

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

FEBRUARY 1, 2016

7:00 P.M.

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

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. January 19, 2016 Meeting Minutes

3. COMMUNICATIONS

a. Maine Municipal Bond Bank – Debt Service Payment Schedule

b. Hampden Business Association – Notice of Meeting on 2/4/2016

c. Aimee Smith – Application for Reappointment to Board of Appeals – Referral to Finance & Administration Committee

d. Correspondences received re Sewer Rates

4. REPORTS

a. Finance Committee Minutes – 12/21/2015

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

4. UNFINISHED BUSINESS

a. Proposed Amendments to Town Council Rules

b. Update re Preparations for 2/16/2016 Public Hearing re Sewer Rates

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

- c. Discussion of MRC/Fiberight and PERC Proposals for Municipal Solid Waste and Establish Schedule & Process for Review
- d. Update re RSU #22 School Board Meeting on 1/20/2016

5. NEW BUSINESS

- a. Application for Renewal of Liquor License received from Wang & Lo, Inc. d/b/a Fresh Ginger Restaurant at 64 Main Road North
- b. Application for Outdoor Wood-burning Furnace License received from John Calkins at 295 Main Road South

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



B-2-a

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

TUESDAY

JANUARY 19, 2016

7:00 P.M.

Attending:

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

Town Manager Angus Jennings
Town Clerk Denise Hodsdon
Citizens

The meeting was called to order by Mayor Ryder at 7:00 pm.

- A. **PLEDGE OF ALLEGIANCE** – Mayor Ryder led the Pledge of Allegiance
- B. **CONSENT AGENDA** – Motion by Councilor McAvoy, seconded by Councilor Sirois to accept the Consent Agenda. Unanimous vote in favor.
 1. **SIGNATURES**
 2. **SECRETARY'S REPORTS**
 - a. January 4, 2016 Meeting Minutes
 3. **COMMUNICATIONS**
 - a. Victualer's License Renewal – Dunkin Donuts
 - b. Jay Dresser – Comments to DEP re Proposed MRC Facility
 - c. RSU #22/Town Manager – Building Committee Meeting - 2/11/2016
 - d. Hampden Water District – Board Meeting – 1/20/2016
 - e. Councilor McAvoy – Notice of Taxpayer Clinic
 4. **REPORTS**
 - a. Pool Board Minutes – 11/10/2015 and 12/8/2015
 - b. Services Committee Minutes – 12/14/2015
 - c. Infrastructure Committee Minutes – 12/28/2015
- C. **PUBLIC COMMENTS**

Jeremy Jones of the Partridge Road congratulated the Mayor and incoming members of the Council. He encouraged the Council to work together and suggested ten core guidelines for the Council to follow (copy attached).
- D. **POLICY AGENDA**

Ten Core Guidelines for Our Town

1. - Abide by the United States Constitution
2. - Eliminate excessive taxes
3. - Eliminate our town's debt
4. - Eliminate deficit spending
5. - Promote free market business
6. - Promote civic responsibility
7. - Reduce the overall size of our bureaucracy
8. - Believe in The People
9. - Avoid the pitfalls of politics & ulterior agendas
10. - Maintain local independence, be self-sufficient

1. NEWS, PRESENTATIONS & AWARDS - None

2. PUBLIC HEARINGS

- a. Proposed Zoning Ordinance Text Amendment – Article 7.2 Building Height** – *Mayor Ryder opened the hearing and nobody spoke in favor or in opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor Marble, seconded by Councilor McAvoy to adopt the Zoning Ordinance text amendment to Article 7.2 Building Height. Unanimous vote in favor.*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS - None

4. UNFINISHED BUSINESS

- a. Set Time & Location for 2/6/2016 Goals & Objectives Meeting with Department Heads** – *The Council's meeting with Department Heads will be held at 8:00 am on Saturday, February 6, 2016 in the Council Chambers. The Council will hold its second Goals & Objectives meeting at 8:00 am on Saturday, February 20, 2016 in the Council Chambers.*
- b. Codification – Editorial and Legal Analysis re Land Use & Development – Referral to Planning Board** – *Motion by Councilor McAvoy, seconded by Councilor Marble to refer the Codification Editorial and Legal Analysis re Land Use and Development to the Planning Board. Unanimous vote in favor.*
- c. Update on Correspondence with RSU #22 and Meeting on 1/20/2016** – *Following discussion at the last Council meeting regarding an item on the School Board's agenda for its January 6th meeting, Manager Jennings sent a letter to the RSU #22 Board of Directors suggesting that with the impending new information from the Town's FY15 audit, that any decision the School Board may make relative to the Building Committee's recommended concept plan with implications for FY17 would be premature until we are able to provide full information about the Town's financial standing. As a result of his letter, the School Board agreed to postpone action on that item until their meeting on January 20th. Manager Jennings will be presenting further information to the School Board at that meeting and several Councilors were also planning to attend the meeting. Resident Jeremy Jones reminded everyone that 76% of the increase in taxes in the 2013/14 budget was for schools. He said it needs to be reined in.*
- d. Transfer Station Policy Clarification re Commercial Vehicles** – *Manager Jennings prepared a memo to the Council (copy attached)*

D-2-a

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

Additions underlined

Deletions ~~stricken~~

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

...

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

Adopted by Town Council 1/19/2016

describing certain situations where residents with commercial vehicles have not been able to purchase Transfer Station stickers in the past. He believes that the policy needs to be clarified and has recommended that until the Transfer Station Rules and Regulations are amended to clarify this issue, that stickers for such residents be issued as follows: any vehicle registered to a business that generates commercial waste will be required to show documentation of a separate waste disposal agreement for commercial waste; if the business does not generate commercial waste, rely on the person's signature agreeing to abide by the policy. The Council agreed with the recommendation and Manager Jennings will amend the Transfer Station Rules and Regulations for Council's consideration at a future meeting.

5. NEW BUSINESS

- a. **Use of Municipal Building Reserve Funds for Municipal Building HVAC System – Recommendations of Infrastructure & Finance Committees** – *The Infrastructure Committee and Finance Committee have reviewed three quotes from Penobscot Temperature Controls relative to updates to the municipal building HVAC system. The Finance Committee recommended going forward with two of the quotes, totaling \$2,654.85 but has requested further information regarding the third quote in the amount of \$900.35 for the thermostat. Motion by Councilor Wilde, seconded by Councilor Sirois to expend \$2,654.85 from the Municipal Building Reserve account for updates to the municipal building HVAC system. Unanimous vote in favor.*
- b. **Budget Adjustment - Transfer of Personnel Reserve Funds for Transfer Station Compactor Repair – Finance Committee Recommendation** – *In December the Public Works Department had to replace the cylinder in one of the compactors at the Transfer Station. The cost of the repair was \$6,220.00. Because the Solid Waste Equipment Maintenance budget does not have sufficient funds to pay for the repair, Manager Jennings recommended transferring \$6,220.00 from the Salary/Benefits Reserve Account to the Solid Waste Equipment Maintenance budget. Motion by Councilor Wilde, seconded by Councilor Sirois to authorize the transfer of \$6,220.00 from the Salary/Benefits Reserve Account to the Solid Waste Equipment Maintenance budget to be used for the compactor repair. Unanimous vote in favor.*
- c. **Proposed Amendments to Subdivision Ordinance Article 540 Open Space & Recreation Land – Referral to Planning Board** – *Motion by Councilor McAvoy, seconded by Councilor Marble to refer the proposed amendments to the Planning Board. Unanimous vote in favor.*
- d. **Proposed Amendments to Zoning Ordinance Article 4.6 Rural Cluster Housing – Referral to Planning Board** – *Motion by Councilor*

D-4-d

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

cc: Sean Carrier, DPW Director

McPike, seconded by Councilor Wilde to refer the proposed amendments to the Planning Board. Unanimous vote in favor.

- e. Set Date for Hearing re Amendments to Fees Ordinance – Sewer Rates** – *The public hearing was scheduled for the Council’s regular meeting on Tuesday, February 16th.*

E. COMMITTEE REPORTS

Services Committee – *Councilor McAvoy reported that the committee met on January 11th and discussed the cost of The Bus in relation to the number of residents and Police Sergeant Bailey updated the committee on the Department’s Good Neighbor Program and the Telecare Program.*

Infrastructure Committee – *Councilor Marble reported that the committee held a special meeting on January 13th to discuss sewer rates.*

Planning & Development Committee – *Councilor McPike reported that the committee met on January 6th and heard updates on the Fiberight project and continued discussion of the codification document, home occupations, open space requirements and dangerous buildings. He noted that the meeting scheduled for January 20th has been cancelled and the next meeting will be on February 3rd.*

Finance & Administration Committee – *Mayor Ryder reported that the Committee met earlier in the evening and discussed the upgrade to the HVAC system, repairs to the Transfer Station compactor and reviewed proposed amendments to Council Rules.*

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

G. COUNCILORS’ COMMENTS

Councilor McPike *informed everyone that PERC is holding a public meeting at 6:00 pm on January 27th at Jeff’s Catering.*

Councilor McAvoy *invited residents to attend the inaugural Hampden Taxpayer Clinic on Saturday, January 30th at 11:00 am at Anglers Restaurant. There is no specific agenda for the session, but discussion will include the town budget and the MRC waste disposal project. He encouraged everyone to shop local and buy American.*

- H. ADJOURNMENT** – *There being no further business, the meeting was adjourned at 7:40 pm.*



Denise Hodsdon
Town Clerk

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: January 19, 2016

RE: Town Manager's Report to Town Council meeting

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

Continued Work on Cable Franchise Agreement

I was able to connect with the IT Director in Bar Harbor, who is one of the lead municipal officials involved with the Penobscot-Downeast Cable Television Consortium. I received an update on the ongoing process to execute a new Franchise Agreement – this work is ongoing, and slow – and received the paperwork to file for partial reimbursement for the recent A/V equipment purchases. The total amount available to Hampden at this time is \$7,524, and I filed paperwork to receive this amount. Upon execution of a new Franchise Agreement, there may be additional reimbursement monies available. This item is one of the points of ongoing negotiation, and I offered whatever support we're able to provide in order to get this matter to favorable resolution.

Improved Cash Tracking at Pool

Following on advice from the Auditor, the Pool Director recently purchased a new cash register which will allow for better and more efficient tracking of funds received, based on the specific service or item the funds paid for (i.e. swim lessons, facility rentals, swim diapers etc.). Once the Pool staff are trained and this cash register is in regular use, which will be within a week or so, this change will make the daily cash reconciliation both more time efficient for Pool and Administration staff, and less susceptible to potential human error.

I am also working with the Pool Director to explore what would be involved with accepting debit cards for transactions at the Pool. We are working with our bank, and have received a proposal from a third-party vendor that is affiliated with the bank. This change is under consideration.

MMA Training Calendar

The Maine Municipal Association recently released their calendar of 2016 trainings, including the Elected Officials Workshop to be held on the afternoon and evening of January 28 in Augusta. The full calendar of trainings can be viewed on the MMA website at www.memun.org.

Employee Evaluations Underway

Annual employee evaluations are underway, and are expected to be complete on or before February 5. This includes my evaluation of direct reports, as well as other Department Heads' evaluations of their direct reports (DPW, Police, Fire, Pool, Recreation, Library).

Meeting with Town Managers in RSU-22 District

Last week, I met with the Town Managers in Newburgh and Winterport to share information regarding municipal budgeting and coordination with the RSU-22 School Board. A Selectman from Frankfort was expected but could not attend due to a last minute emergency. The meeting was productive, and restores a tradition of meetings and information sharing among Town leaders that dates back many years. While such meetings were not held during the FY16 budget cycle (winter/spring 2015), they had been typical for many years prior to that.



B-3-a

Michael R. Goodwin, Executive Director
Tel 207-622-9386
Fax 207-623-5359

January 08, 2016

Mr. Angus Jennings, Town Manager
Town of Hampden
106 Western Ave
Hampden, ME 04444-1428

Town of Hampden
RECEIVED

JAN 26 2016

Office of the
Town Manager

Dear Mr. Jennings:

On behalf of the Commissioners of the Maine Municipal Bond Bank, I am pleased to inform you that your debt service payments shall be reduced by \$41,646.00, which represents your pro-rated portion of the savings the Bond Bank is providing as a result of its recent refunding issue. In the current fiscal environment, the Bond Bank was particularly proud of accomplishing the refunding at no cost to you and providing this benefit to you. Your total savings were derived as follows:

<u>Series</u>	<u>Original Principal</u>	<u>Total Savings</u>	<u>Provided By Check</u>	<u>Provided By Debt Service Credit</u>
2000 D	\$1,800,000.00	\$41,646.00	\$0.00	\$41,646.00

The ongoing debt service payment on your bonds is now due in accordance with the enclosed schedule. Please disregard all previous debt service schedules and make your revised semi-annual debt service payments to US Bank.

For over forty years the Bond Bank has provided Maine's local governmental units with capital financing at a total cost as low as, and in most instances lower than, what is available elsewhere. We are proud that such a standard of consistent, cost effective financing continues to be available to Maine localities.

This refunding credit also gives the Bond Bank a chance to express its gratitude for your loyal support. Part of the Bank's success can be attributed to your continued use of our services through the years. I hope you will look to us for any possible future capital needs.

The staff at the Bond Bank is ready to assist you with any analysis of your capital requirements to help provide you the assurance that you have reviewed all of the available options as you analyze your capital needs. It is our goal however you decide to raise capital that you achieve the lowest total cost financing package available to you. Thank you again for allowing the Bond Bank to serve you.

Sincerely,

Michael R. Goodwin
Executive Director

Enclosure(s): Debt Service Payment Schedule(s)

Maine Municipal Bond Bank

Revised Debt Payment Schedule

2000 D Hampden - 2000D - \$1,800,000.00

Payment Date	Principal	Interest	Previous Principal Credits	Previous Interest Credits	Current Credits	Total
05/01/2001	\$0.00	\$48,618.00	\$0.00	\$0.00	\$0.00	\$48,618.00
11/01/2001	\$90,000.00	\$47,304.00	\$0.00	\$0.00	\$0.00	\$137,304.00
05/01/2002	\$0.00	\$45,199.80	\$0.00	\$0.00	\$0.00	\$45,199.80
11/01/2002	\$90,000.00	\$45,199.80	\$0.00	\$0.00	\$0.00	\$135,199.80
05/01/2003	\$0.00	\$43,095.60	\$0.00	\$0.00	\$0.00	\$43,095.60
11/01/2003	\$90,000.00	\$43,095.60	\$0.00	\$0.00	\$0.00	\$133,095.60
05/01/2004	\$0.00	\$40,991.40	\$0.00	\$0.00	\$0.00	\$40,991.40
11/01/2004	\$90,000.00	\$40,991.40	\$0.00	\$0.00	\$0.00	\$130,991.40
05/01/2005	\$0.00	\$38,830.95	\$0.00	\$0.00	\$0.00	\$38,830.95
11/01/2005	\$90,000.00	\$38,830.95	\$0.00	\$0.00	\$0.00	\$128,830.95
05/01/2006	\$0.00	\$36,670.50	\$0.00	\$0.00	\$0.00	\$36,670.50
11/01/2006	\$90,000.00	\$36,670.50	\$0.00	\$0.00	\$0.00	\$126,670.50
05/01/2007	\$0.00	\$34,510.05	\$0.00	\$0.00	\$0.00	\$34,510.05
11/01/2007	\$90,000.00	\$34,510.05	\$0.00	\$0.00	\$0.00	\$124,510.05
05/01/2008	\$0.00	\$32,349.60	\$0.00	\$0.00	\$0.00	\$32,349.60
11/01/2008	\$90,000.00	\$32,349.60	\$0.00	\$0.00	\$0.00	\$122,349.60
05/01/2009	\$0.00	\$30,166.65	\$0.00	\$0.00	\$0.00	\$30,166.65
11/01/2009	\$90,000.00	\$30,166.65	\$0.00	\$0.00	\$0.00	\$120,166.65
05/01/2010	\$0.00	\$27,893.70	\$0.00	\$0.00	\$0.00	\$27,893.70
11/01/2010	\$90,000.00	\$27,893.70	\$0.00	\$0.00	\$0.00	\$117,893.70
05/01/2011	\$0.00	\$25,620.75	\$0.00	\$0.00	\$0.00	\$25,620.75
11/01/2011	\$90,000.00	\$25,620.75	\$0.00	\$0.00	\$0.00	\$115,620.75
05/01/2012	\$0.00	\$23,122.80	\$0.00	\$0.00	\$0.00	\$23,122.80
11/01/2012	\$90,000.00	\$23,122.80	\$0.00	\$0.00	\$0.00	\$113,122.80
05/01/2013	\$0.00	\$20,568.60	\$0.00	\$0.00	\$0.00	\$20,568.60
11/01/2013	\$90,000.00	\$20,568.60	\$0.00	-\$945.02	\$0.00	\$109,623.58
05/01/2014	\$0.00	\$18,014.40	\$0.00	\$0.00	\$0.00	\$18,014.40
11/01/2014	\$90,000.00	\$18,014.40	\$0.00	-\$1,069.08	\$0.00	\$106,945.32
05/01/2015	\$0.00	\$15,460.20	\$0.00	\$0.00	\$0.00	\$15,460.20
11/01/2015	\$90,000.00	\$15,460.20	\$0.00	-\$1,084.65	\$0.00	\$104,375.55
05/01/2016	\$0.00	\$12,906.00	\$0.00	\$0.00	\$0.00	\$12,906.00
11/01/2016	\$90,000.00	\$12,906.00	\$0.00	-\$1,106.22	\$0.00	\$101,799.78
05/01/2017	\$0.00	\$10,351.80	\$0.00	\$0.00	-\$4,054.84	\$6,296.96
11/01/2017	\$90,000.00	\$10,351.80	\$0.00	-\$1,095.09	-\$9,256.71	\$90,000.00
05/01/2018	\$0.00	\$7,763.85	\$0.00	\$0.00	-\$7,763.85	\$0.00
11/01/2018	\$90,000.00	\$7,763.85	\$0.00	-\$1,079.01	-\$6,684.84	\$90,000.00
05/01/2019	\$0.00	\$5,175.90	\$0.00	\$0.00	-\$5,175.90	\$0.00
11/01/2019	\$90,000.00	\$5,175.90	\$0.00	-\$546.40	-\$4,629.50	\$90,000.00
05/01/2020	\$0.00	\$2,587.95	\$0.00	\$0.00	-\$2,587.95	\$0.00
11/01/2020	\$90,000.00	\$2,587.95	\$0.00	-\$1,095.54	-\$1,492.41	\$90,000.00
	\$1,800,000.00	\$1,038,483.00	\$0.00	-\$8,021.01	-\$41,646.00	\$2,788,815.99

Town of Hampden Debt Service Analysis, working draft of 1-25-16

Future Debt Service Obligations

Purpose Proprietary	Bond Series	Maturity Date	Remaining Balance (Year-End FY15)	FY16 Debt Service Due	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25
1996 Sewer SRF	1997 A	10/1/2017	\$ 272,782	\$ 96,348	\$ 96,274	\$ 96,217							
2006 Sewer Construction Bond	2006 C	11/1/2026	\$ 868,424	\$ 103,990	\$ 107,675	\$ 103,669	\$ 99,495	\$ 95,715	\$ 85,889	\$ 87,484	\$ 84,812	\$ 82,598	\$ 81,588
2010 Route 1A Sewer Bond		7/29/2029	\$ 1,425,717	\$ 108,537	\$ 108,533	\$ 108,526	\$ 108,520	\$ 108,514	\$ 108,508	\$ 108,502	\$ 108,495	\$ 108,489	\$ 108,483
2014 Sewer Project	2014 A	11/1/2034	\$ 902,050	\$ 69,217	\$ 68,973	\$ 68,594	\$ 68,066	\$ 67,397	\$ 66,578	\$ 65,622	\$ 64,560	\$ 63,410	\$ 62,187
			<u>\$ 3,468,973</u>	<u>\$ 378,092</u>	<u>\$ 381,455</u>	<u>\$ 377,006</u>	<u>\$ 276,082</u>	<u>\$ 271,626</u>	<u>\$ 260,974</u>	<u>\$ 261,607</u>	<u>\$ 257,867</u>	<u>\$ 254,497</u>	<u>\$ 252,259</u>

General Obligation	Bond Series	Maturity Date	Remaining Balance (Year-End FY15)	FY16 Debt Service Due	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25
2000 Road Construction & Line Extensions (Business Park)	2000 D	11/1/2020	\$ 540,000	\$ 117,282	\$ 108,097	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000
2002 Fire Station	2001 D	11/1/2021	\$ 590,100	\$ 111,970	\$ 107,653	\$ 103,343	\$ 99,039	\$ 94,734	\$ 90,369	\$ 86,040			
2006 Gravel Roads	2006 B	11/1/2015	\$ 83,334	\$ 84,167	\$ -								
2011 Mayo Road Bond	2010 F	11/1/2030	\$ 1,460,000	\$ 123,822	\$ 122,558	\$ 121,056	\$ 119,380	\$ 117,581	\$ 115,731	\$ 113,806	\$ 111,806	\$ 109,718	\$ 107,543
			<u>\$ 2,673,434</u>	<u>\$ 437,241</u>	<u>\$ 338,308</u>	<u>\$ 314,398</u>	<u>\$ 308,419</u>	<u>\$ 302,314</u>	<u>\$ 296,100</u>	<u>\$ 199,847</u>	<u>\$ 111,806</u>	<u>\$ 109,718</u>	<u>\$ 107,543</u>

Total Debt Service Obligations:

	\$ 815,333	\$ 719,763	\$ 691,404	\$ 584,501	\$ 573,940	\$ 557,075	\$ 461,454	\$ 369,674	\$ 364,216	\$ 359,801	\$ (91,780)	\$ (5,458)	\$ (4,414)
Change from prior year:	n/a	\$ (95,569)	\$ (28,359)	\$ (106,903)	\$ (10,561)	\$ (16,865)	\$ (95,621)	\$ (91,780)	\$ (16,865)	\$ (95,621)	\$ (91,780)	\$ (5,458)	\$ (4,414)

Sources:

Town of Hampden Financial Statements with Independent Auditor's Report, FY11, 13, 14 and 15.
 Town of Hampden General Fund and Sewer Fund FY15 and FY16 budgets.
 Debt Payment Schedule for 2000 D revised to reflect reduced payments per 1/8/16 letter from Maine Municipal Bond Bank.

Town of Hampden Debt Service An										
Purpose Proprietary	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35
1996 Sewer SRF										
2006 Sewer Construction Bond	\$ 79,074									
2010 Route 1A Sewer Bond	\$ 108,475	\$ 108,470	\$ 108,462	\$ 108,456	\$ 108,450					
2014 Sewer Project	\$ 60,879	\$ 59,468	\$ 57,963	\$ 56,389	\$ 54,768	\$ 53,088	\$ 51,356	\$ 49,597	\$ 47,813	\$ 46,009
	\$ 248,428	\$ 167,938	\$ 166,426	\$ 164,845	\$ 163,218	\$ 53,088	\$ 51,356	\$ 49,597	\$ 47,813	\$ 46,009
General Obligation										
2000 Road Construction & Line Extensions (Business Park)										
2002 Fire Station										
2006 Gravel Roads	\$ 105,367	\$ 102,976	\$ 100,370	\$ 97,765	\$ 95,159	\$ 92,553				
2011 Mayo Road Bond	\$ 105,367	\$ 102,976	\$ 100,370	\$ 97,765	\$ 95,159	\$ 92,553				
	\$ 353,795	\$ 270,914	\$ 266,796	\$ 262,610	\$ 258,376	\$ 145,641	\$ 51,356	\$ 49,597	\$ 47,813	\$ 46,009
	\$ (6,006)	\$ (82,881)	\$ (4,118)	\$ (4,186)	\$ (4,234)	\$ (112,735)	\$ (94,285)	\$ (1,759)	\$ (1,784)	\$ (1,804)

Sources:

Town of Hampden Financial State
 Town of Hampden General Fund c
 Debt Payment Schedule for 2000 l

H B A

B-3-b

Hampden Business Association

Luncheon Meeting Announcement!!

SPEAKER ONE: Leigh Larson, Principal
Hampden Academy – Hampden (RSU 22)

TOPIC: *“The First 100 Days”*

SPEAKER TWO: Angela Nelson, Assistant Vice President / Merchant Card
Services Officer
Bangor Savings Bank – Bangor

TOPIC: *“EMV Chip and Pin Technology”*

WHEN: **THURSDAY, FEBRUARY 4, 2016 (NOTE: DAY CHANGE)**
12 Noon to 2:00 PM

WHERE: Anglers Seafood Restaurant
91 Coldbrook Rd
Hampden, ME 04444
207-862-2121

HBA UPDATES

- Town News
- RSU 22 School District News
- Other News and Notes

The Hampden Business Association wishes to thank Anglers Seafood Restaurant for the use of their facility.

Please direct questions or comments to: Cheryl Gray, President at 862-8325; Mary Devou, Vice-President at 862-5112 or Susan Starbird, Secretary at 862-6262.



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: SMITH AMES E
LAST FIRST MI
ADDRESS: 51 SUNSET AVE HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 951-0912 866-5500
HOME WORK

EMAIL: asmithgriffinandjordan.com

OCCUPATION: PARALEGAL

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: BOARD OF APPEALS

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I HAVE BEEN ON THE APPEALS BOARD FOR MANY YEARS AND I AM FAMILIAR WITH THE PROCESS

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

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

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>JAN 21 2016</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Angus Jennings <townmanager@hampdenmaine.gov>

Re: Sewer

1 message

Angus Jennings <townmanager@hampdenmaine.gov>
To: "T.L. Mullins" <tlm1967tlm@gmail.com>

Thu, Jan 21, 2016 at 7:54 AM

Thanks for your comments.

The "interfund transfers" from the General Fund to the Sewer Fund had been identified in the town's audits over several years, and as our bills from Bangor were increasing the Council had been advised that the revenues were not adequate. However I don't think the Council understood how significant the shortfalls were. Within the town offices, prior to my tenure there was little if any redundancy for various aspects of financial management. Now, our town account/finance/HR officer is much more involved with budget oversight than had been the case previously.

We try to be as transparent as possible in all aspects of town operations, including financial matters. Detailed background re the sewer rates (and other findings from the FY15 audit) are available in the 12/7/15 meeting packet for the Council's Finance Committee (online) and the discussion from that night's meeting is reflected in the meeting minutes, included in the 12/21 packet. The sewer rates have also been discussed in the Council's Infrastructure Committee and additional documentation can be found in those meeting packets.

All of the Council's meetings are open to the public, of course, and we maintain detailed meeting minutes for those unable to attend. Meeting packets are posted to the website simultaneous with their distribution to members of the Council. The FY17 budgeting process will be as public and transparent as possible, and will provide clear information regarding how every dollar of tax revenue is budgeted. Regarding prior spending, we have detailed accounting of every penny.

Neither I nor the Council are in any way happy about the sewer rate situation, or how it will affect ratepayers, but given the numbers we have no option but to get the system back into the black, pay back the interfund transfers (presumably over a period of years), and re-establish a reserve account to pay for system investments and repairs.

Overall, we'll see to it that each of your questions gets answered in the Feb. 16 public hearing regarding the sewer rates.

Thanks again,
Angus

On Wed, Jan 20, 2016 at 7:53 PM, T.L. Mullins <tlm1967tlm@gmail.com> wrote:

Mr. Jennings-

Tonight, after watching the local news, I found it interesting that the town is behind in paying it's sewer bill to Bangor AND that this mismanagement will happily be passed off to people who use the sewer in Hampden by a large rate hike. I just have a couple questions for you.

First: How does something like this happen? Did the last town manager, who was manager for years in Hampden, have no clue this was an issue? And if she didn't know WHY didn't she know and if she DID know why wasn't this addressed by she and the town council? Does anyone plan on following up with Ms. Lessard for accountability?

Second: Where are the checks and balances? Is there no annual fiscal town audit done by an outside agency? Is there only one person who sees the bills and has the 'checkbook' to cover such bills? And if there is only one person why is there only one person? That might work well if you're a single person only

responsible for yourself but not such a great plan when you have hundreds/thousands of people who are impacted by one person's management or mismanagement decisions. Where is the transparency in Hampden's fiscal town management?

Third: What exactly does the Hampden tax payer get in return for paying their taxes? Yes it's lovely the plow truck comes down the street when it snows, but as we all know it doesn't snow 12 months out of the year. Yes we have a police department, fire department and ambulance service- my mother has lived in Hampden for 50 years and has never used those departments.

My mother is 84 and pays her sewer bill, water bill, taxes, electric bill, pays to have her driveway plowed, lawn mowed, pays for her dump sticker, etc. and has no children in the new \$51.6 million dollar high school. She pays \$1275.00 in taxes every year even after a \$10,000.00 exemption for my father's military service and for what? Apparently to help pay for the snow plow 4 1/2 months out the year and help pay for the \$51.6 million dollar high school. Yippee. She has a limited income and now she finds out that her sewer bill may jump to almost \$300.00 a year all because the previous town manager (apparently) didn't have her literal crap together. Fantastic.

Thank you for your time,

TL Mullins

—
Angus Jennings
Town Manager

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

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



Angus Jennings <townmanager@hampdenmaine.gov>

Hampden Sewer Fee Hankey Pankey

1 message

dynatec@midmaine.com <dynatec@midmaine.com>

Wed, Jan 27, 2016 at 10:43 PM

To: rydertowncouncil@hampdenmaine.gov, marbletowncouncil@hampdenmaine.gov, siroistowncouncil@hampdenmaine.gov, mcpiketowncouncil@hampdenmaine.gov, corniertowncouncil@hampdenmaine.gov, wildetowncouncil@hampdenmaine.gov, mcavoytowncouncil@hampdenmaine.gov, townmanager@hampdenmaine.gov

(Please feel free to pass this along as you see fit. JJ)

What The H... is going on in Hampden ! ?

Click the link below to watch the recent clip regarding this issue on Channel 2 news.

<http://www.wlbz2.com/story/news/2016/01/20/hampden-considers-steep-sewer-fee-hike-fix-big-deficit/79083012/>

Given this Hampden Sewer Fee/ Billing Hankey Pankey,
Here are some of the questions many Hampden residents are asking;
Please be prepared to seek Answers to these questions.

* Why is there a shortfall?

* Has former Hampden town manager Susan Lessard been contacted for some insight into this issue?

* Did Hampden sewer Users have their rates increased to coincide with each time Bangor required an increase?

If not, Why not?

* Did Hampden sewer Users make their required payments?

* Is Hampden not following it's own Sewer Ordinance?

See Article 10, Sewer Service Charge.

* Where is / was the Hampden oversight on this?

Hampden Water District/ Sewer official? What goes in must go out.

And More!

* How much money was collected from the citizens of Hampden for their water and sewer bills over the past 2 to 3 years?

* How much was and is the bill from the city of Bangor?

* Why wasn't the bill from the city of Bangor paid for over two years? *

When was the last time it was paid?

* What happened to the money that was collected from Hampden sewer users to pay this bill?

* Why are the general citizens of Hampden expected to pay this huge increase to partially fund the overdue bill from the city of Bangor?

* Shouldn't the Users rates be incrementally increased to cover all the services They Benefited from?

* What is the plan to pay the rest of the overdue bill to Bangor? * What is the plan to pay back the General fund All past sewer related expenditures?

* What OTHER financial flim flams have been going on in Our Town?

HOPEFULLY THE QUESTIONS ABOVE CAN BE ANSWERED ALONG WITH MANY OTHERS WE HAVE.

The evening of Monday, February 1st will be Very Interesting.

Be There and BE PREPARED.

We The People expect this transgression to be made Right.

Respectfully submitted,
Jeremy W. Jones
72 Partridge Rd.

1/28/2016

Town of Hampden Mail - Hampden Sewer Fee Hankey Pankey

Hampden

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, December 21, 2015

MINUTES*Attending:**Mayor David Ryder**Councilor Terry McAvoy**Councilor William Shakespeare**Councilor Greg Sirois**Councilor Stephen Wilde**Town Manager Angus Jennings**Councilor Dennis Marble**Comm. Econ. Dev. Dir. Dean Bennett**Councilor-Elect Ivan McPike**Town Clerk Denise Hodsdon**Mayor Ryder called the meeting to order at 6:30 p.m.*

1. **Meeting Minutes – December 7, 2015 Meeting** – *There was a motion and a second to approve the December 7, 2015 minutes as written. Unanimous vote in favor.*
2. **Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*
3. **Old Business** – *None.*
4. **New Business**
 - a. **Gerry Ouellette, Personnel Appeals Board – Reappointment** – *Motion by Councilor McAvoy, seconded by Councilor Sirois, to reappoint Gerry Ouellette to the Personnel Appeals Board. Unanimous (6-0) vote in favor.*
 - b. **Fire Station Lease to RSU 22 – Charges for Sewer Usage to Date** – *Town Manager Jennings reported that, during an ongoing review of sewer operations, it was discovered that the former Fire Station at 10 Main Road South had not been included in the sewer billing system. This town-owned building has been occupied by RSU-22 since 2003 and, based on the terms of the lease, RSU-22 is responsible for payment of utilities. Manager Jennings referred to a memo in the packet from the Town Attorney verifying that these charges are recoverable. Manager Jennings will invoice RSU-22 for the amount due, approximately \$1,700. No action from the Committee was requested, but this item was included on the agenda to keep the Committee apprised.*

5. Public Comment – None.

6. Committee Member Comments – None.

There being no further business, the meeting was adjourned at 6:34 p.m.

Respectfully submitted –
Angus Jennings
Town Manager

DRAFT OF PROPOSED AMENDMENTS TO COUNCIL RULES 2/1/2016Deletions are ~~Strikethrough~~Additions are Double Underlined**HAMPDEN TOWN COUNCIL RULES**

Introduction & Statement of Purpose - Public Service, even at the local level, can be challenging. As elected officials' sphere of influence and relationship with citizens ebbs and flows according to issues and policy topics, it is sometimes challenging for said officials to be even-handed and broad minded in the sense of the whole community. This is why government service at all levels is guided by core values and ethical standards. In keeping with that idea, the following defines the way in which Hampden elected officials shall approach the matters that come before them:

A Simple Three Way TestIs it the truth?Is it fair to all concerned?Will it be beneficial for the Town?**The Hampden Councilor...**Will not act out of spite, bias, or favoritismWill contribute to a climate of mutual trust and respectHas the courage of his/her convictionsNever forgets that he/she is working for the people – all of the peopleWill understand and demonstrate the elements of teams and teamworkWill clearly define roles and relationshipsWill establish and abide by a Council-staff partnershipAnd will allocate Council time and energy appropriately.

1. The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy.
2. In all motions of command, the form of expression shall be 'ordered' and in all motions concerning principles, facts, or purposes, the form shall be 'resolved'.
3. The name of the Council member or other person, persons, or group requesting an item on the agenda will be indicated on the agenda with the said item.
4. As a matter of courtesy, conduct for all Council and Committee meetings shall be as follows:

- a. Cell phones shall be silenced during Council & Committee meetings by Town Councilors, staff, and the general public.
 - b. Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings.
 - c. Cell phone use, texting, and email may be done during breaks in regular or special Council meetings or committee meetings.
5. Town Councilors shall participate in Freedom of Information Act training within 120 days of being sworn in as a Town Councilor and documentation of that training shall be filed with the Town Clerk.
6. Town Councilors shall participate in Elected Officials training offered by the Maine Municipal Association within the first year of office. If a Councilor is unable to complete this training within the first year, the deadline may be extended upon petition by the Councilor and assent of a majority of the Council.
7. A New Councilor orientation packet shall be provided to all Councilors at the time they are sworn in.
- ~~8. Excused absences for Councilors for Council meetings may be granted as the result of illness, vacation, work commitments, or family illness.~~
9. The Mayor shall take the chair at the appointed time for the meeting, call the members to order, and proceed to the following order of business:
(Amended 1/21/2014; 4/7/2014; 5/19/14)
 - A. Pledge of Allegiance
 - B. Consent Agenda
 1. Signatures – Treasurer’s Warrants, etc
 2. Secretary’s Report
 3. Communications
 4. Reports
 - C. Public Comments
 - D. Policy Agenda
 1. News, Presentations & Awards
 2. Public Hearings
 3. Nominations-Appointments – Elections
 4. Unfinished Business
 5. New Business
 - E. Committee Reports
 - F. Manager’s Report
 - G. Councilor Comments
 - H. Adjournment
10. In the absence of the Mayor, the Deputy Mayor shall preside over the Town Council meeting. In the absence of the Deputy Mayor, the Mayor shall appoint, in advance, another Councilor to chair the meeting.
11. When a question is under debate, the Mayor shall receive no motion but to adjourn, or for the previous question, to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official or to amend, or to postpone indefinitely; which several motions shall have precedence in order in which they stand arranged.

12. When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.
13. When any member is about to speak, they shall respectfully address the Mayor, confine themselves to the question under debate, and avoid personalities. No member speaking shall be interrupted by another but by a call to order, or to correct a mistake.
14. Every member present, when a question is put, shall give their vote, unless the Council, for special reasons, shall excuse them. Application to be so excused must be made before debate on the issue and the decision on the application shall be made by a majority vote of the council without debate.
15. The rules cannot be dispensed with or suspended if one or more members of the council shall object. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.
16. Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedure:
 - a. Persons wishing to address the Council on an item which appears on the agenda shall wait until the Mayor announces the consideration of such item, at which time they may address the Council on that particular item. There shall be a five minute limit on such comments per person, per item. In the event that a large number of persons wish to speak on an issue, this limit may be changed to insure that all who wish to speak have the opportunity to do so. Once public comment on an item has closed and a motion and second has been made by members of the Town Council, further public comment is only allowed if approved by a unanimous vote of the Town Council.
 - b. Any person wishing to address the Council on an item not appearing on the agenda shall be allowed to do so only in that section of the agenda referred to as "Public Comments". There shall be a five minute limit on such comments per person per subject raised. Items heard during Public Comment may be agendaed for a subsequent meeting or referred to a Committee or staff member for discussion/action. No votes may be taken by the Council on a subject raised during Public Comment without a vote by the Council to set aside the rules and add it to the regular agenda for consideration.
 - c. Any person wishing to address the Council shall signify their desire by raising their hand and, when recognized by the Mayor, such person shall thereupon request

permission to address the Council, giving their name and address the name of the road on which they live and then designating the subject matter on which they desire to address the Council.

17. At the commencement of the Calendar year, or as soon thereafter as possible, there shall be chosen the following Committees, each Committee to consist of three (3) or four (4) members of the Council as the Mayor may designate, or, upon a motion, the Council may ballot.
 - a. Finance & Administration – The purpose of this committee shall be to review all items related to their fiscal impact on the Town as well as all matters that pertain to items of administrative procedures. This committee will also have the responsibility for the review and signature of all payment warrants.
 - b. Services Committee – The purpose of this committee shall be to review all matters related to services provided by the Town related to recreation, parks, trails, the library, the pool, communications and other items related to non-emergency or public works services provided in the community
 - c. Infrastructure – The purpose of this Committee shall be to review all matters pertaining to public infrastructure including buildings, roads, and all town capital equipment.
 - d. Planning & Development – The purpose of this Committee shall be to review all matters related to all ordinances of the Town and all proposals for economic & community development.
 - ~~e. Communications – The purpose of this Committee shall be to review all matters related to the Town Website, Town Newsletter, Town Cable Channel 7, and other town sponsored communication activities.~~
18. Committee procedure shall be governed as follows:
 - a. All Committees will be required to post an agenda at least 48 hours prior to the meeting and no issue may be voted on unless it is agendaed.
 - b. It shall be the responsibility of the Committee Chair to discuss the development of the meeting agenda with the assigned staff person at least 24 hours before the meeting is required to be posted.
 - c. The assigned staff member shall prepare and post the agenda.
 - d. Draft minutes of each meeting will be prepared by the staff member supporting the committee within three business days.
 - e. Committee meeting minutes shall be posted on the Town website following their voted approval by the Committee.
 - f. Non-committee Council members attending a Committee meeting will have voting rights if they have been present for the entire discussion of

an issue, providing that at least two of the three appointed members of the committee are present.

- g. Two appointed members of the Committee shall constitute a quorum
- h. ~~The Mayor shall serve as an ex-officio member of all committees with the exception of Finance & Administration, and shall serve as a member and Chairperson of that Committee. The Mayor, when serving as an ex-officio member, shall not count as an appointed member for the purpose of establishing a quorum at all other Committee meetings~~ a member of all Committees for quorum purposes.

- 19. ~~The Mayor of the Council may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Council. No Committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.~~
- 20. In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.
- 21. The first and third Mondays of each month are designated as 'regular' council meetings with the provision that a unanimous vote of the council would cancel a meeting. Whenever a regular meeting falls on a legal holiday, such meeting will take place the following day.
- 22. Special meetings of the Town Council may be scheduled for other dates for special purposes. The agendas for such meetings shall be posted at the Post Office, Town Office, Town Bulletin Board, on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held). The agenda for a Special Meeting shall be prepared as follows;
 - A. Call to order
 - B. Subject(s) for meeting
 - C. Adjourn

The general public shall be allowed to comment on subjects at Special meetings in the same manner as for Regular Council meetings. There shall be no general Public Comment section for items not contained on the agenda for Special Council meetings.

- 23. Any item on the consent agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the consent agenda.
- 24. Council Meetings shall not extend beyond 10 p.m. without an affirmative vote of the Town Council.
- 25. The Councilor Comment section of the agenda is reserved for the purpose of enabling any Council member to discuss matters not previously

mentioned on the agenda. No official Council action can be taken at this time.

26. Sanctions – Council members who intentionally and repeatedly do not follow council rules may be reprimanded or formally censured by the Council. Serious infractions of Council Rules could lead to other sanctions as deemed appropriate by the Town Council.

This policy replaces the Council Rules last updated February 19, 2008.

Adopted by Town Council: May 21, 2012

Amended: January 21, 2014
 April 17, 2014
 May 19, 2014

D-4-b

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Hampden Sewer Customers
FROM: Angus Jennings, Town Manager
DATE: January 27, 2016
RE: Anticipated Increase in Sewer Rates

This sewer bill insert is intended to notify you of the following scheduled public hearing:

TAKE NOTICE: The Town of Hampden hereby gives notice pursuant to section 2.9 of the Town of Hampden Fees Ordinance, that the Town Council will conduct a public hearing at 7:00 pm on Tuesday, February 16, 2016 at the Hampden Municipal Building, 106 Western Avenue, for the purpose of receiving information and comments concerning Town of Hampden sewer rates. Sewer rates will be established by the Town Council based on information and comments received at the public hearing.

Denise Hodsdon
Town Clerk

My office has been working closely with the Town Council's Infrastructure Committee and with the Director of Public Works to evaluate the current sewer rate structure. The current rate structure, adopted in August 2009, does not provide adequate revenues to cover the sewer's operating and capital costs. In order to meet its financial obligations, the Sewer Fund has borrowed money from the General Fund, over the course of years, through Interfund Transfers.

At the public hearing, the Town Council will consider an increase in the sewer usage rates and capital charges. My recommendation to the Town Council will be to adopt a rate structure that:

- 1) Ensures that revenues cover operating and capital costs on an ongoing basis;
- 2) Generates enough revenue over and above Item 1 to enable the Sewer Fund to repay the Interfund Transfers from the General Fund over an established period of time; and
- 3) Re-establishes reserve accounts to support future system investments, including capital improvements, periodic maintenance, and emergency repairs.

If approved, new rates would take effect on April 1, 2016, and would first appear on your 2016 2nd quarter invoice to be mailed in July.

No one is happy about the need to increase sewer rates, and we understand the impact that an increase would have on sewer customers. We are working hard to ensure that all costs continue to be kept to the minimum necessary to operate and maintain this public utility.

More information on the sewer utility and the ongoing review of sewer rates can be found at:

www.hampdenmaine.gov/sewer



TOWN OF HAMPDEN PUBLIC HEARING NOTICE SEWER RATES

TAKE NOTICE: The Town of Hampden hereby gives notice pursuant to section 2.9 of the Town of Hampden Fees Ordinance, that the Town Council will conduct a public hearing at 7:00 pm on Tuesday, February 16, 2016 at the Hampden Municipal Building, 106 Western Avenue, for the purpose of receiving information and comments concerning Town of Hampden sewer rates. Sewer rates will be established by the Town Council based on information and comments received at the public hearing.

Denise Hodsdon
Town Clerk

Posted: January 28, 2016

Legal Notices

**TOWN OF HAMPDEN, MAINE
PUBLIC HEARING NOTICE
SEWER RATES**

TAKE NOTICE: The Town of Hampden hereby gives notice pursuant to section 2.9 of the Town of Hampden Fees Ordinance, that the Town Council will conduct a public hearing at 7:00 pm on Tuesday, February 16, 2016 at the Hampden Municipal Building, 106 Western Avenue, for the purpose of receiving information and comments concerning Town of Hampden sewer rates. Sewer rates will be established by the Town Council based on information and comments received at the public hearing.

Denise Hodsdon
Town Clerk

Feb. 1, 2016

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Hampden considers steep sewer fee hike to fix big deficit

Hampden out of money to pay for sewer service WCSH

7:47 p.m. EST January 20, 2016



(Photo: NEWS CENTER)

HAMPDEN, Maine (NEWS CENTER) -- Hampden Residents with sewer service could be in for some very serious sticker shock.

The town has racked up a deficit of about three quarters of a million dollars for its sewer service. Five-hundred and forty-thousand dollars of that is in loans the town has made to the sewer account from its general fund over the years and the rest is for unpaid bills to the City of Bangor to treat Hampden's sewage.

Town Manager Angus Jennings said the average ratepayer could see their sewer bills could go up between \$200-\$250 dollars per year.

"There were invoices going back for service going back to January of '14 that were unpaid. So we've since paid a couple of those bills but we're still outstanding about \$225 thousand," explained Jennings adding that he discovered in mid-October that the town's been borrowing money from itself to pay for sewer service for at least five years. Jennings started in late August. He said his predecessor used general fund money to cover the costs and that no one else knew of that practice.

"Within the town office and on the council there weren't people aware of the situation," said Jennings.

He said they will likely need to raise the rates to cover the cost of the service going forward, set aside money for capital costs and to pay back the town's general fund.

"It'll be significant and I'm not happy about that and the council's not happy about that but it's what's going to have to happen," he said.

Jennings said Hampden has only raised its sewer rates once in since 1992 and the amount the town collected simply wasn't covering the service.

Even with the steep increases proposed, Jennings said Hampen's rates would still be lower than Bangor and Brewer. Mailers are going out to residents in the next couple of weeks to explain the situation and the town is planning to hold a public hearing on February 16th to discuss the options.

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**Challenger disaster changed
NASA, future space travel**
01:31

[\(/videos/news/2869272248001/4726321361]((/videos/news/2869272248001/4726321361)



**Baby orca swimming with
pod caught on camera**
00:46

[\(/videos/news/2869272248001/4726241321]((/videos/news/2869272248001/4726241321)



Gaunce gets All-Star nod
01:16

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Code Enforcement - a
Division of Hampden
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Public Works

Sewer

The Town of Hampden operates a sewer utility that serves approximately 1,500 properties in town. The Sewer Fund operates as an Enterprise Account, and its finances and accounts are maintained separately from the town's General Fund.

The Director of Public Works exercises day to day operational oversight of the sewer, including maintenance and repairs, and this work is supported by a Utility Billing Clerk in the Town Manager's office.

Under the Town Charter, the Town Manager is responsible for preparing an annual budget for the Sewer Enterprise Account for approval by the Town Council. The Town Charter also establishes the authority of the Town Council to regulate the rates charged for the sewer utility. The sewer rates are included in Section 2.9 of the Fees Ordinance, and may be amended by the Council after a public hearing.

Sewer bills combine two charges: usage charges and capital charges. The usage portion of the bill is based on the customer's water usage measured in cubic feet. Customers are also billed a tiered capital charge of \$18.12 per 3,000 CF (per the formula in the Fees Ordinance). Customers showing no sewer usage during a particular quarter are still invoiced for the minimum capital charge (\$18.12).

The Town Council's Infrastructure Committee has been working with the Town Manager and the Director of Public Works to evaluate the current sewer rate structure and, as a result of increasing operational and debt service costs over the years, have determined that sewer rates are inadequate to cover costs. Detailed information regarding this work is available in the Infrastructure Committee's January 13, 2016 meeting packet.

WLBZ 2 in Bangor reported on Hampden sewer on January 20: Hampden Considers Steep Sewer Fee Hike To Fix Big Deficit

The Town Council will conduct a public hearing regarding amending the Fees Ordinance, with the purpose of increasing the sewer usage rates and capital charges, on Tuesday, February 16 at 7:00 PM.

In its deliberations, the Town Council will consider all testimony received prior to or within the public hearing.

Town Manager Angus Jennings

Telephone: 862-3034

townmanager@hampdenmaine.gov

Sewer

Public Works Director: Sean Currier

Recreation

Administrative Assistant: Rosemary Bezanson

Town Clerk

Telephone: 862-3337

Town Manager

Planning

publicworks@hampdenmaine.gov

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106 Western Avenue, Hampden, Maine 04444 (207) 362-3034

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D-4-c

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: January 28, 2016

RE: MSW proposals from PERC and MRC/Fiberight

On January 26, we received the final proposal from MRC/Fiberight for Municipal Solid Waste management beginning in March 2018. In December, we had received PERC's updated proposal for the same service.

Now that both proposals have been received, this issue is formally on the table for consideration. This matter has been added to the February 3 agenda for the Planning & Development Committee.

We are currently working to obtain an electronic copy of the MRC/Fiberight proposal to facilitate distribution. We will either receive this or, if not, will scan it for distribution, on Monday as part of the P&D meeting packet.

At the meeting on Monday, it will be helpful to set out a timeline and process for consideration of each proposal and, presumably, execution of an agreement.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: School Board, RSU #22
FROM: Angus Jennings, Town Manager
DATE: January 20, 2016
RE: Budget planning for FY17 / pending recommendation re McGraw Weatherbee

I am writing to follow on my January 5 correspondence to the Board. As expected, we have since received the final FY15 Audit; it arrived late Thursday. Find enclosed selected excerpts of the Audit which will most relate to you as Board members. If as Board members or as citizens you wish to review the entire audit, it is available online (www.hampdenmaine.gov click on "Agendas and Minutes; Town Council Finance and Administration Committee; 2016"). Overall budgetary trends documented in my January 5 correspondences to the Board will not be repeated here.

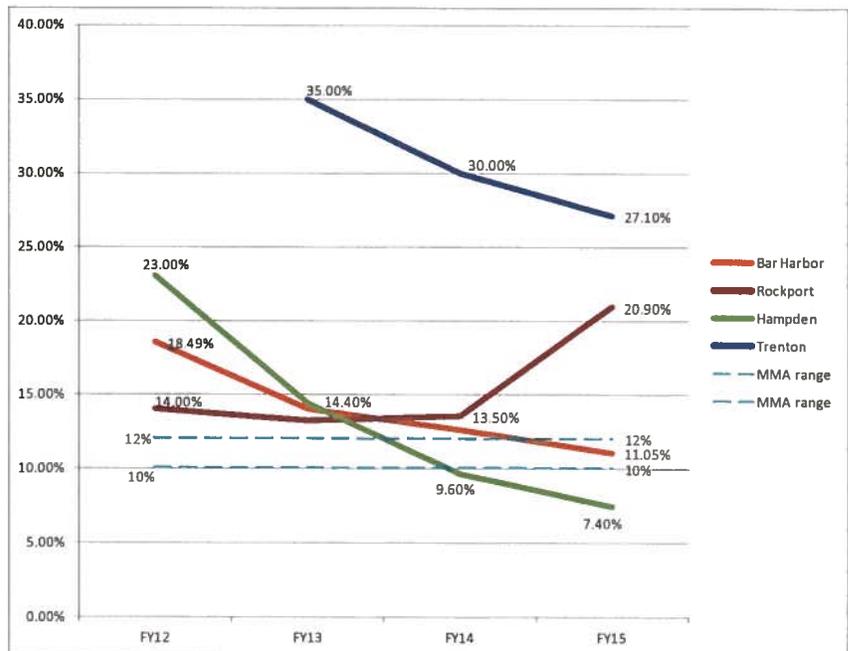
Unassigned fund balance is a useful measure of a government's net resources available for spending. This is an important number in the FY15 Audit in terms of understanding the Town of Hampden's overall financial picture. **The Maine Municipal Association recommends that communities maintain a balance of 10-12+% of their total budget.** A balance in this range will allow the municipality to stay current on its financial obligations throughout the year, despite cash flow variables, without resort to borrowing.

Many communities maintain their balances at or above the recommended range, and until a few years ago the Town of Hampden was able to do so as well:

Unassigned Fund Balance as a Percentage of Total Budget, FY12-FY15

Hampden and other towns

Source: James W. Wadman, CPA



However, as you can see, the Town of Hampden's position has worsened in recent years. The FY14 Audit was the first year that our balance of 9.6% fell below recommended levels; **as of year-end FY15 Hampden's unassigned fund balance had fallen to 7.4%. By the end of FY16, it is all but certain that this percentage will fall still further.**

This trend helps to explain why the Town Council authorized issuance of a Tax Anticipation Note (TAN) in fall 2015. This TAN, which we have not yet drawn from but expect to need to do so as early as next week, will allow the Town to maintain its financial obligations despite cash flow challenges. It is notable that **FY16 will be the first time in at least 15 years – and perhaps ever – that the Town of Hampden has needed to borrow in order to meet its current obligations.**

This was a significant occurrence as relates to the Town of Hampden financial management – and it was not unforeseen. In fact it was both known, and documented; in her April 7, 2015 letter to the School Board former Town Manager Sue Lessard put it well: *“Although we represent different segments of municipal services – we are really all in the same boat here. The same people are being asked to pay for all of the services and we must be mindful that we do not tax them to the point where they no longer support the work that is done.”*

My goal in appearing here tonight, on behalf of the Town Council, is to advance a dialogue between the Town and the RSU-22 Board regarding the FY17 budget. It is also important that the other communities in the District be engaged, and with our colleagues in Winterport, Newburgh and Frankfort we're working toward restoring a tradition of regional information sharing and collaboration from years past. We believe that the taxpayers in the District – both residents and businesses – expect that their public officials will work together toward best outcome solutions.

With regard to the action item on tonight's agenda regarding the McGraw-Weatherbee complex, I will reiterate my belief, and the Council's, that action on this matter – to the extent that it has implications for FY17 and beyond – would be premature. This year's Town budget process will, for the first time since 2008, include a capital planning process whereby all potential capital investments – in roads and sidewalks, public safety and public works vehicles, the town marina and recreational facilities, and schools – can be considered and prioritized side by side.

Given the backlog of projects, there is no question that worthwhile projects will be tabled, and programmed for the out years, if at all. Given the share of the overall budget allocated to RSU-22, it is clear that this process would be far more meaningful with the School Board's participation. Certainly, the School Board's action on the McGraw-Weatherbee project will have a ripple effect on the viability of other worthwhile community investments.

And, we're well aware that the School Board is working to resolve other outstanding budgetary issues – most notably the teacher contract – and we understand that given finite resources these matters cannot be considered in isolation. We believe it will be in the public interest for such trade-offs to be considered fully, within a public process. The consideration of priorities and trade-offs is, in fact, the essence of budgeting, and governance.

As the new Town Manager, I am advancing many priorities on behalf of the Town Council and the people of Hampden. However, there is none that is more important to me than ensuring a realistic, meaningful dialogue between the Town and the School Board to facilitate overall best outcome coordination on our respective preparation of proposed FY17 budgets.

I understand that some information-sharing practices that were routine in the past have waned in recent years, and part of my goal in meeting with you is to ensure we get this work back on track and that I – as a new collaborator in this effort – do my part to provide information to inform budget deliberations and support policy decisions.

The FY17 budget cycle will be challenging, and both I and the Town Council will be looking for the School Board to be a partner in our efforts to optimize taxpayer resources. As a citizen of Hampden I expect no less and as Town Manager, it informs my work every day.

cc: Rick Lyons, Emil Genest



Angus Jennings <townmanager@hampdenmaine.gov>

Thank you

1 message

Niles Parker <n Parker@mainediscoverymuseum.org>
To: townmanager@hampdenmaine.gov

Thu, Jan 21, 2016 at 10:51 AM

Angus,

Thank you very much for coming to the school board meeting last night. I thought your remarks were excellent and hopefully represent a good step for improved communications between town and schools. I also thought it was great that you and councilors/managers from Hampden, Winterport and Newburgh were in attendance.

I want to stress that I think it is important that the Board heard you and have become more aware of the financial realities that the Town is facing. Though we voted to proceed with the next phase of planning on the project, I want to reiterate that we are only talking about the next phase of planning...NOT proceeding on the actual construction itself. There is an important distinction that I hope is relayed and understood by all. You asked us to consider refraining from taking action on projects that would impact the next budget. Indeed, this next phase of planning should not impact the budget, as we have existing funds that will cover it. Beyond that, in future years, could be a different story obviously, but I think the school board's approach is two-fold: being cognizant of costs; but also mindful of the old adage—failing to plan is planning to fail. We are not prepared to do the latter, though we will try to respect the former.

With everything that is going on right now, I hope we can continue to maintain communication in the months ahead and continue to develop a collaborative approach to our towns' finances and planning efforts.

Thanks again!

Niles

—

Niles D. Parker
Executive Director
Maine Discovery Museum
74 Main Street
Bangor, ME 04401
(207) 262-7200 ext. 101
www.mainediscoverymuseum.org
Find us on Facebook!



Angus Jennings <townmanager@hampdenmaine.gov>

Fwd: January payment

1 message

Lyons Richard <rlyons@rsu22.us>

Thu, Jan 21, 2016 at 10:45 AM

Reply-To: rlyons@rsu22.us

To: Angus Jennings <townmanager@hampdenmaine.gov>

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

From: Angus Jennings <townmanager@hampdenmaine.gov>

Date: Thu, Jan 21, 2016 at 10:24 AM

Subject: Re: January payment

To: Lyons Richard <rlyons@rsu22.us>

Thanks. It's my understanding that, until last summer, the Town had a part-time worker from NESCOM who recorded both the Town Council and the School Board meetings. As a NESCOM affiliate, this person was able to borrow the remote video equipment from NESCOM. That individual is no longer available and, despite extensive efforts by us and our NESCOM contact, Rodney Verrill, we've been unable to find someone to record the meetings. We've also inquired about whether we could borrow or rent NESCOM equipment, but this doesn't appear to be viable.

So we have both a personnel and an equipment challenge. We've posted the attached part-time AV job ad to the town website, and provided the same job posting to Principal Larson following a meeting to discuss this need and other matters in early December. I know she's made efforts to make this opportunity available to students, especially those who have an interest in AV. We're only able to pay \$10-12/hr, and I would expect the weeknights may be a tough commitment for students, but if we could find a match we'd be delighted. And, if it ends up being a student with interest in college studies or post-HS work in this arena, it would be a good resume builder. If you know of any other ways we can be circulating this opportunity we'll welcome the help.

We're looking for someone to record the Town Council meetings, where equipment is built-in. Getting equipment for off-site recording is a separate challenge, and one we'll look into more closely if/when we find a worker. It may be that, once we have a specific person, that person could perhaps be authorized to borrow (or rent) NESCOM video equipment upon advance training, signing of whatever forms re liability/equipment damage, etc.

Does RSU 22 happen to have access to video recording equipment? If so this would simplify that part of the work. **I do not believe we do but will check with our Tech people. I also will talk to Principal Larson on student possibility.**

Re McGraw-Weatherbee, is it correct that whatever design funds have been/will be expended were already budgeted for FY16? **Yes, this is correct.** And, I'd like to understand the project timeline. The 12/14 presentation slides include a Gantt chart with a June 2016 referendum; is that correct and if not is there an anticipated referendum date? **This discussion will now occur as the Board has authorized the building committee. I would encourage your participation as this time line is constructed. I do not see a June 2016 referendum. I will keep you in the loop whether you can attend or not able to do so.** At this point I have one certain borrowing item for a fall 2016 referendum, the local cost share for improvements to Rte 1A. As we work through the capital planning process there *may* be additional items added to that bond issue, or brought forward through a separate but concurrent bond issue. I'd like to keep current re McGraw-Weatherbee timing and cost estimates, as they become available, so this will all be in coordination.

Thanks,
Angus

On Thu, Jan 21, 2016 at 9:55 AM, Lyons Richard <rlyons@rsu22.us> wrote:

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

From: **Angus Jennings** <townmanager@hampdenmaine.gov>

Date: Thu, Jan 21, 2016 at 8:48 AM

Subject: Re: January payment

To: Lyons Richard <rlyons@rsu22.us>

Rick,

Thanks for including my presentation on last night's agenda. Hopefully it contributed positively to the meeting and the Board's work ahead. I was glad you took the opportunity to frame some of the later discussion in terms of the tax base differences between the RSU-22 towns and our more industrialized neighbors.

Did the School Board take up the McGraw-Weatherbee last night, and if so what was the outcome? **Yes, they unanimously endorsed the concept to proceed with design.**

I note that the Board's meeting agenda refers to meetings being video recorded and available for public review. Is this accurate? I understand this did happen in the past, including last January to June or so through the budgeting process but am not aware if this practice has continued. **Yes, they were recorded but suddenly stopped with no notice from the Town. We would love to have them recorded.** If not, the Council has asked me to resume recordings so they can keep current on the Board's budgeting process. Let me know if this is already in place, or if not how this can be arranged.

The Town Council has Goals & Objectives sessions scheduled for Sat. Feb. 6 and 20, and I'll copy you on the overall Town budget calendar once it's finalized. Let's also plan to meet in early February so we can review how each of our calendars line up and set times for periodic check-ins re budgeting. **I will have my secretary set up a meeting with our four town leaders and Emil and me in mid- Feb..**

Thanks,
Angus

On Wed, Jan 20, 2016 at 5:27 PM, Lyons Richard <rlyons@rsu22.us> wrote:

Bring it with you

On Jan 20, 2016 4:21 PM, "Angus Jennings" <townmanager@hampdenmaine.gov> wrote:

Rick,

A check for this month's payment is being cut this afternoon. Would you like us to put that in the mail, or I can drop it off when I'm over there this evening? Let me know, thanks.

I've been out straight all day but will be at my desk now until this evening if you want to connect before the meeting -

Angus

—

Angus Jennings
Town Manager

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

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—
Angus Jennings
Town Manager

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—
Richard A. Lyons
Superintendent of Schools
Maine Regional School Unit #22
Veazie School District
Hampden, Maine 04444
[207-862-3255](tel:207-862-3255)

—
Angus Jennings
Town Manager

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

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—
Richard A. Lyons
Superintendent of Schools
Maine Regional School Unit #22
Veazie School District
Hampden, Maine 04444
[207-862-3255](tel:207-862-3255)



Part Time Ad - AV Video Recording.pdf

27K



Angus Jennings <townmanager@hampdenmaine.gov>

Meeting with town managers.February 25

1 message

Aurelio Gloria <gaurelio@rsu22.us>

Tue, Jan 26, 2016 at 8:40 AM

To: Frankfortselectmen@myfairpoint.net, "Joe Watson Jr." <jjwatsonjr@firehousemail.com>, Town Mgr-Hampden Angus Jennings <townmanager@hampdenmaine.gov>, Town of Newburgh <newburghmgr@uninets.net>, Town of Winterport <ppitula@roadrunner.com>

Cc: Lyons Richard <rlyons@rsu22.us>, Genest Emil <egenest@rsu22.us>

Mr. Lyons has set the meeting with town managers and Mr. Genest for Thursday, February 25 at 12:00 noon at Hampden Academy. Lunch will be provided.

I will be in touch before that time with more details and specific meeting area.

Thank you,
Gloria

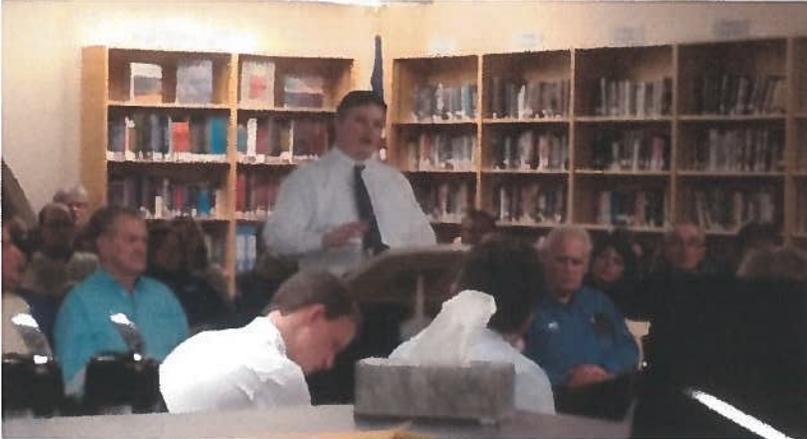
Gloria Aurelio
Administrative Assistant to
Richard A. Lyons, Superintendent of Schools
RSU #22
24 Main Road North
Hampden, ME 04444
and Veazie School District
PO Box 662
Hampden, ME 04444

(207) 862-3255 Phone

(207) 862-2789 Fax

BANGOR DAILY NEWS (<http://bangordailynews.com/>)

Hampden-area school board OKs plan to improve traffic flow (<http://bangordailynews.com/2016/01/21/news/bangor/hampden-area-school-board-oks-plan-to-improve-traffic-flow/>)



Dawn Gagnon | BDN

Hampden Town Manager Angus Jennings explains the town's financial situation during a meeting Wednesday night of the RSU 22 school board during which school officials considered plans for improvements at the McGraw-Weatherbee campus. *Buy Photo* (<http://store.bangordailynews.com/Other/Week-of-January-18-2016/i-mvxcjQ6>)

By Dawn Gagnon (<http://bangordailynews.com/author/dawn-gagnon/>), BDN Staff
Posted Jan. 21, 2016, at 4:40 p.m.

HAMPDEN, Maine — The RSU 22 school board approved Wednesday night a schematic design aimed at improving safety and traffic flow on the campus of the McGraw and Weatherbee schools, located off busy Route 1A.

The proposed site and traffic circulation improvement concepts developed by the Bangor architectural and engineering firm WBRC (https://www.google.com/url?q=http://www.wbrcae.com/&sa=D&ust=1453415509592000&usg=AFQjCNH2hyup9DBX3op_ul7znDNiAcsBIA) are the first part of the final phase of a master plan that the school district has been working on for more than two decades, according to Assistant Superintendent Emil Genest.

Proposed are changes to school bus and passenger vehicle traffic patterns, including student drop-off areas, playground locations and bus areas.

During the meeting, Genest said that plans are far from firmed up.

"This is not etched in stone. It is just concept," he said. Cost estimates have not yet been developed, and it's not yet clear if a referendum will be ready to go before district voters in June or November.

Plans for the improvements, however, come at a time when the district's member towns of Hampden, Winterport, Newburgh and Frankfort already are groaning under the weight of budget pressures unrelated to those they already are feeling from increasing education costs.

In recent correspondence and during a presentation Wednesday night to the school board, Hampden Town Manager Angus Jennings pointed out that the town's undesignated fund balance has fallen to 7.4 percent — well under the 10 to 12 percent recommended by the Maine Municipal Association. On top of that, sewer rates are inadequate to cover operational costs and debt service.

Jennings, who came on board last summer, also said that Hampden's streets and road reserve budgets for fiscal year 2016 were fully depleted before the year even began. And those were just some of the budget issues the town is facing, which include the need to maintain its roads and sidewalks, invest in public safety and public works vehicles, the town's marina and recreational facilities.

For the first time in at least 15 years — and perhaps ever — the town needs to borrow money, he said, adding that the town, which adopted a \$6.8 million budget for this fiscal year, has had to issue a tax anticipation note for up to \$2 million in order to meet its cash flow needs.

"Given the backlog of projects, there is no question that worthwhile projects will be tabled" and rescheduled, "if at all," he said Wednesday night. "Given the share of the overall budget allocated to RSU 22, it is clear that the [town's budget development process] would be far more meaningful with the school board's participation."

Though he didn't take to the podium during the meeting, Winterport Town Manager Philip Pitula pointed out that in a Jan. 4 letter to school officials the breakdown for the town's property taxes this year amounted to 83.10 percent for education, 13.60 percent for the county tax and only 3.3 percent for municipal needs.

"As we approach the next budget cycle along with the last phase of the master plan for RSU 22, the [Town] Council felt that it was imperative to intervene early in the process, as they feel that our residents cannot absorb continuing out of control increases," he said.

Part two of the master plan's final phase, which will be dealt with later, will include possible construction to alleviate crowding resulting from enrollment growth at the two schools, which house Hampden's prekindergarten through grade five student populations. It also will explore the feasibility of connecting the two schools and create space for art and music instruction.

<http://bangordailynews.com/2016/01/21/news/bangor/hampden-area-school-board-oks-plan-to-improve-traffic-flow/>

(<http://bangordailynews.com/2016/01/21/news/bangor/hampden-area-school-board-oks-plan-to-improve-traffic-flow/>) printed on January 28, 2016



D-5-a

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 2/1/2016

Public Hearing: Yes No X

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

NAME: Wang & Lo, Inc. Wan Pong Lo
d/b/a Fresh Ginger Individual
Business Name Individual

ADDRESS: 64 Main Rd. North PHONE: 862-6208

MAP/LOT: Map 36, Lot 19 DATE: 1/20/2016

DEPARTMENT REPORT:

NO CONCERNS

DATE: 1/21/16

BY: [Signature] President of Public Safety
Title:

BY: _____
Title:

To: Hampden Town Council or whom it may concern

From: Wang & Lo Inc dba Fresh Ginger
64 Main Road North
Hampden ME 04444

Date: January 19, 2016

Please waive the public hearing for my liquor license since I had held a Maine liquor license for the past 8 years. Thank you.

Sincerely

A handwritten signature in blue ink, appearing to read 'Wan Pong Lo', with a long horizontal flourish extending to the right.

Wan Pong Lo

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



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

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 02/28/16

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTINONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Wang & Lo Inc</u> DOB:			2. Business Name (D/B/A) <u>Fresh Ginger</u>		
DOB:					
DOB:			Location (Street Address) <u>64 Main Road North</u>		
Address <u>64 Main Road North</u>			City/Town <u>Hampden</u>	State <u>ME</u>	Zip Code <u>04444</u>
			Mailing Address <u>64 Main Road North</u>		
City/Town <u>Hampden</u>	State <u>ME</u>	Zip Code <u>04444</u>	City/Town <u>Hampden</u>	State <u>ME</u>	Zip Code <u>04444</u>
Telephone Number <u>(207) 862-6208</u>		Fax Number <u>(207) 862-6185</u>		Business Telephone Number <u>(207) 862-6208</u>	
Federal I.D. # <u>20-4185150</u>				Fax Number <u>(207) 862-6185</u>	
			Seller Certificate # <u>1088507</u>		

EMAIL ADDRESS: Suelinna@yahoo.com

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ 570.141⁰⁰ LIQUOR \$ 8,655.00
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Shu Lin
8. If business is NEW or under new ownership, indicate starting date: N/A
 Requested inspection date: _____ Business hours: Sun-thur 11am-9pm Fri-SAT 11am-10pm
9. Business records are located at: 64 Main Road North Hampden ME 04444
10. Is/are applicant(s) citizens of the United States? YES NO
11. Is/are applicant(s) residents of the State of Maine? YES NO
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
 Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Wan Dong Lo</u>	<u>05/10/73</u>	<u>China</u>
<u>Tan Xia Wang</u>	<u>11/05/73</u>	<u>China</u>
<u>Shu Lin</u>	<u>08/11/77</u>	<u>China</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Wan Dong Lo - Brewer, ME Shu Lin - Brewer, ME
Tan Xia Wang - Brewer, ME

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

Name: _____ Date of Conviction: N/A
 Offense: N/A Location: _____
 Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: kin Jun & Cholada Wong 100 Ballfield Road Hampden ME 04444

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) TAKE OUT AND Dine-in restaurant, A free standing Building.

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile Which of the above is nearest? School

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

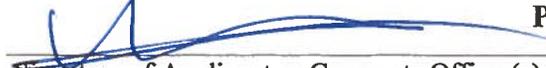
If YES, give details: N/A

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

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

Dated at: Hampden ME on 01/12, 20 16
Town/City, State Date

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
WAN PONG LO
Print Name


Signature of Applicant or Corporate Officer(s)
Wan Pong Lo
Print Name

NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

FILING FEE..... \$ 10.00

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

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



STATE OF MAINE

Dated at: Hampden, Maine Penobscot SS
City/Town (County)
On: Feb. 1, 2016
Date

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

For Office Use Only:
License #: _____
Date Filed: _____

**Supplemental Information Required for
Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name: Wang & Lo Inc
2. Other business name for your entity (DBA), if any: Fresh Ginger
3. Date of filing with the Secretary of State: 02/01/06
4. State in which you are formed: Maine
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: N/A
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Wan Pong Lo	135 oak Grove Drive Brewer ME 04412	05/10/73	50%
Tan Xin Wang	29 Whitney Court Brewer ME 04412	11/05/73	50%

7. Is any principal person involved with the entity a law enforcement official?

Yes No

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: N/A Agency: N/A

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: N/A

Date of Conviction: N/A

Offense: _____

Location of Conviction: N/A

Disposition: N/A

Signature:


Signature of Duly Authorized Person

01/12/15
Date

Wan Dong Lo
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries:

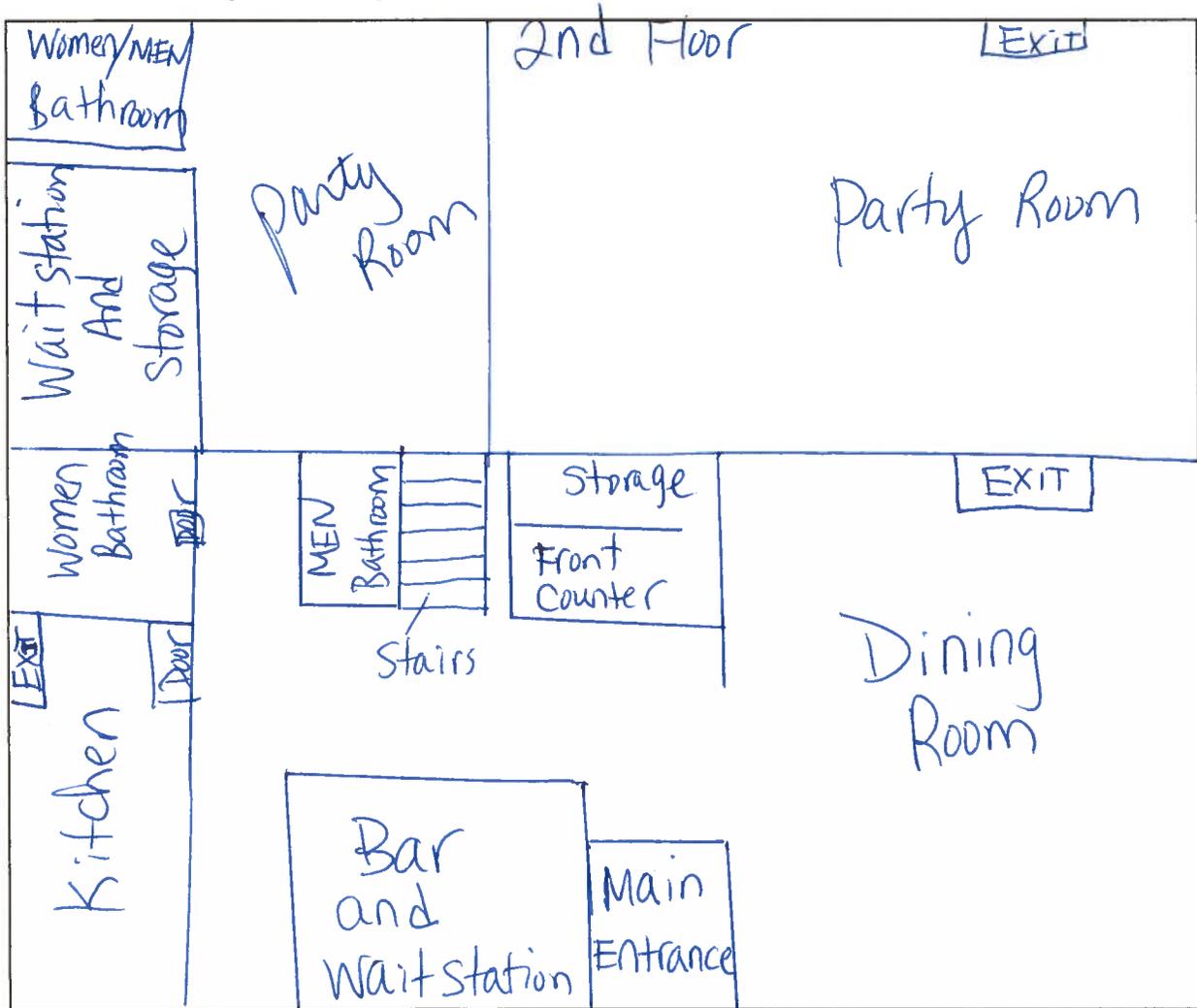


Bureau of Alcoholic Beverages
Division of Liquor Licensing & Enforcement
8 State House Station
Augusta, ME 04333-0008
Tel: (207) 624-7220 Fax: (207) 287-3434

SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





D-5-b

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: _____

Public Hearing: Yes _____ No X

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

NAME: John Calkins
~~Business~~ Name Individual

ADDRESS: 295 Main Rd. So. PHONE: 862-3246

MAP/LOT: Map 47, Lot 4 DATE: 1/7/2016

DEPARTMENT REPORT:

MEETS REQUIREMENTS.

DATE: 1/14/16

BY: [Signature]
Title: Fire Inspector

BY: [Signature]
Title: CEO



TOWN OF HAMPDEN

OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSE APPLICATION

INSPECTION REQUIRED

Application Date: 1/7/2016

Property Information:

Property Owner's Name: John Calkins **Phone #:** 862-3246

Street Number: 295 **Street Name:** _____

Mailing Address: Main Rd, So.
Hampden, Maine 04444

Zoning District: rural (not permitted in Resource Protection District)

Lot Size: 35+ Acres Square Feet (3 acre min. lot size)

Outdoor Wood-fired Boiler Setback to Nearest Property Line: 162.7 feet (150 ft. min.)

Distance to Nearest Residential Structure: 300.6 feet (200 ft. min.)

Assessor's Tax Map: 47-0-004 and Lot: _____

1. Please complete plot plan (see other side) drawn to scale showing the location of the outdoor wood-fired boiler in relation to property lines and existing structures.
2. Please include installation instructions provided by Manufacturer.

I have received a copy of the *Town of Hampden Fire Prevention Code*
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not obtain the permit required by section F-308.3.1 of said ordinance.

I have received a copy of the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance*
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not comply with sections 4.2, 4.3, and 4.4 except that the units shall not be made any more non-conforming.

I have received a copy of DEP *Chapter 150: Control of Emissions From Outdoor Wood Boilers*
QUESTIONS: PLEASE CALL DEP: 287-2437

I hereby agree to operate my outdoor wood-fired boiler in accordance with the *Town of Hampden Fire Prevention Code* and the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance*. I also acknowledge my responsibility to renew my license annually.

Owner Signature: John Calkins **Date:** JAN, 4, 2016

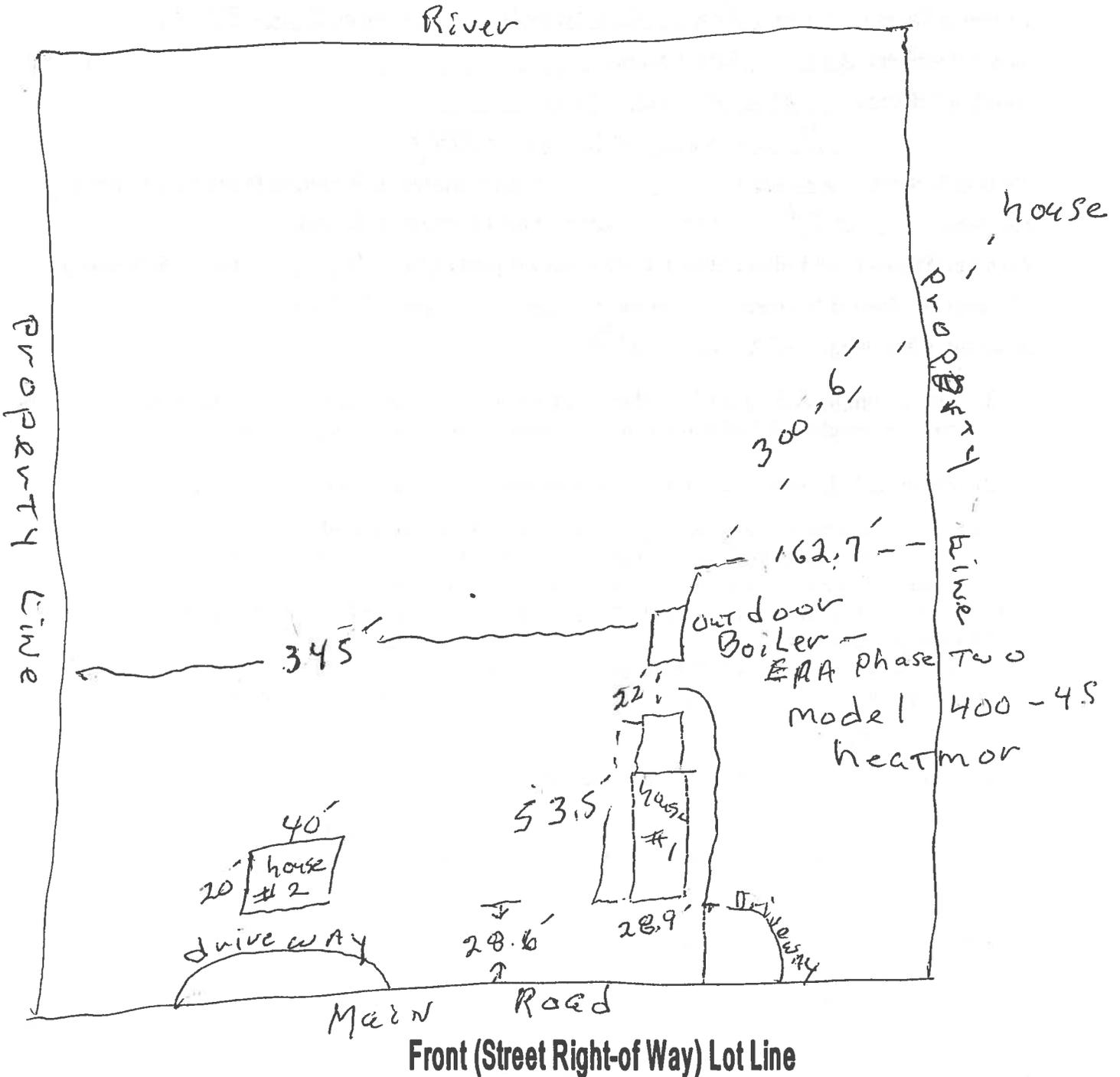
Hampden Town Council Action: Approved Denied Date: _____

Code Enforcement Officer Signature: [Signature] **Date:** 1/14/16

***This License Expires:** _____
Date

Plot Plan

Please be as detailed as possible. Include all existing and proposed structures, wells, septic areas, driveways, etc. Also include setbacks of structures from each other and property lines.



I HEREBY ATTEST THAT THE ABOVE DRAWING AND DIMENSIONS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Applicant John Collier date 1/14/16

Signature of Owner John Collier date 1/4/16

**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

AMENDED: Hampden Town Council, January 22, 2013
Effective Date: February 21, 2013

CERTIFIED BY: Denise Hodsdon
Denise Hodsdon
Town Clerk

Affix Seal

**OUTDOOR WOOD BOILER ANNUAL LICENSING ORDINANCE
CONTENTS**

ARTICLE	PAGE
1. TITLE AND PURPOSE.....	2
2. DEFINITIONS.....	2
3. ANNUAL LICENSE REQUIRED.....	3
4. SPECIFIC REQUIREMENTS.....	5
5. REVOCATION OF LICENSE.....	7
6. WAIVERS.....	7
7. PENALTIES.....	8
8. EFFECT ON OTHER REGULATIONS.....	8
9. SEVERABILITY.....	8
10. EFFECTIVE DATE.....	8

TOWN OF HAMPDEN, MAINE
OUTDOOR WOOD BOILER ANNUAL LICENSING ORDINANCE

The Town of Hampden hereby ordains:

ARTICLE 1
TITLE AND PURPOSE

1.1. Title. This Ordinance shall be known as the "Town of Hampden, Maine Outdoor Wood Boiler Annual Licensing Ordinance." (Amended: 12-21-09; 1-22-13) (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 Ordinance, the following terms shall have the meanings indicated: (Amended: 1-22-13)

"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 licenses shall be made to the Town Clerk on the forms provided.
(Amended: 1-22-13)

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: (Amended: 1-22-13)

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 (Added 1-22-13)

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)*

4.4.1. Property Line Setback	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)*

4.4.2. Neighboring Residence Setback	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 be 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.