

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

October 18, 2010

7:00 P.M.

• 5:45 pm – Finance Committee Meeting

A. CONSENT AGENDA

1. SIGNATURES

a. Treasurer's Warrants

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. American Red Cross Real Heroes Breakfast
- b. Time Warner – Channel Updates

4. REPORTS

- a. 2010 Hazardous Waste Permits Issued
- b. Pine Tree Landfill Complaint Report – September 2010
- c. Finance Committee Meeting Minutes 10-4-10

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Application for Victualers License received from Hannaford Bros. Co. d/b/a Hannaford Supermarket & Pharmacy #8417 at 77 Western Avenue
- b. General Assistance Ordinance – Adoption of Appendixes A, B & C for 2010/2011

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Sarah Reinhart to Historic Preservation Commission – Planning & Development Committee Recommendation

NOTE: The Council will take a 5-minute recess at 8:00 pm.



**American
Red Cross**

Pine Tree Chapter

A-3-a

September 30, 2010

Bangor Office

With offices in:

Ellsworth

Phone: (207) 667-4737

Fax: (207) 667-2270

Caribou

Phone: (207) 493-4620

Fax: (207) 492-0342

Board of Directors

Lance Macmaster, *Chair*

Darlene MacLeod,

Vice Chair

Kathy Knight, *Secretary*

David Barrett, *Treasurer*

Brett Alexander

Richard Borgman

Robert Brown, MBA,

CPA

Allen Campbell

Todd Christiansen

Michael R. Crowley,

Past Chair

Gail Fanjoy

Jillian Faucher

Jaime Laliberte

Bethanie Mercier

James Ryan

Gordon Stitham

Col John R. Thomas,

Past Chair

Shannon Flavin

Executive Director

Ms. Susan Lessard, Town Manager

Town of Hampden

106 Western Ave

Hampden ME 04444

Dear Ms. Lessard,

You and Town of Hampden can once again celebrate Maine's Real Heroes by renewing your sponsorship of the Pine Tree Chapter of the American Red Cross Real Heroes Breakfast this year.

Thank you for your 2009 Table sponsorship of \$500.

Real Heroes are local people who have demonstrated courage, kindness and selflessness by their acts of heroism. **I ask you to be a sponsor again of the Pine Tree Chapter's 14th annual Real Heroes Breakfast at the Bangor Civic Center on Thursday November 18.** This is a truly heartwarming, emotional and inspiring event.

I ask you and Town of Hampden to renew your Table Sponsorship for \$500. That support entitle the town to benefits that include a table for up to ten guests, your name in the event program, and a table sign.

Whatever your sponsorship donation, you will be supporting the Pine Tree Chapter of the American Red Cross, a tax-exempt nonprofit charitable corporation. Your gift is tax-deductible to the extent allowed by law.

WABI-TV5 will once again co-sponsor the November 18 event at the Bangor Civic Center. Celebrating the state's spirit, the Real Heroes Breakfast will recognize five Real Hero awardees from northern and eastern Maine selected from publicly submitted nominations.

Their stories will be captured on video pieces presented at the event to more than 500 attending business, civic and community leaders, and all the following week to the general public on Channel 5.

Area communities and businesses make this event possible. It is the largest Pine Tree Chapter of the American Red Cross fund raising event of the year, and is closely linked to the Red Cross mission – to help save lives, and to help people prevent, prepare for and respond to emergencies.

Thanks to generous supporters like the Town of Hampden, the Real Heroes Breakfast provides funds for the Chapter's Local Disaster Relief Fund, Service to the Armed Forces Program, the Health & Safety training Program, and other services that serve the emergency and safety needs of more than 11,000 Mainers every year.

The attached Recognition Levels sheet, on the back of the reply form, provides full details of the benefits Town of Hampden will receive from your renewed sponsorship. *I also attach a return envelope for your use by October 30.*

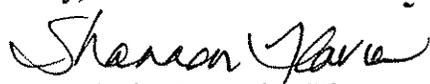
If you prefer, you may call the Chapter's Development Director Mickey Sirota at 941-2903 x106, or email your reply to him at sirotam@pinetree.redcross.org. Mickey or I will be glad to answer any questions you may have about your sponsorship and the Real Heroes Breakfast.

Remember, the Town of Hampden's renewed gift of \$500 makes you a Table Sponsor with a guest table, table sign, and program mention.

I hope you and the Town of Hampden will join the Pine Tree Chapter of the American Red Cross once again by supporting the 14th annual Real Heroes Breakfast. Event proceeds will benefit disaster victims, military families and caring people right here in eastern and northern Maine.

Please join me, WABI-TV5, the Chapter's Board of Directors, dozens of local businesses and organizations, Red Cross staff and volunteers, and as we honor this year's Real Heroes.

Sincerely,



Shannon Flavin, Executive Director
Pine Tree Chapter of the American Red Cross

Atts: 14th Annual Real Heroes Breakfast Sponsor Reply Form
with Recognition Levels on reverse
Reply envelope



American Red Cross

**PINE TREE CHAPTER OF THE AMERICAN RED CROSS
14th Annual Real Heroes Breakfast**

**Thursday November 18, 2010 7:30-9 a.m.
Bangor Civic Center**

**SPONSOR AND CONTRIBUTOR
REPLY FORM**

YES! I would like to celebrate local Real Heroes by supporting the Pine Tree Chapter's 14th annual Real Heroes Breakfast as a

- \$5,000 Major Award Sponsor**
- \$2,500 Award Sponsor**
- \$1,250 Breakfast Sponsor**
- \$1,000 Patron Sponsor**
- \$500 Table Sponsor**
- \$ _____ Contributor**

Name *(as you wish it to appear in the event program)*

Contact Person

Contact Person Title

Contact telephone number

Contact fax number

Contact email

Please reply by Saturday October 30 to

Michael Sirota, Development Director
Pine Tree Chapter of the American Red Cross
122 Target Industrial Circle
Bangor ME 04401

You may also reply by phone to 207 941-2903 x 106, or by fax to 207 941-2906,
or by email to sirotam@pinetree.redcross.org



American Red Cross

**PINE TREE CHAPTER OF THE AMERICAN RED CROSS
14th Annual Real Heroes Breakfast**

**Thursday November 18, 2010 7:30-9 a.m.
Bangor Civic Center**

**SPONSOR AND CONTRIBUTOR
RECOGNITION LEVELS**

MAJOR AWARD SPONSOR \$5,000

Co-Sponsor of Event
Award Presentation by Sponsor Representative
Mention in Pre-Event and Post-Event Advertising and Publicity
Corporate Banner Display in Civic Center Lobby
Name in Program
Table of 8 to 10 Guests
Table Sign
Full Page Program Ad – Inside Front or Back Cover

AWARD SPONSOR \$2,500

Award Presentation by Sponsor Representative
Mention in Pre-Event and Post-Event Advertising and Publicity
Corporate Banner Display in Civic Center Lobby
Name in Program
Table of 8 to 10 Guests
Table Sign
Full-Page Program Ad

BREAKFAST SPONSOR \$1,250

Name in Program
Table of 8 to 10 Guests
Table Sign
Half-Page Program Ad

PATRON SPONSOR \$1,000

Name in Program
Table of 8 to 10 Guests
Table Sign
Quarter-Page Program Ad

TABLE SPONSOR \$500

Name in Program
Table of 8 to 10 Guests
Table Sign

CONTRIBUTOR \$100 or more

Name in Program

A limited number of individual seats will be available at a cost of \$50 per seat.



PO Box 8180
Portland, ME 04104

A-3-b

Dear Town/City Manager,

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time Warner Cable customers in your community.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The agreements with the programmers/broadcasters on the attached list are due to expire soon and we may be required to cease carriage of one or more of these services/stations in the near future. Conversely, there are also times when we will include the addition of new channels within these ads.

Again, this is a routine notice and we are confident agreements will be reached with these networks. Enclosed is a copy of the ad that will run in the local daily paper; the notice can also be found on our website at: <http://www.timewarnercable.com/newengland/support/policies/channelchange.html>

These ads are placed in the first and third Wednesday of each month. This information is also located on the back of the customer bill.

Please do not hesitate to contact us if you have any questions.

Sincerely,

Melinda Poore
Melinda.poore@twcable.com
Ph: (207)253-2217

Mike Edgecomb
Michael.edgecomb@twcable.com
Ph: (207) 594-2249 x2181

Shelley Winchenbach
Shelley.winchenbach@twcable.com
Ph: (207) 594-2249 x2177

CABLE

HIGH-SPEED ONLINE

DIGITAL PHONE

Time Warner Cable - New England Division's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future.

E!	Indie Plex	TruTV
Style	Lifetime	Weather Channel
Erotic Pleasure	Movie Plex	Weather Channel HD
Networks	NHL	WBGR
Encore	Retro Plex	WFFF
Encore Action	Starz!	WVNY
Encore HD	Starz Cinema	
Encore Love	Starz Comedy	
Encore Mystery	Starz Comedy HD	
Encore WAM	Starz Edge	
Encore Westerns	Starz Edge HD	
Fox Reality	Starz In Black	
I-LIFE (Inspiration	Starz Kids & Family	
Networks)	Starz Kids & Family HD	

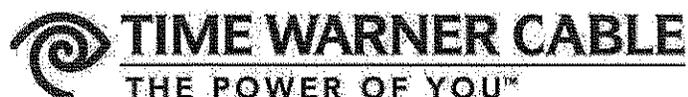
Please note, some channels listed may not be available in your service area. Please consult for local listings for more details at www.timewarnercable.com/northeast.

The following programming changes are scheduled to take place:

Discovery Kids will become "The Hub" effective October 10, 2010
 Effective November 9, 2010, Primetime On-Demand will no longer be available to Basic customers with a set top box (subscription to Standard or Digital service required).

Primetime On-Demand HD will launch throughout our service area later this fall.

ESPN Classic is moving from our Standard or Digital service level to our Time Warner Cable Sports pass Tier. Subscription to the Sports pass Tier is required for access to ESPN Classic programming.



Customers can visit our web site at www.timewarnercable.com/northeast to obtain more details on the above notice.

Time Warner Cable, 118 Johnson Road, Portland, Maine 04102

2010 Haz Waste Permit Count

	Permit	% of Total
Bangor	358	41.10%
Brewer	54	6.20%
Carmel	13	1.49%
Clifton	6	0.69%
Dedham	12	1.38%
Dixmont	2	0.23%
Eddington	4	0.46%
Etna	5	0.57%
Glenburn	54	6.20%
Hampden	21	2.41%
Hermon	70	8.04%
Holden	39	4.48%
Kenduskeag	9	1.03%
Milford	9	1.03%
Newburgh	9	1.03%
Old Town	23	2.64%
Orono	107	12.28%
Orrington	31	3.56%
Penobscot Nation	1	0.11%
Stockton Springs	8	0.92%
Veazie	32	3.67%
Winterport	4	0.46%

871

*Hampden gave out
21 Permits,
we had 21 cars!*

A-4-a

A-4-b

October 6, 2010

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

**RE: Pine Tree Landfill
Monthly Report of Landfill Complaints**

Dear Susan:

During the Month of September 2010, no complaints were received pertaining to Pine Tree Landfill's operations.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 245.

Sincerely,



Tom Gilbert
Environmental Compliance Manager
Pine Tree Landfill

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.

FINANCE COMMITTEE MEETING

Minutes

Monday, October 4, 2010

A-4-c

Attending:

Mayor Matthew Arnett
Councilor William Shakespeare
Councilor Jean Lawlis
Councilor Janet Hughes
Councilor Thomas Brann
Susan Lessard, Town Manager

1. Minutes of 9/20/2010

The minutes of the 9/20/2010 were reviewed and declared accepted with no changes.

2. Review Treasurer's Warrants

The Treasurer's Warrants were reviewed by the Committee members and signed. Councilor Lawlis had one question related to an expenditure related to the former LL Bean property. The Town Manager explained that the payment in question was debt service on the 10 year note that the Town has on that property.

3. Financial Statement Review

The Town Manager presented the financial statements to the Committee. General Fund budget Revenue and Expense details through 9/30/2010 were explained as were Sewer Revenue and Expense details through 9/30/2010, Reserve account activity, and investments. The auditors will be attending an upcoming Finance Committee meeting when the 09/10 audit is completed.

4. Old Business

a. RSU #22 Reuse

1. Newsletter articles
2. 3 Town Letter

Committee members reviewed articles written by Mayor Arnett for the upcoming newsletter. Committee members will further review the articles and provide feedback to the Mayor and the Manager by Thursday, October 7th.

5. New Business

a. Lease Amendment Request – Hamlin Marine

The Committee reviewed the request by Hamlin Marine for changes in the lease with the Town to allow a full service restaurant with a liquor license to occupy space at the facility. Since the request involves amendment of a lease/ordinance, the request was forwarded to the Planning and Development Committee for consideration and a recommendation.

6. Public Comments - None

7. Committee Member Comments – None

*Respectfully submitted,
Susan Lessard
Town Manager*



C-1-a

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 10/18/2010

Public Hearing: Yes X No

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

Hannaford Bros. Co.
 NAME: Hannaford Supermarket & Pharmacy #8417
Business Name Individual

ADDRESS: 77 Western Ave. PHONE: 885-3321

MAP/LOT: 31/2 DATE: 9/30/2010

DEPARTMENT REPORT:

Staff inspected October 5, 2010 and find the establishment
appears to be in compliance with Section 4.A of the
Town of Hampden Victualers Ordinance.

DATE: 10/5/10

BY: *Ben [Signature]*
 Title: CODE ENFORCEMENT OFFICER

BY: *Daniel [Signature]*
 Title: FIRE BUILDING INSPECTOR

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 9-21-10 PHONE NUMBER: 207-885-3321

NAME(S): HANNAFORD Bros. Co.

ADDRESS: 145 BEASANT HILL Rd, Scarborough, ME

NAME OF BUSINESS: HANNAFORD SUPERMARKET & PHARMACY

LOCATION OF BUSINESS: 77 WESTERN AVE., Hampden, ME

SIGNATURE: Judy Knapp

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

Bon Jh
Code Enforcement Officer

David Abington
Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

Cheryl Johnson
Tax Collector

Chris Hancock
Town Treasurer

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

LICENSE FEE: \$125.00 Date Received/Fee Paid: 9/27/2010 / \$125.00
(Fee Includes Notice of Public Hearing)

GENERAL ASSISTANCE ORDINANCE
APPENDICES A-C
2010-2011

C-1-b

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices (A-C) for the period of Oct. 1, 2010—Oct. 1, 2011. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)

GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	603	703	897	1140	1287
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	615	617	741	927	1136
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	496	622	760	963	1066
Portland HMFA: Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	802	952	1233	1553	1664
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1000	1007	1206	1758	1915
Cumberland County HMFA: Baldwin, Bridgton, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	665	784	1011	1207	1547
Brunswick	667	798	1030	1305	1565

Appendix B

Effective: 10/01/10 to 09/30/11

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2011, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

Note: For each additional person add \$150 per month.

Appendix C

Effective: 10/01/10-10/01/11

Non-Metropolitan FMR Areas

<u>Waldo County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	116	497	128	552	
1	119	510	136	583	
2	139	597	162	698	
3	170	729	199	856	
4	170	729	207	892	

<u>Washington County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	93	402	108	463	
1	95	410	113	488	
2	108	465	134	575	
3	134	575	166	713	
4	134	575	176	756	

Metropolitan FMR Areas

<u>Bangor HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	96	413	111	476	
1	106	455	127	548	
2	132	569	162	698	
3	170	730	207	891	
4	176	756	230	988	

<u>Penobscot County HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	99	424	114	491	
1	99	424	114	491	
2	100	429	131	565	
3	125	538	164	707	
4	145	622	201	865	

<u>Lewiston/Auburn MSA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	78	334	90	388	
1	97	417	113	488	
2	115	493	138	593	
3	147	631	176	755	
4	149	641	191	823	

C-2-a



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Town Council Planning and Development Committee Recommendation on Sarah Reinhart Application for Appointment to Historic Preservation Commission
DATE: October 7, 2010

The Planning and Development Committee interviewed Sarah Reinhart at their October 6, 2010 meeting and voted unanimously to recommend that the Town Council appoint her to the Historic Preservation Commission. Mrs. Reinhart is an attorney with Eaton Peabody and resides on Summer Street in a house built in the 1820s.



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Reinhart Sarah L
LAST FIRST MI

ADDRESS: 28 Summer Street Hampden 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: cell only: 944-4194 947-0111
HOME WORK

EMAIL: sreinhart@eatonpeabody.com

OCCUPATION: attorney

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Historic Preservation Committee

SECOND CHOICE (OPTIONAL): Board of Assessment Review

How would your experience, education and/or occupation be a benefit to this board or committee? I live in a house built in the first half of the 1800's so I understand the difficulties with trying to preserve historic structures while living in them and doing so in modern times and its economic realities.

Are there any issues you feel this board or committee should address, or should continue to address? No.

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK

3 YEAR

- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>9/15/10</u>
COUNCIL COMMITTEE ACTION: <u>Recommend Appointment</u>		DATE: <u>10/6/10</u>
COUNCIL ACTION: _____		DATE: _____
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

C-3-a



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner *RO*
SUBJECT: Recommended Changes for Marina Lease
DATE: October 7, 2010

Dan Higgins of Hamlin Marine spoke to the Planning and Development Committee at their October 6, 2010 meeting to request that the Town consider an amendment to the marina lease with the Town to delete the language that prohibits sale of alcoholic beverages in order to make it possible that a full service restaurant could be located there.

The Committee voted unanimously to recommend to the Town Council that ^{Section 4A of} the lease for the marina be so amended to delete the prohibition on the sale of alcoholic beverages.

LEASE

This Lease is entered into by and between the TOWN OF HAMPDEN, a municipality situated in Hampden, County of Penobscot, State of Maine, (hereinafter "Town") and HAMLIN'S MARINA, HAMPDEN, a Maine corporation with a business address of 290 West River Road, Waterville, Maine 04901 (hereinafter "Lessee").

RECITALS:

1. Town is the owner of certain premises commonly known as the "Hampden Marina" situated southerly of Route 1A in said Hampden and more particularly described in a Municipal Quitclaim Deed from the City of Bangor to the Town of Hampden dated June 23, 1982, recorded in the Penobscot County Registry of Deeds in Volume 3314, Page 273 and depicted on a plan recorded in the Penobscot County Registry of Deeds in Nap File D35-82 (hereinafter called "Marina Premises").

2. Parcel A, a portion of the Marina Premises, is currently improved with a 1,776± square foot building housing offices, a single family apartment, and a seasonal take-out food establishment; a structure and apparatus relating to the storage and dispensing of fuel; a paved driveway and parking lot; and lawn and other landscaping. Parcel B, a portion of the Marina Premises, is currently improved with a 30,400± square foot structure and a gravel parking lot/outdoor storage area. Lessee is, or will be, the owner of those Improvements.

3. Lessee desires to use and develop the Marina Premises as a public outdoor recreation facility and more particularly to operate a publicly accessible recreational marina facility on the Marina Premises under the terms and conditions hereinafter set forth.

4. In connection with Lessee's operation of a publicly accessible recreational marina facility on the Marina Premises, Lessee wishes to lease from Town a portion of the Marina Premises on which Lessee proposes to own certain buildings thereon and to conduct certain commercial activities in connection with and ancillary to its operation of a publicly accessible recreational marina facility.

NOW, THEREFORE, in consideration of the obligations and rights set forth herein, the parties hereby agree as follows:

1. Premises

Town does hereby lease unto Lessee and Lessee hereby takes and leases from Town certain real property situated in Hampden, County of Penobscot, State of Maine, being a portion of the Marina Premises all as more fully identified as Parcels A and B on Exhibit A attached hereto and incorporated herein by reference (hereinafter called "Leased Premises"), and further grants to Lessee, SUBJECT to the rights of the public, the non-exclusive right to use the remainder of the Marina Premises in connection with Lessee's operation of a publicly accessible recreational marina facility.

2. Term

The term of this Lease shall be for 30 years, commencing on April 7, 2006 and terminating, unless sooner terminated in accordance with the provisions herein, on April 6, 2036.

3. Rental

- A. In addition to the improvements and services to be performed or provided by Lessee as hereinafter set forth, Lessee shall pay to Town as rental for the first five years of the term of this Lease the annual sum of \$4,500.00, payable in advance.
- B. The annual rents shall be adjusted to reflect and incorporate therein any percentage increases in the Consumer Price Index over the term of this Lease. For the purpose herein, the Consumer Price Index shall mean the average for all items shown on the United States City Average for Urban Wage Earners and Clerical Workers as promulgated by the Bureau of Labor Statistics of the United States Department of Labor. The rent increases and the payment thereof shall be in accordance with the following provisions. Although the rent shall be subject to an annual adjustment for inflation, the rent shall be re-calculated by Town at the end of each five year period during the term of the Lease. At the time of re-calculation, Town shall send Lessee an invoice for the "back-rent" attributable to inflation for the prior five years, and Lessee shall pay said amount within 30 days of the issuance of the invoice. Town shall also send Lessee

a notice of the amount of the inflation adjusted annual rent to be paid for the succeeding five year period. If the rent paid as the date of the notice is less than the amount due as set forth in the notice, Lessee shall pay the deficiency to Town within 30 days of the issuance of the notice. An example illustrating the operation of the rent re-calculation and payments required is set forth in a letter from Thomas A. Russell to David Hamlin dated March 9, 2006, which is incorporated herein by reference.

- C. Lessee shall pay all rentals herein required, without prior demand therefor, in lawful money of the United States at the address of Town as herein set forth or at such other places as Town shall designate.

4. Use, Occupancy and Improvements of and on the Leased Premises

- A. Parcel A. Lessee shall have the right to use, occupy, and maintain the area designated as Parcel A on Exhibit A attached hereto for the purposes of operating, maintaining, repairing, replacing, or adding to the existing building thereon, to be used as an office accessory to the permitted operations being undertaken on the Leased Premises, a marine supply store, marine sales office, single-family residential use, snack bar, and other accessory or ancillary uses thereto; for the installation, operation, and maintenance of fuel pumps, pipes, storage tanks, and related apparatus for the dispensing of fuel to recreational boats; and for ingress and egress, in common with others, to and from the existing parking lot, boat ramp, and/or float. It is understood and agreed by the parties that the primary purpose of the aforementioned facilities shall be for water-related activities, and that the service of food or beverages on the Leased Premises shall remain subordinate and incidental throughout the term of this Agreement. No alcoholic beverages shall be sold, served, or consumed on the Leased Premises. The premises being hereby leased, and designated as Parcel A, are leased SUBJECT to Town's reserved right of access to Parcel D as depicted on Exhibit A and the right to extend utilities over, under and across Parcel A of

sufficient scope and magnitude to allow access to and development and use of Parcel D.

- B. Parcel B. Lessee shall have the right to use, occupy and maintain the area designated as Parcel B on Exhibit A attached hereto for the purposes of the outdoor storage of boats and indoor service of boats and for the purposes of operating, maintaining, repairing, replacing, or adding to the existing building thereon. In addition, Lessee may conduct boat sales and/or repair activities on Parcel B, provided that said area is maintained by Lessee in a neat and orderly fashion. Lessee shall not use the Leased Premises, for any purpose, except as authorized under this Lease, without the prior written consent of Town. The premises being hereby leased, and designated as Parcel B, are leased SUBJECT to Town's reserved right-of access to Parcel D as depicted on Exhibit A and the right to extend utilities over, under and across Parcel B of sufficient scope and magnitude to allow access to and development and use of Parcel D.

5. Use of the Remainder of the Marina Premises.

Lessee shall, in connection with its operation during the term of this Lease of a publicly accessible recreational marina facility, have the right, in common with others, to use the existing roadways, ramps, floats, and gangways situated at the Marina Premises, including the right to use the existing float and gangway for the dispensing of fuel to recreational boats and Lessee shall have the nonexclusive option, subject to prior approval of the plans and specifications by the Town Council, to install and maintain additional docks and moorings at the marina, as long as the same do not interfere with the use of the Marina Premises by the public or jeopardize public safety. Lessee shall further have the right to use occupy and maintain that portion of the Marina Premises designated as Parcel C on Exhibit A attached hereto for the purposes of the outdoor storage of boats from October 1 through April 30 of each year during the term of this Lease, which period may be extended for any year during the term of this Lease, at the sole discretion of the Town for weather related reasons. Lessee shall repair any damage to Parcel C arising from the storage of boats thereon. In the event that said storage of boats thereon, in the sole opinion of the Town, causes unreasonable damage to or



PENOBSCOT COUNTY EMERGENCY MANAGEMENT AGENCY

County Courthouse
97 Hammond Street, Bangor, ME 04401 | Telephone: 207-945-4750 | Fax: 207-942-8941

C-3-b

September 27, 2010

Dear Town Official,

Enclosed is the revised Town Resolution document for the Penobscot County Multi-Jurisdictional Hazard Mitigation Plan. I apologize for the inconvenience but the wording is incorrect. In the first section it states "Whereas natural and man-made disasters", man-made should be omitted as the Hazard Mitigation Plan is for natural disasters only. I have printed new pages to omit man-made.

Due to this revision I have extended the deadline for signatures to Oct. 30, 2010. Once the plan is finalized, I will send out a notice as we will have a final public forum to view the completed plan. At that time we will also post the plan on the EMA website.

If you wish to come by the EMA office and see the draft 2010 revised plan to date please call me to set up a good time. Thank you and please call me if you have any questions.

Sincerely,

Michelle Tanguay
Deputy Director

Town of
HAMPDEN
RESOLUTION

Whereas natural disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property, and lives in the Town of Hampden;

Whereas the creation of the Penobscot County Multi-Jurisdictional Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

Whereas the Town is committed to the mitigation goals and measures as presented in this plan;
and

Therefore, the Town hereby adopts the Penobscot County Multi-Jurisdictional Hazard Mitigation Plan.

Matthew Arnett, Mayor

Date

Andre Cushing III, Deputy Mayor

Date

Thomas Brann, Councilor

Date

William Shakespeare, Councilor

Date

Janet Hughes, Councilor

Date

Jean Lawlis, Councilor

Date

Vacant

Date