

TOWN COUNCIL MINUTES

September 8, 2009

Due to the Labor Day holiday, the regularly scheduled meeting of the Hampden Town Council was held on Tuesday, September 8, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:03 p.m.

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

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Goodwill Riders Snowmobile Club Trail Master Steve Eyles

A. CONSENT AGENDA

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

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. REQUEST FOR PROPOSAL – BEAR PROGRAM – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Councilor Cushing reported that the Planning & Development Committee has had two presentations from outside entities that provide Business Expansion and Retention (BEAR) programs, which are geared toward both development of new economic activity and to show appreciation for those who have located their businesses in Hampden. The Committee

feels that it is important to have a strong relationship with the current businesses in Town as we move forward with the Comprehensive Plan and voted to recommend that the Council authorize the request for proposals for a BEAR program.

Motion by Councilor Cushing, seconded by Councilor Shakespeare to approve the request for proposals for a BEAR program – unanimous vote in favor.

b. "INSTITUTION BUILDING" DEFINITION – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Councilor Cushing reported that this came about as the result of discussions with SAD #22 relative to the new high school project. During that time, it became clear that the Zoning Ordinance lacked an appropriate definition of "institution building". The Planning & Development Committee has reviewed this draft amendment and recommends forwarding it to the Planning Board.

Motion by Councilor Cushing, seconded by Councilor Hughes to forward the proposed language to the Planning Board for review and recommendation – unanimous vote in favor.

c. "CONDITIONAL USES IN COMMERCIAL SERVICES DISTRICT" – RECOMMENDATION TO COUNCIL TO REFER TO PLANNING BOARD – PLANNING & DEVELOPMENT COMMITTEE

Councilor Cushing reported that the Planning & Development Committee has reviewed the proposed amendment which addresses water dependent commercial and industrial uses and building height limits along the Penobscot River. He noted that in discussions with a boat building company who is looking to develop a parcel adjacent to the marina that water dependent commercial buildings generally will need to exceed the height limits set out in the Zoning Ordinance. The impact of this amendment would be that in the case of a water dependent use, the 35-foot height limit would not apply. The Committee's discussion centered upon giving the Planning Board more latitude to review specific needs on a case-by-case basis in commercial zones.

Councilor Cushing then moved to refer this item to the Planning Board; Councilor Lawlis seconded the motion.

During discussion, Attorney Russell pointed out that as he interpreted the proposed amendment, it states that this use is not subject to any height requirement period. He advised the Council that zoning is a legislative document and the Council can not give the Planning Board discretion as it is not a legislative body.

Following further discussion, Councilor Cushing and Councilor Lawlis withdrew the motion and this item was referred back to the Planning & Development Committee.

TOWN OF HAMPDEN

Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 7
DEFINITIONS

7.1. *Construction Language* - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. *Definitions* - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Institutional building: A building or group of buildings used to provide a public service and operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

9/8/2009- Referred to Planning Board

4. NEW BUSINESS

a. GOODWILL RIDERS – SNOWMOBILE TRAIL

Trail Master Steve Eyles informed the Council that the Goodwill Riders Snowmobile Club is hoping to change its 10-mile section of the ITS trail to a municipal trail for this year only to enable the Club to apply for a municipal grant of \$3,000 administered by the Bureau of Parks & Lands. He noted that this request would not involve any municipal funds and the grant would be used to maintain and improve the trail.

Motion by Councilor Cushing, seconded by Councilor Hughes to accept ten miles of the ITS trail as a municipal trail for 2009/2010 and to sign the Project Certification – unanimous vote in favor.

b. APPLICATIONS FOR RENEWAL OF OUTDOOR WOOD-BURNING FURNACE LICENSE RECEIVED FROM PATRICK AUDET, 381 MAIN ROAD NORTH

Motion by Councilor Shakespeare, seconded by Councilor Hughes to approve the application – unanimous vote in favor.

c. APPLICATION FOR RENEWAL OF LIQUOR LICENSE RECEIVED FROM BANGOR TENNIS & RECREATION CLUB, 60 MECAW ROAD

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

D. COMMITTEE REPORTS

Councilor Cox reported that the Services Committee will meet next Monday at 6:00 pm.

Councilor Cushing reported that the Committee on Committees met last week to begin its review of the roles of the various citizen advisory committees. The Committee hopes to be done with its review within 6 months.

Councilor Brann reported that the Infrastructure Committee will meet at 6:00 pm on Monday, September 28th.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

There were none.

Town of Hampden, Maine

Community Service

Project Certification

This is to certify that the **Town of Hampden** has authorized and hereby authorize **Goodwill Riders Snowmobile Club** to make application for financial assistance under the provisions of Bureau of Parks and Lands Snowmobile Trail Fund (M.R.S.A. Title 12, Chapter 220, Subchapter 8, 1893-3) for maintenance of the **Town of Hampden** snowmobile trail system (ITS 82).

This further Certifies that the **Town of Hampden** is familiar with the terms and conditions of the Grant-In-Aid Program administered by the Bureau of Parks and Lands from the Snowmobile Trail Fund and has authorized **Goodwill Riders Snowmobile Club** to enter into said agreement between the **Town of Hampden** and the State of Maine upon approval of the above identified project by the Bureau of Parks and Lands.

This further certifies that the **Town of Hampden** has been legally constituted and is responsible for planning for and carrying out the municipal recreation program and that **Goodwill Riders Snowmobile Club** will be responsible, on behalf of the **Town of Hampden**, for the continued operation and maintenance of the completed project in accordance wit the terms and conditions of the Snowmobile Trail Fund Grand-In Aid Program. Attached is true and correct information relating to the establishment and organization of the municipal agency or department.

And this further certifies that except for the financial assistance requested by this project application, no other financial assistance has been applied for given or promised under other State or Federal programs.

<u>9/08/09</u> Date	<u>HAMPDEN</u> Name of Municipality
<u>9/08/09</u> Date	<u>Ausa M. Lissard</u> Town Manager
<u>9/8/09</u> Date	<u>John E. Cook</u> Town Councilor
<u> </u> Date	<u>Sharon Davis</u> Town Councilor
<u> </u> Date	<u>Jim [Signature]</u> Town Councilor
<u> </u> Date	<u>[Signature]</u> Councilor
<u> </u> Date	<u>[Signature]</u> Councilor
<u> </u> Date	<u>[Signature]</u> Councilor

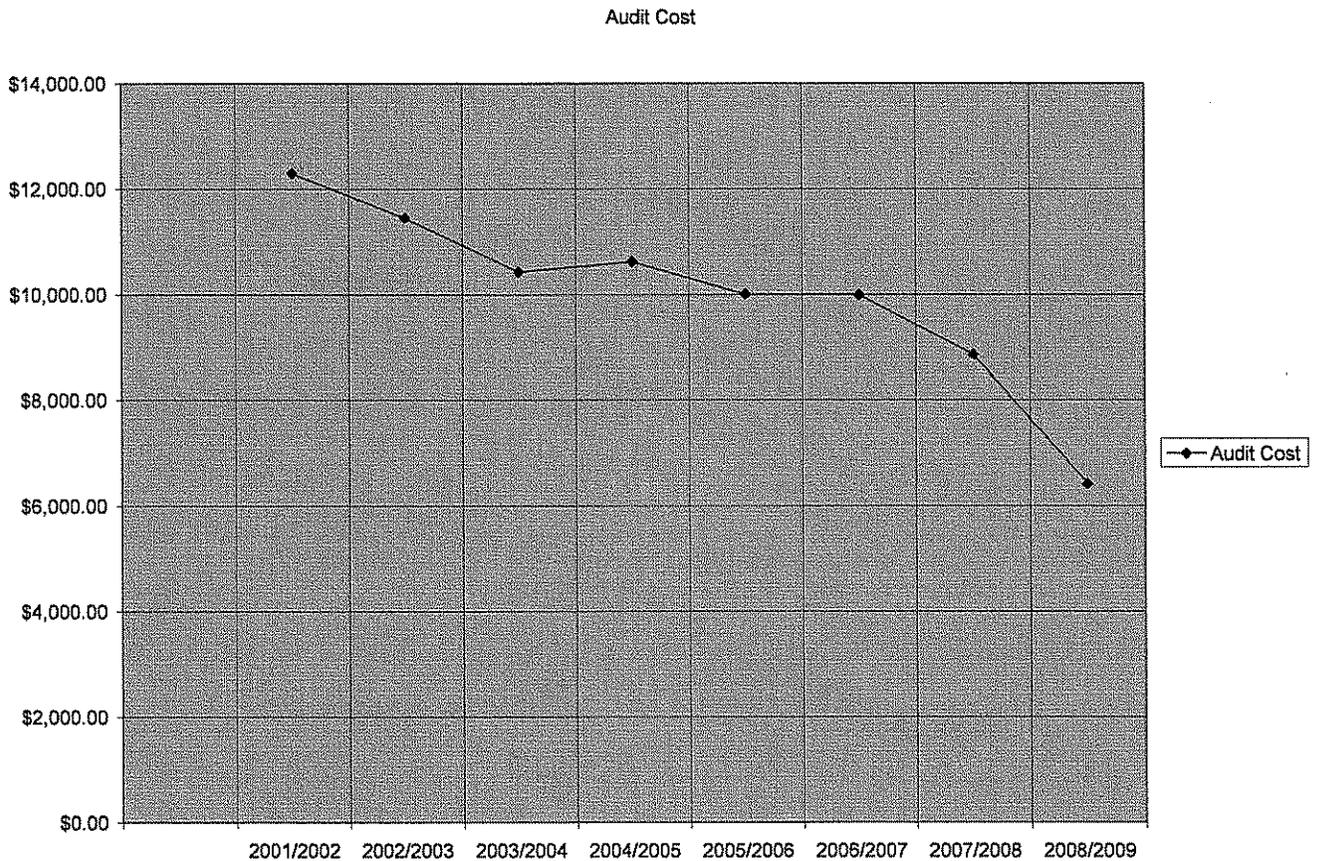
MANAGER'S REPORT
Monday, September 8, 2009

Tax Bills –

The first half of tax bills are due on Wednesday, October 7, 2009 to avoid interest. In the week since Tax bills were sent, we have received nearly \$100,000 in payments.

Audit –

The Audit for 2008/2009 has been completed and our final cost for it should be around \$6,400. I have attached a chart showing what our audit costs have done over the past 8 years. I am proud of the staff for their efforts.



Groundbreaking – School!

A reminder that the groundbreaking for the new high school is at 3 p.m. on Wednesday, September 9th at the site.

November Referenda – Fiscal Impact

The next Finance Committee meeting on September 21st will include a discussion of the potential fiscal impact of the November Excise and Tabor referenda. A number of communities have had resolutions adopted by their Town Councils/Boards. Prior to any consideration of that nature, it seemed appropriate for Finance to assess impacts.

Infrastructure Committee Agenda

The next Infrastructure Committee meeting will include an item related to the Town assisting the Water District with clearing of some of the hydrants in exchange for meter reading costs and other potential "sharing" ideas. That meeting is on September 28 at 6 p.m.

Hampden Highlights Newsletter – September Edition

Editor Annie O'Reilly is assembling the next edition of Hampden Highlights Newsletter. We will be doing an article about the upcoming referenda question (Mayo Road) as well as candidate profiles for school and council and water district. Candidates who are running should submit a 50 -75 word paragraph for the profile.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 p.m.

A handwritten signature in black ink that reads "Denise Hodsdon". The signature is written in a cursive style with a long horizontal flourish at the end.

Denise Hodsdon
Town Clerk