



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING

Minutes

MONDAY

OCTOBER 17, 2011

7:00 P.M.

Attending:

Mayor Janet Hughes

Councilor Andre Cushing

Councilor Tom Brann

Councilor Shelby Wright

Councilor Kristen Hornbrook

Councilor William Shakespeare

Councilor Jean Lawlis

Town Manager Susan Lessard

Citizens

The meeting was opened at 7:02 p.m. by Mayor Hughes.

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Brian Moussally – New Application for Recreation Committee – Referral to Services Committee

4. REPORTS

- a. Finance Committee Minutes – 10/3/2011

Motion by Councilor Brann, seconded by Councilor Cushing to accept the consent agenda. Unanimous vote in favor.

B. PUBLIC COMMENTS –

Lisa Carter – Western Avenue – At the last council meeting she requested information on bids and who they went to. She had expected to get an email in this regard and wonders when she can look at the bid and non-bid jobs. She also considers that at the last council meeting some Councilors made embarrassing and disrespectful comments and that people should get an apology for them. One example cited was in regard to the request for an extension of time by the Citizen's Comprehensive Planning Committee when Councilor Brann made the comment 'I believe I am smarter than them'.

Terry McAvoy – Monroe Road – Agrees with everything Mrs. Carter said and also questioned why the Town Attorney was at the meeting – was he a formal part of the Town Council?

Clare Cole – Sidney Boulevard – Thanked the Council for the job they are doing under difficult circumstances.

Motion by Councilor Brann, seconded by Councilor Cushing to set aside the rules to add an item to the agenda related to adding a church as a conditional use in the Commercial Services District. Unanimous vote in favor. This item will be item C-3-f.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. *Application for Renewal of Victualers License received from Hannaford Bros. Co. d/b/a Hannaford Supermarket & Pharmacy #8417 at 77 Western Avenue – The public hearing was opened by Mayor Hughes. Proponents – None. Opponents – None. Neither for nor against – None. The public hearing was closed. Motion by Councilor Cushing, seconded by Councilor Brann to approve. Unanimous vote in favor.*
- b. *General Assistance Ordinance – Adoption of Appendixes A, B & C for 2011/2012 – The public hearing was opened by Mayor Hughes. Proponents- None. Opponents – None. Neither for nor against – None. The public hearing was closed. Motion by Councilor Brann, seconded by Councilor Cushing to adopt Appendixes A, B & C for 2011/2012. Unanimous vote in favor.*

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

- a. *Council Committee Assignments – Mayor Hughes asked Councilor Hornbrook to replace Councilor Lawlis on the Committee on Committees. Councilor Hornbrook is not comfortable meeting offsite and is happy to serve on the committee if it is held where the public can attend. Mayor Hughes suggested that the committee meet the same time as Communications. Mayor Hughes asked Councilor Wright to also serve on the Committee on Committees.*
- b. *Hampden Academy Re-use Update – The Mayor informed the Council that the School District had offered the property to the Town for a price of \$386,100 and wanted a response by December 5, 2011.*

Public Comment –

Alex King – Remembers that the \$1 million dollar assessment was for land only and only if rezoned for commercial use. With a cost of \$300-400,000 to maintain the buildings the town should take it over but not pay more than \$1 for the property.

Terry McAvoy – 59 Monroe Road – Questioned what would happen if the Town does not buy the property. The Mayor responded that if the Town rejects the offer it will be sold by the school and the money will go to payoff

the state debt for the school – not the local debt for the new school. He said that with so many unknown costs he does not understand why the Council would want to take it over.

Rich Armstrong – 109 Kennebec Road – stated that he is not familiar with the purchase and if there is no benefit it is not a good idea if it is only for sentimental reasons. He also wanted to know the breakdown of the demolition costs cited and wondered why the Town would not send an employee for training in asbestos.

Jeremy Jones – Partridge Road – believes it should be sold to the highest bidder and become a tax generating property.

Mayor Hughes stated that the demolition estimate is \$1m to \$1.5m and it is unclear how much validity we can put into that estimate. The next step in this process is two-fold; 1. Is to insure that the costs for the estimated demolition are appropriate and 2. Is to show that the \$1m of value does not include the demolition of the buildings.

The Town Manager reported that an attorney specializing in school law had investigated options and the school agrees that the amount that can be charged is the 'fair market value'.

Councilor Lawlis talked about the advantages and the potential to put tax generating entities on the property. Since it is located in the heart of the community she wonders what citizens would like to see there.

Councilor Shakespeare called it 'funny math' in that the price and the demo are equal in value. He would not want to saddle the taxpayers with such a ridiculous proposal and would rather see it sold outright.

Councilor Cushing asked about the consequences of the options. The Town Manager responded that the school had three options; 1. To lease the school for no longer than 4 years, and retain it for future educational opportunities, 2. To offer it to the Town, or 3. If the Town declines, the school could reconsider selling which has little economic benefit to the district.

The Town Manager reminded the Council of the visioning sessions held by the School at the beginning of the process and the desire on the part of many people to see a mixed use at that site. The outcome could be that the School retains it and it not only would not be tax generating – it would be an additional financial burden on the School District that would be passed on to taxpayers.

Councilor Cushing asked if the town buys it, can the school keep the money. The Manager responded that they could and it would go towards their budget.

Councilor Shakespeare is concerned that there are all kinds of expenses for us to incur and that the taxpayers will be saddled with them. He is concerned about the impact to the mil rate from the new school and does not want to put the town in a position where they are burdened with more.

Councilor Cushing reminded people that the \$6m in local debt on the new high school was estimated to add a possible .35 to the mil rate. He also aired concerns that operational costs for the new facility could be higher than anticipated. However, doing nothing is not an option because whether the Town takes it or the School keeps it – Hampden will be the major payer in whatever happens.

Mayor Hughes indicated that the Planning & Development Committee was hoping to get the property for \$1 and get it onto the tax rolls. The Committee can continue to investigate options but the Town needs to respond to this letter from the School District.

Motion by Councilor Brann, seconded by Councilor Cushing (for discussion purposes) to authorize the Economic Development director to collect additional information and spend up to \$5,000 to obtain an opinion as to whether the appraisal of SAD 22 for the old Hampden Academy property is at fair market value and to take the funds from the Host Community Benefit fund.

Discussion-

Attorney Russell suggests hiring our own appraiser to determine fair market value.

Councilor Brann- questioned what kind of appraisal we want to seek since appraisals can be very costly.

Councilor Shakespeare – Needs more time and the Town needs to negotiate. He is not willing to spend 10% of the value for an appraisal.

Councilor Cushing – also needs more time to consider this. Believes we should let them know that we are diligently pursuing this but need to explore it more. This is a good faith offer but we need to decide on parameters that affect taxpayers.

Councilor Brann questioned whether it was legal for them to give an appraisal amount of \$1m without buildings since the buildings are currently there.

Public Comment before vote:

Jeremy Jones –Partridge Road – Can the public see the appraisal? Could we do a cold shutdown of the facility and leave the demolishing to a prospective buyer? He believes it can be a lot simpler and is not comfortable with SAD #22 calling the shots.

Terry McAvoy – Monroe Road – believes that the most reasonable action would be to say no thank you – we are not interested and let them put it on the market and they will quickly find out what fair market value is.

Vote on motion – 5 in favor, 2 against (Shakespeare, Hornbrook) Motion carried.

- c. Hamlin's Marina/Town – Land Transfer Agreement – *Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the Town Manager to sign the agreement on behalf of the Town. Vote 6 in favor, 1 opposed (Hornbrook). Motion carried.*
- d. Authorization to Fund Comp Plan Costs – Finance Committee Recommendation – *The Finance Committee recommends that the council vote to fund the \$5,479.68 which was over and above the original amount approved for the budget for the update of the Comprehensive Plan. Motion by Councilor Brann, seconded by Councilor Shakespeare, to authorize \$5,479.68 in additional funds be approved for expenses related to the update of the comprehensive plan to come from Host Community Benefits. Vote 6-1 (Hornbrook). Motion carried.*
- e. Epstein Commercial Real Estate/Town - Exclusive Authorization to Sell – Hampden Business Park – Planning & Development Committee Recommendation – *Attorney Russell has reviewed the proposed agreement and made some suggested changes. The document presented is in the final form. Motion by Councilor Brann, seconded by Councilor Shakespeare to authorize the Town Manager to sign the contract with Epstein Commercial Real Estate. Vote 6-1 (Hornbrook). Motion carried.*
- f. *Added to this agenda. Allowing Church as a conditional use in the Commercial Services District. Councilor Brann introduced this for public hearing.*

4. NEW BUSINESS

- a. Change of Name of Hampden Business and Commerce Park to “Hampden Business Park” – Planning & Development Committee Recommendation – *Councilor Brann indicated that the real estate broker had suggested that the name should be changed for marketing purposes. Motion by Councilor Shakespeare, seconded by Councilor Cushing to change the name to the Hampden Business Park. Unanimous vote in favor.*
- b. Offer for Lot #5, Hampden Business Park – Finance Committee Recommendation – *This item was not discussed.*
- c. Municipal Building Reserve Use - \$1,100 – Maine Tree & Landscape – *This item covers the removal of three dead trees at the end of the parking lot at the request of public safety and is not part of the operating budget. Motion by Councilor Brann, seconded by Councilor Shakespeare to authorize expenditures from the Municipal Building reserve of \$1,100 for tree removal. Unanimous vote in favor.*
- d. Application for Renewal of Liquor License received from Bangor Tennis & Recreation Club at 60 Mecaw Road – *Motion by Councilor Lawlis seconded by Councilor Wright to waive the public hearing. Unanimous vote*

in favor. Motion by Councilor Lawlis, seconded by Councilor Brann to approve the liquor license renewal. Unanimous vote in favor.

D. COMMITTEE REPORTS

Communications Committee – Councilor Cushing – reported that the Committee was still working on live streaming and that Rodney Verrill of NESCOM is working on finding us more interns.

Planning & Development – Councilor Brann – reported that the committee is still working on the sign ordinance and that the Citizen's Comprehensive Plan Committee appears to be working well.

Services – Councilor Lawlis – the committee had a special meeting with SAD 22 in regard to the trails project in order to try and get it in this grant cycle. The committee will meet again next month.

Infrastructure – Councilor Shakespeare – the committee will meet on the 24th with the Hampden Water District from 6 -7 and then the Committee meeting at 7 p.m.

Finance & Administration – The Town Manager reported that the Committee had discussed a request for use of the government channel, reviewed warrants and approved minutes.

- E. MANAGER'S REPORT – *Dog licenses for 2012 are now available, there will be a candidate forum on 10/19/2011, there is a special council meeting on 10/25/11 for an executive session for a review of applications for the Town Manager position. The Infrastructure Committee will be reviewing the revisions to the Sewer Ordinance at its next meeting.*

F. COUNCILORS' COMMENTS –

Councilor Hornbrook thanked residents for coming and indicated that several people had asked about the Hamlin project and stated that it was convoluted and confusing and since she cannot explain it to people – she cannot vote for it.

The next meeting will be held on November 14, 2011 at 7:30 p.m. The Services Committee will meet from 5:30 – 7:30 p.m.

G. ADJOURNMENT

The meeting was adjourned at 9:47 p.m.

Respectfully submitted,



Denise Hodsdon
Town Clerk