



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

APRIL 3<sup>RD</sup>, 2017

7:00 P.M.

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

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. March 20, 2017 Council Meeting Minutes

3. COMMUNICATIONS

- a. Spring 2017 Hampden Highlights Newsletter
- b. Award of MMA Risk Management Scholarships for Officer Eyles, Officer Egan and Lieutenant Pugsley
- c. Legislative Bulletin for March 17, 2017
- d. Legislative Bulletin for March 24, 2017
- e. Notification of MMA class "Roles of Elected Officials & Municipal Managers" to be held April 11, 2017
- f. Memo regarding Planning Board Public Hearing on April 12, 2017 for the purpose of proposed Zoning Ordinance amendments to Article 1
- g. Victualer's License Renewals –
  1. JC's Variety
  2. Best Western White House Inn
  3. Dysart's Travel Stop
  4. Armstrong Tennis Center
  5. Pizza Gourmet
  6. R & K Variety

4. REPORTS

- a. Finance Committee Minutes – 03/06/2017
- b. Infrastructure Committee Minutes – 02/27/2017
- c. Planning & Development Committee Minutes – none
- d. Services Committee Minutes – none

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

## C. PUBLIC COMMENTS

## D. POLICY AGENDA

## 1. NEWS, PRESENTATIONS &amp; AWARDS

- a. Donation of \$700.00 from TEACH/LEARN/SUPPORT for the purpose of helping to support the Recreation Department Programming Scholarship

## 2. PUBLIC HEARINGS - None

## 3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Re-appointment of Aimee Smith to the Board of Assessment Review – *referral from Finance & Administration Committee*

## 4. OLD BUSINESS

- a. Update on the March 27<sup>th</sup> meeting with the RSU, other Town's within the RSU and State Representatives
- b. Renewal of Motion – Request for authorization for the expenditure of \$14,643.95 from the Conservation/Recreation Account for the purpose of funding eligible projects – as moved and seconded by Councilors Wilde and Marble on March 20<sup>th</sup>, 2017

## 5. NEW BUSINESS

- a. Request for authorization for the expenditure of up to \$1,200.00 from the Municipal Building Reserve Account (3-702-00) for the purpose of paying for the CAT 5 overspeed rupture valve test on the Municipal Building elevator – *referral from Finance & Administration Committee*
- b. Request for authorization for the expenditure of \$3,725.39 from the IT Reserve Account (3-711-00) for the purpose of purchasing a police cruiser Toughbook laptop and docking station - *Referral from Finance & Administration Committee*
- c. Service Fees – Abatement requests based on 2% revenue threshold – *referral from Finance & Administration Committee*

Community Housing of Maine, requested abatement \$1,794.62  
OHI George Street, requested abatement \$1,265.83  
OHI Patterson Road, requested abatement \$1,453.99  
Penquis Mental Health Services, requested abatement \$1,744.63  
The Housing Foundation, requested abatement \$15,606.11

- d. Krista McBean abatement request for years 2015/2016 and 2014/2015 in the amount of \$945.00 each year – *Referral from Finance & Administration Committee*
- e. Status of tax collection year-to-date – *Barbara Geaghan, Tax Collector*
- f. Request for rescission of Order 2015-02, Order Establishing Eligibility for Town Issued License Plates, Procedures and Hours of Operation – *Referral from Finance & Administration Committee*
- g. Council action on Alewife fishing rights
- h. Proposed Memorandum of Understanding with MRC and Fiberight for potential Town contribution of up to \$167,000 toward Coldbrook Road infrastructure costs – *referral from Finance & Administration*
- i. Council Resolution to exercise the Put Option for the sale of PERC ownership interests – *Referral from Finance & Administration Committee*

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT

# Hampden <sup>B-3-a</sup> Highlights

Semiannual Newsletter, Town of Hampden • Spring 2017



## About this Edition

This special edition of *Hampden Highlights* is abbreviated from a typical newsletter, with just two areas of focus:

**Town Budget:** What to expect from the Town Council's budget

process for FY18 (July 1, 2017 to June 30, 2018), and how to stay in the know! (Short answer? Budget meetings (page 2) and look for updates on [www.hampdenmaine.gov/budget](http://www.hampdenmaine.gov/budget))

**Volunteer Open House and Community Forum** sponsored by the Town of Hampden and the Hampden Business Association, with participation from more than twenty-five civic and volunteer organizations who help make our community great!

*Hampden Highlights* will return to its normal format for the next edition, summer 2017. ■

## Town Budget

### Town Council Priorities: What to Watch in FY18

On Saturday, February 20, the Town Manager and Town Council met for the unofficial kick-off of the FY18 budget season. Annual Goal Setting establishes policy priorities for the upcoming budget year (July 1, 2017 to June 30, 2018). While the session did not focus strictly on dollars and cents, it established priorities that are a foundation of ongoing budget preparation.

Three major issues were identified as priority items to tackle in FY18:

**Recreational Facilities Planning.** Lura Hoit Pool site evaluation and DEP permitting for expanded parking and potential expanded fields and facilities; Skehan Center lease duration and terms; and longer-term planning for the Library.

**Solid Waste Management.** Evaluate potential changes to how we provide services, including review of current Transfer Station policies, operations and layout, level of service, costs, etc.

**Public Works.** Review staffing levels and outsourcing options to best manage existing and newly mandated departmental functions, and level of service expectations for discretionary functions.

*continued on page 2*

## Volunteer Open House & Community Forum

On Sunday, April 9th, 2017 from 1 p.m. – 4 p.m. at Hampden Academy, more than twenty-five civic and community organizations will convene at Hampden Academy for a Volunteer Open House & Community Forum.

The Town of Hampden, in partnership with the Hampden Business Association, is pleased to sponsor this special event in recognition and support of the many volunteers who help make our community great.

This special event will bring together Hampden residents with the leadership, members, supporters, and friends of our civic organizations in order to make acquaintance, share information, and welcome new volunteers to support our community.

Part of the event will be in an Open House format where attendees can visit different tables to learn about the organization's activities and upcoming (and ongoing) volunteer opportunities.

The event will also include remarks from participating organizations regarding their mission, activities, and opportunities to get involved!

Light refreshments will be provided, courtesy of the Hampden Business Association. ■

SUNDAY  
APRIL 9  
1 – 4 P.M.

## Budget *from page 1*

Each of these items will continue to be incorporated into the work plan for the Town Council's Services and Infrastructure Committees, respectively, with specific proposals to be referred to the Finance / Administration Committee then to the Town Council for action.

A much broader range of policy initiatives is underway; the Fall 2016 Hampden Highlights (Policy Priorities: Busytown!) offers a detailed summary. However, the three items outlined on page 1 represent the Town Council's top priorities for next year. It is expected that major decisions will be made on each of these issues.

Public attendance at meetings of the Council or any of its Committees is encouraged, and you can also contact the Town Clerk to be placed on a notification list for specific matters of interest.

Stay tuned for updates on the new Town of Hampden website (see page 3), Facebook page, Channel 7, and future editions of *Hampden Highlights*. ■

### Regular Meeting Schedules

- Town Council meetings are generally held on the first and third Monday of each month at 7 p.m.
- Finance & Administration Committee meetings are generally held at 6 p.m. on the same night as regular Council meetings.
- Planning & Development Committee meetings are generally held on the first and third Wednesday of each month at 6 p.m.
- Services Committee meetings are generally held on the second Monday of each month at 6 p.m.
- Infrastructure Committee meetings are generally held on the fourth Monday of each month at 6 p.m.
- The Planning Board meetings are held on the second Wednesday of each month at 7 p.m.
- The RSU-22 Board of Directors meetings are held on the first and third Wednesday of each month at 7 p.m.

Town Council and Committee meetings, and Planning Board meetings, are held at the Town Office. RSU-22 Board of Directors meetings are held at Hampden Academy. In the event of a Monday holiday, meetings are held on Tuesday.

## Key Dates on the Budget Calendar

**B**udget meetings on normal Committee meeting dates will be at 7 p.m. after the Committee meeting. On non-Committee dates, budget meetings will begin at 6 p.m.

### **Monday, April 24, 6 p.m.**

Review of draft FY18 Sewer Expense Budget  
Potential referral of Sewer Rates to Public Hearing

### **Monday, May 1, 7 p.m.** (at Town Council meeting)

Town Manager presentation of proposed budget

### **Wednesday, May 3, 7 p.m.**

Assessor/Planning; Economic Development;  
GIS Mapping/Information Technology; Communications

### **Monday, May 8, 6 p.m.** (at Services Committee)

The Bus

### **Monday, May 8, 7 p.m.**

Library; Recreation; Lura Hoit Pool; The Bus (cont'd)

### **Monday, May 15, 7 p.m.** (at Town Council meeting)

Potential Sewer Rate Public Hearing

### **Wednesday, May 17, 7 p.m.**

Public Works; Buildings & Grounds;  
Municipal Garage; Solid Waste; Municipal Building;  
Marina; Stormwater Management; Sewer

### **Monday, May 22, 7 p.m.**

Public Safety; Police; Fire

### **Wednesday, May 24, 6 p.m.**

Administration; Town Council; Tax Collector;  
County Tax; General Assistance; Education (RSU-22);  
Elections; Outside Agencies; Non-Departmental Utilities;  
Revenues

### **Tuesday, May 30, 6 p.m.**

Capital Program; Debt Service; Tax Increment Financing (TIF); Reserves

### **Monday, June 5, 7 p.m.** (at Town Council meeting)

Budget Review – Town Council Referral to Public Hearing

**June 13, Tuesday:** RSU-22 Budget Referendum and State of Maine Special Referendum

### **Monday, June 19, 7 p.m.** (at Town Council meeting)

Town Council Public Hearing on FY18 Budget ■



## FROM THE DESK OF THE MANAGER

Questions?  
Concerns?  
Suggestions?  
My door is always open!

Angus Jennings, Town Manager  
townmanager@hampdenmaine.gov  
207.862.3034

### REMINDER: Tax Due Date: April 5 by 6 p.m.

Somebunny is looking out for you... and that would be our new Tax Collector, Barbara Geaghan who wants to remind everyone to ‘Hop on in to the Town Office!’ and pay your taxes! Taxes not paid in full by the deadline begin to accrue interest on April 6th and she does not want you to forget. (If she didn’t carrot all, she would not have included this friendly reminder!)



*Hop on in!*

### Where Do My Tax Dollars Go?

A new resource has been added to the Town website. An interactive calculator allows property tax payers to input the amount of their bill and see how that amount breaks down to various categories of spending. It is online at [www.hampdenmaine.gov/budget](http://www.hampdenmaine.gov/budget) along with the approved FY17 Town Budget including a line item breakdown of authorized expenses. This tax calculator is part of an effort to make Town government more transparent to the public. ■

## A New Look for the Town of Hampden Website

Work has been well underway on the Town website refresh which is slated to roll out “live” at the beginning of April. Our IT Specialist has been busily migrating information over from the current website, and with the help of Department Heads, has been updating and adding content for a more comprehensive and much more user friendly website.

Some of the most notable changes will be the location of “Town News” and the more prominently placed “Community Calendar” as well as the addition of a marquis in which we will be able to highlight photos of Hampden’s people and places on a rotating basis. This marquis can also be used for important notices that we may wish to make the public especially aware of. The site will also include a live feed of the Town of Hampden Facebook page, so posts on social media will be visible to visitors to our website.

In addition to providing a more visually appealing website, our intent is to make it easier for the public to navigate in order to find town news and information within one or two “clicks.” We are pretty excited about this new look! Let us know what you think!!! ■

#### Websites:

- [www.hampdenmaine.gov](http://www.hampdenmaine.gov)
- [www.hampdenrecreation.com](http://www.hampdenrecreation.com)
- [www.edl.lib.me.us](http://www.edl.lib.me.us)

#### Facebook:

- [www.facebook.com/townofhampden](http://www.facebook.com/townofhampden)
- [www.facebook.com/Hampden.Recreation](http://www.facebook.com/Hampden.Recreation)
- [www.facebook.com/EdytheDyerLibrary](http://www.facebook.com/EdytheDyerLibrary)
- [www.facebook.com/hampdenpublicsafety](http://www.facebook.com/hampdenpublicsafety)
- [www.facebook.com/LuraHoitPool](http://www.facebook.com/LuraHoitPool)

#### Video of Hampden Public Meetings

Live: [live.hampdenmaine.gov](http://live.hampdenmaine.gov)

Archive: [youtube.com/hampdenmaine](http://youtube.com/hampdenmaine)

**Hampden** *Highlights* is published by the Town of Hampden, and its success depends upon a community-wide effort. We ask you to please forward news, notes and tips about friends, neighbors, colleagues — or yourselves — by emailing [townmanager@hampdenmaine.gov](mailto:townmanager@hampdenmaine.gov), drop off at the Town Office, or mailing to *Hampden Highlights*, Town Office, 106 Western Avenue, Hampden, ME, 04444. You can find *Hampden Highlights* on the Web at [www.hampdenmaine.gov](http://www.hampdenmaine.gov). We welcome your feedback. Edited by Angus Jennings • Layout and design by Val Ireland

## Town Boards and Committees Community Building through Citizen Participation

Paula Scott, Town Clerk

Community is often thought of strictly in terms of its basic definition as a group of people living in the same place or having a particular characteristic in common. (Miriam-Webster)

There is, however, a deeper nuance to community that goes beyond a mere location. It embodies the actual friendly association that is a result of sharing common interests and goals through service for the benefit of the public.

The Town of Hampden is a unique community in every sense and meaning of the word. Its residents have a proud tradition of involvement in its public institutions through volunteerism and service and have long understood the altruistic value in community building. Your public employees, and appointed and elected officials understand the value as well and we thank you. We understand and embrace the fact that singularly, we cannot do it, but corporately, we can all make a difference.

There are many boards and committees in the Town of Hampden that help support various aspects of local government; some currently have vacancies that we

would like to fill. The boards and committee listing is as follows:

Board of Assessment Review	(1 vacancy)
Edythe Dyer Library Board of Trustees	(2 vacancies)
Environmental Trust Committee	(no vacancies)
Harbor Committee	(5 vacancies)
Historic Preservation Commission	(1 vacancy)
Lura Hoit Pool Board of Trustees	(no vacancies)
Personnel Appeals Board	(1 vacancy)
Planning Board	(no vacancies)
Recreation Committee	(2 vacancies)
Board of Appeals	(6 vacancies)

If you are interested in becoming a board or committee member and taking part in the process of local, accessible, and effective government at its finest, we invite you to download an application from our website or stop in the office and speak with the Town Clerk.

As the old adage goes, "Many hands make light work." Let's continue to put our heads and hands together for the betterment and the building of our community. ■

### A Word About Participating Organizations

The goal of the Volunteer Open House & Community Forum is to bring together many people in our community, with participating organizations gaining valuable connections with new and prospective members and volunteers.

Organizers of the event attempted to "cast a wide net" in inviting participation in this event, and the twenty-five organizations confirmed to participate reflect a broad cross section of our community. The Town of Hampden is pleased to sponsor this forum, but the inclusion of any organization in the event is not intended as an endorsement of any specific organization or any of the views expressed. Narratives included in this section were edited only for length and formatting, not for content.

Likewise, it may be that organizations active in the community are not included as participants — not by intent, but by unintentional omission.

It is not too late to get involved! If your civic or volunteer organization is not reflected here, and you would like to be a part of it, please contact the Town Manager Angus Jennings ■

## VOLUNTEER OPEN HOUSE

### Civic & Volunteer Organizations

American Legion Post #213  
Boy Scout Troop 41  
Edythe Dyer Library Board of Trustees  
Gateway Seniors Without Walls  
Girl Scouts of Maine  
Good Shepherd Food Bank  
Goodwill Riders Snowmobile Club  
Hampden Area Diversity  
Hampden Business Association  
Hampden Children's Day Committee  
Hampden Farmers' Market  
Hampden Garden Club  
Hampden Historical Society  
Hampden Kiwanis  
Hampden Neighborhood Food Cupboard  
Hampden Recreation Committee  
Hampden Seniors Club  
Key Club  
Lura Hoit Pool Board  
Mystic Lodge #65  
Reeds Brook Trails Project  
RSU-22 Education Foundation  
Teach/Learn/Support  
Town Boards and Committees  
Whitcomb-Baker VFW Post 4633

### Contact Person

William Siemerling  
Tom Turlo  
Debbie Lozito  
Ann Davidoff  
Allison Erickson  
Melissa Huston  
Rich Armstrong  
Sarah Novak  
Cheryl Gray  
Bill Shakespeare  
Amanda Dandro  
Pat Kerfoot  
Jerry Stanhope  
Joe Dowling  
Sue  
Shelley Abbott  
Mary Ann Tardiff  
Debbie Daigle  
Darcey Peakall  
Dave Higgins  
Peter Buzzini  
Peter Witt  
Michele Metzler  
Paula Scott  
Stephen Casey

### Phone #

570-6825  
862-2238  
862-3550  
889-3031  
989-7474  
299-7793  
848-7300  
862-3119  
862-5678  
745-6979  
884-4209  
862-3909  
862-2027  
659-0437  
862-5248  
862-6451  
862-5668  
862-3791  
862-4309  
356-7305  
318-3772  
862-2811  
862-3791  
862-3034  
217-7138

## Hampden Business Association

The purpose of the Hampden Business Association is to provide a unified voice for area businesses, to represent your interests and concerns with the town, and to keep you informed about what's going on in and around the community.

Primary Contact Information:

Mailing Address: PO Box 155  
Hampden ME 04444-0155

HBA President: Cheryl Gray • [clgray@camdenational.com](mailto:clgray@camdenational.com) • 207-991-9547

HBA Secretary: Susan Starbird • [bdstar@midmaine.com](mailto:bdstar@midmaine.com) • 207-862-6262

Website: [hampdenbusiness.com](http://hampdenbusiness.com)  
Email: [info@hampdenbusiness.com](mailto:info@hampdenbusiness.com)  
Facebook: Hampden Business Association

# Volunteer Open House & Community Forum

## Sunday, April 9 • Hampden Academy • 1–4 p.m.

### Hampden Recreation Department & Lura Hoit Pool

Online Registration: [www.hampdenrecreation.com](http://www.hampdenrecreation.com)

Patrons may register for programming from the convenience of their own home 24 hours a day. This web based system features Recreation Department and Lura Hoit Pool programming.

Patrons may set up a household account, which allows quicker access for future registrations. One household account will allow you to register for activities with the Hampden Recreation Department or Lura Hoit Pool.

In addition to cash or check (onsite at your local department facility), you may now pay with Credit or Debit Card either online or via kiosks now available at each department facility.

Staff can assist patrons during normal business hours in establishing a family account and/or registering for a program.

For more information please contact us at either of the departments below:

- Hampden Recreation Department  
[recreation@hampdenmaine.gov](mailto:recreation@hampdenmaine.gov) • 862-6451
- Lura Hoit Memorial Pool  
[lurahoitpool@hampdenmaine.gov](mailto:lurahoitpool@hampdenmaine.gov) • 862-4305

### Edythe Dyer Library Board of Trustees

Are you looking for an awesome way to get involved? The Edythe Dyer Community Library has openings for two board members. The Library Board of Trustees is advisory and members are appointed by the Town Council. The Board has the responsibility to give input into the library's planning process, policy setting, and marketing plan. The most important role is to be a strong advocate for the Library. Currently the Board meets the second Wednesdays of September, November, January, March, and May at 7:30 am.  
Contact: Debbie Lozito at 862-3550



### American Legion Hampden Memorial Post 213

The American Legion is the nation's largest wartime veteran's service organization, committed to mentoring youth and sponsorship of wholesome programs in our communities and promoting continued devotion to our fellow service members and veterans.

American Legion Post 213 programs and activities include Flag Day; Children's Day; and sponsorship of a JR Shooting Program. The Legion donates at the local, state and national levels to help veterans and their families during times of need and to provide college scholarships.

For more information on becoming a member or volunteering, please contact William Siemerling, at 41 Canoe Club Rd., Hampden or 570-6825.

### Boy Scout Troop 41

Troop 41 meets every Wednesday night at Kiwanis Hall from 6:30 p.m. – 8:00 p.m.

Contact: Tom Turlo at 862-2238

Like us on Facebook @troop41hampden

### Gateway Seniors Without Walls

Gateway Seniors Without Walls is a charitable organization and an Affiliate of the University of Maine Center on Aging. We currently serve older people in the Greater Bangor area, from as far away as Bucksport, Winterport, Dedham, and Ellsworth. There are no membership fees or exclusions; everyone is welcome!

Our primary mission is to expand and publicize activities and services for seniors.

Service projects include publishing the Senior Yellow Pages, a comprehensive manual of services for seniors in Greater Bangor; first printing October 2016, second printing is planned for April 2017.

For more information:

Telephone: 889-3031

[gatewayseniorswithoutwalls@roadrunner.com](mailto:gatewayseniorswithoutwalls@roadrunner.com)

Mailing: 9 Chestnut Ct., Orono ME 04473

Websites:

[gatewayseniorswithoutwalls.org](http://gatewayseniorswithoutwalls.org);

[senioryellowpages.org](http://senioryellowpages.org)

# Volunteer Open House & Community Forum

Sunday, April 9 • Hampden Academy • 1–4 p.m.

## Girl Scouts of Maine - 22 Carat Group

With Girl Scouts of Maine, almost 9,000 girls from across the state are reaching their fullest potential! Our girls are discovering what's important to them, connecting with their community, and taking action to make the world a better place.

If you are interested in finding out more about Girl Scouts of Maine, 22 Carat Group, please contact Alison Erickson at the local Service Center at 989-7474

## Good Shepherd Food Bank

Good Shepherd Food Bank is the largest hunger relief organization in Maine and provides for those at risk of hunger including distributing to more than 400 partner agencies (including the Hampden Neighborhood Food Cupboard). In 2016, Good Shepherd Food Bank distributed over 21 million meals to families, children and seniors in need throughout Maine.

Volunteers are a vital part of our work and are used in a variety of ways including sorting and inspecting food donations and maintenance of the facility. Our Hampden warehouse hours are M–Th, 7:30 a.m. – 3:00 p.m. and Friday from 7:30 a.m. – 1:00 p.m. Extended evening and Saturday hours can be arranged to accommodate volunteer groups of 10 or more.



For more information: [www.feedingmaine.org](http://www.feedingmaine.org)  
Lyndon Hopkins, Warehouse Manager, 989-4672  
11 Penobscot Meadow Drive, Hampden

## Goodwill Riders Snowmobile Club

The Goodwill Riders Snowmobile Club, located on Western Avenue (Route 9) welcomes all residents and non-residents to become a member and join a group of people who work hard on maintaining 37 miles of trails that access our neighboring clubs, and connect us with Newburgh, Hermon, Bangor and Winterport for the enjoyment of winter recreation. Volunteer support for trail and bridge maintenance, grooming trails at our monthly Bean Supper will be welcomed!

Point of Contact: Rich Armstrong, President  
For more information about Goodwill Riders, please call 848-7300.

## Hampden Area Diversity

This group creates a safe online community to increase cultural and social awareness and encourage a positive, safe and nurturing environment for all to share.

For more information contact Sarah Novak, 862-3119.



## Hampden Children's Day Committee

The Town of Hampden will be celebrating its 38th annual Children's Day celebration on August 12th, the 2nd Saturday in August 2017. The Children's Day Committee is led by its President Bill Shakespeare with support from volunteers and financial contributors who unselfishly volunteer their time and donations throughout the year in preparation for this event.

Special thanks to Hamlin Marine for donating its annual boat, motor, and trailer, which is raffled off to pay for a major portion of Children's Day, which culminates in a fabulous fireworks display to end a wonderful day of activities for the children of Hampden.

For more information contact either Bill Shakespeare at 862-4375 or Janet Hughes at 768-1396.

Volunteers are needed for planning and committee work, and for the actual activities during Children's Day.

## Hampden Farmers' Market

The Hampden Farmers' Market's mission is to provide a year round farmers' market that allows the greater Hampden community to support local farmers and artisans while nourishing their families with the best produce and goods possible. Join us every Friday from 2–5:30 p.m. to celebrate what we have to offer! Located in the Hampden Town Office parking lot May 19 – Oct. 13th and at the Kiwanis Civic Center Oct. 20 – April 27.  
[www.hampdenfarmersmarket.com](http://www.hampdenfarmersmarket.com)

# Volunteer Open House & Community Forum

## Sunday, April 9 • Hampden Academy • 1–4 p.m.

### Hampden Garden Club

The Hampden Garden Club first began to use Harmony Hall for their meetings in 1937, and since then have preserved and maintained the historic building which is an excellent venue for the club's many activities.

Club members keep busy all year with projects which benefit the members and the community. In spring, work centers around the annual Perennial Plant and Pie Sale fundraiser. This event will take place this year on May 20 at Harmony Hall and features hundreds of plants and delicious homemade pies.

The club holds monthly meetings open to the public, and new members of all ages and abilities are welcome at any time.

Next Meeting: Tuesday, April 25, at 7:00 p.m. at Harmony Hall, Bob Bangs of Windswept Gardens will speak on sustainable gardening.

For more information contact Anne Bennett at 862-3467 or Barb Packard at 862-3080.

### Hampden Historical Society

The Hampden Historical Society is dedicated to the preservation and promotion of the culture and heritage of the Town of Hampden. We support this mission through: public cultural, arts and educational programs; curating an archival repository of documents and artifacts; operating a museum on the Martin Kinsley House property; promoting the preservation of historic and culturally significant buildings and sites; and partnering with local and regional cultural, arts and educational institutions.

We meet on the fourth Monday of the month of March through October at the Kinsley House beginning at 7pm. Guests, new members and volunteers are always welcome. The archive and museum are open each Tuesday, April through October from 10am to 4pm and by appointment.

Contacts: Mary Poulin, President 862-3638 or Jerry Stanhope, Past President 862-3463  
email: [hampdenhistorical@gmail.com](mailto:hampdenhistorical@gmail.com)

### Hampden Kiwanis

The Hampden Kiwanis Club is looking for new members to continue to volunteer and provide for the children of Hampden and the world! Our regular meetings are on the 2nd and 4th Thursday of the month at 6 p.m. at the Kiwanis Civic Center, 55 Main Road North. We host a bean supper on the first Saturday of the month. For information on the programs we support, please contact Joseph Dowling at 659-0437.

### Hampden Neighborhood Food Cupboard

The Mission of the Hampden Neighborhood Food Cupboard is to provide food and personal items for those in need in our community.

Located in the Hampden Congregational Church at 101 Main Road North, the Food Cupboard is open every Wednesday from 9:30am ñ 11:00am; and the First and Third Wednesday from 5:00pm to 6:00pm.

Donations of food and personal care items may be dropped off at the church anytime in the right side entrance.

Contact: Sue at 862-5248 [hafc04444@gmail.com](mailto:hafc04444@gmail.com)

### Hampden Seniors Club

The Hampden Seniors meet the first Monday of month at Kiwanis, dues are just \$10/year. We currently have about 18 members and are hoping to gain some new members. Every Thursday at the Kiwanis Civic Center we have between 30–36 people for lunch beginning at 11:30 for just \$4.

For more information: Ray Heroux, President  
262-8736.

### Key Club

Key Club is an international student-led organization whose members provide service, build character and develop leadership. Key Club is devoted to helping its home, school and community, while having tons of fun! Key Club works closely with the Hampden Kiwanis.

Key Club meets every 1st and 3rd Tuesday in Hampden Academy Room 216.

For more information, please contact Debbie Daigle at Hampden Academy, 862-7321 or [ddaigle@rsu22.us](mailto:ddaigle@rsu22.us).

# Volunteer Open House & Community Forum

## Sunday, April 9 • Hampden Academy • 1–4 p.m.

### Mystic Lodge #65

Mystic Lodge #65 holds their regular meeting every month on the third Tuesday beginning at 7:30 p.m..

Contact: Dave Higgins 356-7305  
ddhiggins717@me.com



### Reeds Brook Trails Project

Located in the heart of Hampden, Maine, this is a collaborative effort between community volunteers, members of the Penobscot Valley Ski Club, Troop 41 Boy Scouts, and RSU 22. Our mission is to provide accessible multipurpose four-season recreational trails for all members of the greater Hampden community. We welcome all non-motorized activity including skiing, running, biking, walking, and snowshoeing.

Additional information can be found on our website:  
<https://sites.google.com/site/reedsbrooktrails/home>  
Facebook: [www.facebook.com/reedsbrooktrails](http://www.facebook.com/reedsbrooktrails)  
Peter Buzzini, Reeds Brook Trails, 318-3772

### RSU-22 Education Foundation

The overall mission of the Foundation is to support innovation in District schools through fundraising, engaging volunteers, and building an endowment. Some Education Foundations offer mini-grants to teachers, run scholarship programs and manage alumni relations. Our Foundation is in the process of deciding what to focus on.

We are led by a board of directors who represent Hampden, Winterport and Newburgh.

If you are interested in ways to become a sponsor of local education, please call 862-2811.  
<http://www.rsu22educationfoundation.org/>  
[rsu22educationfoundation@gmail.com](mailto:rsu22educationfoundation@gmail.com)  
Peter Witt, President

### Teach / Learn / Support

TEACH/LEARN/SUPPORT is a coalition of community members and teachers in RSU-22. The main purpose behind this group is to create open communication between the community, teachers, and the school district in an effort to continue providing a strong public education in RSU-22 by organizing opportunities for community members and teachers to work together with the goal of creating a supportive environment for strengthening education, fostering a sense of community through volunteer opportunities, and working together to strengthen education in RSU-22.

Contact Michele Metzler at 862-3791.

### Whitcomb-Baker VFW Post #4633

Our Mission: To foster camaraderie among United States veterans of overseas conflicts. To serve our veterans, the military, and our communities. To advocate on behalf of all veterans.

Throughout the year we sponsor several activities and groups to promote patriotism in our community. At this time we are sponsoring a Venture Crew 1776 for the Boy Scouts, the local little league, participation in Children's Day, aid to the local food pantry, and the Memorial Day parade.

On Friday nights, we open up our post to the community for a fun night of Bingo which starts at 6 p.m. and goes till 9 p.m.

During the year we have fundraisers to help our local veterans. These include our Mother's Day breakfast, Hunter's Breakfast, and our annual Hot Rod Car Show. These are great opportunities for post members to connect and meet with the community

Whitcomb-Baker Post 4633 meets the first Wednesday of every month. Prior to the meeting we provide members, guest speakers, and family of members, supper at 6:30 p.m. and then the meeting for members starts at 7:30 p.m.

41 Canoe Club Road, P.O. Box 555  
Hampden, ME 04444-0555  
862-2553 • Stephen Casey, Commander



# Hampden Public Safety



**Police - Fire - EMS**

106 Western Avenue

Hampden, Maine 04444

Phone 207-862-4000 • Fax: 207-862-4588



## FALLS AND PUBLIC SAFETY RESPONSE

Hampden Public Safety would like to remind all Hampden residents to call 911 when they need medical assistance. Calling 911 puts the caller in immediate contact with a trained dispatcher, who can then collect the necessary information and dispatch the appropriate personnel. This includes the event of a fall. Even if a fall does not result in any apparent injury, it is appropriate to call 911 for assistance in the event that you are unsure of the presence of an injury, or lifting assistance is needed to get yourself or someone else up from the floor or ground. Further, the presence of trained medical personnel may prevent further injury to the fall patient because an evaluation can be performed prior to the fall victim being moved. Also, an exam can help determine if the patient should be transported to the hospital for additional evaluation or treatment. In the event only lifting assistance is necessary there will be no charge for services, as a bill is only generated in the event of a transport. ■

## Hampden Public Safety Recommends TELECARE Program for Elderly Residents Living Alone

Hampden Public Safety has partnered with TELE CARE, a free daily call reassurance program offered to area elderly residents living alone.

We recognize that aging is not always graceful, and it certainly isn't easy. We all want to remain independent for as long as possible. Knowing that someone will speak with you (or your loved one) every Monday through Friday can be a comforting reassurance.

**TELECARE is absolutely free.** A volunteer will have daily telephone contact with the enrolled member (Monday–Friday). If they are unable to reach you, they will let us know; and we will stop by your residence to see if you need assistance.

It is our goal to deliver the highest quality progressive services possible to all members of our community. The Good Neighbor Program was implemented in an effort to better serve residents with memory or cognitive impairments. We believe the TELE CARE program is an excellent added layer of protection for our residents.

*We urge all elderly residents living alone to take advantage of either or both of these free services.*

TELECARE services are provided through Rosscare, an EMHS Member. For more information, or to enroll in the program, please contact them directly at 973-7848, or visit the website, [www.rosscare.org](http://www.rosscare.org).

If you'd like to learn more about the Good Neighbor Program, or sign up, please contact Hampden Public Safety.

Should you have any questions or concerns, please contact Sergeant Bailey at 862-4000, or email [publicsafety@hampdenmaine.gov](mailto:publicsafety@hampdenmaine.gov) ■

# Budget: Then and Now

During the ten budget years prior to the current year, the Town of Hampden drew more than \$4 million from its Unassigned Fund Balance in order to balance the budget.

This provided some property tax relief during those years, but left the Town's financial reserves substantially depleted. For that reason, the current year (FY17) budget did not rely on any draw from Fund Balance. Combined with increased costs, the absence of Fund Balance revenues increased taxes by about \$37 on the median value home in Hampden. But by reducing reliance on one-time revenues the FY17 budget also placed the Town on a more sustainable financial path.

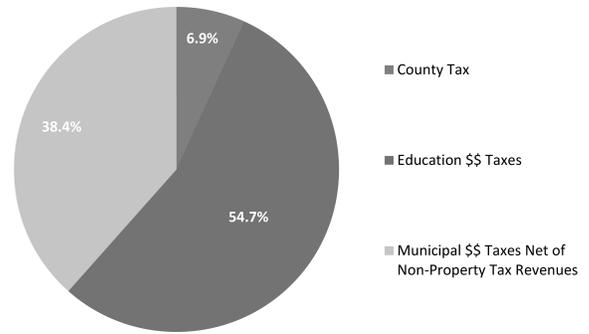
When taxes go up, it is especially important that tax payers have total transparency regarding where your tax dollars go.

In Hampden this year, 38.4 cents of every tax dollar support Town services, while 54.7 cents support education, and 6.9 cents pay Penobscot County tax.

These charts illustrate Town and RSU-22 costs allocated across budget categories. The Town budget, with every expense line detailed, is online: [www.hampdenmaine.gov/budget](http://www.hampdenmaine.gov/budget)

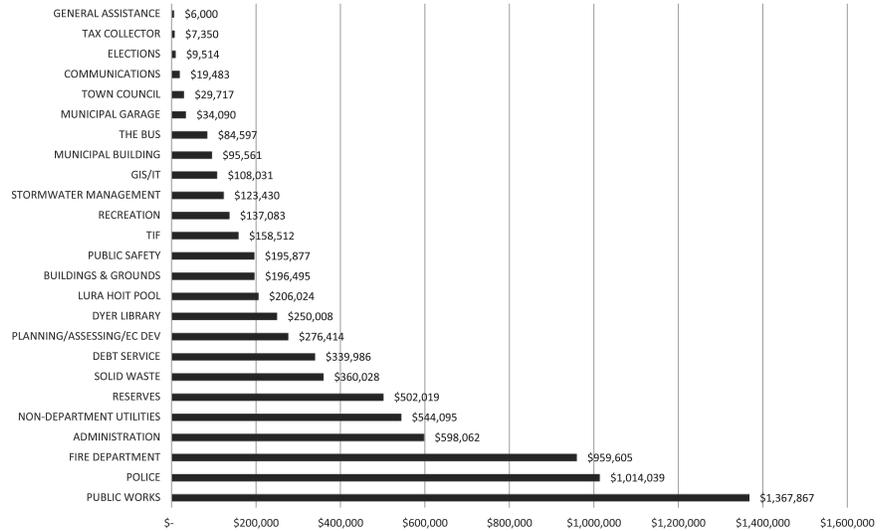
Notably, Municipal Revenue Sharing from the State of Maine, which had been a reliable source of revenue for decades, dropped steeply in FY08 and has only rebounded to 47% of prior levels. Along with rising costs, this drop in State funding has placed additional pressure on local property tax payers. ■

## Hampden Tax Expenses by Percent FY17

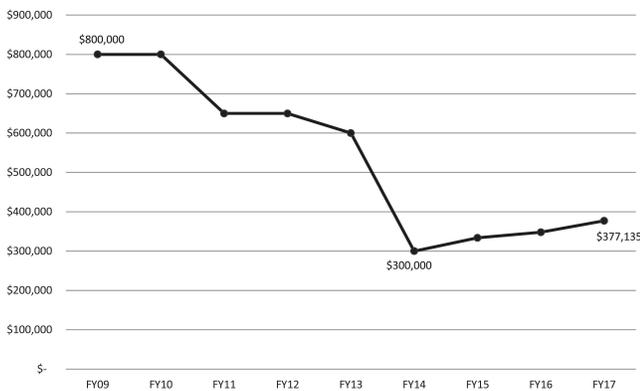


## Approved Budget, Town only FY17

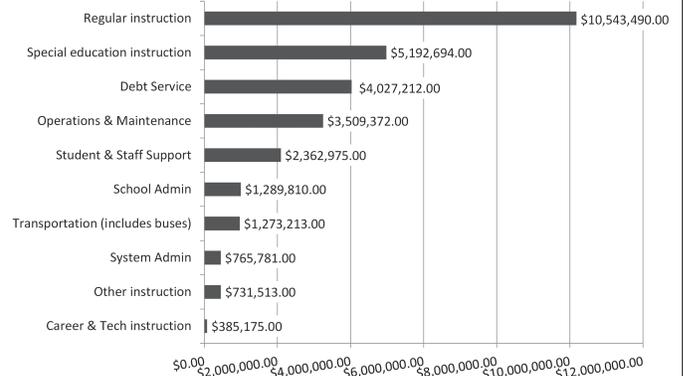
Town of Hampden



## Maine Municipal Revenue Sharing to Hampden, FY09 to FY17



## RSU-22 Budget Cost Centers, FY17



TOWN OF HAMPDEN  
106 WESTERN AVENUE  
HAMPDEN, ME 04444

PRESORT STD  
US POSTAGE  
PAID  
HAMPDEN, ME  
PERMIT NO. 201

ECRWSS

POSTAL CUSTOMER  
HAMPDEN, ME 04444

## *Stream Cleanup*

The 12th Annual Spring Stream Cleanup will be held on Saturday May 6, 2017. Last year's event attracted over 80 volunteers! 36 bags of garbage were removed from the streets and streams such as Reeds Brook, Sucker Brook, the Business Park, and Marina Park. If you'd like to participate, either as an individual, family or as a volunteer group, please contact Town Planner Karen Cullen, AICP, who chairs the Town's Stormwater Working Group. Karen can be reached at 862-4500 or [planner@hampdenmaine.gov](mailto:planner@hampdenmaine.gov) — or visit the Town Office! ■





B-2-a

HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

MONDAY

MARCH 20, 2017

7:00 P.M.

6:15 p.m. – Finance & Administration Committee

*Attending:*

*Mayor Ryder*

*Councilor Sirois*

*Councilor McPike*

*Councilor Wilde*

*Councilor Marble*

*Councilor Cormier*

*Councilor McAvoy*

*Town Manager, Angus Jennings*

*Town Clerk, Paula Scott*

*Rich Armstrong*

*Harbor Master, Peter Neal*

*Gregory Neal*

*Representative Haggan*

*Mayor Ryder called the meeting to order at 7:05 p.m.*

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

**1. SIGNATURES**

**2. SECRETARY'S REPORTS**

- a. **February 21st, 2017 Council Meeting Minutes**

**3. COMMUNICATIONS**

- a. **MMA Safety Grant Program Reimbursement** – Representing payment for the October Safety Grant received for two Revel Scout Portable LED Scene Lights
- b. **Press Release regarding the Appeals Court upholding the DEP permits for MRC/Fiberight**
- c. **Notice of Agency Liquor Store Selection Hearings for two Hampden applicants being considered for licensure**
- d. **Victualer's License renewal – Fresh Ginger**

**4. REPORTS**

- a. **Finance Committee Minutes – 03/06/2017**
- b. **Infrastructure Committee Minutes – none**
- c. **Planning & Development Committee Minutes – none**

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

**d. Services Committee Minutes – 02/16/2017**

**C. PUBLIC COMMENTS** – *Rich Armstrong, of Kennebec Rd approached the podium and thanked the Council and the Town for helping out the Goodwill Riders Snowmobile Club by giving them money from snowmobile registrations. It helps with their maintenance of 37 miles of trails and repair and replacement of bridges.*

**D. POLICY AGENDA****1. NEWS, PRESENTATIONS & AWARDS**

**a. Council recognition of Peter Neal as certified Harbor Master** – *Mayor Ryder recognized Peter Neal as having gone on his own time to the Maine Criminal Justice Academy and taken the necessary course to become a certified Harbor Master, thanking him for the time and dedication he has put into the job. Manager Jennings added that this is the first time in many, many years that the Town has a Harbor Master with all of the required training and echoed the commendation by the Mayor of the initiative taken by Mr. Neal. He stated how over the course of the past year since the appointment was made, he has had to call on Mr. Neal approximately 12-15 times, and is thankful for the ability to call on the Harbor Master rather than having to add more to the DPW Director's plate. Peter Neal approached the podium and thanked the Town Council for the opportunity to serve and take part, stating that we have a great marina that many people enjoy. It was a busy season last year, but got a lot done and thanked the Town Office staff, and Sean and Angus especially for all of the assistance. He thanked the Town Council for paying for the training class held in Castine stating it was very informative and he looks forward to the next one. Councilor Marble echoed the sentiments of the Mayor and the Manager and thanking him for attending a committee meeting and then volunteering when he heard there was a need.*

**b. Council expression of sympathy in the passing of John Quesnel** – *Mayor Ryder read an expression of sympathy for John Quesnel and offered condolences on behalf of the Town. He then offered his own personal comments of sympathy and remarked about the type of person John was, stating that the Water District will have a hard time finding someone to fill his shoes.*

**2. PUBLIC HEARINGS - None****3. NOMINATIONS – APPOINTMENTS – ELECTIONS – Appointment of an Interim Director to the RSU 22 Board of Directors – referral from Finance & Administration**

- a. James Davitt**
- b. Thomas Dorrity**
- c. Lindsay Harmon**
- d. Cindy Mitchell**

## MINUTES

*Councilor Wilde reported that in Finance & Administration Committee, there were four very strong candidates to consider, originally, but one potential candidate withdrew at the start of the meeting. Councilors asked questions of all of them, and at the end, chose Thomas Dorrity as their recommendation. Councilor Wilde made a motion, seconded by Councilor McAvoy, to appoint Thomas Dorrity as an Interim Director to the RSU 22 Board of Directors. Unanimous vote in favor.*

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

- a. **Request for authorization for the expenditure of \$2,425.00 from the Municipal Building Reserve Account for the purpose of replacing lighting at the Town Office; request for authorization for the expenditure of \$123.00 from the Municipal Building Reserve Account for the purpose of paying for a service call for the municipal building generator – total requested: \$2,548.10 – referral from Finance & Administration Committee – Councilor Wilde explained the lighting request is the second phase of the project for replacement lighting that is more economical and more efficient and that the request for the funds for the generator is for repairs. Councilor Wilde made a motion to approve spending \$2,425.00 from the Municipal Building Reserve Account, and \$123.10 from the Municipal Building Reserve Account for the purpose of replacement lighting and repairs to the generator. Councilor McPike seconded the motion. Unanimous vote in favor.**
- b. **Request for authorization for the expenditure of \$25,451.15 from the Personnel Reserve Account for the purpose of offsetting costs associated with payroll expenses in Administration, Elections and Economic Development – referral from Finance & Administration Committee – Councilor Wilde reported that this was discussed in Finance Committee and that this is a one-time pay out. Administration costs were in part due to having the retiring Tax Collector and the incoming Tax Collector both here during the transition. The other expenses involved pay outs to retiring personnel, as well as record turnout at the Presidential election and processing absentee ballots. Councilor Wilde made a motion to authorize the expenditure of \$25,451.15 from the Personnel Reserve Account for the purpose of offsetting costs of payroll expenses in Administration, Elections and Economic Development. Councilor Marble seconded the motion. Unanimous vote in favor.**
- c. **Contract award for the CCTV and Cleaning of Sanitary and Storm Sewer Systems Bid – referral from Finance & Administration Committee – Councilor Wilde explained for the public that the cleaning**

## MINUTES

*of the sewer system and storm drains is a project that has not been done for many years and the Town is looking to get caught back up. He made a motion to award the contract to the Ted Berry Company in the amount of \$40,848 for the work as described. Councilor Marble seconded the motion. Unanimous vote in favor.*

- d. Request for authorization for the expenditure of \$14,643.95 from the Conservation/Recreation Account for the purpose of funding eligible projects – referral from Finance & Administration –** *Councilor Wilde reported that this was originally heard in Services Committee and funding items relating to recreation were discussed. The money has been in a dormant Conservation/Recreation account that has not been used in many years and is from “in lieu of” funds that contractors would pay rather than building recreational areas within subdivisions. Councilors agreed that the funds would be used for recreational expenses. Councilor Wilde made a motion to authorize the expenditure of \$14,643.95 from the Conservation/Recreation account for the purpose of funding eligible projects. Councilor Marble seconded the motion. Mayor Ryder asked Manager Jennings for a rundown of the expenses, which are the following:*

- Sand for the volley ball courts, including delivery*
- Replacing the pressure treated edging around the playground,*
- Two seasonal speed bumps at the VFW fields,*
- Electrical timer for the VFW tennis courts,*
- Additional chips at both the pool and Dorothea Dix playgrounds,*
- Treating for Poison Ivy at both the Marina and Papermill Parks,*
- On-site signs at Papermill Park and a double sided directional light for Coldbrook Rd. so people will know Papermill Park is there,*
- “Go Slow” signs for VFW parking,*
- New language added to the outdoor facilities signs to reflect the Council’s prohibition of vaping,*
- Grub control at the Dorothea Dix site, recreation fields and the Lura Hoit pool site.*

*All of these projects will be funded without tax payer dollars.*

- e. Request for authorization for the expenditure of \$2,000.00 from snowmobile registration fees to Goodwill Riders Snowmobile Club – referral from Finance & Administration Committee –** *Councilor Wilde explained that this was discussed in committee, stating that this amount does not exceed what was brought in. The Finance Committee recommended authorizing this expenditure. Councilor Wilde made a motion to authorize the expenditure of \$2,000*

*from snowmobile fees to Goodwill Riders Snowmobile Club. Councilor Marble seconded the motion. Councilor McAvoy asked if all 37 miles of trails maintained by the club are located in Hampden to which Rich Armstrong stated that they are. Councilor McAvoy asked how many club members there are. Rich stated that they had the 9<sup>th</sup> largest club last year with a 109 members and this year there are 137 members. Motion was brought to vote. Unanimous vote in favor.*

- f. **Council referral to public hearing the proposed amendments to the Town of Hampden Zoning Ordinance – referral from Planning Board** – *The Mayor explained that the proposed changes have to do with Home Occupations and asked Manager Jennings if there is a preferred date for public hearing. Manager Jennings stated that it was the Council's prerogative, but for notification purposes, the second meeting in April would be his recommendation. Councilor Wilde made a motion, seconded by Councilor McPike to refer the proposed amendments to the Zoning Ordinance to public hearing for April 17<sup>th</sup>. Unanimous vote in favor.*
- g. **Council confirmation of the designated representatives for the March 27<sup>th</sup> meeting with the RSU, other Town's within the RSU, and State Representatives; and confirmation of the proposed topics to be discussed – referral from Finance & Administration** – *Councilor Wilde reported that at Committee, Councilor McPike and Councilor Wilde were selected to attend the meeting along with Manager Jennings.*

7:30

- h. **Executive Session – pursuant to 1 M.R.S.A. § 405(6)(F) – Confidential records** – *The Executive Session was postponed until further notice.*

## E. COMMITTEE REPORTS

Services - *Councilor Marble reported that at the last meeting, Kyle updated members on the status of the Broadband Grant. Members reviewed Skehan Center expenses and held discussion on ridership of The Bus. Discussed the Community and Volunteer Forum coming up on April 9<sup>th</sup>, establishment of the Municipal Office as a "Safe Zone" for child custody transfers and/or internet sales exchanges and prioritized items to be paid for out of the Conservation/Recreation funds. Other items discussed were Recreation scholarships, costs of the Kiwanis building, the Goodwill Riders request and Children's Day which has been moved to the second Saturday in August.*

Finance & Administration – *Councilor Wilde recapped that financial items acted on tonight were discussed in Committee*

Planning & Development – *Councilor McPike stated that there was no meeting last week and asked the Manager to clarify the status of the postponement to two potential dates. Manager Jennings stated that because the potential postponement dates were*

## MINUTES

for nights that are not regular meeting nights, there were Councilors who could not make either night. Because one of the agenda items is the request for the Town to support the costs of the water line expansion on the Coldbrook Road, and since it is also under the umbrella of infrastructure, he met Mayor Ryder and Councilor Wilde last week and it was decided to move this discussion to the Infrastructure Committee meeting on the 27<sup>th</sup>.

Infrastructure – Councilor Sirois reported that this Committee has not met since last Council meeting and the next meeting is the 27<sup>th</sup>.

F. **MANAGER'S REPORT** – Manager Jennings reported that in the last couple of weeks we have heard about 7 different grant opportunities that range from sewer, to stormwater, to recreation. There is a meeting scheduled this week with key personnel who have been looking at the grants and to discuss what to apply for. He reported on the Education Foundation's Business Expo that was held on the 18<sup>th</sup> at the Skehan Center. Manager Jennings, who represented the Town along with a couple of Councilors, commended the organizers of the event for their hard work. Manager Jennings stated that the Education Foundation is one of more than 25 civic or volunteer organizations that will be represented at the Volunteer Open House and Community Forum scheduled for April 9<sup>th</sup> from 1:00 – 4:00 at Hampden Academy.

G. **COUNCILORS' COMMENTS**

Councilor Sirois – No comment

Councilor McPike – No comment

Councilor Wilde – Commented that he thought the Business Expo was a fantastic event, he was there with a table set up and he found it fun and informative.

Councilor McAvoy – Commented that he hoped everyone was enjoying the first day of spring. He reminded everyone to shop local and buy American.

Councilor Cormier – No comment

Councilor Marble – No comment

Mayor Ryder – No comment

H. **ADJOURNMENT** – Councilor Marble made a motion to adjourn at 7:40 p.m., seconded by Councilor McAvoy. Unanimous vote in favor.

Respectfully Submitted,



Paula A. Scott, CCM  
Town Clerk



**MAINE MUNICIPAL ASSOCIATION**

**Risk Management Services**

60 Community Drive  
PO Box 9109  
Augusta, Maine 04332-9109

B - 3 - b

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

March 21, 2017

Benson G. Eyles  
Town of Hampden  
106 Western Ave  
Hampden, ME 04444

Town of Hampden  
RECEIVED

MAR 23 2017

Office of the  
Town Manager

RE: Safety Grant "Scholarship" Program Application – SS-17-008

Dear Officer Eyles:

Congratulations!!! We have reviewed your Risk Management Scholarship application for you to attend the Glock Armorers Course. We are pleased to approve an award of \$265.

Once the training has taken place, please send us the supporting receipts, proof of payment and proof of completion of the training so that we are able to reimburse you. The proof of completion and reimbursement request must be submitted no later than 1 year from the date of issue of the grant or the grant will be withdrawn. Funds may only be used for the training as applied for.

Any additional funding or grants received will be considered primary and reimbursement will not be made for scholarship costs that have also been paid for by other grant programs or funding sources. Any such funding must be reported to MMA with your reimbursement request.

If you have any questions, please call Jennette Holt at 624-0140. Congratulations on your scholarship! We appreciate your interest in workplace safety education.

Sincerely,

Don Vickery  
Loss Control Manager  
Risk Management Services

cc: Anus Jennings  
js



**MAINE MUNICIPAL ASSOCIATION**

***Risk Management Services***

60 Community Drive  
PO Box 9109  
Augusta, Maine 04332-9109

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

March 21, 2017

Marc Egan  
Town of Hampden  
106 Western Ave  
Hampden, ME 04444

**Town of Hampden  
RECEIVED**

**MAR 23 2017**

**Office of the  
Town Manager**

RE: Safety Grant "Scholarship" Program Application – SS-17-009

Dear Officer Egan:

Congratulations!!! We have reviewed your Risk Management Scholarship application for you to attend the Glock Armorers Course. We are pleased to approve an award of \$265.

Once the training has taken place, please send us the supporting receipts, proof of payment and proof of completion of the training so that we are able to reimburse you. The proof of completion and reimbursement request must be submitted no later than 1 year from the date of issue of the grant or the grant will be withdrawn. Funds may only be used for the training as applied for.

Any additional funding or grants received will be considered primary and reimbursement will not be made for scholarship costs that have also been paid for by other grant programs or funding sources. Any such funding must be reported to MMA with your reimbursement request.

If you have any questions, please call Jennette Holt at 624-0140. Congratulations on your scholarship! We appreciate your interest in workplace safety education.

Sincerely,

Don Vickery  
Loss Control Manager  
Risk Management Services

cc: Angus Jennings



**MAINE MUNICIPAL ASSOCIATION**

***Risk Management Services***

60 Community Drive  
PO Box 9109  
Augusta, Maine 04332-9109

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

March 21, 2017

Daniel A. Pugsley, Jr  
Town of Hampden  
106 Western Ave  
Hampden, ME 04444

**Town of Hampden  
RECEIVED**

**MAR 23 2017**

**Office of the  
Town Manager**

RE: Safety Grant "Scholarship" Program Application – SS-17-006

Dear Lieutenant Pugsley:

Congratulations!!! We have reviewed your Risk Management Scholarship application for you to attend the Fire Office II & IV. We are pleased to approve an award of \$500.

Once the training has taken place, please send us the supporting receipts, proof of payment and proof of completion of the training so that we are able to reimburse you. The proof of completion and reimbursement request must be submitted no later than 1 year from the date of issue of the grant or the grant will be withdrawn. Funds may only be used for the training as applied for.

Any additional funding or grants received will be considered primary and reimbursement will not be made for scholarship costs that have also been paid for by other grant programs or funding sources. Any such funding must be reported to MMA with your reimbursement request.

If you have any questions, please call Jennette Holt at 624-0140. Congratulations on your scholarship! We appreciate your interest in workplace safety education.

Sincerely,

Don Vickery  
Loss Control Manager  
Risk Management Services

cc: Angus Jennings



## A Brief Review of the Week that Was

Because very few bills of municipal impact were scheduled for public hearings or work sessions this week, there is not much to report. What follows are a few brief updates on issues of municipal interest.

**Governor's Budget – Property Tax Proposals.** The Taxation Committee met on Wednesday this week to start debating the property tax-related elements of Governor LePage's FY 2018–2019 General Fund budget. The Taxation Committee's task is to make recommendations about the Governor's various proposals for the Appropriations Committee to consider. Representatives from the Department of Administrative and Financial Service's Office of Tax Policy were on hand to respond to the questions raised during the public hearings on the budget proposals to: (1) limit the \$20,000 Homestead Exemption benefit to Maine seniors and reduce the reimbursement to municipalities from the scheduled 62.5% to 50%; (2) permanently reduce to 2% the amount of state sales and income tax revenue distributed to municipalities under the revenue sharing program; (3) shift the property enrolled in the Business Equipment Tax Reimbursement program to the Business Equipment Tax Exemption program; and (4) shift from the state to the municipalities taxing authority over interactive two-way communications services property.

Although the Department's presentation was straightforward, and the Committee members' questions were on point and quickly answered, final votes on the proposals were not taken at the work session.

### Revenue Sharing Day: March 22

The Legislative Taxation Committee will hold hearings on March 22, starting at 1 p.m., on five bills that would affect the Municipal Revenue Sharing Program. Municipal participation and attendance are strongly encouraged. If you have questions, please contact Kate Dufour at MMA: 1-800-452-8786 or [kdufour@memun.org](mailto:kdufour@memun.org).

However, two pieces of information included in the Department's materials are of municipal interest. One of the tables included in the package is an impact analysis comparing the Governor's Homestead Exemption proposal with current law, which as of April 1, 2017 is scheduled to provide a \$20,000 exemption to all homeowners with the state reimbursing municipalities for 62.5% of the lost property tax revenue. The data show that if the Governor's proposal is enacted, 205,849 Maine homeowners will lose their exemption resulting in an average property tax increase of \$365 for the homeowner.

Also presented to the members of the Taxation Committee was a list of the two-way telecommunication personal property value located in each municipality. According to the data, if taxing authority over two-way telecommunication property is shifted to communities, the municipal property tax base would increase by \$351 million, generating an estimated \$6.5 million in revenue for communities statewide. While the data show that all municipalities would collect additional property tax revenue, the amounts vary significantly from community-to-community. For example, the change in taxing authority would generate \$632,444 in property tax revenues for the City of Portland.

In Kingsbury Plantation, however, the increase would generate less than \$5 in additional tax revenue.

The Committee will return to its property tax discussion next Thursday, March 23 at 1:00 p.m.

**Police Officer Solicitations.** On Monday this week, the Criminal Justice Committee held a public hearing on LD 588, *An Act to Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances*. The bill, sponsored by Sen. Bill Diamond of Cumberland County, would allow law enforcement officers and associations to participate in fund-raising activities only in circumstances where the revenues are used to assist a law enforcement officer or an officer's family member suffering from a catastrophic illness. Under current statutes, law enforcement officers and associations are prohibited from engaging in any direct fund-raising activities. Instead, third parties or other community groups are relied on to raise funds for an ailing officer.

Proponents of LD 588 included representatives from the Maine Association of Police, Maine Sheriffs' Association, Maine Association of Retired State Police and Maine State Law Enforcement Association. The proponents of the bill

*(continued on page 2)*

expressed frustration and a sense of helplessness with a law limiting the ability of active law enforcement officers to solicit contributions from the general public for an officer in need. These organizations believe that the authority provided in LD 588 would open up their direct solicitation authority in an appropriately limited way.

MMA offered the only testimony in opposition to LD 588. Municipal officials are concerned that direct solicitations by law enforcement officers can make the citizen being solicited very uncomfortable, making it awkward at best and sometimes impossible for someone to say no to a request for a donation. Municipal officials believe that the current law is working and that fundraising activities should be left to third parties or other groups within the community.

The work session on LD 588 is scheduled for Wednesday, March 22 at 1 p.m.

**Funding for County Jails.** The members of the Criminal Justice Committee were convened again on Wednesday this week to hold public hearings on bills seeking funding for county jail operations.

LD 463, *An Act To Improve the Funding of County Jails*, sponsored by Rep. Danny Martin of Sinclair, seeks to repeal the remaining fragments of the 2008 State/County Corrections Unification System, part of which capped the property taxpayers' exposure to the cost of county jail operations. When originally enacted, property taxpayers were to pay no more than \$62 million in jail operation costs. In 2015, the

Legislature replaced that cap with a limit system authorizing annual increases in county jail property assessments of no more than 3%. As proposed in LD 463, the 3% cap would be replaced with the so-called "LD 1" property tax levy limit. If past practices hold, the shift from the fixed 3% cap to the LD 1 levy limit would allow for county jail funding-related property tax increases in excess of 5% annually.

LD 516, *An Act To Reduce the Cost of Pretrial Detention*, is sponsored by Sen. Mark Dion of Cumberland County. As proposed, county sheriffs would be authorized to assess fees and per diem rates on municipalities and others for the cost of housing certain individuals arrested for nonviolent Class D or Class E crimes. Specifically, the county sheriffs would be authorized to invoice an arresting law enforcement agency, including municipalities, counties and state, a one-time \$50 surcharge and a per diem boarding rate for each day an arrested individual is housed in a county facility pre-arraignment.

MMA provided testimony in opposition to both bills. Municipal officials believe that rather than focusing attention on solutions that nibble around the edge of an inadequately funded county jail system and shift additional burdens onto the property taxpayers, all interested parties should be working on developing a rational and sustainable system of funding for county jails that does not disproportionately rely on property taxes.

The Committee will work both of these bills on Wednesday, March 29 at 2 p.m.

**Bottle Redemption Bill.** The Environment and Natural Resources Committee made quick work of LD 683, *An Act To Fund the Maine Solid Waste Diversion Grant Program and To Phase Out Certain Containers from the Bottle Redemption Law*, holding both the hearing and work session on Monday and Thursday of this week, respectively. The bill, in part, proposed to exempt containers with capacities of 46 ounces or more from Maine's bottle deposit law.

The Committee voted unanimously "ought not to pass" on LD 683.

**Revenue Sharing Day.** As reported in detail in the March 11 edition of the Legislative Bulletin, Wednesday, March 22 the Taxation Committee will hold public hearings on five revenue sharing bills. The hearing will begin at 1 p.m. and be held in room 127 of the State House. LD 133, *An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing* is being sponsored by Sen. Shenna Bellows of Kennebec County and Rep. John Madigan, Jr. of Rumford on behalf of MMA's Legislative Policy Committee. LD 133 incrementally restores the percent of state sales and income tax revenue distributed under the program. As proposed, 3% of total sales and income tax revenue would be distributed under the revenue sharing program in FY 2018, 4% in the following year, and in FY 2020 and subsequent years the full 5%.

If you have questions about the hearing, please contact Kate Dufour at 1-800-452-8786 or [kdufour@memun.org](mailto:kdufour@memun.org).

### Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: [www.memun.org](http://www.memun.org)

**Editorial Staff:** Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

## LEGISLATIVE HEARINGS

Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearing schedules and work sessions can be found at: <http://legislature.maine.gov/Calendar/#PHWS/>.

### Monday, March 20

**Education & Cultural Affairs**  
Room 202, Cross State Office Building, 9:30 a.m.  
Tel: 287-3125

LD 737 – An Act To Allow Public Schools To Reserve Funds Designated for Operating Costs.

LD 738 – An Act To Make the School Budgeting Process a Biennial Process.

LD 748 – An Act To Require at Least a 30-minute Lunch Period for Students.

**Health & Human Services**  
Room 209, Cross State Office Building, 1:00 p.m.  
Tel: 287-1317

LD 262 – An Act To Strengthen Kinship Care Opportunities.

**Taxation**  
Room 127, State House, 1:00 p.m.  
Tel: 287-1552

LD 291 – An Act To Maintain the Income Tax Rate on Persons with Taxable Income above \$200,000.

LD 337 – An Act To Protect Jobs and the Maine Economy by Eliminating the 3% Income Tax Surcharge Imposed on Certain Mainers and the Fund To Advance Public Kindergarten to Grade 12 Education.

LD 571 – An Act To Eliminate the 3 Percent Surcharge on Certain Income and Provide an Alternative Funding Source for the Fund To Advance Public Kindergarten to Grade 12 Education.

LD 829 – An Act To Increase the Income Tax Surcharge Threshold Imposed on Households.

**Veterans & Legal Affairs**  
Room 437, State House, 10:00 a.m.  
Tel: 287-1310

LD 795 – An Act To Require the Text of a Direct Initiative To Be Printed on the Ballot.

LD 796 – Resolution, Proposing an Amendment to the Constitution of Maine Regarding Referendum Questions for Statewide Ballots.

LD 813 – An Act To Amend the Laws Governing the Political Party Representation of Election Clerks.

LD 883 – An Act To Establish a Minimum Payment for Signatures Gathered by Maine Citizens for Referendums.

LD 906 – An Act Regarding the Collection of Signatures for a Direct Initiative.

### Tuesday, March 21

**Energy, Utilities & Technology**  
Room 211, Cross State Office Building, 1:00 p.m.  
Tel: 287-4143

LD 825 – An Act To Ensure Direct Dialing of 911 from Multiline Telephone Systems.

**Transportation**  
Room 126, State House, 1:00 p.m.  
Tel: 287-4148

LD 120 – An Act To Impose a Three-month Loss of a Driver's License for Driving While Texting.

LD 649 – An Act To Allow for Charitable Donation Stops on Local Roads Only.

LD 710 – An Act Regarding Emergency Lights on Firefighters' Personal Vehicles Used When Responding to Emergency Calls.

LD 785 – An Act To Improve Safety and Traffic Efficiency near School Grounds.

### Wednesday, March 22

**Criminal Justice & Public Safety**  
Rm. 436, State House, 9:00 a.m.  
Tel: 287-1122

LD 142 – An Act To Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System.

**Education & Cultural Affairs**  
Room 202, Cross State Office Building, 9:00 a.m.  
Tel: 287-3125

LD 752 – An Act To Enhance the Safety of Schoolchildren by Requiring the Posting of the School Zone Speed Limit.

LD 866 – An Act To Provide Additional Funds to Schools That Offer Residential Options.

1:00 p.m.

LD 809 – An Act To Address Student Hunger with a "Breakfast after the Bell" Program.

**Energy, Utilities & Technology**  
Room 211, Cross State Office Building, 10:00 a.m.  
Tel: 287-4143

LD 422 – An Act To Facilitate the Creation of the Maine Water Trust To Regulate and Protect Maine's Water Supply and To Ensure the Quantity and Quality of Maine's Drinking Water.

LD 757 – An Act To Amend the Charter of the Richmond Utilities District.

LD 759 – An Act To Clarify the Financial Authority of Sewer and Sanitary Districts.

**Environment & Natural Resources**  
Room 216, Cross State Office Building, 10:00 a.m.  
Tel: 287-4149

LD 867 – An Act To Mitigate the Spread of Invasive Milfoil in Wilson Stream.

**Labor, Commerce, Research & Economic Development**  
Room 208, Cross State Office Building, 10:00 a.m.  
Tel: 287-1331

LD 86 – An Act To Protect Worker Wages and Benefits.

LD 554 – An Act To Require Paid Paternal Leave for Employees.

**State & Local Government**  
Room 214, Cross State Office Building, 9:00 a.m.  
Tel: 287-1330

LD 876 – Resolve, To Increase Pedestrian Crosswalk Safety.

LD 882 – An Act Prohibiting Public Entities from Contracting with and Investing in Companies That Boycott the State of Israel.

LD 895 – An Act To Help Maine Manufacturing.

(continued on page 4)

## LEGISLATIVE HEARINGS (cont.)

### Taxation

Room 127, State House, 1:00 p.m.

Tel: 287-1552

LD 74 – An Act To Realign the State-Municipal Revenue Sharing Distribution.

LD 133 – An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing.

LD 492 – An Act To Restore Revenue Sharing.

LD 875 – An Act To Reduce Property Taxes.

LD 887 – An Act To Provide Relief to Maine Property Tax Payers.

### Veterans & Legal Affairs

Room 437, State House, 9:00 a.m.

Tel: 287-1310

LD 852 – An Act To Make Changes to the Maine Liquor Liability Act.

LD 879 – An Act To Allow Any Person To Purchase Voter Registration Lists.

### Thursday, March 23

#### Environment & Natural Resources

Room 216, Cross State Office Building, 1:00 p.m.

Tel: 287-4149

LD 881 – An Act To Increase Wastewater Management Responsibility by Licensing Certain Municipal Sewage Collection Systems.

#### Health & Human Services

Room 209, Cross State Office Building, 1:30 p.m.

Tel: 287-1317

LD 518 – An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons.

### Labor, Commerce, Research & Economic Development

Room 208, Cross State Office Building, 1:00 p.m.

Tel: 287-1331

LD 777 – An Act To Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease.

LD 848 – An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder.

LD 927 – An Act To Establish a Presumption of Impairment of Health in the Line of Duty for Corrections Employees under the Workers' Compensation Laws.

### Transportation

Room 126, State House, 1:00 p.m.

Tel: 287-4148

LD 712 – Resolve, To Designate a Portion of Route 43 in Corinth, Exeter and Corinna the Donald Strout, Sr. Memorial Highway.

LD 788 – An Act To Require Motor Vehicles To Be Registered on a Biennial Basis.

LD 790 – Resolve, To Name the Bridge between Indian Township and the town of Princeton the Sakom John Stevens Bridge.

LD 905 – An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham.

### Friday, March 24

#### Health & Human Services

Room 209, Cross State Office Building, 9:00 a.m.

Tel: 287-1317

LD 108 – An Act To Allow a Law Enforcement Agency That Treats a Person with Naloxone Hydrochloride To Bill That Person for That Treatment.

LD 153 – An Act Regarding Transportation of Methadone Patients.

LD 448 – An Act To Fund Research on Cancer in Firefighters.

## IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the *Legislative Bulletin* to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, [www.mcmun.org](http://www.mcmun.org).)

### Appropriations & Financial Affairs

LD 638 – An Act To Authorize a General Fund Bond Issue for Transportation Projects. (Sponsored by Rep. McLean of Gorham; additional cosponsors.)

This bill sends out to the voters a proposed \$50 million bond issue, \$35 million of which would be dedicated to reconstruct and renovate bridges and to meet the state's highway and bridge capital goals, and \$15 million of which would be dedicated to improve or replace facilities or equipment related to ports, harbors, marine transportation, aviation, freight and passenger railroads, transit and bicycle and pedestrian facilities.

LD 743 – An Act To Authorize a General Fund Bond Issue to Promote and Improve the Intermodal Transportation System in Maine. (Sponsored by Rep. Sheats of Auburn; additional cosponsors.)

This bill sends out to the voters a proposed \$25 million bond issue to promote and improve intermodal transportation systems, with the funds used exclusively for public transportation, including but not limited to rail and bus transportation, bicycle lanes and pedestrian sidewalks.

LD 897 – An Act To Authorize a General Fund Bond Issue To Encourage Efficient Biomass Thermal and Power Projects in Maine. (Sponsored by Sen. Woodsome of York Cty; additional cosponsors.)

This bill sends out to the voters a proposed \$25 million bond issue to for the support of efficient biomass thermal and power projects in Maine. \$12 million of the issue is dedicated to construct steam piping form existing stand-alone biomass generators to adjacent manufacturing facilities, \$5 million is dedicated to construct biomass combined heat and power generation boilers at sawmill manufacturing facilities, and \$8 million is dedicated to convert fossil fuel boilers in public buildings and commercial facilities to biomass boilers.

LD 955 – An Act To Authorize a General Fund Bond Issue To Recapitalize the Municipal Investment Trust Fund. (Sponsored by Rep. Deschambault of York; additional cosponsors.)

This bill sends out to the voters a \$6 million proposed bond issue to recapitalize the Municipal Investment Trust Fund to provide grants and loans to municipalities for public facilities infrastructure.

LD 964 – An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings. (Sponsored by

## **HOPPER (cont.)**

Rep. Fredette of Newport; additional cosponsors.)

This bill sends out to the voters a proposed \$10 million bond issue to provide funds for a competitive grant program for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and prepare for road-related water management in the circumstance of extreme storms and floods.

### **Criminal Justice & Public Safety**

**LD 1050 – An Act To Protect the Safety of Emergency Medical Services Personnel and Patients.** (Sponsored by Rep. Sheats of Auburn; additional cosponsors.)

This bill authorizes a political subdivision of the state, including counties and municipalities, to adopt an order, ordinance, rule or regulation that prohibits a person from having a firearm in the person's possession while inside an emergency medical services vehicle that is owned or operated by the political subdivision.

### **Education & Cultural Affairs**

**LD 1016 – An Act To Provide Funding for Career and Technical Education Based on Projected Enrollment.** (Sponsored by Rep. Mastraccio of Sanford; additional cosponsors.)

This bill amends the Essential Programs and Services school funding model to require state subsidy to be distributed to schools that are starting up career and technical education (CTE) centers or regions on the basis of projected costs, projected enrollment, and a "program-driven" model that considers components for direct instruction, central administration, supplies, operation and maintenance of plant and other student and staff support equipment. Under current law, CTE programs are subsidized after their start-up based on enrollments in a prior year.

### **Environment & Natural Resources**

**LD 1040 – An Act Regarding Permitting under the Natural Resources Protection Act.** (Sponsored by Rep. Picchiotti of Fairfield; additional cosponsors.)

This bill makes a number of amendments to the state's Natural Resources Protection Act (NRPA). Among the various amendments, the bill: (1) Allows the establishment of significant groundwater wells for a community public water system, including a public water system used solely or partially to bottle water for sale, without first obtaining a NRPA permit; (2) changes the notification standard that applies to a community public water system when a person seeks to alter the area over groundwater utilized by that system from a certified mail notice to a regular U.S. mail notice; (3) includes existing water or sewer lines, road crossing culverts and natural gas pipelines in the NRPA permit exemption for existing crossings; and (4) provides that a replacement of existing public works does not require a NRPA permit and that the exemption applies, as well, to outstanding river segments.

### **Judiciary**

**LD 1084 – An Act To Require That Certain Applicant Information for Certain Local Government and School Administrative Positions Be Public upon Application.** (Sponsored by Rep. Spear of South Thomaston; additional cosponsors.)

This bill establishes that the name and addresses of applicants for the position of school superintendent, county administrator, town manager or city manager are public records upon application by the applicant.

### **Labor, Commerce, Research & Economic Development**

**LD 1036 – Resolve, To Study Repeal of Occupational Licensing Requirements for Certain Occupations.** (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This bill directs the Department of Professional and Financial Regulation to study and develop recommended legislation that leads to the removal of all licensing, permit, certification or other occupational authorizing requirements for 24 potential occupations, including underground oil storage tank inspector, animal control officers, teacher assistant, and fire alarm installer. The Department's report and recommendations must be submitted to the Legislature by December 1, 2017.

### **Marijuana Legalization Implementation**

**LD 797 – An Act to Fund Railroad Infrastructure and Operations.** (Sponsored by Rep. Talbot Ross of Portland; additional cosponsors.)

This bill dedicates 20% of the revenue generated by the sales tax on the retail sale of marijuana to the Multimodal Transportation Fund to be used to support the multimodal forms of transportation limited to passenger marine, road surface and passenger rail transit of the state, municipalities and multimodal providers.

### **State & Local Government**

**LD 1058 – An Act To Modernize Ballot Notices for City Elections.** (Sponsored by Rep. Hamann of South Portland; additional cosponsors.)

This bill repeals the requirement in current law that before a "city's" local election, the election clerk must publish a composite specimen ballot containing the names of all the nominees in a newspaper having general circulation in the city. The bill also removes the requirement that in those "city" elections, the clerk post multiple copies of the instruction poster and specimen ballot in the voting room, and specifies instead that at least one each of those documents be posted.

**LD 1068 – An Act To Require That State-funded Buildings Be Constructed with Wood Products.** (Sponsored by Rep. Campbell of Orrington; additional cosponsors.)

This bill requires a person that engages in the construction or repair of public buildings or public works constructed or established by state government or otherwise financed by state funds, including public school buildings, to use wood products, including cross-laminated timber, for structural components to the extent that suitable wood products are feasible for use, competitively priced and permitted under applicable building codes.

### **Taxation**

**LD 875 – An Act To Reduce Property Taxes.** (Sponsored by Rep. Cebra of Naples; additional cosponsors.)

This bill repeals and replaces the law governing the distribution of municipal revenue sharing. The bill establishes a threshold full value property tax rate of 10 mills in order to receive any revenue sharing. For those municipalities with a full value mill rate over 10 mills, the bill creates an additional adjustment to the distribution that advantages those municipalities with a current mill rate that is less than the previous 5-year average property tax rate and disadvantages municipalities with a current mill rate that is greater than the previous 5 year average. The bill establishes the total distribution at the historical 5% of state sales and income tax revenue, except that for the FY 2018-2019 fiscal year, the distribution is fixed at 2% of those revenues.

**LD 887 – An Act To Provide Relief to Maine Property Tax Payers.** (Sponsored by Sen. Brakey of Androscoggin Cty; additional cosponsors.)

This "concept draft" proposes to change the method for providing property tax relief through the state-municipal revenue sharing system by providing benefits directly to property tax payers through a state tax credit rather than through distributions to municipalities. The

*(continued on page 6)*

## **HOPPER (cont.)**

maximum an individual taxpayer could receive would be 80% of the individual's annual property tax bill. The maximum a corporate taxpayer could receive would be 40% of its annual property tax bill. The credit would be calculated as a percentage of the total revenue sharing funds based on a taxpayer's annual bill, the percentage of total revenue sharing funds attributable to the municipality where the taxpayer's property is located and the taxpayer's annual property tax liability as a percentage of annual property tax liability statewide.

**LD 1071 – An Act To Modify the Tax Increment Financing Laws.** (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

Under current Tax Increment Financing law, a component of the overall economic development program to which TIF revenues can be dedicated are the costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available. The skills being developed must be for jobs created or retained because of the TIF program. This bill: (1) caps the dedication of TIF resources for this purpose to no more than 20% of total project costs, but (2) relaxes the strict requirement that the skills development be focused only on the locally created or retained jobs.

**LD 1076 – An Act To Replace Municipal Property Tax Revenue Lost Due to Land Acquisitions under the Land for Maine's Future**

**Fund.** (Sponsored by Rep. Hanington of Lincoln; additional cosponsors.)

This bill requires the state to reimburse any municipality for its lost tax revenue associated with the conversion of taxable real estate to tax exempt real estate associated with an acquisition of land after April 1, 2018 under the Land For Maine's Future program.

### **Transportation**

**LD 1010 – An Act To Allow for the Regulation of Transportation Network Companies at Airports by Municipalities. (Emergency)** (Sponsored by Rep. Farnsworth of Portland; additional cosponsors.)

Current state law provides a blanket preemption of municipal authority to enact ordinances that regulate the activities of transportation network companies such as Uber or Lyft. This bill allows a municipality to adopt an ordinance governing the operations of a transportation network company at an airport located within that municipality.

**LD 1059 – An Act Concerning Bridges on Discontinued Town Ways.** (Sponsored by Rep. Parry of Arundel.)

This bill provides that when a municipality or a county discontinues a town way that includes a bridge, the Department of Transportation (DOT) must engage in the establishment of an agreement as to the governmental entity responsible for ownership and maintenance of the bridge or to understand that the DOT may choose to remove the bridge.

## The Restoration of Revenue Sharing: Municipal Top Priority

On Wednesday this week the Taxation Committee room was filled with municipal officials eager to participate in a public hearing regarding the program that defines the nature of the partnership between the state and municipal governments. Over the course of three hours, municipal officials provided fact-based, numbers-laden, straight forward testimony on five bills seeking to restore, retain, redirect and restructure the revenue sharing program. With the exception of the comments provided by two participants, the crowd at the hearing was overwhelmingly uniform in its message – reduce property taxes by restoring revenue sharing.

The two bills receiving the most comments were LD 133, *An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing* and LD 492, *An Act to Restore Revenue Sharing*.

LD 133, submitted on behalf of MMA's Legislative Policy Committee and sponsored by Senator Shenna Bellows of Kennebec County and Representative John Madigan, Jr. of Rumford, would increase by 1% each year the portion of sales and income tax revenue distributed to municipalities until FY 2020 when revenue sharing would be returned to its historic 5% level. LD 492, sponsored by Representative Denise Tepler of Topsham, would immediately increase to 5% the portion of sales and income tax revenue dedicated to the program, but allow for a transfer of \$51 million in FY 2018 and of \$35 million in FY 2019 from the program to the state's General Fund coffers. In 2020 and subsequent fiscal years, 5% of total sales and income tax revenue would be distributed to municipalities statewide.

Sen. Bellows and Rep. Madigan pro-



Sen. Shenna Bellows of Kennebec Cty. sponsor of LD 133.

vided complementary testimony on LD 133. Sen. Bellows' testimony focused on the social service impacts of the Legislature's treatment of the revenue sharing program. She believes the state's failure to pay its bills is directly responsible for increasing property taxes. As would be expected, Rep. Madigan, a 25-year veteran of local government, provided a bottom-line analysis of the revenue sharing program illustrating how over the last decade \$600 million has been transferred out of the program and into the state's General Fund.

The municipal proponents to LD 133 and LD 492 included representatives

(continued on page 2)

## New Public Workers' Compensation Benefit Proposed This Session

### Latest Presumption Would Apply to PTSD

On Thursday this week the Labor, Commerce, Research and Economic Development Committee held a public hearing on a bill which would expand the role of Workers' Compensation benefits. LD 848, *An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder*, sponsored by Rep. Jared Golden of Lewiston, would amend Workers' Compensation law, creating a "rebuttable presumption" in favor of first responders and law enforcement officers.

In this case, the presumption would apply when a law enforcement officer, firefighter, corrections officer or emergency

medical services worker is diagnosed by a licensed physician specializing in psychiatry or a licensed psychologist as having post-traumatic stress disorder (PTSD); the disorder would be presumed to have arisen out of and in the course of the worker's employment.

The sponsor was joined by at least 20 proponents including several firefighters and first responders, sheriffs, Paul Signolfi, the Director of the Maine Workers' Compensation Board, the National Association of Firefighters, the National Alliance on Mental Illness (NAMI), the Maine Chiefs of Police Association, and the Maine As-

(continued on page 2)

## The Restoration of Revenue Sharing (cont'd)

from the communities of Bangor, Belfast, Brewer, Damariscotta, Farmington, Jay, Kennebunkport, Lewiston, Presque Isle, Saco, Sanford, South Portland, Topsham, Union, Waterville, Winslow and Winthrop. The testimony focused on five general themes:

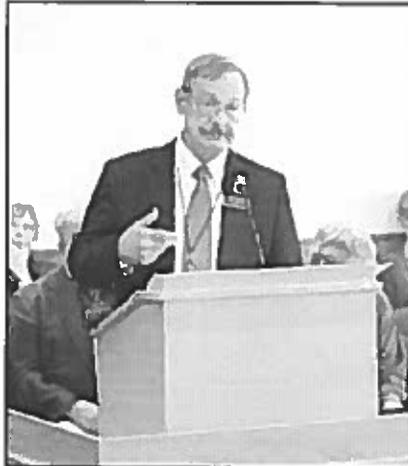
1. **Municipalities General Sales and Income Tax Revenue.** The state is able to annually collect roughly \$3 billion in sales and income tax revenues because of local level investments in infrastructure (e.g., roads, bridges, sidewalks, water, sewer, broadband, etc.) and economic development. Without these local level investments there would be much less "broad based" tax revenue collected by the state.

2. **Tax Mix.** Revenue sharing keeps property taxes down. In 2007, property tax revenue accounted for 42% of the total raised by sales, income and property taxes combined, with income and sales tax revenue accounting for 37% and 23%, respectively. However, in 2016 it is estimated that of the total revenue raised by these three sources of revenue, the property tax will account for 46%, the income tax 30% and the sales tax 24%.

3. **Balanced Tax Code.** The state needs to modernize Maine's tax code and reduce the over-reliance of property taxes as the primary funding mechanism of both mandated and desired municipal services.

4. **Service Must Be Provided.** When revenues are tight, municipalities cannot stop providing critical and state mandated services.

5. **Easing the State Back In.** The incremental approach to restoring revenue sharing from the 2% of 5% portion of



Rep. John Madigan, Jr. of Rumford, co-sponsor of LD 133.

state sales and income tax revenue will transition the restoration rather than try to implement it all at once in 2020.

Other proponents of LD 133 and LD 492 included the AARP, AFL-CIO, MSEA-SEIU, Lewiston and Orono Firefighters' Associations, Maine Association of Retirees, Maine Center for Economic Policy, Maine Education Association, Maine Municipal Association, Professional Firefighters of Maine, and several retired Maine residents. The testimony from these proponents focused on four general themes:

1. **Important Element of a Relief Package.** Revenue sharing is an important element of a comprehensive property tax relief package that also includes the Homestead Exemption and the property

tax fairness credit. The homestead program exports, in part, burdens to second homeowners, the income tax credit supports residents with high property tax to income ratios, and the revenue sharing program directly reduces the property taxes raised, providing generalized relief to all property owners.

2. **Lack of State Support.** Property taxes are skyrocketing, not because of out-of-control municipal spending, but because the state has failed to recognize its responsibility for school funding and revenue sharing.

3. **Impact on Employee Morale.** Although the state has reduced the amount of revenue distributed to towns and cities, the workload has not decreased. Employees are being asked to do more with less and to pay for some of the losses in revenue sharing through layoffs, higher health insurance costs and wage freezes.

4. **Tough Choices.** Older Mainers living on low, fixed incomes do not have the financial flexibility to continue to pay increased property taxes and meet their basic needs of food, fuel, health care and medication.

Work sessions on these bills have not yet been scheduled. On or before April 3, the Taxation Committee will be reporting back to the Appropriations Committee on its recommendation on the tax-related elements of Gov. LePage's FY 18 – FY 19 proposed General Fund budget. A revenue sharing recommendation will likely be included.

## Workers' Compensation (cont'd)

sociation of Police.

Opponents of the bill included the Workers' Compensation Coordinating Council, the Council of Self-Insurers and MMA. The Maine Hospital Association as well as the American Insurance Association and Property Casualty Insurers Association of America testified neither for nor against LD 848, offering minor amendments.

Relying on his own experience after returning from military deployment, Rep. Golden spoke of the need for this bill due to a perceived stigma against acknowledging post-traumatic stress. In his view, the cumulative effect of exposure to traumatic

incidents over time heightens the risk of the onset of PTSD. The National Association of Firefighters supported this perspective, stating that the average citizen is exposed to between one to three traumatic events in their lifetime, while firefighters typically have as many as four exposures per call according to their research, creating what they described as an "enormous" mental load over time. NAMI added to these statistics, claiming police officers have a 20% higher incidence of suicides than the general public, and double the rate of PTSD.

Also testifying in favor of LD 848,

(continued on page 4)

### Legislative Bulletin

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Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: [www.mcmun.org](http://www.mcmun.org)

Editorial Staff: Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

# The Tale of Two Cities

## Medical marijuana facilities: The Dispensary/Caregiver Divide

The Marijuana Legalization Implementation Committee held a work session on Tuesday this week for the purposes of becoming better educated about the present state of the Maine Medical Use of Marijuana Program. Although the committee's primary charge is overseeing the implementation of the recreational marijuana program, there is an obvious and looming question about how the recreational program is going to interface with the medical marijuana program in terms of any number of issues, including regulatory consistency, taxation policy, product and facility advertising and packaging, the integration of possession allowances and other law enforcement protocols, etc.

According to a pre-arranged schedule, presentations were made to the committee, first by medical marijuana industry representatives, then by a representative of the Department of Health and Human Services (DHHS) as the state regulatory agency, then by representatives of the eight licensed medical marijuana dispensaries, and finally by representatives of the caregiver facilities. The session was extremely informative and the committee members were paying the closest possible attention.

For all of that, the opening line of Charles Dickens' *The Tale of Two Cities* was lurking in the background. If you haven't read the classic since you had to in the eighth grade, that first line begins *"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness..."* and so forth.

In short, it would appear that there presently exists a very wide gulf in outlook between the caregiver system and the dispensary system, primarily in terms of regulatory oversight.

From the medical marijuana industry side, a cheerfully optimistic picture was painted.

The evolving history of the medical marijuana program in Maine and throughout much of the nation was positively described as a burgeoning movement slowly shaking off a century of irrational fear of

the substance and negative stereotype, especially when compared with society's embrace of alcohol.

A medical expert explained how the active ingredients in the flowering marijuana plant connect with certain receptors in the human body to achieve the desired medical results.

An industry consultant described the various systems of preparing the dried flowers for medical use, including essentially distilling the overall product by stripping the purely active glands in the flower buds from the other plant material with solvents, carbon dioxide or butane treatments, the latter of which was described as potentially dangerous if done outside a laboratory setting.

A caregiver with an obvious devotion to his craft and practice explained the fundamentals of both inside and outdoor growing operations, stressing the importance of best management practices that lead to a pesticide free product...a product of the highest quality that is grown, processed and distributed under the strictest environmental standards and neighborhood impact controls.

The tone of the work session turned on a dime and darkened, however, when Dr. Christopher Pezzullo addressed the Committee to present the perspective of the state regulatory agency. Dr. Pezzullo is the Chief Medical Officer of the Department of Health and Human Services' (DHHS) Center for Disease Control and Prevention.

In summary, Dr. Pezzullo described the state regulatory system for marijuana facilities as severely lacking, particularly on the primary caregiver facility side. There is certainly a large amount of certification issuance going on at DHHS, as the 3,360 caregiver facilities and the 35,000-plus Mainers qualified to obtain and use medical marijuana line up to be issued their annual certification or registration documents. Beyond generating the various permission documents, however, there are essentially no inspection, quality assurance, or production accountability programs in place with respect to the primary caregiver facilities. Dr. Pezzullo does not believe the necessary DHHS

inspection and accounting authority exists in current law.

As an example, there is apparently no meaningful accounting by DHHS or anyone else regarding the amount of marijuana produced by the caregiver facilities or how specifically it is distributed. The standard in law designed to control the amount of caregiver production (number of mature plants multiplied by number of caregiver patients) is so muddled that it challenges any capacity to enforce, even if someone was directed to keep track. At its essence, Dr. Pezzullo argued that the medical marijuana program is simply not a bona fide medical program. The quality of the dispensed medicine is not known, the frequency or intensity of patient use is not measured or controlled, the side effects are not studied or mandatorily imparted as is the case with pharmaceuticals, and the degree to which the produced marijuana may be diverted to other uses is not known, managed or controlled.

Following Dr. Pezzullo came the representatives from the eight established medical marijuana dispensaries, who backed up Dr. Pezzullo on many of his observations, but held DHHS to be responsible for some of the shortcomings in the regulatory system as well. The dispensary representatives pointed out that there is a required annual and unannounced inspection of all eight medical marijuana dispensaries, and as a matter of statute and rule the dispensaries are made subject to both state and local regulatory standards and accounting that are not applied to the caregiver facilities. There is insufficient DHHS staffing, there has been no medical marijuana program manager for months, and there is no rulemaking being conducted by DHHS. For example, no rules are being developed for marijuana testing facilities despite the fact that the dispensaries have expressly asked for those rules to be promulgated. Ironically, when the dispensaries are inspected by the Department, soil and plant samples are taken for testing, but apparently no actual testing is being conducted because the dispensaries do not receive any reports on the results.

*(continued on page 8)*

# Weapon-Free Zones

## Extending State Level Policy Authority to Municipalities

Last Friday, March 17, the Criminal Justice Committee convened for over eight hours to accept public testimony on 11 firearms-related bills. The bills ranged in topic from reducing the minimum age to carry a concealed firearm from 21 to 18, to an initiative that would make it illegal for a law enforcement officer to act upon a federal level order to confiscate weapons owned by Maine residents.

Included in the mix of bills was LD 351, *An Act to Allow Municipalities to Prohibit Weapons at Municipal Public Proceedings and Voting Place*. Rep. John Spear of South Thomaston sponsored the bill relying on his municipal experience as a retired school and municipal administrator and on a firm belief that weapons have no place in municipal facilities or polling places. Public buildings are owned by the residents and voters of the community and those residents should be provided the authority to decide whether firearms should be permitted in those places.

At the hearing, Rep. Spear also offered three amendments to LD 351. First, to allow municipalities to adopt ordinances prohibiting firearms in municipal buildings rather than at municipal proceedings, as proposed in the printed bill. This amendment would avoid any confusion as to where, within a municipal building, a firearm could and could not be carried. The second amendment would require municipalities adopting firearm prohibition ordinances to post notice of that ban in a conspicuous location. The third amendment would exempt law enforcement officers from the prohibition.

Also relying on her municipal experience, Rep. Lois Reckitt of South Portland, a member of the Criminal Justice Committee, offered testimony in support of LD 351. As an election warden, on a few occasions she witnessed tempers flare while residents waited in long lines, once during a snowstorm, to cast ballots on more controversial issues. She believes the presence of a firearm adds fuel to an already smoldering fire. Sen. David Miramant of Knox County also supported the bill because he believes municipalities should be able to put into motion policies to cool environments where debates can

become heated.

Other proponents of the bill included the Maine Sheriff's Association, who conditioned their support on the amendment providing an exemption to the firearms prohibition to both on-duty and off-duty officers. Former state lawmaker and Portland councilor, Ed Suslovic, also provided testimony in support of LD 351. Turning to the "what is good for the goose is good for the gander" adage, Mr. Suslovic testified that the protections the Maine State Legislature provides to itself should also be extended to municipal legislative bodies.

MMA provided testimony in favor of LD 351 on local control grounds. As proposed, the bill requires the people in the municipality to decide whether or not the limited restriction meets the unique needs of the community. The restriction becomes effective if, and only if, the community adopts the ordinance. The decision to move forward with an ordinance is entirely up to the residents of the community.

However, not all municipal officials

support LD 351. Laura Parker, representing the Sidney Board of Selectmen, provided testimony in opposition to the bill. Ms. Parker expressed deep-seated concerns that the bill provides local government officials, who are sworn to uphold the U.S. and Maine constitutions, an unconstitutional authority to infringe on the rights of Maine citizens.

Other opponents included the National Rifle Association, the Sportsman's Alliance of Maine, as well as residents from communities around the state concerned that the enactment of LD 351 would put law abiding citizens in harm's way. These opponents believe that the people intent on doing harm will not abide or care about a municipality's prohibition on firearms and leave others unarmed and unable to defend themselves.

The fate of LD 351 will be decided later today, Friday, March 24, when the Criminal Justice Committee convenes to work the 11 firearm-related bills heard last week.

### *Workers' Compensation (cont'd)*

the Maine Association of Police asked for the same support from communities that the police provide to them. Several other officers, firefighters, and emergency responders shared difficult anecdotal stories as evidence of their need for this policy change. It was not clear whether they had been denied insurance coverage after seeking it.

The Director of the Maine Workers' Compensation Board, in what appeared to be his first ever support for the adoption of a new rebuttable presumption into Maine law, referenced the tragic shootings at the elementary school in Newtown, Conn. and Pulse nightclub in Orlando, Fla. to support the need for LD 848. Yet, at the time of those shootings, those two states did not support mental injuries in their Workers' Compensation law. Maine, on the other hand, has recognized those injuries as compensable in its Compensation law for decades.

In its opposition to LD 848, MMA pointed to the fact that mental injury claims are both in law and in practice

compensable. It does not appear that any other states with Workers' Compensation coverage for PTSD have created a comparable rebuttable presumption in their laws. This would be a first nationwide.

Second, the legal concept of a "rebuttable presumption" is intended to be applied out of fairness, when clear evidence of work-relatedness is difficult by its nature to obtain. Evidence of the types of traumatic work events that can lead to PTSD is not by its nature difficult to obtain. Rather, these incidents are ordinarily well-documented and that documentation will unquestionably justify the coverage of claims.

Third, the municipal community is concerned with the escalating implementation of rebuttable presumptions in state law targeted at local and county government employers. At least five bills this session propose new rebuttable presumptions that would be covered exclusively through property taxes, in addition to the three (out of four total) presumptions that already

*(continued on page 8)*

## LEGISLATIVE HEARINGS

*Note: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules for hearing schedules and work sessions can be found at: <http://legislature.maine.gov/Calendar/#PIWS/>.*

### *Monday, March 27*

**Labor, Commerce, Research & Economic Development**  
Room 208, Cross State Office Building, 1:00 p.m.  
Tel: 287-1331

LD 488 – An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas.

LD 970 – An Act To End Homelessness by Expanding Housing Support Services.

**State & Local Government**  
Room 214, Cross State Office Building, 1:00 p.m.  
Tel: 287-1330

LD 618 – Resolve, Authorizing the Mount Hunger Area of the Town of Gray To Proceed with the Secession Process.

LD 619 – Resolve, Authorizing the Area of the West Side of Little Sebago Lake of the Town of Gray To Proceed with the Secession Process.

LD 780 – An Act Authorizing the Deorganization of Cary Plantation.

LD 830 – An Act To Authorize Portions of the City of Caribou to Secede and Form the Town of Lyndon.

LD 850 – An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature.

LD 956 – An Act To Establish the Maine Buy America and Build Maine Act.

**Taxation**  
Room 127, State House, 1:00 p.m.  
Tel: 287-1552

LD 73 – An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age.

LD 974 – An Act To Increase the Homestead Exemption.

**Veterans & Legal Affairs**  
Room 437, State House, 10:00 a.m.  
Tel: 287-1310

LD 937 – An Act To Require the Fiscal Impact of a Direct Initiative of Legislation To Be Included on the Ballot.

LD 950 – Resolve, To Study Using Blockchain Technology in Conjunction with Paper Ballots in Maine Elections.

LD 980 – An Act To Improve Absentee Balloting.

LD 1012 – An Act To Improve the Availability of Agency Liquor Stores in Underserved Areas and To Expand the Sale of Spirits in New Channels.

LD 1035 – An Act To Require an Opinion of the Supreme Judicial Court on Direct Initiatives of Legislation.

### *Tuesday, March 28*

**Transportation**  
Room 126, State House, 1:00 p.m.  
Tel: 287-4148

LD 827 – An Act To Repeal the Laws Governing Truck Camper Registration.

LD 878 – An Act To Allow Municipalities To Permit the Operation of Golf Carts on Municipally Owned Streets.

LD 963 – An Act To Require Certain Personnel on a Bridge Painting Project To Be Certified.

LD 977 – An Act To Allow a Motorist To Make a Left Turn at a Red Light under Certain Conditions.

### *Wednesday, March 29*

**Education & Cultural Affairs**  
Room 202, Cross State Office Building, 9:00 a.m.  
Tel: 287-3125

LD 862 – Resolve, To Establish a Pilot Program To Install Video Cameras in School Busses.

**Energy, Utilities & Technology**  
Room 211, Cross State Office Building, 10:00 a.m.  
Tel: 287-4143

LD 140 – An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund.

LD 257 – An Act To Enable Municipalities Working with Utilities To Establish Microgrids.

LD 421 – An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet.

**Veterans & Legal Affairs**  
Room 437, State House, 9:00 a.m.  
Tel: 287-1310

LD 719 – An Act To Allow Slot Machines or a Casino in York County.

### *Thursday, March 30*

**Education & Cultural Affairs**  
Room 202, Cross State Office Building, 1:00 p.m.  
Tel: 287-3125

LD 977 – An Act To Increase Funding to Schools by Repealing Unnecessary and Burdensome Regulations.

LD 1016 – An Act To Provide Funding for Career and Technical Education Based on Projected Enrollment.

**Environment & Natural Resources**  
Room 216, Cross State Office Building, 1:00 p.m.  
Tel: 287-4149

LD 1040 – An Act Regarding Permitting under the Natural Resources Protection Act.

### *Friday, March 31*

**Criminal Justice & Public Safety**  
Rm. 436, State House, 9:00 a.m.  
Tel: 287-1122

LD 599 – An Act To Prevent Violence against Emergency Responders.

LD 888 – An Act To Strengthen Protections against Civil Asset Forfeiture.

1:00 p.m.

LD 511 – An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail.

**Health & Human Services**  
Room 209, Cross State Office Building, 9:30 p.m.  
Tel: 287-1317

LD 966 – An Act To Create Mental Health Liaison Positions in Each County Jail.

## IN THE HOPPER

(The bill summaries are written by MMA staff and are not necessarily the bill's summary statement or an excerpt from that summary statement. During the course of the legislative session, many more bills of municipal interest will be printed than there is space in the *Legislative Bulletin* to describe. Our attempt is to provide a description of what would appear to be the bills of most significance to local government, but we would advise municipal officials to also review the comprehensive list of LDs of municipal interest that can be found on MMA's website, [www.memun.org](http://www.memun.org).)

### Appropriations & Financial Affairs

**LD 1118 – An Act To Authorize a General Fund Bond Issue To Support Local Infrastructure.** (Sponsored by Rep. Herbig of Belfast; additional cosponsors.)

This bill sends out to the voters a proposed \$15 million bond issue to provide funding for the Municipal Investment Trust Fund to support local infrastructure projects.

### Education & Cultural Affairs

**LD 1080 – An Act To Prevent Economic Hardship in Maine School Administrative District 44.** (Sponsored by Rep. Head of Bethel; additional cosponsors.)

This bill prohibits the Town of Newry from withdrawing from School Administrative District #44 and additionally requires Newry's assessment to be based on the assessment established by statute.

### Environment & Natural Resources

**LD 1081 – An Act To Amend the Municipal Subdivision Laws Regarding the Exemption for Transfers to Owners of Abutting Land.** (Sponsored by Rep. Denno of Cumberland; additional cosponsor.)

Under current law governing property subdivisions, a transfer of any parcel of land to an abutter does not count as a subdivided lot for the purpose of regulatory review at the time of the transfer, but if the transferred parcel is subsequently transferred within five years to another person without the rest of the land the parcel merged into, the exemption is erased and the originally transferred lot becomes a reviewable subdivision lot. This bill eliminates the language that provides for the removal of the exemption.

**LD 1094 – An Act To Amend the Laws Governing the Review of Subdivisions.** (Sponsored by Rep. Jorgensen of Portland; additional cosponsors.)

Under current subdivision law, the creation of leased dwelling units is not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to a municipal review as least as stringent as the subdivision review standards. This bill applies that same exception to the creation of all dwelling units, whether they are to be leased or sold outright. Presumably the exception is meant to apply when the dwelling units are being created within a single structure.

**LD 1096 – An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities.** (Sponsored by Rep. Blume of York; additional cosponsors.)

This bill makes four changes to the law governing the shoreland zoning program. The bill: (1) requires the Office of Community Development within the Department of Economic and Community Development to provide an advanced training course in the practice of shoreland zoning management for municipal code enforcement officers to be available in addition to the basic training course currently available, (2) requires municipal shoreland zoning ordinances to establish a requirement for all applicants seeking a permit for development within the shoreland zone to provide as part of that application preconstruction photographs and, ultimately, post construction photographs of the shoreland vegetation and development site, (3) increases the maximum per day civil penalty established in statute for a specific violation of a municipal land use ordinance from \$2,500 to \$5,000, and (4) increases the special maximum per day penalty for a violation of a land use ordinance within a resource protection zone from \$5,000 to \$10,000.

### Health & Human Services

**LD 1109 – An Act To Improve General Assistance Reimbursements.**

(Sponsored by Sen. Chipman of Cumberland Cty; additional cosponsors.)

This bill repeals and replaces the law governing "residency" for the purpose of determining financial responsibility for providing General Assistance benefits to qualifying individuals. Under current law, physical presence through the GA application process is the general rule for determining municipal GA responsibility, although there are specific exceptions when one municipality assists in the applicant's relocation to another municipality. This bill establishes the "municipality of record" as the general rule to determine municipal financial responsibility, which is the municipality where the applicant was an occupant of a house, apartment or other dwelling unit immediately prior to applying for assistance, as verified by a lease document, utility bill or similar evidence.

**LD 1119 – An Act To Ensure Safe Drinking Water in Public Buildings.** (Sponsored by Rep. Brooks of Lewiston; additional cosponsors.)

Current law requires schools that take drinking water from sources other than public water systems to have that water annually tested for compliance with the state's primary drinking water regulations. This bill expands that requirement to include all public buildings, defined as any building or structure operated or maintained for use by the general public, including buildings used for state municipal or county purposes, education, health care, residential care nursing, facilities licensed by the Department of Health and Human Services, any places of public assembly, hotels, motels, inns, rooming or lodging houses or restaurants.

**LD 1135 – An Act To Strengthen the Efficacy of the Medical Marijuana Laws.** (Sponsored by Rep. Chace of Durham; additional cosponsors.)

This bill makes a number of amendments to the Maine Medical Use of Marijuana Act, including: (1) allowing municipalities to limit the number of primary caregivers that may operate within that municipality and allowing for the enactment of reasonable municipal regulations of those facilities, and (2) requiring a primary caregiver to disclose upon the request of a law enforcement official, municipal code enforcement officer or planning board, any of the information contained in applications and supporting information submitted by the primary caregiver to the Department of Health and Human Services with the exception of confidential and personally identifying information regarding any qualifying or registered patients.

### Judiciary

**LD 1139 – An Act To Clarify Certain Right-of-way Limitations.** (Sponsored by Rep. Stearns of Guilford; additional cosponsors.)

This bill provides that a conveyance after January 1, 2018 of an easement or a right-of-way leading to or touching upon a water body does not include any right by implication to install a dock or other fixture on that waterbody unless expressly stated in the conveyance document. The bill further provides that a municipality, upon written request of the owner of a land subject to such an easement or right-of-way, may enforce the fact that the installation of the dock or fixture is not permitted by implication by ordering removal after notice and hearing.

### Labor, Commerce, Research & Economic Development

**LD 1072 – An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals.** (Sponsored by Sen. Saviello of Franklin Cty; additional cosponsors.)

*(continued on page 7)*

This bill amends the law governing dealers in secondhand precious metals, including gold (other than coins or bullion), silver and, with this bill, palladium and platinum. Under current law, dealers in secondhand precious metals must obtain a permit from the municipal officers of the town or city where their place of business is located, and the statute provides a standard upon which such permits may be denied. This bill changes the requirement from a permitting system to a registration system, whereby the dealer would just have to register with the municipal officers, who would play no role in permitting the business.

**LD 1093 – An Act To Clarify That Involuntary Transfers of Teachers and Municipal Public Employees Are Subject to Collective Bargaining.** (Sponsored by Rep. Sylvester of Portland; additional cosponsors.)

This bill amends the labor relations law as it pertains to municipal employees to provide that the involuntary transfer of a teacher or other municipal employee is included in the definition of “working conditions” that must be collectively bargained in good faith.

**LD 1140 – An Act To Preserve the Economic Viability of Maine’s Historic Properties.** (Sponsored by Rep. Guerin of Glenburn; additional cosponsors.)

This bill limits the obligation for the business owner of a designated historic property to comply with the Maine Uniform Building and Energy Code (MUBEC) when found out of compliance during an inspection or when seeking license renewal or a permit for renovation. The limitation is that the property owner must meet only the standards under the version of the code adopted most recently after the license to operate the business was first issued by the municipality in which the property is located, and must update the condition to the next subsequent version of the code in increments of time nor more than 3 years until the condition is brought up to current standards.

### State & Local Government

**LD 1082 – An Act To Amend the Laws Governing the Granting of a Variance from the Dimensional Standards of a Zoning Ordinance.** (Sponsored by Rep. Campbell of Orrington; additional cosponsors.)

Under current law governing the granting of variances by a municipal board of appeals from municipal land use standards, there is the standard 4-criteria test (no reasonable return, unique circumstances of the property, essential character of the neighborhood and actions of the owner or previous owner) that needs to be met for the variance to be granted. Current law also authorizes municipalities to amend their land use ordinances to somewhat soften those standards under the so-called “practical difficulty” alternative, which essentially converts the “no reasonable return” standard to a less-strict “practical difficulty” standard. This bill repeals the need to amend the local ordinance to utilize the alternative variance standard and make it a co-existing set of variance standards, significantly amends that alternative standard by repealing the “practical difficulty” standard altogether, repeals the variance standard that blocks a variance when the need for the variance was created by an action of the owner or previous owner, and allows variances to be granted within the shoreland zone, although not to reduce the minimum dimensional standards established in state law.

**LD 1087 – An Act To Define When a Municipal Land Use Decision Is Considered Final for Purposes of an Appeal to Superior Court.** (Sponsored by Sen. Breen of Cumberland County.)

With respect to a proposed land use development decision, whether an approval or denial, made at the municipal level, this bill establishes that such a decision is ripe for appeal to the Superior Court as a “final agency action” only after both the municipal planning board and the board of appeals have heard the land use matter and issued findings of fact.

### Taxation

**LD 1106 – Resolution, Proposing an Amendment to the Constitution of Maine To dedicate All Sales Taxes from All Vehicle Sales and Any Vehicle-related Sales to the Highway Fund for Roads and Bridge Capital Improvements.** (Sponsored by Rep. Parry of Arundel;

additional cosponsors.)

This resolution sends out to the voters a proposed amendment to the state’s Constitution that would dedicate all sales and use tax revenue associated with the sales of motor vehicles and the sales related to motor vehicle to the state’s Highway Fund for road and bridge capital improvements.

**LD 1121 – An Act Regarding the Exclusive Use of Tax Exempt Property.** (Sponsored by Rep. Kinney of Limington; additional cosponsors.)

This bill amends the definition of a “benevolent and charitable” corporation and a “literary and scientific organization”, both of which are entitled to a property tax exemption with respect to the property they own that is used solely for their respective purposes, to provide that such property may not be used “incidentally” to provide goods, services or materials in exchange for any amount, type or form of remuneration. The term incidental use, a term coined by Maine’s State Supreme Judicial Court, is defined in the bill as a use of the property that is not directly related and necessary to the charitable or literary or scientific purposes of the corporation or institution.

### Transportation

**LD 1149 – An Act To Provide Revenue To Fix and Rebuild Maine’s Infrastructure.** (Sponsored by Rep. McLean of Gorham; additional cosponsors.)

This bill is designed to increase the amount of fee and tax revenue dedicated to the state’s Highway Fund. Specifically, the bill: (1) increases a variety of fees established in statute for driver’s license examination, temporary license plate, nondriver identification cards, issuance of duplication registrations, etc., by \$3-\$10, (2) imposes a \$200 surcharge on the registration of hybrid motor vehicles, battery-electric motor vehicles and hydrogen fuel cell motor vehicles; (3) expressly dedicates to the Highway Fund 10% of the state sales tax imposed on motor vehicles and the products related to the repair and maintenance of motor vehicles; and (4) increases the excise tax imposed on motor fuels to 36.5 cents per gallon, an increase of 7 cents.

### Veterans & Legal Affairs

**LD 1086 – An Act to Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates.** (Sponsored by Rep. Rykerson of Kittery; additional cosponsors.)

This bill removes all references or requirements in election statutes for a voter to be enrolled in the applicable political party in order to vote in a primary election for state legislators, other state or county elected officials, or the primaries for candidates for U.S. Senate or House seats, thereby make these primary elections open to all registered voters.

**LD 1107 – An Act To Allow Municipalities To Adjust Times of Operation for Establishments That Serve Alcohol.** (Sponsored by Rep. Parry of Arundel; additional cosponsors.)

Under current law, the period of time during the day when an establishment selling liquor for on-premises consumption can sell or deliver liquor is from 5 a.m. to 1 a.m. of the following day. This bill authorizes municipalities by a vote of the legislative body to authorize the extension of those hours of operation by one hour, either opening an hour earlier or shutting down an hour later, provided the municipality has a full time police department or contracts with the county sheriff or State Police to provide coverage during the extended hour.

**LD 1125 – An Act To Establish a Recall Procedure for Elected Officials.** (Sponsored by Sen. Chenette of York Cty; additional cosponsor.)

This bill establishes a procedure by which the voters of any election district in the state can petition for and, if successful, participate in an election to recall any elected office holder, including elected representatives to Congress, the state Senate or House, county elected office or municipal elected office. The grounds to initiate a petition are neglect of duty, misuse of office, incompetence, criminal conduct,

*(continued on page 8)*

## ***The Tale of Two Cities (cont'd)***

From the outside, it is hard to tell why no one is watching the state's Medical Use of Marijuana program very closely, particularly with regard to commercial caregiver facilities. Does the state agency dislike the program and, therefore, not exert itself very hard with respect to its management? Is the underlying law governing the medical marijuana program deficient in the tools it provides to the state agency to ensure program accountability? Maybe it's the case, as Dr. Pezzullo initially observed in his presentation to the Committee, that the law creating the Maine Medical Use of Marijuana Program was motivated by an interest in job creation more than management of a new medicine.

The answer to those questions, and whatever may have been the case until now, may not matter that much. After Tuesday's work session, it is clearer than ever that the Marijuana Legalization Implementation Committee will need to re-articulate the regulatory parameters of the medical marijuana program if it is going to have any chance of establishing coherent regulatory parameters for the recreational marijuana program.

## ***Workers' Compensation (cont'd)***

exist in statute.

Finally, a rebuttable presumption policy is a dramatic solution for treating the un-diagnosed and un-treated mental stress disorders that impact the first responder community. As one physician stated earlier in the day, it is better to place a guard rail at the top of a cliff to minimize injuries than an ambulance at the bottom to triage critical injuries after the fact. In the view of municipal officials, early intervention mental health employee assistance programs offer a far more responsive and effective form of treatment than a late intervention Workers' Compensation presumption.

The work session on LD 848 has yet to be scheduled.

## ***HOPPER (cont.)***

corruption, misappropriation of public funds, obstruction of voter-approved initiatives or violations of ethics laws. The bill establishes the number of necessary signatures to trigger a recall election at 15% of the number of voters who participated in the election of the office holder, and further provides the process to submit the petition to the appropriate filing official (either the Secretary of State for the recall of federal or state office holders or the appropriate county clerk for county or municipal office holders) and otherwise carry out the recall elections.

## Training Information:

For an updated listing of educational offerings, please visit our website at [www.memun.org](http://www.memun.org) or call our automated training hotline at (207) 624-0117.

## Certification Information:

This course applies to the Maine Town, City and County Management Association Certification Program as 4 credits in the Elected Relations category.

### About MMA:



Maine Municipal Association  
60 Community Drive  
Augusta, ME 04330

*MMA is located off I-95, Exit 112A Northbound,  
Exit 112 Southbound, behind the*

*Augusta Civic Center  
1-800-452-8786  
Local Area (207) 623-8428*

[www.memun.org](http://www.memun.org)

The Maine Municipal Association (MMA) is a voluntary membership organization offering an array of professional services to municipalities and other local governmental entities in Maine. MMA is a non-profit, non-partisan organization governed by an Executive Committee elected from its member municipalities. Founded in 1936, MMA is one of 49 state municipal leagues that, together with the National League of Cities, are recognized at all governmental levels for providing valuable services and advocating for collective municipal interests.

The Maine Municipal Association has a core belief that local government is a fundamental component of a democratic system of government. MMA is dedicated to assisting local governments, and the people who serve in local government, in meeting the needs of their citizens and serving as responsible partners in the intergovernmental system.

MMA's services include advocacy, education and information, professional legal and personnel advisory services, and group insurance self-funded programs.

**DIETARY REQUIREMENTS**  
We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please call our office at least 5 business days prior to the start of the event. Please note that we are not able to accommodate onsite requests, as catering planning happens in advance of the event.

# Roles of Elected Officials & Municipal Managers

# 2017

Tuesday, April 11, 2017

4:00 pm – 8:30 pm  
Hutchinson Center  
Belfast, ME



Presented By  
Maine Municipal Association

B-3-e

# 2017 Roles of Elected Officials & Municipal Managers



Maine Municipal Association

## Who Should Attend:

This workshop is geared for municipalities with Manager/Administrator form of government. Councilors, selectmen, managers and administrators: this workshop will focus on the differing roles and responsibilities of elected officials (selectpersons/councilors) and appointed officials (managers and administrators), including key responsibilities, legal requirements, personnel issues, communication and goal setting. It will help elected and appointed officials run an effective hiring process and understand their respective roles, their differing needs and how to work smoothly together. It will provide insight and understanding as well as specific ideas and tools to bring back to your municipality.

## Course Information:

Registration: 4:00-4:30 pm / Workshop: 4:30-8:30 pm / Light Meal (break): 6:00-6:30 pm

Topics Include:

- Clarity of Roles and Responsibilities • Open Communication • Understanding Mutual Needs
- Managing Expectations • Techniques and Protocols • Effective Hiring Process

**Pamela Plumb** is co-founder of Great Meetings! Inc. and co-author of "Great Meetings! Great Results, Practical Guide to the Preparation and Facilitation of Productive Meetings." She is also the principal in Pamela Plumb & Associates, which provides process, facilitation and organizational development consulting and training for a wide variety of public, non-profit and business clients. She helped develop and deliver the Governing Skills Program for the MMA and has worked with many local governments on long range planning, helping councils and school boards work together, and managing Council - Manager relations. Pamela also spent eleven years in local politics serving as a City Councilor and Mayor in Portland, Maine and served as President of the National League of Cities for a year.

**Don Gerrish** has been involved in all aspects of Town and City Management in the State of Maine for 37 years. He is retired from the Town of Brunswick after serving 19 years as its Manager. Don also managed the Town of Gorham for 10 years. He has also worked in Auburn and Rockland. In 1993 he was elected by his peers from all over the world to serve on the Board of the International City/County Managers Association as a Regional Vice-President and was chosen by the membership in 1996 to serve as the Association's President. This allowed him to travel throughout the United States and Europe meeting managers and discussing issues facing themselves and their communities.

Since joining Eaton Peabody Consulting Group Don has assisted communities in hiring managers. He has worked with a number of Town/City Councils and Boards of Selectmen to improve their working relationships with each other, the manager and municipal staff.

**David Barrett** is currently Director of Personnel Services and Labor Relations for the Maine Municipal Association, responsible for providing Human Resource and Labor Relations consulting to Maine cities and towns, and for managing the internal HR functions of the Association. He has worked at MMA since 1985, after graduating from Miami University in Oxford, Ohio with a degree in Public Administration and Political Science and graduate work at the University of Illinois in Labor Relations. Consulting responsibilities include extensive Executive Search projects for Maine municipalities — primarily Town and City Managers, Collective Bargaining on behalf of client members, and training and other human resource projects.

## Registration/Confirmation/Directions:

Confirmation of class registration will be sent out one week prior to the start of the event. If an email has been provided, the confirmation will be sent electronically. If no email is on file, the confirmation will be mailed to the billing address provided on the registration form. Directions to the facility can be found on the MMA website at the following address: <http://memun.org/training/resources/Workshops/Training/Directionsforvenue.aspx>

## Questions/Cancellations:

Cancellation notification must be given in writing at least 72 hours before the session. Any cancellation received after the 72 hour deadline will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Please go to <http://www.memun.org/training/resources/Workshops/Training/Cancellations.aspx> to cancel. If you have any questions please contact the Educational Services Office at (800) 452-8786 or (207) 623-8428.

Visit [www.memun.org](http://www.memun.org) for updates & to register online

## Date & Location:

Belfast  
Tuesday, April 11, 2017  
Hutchinson Center  
80 Belmont Avenue  
Belfast, ME 04915

## PRESENTERS:

Pam Plumb

Co-Founder of GreatMeetings! Inc.

Don Gerrish

Eaton Peabody Consulting Group

David Barrett

Director of Personnel & Labor Relations, MMA

**STORM POLICY:** If there is inclement weather, a decision to postpone will be made by 5:00 pm the day prior to the workshop. MMA encourages attendees to check the MMA website or call the training hotline at (207) 624-0117 before departing for any MMA events to ensure that the event schedule has not changed.

**ADA MESSAGE:** In order to ensure your complete participation, we would appreciate your informing us of any special requirements you may have due to a disability.

## 2017 Roles of Elected Officials & Municipal Managers

**FEE:** MMA Member Municipality/Patron: \$55.00  
Non-Member Municipality: \$110.00

Please make check payable to:  
Maine Municipal Association  
(Fee includes workshop materials and light meal)

**WEB:** You can register online on MMA's website: [www.memun.org](http://www.memun.org); or complete the form below and send via:

**FAX:** (207) 624-0128

**MAIL:** Maine Municipal Association  
ATTN: Educational Services  
60 Community Drive, Augusta, ME 04330.

Please register the following person(s) from: (municipality): \_\_\_\_\_

Billing Address: \_\_\_\_\_

Registrant Information: \_\_\_\_\_

Full Name: \_\_\_\_\_

Title: \_\_\_\_\_

Tel: \_\_\_\_\_

Fee:  \$55.00 (member)  \$110.00 (non-member)

Email: \_\_\_\_\_

Full Name: \_\_\_\_\_

Title: \_\_\_\_\_

Tel: \_\_\_\_\_

Fee:  \$55.00 (member)  \$110.00 (non-member)

Email: \_\_\_\_\_

Please duplicate form if registering more than two people.



Town of Hampden  
Land & Building Services

## Memorandum

From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: March 22, 2017  
RE: Amendments to Zoning Ordinance regarding Article 1 (Process), Accessory Apartments, and Flexibility in Site Design Standards

The Planning Board will hold a public hearing on April 12, 2017 on the following proposed amendments to the Zoning Ordinance.

***Article 1, General Administration:***

The proposed amendment eliminates outdated language which is no longer needed, reorganizes the provisions to clarify the process to amend the Zoning Ordinance, corrects inconsistencies with state law, and deletes reference to a public hearing at the town council level (which is included in the Town Charter).

***Accessory apartments:***

Currently, "accessory apartments" are treated the same as a two family dwelling in the Zoning Ordinance, and they are not treated the same in all districts. The proposed amendments will create a mechanism for homeowners to establish an accessory apartment in their single family home, and it will apply equally in all districts.

***Flexibility in site design standards:***

Currently the Zoning Ordinance provides no opportunity for flexibility in off-street parking, drive-thru design, bufferyard, or signage requirements. The proposed amendments allow waivers to certain requirements to be granted in cases where there will not be detrimental impact on abutters or the neighborhood.

## ARTICLE 1 - GENERAL ADMINISTRATION

### 1.1 Title and Purpose

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Hampden, Maine" and will be referred to herein as this "Ordinance". It is enacted by the inhabitants by dividing the Town into zones and regulating the use and construction of buildings and premises with a view to encourage the most appropriate use of land in the Town of Hampden, Maine.

### 1.2. Basic Requirement

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and all uses of premises in the Town of Hampden shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land, or water area is located.

### 1.3. Severability

Should any section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

### 1.4. Conflict with other Ordinances

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings, or structures, the provisions of this ordinance shall prevail.

~~All ordinances or parts of ordinances now existing which are in conflict with the provisions or intent of this Ordinance are hereby repealed.~~

### 1.5. Amendment

1.5.1. *Initiation of Amendment* - An amendment to this Ordinance may be initiated by:

1. The planning board, provided a majority of the board has so voted;
2. Request of the town council to the planning board;
3. Written petition of ten (10) percent of the registered voters of the town; or
4. Written application from the property owner seeking a change of the zoning classification for the owner's property, or any portion thereof (i.e. a map amendment). Any person or entity with a legally binding interest in or to said property may make such an application, provided such person or entity submits satisfactory evidence of such interest and written documentation from the property owner authorizing such person or entity to make application for the change of zoning classification.

- ~~2. ii) A summary map of the proposed zone change showing the boundaries of the current and proposed zoning districts, and the location where the proposed amendment can be viewed.~~

~~—Publishing Requirements:~~

- ~~a. Said notice shall be published twice in a daily newspaper of general circulation in the Town of Hampden, the first at least twelve (12) days and the second at least seven (7) days in advance of said hearing.~~

- ~~b. Posting Requirements: Said notice shall be posted in the Town Offices at least thirteen (13) days prior to the hearing.~~

~~—Abutter Notification Requirements: For proposed map amendments, in a daily newspaper of general circulation in the Town of Hampden and said notice shall be sent by U.S. Mail to all persons initiating the proposed zone change map amendment, and to all persons owning property within the boundaries of the proposed map amendment, and to all persons owning abutting property and/or within three hundred (300') feet of the exterior boundaries of the real estate to be area affected by said the proposed zone change.~~

- ~~c. For purposes of the notices required under this section, the owners of property shall be considered to be those against whom taxes were assessed on the prior April 1. Failure of any person owning property within said three hundred (300') feet to receive notices provided herein shall not necessitate another hearing or invalidate any action by the planning board or the town council.~~

- ~~e3. Planning Board Recommendation: The planning board shall make a recommendation of approval or denial for any proposed zone change amendment, and may make a recommendation of approval with proposed modifications for any proposed zone change amendment. To constitute planning board approval of such a proposed amendment, the amendment and any proposed modifications thereto must receive at least four (4) affirmative votes from the board. In all cases, the planning board shall forward their recommendation to the town council; this shall be done within 14 days of the completion of the public hearing and, when the proposed amendment was referred to the planning board from town council, within ninety (90) days of the date of said referral. Such recommendation(s) shall be returned to the council in writing within forty five (45) days of the public hearing. Failure of the board to make a recommendation within the allotted time shall constitute a recommendation of denial for the purposes of this Ordinance.~~

- ~~d. After receipt of the planning board's recommendation, or after expiration of the time allotted for such recommendation, the town council shall hold a public hearing on the proposed amendment within sixty (60) days. Notice of said hearing shall be given as provided in Article 1.5.2(2)(b).~~

Amend §3.7.4, Conditional Uses by deleting “two family dwelling” from the list.

- 3.7.4. Conditional Uses (Subject to Site Plan Review where applicable) - Church, nursing home, non-profit school, public schools, community building, government structure or use except storage or repair facility, ~~two-family dwelling~~, congregate care facility, buildings necessary for essential services. Animals other than usual pets provided the premises consists of at least 2 1/2 acres, and animals shall be kept a minimum of 50 feet from any property line. (Amended: 8-22-94, 1-21-97)

Amend §3.7.6, Special District Regulation, by deleting sections 2, 3, 4, and 5.

- ~~2. Only existing single-family dwellings may be converted to a two-family dwelling through addition or division. This provision prohibits construction of new two-family dwellings or complexes. Where a two-family dwelling conversion is proposed the second dwelling unit shall be subordinate to the first or primary dwelling unit. The size of the primary dwelling unit shall not be regulated by this standard. The finished floor area of the subordinate dwelling unit shall be at least 500 sq. ft. so that all subordinate dwelling units constructed under this provision shall be adequate in size. For properties in which the finished floor area of the primary dwelling unit exceeds 1,000 sq. ft., the finished floor area of the subordinate dwelling unit shall not exceed 50 percent of the finished floor area of the primary dwelling unit. (Amended: 06-21-04)~~
- ~~3. Where a two-family dwelling conversion is proposed the Planning Board shall determine that design features that distinguish two-family dwellings from single-family dwellings are avoided. Such designs may prohibit separate driveways, separate front door entrances, broken facades and other such distinguishing characteristics that call attention to the two-family use of the building and site development. The Board shall encourage creative use of common driveways, side door entrances, and traditional single-family architectural elements. (Amended: 06-21-04)~~
- ~~4. Where a two-family dwelling conversion is proposed the Planning Board shall require a report from the Code Enforcement Officer making a determination that the proposed conversion meets applicable building codes and that the conversion is designed in such a way that the structure could easily be returned to a single-family dwelling, and detailing what building alterations are required to do so. (Amended: 06-21-04)~~
- ~~5. In addition to the minimum lot area requirements found in 3.7.5, two-family dwellings shall provide an additional 10,000 square feet in lot area.~~

Add to §7.2, Definitions:

Accessory Apartment: A separate housekeeping unit, complete with its own sleeping facilities, kitchen and sanitary facilities, that is contained within the structure of a single family dwelling.

Proposed new section 4.25

4.25 Accessory Apartments. Notwithstanding the minimum lot size requirements of this Zoning Ordinance, construction of an accessory apartment is allowed upon the granting of a Conditional Use Permit either within or attached to a new or existing detached single-family dwelling subject to the requirements below:

## Amend §4.7 Off-Street Parking, Loading, Drive-Thru Design and Bufferyard Requirements

4.7.1 Parking Basic Requirement - No use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement, off-street parking spaces in accordance with the following parking requirements. No required parking space shall serve more than one use, unless approved under §4.7.1.7. Parking areas with more than five (5) parking spaces shall be so arranged that vehicles can be turned around within such area and are prevented from backing into the street.

4.7.1.5.5 Parking lots to serve newly constructed structures or additions shall be a level, uniform, dust free surface constructed of concrete, bituminous asphalt, brick or pavers, or other similar material. Parking lots to serve pre-existing (as of the date of adoption) structures, including new or expanded uses within said structures, may be constructed of alternate materials such as hard packed dirt or gravel upon a finding by the Code Enforcement Officer that this method of construction will not affect public safety and is otherwise in compliance with the provisions of this Ordinance.

4.7.1.7 Shared Parking within a single development. Within the Village Commercial or Village Commercial II districts, developments with multiple uses may share spaces among the uses to the extent reasonable (e.g. parking demand times differ between uses), provided the permit granting authority finds there will be no detrimental impact on abutting properties and no projected increase in on-street parking in the immediate area of the subject development.

4.7.1.8 Shared Parking between developments. Within the Village Commercial or Village Commercial II districts, abutting properties (separate developments) may share off-street parking spaces, provided both property owners sign a cross-access/shared parking agreement and the permit granting authority finds there will be no detrimental impact on abutting properties not involved in the shared parking, and no projected increase in on-street parking in the immediate area of the subject properties will occur.

4.7.5 Waiver. Any of the requirements set forth in sections 4.7.1 (except Section 4.7.1.6 Handicapped Parking which cannot be waived), 4.7.2, or 4.7.4 may be reduced upon the granting of a waiver by the permit granting authority. To grant a waiver, the permit granting authority must find that the applicant has submitted sufficient evidence to show that the granting of the waiver will not produce an undesirable change in the character of the neighborhood, will not unreasonably detrimentally affect the use or market value of abutting properties, and that the requested waiver is not the result of action taken by the applicant or a prior owner. The permit granting authority shall consider the impact of the requested waiver(s) on public safety, public health, and the minimization of nuisances in making its decision.

Correct ordinance cross-reference in §7.2 Definitions:

*Parking space:* An area exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles designed in accordance with the standards contained in Article ~~4.7.5~~ of this Ordinance.

Amend §4.8, Signs by adding a new section to allow flexibility in the standards:

4.8.11 Waiver. Any of the requirements set forth in §4.8.1, 4.8.2, 4.8.3, 4.8.5, 4.8.7, or 4.8.8 may be reduced upon the granting of a waiver by the Code Enforcement Officer, provided no deviation exceeds ten percent. For waiver requests with a deviation exceeding ten percent of the requirement, the Planning

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

B-3-9  
1-6

March 27, 2017

John & Corinne Lanpher  
995 Western Avenue  
Hampden, Me. 04444

RE: Victualer's license for JC's Variety

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, CCM  
Town C

Enclosi

**VICTUALER'S LICENSE CERTIFICATE**

No. 17 - 03

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 27, 2017

**KNOW YE**, that John & Corinne Lanpher,  
doing business as JC's Variety has been  
duly licensed as a Victualer at 995 Western Ave in the Municipality  
of Hampden by said Municipality until March 27, 2018, and has paid to the  
Municipal Treasurer the fee of One Hundred Dollars (\$100.00).

Authorized Municipal Officer      CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 27, 2017

Best Western White House Inn  
155 Littlefield Ave.  
Bangor, Me. 04401

RE: Victualer's license for Filibuster Lounge

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, CCM  
Town C

Enclosu

**VICTUALER'S LICENSE CERTIFICATE**

No. 17-04

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 27, 2017

**KNOW YE**, that Best Western White House Inn,  
doing business as Filibuster Lounge has been  
duly licensed as a Victualer at 155 Littlefield Rd in the Municipality  
of Hampden by said Municipality until May 27, 2018, and has paid to the  
Municipal Treasurer the fee of One Hundred Dollars (\$100.00).

Authorized Municipal Officer / CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 27, 2017

Dysarts Service  
PO Box 1689  
Bangor, Me. 04402-1689

RE: Victualer's license for Dysarts Travel Stop, Hampden

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, CCM  
Town Clk

Enclosur

**VICTUALER'S LICENSE CERTIFICATE**

No. 17-5

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 28, 2017

KNOW YE, that Dysart's Service

doing business as Dysart's Travel Stop

has been duly licensed as a Victualer at Coldbrook Road

in the Municipality of Hampden by said Municipality until March 31, 2018,

and has paid to the Municipal Treasurer the fee of One Hundred Dollars (\$100.00).

Authorized Municipal Officer      CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 27, 2017

Dean Armstrong  
ATC Tennis Center  
60 Mecaw Rd.  
Hampden, Me. 04444

RE: Victualer's license for ATC Tennis Center

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.  
Town Cl

Enclosur

**VICTUALER'S LICENSE CERTIFICATE**

No. 17-6

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 28, 2017

KNOW YE, that Dean Armstrong, doing

business as Armstrong Tennis Center

has been duly licensed as a Victualer at 60 Mecaw Rd in the

Municipality of Hampden by said Municipality until March 31, 2018, and

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

Authorized/Municipal Officer CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 27, 2017

Brian & Cindy Carlisle  
60 Main Rd. No. Ste. A  
Hampden, Me. 04444

RE: Victualer's license for Pizza Gourmet

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, CCM  
Town C

Enclosure

**VICTUALER'S LICENSE CERTIFICATE**

No. 17-7

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 28, 2017

KNOW YE, that Brian and Cindy Carlisle,

doing business as Pizza Gourmet

has been duly licensed as a Victualer at 60 Main Road North Suite A

in the Municipality of Hampden by said Municipality until March 31, 2018,

and has paid to the Municipal Treasurer the fee of One Hundred Dollars (\$100.00).

Authorized Municipal Officer CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 27, 2017

Kathy Smith  
975 Main St.  
Bradley, Me. 04411

RE: Victualer's license for R & K Variety

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 CCM  
Town C

Enclosure

**VICTUALER'S LICENSE CERTIFICATE**

No. 17-8

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 28, 2017

KNOW YE, that Kathy Smith

doing business as R & K Variety

has been duly licensed as a Victualer at 573 Main Road North

in the Municipality of Hampden by said Municipality until March 31, 2018,

and has paid to the Municipal Treasurer the fee of One Hundred Dollars (\$100.00).

Authorized Municipal Officer CODE ENFORCEMENT OFFICER

**FINANCE & ADMINISTRATION COMMITTEE MEETING**

Monday, March 6<sup>th</sup>, 2017

**MINUTES**

Hampden Town Office

*Attending:*

*Mayor David Ryder, Acting Chair*

*Town Manager Angus Jennings*

*Councilor Mark Cormier*

*Councilor Dennis Marble*

*Councilor Terry McAvoy*

*Councilor Ivan McPike*

*Councilor Greg Sirois*

*Mayor Ryder called the meeting to order at 6:00 p.m.*

**1. Meeting Minutes**

- a. **February 6, 2017** – *Motion by Councilor Marble seconded by Councilor McAvoy to approve the meeting minutes. Motion passed 6-0.*
- b. **February 21, 2017** – *Motion by Councilor Marble seconded by Councilor McAvoy to approve the meeting minutes. Motion passed 6-0.*

**2. Review & Sign Warrants** – *Warrants were reviewed and signed.***3. Old Business****4. New Business**

- a. **Executive Session** – *Pursuant to 1 M.R.S.A. § 405(6)(A) – Personnel Matters* – *There was a motion by Councilor Sirois seconded by Councilor McAvoy to go into Executive Session to discuss personnel matters pursuant to 1 M.R.S.A. §405(6)(A). Mayor Ryder called for a voice vote. Councilor McAvoy – aye; Councilor Cormier – aye; Councilor Marble – aye; Councilor McPike – aye; Councilor Sirois – aye; Mayor Ryder – aye. The Committee convened in Executive Session. The Committee returned to open session for the purpose of resuming the Committee meeting at 6:35 PM.*
- b. **Request for authorization for the expenditure of \$250.00 from the Host Community Benefit Account for the purpose of paying for a second printing of Senior Yellow Pages** – *referral from Services*

*Committee – There was a motion by Councilor Marble seconded by Councilor McPike to recommend Council authorization for the expenditure of \$250.00 from the Host Community Benefit Account for the purpose of sponsoring a second printing of Senior Yellow Pages by the not-for-profit organization Gateway Seniors Without Walls.*

**c. Service Fees – Abatement requests based on 2% revenue threshold:**

**Community Housing of Maine, requested abatement \$1,794.62**

**OHI George Street, requested abatement \$1,265.83**

**OHI Patterson Road, requested abatement \$1,453.99**

**Penquis Mental Health Services, requested abatement \$1,744.63**

**The Housing Foundation, requested abatement \$15,606.11**

*Manager Jennings summarized the five abatement requests included in the packet, noting that an additional two Service Charges have been appealed to the Board of Assessment Review. Councilor McPike noted that one of the five properties hadn't paid any amount in FY16 and Manager Jennings stated that in that case the FY16 invoice had been sent again, with the FY17 invoice, with a letter stating that the property owner is responsible for both charges.*

*Councilor Marble asked how the amounts were assessed and Manager Jennings said the Assessor follows the methodology in the Service Charge Ordinance. Because the Assessor is out on sick leave she was unable to attend tonight.*

*There was a motion by Councilor Sirois seconded by Councilor Cormier to approve the requested abatements, and the motion passed 5-1 with Councilor McPike opposed. During discussion, it was noted that all abatement requests had been accompanied by audited financial statements except for Penquis. Committee members indicated that they'd like to hear from the Assessor regarding how the fees are assessed. Councilor Cormier withdrew his second of the original motion, and it was agreed that these requests would be tabled until the Assessor could be present at a future meeting.*

**d. Summary of Council / Manager FY18 Goal Setting session held on Saturday, February 18, 2017 – Manager Jennings presented a working draft of a summary memo and tables illustrating key outcomes of the Goals Setting session. It was agreed that Manager Jennings would work with the Chairs of the four Committees in order**

*to refine this list of priorities in order to present it for formal endorsement at future meetings of the Committees, and eventually by the Council.*

**5. Public Comment – None.**

**6. Committee Member Comments – None.**

**7. Adjournment**

*There being no further business, the meeting was adjourned at 6:59 p.m.*

Respectfully submitted –  
Angus Jennings, Town Manager

## INFRASTRUCTURE COMMITTEE MEETING

Monday, February 27, 2016

### MINUTES

*Attending:*

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

*Town Manager Angus Jennings  
DPW Director Sean Currier  
Rosemary Bezanson (staff)*

*Chairman Marble called the meeting to order at 6 PM.*

**1. MINUTES – January 30, 2017 Meeting – Minutes approved by vote of 6-0.**

**2. OLD BUSINESS**

- a. Update on use of GPS units in DPW vehicles (continued from January, 30, 2017) – Kyle Severance GIS/IT specialist reviewed with the Committee what reports could be run from the Forward Thinking software on the GPS Units in the Public Works vehicles. The Committee discussed when and if they would like updated reports monthly. What kind of reports they would like to see, like mowing in the summer, how long it takes to mow the cemeteries, how much time is spent plowing at the Skehan Center. Tracking truck and equipment costs/expenses. These types of reports give the Public Works Director Sean Currier a better idea of exact costs. Public Works Director Currier stated that this year he has been tracking storm events.**
- b. Sewer rates – review of anticipated FY18 expense budget and evaluation of potential rate increase – referral to Town Council for sewer rates public hearing (continued from January 30, 2017) – Angus Jennings, Town Manager stated that he just received an invoice from Bangor for \$44,000.00/ 3 month user cost on the sewer. This provides more current cost information, and this recent invoice is more in line with the monthly costs that were the basis of the FY17 approved Sewer Budget than costs earlier this year, which were trending lower. Staff will continue to monitor costs to inform budgeting for FY18.**

*An update was provided regarding evaluation work that Woodard & Curran has been authorized to do regarding the meter pit at the Bangor-*

*Hampden line. The work will not be complete, but Woodard and Curran will be present to provide an interim update at the March meeting. Woodard and Curran will also be at that meeting to discuss estimated costs associated with the Grist Mill Bridge replacement, ground water inflow/infiltration into the sewer system, and the CSO (Combined Sewer Overflow) Master Plan.*

*Town Manager Jennings stated he is waiting for a more accurate picture on the inflow/infiltration after the March meeting with Woodard & Curran. The Committee asked for the total monies spent on third party consultants. Manager Jennings said he could run a report on this and provide cost trends including Woodard & Curran and the engineering consultant who works on the Town's stormwater compliance.*

*Town Manager Jennings updated the Committee on Fiberight and the MRC project.*

- c. Transfer station sticker policy (continued from January 30, 2017)**  
*– Town Manager Jennings discussed with the Committee the draft of the Transfer Station policy in the packet. It was discussed that staff have input in the policy, they are the ones at the counter waiting on the residents, and selling the decals, before putting the final touches on the draft. This work is ongoing and will be brought back to the Committee when there is a complete draft ready for referral.*
- d. Update on LED Streetlights** – *Town Manager Jennings notified the Committee that another firm, RealTerm Energy, has offered a proposal regarding potential conversion to LED Streetlights. It was agreed that this was not an initiative the Town was prepared to pursue at this time due to other priorities and due to uncertainty regarding PUC assignment of costs to purchase streetlight infrastructure. However the Committee advised Manager Jennings to receive a hard copy of the firm's proposal to have on file, and that the Committee would come back to this issue at a future time.*

### **3. NEW BUSINESS**

- a. Update on mailbox damage during recent plowing, and Town Mailbox policy** – *Town Manager Jennings updated the Committee on the number of calls being received on mailbox damage. The Mayo Road residents lost a lot of mailboxes in this last storm. Many were upset due to the mailboxes being put in the sidewalk when the Mayo Road was re-constructed and the sidewalk installed. Public Works Director Sean Currier*

*was asked to approach the Postmaster in Hampden to see if the mailboxes could be moved to the opposite side of the road.*

*The Committee was firm on upholding the mailbox policy that is in place.*

**4. PUBLIC COMMENTS – None.**

**5. COMMITTEE MEMBER COMMENTS – None.**

*There being no other business, the meeting adjourned at 7:10 p.m.*

*Respectfully Submitted,*

*Rosemary Bezanson*



D-1-a

Paula Scott <clerk@hampdenmaine.gov>

**Fwd: Scholarship program**

2 messages

Angus Jennings <townmanager@hampdenmaine.gov>  
To: Paula Scott <clerk@hampdenmaine.gov>

Wed, Mar 22, 2017 at 9:48 AM

----- Forwarded message -----

From: **Angus Jennings** <townmanager@hampdenmaine.gov>  
Date: Tue, Mar 21, 2017 at 10:34 PM  
Subject: Re: Scholarship program  
To: "Hampden Recreation Dept." <recreation@hampdenmaine.gov>  
Cc: Kilgore Beth <bkilgore@rsu22.us>

Beth,

This is such wonderful news! We are thankful for your and your organization's generous contribution. If you have a profile of Teach Learn Support, I'd like to have it so the Town Council can properly express its thanks as well.

Angus

--

Angus Jennings  
Town Manager

Sent from mobile device

Town of Hampden  
106 Western Avenue  
Hampden, ME 04444  
(207)-862-3034  
townmanager@hampdenmaine.gov

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation.

On Mar 21, 2017, at 6:07 PM, Hampden Recreation Dept. <recreation@hampdenmaine.gov> wrote:

Oh Beth...that is such wonderful news! I thank you, Michele, and the the team of Teach Learn Support for your commitment to a scholarship fund for Recreation Department programming. I will be meeting with the Rec Committee tonight to share the news and begin to work on the next step which would be developing the oversight of the fund. As far as the check, please make it payable to Hampden Recreation and you can mail it to us at 106 Western Avenue or drop it by the Skehan Center (old HA) during normal business hours.

I am hoping to work with the software company to finalize online processes in the next two weeks, and will get the account established with the town to deposit your groups funds. As soon as those steps are complete we'll get you a write up to share the news!

Thank you again for your support, dedication, and love for the community we serve!

Shelley Abbott  
Recreation Director

On Tue, Mar 21, 2017 at 5:02 PM, Kilgore Beth <bkilgore@rsu22.us> wrote:

I met with the teachers from Teach Learn Support yesterday and we agreed to donate \$700.00 to your program. Let me know the details for the check and the best way to get it to you.

Beth Kilgore

--

Beth Kilgore Hampden Academy

--

Hampden Recreation Department  
Town of Hampden  
106 Western Avenue (mailing)  
1 Main Road North (physical)  
Hampden, ME 04444

ph. 207-862-6451

fx. 207-862-5067

www.hampdenmaine.gov

--

Angus Jennings  
Town Manager

*Town of Hampden  
106 Western Avenue  
Hampden, ME 04444  
(207)-862-3034  
townmanager@hampdenmaine.gov*

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Angus Jennings <townmanager@hampdenmaine.gov>  
To: Paula Scott <clerk@hampdenmaine.gov>

Thu, Mar 23, 2017 at 10:09 AM

FYI

--

Angus Jennings  
Town Manager

Sent from mobile device

Town of Hampden  
106 Western Avenue  
Hampden, ME 04444  
(207)-862-3034  
townmanager@hampdenmaine.gov

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Begin forwarded message:

**From:** Kilgore Beth <bkilgore@rsu22.us>  
**Date:** March 22, 2017 at 9:50:30 PM EDT  
**To:** Angus Jennings <townmanager@hampdenmaine.gov>  
**Subject:** Re: Scholarship program

Thank you for your support. Here is our mission statement (can you tell we are teachers!):

#### Mission

TEACH|LEARN|SUPPORT is a coalition of community members and teachers in Maine RSU22, which is comprised of the towns of Frankfort, Hampden, Newburgh, and Winterport. The main purpose behind this group is to create open communication between the community, teachers, and the school district in an effort to continue providing a strong public education in RSU22.

TEACH|LEARN|SUPPORT organizes opportunities for community members and teachers to work together with the goal of creating a supportive environment for strengthening education, fostering a sense of community through volunteer opportunities, and working together to strengthen education in RSU22.

We also have a Facebook Page that we are using to publicize events and develop greater connections with the community. The Facebook Page just posted the April 9th Community Forum flyer and will remind people as the date grows closer. We find we get the biggest responses for anything showing teachers and community working on things for kids. In fact, our engagement with FB users has tripled this past month.

if you haven't "Liked" our Teach Learn Support page, I hope you will.

Beth Kilgore  
Social Studies Dept.  
Hampden Academy

Education Our #1 Priority  
[Quoted text hidden]

D-3-a



Check One:  Initial Application  Reappointment Application

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: SMITH AIMEE E.
ADDRESS: 51 SUNSET AVE HAMPDEN 04444
MAILING ADDRESS (if different):
TELEPHONE: 207-951-0912 207 866 5500
EMAIL: asmithegriffinandjordan.com
OCCUPATION: Paralegal in Real Estate

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Board of Assessment Appeals Review
SECOND CHOICE (OPTIONAL):

How would your experience, education and/or occupation be a benefit to this board or committee? Previous Board member and I work in real estate.

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

FOR TOWN USE ONLY
Date Application Received: MAR 28 2017
COUNCIL COMMITTEE ACTION: Finance + Administration DATE: 4/3/17
COUNCIL ACTION: DATE:
NEW APPT [X] REAPPOINTMENT DATE APPOINTMENT EXPIRES:

**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Clerk  
DATE: March 28, 2017  
RE: Renewal of Motion

---

While typing minutes from the March 20<sup>th</sup>, 2017 Council meeting, I realized that it did not appear that the motion and the second to authorize the expenditure of Conservation/Recreation funds was never actually voted on after the list of eligible and approved projects was read. I verified that it was not by listening to the audio/video of the meeting.

If a motion is made without being adopted, and is later brought before the assembly in essentially the same connection or form, the motion is said to be renewed.<sup>1</sup> I am, therefore, placing this item on the agenda for renewal of motion and subsequent vote.

<sup>1</sup> *Parliamentary Procedure in Local Government, National Association of Parliamentarians. p.127*

D-5-a

----- Forwarded message -----

From: Kelly Ray <[kray@stanleyelevator.com](mailto:kray@stanleyelevator.com)>

Date: Wed, Mar 22, 2017 at 10:47 AM

Subject: Elevator Safety Inspection Violation

To: "[adminasst@hampdenmaine.gov](mailto:adminasst@hampdenmaine.gov)" <[adminasst@hampdenmaine.gov](mailto:adminasst@hampdenmaine.gov)>

Cc: Ken Sandhage <[KSandhage@stanleyelevator.com](mailto:KSandhage@stanleyelevator.com)>

Hi Rosemary,

Attached is our quote to perform the CAT 5 overspeed rupture valve test that was cited as a violation on your recent elevator safety inspection. Your return of an authorized copy is required in order for us to schedule the test.

Please take note – when you receive the actual report from the state inspector, forward it to the state along with your annual application and fee of \$70. Do not wait for the test to be performed. Once we have completed the test, we'll send a sign off to the state alerting them all is taken care of and as long as they have your paperwork in hand, the certificate of operation will be released directly to you.

Please let me know if you have any questions. Thank you.

*Regards,*

*Kelly Ray*

Stanley Elevator Company, Inc.

[kray@stanleyelevator.com](mailto:kray@stanleyelevator.com)

PH: [800-258-1016](tel:800-258-1016)

Fax: [603-882-8818](tel:603-882-8818)



March 22, 2017

Hampden Fire Station  
106 Western Avenue  
Hampden, ME 04444

Proposal No.: KES032217  
Account No.: 4729  
State No.: EL-36086

Attention: Rosemary

Re: *Hampden Fire Station Elevator  
Perform CAT 5 Overspeed Rupture Valve Test*

Stanley Elevator Company, Inc. offers you our proposal to complete the following work for the sum of **One Thousand Two Hundred and 00/100 Dollars (\$1,200.00)**.

The recent state elevator safety inspection report listed the following violation:

- *Perform a Full Load CAT 5 Overspeed Valve Test*

*Beginning in 2016, the completion of the above test is being enforced by the state for hydraulic units that employ a rupture valve. A rupture valve is designed to stop the elevator in the event of an overspeed condition caused by a broken supply line or an abnormally high rate of oil flow between the rupture valve and the power unit. NOTE: The rupture valve will not stop the car from overspeeding due to underground cylinder leaks and is not a substitute for cylinder replacement or other safety devices.*

*The test will be completed by a team and they will require an additional truck to transport test weights to the site which are equal to the capacity of the elevator. The weights will be loaded on the elevator in order to test the rupture valve under a "full load" condition. Following the test, and if all works correctly, Stanley will forward a sign off to the state which will indicate to the state that the violation has been addressed and the certificate should be released.*

The Customer agrees that when Stanley is employed in the performance of required or authorized inspections and tests, such tests may impose substantially greater strains on the equipment than those experienced during normal operation and, therefore, it is agreed that Stanley shall not be liable for loss or damage to persons or property resulting from or arising out of the performance of these tests.



The price of this work as detailed herein shall be payable net thirty (30) days; upon presentation of invoice.

All work is based on normal working hours of the elevator trade and no overtime hours are considered.

No other work except as itemized above is intended or implied. A returned copy of this proposal and/or your purchase order properly signed and dated will be our authorization to order appropriate materials.

We need the following information to properly notify you of our anticipated work schedule.

Contact Name \_\_\_\_\_ Telephone \_\_\_\_\_

E-mail \_\_\_\_\_

**\*\*\* Please direct any questions or areas of concern to the undersigned \*\*\***

This proposal and acceptance when signed by the Customer and approved by an authorized representative of the Company, including the terms and conditions set forth in detail on the last page hereof, which terms and conditions are incorporated herein and expressly made a part hereof, constitutes the entire agreement between the parties. There are no representations or agreements, written or verbal between the parties other than those contained herein. This Agreement is not binding upon Stanley Elevator Company, Inc. until approved by one of its authorized representatives.

\_\_\_\_\_  
Customers Company/Organization Name

Stanley Elevator Company, Inc

BY: \_\_\_\_\_  
Authorized Customer Signature

BY: \_\_\_\_\_  
Kenneth Sandhage  
Stanley North Manager  
ksandhage@stanleyelevator.com

BY \_\_\_\_\_  
Printed Name Title

APPROVED for Stanley Elevator Company, Inc.:

BY \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

## **TERMS AND CONDITIONS**

### **Tax Payments**

In addition to the amount set forth herein, the Customer agrees to pay any tax based upon the transfer, use, ownership or possession of the Elevator or accessory equipment, whether such tax is imposed by existing law or take effect during the terms of this proposal and acceptance

### **Company Performance And Overtime**

The Company will do all work on the Elevator in a good and workmanlike manner and will perform it during its regular working hours of regular working days unless otherwise agreed to in writing; In the absence of such an agreement, all work done at overtime at the Customer's request shall be billed to the Customer at the overtime rate then and there existing.

### **Exclusive Control**

The Company shall not be responsible for any damage, malfunction, or failure of any of the component parts of the Elevator or accessory equipment as a result of the repair work done under this agreement unless such parts or service shall have been supplied exclusively by the Company.

### **Safe Place**

It is understood that the workman of the Company shall be given a safe place in which to work. The Company reserves the right to discontinue all work in the building whenever, in its opinion, this provision is violated.

### **Title to Repair Part**

The machinery, implements and apparatus furnished under this proposal and acceptance shall remain personal property, and the Company shall retain title thereto until final payment is made. The Company further retains the right to retake possession of the same or any part thereof at the cost of the customer if default is made in any of the payments, without regard to the manner of attachment to the realty, the acceptance of notes or the sale, mortgage or lease of the premises, It shall be the duty of the Customer to inform any party in interest of this provision.

### **Payments**

Payments shall be made as follows: net cash within 30 days on completion if the work is completed within a thirty-day period. If the work is not completed within a thirty-day ninety-five percent of the value of the materials delivered to the job site plus the labor performed, either at the Company proper or at the building, as invoiced; the remaining five percent becomes due when the work is completed. The Company reserves the right to discontinue work under this proposal and acceptance at any time until payments have been made as agreed and the Company has assurance satisfactory to it that the subsequent payments will be made as they fall due.

### **Salvage**

All salvage material becomes the property of the Company on its removal from its existing place.

### **Accident Responsibility**

The Company assumes no liability for injuries or damage to persons or property except those caused by its negligent acts or omissions. This proposal and acceptance shall not serve to relieve the Customer of his or its liability for any injuries or damages to persons or property in, on or about the Elevator. The Company shall not be liable for any loss, damage, or delay caused by strikes, lockouts, fire, explosion, theft, floods, riot, civil commotion, war, malicious mischief, act of God, or by any cause beyond its reasonable control, and in any event shall not be liable for consequential damages.

### **Acceptance**

This proposal is submitted for acceptance within thirty days from date noted on page 1 and thereafter subject to change without notice.

### **Recovery**

In the event Stanley retains a third party to enforce, construe or defend any of the terms and conditions of this Agreement or to collect monies due hereunder, either with or without litigation, the Customer agrees to pay all collection costs and/or attorney's fees incurred by Stanley Elevator Company, Inc.

**Current Account Status**

**G 3-702-00 RESERVE ACCT / MUNIC BLD**

-15,521.93 = Beg Bal  
0.00 = Adjust

-16,471.69 = YTD Net  
0.00 = YTD Enc

-31,993.62 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
08	0151	1818	08/24/16	00392 P D Q DOOR C	BUILDING MATERIAL	R AP	1,000.00	0.00
09	0222	1825	09/14/16	00141 E.J.PRESCOTT	BLDG DRAINAGE SUPPLIES	R AP	840.72	0.00
10	0298		10/06/16		10/06/2016 C/R	R CR	0.00	20,000.00
11	0393	1834	11/16/16	00392 P D Q DOOR C	COUNTER SHUTTER DOOR	R AP	129.00	0.00
11	0393	1834	11/16/16	00392 P D Q DOOR C	HPD GARAGE DOOR MOTOR	R AP	158.00	0.00
11	0424	1837	11/23/16	00271 LAWSON'S LOC	LEVERSET	R AP	288.00	0.00
02	0622	1844	02/08/17	00382 PENOBSCOT TE	BOILER ROOM OIL LINE/VALV	R AP	195.83	0.00
02	0622	1842	02/08/17	00392 P D Q DOOR C	BROKEN TORSION SPRING	R AP	481.00	0.00
03	0677	1847	03/01/17	00382 PENOBSCOT TE	BOILER REPAIR	R AP	435.76	0.00
<b>Totals-</b>							<b>3,528.31</b>	<b>20,000.00</b>

**Monthly Summary**

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
August	1,000.00	0.00	0.00	0.00
September	840.72	0.00	0.00	0.00
October	0.00	20,000.00	0.00	0.00
November	575.00	0.00	0.00	0.00
February	676.83	0.00	0.00	0.00
March	435.76	0.00	0.00	0.00
<b>Totals</b>	<b>3,528.31</b>	<b>20,000.00</b>	<b>0.00</b>	<b>0.00</b>

# MEMO



**To:** Angus Jennings  
**From:** Kyle Severance  
**Date:** 03/30/2017  
**Re:** Request to purchase police cruiser Toughbook laptop and docking station using IT Reserve account 3-711-00

**Message:**

Last year I replaced the three outdated police cruiser laptops due to slowness, bad ports, bad batteries, and unreliable internet connection. As a result, the officers have been able to do the vast majority of their work in the field which has greatly improved their public presence and resourcefulness.

There is a new police cruiser in operation this year and I had planned to move a laptop from the oldest cruiser to this new one. However, the mounting is different due to the different model vehicle so I would end up leaving a mount and swivel arm in the old cruiser without a computer. The new cruiser has a custom center console that does not need a mount and swivel arm. Since the oldest cruiser is still in operation and the computer gets used regularly, I recommend getting a new computer for the newest cruiser. What is needed is a laptop and docking station.

I was able to secure the same discounts the State of Maine is receiving for the winning bid on the computers they are currently purchasing for the State Troopers. Having the same standard computers as the State will help with compatibility, reliability, and the ability to maintain a regular cycle so our officers will continue to have working computers. A total of \$3,725.39 is being requested for this computer and docking station. Thank you for your consideration.

If you have questions, please let me know.

Thank you,

Kyle

**Haywood Associates Incorporated**  
 dba TransCOR Info Technologies  
 124 Jewett Street  
 Georgetown, MA 01833



**TransCOR**  
 Information Technologies

# QUOTATION

Quote Number: 17-0234  
 Quote Date: Mar 23, 2017  
 Page: 1

Voice: (978) 352-3100  
 Fax: (978) 352-9199  
 FEIN: 04-3223372

**Quoted To:**

Hampden (ME) Police Department  
 Town of Hampden  
 106 Western Avenue  
 Hampden, ME 04444

Customer ID	Good Thru	Payment Terms	Sales Rep
HAM01	4/22/17	Net 25 Days	RJD/BLC

Quantity	Item	Description	Unit Price	Amount
1.00	COMMENT A	ATTN: Kyle Severance E-M: gisit@hampdenmaine.gov TEL: 207-217-0072		
1.00	COMMENT M1-D	REF: Maine Dept of Public Safety Agreement #MA 18P 150805-0024 Master Agreement Terms & Conditions		
1.00	COMMENT	Quote for CF-53 Toughbook & Gamber Johnson Dock		
1.00	MISCELLANEOUS	CF-532UVZANM: Win7 (Win10 Pro COA), Intel Core i5-4310U 2.0GHz, vPro, 14.0" HD Touch, 256GB SSD, 8GB(4+4), Intel WiFi a/b/g/n/ac, TPM, Bluetooth, 4G LTE Multi Carrier (EM7355), Emissive Backlit Keyboard, Multi-drive, Toughbook Preferred	2,856.84	2,856.84
1.00	GJ-7160-0393-04	Gamber Johnson Panasonic Toughbook 53 Docking Station - No RF with Internal Power Supply (TNC), RJ45, USB 3.0 (1), USB 2.0 (3), VGA, HDMI, Serial	818.85	818.85
1.00	S & H-M	Shipping, Handling Mounts	25.90	25.90
1.00	S & H-C	Shipping & Handling Computers	23.80	23.80
			Subtotal	3,725.39
			Sales Tax	
			Freight	
			<b>TOTAL</b>	<b>3,725.39</b>

Authorized Signature \_\_\_\_\_

**Rugged Computers for Tough Workers**

**Current Account Status**  
**01/01/2017 - 03/30/2017**  
**G 3-711-00 RESERVE ACCT / COMPUTER**

-68,101.36 = Beg Bal                      2,281.77 = YTD Net                      -66,089.40 = Balance  
 -269.81 = Adjust                              0.00 = YTD Enc

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
-----	------	-------	------	-------------	------------------	------------	--------	---------

**Monthly Summary**

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
July	0.00	105.50	0.00	269.81
August	2,073.89	157.00	0.00	0.00
September	0.00	85.00	0.00	0.00
October	0.00	150.00	0.00	0.00
November	0.00	118.37	0.00	0.00
December	0.00	77.25	0.00	0.00
January	0.00	85.00	0.00	0.00
February	0.00	77.50	0.00	0.00
March	1,175.00	111.50	0.00	0.00
<b>Totals</b>	<b>3,248.89</b>	<b>967.12</b>	<b>0.00</b>	<b>269.81</b>

D-5-c

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-4500  
Fax: (207) 862-5067

To: Angus Jennings, Town Manager; Paula Scott, Town Clerk; Council Members  
From: Kelly Karter, Assessor *Kelly*  
Date: March 30, 2017  
Re: Service Fee Property Identification and Calculations

As you all know, annually I must identify and calculate Service Fees per the Town of Hampden Service Charge Ordinance. The properties subject to this fee are tax exempt and residential in nature. In order to identify the property, I check the exemption listing from the tax commitment roles and highlight any possible property. I then review the Exempt Application to identify the type and use of the property. There are guidelines for granting exemptions and case law that has filled in some of the gray areas of the law. I have attached Bulletin No. 5 as well as the application I use for exemption.

Once the property has been identified as above, I take the total original municipal budget (no school funding included) and deduct the General Assistance budgeted amount. This gives the amount of funding, defined by the ordinance that can be used in calculating the Service Charges. I then take the amount of funding (this year it was \$7,617,880) and divide it by the total valuation (this year it was \$646,097,160) to generate a mil rate that does not include education and general assistance. The current mil rate applied to the service charge properties is \$11.79 per thousand in valuation. The total valuation of the property is used and the above mil rate applied to get the total of the service charge.

This Service Charge Bill is then sent to the Manager and forwarded on to the Council for approval. After approval, the bills are mailed to the entities identified. Once they receive the bill, they have the option of submitting their audited financials and receive/request an abatement of anything over 2% of their gross annual revenue for the property.

Per the Ordinance, the abatements must be issued by the Council. If there is an "Abatement Request based on the Applicability of the Charge" it must be sent to the Board of Assessment Review for determination of the validity of the request.



# MAINE REVENUE SERVICES PROPERTY TAX DIVISION PROPERTY TAX BULLETIN NO. 5

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## TAX EXEMPTIONS FOR BENEVOLENT AND CHARITABLE INSTITUTIONS

---

REFERENCE: 36 M.R.S. § 652(1), paragraphs A, B and C  
July 14, 2016; replaces August 1, 1980 revision

Maine law, under 36 M.R.S. § 652, provides property tax exemptions for certain property of institutions and organizations. The parameters of the exemption have largely been shaped by case law. This bulletin explains the exemption for institutions incorporated by the State of Maine for benevolent and charitable purposes and is designed to assist the local assessor in determining the exempt status of property of benevolent and charitable institutions.

The statute addresses several key requirements for exemption qualification. To qualify for the property tax exemption a benevolent and charitable institution must satisfy the legal tests of ownership, occupancy or use, and Maine incorporation.

1. Legal tests for qualification.

A. Ownership. An institution must own the property for which it requests an exemption. Ownership of the property by the institution is essential to the exemption and such ownership must be exclusively charitable. A property deed will show ownership.

B. Occupancy or use. Generally, property owned by the institution must be occupied by the institution or used solely for its own purposes.

(1) Occupancy. The word occupancy is used in its natural sense to mean an actual occupation; the institution must possess and hold the property. Occupancy is not synonymous with used or appropriated. Qualifying occupation that entitles the institution to an exemption requires possession or holding of that property for the charitable purposes for which the institution is incorporated. Ownership of the property must be concurrent with occupancy for an institution to qualify for a property tax exemption. Case law indicates that the courts will consider the extent of the use and the nature of the occupation. Possession of a building with a plan and purpose for future benevolent and charitable use may not be sufficient to qualify for the exemption.

a. Property leased to a benevolent and charitable institution. An exception to the occupancy or use requirement exists. A benevolent and charitable institution that owns property and leases that property to another exempt institution under 36 M.R.S. § 652 is eligible for an exemption. If there is an existing lease, the agreement will show occupancy by a qualifying institution. The institution is not entitled to the exemption with respect to property owned by it, but not occupied by it, unless occupancy is by another qualifying benevolent and charitable institution.

b. Property temporarily rented. If a benevolent and charitable institution rents space to an entity that is not a benevolent and charitable institution, but the rental is temporary, occasional and doesn't interfere with the operation and use of that space by the owner, the exemption is not void.

(2) Use. The exemption for benevolent and charitable institutions has been construed by the courts as applying only to property used for the purpose for which the institution was created. All profits of the institution must be used exclusively for the purposes for which it is organized. Property held by the institution must be dedicated to the public, instead of private advantage or gain, and must be devoted to public use. An exception to the use rule exists in the situation where an institution occasionally uses a part of its property for purposes other than that for which it was incorporated. *City of Lewiston v. All Maine Fair Association*, 21 A.2d 625.

C. Incorporated by the State of Maine. 36 M.R.S. § 652(1)(A) requires a benevolent and charitable institution be "incorporated by this State" to be eligible for an exemption. The Maine Nonprofit Corporation Act, 13-B M.R.S., provides the vehicle for organizing, registering and filing the Articles of Incorporation with the Secretary of State. An institution requesting exemption from property tax could possibly be organized and receive its charter pursuant to the Maine Business Corporation Act, 13-C M.R.S or by special act of the Legislature. Organizing as a for-profit business, however, ordinarily means that an institution is not "organized and conducted exclusively for benevolent and charitable purposes." Failure to incorporate in this state prohibits exemption from the property tax.

D. Profit. Directors, trustees, officers, and employees of a benevolent and charitable institution must not receive a portion of the institution's profit. 36 M.R.S. § 652(1)(C)(2).

E. Report filed with assessor. An entity claiming an exemption for benevolent and charitable institutions must file, on request, a report detailing the institution's preceding fiscal year. A copy of the financial statement of the institution requesting exemption will normally satisfy this requirement.

2. Maine case law. The following summaries relate to Maine Supreme Court cases pertaining to exemptions based upon the provisions of the benevolent and charitable institution exemption. The cases cited are included to assist the local assessor in making a decision to grant exempt status to property based upon benevolent and charitable reasons.

A. Francis Small Heritage Trust v. Limington (2014) 98 A.3d 1012.

(1) The plaintiff land trust is organized and conducted exclusively for benevolent and charitable purposes. It operates its "properties in the manner of a state park" and, therefore provides a benefit to the public that would otherwise be undertaken by the government.

(2) The Farm and Open Space Tax law and the benevolent and charitable exemption are not mutually exclusive. There is some overlap between the two benefits and neither preempts the use of the other.

B. Cushing Nature and Preservation Center v. Cushing (2001) 785 A.2d 342.

(1) The plaintiff did not allow clamming on its property, which the lower court declared a disqualification for the charitable exemption. The Supreme Court ruled that, when the use of

property is charitable, "the owner need not allow all public uses in order to qualify for an exemption."

C. Salvation Army v. Standish (1998) 709 A.2d 727.

- (1) Salvation Army qualified as benevolent and charitable organization entitled to exemption even though its purpose and mission was religious.
- (2) Allowing Salvation Army officers to use buildings at summer camp for inexpensive vacation lodging constituted nothing more than compensations for the services the officers had performed on behalf of the charitable organization.

D. Lewiston v. Marcotte Congregate Housing (1996) 673 A.2d 209.

- (1) A benevolent and charitable exemption applies only to property which is owned and *occupied or used* by the organization *solely* for its own purposes. Ownership by an organization with a charitable purpose alone without occupancy or use is not enough to claim exemption.
- (2) Portion of building owned by nonprofit corporation which was leased to private physicians and residents paying full market rental value rendered the entire property subject to taxation.

E. Episcopal Camp Foundation v. Hope (1995) 666 A.2d 108.

- (1) Purpose of church camp was benevolent and charitable, thus church camp was exempt from real property taxes.

F. Pentecostal Assembly of Bangor v. Maidlow (1980) 414 A.2d 891.

- (1) Independent local church organized as a corporation in 1950 pursuant to the provisions of Chapter 53, Revised Statutes 1944.
- (2) Plaintiff contended that the property (real) should be exempt as "real estate owned and occupied or used solely by a benevolent and charitable institution" within the meaning of 36 M.R.S. § 652(1)(A).
- (3) Even if some activities of the Pentecostal Assembly may be properly classified as benevolent and charitable, it does not meet the condition for exemption prescribed by the quoted subsection,

"Any corporation claiming exemption under paragraph A (section 652) shall be organized and conducted exclusively for benevolent and charitable purposes."

- (4) The Pentecostal Assembly was organized as a church in 1950 and is still conducted primarily as a church.
- (5) It is well settled that for purposes of exemption from property taxation, religious purposes are not to be equated with benevolent and charitable purposes.

G. Nature Conservancy of Pine Tree State v. Bristol (1978) 385 A.2d 39.

(1) Property used solely for a charitable institution's own purposes where the grantors attempt to reserve private rights of use without the accompanying burden of paying property taxes has the effect of denying the exemption. The grantor(s) may not retain any private privilege or benefit in terms of use; otherwise the exempt status is defeated.

(2) Charitable institution was subject to grantor private entity's custodial control of the use of donated premises, notwithstanding that such control was to be harmonious with charitable institution purpose, was inconsistent with the "sole use" condition for tax exemption.

(3) Land held in its natural state does not become tax exempt by transfer to a charitable institution where the grantor retains the rights to access, passage or custodianship.

H. Maine Medical Center v. Lucci (1974) 317 A.2d 1.

(1) The use of property must be reasonable to the major purpose for which a benevolent and charitable institution is incorporated and the use not oriented toward pecuniary profit but, rather, toward providing necessary services and facilities will permit exemption from taxation.

(2) The fact that the medical center charged a variety of parking fees to staff, employees, patients and patients' visitors did not defeat rights to tax exemption where dominant purpose of parking lot and garage was eleemosynary (relating or devoted to charity or alms).

I. Holbrook Island Sanctuary v. Brooksville (1965) 214 A.2d 660.

(1) In the above case, the court held that "benevolent," relating to benevolent and charitable institutions, is synonymous with "charitable" and defines and limits the nature of charity intended.

(2) The motive of donor who gave the property to the intended benevolent and charitable institution was not material in determining whether the property was tax exempt.

J. Green Acre Baha'i Institute v. Eliot (1963) 193 A.2d 564.

(1) Missionary societies possess the attributes of benevolent and charitable institutions for property tax exemptions.

(2) Exemption of property of benevolent and charitable institutions from taxation is not defeated by the fact that use of property by a charitable institution for its own purposes is seasonal.

K. Green Acre Baha'i Institute v. Eliot (1954) 110 A.2d 581.

The court established a four-part test to determine exemption eligibility. A benevolent and charitable institution:

(1) Must be organized and conduct operations purely for benevolent and charitable purposes in good faith;

- (2) Must not have a profit motive;
- (3) Must not have pretense to avoid taxation;
- (4) May generate revenue only incidental to its benevolent and charitable purpose.

L. Osteopathic Hospital of Maine v. Portland (1942) 26 A.2d 641.

(1) The actual appropriation of property of benevolent and charitable institutions for purposes for which institution was incorporated, and not a physical use on exact date of assessment, controls in determining whether property is exempt from taxation.

M. Calais Hospital v. Calais (1942) 24 A.2d 489.

(1) The hospital, a charitable institution, permitted the use of a room in the hospital by the treasurer and manager as his headquarters in connection with service to the institution, and in addition to carrying on private medical practice did not interfere with the general use and occupation of the building – so as to exclude room from exemption from taxation where use of room was for mutual convenience of hospital and physician.

N. Camp Emoh Associates v. Lyman (1933) 166 A. 59.

(1) A benevolent and charitable corporation under the laws of this state, whose members are nonresidents and whose clerk is the only officer residing in this state, is not thereby deprived of the right of exemption.

(2) Property of a benevolent and charitable institution is exempt from taxation when occupied or used for its own purposes.

(3) Immunity of property of benevolent and charitable institution from taxation depends on such exclusive occupation as contributes immediately to promotion of benevolence and charity.

(4) Property of a benevolent and charitable institution need not be in actual use on day of assessment to be exempt from taxation.

3. Proof of entitlement for property tax exemption.

The statute is vague on what constitutes proof of entitlement for property tax exemption for benevolent and charitable institutions. The attached “Application for Exemption from Local Taxation” is a sample document that an assessor may use or adapt to have proof on record that a benevolent and charitable organization has been granted a property tax exemption for the purposes stated. Each application should be reviewed annually.

A local assessor may also require copies of the entity’s Articles of Incorporation, property deed, and bylaws along with an exemption application.

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**NOTE:** This bulletin is intended solely as advice to assist persons in determining, exercising or complying with their legal rights, duties or privileges. If further information is needed, contact the Property Tax Division of Maine Revenue Services.

**MAINE REVENUE SERVICES  
PROPERTY TAX DIVISION  
PO BOX 9106  
AUGUSTA, MAINE 04332-9106  
TEL: (207) 624-5600**

The Department of Administrative and Financial Services does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities. This material can be made available in alternate formats by contacting the Department's ADA Coordinator at (207) 624-8288(voice) or V/TTY: 7-1-1.

(Published under Appropriation No. 1037.1)

APPLICATION FOR EXEMPTION FROM LOCAL TAXATION

Property of Institutions and Organizations

Pursuant to 36 M.R.S. § 652

Attach copies of Articles of Incorporation, bylaws and property deed if not on file with the assessor.

1. To the assessor(s) of \_\_\_\_\_, Maine.
2. Pursuant to 36 M.R.S. § 652, the undersigned requests exemption from the property tax for the below described real estate/personal property.
3. Institution or organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

4. Location of real estate or personal property.

MAP: \_\_\_\_\_ LOT: \_\_\_\_\_

5. The real estate and personal property is owned, occupied or used solely for the following purposes:

6. Person filing application.

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Check List for Assessor

Property of Institutions and Organizations

Pursuant to 36 M.R.S. § 652

1. Incorporated by State of Maine \_\_\_\_\_  
(Attach copy of incorporation as filed with state)
  
2. Property owned by this organization \_\_\_\_\_  
(Attach copy of deed)
  
3. Property occupied by this organization \_\_\_\_\_  
or other exempt organization \_\_\_\_\_  
(Attach copy of lease agreement)
  
4. Property used for incorporated purposes \_\_\_\_\_  
(Attach copy of bylaws)
  
5. Financial report for preceding year \_\_\_\_\_  
(Attach copy of financial report)

D-5-C

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

TO: Finance Committee and Town Council  
FROM: Angus Jennings, Town Manager  
DATE: February 28, 2017  
RE: Service Charge Abatement Requests

In its October 17, 2016 meeting the Town Council approved the amount of Service Charges imposed pursuant to the Service Charge Ordinance. Charges were assessed to the seven properties identified at that time, in the approved amounts. To date, five of the assessed properties have sent payment, though each amount was less than the assessed amount, with the balance requested to be abated. Funds assessed and received to date are summarized as follows:

Properties Subject to Service Charge				
As of: 2/28/2017				
FY17				
Property Owner	Amount invoiced	Amount received	Difference (requested abatement)	Notes
Community Housing of Maine 177 Canaan Road (Map 5 Lot 27-A)	\$ 2,145.78	\$ 351.16	\$ (1,794.62)	
Medical Care Development, DBA Hampden Meadows 1282 Kennebec Road (Map 1 Lot 23-A)	\$ 5,386.85	n/a		Appeal filed 11/28/16
OHI George Street 35 George Street (Map 23 Lot 70-C)	\$ 2,139.36	\$ 873.53	\$ (1,265.83)	
OHI Patterson Road 143 Patterson Road (Map 5 Lot 39)	\$ 1,662.39	\$ 208.40	\$ (1,453.99)	
Penquis Mental Health Services 1012 Carmel Road North (Map 1 Lot 31-A)	\$ 1,992.51	\$ 247.88	\$ (1,744.63)	
The Housing Foundation 113 Western Ave (Map 31 Lot 8)	\$ 22,507.11	\$ 6,901.00	\$ (15,606.11)	
Acadia Hospital Corp/Aspenledge	\$ 4,008.60	n/a		Appeal filed 11/7/16
	\$ 39,842.60	\$ 8,581.97	\$ (21,865.18)	

Under the Service Charge Ordinance Sec. 6, "the municipal officers shall abate the service charge amount that is in excess of 2% of gross annual revenue."

A question arose regarding whether the 2% figure in the Ordinance referred to revenues of the property owner, or of the property itself. It is the latter. In other words, a showing

that the assessed charge exceeds 2% of the gross revenue derived from the property in question should be considered adequate to support an abatement.

It is recommended that the Council take action on each of the five pending requests for abatement.

The sixth and seventh properties have separately filed appeals with the Board of Assessment Review challenging the validity of the Ordinance as applied to those properties. Those appeals processes are proceeding.

## Jim Gwilym

---

**From:** Angus Jennings <townmanager@hampdenmaine.gov>  
**Sent:** Tuesday, November 15, 2016 2:42 PM  
**To:** Jim Gwilym  
**Subject:** Re: Service charge on 177 Canaan Rd.

MAR 5 / LOT 27 A

Jim,

The ordinance has not changed, and the 2% cap is still in effect. Upon receipt of payment of \$351.16, we'll bring forward the payment and the excerpt of the audited financial statement in order for the Council to formally approve an abatement on the basis of the 2% cap. We'll probably hold off until we receive payment (and/or abatement requests) from all seven property owners affected by this ordinance, so their vote may not occur until early 2017. From what you have submitted it appears that the \$351.16 will satisfy the requirement of the ordinance.

Feel free to call me with any questions.

Thanks,  
Angus

On Tue, Nov 15, 2016 at 2:33 PM, Jim Gwilym <[jim@chomhousing.org](mailto:jim@chomhousing.org)> wrote:

Dear Mr. Jennings,

I received a bill for this year in the amount of \$2,145.78. As with last year, I'm wondering if the 2% cap is in play again. Attached are our audited financial statements. Our Canaan Road property appears on page 30, and shows gross revenue of \$17,558. A calculated tax at 2% of that would come to \$351.16.

If you'd like any additional information about us, or this project, please let me know. We're a lean operation with a staff of 9 people and we can provide housing for more people with special needs by virtue of the fact that we are generally exempt from taxes. Every dollar counts to us, so if there's anything you can do, we would greatly appreciate it.

Thank you,

Jim

**From:** Angus Jennings [mailto:[townmanager@hampdenmaine.gov](mailto:townmanager@hampdenmaine.gov)]  
**Sent:** Thursday, November 12, 2015 8:02 AM  
**To:** Jim Gwilym <[jim@chomhousing.org](mailto:jim@chomhousing.org)>  
**Subject:** Re: Service charge on 177 Canaan Rd.



Town of Hampden

Receipt

THANK YOU VETERANS

11/22/16 10:42 AM ID:CHJ	#8537-1
TYPE-----	REF---
ADMIN-MISC	AMOUNT
	351.16

Paid By: COMM HOUSING OF ME  
 Remaining Balance: 0.00  
 Have you licensed your dog?  
 Check : 351.16  
 21203 - 351.16

COMMUNITY HOUSING OF MAINE, INC. GENERAL CHECKING  
 PORTLAND, MAINE 04101  
 Town of Hampden

11/15/2016

351.16

21203

351.16

DETECTION CIRCLE REVEALS A LOCK WHEN TITLED

ME 04101

Three Hundred Fifty-one and 1/4

106 Western Avenue  
 Hampden, ME 04444

COMMUNITY HOUSING OF MAINE, INC.  
 GENERAL CHECKING  
 ONE CITY CENTER, 4TH FLOOR  
 PORTLAND, MAINE 04101

52-74492112

11/15/2016

PAY TO THE ORDER OF  
 Town of Hampden

\$ \*\*351.16

DOLLARS

VOID

ME 04101

NEAR POSITIVE PLO IMAGE DEBARBERS WINKHEAT

Security Features included. Details on back.

Everything is Possible.



25 Freedom Parkway | Hermon, Maine 04401  
voice 207/848-5804 | fax 207/848-7978 | TTY/TTD 207/848-5804 | ohimaine.org | facebook.com/OHIMaine

November 8, 2016

Angus Jennings, Town Manager and Town Treasurer  
Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444

Town of Hampden  
RECEIVED

NOV 14 2016

Office of the  
Town Manager

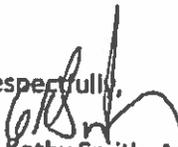
RE: OHI FY 16 SERVICE CHARGES: 35 GEORGE STREET AND 143 PATTERSON ROAD

Dear Mr. Jennings:

Enclosed you will find the financial information on these two properties for our fiscal year ending June 30, 2016. We have calculated our service fees to be \$873.53 and \$208.40 respectively which is based on 2% of gross income for each location. I have enclosed a check for these two properties in the amount of \$1081.93.

Should you need additional information please feel free to contact me at your earliest convenience.

Respectfully,

  
G. Kathy Smith, Assistant CEO  
OHI

OHI inspires people to recognize possibilities and lead meaningful lives.

**OHI**  
**SUMMARY OF PROFIT & LOSS**  
**38 GEORGE STREET**  
**For the Twelve Months Ending Thursday, June 30, 2016**

ACTUAL YTD  
2016

**INCOME**

4010	GRANT REVENUE	\$7,280.00	
4020-+4055-+4058-+...	SSA/SSI INCOME	33,218.00	
4100	USDA INCOME - FOOD STAMPS	3,200.30	
	<b>TOTAL INCOME</b>	<u>43,678.30</u>	<i>2% 873.53</i>

**OCCUPANCY COSTS**

5581	DEPRECIATION - BUILDING	8,819.48
5568	INTEREST EXPENSE - MORTGAGE	4,795.17
5410	FOOD	17,574.04
5105	FIDUCIARY FEES	405.00
5415	ELECTRICITY	2,388.51
5420	HEAT	1,575.79
5430-+5438-+5439	BUILDING MAINTENANCE SUPPLIES	1,988.87
5041	SALARY - MAINTENANCE	800.89
5431-+5437	GROUNDS MAINTENANCE	920.02
5435	WATER & SEWER	3,548.84
5440	EQUIP PURCHASE MINOR	1,087.54
5445	EQUIP REPAIR & MAINT	108.08
5455	TELEPHONE	388.34
5485	LINEN / BEDDING	382.27
5573	INSURANCE - FIRE	988.70
	<b>TOTAL OCCUPANCY COSTS</b>	<u>45,734.42</u>
	<b>INCOME OVER (UNDER) EXPENSES</b>	<u>(2,058.12)</u>

OHI  
**SUMMARY OF PROFIT & LOSS**  
**143 PATTERSON RD**  
*For the Twelve Months Ending Thursday, June 30, 2016*

ACTUAL YTD  
2016

**INCOME**

4010	GRANT REVENUE	\$1,896.00
4020-+4055-+4056-+...	SSA/SSI INCOME	8,244.00
4100	USDA INCOME - FOOD STAMPS	280.26
	<b>TOTAL INCOME</b>	<u>10,420.26</u>

2910 208,40

**OCCUPANCY COSTS**

5581	DEPRECIATION - BUILDING	8,104.38
5586	INTEREST EXPENSE - MORTGAGE	3,308.67
5410	FOOD	3,314.21
5105	FIDUCIARY FEES	90.00
5415	ELECTRICITY	1,372.94
5420	HEAT	1,442.12
5430-+5438-+5439	BUILDING MAINTENANCE SUPPLIES	368.00
5041	SALARY - MAINTENANCE	42.16
5431-+5437	GROUNDS MAINTENANCE	350.00
5435	WATER & SEWER	45.00
5440	EQUIP PURCHASE MINOR	34.86
5445	EQUIP REPAIR & MAINT	318.00
5455	TELEPHONE	388.34
5573	INSURANCE - FIRE	529.05
	<b>TOTAL OCCUPANCY COSTS</b>	<u>17,707.71</u>
	<b>INCOME OVER (UNDER) EXPENSES</b>	<u>(7,287.45)</u>

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
183143	PATTERSON/GBORG	11/10/2016	1,081.93	1,081.93	0.00	1,081.93

213692



THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND A SECURITY VOID  
 PANGOR SAVINGS BANK  
 BANGOR, ME 04411

VOID AFTER 90 DAYS

CONTROL NUMBER

CHECK DATE

AMOUNT

11/10/2016 213692 1,081.93

PAY One Thousand and 81/100 and 89/100 --- VOID AFTER 90 DAYS --- DOLLARS

TO THE ORDER OF TOWN OF HAMPTDEN  
 106 WESTERN AVE  
 EDEN ME 04444

*Barbara Jean Gyles*  
 Cashier

AUTHORIZED SIGNATURE

⑈ 213692⑈ ⑆ 211274382⑆ 2010014889⑈

# Penquis Mental Health Association

572 Bangor Road, Dover-Foxcroft, Maine 04426

Richard Brown, CEO

Phone: (207) 564-2464

Fax: (207) 564-2404

---

December 13, 2016

Town of Hampden  
RECEIVED

DEC 20 2016

Office of the  
Town Manager

Angus Jennings  
Town Manager & Town Treasurer  
Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444

Dear Manager Jennings:

The services fee charges for Penquis Mental Health for the 2016-2017 Hampden budget year should be based upon 2% of the gross annual revenue. Enclosed is the financial statement for the property at 1021 Carmel Road North for the period July 1, 2015 to June 30, 2016. Enclosed also is a check in the amount of \$247.88 representing 2% of the annual gross revenue for 1021 Carmel Road North.

Sincerely,



M. Dale Shaw

Chief Financial Officer

**PENQUIS MENTAL HEALTH  
INCOME STATEMENT FOR CARMEL RD.  
JULY 1, 2015 - JUNE 30, 2016**

**SERVICE FEE**

**REVENUE**

**RENTAL INCOME**

**\$ 12,393.91**

**\$ 247.88**

**EXPENSES:**

**DEPRECIATION**

**\$ 5,093.00**

**INTEREST**

**\$ 6,218.38**

**INSURANCE**

**\$ 821.15**

**TAXES**

**\$ 261.38**

**TOTAL EXPENSES**

**\$ 12,393.91**

**NET INCOME**

**\$ -**



**Dale Shaw**

**Chief Financial Officer**

HAHTOW	TOWN OF HAMPDEN	00000000000001765	12/14/2016	3819
CARREL RD SERVICE FE	12/13/2016	\$247.88	\$247.88	\$0.00

\$247.88	\$247.88	\$0.00	\$247.88
----------	----------	--------	----------

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON

**PENQUIS MENTAL HEALTH ASSOCIATION**  
 572 BANGOR ROAD  
 DOVER-FOXCROFT, ME 04428

**BANGOR SAVINGS BANK**  
 BANGOR ME 04401  
 52-7438/2112

3819

3819

12/14/2016

\$247.88

DATE

AMOUNT

Two Hundred Forty Seven Dollars And 88 Cents

PAY TO THE ORDER OF:

TOWN OF HAMPDEN  
 106 WESTERN AVE.  
 HAMPDEN ME 04444

*[Handwritten Signature]*  
 AUTHORIZED SIGNATURE

ME

Security features included. Details on back.

⑈003819⑈ ⑆211274382⑆ 0580700934⑈

THE HOUSING FOUNDATION – HAMPDEN

NOTES TO FINANCIAL STATEMENTS  
(Continued)

JUNE 30, 2016

Town of Hampden  
RECEIVED

OCT 17 2016

Office of the  
Town Manager

NOTE 5: HUD RESTRICTED DEPOSITS (Continued)

**Tax and Insurance Escrow**

The Project makes monthly escrow deposits to a financial institution to fund future expected tax assessments and insurance premiums.

All of the reserves noted above are held in separate accounts and generally are not available for operating purposes.

NOTE 6: RESIDUAL RECEIPTS RESERVE

Use of the residual receipts reserve is contingent upon HUD's prior written approval.

NOTE 7: RELATED PARTY TRANSACTIONS

The Project has entered into a management contract with The Housing Foundation - M & D II, a related party. Management fees are limited to \$56 per unit per month. For the years ended June 30, 2016 and 2015, management fees were \$20,160 and \$19,500, respectively.

An informal maintenance agreement with The Housing Foundation - M & D II has also been executed causing maintenance work, cleaning and material reimbursements as well as vehicle operation and maintenance to be paid on an as needed basis. During the years ended June 30, 2016 and 2015, \$25,142 and \$24,151 of expenses were incurred for such services, respectively.

During the years ended June 30, 2016 and 2015, the Project was charged \$23,895 and \$22,275, respectively, by The Housing Foundation - M & D II for office support and office rent. The allocation of these charges was based on a time study performed by M & D II. The Project was also charged by M & D II \$3,807 and \$3,886 for the years ended June 30, 2016 and 2015, respectively, for computer, copier and miscellaneous administrative fees. Computer, copier and miscellaneous administrative fees are prorated based on the number of housing units managed.

During the years ended June 30, 2016 and 2015, the Project was charged \$20,544 and \$19,780, respectively, from The Housing Foundation – M & D II for the Project's Tenant Service Coordinator.

NOTE 8: PAYMENT IN LIEU OF TAXES (P.I.L.O.T.)

By reason of a decision of the Maine Supreme Judicial Court in 1987, The Housing Foundation - Hampden, which is financed under Section 223(f) of HUD's program, is exempt from real estate taxation. Although State law permits the imposition of a service fee, also known as a payment in lieu of taxes (P.I.L.O.T.), State law currently limits the amount of such service fee to 2% of gross rent revenues. Thus, for the years ended June 30, 2016 and 2015, the service fee was \$6,901 and 6,818, respectively.

# Walker & Dunlop, LLC

Memo 1 Parcel #2413

CHECK NO 000013352 52-153/112

Date 10/13/2016

Memo 2

\*\*\*\*\*\$6,901.00

Six Thousand Nine Hundred One And NO/100 Dollars

Pay To Town of Hampden  
106 Western Avenue  
Hampden ME, 04444

Bank of America, N.A.



⑈000013352⑈ ⑆011201539⑆ 2220077053⑈

RUB OR BREATHE ON THE PINK LOCK & KEY ICONS - COLOR WILL FADE AND THEN REAPPEAR ON AN AUTHENTIC CHECK - IF COLOR DOES NOT FADE DO NOT ACCEPT

Loan Number	Invoice Number	Invoice Date	Parcel Number	Polity Number
301090334.0			PILOT - Roe Village,	Town of Hampden RECEIVED  OCT 17 2016  Office of the Town Manager

Comment:

Town of Hampden  
106 Western Avenue  
Hampden ME, 04444

For Office Use Only

Batch	Source	File	Delivery	Backup	Add	Com
8047	15	A	US	Y	REG	N

TOWN OF HAMPDEN  
SERVICE CHARGE ORDINANCE

Sec. 1. Authority. This Ordinance is enacted pursuant to 30-A M.R.S.A. § 3001 and 36 M.R.S.A. § 652(1)(L).

Sec. 2. Purpose. 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.

Sec. 3. Creation of Service Charge. An annual service charge is hereby established, effective with the municipal fiscal year commencing on July 1, 1992. The service charge shall be levied by the municipal officers against all residential property owned by an organization or institution if the property is otherwise totally exempt from property taxation and is used to provide rental income. The service charge shall not apply to student housing or parsonages.

Sec. 4. Calculation of Service Charge. The service charge shall be calculated according to the actual cost of providing municipal services to the property in question and the persons who use that property. Municipal services shall include, without limitation, the following: fire protection, police protection, road maintenance and construction, traffic control, snow and ice removal, sewer service, sanitation services, and any other services. For the purpose of this Ordinance, municipal services shall not include education and general assistance. The service charge for each property shall be determined in accordance with the following formula:

$$\frac{B}{V} \times JV = SC$$

where:

B = Budget for the current fiscal year for municipal services, except education and general assistance

V = Total taxable valuation of municipality for the current fiscal year

JV = Just Value of property in question

SC = Service Charge of property in question.

The Assessor shall provide the municipal officers with the following information at the time of the annual tax commitment: (1) list of property to which a service charge is applicable under this ordinance, (2) total taxable valuation of the municipality for the current fiscal year, and (3) the just value of the properties in question. The Town Manager shall provide the municipal officers with the amount of the budget for municipal services for the current fiscal year, along with a proposed service charge for each property based on the foregoing formula.

Sec. 5. Levy of Service Charge. The municipal officers shall levy the annual service charge on the tax exempt property subject to a service charge under this Ordinance, and shall establish a due date for payment of the same. The Treasurer shall send a statement to every affected property owner setting forth the amount of the service charge levied on the subject property.

Sec. 6. Limitation on Service Charges. The total service charges levied by the municipal officers under this Ordinance against any institution or organization shall not exceed 2% of the gross annual revenues of that institution or organization. Provided, however, that in order to qualify for the foregoing limitation, the institution or organization shall file with the municipal officers an audit of the revenues of the institution or organization for its last fiscal year which ended immediately prior to the municipal fiscal year for which the service charge was levied. The municipal officers shall abate the service charge amount that is in excess of 2% of the gross annual revenues.

Sec. 7. Collection. Unpaid service charges shall be collected in any manner available to the municipality, including, without limitation, the procedure provided in 38 M.R.S.A. § 1208, as may be amended from time to time.

Sec. 8. Use of Revenues. Revenues accrued from service charges shall be used, as much as possible, to fund the cost of providing the municipal services which were considered in calculating the service charges.

Sec. 9. Appeals. Any institution or organization may challenge the decision of the municipal officers to levy a particular service charge or the amount of a particular service charge by filing an appeal with the Board of Assessment Review. Such appeals shall be filed in writing with the Town Clerk within 60 days of the date on which notice is provided to the institution or organization by the Treasurer under Sec. 5 above indicating the amount of the service charge levied by the municipal officers. The Board of Assessment Review shall conduct a public hearing on the appeal and shall issue a written decision thereon within 60 days of the date that the appeal was filed with the Town Clerk. Failure to issue a decision on an appeal within 60 days of the date the application was filed shall be deemed to

be a denial thereof. The appeal shall be processed in accordance with all applicable laws or ordinances, and such rules of procedure as may be established by or for the Board of Assessment Review. Any decision by the Board may be appealed to Superior Court by an aggrieved party pursuant to Rule 80B of the Maine Rules of Civil Procedure.

Sec. 10. Severability. Should any provisions of this Ordinance be declared invalid by the Courts, such decision shall not invalidate any other provision of this Ordinance.

Adopted By Hampden Town Council: 5/18/12

D-5-d

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-4500  
Fax: (207) 862-5067

To: Angus Jennings, Town Manager; Paula Scott, Town Clerk; Council Members  
From: Kelly Karter, Assessor *KK*  
Re: Krista McBean Abatement Request  
Date: March 20, 2017

A local resident Ms. McBean recently sent me a note via e-mail stating that she wanted to meet with me at the Town Office as she had a couple of new issues relating to her property at 35 Griffin Avenue.

I followed up with an e-mail that day and we met in the office on February 15<sup>th</sup>. Ms. McBean had recently refinanced her home and had a current appraisal. There was a substantial difference between the appraised value and the tax assessed value. I requested and received a copy of her appraisal.

After reviewing the appraisal and finding no big errors either in size, number of bathrooms, room count, decks, garages, etc., I requested to do a re-inspection of the property to see if there was an error on the card or were the comparables in the appraisal not true comparables. Upon review of the card I noted that the home was coded as an "A" grade, which is the highest (with "E" being the lowest). That would indicate that the home was built very well with outstanding materials and workmanship. For the time period built (1978) the home does not have any apparent flaws in construction. It is a ranch with a finished basement. The main level is 1040 square feet. This home can be described as a typical 1970's ranch style home with paneling in some portions, sheet goods for kitchen and bathroom flooring and carpeting. The kitchen and baths appear original. There was a sunroom added in the 90's and heat pumps installed last year. The original heat source was electric (again typical of the era built). There is an attached one car garage as well as several deck areas.

In the typical assessing methodology a "C" grade is often described as a typical FHA ranch, 940 square feet, three bedrooms one bathroom either on a slab or foundation. A ranch or raised ranch is considered affordable housing for the "average" middle/moderate income family.

As a result of the actual quality or grading of the property as an "A" as opposed to a "C", which it is, this property has been overvalued by \$54,000 for over 10 years. There have been no building permits taken out, nor has the property sold. It has not been reviewed since 05/25/1990 and that was an exterior only inspection. There was an inspection letter sent in 1998, but there was no response and no inspection. The schedules were factored in 2008 to adjust to market conditions, but there were no re-inspections done in conjunction with that increase. (Please see the attached documentation that provides more detail.)

Other than this "grading" error and a slightly high condition factor, there were no other discrepancies between the property card and the actual property.

I issued an abatement in the amount of \$982.80 for the current tax year, which represents the taxes on the \$54,000 that was over-valued. Per State law, "The municipal officers, either upon written application filed after one year but within 3 years after the tax commitment date stating the grounds for abatement or on their own initiative within that period may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706." This essentially allows the municipal officers to make two additional abatements beyond the current tax year.

I am requesting, on behalf of the taxpayer, that the council abate the 2015/2016 and the 2014/2015 taxes in the amount of \$945.00 for each year (which is based on the then-applicable mil rate of \$17.50/thousand).

## Factoring of Pricing Schedules in 2008

In 2008 the pricing schedules for the Town were factored. By saying factored, I mean that new pricing schedules were not created. The old, pre-existing schedules developed by Ben Birch were “made” to fit the market values that arose during the “boom” in values in the early 2000’s. If a developed parcel was valued at \$30,000 on the “Birch” schedules, but current sales indicated that they should be valued at \$50,000 the value line would be changed **from:**

Units	Method	Price/Unit	Total	Fctr	Infl	Value
1	Acres=Imp Site	\$30,000	\$30,000	100%		\$30,000

**TO:**

Units	Method	Price/Unit	Total	Fctr	Infl	Value
1	Acres=Imp Site	\$30,000	\$30,000	166%		\$49,800

Aside from this factoring I am finding that homes that were inspected in the late 70’s early 80’s may have been considered an “A” or “B” for the time period. Construction methods and materials have evolved over time. There were minimum building codes or they were non-existent during that time, depending on the community. Today State Law dictates what must be done for framing, insulation, fire safety, etc.

In the 70’s and 80’s carpeting, sheet goods flooring and plaster walls or paneling, were the normal finishes at that time. A house that had the higher end materials for that era and could possibly be graded as an “A” home regarding construction as that was the grade the last time a physical inspection was done.

The typical high end finishes you see today include, multiple custom bathrooms (some newer homes have a bathroom attached to each bedroom) and kitchens, custom high end cabinetry, tile, hardwood, concrete floors, granite countertops, large islands, recessed lighting and full insulation.

The only guide for pricing that the State of Maine puts out has not had the grading guidelines updated since the 70's. When I started assessing 24 years ago, this was the assessor's "bible", but due to the lack of keeping up with current building methods and materials, I feel a great part of it is obsolete. (I have attached that Grading Specification Sheet for your use.)

When there is no revaluation in a community, especially of this size, for many years the problems can and will compound. These items that I have listed are some of the issues that either have arisen or will potentially arise, sooner rather than later.

# Memorandum

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**To:** Mayor Ryder & Council

**CC:** Angus Jennings, Town Manager

**From:** Barbara Geaghan, Tax Collector

**Date:** 3/30/2017

**Re:** 2016/2017 Real Estate and Personal Property Tax Collections

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The second installment of taxes is due April 5<sup>th</sup>.

As of March 29, 2017, 77% of the commitment has been collected.

D-5-f

# Memorandum

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**To:** Mayor Ryder & Council

**CC:** Angus Jennings, Town Manager

**From:** Barbara A Geaghan, Tax Collector and Motor Vehicle Agent

**Date:** 3/30/2017

**Re:** New Registration Policy

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I would like to request that the Council vote to rescind the policy that regulates the hours that we register new vehicles.

I do believe that the policy was advisable when the Town of Hampden took on the additional task of issuing license plates. Currently, I see no reason to limit the hours for new registrations.

Thank you for your consideration

**TOWN OF HAMPDEN**  
IN THE TOWN COUNCIL

**Order 2015-02**

**Adoption: October 19, 2015**

**ORDER ESTABLISHING ELIGIBILITY FOR TOWN ISSUED  
LICENSE PLATES, PROCEDURES AND HOURS OF OPERATION**

**ORDERED**, that, beginning on November 2, 2015, the Town of Hampden shall issue motor vehicle license plates according to guidelines and training by the Maine Bureau of Motor Vehicles.

The Town of Hampden shall only process applications for license plates for documented Hampden residents.

The Town of Hampden shall issue license plates in sequential order, and will not honor requests for plate numbers that are out of rotation.

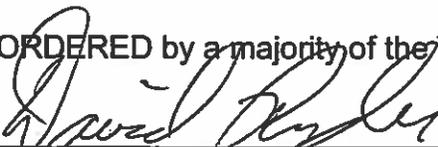
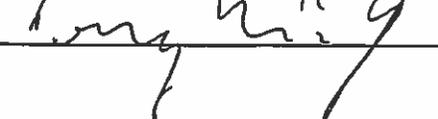
To ensure access to technical assistance from the Bureau of Motor Vehicles as needed, the Town of Hampden will only process applications for license plates received between the hours of 8:00 AM and 4:30 PM Monday through Thursday.

This Order shall remain in effect until rescinded by the Town Council.

Town Clerk:

  
\_\_\_\_\_  
Denise Hodsdon

ORDERED by a majority of the Town Council:

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

D-5-g



**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Clerk  
DATE: March 23, 2017  
RE: Alewife Fishing Rights

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I have spoken with Michael Brown of the Department of Marine Resources to inquire whether there have been any changes that would affect the current retention by the Town of Hampden of its Alewife and Blueback Herring harvesting rights.

There has been no determination by the Atlantic States Marine Fisheries Commission of an improvement to self-sustaining runs, so upon Council approval, the River Herring Harvest Plan will stay in effect. The Town of Hampden will continue to retain its fishing rights as well as the closure of Municipal waters to commercial harvesting.

cc: file

## TOWN OF HAMPDEN

### RIVER HERRING HARVEST PLAN – 2017

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#### Regulations for the taking of alewives shall be as follows:

- A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.
- The maximum mesh size of the wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1").
- There shall be a 72-hour weekly closed season on alewives from sunrise each Thursday morning until sunrise the following Sunday morning. During the closed season, a minimum size unobstructed opening of three feet by three feet (3' x 3') shall be maintained in the upstream and downstream end of the trap to allow escapement of spawning river herring and other migratory fish.
- Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the trap shall be removed and allowed to pass upstream.
- Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5.
- The weekly landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

#### **ADDITIONAL REGULATIONS** **FOR STREAMS WITH ATLANTIC SALMON RUNS**

- The entrance to the dipping pen or trap shall be covered by bars, slats, or spacers with a maximum width of two inches (2") between said bars, slats or spacers.
- Dipping of alewives shall be confined to the dipping pen or trap.



## TOWN OF HAMPDEN

### CLERK'S CERTIFICATE OF VOTE OF TOWN COUNCIL

I, Paula A. Scott, Clerk of the Town of Hampden, do hereby certify that the following is a true and accurate copy of a vote taken by the Town Council of said Hampden, at a regular meeting held on April 3, 2017, a majority of the Councilors being present:

VOTED: Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_,

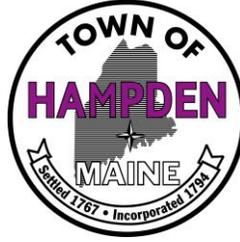
that the Town of Hampden retain its fishing rights for alewives.

Result of Vote: \_\_\_\_\_

Dated: April 3, 2017

\_\_\_\_\_  
Clerk, Town of Hampden

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



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

TO: Finance Committee and Town Council  
FROM: Angus Jennings, Town Manager  
DATE: March 30, 2017  
RE: Draft Memorandum of Understanding with MRC and Fiberight

MRC and Fiberight have proposed a Memorandum of Understanding (MOU) which, if approved by the Town Council, would document terms and conditions for Town contribution of \$167,000 toward Coldbrook Road infrastructure costs. Following the recent Infrastructure Committee meeting, the enclosed MOU edits were sent to MRC.

This memo is to outline the available financing options if the Council approves the MOU.

The current balance in the Emera TIF account is \$69,773. (Up to \$5,000 of that amount has been authorized as matching funds for the broadband grant, though not all of those funds may be needed – and, up to \$2,690 could be authorized from the Dennis Paper TIF toward the broadband grant in order to make \$67,000 available from the Emera TIF). Infrastructure on Coldbrook Road is explicitly included in the Emera TIF agreement (though not in the Dennis Paper TIF) as an eligible purpose for those funds.

Two sources of funds could be made available to pay the balance. The FY18 budget could include \$100,000 in TIF expenses, for this purpose. However, because the FY17 budget does not include any TIF expenses – only those amounts due back to the companies through Credit Enhancement Agreements – this would represent a \$100,000 increase in that budget line. If the Council wishes to fund other TIF-eligible expenses in the FY18 budget, those amounts would be additional. (Holding FY17 values and mil rate constant, the maximum amount that could be raised for non-CEA TIF-eligible expense in FY18, including both Emera and Dennis Paper, is approximately \$144,000).

The second option would be to pay the balance from the Host Community Benefit (HCB) account. The current balance is \$219,238 which could increase or decrease:

- In 2012 the Council authorized \$31,600 toward the Western Ave. sidewalk project. Those funds are not yet fully expended; the project is ongoing. Due to change orders, and paperwork issues from 2012-2015 potentially affecting MDOT reimbursement of incurred Town expenses, those costs may increase).
- On the other hand, the HCB balance could *increase* – by as much as \$265,000 – if the Environmental Trust Committee and Council authorize reimbursement of eligible expenses paid from HCB from FY09 to FY17, before the Trust was reactivated. Work is ongoing to provide backup documentation of those expenses, and the Trust Committee is next scheduled to meet on May 18.

The Finance Committee will be asked to recommend to the Town Council a) whether to approve the MOU and b) if so, which financing approach is preferred.

## MEMORANDUM OF UNDERSTANDING

This Memorandum is made by and among the **Town of Hampden, Maine** (the "Town"), **Municipal Review Committee, Inc.**, a Maine nonprofit corporation (the "MRC"), and **Fiberight, LLC**, a Delaware limited liability company ("Fiberight"), for the purpose of evidencing their agreement with respect to a financial contribution to be made by the Town to the construction of a 12" ductile iron pipeline and related infrastructure along the Coldbrook Road within the borders of the Town.

**1. Background.** Fiberight is planning to construct a waste processing facility (the "Fiberight Facility") on a project site located in the Town off Coldbrook Road (the "Project Site"). The Fiberight Facility will service the waste disposal needs of member municipalities of the MRC, including the Town. The MRC is obligated to provide certain utilities, including a water line, to serve the Project Site. The Town acknowledges that the provision of a 12" diameter water line along Coldbrook Road (the "Line Extension") is consistent with the economic development objectives of the Town, including further development along the Coldbrook Road, and that the Line Extension will further those objectives. Accordingly, the Town has agreed, subject to the conditions specified below, to contribute ~~the estimated funds toward the~~ cost of ~~increasing the service capacity of installing~~ the proposed ductile iron pipe to be laid along Coldbrook Road ~~in connection with the Line Extension from a 6" diameter pipe to a 12" diameter pipe~~ in order to ~~accommodate advance~~ the broader economic development objectives of the Town.

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~~The parties to this Agreement hereby acknowledge for themselves, their successors and assigns, that this Agreement is entered into for the exclusive purpose of memorializing the terms and conditions of a contribution by Town to further the foregoing objectives. The Town's participation in this Agreement shall not support, establish or create any precedent, policy or pattern on its part nor any expectation in MRC or Fiberight or any other party that such a contribution will be made toward this or other infrastructure in the future.~~

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**2. Town Commitment.** The Town agrees to contribute the amount of \$167,000 toward the estimated cost of the Line Extension (the "Town Contribution"). The Town Contribution shall be made in two installments with \$67,000 to be paid to the MRC on or before May 1, 2017 and the balance to be paid on or before November 1, 2017.

**3. Conditions to Town Commitment.** The commitment of the Town to make the Town Contribution is subject to the following conditions:

- a. The pipe to be laid must be a 12" ductile iron pipe and must otherwise meet applicable standards of the Hampden Water District.
- b. The MRC shall present to the Town documentation demonstrating the cost of the proposed ~~upgrade from a 6" pipe to a 12" diameter~~ pipe.

c. The MRC agrees that, in the event the Fiberight Facility is not constructed, the MRC nonetheless will proceed to construct the Line Extension and related infrastructure substantially as contemplated hereby, or in the alternative, will refund to the Town the Town Contribution. In the event that the MRC elects not to complete the Line Extension, it shall promptly refund the Town Contribution.

4. **Waiver of Cost Recovery.** In exchange for the Town Contribution, the MRC hereby waives its right to cost recovery pursuant to 65-407 C.M.R. ch. 65, §3(D) in the event that additional customers are connected to the proposed pipe extension.

5. **Recoupment of Funds.** Fiberight agrees that the Town shall be entitled to recoup from Fiberight, or its successor in interest, the Town Contribution through a ~~partial reduction in rebate of tip fees paid to the Fiberight Facility (or successor) or such other appropriate method as the Town and Fiberight may agree upon,~~ such recoupment to occur over a period not to exceed ~~three and a half (3 1/2) five (5) fifteen (15)~~ years to be measured from April 1, 2018. ~~In the event that the Fiberight Facility is not constructed or does not achieve commercial operations prove to be as a viable means of solid waste disposal for MRC member communities, MRC agrees to repay to Town all amounts contributed by Town under Paragraph 2 herein within 3 1/2 five (5) years measured from April 1, 2018, payment being made in 42 up to sixty (60) equal monthly installments.~~

6. **Additional Contributions.** The MRC agrees that it shall not be entitled to any additional contribution of funds from the Town in connection with the Line Extension other than the Town Contribution as described herein. The Town agrees that there will be no further expectation of additional benefit as a result of the Line Extension, Project Site and Fiberight Facility being located within the borders of the Town other than as described herein.

7. **Other Provisions.** Each party agrees that this Memorandum is intended to be contractually binding and hereby represents and warrants that the terms hereof are enforceable against it and that the person executing this Memorandum on its behalf is authorized to do so. This Memorandum may be modified only in a written document signed by the party against which any such modification is to be enforced.

Witness our hands and seals as of this \_\_\_\_\_ day of April, 2017.

**Town of Hampden**

\_\_\_\_\_  
Witness

By \_\_\_\_\_  
Its

\_\_\_\_\_  
Print or type name as signed

**Municipal Review Committee**

\_\_\_\_\_  
Witness

By \_\_\_\_\_  
Its

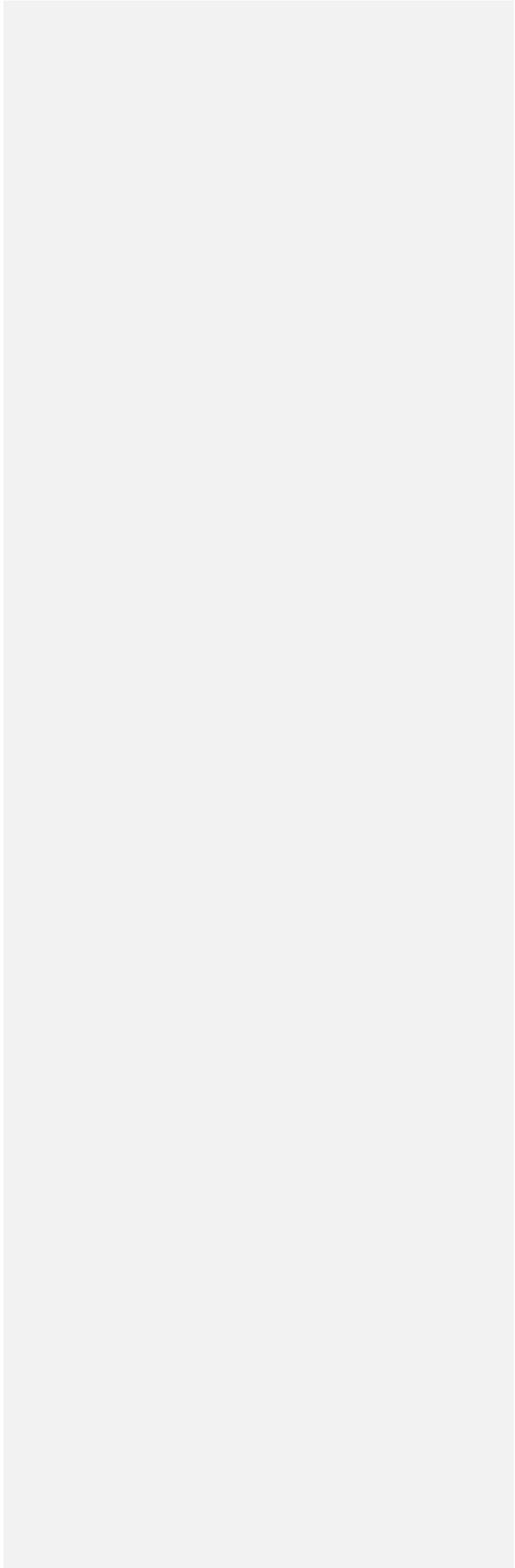
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Print or type name as signed

**Fiberight, LLC**

\_\_\_\_\_  
Witness

By \_\_\_\_\_  
Its

\_\_\_\_\_  
Print or type name as signed





Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

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**RE: Update re MOU**

1 message

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Greg Lounder <glounder@mrcmaine.org>  
Reply-To: glounder@mrcmaine.org  
To: Angus Jennings <townmanager@hampdenmaine.gov>

Wed, Mar 29, 2017 at 10:51 AM

Hi Angus –

I will work to get the town's questions answered by the end of this week.

Greg

---

**From:** Angus Jennings [mailto:townmanager@hampdenmaine.gov]  
**Sent:** Wednesday, March 29, 2017 10:20 AM  
**To:** Greg Lounder  
**Subject:** Update re MOU

Greg,

The Council's Infrastructure Committee met on Monday night and reviewed the proposed MOU. They would like to see a couple of revisions which I reviewed with Ed Bearor yesterday; we're finalizing proposed language and will send this to you before noon today. Let me know if you'd prefer that I copy Craig or whether you and I should first review the draft edits then loop in Craig once we're (hopefully) in agreement.

As I'd expected the Councilors are split on which way to go; one member was absent Monday and the 6 in attendance appeared split (though no vote was taken). They were however unanimous in referring it to the Finance Committee for April 3, agreeing that it is properly before that Committee which will get into details such as the source of funds. Upon their referral, it would go to Council for action later that night. There is also a scenario where the April 3 discussion is continued until its next meeting April 18, if the Councilors feel that more information is needed to make a decision.

One question that came up Monday, again, is whether MRC will provide documentation to "demonstrate the need" for Town contribution. This was Item 2 in my Feb 8 memo and I know we've discussed this before, and this was part of what Ed spoke with the MRC Board about at their February Exec Session. The root of the Council's question is two-fold:

1. Which Site Capital Costs exceeded initial budgeting such that the \$5M was not adequate?
2. Based on projected combined balance as of March 31, 2018 of the Custody Account and Tip Fee Stabilization Fund, does the MRC Board have the ability to allocate funds above the \$5M Site Capital Costs "cap" from the additional projected revenue without under-funding other Reserve Funds (and therefore violating the terms of the Joinder Agreements).

This item is not reflected in the proposed MOU edits but is clearly important to them in reaching a decision.

Once I send the proposed MOU edits later today I suggest we connect by phone either this afternoon or tomorrow morning. I can be available at whatever time fits your schedule.

Thanks,

Angus

—  
  
**Angus Jennings**  
*Town Manager*

*Town of Hampden*

*106 Western Avenue  
Hampden, ME 04444  
(207)-862-3034  
townmanager@hampdenmaine.gov*

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation.



Angus Jennings <townmar

D-5-i

## Equity Charter Members: Action May Be Required

1 message

Municipal Review Committee <municipal.review.committee1@gmail.com>

Tue, Feb 7, 2017 at 12:54 PM

Reply-To: glounder@mrcmaine.org

To: townmanager@hampdenmaine.gov



### ATTENTION EQUITY CHARTER MEMBERS

#### ACTION REQUIRED

If your municipality has an ownership interest in PERC, it is known as an Equity Charter Member. As part of a recent settlement between PERC and MRC, all Equity Charter Members have an option to sell their ownership interests back to PERC. To exercise this option, known as the Put Option, action in 2017 at a town meeting or appropriate legislative body may be required.

MRC and PERC are encouraging Equity Charter Members to take advantage of the Put Option to sell the ownership interests. To determine whether your community is an Equity Charter Member and find out your portion of the \$1.5 million ownership interest, click [here](#).

A joint memo from PERC and MRC containing more information about this time sensitive issue is being mailed to Equity Charter Members today. It can also be found [here](#).

If your municipality needs to take legislative action, the MRC has prepared the following Word templates to assist you with the process.

[Sample Town Warrant](#)

[Town or City Form of Resolution](#)

[Regional Association Form of Resolution](#)

THANK YOU FOR YOUR TIMELY ATTENTION TO THIS REQUEST

If you have any questions, please visit our website at [www.mrcmaine.org](http://www.mrcmaine.org), contact contact Greg Lounder at (207) 664-1700 or [glounder@mrcmaine.org](mailto:glounder@mrcmaine.org) or contact a [MRC Board Member](#).

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[Like us on Facebook](#)



Town of Hampden  
RECEIVED

FEB 08 2017

Office of the  
Town Manager

## ATTENTION

# ACTION REQUIRED

Your municipality has an ownership interest in PERC and is known as an Equity Charter Member. As part of a recent settlement between PERC and MRC, all Equity Charter Members have an option to sell their ownership interests back to PERC. To exercise this option, known as the Put Option, **action at a town meeting or appropriate legislative body may be required.**

MRC and PERC are encouraging its members to move forward with this option.

To find out your portion of the \$1.5 million ownership interest and how to exercise the Put Option, please read the enclosed memo for more information.

THANK YOU FOR YOUR TIMELY ATTENTION TO THIS REQUEST



Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

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**RE: Equity Charter Members: Action May Be Required**

1 message

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**Greg Lounder** <glounder@mrcmaine.org>

Tue, Feb 7, 2017 at 1:49 PM

Reply-To: glounder@mrcmaine.org

To: Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

Hi Angus –

The matter of disposition of the existing equity in PERC was not definitively addressed in the Joinder Agreements. Schedule B did discuss the asset being disposed of in the Partnership Agreement, which was amended to implement the terms of the settlement.

When this the matter of disposition of the LP interest arose in the settlement talks, I internally tested the legal theory that the MRC could exercise the put on behalf of all of the Equity Charter Municipalities to avoid a need to act locally, but I was advised otherwise.

In your case, it be straightforward as an council agenda item before this December, 2017, it's the March town meeting forms of government that I feel a bit bad for. I'll be at the 3 PM construction meeting today with Chip.

Hold the phone: Now, as I re-read at pg B-5 of the Joinder Agreement (item 5.), "Municipality hereby affirms its authorization of the MRC to represent its partnership interest for all purposes including, but not limited to, determining the value of PERC Partnership interest"....

I'm left wondering if we created an extra step in the case of Joining Members. I'll check

Greg

---

**From:** Angus Jennings [mailto:townmanager@hampdenmaine.gov]**Sent:** Tuesday, February 07, 2017 1:13 PM**To:** Greg Lounder**Subject:** Fwd: Equity Charter Members: Action May Be Required

Greg,

I have reviewed these materials and have a question as to whether action is needed if a municipality has signed a Joinder Agreement with MRC for post 2018. Didn't Hampden relinquish its equity in PERC to MRC by virtue of signing

the Joinder Agreement?

Thanks,

Angus

----- Forwarded message -----

From: **Municipal Review Committee** <municipal.review.committee1@gmail.com>

Date: Tue, Feb 7, 2017 at 12:54 PM

Subject: Equity Charter Members: Action May Be Required

To: townmanager@hampdenmaine.gov



**ATTENTION**

**EQUITY CHARTER MEMBERS**

**ACTION REQUIRED**

If your municipality has an ownership interest in PERC, it is known as an Equity Charter Member. As part of a recent settlement between PERC and MRC, all Equity Charter Members have an option to sell their ownership interests back to PERC. To exercise this option, known as

# MEMORANDUM

TO: Equity Charter Municipalities  
FROM: John Noer, President and General Partner, Penobscot Energy Recovery Company (PERC), L.P.  
Greg Louder, Executive Director, Municipal Review Committee (MRC), Inc.  
RE: Option to Sell Municipal Interests in PERC  
DATE: 6 February 2017

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Town of Hampden  
RECEIVED

FEB 08 2017

Office of the  
Town Manager

As you may have heard, PERC and the MRC have reached a settlement that resolves issues related to the end of their business relationship in 2018. As part of the settlement, PERC and the MRC have defined together a process by which municipalities having ownership interests in the PERC Partnership (known as Equity Charter Municipalities) have an option (the Put Option) to sell those interests back to PERC at a known price and through a defined process. Each Equity Charter Municipality is responsible for making its own decision as to whether or not to sell its ownership interests, and for providing the proper notice to the General Partner of PERC. Both PERC and the MRC encourage all Equity Charter Municipalities to take advantage of the Put Option to sell the ownership interests.

## Value of the Put Option

As part of the settlement, the MRC and PERC agreed on a price of **\$1.5 million** that PERC would pay to buy back all of the ownership interests in the PERC Partnership held by Equity Charter Municipalities. The MRC and PERC also agreed that each Equity Charter Municipality would be able to make its own decision whether or not to sell its ownership interests by exercising the Put Option. To this end, the MRC developed Attachment A to this memorandum, which lists all Equity Charter Municipalities, shows the limited partnership share owned by each Equity Charter Municipality, and shows the share value for each Equity Charter Municipality. The share value is the amount of cash that PERC would pay to the Equity Charter Municipality to purchase the corresponding share. The share values add up to \$1.5 million and are allocated to the nearest penny among all Equity Charter Municipalities pro rata on the basis of the limited partnership ownership shares of each.

## Procedure for Exercising of the Put Option

To sell your ownership interests, an Equity Charter Municipality must provide a written notice to the General Partner of PERC of its decision **on or before December 15, 2017**. That notice must be provided in writing and must comply with the requirements of the PERC Partnership Agreement (which can be provided on request). An Equity Charter Municipality can provide notice directly to the General Partner of PERC, or can provide a written request that the MRC provide the notice. Equity Charter Municipalities are asked to contact the MRC regarding the proper form of notice after their decision has been made.

The MRC and PERC are aware that each Equity Charter Municipality has its own methods, procedures and requirements for making decisions of this type, and that **some Equity Charter Municipalities might be required or feel the need to seek approval of the decision through regular or special town meeting, town or city council meeting or other governing body authorized to act for regional associations.** We

are also aware that many towns hold their annual town meetings in the spring and would need to act now (in order to avoid the need to hold a special town meeting following the annual town meeting and before the December 15, 2017 notice deadline) on the decision to exercise the Put Option, or would need to delegate decision-making authority to a board that meets regularly or to an appropriate city or town manager or other executive, rather than wait until later in the year. To help support your local decision-making process, the following materials are attached to this memorandum for adaptation as appropriate for local circumstances:

- Sample warrant article for Town meeting approval.
- Sample resolution for passage by a city or town council or regional association board or their designee, a Board of Selectmen or their designee.

Please stay in touch with the MRC and PERC as this process proceeds. In particular, please let the MRC and PERC know with emails to the MRC executive director, Greg Louder ([glouder@mrcmaine.org](mailto:glouder@mrcmaine.org)), and to the PERC Plant Controller, Gary Stacey ([gstacey@percwte.com](mailto:gstacey@percwte.com)) of the following:

- Confirmation that a warrant article on exercise of the Put Option has been submitted for a town meeting vote.
- Results of the town meeting vote.
- Scheduled date of a vote on exercise of the Put Option by a council or board, and any change in the date.
- A proper copy of the notice, if sent directly, or of instruction to the MRC to provide the proper notice to PERC on behalf of the Charter Municipality.
- Questions regarding the Put Option and the process for its exercise.
- Confirmation that the Board of Selectmen or their designee acted on behalf of the town to approve the exercise of the Put Option and has provided notice to the General Partner of PERC with a copy to the MRC.

### **Payment for the Put Option**

The transfer of ownership interests in PERC from the Equity Charter Municipalities to PERC, and the payment for the transfer, would be completed at a financial closing anticipated to be held after December 15, 2017. The MRC will provide technical support to each Equity Charter Municipality in advance of and at the closing. At the closing, each Equity Charter Municipality would assign and convey its partnership interests back to PERC, free and clear of all liens and encumbrances, and would execute documents necessary and appropriate to carry out the terms of the purchase, in exchange for its share of payment as set forth in Attachment A. To the extent possible, all financial closings will occur on the same date for all transfers of ownership interests from all Equity Charter Municipalities that have provided proper written notice of exercise of its Put Option on or before December 15, 2017. The settlement anticipates that such closing and the associated payments will occur on or before April 30, 2018.

## **Alternatives to Exercise of the Put Option**

Both PERC and the MRC encourage all Equity Charter Municipalities to take advantage of the Put Option to sell the ownership interests back to PERC. However, both PERC and the MRC recognize that individual Equity Municipalities may ultimately not exercise the Put Option for any number of reasons. Under the terms of the settlement, the MRC and PERC have agreed to the following terms regarding Equity Charter Municipalities that have not provided proper written notice of exercise of the Put Option on or before December 15, 2017:

- The Equity Charter Municipality can negotiate with the PERC Partnership on its own to agree on the particular terms on which it will remain on as a limited partner of the PERC partnership, provided that such terms would need to be acceptable to the General Partner of PERC in its sole discretion. The MRC will not participate in negotiations between Equity Charter Municipalities that may elect to remain with PERC and the PERC Partnership.
- The PERC partnership can exercise an option to purchase the ownership interests in the PERC partnership of any Equity Charter Municipality that did not exercise the Put Option and has not agreed to remain on as a limited partner of PERC on terms acceptable to the General Partner of PERC (the Call Option). PERC can exercise this Call Option at any time after January 1, 2018, and before June 30, 2018, provided that the PERC Partnership (i) has already met all payment obligations set forth in the Partnership Agreement regarding payment of Performance Credits and Net Cash Flow to the MRC for the benefit of the Charter Municipalities; (ii) has already met all payment obligations associated with exercise of the Put Option; and (iii) exercises the Call Option for all Equity Charter Municipalities that did not exercise the Put Option and do not have other agreements to remain on as a limited partner of PERC. PERC intends to exercise the Call Option for any Equity Charter Municipality that does not have a waste disposal agreement with PERC for 2018 and beyond.
- If the PERC partnership exercises the Call Option, then the PERC partnership and each Equity Charter Municipality as to which the Call Option has been exercised shall have ten days to agree upon a value of the Partnership for the purpose of determining the Call Option price. If agreement is not reached in ten days, then each party shall appoint and pay for a qualified appraiser to make an independent determination of the Call Option price in accordance with the process set forth in the Partnership Agreement. The MRC will not participate in negotiations between Equity Charter Municipalities that may elect to work with PERC directly to determine a Call Option price.

Both PERC and the MRC encourage all Equity Charter Municipalities to exercise the Put Option on a timely basis. Under the Put Option, the Equity Charter Municipalities would receive a known payment amount for the sale of its ownership interests in PERC in a known timeframe. Equity Charter Municipalities that do not exercise the Put Option on a timely basis would either be on their own in retaining or negotiating a sale of their interests with PERC after the Put Process has been completed, or

would need to accept the costs and outcome of a Call Option process that may result in a sale price different than that agreed upon in connection with exercise of the Put Option.

We urge those municipalities that feel the need to seek town meeting approval to act quickly to add a warrant article to the regular town meeting warrant or schedule a special town meeting later in 2017 to allow for more time. Questions on the Put Option exercise process can be directed to Greg Lounder, Executive Director, MRC, at 207-664-1700 or [glounder@mrcmaine.org](mailto:glounder@mrcmaine.org).

**Attachments**

- A Value of the Put Option for each Equity Charter Municipality.
- B Town Meeting Form of Warrant.
- C Town/City Council Form of Resolution.
- D Regional Association Form of Resolution.

Attachment A					
Value of the Put Option for each Equity Charter Municipality					
	LP ownership	Share value at		LP ownership	Share value at
Equity Charter Municipality	share	1,500,000.00	Equity Charter Municipality	share	1,500,000.00
Albion	0.115200%	6,770.79	Midcoast SWD	1.232567%	72,443.15
Alton	0.053777%	3,160.70	Mid-Maine SWD	0.729280%	42,862.85
Atkinson	0.016704%	981.76	Milford	0.178976%	10,519.17
Baileyville	0.188154%	11,058.60	Millinocket	0.466113%	27,395.42
Bangor	4.324165%	254,149.36	Milo	0.196676%	11,559.48
Bar Harbor	0.848682%	49,880.61	Monson	0.032485%	1,909.28
Blue Hill/Surry	0.527452%	31,000.57	Mt. Desert area ADD	0.960269%	56,439.05
Boothbay RRDD	0.722256%	42,450.02	Newburg	0.080330%	4,721.33
Bradley	0.068282%	4,013.22	Old Town	0.772617%	45,409.95
Brewer	1.286299%	75,601.20	Orland	0.079493%	4,672.14
Brooks	0.035971%	2,114.17	Orono	0.662183%	38,919.28
Brownville	0.115223%	6,772.14	Otis	0.033372%	1,961.41
Bucksport	0.406500%	23,891.71	Palmyra	0.095658%	5,622.22
Burnham	0.082797%	4,866.33	Parkman	0.025709%	1,511.03
Carmel	0.133851%	7,866.99	Penobscot Co.	0.132932%	7,812.97
Central Penobscot	0.223590%	13,141.32	Pleasant River SWD	0.201455%	11,840.36
China	0.292066%	17,165.95	Plymouth	0.076122%	4,474.01
Clifton	0.047476%	2,790.36	Reed Pt	0.014551%	855.22
Clinton	0.391141%	22,989.00	Rockland	0.850547%	49,990.22
Dedham	0.065330%	3,839.72	Sangerville	0.070695%	4,155.04
Dover-Foxcroft	0.296503%	17,426.73	Searsport	0.207542%	12,198.12
Eddington	0.139017%	8,170.61	Stetson	0.054586%	3,208.25
Enfield	0.116763%	6,862.65	Stauben	0.076527%	4,497.81
Fairfield	0.408549%	24,012.14	Stonington	0.129296%	7,599.27
Glenburn	0.250042%	14,696.02	Thomaston Group	0.550964%	32,382.47
Gouldsboro	0.124736%	7,331.26	Thordike	0.043315%	2,545.81
Greenbush	0.080853%	4,752.07	Troy	0.033720%	1,981.87
Guilford	0.211599%	12,436.56	Union River SWD	0.048905%	2,874.35
Hampden	0.507683%	29,838.67	Unity	0.113136%	6,649.48
Hancock	0.090230%	5,303.20	Vassalboro	0.229933%	13,514.13
Hermon	0.411467%	24,183.65	Veazie	0.116191%	6,829.03
Holden	0.137542%	8,083.92	Verona	0.044567%	2,619.39
Jackson	0.016186%	951.32	Waldoboro Group	0.471227%	27,695.99
Lamoine	0.083018%	4,879.32	Waterville	1.516595%	89,136.67
Lee	0.060512%	3,556.55	Winslow	0.469420%	27,589.79
Levant	0.130044%	7,643.23	West Gardiner	0.185858%	10,923.66
Lincoln	0.599549%	35,238.02	Winthrop	0.461015%	27,095.79
Lucerne	0.033430%	1,964.82		25.521400%	1,500,000.00
Mariaville	0.019156%	1,125.88			
Mars Hill	0.151091%	8,880.25		Truncation factor	0.04%
Mattawamkeag	0.063687%	3,743.15			

David I. Ryder (Mayor, Dist. 4)  
Stephen L. Wilde (1)  
Dennis R. Marble (2)

**TOWN OF HAMPDEN**  
IN THE TOWN COUNCIL

Terry McAvoy (3)  
Gregory J. Sirois (A/L)  
Mark S. Cormier (A/L)  
Ivan P. McPike (A/L)

**Resolution: 2017-01**  
**Adoption: April 3, 2017**

**Authorizing the Town of Hampden to Exercise the Put Option Set Forth in the Sixth Amended and Restated Agreement of Limited Partnership of Penobscot Energy Recovery Company, Limited Partnership**

**RESOLVED, by the Town Council of Hampden, Maine, that:**

Pursuant to Section 9.3 the Sixth Amended and Restated Agreement of Limited Partnership of Penobscot Energy Recovery Company, Limited Partnership (the "PERC Partnership Agreement"), as an Equity Charter Municipality the Town of Hampden hereby elects to exercise the Put Option described therein whereby the Town of Hampden is electing to require that the Penobscot Energy Recovery Company, Limited Partnership ("PERC") repurchase the Town of Hampden's limited partnership interest in PERC in exchange for a cash payment equal to the Town of Hampden's proportionate share of One Million Five Hundred Thousand Dollars (\$1,500,000), which represents the agreed upon aggregate value of all limited partnership interest held by the Town of Hampden and other similarly situated municipal members of the Municipal Review Committee.

**NOW, THEREFORE, BE IT HEREBY VOTED AND ORDERED BY THE TOWN COUNCIL OF HAMPDEN, MAINE:**

Angus Jennings, Town Manager or his designee or designees is authorized as a representative of the Town of Hampden to execute and deliver on behalf of the association such documents and to take such further actions as they may deem necessary or appropriate in order to exercise the above-described Put Option and to assign the association's limited partnership interests to PERC as contemplated thereby.

Dated this 3<sup>rd</sup> day of April, 2017, in Hampden, Maine

Town Clerk:

ORDERED by a majority of the Town Council:

\_\_\_\_\_  
Paula Scott

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## TOWN OF HAMPDEN

### CLERK'S CERTIFICATE OF VOTE OF TOWN COUNCIL

I certify that I am the duly qualified Clerk of Hampden, Maine, and that the foregoing votes were adopted by the Town Council at a meeting of said Council duly called and legally held in accordance with the laws of Maine on April 3, 2017, that the meeting was open to the public and that adequate and proper notice thereof was given in accordance with the laws of Maine, and that such votes have been entered into and become a part of the permanent records of the Town of Hampden and remain in full force and effect and have not been rescinded or amended.

VOTED: Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve Manager Jennings to exercise the Put Option and to assign the association's limited partnership interests to PERC – \_\_\_\_\_

Dated at Hampden, Maine  
April 3, 2017

\_\_\_\_\_  
Clerk, Town of Hampden