



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

TUESDAY

JANUARY 19, 2016

7:00 P.M.

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

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. SECRETARY'S REPORTS
 - a. January 4, 2016 Meeting Minutes
 - 3. COMMUNICATIONS
 - a. Victualer's License Renewal – Dunkin Donuts
 - b. Jay Dresser – Comments to DEP re Proposed MRC Facility
 - c. RSU #22/Town Manager – Building Committee Meeting - 2/11/2016
 - d. Hampden Water District – Board Meeting – 1/20/2016
 - e. Councilor McAvoy – Notice of Taxpayer Clinic
 - 4. REPORTS
 - a. Pool Board Minutes – 11/10/2015 and 12/8/2015
 - b. Services Committee Minutes – 12/14/2015
 - c. Infrastructure Committee Minutes – 12/28/2015
- C. PUBLIC COMMENTS
- D. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - 2. PUBLIC HEARINGS
 - a. Proposed Zoning Ordinance Text Amendment – Article 7.2 Building Height
 - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS

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

4. UNFINISHED BUSINESS

- a. Set Time & Location for 2/6/2016 Goals & Objectives Meeting with Department Heads
- b. Codification – Editorial and Legal Analysis re Land Use & Development – Referral to Planning Board
- c. Update on Correspondence with RSU #22 and Meeting on 1/20/2016
- d. Transfer Station Policy Clarification re Commercial Vehicles

5. NEW BUSINESS

- a. Use of Municipal Building Reserve Funds for Municipal Building HVAC System – Recommendations of Infrastructure & Finance Committees
- b. Budget Adjustment - Transfer of Personnel Reserve Funds for Transfer Station Compactor Repair – Finance Committee Recommendation
- c. Proposed Amendments to Subdivision Ordinance Article 540 Open Space & Recreation Land – Referral to Planning Board
- d. Proposed Amendments to Zoning Ordinance Article 4.6 Rural Cluster Housing – Referral to Planning Board
- e. Set Date for Hearing re Amendments to Fees Ordinance – Sewer Rates

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



B-2-a

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

JANUARY 4, 2016

7:00 P.M.

Attending:

*Councilor David Ryder
Councilor Greg Sirois
Councilor Ivan McPike
Councilor Stephen Wilde
Councilor Dennis Marble
Councilor Mark Cormier
Councilor Terry McAvoy*

*Town Attorney Edmond Bearor
Town Manager Angus Jennings
Town Clerk Denise Hodsdon
Community Dev. Dir. Dean Bennett
Media Representatives
Citizens*

The meeting was called to order by Town Attorney Ed Bearor at 7:00 pm.

- **Swearing in of Councilors At-Large** – Councilors Greg Sirois, Ivan McPike and Mark Cormier were sworn in to office by Town Clerk Denise Hodsdon.
 - **Election of Mayor, Deputy Mayor** – Town Attorney Ed Bearor presided over the election of Mayor and asked for nominations. Councilor Sirois nominated Councilor David Ryder, seconded by Councilor McAvoy. Nominations were closed and vote was unanimously in favor of the nomination. The Town Clerk swore in Mayor Ryder, who then presided over the remainder of the meeting.
 - Councilor Marble nominated Councilor Sirois for Deputy Mayor, seconded by Councilor McPike. Nominations were closed and vote was unanimously in favor of the nomination. The Town Clerk swore in Deputy Mayor Sirois.
- A. PLEDGE OF ALLEGIANCE** – Mayor Ryder led the Pledge of Allegiance
- B. CONSENT AGENDA** – Motion by Councilor McAvoy, seconded by Councilor Marble to accept the Consent Agenda. Unanimous vote in favor.
1. SIGNATURES
 2. SECRETARY'S REPORTS
 - a. December 21, 2015 Meeting Minutes
 3. COMMUNICATIONS
 - a. Time Warner – Rate Notification – 12/9/2015
 - b. Maine Municipal Association/Town Manager – Loss Control Visit – 10/29/2015
 - c. Maine Municipal Employees Health Trust – 2016 Rates

**d. Maine Municipal Association – Workers Compensation Fund
Renewal**

4. REPORTS

- a. Infrastructure Committee Minutes – 11/23/2015**
- b. Finance Committee Minutes – 12/7/2015**

C. PUBLIC COMMENTS – *Hampden resident and State Representative Jim Davitt offered congratulations to the incoming Councilors and newly elected Mayor and Deputy Mayor. He said he is looking forward to working with the Council and encouraged the Council to reach out to him if he could do anything to help with legislative matters.*

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - None

2. PUBLIC HEARINGS

- a. Proposed Zoning Ordinance Text Amendment – Article 4.8 Signs** – *Community Development Director Dean Bennett explained that the proposed amendments address some inconsistencies with State law and various issues that have arisen over time with sign regulations in Town. The amendments have been reviewed by the Planning Board with an “ought to pass” recommendation with the exception of Article 4.8.2.6. Nuisance Signs. Former Town Attorney Russell had recommended a slightly different version from that recommended by the Planning Board. Attorney Russell revised the language to provide that the nuisance must arise from the operation or illumination of the sign, so that it is clear that the nuisance cannot be related to the message on the sign. Both versions were included in the proposed amendments presented for public hearing. Mayor Ryder opened the hearing and nobody spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor McAvoy, seconded by Councilor Marble to adopt the amendments with the language as recommended by Attorney Russell for Article 4.8.2.6. Unanimous vote in favor.*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- a. Proposed Amendments to Training Room Use Policy** – *Given increased security regulations for law enforcement facilities, Public Safety Director Rogers requested that the policy for use of the Community Room be revised to limit allowed uses of the room to*

government related events, trainings and functions. Councilor Marble reported that the Infrastructure Committee has reviewed the proposed amendments and recommends adoption. Motion by Councilor Marble, seconded by Councilor Sirois to adopt the final draft of the Training Room Use Policy. Unanimous vote in favor.

- b. Discussion of RSU #22 Building Committee Recommendation to School Board at 1/6/2016 Meeting** – *Manager Jennings reported that since last summer he and Community Development Director Dean Bennett have been attending meetings of the RSU #22 School Board's Building Committee, with particular interest in the work going on relative to the McGraw-Weatherbee complex. He explained that the potential scope of that project is broken into two phases, the first being focused on internal and external traffic circulation and access and egress, and the second being relative to a potential building addition to connect the McGraw and Weatherbee Schools. The School Board is meeting on January 6th and one of the items on the agenda is for the Board to act upon the Building Committee's concept plan. The packet for the meeting included a proposed timeline which included a referendum as early as June 2016 for the first phase. Manager Jennings has reached out to Superintendent Lyons and shared the Town's budgeting issues and plans to give them an updated report once the FY15 audit is received. Because the meeting is just a couple of days away, he recommended that the Council authorize him to send a letter tomorrow to the School Board suggesting that with the impending new information from the FY15 audit, that any decision the School Board may make with implications for FY17 would be premature until we are able to provide full information about the Town's financial standing. It was the consensus of the Council that Manager Jennings send such letter to the School Board.*
- c. Set Date(s) for Annual Council Goals & Objectives Session(s)** – *Manager Jennings recommended a two-step process this year where the Council has an initial meeting with Department Heads to review each department's structure and operations and to discuss upcoming needs for each department. The Council would then hold a follow-up meeting at a later date to process information from the first meeting and discuss goals and objectives for the upcoming year. The Council will hold its first session to include Department Heads on Saturday, February 6th at a time to be determined.*

E. COMMITTEE REPORTS

Infrastructure Committee – *Councilor Marble reported that the committee met on December 28th and discussed the Training Room Policy, HVAC bids for the municipal building, proposed upgrades at the Library, snow plowing routes for sidewalks, the rain garden at the municipal building, the proposed PERC agreement for municipal solid waste after March 2018, and proposed changes to sewer rates. There will be a*

special meeting of the Infrastructure Committee at 6:00 pm on Wednesday, January 13th to further discuss sewer rates.

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

G. COUNCILORS' COMMENTS

Councilor McAvoy wished everyone a Happy New Year and welcomed incoming Councilors Cormier and McPike. He said he expects that the budget process will be intense this year and announced that he will be holding a Hampden Taxpayers Clinic on the 4th Saturday of each month from 11:00 am to 2:00 pm at Anglers Restaurant. He invited all residents to attend and discuss anything of interest or concern.

Councilor Cormier thanked everyone who voted for him and promised to do his best.

Councilor Marble welcomed the incoming Councilors.

Councilor Wilde welcomed Councilors Cormier and McPike and congratulated Councilor Sirois on his re-election.

Councilor McPike thanked the public for voting for him.

Councilor Sirois wished everyone a Happy New Year.

Mayor Ryder thanked his fellow Councilors for electing him as Mayor again this year.

H. ADJOURNMENT – *There being no further business, the meeting was adjourned at 7:48 pm.*



Denise Hodsdon
Town Clerk

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: January 4, 2016

RE: Town Manager's Report to Town Council meeting

This report is intended to provide brief updates regarding current matters of potential interest that are not otherwise addressed on the Council agenda.

Welcome, New Councilors!

I would like to extend my welcome to incoming Town Councilors Ivan McPike and Mark Cormier. As I have told you both, my door is always open. The Town Clerk is compiling a useful guide for new Councilors with many valuable reference materials, and this will be circulated soon. In addition, both I and any other Hampden personnel will be pleased to provide whatever information you may find will assist your work on the Council.

You each have been assigned new Town of Hampden email accounts, as well as iPads to support your work. Your Town email account should be used for any and all Town-related email correspondence. Our GIS/IT Specialist Kyle Severance is available to assist as needed. Finally, it will be necessary for Councilor Cormier to complete paperwork with Tammy Ewing, our Finance and Human Resources Coordinator, for tax reporting purposes relative to the Council stipend.

Signed 2016-17 Agreement with Maine Energy Purchasers Consortium

My office recently executed an extension of the Town's current agreement with the Maine Energy Purchasers Consortium to lock in lower prices for heating oil and diesel oil. The new pricing, which will take effect April 30, 2016 (when the current agreement expires), extends for one year and locks in pricing at \$1.659 for heating oil (down from current price of \$2.188) and \$1.939 for diesel oil (down from \$3.3357).

In the course of securing this agreement I worked with the building managers of the DPW Facility, Pool, Library and Skehan Center to update our estimates of oil usage amounts based on

our prior three years of invoices. Overall, we are projecting reductions from the amounts reflected in the prior agreement. Heating oil usage is estimated at 32,304 gallons (down from 40,000) and diesel usage estimated at 14,069 gallons (down from 15,000). If actual usage matches estimates, and holding usage constant, the lower prices can be expected to result in annual savings of approximately \$36,740.

Progress Update, FY15 Audit

We have completed entry of the FY14 and FY15 audit adjustments in our accounting software Trio. We are now able to provide accurate FY15 year-end reports regarding revenues and expenses, and the audit adjustments will ensure that our reporting of account balances during FY16 is accurate. We recently received the final review draft of the FY15 audit, and we expect to have the final audit within a week. At the January 19 Finance Committee meeting I'll present an updated financial report, including the audit, to inform the FY17 budget process.

Special Meeting regarding Sewer Rates and Ordinance, Wednesday January 13 at 6 PM

On the recommendation of the Infrastructure Committee at their meeting on December 28, a special meeting of the Infrastructure Committee will be held next Wednesday evening to review and discuss proposed changes to sewer rates and policies. This work will benefit from the close-out of the FY15 audit. My office is working closely with the DPW Director, as well as with the City of Bangor to ensure that we are doing everything possible to control costs. In preparation for the January 13 meeting, my office is preparing an analysis of current expenses and revenues, alternative rate structures for consideration by the Committee, as well as estimates of how alternative rate structures would affect ratepayers.

Lighting Request for Bid Issued for LED Lighting at Library

Last week, a Request for Bid package was finalized and posted to the Town's website, advertised in the Bangor Daily News, and distributed to known electrical and lighting contractors. The proposed work, funded by a 2015 grant from Tabitha and Stephen King Foundation, will include installation of LED lighting fixtures both inside and outside the library, and can be expected to result in operational cost savings. A pre-bid walk-through will take place this Thursday January 7 at 2 PM at the Library, and proposals are due on Monday, February 1 at 10 AM. Complete details are available on the Town website under "Public Notices."

Town Attorney Transition

As part of the transition of town legal services from Tom Russell to Rudman & Winchell, we recently received four bankers' boxes of materials compiled by Atty. Russell during his work for Hampden. My office is reviewing these files to ensure that they'll be stored in a manner that will allow us to access these files in the future if needed.

Budgeting for Stormwater Management

In the fall, the Council voted a FY16 Budget Adjustment to create, for the first time, a distinct budgetary framework to account for expenses related to the Town's compliance with State and Federal mandates relative to stormwater management. (This did not increase the Town budget, but rather reallocated \$10,000 in funds that had been budgeted for The Connector Bus).

We are undertaking a comprehensive review of our stormwater management activities, including reviewing the Scope of Work of our consultant, Stillwater Environmental, in order to ensure that we are completing any work in-house that is within our professional and operational capabilities. We expect to receive an updated proposed Scope of Work later this month, and as we work through this process it will provide us more predictability regarding stormwater related expenses in support of the FY17 budget process.

Early Closure due to Snow, December 29, 2015

Last Tuesday, the Town offices were closed early due to snow. The Town does not have written policies regarding storm closures, but I am researching other communities' policies and may recommend adoption of a written policy in the future. I have asked RSU-22 whether they have a written policy and it does not appear that they do.

The day after our early closure, I requested a report from Hampden Public Safety to assist in my own post-evaluation of whether the early closure was warranted. Their report follows:

According to Penobscot County Regional Dispatch records, there were 39 incidents reported requiring police assistance due to the weather in the greater Bangor area. The majority were vehicles that had gone off the road or couldn't make it up hills. Hampden, specifically, received 4 weather related calls, 3 of which were on Main Road North, and 2 of those were on Waterworks Hill. There were many more incidents reported that were covered by the Maine State Police or the Waldo County Sheriff's Office, but we do not share databases with those agencies and do not have access to the numbers.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 833-1111
Fax: (207) 833-1112
email: info@hampdenme.org

B-3-a

January 6, 2016

DMCP Group, LLC
d/b/a Dunkin Donuts
c/o Dina Pereira
21 Horseshoe Lane
Hampden, ME 04444

Dear Dina:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC
Town

Enclo:

VICTUALER'S LICENSE CERTIFICATE

No. 16-1

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: January 6, 2016

KNOW YE, that DMCP Group, LLC

doing business as Dunkin Donuts

has been duly licensed as a Victualer at 76 Main Road North

in the Municipality of Hampden by said Municipality until January 6, 2017,

and has paid the fee of Fifty Dollars (\$50.00).


Authorized Municipal Officer CODE ENFORCEMENT OFFICER



B-3-b

Denise Hodsdon <clerk@hampdenmaine.gov>

Citizen letter re MRC

1 message

Angus Jennings <townmanager@hampdenmaine.gov>

Mon, Jan 4, 2016 at 1:10 PM

To: Denise Hodsdon <clerk@hampdenmaine.gov>, Dean Bennett <economicdevelopment@hampdenmaine.gov>

The sender of the attached requested that it be shared with the Town Council and the PB in their next respective meeting packets, thanks.

Angus Jennings
Town Manager

*Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207)-862-3034
townmanager@hampdenmaine.gov*

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation.

 160104 Jay Dresser letter re Hampden Maine Proposed MRF.pdf
17K

Comments to Maine Department of Environmental Protection (DEP) and Municipal Review Committee (MRC) on proposed dirty Materials Recovery Facility (MRF) proposed for Hampden, Maine

- 1) There is an urgent need for a national debate, more than a local or regional one, on the future of Materials Recovery Facilities (MRF) in the United States and elsewhere. Otherwise, the general lack of information for local citizens, results in a process that relies too heavily on the recycling industry alone. The benefit of having the input of economists, sociologists, historians, behaviorists, bankers, engineers, etc. are many. The same is true for incineration, landfilling, and other post-consumer material management systems, See link:
<http://www.zeemaps.com/pub?group=131371&x=-95&y=40&z=13&nopdf=1&list=1>
- 2) Strongly recommend return to policy of free household presort labor, resembling former City of Bangor's program and New Brunswick, Canada's bottle return. Fail to see the benefits of energy consumed in running large plants world-wide, when we can rely on the free labor supplied by the citizenry to presort into curbside collection. It seems a preferred method, to supply monies and resources toward education and implementation for the general public and business on a grander scale such as Environmental Protection Agency (EPA) sponsored media events for a national program, properly vetted, to a national audience.
- 3) Strongly object to the co-mingling of dirty post-consumer materials with clean ones and the resulting contamination which by some industry reports creates a net loss of up to 20% of materials handled. Also information needed on where these contaminated products end up, i.e. landfill, incinerator and the side-effects of these recipients such as air and water, and soil pollution. See link:
<http://upstreampolicy.org/recycling-reassessed-part-1-why-do-we-treat-our-recycling-as-garbage/>
- 4) From a sociological perspective, object to the direction of creating dull, depressing, and uninspiring jobs of the conveyor belt material-picking sort. There are likely numerous studies documenting such behaviors as alcoholism, depression, domestic abuse, etc., resulting from these types of jobs. Also a safety concern from handling broken glass and unwashed post-consumer materials. Lastly, as was quoted in *Municipal Solid Waste Magazine*, "dirty MRF's continue a culture of disposability v. a culture of sustainability.

Jay Dresser
Bangor, Maine 04401
January 3, 2016



Denise Hodsdon <clerk@hampdenmaine.gov>

B-3-C

Fwd: Feb. 11 Building Cmte

1 message

Angus Jennings <townmanager@hampdenmaine.gov>
To: Denise Hodsdon <clerk@hampdenmaine.gov>
Cc: Dean Bennett <economicdevelopment@hampdenmaine.gov>

Thu, Jan 7, 2016 at 11:59 AM

For 1/19 correspondence packet

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

From: **McCaw Marie** <mmccaw@rsu22.us>
Date: Thu, Jan 7, 2016 at 9:50 AM
Subject: Feb. 11 Building Cmte
To: Town Mgr-Hampden Angus Jennings <townmanager@hampdenmaine.gov>

Angus, the next Building Committee meeting is scheduled for Feb. 11, 6:30 p.m., at Hampden Academy, 2nd floor conference room.

--

Thank you.

Marie McCaw
Superintendent's Office
RSU #22 & Veazie School Dept.
24 Main Road North
Hampden, ME 04444

PH: 207-862-3255
Fax: 207-862-2789

--

Angus Jennings
Town Manager

*Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207)-862-3034
townmanager@hampdenmaine.gov*

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation.

B-3-d

NOTICE



Board of Directors Meeting Hampden Water District

Notice is hereby given that the Board of Directors of the Hampden Water District shall hold its monthly meeting on **Wednesday, January 20, 2016 at 4:00 p.m.** at the Hampden Water District Office located at 140 Main Road N., Hampden.

John Quesnel
President, Board of Directors

Posted 10/24/11

B-3-e

HAMPDEN TAXPAYER CLINIC

ANGLER'S SEAFOOD RESTAURANT
11 AM - 2 PM • LAST SATURDAY OF EACH MONTH

The Clinic is an open forum at which taxpayers are encouraged to present their opinions and concerns regarding any aspect of the management of the Town of Hampden and the taxes imposed to facilitate that.

*Participatory governance is a right and an obligation we all share.
This is an opportunity to be part of the process.*

**The clinic is sponsored by Terry McAvoy,
Town Councilor for District Three**

862-4895

HAMPDEN TAXPAYER CLINIC • PLEASE JOIN US

Lura Hoit Pool board Meeting November 10, 2015

The meeting was called to order at 7:00 pm

Board members present: Karen Brooks, Josh Sargent , Victoria Levesque, Mike Jellison, Sarah McVeigh, Darcey Peakall, Sue O'Brian, Marsha Richardson, and Pat Foley.

Board members not present: Sam Manhart, Greg Hawkins, and Ben Curtis.

Jim Feverston was also present.

The Secretary's minutes were accepted.

The Directors report

- Participants were down by 66
- Rentals were down by \$296.00.
- Receipts were down by \$1,449.00.
- Fuel usage was up by 602gal. A humidity sensor needed to be replaced in the air handler.

Treasure's report

- \$10,000.00 that was paid to the Town of Hampden for the yearly payment for the air handler cleared the account.
- The pool endowment fund was up by \$739.24

Unfinished business

- Spaghetti Dinner: Jan. 22nd or Jan 29th We will decide when the sports schedule is finalized.
- Mike will email Greg and Sam
- There will be a 50/50 raffle with each sitting.

New business

- The Annual Gift Giving letter
- Sue composed 3 different drafts and will finalize one to present when it is done.
- Each board member will bring in 20 community member names.

Committee Reports**Annual Giving Letter.****Community Relations**

It was suggested that new photos be added to FB monthly

Fund Raising**Member Comments**

Lura Hoit Pool board Meeting December 8, 2015

The meeting was called to order at 7:00 pm

Board members present: Karen Brooks, Victoria Levesque, Mike Jellison, Sarah McVeigh, Darcey Peakall, Sue O'Brian, Marsha Richardson, Sam Manhart, Ben Curtis, and Pat Foley.

Board members not present: Greg Hawkins, and, Josh Sargent .

Jim Feverston was also present.

The Secretary's minutes were accepted.

The Directors report

Participants were up by 33

Rentals were down by \$81.00.

Receipts were down by \$690.00.

Fuel usage was up by 491gal.

Treasure's report Accepted

Trustees account -\$2,681.57

The pool endowment fund was up by \$121.93

Unfinished business

Spaghetti Dinner: Is on hold

If it happens the Swim team can volunteer

Committee will come up with a detailed plan to see if the dinner is feasible.

The Committee will report in Jan.

New business

The Annual Gift Giving letter

Sue composed 2 different drafts.

Each board member will bring in 20 community member names.

Committee Reports

Annual Giving Letter.

Community Relations

Fund Raising

Baskets

Member Comments

SERVICES COMMITTEE MEETING

Monday, December 14, 2015

MINUTES

Attending:

Councilor Terry McAvoy

Mayor David Ryder

Councilor Dennis Marble

Town Manager Angus Jennings

Councilor William Shakespeare

Councilor Stephen Wilde

Recreation Director Shelley Abbott

Resident Francis Pergolizzi

Chairman McAvoy called the meeting to order at 6 p.m.

1. **MINUTES – November 9, 2015** – *It was motioned and seconded to approve the minutes of the November 9, 2015 Services Committee meeting. Unanimous vote (4-0) in favor.*

(Councilor Wilde arrived).

2. **COMMITTEE APPOINTMENT AND RE-APPOINTMENT RECOMMENDATIONS**

- a. **Interview: Francis Pergolizzi, Recreation Committee – New Applicant** – *Mr. Pergolizzi appeared before the Committee and presented his experience relevant to the Recreation Committee, including 24 years as an intercollegiate athletic director and 16 years coaching college football. The Committee members expressed their appreciation for his interest to serve, and said we need more people like you. Motion by Councilor Shakespeare seconded by Councilor Marble to recommend that the Council appoint Francis Pergolizzi to the Recreation Committee. Unanimous (5-0) vote in favor.*
- b. **Anthony Mourkas, Dyer Library Board of Trustees – Re-Appointment**
- c. **Cheri Condon, Dyer Library Board of Trustees – Re-Appointment**
- d. **Patrick Foley, Pool Board – Re-Appointment**
- e. **Stephanie Shayne, Recreation Committee – Re-Appointment** *Motion by Councilor Marble, seconded by Councilor Shakespeare, to recommend Council reappointment of Anthony Mourkas to the Library Board of Trustees, Cheri Condon to the Library Board of Trustees, Patrick Foley to the Pool Board, and Stephanie Shayne to the Recreation Committee. Unanimous vote in favor.*

3. **OLD BUSINESS** – *None.*

4. **NEW BUSINESS**

- a. **Update on Public Safety Good Neighbor and Telecare Programs** – **Sergeant Bailey** – *Due to a last-minute conflict Sergeant Bailey was unable*

to attend the meeting so at the recommendation of the Town Manager this agenda item was postponed until the January 11, 2016 meeting.

- b. Discussion of concept for Public Safety Advisory Group – Sergeant Bailey** - *Due to a last-minute conflict Sergeant Bailey was unable to attend the meeting so at the recommendation of the Town Manager this agenda item was postponed until the January 11, 2016 meeting.*
- c. Skehan Center – Town Manager update on recent meeting and building tour, and ongoing facilities cost analysis – Recreation Director Shelley Abbott** – *Town Manager Jennings provided background regarding the work underway to fully understand the operating costs associated with the Town's lease of the Skehan Center. Recreation Director Abbott reported on a site visit and review including her, the Town Manager, the DPW Director and the Town's HVAC contractor when it was determined that portions of the Skehan Center building outside of the Town's leased area are being heated, with charges adding to the Town's costs. On a separate date, while electrical work was being completed outside of the leased area, the lights went out within the leased area, so it is known that these electrical lines are connected. Councilor Marble said it is the building owner's responsibility to know how the different portions of the building are heated. Mayor Ryder said that the Recreation Department needs a facility with appropriate parking and facilities, and asked Director Abbott how the Department could function if it had a different facility rather than the Skehan Center. Director Abbott said it would depend on whether a facility was designed and sized appropriately. The Skehan Center facility is oversized for the Department purposes, and it was noted that the back half of the space, including locker rooms, is underutilized but adds to heating and maintenance costs. The constraints on parking are causing challenges for senior citizens participating in programs. Mayor Ryder noted that there's very little parking, and no outdoor space for kids to run around. Director Abbott noted that the building boiler had not been replaced, as had been expected as part of the lease.*

Councilor Shakespeare said that something about how the electrical costs are allocated doesn't add up, and that the wiring is atrocious. He agreed that it is the building owner's responsibility to resolve this. He noted that senior citizens who use the facility love it. He wondered what a new facility would cost. Mayor Ryder charged Manager Jennings with communicating these issues to the building owner to see if he'd make changes to rectify the cost allocation for heating and electrical. Councilor Marble said that Manager Jennings has the backing of the Council.

Mayor Ryder asked about parking. Director Abbott said that 50-60 senior citizens attend the morning sessions, and that while our lease says we have 21 dedicated parking spaces we're down to 18 due to recent re-striping, and sometimes others (including contractors working on the building) park in spots dedicated to the Skehan Center. She noted that the Christmas Tree sales have also made a lot of spaces unavailable, pushing more people to the

Skehan Center spaces. Councilor McAvoy asked whether, if the Town was to terminate the lease, the space may still be available for rental on a per-hour basis to allow for continuation of the senior citizens' exercise program. He acknowledged that parking will continue to be a constraint, and said he would support terminating the lease. Councilor Wilde said that the information we're learning raises concerns but that we need to talk with the building owner.

Manager Jennings said that he and Director Abbott would continue to document costs associated with Skehan Center operations. The Committee directed them to prepare two alternate budget proposals for FY17: one with the Skehan Center and one without, and including analysis of how each of these scenarios would affect both costs and Recreation programming. This alternatives analysis would support the Committee's and the Council's deliberations regarding FY17 budgeting.

5. PUBLIC COMMENTS – None.

6. COMMITTEE MEMBER COMMENTS – Mayor Ryder said that we need to look at Recreation fields and facilities town-wide in a coordinated way.

There being no further business, the meeting was adjourned at 7:20 p.m.

Respectfully submitted –

Angus Jennings
Town Manager

INFRASTRUCTURE COMMITTEE MEETING

Monday, December 28, 2015

MEETING MINUTES*Attending:*

Councilor Dennis Marble, Chair
Mayor David Ryder
Councilor Terry McAvoy
Councilor William Shakespeare

Councilor Stephen Wilde
DPW Director Sean Currier
Public Safety Chief Joe Rogers
Councilor-Elect Ivan McPike

Chairman Marble called the meeting to order at 6 PM.

1. **MINUTES – 11/23/2015 Meeting** – *There was a motion and a second to approve the November 23, 2015 minutes. Unanimous (5-0) vote in favor.*
2. **OLD BUSINESS**
 - a. **Protocols for Use of Public Safety Training Room – Chief Joe Rogers**
– Chief Rogers presented the draft policy that was included in the meeting packet, including a redlined version to show changes from the current policy. He recommended adding another bullet point to the list of allowable uses of the Training Room to allow for use at the discretion of the Town Manager. Councilor McAvoy made a motion, seconded by Councilor Shakespeare, to recommend the revised language to the Council for approval. Motion was approved by unanimous vote.
 - b. **Municipal Building HVAC System and Software – proposal from Penobscot Temperature Controls – potential funding through Municipal Building Reserve** – *Three bids to improve the HVAC systems for the municipal offices were received and reviewed: one to change out thermostat to redlink (remote controlled); one to repair the Freon circuit leak from rooftop HVAC unit; and one to add a diffuser to the rear office to improve air balance in office area. A proposal for an update of the HVAC control system (PC boards, etc) was not received, but is expected in the future. The Committee reviewed the three bids received and voted unanimously to recommend them to the Finance Committee.*
 - c. **Library bid process and timeline – review of draft Request for Bid** – *The Committee was provided an update regarding the pending procurement process for electrical and lighting upgrades to the Library, to be funded by a grant received from the Tabitha and Stephen King Foundation.*
3. **NEW BUSINESS**
 - a. **Update, illicit sewer connection, 44 Sunrise Lane** – *Director Currier reviewed the bad hookup on Sunrise, the fact that it had been rectified, and the importance of sewer inspections and the permitting process.*

- b. Proposed changes to sewer rates to cover operational and prior incurred costs** – *There was significant discussion concerning the fact that sewer revenues have not covered sewer operating and capital costs for several years, and the issue of how things had reached the current situation. The Committee was in agreement that the Town needs to face the problem and act, knowing that this won't be an easy vote or one that will be easy on the residents. With the understanding that the connection fees are an ordinance and will require time for due process, emphasis to tackle the necessary rate changes took priority. Director Currier explained that Manager Jennings has a spreadsheet tool that can be used to examine this at a detailed level, including cost info for actual users. The Committee agreed on the need to dig into this more deeply and that there was more work to do before referring the matter to the Finance Committee, so there was a unanimous vote to schedule a special meeting of the Infrastructure Committee to be held at 6:00 pm on Wednesday, January 13th.*
- c. Status of signal controller updates at 202 and Western Avenue – DPW Director Sean Currier** – *The Committee reviewed where things appeared to stand with the signal controller and the DOT. Some history was reviewed, with speculation that WBRC had designed the intersection of Route 202 and the access to the Academy to have appropriate signal controlling to safely handle school bus traffic. It was mentioned that current RSU 22 discussions about McGraw Weatherbee seem to indicate little interest in utilizing the 202 access road but using 1A instead. There was speculation that the 202 capacity may have been downgraded by a shifting of funds to support the performing arts center. The Committee is in support of the town sending a strongly worded letter to Maine's DOT regarding the importance of installing a new signal controller and adjusting the signal timing in order to provide for vehicles, including school buses, to enter and exit the property, with timing adjusted to match peak school traffic hours.*
- d. Discussion, snow plowing routes for sidewalks** – *Director Currier reviewed his plans for plowing roads and sidewalks. Mayor Ryder expressed some frustration with the need to expend resources on plowing sidewalks that aren't really used, and with the possibility that the Transfer Station could have to be temporarily closed due to the need to direct employees to plowing duties. The Committee agree to support current plans and review things as may be needed.*
- e. Discussion, rain garden at Municipal Building** – *After discussion, the general conclusion was that this had been a well-intended structure for which there had not been available resources with which to maintain it. The Committee felt that it might be best to remove the stones and mow the area, and this will be revisited late spring.*
- f. Discussion, proposed PERC agreement for Municipal Solid Waste after March 2018** – *Councilor McAvoy had requested that this be placed*

on the agenda. There was discussion about this matter both in terms of PERC and the MRC. The general conclusion was that it would not be a good use of time to review this item until the proposed MRC agreements had been received and reviewed (that process is ongoing). Councilor McAvoy expressed concerns with the language ("MSW" vs. construction debris) as well as with the current lack of a clear proposal from MRC, but the general consensus was that it was not yet time to wade into the matter as that information would be forthcoming.

4. PUBLIC COMMENTS – None.

5. COMMITTEE MEMBER COMMENTS – None.

There being no further business, the meeting was adjourned at 7:40 PM.

Respectfully submitted –

Dennis Marble, Chair and Angus Jennings, Town Manager

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions underlined

Deletions ~~stricken~~

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

...

Building height: ~~The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.~~ As defined by the current building code in effect in the Town of Hampden.

D-4-b



To: Angus Jennings, Town Manager
From: Dean Bennett, Director of Community Development
Date: January 13, 2016
Subject: Codification – Planning Board

.....

The initial responses to the Editorial and Legal Analysis regulatory questions and clarifications document that was provided by General Code are in the final stages of completion.

One outstanding component is the Planning Board review of those land use related questions and clarifications regarding the Subdivision Ordinance, Zoning Ordinance and Shoreland Zoning Ordinance. Once reviewed, the Planning Board will make a recommendation back to the Town Council, as required by the Town Charter.

I have packaged the applicable sections of the Editorial and Legal Analysis requiring Planning Board review and attached to this memo. Ideally the Town Council would forward these documents to the Planning Board at the January 19th Council Meeting so that the review process can get underway.

If you have any questions or concerns, please let me know.

Town of Hampden, ME

Section 377-60 is problematic, as it is inconsistent with the other penalty provisions of the ordinance. Although the heading of Article IX is "Penalties-Residential", the headings are not considered to be part of the ordinance, and the language in the body of the ordinance controls. There is no language in Section 377-60 limiting residential users, and there is no language in Sections 377-48 or 377-49, or the Bangor ordinance's counterpart language, limiting those provisions to industrial users. At the very least, Section 377-60 should include language to specify

Decision:

- Revise as follows:
- Make no change

- (2) Is the maximum fine amount of \$100 still satisfactory?
that it is limited to specified residential users.

Decision:

The fine is a policy issue, but a maximum fine of \$100 is not much of a deterrent

- Revise as follows:
- Make no change

Ch. 382, Shoreland Zoning

3-1-2010

- A. In § 382-2 the reference to 38 M.R.S.A. §§ 435 through 449 could be updated to §§ 435 through 448. Section 449 was repealed in 2011 (L. 2011, c. 120).

Decision:

- Revise as indicated
- Make no change

- B. In the note at the end of § 382-3 it appears that the word "structures" should be added as follows: "The Town of Hampden, Maine, has opted to not govern docks, wharfs, piers or other structures extending or located below the shoreline. Such structures are subject to other regulatory bodies."

Decision:

- Add "structures" as indicated
- Revise as follows:

- C. Section 382-12A(1) refers to "a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008." Does "the Department" refer to the Department of Environmental Protection?

Decision:

Town Question

- Change "the Department" to "the Department of Environmental Protection"
- Revise as follows:
- Make no change

- D. We will make the following correction in the note at the end of § 382-12E: "Portions of these brooks in association with jurisdictional wetlands, streams or rivers may be in Resource Protection, Limited Residential and General ~~Commercial~~ Development Districts."
- E. In § 382-14I(2) the Town might want to clarify the reference to "Department Chapter 500." The intent appears to be to reference Chapter 500, Stormwater Management, of the Department of Environmental Protection Rules.

Decision:

- Revise to Chapter 500, Stormwater Management, of the Rules of the Department of Environmental Protection
 - Revise as follows:
 - Make no change
- F. In § 382-14M(1) we will update the reference to the Department of Agriculture to the Department of Agriculture, Conservation and Forestry. This subsection also refers to the Nutrient Management Law, 7 M.R.S.A. § § 4201 to 4209. Section 4209 was repealed in 2003 (L. 2003, c. 688). This reference could be updated as follows: "the Nutrient Management Act (7 M.R.S.A. § 4201 et seq.)."

Decision:

- Revise as indicated
 - Revise as follows:
- G. Section 382-16, Definitions.
- (1) The term "Bureau" is defined in this section to mean the State of Maine Department of Conservation's Bureau of Forestry. The term "Bureau" is not used in this chapter. The only instance of the word "Bureau" is in § 382-15I(2)(c), which refers to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection. Also "Department of Conservation" is an outdated title (now the Department of Agriculture, Conservation and Forestry).

Decision:

- Delete definition of "Bureau"
 - Retain definition; update title of Department
 - Make no change
- (2) In the definition of "forest stand" is the wording "uniform in age class distribution" correct?

Town of Hampden, ME

Decision:

- Revise to "uniform in age, class, distribution"
- Revise as follows: **Town's definition is identical to the definition in DEP's Chapter 1000 Shoreland Zoning Guidelines.**
- Make no change

(3) In the definition of "recreational vehicle" is the reference to the State Division of Motor Vehicles correct?

Decision:

- Revise to Department of Motor Vehicles
- Revise to Bureau of Motor Vehicles **Same reference as in DEP's Guidelines.**
- Make no change

(4) The definition of "shoreland permit" is awkward and does not make sense; see below. Is wording missing?

Documented municipal authorization of any activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use requiring a permit within the shoreland area in accordance with this chapter.

Shoreland permit. "Shoreland permit" means a document issued by the duly authorized Town official indicating that the activity or use referenced in the document has received the review and approval required under chapter. The document shall contain any conditions attached to the approval.

Decision:

- See revisions marked above
- Revise as follows:

(5) The definition of "significant river segments" begins "See Appendix B." No such appendix was included with this ordinance.

Decision:

- Delete reference to "Appendix B or"
- Include Appendix B; copy enclosed
- Other:

Ch. 389, Storm Drainage System

Art. I, Nonstormwater Discharges

6-18-2007

A. Section 389-4 provides that "The Building Inspector is the enforcement authority who shall administer, implement, and enforce the provisions of this article." Is this designation still

Town of Hampden, ME

Decision:

- Revise as follows:
- Make no change

Ch. 398, Subdivision of Land

5-17-1982

- A. Sections 398-1, 398-2 and 398-9B(8) refer to the State Subdivision Law as 30 M.R.S.A. § 4956. That section was repealed in 1987 (L. 1987, c. 737). The current law is contained in 30-A M.R.S.A. §§ 4401 to 4408. We will update this reference accordingly.
- B. The text for § 398-4B, Exceptions, appeared in the original ordinance at the end of the definition of "subdivision." As this wording does not really define the term "subdivision" and relates to the applicability of this chapter, we have moved this wording and included it in § 398-4, Applicability.

Decision:

- This change is acceptable
- Move this wording back to the definition of "subdivision"
- C. Section 398-5D sets the penalty for violations of this chapter at a fine of not more than \$1,000. Is any revision desired? Several of the Town's other ordinances relating to land use and development refer to the penalties in 30-A M.R.S.A. § 4452, and the State Subdivision Law also refers to that section in 30-A M.R.S.A. § 4406, Enforcement:

Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable, shall be penalized in accordance with section 4452.

Decision:

- Revise to read "shall be subject to the penalties prescribed in 30-A M.R.S.A. § 4452"
- Revise as follows:
- Make no change
- D. Section 398-8A(2)(e) provides for the following notice of the public hearing on a preliminary plan of a major subdivision: "Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days prior to the hearing." The following notice requirement is prescribed by 30-A M.R.S.A. § 4403 and included in this chapter in § 398-9B(7) with respect to the public hearing on a minor subdivision:

The municipal reviewing authority shall have notice of the date, time and place of the hearing: A. Given to the applicant; and B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing.

Decision: Section 398-8A(2)(e) should be amended to comply with 30-A M.R.S. Section

Revise as follows: 4403(4).

Make no change

- E. Section 398-8A(2)(f) reads "The purpose of the public hearing shall be for the Planning Board to receive testimony from the public and the Town Council relative to any municipal ordinance, standard, or regulation which is applicable to the proposed subdivision." Is the reference to the Town Council in this subsection correct? Similar wording in § 398-8B(1)(g) regarding the hearing on the final plan refers only to "testimony from the public."

Decision:

Delete "and the Town Council"

Revise as follows:

Make no change

- F. In § 398-21B(2) we will update the reference to the Soil Conservation Service to the Natural Resources Conservation Service.
- G. In § 398-22A(2) should "Hampden Conservation Committee" be revised to "Hampden Conservation Commission"? See Chapter 18, Conservation Commission.

Decision:

Change "Conservation Committee" to "Conservation Commission"

Make no change

- H. Section 398-22D, Standards for cash in lieu of land, provides that "At the time of final plan submission, the subdivider shall contribute to the Town of Hampden \$400 per lot, \$200 per unit or \$200 per acre, whichever is greatest." Are these amounts up-to-date?

Decision:

Revise as follows:

Policy Issue

Make no change

- I. Regarding the definition of "subdivision" in § 398-37, the Town might want to review this definition against the current definition in 30-A. M.R.S.A. § 4401. For example:

Town of Hampden, ME

Subsection A(1): Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in 36 M.R.S.A. § 1102, for a period of at least five years before the second dividing occurs.

Statute: Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division.

Decision:

- See revisions on enclosed copy
- Make no change

Town should compare definitions in ordinance to the definitions in state statute, and amend ordinance definitions to make them consistent with statute.

Change made in proposed amendments

Ch. 410, Zoning

3-13-1979

- A. Section 410-5, Zoning districts, does not include the Waterfront 1 District. See § 410-24. Should this district be added?

Decision:

- Add Waterfront 1 District to § 410-5
- Make no change

- B. Section 410-8, Zoning requirements for parcels in more than one district. Subsection B(1) refers first to the Interchange District then to the Business District:

A two-acre lot is comprised of one acre of Interchange District and one acre of Industrial District. In this instance, a mixed-use site development could locate a service station in the Business District and a self-storage warehouse use in the Industrial District.

Decision:

- Change "Business District" to "Interchange District" Town Question
- Change "Interchange District" to "Business District"
- Other: *Do not change*

- C. Section 410-10, Industrial District.

- (1) In Subsection B we have moved the wording "treatment or warehousing of goods and products" as follows:

Facilities for manufacturing, compounding, processing, packaging, treatment or warehousing of goods and products; essential services; wireless telecommunications

facilities (subject to § 410-46); ~~treatment or warehousing of goods and products;~~
wholesale distribution...

Decision:

- Change is correct
- Revise as follows:

- (2) We have made a similar revision in Subsection C as shown below; however, we question whether the inclusion of this wording in both Subsection B (permitted uses) and Subsection C (conditional uses) is correct:

facilities for manufacturing, compounding, processing, packaging, treatment, or warehousing of good and products; buildings necessary for essential services; ~~or warehousing of goods and products;~~ wholesale distribution...

Make change as indicated.

Decision:

- Delete this wording from Subsection C
- Revise as follows:
- Make no change

Subsection B permits such facilities if they have less than 5,000 square feet of gross floor area. Subsection C elevates review to conditional use approval if the facility has more than 5,000 square feet of gross floor area. The ordinance language does not address a facility of exactly 5,000 square feet. Recommend amending Subsection B by changing "less than" to "up to" 5,000 square feet of gross floor area.

- D. In § 410-14, Interchange District, Subsection D(5) provides that the maximum building height in this district is 50 feet. If that is correct, the provisions in Subsection E(5) regarding building height no longer make sense, as Subsection E(5) is based on the maximum building height being 35 feet.

Decision:

- Delete Subsection E(5)
- Change maximum building height in Subsection D(5) to 35 feet
- Other: Leave as is. Town amended ordinance to increase building height to 50 feet, but to require additional amount setbacks for each foot of height above 35 feet to minimize the impact of the increased height on the neighborhood.

- E. In § 410-18, Seasonal District, Subsection E(1) provides that "All land area and uses in this district shall conform to the standards established in § 410-38 of this chapter." Section 410-38 contained shoreland regulations and was repealed in 2010. Should this wording be revised to read "shall conform to the standards established in Chapter 382, Shoreland Zoning"?

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

Town of Hampden, ME

- F. In § 410-21D, the first sentence in the note at the end of this subsection is incomplete and does not make sense; see below. Based on similar wording in § 410-16D (see below) the following revisions could be made

§ 410-21D: Any lawfully existing lot of record situated in a Business B District containing road frontage of 100 feet or less as of June 1, 2014, which is served by public sewer with existing ~~may be developed for~~ single-family dwellings and accessory structures with minimum street yard and other yards of not less than 10 feet each.

§ 410-16D: Any lawfully existing lot of record situated in a Residential B District containing road frontage of 100 feet or less as of July 3, 1991, which is served by public sewer may be developed for single-family dwellings and accessory structures with minimum side yards of not less than 10 feet each.

Decision:

- Revise as indicated
- Revise as follows:

- G. In § 410-24, Waterfront 1 District, the reference in Subsection E(1)(a) to the Commercial Service District is incorrect. We will make the following revision: "~~By subtracting the base Commercial Service~~ Waterfront 1 District maximum building height from the proposed height the following is the result: 48 feet minus 35 feet equals 13 feet."

- H. Section 410-29B includes provisions relating to nonconforming structures in the shoreland area. Is any revision needed in light of the Shoreland Zoning Ordinance adopted in 2010? See Chapter 382, Shoreland Zoning, particularly § 382-11C, Nonconforming structures.

The nonconformity provisions of the Shoreland Zoning Ordinance and the Zoning Ordinance need to be reviewed and reconciled, especially in light of the conflict provisions of Sections 382-6 and 410-3. It appears that nonconformity provisions from various editions of the DEP Shoreland Zoning Guidelines have been incorporated into the general Zoning Ordinance without appropriate editing to make them generic for non-shoreland properties. It is my recommendation that all nonconformity provisions applicable to shoreland area be in the Shoreland Zoning Ordinance and that all nonconformity provisions for non-shoreland property be in the general Zoning Ordinance. It should be noted that DEP adopted new Guidelines on January 26, 2015, and some of the shoreland nonconformity provisions have changed, especially those dealing with expansion of nonconforming structures.

Decision:

- See revisions on enclosed copy
- Make no change

Currently being addressed

- I. Section 410-29D, Nonconforming uses. Subsection D(4) states: "A nonconforming structure or use which has been destroyed by fire or other hazard shall not be rebuilt except in conformity with this chapter." This provision appears to be inconsistent with Subsection B(3), which allows the reconstruction or replacement of damaged or destroyed nonconforming structures under certain conditions.

Decision:

- Revise as follows:
- Make no change

Do not believe this is inconsistent. Subsection D(4) establishes the general rule and recognizes there are exceptions, and Subsection B(3) establishes an exception. More importantly, Section is another example of the need to reconcile the nonconformity provisions. Since Subsection B(3) relates to properties with less than the required setback from the water line, the reconstruction or replacement provisions in Subsection B(3) only apply to those properties located in the shoreland area, and not to all properties town-wide.

J. Section 410-31, Off-street parking, loading, drive-through design and bufferyard requirements. In Subsection A(3), Parking setbacks, do any of the zoning district designations in the table require revision?

Decision:

- See revisions on enclosed copy Town Question
- Make no change

K. The term "Code Official" appears multiple times in this chapter. See for example § 410-32, Signs. Should this term be changed to "Code Enforcement Officer"? See the definition of "Code Enforcement Officer" in § 410-57 and § 410-49, which provides for this chapter to be enforced by the Code Enforcement Officer.

Decision:

- Change "Code Official" to "Code Enforcement Officer"
- Revise as follows:
- Make no change

L. Section 410-32, Signs. Subsection C(8), regarding temporary signs, applies to signs related to political campaigns and candidates and includes the following restriction: "Such signs shall be displayed not more than two weeks before the event and shall be removed within one week after the event." In 23 M.R.S.A. 1913-A, Subsection 1H authorizes political signs to be placed within the public right-of-way up to six weeks before the election:

Signs bearing political messages relating to an election, primary or referendum, which may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter;

Decision:

- Revise as follows:
- Make no change

Note: Under statute, Town has authority to be more restrictive. However, Town is in the process of amending the sign provisions, and it is my recollection that the subject provision is under consideration to make it consistent with the statute.

Has been addressed in Sign Revisions

M. It appears the following correction should be made in § 410-33E(4): "The applicant shall submit written approval from the Department of Marine Resources and ~~Fisheries~~ the Department of Inland Fisheries and Game Wildlife, as applicable, prior to consideration by the Planning Board.

Decision:

- Revise as indicated
- Revise as follows:

Town of Hampden, ME

N. Section 410-37, Mobile homes.

- (1) We recommend the following revision in Subsection A(1) to make a complete sentence: "The purpose of this section is to regulate mobile homes and mobile home parks..."

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- (2) Subsection B(2)(d) includes the following: "The skirting shall be properly installed in accordance with the BOCA Basic Building Code." Is an update needed in light of the state-wide Building Code established in 2010?

Need to verify with Code Enforcement Officer which Code covers skirting around mobile home
Also, need to verify which Code governs foundation standards under Subsection B(2)(c).

Decision:

- Change "BOCA Basic Building Code" to "Maine Uniform Building and Energy Code"
- Revise as follows:
- Make no change

- (3) In Subsection B(2)(f) should the reference to the State of Maine Department of Business Regulation be updated to the Department of Professional and Financial Regulation?

Decision:

- Update to Department of Professional and Financial Regulation
- Revise as follows:
- Make no change

- O. Sections 410-43C(8) and 410-48H(4) refer to "Hampden Public Safety." Is this meant to be a reference to the Public Safety Department or Public Safety Director?

Decision:

- Revise to "Hampden Public Safety Director"
- Revise to "Hampden Public Safety Department"
- Other:

- P. Section 410-45B, Applicability, reads as follows: "Existing structures providing access for persons with disabilities which comply with the design guidelines of 25 M.R.S.A. § 2701,

American National Standards Institute Document A117.1-1986, and Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as may be amended from time to time."

- (1) This sentence is incomplete. Should the first part read "This section applies to existing structures providing access..."?

Decision:

- Revise as indicated
 Revise as follows:

- (2) The reference to 25 M.R.S.A. § 2701 is no longer correct. Chapter 331, Construction for Physically Disabled, of Title 25 (consisting of §§ 2701 to 2704) was repealed by L. 2011, c. 613.

Decision:

- Delete this reference
 Revise as follows:

Q. Section 410-47, Excavation, gravel pit and quarry.

- (1) Subsection C includes the following: "Examples of exceptions include, but are not limited to, previously issued site location of development permits (38 M.R.S.A. § 480), filed a notice of intent to comply with the performance standards for excavation and/or quarries (38 M.R.S.A. § 490)." This wording is awkward and unclear. In addition, both of the statutory references are incorrect. There is no § 480 in Title 38; Article 6, Site Location of Development, of Title 38 begins with § 481. Section 490 of Title 38 was repealed by L. 2011, c. 653. Article 7, Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt, of Title 38 begins with § 490-A. Perhaps the following revision could be made:

Examples of exceptions include, but are not limited to, previously issued site location of development permits (38 M.R.S.A. § 481 et seq.) which have filed a notice of intent to comply with the performance standards for excavations and/or quarries (38 M.R.S.A. § 490-A et seq.)...

Decision:

- Revise as indicated
 Revise as follows:

- (2) Subsection G(16), Waste disposal, refers to "the rules of the Maine Department of Environmental Protection Chapter 13." We were unable to confirm this reference. The rules of the Department of Environmental Protection posted on the state's

Town of Hampden, ME

website do not include a Chapter 13. Solid waste management rules are contained in Chapters 400 to 425.

Believe Subsection G(16) intended to reference Chapter 13 of Title 38 M.R.S., as that statute deals with solid waste disposal.

Decision:

- Revise as follows: "the provisions of Title 38 M.R.S. Chapter 13, including any rules adopted by the Department of Environmental Protection."
- Make no change

- (3) Subsection I(2) reads "RP and SP Districts and land areas subject to shoreland zoning are further regulated under § 410-38, Shoreland regulations." As these districts are not provided for in this chapter and shoreland regulations are established by separate ordinance, perhaps the following revision could be made: "Resource Protection and Stream Protection Districts and land areas subject to shoreland zoning are further regulated under Chapter 382, Shoreland Zoning."

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- R. Section 410-48B establishes a separation requirement of 1,000 feet for medical marijuana registered dispensaries, medical marijuana cultivation facilities and methadone clinics from certain other uses, including a preexisting public or private school. State law provides that "A dispensary may not be located within 500 feet of the property line of a preexisting public or private school." See 22 M.R.S.A. § 2428, Subsection 6B. Subsection 10 of that section provides as follows: "A local government may not adopt an ordinance that is duplicative of or more restrictive than the provisions of this Act." The Town Attorney should be consulted as to whether the Town can impose a different separation distance requirement (1,000 feet) than that prescribed by state law (500 feet).

On the date the Town enacted Section 410-48 (3/7/11), Subsection 10 provided that the statute did not prohibit a municipality from limiting the number of dispensaries or enacting reasonable regulations apply to dispensaries. The sentence quoted above was added by Public Law 2011, c. 407, which became eff on 9/28/11. This sentence places a limitation on the Town's home rule authority on this subject matter. I recommend that the entire Section 410-48 be reviewed against the backdrop of the amended Subsection 10. Quite frankly, I am not sure a municipality has much authority on this subject anymore, as Subsection 10 provides that an ordinance cannot be duplicative of or more strict than the provisions of the statute. Not is the separation distance more restrictive than the statute, but so is the ordinance's list of properties from which a dispensary must be separated.

Decision:

- Revise as follows
- Make no change

- S. Section 410-52 sets the penalty for violations of this chapter at a fine of not less than \$100 nor more than \$2,500. The wording of this section is based on 30-A. M.R.S.A. § 4452(3) and would not appear to require revision.
- T. Section 410-54B(3) refers to "a physical or mental handicap under 5 M.R.S.A. § 4553." The Town might want to update this wording to "a physical or mental disability under 5 M.R.S.A. § 4553-A."

Decision:

- Revise as indicated
- Change "handicap" to "disability"; do not change statutory reference
- Make no change

- U. Section 410-55, Appeal procedure. There are conflicts between this section and Chapter 7, Appeals, Board of. For example, § 410-55 requires 10 days' notice of public hearings; in § 7-4 this time frame is seven days. Section 410-55 requires appeals to the Superior Court to be taken within 30 days; in § 7-4 this time frame is 45 days. The Town might want to consider whether any of the provisions in § 410-55 could be deleted as covered by Chapter 7.

Decision:

- See revisions on enclosed copy
- Revise time frames in § 410-55 to match § 7-4; no other changes needed
- Other: **It appears that most of Section 410-55 is unnecessary because the matter is covered by Chapter 7. Recommend review of Section 410-55 to see if anything needs to be retained.**

- V. Section 410-57, Definitions.

- (1) In the definitions of "bar," "restaurant, small" and "tavern, neighborhood" is the wording "with a gross floor" supposed to read "with a gross floor area"?

Decision:

- Revise to "with a gross floor area"
- Make no change

- (2) In the definition of "community building" is the wording "the municipality RSU22" correct?

Decision:

- Revise as follows: **"the municipality, RSU No. 22 and/or"**
- Make no change

- (3) In the definition of "customary rural businesses" is the wording "tack shop" correct?

Decision:

- Revise to "bait and tackle shop"
- Revise as follows:
- Make no change **"tack shop" is an equestrian supply store**

Town of Hampden, ME

- (4) The definition of "dance hall" contains essentially the same wording as the definition of "bar," stating that the primary use of a dance hall is the service of alcoholic beverages. Is this definition correct?

Decision:

- Revise as follows: **Definition should be clarified.**
- Make no change

- (5) In the definition of "essential services" is the wording "but shall include buildings which are necessary for furnishing of such services" supposed to read "but shall not include buildings which are necessary for furnishing of such services"?

Decision:

Town Question- Intent?

- Add "not" as indicated
- Make no change

- (6) In the definition of "hazardous waste" we will update the reference to 38 M.R.S.A. § 1303(5) to 38 M.R.S.A. § 1303-C(15). Section 1303 was repealed by L. 1989, c. 585.

- (7) The definition of "tributary stream" includes the following: "The term stream does not include 'stream' previously defined and only pertains to tributary streams within the shoreland zone." This wording does not make sense in the context of this section, as there is no previous definition of "stream" in this section.

Decision:

Since by definition, this term only applies to tributary streams in the shoreland zone it should be deleted from the general Zoning Ordinance, as the term is also defined in Chapter 382, Shoreland Zoning. The definition in Section 382-16 is based on definition in the DEP Guidelines.

- Revise as follows:
- Make no change

- (8) In the definition of "wireless telecommunications facilities, microcell" the second sentence does not make sense. Perhaps the following revision could be made:

Microcell wireless telecommunication facilities shall be co-located on water towers including the tank surfaces in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes, and vistas through careful design, siting, screening, landscaping, and innovative camouflaging techniques and shall be considered accessory to a water tower use.

Decision:

- Revise as indicated
- Revise as follows:

D-4-c

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: School Board, RSU #22
FROM: Angus Jennings, Town Manager
DATE: January 5, 2016
RE: Budget planning for FY17 / pending recommendation re McGraw Weatherbee

The Hampden Town Council has been tracking the McGraw-Weatherbee initiative since last summer through attendance by Councilors, my attendance and attendance of other Town staff at meetings of the School Board Building Committee. We are aware that the McGraw-Weatherbee initiative was set out in the RSU #22 2013-2016 Strategic Plan.

The Council is also aware that the School Board has been asked to make a recommendation regarding whether to proceed with design work relative to this project, and that a vote is scheduled for January 6. The Council discussed this matter at their meeting last night.

I am writing this letter to request, on behalf of the Council, that the Board table any action taken with implications for FY17 spending. We believe any such action would be premature until we are able to meet to report on the Town's financial situation, and to discuss the Council's budget goals for FY17.

As you may know, my office sent a copy of the attached report to the Superintendent's office last month, following its presentation to the Council's Finance Committee on December 7. This report raises significant issues regarding the Town's finances, including demonstrating a steady decline in the Town's fund balances year to year for several years.

Since FY09, the Town has seen a 56.5% drop in Municipal Revenue Sharing from the State, and a 9.4% drop in other revenues (excise tax, etc.). In fact, FY16 funding for Town services is 2.2% lower, in real dollars (i.e. not inflation adjusted) than it was in FY09. Over that same time period, the RSU #22 budget has increased by 22%. In order to accommodate these increases, and County taxes (31% increase during this period), the Council increased the mil rate twice, from 15.9 in FY09-13 to 16.65 in FY14 and 17.5 in FY15-16. As it has in the past, the Council will pursue every opportunity in its FY17 budget to minimize the property tax burden on our residents.

Our independent Auditor is within days of closing out the Town's FY15 audit, at which point I'll update and broaden the December 7 report. As I have communicated to Superintendent Lyons,

the audit itself and my report based on its findings will be presented at the January 19 meeting of the Council's Finance Committee.

Of course, the Town's financial health, including these trends, will be central to the Council's deliberations regarding the FY17 budget. We trust that the RSU #22 Board will also take this information into account in proposing a budget.

Superintendent Lyons has recently suggested that, upon completion of our FY15 audit and related analysis, this could be presented to the RSU #22 Budget Committee. We agree that this would be productive, and will be pleased to confirm a date in the near term. He also offered to schedule a presentation to the Town Council regarding the McGraw-Weatherbee initiative, and this will also be worthwhile. Concurrent with the FY17 budgeting process, my office and the Council are initiating a longer-term capital planning process. This will provide a useful framework within which to consider all potential capital investments, including at McGraw-Weatherbee.

To the extent that the action requested at the Board's January 6 meeting has implications for the FY17 budget process, we hope that you will honor our request to table action on this request. We believe this will be important to ensure that all parties are proceeding in coordination relative to FY17 budgeting.

cc: Rick Lyons, Emil Genest

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email:
manager@hampdenmaine.gov

April 7, 2015

Ms. Kelly Bickmore, Chair
RSU #22 Board of Directors
24 Main Road North
Hampden, ME 04444

RE: 2015/16 Budget

Dear Chair Bickmore and RSU#22 Board Members,

The purpose of this letter is to discuss the upcoming budget for the school district as well as for the Town of Hampden as one of its member municipalities. While we recognize that the School District is facing funding constraints from the State, the Town is also facing loss of revenue from Revenue Sharing and a number of other revenue reductions if the current State budget is adopted.

The past several years have seen extremely large local share increases from RSU#22 for the Town of Hampden. At this time, our annual local school payment is more than \$1,000,000 more than it was in 2009 – just five years ago – and the total number of Hampden students served is less than it was in 2009. In order to accommodate those increases, the Town has done its best to mitigate mil rate increases through use of fund balance and municipal budget reductions including staffing changes, purchasing policy changes, and zero growth in municipal departments. As a result the bottom line of our municipal budget is \$65,000 less this year than it was in 2009. Despite these efforts, the Town's mil rate has risen \$1.50/per thousand over the past two years.

At its goals and objectives meeting in February, it was the consensus of the Town Council to write a letter to the School Board asking that every effort be made to minimize local share budget increases. State law this year requires a local educational mil rate effort of \$8.44 for municipalities – but the Town of Hampden is already at an educational mil rate of \$9.975.

Apart from education and local government funding impacts from the proposed State budget – the proposed elimination of the Homestead Exemption for those under age 65 will create an automatic property tax increase – at the current mil rate – of \$175 even if the Town, the School and the County were able to hold the line on expenses and have sufficient revenues to shore up the bottom line. While that increase would not be the 'fault' of the Town or the School District – it would be felt locally on top of any mil rate increase needed to fund School, County, or Municipal budget needs.

The Town is working hard to encourage business development in Hampden while retaining the sense of 'place' that is important to so many who have chosen to live here. To be competitive in that effort, we need to be able to offer an attractive mil rate. With two successive years of mil rate increases, and the likelihood of yet another without dramatic program and service reductions at the municipal side, it is important that we mitigate these increases as much as possible.

We recognize that State funding of education at 55% would help to solve this problem, as would the State funding of municipal revenue sharing at the 5% of income and sale tax that is in law. In reality, however, neither is going to happen this year and we are left – yet again - to find a way to manage to do more with less. Although we represent different segments of municipal services – we are really all in the same boat here. The same people are being asked to pay for all of the services and we must be mindful that we do not tax them to the point where they no longer support the work that is done.

The Town would like to have a representative on the school budget committee for this year as well. Please let us know your budget meeting schedule when it is ready.

Finally, the Town Council is always open to a meeting with the School Board to discuss mutual budget issues and concerns.

Thank you, in advance, for your consideration of our request.

Sincerely,



Susan Lessard,
Town Manager

For the Hampden Town Council

D-4-d

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: January 14, 2016
RE: Policy clarification, Transfer Station Rules & Regulations

Sales of Transfer Station stickers since the first of the year have been brisk; as of midday today we have sold 1,176 for the year.

Due to their particular circumstances, a few Hampden residents have raised an issue that I believe needs policy clarification.

The Transfer Station Rules and Regulations state that the facility "is for disposal of Hampden residential trash only," prohibit "commercial haulers," and further provide that vehicles receiving one-day permits "cannot be a commercial or contractor vehicle or larger than a full-sized pick up." The policy intent to limit use to residential trash is clear.

Historically, vehicles that are registered to a company (not an individual), or that bear markings of a commercial vehicle (i.e. commercial logos) have been understood to be "commercial" and have not in the past been allowed to purchase stickers. Vehicles registered to a company (but with no commercial markings) have been allowed, for the standard \$10 fee, to receive a Temporary Vehicle Permit (as referenced in the Rules and Regulations), as if for a borrowed vehicle, with a term of the calendar year. It is not clear to me why this makes sense; it would seem preferable to arrive at a system whereby a sticker – that is affixed to the vehicle – would be provided.

Vehicles with commercial markings have not been allowed to purchase a sticker or Temporary Vehicle Permit.

Several Hampden residents who own their own business, and who have their vehicle for transfer station activities registered to the business, have expressed their opinion that, as Hampden residents, they should have the option to buy a sticker and to dispose of residential waste at the Transfer Station. In some instances, the vehicles in question are registered in Hampden; in other instances they're not.

Two residents whose businesses could be expected to generate commercial waste (i.e. construction debris) sought to purchase a sticker. On hearing their circumstances, and

after consultation with the Public Works Director, we agreed to sell them each a sticker upon documentation that the business has a separate waste disposal agreement for commercial waste. Both people agreed, provided documentation, and we sold them each a sticker.

Another resident whose business (account management) would not be expected to generate commercial waste, also seeks to purchase a sticker. The approach taken with the other residents doesn't apply here because no commercial waste disposal agreement would be needed. I have advised him that this matter would be considered at Tuesday's meeting, and that we would contact him Wednesday with some resolution.

Following changes in practice made this past fall, all residents who purchase a sticker are required to sign a statement that they have reviewed and agree to comply with the Transfer Station Rules and Regulations. It is my recommendation that, until the Transfer Station Rules and Regulations are amended to clarify this issue, we issue a sticker to the resident in question (and others in this situation) following the same rationale: if the business that the vehicle is registered to generates commercial waste, require documentation of a separate waste disposal agreement for commercial waste; if the business doesn't generate commercial waste, rely on the person's signature agreeing to abide by the policy.

Due to time constraints I have not drafted language for Council consideration; however I do want to bring this matter to your attention for consideration, and to ensure that you agree with this approach for the time being.

In considering this issue, it is important to understand that the practice of denying business-owned vehicles the ability to purchase a sticker is long-standing, and has been consistently applied. It is therefore especially important that any change in policy (or practice) does not undermine the primary policy objective of limiting the facility to residential waste; is clearly communicated to the public; and is evenly applied.

In the future, I will recommend that the Council clarify the Transfer Station Rules and Regulations to better define "commercial vehicles," and to provide a clear, uniform process by which Hampden residents can be assured access to the Transfer Station, upon purchase of a sticker, for residential trash disposal. The matter of whether to sell stickers to Hampden residents with business-owned vehicles registered outside of Hampden will also need to be addressed.

I do believe that a change is warranted because I agree with the affected people that, as Hampden residents and taxpayers, they should have the same ability to dispose of residential waste as all residents, even if their vehicle is commercially owned or marked.

cc: Sean Carrier, DPW Director

TOWN OF HAMPDEN
SOLID WASTE TRANSFER STATION RULES & REGULATIONS

The Town of Hampden has a Solid Waste Transfer Station located at the Public Works Facility on the Canaan Road. This facility is for disposal of Hampden residential trash only.

- No Commercial Haulers allowed
- No Contractor vehicles allowed

PERMITS

A permit on the vehicle is required for access to the facility. Permits are available at the Town Office at a cost of \$10 per sticker per vehicle per calendar year. **A current vehicle registration must be presented annually in order to obtain a sticker.** Only year round residents or seasonal residents who do not use their property for rental purposes are eligible to purchase stickers. Businesses and residents of apartment or private complexes with more than four units are not eligible to purchase stickers or utilize the Transfer Station. **No vehicle will be allowed entry to the Transfer Station after February 1st of each year without a current decal.**

A one-day permit is available for a resident to obtain in order to use a borrowed vehicle. To acquire this, bring the number of your existing permit to the Town Office and ask for a Temporary Vehicle Permit. The permit is available at no charge and is valid for one day only. You must accompany the vehicle for which you obtained the permit and the vehicle cannot be a commercial or contractor vehicle or larger than a full-sized pick up.

<u>HOURS OF OPERATION</u>	<u>CLOSED ALL LEGAL HOLIDAYS</u>	
MONDAY – CLOSED	New Year’s Day	
TUESDAY – CLOSED	Martin Luther King Day	
WEDNESDAY – 10 A.M. – 6 P.M.	President’s Day	Columbus Day
THURSDAY – 10 A.M. – 6 P.M.	Patriot’s Day	Veteran’s Day
FRIDAY – 10 A.M. – 6 P.M.	Memorial Day	Thanksgiving Day
SATURDAY – 8 A.M. – 4 P.M.	4 th of July	Day after Thanksgiving
SUNDAY – 8 A.M. – 4 P.M.	Labor Day	Christmas Day

DISPOSAL SCHEDULE

SOLID WASTE -

ACCEPTED ON ANY DAY THAT THE TRANSFER STATION IS OPEN.

SHARPS DISPOSAL -

ACCEPTED ON ANY DAY THAT THE TRANSFER STATION IS OPEN. THERE IS A SEPARATE RECEPTACLE AT THE TRANSFER STATION FOR SHARPS DISPOSAL

SWAP SHOP ITEMS -

ARE ACCEPTED AT THE ‘SWAP SHOP’ ON ANY DAY THAT THE TRANSFER STATION IS OPEN, AND MAY BE TAKEN FROM THE ‘SWAP SHOP’ ON ANY DAY THAT THE TRANSFER STATION IS OPEN.

RECYCLABLES -

ACCEPTED ON ANY DAY THAT THE TRANSFER STATION IS OPEN.

CONSTRUCTION & DEMOLITION DEBRIS, WOOD, METAL, APPLIANCES AND ASPHALT SHINGLES -

THESE ITEMS ARE ACCEPTED ON THE 2ND AND 4TH WEEKEND OF EACH MONTH ONLY.

REFRIGERANT DISPOSAL FEE –

There is a \$15 fee for the disposal of any appliance with refrigerant (refrigerators, freezers, some air conditioners). A permit sticker for the disposal of such items must be picked up at the Town Office prior to disposal, and these items can only be taken to the transfer station on the second and fourth weekends of each month. Permit stickers must be affixed to the item.

BEFORE YOU GO TO THE TRANSFER STATION DISPOSAL TIPS...

TELEVISIONS, COMPUTER PARTS and FLUORESCENT LAMPS are accepted any time the Transfer Station is open.

TIRES all must have rims removed. No more than four tires will be accepted.

PAINT CANS must be empty and rinsed out with lids removed.

METAL BARRELS, 5, 30, AND 55 GALLON DRUMS must have at least one end removed and they must be washed out.

LEAVES, GRASS, AND YARD AND GARDEN CLIPPINGS must be bagged and disposed of in the trash compactors along with solid waste.

TREE LIMBS AND BRANCHES – Must not exceed 10’ in length and are acceptable only on the 2nd and 4th weekends of each month.

ZERO-SORT RECYCLING

The Town of Hampden operates a Zero-Sort recycling program at the Transfer Station. There is a separate compactor at the facility in which many recyclables are deposited. There is no need to separate these recyclable materials, however, if they are disposed of in a bag, the bag must be clear plastic in order to be placed in the compactor.

Recyclable materials that can be deposited in the Zero-Sort Compactor include:

- | | |
|-----------------------------|-----------------------|
| Magazines & Books | Newspaper |
| File folders & office paper | Mail & Greeting cards |
| Corrugated cardboard | Paperboard boxes |
| Paper Cartons | Plastic Containers |
| Large Rigid Plastics | Metal cans |
| Glass bottles | |

Non-recyclable items that **cannot be deposited in the Zero-Sort compactor include:**

- | | |
|-----------------------------------|--------------------|
| Plastic bags | Mirrors |
| Window Glass | Light bulbs |
| Dishes | Pyrex |
| Ceramics | Paper Towels |
| Facial tissue | Styrofoam |
| Recyclables containing food waste | Paints |
| Oils | Hazardous material |
| Needles | Syringes |
| VCR tapes | CD's/DVD's |
| Scrap Metal | Pots or Pans |

UNACCEPTABLE WASTES

- **AUTOMOTIVE PARTS** containing hazardous fluids including batteries, engines, transmissions, etc. These items should be disposed of in a salvage yard.
- **STUMPS** will not be accepted.
- **HAZARDOUS WASTE** will not be accepted. This includes paint thinners, cleaners, poisons, asbestos, chemicals, and petroleum products such as gas, oil and kerosene.

COMPOSTING

The Town of Hampden is making every effort to protect our environment and to keep waste disposal costs as low as possible. In addition to observing the guidelines above, you can help reduce the amount of waste that you produce in your home. Home composting, for example, is easy to do and not only reduces the waste stream, but produces usable garden fertilizer. The Town participates annually in the State Planning Office Home Composter Program by subsidizing the cost of home composters for interested Hampden residents. To find out more about home composting and when the next composter order will be placed - call Rosemary at 862-3337.

QUESTIONS? CALL ROSEMARY AT 862-3337.



**TOWN OF HAMPDEN
SOLID WASTE TRANSFER STATION
TEMPORARY VEHICLE PERMIT**

NAME: _____
DATE: _____
PERMIT # _____
VEHICLE TYPE: _____

ISSUED BY: _____

NOTE: THIS PERMIT IS TO ALLOW YOU - THE PERMITTEE - TO ACCESS THE TRANSFER STATION IN A BORROWED VEHICLE. IT IS VALID ONLY ON THE DATE SHOWN.

D-5-a

Quote

Penobscot Temperature Controls, Inc.

54 Nadine's Way

Hampden, ME-04444

(207)945-9350

Date	Quote #
12/15/2015	158

Name / Address
Town of Hampden 106 Western Avenue Hampden, ME 04444

Item	Description	Project	Location
		Thermostat	Office, Roof Top
		Qty	Total
Labor Hon # THM6000R10 ... Hon # YTHX9421R5 ...	Install one "Red Link" Honeywell Wi - fi thermostat for main office roof top HVAC unit. Thermostat set up is like the one at public works building that can connect to the Internet.	7	406.00 121.98 372.37
Thank you for your business! ** This quote may be withdrawn by us if not accepted within 30 days. **		Total	\$900.35

Penobscot Temperature Controls, Inc.

54 Nadine's Way
 Hampden, ME-04444
 (207)945-9350

Quote

Date	Quote #
12/15/2015	455

Name / Address
Town of Hampden 106 Western Avenue Hampden, ME 04444

Item	Description	Project	Location
		AC Repairs	Office, Roof Top
		Qty	Total
Labor	Roof top AC unit has a freon pipe / coil crack and AC circuit # 1 is down. We think it has been down for the last part of last summer. That is some of the cooling problem the office area had last summer. We will need to pressure test compressor coils and piping. We will move repair equipment to the roof top. Silver solder pipe cracks that we find. System evac. , freon charge and cooling start up and check out.	16	928.00
Freon 22		15	262.35
Forch, Silver solder		1	25.00
Nitrogen Gas	Pressure test	1	17.00
Vaccum pump oil		1	7.50
NOTE: Any other problems we find we will send over repair price.			
Thank you for your business! ** This quote may be withdrawn by us if not accepted within 30 days **		Total	\$1,239.85

Penobscot Temperature Controls, Inc.

54 Nadine's Way
 Hampden, ME-04444
 (207)945-9350

Quote

Date	Quote #
12/15/2015	460

Name / Address
Town of Hampden 106 Western Avenue Hampden, ME 04444

Item	Description	Project	Location
		Air Balance	Office area
		Qty	Total
Labor	Test air flow CFM from ceiling air vents with our flow hood . Check building mechanical plans and set air flow to office space to there design settings. We will need to add and install hand dampers for air flow settings. We will need to get more air flow to rear office area so we will install one more ceiling air vent for that rear office This should help even out the air flow in the office area. Also this work should be done on a Friday so not to interfere with the office staff.		1,160.00
Materials	Small amount of flex duct work, ceiling air grill, duct hand damper	1	255.00
Thank you for your business! ** This quote may be withdrawn by us if not accepted within 30 days.**		Total	\$1,415.00

D-5-b

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: January 14, 2016
RE: Proposal to fund transfer station compactor replacement

On December 3 the cylinder on one of the compactors at the transfer station failed. Due to the emergency nature of the matter, I authorized the Public Works Director to secure a vendor to proceed with the work. The work was done and the cost of the new cylinder, with labor, was \$6,220.

I recommend that the Council authorize the transfer, through an FY16 budget adjustment, of \$6,220 from the Salary/Benefits Reserve Account (3-733-00) to the Solid Waste Equipment Maintenance budget (15-10-20-05).

This will allow us to pay the invoice, and will leave a balance of approximately \$26,400 in the Salary/Benefits Reserve. By authorizing the budget transfer, this will also ensure that, upon later review of actual FY16 spending, the record of costs will be classified by the appropriate line item.

cc: Sean Currier, DPW; Tammy Ewing, Finance

Invoice

Atlantic Recycling Equipment, LLC

PO Box 609
 Rollinsford, NH 03869
 Phone 603-749-2414 Fax 603-749-2421

Date	Invoice #
12/3/2015	003103

Bill To
Town of Hampden 106 Western Ave. Hampden, ME 04444

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30		12/3/2015			

Quantity	Item Code	Description	Price Each	Amount
		Install new cylinder on 44XHD S/N 14725		
1	Parts	Cylinder 6.25X80X4.75	3,995.00	3,995.00T
1	Freight	Freight	300.00	300.00
11	Service Labor/JJoy	Service Labor - Jeff Joy	97.50	1,072.50
11	Service Labor/TMa...	Service Labor - Tom Martineau	77.50	852.50
		Sales Tax	0.00%	0.00

Thank you for your business.

Total \$6,220.00



Angus Jennings <townmanager@hampdenmaine.gov>

(no subject)

1 message

Sean Currier <publicworks@hampdenmaine.gov>

Thu, Dec 3, 2015 at 10:10 AM

To: Angus Jennings <townmanager@hampdenmaine.gov>

Angus, we have a compactor cylinder that is leaking hydraulic fluid. It may or may not be cracked. We need the compactor. I called to get an estimate for a new one.....please have a seat.

New cylinder is \$5600 just for parts. I asked him to look for a used or rebuilt one. If none available, do we have authorization to purchase new? We use both compactors on the weekends. The price is from Atlantic leasing corp. (Where we got the compactors). Please email or text any responses.

Thanks (sorry for the news, I know it's bad timing but unavoidable)...

Sean

Current Account Status

G 3-733-00 RESERVE ACCT / WAGE STUDY

842.66 = Beg Bal -33,475.30 = YTD Net -32,636.18 = Balance
 -3.54 = Adjust 0.00 = YTD Enc

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
07	0107		08/12/15		Beg Bal Adjustments	B GJ	0.00	3.54
08	0151		08/27/15		July Reserve Ckg Int	R GJ	0.01	0.00
08	0152		08/27/15		Res Int/FMV July	R GJ	4.70	0.00
09	0221	1777	09/16/15	00145 EATON PEABOD	TOWN MANAGER RECRUITMENT	R AP	6,519.99	0.00
09	0248		09/24/15		09/24/2015 C/R	R CR	0.00	40,000.00
Totals-							6,524.70	40,003.54

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
July	0.00	0.00	0.00	3.54
August	4.71	0.00	0.00	0.00
September	6,519.99	40,000.00	0.00	0.00
Totals	6,524.70	40,000.00	0.00	3.54

D-5-c&d



To: Angus Jennings, Town Manager
From: Dean Bennett, Director of Community Development
Date: January 14, 2016
Subject: Open Space – Planning Board

.....
In accordance with the Planning and Development decision to pursue the repeal of the mandatory open space requirement for Subdivision development, I have identified a section within the Subdivision Ordinance and a paragraph within the Zoning Ordinance that the Council may want to consider repealing.

Subdivision Ordinance Section 540 Open Space and Recreation Land: The entire section should be repealed.

Zoning Ordinance Section 4.6 Rural Cluster Housing: The paragraph referring to the exemption for Minor Subdivisions in the Rural District should be repealed.

I have prepared both documents for Council consideration for forwarding to the Planning Board for review and recommendation.

If you have any questions or concerns, please let me know.

TOWN OF HAMPDEN

Draft

D-5-C

The Town of Hampden Hereby Ordains
Proposed Amendments to the Subdivision Ordinance be enacted.

Deletions are ~~Strikethrough~~ Additions underlined

~~540. *Open Space and Recreation Land*—All subdivisions shall be required to set aside land for open space and recreation or to provide cash in lieu of land. The primary intent of this section is to provide open space and recreation land in all areas of the community. It is understood that not all developments will have land suitable for open space or recreation within their boundaries, therefore this section is designed to be as flexible as possible. To that end, this section shall allow the provision of off-site open space and recreation areas, and cash in lieu of land. In cluster development, the cash in lieu of land provision shall not apply.~~

~~541. *Approval Authority*—The Planning Board shall approve the means of meeting this requirement.~~

~~The Hampden Conservation Committee and Recreation Committee shall be given opportunity to make written recommendations to the Planning Board on all open space proposals within forty five (45) days of receiving notice. Where land is to be dedicated to the town, or otherwise requires action of the Town Council, the Planning Board shall require the subdivider provide documentation as to the Town Council's decision as provided in 545.2. (Amended: 05-20-96)~~

~~542. *Area Required*—The area of land set aside shall be based on the open space requirements of the Zoning Ordinance. If no open space requirement exists in the Zoning Ordinance, the applicant shall be required to provide land in accordance with the following: 500 square feet per unit, or five (5) percent of the parcel to be developed, whichever is greater.~~

~~Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. No fee in lieu or open space is required for subdivisions that satisfy this exception. The intent of this exception is to avoid creating very small open spaces that do not serve the interests of the subdivision or the Town while maintaining the densities that the ordinances contemplate. This exception shall also apply to further division of lots in previously approved subdivisions. (Amended: 07-14-2014, Effective Date 8-13-2014)~~

~~543. *Standards for Land*—The purpose of this section is to provide for permanent open space. The subdivider may offer dedicated land, conservation easements, or other means to meet the requirements of this section. These areas shall be in locations designated as open space or green belts in the Comprehensive Plan. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. (Amended: 05-20-96)~~

~~1. Where the open space requirement is in excess of ten (10%) percent of the land to be subdivided, the subdivider may elect to provide land identified in the Open Space and~~

~~Recreation Plan, if one exists. Where off-site open space is proposed, the following standards apply:~~

- ~~A. Ten (10%) percent shall be provided within the subdivision.~~
- ~~B. The off site open space shall be within one (1) mile of the subdivision.~~
- ~~C. The off site open space shall have been previously designated in the Open Space and Recreation Plan.~~
- ~~D. The subdivider shall provide proper right, title or interest to the off-site land.~~

~~544. Standards for Cash in Lieu of Land—Where cash in lieu is proposed, the following standards shall apply:~~

- ~~1. At the time of Final Plan submission, the subdivider shall contribute to the Town of Hampden \$400/lot, \$200/unit or \$200/acre, whichever is greatest.~~
- ~~2. All monies placed in this fund shall be used for the purchase or development of open space or recreation land.~~
- ~~3. Land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision. (Amended: 06-03-91)~~

~~545. Provisions for Ownership and Maintenance of Open Space or Recreation Areas—If land is to be set aside under the provisions of this section, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such land. The means for insuring the open space will be available in perpetuity shall be:~~

- ~~1. Retain ownership and responsibility for maintenance of such land; or~~
- ~~2. Dedicate such land to public use if the town or another public agency has indicated it will accept such dedication. If the subdivider proposed that the town accept the land, the subdivider must provide the planning board, as part of the final plan, with a copy of the minutes of the meeting of the Town Council, attested by the town clerk, in which the Town Council agreed to accept such land; or~~
- ~~3. Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:~~
 - ~~A. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.~~
 - ~~B. Membership in the organization is mandatory for all purchasers of units therein and their successors.~~

- ~~C. The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for insurance and taxes on common open space and property.~~
- ~~D. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with written procedures established by them. (Amended: 09-21-87, 06-03-91)~~

TOWN OF HAMPDEN

Draft

D-5-d

The Town of Hampden Hereby Ordains
Proposed Amendments to the Subdivision Ordinance be enacted.

Deletions are ~~Strikethrough~~ Additions underlined

4.6. Rural Cluster Housing - In order to promote the health and general welfare of the community and to preserve and make available open space for recreation and conservation, the Planning Board may grant a developer permission to vary lot size requirements in districts in which cluster development is allowed, thus leaving a substantial area free of building lots to become permanent open space. This section shall apply to the Rural District. The cluster provision for Residential A and Residential B are contained in *Article 3.7.6 and 3.8.7* respectively. (*Amended: 06-03-91, 05-04-92*)

~~Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. This exception shall also apply to further division of lots in previously approved subdivisions. (Amended: 10-06-2014)~~

4.6.1. Minimum Size - A cluster proposal shall not be considered unless the land area involved is at least ten (10) times the minimum lot size in the district for which it is being proposed.

4.6.2. Uses Allowed - No use shall be allowed in a cluster subdivision which is not allowed in the district for which it is being proposed with one exception: The planning board may allow dwellings with four (4) dwelling units in the Rural District in cluster subdivisions provided that such allowance shall not increase the maximum number of dwelling units allowed as determined by *Article 4.6.3* of the Ordinance.

4.6.3. Maximum Number of Dwelling Units Allowed - The maximum number of dwelling units permitted on a particular parcel of land shall be determined with reference to *Article 3* of this Ordinance and the following:

1. Subtract fifteen (15%) percent of the gross acreage of the tract (for streets) to obtain the net acreage of the tract.
2. Determine the maximum number of dwelling units allowed in the district in which the cluster is being proposed based on the net acreage of the parcel. The maximum number of dwelling units is determined by reference to *Article 3*. In the rural district the maximum number of dwelling units shall be based on three (3) dwelling units for two (2) acres of land.
3. The gross acreage of the tract shall include only land that is not encumbered with easements or other restrictions which prevent the full use of the area. Open space, set aside as required under 4.6.5, which is not otherwise encumbered with easements or restrictions, shall be considered part of the gross acreage of the tract.

4. An example for the Rural District of the calculation necessary to determine the maximum number of dwelling units is as follows: Parcel size: 20 acres (less) - 15% for streets - net acreage 17 acres. $17 \text{ acres} \div 2 \text{ acres per lot} = 8.5 \text{ lots} + 3 \text{ units per lot} = 25.5$ or 26 units, 2 acre lots. These twenty-six (26) units can be either one, two, three, or four unit buildings.

4.6.4. Density Bonus - For excellence in site design or for dedication of more than thirty (30%) percent of the gross area of the tract to permanent open space, the planning board may award up to ten (10%) percent more dwelling units than allowed under *Article 4.6.3* above.