



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY NOVEMBER 20TH, 2017 7:00 P.M.

6:30 p.m. – Finance & Administration Committee

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

Attending:

Mayor Ryder

Councilor Sirois

Councilor McPike

Councilor Wilde

Councilor Marble

Councilor Cormier

Councilor McAvoy

Town Manager Angus Jennings

Town Clerk Paula Scott

Resident Valerie Webster

- A. PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance*
- B. CONSENT AGENDA** – *Councilor Marble made a motion, seconded by Councilor McAvoy to accept the consent agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. None

3. COMMUNICATIONS

- a. Elected Officials Workshop registration form
- b. Notification of the IS 402-ICS for Elected Officials to be held December 13th at the Holden Town Office
- c. Notification of 2018 MMEHT insurance rates
- d. EMDC and Town of Hampden Community Technology Plan
- e. Committee assignment request forms
- f. Legal notice for information about changes to Spectrum channel line up
- g. Notification of a public meeting to be held on Tuesday, November 28th at the Hampden Town Office to discuss the future improvement of Twin Bridge
- h. Termination of Town of Hampden Properties TIF District

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

MINUTES**4. REPORTS**

- a. **Finance Committee Minutes – None**
- b. **Infrastructure Committee Minutes – None**
- c. **Planning & Development Committee Minutes – 11/01/2017**
- d. **Services Committee Minutes – None**

C. PUBLIC COMMENTS - None**D. POLICY AGENDA****1. NEWS, PRESENTATIONS & AWARDS****2. PUBLIC HEARINGS**

- a. **Consideration of the proposed amendments to Section 7.2 Definitions, to define Retail Marijuana, Retail Marijuana Store, Retail Marijuana Social Clubs, Drug Store or Pharmacy and to amend existing Definitions relative to Retail Marijuana and related uses, with the intent to prohibit Retail Marijuana Stores and Retail Marijuana Social Clubs in the Town of Hampden – referral from Council on November 6th** – At 7:01, Councilor Sirois made a motion, seconded by Councilor McAvoy, to open the public hearing. Unanimous vote in favor. Mayor Ryder recognized resident Valerie Webster of 1325 Carmel Road North. She stated that she was under the impression that the legislation stated that if towns did nothing, it was approved. Manager Jennings stated that is how it would have been if the proposed legislation had not been vetoed. He stated that there remains some ambiguity, and that is what the Town is doing here, to try to clear it up. Ms. Webster questioned how the veto effects the town. Manager Jennings summarized the policy intent of the Council about the new marijuana legislation that the voters approved in 2016. He referenced the Council Resolution that was signed in April and explained that the purpose of this zoning amendment is to define uses and to change existing definitions to close any potential loopholes. After a few more questions regarding how the state law will affect the town, Councilor Sirois suggested that she contact her state representatives to understand what that goal is and clarified that the purpose of what we are doing tonight is to determine what we will be allowing at a local level. With no further discussion, at 7:04, Councilor Marble made a motion, seconded by Councilor McAvoy, to close the public hearing. Unanimous vote in favor. Councilor Sirois made a motion, seconded by Councilor McAvoy to approve the proposed zoning ordinance amendments to section 7.2 as written. Unanimous vote in favor, 7-0

MINUTES

- b. **Consideration of the proposed Zoning Map Amendment to reflect the proposed rezoning of a portion of parcel 33-0-011-A located at the intersection of US Route 202 and Coldbrook Road, from Residential a District to Commercial Services District – referral from Council on November 6th** – At 7:10 p.m., Councilor Marble made a motion, seconded by Councilor Sirois to open the public hearing. Unanimous vote in favor, 7-0. There were no questions or comments from the public. At 7:10 p.m., Councilor McAvoy made a motion, seconded by Councilor Marble, to close the public hearing. Unanimous vote in favor, 7-0. Councilor Marble stated for the public watching at home that there has been previous discussion in Planning & Development Committee meetings full of healthy dialogue with owners and citizens. Manager Jennings also stated that this is in keeping with the Comprehensive Plan which identifies this as a commercial area. With no further discussion, Councilor Sirois made a motion, seconded by Councilor McAvoy, to approve the Zoning Map amendment as proposed. Unanimous vote in favor, 7-0.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Returns of Votes Cast and Town Clerk’s report on the November 6th, 2017 State Referendum and Municipal Election** – The Town Clerk recapped the election, stating that it was a lively election with much activity by petitioners, the PTO, and candidates. She thanked the Department of Public Safety for working around the influx of people, and thanked the Department of Public Works for their assistance in setting up and breaking down. For the Returns of Votes Cast, there were 1903 ballots cast for the State Referendum, and 1900 ballots cast for the Municipal Election. (Three absentee envelopes did not have local ballots in them.) Out of 5,761, this represents a 32% voter turnout.
- b. **Request form to fill an interim vacancy on the RSU 22 Board of Directors** – Councilors were reminded that the vacancy on the RSU 22 Board of Directors will be filled by Council until the next November election in 2018.
- c. **MRC Board of Directors election ballot** – Councilor McPike made a motion, seconded by Councilor McAvoy, to cast a vote for Kevin Howell of Carmel. Unanimous vote in favor, 7-0.

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

- a. **Request for Council authorization for the expenditure of an amount up to \$6,300 from Roads/Streets Reserve Account (3-761-00) for town center**

MINUTES

crosswalk engineering – referral from Finance & Administration Committee – Councilor Sirois made a motion, seconded by Councilor Marble, to authorize the expenditure of up to \$6,300 for the purpose of town center crosswalk engineering. Mayor Ryder stated that the Town is not required to have engineered plans for a crosswalk. As previously discussed, the idea is to put this out with a Water District RFP and this would eliminate the little guy because the only ones bidding on the Water District job will be big contractors that lay pipe. If the Town doesn't like the contractor, we could refuse and put it out to bid ourselves so he doesn't see the urgency. He stated that since no paving can be done in January, this could be added to our Spring list of projects and solicit from our list of preferred vendors. Councilor McPike stated that this has been discussed back and forth and clarified that this authorization is for engineering only and not for the work. He asked the Manager to clarify that this can be added to the Water District RFP but that if we are not satisfied, we can bid the work separately, to which Manager Jennings agreed. Councilor McPike then stated that Manager Jennings does not agree that we don't need engineered plans, and asked him to explain. Manager Jennings stated that this issue goes back to last Spring. There have been visits on the site with the MDOT District Engineer out of Bangor who stated that they expect a plan set to go along with the work and has conveyed that expectation to us. Manager Jennings stated that when you go look at the site, there are questions that come up about grading, the appropriate landing for Cottage Street, and how the bump in the Irving's driveway will play into it. Questions have come up as to whether you need just one ramp up to the landing, or is a second one required for the exit off the landing. If there is an exit needed, where does the exit go? Does it tie into the existing sidewalk in front of the Irving station? Manager Jennings stated that these types of questions are the reason why he and the DPW Director feel it is important to have an engineer who can answer those questions and design it properly. Manager Jennings stated that most RFPs that involve any type of construction have a plan set so that you get an apples to apples comparison of the bids, and so that the bidders know exactly what they are bidding on. The site visit was part of the reason that we were successful in getting the flashing beacon. The location of the beacon must be in ADA compliance and that crosswalk needs to come into compliance. They do expect someone to design it and build it properly and we just don't have the skill set on staff to do that. Manager Jennings further stated that the number of projects that he and Sean can responsibly manage also plays a part in this and when you are dealing with compliance issues there is a lot of project management involved. He stated that therefore having a competent engineer on the project is very, very important. Councilor Marble stated for the public that although many Council meetings end up in consensus, or in near consensus, these are the types of things debated at Committee level, and that sometimes a little disagreement is healthy. He stated that there is probably no one else on the Council as qualified to discuss road construction as the Mayor is, but that we need to listen to the Town Manager whom we have hired to carry these things out. There was no further discussion and Mayor Ryder called for a vote on the motion on the floor. Councilor Sirois, Councilor Wilde, Councilor McPike, Councilor Marble, Councilor Cormier and Councilor McAvoy voted in favor. Mayor Ryder voted in

MINUTES

opposition. Motion carries, 6-1.

E. COMMITTEE REPORTS

Services Committee – Councilor Marble reported that the Committee met last Monday and were presented with the technology plan to improve public infrastructure. The Committee was updated on the status of the cable consortium. The sidewalk issue was discussed at length, and they talked about hunting on town owned property. He reported that they were presented with the Department of Public Safety’s five-year plan, and thanked the Department for their work.

Planning & Development Committee – Councilor McPike reported that the Committee was updated on the MRC/Fiberlight project, of which steel is starting to go up. This meeting was the first to begin discussion on the Business Park Covenants. He reported that the covenant package needs to be sorted out. Committee also discussed the zone change for Coldbrook Corners.

Finance & Administration – Councilor Sirois reported that Committee discussed the method of accounting at the Pool and Recreation Departments and about going from the enterprise method to the revenue & expense method like all other town departments. They discussed the sidewalk engineering and recommended the \$6,300 expense.

Infrastructure – Mayor Ryder reported that the next meeting is Monday at 6:00 p.m.

F. MANAGER’S REPORT – *Manager Jennings that the auditor will be here December 4th. He reported that he and staff had an extensive meeting with FEMA, MEMA and County Emergency Management to discuss the damages from the recent wind event. There may be potential to recoup some of our expenses. He reported that the Sand/Salt shed, which was also damaged in the wind event, has been removed from our insurance policy by our insurer. We won’t be able to regain coverage until repairs are made upon the recommendation of a structural engineer. He reported that we have received notification of additional reporting requirements for holders of conservation easements which we are still evaluating, and reported that he and staff are working on requirements for the 2020 census. He reported that the Code Enforcement Officer’s schedule has changed to be more available to those needing permits during the week. He reported that as of today we are now offering on-line dog licensing and turned it over to the clerk to elaborate. The Town Clerk reported that any resident who wishes to license their dog from home can log on to Maine.gov and follow the links for on-line licensing. You select your town from the menu and complete the transaction. The Clerk downloads the information from the State, imports it into our Trio system, and mails out the license & tag. This was done to provide another layer of convenience for the public.*

G. COUNCILORS’ COMMENTS

Councilor McAvoy – Wished everyone a happy and safe Thanksgiving and reminded everyone to shop local and buy American

Councilor Cormier – No comment

Councilor Marble – Wished Happy Thanksgiving

MINUTES

Councilor Wilde – No comment

Councilor McPike – Stated that he sits on the Penobscot County Budget Committee and he is impressed with what the County does for all the communities in Penobscot County at a savings for the towns. Right now, the jail is the biggest topic, it has outgrown its capacity and become a tremendous expense. The County is exploring its options to rehab the old YMCA versus a 40 million construction project. He stated he takes his hat off to the people that work there, and to Sherriff Morton who has done a good job. He wished everyone a Happy Thanksgiving

Councilor Sirois – Wished a Happy Thanksgiving

Mayor Ryder – Thanked all the voters in District 4 that put their confidence in him. He stated that there have been some ongoing issues that have come to a head and he feels it in his best interest, and the best interest of the town, to step down as Mayor and as Chair of the Infrastructure Committee. He stated Deputy Mayor McPike can step in until the first of the year. He then wished everyone a Happy Holiday.

- H. ADJOURNMENT** – *With no further business, at 7:40, Councilor McAvoy made a motion, seconded by Councilor Sirois to adjourn. Unanimous vote in favor, 7-0.*

Respectfully Submitted,



*Paula A. Scott, CCM
Town Clerk*