

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

TUESDAY

JANUARY 2, 2018

7:00 P.M.

A. PLEDGE OF ALLEGIANCE

B. COUNCIL REORGANIZATION

1. OATH OF OFFICE FOR COUNCILORS-ELECT – *Administered by Town Clerk, Paula Scott in accordance with Sec. 209, Town Charter*
2. COUNCIL ELECTION OF MAYOR – *Presided over by Town Attorney, Ed Bearer in accordance with Sec. 204, Town Charter*
3. ELECTION OF DEPUTY MAYOR – *Presided over by the newly elected Mayor in accordance with Sec. 204, Town Charter*

C. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. December 4th, 2017 Council Meeting Minutes
- b. December 18th, 2017 Council Meeting Minutes

3. COMMUNICATIONS

- a. Approval of a renewal Victualer's license for Coffee Break Café
- b. Notification from the Maine Bond Bank regarding a reduction in debt service payments
- c. Notification of Hampden's response in the matter of Acadia Hospital Corp. v. Town of Hampden Service Charge appeal

4. REPORTS

- a. Finance Committee Minutes – December 4th
- b. Infrastructure Committee Minutes – None
- c. Planning & Development Committee Minutes – November 1st , November 15th and December 6th

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

d. Services Committee Minutes – October 10th and November 13th

D. PUBLIC COMMENTS

E. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS –

a. Year in review – a summary presentation of the priorities and accomplishments of 2017 and known and potential work plan and priorities for 2018– *presented by Town Manager Angus Jennings*

2. PUBLIC HEARINGS - None

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Jake Armstrong to the Planning Board for a 5-year term
- b. Appointment of Jennifer Austin to the Planning Board, from alternate to regular member for a 5-year term

4. OLD BUSINESS

5. NEW BUSINESS

- a. Review of proposal from Custom Float Services, Inc., for the design and construction of the floating dock at the Marina and authorization for Manager Jennings to execute contract
- b. Approval of renewal of a liquor license for Armstrong Tennis Center, located at 60 Mecaw Road, owned and operated by Dean Armstrong
- c. Committee assignments – *In accordance with Sec. 16 of Town Council rules*
- d. Council Order 2018-01 To authorize the application of property tax payments
- e. Executive Session, pursuant to 1 MRSA § 405(6) (A) - Personnel Matters

F. COMMITTEE REPORTS

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TUESDAY

JANUARY 2, 2018

7:00 P.M.
.....

G. MANAGER'S REPORT

H. COUNCILORS' COMMENTS

I. ADJOURNMENT



TOWN OF HAMPDEN

OATH OF OFFICE

I, _____ do affirm that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen hereof, that I will in all respects observe the provisions of the charter and ordinances of the Town of Hampden, Maine and that I will faithfully discharge all of the duties incumbent upon me as: _____ according to the Constitution and laws of the State, so help me God.

Signature

Hampden, Maine

, 20__

Subscribed to

Before me, _____

Paula A. Scott, Town Clerk



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

C-2-a

MONDAY

DECEMBER 4TH, 2017

7:00 P.M.

6:00 p.m. – Finance & Administration Committee

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

Attending:

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

*Town Manager Angus Jennings
Town Clerk Paula Scott
Resident Jayne Jarvi*

- A. **PLEDGE OF ALLEGIANCE** – *Mayor McPike led the Pledge of Allegiance*
- B. **CONSENT AGENDA** – *Councilor Marble made a motion, seconded by Councilor Sirois, to accept the consent agenda. Unanimous vote in favor, 7-0.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. **November 6th, 2017 Council Meeting Minutes**

3. COMMUNICATIONS

- a. **Correspondence from the Recreation Committee to the Town Council regarding the Western Avenue Recreation Area**
- b. **Notification regarding the pay-off of the 1997 General Obligation Bonds**
- c. **Update on the October 30th wind event**
- d. **Notification regarding the MRC annual membership meeting to be held Wednesday December 13th, from 3:00 – 5:00 at the Hampden Public Safety Training room.**
- e. **Notification regarding the MDOT Region 4 Protective Coatings – Interstate Bridges Project**
- f. **Notification regarding newly enacted Public Law 174 requiring inventory of nonproductive industrial/manufacturing sites**
- g. **Renewal of Victualer's Licenses for Angelo's, Pat's Pizza and Subway**

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

4. REPORTS

- a. Finance Committee Minutes – None
- b. Infrastructure Committee Minutes – October 23, 2017
- c. Planning & Development Committee Minutes – None
- d. Services Committee Minutes – None

C. PUBLIC COMMENTS - None**D. POLICY AGENDA****1. NEWS, PRESENTATIONS & AWARDS - None****2. PUBLIC HEARINGS - None****3. NOMINATIONS – APPOINTMENTS – ELECTIONS - None****4. OLD BUSINESS - None****5. NEW BUSINESS**

- a. **Request for Council authorization for the transfer of \$224,665.43, plus any amount added as a result of close-out of the FY17 Audit, from Recreation Clearing Account (1-199-01) to Recreation Area Reserve (3-767-00) for the purpose of completing transition from enterprise method of accounting to revenue and expense method of accounting for Recreation Department – referral from Finance & Administration Committee – Councilor Sirois explained that this is just to change from one method of accounting to another in keeping with all other Town Departments. Councilor Sirois made a motion, seconded by Councilor Marble, to authorize the transfer of \$224,665.43 plus any added amount from the FY17 audit close out, from the Recreation Clearing Account to the Recreation Area Reserve Account to transition from the Enterprise method to Revenue & Expense method of accounting for the Recreation Department. Mayor McPike, Councilor Sirois, Councilor Ryder, Councilor Wilde, Councilor Marble, and Councilor Cormier voted in favor. Councilor McAvoy voted in opposition. Motion carries, 6-1.**
- b. **Request for Council authorization for the transfer of \$58,452.92, plus any amount added as a result of close-out of the FY17 Audit, from Pool Clearing Account (1-111-05) to Pool Reserve (3-771-00) for the purpose of completing transition from enterprise method of accounting to revenue and expense method of accounting for Pool Department – referral from Finance & Administration Committee – Councilor Sirois explained that this is the same as the previous item, a simple change in the accounting method. Councilor Sirois made a motion, seconded by Councilor Marble, to authorize the**

transfer of \$58,452.92 plus any added amount from the FY17 audit from the Pool Clearing Account to the Pool Reserve to transition from the Enterprise method to Revenue & Expense method of accounting for the Pool Department. Mayor McPike, Councilor Sirois, Councilor Ryder, Councilor Wilde, Councilor Marble and Councilor Cormier voted in favor. Councilor McAvoy voted in opposition. Motion carries, 6-1.

- c. **Request for Council authorization for the expenditure of an amount up to \$2,592.00 from the Personnel Reserve Account (3-733-00) for the purpose of offsetting costs associated with payroll expenses for a temporary part-time worker – referral from Finance & Administration Committee** – Councilor Sirois made a motion, seconded by Councilor Marble, to authorize the expenditure of an amount up to \$2,592 from the Personnel Reserve account 3-733-01 for the purpose of offsetting costs associated with payroll expenses for a temporary part-time worker. Councilor Cormier asked for clarification on the account number, which was restated to the correct account 3-733-00. Unanimous vote in favor, 7-0
- d. **Request for Council authorization for the expenditure of an amount up to \$2,542.04 from the Municipal Building Reserve Account (3-702-00) for repairs to HVAC at Town Office – referral from Finance & Administration Committee** – Councilor Sirois made a motion, seconded by Councilor Marble to authorize the expenditure of an amount up to \$2,542.04, from the Municipal Building Reserve Account for repairs to the HVAC system at the Town Office. Unanimous vote in favor, 7-0. (After discussion on the following item, Council stipulated that this expenditure is to pay Penobscot Temperature Controls and is hereby entered into the record.)
- e. **Request for Council authorization for the expenditure of an amount up to \$1,300 from the Municipal Building Reserve Account (3-702-00) for repairs to the leaking Town Office roof – referral from Finance & Administration Committee** – Councilor Sirois made a motion, seconded by Councilor Marble to authorize the expenditure of an amount up to \$1,300, from the Municipal Building Reserve Account for repairs to the town office roof. Councilor McAvoy asked if repairs had been done already, to which Manger Jennings replied that it had been. Councilor McAvoy asked if the motion should state to whom the expenditure is paid. Manager Jennings stated that it would be appropriate. Council stipulated that the expenditure is to pay Gates Construction. Unanimous vote in favor, 7-0. Councilor McAvoy stated that the same would hold true for the previous item.

E. COMMITTEE REPORTS

Planning & Development Committee – Mayor McPike reported that the next meeting is Wednesday, December 6th

Services Committee – Councilor Marble reported that the next meeting is Monday, December 11th

Infrastructure Committee – Mayor McPike reported that at last Monday's meeting,

Committee discussed Transfer Station rules and regulations, updated sewer financial commitments, updated the Capital Plan, and discussed the sand/salt shed which was damaged in the wind storm. Committee discussed the status of the meeting with FEMA, MEMA and Penobscot County Emergency Management to determine financial need for the Town after the windstorm.

Finance & Administration – Councilor Sirois reported that Committee held a more in-depth discussion with the auditor regarding the method of accounting for the Recreation and Pool. Discussed the upcoming election on February 6th for turf replacement at the RSU, and discussed the status of litigation over the Service Charge appeal.

- F. MANAGER'S REPORT** – *Manager Jennings reported that it has been discovered that we have mold at the Town office. We will have to contact a mold remediation company to come in and make a deeper dive to determine the extent. He also reported that the Town Christmas party has been scheduled for Wednesday, December 20th, and the office will be closed from 11:30 to 1:30.*

G. COUNCILORS' COMMENTS

Councilor McAvoy – reminded everyone to shop local and buy American

Councilor Cormier – no comment

Councilor Marble – stated again for the public that it seems that the Council agendas are short and there is not much discussion on items like the transfer of the \$225,000 but most of the discussion takes place in committee and to follow up with us if there are any questions.

Councilor Wilde – no comment

Councilor Ryder – no comment

Councilor Sirois – no comment

Mayor McPike – stated that he was glad his first night as Mayor was with a light agenda. He offered condolences to the Frost family in the death of Herb Frost who has had Frost's garage in Hampden for many years.

- H. ADJOURNMENT** – *With no other business, Councilor McAvoy made a motion, seconded by Councilor Sirois, to adjourn at 7:15. Unanimous vote in favor, 7-0.*

Respectfully Submitted,

*Paula A. Scott, CCM
Town Clerk*



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

DECEMBER 18TH, 2017

7:00 P.M.

6:00 p.m. – Finance & Administration Committee

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

Attending:

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

*Town Manager Angus Jennings
Town Clerk Paula Scott
Public Safety Director Joe Rogers
Sargent Bailey
Matthew St. Pierre
CEO Myles Block
Chris Leopold
Resident Bill Boyington*

*Absent:
Councilor Sirois*

- A. **PLEDGE OF ALLEGIANCE** – *Mayor McPike 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, 7-0.*

1. SIGNATURES

2. SECRETARY’S REPORTS

- a. **November 20th, 2017 Council Meeting Minutes**

3. COMMUNICATIONS

- a. **Notification of the 2018 Penobscot County mil rate and amount of the Town of Hampden’s valuation**
- b. **Notification regarding an upcoming Board of Appeals meeting to be held on Tuesday, December 19th at 7:00 p.m.**
- c. **Notification of award of an MMA Safety Enhancement Grant**
- d. **Notification of an MDOT cyclical pavement resurfacing project for 2.53 miles of Coldbrook Road in the Spring/Summer of 2018**
- e. **Notification of an MDOT cyclical pavement resurfacing project for 7.5 miles of Route 9 in the Spring/Summer of 2018**

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

- f. **Summary of new election laws effective November 1, 2017 pertaining to the administration of elections**
- g. **Notification of the maturation of two general obligation bonds**

4. REPORTS

- a. **Finance Committee Minutes – November 6th and November 20th**
- b. **Infrastructure Committee Minutes – None**
- c. **Planning & Development Committee Minutes – November 1st and November 15th**
- d. **Services Committee Minutes – October 10th and November 13th**
- e. **Environmental Trust Committee Minutes – September 12th**

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS –

- a. **Presentation of the Department of Public Safety Five-Year Plan –** *presented by Sargent Bailey – Sargent Bailey presented the five-year plan of the Public Safety Department to the Council and members of the public. He prefaced by stating that Public Safety is a tremendous department with people who are knowledgeable and trained and doing a tremendous amount of work. He stated that it is a privilege to work for Public Safety and the Town of Hampden. The basis was to determine where they are now, where do they want to be, how do they get there, and how will they know when they get there. Members made inventory of where the Department is at and what goals there are going forward, and how to objectively meet those goals. This started with the Supervisors, who set out broad goals. Feedback was solicited from employees on how to reach the goals, and the Citizen's Advisory Committee offered feedback as well. This took about a year to develop and now that it is complete, the Department will begin to implement some of those objectives. After the presentation, Mayor McPike, on behalf of the Council, thanked Sgt. Bailey and the entire Department for the good work they do for Hampden.*

2. PUBLIC HEARINGS - None

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Re-appointment of Michael Jellison to the Lura E. Hoit Memorial Pool Board of Trustees - referral from Services Committee –** *Councilor Marble made a motion, seconded by Councilor McAvoy, to approve reappointment of Michael Jellison to the Lura E. Hoit Memorial*

Pool Board of Trustees. Unanimous vote in favor, 7-0.

- b. **Re-appointment of James D. Feverston to the Lura E. Hoit Memorial Pool Board of Trustees – referral from Services Committee** - *Councilor Marble made a motion, seconded by Councilor Wilde, to approve reappointment of Jim Feverston to the Lura E. Hoit Memorial Pool Board of Trustees. Unanimous vote in favor, 7-0.*
- c. **Re-appointment of Yvonne Lambert to the Edythe L. Dyer Library Board of Trustees – referral from Services Committee** - *Councilor Marble made a motion, seconded by Councilor McAvoy, to approve reappointment of Yvonne Lambert to the Edyth L. Dyer Library Board of Trustees. Unanimous vote in favor, 7-0.*
- d. **Re-appointment of Lowell T. Sherwood, Jr. to the Board of Assessment Review – referral from Finance & Administration Committee** – *Councilor Marble made a motion, seconded by Councilor McAvoy, to approve reappointment of Lowell Sherwood to the Board of Assessment Review. Unanimous vote in favor, 7-0.*
- e. **Re-appointment of J. Kelley Wiltbank to the Planning Board – referral from Planning & Development Committee** - *Councilor Marble made a motion, seconded by Councilor McAvoy, to approve reappointment of J. Kelley Wiltbank to the Planning Board. Unanimous vote in favor, 7-0.*

4. OLD BUSINESS - None

5. NEW BUSINESS

- a. **Request for authorization for a budget adjustment of the FY18 budget, to transfer the amount of \$100,000 from Overlay into the Municipal Building Reserve (3-702-00) – referral from Finance & Administration Committee** – *Councilor Marble reported that there were three related items discussed in Finance Committee. He made a motion to approve a budget adjustment for FY18, and to transfer the amount of \$100,000 from Overlay into the Municipal Building Reserve. Motion was seconded by Councilor McAvoy. Unanimous vote in favor. Unanimous vote in favor, 7-0.*
- b. **Request for authorization for the expenditure of an amount up to \$100,000 from the Municipal Building Reserve (3-702-00) for the purpose of paying for mold remediation and related expenses – referral from Finance & Administration Committee** – *Councilor Marble made a motion, seconded by Councilor McAvoy to authorize the expenditure of an amount up to \$100,000 from the Municipal*

Building Reserve for the purpose of paying for mold remediation and related expenses. Manager Jennings clarified for the public that the authorization doesn't mean he won't have to come back with the specific requests if remediation goes above the \$10,000 thresh hold. At this time, we are just at the scoping stage. The motion on the floor was brought to a vote. Unanimous vote in favor, 7-0.

- c. **Request for authorization for waiver, pursuant to Sec. 4(a) of the Bid Procedure for Public Purchasing, to allow for the procurement of mold remediation and related expenses using a quotation system instead of an Invitation for Bids, to reduce the bidding cost and the amount of time needed for completion – referral from Finance & Administration Committee – Item was tabled in Finance & Administration Committee. No action.**
- d. **Request for authorization for the expenditure of \$1,000 from the Matching Grant Reserve (3-780-00) for the purpose of paying Hampden's share of a Safety Enhancement Grant for two SCBA masks – referral from Finance & Administration Committee – Councilor Marble made a motion, seconded by Councilor McAvoy to authorize the expenditure of \$1,000 from Matching Grant Reserve for the purpose of paying for a portion of the price of the SCBA masks. Unanimous vote in favor, 7-0.**
- e. **Request for authorization for the expenditure of \$4,036 from the Environmental Trust, Principal for the purpose of reimbursement of eligible landfill post-closure monitoring expenses – referral from Finance & Administration Committee – Councilor Marble made a motion, seconded by Councilor McAvoy to authorize the expenditure of \$4,036 from the Environmental Trust, Principal to reimburse for eligible landfill post-closure monitoring expenses. Unanimous vote in favor, 7-0.**
- f. **Request for authorization for the expenditure of \$1,275.95 from the Environmental Trust, Income for the purpose of reimbursement of eligible stormwater management expenses – referral from Finance & Administration Committee – Councilor Marble made a motion, seconded by Councilor McAvoy, to authorize the expenditure of \$1,275.95 from the Environmental Trust, Income to reimburse for eligible stormwater management expenses. Unanimous vote in favor, 7-0.**
- g. **Request for authorization for waiver, pursuant to Sec. 4(a) of the Bid Procedure for Public Purchasing, to allow for the procurement of a replacement dock at the Marina using a quotation system instead of an Invitation for Bids, due to a limited number of qualified vendors – referral from Finance & Administration Committee – Councilor Marble explained that funds were set aside**

last summer for the Town's portion of a grant to replace the existing dock that is in poor condition. He stated that most of the money is from the State through the grant, and that much of the work is done by Hamlin's Marine. He remarked on the great partnership between Hamlin's Marine, our Harbor Master Peter Neal who volunteers his time, and Town staff. He stated that Council is appreciative. Councilor Marble made a motion, seconded by Councilor McAvoy, to authorize a waiver of the bid procedure under section 4-a, and to allow for a quotation system in place of invitation for bids. Unanimous vote in favor, 7-0.

- h. **Request for authorization for an abatement of third quarter sewer charges for resident Seren Bruce at 29 Sunrise Lane – referral from Finance & Administration Committee** – Councilor Marble made a motion, seconded by Councilor Wilde to approve the abatement request for a portion of third quarter sewer charges for Seren Bruce at 29 Sunrise Lane. Unanimous vote in favor, 7-0.
- i. **Council approval of Council Order 2017-07, proposed amendments to the Transfer Station Decal Issuance Policy – referral from Finance & Administration Committee** – Councilor Marble made a motion, seconded by Councilor Wilde, to approve Council Order 2017-07, proposed amendments to the Transfer Station Decal Issuance Policy. Unanimous vote in favor, 7-0. Manager Jennings briefly stated that the main policy change was to move away from proof of residency based solely upon vehicle registration.
- j. **Council approval of Council Order 2017-08, proposed amendments to the Transfer Station Rules and Regulations – referral from Finance & Administration Committee** – Councilor Marble made a motion, seconded by Councilor McAvoy, to approve Council Order 2017-08, proposed amendments to the Transfer Station Rules and Regulations. Unanimous vote in favor, 7-0.

E. COMMITTEE REPORTS

Infrastructure Committee – Mayor McPike reported that there has not been a meeting since the last Council meeting.

Services Committee – Councilor Marble reported that applications for reappointment were discussed and referred to Council. Committee heard a presentation on the state of broadband in Hampden. Committee held a good discussion about possible continuation of the pool site design. Committee recommended sending out an RFQ for some competitive bid pricing on Phase I permitting, which is in essence permitting for parking. This is strictly to set a baseline. Committee reviewed the Transfer Station rules and regulations, and referred that to Council for tonight.

Finance & Administration – Councilor Marble reported that all items discussed in Committee were heard at Council tonight

Planning & Development Committee – Mayor McPike reported that the Committee met

with Joe from the Musson Group regarding changes to the Business Park covenants. Discussed a moratorium on retail marijuana and developing a plan for related uses. The next meeting is the 20th.

F. MANAGER'S REPORT – *Manager Jennings thanked the Kiwanis for the work they did organizing the Christmas Tree Lighting. He and Mayor McPike were in attendance and all the children loved it. He reported that the new holiday banners have been installed and we are accepting feedback on whether people like them or not. The lights will not be put up this year and we will continue to look at whether we are going to bring them back. The Town office will be closed from 11:30 – 1:30 on Wednesday for the Christmas party, and there will be no Infrastructure Committee meeting this month. He reported that he and Mayor McPike went to the Annual Meeting of the MRC which topic was regarding working toward transition, and he and Mayor McPike attended the beam signing ceremony at the Fiberight facility. He reported that Mayor McPike and he also attended the NIMS training last Wednesday in Holden. Attendance will preserve the Town's eligibility in obtaining certain grants. He reminded the public that we are now offering on-line dog licensing and that this spring we totally revamped the Town's website at Hampdenmaine.gov and there is a lot of content there, including what takes place at these meetings, other Committees, and much information about Hampden.*

G. COUNCILORS' COMMENTS

Councilor McAvoy – Reminded everyone to shop local and buy American. He wished Hampden a good night

Councilor Cormier – No comment

Councilor Marble – Thanked citizens who have been at recent Services Committee meetings for getting involved, and for statements of what they value and questions about how they can help. He reminded everyone that the first meeting in January is when Council elects its new Mayor and that if there is feedback regarding style or agenda content, to please make your voice known. He wished everyone Happy Holidays and to drive safe.

Councilor Wilde —Stated that it was nice to be back and wished everyone a Merry Christmas and Happy Holidays

Councilor Ryder – Wished everyone a Merry Christmas and a Happy New Year and hopes that we can all continue to work together and make Hampden great again for 2018.

Mayor McPike – Reminded the public that people can go on line and sign up to be on an email list for meetings and topics they are working on. He reported that Cianbro is now the General Contractor for Fiberight and that the NIMS meeting he and Manager Jennings attended was very interesting. Part of it is for a Town to be able to take care of itself during emergencies. They are not going to just give out money if a town can't show that it can handle itself. He reminded people that due to the holidays, for the next couple of weeks, the town office will only be open three days. He then wished everyone a Happy Hanukah and a Merry Christmas.

- H. **ADJOURNMENT** – *With no other business to conduct, Mayor McPike adjourned the meeting at 7:30 p.m.*

Respectfully Submitted,

A handwritten signature in cursive script that reads "Paula A. Scott".

Paula A. Scott, CCM
Town Clerk

C-3-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

December 20, 2017

Lorraine Wilbur
Lynda Nowell
75 Main Rd. North
Hampden, Me. 04444

RE: Victualer's license for Coffee Break Cafe

Dear Sir/Madam:

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

Please call if you have any questions.

Sincerely,

Paula A. Scott

Paula
Town

Enclos

VICTUALER'S LICENSE CERTIFICATE

No. 17-19

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: Dec 20, 2017

KNOW YE, that Lorraine Wilbur & Lynda Nowell,

doing business as Coffee Break Cafe has been duly

licensed as a Victualer at 75 Main Rd North in the

Municipality of Hampden by said Municipality until 12/20, 2018, and has

paid to the Municipal Treasurer the fee of One hundred Dollars (\$100.00).

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



C-3-b

Michael R. Goodwin, Executive Director
Tel 207-622-9386
Fax 207-623-5359

December 14, 2017

Town of Hampden
RECEIVED

DEC 21 2017

Office of the
Town Manager

Mr. Angus Jennings, Town Manager
Town of Hampden
106 Western Ave
Hampden, ME 04444-1428

Dear Mr. Jennings:

On behalf of the Commissioners of the Maine Municipal Bond Bank, I am pleased to inform you that your debt service payments shall be reduced by \$33,012.70, which represents your pro-rated portion of the savings the Bond Bank is providing as a result of its recent refunding issue. In the current fiscal environment, the Bond Bank was particularly proud of accomplishing the refunding at no cost to you and providing this benefit to you. Your total savings were derived as follows:

<u>Series</u>	<u>Original Principal</u>	<u>Total Savings</u>	<u>Provided By Check</u>	<u>Provided By Debt Service Credit</u>
2001 D	\$1,686,000.00	\$33,012.70	\$0.00	\$33,012.70

The ongoing debt service payment on your bonds is now due in accordance with the enclosed schedule. Please disregard all previous debt service schedules and make your revised semi-annual debt service payments to US Bank.

For over forty years the Bond Bank has provided Maine's local governmental units with capital financing at a total cost as low as, and in most instances lower than, what is available elsewhere. We are proud that such a standard of consistent, cost effective financing continues to be available to Maine localities.

This refunding credit also gives the Bond Bank a chance to express its gratitude for your loyal support. Part of the Bank's success can be attributed to your continued use of our services through the years. I hope you will look to us for any possible future capital needs.

The staff at the Bond Bank is ready to assist you with any analysis of your capital requirements to help provide you the assurance that you have reviewed all of the available options as you analyze your capital needs. It is our goal however you decide to raise capital that you achieve the lowest total cost financing package available to you. Thank you again for allowing the Bond Bank to serve you.

Sincerely,

Michael R. Goodwin
Executive Director

Enclosure(s): Debt Service Payment Schedule(s)

Maine Municipal Bond Bank

Revised Debt Payment Schedule

2001 D Hampden - 2001D - \$1,686,000.00

Payment Date	Principal	Interest	Previous Principal Credits	Previous Interest Credits	Current Credits	Total
05/01/2002	\$0.00	\$37,435.57	\$0.00	\$0.00	\$0.00	\$37,435.57
11/01/2002	\$84,300.00	\$36,227.97	\$0.00	\$0.00	\$0.00	\$120,527.97
05/01/2003	\$0.00	\$34,858.09	\$0.00	\$0.00	\$0.00	\$34,858.09
11/01/2003	\$84,300.00	\$34,858.09	\$0.00	\$0.00	\$0.00	\$119,158.09
05/01/2004	\$0.00	\$33,488.21	\$0.00	\$0.00	\$0.00	\$33,488.21
11/01/2004	\$84,300.00	\$33,488.21	\$0.00	\$0.00	\$0.00	\$117,788.21
05/01/2005	\$0.00	\$32,118.33	\$0.00	\$0.00	\$0.00	\$32,118.33
11/01/2005	\$84,300.00	\$32,118.33	\$0.00	\$0.00	\$0.00	\$116,418.33
05/01/2006	\$0.00	\$30,748.45	\$0.00	\$0.00	\$0.00	\$30,748.45
11/01/2006	\$84,300.00	\$30,748.45	\$0.00	\$0.00	\$0.00	\$115,048.45
05/01/2007	\$0.00	\$29,325.89	\$0.00	\$0.00	\$0.00	\$29,325.89
11/01/2007	\$84,300.00	\$29,325.89	\$0.00	-\$14,420.86	\$0.00	\$99,205.03
05/01/2008	\$0.00	\$27,808.49	\$0.00	\$0.00	\$0.00	\$27,808.49
11/01/2008	\$84,300.00	\$27,808.49	\$0.00	-\$17.04	\$0.00	\$112,091.45
05/01/2009	\$0.00	\$26,206.79	\$0.00	\$0.00	\$0.00	\$26,206.79
11/01/2009	\$84,300.00	\$26,206.79	\$0.00	-\$1,558.05	\$0.00	\$108,948.74
05/01/2010	\$0.00	\$24,520.79	\$0.00	\$0.00	\$0.00	\$24,520.79
11/01/2010	\$84,300.00	\$24,520.79	\$0.00	-\$1,524.97	\$0.00	\$107,295.82
05/01/2011	\$0.00	\$22,782.10	\$0.00	\$0.00	\$0.00	\$22,782.10
11/01/2011	\$84,300.00	\$22,782.10	\$0.00	-\$1,563.02	\$0.00	\$105,519.08
05/01/2012	\$0.00	\$20,990.72	\$0.00	\$0.00	\$0.00	\$20,990.72
11/01/2012	\$84,300.00	\$20,990.72	\$0.00	-\$4,272.93	\$0.00	\$101,017.79
05/01/2013	\$0.00	\$19,178.27	\$0.00	\$0.00	\$0.00	\$19,178.27
11/01/2013	\$84,300.00	\$19,178.27	\$0.00	-\$4,805.21	\$0.00	\$98,673.06
05/01/2014	\$0.00	\$17,281.52	\$0.00	\$0.00	\$0.00	\$17,281.52
11/01/2014	\$84,300.00	\$17,281.52	\$0.00	-\$4,395.25	\$0.00	\$97,186.27
05/01/2015	\$0.00	\$15,121.33	\$0.00	\$0.00	\$0.00	\$15,121.33
11/01/2015	\$84,300.00	\$15,121.33	\$0.00	-\$412.11	\$0.00	\$99,009.22
05/01/2016	\$0.00	\$12,961.14	\$0.00	\$0.00	\$0.00	\$12,961.14
11/01/2016	\$84,300.00	\$12,961.14	\$0.00	-\$408.82	\$0.00	\$96,852.32
05/01/2017	\$0.00	\$10,800.95	\$0.00	\$0.00	\$0.00	\$10,800.95
11/01/2017	\$84,300.00	\$10,800.95	\$0.00	-\$399.11	\$0.00	\$94,701.84
05/01/2018	\$0.00	\$8,640.76	\$0.00	\$0.00	\$0.00	\$8,640.76
11/01/2018	\$84,300.00	\$8,640.76	\$0.00	-\$351.96	-\$8,288.80	\$84,300.00
05/01/2019	\$0.00	\$6,480.57	\$0.00	\$0.00	-\$6,480.57	\$0.00
11/01/2019	\$84,300.00	\$6,480.57	\$0.00	-\$367.32	-\$6,113.25	\$84,300.00
05/01/2020	\$0.00	\$4,320.38	\$0.00	\$0.00	-\$4,320.38	\$0.00
11/01/2020	\$84,300.00	\$4,320.38	\$0.00	-\$411.29	-\$3,909.09	\$84,300.00
05/01/2021	\$0.00	\$2,160.19	\$0.00	\$0.00	-\$2,160.19	\$0.00
11/01/2021	\$84,300.00	\$2,160.19	\$0.00	-\$419.77	-\$1,740.42	\$84,300.00
	\$1,686,000.00	\$833,249.48	\$0.00	-\$35,327.71	-\$33,012.70	\$2,450,909.07

C-3-C

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December 22, 2017

RECEIVED

DEC 26 2017

TOWN OF HAMPDEN ASSESSING DEPT.

Penny Reckards, Clerk
Penobscot County Superior Court
78 Exchange Street
Bangor, Maine 04401

Re: Acadia Hospital Corp. v. Town of Hampden (Docket No. AP-2017-14)

Dear Ms. Reckards:

Enclosed for filing please find Defendant Town of Hampden's Brief in Response to Plaintiff's Second Brief (After Remand). Thank you very much for your help.

Please let me know if you have any questions.

Very truly yours,

FARRELL, ROSENBLATT & RUSSELL



Kate J. Grossman

Enclosure

cc: Arrian Stockdell, Esq.
Angus Jennings, Town of Hampden
Kelly Karter, Town of Hampden

STATE OF MAINE
PENOBSCOT, ss.

SUPERIOR COURT
CIVIL ACTION
Docket No. AP-17-14

ACADIA HOSPITAL CORP.)
)
 Plaintiff,)
 v.)
)
)
 TOWN OF HAMPDEN, MAINE)
)
 Defendant,)
)
 and)
)
 ACADIA HEALTHCARE, INC.)
)
 Party-in-Interest.)

**DEFENDANT TOWN OF
HAMPDEN'S BRIEF IN RESPONSE
TO PLAINTIFF'S SECOND BRIEF
(AFTER REMAND)**

INTRODUCTION

Defendant Town of Hampden (“Defendant” or “the Town”) relies on the statement of facts and procedural background in its original brief dated July 7, 2017. Following remand by this Court, the Town of Hampden Board of Assessment Review (“the Board”) reconvened on October 24, 2017. At that hearing, neither party to the appeal asked to submit new evidence to the Board.¹ The Board adopted new written findings and a written decision based upon its taking of evidence and deliberation at its first hearing. In the new findings and decision, the Board again denied Acadia Hospital Corporation’s appeal of the Town’s assessment of a service charge. Because the Board’s decision that the property owned by Acadia Hospital Corporation (“Acadia”) is subject to the service charge ordinance, and that the exception for student housing

¹ Though Plaintiff mentions in both its first and second briefs the lack of an audio recording of the hearing, Plaintiff neither took the opportunity at the second hearing to introduce new evidence, nor ever made a motion for a trial of the facts under M.R. Civ. P. 80B(d).

does not apply does not constitute an error of law, the Court should affirm the Board's decision and deny Acadia's appeal.

STANDARD OF REVIEW

A court may vacate a municipality's decision "if it includes an error of law, abuse of discretion, or finding not supported by substantial evidence." *Bizier v. Town of Turner*, 2011 ME 116, ¶ 12, 32 A.3d 1048. "Although interpretation of an ordinance is a question of law, [a reviewing court] accord[s] 'substantial deference' to [a municipal board's] characterizations and fact-findings as to what meets ordinance standards." *Id.*, ¶ 8 (citing *Town of Vassalboro v. Barnett*, 2011 ME 21, ¶ 6, 13 A.3d 784 (quoting, in turn, *Rudolph v. Golick*, 2010 ME 106, ¶ ¶ 8-9, 8 A.3d 684)). "The terms or expressions in an ordinance are to be construed reasonably with regard to both the objectives sought to be obtained and the general structure of the ordinance as a whole." *Jordan v. City of Ellsworth*, 2003 ME 82, ¶ 9, 828 A.2d 768. A petitioner seeking to vacate a municipal decision bears the burden of persuasion. *Bizier* at ¶ 8.

DISCUSSION

1. The Board's Decision is Consistent with the Purpose of the Ordinance.

"The terms or expressions in an ordinance are to be construed reasonably with regard to both the objectives sought to be obtained and the general structure of the ordinance as a whole." *Jordan v. City of Ellsworth*, 2003 ME 82, ¶ 9, 828 A.2d 768. Certain nonprofit organizations are exempt by statute from paying municipal property taxes. 36 M.R.S.A. § 652. This policy enables nonprofit, charitable organizations to use the most funds primarily for their charitable purposes, and assures donors that donations will be used to enable the organizations' charitable

purposes. Yet there are instances in which a nonprofit organization uses property not in furtherance of its charitable work, but to earn rental income. In such circumstances, 36 M.R.S.A. § 508, and Town of Hampden Service Charge Ordinance (“the Ordinance”) adopted pursuant to Section 508, allow municipalities to assess a service on such rentals, so long as it is “residential property, other than student housing or parsonages.” The implication is that student housing and parsonages are instances in which property may be rented out but nonetheless used in furtherance of an institution’s charitable purpose.

In this case, Acadia rents the property to Sweetser not in furtherance of Acadia’s own nonprofit purpose, but purely to earn rental income. Thus, with this appeal Acadia in effect asks to receive the benefit of the student housing exception, not because it is renting the property to students in furtherance of its own charitable mission, but because of Sweetser’s activity. Further, even if Sweetser’s use of the property *were* “student housing,” (which it is not), it was never made part of the record that Sweetser *rents* units out to the Sweetser children, and indeed, it is much more likely that their boarding at this residential treatment facility is paid for through MaineCare and other health insurance, as their residence there is part of a treatment program, and that there is no rental payment from the children to Sweetser. Thus, Acadia’s position would require that the ordinance be sliced extremely thinly, and applied in part to the property owner (Acadia, which uses the property to generate rental income) and in part to the occupant (Sweetser, which Acadia argues uses the property as student housing). The Board’s rejection of this labored and counterintuitive application of the Ordinance is legally sound.

2. The Board Correctly Applied the Ordinance to the Property Owner.

What the Board did, in fact, was apply the Ordinance to the owner of the property, not to the tenant (or the tenant’s tenant). *See* Supplemental Record (S.R.) 44. The Ordinance reads,

“the purpose of this ordinance is to establish an annual service charge to recover the cost of providing municipal services, other than education and general assistance, to *owners and/or occupants* of certain institutional and organizational real property which is otherwise exempt from state or municipal taxation.” (Emphasis supplied). The Board made the determination that the service charge in this instance applies to the owner of the property, and that Acadia leases the property, wholesale, to Sweetser, as a single rental property. S.R. 43. Since the Ordinance states that it applies “to owners and/or occupants,” the Board’s determination that the Ordinance applies to owner of the property was not in error. Sweetser, in turn, is an organization, not a student. The terms of the lease state that Sweetser will use the property as a “mental health residential treatment facility.” S.R. 44. Even if Sweetser *were* to turn around and rent the property out as actual student housing (which it does not), the Board’s application of the Ordinance was proper and not an error of law.

3. A Residential Care Facility is Not Student Housing.

Finally, even if the Court were to accept Plaintiff’s position that Acadia should be exempt from paying the service fee because of Sweetser’s charitable work, the Court would still have to find that the Board committed an error of law by finding that a mental health residential treatment facility is not student housing. First, “property used as a . . . residential care facility licensed by the Department of Health and Human Services” (which the Sweetser facility is) is listed separately from “property used for student housing” under 36 M.R.S.A.

§ 652(1)(C)(6)(b).² Applying the cannon of statutory interpretation that all language should be given meaning, these two terms must mean different things. Thus, the residential care facility operated by Sweetser is not student housing.

² All of the language of 36 M.R.S.A. § 508 was, until 2007, part of 36 M.R.S.A. § 652, and still refers back to Section 652; thus, the two sections should continue to be read together.

The analysis could stop there. If the Court were to go a step further, however, and seek to further define the term “student housing,” the Town agrees generally with the Plaintiff’s urging that the Court apply the generally accepted, plain meaning of a term. It does not necessarily follow, however, that by taking the dictionary definitions of two words and combining them that you get the meaning of that two-word phrase. “Student housing” is not, as Plaintiff argues, any housing where a student might live (“The question is whether there are students residing at the property.”). Plaintiff’s Second Brief at 8. Plaintiff defends this definition against the clearly absurd result that any private home could be defined as “student housing” by arguing that a private home would not be owned by a nonprofit. First, this is not necessarily true. A nonprofit organization might well operate, for example, low-cost rental housing units for low-income families. Those families might include children who attend school. Applying Plaintiff’s definition, such a unit would be “student housing.” The absurdity of defining “student housing” as any place that a student might live goes farther. If “student housing” is any place a student might live, and a student could be any person who takes up a course of study, then any place could be student housing, depending on how the occupant spends his or her time. Such a definition would render the phrase essentially meaningless.

In fact, the phrase “student housing” does have its own generally accepted meaning, and that meaning is housing for undergraduate and graduate students. Courts have consistently used the phrase in this way. *See, e.g., Peregrine Developers, LLC v. Town of Orono*, 2004 ME 95, 854 A.2d 216; *Adams v. Town of Brunswick*, CUM AP-0741, AP-07-51, AP-08-10 (Cum. Co. Sup. Ct. Feb. 13, 2009); *URI Student Senate v. Town of Narragansett*, 631 F.3d 1 (1st Cir. 2011). In each of these cases, and in many more throughout the country, both parties and courts accept use of the term “student housing” to refer to housing for college and university students, without

the need for additional analysis. College and university students are generally age 18 or over, and are able to live essentially independently. Their primary vocation is their studies. Whereas children under the age of 18 cannot live independently, and anywhere they live, whether in a family residence or in a facility, will necessarily entail a higher degree of care and supervision. Add to this distinction the activities that make the Sweetser property a “treatment facility,” and it is clear that the Board’s determination that the Sweetser residential treatment facility is not “student housing” adheres to that generally accepted meaning, and is not in error.

CONCLUSION

The Hampden Board of Assessment Review made a finding of fact when it characterized the use of the Sweetser facility as a “residential treatment facility” (as described in the lease between Acadia and Sweetser) and not as “student housing.” Such a finding of fact is due substantial deference by a reviewing court. Further, the Board’s interpretation of the Hampden Service Fee Ordinance was not an error of law. Wherefore, Defendant Town of Hampden requests that this Court deny the appeal of Acadia Hospital Corporation.

Dated: December 22, 2017



Kate J. Grossman, Esq., Bar No. 5089
Farrell, Rosenblatt & Russell
61 Main Street, Suite 1
PO Box 738
Bangor, ME 04402-0738
(207) 990-3314

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, December 4th, 2017

MINUTES

Hampden Town Office

Attending:

*Councilor Greg Sirois, Chair
Councilor Mark Cormier
Mayor Ivan McPike
Councilor Dennis Marble
Councilor Terry McAvoy
Councilor David Ryder*

*Councilor Stephen Wilde
Town Manager Angus Jennings
Rec Director Shelley Abbott
Pool Director Darcey Peakall
Rec Comm member Jane Jarvi
Auditor Kellie Bowden
Special Counsel Kate Grossman*

Chairman Sirois called the meeting to order at 6:30 p.m.

1. Meeting Minutes

- a. November 6, 2017 – There was a motion by Councilor McAvoy seconded by Councilor Ryder to approve the minutes. Approved 6-0.*
- b. November 20, 2017 – There was a motion by Councilor McAvoy seconded by Mayor McPike to approve the minutes. Approved 6-0.*

2. Review & Sign Warrants – Warrants were reviewed and signed.**3. Old Business**

- a. Meeting with Auditor regarding process to complete transition from the enterprise method of accounting to revenue and expense method of accounting in the recreation and pool departments through transfer of funds from clearing accounts to reserve accounts –** *Manager Jennings summarized the materials in the packet, and noted that the Auditor was here and available for questions. Chairman Sirois called for questions. Councilor McAvoy said that putting the funds into reserve as recommended would be inappropriate, referring to the funds in the clearing accounts as “illicit gains.” He said that, had the appropriate accounting practices been in place, these revenues would have offset costs that were borne by taxpayers. He said he thinks the funds should go to the General Fund.*

Councilor Marble said his understanding is that the taxation budget supported core Rec and Pool staff, with the balance of costs covered by program revenues, and revenues coming from there being available for related purposes. He noted that some funds probably came from donations – not program fees – and Councilor McAvoy

said he would have no objection to researching which portion of the revenues came from donations so those could be available for those purposes.

Manager Jennings noted that there is documentation over the years setting out the basic enterprise funding structure, along with the policy intent that any funds above enterprise costs would be made available for those programs. He said that today's Council may or may not agree with the policy objectives of previous Councils that budgeted in this way, but that he thinks based on documentation on record that the previous Councils had their eyes wide open, and intentionally budgeted in this way for that reason.

Chairman Sirois asked if there were questions for the Auditor. Councilor McAvoy asked if this use of enterprise budgeting was an appropriate accounting method. Ms. Bowden said that it was. Councilor McAvoy asked if this use of enterprise budgeting was set up legitimately. Ms. Bowden said that it was.

Councilor McAvoy asked if there are other reserve accounts with the type of balances we're looking at here – a couple of hundred thousand. Ms. Bowden said she thinks that some reserve accounts, such as ambulance and fire truck reserves, reach these levels of funding.

Manager Jennings said that, by making the funds available for future needs through reserve funding, this would insulate property tax payers from absorbing all of these costs. Chairman Sirois said that the large amount of funds that has built up illustrates, in his opinion, that the Town has not invested properly in Rec and Pool facilities.

4. New Business

- a. **Recommend Council authorization for the transfer of \$224,665.43, plus any amount added as a result of close-out of the FY17 Audit, from Recreation Clearing Account (1-199-01) to Recreation Area Reserve (3-767-00)** – Chairman Sirois introduced the item for discussion. Motion by Councilor Marble, seconded by Mayor McPike, to recommend Council authorization for the transfer of \$224,665.43, plus any amount added as a result of close-out of the FY17 Audit, from the Recreation Clearing Account to the Recreation Area Reserve. Mayor McPike asked when that transfer would happen and Manager Jennings said that, if it is authorized, it could be transferred any time afterward. He said this would involve cutting a check from reserve to general fund, and recording it through an accounting journal entry. Chairman Sirois called for public comment

but there was none. The motion passed 5-1 with Councilor McAvoy opposed.

- b. Recommend Council authorization for the transfer of \$58,452.92, plus any amount added as a result of close-out of the FY17 Audit, from Pool Clearing Account (1-111-05) to Pool Facility Reserve (3-771-00) –** *Chairman Sirois introduced the item for discussion. Motion by Mayor McPike, seconded by Councilor Marble, to recommend Council authorization for the transfer of \$58,452.92, plus any amount added as a result of close-out of the FY17 Audit, from the Pool Clearing Account to the Pool Reserve. Councilor Marble said that it appears that the Rec Department and citizen volunteers have done a better job planning for long-term expenses than the Town has, in some ways. Chairman Sirois called for public comment but there was none. The motion passed 5-1 with Councilor McAvoy opposed.*
- c. Recommend Council authorization for the expenditure of an amount up to \$2,592.00 from the Personnel Reserve Account (3-733-00) for the purpose of offsetting costs associated with payroll expenses for a temporary part-time worker –** *Motion by Mayor McPike seconded by Councilor Marble to recommend Council authorization for the expenditure of an amount up to \$2,592.00 from the Personnel Reserve Account for the purpose of offsetting costs associated with payroll expenses for a temporary part-time worker. Motion passed 6-0.*
- d. Recommend Council authorization for the expenditure of \$2,542.04 from the Municipal Building Reserve Account (3-702-00) for repairs to HVAC at Town Office –** *Motion by Councilor Marble seconded by Mayor McPike to recommend Council authorization of the requested reserve funding. During discussion, Councilor Marble asked how often we re-bid routine building maintenance services. Manager Jennings said that specific projects such as the Library lighting upgrade had been re-bid but that he's continuing to work with several vendors who have worked on the Town buildings in the past. He noted that he thinks it makes sense to re-bid work every 3 years or so but that doing so competes for time against other responsibilities. Councilor Ryder noted that some of the HVAC repairs appear to include work, such as checking blowers, that he thinks staff could perform. Manager Jennings said he would look into it. The motion passed 6-0.*
- e. Recommend Council authorization for the expenditure of \$1,300 from the Municipal Building Reserve Account (3-702-00) for repairs to the leaking roof at Town Office –** *Motion by Councilor*

Marble seconded by Mayor McPike to recommend Council authorization of the requested reserve funding. Motion passed 6-0.

Because Atty. Grossman was present, the Committee agreed to take Item G out of order.

- g. Informational update from Special Counsel Kate Grossman, Esq., of Farrell, Rosenblatt & Russell regarding litigation with Acadia Hospital Corp. regarding applicability of Service Charge Ordinance** – *Manager Jennings introduced Atty. Grossman, noting that he had engaged special counsel because of Rudman Winchell's representation of Acadia Hospital. Atty. Grossman summarized the basic legal question related to the definition of student housing, but also noted that the Court may not find that the actual use of the property by the non-owner tenant is relevant to the applicability of the Service Charge Ordinance. Councilor McAvoy asked about potential outcomes based on a Court decision and Atty. Grossman cautioned that the case is very fact specific and that she expects that the Court would make a very narrow ruling based on the particular facts of the case. Manager Jennings noted that the Council has discussed potential transition away from the Ordinance in favor of voluntary PILOT agreements with specific property owners, and there was discussion among the Committee about this. Councilor Marble said that, if a PILOT program is explored, he'd like to see it based on a clear mission statement beyond simply raising revenue.*
- f. Update on RSU-22 proposed February 2018 Referendum regarding replacement of artificial turf field at Hampden Academy** – *Manager Jennings summarized the materials in the packet, and noted that the RSU-22 personnel are coordinating the details of the proposed referendum through the Town Clerk's office.*

- 5. Public Comment** – *Chairman Sirois called for public comments and Recreation Committee member Jane Jarvi asked about the composition of the Council's Committees and whether motions and seconds should be made only by those on each Committee. She said she is looking for clarification to understand the Committee process. Chairman Sirois said that motions and seconds have been accepted by any Councilor present, and Mayor McPike noted that non-Committee members in attendance do not contribute for the purpose of establishing a quorum of the Committee. Councilor Marble said that Ms. Jarvi's question warrants more consideration. Ms. Jarvi asked what is the purpose of Committees if any Councilor can vote? She said that the Councilors each invest a great deal of time, and that she thinks the Committee process was initially intended to conserve members' time. Mayor McPike said the Committee process benefits every Councilor so that they are part of each issue from the beginning. Chairman Sirois said that, because of*

the work in Committees, Council meetings tend to be quick and efficient. Manager Jennings noted that the Council Rules would be reviewed at the first meeting in January.

6. Committee Member Comments – None.

7. Adjournment

There being no further business, the meeting was adjourned at 6:46 PM.

Respectfully submitted –
Angus Jennings, Town Manager

C-4-C



Town of Hampden
Planning and Development Committee
Wednesday November 1st, 2017, 6:00 pm
Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

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

Staff

Angus Jennings, Town Manager
Myles Block, Code Enforcement Officer

Chairman McPike called the meeting to order at 6 pm.

1. **Approval of October 18th, 2017 Minutes – Motion** to approve as submitted made by Councilor McAvoy with second by Councilor Marble; carried 5-0.
2. **Committee Applications:** None.
3. **Updates:**
 - A. **MRC/Fiberight** – Manager Jennings provided an update regarding the project timeline and there was discussion among the Committee members. CEO Block provided an updated regarding site work to date. Committee discussion focused on the requirements associated with implementing the updated Solid Waste Flow Control Ordinance, including the requirement to notify local businesses and institutions regarding the new destination for MSW after April 1, 2018, and how these communications could best be handled. Manager Jennings said that the MRC Exec. Director has talked about MRC preparing “model” documents (i.e. hauler licensing forms, sample correspondences to haulers and to local businesses) so that 110 municipalities can implement the changes with some consistency, but a timeline isn’t known. It was acknowledged that there could be challenges in enforcing the Flow Control Ordinance.
 - B. **Staff Report** – Manager Jennings summarized the materials in the meeting packet, including the update of ongoing/pending development activity.
4. **Old Business:**
 - A. **Update on potential commercial development at northeast corner of Coldbrook Road and Route 202; update on agreement to engage consultant to support new TIF District proposal to facilitate development; review potential boundaries of potential TIF District** – Manager Jennings summarized the materials in the meeting packet. There

was discussion about the potential District boundaries. Mayor Ryder suggested including several additional parcels along Coldbrook Road. The Committee members unanimously agreed with these changes. Manager Jennings said that an updated map would be reviewed at the next meeting, and that the TIF consultant would be present to begin discussion of other aspects of the TIF District. Manager Jennings reminded the Committee of the November 8 Planning Board public hearing regarding the proposed zoning map amendment. Mayor Ryder and Councilor Marble confirmed that they would join the Manager in attending the public hearing.

- B. Review of approved consultant work scope and schedule to prepare amendments to the Business Park Covenants and associated zoning amendments; review draft outreach to Business Park owners –**
Manager Jennings summarized the materials in the meeting packet. The Committee appreciated the detail in the schedule and all agreed that it will be important to maintain the project schedule.
- 5. New Business: None.**
- 6. Zoning Considerations/Discussion:**
 - A. Discussion of zoning amendment process including the role of the Planning Board and its Ordinance Committee; preparation for November 8 Planning Board meeting –**
Manager Jennings summarized the materials in the meeting packet. He circulated a draft letter to the Planning Board and asked the Councilors to take a couple of minutes to review the draft to be sure it effectively communicated the issues. The Councilors read the draft letter, and all agreed it was appropriate to send as is. The Committee discussed the importance of aligning the Planning Board process relative to zoning amendments with the Council's goals regarding timeliness of amendments. Manager Jennings said the letter would be included in the November 8 Planning Board meeting packet. Mayor Ryder and Councilor Marble confirmed that they would join the Manager in attending the meeting.
- 7. Citizens Initiatives: None.**
- 8. Public Comments: None.**
- 9. Committee Member Comments: None.**
- 10. Adjournment: There was a motion by Councilor Marble seconded by Councilor McAvoy to adjourn at 7:03 pm. The motion carried unanimously.**

Respectfully submitted –
Angus Jennings, Town Manager



Town of Hampden
Planning and Development Committee
Wednesday November 15, 2017, 6:00 pm
Municipal Building Council Chambers
Minutes

Attending:

Committee/Council
Ivan McPike-Chair
Terry McAvoy
Dennis Marble

Staff
Angus Jennings, Town Manager
Karen Cullen, Town Planner
Myles Block, Code Enforcement Officer

Public
Noreen Norton, TIF Consultant

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

1. Approval of November 1, 2017 Minutes – **Motion** to approve as submitted made by Councilor McAvoy with second by Councilor Marble; carried 3/0/0.
2. Committee Applications: none.
3. Updates:
 - a. MRC/Fiberight: Manager Jennings reported that there isn't much new information from the most recent bi-weekly call. The completion date for the MRF processing continues to be a topic of discussion. He added the closing date for the debt financing is estimated to be by Christmas. He also noted it appears they will be seeking a different sewer rate at some point in the future. CEO Block reported the building construction continues; the building is roughly one-quarter built.

Chairman McPike noted the entire length of the roadway has curbing, with only one opening for stormwater runoff.

- b. Staff Report:
 - i. Planner Cullen noted the list of development projects is in the packet, and added the Hannaford and Bouchard site plans have been approved.
 - ii. Planner Cullen reported on the MMA's workshop on marijuana legislation which she attended today. The legislative committee had worked on amendments to the

Act over the last 7 months or so, and although the legislature passed it, they did not override the Governor's veto. As it stands, the law will take effect Feb 1, 2018 unless the legislature enacts another moratorium to extend that date.

Planner Cullen summarized the key points from today's session:

1. there is language in the law that says if you have a cultivation facility, you can open a retail store – that store is exempt from other regulations on retail marijuana stores. Since Hampden wants to allow cultivation but not allow retail stores, this is a problem. It may get addressed in future amendments to the Act, but at this point that's an unknown.
 2. Each municipality needs to ensure they have the resources necessary to enforce whatever regulations they adopt locally, since there is no state enforcement of local regulations – they will deal with state licensing issues and that's it.
 3. We should discuss with the owners in the Hampden Business Park what their thoughts are on allowing any marijuana activity in the park (cultivation, product manufacture, or testing).
 4. At this point, given the unknown future of the state law, it is recommended that municipalities adopt ordinances to either prohibit or place a moratorium on whatever retail marijuana activities make sense. In Hampden, this would be a moratorium on cultivation, product manufacture, and testing.
- iii. Manager Jennings noted that the TIF Policy included in the packet is the correct one; it came to staff's attention recently that the one posted on the Town's website does not reflect amendments approved in August 2015. The issue of the \$1,000 application fee was addressed in those amendments, and while there are other things that may need tweaking, nothing is a front-burner issue and so we will not be proposing any amendments at this time.

4. Old Business:

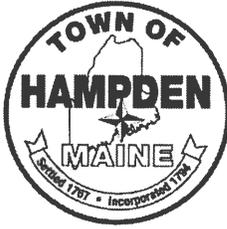
- a. Hampden Business Park Covenants – Manager Jennings noted that our consultants are working on this now, and we had sent letters to business and property owners informing them of the efforts now underway. We would like their input and noted there are several opportunities for people to attend P&D meetings to participate; tonight was meant to be the first of those but no one is here. Manager Jennings also said that owners are required to get 30 days advance notice before amendments take effect. He added that there is no requirement for consent, but the Town would take into consideration any concerns received prior to making any changes. Finally, we are expecting a discussion with the consultant at the December 6th meeting regarding what (in the current document) should be kept, eliminated, modified, or moved to the zoning ordinance.
- b. Potential Coldbrook Corners TIF – Manager Jennings invited Noreen Norton, consultant on this project, to the table to discuss it with the Committee. The main points of the discussion were:

- i. Manager Jennings noted the map in the packet shows the boundaries after adding several parcels on Coldbrook Road, the result of previous discussion with the P&D Committee. It was noted two of those (newly added) parcels are in the Rural district; there may be a need to revise the zoning in the future, after discussion with the owners of those parcels.
 - ii. Noreen noted a minimum of 25% of the area designated in the TIF District has to be intended for commercial development; other uses are permitted (in accordance with the applicable zoning).
 - iii. The committee agreed generally with the objectives but requested modification of the language for the first one to not be developer-specific and to encompass other potential development, including potential mixed use development and senior housing (which would respond to the results of the market study).
 - iv. The project list should be broad to allow flexibility, since we don't know what needs may arise in 15 or 20 years. Should include traffic improvements which can include paving. Discussion about adding the right-of-way on Coldbrook Road easterly to Main Road North, specifically to allow use of TIF funds to repave that stretch of road. There was a question which Noreen with research regarding the use of TIF funds for sewer infrastructure, given the fact that sewer is an enterprise fund (as is water).
 - v. The committee agreed that the duration of the TIF should be the full 30 years allowed by the state, to allow flexibility in the future, especially given the potential for several of these parcels to not be proposed for redevelopment for years. Noreen noted that if the town wished to end it sooner, that is a possibility as long as there are no active credit enhancement agreements.
 - vi. Prior to discussion on a potential CEA for Southstreet Development, Manager Jennings and Noreen Norton should meet with the developer. Note that the TIF and CEA are separate documents.
 - vii. This will be discussed again at the December 20th P&D meeting.
5. New Business: None.
6. Zoning Considerations/Discussion: Manager Jennings noted that he and several councilors had attended the November 8th planning board meeting to discuss the need for modifications to the Planning Board's process regarding zoning ordinance amendments. Councilor Marble reported that he told the Board that Town Council is trying to make the town friendlier to business and housing developers while respecting the work the (planning board) volunteers do, but Council is concerned that some amendments seem to take a long time to get through the board's process. He added his impression was that the message was taken as somewhat of a threat to the planning board's culture. Manager Jennings added that he believes this may be the only item on the December 13th agenda, and suspects the board may look at amending their bylaws to formalize

the Ordinance Committee. He suggested it might be sensible to amend the zoning ordinance to change the time requirement for planning board recommendation for amendments referred to the planning board from the town council; perhaps from the current 90 days from date of that referral to 45 days from the next regularly scheduled planning board meeting. The council wants to allow the planning board to do their due diligence without taking too long.

7. Citizen Initiatives: None.
8. Public Comments: None.
9. Committee Member Comments: None.
10. Adjournment: **Motion** to adjourn at 7:50 pm by Councilor McAvoy; seconded by Chairman McPike, carried 2/0/0. [Councilor Marble had left at approximately 7:40 pm.]

Respectfully submitted by
Karen Cullen, Town Planner



Town of Hampden
Planning and Development Committee
 Wednesday December 6, 2017, 6:00 pm
 Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

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

Staff

Karen Cullen, Town Planner
 Myles Block, Code Enforcement Officer
 Chief Joe Rogers, Public Safety Director

Public

Noel Musson, Consultant
 Eric Ellingwood

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

1. Approval of November 15, 2017 Minutes – **Motion** to approve as submitted tonight with revisions to the draft version in the packet made by Councilor Marble with second by Councilor Ryder; carried 5/0/0.
2. Committee Applications:
 - a. Kelley Wiltbank, reappointment to the Planning Board. Planner Cullen noted Mr. Wiltbank is unavailable to attend the meeting tonight but is available for the next meeting. Councilor Marble said his application shows he is a well-qualified member of the Board and he has no objection to moving forward with his application tonight.

Motion to refer the application of Kelley Wiltbank to the Town Council for reappointment to the Planning Board for a five-year term as a full member of the Board made by Councilor Ryder with second by Councilor McAvoy; carried 5/0/0.
3. Updates:
 - a. MRC/Fiberight: Planner Cullen noted the items in the packet. CEO Block reported the building construction continues and everything is going okay. He noted DEP is holding them to all conditions and is keeping an eye on progress. In response to questions from the committee, CEO Block will take a look at the curbing along the roadway and the stormwater BMP's associated with it.

- b. Planner Cullen gave the staff update, noting she is going to be working with the Planning Board on the zoning amendments to deal with the uses and dimensional requirements at the board's two December meetings.

4. Old Business:

- a. Hampden Business Park Covenants – Planner Cullen introduced Noel Musson of The Musson Group, who led the discussion. This project is to amend the covenants for the business park to eliminate redundancy and potential conflicts with the zoning ordinance and to modify as needed to eliminate unnecessary processes. Councilor Marble noted the goal is to balance the Town's interests, those who have already invested in the park, and the marketability of the lots that are now available. Noel handed out a memorandum which lists his recommendations for appropriate actions for each section of the covenants (see attached). Key points of discussion:

- i. The entire document should apply to the entire park.
- ii. The approval process for site development should just be the site plan approval with the Planning Board; there should not be a requirement for Town Council approval too.
- iii. There are some sections (e.g. 3.10, rights reserved to declarant) that will need to be reviewed with the attorney to ensure that modification or elimination will not remove protections the town should maintain.
- iv. Discussion on 3.9 regarding why the town would want to buy land back if a buyer failed to develop it within a year, seems it would be better for the tax base to have such parcels remain in private ownership.
- v. The committee sees no reason to keep the ten foot wide easement requirement in 3.10; the idea of having pedestrian ways surrounding each lot may have been well intentioned but it impractical.
- vi. The development standards in Article 4 can mostly if not entirely be eliminated as they either already are or should be handled in the zoning ordinance. In this case, the subdivision plan includes the building envelopes for each lot, and the covenants could simply reference that plan. We may want to keep some provisions in the covenants to deal with allowing flexibility to the Planning Board in regard to standards, ensuring unpaved areas don't produce nuisance dust, etc.
- vii. May want to keep the prohibited uses in the covenants for added protection.

5. New Business: None.

- 6. Zoning Considerations/Discussion: Planner Cullen noted that MMA is recommending that municipalities consider adopting moratoriums on retail marijuana uses to ensure there is not a period where there are no local regulations in effect after February 1, 2018 when the state moratorium ends. She added the state legislature may extend the state moratorium but that has not yet occurred and the town should take local action to protect our interests. Question as to whether a field of marijuana crop would be considered a "facility" – staff believes under the state laws it would be, although it is not crystal clear. Planner Cullen noted that the town has recently adopted amendments to the zoning ordinance to prohibit retail sales and social clubs, and the

proposed emergency moratorium covers the other three uses: cultivation, product manufacture, and testing. She also said this is proposed as an emergency moratorium so it will take effect immediately instead of 30 days later. It will be effective for 60 days, and Council can vote to extend it as long as the reasons for enacting it remain valid.

Motion to refer the "Emergency Moratorium Ordinance Regarding Retail (Adult Use) Marijuana" to Town Council, due to the lack of state rules regarding retail marijuana which are necessary for Hampden to adopt reasonable regulations for the uses as stated in the moratorium ordinance made by Councilor Marble, with second by Councilor McAvoy; carried 5/0/0.

7. Citizen Initiatives: Eric Ellingwood of Dudley Street presented a proposal to the committee regarding a town forest and recreational trails. He submitted a paper on this, see attached.
8. Public Comments: None.
9. Committee Member Comments: None.
10. **Motion** by Councilor Ryder to enter into executive session at 7:30 pm, pursuant to 1 MRSA Section 405(6)(c) to discuss potential terms of a Credit Enhancement Agreement for Southstreet Development within the proposed Coldbrook Corners TIF District, and to include Planner Karen Cullen in the executive session, with second by Councilor Marble; Councilors McAvoy, Cormier, Marble, Ryder, and McPike voted in the affirmative, motion carried 5/0/0.

Motion to exit executive session at 7:55 pm by Councilor Marble, with second by Councilor McAvoy; Councilors McAvoy, Cormier, Marble, Ryder, and McPike voted in the affirmative, motion carried 5/0/0.
11. Adjournment: **Motion** to adjourn at 7:55 pm by Councilor McAvoy; seconded by Councilor Marble, carried 5/0/0.

Respectfully submitted by
Karen Cullen, Town Planner

SERVICES COMMITTEE MEETING**Monday, November 13, 2017****MINUTES****Attending:**

*Councilor Dennis Marble, Chair
Mayor David Ryder
Councilor Greg Sirois
Councilor Ivan McPike
Councilor Terry McAvoy
Councilor Mark Cormier
Town Manager Angus Jennings*

*Kyle Severance, GIS/IT Coordinator
Public Safety Director Joe Rogers
Sgt. Chris Bailey
Lt. Jason Lundstrom
Tracy Thibodeau, Maine Ground Dev.
Mark Andrews, resident
Other residents*

Chairman Marble called the meeting to order at 6 p.m.

1. MINUTES

- a. October 10, 2017 – Meeting minutes were unavailable, the item was tabled.*

2. COMMITTEE APPLICATIONS – None.**3. OLD BUSINESS**

- a. Presentation of Town of Hampden Community Broadband Technology Plan, prepared by Axiom Technologies with Eastern Maine Development Corporation – Kyle Severance, GIS/IT Specialist**
– Mr. Severance summarized the grant results, which included information gathering from providers regarding areas of coverage, and surveys to businesses and residents. He said that broadband will attract millennials, and that the information learned from the work to date will help the Town if it applies for grant applications in the future. Chairman Marble invited questions. Councilor McAvoy asked about the cable franchise fee, which Mr. Severance said is a 3% surcharge on cable bills but is allowed to go as high as 6%. Councilor Sirois asked what the money is used for, and Manager Jennings said it goes into the revenue budget and indirectly offsets the Town's Communications budget. Chairman Marble said he sees the broadband issue as related to options and fairness, noting that today there is a great disparity in service in different parts of town. Manager Jennings commended Mr. Severance on his work administering the grant. It was noted that the consultant will attend the next meeting of the Services Committee.

- b. Update on Penobscot Valley Cable Consortium** – *Manager Jennings asked if the Committee thought we should let our legislators know that the practice known as “channel slamming” is a concern. The Councilors agreed. Councilor McAvoy said he doesn’t see any value in having a cable franchise agreement.*
- c. Discussion of Town Center crosswalks and potential to coordinate construction bidding with Hampden Water District’s pending replacement of water main between Cottage Street and Western Ave.** – *Chairman Marble introduced the topic by saying there had been a 6-0 vote against authorizing reserve funding for engineering, but referenced the Council Rules speaking about a Council partnership with staff. Mayor Ryder said he didn’t think engineering was needed. Manager Jennings said he intends to authorize engineering out of an appropriate operating budget and does not require reserve funds, though would use them if made available. Councilor Cormier said he understands the Manager’s argument in favor of engineering. Councilor McPike asked Chief Rogers if he would prefer to see two sets of blinking pedestrian lights – at Cottage and at the Kiwanis driveway. Chief Rogers said yes, if funded and if allowed by MaineDOT. Chairman Marble said that any bid process coordinated with the Water District should specify the costs just for the crosswalk(s). Motion by Councilor Sirois seconded by Councilor Cormier to recommend Council authorization of up to \$6,800 from the Streets & Roads reserve fund to support engineering for the crosswalks. Motion passed 5-1 with Mayor Ryder in opposition.*

4. NEW BUSINESS

- a. Presentation of Hampden Public Safety Five-Year Strategic Plan, 2018-2023** – **Sergeant Chris Bailey and Lt. Jason Lundstrom** – *Chairman Marble introduced the representatives from Public Safety and commended their departments. Manager Jennings provided brief background regarding the work that would be presented tonight, and recommended that Councilors note in particular the Departments’ goals that may be budget related. Sergeant Bailey approached the podium and presented the 5-year plan included in the meeting packet. He said that work on it started about a year ago, and was reviewed during monthly supervisors’ meetings and was reviewed by the Public Safety Advisory Committee. It describes where we’re at, where we want to be, and how we plan to get there. Councilor McPike said he thinks residents of Hampden feel very safe and secure. He asked how do we measure a reduction in crime, what levers do we control and how do we measure progress? Sgt. Bailey said we will never eliminate crime but we can always increase our diligence. He discussed strategies such as hot spot mapping, creative use of unmarked cars, and public education. He said that Hampden’s crime rate is traditionally the lowest in Penobscot County.*

Councilor McPike said sometimes goals are set so high as to be unachievable. Lt. Lundstrom said a lot of benchmarks are set by the National Fire Prevention Association. Improving response times is always a goal, and he noted that some changes can be made at no additional cost.

Chairman Marble noted that impaired daytime driving seems to have increased, and Sgt. Bailey said it has. Councilor McPike asked about TeleCare and Sgt. Bailey described this involves volunteers reaching out to older residents by phone. Councilor Sirois commended Sgt. Bailey, Lt. Lundstrom, Chief Rogers and said we're very fortunate to have the team we have. Chief Rogers said that Sgt. Bailey in particular was very diligent in his work and deserves a lot of credit; Sgt. Bailey said it was a team effort and everyone helped.

b. Hunting on Town-owned land – policy review and discussion –

Chairman Marble began the discussion by noting that he doesn't think that detailed regulations or an ordinance was where we were going. He said he wanted to hear different point of view, and said we'd like to keep things reasonably informal. Manager Jennings summarized how his office administers permissions to hunt on town land, including the recent interaction between a hunter and the Ammo Park caretaker which highlighted some issues. He said parking is a challenge; there is informal parking but because this isn't authorized parking he has concerns about mapping the potential parking locations. Chief Rogers said that the first couple of hundred feet of Crosby Road is public and may offer a space for limited parking.

Manager Jennings noted that the area is not posted "no hunting" so hunting is allowed. He noted the trails shown on the hunting map and said that, because those aren't publicly maintained, he suggests removing them from the map so as not to suggest that it's an active recreation area.

Chairman Marble called for public comments. Tracy Thibodeau of Maine Ground Developers thanked Manager Jennings for bringing this issue forward for discussion. He said that contractors, business owners and church parishioners want to feel safe. He said MGD would like not to see hunters in the back area. He said their property caretaker/guard service has done a good job securing the MGD property. He said the church pastor has a big concern and wants people safe. He said people need to be given an access point to the land that's not off Crosby Way.

Chairman Marble said he thinks it's the Town's job to figure out how to accommodate different groups' usage of public land, including as much freedom as can be provided and protection of public safety.

In response to Mr. Thibodeau's concerns about hunting in proximity to the access drive, Mayor Ryder said that people hunt next to Meadow Road and Patterson Road and that this is no different. Mr. Thibodeau said that the Church is responsible for maintenance of Crosby Way and there should be a give and take with the Town. Mayor Ryder said that if people are going to break the law (regarding hunting on Sundays, or in proximity to buildings) they're going to do so anyway. Councilor McPike asked if Maine Ground Developers can prohibit hunting on its property, and Mr. Thibodeau said they have already marked it "no hunting." Chairman Marble said we shouldn't try to replace State law regarding hunting with local regulations, but thought that some signage notifying the public that hunting is authorized on the property could be helpful. Chief Rogers said that if a buffer from the road is established as a "no hunting" zone that permissions to hunt could be revoked if this is violated. Resident Mark Andrews said that he has spoken with the pastor and that the pastor does not think that periodic litter on the site is the result of hunters.

Mr. Thibodeau said he would like to see a no hunting buffer zone along the access drive. Manager Jennings said that Maine Ground Developers has made a substantial investment in its property and that the Town wants to be a good neighbor. Chief Rogers said that he wouldn't be opposed to a buffer. The Committee took no action, noting that we are almost to the end of this year's hunting season.

- 5. PUBLIC AND STAFF COMMENTS** – *Manager Jennings shared information and expressed the Town's condolences regarding the recent passing of Director Currier's mother. The Committee members shared in expressing condolences.*
- 6. COMMITTEE MEMBER COMMENTS** – *Councilor Cormier noted that the hunting materials indicate that firearms discharge within 300 feet of a building is not allowed; he clarified that it may be allowed with the permission of the building owner. Manager Jennings said he would have the hunting map book corrected.*

There being no further business, there was a motion by Councilor McAvoy seconded by Councilor McPike to adjourn and the meeting adjourned at 7:25 PM.

*Respectfully submitted –
Angus Jennings, Town Manager*

SERVICES COMMITTEE MEETING

Tuesday, October 10, 2017

MINUTES

Attending:

*Councilor Dennis Marble, Chair
Mayor David Ryder
Councilor Stephen Wilde
Councilor Ivan McPike
Councilor Terry McAvoy
Councilor Mark Cormier
Town Manager Angus Jennings*

*Rec Director Shelley Abbott
Jim Wilson, P.E., Woodard & Curran
Levi Husson & parents
Jane Jarvi
Jason Sharpe
Jim Dyer
James Lee
Other residents*

Chairman Marble called the meeting to order at 6 p.m.

1. MINUTES

- a. **September 11, 2017** – *Motion by Councilor McAvoy seconded by Mayor Ryder to approve the meeting minutes. Approved 6-0.*

2. COMMITTEE APPLICATIONS – *None.*

3. OLD BUSINESS

- a. **Discussion of potential next steps in Pool site evaluation and design; potential referral of one or more phases of concept plan(s) to Town Council for authorization of continued work toward engineering and site permitting for parking and potential expanded recreational facilities on Lura Hoyt Pool and Municipal Building Site** – *Chairman Marble introduced the agenda item and turned it over to Manager Jennings, who summarized the materials in the packet and set out questions for Committee discussion. [See memo dated October 5, 2017, attached.] Chairman Marble asked members of the audience to listen to one another's perspectives, and opened the discussion by inviting Councilor comments.*

Councilor Cormier said that, consistent with his approach to spending money, he is in favor of doing nothing. Councilor McAvoy agreed. Mayor Ryder asked whether stormwater infrastructure would need to be designed in order to get through DEP permitting. Jim Wilson, the engineering consultant on the project, said that anything proposed for construction would need to be engineered. He said the DEP permit is good for 4 years, but can be extended to 7 years for a small fee (about

\$100). The duration of the permit refers to when construction must begin. He noted that prior development on the site had not triggered the need for DEP approval under the Site Location of Development permit.

Councilor McPike asked, if we proceed with parking now, but want to add fields in the future, what would be involved. Mr. Wilson said that the permitting and design costs are somewhat higher for a smaller project, as a percentage of overall project budget. If a larger buildout was permitted by DEP, after 7 years DEP may want to look at it again, but this is unknown and would depend on whether regulations had changed during those 7 years, as well as what DEP staff may or may not do administratively. Councilor McPike asked for further clarification, and Mr. Wilson said that, in order to proceed with phase 1 (parking only), the design for full buildout would need to be at the 75% engineering level in order to establish grading and elevations that would be suitable for drainage design to take into account future buildout. He said the cost estimates he provided were in the right range.

Mayor Ryder asked to confirm that it would cost \$360,000 to build Parking Lot A (on the plan set)? Mr. Wilson said yes, that is the estimate through construction.

Councilor Wilde said he'd like to see the issue go to a public (referendum) vote before proceeding with Phase 1. Mayor Ryder said he wanted to get the permitting and stormwater plan, cut the trees, and grade the land (noting that DPW could haul in tailings). He said that spending \$360,000 for Phase 1 was not what he had in mind. He said we can live with a gravel parking lot for a while. Chairman Marble called for public comment.

James Lee from Sawyer Road said he wants to see any construction work bid out, and that having a bid document ensures that everyone is working with the same specifications. He said his biggest issue with the whole thing has been the community center. He said that Woodard & Curran had access to the community center plans from Hermon. He said that residents want to see the proposed plan for a community center.

Mayor Ryder said that we haven't officially had a proposed plan. He said he spoke with Hermon, got copies of their plan from [engineer] Jeff Brown. He said no one has any idea how that would proceed, and that it's all speculation at this point. He said that, if the stormwater was designed taking into account the area shown on the plan as a building footprint as impervious surface, it wouldn't need to be ripped out if that area was made impervious (whether by a building, parking lot or otherwise) in the future.

Mr. Lee said he likes some things about the plan but doesn't like that the Town is \$8 million in debt.

Mayor Ryder said we should get the permitting done.

Jim Dyer from the Recreation Committee said he had attended about 6 meetings on this subject, and commended Manager Jennings for providing the project background and framing the issues at each meeting. He commended Jim Wilson for coming up with thought provoking plans for a challenging site. He said there is lots of information, and everything seems pretty clear. Parking is a safety issue. Town recreation programs have seen major growth in participation. He has two primary interests: safety, and maximizing recreation opportunities. He said he thinks it makes sense to plan for the future (regarding stormwater design), noted that parking is a one-time expense, and encouraged the Services Committee to support the funding for permitting and design.

Jason Sharpe from the Recreation Committee expressed support for the plan, saying it's dangerous to have cars parked on Western Ave. He said he joined the Rec Committee for the kids. He remembers community projects when he was young, when volunteers did things with rakes and mowers. He supports moving forward with the plan, noting that due to current parking limitations only 2 of the 3 fields on the site can be used. We've cut the space by 1/3, and simply by bringing a third field back into use we could increase space by 50 percent. He noted that funds are set aside for the permitting.

Councilor McAvoy said the initial intent was parking. What he doesn't agree with is what it's become. He said it should be pulled back to parking.

Councilor McPike said what we're looking at is permitting. Mayor Ryder noted that, if the stormwater was designed for 150 spaces, we could build a lesser number – say 50 spaces – if that's what we have money for. Jim Wilson said that is correct.

Councilor McPike noted that some issues arise due to a general distrust of government. He said we have a responsibility to look ahead. There are moving parts ahead – the Skehan Center, the Library. As a community we need to have these discussions. He said he thinks we ought to continue with permitting for parking to allow us full use of the current facilities.

Mr. Dyer said it's a parking issue and a community facilities issue. He said the robocalls have been divisive, and said let's solve that safety issue.

Mayor Ryder said he'd like Woodard & Curran to prepare a budget proposal to bring the plan through permitting and design. Mr. Wilson spoke about the design and permitting process.

Councilor McAvoy said he's confused about phasing, noting that there were 2 options presented. Manager Jennings said that the low cost (parking only) and the high cost (full buildout) were presented a "bookends" to illustrate the range of potential costs. Councilor McAvoy said he never understood that each subset was a phase of a larger plan. He said the plan should not show something if it's not actually proposed.

Chairman Marble said he thinks it is healthy that things are changing as we go through a public process.

Mr. Wilson said that Phase 1 is a subset of full buildout, and that his firm was tasked with determining the full build potential of the site. He said it is up to the Council to determine what is Phase 1. Councilor Wilde said that Woodard & Curran has done an exceptional job, and has done everything we asked them to do.

Jane Jarvi from the Recreation Committee said that prior Councils have done things to skirt the regulations, and that this Council has taken the longer view. She said the park at the Pool site was done with volunteer labor and grants. She urged the Committee to not go for a BMW or Cadillac, but for a Ford. Once we get the stormwater permitted, we can build parking. If one person is injured with the current situation, the Town liability is greater because the safety issue has already been identified. She said that Manager Jennings, Jim Wilson, and Rec Director Abbott have done a tremendous job.

Councilor Wilde said he remembers the safety issue, and that parking lots can create safety concerns too. He said the concept plan is a good starting point for a 20 year plan, but let's start with the parking issue. He said it would be easier to support spending the money if he know what the voters want. He said it's a lot of money and needs to go to the voters.

Mayor Ryder said that the money for permitting has already been budgeted.

Mr. Lee asked if money has already been budgeted toward constructing parking and Chairman Marble said no. Manager Jennings clarified that if the permitting were to be completed, and there was still money in this Recreation Reserve account, the funds would be eligible to be put toward construction costs if so voted by the Council. Mr. Lee said he would donate time and labor toward building the parking.

Councilor McPike said he supports the full build plan, and is fully in favor. He said he hoped that at some point it would go to referendum or otherwise be funded.

Mayor Ryder asked if Mr. Wilson could give us costs for both – for permitting Phase 1 only, and for permitting the full buildout? Mr. Wilson said yes, noting that the design would be to a level needed for permitting, but would not result in construction bid documents.

Manager Jennings said that the Committee will need to establish a direction so that Woodard & Curran will have the information needed in order to prepare a scope of work and cost proposal. Mayor Ryder made a motion to invite Woodard & Curran to propose 2 costs, and Councilor McPike seconded. The vote was a tie, with Councilors McAvoy, Cormier and Wilde voting in opposition. As a tie vote, the motion did not pass.

Manager Jennings said he'd like to put the Council in a position to move forward, one way or another.

Councilor Wilde said why don't we just get a quote to proceed with permitting on the parking? Why get 2 quotes? He said that safety is the primary issue, and that voters should have a say.

Motion by Councilor Wilde, seconded by Councilor McAvoy, to invite a cost proposal to proceed with permitting and design for Phase 1 only.

During discussion on the motion, Councilor McAvoy asked to clarify that Phase 1 only included parking, and stormwater to address the current uses on site. Mr. Wilson said yes, noting that with no wetland filling (which would be needed for full buildout), the Army Corps of Engineers would not be involved and that there is more to design and permit in the full build scenario.

Mayor Ryder said that, if we decide to do the parking, could we cut trees and stump other areas? He said there are cost savings to bring in someone to cut and stump a larger area. Mr. Wilson said there would be wetlands impacts in some areas, but other areas you could get into with no wetlands impacts. Councilor McAvoy asked how many trees would need to be cut for Parking Lot A, and Mr. Wilson said that the layout of the lot overlays some area that is currently wooded.

There was a vote on the motion (to invite a cost proposal to proceed with permitting and design for Phase 1 only), and the vote passed 5-1 with Councilor Cormier opposed.

- b. Discussion of Town role in Hampden Children's Day and recommended changes for 2018** – Chairman Marble summarized the Committee's policy direction at its previous meeting – which was to reduce Hampden staff time to work related to the Parade and necessary coordination between the Parade and Children's Day – and reported on a

recent meeting between him, Manager Jennings, and Janet Hughes and Tom Brann from the HCD Committee. He said the meeting was positive, and that the next steps underway are to clarify for the HCD Committee what work items that Town staff has done in the past but would not do for the 2018 event. The Services Committee verified that this is the direction they'd like the Town to go.

4. NEW BUSINESS

- a. Eagle Scout Service Project Proposal: bocce court and two benches at VFW complex to benefit the Town of Hampden and the Special Olympics of Maine** – *Levi Husson, Eagle Scout Candidate – Chairman Marble invited Mr. Husson to present his proposal. Mr. Husson presented his proposal. There was a motion by Councilor Wilde seconded by Councilor McAvoy to refer to Council a recommendation to authorize Levi Husson and other volunteers to construct a bocce court and two benches at the VFW property. Motion passed 6-0.*

5. PUBLIC AND STAFF COMMENTS – *None.*

6. COMMITTEE MEMBER COMMENTS – *None.*

There being no further business, there was a motion by Councilor McAvoy seconded by Councilor McPike to adjourn and the meeting adjourned at 7:46 PM.

*Respectfully submitted –
Angus Jennings, Town Manager*

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: December 28, 2017
RE: Status update on work plan priorities

Standing at the midway point of FY18, and as we look ahead to a new calendar year and the FY19 budget process, I am providing this synopsis of the Town of Hampden's recent accomplishments as a starting point to revisit and revise priorities for the future.

Completed Projects or Initiatives, 2017

Finance

- Reorganize and reassign some financial management responsibilities
- Closed loan and paid Bangor Hampden's share of WWTP capital costs
- Revisit Bid Procedure Guidelines
- Establish reserve account for remediating or demolishing dangerous buildings
- Engage in budget and capital planning with RSU-22
- Restore Fund Balance to healthier condition to eliminate need for tax anticipation borrowing

P&D

- Secured State approval of new Business Park TIF District
- Improving market position of Business Park to leverage infrastructure completion and TIF District
- Zoning amendments for improved flexibility in parking, signage standards
- Ammo Park property line confirmation (survey and legal work); land swap

Services

- Broadband feasibility study (grant)
- Town website refresh
- Volunteer Open House & Community Forum
- Improved signage and NOAA-funded informational kiosk in Marina Park
- Updated Library Ordinance

Infrastructure

- Revised sewer rates
- Amended and clarified Transfer Station regulations and decal policy
- With the Environmental Trust Committee, increased Town engagement with Pine Tree landfill post-closure oversight

The tasks listed were taken from the Prioritization Matrix reviewed with Committees in spring 2017. This is not intended as a complete list; each Committee addressed many

items not listed here during 2017. However, this list is intended to encompass those items that were discussed as priorities last winter, to document their completion.

Another purpose of this memo is to provide the Council information regarding what is already on the work plan for the remainder of FY18. The following lists include “baseline” tasks (which, generally, are mandated by Ordinance, Charter, Statute, contract or otherwise), and which (due to their importance and/or scale) rise above the day-to-day operations of the Town.

Manager Priorities, remainder of FY18 (“baseline” tasks)¹

- Close out FY17 Audit
- Negotiate and execute new Police contract
- Negotiate and execute new Fire contract
- Address mold issue
- Complete 2016, 2017 Town Reports
- Bond issue for Route 1A
- Design and construction of Salt Shed
- Foreclosures
- Fully implement transition to new MSW facility(s) incl. revised hauling contract(s)
- Complete GIS mapping of sewer system and change pipe/manhole naming conventions
- Improve compliance with DOL requirements to complete and document staff training
- Get monthly bank reconciliations up to date
- File required bond closeout forms with Maine Municipal Bond Bank
- Service Charge litigation and collections
- FY19 Budget including Sewer Budget and updated Capital Program

Finally, the following section includes work items that are underway and are expected to continue during the remainder of FY18. Some items will be complete by the end of the fiscal year, others will not, but each has specific milestones we’re aiming for in FY18.

Previously Stated Priorities, ongoing in FY18 (“value added” tasks)

- Complete Coldbrook Corners TIF District
- Adopt Business Park covenants & zoning amendments
- Update financing strategy for 1A, Grist Mill Bridge
- Complete work needed to outsource payroll
- Resolve remaining developer escrow accounts (20 accounts, \$79,817)
- Update Personnel Ordinance and Policies
- Town Center planning and zoning
- MDOT permitting to construct Western Avenue sidewalk (ongoing since 2012)
- Oversee engineering and permitting for additional parking on Pool site
- Complete Rec facilities maintenance plan. Once Rec Facilities O&M Plan complete, clarify terms of agreements with Affiliated Programs.
- Facilitate public informational meeting and tour of Pine Tree landfill (Env. Trust)
- MS4 5 year - investigate need for Stormwater utility fee (required by DEP permit)

¹ References to “baseline,” “value added,” and “crisis” tasks reference my priorities memo of July 2016, a copy of which is attached as a reference.

- Schoolhouse Lane drainage improvements
- Adopt zoning amendments (and potential licensing requirements) regarding commercial land uses related to Recreational Marijuana
- Consider strategic plan for budgeted use of TIF funds
- Secure personnel licensing and training per regulation, and policy objectives
- Seek contractor bids for mowing and basic grounds maintenance for Town-maintained properties in 2018
- Zoning amendments (Use Table; Dimensional Table; Shoreland Zoning; Recreational Marijuana; Earth Removal; etc.)
- Potential licensing requirements for Recreational Marijuana
- Establish protocols and staff responsibilities relative to sale of Business Park lots

We can review whether the Council would like to direct changes for work that is already underway. At Tuesday's meeting it may also be helpful to set the date(s) for annual Goal Setting so that goals can be formally endorsed so as to inform FY19 budget preparation.

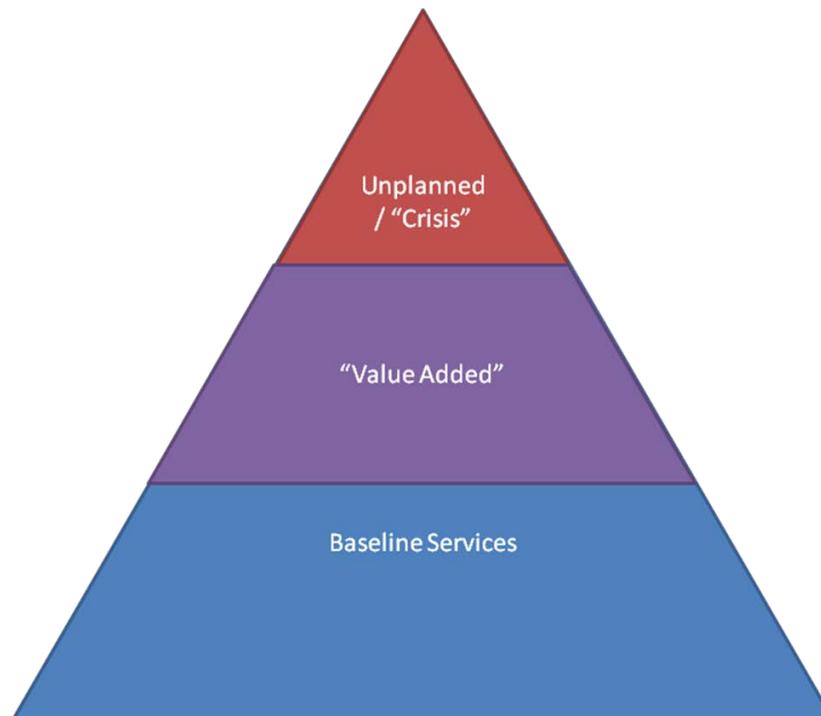
Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

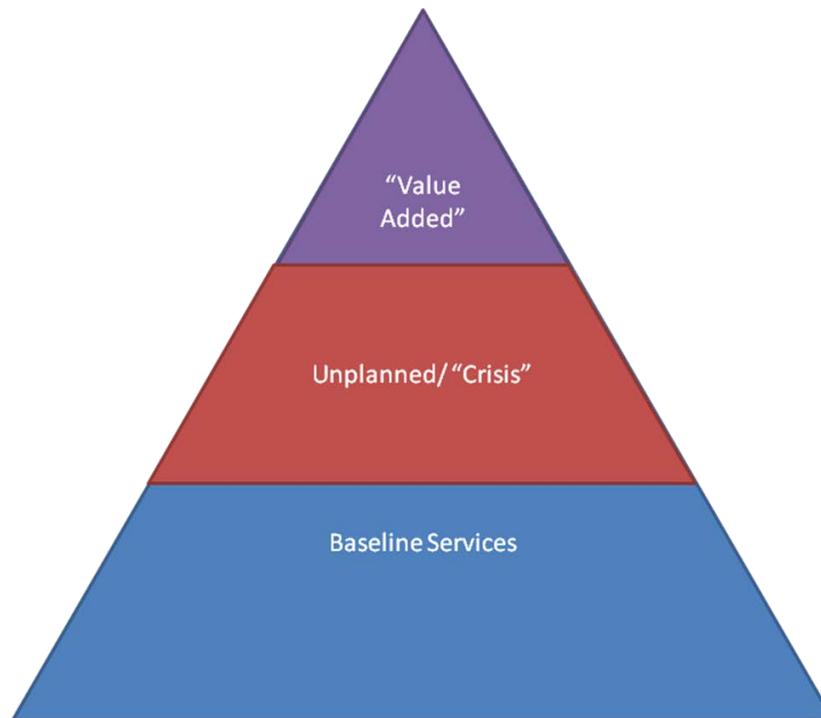
TO: Town Council Committees
FROM: Angus Jennings, Town Manager
DATE: July 2, 2016
RE: Work plan and priorities for FY17

Now that FY16 is over, Mayor Ryder and I have agreed that it will be important in July and August to review, within each of the Council's four Committees, anticipated work plan and Council and Manager priorities for FY17. The FY17 Budget has been adopted, giving us baseline information regarding financial and personnel resources for the year ahead. Over the course of my municipal career I've come to think of the services towns provide in three categories, illustrated as follows:



Baseline services include functions that are mandated by local, State or Federal statute, regulation or administrative agency. "Value added" services include, for example, proactive planning and zoning efforts, grant applications, and non-mandated services that are nonetheless provided on a regular basis. Unplanned services represent issues that are not part of a specific work plan but, when they arise, must be addressed. In some departments more than others, this category can represent "crises" in a true sense of the word. The pyramid is intended to illustrate relative time impact (in personnel hours) of the various types of services (i.e. on a week to week basis, Baseline Services occupy the greatest share of staff time, etc.).

As a practical matter, when Unplanned/Crisis situations arise, these have the effect – for whatever the duration of the event – of displacing time toward Value Added services, while in every circumstance the Baseline Services must continue to be provided. So, during periods where Unplanned/Crisis work arises, the pyramid looks more like this:



For this reason, it is important to re-evaluate work plan and priorities on a regular basis in order to make adjustments to the timing of Value Added services if/as needed to accommodate Unplanned/Crisis work while also maintaining Baseline Services.

As we discussed during the Town Manager interview process last summer, it is my opinion that true prioritization requires a statement of both what is to be done, and of what will not be done (either at all, or on a particular timeframe, i.e. extending the time horizon for certain Value Added services that may be important, but that – in light of overall work planning – are not near-term priorities).

As we also discussed during the interview process, it is my opinion that government is notoriously bad at leveling with the public (and, sometimes, itself) regarding what will not be achieved within a defined period of time. In my experience this has two inevitable and unfortunate consequences: the first is that the public can become frustrated by statements of what will be achieved, but a failure to achieve the goals on the established timeline; and, because the system of government is trying to achieve more than it has the capacity to achieve, the quality of work suffers because tasks are done with an emphasis on speed rather than diligent attention, and balls can be dropped because the system is over capacity. Personnel fatigue and burnout can also result.

During the selection process, I made a commitment to the Council that I would not proceed in this manner, but rather would work with the Council based on clear information regarding priorities, capacity/bandwidth, and the time it takes to accomplish

particular tasks, in order to establish meaningful priorities that can actually inform the work planning for municipal personnel and private sector and institutional partners. While it is not easy to state on the public record that certain public goals – which are understood to be important – will not get done (on a certain timeframe), it is absolutely imperative to do so. If the municipal government is unable (or unwilling) to establish and maintain priorities, every new commitment of resources (whether mandated, “value added” or “crisis”) simply competes against those commitments already underway, and can threaten the system’s ability to meet the commitments it has already made. Over time, in addition to doing actual harm (i.e. balls dropped), this affects municipal government’s credibility, and can undermine public confidence.

We are at a point where this exercise of prioritization is essential. We have been short-staffed in the planning and economic development arena for seven (to become eleven) weeks, during which time I (along with Myles and Rosemary) have taken on significant additional responsibilities. We are at a period of staff transition as we’ll be working to integrate a new Town Planner into our operations, modify several staff job descriptions and responsibilities (regarding payroll, finance, administration and DPW administration), and add a new administrative staff person with direct involvement in daily cash and financial transactions. We are also entering the most time-intensive and critical phase of the year from a financial management standpoint as we prepare for the FY16 Audit and for the issuance of a Tax Anticipation Note for FY17. And, the work to be ready for a November 2016 bond authorization referendum must also begin in earnest.

A review of the past year’s meeting agendas and identified work items of each of the Council’s Committees (many which fall into the “Value Added” category) illustrates a mismatch between policy “priorities” and actual personnel resources to get this work done (concurrently, anyway). This is not an issue of capability; we have excellent personnel in every area of the organization. It is an issue of capacity i.e. bandwidth.

So, Mayor Ryder and I would like to work with each of the four Committees and their Chairmen during the summer months to advance from “priorities” to **priorities**. In so doing, we will need to identify important work items that can be deferred. However, we will also agree to work items that are of greater importance in FY17 and, in so doing, we can more effectively partner with private sector and institutional partners to actually deliver on the commitments we make (and have made). This exercise will also be critical to my ability to effectively manage personnel resources so that each of our municipal departments can actually “plan their work and work their plan.”

Building on the February Goal Setting sessions and the intensive FY17 budget process in May and June, I look forward to beginning this process in earnest at Tuesday’s Administration and Finance meeting, Wednesday’s Planning & Development Committee meeting, and at the July meetings of the Services and Infrastructure Committees.

To inform your consideration, I have attached a tasks matrix that I began working on last August and have periodically updated since then. This has not been updated since May 1, and is not exhaustive, but can provide a foundation for this work. I have also attached a prioritization matrix that we reviewed at the February Goal Setting sessions. I have found this matrix useful and offer it as a resource; of course you may prefer your own approach if you have a different method that is effective for you.



Check One: Initial

E-3-a

Reappointment Application

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Armstrong JAKE R
LAST FIRST MI

ADDRESS: 109 Kennebec Rd Hampden 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: _____ 207 735 6545
HOME WORK

EMAIL: JAKE R Armstrong 21 @ Gmail.com

OCCUPATION: Insurance Adjuster

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Planning Board

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

Have a degree in building science and work in the field.

Are there any issues you feel this board or committee should address, or should continue to address? _____

3 YEAR

BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
HARBOR COMMITTEE

DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMISSION

5 YEAR
PLANNING BOARD

DEC 13 2017

FOR TOWN USE ONLY		Date Application Received: _____
COUNCIL COMMITTEE ACTION: _____	<u>P+D - referred to</u>	DATE: <u>12/20/17</u>
COUNCIL ACTION: _____	<u>Council</u>	DATE: _____
<input checked="" type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



E-3-b

Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Austin Jennifer L
LAST FIRST MI

ADDRESS: 52 Papermill Rd Hampden 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 991-3347 _____
HOME WORK

EMAIL: jennaust@tds.net

OCCUPATION: Project Manager

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Historic Preservation Commission Planning Board

SECOND CHOICE (OPTIONAL): Dyer Library, Recreation Committee

How would your experience, education and/or occupation be a benefit to this board or committee? _____

As a professional project manager, I facilitate groups of people who don't normally
work together to achieve a comon goal.

Are there any issues you feel this board or committee should address, or should continue to address? _____

No, I'd just like to volunteer some time to the town.

3 YEAR

BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
HARBOR COMMITTEE

DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMISSION

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

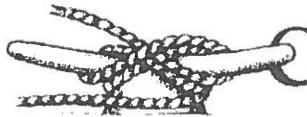
Date Application Received: MAY 15 2017

COUNCIL COMMITTEE ACTION: P & D - referred to Council DATE: 6/21/17

COUNCIL ACTION: Appointed DATE: 7/17/17

NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: 12/31/2020

D-5-a



Custom Float Services

December 27, 2017

Quote

**Town of Hampden
106 Western Ave
Hampden, ME 04444**

RE: Public boat landing float replacement

Float Specifications

Flotation: Float will have ACE brand float drums. Each float drum will be through-bolted to the frame with ½" diameter bolts. ACE float drums are foam filled with an EPS core (expanded polystyrene) and have a nominal polyethylene wall thickness of .150" (1/8" minimum). All drums have a 15 year prorated warranty. Floats will have a freeboard of 13" +/-.

Framing: The framing will be full length 4x6 .60 ACQ #2 syp pt timbers. The outer skirt boards will be 2x8 .60 ACQ #1 syp pt.

Decking: Decking will be #1 2x6 .60 ACQ syp pt.

Hardware: All joints, inside corners, outside corners shall be reinforced by 1/4 thick hot dipped galvanized (hdg) steel hardware. 1" diameter connecting pins.

Fasteners: Decking fasteners will be #10 x 3" star drive 316 grade stainless steel screws. All hardware will be fastened with ½" diameter hdg carriage bolts.

Fendering: not included in this proposal.

Accessories: 2x4 tie rail on both sides. 2 pile chain kits included.

Bottom skids: 4x6 .60ACQ syp pt bottom skids are included.

Price Summary

(6) 6' x 24' built floats as described above	\$ 28,170.00
Shipping to Hampden (unloading by others)	<u>\$ 500.00</u>
	\$ 28,670.00

Pricing is good for 30 days. Sales tax not included.

Terms: \$10,000.00 deposit upon acceptance

Thank you for the opportunity to quote on your future project!

11 Wallace Avenue • South Portland, Maine 04106
Tel 207-772-3796 • 1-888-844-9666 • Fax 207-347-7283
www.customfloat.com • info@customfloat.com



D-5-b

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008
TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

NOTICE

To avoid any delay in the processing of your application and issuance of your liquor license, please make sure that:

1. You completed the application in full. (Please allow us 30 days to process)
2. Application is signed by the owner(s), corporate officer(s).
3. The application is signed by the Town or City Municipal Officers or County Commissioners.
4. The license fee is correct, you have included the \$10.00 filing fee and the check is made out to Treasurer, State of Maine.
5. Your room, food and liquor gross income for the year is filled in (if applicable).
6. A diagram of the premises to be licensed accompanies the application.
7. If business is located in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
8. Corporations, limited liability companies, partnerships must complete and submit the Corporate Information Required for Business Entities who are Licensees.
9. If not a publicly traded entity, ownership must add up to 100%.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: Yes No

PRESENT LICENSE EXPIRES 12-13-2017

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|---|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input checked="" type="checkbox"/> OTHER: <u>TENNIS CLUB</u> |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: ARMSTRONG TENNIS CENTER	Business Name (D/B/A) ARMSTRONG TENNIS CENTER
APPLICANT(S) –(Sole Proprietor) DOB:	Physical Location: 60 MECAW RD
DOB:	City/Town State Zip Code HAMPDEN, ME 04444
Address 60 MECAW RD	Mailing Address 60 MECAW RD
City/Town State Zip Code HAMPDEN, ME 04444	City/Town State Zip Code HAMPDEN, ME 04444
Telephone Number Fax Number 207-942-4836	Business Telephone Number Fax Number 207-942-4836
Federal I.D. # 01-0376232	Seller Certificate #: or Sales Tax #: 186516
Email Address: Please Print AMY@ARMSTRONGTENNIS.COM	Website: WWW.ARMSTRONGTENNIS.COM

If business is NEW or under new ownership, indicate starting date: - _____

Requested inspection date: - _____ Business hours: 6AM-10PM

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: - _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 5000 LIQUOR \$ 2500
- Is applicant a corporation, limited liability company or limited partnership? YES NO
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? Yes No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # Name of Business (Use an additional sheet(s) if necessary.)

Physical Location City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: DEAN ARMSTRONG
7. Business records are located at: 60 MECAW RD., HAMPDEN, ME 04444
8. Is/are applicant(s) citizens of the United States? YES NO
9. Is/are applicant(s) residents of the State of Maine? YES NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
DEAN ARMSTRONG	6-23-35	WATERVILLE
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
91 CENTER ST., BANGOR, ME 04401		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____
13. Has/have applicant(s) formerly held a Maine liquor license? YES NO
14. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____
15. Describe in detail the premises to be licensed: **(On Premise Diagram Required)** _____
4 COURT INDOOR TENNIS CENTER, LOCKER ROOMS, PRO SHOP WITH LOUNGE
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____
17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2 MILES
- Which of the above is nearest? CHURCH
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
- If YES, give details: MACHIAS SAVINGS (MORTGAGE)

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s) Signature of Applicant or Corporate Officer(s)

DEAN ARMSTRONG DEAN ARMSTRONG

Print Name Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, ME 04333-0008.

Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]
[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]
[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

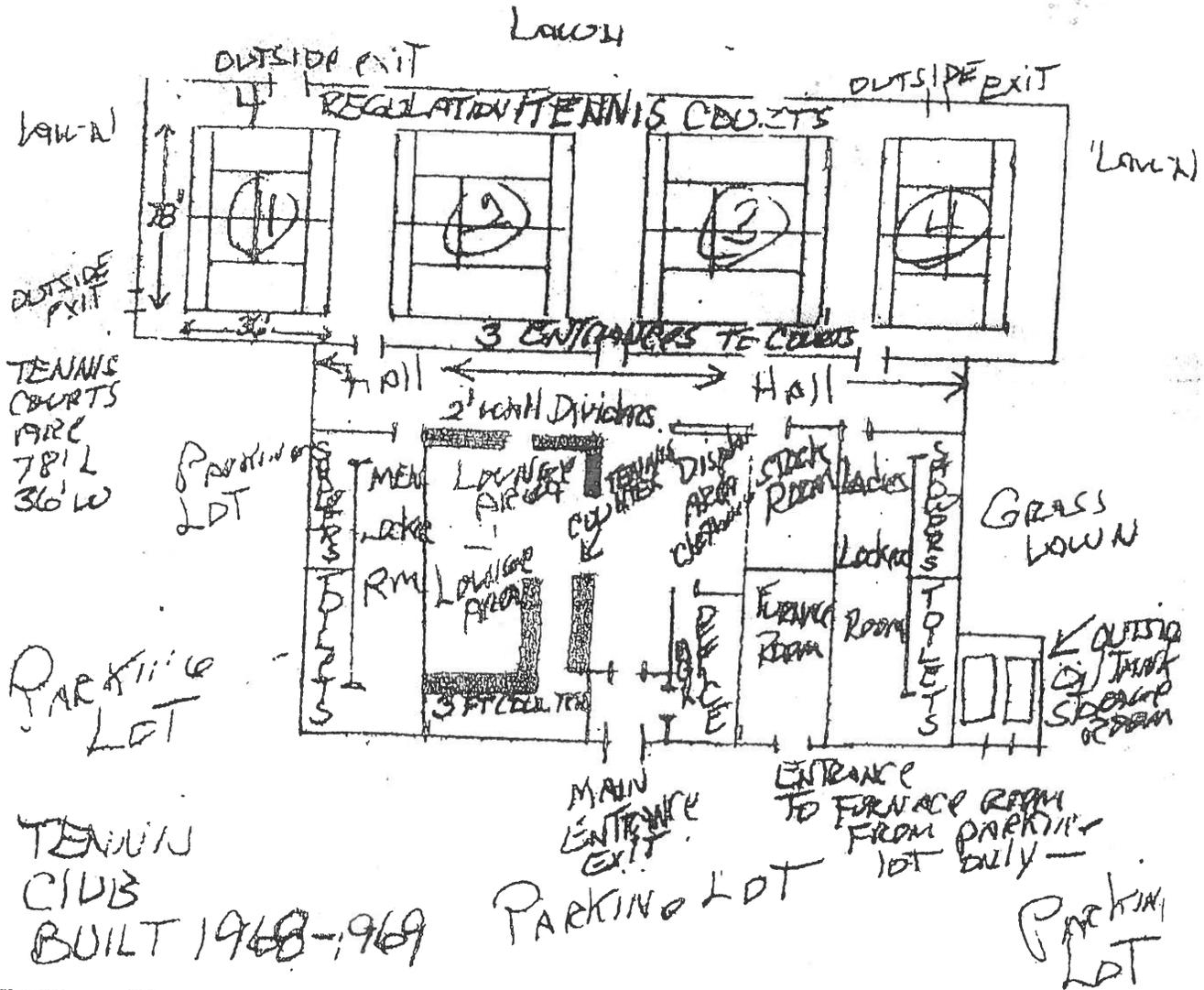
Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

PREMISE DIAGRAM

ATC Tennis Center



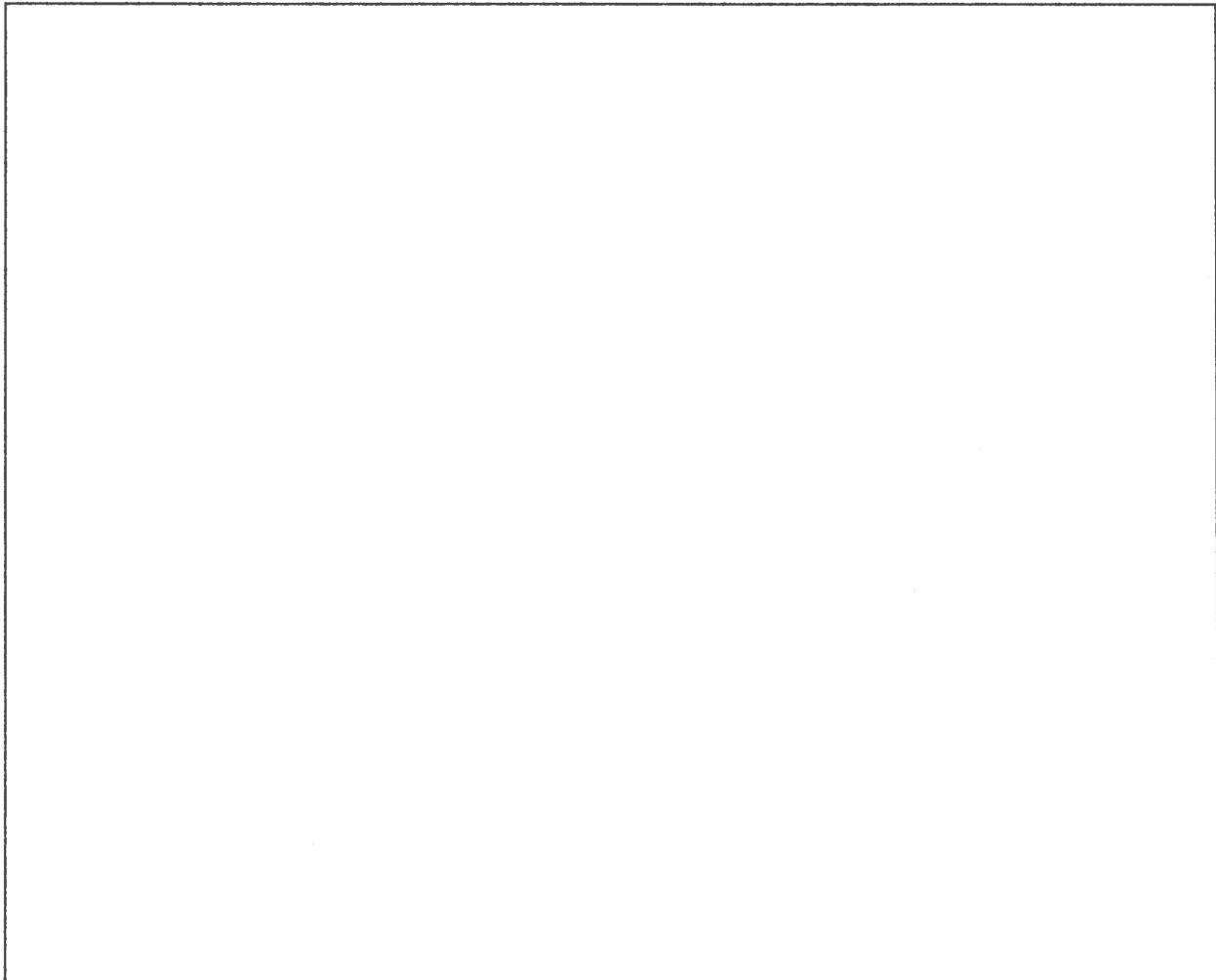
*Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov*

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: ARMSTRONG TENNIS CENTER
- Doing Business As, if any: FORMERLY BANGOR TENNIS CLUB
- Date of filing with Secretary of State: 7-2-81 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
DEAN ARMSTRONG	91 CENTER ST, BANGOR, ME 04401	6-23-35	PRESIDENT	100

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: - (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes No If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Dean Armstrong 12/21/17

Signature of Duly Authorized Person _____ Date _____

DEAN ARMSTRONG

Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

COMMITTEE REQUESTS

FY 2018

At the beginning of each calendar year the Mayor, in consultation with the Council, appoints three council members to each of 4 standing Council Committees. Please number the Committees from 1 to 4, with 1 being the Committee you are most interested in serving on and 4 being the least interested in serving on and return it for the first meeting of 2018.

COUNCILOR NAME: _____

PLEASE NUMBER THE FOLLOWING COMMITTEES IN ORDER OF PREFERENCE:

_____ INFRASTRUCTURE

_____ SERVICES

_____ PLANNING & DEVELOPMENT

_____ FINANCE & ADMINISTRATION

All Councilors are welcome to attend any Committee meeting and are allowed to vote if in attendance. At least 2 of the 3 appointed Committee members must be in attendance at a Committee meeting in order to have a quorum.

E-5-d

Ivan P. McPike (Mayor, A/L)
Stephen L. Wilde (1)
Dennis R. Marble (2)

TOWN OF HAMPDEN
IN THE TOWN COUNCIL

Terry McAvoy (3)
David I. Ryder (4)
Mark S. Cormier (A/L)
Gregory J. Sirois (A/L)

Order 2018-01
Adoption: January 2, 2018

ORDER AUTHORIZING THE APPLICATION OF PROPERTY TAX PAYMENTS

ORDERED, that the Hampden Town Council hereby authorizes and directs the Tax Collector, pursuant to Title 36 MRSA, Section 906, to apply any tax payment received from an individual as payment for any property tax against outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the tax payer.

IT IS FURTHER ORDERED, that the Hampden Town Council hereby authorizes the Tax Collector, pursuant to Title 36 MRSA, Section 506, to accept prepayment of taxes not yet committed and to pay no interest there on.

This order is adopted on January 2, 2018 for the calendar year ensuing and fiscal year 2019.

Town Clerk:

ORDERED by a majority of the Town Council:

Paula Scott

EXECUTIVE SESSION STATUTES

The eight subjects permitted to be discussed in Executive Session are as follows:

PERSONNEL MATTERS:	1 M.R.S.A. § 405(6)(A)
SCHOOL STUDENT SUSPENSIONS/EXPULSIONS:	1 M.R.S.A. § 405(6)(B)
REAL ESTATE; ECONOMIC DEVELOPMENT:	1 M.R.S.A. § 405(6)(C)
LABOR CONTRACTS/NEGOTIATIONS:	1 M.R.S.A. § 405(6)(D)
ATTORNEY-CLIENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(E)
CONFIDENTIAL RECORDS:	1 M.R.S.A. § 405(6)(F)
EMPLOYMENT EXAMINATIONS:	1 M.R.S.A. § 405(6)(G)
CODE ENFORCEMENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(H)