



HAMPDEN TOWN COUNCIL
MINUTES

MONDAY DECEMBER 17, 2012 7:00 P.M.

Attending:

*Mayor Janet Hughes
Councilor Andre Cushing
Councilor Jeremy Williams
Councilor Jean Lawlis
Councilor Tom Brann
Councilor Shelby Wright
Councilor Kristen Hornbrook was absent*

*Town Manager Susan Lessard
Town Attorney Thomas Russell
Councilor-Elect Bill Shakespeare
Town Planner Bob Osborne
Citizens*

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. December 3, 2012

3. COMMUNICATIONS

- a. James Davitt – New Application for Planning Board – Referral to Planning & Development Committee
- b. Kristen McNutt – New Application for Historic Preservation Committee – Referral to Planning & Development Committee
- c. PretiFlaherty/Eastern Maine Development Corporation – Penobscot Valley Refuse Disposal District Funds

4. REPORTS

- a. Finance & Administration Committee Minutes – 12/3/2012
- b. Services Committee Minutes – 12/10/2012

Motion by Councilor Cushing, seconded by Councilor Brann to accept the Consent Agenda. Unanimous vote in favor.

B. PUBLIC COMMENTS – *There were none.*

C. POLICY AGENDA

1. PUBLIC HEARINGS – *There were none.*

2. NOMINATIONS – APPOINTMENTS – ELECTIONS – *There were none.*

3. UNFINISHED BUSINESS

- a. **Library Furnace Bids** – *Councilor Lawlis reported that the bids had been reviewed by both the Services Committee and the Finance & Administration Committee and that the Library has received a grant in the amount of \$10,000 for a new furnace. The bids were over that amount, but both committees recommend acceptance of the bid from Ray Plumbing & Heating in the amount of \$12,247.00. Motion by Councilor Lawlis, seconded by Councilor Brann to award the bid to Ray Plumbing & Heating in the amount of \$12,247.00, to be funded by the \$10,000.00 grant and \$2,247.00 from the matching grant reserve fund. Unanimous vote in favor.*

4. NEW BUSINESS

- a. **Historic Preservation Grant – Hampden Historical Society/ Hampden Historic Trail** – *Town Planner Bob Osborne explained that this would be a pass-through grant in which the Town would apply as the governmental agency on behalf of the Historical Society. The purpose of the grant is to purchase signs from Museum in the Streets to be erected at selected historical sites within the Town. Funding for the \$15,000 project will come from the \$7,500 grant and the Historical Society will seek donations for the remaining \$7,500. The Public Works Department will install the signs. Motion by Councilor Williams, seconded by Councilor Brann to authorize the Town Manager to enter into a grant agreement with the Maine Historic Preservation Commission. Unanimous vote in favor.*
- b. **Higgins Subdivision – Acceptance of Sewer Improvements** – *Town Planner Bob Osborne informed the Council that the improvements for the subdivision on the corner of Old County Road and Schoolhouse Lane are complete and the Town needs to accept the sewer. Motion by Councilor Brann, seconded by Councilor Wright to accept the sewer improvements. Unanimous vote in favor.*
- c. **Acceptance of Resignation of Councilor Williams** – *Councilor Williams read his letter of resignation indicating that due to obligations to his employer, he would be resigning from the Council effective December 31, 2012. Motion by Councilor Lawlis, seconded by Councilor Cushing to accept the letter of resignation as of December 31, 2012. Unanimous vote in favor.*
- d. **Set Special Election and Nomination Process** – *Town Clerk Denise Hodsdon explained that the Town Charter requires a special election within 60 days following a Council vacancy. The law allows for the Council to shorten the nomination period to fill the vacancy. She proposed that the election be held on February 26, 2013 and that nomination papers be available beginning December 18, 2012, with a filing deadline of January 10, 2013. Absentee ballots will be available*

beginning January 22, 2013. Motion by Councilor Wright, seconded by Councilor Lawlis to accept the nomination and election process and timeline proposed by the Clerk. Unanimous vote in favor.

- e. **Council Committee Assignments** – *Councilors were asked to submit their committee preferences to the Town Manager by January 2, 2013 so that assignments could be made at the first meeting in January.*

D. COMMITTEE REPORTS

Services Committee – *Councilor Lawlis – reported that the committee met on December 10th and discussed the library boiler bids and the Recreation Department's use of the Skehan Center. The next meeting will be at 6:00 pm on January 14, 2013.*

Planning & Development Committee – *Councilor Brann – the Committee will meet this Wednesday and agenda items include proposals for use of the old Hampden Academy property and the sign ordinance. The Committee has begun discussions of implementation of the Comprehensive Plan.*

Finance & Administration Committee – *Mayor Hughes – the Committee met earlier this evening and discussed many of the items on tonight's Council agenda. The Committee has been working on amendments to the Victualer's License Ordinance and Outdoor Woodfired Boiler Ordinance and both will be on the next Council agenda for introduction for public hearing.*

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

F. COUNCILORS' COMMENTS

Mayor Hughes *thanked the Council for its hard work this past year. She feels the Council is well-rounded and has represented the people of Hampden well. She also thanked Manager Lessard and Staff for the work they do; and thanked the citizens who have come to meetings and said she appreciates their involvement. Mayor Hughes then presented gifts to outgoing Councilors Cushing and Williams and thanked them for their service. She noted that Councilor Hornbrook was unable to attend this evening, but thanked her for her service and said we will get her gift to her.*

Councilor Williams *said it has been a pleasure serving this past year and he appreciates the direction the Council has gone in considering the public's concerns. He thanked residents who have gotten involved and said he is looking forward to Bangor Hydro moving to Hampden.*

Councilor Brann *thanked all the Councilors who are leaving for the opportunity to exchange ideas. He noted it has been very interesting.*

Councilor Hornbrook *was unable to attend the meeting, but sent her closing remarks and asked Manager Lessard to read them into the record.*

Councilor Cushing *thanked the Council, staff and citizens for the honor of serving as a Town Councilor for the last six years. He said it has been an amazing and rewarding experience and highlighted some of the changes and accomplishments made during his term on the Council. He wished everyone a Merry Christmas and a Happy and Blessed New Year.*

Mayor Hughes *wished everyone a Merry Christmas and Happy New Year and said she is looking forward to a new start at the beginning of the year.*

2012 ANNUAL MANAGER'S REPORT

The 2012 year was one of both great challenges and great accomplishments. The following report first discusses progress on Goals & Objectives set by the Town Council for the year, next enumerates other work done by the Town Council, then identifies grants received and fundraising done by Town Departments, and finally, highlights activity by individual departments for 2012.

From early 2011 through mid-2012, the Town Council and staff were challenged on many fronts, from their roles in planning and ordinance development to the conduct of elections. Thrown into that mix was a decision I made to move on to another job field. The result of all of that was poor morale among town staff, lack of faith on the part of some members of the community in local government, and numerous occasions when the 'face to the world' of the Town of Hampden in the media was anything but positive. As we have worked through all of those challenges, it has sometimes been anything but pretty. However, what is important to remember, is that we are and we have been working and making progress. This report clearly shows that the Town has still been active, productive, and accomplished many things despite the challenging environment in which much of it occurred.

After a long term 8 month unsuccessful effort by the Town Council to find a new manager – a time during which I assessed my own 'do something different' plans and realized I had made an error in resigning – the Council ended up agreeing to hire me back full time. It was not a unanimous decision and I respect those who disagreed with the idea, but it is a decision that I greatly appreciate. Sometimes it takes going somewhere else and trying something different to realize that you were 'home' all along.

Hampden does more now to try and engage and inform its citizenry than many many communities and has devoted considerable Council and Staff time to that effort. Council meetings afford citizens the opportunity to comment on any agenda item and the Council encourages citizen attendance at Council Committee meetings where the 'roll up your sleeves and get to work' effort is done. Hampden also has worked hard to maintain a stable mil rate over time, with the current mil rate of 15.90 in place since the 2008/2009 fiscal year. It would not be possible for this to happen without good long term planning on the part of the Town Council, the efforts of the departments in planning work and capital needs – and the residents for supporting the Town.

Hampden is a good community – and one with room for all views and viewpoints. As we move forward into 2013, I am in hopes that we can do the work of the Town in an open and inclusive manner with civility and respect shown by Town Councilors, Town Staff, and Town residents.

GOALS & OBJECTIVES

- The Town Council conducted a successful goals & objectives session in March of 2012 and outlined priorities for the fiscal year. Those priorities were as follows. Action taken on the goals is in italics following each item:

- Citizen survey/education piece – *This item will be conducted in the January 2013 edition of the Town Newsletter. Council committees worked over the course of the year to prioritize what information would be most valuable to survey.*
- Hampden Academy re-use – *The Town Council voted to acquire this property from RSU 22 as a land swap between the Town and the School District. The Town Council further granted use of the Skehan Center for a Community/Recreation facility through June 2013 on a trial basis to determine if the facility could be economically self-sustaining. The Economic Development Director is working with the Planning & Development Committee of the Council to find re-use for the facility. As of the end of 2012, a church had been granted a one year lease for the old library space along with four classrooms for a lease amount of \$20,000. Two colleges had expressed interest in use of the facility, as well as a charter school, and a senior housing project.*
- Improve relationships/effectiveness of Council & improve public perception of Council – *The Council has worked hard to insure that it performs its work in a transparent and open manner. Council and Planning Board meetings are aired live and replayed, public comment is allowed on all Town Council agenda items as a matter of routine, Committee meetings are held in an informal manner and there is an opportunity for the public to be heard in those meetings. A monthly Government on the Go! Email to all who have signed up on the Town's website is sent out with a list of all meetings for the upcoming month as well as information in regard to other events, projects, and programs in which the Town is involved.*
- How big should government be? – *Although this item was not separately discussed, questions related to it will be included in the Town Resident Survey that asks citizens what level of services they want from local government.*
- Improve business/customer service (ordinances, Rules, planning, negotiating red tape) – *The Economic Development Team has successfully worked with a number of new businesses who chose to develop in Hampden this year. Those include Katahdin Trust, Wight's Sporting Goods, Maine Trailer, the Dennis Paper Company expansion as well as the Bangor Hydro relocation project that was recently approved by the Town Council. Several of these business owners have offered to provide testimonials on their positive experience in dealing with the Town of Hampden. The development of an active and highly involved Council Planning & Development Committee has insured that any part of a development needing Council action is done in a timely manner.*
- Parks/Trails – *Dorothea Dix Park continues to see improvement thanks to the work of the Dorothea Dix Park Committee and their volunteer efforts in clearing brush and trails in the park. A water source has also been restored to the site. The restoration of Papermill Road Park is being coordinated by volunteer Jeremy Jones and it is anticipated that clearing and additional parking will be done in the upcoming year. A trails project that was being jointly planned between the school and the Town on land in 4 mile square that was ultimately traded to RSU#22 for*

the old Hampden Academy will still go forward and be available for community use.

- *Stormwater Management/Sucker Brook – The Town of Hampden has been an active participant in rule-making for the next 5 year MS4 Stormwater Permit that will govern stormwater management for the Town. In addition, the Town is a co-recipient with the City of Bangor on a grant from the DEP to survey contamination in Sucker Brook. The grant has been received and the work will be done in 2013. The finalization of the 5 year permit will also take place in 2013.*
- *Creative ways to provide and fund municipal services – This year’s budget changed funding of the Lura Hoit Pool to make it more consistent with funding of other Town Recreation programs. The budget funded from property taxes funds the cost of personnel at the pool and the revenue generated from the pool itself pays for the costs of the building, repairs, heat, electricity, and capital costs. The Town also chose to fund the 1st of year of the re-use of the old Hampden Academy from Host Community Benefits received from the closure of the Pine Tree Landfill so as not to impact the mil rate. In addition, grants were received for the purchase of a brush truck for the fire department, a sidewalk on western avenue, energy efficiency at the pool, safety items and special patrols for the police department, and a new furnace for the Town Library – all of which reduce the amount needed from property taxes for the operation of the community.*
- *Evaluation process for outside services agency funding before budget begins – Prior to the passage of the 2012-2013 budget the Town Council adopted a policy for outside agency funding that sets up parameters/requirements for applying for such funding, and limitations on total outside agency funding without a super-majority vote of the Town Council.*
- *Review election issues related to district elections (change charter/separate voting areas/etc.) Discussions were held at the Finance & Administration Committee of the Town Council about how best to avoid confusion that may be related to having all four council districts elected at the same time. Suggestions were made to stagger district terms so that never more than two districts were elected at the same time. This item would require an ordinance and a charter change which could not be held until November 2013*
- *Rules of governance/review of Charter for inconsistencies – After considerable review, the Town Council adopted updated Council Rules and an updated Code of Ethics for elected officials. At the present time, the Finance & Administration Committee is still working on a review of the Council section of the Charter with potential recommendations for consideration at the November 2013 election.*
- *Keep the Mil Rate the same – The Town Council approved a budget for 2012-2013 that held the mil rate at \$15.90/thousand for the 5th year in a row.*

OTHER COUNCIL WORK

- 2010 Comprehensive Plan as reviewed by the Citizens’ Comprehensive Plan Committee received final approval.

- Town participated in home composter program for the 6th year in a row, as well as the Regional Household Hazardous Waste Program.
- Sponsored 2nd Historic Preservation Grant for the Hampden Garden Club for restoration work on Harmony Hall
- Approved a pilot project for Digital archiving of town records.
- Approved a web-GIS program so that all town tax maps and information can be online and available for the general public.
- Reduced town property and casualty insurance by over \$5,000 by going out to bid.
- Approved Kiwanis Poker Tournament License and VFW games of chance license
- Began implementation of the Marina Project grant program funded by the Chevron Grant.
- Developed a draft handbook for Town Councilors
- Reviewed and Approved an Outdoor Facilities Ordinance that replaced two outdated ordinances and made consistent the rules for use of Town properties.
- Paved over 3 miles of road.
- Approved 3 year contracts with new Police and Fire Unions negotiated without the need to pay for outside consulting assistance.
- The Lura Hoit Pool held a fundraiser to help defray the cost of installing a new air handling system at the pool.
- Approved the purchase of a portable sound system for the Community Room so that it can be used more efficiently.
- Authorized replacement of two highway trucks and one loader.
- Authorized replacement of one police cruiser.
- Authorized payment to the State for sidewalks on the Route 1A project from PDQ Door to Hillside Drive.
- Authorized funding to match a grant received from the Maine DOT to complete the sidewalk on Western Avenue to Mayo Road.
- Accepted URIP funds for road maintenance from MDOT
- Approved an 'I love Hampden Because....' Video contest
- Approved a joint video project with RSU #22 for a video tour of the new high school produced by resident James Folsom.
- Approved the purchase of phase two of the playground equipment at the playground adjacent to the Lura Hoit Pool.
- Accepted a donation of land from Elizabeth Halpern for a permanently conserved parcel.
- Approved victualers, liquor, and outdoor wood boiler licenses for businesses and residents.
- At total of 101 Council-related meetings were held in 2012 including regular council meetings, special council meetings, and committee meetings.

GRANTS & FUNDRAISING

- The Library received a \$10,000 grant for a new furnace for the Edythe Dyer Library.

- The Lura Hoit Pool received a \$2,000 energy efficiency award for the installation of a more efficient air handling system.
- The Fire Department received a \$130,000 grant for the purchase of a new Brush Truck
- The Town received an MDOT grant for completion of the Western Avenue sidewalk to Mayo Road in the amount of \$95,490.
- The Lura Hoit Pool Board of Trustees conducted a fundraiser to help offset the cost of the new air handling system at the Pool and raised over \$16,000.

DEPARTMENT WORK

As part of the 2012-2013 budget message provided to the Town Council, I discussed the work of each department and provided data on department activity. The following numbers are updated for the 2012 year. I think it is important information to keep updated.

Public Safety -

- During 2012, the Fire Department responded to over 240 calls related to fire service, and answered over 750 ambulance calls. The Police Department responded to over 5,000 complaints.
- The Police Department conducted a survey related to service, 'customer satisfaction', and needed improvements and is working on implementing changes to address some areas of concern.

Public Works –

- Solid Waste savings from changes at the transfer station continue to keep costs manageable for the full-service facility.
- Public works plows and maintains 65 miles of road in Hampden. They also plow and maintain 7 miles of sidewalks. They maintain 27 miles of sewer lines, 4 municipal parking lots, 3 cemeteries, grounds for 4 public buildings, 3 parks and 3 ball fields

Library

- The library circulation for 2012 has been 78,449 between January 1, 2012 and November 30, 2012. There were 25,092 patron visits to the library during that time.
- The library also offers children's programming with an attendance through November 30th of 2,802 children and 1,542 adults. These programs include 2 toddler storytimes weekly, 2 weekly preschool storytimes, 1 weekly play and learn program, one weekly craft program for kindergarten – 2nd grade, 2 per month book discussion group for 3rd & 4th grades, 1 monthly Lego Club, and weekly summer programs featuring storytellers, musicians, puppeteers, and magicians.
- Teen programming has seen 111 teens and 102 parents participate.
- Monthly adult book discussions, author visits, and technology instruction have had adult attendance of 142.

Pool

- The pool has had 31,449 patron visits in 2012 through the end of November. That included 8,374 lap swim participants, 6,829 who attended rentals, 7,935 lesson attendances, 1788 Senior swim attendances, 2592 exercise class attendances, and 6,673 family swim attendances.

Assessing/Code Enforcement/Planning

- Assessing has made more than 50 property inspections related to new construction and for homes that were not complete at the time of the 2011 assessment date.
- Code Enforcement has issued 178 permits in 2012, including 109 building permits, 62 plumbing permits and 7 permits for sewer hook ups.

GIS/IT

- The GIS/IT specialist maintains 65 computer systems in all town departments and offices as well as the network that ties them all together. In addition, she is the lead on the Town's Stormwater compliance program, does all mapping, maintains the WEBGIS system, and this year coordinated the digital archiving pilot project and supervises the person hired to perform the work.

RECREATION

- This year the Recreation Department has taken on the task of getting the Skehan Center up and running – and being financially self-sufficient – for use as a community recreation center. This is in addition to the 35 different recreation programs that saw participation of over 4200 people in 2012.

Economic Development

- Major projects for Economic Development this year included the Dennis Paper Company expansion, work with a potential major tenant for the Business park, and development of the Marina Park 'case file' for submission to the Federal Government to allow the land swap to take place as well as work with consultants to finalize the plan for the waterfront park at that location. Dean has also devoted a large amount of time to the Hampden Academy re-use project including environmental assessments, working with potential users, and helping the Council Planning & Development Committee focus on priorities for the project.

Administration

- In 2012, the Administrative 'front office' has registered more than 6000 vehicles, licensed 874 dogs, registered 241 ATV's, registered 230 snowmobiles, registered 543

boats, issued 613 Hunting & Fishing licenses, issued 20 victualer's licenses, and issued 2893 transfer station decals. 3600 tax bills were sent, 5800 sewer bills were sent over four quarters and total payments of over \$13,000,000 were receipted by administrative staff. The Town Clerk and her staff also conducted a major presidential election with 4229 voters casting ballots, 1076 people voting absentee, and more than 500 registering as new Hampden voters.

Good evening residents of Hampden and Merry Christmas!

I regret that I am unable to be in attendance at the final Town Council meeting of my term. However, personal commitments do not allow me to be there. Thank you for your understanding and I thank Manager Lessard for reading my letter into the record tonight.

Before I was elected, even during the campaign back in 2010, I said I would not seek immediate re-election to this seat. That promise was kept. Though I know my decision not to run again was disappointing to some residents, I felt that keeping my word to all residents was more important. I believe in term limits. You get in, you serve, you get out.

The last two years I have had the honor of serving as your Town Councilor At Large. These years have been an incredible experience for me. I thank you all for allowing me to hold this position in Hampden, and rest assured I did not take your vote or my votes lightly.

There have been many issues that have come to light during my term. Some were simple to resolve, others took much more time and considerable research and discussion. Many are still ongoing. You may recall I was often the only vote against some motions that came up. I was very happy to stand for what I believe was Constitutional and stand firmly against what I believed to be a violation of our Constitution. One such issue being the Outdoor Facilities Ordinance which nearly passed with an unconstitutional ban on the carry of firearms on town owned lands. Through all of these issues I am very pleased to say that I kept my Oath of Office that I swore before taking my chair behind the Council table and I remained true to our Constitution with every vote I took. That is what the voters elected me to do.

Throughout the past two years you have heard me say many things over and over again. Things like, 'I do not believe this is the proper role of government,' and 'It is not the Council's job to donate the taxpayer's money to non-profit organizations without their knowledge or consent,' or, 'when in doubt I will err on the side of the Constitutional rights of the residents of Hampden,' or, 'I do not support Comprehensive Plans because they strip the rights from the landowners and the mandatory portion of the bill was repealed by the Maine State Legislature', and, 'the Council represents over 7200 people, if all of us always agree, there are citizens who are not being represented.' Many of my comments were met with scoffs and rolled eyes, and people were told that they were being given false information. That is okay. I imagine the founder's comments were met with many of the same kinds of scoffers.

However, one thing I am sure even those who disagreed with my comments would agree on is, I was consistent. I will not say that I am proud of the two years I spent as the voice of over 7200 people in Hampden. It is not in me to be prideful. What I will say with all my heart is that having the opportunity to serve the friendly, family-oriented, hard-working people of Hampden has been one of the greatest honors of my life.

Though I am no longer officially the voice of the people as an elected official, rest assure of one thing: I am not an oath taker, I am an oath keeper. My oath to serve my Constitution was not taken just for the duration of my term on Town Council. I have been and will continue to be an avid supporter of the Constitutional rights of all Americans, born and unborn, as long as I live. After all, I still have a voice, and as you may have already noticed, I am not afraid to use it.

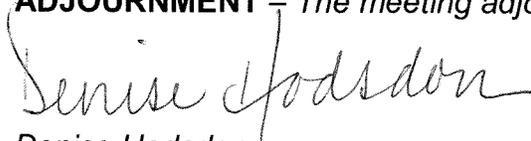
As I close my term as your Town Councilor at large and go back to being an everyday citizen, let me say a heartfelt 'thank you' to all the residents of Hampden for participating, even in some small way, in your government. We The People are in control; we...YOU must never forget that. This is your country, your government, and your elected officials are your employees. You pay their salary. They do what you want them to do, not the other way around. They work for you! I hope they remember that!

Thank you, bless you, and I wish you a very Merry Christmas and a prosperous and joyous New Year!

Very sincerely,

Kristen Hornbrook

G. ADJOURNMENT – *The meeting adjourned at 8:26 p.m.*

A handwritten signature in cursive script that reads "Denise Hodsdon". The signature is written in black ink and is positioned above the printed name and title.

Denise Hodsdon
Town Clerk