



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

AUGUST 03, 2020

6:30 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. APPROVAL OF AGENDA
- C. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. COUNCIL MINUTES
 - a. 07/06/2020 Council Meeting
 - b. 07/13/2020 Council Workshop
 - c. 07/15/2020 Council Workshop
 - d. 07/20/2020 Council Meeting
 - e. 07/27/2020 Council Meeting
 - 3. COMMUNICATIONS
 - a. Press Release
 - 4. COMMITTEE MINUTES
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - 2. PUBLIC HEARINGS
 - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
 - a. Appointment of Joseph Bethony to the Lura Hoit Pool Board of Trustees – *requested by Darcey Peakall, Pool Director*
 - b. Council confirmation of the Town Manager's appointment of Josh Berry as the Tax Assessor.
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS
 - a. Request for authorization for the Town Manager to enter into a lease purchase agreement with Tax-Exempt Leasing Corporation for a ten-year lease purchase of a single axle 100' Quint fire truck for \$998,000.

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

AUGUST 03, 2020

6:30 P.M.

AGENDA

H. NEW BUSINESS

- a. Consideration of an Emergency Ordinance Regarding Medical Marijuana Registered Caregiver Operations – requested by Karen M. Cullen, AICP, Town Planner.
- b. Request for authorization to transfer \$169,452.48 from the Fire Truck Reserve Account (3-741-00) to the Ambulance Reserve Account (3-737-00).
- c. Request for Authorization for the expenditure of \$253,568.00 from Ambulance Reserve Account (3-737-00) for the purchase of a Type I 4x4 ambulance.
- d. Request for authorization to transfer \$82,195.00 from Fire Truck Reserve Account (3-741-00) to ALS Equipment Reserve Account (3-739-00).
- e. Request for authorization for the expenditure of \$109,695.00 from ALS Equipment Reserve Account (3-739-00) for the purpose of purchasing SCBA air packs.
- f. Council determination of the rate of interest to be applied to delinquent tax payments – pursuant to 36 MRSA section 505.4.
- g. Council determination of the rate of interest to be applied to tax abatements – pursuant to 36 MRSA section 506-A.
- h. Setting the tax due dates
- i. Request for authorization for the expenditure of \$41,978.83 from the Police Cruiser Account (G 3-753-00) to purchase the 2020 Ford Police Interceptor and associated equipment – *requested by Christian Bailey, Director of Public Safety.*

I. MANAGER'S REPORT

J. COUNCILOR'S COMMENTS

K. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN TOWN COUNCIL MEETING
ON AUGUST 03, 2020, AT 6:30 PM YOU MAY
PHONE IN USING THE FOLLOWING NUMBER
(FOLLOWED BY THE PIN #)

1-234-719-3780 PIN 372 353 094#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: [https://meet.google.com/ozi-
wknh-xun?hs=122&authuser=0](https://meet.google.com/ozi-wknh-xun?hs=122&authuser=0) AND JOIN US
THAT WAY

INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-a

MONDAY

JULY 06, 2020

6:30 P.M.

In attendance:

*Mayor Ryder
Councilor Jarvi
Councilor Marble
Councilor McAvoy
Councilor McPike
Councilor Wilde
Councilor Wright*

*Paula Scott, Town Manager
Sean Currier, Public Works Director
Amy Ryder, Economic Developer Director
Mr & Mrs Whitcomb*

Mayor Ryder called the meeting to Order at 6:30 p.m.

A. PLEDGE OF ALLEGIANCE

Mayor Ryder led the Pledge of Allegiance.

B. APPROVAL OF AGENDA

Motion: *Mayor Ryder called for a motion to add an agenda item E-3-a. Councilor Wright so moved, seconded by Councilor Jarvi. (RSU Warrants for Notice of Election). Unanimous vote 7-0*

Resolution: 2020 - 106

C. CONSENT AGENDA

Motion: *Motion made by Councilor Marble to accept the Consent Agenda, seconded by Councilor Jarvi. Unanimous vote 7-0*

Resolution: 2020 - 107

1. SIGNATURES

2. COUNCIL MINUTES

a. 06/15/2020 – Town Council Meeting

3. COMMUNICATIONS

- a. Renewal Victualer License – Mac's Convenience Stores LLC
- b. Letter of Robin R. Smith and Rosemarie Sovis
- c. Charter Communication – Upcoming Changes
- d. Correspondence submitted by County Commissioner Andre Cushing – Sample Penobscot County Communication Bond; July 2020 Sample Bond; and Presentation on step taken to identify PRCC upgrades.

4. COMMITTEE MINUTES

Note: Council will take a five-minute recess at 8:00 p.m.

D. PUBLIC COMMENTS

E. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Town Council's confirmation of annual appointment of designated Town of Hampden Officials – pursuant to Title 30-A section 2526(2)

Town Manager Scott addressed Council, informing that this is a normal housekeeping measure that is done at the start of each fiscal year to confirm appointments that are council confirmation appointments. She also informed that that we have a temporary contract service assessor. His name is Josh Berry. He is the assessor in our neighboring town of Hermon, as well as their code enforcement officer. He is going to be helping us through and getting us through until commitment and possibly for about another month afterwards, if a candidate for assessor has not been chosen by that time. He has two workers that will be in the office on Mondays and Tuesdays.

Discussion on who's appointment the Council would be confirming. No list was provided in the packet. The Town Manager stated that she did not remember the information word for word but the only positions that she believes are confirmed by council every year are that of the Town Clerk, Public Safety Director, Town Manager, Treasurer and that of the Assessor.

Motion: Councilor Jarvi moved council confirmation of annual appointments of designated Town of Hampden Officials, seconded. Unanimous vote: 7-0

Resolution: 2020 - 108

- a. RSU Warrant for Notice of Election – (added Agenda Item).

Town Manager Scott addressed Council informing that they are required as Elected Officials to sign the RSU #22 Warrant for the July 14th Election. It dictates to the Clerk that she is to post notice to inform the residents of the town of the date, the time and place of the Election.

Motion: Councilor McPike made a motion to accept the RSU 22 Warrant, seconded by Councilor Wilde. Unanimous vote: 7-0

Resolution: 2020 - 109

F. COMMITTEE REPORTS

G. UNFINISHED BUSINESS

- a. Budget update

Councilor Jarvi gave an update on the Harbormaster stipend. The \$1000.00 addition has in fact been added to budget line 2525.

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JULY 06, 2020

6:30 P.M.

MINUTES

H. NEW BUSINESS

- a. Council Order 2020-01 Permitting Disbursement of Employee Wages and State Fees - annual policy renewal.

Motion: Councilor Jarvi moved council renew Councilor Order 2020-01 permitting disbursement of employment wages and state fees, seconded by Councilor Wright.

Councilor Marble and Councilor Wilde asked for a summary on the article. Town Manager Scott informed Council that basically because Town Council only meet twice a month and at those bi monthly meetings you sign the warrant for disbursement of bills and wages, there's no mechanism other than this under the law to allow staff to release checks for payroll, payroll benefits, motor vehicle fees. This gives staff permission to release those funds on the signature of one councilor, and that councilor designated by this Board is Shelby, with Councilors Wilde and Marble as being the backup. Councilor Wright stated for the record that she goes into the Office and signs a hard copy.

Unanimous vote 7-0

Resolution: 2020 - 110

- b. Council Order 2020-02 Authorizing The Application of Property Tax Payments – annual policy renewal.

Motion: Councilor Jarvi moved Council renew Council Order 2020-02 authorizing the Application of Property Tax Payments, seconded by Councilor Wright. Motion was made by Councilor Jarvi to amend motion to strike renew, seconded by Councilor Wright. Unanimous vote 7-0

Resolution: 2020 - 111

- c. Council Order 2020-03 Establishing Procedures For The Receipt of Gifts, Donations and Funds From Outside Sources – annual policy renewal.

Motion: Councilor Marble made a motion that Council authorize order 2020-03 Establishing Procedures for The Receipt of Gifts, Donations and Funds from Outside Sources, seconded by Councilor McPike. After discussion - unanimous vote 7-0

Resolution: 2020 - 112

- d. Request for authorization for the expenditure of \$53,972.15 from the Environmental Trust, income for reimbursement of eligible stormwater expenses – requested by Sean Currier, Public Works Director.

Town Manager Scott addressed Council informing that we have presented to the Environmental Trust a series of invoices that have been paid for reimbursement. They have approved the reimbursement items and this is your authorization to allow them to reimburse us. Sean Currier, Public Work Director informed that one of the larger projects for reimbursement was \$25,000.00 from storm drain improvements near Daisy Lane into the stormwater BMP, a couple of basins were put in.

Note: Council will take a five-minute recess at 8:00 p.m.

MINUTES

Motion: Councilor Marble made a motion that the Council authorize the expenditure of \$53,972.15 from the Environmental Trust income for reimbursement of eligible stormwater expenses, seconded by Councilor Wilde. After discussion - unanimous vote 7-0.

Resolution: 2020 - 113

- e. Council approval for access from the Town's right of way at Crosby Drive to property located at map 10 lot 11 for the purpose of business development - requested by Amy Ryder, Economic Development Director.

Town Manager Scott noted that this article should read lot 21 and not 11. Amy Ryder addressed Council with reference to her memo. An existing business operating out of Bangor has had some inquires with regards to development to a parcel that borders Crosby Way and Crosby Drive. This is not public land. However, the Town does have 100 feet right of way, along with about 450 feet of the road in town property. She is asking, for the fact of business development that Council grant the right of way to the parcel 10-21.

Motion: Councilor Wright made a motion for the Council to approve access from the Town's right of way at Crosby Drive the property located at map 10 lot 21 for the purpose of business development, seconded by Councilor Jarvi. After discussion - Vote 6-1.

Resolution: 2020 - 114

- f. Request for authorization for the expenditure of \$375,000.00 for a 2018 Freightliner; \$10,000.00 from an existing sewer reserve fund containing \$303,957 as a down payment until the FY21 budget is solidified, with the remaining balance of \$293,957.00 from FY21 sewer reserve account fund - requested by Sean Currier, Director of Public Works.

Motion: Councilor Jarvi moved Council authorize the expenditure of \$375,000.00 for the purchase of a 2018 Freightliner, \$10,000.00 from the current sewer reserve fund and \$293,957.00 from the FY21 sewer reserve fund account, seconded by Councilor McPike. After discussion - Vote 6-1.

Resolution: 2020 - 115

- g. Council approval for the placement of a park bench near the stream at Papermill Park - requested by Sean Currier, Director of Public Works.

Motion: Councilor Wright made a motion for the Council to approve the placement of a park bench near the stream at Papermill Park, seconded by Councilor Marble. Unanimous vote 7-0

Resolution: 2020 - 116

- h. Consideration of a proclamation - Designation of July as Park and Recreation Month - requested by Shelley Abbott, Recreation Director.

Motion: Councilor Marble made a motion that the Council authorizer issue a proclamation with the designation of July as Park and Recreation Month as per the wording in the draft presented to us, seconded. Unanimous vote 7-0

Resolution: 2020 - 117

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JULY 06, 2020

6:30 P.M.

MINUTES

I. MANAGER'S REPORT

Town Manager Scott updated Council on Coastal Resources; She informed Council of several complaints from residents about the conditions on Route 69; and informed Council of the number of on-line transactions. (Town Manager's Memorandum – attached Exhibit A.)

J. COUNCILOR'S COMMENTS

Councilor Marble – No comment

Councilor McPike – The only comment I do have is I would like to thank Public Works Director Currier for going to bat and getting Route 1-A watered over the weekend. That did make a huge difference. They were not doing that and they are now doing it. Thank you.

Councilor McAvoy – To remind everybody to shop local, buy American and please make a Patriotic effort to not buy Chinese made goods. Goodnight Hampden.

Councilor Wright – No comment

Councilor Wilde – No comment

Councilor Jarvi – Mr. Mayor, I would like to take this opportunity to recognize Gordon D. Martin, a long time Hampden resident of 70 years who passed away on June 16th. Gordon actively volunteered on the Jaycees, Hampden Town Council, Hampden Recreation Committee and Hampden Water District Board of Trustees. Though I did not know him personally, he personified the idea that there is nothing more rewarding than giving back and making a difference in the lives of the people in this great Community. Hampden is certainly a better place for his service. I would also remind everyone listening in to vote one week from tomorrow, Tuesday, July 14th. Although it is not too late to register for an absentee ballot with our Town Clerk, to ensure your vote counts I would encourage you to vote in person from 8 a.m. to 8 p.m. at the Skehan Center. There are three very important ballot initiatives, as well as the school budget and primary elections, which need to be decided. Please, please take time to vote. Goodnight Hampden.

Councilor Ryder – I guess my comments tonight would be I just want to let the public know that there's going to be four positions open on the Town Council. All four districts are up for reelection this fall. This gives you plenty of time to think about it, see if you're interested in serving. Stop by the Town Office and take out your papers, so you can run for your district that you live in. I'd also like to thank the RSU 22 for the effort they've made in their budget to drop from 4% down to 2%. I just want to thank them on behalf of the Town and the citizens for making that extra effort to make a deduction. It's really appreciated from where I'm standing, and with that goodnight Hampden.

K. ADJOURNMENT

With no further business meeting adjourned at 8:00 p.m.

*Respectfully Submitted,
Gayle C. Decker, Town Clerk /s/*

Note: Council will take a five-minute recess at 8:00 p.m.



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: July 6th, 2020
RE: Manager's Report

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- **Update on Coastal Resources:** On July 1st I attended virtual meeting with the MRC at which many questions were asked and answered. Right now, $\frac{3}{4}$ of MSW, including Hampden's, is being taken to PERC and not Juniper Ridge and this is allowed under the Master Waste agreement. Tipping fees remain the same as with Coastal, except for recycling tip fees which were \$35.00/ton but are now \$70.00/ton. This is mostly due to the Governor's order which is to co-mingle, as much as possible, recycling with MSW during covid-19, as well as the decline in markets. This is not to say that there haven't been permitted week by week agreements for certain products to be recycled and not landfilled and which Lincoln County Recycling, which primary product is making compost, is an interim option for some waste. On June 30th, I spoke with Jim Dunning of Casella and he confirmed that the hauling fees have not changed; they are a per container fee so if they haul a container to Coastal, or if they haul to Canada, it is the same price. In response to the future of Coastal, according to the executive board at Monday's meeting, there are 5 to 7 viable options on the table at this time as well as several other inquiries which are being screened. In other words, the default notice has no end date at this time as MRC's main focus is not to force a cure of the default until such time as all options are explored. If no investors are found, MRC will be looking at contingent options. An area of concern that came to my attention this week, is the fact that the conditional certificate of occupancy that was issued in April of 2019 as a good faith effort to allow an Earth Day promotional ceremony, has expired. According to the Code Office, nothing which was set out in the COP as outstanding items has been remedied, or if it has been, no notice to that effect has been received by the Town. These items include the fact that the administration building was never permitted, there was an issue with the sprinklers, the foundation of the admin building was never designed, permitted, or inspected. Code has never received designs for the pulp storage area, as-built drawings for the facility, special inspection reports or tank documents. I sent an email to Executive Director Mike Carroll on the 1st informing him of these facts and the Code Officer's stipulation that no occupancy permit will be issued until these issues are addressed.
 - On July 2nd, Director Currier and I attended a meeting with Mike Carroll, Tony Smith of the MRC as well as engineers for the project to determine the status of the road acceptance. At this time everything is a go once a maintenance agreement is drafted and signed by the MRC and the Town. This maintenance agreement will require the road to be striped, to be swept with a vacuum sweeper 2 or 3 days a month and the trash is to be picked up on a weekly or bi-weekly

basis so that this burden is not borne by the Public Works Department. Considering the exorbitant amount of nails/broken glass and trash that has been reported to the town and witnessed by the town on that road we think it prudent. We are also looking at a type of agreement, a covenant to the deed if you will, to go along with accepting the sewer. This will include contingency if the plant never opens and certain responsibilities needed for the pump station, such as lock-out/tag-out procedures, and chemical treatment of low volumes. We are having this vetted by the attorney for advice on the feasibility and legality of doing this and hope to have an answer in the near future.

- On June 22nd, I spoke with several residents complaining about the conditions on Route 69, imploring the Town to force the MDOT to fix the road which has been in deplorable condition for many years. Following that meeting, I spoke with Randy Barrows who confirmed that they have just recently resolved some permitting issues and is working through some right-of-way issues. Once resolved they will be placing 300-400 ton of spot shim in late August, early September. The road will be shimmed back into shape including adding shoulders.
- On line transactions for the month of June were 187 motor vehicles, 34 boats, 10 tax payments and 37 sewer payments.

C-2-b



HAMPDEN TOWN COUNCIL WORKSHOP
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

JULY 13, 2020

6:00 P.M.

In attendance:

*Mayor Ryder
Councilor Jarvi
Councilor McAvoy
Councilor Marble
Councilor McPike
Councilor Wright*

*Paula Scott, Town Manager
Gayle C. Decker, Town Clerk
Shelley Abbott, Recreation Director
Amy Ryder, Economic Developer Director
Holly Noyes, ReVision Energy
Kurt Penney, ReVision Energy*

A. CALL TO ORDER

Deputy Mayor Jarvi called the meeting to order at 6:00 p.m.

B. UNFINISHED BUSINESS

C. NEW BUSINESS

a. ReVision presentation

Holly Noyes, Solar Project Developer with ReVision Energy presented an overview of who ReVision Energy is, painted a picture of solar here in Maine, then went through the opportunity for the Town of Hampden and ReVision's proposed Solar Farm. Kurt Penney of ReVision Energy addressed Council on some of the questions that fell outside of the concept of the lease in terms of the renewable energy credit.

b. Discussion on future of post office

Town Council and Town Manager had discussion on the future of the post office, whether to maintain ownership of the property or not. Consensus was to keep the post office and have staff move forward to assess what would be involved in assuming ownership on the property.

c. Discussion on future of Recreation Center

Town Council, Town Manager and Amy Ryder, Economic Developer had discussion on the future of the Recreation Center. From a strategic planning perspective Council consensus was a nay on making a long-term commitment to the Skehan Center.

D. ADJOURNMENT

With no further business to discuss meeting adjourned at 7:25 p.m.

Respectfully Submitted,
Gayle C. Decker /s/
Town Clerk

Note: Council will take a five-minute recess at 8:00 p.m.



HAMPDEN TOWN COUNCIL WORKSHOP
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-C

MONDAY

JULY 15, 2020

6:00 P.M.

In attendance:

Mayor Ryder

Councilor Jarvi

Councilor Marble

Councilor McPike

Councilor Wright

Paula Scott, Town Manager

Gayle C. Decker, Town Clerk

Amy Ryder, Economic Developer Director

Chief Christian Bailey

Jason Lundstrom, Deputy Fire Chief

Dan S. Pittman, Esq. Remotely

Alan Robertson, Blue Wave Energy

A. CALL TO ORDER

Deputy Mayor Ryder called the meeting to order at 6:00 p.m.

B. UNFINISHED BUSINESS

C. NEW BUSINESS

a. Blue Wave presentation

Alan Robertson of Blue Wave Solar gave a presentation on a solar farm and energy credit proposal for the Town of Hampden.

b. Discussion on new fire truck

Chief Bailey addressed the Council on the diligent work that has been done in the preparation to make a recommendation on what type of apparatus that would be recommended to the Town Manager and Council to replace the aging 2003 pumper/rescue vehicle. After all the discussions and observations it is felt that a Quint type apparatus would be the best piece of apparatus to serve our Community and Citizens over the next 20 years. Deputy Fire Chief Jason Lundstrom addressed Council on some of the specific specifications that they feel is important. Town Manager and Dan S. Pittman, Esq., addressed Council with funding options.

D. ADJOURNMENT

With no further business to discuss the meeting adjourned at 7:28.

Respectfully Submitted,

Gayle C. Decker /s/
Town Clerk

Note: Council will take a five-minute recess at 8:00 p.m.



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-d

MONDAY

JULY 20, 2020

6:30 P.M.

In attendance:

Mayor Ryder

Councilor Jarvi

Councilor Marble

Councilor McAvoy

Councilor McPike

Councilor Wilde

Councilor Wright

Paula Scott, Town Manager

Gayle C. Decker, Town Clerk

Amy Ryder, Economic Developer Director

Wanda Libbey, Deputy Tax Collector

Karen M. Cullen, AICP, Town Planner - Remotely

Mayor Ryder called the meeting to order at 6:30 p.m.

A. PLEDGE OF ALLEGIANCE

Mayor Ryder led the Pledge of Allegiance

B. APPROVAL OF AGENDA

Motion: *Councilor Marble made a motion to amend the agenda, to under new business to take them in the order of D, E, F, A, B, C, and G. Seconded. Vote 7-0*

Resolution: 2020 - 118

C. CONSENT AGENDA

Motion: *Councilor Wright made a motion to accept the consent agenda as presented, seconded by Councilor Jarvi. Vote 7 - 0*

Resolution: 2020 - 119

1. SIGNATURES

2. COUNCIL MINUTES

a. 07/06/2020 – Not available

b. 07/13/2020 - Council Workshop – Not available

c. 07/15/2020 - Council Workshop – Not available

3. COMMUNICATIONS

4. COMMITTEE MINUTES

D. PUBLIC COMMENTS

E. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JULY 20, 2020

6:30 P.M.

AGENDA

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

F. COMMITTEE REPORTS

Councilor Jarvi reported on the Town Council Workshops held on July 13th and 15th. Council and staff heard two proposals for a proposed solar array farm energy credit package for Hampden, the first from ReVision Energy and the second from BlueWave Solar. Both presentations offered a long-term leasing of town property off route 202 for the installation of our solar array farm and subsequent offering of energy credits to help reduce the town's energy costs. Council requested town staff investigate remaining technical differences between the two proposals in anticipation of entering into lease and energy credit agreements. With regard to the future of the Town Post Office Building, Council requests to the Town Manager and staff move forward with potential repurposing of the building structure after the lease expiration. In a related strategic planning recommendation council requested the Town Manager and Recreation Director consider alternatives to a long-term financial commitment to the current Skehan Center affiliation. Lastly, Council heard a presentation on the specifications and funding options on a new fire truck. The Town Manager and public safety are finalizing budget options using reserve account monies in conjunction with the leasing option to acquire not only the fire ladder truck, but a new tier one ambulance. Thank you.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- a. Council consideration and referral to Public Hearing on Proposed Amendments to the Hampden Zoning Ordinance – *requested by Karen M. Cullen, AICP, Town Planner.*

Mayor Ryder stated that he has looked this over, has a lot of questions and would like to move this to a workshop committee meeting for an in-depth discussion, review. After further discussion motion was made.

Motion: *Councilor Jarvi moved that agenda items A and B be moved to the next regularly scheduled workshop, seconded by Councilor McAvoy. Vote 6-1*

Resolution: 2020 - 123

- b. Council consideration and referral to public hearing on Proposed Amendments to the Marijuana Ordinance - *requested by Karen M. Cullen, AICP, Town Planner.*

Resolution: 2020 – 123 – vote 6-1 to move this agenda item to the next regularly scheduled workshop.

- c. Council consideration and referral to public hearing on Proposed Amendment to the Town of Hampden Fees Ordinance, Article 6 Recreation – *requested by Shelley Abbott, Recreation Director.*

Motion: *Councilor Marble made a motion that Council refers to public hearing the proposed amendment to the Town Hampden Fees Ordinance, Article 6 recreation, seconded by Councilor Jarvi.*

Note: Council will take a five-minute recess at 8:00 p.m.

AGENDA

Councilor McPike had a concern on the section that has to do with COVID-19 and what happens when that becomes flat. The sanitation fees and other things related. Town Manager Scott stated that typically the Fees Ordinance is reviewed every October, by Ordinance, so if something were to change between now and then we could take it out and if something changed after that meeting we could do it as an internal process to not charge those fees.

Unanimous vote 7-0

Resolution: 2020 - 124

- d. Council authorization of a tax club for tax year 2021 – requested by Wanda Libbey, Deputy Tax Collector.

Motion: *Councilor Jarvi moved Council to authorize a tax club for the 2021 tax year, seconded by Councilor Marble.*

Councilor McPike asked if the club is worthwhile. Wanda Libbey, Deputy Tax Collector addressed Council. She informed that probably 90% of the tax club people follow the rules and some should be taken out of the club. But her concern is that she doesn't know if this has ever been done, it doesn't look like it has. They would be given a warning and if they don't comply she would have to send them a letter letting them know that they are now no longer in the club and that interest is going to start accruing on their taxes. She asked Council if this is acceptable and if that's something they want her to do going forward with the Club, follow the rules. After discussion on how the club works, it was felt that yes, this is acceptable and to follow the rules of the agreement entered.

Unanimous vote 7-0

Resolution: 2020 - 120

- e. Council authorization for the Town Manager to enter into a lease option with the preferred solar company to construct a solar array on town owned property – requested by Amy Ryder, Economic Development Director.

Motion: *Councilor Wright made a motion that Council authorize the Town Manager to enter into a lease option with the preferred solar company to construct a solar array on town owned property, seconded by Councilor McPike. Motion rescinded.*

Economic Developer Amy Ryder addressed Council, informing that in front of them they will see a comparison between the two companies that came in and spoke last week. She presented a quick breakdown of the comparison. After discussion motion was made.

Motion: *Councilor Jarvi moved Council authorize the Town Manager to enter into a lease option with BlueWave Solar to construct a solar array on town owned property, seconded by Councilor Wright. Vote 5-2*

Resolution: 2020 - 121

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JULY 20, 2020

6:30 P.M.

AGENDA

- f. Council authorization for the Town Manager to enter into a contract with the preferred solar company for energy billing credits – requested by Amy Ryder, Economic Development Director.

Economic Developer Amy Ryder addressed Council, informing that again her vote is BlueWave, considering again that she asked the question in regards to them claiming 100% based on the size credits and we do not owe any percentage of those credits to the investor or to the company for receiving the credits, so it is a 100% electricity savings for our municipal buildings. After discussion motion was made.

Motion: Councilor Jarvi moved Council authorize the Town Manager to enter into a lease option with BlueWave Solar for energy billing credits, seconded by Councilor Wright. Vote 6-1.

Resolution: 2020 - 122

- g. Council consideration and referral to Public Hearing on the Proposed 2020 Hampden Town Budget.

Councilor Jarvi moved Council refer to public hearing the proposed 20-21 Hampden Town Budget, seconded by Councilor McPike.

Town Manager Scott addressed Council with an update, informing that after the RSU#22 Budget Referendum vote their Budget increased 2.34%. She believes the increase was from the adult education which was not included in the original number. The total estimated taxation requirement is going to be \$13,780,255.

Unanimous vote 7-0

Resolution: 2020 - 125

I. MANAGER'S REPORT

Town Manager spoke on the Election. She wanted to give a shout out to Gayle. She stated that the Election was done well in our new temporary location, which by some accounts should become our future permanent location and that she has had several residents speak to her about that. She gave a shout to the fact that we were able to, in spite of COVID and that some of our election clerks did not feel comfortable working the polls, able to get two new election clerk workers, including one of them being Councilor McPike and we really do appreciate that. The setup was something that was completely new to us and that all of the social distancing measures and the safety and sanitation measures that were in place Gayle handled. She did a great job.

J. COUNCILOR'S COMMENTS

Councilor McAvoy – I just want to remind everybody to shop local, buy American and please make a patriotic attempt to not buy anything made in China. Goodnight Hampden.

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JULY 20, 2020

6:30 P.M.

AGENDA

Councilor Marble – I had a whole laundry list and I'm not gonna do that. So I'll say just a couple of things. One, I think it's common knowledge that I'm not seeking to run for re-election this year in November, excuse me, so I want to conduct an informal poll, if people are interested. I'd like to hear your opinion on, after the election, when should those who win seats, be seated? It's been our past practice to wait until January. That's not done that way in every community and something tells me that if there's a contest and someone wins, they should be seated as a result of that contest. I don't know what that might do to the Town Manager or scheduled meetings or anything else, but I would like to hear from residents giving me that opinion. Contact information is the website.

Town Manager Scott – I believe we have to run that by charter because I believe it is embedded in charter. I'll double check.

Councilor Marble – Please do because I thought I looked, and I've missed things before, but I didn't see it there. The other one I heard today was a great quote from a fire chief. I don't remember where in the country they rescued a bunch of puppies and all he said at the end was "try to leave things better than you found them" and I thought that was perfect.

Councilor Wright – No comment.

Councilor McPike – The only thing I'd like to say is that having worked the voting last Tuesday, except for my one hour lunch break that I did take, I was very impressed that out of all the people who came to vote and I don't know how many hundred came in there, I only counted 19 who came without a mask.

Councilor Wilde – No comment.

Councilor Jarvi – No comment

Councilor Ryder – No comment..

- K. EXECUTIVE SESSION – Pursuant to 1 M.R.S.A. Section 405 (6)(A) – Personnel Matters
- to include the Town Manager.

Motion: *Councilor Jarvi - pursuant to 1 M.R.S.A. section 405 (6)(A) moved Council to include the Town Manager move into to executive session for discussion of personnel matters, seconded by Councilor Wright. Vote by roll call was unanimous vote 7-0.*

Resolution: 2020 – 126

Executive session entered at 7:22 p.m. No votes taken.

- L ADJOURNMENT

Meeting adjourned at the conclusion of executive session.

*Respectfully Submitted,
Gayle C. Decker /s/
Town Clerk*

Note: Council will take a five-minute recess at 8:00 p.m.



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-e

MONDAY

JULY 27, 2020

6:30 P.M.

Attending:

Mayor Ryder

Councilor Jarvi

Councilor McAvoy

Councilor Marble

Councilor McPike

Councilor Wilde

Paula Scott, Town Manager

Gayle C. Decker, Town Clerk

Shelley Abbott, Recreation Director

Ryan Carey, Code Enforcement Officer

Jason Lundstrom, Deputy Fire Chief

Christian Bailey, Public Safety Director

Karen Cullen, AICP – Remotely

Joy S. Naifeh, Esq - Remotely

Joseph Green, Energy North - Remotely

Mayor Ryder called the meeting to order at 6:30 p.m.

A. PLEDGE OF ALLEGIANCE

Mayor Ryder led the Pledge of Allegiance.

B. APPROVAL OF AGENDA

Councilor McPike stated that he would like to add under Unfinished Business - Discussion of the Fire Truck.

Motion: *Councilor McAvoy made a motion to approve the amended agenda, seconded by Councilor Jarvi. Unanimous vote 6-0.*

Resolution: 2020 - 127

C. CONSENT AGENDA

Motion: *Councilor Marble made a motion to accept and approve the consent agenda, seconded by Councilor Jarvis. Unanimous vote 6-0.*

Resolution: 2020 – 128

1. SIGNATURES

2. COUNCIL MINUTES

3. COMMUNICATIONS

4. COMMITTEE MINUTES

D. PUBLIC COMMENTS

E. POLICY AGENDA

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JULY 27, 2020

6:30 P.M.

MINUTES

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

a. Proposed Amendment to the Town of Hampden Fees Ordinance, Article 6 Recreation.

Motion: At 6:32 p.m. Councilor McAvoy made a motion to open the public hearing for The Amendment to the Town of Hampden Fees Ordinance Article 6 Recreation, seconded by Councilor Jarvi. Vote 6-0

Resolution: 2020 – 129

Councilor Jarvi spoke with a question on section 6.2 and 6.3, what is the justification for a fee range in those sections and no other section?

Recreation Director, Shelley Abbot informed that this goes back to when we started seeing increases in the minimum wage, so items 6.2 and 6.3 more or less are directly tied to staffing of events, where outdoor field spaces on 6.4 don't usually have a staff on site to supervise. So, when it was updated in 2014 or 15 it was decided to go with a range in anticipation of that annual minimum increase in minimum wage and in 2021 it will flatten off and go with the index number, so the bottom range is the current fee that we are charging.

Motion: At 6:34 p.m. Councilor McAvoy made a motion close public hearing, seconded by Councilor McPike. Unanimous Vote 6-0

Resolution: 2020 – 130

Motion: Councilor McPike made a motion to accept the Town of Hampden Fees Ordinance Article 6 Recreation, seconded by Councilor McAvoy. Unanimous Vote 6-0

Resolution: 2020 – 131

b. Consideration of a new Victualer's license application for Energy North Incorporated, located at 98 Coldbrook Road, Hampden (Tradewinds).

Motion: At 6:36 p.m. Councilor Marble made a motion to open the public hearing, seconded by Councilor Jarvi. Unanimous vote 6-0

Resolution 2020 – 132

Town Manager spoke that this is a new Victualer's License Application for an existing business that is in the process of being sold. That a couple of remote visitors are here to meet the requirement to come before Council and that our Code Enforcement Officer is here who will speak to any of the questions that you might have with regard to timing in that procedure.

Motion: At 6:38 p.m. Councilor Marble made a motion to come out of public hearing, seconded by Councilor Wilde. Vote unanimous 6-0

Note: Council will take a five-minute recess at 8:00 p.m.

Resolution: 2020 - 133

Motion: *Councilor McAvoy made a motion the Town Council approve the Victualer's License Application for Energy North Incorporated, seconded by Councilor Jarvi. Unanimous vote 6-0*

Resolution: 2020 - 134

- c. Proposed Town of Hampden FY21 Budget public hearing, including Sewer Budget and Capital Program.

Motion: *At 6:40 p.m. Councilor Marble made a motion to open the public hearing, seconded by Councilor McAvoy. Unanimous vote 6-0*

Resolution: 2020 - 135

Town Manager Scott spoke with an overview of the FY21 Budget.

Councilor Jarvi spoke with a comment that something to consider next year is the RSU 22 Adult Education, that what we get from RSU 22 should automatically include that and should be included in the Budget for advertising, so that we can say this it.

Councilor McPike spoke with a comment that he feels as though the Town Manager and the Departments Heads had done one of the finest jobs that he has seen come through and that it made it very easy for them and took things under control, understanding that with the virus going and what's going to happen this year and next year, really did a great job on it and he thanked the Town Manager.

Councilor Marble spoke agreeing with Councilor McPike and adding that when reading through the Memo that the Manager had prepared before the process began, she was projecting a 3.2% increase, which collaboratively came down to 2.2% and he thinks the RSU deserves some credit for that as well. He spoke that the budget felt clearer, felt less rancorous, that the town staff was responsive and that things made sense.

Motion: *At 6:50 Councilor McPike made a motion to come out of public hearing, seconded by Councilor Jarvi. Vote 6-0*

Resolution: 2020 – 136

Motion: *Councilor McPike made a motion to accept the Town of Hampden FY21 budget, including sewer budget and capital program, seconded by Councilor Jarvi. Vote 4-2*

Resolution: 2020 - 137

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

F. COMMITTEE REPORTS

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JULY 27, 2020

6:30 P.M.

MINUTES

G. UNFINISHED BUSINESS

a. Discussion on Fire Truck – added agenda item- *requested by Councilor McPike*

Councilor McPike spoke with a concern about choosing a leasing option for the purchase of a fire truck, feels that the taxpayers have the right to vote on it through bond. He favors pursuing a bond issue.

Deputy Fire Chief Jason Lundstrom spoke on the municipal financing options, clarifying the lease purchase and spoke again on the process they have done on choosing a truck.

Town Manager Scott spoke that this is going to come up for vote on the August 3rd Council Meeting Agenda.

H. NEW BUSINESS

I. MANAGER'S REPORT

I. COUNCILOR'S COMMENTS

Councilor McAvoy – I just want to remind everybody to shop local, buy American and please do the Patriotic thing and do not buy anything made in China. Goodnight Hampden.

Councilor Wilde – No comment

Councilor Jarvi – Because residents have inquired about an update on the 1A construction I briefly met with a Maine DOT representative this morning and can report the following. The storm drains are currently being installed in the southbound lane which would be followed by final grading, pouring of curbing and installation of the sidewalk. There will also be a final layer of paving on 1A and making the associated bike lane and the northbound lane. The bridge work is slightly behind schedule, but it is anticipated that time will be made up over the next several weeks.

Councilor Marble – I have had occasion to have different conversations with ten to fifteen Hampden residents over the last week and my two takeaways are this, we have a great community that is going to have local elections in November and I'm just here to ask as many citizens get involved in that process as possible. Thank you very much and goodnight.

Councilor McPike – Again, I just want to reiterate what a great job I thought that the Town Manager and her staff did at putting the budget together and also kudos to the RSU. They came in this year and I think worked very well in presenting something in front of us for the first time in years.

Councilor Ryder – No comment

L. ADJOURNMENT

With no further business meeting adjourned at 7:08 p.m.

*Respectfully Submitted,
Gayle C. Decker, Town Clerk*

Note: Council will take a five-minute recess at 8:00 p.m.

PRESS RELEASE
For Immediate Release

Municipal officials are pleased to announce that the **Town of Hampden** has received a **\$9,503** dividend check from the Maine Municipal Association as a result of its good loss experience and loss prevention programs.

The Maine Municipal Association offers three self-funded pools for municipal and quasi-public entities in Maine: the Workers Compensation Fund formed in 1978, the Property & Casualty Pool formed in 1987 and the Unemployment Compensation Fund formed in 1978.

The programs are overseen by governing boards of elected and appointed municipal officials. At its May meeting, the board approved another dividend distribution. Actual allocation and eligibility is based on the individual member's own loss experience. Michelle Pelletier, Director of Risk Management Services for MMA, said more than 79 percent of program participants received a dividend this year for their good risk management practices and favorable loss experience.

This year the Workers Compensation Fund has distributed almost **\$650,000** in dividends to participants and the Property and Casualty Pool has paid dividends of nearly **\$600,000**, for total payments of just over \$1.2 million returned directly to MMA members.

Maine Municipal Association has been paying dividends since 1997, the two programs have returned over **\$24 million** to participating members. For more information about any of the MMA Risk Management Services programs, including online training programs and other services, check the offerings on their website at www.memun.org and click on the Risk Management Services link, or call 1-800-590-5583.



Check One: Initial Application Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Bethony Joseph M
LAST FIRST MI

ADDRESS: 14 Liberty Ave Hampden 04444
STREET TOWN ZIP

MAILING ADDRESS (if different):

TELEPHONE: (207) 385-3829
HOME WORK

EMAIL: jrbethony@gmail.com

OCCUPATION: lawyer

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: LHP Board of Trustees

SECOND CHOICE (OPTIONAL):

How would your experience, education and/or occupation be a benefit to this board or committee? prior service on this board

Are there any issues you feel this board or committee should address, or should continue to address?

3 YEAR

BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA E. HOIT MEMORIAL POOL
HARBOR COMMITTEE

EDYTHE L. DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMISSION

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY
Date Application Received: 7/17/20
COUNCIL COMMITTEE ACTION: N/A DATE:
COUNCIL ACTION: DATE:
NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: 12/31/2019

E-3-b



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: July 30, 2020
RE: Appointment of the Tax Assessor

I am requesting Council confirmation of the appointment of Josh Berry as the Assessor for the Town of Hampden. Josh has been our Interim Assessor getting us through to commitment and was the unanimous choice by the panel conducting interviews. He comes highly recommended, with an impressive resume as a municipal Tax Assessor and will make a great addition to the Hampden team.

G-a



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: July 30, 2020
RE: Fire truck, ambulance, SCBA

During the budget process, in particular, during the Fire Department budget and reserves, discussions led to the understanding that although the town has been intermittently putting money into reserve for the replacement of the ambulance and a fire truck, the funds would not wholly be in place for an outright purchase by the time those vehicles were due to be retired. Another essential item that reserve funds have been set aside for are the SCBA air packs.

The ambulance Unit 289 is scheduled to be retired in 2022 in keeping with our 7-year replacement schedule. The firetruck, Engine 271 is also due to be replaced in 2023 which is the end of a 20-year replacement schedule for that apparatus. The SCBAs will no longer be able to be hydro tested by 2023, and the closer we get to that date for replacement diminishes the trade-in value, which is currently at \$14,000.

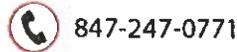
During the course of these budget discussions, this Council indicated a willingness to bond the fire truck sooner rather than later due to the time it would take to spec and manufacture one. The timetable would fall properly if started this year. I reached out to our bond counsel, Dan Pittman of Eaton Peabody immediately to talk about bonding. Fire Department personnel also researched specifications and options relative to the type of truck needed, and what the vendor offered for financing options. Other municipalities were contacted to determine the course of action that they took. All of this was done to be able to not only have the fullest understanding of the process, but also the best option for our municipality. The lease purchase is the option that was first recommended by our bond counsel and the option staff also recommends.

The reasons for this are many-fold, but the most important reason is that where a bond is considered debt on which the municipality's full faith and credit is pledged, a lease is not considered debt and therefore, the municipality's full faith and credit does not have to be granted by voter approval. As the legislative body, the Town Council can enter into a lease agreement to purchase a piece of equipment by its vote. The only collateral required is that of the equipment itself. If, for whatever reason, the legislative body decides it no longer wants this equipment, it simply does not budget for the annual payment and the equipment is returned. There is no effect on credit worthiness or bond rating. In the case of a bond, you do not have the option of not funding the payment once the legal contract is signed. If funding were suspended, the institution would take legal

measures to recoup the funds owed. In short, be assured, a lease-purchase is not an attempt to subvert the process. It is an option that many governmental entities employ. This is actually a benefit when all else is largely equal; namely, the interest rate. Mr. Pittman reached out to a couple of banks that he works with for municipal lease purchases and the best interest rate that he was given was 2.55%. The interest rate on a bond was slightly lower, about 2.45%, and the rate offered by Tax-Exempt Leasing Corporation came in at 2.49%.

Other considerations that we had to look at was timing and incidental expenses. For a November referendum, we always have to hold public hearing on a borrowing ordinance in August in order to get it approved in time for ballot content and lay-out in September. Election expenses would increase slightly for the additional ballot content and programming the tabulators. There would be additional costs associated with advertising the public hearing, and legal fees would increase from an estimated \$2,000 to an estimated \$7,000 with bond counsel. (Note: Mr. Pittman is referred to as bond counsel, but his legal expertise is in all manners of municipal financing, from bonds, to leases, to tax anticipation notes, to revenue anticipation notes, etc.) Additionally, during the process of researching fire truck options, it was discovered that an anticipated price increase would be taking place in the early fall – before the election. Another consideration is the opportunity to piggy-back the purchase of an ambulance at the same time for virtually at cost which came about as an unintended, but positive opportunity.

Once these options were revealed, the path forward was in determining what we currently had in reserve and how we might creatively, but with full transparency, utilize funds already appropriated in order to facilitate the purchase of these three items. The options that I am recommending is reflected in the agenda items and in addition to the two presentations by Deputy Chief Lundstrom on July 15th and July 27th, summarized back up information follows this memo.



July 16, 2020

Town of Hampden
Hampden, Maine

I am pleased to provide the following quote for Town of Hampden for the financing of a new E-One HR100 Quint Fire Apparatus. This quote is valid for 14 days and is subject to credit review and proper documentation.

Equipment:	E-One HR100 Quint
Equipment Cost (Approximate):	\$998,000.00
Down Payment:	\$0.00
Financed Amount:	\$998,000.00
Payment Frequency:	Annual, in arrears (first payment due one year from lease date)
Term:	10-years
Rate*:	2.49%
Payment*:	\$113,971.33
Factor^:	.11420

* Rate and payment assumes that the Customer is a tax-exempt entity and the purchase of the equipment falls within the type of equipment allowed as tax-exempt under the I.R.S. Code. In the event this purchase is not exempt, the rate and payments will be adjusted accordingly. Further, it is assumed that the transaction will be "bank-qualified" and that the customer will not issue more than \$10 million in tax-exempt leases or bonds in the current calendar year.

^ Factor is based on quoted rates. If the equipment cost changes or a down payment is made, the new payment amount can be calculated by multiplying the new financed amount by the rate factor.

Note: If the equipment will require a "build-out period", the financed amount will be placed into an escrow account at lease signing and funds disbursed as instructed by the customer.

I have attached an application that must be completed in order to proceed with the credit process. In addition, we will need copies of the Town's last 3-years of audited financial statements, along with a copy of its current interim financial statement. Once these items are gathered, please fax all of the information to 866-2-FAX-APP (866-232-9277) or e-mail to markz@taxexemptleasing.com.

I appreciate this opportunity and look forward to proceeding. Please let me know if I can answer any questions. I can be reached at 847-247-0771.

Kind Regards,

Mark M. Zaslavsky
President

7% increase in September - pmt due in one year
pre pay (from bank)
performance bond

H - a



Town of Hampden
Town Planner

Memorandum

To: Town Council, Town Manager Scott
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: July 22, 2020
RE: Emergency Ordinance Regarding Medical Marijuana Registered Caregiver Operations

It is again time to renew the Emergency Ordinance Regarding Medical Marijuana Registered Caregiver Operations, which needs to remain in place until the Marijuana Ordinance amendments are adopted later this year. I respectfully request that Town Council once again adopt this emergency ordinance to protect the citizens of Hampden from unintended consequences of multiple registered caregivers operating on a single parcel of land. The following chart shows the schedule for the next few months. The anticipated schedule for the adoption of the amendments to the Zoning Ordinance and Marijuana Ordinance will result in those amendments becoming effective on October 8, 2020, thus no further extensions will be needed after the September 21 extension is adopted. If the amendments to those ordinances are not adopted within that timeframe then additional extensions should be considered; however as time goes on it will become more difficult to defend our position that it remains an emergency.

Adoption Date	Expiration Date	Renewal Date
June 15	August 14	August 3
August 3	October 2	September 21
September 21	November 20	Not needed

Background: On September 16, 2019 the Town Council adopted this emergency ordinance to address the new situation municipalities were facing with the changes in the state laws and rules regarding medical marijuana. Among those changes were modifications in how much marijuana a registered caregiver is permitted to grow and how they are allowed to operate, and the addition of authorization for municipalities to regulate registered caregivers, provided they are not banned and there is no limit placed on the number in a municipality.

Town of Hampden

EMERGENCY ORDINANCE REGARDING MEDICAL MARIJUANA REGISTERED CAREGIVER OPERATIONS

WHEREAS, the legislative body of the Town of Hampden (the "Municipality") makes the following findings:

- (1) The Maine Medical Use of Marijuana Act (the "Act") was passed by the Maine Legislature in 2009 and has been codified in the Maine Revised Statutes ("M.R.S.A.") in Title 22, Chapter 558-C and amended in 2018 and 2019; and
- (2) The Act (22 M.R.S.A. § 2430-D(3)) and the Maine Medical Use of Marijuana Program Rules promulgated pursuant thereto (10-144 CMR Ch. 122, § 6(K)), permit an unlimited number of medical marijuana registered caregivers to operate on a single parcel, which raises legitimate and substantial questions about the impact of properties where multiple registered caregivers operate in the Municipality, including questions as to compatibility with existing land uses and developments; potential adverse health and safety effects on the community; and potential impacts on the value of abutting properties; and
- (3) The Act permits a municipality to regulate registered caregivers provided they are not prohibited and there is no limitation on the number operating in the municipality (22 M.R.S.A. § 2429-D); and
- (4) As a result of the foregoing issues, the operation of multiple medical marijuana registered caregivers on a single parcel within the Municipality has potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (5) The Municipality currently has no regulations governing medical marijuana registered caregivers, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of properties with multiple registered caregivers; and
- (6) The Municipality intends to draft and adopt a new section of the Town of Hampden Maine Marijuana Ordinance to regulate medical marijuana registered caregivers within the Municipality, which process will take time to ensure appropriate regulation of this use; and
- (7) In the judgment of the Hampden Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S.A. § 4356 and Section 214 of the Hampden Town Charter requiring immediate legislative action.

NOW THEREFORE, pursuant to 30-A M.R.S.A § 4356, be it ordained by the Municipality as follows:

Section 1. Limitation. The Municipality does hereby declare that to protect the public health, safety, and welfare, that to the extent authorized by the Act, there shall be allowed to operate on a single property, as that term is defined in the Town of Hampden Maine Marijuana Ordinance, no more than one medical marijuana registered caregiver within the Residential A, Residential B, and Town Center zoning districts, and no more than three medical marijuana registered caregivers within any other zoning districts.

No person or organization shall exceed these limits on or after the effective date of this Ordinance. During the time this Emergency Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall approve any application for an operation exceeding these limits.

Section 2. Pending Proceedings. Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, this Emergency Ordinance shall govern any proposal for multiple medical marijuana registered caregivers that exceeds the limits set forth in Section 1 for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Municipality, prior to the enactment of this Emergency Ordinance, whether or not it is a pending proceeding.

Section 3. Medical Use of Marijuana Act. This Ordinance will not limit any other privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. Chapter 558-C). This Ordinance shall not be construed as a vote to allow caregiver retail stores, registered dispensaries, testing facilities, or manufacturing facilities pursuant to 22 M.R.S.A. § 2429-D(3), except to the extent such uses are already allowed under the Town of Hampden Zoning Ordinance.

Section 4. Personal Use of Marijuana. This Ordinance will not limit the privileges or rights concerning the personal use of marijuana afforded by the Maine Adult Use Marijuana Law (28-B M.R.S.A. Chapter 3).

Section 5. Conflicts/Savings Clause. Any provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Emergency Ordinance are hereby repealed to the extent applicable for the duration of this Emergency Ordinance. If any section or provision of this Emergency Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 6. Violations. If any property is found to be in violation of this Emergency Ordinance, each day of any continuing violation shall constitute a separate violation of this Emergency Ordinance and the Municipality shall be entitled to all rights available to it pursuant to 30-A M.R.S.A. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 7. Effective Date. This Emergency Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 60 days thereafter, unless extended pursuant to law by the Municipality.

Adopted: _____

Effective: _____

Certified by: _____
Gayle Decker, Town Clerk

H b-e



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: July 30, 2020
RE: Fire truck, ambulance, SCBA

During the budget process, in particular, during the Fire Department budget and reserves, discussions led to the understanding that although the town has been intermittently putting money into reserve for the replacement of the ambulance and a fire truck, the funds would not wholly be in place for an outright purchase by the time those vehicles were due to be retired. Another essential item that reserve funds have been set aside for are the SCBA air packs.

The ambulance Unit 289 is scheduled to be retired in 2022 in keeping with our 7-year replacement schedule. The firetruck, Engine 271 is also due to be replaced in 2023 which is the end of a 20-year replacement schedule for that apparatus. The SCBAs will no longer be able to be hydro tested by 2023, and the closer we get to that date for replacement diminishes the trade-in value, which is currently at \$14,000.

During the course of these budget discussions, this Council indicated a willingness to bond the fire truck sooner rather than later due to the time it would take to spec and manufacture one. The timetable would fall properly if started this year. I reached out to our bond counsel, Dan Pittman of Eaton Peabody immediately to talk about bonding. Fire Department personnel also researched specifications and options relative to the type of truck needed, and what the vendor offered for financing options. Other municipalities were contacted to determine the course of action that they took. All of this was done to be able to not only have the fullest understanding of the process, but also the best option for our municipality. The lease purchase is the option that was first recommended by our bond counsel and the option staff also recommends.

The reasons for this are many-fold, but the most important reason is that where a bond is considered debt on which the municipality's full faith and credit is pledged, a lease is not considered debt and therefore, the municipality's full faith and credit does not have to be granted by voter approval. As the legislative body, the Town Council can enter into a lease agreement to purchase a piece of equipment by its vote. The only collateral required is that of the equipment itself. If, for whatever reason, the legislative body decides it no longer wants this equipment, it simply does not budget for the annual payment and the equipment is returned. There is no effect on credit worthiness or bond rating. In the case of a bond, you do not have the option of not funding the payment once the legal contract is signed. If funding were suspended, the institution would take legal

measures to recoup the funds owed. In short, be assured, a lease-purchase is not an attempt to subvert the process. It is an option that many governmental entities employ. This is actually a benefit when all else is largely equal; namely, the interest rate. Mr. Pittman reached out to a couple of banks that he works with for municipal lease purchases and the best interest rate that he was given was 2.55%. The interest rate on a bond was slightly lower, about 2.45%, and the rate offered by Tax-Exempt Leasing Corporation came in at 2.49%.

Other considerations that we had to look at was timing and incidental expenses. For a November referendum, we always have to hold public hearing on a borrowing ordinance in August in order to get it approved in time for ballot content and lay-out in September. Election expenses would increase slightly for the additional ballot content and programming the tabulators. There would be additional costs associated with advertising the public hearing, and legal fees would increase from an estimated \$2,000 to an estimated \$7,000 with bond counsel. (Note: Mr. Pittman is referred to as bond counsel, but his legal expertise is in all manners of municipal financing, from bonds, to leases, to tax anticipation notes, to revenue anticipation notes, etc.) Additionally, during the process of researching fire truck options, it was discovered that an anticipated price increase would be taking place in the early fall – before the election. Another consideration is the opportunity to piggy-back the purchase of an ambulance at the same time for virtually at cost which came about as an unintended, but positive opportunity.

Once these options were revealed, the path forward was in determining what we currently had in reserve and how we might creatively, but with full transparency, utilize funds already appropriated in order to facilitate the purchase of these three items. The options that I am recommending is reflected in the agenda items and in addition to the two presentations by Deputy Chief Lundstrom on July 15th and July 27th, summarized back up information follows this memo.

Council Information Reference Capital Purchases

NOTES:

Option #1:

We would like to obtain council approval to combine the capital funds in the following reserve accounts:

3-737-00 Reserve Account / Ambulance - \$90,547.52

3-741-00 Reserve Account / Fire Truck- \$290,515.41

3-739-00 Reserve Account / ALS Equipment- \$27,500.00 (Current account balance \$38,810.60)

Total- \$408,562.93

Option #2:

(This option is the cleanest in my opinion because you are transferring money to the accounts the purchases would be made from.)

Move \$169,452.48 from 3-741-00 to 3-737-00. Account balance for 3-737-00 would be \$260,000.00.

Move \$82,195 from 3-741-00 to 3-739-00. Account balance for 3-739-00 would be \$109,695.00

This would leave a balance of \$11,367.93 in account 3-741-00 (Fire Truck Reserve)

NOTE: These numbers represent actual capital fund balances. Town Manager capital requests for the FY2021 budget have not been added to these balances.

We would like to obtain council approval to purchase a Type I 4x4 ambulance for \$253,568.00 using capital funds from reserve account 3-737-00 (Ambulance Reserve Account).

We would like to obtain council approval to purchase SCBA (Air packs) for \$109,695.00 using capital funds from reserve account 3-739-00 (ALS Equipment).

We would like to obtain council approval to lease purchase (Municipal Finance) a single axle 100' Quint (Fire Truck) for \$998,000.00. Current interest rate is 2.49% through Tax-Exempt Leasing Corp. Annual payment would be \$113,971.33 for 10 years. First payment would be due 1 year after signing the purchase agreement.

Current Account Status

G 3-741-00 RESERVE ACCT / FIRE TRUCK

-290,515.41 = Beg Bal 0.00 = YTD Net -290,515.41 = Balance
 0.00 = Adjust 0.00 = YTD Enc

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
Totals-							0.00	0.00

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
Totals	0.00	0.00	0.00	0.00

Current Account Status

G 3-739-00 RESERVE ACCT / ALS EQUIP

-38,810.60 = Beg Bal
0.00 = Adjust

0.00 = YTD Net
0.00 = YTD Enc

-38,810.60 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
Totals-							0.00	0.00

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
Totals	0.00	0.00	0.00	0.00



Order

Industrial Protection Services, LLC

220 Ballardvale St., Wilmington, MA 01887
 125 Roberts Rd, Ste 4, South Portland, ME 04106
www.ipp-ips.com

Date: 30-Jun-2020

Bill To: Lt Matthew St. Pierre
 Hampden Fire Department
 106 Western Avenue
 Hampden, Me 04444
 207-862-4586
 N/A

Ship to: Lt Matthew St. Pierre
 Hampden Fire Department
 106 Western Avenue
 Hampden
 Me 04444
 207-862-4586

Salesperson	Shipping Method	Purchase Order No
Jon Marshall	UPS Gnd	Chief

Qty	Item #	Description	Each Price	Line Total
14	X8915021005304	X3 Pro 5500 Snap Change 2018 Edition	7,600.00	106,400.00
14	201215-22	AV3000HT 4 Strap		
28		5500 PSI Snap Change Cylinder		
1	CAT-II System	CAT II Data Logging and Safe Fill System for Revolveair Includes 100 QD Labels	13,000.00	13,000.00
100	CAT-TAG	Self Sticking QD Label 1 Per cylinder		
1	CAT-PAW	Fingerprint Reader In Leu of Cards Cards are \$25 Each	795.00	795.00
-1	Trade	14 2007 AP75 4.5 w/ 30) 4.5 30 min Bottles 3 years left	13,000.00	(13,000.00)
1	Delivery-Install	Delivery and install of all products including CAT II System to current Revolveair System	2,500.00	2,500.00

Jon Marshall

Quoted Freight Charges

Email: jmarshall@ipp-ips.com
 Cell: 207-852-0091 Fax: 978-658-0257

\$ 109,695.00

Maine Office of the Treasurer

H-f

Home → Revenue Sharing → Delinquent Tax Rates

Delinquent Tax Rates

Municipalities may, by vote, determine the rate of interest that shall apply to taxes that become delinquent during a particular taxable year until those taxes are paid in full. The maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4 is as follows:

<i>Taxable Year</i>	<i>Maximum Rate</i>
2020	8.00%
2019	9.00%
2018	8.00%
2017	7.00%
2016	7.00%
2015	7.00%
2014	7.00%
2013	7.00%
2012	7.00%
2011	7.00%
2010	7.00%
2009	7.00% up to 9.00%
2008	11.00%
2007	12.00%
2006	11.00%
2005	7.75%
2004	6.50%
2003	7.00%
2002	6.75% up to 8.75%
2001	11.50%
2000	10.75%
1999	10.00%
1998	10.75%
1997	10.50%
1996	10.75%
1995	10.75%
1994	10.00%
1993	10.00%
1992	10.00%
1991	12.00%

If you have any questions about this information, please feel free to contact my Office.

Credits

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Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: July 30, 2020
RE: Interest paid on tax over payments
Setting the tax due date

When taxes are paid and then abated, a municipality must pay interest on the over payment at the same rate it established for delinquent taxes, unless it has established a different rate by vote of the Municipal officers. This rate cannot exceed the rate established for delinquent taxes, nor can it be less than that rate reduced by 4%.

The Municipal officers must also, by vote, establish the due dates for the taxes. Tradition in Hampden is to always set the due dates as the first Wednesday in October and April. Those dates for the FY21 taxes would be October 7th, 2020 and April 7th, 2021.

D/C Scott Webber
Sgt. T.D. Stewart
Sgt. Joel Small
Ofc. J.D. Burke
Ofc. Ben Eyles
Ofc. Shawn Devine
Ofc. Marc Egan
Ofc. William Miller
Ofc. David Mushrall
Ofc. Monic Christian
Ofc. Tony Lorenz



D/C Jason H-1
Lt. Dan Pugsley, Jr.
FF Shaun McNally
FF Jared LeBarnes
FF Matt Roope
FF Gavin Webb
FF Ken Roy
FF Oliver Bianchi
Clt. Joe Duntton
FF Matt Thomas
CEO Myles Block
FF Chris Liepold
FF Ed Gardella
FF Chad Spann
FF Mike Simmons

Kandy McCullough, Office Manager
Chief Christian Bailey, Director of Public Safety

POLICE **FIRE** **EMS** **CODE ENFORCEMENT** **LOCAL HEALTH OFFICE**

MEMORANDUM

TO: Paula Scott, Town Manager
FROM: Christian Bailey, Director of Public Safety
RE: Reserve Request
DATE: July 29, 2020

I am requesting \$41,978.83 from the Police Cruiser Reserve Account (G 3-753-00) to purchase the 2020 Ford Police Interceptor and associated equipment. (\$33,254 to Quirk Ford of Augusta and \$8,724.83 to Custom Installations, LLC) The Interceptor was ordered last fall was funded through the 2019-2020 budget process.