

TOWN COUNCIL MINUTES

AUGUST 18, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, August 18, 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, Andrew Colford, Thomas Brann, Matthew Arnett, Andre Cushing, Shannon Cox and Edward Murphy

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Citizens

A. CONSENT AGENDA

There were no Treasurer's Warrants for approval of the Finance Committee. Councilor Arnett requested that Item A.3.a. be set aside. The balance of the Consent Agenda was accepted without objection.

A.3.a PINE TREE LANDFILL/TOWN – WORK PLAN FOR GROUNDWATER EXTRACTION

Councilor Arnett asked Manager Lessard whether this has any significance for the Town. Manager Lessard explained that this is part of the remediation plan for the landfill and the purpose is to remediate water quality issues which are currently onsite and to prevent any issues from travelling off that site. It has no adverse affect for neighbors. Motion by Councilor Arnett, seconded by Councilor Cox to accept Item A.3.a. – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE RECEIVED FROM JUDITH ADAMS AND ELMER GAMBLE, d/b/a HAMPDEN COUNTRY CLUB at 25 THOMAS ROAD

Mayor Briggs explained the procedure of the public hearing and then opened the hearing.

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

Motion by Councilor Arnett, seconded by Councilor Murphy to approve the application – unanimous vote in favor.

b. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE
RECEIVED FROM FRANK CLARK, d/b/a HIGHLAND CORNER
MARKET at 557 KENNEBEC ROAD

Mayor Briggs opened the hearing.

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

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

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There was none.

3. UNFINISHED BUSINESS

a. COMMUNITY SERVICES COMMITTEE – REQUEST FOR DEED
RESEARCH – COUNCILOR COX

Councilor Cox reported that the Community Services Committee has been meeting with the Friends of Dorothea Park and the Tree Board regarding the renovation of the park in consultation with Prentiss & Carlisle. What has come out of the most recent meetings has been summarized in a memorandum from the Tree Board to the Council, Manager Lessard and the Community Services Committee (copy attached). Councilor Cox reported that there are some questions about right-of-way usages and easements along Hopkins Road. The Committees are asking for Council support in requesting that the Town Attorney to do some deed research and investigation into right-of-way access. In order for Prentiss & Carlisle to draft a proposal of the work that needs to be done in the park, they will need rear access into the property.

Motion by Councilor Arnett, seconded by Councilor Brann to authorize the Town Attorney to do deed research as requested by the Committee working in conjunction with the Town Manager's consent – Following discussion, by roll call, vote on the motion was 7-0 in favor.

08/14/2008

MEMORANDUM

To: Hampden Town Council
Susan Lessard, Town Manager
Community Services Committee

From: Hampden Tree Board:
Jim Feverston, Lance Case, Chris Packard, and Phil Stack

The Hampden Tree Board was asked by the Community Services Committee of the Council to join with representatives of the Friends of Dorothea Dix Park to examine the park for potential recreational improvements and to make recommendations for the highest and best use of Dorothea Dix Park as a recreational and permanent green space for the citizens of Hampden.

Board members have extensively reviewed the recent forest management plan for the parcel developed by Prentiss and Carlisle and met jointly with Friends of Dorothea Dix Park representatives, town staff members and Community Services Committee members to establish a vision for the park. Additionally, tree board members together with town staff conducted GPS tracking activities to determine exact locations of existing trails and landmarks and walked the entire park both separately and together with the aforementioned community members.

Our recommendations are predicated on the fundamental premise that Dorothea Dix Park will be retained and developed as a public recreation area consistent with ecologically sound learning forest concepts. Additionally, we propose to increase access and promote a safer public environment for a variety of enhanced uses with the goal of making the park a more welcoming, attractive and useable encounter with nature. Speaking as private citizens of Hampden as well as members of the tree board, we recommend accomplishing the following activities to achieve our shared vision and goals.

- 1) A determination must be made as to the existence of a right-of-way easement for rear access to the park property from Hopkins Road. Rear access plays a major role in harvesting, future development and planned access and accommodations for persons with mobility challenges. Also, any documents granting abutters easement right-of-way usage rights to the existing traveled way, which bisects the backside of the park, should be identified. Our cursory and in-depth readings of the in-house property deeds and maps are inconclusive.
- 2) Harvesting and thinning of trees in the park should occur within the next twelve months at such time as is necessary to cause the least amount of disruption to the forest floor. Harvesting and thinning is highly desirable and

necessary at this point to retain a healthy and safe forest environment. A light cutting footprint should be used following trails jointly identified by tree board members, town staff, community services committee members and friends of the park to the extent that it is operationally possible to follow the desired routes. This cutting method will also help assure that erosion and other damage to the forest floor is kept to a minimum.

- 3) Thin and harvest the front 20 percent of the park closest to Route 1A leaving only the best quality crop and specimen trees. This will leave approximately 20 percent of trees remaining in this area. Much of the thinning could be accomplished from the under story. Some work will need to be done to shape and prune the remaining trees. The area should then be planted with grass and maintained to provide an open, attractive and inviting formal park setting. Trees should be maintained and replaced as needed to provide the desired canopy coverage. The playground area could be expanded.
- 4) The second section of the park would commence at a new trailhead at the back edge of the front section and continue to the west edge of a wetland bog located approximately in the center of the park. We recommend adding another loop hiking trail through this section to expand recreational and educational access to the park. An elevated point such as a small lookout platform from which to overlook the wetland is desirable. Furthermore, we recommend harvesting and thinning about 30 percent of the forest to leave a forest dominated by hardwoods. The softwood trees are dead and dying and should be removed, as they are falling over anyway and create a safety hazard. However, some wild life trees should be preserved, as jointly selected. Sections of the existing trail may need to be relocated to abate current and foreseeable erosion issues.
- 5) The wetland should be undisturbed to the maximum extent possible. A natural buffer of a minimum of 75 feet should be maintained around the wetland; 75 feet is the minimum recommended for many state and federal regulations.
- 6) The section of the park east of the wetlands to the open mowed grass field should be sufficiently harvested to maintain a healthy predominately oak forest. Softwoods in this area should be heavily thinned. Native understory shrub plant materials and grasses should be added to this area in the future to compete with the invasive understory plants present in the park. An additional trail loop should be established on the south side of this section and culminate at an additional new pavilion trailhead site located at the north end of the grass field.
- 7) The mowed grass field should be maintained as an open field with the following exceptions: A gravel roadway and parking area sufficient to accommodate patron vehicles and school buses should be constructed in this area, and a

covered pavilion sized to accommodate a group of at least 35 people should be provided for public use at the north end of the grass field.

- 8) Vehicle and pedestrian access to the aforementioned field section of the park should be through an upgraded park entrance access off the end of Hopkins Road. The distance from the edge of the road to the park property line is approximately 130 feet. Legal rights of way must be determined. This field should also be used as the temporary staging area for harvest operations.
- 9) The last section of the park from the east edge of the field to the river should be thinned and harvested only to the level necessary to maintain a healthy mix of both hard and softwoods. This section of the park is bisected by the traveled way mentioned in item one. While some areas are prohibitively steep, we envision the forest area between the field and the traveled way interspersed with stationary picnic tables. Strict adherence to shore land zoning cutting restrictions and setbacks should be observed.
- 10) The top of the bluff area located on the riverside of the aforementioned road should include a new trail and connect to a new loop trail from the pavilion trailhead area. The trees in the bluff area should be thinned and pruned to provide safe river vista viewing areas. However, every effort should be made to preserve the majestic pine trees in this entire section. Benches and picnic tables on the bluff are encouraged where possible. Part of this river vista trail should be built in a gently winding manner and paved so it is accessible to people with mobility challenges.
- 11) Honeysuckle and barberry are invasive plant materials and can overrun areas of the forest where sufficient light comes through the canopy. This problem currently exists in some areas of the forest. We recommend adopting an ongoing strategy of systematic abatement that includes both a manual hand removal of the invasives, and/or a minimal application of a commercial herbicide. The chemical should be applied to the remaining exposed stem areas only to inhibit future growth while significantly reducing the amount of chemical applied in the surrounding forest floor. Another option that has been mentioned uses a fire control method for barberry, based on new research from the University of Connecticut. Mechanical methods of removal are not preferred because they will only ensure the invasives remain, as these methods break up root balls into multiple new seed sources as well as scatter existing seed further around. Unwanted growth of invasive plant material is of critical concern to board members. Such growth can significantly reduce the recreational enjoyment of the under story as well as crowd out native Maine species. In the near future we will be visiting similar forest locations in the Bangor area that have been thinned and harvested to specific percentages. The board will confirm or modify our specific percentages following onsite reviews.

- 12) Drainage issues leading to erosion and sedimentation problems exist within and throughout the park. Remediation of these areas should be included in the operational harvest plan and completed at the same time some sections of existing trails are relocated and new trails established.
- 13) Hampden Public Safety and the department of Public Works should be involved in the discussions surrounding trail widths and composition. Emergency evacuation of patrons and ongoing park maintenance and debris removal will need to be accomplished by use of park trails. Precluding their input, we recommend the trails not be constructed to accommodate street vehicles.
- 14) Finally, we recommend Council provide public opportunities sufficient to provide a thorough understanding and discussion of our collective vision and goals for the park. All abutters and other property owners in the surrounding area as well as other citizens interested in the rehabilitation of this community jewel should be invited to an open meeting to review harvest recommendations and offer synergistic input into the concept before a detailed cutting plan is developed.

It is a pleasure to assist the Town in planning activities and developing solutions and recommendations for park improvements. It is the expressed desire of this board to continue to provide support and specific implementation strategies and recommendations for the preservation and ongoing development of this treasured community asset.

Sincerely,

Jim Feverston, Lance Case, Chris Packard, and Phil Stack

4. NEW BUSINESS

There was none.

D. COMMITTEE REPORTS

Councilor Arnett reported that the Charter & Ordinance Committee met earlier in the evening and was brought up to date on ongoing agenda items. The Committee spent a bit of time discussing the importance of documenting what goes on in committee meetings and making sure the public is informed. The Committee is recommending to the Committee on Committees that we regularize the process by which agendas are established and communicated to the public. The Committee also had discussion regarding the definition of "institution" and "institutional uses" and will continue discussion at its next meeting.

Councilor Brann reported that the Finance Committee meeting scheduled for last Thursday was postponed and has been rescheduled for August 28th at 7:00 pm. He further reported that the Comprehensive Planning Committee is meeting tomorrow evening.

Councilor Cushing reported that the Committee on Committees met last Thursday and continues to make progress. The next meeting will be at noon on Thursday, August 28th at the Town Office.

Councilor Cox reported that the Community Services Committee met last week and the nature of what was discussed is outlined in the memo from the Tree Board. The next meeting will be tomorrow evening at 6:00 pm.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

Manager Lessard further reported that Nomination Papers are available at the Town Office for District Town Council, School Board and Water District Trustee. Papers must be returned by September 5th at 4:30 pm.

She will be meeting with the School Superintendent this week regarding the Memorandum of Understanding relative to access off Route 202.

Manager Lessard extended wishes for a speedy recovery to Economic Development Consultant Bion Foster.

She also informed the Council that Town Staff is putting together Team Denise to participate in the Komen Race for the Cure in September in support of Town Clerk Denise Hodsdon. She encouraged anyone who wishes to participate as part of the team to contact the Town Office.

F. COUNCILOR'S COMMENTS

MANAGER'S REPORT

August 18, 2008

Tax Bills - 2008/09 Property Tax bills will be mailed on August 25th. First half payments are due by October 1st to avoid interest.

Children's Day - The Children's Day Parade and festivities were a real success this year. The weather cooperated right up until the evening - and despite some rain - cleared early enough for an absolutely stupendous fireworks display courtesy of Blue Hill Pyrotechnics. I am happy to report that the Town Office float won first prize in the Float category of the parade. Many thanks to H.O. Bouchard, Inc. for supplying a truck and driver - and to Galen Deprey for his help in getting the equipment delivered and picked up in a timely fashion. It has been many years since the Town has entered a float and hats off to Tammy Ewing for designing and coordinating the effort with help from admin staff members. The Recreation Department also was instrumental in helping make sure that the day's events ran smoothly and thanks to them for all of their work. It was so nice to see so many families and children enjoying the day.

Gazebo - The gazebo is now ready for use thanks to the efforts of Kurt Mathies and the committee who helped to rebuild it after the move to the field next to the pool. We also have a number of very sturdy new picnic tables that were built by local high school students through MSAD #22 - thanks to them for their efforts.

Transfer Station Accident - Our new Transfer Station Manager fell off a ladder on Sunday at the transfer station and injured his back and neck. Fortunately, nothing was broken and it is anticipated that he will be back to work within a week.

Manager's Institute - The annual Manager's Institute will be held Wednesday and Thursday of this week in Bar Harbor. I will be attending at least part of the institute, depending on the work schedule here.

Folk Festival Volunteers - The Bangor Area Stormwater Group is seeking volunteers for shifts at the booth at the Folk Festival the weekend of the 22nd-24th. I can put interested persons in touch with the appropriate people if anyone wishes to participate.

Councilor Murphy informed the Council that he feels he no longer has the time to commit to the Council and taking care of town business and as a result, he will not be seeking re-election to the Council this year.

Councilor Cushing expressed appreciation to Annie O'Reilly for taking on a greater role in some of the Communications Committee activities related to Cable TV shows. She was able to recruit Deke Rhinehart who helped with filming the Children's Day activities and on-air interviews, which were conducted by Karen Field of Reed's Brook School. Councilor Cushing commented that it is nice to see new faces coming along and giving our programming a different flavor.

Councilor Arnett was happy to hear about the progress Annie O'Reilly is making. He thanked Councilor Cushing for taking a major leadership role in the Communications Committee and for all his time in producing some very informative programs about our Town, its people, its activities and the reasons why Hampden is such a great place to live.

Councilor Colford said he was glad to be able to judge the Children's Day parade. He noted it was an outstanding parade this year. He said he was very impressed by the fireworks display and felt it was the best around.

Mayor Briggs credited the Children's Day Committee for another successful and safe day.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:45 p.m.



Denise Hodsdon
Town Clerk