

TOWN COUNCIL MINUTES

MARCH 16, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, March 16, 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, Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis and Janet Hughes

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Recreation Director Kurt Mathies and Pool Director Darcey Peakall

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting earlier in the evening. Motion by Councilor Cushing, seconded by Councilor Cox to accept the balance of the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. APPLICATIONS FOR RENEWAL OF VICTUALER'S LICENSES:

Mayor Arnett explained the procedure for the public hearings and then opened separate hearings for each application.

1. BANGOR TENNIS & RECREATION CLUB, 60 MECAW ROAD

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

Motion by Councilor Cushing, seconded by Councilor Lawlis to approve reissuance of the Victualer's License for Bangor Tennis & Recreation Club – unanimous vote in favor.

2. BEST WESTERN WHITE HOUSE INN, FILIBUSTER LOUNGE
155 LITTLEFIELD AVENUE

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

Motion by Councilor Cushing, seconded by Councilor Brann to
reissue the Victualer's License for Best Western White House Inn,
Filibuster Lounge – unanimous vote in favor.

3. DYSART'S SERVICE d/b/a DYSART'S TRAVEL STOP, 366
COLDBROOK ROAD

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

Motion by Councilor Cushing, seconded by Councilor Brann to
reissue the Victualer's License for Dysart's d/b/a Dysart's Travel
Stop – unanimous vote in favor.

4. RONALD & BARBARA McKINNON d/b/a McK'S VARIETY, 995
WESTERN AVENUE

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

Motion by Councilor Cushing, seconded by Councilor Cox to reissue
the Victualer's License to Ronald & Barbara McKinnon d/b/a McK's
Variety – unanimous vote in favor.

5. BRIAN & CINDY CARLISLE d/b/a PIZZA GOURMET, 60 MAIN
ROAD NORTH, SUITE A

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

Motion by Councilor Cushing, seconded by Councilor Brann to
reissue the Victualer's License to Brian and Cindy Carlisle d/b/a
Pizza Gourmet – unanimous vote in favor.

6. KATHY SMITH d/b/a R & K VARIETY, 573 MAIN ROAD NORTH

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

Motion by Councilor Cushing, seconded by Councilor Cox to reissue
the Victualer's License to Kathy Smith d/b/a R & K Variety –
unanimous vote in favor.

7. DLLS, INC. d/b/a SUBWAY OF HAMPDEN, 7 WESTERN AVE.

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

Motion by Councilor Cushing, seconded by Councilor Shakespeare to reissue the Victualer's License for DLLS, Inc. d/b/a Subway of Hampden – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS FOR APPOINTMENTS TO PLANNING BOARD

Councilor Cushing reported that the Planning & Development Committee interviewed both applicants and recommends appointment of both as Regular Members of the Planning Board. He noted that these appointments would fill the two regular member vacancies, but that there are still two associate member vacancies on the Planning Board.

1. THOMAS BLAIS – ASSOCIATE MEMBER TO REGULAR MEMBER

Motion by Councilor Cushing, seconded by Councilor Hughes to elevate Thomas Blais from an Associate Member to a Regular Member of the Planning Board – unanimous vote in favor.

2. EUGENE WELDON – NEW MEMBER

Motion by Councilor Cushing, seconded by Councilor Hughes to appoint Eugene Weldon as a Regular Member of the Planning Board – unanimous vote in favor.

b. WATER DISTRICT TRUSTEE APPOINTMENT – DON DARLING – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Shakespeare reported that the Infrastructure Committee interviewed two candidates to fill the vacancy on the Water District Board of Trustees and is recommending appointment of Don Darling to fill that vacancy. He then moved to appoint Don Darling to the Water District Board of Trustees; Councilor Cushing seconded the motion and vote was unanimously in favor.

c. SHELBY WRIGHT – TREE BOARD APPLICANT APPROVAL – SERVICES COMMITTEE RECOMMENDATION

Councilor Cox reported that at its most recent meeting, the Services Committee unanimously recommended appointment of Shelby Wright to the Tree Board. Councilor Cox moved and Councilor Cushing seconded to appoint Shelby Wright to the Tree Board – unanimous vote in favor. Councilor Cox noted that this appointment fulfills all the seats on the Tree Board.

3. UNFINISHED BUSINESS

a. SEASHELL SLIDE REPLACEMENT AUTHORIZATION – PAID FOR BY TRUSTEES

Pool Director Darcey Peakall informed the Council that the current seashell slide has needed numerous repairs in the last 18 months and the Pool Board is looking to replace it. The Board has agreed to finance a new slide from the endowment fund and Darcey asked the Council for approval to remove the seashell slide and replace it with a Baby Dino slide.

Motion by Councilor Brann, seconded by Councilor Cox to grant permission to the Pool Board to remove the current slide and replace it with the Baby Dino slide – unanimous vote in favor.

Darcey said there will be some kind of event to name the dinosaur and an open house to invite people to check out the new slide. She noted that the pool rental fee will be reduced while the slide is out of commission.

b. COUNCIL APPOINTMENT TO SCHOOL BUDGET COMMITTEE

Motion by Councilor Cox, seconded by Councilor Shakespeare to appoint Councilor Jean Lawlis as the Town's representative on the School Budget Committee – unanimous vote in favor.

4. NEW BUSINESS

a. AFLAC – ADDITION AS EMPLOYEE-FUNDED BENEFIT – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Brann reported that AFLAC made a presentation to the Infrastructure Committee regarding their insurance program and requested permission to market their products to Town employees. There would be no cost to the Town as all costs will be borne by the employees through weekly payroll deductions. The Committee recommends authorizing AFLAC to make a presentation to employees.

Councilor Brann moved to allow AFLAC to make a presentation to Town employees and for the Town to process the payments as required by agreement with AFLAC; Councilor Cushing seconded the motion and vote was unanimously in favor.

b. SILVER STAR BANNER DAY – PROCLAMATION REQUEST

Manager Lessard explained that the Silver Star Families of America are looking to honor wounded military veterans and they have requested proclamations from cities, towns, counties and states as a way of thanking and honoring these veterans. They provided a sample proclamation for signature of the Mayor.

Motion by Councilor Cushing, seconded by Councilor Cox to issue the proclamation honoring Silver Star Banner Day – unanimous vote in favor.

c. PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION FOR DELETION OF SUNSET PROVISION OF CONSERVATION COMMISSION ORDINANCE AND INTRODUCTION FOR PUBLIC HEARING

Councilor Cushing reported that the Planning & Development Committee recommends deleting the sunset provision from the Conservation Commission Ordinance and he introduced this item for public hearing at the next meeting.

d. GAZEBO RELOCATION – RECOGNITION OF CONTRIBUTORS – KURT MATHIES & GRETCHEN HELDMANN

This item was moved to the beginning of the meeting. Recreation Director Kurt Mathies and Mayor Arnett presented certificates of appreciation to everyone who contributed in relocating the gazebo to the Western Avenue area playground. Those receiving certificates were Ken Anderson, Plant Manager for Lane Construction; Ed Nason, Plant Manager for Sunrise Materials; Tom Jewell, Assistant Division Manager for Wardwell Contracting; Jeff Jones of J. Jones Building Construction; and citizen volunteer Dick Madore. Kurt noted that EBS Building Supply donated a considerable amount of lumber for the project, but they were unable to send a representative to accept the certificate. Mayor Arnett thanked all the contributors on behalf of the Town. Mayor Arnett also noted that Kurt has been a key player in helping with our parks and recreation and expressed appreciation for his help in this project.

e. ALEWIFE FISHING RIGHTS

Manager Lessard informed the Council that the Conservation Commission is in the process of advertising for a fishing agent to cover the requirements of this ordinance. She explained that in order for the Town to preserve its rights to control the fishing of alewives, the Council would need to adopt the same plan as last year under the same terms and conditions as last year's ordinance, which describes how they may be caught.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to preserve alewife fishing rights and continue the alewife fishing plan in the same manner as last year – unanimous vote in favor.

f. NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE – PROCLAMATION REQUEST

Manager Lessard explained that this an annual request from the NALC in support of their annual food drive to help end hunger in America. They provided a proclamation for signature of the Mayor.

Motion by Councilor Cushing, seconded by Councilor Brann to support the proclamation – unanimous vote in favor.

Manager Lessard reminded everyone that Saturday, May 9th is the day the letter carriers will be collecting non-perishable food items.

g. CONSERVATION COMMISSION REQUEST

Manager Lessard informed the Council that the Conservation Commission has requested feedback relative to a letter they would like to send to legislators regarding proposed job cuts to the Maine Department of Inland Fisheries and Wildlife. The Commission opposes the cuts and believes that these cuts will have a significant negative effect on the ability to identify sensitive habitat areas. Manager Lessard said she was uncomfortable with a committee issuing a position from the community, which the Council had not reviewed and endorsed.

Councilor Brann moved and Councilor Cox seconded to support the letter submitted by the Conservation Commission.

During discussion, Councilor Cushing expressed concern about the Town sending advocacy letters to the State in regard to budgetary matters. He feels that the committees and boards have a responsibility to handle the affairs that affect the Town, but he would not be in favor of a policy that encourages boards to advocate on budgetary matters with the State.

Councilor Brann disagreed and said that the Town of Hampden has taken a position where we think the environment is of significant importance. He pointed out that we have a Conservation Commission to pay attention to the conservation needs and impact of activities throughout the region and state on preservation of land masses that we consider important within the Town. Whereas we have decided that that is an important priority for the Town, he feels it is the responsibility of the Conservation Commission to speak up and that we need to support them on that activity.

Vote on the motion was four in favor (Shakespeare, Lawlis, Cox and Brann) and three opposed (Cushing, Hughes and Arnett) – motion carried.

h. REQUEST FROM ACANE TO HOLD 2009 SOUADABSCOOK
STREAM CANOE RACE

This year's canoe race is scheduled for Saturday, April 11th and this is the annual request for authorization to hold the race in Hampden.

Motion by Councilor Hughes, seconded by Councilor Shakespeare to support the canoe race and authorize the Town Manager to issue a letter giving them permission to hold the race – unanimous vote in favor.

i. GENERAL ASSISTANCE ORDINANCE UPDATE – FOOD STAMP INCREASES

Manager Lessard explained that the Department of Health and Human Services has modified the food stamp maximums effective April 1, 2009. She noted that generally when amending an ordinance, a public hearing is required, but DHHS has indicated that since a hearing was held at the beginning of the year, modifications do not require a public hearing, but simply a vote of the Council to authorize use of these maximums.

Motion by Councilor Brann, seconded by Councilor Hughes to adopt the MMA model ordinance Appendix B for the period of April 1, 2009 to September 30, 2009 – unanimous vote in favor.

j. PROJECT CANOPY GRANT APPROVAL

Recreation Director Kurt Mathies and newly appointed Tree Board member Shelby Wright made a presentation regarding the Tree Board's application for a Project Canopy Grant to help fund a tree planting project in the Western Avenue Recreation Area adjacent to the Lura Hoit Pool. Shelby explained that these grants are reimbursement awards sponsored by the Maine Forest Service and the USDA that provide a 50/50 match for tree planting and maintenance projects. The maximum grant award is \$8,000 and the Tree Board is hoping for maximum funding. Shelby explained that because this is a reimbursement only grant, funds would have to be guaranteed by the Town to support the project in full until the reimbursement is received. Shelby pointed out that most of the matching funds are in-kind contributions of labor, staff time, etc. as well as possibly some monetary commitments. The Tree Board is requesting a \$9,000 commitment from the Town to facilitate the project.

The Tree Board plans to plant 44 trees and shrubs in the Recreation Area and has verbal commitments for donations of labor and materials from several community organizations, including the Garden Club, Boy Scouts and Girl Scouts and the Kiwanis Club.

Councilor Cox reported that the Services Committee has reviewed the presentation and unanimously supports the proposed project. She had very high praise for the caliber of work coming out of the Tree Board. Councilor Brann added that as a Tree City, we are required to make a contribution of funds annually into the process of creating a more forested environment and these funds would count toward that requirement.

Motion by Councilor Cox to support the submission of the Project Canopy grant proposal and the subsequent support for the project if awarded the grant, up to \$9,000 to be funded from the Recreation/Conservation Reserve account and if successful in receiving the grant, the funds will be returned to that account. Councilor Lawlis seconded the motion and vote was unanimously in favor.

Shelby said that in order to submit the grant, Project Canopy does request letters of support outlining the commitment that each of the partners in the

grant process will make. She requested a letter of support from the Town Council in support of the Project Canopy grant application and planting project. Motion by Councilor Brann, seconded by Councilor Cox to authorize the Town Manager to draft such a letter and sign on behalf of the Town – unanimous vote in favor.

Shelby then informed the Council that a representative of the Town will need to sign the grant application. Motion by Councilor Brann, seconded by Councilor Cox to authorize the Town Manager to sign the grant application on behalf of the Town – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Cox reported that the Services Committee met on March 9th and spent a good deal of time on the Project Canopy grant; dealt with Shelby Wright's nomination to the Tree Board; got a brief update on the Friends of Dorothea Dix; discussed revision of the mission statement and hopes to have proposed drafts for the April meeting; is working to form a citizens group to shepherd the work of what was the Communications Committee; and discussed and approved scholarship guidelines for the Pool Board scholarships. The Committee also had a brief discussion about SAD #22 and how issues relating to the new school project are being brought forth to the committees and to the Council and talked about trying to find the best way to do that where the information is available to the full Council. The Services Committee would like to see a better flow of information and timetable coming from SAD #22. The next meeting of the Services Committee will be at 6:00 pm on April 13th.

Councilor Cushing reported that the Planning & Development Committee is still in the process of working on the shoreland zoning ordinance and stormwater management plan. The Committee discussed the outdoor wood boiler issue and hopes to have a recommendation for Council in the near future. The Committee is reviewing a proposal from Hamlin Marina that may have some long-term benefits to the Town in terms of an exchange that will allow us to see development of a new park area. The next meeting is at 6:00 pm on March 18th.

Councilor Brann reported that the Infrastructure Committee had discussion relative to the transfer station policy and it looks like the changes have been very successful in reducing the budget and amount of trash that has passed through the station. He reported that the Mayo Road update and Route 1-A sewer project are eligible and ready to be submitted for stimulus funds. The Committee also had some discussion on increasing town involvement in composting and will invite someone from DEP to come up and talk about the potentials of composting.

Mayor Arnett reported that the Finance Committee met this evening and continues to discuss the long-term resident tax rebate program. He said the discussion has been lively and there are many different points of view, particularly in light of the current economic difficulties. The Committee has agreed to continue that item on its agenda, but not to take action until there is a better picture of budget requirements. The Committee discussed the proposed budget guidelines submitted by Manager Lessard and is in unanimous support of those guidelines and requested that it be placed on the agenda for action at the next Council meeting.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

Councilor Shakespeare assured the public that the Town Council is very aware of the hard financial situation everyone is facing and that the Council and Town Manager are trying to do everything possible to keep expenses down.

Councilor Lawlis commented that she received a request from a constituent for considering a new street light on Route 1-A at a newly created intersection. She spoke with Manager Lessard and it is going through the proper procedural steps.

Councilor Brann reiterated his complaint with the State's changing the speed limit on Route 9 from the Mayo Road to the crest of the hill beyond the railroad tracks. He said since they increased the speed limit, there have been several near-misses that he knows of.

Councilor Cushing noted that the Tax & Rent refund applications are available at the Town Office or online through the State's website. He commended the Tree Board and Recreation Department for putting together a very nice package to enhance the Western Avenue Recreation Area.

Councilor Cox also thanked the Tree Board for the work they have done. She said it is interesting to see how purposeful they have been as a committee in the planning for that particular project. She hoped that the grant receives support from the grantors. Councilor Cox also informed everyone that the Hampden Academy Jazz Band will be in a competition sponsored by the Bangor Breakfast Rotary at Bangor High School at 7:00 pm Thursday evening.

Mayor Arnett offered congratulations to Alyssa Duron, a senior at Hampden Academy, who was recently awarded the Girl Scout Gold Award. She is the daughter of Bobby and Stephanie Duron. Mayor Arnett was able to attend the award ceremony and commented that she is an outstanding young woman and her parents have every right to be very proud of her.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
MARCH 16, 2009

Tax Due Date – Another reminder that the second half of property taxes are due by April 1st in order to avoid interest. The sign is now up in front of Municipal Building again as a reminder!

Sewer Billing – 30 Day Notices – 30-day notices for unpaid sewer charges will be sent out by certified mail this week.

Transfer Station Decals – 2009 – The grace period for allowing vehicles into the transfer station without a 2009 sticker has expired. Vehicles without stickers or paper passes will be turned away.

Dept. of Labor Inspection – Although we did very well on the recent surprise inspection by the department of Labor, when we received the report, they had attached fines to several of the violations. Since we had requested a voluntary inspection last summer – and never received one – I have appealed the fines. I am meeting with a representative from the Department of Labor tomorrow to discuss this matter.

Budget – Department heads are busy working on their individual budgets. Their submission deadline is March 27th. I have outlined the parameters of this year's budget to the Finance Committee and am hopeful that these items will be forwarded to the full council for consideration at the next Council meeting.

Vivian Gresser -Thank you – Attached to this report is a note sent to our assessor thanking her for help with a tax and rent refund application.

Gretchen Heldmann – School Volunteer – Our GIS/IT Specialist visited with students at the school in Winterport to discuss maps and mapping last week. Many of our staff do volunteer work in the schools, from the annual public safety-manned cookout for the elementary school(s) in Hampden to days in which staff members attend a class to read to students.

Sewer Funding – Stimulus funds – We were not selected to receive grant or 0% interest funding for the sewer project on Main Road. The State had \$300 million dollars worth of applications and awarded \$29 million in funding. I will be completing an application for low-interest (2%) funding through the State Revolving Loan Fund.