

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MARCH 5, 2012

7:00 P.M.

• 5:30 pm – FINANCE COMMITTEE MEETING

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. February 8, 2012 Special Meeting

3. COMMUNICATIONS

- a. General Assistance Reimbursement Threshold 7/1/2012
b. Thank You – Ambulance Crew
c. Thank You Letter – Penquis CAP
d. Thank You Letter – Hammond Street Senior Center
e. Thank You Letter – American Red Cross
f. Thank You Letter – UCP
g. Thank You – Hampden Historical Society
h. Nancy Pfrommer/Council – Old Hampden Academy Property
i. Mark Russell – Application for Reappointment to Library Board – Referral to Services Committee

4. REPORTS

- a. Rapid Renewal Statistics - 2011
b. Finance Committee Minutes – 2/6/2012
c. Infrastructure Committee Minutes – 2/27/2012

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Karen Reilly – Reappointment to Historic Preservation Commission – Planning & Development Committee Recommendation

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

- b. Yvonne Lambert – Reappointment to Dyer Library Board of Trustees – Services Committee Recommendation
- c. Mary-Anne Bjorn – Reappointment to Dyer Library Board of Trustees – Services Committee Recommendation

3. UNFINISHED BUSINESS

- a. November 2011 Election – Councilor Hornbrook
- b. FOAA Request – Councilor Hornbrook
- c. Law of Defamation – Public Officials
- d. Set Date for Town Manager Search Meeting
- e. Strategic Planning Meeting – March 17, 2012 – Format & Content Discussion

4. NEW BUSINESS

- a. Habitat for Humanity Hampden Project – Amanda D. Charette
- b. Recommendation to go to bid for Public Works – Replacement of 2002 Freightliner – Infrastructure Committee Recommendation

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

SPECIAL TOWN COUNCIL MEETING

Wednesday, February 8, 2012

Attending:

Mayor, Janet Hughes
Councilor Jean Lawlis
Councilor Andre Cushing

Councilor Tom Brann
Councilor Shelby Wright
Town Attorney Thomas Russell

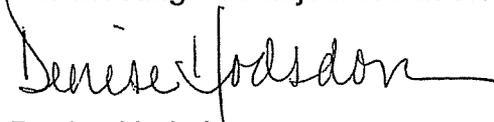
A special meeting of the Hampden Town Council was held on Wednesday, February 8, 2012 for the purpose of discussion of selection of a Town Manager. The meeting was scheduled for 2:00 pm but due to lack of a quorum, the meeting was delayed and called to order by Mayor Hughes at 4:15 p.m.

Mayor Hughes noted that at its regular meeting of February 6, 2012, the Council met in executive session to discuss details regarding a draft contract for a potential candidate for the Town Manager's position. She explained that this meeting will continue that discussion with the candidate; in order to discuss parts of the contract, the Council would need to go into executive session. She said the Council hoped to come out of executive session and take a vote on how to proceed from here.

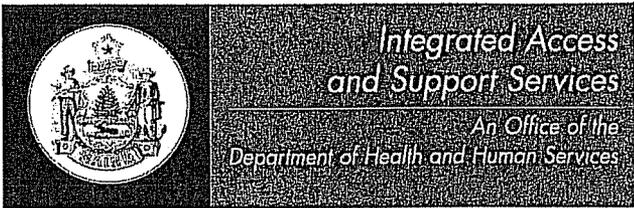
Motion by Councilor Cushing, seconded by Councilor Brann to enter into executive session pursuant to 1 M.R.S.A. § 405(6)(A) (personnel matters) and 1 M.R.S.A. § 405(6)(F) (confidential records) to include a candidate for the position of Town Manager, the Town Attorney and members of the Council – unanimous vote in favor.

The Council returned to regular session at 5:37 p.m. and Mayor Hughes reported that the Town Council has not concluded its search and will continue the search for a Town Manager and should have more information forthcoming in the next week or so.

The meeting was adjourned at 5:38 p.m.



Denise Hodsdon
Town Clerk



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of
Integrated

A-3-a

Tel. (207)
Toll Free (800) 4

To: General Assistance Administrator— Hampden
From: David MacLean, Program Manager General Assistance
Date: February 13, 2012
Re: General Assistance Reimbursement for FY 2013

=====
22MRSA 4311 requires that the Department of Health and Human Services reimburse your municipality for a percentage of your direct costs of General Assistance expenditures as long as the local programs are in compliance with all requirements of Chapter 1161 of the Maine State Statutes.

Since July 1989, in addition to receiving the 90% reimbursement once total expenditures exceed the municipal threshold, municipalities have been given the choice of receiving 50% reimbursement of direct costs up to the threshold, or 10% of all direct costs for the entire fiscal year. Since this is in addition to the 90%, when a municipality elects the 10% formula, reimbursement level becomes 100% once the threshold is met.

Since July 1, 1993, your threshold (.0003 of state valuation for your municipality) is based on the most recent state valuation relative to the state fiscal year for which reimbursement is being issued. For the current year, FY2012, your threshold was based on the 2011 state valuation. Beginning on July 1, 2012 (FY2013), it will be based on the 2012 state valuations. We are providing you with your current threshold and the one to be used effective July 1, 2012 to help you in deciding which percentage rate would be most beneficial to your municipality. Some valuations have decreased; however, **most municipalities will benefit by keeping the 50% reimbursement rate.**

Each spring, the Department requests that municipalities inform us as to which formula they have chosen to follow for the next fiscal year. We would like this information no later than June 1, 2012 so we may prepare our record keeping prior to July 1, 2012. If we do not receive a response, we shall continue the reimbursement as previously established by your municipality. **YOU DO NOT NEED TO CONTACT THE DEPARTMENT IF YOU DECIDE TO KEEP THE SAME REIMBURSEMENT RATE YOU HAD THIS YEAR.**

Your current threshold is \$170,340
Effective 7/1/12 your new threshold will be \$180,255



Joe Rogers <jlrogers@>

Thank you

1 message

Lee F. White <leefwhite@tds.net>

Sun, Feb 12, 2012 at 2:04 PM

To: jlrogers@hampdenmaine.gov

Cc: lazarusmin@tds.net

My husband, Bill Lagerstrom, had a very bad vertigo attack this last Wednesday, February 7th, and Lieutenants Frank Coombs and Dan Pugsley - with Firefighter Aaron Jellison and Paramedic Matt Thomas responded. He could not stand nor get out of bed. His world was spinning fast and there was terrible terrible nausea.

Given the effort and expense that having Emergency workers respond, I called our physician to make sure this was appropriate for an emergency room. She confirmed and with that I called 911. I have experience with emergency workers. NYFD and NYPD during my years in NYC but did not know what to expect here in Hampden where we have been living for 6 years.

The response was quick but even more so, the responders were compassionate, kind and extremely efficient. They secured the scene quickly and were able to fully assess Bills condition, transport him safely and connect with him in a way that eased his pain.

Lieuts Coombs, Pugsley, Firefighter Jellison and Paramedic Thomas were very skilled at the technical aspects of their jobs, but also had great command of the people skills. I am so very very grateful for your hard work.

Bill is now fine - and leading a retreat this weekend at Living Waters Spiritual Center. This is only because of the Hampden Public Safety Team and St. Joseph Hospital. You are the invisible support that enabled that retreat to occur.

Thank you so very much. So very very much. And 15 people at retreat would also thank you if they could...

Blessings

Lee F. White

A-3-c

PENQUIS

Helping Today • Building Tomorrow

February 17, 2012

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

Dear Ms. Lessard:

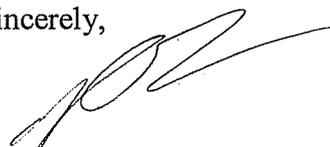
Thank you so much for the appropriation of \$7,238.00 received by Penquis on February 2, 2012 from the Town of Hampden. I appreciate your continued commitment to help alleviate and eliminate the causes and conditions of poverty.

There is still much uncertainty surrounding state and federal funding, but we are heartened by and grateful for the strong and consistent support we receive from municipalities, businesses and individuals. Your partnership is essential to making services and opportunities available to low-income individuals and families. Together, we will continue to make measurable differences in the lives of area residents.

As always, if you have any questions about our services, or if we can assist one of your citizens, please call our office at 1-800-215-4942. Remember, you also can go to www.penquis.org to access program information, publications, recent news, and upcoming events. We are on Facebook, too!

Thank you, again, for your support.

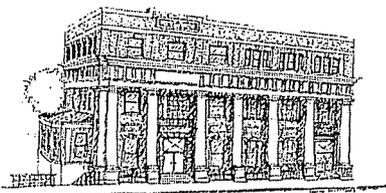
Sincerely,



Charles R. Newton
Chief Executive Officer

THANK YOU!

262 Harlow Street (207) 973-3500
PO Box 1162 Fax (207) 973-3699
Bangor, Maine 04402 TDD (207) 973-3520
www.penquis.org 1-800-215-4942



Hammond Street Senior Center

A-3-d

Established by the Couri Foundation in 1999

"Where the region's seniors come to learn, create, play, keep fit, make friends"

February 13, 2012

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

Dear Susan and Council Members,

Thank you so much for your continued allocation of municipal support to the Hammond Street Senior Center. We are again grateful for your investment in the programs and services we provide as a resource for aging adults in the Greater Bangor Region. Your commitment to the health, well-being and quality of life of your resident senior citizens is truly a public service.

Now that the Senior Center is a nonprofit public charity independent of the Couri Foundations, we're responsible for raising every penny that it takes to operate the Senior Center – that's a lot of pennies. So, it is not only gratifying, but essential, that the community at-large and our members' municipalities join with senior citizens to support the Senior Center.

Your contribution, combined with those made by individuals and other municipalities, provides:

- Diverse courses and special programs to challenge the mind and nurture creative talents;
- A fitness center where mature bodies can be flexed, stretched and strengthened; and
- A safe space to spend hours playing cards, surfing the Internet, or sharing a hearty lunch.

Your gift is a gift to the quality of our community, our region, and the lives of the more than 2,500 elder citizens who receive the same smiles, laughs, personal satisfaction and sense of connectedness that I hope you receive from committing your support to our services.

On behalf all our board, members and staff, thank you again for your investment.

Sincerely,

Kathryn M. Bernier
Executive Director

Hammond Street Senior Center is an independent 501(c)(3) public charity. Your contribution of \$5,775.00 (Check #26391; Dated 02/01/ 2012) is fully tax deductible as allowed by law. No gifts or services were exchanged for this contribution.



American Red Cross

Pine Tree Chapter

Headquarters
73 Hammond Street, Suite 1
Bangor, Maine 04401
(207) 941-2903
(207) 941-2906 (Fax)
www.maineredcross.org

Aros
7 Hatc
Caribc
(207)
(207)

A-3-e

Preparing, Connecting and Responding since 1917

February 9, 2012

Town of Hampden
106 Western Ave
Hampden, ME 04444-1436

To the Town Leaders and Citizens of Hampden,

Thank you for your generous 2011 municipal gift of \$ 1580.00 to the Pine Tree Chapter of the American Red Cross. The Chapter will use your donation to provide emergency help to Hampden as well as eastern and northern Maine's families, children and adults when disaster strikes.

Your donation supporting Red Cross services in Maine could not have come at a more important time.

There have been a large number of local disasters in Maine this year. Your Pine Tree Chapter has responded to 134 disasters since last summer, helping almost 400 Mainers with \$81,000 in assistance after house fires, apartment fires, floods, and damaging storms. Even as the coldest months approach, when more people will be using wood, kerosene and propane for home heating, *there are now as many as five local house fires every week* that call for an immediate Red Cross response. Some of them are multi-family homes with children.

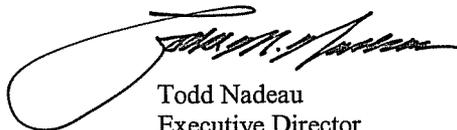
All Red Cross disaster help is an outright gift, provided free to victims. And because the Pine Tree Chapter is always ready to provide a safety net for Mainers facing an emergency, the Local Disaster Relief Fund is nearly depleted.

That is why your gift is being used right now.

Thanks to you, the Pine Tree Chapter will help people prepare for and respond to emergencies. *Local Disaster Response Services* will provide food, clothing, shelter and emotional support to hundreds of people facing a personal disaster. *Service to the Armed Forces* will help keep hundreds of military families in touch with each other during family emergencies. *Health and Safety Education* in CPR, first aid, and water safety will train 10,000 Mainers this year in skills that help save lives.

Thank you again for your contribution. Thank you for your valuable commitment to the work of the American Red Cross.

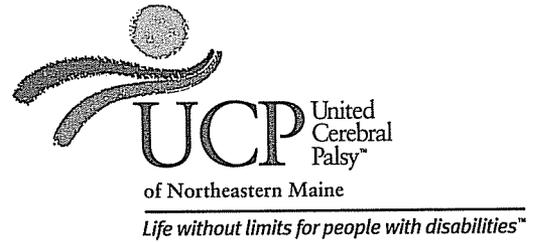
My best,



Todd Nadeau
Executive Director

Thanks so much for your very generous support and loyalty!

The American Red Cross provided no goods or services in conjunction with this contribution. This letter serves as the tax receipt for your gift. The American Red Cross is a tax-exempt, nonprofit organization as described in section 501(c) (3) of the IRS Code for 1984, as amended. Our tax identification number is 53-0196605.



February 3, 2012

A-3-f

Town of Hampden
106 Western Ave
Hampden, ME 04444-1436

Dear Friends,

Thank you for your very kind donation of \$1,000.00. We count on municipal donations like yours which help us offer high quality services to the many children, teens, adults and seniors in our communities with disabilities.

UCP has been serving people with disabilities in Maine since 1954. UCP of Northeastern Maine assists thousands of children and adults with disabilities through our many programs. To this day, most of the people we serve are children under the age of 21. UCP provides a range of programs, including education, advocacy and technical evaluations for schools and individuals, as well as social and recreational opportunities. Our innovative programs enable children and adults with disabilities to become active participants within their family and communities. UCP has a long standing tradition of delivering services to consumers based on their specific needs. You can learn more about United Cerebral Palsy of Northeastern Maine by logging on to www.ucpofmaine.org.

Your donation stays in Maine working for the people of this state, making each and every community a better place to live. We firmly believe that all children have the right to access every opportunity available. Some just need a little more help to get them there. Your donation enables those children with special needs to get the help they need to live promising and happy lives.

Sincerely,

Tish Pendergast
Public Relations & Development
UCP of Maine

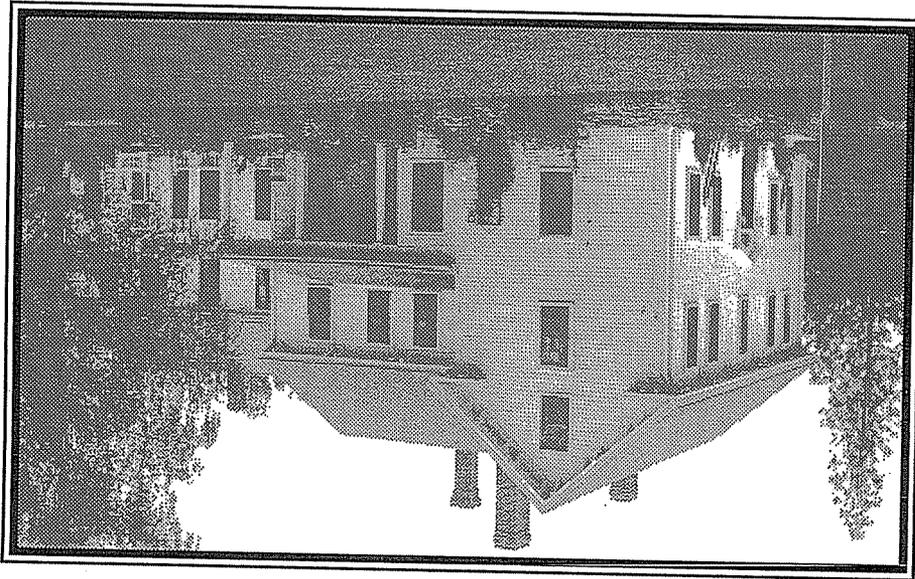
Thank you for your support!!!

UCP's Tax ID # is 23-7193853

You should retain this receipt/letter in your records for tax purposes.

This letter serves to verify that you did not receive anything of value in exchange for your contribution.

A-3-g



“KINSLEY HOUSE”

Built in 1794

*Home of
Hampden Historical Society
83 Main Road
Hampden, ME 04444*

2-7-2012

Thank you for voting to support the Hampden Historical Society with your donation of \$1,000.00. This will help us to maintain our Kinsley House and its accessory buildings. We appreciate your monetary support. Come visit and take a tour of our museum - Tuesdays, April - October 10 AM to 4 PM.

Travis Jensen

A-3-h

Council members,

Feb 6, 2012

As a 1963 graduate of Hampden Academy I was most interested in the BDN article on January 24th. It is so important to preserve the old academy, but also to put to good use the other buildings as well.

Let the campus serve as a gathering place for the community! The classrooms could be used for senior activities, scout functions or for anyone who lives in the area - an outreach center; continuing education. The gymnasium can be open for exercise, yoga, basketball etc. meetings, cooking classes, there are many activities.



PHOTO BY

Frost Hart

105 RAVEN ROAD
MONROE, ME 04951
207-525-4437

Red Squirrel

that can be housed on this historic campus! There are countless possibilities and I'm sure that you, as concerned Council members, have discussed many options!

Oh, and I'm delighted that my ~~brother's~~ ^{brother's} Bronco will remain intact - the new one for the new high school will be amazing! Sincerely,
Nancy (Hart) Frommer



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-i

NAME: RUSSELL LAST MARK FIRST E. MI
ADDRESS: 163 MAYO ROAD STREET HAMPDEN TOWN 01444 ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-2502 HOME 207-852-7870 WORK

EMAIL: mrussell0419@hotmail.com

OCCUPATION: FINANCE

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: DYER LIBRARY

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

20 YEARS as LIBRARY SUNDAY IN HAMPDEN

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

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

3 YEAR

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: FEB 27 2012
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Rapid Renewal Statistics

January 2011	45	\$ 8540.00
February 2011	38	\$ 5846.17
March 2011	38	\$ 5156.80
April 2011	64	\$ 9525.97
May 2011	42	\$ 8144.41
June 2011	55	\$ 8777.17
July 2011	78	\$11744.62
August 2011	55	\$ 8061.26
September 2011	63	\$10446.67
October 2011	67	\$12711.09
November 2011	49	\$ 8175.98
December 2011	49	\$ 8520.72

FINANCE COMMITTEE MEETING MINUTES

February 6, 2012

Attending:

Mayor Janet Hughes

Councilor Tom Brann

Councilor Jean Lawlis

Councilor Shelby Wright

Town Manager Susan Lessard

Interested Residents

The meeting was opened at 5:45 p.m. by Mayor Hughes.

1. Review Minutes of 1/17/2012 – Motion by Councilor Brann, seconded by Councilor Wright to approve the minutes of the 1/17/2012 meeting. Vote 4 – 0.
2. Review & Signature of Warrants – Warrants were reviewed and signed by Committee members.
3. Old Business
 - a. Review Town Council Rules Draft
 - b. Code of Ethics Update – The Committee is still waiting for the Town Attorney to address the Political Activities section of the policy.
4. New Business
 - a. Personal Property Abatements
 1. Carlen Transport – 2010 - \$33,114.93
 2. Vaughn Thibodeau & Sons – 2010 - \$10,061.52
 3. Quick Stop Video – 2003 to 2010 - \$3034.16Motion by Councilor Brann, seconded by Councilor Lawlis to recommend to the full Council the abatement of personal property taxes to Carlen Transport for 2010, for Vaughn Thibodeau and Sons for 2010, and Quick Stop Video from 2003-2010 due to the fact that all are out of business at this time. Vote 4 – 0.
 - b. Backyard Composters – Motion by Councilor Brann, seconded by Councilor Lawlis to recommend to the full Council the continuance of the home composter program subsidy for 2012 at 50% for the composter. Vote 4 – 0.
 - c. Interim Town Manager – Public Safety Director Joe Rogers will serve as the 'go-to' person at times when Town Manager Sue Lessard is not available during the transition period between the current manager and the next one.
 - d. Organizational Chart for Town – The Committee reviewed a basic organizational chart for town employees, the Council and

Council Committees. Suggestions were made to improve its appearance and the Town Manager was asked to provide an updated chart at the next meeting. There was discussion in regard to whether the Council should make department/reporting responsibility changes at this time. It was the consensus that this topic needed more discussion which may be appropriate for the planning and goal setting session of the Council to be held in the near future.

- e. Citizens' Requests for Information – The Committee discussed the need for a standard process for handling information requests from the public. The Town Manager was asked to provide a draft process document for the next Finance Committee meeting. It was also discussed that all staff should receive FOIA training annually.
 - f. Town Attorney Requests for Legal Review – It was the consensus of the Committee that this subject should be addressed as part of Council Rules and that requests for information from the Town Attorney should go through the Town Manager/Mayor or from the Council as a whole only.
 - g. Job Descriptions for Councilors – This item related to the need for a document that outlines the responsibilities and the time commitment required for being a Town Councilor that is available for people who are considering running for office. Several councilors indicated that the position of Town Councilor was much more time intensive than they had thought it was going to be prior to running for office.
5. Public Comment – Alex King, Ichabod Lane, spoke in regard to the organizational chart discussed and indicated that he believed that the Town Manager should be the one to determine staff reporting responsibilities.

6. Committee Member Comments – None

The Committee adjourned at 7:00 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

INFRASTRUCTURE COMMITTEE MINUTES
February 27, 2012

A-4-c

Attending:

Councilor Shelby Wright
Councilor Jean Lawlis
Councilor Jeremy Williams
Town Manager Sue Lessard
Public Works Director Chip Swan

The meeting was opened at 6:03 p.m. by Committee Chair Councilor Wright.

1. Old Business

- A. Route 1A Sidewalk Funding – The Public Works Director informed the Committee that he had received paperwork identifying the cost to the Town for the sidewalk to be installed as part of the Route 1A MDOT project from R & K Variety to Mountainview Drive. The estimate received from MDOT is \$82,700. Motion by Councilor Lawlis, seconded by Councilor Williams to refer this matter to the Finance Committee for review. Vote 3-0.
- B. Streetlight – Coldbrook Road/Papermill Road – The Town Manager reported that she had requested the Police Department to review the need for a light at this intersection. The issue was raised at another meeting by Councilor Brann due to the increased speed limit on Coldbrook Road. The recommendation will be brought back to the Infrastructure Committee at their next meeting in March,

2. New Business

- A. Request to go to bid – Public Works Truck – The Public Works Director requested that that Committee recommend to the full council that he be allowed to go to bid for a truck to replace the 2002 freightliner. Although information provided by the Director indicated a request to bid for a Ford F550, Councilor Williams provided input on a Peterbuilt vehicle that may be another option. The Public Works Director agreed to look at all options before preparing the bid documents. Motion by Councilor Lawlis, seconded by Councilor Williams to recommend to the full Council that the Public Works Director be allowed to go to bid for a replacement vehicle for the 2002 Freightliner. Vote 3-0.

3. Public Comments – None

- 4. Committee Member Comments – None – the Town Manager briefly updated the Committee on items related to ongoing activities – primarily that the budget process was underway by staff and due to be turned in to the manager by March 19th. The Council planning meeting scheduled for 3/22 will provide additional information to be used in the budget process.

Motion by Councilor Lawlis, seconded by Councilor Williams to adjourn at 6:25 p.m.
Vote 3-0.

Respectfully submitted,

Susan Lessard
Town Manager

C-2-a



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner RCO
SUBJECT: Re-Appointment of Karen Reilly to Historic Preservation Commission
DATE: February 21, 2012

Please be advised that the Planning and Development Committee voted unanimously at their February 15, 2012 meeting to recommend to the Town Council that they re-appoint Karen Reilly to the Historic Preservation Commission for a second term.

UNSUBMITTED



Check One: Initial Application Reappointment Application

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: REILLY LAST KAREN FIRST R. MI

ADDRESS: 24 STREET CARVER RD. TOWN HAMPDEN ZIP 04444

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-4369 HOME _____ WORK _____

EMAIL: karenrei@gmail.com

OCCUPATION: RETIRED LIBRARY DIRECTOR (EMCC)

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: HISTORIC PRESERVATION COMMITTEE
SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? ONE TERM OF SERVICE ON THE HISTORIC PRESERVATION COMMITTEE HAS GIVEN ME SUFFICIENT KNOWLEDGE OF PERTINENT ISSUES AND CONCERNS RELATED TO PRESERVING THE HISTORIC CHARACTER OF HAMPDEN. I ALSO POSSESS ADVANCED RESEARCH SKILLS FROM YEARS OF TEACHING RESEARCH TECHNIQUES TO COLLEGE STUDENTS.

Are there any issues you feel this board or committee should address, or should continue to address? IN ADDITION TO PRESERVING THE HISTORIC DISTRICT AND ITS BUILDINGS, THE COMMITTEE SHOULD CONTINUE TO IDENTIFY BUILDINGS AND DISTRICTS, WITHIN HAMPDEN, WHICH NEED THE PROTECTION OF HISTORIC DESIGNATION. IN ADDITION, THE COMMITTEE SHOULD BE PROACTIVE IN HELPING TO EDUCATE CITIZENS ABOUT HISTORIC AREAS IN TOWN. 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

Karen R. Reilly
12-26-11

FOR TOWN USE ONLY		Date Application Received: DEC 29 2011
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

C-2-b
C-2-c



Denise Hodsdon <clerk@

Item for Council Agenda & Feb. Svcs. Attendance

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Wed, Feb 29, 2012 at 5:14 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

From 01/25/2012 Services Meeting:

A. Reappointments to Library Board

Councilor Brann motioned to approve the reappointments without interviews, second by Mayor Hughes. All voted in favor.

Note: These reappointments were for Yvonne Lambert and MaryAnn Bjorn as noted on the agenda for this meeting.

Thanks,

[Quoted text hidden]



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: LAMBERT YVONNE M
LAST FIRST MI
ADDRESS: 226 MAIRDN HAMPDEN 04444
STREET TOWN ZIP
MAILING ADDRESS (if different): _____
TELEPHONE: 207-945-9873 _____
HOME WORK
EMAIL: LAMBERT8068@ROADRUNNER.COM

OCCUPATION: RETIRED

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: LIBRARY

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? PREVIOUS YEARS ON BOARD, WORKING IN LIBRARY IN PAST.

Are there any issues you feel this board or committee should address, or should continue to address? JUST ONGOING LIBRARY NEEDS FOR THE COMMUNITY.

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

3 YEAR

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: JAN 04 2012

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

onsent agenda 1/11



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: BSORN MARYANN
LAST FIRST MI

ADDRESS: 77 SUNSET AVE HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207 947-8869 _____
HOME WORK

EMAIL: MB77SUN@ROADRUNNER.COM

OCCUPATION: Retired

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: LIBRARY

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? BEEN ON THE BOARD
LOVER OF BOOKS
now work in a library

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

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

3 YEAR

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: DEC 28 2011
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

C-3-a



Denise Hodsdon <clerk@hampdenmaine.gov>

Re: still waiting for the information requested

34 messages

Susan Lessard <manager@hampdenmaine.gov>

Tue, Jan 17, 2012 at 11:30 AM

To: Lisa Carter <~~lisafca@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 <~~lisafca@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 <~~lisafca@aol.com~~>

Denise -

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

Thank you -

Sue

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

From: <~~lisafca@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@hampden.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@hampden.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) 862-3034
Fax: (207) 862-5067

[Quoted text hidden]



ELECTION CLERKS SCHEDULE 110811.doc
27K

lisafsa <~~lisafsa@hampden.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 <~~lisacarter@adison.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@adel.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@adel.com <lisafsa@adel.com>~~
To: clerk@hampdenmaine.gov, manager@hampdenmaine.gov

Mon, Jan 23, 2012 at 4:28 PM

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

From: lisafsa <~~lisafsa@adel.com~~>
To: ""To: Denise Hodsdon <clerk\ "" <"To: Denise Hodsdon <clerk\ ""@hampdenmaine.gov>; ""Susan Lessard <manager\ "" <"Susan Lessard <manager\ ""@hampdenmaine.gov>; ""Cc: Andre Cushing <andre\ "" <"Cc: Andre Cushing <andre\ ""@andrecushing.com>; ""Janet Hughes <hughestowncouncil\ "" <"Janet Hughes <hughestowncouncil\ ""@hampdenmaine.gov>; ""Jean Lawlis <lawlistowncouncil\ "" <"Jean Lawlis <lawlistowncouncil\ ""@gmail.com>; ""Jeremy Williams <jeremy\ "" <"Jeremy Williams <jeremy\ ""@renegadeair.com>; ""Kristen Hornbrook <hornbrooktowncouncil\ "" <"Kristen Hornbrook <hornbrooktowncouncil\ ""@hampdenmaine.gov>; ""Shelby Wright <wrighttowncouncil\ "" <"Shelby Wright <wrighttowncouncil\ ""@gmail.com>; ""Susan Lessard <manager\ "" <"Susan Lessard <manager\ ""@hampdenmaine.gov>; ""Tom Brann <branntowncouncil\ "" <"Tom Brann <branntowncouncil\ ""@hampdenmaine.gov>; ""Tom Russell <tar\ "" <"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@adel.com~~>
To: Lisa Carter <~~lisafsa@adel.com~~>
Sent: Mon, Jan 23, 2012 11:02 am
Subject: Fwd: still waiting for the information requested

Begin forwarded message:

From: Lisa Carter <~~lisac@hampdenmaine.gov~~>
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 <~~lisac@hampdenmaine.gov~~>
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 <~~lisac@hampdenmaine.gov~~>

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 <~~lisac@adl.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@firlegal.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 <~~lisac@adl.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@firlegal.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 <~~liscarter@hampdenmaine.gov~~> 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:~~lisa@hampdenmaine.gov~~]
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@hampdenmaine.gov~~>

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@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 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 <~~lisac@hampdenmaine.gov~~> 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 <~~lisac@hampdenmaine.gov~~>
To: Denise Hodsdon <clerk@hampdenmaine.gov>

Tue, Jan 31, 2012 at 3:46 PM

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]

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Feb 1, 2012 at 12:05 PM

To: Tom Russell <tar@frrlegal.com>

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

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

From: Lisa Carter <lisa@hampdenmaine.gov>

Date: Tue, Jan 31, 2012 at 3:46 PM

Subject: Re: still waiting for the information requested

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Thu, Feb 2, 2012 at 3:19 PM

To: Lisa Carter <lisa@hampdenmaine.gov>

Cc: Andre Cushing <andre@andrecushing.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>, Susan Lessard <manager@hampdenmaine.gov>, Tom Russell <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>

Good Afternoon Mrs. Carter,

I have received your latest email and will be happy to provide the information relative to tallies for the last two elections. Could you please clarify whether you are looking for the Special Council election in June 2011 and the November 2010 election or do you want the November 2010 and November 2009?

I will scan the information and send it to you via email. My apologies, but I won't be able to do it until Monday February 6th.

Thank you.

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 <~~lisacarter@hampdenmaine.gov~~>

Tue, Feb 28, 2012 at 12:48 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

Good Afternoon Denise,

What information is kept on previous elections and by what means are they kept? In other words, are the computer printouts kept, etc.?

Lisa Carter

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Tue, Feb 28, 2012 at 5:03 PM

To: Lisa Carter <~~lisacarter@hampdenmaine.gov~~>

Yes, the computer printouts are kept with the tally sheets and the return of votes for all elections.

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 <~~lisacarter@hampdenmaine.gov~~>

Wed, Feb 29, 2012 at 10:50 AM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

What I am interested in is looking at the tapes printed out of the voting machines for the last 3 elections. What would be the best way to do that?

Lisa C.

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Feb 29, 2012 at 11:10 AM

To: Lisa Carter <~~lisacarter@hampdenmaine.gov~~>

We can schedule a time that would be good for both of us for you to come in and look at them.

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 <~~lisa@hampdenmaine.gov~~>

Wed, Feb 29, 2012 at 11:26 AM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

Can they be copied as well? Is there any charge for this? Would Monday work for you?

Lisa

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Feb 29, 2012 at 12:11 PM

To: Lisa Carter <~~lisa@hampdenmaine.gov~~>

They can be copied but since they are long tapes very similar to adding machine tapes, the copies would have to be pieced together. The Town's fee for copies is \$.25 per page. Monday does work - late morning between 10:30 and noon would work best, if that is possible for you.

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 <~~lisa@hampdenmaine.gov~~>

Wed, Feb 29, 2012 at 3:55 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>

I'll do my best to make it in between 10:30 and noon.

[Quoted text hidden]

Denise Hodsdon <clerk@hampdenmaine.gov>

Wed, Feb 29, 2012 at 4:50 PM

To: Lisa Carter <~~lisa@hampdenmaine.gov~~>

Okay - I'll see you then.

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



Susan Lessard <manager@ham

C-3-b

(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 <~~larry.langille@hampdenmaine.gov~~>

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
> <~~larry.langille@hampdenmaine.gov~~> 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 <~~larry.langille@hampdenmaine.gov~~>
>> *Sent:* Tuesday, January 17, 2012 1:42 PM
>> *Subject:* Unfulfilled FOAA Request

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>
To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
Cc: Larry Langille II <~~larry.langille@hampdenmaine.gov~~>

Tue, Jan 24, 2012 at 3:11 PM

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

> <larry.langille@hampdenmaine.gov> 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 <larry.langille@hampdenmaine.gov>
>> *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@ha

C-3-b
(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>

Thu, Jan 26, 2012 at 1:54 PM

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

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@ha

C-3-b
(3)

FOAA Request

8 messages

Gretchen Heldmann <gheldmann@hampdenmaine.gov>Thu, Jan 26, 2012 at
9:40 AMTo: ~~larry.langille@hampdenmaine.gov~~
~~larry.langille@hampdenmaine.gov~~

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: ~~kristen.hornbrook@hampdenmaine.gov~~ Larry Langille II
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: ~~XXXXXXXXXXXX~~ Larry Langille II
 > 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/>
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[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.

I do not want to pay for copies of these as last time it was over \$100 for around the same amount of e-mails.

I am curious as to why it is only \$49 for Mr. Langille's request.

Also, please do forward on a scan of the bill which was made out for Mr. Langille outlining all the charges individually.

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

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> 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

> 106 Western Avenue
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 > 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
 >> 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 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
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http://www.hampdenmaine.gov/

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 FOAArequest20120126.pdf
93K

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Fri, Jan 27, 2012 at
10:42 AM

To: Larry Langille II <~~larry.langille@hampdenmaine.gov~~>

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

On Thu, Jan 26, 2012 at 8:35 PM, Larry Langille II <~~kankustons@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: ~~kankustons@yahoo.com~~ Larry Langille II
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-3-b
(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 H ~~XXXXXXXXXXXXXXXXXXXX@hampdenmaine.gov~~
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 <~~larry.langille@hampdenmaine.gov~~>
>> 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
>> 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 <~~larry.langille@hampdenmaine.gov~~> 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: ~~hampden@yahoocom~~

>>> 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."

>>> ~ 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

Larry Langille II <~~hampden@yahoocom~~>

Wed, Feb 1, 2012 at 7:56 AM

Reply-To: Larry Langille II <~~hampden@yahoocom~~>

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

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>

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 <~~larry.langille@yachon.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 <~~larry.langille@yachon.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

[Quoted text hidden]

[Quoted text hidden]

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.