



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

MONDAY

OCTOBER 3<sup>RD</sup>, 2016

7:00 P.M.

• **6:00 pm – Finance & Administration Committee Meeting**

*Attending:*

*Mayor Ryder*

*Councilor Sirois*

*Councilor McPike*

*Councilor Wilde*

*Councilor Marble*

*Councilor Cormier*

*Councilor McAvoy*

*Town Manager Angus Jennings*

*Town Attorney Ed Bearor*

*Recording Clerk, Gigi Dubey*

*Members of the Public*

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

- A. PLEDGE OF ALLEGIANCE – *Mayor Ryder led the Pledge of Allegiance*
- B. CONSENT AGENDA – *Councilor McAvoy asked to pull item 3C from the Consent agenda. Upon consensus by fellow councilors of the removal of that item, Councilor Marble made a motion to accept the remainder of the Consent Agenda. Councilor Sirois seconded the motion. Unanimous vote in favor. At this point, Councilor McAvoy read an email sent to him from Keith Bourgoin. He thanked him for the email and responded to points within it, citing his use of public service announcements via automated calls. He corrected his own reference to the additional fields as being for Bronco soccer only, and cited a reference to the 2015 recreation plan in which the need for additional field space was discussed. At the conclusion of the reading, and by consent, Councilor McAvoy read from an email from Scott Ishmael with questions on the costs and the project. Councilor McAvoy stated that there are no public documents, no financials, and there is not even a clear approval yet from DEP.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. September 19th, 2016 Council Meeting minutes

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

## MINUTES

## 3. COMMUNICATIONS

- a. Notification of Outdoor Wood-Fired Boiler renewal applications
- b. Notification to Town Council and Tax Assessor of the Proposed 2017 State Valuation
- c. Correspondence to Council from Keith Bourgoin regarding proposed recreation fields and pool site parking improvements
- d. Correspondence to Council from Charlie & Nancy Hamilton regarding proposed recreation fields and pool site parking improvements
- e. Hampden Town Council Rules

## 4. REPORTS

- a. Planning & Development Committee Minutes – September 7<sup>th</sup>, 2016
- b. Finance & Administration Minutes – September 8<sup>th</sup>, 2016
- c. Infrastructure Committee Minutes – None
- d. Services Committee Minutes – None

C. PUBLIC COMMENTS – *Jeremy Jones of the Partridge Rd. approached the podium and thanked the council for their hard work and dedication. He discussed the increases in taxes stating that many may not be able to continue living in Hampden if they keep going up. At this time Hampden is currently 28.5 million in debt. His opinion is that the town needs to control spending when it is other people's money and make sure it is based on needs and not wants. There were no other requests for comment other than from Manager Jennings who wanted to clarify that of the 28.5 million, 22.2 million is the RSU's debt, and 90% of that will be paid by the state. Although that portion of debt belongs to the school, our auditor requires the town to report it as total debt.*

## D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - None

## 2. PUBLIC HEARINGS

- a. For consideration of the proposed Zoning Ordinance Amendment to Section 4.8.14 Off-Premise Signs – referred by Council on September 19<sup>th</sup>, 2016 – *Mayor Ryder opened the public hearing and asked for a motion. Councilor Sirois made a motion to accept the proposed Zoning Ordinance amendment as referred by Council on Sept. 19<sup>th</sup>. Councilor*

*Wilde seconded the motion. Jeff Rawcliff was recognized by Mayor Ryder who approached the podium and questioned if this involved the marina, and asked the location of the sign in question. Manager Jennings stated that the Council's policy objective is simply to allow for off premise signs as the ordinance doesn't allow it. There is an interest in being able to get improved signage for the marina and to highlight two existing businesses by the use of off premise signs. He stated that other objectives are the location of the sign and how to pay for it. Mr. Rawcliff asked if the location would require a public hearing to which Manager Jennings stated it did not, that was a permit process but he was aware of his concern and would keep him informed. At this time the public hearing closed and the motion was brought to vote. Unanimous vote in favor.*

- b. For consideration of the proposed Zoning Ordinance Amendment to Section 5.3.1 Building Permits – referred by Council on September 19<sup>th</sup>, 2016 – *Mayor Ryder opened the public hearing and stated that this will eliminate the need for a permit for a building under 200 square feet and also increase the time a permit is valid from 6 months to one year. Councilor Sirois made a motion to approve the amendment to the Zoning Ordinance under 5.3.1 Building Permits as referred by Council on Sept. 19<sup>th</sup>. Councilor Wilde seconded the motion. There was no public comment and the hearing closed. Unanimous vote in favor.*

### 3. NOMINATIONS – APPOINTMENTS – ELECTIONS –

- a. *Nomination of Councilor McPike to the MRC Board of Directors – referral from Finance & Administration Committee – Councilor Sirois stated that in committee two possible nominees were discussed, Councilors Wilde and McPike. It was decided to nominate Councilor McPike. Councilor McPike stated that his name would be entered as a possible candidate among all 158 towns. Councilor Marble informed the public that staff and the attorney worked on whether or not this would be a conflict of interest for a Councilor to sit on this board and it is not. Councilor Wilde stated he fully supports the nomination of Councilor McPike. There was unanimous consent to ratify the decision of the committee to nominate Councilor McPike.*

### 4. UNFINISHED BUSINESS

5. **NEW BUSINESS** – *Mayor Ryder requested acting on Items A, C and E in one item for the sake of time. He stated this was discussed in Finance Committee*

## MINUTES

*and by a vote of 4-3, was determined that there was no conflict of interest. Councilor McAvoy cited C-1, Section 3.5 of the Ethics Ordinance as the reasoning for placement on the agenda and that based upon his reading of the Ethics Ordinance, there is a conflict of interest with Councilor Sirois and that there is no evidence of any disclosure form signed by him. Councilor McAvoy further stated that at a recent Services Committee meeting with representatives from Bronco travel soccer, Nicole Sirois, President of the soccer committee confirmed her relationship to Councilor Sirois. Councilor McAvoy stated he wanted to raise the question and have this matter voted on in the Council. He has no objection to voting the three items as one item. Lisa Carter was recognized and approached the podium to inquire what the disclosure form was. Manager Jennings explained that this was a part of the charter and that as a housekeeping measure, the clerk was obtaining these signed forms. In July Councilors were provided a list of the town vendors as a part of it. She then offered scenario as to when this might be utilized, and Manager Jennings agreed with the rationale she presented stating that he was of the opinion that even perceived conflict should be disclosed. At this time Courtney O'Donnell was recognized and approached the podium. She asked Councilor McAvoy if she was correct in understanding that his concern was not that there was a financial gain to Councilor Sirois, but it was a special interest to which Councilor McAvoy agreed. She stated that her understanding of the disclosure form was that it dealt with money. She then asked Councilor Sirois if he would benefit financially from the proposed fields, to which he answered no and that if he had a special interest, it was so that there would be fields for all kids, including his sons, to play on. Ms. O'Donnell questioned the use of the fields by other teams which was affirmed. Jeremy Jones was recognized and approached the podium stating that he does not necessarily see a financial interest, the question is more about the benefit of the fields. He stated that it feels as though this project is being rushed through without going through all the steps needed and that this is why it appears as a conflict. Keith Bourgoin was then recognized and approached the podium. He stated that it appears that Bronco travel soccer's name is being attached to this potential project which is inaccurate. As the treasurer of the non-profit he can attest that there are no contracts with the Town to build fields for them, there is no monetary gain to the soccer club and they understand that in the future if the fields were built, there would be user fees paid to the Town of Hampden. The only agreement is the use of the current fields as they have been. Scott Carter was recognized and approached the podium asking if a perceived conflict exists with a Councilor, are they allowed to vote. Attorney Bearor stated that the normal course would be that the Councilor would abstain from the vote. Discussion followed between Councilors regarding the differing views of what constitutes a conflict and also the status of the H.O. Bouchard fields. Mark Gary was recognized and approached the podium stating that he believes perception is us vs them and that in his opinion the affiliate programs handle recreation programs that the Recreation Department cannot handle and supports additional fields. This concluded the discussion and Mayor Ryder called for a motion on the conflict of interest.*

## MINUTES

- a. Request for Councilor disclosure statements for any potential or perceived conflict or special interest under Section 3.5.F.3 Code of Ethics Ordinance- requested by Councilor McAvoy – *Councilor McAvoy made a motion that the Town Council deem that Councilor Sirois has a conflict of interest. Councilor Cormier seconded the motion. Councilor McAvoy and Councilor Cormier voted in favor of the motion. Councilor Marble, Councilor Wilde, Councilor McPike and Mayor Ryder voted in opposition. Councilor Sirois abstained. Motion carries. (Items A, C and E voted as a block)*
- b. Consideration of request for authorization for cutting, stumping, grinding, permitting and site preparation on the Lura Hoit Pool site for the purpose of additional recreational fields and parking – referral from Services Committee and Finance & Administration Committee - *Lisa Carter was recognized and approached the podium stating that town needs to find out what DEP will approve and then move on from there suggesting that the current fields can be repaired in the off season. Mayor Ryder limited debate and suggested a change to the agenda item B, making a motion to move forward with the DEP permit, the survey and stormwater plan; just those three things not to exceed \$80,000 and go from there. Resident Bob McCrowski approached the podium and inquired if the project will go out to bid. Mayor Ryder stated that they would seek the lowest price for the project. Jeremy Jones approached the podium clarifying that the parking issue at the pool site was discussed last year and \$30,000 was a suggested starting point. Mayor Ryder confirmed that was the reason \$30,000 was put in reserve. Mr. Jones stated the town should start with the parking issue and develop a plan for the rest. Discussion followed with Mayor Ryder explaining the process of researching v various potential locations, and clarifying that cutting trees for parking and/or fields was not clear cutting. He re-iterated that he felt the will of the public was to find out what is ahead and thus the reason for his suggested motion. James Lee approached the podium and stated that the project will create a tax burden for the town and feels there should be other options. Discussion followed regarding the tentative quotes obtained and the scope of those quotes. Mayor Ryder stated that if the public knows of other property or has other ideas to bring them forward. Lisa Carter approached the podium and questioned why the motion was up to \$80,000.00 if that is beyond the \$30,000 needed for DEP permitting. Mayor Ryder and Manager Jennings explained the need for survey, stormwater design and engineering and other DEP requirements that may cost beyond the \$30,000. Mayor Ryder explained that the other \$50,000 was already budgeted for which is the reason his motion was up to the \$80,000. Councilor Marble asked amending the agenda item was procedurally correct, to which*

## MINUTES

*Manager Jennings stated it was permissible as it was not outside of the entire scope of the item. Attorney Bearor concurred. Councilor McPike addressed the public by stating that this concept has been discussed in both Services and Finance committees, and these meetings are public and posted. The funds being discussed were already approved. Councilor Sirois made a motion to authorize the cutting, stumping, grinding, permitting and site preparation on the Lura Hoit Pool site for the purpose of additional recreational fields and parking as referred by Finance committee. Councilor McAvoy questioned the motion on the floor. Mayor Ryder stated that his motion never received a second. Councilor McPike seconded the motion made by Councilor Sirois. Councilor McAvoy, Councilor Cormier and Councilor Wilde voted in opposition. Councilor Marble, Councilor McPike, Councilor Sirois and Mayor Ryder voted in favor. Motion carries.*

- c. Request for Councilor disclosure statements for any potential or perceived conflict or special interest under Section 3.5.F.3 Code of Ethics Ordinance- requested by Councilor McAvoy - *Councilor McAvoy made a motion that the Town Council deem that Councilor Sirois has a conflict of interest. Councilor Cormier seconded the motion. Councilor McAvoy and Councilor Cormier voted in favor of the motion. Councilor Marble, Councilor Wilde, Councilor McPike and Mayor Ryder voted in opposition. Councilor Sirois abstained. Motion carries. (Items A, C and E voted as a block)*
- d. Request for authorization to use Recreation Area reserve funds, (account 3-767-00), for the purpose of site work for additional recreational fields (up to \$50,000) and wetlands delineation and DEP permitting for additional parking (up to \$30,000), both at the Lura Hoit Pool site – referral from Finance & Administration Committee – *Mayor Ryder stated that this was not discussed in Finance & Administration so could not be considered during Council.*
- e. Request for Councilor disclosure statements for any potential or perceived conflict or special interest under Section 3.5.F.3 Code of Ethics Ordinance- requested by Councilor McAvoy - *Councilor McAvoy made a motion that the Town Council deem that Councilor Sirois has a conflict of interest. Councilor Cormier seconded the motion. Councilor McAvoy and Councilor Cormier voted in favor of the motion. Councilor Marble, Councilor Wilde, Councilor McPike and Mayor Ryder voted in opposition. Councilor Sirois abstained. Motion carries. (Items A, C and E voted as a block)*
- f. Request for Council waiver of the bid procedure guidelines for authorized activities at the Lura Hoit Pool site – referral from Finance

## MINUTES

& Administration Committee. - *Mayor Ryder stated that this was not discussed in Finance & Administration so could not be considered during Council.*

- g. Council review and approval of proposed FY17 Service Charges – Recommended by Kelly Karter, Tax Assessor - *Mayor Ryder stated that this was not discussed in Finance & Administration so could not be considered during Council.*
- h. Consideration of proposed Council Order 2016-03 establishing Confined Space Entry Policy – recommended by DPW Director Currier - *Mayor Ryder stated that this was not discussed in Finance & Administration so could not be considered during Council.*
- i. Consideration of the proposed Business Park TIF professional fee reimbursement agreement – referral from Planning & Development Committee - *Mayor Ryder stated that this was not discussed in Finance & Administration so could not be considered during Council.*

e. COMMITTEE REPORT

Services: *Councilor McAvoy reported that they have not met since last Council meeting, but the next meeting will be October 11<sup>th</sup> and everyone is welcome.*

Infrastructure: *Councilor Marble reported that they have not met since last Council meeting but the next meeting will be October 12<sup>th</sup>.*

Planning & Development: *Councilor McPike reported that at the last meeting they discussed the MRC status update and the market study scope. P & D is in favor of proceeding with the first level of the study. They also discussed Emera and Business Park TIF scopes.*

Finance & Administration: *Councilor Sirois reported that at the last meeting they discussed Roberts Rules of Order regarding motions to reconsider items, borrowing terms for the November 8<sup>th</sup> referendums, potential conflict of interest items and the possible construction of sports fields and parking.*

f. MANAGER'S REPORT – *Nothing specific to report at this time.*

g. COUNCILORS' COMMENTS

*Councilor Wilde stated he has been contacted by tax payers with concerns that the "Swap Shop" is going to be closed in January. He reported to the public that to his knowledge this has not been discussed in Council. He commented on the healthy debate that took place tonight and though it may not be the desired result, it is democracy.*

*Councilor Marble – reiterated the comment by Councilor Wilde that nothing has been discussed about the transfer station but they will try to get it on the agenda for*

MINUTES

*Infrastructure with public information and input to do it correctly. He congratulated Reeds Brook Middle School for winning the blue ribbon recognition. He reminded everyone that October is Domestic Violence Awareness month and to always consider those who may not be safe. He then commented on the leadership of the Manager and the Mayor who have invested a lot of time and effort into Hampden and serve the public well.*

*Councilor McPike – No comment*

*Councilor Cormier – No comment*

*Councilor McAvoy – Reminded the citizens to shop local and buy American*

*Councilor Sirois – No comment*

*Mayor Ryder – Acknowledged the tough conversation that has taken place tonight and wanted to let the public know that he is not about spending money. He is about trying to improve Hampden beyond today, for his grandkids and yours and everyone else.*

- h. ADJOURNMENT – *With no further business, Councilor made a motion, seconded by Councilor Marble to adjourn at 8:45.*

Respectfully Submitted,



Paula A. Scott,  
Town Clerk  
Gigi Dubey,  
Recording Clerk