A-2-a

TOWN COUNCIL MINUTES

JUNE 2, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 2, 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, Andre Cushing, Shannon Cox and Edward Murphy. Andrew Colford was excused.

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Chip Swan, Public Safety Director Joseph Rogers, Pool Director Darcey Peakall, Library Director Debbie Lozito and Recreation Director Kurt Mathies

A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. The Consent Agenda was accepted without objection.

Councilor Colford was unable to attend the meeting and had requested an excused absence - Councilor Cushing so moved; Councilor Brann seconded the motion and vote was unanimously in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. JUNE 10, 2008 PRIMARY/REFERENDUM ELECTION

Town Clerk Denise Hodsdon reminded everyone that there is a State Primary/Referendum Election and School Budget Referendum Election on June 10th. The polls will be open from 8:00 am to 8:00 pm. The Election Clerk schedule has been set for this election, but Denise indicated that

additional election clerks will be needed for the election in November and asked anyone interested in serving in that capacity to contact her at the Town Office.

b. APPOINTMENTS COMMITTEE RECOMMENDATIONS:

1. SCOTT LUCIANO – PERSONNEL APPEALS BOARD
2. MIKE LABUN – RECREATION COMMITTEE

Manager Lessard reported that the Appointments Committee has interviewed the two candidates and is recommending appointment of both. Motion by Councilor Arnett, seconded by Councilor Cushing to appoint Scott Luciano to the Personnel Appeals Board and Mike Labun to the Recreation Committee – unanimous vote in favor.

3. UNFINISHED BUSINESS

There was none.

4. NEW BUSINESS

a. DENNIS PAPER PROCLAMATION – 100 YEARS IN BUSINESS

Dennis Paper Company has been in business for 100 years and is now located in Hampden. There will be a celebration in the near future and a Proclamation from the Council will be presented to them at that time. Motion by Councilor Arnett, seconded by Councilor Cox to endorse the proclamation as proposed – unanimous vote in favor.

5. BUDGET

a. 20-20 LURA HOIT POOL

20-20-15-10 FUEL

Pool Director Darcey Peakall said that given the increase in fuel costs, this line item would probably need to be increased from $73,185.00 to $85,000.00. Motion by Councilor Arnett, seconded by Councilor Brann to increase this line item to $85,000.00 – unanimous vote in favor.

With the above adjustment, the new proposed total budget is $360,528.00.

b. 20-01 RECREATION

No change was made to the proposed total amount of $124,942.00.

c. 20-10 DYER LIBRARY

No change was made to the proposed total amount of $230,163.00.

d. CAPITAL RESERVES

Manager Lessard prepared a Capital Plan for the various departments from 2009 through 2018 for the Council's review. The plan includes capital projects for each department for the next ten years and after considerable discussion, it was decided that this plan will be forwarded to the Finance Committee for further review and analysis. It was also decided that funding of reserve accounts for 2009 would be done the same way as has been done in the past. No change was made to the proposed total amount of $243,970.00.

D. COMMITTEE REPORTS

Councilor Cushing reported that the Committee on Committees met last week and is assessing the mission statements of the various citizen advisory committees. The committee is also looking at developing a training/information package for citizen advisory committee members. The next meeting will be June 12th at noon.

Councilor Cox reported that the Community Services Committee met and discussed the Friends of Dorothea Dix and the Prentiss & Carlisle proposal for the park. The next regular meeting will have to be rescheduled for another date.

Councilor Brann reported that the Comprehensive Planning Committee will meet following the next Community Services Committee meeting.

Councilor Arnett reported that the Communications Committee met and reviewed the editorial policy. The committee looked at the local cable television operation – the Town is part of a local consortium and the committee asked Manager Lessard to review the consortium's charter with other members of the consortium. Additionally, the Communications Community, in cooperation with the Dyer Library, Hampden Historical Society and the Reed's Brook School made application for a $10,000 grant from the Maine Historical Society under a project they have funded for Maine Community Heritage, which is focused on the idea of communities developing both oral histories and documents that can be posted on the website and shared with the community.

Councilor Arnett also reported that the Charter & Ordinance Committee met earlier this evening and continues to review the required shoreland zoning ordinance mandated by the State. The committee is in the process of reviewing a new segment of the Zoning Ordinance to accommodate water uses and continues to discuss the issue of when building permits may be granted.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Cushing informed the Council that Dana Edwards of Edwards Family Shop 'n Save has opened a new store in Unity. He also encouraged all 17-year olds to participate in the upcoming Primary Election.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:08 p.m.

Denise Hodsdon

Denise Hodsdon
Town Clerk

MANAGER'S REPORT
June 2, 2008

Right to Know Training Requirement – Per a new law passed in the last legislative session, all elected government officials in Maine are required to meet training requirements regarding Maine's 'Right to Know' law by November 1, 2008. For councilors, this requirement can be met by attending the Elected Officials Workshop in Bangor at Spectacular Events Center on June 17th (copy of brochure attached), or by going to the following website (www.maine.gov/foaa/index.htm), reviewing the information contained on the site and then filling out a form attesting to that fact that will be retained in the records here at the Town Office. Denise and I will be developing an appropriate form for this purpose.

Election Reminders – The School District Budget meeting is being held on Thursday, June 5, 2008 at the Hampden Academy new gym at 7 p.m. The referendum validation vote on that budget will be held on Tuesday, June 10th from 8 a.m. to 8 p.m. at the community room of the Town office in conjunction with the State primary and referendum elections.

Landfill Meeting – I have a meeting with Landfill officials on June 10th to discuss the possibility of an early closure for the facility. Instead of the last waste acceptance date being 12/31/08, it may be 06/30/08. The volume of waste allowed is determined by the allowed slope and that may be attained earlier than anticipated.

Hampden Business Association Meeting – A reminder that the next meeting of the HBA is at noontime on June 3rd at Fresh Ginger – which is tomorrow.

Replacement at Transfer Station – The new employee, Chris Everett, started at the Transfer Station on Sunday, June 1st. He was hired to replace Tom Colpitts who resigned to take another job. He comes to us with transfer station experience from another community.

Bangor Rescue Mission – Peter Webb from the Bangor Rescue Mission has indicated that the mission will no longer be accepting sex offenders into their program. While that is positive news for the neighborhood, there is nothing to prevent them from changing that policy at some time in the future. There are no sex offenders residing there at the present time.

Budget Adoption Hearing – The budget adoption public hearing will be held on Monday, June 16, 2008 as part of your regular council meeting on that date.

A-2-b

TOWN COUNCIL MINUTES

JULY 28, 2008

A special meeting of the Hampden Town Council was held on Monday, July 28, 2008 for the purpose of introducing a proposed Zoning Ordinance text amendment for public hearing. The meeting was called to order by Deputy Mayor Andrew Colford at 7:00 p.m.

Attendance: Deputy Mayor Andrew Colford, Edward Murphy, Andre Cushing, Shannon Cox, Matthew Arnett, Andrew Colford and Thomas Brann; Mayor Rick Briggs was absent;

Town Manager Susan Lessard and Town Planner Robert Osborne;

School Board Members Jonathan Henry, Timothy Pease, and Martha Harris; Building Committee Members Kathy Walker and Norman Prouty; Assistant Superintendent Emil Genest; and Hampden Academy Principal Ruey Yehle

The proposed Zoning Ordinance text amendments are to *Article 3.8.4 Residential B District Conditional Uses* to add institutional buildings in excess of 35 feet in height and to *Article 3.8.6 Special District Regulations* to allow institutional buildings up to 60 feet in height with additional setback requirements.

Motion by Councilor Brann, seconded by Councilor Arnett to introduce this item for public hearing on August 11, 2008 – unanimous vote in favor.

There being no further business, the meeting adjourned at 7:05 p.m.

Susan M. Lessard
Town Manager

4-3-a

YAHOO! MAIL Classic

AC grant approved! Thursday, July 31, 2008 2:47 PM

From: "Debbie Lozito" <debbie.lozito@edythedyer.lib.me.us>
To: lightlady_1@yahoo.com
Cc: "'Chip Swan'" <hampdenpw@tds.net>

Sue,
I have the letter of agreement from the Maine Library Commission awarding us $24,631.00 for the AC project.

As it turns out, the check will be made out the library and we pay the contractor. I have the invoice for $48,452.00. So the library reserve account will only have to pay out $23,821.00. Can the invoice just be paid, or does it have to go before the council again?

~Debbie

Debbie Lozito
Director
Edythe Dyer Community Library
269 Main Road North
Hampden, Maine 04444
207-862-3550

A-3-b

THE GRAHAM BUILDING 84 HARLOW STREET PO BOX 1401 BANGOR, MAINE 04402-1401
TELEPHONE 207.947.4501 FAX 207.941.9715 www.rudman-winchell.com

Rudman&Winchell

COUNSELORS AT LAW

ABRAHAM M. RUDMAN (1896-1970)
ALBERT H. WINCHELL, JR. (1924-1992)

August 1, 2008

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

RE: Freedom of Access Training Program for Municipal Officials

Dear Susan:

As the attorneys who comprise Rudman & Winchell's Municipal Law Team, we are pleased to extend the following invitation to you and the municipal officers of your Town.

Last year the Legislature enacted 1 M.R.S.A. § 412, which requires elected officials to complete a course of training relating to public records and proceedings within 120 days of taking office. For those officials already holding office as of July 1, 2008, the training must be complete by November 1, 2008. Officials subject to this requirement include, but are not limited to, municipal officers, clerks, treasurers, assessors, municipal budget committee members, water/sanitary district trustees, school officials, and school board members.

To facilitate compliance with the deadline for existing municipal officers, Rudman & Winchell's Municipal Law Team will host a free Freedom of Access Training Program for Municipal Officials. This training is designed to meet the requirements of 1 M.R.S.A. § 412(2) and will include instruction on the following topics:

- What is a public document?
- What must be done to comply with a request for a public record?
- What are the legal requirements relative to a public proceeding?
- When and how to call an executive session?
- What are the consequences and penalties for failure to comply?

We are offering training on Tuesday, September 9, 2008, and Thursday, September 18, 2008, at Bangor City Hall (located at 73 Harlow Street, Bangor), and on Wednesday, September 24, 2008, at Ellsworth City Hall (located at 1 City Hall Plaza, Ellsworth). All training sessions will begin at 7:00 p.m. and will last for approximately an hour and a half. **Space is limited**. To sign up, please R.S.V.P. by phone or email to Lynn McNamara at 947-4501 or lmcnamara@rudman-winchell.com.

We hope you will be able to join us.

Very truly yours,

Rudman & Winchell Municipal Law Team:

Edmond J. Bearor, Esq.
Timothy A. Pease, Esq.
April A. Bentley, Esq.
John K. Hamer, Esq.
Lynn E. McNamara, L.A.
Joseph D. McCarthy, Esq.
Robert W. Laffin, Esq.

Michael P. Friedman
Robert E. Sutcliffe
Paul W. Chaiken
David C. King
John W. McCarthy
Frank T. McGuire
Bruce C. Mallonee
Paul H. Sighinolfi
William H. Hanson
George F. Eaton, II
Edith A. Richardson
Michael M. McAleer
Edmond J. Bearor
Curtis E. Kimball
Brent A. Singer
Leigh McCarthy
Anne-Marie L. Storey
Anthony D. Pellegrini
Christopher J. Austin
Hans S. Peterson
Debra A. Reece
Timothy A. Pease
Robert W. Laffin, Jr.
John K. Hamer
Charles F. Budd, Jr.
Wendy A. Brown
F. David Walker, IV
April A. Bentley
Joseph D. McCarthy

Of Counsel
Gerald E. Rudman
Paul L. Rudman
Phillip D. Buckley
Winfred A. Stevens
Robert S. Lingley
Nathan Dane III

4-3-c

PINE TREE LANDFILL

July 17, 2008

Susan Lessard
Town Manager
Municipal Building
106 Western Avenue5r
Hampden. ME 04444

Dear Susan:

The enclosed host fee payment of $65,655.69 represents the period June 2008, during which 35,490 tons were disposed at PTL.

As always, please give me a call if you have any questions about the landfill.

Sincerely,

Donald Meagher

Enc: Host community benefit check

358 EMERSON MILL ROAD • HAMPDEN, MAINE 04444 • TEL.: 207-862-4200 • FAX: 207-862-4207

4-3-d

Bangor Area Local 536
American Postal Workers Union, AFL-CIO
P.O. Box 1233, Bangor, Maine 04402

Tuesday, July 22, 2008

Dear U.S. Postal Customer,

I am an Electronics Technician and the President of Bangor Area Local 536 of the APWU. I am employed at the Eastern Maine Processing and Distribution Facility located in Hampden, Maine. I write this letter to voice my concerns over plans by the U.S. Postal Service to send the mail that we currently process for distribution to Southern Maine Processing and Distribution Center in Scarborough, Maine for Processing. At EMP&DF we have always processed the mail for zip codes that begin with 044, 046, 047 and 049 and pride ourselves in providing excellent service to our customers. Effective August 11, 2008 the USPS will be shipping all standard class flat mail to SMP&DC for processing and are currently considering taking even more mail. The plans to process the 044, 046, 047 and 049 mail in Scarborough would have an adverse effect on mail delivery. The mail is shipped by truck between EMP&DF and SMP&DC and the extra travel time would add an automatic 1 day to the delivery process in the best case scenario. The employees here at EMP&DF do not feel that this is in the best interest of the customer. We of course would suffer job losses here in an already troubled economy. The USPS claims the purpose of this is for improving operational efficiency and/or service, we feel service should be the most important factor in any determination that the USPS makes. We hope that as a customer you will not stand for this and you will let your voice be heard. I firmly believe that the USPS is the best delivery service in existence and in no way is this letter meant to dissuade you from using the USPS for your delivery purposes. I have listed the USPS officials making the decision along with their contact numbers with the hopes that you will let them know that you, as a customer, should be the most important consideration on any decision made when it comes to mail processing and delivery. Thank you for your time and attention in this matter.

Sincerely,

Richard B. Reed Jr.

Susan Rogers
Lead Plant Manager
SMP&DC
79 Postal Service Way
Scarborough, ME 04074
(207)510-2798

Bill Boughton
District Manager
Maine
151 Forest Ave.
Portland, ME 04101
(207)482-7109

Timothy Haney
Area Vice President
Northeast Area Office
6 Griffin Road N.
Windsor, CT 06006-7010
(860)285-7040

Sue

A-3-e

EMPLOYEE BARBECUE
TUESDAY, AUGUST 12, 2008
5:00 P.M.
At the
POOL RECREATION FIELD

There is a playground and volleyball field available for our use.

Bring your family and bring a salad or dessert.

In case of rain, we will be inside at the Community Room of the Public Safety Building.

Please let us know how many will be coming and whether you what food you will bring. Call Rosemary (Ext.146) or Vivian (Ext.144).

4-4-a

Lura Hoit Pool

Board Meeting Minutes ~ 6/10/08

Dan Brooks brought the meeting to order at 7:00 pm.

Those present: Dan Brooks, Cedena McAvoy, Norman Stern, Kim McNutt, Whitey Miller, Karen Brooks, Mary Ellen Conner, Garry Greene, Darcey Peakall, and Julie Macleod. Not present: Jim Feverston

The secretary's minutes were accepted as presented.

The treasurer's report was tabled and Jim will email the reports to all the members to review.

Darcey reported that 189 participants are currently taking swim lessons in session V and a total of 833 participants have participated since session I. Fuel usage is down by 187 gallons from April to May; pool rental numbers are up 165 people with an increase of $518.00 and the total number of pool participants is up 274 people compared to May of 2007. Darcey informed the board that the first two recipients of the Kiwanis $500.00 scholarship money are currently taking swim lessons this session and that she has applications to begin lessons next session.

Darcey went before the Town Council on June 2nd to present her budget and it will cost $360,713.00 to run the pool with an $80,000.00 fuel projection cost. Darcey was asked to raise prices across the board and for the new pricing to be implemented starting the fall session. Norm watched the Town Council meeting on channel 7 and thought that Darcey's presentation was excellent and that the pool has full support from the council members.

The thank you notes from the Susan Abraham Benefit have been sent out with the exception of 36 cards and those will go out as soon as more are printed.

A motion was made to add a second board member to be an authorized signatory on the Lura Hoit Pool Board of Trustees accounts. It was recommended that the current chair of the Pool Board be the other signatory. The motion was passed with an 8-0 vote.

In Jim's absence, he left word that he will be emailing the board the copy of the Memorandum of Understanding and he would like input on the draft.

Norm does not think that the pool board should be spending any more time on fundraising for the Susan Abraham Scholarship. A motion was made that as of July 1, 2008, the pool Board of Trustees will not be actively soliciting in the name of Susan G. Abraham Scholarship Fund, which will be considered fully endowed for its purpose. The motion was passed with an 8-0 vote.

A motion was made to authorize up to $500.00 from the Scholarship Fund to be made available for the use of Susan Lessard and Mr. & Mrs. Abraham for designing and purchasing a recognition plaque with assistance of the Board of Trustees if requested. The motion was passed with a 7-0 vote. (Norm abstained)

A motion was passed with an 8-0 vote that the Lura Hoit Pool will not be hosting the flea market this year. Norm would like the board to begin to look at fundraising as a long-term goal for improving the aesthetics of the pool. He would like the board to

A-4-b

Rapid Renewal Transaction Volume Summary
Town of Hampden: Transaction date >= 20080701 and < 20080801

Payment Method	Transaction Count	Transaction Amount	Processing Fees
Credit/Debit Card	0	0.00	0.00
Electronic Check	55	10211.80	0.00
TOTAL	55	10211.80	

Class Code Summary

Class	Count
BB	1
CR	2
MC	3
PC	49

Rapid renewal
July 2008

A-4-C

August 6, 2008 AMBULANCE COLLECTION WORKSHEET FISCAL YEAR STATUS

MONTH 2007-2008	#RUNS	AMOUNT BILLED	AMOUNT ALLOWED	AMOUNT COLLECTED	AMOUNT OUTSTANDING	PERCENT COLLECTED
JULY	25	$ 12,015.00	8919.27	7987.77	931.50	89.56
AUGUST	38	$ 19,085.00	14077.41	12800.39	1277.02	90.93
SEPTEMBER	30	$ 14,965.00	11428.21	10223.21	1205.00	89.46
OCTOBER	38	$ 18,615.00	15261.26	13297	1964.26	87.13
NOVEMBER	36	$ 15,920.00	11514.32	10773.94	740.38	93.57
DECEMBER	33	$ 17,570.00	14450.93	12739.54	1711.39	88.16
JANUARY	25	$ 21,090.00	15499.44	12503.62	2995.82	80.67
FEBRUARY	36	$ 14,685.00	12724.49	10763.98	1960.51	84.59
MARCH	30	$ 12,360.00	9795.87	8805.87	990	89.89
APRIL	36	$ 17,015.00	12990	11253.54	1736.46	86.63
MAY	46	$ 23,860.00	15764.26	11591.06	4173.2	73.53
JUNE	36	$ 23,519.00	20723.53	4208.95	16514.58	20.31
TOTAL	409	$ 210,699.00	163148.99	126948.87	36200.12	77.81

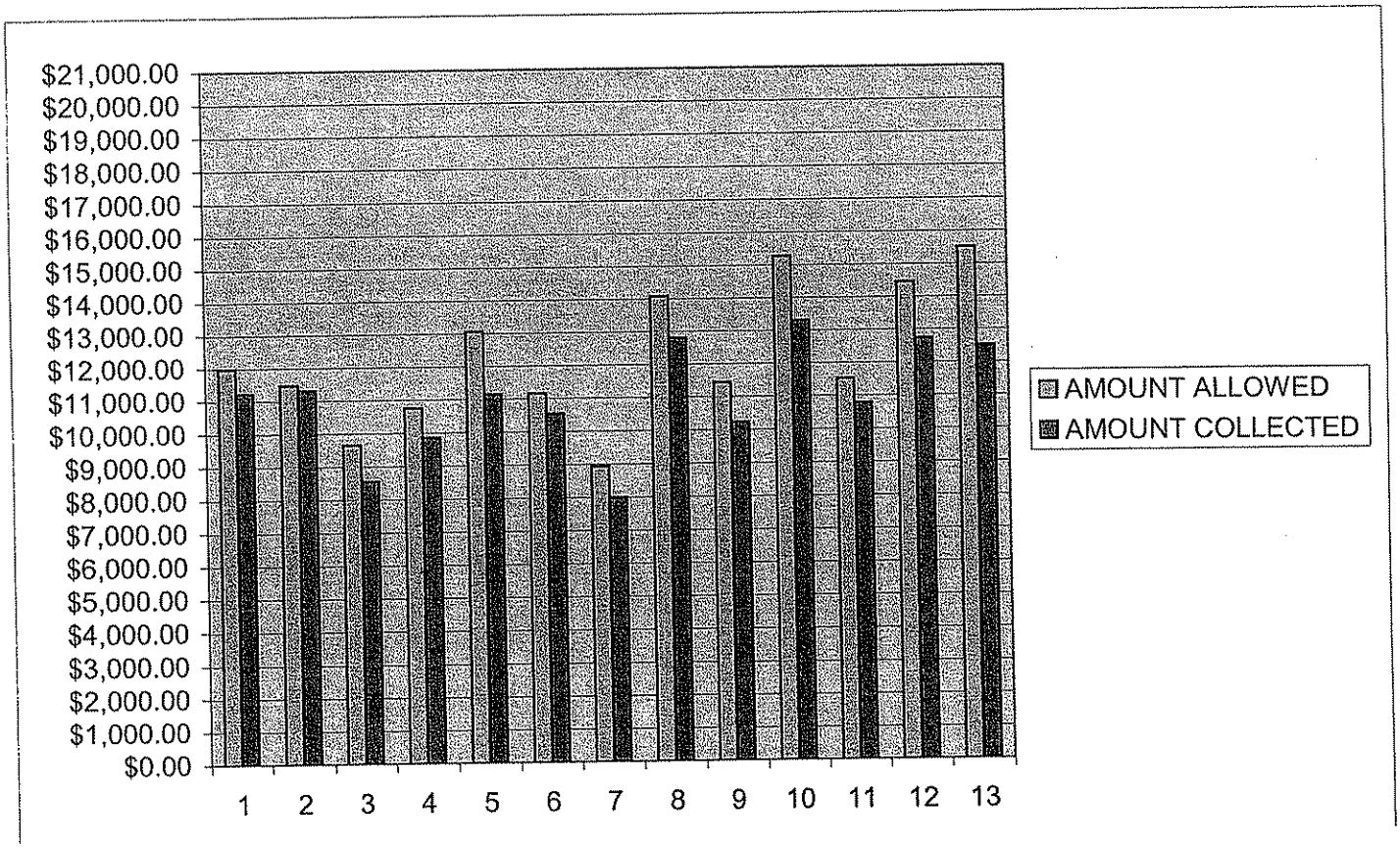
August 6, 2008 AMBULANCE COLLECTION WORKSHEET CURRENT YEAR STATUS

MONTH 2008	#RUNS	AMOUNT BILLED	AMOUNT ALLOWED	AMOUNT COLLECTED	AMOUNT OUTSTANDING	PERCENT COLLECTED
JANUARY	25	$21,090.00	$15,499.44	$12,503.62	$2,995.82	80.67
FEBRUARY	36	$14,685.00	$12,724.49	$10,763.98	$1,960.51	84.59
MARCH	30	$12,360.00	$9,795.87	$8,805.87	$990.00	89.89
APRIL	36	$17,015.00	$12,990.00	$11,253.54	$1,736.46	86.63
MAY	46	$23,860.00	$15,764.26	$11,591.06	$4,173.20	73.53
JUNE	36	$23,519.00	$20,723.53	$4,208.95	$16,514.58	20.31
JULY					$0.00	#DIV/0!
AUGUST					$0.00	#DIV/0!
SEPTEMBER					$0.00	#DIV/0!
OCTOBER					$0.00	#DIV/0!
NOVEMBER					$0.00	#DIV/0!
DECEMBER					$0.00	#DIV/0!
TOTAL	209	$112,529.00	$87,497.59	$59,127.02	$28,370.57	67.58

August 6, 2008

AMBULANCE COLLECTION WORKSHEET

MONTH 2007	#RUNS	AMOUNT BILLED	AMOUNT ALLOWED	AMOUNT COLLECTED	AMOUNT OUTSTANDING	PERCENT COLLECTED
JANUARY	31	$15,725.00	$11,980.27	$11,226.13	$754.14	93.71
FEBRUARY	36	$16,440.00	$11,470.41	$11,305.31	$165.10	98.56
MARCH	30	$13,160.00	$9,644.38	$8,544.38	$1,100.00	88.59
APRIL	28	$13,575.00	$10,745.86	$9,845.86	$900.00	91.62
MAY	33	$17,165.00	$13,056.54	$11,137.69	$1,918.85	85.30
JUNE	28	$13,430.00	$11,152.20	$10,527.20	$625.00	94.40
JULY	25	$12,015.00	$8,919.27	$7,987.77	$931.50	89.56
AUGUST	38	$19,085.00	$14,077.41	$12,800.39	$1,277.02	90.93
SEPTEMBER	30	$14,965.00	$11,428.21	$10,223.21	$1,205.00	89.46
OCTOBER	38	$18,615.00	$15,261.26	$13,297.00	$1,964.26	87.13
NOVEMBER	36	$15,920.00	$11,514.32	$10,773.94	$740.38	93.57
DECEMBER	33	$17,570.00	$14,450.93	$12,739.54	$1,711.39	88.16
JANUARY '08	25	$21,090.00	$15,499.44	$12,503.62	$2,995.82	80.67
FEBRUARY '08	36	$14,685.00	$12,724.49	$10,763.98	$1,960.51	84.59
MARCH '08	30	$12,360.00	$9,795.87	$8,805.87	$990.00	89.89
APRIL '08	36	$17,015.00	$12,990.00	$11,253.54	$1,736.46	86.63
MAY '08	46	$23,860.00	$15,764.26	$11,591.06	$4,173.20	73.53
JUNE '08	36	$23,519.00	$20,723.53	$4,208.95	$16,514.58	20.31
TOTAL	595	$300,194.00	$231,198.65	$189,535.44	$41,663.21	81.98



C-1-a

TO: **Hampden Town Council**
FROM: **Robert Osborne, Town Planner** RLO
SUBJECT: **Draft Zoning Ordinance text amendments for Building Height Limits for Institutional Buildings in the Residential B District.**
DATE: **July 24, 2008**

On July 23, 2008 the full Hampden Planning Board and Town Council Charter and Ordinance Committee reviewed the subject referred Zoning Ordinance amendment. After discussion the two groups recommended a change that would make institutional buildings over 35 feet in height a conditional use in the Residential B District. This was thought to be consistent with a similar provision in the Industrial Park District. They also recommended that references to public school be deleted from the proposed Special District Regulation that would allow institutional buildings in excess of 35 feet in height.

Based on those changes the full Planning Board voted unanimously to recommend "ought to pass" for the proposed zoning text amendment.

Based on those changes the Charter and Ordinance Committee voted unanimously to recommend "ought to pass" for the proposed zoning text amendment.

The draft amendment establishes a maximum height limit for institutional buildings in the Residential B district of 60 feet. It follows the precedent established in the Interchange District for the buildings with heights in excess of 35 feet by placing additional setback requirements on front, side and rear yard setback areas. Thus, at the minimum setback line the building can be 35 feet tall, and for each foot taller the building is proposed it must be set back one additional foot.

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.8. Residential B District

3.8.1. Purpose - These areas are designated for a mixture of residential uses: single family, multi-family, and mobile home parks, developed as either individual lots, conventional subdivisions or cluster subdivisions. In addition, the RB District shall allow certain low impact nonresidential uses.

3.8.2. Deleted - *(Amended 12-05-05, Effective 01-04-06)*

3.8.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwellings, certified manufactured homes, home day care (subject to *Article 4.19*), accessory uses and structures; non commercial parks or playgrounds, essential service, congregate care facility, public schools, multi-family structures, multi-family attached structures, elderly housing, mobile home parks (subject to *Article 4.13.3*) home occupation (subject to *Article 4.10*),. *(Amended: 8-22-94, 1-21-97) (03-21-05)*

3.8.4. Conditional Uses (Subject to Site Plan Review) - Day care facility (subject to *Article 4.19*), churches, non-profit schools, funeral homes, community buildings, community facilities, nursing homes, institutional buildings in excess of 35 feet in height, buildings necessary for essential services, animals other than usual household pets provided the premises consists of at least 2.5 acres, and animals shall be kept a minimum of fifty (50) feet from any property line. *(Amended: 8-22-94) (Amended: 12-04-01) (03-21-05)*

3.8.5. Lot Dimensions

		Public Sewer & Water		On-Site Waste Disposal
Minimum Lot Area	-	16,500 sq. ft.	-	25,000 sq. ft.
Minimum Road Frontage	-	100 feet	-	125 feet
Minimum Setbacks:				
Street Yard	-	25 feet	-	30 feet
Other Yards	-	20 feet*	-	30 feet
Maximum Ground Coverage	-	25 percent	-	25 percent
Maximum Building Height	-	35 feet	-	35 feet

(Amended 12-05-05, Effective 01-04-06)

*Any lawfully existing lot of record situated in a Residential B District containing road frontage of 100' or less as of July 3, 1991 which is served by public sewer may be developed for single family dwellings and accessory structures with minimum side yards of not less than 10' each. Any such lots containing between 100' and 120' of road frontage may be developed for single family dwellings and accessory structures with minimum side yards of 10' each, plus .5' per side yard for each foot of road frontage in excess of 100'. *(Amended 7-6-92)*

Notwithstanding the above requirements, accessory structures which are not attached to a principal building may be located on a lot in accordance with the following:

Accessory Structures Ground Floor Area		Up to 250 Square Feet
Maximum Height	-	16 feet
Minimum Other Yard	-	5 feet

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. *(Amended: 10-3-94)*

3.8.6. Special District Regulations

1. No multi-family structures, cluster developments, and group developments in the RB District shall be established without public sewer and water service. Notwithstanding this regulation a single multifamily structure may be established with public water only

2. A single multi-family structure of up to six units may be located in areas with public water only provided that an additional 10,000 sq. ft. of lot area is provided for each dwelling unit over the base lot area requirement. Adequate area must be provided for an approved on-site waste disposal design and for an approved replacement on-site waste disposal system design.

3. Any combination of multi-family structures shall be allowed provided the maximum gross density does not exceed five (5) units per acre, nor shall any structure contain more than ten (10) units.

4. For multi-family structures in excess of four (4) units, the required yards shall be increased by two (2') feet per unit over four (4).

5. For churches, schools, funeral homes, community buildings, nursing homes and congregate care facilities, which abut an existing residential use or district shall increase the required other yard(s) setback by fifty 50% along the applicable property line(s). *(Amended: 1-16-96)*

6. Nursing homes shall not exceed a density of twenty-five (25) beds per acre.

7. No churches, schools, funeral homes, or community buildings shall be established unless it has public sewer and water service and access from, and frontage on an arterial street.

8. Notwithstanding the maximum building height regulation herein building height for institutional uses may be up to 60 feet maximum height under the following condition: Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each base yard setback requirement.

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result 60 – 35 = 25.

		Minimum Setbacks:	Modified Setback
Street Yard	-	25 feet	50 feet
Other Yard	-	20 feet	45 feet

C-1-b

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE VARIOUS SEWER PROJECTS, INCLUDING THE CONSTRUCTION, RECONSTRUCTION, REPLACEMENT OR REPAIR OF SEWER LINES, MANHOLES AND APPURTENANCES, STORMWATER SEPARATION FACILITIES AND OTHER INFRASTRUCTURE IMPROVEMENTS TO THE TOWN OF HAMPDEN SEWER SYSTEM THROUGH ISSUANCE OF GENERAL OBLIGATION BONDS OR NOTES OF THE TOWN OF HAMPDEN WHICH MAY BE CALLABLE IN THE PRINCIPAL AMOUNT NOT TO EXCEED $1,850,000.

The Town of Hampden hereby ordains as follows:

Section 1. That pursuant to Section 5772 of Title 30-A, Maine Revised Statutes, as amended, the Charter of the Town and any other applicable authority under Maine law, the Town of Hampden is hereby authorized to borrow a principal amount not to exceed in the aggregate of One Million Eight Hundred Fifty Thousand Dollars ($1,850,000), said amount to be payable over a period not to exceed thirty (30) years, at such interest rates and on such further terms and conditions as may be approved by the Treasurer and a majority of the Town Council, the proceeds of said loan to be used substantially for various sewer projects, including the construction, reconstruction, replacement or repair of sewer lines, manholes, stormwater separation facilities and other infrastructure improvements to the Town of Hampden Sewer System, said loan to be evidenced by the General Obligation Bond or Bonds of the Town to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council (the "Bond") in a principal amount not to exceed $1,850,000. The Bond may be subject to call for redemption as determined by the Town Treasurer and majority of the Town Council.

Section 2. That in anticipation of the receipt of the Bond proceeds for the Project, pursuant to the Charter of the Town and Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine, the Town of Hampden is hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority at least of the Town Council a principal amount not to exceed One Million Eight Hundred Fifty Thousand Dollars ($1,850,000) and in evidence thereof to execute and deliver one or more General Obligation Bond Anticipation Notes (the "Note") of the Town for a period not to exceed one year and to bear interest at such rate and said note to be subject to such further terms and conditions as the Town Treasurer and a majority at least of the Town Council shall approve, and said Note, together with interest thereon, to be a general obligation of the Town, and intended to be repaid from the Bond, said Note to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council, and such Note may be refunded from time to time for a period not to

exceed an aggregate of three years, with proceeds to be used to provide temporary funds to accomplish the Project.

Section 3. That the Town Treasurer, Mayor or other officers designated by the Town Council be and each of them hereby is authorized to execute such documents and do all things necessary or convenient in order to issue the Bond or Note or any part authorized to execute and deliver such loan applications as may be necessary or appropriate to the Maine Municipal Bond Bank, or other lender. The Treasurer, Mayor, or other officers designated by the Town Council are further authorized to execute any and all loan agreements or resolutions required by Maine Municipal Bond Bank or other lender, in such form as may be required by the lender.

Section 4. That the Town Clerk shall distribute a copy of this ordinance to each Council member and to the Town Manager, and shall file a reasonable number of copies of this ordinance in the office of the Town Clerk and shall post a copy of this ordinance together with a Notice of Public Hearing at the following public places: Municipal Building, Post Office, Dyer Library, Hampden Transfer Station, McK's Variety, Pizza Gourmet and R & K Variety, as well as such other places as may be directed by the Town Manager.

Section 5. That a Public Hearing be held at 7:00 p.m. in the Hampden Municipal Building in Hampden, Maine on August 11, 2008, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of the Bond, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this ordinance and a place where copies of the complete ordinance have been filed and times available for inspection in the Bangor Daily News on or before July 26, 2008, together with a notice setting forth the time and place for the public hearing, and for the consideration of the proposed ordinance by the Town Council at a meeting to be held on August 11, 2008, immediately following the public hearing.

Section 6. That all actions heretofore taken by the Town Council of the Town of Hampden relating to the selling of the Town's General Obligation Bond and Note authorized hereby be and they hereby are ratified, approved and confirmed.

Section 7. That pursuant to the requirements of the Internal Revenue Code of 1986, as amended, the Town designates the Bond and the Note to be "qualified tax exempt obligations" of the Town; and that the Town shall not issue in 2008 an aggregate total amount of qualified tax exempt obligations in excess of $10,000,000. Further, the Town does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of $5,000,000 during 2008.

Section 8. That the Town shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the Bond and the Note as "qualified tax exempt obligations" of the Town, and that the Bond and the Note may be subject to such further terms and conditions as may be agreed to by a majority at least of the Councilors and the Treasurer of the Town to carry into effect the full intent of this ordinance.

Section 9. That the Town Council is hereby authorized to retain bond counsel for the Town to advise the Town with respect to the issuance and sale of the Bond and the Note, and to prepare documents and render opinions as may be necessary or convenient for that purpose.

Section 10. That the Town Council and officials of the Town are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Town, as may be necessary or convenient to carry out the full intent of this ordinance, and to accomplish the Project and issue the Bond and the Note, including approval and signing of contracts and other agreements obligating the Town.

Section 11. That pursuant to Section 902 of the Town Charter, this ordinance shall go into effect only upon approval by the voters of the Town of Hampden. Be it further ordained that a referendum of the Town of Hampden be held to decide this question on November 4, 2008, on the ballot question pursuant to the Town Charter and the laws of Maine. The ballot question shall be substantially as follows:

TOWN OF HAMPDEN
BALLOT QUESTION NO. 1

Ordinance authorizing appropriation and borrowing of funds to finance various sewer projects, including the construction, reconstruction, replacement or repair of sewer lines, manholes and appurtenances, stormwater separation facilities and other infrastructure improvements to the Town of Hampden Sewer System through issuance of general obligation bonds or notes of the Town of Hampden which may be callable in the principal amount not to exceed $1,850,000.

Shall the above described ordinance be adopted and the municipal officers have the authority to issue general obligation bonds or notes of the Town and accomplish the Project as described above and in the ordinance?

[ ] Yes [ ] No

Financial Statement

TOWN OF HAMPDEN

1. Total Town Indebtedness

A. Bonds outstanding and unpaid: $ 8,727,585.00

B. Bonds authorized and unissued: $ 0.00

C. Bonds to be issued if this question is approved: $ 1,850,000

TOTAL: $ 10,577,585.00

2. Costs

At an estimated maximum interest rate of 4 %, the estimated costs of this bond issue will be: $1,359,570.00 over a 30 Year term.

Principal: $ 1,850,000.00

Interest: $ 1,359,570.00

Total Debt Service: $ 3,209,570.00

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service or the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Susan M. Lessard
Treasurer, Town of Hampden

C-2-a

Memorandum

TO: Town Council
FROM: Denise Hodsdon, Town Clerk
DATE: August 6, 2008
RE: November 4, 2008 Election and Absentee Ballots

The Legislature passed a law in April authorizing municipal clerks to prohibit in-person absentee voting the day before the November 4th Election, as long as the Clerk gives notice of the intent to do so at least 30 days before the Election. Although the law is authorizing the Clerk to make this decision, I am asking for the Council's blessing to take this step for the following reasons:

1. The November 2006 Election had a high turnout – both at the polls and with absentee ballots. We issued 517 absentee ballots and 101 (20%) of those were by voters who voted in person the day before the Election. For the Presidential Election In 2004, we issued 850 absentee ballots and 145 (17%) of those were in person voters the day before that election. I am anticipating that turnout for this November Election will be one for the record books and that with the convenience and increased popularity of absentee voting, we will see a huge increase this year.

2. To ensure the integrity of any Election, it is important for the Clerk to have ample time to prepare for the Election the day before. The polling place needs to be set up and prepared with all required postings, voter lists need to be printed and absentee ballot materials need to be processed to be ready to bring to the polls on Election Day. In November 2004 and November 2006, I was unable to even get to the polling place before close of business at 5:00 pm because of the large volume of absentee voters that day. The polls had to be set up after hours and I and my Election Staff were here very early on Election Day to complete the setup process. I am expecting to open the polls at 7:00 am this November. Election Day is a very long day and fresh minds and bodies will certainly go a long way to ensure that everyone is at their best and no errors are made.

3. The Legislature has also passed a law allowing Clerks to process absentee ballots the day before an election if notice is given 30 days prior to Election Day. It is my intention to process absentee ballots the day before the election in order to alleviate having to do it at the polls on Tuesday.

It is important to note that all other methods of absentee voting (written requests to take a ballot out either by immediate family member or third party) will still be available the day before the Election.

Effective July 18, 2008

APPROVED
APR 18 '08
BY GOVERNOR

CHAPTER
215
RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND EIGHT

S.P. 914 - L.D. 2293

Resolve, To Improve the Absentee Voting System on November 3, 2008

Sec. 1. Municipal clerks authorized to prohibit in-person absentee voting on the day prior to election day. Resolved: That, notwithstanding the Maine Revised Statutes, Title 21-A, section 753-B, subsection 8, a municipal clerk may prohibit voting by absentee ballot in the presence of the municipal clerk on November 3, 2008, as long as the municipal clerk gives notice of the municipality's intent to do so using the notice of election under Title 21-A, section 621-A. At least 30 days before election day, the municipal clerk shall provide a copy of the notice of election to the Secretary of State and to the chairs of each political party of the municipality, indicating the municipality's intent to prohibit in-person absentee voting on November 3, 2008. The notice to the political parties is considered sufficient as long as it is mailed to the last known address of each municipal chair. The notice to the Secretary of State may be delivered by mail or by facsimile, but if the notice is not received by the Secretary of State by the 30th day before election day, the municipality must allow voting by absentee ballot in the presence of the municipal clerk on November 3, 2008. All other methods of absentee voting authorized by statute must continue to be available to voters on November 3, 2008; and be it further

Sec. 2. Municipal clerks shall notify of early processing of absentee ballots at least 30 days prior to election day. Resolved: That, notwithstanding the Maine Revised Statutes, Title 21-A, section 760-B, subsection 2, a municipal clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under Title 21-A, section 621-A, stating each specific time that the municipal clerk intends to begin processing absentee ballots and the inspection period provided in Title 21-A, section 760-B, subsection 3. At least 30 days before election day, the municipal clerk shall notify the Secretary of State and the chairs of each political party of the municipality, in writing, that this procedure is to occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last known address of each municipal chair. The notice to the Secretary of State may be delivered by mail or facsimile, but if the notice is not received by the Secretary of State by the 30th day before election day the municipality may not process absentee ballots prior to election day. A copy of the notice of election is considered notice in writing under this section.

C-3-A

Hampden Water District

Tel: (207) 862-3490
Fax: (207) 862-3595
www.hampdenwaterdistrict.org

P.O. Box 218
Hampden, ME 04444-0218

July 22, 2008

Hampden Town Council
Attn: Susan Lessard
106 Western Ave.
Hampden, Maine 04444

Dear Ms. Lessard,

This letter is a request for dates to be set for a biannual joint meeting of the Hampden Water District Trustees and the Hampden Town Council as discussed and agreed upon in the June 23, 2008 joint Trustee/Council Committee informational meeting. I believe that December 2008 and May 2009 would be appropriate months to schedule the next two meetings.

Please call or email me with tentative dates so I can forward the information to the Hampden Water District trustees in order to finalize the proposed dates.

Sincerely,

Cam Torrey
General Manager
Hampden Water District

C-3-b

2008 MUNICIPAL TAX RATE CALCULATION FORM

Municipality: Hampden

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Local Taxable Real Estate Valuation	1	520,003,500 (Should agree with Page 1, line 6)		
2. Local Taxable Personal Property Valuation	2	20,712,100 (Should agree with Page 1, line 10)		
3. Total Taxable Valuation (Line 1 plus line 2)			3	540,715,600 (Should agree with Page 1, line 11)
4. Total of all Homestead Exempt Valuation	4(a)	23,078,300 (Should agree with Page 1, line 14f)		
Total of all Homestead Exempt Valuation divided by 2	4(b)	11,539,150		
5. Total of all BETE Exempt Valuation	5	6,997,700 (Should agree with Page 2, line 15)		
6. Total Valuation Base (Line3 plus line 4(b) plus line 5)			6	559,252,450

APPROPRIATIONS

7. County Tax	7	586,819.70		
8. Municipal Appropriation	8	6,973,768.00		
9. TIF Financing Plan Amount	9	50,000.00		
10. School/Educational Appropriations (Adjusted to Municipal Fiscal Year)	10	5,024,921.88		
11. Total Appropriations (Add lines 7 through 10)			11	12,635,509.58

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	12	800,000.00		
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc **Do Not Include any Homestead or BETE Reimbursement**	13	3,021,500.00		
14. Total Deductions (Line 12 plus line 13)			14	3,821,500.00
15. Net to be raised by local property tax rate (Line 11 minus line 14)			15	8,814,009.58

16.	8,814,009.58	X	1.05	=	9,254,710.06	Maximum Allowable Tax
17.	8,814,009.58	/	559,252,450	=	0.015760	Minimum Tax Rate
18.	9,254,710.06	/	559,252,450	=	0.016548	Maximum Tax Rate
19.	540,715,600	X	0.015900 (Selected Rate)	=	8,597,378.04 (Enter on Page1, line 13)	Tax for Commitment
20.	8,814,009.58	X	0.05	=	440,700.48	Maximum Overlay
21.	11,539,150	X	0.015900 (Selected Rate)	=	183,472.49 (Enter on line 8, Assessment Warrant)	Homestead Reimbursement
22.	6,997,700	X	0.015900 (Selected Rate)	=	111,263.43 (Enter on line 9, Assessment Warrant)	BETE Reimbursement
23.	8,892,113.96 (Line 19 plus lines 21 and 22)	-	8,814,009.58	=	78,104.38 (Enter on line 5, Assessment Warrant)	Overlay

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

C-4-A

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FOUNDED 1866

July 11, 2008

By Federal Express

Mayor Ricky A. Briggs
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Request for Tolling and Standstill Agreement Related to Penobscot River Mercury Contamination from Hampden, Town of

Dear Mayor Briggs,

We are writing on behalf of Mallinckrodt LLC ("Mallinckrodt") concerning the ongoing efforts to evaluate and respond to mercury contamination in the Penobscot River and Estuary (the "Penobscot Sites"). Mallinckrodt hereby requests that you execute the enclosed tolling and standstill agreement and return it to us no later than Wednesday, July 23, 2008. The background for this request is as follows.

The Penobscot River and its sediments contain mercury and other hazardous substances. According to the United States District Court for the District of Maine, mercury in the Penobscot Sites exists at levels that "may present an imminent and substantial endangerment to public health and the environment." *See Maine People's Alliance v. HoltraChem Manf. Co.*, 211 F. Supp. 2d 237, 251 (D. Me. 2002). Pursuant to a court order, since the summer of 2005, Mallinckrodt has been funding an independent scientific study to determine if remediation of mercury contamination in the Penobscot Sites is necessary and feasible. The ultimate goal of the court-ordered study is to formulate "the precise content of the appropriate remediation plan." *Id.* at 255.

Mallinckrodt is seeking a tolling and standstill agreement from you (along with other companies and units of local government) based on the following activities that Mallinckrodt believes resulted in releases of mercury to the Penobscot Sites: historic ownership and operation of a sewage system with no treatment facility and current discharges of sewer overflow. Because of these releases, Mallinckrodt believes you are legally responsible for address the mercury contamination at the Penobscot Sites under the following laws: Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), Section 7002 of the Resource Conservation and Recovery Act ("RCRA"), and Maine common law. *See* 42 U.S.C. § 9607, 42 U.S.C. § 6972.

Although Mallinckrodt believes that you are liable for the study and any required cleanup of the Penobscot Sites, Mallinckrodt would prefer to continue to pursue its course of work under the court-

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6. Nothing in this Agreement should be construed as an admission or indication that any timing restriction has begun to run or has expired. Nothing in this Agreement shall be construed as reviving or altering any timing restrictions that expired prior to the date of this Agreement. The Parties agree that nothing in this Agreement shall be construed as an admission of liability, responsibility or fault in connection with the Penobscot River Contamination. The Parties agree that nothing in this Agreement shall be construed as a waiver of any claim, defense, argument or position that any Party may have against any other Party to the Agreement or other entity with respect to the Penobscot River Contamination, except as specifically stated in this Agreement.

7. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

8. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Parties hereto.

9. This Agreement shall be effective as of July 1, 2008.

IN WITNESS WHEREOF, the Parties shall cause this Agreement to be executed by their respective duly authorized representatives.

MALLINCKRODT LLC	Hampden, Maine
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

2008 TOLLING AND STANDSTILL AGREEMENT

This 2008 Tolling and Standstill Agreement ("Agreement") is made by and among Mallinckrodt LLC and Hampden, Maine (sometimes collectively referred to herein as the "Parties" or individually as the "Party"), whose authorized representatives have executed this Agreement.

WHEREAS, there is mercury contamination in the Penobscot River and Estuary and in the sediments of the River and Estuary ("Penobscot River Contamination").

WHEREAS, Mallinckrodt LLC believes it may have claims against Hampden, Maine for injunctive relief, allocation, cost recovery, damages or contribution relating to the Penobscot River Contamination under applicable law, including but not limited to Section 107 of CERCLA, 42 U.S.C. § 9607, Section 7002 of RCRA, 42 U.S.C. § 6972, and Maine common law.

NOW, THEREFORE, in consideration of the foregoing, the Parties mutually agree as follows:

1. During the Effective Period of this Agreement, as defined in Paragraph 3, below, each Party to this Agreement, on behalf of itself, its successors and assigns, covenants not to sue any other Party to this Agreement on any claim or cause of action it may have relating to or arising in connection with the Penobscot River Contamination ("Claim"). This covenant not to sue shall remain in effect up to and including the last calendar day of the Effective Period.

2. In consideration of the foregoing, each Party, on behalf of itself and its successors and assigns, agrees that the Effective Period shall not be included in the calculation of the time that has elapsed for purposes of determining whether any Party's Claims against it are barred by any applicable statute of limitations, statute of repose, laches, or any other possible bar or restriction based on timing (collectively "timing restrictions").

3. The "Effective Period" shall mean that period of time beginning on July 1, 2008, and continuing to and including the fifth (5th) calendar day after the day on which any Party provides notice to the other Party to this Agreement, pursuant to Paragraph 4, below, that it is terminating the Agreement (the day on which notice is provided shall not be included in calculating the five (5) calendar day period).

4. Each Party has the right to terminate this Agreement at any time. Notice to terminate this Agreement shall be provided by such means that will ensure its timely receipt, and will be deemed to have been provided on the date that the other Parties actually receive the notice. Notice shall be sent to each Party's representative, as designated on Exhibit A. Each Party shall have the right to change its representative upon ten (10) days written notice to the other Parties.

5. This Agreement contains the entire Agreement between the Parties, and this Agreement may not be enlarged, modified, or altered except in writing signed by the Parties.

SIDLEY AUSTIN LLP
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ordered study to evaluate the mercury contamination and possible remediation, concentrating its resources on the study and leaving disputes over the legal responsibility of other parties until a later time. In addition, Mallinckrodt does not want litigation to interfere with the progress of the court-ordered study, which is currently projected to continue through 2010.

While Mallinckrodt does not believe that the order requiring the study commenced the running of any applicable statute of limitations, Mallinckrodt wants to avoid any argument over such issues. Accordingly, Mallinckrodt is asking that you promptly execute the enclosed tolling and standstill agreement. The thrust of the agreement is that (i) each party would agree not to sue the other with respect to claims involving the Penobscot Sites; and (ii) each party would concurrently agree to "toll" any statute of limitations or other possible bar or restriction based on timing that might apply to such claims.

Such an agreement would do nothing more than preserve the status quo. In this way, efforts to complete the court-ordered study and design an appropriate remediation plan could continue without subjecting any party to the cost, distraction, risk and other repercussions of litigation of this type. *Importantly, Mallinckrodt emphasizes that it is not seeking any financial or other contribution from any entity at this time, and nothing in the attached tolling and standstill agreement would be deemed an admission of liability or responsibility for the mercury contamination of the Penobscot Sites.*

Please let us know as soon as possible, but in no event later than July 18, 2008, if you are prepared to sign the enclosed tolling and standstill agreement. While Mallinckrodt's preference is to focus its resources on the court-ordered study, and to avoid wasteful litigation, you should understand that if parties refuse to cooperate and preserve the legal status quo, Mallinckrodt may have no other choice but to bring suit on its claims. A draft of the complaint that Mallinckrodt would file is also enclosed.

If you have any questions, please contact John M. Heyde (312-853-7716) or Maggie Sobota (312-853-7857), both of Sidley Austin LLP.

Sincerely,

J. Andrew Schlickman

Attorney for Mallinckrodt LLC

Enclosures

SIDLEY AUSTIN LLP
SIDLEY

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FOUNDED 1866

FACSIMILE/TELECOPIER TRANSMISSION

From:

Name: Maggie Sobota

Voice: (312) 853-7857

To:

Name: Susan Lessard
Company: Town of Hampden
Facsimile#: 207-862-5067
Voice Phone:
Subject: Penobscot Tolling Agreement

Date: 7/30/2008 **Time:** 1:37:14 PM **No. Pages (Including Cover):** 13

Message:

* * * * * * * * * * *

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C-4-b

MAINE DEPARTMENT OF TRANSPORTATION
URBAN - RURAL INITIATIVE PROGRAM (URIP)
CERTIFICATION 2008-2009
MUNICIPALITY **19280 Hampden**

To be eligible to receive FY-09 URIP funds, each Municipality must **certify that the Urban Initiative funds will be used only for maintenance or improvement to public roads** and **Rural Initiative funds will be used "only for Capital improvement of public roads".** Effective July 1, 2000, as defined by Title 23, §1803-B.1.A (2), funds must be used for capital improvements to local roads and/or State Aid Minor Collector roads, or as provided by 2002 PL 565, if eligible. Effective July 1, 2008 municipalities must provide information on what capital improvements were done with the FY08 (July 1, 2007 to June 30, 2008) URIP funds received by the municipality. See back side of form.

It is estimated that the municipality of **Hampden**, will receive **$ 84,964** for the fiscal year beginning July 1, 2008. The Estimated Quarterly installments will be in the amount of: Sept. 2008 = **$ 21,241**; Dec. 2008 = **$ 21,241**; Mar. 2009 = **$ 21,241**; June 2009 = **$ 21,241**

The Urban Initiative funds total **$ 0** for this fiscal year

The Rural Initiative funds total **$ 84,964** for this fiscal year

The above amounts include eligible funds from the Transit Bonus Payment Program

Notification will be made in the event of any change. Amounts may be reduced if your town participates in the Collector Road Development Awards (CRDA) Program.

Beginning in 2001, all municipalities receive a percentage of the Maine DOT's portion of the Highway Fund (about 9.6% this year), rather than the former flat rate of $600 per lane-mile. This means that the disbursements to municipalities rise and fall with Maine DOT's budget.

We, the undersigned municipal officers or designee (i.e. Town Manager) of the municipality of **Hampden**, do hereby certify that funds received from the Urban-Rural Initiative Program for the fiscal year 2008-2009 will be used only for uses as stated above: *We also certify that the previous year's funds were spent on the projects listed on the back of this form.*

Signed _____ Date __/__/__ Signed _____ Date__/__/__

Signed _____ Date __/__/__ Signed _____ Date__/__/__

Municipal official to contact for information on Public Road Mileage:

Please Print or type

Name:_____ Title: _____Tel._____

Municipal Treasurers address: if not done by electronic fund transfer, where the town wants the quarterly checks sent:

Name: _____ Address: _____

Town: _____ State: _____ Zip Code: _____

Municipal E-mail Address (general delivery):_____

Prior to August 1, 2008 please return this Completed Form (BOTH SIDES) to:

Mr. Fred Hutchinson, Program Administrator
MDOT- Community Services Division
16 State House Station
Augusta, Maine 04333-0016
Tel. (207) 624-3270

NO URIP payments can be made until a *completed* form (BOTH SIDES) is received by MaineDOT- Community Services Division.

Please make a copy for your records.

Over please

FY 08 Capital Improvement Expenditures URIP Funds of: $ 79,086; (Urban $ 0), (Rural $ 79,086)

As a result of 2007 Legislative inquiries and discussions centered around URIP, the MaineDOT needs to collect additional information on the uses of URIP funding by 502 Maine municipalities, counties, and Indian reservations. This is intended to be simple and provide an easy method to collect information on the use of over $25 million dollars per year by local agencies.

As noted on the front side of this form, URIP funding can only be spent on capital improvements in most Maine towns, except for urban compact towns/cities where urban funds can be used for maintenance or improvement to public roads.

A **capital improvement** is defined as "any work on a road or bridge which has a life expectancy of at least 10 years and restores the load-carrying capacity." Examples of eligible "capital" activities are defined as follows:

1. Medium to heavy overlays which improve the strength and ride quality (minimum 1 inch lift on a shimmed surface), pavement and/or base recycling, pavement cold planing and resurfacing
2. Road reconstruction or rehabilitation
3. Gravel road grade-raising or paving
4. Single culvert replacements or a series of drainage improvements
5. * Traffic signal or sign installation and/or replacements
6. * Sidewalk construction or reconstruction
7. * Heavy ditching, under drain and catch basin installation or total system replacement, permanent erosion control
8. * Wetland mitigation
9. * Guardrail installation
10. Bridge or minor span replacement and rehabilitation
11. Any bridge repair activities with a 10 year life
12. Local share (1/3) of a Rural Road Initiative (RRI) project on a state aid road
13. Debt financing/bond repayment for past capital improvements to public roads
14. The urban match component of any federal-aid project
15. "banking it" to save up for a future project
16. Other explain)_____

    * Some of the categories of work (# 6, 7, 8, 9 & 10) qualify as capital improvements, but must be done in conjunction with roadway reconstruction/rehabilitation.

The "funds spent" must add up to at least the amount of your FY 08 URIP payments from 9/1/07 to 6/1/08.

1. Road Name: _____Funds spent on Capital Improvements: $_____
Type of Capital Improvement: list all numbers that apply: _____
Length of Capital improvement (miles or feet): _____miles or _____feet

2. Road Name: _____Funds spent on Capital Improvements: $_____
Type of Capital Improvement: see attached, list all numbers that apply: _____
Length of Capital improvement (miles or feet): _____miles or _____feet

3. Road Name: _____Funds spent on Capital Improvements: $_____
Type of Capital Improvement: see attached, list all numbers that apply: _____
Length of Capital improvement (miles or feet): _____miles or _____feet

OPTIONAL: Your municipality's TOTAL SUMMER CAPITAL IMPROVEMENT EXPENSES (including FY08 URIP payments) were $_____

4. Urban funds used for maintenance (if any): $_____

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

Phone:
Fax: (2
email: h

C-4-c

CERTIFICATE OF COMMITMENT OF SEWER USER RATES

To: Susan M, Lessard, the treasurer of the municipality of Hampden, Maine.

We, the undersigned municipal officers of the municipality of Hampden, Maine hereby certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A §3406 for those properties, units, and structures required by local and state law to pay a sewer rate to the municipality, for the period beginning 04/01/08 and ending 06/30/98. This list is comprised of the pages numbered 1 to ____ inclusive which are attached to this certificate. The date(s) on which the rates included in this list are due and payable is (are) 08/28/08. You are hereby required to collect from each person named in the attached list his or her respective amount as indicated in the list, the sum total of those lists being $123,820.79. You are hereby required to charge interest at a rate of 11% per annum on any unpaid account balance beginning 08/29/08. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law. On or before 01/09 you shall complete and make an account of your collections of the whole sum herein committed to you.

Given under our hands this _____ day of _____, 20__.

_____ _____

_____ _____

_____ _____

_____

Municipal Officers of the Town of Hampden, Maine

C-4-d-1

TOWN OF HAMPDEN

TOWN CLERK'S OFFICE

COMMENTS ON: Public Hearing Date: _____
(If applicable)

[ ] Application for Liquor License

[ ] Application for Victualer's License

[ ] Application for Off-premises Catering

[✓] Application for Outdoor Wood-burning Furnace License

NAME: Brian Mushrow
Business Name Individual

ADDRESS: 283 Meadow Rd PHONE: 862-4683

MAP/LOT: 4 | 35A DATE: 7|29|08

DEPARTMENT REPORT:

Inspected on July 31, 2008 and it appears to be opesating Per Manufacture Specifications.

DATE: 8-1-08 BY: Keith Barnhard
Title: Fire/Building Inspector

BY: Ben Jh
Title: CEO

TOWN OF HAMPDEN

OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSE APPLICATION

INSPECTION REQUIRED

Application Date: 7/28/08

Property Information:

Property Owner's Name: Brian MacNow **Phone #:** 862-4683

Street Number: 283 **Street Name:** Meadow Rd

Mailing Address: 283 Meadow Rd

Hampden, Me 04444

Zoning District: _____ **(not permitted in Resource Protection District)**

Lot Size: 2 ☒ **Acres** ☐ **Square Feet (3 acre min. lot size)**

Outdoor Wood-fired Boiler Setback to Nearest Property Line: _____ **feet (150 ft. min.)**

Distance to Nearest Residential Structure: _____ **feet (200 ft. min.)**

Assessor's Tax Map: 4 **and Lot:** 35A

1. Please complete plot plan (see other side) drawn to scale showing the location of the outdoor wood-fired boiler in relation to property lines and existing structures.

2. Please include installation instructions provided by Manufacturer.

☒ I have received a copy of the ***Town of Hampden Fire Prevention Code***
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not obtain the permit required by section F-308.3.1 of said ordinance.

☒ I have received a copy of the ***Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance***
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not comply with sections 4.2, 4.3, and 4.4 except that the units shall not be made any more non-conforming.

☒ I have received a copy of DEP ***Chapter 150: Control of Emissions From Outdoor Wood Boilers*** QUESTIONS PLEASE CALL DEP: 287-2437

I hereby agree to operate my outdoor wood-fired boiler in accordance with the *Town of Hampden Fire Prevention Code* and the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance.* I also acknowledge my responsibility to renew my license annually.

Owner Signature: _____ **Date** 7-28-08

Hampden Town Council Action: ☐ Approved ☐ Denied Date: _____

Town Clerk Signature: _____ Date _____

This License Expires: _____
Date

C-4-d-2

TOWN OF HAMPDEN

TOWN CLERK'S OFFICE

COMMENTS ON: Public Hearing Date: N/A
(If applicable)

[ ] Application for Liquor License

[ ] Application for Victualer's License

[ ] Application for Off-premises Catering

[X] Application for Outdoor Wood-burning Furnace License

NAME: Gary Thibodeau
Business Name Individual

ADDRESS: 665 Western Ave PHONE: 862-6853

MAP/LOT: 8 / 14 DATE: 7/17/08

DEPARTMENT REPORT:

Inspected on July 29, 2008 and it appears to be operating Per manufacture specifications.

DATE: 7-31-08 BY: Keith Barnhart
Title: Fire/Building Inspector

BY: Ben Jh
Title: CEO

TOWN OF HAMPDEN

OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSE APPLICATION

INSPECTION REQUIRED

Application Date: 7/17/08

Property Information:

Property Owner's Name: GARY THIBODEAU **Phone #:** 862-6853

Street Number: 665 **Street Name:** WESTERN AVE.

Mailing Address: 665 WESTERN AVE.
Hampden, ME 04444

Zoning District: RURAL **(not permitted in Resource Protection District)**

Lot Size: 25 ☒ **Acres** ☐ **Square Feet (3 acre min. lot size)**

Outdoor Wood-fired Boiler Setback to Nearest Property Line: See Map **feet (150 ft. min.)**

Distance to Nearest Residential Structure: See MAP **feet (200 ft. min.)**

Assessor's Tax Map: 8 **and Lot:** 14

1. Please complete plot plan (see other side) drawn to scale showing the location of the outdoor wood-fired boiler in relation to property lines and existing structures.

2. Please include installation instructions provided by Manufacturer.

☒ I have received a copy of the ***Town of Hampden Fire Prevention Code***
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not obtain the permit required by section F-308.3.1 of said ordinance.

☒ I have received a copy of the ***Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance***
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not comply with sections 4.2, 4.3, and 4.4 except that the units shall not be made any more non-conforming.

☒ I have received a copy of DEP ***Chapter 150: Control of Emissions From Outdoor Wood Boilers*** QUESTIONS PLEASE CALL DEP: 287-2437

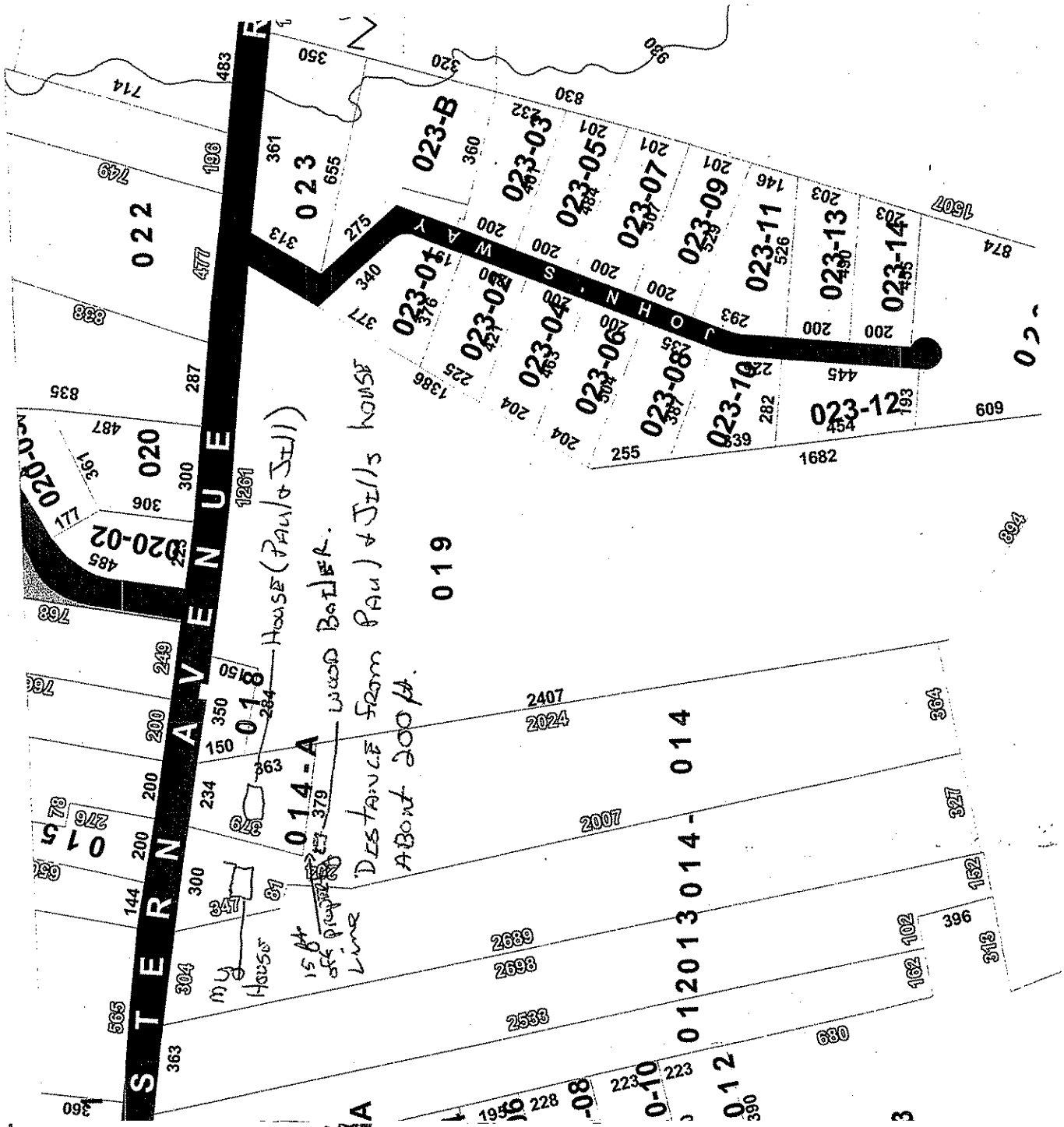
I hereby agree to operate my outdoor wood-fired boiler in accordance with the *Town of Hampden Fire Prevention Code* and the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance.* I also acknowledge my responsibility to renew my license annually.

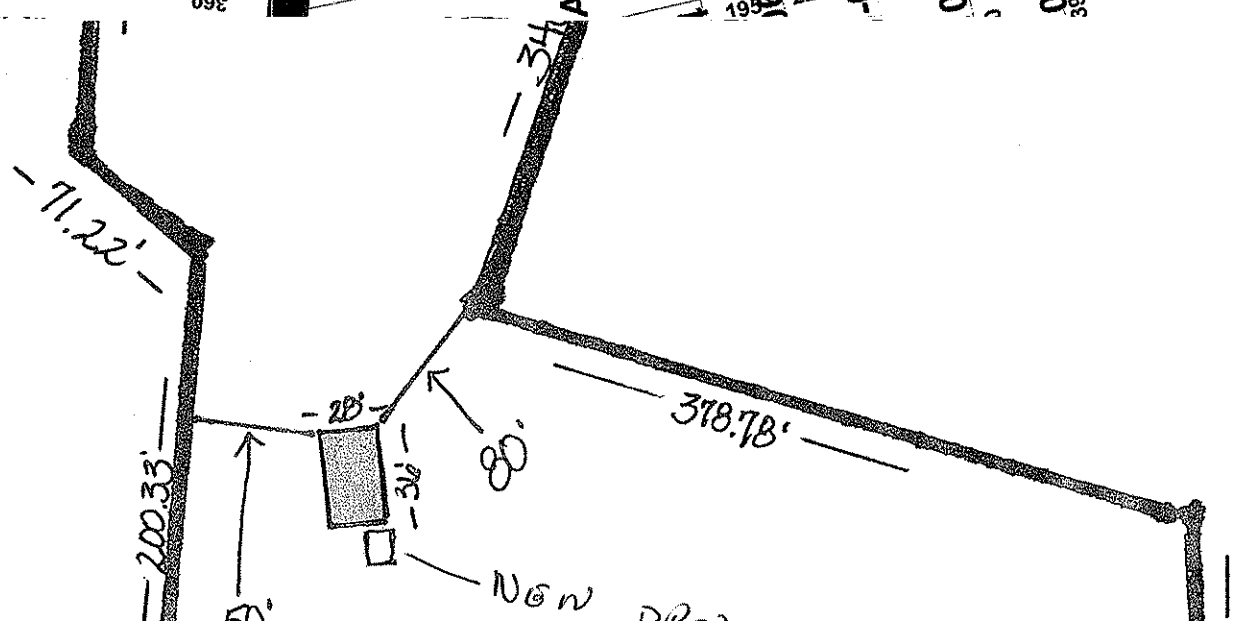
Owner Signature: Gary Thibodeau **Date** 7/17/08

Hampden Town Council Action: ☐ Approved ☐ Denied Date: _____

Town Clerk Signature: _____ Date _____

This License Expires: _____
Date


STERN AVENUE
JOHN S WAY
023-B
023-03
023-05
023-07
023-09
023-11
023-13
023-14
023-01
023-02
023-04
023-06
023-08
023-10
023-12
022
023
020
020-02
019
014-A
014
012
013
014-
015
House (Paul & Jill)
Wood Boiler.
Distance from Paul & Jill's house
About 200 ft.
my House
15 ft off property Line


71.22'
200.33'
378.78'
80'
28'
36'
50'
New

C-4-d-3

TOWN OF HAMPDEN

TOWN CLERK'S OFFICE

COMMENTS ON: Public Hearing Date: N/A (If applicable)

[ ] Application for Liquor License

[ ] Application for Victualer's License

[ ] Application for Off-premises Catering

[✓] Application for Outdoor Wood-burning Furnace License

NAME: Richard A. Golding
~~Business Name~~ Individual

ADDRESS: 156 Mayo Rd PHONE: 862-3587

MAP/LOT: 30/26 DATE: 7-11-08

DEPARTMENT REPORT:

Inspected on July 16 and it appears to be Operating Per Town ordinance.

DATE: 7-18-08 BY: _____
Title: CEO

BY: Keith W. Barnhard
Title: Fire/Building Inspector

TOWN OF HAMPDEN

OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSE APPLICATION

INSPECTION REQUIRED

Application Date: 7/11/08

Property Information:

Property Owner's Name: Richard A. Goldis II **Phone #:** 862-3587

Street Number: 156 **Street Name:** Mayo Rd

Mailing Address: 156 Mayo Rd
Hampden, ME

Zoning District: Res. B. **(not permitted in Resource Protection District)**

Lot Size: 3.5 ☑ **Acres** ☐ **Square Feet (3 acre min. lot size)**

Outdoor Wood-fired Boiler Setback to Nearest Property Line: 30ft **feet (150 ft. min.)**

Distance to Nearest Residential Structure: 240 **feet (200 ft. min.)**

Assessor's Tax Map: 30 **and Lot:** 26

1. Please complete plot plan (see other side) drawn to scale showing the location of the outdoor wood-fired boiler in relation to property lines and existing structures.

2. Please include installation instructions provided by Manufacturer.

☑ I have received a copy of the ***Town of Hampden Fire Prevention Code***
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not obtain the permit required by section F-308.3.1 of said ordinance.

☑ I have received a copy of the ***Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance***
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not comply with sections 4.2, 4.3, and 4.4 except that the units shall not be made any more non-conforming.

☑ I have received a copy of DEP ***Chapter 150: Control of Emissions From Outdoor Wood Boilers*** QUESTIONS PLEASE CALL DEP: 287-2437

I hereby agree to operate my outdoor wood-fired boiler in accordance with the *Town of Hampden Fire Prevention Code* and the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance.* I also acknowledge my responsibility to renew my license annually.

Owner Signature: Richard A. Goldis II **Date** 7-11-08

Hampden Town Council Action: ☐ Approved ☐ Denied Date: _____

Town Clerk Signature: _____ Date _____

***This License Expires:** _____
Date