



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

JANUARY 7, 2013

7:00 P.M.

- **Swearing in of At-Large Councilors**
- **Election of Mayor & Deputy Mayor**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. December 17, 2012

3. COMMUNICATIONS

- a. MRC – 2013/14 Tipping Fees/Distributions
- b. US Dept. of Interior – Conversion Application Approval
- c. Anthony Mourkas – Application for Reappointment to Library Board – Referral to Services Committee
- d. Cheri Condon - Application for Reappointment to Library Board – Referral to Services Committee
- e. Richard Jenkins - Application for Reappointment to Library Board – Referral to Services Committee
- f. Patrick Foley – Application for Reappointment to Pool Board – Referral to Services Committee
- g. Gregory Hawkins - Application for Reappointment to Pool Board – Referral to Services Committee
- h. Cedena McAvoy - Application for Reappointment to Pool Board – Referral to Services Committee
- i. Peter Frazier – Application for Reappointment to Planning Board – Referral to Planning & Development Committee
- j. Michael Avery – Application for Reappointment to Planning Board – Referral to Planning & Development Committee
- k. Gerry Ouellette – Application for Reappointment to Personnel Appeals Board – Referral to Finance & Administration Committee
- l. Jane Jarvi – Application for Reappointment to Recreation Committee – Referral to Services Committee

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

4. REPORTS

- a. Pool Board of Trustees Minutes – 11/13/2012
- b. Finance & Administration Committee Minutes – 12/17/2012

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Warrant for Special Election – February 26, 2013

3. UNFINISHED BUSINESS

- a. Victualers Ordinance Amendments – Introduction for Public Hearing
- b. Outdoor Wood Boiler Annual Licensing Ordinance Amendments – Introduction for Public Hearing

4. NEW BUSINESS

- a. Committee Assignments

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT



HAMPDEN TOWN COUNCIL
MINUTES

A-2-a

MONDAY

DECEMBER 17, 2012

Attending:

*Mayor Janet Hughes
Councilor Andre Cushing
Councilor Jeremy Williams
Councilor Jean Lawlis
Councilor Tom Brann
Councilor Shelby Wright
Councilor Kristen Hornbrook was absent*

*Town Manager Susan Lessard
Town Attorney Thomas Russell
Councilor-Elect Bill Shakespeare
Town Planner Bob Osborne
Citizens*

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. December 3, 2012

3. COMMUNICATIONS

- a. James Davitt – New Application for Planning Board – Referral to Planning & Development Committee
- b. Kristen McNutt – New Application for Historic Preservation Committee – Referral to Planning & Development Committee
- c. PretiFlaherty/Eastern Maine Development Corporation – Penobscot Valley Refuse Disposal District Funds

4. REPORTS

- a. Finance & Administration Committee Minutes – 12/3/2012
- b. Services Committee Minutes – 12/10/2012

Motion by Councilor Cushing, seconded by Councilor Brann to accept the Consent Agenda. Unanimous vote in favor.

B. PUBLIC COMMENTS – *There were none.*

C. POLICY AGENDA

1. PUBLIC HEARINGS – *There were none.*

2. NOMINATIONS – APPOINTMENTS – ELECTIONS – *There were none.*

3. UNFINISHED BUSINESS

- a. **Library Furnace Bids** – *Councilor Lawlis reported that the bids had been reviewed by both the Services Committee and the Finance & Administration Committee and that the Library has received a grant in the amount of \$10,000 for a new furnace. The bids were over that amount, but both committees recommend acceptance of the bid from Ray Plumbing & Heating in the amount of \$12,247.00. Motion by Councilor Lawlis, seconded by Councilor Brann to award the bid to Ray Plumbing & Heating in the amount of \$12,247.00, to be funded by the \$10,000.00 grant and \$2,247.00 from the matching grant reserve fund. Unanimous vote in favor.*

4. NEW BUSINESS

- a. **Historic Preservation Grant – Hampden Historical Society/ Hampden Historic Trail** – *Town Planner Bob Osborne explained that this would be a pass-through grant in which the Town would apply as the governmental agency on behalf of the Historical Society. The purpose of the grant is to purchase signs from Museum in the Streets to be erected at selected historical sites within the Town. Funding for the \$15,000 project will come from the \$7,500 grant and the Historical Society will seek donations for the remaining \$7,500. The Public Works Department will install the signs. Motion by Councilor Williams, seconded by Councilor Brann to authorize the Town Manager to enter into a grant agreement with the Maine Historic Preservation Commission. Unanimous vote in favor.*
- b. **Higgins Subdivision – Acceptance of Sewer Improvements** – *Town Planner Bob Osborne informed the Council that the improvements for the subdivision on the corner of Old County Road and Schoolhouse Lane are complete and the Town needs to accept the sewer. Motion by Councilor Brann, seconded by Councilor Wright to accept the sewer improvements. Unanimous vote in favor.*
- c. **Acceptance of Resignation of Councilor Williams** – *Councilor Williams read his letter of resignation indicating that due to obligations to his employer, he would be resigning from the Council effective December 31, 2012. Motion by Councilor Lawlis, seconded by Councilor Cushing to accept the letter of resignation as of December 31, 2012. Unanimous vote in favor.*
- d. **Set Special Election and Nomination Process** – *Town Clerk Denise Hodsdon explained that the Town Charter requires a special election within 60 days following a Council vacancy. The law allows for the Council to shorten the nomination period to fill the vacancy. She proposed that the election be held on February 26, 2013 and that nomination papers be available beginning December 18, 2012, with a filing deadline of January 10, 2013. Absentee ballots will be available*

beginning January 22, 2013. Motion by Councilor Wright, seconded by Councilor Lawlis to accept the nomination and election process and timeline proposed by the Clerk. Unanimous vote in favor.

- e. **Council Committee Assignments** – *Councilors were asked to submit their committee preferences to the Town Manager by January 2, 2013 so that assignments could be made at the first meeting in January.*

D. COMMITTEE REPORTS

Services Committee – *Councilor Lawlis – reported that the committee met on December 10th and discussed the library boiler bids and the Recreation Department's use of the Skehan Center. The next meeting will be at 6:00 pm on January 14, 2013.*

Planning & Development Committee – *Councilor Brann – the Committee will meet this Wednesday and agenda items include proposals for use of the old Hampden Academy property and the sign ordinance. The Committee has begun discussions of implementation of the Comprehensive Plan.*

Finance & Administration Committee – *Mayor Hughes – the Committee met earlier this evening and discussed many of the items on tonight's Council agenda. The Committee has been working on amendments to the Victualer's License Ordinance and Outdoor Woodfired Boiler Ordinance and both will be on the next Council agenda for introduction for public hearing.*

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

F. COUNCILORS' COMMENTS

Mayor Hughes *thanked the Council for its hard work this past year. She feels the Council is well-rounded and has represented the people of Hampden well. She also thanked Manager Lessard and Staff for the work they do; and thanked the citizens who have come to meetings and said she appreciates their involvement. Mayor Hughes then presented gifts to outgoing Councilors Cushing and Williams and thanked them for their service. She noted that Councilor Hornbrook was unable to attend this evening, but thanked her for her service and said we will get her gift to her.*

Councilor Williams *said it has been a pleasure serving this past year and he appreciates the direction the Council has gone in considering the public's concerns. He thanked residents who have gotten involved and said he is looking forward to Bangor Hydro moving to Hampden.*

Councilor Brann *thanked all the Councilors who are leaving for the opportunity to exchange ideas. He noted it has been very interesting.*

Councilor Hornbrook *was unable to attend the meeting, but sent her closing remarks and asked Manager Lessard to read them into the record.*

Councilor Cushing *thanked the Council, staff and citizens for the honor of serving as a Town Councilor for the last six years. He said it has been an amazing and rewarding experience and highlighted some of the changes and accomplishments made during his term on the Council. He wished everyone a Merry Christmas and a Happy and Blessed New Year.*

Mayor Hughes *wished everyone a Merry Christmas and Happy New Year and said she is looking forward to a new start at the beginning of the year.*

2012 ANNUAL MANAGER'S REPORT

The 2012 year was one of both great challenges and great accomplishments. The following report first discusses progress on Goals & Objectives set by the Town Council for the year, next enumerates other work done by the Town Council, then identifies grants received and fundraising done by Town Departments, and finally, highlights activity by individual departments for 2012.

From early 2011 through mid-2012, the Town Council and staff were challenged on many fronts, from their roles in planning and ordinance development to the conduct of elections. Thrown into that mix was a decision I made to move on to another job field. The result of all of that was poor morale among town staff, lack of faith on the part of some members of the community in local government, and numerous occasions when the 'face to the world' of the Town of Hampden in the media was anything but positive. As we have worked through all of those challenges, it has sometimes been anything but pretty. However, what is important to remember, is that we are and we have been working and making progress. This report clearly shows that the Town has still been active, productive, and accomplished many things despite the challenging environment in which much of it occurred.

After a long term 8 month unsuccessful effort by the Town Council to find a new manager –a time during which I assessed my own 'do something different' plans and realized I had made an error in resigning – the Council ended up agreeing to hire me back full time. It was not a unanimous decision and I respect those who disagreed with the idea, but it is a decision that I greatly appreciate. Sometimes it takes going somewhere else and trying something different to realize that you were 'home' all along.

Hampden does more now to try and engage and inform its citizenry than many many communities and has devoted considerable Council and Staff time to that effort. Council meetings afford citizens the opportunity to comment on any agenda item and the Council encourages citizen attendance at Council Committee meetings where the 'roll up your sleeves and get to work' effort is done. Hampden also has worked hard to maintain a stable mil rate over time, with the current mil rate of 15.90 in place since the 2008/2009 fiscal year. It would not be possible for this to happen without good long term planning on the part of the Town Council, the efforts of the departments in planning work and capital needs – and the residents for supporting the Town.

Hampden is a good community – and one with room for all views and viewpoints. As we move forward into 2013, I am in hopes that we can do the work of the Town in an open and inclusive manner with civility and respect shown by Town Councilors, Town Staff, and Town residents.

GOALS & OBJECTIVES

- The Town Council conducted a successful goals & objectives session in March of 2012 and outlined priorities for the fiscal year. Those priorities were as follows. Action taken on the goals is in italics following each item:

- Citizen survey/education piece – *This item will be conducted in the January 2013 edition of the Town Newsletter. Council committees worked over the course of the year to prioritize what information would be most valuable to survey.*
- Hampden Academy re-use – *The Town Council voted to acquire this property from RSU 22 as a land swap between the Town and the School District. The Town Council further granted use of the Skehan Center for a Community/Recreation facility through June 2013 on a trial basis to determine if the facility could be economically self-sustaining. The Economic Development Director is working with the Planning & Development Committee of the Council to find re-use for the facility. As of the end of 2012, a church had been granted a one year lease for the old library space along with four classrooms for a lease amount of \$20,000. Two colleges had expressed interest in use of the facility, as well as a charter school, and a senior housing project.*
- Improve relationships/effectiveness of Council & improve public perception of Council – *The Council has worked hard to insure that it performs its work in a transparent and open manner. Council and Planning Board meetings are aired live and replayed, public comment is allowed on all Town Council agenda items as a matter of routine, Committee meetings are held in an informal manner and there is an opportunity for the public to be heard in those meetings. A monthly Government on the Go! Email to all who have signed up on the Town's website is sent out with a list of all meetings for the upcoming month as well as information in regard to other events, projects, and programs in which the Town is involved.*
- How big should government be? – *Although this item was not separately discussed, questions related to it will be included in the Town Resident Survey that asks citizens what level of services they want from local government.*
- Improve business/customer service (ordinances. Rules, planning, negotiating red tape) – *The Economic Development Team has successfully worked with a number of new businesses who chose to develop in Hampden this year. Those include Katahdin Trust, Wight's Sporting Goods, Maine Trailer, the Dennis Paper Company expansion as well as the Bangor Hydro relocation project that was recently approved by the Town Council. Several of these business owners have offered to provide testimonials on their positive experience in dealing with the Town of Hampden. The development of an active and highly involved Council Planning & Development Committee has insured that any part of a development needing Council action is done in a timely manner.*
- Parks/Trails – *Dorothea Dix Park continues to see improvement thanks to the work of the Dorothea Dix Park Committee and their volunteer efforts in clearing brush and trails in the park. A water source has also been restored to the site. The restoration of Papermill Road Park is being coordinated by volunteer Jeremy Jones and it is anticipated that clearing and additional parking will be done in the upcoming year. A trails project that was being jointly planned between the school and the Town on land in 4 mile square that was ultimately traded to RSU#22 for*

the old Hampden Academy will still go forward and be available for community use.

- *Stormwater Management/Sucker Brook – The Town of Hampden has been an active participant in rule-making for the next 5 year MS4 Stormwater Permit that will govern stormwater management for the Town. In addition, the Town is a co-recipient with the City of Bangor on a grant from the DEP to survey contamination in Sucker Brook. The grant has been received and the work will be done in 2013. The finalization of the 5 year permit will also take place in 2013.*
- *Creative ways to provide and fund municipal services – This year’s budget changed funding of the Lura Hoyt Pool to make it more consistent with funding of other Town Recreation programs. The budget funded from property taxes funds the cost of personnel at the pool and the revenue generated from the pool itself pays for the costs of the building, repairs, heat, electricity, and capital costs. The Town also chose to fund the 1st of year of the re-use of the old Hampden Academy from Host Community Benefits received from the closure of the Pine Tree Landfill so as not to impact the mil rate. In addition, grants were received for the purchase of a brush truck for the fire department, a sidewalk on western avenue, energy efficiency at the pool, safety items and special patrols for the police department, and a new furnace for the Town Library – all of which reduce the amount needed from property taxes for the operation of the community.*
- *Evaluation process for outside services agency funding before budget begins – Prior to the passage of the 2012-2013 budget the Town Council adopted a policy for outside agency funding that sets up parameters/requirements for applying for such funding, and limitations on total outside agency funding without a super-majority vote of the Town Council.*
- *Review election issues related to district elections (change charter/separate voting areas/etc.) Discussions were held at the Finance & Administration Committee of the Town Council about how best to avoid confusion that may be related to having all four council districts elected at the same time. Suggestions were made to stagger district terms so that never more than two districts were elected at the same time. This item would require an ordinance and a charter change which could not be held until November 2013*
- *Rules of governance/review of Charter for inconsistencies – After considerable review, the Town Council adopted updated Council Rules and an updated Code of Ethics for elected officials. At the present time, the Finance & Administration Committee is still working on a review of the Council section of the Charter with potential recommendations for consideration at the November 2013 election.*
- *Keep the Mil Rate the same – The Town Council approved a budget for 2012-2013 that held the mil rate at \$15.90/thousand for the 5th year in a row.*

OTHER COUNCIL WORK

- 2010 Comprehensive Plan as reviewed by the Citizens’ Comprehensive Plan Committee received final approval.

- Town participated in home composter program for the 6th year in a row, as well as the Regional Household Hazardous Waste Program.
- Sponsored 2nd Historic Preservation Grant for the Hampden Garden Club for restoration work on Harmony Hall
- Approved a pilot project for Digital archiving of town records.
- Approved a web-GIS program so that all town tax maps and information can be online and available for the general public.
- Reduced town property and casualty insurance by over \$5,000 by going out to bid.
- Approved Kiwanis Poker Tournament License and VFW games of chance license
- Began implementation of the Marina Project grant program funded by the Chevron Grant.
- Developed a draft handbook for Town Councilors
- Reviewed and Approved an Outdoor Facilities Ordinance that replaced two outdated ordinances and made consistent the rules for use of Town properties.
- Paved over 3 miles of road.
- Approved 3 year contracts with new Police and Fire Unions negotiated without the need to pay for outside consulting assistance.
- The Lura Hoit Pool held a fundraiser to help defray the cost of installing a new air handling system at the pool.
- Approved the purchase of a portable sound system for the Community Room so that it can be used more efficiently.
- Authorized replacement of two highway trucks and one loader.
- Authorized replacement of one police cruiser.
- Authorized payment to the State for sidewalks on the Route 1A project from PDQ Door to Hillside Drive.
- Authorized funding to match a grant received from the Maine DOT to complete the sidewalk on Western Avenue to Mayo Road.
- Accepted URIP funds for road maintenance from MDOT
- Approved an 'I love Hampden Because....' Video contest
- Approved a joint video project with RSU #22 for a video tour of the new high school produced by resident James Folsom.
- Approved the purchase of phase two of the playground equipment at the playground adjacent to the Lura Hoit Pool.
- Accepted a donation of land from Elizabeth Halpern for a permanently conserved parcel.
- Approved victualers, liquor, and outdoor wood boiler licenses for businesses and residents.
- At total of 101 Council-related meetings were held in 2012 including regular council meetings, special council meetings, and committee meetings.

GRANTS & FUNDRAISING

- The Library received a \$10,000 grant for a new furnace for the Edythe Dyer Library.

- The Lura Hoit Pool received a \$2,000 energy efficiency award for the installation of a more efficient air handling system.
- The Fire Department received a \$130,000 grant for the purchase of a new Brush Truck
- The Town received an MDOT grant for completion of the Western Avenue sidewalk to Mayo Road in the amount of \$95,490.
- The Lura Hoit Pool Board of Trustees conducted a fundraiser to help offset the cost of the new air handling system at the Pool and raised over \$16,000.

DEPARTMENT WORK

As part of the 2012-2013 budget message provided to the Town Council, I discussed the work of each department and provided data on department activity. The following numbers are updated for the 2012 year. I think it is important information to keep updated.

Public Safety -

- During 2012, the Fire Department responded to over 240 calls related to fire service, and answered over 750 ambulance calls. The Police Department responded to over 5,000 complaints.
- The Police Department conducted a survey related to service, 'customer satisfaction', and needed improvements and is working on implementing changes to address some areas of concern.

Public Works –

- Solid Waste savings from changes at the transfer station continue to keep costs manageable for the full-service facility.
- Public works plows and maintains 65 miles of road in Hampden. They also plow and maintain 7 miles of sidewalks. They maintain 27 miles of sewer lines, 4 municipal parking lots, 3 cemeteries, grounds for 4 public buildings, 3 parks and 3 ball fields

Library

- The library circulation for 2012 has been 78,449 between January 1, 2012 and November 30, 2012. There were 25,092 patron visits to the library during that time.
- The library also offers children's programming with an attendance through November 30th of 2,802 children and 1,542 adults. These programs include 2 toddler storytimes weekly, 2 weekly preschool storytimes, 1 weekly play and learn program, one weekly craft program for kindergarten – 2nd grade, 2 per month book discussion group for 3rd & 4th grades, 1 monthly Lego Club, and weekly summer programs featuring storytellers, musicians, puppeters, and magicians.
- Teen programming has seen 111 teens and 102 parents participate.
- Monthly adult book discussions, author visits, and technology instruction have had adult attendance of 142.

Pool

- The pool has had 31,449 patron visits in 2012 through the end of November. That included 8,374 lap swim participants, 6,829 who attended rentals, 7,935 lesson attendances, 1788 Senior swim attendances, 2592 exercise class attendances, and 6,673 family swim attendances.

Assessing/Code Enforcement/Planning

- Assessing has made more than 50 property inspections related to new construction and for homes that were not complete at the time of the 2011 assessment date.
- Code Enforcement has issued 178 permits in 2012, including 109 building permits, 62 plumbing permits and 7 permits for sewer hook ups.

GIS/IT

- The GIS/IT specialist maintains 65 computer systems in all town departments and offices as well as the network that ties them all together. In addition, she is the lead on the Town's Stormwater compliance program, does all mapping, maintains the WEBGIS system, and this year coordinated the digital archiving pilot project and supervises the person hired to perform the work.

RECREATION

- This year the Recreation Department has taken on the task of getting the Skehan Center up and running – and being financially self-sufficient – for use as a community recreation center. This is in addition to the 35 different recreation programs that saw participation of over 4200 people in 2012.

Economic Development

- Major projects for Economic Development this year included the Dennis Paper Company expansion, work with a potential major tenant for the Business park, and development of the Marina Park 'case file' for submission to the Federal Government to allow the land swap to take place as well as work with consultants to finalize the plan for the waterfront park at that location. Dean has also devoted a large amount of time to the Hampden Academy re-use project including environmental assessments, working with potential users, and helping the Council Planning & Development Committee focus on priorities for the project.

Administration

- In 2012, the Administrative 'front office' has registered more than 6000 vehicles, licensed 874 dogs, registered 241 ATV's, registered 230 snowmobiles, registered 543

boats, issued 613 Hunting & Fishing licenses, issued 20 victualer's licenses, and issued 2893 transfer station decals. 3600 tax bills were sent, 5800 sewer bills were sent over four quarters and total payments of over \$13,000,000 were receipted by administrative staff. The Town Clerk and her staff also conducted a major presidential election with 4229 voters casting ballots, 1076 people voting absentee, and more than 500 registering as new Hampden voters.

Good evening residents of Hampden and Merry Christmas!

I regret that I am unable to be in attendance at the final Town Council meeting of my term. However, personal commitments do not allow me to be there. Thank you for your understanding and I thank Manager Lessard for reading my letter into the record tonight.

Before I was elected, even during the campaign back in 2010, I said I would not seek immediate re-election to this seat. That promise was kept. Though I know my decision not to run again was disappointing to some residents, I felt that keeping my word to all residents was more important. I believe in term limits. You get in, you serve, you get out.

The last two years I have had the honor of serving as your Town Councilor At Large. These years have been an incredible experience for me. I thank you all for allowing me to hold this position in Hampden, and rest assured I did not take your vote or my votes lightly.

There have been many issues that have come to light during my term. Some were simple to resolve, others took much more time and considerable research and discussion. Many are still ongoing. You may recall I was often the only vote against some motions that came up. I was very happy to stand for what I believe was Constitutional and stand firmly against what I believed to be a violation of our Constitution. One such issue being the Outdoor Facilities Ordinance which nearly passed with an unconstitutional ban on the carry of firearms on town owned lands. Through all of these issues I am very pleased to say that I kept my Oath of Office that I swore before taking my chair behind the Council table and I remained true to our Constitution with every vote I took. That is what the voters elected me to do.

Throughout the past two years you have heard me say many things over and over again. Things like, 'I do not believe this is the proper role of government,' and 'It is not the Council's job to donate the taxpayer's money to non-profit organizations without their knowledge or consent,' or, 'when in doubt I will err on the side of the Constitutional rights of the residents of Hampden,' or, 'I do not support Comprehensive Plans because they strip the rights from the landowners and the mandatory portion of the bill was repealed by the Maine State Legislature', and, 'the Council represents over 7200 people, if all of us always agree, there are citizens who are not being represented.' Many of my comments were met with scoffs and rolled eyes, and people were told that they were being given false information. That is okay. I imagine the founder's comments were met with many of the same kinds of scoffers.

However, one thing I am sure even those who disagreed with my comments would agree on is, I was consistent. I will not say that I am proud of the two years I spent as the voice of over 7200 people in Hampden. It is not in me to be prideful. What I will say with all my heart is that having the opportunity to serve the friendly, family-oriented, hard-working people of Hampden has been one of the greatest honors of my life.

Though I am no longer officially the voice of the people as an elected official, rest assure of one thing: I am not an oath taker, I am an oath keeper. My oath to serve my Constitution was not taken just for the duration of my term on Town Council. I have been and will continue to be an avid supporter of the Constitutional rights of all Americans, born and unborn, as long as I live. After all, I still have a voice, and as you may have already noticed, I am not afraid to use it.

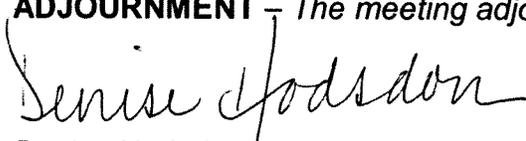
As I close my term as your Town Councilor at large and go back to being an everyday citizen, let me say a heartfelt 'thank you' to all the residents of Hampden for participating, even in some small way, in your government. We The People are in control; we...YOU must never forget that. This is your country, your government, and your elected officials are your employees. You pay their salary. They do what you want them to do, not the other way around. They work for you! I hope they remember that!

Thank you, bless you, and I wish you a very Merry Christmas and a prosperous and joyous New Year!

Very sincerely,

Kristen Hornbrook

G. ADJOURNMENT – *The meeting adjourned at 8:26 p.m.*



Denise Hodsdon
Denise Hodsdon
Town Clerk

A-3-a

- 395 State Street
- Ellsworth, ME 04605
- www.mrcmaine.org



MEMORANDUM

To: MRC Member Municipalities
From: Greg Louder 
Date: December 20, 2012
RE: FY 13/14 PERC Tipping Fees, Cash Distributions and Dues Assessments

Provided below are annual projections of PERC tipping fees and related Parity Deal costs and benefits for the period July 1, 2013 thru June 30, 2014 (FY14). MRC provides this information to member communities for use as a tool in the preparation of local budgets.

2013/2014 PERC Tipping Fees

The PERC per ton tipping fees for the period July 1, 2013 thru June 30, 2014 are projected as follows: 1) July/September 2013 **\$77.88**; 2) October/December 2013 **\$77.27**; 3) January/March 2014 **\$78.50**; 4) April/June 2014; **\$78.50**.

NOTE: If actual tipping fees are higher than projected, then cash distributions would increase to ensure that the \$51 and \$54 per ton target values are achieved. If actual tipping fees are lower than projected, then cash distributions would decrease as necessary to achieve the target values.

2013/2014 Cash Distributions

Enclosed is a spreadsheet, which projects quarterly cash distributions to the Equity and New Charter Municipalities. Note that actual cash distributions will vary from projections. As noted above, cash distributions vary depending on actual tipping fees, actual deliveries and other factors.

2013 MRC Dues Assessments

The 2013 MRC draft operating budget (2013 calendar year) was presented for feedback at the December 12, 2012 annual meeting and will be considered by the MRC Board at the January 24, 2013 regular meeting. As of this writing, the 2013 dues assessment in the draft budget remains at the **\$1.25** per ton level to be assessed on actual deliveries. MRC's ability to hold the dues level at the \$1.25 level is possible in part by having funds available for transfer from the MRC Operating Budget Stabilization Fund. Projected dues assessment expenses can be calculated by multiplying by 1.25, the number of tons your community expects to deliver to PERC for the 12 months preceding the 12 month budget period under consideration.

MRC looks forward to working with you toward another productive year in 2013. Feel free to contact Greg Louder at 942-6389 or 800-339-6389 with any questions.

**Projected Cash Distributions to the Equity Charter Municipalities
Fiscal Year 2014**

<i>Period in which cash is actually distributed (typically in middle of second calendar month of the quarter)</i>						
<i>Rurdate</i>	<i>18-Dec-12</i>	Total Cash	2013	2013	2014	2014
Charter Municipality	Distributions		3Q	4Q	1Q	2Q
Albion	\$ 25,190.99		\$ 6,541.97	\$ 6,130.97	\$ 6,567.95	\$ 5,950.10
Alton	\$ 8,711.49		\$ 2,181.88	\$ 2,202.87	\$ 2,223.30	\$ 2,103.44
Atkinson	\$ 3,385.38		\$ 879.29	\$ 949.19	\$ 820.71	\$ 736.19
Baileysville	\$ 43,700.72		\$ 11,119.20	\$ 12,543.38	\$ 10,278.47	\$ 9,759.67
Bangor	\$ 762,162.42		\$ 196,612.27	\$ 194,480.03	\$ 190,051.64	\$ 181,018.48
Bar Harbor	\$ 133,491.28		\$ 33,990.98	\$ 51,724.55	\$ 28,600.89	\$ 19,174.86
Blue Hill/Surry	\$ 103,428.55		\$ 25,036.91	\$ 33,430.14	\$ 24,304.92	\$ 20,656.58
Boothbay RRDD	\$ 117,352.42		\$ 28,387.69	\$ 44,227.38	\$ 25,181.45	\$ 19,555.90
Bradley	\$ 13,672.34		\$ 3,575.24	\$ 3,593.70	\$ 3,518.34	\$ 2,985.06
Brewer	\$ 137,150.18		\$ 35,012.33	\$ 34,538.72	\$ 34,213.56	\$ 33,385.57
Brooks	\$ 9,829.16		\$ 2,496.86	\$ 2,664.10	\$ 2,395.85	\$ 2,272.35
Brownville	\$ 14,391.89		\$ 3,589.63	\$ 3,938.42	\$ 3,530.83	\$ 3,333.01
Bucksport	\$ 45,082.05		\$ 12,188.43	\$ 11,165.80	\$ 10,868.00	\$ 10,859.82
Burnham	\$ 16,334.21		\$ 4,585.08	\$ 4,227.02	\$ 4,014.33	\$ 3,507.78
Carmel	\$ 32,945.54		\$ 9,106.33	\$ 8,107.20	\$ 8,269.77	\$ 7,462.24
Central Penobscot	\$ 68,091.87		\$ 17,672.95	\$ 17,552.00	\$ 17,497.89	\$ 15,369.03
China	\$ 35,191.67		\$ 9,085.40	\$ 9,818.39	\$ 8,712.50	\$ 7,575.38
Clifton	\$ 13,641.44		\$ 3,892.85	\$ 3,433.78	\$ 3,340.69	\$ 2,974.12
Clinton	\$ 56,231.41		\$ 14,211.24	\$ 14,673.18	\$ 13,639.80	\$ 13,707.19
Dedham	\$ 10,049.41		\$ 2,554.68	\$ 3,086.40	\$ 2,349.72	\$ 2,058.61
Dover-Foxcroft	\$ 59,020.30		\$ 15,149.66	\$ 16,370.61	\$ 14,575.46	\$ 12,924.57
Eddington	\$ 25,654.72		\$ 6,650.80	\$ 7,314.22	\$ 6,234.57	\$ 5,455.13
Enfield	\$ 20,869.80		\$ 5,496.81	\$ 5,579.46	\$ 5,325.42	\$ 4,468.11
Fairfield	\$ 124,046.83		\$ 35,427.78	\$ 38,185.63	\$ 22,991.28	\$ 27,442.14
Glenburn	\$ 68,589.52		\$ 17,887.73	\$ 17,890.37	\$ 17,486.42	\$ 15,325.00
Gouldsboro	\$ 11,797.06		\$ 3,018.00	\$ 3,570.93	\$ 2,882.42	\$ 2,325.71
Greenbush	\$ 16,420.59		\$ 4,383.90	\$ 4,188.89	\$ 3,988.33	\$ 3,859.47
Guilford	\$ 32,571.96		\$ 8,491.79	\$ 8,795.86	\$ 8,018.72	\$ 7,265.59
Hampden	\$ 85,392.21		\$ 23,193.83	\$ 21,824.30	\$ 21,444.17	\$ 18,929.91
Hancock	\$ 10,922.78		\$ 2,628.19	\$ 3,161.86	\$ 2,493.22	\$ 2,639.51
Hermon	\$ 95,266.73		\$ 24,751.23	\$ 24,240.30	\$ 24,729.80	\$ 21,545.40
Holden	\$ 25,290.55		\$ 6,246.87	\$ 6,990.93	\$ 5,980.71	\$ 6,072.04
Jackson	\$ 5,186.94		\$ 1,328.49	\$ 1,337.08	\$ 1,312.62	\$ 1,208.75
Lamoine	\$ 15,029.79		\$ 3,697.16	\$ 4,348.55	\$ 3,675.09	\$ 3,308.99
Lee	\$ 11,837.34		\$ 2,981.38	\$ 3,715.22	\$ 2,692.02	\$ 2,448.72
Levant	\$ 27,486.14		\$ 7,093.72	\$ 7,061.63	\$ 6,870.24	\$ 6,460.55
Lincoln	\$ 90,646.66		\$ 23,082.38	\$ 23,888.96	\$ 23,173.77	\$ 20,501.55
Lucerne	\$ 8,222.48		\$ 2,090.05	\$ 2,525.36	\$ 1,922.55	\$ 1,684.52
Mariaville	\$ 3,735.26		\$ 964.32	\$ 946.02	\$ 875.00	\$ 949.92
Mars Hill	\$ 23,261.69		\$ 7,485.36	\$ 5,212.22	\$ 5,053.21	\$ 5,510.90
Mattawamkeag	\$ 8,498.94		\$ 2,181.09	\$ 2,322.01	\$ 2,127.21	\$ 1,868.63

**Projected Cash Distributions to the Equity Charter Municipalities
Fiscal Year 2014**

Period in which cash is actually distributed (typically in middle of second calendar month of the quarter)

Run date	18-Dec-12	Total Cash	2013	2013	2014	2014
Charter Municipality	Distributions		3Q	4Q	1Q	2Q
Midcoast SWD	\$ 173,957.43		\$ 44,116.05	\$ 54,340.19	\$ 39,206.88	\$ 36,294.31
Mid-Maine SWD	\$ 109,046.52		\$ 28,429.03	\$ 29,447.23	\$ 26,846.06	\$ 24,324.20
Milford	\$ 24,536.96		\$ 6,241.64	\$ 6,437.83	\$ 6,229.99	\$ 5,627.50
Millinocket	\$ 65,888.51		\$ 16,899.87	\$ 18,672.76	\$ 16,925.95	\$ 13,389.93
Milo	\$ 36,219.06		\$ 9,375.53	\$ 9,759.88	\$ 8,870.01	\$ 8,213.64
Monson	\$ 5,752.62		\$ 1,419.01	\$ 1,808.37	\$ 1,292.74	\$ 1,232.50
Mt. Desert/EMR	\$ 148,208.61		\$ 34,395.44	\$ 54,787.12	\$ 34,117.22	\$ 24,908.83
Newburg	\$ 21,880.02		\$ 5,270.25	\$ 6,424.33	\$ 5,355.50	\$ 4,829.94
Old Town	\$ 108,883.72		\$ 29,673.53	\$ 27,970.09	\$ 26,398.24	\$ 24,841.86
Orland	\$ 7,908.97		\$ 2,024.91	\$ 2,163.15	\$ 1,969.95	\$ 1,750.96
Orono	\$ 101,555.04		\$ 27,134.29	\$ 24,186.29	\$ 25,509.48	\$ 24,724.98
Otis	\$ 4,876.39		\$ 1,217.56	\$ 1,702.99	\$ 1,042.20	\$ 913.64
Palmyra	\$ 28,991.62		\$ 7,521.20	\$ 7,972.96	\$ 7,048.65	\$ 6,448.81
Parkman	\$ 5,149.15		\$ 1,372.18	\$ 1,361.44	\$ 1,270.82	\$ 1,144.71
Penobscot Co.	\$ 23,568.68		\$ 5,821.22	\$ 6,040.68	\$ 5,898.90	\$ 5,807.88
Pleasant River SWD	\$ 16,285.81		\$ 4,092.98	\$ 4,391.71	\$ 4,562.57	\$ 3,238.55
Plymouth	\$ 13,080.45		\$ 3,290.08	\$ 3,447.54	\$ 3,260.91	\$ 3,081.92
Reed Pt	\$ 2,457.82		\$ 651.95	\$ 645.77	\$ 667.53	\$ 492.57
Rockland	\$ 131,914.39		\$ 31,961.37	\$ 36,144.80	\$ 33,155.82	\$ 30,652.40
Sangerville	\$ 16,099.99		\$ 4,199.98	\$ 4,508.47	\$ 3,896.83	\$ 3,494.71
Searsport	\$ 23,807.45		\$ 6,276.69	\$ 6,597.49	\$ 5,533.91	\$ 5,399.36
Stetson	\$ 14,153.20		\$ 3,880.03	\$ 3,601.64	\$ 3,238.99	\$ 3,432.54
Steuben	\$ 14,627.14		\$ 3,722.27	\$ 4,214.84	\$ 3,698.03	\$ 2,992.00
Stonington	\$ 29,893.70		\$ 7,095.03	\$ 9,811.51	\$ 7,370.06	\$ 5,617.10
Thomaston Group	\$ 105,874.48		\$ 27,256.20	\$ 29,130.83	\$ 25,916.52	\$ 23,570.93
Thorndike	\$ 5,818.63		\$ 1,465.83	\$ 1,338.67	\$ 1,456.63	\$ 1,557.50
Troy	\$ 4,949.52		\$ 1,031.81	\$ 1,068.87	\$ 1,777.77	\$ 1,071.07
Union River SWD	\$ 9,911.42		\$ 2,428.58	\$ 2,714.93	\$ 2,511.57	\$ 2,256.34
Unity	\$ 24,179.90		\$ 6,012.72	\$ 6,662.89	\$ 5,841.30	\$ 5,662.99
Vassalboro	\$ 37,111.78		\$ 9,541.66	\$ 9,647.62	\$ 9,224.29	\$ 8,698.21
Veazie	\$ 17,935.64		\$ 4,724.52	\$ 4,562.48	\$ 4,493.25	\$ 4,155.39
Verona	\$ 8,175.15		\$ 2,040.61	\$ 2,065.19	\$ 1,988.05	\$ 2,081.30
Waldoboro Group	\$ 87,683.20		\$ 22,933.78	\$ 23,854.80	\$ 21,519.10	\$ 19,375.52
Waterville	\$ 224,321.99		\$ 59,542.23	\$ 55,235.63	\$ 59,610.13	\$ 49,934.00
Winslow	\$ 79,505.05		\$ 20,254.31	\$ 22,069.74	\$ 19,439.30	\$ 17,741.70
West Gardiner	\$ 22,067.23		\$ 5,617.16	\$ 6,187.89	\$ 5,551.25	\$ 4,710.93
Winthrop	\$ 73,180.01		\$ 20,719.46	\$ 19,317.47	\$ 16,439.89	\$ 16,703.19
TOTAL	\$ 4,249,239.96		\$ 1,096,602.71	\$ 1,182,253.72	\$ 1,033,369.13	\$ 937,014.40

Assumptions

1	Cash distributions are the amount that must be distributed for the Equity Charter Municipalities to achieve the target value in \$ per ton for tipping fees less cash distributions on a system-wide average basis for all Equity Charter Municipalities. If tipping fees are higher than projected, then cash distributions will increase; if tipping fees are lower than projected, then cash distributions will decrease. The actual cash distributions will vary among Equity Charter Municipalities for reasons that include impacts of seasonality of waste deliveries, ownership of limited partnership shares in PERC based on historical values of GAT and actual deliveries since July 1, 1998; unforeseen changes in waste generation and collection; time lags; and other factors.
2	Tipping fees are based on PERC's projected budget for the Year 2013, lagged one quarter to account for time to ascertain actual waste deliveries for each Charter Municipality in the previous quarter. The tipping fee for the first quarter of 2014 is extrapolated from available data.
3	Cash distributions are allocated among Charter Municipalities on the basis of average weighted share of actual deliveries by quarter, October 1, 2011, through September 30, 2012.

Projected Cash Distributions to the Equity Charter Municipalities									
Fiscal Year 2014									
Groups of municipalities with amounts allocated on basis of GAT									
	GAT	Share of Total GAT	Total Cash Distributions	2013 3Q	2013 4Q	2014 1Q	2014 2Q		
Blue Hill/Surry									
	2667	66.7%	\$ 68,952.37	\$ 16,691.27	\$ 22,286.76	\$ 16,203.28	\$ 13,771.05		
	1333	33.3%	\$ 34,476.18	\$ 8,345.64	\$ 11,143.38	\$ 8,101.64	\$ 6,885.53		
	4000	100.0%	\$ 103,428.55	\$ 25,036.91	\$ 33,430.14	\$ 24,304.92	\$ 20,656.58		
		check	\$ 103,428.55						
Mt. Desert/EMR									
	2013		Total Cash						
	GAT	Share of Total GAT	Distributions						
	1879	28.3%	\$ 41,921.42	\$ 9,728.89	\$ 15,496.76	\$ 9,650.20	\$ 7,045.57		
	2485	37.4%	\$ 55,441.58	\$ 12,866.58	\$ 20,494.66	\$ 12,762.50	\$ 9,317.85		
	1053	15.9%	\$ 23,492.95	\$ 5,452.11	\$ 8,684.46	\$ 5,408.01	\$ 3,948.37		
	1226	18.5%	\$ 27,352.66	\$ 6,347.86	\$ 10,111.24	\$ 6,296.51	\$ 4,597.05		
	6643	100.0%	\$ 148,208.61	\$ 34,395.44	\$ 54,787.12	\$ 34,117.22	\$ 24,908.83		
		Allocation factor	-0.001						
		check	\$ 148,208.61						
Thomaston Group									
			Total Cash						
	GAT	Share of Total GAT	Distributions						
	1979	53.1%	\$ 56,173.08	\$ 14,461.13	\$ 15,455.74	\$ 13,750.35	\$ 12,505.86		
	762	20.4%	\$ 21,629.05	\$ 5,568.16	\$ 5,951.12	\$ 5,294.47	\$ 4,815.29		
	989	26.5%	\$ 28,072.35	\$ 7,226.91	\$ 7,723.97	\$ 6,871.70	\$ 6,249.77		
	3730	100.0%	\$ 105,874.48	\$ 27,256.20	\$ 29,130.83	\$ 25,916.52	\$ 23,570.93		
		Allocation factor	(0.0001)						
		check	\$ 105,874.48						
Waldoboro Group									
			Total Cash						
	GAT	Share By agreement	Distributions						
	640	19.77%	\$ 17,334.97	\$ 4,534.01	\$ 4,716.09	\$ 4,254.33	\$ 3,830.54		
	582	14.84%	\$ 13,012.19	\$ 3,403.37	\$ 3,540.05	\$ 3,193.44	\$ 2,875.33		
	2378	65.39%	\$ 57,336.04	\$ 14,996.40	\$ 15,598.65	\$ 14,071.34	\$ 12,669.65		
	3600	100.0%	\$ 87,683.20	\$ 22,933.78	\$ 23,854.80	\$ 21,519.10	\$ 19,375.52		
		Allocation factor	0.00050						
		check	\$ 87,683.20						

Projected Cash Distributions to the New Charter Municipalities						
Fiscal Year 2013						
Run	18-Dec-12					
Prior quarter tipping fee			\$ 77.56	\$ 77.88	\$ 77.27	\$ 78.50
Rebate amount per ton	\$ 54.00		\$ 23.56	\$ 23.88	\$ 23.27	\$ 24.50
	Total Cash		2013	2013	2014	2014
	Distributions		3Q	4Q	1Q	2Q
Charter Municipality			-3.0%	-1.5%	-3.0%	-3.0%
Abbot	3,715.08		819.97	1,312.28	993.16	589.66
Bancroft	524.23		138.95	135.02	143.56	106.71
Belfast	19,973.34		4,870.93	5,264.18	5,088.38	4,749.85
Bowerbank	750.29		192.20	211.46	181.93	164.71
Castine	5,780.98		1,288.92	2,306.31	1,267.86	917.88
Cherryfield	10,977.75		2,635.43	3,117.58	2,715.17	2,509.57
Chester	9,629.94		2,534.88	2,317.60	2,454.47	2,322.99
Cranberry Isles	1,172.95		270.12	613.68	289.15	-
Dixmont	3,604.22		832.09	1,013.55	865.18	893.40
Drew Plt	466.66		123.64	120.20	127.76	95.07
East Millinocket	17,427.69		4,213.44	4,906.41	4,680.73	3,627.09
Edinburg	1,070.20		228.99	236.63	342.19	262.39
Etna	10,726.98		2,735.76	2,905.41	2,677.25	2,408.56
Franklin	5,767.47		1,159.80	1,538.80	1,488.84	1,580.04
Freedom	3,553.87		755.30	1,037.31	953.89	807.37
Garland	5,214.67		1,328.91	1,259.12	1,339.64	1,286.99
Harrington	9,771.72		2,464.49	2,766.16	2,403.46	2,137.61
Haynesville	1,281.78		338.91	330.01	351.90	260.96
Howland	6,217.45		1,537.33	1,548.68	1,501.26	1,630.18
Hudson	3,253.53		850.60	814.56	798.59	789.78
Kenduskeag	8,710.05		2,227.27	2,249.62	2,159.00	2,074.15
Knox	9,689.52		2,461.75	2,692.78	2,446.34	2,088.65
LaGrange	7,222.46		1,919.21	1,905.97	1,727.88	1,669.40
Machias	47,569.44		11,904.00	12,023.17	12,128.78	11,513.49
Macwahoc Plt	1,396.51		369.31	359.65	382.82	284.73
Maxfield	1,135.58		337.77	261.33	304.04	232.44
Medford	2,205.09		655.43	507.60	590.48	451.57
Medway	17,415.19		4,719.87	4,819.38	3,994.77	3,881.16
Milbridge	14,191.76		3,516.42	4,117.02	3,415.35	3,142.96
Montville	3,542.13		829.11	1,471.76	701.99	539.28
N.Katahdin	26,673.02		6,159.62	8,624.03	6,528.70	5,360.66
Oakfield	6,492.76		603.10	1,829.06	2,863.70	1,196.91
Passadumkeag	4,169.61		1,205.28	1,045.07	1,125.43	793.82
Penobscot	12,416.10		3,074.44	3,518.16	3,194.15	2,629.35
Piscataquis Co.	5,709.16		1,366.85	2,553.53	730.20	1,058.59
Searsmont	4,473.69		1,118.66	1,187.85	1,062.01	1,105.17
Sebec	4,474.74		1,151.57	1,249.48	1,090.45	983.24
Sherman	17,337.25		4,448.38	4,200.05	4,595.41	4,093.40
Sorrento	1,335.16		313.77	484.78	283.95	252.64
Springfield	2,856.59		-	894.53	1,569.42	392.63
Stockton Springs	8,995.57		2,555.22	2,569.99	1,977.07	1,893.29
Sullivan	2,449.42		589.61	802.09	537.21	520.50
Swans Island	3,114.65		738.62	1,056.60	679.87	639.57
TCSWMO	38,803.33		12,632.11	10,605.74	7,622.76	7,942.72
Winn	4,900.61		1,345.14	1,200.55	1,255.45	1,099.47
Winter Harbor	3,116.66		731.76	1,130.93	663.84	590.14
Wiscasset	40,365.05		10,152.76	11,722.79	9,908.39	8,581.10
	421,641.89		106,447.69	118,838.48	104,203.85	92,151.86

A-3-b



United States Department of the Interior

NATIONAL PARK SERVICE
Northeast Region
U.S. Custom House
200 Chestnut Street
Philadelphia, PA 19106-2878

IN REPLY REFER TO:
L32 (4531)

December 19, 2012

Mr. Mick Rogers, Manager
LWCF Alternate State Liaison Officer
Grants and Community Recreation
Bureau of Parks and Lands
22 State House Station
Augusta, ME 04333-0022

Dear Mr. Rogers:

We have approved your request for a partial conversion to Land and Water Conservation Fund (LWCF) project #23-00481, Hampden Boat Facility in the Town of Hampden. In this proposal, the Town will convert 7.66+ acres of parkland to facilitate business expansion in the area. The proposed replacement property will be 8.49+ acres that is of equal or greater fair market value to the converted parkland and is of at least equal recreational usefulness and location.

All requirements of the 6(f) Conversion process under the LWCF Act have been met.

As always, we appreciate your support of the National Park Service and the LWCF Program. If you have any questions on the aforementioned, please do not hesitate to contact me at (215) 597-1565 or by e-mail at jack_howard@nps.gov.

Sincerely,

Jack W. Howard, Manager
State and Local Assistance Programs



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-C

NAME: MOURKAS ANTHONY L

ADDRESS: 171 PATTERSON ROAD HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-5970 _____
HOME WORK

EMAIL: ANTHONYMOURKAS@MAC.COM

OCCUPATION: EDUCATOR

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: DYER LIBRARY BOARD OF TRUSTEES

SECOND CHOICE (OPTIONAL): _____

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

MY 20 YEARS OF SERVICE TO THE DYER LIBRARY BRINGS A WEALTH OF KNOWLEDGE, HISTORY, AND ENTHUSIASM

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

ENSURING THE PRESERVATION OF LIBRARY SERVICES FOR HAMPDEN CITIZENS

3 YEAR

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

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: DEC 18 2012

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-d

NAME: Condon Cheri D
LAST FIRST MI

ADDRESS: 461 Wiswell Rd Holden 04429
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 989-9664 _____
HOME WORK

EMAIL: _____

OCCUPATION: Retired

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Library

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I have been a member for several years and I do the organization, updates and rewrites of the By-Laws for the board.

Are there any issues you feel this board or committee should address, or should continue to address? We handle them as they come up.

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

3 YEAR

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: DEC 18 2012
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-e

NAME: Jenkins Richard D.
LAST FIRST MI

ADDRESS: 10 Elm St. West Hampden ME
STREET TOWN ZIP

MAILING ADDRESS (if different): P.O. Box 333

TELEPHONE: 862-3077 _____
HOME WORK

EMAIL: _____

OCCUPATION: Retired

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Dyer Library Board

SECOND CHOICE (OPTIONAL): _____

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

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

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

3 YEAR

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received <u>DEC 20 2012</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-f

NAME: Foley Patrick J
LAST FIRST MI

ADDRESS: 29 H. Hickey Hill Rd Carmel ME
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207 450 3379 207 404 7235-
HOME WORK

EMAIL: patrick@foley@aol.com

OCCUPATION: Fire Fighter Paramedic

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Lura Hoit Pool Board of Trustees

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I have been an active member of the Pool Board for the last three years I have been active in fund raising and in applying for grants to benefit the pool

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

- 3 YEAR
- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK
- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: DEC 17 2012
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-g

NAME: HAWKINS GREGORY J.
LAST FIRST MI
ADDRESS: 61 RAWLEY DRIVE HAMPDEN 04444
STREET TOWN ZIP
MAILING ADDRESS (if different): PO Box 158, Hampden, ME 04444-0158
TELEPHONE: 862-8064 404-7697
HOME WORK
EMAIL: gjhawkins @ roadrunner. com
OCCUPATION: Air NATIONAL Guard Officer

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: LURA HOIT POOL BOARD OF TRUSTEES
SECOND CHOICE (OPTIONAL): _____

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

I have already served on this board

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

Fund raising for Air Handling system

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

3 YEAR

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY Date Application Received: JAN 02 2012
COUNCIL COMMITTEE ACTION: _____ DATE: _____
COUNCIL ACTION: _____ DATE: _____
 NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-h

NAME: McAvey LAST Cedeno FIRST J.P. MI

ADDRESS: 59 Monroe Rd STREET Hampden TOWN 04444 ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 862-4895 HOME _____ WORK

EMAIL: amamama@tds.net

OCCUPATION: teacher

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Lura Hoyt Memorial Pool

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I've been on it for several years, co-chair for the last couple...

Are there any issues you feel this board or committee should address, or should continue to address? fund raising, facility upgrades, facility expansion

3 YEAR

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

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: DEC 20 2012

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-i

NAME: FRASER RETER S
LAST FIRST MI
ADDRESS: 80 GRIFFIN AVE HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207 862 5273 _____
HOME WORK

EMAIL: _____

OCCUPATION: _____

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: PLANNING - Current

SECOND CHOICE (OPTIONAL): TREE BOARD - would join

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

MS degree in Forestry

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

3 YEAR

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

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: DEC 17 2012

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-j

NAME: Avery Michael J
LAST FIRST MI

ADDRESS: 40 River view Rd Hampden 01444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 299-7988 _____
HOME WORK

EMAIL: mauryclimb@aol.com

OCCUPATION: Land Surveyor

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Planning Board
SECOND CHOICE (OPTIONAL): Board of Appeals

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

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

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

3 YEAR

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: DEC 17 2012
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



12/17/12 Completed
+ Dropped off
To Town Clerk

Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-k

NAME: Quellette LAST Carr FIRST J MI

ADDRESS: 477 Back Winterport Road STREET Hampden TOWN 04444 ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 862-2894 HOME 949-1764 ~~WORK~~ CELL

EMAIL: germyo@TDS.net

OCCUPATION: Human Resources Manager

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Personnel Appeals Board

SECOND CHOICE (OPTIONAL): N/A

How would your experience, education and/or occupation be a benefit to this board or committee? 24 years of Human Resources Hands on Experience

Along with Business, Accounting Degrees with 2 Human Resources certifications under my belt

Are there any issues you feel this board or committee should address, or should continue to address? no

3 YEAR

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

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received DEC 17 2012
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-1

NAME: Jarvi Jane L
LAST FIRST MI

ADDRESS: 10 Sophie Lane, Hampden Me
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-951-7975 (C) 207 941-7887
HOME WORK

EMAIL: jarvi_family@yahoo.com

OCCUPATION: _____

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Recreation

SECOND CHOICE (OPTIONAL): -

How would your experience, education and/or occupation be a benefit to this board or committee? BS in recreation, MS in Therapeutic rec, EdD in Administration
3+ yrs exp. working w Rec Dept, Tree Board + Dorothea Dix Park committee

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

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

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: JAN 02 2013
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

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

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

Those present: Cedena McAvoy, Greg Hawkins, Pat Foley, Karen Brooks, John Weinmann, Sarah McVeigh, Vickie Levesque, Mike Jellison, Darcey Peakall and Julie Macleod. Not present: Jim Feverston, Josh Sargent and Mary Ellen Conner.

The secretary's minutes were accepted as presented.

The Director's Report:

- ~ The number of participants in October was up 412 people and daily receipts were up \$4,982 compared to last year. The numbers were up this year due to October having five weeks in it and the swim lesson registration was a week earlier than last year.
- ~ The pool rental income in October was down \$310 compared to last year.
- ~ The monthly fuel usage was up 583 gallons compared to last year. Darcey is going to look at the timing of the deliveries.

Darcey reported that the Auditor had questions on three withdrawals from the Maine Savings Account between the months of October 2011 and December 2011. Due to illness, there were no treasurer's reports during that time, tracking the withdrawals were difficult. Darcey requested that the Treasurer document all withdrawals in detail on the treasurer's report and that a report be submitted monthly even if the treasurer is absent. Darcey has requested that Susan Lessard, as Town Treasurer, be allowed informational access to all accounts. A motion was made to have Susan Lessard have access to all accounts at Maine Savings Bank and Means Investments. Motion passed 8-0. A sub-committee was formed to review financial obligations and resources regarding what types of accounts the board should have and number or signatures required to move money. Pat, Mary Ellen, Sarah and Darcey will be on the committee.

Darcey presented the treasurer's report that was left in Mary Ellen's absence. The report was accepted as presented.

Darcey submitted a bill for \$385 for session I swim lesson re-imburement. A motion was made to have Mary Ellen pay \$385 for session I swimming lessons from the Susan Abraham account. Motion passed 8-0.

Due to Josh's absence, the corporate membership discussion was tabled until the December meeting.

Darcey has set up a Facebook page for the Lura Hoyt Pool. Darcey, Julie and Mike will be the administrators for the page. Mike will work on posting pictures and information on the page in the next few weeks.

Darcey is changing the membership privileges. Starting January 1, 2013, all memberships will include exercise classes. She will be eliminating the exercise punch card and going to a universal card that will be good for all activities except swim lessons. This should bring in more consistent revenue.

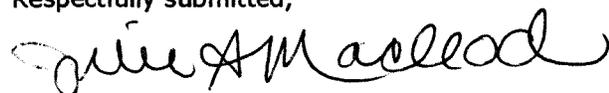
The board members updated the capital campaign business contacts sheets. A sub-committee was formed to conduct a review on how the capital campaign is doing a year into fundraising. Vickie and Mike will serve on this committee.

Darcey and Mike met with John Dudley from Means Investments and he would like to come and do a presentation at the January meeting regarding our Mean's Investment Account.

Susan Lessard will update the board on the new budget format at the January meeting.

Meeting adjourned at 8:20pm.

Respectfully submitted,



Julie A. Macleod

FINANCE & ADMINISTRATION COMMITTEE MINUTES
Monday, December 17, 2012

Attending:

Mayor Janet Hughes	Councilor Shelby Wright
Councilor Andre Cushing	Town Manager Sue Lessard
Councilor Jean Lawlis	Citizens
Councilor Tom Brann	Devon Carter, Engineer
Councilor Jeremy Williams	Woodard & Curran

1. Minutes of 12/3/2012 meeting – The minutes of the 12/3/2012 meeting were reviewed and approved with no changes.
2. Review & Sign Warrants – Committee members reviewed and signed warrants.
3. Financial Statements – November – The Town Manager explained the financial statements for 11/30/2012. No outstanding items were noted.
4. Old Business
 - a. Library Furnace Bids – Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the full council the bid from Ray's Plumbing for \$12,247 based on the engineer's recommendation for efficiency and investment payback with \$10,000 to come from the grant received by the Library and the balance from Matching Grants Reserve. Vote 4 – 0.
 - b. Council Committee Structure – It was the consensus of the Committee to discuss whether or not to combine the Communications Committee with the Services Committee at the first Council meeting in January when Committee Assignments are made.
 - c. Victualers Ordinance & Outdoor Wood Boiler Licensing Ordinance – Motion by Councilor Wright, seconded by Councilor Brann to recommend to the full Council that the two ordinances with amended language as proposed be referred for Public Hearing. Vote 5-0.
 - d. Military Excise Ordinance – Motion by Councilor Wright, seconded by Councilor Lawlis to recommend to the full Council that a military excise ordinance be created that would exempt only one vehicle per eligible household. Vote 4 in favor, 2 opposed (Williams, Brann).

5. New Business

- a. Historic Preservation Grant – Hampden Historical Society/Hampden Historic Trail – Motion by Councilor Brann, seconded by Councilor Lawlis to recommend to the Council to approve acting as the agent for the grant application for the Hampden Historical Society for the Hampden Historic Trail. Vote 4-0.
- b. Higgins Subdivision – Acceptance of Sewer Improvements – Motion by Councilor Brann, seconded by Councilor Wright to recommend to the Council that the Town accept the sewer improvements for the Higgins Subdivision. Vote 4-0.

6. Public Comment - None

7. Committee Member comments – None

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

C-2-a

WARRANT FOR SPECIAL ELECTION

TOWN OF HAMPDEN, MAINE

FEBRUARY 26, 2013

COUNTY OF Penobscot, ss

TO: Devon E. Patterson, a resident of Hampden.

You are hereby required in the name of the State of Maine to notify the voters of Hampden, Maine – District 4.

TO THE VOTERS OF Hampden, Maine – District 4.

You are hereby notified that a Special Election in this municipality will be held at the Municipal Building Community Room on Tuesday, February 26, 2013 for the purpose of effecting the election to the following office:

Councilor – District 4 (to fill unexpired term until December 31, 2014)

The Polls shall be opened at 8:00 a.m. and closed at 8:00 p.m. The Registrar of Voters will hold office hours while the Polls are open at the Polling place to correct any error in or change a name on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered to vote may not vote in any election.

PURSUANT to Title 21-A, Section 759(7) absentee ballots will be processed at the polls at the following times: 9:00 am; 3:00 p.m. and 8:00 p.m.

Dated at Hampden, Maine this _____ day of January in the year of our Lord two thousand and thirteen.

MUNICIPAL OFFICERS

A TRUE COPY:

ATTEST: _____
Denise R. Hodsdon, Town Clerk
Hampden, Maine

C-3-a

**TOWN OF HAMPDEN, MAINE
VICTUALERS ORDINANCE**

TABLE OF CONTENTS

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ADOPTED: Hampden Town Council April 20, 1998
Effective: May 19, 1998

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

AMENDED: Hampden Town Council May 16, 2005
Effective: June 15, 2005

The Town of Hampden hereby ordains that this Ordinance be amended as follows (deletions ~~stricken~~ and additions underlined):

**TOWN OF HAMPDEN, MAINE
VICTUALERS ORDINANCE**

Section 1. Purpose. The purpose of this Ordinance is to regulate the sale of prepared food for consumption on or off the premises.

Section 2. License. Any person who owns or operates a place where food is prepared and served to the public as a profit-making venture for consumption on or off the premises, including but not limited to a restaurant, motel and hotel, deli, movie theater, soda fountain, bakery, sandwich shop, convenience store, or outdoor facility, shall be licensed annually as a victualer in order to operate within the Town. ~~(For those licenses in effect upon passage of this Ordinance, the license will renew in the month the last license was issued).~~

At the time of application for a license or license renewal applicant shall pay a fee in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03) (Amended: 05-16-05)*

Section 3 Exceptions. A public or private school, public service organization, private club, church organization, fire department or any other non-profit organization selling food or drink to raise money for a charitable cause shall be exempt from the requirements of this Ordinance. Grocery stores, except those selling food items prepared on the premises, shall also be exempt. Establishments selling food and drink only through vending machines shall also be exempt.

The Hampden Town Council shall have the authority to decide if an establishment is exempt or not. *(Amended: 05-16-05)*

Section 4. Compliance

- A. All establishments must be inspected by the code enforcement officer and the fire inspector to determine if they are in compliance with all municipal ordinances, including zoning, state life safety, ~~food~~ and liquor regulations. Failure to be in compliance with any of the foregoing shall be grounds for denial of the application. In addition, failure to allow the code enforcement officer and the fire inspector to inspect the establishment shall be grounds for denial of the application.
- B. The treasurer and tax collector must certify that all sewer user fees and personal property taxes are paid in full, as of the date of the application. Failure to meet these requirements shall be grounds for denial of the application.

Section 5. Application. *(Amended: 05-16-05)*

- A. Application forms for a victualer's license or renewal shall be on a form designed for that purpose by the Town. Victualer applications, except for renewal applications under Subsection B below, shall be advertised by publishing notices in a local newspaper and by posting notices in at least two public places, at least seven (7) days prior to the meeting. The council shall conduct a public hearing on the applications at the next scheduled council meeting, and shall make a decision within 30 days following the public hearing. Written notice of the decision shall be provided to the applicant. *(Amended: 05-16-05)*

- B. ~~Waiver of Public Hearing Requirement.~~ Notwithstanding the provisions of this section those seeking license renewal may request a waiver of the public hearing provision if their business has been licensed for five consecutive years and no violations of this article are known. The decision to grant the waiver for the public hearing is expressly granted to the Town Manager. (Amended: 05-16-05)

As long as there are no unresolved complaints or violations, licenses for renewal applications for the same owner and the same place of business may be issued by the code enforcement officer, after consultation with the fire inspector, treasurer and tax collector, upon determination of compliance with the provisions of this Ordinance. If the code enforcement officer determines that there are unresolved complaints or violations, the application shall be processed in accordance with Subsection A above.

- C. A new license, when granted, shall be valid for one year and renewed annually in the month in which the license was issued. An establishment shall at all times display its current victualer license in a place within the establishment where it can be readily viewed by any member of the public.

Section 6. Penalty.

- A. Any person found guilty of violating any provisions of this article shall be subject to a civil penalty.
- B. In addition to a civil penalty, the Town may enjoin or abate any violation of this article by appropriate action, and may also proceed to revoke the victualer's license, after a hearing on the matter.
- C. Any person operating as a victualer within the Town without a victualer's license shall be subject to a civil penalty of \$100.00 per day for all days of operation without the required license. (Amended: 05-16-05)

Section 7. Suspension or Revocation of License.

- A. *Applicability of State Regulations; Effect of Suspension or Revocation of State License.* All victualers shall be subject to all state regulations of food service establishments, such regulations being enforced by state agencies. It is not the intent of this article to establish for the town a food service regulation scheme apart from that provided under state law. Accordingly, any suspension or revocation of a state license shall be considered as a suspension or revocation, as the case may be, of the victualer's license issued under this article on the same terms as imposed by the state. (Amended: 05-16-05)
- B. *Local Suspension or Revocation of License.* The Town Council, upon notice and hearing, for cause, may at any time suspend or revoke a victualer's license issued pursuant to this article. Cause shall mean the violation of any license provision or any provision of this article, or any condition constituting a threat to the public health, safety, or welfare, including but not necessarily limited to neighborhood disruption, disorderly customers, and excessively loud or unnecessary noise that initiates complaints to or requires a response from police, fire, or other town regulatory bodies or employees. (Amended: 05-16-05)

Section 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

C-3-b

**TOWN OF HAMPDEN, MAINE
OUTDOOR WOOD BOILER ANNUAL LICENSING ORDINANCE**

ADOPTED: Hampden Town Council, March 19, 2007
Effective Date: April 18, 2007

AMENDED: Hampden Town Council, December 21, 2009
Effective Date: January 20, 2009

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

**OUTDOOR WOOD BOILER ANNUAL LICENSING ORDINANCE
CONTENTS**

ARTICLE	PAGE
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3. ANNUAL LICENSE REQUIRED.....	3
4. SPECIFIC REQUIREMENT.....	4
5. SUSPENSION OF LICENSE.....	6
6. WAIVERS.....	7
7. PENALTIES.....	7
8. EFFECT ON OTHER REGULATIONS.....	8
9. SEVERABILITY.....	8
10. EFFECTIVE DATE.....	8

The Town of Hampden hereby ordains that this Ordinance be amended as follows (deletions ~~stricken~~ and additions underlined):

TOWN OF HAMPDEN, MAINE
OUTDOOR WOOD BOILER ANNUAL LICENSING ORDINANCE

ARTICLE 1
TITLE AND PURPOSE

1.1. Title. This ~~chapter~~ Ordinance shall be known as the "Town of Hampden, Maine Outdoor Wood Boiler Annual Licensing Ordinance." *Amended: 12-21-09 (Note: The term "outdoor wood-fired boiler" has been changed to "outdoor wood boiler" throughout to be consistent with Chapter 150).*

1.2. Home Rule Authority. It is adopted pursuant to Municipal Home Rule Law.

1.3. Purpose. Although outdoor wood boilers may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Ordinance is intended to ensure that outdoor wood boilers are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town. Furthermore, this ordinance is intended to comply with the minimum standards contained in DEP Chapter 150, Control of Emissions From Outdoor Wood Boilers.

ARTICLE 2
DEFINITIONS

2.1. Definitions. As used in this ~~chapter~~ Ordinance, the following terms shall have the meanings indicated:

"Commercial outdoor wood boiler" means any outdoor wood boiler used to service a commercial establishment. *Amended: 12-21-09*

"Outdoor pellet boiler" means an outdoor wood boiler designed and warranted by the manufacturer specifically to burn pellet fuel with metered fuel and air feed and controlled combustion engineering, which is operated according to the manufacturer's specifications and burns only pellet fuel. *Amended: 12-21-09*

"Outdoor wood boiler" (also known as outdoor wood-fired hydronic heater, water stove or outdoor wood furnace) means a fuel burning device designed to (1) burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space and/or water via the distribution typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture. *Amended: 12-21-09*

"Outdoor wood boiler Emission Rating" means the EPA's rating system for OWBs which rate the emissions in pounds per million BTU' or lbs/MMBtu. *Amended: 12-21-09*

"EPA Phase-One Qualified OWB" means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.60 lbs/MMBtu heat input. *Amended: 12-21-09*

“EPA Phase-Two Qualified OWB” means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.32 lbs/MMBtu heat input. *Amended: 12-21-09*

“Phase-Three Qualified OWB” means an OWB (or outdoor pellet boiler if the Town chooses to go with the DEP approach) that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.06 lbs/MMBtu heat input. *Amended: 12-21-09*

“Non-EPA Qualified OWB” means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limits greater than 0.60 lbs/MMBtu heat input or with no certification. *Amended: 12-21-09*

“DEP Qualified OWB” means that the manufacturer of the OWB has voluntarily submitted their product for emission rating to a government other than the US government or other testing bodies as deemed acceptable by the DEP and based on the OWB’s emission report the Maine Department of Environmental Protection classifies the OWB to the corresponding EPA standard. For purposes of this ordinance applicants must provide written documentation from the DEP to show evidence that the OWB is in fact DEP qualified. *Amended: 12-21-09*

“Neighboring Residence Setback” means the minimum linear distance that an outdoor wood boiler must be sited away from the nearest dwelling that is not on the same property as the boiler. *Amended: 12-21-09*

“Nuisance” means any odor, emission, or event that prevents the reasonable use and enjoyment of one’s property. For purposes of this ordinance, an OWB shall constitute a nuisance following three or more verified complaints within any 30 day period.

“Firewood” means trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

“Setback” means the minimum linear distance that an outdoor wood boiler must be sited away from a prescribed physical location on the ground. *Amended: 12-21-09*

“Untreated lumber” means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

ARTICLE 3 ANNUAL LICENSE REQUIRED

3.1. Annual license required. In addition to any permit required under the Town’s Fire Prevention Code, no person shall cause, allow or maintain the use of an outdoor wood boiler within the Town of Hampden, Maine without first having obtained an initial annual license from the Hampden Town Council, and an annual renewal license from the Town Council or the code official responsible for enforcement of the Fire Prevention Code. Applications for ~~annual~~ licenses shall be made to the Town Clerk on the forms provided.

3.2. Standards for initial license. The Town Council shall issue an initial license for an outdoor wood boiler if it determines that:

3.2.1 A permit has been issued for the proposed outdoor wood boiler under the Fire Prevention Code; and

3.2.2 The proposed outdoor wood boiler complies with the requirements of Sections 4.2, 4.3, 4.4 and 4.6 of this Ordinance.

3.2.3 The Town of Hampden shall not issue an initial license for a non-EPA qualified OWB or non-Maine Department of Environmental Protection alternative certified OWB after the effective date of this amendment. *Amended: 12-21-09*

3.3. Standards for renewal license. The Town Council, except as provided in Section 3.4, shall issue a renewal license for an outdoor wood boiler if it determines that:

3.3.1. The code official responsible for enforcement of the Fire Prevention Code provides written documentation to the effect that the outdoor wood boiler is in compliance with the applicable provisions of that Code;

3.3.2 The outdoor wood boiler is in compliance with the requirements of Sections 4.2, 4.3, 4.4, and 4.6 of this Ordinance;

3.3.3. The outdoor wood boiler was operated in compliance with the requirements of Sections 4.1 and 4.5 of this Ordinance during the preceding year; and

3.3.4 None of the conditions set forth in Sections 5.1.1, 5.1.2, 5.1.3, 5.1.4, or 5.1.5 of this Ordinance occurred during the preceding year.

3.4. Annual renewal licenses issued by code official. As long as there are no unresolved complaints or violations, annual renewal licenses for an outdoor wood boiler may be issued by the code official responsible for enforcement of the Fire Prevention Code upon determination of compliance with the standards of Section 3.3. If the code official determines that there are unresolved complaints or violations, the application for the annual renewal license shall be processed by the Town Council in accordance with Section 3.3

~~3.4~~ 3.5. Existing outdoor wood boilers. Any outdoor wood boiler that was installed, connected, and operating as of the effective date of this Ordinance shall be permitted to remain, provided that the owner applies for and receives an annual license from the Town Council within 120 days of such effective date. Provided, however, that upon the effective date of this Ordinance all the provisions of this Ordinance, except Sections 4.2 *Permitted Zones*, 4.3 *Minimum Lot Size*, and 4.4 *Setbacks* in the event and to the extent that the existing outdoor wood boiler in question does not comply with the same, shall immediately apply to any existing outdoor wood boiler. Any existing outdoor wood boiler that is not in compliance with Sections 4.3 and 4.4 shall not be made more nonconforming. If the owner of an existing outdoor wood boiler does not receive a permit within one year of the effective date of this Ordinance, the outdoor wood boiler shall be removed.

ARTICLE 4
SPECIFIC REQUIREMENTS

4.1. Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor wood boiler. Burning of any and all other materials in an outdoor wood boiler is prohibited.

4.2. Permitted zones. Outdoor wood boilers shall be permitted in all zoning districts except the Resource Protection District as shown on the Town's Zoning Map.

4.3. Minimum lot size Outdoor wood boilers shall be permitted only on lots in accordance with the following minimum lot size: *Amended: 12-21-09*

	Minimum Lot Size
Existing Non-EPA Qualified Outdoor Wood Boilers Only	3 Acres
EPA Phase-One Qualified Outdoor Wood Boilers	1 Acre
EPA Phase-Two Qualified Outdoor Wood Boilers	0.5 Acre
Phase-Three Qualified Outdoor Wood Boilers (pellet)	0.25 Acre

The applicant for a permit under this Ordinance shall demonstrate that the Commercial outdoor wood boiler or Outdoor Wood Boiler with a thermal rating greater than 350,000 Btu/hr shall be installed and operated in accordance with Chapter 150 of the Rules of the Maine Department of Environmental Protection, "Control of Emissions from Outdoor Wood Boilers," as the same may be amended from time to time.

4.4. Setbacks and Stack Height. Outdoor wood boilers shall be set back from property lines according to the following standards: *Amended: 12-21-09*

<i>4.4.1. Property Line Setback</i>	Minimum
Existing Non-EPA Qualified Outdoor Wood Boilers Only	150 Feet
EPA Phase-One Qualified Outdoor Wood Boilers	100 Feet
EPA Phase-Two Qualified Outdoor Wood Boilers	50 Feet
Phase-Three Qualified Outdoor Wood Boilers (pellet)	20 Feet

Additionally, outdoor wood boilers shall be set back from neighboring residences according to the following standards: *Amended: 12-21-09*

<i>4.4.2. Neighboring Residence Setback</i>	Minimum
Existing Non-EPA Qualified Outdoor Wood Boilers Only	200 Feet
EPA Phase-One Qualified Outdoor Wood Boilers	120 Feet
EPA Phase-Two Qualified Outdoor Wood Boilers	70 Feet
Phase-Three Qualified Outdoor Wood Boilers (pellet)	40 Feet

4.4.3. Stack Height Requirements for New Outdoor Wood Boilers and Outdoor Pellet Boilers
Amended: 12-21-09

Existing Non-EPA Qualified Outdoor Wood Boilers are not subject to this requirement. *Amended: 12-21-09*

EPA Phase-One Qualified Outdoor Wood Boilers. No person shall install or allow the installation of any EPA Phase-One Qualified Outdoor Wood Boiler unless the outdoor wood

boiler or outdoor pellet boiler: (1) has an attached stack with a minimum stack height of 10 feet above ground level; or (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler. *Amended: 12-21-09*

EPA Phase-One Qualified Outdoor Wood Boilers. No person shall operate any EPA Phase-One Qualified Outdoor Wood Boiler if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler, unless the outdoor wood boiler or outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler. *Amended: 12-21-09*

EPA Phase-Two Qualified Outdoor Wood Boilers. No person shall install or allow the installation of any EPA Phase-Two Qualified Outdoor Wood Boiler unless the outdoor wood boiler or pellet boiler: (1) has an attached stack with a minimum stack height of 10 feet above ground level; or (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler. *Amended: 12-21-09*

EPA Phase-Two Qualified Outdoor Wood Boilers. No person shall operate any EPA Phase-Two Qualified Outdoor Wood Boiler, if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler, unless the outdoor wood boiler or outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler. *Amended: 12-21-09*

Phase-Three Qualified Outdoor Wood Boilers. No person shall install or allow the installation of any Phase-Three Qualified Outdoor Wood Boilers, unless the outdoor pellet boiler: (1) has an attached stack with a minimum stack height of 10 feet above ground level; or (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler, if a neighboring residence is located less than 100 feet from the outdoor pellet boiler. *Amended: 12-21-09*

Phase-Three Qualified Outdoor Wood Boilers. No person shall operate any Phase-Three Qualified Outdoor Wood Boilers, if a neighboring residence is located less than 100 feet from the outdoor pellet boiler, unless the outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler. *Amended: 12-21-09*

The applicant for a permit under this Ordinance shall demonstrate that the Commercial outdoor wood boiler or Outdoor Wood Boiler with a thermal rating greater than 350,000 Btu/hr shall be installed and operated in accordance with Chapter 150 of the Rules of the Maine Department of Environmental Protection, "Control of Emissions from Outdoor Wood Boilers," as the same may be amended from time to time. *Amended: 12-21-09*

4.5. Months of operation. Outdoor wood boilers shall be prohibited from operation between the dates of May 1 and October 1.

4.6. Spark arrestors and rain caps. All outdoor wood boilers shall be equipped with properly functioning spark arrestors. Use of a rain cap on the stack of an OWB is prohibited unless required by the manufacturer specifications. *Amended: 12-21-09*

4.7. Continued compliance required. If an outdoor wood boiler is installed in compliance with Sections 4.3 and 4.4, the outdoor wood boiler may not be used if the lot on which it is situated is altered so that the minimum lot size or setback(s) are no longer met.

ARTICLE 5
REVOCATION OF LICENSE

5.1. Revocation of license. A license issued pursuant to this Ordinance may, after notice and hearing, be revoked as the Town Council may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Hampden if any of the following conditions occur:

5.1.1. Emissions from the outdoor wood boiler exhibit opacity that obscures or partially obscures clear view of structures and trees that lay behind the smoke and haze on either the property where the outdoor wood boiler is located or on adjoining properties. This may be evidenced by photographs that are time dated;

5.1.2. Malodorous air contaminants from the outdoor wood boiler are detectable outside the property boundaries of the land on which the outdoor wood boiler is located. This may be evidenced by Town Public Safety Officials;

5.1.3. The emissions from the outdoor wood boiler interfere with the reasonable enjoyment of life or property;

5.1.4. The emissions from the outdoor wood boiler cause damage to vegetation or property; or

5.1.5. The emissions from the outdoor wood boiler are or may be harmful to human or animal health.

5.2. Prohibited use after revocation. If a license is revoked, the outdoor wood boiler in question shall not used or operated.

5.3. Reinstatement of license. A revoked license may be reinstated once the condition which resulted in revocation is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in revocation of a license shall be considered a violation of this Ordinance subject to the penalties provided in *Section 7.1 Penalties for offenses* hereof.

ARTICLE 6
WAIVERS

6.1. Waivers. Where the Town Council finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of this Ordinance or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Town Council may impose such conditions and requirements as it deems reasonable and prudent. The Town Council may, at its discretion, hold a public hearing as part of its review. If the Town Council grants the waiver, a license shall be issued for the outdoor wood boiler. If the Town Council denies the waiver, the outdoor wood boiler must either be brought into compliance with this Ordinance or removed. If the Town Council does not take any action with respect to the waiver within 60 days from its receipt of an application for waiver, the waiver shall be deemed denied.

ARTICLE 7
PENALTIES

7.1. Penalties for offenses. Failure to comply with any of the provisions of this Ordinance shall be a violation and, upon conviction thereof, shall be subject to a civil penalty in accordance with Title 30-A M.R.S. §4452. In addition, any license issued pursuant to this Ordinance shall be revoked upon conviction of a second offense and the subject outdoor wood boiler shall not be eligible for another license. Each day that a violation occurs shall constitute a separate offense. All penalties shall inure to the benefit of the Town of Hampden. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this Ordinance. Violators shall also be responsible for any and all court fees, expert witness fees, costs, and reasonable attorney fees if the Town is the prevailing party in an enforcement action.

ARTICLE 8
EFFECT ON OTHER REGULATIONS

8.1. Effect on other regulations. Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, Maine Department of Environmental Protection or any other federal, state, regional or local agency. Outdoor wood boilers, and any electrical, plumbing or other apparatus or device used in connection with an outdoor wood boilers, shall be installed, operated and maintained in conformity with the manufacturer's specifications and instructions and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this Ordinance and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

ARTICLE 9
SEVERABILITY

9.1. Severability. Should any provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

ARTICLE 10
EFFECTIVE DATE

10.1. Effective Date. The effective date of this Ordinance shall be 30 days from the date of adoption by the Town Council.