



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

TUESDAY

JANUARY 20, 2015

7:00 P.M.

Attending:

*Mayor David Ryder
Councilor Greg Sirois
Councilor Dennis Marble
Councilor Carol Duprey
Residents
Noreen Norton*

*Councilor William Shakespeare
Councilor Stephen Wilde
Councilor Terry McAvoy
Town Manager Susan Lessard
Town Attorney Tom Russell*

- A. PLEDGE OF ALLEGIANCE – *Mayor Ryder led the pledge of allegiance*
- B. CONSENT AGENDA – *Motion by Councilor Sirois, seconded by Councilor Shakespeare to approve the consent agenda. Unanimous vote in favor.*
1. SIGNATURES
 2. SECRETARY'S REPORTS
 3. COMMUNICATIONS
 - a. Joshua Sargent – Application for Re-appointment to Library Board – Referral to Services Committee
 - b. James Davitt – Application for Appointment as Regular Member of Planning Board – Referral to Planning & Development Committee
 4. REPORTS
 - a. Library Directors Report – 1/13/2015
 - b. Dyer Library Trustees Meeting Minutes – 11/18/2014
- C. PUBLIC COMMENTS - *None*
- D. POLICY AGENDA
1. PUBLIC HEARINGS - *None*
 2. NOMINATIONS – APPOINTMENTS – ELECTIONS
 - a. MaryAnn Bjorn – Reappointment to Library Board – Services Committee Recommendation – *Motion by Councilor McAvoy, seconded by Councilor Marble to reappoint MaryAnn Bjorn to the Library Board. Unanimous vote in favor.*
 - b. Yvonne Lambert – Reappointment to Library Board – Services Committee Recommendation – *Motion by Councilor McAvoy,*

- seconded by Councilor Marble to reappoint Yvonne Lambert to the Library Board. Unanimous vote in favor.*
- c. Mark Russell – Reappointment to Library Board – Services Committee Recommendation – *Motion by Councilor McAvoy, seconded by Councilor Marble to reappoint Mark Russell to the Library Board. Unanimous vote in favor.*
 - d. Karen Brooks – Reappointment to Pool Board – Services Committee Recommendation – *Motion by Councilor McAvoy, seconded by Councilor Marble to reappoint Karen Brooks to the Pool Board. Unanimous vote in favor.*
 - e. Michael Jellison – Reappointment to Pool Board – Services Committee Recommendation – *Motion by Councilor McAvoy, seconded by Councilor Marble to reappoint Michael Jellison to the Pool Board. Unanimous vote in favor.*
 - f. Victoria Levesque – Reappointment to Pool Board – Services Committee Recommendation – *Motion by Councilor McAvoy, seconded by Councilor Marble to reappoint Victoria Levesque to the Pool Board. Unanimous vote in favor.*
 - g. Sarah McVeigh – Reappointment to Pool Board – Services Committee Recommendation – *Motion by Councilor McAvoy, seconded by Councilor Marble to reappoint Sarah McVeigh to the Pool Board. Unanimous vote in favor.*
 - h. Lowell Sherwood – Reappointment to Board of Assessment Review – Finance & Administration Committee Recommendation – *Motion by Councilor Duprey, seconded by Councilor Shakespeare to reappoint Lowell Sherwood to the Board of Assessment Review. Unanimous vote in favor.*

3. UNFINISHED BUSINESS

- a. Hampden Highlights Newsletter – Services Committee Recommendation – *Councilor McAvoy explained that the Services committee had discussed possible elimination of the Hampden Highlights newsletter, but after discussion had decided to recommend that it instead be reduced from four issues per year to two issues per year to allow for one for the budget and one related to candidates running for local office. No one from the public made comments on this matter. Motion by Councilor McAvoy, seconded by Councilor Marble to reduce production of the newsletter from four issues per year to two issues. Unanimous vote in favor. Councilor Shakespeare commented that this would give an opportunity to get feedback from the public as to whether they wanted the newsletter to be continued.*
- b. Concrete Floor Bid Results – Finance & Administration Committee Recommendation – *Mayor Ryder explained that the Finance & Administration Committee had reviewed bids received for replacement of the tile floors in the public safety part of the building with either an epoxy or polished concrete finish. The Finance Committee had recommended that the Council authorize the Manager to work with the*

low bidder to have an epoxy finish on the main floor Public Safety area at a cost not to exceed \$20,000 to come from Municipal Building Reserve. Motion by Councilor Shakespeare, seconded by Councilor Marble to approve the Finance & Administration Committee recommendation. Unanimous vote in favor.

- c. *Coldbrook Road and Emera Maine Omnibus Municipal Development and Tax Increment Financing District – Councilor McAvoy – Councilor McAvoy read a prepared statement, a copy of which is attached hereto and made a part of the minutes. Following the statement Councilor McAvoy made a motion to send the proposal back to the Planning & Development Committee for further review. The motion died for lack of a second. Mayor Ryder asked for public comment on the matter. There was no public comment. Motion by Councilor Duprey to send the matter back to the Planning & Development Committee for further review, seconded by Councilor McAvoy. Councilor Duprey indicated that she did not second the original motion because the Public had not had a chance to comment. Vote on the motion 3 – 4. Motion failed (Wilde, McAvoy, Duprey in favor, Sirois, Ryder, Shakespeare, Marble opposed.)*
- d. *Set Public Hearing Date - Coldbrook Road and Emera Maine Omnibus Municipal Development and Tax Increment Financing District – Planning & Development Committee Recommendation – Public Comment – none. Motion by Councilor Shakespeare, seconded by Councilor Sirois to set a public hearing date of February 2, 2015 for the Coldbrook Road and Emera Maine Omnibus Municipal Development and Tax Increment Financing District. Councilor McAvoy spoke against holding the public hearing at this time. He made it clear that he was not in opposition to the TIF for Emera, but that he had concerns over the broad spectrum of elements in the agreement and believed that it should be further reviewed in committee. Vote 4 in favor, 3 opposed. (Sirois, Shakespeare, Ryder, Marble in favor, Wilde, Duprey, McAvoy opposed) Motion carried.*

4. NEW BUSINESS

- a. *Maine Bureau of Highway Safety 2015 Equipment Grant – 25% Match – Finance & Administration Committee Recommendation – Mayor Ryder explained that the Finance & Administration Committee had reviewed this during their meeting and recommended acceptance of the \$10,000 grant which includes a \$2500 match, with the match to be taken from the Matching Grants Reserve Fund. The Manager reported that the Bureau of Highway Safety had changed the way in which they were doing grants by doing a blanket \$10,000 amount that had to be used for equipment/details that support certain activities related to highway safety. There was no public comment on this item. Motion by Councilor Shakespeare, seconded by Councilor Sirois to accept the \$10,000 Maine Bureau of Highway Safety Grant, with the \$2,500 match to be taken from Matching Grants Reserve. Unanimous vote in favor.*

THANK YOU, MAYOR RYDER

BEFORE I GET STARTED I WANT TO POINT OUT THAT THIS DOCUMENT SUPPORTS MY OPINION THAT THERE IS A CLEAR DISTINCTION TO BE MADE BETWEEN "THE TOWN" AND THE TOWN COUNCIL. SECTION 5 OF THE RESOLUTION STATES THAT UPON STATE APPROVAL THE PLAN WILL BE IN EFFECT, AND I QUOTE "WITHOUT REQUIREMENT OF FURTHER ACTION BY THE TOWN, THE TOWN COUNCIL OR ANY OTHER PARTY" END QUOTE. TO ME, THE TOWN IS THE TOWN MANAGER AND STAFF. THE TOWN COUNCIL IS THE TAXPAYERS. IN THIS INSTANCE IT IS VERY CLEAR THAT THERE IS A CONFLICT BETWEEN THE BEST INTEREST OF THE TOWN AND THE BEST INTEREST OF THE TAXPAYERS. MY POSITION IS THAT THIS COUNCIL MUST STEP UP AND FULFILL ITS DUTY TO PROTECT HOME OWNERS, BUSINESS OWNERS AND OTHER PROPERTY OWNERS FROM THE ONEROUS IMPACT THIS PLAN WILL HAVE UPON THE TAX INCREASES THAT IMPLEMENTATION WILL DEMAND. TO DO OTHERWISE WILL REINFORCE THE PERCEPTION THAT THE TOWN IS IN CHARGE, NOT THE TOWN COUNCIL. A CLEAR EXAMPLE OF THE TAIL WAGGING THE DOG. IF THERE IS ANY DOUBT THAT THIS IS NOT THE CASE, PLEASE CONSIDER THE TEXT OF SECTION 6 OF THIS RESOLUTION. I QUOTE "THE TOWN MANAGER, OR HER DULY APPOINTED REPRESENTATIVE, IS HEREBY AUTHORIZED AND EMPOWERED, AT HER DISCRETION, FROM TIME TO TIME, TO MAKE SUCH REVISIONS TO THE DISTRICT AND DEVELOPMENT PROGRAM FOR THE DISTRICT AS THE TOWN MANAGER MAY DEEM REASONABLY NECESSARY OR CONVENIENT IN ORDER TO FACILITATE THE PROCESS FOR REVIEW AND APPROVAL OF THE DISTRICT BY THE STATE OF MAINE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, OR " FOR ANY OTHER REASON", SO LONG AS SUCH REVISIONS ARE NOT INCONSISTENT WITH THESE RESOLUTIONS OR BASIC STRUCTURE AND INTENT OF THE DEVELOPMENT PROGRAM" UNQUOTE. SURE SOUNDS TO ME LIKE AN ABDICATION OF COUNCIL AUTHORITY.

IN 2012 THE TOWN COUNCIL ENTERED INTO A 25 YEAR TIF AGREEMENT WITH EMERA MAINE WHICH DIVERTS ABOUT 8 MILLION TAX REVENUE DOLLARS OUT OF THE GENERAL FUND. IN ROUND NUMBERS, 4 MILLION DOLLARS IS RETURNED TO EMERA AND THE TOWN RETAINS 4 MILLION DOLLARS TO SPEND OFF BUDGET. THIS OFF BUDGET EXPENDITURE SCHEME IS SO COMPLEX THAT IT TOOK THE TOWN OVER TWO YEARS TO FORMULATE.

SECTION 2D STATES, AND I QUOTE "THE TOWN HAS CONSIDERED ALL EVIDENCE, IF ANY, PRESENTED TO IT WITH REGARD TO ANY ADVERSE ECONOMIC EFFECT ON OR DETRIMENT TO ANY EXISTING BUSINESS AND HAS FOUND AND DETERMINED THAT SUCH ADVERSE ECONOMIC EFFECT. IF ANY, IS OUTWEIGHED BY THE CONTRIBUTION EXPECTED TO BE MADE THROUGH THE DISTRICT AND DEVELOPMENT PROGRAM" UNQUOTE. PLEASE NOTE THAT IT WAS THE TOWN, NOT THE TOWN COUNCIL, THAT MADE THIS DETERMINATION.

IT IS ALSO NOTEWORTHY THAT THE TOWN ONLY CONSIDERED THE IMPACT UPON BUSINESSES AND NOT THE HOME OWNER.

THE ECONOMIC DEVELOPMENT DEPARTMENT PRESENTED THIS PROPOSAL FOR THE FIRST TIME TO THE PLANNING AND DEVELOPMENT COMMITTEE ON JANUARY 14TH AND ASKED THAT IT BE IMMEDIATELY SENT TO THE COUNCIL FOR REFERRAL FOR PUBLIC HEARING. IT WAS CLEAR TO ME THAT NOT ONE COUNCILOR WAS FAMILIAR IN ANY WAY WITH WHAT WAS BEFORE THEM. I HAVE ATTENDED ALL COUNCIL MEETINGS FOR OVER THREE YEARS AND I DO NOT RECALL THIS PROPOSAL BEING MENTIONED, LET ALONE DISCUSSED, BY ANY COMMITTEE OR ANY TOWN COUNCIL. I FIND IT DISTURBING THAT THE TOWN WANTS THE TOWN COUNCIL TO UNDERSTAND AND IMPLEMENT AN ITEM OF THIS MAGNITUDE IN LESS THAN THREE WEEKS. CONSIDERING THE COMPLEXITY OF THE PROPOSAL, WHY WAS THE TOWN COUNCIL LEFT OUT OF THE PROCESS?.

MY OPPOSITION DOES NOT ARISE FROM THE TIF ITSELF, WHICH IS A SUBJECT FOR FUTURE DISCUSSION, BUT FROM THIS DOCUMENT WHICH IS A SMORGASBOARD OF PROGRESSIVE PROJECTS WITH ACCOMPANYING PROGRESSIVE TAX INCREASES. THE TOWN WANTS TO SPEND TAX DOLLARS WHICH MOST LIKELY WOULD NOT BE AVAILABLE IF THE EXPENDITURES WERE SUBJECTED TO THE RIGORS OF THE BUDGET PROCESS AND OPEN AND PUBLIC DISCUSSION. THIS PLAN IS THE 2010 COMPREHENSIVE PLAN WITH A DOLLAR AMOUNT ATTACHED TO IT. THIS PLAN LISTS OVER 21 MILLION DOLLARS WORTH OF PROJECTS OVER THE NEXT 25 YEARS. THIS PLAN PROVIDES FOR ONLY 4 MILLION DOLLARS IN DIVERTED TAX REVENUE TO PAY FOR IT. THIS COUNCIL NEEDS TO ASK WHERE THE OTHER 17 MILLION DOLLARS WILL COME FROM.

ALLOW ME TO HIGHLIGHT A FEW OF THE OBJECTIONABLE ITEMS CONTAINED IN THIS RESOLUTION;

COSTS OF ESTABLISHING A TOWN FOREST ON LAND ORIGINALLY PURCHASED FOR COMMERCIAL DEVELOPMENT.

COSTS RELATING TO THE PLANNING, DESIGN, CONSTRUCTION, MAINTENANCE, GROOMING AND IMPROVEMENTS TO NEW OR EXISTING RECREATIONAL TRAILS

COSTS OF SKILLS DEVELOPMENT AND TRAINING FOR JOBS CREATED OR RETAINED WITHIN HAMPDEN

COSTS OF FUNDING TO ESTABLISH "PERMANENT" ECONOMIC DEVELOPMENT REVOLVING LOAN FUNDS, INVESTMENT FUNDS AND GRANTS.

COSTS ASSOCIATED WITH "ACQUISITION" OF LAND AND RIGHTS-OF-WAY; AN ASIDE HERE, THE USE OF THE TERM "ACQUISITION" RATHER THAN "PURCHASE" IS TROUBLING.

NO PUBLIC SAFETY IMPROVEMENTS ARE CURRENTLY ANTICIPATED

I WANT TO MAKE IT CLEAR THAT I DO NOT WANT TO MOLEST IN ANY WAY THE TIF AGREEMENT BETWEEN EMERA MAINE AND THE TOWN. EMERA ENTERED INTO THIS TIF AGREEMENT IN GOOD FAITH AND I FULLY EXPECT THE TOWN TO FULFILL ITS CONTRACTUAL OBLIGATIONS. ALL I AM ASKING FOR IS ADEQUATE TIME FOR THE COUNCIL TO CONDUCT ITS DUE DILIGENCE OBLIGATION. THE NEED FOR MORE INFORMATION AND DISCUSSION FAR OUTWEIGHS ANY TIME LINE CONSIDERATIONS WHICH THE TOWN MAY POSE.

IN THE BEST INTEREST OF THE CITIZENS OF HAMPDEN: I MAKE A MOTION THAT THE TOWN COUNCIL REFER THIS RESOLUTION BACK TO THE PLANNING AND DEVELOPMENT COMMITTEE FOR RECONSIDERATION.

- b. Application for Renewal of Liquor License received from Wang & Lo d/b/a Fresh Ginger Restaurant at 64 Main Road North – *The manager explained that no public hearing was required for this liquor license because they have had one for more than five years and there have been no problems reported to Public Safety or the Town. There were no public comments on this issue. Motion by Councilor Shakespeare, seconded by Councilor Sirois to approve the liquor license renewal for Wang & Lo d/b/a Fresh Ginger Restaurant. Unanimous vote in favor.*

- E. COMMITTEE REPORTS – *Planning & Development –Chairman Shakespeare reported that the Planning & Development Committee had met on January 14th and had discussed the TIF/Credit Enhancement Agreement that was voted on tonight to send to public hearing, as well as discussing a FieldsforKids project with M.J. Ball. The consensus of the Committee was that locating fields on the LL Bean parcel would not be consistent with the intent for use of that land at the time it was purchased by the Town. However, the Committee was in favor of the project and encouraged Mr. Ball to continue to seek an appropriate location. Chairman McAvoy reported that the Services Committee had reviewed minutes of the prior meeting, discussed parks policy, discussed cutting back on issues of the newsletter, discussed creation of a Town FaceBook page, and considered reappointment of board members for the library and the pool boards. Mayor Ryder reported that the Finance Committee had reviewed minutes of the prior meeting, reviewed financial statements, signed payment warrants, made a recommendation on the concrete floor bid award, recommended acceptance of the highway safety grant, and set a framework for reviewing Council Rules. Chairman Marble reported that Infrastructure was having its first meeting of the New Year on Monday, January 26th.*

- F. MANAGER'S REPORT – *A copy of the Manager's Report for 1/20/2015 is attached hereto and made part of the minutes.*

- G. COUNCILORS' COMMENTS – *Councilor Wilde thanked voters in his district for voting for him and encouraged anyone with questions or concerns to contact him. Councilor Duprey asked why the News, Presentations & Awards section of the agenda was not listed. The Manager responded that it was an oversight and would be corrected on the next agenda. Councilor McAvoy thanked everyone for coming to the meeting or watching on tv and encouraged people to buy American and shop local.*

- H. ADJOURNMENT – *Motion by Councilor Shakespeare, seconded by Councilor McAvoy to adjourn at 7:40 p.m.*

Respectfully submitted,

*Susan Lessard
Town Manager*

MANAGER'S REPORT
January 20, 2015

Dogs & Transfer Station Decals – A reminder that dogs have to be licensed by 1/31/15 to avoid a \$25 fine and 2015 Transfer Station Decals are needed by 1/31/15 to avoid being turned away at the gate.

February 7th Goals & Objectives – In preparation for the Goals and Objectives meeting that is being held on Saturday, February 7th starting at 8 a.m., I would ask that Councilors give some thought in advance to what their top ten issues for 2015 might be. I am in hopes that this might help the meeting to be as productive as possible in providing guidance for the preparation of the 2015/16 budget.

Union Contract – I received formal notification today from a law firm representing the Hampden Police Association which represents the police officers of their intent to negotiate for the upcoming contract. The current contract expires 6/30/2014.

GPS Units – the balance of the GPS units have been received and are being installed on public works vehicles. The purpose of this installation is to provide data that can be used to insure that we are operating our equipment, plow routes, etc. as efficiently as possible.

Town Planner Hours – The new hours for the Town Planner are Monday through Thursday from 7:30 a.m. until 3 p.m. It is also possible to contact him via email at planner@hampdenmaine.gov.

Number 8 in the State of Maine! – Once again Hampden has received a positive designation. It was recently named one of the Top 10 communities in Maine in which to live. At number 8, Hampden was the only community outside of southern Maine listed by Movotos Real Estate Blog to make the list. This list was derived from communities with at least 5,000 people and consideration of the following 7 criteria:

- Total amenities
- Quality of life (cost of living, median home price, median rent, median household income, and student-to-teacher ratio)
- Total crimes
- Tax rates (sales tax and income tax)
- Unemployment
- Commute time
- Weather (temperature and air quality)