



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING

Minutes

MONDAY

DECEMBER 19, 2011

7:00 P.M.

Attending:

Mayor Janet Hughes

Councilor Andre Cushing

Councilor Tom Brann

Councilor Kristen Hornbrook

Councilor Shelby Wright

Councilor Bill Shakespeare

Councilor Jean Lawlis

Town Manager Susan Lessard

Town Staff members

Citizens

Economic Development Dir. Dean Bennett

The meeting was opened at 7 p.m. by Mayor Hughes.

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Maine Bond Bank – Refinancing Credit – Municipal Building Addition Loan
- b. Email – Bernie Philbrick – Rain Garden, Bangor Area Stormwater Group
- c. Email – Lisa Carter/Secretary of State's Office

4. REPORTS

- a. Finance Committee Minutes – 12/5/2011
- b. Lura Hoit Pool Board Minutes – 10/11/2011

Motion by Councilor Cushing, seconded by Councilor Brann to accept the consent agenda. Unanimous vote in favor.

B. PUBLIC COMMENTS –

David King – 54 Summer Street – spoke to the fact that it had been a controversial several months at council meetings and he thanked the Town Council for being professional and compassionate in spite of that. He also thanked the Town Manager and the Town Clerk for their efforts.

Lisa Carter – Western Avenue – Stated that she wanted to clear the air which had been polluted with rumors and propaganda. She read a prepared statement but did not provide a copy for the minutes. She also said that it was in the common interest to protect the rights of the people and that the shenanigans surrounding the election were wrong.

Terry McAvoy – Monroe Road – The Town Council convened a meeting on December 5th which was calm until the end when Councilor Brann used his time to criticize citizens. He stated that there would be a higher level of scrutiny of the Council over the next three years.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. *Adoption of Proposed Personnel Rules and Policies Ordinance/Handbook – Mayor Hughes opened the public hearing. Proponents – None. Opponents – None. Neither for nor against – None. The public hearing was closed. Motion by Councilor Cushing, seconded by Councilor Lawlis to adopt the Personnel Rules & Policies Ordinance/Handbook. Unanimous vote in favor.*

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

- a. *Request for New Election – Cindy Philbrick – Mrs. Philbrick requested a new election for all four voting districts because she says that errors occurred which impacted the outcome of the election.*

The Town Attorney responded that there is no statute or legal precedent to call a new election. There is no avenue for such an event . A recount is the avenue available for a contested election and one was requested and done.

Councilor Hornbrook questioned why if there is no legal precedent that it means a new election cannot be held. She believes that the Council should pursue options for holding a new election.

Rick Kelley – 840 Kennebec Road – said that at a previous council meeting it had been stated that the seal would not be opened until 5 p.m. on Thursday. Attorney Russell stated that in hindsight the Town probably gave the candidate an extra day to request a recount. Business days is defined in statute and we do not have anything different in our charter.

Councilor Brann stated that if a mistake had been made it was to allow the extra day for a request for a recount.

Councilor Hornbrook questioned if there was any law forbidding a new election.

Mayor Hughes stated that we have no recourse for a new election. The Town had consulted with its attorney and needs to move forward.

b. Comprehensive Plan –

1. Re-Affirm Citizen Committee's Charge
2. Assign Citizens Comprehensive Plan Committee the responsibility for public hearing per statutory requirement:
Title 30-A M.R.S. § 4324 Responsibility for Growth Management
Sec. (2) Planning Committee
Sec. (8) Public Hearing Required

Mayor Hughes gave an update on the progress to date, which includes the fact that the scheduled workshop had been cancelled. Councilor Hornbrook stated that she has many questions and wants to reschedule the workshop.

State Statute requires the Citizen's Committee to hold a public hearing with at least a 30 day notice.

There were no public comments on this issue.

Councilor Hornbrook suggested that the Communications Committee could host a workshop on this topic.

Councilor Cushing requested that the Economic Development Director outline the time frame and the process for the plan from here forward. Dean Bennett explained that first there needed to be a public hearing by the Citizen's Committee, then review by the State Planning Office, then a review and recommendation from the Planning Board, and finally, a public hearing at the Town Council level for adoption.

Jeremy Williams, 1334 Carmel Road North, feels that a workshop is a less formal way of taking information.

Councilor Hornbrook reiterated that she thought it was a good idea to reschedule the workshop.

Mayor Hughes suggested that the Council send it back to the Citizen's Committee to schedule a workshop or a public hearing as they see fit.

Spencer Meyer, Summer Street, feels that the Committee has served its purpose and held its ten workshops. He believes the Committee should hold the public hearing it is required to hold without additional workshops.

Motion by Councilor Hornbrook, seconded by Mayor Hughes that the Comp Plan workshop be rescheduled.

Discussion: A workshop with the Council and Committee will not fulfill the public hearing requirement of the Committee.

Vote on the motion – 3 in favor (Cushing, Hughes, Hornbrook) and 4 opposed (Brann, Shakespeare, Lawlis, Wright) Motion fails.

Motion by Councilor Brann, seconded by Councilor Lawlis that the Comprehensive Plan be sent back to the Citizen's Committee to hold the required public hearing. Vote 6 in favor and 1 opposed (Hornbrook).

- c. *Old Hampden Academy Re-Use Update – Mayor Hughes reported that she had attended a meeting with the school board and reviewed the two appraisals and options for redevelopment. For the next agenda the Council needs to schedule an executive session to discuss negotiation options. She considered the meeting to be very productive and sees a good relationship between the Town and the School District. There were no public comments or questions.*

Councilor Shakespeare said that even though it was his last meeting as a Town Councilor it was his opinion that the Town should not go forward with this.

The next meeting for the Mayor and the School is on Friday, January 6, 2012 at the Superintendent's office.

- d. *Town Manager Search Update – The Mayor reported that there have been four interviews conducted with three chosen for second interviews. At least one Councilor is needed for a tour and meeting with department heads and then the interview for all Councilors.*

4. NEW BUSINESS

- a. *Annual Report – 2011 – Town Manager – The Town Manager read the 2011 Annual Report. A copy of the report is attached hereto and made a part of the minutes. The report will also be posted on the Town website.*

- D. *COUNCILOR SHAKESPEARE RECOGNITION – Mayor Hughes presented Councilor Shakespeare with a gift and Councilors wished him well. Councilor Shakespeare expressed his appreciation to the Council and staff.*

E. COMMITTEE REPORTS

Communications Committee – Councilor Hornbrook reported that the next meeting would be held on January 10th at 6 p.m.

Committee on Committees – Councilor Cushing reported that the next meeting would be on the 27th of December.

Services Committee – Councilor Lawlis reported that the Committee had a brief meeting and discussed the Community Garden concept.

Finance Committee – Mayor Hughes reported that the Finance Committee reviewed the Code of Ethics and Council Rules and that the current Town Manager has offered to continue to work part time until a replacement is hired

- F. *MANAGER'S REPORT – The Manager read the annual Christmas Poem. A copy of it is attached hereto and made part of the minutes.*

2011 ANNUAL REPORT

To state the obvious, 2011 has had its challenges. However, the Town of Hampden has accomplished a great deal during the past year. In no particular order, those accomplishments include;

- The Town completed the sale of two lots in the Business & Commerce Park
- The Town participated in the Home Composter distribution program through the State Planning Office for the 5th year in a row. This program has resulted in the distribution of more than 220 home composters to residents in the community over the past 5 years.
- The Business Evaluation & Retention Program Report was completed and implementation steps established
- Water was re-installed at Dorothea Dix Park
- The Town locked in bid prices for fuel saving nearly \$9,000 for the 2011/2012 fiscal year under what was budgeted
- The Town mil rate was set at 15.90 – the same mil rate for the fourth straight fiscal year.
- The Town accepted a 2002 GMC pick-up truck forfeited through the court system and sold it with the proceeds going to fund the cruiser reserve account
- The Town adopted a PACE ordinance which allows residents access to Efficiency Maine loans for energy improvements to their homes
- The Town paved 4 miles of road
- The Town purchased one new police cruiser, one new plow truck, and two everyday highway department work trucks
- The Kids Korner before and after school program, and the Kids Kamp summer recreational program set record participation rates in 2011
- The Lura Hoyt Pool Board of Trustees kicked off a capital fundraising campaign to offset the cost for a new air handling system that is needed for the pool
- Katahdin Trust donated \$5000 to the library for library programming
- The Town purchased a power-lift stretcher for the front-line ambulance to assist with patient safety and help prevent strain/sprain injuries to fire/ems personnel. \$5000 of this cost was defrayed by a donation from Hannaford Supermarkets.
- The Town agreed to TIF financing to assist a local business with an expansion of more than \$3 million dollars in value.
- The Town is the recipient of a \$520,000 supplemental environmental improvement project grant from Chevron to facilitate the development of an 8.5 acre waterfront park on the Penobscot River
- The Town was the recipient of a \$25,000 grant for library improvements including a new circulation desk area, rehabilitation of the children's room, filling of the old 'pool' in the building, and new shelving.
- The Pink Garden in front of the municipal building that was built from the generous donations of taxpayers bloomed for the first time – and more donations of both plants and money have come in since then. Associated with that effort, Team Denise has raised more than \$15,000 for breast cancer research since Denise's diagnosis and treatment in 2008.

- The Town was the recipient of a grant for the purchase of a new brush truck valued at nearly \$150,000 to assist the Fire Department in its work.
- A number of new businesses opened their doors in town and others expanded or rehabilitated theirs, including - but not limited to - Katahdin Trust, PDQ Door, Angelo's Pizza, Wight's Sporting Goods, Angler's, Dunkin Donuts, Maine Trailer, Hampden Physical Therapy, McLaughlin's, and Hampden Boat Sales
- The Town permitted fourteen new homes in 2011, and accepted Sunrise Lane and drainage improvements associated with the fifteen-lot Dance Hall subdivision off Route 1A. They also approved one minor 3-lot subdivision on Sawyer Road, and have approved the plan for the 32 lot Chickadee Crossing subdivision at the site of the former Crestwood Trailer park.
- As a result of concerns raised by citizens, the Town Council appointed a second Comprehensive Plan Committee to review the 2010 Comprehensive Plan and make recommendations for changes from the original draft. The work of that Committee was reported back to the Town Council at the beginning of December
- Grants were received for public safety programs in seatbelt awareness and drunk driving as well as for safety equipment, including Kevlar vests.
- The Town received an interest reduction of over \$12,000 on the 2010 bond for sewer work on Route 1A.
- Ordinances were amended to regulate the location of marijuana cultivation and dispensing facilities, to update the definition of family to a more modern and equitable one, to update the sewer use ordinance for consistency with the City of Bangor and their wastewater facility license, to codify the personnel rules of the Town, to amend the setbacks for small accessory structures in the zoning ordinance, to allow church as a use in the commercial services district, to amend the interchange district and to amend the mobile home park ordinance.
- The Public Safety department has distributed a customer-satisfaction survey to determine where improvements in service can be made
- Fire/EMS responded to 488 ambulance calls between January 1st and November 15th of 2011, and the Police Department responded to more than 4500 complaints
- The Town office registered over 6500 vehicles in 2011, licensed more than 850 dogs, and issued over 890 hunting/fishing licenses, registered over 500 boats, almost 400 snowmobiles and over 200 atv's. It also sent out and collected revenue from over 3600 property tax bills and nearly 6000 quarterly sewer bills.
- The Town issued 23 victualer's licenses
- The Town approved 6 liquor licenses
- The Town received a grant for engineering related to completion of the sidewalk on Western Avenue to Mayo Road.
- Digital equipment was purchased and installed for improvements to the operation of the Cable Television system with funds obtained through the Town's participation in the Penobscot Downeast Cable Consortium

Other projects currently underway by the Town Council include:

- Revision of the Town Council Code of Ethics
- Revision of Town Council Rules
- The Town continues to work with RSU 22 on the future of the old Hampden Academy site
- The Town Council Services Committee continues to work with RSU 22 for development of a trail system in the four mile square area
- The Town continues to work on implementation of the Chevron Grant for development of the waterfront park on the Penobscot River
- The Town Council will be acting on the Comprehensive Plan Draft submitted by the Second Citizen's Comprehensive Plan committee after a Committee public hearing and review by the Town Planning Board
- The Council Communications Committee is considering possible web-streaming options for cable television programming and improvements to options on the Town's website.
- The Town is working on establishing a stand-alone sign ordinance that is more user friendly than the one that is currently part of the zoning ordinance

Former Mayor Matthew Arnett resigned in March as a result of a decision to move to a warmer climate and Shelby Wright was elected in a special Council election in June to fill that unexpired term. In 2011 long-time Town Clerk Paula Newcomb passed away – and she will be missed by many for a long time to come. Finance Director Janie Pitcher resigned and was replaced in the position by finance assistant Tammy Ewing. Amy Eaton was hired in the Front Office to replace Tammy and Rosemary Bezanson from the Assessing Office is being cross-trained in payroll and accounts payable duties.

In August of 2011, after nearly 11 years in office, I resigned my position and the Council began a search process with the assistance of the Maine Municipal Association for the replacement of the manager. It is anticipated that a candidate will be hired close to year end.

I have had the pleasure and the honor of writing these reports for the past 11 years, and for managing this community during that time period. I appreciate the efforts of all of those that I have worked with, and for, in that time. Hampden is a wonderful community and I hope that 2012 is a year of progress and prosperity for the Town.

MANAGER'S REPORT
December 19, 2011

Dog License Reminder – Dogs must be registered no later than January 31st to avoid a \$25 late fee.

Transfer Station Decals – Transfer Station decals are now available for 2012. Please bring your vehicle registration with you to pick up the sticker. Per Council policy, those without a new sticker as of January 31st will not be allowed to use the transfer station until they pick one up.

Quarterly Newsletter – The next edition of the Quarterly newsletter will be going to the printer at the beginning of January. Anyone with articles for it should have them submitted by Thursday, December 29th.

Employee Christmas Party – The employee Christmas party was held on Thursday, December 15th at lunchtime. Thanks to Gretchen and the wellness group for organizing the party and thanks to all the employees who brought the delicious food! It was a wonderful and well-attended event. I have attached a copy of this year's Christmas Poem that I wrote and read at the event.

Holiday Schedule – The Transfer Station will be closed Saturday December 24th and Sunday December 25th – but will be open on Monday, December 26th and Tuesday, December 27th and will be accepting wood and construction/demolition debris. The Town Office, Library, Pool, and Recreation will be closed on Monday December 26th and Monday January 2nd, However, Kid's Korner programs will be open on Monday January 2nd because school is in session.

First Council Meeting of 2012 – The first Council meeting of 2012 will be on Tuesday, January 3rd because Monday is a Town holiday. There will be no Finance Committee meeting prior to that meeting because the current Finance Committee composition ends on 12/31/2011. The first order of business at the first meeting in January is the election of the Mayor and Deputy Mayor; councilors also provide input as to which Council committees that they would wish to serve on for the ensuing year so that the Mayor can prepare the Committee assignments.

CHRISTMAS 2011

IT WAS JUST BEFORE CHRISTMAS,
NOT A SIGN OF MUCH SNOW –
NOR SIGN OF MANY CUSTOMERS –
JUST WHERE DID THEY GO?

BUSINESS WAS SLOW –
EXCEPT FOR DUMP STICKERS.
THOSE ARE BEING REQUESTED IN DROVES
BY HOLIDAY PICKERS.

THE PUBLIC WORKS CREW
IS READY RIGHT NOW
FOR THE NEXT BIG SNOWSTORM
TO PLAY WITH THEIR PLOWS.

THE TRANSFER STATION HAS GOT TO BE BY FAR
THE MOST POPULAR DEPARTMENT – I THINK.
CALL AFTER CALL – ‘ARE THEY OPEN’
IT DRIVES THE OFFICE STAFF TO, WELL... YOU KNOW....

FIRE/EMS ARE GLAD
THE HOLIDAYS ARE HERE
ARRIVAL OF THE BRUSH TRUCK -
IS NOW A LITTLE BIT NEARER!

THE POLICE DEPARTMENT HUMS ALONG
WITH VERY LITTLE FANFARE
THEY COME TO WORK – THEY DO THEIR JOBS
WHAT MORE COULD ANYONE ASK FOR?

THE PUBLIC SAFETY DIRECTOR AND KANDY
KEEP THE COMBINED DEPARTMENT RUNNING WELL –
SO MANY OTHER PLACES DON'T –
THERE ARE MORE STORIES THAN I COULD TELL..
(OF THOSE THAT DON'T!)

POOR DALLAS MISSED A LOT OF WORK –
BY CRASHING TO THE FLOOR –
WE ARE GLAD THAT SHE IS BACK
AND FALLS AT THE LIBRARY ARE NO MORE!

CODE ENFORCEMENT/PLANNING HAS THE UNPOPULAR JOB
OF POINTING OUT PLAN FLAWS -
BOB AND BEN AND EVEN DAN
DO THE BEST THEY CAN WITH ALL THE LAWS!

ASSESSING IS NOT A POPULAR PLACE -
WHEN TAX BILLS GO OUT THE DOOR –
PEOPLE OFTEN COMPLAIN OF VALUE –
BUT THEY WOULD SELL IT FOR EVEN MORE!

IT/GIS IS ALL OVER THE PLACE –
SHE DOES MAPS AND COMPUTER DEBUGGING
FOR EVERY DEPARTMENT – AND MORE THAN 60 COMPUTERS
NO WONDER SHE IS CONSTANTLY RUNNING!

WHEN I HEAR THE SCARY VOICE –
I KNOW CHERYL IS UNHAPPY AND MORE.
AND THOSE OF US WHO RECOGNIZE IT –
DUCK OR HEAD FOR THE DOOR!

KATHY KEEPS US ALL IN LINE
AND TRACK OF SUPPLIES ALL BY HERSELF –
WOE TO ANYONE WHO TAKES –
THINGS OFF THE WRONG SUPPLY SHELF!

AMY IS OUR NEWEST FIND –
AND SHE FITS IN JUST GREAT
WE ARE LUCKY THAT SHE CAME HERE TO WORK
WE HOPE SHE WANTS TO STAY!

JANIE LEFT IN SEPTEMBER
AFTER DOING A GREAT JOB IN THE FINANCE SEAT
TAMMY HAS TAKEN THAT JOB OVER –
AND HAS NEVER SKIPPED A BEAT.

ELECTIONS, CLERK WORK, COUNCIL MEETINGS -

ATVS, DOGS AND MORE –

DENISE HAS A SMILE FOR MOST EVERYONE

WHO COMES THROUGH THE FRONT DOOR

ECONOMIC DEVELOPMENT

HAS CARRIED MUCH OF THE LOAD

OF NAVIGATING THE COMPREHENSIVE PLAN

ALONG ITS LONG AND WINDING ROAD.

WITH THREE IN JUST ONE ROOM,

THEY HAVE THE SMALLEST SPACES.

BUT RECREATION STAFF DO WELL TO RUN

MANY PROGRAMS IN MANY PLACES.

THANKS TO DIRECTOR DEBBIE

THE LIBRARY GOT A FACELIFT AND MORE -

NEW CIRCULATION DESK, NEW FLOOR – AND NO POOL –

STEPHEN KING – YOU WE NOW ADORE!

(THANK YOU FOR THE MONEY!)

AEROBICS, PARTIES, ZUMBA

SENIOR ACTIVITIES AND THE SWIM TEAM TOO –

THE LURA HOIT POOL IS BUSY ALL YEAR

CREATING FUN THINGS FOR FOLKS TO DO.

THE TOWN COUNCIL HAS HAD ITS CHALLENGES
MORE THAN JUST A FEW
IF PRAYERS ARE ANSWERED AND GOD IS LISTENING
PERHAPS THEY WILL BE REDUCED!

IT HAS BEEN A TOUGH YEAR IN MANY WAYS –
THAT IS AN UNDERSTATEMENT I KNOW
BUT YOU ARE THE BEST EMPLOYEES AND FRIENDS I HAVE EVER HAD -
AND I WANTED YOU ALL TO KNOW THAT BEFORE I GO.

HAMPDEN IS A WONDERFUL PLACE –
AND IS MADE SO IN MANY WAYS
BY THE EFFORTS OF YOU WHO DO THE GOOD WORK
AND SHOW UP HERE EVERY DAY!

THIS IS MY LAST CHRISTMAS POEM AS YOUR MANAGER
BUT I HOPE WE CAN ALL STAY IN TOUCH -
YOU HAVE ENRICHED MY LIFE IN MORE WAYS THAN I CAN SAY –
PLEASE KNOW I LOVE YOU ALL VERY MUCH.

THANK YOU-

SUE LESSARD, CHRISTMAS 2011

To the residents of Hampden:

As your duly elected and duly sworn-in Councilor-at-large for Hampden I am responsible for representing the voice of the over 7200 residents who call this town home. I am also responsible for upholding my Oath of Office and the Constitution of this country and of the state of Maine. Over 1400 residents allow me to borrow the power of their voice by casting their vote for me in the 2010 election. Serving the residents of Hampden continues to be one of the great honors of my life.

As you may know, numerous questions have been asked regarding concerns with the recent election, recent comments made by Councilors and the Council Chair, as well as legitimate questions residents have asked in regard to their Constitutional rights and how their tax dollars are being spent. Many of their questions, and mine, go unanswered. I would like residents to know I will continue to do my very best to get the answers you seek.

In regard to recent questions I have asked of this Council, individual Councilors, and the Town Manager, and my recent Freedom Of Access Act (FOAA) request for e-mails from the last two weeks, those questions also continue to go unanswered and my FOAA request has been ignored by all but the Town Manager. I would like to thank Manager Lessard for doing her part to answer my request. I do appreciate your response Manager Lessard.

As for the complete brush off of my FOAA request by ALL Councilors, and the rude and dismissive e-mail response from Council Chair charging me with 'harassment,' simply for asking questions, it is simply unacceptable. As a duly elected and duly sworn-in Councilor-at-large for Hampden it is my legal right to ask these questions and make these requests. It is also your legal responsibility to provide the answers and the documents requested in a timely manner. The fact that you have done neither is again, unacceptable.

Please do not misunderstand me. My concern is not for myself. This is not about me. This problem goes far beyond me or any one person in this town.

My concern is for all the residents who may one day wish to fulfill their civic duty and serve their town. If residents who are simply asking questions of their town officials and elected officials are accused of 'libel' and 'slander' for doing so; and if an elected official, a voice who speaks for over 7200 residents in this town is bullied, yelled at, and accused of 'harassment' simply for asking your questions, who in their right mind will ever step up to serve in this town again?

When I asked for your vote in the fall of 2010 I said I would take my oath seriously and would count it as an honor to serve you. That has not changed. I am not an oath-taker, I am an oath-keeper. If anything, the events of the past year have strengthened my resolve to honor your trust and our Constitution. I will continue to do that until my term expires.

You have told me and I agree with you, the Constitution is not a joke. The Bill of Rights is not an old fashioned document to be mocked and ignored. These documents are what the very foundation of our Republic is built upon. If they are ignored, if our rights are not guaranteed, our Republic will crumble. Let's not let that happen on our watch. I promise you all I will not let it happen on mine.

G. COUNCILORS' COMMENTS

*Councilor Wright – Wished everyone Happy Holidays and a Happy New Year.
Councilor Hornbrook read a prepared statement (copy attached), wished all a Merry Christmas and Happy New Year. FOAA requests made in the statement will appear on the next Council agenda.
Councilor Cushing thanked the Manager for agreeing to stay on part time and assist in the transition.
Councilor Brann wished everyone a peaceful Christmas and welcomed home veterans of the Iraq war.
Councilor Lawlis wished everyone Happy Holidays and stated that she was impressed with all the work that got done in 2011 that was listed in the Manager's Annual Report.
Mayor Hughes received an email about the possible closure of the mail processing facility in Hampden. She also responded that she takes FOAA requests seriously. In closing she wished all a Merry Christmas and Happy New Year.*

H. ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

*Denise Hodsdon
Town Clerk*