

## TOWN COUNCIL MINUTES

April 5, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Monday, April 5, 2010. 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, Thomas Brann, William Shakespeare, Jean Lawlis, Janet Hughes and Andre Cushing; Shannon Cox was excused

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** Public Works Director Galen 'Chip' Swan and Town Planner Bob Osborne

Members of Boy Scout Troop 41

### A. CONSENT AGENDA

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

### B. PUBLIC COMMENTS

There were none.

Mayor Arnett welcomed members of Boy Scout Troop 41 who are working on their Citizenship and Community Merit Badge. He expressed appreciation to the Scouts for all of their contributions to our community.

### C. POLICY AGENDA

#### 1. PUBLIC HEARINGS

- a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM LAURIE LEE d/b/a COFFEE BREAK CAFÉ, 75 MAIN ROAD NORTH

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 Shakespeare, seconded by Councilor Lawlis to approve the Victualer's License for Coffee Break Café – unanimous vote in favor.

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

There were none.

## **3. UNFINISHED BUSINESS**

### **a. 2010 PAVING BID AWARD – INFRASTRUCTURE COMMITTEE RECOMMENDATION**

By unanimous consent, this item was postponed until the next meeting.

### **b. PUBLIC WORKS TRUCK BID AWARD – INFRASTRUCTURE COMMITTEE RECOMMENDATION**

Councilor Shakespeare reported that the Infrastructure Committee has reviewed the bid results and recommends acceptance of the low bid from Daigle & Houghton for a 2011 International in the amount of \$118,717.92.

Motion by Councilor Shakespeare, seconded by Councilor Brann to accept the bid from Daigle & Houghton in the amount of \$118,717.92 – unanimous vote in favor.

### **c. DEP SHORELAND ZONING APPROVAL – REQUIRED CHANGES**

The Department of Environmental Protection has approved the Shoreland Zoning Ordinance and Map as adopted by the Town Council on March 1, 2010, but has recommended several changes. Town Planner Bob Osborne recommended that the recommendations be referred to the Planning & Development Committee for review and discussion.

Motion by Councilor Hughes, seconded by Councilor Brann to refer this item to the Planning & Development Committee – unanimous vote in favor.

### **d. WATER DISTRICT MINUTES/RESPONSE – 3/23/2010**

Manager Lessard reported that the Infrastructure Committee had discussed the Water District's proposal that the Town pay 50% of the cost of meter reading for sewer readings. Research indicates that some of the examples used for the 50% cost share were for entities that were not similar to the Town of Hampden. The Infrastructure Committee recommended that the Town Manager respond by offering to increase the rate from approximately \$1,600.00/year to \$3,700.00/year, far less than the \$18,000.00 that had been requested by the District. The Council was in agreement with the Infrastructure Committee's recommendation and Manager Lessard will respond accordingly.

e. ZONING ORDINANCE TEXT AMENDMENT – SECTION 7.2 re  
ANIMAL DEFINITIONS – INTRODUCTION FOR PUBLIC HEARING

Councilor Brann introduced this item for public hearing.

**4. NEW BUSINESS**

There was none.

Mayor Arnett noted that Councilor Cox was unable to attend tonight's meeting and asked for a motion to excuse her. Councilor Cushing so moved; Councilor Hughes seconded the motion and vote was unanimously in favor.

**D. COMMITTEE REPORTS**

Councilor Shakespeare reported that in addition to the items already discussed this evening, the Infrastructure Committee discussed the need for a street light policy and directed the Town Manager to work with Public Safety to prepare a draft policy for consideration of the Committee. The Committee also reviewed the updated guidelines for the transfer station and recommended the February 1<sup>st</sup> deadline be added to the guidelines and that a large sign be posted at the transfer station reminding people of the cutoff date. The Committee reviewed the annual road striping quotes obtained by the Public Works Director and endorsed the selection of the low quote.

Councilor Lawlis reported that the Services Committee met on March 8<sup>th</sup> and heard reports from the Tree Board, the Friends of Dorothea Dix Park and the Dog Park group. There was discussion about the role of the Tree Board in terms of determining a vision for Dorothea Dix Park. The Tree Board has come up with a vision statement which will be forwarded to the Friends of Dorothea Dix Park. The next meeting of the Services Committee will be at 6:00 pm on April 12<sup>th</sup>.

Councilor Cushing reported that the Committee on Committees will meet tomorrow evening at 5:30 pm.

Councilor Hughes reported that the Planning & Development Committee met on March 17<sup>th</sup> with Renaissance Planning and reviewed their interviewing process and a survey they will be using as part of the interview process with area businesses. The Committee's next meeting is scheduled for 6:00 pm on April 7<sup>th</sup>.

Manager Lessard reported that the Finance Committee met earlier and discussed the reduction in the homestead exemption from \$13,000.00 to \$10,000.00 at the state level, which would mean an automatic increase in property taxes even if there is no change in the mil rate. The Committee discussed whether the Town should somehow try to supplement that lost exemption for homeowners or whether the Town just needs to do a really good job of communicating that this change is not a Town act, but rather a State act. In preparing the budget, Manager Lessard will look at two options; 1) to leave the exemption at \$10,000.00; and 2) to look at it as if the Town is going to subsidize the program at the current rate, at a cost of approximately \$44,000.00.

C-3-e



**TO:** Mayor Arnett and Hampden Town Council  
**FROM:** Robert Osborne, Town Planner  
**SUBJECT:** Planning Board Recommendation on Draft Zoning Ordinance Text  
Amendment Definition of Usual Pets/Other Than Usual Pets  
**DATE:** March 31, 2009

Please be advised that at their March 10, 2010 meeting the Hampden Planning Board voted unanimously that the subject zoning ordinance text amendment "ought-to-pass". This language differs slightly from the text that the Town Council referred to the Board at your January 19, 2010 for a public hearing. The number of chickens was adjusted because there are state regulations that require chicks be sold in lots of six or more for the wellbeing of the chicks. The language was also clarified to avoid conflicts between the two definitions (animals as usual pets/animals other than usual pets).

Town Attorney Tom Russell has reviewed this document and his comments were incorporated into this draft.

The Zoning Ordinance as a Conditional Use regulates "animals other than usual pets". The Zoning Ordinance is silent on usual pets providing no definition of either the "usual" or the "other than usual". The term pet suggests that the animal is tame and treated with affection.

The Zoning Ordinance sets out "animals other than usual pets" as a Conditional Uses because of the specific needs of certain barnyard animals for grazing and because of their waste byproducts. Birds generally and hens specifically, in limited quantities, are quite benign presenting very little threat or nuisance to surrounding properties.

This proposed text amendment grew out of both a request for hens in a residential district and the concern that the terms contained in the ordinance are not defined and give neither the Code Enforcement Officer or citizens any guidance. (We are not recommending consideration of an animal husbandry ordinance).

4/5/10 - Introduced for public hearing

**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:

*Animals as usual pets:* Those animals which by their type, behavior and quantity are suited to be pets in an urban neighborhood and which would not generally be disruptive to neighboring properties. Quantities are limited, with the exception of fish, to no more than five animals of one species or ten animals overall. Such animals would include or be similar to dogs, cats, small mammals such as hamsters and rabbits, hen chickens, pigeons and game hens but not roosters. Such animals would not include wild animals such as raccoons, turkeys and deer. Notwithstanding the foregoing limitation on maximum quantity no more than six hen chickens are permitted because hen chicks as governed by state agricultural regulation are sold in quantities of no less than six.

*Animals other than usual pets:* Those animals which by their type, behavior and quantity are not generally suited to be pets in an urban neighborhood and which could be disruptive to neighboring properties but are more suitable on larger lots with buffers from those neighboring property lines. Such animals would include or be similar to horses and ponies and would also include types of animals described in animals as usual pets but in excess of 10 animals up to 15 animals overall. Quantities (like the animals as usual pets) are limited to no more than five animals of one species. Such animals would not include wild animals such as raccoons, turkeys and deer. Notwithstanding the foregoing limitation on maximum quantity no more than six hen chickens are permitted because hen chicks as governed by state agricultural regulation are sold in quantities of no less than six.

Mayor Arnett reported that he and Manager Lessard met with representatives of the Green Energy Alliance to discuss possible ways to utilize green energy from the gas to energy plant as an alternative to standard offer electricity (see attached Manager's Report for more information relative to this project). Mayor Arnett appointed a committee consisting of Councilors Hughes and Lawlis and himself to review the project and make a recommendation to the Council.

**E. MANAGER'S REPORT**

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

**F. COUNCILOR'S COMMENTS**

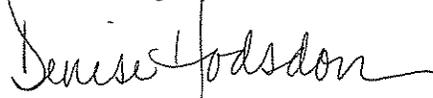
Councilor Lawlis informed everyone that Dorothea Dix Park is now open for the season and encouraged everyone to take advantage of the good weather and enjoy the park.

Councilor Shakespeare offered congratulations to the members of Boy Scout Troop 41 for working toward their merit badges and he challenged them to attain the Eagle rank.

Mayor Arnett also congratulated the Scouts on their activities. He encouraged everyone to either participate in or contribute to the Hike for the Homeless this weekend.

**G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:47 p.m.



Denise Hodsdon  
Town Clerk

MANAGER'S REPORT  
April 5, 2010

Newsletter – The April edition of the newsletter will be in mailboxes this coming Friday, April 9<sup>th</sup>.

Hike for the Homeless – A reminder that the Hike for the Homeless leaves Hampden Academy at 10 a.m. on Saturday morning. Hampden has had the highest number of participants each year for the past several years and we want to make sure that we continue that tradition.

Green Energy Alliance – Mayor Arnett, Economic Development Director Dean Bennet and I met with representatives from the Green Energy Alliance on Friday to discuss possible ways to utilize 'green energy' from the gas to energy plant as an alternative to standard offer for electricity. Also discussed was a program to assist homeowners in making their homes more energy efficient. With the blessing of the Council – the next step would be the assignment of this project to a Council committee for further work. I have attached a copy of the material that they Alliance presented on Friday.

Tax Due Date – Wednesday, April 7<sup>th</sup> – A reminder that the second half of property taxes are due this Wednesday to avoid interest. The office staff is very busy processing payments received and they have already collected more than 80% of the 09/10 taxes.

**A New Partnership**

**for a**

**Cleaner, Greener Energy  
Future**

**MGEA**  
maine green energy alliance

# What is Maine Green Energy Alliance?

- **History** - Governor Baldacci's Task Force
- **A new alliance** - MGEA has emerged focused on Economic Development; Lower Cost Electricity; Increased Recycling; Reducing Carbon Footprint
- **Moving forward** - Actively Forging Partnerships with Maine Communities

# Creating a Public – Private Partnership

Leveraging the combined forces of private investment and business commitment with public sector resources, significantly enhances the ability to achieve the environmental and economic benefits related to energy efficiency. To that end Maine Green Energy Alliance (MGEA)-

- Has been created as a non-profit organization comprised of participating Maine communities, private businesses and other stakeholders who share the goals developed by the Governor’s Task Force.
- Will proactively meet with communities and seek a diverse board who will help support the organization’s mission.
- Will serve as a catalyst to bring the many different economic development benefits to communities across Maine.

# Our Mission

MGEA will educate communities and invite residential and commercial participation in energy efficiency programs. Many of these programs will be implemented over the next several months, including:

- Creating Community Energy Supply (CES) groups in participating communities that will be able to purchase electricity at discounted rates from the Maine Energy Recovery Company (MERC) and pass those cost savings on to residents and businesses in these communities;
- Building awareness of and facilitating access to state and federal funds for robust weatherization programs and home energy audits (Home Star Program);

# Our Mission (continued)

- Educating communities about PACE legislation that allows residents in participating communities to obtain low-interest financing for energy efficiency programs;
- Establishing designated “GREEN Zones” within communities that prioritize and focus attention on housing stock in need of energy efficiency.
- Coordinating a vigorous and comprehensive public outreach and education program designed to encourage participation in the various energy efficiency programs offered by MGEA and other organizations in  
Maine

# Why is MGEA Important?

- We must bring local, sustainable energy to Maine
- We must reduce our aging building stock's energy costs
- We must implement programs that feed local economic development and job creation
- We must reduce our greenhouse gas emissions
- And our dependence on foreign oil

MGEA will offer the tools needed for enhancing long-term, sustainable, local business growth

# What is MGEA doing right now?

- In Old Town and Hampden
- With the University of Maine
- In conjunction with Efficiency Maine

# What MGEA plans to do

## Opportunity in Westbrook

- A proposed multi-material processing facility with high technology recyclable sorting equipment
- The creation of a new source of renewable fuel
- The reduction of waste going to landfills by 68,000 tons / year
- Lower cost energy (CES) provided to the local community
- New jobs to Westbrook

# How MGEA might work

- In Scarborough and Falmouth?
- In Portland?
- In South Portland?
- In Kennebunk?
- In Biddeford and Saco?

# Our Ongoing Efforts

- DOE Grants: Dec 2009 - May 2010
  - Ensuring PACE legislation for Maine
  - Establishing Leadership: March- May 2010
  - Communication with Communities – Ongoing
- Offer training / tools to make programs accessible. (400,000 homes in Maine / 20,000 homes per year to be weatherized by numerous local businesses. By implementing these important programs, communities will see local business expansion and job growth.
  - Application to become Electricity Provider
  - Advancing Community Supply Groups
  - Offering Energy Audits & Weatherization

## Next Steps

- How Can Your Community Sign On to MGEA Benefits?