

TOWN COUNCIL MINUTES

June 15, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 15, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

Attendance: **Councilors:** Mayor Matthew Arnett, Shannon Cox, Thomas Brann, Andre Cushing, William Shakespeare, Jean Lawlis, and Janet Hughes

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Galen Swan, Town Planner Bob Osborne and Code Enforcement Officer Ben Johnson

Citizens

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting earlier in the evening. Councilor Brann requested that Item A.5.g. be set aside. Motion by Councilor Cushing, seconded by Councilor Hughes to accept the balance of the Consent Agenda – unanimous vote in favor.

A.5.g. ECONOMIC DEVELOPMENT TEAM REPORT – 6/1/09

Councilor Brann said he has heard from a number of people who have indicated that doing business in Hampden is much better than it used to be and he wanted to recognize the Economic Development Team's efforts in making it easier to do business in Hampden. Planning & Development Committee Chair Cushing updated the Council on the commercial and residential projects currently in process. Motion by Councilor Brann, seconded by Councilor Cushing to accept Item A.5.g. – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. 2009/2010 MUNICIPAL BUDGET ADOPTION

Manager Lessard noted that as proposed, this budget is nearly \$200,000.00 less than last year's budget. She said this would allow us to

absorb the \$91,000 increase in the school budget and \$23,000 increase in the County tax and still maintain the current mill rate.

Mayor Arnett explained the procedure for the public hearing and then opened the hearing.

Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Cushing to approve the budget as proposed – unanimous vote in favor.

b. PROPOSED POST-CONSTRUCTION STORMWATER ORDINANCE

Code Enforcement Officer Ben Johnson explained that this ordinance is required as part of Hampden's DEP permit and it originates from EPA regulations regarding stormwater runoff. Town Planner Bob Osborne noted that the Planning & Development Committee has reviewed the proposed ordinance and has returned an ought-to-pass recommendation.

Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Brann to adopt the ordinance.

During discussion, Councilor Hughes said while she understands that this needs to be passed by the July 1st deadline, she would like to see some things changed. Her issues of concern were the definitions of "disturbed area" and "qualified post-construction stormwater inspector"; fees proposed for administration and engineering; and whether it is necessary to make the ordinance applicable to the entire town or to just the urban area.

Code Enforcement Officer Ben Johnson said he has been advised that the DEP has indicated a willingness to give an extension as long as any projects that are submitted after July 1st are subject to and regulated under the new rules.

Following further discussion Attorney Russell recommended sending this back to the Planning & Development Committee for review and possible revision and then hold another public hearing on the amended ordinance at the meeting on July 6th.

Councilor Cushing moved to send the Post-Construction Stormwater Ordinance back to the Planning & Development Committee for further review and discussion. Councilor Cox seconded the motion and vote was unanimously in favor.

C-1-a

**TOWN OF HAMPDEN
PUBLIC NOTICE**

Notice is hereby given that the Hampden Town Council will hold a public hearing at 7:00 pm on Monday, June 15, 2009 at the Hampden Municipal Building for consideration of the entire FY 2010 proposed town budget.

**PROPOSED 2010
HAMPDEN TOWN BUDGET**

ACCOUNT NUMBER	ACCOUNT NAME	PROPOSED BUDGET 2010
01-01	ADMINISTRATION	\$548,071.00
01-02	GIS/IT	\$82,261.00
01-03	COMMUNICATIONS	\$33,642.00
01-05	TOWN COUNCIL	\$36,049.00
01-10	MUNICIPAL BUILDING	\$111,907.00
01-15	TAX COLLECTOR	\$6,000.00
01-20	ELECTIONS	\$12,963.00
01-25	PLANNING/ASSESSING	\$227,472.00
01-30	ECONOMIC DEVELOPMENT	\$86,445.00
05-03	NON-DEPT. UTILITIES	\$413,954.00
05-01	POLICE	\$945,713.00
05-05	FIRE DEPARTMENT	\$839,876.00
05-10	PUBLIC SAFETY	\$166,865.00
10-01	PUBLIC WORKS	\$1,253,261.00
10-05	MUNICIPAL GARAGE	\$33,840.00
15-10	SOLID WASTE	\$412,161.00
20-01	RECREATION	\$123,587.00
20-10	DYER LIBRARY	\$231,190.00
20-20	LURA HOIT POOL	\$320,971.00
20-25	MARINA	\$500.00
25-10	THE BUS	\$58,000.00
30-10	BUILDINGS & GROUNDS	\$86,800.00
38-00	OUTSIDE AGENCY REQUESTS	\$26,839.00
40-10	GENERAL ASSISTANCE	\$10,000.00
50-10	DEBT SERVICE	\$467,793.00
55-00	RESERVES	\$264,000.00
GROSS	MUNICIPAL BUDGET TOTAL	\$6,800,160.00
LESS	MUNICIPAL REVENUES	\$3,624,516.00
= NET	MUNICIPAL BUDGET TOTAL	\$3,175,644.00
	SAD #22 TAXATION AMOUNT	\$5,115,775.23
	COUNTY TAXATION AMOUNT	\$610,045.00
	TIF APPROPRIATION	\$50,000.00

ESTIMATED TOTAL TAXATION REQUIREMENT \$8,951,464.23

As proposed, the 2010 Budget should result in a tax rate of \$15.90 per thousand, the same as 2009.

Proposed FY 2010 budget figures are as of 6/1/09.

Copies of the proposed FY 2010 Budget are available for public inspection at the Hampden Town Office.

Adopted by Town Council 6/15/2009

c. **PROPOSED AMENDMENTS TO FEES ORDINANCE –
VICTUALER'S LICENSES AND LIQUOR LICENSES**

Manager Lessard explained that the proposed amendments are to increase fees for liquor licenses and victualer's licenses when a public hearing is required in order to cover the cost of advertising for the public hearing.

Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Cox to adopt the amendments as proposed – unanimous vote in favor.

d. **APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE
RECEIVED FROM MAC'S CONVENIENCE STORES, d/b/a CIRCLE
K #7057 at 63 MAIN ROAD NORTH**

Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Cushing to approve the application – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. **CONTRACT AWARD FOR ROUTE 1-A SEWER PROJECT –
FINANCE COMMITTEE RECOMMENDATION**

Manager Lessard reported that there were five bids received for the Route 1A sewer project and those bids were reviewed by the Public Works Director with the Finance Committee. The Finance Committee is recommending acceptance of the low bid from Sargent Corporation in the amount of \$1,505,665.00. She noted that the total budget for this project is \$1,850,000.00 and was approved by the voters in 2008.

Motion by Councilor Cushing, seconded by Councilor Brann to accept the bid from Sargent Corporation in the amount of \$1,505,665.00 – unanimous vote in favor.

b. **BID AMOUNT POLICY – FINANCE COMMITTEE
RECOMMENDATION TO CHANGE**

Manager Lessard reported that the Finance Committee has reviewed the Bid Procedure Guidelines and due to increased costs of advertising, is recommending that the bid thresholds be increased for purchases and sale of town property. The recommendation is to increase the purchase amount authorization from \$4,000.00 to \$10,000.00 without the need for a formal bid process; and to increase the sale of town property authorization

C-1-C

**TOWN OF HAMPDEN, MAINE
FEES ORDINANCE**

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ADOPTED: Hampden Town Council October 20, 1986
Effective: November 19, 1986

AMENDED: Hampden Town Council December 7, 1987
Effective: January 5, 1988

AMENDED: Hampden Town Council March 21, 1991
Effective: April 21, 1991

AMENDED: Hampden Town Council July 6, 1993
Effective: August 5, 1993

AMENDED: Hampden Town Council December 20, 1993
Effective: January 19, 1994

AMENDED: Hampden Town Council May 6, 1996
Effective: June 6, 1996

AMENDED: Hampden Town Council February 7, 1998
Effective: March 18, 1998

AMENDED: Hampden Town Council November 17, 2003
Effective: December 17, 2003

AMENDED: Hampden Town Council March 21, 2005
Effective: April 20, 2005

AMENDED: Hampden Town Council April 4, 2005
Effective: May 4, 2005

AMENDED: Hampden Town Council October 6, 2008
Effective: November 5, 2008

Adopted by Council 6/15/09 ¹

TOWN OF HAMPDEN

Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

**TOWN OF HAMPDEN, MAINE
FEES ORDINANCE**

The Town of Hampden hereby ordains:

In addition to those Town fee and charges the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

**ARTICLE 1
ADMINISTRATION**
Amended 11-17-03, 3-21-05

1.1. Business or Corporation filing	State Regulated
1.2. Copy of Certificate (marriage/birth/death)	State Regulated
1.3. Copy of Subdivision Ordinance	At Cost
1.4. Copy of Zoning Ordinance	At Cost
1.5. Copy of other ordinances	
1.5.1. up to 20 pages	\$0.25/page
1.5.2. and a page after that	\$0.15/page
1.6. Photocopies	
1.6.1. 8 ¹ / ₂ inch x 11 inch or smaller	\$0.25/page
1.6.2. 8 ¹ / ₂ inch x 14 inch	\$0.50/page
1.6.3. 11 inch x 17 inch	\$0.75/page
1.7. Marriage License	State Regulated
1.8. Notary Fee	\$3.00
1.9. Record Search	\$5.00/hour
1.10. Recording of Pole Permits	
1.10.1. 1 st page	\$2.00
1.10.2. Additional pages	\$1.00/page

1.11. Tax Maps	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set
1.11.2. (24 inch x 36 inch)	\$4.00 map
1.12 Compact Disk copies of ordinances or documents	\$5.00
1.13 Liquor License <u>(Public hearing not required)</u>	\$ 50.00
<u>(Public hearing is required)</u>	<u>\$125.00</u>

2.12.5. Major Subdivision Final Plan <i>(Review/Inspection Draw Account)</i>	Fee based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.
2.12.6. Major Subdivision Final Plan <i>(Mobile Home Park Construction Review/Inspection Draw Account)</i>	Fee based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.
2.13. Victualers Ordinance	
2.13.1. Victualers License Application (<u>Public hearing not required</u>) <u>(Public hearing is required)</u> <i>(This includes public notice and initial inspection of premises. If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged \$50.00 prior to the inspection).</i>	\$ 50.00 <u>\$125.00</u>
2.14. Waste Disposal Facility Licensing Ordinance	
2.14.1. Application Fee <i>This is a draw account to be used by the Council to hire consultants as necessary to review the proposal. If at any time balance drops to \$10,000.00 the applicant shall deposit an additional \$10,000.00. Any unexpended balance shall be returned after a final decision on the application is rendered.</i>	\$50,000.00
2.15. Yard Sale Ordinance	
2.15.1. Permit Fee	\$5.00
2.16. Zoning Ordinance	
2.16.1. Building Permit Applications for all Construction <i>(Plumbing Permit Application)</i>	\$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas, basements, attics, decks, pools, porches, sheds, garages, etc. <i>State Regulated</i>
2.16.2. Demolition/Earth Moving Permit Application	\$25.00
2.16.3. Sign Permit Application	\$25.00 per sign
2.16.4. Certificate of Compliance Application <i>(Change of use, resumption of use, new use without building permit application)</i>	\$50.00

The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.

ARTICLE 9
ANNUAL REVIEW BY TOWN COUNCIL

9.1 An itemized listing of fees for each town department will be submitted to the Town Council by the Town Manager on or before October of each year for the Council's review, revision, and approval.

from \$1,000.00 to \$5,000. The Committee recommended that advertisement for items of sale, if under the \$5,000 amount, be included in the Town's newsletter or posted on the Town's website. In addition, the Town Manager will notify the Finance Committee of no-bid items between \$5,000 and \$10,000 and include those items on a consent agenda for the full Council.

Motion by Councilor Brann, seconded by Councilor Cox to amend the Bid Procedure Guidelines as recommended – unanimous vote in favor.

c. COMMUNITY ROOM USE POLICY – FINANCE & SERVICES COMMITTEE RECOMMENDATIONS

Because the Services Committee had not yet reviewed the proposed policy, this item was postponed until the next meeting.

d. OUTSIDE AGENCY/SCHOOL GROUPS FUNDING POLICY – FINANCE COMMITTEE RECOMMENDATION

The proposed policy standardizes the process of considering requests for funding from outside agencies and school groups (copy attached). Manager Lessard reported that the Finance Committee is recommending approval of the policy.

Motion by Councilor Brann, seconded by Councilor Cox to adopt the policy – unanimous vote in favor.

e. MAINE PERS PLAN CHANGES

Manager Lessard explained that this is a special plan for Public Safety employees (copy attached) and the Finance Committee recommends approval of the language with a correction to Item #2, which should state that the new plan would apply to service after June 20, 2009.

Motion by Councilor Cushing, seconded by Councilor Brann to adopt the proposed changes as amended – unanimous vote in favor.

4. NEW BUSINESS

a. STREET LIGHT RECOMMENDATION – PUBLIC SAFETY

Following a request from a resident for a street light at the corner of Highland Ridge and Main Road South, Public Safety has assessed the location and is recommending installation of a street light to better mark the road, creating a safer entrance from Highland Ridge onto Main Road South.

Motion by Councilor Lawlis, seconded by Councilor Cushing to support the installation of a streetlight as recommended – unanimous vote in favor.

DRAFT #2 5-27-09

TOWN OF HAMPDEN

OUTSIDE AGENCY BUDGET REQUEST & MID-YEAR FUNDING REQUEST POLICY

The Hampden Town Council adopts the following policy for requests for support from the Town of Hampden both as part of the annual budget process and mid-year requests.

Section 1: Purpose

The purpose of this policy is to standardize the process of considering requests for financial support from the Town of Hampden by groups and organizations that are not departments of the municipal government. Exempted from this policy are tax assessments for SAD #22 and Penobscot County, which are statutory responsibilities of the community.

Section 2: Definitions

Outside Agency: Shall include any non-profit organization requesting financial assistance for a service provided to or for the benefit of the residents of the Town of Hampden **as part of the Town's annual budget process.**

School Group: Shall include School academic groups, clubs, and sports teams that are affiliated with SAD #22.

Section 3. Administrative Procedures

1. Annual Budget

- a. Funding requests by Outside Agencies shall be made annually only as part of the Hampden Municipal Budget Process.
- b. Funding requests must be submitted in writing to the Town Manager no later than March 1st of each year and shall include information documenting services provided to Hampden residents.
- c. All requests received shall be included in the budget prepared by the Town Manager for Council Review.
- d. All Outside Agencies submitting requests shall be notified by the Town Manager of the date and time of the Budget Review Hearing where their request will be considered.
- e. The Town of Hampden reserves the right to accept or reject any request. Submission of a request is not a guarantee of funding. Decisions related to funding requests will be made by the Town Council as part of their annual budget review.

2. Mid-fiscal year Funding Requests

- a. Funding for **School** Group requests is limited to funds available from the Town Council General Expense line item budget.
- b. Funding requests from **School** Groups may be made at any time during the fiscal year, however, if the budget line item used to fund such requests has been exhausted, the Town Manager shall notify the Group that funding is not available in the current fiscal year.
- c. Requests shall be submitted in writing to the Town Manager for inclusion on a Finance Committee Agenda. The Finance Committee shall review the request of the **School** Group at a regular meeting at which Group representative(s) shall be present for Committee questions.
- d. The Finance Committee shall make a funding recommendation on the request to the full Council at a regularly scheduled Council meeting.
- e. The maximum award for any **School** Group request shall be \$200.
- f. Application by **a School** Group is not a guarantee of funding.

Section 4. Effective Date

This policy shall be effective upon approval by the Hampden Town Council.

TOWN OF HAMPDEN
MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) PLAN
CHANGES

1. Special Plan for Public Safety Employees
As a result of discussions held relative to the 2009/2010 municipal budget, the Hampden Town Council, at the request of the Public Safety employees, agrees to provide a new Plan through the Maine Public Employees Retirement System for Firefighters and Police Officers. The new Plan would be Special Plan 3. The new plan would apply to service rendered after June 30, 2009 and the effective date of the plan change is July 1, 2009. Service rendered prior to July 1, 2009 will remain under Regular Plan AN.

2. Cost of Living Provision.
The Town of Hampden also agrees to approve the cost of living provision, for future service only. The new plan would apply to service after June 20, 2009 and the effective date of the plan change is July 1, 2009. Service rendered prior to July 1, 2009 will remain under regular Plan AN.

3. Employer Contributions
For Public Safety Employees, the Town agrees to contribute 8.4% on behalf of employees, Employees must contribute 4.9%. Any future increases in the cost of this program shall be borne by an increase in the employee contribution.
For non-Public Safety Employees the Town agrees to contribute 8.4% on behalf of the employee. Employees must contribute .9%. Any future increases in the cost of this program shall be borne by an increase in the required employee contribution.

4. The Town Council authorizes the Town Manager to sign the agreement between the Town of Hampden and the Maine Public Employees Retirement System.

Adopted by the Hampden Town Council on Monday, June 15, 2009.

D. COMMITTEE REPORTS

Councilor Cox reported that the Services Committee met on June 8th and heard an update from Library Director Debbie Lozito on the work of the Library Board of Trustees regarding its by-laws and the library ordinance. Several citizens who live adjacent to Dorothea Dix Park expressed concerns about the potential work being done at the park. Their primary concerns were due to increased traffic and how it might affect Hopkins Road. The Services Committee recommended that the Friends of Dorothea Dix Committee look at different options for entrance to the park. Now that the Project Canopy grant has been awarded, the tree planting is scheduled for Saturday, June 27th. The Committee also had brief discussion about the potential development of a dog park and a community garden.

The Committee will hold a special meeting on Monday, June 22 at 6:00 pm to review the proposed Community Room Rental/Use Policy. The next regular meeting of the Services Committee will be at 6:00 pm on July 13th.

Councilor Cushing asked the Council to consider re-establishing the Committee on Committees to continue work on the review of the role and scope of citizen advisory committees and boards. He reported that the Planning & Development Committee will meet at 6:00 pm this Wednesday and the Communications Committee will be meeting soon.

Councilor Brann reported that the Infrastructure Committee will meet at 6:00 pm on June 22nd.

Manager Lessard reported that the Finance Committee met earlier in the evening and discussed and made recommendation on several of the items on the Council's agenda this evening.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

Councilor Shakespeare offered congratulations to Mayor Arnett on his nomination for election to the Maine Municipal Association Executive Committee and thanked employees Cheryl Johnson and Vivian Gresser for their dedication and sacrifice of their vacation time to volunteer at Camp Sunshine.

Councilor Cushing reported that he taped the Hampden Academy graduation yesterday and it was a very nice event. He hopes that we will be able to air it on Cable TV Channel 7 within the next couple of weeks. Councilor Cushing also reported that he received an inquiry from a resident regarding the lights at the basketball court on Canoe Club Road. Apparently the lights for the tennis courts are coming on at night, but the lights for the basketball court do not and he asked if someone could look into that.

MANAGER'S REPORT
JUNE 15, 2009

MAYOR ARNETT NOMINATED FOR MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE

Mayor Matthew Arnett has been nominated for election to the Maine Municipal Association Executive Committee for a three year term beginning in late 2009. Elections will be held during the summer of 2009. This important post gives both Hampden and the region a voice in policy development for this important state-wide organization. Congratulations Matt!

PUBLIC SAFETY – SAFETY ENHANCEMENT GRANT RECEIVED

Firefighter/paramedic Jason Lundstrom has successfully written another grant for the Fire Department in the amount of \$2,000 for a Scott RIT PAK. This grant is part of a safety incentive grant program through the Maine Municipal Association Risk Management Services. Thanks to Jason for another successful grant!

TOWN EMPLOYEE VOLUNTEERS –

Both the Tax Collector Cheryl Johnson and Assessor Vivian Gresser are taking this week as vacation to volunteer at Camp Sunshine – the camp for families who have children suffering from cancer - on Sebago Lake. This is a return venture for both staff members.

DEPT OF LABOR MEETING

I will be meeting with a representative from the Department of Labor on June 23rd regarding the Safety Visit that was performed several months ago. We have completed all identified items and I have requested forgiveness of the fines that were attached to the few items that remained after Public Works was removed from the inspection.

Councilor Cox offered compliments to Manager Lessard, Town Staff and her fellow Councilors for a smooth budget process.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:53 p.m.

A handwritten signature in cursive script that reads "Denise Hodsdon".

Denise Hodsdon
Town Clerk