



**HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA**

MONDAY

AUG. 6th, 2018

7:00 P.M.

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. June 18th, 2018 Council minutes
- b. July 2nd, 2018 Council minutes
- c. July 16th, 2018 Council minutes

3. COMMUNICATIONS

- a. Information on the services provided by Eastern Area Agency on Aging
- b. Letter to the FTA regarding the Community Connector

4. REPORTS

- a. Finance Committee Minutes – July 2nd, 2018
- b. Infrastructure Committee Minutes – June 25th, 2018
- c. Planning & Development Committee Minutes – June 6th, 2018
- d. Services Committee Minutes – March 12th, 2018

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

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

4. UNFINISHED BUSINESS**5. NEW BUSINESS**

- a. Request for authorization for the expenditure of \$2,600 from Municipal Building Reserve Account (3-702-00) for the replacement of existing lighting in the Community Room – *referral from Finance & Administration Committee*
- b. Request for authorization for the expenditure of \$4,200 from Municipal Building Reserve Account (3-702-00) to decommission the hot water heater and re-pipe to the existing boiler – *referral from Finance & Administration Committee*
- c. Request for authorization for the expenditure of \$2,000 from Municipal Building Reserve Account (3-702-00) to remove the existing VCT flooring and apply epoxy coating in the town office lobby – *referral from Finance & Administration Committee*
- d. Request for authorization for the expenditure of \$2,816 from Municipal Building Reserve Account (3-702-00) to remove the carpeting and apply epoxy coating in upstairs rooms of public safety – *referral from Finance & Administration Committee*
- e. Request for authorization for the expenditure of \$1,200 from Municipal Building Reserve Account (3-702-00) for the installation of wiring and a switch to the town Christmas tree – *referral from Finance & Administration Committee*
- f. Request for authorization for the expenditure of \$3,500 from Municipal Building Reserve Account (3-702-00) for the installation of ADA compliant door openers for the Public Safety entrance – *referral from Finance & Administration Committee*
- g. Town Council referral to public hearing for August 20th, the proposed amendment to the Hampden Mobile Home Park Ordinance, Section 8.3.18, Minimum Separation Requirements – *referral from Planning & Development Committee*
- h. Town Council approval of the proposed emergency ordinance entitled Town of Hampden Emergency Ordinance Regarding Medical Marijuana Retail Stores, effective upon adoption, pursuant to Sec. 214 of the Town

Charter – referral from Planning & Development Committee

- i. Town Council referral to public hearing for August 20th, the proposed ordinance entitled Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores – *referral from Planning & Development Committee*
- j. Town Council referral to public hearing for August 20th, the proposed ordinance entitled Town of Hampden, Maine Marijuana Ordinance – *referral from Planning & Development Committee*
- k. Town Council referral to Public Hearing for August 20th, the proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Road and Bridge Improvements – *referral from Finance & Administration Committee*
- l. Executive Session – Attorney-Client Consultations – pursuant to 1 MRSA § 405(6)(E)

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. EXECUTIVE SESSION – Attorney-Client Consultations – pursuant to 1 MRSA § 405 (6) (E)

I. ADJOURNMENT



**HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES**

.....
MONDAY
.....

.....
June 18th, 2018
.....

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7:00 P.M.
.....

Attending:

Mayor McPike

Councilor McAvoy

Councilor Cormier

Councilor Wilde

Councilor Marble

Councilor Wright

Councilor Ryder

Jim Chandler, Town Manager

Paula Scott, Town Clerk

Shelley Abbot, Rec Director

Karen Cullen, Town Planner

Kelly Karter, Tax Assessor

Myles Block, CEO

Sean Currier, DPW Director

Debbie Lozito, Library Director

Angus Jennings

Nathan Morrell

Eric Jarvi

Susan Olsen

Anna Santos

Catherine Chodkiewicz

Dick Clark

Walter Cupples

- A. **OATH OF OFFICE FOR COUNCILOR – ELECT SHELBY WRIGHT** – *administered by Town Clerk Paula Scott – Prior to the start of the meeting, the town clerk administered the Oath of Office and swore in Shelby Wright as Councilor.*
- B. **PLEDGE OF ALLEGIANCE** – *Mayor McPike led the Pledge of Allegiance*
- C. **CONSENT AGENDA** – *Councilor McAvoy made a motion, seconded by Councilor Ryder, to approve the consent agenda. Unanimous vote in favor, 7-0.*

Resolution 2018-88

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. **None**

3. COMMUNICATIONS

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

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- a. Notification of the decision on the Service Charge appeal

4. REPORTS

- a. Finance Committee Minutes – May 21st, 2018
- b. Infrastructure Committee Minutes – None
- c. Planning & Development Committee Minutes – None
- d. Services Committee Minutes – None

- D. PUBLIC COMMENTS – *Members of the public wanted to speak regarding the bus but were asked to wait until the public hearing on the budget.*

E. POLICY AGENDA

- 1. NEWS, PRESENTATIONS & AWARDS - None

2. PUBLIC HEARINGS

- a. **Consideration of the proposed Zoning Ordinance amendments–referred by Town Council on June 4th.** - *At 7:10, Councilor McAvoy made a motion, seconded by Councilor Ryder to open the public hearing. Unanimous vote in favor, 7-0.*

Resolution 2018-89

There were no questions or comments from the public. For the benefit of those watching from home, Councilor Ryder introduced Karen Cullen, Town Planner for an overview of the amendments to the Zoning Ordinance. Karen reported that the ordinance has gone through a thorough review by town staff, the Planning & Development Committee, the Planning Board, and Town Council which started about a year ago. This effort was to make it more user friendly, adding use and dimension tables, and removing inconsistencies. Additionally, it includes the creation of a 3-level site plan process, reducing the public hearing process, and corrections to comply with State law. At 7:13 Councilor Marble made a motion, seconded by Councilor Ryder to close the public hearing. Councilor Marble thanked the Planning Board, the Town Planner, and all involved staff for the hard work unravelling all of the inconsistencies. Councilor Wilde expressed the same sentiment. Councilor McAvoy made a motion, seconded by Councilor Marble, to adopt the proposed amendments to the Zoning Ordinance encompassing changes in Articles 2 through 7, as modified by the

Planning & Development Committee and recommended to Town Council on June 6th, 2018. Unanimous vote in favor, 7-0.

Resolution 2018-90

- b. **Consideration of the Town Council's proposed FY19 budget, including Sewer Budget and Capital Improvement Program—referred by Town Council on June 4th.** - At 7:15 p.m., Councilor McAvoy made a motion, seconded by Councilor Marble, to open the Public Hearing. Unanimous vote in favor, 7-0.

Resolution 2018-91

Mayor McPike recognized Susan Olsen of 248 Main Rd. North who spoke in favor of keeping the service of public transportation for those that need it for school, work, or appointments.

Mayor McPike recognized Anna Santos of 421 Main Rd. South who agreed and spoke against cutting the bus service. She stated that it appears that the Council is against poor people when they talk about cutting the bus service. She stated that a politician had called her when running for office talking about cutting the bus if elected. She stated that she pays over \$8,000 in taxes and thinks that her taxes should support education, transportation and the poor. Mayor McPike recognized Catherine Chodkiewicz of 421 Main Rd. South who also spoke in favor of the bus. She stated that we all have hardships in life and no one knows when one day we might need it. She stated that eliminating public transportation is segregating the poor. She noted that we spend large sums of money on children and education and that tax dollars should also be spent on the elderly and handicapped.

Mayor McPike recognized Nathan Morrell of 451 Main Rd. South who stated he was lucky enough to be able to drive, but the point is lucky enough. He is in favor of keeping the bus for the elderly, the sick and the handicapped and that those are the ones to think about as elected officials and to not segregate a certain populace. Mayor McPike recognized Dick Clark who was speaking on behalf of ex-wife Ann and daughter Bonnie Clark of 312 Main Rd. North who could not attend. He stated that one reason they moved here was because of the bus service. His daughter has medical issues and is also enrolled in college and uses the bus for both things. He spoke to the increased budget and the fact that Hampden is growing, and the population is more diverse. He stated that public transportation is a service we should provide for college kids, minimum wage job earners working in Bangor, the elderly and the disabled who cannot afford the expense of a taxi.

Mayor McPike recognized Walt Cupples of 213 Canaan Road who stated he believes that the bus should be retained for the benefit of the community. He sees it as a symbol that we are linked to Bangor, we support each other and that there are many services in Bangor that we

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use. He stated that he doesn't need transportation right now, but some day might. There were no further comments from the public and at 7:30 p.m., Councilor Ryder made a motion, seconded by Councilor McAvoy, to close the public hearing. Unanimous vote in favor, 7-0.

Resolution 2018-92

Mayor McPike turned the meeting over to Manager Chandler who recognized the Department Heads and staff for the hard work on the budget. He personally thanked former Manager Jennings for all the coaching and one on one time in preparation of the budget and for tonight's meeting. He reported that as part of the referral, revisions were made. One was that the differential in COLA was eliminated and amended to incorporate an even 2% across the board, full repair & paving of School House Lane and unexpected revenue due to forfeited retirement and local road assistance. The net result is a decrease in the overall budget in the amount of \$21,901. Councilor Wright made a motion, seconded by Councilor Marble, to accept the budget as amended. Councilor Marble explained to the public that there were many big-ticket cost drivers that Council had to consider, and he wanted to let the public know Council knows how these things affect them and there were many discussions. The end result is the budget before them. Councilor Wilde spoke about how everything is increasing, and the budget process was brutal. The county tax increased, the Water District rates increased, the school allocation increased and that to think the town's budget would remain the same or decrease is a fantasy. He stated there was much discussion on School House Lane and on the bus service. He thanked staff and Angus for all the hard work. Councilor Wright requested consideration to restore the \$21,901 in savings to the budget into the bus line item and restore partial Saturday bus service. Mayor McPike stated that the funds could probably be restored to the budget, but a conversation would need to take place with BATS to determine cost. Councilor Wright stated that to her knowledge, Saturday service was in the range of \$21 to \$24,000 and this might restore at least partial Saturday service. Manager Chandler stated that if it was Council's wish, he could engage in talks with transit administration. Councilor Wright suggested that it be set aside into a reserve account to be there for future use if needed.

Councilor McAvoy stated that this was not part of the budget it is held money to be paid out to retirees as their match. He stated this is not money we are not spending, it is just a reallocation. Mayor McPike stated that a motion could be made to see if Council wants to adjust the proposed budget. Councilor Wright made a motion, seconded by Councilor Marble, to amend the proposed budget by an increase in the amount of \$21,901 for the purpose of restoring partial Saturday bus service. Councilor McAvoy stated that this would in effect increase the

MINUTES

budget. Manager Chandler stated that this is just a net reduction in the request for the overall budget. Councilor Marble stated that he liked the direction of thought that Councilor Wright is heading in but suggests it start with being a topic at committee level and not tonight. The motion to amend was brought to vote. Councilor Wright voted in favor. Councilors Ryder, Marble, Wilde, Cormier, McAvoy and Mayor McPike voted in opposition. Motion to amend fails, 6-1.

Resolution 2018- 93

The original motion to accept the budget as presented with amendment was brought to vote. Councilors Ryder, Wright, Marble, and Mayor McPike voted in favor. Councilors McAvoy, Cormier and Wilde voted in opposition. Motion carries, 4-3.

Resolution 2018-94**3. NOMINATIONS – APPOINTMENTS – ELECTIONS**

- a. **Election results from the June 12th election** – *The Town Clerk referred to the results that Council has seen in their packets and noted for the public that results are posted on the website and social media. She then recapped the election and thanked staff, the elections team, and especially, Lisa Carter, Debbie Lozito, Cathy Crosby, Susan Starbird and Jim Feverston who all volunteered to stay late to feed auxiliary ballots through the tabulators after we had experienced diverter problems during the day.*

4. UNFINISHED BUSINESS - None**5. NEW BUSINESS**

- a. **Request for authorization for the expenditure of \$15,871 from the Recreation Area Reserve account (3-767-00) for the purpose of repair to the outdoor basketball courts at VFW drive – referral from Finance & Administration Committee** – *Councilor McAvoy made a motion, seconded by Councilor Ryder to authorize the expenditure of \$15,871 from Rec Area Reserve to repair the outdoor basketball courts – Unanimous vote in favor, 7-0.*

Resolution 2018-95

- b. **Request for authorization for the expenditure of \$3,651 from the Recreation Area Reserve account (3-767-00) for the purpose of**

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crack repair to the VFW tennis courts – referral from Finance & Administration Committee - Councilor McAvoy made a motion, seconded by Councilor Marble to authorize the expenditure of \$3,651 from the Rec Area Reserve to repair the cracks on the tennis courts. Unanimous vote in favor, 7-0.

Resolution 2018-96

- c. **Request for authorization for the expenditure of \$1,415.85 from the IT Computer Reserve account (3-711-00) for the purpose of purchasing a Surface Pro tablet for the Town Manager – referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Wilde, to authorize the expenditure of \$1,415.85 from IT Computer reserve for the purpose of purchasing a Surface Pro tablet for the Town Manager. Unanimous vote in favor, 7-0.**

Resolution 2018-97

- d. **Town Council referral to public hearing for July 2, 2018 amendments to the Town of Hampden Fees Ordinance for applications for conditional use to reflect proposed amendments to the Zoning Ordinance - referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Marble to refer to public hearing for July 2, amendments to the Town of Hampden Fees Ordinance for applications for conditional use to reflect proposed amendments to the Zoning Ordinance. Unanimous vote in favor, 7-0.**

Resolution 2018-98**F. COMMITTEE REPORTS**

Planning & Development – Councilor Ryder reported that the committee has discussed the zoning ordinance amendments acted on tonight as well as review of the fees for conditional use applications. The next meeting is Wednesday, June 20th at 6:00 p.m.

- G. MANAGER'S REPORT – Manager Chandler stated that the transition has been inviting and welcoming and thanked Council for the opportunity to overlap with the existing Town Manager. He thanked Angus for his input and guidance, commended staff and referred to positive meetings with businesses within the town.**

H. COUNCILORS' COMMENTS

Councilor Ryder – Thanked the Town Planner, staff and especially the Planning

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Board for the ongoing initiative to make Hampden more business friendly. It is a great working relationship between the Planning Board and Council. He stated that it is nice to see after all these years to have it finally coming together and he is proud of staff who have worked closely with both boards to accomplish this.

Councilor Wright – *Stated the Zoning Ordinance work was impressive work by staff and it opens your eyes as to the minutiae of actually running a town. She also spoke to the election and how as a candidate, she could not believe the amount of people that just kept coming. She commended the clerk and the election workers who faced new issues, challenges and processes and handled them well. She stated that she is proud to serve the Town of Hampden and to work with such great staff.*

Councilor Marble – *Gave kudos to town staff and the clerk for the job done at the election. He thanked the citizens who showed up tonight to voice their concerns and give their comments about the budget. He stated that they really do make a difference when they are involved in the process. He also thanked all the voters that voted in the election.*

Councilor Wilde – *Thanked the members of the public that showed up tonight to voice their opinion and also those that called. He thanked Angus one last time and wished him well.*

Councilor Cormier – *No comment*

Councilor McAvoy – *Reminded everyone to shop local and buy American. He wished Hampden a good night.*

Mayor McPike – *Offered a heartfelt thanks to the Planning Board who did a remarkable job in working on the ordinances that will make Hampden more business friendly. He also thanked all the voters who took the time to come out and vote.*

- I. **ADJOURNMENT** – *With no other business, the meeting was adjourned at 8:05 p.m.*

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk



Exhibit A

Paula Scott <clerk@hampdenmaine.gov>

Re: Bus Service Input

2 messages

Angus Jennings <townmanager@hampdenmaine.gov>
To: Robert Shoppe <bshoppe@icloud.com>
Bcc: clerk@hampdenmaine.gov

Thu, May 31, 2018 at 10:00 PM

Mr. Shoppe,

Thank you for sharing your thoughts, which will be shared with the Town Council and entered into the record for the public hearing on the budget.

We maintain email lists for interested persons in topics of interest, and will keep you apprised regarding discussion of the Bus in public meetings.

Thanks again,
Angus

On Thursday, May 31, 2018, Robert Shoppe <bshoppe@icloud.com> wrote:
Mr. Jennings,

I am writing to express my thoughts about the bus service in Hampden. For the last eleven years I have used the bus on a daily basis to get and from work. I use the bus because of a visual impairment. I was unable to attend the meeting that allowed residents to express their concerns about possibly not having this service going forward. For me, not having this service would cause great hardship for me. I hope you will forward this email on to the members of the town council before they decide not to fund this service. I would favor a reduction in hours to three in the early morning and three in the late afternoon, as was the case when we be service first began many years ago, in stead of total elimination of the service.

Thank you for reading this email.

Bob Shoppe
351 Main Road North

Sent from my iPhone

Angus Jennings
Town Manager

Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207)-862-3034
townmanager@hampdenmaine.gov

Please check out our new website: www.hampdenmaine.gov

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.

Angus Jennings <townmanager@hampdenmaine.gov>
To: Town Council <towncouncil@hampdenmaine.gov>
Cc: Paula Scott <clerk@hampdenmaine.gov>

Thu, May 31, 2018 at 10:11 PM

Public comment with my response forwarded below. Thanks

----- Forwarded message -----

From: **Angus Jennings**
Date: Thursday, May 31, 2018
Subject: Bus Service Input
To: Robert Shoppe

Mr. Shoppe,

Thank you for sharing your thoughts, which will be shared with the Town Council and entered into the record for the public hearing on the budget.

We maintain email lists for interested persons in topics of interest, and will keep you apprised regarding discussion of the Bus in public meetings.

Thanks again,
Angus

[Quoted text hidden]

[Quoted text hidden]



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

JULY 2nd, 2018

7:00 P.M.

Attending:

- Mayor McPike*
- Councilor McAvoy*
- Councilor Cormier*
- Councilor Wilde*
- Councilor Marble*
- Councilor Wright*
- Councilor Ryder*

- Town Manager, Jim Chandler*
- Town Clerk, Paula Scott*
- Town Planner, Karen Cullen*

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 McAvoy made a motion, seconded by Councilor Ryder, to accept the consent agenda. Unanimous vote in favor, 7-0.*

Resolution 2018-99

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. Council Budget Work Session Minutes – May 23, May 29, May 30, 2018

3. COMMUNICATIONS

4. REPORTS

- a. Finance Committee Minutes – June 4, 2018
- b. Infrastructure Committee Minutes – None
- c. Planning & Development Committee Minutes – None
- d. Services Committee Minutes – None

C. PUBLIC COMMENTS - *None*

D. POLICY AGENDA

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

1. NEWS, PRESENTATIONS & AWARDS
2. PUBLIC HEARINGS

- a. Consideration of the proposed Fees Ordinance amendments—*referred by Town Council on June 18th – At 7:02 p.m. Councilor McAvoy made a motion, seconded by Councilor Marble to open the public hearing. A roll call vote was taken. Unanimous vote in favor, 7-0.*

Resolution 2018-100

Town Planner Karen Cullen spoke to the changes to the fees ordinance as being directly related to the recent changes in the Zoning Ordinance regarding site plans and conditional uses. She wanted to suggest amending the fees for major site plans. The goal is to be fair in fee setting to cover the cost to the town without being too high to prevent development. Councilor Marble commended the Planner for work intended on saving developers time and money. Manager Chandler echoed those sentiments, citing the goal of increased economic development and increased businesses. Councilor Wright inquired if more work needs to be done. Manager Chandler stated it is a fluid process; it started with the Zoning Ordinance re-write, followed by fees reflective of those changes and there is still work to be done surrounding making staff accessible and flexible where they can be. Councilor Wright inquired if what he sees here compares to other communities. Manager Chandler stated that the TIF process is good and wants to continue with that. He stated that we will be focusing on the Town Center area and coming up with ideas to help businesses concentrate there and focus there because it has good zoning and good planning. He stated that he has reached out to the State to discuss applying as a certified "business friendly" town once the new guidelines are available. Councilor Wright asked what the Town should be doing to let the public know we have heard their concerns and we have acted. We want to let developers know. Councilor Ryder stated that early on that was part of the discussion and the goal is to reach out to contractors, real estate agents, businesses, and send out pamphlets explaining the changes. These are all available on the Town's website. With no other discussion, at 7:10, Councilor McAvoy made a motion, seconded by Councilor Ryder, to close the public hearing. A roll call vote was taken. Unanimous vote in favor, 7-0.

Resolution 2018-101

Councilor Ryder made a motion, seconded by Councilor Wright to accept the additional amendment to the proposed Fees Ordinance for site plan review. Unanimous vote in favor, 7-0.

Resolution 2018-102

Councilor Ryder made a motion, seconded by Councilor Wright to accept the proposed amendments to the Fees Ordinance. Unanimous vote in favor, 7-0.

Resolution 2018-103

3. NOMINATIONS – APPOINTMENTS – ELECTIONS - *None*

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- a. Recommend Council authorization for the expenditure of \$2,514.65 from the Roads/Streets Reserve account (03-761-00) for the purpose of repairs to the pedestrian traffic signal at the intersection of Western Avenue and Route 1A – requested by DPW Director Sean Currier

Councilor McAvoy made a motion, seconded by Councilor Ryder, to authorize the expenditure of \$2,514.65 from Roads/Streets Reserve account for repairs to the pedestrian traffic signal as described. Unanimous vote in favor, 7-0.

Resolution 2018-104

- b. Councilor Conduct – requested by Councilor McAvoy – *Councilor McAvoy read a prepared statement, attached to these minutes as Exhibit A.*

E. COMMITTEE REPORTS

Planning & Development Committee – Councilor Ryder reported that at the last P & D meeting, members discussed the fees related to tonight’s public hearing. Infrastructure Committee – Councilor Cormier reported that at the last meeting members were updated on the status of the mold remediation, discussed the need for a cemetery vehicle and discussed the BACTS project.

F. MANAGER'S REPORT – *Manager Chandler reported on the status of Departmental meetings, riding with Chief Rogers to better learn the community and the appointment*

MINUTES

of Chief Rogers as his Deputy Town Manager. He reported on the shortfall and the execution of a revised tri-party agreement with BACTS. He reported on the surprise inspection by the Bureau of Labor Standards and that the inspector is impressed with the facilities and the state of our training and record keeping for occupational safety. We are looking at becoming a SHAPE community which is a designation for top notch safety works and qualifies you for 3% discount on worker's compensation insurance. He notified Council that the paving RFPs went out and has been advertised. Summary report is attached to these minutes as Attachment B.

G. COUNCILORS' COMMENTS

Councilor Ryder – No comment

Councilor Wright – No comment

Councilor Marble - Informed the public that the next Services meeting is June 18th at 6:00 p.m.

Councilor Wilde – No comment

Councilor Cormier – Expressed concern about the statement that was read tonight with regard to Sections 205 duties and 206 prohibitions of the charter stating that it is a gray area when individual Councilors are representing the town.

Councilor McAvoy – Wished everyone a happy July 4th, encouraged residents to shop local and buy American. He wished Hampden a good night.

H. ADJOURNMENT – *With no further business, the meeting adjourned at 7:30 p.m.*

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk

Exhibit A

TCM 7-2-18

At the Town Council meeting on May 21st I presented a list of activities that Town Councilors cannot participate in. Most relate to the relationship between Councilors and Town management. At the time, it appeared that Mayor McPike's activities were confined to interference with Town management and personnel. In actuality, Mayor McPike had taken this to a whole new level by having clandestine meetings with the principals of two private companies who will have business before the Planning and Development Committee as well as the Town Council. In response the meeting with MRC I sent the following statement to Greg Louder of MRC.

"Quote"

6-10-18

Mr Louder, this statement is in reference to an illicit meeting which recently took place at the MRC site. The meeting was arranged by Mayor McPike and attended by himself, Councilor Ryder, Manager Jennings and others who have a vested interest in the development of the facility.

Do not rely upon any statements or representations which may have been made by either of the Councilors.

The Hampden Town Charter prohibits Town Councilors from any involvement in Town business. Also, Town Councilors have no authority to discuss Council related issues outside of the Committee and Council setting.

Any future discussions related to MRC, Fiberight, and/or Coastal, which require Council consideration, must be presented to a Committee.

This document may be distributed as you see fit.

Thank you for your time and consideration.

Terry McAvoy, Hampden Town Councilor

“Unquote”

My hope is that I am not the only Councilor who thinks that Mayor McPikes’s actions are not acceptable.

Silence and inaction by the Council does not legitimize Mayor McPike’s actions. What it does do is encourage more of the same, which, consequently, renders this Council complicit and culpable.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council
FROM: Jim Chandler, Town Manager
DATE: July 2, 2018
RE: Manager's Report – Activities Summary

Summary of current topics not otherwise addressed on the Council agenda.

Transition

Meetings with staff and Councilors continue to be informative and productive. First Department Head meeting went well, and 1-1 Department meetings will begin later this month on a roughly bi-weekly basis.

Evaluating office space, reporting relationships and current organizational structure to determine the most efficient use of staff and space as we further define the new treasurer/finance staff person. Recruitment will begin by mid-July with a goal of having a new team member in place after Labor Day.

Community awareness is continuing as I spent several hours last Friday riding with Joe Rogers. This practice will continue for the foreseeable future. Further, I've discussed appointing him Deputy Town Manager so any time I'm away from the office for more than a 24-hour period he has the authority to act on my behalf.

Update on Mold Evaluation

Demolition and reconstruction is on schedule and tests revealed that drywall samples sent for analysis found no mold spores. Work is continuing.

Route 1A – Preliminary Plans, Specifications & Estimate (PS&E)

Attended several meetings with BACTS and Maine DOT staff to better understand this important transportation project and its fiscal impacts on the Town. This is the largest BACTS road construction project in the Bangor MPO region, and all parties are working toward making it a successful and cost-efficient project. That said, the 2015 estimate has increased and will require additional funds from the State and Town, with the final amounts to be determined once the project is successfully bid in early 2019.



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

JULY 16th, 2018

7:00 P.M.

Attending:

- Mayor McPike*
- Councilor McAvoy*
- Councilor Cormier*
- Councilor Wilde*
- Councilor Marble*
- Councilor Wright*
- Councilor Ryder*

- Town Manager Jim Chandler*
- Town Clerk Paula Scott*
- DPW Director Sean Currier*
- Resident Eric Jarvi*

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 McAvoy made a motion, seconded by Councilor Marble, to accept the consent agenda. Unanimous vote in favor, 7-0.*

Resolution 2018-105

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. **June 4th, 2018 Council minutes**

3. COMMUNICATIONS

- a. **Notification of the installation of Papermill Park sign and recognition of the Department of Public Works**
- b. **Postcard mailer regarding Town Center planning event Tuesday, July 31st, 2018 at 6:00 p.m.**

4. REPORTS

- a. **Finance Committee Minutes – June 18, 2018**
- b. **Infrastructure Committee Minutes – None**
- c. **Planning & Development Committee Minutes – None**
- d. **Services Committee Minutes – None**

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

MINUTES

C. PUBLIC COMMENTS - *None*

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - *None*

2. PUBLIC HEARINGS - *None*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Town Council's confirmation of annual appointments of designated Town of Hampden officials pursuant Title 30-A § 2526(2) – Councilor Marble made a motion, seconded by Councilor McAvoy, to confirm the Town Manager's annual appointments as prescribed. Unanimous vote in favor, 7-0**

Resolution 2018-106

4. UNFINISHED BUSINESS - *None*

5. NEW BUSINESS

- a. **Request authorization for contract award for the 2018 Paving program – referral from Finance & Administration Committee – Director Currier reported that the full bid amount may change based on tonnage and that the projected start date is July 25th. Councilor McAvoy made a motion, seconded by Councilor Ryder, to award the paving contract to Wellman Paving in the amount of \$357,872.09. Unanimous vote in favor, 7-0.**

Resolution 2018-107

- b. **Town Council's annual authorization for the establishment of a Tax Club for 2019 taxes pursuant to Title 36 § 505-506 - referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Wilde to authorize the establishment of a tax club for 2019 taxes. Unanimous vote in favor, 7-0.**

Resolution 2018-108

- c. **Request authorization for the expenditure of \$ 3,628.00 from Reserve Account (3-719-00) for the restoration of vital records pursuant to Title 5 § 95-B - referral from Finance & Administration**

MINUTES

Committee – Councilor McAvoy made a motion, seconded by Councilor Wright to authorize the expenditure of \$3,628 from Book Restoration reserve for the restoration of vital records. Unanimous vote in favor, 7-0.

Resolution 2018-108

- d. **Request authorization for the expenditure of \$ 4,868.35 from IT Computer Reserve Account (3-719-00) for the TRIO SQL conversion and maintenance fee increase – referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Wilde, to authorize the expenditure of \$4,868.35 from IT Computer Reserve for the TRIO SQL conversion and maintenance increase. Unanimous vote in favor, 7-0.**

Resolution 2018-109

- e. **Request authorization to engage the firm of Eaton Peabody as bond counsel for a bond referendum to finance the cost increase for the Route 1-A project – referral from Finance & Administration Committee – This item was passed over as it was for information only.**
- f. **Request for authorization to engage the firm of Eaton Peabody as bond counsel for a bond referendum to finance water line installation for fire suppression service in the Business Park – referral from Finance & Administration Committee - This item was passed over as it was for information only**
- g. **Update on the status of the Retail Marijuana Moratorium – Manager Chandler noted that this was in a detailed memo from the Planner, included in the packet and which will be further discussed at the P & D meeting on August 1st.**

E. COMMITTEE REPORTS

Planning & Development – Councilor Ryder stated that there had not been a meeting since the last Council meeting but the next would be August 1st.

Services – Councilor Marble reported that the next meeting will be Wednesday, the 18th at 6:00 p.m.

Infrastructure – Councilor Cormier reported that the next meeting will be Monday, the 23rd at 6:00 p.m.

Finance & Administration – Councilor McAvoy reported that this committee meets every 2 weeks prior to Council meetings and those items are taken up in the Council.

- F. MANAGER'S REPORT – Manager Chandler stated he has nothing new to report.**

G. COUNCILORS' COMMENTS

Councilor Ryder – No comment

Councilor Wright – Spoke to the tragedy that befell the community in the death of Renee Clark and requested a moment of silence.

Councilor Marble – Thanked the Momentum organization for the work done on the flower garden in front of the building

Councilor Wilde – No comment

Councilor Cormier – No comment

Councilor McAvoy – Reminded everyone to shop local and buy American and wished Hampden goodnight.

Mayor McPike – Offered condolences to the family of Renee Clark.

H. ADJOURNMENT – *With no other business to conduct, the meeting adjourned at 7:15 p.m.*

Respectfully Submitted,



*Paula A. Scott, CCM
Town Clerk*



B-3-a

What does *Eastern Area Agency on Aging* do for older adults, people living with disabilities and their caregivers?

Nutrition Related Services

Meals on Wheels uses volunteers to deliver the meals to frail and homebound seniors.

Community Cafes bring seniors together, to share town news, meet with friends and enjoy a good, hot meal. Many of these Cafes are run by dedicated volunteers, of which EAAA is always in need.

3D Catering delivers delicious, ready to heat meals to seniors who don't meet the Meals on Wheels eligibility requirements, starting at \$5 each.

The Commodity Supplemental Food Programs works to improve the health of low-income elderly people by supplementing their diets with nutritious USDA foods.

Family Caregiver Services

SAVVY Caregiver provides training for families and friends caring for someone with memory loss, Alzheimer's disease or dementia.

Caregiver Respite Program supports family caregivers by helping them pay for someone else to provide care for the person with dementia.

Options Counseling is an interactive decision-support process where individuals and/or their caregivers are educated and supported to make informed long-term support choices related to the individual's preferences, strengths, needed services, values, and circumstances.

Caregiver Support Groups bring caregivers together to share their experience, gain skills, build confidence, offer help and support, and learn of resources available.

Community Services

Aging and Disability Resource Center (ADRC) serves as a single point of entry into the long-term services and supports system for older adults, people with disabilities, and caregivers. The ADRC Specialists provide eligibility screening, services, resources, and referrals.

State Health Insurance Assistance Program (SHIP) helps people understand their Medicare benefits and other health insurances. **Medicare Part D** assistance and education is provided to seniors who need help deciding on and enrolling in a drug plan.

Senior Medicare Patrol (SMP) provides Medicare beneficiaries with the most current information on Medicare benefits and educates them on ways to identify and prevent errors, waste, fraud and abuse of the Medicare system.

Veterans Independence Program (VIP) is a Veteran's directed approach to home and community based services. VIP is designed to assist a Veteran in directing services and supports while they continue to live in their own home. The VA Medical Center at Togus determines eligibility and sends the referral to EAAA.

Eastern Area Agency on Aging is the best source of information, options and services for seniors, adults with disabilities and caregivers in Penobscot, Piscataquis, Hancock and Washington counties. Call us: 1-800-432-7812

Wellness Services

Matter of Balance is an eight week evidence-based program for falls risk awareness.

Living Well is a six week evidence based program for chronic disease self-management.

Senior Strength is a program that helps seniors gain strength and flexibility.

Tai Chi is a program designed to improve balance, concentration and coordination.

EnhanceFitness Based on scientific research and input from older adults, EnhanceFitness combines strength training, flexibility, and cardiovascular conditioning. All to GREAT music!

Arthritis Foundation Exercise Program is an arthritis exercise class developed to help ease pain and improve energy levels.

Independent Community Living Services

Furry Friends Food Bank provides supplemental pet food to low-income seniors.

EZ Fix volunteers perform minor home repairs and housekeeping services for seniors and adults with disabilities. There is a sliding fee scale which makes the program affordable to all incomes.

Money Minders provides trained volunteers to help consumers organize and sorting bills, establish a budget and prepare (but not sign) checks to pay their monthly expenses.

Transportation Services

Elizabeth West provides transportation for qualified individuals to and from medical appointments (in the Bangor area). For those outside the Bangor area, we can provide mileage reimbursement.

Miscellaneous Services

Novel Seniors is a senior book club that meets monthly. Seniors can use our call-in service to participate if they are homebound or otherwise unable to attend the meeting.

Community Collaborations

Legal Services for the Elderly provides free, high quality legal services to Maine's socially and economically needy elderly age 60 and over.

Penobscot Valley Senior College provides educational and social opportunities through non-credit courses for adults age 50 and older in a wide array of topics.

Penobscot County Triad works to fight and prevent crime and fraud against seniors. Their goal is to educate seniors about the various types of fraud and crime, to help reduce fear and provide moral support for older persons and to use trained volunteers to assist police and sheriff departments.

We are committed to being a one-stop shop. Many of our services are free of charge with only a *donation* requested. Check our website www.eaaa.org for other programs.

Call us: 1-800-432-7812

Be “Scam Smart” Report, Detect, Protect

Report Healthcare Scams

Medicare: 1-800-633-4227 / www.medicare.gov
Social Security Administration: 1-800-772-1213 / www.ssa.gov
Maine Senior Medicare Patrol at your local AAA: 1-877-353-3771
Federal Trade Commission: 1-877- 382-4357 / www.ftc.gov

Report Money Transfer Scams

MoneyGram : 1-800-666-3947
Western Union: 1-800-448-1492
Green Dot: www.moneypack.com
Federal Trade Commission: 1-877-382-4357 / www.ftc.gov

Report Mail /Email / Online Scams

FBI’s Internet Crime Complaint Center: www.ic3.gov
OnGuardOnline: www.onguardonline.gov
U.S. Postal Inspector: 1-877-876-2455 /
www.postalinspectors.uspis.gov
Federal Trade Commission: 1-877-382-4357 / www.ftc.gov

Report/Detect Check Fraud Scams

Postal Money Order Verification System: 1-866-459-7822
Maine Attorney General: 1-800-436-2131 / www.maine.gov/ag
National Consumers League Fraud Center: www.fakechecks.org

Report Fundraiser / Charitable Scams

Maine Attorney General’s Office: 1-800-436-2131 /
www.maine.gov/ag
Better Business Bureau: 1-703-276-0100 / www.bbb.org/us/charity
National Association of State Charities / www.nasconet.org

Protect Yourself Against Scams

Get Your Free Credit Report Annually: 1-877-322-8228 /
www.annualcreditreport.com
Sign-up on the “Do Not Call” List: 1-888-382-1222 /
www.donotcall.gov
See reverse side for more tips on how to be “Scam Smart”

B-3-b

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: 207-862-3034
Fax: 207-862-5067
email:
jimchandler@hampdenmaine.gov

July 31, 2018

Mark G. Bathrick
FTA Program Manager
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Bathrick:

On behalf of the Town of Hampden, I am pleased to support the City of Bangor's Community Connector Public Transit System's application to the Federal Transit Administration's (FTA) Fiscal Year 2018 Competitive Funding Opportunity: 5339 Buses and Bus Facilities Infrastructure Investment Program. This application is requesting funds to construct a replacement bus facility. The current bus facility was built in 1989 and has not seen any updates and or renovation. A new bus facility will add much needed space and amenities. New technology in our bus facility will help passengers be more productive during wait times and will give prospective passengers another reason to try transit. A bigger facility will allow us the opportunity to invite other transit agencies that are currently coming into our service area to join us, making connectivity in our region an option.

The Community Connector Public Transit System has been serving the greater Bangor region including the communities of Brewer, Hampden, Orono, Veazie, and Old Town for more than 40 years. Importantly, this system provides direct service to students and faculty at the University of Maine, the State's largest higher education institution. Since its launch, The Community Connector has strived to maintain effective and reliable transportation services for its citizens, many of whom rely on its fixed route bus services to travel to and from work, school, healthcare appointments, shopping, and social activities. As a regional partner and stakeholder, we understand the value of maintaining a safe and fully operational transit system.

The Buses and Bus Facilities Infrastructure Investment program's goals are to improve the condition of public transportation bus facilities in order to maintain critical services and assure that our users have access to safe and reliable transportation. If funded, the City of Bangor will be able to construct a new bus facility to replace an aged, antiquated, non-compliant bus depot, significantly enhancing the quality of service in Bangor. This new facility will offer a modernized, reliable, and fully compliant new bus facility to our passengers.

We fully support this request and look forward to a positive outcome for the City of Bangor and the people we all serve. Thank you in advance for your consideration.

Sincerely,

Jim Chandler

Jim Chandler
Town Manager

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, July 2, 2018

MINUTES

Hampden Town Office

Attending:*Councilor Terry McAvoy, Chair**Manager Jim Chandler**Mayor Ivan McPike**Planner Karen Cullen**Councilor Mark Cormier**Councilor Dennis Marble**Councilor David Ryder**Councilor Stephen Wilde**Councilor Shelby Wright*

Chairman McAvoy called the meeting to order at 6:02 p.m.

1. Meeting Minutes

- a. **June 18, 2018** – *There was a motion by Councilor Marble seconded by Councilor Wright to approve the minutes. Approved 6-0 as Councilor Wright was not in attendance as the 6/18 meeting.*

2. Review & Sign Warrants**3. Unfinished Business**

Memorandum presented by Town Planner Cullen prompted discussion of the revised fee structure voted on at the last meeting was requested by Town Planner Karen Cullen. After consideration of the previously recommended fee changes, particularly related to the various plan review categories, Ms. Cullen suggested to the Manager the Town may wish to revisit the amounts proposed. Manager Chandler agreed and Ms. Cullen prepared a new table of fees and development categories for Council consideration.

Town Planner Cullen presented the revised fee structure and category of development to the Committee for further discussion. A recommendation that the revised (lower) fee structure be adopted as the new fee structure (as reflected in the updated Zoning Ordinance that was previously forwarded to Council for Public Hearing) in an effort to ease the burden on developers and encourage a more "business-friendly" environment within the Town. It was

decided the matter should be referred to the Council Meeting as an amendment to the proposed Ordinance being considered in Public Hearing.

Committee agreed to recommend to Council for inclusion as an amendment during the public hearing on the new Zoning Ordinances scheduled for July 2, 2018 – requested by Town Planner Karen Cullen

4. New Business

- a. Recommend Council authorization for the expenditure of \$2,514.65 from the Roads/Streets Reserve account (03-761-00) for the purpose of repairs to the pedestrian traffic signal at the intersection of Western Avenue and Route 1A – *requested by DPW Director Sean Currier*

Motion by Councilor McAvoy seconded by Councilor Ryder to recommend referral to Council for authorization of requested funds for stated purpose. Motion passed 7-0.

- b. Recommend Council authorize Town Manager to respond to the MMA with a completed ballot voting for the two local area managers nominated to fill the two positions representing District 10 for the Legislative Policy Committee. Nominees are: Serena Bemis-Goodall, Town Manager in Corinna, and Kevin Howell, Town Manager in Carmel. – *Requested by Jim Chandler, Town Manager*

Motion by Councilor Wright seconded by Councilor McPike to authorize the manager to submit the ballot as presented. Motion passed 7-0.

5. Public Comment – None.

6. Committee Member Comments – None.

7. Adjournment

Meeting adjourned at 6:18 PM.

Respectfully submitted –
Jim Chandler, Town Manager

INFRASTRUCTURE COMMITTEE MEETING

Monday, June 25, 2018

MINUTES*Attending:**Councilor Mark Cormier, Chairman**Mayor Ivan McPike**Councilor Dennis Marble**Councilor Terry McAvoy**Councilor David Ryder**Councilor Stephen Wilde**Councilor Shelby Wright**Town Manager Jim Chandler**PW Director Sean Currier**Chairman Cormier called the meeting to order at 6 PM.***1. MINUTES**

- a. April 23, 2018 Meeting** – *Motion by Chairman Cormier seconded by Councilor McAvoy to approve the minutes as written. Motion carried seven in favor and none against.*

2. OLD BUSINESS**a. Update on Mold Remediation at Municipal Building**

DPW Director Currier stated that the mold remediation started on Friday June 22nd. Eastern Mold started with the removal of sheetrock. This is phase 1, Director Currier stated that they anticipate each phase taking between 2 and 4 weeks. Phase two would start in a few weeks. Each phase will be put under negative pressure so dust and mold does not travel while the work is being completed.

3. NEW BUSINESS**a. Mayo Road Code Complaint – request of Councilor Marble**

Councilor Marble stated he received a complaint about a residence on Mayo road with a lot of unregistered vehicles. Councilor Marble met with Town Manager Chandler, Code Enforcement Officer Myles Block. Mr. Block was able to find records from 2002, 2012, and 2017 in which letters were sent to the home owner with no response. Also letters from Town Attorney Russell were found. No legal action was never executed.

Councilor Marble requested that this be moved to next month's meeting, due to a death in the family of the home owner.

Councilor Marble stated that there are many unregistered ones dating back to 1969.

The Committee had some discussion on a maintenance ordinance, which had been proposed a few times in past years. The Town does have a junk vehicle ordinance.

b. Discussion of Vehicle Needs for Cemetery

DPW Director Currier stated the need for a cemetery vehicle. Director Currier requested approval to take \$13,300.00 left from equipment operating budget and move it to be included with \$5,200.00 put aside in the last 2 budget years. This would allow him to purchase a used truck this year.

Town Manager Chandler stated this would be preferable to waiting another 2 to 3 years to purchase a cemetery vehicle. Committee did not need to take action on this item just a show of support for purchase of a used vehicle for the cemetery.

4. STAFF UPDATES

a. Review of discussion at Woodard & Curran regarding open projects

Director Currier updated the Committee on the open projects or tasks order with Woodard and Curran. Discussion was held on the \$50,000.00 federal grant that was approved.

b. Review of BACTS discussion regarding 1A funding shortfall
Manager Chandler discussed the shortfall for the 1A project.

5. PUBLIC COMMENTS

No public comments

6. COMMITTEE MEMBER COMMENTS

7. ADJOURN

There being no further business, the meeting was adjourned at 7:00 p.m.

*Respectfully Submitted,
Rosemary Bezanson, Public Works*



Town of Hampden
Planning and Development Committee

Wednesday June 6, 2018, 6:00 pm
 Municipal Building Council Chambers

Minutes

Attending:

Committee/Council

David Ryder - Chair
 Mark Cormier
 Terry McAvoy
 Ivan McPike

Staff

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

Public

Eric Jarvi

After determining that Chairman Ryder and Mayor McPike constituted a quorum of the committee (2 out of 3), Chairman Ryder called the meeting to order at 6:00 pm.

1. Minutes for the April 18, 2018 meeting – **Motion** to approve as submitted made by Councilor McAvoy; second by Mayor McPike; carried 4/0/0.
2. Committee Applications: None
3. Updates:
 - a. MRC/Fiberight: Planner Cullen noted the packet contained a number of articles on Fiberight or MRC. Yesterday a meeting between staff and MRC representatives was held, and was successful in that we got the point across that they need to be focused on three main issues to prevent potential problems down the road. The first is the use issue during the period between opening with MRF and when the "wet end" is operational; they will submit information to CEO Block for him to make the determination as to whether the use constitutes a transfer station under our zoning ordinance. In regards to avoiding future potential shut-down if the wet-end is not operational before the 12 month conditional certificate of occupancy time period ends, staff suggested requesting an amendment to the Planning Board Order to create a phasing plan - that would solve the problem by allowing the CEO to issue a (final) certificate of occupancy by phase. Finally, they need to be aware that the Director of the DPW, if not fully satisfied that the roadway will not have problems similar to what was experienced since it was built, will recommend to Town Council that the road not be accepted until it has successfully survived a winter season. CEO Block also reported they had an onsite meeting that included all the stakeholders, including DEP.
 - b. Staff Report:
 - i. Planner Cullen reported that the escrow account reconciliation is going well, her research and recommendations will be completed soon and she plans to meet with

the auditor to review it. She noted many of the accounts are so old that the records no longer exist, so it is likely to become a legal question as to whether the town has the authority to keep the money left in the accounts.

- ii. The project list in the packet reflects the current applications, and she is expecting an increase in applications after the zoning is adopted, based on inquiries she's received.
- iii. Staff will be meeting with contract planner Ben Smith next week to nail down the scope of services in preparation for the beginning of work July 2. Planner Cullen will be the project manager and will attend public meetings, Ben Smith will do the majority of the work.
- iv. Planner Cullen said that while the Town Center project is being done by Ben, she will be focused on getting the Shoreland Zoning completed. The goal is to have both projects done by the end of the year.
- v. CEO Block reported that the Board of Appeals met last week and approved two requests for Shoreland Zoning boundary determinations.

4. Old Business: None.

5. New Business: None.

6. Zoning Considerations/Discussion: Planner Cullen started the discussion of the proposed zoning amendments which will be the subject of a Town Council public hearing on June 18th by reviewing the memo handed out tonight (see addendum to these minutes). The main points of the discussion were:

- Regarding multi-family cluster developments:
 - The committee agreed with the suggested changes to deal with the inconsistencies in the language dealing with multi-family units in a cluster development.
 - The existing multi-family developments in the Rural district were done prior to the zoning amendment in 2007 that added the requirement for multi-family in that district be connected to both public water and sewer. Staff believes the reason for that change was due to fire flow and the requirements of the fire code.
 - Fire flow requirements are different for single family/two-family and for multi-family (3 or more units).
 - Discussion on allowing a property owner to install an on-site well and related water supply infrastructure that would have the capacity to handle fire flow. The cost would be high and it is questionable whether a single well could provide the flow needed.
 - A townhouse, which has a fire separation wall between units extending from the foundation through the roof, has different requirements from multi-family.
 - The committee decided to change the language in §3.2.1.1 to remove the restriction that the development be connected to public water, unless there is a line within 500'. In addition, add language related to financial feasibility, similar to what is in the sewer ordinance. The applicant would be responsible for providing accurate cost information to prove financial infeasibility.
 - The committee decided to add a definition of townhouse; CEO Block will give me the definition in the residential code.

- Regarding building permits and road acceptance:
 - There are risks on both sides in allowing a building permit to be issued prior to road acceptance. The property owner could end up with a building that can never get a certificate of occupancy because the road may never get completed and accepted. The Town could end up with incomplete roads with no developer to finish it, with houses or non-residential buildings sitting there.
 - Staff will put together a form that property owners will need to sign if they are seeking a building permit for a lot in a subdivision with an unaccepted road, that will make it clear they are taking a risk in doing so. We'll have that reviewed by the Town Attorney to ensure the wording provides legal backing for it.
 - Lots can be sold at any time, we have no restrictions on timing of sale of lots.
 - There is a two year timeframe for completion of a road approved in a subdivision.
- Ideas on getting the word out after the amendments are adopted:
 - Mailing to local developers, engineers, architects, realtors, etc.
 - Newsletter article or separate mailing to all residents
 - Insert in the sewer bills
 - Info on the website
 - Update or summarize the 4 page summary – make it a marketing piece
 - Costs for this would be TIF eligible (Emera TIF)
 - Press release to the BDN, the “Edge”
 - Provide some examples of things that were fixed from the old to the new ordinance.
- Councilors thanked staff for the well done work; Councilor Cormier noted this was the reason he ran for office – to relax restrictions and make it easier for people to develop their land.
- Adult use marijuana uses are included in the new use table, prohibited in all districts; once the state completes their work then we'll go back in to make amendments to handle these uses as determined at that time.
- Regarding cluster housing density bonus related to provision of affordable housing – the developer has the option to get a density bonus if they provide a few units of workforce housing.
- The open space requirement for cluster housing remains at 30%, and 20% for mobile home parks, and 40% for multi-family development. Keep as-is because the differences are for density reasons – the different housing types have different needs. In cluster, the amendments allow a higher number of units due to a change in the calculations.
- The requirement for half of the open space to be non-wetland is to allow for useable land for community gardens, playgrounds, trails, gathering areas, etc.

It was noted the Town Council has already referred this to hearing for June 18th.

Motion by Councilor McAvoy to send the revisions as revised tonight to Town Council with a recommendation “ought to pass” for the public hearing; seconded by Mayor McPike; carried 4/0/0.

7. Citizen Initiatives: None.
8. Public Comments: None

9. **Committee Member Comments:** Mayor McPike requested that the Councilors send him their three top priorities for discussion with incoming Town Manager Jim Chandler.
10. **Adjournment: Motion** to adjourn the meeting at 7:21 pm made by Mayor McPike, seconded by Chairman Ryder; motion carried 4/0/0.

*Respectfully submitted by
Karen Cullen, Town Planner*



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
CC: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 6, 2018
RE: Amendments to Zoning Ordinance – Additional Changes

Well it always happens, we find additional items to address at the eleventh hour... in this case some people working on conceptual plans for cluster developments had raised some questions, and clarification language is needed in the permitting section.

First, there are some inconsistencies in the draft language for cluster housing that can be remedied with the following:

1. To clarify that multi-family (3- or 4-unit) buildings must be serviced with public water, add to the end of §4.6.1.1: "and subject to §3.2.1 for projects including multi-family." This applies to all zoning districts.
2. To clarify that the open space requirement for cluster projects with multi-family is as stated in the cluster provisions, add to the end of §3.2.1.3: "except in cluster developments where the provisions of §4.6.2 apply."
3. To be consistent with the density for multi-family between the cluster provisions and the dimensional standards in article 3 (§3.4.2.2), change §4.6.2, maximum density for multi-family in the Rural district, from "NA" to "2". Note that during discussions, the Planning Board had felt that most multi-family developments would be done as site plans and not as cluster developments. To the extent that people want to do a cluster with multi-family in the Rural district, the density should be consistent with that allowed if developed through site plan review. Note the open space requirement under the non-cluster provisions is actually more stringent than in the cluster provisions (40% vs. 30%); this is what the current ordinance requires.
4. To allow flexibility in the buffer area around the tract, rename §4.6.4.2 "Utilities and roads" and add to the end: "Roads may be located within the tract buffer provided no portion is closer than 25 feet to the tract boundary and the amount of roadway is minimized. The intent is to allow flexibility to account for tract configuration and the location of natural features on the site."

Second, there has been a question of when a building permit can be issued in relation to road acceptance. In looking at the current language under §5.3.1, Building Permits, §5.3.2.1, Certification of Occupancy, and the definitions of road frontage and road in §7.2, I have found that three changes can provide clarity to the situation:

- 5.3.1.2 No building permit shall be issued except in conformity with the provisions of this ordinance. However, when a building permit is requested for a lot within a subdivision approved by the Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated, a building permit may be issued without compliance with the frontage requirement of §3.4.1.

~~5.3.1.8 Building permits for structures to be located on subdivision lots shall not be issued by the Code Enforcement Officer until the road and infrastructure has been accepted by the Town in accordance with the Town Ways Ordinance.~~

5.3.2.1.4 Certificates of occupancy for structures on subdivision lots may only be granted if the public improvements in accordance with the Planning Board approved Subdivision Plan or phase are completed and associated roads, if any, are accepted by the Town Council, or for a private road, approved by the Director of Public Works.

SERVICES COMMITTEE MEETING**Monday, March 12, 2018****6:00 pm****HAMPDEN TOWN OFFICE****MINUTES***Attending:*

*Chairman Marble
Councilor Cormier
Councilor McAvoy
Councilor Ryder
Councilor Sirois
Councilor Wilde*

*Town Manager Angus Jennings
Rec Director Shelley Abbot
Emily Buswell, Farmer's Market Mgr.
Jane Jarvi
Eric Jarvi
Members of the Public*

1. MINUTES

- a. February 12, 2018** – *Councilor McAvoy made a motion, seconded by Councilor Ryder to accept. Unanimous vote in favor, 6-0.*

2. COMMITTEE APPLICATIONS - None**3. OLD BUSINESS**

- a. Review of draft language for potential survey questions, or non-binding ballot questions on June 2018 referendum, regarding recreational parking and facilities at the Lura Hoyt Pool site** – *Councilor Marble reported that Manager Jennings had followed up on a suggestion by the chair to garner feedback from the public. Three possible scenarios are a non-binding referendum, a survey in the newsletter, or even a referendum in November. Manager Jennings referred to the January meeting when members were not in favor of putting it on a ballot, especially without numbers. He stated that he could put a type of survey in the newsletter, but would not have high hopes of getting many back. He stated that a true survey could be done, but it is time consuming to do. Manager Jennings stated the direction in January was that more input from the public is needed, so he is putting it back on Council for direction. Councilor Sirois spoke in favor of determining a dollar amount and then putting out a survey to find out what the townspeople want. He stated that he felt that it should go on a ballot in November but should be binding and should have a solid dollar amount*

to dispel rumors. Councilor McAvoy stated that there cannot be a referendum on a capital project by charter but he agrees that the topic should be put off until November. Chairman Marble asked to what extent if it is not going on the ballot, and Councilor McAvoy stated a survey should be done. Councilor Ryder stated that in his opinion, some will say no automatically with or without numbers. He stated November would be better to survey because voter turn-out is better. He stated we should find out if people want to proceed with the idea even if we don't have numbers yet. Councilor Cormier stated he was happy to see what he has asked for in trying to find out what the public wants. He would like to see numbers; just tonight he has heard different dollar amounts. He re-stated that he is interested in finding out what the public input is. Councilor Wilde referred to the estimates of the various scenarios provided by Woodard & Curran and stated that at least they were numbers to give, even if they were high. He then stated that he had tried, and would prefer, to agree to do this in stages, starting with just the parking lot. Chairman Marble asked for questions or comments from the audience. Jane Jarvi suggested the use of Survey Monkey, stating that databases from Rec, Pool, and Library as well as boards & committees could be used. Manager Jennings stated that he did not believe that to be a broad enough cross section of the town. Chairman Marble stated that although there is no consensus for how to proceed, there is a consensus for determining in November what the public would like to do by way of non-binding question.

4. NEW BUSINESS

- a. Hampden Farmers' Market request for continued use of Municipal Building parking lot on Fridays during summer 2018 –** *Chairman Marble recognized Emily Buswell, Farmer's Market Manager and asked her to speak regarding the market. She indicated that there were no changes to affect the agreement that was signed in 2014. She explained the Federally funded SNAP program, and the benefit to Hampden residents. Councilor McAvoy asked what will happen if the Town office changes their hours to be open on Friday. Ms. Buswell acknowledged use of the space is contingent upon municipal needs but requested enough notice to find a new location and to let customers know if were to happen. Councilor Sirois spoke to the value of the market for Hampden residents. Councilor Sirois made a motion, seconded by Councilor Ryder, to continue with the agreement in place with the Farmer's Market. Councilor McAvoy asked Manager Jennings what the status of opening Friday was. Manager Jennings reported that he is gathering back ground information on how and why it began and that he intends to put a survey in the Hampden Highlights newsletter this spring. There were no other comments and the motion was brought to vote. Unanimous, 6-0.*

- b. Report on \$13,618.40 in Prentiss & Carlisle logging proceeds deposited into Parks/Playgrounds Reserve Account (3-768-00) – Angus Jennings, Town Manager – Manager Jennings reported on the harvest reports and the proceeds from the logging operations. In 2014, it appeared the intent was for extra picnic tables, so in keeping with that, the funds were receipted into the Playground Reserve.**
- c. Request for authorization of up to \$3,765.00 in /Playgrounds Reserve funds (3-768-00) for tennis court light poles – Shelley Abbott, Rec Director – Director Abbot reported that the damage on one pole was discovered after the Halloween windstorm in 2017, but in looking at the damages, it was determined that there were three other poles that should be replaced. A portion of this may be reimbursed by insurance. Councilor Ryder made a motion, seconded by Councilor Sirois, to recommend to finance committee for payment in the amount of \$3,765. Unanimous vote in favor, 6-0.**

5. PUBLIC AND STAFF COMMENTS

- a. Notice of Hampden Recreation Department Candy Land Family Dance – Saturday, March 24 from 6 PM to 8 PM – Shelley Abbot recapped the event information.**
- b. Notice of Eliot Lamb Memorial Race (formerly Souadabscook Canoe Race) – Saturday, April 14 from 10 AM to 2 PM – Manager Jennings recapped the event information. This led to discussion regarding possibility for a land grant or conservation easement for the Bog Road parcel.**

6. COMMITTEE MEMBER COMMENTS

Councilor McAvoy – No comment

Councilor Marble – No comment

Councilor Sirois – Commended Shelley and the recreation staff for the basketball tournament. He stated that it revealed the need for adequate parking and space.

Mayor McPike - absent

With no further business, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

*Paula A. Scott, CCM
Town Clerk*

D-5-a-f



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-5067

July 31, 2018

To: Jim Chandler
From: Sean Currier
Subject: Municipal Building Reserve Fund Request

The Public Works Department is requesting approval to use Municipal Building Reserve funds (3-702-00) for the (6) six proposed and budgeted items below (one item is a unbudgeted change order for the mold remediation project as noted): These items were included in the proposed FY19 capital improvement plan and incorporated in the Municipal Reserve budget.

1. Public Works is requesting Municipal Building Reserve funds (03-702-00) in the amount up to **\$2,600.00** for the replacement of existing lighting in the Community Room by **Hampden Electric**. Up-lighting and ceiling lighting will be replaced with LED fixtures which are eligible for Efficiency of Maine rebates.
2. Public Works is requesting Municipal Building Reserve funds (03-702-00) in the amount up to **\$4,200.00** for the decommission of the existing hot water heater and repiping to the existing boiler. Work shall be completed by **Penobscot Temperature Controls**.
3. Public Works is requesting Municipal Building Reserve funds (03-702-00) in the amount up to **\$2,000.00** for **Bob Ryan Painting** to remove the existing VCT flooring and apply epoxy coating with flakes in the lobby of the Town office. Also, we are requesting up to **\$2816.00** to remove carpeting and epoxy coat flooring in rooms upstairs in Public Safety as recommended by ESHA (Environmental Safety & Hygiene Associates). This one cost of \$2816 was an unbudgeted expense but highly recommended by ESHA as part of the mold remediation efforts.
4. Public Works is requesting Municipal Building Reserve funds (03-702-00) in the amount up to **\$1,200.00** for the installation of wiring and a switch to the Town Christmas tree. Work will be done by Public Works and **Hampden Electric**.
5. Public Works is requesting Municipal Building Reserve funds (03-702-00) in the amount up to **\$3,500.00** for the installation of another set of ADA compliant door openers for the Public Safety entrance. The new door opener will be the same as the opener at the front entrance of the Town Office. Work shall be completed by **Hampden Electric and PDQ Door**.

The total request for reserve funds from the Municipal Reserve account are in the amount of **\$16,316.00**

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Sean Currier".

Sean Currier

Bob Ryan Painting
2496 Ohio Street
Bangor, Maine 04401
Ph. 207-735-5577
Email: bobryanpainting@gmail.com

Date: July 25, 2018

Proposal submitted to:
Town of Hampden
Attn: Sean Currier
106 Western Ave
Hampden, ME 04444
Email: Publicworks@Hampdenmaine.gov

Work to be performed at:
Public Works Building

We hereby propose to furnish the materials and perform the labor necessary for the completion of the project at the above address.

All material is guaranteed to be as specified. Work to be completed in a substantial workmanlike manner.

Prep concrete floors to accept epoxy coatings. Apply one (1) coat primer, two (2) coats epoxy, broadcast flake and one (1) coat of clear.

Garage - 100% solids - prep, prime and one (1) coat epoxy broadcast flakes and clear coat.

Garage - Polyamide - prep, prime and two (2) coats epoxy, broadcast flakes and clear coat,

Rooms:

- 1 - \$504.00
- 2 - \$520.00
- 3 - \$440.00
- 4 - \$442.00
- 5 - \$442.00
- 6 - \$468.00

Municipal Bld work related to hold project. This is to remove carpet upstairs + epoxy coat floors as recommended by ESHA Engineering firm.

Garage - \$4,205.00 - 100% Solids - Primer/Epoxy/Clear

Garage - \$3,364.00 - Polyamide - same product as used in the other four (4) phases.

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.



Town of Hampden
Land & Building Services

Memorandum

To: Town Council, Town Manager
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: August 2, 2018
RE: Amendment to Mobile Home Park Ordinance

Attached is the proposed amendment to the Mobile Home Park Ordinance as referred and recommended by the Planning & Development Committee on August 1, 2018.

The purpose of this amendment is to change the separation requirements for mobile homes within mobile home parks so they are consistent with the requirements of the state. The section has been reorganized so it is easier to understand. The gist of the changes are to reduce the distance required between mobile homes as follows: side to side reduced from 20 feet to 10 feet, and end to end reduced from 10 feet to 8 feet.

The Town of Hampden Hereby Ordains
Proposed Amendments to the Mobile Home Park Ordinance

Deletions are ~~Strikethrough~~ Additions Underlined

**TOWN OF HAMPDEN, MAINE
MOBILE HOME PARK ORDINANCE**

ENACTED DATE: October 12, 2004
EFFECTIVE DATE: November 12, 2004

AMENDED: Hampden Town Council, June 19, 2006
Effective Date, July 19, 2006

AMENDED: Hampden Town Council, January 5, 2009
Effective Date, February 4, 2009

CERTIFIED BY: Paula Scott
Name

Town Clerk
Title Affix Seal

**MOBILE HOME PARK ORDINANCE
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ARTICLE 1
GENERAL PROVISIONS

1.1. Title. This Ordinance shall be known as the "Mobile Home Park Ordinance of the Town of Hampden, Maine," and shall be referred to herein as the "Ordinance."

1.2. Authority. This Ordinance is enacted under the authority granted to the Town by the constitution and statutes of the State of Maine.

1.3. Purposes. The purposes of this Ordinance are:

1. To promote the public health, safety and welfare of the residents of the Town;
2. To establish standards for mobile homes located in mobile home parks;
3. To establish standards for the maintenance and operation of mobile home parks;
4. To establish standards for the maintenance and occupancy of mobile homes and mobile home lots located in mobile home parks; and
5. To establish a licensing and enforcement mechanism for mobile home parks.

1.4. Applicability. The provision of this Ordinance shall apply to all mobile home parks, and the mobile homes located within mobile home parks, as defined by this Ordinance and by Title 30-A M.R.S.A. § 4358, located within the Town of Hampden on or after May 1, 2004.

1.5. Conflict With Other Ordinances. Whenever the requirements of this Ordinance are in conflict with the requirements of any other rule, regulation, ordinance, or statute, the more restrictive requirement shall prevail, unless otherwise prohibited by state law or expressly provided for in this Ordinance.

1.6. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

Accessory Structure: A structure of a nature customarily incidental or subordinate to the principal structure.

Code Enforcement Officer: A person or persons appointed by the Town Manager to administer and enforce Town Ordinances. The term shall also include Building Inspector, Fire Inspector, Local Plumbing Inspector and the like, if applicable.

Licensee: The mobile home park owner or the applicant for a mobile home park license.

Mobile Home: Two types of mobile homes are included in this definition:

1. **Certified mobile home.** Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein. This term shall also include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which

the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Codes 5401, et seq.

2. *Non-certified mobile homes:* Those units constructed prior to June 15, 1976, meaning structures, transportable in one (1) or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Mobile Home Owner: A person having ownership and/or legal control of a mobile home herein after referred to as home owner.

Mobile Home Park: A parcel of land under unified ownership approved by the Town for the placement thereon of three or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual mobile home is situated within a mobile home park and which is reserved for use by the occupants of that mobile home.

Mobile Home Park Owner: A person having ownership and/or legal control of a mobile home park herein after referred to as Park Owner.

Mobile Home Stand: The part of an individual mobile home lot which has been constructed and reserved for the placement thereon of a mobile home.

Person: An individual, partnership, corporation, limited liability company, limited liability partnership, trust or any other form of legal entity recognized under the laws of the State of Maine.

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to something located on the ground, including, but not limited to, buildings and mobile homes.

Utility Structure: A structure located on a mobile home lot which is designated and used for the storage and use of personal property of the mobile home occupants.

1.7. Conversion of Mobile Home Park. No individual mobile home lot in a mobile home park may be sold or conveyed, unless said lot meets all of the minimum requirements for a lot in the zoning district in which it is located.

1.8. Administration. It shall be the responsibility of the Code Enforcement Officer to approve, approve conditionally, or disapprove mobile home park licenses, to issue certificates of compliance where warranted, to enforce the provisions of this Ordinance, and to carry out the inspections required by this Ordinance.

1.9. Transition Provisions. All mobile home parks that had a mobile home park license under the Zoning Ordinance as of April 30, 2004 may continue to operate under said license. Provided, however, that any such park and the mobile homes contained therein shall be governed by the provisions of this Ordinance. The owner or operator of a mobile home park shall apply for a license under this Ordinance by not later than April 1, 2005, and the Park shall be licensed under this Ordinance by not later than August 1, 2005. Failure to make application within the time specified shall constitute a violation of this Ordinance. In addition, the continued operation or maintenance of a mobile home park without a license and/or in violation of the provisions of this Ordinance after August 1, 2005 shall constitute a violation of

this Ordinance. Any non-certified mobile home located in a mobile home park on the date of adoption of this Ordinance shall be brought into compliance with the requirements of Article 8 by not later than August 1, 2005.

1.10. Separability. In the event that any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such action shall not be deemed to affect the validity of any other provision of this Ordinance.

**ARTICLE 2
ANNUAL MOBILE HOME PARK LICENSE REQUIRED.**

2.1. No person shall establish, operate, or maintain a mobile home park in the Town of Hampden without first obtaining an annual license issued in conformity with the provisions of this Ordinance.

2.2. The Code Enforcement Officer shall be responsible for the review of license applications, and shall approve, approve with conditions, or deny any license application. The applicant has the burden to demonstrate that the application complies with the provisions of this Ordinance, as well as all applicable laws, ordinances, statutes, or regulations.

2.3. Each license shall expire on the first day of August next following the date of issuance. Applications for license renewal shall be submitted no later than the first day of June in order to be acted upon by the first day of August.

2.4. The Code Enforcement Officer is hereby authorized and directed to make inspections of mobile home parks and the mobile homes located therein to determine the condition of the parks and mobile homes in order to safeguard the health and safety of the occupants of mobile home parks. The Code Enforcement Officer shall inspect the park and if the Code Enforcement Officer deems it to be necessary or appropriate, the individual mobile homes within the park prior to making a decision on a license application. The Code Enforcement Officer, or a duly authorized representative, shall have the authority to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the administration or enforcement of this Ordinance. *Amended: 01-05-2009*

2.5. A license application shall be in writing, and shall contain the following:

1. Name, address, and telephone number of the applicant. If the applicant is not the mobile home Park Owner, the applicant must also provide the name and address of the Park Owner, as well as the legal relationship of the applicant to the Park Owner and documentation evidencing the applicant's legal authority to operate or maintain the mobile home park.
2. A register containing the record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 1. The name of the owner of each mobile home in the park.
 2. The manufacturer's name, model number, year, and serial number of each mobile home.
 3. The lot location by number of each mobile home.
 4. If not owner-occupied, the names of the occupants of each mobile home.

5. The Park Owner shall keep the register up to date, and available for inspection at all times by law enforcement officers, emergency services personnel, code enforcement officials, and other officials whose duties necessitate acquisition of the information contained in the register.
3. A mobile home park plan, prepared and / or certified by a professional land surveyor, drawn at a scale of not less than one inch equals 40 feet, depicting the boundaries of the park, the streets within the park, the common areas within the park, the mobile home lots within the park, and the location of each mobile home within the park. For emergency purposes, the lot numbering required by Article 3 shall be shown on the plan.
4. The name of the mobile home park.
5. The license application shall also be accompanied by the application fee established by the Hampden Fees Ordinance.
6. A park management plan, including a 24 hour contact person, rules of the park, schedule for park maintenance, trash removal, and road maintenance for the park.

2.6. The Code Enforcement Officer shall issue a written decision on the application for a mobile home park license. In order to grant a license, the Code Enforcement Officer must find the following:

1. That the mobile home park is in compliance with all applicable laws, ordinances, regulations, and has received all necessary approvals from the Town of Hampden and the State of Maine.
2. Deleted. *Amended: 01-05-2009*
3. That the Park Owner has complied with the requirements of this Ordinance during the term of the prior license. *Amended: 01-05-2009*

2.7. The Code Enforcement Officer may issue a conditional license if the Park Owner enters into a written agreement with the Town that contains a detailed schedule of compliance setting forth the specific improvements to the park, mobile home lots, or mobile homes that the Park Owner shall make during the term of the license. If the Park Owner fails to comply with the provisions of said agreement, said noncompliance shall be the grounds for revocation, or non-renewal, of the license.

2.8. The Code Enforcement Officer, after notice and a hearing on the matter, may revoke any license to establish, maintain or operate a mobile home park upon making a finding that the park is not being operated or maintained in accordance with the provisions of this Ordinance, or any other applicable law or ordinance.

ARTICLE 3 MOBILE HOME LOT IDENTIFICATION.

3.1. Each mobile home lot shall have a number supplied by the Park Owner, and the lots shall be numbered in an orderly, consecutive fashion. Even numbers shall be on one side of the street and odd numbers shall be on the opposite side of the street.

3.2. Each mobile home shall be numbered in a manner consistent with the number assigned to the lot.

3.3. The mobile home lot number shall be at least three inches high, and the Park Owner shall be responsible for the placement and maintenance of the numbers on each mobile home in a prominent place so that they may be readily observable by emergency services personnel.

3.4. The Park Owner shall be responsible for the placement and maintenance of the lot numbers on the electrical service (i.e., meter junction box) for each mobile home.

**ARTICLE 4
MOBILE HOME PARK STREET IDENTIFICATION.**

4.1. The Park Owner shall cooperate with the Code Enforcement Officer to establish names for streets within the mobile home park. Said street names shall be substantially different than existing street names within the Town of Hampden so as not to be confused in sound or spelling. In general said streets shall have names not numbers or letters.

4.2. The Park Owner shall erect, and maintain, street name signs at all street intersections, which signs shall contain lettering that is reflectorized.

**ARTICLE 5
OBLIGATIONS OF PARK OWNERS.**

5.1. The Park Owner shall provide the occupants of the mobile home park with a copy of this Ordinance, and inform the occupants of their duties and responsibilities under this Ordinance.

5.2. The Park Owner shall operate the mobile home park, or cause the same to be operated, in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities, improvements, and equipment in good repair and in a clean and sanitary condition, as well as in compliance with all state and local laws, regulations, or ordinances.

5.3. The Park Owner shall maintain all streets, roadways and driveways in the mobile home park in good repair, and shall keep the same clear of snow, ice, standing water, and debris. In addition, the streets and roadways in the mobile home park shall be constructed and maintained so as to comply with the "Fire Lane" requirements of the Town of Hampden Fire Prevention Code.

5.4. The Park Owner shall maintain the mobile home park in a clean, orderly, safe and sanitary condition at all times.

5.5. The Park Owner shall remove any abandoned, burned, dilapidated, or abandoned mobile home from the mobile home park within ten business days of a notice from the Code Enforcement Officer.

5.6. The Park Owner shall not permit the presence or any accumulation of any (1) abandoned, unregistered or un-inspected motor vehicles, or parts thereof, or (2) discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment; household appliances; furniture; discarded, scrap or junked lumber; old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or scrap iron, steel or other scrap ferrous or nonferrous material, or other solid waste or debris in the mobile home park, whether on the streets or other common areas under the control of the Park Owner or on the individual mobile home lots.

5.7. The Park Owner shall be responsible for the proper placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections. Owner shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home from the park.

5.8. The Park Owner shall conspicuously post a copy of the license in Park Owner's office or on the premises of the mobile home park at all times.

5.9. The Park Owner shall notify the Code Enforcement Officer and Tax Assessor, in writing, of the arrival or impending departure of any mobile home or any change of ownership that occurs within the park.

5.10. The Park Owner shall make adequate provision for the storage, collection, and lawful disposal of all refuse from the mobile home park, and shall take adequate measures to prevent the creation of health hazards, rodent harborage, insect breeding areas, accident hazards, or air, water, or ground pollution. All refuse and garbage shall be bagged in plastic garbage bags by the homeowner or occupant for storage in fully and tightly enclosed, watertight, rodent-proof containers, which shall be provided by Owner in sufficient number and capacity to prevent any refuse or garbage from overflowing. Satisfactory container racks or holders shall be provided by the Owner and shall be located not more than 150 feet from any mobile home lot, or the Park Owner shall cooperate with the Code Enforcement Officer to establish mutually agreed upon locations.

5.11. The Park Owner shall bring all nonconforming non-certified mobile homes into compliance with the safety standards of Article 8. The Code Enforcement Officer may, as part of a conditional license, enter into a schedule of compliance with the Owner.

5.12. The Park Owner shall provide adequate supervision to ensure that the mobile home park, mobile home lot, mobile homes, and the owners or occupants of mobile homes comply with the provisions of this Ordinance. Owner shall include provisions in rental agreements requiring that individual owners or occupants of mobile homes shall comply with the provisions of this Ordinance, and Owner shall be obligated to pursue legal remedies for any breach of those requirements.

5.13. The Park Owner shall cooperate fully with the Code Enforcement Officer in the administration and enforcement of this Ordinance, including providing assistance in gaining access to mobile homes for the required inspections.

5.14. The Park Owner shall not assign or transfer the license without the prior approval of the Code Enforcement Officer. Any assignment or transfer shall be subject to the condition that the transferee agree in writing to abide by the terms and conditions of the license and this Ordinance.

5.15. The owner(s) of the land on which the mobile home park is located shall be ultimately responsible for compliance with this Ordinance, and shall remain responsible therefore regardless of the fact that this Ordinance may also place certain responsibilities on the license holder, or mobile home owners and/or occupants. This shall be so regardless of any agreements between the owners of the land and the license holder or owner/occupants of mobile homes as to which parties shall assume such responsibility.

ARTICLE 6

OBLIGATIONS OF MOBILE HOME OWNERS OR OCCUPANTS.

6.1. It shall be the duty of the owners or occupants of mobile homes in a mobile home park to give the Code Enforcement Officer access to the mobile homes at reasonable times for the purpose of conducting an inspection thereof to determine satisfactory compliance with the requirements of this Ordinance.

6.2. The owners or occupants of mobile homes in a mobile home park shall comply with all applicable requirements of this Ordinance, and shall maintain his/her mobile home, mobile home lot, and any facilities, improvements, or equipment, in good repair and in a clean and sanitary condition. The home

owner or occupant shall not cause or permit the presence or accumulation of the items specified in Article 5.6 on his/her mobile home lot, or at any other location within the mobile home park.

6.3. No home owner or occupant shall allow animals in his/her custody to run at large, or commit any nuisance, within the mobile home park.

6.4. No home owner or occupant shall permit his/her mobile home to be occupied by a greater number of persons than that for which it was designed.

6.5. The space directly beneath each mobile home shall be kept clean and free from refuse, or other combustible materials.

6.6. No home owner or occupant shall permit the parking of vehicles or the storage of personal property so as to interfere with access to the lots or mobile homes in the mobile home park by other owners or occupants, or especially with access by emergency vehicles or personnel.

6.7. No home owner or occupant shall locate or use a utility structure on his/her lot unless it is located no closer than 10 feet to any mobile home or other utility structure, and is made of noncombustible materials. In addition, said structure shall not exceed 150 square feet in area and 10 feet in height.

6.8. No home owner or occupant shall dispose of any garbage or refuse except by first bagging the garbage or refuse into a plastic garbage bag and the placing them into provided facilities in a clean and sanitary manner.

6.9. The individual owner of a non-certified mobile home shall be responsible for bringing the mobile home into compliance with the safety standards set forth in Article 8. The Code Enforcement Officer is authorized to enter into a schedule of compliance with such a home owner.

**ARTICLE 7
RESTRICTIONS ON THE SALE, LEASE, TRANSFER, OCCUPANCY OR LOCATION
OF MOBILE HOMES IN A MOBILE HOME PARK.**

7.1. No person may sell, transfer, or otherwise convey a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance. The provisions hereof shall not apply to a mobile home that is being removed from the mobile home park.

7.2. No person shall locate, move from one mobile home lot to another mobile home lot, or replace a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance.

7.3. No person shall permit or allow the occupancy of a mobile home in a mobile home park for dwelling purposes without a prior Certificate of Compliance from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good

state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance, and that the mobile home is properly placed on a mobile home stand and properly connected to water, sewer, and electrical utilities. The Park Owner shall be responsible for the proper installation of all utility connections, which shall be accomplished by duly qualified and licensed persons.

7.4. The placement of a mobile home that is not (1) a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws, or regulations, including the requirements of Article 8 of this Ordinance in or near the mobile home park is strictly prohibited. The area of the mobile home park and any of Park Owner's land in the vicinity shall not be used as a staging area for the rehabilitation of non-certified mobile homes. The foregoing shall not preclude the rehabilitation of mobile homes that existed in a park as of the date of adoption of this Ordinance.

ARTICLE 8 SAFETY STANDARDS.

8.1. The purpose of this Article is to establish minimum standards to attain a condition of safety that will allow a non-certified mobile home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

8.2. These standards shall apply to all non-certified mobile homes located in mobile home parks. These standards shall also apply to any non-certified mobile homes being brought into parks.

Amended: 01-05-2009

8.3. *Standards.*

8.3.1. *Light and Ventilation*

1. Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area.
2. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.

8.3.2. *Ceiling Height.* Every habitable room shall have a minimum ceiling height of 6 feet and 6 inches.

8.3.3. *Exit Facilities – Exterior Doors*

1. Homes shall have a minimum of two exterior doors located remote from each other.
2. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
3. Doors may not be less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors.

4. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
5. All exterior swinging doors in mobile homes shall provide a minimum door leaf dimension of 28 inches wide by 74 inches high. Notwithstanding this regulation replacement swinging doors that were installed prior to adoption of this ordinance measuring at least 28 inches in width by 72 inches in height shall not require replacement. All exterior sliding glass doors shall provide a clear opening of at least 28 inches wide by 72 inches high. Locks shall not require the use of a key for operation from the inside.

8.3.4. Exit Facilities – Egress Windows and Devices. Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor.

1. *Exception.* In lieu of this regulation, an approved automatic sprinkler system may be installed in accordance with NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.*

8.3.5. Interior – Doors. Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

8.3.6. Room Requirements

1. Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a manufactured home.
2. Every home shall have at least one common area with no less than 150 square feet of gross floor area.
3. All bedrooms shall have at least 50 square feet of floor area.
4. Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two.
5. Deleted. *Amended: 01-05-2009*
6. Bedrooms shall have an operable door with a latch to separate the room from the common area.
7. Each toilet compartment shall have a minimum of 21 inches of clear space in front of each toilet.
8. Hallways shall have a minimum horizontal dimension of 28 inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

8.3.7. Fire Detection Equipment All homes, regardless of the date of manufacture, shall meet the following requirements. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
5. Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of the detector shall be located 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connector by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

8.3.8. Cooking Unit Separation. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

8.3.9. Kitchen Cabinet Protectors All homes, regardless of the date of manufacture, shall meet the following requirements.

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3 inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood will not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

8.3.10. Carpeting. Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

8.3.11. Roof Loads. Prior to construction of an addition or alteration of the roof of a mobile home design plans bearing the seal of a State of Maine registered professional engineer shall be submitted. Said plans shall demonstrate that the roof design can withstand any snow loads or wind uplifts that may occur. Building Inspector shall inspect the roof framing and supporting members prior to sheathing.

8.3.12. Floors. All floors shall be of a solid construction to protect users of the mobile home from the hazard of an unsafe floor.

8.3.13. Exterior Coverings. Exterior coverings shall be of moisture and weather resistant materials to resist wind, snow, sleet, or rain.

8.3.14. Deleted Amended: 01-05-2009

8.3.15. Plumbing Systems. A person holding a master license issued by the State of Maine Plumbers Examining Board shall inspect and certify that the plumbing system is in conformance with the requirements of the Maine State Plumbing Code, is safe and verify that the following conditions are met.

1. The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.
2. Water closets are adjusted to use a minimum quantity of water consistent with proper performance and cleaning.
3. All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.
4. All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing under normal occupancy. To prevent freezing, a modern technological designed heat cable should be used.
5. All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine.
6. Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.
7. Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl.
8. Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.
9. Water supply plumbing systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage.

10. Each home shall be equipped with a kitchen sink and bathtub and/or shower and be provided with a hot water supply system including a listed water heater.
11. No part of a water system shall be connected to any drainage or vent piping.
12. All new plumbing after the effective date of these standards shall be lead free with solders and flux containing not more than 0.2 percent lead and pipes and pipe fittings containing not more than 8.0 percent lead.

8.3.16. Heating and Fuel Burning Systems

1. A person holding a master license issued by the State of Maine Oil and Solid Fuel Technicians, Board of Licensure and/or a person holding a master license issued by the State of Maine Propane and Natural Gas Technicians, Board of Licensure shall inspect and certify that the heating and fuel system is in a safe condition and meets all State of Maine laws and rules as adopted by said boards. *Amended: January 5, 2009*
2. Heat-producing appliances and vents, roof jacks and chimneys necessary for installation in mobile homes shall be listed or certified by a nationally recognized testing agency for use in mobile homes.

8.3.17. Electrical System. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system that is accessible, including the wiring of the smoke detector, is safe and meets the National Electrical Code in effect at the time the mobile home was constructed.

1. Homes wired with aluminum conductors shall meet the current Underwriter Laboratory (UL) requirements for connecting to branch circuits of 30 amps or less. (Note: The intent of this is not to require the mobile home to be rewired, but only to require that U. L. Listed conductors be affixed to receptacle switches and light fixtures. There are several methods of doing this. The most preferred is the "pig tail" method.)

8.3.18. Minimum Separation Requirements.

1. The distance between mobile homes must be a minimum of ten feet from side to side and eight feet from end to end (excluding the hitch) or end to side. The distance between any mobile home and any utility structure must be a minimum of ten feet. Any addition to a mobile home, including carports, decks, porches, living spaces, sunrooms, etc. (but excluding steps) is considered to be part of the mobile home, and is subject to these minimum separation requirements.
2. Any mobile home that was not in compliance with the prescribed separation requirements as of the date of adoption of this Ordinance may remain at that location.
3. A mobile home may be replaced with a certified or non-certified mobile home if the following conditions are met:
 - (a) the separation requirements are met,
 - (b) the replacement mobile home is no wider than fourteen (14) feet, and

(c) the dimensional requirements of Section 4.13.3.3.1. of the Zoning Ordinance are not made more nonconforming by the placement of a larger mobile home on the lot.

~~No mobile home shall be located closer than twenty (20) feet from another mobile home or ten (10) feet from a utility structure. Notwithstanding this regulation mobile homes placed end to end shall ensure a minimum separation of ten (10) feet. Any mobile home that was not in compliance with the prescribed separation requirements as of the date of adoption of this Ordinance may remain at that location, but any replacement for such a mobile home shall meet the separation requirements to the greatest practical extent as determined by the Code Enforcement Officer, and in no event shall the replacement mobile home be located so as to make the separation distances more nonconforming. Provided, however, that the replacement of a non-certified mobile home with a certified mobile home shall be permitted if the following conditions are met: (1) the separation requirements are met to the greatest practical extent as determined by the Code Enforcement Officer, (2) the replacement mobile home is no wider than fourteen (14) feet, (3) Deleted, (4) the replacement mobile home shall be located no less than fifteen (15) feet (side to side) and ten (10) feet (end to end) from another mobile home or ten (10) feet from a utility structure, and (5) the area necessary to comply with this reduced separation provision is not created by moving or replacing an existing mobile home so as to make it more nonconforming with the requirements of Section 4.13.3.3.1. of the Zoning Ordinance, the foregoing reduced separation provision shall prevail. For purposes of this section, any addition to a mobile home, including earports, decks, porches, living spaces, sunrooms, etc. (but excluding steps) shall be considered to be part of the mobile home, and shall be subject to the minimum separation requirements. Amended: 01-05-2009~~

ARTICLE 9
VIOLATIONS AND ENFORCEMENT.

- 9.1.** Any condition existing in violation of this Ordinance is deemed to be a nuisance.
- 9.2.** The Code Enforcement Officer shall provide written notice of any violation to the Park Owner and/or operator of the mobile home park. In addition, if the violation involves a violation by the home owner or occupant of a mobile home, written notice shall also be given to the home owner or occupant. The notice shall be mailed to the last known address according to records maintained by the Town. The notice shall describe the violations, and shall state the corrective action necessary. The giving of notice hereunder shall not be a prerequisite to the commencement of an enforcement action.
- 9.3.** The Code Enforcement Officer, with the advice and consent of the Town Manager, is authorized to institute, or cause to be instituted by the Town Attorney, in the name of the Town of Hampden, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.
- 9.4.** Any person, firm or corporation, being the owner or operator of, or having control or use of any mobile home, mobile home lot or mobile home park, who violates any provision of this Ordinance shall be subject to the penalties set forth in 30-A M.R.S.A. § 4452. Each violation, and each day of each violation, shall constitute a separate offense.

ARTICLE 10
APPEALS.
Amended 06-19-2006

- 10.1. Appeals.** All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures,

decisions of the Board of Appeals and subsequent appeals to Superior Court. Any appeal from the Code Enforcement Officer's approval, approval with conditions, or denial of a license application, or the revocation of a license, shall be made to the Board of Appeals within 30 days of the rendering of such a decision. *Amended 06-19-2006*

10.2 Appellate Review The review by the Board of Appeals shall be limited to an appellate review of the Code Enforcement Officer's decision, and said decision may be overturned only if the officer committed an error of law, abused his/her discretion, or made findings that are not supported by substantial evidence on the record. No appeal may be taken from a violation determination or enforcement action taken by the Code Enforcement Officer, except to the extent that said determination or action forms the basis of a revocation of a license by the Code Enforcement Officer. *Amended 06-19-2006*

10.3 Basis of the Appeal. The appellant must demonstrate that the decision of the Code Enforcement Officer: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record. *Amended 06-19-2006*

10.4 Modification or Reversal of the Decision. The Board of Appeals may modify or reverse the decision of the Code Enforcement Officer if they determine that he: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record. *Amended 06-19-2006*

D-h, i + j

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council
FROM: Jim Chandler, Town Manager
DATE: August 6, 2018
RE: Marijuana Ordinances

Please find attached three proposed Ordinances regarding the recent passage of new State Statutes regarding the legal use of Marijuana in Maine.

Background

As discussed in the August 1st Planning & Development Committee meeting, the State of Maine has recently passed new laws regulating the use of Marijuana. On May 2, 2018 the Legislature enacted Public Law HP 1199 – LD 1719 to regulate Adult Use Marijuana; and, enacted LD 1539 and LD 238 on July 9, 2018 that includes amendments to the Maine Medical Use of Marijuana Act.

The Town needs to proactively address potential exposure to any potentially adverse, unintended consequences resulting from passage of, but only partial implementation of, these new laws.

Recommendation of Proposed Ordinances

Staff recommends Council consider adoption of three separate ordinances related to Marijuana use. Two relate to the Medical use amendments, and a third ordinance relates to Adult use.

First Proposed Ordinance is Item 5.H on the Agenda – Town of Hampden Emergency Ordinance Regarding Medical Marijuana Retail Stores.

Amendment LD 238 took immediate effect on July 9th, authorizing the establishment of retail stores by medical caregivers; however, the ability of local governments to permit these businesses is delayed until LD 1539 takes effect. This will not occur until 90 days following the adjournment of the Legislature – presumably later this year.

The delay opens the Town to the potential establishment of a Medical Marijuana Retail Store before regulatory rules become effective with LD 1539 that require licensed caregivers to gain prior local approval for such stores. This 'loophole' creates the urgency justifying the passage of an Emergency Ordinance that immediately prevents existing medical marijuana caregivers from establishing a retail business prior to the Town's ability to determine any zoning or regulatory limitations specifically granted to the Town by the eventual implementation of LD 1539.

Passage of this ordinance requires unanimous approval of all Council Members present and provides the necessary time to also pass a second ordinance (below) that utilizes the recommended State Moratorium of 180 days to allow Towns time to prepare for this new law.

This emergency ordinance is recommended by the Town's Attorney due to the way the Town's Charter limits the length of time (60 days) for the effects of a Town emergency ordinance.

Motion: Move to adopt as presented the Proposed Town of Hampden Emergency Ordinance Regarding Medical Marijuana Retail Stores.

Second Proposed Ordinance is Item 5.I. on the Agenda – Referral to Public Hearing for August 20th, the Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores.

The passage of the previously recommended Emergency Ordinance, effective for a period of 60 days, allows the Town time to also enact the following proposed ordinance using the Town's normal procedures for the passage of any ordinance. That process requires an ordinance be referred to a Public Hearing for a vote, followed by a 30-day period before taking effect.

This second ordinance uses the recommended State Statute for the provision of a 180-day Moratorium on the establishment of Medical Marijuana Retail Stores by licensed caregivers. This State Statute is recommended by the Town's Attorney to allow the Town time to develop appropriate zoning and land use regulations related to the location and operation of future Medical Marijuana Retail Stores; following the eventual enactment of LD 1539.

Motion: Move to refer to Public Hearing on August 20th, the Proposed Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores.

Third Proposed Ordinance is Item 5.J. on the Agenda – Referral to Public Hearing for August 20th, the Town of Hampden Marijuana Ordinance.

The two previous proposed ordinances dealt exclusively with Medical Marijuana.

This third proposed ordinance addresses the Town's ability to regulate the growing of Marijuana plants by adult citizens for personal use, as allowed by the enactment of HP 1199 – LD 1719. This ordinance will establish a limit on the number of legally grown plants for personal use, on individual properties, as determined by the ordinance language.

Motion: Move to refer to Public Hearing on August 20th, the Proposed Town of Hampden Marijuana Ordinance.

Fiscal Impacts

The cost of implementing these ordinances has no immediate quantifiable fiscal impacts. Future impacts would be determined by actions to allow the sale of Medical Marijuana at approved retail stores; however, the current State legislation does not provide for local taxes on any Marijuana products.

Many municipalities have been struggling with how to handle requests from registered caregivers to operate medical marijuana retail stores. Existing law has been completely silent on the legal status of these stores and unclear as to municipal authority to regulate them. These ambiguities have created a breeding ground of confusion – some towns have refused to permit them, others have permitted them on the assumption they must, and others have taken no action either way. Two new laws provide some clarity, but may also pose a problem before both laws finally become effective. Here's a summary:

On July 9, 2018 the Legislature enacted two amendments to the Maine Medical Use of Marijuana Act which recognize municipal home rule authority to regulate registered caregivers. The smaller of the two, PL 2017, c. 447 (LD 238), was enacted as an emergency and took effect immediately – municipalities may now, by ordinance, regulate registered caregivers.

The larger of the two, PL 2017, c. 452 (LD 1539), is a sweeping reform to the entire medical marijuana statute. One part authorizes registered caregivers to operate medical marijuana retail stores. However, caregivers may only do so if the municipality has voted to allow them generally. In other words, once this law takes effect, new medical marijuana retail stores are prohibited unless the municipal legislative body affirmatively votes to allow their operation. This is similar to the municipal “opt-in” requirement for adult use marijuana establishments under the Adult Use Marijuana Act.

But herein lies the rub: this opt-in requirement will not apply to medical marijuana retail stores until LD 1539 takes effect, which will not be until sometime in late 2018 or later. In addition, LD 1539 expressly grandfathers stores “operating with municipal approval” prior to the law’s effective date. This means medical marijuana retail stores will have at least several months to become grandfathered before new stores are prohibited from operating without a municipal vote to “opt-in.”

For municipalities that want to prohibit medical marijuana retail stores, or for municipalities that may want to allow them but need time to amend local ordinances to regulate them, we recommend adopting a moratorium ordinance. Since LD 238 is already in effect, there is no doubt that a moratorium applying to registered caregivers is now authorized.

Note that LD 238 also imposes new state registration requirements for medical marijuana manufacturing facilities. In addition, LD 1539 will grandfather medical marijuana dispensaries, testing facilities and manufacturing facilities that are “operating with municipal approval” prior to the law’s effective date (again, sometime in late 2018 or later). Municipalities wanting to regulate or prohibit these establishments should consult with local counsel about including them in a moratorium ordinance.

For MMA Legal Services’ Sample Moratorium Ordinance Regarding Medical Marijuana Retail Stores, see the following link:

https://memun.org/Documents?Command=Core_Download&EntryId=11969

Highlighting Emphasis Above by Jim Chandler, Town Manager, Town of Hampden, Maine.



Town of Hampden
Land & Building Services

Memorandum

To: Town Council, Town Manager
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: August 2, 2018
RE: Ordinances for Medical Marijuana and Adult Use Marijuana

The Planning & Development Committee has referred three ordinances to Town Council for action on August 6, 2018. This memo summarizes these three ordinances.

1. Emergency Ordinance Regarding Medical Marijuana Retail Stores

The issue at hand here is that the recently enacted revisions to the Maine Medical Marijuana Law allows registered medical caregivers to establish a retail store for the purpose of selling their products to qualifying patients. The revisions also allow municipalities to regulate registered caregiver operations. Given the serious concerns with such retail stores being established without any Town oversight, staff is following the advice of several attorneys well versed in the topic, including the Maine Municipal Association, and is recommending adoption of an emergency ordinance under the provisions of Section 214 of the Town Charter, to prohibit medical marijuana retail stores. This emergency ordinance would be adopted at the Council meeting on August 6, would become effective immediately, and would expire 60 days later (October 5) unless repealed or extended prior to that date.

A primary concern is that as left by state law at the moment, it would be possible for a registered caregiver to open a retail store for the purpose of selling their medical marijuana to qualified patients in any location where retail sales is a permitted use within Hampden, with no requirement for any reviews or approvals by the Town. While such use may be acceptable in some locations with appropriate regulations, staff believes the potential ramifications of such establishments warrants this immediate action.

2. Moratorium Ordinance Regarding Medical Marijuana Retail Stores

This ordinance is similar to the one above, but follows the state statutes for the establishment of a moratorium. It also deals with medical marijuana retail stores, and is intended to replace the emergency ordinance (if that is adopted). The action sought by

Town Council on August 6 is a referral to public hearing, which is expected to be set for August 20. If Council adopted the moratorium on August 20, it would become effective 30 days later (September 19) and would last for several months, giving staff time to conduct the necessary research to draft permanent regulations for registered caregiver operations, including retail stores. It should be noted that we are also waiting for the state to amend their rules governing medical marijuana, which they are doing to be consistent with the many changes to the Maine Medical Marijuana Law.

3. Marijuana Ordinance

The third item is the adoption of a Marijuana Ordinance, which is intended to eventually deal with many aspects of the marijuana industry, both adult use (aka recreational) and medical. Since we are still waiting for the state to adopt rules for the adult use marijuana industry, we cannot draft local regulations for that other than the addition of the various adult use marijuana uses to the Use Table in the Zoning Ordinance (all are currently prohibited in all zoning districts in Hampden). In the meantime, due to a change in the Marijuana Legalization Act regarding the cultivation of marijuana for personal use by any individual age 21 or over, staff recommends that Council take action on the one issue addressed in the proposed Marijuana Ordinance.

Under 28-B MRSA §1502, the Town has the authority to limit the number of mature marijuana plants on a property provided this limitation does not infringe on the right of any individual to grow three mature marijuana plants, twelve immature marijuana plants, and an unlimited number of seedlings on the property on which they are domiciled. Under the state law, each person age 21 or older may cultivate those numbers of such plants on one of the following: the property on which they are domiciled (aka where they live), a property which they own but where they do not live (e.g. a vacant parcel), or a property owned by someone else provided there is a written agreement between the property owner and the person who will be cultivating and caring for the marijuana.

The proposed ordinance limits the number of mature marijuana plants that can be cultivated on a single property to nine, in addition to the number allowed for the people age 21 or over who are domiciled on the property. For example, a parcel with a house that has four adults age 21 or older could have a total of 21 mature marijuana plants (3 each for the four adults = 12, plus 9 additional = 21). A vacant parcel could have a maximum of 9 plants since nobody would be domiciled there.

The reason staff is recommending this limit is to avoid a situation whereby a landowner could allow many people to grow their personal marijuana on a single property. Since Hampden has numerous residential neighborhoods where the potential ramifications for public safety could become serious issues if an unlimited number of mature marijuana plants were grown in the midst of the neighborhood, staff believes such a limit is warranted.

The action sought by Town Council on August 6 is to refer this proposed ordinance to public hearing, which is expected to be set for August 20. If adopted that night, it would become effective 30 days later, on September 19. This ordinance has no built-in expiration date.

**TOWN OF HAMPDEN
EMERGENCY ORDINANCE REGARDING
MEDICAL MARIJUANA RETAIL STORES**

WHEREAS, the legislative body of the Municipality of Hampden (the “Municipality”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act (the “Act”), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorized registered primary caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018, the Maine Legislature enacted PL 2017, c. 452 (LD 1539), *An Act to Amend Maine’s Medical Marijuana Law*, which revised the term “registered primary caregiver” to “registered caregiver” and which includes express authorization for registered caregivers to operate retail stores for the sale of harvested medical marijuana to qualifying patients; and
- (3) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 239), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and
- (4) The unregulated location and operation of medical marijuana retail stores within the Municipality raises legitimate and substantial questions about the impact of such activity on the Municipality, including questions as to compatibility with existing land uses and developments in the Municipality; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana retail stores within the Municipality have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (6) The Municipality currently has no regulations governing medical marijuana retail stores, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores; and
- (7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana retail stores in the Municipality; and
- (8) In the judgment of the legislative body of the Municipality, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. § 4356 requiring immediate legislative action.

DRAFT

NOW THEREFORE, pursuant to 30-A M.R.S. Chapter 111, be it ordained by the Municipality as follows:

Section 1. Prohibition. The Municipality does hereby declare a prohibition on the location, operation, permitting, approval, or licensing of any and all medical marijuana retail stores within the municipality. No person or organization shall develop or operate a medical marijuana retail store within the Municipality on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality will accept, process, approve, deny, or in any other way act upon any application for a license, building permit, conditional use, site plan, or any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana retail store.

Section 2. Definitions. For purposes of this ordinance, the term “medical marijuana retail store” means an establishment having the attributes of a typical retail sales establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product, that is used by a registered caregiver to offer harvested medical marijuana for sale to qualifying patients, regardless of its location within the Municipality.

Section 3. Pending Proceedings. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance governs any proposed medical marijuana retail store for which an application for a building permit, certificate of occupancy, conditional use, 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 4. 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 5. Violations. If any medical marijuana retail store is established in violation of this Ordinance, each day of any continuing violation constitutes a separate violation of this Ordinance and the Municipality is entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 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 6. Effective Date. This Ordinance becomes effective immediately upon its adoption and will 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 first occurs.

DRAFT

**TOWN OF HAMPDEN
MORATORIUM ORDINANCE REGARDING
MEDICAL MARIJUANA RETAIL STORES**

WHEREAS, the legislative body of the Municipality of Hampden (the “Municipality”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act (the “Act”), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorized registered primary caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018, the Maine Legislature enacted PL 2017, c. 452 (LD 1539), *An Act to Amend Maine’s Medical Marijuana Law*, which revised the term “registered primary caregiver” to “registered caregiver” and which includes express authorization for registered caregivers to operate retail stores for the sale of harvested medical marijuana to qualifying patients; and
- (3) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 239), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and
- (4) The unregulated location and operation of medical marijuana retail stores within the Municipality raises legitimate and substantial questions about the impact of such activity on the Municipality, including questions as to compatibility with existing land uses and developments in the Municipality; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana retail stores within the Municipality have potentially serious implications for the health, safety and welfare of the Municipality and its residents; and
- (6) The Municipality currently has no regulations governing medical marijuana retail stores, and existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores; and
- (7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana retail stores in the Municipality.

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

DRAFT

Section 1. Moratorium. The Municipality does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any and all medical marijuana retail stores within the municipality. No person or organization shall develop or operate a medical marijuana retail store within the Municipality on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality will accept, process, approve, deny, or in any other way act upon any application for a license, building permit, conditional use, site plan, or any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana retail store.

Section 2. Definitions. For purposes of this ordinance, the term “medical marijuana retail store” means an establishment having the attributes of a typical retail sales establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, and sales directly to the consumer of the product, that is used by a registered caregiver to offer harvested medical marijuana for sale to qualifying patients, regardless of its location within the Municipality.

Section 3. Pending Proceedings. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance governs any proposed medical marijuana retail store for which an application for a building permit, certificate of occupancy, conditional use, 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 4. 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 5. Violations. If any medical marijuana retail store is established in violation of this Ordinance, each day of any continuing violation constitutes a separate violation of this Ordinance and the Municipality is entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 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 6. Effective Date. This Ordinance becomes effective 30 days after its adoption and will remain in full force and effect for a period not to exceed 180 days after adoption, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Municipality, whichever first occurs.

DRAFT

TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains that the following Ordinance be adopted:
Marijuana Ordinance

Deletions are ~~Strikethrough~~ Additions are Underlined

TOWN OF HAMPDEN MAINE
MARIJUANA ORDINANCE

ADOPTED: _____, 2018

Certified By: Paula Scott, Town Clerk

Article 1. Purpose & Authority..... 1
Article 2. Home Cultivation for personal Adult Use Marijuana 1
Article 3. Enforcement..... 2
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Article 1 – Purpose and Authority

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Hampden through regulation of the number of marijuana plants that can be grown for personal adult use (non-medical) on a single property, as permitted under Title 28-B MRSA §1502. The Town of Hampden enacts this Ordinance pursuant to 30-A MRSA §3001, municipal home rule ordinance authority.

Article 2 – Home Cultivation for Personal Adult Use Marijuana. A maximum of nine mature marijuana plants may be grown on a single property (as defined in this ordinance), with the exception that in addition to this limit, a maximum of three mature marijuana plants plus 12 immature marijuana plants plus an unlimited number of marijuana seedlings may be grown by each person age 21 or older who is domiciled on the property.

DRAFT

Article 3 – Enforcement

- 3.1 It is the duty of the Code Enforcement Officer to enforce the provisions of this ordinance pursuant to 30-A MRSA §4452.
- 3.2 It is unlawful for any person to violate any provision of this ordinance.
- 3.3 The penalties contained in 30-A MRSA §4452 will apply to any violation of this ordinance.

Article 4 – Severability.

If any section or provision of this ordinance is declared by the courts to be invalid, such decision will not invalidate any other section or provision of this ordinance.

Article 5 – Definitions

- 5.1 Construction Language. In this Ordinance, certain terms or words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- 5.2 As used in this ordinance, unless the context indicates otherwise, the following terms have the following meanings. Terms not specifically listed here which are listed in MRSA Title 28-B have the meanings provided in those laws. Terms not defined shall have the customary dictionary meaning in the Merriam-Webster print or online dictionary.

Domicile: A person's fixed, permanent, and principal home.

Property: A parcel or tract of land including all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE THE ROAD AND BRIDGE IMPROVEMENTS THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS OR NOTES OF THE TOWN OF HAMPDEN, WHICH MAY BE CALLABLE, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000.

The Town of Hampden hereby ordains as follows:

Section 1. That pursuant to Section 5772 of Title 30-A Maine Revised Statutes, as amended, the Charter of the Town and any other applicable authority under Maine law, the Town of Hampden is hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority at least of the Town Council a principal amount not to exceed One Million Four Hundred Thousand dollars (\$1,400,000), said amount to be payable over a period not to exceed thirty (30) years, less the term of any Note described below, at such interest rates and on such further terms and conditions as may be approved by the Treasurer and a majority of the Town Council, the proceeds of said loan to be used to finance road and bridge repairs and replacements in the Town, including but not limited to: completion of repairs to Route 1A in conjunction with the Maine Department of Transportation, signal replacement and upgrades at the intersection of Western Avenue and Route 1A, replacement of culvert and retaining walls on the Sawyer Road bridge, and replacement of the surface and related improvements on the Manning Mill Road bridge (collectively, the "Project"). The loan shall be evidenced by a general obligation bond or Bonds of the Town (the "Bond"), to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council. The Bond may be subject to call for redemption as determined by the Town Treasurer and a majority of the Town Council.

Section 2. That in anticipation of the receipt of the Bond proceeds for the Project, pursuant to the Charter of the Town and Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine, the Town of Hampden is hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority at least of the Town Council a principal amount not to exceed One Million Four Hundred Thousand dollars (\$1,400,000) and in evidence thereof to execute and deliver one or more General Obligation Bond Anticipation Notes (each, a "Note") of the Town for a period not to exceed one year and to bear interest at such rate and said Note to be subject to such further terms and conditions as the Town Treasurer and a majority at least of the Town Council shall approve, and said Note, together with interest thereon, to be a general obligation of the Town, and intended to be repaid from the proceeds of the Bond, said Note to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council, and such Note may be refunded from time to time for a period not to exceed an aggregate of three years with proceeds to be used to provide temporary funds to accomplish the Project.

Section 3. That the Town Manager, Mayor, or other officers designated by the Town Council be and each of them hereby is authorized to execute such documents and do all things necessary or convenient in order to issue the Bond and the Note and to execute and deliver such loan applications as may be necessary or appropriate to such lender or lenders as they select. The Treasurer, Mayor, or other officers designated by the Town Council are further authorized to execute any and all loan agreements or resolutions required by any such lender as may be selected by the Town Treasurer and approved by a majority at least of the Councilors, in such form as may be required by each such lender.

Section 4. That the Town Clerk shall distribute a copy of this ordinance to each Council member and the Town Manager, and shall file a reasonable number of copies of this ordinance in the office of the Town Clerk and shall post a copy of this ordinance together with a Notice of Public Hearing at the following public places: Municipal Building, Post Office, Dyer Library, Hampden Transfer Station, Hannaford's and Pizza Gourmet, as well as such other places as may be directed by the Town Manger.

Section 5. That a Public Hearing be held at 7:00 p.m. in the Hampden Municipal Building in Hampden, Maine on August 20th, 2018, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of the Bond, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this ordinance and a place where copies of the complete ordinance have been filed and times available for inspection in the Bangor Daily News on or before August 13th, 2018, together with a notice setting forth the time and place for the public hearing, and for the consideration of the proposed ordinance by the Town Council at a meeting to be held on August 20th, 2018, immediately following the public hearing.

Section 6. That all actions heretofore taken by the Town Council of the Town of Hampden relating to the selling of the Town's Bond and Note authorized hereby be and they hereby are ratified, approved and confirmed.

Section 7. That pursuant to the requirements of the Internal Revenue Code of 1986, as amended, the Town designated the Bond and Note to be "qualified tax exempt obligations" of the Town.

Section 8. That the Town shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Note and Bonds, and to maintain the status of the Bond and the Note as "qualified tax exempt obligations" of the Town; and that in connection with the Note and Bond, the Town Treasurer shall be authorized to execute and deliver on behalf of the Town one or more such Arbitrage and Use of Proceeds Certificates in form approved by the Town's bond counsel, and to covenant on behalf of the Town to file any information report and to pay any rebate due to the United States in connection with the issuance of the Bond and Note; and that the Note and the Bond may be subject to such further terms and conditions as may be agreed to by a majority at least of the

Councilors and the Treasurer of the Town, their signatures on the Note or the Bond serving as evidence of their agreement, to carry into effect the full intent of this ordinance.

Section 9. That the law firm of Eaton Peabody shall act as bond counsel for the Town to advise the Town with respect to the issuance and sale of the Bond and the Note, and to prepare such documents and render such opinions as may be necessary or convenient for that purpose.

Section 10. That the Town Council and officials of the Town are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Town, as may be necessary or convenient to carry out the full intent of this ordinance, and to accomplish the project and issue the Bond and the Note, including approval and signing of contracts and other agreements obligating the Town.

Section 11. That pursuant to Section 902 of the Town Charter, this ordinance shall go into effect only upon approval by the voters of the Town of Hampden. Be it further ordained that a referendum of the Town of Hampden be held to decide this question on November 6, 2018, pursuant to the Town Charter and the laws of Maine. The ballot question shall be substantially as follows:

**TOWN OF HAMPDEN
BALLOT QUESTION NO. 1**

Ordinance authorizing appropriation and borrowing of funds to finance road and bridge repairs and replacements in the Town of Hampden, including but not limited to: completing repairs to Route 1A in conjunction with the Maine Department of Transportation, signal replacement and upgrades at the intersection of Western Avenue and Route 1A, replacement of culvert and retaining walls on the Sawyer Road bridge, and replacement of the surface and related improvements on the Manning Mill Road bridge through issuance of general obligation bonds or notes of the Town of Hampden, which may be callable, in a principal amount not to exceed \$1,400,000.

Shall the above-described ordinance be adopted and the municipal officers have the authority to issue general obligations bonds or notes of the Town and accomplish the Project as described above and in the ordinance?

Yes

No

ADOPTED: Hampden Town Council, August 20, 2018.

A True Copy, Attest: _____

Paula Scott
Town Clerk

TOWN OF HAMPDEN

Treasurer's Financial Statement
General Obligation Bond

1. Total Town Indebtedness

A. Bonds outstanding and unpaid *	\$[NTD]
B. Bonds authorized and unissued	\$ [NTD]
C. Bonds to be issued under this Ordinance:	\$1,400,000
TOTAL	\$[NTD]

* Excludes the Town's share of the \$[NTD] debt of RSU 22 outstanding, approximately 90% of which will be paid by the State.

2. Costs

At an estimated interest rate of 3.8% for a term of 30 years, the estimated costs of this bond issue will be:

Principal	\$1,400,000
Interest	\$937,756
Total Debt Service	\$2,337,756

3. Validity

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the approval by the councilors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Jim Chandler
Treasurer
Town of Hampden, Maine

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)