

HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

MONDAY

APRIL 23, 2012

7:00 P.M.

*Attending:*

*Mayor Janet Hughes*

*Councilor Andre Cushing*

*Councilor Shelby Wright*

*Councilor Kristen Hornbrook*

*Councilor Jeremy Williams*

*Councilor Tom Brann*

*Councilor Jean Lawlis*

*Town Manager Susan Lessard*

*Attorney Tom Russell*

*Pool Director Darcy Peakall*

*Recreation Director Kurt Mathies*

*Meagan Ballard, Recreation Intern*

*Senator Debra Plowman*

*Citizens*

*The meeting was opened at 7:06 p.m. by Mayor Hughes.*

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

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. July 18, 2011

3. COMMUNICATIONS

a. Bangor Water District – Invitation to Open House

4. REPORTS

a. Finance Committee Minutes – 3/19/2012

b. Pool Trustees Minutes – 3/13/2012

c. Communications Committee Minutes – 4/10/2012

B. PUBLIC COMMENTS - *None*

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. Application for Victualer's License received from Coffee Break Café at 75 Main Road North – *The Public Hearing was opened by Mayor Hughes. Proponents – None. Opponents – None – Neither for nor*

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

*against – None. The Public Hearing was closed. Motion by Councilor Cushing, seconded by Councilor Brann to approve the Victualer's license for the Coffee Break Café at 75 Main Road North. Unanimous vote in favor.*

- b. *Application for Victualer's License received from McLaughlin's at the Marina at 108A Marina Road – 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 the Victualer's license for McLaughlin's at the Marina at 108A Marina Road. Unanimous vote in favor.*
- c. *Application for Liquor License received from McLaughlin's at the Marina at 108A Marina Road – 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 approve the liquor license for McLaughlin's at the Marina at 108A Marina Road. Unanimous vote in favor.*
- d. *Proposed Amendments to Town of Hampden Fees Ordinance – Article 1 Administration; Article 3 Fire Department; and Article 7 Library – The Public Hearing was opened by Mayor Hughes. Proponents – None. Opponents – None. Neither for nor against- Lisa Carter questioned why the EMT service fees are taking such a jump. She has concerns that people might be reluctant to use the service if the fees are too high. Councilors responded that the Town does not do aggressive collection beyond billing for services for that very reason. However, the proposed rates are those that are approved by insurance companies and this income is an offset to the cost of the Fire department. The Public Hearing was closed. Motion by Councilor Cushing, seconded by Councilor Brann to accept the proposed amendments to Articles 1, 3 and 7 of the Town of Hampden Fees Ordinance.*

*Discussion – Councilor Brann would like to change Article 1.13 to pre-recorded meetings. Councilor Williams would like to see language in billing regarding people's ability to pay to make it clear that the service is open to all. Councilor Brann stated that when you call for an ambulance no one asks you about your ability to pay. Councilor Hornbrook considered that the fees could be a deterrent to people calling for service and asked if the fees are in line with Bangor. She also questioned what stand by fees were for. The Town Manager responded that those were for special events such as football games or sporting events and that the fees proposed were in line with Bangor, who actually does the ambulance billing for Hampden.*

*Vote on the Motion with an amendment to change 1.13 to 'pre-recorded' meetings. Unanimous vote in favor*

*Councilor Williams asked that the subject of language for billing be referred to the Finance & Administration Committee.*

## 2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. *Appointment of Election Clerks – 2-year Term – Town Clerk Denise Hodsdon presented a proposed list of Election Clerks to serve for a two year term. She explained that she had not received a list from either the Democratic Party or the Republican Party by the statutory deadline. However, she had been contacted by Senator Plowman with a list of Republicans who wished to serve in that capacity that had been developed at the Caucus well in advance of the deadline. The Town Clerk explained that the names on the list provided by Senator Plowman were also on the list presented for approval. Senator Plowman, Lisa Kelley, Clark Circle, and Lisa Carter, Western Avenue all spoke in favor of allowing the inclusion of the Republican names submitted. Questions were raised about Councilor Hornbrook's name being on the list and it was stated that since the list was for two years and she had indicated that she was not running for a second term on the Council that she could serve as an Election Clerk for elections after November if she chose to do so. Councilor Brann expressed concern over allowing the list included since it was submitted after the statutory deadline. Considerable discussion ensued between Councilors and Senator Plowman. Motion by Councilor Wright, seconded by Councilor Hornbrook to approve the list as presented. Unanimous vote in favor.*

## 3. UNFINISHED BUSINESS

- a. *Western Avenue Recreation Area Playground Bid Results – Recommendations of Services Committee and Finance & Administration Committee – UMaine Intern Megan Ballard presented an overview of the project which includes 9 stations and is age-appropriate for toddlers; there is a minimum ten year warranty on all parts and it is expandable. Councilor Wright asked about an installation time frame and Recreation Director Kurt Mathies indicated that it would be installed as soon as received. Councilor Hornbrook asked where funding was coming from. The Recreation Director responded that it would come from the Recreation Enterprise Account and not the taxation budget for Recreation. Lisa Kelley, 19 Clark Circle stated that she had a problem with the presentation of the funding source since taxpayers pay the program fees that fund the Enterprise Budget and that it really is taxpayer dollars. She also felt that the limited number of bids (2) indicated that it should be looked at further. Lisa Carter, Western Avenue stated that it looked like something you could buy at Lowes and that the town should be more conservative with its expenditures in particular because of the new High School that would be opening soon. Claire Cole, 50 Sidney Boulevard stated support for the project and her belief that the use of program fees was appropriate. Sally Leete stated that her two grandchildren would not care about*

*different equipment. Sheila Williams, 1334 Carmel Road North questioned where funding for the new heating equipment at the pool came from. Lisa Kelley, Clark Circle said that she had sat through a Finance Committee meeting and listened to the debate on where to come up with money to pay for things. She believes the decision should not be about aesthetics if they can get the playground for \$5-10,000 less. Councilor Wright indicated that she believed that the use of program fees that had been saved was a fiscally prudent thing to do to fund the playground.*

*Motion by Councilor Wright, seconded by Councilor Brann to accept the recommendation of the Services Committee to accept Option 2 of the bids to be paid from Recreation Enterprise account.*

*Councilor Cushing questioned what other work was needed to install the playground. Councilor Hornbrook stated that she had heard from residents on both sides of the question but mostly from those who are concerned about the expenditure. Councilor Williams said he would not vote for the project tonight because he is concerned about other upcoming expenses. Councilor Lawlis is concerned about the underserved population for which the playground was planned. She considers it a small financial investment which would prove to be a very good investment for the Town. Councilor Cushing stated that he felt that expenditures needed to be prioritized.*

*Motion by Councilor Cushing, seconded by Councilor Williams to table and send back to the Finance & Administration Committee for further work. Vote 4-3 (Wright, Brann, Lawlis).*

- b. Pool Air Handler – Recommendations of Services Committee and Finance & Administration Committee - *Darcey Peakall, Pool Director explained the problem with the air handler at the pool and the extended bid process that had been followed in an attempt to get the cost as low as possible. The price of \$172,000 from Mechanical Services is an alternate system but the engineers have reviewed it and stated that with a few changes it will perform the functions required. Funding for the installation was presented as follows:*

- |  |           |
|--|-----------|
| 1. Reserve Account use –               | \$75,000  |
| 2. Fundraising -                       | \$16,100  |
| 3. Pool Endowment -                    | \$ 8,900  |
| 4. Loan from Host Community Benefits - | \$Balance |

*Motion by Councilor Lawlis, seconded by Councilor Cushing to approve the contract with Mechanical Services for replacement of the air handler system at the pool for a cost not to exceed \$200,000 to be funded as outlined.*

*Councilor Hornbrook does not see this as an asset, but a government subsidized liability. She has serious concerns about this expenditure*

*particularly because of the new Hampden Academy that is about to open. If the pool were closed, the Town would have funds every year to pay for the Old Hampden Academy. Councilor Brann indicated that citizens approved the construction of the pool and it was up to the Town to maintain the facility. Councilor Williams is concerned that if the air handler fails and the pool has to be closed that the Town will have a vacant unusable building that would not be marketable. He believes we need a more proactive way of dealing with these buildings but that shutting down this facility would end up being a more expensive option. Mayor Hughes indicated that it is the Town's responsibility to ensure that its assets are cared for and cannot vote against investing to make sure that the building is maintained.*

*Vote on the motion – 6-1 (Hornbrook).*

- c. Pool Naming Rights Fundraiser – Services Committee Recommendation – *Motion by Councilor Lawlis, seconded by Councilor Brann to allow the Pool Board to proceed with naming rights as part of their fundraiser. Unanimous vote in favor.*
- d. Outdoor Facilities Ordinance – Introduction for Public Hearing – Services Committee Recommendation - *Councilor Lawlis introduced this for a public hearing at the 1<sup>st</sup> meeting in June.*
- e. Outdoor Facilities Rules & Regulations – Services Committee Recommendation – *This item was postponed until the next meeting.*
- f. Code of Ethics Ordinance – Introduction for Public Hearing – *Councilor Brann introduced this item for public hearing.*
- g. Town Council Rules – Adoption – *Removed from Agenda*
- h. Freedom of Access Request Protocol – Adoption – *Motion by Councilor Brann, seconded by Councilor Cushing to adopt the Freedom of Access Request Protocol. Unanimous vote in favor.*
- i. 2010 Comprehensive Plan – Submission to State for Review – *Motion by Councilor Brann, seconded by Councilor Wright to forward the draft 2010 Comprehensive Plan to the State Planning Office for final review. 6-1(Hornbrook). Once that step is completed, the plan will be forwarded to the Planning Board for their recommendation.*

#### 4. NEW BUSINESS

- a. Arbor Day Proclamation – *Mayor Hughes read the Arbor Day Proclamation into the record. A copy is attached hereto and made part of the minutes.*

# ARBOR DAY PROCLAMATION

**WHEREAS**, In 1872, Sterling Morton proposed that a special day be set aside for the planting of trees, and

**WHEREAS**, the holiday called Arbor Day, was first observed with the planting of more than a million trees in a single state, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in Hampden increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**THEREFORE, I JANET HUGHES, MAYOR OF THE TOWN OF HAMPDEN, TOGETHER WITH THE HAMPDEN TOWN COUNCIL, DO HEREBY PROCLAIM MAY 24, 2012 AS**

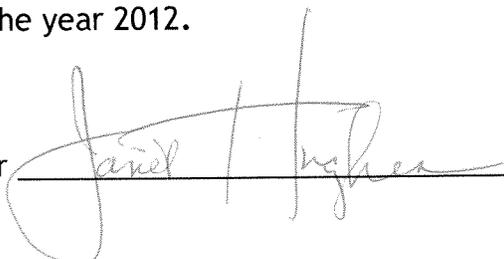
## ARBOR DAY

**IN THE TOWN OF HAMPDEN, AND WE URGE ALL CITIZENS TO SUPPORT THE EFFORTS TO PROTECT OUR TREES AND WOODLANDS, and**

**FURTHER, We urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.**

**DATED** this 23<sup>rd</sup> day of April in the year 2012.

Mayor



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- b. Sewer Commitment – 1/1/2012 to 3/31/2012 – *Motion by Councilor Brann, seconded by Councilor Cushing to approve the sewer commitment for 1/1/12-3/31/12. Unanimous vote in favor.*

D. COMMITTEE REPORTS –

*Infrastructure – Councilor Wright – the next meeting will be on April 30<sup>th</sup>.*

*Communications – Councilor Hornbrook – The committee met on 4/10 and discussed programming, portable sound system, newsletter, video streaming, and a suggestion to consider establishing a u-tube channel. The next meeting will be on May 8<sup>th</sup>.*

*Planning & Development – Councilor Brann – The Committee is working on the Phase 1 Environmental Assessment , the marina project is being worked on, and the TIF regulations are being reviewed.*

*Services – Councilor Lawlis – All items discussed at the most recent meeting were part of tonight’s agenda.*

*Finance – Mayor Hughes – The pool air handler took up most of the meeting, the town’s insurance program is being put out to bid, and the funding for the playground was discussed.*

- E. MANAGER’S REPORT – *The Manager’s Report is attached hereto and made a part of the minutes.*

F. COUNCILORS’ COMMENTS –

*Councilor Williams – There have been a lot of tough decisions lately, he is nervous about Hampden Academy, wants people to understand he is not against everything but that we need to prioritize expenses.*

*Councilor Lawlis – Earth Day was yesterday and a lot of work got done in Dorothea Dix Park. The next opportunity to help is 4/29 and again on 5/5 which is Community Clean- up Day.*

*Councilor Brann – 15 years ago the Town held a Vittles and Visions session that was open to the general public and perhaps information from that would be helpful to the Communications Committee in thinking about town-hall style meetings.*

*Councilor Cushing – Happy 100<sup>th</sup> birthday to Clara Swan. He also shared concern about the need for Councilors to make sure to participate in the Committee process, in particular when there are subjects that they are concerned about so that when an item comes to the Council with a recommendation that Councilors are up to speed on what has occurred.*

*Councilor Hornbrook – Thanked people for coming. Assured residents that Section 5.2 of the Outdoor Facilities Ordinance had been amended, and that she appreciates everyone’s participation.*

*Councilor Wright – Reminded people that his weekend is the annual Hike for the Homeless, and she commended the fire department for their quick response to a fire in her neighborhood.*

## MANAGER'S REPORT

April 23, 2012

Newsletter – The April Newsletter was delivered over this past weekend. I have had one email already from a group that thanked us for ‘airing’ their information.

Budget Distribution – The budget draft will be emailed to councilors on Monday, April 30<sup>th</sup>. You will receive an email for each date of the budget hearings that contains the budgets for that specific date. You will also receive an overall budget. The draft budget information will also be posted on the Town website, and individual budgets will be posted on the calendar dates for their respective reviews.

Tax Collection – I am pleased to note that 94.2% of 2011-2012 property taxes have been collected as of 4/20/2012. I am also pleased to note that the two property owners whose 2010 taxes foreclosed in February are both in payment arrangements that should have the ownership status of the property returned to them within one year.

Citizen Survey – One priority established as part of the goal setting session held by the Town Council was for the Town to conduct a survey of residents seeking information as to their desires in terms of services and tax burden. This survey is also to serve as an education piece to provide residents with more information on how municipal government is funded and where their tax dollars and other revenues to the town actually go. This is going to be a major project. To get it moving forward, I would ask each Council Committee to agenda this for a meeting and come up with 5-6 subjects for the survey that would be helpful for the committee to have input on in order to do their work. For example, the Services Committee might feel that it would be helpful for residents to weigh in on such subjects such as the need for, management of, and funding of recreation, trails, parks, and playgrounds. If Committees returned their ‘list’ by June 1<sup>st</sup>, we could then move on to having a survey prepared for review by the Town Council.

Landfill Report – I will be scheduling the annual visit from the Town's Technical Consultants for the landfill for the council meeting at the end of May or first of June. They will be able to update the Council on activities at the closed site and how the water quality results are doing.

Destination Imagination Thank You – We received a thank you from the DI teams for allowing them to do fundraising at the Transfer Station on a demo-collection weekend. Advisors report that they were pleased at the positive response to the students and their accomplishments – and at the amount of money they were able to raise.

Hampden Academy Re-Use – The consultant hired to perform the Phase I assessment on the property is making good progress. SAD #22 has been very helpful in providing records and access to the property for the work to be done.

Water District Planning – As an update to the Council, the Water District Board of Trustees has authorized planning/engineering to be done for the water line replacement project in the Cottage Street/Canoe Club Road. Although it was not their plan to move forward with a construction project at this time, they want the information in the event that funding is available and affordable for the project.

Community Clean Up Day – A reminder that Community Clean Up Day (formerly the stream cleanup day) is being held on Saturday, May 5<sup>th</sup>. Volunteers should report to the Town Office at 9 for assignments. A thank you barbecue will be held at the Town Office following the event. This event helps the Town to meet the requirements of its current MS4 Stormwater License.

Happy Birthday to Clara Swan – She will reach her 100 year milestone on April 28<sup>th</sup>. We wish her many many more happy birthdays.

*Mayor Hughes – The upcoming budget hearings are the time to prioritize spending and she urges all councilors to attend the meetings. It would be extremely helpful if Councilors could attend the Planning and Development meetings so that they could be up to speed on the old Hampden Academy project.*

G. ADJOURNMENT – *The meeting was adjourned at 10:23 p.m.*

*Respectfully submitted,*

A handwritten signature in cursive script that reads "Denise Hodsdon".

*Denise Hodsdon*  
Town Clerk