



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

FEBRUARY 5<sup>TH</sup>, 2018

7:00 P.M.

**6:00 p.m. – Finance & Administration Committee**

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
  - 1. SIGNATURES
  - 2. SECRETARY'S REPORTS
    - a. January 16th, 2018 Council Meeting Minutes
  - 3. COMMUNICATIONS
    - a. Renewal of a Victualer's license for Dunkin' Donuts
    - b. Notice from the Secretary of State regarding possibility of implementation of Ranked Choice Voting in June
    - c. Return of Warrant and Notice of Election posting
    - d. Letter from Governor LePage regarding tax exempt property
    - e. Memo from Tax Collector Barbara Geaghan regarding the rates for delinquent taxes
    - f. Letter to Town Councilors regarding interview process for Interim School Board Director candidates
  - 4. REPORTS
    - a. Finance Committee Minutes – December 18<sup>th</sup>, 2017
    - b. Infrastructure Committee Minutes – None
    - c. Planning & Development Committee Minutes – January 3, 2018
    - d. Services Committee Minutes – None
- C. PUBLIC COMMENTS
- D. POLICY AGENDA

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

## 1. NEWS, PRESENTATIONS &amp; AWARDS

## 2. PUBLIC HEARINGS

## 3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Reminder that the RSU 22 Bond Referendum will be held Tuesday, February 6<sup>th</sup>. Polls are open from 8:00 a.m. – 8:00 p.m.

## 4. OLD BUSINESS

## 5. NEW BUSINESS

- a. Announcement of Finance Committee position regarding proposed RSU-22 Bond Referendum regarding replacement of turf athletic field
- b. Proposed Coldbrook Corners TIF (Tax Increment Financing) Development Program and Credit Enhancement Agreement – referral to public hearing on Monday, March 5, 2018 – *referral from Finance & Administration*
- c. Request for authorization for the expenditure in the amount of \$7,180.42 from the City Bus Reserve (3-710-00) for the purpose of paying Hampden's share of The Bus rehab project – *referral from Finance & Administration*
- d. Town Council approval of the proposed Retail Marijuana Moratorium – *referral from Planning & Development Committee*
- e. Executive Session – pursuant to 1 MRSA § 405(6)(E) – Confidential records

## E. COMMITTEE REPORTS

## F. MANAGER'S REPORT

## G. COUNCILORS' COMMENTS

## H. ADJOURNMENT



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

TUESDAY JANUARY 16th, 2018 7:00 P.M.

6:00 p.m. – Finance & Administration Committee

Attending:

- Mayor McPike
- Councilor McAvoy
- Councilor Marble
- Councilor Cormier
- Councilor Ryder
- Councilor Wilde
- Councilor Sirois

- Town Manager Angus Jennings
- Town Clerk Paula Scott
- Resident Connie Potvin
- Resident Andrea Beaulieu

Mayor McPike called the meeting to order at 7:00 p.m.

- A. PLEDGE OF ALLEGIANCE - Mayor McPike led the Pledge of Allegiance
- B. CONSENT AGENDA – Councilor Marble made a motion, seconded by Councilor McAvoy, to accept the consent agenda. Unanimous vote in favor, 7-0.
  - 1. SIGNATURES
  - 2. SECRETARY’S REPORTS
    - a. January 2<sup>nd</sup>, 2018 Council Meeting Minutes
  - 3. COMMUNICATIONS
    - a. Plaintiff’s Reply brief in the matter of Acadia Hospital Corp. v. Town of Hampden
    - b. Council notification regarding the results of the Board of Appeals meeting held December 19, 2017
  - 4. REPORTS
    - a. Finance Committee Minutes – None
    - b. Infrastructure Committee Minutes – None
    - c. Planning & Development Committee Minutes – None

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

**d. Services Committee Minutes – December 11, 2017**

**C. PUBLIC COMMENTS - None**

**D. POLICY AGENDA (motion to add to agenda acceptance of resignation of TM)**

**1. NEWS, PRESENTATIONS & AWARDS**

**2. PUBLIC HEARINGS**

**3. NOMINATIONS – APPOINTMENTS – ELECTIONS**

a. **Re-appointment of David Barrett to the Edythe L. Dyer Library Board of Trustees - referral from Services Committee – Councilor Marble made a motion, seconded by Councilor Sirois, to reappoint David Barrett to the Edythe L. Dyer Library Board of Trustees. Unanimous vote in favor, 7-0.**

b. **Appointment of two Interim Directors to the RSU 22 Board of Directors – referral from Finance & Administration**

1. **Faye Anderson**
2. **James Baines**
3. **Lester French**
4. **Joseph Pickering**

*Councilor McAvoy made a motion, seconded by Councilor Marble, to appoint James Baines to the RSU Board of Directors as an Interim Director. Councilor Marble, Councilor Cormier, Councilor McAvoy, Councilor Wilde, Councilor Ryder and Mayor McPike voted in favor. Councilor Sirois voted in opposition. Motion carries, 6-1.*

*Councilor McAvoy made a motion, seconded by Councilor Marble, to appoint Joseph Pickering to the RSU Board of Directors as an Interim Director. Unanimous vote in favor, 7-0.*

*Councilor Marble explained for the public watching, that all candidates were previously interviewed by Committee members. He thanked all the candidates for their interest in serving.*

c. **Warrant and Notice of Election for RSU-22 Bond Referendum – The Town Clerk explained that this countersigning of the Warrant and Notice of Election is just a procedural requirement to call the election. The Manager stated that it does not signify an endorsement of content.**

*Mayor McPike stated that he had the Warrants with him and that all Councilors would need to make sure they signed before leaving at the end of the meeting.*

#### 4. OLD BUSINESS

#### 5. NEW BUSINESS

- a. **Recommend Council authorization for the expenditure in the amount of \$1,270.00 from the Marina Reserve (3-773-00) for the purpose of paying the remaining amount of Hampden's contribution to complete the floating dock – referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Marble, to authorize the expenditure of \$1,270 from the Marina Reserve for paying for the remainder of the floating dock. Unanimous vote in favor, 7-0.**
- b. **Recommend Council authorization for the expenditure in the amount of \$1,460.00 from the IT Computer Reserve (3-711-00) for the purpose of replacing the LCD projector – referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Marble, to authorize the expenditure of \$1,460 from the IT Computer Reserve for replacing the LCD projector. Unanimous vote in favor, 7-0.**

#### E. COMMITTEE REPORTS

*Infrastructure Committee - Councilor Cormier reported that the next Infrastructure meeting will be on January 22<sup>nd</sup>.*

*Planning & Development Committee – Councilor Ryder reported that at the January 3<sup>rd</sup> meeting, members were updated on the Fiberight/MRC project and that now Cianbro is leading the project. Members met with Joel Musson to review the draft proposal to the amendments to the Business Park covenants. Members were updated on the status of the Zoning Ordinance amendments and discussed goals going forward.*

*Services Committee – Councilor Marble reported that 6 members of the Town Council met as the Services Committee. He reported that they approved December's minutes and referred the reappointment of David Barrett to the library board. He stated that while the Manager had followed through with the directive to put together an RFQ for the purpose of comparing new cost estimates for engineering and permitting on the Lura Hoit Pool site, and municipal building site, the Committee then deadlocked on acting on this work. The Committee reached no majority decision on the consideration of a possible non-binding referendum for the purpose of gauging public support for recreational fields and facilities.*

*Finance & Administration – Councilor McAvoy reported that items discussed in*

*Finance Committee were acted on tonight, which were the appointment of two interim RSU Board members, and the authorization for expenditures.*

- F. MANAGER'S REPORT** – *Manager Jennings reported that a request for proposal was sent out to prospective vendors to diagnose the extent of the mold situation and to recommend a scope for remediation. He also stated that our insurer, MMA, did not find an insurable cause of loss other than a relatively minor leak in the roof over the town office counter. We expect that working with the prospective vendor and industrial hygienist will give us the picture of the extent of the problem. Goal Setting for FY19 has been set for February 10<sup>th</sup>. This is a kick off to the budget process but is primarily focused on policy objectives. He reported that he would be meeting with Chairman Cormier of the Infrastructure Committee to review the results of the CCTV (closed circuit) of sections of the sewer that were prioritized as sections where MDOT is slated to rebuild in the next 2-3 years. Once they are rebuilt, we can't touch them for five years. That there were issues did not come as a surprise due to the age of the infrastructure, but the extent of some of the issues definitely need some attention. This will be discussed further in Infrastructure Committee. He reminded that there is an RSU election coming up on turf and lighting replacement and that they will be holding a public hearing on it tomorrow night. He then extended well wishes to Pool Director Darcey Peakall who slipped and fell in front of the pool this morning and was taken by ambulance to the hospital. It appears she will be fine, but may be out for a few days. He wished her a speedy recovery.*
- G. COUNCILORS' COMMENTS**  
*Councilor Marble – Statement read by Councilor Marble is attached to these minutes as Exhibit A*  
*Councilor Cormier – No comment*  
*Councilor McAvoy – Reminded everyone to shop local and buy American. He wished Hampden a good night*  
*Councilor Ryder – No comment*  
*Councilor Sirois – No comment*  
*Councilor Wilde – No comment*  
*Mayor McPike – No comment*
- H. ADJOURNMENT** – *With no further business, the meeting adjourned at 7:25 p.m.*

*Respectfully Submitted,*



Paula A. Scott, CCM  
Town Clerk

# Exhibit A

For Councilor Comment January 16<sup>th</sup>

As I reported earlier this evening, The Town Council, convening as the Services Committee last week, failed to endorse an initiative suggested by the same Committee the previous month. The December discussion had focused on the idea of modifying a previous Request for Proposals concerning permitting for parking and potential additional fields, and instead putting out a Request for Qualifications. The goal was to make it simpler in an effort to engage smaller engineering firms and hopefully see less expensive bids.

I found the vote baffling. As I just stated, what was on the table for consideration was a simple validation of the work done by the Town Manager that we had tasked him with the previous month. This was not a motion about spending more money, but trying to spend less. This was not a motion that would have bound the Town to a future course or plan. This was not about deciding on a particular version or layout of possible future recreational facilities, or even additional parking.

Some statements offered by Councilors opposed to publicizing this RFQ were that things should be done in phases, and that this one step was in fact a sort of domino tile which, if issued, would in fact commit Hampden taxpayers to something in the near future that would cost millions of dollars. Any objective analysis would find both of these positions to lack any substance.

But what concerned me the most is that the Committee showed a lack of respect for both Town staff and citizen volunteers, and complete disregard for a Recreational Plan presented to and accepted by the Council a couple of years ago.

*Changing the Town Manager of a task already in the Co. context, & then ignoring his effort, leads to a breakdown of trust.*

Government that fails to take advantage of assets provided by professional staff and which ignores the will of people invested in the community is not good government. I hope this Council reflects and takes steps to provide better leadership.

B-3-a

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-3034  
Fax: (207) 862-5067  
email: info@hampdenmaine.gov

January 8, 2018

Danny Costa  
DMCP Group, DBA Dunkin' Donuts  
289 Great Rd. #307  
Acton, Ma 01720

RE: Victualer's license for Dunkin' Donuts

Dear Sir/Madam:

Your application for your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Paula  
Town

Encl

**VICTUALER'S LICENSE CERTIFICATE**

No. 18-01

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: Jan. 7, 2018

**KNOW YE**, that Danny Costa, doing business as Dunkin Donuts has been duly licensed as a Victualer at 76 Main Rd N in the Municipality of Hampden by said Municipality until 01/07, 2019, and has paid to the Municipal Treasurer the fee of One hundred Dollars (\$100.00).

Authorized Municipal Officer      **CODE ENFORCEMENT OFFICER**





Department of the Secretary of State

B-3-b

Bureau of Corporations, Elections and Commissions

Matthew Dunlap  
Secretary of State

Memorandum

Julie L. Flynn  
Deputy Secretary of State

To: Municipal Clerk  
From: Heidi Peckham, Assistant Director of Elections  
Date: January 12, 2018  
Re: Local Election Survey

The People's Veto Petition currently circulating, *An Act to Implement Ranked-choice Voting in 2021*, may result in the implementation of ranked-choice voting for the June 12, 2018 Primary Election, so this office must prepare for this possibility for June.

If implemented, ranked-choice voting will affect certain contests on the ballot (U.S. Senate, Governor, U.S. Congress, State Senate and Representative to the Legislature), but not others (county contests). The programming for the DS200 will be much more complex to accommodate both plurality contests and the ranked choice contests, which must include all ranking combinations.

Many municipalities opt to program local elections on their DS200's, either as local only coding or combined coding with the state ballot. If implemented, ranked-choice voting will affect the options available for local programming, due to the complexity of the new system.

Ranked-choice voting will not allow for combined programming with the state election for either the DS200 or the ExpressVote AVS. Election Systems & Software will still offer coding services for your local elections, but you will not be able to "piggyback" local ballots with the State Primary ballots as in the past.

- Municipalities with multiple DS units would still code their local elections, but would need to designate specific machines to accept the state ballots and specific machines to accept local ballots. If necessary, additional units would be available for a one time rental fee from ES&S.
- Municipalities with only one DS unit would have three options:
  1. A local only memory stick would be coded and the local only ballots would be put in a ballot box and run through the DS200 by election officials after all the state ballots are tabulated.
  2. A second DS unit would be available for a one time rental fee from ES&S.
  3. The local ballots would be hand-counted.

In order to determine the number of towns anticipating local elections on June 12, 2018, please complete the *Local Election Survey* on the reverse of this memo.

- If you do not expect to have a local election on 6/12/18, you will simply answer questions 1 and 2, complete the bottom signature section and submit to this office.
- If you do expect to have a local election(s) that will require coding, please complete the entire survey and submit to this office by the deadline.

**Please submit this Local Election Survey by January 19, 2018**

By email ([cec.officials@maine.gov](mailto:cec.officials@maine.gov)) or fax 287-6545 or 287-5428  
(Please enter "Local Election Survey" on the subject line)

RETURN

Penobscot County, ss.

State of Maine

TO: The School Board of Regional School Unit No. 22

January 4, 2018

Pursuant to the within warrant and notice of election, directed to me, I have served in hand upon the municipal clerk of the Town of Hampden, an attested copy of this warrant and notice of election, directing the municipal officers of said municipality to call a Regional School Unit No. 22 referendum at said time and place and for the purposes therein stated.

David Greenier

David Greenier  
Resident of  
Regional School Unit No. 22

RETURN

Penobscot County, ss.

State of Maine

TO: The municipal officers of the Town of Hampden

I certify that I have notified the voters of the Town of Hampden of the time and place of the Regional School Unit No. 22 referendum by posting an attested copy of the within warrant and notice of election as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION OF POSTING</u>
<u>Jan. 17, 2018</u>	<u>3:30</u>	<u>Town office bulletin board</u>
<u>Jan. 17, 2018</u>	<u>3:30</u>	<u>Town of Hampden Website</u>
<u>Jan 18, 2018</u>	<u>1:00</u>	<u>Hampden Post office</u>
<u>Jan 18, 2018</u>	<u>1:10</u>	<u>Hannaford Public Sign board</u>

being public and conspicuous places in said municipality and being at least seven days next prior to election day.

Dated at the Town of Hampden: Jan. 18, 2018

Paula A. Scott

Paula Scott, Clerk  
Town of Hampden, Maine



Paul R. LePage  
GOVERNOR

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0001

B-3-d

Town of Hampden  
RECEIVED

JAN 30 2018

Office of the  
Town Manager

Dear Citizen of Hampden:

For the past seven years as your Governor, my priority has been to make Maine—our people—prosper. Helping you keep more money in your wallet by reducing taxes has been part of that mission.

Too many Maine families are facing skyrocketing property taxes that strain household budgets. Our elderly on fixed incomes are particularly vulnerable to these increases. School budgets are often blamed for annual increases in property taxes. But there's another reason. A tremendous amount of land and property value has been taken off the tax rolls, leaving homeowners to pick up the tab.

As of 2016, towns and cities owned land and buildings valued at nearly \$5.5 billion statewide. Large and wealthy non-profits, such as hospitals and colleges, often escape paying property taxes on their vast real estate holdings—totaling more than \$5.1 billion statewide.

In Maine, nearly 2.5 million acres of land have been set aside for conservation by the federal and state governments and non-profit organizations, including land trusts. Municipalities are losing out on property taxes on an estimated \$2 billion in land that has been either removed from the tax rolls or prohibited from development—shifting the cost of municipal services to local homeowners through higher property taxes.

It's time to recognize the results of taking property off the tax rolls and identify solutions to reduce the burden on our homeowners. My administration's proposals have been met with staunch resistance.

In 1993, about 35,800 acres of land were documented as land-trust owned. That number has increased by an astonishing 1,270 percent. Land trusts now control over 490,000 acres with an estimated value of \$403 million. We must restore the balance. We will be working this session to ensure all land owners are contributing to the local tax base. It's time for them to pay their fair share.

I encourage you to ask your local officials how much land in your municipality has been taken off the tax rolls, as well as how much in tax revenue that land would have been contributing today to offset your property taxes.

If ever I can be of assistance to you or if you have any questions or suggestions, I encourage you to contact my office by calling 287-3531 or by visiting our website at [www.maine.gov/governor](http://www.maine.gov/governor).

Sincerely,

*Paul R. LePage*  
Paul R. LePage  
Governor



PRINTED ON RECYCLED PAPER

TTY USERS CALL 711  
[www.maine.gov](http://www.maine.gov)

# Memo

**To:** Hampden Town Council  
**From:** Barbara Geaghan, Tax Collector  
**cc:** Angus Jennings, Town Manager  
**Date:** January 18, 2018  
**Re:** Delinquent Tax Rates

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Attached is the Delinquent Tax Rate established by State of Maine Treasurers' office for 2018, and prior years.

The established rate has increased by 1% for the 2018 year.

Title 36, M.R.S.A Section 505.4 grants municipalities the authority to determine the rate of interest that shall apply to taxes that become delinquent.

## Maine Office of the Treasurer

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:

### ***Taxable Year*** ***Maximum Rate***

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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TO: Councilors  
FROM: Faye Anderson

RE: RSU 22 Board of Directors Interview  
DATE: January 30, 2018

I want to begin by thanking you for meeting with me regarding the Board of Director's Position for RSU 22. I wish I had realized that the interview would be informal and conducted along with the other candidates. Had I known, I would have written my responses with greater detail sharing my goals and desires for being on the board. I was truly not used to being interviewed in this manner. I am sure that the candidates you chose will do a great job for the community and the schools.

I did have a few concerns that I would like to bring to your attention. I suggest that in the future you perhaps meet with the candidates individually. I was surprised that there were not designated questions that were going to be asked of each of us to give you a better understanding of each of our strengths and weaknesses for the position. I was slightly uncomfortable being interviewed in this manner.

Additionally, a statement was made at the end of the questioning that truly disturbed me. A councilman shared that he would not vote for anyone to be on the School Board that had previous experience in education. I was confused and disheartened by this statement. This situation would be similar to having a business forum and stating that no businessman could participate due to the fact that they presently have a business in the community. Or perhaps councilmen could not be re-elected due to the fact that they have already been on the council regardless of their accomplishments. I know some people believe that all educators are simply out for more money without regard for the taxpayers of the communities. That is a false belief. I am a professional and had hoped to be treated in that manner. If we truly want what is best for the youth of our community why not seek someone who has a clear understanding of initiatives happening at the state and national level and has a clear understanding of the developmental needs of children. That does not always translate to more money but instead to effective use of the funds that we already have. There are many ways to make changes without added costs. It truly felt that the decision as to who would be put forth to the full board had already been made prior to the meeting. I hope that I am wrong with that assumption.

Finally, if at any point you feel you would like to discuss this further, please feel free to contact me. I would welcome a conversation. I know that being a councilman is a demanding position. If at any point you feel my education and experience can be beneficial to our community, please let me know. Thank you for taking the time to read my concerns.

**FINANCE & ADMINISTRATION COMMITTEE MEETING**

Monday, December 18th, 2017

**MINUTES**

Hampden Town Office

**Attending:**

<i>Councilor Dennis Marble, Acting Chair</i>	<i>Town Manager Angus Jennings</i>
<i>Councilor Mark Cormier</i>	<i>Town Clerk Paula Scott</i>
<i>Mayor Ivan McPike</i>	<i>Public Safety Director Joe Rogers</i>
<i>Councilor Stephen Wilde</i>	<i>CEO Myles Block</i>
<i>Councilor Terry McAvoy</i>	<i>Firefighter Matt St. Pierre</i>
<i>Councilor David Ryder</i>	<i>Firefighter Chris Leopold</i>

*Councilor Marble called the meeting to order at 6:00 p.m.*

**1. Meeting Minutes**

- a. **December 4, 2017** – *Motion by Councilor Ryder seconded by Councilor McAvoy to approve the minutes. Approved 6-0.*

**2. Review & Sign Warrants** – *Warrants were reviewed and signed.***3. Old Business**

- a. **Recommend approval of the proposed amendments to the Transfer Station Decal Issuance Policy** – *referral from Services Committee* – *Councilor Marble summarized the proposed changes. Motion by Councilor McAvoy seconded by Councilor Wilde to recommend approval. Motion passed 6-0.*
- b. **Recommend approval of the proposed amendments to the Transfer Station Rules and Regulations** – *referral from Services Committee* – *Motion by Councilor McPike seconded by Councilor McAvoy to recommend approval. Motion passed 6-0.*

**4. New Business**

- a. **Recommend Council authorization for a budget adjustment of the FY18 budget, to transfer the amount of \$100,000 from Overlay into the Municipal Building Reserve (3-702-00)** – *Manager Jennings summarized the packet materials, including the two options set out in his memo: to engage an industrial hygienist to conduct their own evaluation and recommend a scope of work for remediation, which would then be used to invite pricing from vendors; or providing prospective vendors access to the building and invite*

*them to propose scope and budget. Mayor McPike said he'd be in favor of finding a third party to lay out a scope for others to bid on, and he emphasized that the scope should include recommendations to ensure that we would prevent future reoccurrence. Councilors McAvoy, Marble and Ryder agreed. Councilor Ryder asked if we were going to proceed with the second phase of the public safety flooring. Manager Jennings said yes, it was budgeted, and we may be able to coordinate the timing of that work to follow any remediation. He also said that he's working with the DPW Director on preventive measures, referring to work that's recently been commissioned including adding timers to the ventilation in the downstairs shower, adding dehumidification, and improved O&M practices. Motion by Mayor McPike seconded by Councilor McAvoy to recommend a budget adjustment to transfer \$100,000 from Overlay into the Municipal Building Reserve. Motion passed 6-0.*

- b. Recommend Council authorization for the expenditure of an amount up to \$100,000 from the Municipal Building Reserve (3-702-00) for the purpose of paying for mold remediation and related expenses –** *Motion by Mayor McPike seconded by Councilor McAvoy to recommend authorization of up to \$100,000 from the Municipal Building Reserve. Councilor Marble asked Manager Jennings whether, if more funds are transferred than end up being necessary, could those be transferred back to Overlay by a vote of the Council. Manager Jennings said yes. Manager Jennings said that, with the direction we're now heading to engage an industrial hygienist, this can be accomplished with well less than the requested authorization, but that authorizing the funds now would allow any subsequent invitation for prices for remediation. The Councilors agreed to leave the amount as is, and Manager Jennings clarified that any services costing more than \$10,000 would be brought to the Council for authorization before the Manager signs a contract. The motion passed 6-0.*
- c. Recommend Council authorization for waiver, pursuant to Sec. 4(a) of the Bid Procedure for Public Purchasing, to allow for the procurement of mold remediation and related expenses using a quotation system instead of an Invitation for Bids, to reduce the bidding cost and the amount of time needed for completion –** *Based on the approach set out above, it was agreed that the work scope prepared by the industrial hygienist will help us decide how to go. Because the Council will convene again before the Town is in a position to award a remediation contract, it was agreed that this item would be tabled and revisited in the future.*



- d. Recommend Council authorization for the expenditure of \$1,000 from the Matching Grant Reserve (3-780-00) for the purpose of paying Hampden's portion of a Safety Enhancement Grant for two SCBA masks – requested by Lieutenant Lundstrom – Fire fighter Matt St. Pierre represented that the equipment would include heat sensing within the masks. Manager Jennings reported a current balance in the reserve account of \$20,188. Councilor Marble said we'd be paying 1/3 of the cost with the MMA grant picking up 2/3. Motion by Councilor Wilde seconded by Councilor McAvoy to recommend Council authorization of the requested reserve funds. Motion passed 6-0.**
- e. Recommend Council authorization for the expenditure of \$4,036 from the Environmental Trust, Principal for the purpose of reimbursement of eligible landfill post-closure monitoring expenses – referral from Environmental Trust Committee – Mayor McPike summarized last week's meeting of the Trust Committee, noting that the expense proposed for reimbursement was for Drumlin LLC's work, which is an eligible use of Principal funds. Motion by Mayor McPike seconded by Councilor Wilde to recommend Council authorization for the expenditure in the amount requested. Councilor McAvoy asked if this is paid from accrued income but Mayor McPike said no it's principal, and discussed the eligible uses of both Principal and Income under the terms of the Trust. Manager Jennings noted that the backup invoices and the Trust's financial statements were not included in the Finance packet, but had been included in last week's Environmental Trust Committee packet and are viewable online. The motion passed 6-0.**
- f. Recommend Council authorization for the expenditure of \$1,275.95 from the Environmental Trust, Income for the purpose of reimbursement of eligible stormwater management expenses – referral from Environmental Trust Committee – Motion by Mayor McPike seconded by Councilor McAvoy to recommend Council authorization to reimburse stormwater management expenses in the requested amount. Councilor Ryder asked why Patterson Road expenses were included since this is outside the MS4 regulated area, but Manager Jennings said that all stormwater management costs – not just for MS4 compliance – have been run through this budget category, and that the approved budget projects Trust reimbursement of the full costs in that budget category. The motion passed 6-0.**
- g. Recommend Council authorization for waiver, pursuant to Sec. 4(a) of the Bid Procedure for Public Purchasing, to allow for the procurement of a replacement dock at the Marina using a quotation system instead of an Invitation for Bids, due to a**

**limited number of qualified vendors –** *Manager Jennings summarized the goal of contracting with Custom Floats, which had been determined to be the most qualified and most advantageous vendor last spring, when the Town was working closely with Hamlin’s Marine and with Harbor Master Peter Neal to prepare the grant application. He noted that, because the cost is expected to be greater than \$10,000, this would be brought back to the Council once a formal price quote is received. The Committee members were comfortable with this approach, and expressed gratitude for the volunteer and pro bono efforts on the part of the Harbor Master and Hamlin’s Marine, as well as the work of town staff. Motion by Mayor McPike seconded by Councilor McAvoy to recommend Council authorization to waive the Bid Procedures for Public Purchasing. Motion passed 6-0.*

**h. Recommendation to Town Council regarding re-appointment of Lowell Sherwood to the Board of Assessment Review –** *Motion by Mayor McPike seconded by Councilor McAvoy to recommend Council re-appointment of Lowell Sherwood. Motion passed 6-0.*

**i. Recommend an abatement of a portion of third quarter sewer charges for resident Seren Bruce at 29 Sunrise Lane –** *Manager Jennings summarized the packet materials. Councilor Ryder suggested including an insert regarding summer meters in an upcoming sewer bill and Manager Jennings agreed this makes sense. Motion by Councilor Wilde seconded by Councilor McAvoy to recommend Council authorization of a sewer abatement in the amount recommended in the Manager’s memo. Motion passed 6-0.*

**5. Public Comment –** *None.*

**6. Committee Member Comments –** *Manager Jennings noted that he had conferred with Chairman McPike and, due to the holidays and there being no items that require Committee action at this time, there would be no meeting of the Infrastructure Committee in December.*

**7. Adjournment**

*There being no further business, the meeting was adjourned at 6:45 PM.*

Respectfully submitted –  
Angus Jennings, Town Manager



Town of Hampden  
**Planning and Development Committee**  
 Wednesday January 3, 2018, 6:00 pm  
 Municipal Building Council Chambers  
**Minutes**

**Attending:**

Committee/Council

David Ryder - Chair  
 Terry McAvoy  
 Dennis Marble  
 Mark Cormier  
 Ivan McPike  
 Stephen Wilde  
 Greg Sirois

Staff

Angus Jennings, Town Manager  
 Myles Block, Code Enforcement Officer  
 Karen Cullen, Town Planner

Public

Eric Ellingwood

Chairman Ryder called the meeting to order at 6:01 pm.

1. Chairman Ryder noted the minutes from the December 20, 2017 meeting will be taken up for approval at the January 17, 2018 meeting.
2. Committee Applications: None
3. Updates: (taken up out of order)
  - a. *MRC/Fiberight*: Manager Jennings said there has been no new information the last couple of weeks, and noted the next conference call with DEP is scheduled for Monday.
  - b. Staff Report:
    - Planner Cullen and Manager Jennings reported on the progress for the Down East Magazine advertorial which will be published in the March issue. It was noted we'll receive a pdf version that we can post on the town's website.
    - Planner Cullen noted the contract will be awarded soon for the purchase of the floating dock, and it is anticipated the new dock will be ready for installation at the normal time in the spring.
    - Planner Cullen noted only one application has been submitted for Planning Board approval, and the applicant has requested it be on the March Planning Board agenda.
    - Planner Cullen and Manager Jennings noted the MEREDA conference this year is in Portland and although it has been suggested it would be a good opportunity for us to connect with the economic development community, after reviewing the agenda for

the conference we both feel it is not in the town's best interest for us to take a day from work to attend. All councilors were invited to attend.

- Planner Cullen handed out draft maps of the proposed Coldbrook Corners TIF district and asked for confirmation of the boundaries. It was agreed that the district should include the Coldbrook Road right-of-way from Route 1A to I-95. It was also agreed to keep the one single-family residential parcel on the south side of Coldbrook Road in the district, due to potential change of use from residential to commercial. It was also confirmed to include the entire Southstreet parcel as it currently exists. Manager Jennings noted the final working draft of the TIF program will be on the agenda for January 17.
- Manager Jennings noted we are continuing to work on landing a major development in the business park. The opportunity seems promising and exciting, and there is potential they could be breaking ground this spring

#### 4. Old Business:

- a. Hampden Business Park Covenants. Noel Musson of Musson Associates met with the committee to discuss the redlined draft of the covenants. He said the general philosophy is to remove items that are redundant with zoning, but to retain items that will protect the interests of the owners in Phase 1 who purchased with specific expectations for future development of the park. Key points of discussion were:
  - i. anything related to building or building design probably should be in the zoning, and the language in the covenants may be modified with that transition.
  - ii. In regards to architectural standards along Route 202, may have zoning worded such that any development within "x" feet of Route 202 must meet the standard.
  - iii. The deeds reference the covenants as of a specific date; these may need to be changed so the modified covenants govern.
  - iv. The subdivision plan will also need to be modified and approved by the Planning Board since the easements along the property lines are proposed to be eliminated.
  - v. The language in section 3.9.a regarding lots purchased for speculation will be retained, although several sections with related language will be reworked to be clear and concise. Basically these sections address the requirement for development to take place within two years of land purchase. There are two schools of thought on this issue: the town ought not prevent private parties from owning land without developing it, and the town has an interest in ensuring development takes place and the land doesn't sit fallow. The majority of the committee agreed that since the town owns the land now, and there is an interest in getting businesses in the park, it makes sense to retain the language. It was noted there is language in the covenants to allow an extension to the two year requirement for good cause.
  - vi. Noel Musson addressed a question on stormwater management, noting that the subdivision approval and DEP permit specify the areas on each lot that can be developed with impervious surfaces.

- vii. The next step in this process will be to hold a meeting with Noel, David Hughes of Epstein Commercial Real Estate, a representative of Sargent Corp, and staff to review the details of the standards in the covenants.
5. New Business: None.
6. Zoning Considerations/Discussion: Planner Cullen gave a brief review of her memo on the status of the zoning ordinance amendments, noting that the work on Article 3 is progressing well and she is working with the Planning Board to review the proposed changes. Shoreland zoning is also under review but will entail not only the text, which requires more work than simply adopting the state's guidelines, but also the map, which will entail careful review in light of base map modifications made by the state
7. Citizen Initiatives: None.
8. Public Comments: Eric Ellingwood was present and asked a number of questions related to various topics, including installation of plaques on a couple of historic structures, the Western Ave. sidewalk, the recent land swap at Ammo Park, development and zoning on Route 1A north of the R&K Variety store, the road work and sidewalk on Route 1A, the use of the "LL Bean" parcel as a town forest (it will be used for commercial development as that's why the town purchased it), regulations on unconventional buildings or "off grid" living, and the basics of tax increment financing districts.
9. Committee Member Comments: Councilor McPike asked if the committee could address the idea of producing marketing materials for the business park. After discussion, the consensus of the committee was to direct Manager Jennings to begin working on this – likely to include a brochure and a page on the town's website.
10. Adjournment: Motion to adjourn at 8:06 pm by Councilor McPike; seconded by Councilor Marble, carried 6/0/0.

*Respectfully submitted by  
Karen Cullen, Town Planner*

D-5-C



INVOICE: 7502000011 PAGE 1
DATE: Nov 29, 2017 OF 1
SERVICE: BUS CAPITAL PROJECTS
CUSTOMER PO:
CUSTOMER PH:
TERMS: 30 DAYS
DUE DATE: Dec 29, 2017

CUSTOMER NO: 0000059109
HAMPDEN, TOWN OF
106 WESTERN AVENUE
HAMPDEN, ME 04444

SERVICE ADDRESS:
HAMPDEN, TOWN OF
106 WESTERN AVENUE
HAMPDEN, ME 04444

Table with 4 columns: DESCRIPTION, QTY, UNIT PRICE, -TOTAL PRICE- TAX. Row 1: LOCAL SHARE FOR BUS REHAB PROJECT, 1.00, 7,180.420, 7,180.42N



Acct. No. \_\_\_\_\_
DEPARTMENT HEAD SIGNATURE \_\_\_\_\_
DATE \_\_\_\_\_

TOTAL CHARGES: 7,180.42
TOTAL TAX: 0.00
TOTAL INVOICE: 7,180.42
PAYMENTS: 0.00
ADJUSTMENTS: 0.00
TOTAL DUE: 7,180.42

**Current Account Status**

**G 3-710-00 RESERVE ACCT / CITY BUS**

-1,153.26 = Beg Bal  
0.00 = Adjust

-5,850.00 = YTD Net  
0.00 = YTD Enc

-7,003.26 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type		Debits	Credits
11	0384		11/13/17		11/13/2017 C/R	R	CR	0.00	5,850.00
<b>Totals-</b>								<b>0.00</b>	<b>5,850.00</b>

**Monthly Summary**

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
November	0.00	5,850.00	0.00	0.00
<b>Totals</b>	<b>0.00</b>	<b>5,850.00</b>	<b>0.00</b>	<b>0.00</b>



Town of Hampden  
Land & Building Services

## Memorandum

To: Town Council  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: February 1, 2018  
RE: Retail Marijuana Moratorium

Since the state legislature has not adopted significant amendments to address the known deficiencies of the marijuana legalization act, I had recommended to the Planning & Development Committee that the Town consider adopting a moratorium on the following uses: retail marijuana cultivation, testing, and products manufacturing facilities. As you are aware, Town Council has adopted zoning amendments which effectively prohibit retail marijuana sales and retail marijuana social clubs within the Town of Hampden; those amendments became effective on December 20, 2017. The P&D Committee voted 5/0 on December 6, 2017 to refer the attached moratorium ordinance to Town Council due to the lack of state rules regarding retail marijuana which are necessary for Hampden to adopt reasonable regulations for the uses as stated in the moratorium ordinance.

Please note that the third quarterly report on retail marijuana is in the P&D Packet for their February 7<sup>th</sup> meeting.



**Town of Hampden**

**EMERGENCY MORATORIUM ORDINANCE REGARDING RETAIL  
(ADULT USE) MARIJUANA**

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

- (1) The Marijuana Legalization Act (the "Act") was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and
- (2) The unregulated location and operation of "retail marijuana cultivation facility," "retail marijuana products manufacturing facility," and "retail marijuana testing facility" as defined in 7 M.R.S.A. chapter 417, raises legitimate and substantial questions about the impact of such facilities on the Municipality, including questions as to compatibility with existing land uses and developments in the municipality; potential adverse health and safety effects on the community; the possibility of illicit sale and use of marijuana and marijuana products to and by minors; and the possibility of unlawful use of marijuana and marijuana products; and
- (3) The Town Council has voted to amend Section 7.2 of the Zoning Ordinance to add certain definitions and modify others to effectively prohibit retail marijuana sales and retail marijuana social clubs in the Municipality, which will become effective December 20, 2017; and
- (4) As a result of the foregoing issues, retail marijuana cultivation, products manufacturing, and testing facilities within the Municipality have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (5) The Municipality currently has no regulations governing retail marijuana cultivation, products manufacturing, and testing facilities or activities, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of such facilities or activities; and
- (6) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of retail marijuana cultivation, products manufacturing, and testing facilities or activity in the Municipality; and
- (7) The state's regulatory structure is unknown at this time as the Maine Legislature and state agencies have not enacted legislation amending the Act with the exception of several minor amendments which do not address the known deficiencies of the Act or developed final regulations governing Retail Marijuana; and
- (8) 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 MRSA § 4356, be it ordained by the Municipality as follows:

**Section 1. Moratorium.** The Municipality does hereby declare a moratorium on all retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities within the municipality.

No person or organization shall engage in any retail marijuana cultivation, retail marijuana products manufacturing, or retail marijuana testing within the Municipality on or after the effective date of this Ordinance. During the time this moratorium ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit, and/or any other permits or licenses related to retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, or retail marijuana testing facilities.

**Section 2. Pending Proceedings.** Notwithstanding 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance shall govern any proposed retail marijuana cultivation facility, retail marijuana products manufacturing facility, or retail marijuana testing facility for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Municipality, whether or not a pending proceeding, prior to the enactment of this Ordinance.

**Section 3. Medical Marijuana Act.** This Ordinance will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications.

**Section 4. Personal Use of Marijuana.** This Ordinance will not limit the privileges or rights afforded by the Maine Marijuana Legalization Act to persons age 21 or older (7 M.R.S.A §2452).

**Section 5. Conflicts/Savings Clause.** Any provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this 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 retail marijuana cultivation activity, retail marijuana products manufacturing activity, or retail marijuana testing activity is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this 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 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 or until a new and revised set of regulations is adopted by the Municipality, whichever shall first occur.

**Maine Revised Statutes**  
**Title 30-A: MUNICIPALITIES AND COUNTIES**  
**Chapter 187: PLANNING AND LAND USE REGULATION**

**§4356. MORATORIA**

Any moratorium adopted by a municipality on the processing or issuance of development permits or licenses must meet the following requirements. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

**1. Necessity.** The moratorium must be needed:

A. To prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development; or [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[ 1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

**2. Definite term.** The moratorium must be of a definite term of not more than 180 days. The moratorium may be extended for additional 180-day periods if the municipality adopting the moratorium finds that:

A. The problem giving rise to the need for the moratorium still exists; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[ 1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

**3. Extension by selectmen.** In municipalities where the municipal legislative body is the town meeting, the selectmen may extend the moratorium in compliance with subsection 2 after notice and hearing.

[ 1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

**SECTION HISTORY**

1989, c. 104, §§A45,C10 (NEW).

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## EXECUTIVE SESSION STATUTES

The eight subjects permitted to be discussed in Executive Session are as follows:

PERSONNEL MATTERS:	1 M.R.S.A. § 405(6)(A)
SCHOOL STUDENT SUSPENSIONS/EXPULSIONS:	1 M.R.S.A. § 405(6)(B)
REAL ESTATE; ECONOMIC DEVELOPMENT:	1 M.R.S.A. § 405(6)(C)
LABOR CONTRACTS/NEGOTIATIONS:	1 M.R.S.A. § 405(6)(D)
ATTORNEY-CLIENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(E)
CONFIDENTIAL RECORDS:	1 M.R.S.A. § 405(6)(F)
EMPLOYMENT EXAMINATIONS:	1 M.R.S.A. § 405(6)(G)
CODE ENFORCEMENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(H)