues to Soccer Maine, which provides them insurance. She said they work with the Rec Department, RSU-22, and Good Shepherd Food Bank. They use the Lura Hoit Pool fields in August and in the fall.*

*Chairman McAvoy asked whether they use fields made available from individual land owners, the Town and the schools and Mrs. Sirois said yes. He asked whether the Pool fields are sufficient and she said yes, but they are only used during the fall and that BTSC has now identified additional field space for the future.*

*Mr. Miller spoke about his role with Bronco Travel Basketball, saying the group's financial transactions are run through the Town and that the Town provides insurance. He also said that Little League programs have about 150 participants a year ages 7-12. Little League uses Town fields and the Town maintains the fields but Little League maintains the built facilities.*

*Councilor Sirois asked about the cost to line the fields. Chairman McAvoy asked Mrs. Sirois whether she had any relation to a member of the Committee and she said yes she is Councilor Sirois' wife.*

*Mayor Ryder asked how revenues and expenses are shared with BTSC. Director Abbott said that revenues and expenses for the summer soccer camp are shared. The Town handles payroll and personnel for the camp staff, and BTSC secures the equipment. After expenses, revenues are divided based on an agreement.*

*Mrs. Sirois said that BTSC had agreed this year to pay \$1,000 toward grub treatments but that they didn't think this was fair. She said BTSC is looking into other options. Chairman McAvoy said that the Town is also going in that direction. Manager Jennings said that he and Director Abbott*

are looking for better policy direction from the Committee regarding cost sharing. He noted that, when BTSC had initially balked at the proposed \$1,000 cost, he had brought this matter to the previous Services Committee meeting and the Committee had supported the proposed terms. He noted that, in his follow-up to BTSC, he had asked if they could offer more than the \$500 they proposed even if it was less than the \$1,000 the Town had proposed, and that BTSC had agreed to the \$1,000. He thinks these negotiations would be more efficient for everyone if the Council established a framework or clear expectations.

Mrs. Sirois asked whether BTSC paying half the cost of grub treatment was fair for the amount of time they use the fields. She said the grub treatment allows the fields to be usable year-round. Another member of the BTSC Board, Bill Castrucci, said that the fields are used at other times of the year and he thinks the Town should be proportionally responsible for those costs. He said all of our kids and grandkids use these fields. He said BTSC uses their revenues for soccer goals and equipment needs.

Chairman McAvoy said he agrees that we all want recreation and sports for children in town, and that the Town provides facilities for all kids regardless of skill level. He said that Affiliated Programs look for certain levels of proficiency for participation. Mr. Castrucci said that BTSC doesn't make cuts. He said the Town doesn't provide programs for the age range between young kids and High School level and that BTSC programs fill this need. This is a benefit to the Town and helps to feed the High School system and improve the strength of local teams. He said it's unfortunate this is contentious.

Mr. Miller said that if all of the kids in BTSC were on the Town Rec roster what would be the cost to the Town to provide these services. Chairman McAvoy said that he'd like the Recreation Director to keep track of her Department's administrative time and to pro rate maintenance costs so they can be allocated to Affiliated Programs.

Councilor McPike said that he thinks we ought to provide opportunity for kids. He said that costs should be allocated proportionally based on when the fields are used.

Mayor Ryder said that the Council has got to decide where we want to go with recreational programming. If we're going to promote these programs we need to allocate the resources. Manager Jennings said that, in his opinion, the quasi-enterprise method of funding recreational programs, whereby roughly 70% of the Department's revenues come from fees and other sources (rather than taxation), creates substantial additional responsibilities and pressures on our Rec Department relative to other towns that fund their programs through taxation. Councilor Sirois said he

*thinks that trying to generate revenues from kids is wrong, but Chairman McAvoy said that he thinks it's wrong to pass costs along to taxpayers. Mayor Ryder said that many Hampden residents see it differently, and do support public recreational programming. Chairman McAvoy said he'd like to see the staff time in the Rec Department go toward Town Rec programs.*

*Councilor Wilde said that, as a community, we provide services, but we don't apportion all of those costs based on actual use. Chairman McAvoy said he's not aware of circumstances where the Rec Department doesn't have adequate facilities. Mayor Ryder asked if Chairman McAvoy would like to do away with the Affiliated Programs but Chairman McAvoy said he didn't say that – he thinks the facilities the Town has today are adequate to support the programs we run today.*

*Manager Jennings said he would like to see cooperative engagement by the Affiliated Programs, and recognition of the challenges presented to the Rec Department because of the quasi-enterprise funding and the need it creates to generate non-taxation revenues including from Affiliated Programs.*

*Councilor McPike said he would like the Affiliated Programs to agree to put a set percentage of their dues toward fields maintenance. Councilor Sirois said that all of the Affiliated Programs should be at the table. Councilor Wilde suggested a one-time annual fee be paid by Affiliated Programs toward Town expenses. Mrs. Sirois said that BTSC has kept its fees flat for 20 years as a matter of policy.*

*Manager Jennings asked Director Abbott whether tonight's discussion had provided any clarity for establishing cost and revenue sharing agreements with Affiliated Programs. Director Abbott said that the Town wants to provide programs for our kids, and great facilities, but how we get there continues to be a challenge. Chairman McAvoy said that whatever policy is proposed should be simple and transparent.*

- c. Update on research re Town Building / Pool site and potential for additional field space** – *Mayor Ryder said that funds had been set aside in this year's budget for recreational fields. Many sites had been looked at. The Committee has been looking closely at the Pool site, and get the wetlands surveyed this summer. He said there is potential to expand parking, and he had received a plan prepared by a local resident showing expanded potential for fields. He said that the plan showed parking would be increased by 200 spaces, and that he has had discussions with prospective vendors who could cut trees. He said stormwater permits would be required. The plan shows one full-size field and 3 youth fields.*

*He said he is looking for direction from the Committee. He said he'd like to get a DEP permit in place for next spring.*

*Chairman McAvoy asked about the land north of the Post Office and Mayor Ryder said that showed expanded parking. Chairman McAvoy asked about the cost to construct playable fields and Mayor Ryder said those costs aren't known. His idea is to get the site cleared, drainage installed, then topsoil placed. He said this is not all going to happen in a year. Councilor McPike said we may want other types of fields, and Mayor Ryder agreed that we may want to look into Little League fields. He said he is looking for thoughts and ideas regarding where we want to go.*

*Councilor Sirois said that this is a great step toward a facility we ought to have. Clearing and grading is a good first step, with build-out of fields as supported by budget.*

*Mayor Ryder said that the designer would draw up plans for free, and that private funds could be raised, but that the plan would need to be publicized in order to raise funds. He said that, because it's been so dry, roots could be pulled without loss of topsoil.*

*Chairman McAvoy said he'd like to know the total costs. Mayor Ryder said that he'd like to do it the cheapest way possible, and that he thought \$50,000 would get quite a ways. Chairman McAvoy asked whether this would require \$50,000 a year, \$80,000 a year, or more? Mayor Ryder said it depends on whether the goal next year is to build parking or to build a field. Chairman McAvoy said he we like to avoid perpetual allocation of funds. Mayor Ryder said we're trying to plan for 20 years in the future.*

*Resident Randy Maietta said he has three kids and has been very involved with recreation. He thanked the Council for taking this up, and said he wants his kids and grandkids to have this opportunity.*

*Mrs. Sirois said that communities that have the facilities to host tournaments see additional economic activity during tournaments, and that there are no facilities in our region for such tournaments.*

*Councilor McPike and Mayor Ryder said we should move quickly on cutting the trees, but Chairman McAvoy said that once the ball starts rolling there will be urgency to spend money year after year. Manager Jennings said that if any field work was to go forward there would need to be advance delineation of limits of work. Mayor Ryder said he estimates that ten acres could be cleared and grubbed, and he had received an estimate of \$3,500 per acre to do so. Chairman McAvoy asked how long the land would sit there once grubbed. Councilor McPike said that we should show that we're getting something done. Chairman McAvoy said*

*that he thinks we should have public input regarding whether we should do this or not. Mayor Ryder said that the approved budget allocates \$50,000 toward additional fields. Chairman McAvoy said that because it's budgeted doesn't mean it needs to be spent. Mayor Ryder said that let's get it on the Council agenda to hear from people. He made a motion to refer this to Council, seconded by Councilor McPike. The motion passed 5-1 with Chairman McAvoy opposed.*

**3. NEW BUSINESS** – *None.*

**4. PUBLIC COMMENTS** – *Director Abbott said she appreciates seeing members of the public here for this meeting, and she thanked the Council for making recreation a priority. Manager Jennings provided a brief update regarding the issue of flags in the town center, saying that he was leaning toward establishing a defined geographic area for installation and maintenance of flags for limited durations over the course of the year. He said that responsibilities would need to be set based on DPW capacity to undertake the work.*

**5. COMMITTEE MEMBER COMMENTS** – *None.*

*There being no further business, the meeting was adjourned at 8:01 PM.*

*Respectfully submitted –  
Angus Jennings, Town Manager*

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



**Phone:** (207) 862-3034  
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 townmanager@hampdenmaine.gov

TO: Services Committee  
 FROM: Angus Jennings, Town Manager  
 DATE: October 6, 2016  
 RE: Update on research regarding labor costs for athletic fields maintenance

At the request of the Services Committee, DPW is continuing to work with the Recreation Department to estimate the costs associated with outdoor recreation facilities. Trash removal and mowing are the primary maintenance activities undertaken by DPW. The table below summarizes our research to date:

Estimate of DPW costs to maintain Recreation fields				Working Draft of	10/6/2016
<b>Location:</b>	<b>Pool Field</b>	<b>VFW Field</b>	<b>Ballfield Rd.</b>		<b>Skehan Ctr Field</b>
<b>Mowing</b>					
Man hrs	224	168	56		
cost	\$8,128.00	\$6,096.00	\$ 2,032.00		
<b>Trash</b>					
Man hrs	42	42	42		
cost	\$ 2,577.00	\$2,577.00	\$ 2,577.00		
<b>Total cost</b>	<b>\$10,705.00</b>	<b>\$8,673.00</b>	<b>\$ 4,609.00</b>		
cost per week	\$ 508.00	\$ 413.00	\$ 219.00		
<b>Equipment</b>					
	550 truck	550 truck	550 truck		
	1-ton truck	trailer	trailer		
	trailer	zero turn mower	zero turn mower		
	zero turn mower	weed wacker	week wacker		
	weed wacker				
<b>Total man hr cost</b>	<b>\$23,987.00</b>				

*Note: cost per labor hour is based on the total compensation (i.e. salary + benefits) costs of the employees who do this work.*

An estimate is not provided for the Skehan Center field, as the work to prepare an estimate is ongoing. Backup detail regarding the estimates above is provided on the following page.

Pool Fields

Trash removal

- 2 times per week (1hr total time) = (42 wks x \$61.38) \$2577.96

Mowing

- 2 times per week at 8 hrs each during June/July = (16 wks x 8 hrs) 128 man hrs x \$36.29 = \$4645.12
- 1 time per week at 8 hrs each during May, August, September = (12 wks x 8 hrs) = 96 man hrs x \$36.29 = \$3483.84

Equipment Used

- 550 truck; 1-ton truck; trailer; zero turn mower; weed wacker

\$2577.96 - trash  
\$4645.12 - mowing  
\$3483.84 - mowing  
\$10,706.92

VFW Fields

Trash removal

- 2 times per week (1hr total time) (42 wks x 61.38) = \$2577.96

Mowing

- 2 times per week at 6 hrs each during June/July (16 wks x 6 hrs) = 96 man hrs x \$36.29 = \$3483.84
- 1 time per week at 6 hrs each during May, August, September (12 wks x 6 hrs) = 72 man hrs x \$36.29 = \$ 2612.88

Equipment

- 550 truck; trailer; zero turn mower; weed wacker

\$2577.96 - trash  
\$3483.84 - mowing  
\$2612.88 - mowing  
\$8674.68

Ballfield Road

Trash removal

- -2 times per week (1hr total time) (42 wks x \$61.39) = \$2577.96

Mowing

- -2 times per week at 2 hrs each during June/July (16 wks x 2 hrs) = 32 man hrs x \$36.29 = \$1161.28
- -1 time per week at 2 hrs each during May, August, September = (12 wks x 2 hrs) 24 man hrs x \$36.29 = \$870.96

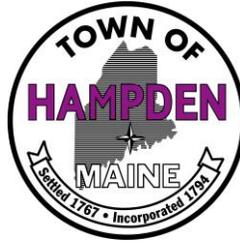
Equipment

- 550 truck; trailer; zero turn mower; weed wacker

\$2577.96 - trash  
\$1161.28 - mowing  
\$ 870.96 - mowing  
\$4610.20

**Total cost \$23,991.80**

**Town of Hampden**  
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townmanager@hampdenmaine.gov

**TO:** Services Committee

**FROM:** Angus Jennings, Town Manager

**DATE:** October 6, 2016

**RE:** Discussion of future policy regarding facilities maintenance cost sharing with Recreation Affiliated Programs

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As you know, my office has been working with the Recreation Department and the Services Committee for several months in hopes of arriving at a clear policy framework regarding the Town's relationships with Affiliated Programs – particularly regarding cost and/or revenue sharing – that will provide more efficiency and predictability for all parties.

The Committee has provided consistent direction that it would like the Town to secure commitments toward field/facility maintenance that will help the Town's ongoing efforts, within budget, to improve management of the Town's recreational facilities.

The Committee's discussions in the past few months have, I hope, improved both the Committee's and the Affiliated Programs' understanding of the challenges the Town faces. However, Director Abbott and I continue to seek more specific direction regarding the majority opinion of the Committee regarding potential financial terms associated with specific Affiliated Programs.

Earlier on Tuesday's agenda is a presentation of research regarding estimated annual DPW personnel costs toward field maintenance. One specific question we have is whether the majority of the Committee would like to see DPW labor costs incorporated into a potential cost sharing agreement for those Affiliated Programs that make use of these facilities. This has been discussed in general, but a majority position has not been established. As you know, negotiations with BTSC regarding terms of use for the 2016 season have focused on direct expenses such as grub prevention, overseeding etc.

We expect that the work to establish terms with each of the six Affiliated Programs will be ongoing, and will vary based on the specific relationship with each Program. However, we have kept this on Tuesday's agenda in hopes that somewhat more progress may be made toward establishing clear policy.



# memo

## Town of Hampden-Recreation Department

To: Hampden Town Council-Services Committee  
From: Shelley Abbott; Recreation Director  
CC: Angus Jennings; Town Manager  
Date: 4/6/2016  
Re: Affiliated Program Discussion Services Committee Meeting 4/11/16

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### Comments:

Please find attached information regarding Affiliated Programs of the Hampden Recreation Department and the Town of Hampden. Currently, six programs, which are governed by their own boards, have agreed to Affiliated Program Status for the 2016 year. Those six programs are: Bronco Travel Soccer, Bronco Little League, Bronco Youth Football, Bronco Travel Basketball, Hampden Children's Day, and the Hampden Senior Citizens Club.

Attached are the Affiliated Program Guidelines that were updated with the assistance of the Recreation Committee in March of 2015. In addition, I have provided a document with other information to help you understand program by program how each is supported by the Recreation Department and the Town of Hampden, along with other program registration fee information I was able to find.

During preparation of the FY 17 budget I took a serious look at expenses and how Affiliated Programs were supported. My proposals include cuts to Bronco Little League (\$975.00) and the Hampden Senior Citizens Club (reduction of \$600, from \$1500 to \$900).

At least two current Affiliated Programs have expressed concerns with the level of services the Town provides not meeting their program's expectations. In response to those concerns, the Manager plans to place this on the Services Committee Agenda on Monday, April 11, 2016, for discussion.

**Bronco Travel Basketball**

Staff (Jill) on board

Town fiscal agent

Town Insuring agent

Skehan Center at reduced rental rate (half)

Town provided background screening

**Bronco Travel Soccer**

Rec Committee member (Jason Sharpe) on board (March 2016 resigned)

Town field use at Lura Hoit Fields

Shared Revenue/Expense Summer Soccer Camp

Fiscal agent for week long summer soccer camp

Town Field Maintenance-mowing and trimming

Skehan Center banquet use at no cost (some years)

**Bronco Little League**

Town Field Use at VFW Drive and Ballfield Road

Town Field Maintenance-mowing and trimming, fence issues

Town Insured Facilities/Buildings

Electricity Costs and Repair Paid by Town

Skehan Center at reduced rental rate (half)

Town had paid \$975 towards required LL insurance (eliminated in FY 17 budget)

**Bronco Youth Football**

Staff on board (Shelley)

Town fiscal agent

Town insuring agent

Town provided background screening

Skehan Center banquet use at no cost

BTBC uses RSU 22 facilities primarily

BTBC supports HA scholarships, equipment needs, and freshman basketball at HA

BTBC provides rental income at Skehan for annual February tourney (2 weekends)

Registration fee: \$75.00 pp; retained by club

BTSC used Bouchard fields (last season 2015) and Lura Hoit fields in 2015

BTSC provides field lining services and paint supplies, tentative field maintenance items spring 2016 (aeration/over seed)-which is being challenged by club from fall 2015 season

Registration fee: \$140 first/\$130 each additional, retained by club

BLL pays water and sewer charges at the VFW facility, winterization of the snack shack annually, reimburses porta potty rental at Ballfield Road for May and June, supplies field mix, and annual field work days

Registration fee: \$45 first/\$35 each additional, Jr/Sr league \$80, retained by club

Collects sponsorship signage on field fence, retained by club

BYF used fields owned by Lafayette at old HA and RSU 22 turf field

Registration fee: \$125 first/\$75 each additional, retained by club

### **Hampden Seniors Club**

Town provided \$1500 for senior bus trips in 2015 (bussing cost) (reduced to \$900 in FY 17 budget)

Bus has had pick up in Bangor and Old Town in (2015) participants were charged fees to cover items

Annual Membership Dues are required. (? \$10)

### **Hampden Children's Day**

Staff on board (Shelley)

Town insuring agent

Provides meeting space for group at no charge

Town provides event day staffing Fri PM, Saturday (7 a-10 p), and additional details by Public Safety and Public Works

### **Hampden Garden Club?**

Town typically provides mulch/compost for town garden space at municipal building, pool gazebo garden

Rec department provides staff to assist with edging at pool gazebo garden, and provides staff for mulch movement, and end of season plant trimming

All Affiliated Programs have completed their agreements for the 2016 year and these are filed at the Town Office

**Guidelines For Affiliated Programs**  
**Hampden Recreation**  
**Town of Hampden, Maine**

All Teams, Organizations, Boards, Committees, etc.... wishing to be sanctioned by the Town of Hampden and the Hampden Recreation Department for purposes of insurance, facilities, or monetary contribution must adhere to the following regulations:

- Any group that has a committee or governing board must have a representative of the town as a **voting** member of that board. A representative of the town will include a Town Councilor, a Recreation Committee Member or an employee of the Recreation Department. The representative **cannot** be an officer of the committee or governing board.
- All groups that have any coaches, must have a formal coaching training session whether by recreation department staff or by a national coaching certificate. Also, all coaches/ instructors must complete a Town of Hampden issued background check with acceptable results being received prior to having any contact with the participants.
- All groups will make every attempt to be as inclusive as possible. All who wish to participate shall be eligible to participate regardless of age, gender, race, talent or ability to pay unless the program has specific criteria for that activity (i.e. being 55 years old to be in a senior citizen program). Any group using RSU 22 facilities will include residents of Newburgh, Frankfort, and Winterport as eligible for tryouts and **cannot** cut them from the program on that basis. For activities using town owned facilities, residents have priority over other non-residents - even those attending RSU 22.
- All groups wishing to use **Town of Hampden** or **RSU 22** facilities must fill out a facilities request form. If a RSU 22 facilities request form is being submitted and the group is using the Town's insurance, the form must be signed by the Recreation Director or Assistant Recreation Director before submission to RSU 22.
- School and town programs and activities take space and time priority over affiliated programs in RSU 22 facilities.
- Any teams where there is the potential for cuts, must hold a tryout where prospective participants are given in writing an invitation through all RSU 22 schools at least two weeks in advance of the tryout date.
- All Affiliated Programs need to supply minutes on a minimum of a quarterly basis and copies of any by-laws, or by-law changes to the Recreation Department to be kept in the town's vault of the organization's ongoing board activities. Schedules should also be provided prior to events, leagues, or programs to assist with inquiries from the public.
- Any program using Town of Hampden or RSU 22 equipment and/or facilities are responsible for the upkeep and cleanliness of facilities and the proper return of equipment. Failure to do so may result in suspension of affiliated program status. Organizations will be billed for any lost or destroyed equipment.
- The Town of Hampden shall be compensated for any employee that needs to be present at any function run by an Affiliated Program. The compensation shall be equal to the salary of that employee.

- The Town of Hampden Recreation Department reserves the right to deny or cancel any group from Affiliated Program status and its benefits from Affiliate Program status if guidelines are not being followed. All groups must apply to the Hampden Recreation Director annually for affiliated program status and sign a form stating that all guidelines will be met.
- Any group using RSU 22 facilities may be required to have a RSU 22 faculty member or a Town of Hampden employee on site. If there is a cost for that requirement, the fee shall be paid by the Affiliated Program.
- Any Affiliated Program using Town of Hampden Skehan Recreation Center facilities on a space available basis will be granted use at a 50% reduced rental rate of current rental rates. These monies will be used to support expenses related to staffing and miscellaneous building expenses. The Town of Hampden will not issue keys to our facilities, or allow use without an employee onsite.
- RSU 22 has established protocols for facility reservations and key holder expectations. Key holders should not be entering the facilities without advance approved insured reservations by RSU 22. All facilities should be left clean and secured at the end of use. Some RSU 22 facilities may require the completion of paperwork and signing out of a numbered key for seasonal facility use. Key holders should abide by all requirements established by RSU 22.

President/Chairperson (s) \_\_\_\_\_ Affiliated Program \_\_\_\_\_

Signature (s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Town Of Hampden Official \_\_\_\_\_ Title: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Adopted 9/14/2009  
 Updated 2/19/2015  
 Approved Revisions 3/3/15 Recreation Committee

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



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

**TO:** Services Committee

**FROM:** Angus Jennings, Town Manager

**DATE:** October 6, 2016

**RE:** Services Committee role as Tree Board under Tree Ordinance

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As you may know, the Hampden Town Council adopted a Tree Ordinance in 2007. A copy of the Ordinance is enclosed (and is viewable under the Ordinances and Policies section of the Town website).

In 2011, in the absence of a designated Tree Board (which is responsible for carrying out the duties and responsibilities of the Tree Ordinance), the then-Council designated the Services Committee to serve in the capacity of the Tree Board "until such time as the Tree Board can be reassembled." An excerpt of the relevant meeting minutes is enclosed.

This item is included on the Services Committee agenda in order to bring to the Committee's attention its roles with regard to this Ordinance.

c. CODE OF ETHICS REVIEW

Motion by Mayor Hughes, seconded by Councilor Brann to table discussion of this item to a later date; unanimous vote in favor.

d. POLICE CRUISER PURCHASE

Manager Lessard explained that the low bid awarded at the last Council meeting for purchase of a cruiser was not available due to the fact that no more were being manufactured and the dealer was out of them. It is the recommendation of the Public Safety Director and the Finance Committee to accept the second lowest bid from Quirk of Augusta for an additional \$301.00; Councilor Brann so moved and Councilor Cushing seconded the motion; unanimous vote in favor.

e. ACTION TO ABANDON THE 2010 DRAFT COMPREHENSIVE PLAN AND TO HAVE THE CITIZEN COMPREHENSIVE PLAN COMMITTEE DRAFT A NEW COMPREHENSIVE PLAN

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On Councilor Hornbrook's behalf, Councilor Cushing moved to abandon the 2010 draft comprehensive plan and to have the citizen comprehensive plan committee draft a new plan; the motion died for lack of a second.

Motion by Councilor Brann to agenda for the next meeting a discussion of calling a special election with a single item on the ballot asking the voters should we pass the 2010 comprehensive plan as it stands or should we re-engage the process of developing a new comprehensive plan; motion died for lack of a second.

**4. NEW BUSINESS**

a. DENNIS PAPER TIF TERMS – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

The Planning & Development Committee reviewed the terms of the TIF request from Dennis Paper which include a Credit Enhancement Agreement to include a 77% (5-years) and a 50% (5-years) and voted to forward the TIF terms to the full Council with the recommendation to approve the terms as proposed.

Motion by Councilor Brann, seconded by Councilor Cushing to grant the TIF as proposed; unanimous vote in favor.

b. TREE BOARD – SERVICES COMMITTEE RECOMMENDATION re DEFUNCT BOARD

Services Committee Chair Lawlis explained that we don't currently have a functioning Tree Board because there are not enough members. It is the recommendation of the Services Committee that in lieu of a Tree Board, that the Services Committee function as the Tree Board.

Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the Services Committee to function as the Tree Board until such time as the Tree

Board can be reassembled; following public comment and Council discussion, vote on the motion was unanimously in favor.

c. 2010 DRAFT COMPREHENSIVE PLAN – EFFECT OF MARCH 1, 2011 VOTE TO SUSPEND IMPLEMENTATION ON REQUEST FOR RECREATION PLANNING & OTHER TOWN TASKS

The March 1<sup>st</sup> vote was to “suspend implementation of the 2010 Comprehensive Plan until a new comprehensive plan committee can be formed from citizens of the community”. Before continuing with discussion of this item, the Council returned to Item C.3.a.

Following vote on item C.3.a. to form a Citizens Comprehensive Planning committee, Councilor Brann respectfully submitted that this item does not need to be considered because the citizen committee has now been created and Attorney Russell advised that the March 1<sup>st</sup> vote is no longer operative.

d. 2011/2012 BUDGET:

1. LIBRARY
2. RECREATION
3. POOL
4. DEBT SERVICE
5. RESCHEDULE MAY 10<sup>th</sup> BUDGET WORKSHOP

Motion by Councilor Brann, seconded by Councilor Cushing to postpone the budget discussions; unanimous vote in favor.

The May 10<sup>th</sup> meeting was rescheduled to June 1<sup>st</sup> and the items scheduled for discussion this evening were rescheduled to May 26<sup>th</sup>.

e. REQUESTS FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Mayor Hughes reported that the Finance & Administration Committee discussed the overwhelming number of requests for information related to the Freedom of Information Act. The committee reviewed a draft application form and it was noted that the Town is no longer able to support these requests without payment for copies and staff time.

Cindy Philbrick, Lisa Kelley and Jeremy Williams expressed objection to the Town imposing fees for providing information. This will be placed on the next agenda of the Finance & Administration Committee for further discussion.

## D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare reported that paving is going on throughout Town, but unfortunately due to budget constraints this year, some of the roads that the Town had hoped to repave will have to wait another year.

Services – Councilor Lawlis reported that the committee met with representatives of the SAD #22 athletic department and discussed the pros and cons of the proposed trail near

**TOWN OF HAMPDEN, MAINE  
TREE ORDINANCE**

ENACTED DATE: November 5, 2007  
EFFECTIVE DATE: December 5, 2007

CERTIFIED BY: Denise R. Hodsdon  
Denise R. Hodsdon

Town Clerk  
Title Affix Seal

**TOWN OF HAMPDEN, MAINE  
TREE ORDINANCE  
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The Town of Hampden hereby ordains that the following Tree Ordinance be enacted.

**ARTICLE I.  
PURPOSE**

**1.1. Purpose.** It is the purpose of this ordinance to promote and protect the rural character and ecological health of the Town of Hampden's landscape and further protect the health, safety and general welfare of its residents, by providing guidance for, and where appropriate, the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the Town.

**ARTICLE II.  
AUTHORITY**

**2.1. Authority.** Pursuant to the provision Title 30-A M.R.S. Sections 3001 and 3280-3281 and the Charter of the Town of Hampden, Article II, Section 212, and Article III, Section 302, there is hereby established a tree ordinance to be organized, administered and governed in accordance with the following provisions.

**ARTICLE III.  
APPLICABILITY**

**3.1. Applicability.** This ordinance provides full power and authority over all trees, shrubs and other plants within street rights-of-way, parks and public places of the Town; and to trees, shrubs and other plants located on private property that constitute a hazard or threat as defined herein.

**ARTICLE IV.  
DEFINITIONS**

**4.1. Definitions.** Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

**Abutter-** One whose property touches or adjoins along a border of another person's property as defined herein.

**Drip Line-** An imaginary, vertical line that extends from the outermost tips of the tree branches to the ground.

**Person-** Any individual, firm, partnership, association, corporation, company, organization, or entity of any kind.

**Property Owner-** The person owning such property as shown by the Town of Hampden's tax assessor records, unless proof to the contrary is available.

**Public Property-** Includes all property owned, leased, or occupied by the Town of Hampden or any of its administrative agencies or departments, or any property on which the Town is the holder of a conservation easement.

**Public tree, shrub, or other plant-** All trees, shrubs, or other plants now or hereinafter growing in any street or road right-of-way, park, town forest, or other public property.

Right of way - The strip of public or private land subject to a right to traverse and on which facilities such as streets, utilities and drainage conveyances are built.

Street or Road- The entire width of every public way or right-of-way when part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular or pedestrian traffic.

Street Tree- Any tree located or planted within the right-of-way of a street or road.

Threat or hazard- A threat or hazard is that which constitutes an infringement on public health or safety by a tree, shrub, or other plant that is located on public property or rights-of-way or located on private property that is adjacent to a public area or right-of-way.

Topping- The severe cutting back of limbs to stubs larger than three inches in diameter within a tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Town Forester- The designated official of the Town assigned to carry out the enforcement of this ordinance.

Treelawn- That part of a street or highway right-of-way, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Large Trees- are those tree species that habitually attain a height of forty-five feet or more.

Medium Trees- are those tree species that habitually attain a height of thirty to forty-five feet.

Small Trees- those tree species that habitually attain a height of less than thirty feet.

## ARTICLE V. HAMPDEN TREE BOARD AUTHORITY AND POWER

**5.1. Authority and Power.** The Hampden Tree Board is hereby created and established. The Board shall consist of a minimum of five members, appointed by the Town Council. It is preferred that members be residents of the town, that one member be a licensed professional forester or have education/experience in forest resources, that one member be a licensed arborist or have education/experience in arboriculture, and that one be a member of the Town of Hampden Conservation Commission. The Town Forester shall serve as an ex-officio member of the board.

## ARTICLE VI. TERM OF OFFICE

**6.1. Term of Office.** The term of the members shall be for three years, except that the term of the members approved to the first Board shall be as follows: three members shall be appointed for two years, and two members shall be appointed for three years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. Members may renew their membership upon re-appointment by the Town Council.

## ARTICLE VII. DUTIES AND RESPONSIBILITIES

**7.1. Public Area Tree Plan.** It shall be the responsibility of the Board to study, develop, update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets within the public right of way, and in other public areas.

**7.2. General Forest Plan.** The Board shall similarly study, develop, and update annually a general forest plan with non-regulatory guidelines and recommendations for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs on private lands with the intent of preserving the rural character and ecological health of the Town. These documents will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive tree plan for the Town of Hampden, Maine.

**7.3. Research and Education.** When requested by the Town Council, the Board shall investigate and report upon any matter coming within the scope of its work. The Board also may initiate such actions itself, as it deems appropriate. The Board shall promote and assist in the dissemination of information, for the purpose of public education related to the Town's comprehensive tree plan and the standards and guidelines therein. The Board shall be involved in the selection of the Town Forester.

#### **ARTICLE VIII. OPERATION**

**8.1. Operation.** The Board shall choose its own officers, develop its own bylaws, and maintain a public record of its proceedings. A majority of the members shall be a quorum for the transaction of business. Members shall serve without compensation.

#### **ARTICLE IX. LANDSCAPING**

**9.1. Landscaping.** The Board will assist with the development of new ordinance sections relating to landscaping and in new subdivisions or other new developments, which shall be included in the Town Subdivision Ordinance and Zoning Ordinance. As part of the review process for site plan and subdivision proposals, the Tree Board shall review landscaping plans for pending applications and may make written comments and/or suggestions to the planning board concerning the adequacy of the plans under this ordinance and the comprehensive tree plan and program.

#### **ARTICLE X. TOWN FORESTER**

**10.1. Town Forester Established.** The position of Town Forester is hereby created. The Town Forester shall be appointed by the Town Manager and be a person skilled and trained in municipal arboriculture, and shall hold a college degree or its equivalent in arboriculture/ornamental or landscape horticulture, urban forestry, or other closely related field. The Town Forester shall hold a current license from the State of Maine in either arboriculture or forestry. The Town Manager initially may delegate the duties and responsibilities to qualified existing staff and/or contract with qualified professionals to provide services in a timely and professional manner.

**10.2. Oversight Responsibilities.** The Town Forester shall, in concert with the Tree Board, oversee all forest management and urban tree care for the Town. It shall be the duty of the Town Forester to ensure compliance of all contractual agreements entered into by the town for work done in accordance with the terms of this ordinance. The Town Forester shall ensure that a current management plan is on file for all town forest parcels, and that an inventory and care plan of all street trees is created and maintained. At the discretion of the Town Forester and the Tree Board, additional inventory and management plans of trees, shrubs, or other plants may be conducted. The Town Forrester shall provide administrative support to the Tree Board as requested.

**10.3. Enforcement Responsibilities.** The Town Forester shall also enforce the rules and regulations of this ordinance and the annual plans as developed by members of the Tree Board and approved by the Town Council.

**10.4. Ex-officio Member of Tree Board.** The Town Forester will serve on the Tree Board as an ex-officio member.

## ARTICLE XI. UTILITIES

**11.1. Utilities.** Street Trees shall be planted in a manner so as to not create conflict with overhead utility wires, or any underground water line, sewer line, transmission line or other utility. These guidelines may be modified dependent upon specific circumstances, subject to approval of the Town Forester.

## ARTICLE XII. PUBLIC TREE, SHRUB, AND OTHER PLANT CARE

**12.1. Planting, Maintenance and Removal of Public Trees.** The Town shall have the right to plant, prune, maintain and remove trees, shrubs and other plants within the right-of-way of all roads, streets, alleys, avenues, lanes and squares, as well as all parks, town forests, and other public property grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

**12.2. Removal of Public Trees in Unsafe Condition.** The Tree Board or Town Forester may remove, cause or order to be removed, any public tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewer, electric power lines, gas lines, water lines, or other public improvements, or is affected by an injurious disease, insect or other pest. This section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with the approved comprehensive town tree plan.

**12.3. Protection of Public Trees During Construction Activities.** Persons working construction in the Town of Hampden shall provide protection for public trees by erecting a temporary snow fence on the drip line of any such trees on the site of or that could be negatively affected by any excavation, construction or street work and care shall be taken that injury does not occur either above ground to trunk or limbs or compaction or smothering of roots occur below ground. No person shall deposit or store any machinery, stone, brick, soil, metal, concrete or similar materials which may compact soil or impede the free passage of water and air to the roots within the area of the drip line. The Town Forester may waive these requirements in extenuating circumstances.

**12.4. Protection of Public Trees From Excavation Activities.** No person shall excavate any ditches, tunnels, trenches, or lay any drive within the dripline of any public tree without first obtaining written permission from the Town Forester. This rule may be superseded if the project is approved and permitted by the State Department of Transportation.

**12.5. Protection of Public Trees From Alteration, Removal and Injury.** Under no circumstance shall any person cut, carve, transplant, top, tip or remove any public tree, shrub or other plant; attach any rope, wire, nails, advertising posters, or other contrivance to any such tree; allow any gas, liquid or solid substance which is harmful to trees, shrubs or other plants to come in contact with them; or to set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree, shrub or other plant.

**ARTICLE XIII.  
REMOVAL OF STUMPS**

**13.1. Removal of Public Stumps.** All stumps of street and park trees and shrubs shall be removed below the surface of the ground so that the top of the stump shall not project above ground level.

Notwithstanding this requirement stump removal in rural forested areas of the Town is at the discretion of the Town Forester and Tree Board.

**ARTICLE XIV.  
DISTANCES FROM CURB, SIDEWALK, AND DRIVEWAYS ON PUBLIC PROPERTY**

**14.1. Separation Between Trees and Public Ways.** The distance trees may be planted from curbs or curblines, driveways and sidewalks shall be enough so as not to create damage to infrastructure or impede the health of the tree as determined by the Town Forester.

**ARTICLE XV.  
DISTANCES FROM STREET CORNERS AND HYDRANTS**

**15.1. Separation Between Trees and Corners** No tree, shrub or other plant shall be within 30 feet of any road intersection or street corner, measured from the point of nearest intersecting curbs or curblines, if it constitutes a safety hazard. The purpose of this restriction is to ensure public safety by prohibiting the planting of vegetation that may impede or obstruct sightlines.

**15.2. Separation Between Trees and Fire Hydrants.** No tree, shrub or other plant shall be planted closer than ten feet of any fire hydrant.

**ARTICLE XVI.  
PRIVATE PROPERTY OWNER RESPONSIBILITIES**

**16.1. Maintenance Required.** Every property owner shall maintain trees, shrubs or other plants on the owner's property so as to prevent a threat or hazard as defined herein.

**16.2. Threat or Hazard.** A tree, shrub or other plant located on privately owned property shall be deemed a threat or hazard if it, or any part of it, by reason of its condition and in the professional judgment of the Town Forester: is likely to fall onto adjacent public ways or public property; or is not pruned to a height of 14 feet above the traveled portions of the public ways and eight feet above public sidewalks.

**ARTICLE XVII.  
PRUNING FOR VISIBILITY/ REMOVING OBSTRUCTIONS**

**17.1. Pruning.** The Town shall have the right to prune or remove any tree, shrub or other plant if and when, in the opinion of the Town Forester, Public Works Department, or Public Safety Director, it interferes with visibility of any traffic control device or intersection, or interferes with pedestrian or vehicular traffic, or impedes or obstructs sightlines. A clearance of fourteen feet above street surface or eight feet above the sidewalk surface shall be maintained.

**17.2. Modification of Guideline.** This guideline may be modified dependent upon specific circumstances, subject to approval of the Town Forester.

**ARTICLE XVIII.  
INTERFERENCE WITH TREE BOARD AND TOWN FORESTER**

**18.1. Interference Prohibited.** No person shall hinder, prevent, delay, or interfere with the Tree Board or Town Forester or any other town agent, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street tree, shrub or other plant, park tree, town forest tree, tree on other public property, or tree on private property, as authorized in this ordinance; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the town.

**18.2.** The Town Forester can, if informed of a threat or hazard, approach a private landowner and request correction of the situation. If informal contact does not resolve the threat or hazard, The Town Forester may provide written notification thereof to the property owner, along with an order to abate the threat or hazard. The notification shall also advise the property owner of the owner's rights of appeal under this ordinance. If the threat or hazard is not adequately abated by the landowner, the owner may be subject to further action by the Town as provided elsewhere in this ordinance.

**ARTICLE XIX.  
PENALTIES, CLAIMS, AND APPEALS**

**19.1. Civil Penalty.** Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to any provision of this ordinance, upon being found guilty of violation, shall be subject to a civil penalty not to exceed \$500 for each separate offense. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense.

**19.2. Repair and Replacement Costs.** If, as the result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on public property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or other plant, shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens*, as published by the International Society of Arboriculture.

**19.3. Abatement Costs.** In the event that a threat or hazard is not abated by the date specified in the notice, the Town Forester is authorized to cause the abatement of said threat or hazard. The reasonable cost of such abatement shall be reimbursed to the Town by the property owner. Failure to reimburse the Town within thirty (30) days of the issuance of an invoice by Town shall be a violation of this ordinance. In addition, the owner of the property on which the threat or hazard was located shall be subject to prosecution.

**19.4. Compliance With Board of Appeals Ordinance.** All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The property owner or any other aggrieved person may appeal to the Town of Hampden Board of Appeals, from a decision of the Town Forester and/or Tree Board refusing to grant a modification to the provisions of this ordinance covering maintenance and removal of trees, shrubs and plants. Such appeal shall be commenced within 30 days of the decision.

**19.5. Appellate Review.** The Board of Appeals may conduct an appellate review of the refusal to grant a modification to the provisions of this ordinance covering maintenance and removal of trees, shrubs and plants.

**19.6. Basis of the Appeal.** The appellant must demonstrate that the decision of the Town Forester/Tree Board having jurisdiction: (1) failed to correctly interpret the provisions of this ordinance or the rules, and regulations established pursuant to this ordinance, (2) the provisions of this ordinance do not fully apply, or (3) failed to consider that an equivalent form of maintenance and removal of trees, shrubs and plants can be used.

**19.7. Modification or Reversal of the Decision.** The Board of Appeals may modify or reverse the decision of the Town Forester/Tree Board upon making a determination that (1) the provisions of this ordinance or the rules and regulations established pursuant to this ordinance have been incorrectly interpreted, (2) the provisions of this ordinance do not fully apply, or (3) an equivalent form of tree, shrub or plant care can be used.

## ARTICLE XX. ENFORCEMENT

**20.1. Enforcement.** This ordinance shall be effectively enforced and administered by the Town Forester, with the assistance of all town departments, as necessary to accomplish the spirit and letter of this ordinance and annual tree plan. When any violation of any provision of this ordinance is found to exist, the Town Forester is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that the Town Forester may deem appropriate or necessary to enforce the provisions of this ordinance.

## ARTICLE XXI. REVIEW BY TOWN COUNCIL

**21.1. Town Council Review Authority.** The Town Council shall have the right to review the conduct, acts and decisions of the Tree Board and Town Forester.

## ARTICLE XXII. SEVERABILITY

**22.1. Severability.** Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.



**Town of Hampden-Recreation Department**

To: Hampden Town Council-Services Committee  
From: Shelley Abbott; Recreation Director  
CC: Angus Jennings; Town Manager  
Date: 10/5/2016  
Re: Outdoor Facilities Ordinance Proposed Changes-Vaping Complaint

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On, Wednesday, September 28, 2016, I received an email from a concerned parent on policy for vaping at the Lura Hoit Pool Field complex (Western Avenue Recreation Area). Apparently, during Saturday Soccer games, an adult has been vaping alongside the play field during these games. The parent expressed his concerns for this activity and asked that we do something about it.

I researched the Outdoor Facility Ordinance and visited with Hampden Public Safety and Hampden Academy Athletic Director, Mike Bisson, that day to find more about vaping and to see how this may be handled at other athletic events attended by the public.

In review of the Outdoor Facilities Ordinance, by definition, the site of complaint is included within the outdoor facility ordinance. In reviewing the substance of complaint with Hampden Public Safety, Vaping is water vapor that is inhaled when nicotine is heated up electronically by an e-cig (electronic cigarette). It contains no tobacco products. Additional language would be needed to be inclusive of this additional substance.

In reviewing the City of Bangor Public Health's website and talking to staff, currently e-cigarettes are unregulated by the US Food and Drug Administration, and there are no safety checks or requirements for what can go into an e-cigarette. Bangor Public Health staff advises however that work has begun (in May of 2016) toward the creation of regulations for e-cigarettes by the FDA. The State of Maine requires sales of these devices to adult 18 years and older only.

Also notably, in October of 2015, the State of Maine added language to state laws regarding use of e-cigarettes in public places. The 2015 law includes e-cigarettes in the definition of smoking



for the purpose of restrictions in public places. Restaurants and bars in Maine have been smoke-free since 2004, and outdoor dining areas, beaches, playgrounds and other gathering areas in state parks have been smoke-free since 2009.

In the interest of public health, and to continue to promote healthy experiences in our public outdoor facilities in the Town of Hampden, it would be my recommendation to add one of the following to the language to the Outdoor Facility Ordinance in order to address the use of e-cigarette/vaping:

OPTION 1 (language from state law)

Article IV. Definitions

4.1 Definitions-

*Tobacco Products: cigars, cigarettes, chewing tobacco, snuff, or any other product containing tobacco as regulated under state law*

*(Add) Electronic Smoking Device: "Electronic smoking device" means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so called vape pen.*

Article V. Prohibitions

(Add) 5.12 Smoking

*No person shall Smoke within any outdoor facility, park, or sports field. "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar, or pipe, or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.*

OPTION 2 (language from RSU 22 Policy)

Article IV. Definitions

4.1 Definitions-



*Tobacco Products: cigars, cigarettes, chewing tobacco, snuff, or any other product containing tobacco as regulated under state law.*

*(New) Tobacco products include but are not limited to cigars, cigarettes, chewing tobacco, electronic cigarettes (e-cigarettes) and vapor devices.*

Article V. Prohibitions

*(Add) 5.12 Smoking*

*No person shall Smoke within any outdoor facility, park, or sports field. "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar, or pipe, or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.*

Additionally, I would recommend that we purchase and install signage for the Town of Hampden Outdoor Facilities inclusive of the new rules. Currently signage is in place at the Ballfield Road Softball field and VFW Ballfields. There is no signage at the Western Avenue Recreation Area, or any of the dedicated park sites to my knowledge.

The signage currently reads: No Tobacco or Alcohol permitted on (complex name).



Paul R. LePage  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

September 28, 2016

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Town of Hampden  
RECEIVED

OCT 03 2016

Office of the  
Town Manager

David Bernhardt  
COMMISSIONER

Dear Transit Stakeholder:

The Maine Department of Transportation invites you to participate in a **Region 3 Transit Workshop** regarding public transit services. Region 3 encompasses Penobscot and Piscataquis counties. The transit providers in Region 3 are Penquis – the Lynx, Community Connector, and Cyr Bus Line. The results of the workshop will be critical to the public participation process established by MaineDOT in its efforts to meet both state and federal transportation planning and funding requirements for transit services. (Ref. 23 MRSA §4209 and Federal Transit Administration’s Locally Coordinated Plan requirements). **This workshop will not be dealing with MaineCare transportation.**

The purposes of the Region 3 Transit Workshop are to:

- Evaluate current **public** transit services and mobility management efforts for:
  - low-income individuals
  - seniors
  - individuals with disabilities
  - veterans
  - general public
- Report on future projects and priorities for public transit that were included in the current respective 5-year Locally Coordinated Plans for transit
- Development of recommended future projects and priorities for upcoming 5-year plans

We hope you will join us for the upcoming workshop. If you are unable to join us in person, please feel free to send us your input by e-mail [Transit.MaineDOT@maine.gov](mailto:Transit.MaineDOT@maine.gov) or by mail, Region 3 Transit Workshop, MaineDOT, Bureau of Planning, 16 SHS, Augusta, ME 04333-0016.

The Region 3 Transit Workshop will be held on **Tuesday, October 18, 2016 from 1:30 p.m. to 3:30 p.m.**, at Penquis, 262 Harlow Street, Bangor, Maine. While most of the workshop will focus on public transit needs, there will be an opportunity later in the meeting to hear about other concerns.

We will be seeking your input on developing and prioritizing recommended projects and priorities **for Region 3 general public transportation.**

Sincerely,

*Susan Moreau*

Susan Moreau

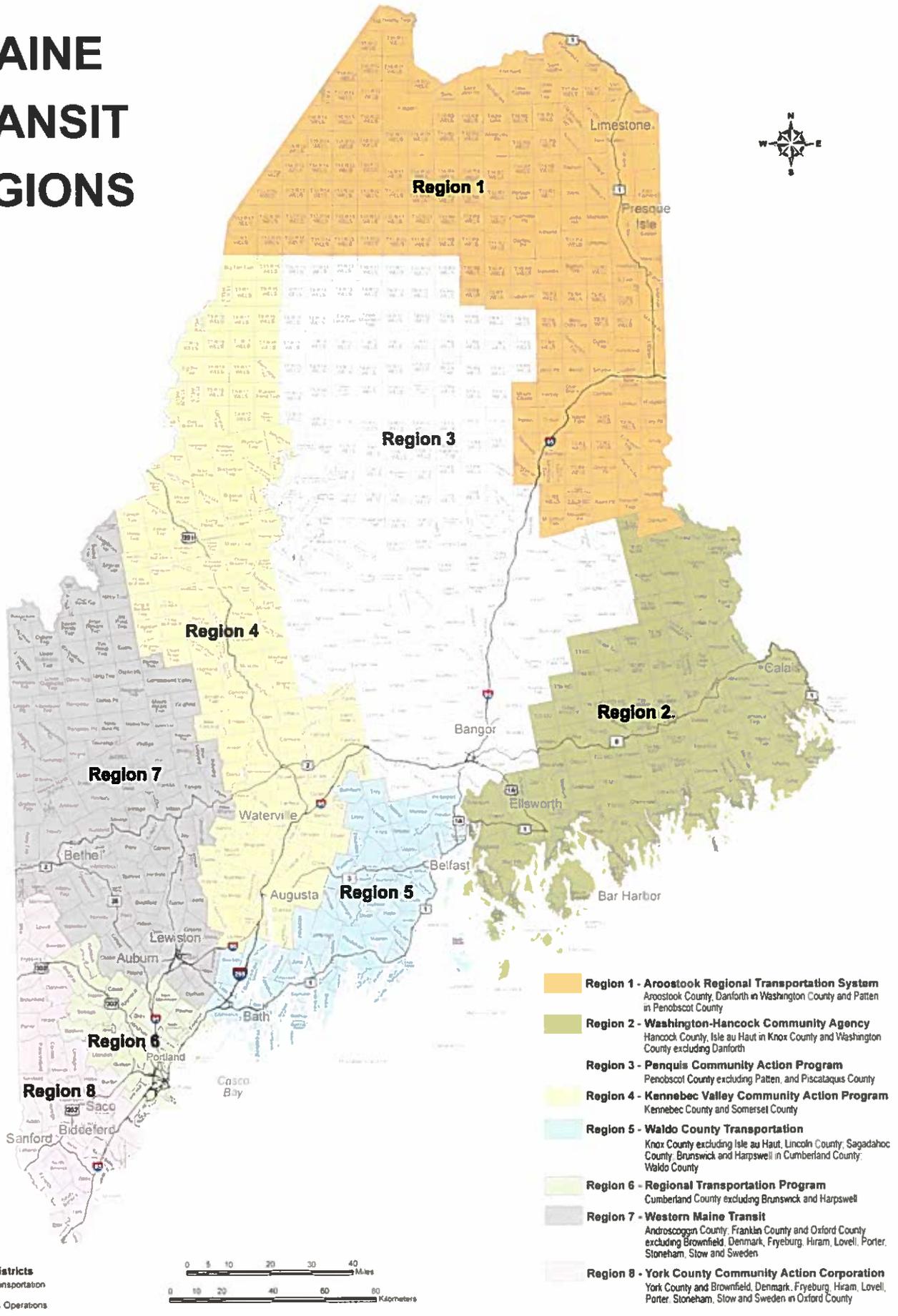
MaineDOT, Bureau of Planning, Multimodal Division

cc: Marcia Larkin, Penquis  
Laurie Linscott, Community Connector  
Rick Soules, Cyr Bus Line



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# MAINE TRANSIT REGIONS



- Region 1 - Aroostook Regional Transportation System**  
Aroostook County, Danforth in Washington County and Patten in Penobscot County
- Region 2 - Washington-Hancock Community Agency**  
Hancock County, Isle au Haut in Knox County and Washington County excluding Danforth
- Region 3 - Penobscot Community Action Program**  
Penobscot County excluding Patten, and Piscataquis County
- Region 4 - Kennebec Valley Community Action Program**  
Kennebec County and Somerset County
- Region 5 - Waldo County Transportation**  
Knox County excluding Isle au Haut, Lincoln County, Sagadahoc County, Brunswick and Harpswell in Cumberland County, Waldo County
- Region 6 - Regional Transportation Program**  
Cumberland County excluding Brunswick and Harpswell
- Region 7 - Western Maine Transit**  
Androscoggin County, Franklin County and Oxford County excluding Brownfield, Denmark, Fryeburg, Hiram, Lovell, Porter, Stoneham, Stow and Sweden
- Region 8 - York County Community Action Corporation**  
York County and Brownfield, Denmark, Fryeburg, Hiram, Lovell, Porter, Stoneham, Stow and Sweden in Oxford County

**Maine Transit Districts**  
Maine Department of Transportation  
Prepared by  
Bureau of Maintenance & Operations  
2016



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