



**HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA**

MONDAY

AUG. 20th, 2018

7:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
 - 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
 - d. Services Committee Minutes – July 18th, 2018
- C. PUBLIC COMMENTS
- D. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - 2. PUBLIC HEARINGS
 - a. Proposed amendment to the Hampden Mobile Home Park Ordinance, Section 8.3.18, Minimum Separation Requirements – *referral from*

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

Council, August 6th, 2018

- b. Proposed ordinance entitled Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores – *referral from Council, August 6th, 2018*
- c. Proposed ordinance entitled Town of Hampden, Maine Marijuana Ordinance – *referral from Council, August 6th, 2018*
- d. Proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Road and Bridge Improvements – *referral from Council, August 6th, 2018*
- 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

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

4. UNFINISHED BUSINESS

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*
- 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
- c. Council approval to receive Snowmobile Club Trail Grant funds on behalf of Goodwill Riders Snowmobile Club – *referral from Finance & Administration Committee*
- d. Setting the 2018-2019 mil rate

E. COMMITTEE REPORTS

F. MANAGER’S REPORT

MONDAY

AUG. 20TH, 2018

7:00 P.M.

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

B-2-a

MONDAY

AUG. 6th, 2018

7:00 P.M.

Attending:

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

*Town Manager Chandler
Town Clerk Paula Scott
CEO Myles Block
Public Safety Dir. Rogers
Town Planner Karen Cullen
Resident Valerie Webster
Resident Eric Jarvi*

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

- A. PLEDGE OF ALLEGIANCE** – *Mayor McPike led the Pledge of Allegiance*
- B. CONSENT AGENDA** – *Councilor McAvoy made a motion, seconded by Councilor Wilde, to accept the consent agenda. Councilor Marble made a motion to amend the motion to set aside the Infrastructure Committee minutes for correction, seconded by Councilor Ryder. The motion to amend was brought to vote. Unanimous in favor, 7-0.*

Resolution 2018-109

The motion to accept the consent agenda was then brought to vote. Unanimous in favor, 7-0.

Resolution 2018-110

1. SIGNATURES

2. SECRETARY'S REPORTS

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

3. COMMUNICATIONS

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

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

4. REPORTS

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

- C. PUBLIC COMMENTS** – *Mayor McPike recognized Eric Jarvi of 10 Sophie Lane who approached the podium. Mr. Jarvi informed Council and the public watching at home that at 10:30 a.m., the Hampden Historical Society broke ground at the site of the future archival wing. The capital campaign called "Our History Lives Here" has raised \$378,000 of the \$500,000 needed for the cost of expansion. This is due to the generosity of Hampden businesses and numerous people who have donated money and in-kind services. He thanked Mary Poulin, Bion and Doreen Foster for their efforts leading the campaign.*

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - *None*

2. PUBLIC HEARINGS - *None*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS - *None*

4. UNFINISHED BUSINESS - *None*

5. NEW BUSINESS

- a. **Request for authorization for the expenditure of \$2,600 from Municipal Building Reserve Account (3-702-00) for the replacement of existing lighting in the Community Room – referral from Finance & Administration Committee** - *Councilor McAvoy made a motion to authorize the expenditure of \$2,600 from Municipal Building reserve to replace the lights in the community room. Councilors McAvoy, Cormier, Marble, Wright, Ryder and Mayor McPike voted in favor. Councilor Wilde voted in opposition. Motion carries, 6-1*

Resolution 2018-111

- b. **Request for authorization for the expenditure of \$4,200 from Municipal Building Reserve Account (3-702-00) to decommission the hot water heater and re-pipe to the existing boiler – referral from**

Finance & Administration Committee – Councilor Wright made a motion, seconded by Councilor McAvoy, to authorize the expenditure of \$4,200 from Municipal Building reserve to decommission the hot water heater and re-pipe the existing boiler. Unanimous in favor, 7-0.

Resolution 2018-112

- c. **Request for authorization for the expenditure of \$2,000 from Municipal Building Reserve Account (3-702-00) to remove the existing VCT flooring and apply epoxy coating in the town office lobby – referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Wilde, to authorize the expenditure of \$2,000 to remove the VCT flooring and apply epoxy to the floor in the town office lobby. Unanimous vote in favor, 7-0.**

Resolution 2018-113

- d. **Request for authorization for the expenditure of \$2,816 from Municipal Building Reserve Account (3-702-00) to remove the carpeting and apply epoxy coating in upstairs rooms of public safety – referral from Finance & Administration Committee – Councilor McAvoy made a motion, seconded by Councilor Marble, to authorize the expenditure to remove carpeting and apply epoxy in the upstairs rooms of public safety. Councilor Wilde explained that this is a result of the mold remediation already approved as an additional charge. Motion brought to vote. Unanimous in favor, 7-0.**

Resolution 2018-114

- e. **Request for authorization for the expenditure of \$1,200 from Municipal Building Reserve Account (3-702-00) for the installation of wiring and a switch to the town Christmas tree – referral from Finance & Administration Committee – No referral from Finance Committee so item was passed over.**
- f. **Request for authorization for the expenditure of \$3,500 from Municipal Building Reserve Account (3-702-00) for the installation of ADA compliant door openers for the Public Safety entrance – referral from Finance & Administration Committee – Councilor Wright made a motion, seconded by Councilor Marble, to authorize the expenditure of \$3,500.00 from Municipal Building Reserve to install ADA**

compliant door openers for the Public Safety entrance. Councilor Marble explained that this is in addition to the ADA openers that were installed in the front of the building and continuation of discussions that started two years ago to become better compliant. Motion was brought to vote. Unanimous vote in favor, 7-0.

Resolution 2018-115

- g. Town Council referral to public hearing for August 20th, the proposed amendment to the Hampden Mobile Home Park Ordinance, Section 8.3.18, Minimum Separation Requirements – referral from Planning & Development Committee – Councilor Ryder explained that this is just going back to the State requirements. Councilor Ryder made a motion, seconded by Councilor Marble to refer to public hearing on August 20th. Unanimous vote in favor, 7-0.**

Resolution 2018-116

- h. Town Council approval of the proposed emergency ordinance entitled Town of Hampden Emergency Ordinance Regarding Medical Marijuana Retail Stores, effective upon adoption, pursuant to Sec. 214 of the Town Charter – referral from Planning & Development Committee – Councilor Marble made a motion, seconded by Councilor McAvoy to adopt the proposed emergency ordinance, entitled Town of Hampden Emergency Ordinance Regarding Medical Marijuana Retail Stores, effective on August 6th, 2018. Manager Chandler reported that because of recent legislation regarding recreational adult use marijuana the State has also amended existing medical marijuana laws. Manager Chandler stated that towns can allow the sale of medical marijuana in a retail establishment and this emergency ordinance will give the Town time to develop where we might want to allow those establishments. Mayor McPike asked for a roll call vote. Councilor Ryder – yes, Councilor Wright – yes, Councilor Marble – yes, Councilor Wilde – yes, Councilor Cormier – yes, Councilor McAvoy – yes, and Mayor McPike – yes. Unanimous in favor, 7-0.**

Resolution 2018-117

- i. Town Council referral to public hearing for August 20th, the proposed ordinance entitled Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores – referral from Planning & Development Committee – Councilor McAvoy made a motion,**

seconded by Councilor Ryder to refer the proposed ordinance entitled Town of Hampden Moratorium Regarding Medical Marijuana Retail Stores to public hearing for August 20th. Manager Chandler explained that this is an extension of the emergency ordinance just passed which is good for only 60 days, by Charter. This will extend another 120 days and again, be in place to allow the Town to develop regulations and zoning relative to medical marijuana retail sales. Councilor Wilde stated that this is in response to the vote in 2016 where the townspeople overwhelmingly voted against legalization of marijuana. Mayor McPike called for a roll call vote. Councilor Ryder – yes, Councilor Wright – yes, Councilor Marble – yes, Councilor Wilde – yes, Councilor Cormier – yes, Councilor McAvoy – yes, Mayor McPike – yes. Unanimous vote in favor, 7-0.

Resolution 2018-118

- j. Town Council referral to public hearing for August 20th, the proposed ordinance entitled Town of Hampden, Maine Marijuana Ordinance – referral from Planning & Development Committee – Councilor McAvoy made a motion, seconded by Councilor Ryder to refer the proposed ordinance entitled Town of Hampden, Maine Marijuana Ordinance to public hearing for August 20th. Manager Chandler spoke to the intent of the ordinance in regulating the amount of additional mature, immature and seedlings that someone can grow in addition to what the statute allows. Planner Cullen clarified the three options under the law; plants can be grown on either a person’s property of domicile, or property they own but do not live on, or someone else’s property with a written agreement. This ordinance will limit the additional number of mature plants that can be grown on a parcel. In answer to questions by Councilor McAvoy about the number of ordinances the town will ultimately have regarding marijuana, Planner Cullen stated that this is going to ultimately be the only ordinance that will be filled with all things pertaining to marijuana, including licensing and permitting, in the future. Discussion ceased, and the motion was brought to vote. Unanimous vote in favor, 7-0.**

Resolution 2018-119

- k. Town Council referral to Public Hearing for August 20th, the proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Road and Bridge Improvements – referral from Finance & Administration Committee – Councilor Ryder made a**

motion, seconded by Councilor Marble, to refer the proposed Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Road and Bridge Improvements to public hearing for August 20th. Councilor McAvoy made a motion to amend the motion to include borrowing up to \$1.4 million, seconded by Councilor Marble. The motion to amend was brought to vote. Unanimous vote in favor, 7-0.

Resolution 2018-120

Councilor Ryder clarified that the number was just a target number but it may or may not change. He invited the public to attend the hearing. Manager Chandler stated that the total amount is to fund four different infrastructure projects which are the additional funds needed for Route 1-A project, the traffic signal at the intersection of Rte. 1-A and Western Ave, and the repair of the Manning Mill and Sawyer Road bridges as identified by MDOT. He stated that we will be looking to spend less, depending on the bids. The amended motion was then brought to vote. Unanimous vote in favor, 7-0.

Resolution 2018-121

E. COMMITTEE REPORTS

Planning & Development – Councilor Ryder reported that committee reviewed and discussed the proposed medical marijuana and recreational ordinances that were referred tonight.

Services – Councilor Marble stated that on 7/18, members reviewed and discussed the possible additions to parking at the municipal site and recommended an RFQ for permitting. The committee was addressed by a member of the public, Chris Packard who represents the Landmark Heritage Trust to discuss the possibility of acquiring public access to the Souadabscook at the lot commonly known as Vafiades landing. Committee discussed proposed changes to the Harbor Ordinance and possible public hearing but postponed to allow Manager Chandler to research legalities with the Harbor Master enforcing town ordinances.

Infrastructure - Councilor Cormier reported that at the 7/23 meeting, the committee discussed a code complaint awaiting resolution, were updated on the status of mold remediation and the paving program. Paving was to start the same day. The committee approved the purchase of a truck for the cemetery. Members were updated on status of School House Lane, to begin this fall, and discussed the bond that was referred tonight.

Finance – Councilor McAvoy reported that all items discussed in committee were dispensed with tonight.

- F. **MANAGER'S REPORT** – *Manager Chandler offered highlights from his written report, attached as Exhibit A. In speaking about the recent regional active shooter training, he commended Chief Rogers, Sgt. Bailey, and Lt. Lundstrom for their efforts.*
- G. **COUNCILORS' COMMENTS**
Councilor Ryder – No comment
Councilor Wright – Reminded everyone to attend Children's Day this weekend
Councilor Marble – Also reminded the public about Children's Day and offered congratulations to the Hampden Historical Society
Councilor Wilde – Stated that the town center planning meeting had a good turn out and thanked citizens for attending.
Councilor Cormier – No comment
Councilor McAvoy – Reminded everyone to be careful in this heat and to pay attention to older folks to make sure they are safe. He reminded everyone to shop local and buy American and wished Hampden good night.
Mayor McPike – Informed the public that the ordinances discussed here tonight are on line for the public to review, or they can stop at the town office.
- H. **EXECUTIVE SESSION – Attorney-Client Consultations – pursuant to 1 MRSA § 405 (6) (E)** – *Councilor Wright made a motion, seconded by Councilor Cormier to enter executive session for attorney-client consultations. Mayor McPike called for a roll call vote. Councilor Ryder – yes, Councilor Wright – yes, Councilor Marble – yes, Councilor Wilde – yes, Councilor Cormier – yes, Councilor McAvoy – yes, Mayor McPike – yes. Unanimous vote in favor, 7-0.*
- Resolution 2018-122**
- I. **ADJOURNMENT**- *The meeting was adjourned at the conclusion of the executive session.*

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Town Council
FROM: Jim Chandler, Town Manager
DATE: August 6, 2018
RE: Manager's Report – Activities Summary

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

Safety Training – MMA

MMA staff provided the Senior Management Team with a presentation on the availability of future safety training, plans and resources necessary to both address any existing deficiencies that may have been identified in the recent BLS surprise inspection; and to gain the SHAPE status that provides the Town with several benefits, including a discount on insurance.

Police-EMS – Active Shooter Response Training at HA

Last Friday the Town Police Department coordinated a comprehensive training exercise aimed at practicing the response to an Active Shooter at the Hampden Academy. Given the frequency of these types of incidents around the country, our PD, EMS, RSU staff and regional partners are to be commended for taking proactive steps to prepare for any threats posed to our schools.

I would like to recognize and thank the following individuals and departments:

- Public Safety Director Joe Rogers, PD Sergeant Chris Bailey and FD Lieutenant Jason Lundstrom for their leadership in developing the exercise and working with SRO Dan Stewart and the large number of regional partners;
- The Penobscot County Sheriff's Office and particularly Deputy John Knappe. Deputy Knappe attended numerous meetings and coordinated all the moving parts associated with the scenarios;
- Officers from Bangor, Old Town, Veazie and Brewer Police Departments all participated; and Brewer also provided officers to assist with the response and scenarios, and Brewer provided the specialized air soft (non-lethal weapons) training equipment needed for a drill with civilians;
- Hermon Fire Department assisted with the Fire/EMS response;
- Penobscot Regional Communications Center (PRCC) provided two dispatchers to assist and simulate the challenges related to the complex nature of coordinating a response to a situation of this scale;
- CHCS provided the victims for the scenarios;
- RSU #22 leadership provided staff to assist and observe the scenarios.

Hampden Children's Day – August 11th

Don't forget to attend the Hampden Children's Day parade and activities this weekend.

Paving Activities

Projects already completed include the following streets: Perry, Coolidge, Wheelden, Sidney Blvd, Wilbur, Main Trail and Stetson Drive. Wellman is working on Shaw Hill today and will be on Sawyer Road tomorrow. Northern and Library still need to be completed. Schoolhouse and the New Salt Shed will be paved when projects completed.

Town Center Planning Open House

We hosted our first open house with citizens to begin a discussion about the development and redevelopment of the 'center of town' and what that might look like in the future. More sessions are planned for the upcoming weeks, facilitated by our contract planner Ben Smith of North Star Planning.

A presentation to Council will occur to provide a report of the recommendations from these open houses towards the end of this year. A survey is being developed to invite participation and ideas from all Hampden citizens interested in this effort, but who may not be able to attend one of the listening sessions. Info is on the Town's website under Planning.

Economic Development Activities

Participated in the following activities associated with economic development:

- Benefitted from several meetings with local business owners:
 - Brian and Jeff Bouchard hosted me for very informative tour of the HO Bouchard operations on Coldbrook Road;
 - Angler's Restaurant Manager John Moody hosted myself and Mayor McPike to discuss current and future development of the Route 202 corridor;
 - Herb Sergeant and Chip Laite discussed the future development of the Hampden Business & Commerce Park, including the completion of the road system and potential upgrading of the Water District's supply capability to enhance the attractiveness of these parcels to future businesses interested in locating here in Hampden.
- Chamber of Commerce: Joined Councilor Marble at a Regional Chamber open house event;

BACTS Transportation Planning

Discussions about future Transit budgeting and route planning were complimented by a new regional planning initiative for improving the mobility of pedestrians and bicyclists are underway by the BACTS staff and our regional partner organizations.

Water District Tour

Received a tour of the Water District's facilities and met the staff. Jamie provided an excellent background of the system's evolution and current/future maintenance and growth issues.

Municipal Building Mold Remediation – Project Update

Demolition and reconstruction continues to progress on schedule, with Phases I & II complete and work continuing towards anticipated completion in September. Phase III is the most time intensive phase, and requires a significant in-house effort related to moving and temporary storage of our own materials.



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
MAINE REVENUE SERVICES
PO Box 9106
AUGUSTA, MAINE
04332-9106

B-3-a

ADMINISTRATIVE & FINANCIAL SERVICES

ALEXANDER E. PORTEOUS
COMMISSIONER

MAINE REVENUE SERVICES

JEROME D. GERARD
EXECUTIVE DIRECTOR

July, 2018

Municipal Assessors and Chairman of the Board of Selectmen:

RE: Preliminary 2019 State Valuation

Dear Municipal Official(s):

RECEIVED

AUG 06 2018

TOWN OF HAMPDEN ASSESSING DEPT.

Enclosed you will find a copy of the preliminary 2019 State Valuation report for your municipality as prepared by a field representative of the Property Tax Division. This valuation represents the full equalized value of all taxable property in the municipality as of **April 1, 2017**. Please note that these figures are preliminary and are being forwarded to you at this time in order to provide for your review and allow time for any contribution of additional comments and/or pertinent data.

The State Valuation is compiled by determining, through field work and meetings with local officials, the approximate ratio of full value on which local assessments are made, and by then adjusting the local assessed values in accordance with the Rules of Procedure Used to Develop State Valuation (08-125 Chapter 201). State Valuation is a mass appraisal estimate of the 100% market value of all taxable property of a municipality and is established annually by the State Tax Assessor. The enclosed report is comprised of four (4) parts: the Sales Ratio Analysis; State Valuation Analysis (PTF303.4); Report of Assessment Review, a three (3) year comparison (PTF303); and Report of Assessment Review, informational review (PTF303.2).

If after reviewing this report you find any errors or inconsistencies, need clarification or simply wish to discuss the report, please call the Property Tax Division at 624-5600 or fax your concerns to us at 287-6396. Alternatively, you may contact your area field representative from Maine Revenue Service, Property Tax Division directly for the purpose of discussing any additional information pertinent to the preliminary state valuation.

The Proposed 2019 State Valuation Notice will be sent by certified mail on or before September 30, 2018.

Sincerely,

Steven J. Salley,
Property Appraiser Supervisor

Property Tax Division
REPORT OF ASSESSMENT REVIEW



Municipality Hampden

County Penobscot (s)

	2017	2018	2019
1. State Valuation	630,500,000	654,500,000	665,150,000
2. Amount of Change	13,300,000	24,000,000	10,650,000
3. Percent of Change	2.15%	3.81%	1.63%
4. Assessed Value Ratio	0.01735	0.01773	0.01761
5. Assessed Value Ratio	0.0175	0.0182	0.0184
6a. Commitment 2016-16-17	10,840,573	11,430,790	11,607,798
6b. Homestead Reimbursement	162,041	247,857	332,045
6c. BETE Reimbursement	126,884	80,321	82,274
6d. Total (6a, 6b & 6c)	11,129,498	11,758,968	12,022,117
6e. % change from prior year (6d)	3.51%	5.66%	2.24%

	2016	2017		
A. Municipal Valuation	628,065,400	630,858,600		
Net Supplements / Abatements	(542,780)	(292,700)	Amount of Change	Percent of Change
Homestead (Exempt Valuation)	13,618,500	18,045,900		
BETE (Exempt Valuation)	4,413,260	4,471,403		
Adjusted Municipal Valuation	645,554,380	653,083,203	7,528,823	1.17%

B. Sales Information				
Sales Period Used	07/15 - 06/16	07/16 - 06/17		
State Valuation # of Sales	2018 114	2019 119	Combined Sales Ratio	94%
# of Appraisals				

Residential Study			Percent of Change
Weighted Average Average Ratio	96%	95%	
Assessment Rating	96%	94%	-2.08%
	7	11	

Commercial Study			
Weighted Average Average Ratio			
Assessment Rating			
Industrial Study			
Weighted Average Average Ratio			
Assessment Rating			

Certified Ratio	100%	100%
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STATE OF MAINE Sales Ratio Analysis - 2019 State Valuation

Municipality: **Hampden**

Hampden

County: **Penobscot**

Penobscot (s)

1 Year - COMBINED STUDY

Weighted Avg. =	95%	=	
Average Ratio =	94%	=	
Avg. Deviation =	10	=	
Quality Rating =	11	=	

	24,408,000	/	25,796,939
	77.9	/	83
	1190	/	119
	10	/	94%

Average Selling Price = \$216,781

Item No.	Class	Date of Sale Month Year	Book	Page	Map	Lot	Name	2017 Selling Price	2017 Assessed Value	Ratio	Dev.
1	R	5 2017	14502	294	45	5		146,000	103,300	0.71	23
2	U	6 2017	14522	123	24	012		363,500	262,300	0.72	22
3	W	8 2016	14239	324	37	11		385,000	277,900	0.72	22
4	R	5 2017	14500	145	43	33		135,000	102,900	0.76	18
5	R	10 2016	14310	301	16	012		232,000	175,200	0.76	18
6	R	11 2016	14350	209	20	10		125,000	95,800	0.77	17
7	W	5 2017	14490	198	12	14		134,900	104,500	0.77	17
8	R	5 2017	14484	18	9C	28		281,000	216,700	0.77	17
9	R	11 2016	14332	259	9A	22		188,000	146,300	0.78	16
10	U	8 2016	14235	58	06	011		230,000	179,600	0.78	16
11	U	11 2016	14342	179	23	082		262,000	205,300	0.78	16
12	R	10 2016	14329	94	21	15		150,000	118,000	0.79	15
13	R	6 2017	14515	331	04	14		180,000	143,600	0.80	14
14	W	4 2017	14468	185	44	33		275,000	220,500	0.80	14
15	R	3 2017	14432	243	07	069		281,000	225,000	0.80	14
16	R	7 2016	14223	195	4	18		120,000	96,700	0.81	13
17	R	5 2017	14473	13	24	37		174,900	142,300	0.81	13
18	R	3 2017	14450	130	8	33		324,500	263,900	0.81	13
19	R	10 2016	14325	196	19	52		135,000	110,200	0.82	12
20	R	10 2016	14305	226	2	53		165,000	136,000	0.82	12
21	R	2 2017	14418	91	24	47		219,000	182,200	0.83	11
22	R	10 2016	14324	304	1	54		250,000	206,900	0.83	11
23	R	7 2016	14236	1	19	045		172,500	145,600	0.84	10
24	R	2 2017	1449	87	32	34		232,500	194,200	0.84	10
25	R	9 2016	14299	88	010	030I		239,700	200,900	0.84	10
26	R	5 2017	14498	161	30	7		166,000	140,900	0.85	9
27	U	6 2017	14514	62	24	24F		189,000	160,500	0.85	9
28	R	8 2016	14255	310	4	19		279,000	237,700	0.85	9
29	U	11 2016	14332	234	10	1		289,900	246,200	0.85	9
30	R	11 2016	14347	167	5	82		107,500	92,000	0.86	8
31	R	6 2017	14508	286	07	065		155,000	133,500	0.86	8
32	M	9 2016	14280	266	3	18-5		205,000	176,700	0.86	8
33	R	3 2017	14435	346	10	3		278,900	238,900	0.86	8
34	R	5 2017	14485	261	07	013		325,000	280,300	0.86	8
35	R	5 2017	14472	225	15	16		148,000	128,600	0.87	7
36	R	1 2017	14393	19	28	6		125,000	110,000	0.88	6
37	R	4 2017	14461	312	5	10		190,000	167,500	0.88	6
38	M	11 2016	14329	255	3	18-6		200,000	176,700	0.88	6
39	U	8 2016	14261	205	9	037		234,000	205,600	0.88	6
40	U	7 2016	14223	241	10	003		271,900	238,400	0.88	6
41	U	6 2017	14512	179	3	30		350,000	308,600	0.88	6
42	U	5 2017	14477	138	05	51		395,000	346,100	0.88	6
43	U	5 2017	14491	197	28	7		133,500	119,100	0.89	5
44	R	6 2017	14505	36	4	7		150,000	132,800	0.89	5
45	R	8 2016	14256	323	44	9		175,000	155,000	0.89	5
46	R	5 2017	14478	112	3	6		199,000	176,800	0.89	5
47	R	10 2016	14324	192	06	025		235,000	208,000	0.89	5
48	R	12 2016	14379	309	10	3		273,000	244,000	0.89	5
49	R	8 2016	14237	7	10A	2		294,500	261,400	0.89	5
50	R	8 2016	14251	274	26	14		113,500	102,200	0.90	4
51	W	10 2016	14312	229	37	1		349,000	314,400	0.90	4
52	U	10 2016	14316	156	26	002		137,500	125,700	0.91	3

53	M	10	2016	14327	347	3	18						
54	R	4	2017	14472	69	5	12A	209,000	189,700	0.91	3		
55	R	6	2017	14535	349	03	30	255,000	233,000	0.91	3		
56	R	11	2016	14355	200	020	029	347,000	318,600	0.92	2		
57	R	4	2017	14472	48	18	1A	94,000	87,800	0.93	1		
58	U	12	2016	14367	94	32	33	150,000	138,900	0.93	1		
59	R	6	2017	14522	99	45	22	130,000	122,000	0.94			
60	R	7	2016	14212	22	8	32A	155,000	146,200	0.94			
61	U	6	2017	14535	163	49	9	316,000	295,600	0.94			
62	U	8	2016	14247	246	10	3	146,500	139,400	0.95	1		
63	U	10	2016	14321	126	05	051	264,900	252,300	0.95	1		
64	R	10	2016	14325	175	20	27	305,000	290,500	0.95	1		
65	R	6	2017	14536	190	7	84	185,000	178,500	0.96	2		
66	U	6	2017	14533	234	24	47	194,000	186,200	0.96	2		
67	W	4	2017	14471	348	44	026	235,000	225,800	0.96	2		
68	R	5	2017	14483	113	6A	16	270,000	260,000	0.96	2		
69	R	7	2016	14203	280	36	59	119,900	116,200	0.97	3		
70	R	9	2016	14296	16	4	22	146,000	141,800	0.97	3		
71	R	7	2016	14229	24	43	018	152,000	146,800	0.97	3		
72	R	4	2017	14468	24	10	3	169,500	163,800	0.97	3		
73	R	4	2017	14472	175	20	56	330,000	319,400	0.97	3		
74	M	6	2017	14508	192	30	38	100,000	97,500	0.98	4		
75	U	5	2017	14498	247	3	30	162,137	158,600	0.98	4		
76	R	6	2017	14518	118	8	20	387,500	381,200	0.98	4		
77	R	1	2017	14397	237	49	1	429,602	419,700	0.98	4		
78	R	5	2017	14483	324	19	18	112,500	111,700	0.99	5		
79	R	7	2016	14214	240	8	64	125,000	123,600	0.99	5		
80	R	6	2017	14536	118	39	17	133,000	132,100	0.99	5		
81	R	3	2017	14431	10	2	1	175,500	174,100	0.99	5		
82	W	9	2016	14290	327	3	33	200,000	198,700	0.99	5		
83	R	6	2017	14534	197	32	057	437,500	431,200	0.99	5		
84	R	3	2017	14434	139	42	004	110,000	109,700	1.00	6		
85	U	9	2016	14296	1	33	30	116,000	116,300	1.00	6		
86	M	7	2016	14237	255	3	18	137,000	136,600	1.00	6		
87	U	4	2017	14454	167	24	47	179,000	179,400	1.00	6		
88	R	5	2017	14476	317	10	14	220,000	220,900	1.00	6		
89	R	4	2017	14454	217	4	6	312,000	310,600	1.00	6		
90	R	6	2017	14534	147	8	007	314,000	312,900	1.00	6		
91	R	8	2016	14248	236	1	27B	208,000	210,300	1.01	7		
92	R	7	2016	14214	39	36	37	151,500	154,800	1.02	8		
93	R	10	2016	14309	161	30	20	200,000	203,800	1.02	8		
94	R	3	2017	14445	249	38	14	132,900	138,100	1.04	10		
95	R	2	2017	14407	315	7	14	140,000	145,000	1.04	10		
96	R	10	2016	14312	233	01	54	245,000	255,400	1.04	10		
97	R	12	2016	14382	171	9	70	347,000	367,500	1.06	12		
98	U	6	2017	14520	69	27	26	122,000	130,600	1.07	13		
99	U	6	2017	14532	320	9C	10	129,000	137,800	1.07	13		
100	U	6	2017	14522	342	7	58	178,500	191,600	1.07	13		
101	R	4	2017	14458	158	4	17	385,000	413,100	1.07	13		
								189,000	203,600	1.08	14		
102	U	5	2017	14482	140	44	78	95,000	103,300	1.09	15		
103	U	6	2017	14520	262	09	B006	225,000	244,700	1.09	15		
104	R	12	2016	14364	63	44	89	203,000	226,000	1.11	17		
105	U	9	2016	14273	234	9	8	225,000	249,600	1.11	17		
106	W	3	2017	14445	282	03	058	225,000	249,600	1.11	17		
107	U	4	2017	14452	286	26	21	476,000	529,300	1.11	17		
108	R	3	2017	14439	48	1	30C	117,500	132,300	1.13	19		
109	R	11	2016	14340	177	1	27	181,000	205,400	1.13	19		
110	R	5	2017	14495	343	9B	16	195,000	220,900	1.13	19		
111	R	11	2016	14337	309	08	020	350,000	396,100	1.13	19		
112	R	9	2016	14283	205	5	33-B	355,000	399,500	1.13	19		
113	R	10	2016	14316	136	2	2	226,000	256,600	1.14	20		
114	R	7	2016	14231	234	3	30	189,000	217,600	1.15	21		
115	R	9	2016	14276	195	3	31	445,000	519,000	1.17	23		
116	R	12	2016	14358	230	04	041	183,000	222,000	1.21	27		
								290,000	354,700	1.22	28		

117	R	11	2016	14343	282	4	43				
118	R	1	2017	14391	100	05	023	68,500	84,300	1.23	28
119	U	5	2017	14472	207	36	10	169,900	215,400	1.27	33
								179,900	229,000	1.27	33

Business Equipment Tax Exemption Audit

Municipality: Hampden

Date: 06/26/2017

County: Penobscot (s)

Municipal Official(s): Kelly Karter - C.M.A.

Municipal Valuation 2017

2018 State Valuation

		<u>Yes</u>	<u>No</u>	<u>Comment(s)</u>
1. Are application(s) available for inspection?	40 of 40	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Are application(s) signed for/approved by the assessor?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Do the equipment date(s) of purchase and/or date(s) put in service meet BETE parameters?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Is the item description sufficient to reasonably determine eligibility under program guidelines?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Does the property qualify for BETE?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Are municipal depreciation schedules evident and uniformly employed?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is all BETE value incorporated in the tax commitment book, MVR and Tax Rate Calculation Form (including enhanced reimbursement forms when applicable)?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Is all qualified property adjusted by the municipal assessment ratio?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Additional Comments:

Signature: Byron D. Tibbets
Field Rep.

Property Tax Division
REPORT OF ASSESSMENT REVIEW

Municipality: Hampden

Hampden

County: Penobscot

Penobscot (s)

I. Valuation System

A. Land: Tax Maps by
 Undeveloped Acreage In House- Kyle Severance, GIS
 Road Frontage \$500-\$2,400
 House lots \$12,500-\$74,000

Date: 7/2/2005
 Undeveloped Lots \$15,000-\$55,000
 Water Frontage \$55,000-\$74,000
 Other _____

B. Buildings : Revaluation By: _____

Computerized Records TRIO

C: Personal Property: Assessed? Y/N Yes
 Is Cert Ratio Applied? Y/N Yes

Method Used: RCNLD

II. Assessment Information

Website w/VAL data Y/N Yes

Web Address https://www.hampdenmaine.gov/

Valuation Book Good
 Property Record Cards Good
 Veteran Exemption Forms Good

Tree Growth Forms Good
 Farm Land Forms Good
 Open Space Forms Good

III. Supplemental Information

Supplements: Number Made _____
 Abatements: Number granted 10
 (excluding penalties)

Value Supplemented _____
 Value Abated (292,700)

IV. Statistical Information

Number of Parcels 3,542
 Taxable Acres 21,646
 Population (2010) 7,257

Land Area 24,249
 Bog/Swamp 749

V. Assessment Standards

Standards Ratio 99.83% = (2017 Municipal Valuation /2018 State Valuation)
 Assessment Quality: Combined 11

Comments or Plans for Compliance: _____

VI. Audit Information

Municipal Official providing data: Kelly Karter - C.M.A.

Date(s) of Field Audit: 06/26/2017

VII. Office Review

Recommended by: Byron D. Tibbets
 Field Rep

Checked by: [Signature]

Approved by: [Signature] 7/23/18

Copies Mailed: (date) 7-26-18



MAINE MUNICIPAL ASSOCIATION

Risk Management Services

60 Community Drive
P.O. Box 9109
Augusta, Maine 04332-9109

B-3-b

Telephone No.

(207) 626-5583
(800) 590-5583 Maine Only
Fax No. (207) 626-0513

DATE: August 10, 2018

TO: Members of the Workers Compensation Fund and the Property & Casualty Pool

FROM: Michelle Pelletier, CPCU, AU
Director, Risk Management Services

RE: Dividend Payments

We are pleased to announce that the Board of Trustees of the **MMA Workers Compensation Fund** voted at its May 24, 2018 meeting to allow a total dividend of no more than \$650,000 to the members of the Fund who meet the established criteria. Continuing members whose 2017 contributions are greater than \$25,000 annually, whose 2017 loss ratio is less than 40% and whose three-year loss ratio is less than 75% will receive a 5.33% dividend. Continuing members whose 2017 contributions are less than \$25,000 annually and whose loss ratio is less than 50% for the three years ending December 31, 2017, will also receive a 5.33% dividend. All losses are valued as of June 30, 2018.

The Board of Directors of the **MMA Property & Casualty Pool** voted at its May 24, 2018 meeting to allow a dividend to current members of the Pool who meet the established criteria. To earn a dividend, a member must have a loss ratio of 50% or less for the qualifying year of July 1, 2016 to July 1, 2017, calculated and valued as of June 30, 2018. Continuing members whose participation began on July 1, 2012 or prior will earn a 5.4% dividend and members who joined after July 2, 2012 will receive a 4.4% dividend.

Cost savings are realized in providing services to members who participate in both the Property & Casualty Pool and the Workers Compensation Fund. In recognition of the savings, both boards voted to add 1% to the dividends for each program for members who qualify and earn a dividend. If you are among the members who participate in both the Workers Compensation Fund and the Property & Casualty Pool, and you earned a dividend for either or both programs, the additional 1% has been included in the calculation.

Your entity has played a big part of making the Workers Compensation Fund and the Property & Casualty Pool successful programs through good risk management and sound loss prevention. Each of the respective boards are pleased with the results of these programs and thanks you for your support and continued participation. The final dividend distribution for the Workers Compensation Fund and Property & Casualty Pool totals \$1,249,861.

We encourage you to use the enclosed press release to announce the results of your successful risk management activities and good loss experience to your community. If you have any questions about the dividend or any of the Risk Management Services programs, please call me at 1-800-590-5583.

Town of Hampden
RECEIVED

AUG 15 2018

Office of the
Town Clerk

PRESS RELEASE
For Immediate Release

Municipal officials are pleased to announce that the **Town of Hampden** has received a **\$8,255** dividend check from the Maine Municipal Association as a result of its good loss experience and loss prevention programs.

The Maine Municipal Association offers three self-funded pools for municipal and quasi-public entities in Maine: the Workers Compensation Fund formed in 1978, the Property & Casualty Pool formed in 1987 and the Unemployment Compensation Fund formed in 1978.

The programs are overseen by governing boards of elected and appointed municipal officials. At its May meeting, the board approved another dividend distribution. Actual allocation and eligibility is based on the individual member's own loss experience. Michelle Pelletier, Director of Risk Management Services for MMA, said more than 79 percent of program participants received a dividend this year for their good risk management practices and favorable loss experience.

This year the Workers Compensation Fund has distributed almost **\$650,000** in dividends to participants and the Property and Casualty Pool has paid dividends of nearly **\$600,000**, for total payments of just over \$1.2 million returned directly to MMA members.

Maine Municipal Association has been paying dividends since 1997, the two programs have returned over **\$22 million** to participating members. For more information about any of the MMA Risk Management Services programs, including online training programs and other services, check the offerings on their website at www.memun.org and click on the Risk Management Services link, or call 1-800-590-5583.

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, July 16th, 2018

6:00 p.m.

Hampden Town Office

MINUTES

Attending:

Chair, Councilor McAvoy

Mayor McPike

Councilor Cormier

Councilor Wilde

Councilor Marble

Councilor Wright

Councilor Ryder

Manager Jim Chandler

DPW Director Sean Currier

Town Clerk Paula Scott

Eric Jarvi

1. Meeting Minutes

- a. **July 2nd, 2018** – *Mayor McPike made a motion, seconded by Councilor Marble to accept the minutes as presented. Unanimous vote in favor, 7-0*

2. Review & Sign Warrants – *Councilors signed the disbursement warrant.*

3. Unfinished Business - *None*

4. New Business

- a. **Recommend contract award for the 2018 Paving program** – *requested by DPW Director Sean Currier – Director Currier spoke to committee and recommended Wellman Paving. Mayor McPike made a motion, seconded by Councilor Marble, to refer to Council for award to Wellman Paving. Unanimous vote in favor, 7-0.*
- b. **Recommend annual authorization for the establishment of a Tax Club for 2019 taxes pursuant to Title 36 § 505-506** – *requested by Tax Collector Barbara Geaghan – The Tax Collector explained that a tax club must be approved annually and answered questions about the abatement process. Councilor Marble made a motion, seconded by Mayor McPike to refer to Council to authorize the establishment of a tax club for 2019 under the law cited. Unanimous vote in favor, 7-0.*

- c. Recommend authorization for the expenditure of \$ 3,628.00 from Reserve Account (3-719-00) for the restoration of vital records pursuant to Title 5 § 95-B –requested by Paula Scott, Town Clerk – Councilor McAvoy inquired about the number of records and the years encompassed. The Clerk explained that this was started in 2017 with the oldest and most at risk records being preserved first. The goal is to work forward to the modern records that exist in duplicate and are also held at the State. Mayor McPike made a motion, seconded by Councilor Wilde, to refer to Council and recommend the expenditure as cited. Unanimous vote in favor, 7-0.**
- d. Recommend authorization for the expenditure of \$ 4,868.35 from IT Computer Reserve Account (3-719-00) for the TRIO SQL conversion and maintenance fee increase – requested by Kyle Severance, IT Specialist – Specialist Severance explained the process of the migration from old to new technology. There is also a 20% increase for the TRIO software maintenance. Manager Chandler commented on the conversion process statewide. Councilor Wright, seconded by Councilor Ryder, to refer to Council and recommend the expenditure as cited. Unanimous vote in favor, 7-0.**
- e. Committee discussion and recommendation to engage the firm of Eaton Peabody as bond counsel for a bond referendum to finance the cost increase for the Route 1-A project - Councilor Wright asked about the restoration of the projected shortfall in the project. Manager Chandler spoke to the possibility of BACTS honoring a 6th year. Councilor Ryder inquired about the availability of funds and assurances to the DOT that the Town was committed. Manager Jennings stated that if a bond is approved in November that it would be ahead of the RFP. Discussion followed on the funding, project and upcoming meeting with BACTS. Director Currier stated that an additional consideration to include might be the Manning Mill and Sawyer Rd. Bridges that need repair. Councilor Ryder stated that if we put everything into one shot it would be better than to keep coming back with different bonds. Committee consensus is to move forward with bond counsel.**
- f. Committee discussion and recommendation to engage the firm of Eaton Peabody as bond counsel for a bond referendum to finance water line installation for fire suppression service in the Business Park – Chair McAvoy inquired of the Director if this was his initiative, to which Manager Chandler stated that it was he who added this for discussion. He explained that FW Webb is going**

to build a substantial building in the Business Park, and one issue that came up is the fire suppression flow requirements. In a nutshell, the pipes are too small for a suppression system in a building that size, according to the State Fire Marshall's office. The Town has a vested interest into the success of the Business Park, but Manager Chandler has some questions about the return to the Town in water infrastructure. He stated that this was put on the agenda to make Council aware of the issue.

- g. Council Rules review– requested by Councilor Wilde –**
Councilor Wilde stated that in previous meetings updating and reviewing the rules has been discussed. He wanted to know what Council wants to do, see if they are adequate, throw them out, work on them or not. The Clerk spoke to the history of this becoming an agenda item, going back to questions about committee structure, reducing the number of committee meetings, structure of the agenda and so on. She spoke to the fact that when Councilor Sirois was still empaneled he had requested that items be added to the rules; Councilor Wilde has requested review on more than one occasion. She reiterated that these rules are Councils rules and they are theirs to change, or not, that she had been tasked with helping to rewrite them at a previous F & A Committee meeting. Chairman McAvoy stated that this could be a standing item to which Council could make suggestions to be voted on at each subsequent meeting. Councilor Wilde stated that he feels there are a lot of areas that need to be looked at, such as committee structure because all Councilors attend all committee meetings, and he stated that maybe they could be scaled back. Councilor Wright stated that attendance is a choice unless you are on that committee. She stated that Councilors should trust other Councilors to look at topics, discuss them, and bring recommendations to the Council. It is there that she will either support something or not, but that she trusts her fellow Councilors to make sound decisions for the Town. Councilor Wright inquired as to which version is the adopted one. The Clerk stated that the red-lined version is the draft that is in essence the same but has a couple of suggested additions by Councilors. She stated that the adoption or revision of the rules, or not, is the vote of the Council, as the Charter states that Council shall determine its own rules. Councilor Wright stated that information can be found and divested in other ways besides going to every committee meeting. Councilor Cormier pointed to the section that allows non-committee Councilors to vote at committee meetings as an area to look at changing. Manager Chandler stated that in essence, there are about 6 Council meetings a month because of that rule, which allows it. It is highly unusual. Consensus was to add the topic of the Committee structure to the

next agenda.

5. Public Comment - *None*
6. Committee Member Comments - *None*
7. Adjournment – *With no further business, the meeting adjourned at 6:55 p.m.*

Respectfully Submitted,

Paula A. Scott

Paula A. Scott, CCM
Town Clerk

SERVICES COMMITTEE MEETING

Monday, July 18, 2018

6:00 pm

HAMPDEN TOWN OFFICE

MINUTES

Attending:

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

*Town Manager Jim Chandler
Rec Director Shelley Abbot
Peter Neal
Jane Jarvi
Chris Packard
Members of the Public*

1. MINUTES

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

2. COMMITTEE APPLICATIONS – None

Chairman Marble opted to take item 4 c. out of order - taking this item first.

- c. Review and approval of recommendation to Council for Public Hearing the proposed amendments to the Harbor Ordinance – request of Harbor Master Peter Neal**

Peter Neal, Town's Harbor Master stated his additions to the Harbor Ordinance. Peter has some safety concerns about the children swimming off the boat ramp, and riding bikes down the launch ramp. A safer swimming area for the children was discussed. The phenomenon of electronic shock drowning was explained by Peter which is caused by improperly grounded generators or electric stanchions with improper wiring. The kids get shocked, can't move, and then drown. The south side of the boat launch would be a safer area for the kids to swim. It's a non-motorized launch area. Two grants for studying improvements to the water front for maybe adding more parking for vehicles and boats, better public use, and re-building cribwork was discussed; as well as Chevron settlement funds. The disbursement of Chevron funds is still being negotiated.

Councilor McAvoy had questions on the authority of the Harbor Master regarding the enforcement of the Harbor Ordinance. Peter explained that he has

statutory authority. Manager Chandler stated that if the Council appoints someone, that person is empowered to enforce all laws and ordinances pertaining to regulation. Councilor Marble suggested that the discussion on the ordinance be tabled until questions can be answered with legal. Shelley Abbott asked about safety equipment. Peter stated that a life ring was installed this year at the boat launch.

3. OLD BUSINESS

a. Youth Recreational Field and Parking Permitting

Chairman Marble gave a summary of the history up to this point with the recreational fields and parking. Chairman Marble explained that Committee looked at this three years ago. Parking overflow and safety issues on Western Avenue when fields were in use on Saturdays was a concern. Services have been reduced to achieve safety. The Town Manager looked for guidance and public input on possible parking expansion.

The Town Manager prepared an RFQ on the stormwater design for the parking addition. At an earlier committee meeting Town resident and DEP employee, Ken Libby advised that the parcel as whole be permitted, not in pieces. The Stormwater plan for the parking addition pushed the Town parcel over the threshold for impervious surface and there needed to be engineering for stormwater. The DEP requires site law at this point. Councilor Wright asked what the total acres was. It is a contiguous 37-acre parcel, that includes the pool site and Town office site (including post office) Woodard & Curran were retained and provided conceptual drawings for different scenarios on just parking or adding fields. An Environmental & topographical survey was completed. The public was invited to come to two meetings to discuss the options provided in the drawings. An unfortunate robocall was launched and mis-information was spread amongst the residents of Hampden.

Chairman Marble suggested a reset to get the project moving forward again. Councilor Wilde wanted feedback from the Hampden Residents, on whether this was something they supported. He stated all the fields in Hampden are not being used. He pointed out the High School fields, are not being used. Councilor Wilde explained about a survey that was done showing residents did not want additional fields. He spoke about a survey that was done in the past that indicated that residents did not want it. Members asked what survey Councilor Wilde was talking about. Councilor Wright spoke about the questionnaire done several years ago when the Historic Hampden Academy was purchased by Danny Lafayette. There was going to be soccer fields down back and shop fronts. The opinion of residents on the use of recreational field addition was that they

supported it. Councilor Wilde stated he could support it if the residents support it. He stated that making comments that you wanted to clear cut all the wood was not conducive.

Chairman Marble reminded Councilors it was not productive to bring up old sore spots, to inflame old arguments.

Councilor Wilde and Councilor Ryder got into a heated discussion over the clear cutting of wood from the parcel proposed for recreational fields.

Councilor Wright injected "point of order" several times.

Councilor Wright asked what as a committee do we need to do to move this forward, so we can open it up to public comments.

Councilor Ryder stated it has had public comment, before. Woodard & Curran was hired to design it. They figured it for the maximum amount of money to build it which was never the intent of council. So, at the public meeting, it was presented as a grand design.

Jane Jarvi stated that before a reset discussion there is a need to re-identify the objective and move forward. She stated that there still is a safety issue today. The Recreation Director reworked schedules so that programs can go forward by maximizing the time that people come and go, which cut into programs. The programs have now reached maximum capacity. Feedback from the community from a non-binding question at the election, or a survey needs to happen. There are no available fields for adults to play soccer or softball or any other sports. We cannot use the school fields because they have their own programs going on. Jane agreed with Councilor Marble in doing a reset.

Councilor Wright asked what the sports are that are suffering capacity issues. Shelley Abbott stated that the over capacity is with the fall season, soccer and flag football. All games are held on Saturdays right now. Baseball can have as much as 60 kids enrolled and only 41 parking spaces.

Chairman Marble stated the Town is growing, and recreation is in demand. The Recreational Committee planning study cited this kind of thing coming.

Councilor McAvoy clarified that the initial problem was safety & parking. He stated that he supported the addition of parking only but then all this other stuff got added. He asked if the parking was there today would you have plenty of fields. Shelley Abbott stated that we could get back to the programs we offered two years ago, if we could get back to using three fields every hour that would take away the pressure of limiting students.

Councilor McAvoy stated that to move this forward, if we stick to just the parking he would support it. Then five options were presented. Parking only was the first option and it was shot down.

Shelley Abbott stated that there is need for additional fields, the Town is growing so are the needs for recreational fields.

Nancy Fenders, resident of Hampden, added that we can't add additional sports unless we have additional fields.

Manager Chandler asked if the study done a few years ago still existed. Shelley stated that yes, there is a study. She also explained that Bronco football uses the field behind the Skehan Center. The only program Rec offers is flag football.

Councilor McAvoy explained that one of the questions on the survey was do you support the Town taking over the Skehan Center if there is no tax money spent to support it. He stated that there is a history of not following the tax payer's wishes. Chairman Marble asked if anyone has an idea on how to move this project forward.

Councilor McAvoy stated if the objective is for adding additional parking, he is for it. Councilor Ryder stated if we continue the permitting for additional parking we would still have to do it for this site (Town office) and the fields at the pool site.

Councilor Wilde asked what the numbers are that we are talking about spending and why they cannot be used. Councilor Ryder stated he feels it can be done cheaper even on the parking. He reiterated that even for just parking, the permitting needs to be done before we can even consider the cost of adding parking.

Jane Jarvi asked Councilor McAvoy to clarify if he supports the parking, and if so, does he support the permit to achieve the additional parking?

Councilor McAvoy stated that yes, if the permitting is just for the parking. If the permit is based on the additional parking at the pool site, then he supports it.

Jim Dyer spoke about the engineer that meet with the Recreation Committee, who informed them that there are 3 different sites on the one parcel which houses the municipal building, the post office, and the pool. There was never stormwater permitting done prior to them being built because it was not required then, but now, permitting must be like no building exists. It must be done for existing conditions.

Mayor McPike stated that an RFQ went out to engineering firms to get their estimate for the cost of permitting the stormwater. It cost absolutely nothing to do that and it got shot down because it was a 3 to 3 tie. He stated that whether one parking spot or one hundred fields, we still had to

do stormwater permitting. It cost nothing. There was some heated discussion between Councilors on why it did not get any further than trying to get an RFQ out.

Jason Sharp stated his opinion is 1) reset is not happening, 2) no consensus on putting it on a referendum 3) perhaps a council discussion with residents would help.

Councilor Ryder made a motion to recommend to Council that the town manager issue an RFQ for stormwater permitting for potential additional parking on the Lura Hoit Pool site and update the stormwater plan for the Town office site. This motion was seconded by Mayor McPike. Councilor McAvoy would like to see the RFQ draft before it goes out. There was some discussion on the RFQ and what it covers. Vote was unanimous, 6-0.

4. NEW BUSINESS

a. Discussion of the Souadabscook Stream boat launch

Chris Packard explained about the Bog Road privately owned but publicly accessed boat launch that's been there a very long time. Commonly referred to as Vafiades Landing. As a House lot has been on the market over 600 days. The Seller approached the previous Town manager about purchasing the launch. He stated it is a valuable resource for the public and the only access to the lower Souadabscook and is the only access to Hammond Pond. He stated his concerns about the Town possible losing this access. Chris stated he has been working with Landmark Heritage Trust, Wes Headland, who manages the conservation easement for Turtlehead Park. He stated that he is speaking as a concerned Hampden citizen who is concerned over the potential loss of access for the public if this gets sold to another party who might close off that access.

Chairman Marble stated that over a year ago, this came up with the previous Town Manager, and Town Planner to look for possible grant opportunities (this was not pursued) and to solicited public input. One of the issues was the Town did not want to take on the responsibility of managing the site, especially at tax payer cost. Chairman Marble discussed other issues stating that the Town walked away from the idea of purchasing the boat launch.

Jim stated he met with the owners on site and while there, several cars and people where there using the boat launch.

Chairman Marble stated that if there was a way for the Town to purchase the site, he believes that it would have to be citizen driven. His inclination

is to ask Manager Chandler to study the issue and funding sources and perhaps the Trust could help. Chris Packard feels that this resource needs to be protected from private ownership, so the Town does not lose access to this boat launch.

*Councilor McAvoy stated he would not support this.
There was some debate over private versus public property.*

*Councilor Ryder stated that the price is lower than first put up for sale.
Current listing price is around \$119,000.*

Manager Chandler will see if staff resources will be available, to do a quick analysis to see the viability of the property to the Town.

- b. Discussion of access and recreational use of the LL Bean parcel
Tabled.**

5. PUBLIC AND STAFF COMMENTS

6. COMMITTEE MEMBER COMMENTS

With no further business, the meeting adjourned at 7:43 p.m.

Respectfully submitted,

Rosemary Bezanson, Administrative Assistant



Town of Hampden
Land & Building Services

Memorandum

To: Town Council, Town Manager
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: August 8, 2018
RE: Amendment to Mobile Home Park Ordinance

Attached is the proposed amendment to the Mobile Home Park Ordinance as referred and recommended by the Planning & Development Committee on August 1, 2018, and set for public hearing by Town Council on August 6, 2018.

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

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

Deletions are ~~Strikethrough~~ Additions Underlined

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

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

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

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

CERTIFIED BY: Paula Scott
Name

Town Clerk
Title Affix Seal

**MOBILE HOME PARK ORDINANCE
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ARTICLE 1
GENERAL PROVISIONS

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

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

1.3. Purposes. The purposes of this Ordinance are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2
ANNUAL MOBILE HOME PARK LICENSE REQUIRED.

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

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

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

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

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

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

5. The Park Owner shall keep the register up to date, and available for inspection at all times by law enforcement officers, emergency services personnel, code enforcement officials, and other officials whose duties necessitate acquisition of the information contained in the register.
 3. A mobile home park plan, prepared and / or certified by a professional land surveyor, drawn at a scale of not less than one inch equals 40 feet, depicting the boundaries of the park, the streets within the park, the common areas within the park, the mobile home lots within the park, and the location of each mobile home within the park. For emergency purposes, the lot numbering required by Article 3 shall be shown on the plan.
 4. The name of the mobile home park.
 5. The license application shall also be accompanied by the application fee established by the Hampden Fees Ordinance.
 6. A park management plan, including a 24 hour contact person, rules of the park, schedule for park maintenance, trash removal, and road maintenance for the park.
- 2.6. The Code Enforcement Officer shall issue a written decision on the application for a mobile home park license. In order to grant a license, the Code Enforcement Officer must find the following:
1. That the mobile home park is in compliance with all applicable laws, ordinances, regulations, and has received all necessary approvals from the Town of Hampden and the State of Maine.
 2. Deleted. *Amended: 01-05-2009*
 3. That the Park Owner has complied with the requirements of this Ordinance during the term of the prior license. *Amended: 01-05-2009*
- 2.7. The Code Enforcement Officer may issue a conditional license if the Park Owner enters into a written agreement with the Town that contains a detailed schedule of compliance setting forth the specific improvements to the park, mobile home lots, or mobile homes that the Park Owner shall make during the term of the license. If the Park Owner fails to comply with the provisions of said agreement, said noncompliance shall be the grounds for revocation, or non-renewal, of the license.
- 2.8. The Code Enforcement Officer, after notice and a hearing on the matter, may revoke any license to establish, maintain or operate a mobile home park upon making a finding that the park is not being operated or maintained in accordance with the provisions of this Ordinance, or any other applicable law or ordinance.

**ARTICLE 3
MOBILE HOME LOT IDENTIFICATION.**

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

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

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

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

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

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

**ARTICLE 5
OBLIGATIONS OF PARK OWNERS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 6

OBLIGATIONS OF MOBILE HOME OWNERS OR OCCUPANTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 8 SAFETY STANDARDS.

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

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

Amended: 01-05-2009

8.3. *Standards.*

8.3.1. *Light and Ventilation*

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

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

8.3.3. *Exit Facilities – Exterior Doors*

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

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

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

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

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

8.3.6. Room Requirements

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

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

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

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

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

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

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

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

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

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

8.3.14. Deleted Amended: 01-05-2009

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

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

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

8.3.16. Heating and Fuel Burning Systems

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

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

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

8.3.18. Minimum Separation Requirements.

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

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

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

ARTICLE 9
VIOLATIONS AND ENFORCEMENT.

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

ARTICLE 10
APPEALS.
Amended 06-19-2006

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

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

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

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

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



Town of Hampden
Land & Building Services

Memorandum

To: Town Council, Town Manager
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: August 7, 2018
RE: Medical Marijuana and Adult Use Marijuana Ordinances

At the Town Council meeting scheduled for August 20, 2018, there will be public hearings for two ordinances. This memo summarizes these two ordinances.

1. Moratorium Ordinance Regarding Medical Marijuana Retail Stores

This ordinance will replace the Emergency Ordinance Regarding Medical Marijuana Retail Stores adopted by Town Council on August 6, 2018. It follows the state statutes for the establishment of a moratorium. The purpose of this ordinance is to prohibit the establishment of any medical marijuana retail store, including those operated by medical marijuana registered caregivers, for the time period the moratorium is in effect. This will give town staff the time necessary to fully research the implications of this use as well as the state laws and rules (the latter of which are being amended by the state), to allow us to draft regulations that are consistent with the state laws and that are sensible for the Town of Hampden. It should be noted that we cannot draft local regulations until the state amends their rules governing medical marijuana, which they are doing to be consistent with the many changes to the Maine Medical Marijuana Law.

If Council adopts this moratorium ordinance, it will become effective 30 days later on September 19 and will be in effect until February 2, 2019 unless repealed or extended prior to that date. It should be noted that February 2, 2019 is 180 days after the adoption of the Emergency Ordinance adopted August 6, which is consistent with the intent of the state law in providing municipalities 180 day moratorium periods.

2. Marijuana Ordinance

The Marijuana Ordinance is intended to eventually deal with many aspects of the marijuana industry, both adult use (aka recreational) and medical. Since we are still waiting for the state to adopt rules for the adult use marijuana industry, we cannot draft local regulations for that other than the addition of the various adult use marijuana uses to

the Use Table in the Zoning Ordinance (all are currently prohibited in all zoning districts in Hampden). In the meantime, due to a change in the Marijuana Legalization Act regarding the cultivation of marijuana for personal use by any individual age 21 or over, staff recommends that Council take action on the one issue addressed in the proposed Marijuana Ordinance.

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

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

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

If adopted, this ordinance will become effective 30 days later, on September 19. This ordinance has no built-in expiration date.

I also want to mention that we have created a new section of the Town's website to address local regulation of marijuana. It is easy to find from the home page, just click on the "Marijuana Info" button on the left side of the page.

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

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

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

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

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

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

Section 3. Pending Proceedings. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance governs any proposed medical marijuana retail store for which an application for a building permit, certificate of occupancy, conditional use, site plan or any other required approval has been submitted to the Municipality, whether or not a pending proceeding, prior to the enactment of this Ordinance.

Section 4. Conflicts/Savings Clause. Any provisions of the Municipality’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any medical marijuana retail store is established in violation of this Ordinance, each day of any continuing violation constitutes a separate violation of this Ordinance and the Municipality is entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

Section 6. Effective Date. This Ordinance becomes effective 30 days after its adoption and will remain in full force and effect for a period not to exceed 180 days after adoption, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Municipality, whichever first occurs.

TOWN OF HAMPDEN

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

Deletions are ~~Strikethrough~~ Additions are Underlined

TOWN OF HAMPDEN MAINE
MARIJUANA ORDINANCE

ADOPTED: _____, 2018

Certified By: Paula Scott, Town Clerk

Article 1. Purpose & Authority..... 1
Article 2. Home Cultivation for personal Adult Use Marijuana 1
Article 3. Enforcement..... 2
Article 4 . Severability 2
Article 5. Definitions 2

Article 1 – Purpose and Authority

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

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

Article 3 – Enforcement

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

Article 4 – Severability.

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

Article 5 – Definitions

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

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

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

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Finance & Administration Committee & Town Council
FROM: Jim Chandler, Town Manager & Sean Currier, Public Works Director
DATE: August 6, 2018
RE: Roads & Bridges Bond – Proposed Ordinance for Borrowing Authority

Please find attached the proposed Ordinance language prepared in conjunction with our Bond Counsel Dan Pittman at Eaton Peabody.

Background

As previously discussed, The Bangor Area Comprehensive Transportation System (BACTS) Policy Committee approved the Town's request for additional federal and state support to cover an anticipated funding shortfall of approximately one million (\$1,000,000) dollars for the Route 1A reconstruction project scheduled to begin in the Spring of 2019.

Additionally, the Maine Department of Transportation (MDOT) routinely inspects three locally-maintained bridges and identified deficiencies or preventative maintenance issues with two bridges within the Town. Specifically, the Manning Mill Bridge and Sawyer Road Culvert were assessed and are the subject of comprehensive reports provided to the Town in November 2017. This issue was discussed at the July 23rd Infrastructure Committee meeting, where a positive referral was recommended.

Additional discussion included consideration of adding another stream crossing road/bridge/culvert project for the Sucker Brook crossing of Old County Road; however, this stream was recently designated "Urban Impaired" thus requiring additional research regarding a potentially modified scope of work. Further, this may also make the project eligible for non-tax source funding of the needed repairs. For these reasons, staff has is not included in this request.

Recommendation of Projects for Bond Funding

Staff recommends Council seek public support for a bond to cover the Town's share of the Rt. 1A shortfall, and the additional road projects listed below:

- Route 1A reconstruction - \$600,000
- Route 1A/Western Avenue Signaled Intersection - \$350,000
- Sawyer Road Bridge - \$300,000
- Manning Mill Bridge - \$150,000

Fiscal Impacts

The total cost of the requested borrowing authority is \$1,400,000 and the anticipated source would be the Maine Municipal Bond Bank. However, these are conservative estimates and once the project bids are received only the required funds will be secured.

TOWN OF HAMPDEN

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

The Town of Hampden hereby ordains as follows:

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

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

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

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

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

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

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

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

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

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

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

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

TOWN OF HAMPDEN
BALLOT QUESTION NO. 1

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

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

Yes

No

ADOPTED: Hampden Town Council, August 20, 2018.

A True Copy, Attest: _____
Paula Scott
Town Clerk

TOWN OF HAMPDEN
Treasurer's Financial Statement
General Obligation Bond

1. Total Town Indebtedness

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

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

2. Costs

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

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

3. Validity

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

Jim Chandler
Treasurer
Town of Hampden, Maine

**Memorandum**

TO: Town Council
CC: Jim Chandler, Town Manager
FROM: Paula Scott, Town Clerk
DATE: August 14, 2018
RE: Tradewind's Victualer's license

Ben Hanson, part owner of Eddington Market Inc., the parent organization for the food service portion of Tradewinds Variety, has applied for a new Victualer's license. Pursuant to the Victualer's Ordinance, in addition to all financial obligations due the Town being current, the premises must be inspected by the Code Enforcement Officer and Building Inspector. Although at this point, there is nothing to inspect since the building is not complete, Mr. Hanson wanted to have the license in place for the eventual completion and subsequent opening. I have conversed with CEO Block regarding this fairly unusual circumstance. We both recommend that Council approve the license conditional upon the issuance of the occupancy permit as all inspections will have been completed at that time.

TOWN OF HAMPDEN, MAINE

APPLICATION FOR NEW VICTUALER'S LICENSE

DATE: 7/30/18 PHONE NUMBER: (207)991-8945

NAME(S): Eddington Market Inc.

ADDRESS: 1439 Main Road, Eddington, ME 04428

NAME OF BUSINESS: Tradewinds Variety VI

LOCATION OF BUSINESS: 98 Coldbrook Road, Hampden, ME 04444

SIGNATURE: Bjorn Idson Ben Hanson

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

M33-11-B

Code Enforcement Officer

Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

has not been billed yet
Tax Collector

no account
Town Treasurer

Please return completed form to: **Town Clerk
Town of Hampden
106 Western Avenue
Hampden, ME 04444**

LICENSE FEE: \$150.00 Date Received/Fee Paid: 7/30 12018
(Fee Includes Notice of Public Hearing)

CK# 1019
RB

Sgt. T.D. Stewart
 Sgt. Chris Bailey
 Ofc. J.D. Burke
 Ofc. Shawn Devine
 Ofc. Wm. Miller
 Ofc. Tony Lorenz
 Ofc. Jeff Rice
 Kandy McCullough, Office Manager
 Chief Joseph L. Rogers, Director of Public Safety

Sgt. Scott Webber
 Inv. Joel Small
 Ofc. Ben Eyles
 Ofc. Marc Egan
 Ofc. David Mushrall
 Ofc. Hunter Cotton



Lt. Dan Pugsley, Jr.
 Lt. Jason Lundstrom
 FF Jared LeBarnes
 FF Shaun McNally
 FF Matt Roope
 FF Gavin Webb
 FF Larry Hayward
 FF Ken Roy
 FF Oliver Bianchi

Lt. Matt St.Pierre
 CH. Joe Dunton
 FF Matt Thomas
 CEO Myles Block
 FF Chris Liepold
 FF Ed Gardella
 FF Dani Green
 FF Chad Sparrn

POLICE FIRE EMS CODE ENFORCEMENT LOCAL HEALTH OFFICE

TO: Town Council, Jim Chandler, Town Manager
FROM: Joe Rogers, Director of Public Safety
RE: Police Cruiser Reserve Fund
DATE: August 8, 2018

I am requesting that \$29, 280 be released from the police cruiser reserve fund account for the purchase of a police SUV.



State of Maine

D-5-a

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station
Augusta, ME 04333-0008
Telephone: (207) 624-7220 Fax: (207) 287-3434

Application for Catered Function By Qualified Catering Organization

License No.: 5507 Name of Qualified Caterer: Jeff's Catering & Banquet Center
Mailing Address: PO Box 377
Town/ City: Brewer State: ME Zip Code: 04412
Telephone: (207) 989-1811 Fax:
Title and Purpose of Event: Open House
Location of Event: Old Hampden Academy
Physical Address of Event: 1 Main Road North
Town/City: Hampden State: Maine Zip Code: 04444

[X] Indoor Event [] Outside Event (IF OUTSIDE AREA, DIAGRAM MUST BE INCLUDED)

Describe specific indoor and/or outdoor area to be licensed: Inside old Hampden Academy.

Date of Event: 09/12/2018 Time - From: 4:00P To: 8:00P

Number of Persons Attending: 75

Name of Sponsor: Chelsea Edgar

Address: 135 High Street Town/City: Ellsworth
State: Maine Zip Code: 04605 Telephone Number: (207) 242 - 1872

Signature of Licensee or Corporate Officer
Chausey Asheey
Print Name of Licensee or Corporate Officer

08/07/2018
Date

FOR USE ONLY BY DIVISION OF LIQUOR LICENSING & ENFORCEMENT

RESTRICTIONS:

[] APPROVED

DATED:

[] NOT APPROVED

ISSUED BY:

NOTE:

TO MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

This application must be approved by the Municipal Officers of the municipality in which the function is to be held or, if held in an unincorporated place, by the County Commissioner. Title 28A, Section 1076, Subsection 7D grant authority for this approval without public notice.

Dated at: Hampden City/Town, Maine Penobscot (County) ss
On: August 20, 2018 Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: Hampden, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

Signature	Print

***72 Hours in Advance of Said Event or Gathering
REQUESTED***



D-5-c

Paula Scott <clerk@hampdenmaine.gov>

Municipal Grant

1 message

Rich Armstrong <rich@snowprint.com>
To: "clerk@hampdenmaine.gov" <clerk@hampdenmaine.gov>

Thu, Aug 16, 2018 at 1:57 PM

Paula, below is a more thorough explanation of what the Municipal Grant is.

Hello Rich,

I'll try and explain the grant as best I can through this e-mail. The municipal grant is a grant that is offered to municipalities and counties only (not directly to clubs) to help snowmobile clubs offset the cost of maintaining high traffic main artery snowmobile trails. This grant is geared to keeping communities and main artery snowmobile trails open to the public to stimulate economic growth. The approximant dollars to the Maine economy is around \$350 million dollars with a new economic impact study in the works with the University of Maine.

The town or county does not actually do the work unless they chose too, however in almost all cases it is the local snowmobile clubs that perform all the grooming and trail maintenance. This grant pays out at 70% with the other 30% coming from in-kind, donations or other funding from the snowmobile club. The county or municipality can help with costs if the decision is made to also contribute to the local snowmobile club, but it is not required.

The Goodwill Riders of Hampden have been very active in trail maintenance and upgrading equipment to offer an enjoyable experience for snowmobilers in that area. The local towns of Hermon, Bangor and Winterport have appreciated the effort that these volunteers have made as it reflects on that region. This club maintains ITS82 which is considered a trail of statewide significance which makes the town of Hampden eligible for this grant.

I hope this helps and let me know if there is anything you need.

Joe Higgins

*Supervisor Off-Road Vehicle Program
State of Maine
Dept. of Agriculture Conservation and Forestry
Bureau of Parks and Public Lands
Off Road Vehicle Office
(207) 287-4959
Fax (207) 287-8111*

Rich

2018 ENHANCED BETE MUNICIPAL TAX RATE CALCULATION FORM

D-5-d

Municipality: Hampden

Data entry fields

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total taxable valuation of real estate	1	\$620,642,600 <small>(must match MVR Page 1, line 6)</small>
2. Total taxable valuation of personal property	2	\$27,498,500 <small>(must match MVR Page 1, line 10)</small>
3. Total taxable valuation of real estate and personal property (Line 1 plus line 2)	3	\$648,141,100 <small>(must match MVR Page 1, line 11)</small>
4. (a) Total exempt value for all homestead exemptions granted	4(a)	\$35,845,800 <small>(must match MVR Page 1, line 14f)</small>
(b) Homestead exemption reimbursement value	4(b)	\$22,403,625
5. (a) Total exempt value of all BETE qualified property	5(a)	\$10,078,300 <small>(must match MVR Page 2, line 15c)</small>
(b) Enhanced BETE exemption reimbursement value	5(b)	\$5,326,828
6. Total valuation base (Line 3 plus line 4(b) plus line 5(b))	6	\$675,871,553

ASSESSMENTS

7. County tax	7	\$911,927.00
8. Municipal appropriation	8	\$9,311,157.00
9. TIF financing plan amount	9	\$336,280.00 <small>(must match MVR Page 2, line 16c + 16d)</small>
10. Local education appropriation (Local share/contribution) <small>(Adjusted to municipal fiscal year)</small>	10	\$6,941,926.00
11. Total appropriations (Add lines 7 through 10)	11	\$17,501,290.00

ALLOWABLE DEDUCTIONS

12. Anticipated state municipal revenue sharing	12	\$416,958.00
13. Other revenues: All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. (Do Not Include any Homestead or BETE Reimbursement)	13	\$3,943,089.00
14. Total deductions (Line 12 plus line 13)	14	\$4,360,047.00
15. Net to be raised by local property tax rate (Line 11 minus line 14)	15	\$13,141,243.00

16.	\$13,141,243.00 <small>(Amount from line 15)</small>	x	1.05	=	\$13,798,305.15	Maximum Allowable Tax
17.	\$13,141,243.00 <small>(Amount from line 15)</small>	+	\$675,871,553 <small>(Amount from line 6)</small>	=	0.01944	Minimum Tax Rate
18.	\$13,798,305.15 <small>(Amount from line 16)</small>	+	\$675,871,553 <small>(Amount from line 6)</small>	=	0.02042	Maximum Tax Rate
19.	\$648,141,100.00 <small>(Amount from line 3)</small>	x	0.01960 <small>(Selected Rate)</small>	=	\$12,703,565.56 <small>(Enter on MVR Page 1, line 13)</small>	Tax for Commitment
20.	\$13,141,243.00 <small>(Amount from line 15)</small>	x	0.05	=	\$657,062.15	Maximum Overlay
21.	\$22,403,625 <small>(Amount from line 4b)</small>	x	0.01960 <small>(Selected Rate)</small>	=	\$439,111.05 <small>(Enter on line 8, Assessment Warrant)</small>	Homestead Reimbursement
22.	\$5,326,828 <small>(Amount from line 5b)</small>	x	0.01960 <small>(Selected Rate)</small>	=	\$104,405.83 <small>(Enter on line 9, Assessment Warrant)</small>	BETE Reimbursement
23.	\$13,247,082.44 <small>(Line 19 plus lines 21 and 22)</small>	-	\$13,141,243.00 <small>(Amount from line 15)</small>	=	\$105,839.44 <small>(Enter on line 5, Assessment Warrant)</small>	Overlay

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.