



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

TUESDAY

SEPTEMBER 2, 2014

7:00 P.M.

• 6:00 pm – Finance & Administration Committee Meeting

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
  - 1. SIGNATURES
  - 2. SECRETARY'S REPORTS
  - 3. COMMUNICATIONS
    - a. Highlands Corner Market – Renewal of Victualers License
    - b. Maine Municipal Risk Management – Dividend Payment for Worker's Compensation and Property & Casualty Insurance
  - 4. REPORTS
    - a. Infrastructure Committee Minutes -7/28/14
    - b. Bangor Humane Society Report – July 2014
    - c. Services Committee Minutes – May 12, 2014
- C. PUBLIC COMMENTS
- D. POLICY AGENDA
  - 1. NEWS, PRESENTATIONS & AWARDS
  - 2. PUBLIC HEARINGS
    - a. Proposed Amendments to Fees Ordinance – Article 8 Pool Fees
    - b. Proposed Amendment to Town Charter – Article II Town Council, Section 201(d) Voting – Quorum
    - c. Proposed Amendments to Town Charter – Article IX Referendum and Initiative, Sections 901, 903 and 905
    - d. Proposed Amendments to Town Charter – Article X General Provisions, Section 1002

**NOTE: The Council will take a 5-minute recess at 8:00 pm.**

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Reminder – Nomination Papers due September 4, 2014

4. UNFINISHED BUSINESS

- a. Continuation of Recording/Re-broadcasting School Board Meetings

5. NEW BUSINESS

- a. Service Fees – 2014/15

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 833-1111  
Fax: (207) 833-1112  
email: info@hampdenme.org

B-3-a

August 21, 2014

Frank Clark  
Highlands Corner Market  
557 Kennebec Rd.  
Hampden, ME 04444

Dear Frank:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC  
Town Clerk

Encl

**VICTUALER'S LICENSE CERTIFICATE**

No. 14

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: August 21, 2014

**KNOW YE**, that Frank Clark

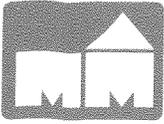
doing business as Highlands Corner Market

has been duly licensed as a Victualer at 557 Kennebec Road

in the Municipality of Hampden by said Municipality until September 4, 2015,

and has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).

Authorized Municipal Officer **CODE ENFORCEMENT OFFICER**



## MAINE MUNICIPAL ASSOCIATION

### **Risk Management Services**

60 Community Drive  
P.O. Box 9109  
Augusta, Maine 04332-9109

*B-3-b*

DATE: August 4, 2014

TO: Members of the Workers Compensation Fund and the Property & Casualty Pool

FROM: Patricia Kablitz, CPCU, ARM  
Director, Risk Management Services

RE: Dividend Payments *Town of Hampden \$12,860.*

We are pleased to announce that the Board of Trustees of the **MMA Workers Compensation Fund** voted at its May 22, 2014 meeting to allow a dividend to the members of the Fund who meet the established criteria. Continuing members whose contributions are greater than \$25,000 annually, whose 2013 loss ratio is less than 40% and whose three-year loss ratio is less than 75% will receive a 7.5% dividend. Continuing members whose contributions are less than \$25,000 annually and whose loss ratio is less than 50% for the three years ending December 31, 2013, will also receive a 7.5% dividend. All losses are valued as of June 30, 2014.

The Board of Directors of the **MMA Property & Casualty Pool** voted at its May 22, 2014 meeting to allow a dividend to current members of the Pool who meet the established criteria. To earn a dividend, a member must have a loss ratio of 50% or less for the qualifying year of July 1, 2012 to June 30, 2013, calculated and valued as of June 30, 2014. Continuing members whose participation began on July 1, 2008 or prior will earn a 5.39% dividend and members who joined after July 1, 2008 will receive a 4.39% dividend.

Cost savings are realized in providing services to members who participate in both the Property & Casualty Pool and the Workers Compensation Fund. In recognition of the savings, both boards voted to add 1% to the dividends for each program for members who qualify and earn a dividend. You are among the members who participate in both the Workers Compensation Fund and the Property & Casualty Pool. Therefore, if you earned a dividend for either or both programs, the additional 1% has been included in the calculation.

Dividends are being paid in the Workers Compensation Fund and Property & Casualty Pool totaling \$1,199,223. Both governing boards are very pleased with the results of their respective programs and thank you for your support and continued participation. Good management practices and sound loss prevention measures on the part of all of the members have contributed to the success of these programs. Your entity is a big part of this success.

Your check is enclosed with this letter. We have also enclosed a press release that may be used to announce the result of your successful risk management activities and good loss experience to your community. If you have any questions about the dividends or any of the Risk Management Services programs, please call me at 800-590-5583. Additional copies of this letter are included for your elected officials.

INFRASTRUCTURE COMMITTEE MEETING MINUTES  
Monday July 28, 2014

Attending:

Chairman Councilor David Ryder  
Councilor William Shakespeare  
Councilor Thomas Brann  
Councilor Ivan McPike  
Councilor Greg Sirois  
Councilor Jean Lawlis

Town Manager Susan Lessard  
Public Works Director Chip Swan  
Recreation Director Shelley Abbott  
Resident Terry McAvoy

The meeting was opened at 6 p.m. by Chairman Ryder. After approval of the minutes, items 3B and 3C were discussed by the Committee to allow the Recreation Director to present her information and not have to remain for the entire meeting. There were no objections to this request.

1. MINUTES OF 7/23/2014 – Motion by Councilor McPike, seconded by Councilor Lawlis to approve the minutes as presented. Unanimous vote in favor.
2. OLD BUSINESS
  - A. Pool Roof Bids – The Public Works Director presented bid results for two options for the replacement of the front section of the pool roof. One for standing seam and one for corrugated metal. Williams Roofing was the lowest bidder on both options, but received poor references and is currently being sued by at least one unhappy customer. McLaughlin’s Roofing on Hampden was the next lowest bidder and has excellent references. The pros and cons of standing seam vs corrugated metal were discussed and the majority of councilors considered the standing seam option to be the best long-term option for the building. Motion by Councilor Lawlis, seconded by Councilor McPike to recommend to the Council and the Finance Committee to award the pool roof contract to McLaughlin’s Roofing of Hampden for Option 1, standing seam for the price of \$19,256. Unanimous vote in favor.
  - B. Municipal Garage Tank Bids – The Public Works Director presented bids on the installation of a new fuel tank at the town garage. Simard & Sons, Inc. was the low bidder at \$8,749. Motion by Councilor McPike, seconded by Councilor Lawlis to recommend to Finance and the Council the award of the Town Garage fuel tank installation to Simard & Sons Inc. for the price of \$8,749. Unanimous vote in favor.
  - C. Zero Sort Recycling – The Public Works Director reported that in the first 46 days of zero sort the Town had had 7.5 tons of recyclables hauled, which is a higher tonnage than was collected when the Town had separated recycling. This is just the beginning of the program and if statistics stay elevated, the Town is on track to have diverted an additional 1/3 of its former solid waste tonnage to recycling. The Town Manager discussed a recommendation from Councilor McPike that the Town should consider incentives -- such as providing clear plastic bags and

B-4-b

**Bangor Humane Society**  
693 Mt. Hope Avenue  
Bangor ME 04401

Town of Hampden  
Attn: Susan Lessard  
106 Western Avenue  
Hampden ME 04444

**Stray Animal Statistics, July 2014**

Type Of Animal	Stray Animals Released To BHS By Owners	# Animals Received	# Animals In Holding From Previous Months	# Adopted	# Euthanized	# Reclaimed	# Animals Currently In Holding
<b>Dog</b>	0	0	1	1	0	0	0
<b>Puppy</b>	0	0	0	0	0	0	0
<b>Cat</b>	0	0	2	1	0	0	1
<b>Kitten</b>	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0

Reasons for Euthanasia

DOGS	0	
PUPPIES	0	
CATS	0	
KITTENS	0	

Animals Returned to Owner

Owner's Name	Address	Impound Fee	Animal	License Info	Reclaim Date

July 2014

0	animals brought to us by private citizens
0	animals brought to us by the ACO
0	animals brought to us by the police department

SERVICES COMMITTEE MEETING MINUTES  
MAY 12, 2014

Attending:

Councilor Jean Lawlis	Town Manager Sue Lessard
Councilor Tom Brann	Resident Terry McAvoy
Councilor Ivan McPike	
Councilor David Ryder	
Mayor Carol Duprey	

1. MINUTES 4-14-2014 – The minutes of the 4-14-2014 meeting were reviewed and approved by Committee members. No changes were made.
2. OLD BUSINESS
  - A. Papermill Park Update – The Committee reviewed an email update submitted by Papermill Park volunteer coordinator Jeremy Jones. He will be coordinating a location for the porta potty for this year with public works personnel and will also notify the Town of what the park clean up date by volunteers is so that Public Works can pick up the residuals from the park clean up. The Town will also advertise the cleanup date on the town website and on local Cable Channel 7.
  - B. Recreation
    1. Kids Korner – Town Employees – Committee members discussed the benefit used by two employees that allows children to participate in Kid’s Korner at no cost. Some Committee members felt that this practice should be ended because it is costing the Town not only recreation income – but also using slots in the program, which has a waiting list. Other Committee members wanted more information on what other area communities do in regard to before and after school programs and whether they allow children of Town employees to participate at no charge. Questions were raised as to whether or not this should be a taxable benefit according to the IRS and whether it was ‘fair’ to employees who lived outside of Hampden. Resident Terry McAvoy strongly disagreed with this practice and believes that not only should it be ended immediately, it never should have been allowed in the first place. The Town Manager will contact area communities for their practices with regard to before and after school childcare for employees and also check with IRS regulations in regard to such benefits and report back to the Committee at the June meeting.
3. NEW BUSINESS
  - A. Parks – Responsibilities – The Town Manager informed the Committee that the Building and Grounds Department would have responsibility for all Park maintenance going forward. Past practice has had the Recreation Department doing part of the maintenance items and Public Works doing others. This will consolidate the operation. With the addition of the Skehan Center, the Recreation Department no longer has time or staffing to do the parks work. The consensus of the committee was in support of this change, although some

members indicated that they had assumed that building and grounds already took care of parks since that was the way it was done in the past. Concern was expressed over creating another supervisory position. It was explained that that was not the case and that personnel assignments for this work would be up to Chip Swan as Public Works Director and Devon Patterson as Building and Grounds foreman.

4. PUBLIC COMMENTS – Terry McAvoy reiterated his belief that there should not be an employee benefit that allowed for participation in Kid’s Korner at no cost.
5. COMMITTEE MEMBER COMMENTS – None

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Susan Lessard  
Town Manager

D-2-a

TOWN OF HAMPDEN

Draft

The Town of Hampden Hereby Ordains  
Proposed Amendments to the Fees Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

TOWN OF HAMPDEN, MAINE  
FEES ORDINANCE

ARTICLE 8

POOL

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

8.1. **Susan G. Abraham Memorial Endowed Scholarship** provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and must be resident of ~~Hampden, Winterport or Newburgh~~ RSU #22 District. (Amended 9/19/2011)

8.2. **Annual Resident Membership Fees:**

8.2.1. Family	<del>\$255.00</del>	<u>\$268.00</u>
8.2.2. Single Adult	<del>\$155.00</del>	<u>\$163.00</u>
8.2.3. Youth/Teen	<del>\$120.00</del>	<u>\$126.00</u>
8.2.4. Senior	<del>\$145.00</del>	<u>\$152.00</u>

8.3. **Six Month Resident Membership Fees:**

8.3.1. Family	<del>\$155.00</del>	<u>\$163.00</u>
8.3.2. Single Adult	<del>\$ 95.00</del>	<u>\$100.00</u>
8.3.3. Youth/Teen	<del>\$ 75.00</del>	<u>\$ 79.00</u>
8.3.4. Senior	<del>\$ 90.00</del>	<u>\$ 95.00</u>

8.4. **Three Month Resident Membership Fees:**

8.4.1. Family	<del>\$ 95.00</del>	<u>\$100.00</u>
8.4.2. Single Adult	<del>\$ 60.00</del>	<u>\$ 63.00</u>
8.4.3. Youth/Teen	<del>\$ 50.00</del>	<u>\$ 53.00</u>
8.4.4. Senior	<del>\$ 55.00</del>	<u>\$ 58.00</u>

8.5. **Annual Non-Resident Membership Fees:**

8.5.1. Family	<del>\$280.00</del>	<u>\$294.00</u>
8.5.2. Single Adult	<del>\$180.00</del>	<u>\$189.00</u>
8.5.3. Youth/Teen	<del>\$145.00</del>	<u>\$152.00</u>
8.5.4. Senior	<del>\$170.00</del>	<u>\$179.00</u>

8.6. **Six Month Non-Resident Membership Fees:**

8.6.1. Family	<del>\$170.00</del>	<u>\$179.00</u>
8.6.2. Single Adult	<del>\$110.00</del>	<u>\$116.00</u>
8.6.3. Youth/Teen	<del>\$ 90.00</del>	<u>\$ 95.00</u>
8.6.4. Senior	<del>\$105.00</del>	<u>\$110.00</u>

<b>8.7.</b>	<b>Three Month Non- Resident Membership Fees:</b>		
8.7.1.	Family	\$105.00	<u>\$110.00</u>
8.7.2.	Single Adult	<del>\$ 70.00</del>	<u>\$ 74.00</u>
8.7.3.	Youth/Teen	<del>\$ 60.00</del>	<u>\$ 63.00</u>
8.7.4.	Senior	<del>\$ 65.00</del>	<u>\$ 68.00</u>
<b>8.8.</b>	<b>Daily Swim Fee <del>during family or lap swim times</del> <u>for non-members</u></b> (Amended 9/19/2011)		
8.8.1.	Single Swim - Resident	\$ 4.00	
8.8.2.	Single Swim – Non-Resident	\$ 5.00	
8.8.3.	Resident 12 Use Punch Card	<del>\$30.00</del>	<u>\$ 36.00</u>
8.8.4.	Non-Resident 12 Use Punch Card	<del>\$42.00</del>	<u>\$ 48.00</u>
<b>8.9.</b>	<b>Resident Swim Lessons</b> (Amended 9/19/2011)		
8.9.1.	Members	\$4.50 per class	
8.9.2.	Non-Members	<del>\$5.50</del> <u>\$6.00</u> per class	
<b>8.10.</b>	<b>Non-Resident Swim Lessons</b> (Amended 9/19/2011)		
8.10.1.	Members	\$6.00 per class	
8.10.2.	Non-Members	<del>\$7.00</del> <u>\$7.50</u> per class	
<b>8.11.</b>	<b>Private Swim Lessons</b> (Amended 9/19/2011)		
8.11.1	Resident Member		
	1 Child	\$15.00 per class	
	2 Children	\$20.00 per class	
8.11.2.	Resident Non-member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.3	Non-resident Member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.4	Non-resident Non-member		
	1 Child	\$25.00 per class	
	2 Children	\$30.00 per class	
<b>8.12.</b>	<b>Deleted</b> November 27, 2012		
<b>8.13.</b>	<b>Deleted</b> November 27, 2012		
<b>8.14.</b>	<b>Adult Aqua Aerobics Drop Ins:</b>		
8.14.1.	Members	\$4.00/class	
8.14.2.	Non-Members	\$5.00/class	
<b>8.15.</b>	<b>Gentle Aerobics</b> (deleted 9/19/2011)		

- 8.16. Pool Facility Rental Fees** (Limited Availability): *(Amended 9/19/2011)*
- |   |  |
|---|--|
| 8.16.1. Resident Pool Rental ( <u>up to 30 total guests</u> )     | <del>\$70.00</del> <u>\$75.00</u> /hour <del>30 total guests</del> |
| 8.16.2. Resident Lounge Rental                                    | \$20.00/hour   |
| 8.16.3. Non-Resident Pool Rental ( <u>up to 30 total guests</u> ) | <del>\$85.00</del> <u>\$91.00</u> /hour <del>30 total guests</del> |
| 8.16.4. Non-Resident Lounge Rental                                | \$25.00/hour   |
| 8.16.5. <u>Every 10</u> Additional Guests (As Required by Rules)  | \$15.00/hour   |
- 8.17. Swim Diaper** \$1.00

D-2-b

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

Deletions ~~stricken~~

Additions underlined

## ARTICLE II TOWN COUNCIL

### *Sec. 211 Procedure –*

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

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

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

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

Deletions ~~stricken~~

Additions underlined

## Article IX-Referendum and Initiative

### *Sec. 901 General Authority*

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

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

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

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

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

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

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

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

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

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

D-2-d

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

Deletions ~~stricken~~

Additions underlined

## ARTICLE X GENERAL PROVISIONS

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

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

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

D-5-a

To: Susan Lessard, Town Manager  
From: Kelly Karter, Assessor  
RE: Service Fee Calculations  
Date: September 2, 2014



Following is a listing of the calculated service fees that apply to residential property according to our Service Fee Ordinance.

I have added wording to the billing regarding the financial information for each entity as of June 30, 2014, per Tom Russell's suggestion.

The list is as follows:

Penquis Mental Health	\$ 1,954.65
Community Housing of Maine	\$ 2,105.01
OHI George St.	\$ 2,126.30
OHI Patterson Rd.	\$ 1,628.24
Medical Care Development	\$ 5,279.94
The Housing Foundation	\$22,077.18
Total Service Fees	\$35,171.32

\*\*Please note that Aspenledge is on the tax rolls again this year as it is currently vacant.

These fees have been calculated according to the ordinance. Some will change once the financials are submitted.