

TOWN COUNCIL MINUTES

May 18, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 18, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:02 p.m.

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

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Community & Economic Development Director Dean Bennett, Library Director Debbie Lozito, Recreation Director Kurt Mathies and Pool Director Darcey Peakall

Tree Board Members Jim Feverston and Shelby Wright and citizens

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting earlier in the evening. Councilor Shakespeare requested that Item A.4.e. be set aside and Councilor Brann asked that Item A.4.b. be set aside. Motion by Councilor Lawlis, seconded by Councilor Hughes to accept the balance of the Consent Agenda – unanimous vote in favor.

A.4.e. MDOT – SIGN CHANGE AT ROUTE 1A/ROUTE 9

Councilor Shakespeare wanted to inform the public that the “No Turn on Red” sign has been eliminated at the intersection of Routes 1A and 9. Right turns are now allowed, but there is a new sign that alerts motorists to yield to pedestrians.

A.4.b. DEPT. OF CONSERVATION – TREE CITY USA

Councilor Brann noted that this is an invitation for the Town to send a representative to accept the 2008 Tree City USA award at the Maine Arbor Week celebration in Augusta. Mayor Arnett informed the Council that the celebration was earlier today and there were several representatives from Hampden – Town Planner Bob Osborne, Mayor Arnett, and Tree Board members Jim Feverston and Shelby Wright. Mayor Arnett noted that it was a lovely celebration and that Hampden was one of sixteen towns in Maine to be designated as a Tree City USA.

Motion by Councilor Brann, seconded by Councilor Cushing to accept Items A.4.b. and A.4.e. – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM ANGLERS, INC. d/b/a ANGLERS RESTAURANT at 91 COLDBROOK ROAD:

Mayor Arnett explained the procedure for the public hearing and then opened the hearing.

Proponents – Bud Hall of Angler's Restaurant thanked the Town for helping his family feel welcome and offered special thanks to Dean Bennett, Bob Osborne, Ben Johnson, Chip Swan and Susan Lessard for working to help him achieve his extremely aggressive schedule for opening this week.

Councilor Brann noted that Hampden has had a long-standing reputation of not being friendly to business and he asked Mr. Hall if we were friendly enough to him. Mr. Hall said he would like to beg to differ with that comment. He said the Town laid out everything he needed to do at the very beginning of the process and there were no surprises. He said his project has far exceeded his expectations and he thinks the Town is directly responsible for that.

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

Motion by Councilor Brann, seconded by Councilor Cox to issue the Victualer's License to Anglers, Inc. – unanimous vote in favor.

Manager Lessard recognized the members of the Economic Development Team and noted that this is the first project completed under the new process of working with businesses in new development. She was pleased to hear Mr. Hall's comments regarding how well the new process is working.

- b. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM MWP ENTERPRISES, LLC d/b/a NEALLEY'S CORNER STORE AT 1230 KENNEBEC ROAD

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

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

- c. PROPOSED AMENDMENT TO TOWN OF HAMPDEN DOROTHEA DIX PARK ORDINANCE TO DELETE SECTION 12, RESERVATIONS

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

Motion by Councilor Shakespeare, seconded by Councilor Cox to adopt the amendment to delete Section 12 Reservations of the Dorothea Dix Park Ordinance – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

- a. WARRANT AND NOTICE OF ELECTION FOR SAD #22 BUDGET VALIDATION REFERENDUM – JUNE 9, 2009

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

- b. KAREN REILLY – HISTORIC PRESERVATION COMMISSION – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION FOR APPOINTMENT

Motion by Councilor Cushing, seconded by Councilor Brann to appoint Karen Reilly to the Historic Preservation Commission – unanimous vote in favor.

- c. MELINDA MERRILL-MAGUIRE – PLANNING BOARD – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION FOR APPOINTMENT AS ALTERNATE MEMBER

Motion by Councilor Cushing, seconded by Councilor Brann to appoint Melinda Merrill-Maguire as an alternate member of the Planning Board – unanimous vote in favor.

3. UNFINISHED BUSINESS

- a. TREE BOARD PRESENTATION – CONTINGENCY PLAN IN LIEU OF PROJECT CANOPY GRANT

Tree Board and Tree City USA Chair Jim Feverston reported further on the Tree City USA award presentation to the Town of Hampden today in Augusta. He noted that this is the second year the Town has received the award. The Town received a silver maple tree to be planted at the Town Office as well as several pine tree seedlings, which were distributed to everyone at the Council meeting. Additionally, the Town received a plaque and a new Tree City USA flag to be flown at the Town Office. Jim reminded everyone that Hampden's Arbor Day celebration is this Thursday afternoon at the Town Office.

Jim asked Shelby Wright to update the Council on Project Canopy. Shelby apologized for not being at the last meeting to answer the Council's questions. She reported that since the last meeting, the Tree

TOWN OF HAMPDEN

Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Dorothea Dix Park Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

TOWN OF HAMPDEN
DOROTHEA DIX PARK ORDINANCE

1. Purpose. The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in the Dorothea Dix Park situated in Hampden.
2. Motor Vehicle Access. Access to the Park by motor vehicles (as defined in 29 M.R.S.A. §1) will generally be permitted between April 1 and November 1, although the Public Works Director shall have the authority to provide for different dates of motor vehicle access if circumstances are such that alternative dates are necessary to preserve the condition of the Park or are necessary for the proper operation and maintenance of the Park. No person shall operate a motor vehicle in the Park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public. No person shall operate a motor vehicle in the Park on or in any area except established roads, driveways, or parking areas, or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Public Works Director.
3. Other Vehicles Prohibited. No person shall operate a trail bike, all terrain vehicles, snowmobile, or any other motorized recreational vehicle within the Park.
4. Hours. The Park shall be open to the public during the hours of 6:00 a.m. to 10:00 p.m., Eastern Standard Time or Eastern Daylight Time, as may be in effect from time to time.
5. Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours, any movable structures or special vehicle that could be used for such purposes.

5/4/09 - Introduced for Public Hearing
5/18/09 - Adopted by Town Council

Upon prior approval of a law enforcement officer of the Town of Hampden, overnight camping may be permitted in situations involving unique circumstances.

6. Firearms/Hunting. No person shall carry or discharge a firearm or engage in any hunting activity within the Park.
7. Fires. No person shall kindle, build, maintain or use a fire except in areas designated for such purposes. All fires shall be properly extinguished. Fires may be prohibited by the Public Works Director when, in his or her judgment, the conditions are such that any fire would represent a safety hazard.
8. Wood. No person shall cut any wood within the Park without a prior permit from the Public Works Director, who shall have the discretion to deny any application for such a permit if he or she determines that the proposed activity is inconsistent with the goal of maintaining the majority of the Park as wooded land.
9. Alcoholic Beverages. No person shall bring alcoholic beverages or controlled substances into the Park, nor shall any person drink or use the same at any time or be under the influence of the same in the Park.
10. Trash. No person shall scatter, drop or leave any debris trash or other rubbish within the Park except in receptacles provided for that purpose.
11. Animals. All animals brought into the Park shall be under the control of their owners or custodians at all times so as to not interfere with the enjoyment of the Park by other members of the public.
- ~~12. Reservations. Although all areas of the Park are to be generally open to the public, the ballfield area of the Park may be reserved on a first come, first served basis through the Town Office for family and civic group outings, community groups and the like. Any person seeking the reservation of said portion of the Park for such a use shall make application to the Town Office, setting forth their name and address, the person or group sponsoring the event, and the day and hours for which the reservation is sought.~~
13. 12. Enforcement.
 - A. Any law enforcement officer of the Town of Hampden shall have the authority to revoke the permission of any individual to use the Park when the officer observes, or has probable cause to believe, that such individual has violated any provisions of this

ordinance, committed a civil infraction within the Park, or has violated any provision of the laws and ordinances of the State of Maine or the Town of Hampden within the Park.

B. The Public Works Director and his or her subordinate employees shall be empowered to enforce the provisions of this Ordinance. In addition, the Code Enforcement Officer and the members of the Hampden Police Department shall also have the authority to enforce the provisions of this Ordinance.

~~14.~~ 13. Penalties. Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than Twenty-five (\$25.00) nor more than One Hundred Fifty Dollars (\$150.00) for each violation. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any fines recovered shall inure to the benefit of the Town of Hampden.

~~15.~~ 14. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed as separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

11/3/86 Public Hearing

Adoption

Effective Date: 12/3/86

Board has established a better relationship with the three nurseries and is no longer concerned about the ability to acquire the necessary plants prior to the grant announcements at the end of May. She said the Tree Board is prepared to wait until that time.

Councilor Brann thanked Jim and Shelby for bringing the pine trees and he moved that in recognition of the work that Jim Feverston put into accelerating us into the Tree City USA program, when Hampden's first Tree City USA flag is replaced with the new one, that it be given to Jim in appreciation of the amount of effort he put in. Councilor Cox seconded the motion and vote was unanimously in favor.

b. HAMLIN MARINA PROJECT

1. PLANNING & DEVELOPMENT COMMITTEE
RECOMMENDATION TO APPROPRIATE RESOURCES FOR
BOUNDARY SURVEY OF THE TURTLE HEAD MARINA
PARCEL

Councilor Cushing once again briefly described the proposed project that was discussed in further detail at the last meeting. He moved to approve funding for a boundary survey of the Turtle Head Marina parcel. Councilor Lawlis seconded the motion and vote was unanimously in favor.

Manager Lessard noted that the funds for the survey would come from the Town Property survey account.

2. PLANNING & DEVELOPMENT COMMITTEE
RECOMMENDATION TO APPROPRIATE RESOURCES FOR
TWO YELLOW-BOOK APPRAISALS – TURTLE HEAD MARINA
PARCEL AND ABUTTING PARCEL

Councilor Cushing explained the need for a federally recognized yellow-book appraisal of each parcel. Community and Economic Development Director Dean Bennett pointed out that this is an opportunity to support the expansion and continued development of a local business and to establish a perfect beginning for a waterfront development for the purposes of potentially a municipal marina, parking lot, walking trails and recreational facilities and perhaps a restaurant. Dean noted that he has spent a considerable amount of time with Dan Higgins of Hamlin's Marine trying to identify any obstacles and the realities of moving forward with this project. He explained that this is called a conversion and if we decide to go forward, we as a community, are obligated to prove to the National Park Service that what we want to replace (i.e. the existing marina parcel and its purpose) with another parcel, is of equal or greater value.

Motion by Councilor Cushing, seconded by Councilor Hughes to approve the funding of yellow-book appraisals for the Turtle Head Marina parcel and the abutting peninsula parcel.

During discussion, Mayor Arnett reported that the Finance Committee discussed this item and there is a continuous concern about what happens under various contingencies. The Planning & Development Committee is working on that with Hamlin's Marine and the Finance Committee unanimously supports moving forward with a caveat that the Council receive an acceptable memorandum of understanding about that process and what will happen under various contingencies.

Manager Lessard informed the Council that the funding for the appraisals could come from the Economic Development Reserve.

Vote on the motion was unanimously in favor.

Motion by Councilor Brann, seconded by Councilor Cox to commit no further funds or activities to this project until we have an acceptable memorandum of understanding to proceed – unanimous vote in favor.

4. NEW BUSINESS

a. COMMUNITY ROOM USE POLICY

Manager Lessard informed the Council that the number of requests to use the Community Room has increased and she feels it is time to put a policy in place that addresses how those uses are prioritized, whether there are any rental/use fees and what rules must be followed when using the room. She has prepared a draft policy and asked that it be forwarded to the Services Committee for review. It was suggested that because there is a possible fee involved, it should also be referred to the Finance Committee as well.

Motion by Councilor Brann, seconded to Councilor Cushing to forward the proposed policy to both the Services Committee and the Finance Committee simultaneously – unanimous vote in favor.

b. OUTDOOR WOOD BOILER ORDINANCE – PROPOSED AMENDMENT RE DATES OF OPERATION – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Councilor Cushing reported that in response to a request to change the dates of operation set forth in the Ordinance, the Planning & Development Committee discussed this at length and reviewed a number of issues. The ordinance currently prohibits operation from May 1st through October 1st. The request was to shift those dates to June 1st and September 1st. Councilor Cushing reported that it is the unanimous recommendation of the Committee to maintain the dates of operation as currently stated in the ordinance.

Motion by Councilor Cushing, seconded by Councilor Lawlis to leave the dates as they currently stand for any wood boilers that are in operation within the town at this point – unanimous vote in favor.

c. 2010 BUDGET

1. LIBRARY

No change was made to the proposed total amount of \$231,190.00.

2. RECREATION

No change was made to the proposed total amount of \$123,587.00.

3. POOL

No change was made to the proposed total amount of \$320,971.00

4. DEBT SERVICE

No change was made to the proposed total amount of \$467,793.00.

D. COMMITTEE REPORTS

Councilor Cox reported that the Services Committee did not meet in May and the next meeting will be at 6:00 pm on Monday, June 8th.

Councilor Cushing reported that the Planning & Development Committee will meet on May 20th immediately following the Council's budget workshop.

Councilor Brann reported that the Infrastructure Committee will meet on Tuesday, May 26th to discuss the potential for a community composting/recycling program. A member of the Maine DEP will be present.

Manager Lessard reported that the Finance Committee met earlier and reviewed a draft policy for social service funding requests, discussed the Hamlin Marine proposal, and discussed a request by the Town Clerk to amend the Fees Ordinance relative to victualer's licenses and liquor licenses. The tax rebate program has been tabled indefinitely until the budget process is complete. The next meeting will be at 5:45 pm on June 1st.

E. MANAGER'S REPORT

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

Manager Lessard further reported that Channel 7 News broadcast live from Hampden last Thursday evening. They broadcast from the Council Chambers and interviewed Mayor Arnett, Manager Lessard and Public Safety Director Joe Rogers and filmed local commercials for town businesses. Sports teams from the Academy were featured and our own public safety personnel did some public safety messages.

F. COUNCILOR'S COMMENTS

Councilor Shakespeare commented that he watched the live Channel 7 News broadcast last week and he said it was a good presentation and the Mayor and Manager did a great job. He asked Manager Lessard if any town employees had signed up for the AFLAC insurance. She informed him that six employees have signed up. Councilor Shakespeare also asked Manager Lessard if she had found out anything from the Maine DOT regarding whether the traffic lights on Route 202 are permanent or temporary. Manager Lessard apologized and said she did not have an answer, but would find out before the next meeting.

Councilor Lawlis wished Happy Birthday to her neighbor Josephine Ross who turned 85 yesterday.

Councilor Cushing congratulated Dave Plowman, recipient of the Hampden Business Association's Business Person of the Year award. He and PDQ Door who were recognized at the Hampden Business Association's annual dinner last week.

Councilor Hughes expressed thanks to all the volunteers who participated in the stream cleanup. She extended special thanks to the Hampden Academy students and Mr. Burke's 8th-Grade Reed's Brook class.

Mayor Arnett invited everyone to participate in the Hampden Children's Day Golf Tournament fundraiser on June 6th.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:40 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
Monday, May 18, 2009

Flag Etiquette – We received a letter of complaint today from the VFW in regard to the fact that the flag did not fly at half staff on Friday in honor of fallen officers. It was our full intention to do so. However, on Thursday in the bad storm we took down the flags. On Friday they discovered that the ropes that hold the flags had been damaged in the storm and that the American Flag was also in very bad shape. No flag from Thursday through today while the equipment was being fixed. I wrote a response to the VFW but wanted to advise the Council of this issue.

Infrastructure Committee – The next infrastructure committee meeting is on Tuesday, May 26th. There will be a representative there from the DEP to discuss composting options for the community as well as a business that specializes in composting.

Home Composter Delivery – For those that ordered home composters – they should be arriving at the end of this week for distribution right after Memorial Day.

Memorial Day – The Town Office will be closed on Monday, May 25th for the Memorial Day Holiday.

Memorial Day Parade – The Memorial Day Parade will be on Monday, May 25th at 9:30 starting at the VFW Hall.