

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

FEBRUARY 6, 2012

7:00 P.M.

• **5:30 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. May 2, 2011
- b. May 16, 2011
- c. June 6, 2011
- d. June 20, 2011

3. COMMUNICATIONS

- a. Dept. of Conservation re: Roamer Abandonment
- b. Franchise Fee Payments – Time Warner
- c. Karen Brooks – Application for Reappointment to Pool Board – Referral to Services Committee

4. REPORTS

- a. Lura Hoyt Pool Board Minutes – 12/13/2011
- b. Finance Committee Minutes – 1/17/2012
- c. Landfill Complaint Report – December 2011

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

- a. Draft 2010 Comprehensive Plan Update
- b. Council Rules for a Committee Quorum – Mayor Hughes

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

- c. Town Attorney's Response re Defamation of Public Officials
- d. 2011 Election – Councilor Hornbrook
- e. Town Manager Search*

4. NEW BUSINESS

- a. Personal Property Abatements – Finance Committee Recommendation
 - 1. Carlen Transport – 2010 - \$3,114.93
 - 2. Vaughn Thibodeau & Sons – 2010 - \$10,061.52
 - 3. Qwik Stop Video – 2003-2010 - \$3,034.16
- b. Backyard Composters – Finance Committee Recommendation
- c. Sewer Commitment – 10/1/2011 to 12/31/2011
- d. Freedom of Access Act (FOAA) Request – Councilor Hornbrook
- e. Town Attorney Requests for Legal Review
- f. Next Meeting Date

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

* Due to the nature of this item, portions of the meeting may be conducted in Executive Session pursuant to 1 MRSA §405 (6)(A) (personnel matters) and 1 MRSA §405 (6)(F) (confidential records)

TOWN COUNCIL MINUTES

MAY 2, 2011

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 2, 2011. The meeting was held at the municipal building council chambers and was called to order by Mayor Hughes at 7:00 p.m.

Attendance: Councilors: Mayor Janet Hughes, Thomas Brann, Jean Lawlis, William Shakespeare, Andre Cushing and Kristen Hornbrook

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Recreation Director Kurt Mathies and Public Works Director Chip Swan

Citizens and members of the press

A. CONSENT AGENDA

Councilors requested that items A.3.b. through A.3.i be set aside. Motion by Councilor Cushing, seconded by Councilor Brann to accept the balance of the consent agenda - Unanimous vote in favor.

A.3.b. JUDY MARKOWSKY – NEW APPLICATION FOR FRIENDS OF DOROTHEA DIX PARK – REFERRAL TO SERVICES COMMITTEE

A.3.c. MARK CORMIER – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.d. DELORES LANDRY – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.e. JOHN CHAPMAN – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.f. JIM KISER – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.h. SPENCER MEYER – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

A.3.i GREGORY SIROIS – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

Mayor Hughes noted that these applications will be referred to the committees as identified for review.

A.3.g. ROBERT LAWLIS – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

Councilor Hornbrook questioned whether there would be a conflict of interest given that the applicant is the spouse of a Councilor. Attorney Russell advised that he was not aware of any statute that would prohibit his appointment to a committee.

Motion by Councilor Brann, seconded by Councilor Shakespeare to accept all items – unanimous vote in favor.

B. PUBLIC COMMENTS

Attorney David Crocker, who is representing the Hampden Association of Land Owners (HALO) distributed copies of a letter addressed to Manager Lessard dated May 2, 2011. The letter outlines certain issues of concern to HALO and a copy is attached.

Councilor Cushing disclosed that Mr. Crocker represents him as part of a team in a lawsuit related to clean elections so he would be unable to participate in any issues related to his representation on behalf of another group.

Bud Hall, owner of Anglers Restaurant said he wanted to plant a seed with the Council on considering Anglers being allowed to host a farmers' market on Saturday mornings. He envisions the farmers setting up tents around the outside edge of their parking lot. He has talked with some organic farmers and local business owners and he would like to continue and expand Anglers' community involvement as a way of giving back. This was referred to the Planning & Development Committee.

David Ryder of Meadow Road asked why the old Route 9 (running from Route 9 to the Shaw Hill Road) is being neglected. He said you can't drive on it and he wants to know why. This was referred to the Infrastructure Committee and Manager Lessard will discuss it with the Public Works Director.

Lisa Kelley of 19 Clark Circle said she was reviewing last year's budget and questioned why the Town is taking taxpayer dollars and making specific contributions to outside agencies. She said it is her understanding that taxes are to be used to maintain the town and she feels that contributions should be an individual taxpayer's decision and not that of the Town Council. Manager Lessard explained that these entities write letters to the Town and are invited to address the Council during the budget process with what services they provide to residents. Manager Lessard suggested that anyone with concerns related to the process is welcome to attend the budget workshop where outside agencies are discussed.

C. POLICY AGENDA

1. PUBLIC HEARINGS

David Peter Crocker

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May 2, 2011

VIA HAND DELIVERY

Ms. Susan Lessard, Town Manager
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Legal Status of Town of Hampden 2001 Comprehensive Plan

Dear Ms. Lessard:

This office represents the Hampden Association of Landowners (HALO), a newly formed association promoting and protecting the interests of Hampden property owners. HALO is very concerned with the status of Hampden's comprehensive planning process, the failure properly to approve the 2010 Comprehensive Plan and the plan's subsequent review.

After research, there is also considerable doubt as to whether the town properly approved the existing 2001 Comprehensive Plan. As I'm sure you'll agree, there are potentially serious legal ramifications in the absence of proper approval.

The baseline requirement for approval of any comprehensive plan may be found in section 604 of the Hampden charter, which states unequivocally that the Town Council "shall approve no changes in the comprehensive plan without the recommendation of the Planning Board." According to the charter's revision history, this provision was in effect in December 2001, when the 2001 plan was ostensibly approved by the Town Council.

A detailed review of the 2000-2001 Town Council and Planning Board meeting minutes reveals no Planning Board approval or recommendation for approval prior to the Town Council's December 17th vote approving the 2001 Plan. It is difficult to see how there could be such a recommendation. The Town Council minutes indicate that there were ongoing changes to the 2001 Plan as late as October-November of 2001 and that the council felt obliged to hold another public meeting on December 3, 2001. At the December 3rd meeting, the council attempted to approve the plan but was prevented from doing so by the town's attorney, who indicated that the amended plan should be put out for public reading and comment and only approved after full review by the council.

Ms. Susan Lessard
Town of Hampden
May 2, 2011
Page 2

The council's formal approval vote took place on December 17, 2001, *without* recommendation by the Planning Board as required by the charter. While in previous correspondence with HALO members you indicated that the Planning Board and 2001 Comp Planning Committee were one and the same, a close inspection of town records shows this not to be the case. There were indeed two entities but only Planning Board recommendation is required by the town charter.

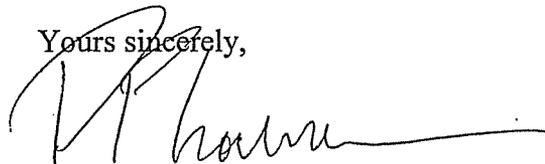
Needless to say, Hampden landowners have operated (some would say, suffered) under the ordinances enacted pursuant to the 2001 Plan and there is good reason to believe both the ordinances and the 2001 Comprehensive Plan are void. It is also reasonable to assume that the town has significant exposure to Hampden landowners who in reliance on an invalid plan and ordinances (a) were denied the full use of their property or (b) expended large sums for planning and approvals that they didn't need.

Our membership as well as Hampden residents generally are greatly concerned about these matters and the Town Council's apparent determination to push forward with implementation of the yet-unapproved 2010 Comprehensive Plan. I refer, of course, to the council's action during the March 1, 2011, special meeting during which the council excluded the BEAR program from the 2010 plan. This action was of dubious legality and merely confirms the suspicion abroad that there is an agenda at work. HALO urges the council to observe a moratorium of BEAR while all these matters are sorted out.

After these initial issues are resolved, HALO would like to work with the town on appropriate land use policy. The entire matter of comprehensive planning and the status of the 2010 Plan is deeply controversial at best. Hopefully, HALO can assist the town in formulating land use policy that permits owners to realize the economic potential of their property while preserving the town's unique character. Such policy planning is uniquely a *local* matter and should be *entirely* in the hands of people who live in the town. In fact, such local control of land use should be the foundation of the town's policy.

We look forward to the town's response regarding these issues.

Yours sincerely,



David P. Crocker

DPC/mbs

cc: HALO Board
Town Council
General Distribution

- a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM ANGLERS RESTAURANT AT 91 COLDBROOK ROAD

Mayor Hughes explained the procedure for the public hearing and then opened the hearing.

No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the application; unanimous vote in favor.

- b. APPLICATION FOR RENEWAL OF LIQUOR LICENSE RECEIVED FROM ANGLERS RESTAURANT AT 91 COLDBROOK ROAD

Mayor Hughes opened the hearing.

No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the application; unanimous vote in favor.

- c. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM NEALLEY'S CORNER STORE AT 1230 KENNEBEC ROAD

Mayor Hughes opened the hearing.

No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the application; unanimous vote in favor.

- d. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM McLAUGHLIN'S AT THE MARINA, 100 MARINA ROAD

Mayor Hughes opened the hearing.

No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to approve the application; unanimous vote in favor.

- e. APPLICATION FOR LIQUOR LICENSE RECEIVED FROM McLAUGHLIN'S AT THE MARINA, 100 MARINA ROAD

Mayor Hughes opened the hearing.

No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the application; unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

- a. SERVICES COMMITTEE RECOMMENDATIONS FOR REAPPOINTMENT:
 - 1. DONALD DESMARAIS – EDYTHE DYER LIBRARY BOARD OF TRUSTEES
 - 2. RUTH STEARNS - EDYTHE DYER LIBRARY BOARD OF TRUSTEES
 - 3. JOHN SKEHAN EDYTHE DYER LIBRARY BOARD OF TRUSTEES

Services Committee Chair Lawlis reported that it was the recommendation of the Committee to reappoint all three applicants. Motion by Councilor Lawlis, seconded by Councilor Brann to reappoint all three applicants to the Library Board of Trustees; vote was 5-1 (Hornbrook)

- b. PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION FOR APPOINTMENT – CHESTER BIGELOW – NEW APPLICANT FOR CONSERVATION COMMISSION

Planning & Development Committee Chair Brann reported that the committee unanimously recommended appointment. Motion by Councilor Brann, seconded by Councilor Cushing to appoint Chester Bigelow to the Conservation Commission; vote was 5-1 (Hornbrook)

3. UNFINISHED BUSINESS

- a. DRAFT ZONING ORDINANCE AND SHORELAND ZONING ORDINANCE TEXT AMENDMENTS re DEFINITION OF FAMILY – REFERRAL TO PLANNING BOARD

Councilor Lawlis referred this item to the Planning Board.

- b. CONSENT TO MARINA PROPERTY SUBLEASE – HAMLIN'S MARINA AND McLAUGHLIN, LLC

Manager Lessard explained that in order for Hamlin's to sublease the property for a restaurant, the Town must approve it. She noted that Attorney Russell has reviewed the lease and has recommended a few minor changes which he has conveyed to the lessee's attorney. She recommended that the Council approve the sublease with the changes as recommended by the Town Attorney.

Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the sublease between Hamlin's Marina and McLaughlin's LLC with the changes outlined by the Town Attorney; unanimous vote in favor.

c. POLICE CRUISER BID RESULTS – 2010/2011 BUDGET – FINANCE COMMITTEE RECOMMENDATION

Manager Lessard reported that the Public Safety Director discussed the bids with the Finance Committee and it was the committee's recommendation to accept the low bid from Darling's Ford for a 2011 Ford Interceptor in the amount of \$21,888.00. Motion by Councilor Cushing, seconded by Councilor Brann to accept the recommendation of the Finance Committee; unanimous vote in favor.

d. PAVING BID RESULTS – FINANCE COMMITTEE RECOMMENDATION

Manager Lessard reported that the Public Works Director discussed the paving bid results with the Finance Committee and it was the committee's recommendation to accept the low bid of \$67.37 per ton from Vaughn Thibodeau. Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the recommendation of the Finance Committee; unanimous vote in favor.

e. SALT BIDS – REQUEST OF PUBLIC WORKS DIRECTOR TO EXTEND 2010 CONTRACT WITH HARCROSS – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Public Works Director Chip Swan had discussed his request to continue with the contract at \$63.42/ton with the Infrastructure Committee. It was the committee's recommendation to approve the request. Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the Public Works Director's request and to extend the 2010 contract with Harcross; unanimous vote in favor.

f. CODE OF ETHICS

Mayor Hughes asked the Council to review the Code of Ethics and make any comments. After initial review, she plans to compile all the comments and come up with a working document.

Councilor Hornbrook noted that Section 11 indicates that there shall be a Board of Ethics and she asked if that is up to date and wanted to know who is serving on it. Manager Lessard said that to the best of her knowledge there is no Board of Ethics and hasn't been since before she came to Hampden. She suggested that the Council needs to establish the board and determine some sort of membership for it.

During discussion, Councilor Brann noted that this is an ordinance that has fallen through the cracks due to lack of use. Councilor Hornbrook asked if we haven't been using it what's the point of reviewing it now and what is the process to repeal it? Councilors Cushing and Brann said they would be opposed to repealing it.

Councilor Hornbrook stated that in light of the upcoming budget and other items, she would be in favor of tabling this until the Council gets through with the pressing business. She then moved to table discussion of the Code of Ethics until a later date when the Council has more time to spend on it. Councilor

Lawlis seconded the motion and vote was 3 in favor (Cushing; Hornbrook and Lawlis) and 3 opposed (Hughes, Shakespeare and Brann); motion did not carry.

Motion by Councilor Hughes, seconded by Councilor Brann to postpone this item until the next meeting; vote was 5-1 (Hornbrook).

4. NEW BUSINESS

a. FRIENDS OF DOROTHEA DIX PARK WATER INSTALLATION PROPOSAL – SERVICES COMMITTEE RECOMMENDATION

Jane Jarvi, a member of the Friends of Dorothea Dix Park (FODD) and Recreation Director Kurt Mathies informed the Council that there had been no water service at the park since 2006. FODD has received some donations and with the work of volunteers, the group wants to put in a water shed for use by the employees and the garden club and they plan to put in a new water fountain. The cost to the town would be approximately \$3,000, which would come from the Recreation clearing account.

Motion by Councilor Brann, seconded by Councilor Shakespeare to authorize Friends of Dorothea Dix Park to proceed, and use up to \$3,000 from the Recreation clearing account, to provide water service to the Dorothea Dix Park this season; unanimous vote in favor.

b. RECREATION COMMITTEE REQUEST TO MOVE FORWARD WITH GOALS OUTLINED IN DRAFT 2010 COMPREHENSIVE PLAN – REFERRAL TO SERVICES COMMITTEE

Mayor Hughes asked for public comment:

Jeremy Williams, 1334 Carmel Road North said he was shocked to see this on the agenda as he thought the 2010 draft was set aside. He said it was his understanding that this was a dead issue for now until the citizens committee reviews it. He asked “how do you implement something from a draft?”

Tracey Mahoney of 59 Surrey Lane, a member of the Recreation Committee, said she understands that there are landowner issues in the draft plan, but she asked people to realize that the Recreation Committee needs some sort of town support for any grant acquisition processes and everything the committee has been working for and needs to move forward has been outlined in the comprehensive plan. She said an unintended consequence to nullifying it has been to completely cease what the Recreation Department can do.

Shelley Blosser of 344 Main Road South asked if the 2001 plan is in place and doesn't have to be revised until 2012, why isn't the committee able to apply for grants under the 2001 plan? Mrs. Mahoney indicated that the 2001 plan does not specify certain goals. Recreation Director Kurt Mathies noted that when the 2001 plan was drafted, it was extremely thin on recreation and that the department did not receive some of the grants it had applied for because it was not indicated in the current plan.

Ms. Blosser said she does understand the concern, but she feels that in order to proceed in a way that reflects integrity, you can't put the cart before the horse. She asked if it is legal to proceed with a draft that has not been implemented. She reminded the Council that they voted to not proceed with the 2010 plan until the citizen committee had been formed and she feels this would contribute to the atmosphere of distrust. She questioned whether it would even be legal to proceed with something that has not been implemented.

Lisa Carter of Western Avenue said the Council did not vote not to proceed, but the 2010 plan was not passed properly and therefore it is not in place. She noted that in the 2010 un-passed plan there was a mandate for recreation trails that many people had a problem with. She asked the Council to show integrity tonight and not move this.

Attorney Russell pointed out that a comp plan is many things and a lot of it is goals; just because the comp plan was not adopted, it doesn't mean that the town can't independently pursue those goals. He noted that the only thing a comp plan is required for is a zoning ordinance; it is not required to pursue goals. He noted that if a grant requirement is that it has to be in a comp plan, then it has to be, but legally if the Town wanted to develop a recreational field, it doesn't need a comp plan to do that.

Jane Jarvi of 10 Sophie Lane, a member of Recreation Committee said the impact on the community will be tremendous if the committee is not given permission to move forward. She said we cannot apply for another canopy grant or for trails money for the Dorothea Dix Park, which is already being advertised nationally as a destination. She noted the lack of sufficient recreation fields in the town and some of the programs are using privately-owned fields. She pointed out that there is an opportunity under some of the old Hampden Academy re-use proposals that perhaps some of the facilities will come available to the community and if the recreation committee is frozen out from pursuing any of those functions, there will be a long-term financial effect on the community.

Rich Armstrong of 109 Kennebec Road said it is very simple – if the 2010 plan is not planned, then the Recreation Department cannot apply for or receive funding. He said he may personally agree with what the Recreation Department wants to do, but if it means that the whole comp plan has to be passed in order to do that, forget it.

Rick Kelley, 840 Kennebec Road said it seems strange to him that this all attached to the comprehensive plan. He said he is all for the recreation department, has no problem supporting it and it should stand alone separate from the comp plan.

Jeremy Williams of 1334 Carmel Road North said nobody has approached him about a walking trail and he is sure that there are a lot of people who would have no problem sharing some of the resources of their property. He said he would like to see the Recreation Committee come see HALO to see what its members have to offer.

Sally Leete questioned why recreation departments all over the country are getting grant funding without a comprehensive plan, and Hampden isn't.

Jeremy Jones of the Partridge Road suggested that the Recreation Committee find another way and focus on one recreation goal that does not infringe on any private property rights.

Recreation Director Kurt Mathies said the committee isn't asking that this be passed to use it to request funding, however it would like to plan for the things that need to be done so that when the plan is passed, it can then apply for grants to get done whatever needs to be done. The problem is that the March 1st vote states that anything in that plan cannot be worked on. He noted that the 2001 plan does not have the things in it that the 2010 plan does and it is the committee's understanding that it would not be able to work on those things even if it is just coming up with the plan that we can submit when it is passed.

Lisa Kelley of 19 Clark Circle stated that the Recreation Committee can't use a draft and asked if the Council could separate the recreation part out from the 2010 plan.

Councilor Cushing clarified that the vote on March 1st was to suspend the implementation of the comprehensive plan and at that point the Council was not aware of the error in the adoption of the plan. He noted that the second phase of a comprehensive planning process is implementing the goals of that plan through ordinance, zoning, etc. With the vote to suspend implementation, the problem for the Recreation Committee is that the goals established in that plan have been suspended.

Mrs. Kelley asked if the plan was not legally adopted, does that trump the vote to suspend implementation.

Attorney Russell said that raises the question if we still need that vote in place because it was on the premise that the plan was valid. Even though the plan is not adopted and is in a draft form, certainly the Recreation Committee could work on strategies on how it would implement those goals if they are ever enacted. He said it seems that this just stymies the process and he didn't think that the goals for the recreation program were all that controversial. He further clarified that just because they are stated as goals in the comp plan, there are many things in it that the Town can still do without the plan being passed. He said the impediment is the vote that was taken to suspend all implementation of the goals in that plan; it is not the fact that we don't have a plan anymore, it is that vote that prevents us from pursuing other goals in the comp plan that aren't related to zoning.

The Council discussed whether the vote to suspend implementation needs to be rescinded and Councilor Brann moved and Councilor Lawlis seconded to rescind the vote of March 1st. Following further discussion, the motion was withdrawn and the issue will be put on the next agenda.

c. NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE
PROCLAMATION – 5/14/2011

Motion by Councilor Brann, seconded by Councilor Cushing to support the proclamation; unanimous vote in favor.

d. SEWER COMMITMENT – 1/1/2011 TO 3/31/2011

Motion by Councilor Brann, seconded by Councilor Cushing to sign the commitment; unanimous vote in favor

e. ARBOR DAY PROCLAMATION – MAY 19, 2011

Manager Lessard explained that this is required in order to retain our Tree City USA status. Motion by Councilor Brann, seconded by Councilor Cushing to proclaim May 19, 2011 as Arbor Day in the Town of Hampden; unanimous vote in favor.

f. SEWER LINE DESIGN – INFRASTRUCTURE COMMITTEE
RECOMMENDATION

Mayor Hughes recused herself from discussion of this item and asked Deputy Mayor Cushing to take over. Deputy Mayor Cushing read a letter from Hughes Bros. requesting approval of a proposed extension of a sewer main at 101 Coldbrook Road. After construction, Hughes Bros. will request that the proposed sewer main be accepted by the Town as public sewer. Infrastructure Committee Chair Shakespeare reported that it was the consensus of the committee to recommend authorization to proceed with the project as proposed.

Motion by Councilor Shakespeare, seconded by Councilor Brann to authorize Hughes Bros. to proceed with the proposal; vote was 5-0-1 (Hughes)

g. EMAIL REQUEST – 2001 COMP PLAN

Bernie Philbrick sent a letter to the Council and Manager Lessard in which he questioned the validity of the 2001 Comp Plan. He had reviewed meeting minutes of the Town Council and Planning Board from July 2000 to December 2001 and raised several questions. He is asking the Council to review his findings and determine if the 2001 plan is actually legitimate.

Councilor Cushing asked Attorney Crocker if he wanted to add anything. Attorney Crocker said everything was in his letter and noted that after careful review of both the Planning Committee and Town Council minutes for 2000 and 2001, he can't find anywhere that the Planning Board actually provided the requisite recommendation of approval as required by Sec. 604 of the Town Charter.

Motion by Councilor Lawlis, seconded by Councilor Shakespeare to refer this to Attorney Russell for review and legal opinion; vote was 5-0-1 (Cushing).

D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare reported that in addition to items already discussed this evening, the committee discussed striping quotes for roads and crosswalks as well as the proposed budget for the Public Works Department with the Public Works Director.

Services – Councilor Lawlis reported that the committee will meet at 6:00 pm on May 9th. There will be a special presentation at 7:00 pm on the proposed trail system in collaboration with SAD #22.

Planning & Development – Councilor Brann reported that the next meeting will be at 6:00 pm on May 4th at which time the committee will review applications received for the citizens comprehensive plan committee. Town Clerk Denise Hodsdon advised that today was the deadline for submitting applications for that committee and there were two people who had submitted their applications today. Councilor Brann requested a straw vote of the Council to send the two applications received today directly to the Planning & Development Committee for review; vote was unanimously in favor.

Communications – Councilor Hornbrook reported that at its last meeting the committee discussed live video streaming, local programming development, ideas to update the website, and the sound system in the Council chambers.

Finance & Administration – Manager Lessard reported that most of what the committee discussed earlier this evening has already been acted on tonight. There was a discussion regarding committee chair duties and whether all committee meetings should be recorded. The result of that discussion was to include suggestions made in the review of Council Rules as that process moves forward.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Hornbrook thanked the residents for taking the time to come to the meeting and for all the calls and emails.

Councilor Cushing echoed Councilor Hornbrook's comment and said he appreciated people watching from home. He noted that the budget process was coming up and encouraged residents to come to the workshop meetings.

Councilor Brann commented that there is potential for some misconception of things that will be changing in the Town. He noted that the Shoreland Zoning Ordinance and requirements are dictated by the State and are not part of the comprehensive plan. He said there are some new state laws relative to building codes and energy codes and while not imposed by the Town, it will be the Town's responsibility to enforce those new laws. Councilor Brann also noted that he has an objection to the mobile sign being used in front of the Town Office to announce Council meetings because it is prohibited under

MANAGER'S REPORT
May 2, 2011

Budget Meeting – A reminder that the first budget meeting of the Council will be held on Tuesday, May 10th at 6 p.m. at the Town Office. I will be distributing the budget and posting those accounts to be discussed on the website on Thursday of this week.

Candidate Night – The Communications Committee agreed that a Candidates Night for the upcoming June 14th election was a good idea. A date has not been set as of yet. I did not raise the idea at the Communication Committee meeting – but perhaps it would be possible to hold it on May 19th immediately following a slightly earlier Communications Committee meeting?

Finance/HR Director - It is with sadness that I report that our Finance/HR director today announced her plans to retire in September of this year. She has been a terrific employee and an integral part of the Town Office team. I will work with staff to develop a transition plan and provide a recommendation to the Council through the Finance Committee for moving forward.

HBA Meeting – The monthly Hampden Business Association Meeting is being held Tuesday, May 3rd from 12-1 at Angler's Restaurant.

Board of Environmental Protection – As you all know, I currently Chair the Maine Board of Environmental Protection and have served on that Board since my appointment to it in June of 2007. Recently, the Attorney General's office rendered a legal opinion in regard to the status of former DEP Commissioner Darryl Brown and a potential conflict of interest in serving as Commissioner. The statute in question is 38 M.R.S.A § 341-C(8) and it relates to conflicts of interest created by owning or working for an entity that has or obtains permits under the NPDES program. Commissioner Brown accepted another post in the administration rather than submit his financial and client records to public scrutiny to determine whether or not a conflict actually existed.

Subsequently, all members of the Board of Environmental Protection, including myself, received letters from the Governor requesting employment and income information in order to determine if Board Members might also be seen as having conflicts with this same statute. The Town of Hampden has a Combined Sewer Overflow Permit and an MS4 Stormwater general permit – both of which are considered applicable permits under this statute. While State employees are exempt – it appears Municipal employees are not – even though another section of the same statute says that Municipal Employees are eligible to serve on the Board. I have referred the matter to the Attorney General's office for consideration, but have responded to the Governor with this information and asked him to let me know how he wishes me to proceed. I am letting you know because it is likely that it will end up in the press and I did not want the Council to be surprised by it.

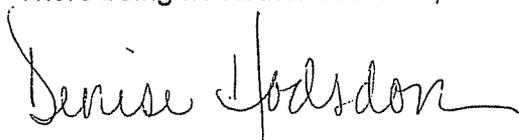
the signs section in the Town's Zoning Ordinance. He noted that the Council needs to review and discuss that part of the ordinance and requested that it be included on the next agenda of the Planning & Development Committee.

Councilor Lawlis commented that she was surprised by the number of people who are upset about things showing up at Council meetings when it appears that there is nothing controversial on the agenda. She said she was most surprised by the new organization HALO; she said she is a landowner and she doesn't know anything about it – who the members are, how you find out about it or how you join. She wondered if it was a private secret group or if it was an open public group. Members of HALO informed her that it is a public group. She said she thinks things should be a little more open.

Councilor Shakespeare commented that there is a need for a Code of Ethics as demonstrated by Mayor Hughes this evening when she recused herself from discussion of the item involving Hughes Bros. He noted that a resident of Jay's Way had sent an email to the Town relative to the need for a street light on that street and he asked that be included on the next agenda of the Infrastructure Committee.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:12 p.m.



Denise Hodsdon
Town Clerk

TOWN COUNCIL MINUTES

MAY 16, 2011

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 16, 2011. The meeting was held at the municipal building council chambers and was called to order by Mayor Hughes at 7:00 p.m.

Attendance: Councilors: Mayor Janet Hughes, Thomas Brann, Jean Lawlis, William Shakespeare, Andre Cushing and Kristen Hornbrook (left at 8:20 due to illness)

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Recreation Director Kurt Mathies, Pool Director Darcey Peakall and Library Director Debbie Lozito

Attorney David Crocker, citizens and members of the press

A. CONSENT AGENDA

Councilors requested that items A.3.b. through A.3.i be set aside. Motion by Councilor Cushing, seconded by Councilor Lawlis to accept the balance of the consent agenda; unanimous vote in favor.

A.3.b. JAMES FEVERSTON – NEW APPLICATION FOR FRIENDS OF DOROTHEA DIX PARK – REFERRAL TO SERVICES COMMITTEE

A.3.c. WILLIAM CASTRUCCI – NEW APPLICATION FOR CITIZEN COMPREHENSIVE PLAN COMMITTEE – REFERRAL TO PLANNING & DEVELOPMENT COMMITTEE

Mayor Hughes noted that these two applications had been received by the deadline and were referred to the Planning & Development Committee on May 4th.

A.3.d. LISA KELLEY – EMAIL REQUEST FOR INFORMATION:
1. GRANT MONEY RECEIVED BY TOWN IN PAST 4 YEARS
2. BREAKDOWN OF CONTRIBUTIONS TO OUTSIDE AGENCIES

A.3.e. SHELLEY BLOSSER – EMAIL REQUEST FOR INFORMATION re INVOLVEMENT BY TOWN OFFICIALS AND MONIES DIRECTED TO THE FOLLOWING:
1. PENOBSOT VALLEY COMMUNITY GREENPRINT (PVCG)
2. PENOBSOT VALLEY COUNCIL OF GOVERNMENT (PVCOG)
3. THE TRUST FOR PUBLIC LAND (TPL)
4. BANGOR LAND TRUST (BLT)
5. BEGINNING WITH HABITAT (BWH)

A.3.f. SHELLEY BLOSSER – EMAIL REQUEST FOR ITEMIZED TOWN BUDGETS & EXPENDITURES FROM 2000 TO 2010

A.3.g. LISA KELLEY – EMAIL REQUEST FOR INFORMATION re GIS

A.3.h. LISA KELLEY – EMAIL REQUEST FOR COPY OF CHECK LIST FOR 2010 COMPREHENSIVE PLAN

Councilor Shakespeare read the list of all requests and said he wanted to let the public know that these are requests made under the Freedom of Information Act. He has talked to a number of citizens who have expressed concern about the expense of all of these requests as they are putting quite a strain not only on the budget, but also on the Town Manager.

A.3.i ATTORNEY DAVID PETER CROCKER – REQUEST FOR REVIEW OF LEGAL STATUS OF 2001 COMPREHENSIVE PLAN ON BEHALF OF HAMPDEN ASSOCIATION OF LANDOWNERS (HALO)

Mayor Hughes noted that this letter was received at the last Council meeting and because the letter had not been received before-hand, it was referred to the Town Attorney for review. Attorney Russell hopes to have a legal opinion prepared by the next meeting and Mayor Hughes requested that this item be placed on the agenda for that meeting.

Motion by Councilor Cushing, seconded by Councilor Shakespeare to accept all items set aside from the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Bernie Philbrick of 1206 Western Avenue commented on the draft 2010 comprehensive plan. He said over the last few months, we have been told who did not author this draft plan and it has been difficult to find out who the actual authors of this plan were. Through some research, he said he could finally share some insight to that question. He noted that Penobscot Valley Council of Government is listed as the facilitator for this process and because the Town paid them over \$27,000 for the comp plan, he must assume it was for much more than just attending the meetings. He went on to say that he conducted further research and it did not take long to find that this group is closely tied at the hip with Penobscot Valley Community Greenprint. He said that it is interesting that one of Greenprint's goals is that the landowner set aside 55% of their land for conservation or open space should the owner decide to develop their asset. He noted there were some other similar groups tied to PVCOG – the Audubon Society, Beginning with Habitat, the Sierra Club, but the most striking partner would be the Trust for Public Land, based out of San Francisco. He said the TPL has a budget of hundreds of millions of dollars set aside for buying private land and turning it into conservation lands. He said his problem with this group is its newest vision for implementing their philosophies on others. He stated that to get the most bang for their buck, the TPL has found it is more cost effective to have at the local level ordinances and policies written around their philosophies via comprehensive or similar planning. He said it is not proper for the Town of Hampden's comprehensive plan to be influenced by a group of lawyers

out of San Francisco. He asked that this draft comp plan be abandoned as is and said we must start fresh and bring a responsible comp plan for the Town that recognizes the rights of the individual. This new document should be written solely by the people by which it will affect.

Shelley Blosser of 344 Main Road South said there are only three kinds of people in this world; those who make things happen, those who watch things happen and those who look around and ask what happened. She said at different times she has been in each of these categories, but for a very long time she has been in the last category and when friends informed her that her constitutional rights are being threatened, she thought they were being paranoid. She started paying closer attention and said she is finding there is reason for her to be concerned because she is not so sure that there aren't abuses going on in her own backyard. She said when she started asking some questions, and when she started her search, she saw nothing wrong with comprehensive planning as long as that plan keeps us looking like the United States of America. But then she wondered whose vision we are working toward as she started the money trail leading back and out to non-governmental organizations with a big old agenda. She asked the Town Manager about a handful of non-governmental organizations, among them the Penobscot Valley Community Greenprint (PVCG), which is an organization that implements the goals and vision of the Trust for Public Land out of San Francisco. She said she found that since 2000 the Town of Hampden has paid dues of over \$29,000 and since 2006 we have paid dues of over \$36,000 to Eastern Maine Development for the comprehensive plan. She said she then asked who from the Town has been involved with PVCG. She said she was told that Gretchen Heldmann, Gayle Zydlewski, and Nancy Chaiyabhat attended some meetings and served on some committees. She said she then got a further email that Tom Brann also attended some meetings. She went on to say that in her research, she came across a published literature for the PVCG and clearly saw that Ms. Lessard's name and Councilor Brann's name were on the page where they acknowledged the leaders in the organization. She said upon further questioning, she was informed that different mayors over the years had attended meetings. She said Economic Development Director Dean Bennett had been employed by PVCG from 1993 to 2007 so he definitely had a stake in furthering their vision. She said Manager Lessard indicated she did not attend any meetings, but Ms. Blosser said upon reviewing the publication of the PVCG, under special acknowledgment and honors, Sue Lessard of the Town of Hampden is listed as a member of their steering committee and Tom Brann is listed under the stakeholder group list. She feels there was calculated deception and now she is very concerned and wide awake. She said there is an outlay of over \$65,000 of taxpayer money; there is a direct connection to a non-governmental organization out of California with a very specific agenda and our Town Manager is trying to deceive her when she asks a direct question.

Councilor Shakespeare asked Manager Lessard if she would respond to Ms. Blosser's comments. Manager Lessard explained that the City of Bangor first contacted the Town about participating in a regional program called Penobscot Valley Community Greenprint, which has any number of members who were asked to be participants. Manager Lessard said she did not attend any meetings of that organization – staff attended the meetings and the Council discussed whether or not it wished to participate as a member of that organization and pay dues for that membership. Manager Lessard said she also did not participate in planning; the steering committee was the idea of "will your community send someone" and this community did and it is part of the Council minutes. She further explained that Penobscot Valley Council of Governments and

Penobscot Valley Greenprint are not the same entity. She explained that the PVCOG has been a regional entity which most communities in the Penobscot Valley area have been members of for many years. She said the Town participated and was represented by past Mayors and pointed out that those are the dues Ms. Blosser referenced in terms of what was paid to PVCOG. The amount of money to PVCOG through Eastern Maine Development was the amount of money that the Council voted to expend in a contract with them for assistance in development of the comprehensive plan, which was also voted on by the Council. The Penobscot Valley Greenprint that was presented as part of a regional way of looking at open space in this area was not sold or told to the towns in terms of the Trust for Public Lands. She offered to provide copies of emails from Bangor City Manager Ed Barrett when he first sent the request out to send someone to participate with that. She said she was sorry that Ms. Blosser feels deceived and it certainly wasn't her intent. The contract for work on the comp plan is separate from the dues and was paid to the Council of Governments. Eastern Maine Development Corp. is the umbrella under which the COG operates and the COG is currently defunct.

Lisa Kelley of 19 Clark Circle said she had requested the checklist that the state requires for comprehensive plans and she has cross-referenced what the state requires with what is in the comp plan. She said there are 37 policies on the state's checklist of required policies and the Hampden comp plan has 56. There are 68 strategies in the state's checklist and the Town has 140. She said she found this alarming and then referenced several implementation items contained in the draft plan – housing implementation strategy, transportation, recreation, parks department, town forest, playgrounds in subdivision plans (which she noted is on the direct agenda of the Trust for Public Land), marine resource implementation strategy and aquifer overlay. After a considerable amount of time, Mayor Hughes asked Mrs. Kelley to wrap up her comments and to bring these concerns to the citizen committee of which she is a member. Mrs. Kelley said it is appalling that a taxpayer cannot be heard to the full extent.

Scott Carter of Western Avenue said he wanted to make a few comments about ethics. He said there has been a lot of talk about ethics and civility and some Councilors have said they feel threatened by the anger of the citizens. He said what is going on is nothing but free citizens exercising their constitutional rights and when our freedoms are threatened we should definitely be angry. He said what you are witnessing is free people who are feeling the oppression of government and we are pushing back. He said this Council had a chance to do the ethical thing when 250 to 300 citizens gathered here to exercise their constitutional rights, but the majority of this Council chose to push forward with their agenda against the will of the citizens who elected them. He said it seems that you are more concerned with forcing your Greenprint agenda on the citizens to the point of throwing out all ethics.

Lisa Carter said if the citizens want to hear what Lisa Kelley has to say and what is in the comprehensive plan they should come to a meeting at the snowmobile club at 6:00 pm next Wednesday and the Hampden Association of Landowners will inform you.

Jeremy Williams of 1334 Carmel Road North said Manager Lessard commented that there was a loose association with PVCOG and PVCG, however he is still struggling as why he found a brochure in the lobby of the Town Office that clearly illustrates the Trust for Public Land on it. He then said the state requirements of a comprehensive plan states very plainly that there will be significant public input as to the composition of the plan. He said this whole thing has turned ugly and he would like to see the Council

move to completely abandon the 2010 or any draft comprehensive plan from this point forward until we can look at what we need to control growth in this town.

The Council took a 10-minute recess and upon return to session, Councilor Hornbrook informed the Council that she was not feeling well and needed to leave, but wanted to make a motion before she did. Motion by Councilor Hornbrook, seconded by Councilor Cushing to set aside the rules for the purpose of adding an item to the agenda; unanimous vote in favor.

Motion by Councilor Hornbrook, seconded by Councilor Cushing to add an item to the agenda; unanimous vote in favor. Motion by Councilor Hornbrook to add the item to consider abandoning the draft 2010 comprehensive plan and start the process from scratch as Item C-3-e under unfinished business; unanimous vote in favor.

Motion by Mayor Hughes, seconded by Councilor Brann to set aside the rules to add an item to the agenda; unanimous vote in favor.

Motion by Mayor Hughes, seconded by Councilor Brann to add an item to discuss purchasing a police cruiser as item C-3-d under unfinished business; unanimous vote in favor.

C. POLICY AGENDA

1. PUBLIC HEARINGS

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. WARRANT FOR SPECIAL ELECTION – 6/14/2011

Town Clerk Denise Hodsdon explained that this is the warrant for the special election to fill the Councilor At-Large vacancy. Motion by Councilor Brann, seconded by Councilor Cushing to sign the warrant; vote was 5-0-1 (Hornbrook) Councilor Hornbrook then left the meeting.

Town Clerk Denise Hodsdon informed the Council that she received the warrant today for the SAD #22 Budget Validation Referendum also to be held on June 14th. The next Council regular Council meeting is not until June 6th and it would be too late to countersign that warrant at that time. She asked if the Council would consider adding it to the agenda for authorization to sign the warrant at the Council's budget workshop tomorrow evening.

Motion by Councilor Brann, seconded by Councilor Cushing to set aside the rules for the purpose of adding an item to the agenda; unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cushing to add the warrant for the SAD #22 Budget Validation Referendum to the agenda; unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cushing to authorize the SAD #22 warrant and to sign it at tomorrow's budget workshop meeting; unanimous vote in favor.

3. UNFINISHED BUSINESS

a. COMPREHENSIVE PLAN CITIZENS COMMITTEE

Given that other items have been proposed for the agenda this evening, Councilor Brann moved that this item be tabled until such time as other items relative to the comprehensive plan have been discussed this evening; Mayor Hughes seconded the motion and vote was 4-1 (Lawlis)

During discussion of Item C.4.c., Councilor Brann moved to remove this item from the table. Councilor Cushing seconded the motion and vote was unanimously in favor.

Planning & Development Committee Chair Brann reported that the committee recommended that all people who applied to be members of the citizens comprehensive plan committee be appointed to that committee for the purposes of reviewing the 2010 comprehensive plan and making amendments and recommendations to that plan.

Following comments and questions from several citizens who once again expressed objection to the 2010 draft plan, the Council discussed the need to hire an independent moderator to lead meetings and to develop the charge and responsibilities of the committee.

Motion by Councilor Brann, seconded by Councilor Cushing to admit all applicants to the Citizens Comprehensive Planning Committee as the voting members of the committee; unanimous vote in favor.

Motion by Councilor Brann, seconded by Mayor Hughes to make every effort to find a moderator for the committee; unanimous vote in favor. The Council requested that Economic Development Director Dean Bennett research this and have some suggestions ready for the next Planning & Development Committee meeting.

Development and draft of the specific charge for the citizens committee was referred to the Planning & Development Committee.

b. HAMPDEN ACADEMY REUSE – COLLABORATION WITH SAD 22 – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Motion by Councilor Brann, seconded by Councilor Cushing to designate Mayor Hughes as the Town Council representative to the Hampden Academy reuse committee; unanimous vote in favor.

c. CODE OF ETHICS REVIEW

Motion by Mayor Hughes, seconded by Councilor Brann to table discussion of this item to a later date; unanimous vote in favor.

d. POLICE CRUISER PURCHASE

Manager Lessard explained that the low bid awarded at the last Council meeting for purchase of a cruiser was not available due to the fact that no more were being manufactured and the dealer was out of them. It is the recommendation of the Public Safety Director and the Finance Committee to accept the second lowest bid from Quirk of Augusta for an additional \$301.00; Councilor Brann so moved and Councilor Cushing seconded the motion; unanimous vote in favor.

e. ACTION TO ABANDON THE 2010 DRAFT COMPREHENSIVE PLAN AND TO HAVE THE CITIZEN COMPREHENSIVE PLAN COMMITTEE DRAFT A NEW COMPREHENSIVE PLAN

On Councilor Hornbrook's behalf, Councilor Cushing moved to abandon the 2010 draft comprehensive plan and to have the citizen comprehensive plan committee draft a new plan; the motion died for lack of a second.

Motion by Councilor Brann to agenda for the next meeting a discussion of calling a special election with a single item on the ballot asking the voters should we pass the 2010 comprehensive plan as it stands or should we re-engage the process of developing a new comprehensive plan; motion died for lack of a second.

4. NEW BUSINESS

a. DENNIS PAPER TIF TERMS – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

The Planning & Development Committee reviewed the terms of the TIF request from Dennis Paper which include a Credit Enhancement Agreement to include a 77% (5-years) and a 50% (5-years) and voted to forward the TIF terms to the full Council with the recommendation to approve the terms as proposed.

Motion by Councilor Brann, seconded by Councilor Cushing to grant the TIF as proposed; unanimous vote in favor.

b. TREE BOARD – SERVICES COMMITTEE RECOMMENDATION re DEFUNCT BOARD

Services Committee Chair Lawlis explained that we don't currently have a functioning Tree Board because there are not enough members. It is the recommendation of the Services Committee that in lieu of a Tree Board, that the Services Committee function as the Tree Board.

Motion by Councilor Brann, seconded by Councilor Lawlis to authorize the Services Committee to function as the Tree Board until such time as the Tree

Board can be reassembled; following public comment and Council discussion, vote on the motion was unanimously in favor.

c. 2010 DRAFT COMPREHENSIVE PLAN – EFFECT OF MARCH 1, 2011 VOTE TO SUSPEND IMPLEMENTATION ON REQUEST FOR RECREATION PLANNING & OTHER TOWN TASKS

The March 1st vote was to “suspend implementation of the 2010 Comprehensive Plan until a new comprehensive plan committee can be formed from citizens of the community”. Before continuing with discussion of this item, the Council returned to Item C.3.a.

Following vote on item C.3.a. to form a Citizens Comprehensive Planning committee, Councilor Brann respectfully submitted that this item does not need to be considered because the citizen committee has now been created and Attorney Russell advised that the March 1st vote is no longer operative.

- d. 2011/2012 BUDGET:
1. LIBRARY
 2. RECREATION
 3. POOL
 4. DEBT SERVICE
 5. RESCHEDULE MAY 10th BUDGET WORKSHOP

Motion by Councilor Brann, seconded by Councilor Cushing to postpone the budget discussions; unanimous vote in favor.

The May 10th meeting was rescheduled to June 1st and the items scheduled for discussion this evening were rescheduled to May 26th.

e. REQUESTS FOR INFORMATION UNDER FREEDOM OF INFORMATION ACT

Mayor Hughes reported that the Finance & Administration Committee discussed the overwhelming number of requests for information related to the Freedom of Information Act. The committee reviewed a draft application form and it was noted that the Town is no longer able to support these requests without payment for copies and staff time.

Cindy Philbrick, Lisa Kelley and Jeremy Williams expressed objection to the Town imposing fees for providing information. This will be placed on the next agenda of the Finance & Administration Committee for further discussion.

D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare reported that paving is going on throughout Town, but unfortunately due to budget constraints this year, some of the roads that the Town had hoped to repave will have to wait another year.

Services – Councilor Lawlis reported that the committee met with representatives of the SAD #22 athletic department and discussed the pros and cons of the proposed trail near

the Reed's Brook school. She said there is enthusiasm for the trail as long as there is minimal cost to the Town and discussions will be ongoing.

Communications – Councilor Cushing reported that the committee will meet at 6:00 pm on May 19th, which will be followed by the candidate's forum.

Finance & Administration – Manager Lessard reported that in addition to items already discussed, the committee met with the Town's auditor about the 2010 audit.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Shakespeare commented that during public comments this evening there was some laughing when it was mentioned that the Town was planning for low-income housing and public parking. He felt it offensive and demeaning that people are laughing when there are people out there who may not have the financial means that they have. He also said he has talked with many people who say that HALO does not represent them or their views.

Councilor Lawlis informed everyone that there is a walk through for the proposed Town/SAD #22 trail scheduled for 9:00 am on Saturday June 25th. She also encouraged anyone interested in participating in budget discussions of outside agencies to attend that workshop.

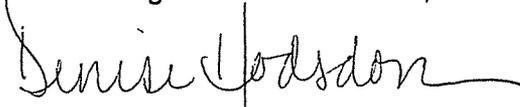
Councilor Brann commented that he is getting tired of people telling the Council what the residents of the Town are thinking and maybe it is time to start looking at more referendum items, including the comprehensive plan.

Councilor Cushing commented that in the event that a committee does cease to perform its functions and the authority is conveyed to another entity, as was the case this evening with the Tree Board, he feels that the Council needs to consider what defines an appropriate quorum and where the duties will fall.

Mayor Hughes commented that when thinking about outside agencies, she wanted to reiterate that any contributions to these agencies has typically been affiliated with underprivileged persons and there has been great thought into how those agencies affect the Town. She also encouraged concerned residents to attend the budget workshop meetings.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:22 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
MAY 16, 2011

A Week of Meetings:

Budget – May 17th 6 p.m.

Planning & Development – Wednesday May 18th at 6 p.m.

Communications – Thursday May 19th at 5:30 p.m.

Candidate Forum – Thursday May 19th at 6:30 p.m.

Candidate Withdrawal –

One council candidate has withdrawn from the race. Darrel Sproul informed the Clerk today that he will not be able to continue with this race due to personal issues. Although the law does not require the Clerk to change a slate of candidates once the nomination papers have been filed and certified – in this case, the ballots were not yet printed so Denise outlined the formal process required to withdraw and Mr. Sproul completed the necessary paperwork and his name will not appear on the ballot.

Government on the Go –

The most recent edition of Government on the Go went out on Thursday, May 12th. If you haven't yet done so – go the town website at hampdenmaine.gov and sign up on the email list so that YOU can receive these biweekly updates on meetings and events happening with your local government.

Hampden Business Association Annual Dinner

The Hampden Business Association Annual Dinner is to be held on May 25th at the Spectacular Events Center. Dewey Martin of Hampden is this year's award winner as the business/businessperson of the year. If you wish to attend please let me know by Wednesday of this week so that we may get our reservations made for the event.

Hampden Academy Re-use – I attended a meeting of the Hampden Academy re-use committee on Wednesday, ^{May} June 11th. The Committee has narrowed its list of options to four, and anticipate making that decision by August or early September of this year in case it is necessary for them to have any questions related to demolition authority, etc. on the November ballot. They are in discussions with several education entities for use of parts of the facility. However, they want to know if the Town is interested in the use of any portion of it for its recreation programming, specifically, the Skehan Center. Since the Recreation Committee has requested permission from the Council to look at options, would it be acceptable to the Council for the Recreation Committee/staff to meet with the re-use committee to see what options might exist for the use of that portion of the property and bring back information to the Town Council? I have attached a list of the four options under consideration. I was also asked if the school decided to offer the property to the Town whether the Town would accept it. I told them that thus far the Council had committed to leaving such a decision to the referendum vote of the Town if it were to be considered.

MANAGER'S REPORT UPDATE
5-16-2011

Second Candidate Withdrawal – George Miller has also withdrawn his name from the upcoming ballot for the Council seat vacated by Matt Arnett. Mr. Miller cited personal reasons as his reason for withdrawing. That leaves Bernard Philbrick and Shelby Wright as the remaining candidates for the vacant position.

TOWN COUNCIL MINUTES**JUNE 6, 2011**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 6, 2011. Due to the number of citizens in attendance, the meeting was held at the municipal building community room and was called to order by Mayor Hughes at 7:02 p.m.

Attendance: Councilors: Mayor Janet Hughes, Thomas Brann, Jean Lawlis, William Shakespeare, and Kristen Hornbrook; Councilor Cushing was excused.

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Economic Development Director Dean Bennett

Citizens and members of the press

Before discussion of agenda items, Mayor Hughes reviewed the rules of conduct for Council meetings and asked that everyone follow those rules. She noted that Councilor Cushing was absent this evening and had asked to be excused. Motion by Councilor Lawlis, seconded by Councilor Hornbrook to excuse Councilor Cushing. During discussion Councilor Shakespeare expressed concern about the conflict of Councilor Cushing's duties to the Council with his duties as a State Representative. He said he would like to see something in the Charter that would prohibit a Councilor from holding two conflicting political positions at the same time and asked that it be put on a future agenda for discussion. Following further discussion, vote on the motion was 3 in favor (Lawlis, Hornbrook and Hughes) and 2 opposed (Brann and Shakespeare); motion carried.

A. CONSENT AGENDA

Councilor Shakespeare requested that item A.3.a. be set aside and Councilor Hornbrook requested that Item A.3.b also be set aside. Motion by Councilor Brann, seconded by Councilor Lawlis to accept the balance of the consent agenda; unanimous vote in favor.

A.3.a. LETTER FROM JOHN MAHONEY

Councilor Shakespeare read Mr. Mahoney's letter and noted that contrary to what some people have stated, there are citizens in the Town that are not opposed to the 2010 comprehensive plan.

A.3.b. ATTORNEY RUSSELL – LEGAL OPINION re 2001 COMPREHENSIVE PLAN

Councilor Hornbrook noted that there is a lot of information in the legal opinion and said she has some questions. Mayor Hughes summarized the events that led to the Town Attorney's review of the process in adopting the 2001 plan and she asked him to discuss his memorandum (copy attached).

May 16, 2011

To Whom It May Concern,

I am writing to express my concerns about the vocal public opposition regarding the Comprehensive Plan, and the process by which it was created. A contingent accuses the Town of being secretive in the development of the Plan; however, this was not the reality. After seeing an article in *Hampden Happenings*, and having an interest in the issue, I attended the first meetings and continued to attend most of subsequent meetings through the Plan's completion. My interest in participating stemmed a desire to improve upon the Town's recreation facilities and trail network, both of which I consider to be deficits of the Town of Hampden.

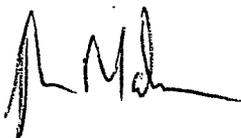
The Plan itself was written over a period of 2 years; the meetings were open to the public; and the time and locations of the meetings were well-advertised throughout town. I made it to them without any sort of special invitation, and the notices were easy to find for anyone who cared to look. In addition to private citizens such as me, a wide variety of political and business interests, including elected officials, representatives from Lane construction, members of the Conservation Commission, and the head of economic development attended the meetings. The pace of the discussion was deliberate, giving more than enough time to each of the issues outlined in the Comprehensive Plan. One could argue that the process took far too long, and as far as I could tell, at no time was anyone excluded from the meetings.

Now that the Comprehensive Plan planning meetings have become local news by virtue of hostile and, at times, embarrassing antics, I simply can't help but wonder where the outrage was while the plan was being written? Why is it, that members of the HALO group are interested enough to come to Town Council meetings every other Monday to complain, but were nowhere to be found for the two years of discussion surrounding the development of the Comprehensive Plan? After reading the letters from their attorney, and observing the votes of at least one Town Councilor, it appears that the goal of that this new group is to have no plan at all, potentially leaving the town unable to enforce its current zoning ordinances. Is a town with minimal zoning ordinances really what the majority of people of Hampden want? In addition, the State of Maine gives out more than 80 million in grant money each year, with the stipulation that each municipality is required or encouraged to have a Comprehensive Plan to be considered for this money. Kowtowing to a handful of people who are intent on eliminating the Comprehensive Plan, will exclude the Town of Hampden from having any chance of acquiring these monies, costing all the citizens of Hampden money and opportunities in the future.

In conclusion, the Town of Hampden should not suffer the consequences of being without a Comprehensive Plan due to a self-imposed lack of participation in the development process by a small but extremely vocal segment of the town. The Town is trying to retroactively address these peoples' lack of participation in developing the 2010 Comprehensive Plan by forming a new citizen's advisory committee. This is a confusing, redundant, and unnecessary step in the process. I sincerely hope the town can figure out a way to move forward with the 2010 Comprehensive Plan, which was developed following years of citizens' input.

Thank you,

John Mahoney



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MEMORANDUM

Date: June 1, 2011
To: Susan Lessard
From: Tom Russell
Re: Validity of 2001 Comprehensive Plan

BACKGROUND

As you know, David P. Crocker, an attorney representing the Hampden Association of Landowners, delivered a letter dated May 2, 2011 at the Town Council meeting of May 2, 2011. Mr. Crocker opined that there is "considerable doubt" as to whether the Town of Hampden properly approved the 2001 Comprehensive Plan because it did not appear from the minutes of Town Council and Planning Board meetings that the Planning Board recommended the 2001 Comprehensive Plan as required by Section 604 of the Town Charter. The Town Council asked me to research the matter, and to render an opinion concerning the validity of the 2001 Comprehensive Plan.

FACTS

The Town Clerk provided me with a DVD containing the minutes of Planning Board meetings and Town Council meetings from 1996 through 2001. I personally reviewed those minutes, discussed the matter with David Gould (former Town Planner) and Robert Osborne (current Town Planner), and reviewed additional documentation provided by Bob Osborne. My review has revealed the following facts:

1. According to David Gould, the Town of Hampden commenced the creation of a new comprehensive plan in 1992 in response to the Growth Management Act. The Town Council apparently appointed a Comprehensive Planning Committee. David informed me that he prepared the original November 1995 Draft

Comprehensive Plan, working in conjunction with the Committee and with assistance from various consultants retained by the Town. Since this process was new to both the State and the Town, there was a learning curve for both the State and the Town. Therefore, the Town decided to submit the 1995 Draft Comprehensive Plan to the State Planning Office for review and comment.

2. Town Manager Marie Baker, in response to a question from Council Brann at the February 17, 1998 Town Council meeting, informed the Town Council that the Draft Comprehensive Plan had been sent to the State for review and comment.
3. The minutes of the June 10, 1998 meeting of the Planning Board indicate that David Gould informed the Board that the Draft Comprehensive Plan had been returned by the State with comments and suggestions, and that the local review could begin. He also informed the Board that the Comprehensive Planning Committee had been working on the plan, but that the Town Charter required that the Town Council cannot adopt a comprehensive plan without a recommendation by the Planning Board.
4. At September 21, 1998 Town Council meeting, David Gould informed the Town Council that the Town had reviewed the comments from the State Planning Office concerning the Draft Comprehensive Plan.
5. At the January 19, 1999 Town Council meeting, David Gould requested, and the Town Council approved, retaining a consultant to address the issues raised by the State Planning Office.
6. By a Memorandum to the Town Council and Planning Board dated July 7, 2000, David Gould advised that the Draft Comprehensive Plan ("May 2000") was found by the State Planning Office to be consistent with the Growth Management Law. Due to the Town Charter provision dealing with comprehensive plans, he recommended that the Planning Board now be designated as the "Local Planning Committee," and that the former members of the original Comprehensive Planning Committee be invited to join in the process.
7. During a discussion at the July 10, 2000 Town Council meeting concerning David Gould's resignation as Town Planner, Town Manager Marie Baker informed the Town Council that the Draft Comprehensive Plan ("May 2000") had been forwarded to the Planning Board for review.
8. At the July 17, 2000 Town Council meeting, the Town Council voted to designate the Hampden Planning Board as the "Local Planning Committee" for Comprehensive Plan Review."
9. By letter dated July 20, 2000, Town Manager Marie Baker advised the Chairman of the Planning Board that she would like to discuss comprehensive plan procedures at the Planning Board meeting scheduled for August 9, 2000.

10. At the August 9, 2000 Planning Board meeting, Town Manager Marie Baker advised the Board that the Town Council wanted to know if the Planning Board would accept the designation of "Local Planning Committee" for the purpose of reviewing the Draft Comprehensive Plan, and to provide suggestions, comments and recommendations to the Town Council. Chairman Ingram asked the Board for suggestions in setting up meetings to review the Draft Comprehensive Plan, and Board members agreed to meet at 6:00 p.m. before the next scheduled meeting.
11. Bob Osborne started work as the new Town Planner on August 14, 2000.
12. By Memorandum to the original Comprehensive Planning Committee dated September 5, 2000, Bob Osborne advised the Committee that the Planning Board was now the "Local Planning Committee," but that all members of the original Committee were invited to join the plan review process. The Memorandum stated that the first meeting of the Planning Board on the Draft Comprehensive Plan was scheduled for September 13, 2000 at 6:00 p.m.
13. Bob Osborne's Memorandum to the Planning Board dated September 8, 2000 states that a meeting has been scheduled for 6:00 p.m. on September 13, 2000 "to lay out a strategy to finalize the Comprehensive Plan."
14. The Planning Board minutes for its regular meetings from September 13, 2000 through August 29, 2001 do not contain any references to the new Comprehensive Plan. However, Bob Osborne has informed me that he attended numerous workshops with the Planning Board concerning the Comprehensive Plan. Unfortunately, consistent with the Town's customary practice at the time, minutes were not prepared for workshop sessions of the Planning Board.
15. By correspondence dated September 4, 2001, Bob Osborne forwarded a "Final Draft of the Hampden Comprehensive Plan" to the Town Council and the Planning Board. The correspondence suggested that the Town Council and the Planning Board hold a joint public hearing to receive public comment, and then a joint workshop session to develop any proposed changes for final adoption.
16. The minutes for the September 12, 2001 Planning Board meeting indicate that Bob Osborne spoke to the Board about the "long awaited Comprehensive Plan for the Town of Hampden."
17. At the Town Council meeting of September 17, 2001, Bob Osborne recommended that the Town Council and the Planning Board hold a joint hearing on the Draft Comprehensive Plan, with a subsequent joint workshop to address any updates or changes to the Plan. Councilor Brann introduced the Draft Comprehensive Plan for a public hearing at the next council meeting on October 1, 2001. The consensus of the Council was to schedule a joint workshop, preferably for October 4, 2001.

18. By correspondence dated September 18, 2001, Bob Osborne advised the Town Council and Planning Board of the joint public hearing scheduled for October 1, 2001, and the joint workshop scheduled for October 4, 2001.
19. A public hearing on the Draft Comprehensive Plan was held at a regular Town Council meeting on October 1, 2001. The minutes indicate that Planning Board members were present, and Mayor Romano stated that members of the Planning Board were present to hear public testimony concerning the Draft Comprehensive Plan. A member of the original Comprehensive Planning Committee spoke in favor of the Draft Comprehensive Plan, as did the Chairman of the Planning Board. No one spoke in opposition to the Plan. The Town Manager informed the public that a joint Planning Board and Town Council workshop was scheduled for October 4th. Mayor Romano advised the public that the comments and letters received concerning the Draft Comprehensive Plan would be reviewed at the workshop meeting, and that a revised edition would be presented for another public hearing.
20. The joint workshop was held on October 4, 2001. Bob Osborne's Memo dated October 24, 2001 contains his "notes" from the October 4, 2001 joint workshop (copy attached).
21. By correspondence dated October 16, 2001, Bob Osborne advised the Town Council and the Planning Board that a second joint workshop was scheduled for October 24, 2001.
22. A second joint workshop occurred on October 24, 2001, and the proposed revisions to the Comprehensive Plan were finalized. Bob Osborne's Memo dated October 25, 2001 contains his notes from the October 24, 2001 joint workshop (copy attached).
23. At the Town Council meeting on November 19, 2001, Councilor Muth introduced the Comprehensive Plan for a public hearing on December 3, 2001.
24. At the public hearing on December 3, 2001, Bob Osborne advised the Town Council that the changes to the Comprehensive Plan agreed upon at the Planning Board/Town Council joint workshop on October 24, 2001 had been made in the computer, but that he had not printed a subsequent draft of the Plan because he thought it would make more sense to make final copies after the public hearing. He indicated he did have a list of the changes for inclusion in the public record. One person spoke in favor of the Comprehensive Plan, and no one spoke in opposition. I advised the Town Council to continue the matter until a printed version of the revised Comprehensive Plan was on file with the Town Clerk and available for public inspection. The Town Council voted to postpone the matter until the next regular meeting.

25. On December 17, 2001, the Town Council held another public hearing on the Comprehensive Plan. Mayor Romano stated that all changes had been incorporated into "the book", and he opened the public hearing. No one spoke on the matter and the hearing was closed. Councilor Muth moved to adopt the Comprehensive Plan with the amendments as presented, Councilor Gamble seconded the motion, and the motion was adopted by a unanimous vote (7-0).

ANALYSIS AND CONCLUSION

Title 30-A M.R.S. § 4324(2) of the so-called Growth Management Law provides that if a municipality chooses to prepare a growth management program (which includes a comprehensive plan), the municipal officers shall designate and establish a "planning committee," which may include one or more municipal officials. The municipal officers may designate an existing planning board as the planning committee. Initially, it appears that the Town Council designated and established a separate planning committee, which has often been referred to as the Comprehensive Planning Committee in various minutes of the Planning Board and Town Council, as well as in various other documents. Although the established Committee contained one member of the Planning Board and a few former members of the Board, the Planning Board members as a whole were not part of the membership of the original Comprehensive Planning Committee. [It should be noted that the 1996-2001 Planning Board minutes make reference to a Comprehensive Plan Committee, but that particular Committee was a subcommittee of the Planning Board that often reviewed proposed zoning text or map amendments from the context of consistency with the 1986 Comprehensive Plan, and other land use policy considerations. That particular subcommittee of the Planning Board was not directly involved in the development of the 2001 Comprehensive Plan during the 1996-2000 period.]

In addition to the statutory duties of the "planning committee" and the "legislative body" concerning the development and adoption of a comprehensive plan, Section 604 of the Town Charter provides as follows: "The town council shall approve no changes in the comprehensive plan without the recommendation of the Planning Board. Such recommendations may be overturned by an affirmative vote of five councilors."

David Gould informed me that he was aware of the Charter provision, which is corroborated by this comments to the Planning Board as reflected in the minutes of the June 10, 1998 Planning Board meeting. Once the State Planning Office had given approval to the Draft Comprehensive Plan ("May 2000"), David Gould recommended in a Memorandum dated July 7, 2000 that the Planning Board be designated as the planning committee. The Town Council voted at the July 17, 2000 meeting to designate the Planning Board as the planning committee. That designation was within the authority of the Town Council, in its capacity as the municipal officers of the Town of Hampden, under 30-A M.R.S. § 4324(2). Therefore, as of July 17, 2000, the Planning Board was the planning committee.

Although it does not appear from the minutes provided that the Planning Board took a formal vote at a regular meeting to recommend the 2001 Comprehensive Plan, it is my opinion that the totality of the circumstances clearly demonstrates that the Planning Board was in favor of the Comprehensive Plan as revised from September of 2000 through the adoption process ending on December 17, 2001, and that the facts demonstrate that its recommendation may be reasonably inferred. Given that the Planning Board, in cooperation with Bob Osborne, developed the version of the Comprehensive Plan that was sent out by Bob Osborne on September 4, 2001, that the Planning Board attended the joint public hearing on October 1, 2001 to hear public testimony, that the Chairman of the Planning Board spoke as a proponent of the Comprehensive Plan at the October 1, 2001 public hearing, and that the Planning Board participated in two joint workshops with the Town Council to finalize the Comprehensive Plan before its introduction for another public hearing, I do not believe that a court, under these circumstances, would conclude that the Comprehensive Plan was not recommended by the Planning Board.

Furthermore, the purpose of Section 604 of the Town Charter is to ensure that the Planning Board has a role in the review and recommendation of any changes to the comprehensive plan, whether that be amendments to an existing comprehensive plan or the adoption of a new comprehensive plan. With respect to the 2001 Comprehensive Plan, the process used to develop the final version of the Plan was consistent with that purpose, as the Planning Board was designated as the planning committee under 30-A M.R.S. § 4324 as of July 17, 2000, it worked with the Town Planner for approximately one year to review and revise the May 2001 Draft Comprehensive Plan and to prepare a final draft for consideration by the Town Council, and it then worked with the Town Council at two joint workshops to develop the "final" Comprehensive Plan that was adopted by the Town Council on December 17, 2001. Finally, Section 604 does not prescribe any particular mechanism for the Planning Board to use in making a recommendation.

In conclusion, it is my opinion that the actions of the Planning Board clearly demonstrate that the Board endorsed and recommended the 2001 Comprehensive Plan, and that the 2001 Comprehensive Plan is valid.

MEMORANDUM

TO: Joint Council - Planning Board Comprehensive Plan Workshop
FROM: Bob Osborne, Town Planner
RE: Notes from last workshop meeting
DATE: October 24, 2001

Transportation

The general topic of pedestrian ways was discussed. It was suggested that the sidewalk plan found in Transportation Chapter after page 8 does not address the network of trails that are available in the town. Walking trails are also depicted on a map found in Open Space and Recreation Chapter after page 4. A plan depicting the interconnection of sidewalks- trails - walkways and snowmobile trails could be developed. (BACTS has an area map of sled trails) It was suggested that walkways are an important public meeting place.

It was suggested that the stated goals and objectives for sidewalks set out in the Transportation Chapter, page 7 cross reference to Public Facilities and Services Chapter page 12 and vice versa.

The Route 202 bypass discussion in the Transportation Chapter, page 15 states there is no need to preserve 202 ROW through four mile square but it should be changed to indicate that local access should be preserved to provide access to areas on the north side of Reeds Brook, particularly the schools and possibly some additional commercial development in that area.

Route 1A Corridor-

The Land Use Plan map's depiction of commercial zoning extending farther south than its current limit was discussed. Added commercial properties would necessitate center turn lanes. The limitations for widening 1A, both financial and cultural, are a clear obstacle to expanding the commercial area. However, no change was proposed.

Don Meagher letter address -

The Natural Resources Chapter, page 13 incorrectly indicates the location of the aquifer in relation to the Pine Tree Landfill.

The Community Character and History Chapter Scenic Resources map found after page 18 indicates the sole scenic drive along Emerson Mill Road. It was suggested that this drive was not particularly scenic and others such as Patterson Road, Kennebec Road and Western Avenue might be.

Affordable housing-

Some concern was raised that the housing section of the plan did little to create Affordable housing. A balance of young and old/rich and poor was seen as essential to the future health of the community. Examples were cited of affordable housing creation in other communities.

Open Space-

The value of the open space dedications that have been created through the subdivision process was questioned. It was suggested that perhaps the Town should take a different approach by specifically seeking out open spaces that are more important such as the Dehan property or vistas such as the Perry farm.

MEMORANDUM

TO: Joint Council - Planning Board Comprehensive Plan Workshop
FROM: Bob Osborne, Town Planner
RE: Notes from October 24, 2001 final workshop meeting
DATE: October 25, 2001

Pedestrian ways-

An additional mapping product will be produced that depicts the interconnection of sidewalks- trails - walkways and snowmobile trails.

Four Mile Square-

The plan should clearly identify the need to explore additional interior access roads for the Four Mile Square. The continued development of the Four Mile Square could generate significant new traffic. Perhaps 200 acres are quite suitable for development inside the square (and another 200 acres outside the square on the outside of Mayo Road and Kennebec Road). The routes by which that associated traffic could access the Four Mile Square must be planned early enough to take advantage of access routes (while they remain feasible and unobstructed). The discussion primarily focused on the feasibility of a local access road that would extend south from the intersection of the Route 202 bypass and Western Avenue. The discussion identified the Graves Supermarket and Maine Savings (BARCO - CUSO) site developments that could immediately benefit from access to the traffic signal located at that intersection. Farther south an access road might also serve to address a current source of congestion on Route 1-A at the cluster of schools. The proposed expansion of the Academy at an undetermined location was also questioned as it may also exacerbate traffic congestion. Finally, concern was expressed about anticipated increases in background traffic at two percent annually and expected expansion of trucking activities in Searsport routed north through Hampden on 1-A that would exacerbate traffic congestion on 1-A.

It was also determined that the plan should identify the need to explore the feasibility of extending sewer and water into the interior of the Four Mile Square. The Four Mile Square is seen as the Town center and a feasible location to create affordable housing, not as a wilderness reserve. Thus, alternatives should be shown on the urban services map

Route 1A Corridor-

The Land Use Plan map's depiction of commercial zoning extending farther south than its current limit was not changed.

Don Meagher letter address -

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relation to the Pine Tree Landfill.

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Councilor Hornbrook noted that Section 604 of the Town Charter is ambiguous in that it is not clear as to what form the Planning Board's recommendation should take. She said her interpretation of Section 604 would be that the Planning Board should take a vote to make a recommendation but Attorney Russell's opinion states that it does not appear from the minutes that the Planning Board took a formal vote at a regular meeting to recommend the 2001 plan. She said where the question comes in is that now we are saying the 2010 plan is not valid because there was no vote of recommendation from the Planning Board, but in 2001 we didn't require a vote. She said this is confusing and needs to be made clearer – what does a recommendation from the Planning Board mean?

Attorney Russell explained that in the 2010 plan, the Planning Board did not participate at all in the development of the plan, but in 2001 they worked on the plan for a year with the planner to finalize the draft, they attended the workshops and went to public hearing and that is enough to reasonably infer that they recommended their own work product.

Motion by Councilor Brann, seconded by Councilor Shakespeare to accept Items A.3.a and Item A.3.b – unanimous vote in favor.

B. PUBLIC COMMENTS

Mayor Hughes asked that anyone wishing to make comment to please limit their comments to two minutes.

David King of 54 Summer Street said he takes pride in our community and in watching the last several council meetings, he has witnessed attacks on the Council personally and on its work on the comprehensive plan. He said the plan he has reviewed is a fine plan and bears no resemblance to the comments he has heard. He apologized for not having attended meetings and giving the Council the support he should have. He then thanked the Council for the work it has done and the effort it has put in and for the civility in treating those who have not used that civility. He applauded the efforts of the Council and hoped others would join in.

Eric McVay of 23 Cottage Street welcomed the new Mayor and noted that she has come in under difficult circumstances. He has been watching the meetings from home, recognized that the Council has put in some very long nights and said he was sorry that the Council had to deal with the abuse.

Alex King of Kennebec Road referenced John Mahoney's letter and said he had reviewed the comprehensive plan manual from the State Planning Office which talks about enlisting the participation of all aspects of citizens in the town. He feels that did not happen and that is his problem with this plan. He said there are far more people who are upset with the plan than there were who actually created the plan.

Al Valcourt of 205 Monroe Road commented that this group first found out about this plan in February and now realize that our land could possibly be restricted and nobody asked us anything about it so we went into a meeting at the White House Hotel. He said we all came as concerned citizens but what we got from the Council was a lot of bitterness. He said we want to be represented, we do not want our lands restricted or

governed and we don't need it. He said none of the landowners have been boisterous toward the Council, we feel it is the other way around and so we formed this group.

Paul Philbrick of 1220 Western Avenue said he wanted to address a few points about the 2010 plan and asked "are the following strategies and implementation thereof your vision for Hampden?" The former LL Bean property purchased by the Town by bonded indebtedness to become an industrial park will become a very expensive deer yard in the comprehensive plan; development of forestry regulations and permit processes which are redundant with state forestry regulations but with much greater restrictions – the town forester will have authority over every public and private tree and landscaping detail in town and are you ready for a \$100 fine per branch for pruning your trees without a permit?; the Council will be recommending increased bonded indebtedness to buy targeted natural resource protection land areas for purposes of conservation and enacting land-grabbing ordinances that impede development and permitting and encouraging those with back lots to give up ownership or control of their property via easements and property tax reductions; the 2010 plan proposes to wrest control of more than 50 percent of Hampden's land mass – just look at the maps. He said it's been stated that that is the template the ordinances will follow. This transfer of privately owned property to the public or to other non-governmental land trusts out of San Francisco and elsewhere is unconstitutional and we should turn it down and stop it - this is why HALO was formed. He said that these properties will no longer be taxed at full value as they are now and everyone's tax bills will go up to offset those losses. He commented that there has been suggestion of trails all through town, but the hypocrisy is that once the trails are developed for walking and cross-country skiing the snowmobilers will have to find somewhere else to ride even though they established and maintain these same routes. He warned that private property owners will start to post their property and said it has already started. He said the 2010 plan has a strategy to construct sidewalks the entire length of Route 1A from Bangor to Dorothea Dix Park and property owners won't have any say in how their front yards are cut up. He said we will have to say goodbye to privately owned driveways, wells and septic systems as under the 2010 plan, new housing developments must be cluster developments, which only allows for sharing of those items, and 50% of the land area of each new development must be dedicated to open space, this all being Randall Arendt's vision of how Hampden should look. He ended his comments by saying that each new resident of Hampden will be assessed a \$150 per person impact fee if the authors of the plan get their way – which is the Penobscot Valley Council of Governments.

Mayor Hughes said she is hearing misunderstanding and misinterpretation of the comprehensive plan and she asked Mr. Philbrick to bring his comments and concerns to the citizen review committee. She said reiterating these comments in the Town Council chambers is not going to help.

Kathryn King, a teacher and coach at Hampden Academy said that since the March 7th meeting she has spent time reviewing Book One of the proposed plan and has prepared a series of questions to make sure she understands what the language in the land management proposal actually purports to do. She went on to ask the questions, but because this was the public comment portion of the agenda, it was pointed out that the Council should not be answering questions. Mrs. King concluded by saying that having carefully reviewed the comprehensive plan, she noticed a recurring theme throughout the proposal: 1) nothing about the proposal exceeds that of a mission statement and 2) the language repeatedly emphasizes that the plan attempts to balance and respect

individual property owners' desires to maximize the private use of their land with the broad diverse needs of a growing town. She thanked the Council for its hard work on this proposal and urged Councilors to not only continue hearing the request of individual landowners but also to continue to consider the long-term needs of a diversified growing community.

Jeremy Williams of 1334 Carmel Road South took exception to John Mahoney's letter and said it is an unfair assumption and characterization that members of HALO don't want a comprehensive plan or zoning, but they are concerned about how to manage growth. He invited the Council to a meeting at the snowmobile club next Wednesday at which time he will be giving a presentation on why this particular plan won't work.

Lisa Kelley of 19 Clark Circle noted that in his letter, John Mahoney did mention that there is approximately \$80 million in grant money, however the only grant that the Town of Hampden has tried to get in the last four years that requires a comprehensive plan is the one they're trying to get for the trails. She said there have been other grants that did not require a comp plan. Mrs. Kelley said that she did attend the budget meeting where funding for outside agencies was discussed and she reiterated her concerns made at that meeting. She believes that donating money is a very personal and sometimes emotional decision that we taxpayers make on an individual basis and she also believes that as a community there is some responsibility to help these charities obtain the funding they are looking for, but there are other ways to do it, such as putting information in the quarterly town newsletter.

Lisa Carter of Western Avenue noted that there are a lot of new faces her tonight and it is sad that neighbors have come together on polarized opposite ends. She said if some of you really listened and put pride away, we do have some common ground, but that the people who have some concerns are not being heard. She asked the new faces not to allow government to separate us as neighbors but to talk with your neighbor with an open ear as to why they're concerned. She also commented that the Council goes on and on about planning, but she just went to Roe Village and their back yard has been completely consumed with the new school and all the water from the tennis court and track drains into their little garden spot. She said the residents there said they came over repeatedly asking if their little garden spot could be saved and what they got was deaf ears.

Jim Feverston of 55 Dudley Street commented that recently there have been some vocal public accusations leveled against and regarding the Town of Hampden and its home building and lot development review process and the individuals involved in that process. He said anyone can condemn anyone with vague accusations and the way to combat that is with data. He conducted some research on data on lots and home building and between 1995 and 2008 there were 504 lots approved and there were 234 dwellings added to the tax rolls. He noted that there are currently 179 lots available for construction in the town. He said he has never worked with finer men than Bob Osborne in the planning office and Ben Johnson in the code enforcement office – they have always been forthcoming and have helped the process through and obviously they have done that for many other people. Mr. Feverston thanked the Council for setting up the process that allows these fine people to do their job and noted that the rules are for the benefit of the public.

Lois Brann of 262 Western Avenue thanked the Council for taking care of the needs of all of us and for making committees so that those who have concerns have another place to speak.

David Ryder of 315 Meadow Road said that at the last meeting, there was discussion about the cost of making copies and what would have to be done because there were so many requests for information and he suggested that the Council set aside some of the money geared for outside agencies and use it to hire one of the kids from the high school to come in for the summer and do that work. He also said he doesn't know why we need to spend money on a trail when we've got this mess out in front of the Town Office – the worst looking garden he ever saw.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR VICTUALERS LICENSE RECEIVED FROM KIM GRAHAM d/b/a COWGIRL KIM'S, A TEMPORARY MOBILE STRUCTURE TO BE LOCATED AT WATERFRONT MARINE, 759 MAIN ROAD NORTH

Mayor Hughes explained the procedure for the hearing and then opened the hearing. No one spoke in favor or opposition and there were no questions or comments – the hearing was closed.

Motion by Councilor Brann, seconded by Councilor Lawlis to approve the application; unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

- a. CITIZENS COMPREHENSIVE PLAN COMMITTEE – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS REGARDING OBJECTIVES

Councilor Brann read the Planning & Development committee's recommended objectives for the citizens comprehensive plan committee (copy attached).

Lisa Kelley of 19 Clark Circle said she has been speaking directly with the State Planning Office who informed her that they are in the process of updating and amending its review criteria for comprehensive plans and are looking at an adoption date of no later than August 11th so she felt it might be best to wait to hire a facilitator until the changes in the review criteria have been implemented.

Motion by Councilor Brann, seconded by Councilor Shakespeare to adopt the procedures and proceed; unanimous vote in favor.

Citizens Comprehensive Plan Committee

Recommended Objectives for Council Consideration

The Planning and Development Committee recommends Council approval of the following objectives for the Citizens Comprehensive Plan Committee (CCPC):

- CCPC to review Book 1 of the 2010 Comprehensive Plan Draft
- First meeting will be scheduled for June 9th at 6 p.m. The first meeting will be an overview of the Comprehensive Plan, its history, purpose, and design. Meeting times and dates will be scheduled.
- A facilitator will run the meetings and will present the rules for the meeting conduct at the first meeting. All members must abide by the rules.
- The CCPC will consist of the attached list of members. A quorum shall be 9 CCPC members. The Council and Planning Board are encouraged to attend; however, they will be non-voting members. Members will be removed from the Committee if they miss 3 consecutive meetings.
- Meetings are open to the public. The public will be allowed to make comments in accordance with meeting rules; however, they will be non-voting members.
- Meetings will be televised on Local Cable Channel 7.
- Meetings will be conducted every two weeks with the goal of discussing two sections per week.
- Copies of Book One, double spaced for note-taking, will be provided to the CCPC at the first meeting.
- The end product will be recommendations for amendments to the 2010 Draft Comprehensive Plan. A summary of the recommendations will be submitted to the Town Council by September 9, 2011.

b. POOL AIR HANDLING SYSTEM – INFRASTRUCTURE COMMITTEE
RECOMMENDATION

Infrastructure Committee Chair Shakespeare reported that the committee met with the Pool Director relative to the potential cost related to the replacement of the air handling system. It was the committee's recommendation to request that the Pool Board expend \$3500 from the Pool Board Trustee's fund for an engineering firm to review and determine the replacement options of that system.

Motion by Councilor Shakespeare, seconded by Councilor Brann to request from the Pool Board the expenditure of \$3500 from the pool trust for an engineering study; unanimous vote in favor.

c. SALT ACQUISITION – 2011/2012 – EXPLANATION OF CONTRACT – MAYOR
HUGHES

Mayor Hughes said there have been a number of questions and comments were made during the candidate forum relative to how the town acquires salt. She explained that in the past the Town has joined with PVCOG as a method of gaining a competitive bid price with other towns but since the PVCOG is now defunct, the Town has piggybacked with the State of Maine at a bid price of \$63.42 per ton from Harcross and this is one of those times when we strive for regionalization and to keep costs down. She said there were a number of questions regarding whether there was any conflict regarding Hughes Bros. but she wanted to make it clear that Hughes Bros. did not bid on it and had no desire to bid on it.

d. HAMPDEN ACADEMY RE-USE – RECREATION – REFER TO PLANNING &
DEVELOPMENT COMMITTEE

Mayor Hughes referred this item to the Planning & Development Committee.

e. 2002 GMC PICKUP TRUCK BID RESULTS – FORFEITED PROPERTY

The Finance Committee had reviewed the bids received for the sale of the 2002 GMC pickup truck that had been awarded to the Town as forfeited property through the court. The committee recommended acceptance of the high bid from Asian Auto Services in the amount of \$2,632.12. Motion by Councilor Brann, seconded by Councilor Shakespeare to accept the bid from Asian Auto Services in the amount of \$2,632.12; unanimous vote in favor.

f. 2012 BUDGET – REFERRAL TO PUBLIC HEARING

Councilor Brann introduced the budget for public hearing on June 20th.

4. NEW BUSINESS

a. MAINE DEVELOPMENT DISABILITIES COUNCIL – 5-YEAR PLAN – ERIC McVAY REQUEST

On behalf of the Maine Development Disabilities Council, Eric McVay wanted to inform the Council and the public about the 5-year state plan. He brought information relative to the council's goals and objectives which was distributed to members of the audience and he requested that people go to their website to complete a survey. He thanked everyone for helping him complete his duties as a board member.

b. 2010 GUARANTEED ANNUAL TONNAGE SHORTFALL TO PERC – FINANCE COMMITTEE REQUEST

Manager Lessard explained that the Town has been assessed a shortfall penalty in the amount of \$618.84 from PERC for failing to meet the guaranteed annual tonnage in 2010 by 55 tons. There are three options for payment of the penalty; writing a check, having the penalty deducted from the next quarterly distribution from the Municipal Review Committee or having the amount deducted from the Town's share of equity in the facility. It was the recommendation of the Finance Committee that the penalty be taken from the next quarterly MRC payment.

Motion by Councilor Brann, seconded by Councilor Lawlis to accept the recommendation of the Finance Committee; unanimous vote in favor.

c. REQUEST TO REDUCE GUARANTEED ANNUAL TONNAGE TO PERC

Because the Town did not meet its current Guaranteed Annual Tonnage (GAT) in both 2009 and 2010, it was Manager Lessard's recommendation that the Town request a reduction in the Town's GAT from 3500 to 3450 tons per year.

Motion by Councilor Brann, seconded by Councilor Lawlis to request a reduction to 3450 tons; unanimous vote in favor.

d. MUNICIPAL SNOWMOBILE CERTIFICATION – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Upon recommendation of the Infrastructure Committee, Councilor Shakespeare moved and Councilor Brann seconded to approve the certificate and authorize the Town Manager to sign on behalf of the town; unanimous vote in favor.

e. MAINE POWER OPTIONS – PERMISSION TO ACCEPT BID(S)

Manager Lessard informed the Council that the bids for heating oil and road diesel will be released tomorrow at 10:00 am and a response is needed by 3:00 pm. She asked the Council for authority to accept the low bid.

Motion by Councilor Brann, seconded by Councilor Shakespeare to authorize the Town Manager to act on behalf of the Town Council in acceptance or rejection of bids for heating oil and road diesel; unanimous vote in favor.

f. **ETHICS QUESTION – FORFEITURE OF OFFICE PROVISION OF TOWN CHARTER – REQUEST BY COUNCILOR HORNBROOK**

Councilor Hornbrook explained that she had requested this item after a resident had made some comments regarding Councilor Shakespeare at the last meeting and because it was made in a public way at a Council meeting, she felt it would make sense for the Council to discuss it in a public manner. She read Section 207 of the Town Charter and said she wanted anyone who wished to make comment to have the opportunity to do so but also asked that this be included as part of the ongoing review and discussion of the Code of Ethics.

Several residents had comments and/or questions and Attorney Russell advised that the Council should avoid getting into evaluating a dispute between neighbors. He noted that the court system is handling that and this should not be another forum for that particular matter. He further advised that the things he just heard described do not meet that part of Section 207 of the Charter.

D. COMMITTEE REPORTS

Infrastructure – Councilor Shakespeare reported that in addition to the items already discussed tonight, the committee reviewed a memo from Town Planner Bob Osborne on the status of Sucker Brook, which is likely to be named as an urban impaired stream and that designation carries with it the responsibility of the Town to take action to protect and improve the watershed through the development of a Watershed Management Plan.

Services – Councilor Lawlis reported that the committee will meet next Monday and the first item on the agenda is the proposed Town/SAD #22 trail.

Planning & Development – Councilor Brann reported that items discussed by the committee have already been addressed this evening.

Communications – Councilor Hornbrook reported that the next meeting is scheduled for 6:00 pm on June 16th.

Finance & Administration – Manager Lessard reported that most of the items discussed by the committee this evening have already been discussed. She noted that the proposed record request form will be on the next agenda.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Hornbrook thanked everyone for coming to the meeting and commented that there is nothing better than to see citizens involved in their government.

Councilor Lawlis reminded everyone about the election next week and encouraged everyone to get out and vote. She commented that she doesn't know the details of what

is going on with Councilor Shakespeare, but said it sounds like it is a dispute between neighbors. She said she has the greatest confidence in Councilor Shakespeare's concern for the people of Hampden and in his ethics.

Councilor Shakespeare reminded everyone that the first meeting of the citizens comprehensive plan is this Thursday at 6pm and that there are several other meetings scheduled for next week.

Mayor Hughes commented that she attended the Hampden Business Association's annual dinner where she had the pleasure of presenting the Key to the Town to Dewey Martin who was recognized as Business Person of the Year.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:53 p.m.

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

Denise Hodsdon
Town Clerk

MANAGER'S REPORT
June 6, 2011

Kid's Kamp Restaurant – The Town Council is cordially invited to the Kid's Kamp Restaurant for lunch on Thursday, July 14th at 12 pm at the Reed's Brook cafeteria. This annual event is always a wonderful and fun experience! The children in the program never fail to do an amazing job.

Fiscal Year End – The Town's fiscal year ends on June 30, 2011. A reminder that a list of all names of property owners with unpaid on that date is required to be published in the Town's Annual Report. Reminder cards are going out this week to property owners with outstanding balances.

Katahdin Trust – Katahdin Trust will be opening the new bank on Western Avenue next to Rite Aid on June 20th. We welcome them to Hampden as a new business and wish them well.

Newsletter – The deadline for the next Newsletter is June 27th.

Government on the Go! – The next edition of Government on the Go! will go out on Thursday, June 9th.

Meeting Reminder - The first meeting of the Citizen's Comprehensive Planning Committee will be held this Thursday at 6 p.m. at the Town Office.

Route 1A MDOT Project - .26 mile north of Wheeldon Heights .5 miles to Hillside Drive. The MDOT public meeting on this project will be held on Tuesday, June 21st from 6 – 8 p.m. at the Hampden Town Office.

HBA Businessperson of the Year – The HBA Annual Dinner on May 25th was a well attended and successful event. This year's award winner, Dewey Martin, runs a successful accounting business in Hampden, serves as a professor at Husson University and has been a lynchpin in the development of children's sporting programs in the Town of Hampden for thirty years. Congratulations to an accomplished Hampden citizen.

TOWN COUNCIL MINUTES**JUNE 20, 2011**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, June 20, 2011. The meeting was held at the municipal building council chambers and was called to order by Mayor Hughes at 7:02 p.m.

Attendance: Councilors: Mayor Janet Hughes, Andre Cushing, Thomas Brann, Jean Lawlis, William Shakespeare, Kristen Hornbrook and Shelby Wright

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Safety Director Joseph Rogers, GIS/IT Specialist Gretchen Heldmann, Assessor Kelly Karter, Economic Development Director Dean Bennett, Town Planner Robert Osborne, Pool Director Darcey Peakhall, Library Director Debora Lozito

Citizens and members of the press

The first order of business was the swearing in of Councilor-Elect Shelby Wright by Attorney Russell.

A. CONSENT AGENDA

Motion by Councilor Cushing, seconded by Councilor Brann to accept the balance of the consent agenda; unanimous vote in favor.

B. PUBLIC COMMENTS

In order to allow ample time for the budget hearing, Mayor Hughes asked to move the Policy Agenda ahead of Public Comments – Councilor Brann so moved; Councilor Shakespeare seconded the motion and vote was unanimously in favor.

Following New Business, the Council returned to the Public Comment portion of the agenda.

Eric McVay of 23 Cottage Street suggested that in reviewing Saturday bus service, perhaps the Council could invite some self-advocates to those meetings. He also announced that he took home the silver medal in the softball throw at the Special Olympics and he finished in 7th place in the 100-meter.

Shelley Blosser of 344 Main Road South said she is a member of HALO, but she is not HALO – she is an individual. She hoped that the Council and citizens would realize that when people get up, just because they are part of an organization does not mean that they represent the entire organization nor does it mean that when they make comments

that the entire organization should be painted with that same brush. She said HALO is not about outstanding conflicts, it is about the concern that there is a philosophy out there in government that really takes some of our constitutional rights and leaves them open to interpretation. She said her philosophy is that government is best when it is limited and that the Constitution was instituted to chain government. She said in her search in comprehensive planning, she has come across some history that is alarming and she is trying to determine what is truth and what is hype. But one thing she is finding is that both sides of the political spectrum are concerned – not just the right, not a just a fringe group and not just Tea Party activists. She circulated a list of websites that she found to be very informative and asked that people take a look at them if they would like to know what members of HALO are concerned about.

Jeremy Jones of the Partridge Road said “as wisdom and warning – with the first link the chain is forged; the first censured speech, the first thought forbidden, the first freedom denied – chains us all irrevocably. The first time any man’s freedom is trodden on we are all enslaved.”

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR VICTUALERS LICENSE RECEIVED FROM MAC’S CONVENIENCE STORE d/b/a CIRCLE K #7057, AT 63 MAIN ROAD NORTH

Mayor Hughes explained the procedure for the public hearing and then opened the hearing. No one spoke in favor or opposition and there were no questions or comments – the hearing was closed.

Motion by Councilor Brann, seconded by Councilor Cushing to approve the application; unanimous vote in favor.

- b. ADOPTION OF 2011/2012 BUDGET

Manager Lessard gave a presentation of the proposed budget and noted that as proposed, the Town will be able to retain the current level of services and infrastructure and maintain the current mil rate of \$15.90. The proposed budget also includes the addition of Saturday bus service.

Mayor Hughes opened the public hearing:

Proponents: Eric McVay of 23 Cottage Street urged support of the proposed budget including the addition of Saturday service for the bus.

Opponents: None

Questions/Comments: Lisa Kelley of 19 Clark Circle reiterated the fact that there are several residents who sincerely feel that Town funds should be used to run the Town, and that donations to outside agencies should be left up to individuals.

Alex King of 807 Kennebec Road concurred with Mrs. Kelley and expressed concern with the lack of a policy or criteria on which outside agencies are eligible for funding. Other than that, he felt that the Council has done a very good job with the budget.

Sam Manhart of Elm Street West, a teacher and swim team coach at Hampden Academy, thanked the Council for its commitment to the community and spoke in favor of supporting the Lura Hoyt Pool. He noted several benefits of the pool and urged the community and council to consider the pool as neither a luxury that the town can perhaps no longer afford nor as something trivial, but rather as a treasure on par with the Edythe Dyer Library and new Hampden Academy now under construction that will draw people to Hampden.

Greg Hawkins of Rawley Drive, Co-Chair of the Pool Board, spoke in support of the budget and expanded on Mr. Manhart's comments regarding the pool. He guessed that the vast majority of people in Hampden, at one point or another, are going to be affected by the pool. He feels that the residents of Hampden are getting a lot for their money with a mil rate of \$15.90 – a fire department; a police department; the best school system money can buy; and a top-notch recreation program, including the pool. He said that if the Council decides to scrap the pool to save \$.40 on the mil rate, he doesn't believe that people will decide to move to Hampden because you lowered the mil rate by \$.40. He feels that the budget is a bargain.

Anne Bennett of Dewey Street expressed concern that the Hampden Garden Club would be lumped with other outside agencies. She explained that the Club has requested funds from the Town to help with the funds needed for the major repairs to historic Harmony Hall.

The hearing was closed at 7:44 p.m.

Councilor Lawlis commented that there has been no proposal that she is aware of to not support the pool in this upcoming budget. She pointed out that the Council has been discussing the need to be pro-active in trying to keep the pool open, but we need to figure out a way to fund it in the future.

Motion by Councilor Brann, seconded by Councilor Cushing to adopt the budget as submitted.

Discussion: Councilor Hornbrook said she supports adoption of the budget with the removal of the entire amount of \$21,193.00 for outside agencies.

Councilor Shakespeare said he will not vote to fund some of the outside agencies, but would support all in Hampden. He felt that citizens don't have to be concerned about the pool right now, but explained that most of the discussion has been on how to make the pool more self-supporting.

Councilor Lawlis commented that the outside agency representatives spoke about who they are and what they do for citizens in the Town of Hampden. She said that if the Town had to provide those kinds of services to our citizens, it would be a lot more expensive than what we donate to those agencies.

Councilor Hornbrook said there a couple of line items in the Economic Development budget and several other items that she wanted to discuss.

There was a question about procedure as to whether the Council should approve each portion of the budget. Councilor Brann pointed out that there is a motion on the floor to adopt the budget as submitted and that the Council needed to vote on that motion first.

Vote on the motion was 4 in favor (Lawlis, Hughes, Brann and Wright) and 3 opposed (Shakespeare, Cushing & Hornbrook) – motion carried.

Mayor Hughes noted that there is considerable concern about the outside agency requests and said she would like to see a policy on how to review those requests. She said she would like to see that policy developed and tried based on the existing budget and that although the Council has approved the budget, that doesn't mean that it has approved each line item. She said she would also like to hear Councilor Hornbrook's concerns.

Councilor Hornbrook said her issues were the outside agency requests and she is uncomfortable spending \$4,500 on marketing and advertising in the Economic Development budget. She noted that there was never any discussion about scrapping the pool, but she wonders if it is possible to privatize its operation.

A copy of the budget as adopted is attached. Implementation of Saturday bus service was referred to the Services Committee and it will be reviewed again six months after it begins. The development of an outside agency funding policy was referred to the Finance & Administration Committee and discussion of funding of advertising and marketing was referred to the Planning & Development Committee.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. OFFICIAL RETURN OF VOTES – SPECIAL ELECTION – 6/14/2011

Town Clerk Denise Hodsdon reported the results of the Special Election and the Official Return was circulated for Councilors' signatures.

3. UNFINISHED BUSINESS

a. RECORD REQUEST FORM

The Council reviewed the proposed form for requesting administrative records from the Town (copy attached). Motion by Councilor Brann, seconded by Councilor Lawlis to adopt the form; unanimous vote in favor. The form will be available on the Town's website.

b. ETHICS ORDINANCE/COUNCIL RULES – REFERRAL TO FINANCE & ADMINISTRATION COMMITTEE

Councilor Brann referred both of these items to the Finance & Administration



**TOWN OF HAMPDEN
FY 2012 BUDGET
ADOPTED BY TOWN COUNCIL
JUNE 20, 2011**

ACCOUNT NUMBER	ACCOUNT NAME	PROPOSED BUDGET 2012
01-01	ADMINISTRATION	\$559,798.00
01-02	GIS/IT	\$100,469.00
01-03	COMMUNICATIONS	\$30,567.00
01-05	TOWN COUNCIL	\$38,491.00
01-10	MUNICIPAL BUILDING	\$105,748.00
01-15	TAX COLLECTOR	\$6,000.00
01-20	ELECTIONS	\$6,950.00
01-25	PLANNING/ASSESSING	\$250,605.00
01-30	ECONOMIC DEVELOPMENT	\$92,095.00
05-03	NON-DEPT. UTILITIES	\$467,876.00
05-01	POLICE	\$1,010,777.00
05-05	FIRE DEPARTMENT	\$926,324.00
05-10	PUBLIC SAFETY	\$171,751.00
10-01	PUBLIC WORKS	\$1,366,060.00
10-05	MUNICIPAL GARAGE	\$30,340.00
15-10	SOLID WASTE	\$383,482.00
20-01	RECREATION	\$139,410.00
20-10	DYER LIBRARY	\$237,583.00
20-20	LURA HOIT POOL	\$331,270.00
20-25	MARINA	\$500.00
25-10	THE BUS	\$72,000.00
30-10	BUILDINGS & GROUNDS	\$86,729.00
38-00	OUTSIDE AGENCY REQUESTS	\$21,193.00
40-10	GENERAL ASSISTANCE	\$10,000.00
50-10	DEBT SERVICE	\$403,688.00
55-00	RESERVES	\$240,000.00
GROSS	MUNICIPAL BUDGET TOTAL	\$7,089,706.00
LESS	MUNICIPAL REVENUES -	\$3,684,000.00
= NET	MUNICIPAL BUDGET TOTAL	\$3,405,706.00
	SAD #22 TAXATION AMOUNT	\$5,184,588.00
	COUNTY TAXATION AMOUNT	\$662,172.00
	TIF APPROPRIATION	\$32,000.00

ESTIMATED TOTAL TAXATION REQUIREMENT \$9,284,466.00

As adopted, the 2012 Budget should result in a tax rate of \$15.90 per thousand, the same as 2009 - 2011.

Copies of the proposed FY 2012 Budget are available for public inspection at the Hampden Town Office.

C-3-a

RECORD REQUEST FORM
TOWN OF HAMPDEN

TO BE COMPLETED BY CUSTOMER

DATE: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____ EMAIL: _____

SPECIFIC RECORD(S) REQUESTED:

FORMAT REQUESTED: _____

SIGNATURE

TO BE COMPLETED BY STAFF AND RETURNED TO CUSTOMER

DATE RECEIVED: _____

ESTIMATED TIME FOR COMPLETION OF REQUEST: _____

ESTIMATED COST:

CD/DVD FEE _____

COPIER FEES _____

\$10 PER HOUR RESEARCH (FOR ALL HOURS OVER 1)

\$10 x ___ HOURS = _____

PAYMENT IN ADVANCE IS REQUIRED FOR ALL ESTIMATES OVER \$100.

____ RECORD IS CONSIDERED CONFIDENTIAL PURSUANT TO MAINE LAW AND
WILL NOT BE PROVIDED

Committee and added that the Town Charter is also in need of review and referred that to the committee as well.

4. NEW BUSINESS

a. NEW COUNCILOR COMMITTEE ASSIGNMENTS

Mayor Hughes appointed Councilor Wright to the Infrastructure Committee and the Services Committee.

b. NEXT MEETING DATE

Due to the Independence Day holiday, Councilor Brann moved and Councilor Lawlis seconded to cancel the first meeting of July; unanimous vote in favor.

D. COMMITTEE REPORTS

Communications – Councilor Hornbrook reported that all the items on the committee's June 16th agenda have been postponed until the next meeting on July 21st.

Infrastructure – Councilor Shakespeare reported that the committee will meet at 6:00 pm on Monday, June 27th.

Finance & Administration – Manager Lessard reported that the committee reviewed bids submitted through Maine Power Options for fuel usage for the coming year – Foster Energy was the low bidder at a price of rack plus .149 cents per gallon and the Town will have the option of locking in a price as we get closer to the heating season. The Town has received information that the Department of Transportation has set aside \$8,000 for engineering work toward completing the sidewalk on Western Avenue. The committee also discussed the lights at the marina parking lot, which apparently have not operated for some time. Paul Philbrick of ELCO Electric has looked at the lights and has estimated that any kind of repair or renovation would be \$10,000 or more. This subject was referred to the Infrastructure Committee.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Shakespeare said he was disappointed on the vote on the budget; that it happened so quickly. He said there were some items on the outside agency list that he was definitely against but said one of the great things about this Council is that we can agree to disagree on many items. He congratulated Councilor Wright and welcomed her to the Council.

Councilor Lawlis said she voted for the budget because we have been through many meetings and looked at every item. While she doesn't agree 100% with everything in

MANAGER'S REPORT
June 20, 2011

Everest Presentation – Bangor Public Library – There is a free slide show/presentation on July 7th at 6:30 p.m. at the Bangor Public Library by Everest climber, and photographer Edward Webster. Councilor Hornbrook has been instrumental in fundraising to bring this interesting and informative speaker to the region. It is a family event and all interested residents are encouraged to attend!

Infrastructure Committee Meeting – The next Infrastructure Committee Meeting will be held on Monday, June 27, 2011 at 6 p.m.

Pink Garden Slate – Many, many thanks to Flag Circle of Hampden for the generous donation of the slate to hang in the Pink Garden in front of the Municipal Building. They designed and made the slate and donated it to the Town. It is a beautiful addition and greatly appreciated. A reminder to anyone 'thinning' pink perennials from their home gardens – we are always accepting plant donations for the garden as well.

LD 1 and LD 1575 – The passage and signing of LD1 and LD 1575 allow me to serve out the remainder of my term as Chair of the Board of Environmental Protection. The size of the Board is reduced from 10 to 7 members under LD1, and the scope of work of the Board is reduced. That bill also contains transition language that keeps the current Board intact through September 15th. LD 1575 removes the conflict provision for members who work for employers who hold stormwater or sewer permits. My four year term expires with the mid-September date. The Governor will be making appointments to fill vacancies in the fall session.

Safety Grant - The Police Department has received another safety grant from the Maine Municipal Association. This one is for \$1233.33 for the purchase of traffic safety equipment. Congratulations to Sargent Webber for writing this successful grant application.

Brush Truck Bids – Brush truck bids were opened on June 15, 2011. There were two bidders. The Fire Department is in the process of reviewing the bids insure that both meet specifications and will have a recommendation for the Council at a future Council meeting.

Recreation Running News – The Hampden 8.5 mile Run was held on Sunday, June 19th and hosted 63 participants – the largest field ever! The overall female winner was Elizabeth Brunton of Sullivan and the overall male winner was Matt McClintock of Athens. The 1st ever 1 mile 'Fun Run' was also held on the same date and the winner of that race was Cameron Mathies.

Newsletter – The deadline for the next edition of the Newsletter is Monday – so if anyone has any information for it – please get it to me by that date!

the budget, it looked as if there was large agreement on all the items in the budget. She said she was glad we had the chance to talk about the outside agencies a little more and she looks forward to seeing fully articulated, discussed and agreed to decision criteria for how to evaluate outside agencies. She also informed everyone that the Hampden Garden Club is holding four farmers markets in July, August and September.

Councilor Brann applauded the efforts of the Garden Club in having a farmers market, but noted that people have asked why the Town doesn't have a regular farmers market and he feels that we need to encourage that. He also commented that the budget was not really passed quickly – budget discussions were started several months ago and at every Finance Committee meeting, there is a review of how the money has been spent.

Councilor Cushing let everyone know that the Garden Club is also holding an artists' night this Friday and Saturday at Harmony Hall. Local artists will have their work on display and for sale at the event.

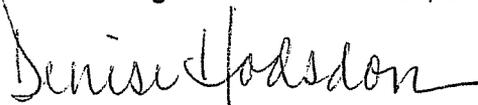
Councilor Hornbrook congratulated Councilor Wright and welcomed her to the Council. She thanked the residents for coming and for watching at home. She also encouraged everyone to attend the presentation by Everest climber and photographer Edward Webster at the Bangor Public Library on July 7th.

Councilor Wright thanked the Council for welcoming her and thanked the Town of Hampden for trusting her and giving her the responsibility to serve. She also thanked her opponent, Bernie Philbrick, whom she said ran a clean and fair race.

Mayor Hughes welcomed Councilor Wright and wished her luck. She also congratulated the Class of 2012 and wished them luck in their future endeavors. She congratulated Katahdin Trust and welcomed them to Town.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:29 p.m.



Denise Hodsdon
Town Clerk



STATE OF MAINE
 DEPARTMENT OF CONSERVATION
 22 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0022

A-3-a

Paul R. LePage
 GOVERNOR

VIA CERTIFIED & FIRST CLASS US POSTAL SERVICE MAIL

January 26, 2012

Joshua Mizrachi
 PO Box 1663
 Bangor, Maine 04402

RE: 12 M.R.S.A. § 1866 Declaration of Abandonment;
 MV *Roamer*, Penobscot River, Hampden, ME

Dear Mr. Mizrachi:

On October 5, 2011, the Hampden Town Manger notified the Bureau of Parks and Lands (Bureau) by letter that the above vessel owned by you was being operated on the Penobscot River on July 21, 2011 and ran aground. Your vessel, which is 20 feet or more in length, becomes partially submerged under high tide conditions. After several unsuccessful attempts by you to refloat the vessel, it remains grounded on intertidal flats along the western shore of the Penobscot River on property owned by Waterfront Marine Company, who has informed the Bureau that it has not granted you permission to abandon the vessel on its property.

It is our understanding that you had advised the Hampden town officials that the vessel would be removed by September 15, 2011, but the vessel remains in place, and you have not had further contact with the town officials since that time. On October 3, 2011, the Hampden Town Council voted to consider the vessel abandoned, and the above-referenced notice was provided to the Bureau by letter dated October 4, 2011. The Town Manager has informed the Bureau that the Town has not issued you a 38 M.R.S.A. § 9 permit for your watercraft.

On or about October 7, 2011, Dan Prichard, the Bureau's submerged lands program supervisor, spoke with you by telephone and advised you that the Bureau had received the above notice concerning your vessel. You indicated that given your current financial circumstances you would not be able to provide the resources necessary to remove the vessel. You further stated that you considered the vessel abandoned. You provided the above mailing address so that we could notify you by letter of your responsibilities concerning the vessel.

Pursuant to 12 M.R.S.A. § 1866, the Bureau notified you by certified letter dated October 14, 2011, that the Town of Hampden had determined the vessel to be abandoned. You were directed to respond to the notice within 15 days, and remove the vessel within 60 days, all as provided by this statute. The letter was returned to the Bureau after you failed to claim it. Enclosed with this Declaration of Abandonment is a copy of the Bureau's October 14th notice. Subsequent attempts to reach you by telephone have been unsuccessful.

Letter to Mr. Mizrachi
January 26, 2012
RE: Declaration of Abandonment

Based upon the foregoing facts, and having received no response to the notice or any indication from you that you will remove the vessel, the Bureau finds and concludes that the vessel is abandoned, as provided by the statute.

In view of the foregoing and pursuant to state law, the Bureau may remove the vessel or authorize a third party to remove it. Under the provisions of 12 M.R.S.A. § 1866, the State may bring a civil action against you to recover any uncompensated costs of removal. In addition, under this statute, the court may award an additional 50% of the cost of removal. Should you have any questions, please contact Dan Prichard, Submerged Lands Program Supervisor, at 287-4919.

APPEAL RIGHTS: In accordance with 5 M.R.S.A. § 11002 and Maine Rules of Civil Procedure 80C, this decision may be appealed to Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding, or within 40 days from the date of the decision by any other aggrieved person.

Sincerely,



Willard R. Harris, Jr., Director
Bureau of Parks and Lands

Enclosure

cc: Susan Lessard, Hampden Town Manager
Amy Mills, Assistant Attorney General
Darian Higgins, DEP, Bangor
Marine Safety Office, USCG, Belfast
Dan Prichard, BPL



TIME WARNER CABLE

New England Division

2011 Franchise Fee Worksheet

8916-113 Town of Hampden
TAX COLLECTOR
106 WESTERN AVENUE
HAMPDEN, ME 04444-

	January	February	March	April	May	June	July	August	September	October	November	December
Basic	\$25,280.07	\$24,846.91	\$25,139.45	\$24,618.40	\$24,143.73	\$23,278.82	\$22,788.18	\$22,618.06	\$22,406.13	\$22,146.04	\$22,061.03	\$21,797.38
Standard	\$56,128.12	\$54,865.35	\$55,575.35	\$55,454.86	\$56,057.52	\$56,181.62	\$55,677.61	\$55,105.34	\$54,788.77	\$54,199.63	\$54,325.84	\$54,733.59
Digital	\$16,563.92	\$16,102.46	\$16,538.42	\$16,469.96	\$16,813.09	\$16,786.32	\$16,790.13	\$16,666.99	\$16,480.05	\$16,732.41	\$16,630.83	\$16,847.95
Premium	\$4,727.92	\$4,484.56	\$4,550.36	\$4,499.88	\$4,565.64	\$4,384.95	\$4,687.94	\$4,480.17	\$4,418.69	\$4,518.18	\$4,544.57	\$4,531.94
Equipment	\$12,472.92	\$12,203.18	\$12,487.59	\$12,557.32	\$12,650.10	\$12,614.15	\$12,648.87	\$12,581.20	\$12,532.06	\$12,693.00	\$12,721.70	\$12,868.30
Install	\$758.34	\$1,054.74	\$1,306.71	\$904.72	\$735.77	\$712.60	\$991.58	\$1,485.11	\$1,044.57	\$1,120.46	\$1,048.11	\$1,038.43
Pay Per View	\$3,918.16	\$3,635.59	\$3,285.31	\$4,445.04	\$2,950.88	\$3,426.72	\$3,715.67	\$3,069.41	\$3,139.77	\$3,310.59	\$3,159.52	\$3,792.48
Late Fee	\$93.05	\$86.06	\$78.88	\$80.19	\$89.20	\$100.90	\$95.32	\$88.47	\$82.29	\$78.85	\$74.20	\$66.87
Bad Debt	(\$400.25)	\$886.13	(\$422.11)	(\$502.52)	(\$1,638.08)	\$128.62	(\$1,523.13)	(\$1,162.51)	(\$3,132.93)	(\$326.92)	(\$300.11)	(\$782.06)
Franchise Fee	\$3,698.17	\$3,614.86	\$3,659.51	\$3,658.54	\$3,637.83	\$3,618.77	\$3,608.33	\$3,573.27	\$3,531.60	\$3,522.81	\$3,529.24	\$3,562.41
Total Revenue	\$123,240.42	\$121,779.84	\$122,199.47	\$122,186.39	\$120,005.68	\$121,233.47	\$119,480.50	\$118,505.51	\$115,291.00	\$117,995.05	\$117,794.93	\$118,457.29
Rate	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Subscribers	1501	1492	1500	1504	1480	1474	1458	1458	1455	1446	1446	1451
Revenue Fee	\$3,697.21	\$3,653.40	\$3,665.98	\$3,665.59	\$3,600.17	\$3,637.00	\$3,584.42	\$3,555.17	\$3,458.73	\$3,539.85	\$3,533.85	\$3,553.72
Total Franchise Fee	\$3,697.21	\$3,653.40	\$3,665.98	\$3,665.59	\$3,600.17	\$3,637.00	\$3,584.42	\$3,555.17	\$3,458.73	\$3,539.85	\$3,533.85	\$3,553.72

Payments and Adjustments

Date	Description	Ref Num	Amount
08/11/2011	Payment	0003362668	\$21,919.35
Total			\$21,919.35

Year to Date Summary

Total Revenue	\$1,438,169.55
Revenue Fee	\$43,145.09
Total Franchise Fee	\$43,145.09
Less Payments	\$21,919.35
Total Due	\$21,225.74

A-3-b



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-C

NAME: Brooks LAST Karen FIRST J. MI

ADDRESS: 157 Kennebec Rd STREET Hampden TOWN 04444 ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-3642 HOME _____ WORK

EMAIL: kdjbrooks@roadrunner.com

OCCUPATION: _____

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Lura Hoit Memorial Pool - Board of Directors

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? Citizen of Hampden for over 40 years.

Retired educator -

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

3 YEAR

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

- 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 23 2012</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Lura Hoit Pool ~ Board Meeting Minutes ~ 12-13-11

Cedena McAvoy brought the meeting to order at 7:00 pm.

Those present: Cedena McAvoy, Karen Brooks, Norm Stern, John Weinmann, Greg Hawkins, Pat Foley, Mary Ellen Conner, David Hawkins, Darcey Peakall and Julie Macleod.
Not present: Jim Feverston.

Guest speaker was Jeff O'Sullivan. Jeff spoke about running a successful fundraiser/capital campaign. He gave suggestions about how to set up a phone tree, open house, matching gifts, corporate sponsorships, follow up letter, etc. Jeff and John Weinmann have worked together on other campaigns and have compiled a list of potential donors. Jeff will continue to work with John and the board on future fundraising.

The secretary's minutes from November were accepted as presented.

The Director's Report:

- ~ The number of participants in November was up 739 people and daily receipts were up \$4,903 compared to last year due to increase in non-residents swim lesson and non-resident punch cards.
- ~ The pool rental income in November was up \$20 compared to last year.
- ~ Fuel usage was down 248 gallons compared to last year. This was due to the warmer temperatures in November.
- ~ In session I, the pool provided 218 participants in group lessons and 27 private lessons. Group swim lessons were up 8 participants, with an increase income of \$2,725 and private lessons were up 3 participants compared to last year.

Darcey is sending out thank you notes for the capital campaign as soon as people are donating. So far over \$5,000 has been promised. The Board Members each took three people on the list that was provided by Jeff and John to make personal phone calls to perspective donors.

Darcey placed an advertisement in the Maine Edge for \$256 to run for four consecutive weeks starting November 23, 2011.

Darcey had a meeting with the Ruey Yehle, principal of Hampden Academy and Kerilynn Marzullo, Health Coordinator for SAD 22 about collaborating to make a gym/swim membership once the new high school opens. They are just in the planning stages at this point.

The treasurer's report was tabled due to Jim's absence. Cedena and Darcey will contact Jim about getting the checks needed to pay the pre-sort mailing center, Snowman Printing and for re-imbusement for session II scholarships.

By the next meeting, the board members are to call their list of donors, think about an open house options and to have ideas for a follow up letter.

Member comments: Mary Ellen said the light is out at the end of the driveway. Darcey has already placed a call to Bangor Hydro. She will make up a follow up call.

Meeting adjourned at 8:23pm.

Respectfully submitted,

Julie A Macleod

FINANCE COMMITTEE MEETING MINUTES

Tuesday, January 17, 2012

Attending:

Mayor Janet Hughes	Councilor Jean Lawlis
Councilor Kristen Hornbrook	Councilor Shelby Wright
Councilor Thomas Brann	Town Manager Sue Lessard
Councilor Jeremy Williams	Town Assessor Kelley Karter

1. Financial Reports – The Financial Reports were posted online and distributed to Council members via email on the Saturday prior to the meeting.
2. Review & Signature of Warrants – The payment warrants were reviewed and signed by committee members.
3. Old Business
 - a. Code of Ethics Update – No additional information has been received from the Town attorney on the Political Activities section of the draft so no discussion on the item was conducted.
 - b. Council Rules – Draft – Mayor Hughes asked Councilors to review the draft of Council Rules provided and be ready for discussion of it at the next Finance Committee meeting.
 - c. Outside Agency Funding Requests – Current Year Budget – The Manager asked the Committee for clarification on payment of current year budget amounts to Outside Agencies. Councilors Lawlis and Brann indicated that it was their recollection that this year would go forward as budgeted but that a process would be developed with criteria for evaluating requests prior to the next budget. It was the consensus of those attending that payments on these accounts could be made without further Council action.
4. New Business
 - a. Service Fee Bills – 2012 – Town Assessor Kelley Karter presented the list of Service Fee bills for the 2012 year. These bills are issued to residential facilities in the Town that are not assessed property taxes due to their tax status. The authority for these fees rests in State Statute and in the local Service Fee Ordinance adopted by the Town of Hampden in 1992.

Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the full Council approval of the 2012 Service Fee Charges. Vote 4 – 0.

- b. Transition Recommendations by Town Manager – The Committee and the Manager discussed recommendations for moving forward in the period between Managers. Public Safety Director Rogers has agreed to serve as interim manager. The Manager indicated that it was hard to make further recommendations without knowing what the Council's timetable for hiring and when a new manager might be coming on board.

5. Public Comment - None

6. Committee Member Comments – None

Motion by Mayor Hughes, seconded by Councilor Brann to adjourn at 6:45 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

January 20, 2012

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

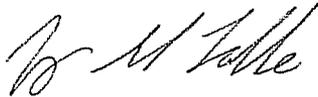
**RE: Pine Tree Landfill
Monthly Report of Landfill Complaints**

Dear Susan,

During the Month of December 2011, no complaints were received pertaining to Pine Tree Landfill. This letter represents the last regular monthly report of landfill complaints. Future monthly reports will not be sent unless complaints are received.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 233.

Sincerely,
New England Waste Services of Maine, Inc.



Jeremy Labbe, P.E.
Engineer & Environmental Manager

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.

C-3-C

FARRELL, ROSENBLATT & RUSSELL

ATTORNEYS AT LAW
61 MAIN STREET
P.O. BOX 738
BANGOR, MAINE 04402-0738

ANGELA M. FARRELL
NATHANIEL M. ROSENBLATT
THOMAS A. RUSSELL
JON A. HADDOW
GREGORY P. DORR
ROGER L. HUBER

TELEPHONE (207) 990-3314
TELECOPIER (207) 941-0239
e-mail: tar@frrlegal.com

MEMORANDUM

Date: February 2, 2012
To: Hampden Town Council
From: Tom Russell
Re: Law of Defamation – Public Officials

INTRODUCTION

At the last meeting of the Town Council, I was directed to research the tort of defamation as it applies to public officials and to provide a Memorandum to the Town Council on that subject. I have reviewed a treatise on tort law, as well as decisions of the United States Supreme Court and the Maine Supreme Judicial Court (the "Law Court"). This Memorandum provides a basic overview of the tort of defamation, which includes both libel and slander, and focuses on the decisions of the U.S. Supreme Court and the Law Court that deal with the effect of the First Amendment on the tort of defamation, particularly with respect to alleged defamation against public officials.

GENERAL OVERVIEW

The tort of defamation generally seeks to protect the right of a good reputation, and involves the communication ("publication") of information to a third party. Defamation is a state cause of action, although the United States Supreme Court has established limitations on the cause of action under the First Amendment of the United States Constitution. A communication is considered to be defamatory "if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." *Bakal v. Weare*, 583 A.2d 1028, 1029 (Me. 1990), citing §559 of the Restatement (Second) of Torts. The communication at issue must be considered in context, including the extrinsic circumstances known to the recipients of the communication. *Id.* at 1030. The issue of whether the communication at issue is capable of conveying a defamatory message

at all is a question of law for the court. *Id.* at 1030. If a judge finds that the communication is capable of conveying a defamatory meaning, it is up to the fact finder (either a judge or jury) to determine whether the communication was so understood by the recipients of the communication.

In *Lester v. Powers*, 596 A.2d 65, 69 (Me. 1991), the Law Court held that the action of defamation consists of the following elements:

- “(a) a false and defamatory statement concerning another;
- (b) an unprivileged publication to a third party;
- (c) fault amounting at least to negligence on the part of the publisher; and
- (d) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.”

These are two forms of defamation, libel and slander. While it is commonly thought that libel is written communication and slander is verbal communication, libel is actually broader than that. The Restatement (Second) of Torts, at §568, defines libel as defamation “by written or printed words, by its embodiment in physical form or by any other form of communication that has the potentially harmful qualities characteristic of written or printed words”, and slander is defined as defamation “by spoken words, transitory gestures or by any form of communication not included in the definition of libel.” In *Cohen v. Cohen*, 288 A.2d 106 (Me. 1972), the Law Court held that oral statements made at a meeting of the Board of Selectmen, once incorporated into the written minutes of the meeting, constitute libel rather than slander, if the statements are defamatory and are published (i.e., made available to a third party). The Plaintiff had also argued that the statements constituted libel because the meeting was also tape recorded. In a footnote, the Court stated that because it determined that the publication of written minutes was sufficient to state a cause of action for libel, it was unnecessary to determine whether the supplying of a tape recording of the meeting would constitute libel rather than slander, insofar as a tape recording, even though it retains the words as being orally stated, tends to fix the words “in a permanent form capable of wide dissemination.” It does not appear that the Law Court has decided whether a tape recording, or a DVD of a meeting, that contains defamatory statements are actionable as libel, as opposed to slander. In today’s day and age, however, I believe that it is likely that the Law Court would rule that a tape recording or DVD of a meeting would transform words spoken at the meeting from slander to libel, as they are a “form of communication that have the potentially harmful qualities characteristic of written or printed words.” The distinction between libel and slander is important, as it goes to what a plaintiff must prove to prevail. Actions for libel do not require proof of a special harm, where most actions for slander require a showing of special harm, which focuses on an economic loss to the plaintiff.

EFFECTS OF FIRST AMENDMENT ON DEFAMATION ACTIONS

Beginning in 1964, the U.S. Supreme Court and the Maine Law Court have issued a number of decisions concerning the effect of the First Amendment to the United States Constitution on the tort of defamation. The discussion below focuses on defamation of public officials.

Federal Case Law

Under the common law tort of defamation, the plaintiff merely had to prove that the defendant published defamatory information about the plaintiff. The plaintiff did not have to prove any fault of the defendant, and the defamatory statement was presumed to be false, with the burden on the defendant to prove that the statement was true.

On March 29, 1960, the New York Times ran an advertisement that criticized the resistance to the struggle for civil rights in the south. The advertisement did not mention anyone by name, but complained of certain actions by “southern violators”. The advertisement contained factual errors. The elected police commissioner of Montgomery, Alabama brought a defamation action against the Times and four ministers who sponsored the advertisement. A jury in Montgomery County awarded the commissioner the full \$500,000 he claimed as damages, and the award was upheld by the Supreme Court of Alabama.

In *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), the United States Supreme Court held that against the backdrop of the First Amendment’s purpose of protecting debate on public issues, the guarantees of the First Amendment require “a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with ‘actual malice’--That is, with knowledge that it was false or with reckless disregard of whether it was false or not.” *Id.* at 279-280. The Court also held that the public official’s burden of proof to show actual malice must be of “convincing clarity.” In addition, the Court also ruled that the statements in the advertisement were not “of and concerning” Mr. Sullivan, as neither his name nor his official position were referenced in the advertisement.

The result of *New York Times Co. v. Sullivan* was that for defamation actions brought by public officials, the common law action for defamation was changed. The presumption that the statements were false and that the defendant (publisher of the statement) had the burden of proof to prove that the statements were true is no longer applicable, and the public official now has the burden to show, but clear and convincing evidence, that the defendant had knowledge that the defamatory statement was false, or that the defendant acted with reckless disregard of whether the statement was false or not. The case did not, however, provide any analysis of who constitutes a “public official.”

In *Rosenblatt v. Baer*, 383 U.S. 75 (1966), the Supreme Court had an occasion to address that issue. The Court ruled that the term “public official” was not limited to elected officials, and at the very least, it applies “to those among the hierarchy of government who have, or appear to have, substantial responsibility for or control over the conduct of governmental affairs.” *Id.* at 85. The Court also held that the actual malice standards of *New York Times Co.* apply “[w]here a position in government has such apparent importance that the public has an independent interest in the qualifications and performance of the person who holds it, beyond the general public interest in the qualifications and performance of all governmental employees.” *Id.* at 86. The

foregoing standard is somewhat imprecise, and there has been significant litigation over the issue.

Maine Case Law

The Law Court had its first occasion to address the impact of *New York Times Co. v. Sullivan* on the Maine tort of defamation in *Michaud v. Inhabitants of Town of Livermore Falls*, 381 A.2d 1110 (Me. 1978). In that case, the State and local communities and agencies were attempting to coordinate and consolidate publicly funded transportation. Mr. Michaud was the Director of the Bureau of Maine's Elderly, which agency was responsible for approving the consolidated program. Mr. Michaud attended a public hearing in Livermore Falls, and opposed the plan supported by representatives of Jay and Livermore Falls. Representatives of those two towns wrote letters to Governor Longley criticizing Mr. Michaud. Mr. Michaud sued both towns and their officials for libel, and a jury returned a verdict in favor of the Town of Jay and its officials, but returned a verdict in favor of Mr. Michaud against the Town of Livermore Falls and its officials, but awarded no damages to Mr. Michaud.

The Law Court determined that it was bound to follow the law as laid out in *New York Times Co.*, as Mr. Michaud was a public official. The Law Court held that Mr. Michaud had to prove that the defamatory statements were in fact false, and that the statements were made with either knowledge that they were false, or with a reckless disregard of whether or not they were false. *Id.* at 1113. The Law Court determined that Mr. Michaud had not sufficiently met his burden of proof on the "knowledge or reckless disregard" standard, and the Law Court entered judgment for the defendants notwithstanding the verdict of the jury.

As stated above, the standard for determining whether a governmental official or employee is a "public official" is whether "a position in government has such apparent importance that the public has an independent interest in the qualifications and performance of the person who holds it, beyond the general public interest in the qualifications and performance of all governmental employees." *Rosenblatt v. Baer* at 86. Unfortunately, that standard is not definitive, and is subject to interpretation. Subsequent cases of the United States Supreme Court have made it clear that not all public employees are "public officials." In *Roche v. Egan*, 433 A.2d 757 (Me. 1981), a police detective of the South Portland Police Department obtained a jury verdict that a letter sent to the Police Chief by a group of the detective's neighbors was defamatory. The trial judge had ruled that the detective was a public employee, not a public official, and that the rule of *New York Times Co.* did not apply to the case. The judge instructed the jury using the actual malice standard, but the judge also instructed the jury to apply the lesser "preponderance of evidence" burden of proof. The Law Court disagreed, and held that the detective was a "public official", and that the *New York Times Co.* rule should have been applied in the trial, including the higher "clear and convincing" burden of proof. The Law Court concluded that law enforcement is a uniquely governmental affair in which police officers are vested with substantial responsibility for the safety and welfare of the citizenry in areas impinging most directly and intimately on daily living, and therefore should be characterized as "public officials". In *True v. Ladner*, 513 A.2d 287 (Me. 1986), however, the Law Court held that a school teacher was not a "public official", and upheld the judgment of defamation rendered

by a jury. The Law Court determined that the authority exercised by a school teacher is very limited, and did not warrant designation as a “public official”.

Although the Law Court acknowledged that there is no bright line of how far down the administrative ladder the designation of “public official” extends (*True*, at 263), a review of the two cases reveals factors to be considered:

1. The designation applies to those among the hierarchy of government employees who have, or appear to the public to have, substantial responsibility for or control over the conduct of governmental affairs.
2. Does the official have greater access to the channels of effective communication and therefore have a more realistic opportunity to counteract false statements.
3. Has the official or employee voluntarily exposed himself or herself to increased risk of injury from defamatory falsehoods (i.e., assumption of the risk).

In addition to the per se rule that police officers are public officials for the purposes of the rule of *New York Times Co.* concerning defamation of public officials, I believe it is likely that a Town Manager, Town Clerk, and most department heads would be classified as public officials, in addition to all elected officials.

CONCLUSION

The “actual malice” rule established in *New York Times Co. v. Sullivan*, creates a high hurdle for a public official to prevail on a claim of defamation. The official must prove that the defamatory statement was false, and must prove by clear and convincing evidence that the person who made the statement had knowledge that the defamatory statement was false, or that the person acted with reckless disregard of whether the statement was false or not. The rule focuses upon the person’s state of mind in regard to the truth or falsity of the person’s statements about a public official.

In addition to elected officials and police officers (who appear to be per se public officials), many appointed officials or employees of the Town of Hampden would likely be classified as “public officials”, and the *New York Times Co.* rule would apply to any claim of defamation by them.¹

¹ The First Amendment also provides protection for statements of opinion, as opposed to statements of fact, but that protection is beyond the scope of this Memorandum.

C-3-d



Denise Hodsdon <clerk@hampdenmaine.gov>

Re: warden information

1 message

Susan Lessard <manager@hampdenmaine.gov>

Fri, Jan 13, 2012 at 8:19 AM

To: Denise <clerk@hampdenmaine.gov>

Cc: Lisa Carter <LisaFSA@aol.com>

Denise -

Lisa Carter has requested the information contained in the following email. I will be in the office on Tuesday (since it is closed on Monday).

Thank you-

Sue

On 1/12/12, Lisa Carter <LisaFSA@aol.com> wrote:

> Good Afternoon,

>

> I do not have Denise's e-mail address so if you could forward this

> request to her I would really appreciate it.

>

> I would like the name and contact information of the Warden that

> served at the polls on November 8th. I would also like the names and

> contact information of the Republican representative and the Democrat

> representative.

>

> Thank you Sue.

>

> Lisa Carter

>



Denise Hodsdon <clerk@hampdenmaine.gov>

Re: still waiting for the information requested

24 messages

Susan Lessard <manager@hampdenmaine.gov>

Tue, Jan 17, 2012 at 11:30 AM

To: Lisa Carter <lisafsa@aol.com>

Cc: Denise <clerk@hampdenmaine.gov>

Lisa -

I forwarded your request of the 12th to Denise on the 13th. The office was closed on Monday. She will be responding to your request in writing by tomorrow.

Susan

On Tue, Jan 17, 2012 at 11:21 AM, Lisa Carter <lisafsa@aol.com> wrote:

Good Morning Sue,

I am still waiting for the information regarding the name and contact information for the Warden at the polls on November 8th, 2011 along with the names and contact information of the Republican representative and Democrat representative.

Just want to make sure this request doesn't slip through the cracks since I requested it last week and there was a lot of time off since the request.

I would like this information in writing. I do not wish to be added to the "agenda" with this question.

Thank you Sue.

Lisa Carter

Susan Lessard <manager@hampdenmaine.gov>

Tue, Jan 17, 2012 at 12:20 PM

To: Denise <clerk@hampdenmaine.gov>

Cc: Lisa Carter <lisafsa@aol.com>

Denise -

Would you please let Mrs. Carter know when that info will be ready?

Thank you -

Sue

----- Forwarded message -----

From: <lisafsa@aol.com>

Date: Tue, Jan 17, 2012 at 11:43 AM

Subject: Fwd: still waiting for the information requested

To: manager@hampdenmaine.gov

-----Original Message-----

From: lisafsa <lisafsa@aol.com>
To: lisafsa <lisafsa@aol.com>
Sent: Tue, Jan 17, 2012 6:42 am
Subject: Re: still waiting for the information requested

Hi Sue,

Thank you for checking in to that. I have to run into town in just a bit. I would be happy to stop by the office and pick that information up. I'm sure it is readily available and would be quick to write down 3 names and contact information. Would that work?

Lisa Carter

-----Original Message-----

From: Lisa Carter <lisafsa@aol.com>
To: Carter Lisa <lisafsa@aol.com>
Sent: Tue, Jan 17, 2012 6:39 am
Subject: Fwd: still waiting for the information requested

Sent from my iPhone

Begin forwarded message:

From: Susan Lessard <manager@hampdenmaine.gov>
Date: January 17, 2012 11:30:19 AM EST
To: Lisa Carter <lisafsa@aol.com>
Cc: Denise <clerk@hampdenmaine.gov>
Subject: Re: still waiting for the information requested

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>
To: Denise <clerk@hampdenmaine.gov>

Tue, Jan 17, 2012 at 4:36 PM

----- Forwarded message -----
From: **Lisa Carter** <lisafsa@aol.com>
Date: Tue, Jan 17, 2012 at 4:14 PM
Subject: Re: still waiting for the information requested
To: Susan Lessard <manager@hampdenmaine.gov>

Hi Sue,

Still haven't heard from Denise. Just wondering when those 3 names will be ready. An e-mail will be fine at this point as I have already gone to town and back. Thanks for your help Sue.

Lisa

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>**Wed, Jan 18, 2012 at 11:30 AM**

To: Susan Lessard <manager@hampdenmaine.gov>

Cc: clerk@hampdenmaine.gov

Good Morning Sue,

Just wondering if I might expect those 3 names and contact information today as promised. Still haven't heard anything. I didn't think this would be time consuming for Denise. I thought it was an easy question that would take less than 10 minutes to write down.

Thank you for checking in to this Sue.

Lisa Carter

On Jan 17, 2012, at 12:20 PM, Susan Lessard wrote:

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>**Wed, Jan 18, 2012 at 12:11 PM**

To: Lisa Carter <lisafsa@aol.com>

Cc: Susan Lessard <manager@hampdenmaine.gov>

Mrs. Carter,

I have attached a copy of the Election Clerk schedule for November 8th. This was posted at the polls as required. As always, I served as the warden and had two deputies - one for the earlier shift, Vivian Gresser and one for the later shift, Patricia Skehan. Both of these ladies assisted with the recount as well.

I'm not sure what you mean by "the Republican representative" and "the Democrat representative". We are required to maintain a balance of clerks from both parties, but must have counting teams made up of a Democrat and a Republican - the counters that evening were:

Jenny Sass (D) & Tammy Ewing (R) - Town Ballots
Lisa Gadoury (D) & Deanna Patterson (R) - State Ballots

Denise R. Hodsdon, CMC

Town Clerk

Town of Hampden

106 Western Avenue

Hampden, Maine 04444

Tel: (207) 862-3034Fax: (207) 862-5067

[Quoted text hidden]

**ELECTION CLERKS SCHEDULE 110811.doc**

27K

lisafsa@aol.com <lisafsa@aol.com>**Wed, Jan 18, 2012 at 12:36 PM**

To: clerk@hampdenmaine.gov

Thank you Denise. You stated, "We are required to maintain a balance of clerks from both parties," who were those clerks? Of the names of the counters, which ones work for the Town of Hampden?

Thank you Denise.

Lisa Carter

-----Original Message-----

From: Denise Hodsdon <clerk@hampdenmaine.gov>

To: Lisa Carter <lisafsa@aol.com>

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Jan 18, 2012 at 1:59 PM

To: lisafsa@aol.com

Cc: Susan Lessard <manager@hampdenmaine.gov>

The clerks for the first shift:

Betty Hickson - D
Patricia Totman - R
Susan Hall - U
Beth Kurowski - U
Norine Holt - R

Clerks for second shift:

Jenny Sass - D
Susan Palmer - R
Deanna Patterson - R
Carolyn Hopkins - D
Kathy Walker - D
Lisa Gadoury - D
Tammy Ewing - R

As for the counters, Tammy Ewing is the Finance Officer for the Town and is the only one who works for the Town.

Denise R. Hodsdon, CMC
Town Clerk
Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>

Wed, Jan 18, 2012 at 4:44 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

Thank you Denise. Would like the contact information for those counters. Are they all from Hampden?

Lisa Carter

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>

Thu, Jan 19, 2012 at 11:15 AM

To: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>

Good Morning Sue and Denise,

Denise, just want to make sure you got my e-mail requesting the contact information for the counters. Also, the two ladies, Vivian Gresser and Patricia Skehan, who served as "deputies" (I assume that means they served by your appointment as deputy clerks), do either of them work for the town?

Lisa C.

Begin forwarded message:

From: Lisa Carter <lisafsa@aol.com>
Date: January 18, 2012 4:44:00 PM EST
To: Denise Hodsdon <clerk@hampdenmaine.gov>

[Quoted text hidden]

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>

Thu, Jan 19, 2012 at 2:29 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

Good Afternoon Sue and Denise,

I know you both are off tomorrow and it is mid-afternoon so I am sending another e-mail just wondering if I am going to get that contact information and the answer to my question. Just want to make sure I don't have to wait until Monday. If it can't be done today for some reason, I would appreciate an e-mail to that effect.

Thank you.

Lisa Carter

Begin forwarded message:

From: Lisa Carter <lisafsa@aol.com>
Date: January 19, 2012 11:15:50 AM EST
To: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>
Subject: Fwd: still waiting for the information requested

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Thu, Jan 19, 2012 at 4:19 PM

To: Lisa Carter <lisafsa@aol.com>

Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Jeremy Williams <jeremy@renegadeair.com>, Kristen Hornbrook

<hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>

I am providing the residence addresses for these ladies, which is the only public information contained in the voter list (all live in Hampden):

Vivian Gresser, 19 Carver Road
Patricia Skehan, 22 Mountainview Drive
Tammy Ewing, 24 Old County Road
Jenny Sass, 27 Pond Road
Deanna Patterson, 17 Cottage Street
Lisa Gadoury, 387 Main Road North

As I stated previously, only Tammy Ewing is an employee of the Town of Hampden. Mrs. Gresser and Mrs. Skehan did not serve as deputy clerks - they served as deputy WARDENS

Denise R. Hodsdon, CMC
Town Clerk
Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>

Mon, Jan 23, 2012 at 1:52 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>
Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Jeremy Williams <jeremy@renegadeair.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>

Sue and Denise,

I would like to know several more things regarding the November, 2011 election.

1. Who made the decision not to have a Warden at the polls? I realize Denise that you informed me that you acted as the Warden and Clerk on November 8th, 2011. The question is why and who makes that decision?
2. Who selected the ladies that worked at the polls that day? Are any of them related to Town Employees?
3. You stated that you provided the addresses below from the voter list. Is that the same list that is unavailable to the public as stated at a previous council meeting or is there another way to access the information?
4. Where was the "notice" posted?

Thank you.

Lisa Carter

[Quoted text hidden]

Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Mon, Jan 23, 2012 at
3:39 PM

To: Lisa Carter <lisafsa@aol.com>

Cc: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>, Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Jeremy Williams <jeremy@renegadeair.com>, Shelby Wright <wrighttowncouncil@gmail.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>

Good afternoon,

Because of the continued questions and interest in the past election I would like to put Election 2011 on the next full Council agenda.

Thank you,
Councilor Kristen Hornbrook

lisafsa@aol.com <lisafsa@aol.com>

Mon, Jan 23, 2012 at 4:28 PM

To: clerk@hampdenmaine.gov, manager@hampdenmaine.gov

-----Original Message-----

From: lisafsa <lisafsa@aol.com>

To: ""\To: Denise Hodsdon <clerk@hampdenmaine.gov>; ""\Susan Lessard <manager@hampdenmaine.gov>; ""\Cc: Andre Cushing <andre@andrecushing.com>; ""\Janet Hughes <hughestowncouncil@hampdenmaine.gov>; ""\Jean Lawlis <lawlistowncouncil@gmail.com>; ""\Jeremy Williams <jeremy@renegadeair.com>; ""\Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>; ""\Shelby Wright <wrighttowncouncil@gmail.com>; ""\Susan Lessard <manager@hampdenmaine.gov>; ""\Tom Brann <branntowncouncil@hampdenmaine.gov>; ""\Tom Russell <tar@frrlegal.com>

Sent: Mon, Jan 23, 2012 11:14 am

Subject: Fwd: still waiting for the information requested

Sue and Denise,

Under number 3 in my recent request, I would like to add this;

How many of the ladies listed who were selected to work at the polls were employed by the Town? And who are they?

Thank you.

Lisa Carter

-----Original Message-----

From: Lisa Carter <lisafsa@aol.com>

To: Lisa Carter <lisafsa@aol.com>

Sent: Mon, Jan 23, 2012 11:02 am

Subject: Fwd: still waiting for the information requested

Begin forwarded message:

From: Lisa Carter <lisafsa@aol.com>
Date: January 23, 2012 1:52:03 PM EST
To: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>
Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Jeremy Williams <jeremy@renegadeair.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>

[Quoted text hidden]

[Quoted text hidden]

Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Tue, Jan 24, 2012 at
8:35 AM

To: Lisa Carter <lisafsa@aol.com>
Cc: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>, Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Jeremy Williams <jeremy@renegadeair.com>, Shelby Wright <wrighttowncouncil@gmail.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>

Please confirm receipt of this request (below) and that this topic will be on the next Council Agenda for Feb. 6th.

Thank you,
Councilor Kristen Hornbrook

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Tue, Jan 24, 2012 at 8:58 AM

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
Cc: Andre Cushing <andrec@roadrunner.com>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <jeremy@renegadeair.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Kristen -
Per your request, the November 8, 2011 election will be on the February 6, 2012 agenda .
Susan

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>

Wed, Jan 25, 2012 at 2:12 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>, Jeremy Williams <Jeremy@renegadeair.com>

Good Afternoon Sue and Denise,

I requested the below information on Monday. I have not even received a confirmation that this request was received and is being worked on. Since the work week for you both ends tomorrow (Thursday) I would like answers to the questions below. If for some reason you are unable to do so this week, please notify me to that and the reason why. Thank you.

Lisa Carter

Begin forwarded message:

From: Lisa Carter <lisafsa@aol.com>
Date: January 23, 2012 1:52:03 PM EST
To: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>
Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Jeremy Williams <jeremy@renegadeair.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>
Subject: Re: still waiting for the information requested

Sue and Denise,

I would like to know several more things regarding the November, 2011 election.

1. Who made the decision not to have a Warden at the polls? I realize Denise that you informed me that you acted as the Warden and Clerk on November 8th, 2011. The question is why and who makes that decision?
2. Who selected the ladies that worked at the polls that day? Are any of them related to Town Employees? (Are any of them former employees?)

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Jan 25, 2012 at 3:10 PM

To: Lisa Carter <lisafsa@aol.com>
Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>

Mrs. Carter,

Please see the responses to your questions in red below.

Denise R. Hodsdon, CMC
Town Clerk
Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

On Mon, Jan 23, 2012 at 1:52 PM, Lisa Carter <lisafsa@aol.com> wrote:

Sue and Denise,

I would like to know several more things regarding the November, 2011 election.

1. Who made the decision not to have a Warden at the polls? I realize Denise that you informed me that you acted as the Warden and Clerk on November 8th, 2011. The question is why and who makes that decision?

There was no decision to not have a warden at the polls – I served as warden and have always served as the warden (as allowed by statute), as did the clerk before me. There is always one deputy warden on duty at any election as well.

2. Who selected the ladies that worked at the polls that day? Are any of them related to Town Employees?

I am the one who schedules the election clerks based on their availability and shift preference. As you know, Tammy Ewing is a town employee and Jenny Sass is her sister; their mother, Cheryl Johnson is the Town's Tax Collector/General Assistance Administrator. Deanna Patterson is my mother. These three ladies have served in their capacities for many years.

As requested in your latest email (How many of the ladies listed who were selected to work at the polls were employed by the Town? And who are they?), our Librarian, Debbie Lozito worked at the ballot box in the afternoon/evening and Vivian Gresser, who was the Town's Assessor until she retired in 2009, worked as the deputy warden for the first shift. Both have served in those capacities for many years.

3. You stated that you provided the addresses below from the voter list. Is that the same list that is unavailable to the public as stated at a previous council meeting or is there another way to access the information?

I am unclear as to what you mean by "the same list that is unavailable to the public as stated at a previous council meeting". The voter list (containing the voters name, residence address, party enrollment status, electoral district, voter status (active or inactive), voter record number and any special designations indicating uniformed service or overseas voters) is a public record that is always available at the Town Office for any member of the public to review and a copy is posted at the polls. The incoming voter list, which was used at the election, is now unsealed and is a public document that must remain in the clerk's office for 2 years.

4. Where was the "notice" posted?

If by "notice" you mean the list of election clerks, it was posted with other election materials such as the sample ballots and ballot marking instructions on the bulletin board in the lobby outside the community room.

[Quoted text hidden]

Jeremy Williams <Jeremy@renegadeair.com>

Wed, Jan 25, 2012 at 3:41 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>, Susan Lessard <manager@hampdenmaine.gov>

Denise and Sue,

Could you please reply to the questions asked by the resident?

Jeremy Williams



Oak Spring Farm

1334 Carmel Road North

Hampden, ME 04444

Tel: 207-862-3827

Fax: 207-862-4751

"For once you have tasted flight you will walk the earth with your eyes turned skywards, for there you have been and there you will long to return."

Leonardo DiVinci

"Flying is hours and hours of boredom sprinkled with a few seconds of sheer terror."

Pappy Boyington

From: Lisa Carter [mailto:lisafsa@aol.com]
Sent: Wednesday, January 25, 2012 2:13 PM
To: Denise Hodsdon; Susan Lessard; Jeremy Williams

[Quoted text hidden]

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Jan 25, 2012 at 3:53 PM

To: Jeremy Williams <Jeremy@renegadeair.com>, Susan Lessard <manager@hampdenmaine.gov>
Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>

I did reply to Mrs. Carter at 3:10 this afternoon and a copy of my reply went to your council email address.

Denise

Denise R. Hodsdon, CMC
Town Clerk
Town of Hampden

106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

[Quoted text hidden]

Jeremy Williams <Jeremy@renegadeair.com>
To: Denise Hodsdon <clerk@hampdenmaine.gov>

Thu, Jan 26, 2012 at 5:21 AM

Thank you, she had asked me to look into this since she felt no one was getting back to her. I appreciate your response.

Jeremy Williams



Oak Spring Farm

1334 Carmel Road North

Hampden, ME 04444

Tel: 207-862-3827

Fax: 207-862-4751

"For once you have tasted flight you will walk the earth with your eyes turned skywards, for there you have been and there you will long to return."

Leonardo DiVinci

"Flying is hours and hours of boredom sprinkled with a few seconds of sheer terror."

Pappy Boyington

From: Denise Hodsdon [mailto:clerk@hampdenmaine.gov]
Sent: Wednesday, January 25, 2012 3:54 PM
To: Jeremy Williams; Susan Lessard

Cc: Andre Cushing; Janet Hughes; Jean Lawlis; Kristen Hornbrook; Shelby Wright; Tom Brann; Tom Russell

[Quoted text hidden]

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>

Mon, Jan 30, 2012 at 12:15 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>

Good Morning Sue and Denise,

I would like an clearer explanation of number 3. Your response sounds like it is in direct conflict with Tom Russell's response at the January Town Council Meeting. Are you saying in your response below that the Incoming Registered Voter Lists that the seals were broken on November 16th and not seen by anyone in the public, including the candidates is now available for inspection or review by members of the public?

Denise, were you or anyone under your supervision notified prior to the election on November 8 of incorrect absentee ballots being received? By incorrect, wrong districts?

Thank you.

Lisa Carter

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Tue, Jan 31, 2012 at 3:09 PM

To: Lisa Carter <lisafsa@aol.com>

Cc: Andre Cushing <andre@andrecushing.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Susan Lessard <manager@hampdenmaine.gov>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>

Good Afternoon,

Please see responses to your questions in red below.

Thank you,
Denise

Denise R. Hodsdon, CMC
Town Clerk
Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

On Mon, Jan 30, 2012 at 12:15 PM, Lisa Carter <lisafsa@aol.com> wrote:

Good Morning Sue and Denise,

I would like an clearer explanation of number 3. Your response sounds like it is in direct conflict with Tom Russell's response at the January Town Council Meeting. Are you saying in your response below that the Incoming Registered Voter Lists that the seals were broken on November 16th and not seen by anyone in the public, including the candidates is now available for inspection or review by members of the public? Since under Title 21-A M.R.S. § 737-A(10) there were no challenged or disputed ballots as a result of the recount and therefore there was no basis for appeal to Supreme Judicial Court, the incoming voter list was unsealed and became a public record. It is available for inspection or review by members of the public during regular business hours. I have reviewed the tape of the December 19, 2011 council meeting and this is consistent with Mr. Russell's comments regarding the incoming voter list.

Denise, were you or anyone under your supervision notified prior to the election on November 8 of incorrect absentee ballots being received? By incorrect, wrong districts?

Yes – on October 18th a couple came to the Town Office to vote their absentee ballots. They were given ballots, voted those ballots and then returned them to the front counter. After they left, a staff member realized that she had given them the wrong district ballot as she was looking at the congressional district number and not the municipal district number. We immediately contacted the voters and informed them that they had been given the wrong ballot and they came back in to vote the correct ballot.

The week before the election a gentleman came to the office to pick up ballots for himself, and two immediate family members. He contacted the office later to notify us that he had been given the wrong ballots. He brought those ballots back and he was given the correct ballots.

[Quoted text hidden]

Lisa Carter <lisafsa@aol.com>

Tue, Jan 31, 2012 at 3:46 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

Sue and Denise,

Let's be clear on the response to the first question below: "There were no challenged or disputed ballots as a result of the recount" , the Incoming Registered Voter Lists were NOT part of the recount. That would most likely explain the lack of challenged or disputed ballots. There was no opportunity if the Incoming Voter Lists were not reviewed at the recount by the Candidate's participants.

Your answer then goes on to say, ".....there were no challenged or disputed ballots as a result of the recount and therefore there was no basis for appeal to Supreme Judicial Court, the Incoming voter list was unsealed and became public record." Let's be very clear about this statement as well, the Incoming Registered Voter Lists were unsealed (or the seals were broken) prior to the recount, they were unsealed on Wed., November 16th, 2011, one day prior to the deadline for the recount request. I will review the DVD as well, it was understood by many in the audience that Mr. Russell indicated it would be 6 months before it would be available to the public.

I will also review the DVD for your comments on anyone coming forward who had received an incorrect ballot. My recollection is that you stated one person came forward after the election. Are you positive these are the only people who came forward receiving absentee ballots? Were there any mailed out that you or your staff were notified were incorrect?

This has aroused my curiosity regarding "blank" ballots in previous elections. Where can I obtain the tallies for perhaps the last two elections prior to November 2011?

Thank you.

Lisa Carter

[Quoted text hidden]

Non Zero Balance on All Accounts

Tax Year: 2003-1 To 2010-1

As of: 01/30/2012

C-4-a

Acct	Name ----	Year	Original Tax	Payment / Adjustments	Amount Due
248	P AUTOMATIC VENDING & GAMES	2008	37.68	0.00	37.68
248	P AUTOMATIC VENDING & GAMES	2009	28.62	0.00	28.62
248	P AUTOMATIC VENDING & GAMES	2010	30.21	0.00	30.21
57	P BRYANT, ROBERT & LINDA	2006	93.52	0.00	93.52
57	P BRYANT, ROBERT & LINDA	2007	94.20	0.00	94.20
57	P BRYANT, ROBERT & LINDA	2008	97.34	0.00	97.34
* 224	P CARLEN TRANSPORT	2010	33,114.93	0.00	33,114.93
30	P COUILLARD, DARYL	2006	454.24	0.00	454.24
30	P COUILLARD, DARYL	2007	456.87	0.00	456.87
30	P COUILLARD, DARYL	2008	466.29	0.00	466.29
30	P COUILLARD, DARYL	2009	553.32	0.00	553.32
30	P COUILLARD, DARYL	2010	477.00	0.00	477.00
337	P EAGLE SECURITY	2010	221.01	0.00	221.01
123	P KAMDA'S POOL SHED	2010	87.45	15.58	71.87
186	P NORTHEAST TIMBER CORP.	2007	744.18	0.12	744.06
186	P NORTHEAST TIMBER CORP.	2008	781.86	0.00	781.86
186	P NORTHEAST TIMBER CORP.	2009	491.31	0.00	491.31
186	P NORTHEAST TIMBER CORP.	2010	511.98	0.00	511.98
151	P QWIK STOP VIDEO	2003	383.16	0.00	383.16
151	P QWIK STOP VIDEO	2004	410.00	0.00	410.00
151	P QWIK STOP VIDEO	2005	413.28	0.00	413.28
151	P QWIK STOP VIDEO	2006	404.14	0.00	404.14
* 151	P QWIK STOP VIDEO	2007	408.20	0.00	408.20
151	P QWIK STOP VIDEO	2008	423.90	0.00	423.90
151	P QWIK STOP VIDEO	2009	295.74	0.00	295.74
151	P QWIK STOP VIDEO	2010	295.74	0.00	295.74
75	P SHANOS, THOMAS	2009	143.10	0.00	143.10
75	P SHANOS, THOMAS	2010	143.10	0.00	143.10
* 277	P VAUGHN THIBODEAU & SONS, INC.	2010	10,061.52	5,030.76	5,030.76

Non Zero Balance on All Accounts

Tax Year: 2003-1 To 2010-1
As of: 01/30/2012

Acct	Name ----	Year	Original Tax	Payment / Adjustments	Amount Due
Total for 29 Accounts:			52,123.89	5,046.46	47,077.43

Payment Summary

Type	Principal	Interest	Costs	Total
C - Correction	0.00	-140.44	0.00	-140.44
I - Interest Charged	0.00	4,652.53	0.00	4,652.53
P - Payment	5,046.34	-4,558.55	0.00	487.79
Y - Prepayment	0.12	0.00	0.00	0.12
Total	5,046.46	-46.46	0.00	5,000.00

Non Lien Summary

2003-1	383.16
2004-1	410.00
2005-1	413.28
2006-1	951.90
2007-1	1,703.33
2008-1	1,807.07
2009-1	1,512.09
2010-1	39,896.60
Total	47,077.43

No Liened Accounts	0.00	0.00	0.00
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Payment Summary

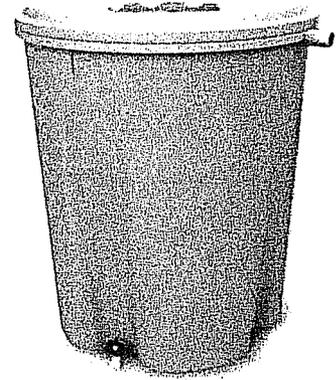
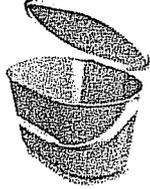
Type	Principal	Interest	Costs	Total
Total	0.00	0.00	0.00	0.00

Lien Summary

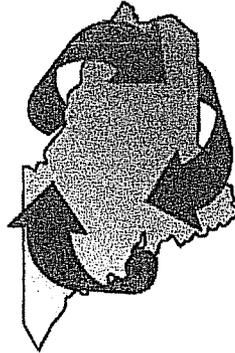
Total	0.00
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Total for 29 Accounts:	52,123.89	5,046.46	47,077.43
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C-4-b



MARRA Backyard Composting Campaign Participation Packet 2012



Sponsored by the
Maine Resource Recovery Association
PO Box 1838
Bangor, Maine 04402
tel 207-942-6772
fax 207-942-4017
www.mrra.net



MARRA Compost Bin Sale Participation Form 2012

Please complete this form to participate in the Maine Backyard Compost Bin, Kitchen Pail , Thermometer, Wingdigger & Rain Barrel Sale.

I will participate in the 2012 Backyard Compost Bin Sale. I understand that I must order in multiples of 20 for bins & wingdiggers. 26 each for Kitchen pails. 15 each for Rain Barrels. Thermometers are sold in lots multiples of 10.

Contact name: _____

Organization: _____

Telephone # _____ Fax # _____ email _____

I would like to receive a free sample Earth Machine™ compost bin, Wingdigger turner, Kitchen Pail, and System Rain barrel. One sample of each provided, extra samples available at regular sale price. Samples take 2-4 weeks to arrive so please return this form ASAP. Send to shipping address below

Name: _____ Telephone where sample is delivered _____

Street Address: no PO Boxes please _____

City: _____ State: _____ Zip code: _____

I will be selling the following checked items

Earth Machine Compost Bin in quantities of 20

Kitchen Pail in quantities of 26

Wingdigger compost turner in quantities of 20

Rain Barrel in quantities of 15

Thermometer in quantities of 10

I understand that to get a sample thermometer, I must send payment to MARRA to cover the cost of the sample and that the thermometer is mine to keep. The Sample cost is \$18.50

Please return this completed form to Maine Resource Recovery Association
Fax 942-4017 or email victor.horton@mrra.net

Sponsored by the
Maine Resource
Recovery
Association
(MRRRA)
Tel (207) 942-6772
Fax (207) 942-4017

- MRRRA - Coordinator Checklist

Use this Coordinator Checklist to help
plan your 2012 Compost Bin Sale

Do ASAP: Signing Up to Participate!

Please Check When Completed!

Determine Date, Time, and Location for residents to pick up compost, barrels, turners and/or pails. The items will be delivered directly to you during the week of May 21st, 2012. **Order composters and turners in multiples of 20, kitchen pails 26 at a time, rain barrels 15 to a skid, thermostats 10 at a time.** Early bird orders accepted April 6, 2012 along with payment for delivery week of April 20, 2012

IMPORTANT! Complete the Participation Form and Customized Information Sheet clearly and legibly & mail or fax to (207) 942-4017. Once this information is received, a customized master Order Form, Poster, Tracking Sheet, Press Release and Final Order Form will be created and sent to you.

Promoting Your Sale

Distribute Order Forms to residents through mailings, local businesses, municipal buildings, etc. Consider asking Boy Scouts, Girl Scouts or other local groups to distribute the forms at the recycling center.

Hang up Posters in high foot traffic areas throughout the community (such as grocery stores, town offices, recycling center, library, etc.) to promote the sale.

Display Samples in your town or recycling center (see "Participation Form" to request) to help promote the sale and provide residents with a "real life" example of the bin and/or pail. Be sure to locate them in high traffic areas for better promotion.

Request a FREE CD to promote the Composting Bin, "Earth Machine™", for play on local cable stations. Call the Maine Resource Recovery Association (207) 942-6772 to order.

Send the Press Release to local daily and weekly newspapers that **cover your community's events**. Also, consider writing a "Letter to the Editor" to promote the sale.



FOR IMMEDIATE RELEASE

Your Town or Organization's Name Here to hold Backyard Compost Bin & Kitchen Waste Pail Sale for Earth Day 2012

Your Town's Name Here, ME: Tired of seeing all of those kitchen leftovers from preparing meals and snacks get thrown out in the trash or eaten by critters in your makeshift composting bin in the backyard? Here's your chance to turn those scraps into a rich soil amendment.

As part of Earth Day 2012 celebrations, **Your Town or Organization's Name Here** is participating in a statewide backyard composting bin sale. Through April 28, 2012 a home compost bin and how-to guide with a combined retail value of \$100 can be purchased for only **\$45.00** (tax included). The bin is black, has a 10 year warranty, and is made of 100% recycled plastic. It's approximately 35" high and 33" wide, or large enough for a family of five. Kitchen Waste Pails, for all your kitchen food scraps, are also available for sale at **\$8.00** each.

We are also happy to offer the wingdigger compost turner for a discounted price of **\$17.00**.

No compost area is complete without the 55 gallon rain barrel that can be used to collect valuable rain water for watering the garden and keeping the compost in the Earth Machine moist. The System rain barrel is available at the reduced price of **\$58.50**.

New this year we are offering a 20 inch thermometer for your convenience in checking the inside temperature of your compost bin. It is also useful in checking temperature in an open pile of compost.

It's estimated that 25 percent of the average household's waste consists of yard trimmings and kitchen scraps which can be easily composted. **Your Town's Name Here** residents can save money for every ton of waste they compost because it is not shipped out of town for disposal.

Contact **Person's Name & Phone Number/Email Address Here** to learn more or obtain an order form. **Your Town Name Here** already recycles many of its disposables. Let's increase our recycling while helping our gardens grow!

End

Info Box A

Urges You to Do Your Part for Earth Day 2012: Compost Your Yard and Food Waste!

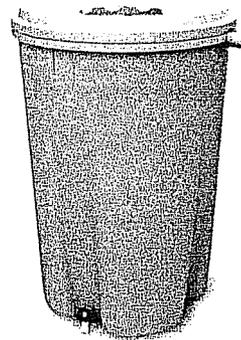


Only \$45.00
Retail Value \$100

Earth Machine Backyard Compost Bin
Converts grass, leaves and table scraps into an abundant supply of rich garden soil.
Large 80 gallon capacity
Easy, snap together assembly
10 year warranty & Instruction Booklet
Made of recycled plastic
Assembled dimensions - 33"x35"



The Rain Barrel
55gal capacity,
Great rain water collection for gardening



Price \$58.50



Only \$8

KITCHEN SCRAP PAIL
Attractive, easy to use, Hinged lid snaps securely to pail, 2 gallon capacity accommodates plates for "mess free" scraping!

Just \$17

THE WINGDIGGER
Use this handy tool to turn your compost periodically.



Pick Up Your Ordered Items at:

Info Box B



The REOTEMP Backyard Compost Thermometer with a 20" stem is designed for monitoring interior temperatures in a backyard sized compost bin.
Range 0 to 200 F

Just \$18.50

Return the coupon below before April 28, 2012. All Sales Final

HERE'S HOW TO GET STARTED!

1. Clip & fill out this Order Form.
2. Mail it in with your check or money order.
3. Pick up your ordered items.

For more information call:

Info Box C

Item	Quantity	Unit Price	Subtotals
Compost Bin		\$45.00	
Kitchen Pail		\$8.00	
Wingdigger		\$17.00	
Rain Barrel		\$58.50	
Thermometer		\$18.50	
TOTAL DUE			

Name: _____ Phone: _____

Address: _____ email address: _____

City: _____ State: _____ Zip Code: _____

Make checks payable to: MRRA (Maine Resource Recovery Association)

Mail to: **Info Box D**



ORDER FORM

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (2
Fax: (207
email: ha

C-4-c

CERTIFICATE OF COMMITMENT OF SEWER USER RATES

To: Susan M. Lessard, the treasurer of the municipality of Hampden, Maine.

We, the undersigned municipal officers of the municipality of Hampden, Maine hereby certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A §3406 for those properties, units, and structures required by local and state law to pay a sewer rate to the municipality, for the period beginning 10/01/11 and ending 12/31/11. This list is comprised of the pages numbered 1 to 1 inclusive which are attached to this certificate. The date(s) on which the rates included in this list are due and payable is (are) 02/29/12. You are hereby required to collect from each person named in the attached list his or her respective amount as indicated in the list, the sum total of those lists being \$132,243.36. You are hereby required to charge interest at a rate of 7 % per annum on any unpaid account balance beginning 03/01/2012. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law. On or before 08/2012 you shall complete and make an account of your collections of the whole sum herein committed to you.

Given under our hands this _____ day of _____, 20__.

Municipal Officers of the Town of Hampden, Maine



Susan Lessard <manager@han

C-4-d

(1)

Unfulfilled FOAA Request

9 messages

Larry Langille II <kanekustoms@yahoo.com> **Tue, Jan 17, 2012 at 1:23 PM**

To: manager@hampdenmaine.gov

Hi Susan,

My name is Larry Langille and I submitted a Freedom Of Access Act information request that has gone unanswered. It was my belief that I would receive acknowledgement of my request within 10 days. I now would like to know why that acknowledgement did not happen and why my request is not being fulfilled, or if it is being fulfilled, when can I expect receipt of my request.

Thanks,

Larry Langille II
kanekustoms@yahoo.com

Susan Lessard <manager@hampdenmaine.gov> **Tue, Jan 17, 2012 at 1:42 PM**

To: Larry Langille II <kanekustoms@yahoo.com>

Mr. Langille,

My apologies for not contacting you. The delay is entirely my responsibility. I will make sure this request is made to Councilor Hornbrook and get back to you by tomorrow with a 'delivery date' for you. In transitioning from full time to part time I had not taken care of this. Again, please accept my apologies.

Sue Lessard
Town Manager

[Quoted text hidden]

Larry Langille II <kanekustoms@yahoo.com> **Tue, Jan 24, 2012 at 8:55 AM**
Reply-To: Larry Langille II <kanekustoms@yahoo.com>
To: Susan Lessard <manager@hampdenmaine.gov>

It has been another week with, again, no response to my FOAA request. Why is my request not being processed?

From: Susan Lessard <manager@hampdenmaine.gov>
To: Larry Langille II <kanekustoms@yahoo.com>
Sent: Tuesday, January 17, 2012 1:42 PM
Subject: Unfulfilled FOAA Request

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Tue, Jan 24, 2012 at 9:00 AM

To: Larry Langille II <kanekustoms@yahoo.com>

Cc: Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Mr. Langille -

I told Councilor Hornbrook I would forward this to her last week and did not do so - I have copied her on this request and the chain of email between you and I. She indicated last week that she would be happy to provide them.

Sue Lessard

[Quoted text hidden]

Kristen Hornbrook
<hornbrooktowncouncil@hampdenmaine.gov>

Tue, Jan 24, 2012 at 2:59 PM

To: Susan Lessard <manager@hampdenmaine.gov>

Sue,

Could you please provide a copy of the first e-mail from Mr. Langille.
Thank you,

Councilor Kristen Hornbrook

On 1/24/12, Susan Lessard <manager@hampdenmaine.gov> wrote:

> Mr. Langille -

> I told Councilor Hornbrook I would forward this to her last week and did

> not do so - I have copied her on this request and the chain of email

> between you and I. She indicated last week that she would be happy to

> provide them.

> Sue Lessard

>

> On Tue, Jan 24, 2012 at 8:55 AM, Larry Langille II

> <kanekustoms@yahoo.com> wrote:

>

>> It has been another week with, again, no response to my FOAA request. Why

>> is my request not being processed?

>> -----

>> *From:* Susan Lessard <manager@hampdenmaine.gov>

>> *To:* Larry Langille II <kanekustoms@yahoo.com>

>> *Sent:* Tuesday, January 17, 2012 1:42 PM

>> *Subject:* Unfulfilled FOAA Request

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Tue, Jan 24, 2012 at 3:11 PM

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Cc: Larry Langille II <kanekustoms@yahoo.com>

Kristen-

I do not have another email from Mr. Langille. He filled out a form. I have scanned it in and attached it to this email.

Sue

[Quoted text hidden]

 **Langille Record Request.pdf**
115K

Kristen Hornbrook
<hornbrooktowncouncil@hampdenmaine.gov>
To: Susan Lessard <manager@hampdenmaine.gov>

Wed, Jan 25, 2012 at
3:42 PM

Sue,

Since this is a town-owned e-mail address please have Gretchen pull the requested e-mails and charge Larry appropriately. Also, please forward me a copy of what is sent and the invoice.

Thank you,
Councilor Kristen Hornbrook

On 1/24/12, Susan Lessard <manager@hampdenmaine.gov> wrote:

> Mr. Langille -

> I told Councilor Hornbrook I would forward this to her last week and did
> not do so - I have copied her on this request and the chain of email
> between you and I. She indicated last week that she would be happy to
> provide them.

> Sue Lessard

>

> On Tue, Jan 24, 2012 at 8:55 AM, Larry Langille II

> <kanekustoms@yahoo.com>wrote:

>

>> It has been another week with, again, no response to my FOAA request. Why
>> is my request not being processed?

>> -----

>> *From:* Susan Lessard <manager@hampdenmaine.gov>

>> *To:* Larry Langille II <kanekustoms@yahoo.com>

>> *Sent:* Tuesday, January 17, 2012 1:42 PM

>> *Subject:* Unfulfilled FOAA Request

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>
To: Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Wed, Jan 25, 2012 at 6:30 PM

Please call me tomorrow.

Thx

Sue

[Quoted text hidden]

Kristen Hornbrook
<hornbrooktowncouncil@hampdenmaine.gov>
To: Susan Lessard <manager@hampdenmaine.gov>

Mon, Jan 30, 2012 at 9:57 AM

Sue,

Please also include this string of e-mails with the supporting documents for FOAA topic on next agenda for Council mtg. on Feb. 6th.

Thank you,

Councilor Kristen Hornbrook

[Quoted text hidden]



Susan Lessard <manager@ham

C-4-d
(2)

FOAA request for emails

7 messages

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Thu, Jan 26, 2012 at 8:38 AM

To: Kristen Hornbrook <Hornbrooktowncouncil@hampdenmaine.gov>, Kristen Hornbrook <newskin4u@roadrunner.com>
Cc: Susan Lessard <manager@hampdenmaine.gov>

Hello,

The FOAA request made by Larry Langille II for copies of your Council emails has been forwarded to me. Your email account will be unavailable today while I fulfill this request. It should be back by later this afternoon at the latest.

Thank you,
~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
To: Gretchen Heldmann <gheldmann@hampdenmaine.gov>
Cc: Susan Lessard <manager@hampdenmaine.gov>

Thu, Jan 26, 2012 at 1:54 PM

Thank you Gretchen,

I also requested that you forward on to me a copy of what is sent and the invoice for Mr. Langille.

Thank you,

Councilor Kristen Hornbrook

On 1/26/12, Gretchen Heldmann <gheldmann@hampdenmaine.gov> wrote:

> Hello,

>

> The FOAA request made by Larry Langille II for copies of your Council
> emails has been forwarded to me. Your email account will be unavailable
> today while I fulfill this request. It should be back by later this
> afternoon at the latest.

>

> Thank you,

> ~G

>

> ****Gretchen Heldmann**
> GIS/IT Specialist, Town of Hampden
> GeoLibrary Board - Chair & Municipal Representative
> <http://www.maine.gov/geolib/>
> OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
> 106 Western Avenue
> Hampden, ME 04444
> Phone: (207)862.4500 x142
> <http://www.hampdenmaine.gov/>
> <<http://www.maine.gov/geolib/>>
>

Gretchen Heldmann <gheldmann@hampdenmaine.gov> Thu, Jan 26, 2012 at 1:59 PM

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Cc: Susan Lessard <manager@hampdenmaine.gov>

Hello,

I just forwarded to you the emails I sent to Larry regarding his request.

Thank you,

~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444

Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

[Quoted text hidden]

Kristen Hornbrook
<hornbrooktowncouncil@hampdenmaine.gov>
To: Susan Lessard <manager@hampdenmaine.gov>

Mon, Jan 30, 2012 at 9:53 AM

Good afternoon Sue,

Please add FOAA Request to the agenda for the upcoming Council meeting on Feb. 6th and include this e-mail string with the support material for that item on the Agenda.

Thank you,
Councilor Kristen Hornbrook

On 1/26/12, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov> wrote:

> Thank you Gretchen,

>

> I do not see an e-mail with the forwards you sent Mr. Langille.

> Did you send it to my Council e-mail?

> I do not have it yet.

>

> Thank you,

> Councilor Kristen Hornbrook

>

> On 1/26/12, Gretchen Heldmann <gheldmann@hampdenmaine.gov> wrote:

>> Hello,

>>

>> I just forwarded to you the emails I sent to Larry regarding his request.

>>

>> Thank you,

>> ~G

>>

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>
To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Mon, Jan 30, 2012 at 10:01 AM

Kristen - I will include all of the email threads that you have identified with this subject request.

Susan

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

**Mon, Jan 30, 2012 at
10:02 AM**

To: Andre Cushing <andrec@roadrunner.com>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <jeremy@renegadeair.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

[Quoted text hidden]

**Kristen Hornbrook
<hornbrooktowncouncil@hampdenmaine.gov>**

**Mon, Jan 30, 2012 at
10:02 AM**

To: Susan Lessard <manager@hampdenmaine.gov>

Thank you Sue,

Councilor Kristen Hornbrook

[Quoted text hidden]



Susan Lessard <manager@han

C-4-d
(3)

FOAA Request

8 messages

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Thu, Jan 26, 2012 at
9:40 AM

To: kanekustoms@yahoo.com

Cc: Susan Lessard <manager@hampdenmaine.gov>

Hello,

Your FOAA request for copies of Councilor Hornbrook's emails has been forwarded to me for fulfillment. On the FOAA request form you filled out, you requested that this information be provided in email format. At a quick glance, there appear to be over 100 email threads containing close to 300 individual emails. It will take much longer in staff time to forward each email of a thread, than to select the emails for printing. The reason for this is that at this time, our email system does not allow for batch or bulk forwarding of emails, so in order to forward everything, I have to go into each individual email thread and forward them individually by hand. If I were to forward that many emails, there is a possibility that our email host provider would flag this account as SPAM and de-activate it for a period of time. This has actually happened to one user before when trying to send one email to a list of over 300 recipients, because in the email world this translates essentially to 300 emails being sent out at once. Due to the sheer number of emails and the possibility that the account could get temporarily shut down, we are unable to provide the information in email format. However, our email system does allow for batch/bulk printing of each thread. I estimate it would cost about \$60 to \$70 for the prints. I will work on this today and the prints should be available this afternoon. If you have any questions please feel free to contact Susan.

Thank you,
~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative

<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

Gretchen Heldmann <gheldmann@hampdenmaine.gov> Thu, Jan 26, 2012 at 1:57 PM
To: kanekustoms@yahoo.com
Cc: Susan Lessard <manager@hampdenmaine.gov>

The request has been completed and will be \$49.25.

Thank you,
~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

[Quoted text hidden]

Gretchen Heldmann <gheldmann@hampdenmaine.gov> Thu, Jan 26, 2012 at 1:58 PM
To: Kristen Hornbrook <Hornbrooktowncouncil@hampdenmaine.gov>
Cc: Susan Lessard <manager@hampdenmaine.gov>

Hello,

In response to your other email, please see below. If you would like a copy of the prints please let me know.

Thank you,

~G

Gretchen Heldmann
 GIS/IT Specialist, Town of Hampden
 GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
 OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
 106 Western Avenue
 Hampden, ME 04444
 Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

[Quoted text hidden]

Kristen Hornbrook

Thu, Jan 26, 2012 at 3:19 PM

<hornbrooktowncouncil@hampdenmaine.gov>
 To: Gretchen Heldmann <gheldmann@hampdenmaine.gov>
 Cc: Susan Lessard <manager@hampdenmaine.gov>

Thank you Gretchen,

I am not sure what prints you are talking about, but I did request a copy of the bill which was sent to Mr. Langille.

Thank you,
 Councilor Kristen Hornbrook

On 1/26/12, Gretchen Heldmann <gheldmann@hampdenmaine.gov> wrote:

- > Hello,
- >
- > In response to your other email, please see below. If you would like a copy
- > of the prints please let me know.
- >
- > Thank you,
- > ~G
- >
- >

- > ****Gretchen Heldmann**
- > GIS/IT Specialist, Town of Hampden
- > GeoLibrary Board - Chair & Municipal Representative
- > <http://www.maine.gov/geolib/>
- > OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
- > 106 Western Avenue
- > Hampden, ME 04444
- > Phone: (207)862.4500 x142

> <http://www.hampdenmaine.gov/>
 > <<http://www.maine.gov/geolib/>>
 >
 >
 > ----- Forwarded message -----
 > From: Gretchen Heldmann <gheldmann@hampdenmaine.gov>
 > Date: Thu, Jan 26, 2012 at 1:57 PM
 > Subject: Re: FOAA Request
 > To: kanekustoms@yahoo.com
 > Cc: Susan Lessard <manager@hampdenmaine.gov>

> The request has been completed and will be \$49.25.

> Thank you,
 > ~G

> _____
 > ****Gretchen Heldmann**
 > GIS/IT Specialist, Town of Hampden
 > GeoLibrary Board - Chair & Municipal Representative
 > <http://www.maine.gov/geolib/>
 > OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
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 > Hampden, ME 04444
 > Phone: (207)862.4500 x142
 > <http://www.hampdenmaine.gov/>
 > <<http://www.maine.gov/geolib/>>

[Quoted text hidden]

>> ****Gretchen Heldmann**
 >> GIS/IT Specialist, Town of Hampden
 >> GeoLibrary Board - Chair & Municipal Representative
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 >> <<http://www.maine.gov/geolib/>>

Kristen Hornbrook
 <hornbrooktowncouncil@hampdenmaine.gov>
 To: Gretchen Heldmann <gheldmann@hampdenmaine.gov>
 Cc: Susan Lessard <manager@hampdenmaine.gov>

Thu, Jan 26, 2012 at 3:35 PM

Gretchen,

I see now what 'prints' you are speaking about.

> 106 Western Avenue
 > Hampden, ME 04444
 > Phone: (207)862.4500 x142
 > http://www.hampdenmaine.gov/
 > <http://www.maine.gov/geolib/>

[Quoted text hidden]

>> ****Gretchen Heldmann**
 >> GIS/IT Specialist, Town of Hampden
 >> GeoLibrary Board - Chair & Municipal Representative
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 >> http://www.hampdenmaine.gov/
 >> <http://www.maine.gov/geolib/>
 >>
 >

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Thu, Jan 26, 2012 at 3:48 PM

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
 Cc: Susan Lessard <manager@hampdenmaine.gov>

Hello,

Attached is the invoice. It took me less time to complete this request because I only had to access one account, and there were fewer pages.

Regards,
~G

Gretchen Heldmann
 GIS/IT Specialist, Town of Hampden
 GeoLibrary Board - Chair & Municipal Representative
http://www.maine.gov/geolib/
 OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
 106 Western Avenue
 Hampden, ME 04444
 Phone: (207)862.4500 x142
http://www.hampdenmaine.gov/

[Quoted text hidden]

 FOAArequest20120126.pdf
93K

Fri, Jan 27, 2012 at
10:42 AM

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

To: Larry Langille II <kanekustoms@yahoo.com>

Cc: Susan Lessard <manager@hampdenmaine.gov>, Andre Cushing <andrec@roadrunner.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Kristen Hornbrook <Hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Hello,

Thank you for your email. I am sorry you have waited so long for the information. I was only given your request just yesterday, and it was expressed to me that it should be processed ASAP.

I am in full support of doing things electronically whenever possible. However, as ironic as it may seem, our email system is very limited in how I can access user data. We do not have an in-house email server. Our email is hosted through our domain name, by Google, via the Google Apps for Business and Education. We have up to 50 free user accounts. The email accounts are set up just like a regular GMail account, but Google routes the ending through our domain name hampdenmaine.gov. The free version has a limited Administrator Control Panel, where I have basic options to create, suspend, or delete user accounts, and reset passwords. I do not have a way to select a users emails and drag them onto a disc. I have to reset the password or suspend the account and then log in as that user in order to access their emails.

Thank you again for your email and I am sorry for the frustration up to this point. If you have further questions about this process and how it was handled, please contact the Town Manager and/or Council, all of whom have been cc'ed on this email so you now have their contact information.

Thank you,

~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

On Thu, Jan 26, 2012 at 8:35 PM, Larry Langille II <kanekustoms@yahoo.com> wrote:

Ok, this is not making sense to me at all. Do you have a procedure for these requests? I'm supposed to get notification that the request has been recieved and an ESTIMATE for the cost before the work is completed. Look at the form. What would have been the cost on CD format if I had originally requested it that way? I was unaware of the complexity of the email system, I thought it might be put into a file and then compressed and sent. It seems if I had known that, I may have requested CD format because how long would it take to drag the emails onto a blank CD and start the copying process, more than likely it could be done in under an hour. This is extremely frustrating. I have been waiting for just acknowledgement for 5 weeks, then I have to send a second reminder on week 6, and now without even an estimate of the work, in a format not requested by myself, the work proceeded. Please explain.

From: Gretchen Heldmann <gheldmann@hampdenmaine.gov>

To: kanekustoms@yahoo.com

Cc: Susan Lessard <manager@hampdenmaine.gov>

Sent: Thursday, January 26, 2012 1:57 PM

Subject: Re: FOAA Request

[Quoted text hidden]

Kristen Hornbrook
<hornbrooktowncouncil@hampdenmaine.gov>
To: Susan Lessard <manager@hampdenmaine.gov>

Mon, Jan 30, 2012 at 9:54
AM

Sue,

Please also include this e-mail string as well with the support material for FOAA Request item on the upcoming Council meeting on Feb. 6th.

Thank you,

Councilor Kristen Hornbrook

On 1/26/12, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov> wrote:

> Thank you Gretchen.

>

> Councilor Kristen Hornbrook

>

>

>

> On 1/26/12, Gretchen Heldmann <gheldmann@hampdenmaine.gov> wrote:

>> Hello,

>>

>> Attached is the invoice. It took me less time to complete this request

>> because I only had to access one account, and there were fewer pages.

>>

>> Regards,

>> ~G

>> _____

[Quoted text hidden]

C-4-d

(4)



Denise Hodsdon <clerk@

Re: FOAA request

3 messages

Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Tue, Jan 31, 2012 at 6:56 PM

To: Larry Langille II <kanekustoms@yahoo.com>
Cc: Susan Lessard <manager@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>, Tom Brann <tombrann@live.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Andre Cushing <andre@andrecushing.com>, Shelby Wright <wrighttowncouncil@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

Good evening Mr. Langille,

Thank you for responding to my last inquiry.

Please be advised, you do not have my permission to give out my name and home phone and/or cell phone to any political campaigns. Nor do you have my permission to contact political campaigns and offer me to volunteer for them. Do not do it again. It was highly inappropriate for you to do so and I respectfully request you do not do it again.

My contact information and service is to the residents of Hampden whom I represent as their voice on the Town Council.

I thank you in advance for respecting my wishes with regard this matter.

In your service,
Kristen Hornbrook
Town-Councilor-At-Large
Hampden, ME
862-2889 (home) 991-2889 (cell)

"The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government."
~ Patrick Henry

"Let us then turn this government back into the channel in which the framers of the Constitution originally placed it."
~ Abraham Lincoln

"To compel a man to subsidize with his taxes propagation of ideas which he disbelieves and abhors is sinful and tyrannical."
~ Thomas Jefferson

On 1/31/12, Larry Langille II <kanekustoms@yahoo.com> wrote:

> It has been prepared, yet I have not found time to pick it up as of yet.

>

>

>

>

>

> From: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

> To: Larry Langille II <kanekustoms@yahoo.com>

> Sent: Tuesday, January 31, 2012 7:46 AM

> Subject: Re: FOAA request

>

> Good morning Mr. Langille,

>

> Please confirm that your FOAA request made of me on 12/19/11 which I

> received on 1/24/12 has been fulfilled.

>

> Thank you.

>

>

> In your service,

> Kristen Hornbrook

> Town-Councilor-At-Large

> Hampden, ME

> 862-2889 (home) 991-2889 (cell)

>

>

> "The Constitution is not an instrument for the government to restrain

> the people, it is an instrument for the people to restrain the

> government."

> ~ Patrick Henry

>

> "Let us then turn this government back into the channel in which the

> framers of the Constitution originally placed it."

> ~ Abraham Lincoln

>

> "To compel a man to subsidize with his taxes propagation of ideas

> which he disbelieves and abhors is sinful and tyrannical."

> ~ Thomas Jefferson

>

>

> On 1/30/12, Larry Langille II <kanekustoms@yahoo.com> wrote:

>> Yes, she is my mother. Yet I'm curious why you ask and hope I haven't

>> misconstrued your intent in asking that question. I would like to state

>> that I am my own person, and have been a very independent thinker my whole

>> life. I attribute that to the loss of my father at a young age. I have

>> never been one to follow or take things at face value. I have always been

>> one to question authority and look deeply at all matters rationally.

>>

>>

>>

>> From: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
>> To: Larry Langille II <kanekustoms@yahoo.com>
>> Sent: Monday, January 30, 2012 9:53 AM
>> Subject: Re: FOAA request

>>

>> Good morning Mr. Langille,

>>

>> Thank you for taking the time to contact me.

>> Aren't you Janet Hughes' son?

>>

>> In your service,

>> Kristen Hornbrook

>> Town-Councilor-At-Large

>> Hampden, ME

>> 862-2889 (home) 991-2889 (cell)

>>

>>

>> "The Constitution is not an instrument for the government to restrain

>> the people, it is an instrument for the people to restrain the

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>> framers of the Constitution originally placed it."

>> ~ Abraham Lincoln

>>

>> "To compel a man to subsidize with his taxes propagation of ideas

>> which he disbelieves and abhors is sinful and tyrannical."

>> ~ Thomas Jefferson

>>

>>

>> On 1/30/12, Larry Langille II <kanekustoms@yahoo.com> wrote:

>>> Hi Kristen,

>>>

>>> As you know, I have requested some of your emails, and may also know that

>>> I

>>> have attended several town meetings and hope to continue that practice.

>>> This email is just to give you peace of mind that my request is not some

>>> sort of attack, as I could see it feeling like from your point of view.

>>> I

>>> really see some deep differences in the council and much of it surrounds

>>> you, and it is hard from my perspective to fully understand what is

>>> really

>>> going on, if there is some deep difference of principles or what. I

>>> thought

>>> that I could much better understand by reading your email correspondence

>>> from amongst the council and your correspondence with the citizens you

>>> represent or that express concern to you. I will say that I didn't

>>> realize

>>> the complexity of gathering such information, but I guess that's the

>>> price

>>> I

>>> pay for being interested in politics I guess.

>>>

>>> P.S. I like your quotes.

>>>
>>>
>>> From: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
>>> To: kanekustoms@yahoo.com
>>> Sent: Wednesday, January 25, 2012 12:25 PM
>>> Subject: FOAA request
>>>
>>> Good afternoon Mr. Langille,
>>>
>>> This e-mail is to inform you that I have just received your FOAA
>>> request and will comply within a reasonable amount of time. Please do
>>> not hesitate to contact me if you have any further questions or
>>> concerns.
>>>
>>>
>>> In your service,
>>> Kristen Hornbrook
>>> Town-Councilor-At-Large
>>> Hampden, ME
>>> 862-2889 (home) 991-2889 (cell)
>>>
>>>
>>> "The Constitution is not an instrument for the government to restrain
>>> the people, it is an instrument for the people to restrain the
>>> government."
>>> ~ Patrick Henry
>>>
>>> "Let us then turn this government back into the channel in which the
>>> framers of the Constitution originally placed it."
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>>>
>>> "To compel a man to subsidize with his taxes propagation of ideas
>>> which he disbelieves and abhors is sinful and tyrannical."
>>> ~ Thomas Jefferson

Larry Langille II <kanekustoms@yahoo.com>

Wed, Feb 1, 2012 at 7:56 AM

Reply-To: Larry Langille II <kanekustoms@yahoo.com>

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Cc: Susan Lessard <manager@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>, Tom Brann <tombbrann@live.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Andre Cushing <andre@andrecushing.com>, Shelby Wright <wrighttowncouncil@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

Kristen,

I did refer your name to a campaign and that information is publicly available, both on the town website and whitepages.com. I did not "offer you as a volunteer". I simply referred your name for them to find out if you were a supporter or not. You may represent the town of hampden, but you are also a citizen of Maine and the United States of America. Any people from a presidential campaign can find your information and are wise to look for people who are involved in their local government because they are obviously politically active, and your views are televised. So I certainly would never refer you again because it would be a waste of time, but I warn you that it

may not stop others from seeking you out. If complete privacy is what you seek, then having your contact info on publically available sites are probably not a good idea. I am not sorry and I don't think it was inappropriate, because of previous statements in this email and my belief in my candidate and promises I have made to myself to get active and do what I could to help that candidate.

Sorry if you were offended, but what I personally found offensive, is that you took a private matter, as this has nothing to do with town business, and used your town email to contact me about this and share it with the town government. That was inappropriate. That is why I am cc'ing all the same people you cc'd in your email. I welcome comment from those I've cc'd as to whether or not I did something wrong.

Thanks,

Larry

From: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
To: Larry Langille II <kanekustoms@yahoo.com>
Cc: Susan Lessard <manager@hampdenmaine.gov>; Tom Russell <tar@frrlegal.com>; Tom Brann <tobrann@live.com>; Janet Hughes <hughestowncouncil@hampdenmaine.gov>; Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>; Jeremy Williams <williamstowncouncil@hampdenmaine.gov>; Andre Cushing <andre@andrecushing.com>; Shelby Wright <wrighttowncouncil@gmail.com>; Denise Hodsdon <clerk@hampdenmaine.gov>
Sent: Tuesday, January 31, 2012 6:56 PM
Subject: Re: FOAA request

[Quoted text hidden]

Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Wed, Feb 1, 2012 at
8:49 AM

To: Larry Langille II <kanekustoms@yahoo.com>
Cc: Susan Lessard <manager@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>, Tom Brann <tobrann@live.com>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Andre Cushing <andre@andrecushing.com>, Shelby Wright <wrighttowncouncil@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

Mr. Langille,

Please see comments from last e-mail.
You are way out of line here and I respectfully request that you no longer contact me. Since Council Chair is your mother, I am certain you and your views have representation on the Council.

Once again, thank you for respecting my requests.

Councilor Kristen Hornbrook

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