



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

APRIL 23, 2012

7:00 P.M.

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

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. July 18, 2011

3. COMMUNICATIONS

a. Bangor Water District – Invitation to Open House

4. REPORTS

a. Finance Committee Minutes – 3/19/2012

b. Pool Trustees Minutes – 3/13/2012

c. Communications Committee Minutes – 4/10/2012

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. Application for Victualer's License received from Coffee Break Café at 75 Main Road North

b. Application for Victualer's License received from McLaughlin's at the Marina at 108A Marina Road

c. Application for Liquor License received from McLaughlin's at the Marina at 108A Marina Road

d. Proposed Amendments to Town of Hampden Fees Ordinance – Article 1 Administration; Article 3 Fire Department; and Article 7 Library

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

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Election Clerks – 2-year Term

3. UNFINISHED BUSINESS

- a. Western Avenue Recreation Area Playground Bid Results – Recommendations of Services Committee and Finance & Administration Committee
- b. Pool Air Handler – Recommendations of Services Committee and Finance & Administration Committee
- c. Pool Naming Rights Fundraiser – Services Committee Recommendation
- d. Outdoor Facilities Ordinance – Introduction for Public Hearing – Services Committee Recommendation
- e. Outdoor Facilities Rules & Regulations – Services Committee Recommendation
- f. Code of Ethics Ordinance – Introduction for Public Hearing
- g. Town Council Rules - Adoption
- h. Freedom of Access Request Protocol – Adoption
- i. 2010 Comprehensive Plan – Submission to State for Review

4. NEW BUSINESS

- a. Arbor Day Proclamation
- b. Sewer Commitment – 1/1/2012 to 3/31/2012

- D. COMMITTEE REPORTS
- E. MANAGER’S REPORT
- F. COUNCILORS’ COMMENTS
- G. ADJOURNMENT

TOWN COUNCIL MINUTES

JULY 18, 2011

The regularly scheduled meeting of the Hampden Town Council was held on Monday, July 18, 2011. The meeting was held at the municipal building council chambers and was called to order by Mayor Hughes at 7:00 p.m.

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

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Lt. Dan Pugsley of the Fire Department

Citizens and members of the press

A. CONSENT AGENDA

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

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR VICTUALERS LICENSE RECEIVED FROM BANGOR RESTAURANT, LLC d/b/a DUNKIN DONUTS AT 76 MAIN ROAD NORTH

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

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

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. WATER DISTRICT – UPDATE

Manager Lessard reported that the Water District Superintendent has retired. She met with the President and Vice President of the Board of Trustees and they informed her that they are not seeking to fill the position but will distribute some of the responsibilities to existing personnel and trustees. They expressed a willingness to work with the Town about ways to move forward in a collaborative and cooperative manner and they are trying to stabilize and bring down the cost of providing water.

b. SEP AGREEMENT – CHEVRON/STATE OF MAINE/TOWN

Manager Lessard explained that as part of their penalty associated with a notice of violation, Chevron has been working with the State and has proposed that a portion of the penalty be payable to the Town of Hampden for the establishment of Turtle Head Cove municipal park. This is the project that proposes a land swap between Hamlin's Marine and the Town at the marina site. Chevron proposes a supplemental environmental project agreement to include payment of \$520,000.00 to the Town of Hampden. The State has accepted the proposal and the Town is required to sign on as part of the agreement. She noted that this in no way relieves Chevron of any responsibility for environmental cleanup or for subsequent payment of their environmental damage assessment. She noted that the Town Attorney has reviewed the agreement and has some suggestions for changes which can be made subsequent to signing the agreement.

Linda Valcourt of 205 Monroe Road inquired as to what responsibilities the Town will have for long-term upkeep and maintenance of the park. Will some of the monies be set aside for that purpose? Manager Lessard explained that the \$520,000.00 has specific responsibilities in construction and does not include long-term maintenance. Hamlin's Marine has agreed to donate a boat to the town annually for ten years, which will be raffled off to assist in the cost of maintenance. Beyond that, it will be municipal in nature like the other parks and recreational facilities that the Town has. Councilor Brann pointed out that the appraised value of the land that is currently Hamlin Marine is \$520,000 to \$540,000 and is not on the tax rolls because it is town property. Once the property is transferred to Hamlin's the property will be added to the tax base and the income from those taxes could be used as additional income to support the maintenance of the park.

Alex King asked how much input the residents will have – will there be any public meetings. He asked what does tonight's action entail? Manager Lessard explained that this entails the Town's willingness to have this project approved as part of the penalty phase of Chevron's settlement with the State of Maine.

Albert Valcourt of 205 Monroe Road noted that it was mentioned that some of the land will be held in a land trust and he asked how that works. Manager Lessard explained that the conservation easement has to be held in perpetuity meaning that the Town can't accept this agreement and then develop the parcel.

Following Council discussion, Councilor Brann moved and Councilor Cushing seconded to authorize the Town Manager to sign on behalf of the Town of Hampden; unanimous vote in favor.

c. FIRE DEPARTMENT BRUSH TRUCK BID RESULTS

Lt. Dan Pugsley informed the Council that the Department received a grant for the purchase of a brush truck up to \$125,000.00 with a 5% match from the Town. Two bids were received and both met the minimum requirements but the bid from Southern Fire included some additional features that the Department found desirable. Therefore the Department is recommending acceptance of the bid from Southern Fire in the amount of \$125,683.00.

Motion by Councilor Brann, seconded by Councilor Shakespeare to authorize the purchase of a brush truck from Southern Fire in the amount of \$125,683.00, with the Town's share of \$6,933.00 to be paid from the Town's matching grants reserve fund; unanimous vote in favor.

4. NEW BUSINESS

a. MAINE MUNICIPAL ASSOCIATION ANNUAL ELECTION BALLOT

Motion by Councilor Brann, seconded by Councilor Cushing to accept the ballot as proposed and to authorize the Town Manager to sign on behalf of the Town; vote was 6-1 (Hornbrook)

b. STREET ACCEPTANCE – LANE SUBDIVISION – SUNRISE LANE

Manager Lessard reported that the developer has completed all the requirements of the town ways ordinance and that the Town Attorney has reviewed the documents and found them to be satisfactory.

Motion by Councilor Brann, seconded by Councilor Cushing to accept the road, drainage easement and open space; unanimous vote in favor.

D. COMMITTEE REPORTS

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

Planning & Development – Councilor Brann reported that the next meeting will be at 6:00 p.m. on July 20th.

Services – Councilor Lawlis reported that the committee met last month and discussed a number of items, including the possibility of developing a community garden; the need for a new air handling system at the pool and the economics of the Town supporting the pool; and heard reports from Friends of Dorothea Dix and HOTDOG.

Infrastructure – Councilor Shakespeare reported that the committee will meet at 6:00 pm on July 25th.

Finance & Administration – Manager Lessard reported that the committee met earlier in the evening and discussed the pool air handling system, reviewed the bids for the brush truck; and continued discussion and review of the Code of Ethics, Council Rules and Town Charter.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached.

F. COUNCILOR'S COMMENTS

Councilor Lawlis reminded everyone that the Hampden Garden Club is starting a farmers market and the first one is Saturday, July 23rd from 8:00 to 11:00 am.

Councilor Brann suggested that DVD copies of recorded meetings could be made available at the library for people to borrow.

Councilor Cushing commented that it is very exciting news that as part of an agreement with the State, the Town has benefitted from the mitigation of damage on the Penobscot River and it will result in much more access for the public. He appreciated the concerns raised by residents this evening and noted that the Communications Committee needs to discuss how the Town might better communicate this type of information to the public.

Councilor Hornbrook thanked everyone for coming out tonight.

Councilor Wright added to Councilor Cushing's comments and commended the Town and the hard work that went into making the project a reality. She expressed her appreciation to Chevron and noted that this project represents what she heard when she was running for Council about what the people of Hampden wanted – to support more local businesses, to return property to our tax base and enhances our outdoor space. She said this is indeed a great public and private partnership with many local and national entities – it is a great thing for the Town.

Mayor Hughes echoed Councilor Wright's comments. She said this is a perfect example of how many agencies actually can work together with business to develop a win-win project for everyone. She commented that one person who has not been mentioned tonight is Dan Higgins from Hamlin's Marine - it took a vision and the foresight of a small business owner to bring this project to fruition and without him we may not have come to this point.

Dan Higgins said this is a miracle and he hoped that this would bring more people to the riverfront. He expressed thanks to everyone involved.

Mayor Hughes also thanked Economic Development Director Dean Bennett for his perseverance to continue with this project and to Manager Lessard for her leadership in helping make this project happen.

MANAGER'S REPORT
July 18, 2011

Press Conference – The press conference held by the Governor on Friday at Hamlin Marina went well. The weather was beautiful, attendance was good – and the news was well received.

Newsletter – The newsletter is at the printers and should be delivered to homes by the end of the week. The online version is already posted.

Three Day Walk – This coming weekend is the 60 mile 3-day walk for breast cancer in Boston. Our Town Clerk Denise Hodsdon will be participating in that event and we wish her the very best in that challenging event!

Tax Commitment – Setting the tax rate will be on the next ^{second meeting in August} Town Council agenda and tax bills will go out shortly thereafter. The mil rate is anticipated to remain the same as last year at \$15.90 per thousand.

Kids Kamp Kafe – This year's Kid's Kamp Kafe program was held on July 14th at Reed's Brook School. The children and staff did a great job with the program once again. I am pleased that Bangor Daily News Reporter Andrew Neff attended the Kafe and did a nice human interest piece on it.

1st meeting in September – I am on vacation the first full week of September. The Monday of that week is Labor Day (5th), The Council meeting would normally be moved to Tuesday of the same week (6th). Do you wish to hold the meeting without me or move it to the following Monday. We would then have Council meetings during September on back to back Mondays.

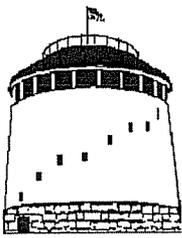
G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:25 p.m.

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

Denise Hodsdon
Town Clerk

A-3-a



BANGOR WATER DISTRICT

P.O. BOX 1129 · BANGOR, ME 04402-1129
TEL: (207) 947-4516 · FAX: (207) 947-5707
www.bangorwater.org

April 12, 2012

Hampden Town Council
Town of Hampden
106 Western Avenue
Hampden ME 04444

RE: Tour of Bangor Water District treatment facilities at Floods Pond in Otis

Good Morning:

The Bangor Water District will hold its annual tour of water treatment facilities at Floods Pond in Otis for invited school groups on Friday, May 11 from 9:00 a.m. – 2:00 p.m. Due to security considerations, the tour will not be open to the general public.

If you would like to tour our facilities on that day, please contact our office prior to May 4 so that we may add your name to the guest list.

The District's treatment facilities are reached via the Floods Pond Road from Rt. 9 in Eddington, approximately 1/8-mile east of the intersection with Rt. 46.

The spring tour of Thomas Hill Standpipe will follow the Open House on Wednesday, May 23 from 3:00 – 6:00 p.m.

The standpipe is located on Thomas Hill Road, and this historic structure is not handicap accessible; the promenade deck is reached via a 100-step enclosed staircase. Children must be accompanied by an adult, and no food, drinks, or pets are allowed.

Traffic will be one-way on Thomas Hill Road from Highland Avenue, and parking is limited in immediate area of the standpipe.

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, April 2, 2012

Councilor Andre Cushing

Town Manager Sue Lessard

Councilor Jean Lawlis

Public Works Director Chip Swan

Councilor Tom Brann

Councilor Shelby Wright

Councilor Jeremy Williams (6:15 p.m.)

1. Minutes of 3/19/2012 Meeting – Motion by Councilor Brann, seconded by Councilor Lawlis to approve the minutes as presented. Vote 4-0.
2. Review & Signature of Warrants – Warrants for the payments of bills were reviewed and signed.
3. Old Business
 - a. Public Works Vehicle funding recommendation – The Town Manager reported to the Committee that the Infrastructure Committee had recommended the purchase of the F550 from Whited Ford at a net cost of \$72,113.32. The Manager recommended an outright purchase of the vehicle with the funds to be taken from the Public Works Equipment Reserve. Motion by Councilor Brann, seconded by Councilor Lawlis to recommend to the full council funding of the 2012 Ford F550 from Public Works Reserve. Vote 4-0.
 - b. Personal Property Tax Abatements:
 1. Carlen Transport – 2011 \$29,306.88
 2. Thibodeau – 2010 \$ 5,030.76
 3. Thibodeau – 2011 \$14,705.9

The Town Manager explained that the taxes listed were not collectible because the businesses are no longer in business and have no assets. Motion by Councilor Lawlis, seconded by Councilor Wright to recommend to the full council the abatement of 2011 personal property taxes for Carlen Transport in the amount of \$29,306.88, Vaughan Thibodeau & Sons in the amount of \$14,705.90, and 2010 personal property taxes for Vaughan Thibodeau & Sons in the amount of \$5,030.76.
 - c. Code of Ethics – The Committee reviewed the draft and changes made as a result of the review by the Town Attorney. Motion by Councilor Wright, seconded by Councilor Lawlis to send the revised draft to the Council to schedule a public hearing. Vote 5-0.
 - d. Council Rules – The Committee reviewed the draft rules. Motion by Councilor Lawlis, seconded by Councilor Wright to send the rules to the full council for consideration. Vote 5-0.
 - e. FOAA Protocol – The Town Manager presented the updated FOAA protocol draft. Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the full Council the adoption of the FOAA

Protocol with the addition of 'actual cost of providing the service' to the list of items to be reported monthly to the Council. Vote 5-0.

4. New Business

- a. Review of Fees Ordinance Changes – The Town Manager explained that the fee changes in the Ordinance were related to charges for faxing documents at the library and charges for services provided by the ambulance to make Town rates consistent with billing/payment allowances for the area. Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the full Council that the Fees Ordinance changes be introduced for public hearing. Vote 4-0.
- b. Draft – Budget Hearing Date Calendar 2012 – The Committee reviewed the draft Budget hearing date calendar for 2012. Motion by Councilor Wright, seconded by Councilor Lawlis to recommend its approval to the full council. Vote 4-0.
- c. Paper Talks Advertisement Request – Resident Mark Pierce attended the meeting to present a request for funding of an ad in the next edition of Paper Talks magazine for a 1/9th page ad at a cost of \$372. Mr. Pierce had already met with the Communications Committee in regard to the ad and that Committee had voted unanimously to recommend to the full Council the approval of the ad. Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the full Council that a 1/9th page ad in the next edition of Paper Talks be purchased for \$372 and funded from Council General Expense. Vote 4-0.
- d. Funding source – Council Sound System Improvements – The Communications Committee asked that this item be put on the Finance & Administration Committee agenda in order to determine if funding was available for repairs to the existing system and new microphones. The Town Manager explained that there was over \$4,000 available for communications-related items. She will contact a technician and have the 'thumping' issue repaired and also get prices on both new microphones and a portable sound system for use in the Community Room for meetings and for other outside events.

5. Public Comment - None

6. Committee Member Comments - None

Motion by Councilor Wright, seconded by Councilor Lawlis to adjourn at 6:55 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

Lura Hoyt Pool ~ Board Meeting Minutes ~ 3-13-12

Cedena McAvoy brought the meeting to order at 7:03 pm.

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

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

The Director's Report:

- ~ The number of participants in February was up 704 people and daily receipts were up \$7,369 compared to last year. The receipts were up due to the price increase of non-resident swim lesson that took effect in the fall of 2011 along with the new memberships from the Deal Chicken promotion.
- ~ The pool rental income in February was up \$90 compared to last year.
- ~ The monthly fuel usage in February was down by 81 gallons compared to last year.
- ~ During Session II, the pool provided 186 participants in group lessons and 10 private lessons. Group swim lessons were up 23 participants, with an increase income of \$3,721 and private lessons were down 2 participants compared to last year with an increase income of \$180. The increase in income was due to the non-resident swim lesson price change in the fall of 2011.

The treasurer's report as tabled due to Jim's absence.

Darcey submitted a bill to the board for swim lesson reimbursement for session III. A motion was made to reimburse Darcey \$469 from the Susan Abraham Account. Motion passed 5-0. Darcey will submit the bill to Jim.

The pool participated in the Deal Chicken Promotion through WLBZ2. The pool offered 3 month family memberships for \$50. The regular cost is \$105. The pool was advertised for three days on television and on the Deal Chicken and WLBZ2 websites. The pool and Deal Chicken split the profits. The Deal Chicken Promotion sold 46 memberships.

Karen has volunteered to be on the nominating committee. She will ask Norm if he would like to help again this year. If Norm passes on helping, then John has agreed to help Karen.

David Hawkins informed the board that he will be giving up his position on the Board of Trustees. He will be submitting his resignation in writing to Darcey. The board thanked him for his support over the past few years.

Greg informed Darcey that the Kiwanis can host the Capital Campaign Spaghetti Supper on May 26th. That is Memorial Day weekend and many of the board members will be out of town so Darcey is going to ask Greg for another date.

Darcey attended the last Services Committee and they have requested in writing the naming rights requirements for the rooms for the Capital Campaign. Darcey will type up a formal document to submit at the next Services committee meeting in April.

Greg informed Darcey that the cost of a 3'x5' banner will approximately be \$100 for printing. Darcey will get more information from two local companies about logos, colors, borders, etc to put on the banner. The board will have a banner made for businesses that donate \$1,000 (price may subject to change after Darcey researches more.) The banner will be displayed on the walls of the pool area for one year after being hung.

John passed out copies of businesses that are to be contacted for a donation for the Capital Campaign. The board members divided the list and will be contacting their five businesses within the next few weeks. An official letter will be sent then a follow up call a week later. Darcey will email all the board members the information needed for the mailing.

Karen would like to see posters around the building reminding patrons that the pool board is still accepting donations for the capital campaign. Julie will make notices.

Karen talked to Debbie Lozito from the Library about the Stephen King Foundation and how the grant process worked for them. John has the application and it must be submitted by June 1st.

Meeting Adjourned at 8:39pm.

Respectfully submitted,



Julie A. Macleod

COMMUNICATIONS COMMITTEE MEETING MINUTES
MONDAY, APRIL 10, 2012

Attending:

- Councilor Jeremy Williams
- Councilor Kristen Hornbrook
- Sally Leete
- Jeremy Jones
- Sue Lessard, Town Manager

The meeting was opened at 6:01 p.m. by Chairman Hornbrook.

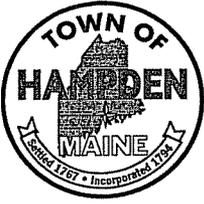
1. MINUTES OF 3/20/2012 MEETING – Motion by Councilor Williams, seconded by Councilor Hornbrook to approve the minutes of 3/20/2012. Vote 2-0.
2. OLD BUSINESS
 - A. UPDATE – J. FOLSOM PROPOSAL FOR PROGRAMMING – The Committee discussed the detailed proposal submitted by Jim Folsom for a video tour of the new high school for programming for Channel 7. The estimated cost of the project is \$500-\$700. Councilor Williams suggested that SAD 22 be contacted to see if they would contribute financially to the project. Councilor Williams also agreed to provide air service so that aerial footage of the project as well as other Town properties could be obtained.
 - B. UPDATE – PORTABLE SOUND SYSTEM – Councilor Williams provided information to the Town Manager regarding a Fender Passport sound system that may be suitable for purchase.
 - C. UPDATE – NEWSLETTER – The Town Manager updated the Committee on the newsletter. It was due to go to the printer by 4/12 with posting on the website on 4/16 and delivery to homes by 4/20.
 - D. UPDATE – COUNCIL SOUND SYSTEM REPAIR – The Town Manager reported that she had a technician come to check out the ‘thumping’ noise that had been occurring during meetings. The system did not make the noise during the entire visit from the technician. He will return when it occurs again.
 - E. UPDATE – VIDEO STREAMING PROJECT – Matt Thomas provided the Committee with an email that he anticipated having results of the ‘test’ video streaming done within two weeks.
3. NEW BUSINESS
4. PUBLIC COMMENT – Jeremy Jones suggested that the Town consider establishing a u-tube channel to upload meetings, and other videos of town events. He indicated that it could be organized so that the items are easily found by subject matter/date.
Sally Leete indicated that she believed that the video project for the new Hampden Academy is a good idea and a good way of marketing the school and the town.

5. COMMITTEE MEMBER COMMENT – Committee members and guests discussed ways in which the Council might improve communication between the Town/Council and the residents. Suggestions were made including:
- Having Councilors/staff attend local club/civic organization meetings occasionally to provide information and bring back information to the Council
 - Holding ‘neighborhood/district’ meetings to allow residents to ask questions of their elected official(s)
 - Increase programming on Cable Channel 7
 - Pursue video streaming if financially feasible

Motion by Councilor Williams, seconded by Councilor Hornbrook to adjourn at 6:59 p.m.

Respectfully submitted,


Susan Lessard
Town Manager



C-1-a

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 4/17/2012

Public Hearing: Yes X No

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Coffee Break Cafe Laurie Lee
Business Name Individual

ADDRESS: 75 Main Rd. North PHONE: 949-5864

MAP/LOT: 36/32 DATE: 3/26/2012

DEPARTMENT REPORT:

Appears to comply with the Town of Hampden
Victualer's Ordinance

DATE: 4/17/12

BY: [Signature]
Title: Cafe Enforcement Officer

BY: [Signature]
Title: FIRE BUILDING INSPECTOR

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 3/19/12 PHONE NUMBER: 949-5864

NAME(S): Laurie Lee

ADDRESS: 15 Kendall Rd Winterport

NAME OF BUSINESS: Coffee Break Cafe

LOCATION OF BUSINESS: 75 ME Rd North

SIGNATURE: Laurie Lee

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

Ben J
Code Enforcement Officer

Samuel A. ...
Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

Cheryl Johnson
Tax Collector

MS U ...
Town Treasurer

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

LICENSE FEE: \$125.00 Date Received/Fee Paid: MAR 19 2012 / \$125.00
(Fee Includes Notice of Public Hearing)



C-1-b

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 4/17/2012

Public Hearing: Yes X No

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: McLaughlins at the Marina Kimberly McLaughlin
Business Name Individual

ADDRESS: 108 A Marina Rd. PHONE: 990-1111

MAP/LOT: 28 / 17-A-1 DATE: 3/26/2012

DEPARTMENT REPORT:

Appears to comply with the Town of Hampden
Victualer's Ordinance

DATE: _____

BY: [Signature]
Title: Code Enforcement Officer

BY: [Signature]
Title: FIRE BUILDING INSPECTOR

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 3/18 PHONE NUMBER: 990-1111
NAME(S): Reed + Kimberly McLaughlin
ADDRESS: 108 A Marina Rd
NAME OF BUSINESS: McLaughlins At the Marina
LOCATION OF BUSINESS: 108 A Marina Rd
SIGNATURE: [Signature]

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

[Signature]
Code Enforcement Officer

[Signature]
Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

[Signature]
Tax Collector

[Signature]
Town Treasurer

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

LICENSE FEE: \$125.00 Date Received/Fee Paid: MAR 19 2012 / \$125.00
(Fee Includes Notice of Public Hearing)

C-1-C



TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 4/17/2012
Public Hearing: Yes X No

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: McLaughlins at the Marina Kimberly McLaughlin
Business Name Individual

ADDRESS: 108 A Marina Rd. PHONE: 990-1111

MAP/LOT: 28/17-A-1 DATE: 3/19/2012

DEPARTMENT REPORT:

No license

DATE: _____

BY: [Signature]
Title: Director of Public Safety

BY: _____
Title: _____

**Department of Public Safety
Division**

Liquor Licensing & Inspection



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY	
License No. Assigned:	7022
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES

Aug

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTIONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>McLaughlin</u>		2. Business Name (D/B/A) <u>McLaughlin At the Marina</u>	
DOB:		DOB:	
<u>Kimberly h. McLaughlin</u>	<u>01/16/82</u>	Location (Street Address)	
Address		City/Town	State
<u>299 South Rd</u>		<u>Hampden</u>	<u>Me</u>
		Zip Code	
		<u>04404</u>	
City/Town	State	City/Town	State
<u>Hampden</u>	<u>Me</u>		
Zip Code		Zip Code	
<u>04429</u>			
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>307-990-1111</u>		<u>307-990-1111</u>	
Federal I.D. #		Seller Certificate #	
<u>55-09-14-914</u>		<u>1150664</u>	

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: _____ Business hours: _____
9. Business records are located at: Same
10. Is/are applicants(s) citizens of the United States? YES NO

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
 164 State House Station
 Augusta ME 04333-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424



SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

- Exact Corporate Name: Mclaughlin LLC
 Business D/B/A Name: Mclaughlin's At the Marina
- Date of Incorporation: 2004
- State in which you are incorporated: Maine
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Kimberly Mclaughlin	299 South Rd Harden ME	1/16/62	100	Pres.

- What is the amount of authorized stock? _____ Outstanding Stock? _____
- Is any principal officer of the corporation a law enforcement official? Yes No
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes No
- If YES, please complete the following: Name: _____
 Date of Conviction: _____ Offense: _____
 Location: _____ Disposition: _____
 Dated at: _____ City/Town _____ On: _____ Date _____

Kimberly L. Mclaughlin
 Signature of Duly Authorized Officer
Kimberly L. Mclaughlin
 Print Name of Duly Authorized Officer

9/17/2018
 Date

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Kimberly L. McLaughlin	1/10/62	Fort Fairfield

Residence address on all of the above for previous 5 years (limit answer to city & state)
299 South Rd Holden Me 04429

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2 miles Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Bangor on 9/17, 2012
Town/City, State Date

[Signature] Please sign in blue ink
Signature of Applicant or Corporate Officer(s) Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE		\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: Hampden, Maine Penobscot ss
City/Town (County)
 On: April, 2012
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: Hampden, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS
NOTICE – SPECIAL ATTENTION
§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]

C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]

E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. **Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.**

**TOWN OF HAMPDEN, MAINE
FEES ORDINANCE**

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- ADOPTED: Hampden Town Council October 20, 1986
Effective: November 19, 1986

- AMENDED: Hampden Town Council December 7, 1987
Effective: January 5, 1988

- AMENDED: Hampden Town Council March 21, 1991
Effective: April 21, 1991

- AMENDED: Hampden Town Council July 6, 1993
Effective: August 5, 1993

- AMENDED: Hampden Town Council December 20, 1993
Effective: January 19, 1994

- AMENDED: Hampden Town Council May 6, 1996
Effective: June 6, 1996

- AMENDED: Hampden Town Council February 7, 1998
Effective: March 18, 1998

- AMENDED: Hampden Town Council November 17, 2003
Effective: December 17, 2003

- AMENDED: Hampden Town Council March 21, 2005
Effective: April 20, 2005

- AMENDED: Hampden Town Council April 4, 2005
Effective: May 4, 2005

- AMENDED: Hampden Town Council October 6, 2008
Effective: November 5, 2008

AMENDED: Hampden Town Council June 15, 2009
Effective: July 15, 2009

AMENDED: Hampden Town Council August 3, 2009
Effective: September 2, 2009

AMENDED: Hampden Town Council January 19, 2010
Effective: February 18, 2010

AMENDED: Hampden Town Council September 19, 2011 8.8.4, 8.9, 8.10, 8.11, 8.15, 8.16.1, 8.16.3,
Effective: October 19, 2011 8.16.5 (new 8.11 added and remainder of Article 8 re-numbered)

TOWN OF HAMPDEN

Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

**TOWN OF HAMPDEN, MAINE
FEES ORDINANCE**

The Town of Hampden hereby ordains:

In addition to those Town fees and charges, the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

**ARTICLE 1
ADMINISTRATION**
Amended 11-17-03, 3-21-05, 6-15-09

1.1. Business or Corporation filing	State Regulated
1.2. Copy of Certificate (marriage/birth/death)	State Regulated
1.3. Copy of Subdivision Ordinance	At Cost
1.4. Copy of Zoning Ordinance	At Cost
1.5. Copy of other ordinances	
1.5.1. up to 20 pages	\$0.25/page
1.5.2. and a page after that	\$0.15/page
1.6. Photocopies	
1.6.1. 8 ¹ / ₂ inch x 11 inch or smaller	\$0.25/page
1.6.2. 8 ¹ / ₂ inch x 14 inch	\$0.50/page
1.6.3. 11 inch x 17 inch	\$0.75/page
1.7. Marriage License	State Regulated
1.8. Notary Fee	\$3.00
1.9. Record Search	\$5.00/hour
1.10. Recording of Pole Permits	
1.10.1. 1 st page	\$2.00
1.10.2. Additional pages	\$1.00/page

1.11. Tax Maps	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set
1.11.2. (24 inch x 36 inch)	\$4.00 map
1.12. Compact Disk copies of ordinances or documents	\$5.00
<u>1.13. DVD copies of recorded meetings</u>	<u>\$3.00</u>
1.13 Liquor License (Amended 6/15/09)	
<u>1.14.</u> (Public hearing not required)	\$ 50.00
(Public hearing is required)	\$125.00

ARTICLE 2
FEES FOR ACTIVITIES REGULATED BY TOWN ORDINANCE
Amended 11-17-03, 3-21-05, 6-15-09, 8-3-09

- 2.1. Animal Control Ordinance**
2.1.1. Animal Impoundment Fee \$30.00 for each offense.
- 2.2. Cable Television Ordinance**
2.2.1. Initial Franchise Application Filing Fee \$500.00
2.2.2. Renewal Franchise Application Filing Fee \$500.00
2.2.3. Modification of a Franchise Agreement \$500.00
2.2.4. Combined Filing Fee for participating towns \$7,000.00
- 2.3. Cemetery Ordinance**
2.3.1. Lot Fees including perpetual care.
2.3.1.1. Resident \$200.00
2.3.1.2. Resident -Infant or Cremation \$200.00
2.3.1.3. Non-Resident \$300.00
2.3.1.4. Non-Resident Infant or Cremation \$300.00
2.3.2. Interment fees
2.3.2.1. Grave Openings Weekdays Adult \$250.00
2.3.2.2. Grave Openings Weekdays Infant or Cremation \$125.00
2.3.2.3. Grave Openings Weekends or Holidays Adult \$350.00
2.3.2.4. Grave Openings Weekends or Holidays Infant or Cremation \$200.00
2.3.3. Town Crypt Fees
2.3.3.1. Resident Free
2.3.3.2. Non-Resident \$25.00
2.3.4. Disinterment \$800.00
2.3.5. Vault Cremation \$250.00
2.3.6. Public Works Dept. Labor After 3:00 PM \$25.00/hour
- 2.4. Concourse Gathering Ordinance**
2.4.1. Concourse Gathering Permit Fee \$100.00
- 2.5. Floodplain Management Ordinance**
2.5.1. Application Fee \$75.00
2.5.2. Experts Fee \$500.00 horizontal review
\$1,000.00 vertical review and horizontal review.
This is a draw account established for a professional to establish flood elevation data where possible. Any unspent funds are to be returned to the applicant
- 2.6. Harbor Ordinance**
2.6.1. Overnight tie up to public float \$0.40 per ft. boat hull length.
2.6.2. Private mooring \$25.00 annual fee.

2.7. Historic Preservation Ordinance		
2.7.1.	Certificate of Appropriateness Application Fee	\$75.00
2.7.2	Historic Site or Landmark Designation Ap, Fee	\$150.00
2.8. Mobile Home Park Ordinance		
2.8.1.	Annual Mobile Home Park License <i>(This includes application review, initial inspection of premises and a follow-up inspection).</i>	\$150.00
2.8.2.	Additional Inspection Fee <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).</i>	\$100.00
2.9. Sewer Ordinance		
2.9.1.	Sewer Service Charge Rate <i>(Amended 8/3/09)</i>	\$4.28 per 100 cubic feet of water (c.f.w.) consumed as indicated by consumer's water meter.
2.9.1.1.	Sewer Charge Flat Rate Town Water No Meter	\$64.24
2.9.1.2.	Sewer Charge Flat Rate Well Water No Meter	\$105.44
2.9.2.	Sewer Service Capital Charge	
2.9.2.1.	Base Rate for 1 to 2,999 c.f.w. consumed	\$18.12
2.9.2.2.	3,000 to 5,999 c.f.w. consumed (double base)	\$36.24
2.9.2.3.	6,000 to 8,999 c.f.w. consumed (triple base)	\$54.36
2.9.2.4.	Other c.f.w. amount	Divide cubic feet of water consumed by 3,000 and round up to nearest whole number then multiply by \$18.12
2.9.3.	Sewer Service Minimum Charge Rate	\$18.12
2.9.4.	Sewer Service "Ready to Serve" Charge	\$18.12
2.9.5.	Special Sewer Service Charge	As determined by Town Council.
2.9.6.	Sewer Service Charge Rate Outside Town Limits	As determined by Town Council
2.10. Solid Waste Flow Control Ordinance		
2.10.1.	License Application Fee	\$10.00
2.10.2.	Annual License Fee Per Vehicle	\$25.00
2.11. Special Amusement Ordinance		
2.11.1.	Permit Application Fee	\$50.00
2.12. Subdivision Ordinance		
2.12.1.	Subdivision Sketch Plan	No Charge
2.12.2.	Minor Subdivision <i>(Less than 5 lots and no public improvements).</i>	\$35.00 plus \$20.00/acre
2.12.3.	Minor Subdivision Review/Inspection Draw	not required.
2.12.4.	Major Subdivision Preliminary Plan <i>(Five or more lots and /or public improvements).</i>	\$85.00 plus \$50.00/acre plus \$1,000.00 peer technical review draw account.

<p>2.12.5. Major Subdivision Final Plan <i>(Review/Inspection Draw Account)</i></p>	<p>Fee based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.</p>
<p>2.12.6. Major Subdivision Final Plan <i>(Mobile Home Park Construction Review/Inspection Draw Account)</i></p>	<p>Fee based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.</p>
<p>2.13. Victualers Ordinance <i>(Amended 6/15/09)</i></p>	
<p>2.13.1. Victualers License Application (Public hearing not required) (Public hearing is required) <i>(This includes public notice and initial inspection of premises. If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged \$50.00 prior to the inspection).</i></p>	<p>\$ 50.00 \$125.00</p>
<p>2.14. Waste Disposal Facility Licensing Ordinance</p>	
<p>2.14.1. Application Fee <i>This is a draw account to be used by the Council to hire consultants as necessary to review the proposal. If at any time balance drops to \$10,000.00 the applicant shall deposit an additional \$10,000.00. Any unexpended balance shall be returned after a final decision on the application is rendered.</i></p>	<p>\$50,000.00</p>
<p>2.15. Yard Sale Ordinance</p>	
<p>2.15.1. Permit Fee</p>	<p>\$5.00</p>
<p>2.16. Zoning Ordinance</p>	
<p>2.16.1. Building Permit Applications for all Construction <i>(Plumbing Permit Application)</i></p>	<p>\$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas, basements, attics, decks, pools, porches, sheds, garages, etc. <i>State Regulated</i></p>
<p>2.16.2. Demolition/Earth Moving Permit Application</p>	<p>\$25.00</p>
<p>2.16.3. Sign Permit Application</p>	<p>\$25.00 per sign</p>
<p>2.16.4. Certificate of Compliance Application <i>(Change of use, resumption of use, new use without building permit application)</i> <i>The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.</i></p>	<p>\$50.00</p>
<p>2.16.5. Additional Final Inspections <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will</i></p>	<p>\$25.00 per hour up to 50% of cost of building permit</p>

be charged prior to the inspection).

2.16..8.	Zoning Board of Appeals Variance Application	
2.16..8.1.	General Variance	\$100.00
2.16.8.2.	Dimensional Variance	\$100.00
2.16.8.3.	Disability Variance	Free
2.16.8.4.	Administrative Appeal Application	\$100.00
2.16.9.	Zoning Ordinance Map or Text Amendment Request	\$650.00
2.16.10.	Site Plan Review Applications	
2.16.10.1.	Minor Development	\$75.00
	<i>This includes reuse proposal or new structures with less than 3,000 sq. ft., and total site improvements of less than 5,000 sq. ft</i>	
2.16.10.2.	Major Development	\$500.00
	<i>This includes new structures in excess of 20,000 sq. ft or developments with more than 50,000 sq. ft. of site improvements</i>	
2.16.10.3.	All Others	\$150.00
2.16.11.	Commercial Secure Landfill Applications	\$0.005/cubic yard of capacity
	<i>(Application to expand or construct a Commercial Secure Landfill in addition to the above fees).</i>	
2.16.12.	Peer Technical Review Draw Accounts	
	<i>(In addition to the Planning Board application fees the Town shall assess a Peer Technical Review draw account accompanying a complete application as defined by ordinance and prior to review by the Board based on the following schedule. Applications which require subsequent re-review of additional information, or amended submittals shall be responsible to provide additional funds to cover these full peer review costs. Upon exhausting in excess of 75% of the funds in the original submittal, the applicant shall provide additional funding increments of 50% of the original fee. Any remaining fees held in the account upon completion of the review process shall be returned to the applicant).</i>	
2.16.12.1.	Engineering Analysis	\$600.00.
	<i>(Where the staff or planning board requires an Engineering Analysis based on any on-site or off-site impacts).</i>	
2.16.12.2.	Stormwater Analysis	\$500.00.
	<i>(Where the staff or planning board requires a pre-development and post-development storm-water impact study based on 2 acres of proposed impervious surface or other local stormwater drainage problems).</i>	
2.16.12.3.	Traffic Analysis	\$1,000.00.
	<i>(Where the staff or planning board requires a Traffic Impact Study based on 100 peak hour trips generated on-site or other known local traffic congestion problems).</i>	

**ARTICLE 3
FIRE DEPARTMENT**
Amended 11-17-03, 4-4-05

3.1.	<i>Private Culvert Flushing</i>	Hourly call rate	
3.2.	<i>Report Copies</i>	\$10.00	
3.3.	<i>Request for Tank Truck</i>	\$25.00/hour plus man hours	
3.4.	<i>Fee for pumping: 1 time emergency</i>	Free	
3.5.	<i>Additional calls to same address</i>	\$25.00/hr. minimum 1 hour fee.	
3.5.	<i>Advanced Life Support 1 Rates</i>		
3.5.1.	ALS 1 Base Rate	\$400.00	<u>\$685.00</u>
3.5.2.	ALS 2 Base Rate	\$500.00	<u>\$885.00</u>
5.2.3.	ALS Non-Emergency Rate	\$295.00	<u>\$475.00</u>
3.5.4.	ALS Mileage	\$10.00	<u>\$ 17.00</u>
3.5.5.	ALS Backup Fee	\$80.00	<u>\$100.00</u>
3.6.	<i>Basic Life Support Rates</i>		
3.6.1.	BLS Base Rate	\$275.00	<u>\$550.00</u>
3.6.2.	BLS Non-Emergency Rate	\$275.00	<u>\$450.00</u>
3.5.3.	BLS No Transport Rate	\$125.00	<u>\$195.00</u>
3.5.4.	BLS Mileage	\$10.00	<u>\$ 17.00</u>
3.7.	<i>Ambulance Stand-by fee for special events</i>	\$75.00 \$125.00 per officer (each event)* *Plus Administrative Costs (12 admin cost/hr)	
3.8.	<i>Life Support Services</i>		
3.8.1.	Oxygen	\$50.00	<u>\$ 72.00</u>
3.8.2.	ET (Endotracheal Tube Therapy)	\$95.00	<u>\$155.00</u>
3.8.3.	IV (Intravenous Infusion Therapy)	\$75.00	<u>\$115.00</u>
3.8.4.	<u>Cardiac Monitor</u>	\$100.00	<u>\$155.00</u>
3.8.5.	Defibrillation	\$75.00	<u>\$135.00</u>
3.8.6.	Cervical Immobilization	\$50.00	<u>\$ 70.00</u>
3.8.7.	Usable Supplies	Set by Medicare/Medicaid	

ARTICLE 4
POLICE DEPARTMENT
Amended 11-17-03

4.1.	Report Copies (accident or criminal)	\$10.00 for the first page plus .25 per page thereafter
4.2.	Special Detail (Dances, games, guard duty, etc.)	\$75.00 per officer (each event)* *Plus Administrative Costs (\$12.00 admin. cost/hr)
4.3.	Concealed Weapons (Hand Gun) Permit	
	4.3.1. First Permit - State Maximum	\$35.00
	4.3.2. Renewal	\$20.00
4.4.	Alarms	
	4.4.1. Monitoring - limit	\$30.00/year
	4.4.2. False alarm - 2 per month	2 hour min. call out

ARTICLE 5
PUBLIC WORKS
Amended 11-17-03

5.1.	<i>Additional Fees</i>	
5.1.1.	Public Works Dept. Labor After 3:00 PM	\$25.00/hour
5.1.2.	Opening Public Way (Deposit)	\$300.00
5.1.3.	Sewer Hookup	\$200.00
5.2.	<i>Solid Waste Fees</i>	
5.2.1.	Business Companies Hauling Trash	\$200.00/annually
5.2.2.	Business Hauling directly to Pine Tree Landfill or to the transfer station	\$25.00/annually
5.2.3.	Non-resident Business working on Hampden Project (temp permit)	\$25.00/annually
5.2.4.	Resident Transfer Station Sticker	\$5.00

ARTICLE 6
RECREATION
Amended 11-17-03

- 6.1. Recreation Fee Waiver Policy:** Any person interested in any Hampden Recreation program that feels they do not have the financial means to afford the full fee shall receive a waiver at the sole discretion of the Recreation Director. Full or partial fee waivers may be given as determined by financial need and the recreation program for which the waiver is requested.
- 6.2. Program Fees:**
- | | |
|--|--------------------|
| 6.2.1. Kids Kamp | \$110.00/full week |
| 6.2.2. Kids Korner morning session | \$6.00/day |
| 6.2.3. Kids Korner afternoon session | \$10.00/day |
| 6.2.4. Team Sport Resident eight week session | \$25.00 |
| 6.2.5. Team Sport Non-Resident eight week session | \$30.00 |
| 6.2.6. Individual Sport – length of session varies | Cost plus basis |
- 6.3. Resident Play Field Rental Fees** (all requests subject to availability and require submission of a completed facility request form):
- | | |
|--|-----------------|
| 6.3.1. Single Field, Single Game | Cost plus basis |
| 6.3.2. Single Field, Entire Day | Cost plus basis |
| 6.3.3. Single Field, Multi-week Program | Cost plus basis |
| 6.3.4. Single Field, In-Town Travel Teams per game | Free |
- 6.4. Non-Resident Play Field Rental Fees** (all requests subject to availability and require submission of a completed facility request form):
- | | |
|------------------------------------|---------------------------|
| 6.4.1. Single Field, Single Game | \$50.00 plus Cost |
| 6.4.2. Single Field, Entire Day | \$100.00 plus Cost |
| 6.4.3. Single Field, Multi-week | \$40.00 plus Cost/per use |
| 6.4.4. Single Field, Use of Lights | \$15.00 per event |

ARTICLE 7
LIBRARY
Amended 11-17-03, 1/19/10

7.1. Library Fees	
7.1.1. Resident Annual Fee	Free
7.1.2. Non-Resident Annual Fee	\$35.00/year
7.1.3. Overdue Fees	
7.1.3.1. Books and Periodicals	\$0.10/day
7.1.3.2. Audio or Video	\$0.10/day
7.1.3.3. Maximum Overdue Fee	\$3.00/item
7.2 Self-service Photocopies	<u>\$0.25/page</u>
7.2.1. 8¹/₂ x 11 or smaller	<u>\$0.10/page</u>
7.2.2. 8¹/₂ x 14	<u>\$0.10/page</u>
7.2.3. 11 x 17	<u>\$0.10/page</u>
7.3 Self-service Printer Pages	<u>\$0.25/page</u>
7.3.1. 8¹/₂ x 11 or smaller	<u>\$0.10/page</u>
7.3.2. 8¹/₂ x 14	<u>\$0.10/page</u>
7.4 Self-service Sending of Faxes	
7.4.1. <u>Within United States</u>	<u>\$1.00/page</u>
7.4.2. <u>International</u>	<u>\$2.00/page</u>
7.5 Receiving of Faxes	<u>Not Allowed</u>

ARTICLE 8

POOL

Amended 11-17-03, 4-4-05, 10-6-08, 9-19-11

- 8.1. Susan G. Abraham Memorial Endowed Scholarship** provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and must be resident of Hampden, Winterport or Newburgh. (Amended 9/19/2011)
- 8.2. Annual Resident Membership Fees:**
- | | |
|---------------------|----------|
| 8.2.1. Family | \$255.00 |
| 8.2.2. Single Adult | \$155.00 |
| 8.2.3. Youth/Teen | \$120.00 |
| 8.2.4. Senior | \$145.00 |
- 8.3. Six Month Resident Membership Fees:**
- | | |
|---------------------|----------|
| 8.3.1. Family | \$155.00 |
| 8.3.2. Single Adult | \$ 95.00 |
| 8.3.3. Youth/Teen | \$ 75.00 |
| 8.3.4. Senior | \$ 90.00 |
- 8.4. Three Month Resident Membership Fees:**
- | | |
|---------------------|----------|
| 8.4.1. Family | \$ 95.00 |
| 8.4.2. Single Adult | \$ 60.00 |
| 8.4.3. Youth/Teen | \$ 50.00 |
| 8.4.4. Senior | \$ 55.00 |
- 8.5. Annual Non-Resident Membership Fees:**
- | | |
|---------------------|----------|
| 8.5.1. Family | \$280.00 |
| 8.5.2. Single Adult | \$180.00 |
| 8.5.3. Youth/Teen | \$145.00 |
| 8.5.4. Senior | \$170.00 |
- 8.6. Six Month Non-Resident Membership Fees:**
- | | |
|---------------------|----------|
| 8.6.1. Family | \$170.00 |
| 8.6.2. Single Adult | \$110.00 |
| 8.6.3. Youth/Teen | \$ 90.00 |
| 8.6.4. Senior | \$105.00 |
- 8.7. Three Month Non- Resident Membership Fees:**
- | | |
|---------------------|----------|
| 8.7.1. Family | \$105.00 |
| 8.7.2. Single Adult | \$ 70.00 |
| 8.7.3. Youth/Teen | \$ 60.00 |
| 8.7.4. Senior | \$ 65.00 |
- 8.8. Daily Swim Fee during family or lap swim times** (Amended 9/19/2011)
- | | |
|---------------------------------------|---------|
| 8.8.1. Single Swim - Resident | \$ 4.00 |
| 8.8.2. Single Swim – Non-Resident | \$ 5.00 |
| 8.8.3. Resident 12 Use Punch Card | \$30.00 |
| 8.8.4. Non-Resident 12 Use Punch Card | \$42.00 |

8.9.	<i>Resident Swim Lessons</i> <i>(Amended 9/19/2011)</i>	
8.9.1.	Members	\$4.50 per class
8.9.2.	Non-Members	\$5.50 per class
8.10.	<i>Non-Resident Swim Lessons</i> <i>(Amended 9/19/2011)</i>	
8.10.1.	Members	\$6.00 per class
8.10.2.	Non-Members	\$7.00 per class
8.11.	<i>Private Swim Lessons</i> <i>(Amended 9/19/2011)</i>	
8.11.1	Resident Member	
	1 Child	\$15.00 per class
	2 Children	\$20.00 per class
8.11.2.	Resident Non-member	
	1 Child	\$20.00 per class
	2 Children	\$25.00 per class
8.11.3	Non-resident Member	
	1 Child	\$20.00 per class
	2 Children	\$25.00 per class
8.11.4	Non-resident Non-member	
	1 Child	\$25.00 per class
	2 Children	\$30.00 per class
8.12.	<i>Resident Adult Aqua Aerobics</i> (10 Classes):	
8.12.1.	Members	\$25.00
8.12.2.	Non-Members	\$30.00
8.13.	<i>Non-Resident Adult Aqua Aerobics</i> (10 Classes):	
8.13.1.	Members	\$30.00
8.13.2.	Non-Members	\$35.00
8.14.	<i>Adult Aqua Aerobics Drop Ins:</i>	
8.14.1.	Members	\$4.00/class
8.14.2.	Non-Members	\$5.00/class
8.15.	<i>Gentle Aerobics</i> <i>(deleted 9/19/2011 – see 8.12 & 8.13)</i>	
8.16.	<i>Pool Facility Rental Fees</i> (Limited Availability): <i>(Amended 9/19/2011)</i>	
8.16.1.	Resident Pool Rental	\$70.00/hour 30 total guests
8.16.2.	Resident Lounge Rental	\$20.00/hour
8.16.3.	Non-Resident Pool Rental	\$85.00/hour 30 total guests
8.16.4.	Non-Resident Lounge Rental	\$25.00/hour
8.16.5.	Additional Guests (As Required by Rules)	\$15.00/hour
8.17.	<i>Swim Diaper</i>	\$1.00

**ARTICLE 9
ANNUAL REVIEW BY TOWN COUNCIL**

- 9.1** An itemized listing of fees for each town department will be submitted to the Town Council by the Town Manager on or before October of each year for the Council's review, revision, and approval.

ELECTION CLERKS

C-2-a

LAST NAME	FIRST NAME	PARTY	DISTRICT
Bartlett	Phyllis	D	3
Bowen	Frances	R	1
Camuso	Jean	D	3
Carter	Katherine (Kay)	D	3
Dunton	Trudy	U	3
Edgerly	Judy	D	3
Ewing	Tammy	R	2
Gadoury	Lisa	D	1
Gresser	Vivian	R	1
Hall	Susan	U	4
Hatch	Lisa	R	4
Hickson	Betty	D	1
Hopkins	Carolyn	D	2
Holt	Norine	R	2
Kurowski	Beth	U	4
Lozito	Debora	D	3
Mock	Suzanne	R	2
Nesbit	Melinda	R	2
Palmer	Susan	R	1
Patterson	Deanna	R	2
Sass	Jenny	D	4
Seekins	Jennie	R	2
Skehan	Patricia	R	1
Starbird	Susan	R	2
Therault	Joyce	R	3
Totman	Patricia	R	3
Walker	Kathy	D	2

C-3-a

TOWN OF HAMPDEN
WESTERN AVE. RECREATION AREA
PLAYGROUND EQUIPMENT
BID SHEET

APRIL 2, 2012
1:00 pm

BIDDER	# PLAY STATIONS	BID AMOUNT
M. E. O'Brien & Sons, Inc.	option 1 11	17,026.00
M. E. O'Brien & Sons, Inc.	option 2 14	20,922.00



Date: March 22, 2012
Job: Western Avenue Playground
Location: Hampden, Maine
Salesperson: Joel St. Pierre, CPRP, CPSI
E-mail: Joel_StPierre@obrienandsons.com

93 West Street
P.O. Box 650
Medfield, MA 02052
SDO CERTIFIED WBE

Corporate Office: 800-835-0056 • Telephone: 508-359-4200 • Fax: 508-359-2817
Web: www.obrienandsons.com • Email: mail@obrienandsons.com

QUOTATION

We are pleased to offer our quotation on the following for the above subject job:

<u>QTY.</u>	<u>MODEL #</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
1		MEO12122PS – Playground Design Option 1 Furnished and Installed	\$17,026.00
1		MEO12122 PLAYSENSE – Playground Design Option Furnished and Installed	\$20,922.00

IMPORTANT NOTES:

- ❖ Customer is responsible for quantity confirmation
- ❖ **Pricing on this product is valid for 30 days only, due to the erratic cost of steel at the present time.** Prices are subject to review thereafter.
- ❖ Prices based on quantities listed. Any change to quantities may impact prices quoted. The above prices are f.o.b. your specified destination and are for materials only unless otherwise noted.
- ❖ Prices are not using prevailing wages unless otherwise specified.
- ❖ Standard manufacturer's colors, design, specifications, and construction apply, unless specifically noted in description.
- ❖ Our terms are: **To Be Determined** - First order requires 50% deposit & execution of credit application.
- ❖ Retainage does not apply as we are a material supplier only.
- ❖ Please **allow 4 to 6 weeks** for delivery after receipt of order and architectural approval should it be required.
- ❖ No back charges will be honored unless express written approval has been issued by O'Brien & Sons and price has been agreed on before execution of remedy. Failure to do so will void any obligation of payment toward said remedy on the part of O'Brien & Sons and could result in termination / suspension of your credit / account.
- ❖ Restocking fees will apply on returned items.

If we can be of further assistance, please feel free to contact us. *Thank you!*

MEMORANDUM



TO: Darcy Peakall, Pool Director
FROM: Devon Carter, PE, LEED AP
DATE: April 6, 2012
RE: Lura Hoit Memorial Pool IDECVAV Ventilation Upgrade – Re-Bid Results

The second round of bids for the Pool Ventilation project were opened Thursday, April 5, 2012. As you know, the re-bid of the project included a base bid, which focused on a simplified scope based on the original bid documents. Based on information gathered during review of previous bids, we expected the cost of direct replacement of the existing unit to be a higher cost than this simplified scope. In addition, we also encouraged contractors to propose least-cost options.

Two bids were opened from the following firms: Industrial Heating & Piping Company, Caribou, Maine, and Mechanical Services, Inc., Portland, Maine. A bid tabulation sheet is enclosed summarizing the results of these bids.

Industrial Heating & Piping Company provided a base bid of \$251,500 with a deduct (Alternate No. 1) of \$12,230. The cost with acceptance of the alternate would be \$239,270. Their bid was responsive in regard to acknowledgement of addenda, re-bid narrative, and inclusion of appropriate bid bonds. They did not provide an alternate proposal as described in Article 9 of the bid form, which was their prerogative.

Mechanical Services provided an alternate bid. They did not provide a base bid and were non-responsive in regard to acknowledgement of addenda and re-bid narrative. Article 9 implies a base bid should have been provided. They did include appropriate bid bonds. Their bid on an alternate proposal, as described in Article 9 of the bid form, was \$172,000.

Article 9 of the bid solicitation described the requirements for submitting an alternate solution. It asked for information as part of the bid on how the alternate proposal will appropriately control: interior temperature, interior humidity, indoor air movement, and interior pressure; address energy efficiency concerns; and provide long-term integrity of materials. None of these were specifically addressed, but the information that was provided indicates that a workable system would be possible. We have reached out to Peter Neumeyer of Mechanical Services for additional information and, though not able to provide all the additional information on the above concerns until next week, he did provide the air moving capabilities of the proposed equipment.

The equipment in the proposed base bid would move 8,500 cubic feet per minute (CFM) of air and should control pool room humidity at least 98% of the time. Peter stated that his bid includes equipment that could move up to 6,000 CFM. This would provide humidity control about 95% of the time. Additionally, the alternate system would be somewhat less energy efficient and somewhat less long lived, given that there is more exposure to corrosive chloramines on the supply side of the unit. Also, the base bid unit would allow future cooling capabilities. If these trade-offs are acceptable in light of the price difference between base bid and alternate proposal, we recommend working with Mechanical Services to further define their proposed scope.

Given that the Alternate Proposal is not based on specific design documents, contingency should be considered. We suggest a 15% contingency on Mechanical Services' proposal would allow you room to negotiate and keep project costs below \$200,000.

We will see you on Monday to discuss with the Committee.

DLC/jiv
214514.00 001



**COMMITMENT & INTEGRITY
DRIVE RESULTS**

**WOODARD
& CURRAN**

One Merchants Plaza | Suite 501
Bangor, Maine 04401
www.woodardcurran.com

T 800.564.2333
T 207.945.5105
F 207.945.5492

TOWN OF HAMPDEN, MAINE
LURA HOIT MEMORIAL POOL IDECVAV VENTILATION UPGRADE
PROJECT NO. 214514
RE-BID April 5, 2012

No.	Description	Unit	Estimated Quantity	Industrial Heating & Piping Co.		Mechanical Services Inc.	
				Unit Price	Value	Unit Price	Value
1	Pool Room Ventilation System Replacement	LS	1	\$251,500.00	\$251,500	NO BID	\$0

BID ALTERNATE No. 1	
1	Bid Deduct Alternate 1 (Single Fan)
	(\$12,230)
TOTAL BID (BASE - ALTERNATE 1)	
	\$289,270
	NO BID
	\$0

ALTERNATE PROPOSAL	
1	Alternate Pool Room Ventilation System Replacement
	\$0.00
	NO BID
	\$172,000.00

C-3-C



Lura Hoit Memorial Pool
146 Western Ave.
Hampden, ME 04444
(207) 862-4305

Naming Rights Criteria

For a one time donation of \$10,000 a business can select one of the following rooms:

Men's Locker Room

Women's Locker Room

Family Locker Room

Lobby

Lounge

A 4 x 6 bronze plate will be attached to the door or entry of the selected room.

The above criteria was approved by the Lura Hoit Pool Board on February 7, 2012.

Mailing Address: 106 Western Ave, Hampden, ME 04444
lurahoitpool@hampdenmaine.gov

C-3-d

**TOWN OF HAMPDEN, MAINE
OUTDOOR FACILITIES ORDINANCE**

ENACTED DATE: MONTH, XX, 2012+
EFFECTIVE DATE: MONTH, XX, 2012+

CERTIFIED BY: _____
Name

Title Affix Seal

**TOWN OF HAMPDEN, MAINE
OUTDOOR FACILITIES ORDINANCE
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**THE TOWN OF HAMPDEN HEREBY ORDAINS THAT THE FOLLOWING
ORDINANCE BE ADOPTED.**

**ARTICLE I.
PURPOSE**

1.1 Purpose. The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in outdoor facilities situated in Hampden. This Ordinance ~~replaces hereby repeals~~ the former Dorothea Dix Park Ordinance and Papermill Road Recreation Area Ordinance.

**ARTICLE II.
AUTHORITY**

2.1 Authority. Pursuant to the provisions of Title 30-A M.R.S. Sections 3001 and 3281-3284 and the Charter of the Town of Hampden, Article II, Section 212, and Article III, Section 302, there is hereby established an Outdoor public Facilities Ordinance to be organized, administered and governed in accordance with the following provisions.

**ARTICLE III.
APPLICABILITY**

3.1 Applicability. This Ordinance provides full power and authority over all public-outdoor property facilities within the Town.

**ARTICLE IV.
DEFINITIONS**

4.1 Definitions. Unless specifically defined below, words and phrases used in this Ordinance shall have the customary dictionary definitions that same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Alcoholic Beverage: any beverage containing any amount of alcohol as regulated under state law.

Controlled Substance: any legal or illegal drug, narcotic, hallucinogen, opiate, prescription drug, or any other such substance regulated by state or federal law.

Motorized Vehicle: any vehicle that is propelled by an engine, including but not limited to: cars, trucks, motorcycles, snowmobiles, ATVs, OHVs, dune buggies, dirt bikes, three-wheelers, go-karts, and golf carts.

Outdoor Facility: any park, sports field, forest, wooded area, field, playground, or other property owned by the Town of Hampden.

Parks: Includes the following ~~public properties~~ outdoor facilities: Dorothea Dix Park, Papermill Road Recreation Area, Western Avenue Recreation Area, or other areas designated as such.

Public Safety Department: Includes Police, Fire, and Emergency Medical Services (EMS) Departments.

Sports Fields: Includes the following ~~public properties~~ outdoor facilities: Ball Field Road Ball Field, VFW Recreation Area, Western Avenue Recreation Area, or other areas designated as such.

Tobacco Products: cigars, cigarettes, chewing tobacco, snuff, or any other product containing tobacco as regulated under state law.

ARTICLE V. PROHIBITIONS

5.1 Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping in outdoor facilities, nor shall any person leave in outdoor ~~public properties~~ facilities after closing hours, any movable structures or special vehicle that could be used for such purposes. Upon prior approval of a law enforcement officer of the Town of Hampden, overnight camping may be permitted in situations involving unique circumstances.

5.2 Firearms/Hunting. No person ~~other than law enforcement personnel~~ shall ~~carry or~~ discharge a firearm or engage in any hunting activity within parks or sports fields as defined herein. Refer also to the Town of Hampden Firearms Discharge Ordinance.

5.3 Fires. No person shall kindle, build, maintain or use a fire except in areas designated for such purposes. All fires shall be properly extinguished before the person utilizing the same leaves the outdoor facility. Any fires shall be continuously under the care and supervision of a competent person from the time it is kindled until it is extinguished. Fires may be prohibited by the Recreation Director, Town Forester, and or employees of the Public Safety Department when, in his or her judgment, the conditions are such that any fire would represent a safety hazard.

5.4 Wood. No person shall cut any wood on any ~~public property~~ outdoor facility without a prior permit from the Town Forester, who shall have the discretion to deny any application for such a permit if he or she determines that the proposed activity is inconsistent with the goals of the forest management plan for the property.

5.5 Alcoholic Beverages. No person shall ~~bring~~ consume or be under the influence of alcoholic beverages into ~~the any~~ outdoor facility, ~~nor shall any person drink or use the same at any time or be under the influence of the same in the outdoor facility.~~

5.6 Tobacco Products. No person shall consume or use tobacco products within ~~the any~~ outdoor facility.

5.7 Controlled Substances. No person shall consume or use any controlled substance legal or illegal while within ~~the~~ any outdoor facility, unless the person has a labeled container and proof of prescription.

5.8 Trash. No person shall scatter, drop or leave any debris trash or other rubbish within ~~the~~ any outdoor facility except in receptacles provided for that purpose.

5.9 Animals. All animals brought into ~~the~~ any outdoor facility shall be on a leash at all times so as to not interfere with the enjoyment of the outdoor facility by other members of the public, if present. No animal shall be off a leash at any time at any sports field as defined herein, or at any part of the Western Avenue Recreation Area. Owners shall pick up after their animals.

5.10 Motor Vehicle Access. Access to outdoor facilities by motor vehicles ~~will~~ shall be ~~permitted or prohibited~~ governed by pursuant to the rules for that facility contained in the Recreation Department policy document "Outdoor Facilities Rules and Regulations." Upon prior approval of a law enforcement officer of the Town of Hampden, motor vehicle access may be permitted in situations involving unique circumstances. For specific restrictions for each outdoor facility, please refer to the Recreation Department policy document "Outdoor Facilities Rules and Regulations." Motor vehicle access to a ~~facilities'~~ facility's parking area is ~~allowed;~~ as this section is meant to address access to parts of facilities that are not meant for motor vehicles.

5.11 Other Vehicles Prohibited. No person shall operate a trail bike, all terrain vehicle, snowmobile, or any other motorized recreational vehicle within any outdoor facility except for on designated trails or areas, or for purposes of maintenance or rescue.

ARTICLE VI. OPERATION

6.1 Hours & Dates of Operation. Outdoor facilities shall be open to the public from a half hour before dawn to dusk ~~an hour after sunset~~. Outdoor facilities are open 365 days a year as weather allows. For information on reservations, which facilities are plowed during the winter, and closing times for areas with artificial lighting, please see the Recreation Department policy document "Outdoor Facilities Rules and Regulations." Snowmobiles are permitted after dark on designated trails.

ARTICLE VII. ENFORCEMENT

7.1 Law Enforcement. Any law enforcement officer of the Town of Hampden shall have the authority to revoke the permission of any individual to use an outdoor facility when the officer observes, or has probable cause to believe, that such individual has violated any provisions of this Ordinance, committed a civil infraction within the facility, or has violated any provision of the laws and Ordinances of the State of Maine or the Town of Hampden within the facility. The Recreation Department also has the authority to revoke the permissions of any individual to use an outdoor facility if they are found to have violated the provisions of this Ordinance.

7.2 *Alternative Enforcement.* The Recreation Director and his or her subordinate employees shall be empowered to enforce the provisions of this Ordinance. In addition, the Town Forester, Code Enforcement Officer and the members of Hampden Public Safety shall also have the authority to enforce the provisions of this Ordinance.

7.3 *Enforcement Mechanism.* This Ordinance may be enforced by the institution of legal or equitable proceedings in court, including proceedings pursuant to 30-A M.R.S. §4452.

**ARTICLE VIII.
PENALTIES**

8.1 *Penalties.* Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Fifty Dollars (\$150.00) for each violation. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any fines recovered shall inure to the benefit of the Town of Hampden.

**ARTICLE IX.
SEVERABILITY**

9.1 *Severability.* If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**ARTICLE X.
EFFECTIVE DATE**

10.1 *Effective Date.* Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of 30 days after its adoption by the Town Council.

Outdoor Facilities Rules and Regulations

Motor Vehicle Access. Shall be permitted as weather allows under the direction of the Recreation Director, for all outdoor facilities that have areas for motor vehicle access. No person shall operate a motor vehicle in or on an Outdoor Facility or in any area except established roads, driveways, or parking areas, or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Recreation Director.

Dorothea Dix Park. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted between April 1 and November 1, although the Recreation Director shall have the authority to provide for different dates of motor vehicle access depending on weather conditions. Motor vehicle access applies only to those parts of the park that are designated driveways and parking areas. No person shall operate a motor vehicle in the park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public. The park is not plowed during the winter. No section or parts of the park may be reserved.

Papermill Road Recreation Area. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted between April 1 and November 1, although the Recreation Director shall have the authority to provide for different dates of motor vehicle access depending on weather conditions. Motor vehicle access applies only to those parts of the park that are designated driveways and parking areas. No person shall operate a motor vehicle in the park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public.

Western Avenue Recreation Area. Motor vehicle (as defined in the Outdoor Facilities Ordinance) access is permitted within the paved parking lot area only. The gazebo is considered closed at dusk. Lighting turns off at 10pm, at which time the facility is considered closed to the public. The multi-purpose field can be reserved, during which times the area is not open to the public. All other areas cannot be reserved, and are always open to the public. The parking lot is plowed during the winter.

VFW Recreation Area. Access to the park-sports field by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted as weather allows, although the Recreation Director shall have the authority to provide for restriction of motor vehicle access depending on weather conditions. Motor vehicle access is permitted within the gravel parking areas only. Artificial lighting is available on a timed switch at all hours for the tennis courts only. All or parts of this facility can be reserved, during which times the area is not open to the public.

Ball Field Road Ball Field. Access to the park-sports field by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted as weather allows, although the Recreation Director shall have the authority to provide for restriction of motor vehicle access depending on weather conditions. Motor vehicle access is permitted only within the dirt/gravel area across the road from the ball field. Use of artificial lighting is available upon request. All or parts of this facility can be reserved, during which times the area is not open to the public.

Marina. Refer to Harbor Ordinance.

Reservations. Please see the details for each facility in the previous sections regarding what can and cannot be reserved. Fees for reservations are in the Town of Hampden Fees Ordinance.

DRAFT

(Revised 3/16/12)

The Town of Hampden hereby ordains:

**TOWN OF HAMPDEN
Code of Ethics**

Section 1. Declaration of Policy.

The proper operation of democratic government requires that Town Councilors and their appointees be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that such Councilors and their appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors and all members and associate members of any Board or Committee appointed by the Town Council. This Code of Ethics is not intended to deny Council members, nor Board or Committee members, their constitutional rights nor violate their civil rights.

Section 2. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated.

Business: Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity, organized for the purposes of making profit.

Censure: A judgment or resolution condemning a person for misconduct.

Confidential Information: Any information, whether oral, written, digital or electronic, which comes to the attention of, or is available to, a Town Official only because of his or her position with the Town and which is not a matter of public record. Information received or discussed during an executive session called pursuant to 1 M.R.S. §405 shall be considered confidential information, and shall not be disclosed to any third party unless permitted by affirmative vote of the body which held the executive session.

Council Appointee: Any sworn member or associate member of any board or committee appointed by the Town Council, including but not limited to appointed Board members, Committee members, and Commission members.

Financial Interest: a direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership of stock.

Immediate Family – Spouse, children, parents, brothers, and sisters. This includes family members related by marriage and adoption.

Special Interest: A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or

group as a result of the passage or denial of any order, ordinance or resolution, or the approval, approval with conditions or denial of any application by the Town Council or Council Appointees, and which interest is not shared by the general public.

Town Councilor: Sworn member of the Hampden Town Council

Town Employee: Any individual working for, on a permanent or temporary basis, and drawing a salary, wages or stipend from the Town of Hampden. The term "Town Employee" shall not include consultants or professional personnel providing services to the Town as independent contractors under a written professional services contract or other similar engagement.

Town Official: A member of the Town Council or a member of any appointed committee, board or commission of the Town Council.

Sec 3. Standards of Conduct.

The purpose of this Code of Ethics is to establish standards of conduct for all Town Councilors and Council Appointees by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interests of the Town of Hampden.

3.1 Statutory Standards: There are certain provisions of the general statutes of the State of Maine, which should, while not set forth herein, be considered an integral part of this Ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics, and shall apply to all Town Councilors or Council Appointees whenever applicable, as if more fully set forth herein, to wit:

- 17 MRSA §3104 Conflicts of Interest; Purchases by the State
- 17-A MRSA §456 Tampering with Public Records or Information
- 17-A MRSA §602 Bribery in Office with Political Matters
- 17-A MRSA §603 Improper Influence
- 17-A MRSA §604 Improper Compensation for Past Action
- 17-A MRSA §605 Improper Gifts to Public Servants
- 17-A MRSA §606 Improper Compensation for Services
- 17-A MRSA §607 Purchase of Public Office
- 17-A MRSA §608 Official Oppression
- 17-A MRSA §609 Misuse of Information
- 17-A MRSA §903 Misuse of Entrusted Property
- 21-A MRSA §504 Persons Ineligible to Serve
- 30-A MRSA §2605 Conflicts of Interest
- 30-A MRSA §5122 Interest of Public Officials, Trustees of Employees

3.2 Disclosure of Confidential Information: No Town Councilor or Council Appointee shall, without proper legal authorization, disclose confidential information concerning the property, employees or applicants for employment, government or affairs of the Town, nor shall he or she use such information to advance the financial or private interest of him or herself or others. Information received and discussed during an executive session of the Hampden Town Council or any Town Board, Committee, or Commission pursuant to 1 M.R.S. §405 shall be considered within the constraints of this subsection, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

3.3 Gifts and Favors: No Town Councilor or Council Appointee shall solicit or accept any gift, favor or thing of value, whether in the form of service, loan, thing or promise, from any person or business which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Town Councilor or Council Appointee: 1) solicit or accept any gift, favor or thing of value that tends to influence that individual in the discharge of his or her official duties or 2) solicit or grant in the discharge of his or her official duties any improper favor, service or thing of value. The foregoing is not intended to prohibit normal social practices where gifts from friends, associates, and relatives are appropriate for certain occasions.

3.4 Use of Town Property: No Town Councilor or Council Appointee shall use, or permit the use of, any Town-owned property including, but not limited to, motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established for the public at large.

3.5 Conflicts of Interest.

A. Deliberation and Vote Prohibited

1. No Town Councilor or Council Appointee shall participate directly or indirectly by means of deliberation, voting, approval or disapproval, or recommendation, or otherwise take part in the decision making process, on any agenda item before the body of which he or she is a member if he or she, or a member of his or her immediate family, has a financial or special interest, other than that possessed by the public generally, in such purchase, award, or approval, held by:
 - a. The Town Councilor or Council Appointee, or a member of their immediate family; or
 - b. A business in which the Town Councilor or Council Appointee, or a member of their immediate family, serves as an officer, director, trustee, partner or employee in a supervisory or management position; or

- c. Any other person or business with whom the Town Councilor, or Council Appointee, or a member of their immediate family, are in business or are negotiating, or have an arrangement concerning future employment.
 2. No Town Councilor or Council Appointee shall participate directly or indirectly by means of deliberation, approval or disapproval, or recommendation of an application, purchase, contract, or other legal matter, or in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for employment or employee, where said applicant or employee is:
 - a. A member of their immediate family; or
 - b. A person with whom either the Town Councilor or Council Appointee, or his or her immediate family, are in business.

B. Disclosure of Conflict. Any Town Councilor or Council Appointee who believes he or she, or a member of his or her immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before the body on which he or she serves shall disclose the nature and extent of such interest, and the Town Clerk or his or her designee shall make a record of such disclosure. Such disclosure shall be made no later than the date of the first meeting of the Town Council, Committee, Board, or Commission at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the Town Councilor or Council Appointee is present. Additionally, any Town Councilor or Council Appointee who believes that any fellow Town Councilor or Council Appointee, or a member of such fellow Town Councilor's or Council Appointee's immediate family, has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body shall disclose the nature and extent of such agenda item before his or her collective body shall disclose the nature and extent of such interest, and the Town Clerk or his or her designee shall make a record of such disclosure.

C. Determination of Conflict. In the event that a conflict has been raised relative to an individual Town Councilor or Council Appointee, and disclosure has been made as described above, such individual's fellow Town Councilors or Council Appointees shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each Town Councilor or Council Appointee present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual Councilor's or Appointee's alleged conflict of interest.

1. All votes of conflicts of interest questions shall be recorded. A majority vote shall determine the question; but a vote by Boards, Committees, and Commissions may later be reviewed by Town Council upon the Town Council's consideration of the same agenda item.
2. Upon determination that a conflict of interest in fact exists, the Town Councilor or Council Appointee concerned shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.
3. In lieu of the vote required by this subsection, the Town Council, upon motion and by majority vote may refer the conflict of interest question to the Town Attorney for a legal opinion, or may table its consideration of the relevant agenda item. In the event a majority of the Town Council, Board, or Commission concerned, or Committee thereof, shall require disclosure of further information not immediately available, or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.

D. Avoidance of Appearance of Conflict: To avoid the appearance of a violation of this Section, once any individual Town Councilor, committee member, board member or commission member is determined to have a conflict of interest in respect to any agenda item and once all conflicts of interest questions relating to the agenda item concerned have been determined as provided in Subsection C above, said individual shall immediately remove him or herself from the meeting room or to the area of the room occupied by the general public. He or she shall not return to his or her regular seat as a member of the body until deliberation and action on the item is completed. Nothing herein shall require an individual councilor, committee member, board member or commission member to remove himself or herself for any item contained on a consent agenda on which there is no deliberation, the individual's conflict has been determined by other members and the right to abstain from voting on the item has been granted.

E. Personal Interest. Nothing herein shall be construed to prohibit any Town Councilor or Council Appointee from representing his or her own personal interest by appearing before his or her collective body on any such agenda item, as long as the representation occurs in the area of the meeting room occupied by applicants or members of the general public.

F. Disclosure Statement. By no later than January 15th of each year, or within fifteen (15) days of being sworn in for a Town Councilor elected at a special election to fill a vacancy, every Town Councilor shall file a completed disclosure form with the Town Clerk. Within thirty (30) days after his or her appointment, every Council Appointee shall file a completed disclosure form with the Town Clerk. Such forms shall be under oath and shall contain the following information to the best of the disclosing party's knowledge and belief:

1. The name of each person or entity whether incorporated or not, doing business with the Town in an amount in excess of \$1000 during the preceding calendar year from which such disclosing party or member of his immediate family has received money or other thing of value in an amount in excess of \$1000 during the preceding fiscal year, including, but not limited to campaign contributions, where applicable.
2. The name of each entity, whether incorporated or not, doing business with the Town in an amount in excess of \$1000 for the preceding calendar year in which such disclosing party or member of his/her immediate family has a financial interest in an amount in excess of \$1000 , including, but not limited to, the ownership of shares of stock.
3. The name of each nonprofit and/or for profit entity, whether incorporated or not, for which such disclosing party or member of his/her immediate family holds a position of officer or member of any board which does business or may potentially do business with the Town. For such entity, such disclosing party shall provide the following information:
 - a. A brief description of the purpose of each board and/or office;
 - b. A short summary of such disclosing party's or family member's duties relative to any such board and/or office;
 - c. The term of service on each such board and/or office; and
 - d. Whether or not such disclosing party or family member receives compensation for service on such board and/or office and the extent to which such compensation exceeds \$100 in the aggregate annually.

For purposes of this section "compensation" shall include, but not be limited to, monetary compensation, gifts, gratuities, perks, fringe benefits, services and any other thing of value.

4. Every Town Councilor or Council Appointee shall amend his or her annual disclosure statement as may be required from time to time to ensure the continued accuracy thereof. Each amendment shall be made within fifteen days following the occurrence which requires the amendment.
5. The Town Clerk shall deliver a copy of each completed disclosure statement to every fellow member of the Town Council/Board/Committee of each disclosing party within thirty days of filing.
6. For the purposes of this Ordinance, a list prepared by the Treasurer of those persons or entities doing business with the Town in an amount in excess of \$1000 for the preceding year shall be determinative for purposes of reporting under this section. Income from and financial investments in, policies of insurance, and deposits from accounts from commercial or savings banks, savings and loan associations, or credit unions and the ownership of less

than 5% of the outstanding shares of stock in a publicly held corporation shall not be considered a financial interest within the meaning of this section.

Sec 4. Political Activities.

No Town Employee, Town Councilor or Council Appointee shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties of the Town. In conjunction therewith, no Town Councilor or Council Appointee may use his or her official authority or position for the purposes of influencing or interfering with or affecting the results of any election for public office, nor shall he or she solicit funds or contributions or accept or receive funds or contributions from Town Employees for political purposes. No Town Councilor or Council Appointee may distribute handbills or pamphlets while he or she is performing official functions or duties on behalf of the Town, unless such distribution has been authorized by the body of which he or she is a member. Nothing herein shall be construed to prohibit any Town Councilor or Council Appointee from participating in the political process in their private capacity as candidates for elected office or as private citizens.

Sec 5. Incompatible Employment or Office.

No Town Councilor or Council Appointee shall occupy any other office, elected or appointed, in another governmental entity when the duties of such office are incompatible with the proper discharge of his or her official duties with the Town. For purposes of this section, the occupancy of any office, elected or appointed, with any other governmental entity by any Town Councilor or Council Appointee is hereby prohibited in the following circumstances:

- A. Where the duties of the other office make it a physical impossibility to discharge the duties of the Town position; or
- B. Where one office is subordinate to the other; or
- C. Where one office carries the power of removal of the other; or
- D. Where the occupancy of both offices is prohibited by the Town Charter or by other provisions of law.

Sec 6. Violations of Ethical Standards by Councilors.

When any Councilor believes there has been a breach of the ethical standards set forth herein by another Town Councilor, he or she may ask to enter into executive session pursuant to 1 M.R.S. §405 for purposes of informal discussion of and resolution of an ethical issue. During such session, the Councilor shall specify which area(s) of this Ordinance he or she feels have been breached and by whom. After discussion among all Councilors, the Town Council shall leave executive session, and may proceed with

formal action only by majority vote of the Councilors not alleged to have breached the ethical standards.

- A. Based on information provided in said executive session, the Town Attorney shall provide the Council with an opinion on whether the cited matter(s) constitute a violation of this Ordinance.
- B. All procedures under this section shall be in accord with due process requirements, including, but not limited to, a right to notice and hearing.
- C. The Council may elect to give written warning in lieu of any other remedy or civil penalty available under this Ordinance or any other law or ordinance.

Sec 7. Ethics in Contracting.

The provisions of this Section shall apply to all persons doing business with the Town of Hampden as vendors, suppliers and contractors submitting bids or proposals in response to a Town solicitation or advertisement.

7.1 Gratuities and Kickbacks

- A. **Gratuities.** It shall be a violation of this Ordinance for any person to offer, give, or agree to give any Town Councilor or Council Appointee a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or award pertaining to a Town purchase order, contract, construction contract, or professional services contract, or with respect to any solicitation, advertisement, request for bids, request for proposals, or any bid, proposal, or other response thereto.
- B. **Kickbacks.** It shall be a violation of this Ordinance for any person to solicit, offer, give, accept, or receive any undisclosed gratuity or offer of employment in connection with the award or potential award of any subcontract or contract modification or change order under a Town of Hampden contract for construction, procurement or professional services. To be valid, any disclosure under this paragraph must be made in writing to the Town of Hampden Town Manager prior to the date of opening of any proposals or bids on the prime contract concerned. Notwithstanding an otherwise valid written disclosure, it shall be a violation of this Ordinance to solicit, offer, give, accept, or receive any such gratuity or offer of employment in violation of applicable State or Federal Law.

7.2 Prohibition against Contingent Fees

It shall be a violation of this Ordinance for a person to be retained, or to retain a person, to solicit or secure a Town contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee,

except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

7.3 Recovery of Value Transferred or Received in Breach of Ethical Standards.

The value of anything transferred or received in breach of the ethical standards of this Ordinance by a Town Councilor or a Council Appointee or other person may be recovered from both the Town Councilor or Council Appointee concerned and from the other person concerned.

7.4 Recovery of Kickbacks by the Town

Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or modification or change order, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract, modification or change order and ultimately borne by the Town and such amount shall be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

7.5 Penalties and Sanctions

- A. In addition to the recoveries provided in Subsections 7.3 and 7.4 above, any violation of Section 7 shall be a civil violation. Upon conviction, any person, firm or corporation found to be in violation of this Section 7 shall be fined not less than three times the value of any improper gift or kickback paid, solicited, or received, or \$500, whichever is greater. The penalties provided in this paragraph shall be in addition to any penalties imposed under State or Federal Law.
- B. Upon conviction of a violation of this Section 7 or upon finding a violation by the Town Council or any Council Appointee following written notice and hearing, the Town Council may impose one or more of the following sanctions on the person, firm, or corporation convicted or found to be in violation:
 - i. written warnings or reprimands
 - ii. termination of contracts
 - iii. debarment or suspension of Town purchasing
- C. Termination of a contract under this Section 7.5 shall also terminate the contractor's right to receive further payment thereunder.

- D. The provisions of this Section 7 shall be provided to all interested bidders or proposers and shall be incorporated by reference as agreed terms in any Town of Hampden construction, procurement, or professional services contract with a base bid in excess of \$10,000. In the case of a professional services contract, the 'base bid price' shall be the expected value of services to be billed during the contract term, or on an annual basis if the contract is of indefinite duration.

Sec 8. Penalties for Town Council or Town Council Appointees.

Any Town Councilor or Council Appointee who violates a provision of this Ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$500.00 for each offense, which civil penalty shall inure to the benefit of the Town. In addition, violation of this Ordinance shall constitute cause for censure by the Town Council after notice and hearing conducted by that body.

Sec 9. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

Sec 10. Repeal of Prior Ordinance

The existing Code of Ethics Ordinance adopted on May 15, 2000 is hereby repealed in its entirety.

Sec 11. Effective Date

Pursuant to Section 213(c) of the Town Charter, the foregoing provisions shall be effective 30 days after the adoption of this Ordinance by the Town Council.

TOWN OF HAMPDEN
ELECTED / APPOINTED OFFICIAL DISCLOSURE FORM

Date: _____

Last name: _____ First name: _____

Address: _____

Telephone: _____

Email Address: _____

1. List of entities doing business with the Town from which the person named on this form or any member of his/her immediate family received more than \$1,000 during the preceding fiscal year.

2. List of entities doing business with the Town that the person named on this form or any member of his/her immediate family has an ownership interest in that exceed \$1,000, including, but not limited to the ownership of shares of stock.

3. List of any non-profit or for-profit entities which does business or may potentially do business with the Town for which the person named on this form or a member of his/her immediate family holds a position of officer or board member. Please include the name of position served, the term of service, and compensation received (if it is more than \$1,000 per year in the aggregate.)

Signature of Town Councilor / Council Appointee

FREEDOM OF ACCESS REQUEST PROTOCOL

1. Formal Freedom of Access Requests must be filed in writing on the approved Freedom of Access Request Form adopted by the Town Council.
2. All such requests will be directed to the Town Manager.
3. The Town Manager shall contact the applicant to acknowledge receipt of the request and explain the protocol.
4. Pursuant to MRSA Title 1 §408 (1)(2), persons who request information shall be informed of the manner in which they may access the requested information, and the formats in which it may be provided. (copy of MRSA Title1 §408 is attached)
5. All requests for information will have a cost estimate provided to the person requesting the information prior to the cost being incurred. Costs assessed shall be consistent with the terms outlined in MRSA Title 1 §408(3)(4)(5)
6. The Town Manager shall assign response to staff for completion, according to the nature of the request. Upon completion, and payment of any associated fees, the Town Manager shall provide the requested information.
7. The Town Manager will provide to the Town Council monthly a list of Freedom of Access requests that includes the name of the person requesting, the information requested, the date the request was received, the date the information was provided, and the cost assessed for the service, and the actual cost of providing the service.

1 §408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING

1 §408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING

1. Right to inspect and copy. Except as otherwise provided by statute, every person has the right to inspect and copy any public record during the regular business hours of the agency or official having custody of the public record within a reasonable period of time after making a request to inspect or copy the public record. An agency or official may request clarification concerning which public record or public records are being requested, but in any case the agency or official shall acknowledge receipt of the request within a reasonable period of time.

[2007, c. 501, §1 (AMD) .]

2. Inspection, translation and copying scheduled. Inspection, translation and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the public record sought.

[2003, c. 709, §2 (NEW) .]

3. Payment of costs. Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying. [2003, c. 709, §2 (NEW) .]

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$10 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information. [2003, c. 709, §2 (NEW) .]

C. If translation is necessary, the agency or official may charge a fee to cover the actual cost of translation. [2003, c. 709, §2 (NEW) .]

D. An agency or official may not charge for inspection. [2003, c. 709, §2 (NEW) .]

[2003, c. 709, §2 (NEW) .]

4. Estimate. The agency or official shall provide to the requester an estimate of the time necessary to complete the request and of the total cost. If the estimate of the total cost is greater than \$20, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 5 applies.

[2003, c. 709, §2 (NEW) .]

5. Payment in advance. The agency or official may require a requester to pay all or a portion of the estimated costs to complete the request prior to the translation, search, retrieval, compiling and copying of the public record if:

A. The estimated total cost exceeds \$100; or [2003, c. 709, §2 (NEW) .]

B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. [2003, c. 709, §2 (NEW) .]

[2003, c. 709, §2 (NEW) .]

6. Waivers. The agency or official may waive part or all of the total fee if:

A. The requester is indigent; or [2003, c. 709, §2 (NEW) .]

B. Release of the public record requested is in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [2009, c. 240, §4 (AMD) .]

[2009, c. 240, §4 (AMD) .]

SECTION HISTORY

1975, c. 758, (NEW). 2003, c. 709, §2 (RPR). 2007, c. 501, §1 (AMD).
2009, c. 240, §4 (AMD) .

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ARBOR DAY PROCLAMATION

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

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

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

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

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

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

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

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

ARBOR DAY

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

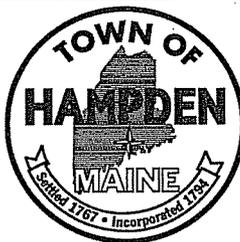
FURTHER, We urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

DATED this 23rd day of April in the year 2012.

Mayor _____

C-4-b

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 833-2111
Fax: (207) 833-2112
email: hamden@hamdenmaine.com

CERTIFICATE OF COMMITMENT OF SEWER USER RATES

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

We, the undersigned municipal officers of the municipality of Hampden, Maine hereby certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A §3406 for those properties, units, and structures required by local and state law to pay a sewer rate to the municipality, for the period beginning 01/01/12 and ending 03/31/12. This list is comprised of the pages numbered 1 to 1 inclusive which are attached to this certificate. The date(s) on which the rates included in this list are due and payable is (are) 05/30/12. You are hereby required to collect from each person named in the attached list his or her respective amount as indicated in the list, the sum total of those lists being \$134,213.32. You are hereby required to charge interest at a rate of 7 % per annum on any unpaid account balance beginning 05/31/2012. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law. On or before 08/2012 you shall complete and make an account of your collections of the whole sum herein committed to you.

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

Municipal Officers of the Town of Hampden, Maine