



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

SEPT. 17TH, 2018

7:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. SECRETARY'S REPORTS
 - a. Sept. 4th Council minutes
 - 3. COMMUNICATIONS
 - a. Victualer's License for Tradewinds Variety
 - 4. REPORTS
 - a. Finance Committee Minutes – Aug 20th, 2018
 - b. Infrastructure Committee Minutes – None
 - c. Planning & Development Committee Minutes – Aug. 1st, 2018
 - d. Services Committee Minutes – Aug. 13th, 2018
- C. PUBLIC COMMENTS
- D. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - 2. PUBLIC HEARINGS
 - a. Proposed Ordinance Authorizing Appropriation and Borrowing of Funds to finance installation of a fire suppression water supply line to provide fire protection to the area of town north and west of Route 202, including future industrial buildings requiring increased water pressure and capacity within the Hampden Business and Commerce Park,

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

Ammo Industrial Park and other lands suitable for commercial and industrial development. – *referral from Council, September 4th, 2018*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Update on nominations

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- a. Council referral to public hearing the proposed amendments to the Hampden Harbor Ordinance – *referral from Services Committee*
- b. Update on the status of the FEMA disaster reimbursement claim

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. EXECUTIVE SESSION – Personnel Matters – *pursuant to 1 MRSA § 405(6)(A)*

I. ADJOURNMENT



**HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES**

TUESDAY

SEPT 4TH, 2018

7:00 P.M.

Attending:

*Mayor McPike
Councilor McAvoy
Councilor Cormier
Councilor Wilde
Councilor Marble*

*Town Manager Jim Chandler
Town Clerk Paula Scott
Chip Laitte
Eric Jarvi
Alex Acquisto*

Absent:

Councilor Wright

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

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. **August 20th Council minutes** – *Councilor McAvoy made a motion, seconded by Councilor Marble, to approve the consent agenda. Unanimous, 6-0.*

Resolution 2018-144

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**

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

MINUTES

- b. **Infrastructure Committee Minutes – July 23rd, 2018**
- c. **Planning & Development Committee Minutes – None**
- d. **Services Committee Minutes – None**

C. **PUBLIC COMMENTS** – *Mayor McPike recognized Eric Jarvi of 10 Sophie Lane who spoke to the ongoing Finance and Administration agenda item on Council rules. He suggested Council consider the following:*

- 1.) *Robert's Rules states the minutes are a record of what is done and not what is said and he believes the minutes are too long.*
- 2.) *Suggests adding a motion to approve the agenda in the beginning of agenda/meeting and if something new needs to be added, it should be done at the beginning and not end of meeting.*
- 3.) *Suggests new business should not be voted on during meeting at which it was presented in order for Councilors to poll constituency.*

D. **POLICY AGENDA**

1. **NEWS, PRESENTATIONS & AWARDS**

- a. **Council Proclamation to recognize September as Maine Childhood Cancer Awareness Month - Mayor McPike read the Proclamation**

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 – Councilor McAvoy made a motion, seconded by Councilor Marble, to refer the above proposed ordinance to public hearing for September 17th. Councilor Marble asked for and was given**

MINUTES

the proposed initiative for the benefit of the public. Motion was brought to vote. Councilors McAvoy, Wilde, Marble, Ryder and Mayor McPike voted in favor. Councilor Cormier voted in opposition. Motion carries, 5-1.

Resolution 2018-145

- b. **Council award of contract for DPW Truck #32 replacement to Whited Ford and authorization for the expenditure of \$44,775 \$44,235 (*corrected 9/4) from DPW Equipment Reserve account 3-717-00 for its purchase - referral from Finance & Administration Committee – Councilor Wilde made a motion, seconded by Councilor Marble to award the contract for DPW truck #32 to Whited Ford and to authorize the expenditure of \$44,235 from DPW Equipment Reserve for its purchase. Unanimous, 6-0.**

Resolution 2018-146

- 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 – Councilor McAvoy made a motion, seconded by Councilor Marble to award the contract for DPW truck #35 to Whited Ford and to authorize the expenditure of \$44,235 from DPW Equipment Reserve for its purchase. Unanimous, 6-0.**

Resolution 2018-147

E. COMMITTEE REPORTS

Planning & Development – Councilor Ryder reported that there will be a meeting on September 5th

Services – Councilor Marble reported that there will be a meeting on September 10th

Infrastructure – Councilor Cormier reported on what transpired at the 8/27 meeting.

Finance & Administration – Councilor McAvoy reported on the earlier meeting.

- F. MANAGER'S REPORT – Manager Chandler reported on activities not otherwise on the agenda. (Attached, Exhibit A)**

G. COUNCILORS' COMMENTS

Councilor Ryder – no comment

MINUTES

Councilor Marble - Commented on the type of town Hampden is, it's make up of fourth generation vs. new residents, its resources and history. He is optimistic the Council will continue to work toward collective good.

Councilor Wilde – Agreed with Councilor Marble, spoke about all sitting at the table respective each other's thoughts and ideas for the town.

Councilor Cormier – no comment

Councilor McAvoy – Encouraged everyone to enjoy the weather, shop local and buy American. He wished Hampden a good night.

Mayor McPike – Commented on the length of the meeting.

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

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk



Exhibit A

MEMORANDUM

106 Western Avenue
Hampden, Maine 04444
Office: 207-862-3034
Facsimile: 207-862-5067

TO: Town Council
FROM: Jim Chandler, Town Manager
DATE: September 4, 2018
RE: Manager's Report – Activities Summary

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

Bureau of Labor Standards Inspection Report

The Town received a total of seven (7) letters/reports from the State of Maine's Bureau of Labor regarding a surprise two-day inspection of Town facilities. The reports found the Town to be operating our buildings and facilities safely and in general maintaining all the appropriate safety plans and training documentation; however, four of the departments are working to provide documents not available during the inspection and address deficiencies identified in the form of missing plans or training logs. In three instances departments have been conducting trainings to bring them into compliance. The Town has requested meetings with the regulators and intend to request a waiver of the penalties assessed that total \$3,500.

RFQ for Municipal Properties

The Request for Proposals were advertised last month and the pre-submission meeting for prospective contractors will occur Thursday at 3:00 pm here in the Council Chambers. Proposals are due September 24th by 6:00 pm. The Selection process is expected to take about 3-4 weeks.

Changes to Current Practices for Collecting and Processing Recyclables

The delays in beginning the operations at the Fiberight waste processing and energy production facility have necessitated the use of alternate plans for managing and disposing of municipal solid waste and various recyclable materials. Casella informed the Town (via the 30-day notification clause in our existing contract) that it would begin charging a fee of \$140/ton to dispose of our recyclable waste collected at the transfer station. We are currently not paying any fee for this service. Staff is evaluating options and will present a proposal to Council for consideration at our Services Committee Meeting next week.

Business Park Fire Suppression Project

Participated in several meetings with Water District staff, Sargent Corporation staff, developers with the Business Park, and adjacent landowners to identify potential solutions to the lack of sufficient water supply to the Hampden Business and Commerce Park and the Ammo Industrial Park. Work continues on this effort.

B-3-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

Sept. 13, 2018

Ben Hanson
Tradewinds Variety
98 Coldbrook Rd.
Hampden, Me. 04444

RE: Victualer's license

Dear Sir/Madam:

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

Please call if you have any questions.

Sincerely,

Paula A Scott

Paula A. Scott
Town Clerk

Enclosure

VICTUALER'S LICENSE CERTIFICATE

MUNICIPALITY OF HAMPDEN, MAINE

No. 18-08

To all whom these presents may concern: Date: Sept. 13, 2018

KNOW YE, that Ben Hanson, doing business as Tradewinds Variety VI has been duly licensed as a

Victualer at 98 Coldbrook Rd in the Municipality of Hampden

by said Municipality until 09/12, 2019, and has paid to the Municipal

Treasurer the fee of One hundred Dollars (\$150.00).

Myles B. Blair
Authorized Municipal Officer **CODE ENFORCEMENT OFFICER**

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, August 20th, 2018

6:00 p.m.

Hampden Town Office

MINUTES*Attending:*

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

*Town Manager Jim Chandler
Town Clerk Paula Scott
Chief Joseph Rogers
DPW Director Sean Currier
Eric Jarvi*

Chairman McAvoy called the meeting together at 6:00 p.m.

1. Meeting Minutes

- a. **August 6th, 2018** – *Clerk had previously provided a corrected copy of the minutes. Councilor Wilde made a motion, seconded by Councilor Marble, to approve the minutes as corrected. Unanimous vote, 7-0.*

2. Review & Sign Warrants – *Committee members reviewed and signed the disbursement Warrants.***3. Unfinished Business**

- a. **Council rules review – Item 17.f** – *Continued from August 6th Finance & Administration meeting – Council consensus to move this item to the end of the agenda. Further discussion determined that this be an on-going agenda item. Chairman McAvoy requested it be on the agenda without reference to a particular item.*

4. New Business

- a. **Recommend authorization for the expenditure of \$29,280 from Police Cruiser Reserve account (3-753-00) for the purchase of**

a new cruiser – requested by Joe Rogers, Public Safety Director – Chief Rogers spoke to the request. This was budgeted and put out to bid. Councilor Marble made a motion, seconded by Mayor McPike, to recommend authorization of the expenditure. Unanimous vote in favor, 7-0.

- b. **Discussion on cost estimates for Manning Mill Bridge project – requested by Councilor Ryder** – Manager Chandler spoke to this, including for discussion items c and d. Discussed the Route 1-A shortfall due to increases in the cost estimates provided by MDOT. Reported that BACTS has provided preliminary cost estimates to Old Town for their signal and that is how we based our estimate for replacement of ours. Manager Chandler also spoke about the assessments done on both Manning Mill and Sawyer Rd. bridges and the subsequent engineering report by Woodard and Curran. Councilor Ryder spoke about what may be saved, what is emergent, what might be done at a reduced price with different material. Committee members discussed the cost of all projects combined and having borrowing authorization but not utilizing all available funds if not needed. Councilor Wilde made a motion, seconded by Councilor Wright, to recommend Council approve \$1.4 million for the Rte. 1-A project, the signal and the Manning Mill and Sawyer Rd. bridges. Chairman McAvoy questioned the motion in that the public hearing will be held in Council, already advertised for that cost. The clerk confirmed, stating that had the numbers changed as a result of this discussion, then a new motion would be needed, but that the original referral with that dollar amount attached to it was appropriate for the public hearing. Councilors Wilde and Wright withdrew their motion and second. Discussion on the cost estimates ceased with Committee consensus to continue with the public hearing as advertised.
- c. **Discussion on cost estimates for Sawyer Rd. Bridge project – requested by Councilor Ryder** – Taken up with 4-b.
- d. **Request for estimated yearly payment for total of all projects included in the proposed bond – requested by Councilor Ryder** – Taken up with 4-b.
- e. **Consideration for receiving Snowmobile Club Trail Grant funds on behalf of Goodwill Riders Snowmobile club – referral from Services Committee** – Councilor Marble made a motion,

seconded by Councilor Wilde, to recommend approval for receiving grant funds on behalf of the Goodwill Riders Snowmobile Club for trail maintenance. Unanimous vote, 7-0.

- f. **Review of mil rate calculation form and recommend mil rate for 2018-2019 – requested by Kelly Karter, Tax Assessor –**
Manager Chandler gave a brief overview of the tax calculation sheet provided by the Assessor. He noted for their information that the amount reflected under the TIF financing plan amount was going to change, to increase to approximately \$351,000. This was due to the change in mil rate. There was much discussion on the rate increase, overlay, school funding increase and turf bond, the new valuation from Fiberight, and whether or not we will need a tax anticipation note. Discussion ceased, and Councilor Marble made a motion, seconded by Councilor Ryder to recommend that the mil rate be set as recommended by the Assessor. Councilors McAvoy, Wilde, Marble, Wright, Ryder and Mayor McPike voted in favor. Councilor Cormier voted in opposition. Motion carries, 6-1.

Chairman McAvoy stated that there was an item before the committee that was not on the agenda, which was a request for matching grant reserve funds for the Fire Department. Chairman McAvoy made a motion, seconded by Councilor Ryder to add this to the agenda. Unanimous vote, 7-0. Chief Rogers spoke about the grant, stating that this would be to replace work out equipment that public safety personnel use, they are required to pass fitness tests. It is through FEMA and would provide \$39,135 with the Town only needing to pay \$1,863.00. Councilor Marble made a motion, seconded by Councilor Wright, to recommend Council authorization of the expenditure. Unanimous vote, 7-0.

5. Public Comment - None

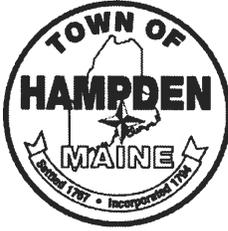
6. Committee Member Comments - None

7. Adjournment – *With no other business to conduct, the meeting adjourned at 6:55 p.m.*

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk



Town of Hampden
Planning and Development Committee
 Wednesday August 1, 2018, 6:00 pm
 Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

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

Staff

Karen Cullen, Town Planner
 Myles Block, Code Enforcement Officer
 Jim Chandler, Town Manager
 Chief Rogers, Public Safety Director

Public

Ryan Murdock
 Valerie Webster
 Matthew Davidson

Chairman Ryder called the meeting to order at 6:00 pm.

1. Minutes for the June 20, 2018 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Councilor McAvoy; carried 5/0/0.
2. Committee Applications: None
3. Updates:
 - a. MRC/Fiberight: CEO Block reported that construction is continuing and is going well. Town Manager Chandler reported he had attended the recent MRC meeting during which the Board held executive sessions with Craig Stuart-Paul of Fiberight. Those discussions regarded the construction delays and solid waste diversion until the plant opens. Fiberight said they were attempting to increase the hours the construction is occurring at the site to minimize delays. CEO Block said he would check the Planning Board Order to see if there are limits on construction hours. *[Ed. note: there are no limitations on hours of construction in the Board Order.]*
 - b. Staff Report: Planner Cullen reported that nothing new has come in over the last few weeks but there will be a couple of applications submitted on Monday.
4. Old Business: None.
5. New Business:
 - a. Proposed amendments to the Mobile Home Park Ordinance. Planner Cullen led a discussion on the proposed changes to align the Town's ordinance with the state regulations regarding separation of mobile homes within a park. The main points of the discussion were:

- non-certified mobile homes are those built prior to the institution of HUD certification, which was in 1975
- non-certified mobile homes are only allowed within a mobile home park
- the Town inspects homes when sold, and at various times other than that as well
- staff is not aware of the history on the reasoning for the difference in spacing requirements between town and state
- the ordinance also requires separation between a mobile home and any utility structure, and the state requirements have a separation between a mobile home and a community building.

Motion by Councilor Marble to refer to Town Council for a public hearing the proposed amendment to the Mobile Home Park Ordinance as drafted by the Town Planner to replace Section 8.3.18 of the ordinance.

- b. Recent changes to state laws regarding medical marijuana and adult use marijuana. Planner Cullen led a discussion about the changes to the adult use marijuana laws, particularly regarding home cultivation. The key points of the discussion were:
- The town has the authority to limit the number of mature marijuana plants that can be grown on a single property provided this limitation does not infringe on the right of any individual to grow 3 mature marijuana plants, 12 immature marijuana plants, and an unlimited number of seedlings for personal use.
 - State law allows adults to grow on one of the following: the property where they live (where they are domiciled), a property the person owns but they do not live on (e.g. a vacant parcel), or a property owned by someone else provided there is a written agreement between the land owner and the person growing and caring for the marijuana plants.
 - Concern regarding a “community” marijuana cultivation operation within a residential area.
 - Staff, including public safety, recommends the limit of mature marijuana plants to 9, which equates to 3 adults, in addition to the number allowed per adult age 21 or over per state law.
 - There are concerns with the potential for properties with multi-family residential buildings to have many more mature plants than most properties.
 - This proposed ordinance applies equally to all properties in town, regardless of zoning district.
 - Potential to have all marijuana regulations in a separate marijuana ordinance.
 - This only applies to cultivation by adults age 21 or over for their personal use.
 - After discussion, decided to not pursue an emergency ordinance to deal with this, just move forward with the (permanent) ordinance.

Motion by Councilor Marble to refer this proposed ordinance to limit the number of mature marijuana plants that can be cultivated on a property as written and discussed tonight to the Town Council for public hearing to be set; second by Councilor McAvoy.

Councilor comments: Councilor Wilde said he feels we are moving a little fast on putting an ordinance in place. Recognizing the complexity of the marijuana laws, he's not sure if we're doing the right thing with this ordinance if we don't have all the facts yet.

Motion carried 5/1/0.

The committee then turned its attention to the proposed ordinances regarding medical marijuana caregiver retail stores. Planner Cullen summarized the issue: the state legislature has recently enacted two amendments to the medical marijuana laws, one which is now in effect which allows towns to regulate registered caregivers, and the other which is a comprehensive overhaul of the laws which won't become effective until 90 days after the current session adjourns. Between these two there is left a gap that allows registered caregivers to open a retail store to sell their medical marijuana to any qualified patient in any location that allows retail sales, without town knowledge. The Maine Municipal Association has recommended that if concerned about this, municipalities can enact a moratorium on these retail stores until we have the necessary information to make informed decisions about how to regulate them (if at all). Staff does have concerns about this use, and recommends the adoption of such a moratorium, but in a two step process.

The first step would be for Council to adopt an emergency ordinance under the Town Charter to prohibit these retail stores, which would become effective immediately and would expire 60 days later. Adoption requires a unanimous vote by members present at the Council meeting. It is recommended that this be done August 6.

The second step would be to adopt a moratorium ordinance under state statute, which would be done after a public hearing and would become effective 30 days later. It would expire 180 days later unless extended or repealed prior to that date.

Discussion ensued, the main points were:

- The changes in state law have removed the patient limit for registered caregivers and replaced it with a maximum number of mature marijuana plants and immature marijuana plants.
- At this point we are waiting for the state to rewrite the rules that go with the medical marijuana laws, and we do not know what the best way to regulate caregiver retail stores is.
- Public attendee Matthew Davidson stated he is not interested in opening a caregiver retail store; his main concern is to enhance the ability of small family farms and small businesses in the medical caregiver market to thrive before the recreational marijuana market is opened.
- Councilor Wilde believes this is a moot point, that nobody can open such a retail store now anyway.
- Staff is recommending the emergency ordinance and moratorium in order to avoid have a caregiver medical marijuana retail store open which then becomes a nonconforming use.

Motion by Councilor Marble that on the basis of staff recommendation, we refer to Town Council for August 6, 2018 an emergency ordinance regarding caregiver medical marijuana retail stores; seconded by Councilor McAvoy; carried 5/1/0. [Ed. note: this ordinance will be processed under the Town Charter, Section 214.]

Motion by Councilor Marble to refer to Town Council a moratorium ordinance regarding caregiver medical marijuana retail stores for a public hearing to be set; seconded by Councilor McAvoy; carried 5/1/0. [Ed. note: this ordinance will be processed under 30-A MRSA Section 4356.]

6. Zoning Considerations/Discussion: None.
7. Citizen Initiatives: None.
8. Public Comments: Valerie Webster of 1325 Carmel Road North, directly across the street from Matthew Davidson's property where registered caregiver marijuana is being grown. The greenhouses are now up and she is concerned about the value of her property due to odors, traffic, and safety. Ms. Webster said she is asking for help when it comes to the commercial aspect of marijuana cultivation. Chairman Ryder said this will be discussed later when we have the information needed from the state.
9. Committee Member Comments: None
10. Adjournment: **Motion** to adjourn the meeting at 7:01 pm made by Councilor Marble, seconded by Councilor McAvoy; motion carried 6/0/0.

Respectfully submitted by
Karen Cullen, Town Planner

SERVICES COMMITTEE MEETING**Monday, August 13, 2018****6:00 pm****HAMPDEN TOWN OFFICE****MINUTES***Attending:**Chairman Marble**Councilor McAvoy**Councilor Ryder**Councilor McPike**Councilor Wilde (6:15)**Councilor Wright**Town Staff**Rec Director Shelley Abbott**Danielle Simons**Members of the Public**Rich Armstrong***1. MINUTES**

- a. **July 18, 2018** – *Councilor McAvoy made a motion, seconded by Councilor Wright to accept the minutes as written. Unanimous vote in favor, 6-0.*

2. COMMITTEE APPLICATIONS – None**3. UNFINISHED BUSINESS****a. Youth Recreational Field Parking & Stormwater Permitting****i. Draft RFQ Language for Review**

Chairman Marble asked if the Committee wants to continue with the RFQ. With a consensus of 6 Councilors, the Committee will recommend the Town Manager to go ahead with the RFQ. Services recommend this item to Council.

b. Souadabscook Stream Boat Launch at Vafiades Landing

Chairman Marble discussed with the Committee his thoughts on moving this item forward. There is interest in keeping this a public boat launch. Chairman Marble stated he spoke with Chris Packard about the possible funding and maintenance of the boat launch. Chairman Marble suggested to Chris that he speaks to the Town Manager and Planner on available grants.

c. Marina – Harbor Master Ordinance Changes

- i. Still waiting legal opinion – recommend tabling to September

4. NEW BUSINESS

a. Discussion of Community Connector Bus Route & Schedule Modifications, Additional Saturday Services and Cost Savings – Requested by Staff and Committee Chair Dennis Marble

The bus connector was discussed by the Committee. Councilor Ryder wants to get the number of riders using the bus from Hampden. Councilor Ryder would like to see school in session before getting the numbers for ridership. The Committee would like to wait until the Town Manager get back, so he can get a report together.

5. PUBLIC AND STAFF COMMENTS

Rich Armstrong, Hampden's Snowmobile Club President spoke about maintaining the 37 miles of snowmobile trail within Hampden. For the last 20 years plus there have been two ways of reimbursement from the State – one being the club trail, the second being the municipal trail. Municipal Trail is classed as an ITS. Dick Peck out of Newport has handled the Municipal part of it for Newport, Dixmont, Newburgh, Hampden, Winterport. Joe Higgins from the State is the person that Rich will be working with on the grants. Rich will be taking over the paperwork from Dick Peck in doing Hampden Trails. The Town gives the Club \$2000.00 a year through the snowmobile registrations. It would be a pass through for the Town. The State would send the Town the funds and in turn the Town would write the snowmobile club a check it's a pass through. What Rich is asking the Town if it will be the pass through for these funds coming from the State and in turn the Town giving money to the Snowmobile Club.

It was recommended that this item be placed on the 8/20/2018 finance committee agenda.

6. COMMITTEE MEMBER COMMENTS

Chairman Marble thanked Shelley Abbott and Children's Day Committee for an excellent event.

With no further business, the meeting adjourned at 6:28 p.m.

Respectfully submitted,

Rosemary Bezanson, Administrative Assistant

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE INSTALLATION OF A FIRE SUPPRESSION WATER SUPPLY LINE TO PROVIDE FIRE PROTECTION TO THE AREA OF TOWN NORTH AND WEST OF ROUTE 202, INCLUDING FUTURE INDUSTRIAL BUILDINGS REQUIRING INCREASED WATER PRESSURE AND CAPACITY WITHIN THE HAMPDEN BUSINESS AND COMMERCE PARK, AMMO INDUSTRIAL PARK AND OTHER LANDS SUITABLE FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT 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.

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 fire suppression water supply line in the area of town north and west of Route 202, including future industrial buildings requiring increased water pressure and capacity within the Hampden Business and Commerce Park, Ammo Industrial Park and other lands suitable for commercial and industrial development (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 Fire Suppression Water supply line to provide fire protection to the area of town north and west of Route 202, including future industrial buildings requiring increased water pressure and capacity within the Hampden Business and Commerce Park, Ammo Industrial Park and other lands suitable for commercial and industrial development 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

**TOWN OF HAMPDEN, MAINE
HARBOR ORDINANCE**

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Draft

**The Town of Hampden Hereby Ordains
Proposed Amendments to the Harbor Ordinance**

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ADOPTED: Hampden Town Council: August 20, 1984
Effective date: September 19, 1984

AMENDED: Hampden Town Council April 20, 1992
Effective: May 20, 1992

AMENDED: Hampden Town Council November 17, 2003
Effective: December 17, 2003

AMENDED: Hampden Town Council [DATE] 2018
Effective [DATE] 2018

ARTICLE ~~IV~~ IV
LAUNCHING RAMPS

The Harbor Master shall have jurisdiction over the public boat launching ramps. Boats and cradles shall not be left on the ramps at any time. Vehicles, trailers, and boats shall be parked or stored in designated areas only. No vehicles or boats shall be left unattended on the approach to the launch ramps.

No unattended tie-up of boats to the grounding floats will be allowed, nor will boats be allowed to tie up in any manner so as to interfere with the launching or retrieval of boats on the launch ramps. Any violation ~~will be subject to the same penalties as described above for the public float~~ shall be fined for each violation in the sum of not less than \$25.00 nor more than \$100.00 to be recovered on complaint by the Harbor Master before District Court. Each day shall be considered a separate violation.

ARTICLE ~~VI~~ V
MOORINGS

A mooring area shall be established on the upriver side of the entrance channel to the boat launch ramps, extending upriver to an extension of the property line between land now or formerly owned by the City of Bangor and now or formerly owned by the Lane Construction Corporation. The maximum offshore distance for mooring shall be 350 feet from the mean highwater line.

Installation of private moorings will be subject to the approval of the Harbor Master upon payment of an annual fee in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

Said moorings shall be placed only in the precise areas designated by the Harbor Master. Residents of the Town of Hampden and the City of Bangor will be given priority with regard to the placement of private moorings. *(Amended 4/20/92)*

The Harbor Master shall register all moorings with the following information:

1. Name and address of the owner, and number of the vessel.
2. Location of the mooring.
3. Size and type of the mooring and chain.

All moorings shall be registered at the Town Office each year before May 1st. Each private mooring shall be assigned a number, which shall be displayed on the buoy in permanent letters at least 2½ inches high.

The maximum mooring scope from staple to bit shall be forty feet. The minimum mooring weight shall be one ton for stone or other bulk moorings, or the equivalent for swing-around moorings. The minimum bottom chain size shall be 3/8 inch. In addition to the foregoing specifications for moorings, the Harbor Master may enforce additional written specifications, to be conveniently available to the public upon request. *(Amended: 4-20-92)*

No changes in the location of moorings will be allowed without the approval of the Harbor Master. Moorings not registered by May 1st of each year shall become the property of the Town. Ownerships of private moorings are not transferable without the written permission of the Harbor Master. Moorings shall be inspected at least once every five years at the owner's expense, either by pulling or by underwater investigation. If, upon inspection, the mooring is considered by the Harbor Master to be unsafe, then it shall be repaired or replaced within a period of ten days at the expense of the owner.

and shall collect all fees as hereinafter established to be turned over daily to the Town Clerk. The Harbor Master shall be subject to the authority and direction of the Town Manager.

**ARTICLE ~~VIII~~ VII
NUISANCE AND POLLUTION**

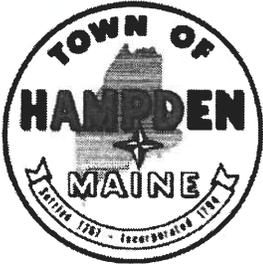
No watercraft shall be used or operated within the harbor area so as to cause danger, annoyance, disturbance or inconvenience to the public. Motorboats without suitable mufflers will be prohibited.

All watercraft operating within the Hampden Marina limits shall maintain a speed of not more than five knots.

No person or vessel shall dump or dispose of any refuse or garbage upon the shore of the Penobscot River or its tributaries, or upon the waters of the river. No vessel shall deposit, throw, sweep or cause to be deposited or swept into the waters of the Penobscot River or its tributaries any gasoline, oil, fuel or sewage, or any floating objects which may cause obstruction or danger to navigation.

Any master or owner of any vessel or boat, or any other person who shall violate any of the provisions of any rules or regulation contained herein to which a specific penalty is not annexed or otherwise provided by law, shall forfeit and pay a fine of not less than \$25.00 nor more than \$100.00, to be recovered upon complaint by the Harbor Master before District Court.

Memorandum



TO: Town Council
CC: Jim Chandler, Town Manager
FROM: Paula Scott, Town Clerk
DATE: Sept. 13, 2018
RE: FEMA Reimbursement Claim

As Council is aware, the Town of Hampden was one of the town's in Penobscot County whose damages from the windstorm of 2017, were substantial enough to be added to the County and State's request for Federal disaster relief. The town-by-town assessments took place in late 2017 and on January 23, 2018, the President approved the FEMA 4354 October 2017 Windstorm Disaster.

Once the Federal declaration was granted, towns and cities had to justify all the initial assessments by compiling back up documentation for those claims. These supports took many forms such as invoices, payroll records, equipment lists, insurance policies, procurement policies, emergency services run reports, narratives, photos and other types of documentation. Director Currier and myself have logged 125 hours of direct administrative time to complete these tasks with assistance from Chief Rogers, Kandy McCullough and Rosemary Bezanson. This has been an enormous undertaking, but one which we felt was necessary to attempt to recoup some of the expenses that this storm cost the town.

In addition to the immediate emergency measures employed by both the Department of Public Safety and the Department of Public Works during the storm, clean up and repair efforts have been ongoing, even as late as this summer. The town not only sustained downed wires, poles and trees blocking roadways and causing hazardous situations, but there were other damages that took place such as generator damage at the Ferry St. pump station due to power surges, damage to cemetery monuments and fences caused by falling trees, and damages to light poles and fixtures at the tennis courts and other public areas. These are the types of things that we have had to track and justify. We are happy to report that we are largely complete and all requests for reimbursement were finally submitted on September 12th, barring any clarification or slight bits of information the FEMA specialists may need. The end result of our claim is as follows:

Category B (emergency measures during the storm)	\$ 5,790.53
Category A (debris removal, clean up & related)	\$ 61,171.35
Category G (parks, cemeteries, etc.)	<u>\$ 3,238.38</u>
Total claim	\$ 70,200.26

Category F* (utilities) \$ 3,572.62

Grand total of claim, all sources \$ 73,772.88

*FEMA insurance specialists determined that damage to our pump station should have been claimed against our own property insurance and we have an open claim at this time. If our insurance denies the claim, the denial will be a part of our FEMA claim and be reviewed again; or subrogated between FEMA and MMA.

NOTE: Funds will likely not be received until 2020

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)