



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MAY 04, 2020

6:30 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. APPROVAL OF AGENDA
- C. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. COUNCIL MINUTES
 - a. 04/21/2020
 - 3. COMMUNICATIONS
 - 4. COMMITTEE MINUTES
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - a. Presentation of the FY21 Municipal Budget, including Sewer Budget and Capital Program.
 - 2. PUBLIC HEARINGS
 - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
 - a. Town Council confirmation of the Manager’s appointment of Gayle Decker as Town Clerk.
 - b. Town Council confirmation of the Manager’s appointment of Gayle Decker as Registrar of Voters.
 - c. Town Council confirmation of the nomination of Gayle Decker as agent for the issuance of hunting, fishing licenses and or registrations for the Department of Inland Fisheries and Wildlife.
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS

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

MONDAY

MAY 04, 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 abatement for Christopher Austin in the amount of \$392.00, the amount he overpaid in tax year 18/19 – *requested by Kelly Karter, Tax Assessor*
- c. Council ratification for the authorization for an expenditure in the amount of up to \$24,548.00 from reserve account 3-761-00 for the Daisy Lane stormwater system.

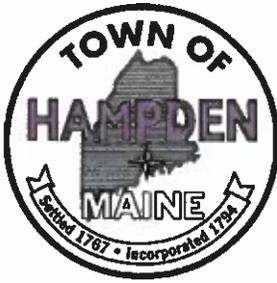
I. MANAGER'S REPORT

J. COUNCILOR'S COMMENTS

K. ADJOURNMENT

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

H-a



Town of Hampden
Town Planner

Memorandum

To: Town Council, Town Manager Scott
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: April 27, 2020
RE: Emergency Ordinance Regarding Medical Marijuana Registered Caregiver Operations

On September 16, 2019 the Town Council adopted an Emergency Ordinance Regarding Medical Marijuana Registered Caregiver Operations 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. In September 2019 the P&D Committee requested that staff draft an emergency ordinance to allow time for the development of permanent regulations for the Marijuana Ordinance.

Town Council had been regularly adopting extensions to this emergency ordinance every 60 days through December 2019, but I inadvertently lost track of the schedule and failed to get this before you in February 2020. With the onset of the pandemic and my own medical issues, the emergency ordinance got lost and has expired. I am currently working to complete the amendments to the Marijuana Ordinance that we had been discussing late last year, and in the meantime 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.

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-6

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-4500
Fax: (207) 862-5067
Email: assessor@hampdenmaine.gov

To: Paula Scott, Town Manager; Town Council
Re: Abatement of Taxes
From: Kelly J. Karter, Assessor *Kelly*
Date: April 29, 2020

On April 23rd I received an email from Christopher Austin regarding his Homestead Exemption. He had noticed that he had not received it this year or last year.

During the tax year 2017 another citizen with the same name moved from his residence and his homestead exemption was removed. Unfortunately, I pulled the wrong Christopher Austin.

I have issued an abatement for the current tax bill, however I would like to request that the council abate \$392.00, the amount he overpaid for the tax year 18/19.

I have attached his email for reference.

 **Tax Exemption.pdf**
267K

Kelly Karter <assessor@hampdenmaine.gov>
To: Chris Austin <chris.austin@fapeabody.com>

Thu, Apr 23, 2020 at 8:47 AM

Good Morning Chris,

I was in the office yesterday and will issue an abatement for the current tax year. The previous year has to be abated by the Council, but I do not think that will be a problem. They just met so it will be a couple of weeks before I can get the request in front of them. My question is...do you want a check for the two years or would you like it applied to the upcoming bill??? If you want a check, can we wait until council meets and just cut one check?

Let me know your thoughts.

Kelly

[Quoted text hidden]

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Kelly J. Karter, CMA
Hampden Assessor
106 Western Avenue
Hampden, Maine 04444
Tel: 207-862-4500
Fax: 207-862-5067

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation.

Chris Austin <chris.austin@fapeabody.com>
To: Kelly Karter <assessor@hampdenmaine.gov>

Thu, Apr 23, 2020 at 8:49 AM

I'd prefer a check so that my escrow won't fluctuate multiple times. Yes, I'm fine waiting until the council meets. When would that be?

[Quoted text hidden]

Kelly Karter <assessor@hampdenmaine.gov>
To: Chris Austin <chris.austin@fapeabody.com>

Thu, Apr 23, 2020 at 8:51 AM

May 4th is the next council meeting date. I apologize for the error....totally my fault thank you for catching it!

Kelly

[Quoted text hidden]

Chris Austin <chris.austin@fapeabody.com>
To: Kelly Karter <assessor@hampdenmaine.gov>

Thu, Apr 23, 2020 at 8:55 AM

The 4th is fine. It happens. You only oversee THOUSANDS of tax bills... throw in multiple people with the same name and it gets confusing. My wife caught it when we were having an online happy hour with some other Hampden

friends. We were looking at everyone else's to make sure they had their exemption and my wife insisted at looking ours up. Just don't tell her I'm giving her credit. I'm happy it worked out.

Thanks again Kelly.

[Quoted text hidden]

Kelly Karter <assessor@hampdenmaine.gov>
To: Chris Austin <chris.austin@fapeabody.com>

Thu, Apr 23, 2020 at 8:55 AM

Thank you! Stay safe!

[Quoted text hidden]

Kelly Karter <assessor@hampdenmaine.gov>
To: Chris Austin <chris.austin@fapeabody.com>

Thu, Apr 23, 2020 at 8:56 AM

By the way it goes to \$25,000 this year!!!

[Quoted text hidden]

Chris Austin <chris.austin@fapeabody.com>
To: Kelly Karter <assessor@hampdenmaine.gov>

Thu, Apr 23, 2020 at 8:57 AM

NICE!

[Quoted text hidden]



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-a

MONDAY

APRIL 21, 2020

6:30 P.M.

Attending:

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

*Paula Scott, Town Manager/Clerk
Sean Currier, DPW Director
Jessica Rickman, Recording Clerk*

A. PLEDGE OF ALLEGIANCE –

Pledge of Allegiance led by Mayor Ryder

B. APPROVAL OF AGENDA –

Motion: Councilor Jarvi moved to approve, seconded by Councilor Marble; Vote by roll call was unanimous 7/0/0. Resolution: 2020 - 75

C. CONSENT AGENDA –

Motion: Councilor McPike moved to approve, seconded by Councilor Wilde; Vote by roll call was unanimous 7/0/0. Resolution: 2020 - 76

1. SIGNATURES – A majority of Council reviewed and signed the warrants.

2. COUNCIL MINUTES

a. 04/06/2020

3. COMMUNICATIONS

4. COMMITTEE MINUTES

D. PUBLIC COMMENTS – No public in attendance.

E. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

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

MINUTES

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

F. COMMITTEE REPORTS - None

G. UNFINISHED BUSINESS

- a. Award of the scope of services for the Western Avenue parking lot project, with or without amendment, to Whitmore Contracting, Inc., under terms and conditions Council deems advisable – *referral from Council workshop*

Motion: Councilor McPike moved to approve, seconded by Councilor Jarvi;

Vote by roll call 6/1/0. Resolution: 2020 - 77

- b. Conveyance of a certain 11-acre parcel of town-owned land located on Canaan Road, further identified as map 8 lot 1, to Whitmore Contracting, Inc., under terms and conditions Council deems advisable – *referral from Council workshop*

Motion: Councilor McPike moved to approve, seconded by Councilor Jarvi;

Vote by roll call 6/1/0. Resolution: 2020 - 78

H. NEW BUSINESS

- a. Request authorization for the expenditure of an amount not to exceed \$155,000 from Recreation reserve (3-767-00) for the purpose of paying for the scope of services awarded to Rick Whitmore for the Western Avenue parking and stormwater project.

Motion: Councilor McPike moved to approve, seconded by Councilor Jarvi;

Vote by roll call 6/1/0. Resolution: 2020 - 79

- b. Permission to establish a registered Little Free Library at the Western Avenue Recreation Area – *requested by Shelley Abbot, Rec Director*

Council agreed to revisit after the planned construction and Covid 19 Pandemic.

- c. Request for direction from Town Council regarding the continuation of remote meetings – *requested by Kelley Wiltbank, Planning Board Chair*

Council discussed the continuation of remote meetings. It was agreed to leave the final decision to the Planning Board Chair, Kelley Wiltbank.

- d. Town office hours of operation – *requested by Councilor Wilde and Councilor McAvoy*

Council agreed to move this to a future agenda.

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

F. MANAGER'S REPORT – No report

Paula Scott, Town Manager mentioned coming up with a reopening plan for the Town Office. She said that we are looking at the ability to wait on two customers at a time, in the first and third windows, which will have plexiglass. Please be patient, we may need to adjust this. We do want to open, and we need to open.

G. COUNCILORS' COMMENTS –

Councilor Wilde – No Comment

Councilor Wright – No Comment

Councilor Marble – No Comment

Councilor Jarvi- I would like to extend a special thanks to our town staff and administration, who has successfully negotiated through these Pandemic imposed restrictions to meet the needs of our constituents. Secondly, I have been led to believe that the primary contractor on our 1A project contacted a small locally owned Hampden business to supply all of T Bucks off road diesel needs, if that is in fact accurate, a big thank you to T Buck. Finally, I am encouraged to hear from our Town Manager that we have hired an Economic Development Director and a new Town Clerk, and I look forward to being able to formally welcome them to our Hampden team. I will close by reminding everyone to continue to believe in the goodness in people. Thank you and good night Hampden.

Councilor McPike – I would like to tip my hat to the staff here, particularly the Town Manager and the Public Works Director, for spending their Sunday making sure that the town people's trash and brush got in, especially when it was the Town Managers birthday. I appreciate that, and the town should appreciate that too.

Councilor McAvoy – Shop local as much as possible and make sure it is American and not Chinese. (He said Jokingly)

Mayor Ryder – No Comment

H. ADJOURNMENT –

With no further business, the meeting adjourned at 7:22 p.m.

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

**Memorandum**

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: April 30, 2020
RE: Ratification vote

When Director Currier brought the Daisey Lane issue to the Infrastructure Committee in October of 2019, he requested the use of reserve funds originally earmarked for Summer St. The committee, by unanimous consent, referred this to Town Council for authorization to spend those funds out of the Roads and Streets reserve account (3-761-00). Although the referral was made, this item was inadvertently never placed on a Council agenda. The work has been completed and the invoice has been paid, but the Council will need to vote to ratify the action and authorize the expenditure.



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-5067

October 22, 2019

To: Paula Scott
From: Sean Currier
Subject: 2019 Reserve Request-Finance Committee

The DOT project along 1A has revealed an opportunity to repair a portion of our stormwater collection system located adjacent to Daisy Lane. We currently have a stormwater BMP (retention pond) that was constructed as part of the Daisy Lane subdivision. This has been maintained by the Town but has filled in with sediment and vegetation, with a saturated base, not allowing us to fully and properly maintain over the years. The standing water in the pond does not allow us to mow the overgrown areas.

I have met with DOT on site to discuss dropping the elevation of the area at Route 1A that receives the water from pond, to allow it to fully drain. All of the storm drain along Daisy and Horseshoe lane drains to this area. The intent is to do eliminate the water running across the ground and get it to a catch basin and pipe. This would allow the elevation to be lowered, thus helping drain the pond better and improve the quality of the surrounding properties.

The cost of the project if it were completed through the 1A awarded contractor (TBuck) would be \$24,479.73, but they are not available to complete the work this year. Maine Earth (currently doing storm drain for TBuck on this project) submitted a price to do the work for \$24,548 and is available to complete this work during this construction season.

During the FY20 budget process, \$28,520 was budgeted for the Summer Street Storm Drain Replacement. These funds could be utilized now to complete the storm drain fix near Daisy Lane while we submit to the Environmental Trust for reimbursement. If this is not accepted by the Environmental Trust, we could budget for Summer Street fund replacement during the FY21 budget process.

I would like to request authorization to proceed with the storm drain collection installation, in the amount of up to \$24,548.00 from reserve account (Roads and Streets) 3-761-00 from money set aside for Summer Street Storm Drain Replacement (\$28,520).

Thank you for your consideration,

A handwritten signature in black ink, appearing to be "S. Currier", written in a cursive style.

Sean Currier

TOWN OF HAMPDEN
INFRASTRUCTURE COMMITTEE MEETING
Minutes

Monday, October 28, 2019
6:00 P.M.
HAMPDEN TOWN OFFICE

Attending:

Chairman Ryder
Councilor Wilde
Councilor Marble
Councilor Jarvi
Mayor McPike

Interim Town Manager Paula Scott
DPW Director Sean Carrier
Admin Assistant Nikole Jenson

Absent:

Councilor Wright
Councilor McAvoy

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

1. MINUTES
 - a. August 26, 2019 – Motion to approve, Councilor Ryder. Councilor Jarvi seconded. Motion carries 5-0-0.
2. OLD BUSINESS
3. UPDATE ON TOWN MANAGER SEARCH – if needed
4. NEW BUSINESS – It was noted that the Route 1A & Daisy Lane stormwater item should have been put under new business. Director Carrier explained the situation with the sediment pond at Daisy Lane and the run-off/stormwater issues. Requesting to use Summer St. reserve funds to fix this problem since the road is already being dug up for the Route 1A project. We would then have to re-budget for Summer St. in next year's budget. By unanimous consent, Committee agreed to refer to Council.
5. STAFF UPDATES
 - a. Western Avenue stormwater & parking project