

## **FINANCE & ADMINISTRATION COMMITTEE MEETING**

Monday, May 4, 2015

**6:00 p.m.**

Hampden Town Office

1. Meeting Minutes
  - a. April 21, 2015
2. Review & Sign Warrants
3. Old Business
  - a. Council Rules/Code of Ethics/Council Ethics and Professionalism
  - b. Council Rules – No video/taping by Council without notifying other Councilors – Councilor Shakespeare
4. New Business
  - a. Ballfield Road Batting Cages Move – Survey of Ballfield Road – Use of Reserve Funds
  - b. Paving Bid Results
  - c. Planning & Development Department Proposal
5. Public Comment
6. Committee Member Comments

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## FINANCE & ADMINISTRATION COMMITTEE MINUTES

Tuesday, April 21, 2015

### Attending:

Mayor David Ryder	Councilor William Shakespeare
Councilor Greg Sirois	Councilor Stephen Wilde
Councilor Carol Duprey	Councilor Dennis Marble
Councilor Terry McAvoy	Town Manager Susan Lessard
Public Safety Dir. Joe Rogers	Lieutenant Dan Pugsley
Resident Alex King	

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

1. Meeting Minutes
  - a. April 6, 2015 – Motion by Councilor Marble seconded by Councilor Shakespeare to approve the minutes of the April 6, 2015 meeting. Unanimous vote in favor.
2. Review & Sign Warrants – Warrants were reviewed and signed by Committee members.
3. Old Business
  - a. Council Rules/Code of Ethics/Council Ethics and Professionalism – The Committee continued review of the Council Rules. Councilor Marble presented a one-page memo that he suggested could be inserted as an introduction to the Council Rules. (copy attached). It was the consensus of the Committee that it should be incorporated at the beginning of Council Rules to 'set the tone' for what the rules hoped to accomplish. The Town Manager will include that as part of the revised rule draft when the Committee completes their review. At the last meeting, the Committee left off with item 24 of the rules. Councilor Duprey suggested that item 25 be expanded to include language that prohibited Councilors from slandering or making negative remarks toward a citizen or group of citizens as part of Councilor Comments. A number of Councilors objected to language that could limit their ability to defend themselves in the event that citizens or groups of citizens were accusing them of things that they did not do or say. Councilor Duprey agreed that Councilors should have the right to defend themselves but not that they should have the right to make statements about citizens or groups that suggested that they were providing false information. She believed that the Council dais was not the appropriate forum for that and that Councilors could send out mailings to correct the record if they believed what was being said was not true. Councilors Sirois and Shakespeare believe that the appropriate place for correcting the record is at the council meetings and Councilor Marble expressed concern that activities by citizens or a group of citizens whose purpose appeared to be to create division and negativity should be discussed at the Council level since it impacts

municipal services. Councilor Wilde indicated that he had not served on the Council long enough to form an opinion on this matter. The consensus of the committee was not to add this language to the rules at this time.

The next item suggested by Councilor Duprey was a rule which prohibited incumbent councilors from 'politicking' in the 90 days prior to an election. Examples given were if Councilors discussed their accomplishments, or if they responded from the Council dais to mailings sent out about their actions or voting record by another candidate. Councilors generally agreed that giving speeches about their candidacy was not appropriate for sitting councilors or for anyone running for office who chose to speak during public comments. However, there was disagreement over whether a Councilor should have the right to respond to mailings sent out by another candidate. The consensus of the committee was not to include such an item at this time. Council Rules will continue to be discussed at the next Finance & Administration Committee meeting.

4. New Business

- a. Public Safety Request to go out to Bid for New Ambulance – Public Safety Director Joe Rogers and Fire Lieutenant Dan Pugsley requested permission for the Fire Department to put out a bid request for a new ambulance. The newest ambulance is 7 years old and having issues with injector pumps. The second ambulance is 19 years old. At the time a new ambulance was put into service, the 19 year old one would be sold and the one that is 7 years old would be the backup ambulance. They also requested that the bid specification include a power stretcher, a stair chair, and a cardiac monitor. It takes approximately 9 months for an ambulance to be built and the town has sufficient monies in its Ambulance reserve to make the purchase. Motion by Councilor Shakespeare, seconded by Councilor Sirois to allow the Fire Department to go out to bid for a new Ambulance with a power stretcher, stair chair, and cardiac monitor. Unanimous vote in favor.

5. Public Comment - None

6. Committee Member Comments – None

Motion by Councilor Sirois, seconded by Councilor Shakespeare to adjourn at 6:45 p.m. Unanimous vote in favor.

Respectfully submitted,

Susan Lessard  
Town Manager

## Council Ethics and Professionalism

After having reviewed the existing Code of Ethics and the material adopted by the Brewer City Council, I offer the following as a suggested one-page introduction to the existing document. If adopted it might be referred to as the "Ethics Summary" or something like that:

Public service, even at the local level, can be challenging. As elected officials' sphere of influence and relationships with citizens ebbs and flows according to issues and policy topics, it is sometimes challenging for said officials to be even handed and broad minded in the sense of the whole community. This is why government service at all levels is guided by core values and ethical standards.

The Town of Hampden has been guided by a 10 page Code of Ethics that was most recently adopted and made effective (June 6, 2012). Nevertheless, the subject should be revisited frequently. The following is offered as an introduction purposefully brief and simple:

### A Simple Three Way Test<sup>1</sup>

Is it the truth?

Is it fair to all concerned?

Will it be beneficial for the town?

And, from principles and "habits" as adopted by the Brewer City Council and many others,

### The Hampden Councilor

Will not act out of spite, bias or favoritism

Will contribute to a climate of mutual trust and respect

Has the courage of her or his convictions

Never forgets that s/he is working for the people—*all* the people

Will understand and demonstrate the elements of teams and teamwork

Will clearly define roles and relationships

Will establish and abide by a Council-staff partnership

And will allocate Council time and energy appropriately

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<sup>1</sup> The complete Rotary Four Way Test is: Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?

The Town of Hampden hereby ordains:

**TOWN OF HAMPDEN  
Code of Ethics**

**Section 1. Declaration of Policy.**

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

**Section 2. Definitions.**

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

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

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

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

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

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

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

**Special Interest:** A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution, or the

approval, approval with conditions or denial of any application by the Town Council or Council Appointees, and which interest is not shared by the general public.

Town Councilor: Sworn member of the Hampden Town Council

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

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

### **Sec 3. Standards of Conduct.**

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

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

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

**3.2 Disclosure of Confidential Information:** No Town Councilor or Council Appointee shall, without proper legal authorization, disclose confidential information concerning the property, employees or applicants for employment, government or affairs of the

Town, nor shall he or she use such information to advance the financial or private interest of him or herself or others. Information received and discussed during an executive session of the Hampden Town Council or any Town Board, Committee, or Commission pursuant to 1 M.R.S. §405 shall be considered within the constraints of this subsection, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

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

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

### **3.5 Conflicts of Interest.**

#### **A. Deliberation and Vote Prohibited**

1. No Town Councilor or Council Appointee shall participate directly or indirectly by means of deliberation, voting, approval or disapproval, or recommendation, or otherwise take part in the decision making process, on any agenda item before the body of which he or she is a member if he or she, or a member of his or her immediate family, has a financial or special interest, other than that possessed by the public generally, in such purchase, award, or approval, held by:
  - a. The Town Councilor or Council Appointee, or a member of their immediate family; or
  - b. A business in which the Town Councilor or Council Appointee, or a member of their immediate family, serves as an officer, director, trustee, partner or employee in a supervisory or management position; or
  - c. Any other person or business with whom the Town Councilor, or Council Appointee, or a member of their immediate family, are in

business or are negotiating, or have an arrangement concerning future employment.

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

a. A member of their immediate family; or

b. A person with whom either the Town Councilor or Council Appointee, or his or her immediate family, are in business.

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

**C. Determination of Conflict.** In the event that a conflict has been raised relative to an individual Town Councilor or Council Appointee, and disclosure has been made as described above, such individual's fellow Town Councilors or Council Appointees shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each Town Councilor or Council Appointee present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual Councilor's or Appointee's alleged conflict of interest.

1. All votes of conflicts of interest questions shall be recorded. A majority vote shall determine the question; but a vote by Boards, Committees, and

Commissions may later be reviewed by Town Council upon the Town Council's consideration of the same agenda item.

2. Upon determination that a conflict of interest in fact exists, the Town Councilor or Council Appointee concerned shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.
3. In lieu of the vote required by this subsection, the Town Council, upon motion and by majority vote may refer the conflict of interest question to the Town Attorney for a legal opinion, or may table its consideration of the relevant agenda item. In the event a majority of the Town Council, Board, or Commission concerned, or Committee thereof, shall require disclosure of further information not immediately available, or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.

**D. Avoidance of Appearance of Conflict:** To avoid the appearance of a violation of this Section, once any individual Town Councilor, committee member, board member or commission member is determined to have a conflict of interest in respect to any agenda item and once all conflicts of interest questions relating to the agenda item concerned have been determined as provided in Subsection C above, said individual shall immediately remove him or herself from the meeting room or to the area of the room occupied by the general public. He or she shall not return to his or her regular seat as a member of the body until deliberation and action on the item is completed. Nothing herein shall require an individual councilor, committee member, board member or commission member to remove himself or herself for any item contained on a consent agenda on which there is no deliberation, the individual's conflict has been determined by other members and the right to abstain from voting on the item has been granted.

**E. Personal Interest.** Nothing herein shall be construed to prohibit any Town Councilor or Council Appointee from representing his or her own personal interest by appearing before his or her collective body on any such agenda item, as long as the representation occurs in the area of the meeting room occupied by applicants or members of the general public.

**F. Disclosure Statement.** By no later than January 15<sup>th</sup> of each year, or within fifteen (15) days of being sworn in for a Town Councilor elected at a special election to fill a vacancy, every Town Councilor shall file a completed disclosure form with the Town Clerk. Within thirty (30) days after his or her appointment, every Council Appointee shall file a completed disclosure form with the Town Clerk. Such forms shall be under oath and shall contain the following information to the best of the disclosing party's knowledge and belief:

1. The name of each person or entity whether incorporated or not, doing business with the Town in an amount in excess of \$1000 during the preceding calendar year from which such disclosing party or member of his

immediate family has received money or other thing of value in an amount in excess of \$1000 during the preceding fiscal year, including, but not limited to campaign contributions, where applicable.

2. The name of each entity, whether incorporated or not, doing business with the Town in an amount in excess of \$1000 for the preceding calendar year in which such disclosing party or member of his/her immediate family has a financial interest in an amount in excess of \$1000 , including, but not limited to, the ownership of shares of stock.
3. The name of each nonprofit and/or for profit entity, whether incorporated or not, for which such disclosing party or member of his/her immediate family holds a position of officer or member of any board which does business or may potentially do business with the Town. For such entity, such disclosing party shall provide the following information:
  - a. A brief description of the purpose of each board and/or office;
  - b. A short summary of such disclosing party's or family member's duties relative to any such board and/or office;
  - c. The term of service on each such board and/or office; and
  - d. Whether or not such disclosing party or family member receives compensation for service on such board and/or office and the extent to which such compensation exceeds \$100 in the aggregate annually.

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

4. Every Town Councilor or Council Appointee shall amend his or her annual disclosure statement as may be required from time to time to ensure the continued accuracy thereof. Each amendment shall be made within fifteen days following the occurrence which requires the amendment.
5. The Town Clerk shall deliver a copy of each completed disclosure statement to every fellow member of the Town Council/Board/Committee of each disclosing party within thirty days of filing.
6. For the purposes of this Ordinance, a list prepared by the Treasurer of those persons or entities doing business with the Town in an amount in excess of \$1000 for the preceding year shall be determinative for purposes of reporting under this section. Income from and financial investments in, policies of insurance, and deposits from accounts from commercial or savings banks, savings and loan associations, or credit unions and the ownership of less

than 5% of the outstanding shares of stock in a publicly held corporation shall not be considered a financial interest within the meaning of this section.

**Sec 4. Political Activities.**

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

**Sec 5. Incompatible Employment or Office.**

No Town Councilor or Council Appointee shall occupy any other office, elected or appointed, in another governmental entity when the duties of such office are incompatible with the proper discharge of his or her official duties with the Town. For purposes of this section, the occupancy of any office, elected or appointed, with any other governmental entity by any Town Council or Council Appointee is hereby prohibited in the following circumstances:

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

**Sec 6. Violations of Ethical Standards by Councilors.**

When any Councilor believes there has been a breach of the ethical standards set forth herein by another Town Councilor, he or she may ask to enter into executive session pursuant to 1 M.R.S. §405 for purposes of informal discussion of and resolution of an ethical issue. During such session, the Councilor shall specify which area(s) of this Ordinance he or she feels have been breached and by whom. After discussion among all Councilors, the Town Council shall leave executive session, and may proceed with

formal action only by majority vote of the Councilors not alleged to have breached the ethical standards.

- A. Based on information provided in said executive session, the Town Attorney shall provide the Council with an opinion on whether the cited matter(s) constitute a violation of this Ordinance.
- B. All procedures under this section shall be in accord with due process requirements, including, but not limited to, a right to notice and hearing.
- C. The Council may elect to give written warning in lieu of any other remedy or civil penalty available under this Ordinance or any other law or ordinance.

## **Sec 7. Ethics in Contracting.**

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

### **7.1 Gratuities and Kickbacks**

- A. **Gratuities.** It shall be a violation of this Ordinance for any person to offer, give, or agree to give any Town Councilor or Council Appointee a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or award pertaining to a Town purchase order, contract, construction contract, or professional services contract, or with respect to any solicitation, advertisement, request for bids, request for proposals, or any bid, proposal, or other response thereto.
- B. **Kickbacks.** It shall be a violation of this Ordinance for any person to solicit, offer, give, accept, or receive any undisclosed gratuity or offer of employment in connection with the award or potential award of any subcontract or contract modification or change order under a Town of Hampden contract for construction, procurement or professional services. To be valid, any disclosure under this paragraph must be made in writing to the Town of Hampden Town Manager prior to the date of opening of any proposals or bids on the prime contract concerned. Notwithstanding an otherwise valid written disclosure, it shall be a violation of this Ordinance to solicit, offer, give, accept, or receive any such gratuity or offer of employment in violation of applicable State or Federal Law.

### **7.2 Prohibition against Contingent Fees**

It shall be a violation of this Ordinance for a person to be retained, or to retain a person, to solicit or secure a Town contract upon an agreement or

understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

### **7.3 Recovery of Value Transferred or Received in Breach of Ethical Standards.**

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

### **7.4 Recovery of Kickbacks by the Town**

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

### **7.5 Penalties and Sanctions**

- A. In addition to the recoveries provided in Subsections 7.3 and 7.4 above, any violation of Section 7 shall be a civil violation. Upon conviction, any person, firm or corporation found to be in violation of this Section 7 shall be fined not less than three times the value of any improper gift or kickback paid, solicited, or received, or \$500, whichever is greater. The penalties provided in this paragraph shall be in addition to any penalties imposed under State or Federal Law.
- B. Upon conviction of a violation of this Section 7 or upon finding a violation by the Town Council or any Council Appointee following written notice and hearing, the Town Council may impose one or more of the following sanctions on the person, firm, or corporation convicted or found to be in violation:
  - i. written warnings or reprimands
  - ii. termination of contracts
  - iii. debarment or suspension of Town purchasing
- C. Termination of a contract under this Section 7.5 shall also terminate the contractor's right to receive further payment thereunder.

- D. The provisions of this Section 7 shall be provided to all interested bidders or proposers and shall be incorporated by reference as agreed terms in any Town of Hampden construction, procurement, or professional services contract with a base bid in excess of \$10,000. In the case of a professional services contract, the 'base bid price' shall be the expected value of services to be billed during the contract term, or on an annual basis if the contract is of indefinite duration.

**Sec 8. Penalties for Town Council or Town Council Appointees.**

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

**Sec 9. Severability.**

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

**Sec 10. Repeal of Prior Ordinance**

The existing Code of Ethics Ordinance adopted on May 15, 2000 is hereby repealed in its entirety.

**Sec 11. Effective Date**

Pursuant to Section 213(c) of the Town Charter, the foregoing provisions shall be effective 30 days after the adoption of this Ordinance by the Town Council.

ADOPTED BY TOWN COUNCIL: May 7, 2012  
Effective Date: June 6, 2012

TOWN OF HAMPDEN  
ELECTED / APPOINTED OFFICIAL DISCLOSURE FORM

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

Last name: \_\_\_\_\_ First name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Town Councilor / Council Appointee

## HAMPDEN TOWN COUNCIL RULES

1. The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy.
2. In all motions of command, the form of expression shall be 'ordered' and in all motions concerning principles, facts, or purposes, the form shall be 'resolved'.
3. The name of the Council member or other person, persons, or group requesting an item on the agenda will be indicated on the agenda with the said item.
4. As a matter of courtesy, conduct for all Council and Committee meetings shall be as follows:
  - a. Cell phones shall be silenced during Council & Committee meetings by Town Councilors, staff, and the general public.
  - b. Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings.
  - c. Cell phone use, texting, and email may be done during breaks in regular or special Council meetings or committee meetings.
5. Town Councilors shall participate in Freedom of Information Act training within 120 days of being sworn in as a Town Councilor and documentation of that training shall be filed with the Town Clerk.
6. Town Councilors shall participate in Elected Officials training offered by the Maine Municipal Association within the first year of office.
7. A New Councilor orientation packet shall be provided to all Councilors at the time they are sworn in.
8. Excused absences for Councilors for Council meetings may be granted as the result of illness, vacation, work commitments, or family illness.
9. The Mayor shall take the chair at the appointed time for the meeting, call the members to order, and proceed to the following order of business:

*(Amended 1/21/2014; 4/7/2014; 5/19/14)*

  - A. Pledge of Allegiance
  - B. Consent Agenda
    1. Signatures – Treasurer's Warrants, etc
    2. Secretary's Report
    3. Communications
    4. Reports
  - C. Public Comments
  - D. Policy Agenda
    1. News, Presentations & Awards
    2. Public Hearings
    3. Nominations-Appointments – Elections
    4. Unfinished Business
    5. New Business

- E. Committee Reports
- F. Manager's Report
- G. Councilor Comments
- H. Adjournment

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

that section of the agenda referred to as "Public Comments". There shall be a five minute limit on such comments per person per subject raised. Items heard during Public Comment may be agendaed for a subsequent meeting or referred to a Committee or staff member for discussion/action. No votes may be taken by the Council on a subject raised during Public Comment without a vote by the Council to set aside the rules and add it to the regular agenda for consideration.

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

- b. It shall be the responsibility of the Committee Chair to discuss the development of the meeting agenda with the assigned staff person at least 24 hours before the meeting is required to be posted.
  - c. The assigned staff member shall prepare and post the agenda.
  - d. Draft minutes of each meeting will be prepared by the staff member supporting the committee within three business days.
  - e. Committee meeting minutes shall be posted on the Town website following their voted approval by the Committee.
  - f. Non-committee Council members attending a Committee meeting will have voting rights if they have been present for the entire discussion of an issue, providing that at least two of the three appointed members of the committee are present.
  - g. Two appointed members of the Committee shall constitute a quorum
  - h. The Mayor shall serve as an ex-officio member of all committees with the exception of Finance & Administration, and shall serve as a member and Chairperson of that Committee. The Mayor, when serving as an ex-officio member, shall not count as an appointed member for the purpose of establishing a quorum at all other Committee meetings.
19. The Mayor of the Council may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Council. No Committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.
20. In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.
21. The first and third Mondays of each month are designated as 'regular' council meetings with the provision that a unanimous vote of the council would cancel a meeting. Whenever a regular meeting falls on a legal holiday, such meeting will take place the following day.
22. Special meetings of the Town Council may be scheduled for other dates for special purposes. The agendas for such meetings shall be posted at the Post Office, Town Office, Town Bulletin Board, on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held). The agenda for a Special Meeting shall be prepared as follows;
- A. Call to order
  - B. Subject(s) for meeting
  - C. Adjourn
- The general public shall be allowed to comment on subjects at Special meetings in the same manner as for Regular Council meetings. There

shall be no general Public Comment section for items not contained on the agenda for Special Council meetings.

23. Any item on the consent agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the consent agenda.
24. Council Meetings shall not extend beyond 10 p.m. without an affirmative vote of the Town Council.
25. The Councilor Comment section of the agenda is reserved for the purpose of enabling any Council member to discuss matters not previously mentioned on the agenda. No official Council action can be taken at this time.

This policy replaces the Council Rules last updated February 19, 2008

Adopted by Town Council: May 21, 2012

Amended: January 21, 2014  
April 17, 2014  
May 19, 2014

## Council Ethics and Professionalism

After having reviewed the existing Code of Ethics and the material adopted by the Brewer City Council, I offer the following as a suggested one-page introduction to the existing document. If adopted it might be referred to as the "Ethics Summary" or something like that:

Public service, even at the local level, can be challenging. As elected officials' sphere of influence and relationships with citizens ebbs and flows according to issues and policy topics, it is sometimes challenging for said officials to be even handed and broad minded in the sense of the whole community. This is why government service at all levels is guided by core values and ethical standards.

The Town of Hampden has been guided by a 10 page Code of Ethics that was most recently adopted and made effective (June 6, 2012). Nevertheless, the subject should be revisited frequently. The following is offered as an introduction purposefully brief and simple:

### A Simple Three Way Test<sup>1</sup>

Is it the truth?

Is it fair to all concerned?

Will it be beneficial for the town?

And, from principles and "habits" as adopted by the Brewer City Council and many others,

### The Hampden Councilor

Will not act out of spite, bias or favoritism

Will contribute to a climate of mutual trust and respect

Has the courage of her or his convictions

Never forgets that s/he is working for the people—*all* the people

Will understand and demonstrate the elements of teams and teamwork

Will clearly define roles and relationships

Will establish and abide by a Council-staff partnership

And will allocate Council time and energy appropriately

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<sup>1</sup> The complete Rotary Four Way Test is: Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?

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

perhaps cardboard recycling containers to make it easier for people to participate in zero sort and to encourage more participation. Committee members indicated that more public education should be done about what can and cannot be recycled and that a presence at the transfer station with pamphlets on a few weekends and perhaps providing clear plastic bags would help provide some incentive. In addition, the Town can include more information on this in the next newsletter.

- D. Planet Aid Update – The Public Works Director reported that the Town had received its first check from Planet Aid for clothes/shoes disposal in the amount of \$93.70 for the month of June which represents a total of 1,874 pounds of clothes/shoes that formerly would have been deposited for disposal for incineration at PERC.

### 3. NEW BUSINESS

- A. O'Donald Project – Western Avenue – sewer manhole ownership – The Public Works Director requested that the Committee recommend to the Council that the Town take ownership of the sewer manhole located adjacent to the O'Donald housing project on Western Avenue. It was installed at the request of the town as part of the project and the property owner would be responsible for lines to the manhole and the Town would be responsible for the line from the manhole to the sewer main. Motion by Councilor McPike, seconded by Councilor Brann to recommend to the council that the Town accept ownership of the sewer manhole constructed as part of the O'Donald project at 206 Western Avenue. Unanimous vote in favor.
- B. Skehan Center Lighting – Energy Analysis – Options – Recreation Director Shelley Abbott discussed with the Committee the results of a lighting review done by Gilman electric that indicated that savings could be derived from changing from sodium fixtures to either fluorescents or LED's. It is recommended to reduce the number of fixtures in the facility as well and to utilize rebates from Efficiency Maine. It was the consensus of the Committee that the next step would be to put light replacement at the Skehan Center out to bid to determine what the cost would be. The Recreation Director also informed the Committee that she had hired Penobscot Temperature Controls to come to the facility and perform much-needed maintenance on the 4 air handlers at the facility. Little has been done to these units since before RSU 22 turned the school over to the town and this maintenance should also reduce energy consumption.
- C. Ballfield Road Batting Cages – Recreation Director Shelley Abbott presented information to the Committee about installing more permanent batting cages at the Ballfield Road location. She indicated that there was some concern expressed by the Code Officer about where the boundary lines were on the lot. Councilor Brann reminded the committee that the Town had reserve funds for the purpose of determining boundaries of town-owned properties and suggested that this should be done before the poles were located for the batting cages to be sure that the Town was not on property owned by another. Motion



by Councilor Shakespeare, seconded by Councilor Brann to recommend to the Council to support the batting cage project but to first refer the property survey of the ballfield road lot to Finance and the Council for approval. Unanimous vote in favor.

- D. Rural Active Living Assessment – The Town Manager presented a request from the Health Promotion Manager of the City of Bangor for participation in a Rural Active Living Assessment for the Town of Hampden. According to the request, the purpose is to measure the ‘friendliness’ of a community for physical activity and involves policy assessment, and an audit of several roads in a community. There was a divided view on the value or necessity of participation in the project. Councilor Brann expressed concerns that if Towns such as Hampden and other smaller towns in the county did not participate then Bangor interests would result in projects or regional impacts that the Town of Hampden might not like. Councilor Ryder expressed concerns that this had the potential to create another public relations issue similar to the one related to the Penobscot Valley Greenprint group. Resident Terry McAvoy believed that the Town should not participate. Councilor McPike questioned how many Towns are participating in this effort. It was the consensus of the Committee that this item be put on the August 4, 2014 Council agenda for a decision and that the Town manager should get additional information related to how many other communities are participating and what obligations are created by participation.
- E. Public Works Overview – Public Works Director – The Public Works Director gave an overview of the Public works operation including staffing numbers, responsibilities, work performed in all seasons, and an overview of public works equipment. He also reported the status of current projects. Elm Street East culvert replacement is done, the sewer line portion of Route 1A project is done, and the sidewalk repair on Route 1A from Western Avenue to Kennebec Road is done and the guardrails will be replaced at the end of Coldbrook Road on Wednesday. The Town Manager presented information on public works departments of other communities that ranged in population from 6,000 to 9,000 people including road miles maintained, number of personnel, and responsibilities for parks, sewer, cemeteries and recreation areas. Resident Terry McAvoy asked how much excise tax these other communities collected. The Manager responded that she believed that Hampden collected a higher amount of excise than most all of the communities on the list but that she would check and report back at the next meeting.

4. PUBLIC COMMENTS - None
5. COMMITTEE MEMBER COMMENTS – None

The meeting was adjourned at 7:25 p.m.  
Respectfully submitted,

Susan Lessard  
Town Manager

TOWN OF HAMPDEN  
PAVING BID 2015

April 28, 2015

GRAND TOTAL

BIDDER	TONS	\$/TON	TOTAL	
#1 Pike Industries	MACHINED PLACED	3825	101.00	386,325.00
	HAND PLACED	135	175.00	23,625.00
284,644.65				
#2 Wellman Paving	MACHINED PLACED	3825	70.88	271,116.00
	HAND PLACED	135	99.99	13,498.65
279,987.75				
#3 Vaughn Thibodeau	MACHINED PLACED	3825	69.67	266,487.75
	HAND PLACED	135	100.00	13,500.00
308,382.30				
#4 B & B Paving	MACHINED PLACED	3825	75.43	288,519.75
	HAND PLACED	135	147.13	19,862.55
309,298.50				
#5 Hopkins Landscaping/ Paving	MACHINED PLACED	3825	76.98	294,448.50
	HAND PLACED	135	110.00	14,850.00
332,190.00				
#6 Lane Construction	MACHINED PLACED	3825	81.20	310,590.00
	HAND PLACED	135	160.00	21,600.00
332,190.00				
#7	MACHINED PLACED			
	HAND PLACED			

46

To: Sue Lessard

April 28, 2015

From: Greg Nash

Subject: Annual Maintenance Paving

On April 28, 2015 we opened bids for paving. The results are listed below.

<u>BIDDER</u>	<u>\$/TON Machine</u>	<u>\$/TON Hand</u>	<u>TOTAL APPROX. COST</u>
Vaughn Thibodeau	\$69.67	\$100.00	\$279,987.75
Wellman Paving	\$70.88	\$99.99	\$284,614.65
B & B Paving	\$75.43	\$147.13	\$308,382.30
Hopkins Paving	\$76.98	\$147.13	\$309,298.50
Lane Construction	\$81.20	\$160.00	\$332,190.00
Pike Industries	\$101.00	\$175.00	\$409,950.00

There was a good amount of interest in the bid with six bidders participating. As you can see there was a wide spread on the price. I would recommend accepting the bid from Vaughn Thibodeau for the price indicated above.

Please let me know if you have any questions.

Interim Public Works Director

Greg Nash



4c

TO: Hampden Town Council  
FROM: Sue Lessard, Town Manager  
DATE: April 27, 2015  
RE: Planning/Development Department Proposal

The purpose of this memo is to discuss proposed changes to the organizational structure resulting from the resignation of the Planner. I have met as a group with the assessor, GIS/IT Specialist, Planner, and Economic Development Director. The Administrative Assistant is on vacation this week but I will be meeting with her upon her return as well.

I am proposing to change the organizational structure of the Planning/Assessing/Economic Development/GIS/IT 'departments'. At the present time each is its own entity directly reporting to the Town Manager even though their job responsibilities are very much interrelated and there is only one person in each 'department'. With the resignation of the part time planner, I would like to reorganize the reporting structure as follows:

Dept. Head – Dean Bennett, Planning & Economic Development (move office to where Planner's office currently is)

- Administrative Assistant – Rosemary Bezanson
- Assessor – Kelly Karter
- GIS/IT Specialist – Kyle Severance
  - Document Management (Digitizing contract)
  - Outside Computer Assistance
- Contract staff – Engineering review of plans, ordinance review, etc.
- Coordinate with Public Safety Director regarding Code Enforcement and Fire/Building Inspector activities related to Planning/Zoning

This organizational structure will provide a better chain of command for activities that are related and will allow an evaluation of how this works in advance of a new manager coming on board. There has been concern for some time over too many direct reports to the manager not being an efficient or effective way for the organization to operate. This change should address some of those concerns. The budget includes funding to accommodate hiring a part time staff member if the workload in this department becomes greater as a result of development activities.