



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MARCH 2, 2015

7:00 P.M.

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

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. SECRETARY'S REPORTS
 - a. February 9, 2015 Minutes
 - 3. COMMUNICATIONS
 - 4. REPORTS
 - a. Pool Trustees Minutes – 1/13/2015
 - b. Bus Ridership – 12/31/2014
 - c. Services Committee Minutes – 1/12/2015
 - d. Finance & Administration Committee Minutes – 1/20/2015
 - e. Planning & Development Committee Minutes – 2/4/2015
 - f. Infrastructure Committee Minutes – 1/26/2015
- C. PUBLIC COMMENTS
- D. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - 2. PUBLIC HEARINGS
 - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
 - a. Joshua Sargent – Reappointment to Pool Board – Services Committee Recommendation
 - b. Andrew Nelson – Reappointment to Planning Board – Planning & Development Committee Recommendation
 - c. James Davitt – Appoint as Regular Member of Planning Board – Planning & Development Committee Recommendation
 - 4. UNFINISHED BUSINESS
 - a. MRC – Update on Proposed Municipal Solid Waste Recycling & Processing Facility

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

- b. Impact of Governor's Proposed Budget

5. NEW BUSINESS

- a. Sidewalk Plow Options – Finance & Administration Committee Recommendation
- b. Request to Use Computer Reserve Funds for Replacement of Police Cruiser Computers – Finance & Administration Committee Recommendation
- c. Skehan Center Lighting – Infrastructure Committee Recommendation
- d. Zoning Ordinance Text Amendment – Article 3.13 Business B District – Planning & Development Committee Recommendation to Refer to Planning Board
- e. Zoning Ordinance Text Amendment – Article 4.15 Swimming Pools and Article 7.2 Definitions – Planning & Development Committee Recommendation to Refer to Planning Board
- f. Life Safety Code Ordinance Amendments to adopt current State adopted and amended Life Safety Code, NFPA 101-2009 – Planning & Development Committee Recommendation and Introduction for Public Hearing on April 6, 2015
- g. Fire Prevention Code Ordinance Amendments to adopt current State adopted and amended Uniform Fire Code, NFPA 1-2006 – Planning & Development Committee Recommendation and Introduction for Public Hearing on April 6, 2015
- h. Repeal of current Building Code Ordinance – Planning & Development Committee Recommendation and Introduction for Public Hearing
- i. Repeal of current Residential Building Code Ordinance – Planning & Development Committee Recommendation and Introduction for Public Hearing
- j. Adoption of Maine Uniform Building and Energy Code Ordinance (MUBEC) – Planning & Development Committee Recommendation and Introduction for Public Hearing
- k. Direct Economic Development Director to Apply for “Certified Business Friendly” Designation by April 15, 2015

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

B-2a

MONDAY

FEBRUARY 9, 2015

7:00 P.M.

Attending:

Mayor David Ryder
Councilor William Shakespeare
Councilor Greg Sirois
Councilor Stephen Wilde
Councilor Carol Duprey
Councilor Dennis Marble
Councilor Terry McAvoy

Town Attorney Thomas Russell
Town Manager Susan Lessard
Town Clerk Denise Hodsdon
CEDD Dean Bennett
Econ. Dev. Consultant Noreen Norton
Representatives from Emera
Members of the Media
Citizens

- A. **PLEDGE OF ALLEGIANCE**- Mayor Ryder led the pledge of allegiance
- B. **CONSENT AGENDA** – Motion by Councilor Shakespeare, seconded by Councilor McAvoy to accept the consent agenda. Unanimous vote in favor.
 - 1. **SIGNATURES**
 - 2. **SECRETARY’S REPORTS**
 - a. January 5, 2015 Minutes
 - b. January 20, 2015 Minutes
 - 3. **COMMUNICATIONS**
 - a. Fresh Ginger Restaurant – Victualers License Renewal
 - b. Andrew Nelson – Application for Re-appointment to Planning Board – Referral to Planning & Development Committee
 - 4. **REPORTS**
 - a. Infrastructure Committee Minutes – December 22, 2014
- C. **PUBLIC COMMENTS**

Jeremy Williams of 1334 Carmel Road North congratulated and welcomed the new Councilors. He said he appreciates the cooperation he has seen so far and appealed to the Council to continue in that direction. He said he likes the ideas and direction in which economic development is headed and noted that we have to send out the message that Hampden is open for business.

Lisa Carter from Hampden said she came out because she is very discouraged at what’s going on, at what she hears...the tone. She said the previous speaker spoke about cooperation, which is lovely as long as you’re not cooperating against the taxpayer; as long the cooperation isn’t for the paid lobbyists that are talking to you day in and day out. Those are the people that get paid and that will most likely have most of the say tonight. Then there are the few of us who took time away from family and work because we don’t want you to forget who you are here to represent. She said she knows how hard it is

sometimes to remember that you are there to protect the taxpayer and the citizen, not to serve those who are employed by our tax dollars. We work so hard to secure what we have accrued through our hard work and by the simple raise of a hand tonight, you authorize somebody to take from us yet again. She said I want to remind you that you are here to protect us; that's why we elected you. We elected you, not the people paid to be here. We're being told that taxes are going to go up again and there are several people who are having a hard time paying them. She said the Council is supposed to be on the team for the taxpayer and she urged the audience to watch tonight to see which team your elected representative is on.

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS – None.

2. PUBLIC HEARINGS

- a. **Application for Victualers License received from Angela King, d/b/a Maxim Fitness Studio & Health Spa at 8 Main Road South –** *During the hearing no one spoke in favor or opposition and there were no general comments or questions. Motion by Councilor Sirois, seconded by Councilor McAvoy to approve the Victualers license application for Maxim Fitness Studio & Health Spa. Unanimous vote in favor.*
- b. **Coldbrook Road and Emera Maine Municipal Development and Tax Increment Financing District –** *Before opening the hearing, Mayor Ryder asked Community and Economic Development Director Dean Bennett to explain the TIF process to date. Dean explained that the Coldbrook Road triangle area has been identified in the comprehensive plan as a place for expansion for retail and service-based businesses. The connection between the Coldbrook Road triangle area and Emera is timing. In May of 2012 Bangor Hydro indicated their intent to consolidate its operations and were looking at a number of sites in the region. One of those sites was a piece of land they owned off Penobscot Meadow Drive in Hampden and they inquired whether Hampden was interested in talking about some incentives and seeking that development. The development would be an 18 to 20 million dollar investment with the potential for \$85,000 in annual excise tax once the administrative offices are moved here. Bangor Hydro brought a development proposal to the Council's Planning & Development Committee and after some negotiation, the committee sent a recommendation to the Council to approve the proposal. At about that time the merger of Bangor Hydro and Emera began, which significantly delayed the process. In an effort to give Emera some security in their plan to go forward with their development plans, Dean proposed the terms of the credit enhancement and asked the Council for its approval. At that time the question became what to do with the capture, or the Town's share, of Emera's taxes. The Planning & Development Committee met with Economic Development Consultant Noreen Norton and asked her to develop a product which would prioritize the development areas of the town; and that would allow the town to remain flexible, responsible and strategic in the allocation of those captured resources, ideally utilizing all the identified prioritized areas, being the*

Coldbrook Road, the triangle and downtown. It has taken three years to get to this public hearing. The Town's use of its share of the Emera tax dollars, which over a 20-year period is approximately \$4,000,000, is intended to provide for the strategic investment of resources in the development of the Hampden triangle in those categories allowed. It is a source of revenues that can be utilized to advance the development of the Hampden triangle. The allocation of the Town's share of the Emera TIF places the Town in the position of negotiation with regard to infrastructure expansion and it maximizes its chance of increasing the tax base of commercial and industrial development. Dean then introduced Economic Development Consultant Noreen Norton.

Noreen pointed out that the project over the 25 years is estimated to create \$6.6 million in new tax revenue. She noted that without the TIF, the Town would stand to lose approximately \$4 million due to lost education subsidy, lost municipal sharing and increase in county taxes. Without the TIF the Town would only have \$2.6 million available, but with the TIF, even after providing the credit enhancement to EMERA, the Town will have approximately \$4 million available. Noreen explained that once the terms of the credit enhancement had been negotiated, the development program was written within the statutory allowances, but with maximum flexibility in the Town project portion. She pointed out that if the Town decided to do some project not included in the program, it would have to go back and amend the program, with another public hearing. Mayor Ryder opened the public hearing at 7:35 pm.

Gerry Chasse of 71 Aaron's Way and President of Emera Maine noted he was here with about 10 of the 37 Emera employees who live in Hampden and that they were here to express their collective support for the approval of the TIF. The employees are excited about consolidating to one campus and moving to a new modern facility in Hampden. He expressed appreciation to Town officials for all the work it took to get to this point.

Rich Armstrong of 109 Kennebec Road thanked Emera for coming to Hampden and wondered how many residences would need to be built to equal the taxes that one business is paying? He shared that his business had been located in Bangor for sixty years, but when they needed to expand, they chose to move to Hermon because of a TIF, which helped their business to grow and gave them a chance to pay off the accumulated debt from building the new facility. He felt that without a TIF, businesses are not going to come to Hampden, they will go to Hermon. He pointed out that setting the money aside for economic development would allow the Town to have the money to be able to bargain with big companies who may want to come to Hampden. He said he doesn't like to see taxes going up, but if you want them to go down, we need to attract business, which would generate personal property taxes as well as real estate taxes.

Jeremy Williams of 1334 Carmel Road North and an employee of Emera, said he has watched his taxes go up, but feels that this is win/win for everyone. Bringing this type of business to Hampden is the only way to keep taxes at a fair level and let anyone be able to live in Hampden. He feels this a good thing for the Town.

Lisa Carter of Hampden said for her, this is not about whether Emera

should get a TIF, it is about what happens to the portion of the money that goes back to Hampden. She stated that with the businesses who have previously received TIF's, they got a discount on their property taxes and the remaining amount of money went back into the general fund. She said that when you have lower property taxes, you don't have to give so many TIF's because people will come to the Town due to lower property taxes. She said she is glad that Emera is coming here, but that is not the issue. The issue is that in this document the money does not go to the general fund. She said if you set this aside and have these "spending" items, that means that taxes for homeowners go up.

Walter Cupples of 42 Main Road North said that due to the work of Economic Development Director Dean Bennett and the Council over the last couple of years, Hampden's image of being anti-business has changed dramatically. We have a lot to offer in Hampden and a big part of that is what we can do to provide a welcome place for businesses to build and grow. He said the Coldbrook Road and the triangle development could accelerate this whole process. We need to shift our tax base from dependence on residential to greater dependence on commercial and industrial. Using the Emera TIF to build infrastructure off Coldbrook Road makes sense and he strongly urged the Council to support the TIF.

Jeremy Jones of the Partridge Road stated that most people don't have a problem with the basic premise of tax increment financing, when applied appropriately, and most welcome the Emera project. However, he feels that some of these special projects are evidence of tax and spend. These projects should stand on their own merit in a line-item before the town budget process. He said precedent has been that any additional tax revenue generated by new construction should go into the general fund and thereby reduce the overall tax burden on the Hampden taxpayer. He believes that property tax relief is what we need, not more special projects. He said TIF's will work, but we must be very careful how we spend it.

Rich Armstrong of 109 Kennebec Road stated that when the money goes into a TIF account, it is not spending, it is investing and visionary. If the Town attracts a business because of a TIF, there is no lose situation for the Town; we've attracted a new business that is bringing in taxes that we never had before.

Alex King of 75 Ichabod Lane said he is supportive of this TIF and can't believe the push-back. He said it is not costing the Town any money to have Emera come to town. There is no infrastructure cost and there are no kids to educate. He pointed out that there would be \$85,000 to \$90,000 in excise tax and a huge amount of personal property tax. Emera could be here possibly 100 years and the TIF is only for 20 years. He urged the Council to accept the TIF.

There being no further public comments, Mayor Ryder closed the public hearing.

Motion by Councilor Sirois, seconded by Councilor Marble to accept the TIF for Emera Maine as written and to forward to the Department of Economic Development for approval.

During discussion, Councilor Wilde noted that this is not a matter of accepting the TIF, as it is already in place. It is a matter of how we take

care of our part of the money. He expressed concern about some of the possible proposed projects contained in the TIF document. He absolutely believes the money should be used for Economic Development, however he wanted to strike out the town forest provision because he can't see how that helps economic development.

Following further discussion, Councilor Wilde moved and Councilor Duprey seconded to strike Item #14, Section 2 on Page 7 from the original TIF. Vote on the motion was 5 in favor (Sirois, Wilde, Ryder, Duprey and McAvoy) and 2 opposed (Shakespeare and Marble); motion carried.

Councilor Duprey moved and Councilor McAvoy seconded to amend Item #10 by striking the language "prorated economic development portion of future comprehensive plans and updates". Vote on the motion was 5 in favor (McAvoy, Marble, Duprey, Ryder and Wilde) and 2 opposed (Shakespeare and Sirois); motion carried.

Vote on the original motion to accept the TIF, as amended was 6 in favor (Marble, Duprey, Ryder, Shakespeare, Wilde and Sirois) and 1 opposed (McAvoy); motion carried.

Mayor Ryder asked for a motion to accept Exhibit G, the Town Council Resolution. Motion by Councilor Wilde, seconded by Councilor Marble to accept Exhibit G. Unanimous vote in favor.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- a. **Sewer Commitment – 10/1/2014 to 12/31/2014** – Motion by Councilor Duprey, seconded by Mayor Ryder to approve the sewer commitment for 10/1/2014 to 12/31/2014. Unanimous vote in favor.
- b. **Independent Moderator for February 7th Meeting – Councilor Duprey** – This item was removed from the agenda as the meeting of February 7th had already taken place.
- c. **Instruct Town Manager to Prepare Town Budget (including School and County Impact) with Zero Mil Rate Increase – Councilor Duprey** – Councilor Duprey asked if the Council would agree to send a letter to the School Board asking them to please flat fund their budget. She feels that will help the Town Manager to prepare a zero-increase budget. Following discussion, Councilor Duprey moved and Councilor Marble seconded to send a letter to the School Board strongly encouraging them to flat fund or drastically reduce the amount of increases we have seen in the past. Unanimous vote in favor.
- d. **Hiring Freeze – Councilor Wilde** – Councilor Wilde explained that given the difficult budget environment and fiscal challenges, the Town is facing, he does not want additional hiring done in advance of the budget. This item was discussed in the Finance Committee meeting earlier and it was decided that the Town Manager will notify the Council of any position

vacancy that occurs and get approval from the Council prior to filling the vacancy.

- e. **Feasibility of Video Taping all Committee Meetings in addition to Council Meetings – Councilor Wilde** – *Councilor Wilde encouraged the Council to consider taping all committee meetings in addition to regular Council meetings, but following discussion regarding the expense that would be involved, this was put on hold for now.*

E. COMMITTEE REPORTS

Services Committee – *Councilor McAvoy reported that the next meeting will be at 6pm on Tuesday, February 10th.*

Infrastructure Committee – *Councilor Marble reported that the Infrastructure Committee met on January 26th and reviewed Public Works operations. It was reported that GPS units have now been installed in all public works vehicles. The next meeting will be at 6pm on Monday, February 23rd.*

Planning & Development Committee – *Councilor Shakespeare reported that the committee met on February 4th and heard an update on the MRC development progress; reviewed proposed ordinance amendments and discussed a possible re-zoning on Western Avenue.*

Finance Committee – *Mayor Ryder reported that the Finance Committee met earlier in the evening and began review of Council Rules and discussed the hiring freeze item.*

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

Council Meeting – 2/17 – *it was decided to cancel the meeting scheduled for February 17th. The next meeting will be on Monday, March 2nd.*

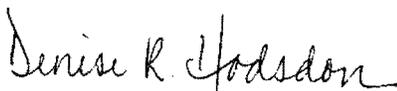
G. COUNCILORS' COMMENTS

Councilor Shakespeare *commented that he had the privilege of attending the Bangor Chamber of Commerce Annual Awards Dinner to honor Councilor Marble who was the recipient of the Arthur Comstock Personal Service Award. He offered his congratulations to Councilor Marble.*

Councilor McAvoy *thanked the public for paying attention tonight and reminded everyone to shop local and buy American.*

Mayor Ryder *said he thought tonight was a good example of even though there were some differences in agreement in the TIF document, we got beyond the little things and came together as a group. He said he was proud of the Council for acting as a group and in his opinion doing the right thing.*

- H. ADJOURNMENT** – *There being no further business, the meeting adjourned at 9:24 pm.*



Denise Hodsdon
Town Clerk

Manager's Report
Monday, February 9, 2015

Out of Office – I will be out of the office from Thursday, February 12th until returning on Monday, February 23rd for a hip replacement. I will be available via cell or email during the week I am out.

Council Meeting - 2/17 – The next scheduled Council meeting is for 2/17. At this time we have no agenda items that would be harmed by waiting until March 2nd. The Council met on Saturday for Goals and Objectives and tonight as a make up for the 2/2/15 meeting. Do you wish to hold the 2/17/15 meeting or to wait and have the next Council meeting be held on 3/2/15?

Public Works Director Advertisement – Following the discussion held at the Goals & Objectives meeting on 2/7, I will be starting the advertisement process for a permanent public works director to replace interim Director Greg Nash who agreed to serve in a part-time capacity during the winter months. The process will take several months to complete.

Property Tax Foreclosure – 2012/13 taxes – February 23rd is the date of foreclosure for unpaid 2012-13 property taxes. At this time it appears that we may have one property on which taxes are not paid. If that occurs, I will be bringing it to the Council for action.

Public Hearings – Governor's Budget – On Wednesday, February 18th the legislature's Appropriations Committee and the Joint Standing Committee on Taxation are holding hearings on portions of the Governor's budget – one of which is the revenue sharing issue. On Thursday, February 19th there will be hearings related to BETR/BETE changes along with changes to other tax reimbursement programs including the Homestead exemption. I will not be available to attend those hearings but will be submitting testimony on municipal financial impacts to Hampden if those changes are made.

Lura Hoit Pool~ Board Meetings ~ 1/13/15

B-4a

Those present: Karen Brooks, Pat Foley, Sarah McVeigh, Vickie Levesque, Sue O'Brian, Mike Jellison, Sam Manhart, Ben Curtis, Darcey Peakall, Jim Feverston, David Smith
Not present: Josh Sargent, Greg Hawkins

The Secretary's minutes were accepted with the change of Sarah McVeigh not being present.

The Director's report:

- Activities total for the month of December was up by 504.
- Rentals were up by \$266 due to fee increases.
- Daily receipt up by \$1,619
- Fuel usage was down compared to last year at this time.

Treasure's report was accepted.

- There was no new information regarding the Pool endowment fund.
- Darcey wants to meet with Josh to discuss how to access the Means investment.
- At the February meeting John Duddley will come and discuss the pool board investment account

Old business:

- All Board members who are up for reinstatement had turned in their papers.
- Banner to show appreciation to those who are sponsoring the pool through banners.
Keeping the banner simple
Mike is going to contact Maine Sign to get feedback for a Thank You banner.
- Darcey will notify pool board members when banner sponsors anniversary dates are close so that pool board member can make a personal contact. Darcey will prepare a bill and mail it on the anniversary due date.

Unfinished business:

- Mike discussed having a FB link on the Towns website.
- Darcey said she will check with the town's IT person about the link.
- Jim opened the discussion of having a Thank you banner for Maine Saving Bank for their input with the Susan Abraham account.

Sub Committees:

- Annual Giving Campaign members: Vickie, Karen, Jim, and Sarah
- Community Relations members: Sue, Mike, and Ben
- Fundraising members: Pat and Sarah

Sam volunteered to write an article for Hampden Highlight each quarter.

New business:

- David was hired as the new Assistant Pool Director. He has been involved with the pool for seven years.
- Discussed a tribute to Julie and all her work on FB

Member comments:

Jim and Sue commented that they were pleased to have David on board.
Jim said it was great to be back.

Sue suggested sub committees meet to set up a schedule of meetings for the sub committees.

Respectfully submitted
Sarah McVeigh

Hampden Bus Ridership
11/12 - 13/14 Fiscal Years

	Full Fare	Full Fare	Student	Senior Citizen	Free	Monthly	Student	UMaine				Total
	Ticketed	Cash	Cash	Cash	Transfers	Pass	Pass	Card	Half Fare	HU Pass	EMCC Pass	Passengers
Jul-11	502	395	9	16	383	1234	26	127	0	0	0	2692
Aug-11	603	538	0	0	508	1467	21	126	62	11	80	3416
Sep-11	641	513	0	0	393	1481	6	164	82	20	161	3461
Oct-11	656	563	0	0	452	1475	11	176	84	6	171	3594
Nov-11	663	529	0	0	491	1575	7	184	89	9	135	3682
Dec-11	712	541	0	0	599	1727	4	126	93	16	120	3938
Jan-12	734	560	0	0	455	1632	9	143	62	10	150	3755
Feb-12	667	490	0	0	476	1588	3	181	67	27	181	3680
Mar-12	692	520	0	0	406	1709	10	203	100	18	171	3829
Apr-12	608	495	0	0	429	1741	24	218	100	39	140	3794
May-12	645	508	0	0	398	1906	8	130	124	41	193	3953
Jun-12	735	522	0	0	396	1794	41	111	83	100	185	3967
FY 11/12	7858	6174	9	16	5386	19329	170	1889	946	297	1687	43761
Jul-12	839	529	0	0	433	1618	32	133	65	41	71	3761
Aug-12	1010	610	0	0	508	1712	12	172	57	34	149	4264
Sep-12	817	571	0	0	437	1460	18	213	50	35	215	3816
Oct-12	916	522	0	0	520	1650	88	258	65	51	258	4328
Nov-12	987	558	0	0	584	1557	38	273	121	49	227	4394
Dec-12	856	957	0	0	448	1682	36	186	125	34	178	4502
Jan-13	831	433	0	0	512	1463	15	242	108	59	289	3952
Feb-13	686	414	0	0	505	1443	40	174	137	25	233	3657
Mar-13	695	448	0	0	565	1530	32	163	325	34	245	4037
Apr-13	707	465	0	0	549	1485	83	261	193	26	208	3977
May-13	748	392	0	0	499	1478	30	125	224	20	161	3677
Jun-13	721	373	0	0	476	1193	18	114	216	25	156	3292
FY 12/13	9813	6272	0	0	6036	18271	442	2314	1686	433	2390	47657

B-4-b

Hampden Bus Ridership
11/12 - 13/14 Fiscal Years

	Full Fare	Full Fare	Student	Senior Citizen	Free	Monthly	Student	UMaine				Total
	Ticketed	Cash	Cash	Cash	Transfers	Pass	Pass	Card	Half Fare	HU Pass	EMCC Pass	Passengers
Jul-13	885	433	0	0	574	1443	31	141	188	30	91	3816
Aug-13	1034	403	0	0	772	753	6	148	262	18	137	3533
Sep-13	1092	401	0	0	616	710	7	120	309	21	221	3497
Oct-13	1260	489	0	0	710	762	5	139	300	27	251	3943
Nov-13	959	437	0	0	648	567	10	127	302	15	166	3231
Dec-13	1032	464	0	0	699	671	7	107	298	21	139	3438
Jan-14	1218	357	0	0	751	657	9	130	297	37	240	3696
Feb-14	1074	310	0	0	730	672	42	190	260	31	247	3556
Mar-14	1142	296	0	0	661	729	6	129	262	25	224	3474
Apr-14	1296	345	0	0	762	900	20	181	257	66	270	4097
May-14	1146	397	0	252	731	828	27	154	0	32	194	3761
Jun-14	999	397	0	233	682	813	25	152	0	31	90	3422
FY 13/14	13137	4729	0	485	8336	9505	195	1718	2735	354	2270	43464
Jul-14	970	364	0	227	742	861	30	139	0	31	109	3473
Aug-14	958	354	0	307	701	786	15	108	0	25	138	3392
Sep-14	864	259	0	263	588	822	4	169	0	48	355	3372
Oct-14	1037	334	0	281	748	876	67	147	0	52	300	3842
Nov-14	888	259	0	245	550	774	36	168	0	44	186	3150
Dec-14	1024	425	0	263	745	895	6	169	0	50	200	3777
Jan-15												
Feb-15												
Mar-15												
Apr-15												
May-15												
Jun-15												
FY 14/15	5741	1995	0	1586	4074	5014	158	900	0	250	1288	21006

SERVICES COMMITTEE MEETING MINUTES

Monday, January 12, 2015

Attending:

Councilor Terry McAvoy	Town Manager Susan Lessard
Councilor William Shakespeare	Resident Eric Ellingwood
Councilor David Ryder	Resident Lisa Carter
Councilor Greg Sirois	Resident Cindy Philbrick
Councilor Stephen Wilde	Resident Alex King
Councilor Dennis Marble	
GIS/IT Specialist Kyle Severance	

The meeting was opened at 6:00 p.m. by Chairman Terry McAvoy.

1. MINUTES 12-08-14 – Motion by Councilor Marble, seconded by Councilor Ryder to approve the minutes as presented. Unanimous vote in favor.
2. OLD BUSINESS
 - A. Parks/Trails Policy Development – Resident Eric Ellingwood requested permission to construct bicycle/walking trails between the Municipal Building and the Lura Hoit Pool. He indicated that he was not part of any organized group but wanted to construct the trail for his use and the use of others. The Manager explained that the Town had traditionally only allowed such projects if they were deemed to be consistent with the Town’s long term goals, were voted on and approved by the Town Council, and were carried out by persons who had been appointed as part of a committee to do so in order to address potential liability issues related to any such construction and use. After listening to the presentation and asking questions related to the purpose of the trail, how it would be constructed and maintained, and who would be involved with building it, the Committee thanked Mr. Ellingwood for his proposal and indicated that it would be considered as part of the discussion that the Committee would be having over long term development of parks and trails in Hampden. Following the presentation, Committee members began discussion of the park policy issue. Councilor Wilde indicated that he would be considering all items from a budget perspective since during his run for office the main thing mentioned to him by residents was the need to reduce taxes. Chairman McAvoy suggested that what was needed was the establishment of a baseline of operation and maintenance for each park defining number of picnic tables, porta potties, fire pits, etc. It was suggested that the Building and Grounds crew would be able to provide the numbers of current installations and that they would also be helpful in determining needs for parks (Papermill and Turtlehead) that do not currently have picnic tables. There was considerable discussion about whether or not there should be additional meetings regarding development of a long term, or more detailed parks policy with some councilors believing that it is necessary and some feeling that the lack of persons applying to be part of the committee and the lack of persons attending Council meetings in regard to this matter was

an indication of little interest in the subject. Resident Alex King believes that the Town should be looking at working on the goals for recreation that were listed in the comprehensive plan. Resident Cindy Philbrick questioned whether the Town had received complaints from the public over parks, and resident Lisa Carter questioned whether the items being discussed (picnic tables, porta potties, fire pits) were new or whether they were already part of park maintenance. The Manager explained that she had not received complaints from the general public but that Councilor Shakespeare and former Councilor Brann had while doing site visits to the parks. She also explained that Dorothea Dix currently has picnic tables and fire pits and porta potties but the fire pits and tables are in poor condition, Papermill Park has no picnic tables, nor does Turtlehead Park. All have porta potties. The shift in responsibility for parks oversight from Recreation to Building and Grounds did not go smoothly in 2014 and the result was that some routine items did not get done in a timely manner. Responsibilities have been more clearly identified and 2015 should go more smoothly. It was the consensus of the Committee that the Manager should get additional information in regard to the basic needs of the parks and bring that back to the next meeting.

- B. Hampden Highlights Newsletter – Chairman McAvoy had requested that this item be on the agenda. He indicated that he believed that the production of the newsletter should end because the Town has other ways of providing information to residents and it is expensive to produce and mail. The approximate cost of each edition is \$2,500 and there are four budgeted per year. The Committee discussed the pros and cons of keeping or discontinuing it. It was noted that not everyone has or uses the internet or has cable television and that the newsletter was a means of reaching all residents. When asked how long the newsletter had been in production, the Manager discussed the fact that the Town had produced newsletters during a number of time periods, but that the most recent was from 2007 to date. It was started in 2007 when the Communications Committee of the Council recommended it as a means of providing information to residents. Resident Lisa Carter cited concerns over articles in the newsletter that presented a certain point of view or advocated for certain actions. It was suggested that a compromise would be to have 2 editions of the newsletter this year, one of which would contain a questionnaire regarding its continuation. Motion by Councilor Sirois, seconded by Councilor Marble to recommend to the Council that the newsletter be produced only 2 times this year. Vote 5 – 1 (Marble, Sirois, Wilde, Shakespeare, Ryder in favor, McAvoy opposed). Motion carried.
- C. Cable Television Broadcast Equipment Update – The Town Manager reported that Rodney Verrill from Nescom was working on providing an equipment upgrade list for the Town in the event that it decided to replace the existing aged equipment and improve its broadcast capability. This information will be ready for the Committee at its next meeting.

D. Social Media – Adding Town Facebook Page – GIS/IT Specialist Kyle Severance attended the meeting to ask Committee members whether or not they support the idea of a Town Facebook page. Public Safety currently operates one but there is not one specifically for the Town in general. He indicated that all communities in the area utilized a page and that he believed it was a positive way to communicate with residents. Concerns were cited by some Councilors over the time it would take to maintain such a site, and some residents had concerns over such a site being used to present opinions by the Town rather than just information on meetings, programs, etc. One resident believed that the Town already has enough methods of communicating with the public. Motion by Councilor Sirois, seconded by Councilor Wilde to table until the next meeting so that the GIS/IT Specialist can get more information regarding the use of such a page and the experience of other area communities with operating one. Vote 5 – 1. (Marble, Shakespeare, Ryder, Sirois, Wilde in favor, McAvoy opposed. Motion carried.

3. NEW BUSINESS

- A. Committee Re-appointment Recommendations – Motion by Councilor Marble, seconded by Councilor Ryder to recommend to the Town Council reappointment of all candidates presented. Vote 6 – 0. Motion carried.
1. MaryAnn Bjorn – Library Board of Trustees
 2. Yvonne Lambert – Library Board of Trustees
 3. Mark Russell – Library Board of Trustees
 4. Karen Brooks – Pool Board of Trustees
 5. Michael Jellison – Pool Board of Trustees
 6. Victoria Levesque – Pool Board of Trustees
 7. Sarah McVeigh – Pool Board of Trustees
4. PUBLIC COMMENTS – Resident Eric Ellingwood asked if there had been any disaster or emergency preparedness planning done for the Town. Councilor Shakespeare responded that the Town had a plan through its Public Safety department.
5. COMMITTEE MEMBER COMMENTS – None

Motion by Councilor Shakespeare, seconded by Councilor Marble to adjourn the meeting at 7:45 p.m. Unanimous vote in favor.

Respectfully submitted,

Susan Lessard
Town Manager

FINANCE & ADMINISTRATION COMMITTEE MEETING MINUTES

Tuesday, January 20, 2015

Attending:

Mayor David Ryder	Councilor Terry McAvoy
Councilor William Shakespeare	Councilor Dennis Marble
Councilor Greg Sirois	Town Manager Susan Lessard
Councilor Stephen Wilde	Residents
Councilor Carol Duprey	

The meeting was opened at 6 p.m. by Mayor Ryder.

1. Meeting Minutes
 - a. December 15, 2014 – Motion by Councilor Sirois, seconded by Councilor Shakespeare to approve the minutes of 12/15/2014 as presented with no changes or corrections. Unanimous vote in favor.
2. Financial Statements – December 2014 – The Town Manager presented the December 2014 Financial Statements. Motion by Councilor Shakespeare, seconded by Councilor Sirois to accept the December 2014 Financial Statements. Unanimous vote in favor.
3. Review & Sign Warrants – The Committee reviewed the payment warrants. Motion by Councilor Shakespeare, seconded by Councilor Wilde to approve the payment warrants. Unanimous vote in favor.
4. Old Business
 - a. Concrete Floor Bid Results – The Town Manager presented the bid results for the concrete floor application in the public safety sections of the building. She recommended that the Committee approve the low bidder DMT for the epoxy finish, but to only do the main floor of the facility until the downstairs water problem has been corrected. She indicated that it could be done for approximately \$20,000 and that money would come out of Municipal Building Reserve. Motion by Councilor Marble, seconded by Councilor Shakespeare to recommend to the Council that the bid be awarded to DMT for the epoxy finish on the main floor of the public safety building at a cost not to exceed \$20,000 to be funded from Municipal Building Reserve. Unanimous vote in favor.
 - b. Council Committee Co-Chair Assignments – Councilor Sirois had asked that this item be included on the agenda so that it is clear in the absence of a Committee Chair who is supposed to be running the meeting. As an alternative, Councilor Shakespeare suggested that it be the responsibility of each Committee Chairperson to designate someone to chair a meeting in his/her absence. It was the consensus of the committee that that would be a reasonable solution. Councilor Duprey resigned from the Planning & Development Committee because there are four appointed members to the Committee but the Council Rules only allows three at this time.

- c. Council Rules – Councilor Duprey – Councilor Duprey had asked that this item be included so that the Committee could go through each of the council rules and determine whether or not they are structured the way that the Council wants them to be. One example is the number of Councilors appointed to committees – if the Planning & Development Committee, as one of the Council's busiest Committees – had four appointees that would allow each Town Councilor to sever on two different committees. The Finance & Administration Committee will begin a review of the Council rules at its next meeting.
5. New Business
 - a. Committee Reappointment Recommendation – Lowell T. Sherwood – Board of Assessment Review – Motion by Councilor Duprey, seconded by Councilor Shakespeare to recommend to the Council the reappointment of Lowell Sherwood to the Board of Assessment Review. Unanimous vote in favor.
 - b. Maine Bureau of Highway Safety 2015 Equipment Grant – 25% Match – The Town Manager explained that the Bureau of Highway Safety had changed the manner in which it handled grants. This year they have a flat \$10,000 grant that requires a 25% match to be used for items related to highway safety. This grant allows the public safety department to get needed equipment – such as replacing radar units – without needing to use tax dollars for the full cost. The Town has sufficient monies in Matching Grants Reserve to match this grant. Motion by Councilor Shakespeare, seconded by Councilor Sirois to recommend to the full council the acceptance of the Bureau of Highway Safety Grant in the amount of \$10,000 with the 25% match to come from Matching Grants Reserve. Unanimous vote in favor.
 6. Public Comment - None
 7. Committee Member Comments – Councilor Marble questioned why the Committee was discussing the Highway Safety Grant if it was one that was normally accepted and there were sufficient moneys in the Matching Grants Reserve. The Manager explained that the prior Council had requested that all grants be reviewed by the Finance & Administration Committee prior to acceptance.

Motion by Councilor Shakespeare, seconded by Councilor Marble to adjourn at 6:35 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

B-4-e

**Planning and Development Committee
February 4, 2015
6:00 PM
Conference Room
MINUTES**

Attendees:

Committee

Bill Shakespeare
David Ryder
Carol Duprey
Stephen Wilde
Terry McAvoy
Dennis Marble

Staff

Bob Osborne, Staff
Myles Block, Staff

1. Approval of January 14, 2015 Special Meeting Minutes:

David Ryder made a motion to approve the minutes. Dennis Marble seconded the motion which was passed unanimously.

2. Committee Applications:

A. Andrew Nelson: Re-appointment to Planning Board

The Committee took up the application of Andrew Nelson for reappointment to the Planning Board. David Ryder made a motion to recommend to the Town Council that Mr. Nelson be reappointed to the Board as a full Member. Dennis Marble seconded the motion. The vote was unanimous in favor to recommend reappointment of Mr. Nelson.

B. James Davitt: Appointment to Planning Board

The Committee took up the application of James Davitt for reappointment to the Planning Board. Stephen Wilde made a motion to recommend to the Town Council that Mr. Davitt be appointed to the Board as a full member. Dennis Marble seconded the motion. (Mr. Davitt currently serves as an alternate member). The vote was unanimous in favor to recommend appointment of Mr. Davitt as a full member.

3. Updates:

A. MRC Development Progress

William Shakespeare updated the Committee on the latest regarding the MRC Development.

4. Old Business:

A. Ordinance Amendments – Code Enforcement Officer

Myles Block discussed each of the following with the Committee:

BUSINESS B DISTRICT The Committee took up draft amendments to the Zoning Ordinance, Article 3.13 Business B District. William Shakespeare made a motion to recommend to the Town Council that this item be referred to the Planning Board for public hearing and recommendation. Carol Duprey seconded the motion. The vote was unanimous in favor to the Zoning Ordinance text amendment be referred to the Planning Board.

BUILDING CODE ORDINANCE The Committee took up the draft repeal of the Hampden Building Code Ordinance. This document was rendered obsolete with the 2010 implementation of the Maine Unified Building and Energy Code. Carol Duprey made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was unanimous in favor that this Building Code Ordinance repeal be set for Council public hearing.

RES. BUILDING CODE ORDINANCE The Development Committee took up the draft repeal of the Hampden Residential Building Code Ordinance. This document was rendered obsolete with the 2010 implementation of the Maine Unified Building and Energy Code. Dennis Marble made a motion to recommend to the Town Council that this item be set for public hearing. Stephen Wilde seconded the motion. The vote was unanimous in favor that this Residential Building Code Ordinance repeal be set for Council public hearing.

MUBEC ORDINANCE The Committee took up the draft Hampden Maine Uniform Building and Energy Code Ordinance. This document provides local modifications for third party inspection and documents necessary data to the mandatory MUBEC Code. William Shakespeare made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was four in favor and two against that this Hampden Maine Uniform Building and Energy Code Ordinance be set for Council public hearing.

FIRE PREVENTION CODE The Committee took up the draft amendments of the Hampden Fire Prevention Ordinance. The purpose of the amendments is to move to the current NFPA1 as amended by the State of Maine. William Shakespeare made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was unanimous in favor that this Fire Prevention Code Ordinance be set for Council public hearing.

LIFE SAFETY CODE ORDINANCE The Committee took up the draft amendments of the Hampden Life Safety Code Ordinance. This document was deemed inconsistent with the 2009 implementation of the NFPA101, Life Safety Code. David Ryder made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was unanimous in favor that this Life Safety Code Ordinance amendment be set for Council public hearing.

SWIMMING POOLS The Committee took up draft amendments to the Zoning Ordinance, Article 4.15 Water Recreation and Sewage Lagoons (Swimming Pools) and Article 7.2 Definitions. William Shakespeare made a motion to recommend to the Town Council that this item be referred to the Planning Board for public hearing and recommendation. David Ryder seconded the motion. The vote was unanimous in favor that this Zoning Ordinance text amendment be referred to the Planning Board.

B. Draft Subdivision Ordinance Amendments Discussion

Bob Osborne, Town Planner discussed the correspondence in the packet that requested consideration of relaxing the road frontage requirement in the Rural District on cul-de-sac lots. The committee indicated a willingness to pursue a change that might accommodate the requests that the Town has received.

Bob Osborne discussed the draft Subdivision Ordinance amendments with the committee to update the new members regarding the proposed review criteria draft for the ordinance. The committee noted where the discussion will pick up at the next meeting.

C. Western Avenue Rezoning Discussion

Bob Osborne indicated that at this time the Business B language that the committee had reviewed tonite are the only changes in the works. Some of the corridor was previously re-zoned last year.

D. Private Ways Discussion

Bob Osborne discussed the private ways ordinance and noted the status of the committee's review of the draft ordinance.

5. New Business:

A. Rezoning P/O 1A Discussion

Walt Cupples talked to the committee about rezoning a portion of Main Road South from Residential B District to Village Commercial. He indicated that the land owners in the area support the proposed change.

The committee indicated a willingness to consider pursuing a change in zoning at the subject location.

6. Comprehensive Plan Implementation: None.
7. Citizens Initiatives: None.
8. Public Comments: None.
9. Committee Member Comments: None.
10. Adjourn: The meeting was adjourned at 8:00 pm.

INFRASTRUCTURE COMMITTEE MEETING MINUTES
Monday, January 26, 2015

Attending:

Chairman Dennis Marble	Town Manager Susan Lessard
Councilor David Ryder	Resident Alex King
Councilor Terry McAvoy	
Councilor Stephen Wilde	
Councilor William Shakespeare	

The meeting was opened at 6 p.m. by Chairman Marble.

1. MINUTES – 12/22/2014 Meeting – Motion by Councilor Ryder, seconded by Councilor Wilde to approve the minutes of December 22, 2014 with no changes or corrections. Unanimous vote in favor.
2. OLD BUSINESS
 - A. GPS Installation Update – The Town Manager read a report from GIS/IT Specialist Kyle Severance that all units had been installed in public works vehicles. A meeting with the City of Bangor and Representatives from T-Mobile from Boston was scheduled for Wednesday 1/28 to discuss uses of the data that will be generated but the meeting was cancelled due to the impending storm. It will be rescheduled.
 - B. Planet Aid – Change in Agreement – The Town Manager explained that Planet Aid was willing to continue to take the leftover clothes and shoes from the Swap Shop but would no longer be able to pay the .05/lb. that they had done before. The Committee discussed that the Salvation Army and Goodwill were unable to put collection boxes at the Transfer Station and that if the Town does not have Planet Aid pick it up – it all goes into the trash compactor at the end of each week. It was the consensus of the Committee that use of the materials by Planet Aid was better than adding the items to the trash – which the Town has to pay for in tipping fees to the PERC plant. Motion by Councilor Wilde, seconded by Councilor McAvoy to let Planet Aid continue to pick up the leftover clothing and shoes from the Transfer Station without paying the .05/lb. that was originally agreed upon. Unanimous vote in favor.
3. NEW BUSINESS
 - A. Public Works Department Review – The Town Manager explained the packet of material regarding the Public Works department that was included in the Infrastructure packet. The purpose of the discussion was to get feedback from Committee members on particular areas of the operation that they believe might be done differently – or which they wanted additional information about. There was considerable discussion about how the Town can have good roads and infrastructure but also control costs as much as possible. Areas identified were winter staffing, year round staffing, finding efficiencies, necessary equipment, and ongoing public works responsibilities. It was noted that some

other communities manage their public works departments for less than the Town of Hampden and that we should consider how those communities accomplish that as we look at our operation. Also identified was the high cost of health care which is not just limited to public works but which all departments and which the last council decided to discuss this year because union contracts are up this year and if changes were to be made they should affect all employees – not just the non-union ones. Councilor Wilde offered to assist with contacts for health insurance information but also disclosed that his business is insurance and he would not be voting on anything that could be considered a conflict of interest. Chairman Marble also offered that his employer had had good results from dealing with Barresi Benefits through Scott Bushey as another possibility for information for the Town. It was discussed that the best way to implement any long term changes that might include staff reduction would be as a result of retirements and that the review of the department prior to hiring a new Public Works Director would allow the Town to advertise and hire a candidate with a clear sense of direction and expectations. The Town Manager will prepare a draft outline of a restructured public works department for the next Infrastructure Committee meeting.

4. PUBLIC COMMENTS - None
5. COMMITTEE MEMBER COMMENTS – Chairman Marble asked if there were other items that the Infrastructure Committee should be working on in upcoming meetings that were part of the prior year work. The need for a Site Plan for the Town Office/Post Office/Pool site in order to do any further development for parking or buildings was discussed. Also discussed was the need to be thinking about recreation and playing field needs. This item is being discussed in the Services Committee. The Town Manager asked if the Committee had any objection to the Town returning the grant to DEP for the Sucker Brook Watershed Survey due to the change in staff changes that have occurred, the need to concentrate on the coming year's budget, and the fact that the Town is not required by the DEP at this time to do this work. We would be eligible to reapply in a year or two when the timing would hopefully be better suited to accomplishing the work. It was the consensus of the Committee that there were no objections to returning the grant to DEP.

Motion by Councilor Ryder, seconded by Councilor Shakespeare to adjourn at 7:45 p.m.
Unanimous vote in favor.

Respectfully submitted,

Susan Lessard
Town Manager



Check One: Initial Application Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Sargent LAST Joshua FIRST FL MI

ADDRESS: 291 Meadows Rd STREET Hampden TOWN 07444 ZIP

MAILING ADDRESS (if different):

TELEPHONE: 207-862-3520 HOME WORK

EMAIL: admiraljfs@hotmail.com

OCCUPATION: Intake Associate

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Lura Hoit Pool

SECOND CHOICE (OPTIONAL):

How would your experience, education and/or occupation be a benefit to this board or committee? 3 years experience on pool board issues + as treasurer.

Are there any issues you feel this board or committee should address, or should continue to address?

- CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK

3 YEAR

- DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY
Date Application Received: JAN 06 2015
COUNCIL COMMITTEE ACTION: DATE:
COUNCIL ACTION: DATE:
NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES:

DRAFT

SERVICES COMMITTEE MEETING
Tuesday, February 10, 2015

Attending:

Chairman Terry McAvoy	Councilor David Ryder
Councilor Carol Duprey	Councilor Stephen Wilde
Town Manager Sue Lessard	Librarian Debbie Lozito
Jeremy Jones – Volunteer Coordinator – Papermill Park	

The meeting was opened at 6:00 p.m. by Chairman McAvoy.

1. MINUTES – 1/12/2015 – The minutes of the 1/12/15 meeting were reviewed and approved as written by the Committee.
2. OLD BUSINESS
 - a. Park Amenities – The Town Manager distributed a sheet (copy attached) of the park amenities as well as mowing requirements of other Town Buildings and fields. Papermill Park Volunteer Coordinator Jeremy Jones indicated that having the field area at that park mowed once a month or as needed would be sufficient. He also indicated that it may not be necessary to have trash barrels dumped twice a week at that facility – that once a week may be sufficient. He also stated that he was seeking donation of materials from which to make picnic tables to help keep the costs down. Councilor Shakespeare noted that there were not currently scouts in the Eagle program to help with making picnic tables. The Manager informed the Committee that public works employees could be working on that project when they were not consumed with snow removal duties this winter. Councilor Ryder noted that the trash barrels had been donated by Coke.
3. NEW BUSINESS
 - a.  Committee Re-appointment Recommendation - Joshua Sargent – Pool Board of Trustees – Motion by Councilor Ryder, seconded by Councilor Shakespeare to recommend to the Council the reappointment of Joshua Sargent to the Pool Board of Trustees. Unanimous vote in favor.
 - b. Library Budget Information – Librarian Deborah Lozito attended the meeting to answer questions from the Committee in regard to her budget and the operation of the library. Chairman McAvoy requested this review in preparation for the upcoming budget season so that Councilors could better understand what was included in the Library budget and what was involved in its overall operation. It was noted that the Librarian had been very successful in obtaining grants to help offset costs including for a new boiler, air conditioning, a new circulation desk area, as well as many library programs.
4. PUBLIC COMMENTS – Jeremy Jones showed an example of a flyer sent out by the school that could be used as a template for the newsletter instead of the format currently done with the idea that it would be less costly to produce. In addition he encouraged the Town to send a Public Works Employee to training to become a commercial pesticide applicator to deal with poison ivy problems in Town Parks. Councilor Ryder agreed that looking into it was a good idea but cautioned that it was a lengthy and complicated process and that the chemicals involved required special storage and handling that could be a problem.

5. COMMITTEE MEMBER COMMENTS – Councilor Duprey suggested that the Town look at creating an ‘Adopt a Park’ program for businesses in which they either pay for the upkeep of the park or provide volunteers to do so. It was the consensus of the Committee that monetary donations would be the best way to go. Councilor Shakespeare suggested that the Town see how this coming year goes with the park maintenance being done by Public Works as outlined and then see if there is a way to go about getting donations. Councilor McAvoy discussed the Facebook Memo provided to the Committee by GIS/IT Specialist Kyle Severance. He had no objections to the establishment of a page as long as it was not a time intensive venture for staff and it was just used for notification purposes. There were a number of questions from other Committee members in regard to how Facebook works. It was the consensus of the Committee that the Town could publish a Facebook page as another effort to keep residents informed.

Motion by Councilor Ryder, seconded by Councilor Duprey to adjourn at 7:05 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

Park & Field Maintenance

Dorothea Dix:

6 picnic tables

6 trash cans

4 fire pits

1 porta potty

Maintenance – park/picnic area mowed weekly (2 men 2 hours). Dump trash cans twice a week. (Monday and Friday) Porta Potty maintained by vendor.

Papermill Park

2 Picnic Tables

2 trash cans

1 porta potty

Maintenance – Dump trash cans twice a week. (Monday and Friday) Porta Potty maintained by vendor. Mowing has not been done but can be added if Committee wishes it to be.

Marina Park

4 picnic tables

4 trash cans

1 porta potty

Maintenance – Dump trash cans twice a week. (Monday and Friday). Mowing once a week (3 hours 3 men). Porta Potty maintained by vendor.

Other weekly mowing areas:

Town Office – 4 hours (3 men)

Library – 2 hours (3 men)

Pumping Stations – 5 hours – (3 men)

Public Works Garage/Transfer Station – 8 hours (3 men)

VFW Sports Complex – 8 hours (2 men)

Old Hampden Academy – 8 hours (2 men)

Pool Complex – 8 hours (2 men)

Ballfield Road – 2 hours (2 men)

Industrial Park – 2 hours (2 men)

Other mowing:

Guardrails: 5 men plus 2 flaggers for four 8 hour days.

D-3-b

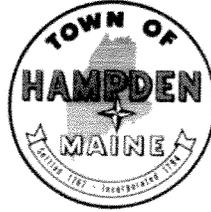


TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Reappointment of Andrew Nelson to the Planning Board
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the application of Andrew Nelson for reappointment to the Planning Board.

David Ryder made a motion to recommend to the Town Council that Mr. Nelson be reappointed to the Board as a full member. Dennis Marble seconded the motion. The vote was unanimous in favor to recommend reappointment of Mr. Nelson.

D-3-c



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Appointment of James Davitt to the Planning Board
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the application of James Davitt for reappointment to the Planning Board.

Stephen Wilde made a motion to recommend to the Town Council that Mr. Davitt be appointed to the Board as a full member. Dennis Marble seconded the motion. (Mr. Davitt currently serves as an alternate member). The vote was unanimous in favor to recommend appointment of Mr. Davitt as a full member.



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Davitt James
LAST FIRST MI

ADDRESS: 25 Summer Street Hampden 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 862-8113 _____
HOME WORK

EMAIL: jim.davitt@yahoo.com

OCCUPATION: Teacher; State Representative

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Planning Board (Regular Member)

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I have served as an Alternate Member for over a year. The Board is short one Regular Member.

Are there any issues you feel this board or committee should address, or should continue to address? _____

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK

3 YEAR

DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>JAN 06 2015</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

IMPACTS FROM GOVERNOR'S BUDGET
TOWN OF HAMPDEN

Taxing Tax-exempt properties over \$500,000 in value:

Net loss to the town of taxes at the current mil rate would be \$8,757.75. Due to the formula in the Governor's proposed budget that subtracts the first \$500,000 in value for non-profits and then divides the remainder by 2 and applies the mil rate to 1/2 we would gain one property that we currently do not get revenue for and lose the majority of a second that we currently get a service fee for – resulting in a net loss in taxes.

Revenue Sharing –

The estimate for Revenue Sharing at the reduced rate for this year provides the Town with an estimated \$342,823. That is 39.5% of the amount (\$867,855) that the Town would be receiving if Revenue Sharing was fully funded at the 5% of sales and income tax that it is supposed to be by law. For this year alone, that is a loss of \$525,032, but since it is at the same rate as it has been for the last two years – the cumulative loss is over \$1.5 million dollars for these three years alone. Under the Governor's proposed budget, the remainder of the revenue sharing percentage (the \$342,823) would be eliminated in the 2016/17 budget. \$342,823 equals 57.9 cents additional needed on the mil rate or the elimination of \$342,823 in expenses to the municipal side of the budget since the school and county tax appropriations are not under the control of the Town. The \$525,032 reduction already done in prior years by the state has a mil rate impact of 89 cents on the mil rate.

Homestead Exemption –

There are winners and losers in this proposal. Residents over the age of 65 will get their Homestead exemption doubled from \$10,000 in valuation to \$20,000 in valuation. At the current mil rate of \$17.50 that increases the exemption tax impact from a \$175.00 reduction to a \$350 reduction. However, it entirely eliminates it as an exemption for anyone under the age of 65 which at the current mil rate equates to an automatic \$175.00 increase in their property taxes even if the Town and School and County are able to hold their budgets flat.

In Hampden we have 1781 properties that receive a Homestead Exemption. By comparing voting list birthdates with resident property owners I have a reliable estimate of the percentage of those over 65 and those under 65. 31.5% (561) of the persons who receive homestead exemptions are over 65 and 69.5% (1220) are under 65. The Town is required to fund 50% of the Homestead exemption both in the current funding model and in the Governor's proposed budget.

At the present time, the town funding of the Homestead exemption is \$155,654.63. Under the Governor's proposal at the current mil rate, the town funding of the Homestead exemption would be \$98,175, which is \$57,479 less than the current program – but which provides a benefit to only 31.5% of those who were eligible before, and is a property tax increase for 1220 property owners in the Town of Hampden. In math terms, it would be costing the Town 63% of what it had formerly raised for this exemption – but providing it to only 31.5% of the total population formerly served.

Property Tax Fairness Credit

This program is not operated in any way through the Town; however, its stated intent is to help lower income residents stay in their homes by refunding a portion of property tax or rent paid over a certain percentage of income. Last year when the legislature did away with the Maine Tax and Rent Refund and established the property tax fairness credit, it hurt a lot of people. The new maximum - and that was for anyone over 65 - was \$900 when formerly it was related to the % that property taxes or rent were of someone's total income and the maximum was more like \$1600. Under that program, it really did help people stay in their homes. Applications were sent to prior recipients and were available in paper form and online for first time applicants. Many people - seniors in particular - did not have to file State tax returns. Under the changed program - they do have to file a Maine tax return in order to get the refund, if eligible.

Under the Governor's budget, this program would change as follows: The existing property tax fairness credit would be increased by lifting the cap on the amount of property taxes that can be claimed for the credit, up to \$5,000 for taxpayers filing married joint returns. The credit would also be increased by covering 100% of the property taxes exceeding 6% of the household income rather than just 50% as is the case under current law. Finally, the maximum benefit would be increased from \$600 to \$1000 for individuals under 65 and from \$900 to \$1,500 for individuals 65 years old or older. There are maximums for income that apply to this program as well.

Education Funding

The Governor's budget moves further away from the 55% of funding of K-12 education that is required by LD 1 that was passed over ten years ago. Last year the state paid 46.8% and under this budget it would pay 46.25%. That requires that the mil rate effort from communities move from \$8.1 mils to \$8.44. In Hampden, the current mil rate effort for education is \$9.975 of the \$17.50 mil rate. The mil rate effort for the County is \$1.225 of the \$17.50 mil rate and the Municipal mil rate effort is \$6.30 of the \$17.50 mil rate.

As background, the amount over and above the \$8.1 mils that we are required to raise for education pays for additional debt service at the high school which for the extra seating in the performing arts center, the heating system, and the extra size of some classrooms in the facility because the communities of the district authorized additional borrowing of \$6,000,000 for the facility. It also pays for the funding of programs over and above the EPS model that are authorized annually by the voters as part of the school budget. As a result, the increase in mil rate effort required by the state will require an increase in the mil rate effort by the Town even though we are already substantially over the state-required effort.

General Assistance -

The proposed change to this program will have little impact on the Town of Hampden due to the low amount that the Town expends per year for the program. This budget would tie the reimbursement amount to the average town program expenditures for the prior six years. Reimbursement would total 50% of that expenditure but would be at 90% of expenditures until the community reached 40% of expenditures of the six year average. After that, the Town would receive 10% reimbursement until the state's 50% required match of the six year average was met. The Town annually budgets \$10,000 for this program and has never spent over \$8,000. We have received 50% reimbursement of that amount from the state.

Under the current program, the State considers that the Town (based on population/valuation) could spend approximately \$170,000 per year on General Assistance and it would reimburse the town 50% of the expenses up to that number and 90% of expenditures that exceeded that number. The Governor's budget limits total reimbursement to 50% of the average spent for the past 6 years. As stated earlier – due to our low expenditures, this would have little impact. However, I am not sure what happens in the event that there is a drastic change that could impact the expenditure amount – such as new availability of low cost housing, or the closure of a major employer in an area, etc.

BETE/BETR Conversion –

The proposed budget would, over a period of years, transition all property in the BETR program that is currently fully taxable by municipalities to BETE, which is tax exempt but which the State reimburses the town 50% of for lost taxes. There is a four year window for this to occur, with 25% becoming tax exempt on April 1, 2016, 50% becoming tax exempt on April 1, 2017, 75% becoming tax exempt on April 1, 2018, and 100% becoming tax exempt on April 1, 2019. This proposal also removes retail personal property that is currently enrolled in the BETR program that would be converted to tax exempt under BETE from tax exempt status entirely as of April 1, 2025. Currently, municipalities receive 50% reimbursement from the State for personal property enrolled in the BETE program. The net impact for Hampden would be the loss of 50% of the taxes currently collected from property enrolled in the BETR program. Our assessor is working on the calculations of what this impact would be for the next four years.

SUMMARY

Based on this information, there is little upside in the Governor's proposed budget for the Town of Hampden. The continued raid of revenue sharing and its eventual elimination has diverted literally millions of dollars from the Town of Hampden since 2009. The result is that in order to mitigate the impact to the mil rate of these revenue losses along with the over one million dollars annual additional tax requirement of RSU#22 since 2009 due to educational funding constraints, the Town has reduced its own budget from the 2009 level and spent down its fund balance to the point where borrowing in anticipation of taxes will be required and mil rate increases have been necessary. Were Revenue Sharing to be restored to the statutory requirement and education to receive its statutory funding level, the Town would be in a much more stable financial position.

While Revenue Sharing and Education funding have the most serious impacts – indications are that the BETR/BETE program changes would have significant financial consequences and the Homestead changes would impact over 1200 of our property taxpayers in a negative way.

To: Susan Lessard, Town Manager & Town Council
Re: Property Tax Proposed Changes
From: Kelly Karter, Assessor
Date: February 25, 2015

As everyone is aware there are a number of proposed legislative changes on the table in Augusta regarding Property Tax. Susan has asked me to analyze some of the items.

Homestead Exemptions: Susan has tackled this item and will report on it.

Taxing Exempt Properties: I touched on this in my January Report to the Council and because we have a service fee for exempt housing units, we would actually see a decrease in revenue as a result of this change in the law. We currently collect \$22,077 from the one elderly housing project in Hampden and after applying the formula we would receive \$12,327 in taxes. I have only identified one other exempt property that would fall into the "over \$500,000" category and after applying the formula we would receive \$992.25 in taxes. More qualifying exempts may be identified if the valuations on exempt properties are updated. We would collect, at the current Mil Rate \$8,757.75 less than current using this new formula.

Transfer of Tax Jurisdiction for Telecommunications Property: We have two cell towers that I am aware of. I don't believe we will see any significant increase in taxes as a result of this change. We currently tax the tower, land, building, and concrete pad. This would allow us to tax the equipment attached to the tower. If we are able to tax existing phone lines we may possibly see an increase as a result of this change. Because they have not reported to the municipalities in the past, it is difficult to "estimate" the effect, if any.

BETR to BETE: This change affects all eligible personal property. Because we have in excess of 200 accounts and some have over 200 items and some only have 1 I have used the history of BETR applicants to estimate the tax impact. BETR eligible property must have been purchased or placed in service after April 1, 1995. Currently the individual requesting reimbursement either supplies a listing of what they believe is eligible or requests a substitute form from the Assessor. This is done after the tax bill is paid. There are a number of eligible businesses that have never filed for the reimbursement. If this change takes place, all reports will have to be reviewed, by line item, to flag every item eligible for reimbursement. My understanding is that the

property owners will also be responsible to fill out a BETE form listing those items that are now eligible.

Currently we have \$12,540,900 that have qualified and applied for reimbursement under BETR. Using that number and the current mil rate I have listed the impact by year.

Prior to this proposed change the Tax Revenue was \$219,465.75 on the above value.

1st year = 75% taxable (9,405,675) 25% BETE (3,135,225)
Tax Revenue @ .0175 = \$164,599.31
BETE Reimbursement = \$ 27,433.21
Revenue LOSS = \$ 27,433.21

2nd year = 50% taxable (6,270,450) 50% BETE (6,270,450)
Tax Revenue @ .0175 = \$109,732.87
BETE Reimbursement = \$ 54,866.43
Revenue LOSS \$ 54,866.43

3rd year = 25% taxable (3,135,225) 75% BETE (9,405,675)
Tax Revenue @ .0175 = \$ 54,866.43
BETE Reimbursement = \$ 82,299.65
Revenue LOSS = \$ 82,299.67
4th year = 100% BETE = \$ 109,732.87
Revenue Loss = \$ 109,732.87

This would continue to be the reimbursement until the law is changed. We would receive one half of the taxes on BETR to BETE personal property as the valuation changed.

D-5-a

Date: Feb. 26, 20015

To: Sue Lessard

From: Greg Nash

Subject: Sidewalk Plow

Sue:

As you know, on Monday, Feb. 23, 2015, the engine in the sidewalk blower (Trackless) blew up. I suspect it lost a rod or main bearing. The engine is locked up. I have checked and found out the following information in regard to repair or replace. The unit is a 2002 with 2168 hours on it. In the last five years we have spent \$18500 on this unit for repairs

A new comparable unit would cost about \$110,000 for just the tractor.

I have found a used 1998 for \$16000. I have been told it is ready to operate and our attachments, snow blower and sweeper will fit on it.

I am waiting for confirmation about a price to install a used engine. An estimate was about \$7500. He is supposed to get back to me today.

These trackless type municipal machines are expensive to buy and operate because they are very specialized equipment.

As soon as I have the confirmed price I will let you know.

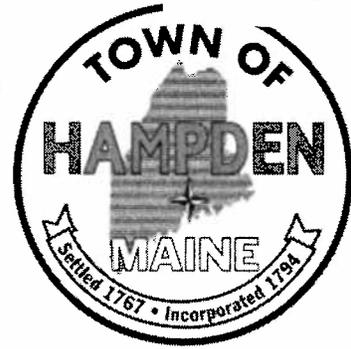
We are presently blowing the sidewalks and municipal properties with our small John Deere Tractor. These type units will not last long doing sidewalks.

Feel free to call me if you have any questions.

Respectfully,

Greg Nash

MEMO



To: Sue Lessard
From: Kyle Severance
Date: 02/23/2015
Re: Request to spend from Tech Reserve 3-711-00

Message:

A portion of the money that has been set aside for years in the Tech Reserve has been designated to replace the laptops in the police cruisers. The current laptops are over seven years old and on a replacement cycle of four years. Because the computers are so outdated, they have severe slowness, bad ports, bad batteries, and unreliable internet connection. As a result, the use of the machines is typically avoided and the officers rely more on Penobscot County dispatch to get information over the radio. Relying on radio means the inability to get photos such as mug shots and surveillance video as well as greater wait times to receive information in potentially life threatening situations. Without the use of working computers, the officers have to come back to office to file reports. Having working computers will allow officers to file reports in the field which would increase their presence in the public.

I was able to secure the same discounts the State of Maine is receiving for the winning bid on the computers they are currently purchasing for the State Troopers. Having the same standard computers as the State will help with compatibility, reliability, and the ability to maintain a regular cycle so our officers will continue to have working computers. There is a total of \$14,800 set aside in the reserve to be used towards the replacement of three Toughbook laptop computers with docks and mounting components. A total of \$13,315.26 is being requested for this replacement (three computers, docks, and mounting components). Thank you for your consideration.

If you have questions, please let me know.

Thank you,

Kyle

D-5-C



337 Perry Rd. Suite #1. Bangor, ME 04401
Phone: (207) 942-6255 Fax: (207) 942-5498

February 10, 2015

Hampden Recreation Department
Attn: Shelley Abbott
106 Western Ave.
Hampden, ME 04444

RE: LED Lighting Retrofit

Shelley,

Please accept our proposal for the amount of **\$20,747.00** to perform the electrical scope of work for the above referenced project.

Our proposal Includes

- Remove 48 existing 400W HID Fixtures and dispose.
- Furnish & Install 48 new Lithonia IBH LED High Bay Fixtures with stem mounting kits.
- Provide all Efficiency Maine Paperwork.
- With Increased Incentives Hampden Recreation Department would be eligible for \$16,800.00 in Efficiency Maine Incentives.
- Estimated annual energy savings for proposed lighting system would be \$9,298.00/Year!
- An option to add motion detectors to each fixture is available. This would be an additional cost of \$4,992.00 with an additional Efficiency Maine Incentive of \$1,920.00. The energy savings cannot be calculated, but would be greater without as many lights on.

Our proposal Excludes:

- Night or weekend work.
- State of Maine Sales Tax.

Sincerely,

Christopher R Carson



Hampden Recreation Dept. <recreation@hampdenmaine.gov>

Revised LED Proposal

1 message

Chris Carson <CCarson@hampdenelectrical.com>
To: "Hampden Recreation Dept." <recreation@hampdenmaine.gov>

Tue, Feb 10, 2015 at 2:22 PM

Hi Shelley,

I apologize in the delay in getting this revised proposal to you, I have had a heavy work load personally and it took me a bit to get this turned around.

I have revised our lighting price, the lighting quote came in a smidge more competitive then the first time I received pricing, but the Efficiency Maine Incentives are very attractive for this project.

Because of the amount of money that we would be requesting in incentives rebates to offset material & labor cost, preapproval would be required for this project.

Please do not hesitate to contact me with any questions regarding this proposal. I have included an adder for a fixture mounted motion detector, I do not know if that item would be of interest to you or not. I have also included a cut sheet of our proposed fixture. Please feel free to contact me with any questions.

Thank you!

Chris Carson

Project Manager



337 Perry Rd. Suite #1

Bangor, ME 04401

P) 207-942-6255 X103

C) 207-949-4953

2 attachments

 LED Retrofit.pdf
67K

 IBH Led High Bays.pdf
617K

Some fixture
will get full incentive

Reapproval: 3 days - 2 weeks
will no commitment

no switching charges

always add sensors after the fact



Catalog Number
Notes
Type

FEATURES & SPECIFICATIONS

INTENDED USE — Ideal one-for-one replacement of conventional lighting systems such as HID and fluorescent. Applications include manufacturing, warehousing and other large indoor spaces with mounting heights ranging from 10' – 40'. Luminaire shall be suspended a minimum 24" from ceiling. Surface mounting is not permitted. **Certain airborne contaminants can diminish integrity of acrylic.** Click here for Acrylic Environmental Compatibility table for suitable uses.

CONSTRUCTION — Lightweight aluminum heat sink designed to perform at warm ambient temperatures. Due to precision thermal engineering for maximum naturally convective cooling this fixture provides lumen droop that is less than fluorescent. Fabricated steel channel provides maximum rigidity.

OPTICS — Medium distribution to meet both horizontal and vertical light level requirements. Reflectors are precision formed and painted high reflectance white. Semi-diffuse lens is standard to provide glare control and LED protection.

ELECTRICAL — 70% lumen maintenance at 97,000 hours; predicted life of more than 100,000 hours. Thermally protected driver standard with 0-10V dimming.

LISTINGS — CSA certified to US and Canadian safety standards. Damp location listed. Ambient operating temperatures vary please refer to chart on page 3.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY — 5-year limited warranty. Complete warranty terms located at www.acuitybrands.com/CustomersResources/terms_and_conditions.aspx

Actual performance may differ as a result of end-user environment and application.

Actual wattage may differ by +/-1% when operating between 120-277V +/-10%.

Note: Specifications subject to change without notice.

Rating 100,000 hrs.

LED High Bay

IBH

9,000 through 30,000 Lumens

Patent Pending



ORDERING INFORMATION Lead times will vary depending on options selected. Consult with your sales representative. **Example: IBH 18000LM SD080 MD MVOLT GZ10 40K 70CRI WH**

IBH	SD080	MD	GZ10	Color temperature		Color rendering index	
Series	Lumens	Lens	Distribution	Voltage	Driver		
IBH	9000LM 9,000 lumens 12000LM 12,000 lumens 18000LM 18,000 lumens 24000LM 24,000 lumens 30000LM 30,000 lumens	SD080 Semi-diffuse acrylic	MD Medium	MVOLT MVOLT; 120-277V HVOLT 347V-480V 120 120V 277 277V	GZ10 0-10V dimming	40K 4000 K 50K 5000 K	70CRI 70 CRI 80CRI 80 CRI ¹

Options		Motion sensors:		Finish	
GLR	Internal fast-blow fuse ^{2,3}	LCOZU	Aisle motion sensor, pre-wired ^{2,6}	WH	Gloss white
OUTCTR	Wiring leads pulled through back center of fixture	LCHOSZU	Aisle motion sensor, pre-wired; programmable dimming ^{2,6}	MB	Matte black
OCS	RELOC® OnePass® 5' installed ²	LCPZU	Aisle motion sensor with photocell; pre-wired ^{2,6}		
RRL	RELOC®-ready luminaire. See page 5 for ordering information	LAOZU	360° motion sensor, pre-wired ^{2,6}		
WXG	Standard wire guard, installed	LAHOSZU	360° motion sensor, pre-wired; programmable dimming ^{2,6}		
<u>Cord sets:</u> ⁴		LAPZU	360° motion sensor with photocell, pre-wired ^{2,6}		
CS1W	Straight plug, 120V ^{2,5}	nPP16D	nLight® switching/dimming module ^{2,7}		
CS3W	Twist-lock, 120V ^{2,5}	nMSI	nLight, aisle motion sensor, pre-wired ^{2,8}		
CS7W	Straight plug, 277V ^{2,5}	nMSI360	nLight, 360° motion sensor, pre-wired ^{2,9}		
CS11W	Twist-lock, 277V ^{2,5}	nMSID	nLight, aisle motion sensor, pre-wired, dimming ^{2,10}		
CS25W	Twist-lock, 347V ^{2,5}	nMSI360D	nLight, 360° motion sensor, pre-wired, dimming ^{2,11}		
CS97W	Twist-lock, 480V ^{2,5}	XAD	Factory installed XPoint™ wireless 0-10V dimming relay ^{2,12}		
CS93W	600V SE00W white cord, no plug (no voltage required)	MSIGXADL DSCXADL	360° Xpoint wireless motion sensor with photocell ^{2,12}		

See footnotes on page 2.

IBH LED High Bay

Accessories: Order as separate catalog number.

Mounting:

IBAC120 M20	Aircraft cable 10' with hook (one pair)
IBAC240 M20	Aircraft cable 20' with hook (one pair)
IBHMP	Hook monopoint
ZACVH	Aircraft 10' V hanger (one pair)
IBLPMP	Pendant monopoint splice box, includes side covers
IBLPMPHB	Pendant monopoint splice box with 3/4" hub, includes side covers
HC36	Hanger chain, 36" (one pair)
THUN	Tong hanger bracket (order 2 per fixture)

Wire guards:

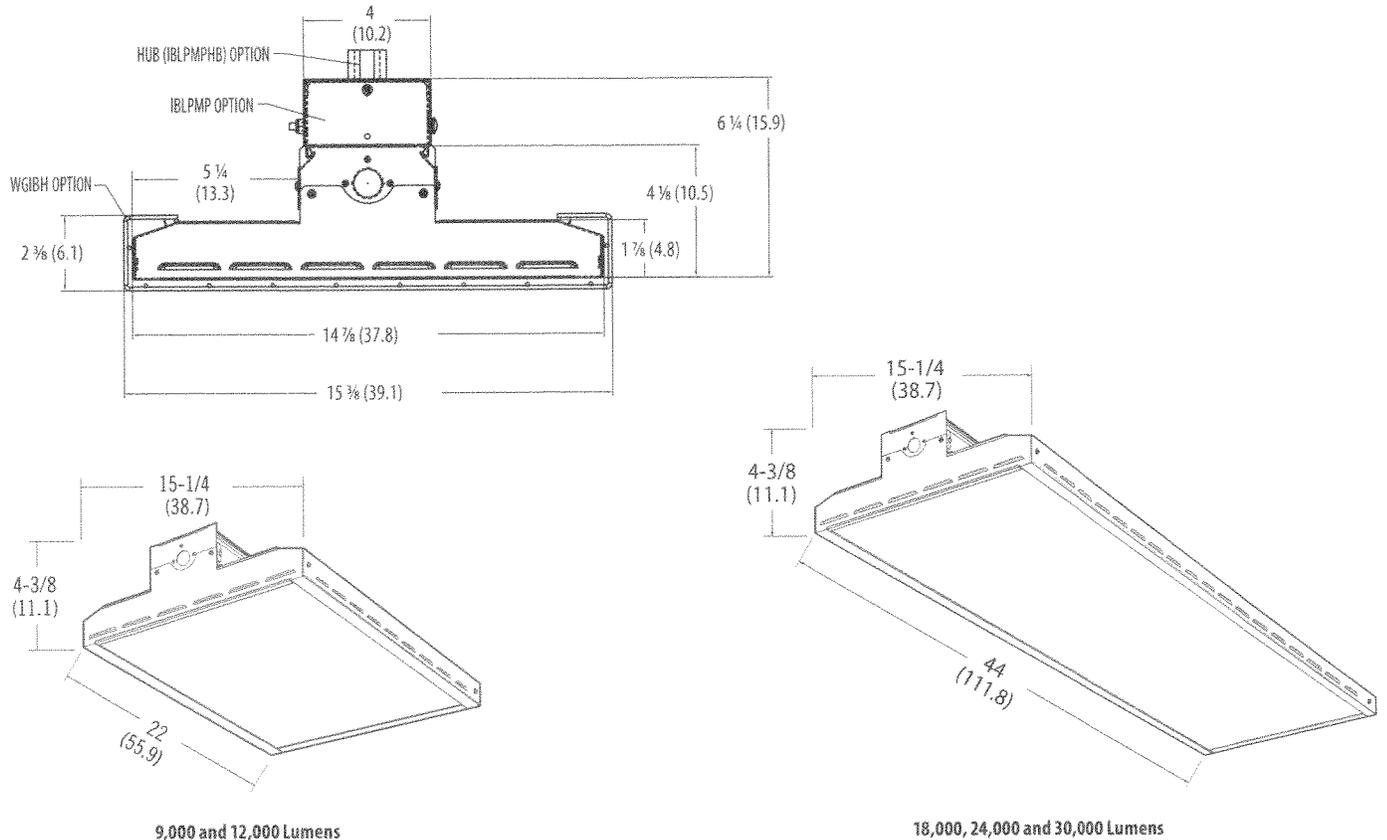
WGIBH	Wire guard for use with 9000LM and 12000LM fixtures
WGIBH4	Wire guard for use with 18000LM - 30000LM fixtures

Notes

- 1 10% reduction in lumens compared to 70 CRI.
- 2 Must specify voltage.
- 3 Not available with 347V.
- 4 All cord sets are 18/3, 6', white.
- 5 Cord sets are voltage specific. Specify voltage. Other configurations available. Consult factory.
- 6 Other configurations available, see page four for additional options. Maximum ambient temperature 104°F (40°C).
- 7 347V and 480V with nPP16D utilizes a step down transformer.
- 8 nMSI options utilizes a nPP16 and nCMB 50 sensor, CAT5e connector cable also included. Available 120 or 277V only.
- 9 nMSI360 options utilizes a nPP16 and nCMB 6 sensor, CAT5e connector cable also included. Available 120 or 277V only.
- 10 nMSID options utilizes a nPP16 and nCMB 50 D sensor, CAT5e connector cable also included. Available 120 or 277V only.
- 11 nMSI360D options utilizes a nPP16 and nCMB 6 D sensor, CAT5e connector cable also included. Available 120 or 277V only.
- 12 For use in ambient temperatures ranging from -14° to 104°F (-10° to 40°C).

DIMENSIONS

All dimensions are in inches (centimeters) unless otherwise indicated.
Dimensions may vary with options or accessories.



IBH LED High Bay

OPERATIONAL DATA

Lumen package	Ambient rating* (120V - 277V)	Ambient rating* (347V / 480V)	Delivered lumens 5000 K CCT, 70CRI @ 77°F (25°C) ambient temperature	Delivered lumens 4000 K CCT, 70CRI @ 77°F (25°C) ambient temperature	Delivered lumens 5000 K CCT, 80CRI @ 77°F (25°C) ambient temperature	Delivered lumens 4000 K CCT, 80CRI @ 77°F (25°C) ambient temperature
9000LM	-40°F to 104°F (-40°C to 40°C)	-40°F to 86°F (-40°C to 30°C)	10,736	10,120	10,083	9,504
12000LM	-40°F to 104°F (-40°C to 40°C)	-40°F to 86°F (-40°C to 30°C)	13,558	12,780	12,733	12,002
18000LM	-40°F to 104°F (-40°C to 40°C)	-40°F to 95°F (-40°C to 35°C)	21,472	20,240	20,165	19,008
24000LM	-40°F to 104°F (-40°C to 40°C)	-40°F to 95°F (-40°C to 35°C)	28,463	26,830	26,731	25,197
30000LM	-40°F to 104°F (-40°C to 40°C)	-40°F to 95°F (-40°C to 35°C)	32,664	30,790	30,676	28,916

* Ambient temperature ratings vary depending on options selected.

CHARACTERISTICS

Lumen package	Wattage				Length	Width	Depth	Weight without Lens (Lens kit adds approx. 7 lbs (2.3 kg))	Comparable light source
	120V	277V	347V	480V					
					Dimensions are shown in inches (centimeters) unless otherwise noted.				
9000LM	99	98	95	95	22 (55.9)	15-1/4 (38.7)	4-3/8 (11.1)	10 lbs (4.5 kg)	2-lamp T5HO
12000LM	125	123	120	119	22 (55.9)	15-1/4 (38.7)	4-3/8 (11.1)	10 lbs (4.5 kg)	4-lamp T8, 250W HID
18000LM	198	195	190	189	44 (111.8)	15-1/4 (38.7)	4-3/8 (11.1)	20 (9.1 kg)	4-lamp T5HO, 6-lamp T8, 400W HID
24000LM	253	249	243	242	44 (111.8)	15-1/4 (38.7)	4-3/8 (11.1)	20 (9.1 kg)	6-lamp T5HO, 8-lamp T8
30000LM	311	307	299	298	44 (111.8)	15-1/4 (38.7)	4-3/8 (11.1)	20 (9.1 kg)	8-lamp T5HO

PROJECTED LUMEN MAINTENANCE

Operating hours	0	10,000	20,000	25,000	35,000	50,000	60,000	75,000	100,000
Lumen maintenance factor	1	0.96	0.92	0.90	0.87	0.83	0.80	0.76	0.69

LUMENS VS. AMBIENT TEMPERATURE

Ambient °C	Ambient °F	Lumen multiplier
0	32	1.03
5	41	1.03
10	50	1.02
15	59	1.01
20	68	1.01
25	77	1.00
30	86	.98
35	95	.89
40	104	.79

PHOTOMETRICS

See www.lithonia.com.



LSXR - Fixture Mount Sensor (see www.sensorswitch.com for additional information)

- Four interchangeable lenses.
- Integrated mounting bracket drops lens down 3" from chase nipple.
- Single or dual relay versions — designed with robust protection from the harsh switching requirements of T5 and LED loads.
- Photocell and 0-10VDC dimming options.
- No PIR field calibration or sensitivity adjustments required.

LSXR configuration	Comparable CMRB sensor	Old style sensor nomenclature
For shortest lead times use one of the following LSXR configurations		
LCOZU	CMRB 50	MSI
LCHOSZU	CMRB 50 D	MSID
LCPZU	CMRB 50 P	MSIPED
LAOZU	CMRB 6	MSI360
LAHOSZU	CMRB 6 D	MSI360D
LAPZU	CMRB 6 P	MSI360PED

SELECTIONS BELOW WILL EXTEND ORDER LEAD TIME. CONSULT YOUR SALES REPRESENTATIVE FOR DETAILS.

SINGLE RELAY

ORDERING INFORMATION

Lead times will vary depending on options selected. Consult with your sales representative.

Example: LAHOSZU

Series	Lens option	Dimming/Photocell	Max. dim Level	Min. dim level	Temp/Humidity	Default time delay
L LSXR passive infrared indoor occupancy sensor	A High mount, 360°	O None ¹	0 10 VDC	5 Minimum dimming level of ballast	Z None	I 30 seconds
	B Low mount, 360°	H High/low occupancy operation	9 9 VDC	1 1 VDC	T Low temperature	D 2.5 minutes
	C High mount aisleway	P Switching photocell (on/off)	8 8 VDC	2 2 VDC		X 5 minutes
		M Dimming and switching photocell	7 7 VDC	3 3 VDC		R 7.5 minutes
		G Dimming and switching photocell with high/low occupancy operation		4 4 VDC		U 10 minutes (with minimum 15 minutes on time)
				5 5 VDC		V 15 minutes
				6 6 VDC		W 20 minutes
					Y 30 minutes	

DUAL RELAY (Available with 120, 277, and 347V only)

ORDERING INFORMATION

Lead times will vary depending on options selected. Consult with your sales representative.

Example: LA2KZU

Series	Lens option	Poles	Operating mode	Temp/Humidity	Default time delay
L LSXR passive infrared indoor occupancy sensor	A High mount, 360°	2 Dual relay	J None	Z None	I 30 seconds
	B Low mount, 360°		K Alternating off relays (promotes even lamp wear)	T Low temperature	D 2.5 minutes
	C High mount aisleway		O Alternating off relays w/photocell		X 5 minutes
			P Switching photocell (on/off)		R 7.5 minutes
			E Photocell on/off (pole 1 only)		U 10 minutes (with minimum 15 minutes on time)
			F Photocell on/off - both poles (dual set-point)		V 15 minutes
					W 20 minutes
			Y 30 minutes		

Example: LENS 50 J100

Replacement lenses: Order as separate catalog number:		
Series	Lens type	Package quantity
Lens	6 High mount 360°	U Unit
	10 Low mount 360°	J10 10-pack
	50 High mount aisleway	J100 100-pack

Notes

¹ Dimming level fields not required when this option is chosen.



RRL - RELOC®-Ready Luminaire

- RRL connectors can be used with Quick-Flex®, System 820 and OnePass® systems.
- Load side of connector factory installed to luminaire.
- 4-pole mating connector with push-in terminations allows for simple installation.
- Touch-safe design on both halves meets UL/CSA requirement.
- Wiping contact design allows safe disconnect under load.



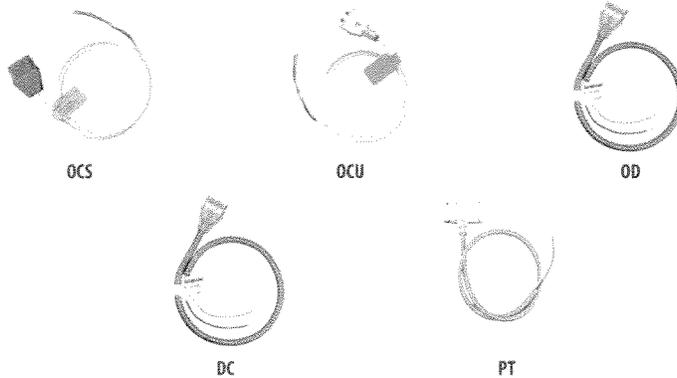
ORDERING INFORMATION

Lead times will vary depending on options selected. Consult with your sales representative.

Example: RRLA

Series	Wiring instructions																
RRL RELOC®-ready luminaire	<table border="0"> <tr> <td>A</td> <td>Hot conductor wired to position #1 (phase A)</td> <td>AE</td> <td>Hot conductor wired to position #1 (phase A), hot conductor #2 wired to position #2 (phase B) ¹</td> </tr> <tr> <td>B</td> <td>Hot conductor wired to position #2 (phase B)</td> <td>ABE</td> <td>Hot conductor wired to position #1 (phase A), hot conductor #2 wired to position #2 (phase B), inverter conductor wired to position #3 (phase C) ^{1,2}</td> </tr> <tr> <td>C</td> <td>Hot conductor wired to position #3 (phase C) ¹</td> <td>C12S</td> <td>Hot conductor in position #1 (phase A), low voltage conductor #1 in position #2, low voltage conductor #2 in position #3 ^{1,3}</td> </tr> <tr> <td>AB</td> <td>Outboard hot conductor wired to position #1 (phase A), inboard hot conductor wired to position #2 (phase B)</td> <td></td> <td></td> </tr> </table>	A	Hot conductor wired to position #1 (phase A)	AE	Hot conductor wired to position #1 (phase A), hot conductor #2 wired to position #2 (phase B) ¹	B	Hot conductor wired to position #2 (phase B)	ABE	Hot conductor wired to position #1 (phase A), hot conductor #2 wired to position #2 (phase B), inverter conductor wired to position #3 (phase C) ^{1,2}	C	Hot conductor wired to position #3 (phase C) ¹	C12S	Hot conductor in position #1 (phase A), low voltage conductor #1 in position #2, low voltage conductor #2 in position #3 ^{1,3}	AB	Outboard hot conductor wired to position #1 (phase A), inboard hot conductor wired to position #2 (phase B)		
A	Hot conductor wired to position #1 (phase A)	AE	Hot conductor wired to position #1 (phase A), hot conductor #2 wired to position #2 (phase B) ¹														
B	Hot conductor wired to position #2 (phase B)	ABE	Hot conductor wired to position #1 (phase A), hot conductor #2 wired to position #2 (phase B), inverter conductor wired to position #3 (phase C) ^{1,2}														
C	Hot conductor wired to position #3 (phase C) ¹	C12S	Hot conductor in position #1 (phase A), low voltage conductor #1 in position #2, low voltage conductor #2 in position #3 ^{1,3}														
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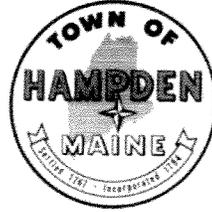
Compatible RELOC® Cables for Industrial Luminaires (shipped and ordered separately)



Notes

- 1 C, ABE, and C12S options are not used with Quick-Flex QFC, QSFC, QPT, and QD.
- 2 AE and ABE commercial fixtures should disconnect the TSPL before unplugging the RRL so it does not go into discharge mode.
- 3 C12S option is used with the OnePass OD and 820 SSC, PT, and DC for 0-10V/DALI applications.

D-5-d



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Business B District
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up draft amendments to the Zoning Ordinance, Article 3.13 Business B District.

William Shakespeare made a motion to recommend to the Town Council that this item be referred to the Planning Board for public hearing and recommendation. Carol Duprey seconded the motion. The vote was unanimous in favor that the Zoning Ordinance text amendment be referred to the Planning Board.

TOWN OF HAMPDEN

Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Additions are Double Underlined

Deletions are ~~Strikethrough~~

3.13. Business B District

3.13.1. Purpose - This district is intended to provide a location for larger commercial developments (in excess of 10,000 sq. ft. of floor area) in central locations of Hampden.

3.13.2. Permitted Uses (Subject to Site Plan Review) - Business and professional offices, retail and service businesses, take-out restaurant, small restaurant, single family dwelling, home occupation (subject to *Article 4.10*), accessory uses or structures and essential service. (*Amended: 12-6-04, 07-14-14*)

3.13.3. Conditional Uses (Subject to Site Plan Review) - Sit-down restaurant, fast-food restaurant, outdoor dining restaurant, tavern, drive-thru business, automobile and truck sales and service, church, mixed residential/commercial uses, limited to a maximum of four (4) dwelling units, day care facilities and child care center (subject to *Article 4.19*), preschool, commercial school, place of assembly, nursing home, funeral home, community building, community facility, hotel and motel, buildings over 35 feet in height and buildings for essential services. (*Amended: 12-6-04, 07-14-14*)

3.13.4. Lot Dimensions

Minimum Lot Area	-	1 acre
Minimum Road Frontage	-	<u>100-125</u> -feet
Minimum Setbacks:		
Street Yard	-	<u>30</u> 35 feet
Other Yards	-	<u>15</u> 30 feet
Maximum Lot Cover	-	20 percent
Maximum Building Height	-	35 feet

* Any lawfully existing lot of record situated in a Business B District containing road frontage of less than 100' ~~100' or less~~ as of June 1, 2014 served by public sewer with existing structures may use Other Yards minimum setback of 10' ~~single family dwellings and accessory structures with minimum street yard and other yards of not less than 10 feet each.~~ Any such lots containing between 100' and 124' of road frontage may be developed for single family dwellings and accessory structures with minimum street and other yards of 10 feet each, plus 0.5 feet per side yard for each foot of road frontage in excess of 100'. (*Amended: 07-14-14*)

3.13.5. Special District Regulations

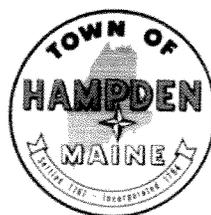
1. Along any boundary line adjacent to a residential district a Class III landscaped buffer strip shall be provided.
2. Shopping centers shall provide accommodations for pedestrians, bicyclists, handicap accessibility and public transportation. (*Adopted: 11-8-83*) (*Amended: 8-8-94*)

3. Buildings with the exception of one and two unit dwellings constructed, reconstructed, moved or structurally altered, shall comply with the following standards:
 - a. Buildings shall have a pitched roof with a minimum pitch of six (6) in twelve (12), or have a roof form and pitch consistent with adjacent structures within 300 feet or if in the development of structures in excess of 10,000 square feet, has an appearance similar to that of a pitched roof.
 - b. Buildings shall have exterior siding that is compatible with those of the adjacent buildings, such as brick or masonry veneers, wood siding, wood shingles, aluminum or vinyl siding simulating a clapboard pattern, or hardboard siding. Inconsistent architectural elements created by illumination, form or color are not permitted ~~shall be discouraged~~.
 - c. Buildings in excess of 10,000 square feet shall treat the predominately visible street facade(s) within the guidelines of the above materials to provide a consistent architectural appearance.
4. In order to evaluate consistency with Special District Regulation 3, the site plan submission shall include elevation drawings with details and color renderings or color computer drawings as to how the above standards are met. *(Amended: 07-19-00)*
5. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 and no part of the vehicle queue shall be located within 100 feet of a residential structure. *(Amended: 12-6-04)*
6. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. *(Amended: 12-6-04)*
7. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended: 12-6-04)*
8. Notwithstanding the maximum building height regulation herein building height may be up to 60 feet maximum height under the following condition: Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each base yard setback requirement. *(Amended: 07-14-14)*

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result $60 - 35 = 25$ which is added to the minimum yard requirement.

		Minimum Setbacks:	Modified Setback
Street Yard	-	<u>30</u> 35 feet	<u>55</u> 60 feet
Other Yard	-	<u>15</u> 30 feet	<u>40</u> 55 feet

D-5-e



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Article 4.15 Water Recreation
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up draft amendments to the Zoning Ordinance, Article 4.15 Water Recreation and Sewage Lagoons (Swimming Pools) and Article 7.2 Definitions.

William Shakespeare made a motion to recommend to the Town Council that this item be referred to the Planning Board for public hearing and recommendation. David Ryder seconded the motion. The vote was unanimous in favor that this Zoning Ordinance text amendment be referred to the Planning Board.

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Additions are Double Underlined Deletions are ~~Strikethrough~~

4.15. Swimming Pools ~~Water Recreation and Sewage Lagoons~~ - Any swimming pool, as defined, ~~and any sewage lagoon~~ shall comply with the following requirements:

4.15.1. Setbacks. The swimming pool facility shall conform with setback requirements.

4.15.2. Barrier Requirements. ~~The facility shall be enclosed by a fence no less than four (4) feet high to prevent uncontrolled access. (Amended: 3-16-87)~~

4.15.2.1. Application. The following provisions shall control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to residential swimming pools, spas, and hot tubs.

4.15.2.2. Outdoor residential swimming pool. An outdoor residential swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.
2. Openings in the barrier shall not allow passage of a 4-inch-diameter sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.
6. Maximum mesh size for chain link fences shall be a 2 ¼inch square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1¾ inches.
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1¾ inches.
8. Access gates shall comply with the requirements of Section 4.15.2.b, Items i through vii, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - A. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate; and
 - B. The gate and barrier shall have no opening larger than 1/2 inch within 18 inches of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - A. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346-91(2010); or
 - B. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches above the threshold of the door; or
 - C. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the Code Enforcement Officer or Fire/Building Inspector, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 4.15.2.b.ix.1 or 4.15.2.b.ix.2 described above.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - A. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

B. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section 4.15.2.b, Items i through ix. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.

4.15.2.3. *Indoor residential swimming pool.* Walls surrounding an indoor residential swimming pool shall comply with Section 4.15.2.b, Item ix.

4.15.2.4. *Prohibited locations.* Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

4.15.2.5. *Barrier exceptions.* Spas or hot tubs with a safety cover which complies with ASTM F 1346-91(2010) shall be exempt from the foregoing provisions.

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Additions are Double Underlined

Deletions are ~~Strikethrough~~

ARTICLE 7
DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Swimming pool: ~~Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas. An outdoor body of water enclosed in an artificial receptacle or other container, whether in or above the ground, used or intended to be used for swimming or bathing and designed for a water depth of twenty-four (24") inches or more.~~

Swimming pool, barrier: ~~A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.~~

Swimming pool, indoor: ~~A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.~~

Swimming pool, outdoor: ~~Any swimming pool which is not an indoor pool.~~

Swimming pool, residential: ~~Any swimming pool which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.~~

Maine Revised Statutes

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- ◀ MAINE LEGISLATURE

§1629

**Title 22: HEALTH
AND WELFARE**

§1632

Subtitle 2: HEALTH

**Part 3: PUBLIC HEALTH HEADING: PL 1989, C. 487,
§11 (RPR)**

Chapter 266: SWIMMING POOLS

§1631. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1983, c. 436, (NEW) .]

1. Fence. "Fence" means a good quality fence or wall not less than 4 feet in height above ground surface and of a character to exclude children. The fence shall be so constructed as not to have openings, holes or gaps larger than 4 square inches, except for fences constructed of vertical posts or louvers, in which case, the openings shall not be greater than 4 inches in width with no horizontal members between the top and bottom plates. Doors and gates are excluded from the minimum dimension requirements.

[1983, c. 436, (NEW) .]

2. Swimming pool. "Swimming pool" means an outdoor artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 24 inches or more.

[1987, c. 22, (AMD) .]

SECTION HISTORY

1983, c. 436, (NEW). 1987, c. 22, (AMD).

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Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Maine Revised Statutes

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§1631

**Title 22: HEALTH
AND WELFARE**

§1633

Subtitle 2: HEALTH

**Part 3: PUBLIC HEALTH HEADING: PL 1989, C. 487,
§11 (RPR)**

Chapter 266: SWIMMING POOLS

§1632. Enclosure of swimming pool required

A fence shall be erected and maintained around every swimming pool, except that portable above-ground swimming pools with sidewalls of at least 24 inches in height are exempted. A dwelling house or accessory building may be used as part of this enclosure. All gates or doors opening through this enclosure shall be capable of being securely fastened at all times when not in actual use. [1983, c. 436, (NEW).]

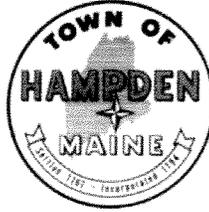
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**Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007**

D-5-f



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Life Safety Code Ordinance Amendments
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft amendments of the Hampden Life Safety Code Ordinance. This document was deemed inconsistent with the 2009 implementation of the NFPA101, Life Safety Code.

David Ryder made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was unanimous in favor that this Life Safety Code Ordinance amendment be set for Council public hearing.

The Town of Hampden hereby ordains that the following amendments to the Town of Hampden Life Safety Code Ordinance be adopted.

Additions underlined

Deletions ~~stricken~~

Note that there is some re-numbering and rearrangement of sections of this amendment.

TOWN OF HAMPDEN LIFE SAFETY CODE

Section 1. Life Safety Code Adopted.

In accordance with 30-A, M.R.S.A., Section 3003, the Town of Hampden hereby ordains that NFPA 101, *Life Safety Code*, 2009 ~~2003~~ Edition, published by the National Fire Protection Association, Inc., as adopted and amended by the State of Maine by 16-220 C.M.R. ch 20 (effective 7/27/11), be and is hereby adopted and incorporated by reference for the purpose of establishing minimum requirements to provide a reasonable degree of safety from fire and other emergencies in new and existing buildings and structures. *(Amended: 10-03-05)*

Section 2. Definitions for the Life Safety Code.

2.1. The term "authority having jurisdiction" used in the Life Safety Code and this ordinance shall mean the Town of Hampden ~~Fire Department, the Building/Fire Inspector, or the Code Enforcement Officer, Public Safety Director or other person designated by the Public Safety Director or Town Manager.~~ Public Safety Director or other person designated by the Public Safety Director or Town Manager. *(Amended: 10-03-05)*

2.2. The term "legal counsel" used in the Life Safety Code shall mean the Town Attorney. *(Amended: 10-03-05)*

Section 3. Amendments to the Life Safety Code.

3.1. The NFPA 101, Life Safety Code, 2009 Edition is adopted in its published form, as amended by the State of Maine by 16-220 C.M.R. ch 20 (effective 7/27/11), as if fully set forth herein except as follows:

- i. Provisions of the Life Safety Code shall not apply to one- and two-family dwellings existing prior to adoption of this amendment, unless the dwellings are being used for a purpose which requires a State of Maine License.

Section 4. Administration and Enforcement.

4.1 ~~3.1~~ It shall be the duty and responsibility of the authority having jurisdiction ~~Fire Department, the Building/Fire Inspector, or the Code Enforcement Officer~~ to enforce the provisions of the Life Safety Code as herein set forth. The designated enforcement officer of this code is herein referred to as the authority having jurisdiction. *(Amended: 10-03-05)*

4.2 ~~3.2~~ The authority having jurisdiction shall have the legal authority to inspect all structures and premises, except existing owner occupied single family dwellings, for the purpose of ascertaining and causing to be corrected any conditions that endanger life from fire, smoke, fumes, panic or any violations of the provisions or intent of this Code, or any other ordinance affecting fire and life safety. *(Amended: 10-03-05)*

4.3 ~~3.2.1~~ In cases where new construction or change of use of an existing building is proposed, the authority having jurisdiction shall require plans prepared and certified by a registered State of Maine Architect or registered State of Maine Professional Engineer, be submitted to the Office of State Fire Marshal ~~State of Maine Firemarshal's Office~~ for review. Once reviewed by the Office of State Fire Marshal ~~State of Maine Firemarshal's Office~~ the applicant shall submit a copy of said plans bearing the stamp of the Office of State Fire Marshal ~~State of Maine Firemarshal's Office~~ with application for either a building permit or certificate of compliance. The requirements of this section shall not pertain to one- and two-family dwellings. *(Amended: 10-03-05)*

4.4 ~~3.3~~ Whenever necessary for the purpose of enforcing the provisions of this Code, or whenever the authority having jurisdiction has reasonable cause to believe that there exists in any structure or premises unsafe conditions, the authority having jurisdiction shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the authority having jurisdiction by this Code; provided that if such structure or premises be occupied, the authority having jurisdiction shall first present proper credentials and request entry. If such entry is refused, the authority having jurisdiction shall have recourse to every remedy provided by law to secure entry. *(Amended: 10-03-05)*

4.5 ~~3.4~~ The authority having jurisdiction, duly authorized representative or employee charged with enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damages to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any employee because of an act performed in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The authority having jurisdiction or any subordinates of the authority having jurisdiction shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; any employee acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of the official duties in connection therewith. *(Amended: 10-03-05)*

4.6 ~~3.5~~ The authority having jurisdiction, and the Town of Hampden, shall not be liable under this Code for damage to persons or property, by reason of the inspection or reinspection of buildings, structures or equipment authorized herein, or failure to inspect or reinspect such

buildings, structures or equipment by reason of the approval or disapproval of any building, structure or equipment authorized herein. *(Amended: 10-03-05)*

4.7. ~~3-6~~ The Municipal Officers shall have the authority as necessary in the interest of public safety, health and the general welfare to promulgate rules and regulation, to interpret and implement the provisions of this Code, to secure the intent thereof and to designate requirements applicable because of climatic or other conditions. Such rules shall not have the effect of waiving any life safety requirements specifically provided in this Code, or violating accepted engineering practice involving public safety. *(Amended: 10-03-05)*

4.8. ~~3-7~~ Whenever the authority having jurisdiction observes an apparent or actual violation of a provision of this Code or other codes or ordinances under the authority having jurisdiction, the authority having jurisdiction shall prepare written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of this Code shall be served upon the owner, a duly authorized agent, or upon the occupant or other party responsible for the conditions under violation. Such notice of violations shall be served either by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, delivery to a person in charge of the premises, or by posting a copy of the notice in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice. *(Amended: 10-03-05)*

4.9. ~~3-8~~ If the notice of violation is not complied with within the time specified by the authority having jurisdiction, the authority having jurisdiction shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or any of order or direction made pursuant thereto. *(Amended: 10-03-05)*

Section 5. Civil Penalties.

5.1. ~~3-9~~ Any person, firm or corporation violating any of the provisions of the Code, or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a civil violation and upon conviction thereof shall be subject to a fine. The requirements of 30-A, M.R.S.A., Section 4452 shall apply to the determination of penalties for violations of this Ordinance. The minimum penalty for a specific violation of this Ordinance shall be \$100 and a maximum of \$2,500; provided, however, the maximum penalty may exceed \$2,500, but shall not exceed \$25,000, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. Each day of violation shall constitute a separate offense. All penalties shall inure to the benefit of the Town of Hampden. *(Amended: 10-03-05)*

5.2. ~~3-10~~ The imposition of the penalties herein described, shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation; or prevent illegal occupancy of a building, structure or premises; or stop an illegal act, conduct of business or use of a building or structure in or about any premises. *(Amended: 10-03-05)*

Section 6. Appeals.

~~**6.1.** 3.11 Compliance with the Board of Appeals Ordinance. Except as expressly provided in this Ordinance, all appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures. ~~decisions of the Board of Appeals and subsequent appeals to Superior Court.~~ Any aggrieved person shall have the right to appeal to the Board of Appeals from a decision of the authority having jurisdiction. The right of appeal does not include the right to appeal enforcement decisions. Any Such appeal shall be commenced on a form provided by the authority having jurisdiction within 30 days of the decision. (Amended: 10-03-05) (Amended: 06-19-06)~~

~~3.12 Appellate Review. The Board of Appeals may conduct an appellate review of the decision of the authority having jurisdiction. (Amended: 10-03-05) (Amended: 06-19-06)~~

~~3.13 Basis of the Appeal. The appellant must demonstrate that the decision of the authority having jurisdiction: (1) failed to correctly interpret the true intent of this Code or the rules, regulations, or ordinances adopted by the Municipal Officers, (2) the provisions of this Code do not fully apply, or (3) an equally good or better method of providing for the life safety can be used. (Amended: 10-03-05) (Amended: 06-19-06)~~

~~**6.2.** 3.14 Modifying or Reversing the Decision of the Municipal Authority. The Board of Appeals may modify or reverse the decision of the authority having jurisdiction upon making a determination that: (1) the true intent of this Code or the rules, regulations, or ordinances adopted by the Town Municipal Officers have been incorrectly interpreted, (2) the provisions of this Code do not fully apply, or (3) an equally good or better method of providing for life safety can be used. (Amended: 06-19-06)~~

Section 7 4. Effective Date.

In accordance with Section 213 of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council.

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

Chapter 20: FIRE SAFETY IN BUILDINGS AND STRUCTURES

SUMMARY: This rule incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2009 edition; NFPA #80, *Standard for Fire Doors and other Opening Protectives*, 2010 edition; and NFPA #220, *Standard on Types of Building Construction*, 2006 edition. Specific provisions of the Life Safety Code have been excluded to avoid conflict with the *Maine Uniform Building and Energy Code*, and several provisions have been modified to make the provisions specific to Maine. This chapter also includes rules governing portable classrooms and indoor and special pyrotechnic events.

1. This rule incorporates by reference National Fire Protection Association Standard #101, *Life Safety Code*, 2009 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
 - A. **Unvented fuel-fired heaters.** Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.
 - B. **Extinguishment Requirements.** The following provisions of NFPA # 101, the *Life Safety Code*, 2009 edition, are not incorporated by reference:
 1. Chapter 12, section 12.3.5.3, subsections 3 & 4; and,
 2. Chapter 13, section 13.3.5.3, subsections 1 & 2.
 - C. **Extinguishment Requirements in One- and Two- Family Dwellings.** Section 24.3.5.1 of NFPA #101, the *Life Safety Code*, 2009 edition, is not incorporated by reference.
 - D. **Stair risers, guards, treads, and tread nosing.** The following provisions of NFPA # 101, *Life Safety Code*, 2009 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly constructed one-and two family dwellings.
 - E. **Separated Occupancies.** Tables 6.1.14.4.1 a & b, "*Required Separation of Occupancies (hours.)*" shall be cross referenced with Table 508.4 *Required Separation of Occupancies* of the 2009 *International Building Code(IBC)*. Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

- F. **Accessory Occupancies.** Chapter 6, Section 6.1.14.1.3 of NFPA # 101, *Life Safety Code*, 2009 edition, is not incorporated. Section 508.2 *Accessory Occupancies*, of the 2009 *International Building Code* governs.
- G. **Dead End Corridors.** The following provisions of NFPA # 101, *Life Safety Code*, 2009 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.
2. This rule incorporates by reference the National Fire Protection Association Standard #80, *Standard for Fire Doors and other Opening Protectives*, 2010 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
3. This rule incorporates by reference the National Fire Protection Association Standard #220, *Standard for Types of Building Construction*, 2006 edition. All rights reserved by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
4. **Portable Classrooms**
- Portable Classrooms shall mean buildings manufactured and moved to a site to provide educational space for educational facilities. Similar portable classrooms may be site built if the installation follows these requirements and a construction permit is obtained in accordance with Title 25 M.R.S.A. §2448.
- A. All portable classrooms shall be placed in such a manner that no part of the portable classroom is within 20 feet horizontally to any other building.
- B. Groups of portable classrooms shall maintain 20 feet of clearance between individual buildings.
- C. All groups of buildings under this construction shall have a construction permit issued by the Office of State Fire Marshal as required by Title 25 M.R.S.A. §2448.
- D. Buildings and groups of buildings on the same property shall have fire alarm systems as required (NFPA 101, 20069 edition, Sections 14.3.4 and 15.3.4) and all systems shall be interconnected.
- E. Fire Drills shall be conducted in conjunction with drills in main educational buildings.
- F. Portable classrooms shall meet all egress requirements of the adopted National Fire Protection Association Standard #101, *Life Safety Code*, 2009 edition.

- G. No installation shall be completed unless a letter from the municipal fire authority has been received by the Office of State Fire Marshal. This letter must indicate that the fire authority's ability to respond to fire emergencies will not be hindered by the placement of the portable classrooms and that the installations of the portable classrooms do not violate local ordinances.

5. Indoor Pyrotechnic Events

Indoor events using special effect display features, as defined in Title 8 M.R.S.A. §221-A, shall be held only:

- A. In buildings fully protected by automatic fire sprinkler systems meeting all requirements of National Fire Protection Association #13, *Installation of Sprinkler Systems*, 2006 edition.
- B. With the prior approval of the Office of State Fire Marshal in accordance with the requirements of Title 8 M.R.S.A., Chapter 9-A; Rules Chapters 20 and 26; and the following:
 - 1. The announcement required by Chapter 20, Section 9 shall be made regardless of capacity.
 - 2. The special effect display shall be conducted by a licensed Fireworks Technician with appropriate Indoor and/or Flame Effect endorsement.
 - 3. The event shall be monitored by the Office of State Fire Marshal.
 - 4. An inspection by the Office of State Fire Marshal shall be completed prior to the commencement of the event with all scenery, effects, and equipment in place.

6. Special Pyrotechnic Amusement Events

- A. A special pyrotechnic amusement event is an event, including but not limited to such events as a magic show or theatrical performance, which uses no more than 1 ounce of flash paper, or small open flame devices such as candles, matches or lighters, or similar devices approved for use at special pyrotechnic amusement events by the Office of State Fire Marshal.
- B. An operator of a special pyrotechnic amusement event shall register with the Office of State Fire Marshal and provide a list of scheduled events and their locations. Such registration shall be valid for a period of 1 year. Location and event schedules shall be updated with the Office of State Fire Marshal no less than 10 days prior to any newly scheduled event or location.
- C. An operator or manager of a special pyrotechnic amusement event shall obtain licensure as a Fireworks Technician with indoor pyrotechnic endorsement pursuant to Title 8 M.R.S.A. Chapter 9-A or conduct the event under the direct supervision of one holding this license.

7. Announcement required

At every event with a defined start time, where an assembly occupancy can accommodate 300 occupants or more, the event manager, operator, sponsor, or a designee shall make an audio announcement to all occupants, prior to the commencement of the event, regarding the following:

- A. Location of exits;
- B. Smoking rules and regulations;
- C. Use of open flame devices;
- D. What to do in case of emergency evacuation; and
- E. Location of any first aid stations.

Such events include but are not limited to those held at armories, assembly halls, auditoriums, dance halls, exhibition halls, gymnasiums, special amusement buildings regardless of occupant load, and theaters.

STATUTORY AUTHORITY: 25 M.R.S.A. §2452 and 8 M.R.S.A. §236

EFFECTIVE DATE:

December 22, 1977 - filed September 27, 1978

AMENDED:

October 24, 1982
September 30, 1985
September 1, 1988
September 1, 1991
September 1, 1994

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

AMENDED:

January 2, 1999

REPEALED AND REPLACED:

August 7, 2001 - formerly Ch. 29

AMENDED:

March 11, 2003 - filing 2003-67 (*EMERGENCY, expires June 9, 2003*)
September 1, 2003 - filing 2003-302
August 18, 2004 - filing 2004-345

NON-SUBSTANTIVE CORRECTIONS:

September 13, 2004 - corrected section numbering

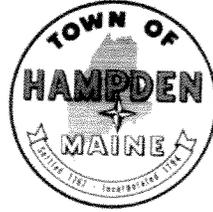
AMENDED:

September 21, 2004 - filing 2004-409, section 1.B reinserted

September 3, 2007 – filing 2007-371

July 27, 2011 – filing 2011-250

D-5-g



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Fire Prevention Code Ordinance Amendments
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft amendments of the Hampden Fire Prevention Ordinance. The purpose of the amendments is to move to the current NFPA 1 as amended by the State of Maine.

William Shakespeare made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was unanimous in favor that this Fire Prevention Code Ordinance be set for Council public hearing.

The Town of Hampden hereby ordains that the following amendments to the Town of Hampden Fire Prevention Code be adopted.

Additions underlined

Deletions ~~stricken~~

TOWN OF HAMPDEN FIRE PREVENTION CODE

Sec. 1. Fire Prevention Code Adopted.

In accordance with 30-A M.R.S. Section 3003, as amended, the NFPA 1, “Uniform Fire Code, of the National Fire Protection Association, 2006 Edition, as adopted and amended by the State of Maine by 16-219 C.M.R. ch 3 (effective 9/3/07), be and is hereby adopted as the Fire Code of the Town of Hampden.

~~BOCA National Fire Prevention Code/1990” Eighth Edition, as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Fire Prevention Code of the Town of Hampden. Said Code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.~~

Sec. 2. Amendments to Published Version.

The Uniform Fire Code NFPA 1-2006 Edition ~~BOCA National Fire Prevention Code/1990~~ is adopted in its published form, as amended by the State of Maine by 16-219 C.M.R. ch 3 (effective 9/3/07), as if fully set forth herein except as follows:

Section 1.10 shall be deleted in its entirety.

~~Section F-105.6 is amended to delete the words “code official” therefrom and to substitute the words “Municipal Officers” in place thereof.~~

~~Section F-111.3 is deleted in its entirety and replaced with the following:~~

~~F-111.3 **Civil Penalties** The requirements of 30-A M.R.S.A. Section 4452 shall apply to the determination of penalties for violations of this Ordinance. The minimum penalty for a specific violation of this Ordinance shall be \$100 and the maximum penalty shall be \$2,500; provided, however, the maximum penalty may exceed \$2,500, but shall not exceed \$25,000, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. Each day of violation shall constitute a separate offense. All penalties shall inure to the benefit of the Town of Hampden. Any person~~

undertaking an activity without first obtaining a permit shall be charged double the permit fee in addition to any civil penalties levied.

~~Section F-112.0 is deleted in its entirety and replaced with the following:~~

~~F-112.1 Compliance With Board of Appeals Ordinance: All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. Any aggrieved person shall have the right to appeal to the "Hampden Zoning Board of Appeals" from a decision of the code official.~~

~~Such appeal shall be commenced, within (30) days of the decision.~~

~~F-112.2 Appellate Review. The Board of Appeals may conduct an appellate review of the code official's refusal to grant a modification to the provisions of this code.~~

~~F-112.3 Basis of the Appeal. The appellant must demonstrate that the decision of the code official: (1) incorrectly interpreted the true intent of this code, (2) misapplied the provisions of this code, or (3) failed to consider an equally good or better method of fire prevention to be used.~~

~~F-112.4 Modification or Reversal of the Decision: The Board of Appeals may modify or reverse the decision of the code official upon making a determination that (1) the true intent of this code has been incorrectly interpreted, (2) the provisions of this Code do not fully apply, or (3) an equally good or better method of fire prevention is used.~~

Section F-201.0 GENERAL DEFINITIONS is amended to add the following definition:

~~"Outdoor wood fired boiler (OWB)" (same as outdoor wood fired furnace) means an accessory structure or appliance capable of being installed out of doors and designed to transfer or provide heat, via liquid or other means, through the burning of wood or any other nongaseous or non-liquid fuels for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood fired boiler or furnace" does not include a fire pit, wood fired barbeque, or chiminea.~~

~~Section F-303.0 is deleted in its entirety.~~

F-308.3.1 is amended to add the following:

~~F-308.3.1. Outdoor wood fired boilers or furnaces: All outdoor wood fired boilers or furnaces shall be regulated as a special purpose incinerator and shall require a permit under Section F-106.0 PERMITS of this Code. Outdoor wood fired boilers or furnaces shall be operated in strict accordance with its manufacturer's instructions and specifications. As such, they shall be used to incinerate wood only. It is a violation of this Code to burn or cause to be burned trash, rubbish, garbage, demolition debris, leaves, grass clippings, rags, cardboard, magazines or any non-approved material. Creation of dense smoke or odor upon burning is not permitted. Outdoor wood fired boilers or furnaces shall be prohibited from operating between the dates of May 1 to October 1. The provisions of this subsection shall apply retroactively to all outdoor wood fired boilers or furnaces located in the Town.~~

~~Section F-313.0 is deleted in its entirety and replaced with the following:~~

~~Section F-313.0 Fire Lanes~~

~~F-313.1 Purpose.~~ Fire lanes are established for the purpose of promoting the public health, safety and welfare by recognizing that there exists, and will in the future exist, buildings and other areas within the town within which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt adequate emergency services including access by fire fighters and fire fighting equipment and other emergency personnel and equipment in order to accomplish said purpose and effect the saving of life and property in emergency situations.

~~F-313.2 Definitions~~

1. ~~A "Fire Lane" is defined for the purposes of this article as a designated unobstructed access roadway that will support the imposed loads of fire apparatus and at least twenty feet (20') in width and having a minimum of thirteen feet, six inches (13'6") of vertical clearance. Fire lanes over one hundred fifty feet (150') in length shall be provided with adequate roadway turning radius. See table 313.~~

~~A "Fire Lane" is further defined as an access roadway that is constructed and maintained in a manner to permit free passage of fire apparatus and other emergency equipment and personnel from a public way to all necessary areas, regardless of season of the year or weather conditions, around buildings, as may be required elsewhere in this article.~~

2. ~~"Parking area" as defined in this article means lots, areas or other accommodations for the parking of motor vehicles off the street, alley or other way, which said lots, areas or other accommodations are available for use by the public either with or without charge.~~

~~F-313.3 Applicability.~~ All premises covered by this Ordinance where the Fire Department may be called upon to protect in case of fire which are not readily accessible from public roads shall be provided with fire lanes. A minimum of one side of the building on the premises shall be accessible to fire apparatus. The Authority Having Jurisdiction may require that additional sides of the building be accessible if the size and type of occupancy of the building warrants additional fire protection and accessibility.

~~The provisions of this article shall, in order to accomplish the stated purpose, be applicable to all proposed and existing developments, buildings and other premises which are included within the following:~~

~~A.) multi-family units with four (4) units or more in one building.~~

~~B.) all schools, whether private or public.~~

~~C.) all hospitals and clinics.~~

~~D.) convalescent homes, rest homes and/or nursing homes.~~

~~E.) all shopping centers (defined as three (3) or more businesses)~~

~~F.) all industrial and commercial buildings over 3,000 sq. ft.~~

~~G.) all places of public assembly used for gathering together of 50 or more persons.~~

In addition to the foregoing, fire lanes shall be provided for all buildings, except one (1) and two (2) family residences, that are set back more than 150 feet from a public road or buildings which exceed 30 feet in height and are 50 feet or more from a public road.

F-313.4 Establishment of fire lanes in the Town of Hampden

1. Each application for any use described in Section F-313.3 above shall be reviewed by the Code Official for purposes of determining the location of such fire lanes as are necessary under this section. The Official's findings, recommendations and required designations shall be reduced to writing and shall be a part of the record for said approval.
2. Within existing developments and premises to which this section is applicable, the Code Official shall designate fire lanes by written order and shall notify the owner, owners or agents of such development or premises by certified mail of such designation and of any specific requirements for compliance with this section. The Code Official shall also file one (1) copy of any order of designation of any such fire lanes with the Town Clerk. Any person aggrieved by such order may appeal in accordance with *Section F-112.0 and the Town of Hampden Board of Appeals Ordinance*.

F-313.5 Maintenance. Fire lanes established under this article shall be kept free of ice and snow and rubbish containers or other obstructions. The owner(s), agent(s), or occupant(s) of any premises to which this article is applicable, shall cause to be erected, installed and maintained at their own expense, permanent, adequate signs bearing the words "FIRE LANE NO PARKING VEHICLES WILL BE TOWED AT OWNER'S EXPENSE" in or adjacent to said fire lanes. Such owner(s), agent(s) or occupant(s) shall cause such other and further designations as are reasonably required by the Code Official to warn persons to keep said fire lanes unobstructed. Failure to maintain a fire lane in accordance with this section shall render the owner(s), agent(s) or occupant(s) of said development liable to a fine in accordance with the general penalty provisions of this Ordinance, with each continuing day of such violation constituting a separate offense.

A.) Signs are required to be placed every one hundred feet (100') facing traffic at a height of seven feet (7'). Placement variations and sign designs shall be subject to approval by the Fire Department.

3.) All curbs adjoining fire lanes or posted areas shall be painted yellow or other approved colors. If no curb is present, an eight inch (8") stripe shall be painted on the pavement.

F-313.6 Compliance. Notice of establishment of fire lanes shall prescribe a reasonable time for compliance. If compliance is not obtained within said time, then such owner(s), agent(s) or occupant(s) shall be subject to a fine in accordance with the general penalty provisions of this Ordinance. Each day following such specified time for compliance shall constitute a new and separate violation.

F-313.7 Whenever any vehicle shall be found in violation of the regulations as established above, any police officer may attach to such vehicle a notice to the owner or the operator that such vehicle has been parked in violation of the regulations. The registered owner of said vehicle shall be presumed to be the operator of said vehicle. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article, in

addition to the foregoing, may be towed upon the direction of a police officer, to any public or private parking facility and all expense of such towing and any subsequent storage shall be borne by the registered owner or operator of such vehicle.

F-313.8 Additional Requirements (For new construction)

A.) The access roadway shall be extended to within one hundred fifty feet (150') of all portions of the exterior walls of the first story of any building as measured by an unobstructed route around the exterior of the building. All access, including bridges, shall support the loads of fire apparatus.

B.) Proposed surfaces, other than concrete or asphalt, must be approved by the Fire Department.

C.) When adjacent to buildings that are greater than thirty five feet (35') in height above natural grade, the access roadway shall have a minimum width of twenty six feet (26'). It shall be located between fifteen feet (15') and twenty five feet (25') from the building and shall be positioned parallel to one entire side of the building.

D.) When adjacent to Fire Hydrants, access roadways and fire lanes shall be a minimum of twenty six feet (26') wide for twenty feet (20') in either direction from the hydrant.

E.) Maximum grades shall not exceed fifteen percent (15%) (6.75 degrees) for concrete and twelve percent (12%) (5.4 degrees) for asphalt.

F.) Very large buildings—Buildings exceeding one hundred feet (100') in width and six hundred feet (600') in length, shall have access roadways along the two (2) long sides of the building.

The following section is added to Article 5

F-518.0 Fire Hydrants

General

F-518.1 The Fire Department shall have the authority for the approval of hydrant design and installations. This shall include the size and type of hydrants, number and size of outlets, and the threads used, as well as approval for each specific hydrant location and installation. Hydrant placement shall reflect the hazards of the locality and the needs of the Fire Department in dealing with those hazards.

F-518.2 Fire hydrant locations shall be clearly marked and maintained so that each hydrant location is visible and accessible at all times.

F-518.3 All Fire Hydrants shall be tested in the presence of the Fire Department and approved before the hydrant is placed in service.

F-518.4 After being placed in service, all hydrants shall be maintained in proper working order at all times and shall be subject to periodic testing (at least once a year and after use at a fire). If problems or deficiencies are noted, the problems shall be repaired as soon as possible and the Fire Department shall be notified.

F-518.5 If practical, buildings equipped with automatic sprinkler system, a hydrant shall be located no more than 150 feet from Fire Department sprinkler connection on the building.

~~F-518.6 Hydrants shall be of approved type and shall not have less than a six inch (6") connection with the mains. The fire flow needed shall be determined by the Fire Department.~~

~~F-518.7 Hydrants shall be equipped with NH standard external threads. Exception: existing hydrants approved by Fire Department.~~

~~F-518.8 Hydrants shall be installed in accordance with NFPA 24 and the authority having jurisdiction.~~

~~F-518.9 There shall be no parking at any time within fifteen feet (15') of any hydrant. Vehicles parked within this space shall be subject to towing at the owner's expense.~~

~~F-601.1 is deleted and replaced with the following:~~

~~F-601.1 Obstructions: A person shall not at any time place an encumbrance of any kind before or upon any fire escape or balcony intended as a means of escape from fire. The means of egress from each part of the building, including stairways, egress doors and any panic hardware installed thereon, aisles, corridors, passageways and similar elements of the means of egress, shall at all times be maintained in a safe condition and shall be available for immediate use and free of all obstructions.~~

~~Article 8 is deleted.~~

~~Article 11 is deleted.~~

~~Article 18 is deleted.~~

~~F-1900.2 is deleted in its entirety.~~

~~F-2400.2 is deleted in its entirety.~~

~~Article 25 is deleted in its entirety.~~

~~Article 26 is deleted in its entirety.~~

~~Article 27 is deleted in its entirety.~~

~~F-2800.3 is deleted in its entirety.~~

~~F-2800.4 is deleted in its entirety.~~

~~F-2805.0 is deleted in its entirety.~~

~~F-2806.0 is deleted in its entirety.~~

~~F-2807.2 is deleted in its entirety except for Table F-280.2 and replaced with the following:~~

~~F-280.2 Size: Containers and portable tanks for flammable and combustible liquids shall conform to Sections F-2801.2 and Table F-2805.2.~~

~~F-2809.0 is deleted in its entirety.~~

~~F-2900.2 is deleted in its entirety.~~

~~Article 31 is deleted in its entirety.~~

~~Article 32 is deleted in its entirety.~~

Sec. 3. Authority Having Jurisdiction.

The authority having jurisdiction in this Code shall be defined as the Town of Hampden Code Enforcement Officer, Building/Fire Inspector, Public Safety Director or other person designated by the Public Safety Director or Town Manager.

Sec. 4. Civil Penalties.

- a) Any person, firm or corporation violating any of the provisions of the Code, or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a civil violation and upon conviction thereof shall be subject to a civil penalty. The requirements of Title 30-A M.R.S. Section 4452 shall apply to the determination of penalties for violations of this Ordinance. The minimum penalty for a specific violation of this Ordinance shall be \$100 and a maximum of \$2,500; provided, however, the maximum penalty may exceed \$2,500, but shall not exceed \$25,000, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. Each day of violation shall constitute a separate offense. All penalties shall inure to the benefit of the Town of Hampden.
- b) The imposition of the penalties herein described, shall not prevent the legal officer of the Town from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation; or prevent illegal occupancy of a building, structure or premises; or stop an illegal act, conduct of business or use of a building or structure in or about any premises.

Sec. 5. Appeals

- a) Except as expressly provided in this Ordinance, all appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance, including but not limited to filing deadlines, application requirements, fees and appeal procedures. Any aggrieved person shall have the right to appeal to the Board of Appeals from a decision of the authority having jurisdiction. This right of appeal does not include the right to appeal enforcement decisions. Any appeal shall be commenced on a form provided by the authority having jurisdiction.
- b) The Board of Appeals may modify or reverse the decision of the authority having jurisdiction upon making a determination that: (1) the true intent of this Code or the rules, regulations, or ordinances adopted by the Town have been incorrectly interpreted, (2) the provisions of this Code do not fully apply, or (3) an equally good or better method of providing for fire prevention can be used. The Board of Appeals may only modify or

reverse the decision of the authority having jurisdiction upon a concurring vote of at least four members.

Sec 6. Effective Date.

In accordance with Section 213 of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council.

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

Chapter 3: FIRE PREVENTION CODE

SUMMARY: This chapter establishes the rules and regulations prescribing the minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion.

1. This rule incorporates by reference the following National Fire Protection Association standard, available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269:
NFPA # 1, Uniform Fire Code, 2006 edition.
 2. The following chapters and sections of NFPA #1, Uniform Fire Code, shall not be incorporated in the State of Maine:

Chapter 65, Section 11 (see Rules of the State Fire Marshal, Chapter 25 & Title 8 M.R.S.A §236)
Chapter 20, Sections: 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and, 11.2
Chapter 13, Section 2.2.2
Chapter 66, Table(s): 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4
 3. The following chapter and section shall be amended to read:

Chapter 20, Section 11.1 Application. New and existing one-and two-family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1 of NFPA 101 shall not be incorporated in this rule.
-

STATUTORY AUTHORITY: 25 MRSA §2452

EFFECTIVE DATE:

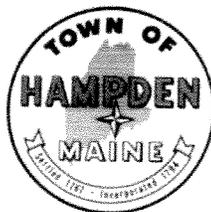
August 17, 2002 - filing 2002-310

AMENDED:

August 18, 2004 - filing 2004-339

September 3, 2007 – filing 2007-363

D-5-h



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Building Code Ordinance Repeal
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft repeal of the Hampden Building Code Ordinance. This document was rendered obsolete with the 2010 implementation of the Maine Unified Building and Energy Code.

Carol Duprey made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was unanimous in favor that this Building Code Ordinance repeal be set for Council public hearing.

The Town of Hampden hereby ordains that the "Building Code Ordinance" adopted on September 16, 2002, as amended on March 27, 2006 and June 19, 2006, and as set forth below, is hereby repealed in its entirety, effective as of the effective date of the adoption of a new ordinance entitled Maine Uniform Building and Energy Code Ordinance.

Note: Effective December 1, 2010, the Town of Hampden began applying and enforcing the Maine Uniform Building and Energy Code ("MUBEC") as required by 10 M.R.S. §9724. Section 9724(3) provides that effective December 1, 2010, any ordinance regarding a building code that is inconsistent with MUBEC is void. Therefore, the existing Building Code Ordinance is being repealed, and a new ordinance is being adopted concerning the administration and enforcement of MUBEC.

Deletions are Strikethrough

**~~TOWN OF HAMPDEN, MAINE
BUILDING CODE ORDINANCE~~**

~~Section 1 Building Code Adopted.~~

~~The Town of Hampden hereby ordains that in accordance with Title 30 A; M.R.S.A. Section 3003 the "2003 International Building Code, published by the International Code Council Inc., is hereby adopted and incorporated by reference, as the minimum standard for the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment, both existing and proposed, located within the Town of Hampden. (Amended: 3-27-2006)~~

~~Section 2 Inconsistent Ordinances Repealed.~~

~~The Ordinances known as the "Building Code Ordinance" adopted on April 5, 1993, May 25, 1959, and September 16, 2002 are hereby repealed. If any provision of this code conflicts with any provision of another ordinance, the more strict provision shall prevail. (Amended: 3-27-2006)~~

~~Section 3 Amendments to Published Version.~~

~~Said Building Code is adopted in its published form as if fully set forth herein, except as follows:~~

~~Section 101 is amended to read as follows:~~

~~101.1 Title: These regulations shall be known as the Building Code of the Town of Hampden hereinafter referred to as "this code."~~

~~101.4, 101.4.2, 101.4.3, 101.4.5, 101.4.6 and 101.4.7 are deleted. (Amended: 3-27-2006)~~

~~101.4.1 is amended to read as follows:~~

~~101.4.1 Electrical. The provisions of the most current version of NFPA 70, National Electrical Code as adopted by the State of Maine Electricians' Examining Board shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Any reference to electrical installations or chapter 27 shall be construed to reference the Code cited above. (Amended: 3-27-2006)~~

101.4.4 is amended to read as follows:

~~101.4.4 *Plumbing*. The provisions of the *State of Maine Internal Plumbing Code, Chapter 238* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *State of Maine Subsurface Wastewater Disposal Rules, Chapter 241* shall apply to private sewage disposal systems. In addition to these codes the provisions of the Town of Hampden Sewer ordinance shall also apply. (Amended: 3-27-2006)~~

Section 103.1 is deleted and replaced with the following:

~~103.1 *Building Official*: Further references in this code to the "building official" shall be interpreted to mean the Code Enforcement Officer or the Building/Fire Inspector of the Town of Hampden. (Amended: 3-27-2006)~~

Section 104.2 is amended to read as follows:

~~104.2 The Building Official shall review construction documents for the erection, alteration or demolition and moving of buildings and structures. Inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

Section 105 is amended to read as follows: ~~(Amended: 3-27-2006)~~

~~105.1 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.1.1 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.1.2 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.2 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.2.3 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.3 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.3.1 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.3.2 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~105.5 deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

Section 106 is amended to read as follows:

Section 106.1 is amended to read as follows:

~~106.1 *Submittal documents*. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared or certified by a State of Maine registered Professional Engineer, and shall indicate full compliance with all provisions of this code and all other relevant laws, rules, ordinances or regulations. Where special conditions exist or inadequate information was~~

~~provided on the original documents, the building official is authorized to require additional construction documents to be prepared by said Engineer. (Amended: 3-27-2006)~~

~~Section 106.1.1.1 is amended to read as follows:~~

~~106.1.1.1 *Fire protection system shop drawings.* Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code, the construction documents, and any applicable NFPA standards as adopted by the State of Maine Fire Marshal's Office. Applicant shall provide proof at the time of application that the State Fire Marshal's office has approved said drawings. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 and applicable NFPA standards. (Amended: 3-27-2006)~~

~~Section 106.1.2 is amended to read as follows:~~

~~106.1.2 *Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the most current version of *NFPA 101, Life Safety Code* as adopted by the State Fire Marshal's Office. These construction documents shall be submitted to the State Fire Marshal's Office for review of compliance with NFPA 101 and any other relevant laws, rules or regulations under their authority. One set of these documents shall be stamped by the Firemarshal's office and returned to the Town of Hampden Code Enforcement Office. (Amended: 3-27-2006)~~

~~Section 106.2 (Amended: 3-27-2006)~~

~~Section 107 (Amended: 3-27-2006)~~

~~Section 108 is amended to read as follows:~~

~~108 is deleted and replaced with the Town of Hampden Fees Ordinance.~~

~~Section 110 is amended to read as follows:~~

~~110 is deleted and replaced with Section 5.3.2 of the Town of Hampden Zoning Ordinance.~~

~~Section 112 is amended to read as follows:~~

~~Sections 112.1, 112.2 and 112.3 are deleted and replaced with the following:~~

~~112.1 *Compliance With Board of Appeals Ordinance.* All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The owner of a building or structure or any other aggrieved person may appeal to the Town of Hampden Board of Appeals, from a decision of the Building Official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Such appeal shall be commenced, within 30 days of the decision. (Amended: 3-27-2006), (Amended: 06-19-2006)~~

~~112.2 *Appellate Review.* The Board of Appeals may conduct an appellate review of the refusal to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. (Amended: 06-19-2006)~~

~~*Basis of the Appeal.* The appellant must demonstrate that the decision of the building official having jurisdiction: (1) failed to correctly interpret the true intent of this code or the rules, regulations, or ordinances adopted by the Municipal Officers, (2) the provisions of this code do not fully apply, or (3) failed to consider an equivalent form of construction can be used. (Amended: 06-19-2006)~~

~~*Modification or Reversal of the Decision.* The Board of Appeals may modify or reverse the decision of the Building Official upon making a determination that (1) the true intent of this code or the rules, regulations or ordinances adopted by the Municipal Officers have been incorrectly interpreted, (2) the provisions of this code do not fully apply, or (3) an equivalent form of construction can be used. (Amended: 06-19-2006)~~

~~112.3 Deleted. (Amended: 06-19-2006)~~

Section 113.2 is deleted and replaced with the following:

~~113.2 *Enforcement.* Whenever the Building Official, or his/her authorized agents, determines there is a violation of any provisions of said Code, he/she shall give written notice of such violation to the property owner, lessee, occupant or their agents. Such notice shall:~~

- ~~1. Include a description of the real estate in question sufficient for identification; and~~
- ~~2. Include a description of the violation found and the citation to the provisions violated, of said Code; and~~
- ~~3. Specify the remedial action required for correction of said violation; and~~
- ~~4. Order that such violation be corrected within a reasonable period of time; and~~
- ~~5. State that an appeal from any order, decision or other action of the Building Official may be taken to the Board of Appeals by filing with the Code Official a written request for an appeal within ten (10) days of receipt of said written notice.~~

Section 113.3 is deleted and replaced with the following:

~~113.3 *Legal action and violations.* When any violation of any provision of this code exists, the Building Official is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provision of this code in the name of the Town of Hampden.~~

Section 113.4 is deleted and replaced with the following:

~~113.4 *Civil penalties.* The provisions of 30 A.M.R.S.A., Section 4452 shall apply to the determination of penalties for violations of this code. The minimum penalty for starting work without a permit required by this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The minimum penalty for any specific violation of this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The maximum penalty may exceed \$2,500.00, but shall not exceed \$25,000.00, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. If the economic benefit resulting from the violation exceeds the applicable penalties set forth herein, the maximum civil penalties may be increased to an amount not to exceed twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or the enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements. Each day of violation shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town of Hampden. (Amended: 3-27-2006)~~

~~Chapter 10 is deleted and replaced with the most current version of *NFPA 101, Life Safety Code* as adopted by the State of Maine Fire Marshal's Office. Any reference within this code to means of egress or chapter 10 shall be construed to reference the Code cited above. (Amended: 3-27-2006)~~

~~Section 1612.3 is amended to read as follows: (Amended: 3-27-2006)~~

~~1612.3 *Establishment of flood hazard areas.* Federal Emergency Management Agency engineering report entitled "Flood Insurance Study Town of Hampden, Penobscot County, Maine," dated September 4, 1987 as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto are hereby adopted by reference and declared to be part of this section. (Amended: 3-27-2006)~~

~~Section 1612.4 is amended to read as follows:~~

~~1612.4 *Design and construction.* The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be in accordance with ASCE 24 and the Town of Hampden Floodplain Management Ordinance. (Amended: 3-27-2006)~~

~~Sections 2111, 2112 and 2113 are deleted and replaced with construction standards found in the most current version of *NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances* as adopted by the State of Maine. (Amended: 3-27-2006)~~

~~Chapter 27 is deleted and replaced with the most current version of *NFPA 70, National Electrical Code* as adopted by the State of Maine Electricians' Examining Board. All installations shall be certified by a State of Maine licensed Master Electrician to be in compliance with *NFPA 70*. Any reference to electrical installations or chapter 27 shall be construed to reference the Code cited above. (Amended: 3-27-2006)~~

~~Chapter 28 is deleted and replaced with the most current version of *NFPA 54, National Fuel Gas Code* as adopted by the State of Maine. (Amended: 3-27-2006)~~

~~Chapter 29 is deleted and replaced with the *State of Maine Internal Plumbing Code, Chapter 238*. (Amended: 3-27-2006)~~

~~Chapter 30 is deleted and replaced with the Maine State Elevator Regulations found in Title 32, Chapter 133 of the Maine Revised Statutes Annotated. (Amended: 3-27-2006)~~

~~Chapter 32 is deleted. (Amended: 3-27-2006)~~

~~Section 3305.1 is amended to read as follows:~~

~~3305.1 *Facilities required.* Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with Federal and State OSHA requirements. (Amended: 3-27-2006)~~

~~Section 3309.2 is amended to read as follows:~~

~~3309.2 *Fire hazards.* The provisions of this code and the most current version of *NFPA 1, Uniform Fire Code* as adopted by the State of Maine Fire Marshal's Office shall be strictly observed to safeguard against all fire hazards attendant upon construction operations. (Amended: 3-27-2006)~~

~~Section 3410.2 is amended to read as follows:~~

~~3410.2 *Applicability.* Structures existing prior to the effective date of this ordinance, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I. (Amended: 3-27-2006)~~

Section 4 Applicability.

~~The provisions of this Code shall apply to all activities addressed in section 101.2 *Scope* of this Code. All other activities shall be subject to the Town of Hampden Residential Building Code. (Amended: 3-27-2006)~~

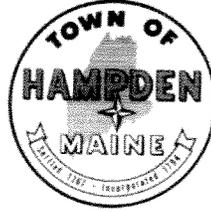
Section 5 Saving Clause.

~~That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any existing Ordinance; nor shall any just or legal right or remedy of or any character be lost, impaired or affected by this Ordinance.~~

Section 6. Date of Effect.

~~In accordance with Section 213 of the Town Charter, this Ordinance, as amended, shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council. (Amended: 3-27-2006)~~

D-5-i



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Residential Building Code Ordinance Repeal
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft repeal of the Hampden Residential Building Code Ordinance. This document was rendered obsolete with the 2010 implementation of the Maine Unified Building and Energy Code.

Dennis Marble made a motion to recommend to the Town Council that this item be set for public hearing. Stephen Wilde seconded the motion. The vote was unanimous in favor that this Residential Building Code Ordinance repeal be set for Council public hearing.

The Town of Hampden hereby ordains that the "Residential Building Code Ordinance" adopted on March 27, 2006, as amended June 19, 2006, and as set forth below, is hereby repealed in its entirety, effective as of the effective date of the adoption of a new ordinance entitled Maine Uniform Building and Energy Code Ordinance.

Note: Effective December 1, 2010, the Town of Hampden began applying and enforcing the Maine Uniform Building and Energy Code ("MUBEC") as required by 10 M.R.S. §9724. Section 9724(3) provides that effective December 1, 2010, any ordinance regarding a building code that is inconsistent with MUBEC is void. Therefore, the existing Residential Building Code Ordinance is being repealed, and a new ordinance is being adopted concerning the administration and enforcement of MUBEC.

Deletions are Strikethrough

**~~TOWN OF HAMPDEN, MAINE
RESIDENTIAL BUILDING CODE ORDINANCE~~**

~~Section 1 Building Code Adopted.~~

~~The Town of Hampden hereby ordains that in accordance with Title 30-A; M.R.S.A. Section 3003 the "International Residential Code, 2003 edition", published by the International Code Council Inc., is hereby adopted and incorporated by reference, as the minimum standard for the construction, alteration, movement, enlargement, replacement, repair, removal, demolition, use, location, occupancy and maintenance of all one and two family dwellings and their service equipment, both existing and proposed, located within the Town of Hampden.~~

~~Section 2 Inconsistent Ordinances Repealed.~~

~~The Ordinances known as the "Building Code Ordinance" adopted on April 5, 1993, May 25, 1959, and September 16, 2002 which previously governed one and two family dwellings are hereby repealed and replaced with the code cited above. If any provision of this code conflicts with any provision of another ordinance, the more strict provision shall prevail.~~

~~Section 3 Amendments to Published Version.~~

~~Said Building Code is adopted in its published form as if fully set forth herein, except as follows:~~

~~Section R101.1 is amended to read as follows:~~

~~R101.1 Title: These regulations shall be known as the Residential Building Code of the Town of Hampden hereinafter referred to as "this code."~~

~~Section 103.1 is deleted and replaced with the following:~~

~~R103.1 Building Official: Further references in this code to the "building official" shall be interpreted to mean the Code Enforcement Officer or the Building/Fire Inspector of the Town of Hampden.~~

~~Section R104.2 is amended to read as follows:~~

~~R104.2 The Building Official shall review construction documents for the erection, alteration or demolition and moving of buildings and structures. Inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

Section R105 is amended to read as follows:

~~R105.1 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~R105.2 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~R105.3 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

~~R105.5 is deleted and replaced with Section 5.3 of the Town of Hampden Zoning Ordinance.~~

Section R106.1 is amended to read as follows:

~~R106.1 *Submittal documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. Where special conditions exist or inadequate information was provided on the original documents, the building official is authorized to require additional construction documents to be prepared by a State of Maine registered Professional Engineer.~~

~~Section R107 is deleted and replaced with Section 4.12 of the Town of Hampden Zoning Ordinance.~~

~~Section R108 is deleted and replaced with the Town of Hampden Fees Ordinance.~~

~~Section R110 is deleted and replaced with Section 5.3.2 of the Town of Hampden Zoning Ordinance.~~

Section R112 is amended to read as follows:

~~R112.1 *Compliance With Board of Appeals Ordinance.* All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The owner of a building or structure or any other aggrieved person may appeal to the Town of Hampden Board of Appeals, from a decision of the Building Official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Such appeal shall be commenced, within 30 days of the decision. *Amended 06-19-2006*~~

~~R112.2 *Appellate Review.* The Board of Appeals may conduct an appellate review of the refusal to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. *Amended 06-19-2006*~~

~~*Basis of the Appeal.* The appellant must demonstrate that the decision of the building official having jurisdiction: (1) failed to correctly interpret the true intent of this code or the rules, regulations, or ordinances adopted by the Municipal Officers, (2) the provisions of this code do not fully apply, or (3) failed to consider an equivalent form of construction can be used. *Amended 06-19-2006*~~

~~*Modification or Reversal of the Decision.* The Board of Appeals may modify or reverse the decision of the Building Official upon making a determination that (1) the true intent of this code or the rules,~~

regulations or ordinances adopted by the Municipal Officers have been incorrectly interpreted, (2) the provisions of this code do not fully apply, or (3) an equivalent form of construction can be used.
Amended 06-19-2006

~~R112.3 Deleted. Amended 06-19-2006~~

Section R113.2 is deleted and replaced with the following:

~~R113.2 Enforcement: Whenever the Building Official, or his/her authorized agents, determines there is a violation of any provisions of said Code, he/she shall give written notice of such violation to the property owner, lessee, occupant or their agents. Such notice shall:~~

- ~~1. Include a description of the real estate in question sufficient for identification; and~~
- ~~2. Include a description of the violation found and the citation to the provisions violated, of said Code; and~~
- ~~3. Specify the remedial action required for correction of said violation; and~~
- ~~4. Order that such violation be corrected within a reasonable period of time; and~~
- ~~5. State that an appeal from any order, decision or other action of the Building Official may be taken to the Board of Appeals by filing with the Code Official a written request for an appeal within ten (10) days of receipt of said written notice.~~

Section R113.3 is deleted and replaced with the following:

~~R113.3 Legal action and violations: When any violation of any provision of this code exists, the Building Official is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provision of this code in the name of the Town of Hampden.~~

Section R113.4 is deleted and replaced with the following:

~~R113.4 Civil penalties: The provisions of 30 A.M.R.S.A., Section 4452 shall apply to the determination of penalties for violations of this code. The minimum penalty for starting work without a permit required by this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The minimum penalty for any specific violation of this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The maximum penalty may exceed \$2,500.00, but shall not exceed \$25,000.00, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. If the economic benefit resulting from the violation exceeds the applicable penalties set forth herein, the maximum civil penalties may be increased to an amount not to exceed twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or the enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements. Each day of violation shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town of Hampden.~~

—Table R301.2(1) shall be substituted with the following table:

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Under-layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp.
			Weathering	Frost line depth	Termite	Decay					

70 lb/ft ²	90	€	Severe	5 ft.	None to Slight	None to Slight	-5°F	Yes	9/4/1987	1750	45°F
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~~Chapters 10 through 42 are deleted in their entirety.~~

~~Appendix G is adopted for the purposes of swimming pools, spas and hot tubs.~~

~~Appendix J is adopted for the purposes of existing buildings and structures.~~

Section 4 Applicability.

~~The provisions of this Code shall apply to all activities addressed in Section R101.2 Scope of this Code. All other activities shall be subject to the Town of Hampden Building Code.~~

Section 5 Saving Clause.

~~That nothing in this Ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any existing Ordinance; nor shall any just or legal right or remedy of or any character be lost, impaired or affected by this Ordinance.~~

Section 6. Date of Effect.

~~In accordance with Section 213 of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council.~~

D-5-j



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Maine Uniform Building and Energy Code Ordinance
DATE: February 10, 2015

On February 4, 2015 the Planning and Development Committee took up the draft Hampden Maine Uniform Building and Energy Code Ordinance. This document provides local modifications for third party inspection and documents necessary data to the mandatory MUBEC Code.

William Shakespeare made a motion to recommend to the Town Council that this item be set for public hearing. Dennis Marble seconded the motion. The vote was four in favor and two against that this Hampden Maine Uniform Building and Energy Code Ordinance be set for Council public hearing.

The Town of Hampden hereby ordains that the following Maine Uniform Building and Energy Code Ordinance be adopted.

**TOWN OF HAMPDEN, MAINE
MAINE UNIFORM BUILDING AND ENERGY CODE ORDINANCE**

Section 1. Maine Uniform Building and Energy Code.

Effective December 1, 2010, the Town of Hampden applies and enforces the Maine Uniform Building and Energy Code (“MUBEC”) as required by 10 M.R.S. §9724. MUBEC contains the minimum standards for the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment, both existing and proposed, located within the Town of Hampden. The purpose of this Ordinance is to establish administration and enforcement provisions in relation to MUBEC. The Town has the authority to enact this Ordinance under 10 M.R.S. §9724(5).

Section 2. Administration.

- 2.1** The Code Enforcement Officer and/or the Building/Fire Inspector of the Town of Hampden shall serve as the building official as defined in 25 M.R.S. § 2371 and shall be responsible for issuing building permits and certificates of compliance.
- 2.2** The Code Enforcement Officer and/or the Building/Fire Inspector shall be responsible for inspecting all permitted construction for compliance with all components of MUBEC, as such components may be revised from time to time by the Technical Building Codes and Standards Board.
- 2.3** The property owner, at the owner’s sole expense, may elect to comply with MUBEC through inspections and reports by third-party inspectors certified pursuant to 10 M.R.S. § 9723. This option shall not be available for one-family or two-family dwellings or townhouses. The owner shall be responsible for contractual arrangements with a duly certified third-party inspector. The Code Enforcement Officer and/or the Building/Fire Inspector may issue the certificate of compliance for a building or structure upon receipt of a copy of the Construction File and an original inspection report from the certified third-party inspector. The Town of Hampden and the Code Enforcement Officer and/or the Building/Fire Inspector have no obligation to review a report from a third-party inspector for accuracy prior to issuing the certificate of compliance.
- 2.4** The administration and enforcement of MUBEC, including permits, certificates of compliance, fees, and violations, shall be in accordance with Article 5 of the Town of Hampden, Maine Zoning Ordinance and the Town of Hampden, Maine Fees Ordinance. For the purposes of MUBEC, a certificate of compliance under the Zoning Ordinance shall constitute a certificate of occupancy.

Section 3. Climatic and Geographic Design Criteria for the Town of Hampden

- 3.1.** As referenced in MUBEC, the following climatic and geographic design criteria are established for the Town of Hampden:
 - 3.1.1.** Ground Snow Load: 70 lb./ft
 - 3.1.2.** Wind Design
 - Speed: 90 miles per hour
 - Topographical effects: None
 - 3.1.3.** Seismic Design Category: B
 - 3.1.4.** Subject to Damage From
 - Weathering: Severe
 - Frost Line Depth: 5 ft.
 - Termite: None to Slight
 - 3.1.5.** Winter Design Temp: -5°F
 - 3.1.6.** Ice Barrier Underlayment Required: Yes
 - 3.1.7.** Flood Hazards: 9/4/1987
 - 3.1.8.** Air Freezing Index: 1750
 - 3.1.9.** Mean Annual Temp: 45°F

Section 4. Knox Box Program

- 4.1.** The Knox Box Program for the Town of Hampden shall be used for access to buildings for emergency purposes only.
- 4.2.** The Public Safety Director or designee shall serve as the administrator for the Knox Box Program, as defined by the Knox Company.
- 4.3.** The number, make, model and location of the box(s) shall be determined by the Code Enforcement Officer, Building/Fire Inspector, or Public Safety Director or designee.
- 4.4.** All keys required to operate the building's life safety signaling and fire suppression systems, electrical rooms and panels, and a master building key shall be placed within the Knox Box.
- 4.5.** All new buildings constructed or additions to current buildings performed after the adoption of this amendment shall conform to this provision.
 - 4.5.1.** One- and two-family dwellings and townhouses are excluded from this requirement.

Section 5. Administrative Appeals.

- 5.1** The owner of a building or structure may appeal to the Town of Hampden Board of

Appeals from a decision of the Code Enforcement Officer and/or the Building/Fire Inspector refusing to grant a building permit or to issue a certificate of compliance. Any other aggrieved person may appeal the issuance of a building permit or a certificate of compliance. Any appeal must be commenced within 30 days of the decision. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, and appeal procedures.

- 5.2** The Board of Appeals may conduct an appellate review of the matter that is the subject of the appeal. The appellant shall have the burden to demonstrate that the decision of the Code Enforcement Officer and/or the Building/Fire Inspector was contrary to the provisions of MUBEC.
- 5.3** The Board of Appeals may modify or reverse the decision of the Building Official upon making a determination that the decision of the Code Enforcement Officer and/or the Building/Fire Inspector was contrary to the provisions of MUBEC. The decision of the Board shall be final.

Section 6. Civil Penalties.

The provisions of 30-A M.R.S. §4452 shall apply to the determination of penalties for violations of MUBEC or this Ordinance. The minimum penalty for starting work without a permit required by MUBEC or this Ordinance shall be \$100.00, and the maximum penalty shall be \$2,500.00. The minimum penalty for any specific violation of this code shall be \$100.00, and the maximum penalty shall be \$2,500.00. The maximum penalty may exceed \$2,500.00, but shall not exceed \$25,000.00, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same provision. If the economic benefit resulting from the violation exceeds the applicable penalties set forth herein, the maximum civil penalties may be increased to an amount not to exceed twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or the enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements. Each day of violation shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town of Hampden.

Section 7. Savings Clause.

If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, that finding shall not affect the remaining provisions of the Ordinance.

Section 8. Effective Date.

In accordance with Section 213 of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council.