

TOWN COUNCIL MINUTES

APRIL 7, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, April 7, 2008. The meeting was held at the municipal building council chambers and was called to order by Mayor Briggs at 7:00 p.m.

Attendance: Councilors: Mayor Rick Briggs, Thomas Brann, Matthew Arnett, Andrew Colford, Shannon Cox, Andre Cushing and Edward Murphy

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Chip Swan and Economic Development Director Bion Foster

Marty Drew of Pine Tree Landfill, School Building Committee Members Kathy Walker and Norman Prouty, Mark Pierce of "Paper Talks", and citizens

A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. Councilor Arnett requested that Item A.4.b. be set aside. Motion by Councilor Cox, seconded by Councilor Murphy to accept the balance of the Consent Agenda – unanimous vote in favor.

A.4.b. LANDFILL COMPLAINT REPORT – FEBRUARY 2008

Councilor Arnett noted that there has been increased odor at the landfill in the last couple of weeks and asked Manager Lessard for an update on what is happening there. Manager Lessard explained that Marty Drew from the landfill was present to give the Council an update about what is causing the odor problems. He will do that under Public Comments because it was just last Friday when they learned of what was going on in terms of some of the horizontal gas lines that connect to the headers that connect to the collection points for the gas to energy plant. Some have either become disconnected or watered out or something has happened so they are not functioning. They are installing above-ground lines to the headers so that the gas can be collected instead of migrating up through the ground, which is what is causing the odors that have been very prevalent the last several weeks. Motion by Councilor Arnett, seconded by Councilor Cushing to accept Item A.4.b. – unanimous vote in favor.

B. PUBLIC COMMENTS

Marty Drew, General Manager of Pine Tree Landfill explained that the gas to energy project has been the cause of the odors since January. Its fuel is the landfill gas,

primarily methane, and the sulfur needs to be removed from the gas before it goes to the engine. The technology is called thiobacillus, which is a biology that scrubs the sulfur and emits a rice-size particulate that is all sulfur, and when it is dying it emits a powder. The landfill is going through a learning curve as to how to handle this biology and if they ask too much of it too fast, it goes into a death spiral and they have let it go through that process. When it goes into its death spiral, it takes the landfill a certain amount of time to recognize that it is happening and during that time, there are puffs of hydrogen sulfide going through the process but are not actually being scrubbed. Then you get air emissions and the hydrogen sulfide odor. Marty said the landfill is three months into the project and they are running at close to their target of 94% of efficiency.

Marty explained that more recently the odors have been caused by broken horizontal lines in the vertical well system. The broken line is 50 feet below the waste surface so they will connect temporary piping over-land this week, which will hopefully prevent the gas from escaping and we should see an improvement soon. Marty said he was very confident that when they conclude closure in 2010 and there is a cap over the entire landfill and all the horizontal pipes are brought up closer to the surface, there will be no more odor.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. SAD #22 BUILDING COMMITTEE REPORT

Town-appointed School Building Committee Members Kathy Walker and Norman Prouty reported that there is a timeline in place leading up to a referendum scheduled for September 9th. Prior to that, two straw polls are planned for May 8th and June 9th. A great deal of time has been spent coming up with learning concepts and those are being translated into a program. The program determines the facility and the rooms needed in the new facility. Mrs. Walker reported that in the latest proposal, the proposed facility would be 187 square feet/student. The state recommends 165 square feet/student. There are also some desirable additions (performing arts center and community facility) to the proposed facility, which would add another 81 square feet/student. Mrs. Walker pointed out that there are many people who do not realize that the State funds a majority of this project – it will not be up to the taxpayers to fund the proposed facility at 165 square feet/student, but any additions would have to be funded by SAD #22 taxpayers. She said that is the type of discussion that will be occurring over the next few months as the Building Committee and School Board and Department of Education all look at what we really need in the facility and

what we would really like to have and what the taxpayers are willing to pay for.

Mr. Prouty noted that finding the location for this project has been quite an undertaking. There were two major issues – first whether to renovate or build new and the second, where it would be located. The Committee decided to build and following that several parcels were examined. It was determined that a parcel already owned by SAD #22, where the track is currently located, was the best option and it is that site that will be presented for the straw poll. Mr. Prouty also reported that if the taxpayers have to fund the difference between the 187 s.f./student and 165 s.f./student, that would amount to approximately \$3.6 million over what the State would allow. However, the State was very impressed by the presentation made by SAD #22. The justifications seemed to be warranted and accepted by the State and there is anticipation that the State is going to accept the need for the 187 s.f. and fund that. If the State does not approve 187 s.f., the Committee will look to see if any of those areas can be cut down to come closer to the 165 s.f./student recommended by the State. Mr. Prouty estimated that the cost of a performing arts center would be approximately \$6.6 million.

Mr. Prouty said the other major item is that a traffic study is being done and the proposed entrance to the new building would be an extension of Route 202. He expressed concern that a lot of traffic would shift to Mayo Road, which is not adequate for increased traffic. He feels that there will be a lot of objections from the residents of Mayo Road. He said that getting to this building and how people will get to the new entrance is going to be problematic from his point of view.

Mrs. Walker and Mr. Prouty also reported that reuse of the old complex is part of the discussions and the Building Committee will be appointing a subcommittee to look at that issue. The only reusable parts of that complex are the Old Academy, the gym and the library. Mr. Prouty noted that there will be some restrictions on the reuse. Currently the entrance from the extension of Route 202 is owned by the State and they will be swapping that land with an agreement that nothing will be developed on the old complex that will increase traffic on Route 1A. He suspected that the Town would have to be involved in that aspect.

A question and answer period followed and several Councilors expressed concern about how the proposed location and conceptual design may impact a possible Route 202 bypass. The Council expressed the importance of this being an interactive process and asked Manager Lessard to invite SAD #22 administration, the high school principal, the Building Committee Chair and members Kathy Walker and Norm Prouty to meet with the Council and Town Manager. It was suggested that the meeting could be scheduled for April 28th; however the Council already had a budget workshop scheduled for that evening. Councilor Brann moved and Councilor Cushing seconded to move the budget workshop and authorize the Town Manager to find an alternate time for the meeting with SAD #22 if April 28th does not work – unanimous vote in favor.

b. ALEWIFE FISHING RIGHTS - 2008

Manager Lessard reminded the Council that for the last four years, the Town has requested and been granted a moratorium on alewife harvesting. She informed the Council that the Conservation Commission has determined that it is now appropriate to re-establish the fishery and is in the process of seeking a fishing agent.

Motion by Councilor Brann, seconded by Councilor Colford to notify the Department of Marine Resources that the Town is actively pursuing a fishing agent with the intention opening up the alewife fishing and that the Town wishes to retain rights for alewife fishing – unanimous vote in favor.

Councilor Brann introduced the model Alewife Ordinance for public hearing at the next Council meeting.

c. ECONOMIC DEVELOPMENT TRANSITION PLAN – ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATION

Motion by Councilor Cushing, seconded by Councilor Arnett to enter Executive Session pursuant to 1 M.R.S.A. §405(6)(A) to discuss a personnel matter – unanimous vote in favor.

d. TRANSFER STATION STICKER FEES/FINES & COMPLAINTS

Manager Lessard informed the Council that she has been fielding several complaints regarding the new policy for issuance of transfer station stickers. She said those residents who have just a company car that is registered outside of Hampden and they have no other vehicle, they are issued a sticker, but it is retained here at the Town Office and they are given a paper pass to put on their dashboard when using the transfer station. This gives them the right to use the transfer station, but the sticker is not put on a vehicle that is not registered here. If people have a vehicle registered in Hampden, the sticker is issued for that vehicle and they can get day passes if they want to use some other vehicle. Manager Lessard and the Council have received a complaint from a resident who was upset that under those terms he would have to get day passes to use his company vehicle. Manager Lessard expressed the importance of being consistent with the policy and said it is her preference to not make an exception for every situation or the policy will fall apart. She asked the Council how much latitude they wanted to use in this.

Councilor Colford said we do need to re-evaluate how the stickers are issued and thought maybe it should go back to committee. He feels that if a person owns property here and lives here that they should be able to get a sticker for a company vehicle.

Councilor Brann moved and Councilor Cox seconded to continue with the current policy to not issue stickers for vehicles owned by a business and not registered in the Town of Hampden.

During discussion, Councilor Cushing offered a friendly amendment to the motion to permit the Town Manager, for the next 90 days, to issue a paper permit to those people that she deems are appropriate residents who would have a household need for that permit and refer this back to the Public Works Committee to assess what to do long-term. Councilor Brann did not agree to the amendment so the motion remained as originally stated.

By roll call, vote on the motion was 5 in favor and 2 opposed (Cushing and Colford) – motion carried.

Motion by Councilor Cushing, seconded by Councilor Brann to send this back to the Public Works & Solid Waste Committee for further review – by roll call, vote was 2 in favor (Colford & Cushing) and 5 opposed (Arnett, Brann, Murphy, Cox and Briggs) – motion did not carry.

e. FORECLOSED PROPERTY – MAP 2, LOT 78 – REQUEST TO RE-ADVERTISE FOR PUBLIC SALE

Manager Lessard informed the Council that this parcel was advertised for public sale several years ago and the bid was awarded to the highest bidder, but the sale fell through. She requested authorization to re-advertise it at this time. Motion by Councilor Arnett, seconded by Councilor Brann to authorize the Town Manager to re-advertise said property for public sale – unanimous vote in favor.

4. NEW BUSINESS

a. "PAPER TALKS" ADVERTISEMENT

Manager Lessard has had a discussion with Mark Pierce of "Paper Talks" magazine about the possibility of the Town purchasing an advertisement in this year's issue honoring local veterans. Manager Lessard noted that if the Council wished to purchase an ad, it would have to be funded through the Council's General Expense account. The cost for a 1/4 page ad is \$760 and would give the Town 115 copies for distribution; a 1/9 page ad is \$355 and would allow 50 copies for the Town to distribute. Mark Pierce gave the Council a brief history of the magazine. He said the cover for this year's Greater Bangor edition will feature Hampden veterans Frank and Barbara Jewell.

Motion by Councilor Murphy, seconded by Councilor Colford to purchase a 1/4 page ad for \$760, to be funded by the Council's General Expense account, which would allow 115 copies for distribution.

Mayor Briggs questioned whether that account has a sufficient balance to fund a 1/4 page ad. Manager Lessard recommended that a 1/9 page ad would be more manageable and would leave funds for any future requests. Councilor Cushing offered to personally make up the difference between a 1/9 page ad and a 1/4 page ad and would like to include a picture of the Veterans' Memorial. The motion was amended to purchase a 1/4 page ad

for \$760 with the Town Council being responsible for \$355 and Councilor Cushing will be responsible for the balance – unanimous vote in favor.

b. RESIGNATION OF SCHOOL BOARD MEMBER

School Board member Jonathan Perry has resigned from the Board. His term expires in November 2009 and under Maine Law, the Town Council is responsible for appointing an interim director to serve until the next annual municipal election. There will be an election to fill the unexpired term at the next municipal election in November 2008. Manager Lessard recommended advertising for applicants who would be interviewed by the Appointments Committee for recommendation to the full Council.

Motion by Councilor Arnett, seconded by Councilor Cushing to authorize the Town Manager to advertise said position using whatever method she wishes as long as there is no cost involved, with an application deadline of April 25th – unanimous vote in favor.

c. STREET LIGHTING – HUGHES BLVD. – PUBLIC SAFETY RECOMMENDATION

Pursuant a request from a resident, the Public Safety Department has recommended that a single street light be placed on the existing telephone pole on Hughes Blvd. on the corner just before the Closson residence located at #107. It was the consensus of the Council that the neighborhood should be polled to find out if they want a street light. Motion by Councilor Cushing, seconded by Councilor Brann to postpone this item until the first meeting in May – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Murphy reported that he attended the second SAD #22 budget meeting on April 2nd and the Governor's proposals for funding had passed that day. The funding came in higher than what was anticipated in the initial meeting and the Town's share should be down approximately 1% from the initial forecast. He reported that the School Board is actively looking a reduction of staff positions and purchasing and some use of its rainy day fund to bring the budget down more. The next meeting will be this Wednesday at 6:30 pm at Reed's Brook School and they will be focusing on line-item budgets.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached hereto.

Old Gravel Screen: It was the consensus of the Council to go ahead with putting it in the public auction.

MANAGER'S REPORT
April 7, 2008

Council Chamber Renovations - As you will note, the painting has been done and new audience chairs have been received. The new carpeting will be installed on Wednesday and Thursday of this week, and the new Councilor chairs will be delivered the week of the 21st. We have a projection screen that will be installed after the carpeting is put down, the quilt that was made for the town will be mounted and hung, the miniature version of the eagles on the Veteran's Memorial will be hung in a display case, and the remainder of the photos/certificates will be put up as well. We have given the chairs that were in the council chambers to public safety to add to the ones that they have for use in the Community Room for meetings there.

Dog Licenses - The Town Clerk has sent out over 160 final reminders for dog licenses over the past several weeks. We get our list from the licenses issued in the prior year as well as now from rabies verification lists sent to us by the State of Maine. The next step would be issuing a warrant to the animal control officer and taking people to court for failing to license their pet.

Odor Issues at the landfill - Marty Drew will be attending the meeting to talk to the Council about causes of current odor issues at the landfill and the remedies for those issues. I talked with Marty on Friday about the current odor situation and asked if he would come and give the Council a briefing under Public Comment or the consent agenda since the cause of these odors is different than the simple start up of the gas to energy plant. At the present time, several of the horizontal gas collection lines in the landfill have either watered out, or disconnected from the vertical collection lines (headers) as a result of settlement that has occurred at the landfill. These lines are buried deep in the landfill and they will be abandoned in place and new horizontal lines will be connected above ground to the header pipes as a temporary solution until the final cover of this area is done. In addition, it is my understanding that one of the header pipes is also non-functioning and that will have to be replaced as well. As of last Friday, the plan was that the lines would be functioning again - and therefore get the odors under control - by the end of this week.

Landfill Meeting - I would also like to schedule a meeting at which our landfill consultants can come up and brief the Council on water quality test results, the status of the closure plan, etc. Although we are almost in to budget season I would like to schedule that for the second meeting in May if that is ok with the Council - (May 19th). We have had a request for additional information on current landfill issues and I am preparing a response to that as well - I have forward a copy of the letter to our consultants.

Real ID - For those of you who are interested in this subject and how it is being handled in Maine, the next Early Bird Breakfast for the Chamber of Commerce is having Matt Dunlap, Secretary of State, as a speaker on this topic. The date for that is Tuesday, April 15th at 7:30 a.m. at the Ramada Inn on Odlin Road. Let me know if you are interested and I will reserve a space for you.

Public Education Program - Teens and Alcohol - Public Safety and SAD #22 are hosting a public education program on May 15th at Reed's Brook Middle School to discuss the topic of underage drinking and how it might best be addressed. A grant was received that is paying for the cost of the program but it will be a good opportunity for the community to engage this topic in a meaningful and productive way. I will have more information for you as it becomes available.

Water District/Town Committee - The first meeting of the joint committee was held at the Water District on March 31st. The next meeting will be held at the Town office on April 14th at 6 p.m.

Old Gravel Screen - Public works has an old gravel screen that has not been used for a number of years. We have an opportunity to put it in a public auction with the City of Bangor/Bangor Hyrdo/etc. on April 19th. The cost to the town would be 5% of the sale price. I do not think it has a value over the amount that can be bought/sold without Council approval but wanted to get some feedback on this before giving Chip the go-ahead.

Public Works Committee - A reminder that the Public Works Committee will be meeting on Thursday, April 10th at 7 p.m.

Flags - Public Works Director Chip Swan is working on the flag project so that we can get them up and installed by May.

Budget - You will each be receiving your 'Budget Book' the week before our first scheduled meeting on April 28th. It will also be available in electronic format as well.

Small Claims Court Town vs Qwik Stop Video- The Town was awarded judgment in a small claims court action today (4/7/08) against Qwik Stop Video for nonpayment of personal property taxes. They have not paid these taxes in six years.

Patterson Street Sewer Accident Update - The Town was awarded summary judgment in this matter in late 2007. That was appealed by the attorney for the property owner. The appeal will be decided during this month. It is on the agenda for the court but there will be no oral arguments. The decision will be based on the material submitted for the Summary Judgment decision.

F. COUNCILOR'S COMMENTS

Councilor Murphy reported that there had been some discussion during the SAD #22 Budget process about eliminating the Resource Officer's position, but due to overwhelming support, the position was not cut.

Councilor Cushing informed the Council that the Hampden Business Association Dinner will be held on May 14th at the Spectacular Events Center in Bangor. Bob Foster has been selected as the Business Person of the Year. Additionally, Councilor Cushing reported that he and Councilor Arnett have thrown down the challenge to Bangor and Brewer City Councils relative to the Hike for the Homeless. He hoped that many people from Hampden will participate as the losing Councils must wear the colors of the winner to their next Council meeting.

Councilor Brann commented that the Community Services and Comprehensive Planning Committees have been discussing forming "Friends of Dorothea Dix", a group to care for the park and keep it at a higher standard. He informed the Council that he has asked Prentiss & Carlisle for a proposal for the next stage in planning the restoration of the park. He said they would like to have a plan in place this spring so the project can begin this year. They are currently drafting an ordinance to create the committee and he asked permission from the Council to forward it directly to the Ordinance Committee for its consideration and then bring it to the Council to try to speed up the process. There was no objection to the request.

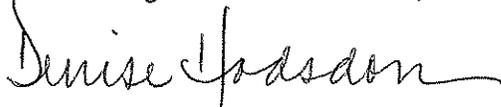
EXECUTIVE SESSION:

Motion by Councilor Cushing, seconded by Councilor Arnett to enter executive session pursuant to 1 M.R.S.A. §405(6)(A), to discuss a personnel matter, to include the Council, Town Attorney, Town Manager, Bion Foster, Colby Clendenning and Dorain Foster – unanimous vote in favor.

Motion by Councilor Cushing, seconded by Councilor Arnett to re-enter regular session at 10:58 p.m. – unanimous vote in favor.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 p.m.



Denise Hodsdon
Town Clerk