



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

TUESDAY

SEPT 4TH, 2018

7:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. SECRETARY'S REPORTS
 - a. August 20th Council minutes
 - 3. COMMUNICATIONS
 - a. Manager's response to BLS inspection penalties from June 27th, 2018 inspection
 - b. Field survey supporting floodplain mapping updates in the Southern portion of the lower Penobscot watershed
 - 4. REPORTS
 - a. Finance Committee Minutes – Aug 6th, 2018
 - b. Infrastructure Committee Minutes – July 23rd, 2018
 - c. Planning & Development Committee Minutes – None
 - d. Services Committee Minutes – None
- C. PUBLIC COMMENTS
- D. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - a. Council Proclamation to recognize September as Maine Childhood Cancer Awareness Month

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

2. PUBLIC HEARINGS - *None*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS - *None*

4. UNFINISHED BUSINESS - *None*

5. NEW BUSINESS

- a. Council referral to public hearing for September 17th, the proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Installation of a Water Main to the Business and Commerce Park to Provide Fire Suppression 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 \$500,000. – *referral from Finance & Administration Committee*
- b. Council award of contract for DPW Truck #32 replacement to Whited Ford and authorization for the expenditure of \$44,775 from DPW Equipment Reserve account 3-717-00 for its purchase - *referral from Finance & Administration Committee*
- c. Council award of contract for DPW Truck #35 replacement to Whited Ford and authorization for the expenditure of \$44,235 from DPW Equipment Reserve account 3-717-00 for its purchase – *referral from Finance & Administration Committee*

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



**HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES**

MONDAY

AUG. 20th, 2018

7:00 P.M.

Attending:

Mayor McPike

Councilor McAvoy

Councilor Cormier

Councilor Wilde

Councilor Marble

Councilor Wright

Ryan Murdock

Hannah Rancourt

Deb Lovley

Kympton Lovley

Richard Mudd

Mathew Davidson

Arthur Webster

Town Manager Jim Chandler

Town Clerk Paula Scott

Town Planner Karen Cullen

Public Safety Dir. Joe Rogers

Eric Jarvi

Valerie Webster

Ben Hanson

Representative Haggan

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, 7-0.*

Resolution 2018-122

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. **August 6th Council minutes**

3. COMMUNICATIONS

- a. **Preliminary 2019 State Valuation and sales ratios**
- b. **Notice of dividend payment from MMA due to good loss experience and loss prevention policies**

4. REPORTS

- a. **Finance Committee Minutes – Aug 6th, 2018**
- b. **Infrastructure Committee Minutes – None**
- c. **Planning & Development Committee Minutes – None**

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

d. **Services Committee Minutes – July 18th, 2018**

C. **PUBLIC COMMENTS - None**

D. **POLICY AGENDA**

1. **NEWS, PRESENTATIONS & AWARDS - None**

2. **PUBLIC HEARINGS**

- a. **Proposed amendment to the Hampden Mobile Home Park Ordinance, Section 8.3.18, Minimum Separation Requirements – referral from Council, August 6th, 2018** – At 7:05, Councilor McAvoy made a motion, seconded by Councilor Wright, to open the public hearing. A roll call vote was taken, unanimous, 7-0

Resolution 2018-123

Councilor Marble informed the public that this is just a minor change reflective of meeting State standards. Mayor McPike opened it up to public comments. Hearing no comments, at 7:06 Councilor McAvoy made a motion, seconded by Councilor Ryder to close the public hearing. A roll call vote was taken, unanimous, 7-0.

Resolution 2018-124

Councilor McAvoy made a motion to adopt the amendment to the Mobile Home Park Ordinance, Section 8.3.18, seconded by Councilor Ryder. Unanimous, 7-0.

Resolution 2018-125

- b. **Proposed ordinance entitled Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores – referral from Council, August 6th, 2018** – At 7:07 p.m., Councilor Wright made a motion, seconded by Councilor McAvoy to open the public hearing. Unanimous, 7-0.

Resolution 2018-126

Councilor Marble asked the Town Planner if she would explain this. She read from prepared notes, attached as (Exhibit A). Mayor McPike opened it up for public comments. There were none and Mayor McPike asked for a motion to close the public hearing. At 7:08, Councilor McAvoy made a motion, seconded by Councilor Marble, to close the

public hearing. Unanimous, 7-0.

Resolution 2018-127

Councilor McAvoy made a motion, seconded by Councilor Ryder to adopt the ordinance Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores. Unanimous, 7-0.

Resolution 2018-128

- c. **Proposed ordinance entitled Town of Hampden, Maine Marijuana Ordinance – referral from Council, August 6th, 2018** – At 7:09, Councilor Marble made a motion, seconded by Councilor Wright, to open the public hearing. Unanimous, 7-0.

Resolution 2018-129

Mayor McPike asked the Planner if she would explain this. (Exhibit A) In a nutshell, the State has given towns the authority to limit the number of mature adult plants on a property. This is provided the limit does not infringe on the rights of any individual to grow 3 mature, 12 immature and unlimited seedlings on a property on which they are domiciled, own but do not live on, or lease with written agreement. The intent of this ordinance is to house all items pertaining to adult use marijuana once the state has developed all their rules. Mayor McPike recognized Valerie Webster of 1325 Carmel Road North. She stated that she is concerned about property at 1334 CRN which is across the road from her house. It is a large parcel and she is concerned about the number of people that can grow on someone else's property. She asked if it means that the person who is renting their land is the person tending the plants, or if it is the landowner. She asked a member of the audience to comment on this, but that gentleman was not at the podium and his response could not be heard. Mayor McPike stated that he would have to come to the microphone when Valerie was finished. Valerie then stated that her last comment was to remind everyone that Hampden voted 60/40 to not legalize marijuana. The Planner took the podium and answered the questions. The number of people that can grow on another person's property is three, and the person who is growing must be the one tending the plants. Mayor McPike recognized Mathew Davison of 1334 Carmel Road North. He stated that his facility is only a medical grow facility and has nothing to do with adult use marijuana. He stated that he will always be compliant with medical use law. He stated that he has regular inspections and is compliant. At 7:20, Councilor McAvoy made a motion, seconded by Councilor Ryder, to close the public hearing. Unanimous vote, 7-0.

Resolution 2018-130

Councilor Marble made a motion, seconded by Councilor Wright, to adopt the Town of Hampden, Maine Marijuana Ordinance. Unanimous, 7-0.

Resolution 2018-131

- d. **Proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Road and Bridge Improvements – referral from Council, August 6th, 2018** – At 7:21, Councilor McAvoy made a motion, seconded by Councilor Wright, to open the public hearing. Unanimous, 7-0.

Resolution 2018-132

Manager Chandler spoke to the proposed borrowing ordinance which will be for no more than \$1.4 million for repairs on Route 1-A, the traffic signal replacement on Rte. 1-A and Route 9, and bridge improvements on both Manning Mill and Sawyer Road bridges which were mandated by the State. Councilor Ryder stated for the public that this was discussed heavily in Finance Committee and that they added a cushion but not much of one, hoping that the State does not spring anymore price increases on the town. He stated that funds will only be borrowed for what is needed. At 7:23, Councilor McAvoy made a motion, seconded by Councilor Ryder, to close the public hearing. Unanimous, 7-0.

Resolution 2018-133

Councilor McAvoy made a motion, seconded by Councilor Ryder, to adopt the Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Road and Bridge Improvements. Mayor McPike, Councilors McAvoy, Wilde, Marble, Wright and Ryder voted in favor. Councilor Cormier voted in opposition. Motion carries, 6-1.

Resolution 2018-134

Councilor Wright commended the Manager and staff for pulling all of this together. She acknowledged that this was the first thing that Manager Chandler was faced with on day one. Councilor Ryder also stated that three of these projects were mandated by the State and Federal government and we have no control over them.

- e. **Consideration of a new Victualer's license application for Tradewinds Variety VI, located at 98 Coldbrook Road, owned by Eddington Market, Inc. and operated by Ben Hanson of Eddington**

– At 7:33, Councilor Ryder made a motion, seconded by Councilor Wright, to open the public hearing. Unanimous, 7-0.

Resolution 2018-134

At the request of Councilor Marble, the clerk stated that because this is not completed yet and there is nothing for the building officials to inspect the recommendation is to approve the license conditional upon the occupancy permit being issued. At 7:35, Councilor Marble made a motion, seconded by Councilor Ryder to close the public hearing. Unanimous, 7-0.

Resolution 2018-135

Councilor Marble made a motion, seconded by Councilor Wilde, to approve the new victualer's license for Tradewinds. Unanimous, 7-0.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS - None

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

- a. Request for authorization for the expenditure of \$29,280 from Police Cruiser Reserve Account (3-753-00) for the purchase of a new cruiser – referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Wright, to authorize the expenditure of \$29,280 from the Police Cruiser Reserve account for the purchase of a new cruiser. Unanimous, 7-0.**

Resolution 2018-136

- b. Council approval of an off-premise liquor license by a qualified catering organization, for an event to be held at the Historic Hampden Academy on September 12, 2018 – Councilor Marble made a motion, seconded by Councilor Wilde, to approve the off-premise liquor license by Jeff's Catering. Unanimous, 7-0.**

Resolution 2018-137

- c. **Council approval to receive Snowmobile Club Trail Grant funds on behalf of Goodwill Riders Snowmobile Club – referral from Finance & Administration Committee** – Councilor Wright made a motion, seconded by Councilor Marble, to approve the acceptance of grant funds on behalf of the Goodwill Riders Snowmobile Club. Unanimous, 7-0.

Resolution 2018-138

Mayor McPike stated that an item had come before the assembly not previously on the agenda, but which had been discussed in Finance Committee and asked for a motion to add to the agenda. Councilor McAvoy made a motion, seconded by Councilor Ryder, to add the item to the agenda.

Resolution 2018-139

Manager Chandler explained that the Fire Department applied for and was awarded a FEMA grant for the purchase of fitness equipment and that for a match by the town of \$1,863 the Town can receive \$39,135 in Federal grant funds. Councilor McAvoy made a motion, seconded by Councilor Ryder to authorize the expenditure of \$1,863 from Matching Grant reserve account for the Town's share of a grant for fitness equipment. Unanimous, 7-0. Councilor Ryder commended staff for applying for grants to obtain extra funding.

Resolution 2018-140

- d. **Setting the 2018-2019 mil rate** – Councilor McAvoy made a motion, seconded by Councilor Marble to set the 2018-19 mil rate at 19.6. Manager Chandler explained that the Tax Assessor has finalized all calculations and changes in valuation and has submitted a recommendation of 19.6 based upon those calculations. This is on the low side of a range allowed by the State. Many factors contributed to the equation such as the RSU budget, County tax and our own budget. After discussion by Councilors, Mayor McPike asked for a roll call vote. Councilors Ryder, Wright, Marble and Mayor McPike voted in favor. Councilors Wilde, Cormier and McAvoy voted in opposition. Motion carries, 4-3.

Resolution 2018-141

E. COMMITTEE REPORTS

Planning & Development – No report

Services – Councilor Marble reported that at the last meeting, committee members approved the draft RFQ for permitting for parking on the municipal site. Members discussed Vafiades landing and the bus service. Reviewing changes to the Harbor Ordinance has been postponed.

Infrastructure – Councilor Cormier reported that the next meeting is the 27th.

Finance & Administration – Councilor McAvoy reported that items dispensed with tonight were first discussed in committee.

F. MANAGER’S REPORT – *Commended staff and Deputy Town Manager Joe Rogers for all the work done in his absence for both professional and personal reasons over the past two weeks.*

G. COUNCILORS’ COMMENTS

Councilor Ryder – No comment

Councilor Wright – Thanked all who attended Children’s Day

Councilor Marble – No comment

Councilor Wilde – No comment

Councilor Cormier – No comment

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

Mayor McPike – No comment

H. ADJOURNMENT – *With no further business, the meeting was adjourned at 7:55 p.m.*

Respectfully Submitted,



*Paula A. Scott, CCM
Town Clerk*

Exhibit A

Notes on marijuana for TC public hearings, Aug 20, 2018

A. moratorium on medical marijuana retail stores

Two recent actions by the state legislature amending the Medical Marijuana Act resulted in a 90+ day gap where any registered caregiver could open a medical marijuana retail store in any location where retail sales are permitted, without needing any permits or other approvals from the town. Due to concerns about potential negative impacts of this use, on August 6th the TC adopted an emergency ordinance which went into effect that night which prohibited these medical marijuana retail stores. Under our town charter, it will be in effect for 60 days.

The proposed ordinance before you tonight essentially extends that prohibition to a total of 180 days as is permitted for moratoriums under state law (to Feb 2, 2019).

If the state has not completed the amendments to their rules for medical marijuana quickly enough for us to adopt local regulations pertaining to medical marijuana retail stores, then this moratorium can be extended up to 180 days.

If adopted tonight, this ordinance will become effective on September 19th.

It is my intention, as I have stated before, that once the state completes the rules for both medical and adult-use marijuana, we will draft local regulations for this and all other marijuana issues. The establishment of this moratorium does not have any bearing on what those future regulations might be. It simply provides us time to obtain the necessary information from the state, research the implications of this use, and draft and adopt our own local regulations that are consistent with the state laws and rules and that are sensible for the town of Hampden.

B. regulate home cultivation of personal use marijuana.

Bottom line: under title 28-B §1502, the town has the authority to limit the number of mature marijuana plants on a single property provided this limitation does not infringe on the right of any individual to grow 3 mature/12 immature/unlimited seedlings on the property on which they are domiciled. The proposed ordinance does this, placing a limit of 9 mature plants on any single property. In order to avoid a co-op type business on a property in an inappropriate location – such as the middle of a neighborhood, staff recommends adoption of this proposed ordinance.

Again, once the state has completed the rules for adult use marijuana, we intend to revisit this and propose modifications that make sense. For example, it might be sensible to allow some form of co-op arrangement for adults age 21 or over who do not own any land who wish to grow their own plants, perhaps in certain zoning districts provided certain criteria or standards are met.

If adopted tonight, this ordinance will become effective on September 19th.



B-3-a

Jim Chandler, Town Manager
106 Western Avenue
Hampden, Maine 04444

Office: 207-862-3034
townmanager@hampdenmaine.gov

August 30, 2018
(Via Certified Mail)

Mr. Steven L. Greeley, Director
Workplace Safety & Health Division
Department of Labor – Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045

RE: Request of Penalty Discussion Regarding BLS Inspection of 27 June 2018

Dear Mr. Greeley,

In response to the package of letters related to the surprise inspection by BLS Public Sector Compliance Officer Claudia Garland, the Town of Hampden intends to address all issues of concern, correct all deficiencies in up-to-date plans and training records, and take every action necessary to correct the violations cited in the letters specific to each department/location. It is the intent for the Town to pursue the SHAPE award following our efforts to address the concerns raised by the inspections.

On behalf of the following Departments and Divisions of the Town of Hampden, I respectfully request a Penalty Discussion meeting(s) as may be deemed appropriate for the Town collectively, or individually with each department. Please advise how you wish to handle this?

In the interim, the Town is aggressively working to locate records that existed prior to the surprise inspection but may not have been readily available to the inspector due to staff shortages, work load, vacation or sick leave absences, or just the inability to find them during her visit. Additionally, the Town's department heads responsible for the various citations listed below have already implemented most of the required corrections/remedies, and all will be completed by the 19 September 2018 deadline, unless we specifically request a specific extension prior to this date, as allowed per your letter.

The various department staff are preparing the Abatement Certification forms and expect to submit them within the next two weeks, prior to the 19 September 2018 completion date.

The Departments, Inspection numbers and Citations included under this cover letter are as follows:

- Recreation – Inspection # 1334023
 - Citation 1, Item 1, Violation: 29 CFR 1910.1030(g)(2)(i) – Bloodborne Pathogens training
 - Citation 2, Item 1, Violation: 29 CFR 1910.1030(h)(1)(i) – Hepatitis shot series records
- Public Works / Garage – Inspection # 1332471

- Citation 1, Item 1, Violation: 29 CFR 1910.147(c)(7)(i) – Lockout / Tagout training
- Citation 1, Item 2, Violation: 29 CFR 1926.21(b)(2) – Excavations & Trenching / Chainsaw and chipping operations training
- Citation 2, Item 1a, Violation: 29 CFR 1910.1030(c)(1)(i) – Exposure Control Plan
- Citation 2, Item 1b, Violation: 29 CFR 1910.1030(g)(2)(i) – Bloodborne Pathogens training
- Citation 2, Item 1c, Violation: 29 CFR 1910.1030(h)(1)(i) – Hepatitis shot series records
- Citation 2, Item 2, Violation: 29 CFR 1910.147(c)(6)(i) – Periodic Inspection of Lockout / Tagout Program
- Citation 2, Item 3, Violation: 29 CFR 1910.157(g)(4) – Fire Extinguisher training
- Citation 2, Item 4, Violation: 29 CFR 1910.132(f)(1) – Personal Protective Equipment training
- Public Works / Transfer Station – Inspection # 1333193
 - Citation 1, Item 1, Violation: 29 CFR 1910.147(c)(1) – Lockout / Tagout training
 - Citation 1, Item 2a, Violation: 29 CFR 1910.1030(g)(2)(i) – Bloodborne Pathogens training
 - Citation 1, Item 2b, Violation: 29 CFR 1910.1030(h)(1)(i) – Hepatitis shot series records
 - Citation 2, Item 1, Violation: 29 CFR 1910.132(f)(1) – Personal Protective Equipment training
- Fire Department – Inspection # 1332385
 - Citation 1, Item 1, Violation: 29 CFR 1910.147(c)(4)(i) – Lockout / Tagout training specific to each piece of fire apparatus and ambulances
 - Citation 2, Item 1, Violation: 12-179CMR Ch.7: Section 2 – Annual driver history checks
- Administration – Inspection # 1334078
 - Citation 2, Item 1, Violation: 12-179CMR Ch.6(6.10) – OSHA 300 Forms

Per the direction provided in each of the letters cited above, the Town will submit the completed Abatement Certification Worksheets for each department prior to the deadline of 19 September 2018; or submit requests for an extension as may be necessary for a department/citation that will not be completed by that date. Following that action, I will await your reply and direction regarding how you wish to proceed with determining a date for the Penalty Discussion.

Lastly, please be aware that the Town is working proactively to address workplace safety and risk management – both before this inspection and since – by having Mr. Robert Thomas, Senior Loss Control Consultant with Maine Municipal Association, inspect facilities and provide training sessions for staff. Please feel free to contact me with any questions regarding our process for complying with the Bureau of Labor Standards efforts to ensure the safety of the Town of Hampden workplaces.

Sincerely,

Jim Chandler

Jim Chandler
Town Manager



FEMA

August 6, 2018

Ivan McPike, Mayor
Town of Hampden
106 Western Avenue
Hampden, ME 04444-1428

Subject: Field Survey in Support of Floodplain Mapping Updates in the Southern Portion of the Lower Penobscot Watershed

Dear Mr. McPike:

On April 26, 2016, the Maine Floodplain Management Program in partnership with the Federal Emergency Management Agency (FEMA) conducted a Discovery meeting for the southern portion of the Lower Penobscot Watershed as part of FEMA's Risk Mapping, Assessment, and Planning (Risk MAP) program. During the meeting, the Maine Floodplain Management Program discussed areas of flooding concern and project goals, milestones, and products with a variety of stakeholders, including FEMA officials, state and community officials, and watershed interest groups. Flooding sources considered during this meeting included major rivers such as the Penobscot River, Felts Brook, Sedgeunkedunk Stream, and Kenduskeag Stream, as well as other smaller rivers and tributaries in the watershed.

The purpose of this letter is to inform your community that there will be field surveying activities within your community. The data obtained from this task will be incorporated in subsequent hydrologic and hydraulic studies that may be used to produce an updated Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) panels for your community.

A portion of the field survey effort was already completed in 2017 by Nadeau Land Surveys and is anticipated to resume in August 2018 and continue through October 2018. Survey staff from Nadeau Land Surveys will carry photo identification and this FEMA letter detailing the purpose of their activities. The crews will be taking field measurements and photographs and using survey equipment to collect topographic data. The survey team will contact the community police agency prior to starting field activities.

The survey team will make every effort to stay on public lands and right-of-ways; however, it may be necessary for the surveyors to enter private property for short periods of time. Where private property access is required, an employee from the surveying team will make a bona fide, good faith attempt to contact the property owner in advance to seek permission. The surveyors will respect all property and will not interfere with landowner use. Upon request, the surveyors will identify themselves by driver's license or state identification and this letter of introduction from FEMA.

We look forward to working with officials from your community on this study, which we believe to be an important step for your community to administer effective floodplain management programs and communicate the most accurate risk information. If you have any questions,

Town of Hampden, Penobscot County, Maine

August 6, 2018

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please do not hesitate to contact John Grace, CFM, Engineer, FEMA Region 1, at (617) 832-4751 or John.Grace@fema.dhs.gov.

Sincerely,



Kerry Bogdan
Risk Analysis Branch Chief
Mitigation Division
FEMA Region I

cc: Myles Block, Code Enforcement Officer, FPA, Town of Hampden
Eugene Weldon, Chairperson, Planning Board, Town of Hampden
Jim Chandler, Town Manager, Town of Hampden
Karen Cullen, Town Planner, Town of Hampden
Joseph Rogers, Fire Chief, Emergency Management Director, Town of Hampden
Michelle Tanguay, Director, Penobscot County Emergency Management Agency
Suzanne Krauss, Director, Maine Emergency Management Agency
Sue Baker, State NFIP Coordinator, Maine Floodplain Management Program
Alex Sirotek, Regional Service Center, Region I
Erik Danielson, Project Manager, Compass
John Grace, CFM, Engineer, FEMA Region I

FINANCE & ADMINISTRATION COMMITTEE MEETINGMonday, August 6th, 2018**6:00 p.m.**

Hampden Town Office

1. Meeting Minutesa. July 16th, 2018**2. Review & Sign Warrants****3. Unfinished Business****4. New Business**

- a. Recommend 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 – *requested by DPW Director Sean Currier*
- b. Recommend 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 – *requested by DPW Director Sean Currier*
- c. Recommend 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 – *requested by DPW Director Sean Currier*
- d. Recommend 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 – *requested by DPW Director Sean Currier*
- e. Recommend 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 – *requested by DPW Director Sean Currier*
- f. Recommend 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 -
requested by DPW Director Sean Currier

- g. Recommend Council referral to Public Hearing the proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Road and Bridge Improvements 2018 Roads and Bridges Bond – *referral from Infrastructure Committee*

- 5. Council rules review – Item 17.f – *Continued from July 16th Finance & Administration meeting*

INFRASTRUCTURE COMMITTEE MEETING

Monday, July 23, 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**Members of the Public**Chairman Cormier called the meeting to order at 6 PM.***1. MINUTES**

- a. June 25, 2018 Meeting** – *Motion by Chairman Cormier seconded by Mayor McPike to approve the minutes as written. Motion carried seven in favor and none against.*

2. OLD BUSINESS

- a. Mayo Road Code Complaint – request of Councilor Marble**
- i. Note, the Code Officer was not available for this item when originally placed on the June agenda.**

Councilor Marble explained this item had been tabled from last month's meeting for a couple of reasons. One being there had been a death in the family at the residence in question, and two the Code Enforcement Officer was not available at last month's meeting.

Councilor Marble stated there are un-registered vehicles on the property. These un-registered vehicles have been there for a very long time. A vote was taken in 2002 by the Council not to go to court over this issue.

Manager Chandler visited the site and noted the piles of debris two un-registered abandon vehicles and a big RV type vehicle not registered on the property. Three letters from different Code Enforcement Officers over the years and one letter written by the Town Attorney were sent to the homeowner, with no response. No action was taken.

Myles Block the current Code Enforcement Officer stated there are junk vehicles on the property and a pick-up truck in the back close to the property line, and the property is in a Residential B Zone.

Chairman Cormier asked whether the Town removes them if the homeowner doesn't and if so who pays that cost. CEO Block explained that the ordinance does not give the Town the authority to remove the junk vehicle but does give the Town the authority to take the violators to court for a land use violation under Title 30-A. The fine is a minimum of \$100.00 per day and up to \$500.00 for each day the violation exist.

Councilor McAvoy asked the Code Officer if he had the authority to take violators to court.

CEO Block replied he does not have the authorization to spend the funds to take them to court. He has the authorization to take them to court.

Councilor McAvoy stated there are two decision points to be made, does code enforcement have authority to initiate court action but first must come to Council to pay for it. CEO Block stated that it would be done through the Town's attorney.

Manager Chandler asked CEO Block if he had 80K certification. Myles stated he does not. Manager Chandler explained that 80K is basically giving the Code Enforcement Officers ability to present matters before a judge.

Councilor Wilde asked if this is one of those items where we go through all the motions, then drop it. Councilor Wilde was making a reference to an unsafe building on Main Road North where the Council determined it was an unsafe building. Enforcement action was required, but the building still exists.

At the end of the discussion, Council consensus was to proceed with CEO Block sending out a letter giving 30 days to comply with ordinance prior to taking further action with the attorney.

b. Update on Mold Remediation at Municipal Building

Director Currier stated that the first phase of the mold remediation is complete, and the second phase is starting. This phase should take a week and a half to two weeks. Flooring will be 3 to 4 days. Basically, another month the project should be complete.

c. Update – Cemetery Vehicle Purchase

Director Currier explained to the Committee about the purchase of a cemetery vehicle. This vehicle was being sold by Maine Savings as a repo. The vehicle was purchased for \$21,000.00. Councilor Marble made a motion to refer this item to Council. The motion was seconded by Councilor Wilde. The vote was unanimous.

d. Update on FY 2019 Paving Pre-Con Meeting

Director Currier updated the Committee on the paving project. Paving starts on Friday July 27.

e. Schoolhouse Lane Status

Director Currier explained that the survey is complete, he believes it will be a four weeks schedule to start the bid process and hoping for fall construction. He plans to go through the winter with a binder coat on, then coming back in the spring and put the top coat of pavement on the road.

There was some discussion on where the money for Schoolhouse Lane re-construction was coming from.

Director Currier read from his notes stating that streets and roads highway operating budget \$303,000.00 for re-construction (10-01-30-75), partial offset from by \$150,000 from Environmental Trust. Paving is coming out of paving budget.

Director Currier stated that there were other projects we did not put money in for such as the Sucker Brook culvert. \$50,000 was put in the budget last year for Sucker Brook. We were going to propose TIF funds.

Manager Chandler asked if \$100,000 would cover Sucker Brook project.

3. NEW BUSINESS

a. Discussion and motion to refer Proposed November 2018 Roads and Bridges Bond Referendum to Council.

Manager Chandler explained when last discussed, he was headed to a BACTS meeting to gain their support for the Route 1A reconstruction project, and a sixth year of funding at \$621,000.

There is a \$370,000 gap or deficit based on the latest DOT estimates. This is a 20% increase in two years. Bottom line the Town is looking to get the funding needed for this project to stay on track. Time frame of 2019.

Councilor McAvoy stated this this would have to go to the finance committee for referral to Council.

Manager Chandler stated his recommendation would be prepared for the August 6th meeting.

Councilor Marble stated that over the last year or two there are holes that need attention. The Sucker Brook culvert has been discussed for at least the last four years. Councilor Marble cautioned about how much the Town takes on.

Director Currier explained about the replacement of the signal lights at the intersection at Western Avenue and 1A. Director Currier stated this is his #2 priority. Replacing all pole and signals, wires supports, and pedestrian signals. Director Currier stated this project would be around \$325,000 rather than \$400,000. These numbers were projected from Old Town project.

Director Currier stated his #3 priority would be Manning Mill.

Sawyer Road is #4, the State is telling us both Manning Mill and Sawyer Road bridges are deficient.

Manager Chandler stated he did look at both bridges. There is no visible damage. The water is undercutting and eroding away under the bridges. Manager Chandler asked if Sucker Brook was something we need to add to the list.

TIF funding was discussed for Sucker Brook.

Councilor Marble stated about maybe holding off on 3 and 4, but what about liability.

Manager Chandler stated we would not go to Bond unless we had firm numbers.

Councilor Marble made a motion to refer to finance for authorization on November 2018 Roads and Bridges Bond in the rough amount of \$1.4 million, seconded by Councilor McAvoy.

4. STAFF UPDATES

Director Currier stated regarding the truck for the cemetery, that it was not a typical way to purchase a vehicle; however, he saw an opportunity and took it to save the Town some money.

Mayor McPike stated Director Currier did a great job purchasing a used truck at a lower cost for the cemetery.

5. PUBLIC COMMENTS

Douglas Annis, 618 Main Rd North. He sent some photos of the site. Mr. Annis stated he has an autistic son, who needs help with learning to living independently. He got a building permit for a shed. The shed is now going to be a place for his son to live in. He wants to put a Y in his sewer pipe to have sewer hooked up in this building. Due to the town sewer ordinance he would have to dig up 1A which is not only very costly, but he cannot wait years to do so. The sewer pipe is on the opposite site of the road. He is asking for a waiver from the committee, so he could hook up the building to his sewer pipe.

Chairman Cormier asked if he was in the right meeting.

Manager Chandler stated that there is no permit or way for him to violate the ordinance with a variance.

Director Currier stated that the original permit was for a shed.

Director Currier stated that Travis Roberts (a town employee) did not give a yea or nay on what could be done on site.

Director Currier stated that the sewer ordinance does not allow for shared sewer. Director Currier read from the sewer ordinance the part that explains that separate sewer is needed for every dwelling unit. The Town Council may issue a waiver due to hardship.

Councilor Marble asked about attached units, accessory apartments. Living area and a workshop combined attached to his house would he be able to do that.

Manager Chandler stated Mr. Annis did not want it attached to his house.

Myles Block, Code Enforcement stated he can apply his building permit to a dwelling unit, under conditional use he would be allowed to do that. The Town Planner can help Mr. Annis with that.

The Waiver for this would be this committee, for recommendation to Council.

Councilor Marble stated he would like to see a proper permit for the dwelling unit.

Mayor McPike stated that if the proper channels were followed he is in favor of the waiver.

Councilor McAvoy asked about the waiver to Y into the sewer.

Manager Chandler asked Mr. Annis to come in and get the proper permit for the dwelling unit.

Mr. Annis asked if it is Danielle who he see at the Town Office?

This is Mr. Annis next step to get a permit for the new dwelling unit.

Yes, it is.

6. COMMITTEE MEMBER COMMENTS

7. ADJOURN

There being no further business, the meeting was adjourned at 7:20 p.m.

*Respectfully Submitted,
Rosemary Bezanson, Public Works*

D-1-a



2018

Dear Valued Supporter of Team Hailey Hugs,

Team Hailey Hugs, a non-profit organization, was established in 2016 with a mission to bring awareness to Childhood Cancer. Hailey Steward, along with her mom Tabaitha, created Team Hailey Hugs for a way to raise money to help families affected by childhood cancer. Many of these families cannot hold regular jobs due to the many hospital stays and visits. The gas, housing, and meals are financial burdens. Sometimes these families need a little help to pay some past due bills, buy food or even help with their child's Christmas or Birthday. With that said, Team Hailey Hugs has helped many families financially, emotionally and will continue to do so with donations and sponsors from the community.

You, the Friends of Team Hailey Hugs, can make Hailey's dream come true. Hailey passed away during September of 2017 leaving a vacant space in all our hearts. She touched so many people and families throughout Maine and extending on to other states. The wish.... Hailey fought for everyone to "Go Gold Maine Do It" for Childhood Cancer Awareness! We, along with Hailey, want to adopt September as Go Gold Maine Do It for Childhood Cancer Month! September 2, 2017 we held our first annual Go Gold Maine Do It Kick Off Event and what a success! We brought in over \$12,000 from vendors, live auction, go gold accessories, 50/50 and donations a plenty. A parade was held along with ALL day entertainment. These memories will always be dear to our heart as Hailey was there to celebrate with us and stayed for the fireworks show.

What better way to honor Hailey's legacy by encouraging our towns, schools, and businesses in Maine to GO GOLD DO IT for the month of September. The Town Municipalities can sign a proclamation declaring September as Childhood Cancer Awareness Month. Everyone can decorate in gold for the month to participate. Let's make Hailey proud of us and carry out her dream. Please send a copy of your signed proclamation to the address listed below.

Donations are always accepted by mailing to:

Team Hailey Hugs, P.O. Box 636, Bethel, ME 04217

For more information please visit us on Facebook and haileyhugs.org .

Tabaitha Steward, Founder & Board Member

Tasha Chapman, Board Member

Proclamation



The State of Maine is Going Gold in the month of September from this year forth in support of Childhood Cancer Awareness.

Whereas, Cancer is the leading cause of death by disease among U.S. Children and is detected in more than 15,000 of our country's sons and daughters every year; and

Whereas, In the State of Maine cancer affects more than 50 new children and families annually, where more than 400 children are undergoing treatment currently and where we are ranked in the top range of incidence of all cancers at 468.3 per 100,00 people; and

Whereas, September is nationally recognized as Childhood Cancer Awareness Month; and

Whereas, thanks to ongoing advances in research and treatment, the five year survival rate for all childhood cancers has climbed from less than 50 percent to 80 percent over the last several decades; and

Whereas, innovative studies are leading to real breakthroughs reminding us of the importance of supporting scientific discovery and moving closer to finding cures, though much work remains to be done; and

Whereas, 1 in 5 children diagnosed will not survive.

During *National Childhood Cancer Awareness Month* we remember the many children who have been taken from us too soon and we extend our support to all those who continue to battle this illness with incredible strength and courage.

Now, therefore, As _____ of Town/City of _____, I, _____, proclaim that the Town/City of _____ will help Maine Go Gold in support of *Team Hailey Hugs* and all of the children and families affected by Childhood Cancer. In doing so, from this day forward, we will recognize September as *Maine Childhood Cancer Awareness Month*. This is our way of paying tribute to the families, friends, professionals and communities who lend their strength to children fighting pediatric cancer.

Dated this ____ day of _____, 2018

Printed _____

Signed _____



D-5-a

106 Western Avenue
Hampden, Maine 04444
Office: 207-862-3034
Facsimile: 207-862-5067
Email: townmanager@hampdenmaine.gov

TO: Finance & Administration Committee & Town Council
FROM: Jim Chandler, Town Manager
DATE: September 4, 2018
RE: Water Fire Supply Line Bond – Proposed Ordinance for Borrowing Authority

Background

As previously discussed, the Town has been working to promote development of the Hampden Business and Commerce Park since 2001. The Town executed a formal agreement in 2014 to work collaboratively with the Sargent Corporation, which resulted in the construction of roads and infrastructure to make the lots more marketable to a broad range of business and commercial interests. Originally, the businesses intended for development and occupancy in the park were more professional and office type buildings that didn't have the same fire suppression requirements as light-industry or warehouse uses.

The current development efforts have been challenged by the lack of adequate fire suppression capacity from existing water supply lines. Three lots are proposed for consolidation to support construction of new offices and warehouses for the F.W. Webb company, which received Planning Board approval last month; however, existing water supply requirements don't provide required pressures to support the required fire protection in their new warehouse. Additionally, the current water system supplies the Ammo Industrial Park that would also benefit from improved capacity for fire suppression systems for any potential development of similar character.

Recommendation for Bond Funding

The Town is committed to increasing opportunities for business and economic development that diversifies the tax base and supporting the construction of utilities that enhance the development potential in existing commercial areas. Staff recommends Council seek public support for a bond to install a new fire suppression water line to the Town's Business and Commerce Park; and, through existing connections extend this added capacity to the Ammo Industrial Park and other adjacent land suitable for commercial or industrial development. Attached is the proposed Ordinance language prepared in conjunction with our Bond Counsel Dan Pittman at Eaton Peabody.

Fiscal Impacts

Based upon estimates from the Water District and Sargent Corporation, the total requested borrowing authority is proposed not to exceed \$500,000. The anticipated source would be the Maine Municipal Bond Bank, and because this project is "made necessary for development within a designated TIF District" the repayment of all bond funds and associated costs are eligible from TIF revenues. No tax dollars will be required to complete this infrastructure improvement.

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE INSTALLATION OF A WATER MAIN TO THE BUSINESS AND COMMERCE PARK TO PROVIDE FIRE SUPPRESSION 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 \$500,000.

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 Five Hundred Thousand dollars (\$500,000), said amount to be payable over a period not to exceed thirty (20) 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 appropriated and used to finance installation of a 12 inch water main to run from Old County Road to the Hampden Business and Commerce Park for fire suppression purposes (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 Five Hundred Thousand dollars (\$500,000) 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 September 17th, 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 September 10th, 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 September 17th, 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. 2

Ordinance authorizing appropriation and borrowing of funds to finance installation of a water main to the Business and Commerce Park to provide fire suppression in the Town of Hampden through issuance of general obligation bonds or notes of the Town of Hampden, which may be callable, in a principal amount not to exceed \$500,000.

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, September 17, 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:	\$500,000
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 3.6% for a term of 20 years, the estimated costs of this bond issue will be:

Principal	\$500,000
Interest	\$196,000
Total Debt Service	\$696,000

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

D-5-b & c



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-5067

August 30, 2018

To: Jim Chandler
From: Sean Currier
Subject: 2018 HPW Truck Replacement Bid Results – Recommendation of Award

The Public Works Department solicited bids for the replacement of two (1) one-ton dump trucks with plow rigging and sanders. The two existing trucks to be replaced are #32 and #35 (both 2012 Ford F350's). Please see below for truck bid results:

Truck #32 and 35 - Trucks requested are four-wheel drive, 14,000 GVW dump/plow trucks.

Two vendors provided quotes for the replacement of truck 32 and 35. Darling's and Whited Ford both provided bids meeting the specified requirements.

Darlings provided an overall purchase price of \$42,125.00 for each truck including the trade in value of the existing 2012 trucks. This price did not include the requested 5-year, 'bumper to bumper' warranty. When the cost of the warranty was added, the purchase price was calculated at **\$44,775.00**. It was stated that the chassis would take approximately 16 weeks to deliver.

Whited submitted a price of **\$44,235.00** for each truck including the trade in value. This bid included the requested 5-year warranty as specified in the bid documents. All other specified bid items were met and acknowledged. It was stated that the chassis would take approximately 8 weeks to deliver.

The difference in cost between the two apparent bidders is \$540.00

I would like to recommend awarding the replacement of truck #32 and #35 to Whited Ford in the amount of \$44,235.00. The funding will come from DPW Equipment reserve 03-717-00.

Thank you for your consideration.

Sean

