



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

TUESDAY

JANUARY 19, 2016

7:00 P.M.

Attending:

Mayor David Ryder

Councilor Greg Sirois

Councilor Ivan McPike

Councilor Stephen Wilde

Councilor Dennis Marble

Councilor Mark Cormier

Councilor Terry McAvoy

Town Manager Angus Jennings

Town Clerk Denise Hodsdon

Citizens

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

A. PLEDGE OF ALLEGIANCE – *Mayor Ryder led the Pledge of Allegiance*

B. CONSENT AGENDA – *Motion by Councilor McAvoy, seconded by Councilor Sirois to accept the Consent Agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

a. January 4, 2016 Meeting Minutes

3. COMMUNICATIONS

a. Victualer's License Renewal – Dunkin Donuts

b. Jay Dresser – Comments to DEP re Proposed MRC Facility

c. RSU #22/Town Manager – Building Committee Meeting - 2/11/2016

d. Hampden Water District – Board Meeting – 1/20/2016

e. Councilor McAvoy – Notice of Taxpayer Clinic

4. REPORTS

a. Pool Board Minutes – 11/10/2015 and 12/8/2015

b. Services Committee Minutes – 12/14/2015

c. Infrastructure Committee Minutes – 12/28/2015

C. PUBLIC COMMENTS

Jeremy Jones of the Partridge Road congratulated the Mayor and incoming members of the Council. He encouraged the Council to work together and suggested ten core guidelines for the Council to follow (copy attached).

D. POLICY AGENDA

Ten Core Guidelines for Our Town

1. - Abide by the United States Constitution
2. - Eliminate excessive taxes
3. - Eliminate our town's debt
4. - Eliminate deficit spending
5. - Promote free market business
6. - Promote civic responsibility
7. - Reduce the overall size of our bureaucracy
8. - Believe in The People
9. - Avoid the pitfalls of politics & ulterior agendas
10. - Maintain local independence, be self-sufficient

1. NEWS, PRESENTATIONS & AWARDS - None

2. PUBLIC HEARINGS

- a. Proposed Zoning Ordinance Text Amendment – Article 7.2 Building Height** – *Mayor Ryder opened the hearing and nobody spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor Marble, seconded by Councilor McAvoy to adopt the Zoning Ordinance text amendment to Article 7.2 Building Height. Unanimous vote in favor.*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS - None

4. UNFINISHED BUSINESS

- a. Set Time & Location for 2/6/2016 Goals & Objectives Meeting with Department Heads** – *The Council's meeting with Department Heads will be held at 8:00 am on Saturday, February 6, 2016 in the Council Chambers. The Council will hold its second Goals & Objectives meeting at 8:00 am on Saturday, February 20, 2016 in the Council Chambers.*
- b. Codification – Editorial and Legal Analysis re Land Use & Development – Referral to Planning Board** – *Motion by Councilor McAvoy, seconded by Councilor Marble to refer the Codification Editorial and Legal Analysis re Land Use and Development to the Planning Board. Unanimous vote in favor.*
- c. Update on Correspondence with RSU #22 and Meeting on 1/20/2016** – *Following discussion at the last Council meeting regarding an item on the School Board's agenda for its January 6th meeting, Manager Jennings sent a letter to the RSU #22 Board of Directors suggesting that with the impending new information from the Town's FY15 audit, that any decision the School Board may make relative to the Building Committee's recommended concept plan with implications for FY17 would be premature until we are able to provide full information about the Town's financial standing. As a result of his letter, the School Board agreed to postpone action on that item until their meeting on January 20th. Manager Jennings will be presenting further information to the School Board at that meeting and several Councilors were also planning to attend the meeting. Resident Jeremy Jones reminded everyone that 76% of the increase in taxes in the 2013/14 budget was for schools. He said it needs to be reined in.*
- d. Transfer Station Policy Clarification re Commercial Vehicles** – *Manager Jennings prepared a memo to the Council (copy attached)*

D-2-a

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions underlined

Deletions ~~stricken~~

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

...

Building height: ~~The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.~~ As defined by the current building code in effect in the Town of Hampden.

Adopted by Town Council 1/19/2016

describing certain situations where residents with commercial vehicles have not been able to purchase Transfer Station stickers in the past. He believes that the policy needs to be clarified and has recommended that until the Transfer Station Rules and Regulations are amended to clarify this issue, that stickers for such residents be issued as follows: any vehicle registered to a business that generates commercial waste will be required to show documentation of a separate waste disposal agreement for commercial waste; if the business does not generate commercial waste, rely on the person's signature agreeing to abide by the policy. The Council agreed with the recommendation and Manager Jennings will amend the Transfer Station Rules and Regulations for Council's consideration at a future meeting.

5. NEW BUSINESS

- a. Use of Municipal Building Reserve Funds for Municipal Building HVAC System – Recommendations of Infrastructure & Finance Committees** – *The Infrastructure Committee and Finance Committee have reviewed three quotes from Penobscot Temperature Controls relative to updates to the municipal building HVAC system. The Finance Committee recommended going forward with two of the quotes, totaling \$2,654.85 but has requested further information regarding the third quote in the amount of \$900.35 for the thermostat. Motion by Councilor Wilde, seconded by Councilor Sirois to expend \$2,654.85 from the Municipal Building Reserve account for updates to the municipal building HVAC system. Unanimous vote in favor.*
- b. Budget Adjustment - Transfer of Personnel Reserve Funds for Transfer Station Compactor Repair – Finance Committee Recommendation** – *In December the Public Works Department had to replace the cylinder in one of the compactors at the Transfer Station. The cost of the repair was \$6,220.00. Because the Solid Waste Equipment Maintenance budget does not have sufficient funds to pay for the repair, Manager Jennings recommended transferring \$6,220.00 from the Salary/Benefits Reserve Account to the Solid Waste Equipment Maintenance budget. Motion by Councilor Wilde, seconded by Councilor Sirois to authorize the transfer of \$6,220.00 from the Salary/Benefits Reserve Account to the Solid Waste Equipment Maintenance budget to be used for the compactor repair. Unanimous vote in favor.*
- c. Proposed Amendments to Subdivision Ordinance Article 540 Open Space & Recreation Land – Referral to Planning Board** – *Motion by Councilor McAvoy, seconded by Councilor Marble to refer the proposed amendments to the Planning Board. Unanimous vote in favor.*
- d. Proposed Amendments to Zoning Ordinance Article 4.6 Rural Cluster Housing – Referral to Planning Board** – *Motion by Councilor*

D-4-d

Town of Hampden
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Phone: (207) 862-3034
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TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: January 14, 2016
RE: Policy clarification, Transfer Station Rules & Regulations

Sales of Transfer Station stickers since the first of the year have been brisk; as of midday today we have sold 1,176 for the year.

Due to their particular circumstances, a few Hampden residents have raised an issue that I believe needs policy clarification.

The Transfer Station Rules and Regulations state that the facility "is for disposal of Hampden residential trash only," prohibit "commercial haulers," and further provide that vehicles receiving one-day permits "cannot be a commercial or contractor vehicle or larger than a full-sized pick up." The policy intent to limit use to residential trash is clear.

Historically, vehicles that are registered to a company (not an individual), or that bear markings of a commercial vehicle (i.e. commercial logos) have been understood to be "commercial" and have not in the past been allowed to purchase stickers. Vehicles registered to a company (but with no commercial markings) have been allowed, for the standard \$10 fee, to receive a Temporary Vehicle Permit (as referenced in the Rules and Regulations), as if for a borrowed vehicle, with a term of the calendar year. It is not clear to me why this makes sense; it would seem preferable to arrive at a system whereby a sticker – that is affixed to the vehicle – would be provided.

Vehicles with commercial markings have not been allowed to purchase a sticker or Temporary Vehicle Permit.

Several Hampden residents who own their own business, and who have their vehicle for transfer station activities registered to the business, have expressed their opinion that, as Hampden residents, they should have the option to buy a sticker and to dispose of residential waste at the Transfer Station. In some instances, the vehicles in question are registered in Hampden; in other instances they're not.

Two residents whose businesses could be expected to generate commercial waste (i.e. construction debris) sought to purchase a sticker. On hearing their circumstances, and

after consultation with the Public Works Director, we agreed to sell them each a sticker upon documentation that the business has a separate waste disposal agreement for commercial waste. Both people agreed, provided documentation, and we sold them each a sticker.

Another resident whose business (account management) would not be expected to generate commercial waste, also seeks to purchase a sticker. The approach taken with the other residents doesn't apply here because no commercial waste disposal agreement would be needed. I have advised him that this matter would be considered at Tuesday's meeting, and that we would contact him Wednesday with some resolution.

Following changes in practice made this past fall, all residents who purchase a sticker are required to sign a statement that they have reviewed and agree to comply with the Transfer Station Rules and Regulations. It is my recommendation that, until the Transfer Station Rules and Regulations are amended to clarify this issue, we issue a sticker to the resident in question (and others in this situation) following the same rationale: if the business that the vehicle is registered to generates commercial waste, require documentation of a separate waste disposal agreement for commercial waste; if the business doesn't generate commercial waste, rely on the person's signature agreeing to abide by the policy.

Due to time constraints I have not drafted language for Council consideration; however I do want to bring this matter to your attention for consideration, and to ensure that you agree with this approach for the time being.

In considering this issue, it is important to understand that the practice of denying business-owned vehicles the ability to purchase a sticker is long-standing, and has been consistently applied. It is therefore especially important that any change in policy (or practice) does not undermine the primary policy objective of limiting the facility to residential waste; is clearly communicated to the public; and is evenly applied.

In the future, I will recommend that the Council clarify the Transfer Station Rules and Regulations to better define "commercial vehicles," and to provide a clear, uniform process by which Hampden residents can be assured access to the Transfer Station, upon purchase of a sticker, for residential trash disposal. The matter of whether to sell stickers to Hampden residents with business-owned vehicles registered outside of Hampden will also need to be addressed.

I do believe that a change is warranted because I agree with the affected people that, as Hampden residents and taxpayers, they should have the same ability to dispose of residential waste as all residents, even if their vehicle is commercially owned or marked.

cc: Sean Currier, DPW Director

McPike, seconded by Councilor Wilde to refer the proposed amendments to the Planning Board. Unanimous vote in favor.

- e. **Set Date for Hearing re Amendments to Fees Ordinance – Sewer Rates** – *The public hearing was scheduled for the Council's regular meeting on Tuesday, February 16th.*

E. COMMITTEE REPORTS

Services Committee – *Councilor McAvoy reported that the committee met on January 11th and discussed the cost of The Bus in relation to the number of residents and Police Sergeant Bailey updated the committee on the Department's Good Neighbor Program and the Telecare Program.*

Infrastructure Committee – *Councilor Marble reported that the committee held a special meeting on January 13th to discuss sewer rates.*

Planning & Development Committee – *Councilor McPike reported that the committee met on January 6th and heard updates on the Fiberight project and continued discussion of the codification document, home occupations, open space requirements and dangerous buildings. He noted that the meeting scheduled for January 20th has been cancelled and the next meeting will be on February 3rd.*

Finance & Administration Committee – *Mayor Ryder reported that the Committee met earlier in the evening and discussed the upgrade to the HVAC system, repairs to the Transfer Station compactor and reviewed proposed amendments to Council Rules.*

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

G. COUNCILORS' COMMENTS

Councilor McPike *informed everyone that PERC is holding a public meeting at 6:00 pm on January 27th at Jeff's Catering.*

Councilor McAvoy *invited residents to attend the inaugural Hampden Taxpayer Clinic on Saturday, January 30th at 11:00 am at Anglers Restaurant. There is no specific agenda for the session, but discussion will include the town budget and the MRC waste disposal project. He encouraged everyone to shop local and buy American.*

- H. **ADJOURNMENT** – *There being no further business, the meeting was adjourned at 7:40 pm.*



Denise Hodsdon
Town Clerk

Town of Hampden
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Phone: (207) 862-3034
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TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: January 19, 2016

RE: Town Manager's Report to Town Council meeting

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

Continued Work on Cable Franchise Agreement

I was able to connect with the IT Director in Bar Harbor, who is one of the lead municipal officials involved with the Penobscot-Downeast Cable Television Consortium. I received an update on the ongoing process to execute a new Franchise Agreement – this work is ongoing, and slow – and received the paperwork to file for partial reimbursement for the recent A/V equipment purchases. The total amount available to Hampden at this time is \$7,524, and I filed paperwork to receive this amount. Upon execution of a new Franchise Agreement, there may be additional reimbursement monies available. This item is one of the points of ongoing negotiation, and I offered whatever support we're able to provide in order to get this matter to favorable resolution.

Improved Cash Tracking at Pool

Following on advice from the Auditor, the Pool Director recently purchased a new cash register which will allow for better and more efficient tracking of funds received, based on the specific service or item the funds paid for (i.e. swim lessons, facility rentals, swim diapers etc.). Once the Pool staff are trained and this cash register is in regular use, which will be within a week or so, this change will make the daily cash reconciliation both more time efficient for Pool and Administration staff, and less susceptible to potential human error.

I am also working with the Pool Director to explore what would be involved with accepting debit cards for transactions at the Pool. We are working with our bank, and have received a proposal from a third-party vendor that is affiliated with the bank. This change is under consideration.

MMA Training Calendar

The Maine Municipal Association recently released their calendar of 2016 trainings, including the Elected Officials Workshop to be held on the afternoon and evening of January 28 in Augusta. The full calendar of trainings can be viewed on the MMA website at www.memun.org.

Employee Evaluations Underway

Annual employee evaluations are underway, and are expected to be complete on or before February 5. This includes my evaluation of direct reports, as well as other Department Heads' evaluations of their direct reports (DPW, Police, Fire, Pool, Recreation, Library).

Meeting with Town Managers in RSU-22 District

Last week, I met with the Town Managers in Newburgh and Winterport to share information regarding municipal budgeting and coordination with the RSU-22 School Board. A Selectman from Frankfort was expected but could not attend due to a last minute emergency. The meeting was productive, and restores a tradition of meetings and information sharing among Town leaders that dates back many years. While such meetings were not held during the FY16 budget cycle (winter/spring 2015), they had been typical for many years prior to that.