



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

TUESDAY

SEPTEMBER 1, 2015

7:00 P.M.

*Attending:*

*Mayor David Ryder*

*Councilor Bill Shakespeare*

*Councilor Terry McAvoy*

*Councilor Greg Sirois*

*Councilor Dennis Marble*

*Councilor Stephen Wilde*

*Town Attorney Thomas Russell*

*Town Manager Angus Jennings*

*Town Clerk Denise Hodsdon*

*Public Safety Director Joe Rogers*

*Lt. Jason Lundstrom*

*Tax Assessor Kelly Karter*

*Carol Duprey*

*Peter & Janet Hughes of Hughes Bros.*

*Media Representatives*

*Citizens*

*The meeting was called to order by Mayor Ryder at 7:00 pm.*

- A. PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance*
- B. CONSENT AGENDA** – *Motion by Councilor Marble, seconded by Councilor McAvoy to accept the Consent Agenda. Unanimous vote in favor.*
  - 1. SIGNATURES**
  - 2. SECRETARY'S REPORTS**
    - a. August 17, 2015 Meeting Minutes**
  - 3. COMMUNICATIONS**
    - a. Hampden Business Association – Meeting Announcement – 9/1/2015**
    - b. Highlands Corner Store – Renewal of Victualers License**
    - c. Maine Municipal Risk Management – Dividend Payment for Worker's Compensation and Property & Casualty Insurance**
  - 4. REPORTS**
    - a. Finance Committee Minutes – 8/3/2015**
- C. PUBLIC COMMENTS** - *None*
- D. POLICY AGENDA**
  - 1. NEWS, PRESENTATIONS & AWARDS** - *None*
  - 2. PUBLIC HEARINGS** - *None*

### 3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Deadline for Submission of Nomination Papers for Councilor At-Large and RSU #22 Board of Directors** – *Town Clerk Denise Hodsdon reminded everyone that the deadline for submission of nomination papers is Thursday, September 3<sup>rd</sup>.*

### 4. UNFINISHED BUSINESS

- a. **License Plate Issuance Update & Request to Close Administration Office** – *In order to facilitate staff training on the issuance of license plates, Motor Vehicle Agent Cheryl Johnson has arranged for a representative from the Bureau of Motor Vehicles to come to the Town Office on September 14<sup>th</sup>. All Administration staff needs to participate in the training and has requested that the office be closed from 9:30 am to 2:00 pm to allow for uninterrupted training. Motion by Councilor Wilde, seconded by Councilor Sirois to approve closing the Town Office from 9:30 am to 2:00 pm on Monday, September 14<sup>th</sup>. Unanimous vote in favor.*
- b. **Town Attorney Appointment** – *This item was postponed until a later date.*

### 5. NEW BUSINESS

- a. **FEMA Assistance to Firefighters Grant – Lieutenant Jason Lundstrom**
  1. **Acceptance of Grant Funds of \$44,888.00 & Authorization to Expend \$2,244.00 from Matching Grant Reserve Account – Finance Committee Recommendation** – *Motion by Councilor Sirois, seconded by Councilor McAvoy to accept grant funds in the amount of \$44,888.00 and to authorize the expenditure of \$2,244.00 from the Matching Grant Reserve Account. Unanimous vote in favor.*
  2. **Authorization to go out to Bid for Extrication Equipment** – *Motion by Councilor McAvoy, seconded by Councilor Marble to authorize the Fire Department to go out to bid for extrication equipment. Unanimous vote in favor.*
- b. **Appointment of Local Health Officer** – *Motion by Councilor Sirois, seconded by Councilor Shakespeare to appoint Jason Lundstrom as Local Health Officer. Unanimous vote in favor.*
- c. **Declaration of Forfeiture of Carol Duprey's Office as Councilor** – *Carol Duprey offered an apology to the voters for not finishing out her term. She noted that she has expanded her business which has affected her ability to attend meetings, however had she been made aware that she had missed five meetings, she would have made the*

*effort to make them all. Following Council discussion as to whether a vote was necessary, Attorney Russell advised that the Council did need to declare that pursuant to Section 207(b)(4) of the Town Charter, she forfeited her office as councilor upon her failure to attend six regular or special meetings in the prior twelve month period. Motion by Councilor Sirois, seconded by Councilor Shakespeare to adopt the Declaration of Forfeiture of Carol Duprey's Office as Councilor. Unanimous vote in favor.*

- d. Personal Property Tax Abatement Request – Hughes Bros. – Janet Hughes of Hughes Bros., Inc. has asked the Council to abate taxes assessed in 2014 on equipment owned by the company at its gravel pit in Winterport. The request is to abate \$8,266.56 plus interest. Tax Assessor Kelly Karter explained that in March 2014 she became aware that Hughes Bros. had equipment at their pit in Winterport and estimated the value to be \$1,064,100 for a total tax of \$18,621.75. After taxes were committed, Assessor Karter was able to enter the pit and discovered that some of the equipment was permanently attached to the ground and she abated \$10,654 for that equipment. The remaining equipment included two loaders, a water truck and a screen, which Assessor Karter believed to be mobile equipment. The tax balance on these remaining items is \$8,266.56. Pursuant to Title 36 M.R.S. §602, "all personal property within or without the State, except in cases enumerated in section 603, shall be taxed to the owner in the place where he resides." Section 603 sets out a number of exemptions, including personal property of manufacturing and mining corporations. Hughes Bros. asserts that it is a mining corporation and therefore is exempt from paying personal property taxes to Hampden as the equipment is located in Winterport and never leaves the site. Following considerable discussion Councilor Shakespeare moved that based on the fact that Hughes Bros.' organization in Winterport is a mining facility, the Town of Hampden should abate taxes in the amount of \$8,266.56 plus accrued interest. Councilor McAvoy seconded the motion. Following additional discussion, vote on the motion was 2 in favor (McAvoy and Shakespeare) and 4 opposed (Marble, Wilde, Ryder and Sirois); motion failed. Resident Alex King of 75 Ichabod Lane noted that there are too many unanswered questions and requested that the Council send this back to Committee. Attorney Russell advised that only the Council has the authority to grant an abatement and that the Council has to make the determination if this is a mining facility. He recommended that consideration of this request be continued to a special Council meeting. Motion by Councilor Marble, seconded by Councilor Wilde to continue consideration of Hughes Bros.' request for abatement to a special meeting to be held at 7:00 pm on Monday, September 14, 2015. Unanimous vote in favor.**

DECLARATION OF FORFEITURE OF OFFICE

Section 207(b) of the Town Charter provides as follows:

***“Sec. 207 Vacancies; Forfeiture of Office; Filling of Vacancies***

- (b) ***Forfeiture of Office*** – A councilor shall forfeit that person’s office if that person (1) lacks at any time during that person’s term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during that person’s term, reasonably related to that person’s ability to serve as councilor, or (4) fails to attend six (6) regular or special meetings of the council in the prior twelve month period.”  
*(Amended: November 5, 1985, November 6, 1990, November 5, 2013)*

Carol Duprey failed to attend the following regular or duly called special meetings of the Town Council during the prior twelve month period:

03/02/2015	Regular Meeting
05/18/2015	Regular Meeting
06/15/2015	Regular Meeting
07/13/2015	Special Meeting re: Manager Selection
07/27/2015	Special Meeting re: Manager Appointment
08/17/2015	Regular Meeting

NOW, THEREFORE, the Town Council hereby declares that pursuant to Section 207(b)(4) of the Town Charter, Carol Duprey forfeited her office as councilor of the Town of Hampden, Maine upon her failure to attend the regular meeting of the Town Council on August 17, 2015.

- e. **Tax Anticipation Note Bid Results – Finance Committee Recommendation** – *Mayor Ryder reported that the Finance Committee had reviewed the bid results and recommended awarding the bid to Camden National Bank which offered the lowest interest rate of .82% for a Tax Anticipation Note up to \$2,000,000. Due to his employment with Camden National Bank, Councilor Sirois recused himself from discussion and voting on this item. Motion by Councilor Marble, seconded by Councilor McAvoy to adopt the Resolution Authorizing the Sale of \$2,000,000 Tax Anticipation Note of Town of Hampden, Maine to Camden National Bank. Vote was 5-0 in favor.*

**E. COMMITTEE REPORTS**

- Services Committee – Next meeting will be at 6:00 pm on September 14<sup>th</sup>.*
- Infrastructure Committee - No report as the Committee did not meet in August.*
- Planning & Development Committee – Next meeting will be at 6:00 pm on September 2<sup>nd</sup> with agenda items including the codification plan, downtown impact plan and the marina sign.*
- Finance & Administration Committee – Mayor Ryder reported that the Council has already discussed all items on the Committee’s agenda for this evening.*

- F. **MANAGER'S REPORT** – *A copy of the Manager's Report is attached and made a part of the minutes.*

**G. COUNCILORS' COMMENTS**

- Councilor Marble reminded everyone to be careful driving now that school is back in session. He will be starting up the Hot Stove sessions again beginning on Saturday, September 26<sup>th</sup> at the Library.*
- Councilor McAvoy reminded folks to go out and enjoy the beautiful weather and to shop local and buy American.*

- H. **ADJOURNMENT** – *There being no further business, the meeting was adjourned at 9:22 pm.*



Denise Hodsdon  
Town Clerk

Town of Hampden  
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Hampden, Maine 04444



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

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: September 1, 2015

RE: Town Manager's Report to September 1 Town Council meeting

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This report is intended to provide brief updates regarding current matters of potential interest that are not otherwise addressed on the Council agenda.

MRC / Fiberight Project – On August 24, I participated in a meeting with MRC and their engineering consultants, along with Community & Economic Development Director Dean Bennett, DPW Director Sean Currier, Code Enforcement Officer Myles Block, and Fire Lt. Jason Lundstrom. This working meeting was productive in identifying matters for coordination and due diligence as necessary to advance this initiative.

Council Chambers AV Equipment – I spoke with Rodney Verrill last week to notify him of the Council's authorization for this work to proceed. Understanding that the work will rely on limited electrical work that is outside of Rodney's expertise, he will schedule an on-site meeting in the next week to include Hampden Electric. I will attend, and will invite a representative from DPW, to ensure project coordination. I anticipate that this work will be able to proceed promptly. We will also continue to work with Rodney to secure staffing for video recording of Council and Planning Board meetings.

Purchase of DPW trackless sidewalk tractor – At your August 17 meeting, the Council authorized a lease-purchase of this machine. I have since received a quote to finance the vehicle purchase at 1.99% interest, which is favorable. Proceeding with this method of purchase would require a revised motion of the Council; this item will be added to the next meeting agenda. In the meantime, DPW has reserved the truck for purchase.

Request for Bow Hunting on Town Land – A request has come in seeking permission to bow hunt on town lands. In the past, the Town Manager would consider such requests on a case by case basis and, where approved, would sign the state form authorizing access to private land. In other communities, specific policies are in place regarding

authorization for bow hunting on designated town owned lands. Given that the bow hunting season starts on September 12, I intend to proceed as in the past regarding issuance of permissions, and invite input the Council may offer regarding appropriate location(s), timing restrictions, etc. Looking ahead to next fall, I will look into other communities' policies and practices to consider whether standardizing the process may make sense in the future.

Community Introductions – I hosted an initial Department Head meeting on August 24 and am in the process of holding one on one meetings with Town Department Heads and staff. This will proceed over the coming weeks as I invite various perspectives regarding what's going well, any areas of concern, and the relative urgency of various matters.

I was glad to meet the new RSU #22 Principal during her community reception on August 25, and I will meet with Superintendent Rick Lyons to tour the District's facilities on September 15.

Following on our discussions during the selection process, I look forward to meeting with each of you in the coming weeks to ensure my understanding of your goals and priorities for the work ahead.

Schedule – Outgoing Town Manager Susan Lessard was in the office today (Tuesday) in conjunction with the annual town audit. Her continued effort and support during this period of transition is greatly appreciated.