



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

APRIL 11, 2011

7:00 P.M.

- **5:30 pm – FINANCE COMMITTEE MEETING**
- **6:00 pm – SERVICES COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Thank You – Sgt. Stewart from Dr. Emily Markides
- b. Josh Ewing – New Application for Citizen Comprehensive Plan Committee – Referral to Planning & Development Committee
- c. Gayle Zydlewski – New Application for Citizen Comprehensive Plan Committee – Referral to Planning & Development Committee
- d. Lisa Kelley – New Application for Citizen Comprehensive Plan Committee – Referral to Planning & Development Committee
- e. Rich Armstrong – New Application for Citizen Comprehensive Plan Committee – Referral to Planning & Development Committee
- f. Matthew McLaughlin – New Application for Citizen Comprehensive Plan Committee – Referral to Planning & Development Committee

4. REPORTS

- a. Pine Tree Landfill Complaint Report March 2011
- b. Lura Hoit Pool Board Meeting Minutes – 2/8/11
- c. Finance Committee Minutes – 4/4/2011

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

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

3. UNFINISHED BUSINESS

- a. Composition of Comprehensive Plan Committee – Planning & Development Committee Recommendation
- b. Alewives Fishing Rights – Clarification of Action
- c. Code of Ethics

4. NEW BUSINESS

- a. “Glue Girls” Destination Imagination Team – Request for Funding for Trip to National Competition – Finance Committee Recommendation
- b. Police Cruiser Bid Results – 2010/2011 Budget – Finance Committee Recommendation

D. COMMITTEE REPORTS

E. MANAGER’S REPORT

F. COUNCILORS’ COMMENTS

G. ADJOURNMENT

Peace & Reconciliation Studies
Youth Violence Prevention Project



5725 East Annex, Room 211
Orono, Maine 04469-5725
U.S.A.
Tel: 207-581-2625
Fax: 207-581-2640
Peace.Studies@umit.maine.edu

Peace & Reconciliation Studies Program
Dr. Emily Markides
University of Maine,
Orono, Me 04469-5725
March 28, 2011

A-3-a

David Greenier
1 Main Road,
Hampden Academy,
Hampden 04444

Dear Mr. Greenier:

I am writing to express my deep gratitude and appreciation for the wonderful treatment that I have received in the hands of Sargent Stewart during my recent accident in front of the Hampden Academy, on Tuesday, March 22nd 2011.

Sargent Stewart was courteous, kind and extremely cooperative in terms of helping me overcome the shock with his calm and composed manner and wonderful sense of humor, qualities that I so very much appreciated. I am writing this letter to offer my sincere thanks to Sargent Stewart and to ask that my letter of appreciation be put in his file as a testament to the wonderful work that this remarkable Sargent is carrying out.

I am a professor of Peace and Reconciliation Studies at the University of Maine and have lived in the state of Maine since 1972. I find the people of Maine as a whole to be courteous and kind and generous but Sargent Stewart's exceptional behavior calls for special attention to this amazing man when on duty: He is quite the ideal archetype of a Sargent and he deserves a special award for his exceptional gifts as both a remarkable officer when on duty as well as an amazing human being when relating to another person in distress. He has passed both of those tests with flying colors and I am writing to salute him and express once again my profound appreciation and gratitude for his generosity and kind composure.

I would so appreciate it if this information were to be included in his file so that it is taken under consideration by his superiors

Thanking you for your kind consideration,

Sincerely,

Dr. Emily Markides
Peace and Reconciliation Studies Faculty
University of Maine, Orono, Maine, 04469



Check One: Initial Application
 Reappointment Application

A-3-b

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Ewing LAST Josh FIRST W MI

ADDRESS: 24 Old County Rd STREET Hampden TOWN 04444 ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-947-8298 HOME 207-866-4000 WORK

EMAIL: jthz@msn.com

OCCUPATION: Law Enforcement

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: 2010 Comp Plan Development Committee

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? 4 years experience in administrative position as second-in-command. Includes development of policies and procedures, strategic planning, resource and personnel mgt.

Are there any issues you feel this board or committee should address, or should continue to address? See above committee choice.

- 3 YEAR
- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK

- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

- 5 YEAR
- PLANNING BOARD

FOR TOWN USE ONLY Date Application Received: APR 04 2011

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

A-3-c

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Zydlewski Gayle B.
LAST FIRST MI
ADDRESS: 473 Monroe Rd Hampden ME 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 862-3382 _____
HOME WORK

EMAIL: gayle.zydlewski@maine.edu

OCCUPATION: Biologist

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Comprehensive Plan Review Committee

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

I participated in early stages of the 2010 plan development.
I am involved in multiple projects involving a balance between opposing views.

Are there any issues you feel this board or committee should address, or should continue to address? _____

A balanced approach to citizens' concerns about planning.

3 YEAR

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK

- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY
Date Application Received: APR 04 2011
COUNCIL COMMITTEE ACTION: _____ DATE: _____
COUNCIL ACTION: _____ DATE: _____
 NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

town. I'm completely vested in the well being of this town that my great-great grandfather chose to raise his family in and which I'm hoping my 3 children will choose to do the same. Having worked for years in a professional position where compromise and open-mindedness were imperative, I feel I would be an asset to a committee that will be playing such an important role in the future of this great town.

Check One: Initial Application
 Reappointment Application



TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: McLaughlin Matthew M.
LAST FIRST MI

ADDRESS: 54 Carmel Rd. S. Hampden ME
STREET TOWN ZIP

MAILING ADDRESS (if different): Same

TELEPHONE: 207-862-8058 same
HOME WORK

EMAIL: mm/mclaughlin

OCCUPATION: Retired/Disabled vet

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Citizens Comprehensive Review

SECOND CHOICE (OPTIONAL): ---

How would your experience, education and/or occupation be a benefit to this board or committee? B.A. Education / BA Information Systems Tech,
Citizen Landowner Hampden

Are there any issues you feel this board or committee should address, or should continue to address? ---

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK

3 YEAR

- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: APR 06 2011
COUNCIL COMMITTEE ACTION:	_____	DATE: _____
COUNCIL ACTION:	_____	DATE: _____
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

April 5, 2011

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

**RE: Pine Tree Landfill
Report of Landfill Complaints**

Dear Susan:

During the Month of March 2011, no complaints were received pertaining to Pine Tree Landfill's operations.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 245.

Sincerely,



Tom Gilbert
Environmental Compliance Manager
Pine Tree Landfill

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.

Lurea Hot Pool

A-4-b

Board Meeting Minutes ~ 2/8/11

Cedena McAvoy brought the meeting to order at 7:00 pm.

Those present: Cedena McAvoy, Greg Hawkins, John Weinmann, David Hawkins, Pat Foley, Norm Stern, Darcey Peakall, and Julie Macleod. Not present: Karen Brooks, Mary Ellen Conner and Jim Feverston.

The secretary's minutes were accepted as presented.

The Director's Report:

~ The number of participants in January was down 224 people and daily receipts were down \$1,537 compared to last year. The pool was closed a few days due to snow storms.

~ The pool rental income in January was up \$676 compared to last year.

~ The monthly fuel usage went up 402.5 gallons compared to last year. January's cold temperatures affected the pool's oil usage.

Treasurer's report was tabled due to Jim's absence.

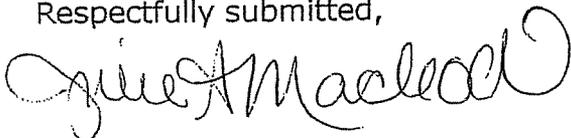
Darcey will be attending the next Services Committee to review the Susan Abraham Scholarship guidelines and to find out what changes they recommend. Darcey is waiting for the financial information from Jim.

Pat approached Texas Roadhouse about hosting a fundraiser for the pool. He passed out a packet of information and will email the group the rules and guidelines as soon as he receives them. The restaurant will give the pool board a table to have a raffle on and allow the pool to have informational handouts and schedules. The pool would receive 10% of the total income from every person that brings in the LHP coupon that will be passed out prior to that night. The board will vote on the fundraiser at the March meeting.

Darcey discussed the condition of the air handler and what is going to need to happen in the next few months. She suggested that the pool board should help to defray the total cost of the project by paying for the engineer to design the new unit. She has contacted other pools to see who they have used and if they are satisfied with their units. Greg will help Darcey with the research. The board will discuss it further at the March meeting.

Meeting adjourned at 7:40pm.

Respectfully submitted,



Julie A. Macleod

FINANCE COMMITTEE MEETING MINUTES

Monday, April 4, 2011

A-4-C

Attending:

Councilor William Shakespeare
Councilor Jean Lawlis
Councilor Tom Brann
Councilor Kristen Hornbrook
Mayor Janet Hughes

Town Manager Susan Lessard
Josh Faulkingham (Friendship, ME)

1. Review Minutes of 3/21/3011 – *The minutes of the 3/21/2011 meeting were reviewed. No changes were made.*
2. Warrants for Signature – *The warrants for payment of bills were signed. No changes were suggested.*
3. Old Business
 - a. Alewife Fishery – 2011 – *The Town Manager introduced Josh Faulkingham of Friendship to the Committee. Mr. Faulkingham had met with the Town Council in 2010 in regard to the Alewife Fishery in Hampden and at that time it was authorized for the Town Manager to work with Mr. Faulkingham to come up with a plan to improve the alewife habitat and restore the alewife fishery.*
Mr. Faulkingham explained that he had been in contact with the Department of Marine Resources in regard to the Alewife fishery on the Souadabscook. According to them, the fishery will be closed in 2012 for evaluation for several years. Mr. Faulkingham wishes to work with the Town and the DMR on this fishery for the next several years in order to be allowed to act as the Town's fishing agent and harvest alewives in future years. The first step in the process is for the Town to vote to retain the rights to the Alewife Fishery in Hampden and to notify the Department of Marine Resources of that fact prior to April 20, 2011. It was the consensus of the Committee that the Town should retain rights to the Alewife Fishery.
4. New Business - *None*
5. Public Comment - *None*
6. Committee Member Comments – *Councilor Shakespeare requested that the Auditors meet with the Finance Committee to review the 2010 audit. The Town Manager will contact the auditors and ask them to come to the May 2, 2011 Finance Committee meeting.*

*The meeting was adjourned at 6:30 p.m.
Respectfully submitted,*

*Susan Lessard
Town Manager*

TO: Hampden Town Council
 FROM: Sue Lessard, Town Manager
 DATE: April 6, 2011
 RE: Alewives

The purpose of this memo is to update the Town Council on actions related to Alewife Harvesting from 1990 forward. It also contains information regarding the process used for approvals required by the Department of Marine Resources, and information related to the action taken on 4/4/11.

The following is the action taken on alewives from 1990 - 2010 and the date on which it was taken:

<u>Date</u>	<u>Action</u>
3/19/1990	- Exclusive rights for the taking of alewives
4/1/1991	- Exclusive rights for the taking of alewives
4/6/1992	- Exclusive rights for the taking of alewives
3/15/1993	- Exclusive rights for the taking of alewives
2/7/1994	- Exclusive rights for the taking of alewives
4/3/1995	- Exclusive rights for the taking of alewives
4/1/1996	- Exclusive rights for the taking of alewives
4/21/1997	- Exclusive rights for the taking of alewives
2/17/1998	- Exclusive rights for the taking of alewives
4/5/1999	- Exclusive rights for the taking of alewives
2/7/2000	- Exclusive rights for the taking of alewives
5/14/2001	- To Adopt the Alewives Plan
2/25/2002	- To retain fishing rights with a closed season
2/18/2003	- To retain fishing rights with a closed season
4/20/2004	- To retain fishing rights and adopt recommended regulations
4/25/ 2005	- To retain fishing rights and the same plan as prior year
4/18/2006	- To adopt a moratorium on alewife fishery
3/5/2007	- To retain fishing rights and continue a moratorium
4/7/2008	- Voted to retain Fishing Rights -
4/22/2008	- Public Hearing to Adopt Alewife Ordinance - Ordinance adopted
3/16/2009	- To preserve fishing rights and continue fishing plan in same manner as 2008
4/20/2010	- Voted to preserve fishing rights and continue the fishing plan according to the 2010 Model Alewife Ordinance

I called the Department of Marine Resources to ask them about the model ordinance provision - when it became part of the fishing rights preservation, and what its purpose was. According to Michael Brown, the Department has always required a 'fishing plan' that identified the manner in which fish could be taken, and over what period of time, and the fact that the total catch must be reported to the State. This Model Ordinance is listed in the information provided by the Department of Marine Resources as a "guide for use in developing a local harvesting plan" and most communities use this 'guide' to define its harvesting

plan because it contains parameters that Marine Resources will accept as appropriate for a harvesting plan. It is not required that the harvesting plan be approved by the Town Council - what is required is that the Municipal Officers vote to preserve the fishing rights and that they notify the Department of Marine Resources with that decision and accompanying the request, there must be a harvesting plan.

As you can see, for the past 20 years the Town has been acting in mostly the same manner in requesting preservation of its fishing rights. In 2008, the Town went through the process of formally adopting the Alewives Harvesting Plan as an ordinance. According to our Town Attorney (see attached memo) that Harvesting Ordinance is still in effect and the Council's vote to request preservation of fishing rights and harvesting according to the 2011 regulations presented is valid because the Model presented is identical to what was approved in 2008 as the Alewife Harvesting Ordinance through the formal adoption procedure outlined in the Charter.

Going forward, the action of the Council in regard to Alewives should continue to be to request preservation of fishing rights. Unless the Harvesting Plan proposed by DMR changes, there is no need to reference the harvesting plan in the vote because that is governed by the Ordinance adopted in 2008.

I apologize for the confusion on this item.

Sue Lessard
Town Manager

FARRELL, ROSENBLATT & RUSSELL
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61 MAIN STREET
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BANGOR, MAINE 04402-0738

ANGELA M. FARRELL
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TELEPHONE (207) 990-3314
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e-mail: tar@frrlegal.com

MEMORANDUM

Date: April 6, 2011
To: Susan Lessard
From: Tom Russell
Re: Alewife Ordinance

As we discussed, I reviewed the Council agendas and minutes for 2007-2010, and the Council packets for 2008-2010. At the March 5, 2007 council meeting, the Town Council voted to maintain its fishing rights for alewives and to continue with the moratorium on alewife fishing.

The alewife fishing rights, including George LaPointe's Memo dated January 2008 and a Model Alewife Ordinance – 2008 was on the agenda for the April 7, 2008 council meeting. The Memo explained that towns with alewife fishing rights must take annual action to retain those rights, and must have a plan on how the harvesting of alewives will be carried out, which plan must be approved by the Commissioner of Marine Resources. The Memo also described the minimum requirements of the plan, and stated that the Model Ordinance was enclosed as a guide to be used in developing a local harvesting plan. The Model Ordinance contained the minimum requirements for a harvesting plan. The minutes for that meeting indicate that the Conservation Commission had determined that it was appropriate to re-establish the alewife fishing. Councilor Brann introduced the Model Ordinance for public hearing at the next council meeting. The matter was on the April 22, 2008 agenda as Item C-1-a under Public Hearings, and the minutes indicate that the hearing was held on April 22nd, and after the hearing the Council voted to adopt the Ordinance. Therefore, at that point, the Town had effectively adopted a harvesting plan through the enactment of the Ordinance. The Ordinance did not contain a sunset provision, so it is still in effect.

The alewife fishing rights was on the New Business section of the agenda for the March 26, 2009 council meeting as Item 4-e, and the council packet included the January 2009 Memo from Mr. LaPointe. The 2009 version of the Model Ordinance was not in the packet. The minutes for the March 16th meeting indicate that the Council voted "to preserve alewife fishing and continue the alewife fishing plan in the same manner as last year."

The alewife fishing rights was on the New Business section of the agenda for the April 20, 2010 council meeting, and a copy of the Model Alewife Ordinance – 2010 was included in the packet. The Ordinance was not introduced for hearing, and the Council voted on April 20, 2010 “to preserve alewife fishing rights and continue the alewife fishing plan according to the 2010 Model Alewife Ordinance.” I do not interpret that vote as adopting the 2010 Model Alewife Ordinance. Rather, the Council voted to continue the alewife fishing plan according to the provisions of the referenced 2010 Model Ordinance contained in the packet, the provisions of which were identical to the provisions of the Ordinance adopted on April 22, 2008.

The alewife fishing rights was on the New Business section of the agenda for the April 4, 2011 council meeting as Item 4-a, and a copy of the Model Alewife Ordinance – 2011 was included in the packet. Since the document was entitled as an ordinance, I raised the issue concerning the Charter procedure to enact an ordinance. Now that I have reviewed the history of this matter, it is clear that we still have a harvesting plan in effect by virtue of the 2008 Ordinance, and since the provisions of the 2011 Model Alewife Ordinance are identical to the provisions of the Ordinance adopted by the Council on April 22, 2008, there was no need to adopt the 2011 version of the Model Alewife Ordinance. Since the motion approved on Monday was virtually identical to the motion passed at the April 20, 2010 meeting, except that the word “Ordinance” in the 2011 Model Ordinance was changed to “Regulations”, I think the vote was valid because the Town already has a harvest plan as adopted in 2008, the provisions of which are identical to the provisions of the 2011 Model. As explained in Susan Lessard’s Memo, the State apparently does not require an annual vote by the legislative body to adopt the harvesting plan anew each year, it just requires an annual vote to retain the alewife fishing rights, evidence of which must be submitted to the State, along with a copy of the harvesting plan. In essence, the reference to the Model in Monday’s night vote was superfluous and unnecessary.

It is my opinion that as long as the Department of Marine Resources continues to use the same Model Ordinance, which it provides as a guide for the development of an acceptable local harvesting plan, there is no need to re-adopt a new ordinance each year, as the Ordinance adopted on April 22, 2008 is still in effect and contains the required elements of a harvesting plan. At such time as the Department provides a different guide for a local harvesting plan with different requirements, the Town would need to amend the 2008 Ordinance, or replace it, to comply with any new guidelines.

The Town of Hampden hereby ordains:

TOWN OF HAMPDEN
Code of Ethics

Section 1. Statement of Purpose. The purpose of this Ordinance is to establish ethical standards of conduct for town officials by setting forth those acts or actions that are incompatible with the best interests of the Town of Hampden, and by requiring disclosure of certain interests of town officials in matters affecting the Town.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

Confidential Information: any information, oral or written, 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.A. § 405 et seq. 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.

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

Immediate Family: Spouse, parents and children.

Special Interest: a direct or indirect interest having a peculiar benefit to an individual or an identifiable group, whether economic or otherwise, which benefit would accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval of any application by the Town Council or any committee, board or commission of the Town, and which interest is not shared by the general public.

Town Official: an employee of the Town, or a member of the Town Council or any committee, board or commission of the Town.

Section 3. Conflicts of Interest.

A. Deliberation and vote prohibited. No town councilor, committee member, board member or commission member shall, in such capacity with the Town, participate in the deliberation or vote, or otherwise take part in the decisionmaking 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 an interest held by the public generally.

B. Disclosure of conflict. Any town councilor, committee member, board member or commission member 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, committee member, board member or commission member is present. Additionally, any town councilor, committee member, board member or commission member who believes that any fellow town councilor, committee member, board member or commission member, or a member of such fellow town councilor's, committee member's, board member's or commission member'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 interest, and the town clerk or his or her designee shall make a record of such disclosure.

C. Determination of conflict. Once the issue of conflict has been raised relative to an individual town councilor, committee member, board member or commission member and disclosure has been made as provided above, such individual's fellow town councilors, committee members, board members or commission members 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, committee member, board member or commission member present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual councilor's, committee member's, board member's or commission member'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 committee may later be reviewed by the full body of which the committee is a part upon that body's consideration of the same agenda item.
- (2) Upon determination that a conflict of interest in fact exists, the town councilor, committee member, board member or commission member concerned shall be excused from participating in any discussion, deliberation or vote on the relevant agenda item.
- (3) In lieu of the vote required by this Subsection, the Town Council, committee, board or commission, upon motion and by majority vote, may defer the conflict of interest question in order to require further information not immediately available or may require confirmation of information disclosed, so that consideration of the relevant agenda item shall be postponed to a more 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 not participate in the consideration or discussion of the agenda item on which he or she has a conflict. 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 the 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, committee member, board member or commission member 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.

Section 4. Political Activities. No town employee, town councilor, committee member, board member or commission member 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 employee, town councilor, committee member, board member or commission member 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, committee member, board member or commission member 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 employee, town councilor, committee member, board member or commission member from participating in the political process in their private capacity as candidates for elected office or as private citizens.

Section 5. Incompatible employment or office. No town employee, town councilor, committee member, board member or commission member shall occupy any other office, elected or appointed, in any other 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 councilor, committee member, board member or commission member 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;

B. Where one office is subordinate to the other;

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 other provisions of law.

Section 6. Personnel Matters.

A. No town councilor, committee member, board member or commission member shall participate, by means of deliberation, approval or disapproval or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for town employment or town employee where said applicant or employee is:

- (1) A member of the councilor's, committee member's, board member's or commission member's immediate family; or
- (2) A person with whom either the councilor, committee member, board member, commission member, or a member of his or her immediate family, is in business.

B. Except as authorized under the Town's Personnel Rules and Regulations, no town employee shall participate, by means of deliberation, approval or disapproval or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for town employment or town employee where said applicant or employee is:

- (1) A member of the town employee's immediate family; or
- (2) A person with whom either the town employee, or a member of his or her immediate family, is in business.

~~Action by a town employee shall be deemed authorized under this subsection when such action is permitted under the Town's Personnel Rules and Regulations or when the town council has waived those rules so as to allow creation of a supervisory relationship that would otherwise violate the Personnel Rules.~~

Section 7. Gifts. No town councilor, employee, board member, committee member or commission member shall directly or indirectly solicit any gift, or accept or receive any gift whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could reasonably be inferred the gift was intended as influence, or could reasonably be expected to influence, in the performance of official duties, or was intended as a reward for any official action on the part of said employee, councilor, committee member, board member or commission member. The foregoing is not intended to prohibit normal social practices where gifts from friends, associates and relatives are appropriate for certain occasions.

Section 8. Investments in Conflict with Official Duties. No town councilor, employee, board member, committee member or commission member shall invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction which would create an ongoing conflict with one's official duties.

Section 9. Confidential Information. No town councilor, employee, board member, committee member or commission member shall, without proper legal authority, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance his or her financial or private interest or the financial or private interest of others.

Section 10. Penalties. Any person who violates a provision of the 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 body of which the person is a member, after notice and hearing conducted by that body.

Section 11. Board of Ethics.

A. There is hereby created and established a Board of Ethics consisting of three (3) regular members and two (2) alternate members who shall hold no other office or employment with the Town. All members shall be residents of the Town, and shall be appointed by the Town Council. The terms of office for all members shall be three (3) years, provided, however, that those first appointed may be appointed for shorter terms to create staggered terms. The Board shall annually elect a chairperson and secretary, and may adopt rules for the conduct of its business. The chairperson shall designate an alternate member to participate and vote in Board proceedings if a regular voting member is incapable or unavailable to serve or is disqualified from participation because of a conflict of interest.

B. The Board shall have the authority to issue advisory opinions on questions referred to it relating to conflicts of interest under Section 3 or the incompatibility of employment or office under Section 5.

C. When a public official does not voluntarily refrain from participation in a matter and there is a question as to the existence of a conflict of interest under the provisions of Section 3 or there is a question of the existence of an incompatibility of office under Section 5, the matter may be referred to the Board for an advisory opinion on the matter in accordance with the following:

- (1) A public official may request that the question of whether he or she has a conflict of interest or holds an incompatible office be referred to the Board,

- (2) Two or more members of a town body may request that the question of whether a member of that body has a conflict of interest or holds an incompatible office be referred to the Board, or
- (3) A resident of the Town may request that the question of whether a member of any town body has a conflict of interest or holds an incompatible office be referred to the Board.

D. Any request for a referral to the Board and the reasons therefor shall be submitted in writing to the town clerk or his or her designee, and shall be placed on the council agenda for the next available regularly scheduled meeting of the Town Council. Upon a vote of two-thirds (2/3) of the members of the Town Council present and voting, the matter subject to the request shall be referred to the Board for an advisory opinion.

E. Upon referral, the Board shall provide notice of and conduct a hearing on the matter or question referred to it. Upon conclusion of the hearing, the Board shall conduct its deliberations on the matter or question referred to it, and shall issue a written advisory opinion on the same. The opinion shall be filed with the town clerk, or his or her designee, and a copy shall be provided to the affected public official and the chairperson of the town body of which the public official is a member.

Section 12. Severability. If any provision of this Ordinance is held to be invalid by a court, such invalidity shall not affect any other provision of this Ordinance.

Adopted: 5-15-00

Effective: 6-14-00

**TOWN OF HAMPDEN
PUBLIC SAFETY DEPARTMENT**

**POLICE CRUISER
BID SHEET**

March 31, 2011
12:00 p.m.

BIDDER	VEHICLE	BID AMOUNT
Stoneham Motor Company	Crown Victoria	\$23,480.00
Quirk – Augusta	2011 Ford Police Interceptor	\$22,189.00
Quirk – Augusta	2011 Ford Expedition	\$28,645.00
Quirk - Augusta	2011 Chevrolet Tahoe	\$29,980.00
O'Connor's	2011 Chevrolet Caprice	\$25,379.00
O'Connor's	2011 Chevrolet Tahoe	\$29,982.00
Pratt Chevrolet	2011 Chevrolet Tahoe	\$29,995.00
Pratt Chevrolet	2011 Chevrolet Caprice	\$25,564.00
Central Maine Motors	2011 Chevrolet Caprice	\$27,801.58
Central Maine Motors	2011 Chevrolet Tahoe	\$30,947.98
Darling's Ford	2011 Ford Interceptor	\$21,888.00
Darling's Ford	2011 Ford Expedition	\$28,777.00