

## TOWN COUNCIL MINUTES

NOVEMBER 17, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, November 17, 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, Matthew Arnett, Thomas Brann, 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

Councilor-Elect Janet Hughes, Brian Duprey and Citizens

Mayor Briggs noted that Councilor Colford was unable to attend the meeting and had requested an excused absence. Motion by Councilor Cushing, seconded by Councilor Arnett to excuse Councilor Colford – unanimous vote in favor.

### A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. Councilor Arnett requested that Item A.1.b. be set aside. Motion by Councilor Cushing, seconded by Councilor Brann to accept the balance of the Consent Agenda – unanimous vote in favor.

#### A.1.b. TREASURER'S REPORT

Councilor Arnett asked Manager Lessard to briefly discuss the Treasurer's Report. Manager Lessard noted that the report includes a Revenue Summary and Expense Summary which illustrates that we are on target with both. She also included an Account Balance sheet for all town accounts and she will be providing this information to the Council on a monthly basis. Motion by Councilor Arnett, seconded by Councilor Cushing to accept the Treasurer's Report – unanimous vote in favor.

### B. PUBLIC COMMENTS

There were none.

### C. POLICY AGENDA

## 1. PUBLIC HEARINGS

### a. GENERAL ASSISTANCE ORDINANCE – ADOPTION OF REVISED APPENDIXES A, B and C

Mayor Briggs explained that these are amended guidelines set annually by the State.

Mayor Briggs opened the hearing. Proponents – None; Opponents – None; General Questions or Comments – None. The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Murphy to adopt Appendices A, B, and C – unanimous vote in favor.

### b. APPLICATION FOR RENEWAL OF A VICTUALER'S LICENSE RECEIVED FROM KLITON XHEMALI, d/b/a ANGELO'S PIZZA AT 102 MAIN ROAD SOUTH

Mayor Briggs pointed out that the Department Report from Fire/Building Inspector Keith Barnhard notes a violation of the hood system, but the owner is in the process of correcting the problem. It was Keith's recommendation to issue the license with the condition that the hood system be brought up to code in the next couple of weeks.

Mayor Briggs opened the hearing. Proponents – None; Opponents – None; General Questions or Comments – None. The hearing was closed.

Councilor Murphy said he was uncomfortable granting a license until the repairs are complete and asked when the current license is due to expire. The license is due to expire in two days and Mayor Briggs asked Attorney Russell if it is possible to grant an extension of the existing license. Attorney Russell advised that the ordinance does not provide for that, and he pointed out that the ordinance requires that the facility has to be in compliance with all codes to qualify for a license. He expressed concern about granting a license with the condition that they come into compliance at some time in the future and suggested continuing the public hearing.

Motion by Councilor Arnett, seconded by Councilor Cox to continue the hearing until the next meeting. During discussion Councilor Brann expressed concern with closing down a business given the time period involved. The Council has not had a meeting for a month and if the Council had held a regular meeting at the beginning of November, there may have been time for the applicant to complete the work before the license was due to expire. He wondered if it would be possible to make a special exception in this case. Mayor Briggs pointed out that this a safety issue that should be in place at all times, not just at the time of renewal and he would prefer to see the violation corrected before the Council issues the license. Vote on the motion was 4-2 (Brann and Cushing opposed) – motion carried.

Following the Manager's Report, Councilor Brann requested that the Council reconsider this item. Motion by Councilor Arnett, seconded by

Councilor Cushing to reconsider Item C.1.b., the application for a Victualer's License – unanimous vote in favor.

Councilor Brann moved to authorize the Town Manager to issue the Victualer's License for Angelo's Pizza when the Fire/Building Inspector can certify them as being in full compliance. Attorney Russell advised that it is not proper to delegate authority to an administrative official when the Council is the licensing authority. Attorney Russell further advised that technically if they continue to operate without the license, they will be violating the ordinance, but there is such a thing as prosecutorial discretion. If he is taking active steps to come into compliance, the enforcement staff has the discretion to not seek a court order to shut him down. He said he would rather see the Council go with that approach. Councilor Brann withdrew his motion and then moved to continue the hearing until the next Council meeting. Councilor Arnett seconded the motion and vote was unanimously in favor.

## **2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

### **a. NOVEMBER 4, 2008 ELECTION RESULTS – TOWN CLERK**

Town Clerk Denise Hodsdon reported the results for the Election and asked that the Council sign the Official Return of Votes, which was circulated for signatures of the Council.

## **3. UNFINISHED BUSINESS**

### **a. HAMPDEN ACADEMY RE-USE COMMITTEE**

SAD #22 is in the process of organizing a committee to consider re-use for the existing Hampden Academy campus and buildings and has asked the Town to appoint a representative to serve on that committee. Councilor Brann suggested that the Chair of the Ordinance Committee should serve as the Town's representative. As Ordinance Committee Chair, Councilor Arnett said he would be happy to serve on the re-use committee. Motion by Councilor Cushing, seconded by Councilor Brann to appoint Matt Arnett as Hampden's representative to the SAD #22 re-use committee – unanimous vote in favor. Councilor Cushing also felt it would be beneficial for Community & Economic Development Specialist Dean Bennett to be involved in the planning process.

### **b. SEWER PROJECT APPROVED AT REFERENDUM – REQUEST TO BID**

Public Works Director Chip Swan has received an engineering estimate from Woodard & Curran in the amount of \$167,500 to survey, design and put out the bid documents for this project. Chip informed the Council that there may be some grant money available as part of the federal stimulus package for infrastructure work, but the project has to be ready to go.

Motion by Councilor Murphy, seconded by Councilor Cushing to allow the Town Manager and Public Works Director to seek bids on this project – unanimous vote in favor.

**c. 510 BACK WINTERPORT ROAD – PURCHASE OFFER**

Manager Lessard reported that she has met with Don Pelletier, the person who purchased the other two parcels which were part of the George Perkins property tax foreclosure on the Back Winterport Road. This property has been in foreclosure since 2004 and the outstanding principal balance is \$9,518.33. However, if the Town had taken possession at the time of foreclosure, which would have stopped the taxes from accruing, the outstanding principal balance would have been \$3,228.36. Mr. Pelletier has offered \$3,000 for the lot with issuance of a quitclaim deed. She recommended that the Council accept this price and abate the remainder.

Motion by Councilor Brann, seconded by Councilor Cushing to sell the property for \$3,000.00 to Don Pelletier – unanimous vote in favor.

Motion by Councilor Cushing, seconded by Councilor Brann to abate taxes over \$3,000.00 – unanimous vote in favor.

**d. LIBRARY ROOF REPAIRS**

Manager Lessard requested that this item be postponed until the next meeting. Councilor Cushing so moved; Councilor Brann seconded the motion and vote was unanimously in favor.

**4. NEW BUSINESS**

**a. CONSIDERATION OF COUNCIL PUBLIC SAFETY AWARD –  
REFERRAL TO PUBLIC SAFETY COMMITTEE**

The Public Safety Department would like to discuss with the Public Safety Committee the possibility of publicly recognizing an 8-year old girl whose actions were key in saving her family from danger in a fire at their home back in July. Motion by Councilor Cushing, seconded by Councilor Brann to forward this to the Public Safety Committee – unanimous vote in favor.

**b. REQUEST TO ADD PRE-PAID LEGAL AS AN EMPLOYEE-PAID  
BENEFIT**

Pre-Paid Legal Services, Inc. has requested Council authorization to present information to Town employees about a voluntary benefit that would provide access to legal assistance. The cost of the benefit would be deducted through payroll, but there would be no cost or other involvement on the town's part. Motion by Councilor Cushing, seconded by Councilor Brann to provide an opportunity for employees to participate in the Pre-Paid Legal program through payroll deduction – unanimous vote in favor.

**c. MRC BOARD OF DIRECTORS ELECTION BALLOT**

There were four candidates on the ballot and Manager Lessard recommended a vote for Sophia Wilson of Brownville who is a current member of the MRC. Motion by Councilor Arnett, seconded by Councilor Cushing to support the recommendation and cast a vote for Sophia Wilson – unanimous vote in favor.

**d. SEWER COMMITMENT – 3<sup>RD</sup> QUARTER 2008**

Motion by Councilor Brann, seconded by Councilor Cushing to sign the commitment – unanimous vote in favor.

**e. COUNCIL RULES CHANGE REQUEST – INCLUSION OF  
TREASURER'S REPORT WITH AGENDA – COUNCILOR ARNETT**

Councilor Arnett said he would like to see the Treasurer's Report included as an item on the Council's Consent Agenda once a month. He suggested amending Item #4.A of the Council Rules to incorporate the Treasurer's report. He moved that the Council expand the Consent Agenda to include the Treasurer's Report as Item 4.A.3. and re-number Communications and Reports to Items A.4.4 and A.4.5 respectively. Councilor Murphy seconded the motion and vote was unanimously in favor.

**D. COMMITTEE REPORTS**

Councilor Cox reported that the next meeting of the Community Services Committee will be at 6:30 pm on December 2<sup>nd</sup>.

Councilor Arnett reported that the Communications Committee will be meeting on Wednesday at 7:00 pm.

**E. MANAGER'S REPORT**

A copy of the Manager's Report is attached.

Manager Lessard also noted that the day after Christmas is a Friday this year and asked if it is the pleasure of the Council to close town services on that day. Motion by Councilor Brann, seconded by Councilor Cox to close on the day after Christmas – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cushing that the Town Council formally support the appointment of Susan Lessard as Chair of the BEP – unanimous vote in favor.

## MANAGER'S REPORT

November 17, 2008

BEP Chairmanship – As noted in the consent agenda, the Governor has appointed me as the new Chair of the State Board of Environmental Protection. I have served on that board for about a year and a half. There are two meetings a month of the Board in most months, although when there is not enough for a full agenda, in some months there is only one meeting. When there are any meetings or hearings outside these normal two, I take vacation time to attend so as to not unduly impact my work here. That has only been necessary on one occasion since June of 2007. I am honored by the opportunity and hope to do a good job in this capacity. I think it also is a positive for the Town of Hampden for me to serve in this capacity.

Post Election Catch-up – The office has been busy catching up on work that was set aside during the pre-Election craziness that we experienced. I am happy to note that most everything is now back to normal, although the Clerk still has additional reports to file.

Town Office Roof – The roofing project for original municipal building is underway and should be completed within another week. Things have gone smoothly thus far.

New Councilor Packets – I distributed new Councilor packets to the three incoming Councilors who have not served before. These contained the Charter and Council Rules and some additional information on projects. The Town Clerk will provide them with the larger 'ordinance book' before their terms start.

Comprehensive Plan Meeting Cancellation – Our Economic Development Specialist has recommended that the meeting scheduled for Tuesday, November 18<sup>th</sup> be cancelled since the Committee has not received the information from EMDC that was to be reviewed and discussed. Even if the information was received today – and so far it has not been – there would not be time to review it comprehensively before Tuesday.

New Computer Server – Our IT/GIS person, Gretchen, spent most of the weekend installing the new computer server for the facility and transferring the appropriate files. The old server was nearly ~~five~~ <sup>five</sup> years old and not entirely dependable. She is also working on the installation by our vendor of hardware to create a 'wireless' environment for the entire facility. That access will be entirely separate from the network on which the Town's programs, both administrative and public safety, operate.

Municipal Review Committee – I will be resigning as a board member of the Municipal Review Committee at the end of the year. Although there is no direct conflict of interest with my new duties as Chair of the BEP, it is likely that there will be a number of solid waste related issues to come before the BEP and since the MRC is part owner in PERC and they have long-term waste disposal agreements with Juniper Ridge Landfill, there

could be a perception of a conflict. The long term waste disposal needs of Hampden are important to the Town and I have asked our Community and Economic Development Specialist to attend those quarterly meetings so that we can stay apprised and participatory in regard to developments in that area beyond 2018.

Customer Appreciation Letter – Attached is a letter I received today from a taxpayer in regard to the service they received from the front office staff. I know that you all appreciate their efforts but think it is important that you recognize that others appreciate them as well.

## CITIZENS OF MAINE, LLC

10 Dudley Street  
Hampden, ME 04444

Phone: 207-217-4839  
Email: cofme@adelphia.net

November 17, 2008

Dear Hampden Town Office,

I am writing to give sincere thanks and appreciation to the staff at the Hampden Town Office. I have had reason to utilize the town office's services several times this past year, and have always had a positive experience. On three particular occasions, I went to the town office to register motor vehicles and was provided exceptional service. During one of those occasions, I had to complete part of the registration process through the Bangor Bureau of Motor Vehicles. There I was met with resistance, unprofessionalism, and was turned away with no advise or direction. I returned to the Hampden Town Office very frustrated. The ladies at the town office went above and beyond the call of duty to take care of my situation and did so with a smile throughout.

Hampden may have a small "downtown", but it's a large town and many, many people go in and out of the Hampden Town Office every day. The fact that we can walk into that office and be greeted with a friendly manner and are known by name, is a true testament to the commitment these ladies have to providing extraordinary customer service.

Thank you again!

Sincerely,



Julie A. Helwig, President  
Citizens of Maine, LLC



## F. COUNCILOR'S COMMENTS

Councilor Cox reminded the Council that it needs to establish guidelines and policy for standardizing the process of handling outside agency requests.

Councilor Cushing reported that he attended the Penobscot County Budget meeting and there are some substantive changes coming through in the County budget due to the jail consolidation. The County was required to bring their fiscal year in line with the State's, which will result in a 6-month county budget bill in addition to a 12-month county bill. They have made contingencies in the law to permit towns to either pay it when they receive the bill or finance it for up to five years.

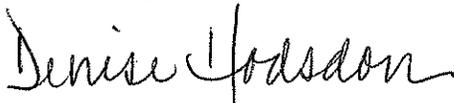
Mayor Briggs said he appreciates the letter received from our citizen regarding the Town Office staff. He said he agrees with all of her comments and expressed appreciation for her taking the time to write the letter.

Councilor Brann echoed Mayor Brigg's comments and noted that even though we are a large town, we maintain a small-town attitude and concern for each of our citizens. He said the staff works very hard and are honestly caring and very concerned about the well-being of every one of our citizens. He said he finds that amazing. Councilor Brann also pointed out that the packet included a letter of appreciation to GIS/IT Specialist Gretchen Heldmann and noted that Gretchen is doing an excellent job and we are extremely lucky to have her.

Councilor Arnett reinforced Mayor Brigg's and Councilor Brann's comments and added that we have a good team and a lot of credit for that goes not only to them, but to the Town Manager as well.

## G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:58 p.m.



Denise Hodsdon  
Town Clerk