HAMPDEN TOWN COUNCIL

HAMPDEN MUNICIPAL BUILDING

AGENDA

MONDAY MARCH 7, 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. February 16, 2016 Meeting Minutes
   b. February 22, 2016 Special Meeting Minutes

3. COMMUNICATIONS

   a. Manager Jennings/DEP –Response to 12/28/15 Letter re MS4 Stormwater
   b. Erickson Family – Notice of Purchase of Schacht's Hardware
   c. Lowell T. Sherwood, Jr. – Application for Appointment to Library Board of Trustees – Referral to Services Committee
   d. CSO Annual Report to Maine DEP
   e. MDOT/Town – Route 1A Project

4. REPORTS

   a. Finance Committee Minutes – 2/1/2016
   b. Infrastructure Committee Minutes – 1/13/2016
   c. Planning & Development Committee Minutes – 2/22/2016

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

   a. Denise Hodsdon Retiring Town Clerk Recognition of 15 Years of Service
   b. Welcome Newly Appointed Clerk Paula Scott

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

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

    a. Appointment of Paula Scott as Registrar of Voters

    b. Nomination of Paula Scott as Agent for Department of Inland Fisheries and Wildlife

4. UNFINISHED BUSINESS

    a. Service Fees – Finance Committee Recommendation
        1. Abatements
        2. Process for Collections

    b. HVAC System Quote – Recommendations of Infrastructure and Finance Committees

5. NEW BUSINESS

    a. Dangerous Building Hearing Notice

    b. Budget Adjustment for TIF CEA Payments

    c. Foreclosed Properties – Request to Advertise for Public Sale

        1. Map 13, Lot 27-A – Kathleen Henry
        2. Map 41, Lot 18 – Sherri Chen
        3. Map 1, Lot 56 – Brian Sullivan
        4. Map 3, Lot 18-A – Highland Ridge Real Estate

    d. Hampden Business Park – Renewal of Authorization to Sell Agreement with Epstein Commercial Real Estate – Planning & Development Committee Recommendation

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT

B-2-a

HAMPDEN TOWN COUNCIL

HAMPDEN MUNICIPAL BUILDING

MINUTES

TUESDAY FEBRUARY 16, 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 Attorney Ed Bearor
Town Manager Angus Jennings
Town Clerk Denise Hodsdon
Public Works Director Sean Currier
Media Representatives
Citizens

Mayor Ryder called the meeting to order at 7:00 pm.

A. PLEDGE OF ALLEGIANCE – *Mayor Ryder led the Pledge of Allegiance.*

B. CONSENT AGENDA – *Councilor McAvoy requested that Item B.3.a. be set aside and Councilor McPike requested that Item B.4.b. be set aside. Motion by Councilor Marble, seconded by Councilor Sirois to accept the balance of the Consent Agenda. Unanimous vote in favor.*

1. **SIGNATURES**

2. **SECRETARY'S REPORTS**

   a. **February 1, 2016 Meeting Minutes**

3. **COMMUNICATIONS**

   a. **Penobscot-Downeast Cable Television Consortium – Broadcast Equipment Reimbursement** – *Councilor McAvoy said he has heard that this organization supposedly does some sort of negotiating for us or is the liaison between the cable supplier and the Town. He asked what do they actually do for us, what is the purpose of belonging to the organization, and who benefits from it? We currently get a franchise fee of 3% from Time Warner, which is a variable amount paid to the Town over a period of time and he doesn't believe that is a negotiated item that requires any interaction. We pay an annual dues to belong and he would like to see a copy of the agreement. Additionally he would like to know how much they charge us; who has the money gone to and how much have we got from it.*
   b. **DHHS – General Assistance Review**
   c. **DHHS – MaineCare Estate Recovery Program**
   d. **Fresh Ginger Restaurant – Victualers License Renewal**
   e. **Maxim Fitness Studio & Health Spa – Victualers License Renewal**

4. **REPORTS**

a. **Finance Committee Minutes – 1/19/2016**
b. **Services Committee Minutes – 1/11/2016** – *Councilor McPike noted that these minutes reflected a 6-0 vote to accept the minutes of the December 14, 2015 Services Committee meeting. Councilor McPike felt that since he was not a member of the committee in 2015 he was not able to vote to accept the minutes. The 1/11/2016 minutes will be amended to reflect the correct vote of 5-0-1 with Councilor McPike abstaining.*

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. **NEWS, PRESENTATIONS & AWARDS**

2. **PUBLIC HEARINGS**

a. **Amendments to Fees Ordinance – Article 2.9 Sewer Rates –** *Manager Jennings explained that the sewer fund has been operating at a deficit for a number of years. In order for the sewer fund to stay current with its bills over the years, it has relied on a number of interfund transfers from the general fund, which are essentially zero-interest loans. As of the end of FY15, the balance due from the sewer fund to the general fund was $541,666 and so far this year in order for the sewer fund to make debt service payments, additional interfund transfers of approximately $110,000 have taken place. He prepared a fee estimating worksheet which allows for changes to budget expense amounts, the service charge, the capital charge as well as the tier at which the capital charge doubles and triples under the terms of the ordinance. He included estimated FY17 expenses for the sewer in the amount of $940,000 and the Public Works Director has some additional information as to whether that is the correct number to use. For purposes of discussion, Manager Jennings prepared five different scenarios of combinations of service charge, capital charge and multiplier for capital charge that would achieve those revenues for FY17 (copies attached and made a part of the minutes). He pointed out that if the rates are adjusted before the end of February, it will take 30 days for the ordinance amendment to go into effect. He recommended that the rates be changed before the end of the month so that they will go into effect for the second-quarter billing beginning on April 1st. The additional revenues from the rate adjustment would first come in during July or August. Mayor Ryder then opened the hearing for public comment.*

***Jim Kiser** of 15 Constitution Avenue said he understands the basis for this but is disappointed in the aspect that we are looking at a rate*

increase that essentially doubles everybody's sewer bill. In reviewing his own personal bill, if he uses the same amount this year as he did last year, his cost will go from $240 to $450. He said he knows it is not an easy thing and that we are all probably going to have to bite the bullet but it wasn't that long ago that the rates were increased, at which time the increase was about 30% and now we are looking at a 50% increase. He feels these are substantial jumps over the time period involved, especially for citizens who are not on an escalating income basis. This will be a very difficult factor for them to bite over. He said for us to continually rely on the transfers from the general fund over the years seems like poor mismanagement. He said that a number of years ago we went through the same issue with the water rates and went from a fairly low water rate town to one of the highest water rate towns in the State. He feels that a comparison of what rates other towns are paying needs to be done to see where it is going to put us overall. He thinks the Council needs to take a strong look and do the best they can to help the citizens where they can.
Manager Jennings noted that the last rate increase was in 2009 when the service rate went from $3.28 to $4.28 and the capital charge was not adjusted at that time. The last increase prior to that was in 1998. In terms of comparative rates, the Maine Rural Water Association's 2013 Wastewater Rate Survey was uploaded to the Town's website. Section 4 of the report talks about the annual user cost for 8000 cubic feet of usage. A Hampden customer with that amount of usage had an annual charge of $414.00 and there are a number of communities with higher annual costs.

***Jane Jarvi** of 10 Sophie Lane thanked Manager Jennings for doing the exemplary job of finding issues and addressing them in a timely fashion. She totally agrees that the rates need to increase based upon usage. She said she understands setting up a reserve fund and feels that is totally appropriate. However, her challenge is with paying back the interfund transfer. She said as users of the sewer system we did not have a voice in that decision and none of the current Council members did either, but the Council made the decision at the time to incur debt in our name and now after several years, "surprise, you get to pay". She said that bothers her, and it bothers her that it is only on the people who utilize the sewer system when it was the entire town that made the decision; and it is going to all the users of the sewer system whether or not they lived here at the time those interfund transfers were made. She understands that the Town is doing a very good job of being fiscally responsible going forward but to saddle on 1/7th of the residents of our town, this additional bill, and many us didn't even live in the Town at that time, that is of concern to her. She wants it equitably addressed for all the citizens of Hampden because it was their representation that incurred the debt. If the interfund transfer could be abolished up to a certain point or be absorbed by all citizens, she thinks that would be a more equitable way to address that issue.*

Jeremy Jones *of the Partridge Road thanked Manager Jennings and his crew for uncovering this misappropriation of taxpayers' funds and bringing it out in public, exposing it to the light of day so that we as a Town can right this wrong and integrate a system and procedures so that it never happens again. He hopes that some accommodation can be made for sewer users on fixed incomes and special hardships to ease the payment schedule, lest yet another resident be driven from Hampden. He asked "so is this a forced loan or a slush fund?" Basically our taxes have been jacked up to subsidize someone flushing their toilet in town. He said the beneficiary is the sewer user, while we in rural areas pay our own engineer to design a system, contractor to install the system, have it inspected and pay to have it pumped and maintained. For that fund that was used to pay off the sewer, the beneficiaries were the users. They also paid an increase in taxes but they were the beneficiaries; rural users were not. He said the need for oversight with checks and balances is painfully obvious here.*

Alex King *of Ichabod Lane said he lives in the rural district and has never been on town water and sewer, but he is in favor of not charging them for the infrastructure charge of the transfers. He feels that everybody in town benefits from the infrastructure increases because if we have a new development come off that new line, it is people that are not using it now that will benefit from that infrastructure. The people that are on it now and have been undercharged also pay taxes here, so they are already paying a good part of that infrastructure charge. He asked how much the infrastructure charge would be as part of the increase. He asked the Council to consider just the increase for the ongoing continual price for them to pay the fair share, but not the infrastructure.*

Public comments were closed at 7:25 pm.

Manager Jennings explained that before setting rates, he had to make some assumptions in terms of what the expenses would be in FY17. The sewer fund will have a separate formal budget hearing concurrent with the other budget hearings but for tonight's discussion, he has put forth a draft expense budget for FY17. He noted that any of the numbers on his spreadsheet could be changed throughout the course of the discussion in order to see what the effect would be. Using the estimated $940,000 expense budget, with a $100,000 reimbursement to the general fund, 11% of every dollar paid to the sewer fund would go toward paying back the interfund transfer.

Public Works Director Sean Currier explained some of the costs included in the expense budget. He explained that in addition to pass-through costs from the City of Bangor, the Town is responsible for maintaining the system and there is additional cost for that, which we need to budget for. He said there is CSO maintenance that needs to be done soon and it would be his recommendation to include that in

the budget for FY17. It is his overall goal to get the sewer system to a preventative maintenance system versus reactive. There are other maintenance items that could be spread out over time, but the CSO maintenance is a more urgent need.

During discussion Manager Jennings made several adjustments to the budget expense amounts and to the service charge and capital charge rates on the estimating worksheet for the five different scenario combinations to show what effect each would have on the users.

Councilor Marble commented that Scenario E seems to have the least impact on those whom he would assume to be single users. Following further discussion, Councilor Marble moved and Councilor McPike seconded to adopt Scenario E to set the sewer service charge rate at $9.74 without a capital charge. Following additional discussion, vote on the motion was 6-1 (Cormier); motion carried.

During discussion of rates in the remaining sections of Article 2.9 of the Fees Ordinance, it was noted that the fees in Article 2.9.2. need to be zeroed out. It was the consensus that the increase in the rates set out in Articles 2.9.1.1; 2.9.1.2; 2.9.3; and 2.9.4 should reflect the same percentage increase as the service charge rate applied to the median use customer, which would be 69%. Motion by Councilor McPike, seconded by Councilor Marble to increase the rates in Articles 2.9.1.1 and 2.9.1.2 by 69%; to zero-out the rates in Articles 2.9.2.1; 2.9.2.2; 2.9.2.3; and 2.9.2.4; and to increase the rates in Article 2.9.3 and 2.9.4 by 69%. Vote on the motion was 6-1 (Cormier); motion carried.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. **Aimee Smith – Reappointment to Board of Appeals – Finance Committee Recommendation** – *Motion by Councilor Sirois, seconded by Councilor Wilde to reappoint Aimee Smith to the Board of Appeals. Unanimous vote in favor.*

4. UNFINISHED BUSINESS

a. **License Plate Issuance Policy Review – Finance Committee Recommendation** – *Motion by Councilor Wilde, seconded by Councilor Marble to accept the Finance Committee's recommendation to continue with the current policy until the end of the fiscal year. Unanimous vote in favor.*

b. **Goals & Objectives Update** – *As part of the Council packet, Manager Jennings had provided copies of the slides he presented at Part 1 of the Town Council/Manager Goal Setting on February 6th. There was no further discussion of these materials. Part 2 of the Town Council/Manager Goal Setting is scheduled for 8:00 am on Saturday, February 20th at the Town Office.*

5. NEW BUSINESS

a. **Library Lighting & Electrical Work Bid Results – Finance Committee Recommendation** – *Upon recommendation of the Finance Committee, Councilor Wilde moved and Councilor McAvoy seconded to accept the bid from Elco Electric to include Alternate D1 and Alternate M in the total amount of $19,267.00. Unanimous vote in favor.*

b. **Confirmation of Town Manager's Appointment of Town Clerk** – *Motion by Councilor McPike, seconded by Councilor Marble to confirm Manager Jennings' appointment of Paula Scott as Town Clerk. Unanimous vote in favor.*

c. **Appointment of Finance & Administration Committee Chair** – *Mayor Ryder appointed Councilor Sirois as Chair of the Finance & Administration Committee.*

E. COMMITTEE REPORTS

Services Committee *– Councilor McAvoy reported that at its last meeting the Committee discussed the disposition of cash in lieu of land. There is approximately $70,000 in that account and the consensus seems to be that those funds must be applied to current parks and recreational facilities. The next meeting will be at 6:00 pm on Monday March 14th.*

Infrastructure Committee *– The next meeting will be at 6:00 pm on Wednesday, February 17th.*

Planning & Development Committee *– Councilor McPike reported that at its last meeting, the Committee discussed information relative to dangerous buildings with the Code Enforcement Officer and reviewed the municipal solid waste disposal proposals from MRC/Fiberight and PERC. The next meeting is at 6:00 pm on Monday, February 22nd to be followed by a special Council meeting at 7:00 pm regarding the MRC/Fiberight and PERC proposals.*

Finance & Administration Committee *– Councilor Sirois reported that in addition to items already discussed by the Council this evening, the Committee discussed the invoice from Woodard & Curran regarding the natural gas feasibility study and heard a presentation from the Auditor regarding the FY 2015 Audit.*

F. MANAGER'S REPORT – *Manager Jennings had no report, but thanked the Council and public for their patience in what was a somewhat grueling public hearing.*

G. COUNCILORS' COMMENTS

Councilor McAvoy *thanked Manager Jennings for the incredible amount of work he put in to the sewer rate issue. He reminded everyone to shop local and buy American.* ***Councilor Marble*** *noted that there will be no District 2 Hot Stove session this month due to the Council's Goals & Objectives meeting on Saturday February 22nd. He also informed everyone that there is a bone marrow drive on March 12th at Hampden Academy for a resident who is suffering from leukemia. He also echoed Councilor McAvoy's kudos to the Town Manager.*

Councilor Wilde *thanked Manager Jennings, Public Works Director Sean Currier and everyone else involved in trying to figure out the sewer rate structure. He appreciated all their hard work.*
Councilor McPike *reminded everyone about the Planning & Development Committee and special Council meetings on Monday, February 22nd. He stressed that these will be critical meetings to review the MRC/Fiberight and PERC proposals.*
Councilor Sirois *also thanked Manager Jennings for his efforts in the challenging sewer rate issue. He emphasized that the Council does not take this responsibility lightly especially to the residents of Hampden understanding the impact it will have on them and their budgets, but it is necessary to pay our bills and at the same time pay back the monies owed the general fund.*
Mayor Ryder *thanked Manager Jennings and Public Works Director Sean Currier and appreciated all the hours they put in on the sewer rate issue. He said sometimes we hear that the Town isn't being transparent and is hiding things, but he feels this a classic case that we are not hiding anything. We have let the residents know that mistakes were made, but we are working to rectify those.*

H. ADJOURNMENT – *There being no further business, the meeting was adjourned at 9:19 pm.*

Denise Hodsdon
Town Clerk

B-2-b

HAMPDEN TOWN COUNCIL

HAMPDEN MUNICIPAL BUILDING

MINUTES

MONDAY FEBRUARY 22, 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
Public Works Director Sean Currier
CEDD Dean Bennett
Greg Lounder and Karen Fussell, MRC
Media Representatives
Citizens

Mayor Ryder called the special meeting to order at 7:00 pm.

A. PLEDGE OF ALLEGIANCE – *Mayor Ryder led the Pledge of Allegiance.*

B. DISCUSSION OF PROPOSALS FOR MUNICIPAL SOLID WASTE DISPOSAL AFTER 2018: MRC/FIBERIGHT PROPOSAL; AND PERC PROPOSAL – *Mayor Ryder opened the floor for public comment regarding the two proposals received from MRC/Fiberight and from PERC to contract for Municipal Solid Waste services beginning when the Town's current contract with PERC expires in 2018. There was no public comment. Councilor McPike made a motion to accept the MRC/Fiberight proposal, and to authorize the Town Manager to execute the Joinder Agreement. The motion was seconded by Councilor Sirois. Mayor Ryder opened the floor for discussion, and provided a summary of the discussion that had occurred earlier in the evening at the Planning & Development Committee meeting. Councilor Marble spoke about the numerous discussions that have been held at the Planning & Development and Infrastructure Committee meetings regarding this subject. He said that some decisions are made based on a high level of assurance. The MSW proposals are so comprehensive, and have so many moving parts, that the decision does not feel clear cut. He said that the MRC has a long history of acting in the interests of municipalities. Councilor McPike's motion was approved 7-0.*

C. ADJOURNMENT – *There being no further business, the meeting was adjourned at 7:06 pm.*

Respectfully submitted,
Angus Jennings,
Town Manager

B-3-a

Town of Hampden
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March 1, 2016

Jana Wood
Industrial Stormwater Inspector
Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401

Dear Ms. Wood,

This letter is submitted in response to your letter dated December 28, 2015. The responses below are organized and numbered based on the questions and responses included in your letter.

MS4 response to DEP letter of 12/28/15

Term of report PY2: July 1, 2014 to June 30, 2015

Question 1A. Yes, both the Town Council and Planning Board received updates on stormwater management issues during PY2. The former Town Planner, Bob Osborne, appeared before the Town's Planning Board on March 11 to present a "Stormwater 101" session focused on construction and post-construction topics related to the MS4 Permit. The Town's stormwater consultant, Phil Ruck P.E. of Stillwater Environmental, appeared before the Town Council on June 1, 2015 to present "Stormwater 101." This session focused on current regulatory issues and the Town's progress with their MS4 Permit. During the site plan and subdivision review process, a determination is made on each application regarding whether the proposed development requires stormwater review under the town's Post-Construction Stormwater Management Ordinance. During the term of the report, the Planning Board issued four site plan approvals and four subdivision approvals. Of these, none met the thresholds requiring preparation of Post-Construction Stormwater Management Plans.

Through these reviews and its oversight responsibilities, the Planning Board is very familiar with their obligations related to stormwater requirements, and the Town Council understands the town's responsibilities. In addition, each department head prepares monthly reports to the Town Council on topics including stormwater management.

Question 1B. The question refers to an indication in the approved plan that a monthly department head meeting would be held to cover MS4 topics. The language in the Town's Stormwater Management Plan is as follows:

> "Typically, staff meet once a month in the afternoon after the monthly BASWG meeting for about an hour or two, depending on what needs to be worked on or discussed. Every other month or as needed, the contracted stormwater consultant will also meet with staff to help keep staff on track with regards to permit compliance needs."

The Town's Stormwater Working Group, including the Town Manager and our Public Works, Planning, Code Enforcement, Public Safety, and GIS departments, met monthly during the term of the PY2 report. The town's stormwater consultant participated in meetings every other month, and as needed. During the term of the report, there were staff changes in Public Works, Planning, Code Enforcement and GIS, and the Town Manager retired and was serving in an interim capacity during the final quarter of PY2. Despite this staff turnover the town has maintained its focus on stormwater and has continued this regular meeting schedule.

Request 2A. Through FY14, the town participated in and promoted the Household Hazardous Waste events held by the City of Bangor. Bangor did not hold a HHW event in FY15. However, the town has prepared a flyer to inform residents of HHW disposal options (attached), and during PY3 made this available on the town website, posted it to the town's Facebook page and included this flyer in a mailing sent to every home in town. Updated information will be included in our PY3 report.

Question (no number), Page 4. The town has identified and mapped which properties within the MS4 are served by septic systems. During PY3 we are working to complete a database of septic systems by date in order to prioritize inspections of those systems older than twenty years. BASWG and our stormwater consultant are working to prepare a checklist to assist Code Enforcement in its completion of "drive-by" septic inspections. During PY2 there were no reported septic system failures.

Question 3A. Public safety maintains written records of all spills, and these records are shared among the town's stormwater working group through a cloud-based record storage system. All illicit discharges are reported to DEP. During PY2 no illicit discharges were detected. During PY3 DPW put spill kits into three of its trucks, and the town's stormwater consultant SEE provided training to DPW employees on 8/11/15, to improve preparedness and timeliness of response in the event of a spill.

Request 3A. This system is in place, and was in place during PY2. See Question 3A.

Question 3B. A meter was utilized to check for: temperature, conductivity, ph, and dissolved oxygen, while test strips were used to check for chlorine and ammonia. No abnormalities were detected so no additional E coli testing was deemed necessary.

Question 3C. Of the 18 outfalls sampled, 9 were tested for E coli. Please see attached results.

Question 3D. During PY2 the town inspected all drainage ditches within the Sucker Brook watershed, including associated with subdivision roads. Town staff contacted MDOT during PY2 to obtain data on MDOT owned stormwater infrastructure located in the urbanized area. Per the MS4 General Permit, the Town is not required to coordinate ditch inspections with MDOT, therefore this was not done in PY2.

Question 3E. There is no typographical error. There are 20 identified open ditch segments within the Sucker Brook priority watershed that were inspected.

Question 3F. The Hampden Water District, which is independent from the Town of Hampden, dechlorinates every hydrant at the time that it is flushed.

Question 3G. The SOP dated March 5, 2014 states that dechlorination will be adequate to "Ensure residuals are less than detectable limit leaving the Dechlorination Device." The "Water Line and Hydrant Flushing Best Practices" manual includes specific allowable TRC levels as follows: "Chlorine discharge

limits in all water releases to receiving streams must not exceed 0.1 mg/L for streams with a flow rate of 50cfs (cfs = cubic feet per second) or less."

Question 4A. The Code Enforcement Officer conducted a site inspection of the Calvary Apostolic Church site on May 29, 2015 and identified areas of noncompliance with the approved Erosion and Sediment Control Plan. The contractor was notified by phone that day, with a follow-up email sent on Monday June 1 (with copy to Jim Beyer and Angie Dijanic at MDEP).

Question 4B. No illicit discharges were identified as a result of the inspection. Specific erosion control best management practices, including silt fences, had not been installed in accordance with the approved plan.

Request 4A. The PY3 annual report will include any instances of non-compliance with local ordinances or Chapter 500/Maine Construction General Permit.

Question 5A. The Chickadee Lane site was still under construction in PY2, as it was in PY1, so the reported condition was the same. As a result of the inspections in both PY1 and PY2, only minor issues were identified each year. These issues happened to be similar in each case.

Request 5A. Third-party engineering inspections of the project continued through PY2. Chickadee Lane has since been accepted as a public road, and Hampden Public Works is responsible for ongoing maintenance of the stormwater infrastructure.

Question 5B. The Town's PY1 report identified the Marina Park as a construction project. This project has since been constructed, including an on-site stormwater detention pond, and was completed in August 2014 (during PY2). Landscaping and seeding was completed in the fall of 2014, and the park was opened for public access after the site was fully stabilized in spring 2015. Mowing of the grass in the park began in June 2015 after sufficient grass growth. The results of post-construction inspections performed for this project during PY3 will be included in our PY3 Annual Report.

Question 6A. An Operations and Maintenance plan for public buildings is available to all town staff on a shared cloud-based drive, and each facility's manager has a copy of the O&M plan(s).

Question 6B. In future reports, detailed information will be included as requested.

Question 6C. The Town has a beneficial reuse program for grit collected from street and parking lot sweeping and from catch basin cleaning. It is stored on site at the DPW garage.

Request 6A. In the regulated urbanized area, there are 423 known catch basins which are municipally owned and 93 known outfalls which includes both municipal and state owned infrastructure.

Question 6D. No catch basins were cleaned in PY2. However, during the first half of PY3, the Town retained a contractor to clean seventy-nine (79) catch basins. This yielded 35 yards of debris which was reused as trench backfill in culvert replacement jobs. This work will be included in the town's PY3 annual report.

Question 6E. N/A. No catch basins were cleaned in PY2.

Question 6F. Based on inspections completed during PY3, 13 catch basins were reported to DPW as being in need of repair and maintenance. Repairs and maintenance that is within their capacity has been

or will be undertaken by DPW. It is anticipated that most of this work will be complete in the spring of 2016. The Town Council and Town Manager are working to prepare a Capital Improvement Program as part of the FY17 budget process and, as part of that process, will program repairs that exceed the operational capacity of the DPW, including catch basins that are not repaired during the remainder of FY16.

Question 6G. Ditches along Triangle Road and Marina road were cleared of brush. On Triangle, the bottom of the ditch was shaped with a backhoe loader to create positive drainage.

Question 6H. Based on inspections of the outfalls, 27 were listed as needing maintenance. This work is expected to be complete as soon as possible. Updated information, including the extent of needed maintenance, will be included in the town's PY3 annual report.

Request 6B. Information regarding the amount of materials collected during street sweeping and catch basin maintenance, as well as specific maintenance activities requested in the MDEP PY2 annual report review, will be included in the town's future annual reports.

Question 6I. There are 93 known outfalls.

Request 6C. The town's PY3 annual report will include information regarding maintenance and repairs undertaken during PY3.

Question 6J. An underdrain spot repair was completed on Coolidge Avenue to fix a sinkhole in the road. A new cross culvert (15") was installed prior to pavement on Old County Road last season just north of Ballfield Road.

Request 6D. No catch basins were cleaned in PY2. As noted, this work has proceeded in FY3, supported by a budget adjustment to the FY16 Town budget approved by the Town Council in fall 2015.

Question 6K. The date of 7/31/15 as reported in 6C of the PY2 annual report is correct. The Town received an extension from MDEP to submit the Chloride Reduction Plan from the original due date of June 30, 2015.

General Request (page 10). My office is in receipt of the March 24, 2015 letter from Angie Dijanic at MDEP to the former Town Manager. As was discussed previously, the former Town Manager retired in June 2015 and served as Interim Town Manager (at 20 hrs/week) for a period of several months until I began work as the new Town Manager on August 24, 2015. The town's new DPW Director began work in June 2015, also taking over for an interim Director. The former Economic Development Director's job responsibilities were changed in May 2015 to include responsibility for the planning department after the former Town Planner resigned. The Code Enforcement Officer and the GIS/IT specialist, both of whom are key members of the town's stormwater working group, began work in August and October 2014, respectively, early in PY2. Although it appears that work was done toward a response to the March 24 letter, the response was never completed or sent. This is likely a result of the significant staff turnover and loss of institutional memory.

Because staff turnover affected every member of the town's stormwater working group, preparing a response to the March 24 DEP letter now would be time intensive and, in my opinion, of questionable value at this time. In my conversation with David Ladd in early January, he agreed with my

recommendation that our staff attention remain focused on PY3 implementation activities, and responding to the PY2 comment letter. If this approach is not satisfactory please let me know.

Furthermore, as discussed with Jana Wood from MDEP, the Town met all of our MS4 permit requirements in PY1. Based on telephone conversations with MDEP staff following receipt of the annual report review, no formal response was required. According to Angie Djanic of MDEP, the questions in DEP's memo were "food for thought" for the next permit year.

This letter was prepared by and on behalf of Hampden's Stormwater Working Group, including the Town Manager and our Public Works, Planning, Code Enforcement, Public Safety, and GIS departments. Supplemental information was provided as needed by our stormwater consultant.

If you require further information, or clarification of any of the information presented here, please let us know and we will be happy to assist.

Thank you,

Angus Jennings
Town Manager

TOWN OF HAMPDEN,ME OUTFALLS

DATE	TIME RECD	SAMPLER	LOCATION	COLONIES /100 mls E.-COLI	ANALYST
8/18/2015	12:10 PM	Ed Gonnella	OF1CON 48 Constitution Ave	54	T.H.
"	"	"	OF1aMRS 59 Main Rd South	0	"
"	"	"	OF1CCR 6-18 Canoe Club Rd	1	"
"	"	"	OF1MRS 59 Main Rd South	6	"
"	"	"	HPD OF2MRN 799 Main Rd North	27	"
"	"	"	OF3MRN 611-617 Main Rd North	13	"
"	12:50 PM	T. Hambrock	BLANK	0	"
8/19/2015	3:10 PM	Ed Gonnella	HPD MEC OF4 101 Melaw Rd	0	"
"	"	"	OF1 CBR 52 Coldbrook Rd	10	"
"	"	"	OF 2 CBR 35 Coldbrook Rd	4	"
8/20/2015	7:10 AM	T.Hambrock	BLANK	0	"

B-3-b

3-1-16

Dearest Schacht's Customer,

I would like to take the opportunity of a new month to introduce myself. I am Peter Erickson, a Hampden resident who has recently purchased Schacht's Hardware. Harry Schacht has been serving the community of Hampden with his Hardware and Gifts store for an amazing 38 years. While he is still going strong he has chosen to sell his store and work as an employee at the store. His years of experience and expertise will help provide me direction going forward. We are aiming for a grand opening on May 1st. We invite you to come check out the store through it's transitions. We are growing many of our product lines as we organize the store to capitalize on the space we enjoy. You will find many positive changes. If you experience any short comings or have some ideas on how we can better serve you please feel free to mention it. I am at the store now full time and can be reached at 207-862-4444 during business hours or on my cellular phone at 207-570-6944 after hours.

As the grand opening approaches I trust you will see increased inventory, more order to the store and it's appearance as well as congruency with paperwork. Through the transition you will see conflicting addresses and names on statements, slips and receipts. Please rest assured it will improve, and please mail your payments to

Erickson's Hardware
56 Pleasant Street
Hampden, ME
04444

Together with the employees and my family, we look forward to seeing you at the store and am truly excited to carry on Harry's years of serving the community of Hampden.

The Ice Cream shop will be open in May as well!!

Thank You,

The Erickson Family

B-3-C

Check One: ✓ Initial Application
___ Reappointment Application

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Sherwood (LAST) Lowell (FIRST) T. Jr. (MI)

ADDRESS: 63 Griffin Ave (STREET) Hampden (TOWN) 04444 (ZIP)

MAILING ADDRESS (if different): —

TELEPHONE: 862-2273 (HOME) 745-7932 (WORK)

EMAIL: tsmhs@aol.com

OCCUPATION: Retired

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Dyer Library

SECOND CHOICE (OPTIONAL): —

How would your experience, education and/or occupation be a benefit to this board or committee? 50 years of successfull business experience
Long time Library patron
Librarian asked that I apply

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: 2/22/2016

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

Rev. 12/09

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

B-3-d

ANNUAL CSO PROGRESS REPORT FOR 2015

Doc Num: DEPLW0059-Q2015 Rev Date: 11/19/2015

Permittee:	**Town of Hampden**	Contact Person:	**Sean Currier**
Address:	**106 Western Avenue**	Telephone No.	**207-862-3337**
	Hampden, Me. 04444	MEPDES Permit No.	**ME0102512**
		Maine License No.	**W007967**

Indicates Cell Value Calculated By Spreadsheet

Indicates Cell With A Dropdown List

1. Information on Combined Sewer System

A.	Current sewered population		1,514
B.	Current number of residential users (connections to sewer)		1,423
C.	Current number of commercial/industrial users (connections to sewer)		91
D.	Current average residential user charge, ($/year)	$	334.44
E.	Median Household Income (MHI), ($/year)	$	86,597
F.	Current residential user charge expressed as percent of MHI, (%)	%	0.39
G.	Original number of CSO locations at beginning of abatement program		6
H.	Current number of CSO locations		1
I.	Percent reduction of CSO points to date, (%)	%	83

J. List any CSOs removed in reporting year, (list individually)

	CSO #	Name
1.		
2.		
3.		
4.		

K.	Total sewer footage, (feet)		145,000
L.	Original percent of combined sewer to total sewer, (%)	%	
M.	Current percent of combined sewer to total sewer, (%)	%	
N.	Percent reduction of combined sewer, (%)	%	#DIV/0!

ANNUAL CSO PROGRESS REPORT FOR 2015

2. CSO Progress

A. Are you on schedule with your approved CSO Abatement Plan? (Yes, No) **Yes**

B. If existing schedule is behind the approved schedule, list the reasons why and how the permittee proposes to catch up in order to comply with the approved schedule.

C. List major accomplishments last year to reduce or abate CSOs, (list individually)

	Project	Estimate of flow reductions
1.	**Completed project replacing (2) major pump stations and inst**	**results not measured**
2.		
3.		

D. Costs:

1)	Total original cost estimate for complete program from initial CSO Master Plan	$	**1,176,000**
2)	Revised total cost estimate for complete program from Updated CSO Master Plan (includes all prior costs and update costs)	$	**4,000,000**
3)	Total cost of CSO abatement to date	$	**4,582,733**
4)	Percent complete by cost (3÷2 or 3÷1 above), (%)	%	**115**
5)	Total SRF loans to date	$	**3,350,000**
6)	Total cost of CSO projects in reporting year	$	**342,321**
7)	Anticipated budget for CSO projects next year	$	**40,000**
8)	Sewer O&M budget in reporting year	$	**504,787**
9)	Anticipated sewer O&M budget for next year	$	**558,272**
10)	Estimated CSO needs for next five years (include cost in no.7)	$	**250,000**

E. Private inflow sources:

1)	Has a house to house survey been done?		(Yes, No) **No**
2)	If yes, when?		
3)	If no, is one planned?		(Yes, No) **No**
4)	If no, when?		
5)	Number of roof leaders removed to date		
6)	Number of roof leaders removed in reporting year		
7)	Number of known roof leaders remaining in system		
8)	Number of basement sump pumps removed to date		
9)	Number of basement sump pumps removed in reporting year		
10)	Number of known sump pumps remaining in system		
11)	Number of known foundation drains to system		
12)	Do you charge a surcharge for private sources?		(Yes, No) **No**
13)	If yes, how much and what unit?	$	(Each, Per 100 c.f.)

ANNUAL CSO PROGRESS REPORT FOR 2015

F. Other inflow sources

1) Number of catch basins removed this year		
2) Number of catch basins remaining in system		
3) Are there any wetlands/bogs draining to sewer?	(Yes, No)	**No**
4) Are there any streams intercepted by sewer?	(Yes, No)	**No**

5) If yes to 3 or 4, what plans are there to deal with them?

G. Results of any specific flow monitoring to determine effectiveness of previous CSO abatement projects. Compare actual CSO abatement with projections made during the CSO Master Plan.

H. Yearly precipitation, CSO events, volumes, or block test data.
(Enter data on Excel spreadsheet CSOFLOWS.xls)

I. Work done on the Nine Minimum Controls during the year.

1) Results of operation and maintenance (O&M) program for the sewer system and combined sewer system overflows during the year.

a. Who is responsible for combined sewer system O&M?

Name	**Sean Currier**	Tel. No.	**207-862-3337**
Title	**Public Works Director**		
Dept.	**Public Works**		
Size Staff	**12**		

b. Inspection schedules

Number of CSO regulators	**0**	Inspection interval	
Number of tide gates	**0**	Inspection interval	
Number of pump stations	**8**	Inspection interval	**3/week**
Number of CSO outfalls	**1**	Inspection interval	**As Needed**

ANNUAL CSO PROGRESS REPORT FOR 2015

c.

Document the following activities that were performed and include the tons or cubic yards of debris removed last year from catch basins and sewers.

Catch Basin Cleaning

Total # of Basins Last Year	# of Basins Cleaned Last Year	Debris Removed	
423	79	35	Cu. Yds.

(Please attach cleaning schedule if available) (Tons, Cu. Yds.)

Sewer Cleaning

Total Combined Sewer	Footage Cleaned Last Year	Debris Removed	
	lin. ft. 36,120 lin. ft.		

(Please attach cleaning schedule if available) (Tons, Cu. Yds.)

Pump Station Cleaning

Cleaning Frequency	Inspection Frequency
Semi-Annually	3/week

TV Work

Sewer & Storm Footage Televised	TV Frequency
300 lin. ft.	As Needed

Smoke Testing

Sewer & Storm Footage Tested	Dates of Smoke Testing
lin. ft.	(mm/dd/yy)

Infiltration/Inflow Study

I/I Study Was Performed On

Linear Feet Of Sewer

ANNUAL CSO PROGRESS REPORT FOR 2015

2) Maximum Use of the Collection System for Storage

Maximum use of the collection system for storage means making relatively simple modifications to the combined sewer system to enable the system itself to store wet weather flows until downstream sewers and treatment facilities can handle them. The municipality should evaluate more complex modifications as part of the long-term control plan.

a. List any regulators or weirs that were adjusted last year to optimize settings for maximum storage. (list individually)

1.	
2.	
3.	
4.	

b. Document attempts last year to retard inflows to the system by use of special gratings or flow control type devices.

Number of Special Storm Drain Gratings Installed

Comments:

Number of Flow Control Type Devices Installed

Comments:

c. Describe any tide gate maintenance and repair to eliminate tidal intrusions. (list individually)

	Tide Gate	Maintenance/Repair
1.		
2.		
3.		

Attach a schedule for implementation of any minor construction associated with maximizing the collection system for storage.

ANNUAL CSO PROGRESS REPORT FOR 2015

3) Review any Modification of the Industrial Pretreatment Program to Assure that CSO Impacts Are Minimized

The municipality should determine whether nondomestic sources are contributing to CSO impact and, if so, investigate ways to control them. The objective of this control is to minimize the impacts of discharges into combined sewer systems from significant nondomestic sources (i.e., industrial and commercial sources during wet weather events, and to minimize CSO occurrences by modifying inspection, reporting, and oversight procedures within the approved pretreatment program.

Fill in this section only if you have nondomestic source of wastewater.

Do you have an industry that significantly impacts a CSO? (Yes, No) **No**

What measures or modifications were taken last year to insure that nondomestic sources are not contributing to CSO impacts. (Examples of measures: Inventory of nondomestic discharges to the combined sewer, assessment of nondomestic discharges on CSOs, evaluation of feasible modifications)

4) Maximization of Flow to the POTW for Treatment

Maximizing flow to the POTW entails simple modifications to the combined sewer system and treatment plant to enable as much wet weather flow as possible to reach the treatment plant. The objective of this minimum control is to reduce the magnitude, frequency, and duration of CSOs that flow untreated into receiving waters.

a. List any change completed or planned last year to maximize flow to the POTW. (list individually)

PLANNED PHYSICAL CHANGE	ESTIMATED COST ($)	ESTIMATED COMPLETION DATE (MM/DD/YY)	ESTIMATED YEARLY DECREASE IN EVENTS	ESTIMATED YEARLY DECREASE IN VOLUME (MGD)

ANNUAL CSO PROGRESS REPORT FOR 2015

5) Prohibition of CSO Discharges During Dry Weather

This control includes all measures taken to ensure that the combined sewer system does not overflow during dry weather flow conditions. Dry weather overflow control measures include improved O&M as well as physical changes to regulator and overflow devices.

a. Did you have a dry weather overflow during the last year? (Yes, No) **No**
If yes, explain. (list individually)

1.
2.
3.
4.
5.

6) Control of Solid and Floatable Material in CSO Discharges

The intent of this control is to document that low cost control measures have been implemented which reduce solids and floatables discharged from CSOs to the maximum extent practicable.

a. List any of the following control measures that were implemented last year to reduce solids and floatables discharged from CSOs. If control measures were implemented, list their Success.

Baffles in Regulators or Overflow Structures:
Number of Baffles Installed: Success: (Good, Fair, Poor)

Trash Racks in CSO Discharge Structures:
Number of Trash Racks Installed: Success: (Good, Fair, Poor)

Catch Basin Modifications:
Number of Modifications: Success: (Good, Fair, Poor)

ANNUAL CSO PROGRESS REPORT FOR 2015

End of Pipe Nets:
Number of Nets Installed: _____ Success: _____ (Good, Fair, Poor)

Litter Controls:
Litter Control: (Yes, No) _____ _____ (Good, Fair, Poor)

Other Controls:
Type of Control _____ Success: _____ (Good, Fair, Poor)

b. The estimated amount of solids and floatables removed last year by implementing the above control measures.

_____ _____ (Tons, Cu. Yds.)

(Attach any schedules and associated costs for implementation of this control.)

7) Pollution Prevention Programs That Focus on Contaminant Reduction Activities

The seventh minimum control, pollution prevention, is intended to keep contaminants from entering the combined sewer system and thus receiving water via CSOs.

a. Document any of the following efforts last year to implement this control.

Public education or increased awareness programs that encourage water conservation and could decrease dry weather sanitary flow to the POTW and increase the volume of wet weather flows that can be treated at the POTW.

The placement of garbage receptacles, more efficient garbage collection, or through public education you have implemented.

ANNUAL CSO PROGRESS REPORT FOR 2015

Street sweeping efforts with estimate of material removed.

Community hires one week (40 hours) of street sweeping per year. Collection is esitmated at 400 cy

Anti-litter campaigns; campaigns through public outreach and public service announcements employed to educate the public about effects of littering, over fertilizing, pouring used motor oil down catch basins, etc.

Efforts to eliminate illegal dumping. Programs such as law enforcement and public education aimed at controlling illegal dumping of litter, tires, and other materials into water bodies or onto the ground.

We have a Solid Waste Ordinance that addresses illegal dumping.

b. Does the community have a hazardous waste collection program? (Yes, No) **No**

If yes, how often is it collected?

If yes, how much hazardous waste is collected?

c. List and describe any measures planned or implemented for the installation of best management practices (BMP) to reduce pollutants in stormwater runoff.

d. List and describe other pollution prevention measures planned for implementation and the names of individuals or departments responsible. Attach any schedules and cost estimates associated with this control.

The Town has provided a handout on the back of the Rules of the Transfer Station that all residents get when purchasing a Transfer Station permit. It includes information of where to properly dispose of various substances like used oil, paint, antifreeze etc. - Public Works Director, Sean Currier

8) Public Notification to Ensure That the Public Receives Adequate Notification of CSO Occurrences and CSO Impacts

The objective of this control is to ensure that the public receives adequate notification of CSO impacts on pertinent water use areas. Of particular concern are beach and recreational areas that are affected by pollutants discharged in CSOs.

a. Locations where signs are posted.

Are all CSO outfalls locations marked with a sign in accordance with your permit? (Yes, No) **Yes**

List any other locations where CSO signs are posted.

At the main road (Rt1A) adjacent to the CSO tanks, visible to all pedestrian and vehicular tra

b. List dates of CSO informational public hearings or meetings last year. (list individually)

1.
2.
3.
4.

c. List any other measures to inform the public that occurred last year.

ANNUAL CSO PROGRESS REPORT FOR 2015

9) Monitoring to Effectively Characterize CSO Impacts and the Effectiveness of CSO Controls

The ninth minimum control involves visual inspection and other simple methods to determine the occurrence and apparent impacts of CSOs. This minimum control is an initial characterization of the combined sewer system to collect and document information on overflow occurrences and known water quality problems and incidents, such as beach or shellfish bed closures, that reflect use impairments caused by CSOs. Changes in the occurrences of such incidents can provide a preliminary indication of the effectiveness of the Nine Minimum Controls.

a. Check off and fill in information on the following monitoring methods used in overflow structures: (list individually)

Flow Meters

	Locations	Frequency Data Collected
1.	**CSO #001 Outfall at Weir**	**Daily**
2.		
3.		
4.		

Blocks

Locations	Inspection Frequency

Chalklines

Locations	Inspection Frequency

Other monitoring methods?

ANNUAL CSO PROGRESS REPORT FOR 2015

b. Was a SWMM model developed? (Yes, No) **No**
Is the model used to report occurrences? (Yes, No)
Has it been updated to reflect changes: (Yes, No)
If so, when was the model last updated? (mm/dd/yy)

c. CSO impacts to swimming beaches and shellfishing areas.

List any swimming beaches that may be impacted by your CSOs. (list individually)

1.
2.

Does your community or other entity test the water quality at beaches or near your CSOs?
(Yes, No) **No**
Frequency?

If yes, list dates of test and results

Dates		Results
	(mm/dd/yy)	
	(mm/dd/yy)	
	(mm/dd/yy)	

Any beach closing last year? (Yes, No)
Were they caused, in whole or in part by CSOs? (Yes, No)

What are the procedures for notifying the public of beach closures?

List any shellfishing areas that may be impacted by your CSOs. (list individually)

	Open	Conditionally Opened	Closed
1.			
2.			
3.			
4.			

ANNUAL CSO PROGRESS REPORT FOR 2015

Any shellfish areas closed last year? (Yes, No) **No**

If yes, list dates indivdually:

(mm/dd/yy)	
(mm/dd/yy)	
(mm/dd/yy)	
(mm/dd/yy)	
(mm/dd/yy)	
(mm/dd/yy)	
(mm/dd/yy)	
(mm/dd/yy)	

If yes, were the closures caused, in whole or in part by CSOs? (Yes, No)

Please provide a map showing any swimming beaches or shellfish area that may be impacted by your CSOs.

Please provide results of any receiving water quality tests or CSO sampling tests done last year.

J. List any sewer extensions and new commercial or industrial flows added during the year, along with any mitigating measures implemented to prevent these flows from contributing to CSO flows.

None

K. To assist the DEP in making this form easier to use in future years, please list your computer capabilities:

Processor capability:	**2 GHZ**
Operating system (Windows version):	**Windows 7**
Word processing program and version:	**Word 2010**
Spreadsheet program and version:	**Excel 2010**
Database program and version:	**Access 2010**
E-mail capability and address:	**publicworks@hampdenmaine.gov**

Do you plan to upgrade hardware or software next year, and if so with what?

(Note: DEP uses Windows XP 2002 and MS Office 2010 with Word, Excel and Access)

No upgrades currently planned

ANNUAL CSO PROGRESS REPORT FOR 2015

Please add any other information on CSOs that you feel is important, but the form did not allow for.

3 ITEMS TO NOTE: 1) A small sewer project was completed in 2015 to help reduce infiltration and blockages. Two (2) manholes were replaced and the sewer main pipe bursted in between. Project was not monitored for pre and post flow but would have been an improvement and a reduction in the amount of ground water flowing to Bangor for treatment. This project would have had a minor effect on Bangor's overflows but still worth noting. Project was completed in system not directly affecting Hampden's CSO. 2) Upon inspection after an SSO event close to the CSO tank, it was discovered that the outfall pipe was blocked exiting the CSO tanks. Allens environmental was hired to flush the pipe and found a large rock lodged in the pipe. The rock and all debris was removed from the pipe

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
CSO ACTIVITY AND VOLUMES

MUNICIPALITY OR DISTRICT: Town of Hampden
REPORTING YEAR: 2015
YEARLY TOTAL PRECIPITATION: 35.53 INCHES

MEPDES / NPDES PERMIT NO. ME0102512
SIGNED BY: Sean Currier
DATE: 3.1.16

CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA TOTAL INCHES	PRECIP. DATA MAX. HR INCHES	FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1") LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	EVENT OVERFLOW GALLONS	EVENT DURATION HRS
1	9.29.15	5.48		CSO 001										24,105	1.65
2															
3															
4															
5															
6															
7															
8															
9															
10															
11															
12															
13															
14															
15															
16															
17															
18															
19															
20															
21															
22															
23															
24															
25															
	TOTALS	5.48												24,105	1.65

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.
Note 2: Block activity should be shown as a "1" if the block floated away.

Doc Num: DEPLW0462 Csoflows.xls (rev. 12/12/01)

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

B-3-e

Paul R. LePage
GOVERNOR

David Bernhardt
COMMISSIONER

February 17, 2016

Town of Hampden
RECEIVED

FEB 22 2016

Office of the
Town Manager

Town of Hampden
Town Manager
106 Western Ave
Hampden, ME 04444

Subject: Hampden, Route 1A, MaineDOT Project 18644.00/11577.00

Dear Town Manager,

The Maine Department of Transportation is planning a highway reconstruction project of Route 1A beginning at Route 9 and extending northeasterly 1.73 miles to Mt View road. Attached is site location map for your review.

The Department of Transportation in accordance with Section 106 of the National Historic Preservation Act is seeking information from consulting parties that would likely have information/knowledge of or concerns with historic properties adjacent to the project limits shown on the attached map.

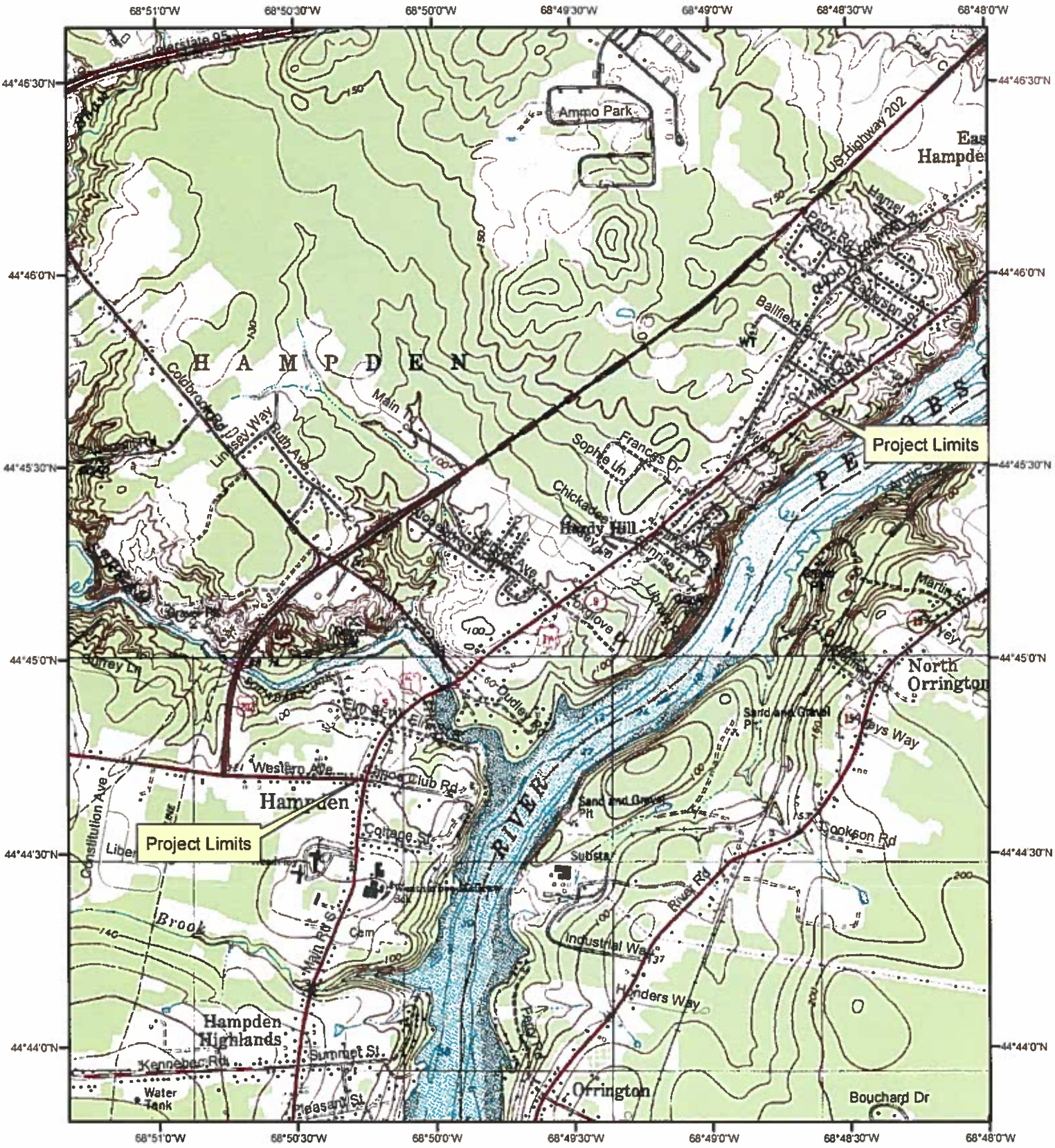
If you have any information, comments or concerns in regards to **historic properties**, please contact me at megan.m.hopkin@maine.gov or at 16 State House Station, Environmental Office, Augusta Maine 04333.

This letter is intended to obtain information regarding historic properties and concerns only. If you have any questions or concerns about the project, please contact the MaineDOT Project Manager, Rhobe Moulton at Rhobe.Moulton@maine.gov

Thank you for your time.

Sincerely,

Megan M. Hopkin,
Historic Coordinator
MaineDOT



-68.83321
44.74865

0 335 670 1,340 2,010 2,680 Feet

MDOT WIN 18644.00
Hampden- Route 1A
highway reconstruction

N
W E
S

B-4-a

FINANCE & ADMINISTRATION COMMITTEE MEETING
Monday, February 1, 2016

MINUTES

Attending:

Mayor David Ryder
Councilor Ivan McPike
Councilor Stephen Wilde
Councilor Mark Cormier
Councilor Terry McAvoy
Councilor Dennis Marble
Town Manager Angus Jennings
Public Safety Director Joe Rogers
Town Clerk Denise Hodsdon

Mayor Ryder called the meeting to order at 6:00 p.m.

1. **Meeting Minutes – January 19, 2016 Meeting** – *Motion by Councilor McAvoy seconded by Councilor McPike to approve the January 19, 2016 minutes as written. Unanimous (6-0) vote in favor.*

2. **Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*

3. **Old Business**

   a. **Discussion of FY15 Audit** – *Town Manager Jennings reported that he has scheduled a presentation from the Town's independent auditing firm, James W. Wadman, for the next Administration & Finance Committee meeting on Tuesday, February 16. In advance of that presentation, Manager Jennings will circulate questions that he has previously reviewed with the Auditor.*

4. **New Business**

   a. **Personnel Update** – *Manager Jennings presented his memo in the meeting packet with updates on recent and pending personnel changes. He updated the Committee regarding the ongoing search to hire a new Town Clerk due to Denise Hodsdon's pending retirement. He invited interest from the Committee to participate in second-round interviews with Town Clerk finalists, to be scheduled. Councilors Marble and McPike said they'd like to be part of the process.*

   b. **Discussion of Recent Law Change re Sewer Commitments** – *Manager Jennings updated the Committee regarding changes to State law in 2015 that eliminated the requirement for the Council to review*

the Sewer Commitments four times a year. The Committee said that they did not need to have the Commitments presented if this is no longer required.

c. **Insurance Claim Updates:**
   1. **Trash Compactor Cylinder** – *Mayor Ryder reported that the trash compactor cylinder had been replaced with the $6,220 previously voted by the Council. The Town filed a claim with its insurance company and received a check for $5,220, so the net expense to the Town was limited to $1,000.*
   2. **Police Cruiser** – *Manager Jennings reported on the automobile accident that a police cruiser was involved with, stating that a claim had been filed for this expense. Due to the circumstances of the accident, if the Town is responsible for the deductible on the policy ($1,000), he expects that the Town would pursue this amount from the other party's insurance. Public Safety Director Rogers was present for the discussion but there were no questions.*
   3. **Boiler** – *A pinhole leak was discovered on the boiler in the Municipal Building. The boiler is within its 5-year warranty, but the Town will be responsible for labor costs for installation of a replacement boiler, with costs estimated at $2,000. An insurance claim has been filed.*

On the motion of Mayor Ryder, and by unanimous consent of the Committee, discussion of the Town Council Rules was added to tonight's agenda. This item is on tonight's Town Council agenda and the Committee agreed it would be helpful to discuss it now.

d. **Town Council Rules** – *Mayor Ryder explained that the Council Rules had been reviewed during multiple work sessions ending last summer. A redlined markup of the Rules, including proposed changes, is in the Town Council packet. Councilor Marble recalled researching the ethics and conflict of interest provisions, and thought he remembered adding this as a preface to the Rules. Town Clerk Hodsdon noted that the preface as amended does include this language. Mayor Ryder asked about the role of an individual Councilor relative to businesses, and whether it was appropriate for an individual Councilor to engage in discussions with businesses regarding potential location in Hampden without sharing this information with the Community Development Director and Town Manager so they're aware of it. Manager Jennings noted that the Rules deal primarily with conduct within a meeting. Councilor Marble suggested that a section on Communications could be added to the Rules.*

Mayor Ryder said he feels that Councilors who have such communications would keep staff apprised. Councilor McAvoy

suggested this could be done on a case by case basis. Councilor McPike provided an example of when he and Dean Bennett first met with MRC early in the process, he reported it to the Town Manager and to the Council. Councilor Marble said that, if Councilors are willing to share this information, the language in the Rules preamble provides enough guidance and, if Councilors aren't, then no amount of words on paper will help. Manager Jennings suggested that this type of situation is analogous to "ex parte communication" in a permitting context: if a member of a permitting Board is taking into account information received outside of the public meeting in considering a specific application, that information is required to be put on the public record so that other members of the Board, the public, and the applicant have the benefit of the same information. He recommended that a similar principle be considered here.

Councilor McAvoy asked a question regarding what comprises the formal censure or reprimand language in Item 26. Councilor Marble suggested that this language could be expanded and clarified at a future meeting.

5. **Public Comment –** *None.*

6. **Committee Member Comments** – *None.*

There being no further business, the meeting was adjourned at 6:27 p.m.

Respectfully submitted –
Angus Jennings
Town Manager

B-4-b

INFRASTRUCTURE COMMITTEE MEETING
Wednesday, January 13, 2016

MEETING MINUTES

Attending:

Councilor Dennis Marble, Chair
Mayor David Ryder
Councilor Terry McAvoy
Councilor Greg Sirois
Councilor Stephen Wilde
Councilor Ivan McPike
Town Manager Angus Jennings
DPW Director Sean Currier

Chairman Marble called the meeting to order at 6 PM.

1. **MINUTES – 12/28/2015 Meeting** – *There was a motion and a second to approve the December 28, 2015 minutes. The vote was 5-0 vote in favor. Councilor McPike did not vote since his term on the Council had not started before the previous meeting.*

2. **OLD BUSINESS**

   a. **Proposed changes to sewer rates to cover operational and prior incurred costs – Town Manager Angus Jennings** – *Manager Jennings presented his memo, included in the meeting packet, summarizing the need for sewer rates to increase in order to cover operational and debt service costs. Sewer rates were increased just one time since 1998, in 2009. He projected a database on the wall which included every sewer customer, total revenues (both service charges and capital charges) for 2014 (the last complete year of billings available). The database allowed for adjustment of rates with instantaneous recalculation of what that rate would generate in total projected revenues (service and capital), as well as how rate adjustments would affect sewer customers using the median amount of flow, and the 25th percentile and 75th percentile flows. DPW Director Currier provided information to the Committee regarding sewer operations and costs, including the need to budget for reserves to provide for system maintenance, repairs and upgrades.*

   The Committee discussed the sewer rates at length, and "tested" several rate scenarios.

   Councilor McAvoy asked how the City of Bangor's rates had changed since 1998, and suggested looking at how these increases would have affected Hampden sewer customers, if the Hampden rates had been adjusted every year or two, like Bangor. Manager Jennings and DPW Director Currier agreed to look into this.

The Committee recommended referring this matter to the Town Council to schedule a public hearing to amend the Fees Ordinance relative to sewer rates.

3. **NEW BUSINESS**
   a. **Set date for next meeting of Infrastructure Committee –** *Tonight's meeting was a special meeting of the Committee. The Committee members asked Manager Jennings whether there were any items scheduled for the regular January meeting of the Infrastructure Committee and he said that there weren't. Items that will be brought forward to the Committee can wait until February. The Committee agreed to cancel the Infrastructure Committee's regularly scheduled meeting in January.*

4. **PUBLIC COMMENTS –** *None.*

5. **COMMITTEE MEMBER COMMENTS –** *None.*

There being no further business, the meeting was adjourned at 7:28 PM.

Respectfully submitted –
Angus Jennings, Town Manager

B-4-c

Planning and Development Committee
February 22, 2016
6:00 PM
Conference Room
MINUTES

Attendees:

Committee	Staff
Ivan McPike - Chair	Angus Jennings, Manager
Stephen Wilde	Dean Bennett, Community Dev Director
Dennis Marble	
Terry McAvoy	
David Ryder	
Mark Cormier	
Greg Sirois	

1. Approval of February 4, 2016:

   Minutes were unanimously approved

2. Committee Applications: None

3. Updates:

   Planning Board Actions
   Planning Item Target Dates
   Current Development Reviews

Community Development Director (CDD) provided a memo in the Committee packet detailing current activity and anticipated completion dates of draft amendments.

Chairperson McPike asked if any Committee Members had questions.

Mayor Ryder inquired as to the standing of the Subdivision Amendments. CDD explained that the Planning Board Ordinance Committee asked that the Private Street Amendments be re-worked to ensure that the Subdivision Law process was consistently administered whether a subdivision proposed private or public streets. The Planning Board Ordinance Committee was uncomfortable with what appeared to be a dual process of review depending on type of street, rather than division of land, on which the subdivision law is based. CDD further explained that the Planning Board Ordinance Committee requested that the guidelines that were previously developed to implement the state criteria be shorten to the greatest extent possible.

Mayo Ryder indicated his displeasure with the delay and asked that these amendments be addressed sooner than suggested in the CDD's memo. CDD said he would change priorities and try to get the revised Subdivision Private Road draft to P&D at their March 16th P&D Meeting.

Mayo Ryder also asked about the status on the sign at the Marina. CDD explained that in order for the municipal sign to include the businesses at the marina location, the businesses would have to own the parcel on which the sign was established, and that the parcel would have to be contiguous with the current business properties, in accordance with Maine Department of Transportation regulations. The municipal sign placement is allowed, however, when including the businesses, the concept becomes problematic if not impossible. CDD stated there was no interest expressed by the businesses to explore property acquisition. CDD stated that unfortunately potentially available ways to assist the marina businesses with signage has been thoroughly explored and exhausted.

4. Old Business:

A. Discussion of Municipal Solid Waste Disposal Proposals
- MRC/Fiberight
- PERC Proposal

Chairperson McPike initiated the discussion by asking for any comments or concerns other Members would like to express.

Noticing Municipal Review Committee Executive Director Greg Lounder and MRC Board Member Karen Fussell were in attendance, Chairperson McPike asked if they would be willing to respond to issues raised by the Committee.

Discussions involved a range of topics with regard to the MRC Proposal, including tonnage guarantee, liability for unacceptable waste, and what change if any would there be, as a practical matter, on the residents of Hampden.

Committee Action: Motion made by Member McAvoy, seconded by Member Marble, to "Recommend to the Town Council that they enter into a waste disposal contract with the Municipal Review Committee/Fiberight." Vote: 7-0.

5. New Business: None
6. Zoning Considerations/Discussion: None
7. Citizens Initiatives: None
8. Public Comments: None
9. Committee Member Comments: None
10. Adjourn: 6:55pm

REGISTRATION AGENT NOMINATION FORM

The municipal officers of Hampden Agent # 0301 nominates the individual listed below to act as the agent for the issuance of registrations for the Department of Inland Fisheries and Wildlife.

D-3-b

Name: Paula A. Scott

Mailing Address: 106 Western Ave.

Hampden ME 04444

Telephone: 207-862-3034

Office Hours Mon-Thu. 7:30 am to 6:00 pm

This Person serves in the following capacity to our town:

(X) Town Clerk
( ) Tax Collector
( ) Other _____

_____ Nominee's Signature

_____ Date

_____ Municipal Officers's Signature

_____ Municipal Officer's Name (Print)

_____ Municipal Officer's Title

Return form to:

Agent Supervisor
Inland Fisheries and Wildlife
41 Statehouse Station
284 State Street
Augusta, Me 04333-0041

D-4-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

TO: Finance Committee and Town Council
FROM: Angus Jennings, Town Manager
DATE: March 3, 2016
RE: Service Charge Abatement Requests and Collection Procedures

---

In its October 19, 2015 meeting the Town Council approved the amount of Service Charges imposed pursuant to the Service Charge Ordinance. Charges were assessed to the six properties identified at that time, in the approved amounts. To date, five of the assessed properties have sent payment, though each amount was less than the assessed amount, with the balance requested to be abated. Funds assessed and received to date are summarized as follows:

Properties Subject to Service Charge			
	FY16		
Property Owner	Amount invoiced	Amount received	Difference (requested abatement)
Community Housing of Maine	$ 1,949.84	$ 347.08	$ (1,602.76)
177 Canaan Road (Map 5 Lot 27-A)			
Medical Care Development, DBA Hampden Meadows	$ 4,896.02	$ -	n/a
1282 Kennebec Road (Map 1 Lot 23-A)			
OHI George Street	$ 1,971.27	$ 914.05	$ (1,057.22)
35 George Street (Map 23 Lot 70-C)			
OHI Patterson Road	$ 1,510.59	$ 303.63	$ (1,206.96)
143 Patterson Road (Map 5 Lot 39)			
Penquis Mental Health Services	$ 1,810.56	$ 261.38	$ (1,549.18)
1012 Carmel Road North (Map 1 Lot 31-A)			
The Housing Foundation	$20,451.88	$6,818.00	$(13,633.88)
113 Western Ave (Map 31 Lot 8)			
	$32,590.16	$8,644.14	$(19,050.00)

Under the Service Charge Ordinance Sec. 6, "the municipal officers shall abate the service charge amount that is in excess of 2% of gross annual revenue."

A question arose regarding whether the 2% figure in the Ordinance referred to revenues of the property owner, or of the property itself. Correspondence with the former Town Manager and

former Town Attorney to determine past practice has confirmed that it is the latter. In other words, a showing that the assessed charge exceeds 2% of the gross revenue derived from the property in question should be considered adequate to support an abatement.

It is recommended that the Council take action on each of the five pending requests for abatement.

The sixth property presents another question. Over the course of years, there is no record that Medical Care Development dba Hampden Meadows has ever paid a service charge, and a review of past correspondence shows that they have contested the application of the service charge. The enclosed correspondence dated September 2014 is the most recent correspondence on file; we do not have a record that this matter was ever resolved.

It is my opinion that the service charge is appropriately applied to this property. I would look to the Finance Committee for consideration of this question. If the Committee is in agreement, I would intend to pursue collection of unpaid amounts pursuant to statutory authority.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

Phone: (207) 862-3034
Fax: (207) 862-5067
email: hampden@midmaine.com

Town of Hampden
RECEIVED
SEP 0 9 2015
Office of the
Town Manager

To: Angus Jennings, Town Manager
From: Kelly Karter, Assessor Kelly
RE: Service Fee Calculations
Date: September 21, 2015

Following is a listing of the calculated service fees that apply to residential property according to our Service Fee Ordinance. Currently there are six residential properties that have applied for and receive a total exemption from property tax. This ordinance addresses the cost of Town Services (such as ambulance, fire, road maintenance, etc.) utilized by these entities. The cost of education, county tax and general assistance are deducted from the municipal budget prior to developing the mil rate that is applied to valuation of the property.

The list is as follows:

Community Housing of Maine	$ 1,949.84
Medical Care Development	$ 4,896.02
OHI George Street	$ 1,971.27
OHI Patterson Road	$ 1,510.59
Penquis Mental Health Services	$ 1,810.56
The Housing Foundation	$20,451.88
Total Service Fees	$32,590.16

These fees have been calculated according to the ordinance. Some may change once financials are submitted.

Angus Jennings <townmanager@hampdenmaine.gov>

Service charge on 177 Canaan Rd.

1 message

Jim Gwilym <jim@chomhousing.org> Wed, Nov 4, 2015 at 5:54 PM
To: "townmanager@hampdenmaine.gov" <townmanager@hampdenmaine.gov>

Dear Mr. Jennings,

Attached is our audited financial statement. On page 31 you'll see a column titled "Canaan" showing gross revenue of $17,354 (rent on the property). If my calculator works correctly, 2% of that is $347.08. Will you send a revised bill for that amount, or should I just pay it based on my own calculation?

Thanks,

Jim Gwilym

Chief Financial Officer

Community Housing of Maine

One City Center, 4th Floor

Portland, ME 04101

Ph: (207) 879-0347

Fax: (207) 879-0348

Website | Facebook | Twitter

Creating Homes and Inclusive Communities for 20 Years

CHOM 2015 Final FS.pdf
443K

Angus Jennings <townmanager@hampdenmaine.gov>

Re: Service charge on 177 Canaan Rd.

1 message

Angus Jennings <townmanager@hampdenmaine.gov> Thu, Nov 5, 2015 at 8:17 AM
To: Jim Gwilym <jim@chomhousing.org>

Jim,
Thanks for sending this. Under Sec. 6 of the Service Charge Ordinance, here, the Town Council will need to vote to abate the charge above 2%. The materials you submitted would be the basis for their review.
Our town assessor is attending a training for the rest of this week so I'll review this with her next week to determine, procedurally, how this has been handled in prior years. I'll get back to you and, if it is placed on a Council agenda, will let you know the date and time if you choose to attend. Let me know if you have any questions.

Thanks,
Angus

On Wed, Nov 4, 2015 at 5:54 PM, Jim Gwilym <jim@chomhousing.org> wrote:

> Dear Mr. Jennings,
>
> Attached is our audited financial statement. On page 31 you'll see a column titled "Canaan" showing gross revenue of $17,354 (rent on the property). If my calculator works correctly, 2% of that is $347.08. Will you send a revised bill for that amount, or should I just pay it based on my own calculation?
>
> Thanks,
>
> Jim Gwilym
>
> Chief Financial Officer
>
> Community Housing of Maine
>
> One City Center, 4th Floor
>
> Portland, ME 04101
>
> Ph: (207) 879-0347
>
> Fax: (207) 879-0348
>
> **Website | Facebook | Twitter**
>
> ***Creating Homes and Inclusive Communities for 20 Years***

COMMUNITY HOUSING OF MAINE, INC.

CONSOLIDATED FINANCIAL STATEMENTS

June 30, 2015 and 2014

COMMUNITY HOUSING OF MAINE, INC.

CONSOLIDATED FINANCIAL STATEMENTS

June 30, 2015 and 2014

CONTENTS

	PAGE
Independent Auditor's Report	1 and 2
FINANCIAL STATEMENTS	
Exhibit A - Consolidated Statements of Financial Position	3 and 4
Exhibit B - Consolidated Statements of Activities	5 and 6
Exhibit C - Consolidated Statements of Changes in Net Assets	7
Exhibit D - Consolidated Statements of Cash Flows	8
Notes to the Financial Statements	9 through 17
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*	18 and 19
Independent Auditor's Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by OMB Circular A-133	20 and 21
Schedule of Findings and Questioned Costs	22
Schedule of Expenditures of Federal Awards	23 and 24
Schedule 1 - Combining Schedule of Financial Position	25 through 28
Schedule 2 - Combining Schedule of Revenue, Support, Expenses and Change in Net Assets	29 and 30
Schedule 3 - Combining Schedule of Revenue, Support, and Expenses - CHOM Operations	31 through 36
Schedule 4 - Schedule of General Administration Expenses - CHOM Operations	37
Schedule 5 - Schedule of Receipts and Disbursements / Development Operating Fund - CHOM Operations	38
Schedule 6 - Schedule of Cash in Financial Institutions - CHOM Operations	39
Schedule 7 - Schedule of Restricted Cash Reserves and Escrows - CHOM Operations	40 and 41

COMMUNITY HOUSING OF MAINE, INC.

COMBINING SCHEDULE OF REVENUE, SUPPORT AND EXPENSES - CHOM OPERATIONS

For the Year Ended June 30, 2015

	Allen Street	Andrea Street	Arboretum Drive	Boiling Drive	Broadway	Canaan	Cedar Street	Charles Street	Chesley Street	Cindy Cockson House	Court St.	Dalton Street	Fairfield Street	Fairview Avenue	Flagg Street	George Street	Gilman Street	Grace Street	Grand Street	Hammond Street	Sub Totals
REVENUE AND SUPPORT																					
Rental Operations																					
Rental Revenue	$ 18,908	$ 8,964	$ 18,540	$ 11,188	$ 51,219	$ 17,354	$ 18,871	$ 8,870	$ 23,316	$ 65,057	$ 17,642	$ 20,100	$ 41,294	$ 21,881	$ 27,199	$ 16,380	$ 13,980	$ 24,192	$ 30,780	$ 55,620	$ 511,355
Housing Assistance Payments	-	-	-	28,129	-	-	-	24,233	-	-	39,603	-	-	-	-	-	15,512	-	-	-	107,477
Department of Veteran Affairs Per Diem	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Rental Operations	18,908	8,964	18,540	39,317	51,219	17,354	18,871	33,103	23,316	65,057	57,245	20,100	41,294	21,881	27,199	16,380	29,492	24,192	30,780	55,620	618,832
Other Support and Revenue																					
Development Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Income from Investment in Projects	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Donations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest Income	-	-	1	4	4	-	-	4	4	4	4	4	-	4	-	-	-	-	-	-	33
Other Income	-	-	-	-	-	-	-	173	-	599	579	-	-	-	-	-	43	-	-	-	1,394
TOTAL REVENUE AND SUPPORT	18,908	8,964	18,541	39,321	51,223	17,354	18,871	33,280	23,320	65,660	57,828	20,104	41,294	21,885	27,199	16,380	29,535	24,192	30,780	55,620	620,259
EXPENSES																					
Rental Housing Expenses																					
Administrative																					
Management Fee	600	600	600	600	600	600	600	600	600	900	900	600	600	600	600	600	600	600	600	1,200	13,200
Other Administrative Expense	2,121	-	-	-	-	-	548	-	-	370	-	-	(100)	-	-	-	625	-	4	-	3,568
Total Administrative	2,721	600	600	600	600	600	1,148	600	600	1,270	900	600	500	600	600	600	1,225	600	604	1,200	16,768
Operating																					
Fuel	4,553	-	-	5,929	297	3,330	3,887	3,238	2,538	8,667	4,787	4,219	2,706	2,410	5,731	-	5,456	3,759	1,385	8,837	67,740
Electricity	1,683	-	-	3,430	-	1,967	2,166	926	2,106	4,814	2,331	-	3,140	1,171	1,463	-	2,187	2,286	1,194	7,921	38,587
Water and Sewer	771	942	-	1,820	3,125	-	710	629	764	3,838	3,138	1,004	1,678	-	1,486	948	547	835	1,486	2,543	26,457
Cable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Trash Removal	-	-	-	-	-	-	1,373	-	-	2,270	1,022	-	600	-	-	-	128	621	-	457	6,471
Total Operating	7,007	942	-	11,179	3,422	5,297	8,136	4,994	5,410	17,389	11,278	5,223	8,124	3,581	8,683	948	8,328	7,501	4,065	17,758	139,265
Maintenance	6,226	1,931	11,780	7,216	10,324	3,728	6,150	5,866	4,731	20,908	13,369	6,873	9,408	5,992	9,175	3,526	11,487	8,740	3,785	15,864	187,082
Depreciation and Amortization	3,871	3,965	4,758	8,083	12,615	3,612	3,850	10,872	4,716	38,811	22,484	7,648	13,693	4,368	9,405	2,761	13,537	5,882	5,389	17,572	197,672
Interest Expense	2,252	4,362	4,743	308	11,861	-	-	-	4,880	-	-	-	-	5,174	-	2,374	-	2,501	-	7,880	46,225
General																					
Real Estate Taxes	-	-	-	-	7,996	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7,996
Property and Liability Insurance	821	518	582	1,263	1,391	645	568	1,613	557	3,004	2,335	822	1,628	535	1,216	803	1,131	585	782	2,147	22,966
Total General	821	518	582	1,263	9,387	645	568	1,613	557	3,004	2,335	822	1,628	535	1,216	803	1,131	585	782	2,147	30,962
Total Rental Housing Expenses	22,698	12,318	22,463	28,631	48,409	13,882	19,873	23,945	20,896	81,183	50,366	21,166	33,353	20,248	29,070	11,012	35,708	25,899	14,625	62,221	587,975
Other Income/Expenses																					
Debt Relief	-	3,100	-	-	-	-	8,287	-	-	-	-	40,000	-	-	-	-	-	-	10,209	-	61,596
Grants - Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Administration (Schedule 4)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Expense	-	-	-	-	-	-	-	-	-	-	-	-	(100)	-	-	-	-	-	-	-	(100)
Development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Other Income/Expenses	-	3,100	-	-	-	-	8,287	-	-	-	-	40,000	(100)	-	-	-	-	-	10,209	-	61,496
CHANGE IN NET ASSETS	$ (3,790)	$ (254)	$ (3,922)	$ 10,690	$ 2,814	$ 3,472	$ 7,285	$ 9,335	$ 2,424	$ (15,523)	$ 7,462	$ 38,938	$ 7,841	$ 1,637	$ (1,880)	$ 5,368	$ (6,173)	$ (1,707)	$ 28,364	$ (6,601)	$ 83,780

CHOM
Community Housing of Maine

COMMUNITY HOUSING OF MAINE,INC
GENERAL CHECKING
ONE CITY CENTER, 4TH FLOOR
PORTLAND, MAINE 04101

TD Bank
America's Most Convenient Bank®

57-7445/2112

19540

DETECTION CIRCLE REVEALS A LOCK WHEN TESTED

PAY TO THE ORDER OF Town of Hampden

11/17/2015

Three Hundred Forty-Seven and 08/100**********

$ **347.08

DOLLARS

Town of Hampden
106 Western Avenue
Hampden, ME 04444

MEMO 177 Canaan Road, RE Tax

Kyra Walker

TRUE WATERMARK PAPER - HOLD TO LIGHT TO VIEW

PAPER CONTAINS TONER ADHESION PROPERTIES

HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT

Security Features Included. Details on back.

⑈019540⑈ ⑆211274450⑆ 0291 85908⑈

COMMUNITY HOUSING OF MAINE, INC. GENERAL CHECKING
PORTLAND, MAINE 04101
Town of Hampden

19540

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/12/2015	Bill	177Canaan Rd RE Tax	347.08	347.08		347.08
					Check Amount	347.08

Town of Hampden
--- Receipt ---

TAXES were DUE OCT 7TH

11/23/15, 8:38 AM ID: 08321-1
TYPE------ REF-- AMOUNT
ADMIN-MOISC 347.08

Paid BY: Community housing of maine
Remaining Balance: 0.00
THANK YOU VETERANS!!
Check = 347.08
1.9540 - 347.08

177 Canaan Road, RE Tax

347.08

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

To: Property Owner

From: Angus Jennings, Town Manager & Town Treasurer

Date: October 22, 2015

Subject: Community Housing of Maine FY16 Service Charge

In accordance with the Service Charge Ordinance approved by the Hampden Town Council on May 18, 1992, the council approved the following Service Charge fee for the fiscal year 2015/2016 on October 19, 2015.

When you have completed your financial information for the year ending June 30, 2015, please submit your gross income if you feel the fee exceeds 2% of your gross income. This information should be submitted to the Town Manager for review by the Hampden Town Council.

Property Owner: Community Housing of Maine

Property Location: 177 Canaan Road
Hampden, Maine 04444

Legal Description: Map 5 Lot 27-A
Book 10137 Page 137

2015/16 Municipal Budget	$6,813,432 (Original Budget Less General Assistance of $10,000)
Divided By Total Valuation	$ 635,971,299 (=0.0107134)
Times the Just Value	$ 182,000
Service Charge Due	**$ 1,949.84**

Angus Jennings <townmanager@hampdenmaine.gov>

Fwd: Hampden Meadows Service Fee

1 message

Kelly Karter <assessor@hampdenmaine.gov> Thu, Feb 18, 2016 at 8:34 AM
To: Angus Jennings <townmanager@hampdenmaine.gov>

Kelly J. Karter, CMA
Hampden Assessor
106 Western Avenue
Hampden, Maine 04444
Tel: 207-862-4500
Fax: 207-862-5067

---------- Forwarded message ———
From: **Ed Miles** <emiles@mcd.org>
Date: Wed, Sep 24, 2014 at 12:51 PM
Subject: Hampden Meadows Service Fee
To: Kelly Karter <assessor@hampdenmaine.gov>
Cc: Kim Keaney <kkeaney@mcd.org>, Maureen Conley <mconley@mcd.org>, Linda Grover <lgrover@mcd.org>, Darcy Dumont <ddumont@mcd.org>, Heather Metten <heatherm@mcd.org>, Mark Battista <mbattista@mcd.org>

Good afternoon Kelly:

Medical Care Development has received the Service Fee charge (attached) from the Town of Hampden for the 2014/2015 fiscal year. As in the past year Medical Care Development takes issue with the entire concept of assessing a Service Fee for facilities such as Hampden Meadows. The statute we received for Title 36 "Property Taxes" includes the statement that "A municipality may impose services charges on the owner of residential property, other than student housing or parsonages, that is totally exempt from taxation under section 652 **and that is used to provide rental income.** Some of the other properties that fall under the Exemption Code 66, such as Roe Village, are almost entirely residential in nature relying on rental income as their primary, if not only, source of revenue while others such as those operated by Medical Care Development and OHI are not.

It is Medical Care Development's position that the property in question, dba Hampden Meadows, is not "used to provide rental income". Rather its use is to provide needed mental health services to its residents and therefore does not meet either the explicit criteria nor the intent of this statute. ***If mental health services were not provided the facility would not exist.*** Therefore, the provision of the mental health services are the reason that the building is there - not the rental income. As a result, Medical Care Development is again requesting permanent exemption from the Service Fee Ordinance for as long as the facility is operated in its present manner.

Thank you Kelly and please let me know if there is any other information I can provide.

Ed

Edward W. Miles, FHFMA

Chief Financial Officer

Medical Care Development, Inc.

11 Parkwood Drive

Augusta, ME 04330

207-622-7566 x-212

e-mail: *emiles@mcd.org*

URL: *www.mcd.org*

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Tax bill 2014.pdf
749K

Everything is Possible.

25 Freedom Parkway | Hermon, Maine 04401
voice 207/848-5804 | fax 207/848-7978 | TTY/TTD 207/848-5804 | ohimaine.org | facebook.com/OHIMaine

November 5, 2015

Town of Hampden
RECEIVED
NOV 0 9 2015
Office of the
Town Manager

Angus Jennings, Town Manager and Town Treasurer
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

RE: OHI FY 16 SERVICE CHARGES: 35 GEORGE STREET AND 143 PATTERSON ROAD

Dear Mr. Jennings:

Enclosed you will find the financial information on these two properties for our fiscal year ending June 30, 2015. We have calculated our service fees to be $914.03 and $303.63 respectively which is based on 2% of gross income for each location. I have enclosed a check for these two properties in the amount of $1217.66.

Should you need additional information please feel free to contact me at your earliest convenience.

Respectfully,

G. Kathy Smith, Assistant CEO

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

To: Property Owner

From: Angus Jennings, Town Manager & Town Treasurer

Date: October 22, 2015

Subject: OHI FY16 Service Charge

In accordance with the Service Charge Ordinance approved by the Hampden Town Council on May 18, 1992, the Council approved the following Service Charge fee for the 2015/2016 fiscal year on October 19, 2015.

When you have completed your financial information for the year ending June 30, 2015, please submit your gross income if you feel the fee exceeds 2% of your gross income. This information should be submitted to the Town Manager for review by the Hampden Town Council.

Property Owner: OHI

Property Location: 35 George St
Hampden, Maine 04444

Legal Description: Map 23 Lot 70-C
Book 9404 Page 115

2015/2016 Municipal Budget $6,813,432 (Original Budget Less General Assistance of $10,000)

Divided By Total Valuation $635,971,299 (=0.0107134

Times the Just Value $ 184,000

Service Charge Due	$	1,971.27

OHI
SUMMARY OF PROFIT & LOSS
35 GEORGE STREET
For the Twelve Months Ending Tuesday, June 30, 2015

		ACTUAL YTD 2015	
	INCOME		
4010	GRANT REVENUE	$8,184.00	
4020-+4055-+4056-+...	SSA/SSI INCOME	32,952.00	
4100	USDA INCOME - FOOD STAMPS	4,126.77	
4064	ENERGY ASSISTANCE	440.00	
	TOTAL INCOME	***45,702.77***	2% = 914.05
	OCCUPANCY COSTS		
5561	DEPRECIATION - BUILDING	9,486.96	
5566	INTEREST EXPENSE - MORTGAGE	5,518.74	
5410	FOOD	14,327.65	
5105	FIDUCIARY FEES	510.00	
5415	ELECTRICITY	2,255.74	
5420	HEAT	2,334.41	
5430-+5438-+5439	BUILDING MAINTENANCE SUPPLIES	781.76	
5041	SALARY - MAINTENANCE	464.88	
5431-+5437	GROUNDS MAINTENANCE	1,412.44	
5435	WATER & SEWER	1,838.69	
5440	EQUIP PURCHASE MINOR	940.08	
5455	TELEPHONE	371.16	
5573	INSURANCE - FIRE	954.30	
	TOTAL OCCUPANCY COSTS	***41,196.81***	
	INCOME OVER (UNDER) EXPENSES	***4,505.96***	

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

To: Property Owner

From: Angus Jennings, Town Manager & Town Treasurer

Date: October 22, 2015

Subject: OHI FY16 Service Charge

In accordance with the Service Charge Ordinance approved by the Hampden Town Council on May 18, 1992, the Council approved the following Service Charge fee for the 2015/2016 fiscal year on October 19, 2015.

When you have completed your financial information for the year ending June 30, 2015, please submit your gross income if you feel the fee exceeds 2% of your gross income. This information should be submitted to the Town Manager for review by the Hampden Town Council.

Property Owner: OHI

Property Location: 143 Patterson Road
Hampden, Maine 04444

Legal Description: Map 5 Lot 39
Book 9144 Page 102

2015/2016 Municipal Budget $6.813,432 (Original Budget Less General Assistance of $10,000)

Divided By Total Valuation $635,971,299 (=0.0107134)

Times the Just Value $ 141,000

Service Charge Due	$	1,510.59

OHI
SUMMARY OF PROFIT & LOSS
143 PATTERSON RD
For the Twelve Months Ending Tuesday, June 30, 2015

		ACTUAL YTD 2015	
	INCOME		
4010	GRANT REVENUE	$4,944.00	
4020-+4055-+4056-+...	SSA/SSI INCOME	8,178.00	
4100	USDA INCOME - FOOD STAMPS	2,059.57	
	TOTAL INCOME	***15,181.57***	2% = 303.63
	OCCUPANCY COSTS		
5561	DEPRECIATION - BUILDING	5,590.06	
5566	INTEREST EXPENSE - MORTGAGE	3,807.99	
5410	FOOD	3,903.60	
5105	FIDUCIARY FEES	180.00	
5415	ELECTRICITY	995.91	
5420	HEAT	2,354.73	
5430-+5438-+5439	BUILDING MAINTENANCE SUPPLIES	1,204.96	
5041	SALARY - MAINTENANCE	257.16	
5431-+5437	GROUNDS MAINTENANCE	1,362.77	
5435	WATER & SEWER	340.00	
5440	EQUIP PURCHASE MINOR	138.00	
5455	TELEPHONE	377.63	
5573	INSURANCE - FIRE	510.65	
	TOTAL OCCUPANCY COSTS	***21,023.46***	
	INCOME OVER (UNDER) EXPENSES	***(5,841.89)***	

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
179439	2015 service	11/5/2015	1,217.68	1,217.68	0.00	1,217.68

211480

OHI
Helping people with disabilities live and work in their communities

Finance Division - (AP)
23 Freedom Parkway
Hermon, ME 04401
(207) 848-5604
Fax 848-7978

THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND A SECURITY VOID

BANGOR SAVINGS BANK
BANGOR, ME 04401

52-36/112

CHECK DATE	CONTROL NUMBER	AMOUNT
11/5/2015	211480	******1,217.68

PAY One Thousand Two Hundred Seventeen and 68/100---------- VOID AFTER 90 DAYS ------- DOLLARS

TO THE ORDER OF: TOWN OF HAMPDEN
106 WESTERN AVE.
HAMPDEN, ME 04444

Bonnie-Jean Coyle
George K. Smith

AUTHORIZED SIGNATURE

⑈211480⑈ ⑆211274382⑆ 2010014889⑈

Penquis Mental Health Association

572 Bangor Road, Dover-Foxcroft, Maine 04426

Richard Brown, CEO

Phone: (207) 564-2464 Fax: (207) 564-2404

November 13, 2015

Town of Hampden
RECEIVED
NOV 18 2015
Office of the
Town Manager

Angus Jennings
Town Manager & Town Treasurer
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

Dear Manager Jennings:

The services fee charges for Penquis Mental Health for the 2015-2016 Hampden budget year should be based upon 2% of the gross annual revenue. Enclosed is the financial statement for the property at 1021 Carmel Road North for the period July 1, 2014 to June 30, 2015. Enclosed also is a check in the amount of $261.38 representing 2% of the annual gross revenue for 1021 Carmel Road North.

Sincerely,

M. Dale Shaw

Chief Financial Officer

PENQUIS MENTAL HEALTH
INCOME STATEMENT FOR CARMEL RD.
JULY 1, 2014 - JUNE 30, 2015

		SERVICE FEE
REVENUE		
RENTAL INCOME	$ 13,069.03	$ 261.38
EXPENSES:		
DEPRECIATION	$ 5,093.00	
INTEREST	$ 6,298.66	
PROFESSIONAL FEES	$ 334.53	
MAINTENANCE	$ 25.32	
INSURANCE	$ 1,040.05	
TAXES	$ 277.47	
TOTAL EXPENSES	$ 13,069.03	
NET INCOME	$ -	

Dale Shaw
Chief Financial Officer

PENQUIS MENTAL HEALTH ASSOCIATION

HAMTOW	TOWN OF HAMPDEN	00000000000001634	11/13/2015	3688

MAP 1 LOT 31-A TAXES	11/13/2015	$261.38	$261.38	$0.00
		$261.38	$261.38	$0.00

Town of Hampden
----- Receipt -----

TAXES were DUE OCT 7TH

11/18/15 10:45 AM ID: $8191-1
TYPE------ REF--- AMXNT
**Penquis Mental Health
ADMIN-MISC 261.38

Paid By: Penquis Mental Health
Remaining Balance: 0.00
THANK YOU VETERANS!!
Check : 261.38
3688 - 261.38

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON

PENQUIS MENTAL HEALTH ASSOCIATION
572 BANGOR ROAD
DOVER-FOXCROFT, ME 04426

BANGOR SAVINGS BANK
BANGOR ME 04401
52-7438/2112

11/13/2015
DATE

Two Hundred Sixty One Dollars And 38 Cents

PAY TO THE ORDER OF:

TOWN OF HAMPDEN
106 WESTERN AVE.
HAMPDEN ME 04444

AUTHORIZED SIGNATURE

⑈003688⑈ ⑆211274382⑆ 0580700934⑈

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

To: Property Owner

From: Angus Jennings, Town Manager & Town Treasurer

Date: October 22, 2015

Subject: Penquis Mental Health FY16 Service Charge

In accordance with the Service Charge Ordinance approved by the Hampden Town Council on May 18, 1992, the Council approved the following Service Charge fee for the 2015/2016 fiscal year on October 19, 2015.

When you have completed your financial information for the year ending June 30, 2015, please submit your gross income if you feel the fee exceeds 2% of your gross income. This information should be submitted to the Town Manager for review by the Hampden Town Council.

Property Owner: Penquis Mental Health

Property Location: 1012 Carmel Road North
Hampden, Maine 04444

Legal Description: Map 1 Lot 31-A
Book 11872 Page 215

2015/2016 Municipal Budget $6,813,432 (Original Budget Less General Assistance of $10,000)

Divided By Total Valuation $635,971,299 (=0.0107134)

Times the Just Value $ 169,000

Service Charge Due	$	1,810.56

Town of Hampden

----- R e c e i p t -----

TAXES were DUE OCT 7TH

10/26/15 11:29 AM ID: #6713-1

TYPE------	REF---	AMOUNT
**Roe Village/Housing Foundation		
ADMIN-MISC		6,818.00

Paid By: Roe Village/Housing Foundation

Remaining Balance: 0.00

THANK YOU VETERANS!!

Check : 6,818.00

25389 - 6,818.00

Hampden Town Tax Collector

Payee Disbursement Voucher

Loan #	Pol/Tax #	Loan Name	Date Paid	Amount	Check Number
1302411055	PILOT Tax -- bill mailed by the Hous	Roe Village Apartments	10/19/15	-6,818.00	25389

Payee DisbursementTotal: -6,818.00

#130241 1055

Rae Village

NOTE 6: RESIDUAL RECEIPTS RESERVE

Use of the residual receipts reserve is contingent upon HUD's prior written approval.

NOTE 7: RELATED PARTY TRANSACTIONS

The Project has entered into a management contract with The Housing Foundation - M & D II, a related party. Management fees are limited to $54 per unit per month. Beginning June 1, 2015, the management fee was increased to $56 per unit. For the years ended June 30, 2015 and 2014, management fees were $19,500 and $19,440, respectively.

An informal maintenance agreement with The Housing Foundation - M & D II has also been executed causing maintenance work, cleaning and material reimbursements as well as vehicle operation and maintenance to be paid on an as needed basis. During the years ended June 30, 2015 and 2014, $24,151 and $18,191 of expenses were incurred for such services, respectively.

During the years ended June 30, 2015 and 2014, the Project was charged $22,275 by The Housing Foundation - M & D II for office support and office rent. The allocation of these charges was based on a time study performed by M & D II. The Project was also charged by M & D II $3,886 and $3,787 for the years ended June 30, 2015 and 2014, respectively, for computer, copier and miscellaneous administrative fees. Computer, copier and miscellaneous administrative fees are prorated based on the number of housing units managed.

During the years ended June 30, 2015 and 2014, the Project was charged $19,780 and $18,946, respectively, from The Housing Foundation – M & D II for the Project's Tenant Service Coordinator.

NOTE 8: PAYMENT IN LIEU OF TAXES (P.I.L.O.T.)

By reason of a decision of the Maine Supreme Judicial Court in 1987, The Housing Foundation - Hampden, which is financed under Section 223(f) of HUD's program, is exempt from real estate taxation. Although State law permits the imposition of a service fee, also known as a payment in lieu of taxes (P.I.L.O.T.), State law currently limits the amount of such service fee to 2% of gross rent revenues. Thus, for the years ended June 30, 2015 and 2014, the service fee was $6,818 and 6,742, respectively.

NOTE 9: UNRESTRICTED NET ASSETS

None of the Project's net assets are subject to donor-imposed restrictions. Accordingly, all net assets are accounted for as unrestricted net assets.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

To: Property Owner

From: Angus Jennings, Town Manager & Town Treasurer

Date: October 22, 2015

Subject: The Housing Foundation FY16 Service Charge

In accordance with the Service Charge Ordinance approved by the Hampden Town Council on May 18, 1992, the council approved the following Service Charge fee for the 2015/2016 fiscal year on October 19, 2015.

When you have completed your financial information for the year ending June 30, 2015, please submit your gross income if you feel the fee exceeds 2% of your gross income. This information should be submitted to the Town Manager for review by the Hampden Town Council.

Property Owner: The Housing Foundation

Property Location: 113 Western Avenue
Hampden, Maine 04444

Legal Description: Map 31 Lot 8
Book 4249 Page 321

2015/16 Municipal Budget	$6,813,432 (Original Budget Less General Assistance of $10,000)
Divided By Total Valuation	$635,971,299 (=0.0107134)
Times the Just Value	$ 1,909,000
Service Charge Due	**$20,451.88**

Angus Jennings <townmanager@hampdenmaine.gov>

RE: Question re Service Charge Ordinance

1 message

Thomas A. Russell <tar@frrlegal.com> Wed, Nov 18, 2015 at 2:20 PM
To: Angus Jennings <townmanager@hampdenmaine.gov>

Angus: The quoted language from the ordinance tracks the language of former 36 MRS Sec. 652(1)(L), which was repealed and replaced in 2007 by 36 MRS Sec. 508 (copy attached). **Note: The Service Charge Ordinance should be amended to change the statutory reference.** To my knowledge, the Maine Supreme Judicial Court has never had an occasion to interpret the statute. Although the language could certainly be construed to cover all of the exempt organization's revenues, I do not think that is a reasonable interpretation of the statute. When OHI filed an abatement request in 2013, the Town applied the 2% limitation only to the gross revenue derived from the properties in question. I will forward you emails concerning the submissions submitted by OHI. Tom Russell

---

From: Angus Jennings [mailto:townmanager@hampdenmaine.gov]
Sent: Wednesday, November 18, 2015 10:23 AM
To: Thomas A. Russell
Subject: Fwd: Question re Service Charge Ordinance

Hi Tom,

A have a question which may fall more into the category of institutional memory than law. Please review the thread below and let me know if you recall whether this has come up before (which it sounds like it has), and how it was resolved. My interest is to ensure that it's handled consistently over time.

Thanks,

Angus

On Tue, Nov 17, 2015 at 5:24 PM, Angus Jennings <townmanager@hampdenmaine.gov> wrote:

Hi Sue,

Hope you're well!

We sent out the Service Charge Notices last month and have received one response citing the 2% limit on charge, referencing that organization's audited financial statement. However, they're asserting that the 2% relates to the gross income *for that property*, rather than for the organization. The ordinance refers to the "gross annual revenues of that institution or organization" and Kelly sees it that way. Before weighing in I wanted to check with you to understand past practice in the event this question has arisen before.

Thanks,

Angus

–

——— Forwarded message ———
From: **Lessard, Susan** <slessard@bucksportmaine.gov>
Date: Tue, Nov 17, 2015 at 6:56 PM
Subject: Re: Question re Service Charge Ordinance
To: Angus Jennings <townmanager@hampdenmaine.gov>

Hi Angus -

Hope all is going well.

I believe that when we sent the service charges out before that there were two that did the 2% - Roe Village and OHI. Tom Russell handled the discussion with OHI because they had contested whether they had to pay the fee or not. They did in the end but I believe the 2% was applied and I believe it applied to the property but you can check with Tom because I cannot honestly remember what the 2% was based on. I would almost assume that if the ordinance calls for 2% that it would apply to the property for which the charge was assessed. It would not be reasonable for it to apply to properties owned by a parent organization that had a wide range of properties some of which were not located in Hampden because the service charge is assessed based on the property located in Hampden.

I am sure that this is as clear as mud and I apologize for that. I do know that the 2% has been applied and I believe in the past it has been based on the income of the property in Hampden.

Take care

Sue

Susan Lessard | Town Manager, Interim

Town of Bucksport, Maine | Incorporated June 25, 1792

50 Main Street | P.O. Drawer X | Bucksport, Maine 04416

207.469.7368, ext. 226 (office) | 207.469.7369 (fax)

slessard@bucksportmaine.gov | www.bucksportmaine.gov

–

Maine Revised Statutes

Title 36: TAXATION

Chapter 105: CITIES AND TOWNS

§508. SERVICE CHARGES

1. Imposition. A municipality may impose service charges on the owner of residential property, other than student housing or parsonages, that is totally exempt from taxation under section 652 and that is used to provide rental income. Such service charges must be calculated according to the actual cost of providing municipal services to that real property and to the persons who use that property, and revenues derived from the charges must be used to fund, to the extent possible, the costs of those services. The municipal legislative body shall identify those institutions and organizations upon which service charges are to be levied.

A municipality that imposes service charges on any institution or organization must impose those service charges on every similarly situated institution or organization. For the purposes of this section, "municipal services" means all services provided by a municipality other than education and welfare.

[2007, c. 627, §12 (NEW) .]

2. Limitation. The total service charges levied by a municipality on any institution or organization under this section may not exceed 2% of the gross annual revenues of the institution or organization. In order to qualify for this limitation, the institution or organization must file with the municipality an audit of the revenues of the institution or organization for the year immediately prior to the year in which the service charge is levied. The municipal officers shall abate the portion of the service charge that exceeds 2% of the gross annual revenues of the institution or organization.

[2007, c. 627, §12 (NEW) .]

3. Administration. Municipalities shall adopt any ordinances necessary to carry out the provisions of this section. Determinations of service charges may be appealed in accordance with an appeals process provided by municipal ordinance. Unpaid service charges may be collected in the manner provided in Title 38, section 1208.

[2007, c. 627, §12 (NEW) .]

SECTION HISTORY
2007, c. 627, §12 (NEW).

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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

D-4-b

Penobscot Temperature Controls, Inc.
54 Nadine's Way
Hampden, ME 04444
(207)945-9350

Quote

Date	Quote #
12/15/2015	458

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

Project	Location
Thermostat	Office, Roof Top

Item	Description	Qty	Total
	Install one "Red Link" Honeywell Wi - fiy thermostat for main office roof top HVAC unit. Thermostat set up is like the one at public works building that can connect to the Internet.		
Labor		7	406.00
Hon # TTM6000R10...			121.98
Hon # YTHX9421R5...			372.37

Thank you for your business! **This quote may be withdrawn by us if not accepted within 30 days.**	**Total**	$900.35

Angus Jennings <townmanager@hampdenmaine.gov>

Re: Town Building HVAC work

1 message

Kyle Severance <gisit@hampdenmaine.gov> Tue, Feb 9, 2016 at 9:54 AM
To: Angus Jennings <townmanager@hampdenmaine.gov>
Cc: Sean Currier <publicworks@hampdenmaine.gov>, Rosemary Bezanson <adminasst@hampdenmaine.gov>, Denise Hodsdon <clerk@hampdenmaine.gov>, Kandy McCullough <kmccullough@hampdenmaine.gov>

On quote 458 it states that the honeywell thermostat will be similar to the system at the public works garage and will be able to connect to the internet. This being the case, the system controls will be web based and there will be no need for a dedicated computer to run the system (it will be accessible by logging into a website from any of the computers or even using the mobile app on a smartphone).

Kyle Severance
GIS/IT Specialist | Town of Hampden, Maine
O: (207)862-4500 ext 142 | M: (207)217-0072 | F: (207)862-5067

On Tue, Feb 9, 2016 at 9:50 AM, Angus Jennings <townmanager@hampdenmaine.gov> wrote:

Sean,

As I think we discussed, the Council has accepted Penobscot's quotes 460 and 455, attached, but had questions about Quote 458.

I notified Dana at Penobscot of the two accepted quotes and asked for more detail re proposed cost for 458. The Infrastructure Committee will take this up again next Wednesday, and I expect to get more info from Dana by or on Tuesday.

I spoke with Jessica in Dana's office this morning and advised that he could either proceed with the two accepted jobs at his convenience or wait until all three are ready to go. I gave her your number as the contact person to coordinate timing for the work.

Kyle, are we still looking for a new work station and software for the HVAC, and if so what process is needed to move that forward? As I recall this fell outside of Dana's expertise to assist us with - is that correct?

Thanks,
Angus

--

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.

D-5-a

NOTICE OF HEARING
Pursuant to 17 M.R.S.A. § § 2851-2859
(Dangerous Buildings)

TO: JAMES BUTLER, JR.
691 MAIN ROAD NORTH
HAMPDEN, MAINE 04444

You are hereby notified that the Municipal Officers of the Town of Hampden, Maine will hold a hearing on March 21, 2016 at 7:00 PM at the Town of Hampden Municipal Building, Town Council Chambers, to determine whether the residential building/structure owned by you and located on land owned by you and shown on Map 21, Lot 008 of the current Tax Maps of the Town of Hampden, Maine on file at the Town of Hampden Municipal Building, Assessor's Office, is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851.

If the Municipal Officers find that the building/structure is dangerous or a nuisance, they may order appropriate corrective action, including but not limited to demolition and removal of the building/structure. If their order is not complied with by the deadline stated in their order and no appeal is taken, the Municipal Officers may take the corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action. This hearing is your opportunity to present evidence as to why the building/structure is not dangerous and to oppose any corrective action ordered by the Municipal Officers.

Dated:_____ Municipal Officers Town of Hampden, Maine

/s/ _____ /s/ _____

/s/ _____ /s/ _____

/s/ _____ /s/ _____

/s/ _____

STATE OF MAINE
_____County, ss

Date:_____.

Personally appeared before me the above-named _____,

_____, _____,

_____, _____,

_____, and _____
and each acknowledged the foregoing instrument to be his/her free act and deed.

_____
Notary Public/Attorney at Law

Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444

Phone: 207-862-4000
Email: publicsafety@hampdenmaine.gov

http://www.hampdenmaine.gov/
https://www.facebook.com/hampdenpublicsafety

Police • Fire • EMS
Code Enforcement
Building Inspection
Fire Inspection
Local Health Office

Joseph L. Rogers
Director of Public Safety
Kandy A. McCullough
Administrative Assistant

Police
T.Daniel Stewart
Sergeant/SRO
Scott A. Webber
Sergeant
Christian D. Bailey
Sergeant
Joel Small
Police Officer
Joseph D. Burke
Police Officer/MDEA
Benson G. Eyles
Police Officer
Shawn F. Devine
Police Officer
Marc Egan
Police Officer
William Miller
Police Officer
Jeffrey L. Rice
Police Officer

Fire
Jason Lundstrom
Lieutenant/Fire Inspector
Daniel Pugsley, Jr.
Lieutenant/Paramedic
Matthew St.Pierre
Lieutenant/Paramedic
Myles Block
CEO/Paramedic
Jared LeBarnes
Building Inspector/Paramedic
Joseph Dunton
Paramedic/Chaplain
Matthew Thomas
FF/Paramedic
Shaun McNally
FF/Paramedic
Aaron Jellison
FF/Paramedic
Matthew Roope
FF/Paramedic

February 17, 2016

Mayor David Ryder
Members of the Hampden Town Council
106 Western Avenue
Hampden, Maine 04444

Ref: 758 Main Road North, Title 17, §2851. Dangerous buildings

Mayor Ryder:

This letter is to inform you and the members of the Town Council of the condition and status of the two-family dwelling located at 758 Main Road North in Hampden, Tax Map 21 Lot 008. The property is currently owned by James Butler, Jr. of 691 Main Road North in Hampden.

I was first made aware of the condition of this property during a field inspection around the end of August 2015 by a concerned contractor. On August 31, 2015, I sent Mr. Butler a certified letter requesting an on-site meeting "to discuss the condition of the building and possible mitigation of the condition." The USPS attempted to deliver and left notice of this certified letter on September 3, 2015 and September 10, 2015 and the letter was returned to the town on September 18, 2015. Lt. Jason Lundstrom then made contact with Mr. Butler on October 8, 2015 and spoke with him in person. Please see the enclosed activity report for details on that conversation. This in-person meeting was followed up with a letter on October 14, 2015 which was sent by certified mail and delivered and signed for by Mr. Butler on October 15, 2015. Copies of both letters are enclosed as part of this packet.

Lt. Lundstrom's Activity Report documents both the communications the Code Enforcement Office has had with Mr. Butler since the delivery of the last letter, and the lack of remediation efforts by Mr. Butler on the property.

Photographs (copies enclosed) of the structure taken on August 25, 2015, November 17, 2015 & February 17, 2016 show its continual decline.

Lt. Lundstrom and I both agree that the structure is structurally unsafe, unstable, and unsanitary; it poses a fire hazard, a health and safety hazard, and is ultimately a danger to life and/or property. Numerous sections of the foundation walls have collapsed and first-floor joists have fallen into the basement and are no longer supporting the structure. Since August, we have noted that the building continues to deteriorate steadily. The windows are starting to fall in on themselves and the building appears to be collapsing in the middle. The foundation collapse noted above has exposed the interior of the building to the weather and

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outside elements, creating unsanitary conditions visible from the exterior. A survey of the 1st and 2nd floor spaces for unsanitary conditions has not been performed due to the potential structure collapse. If the building were to completely collapse, it would be a fire hazard as there is still power connected to 1 of the entrance boxes. In the current condition, this structure is a health and safety hazard as it is not suitable for human habitation.

This property poses significant danger to persons and property abutting the structure, as well as the general public that traverse Main Road North. In the event of collapse, both areas are within the collapse zone of the building.

Lt. Jason Lundstrom is currently sworn in by the Town of Hampden as the Fire Inspector responsible for enforcement of Life Safety Code and Fire Code, the Alternate Building Official and Inspector responsible for enforcement of Building Code, Alternate Code Enforcement Officer responsible for Zoning and Land Use Ordinance, and the Local Health Officer. Lt. Lundstrom is also employed by the town as a Fire Lieutenant-Training Officer/Advanced EMT. Lt. Lundstrom is certified by the Maine Department of Economic and Community Development, Code Enforcement Officer Training and Certification Program in Residential Building Code, Commercial Building Code, Residential Energy Code, Commercial Energy Code, Residential Ventilation Code and Commercial Ventilation Code. Since initial certification in January 2015, Lt. Lundstrom has completed additional training consisting of 3-hours of Legal Issues, 6-hours of Residential Building Code, 12-hours of Commercial Building Code, and 3 hours of Residential Energy. Lt. Lundstrom is certified by the ProBoard Fire Service Professional Qualifications System as a Firefighter I & II, Fire Instructor I & II, and Fire Officer I & II. Lt. Lundstrom has further certification from the Maine Center for Disease Control & Prevention, Division of Infectious Disease as a Local Health Officer. Lt. Lundstrom is licensed by Maine EMS as an Advanced Emergency Medical Technician. Lt. Lundstrom also holds an Associates of Applied Science Degree in Fire Science Technology from Southern Maine Community College.

Currently I am sworn in by the Town of Hampden as the Code Enforcement Officer, Local Plumbing Inspector, Alternate Building Inspector responsible for Enforcement of Building Code, and Alternate Fire Inspector responsible for Enforcement of Life Safety Code and Fire Code. I am also employed by the town as a Firefighter/Paramedic. I am certified by the Maine Department of Economic and Community Development Code Enforcement Officer Training and Certification Program in Land Use, Shoreland Zoning, Residential Building Code, Commercial Building Code, Residential Energy Code, Commercial Energy Code, Residential Ventilation Code, Commercial Ventilation Code, and Residential Radon Code. Since initial certification in January 2015, I have completed additional training consisting of 6-hours of Legal Issues, 3-hours of Land Use, 9-hours of Residential Building Code, and 15-hours of Commercial Building Code. I am also certified by the Maine Department of Economic and Community Development, Municipal Code Enforcement Certification as a Local Plumbing

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Inspector. Additionally, I hold certifications from the ProBoard Fire Service Professional Qualifications System as a Firefighter I & II, Fire Instructor I & II, and Fire Officer I & II. I am licensed by Maine EMS and Certified by the National Registry of Emergency Medical Technicians as a Paramedic. I also hold a Bachelor of Science Degree in Marine Engineering Technology from Maine Maritime Academy and an Associate of Applied Science Degree in Emergency Medical Services from Eastern Maine Community College.

Ultimately, both Lt. Lundstrom and I individually and jointly, agree that the structure located at 758 Main Rd North, Tax Map 21 Lot 003, constitutes a Dangerous Building under M.R.S. Title 17 §2851. It is the opinion of the Code Enforcement Office that the building is structurally unsafe, unstable, and unsanitary; and it poses a fire hazard, a health and safety hazard, and a danger to life and property in its current condition. Based on this conclusion, we recommend that the building be deemed dangerous and the removal of the building be ordered under the statutory authority given to the municipal officers of the Town of Hampden.

Respectfully Submitted,

Myles M. Block
Code Enforcement Officer

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DANGEROUS BUILDING
758 MAIN ROAD NORTH

ACTIVITY LOG

A violation file was opened reference property owned by James Butler at 758 Main Road North (Route 1A) in the Town of Hampden. On 11/20/2015, a violation permit was created in the Trio Records Management system to track and document the violations and corrective actions.

10/8/2015

I (Lt. Jason Lundstrom) spoke with James Butler at his office in reference to the property he owns at 758 Main Road North in Hampden. I advised Mr. Butler that we had received multiple complaints from residents concerned that the building itself would collapse, or that the chimney would fall off and into the traffic of the highly traveled Route 1A. Mr. Butler said he was aware of the condition of the building, but advised he had no plan to stabilize the building in the near future. I advised Mr. Butler it was imperative that the building be stabilized or removed because the current status poses a risk to the public. Mr. Butler stated he would have to think about this, and that he would have to come up with a plan because he did not want to tear the building down. He stated, "I will fight the town every step of the way if they try to tear my building down."

After speaking with Mr. Butler, I consulted with CEO Myles Block and Public Safety Director Joe Rogers. It was our consensus that the property posed a risk to the public, including passing motorists. A certified letter was drafted and mailed to Mr. Butler on 10/14/15 directing him to put a fence around the property and remove the chimney now, and we would revisit the status of the building in the spring. We felt this gave Mr. Butler an opportunity to properly stabilize the building.

Mr. Butler stated he was not going to put a fence around the property. He asked if he could stabilize the building himself. I advised him that if he was going to do so, it would need to be done under the direction and approval of a structural engineer. I told him that the engineer would have to provide a stamped letter outlining the scope of the work. Mr. Butler said he agreed and would take that option. He advised he would call our office to provide a timeline for the work to be completed.

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11/11/2015

At 1608 hours I received a phone call from James Butler. He indicated he had assessed the damage at 758 Main Road North, and realized that the repairs are more extensive than he had anticipated. He stated he was going to use a jack hammer to cut up pieces of the concrete foundation that have failed. He stated he would then remove the concrete and place temporary cribbing. He stated he would then place railroad ties as semi-permanent cribbing until he can replace the foundation under the building. He explained this work would be done within two weeks, but it could potentially take up to 30 days. I advised him I would follow up with him in two weeks to check on the status of the project. I asked Mr. Butler if he had consulted a structural engineer to assist in developing a plan to stabilize the building. He said he did, but didn't identify the engineer. I advised him that per our conversation in early November, he was to have a letter submitted to the Town of Hampden stamped by the engineer outlining the scope of the work and approving the stabilization plan. Mr. Butler stated he would consult with the engineer again and assured me that he would submit the stamped letter to the town as part of the remediation plan.

11/30/2015

An inspection of the property revealed that no work had been done at all.

12/30/2015

At 1147 hours, I spoke with James Butler reference the property at 758 Main Road North. Mr. Butler stated he had still not completed the work to make the property safe. Mr. Butler stated there was a lot going on in his life and that he was focusing on other things at this point. Mr. Butler said he was aware of the danger the building posed, and knew it needed to be addressed; but he could not make the repairs to the building at this point and could not identify a time he would be able to do so. I explained to Mr. Butler that I would speak with Town Manager Angus Jennings to determine how the Town Council wished to proceed. I advised I would contact him both by phone and in writing to notify him of the Town's plan.

I spoke with Town Manager Angus Jennings who said he would present this situation to the Planning and Development Committee at their next meeting on January 6, 2016 at 1800 hours.

2/11/2016

As of this date, I have not had any further communication from James Butler reference the property at 758 Main Road North. It is the opinion of the Code

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Enforcement Department that this building fits M.R.S. Title 17 § 2851, Chapter 91 (4), Dangerous Buildings.

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Code Enforcement Office
Enforcement Action 16-129
Dangerous Building 758 Main Road North
Photograph Descriptions

Photo 1
Photo taken on 8/25/15 – Shows the front view condition of the property. Note the uneven ridge line, chimney flashing that the roof has fallen down from, and the front porch that is leaning into the structure. Also note the close proximity to the abutting structure and the sidewalk and roadway of Main Rd N.

Photo 2
Photo taken on 8/25/15 – Shows the left rear side of the structure with lack of a foundation wall on the right side of the photo. Also note the trash and supporting members that have fallen.

Photo 3
Photo taken on 8/25/15 – Is a view looking under the front porch looking into the basement. Note the collapse of the foundation wall as well as the supporting floor members that have fallen into the basement. You can also clearly see the interior basement stairs.

Photo 4
Photo taken 11/17/15 – Another front view of the property with further tilting of the window sashes noted.

Photo 5
Photo taken 11/17/15 – Shows the tilting of the window sashes being caused by the lack of support of the structure. You can also note the foundation wall is not in contact with the structure.

Photo 6
Photo taken 11/17/15 – Note the electrical service still connected to the structure as well as the deterioration of the foundation wall.

Photo 7
Photo taken 11/17/15 – Note the tilting of the window sashes, the siding that is starting to come off from the lack of building support and the roof soffit area coming apart from the structure.

Photo 8
Photo taken 11/17/15 – Note the tilting of the window sashes, siding and soffit issues as well as the connected electrical service.

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Photo 9
Photo taken 11/17/15 – Front view, note the Chimney flashing and the overall appearance that that structure on falling into the center. Also note the lack of foundation on the lower left.

Photo 10
Photo taken 2/17/16 – Front view after a couple snow storms, Note the front left window sash has now fallen and the roof has moved more from the chimney flashing.

Photo 11
Photo taken 2/17/16 – Note the continued tilting of the window sashes and the fallen foundation wall.

Photo 12
Photo taken 2/17/16 – Note the movement of the lower window frame no longer could the window up and it was fallen open and the tilting of the window sashes above and below.

Photo 13
Photo taken 2/17/16 – Note the increased movement of the roof from the chimney and increased roof collapse/damage around the chimney.

D-5-b

Town of Hampden
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townmanager@hampdenmaine.gov

TO: Finance Committee and Town Council
FROM: Angus Jennings, Town Manager
DATE: March 3, 2016
RE: Proposed FY16 Budget Adjustment to meet TIF CEA Obligations

---

Under the terms of TIF and Credit Enhancement Agreements (CEAs) executed between the Town and certain property owners, the Town is obligated to reimburse to the property owners a percentage of real estate taxes paid. In order to meet these obligations, an adequate amount of funding is required to be budgeted. A summary of TIF agreements in effect is attached.

Upon review of the CEAs in effect and the approved FY16 budget, it became apparent that the budget as approved did not provide adequate funding to meet these obligations.

The approved FY16 budget (summary sheet attached) budgeted $20,000 for TIF. The total amounts due in FY16 pursuant to the CEAs will be $100,260.11. Therefore, at a minimum, it is proposed that the Council approve a budget adjustment of $80,260.11 from the Unassigned Fund Balance to the TIF Budget Account 67-01-55-25.

Fortunately, the Assessor's calculation and reporting of TIF revenues to the Department of Revenue (DOR) on the 2015 Tax Rate Calculation Standard Form was accurate. This means that the maximum allowable TIF revenues may be "sheltered" – provided that such funds are actually budgeted to TIF. Based on consultation with DOR, the Town Attorney and other municipal Managers and Assessors, we are confident that a mid-year budget adjustment, as proposed, will have the effect of "sheltering" these funds.[1] Relevant correspondences are attached.

If this adjustment is approved, it would actually have the effect of increasing the projected FY16 Overlay (see attached *2015 Municipal Tax Rate Calculation Standard Form* excerpt, line 23). The enclosed memo from the Assessor describes this in more detail.

If the full amount of TIF revenues reported to DOR on line 9 of the Form ($189,147.88) is transferred to the TIF line item through a FY16 budget adjustment, the amount of the transfer

---

[1] A discussion of "sheltering" of TIF funds is beyond the scope of this memo but the Assessor and I will be prepared to discuss this in detail as needed at Monday's meeting.

not already obligated toward CEA payments (up to $88,887.39) would be eligible for use for the purposes included in the approved TIF agreements. If less than the full amount of reported TIF revenues is transferred, the portion not transferred would revert to the General Fund, and my office would work with the Assessor to file an amended 2015 Municipal Tax Rate Calculation Standard Form. This would affect DOR's calculation of Municipal Revenue Sharing, County Tax, and the Town's portion of assessment for RSU-22 (since each of these is based on total valuation, and were based on the reported TIF revenues).

Given the complexity of this matter, I recommend that the Town Council take action on the proposed FY16 budget adjustment in order to ensure available (and sheltered) TIF funds to meet our obligations pursuant to the CEAs.

I further recommend that the Council defer action on the question of whether to transfer additional funds to TIF up to the maximum amount authorized. This will allow the Council's action to be informed by a broader discussion of priorities (including relative to use of TIF funds for eligible purposes) – as opposed to the present request, which is needed to meet our minimum obligations.

Although this budgeting error has caused inconvenience, it is worth noting that the Town Attorney has advised that this type of error is not uncommon during the initial year or more of TIF agreements; I have attached a three-page advisory memo provided by the Town Attorney entitled "Budgeting TIF Revenues and Expenses: How to do it right." In addition to resolving the present challenge – through the proposed budget adjustment – I am working with the Assessor and the Finance/HR Director to establish protocols to ensure both that adequate TIF revenues will be budgeted in FY17 (and beyond), and to establish appropriate accounting controls to ensure that, over time, any TIF expenditures (and the aggregate of total TIF expenditures) are within the budgeted amounts authorized in the TIF agreements executed by the Council and approved by the Maine Department of Economic and Community Development (DECD).

The FY17 budget cycle will include a proposed allocation of TIF funds to meet our CEA obligations, and may included proposed allocation of TIF funds for other eligible purposes. Any FY17 TIF funds not specifically budgeted would be part of the overall tax commitment, and would be receipted to the General Fund.

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To: Angus Jennings, Town Manager
From: Kelly Karter, Assessor
Date: March 1, 2016
Re: TIF Calculations

Attached to this Memo are two Tax Rate Calculation Forms. The yellow highlighted form was the form I actually filled out and calculated using the full amount of the TIF funding required per our agreements.

The orange highlighted form is using the TIF funding amount that appeared in the Treasurer's Budget ($20,000).

You will see the funding amounts listed on Line 9 of each form. That line on the Assessor Calculations is $189,147.88 and on the Treasurer's Budget is listed as $20,000. (The difference between the two numbers is $169,147.88.) Line 19 shows the amount of taxes for commitment using the selected mil rate (.0175). The commitment amount is the same so the amount raised was appropriate to fund the TIF.

When you look to Line 23 the Assessor Calculation it shows an overlay of $303,288.85 versus the Treasurer's Budget which indicates an overlay of $472,436.73. The difference between those two amounts is $169,147.88.

The difference in the TIF Financing Plan Amount (Line 9) is: Assessor's Calculation amount of $189,147.88 less the Treasurer Budget amount of $20,000 which is exactly $169,147.88. Adequate funds were raised to reimburse the appropriate TIF accounts.

Assessor Calculations

MAINE REVENUE SERVICES - 2015 MUNICIPAL TAX RATE CALCULATION STANDARD FORM

Municipality: HAMPDEN

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total taxable valuation of real estate	1	597,620,000 (should agree with MVR Page 1, line 6)
2. Total taxable valuation of personal property	2	21,841,300 (should agree with MVR Page 1, line 10)
3. Total taxable valuation of real estate and personal property (Line 1 plus line 2)	3	619,461,300 (should agree with MVR Page 1, line 11)
4. (a) Total exempt value for all homestead exemptions granted	4(a)	18,519,000 (should agree with MVR Page 1, line 14f)
(b) Homestead exemption reimbursement value	4(b)	9,259,500 (line 4(a) multiplied by 0.5)
5. (a) Total exempt value of all BETE qualified property	5(a)	13,729,700 (should agree with MVR Page 2, line 15c)
(b) The statutory standard reimbursement for 2015 is 50% *Municipalities with significant personal property & equipment may qualify for more than 50% reimbursement. Contact MRS for the Enhanced Calculator Form.*	5(b)	7,250,499 (line 5(a) multiplied by 0.5) QUALIFY - CALL (624-5600 #1)
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	635,971,299

ASSESSMENTS

7. County Tax	7	$768,555.00
8. Municipal Appropriation	8	$6,823,432.00
9. TIF Financing Plan Amount	9	$189,147.88 (should agree with MVR Page 2, line 16c)
10. Local Education Appropriation (Local Share/Contribution)... (Adjusted to Municipal Fiscal Year)	10	$6,130,574.00
11. Total Assessments (Add lines 7 through 10).....	11	$13,911,708.88

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	$348,000.00
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not Include any Homestead or BETE Reimbursement)	13	$2,737,500.00
14. Total Deductions (Line 12 plus line 13).....	14	$3,085,500.00
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	$10,826,208.88

16.	$10,826,208.88 (Amount from line 15)	x	1.05	=	$11,367,519.32	Maximum Allowable Tax
17.	$10,826,208.88 (Amount from line 15)	÷	635,971,299 (Amount from line 6)	=	0.017023	Minimum Tax Rate
18.	$11,367,519.32 (Amount from line 16)	÷	635,971,299 (Amount from line 6)	=	0.017874	Maximum Tax Rate
19.	619,461,300 (Amount from line 3)	x	0.017500 (Selected Rate)	=	$10,840,572.75 (Enter on MVR Page 1, line 13)	Tax for Commitment
20.	$10,826,208.88 (Amount from line 15)	x	0.05	=	$541,310.44	Maximum Overlay
21.	9,259,500 (Amount from line 4b)	x	0.017500 (Selected Rate)	=	$162,041.25 (Enter on line 8, Assessment Warrant)	**Homestead Reimbursement**
22.	7,250,499 (Amount from line 5b)	x	0.017500 (Selected Rate)	=	$126,883.73 (Enter on line 9, Assessment Warrant)	**BETE Reimbursement**
23.	$11,129,497.73 (Line 19 plus lines 21 and 22)	-	$10,826,208.88 (Amount from line 15)	=	$303,288.85 (Enter on line 5, Assessment Warrant)	Overlay

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

Treasurer Budget

MAINE REVENUE SERVICES - 2015 MUNICIPAL TAX RATE CALCULATION STANDARD FORM

Municipality: 0

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total taxable valuation of real estate	1	597,620,000 (should agree with MVR Page 1, line 6)
2. Total taxable valuation of personal property	2	21,841,300 (should agree with MVR Page 1, line 10)
3. Total taxable valuation of real estate and personal property (Line 1 plus line 2)	3	619,461,300 (should agree with MVR Page 1, line 11)
4. (a) Total exempt value for all homestead exemptions granted	4(a)	18,519,000 (should agree with MVR Page 1, line 14f)
(b) Homestead exemption reimbursement value	4(b)	9,259,500 (line 4(a) multiplied by 0.5)
5. (a) Total exempt value of all BETE qualified property	5(a)	13,729,700 (should agree with MVR Page 2, line 15c)
(b) The statutory standard reimbursement for 2015 is 50% *Municipalities with significant personal property & equipment may qualify for more than 50% reimbursement. Contact MRS for the Enhanced Calculator Form.*	5(b)	7,250,499 (line 5(a) multiplied by 0.5) QUALIFY - CALL (624-5600 #1)
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	6	635,971,299

ASSESSMENTS

7. County Tax	7	$768,555.00
8. Municipal Appropriation	8	$6,823,432.00
9. TIF Financing Plan Amount	9	$20,000.00 (should agree with MVR Page 2, line 16c)
10. Local Education Appropriation (Local Share/Contribution)... (Adjusted to Municipal Fiscal Year)	10	$6,130,574.00
11. Total Assessments (Add lines 7 through 10).....	11	$13,742,561.00

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	$348,000.00
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not Include any Homestead or BETE Reimbursement)	13	$2,737,500.00
14. Total Deductions (Line 12 plus line 13).....	14	$3,085,500.00
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	$10,657,061.00

16.	$10,657,061.00 (Amount from line 15)	x	1.05	=	$11,189,914.05	Maximum Allowable Tax
17.	$10,657,061.00 (Amount from line 15)	÷	635,971,299 (Amount from line 6)	=	0.016757	Minimum Tax Rate
18.	$11,189,914.05 (Amount from line 16)	÷	635,971,299 (Amount from line 6)	=	0.017595	Maximum Tax Rate
19.	619,461,300 (Amount from line 3)	x	0.017500 (Selected Rate)	=	$10,840,572.75 (Enter on MVR Page 1, line 13)	Tax for Commitment
20.	$10,657,061.00 (Amount from line 15)	x	0.05	=	$532,853.05	Maximum Overlay
21.	9,259,500 (Amount from line 4b)	x	0.017500 (Selected Rate)	=	$162,041.25 (Enter on line 8, Assessment Warrant)	Homestead Reimbursement
22.	7,250,499 (Amount from line 5b)	x	0.017500 (Selected Rate)	=	$126,883.73 (Enter on line 9, Assessment Warrant)	BETE Reimbursement
23.	$11,129,497.73 (Line 19 plus lines 21 and 22)	-	$10,657,061.00 (Amount from line 15)	=	$472,436.73 (Enter on line 5, Assessment Warrant)	Overlay

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

TOWN OF HAMPDEN - T.I.F. 2015-16

OWNER'S NAME	HAMPDEN LOCA	LAND VALUE	BUILDING VAL	OAV	TIF VAL	TIF TAX	CAP/RET	
Emera	28 Penobscot Meadow	$497,400.00	$10,552,000.00	$1,198,200.00	$9,851,200.00	$172,396.00	$172,396.00	Town Tif Acct
HEC-Hampden dba Haverlock, Estey & Curran	8 Commerce Court	$99,900.00	$565,700.00	$87,500.00	$578,100.00	$10,117.00	$5,059.00	Exp 17/18 Gen Fund
University Club, LLC dba Dennis Paper	101 Mecaw Road	$217,000.00	$1,829,200.00	$1,378,000.00	$668,200.00	$11,693.00	$11,693.00	Gen Fund Yr 1/Tif After
TOTALS:		$814,300.00	$12,946,900.00	$2,663,700.00	$11,097,500.00	$194,206.00	$189,148.00	

University Club, LLC Tif first year 13/14 — Year 1- 77% Co 23% Gen Fund Yrs 2-5 77% Co 23% Tif Fund Years 6-10 50% Co 50% Tif Fund

Emera Tif first year 15/16 — 1st 5 years 50%: Year 6-10 75%: Year 11-15 50%: Year 16-20 25% — All Tif Accout for Town

HEC Hampden — Gen Fund Only

PRELIMINARY BASED ON 17.5 TAX RATE 05/18/15 KK

Updated information 08/13/2015

	Tif Land	Tif Building	
Emera		$9,851,200.00	$9,851,200.00
HEC	$12,400.00	$565,700.00	$578,100.00
University		$668,200.00	$668,200.00
	$12,400.00	$11,085,100.00	$11,097,500.00

TIF BREAKDOWN FOR PAYMENTS

Company	Total Tif Tax	% To Town	Town Tif	Town GF	% To Compan	$$ to Company
Emera	$172,396.00	50	$86,198.00		50	$86,198.00
HEC	$10,117.00	50		$5,058.50	50	$5,058.50
University Club	$11,693.00	23	$2,689.39		77	$9,003.61
	$194,206.00		$88,887.39	$5,058.50		$100,260.11

TOWN OF HAMPDEN
FY 2016 BUDGET
ADOPTED BY TOWN COUNCIL
JUNE 15, 2015

ACCOUNT NUMBER	ACCOUNT NAME	PROPOSED BUDGET 2015
01-01	ADMINISTRATION	$575,598.00
01-02	GIS/IT	$106,423.00
01-03	COMMUNICATIONS	$19,772.00
01-05	TOWN COUNCIL	$30,890.00
01-10	MUNICIPAL BUILDING	$86,507.00
01-15	TAX COLLECTOR	$6,000.00
01-20	ELECTIONS	$8,529.00
01-25	PLANNING/ASSESSING	$178,594.00
01-30	ECONOMIC DEVELOPMENT	$111,575.00
05-01	POLICE	$1,018,447.00
05-05	FIRE DEPARTMENT	$953,330.00
05-10	PUBLIC SAFETY	$187,836.00
06-06	NON-DEPARTMENT UTILITIES	$546,400.00
10-01	PUBLIC WORKS	$1,194,967.00
10-05	MUNICIPAL GARAGE	$25,726.00
15-10	SOLID WASTE	$353,784.00
20-01	RECREATION	$131,117.00
20-10	DYER LIBRARY	$249,608.00
20-20	LURA HOIT POOL	$203,707.00
25-10	THE BUS	$92,000.00
30-10	BUILDINGS & GROUNDS	$82,664.00
40-10	GENERAL ASSISTANCE	$10,000.00
50-10	DEBT SERVICE	$319,958.00
67-10	TIF	$20,000.00
3-00-00	RESERVES	$330,000.00
GROSS	**MUNICIPAL BUDGET TOTAL**	**$6,843,432.00**
LESS	**MUNICIPAL REVENUES -**	**$3,085,500.00**
= NET	**MUNICIPAL BUDGET TOTAL**	**$3,757,932.00**
	SAD #22 TAXATION AMOUNT	**$6,130,574.00**
	COUNTY TAXATION AMOUNT	**$768,555.00**
TOTAL TAXATION REQUIREMENT		**$10,657,061.00**

As adopted, the FY 2016 Budget results in an estimated tax rate of $17.50 per thousand, the same rate as in FY 2015. The mil rate will be set in August after all new valuation has been considered.

Copies of the entire FY 2016 Budget are available for public inspection at the Hampden Town Office.

Angus Jennings <townmanager@hampdenmaine.gov>

RE: Hampden TIF budgeting issue

1 message

Erik M. Stumpfel <estumpfel@rudmanwinchell.com> Tue, Feb 16, 2016 at 4:30 PM
To: Angus Jennings <townmanager@hampdenmaine.gov>, "Edmond J. Bearor" <ebearor@rudmanwinchell.com>

Angus,

I have not had occasion previously to address the issue of mid-year transfers to a TIF development program fund as it relates to sheltering of the underlying assessed value.

I defer to DECD's opinion on any issue relating to TIF approval, since DECD is the agency charged with administering the TIF statute.

However, Maine Revenue Service is the agency that determines the Town's State valuation for county tax and funding formula purposes, so it is MRS's opinion, not DECD's, that is controlling on this issue.

I disagree with DECD on this issue.

All municipal property tax revenues, when collected, come in initially to the Town's general fund, and afterwards are allocated out for various purposes as approved by the Town. TIF revenues are no different in this respect. Accordingly, what you have at this point are tax revenues that, by statute, based on the approved TIF development program, should have been transferred to the TIF development program fund, but were not, due to an inadequate appropriation. If the Town Council makes a decision to transfer the funds concerned to the TIF development program fund in accordance with the TIF statute and the approved development program, and if the transfer occurs within the same fiscal year for which the taxes concerned were assessed and collected, then the underlying taxable value should retain its sheltered status. My reading is that you lose sheltered status only if (a) TIF revenues already transferred to the development program fund are transferred back to the general fund by affirmative vote of the Town Council in accordance with section 5227(3)(D); or (b) tax revenues that should have been transferred to the TIF development program fund instead remain in the general fund past the close of the fiscal year for which the taxes were assessed and collected.

If the full amount of tax revenues is transferred to the TIF development program fund, and if the assessor's municipal valuation return listed the corresponding valuation amount as sheltered within the TIF district(s), then I think you are all set. No amendments to the valuation return should be necessary. It is simply a case where the funds were transferred after they should have been, but within the same fiscal year.

If the funds are transferred but the assessor's FY 2015-2016 valuation return did not list the corresponding valuation as sheltered, the assessor should file an amended return to claim sheltered status. This may result in a late-filing penalty under 36 MRS section 383 [link: http://www.mainelegislature.org/legis/statutes/36/title36sec383.html], since the amended return would be filed after November 1st. However, the statutory late filing penalty is minor compared with the effect of the sheltered status on the funding formulas and county tax.

If the Town Council transfers only a portion of the funds concerned, as suggested below, corresponding adjustments to the Town's State valuation will necessary.

Erik

From: Angus Jennings [mailto:townmanager@hampdenmaine.gov]
Sent: Tuesday, February 16, 2016 3:52 PM
To: Edmond J. Bearor
Cc: Erik M. Stumpfel
Subject: Re: Hampden TIF budgeting issue

Yes, thank you.

Follow-up question: when I spoke with DECD last week I was told that once revenues are in the General Fund they cannot later become "sheltered" TIF revenues (say, through a mid-year budget adjustment).

My current thinking is to pay the CEA amounts due (above the $20k budgeted) through a Council vote to appropriate funds from the Overlay (which was estimated at $303k for FY16) through a mid-year budget adjustment. This would satisfy the Town's obligations pursuant to the CEAs, but if I'm understanding DECD correctly these transferred amounts would not be "sheltered."

My assessor has been in touch with Dept of Revenue and we are setting up a meeting to review what changes will be needed to our FY15 Tax Rate Calculation Form based on the actual approved budget (which differs from the Tax Rate Calculation Form submitted to DOR).

In your experience with other towns that have had similar TIF budgeting errors, would a mid-year budget adjustment shelter the funds transferred into the TIF line item or not? This will obviously be part of what's reviewed with DOR as well.

Thanks,

Angus

On Tue, Feb 16, 2016 at 2:18 PM, Edmond J. Bearor <ebearor@rudmanwinchell.com> wrote:

Angus: I told Erik to wait until later this week to contact you about this, but I guess he was just so excited about the topic he couldn't wait any longer. I trust you find Erik's insight helpful.

Edmond J. Bearor, Esq.

The Graham Building | 84 Harlow Street

P.O. Box 1401 | Bangor, Maine 04402

tel: 207.947.4501 | fax: 207.941.9715

direct dial: 207.992.2626

ebearor@rudmanwinchell.com

RUDMAN • WINCHELL

COUNSELORS AT LAW

From: Erik M. Stumpfel
Sent: Tuesday, February 16, 2016 2:15 PM
To: 'townmanager@hampdenmaine.gov'
Cc: Edmond J. Bearor
Subject: Hampden TIF budgeting issue

Angus,

Good afternoon. Ed Bearor spoke with me this morning and gave me his notes concerning Hampden's TIF budgeting issue. The issue, as I understand it, is that the Town failed to include a sufficient appropriation in the current year's annual budget to meet the Town's TIF reimbursement obligation under the Emera credit enhancement agreement. The Town's question is how to deal with the shortfall in the current fiscal year.

As you may know, Rudman Winchell represented Emera in obtaining TIF approval from the Hampden Town Council this time last year, including approval of the TIF credit enhancement agreement (CEA) for Emera's project. Emera continues to be a client of this firm. We also represented Dennis Paper and Food Service in regard to that project's TIF and CEA approval in 2012. Because of our firm's prior involvement as counsel to

Emera and Dennis, we would be conflicted out of representing either side if an actual payment dispute arises.

Without compromising either side's interests however, I can provide the following information that may point to a way of dealing with the current shortfall:

(1) First, I have attached a memo that explains how to properly budget for TIF revenues and expenses, in future tax years. Essentially, the *full amount* of the projected tax revenues from new taxable value "captured" in the TIF district must be included as an expenditure item in the Town's annual budget, to be raised through taxation. If this is not done, the Town's mil rate will be artificially reduced, while its fund balance will similarly decline over time. The attached memo explains how to determine the amount concerned, by first establishing a trial mil rate for this purpose.

Once the taxes concerned have been collected, the full amount should be transferred to the TIF development program fund in each budget year, including the CEA reimbursement amount for that year. The CEA reimbursement is then payable out of the developer's portion of the TIF development program fund. If the Town fails to expend all of *its* portion of the TIF revenues in any year, the unspent amount carries forward within the development program fund, similar to other town reserve accounts. Nonetheless, the taxes concerned must be raised each year, rather than waiting until the Town has voted to move forward with any particular project as part of the Town's portion of the development program.

(2) If a surplus is created in the Town's portion of the development program fund, any or all of the surplus may be transferred back to the Town's general fund, by vote of the Town Council, in any tax year. *See* 30-A MRS section 5227(3)(D). [I can't link it here – the State's website is down.] However, if such a transfer is made, the portion of the underlying value in the TIF district that generated the taxes concerned loses its "shelter" value for the year of the transfer. This will negatively affect Hampden's share of State education funding, general revenue sharing and County tax.

(3) If for any reason the Town cannot meet its reimbursement obligations under a TIF credit enhancement agreement, those obligations continue forward as a claim against the Town, until they have been paid in full. *See*, for example, section 3.2 of Hampden's credit enhancement agreement with Emera, copy attached. Almost every CEA in Maine (including the Dennis Paper CEA) includes similar provisions. [Note that this is the final draft as considered by the Town Council in early February 2015; not the signed copy. Section 3.2 was unchanged by the Council's approval vote.]

(4) As a contractual obligation of the Town, duly approved at the time the agreement was signed, the Town's payment obligations under a credit enhancement agreement cannot be avoided by failure to appropriate the required funds (a "rule of appropriation" defense). The CEA reimbursement obligation can only be avoided if, and to the extent that, the project developer or owner has failed to meet its obligations under the agreement concerned; for example, has failed to construct a road, sewer or other public infrastructure that the developer had agreed to construct in return for the CEA reimbursements. If the developer / owner has performed its side of the bargain, the Town is required to make payment.

(5) Sections 709(c), 709(d) and 711(b) of the Hampden Town Charter all appear to address the shortfall issue. I have copied those sections below.

Section 711(b) prohibits any payments by the Town that are not supported by an underlying

appropriation. However, the highlighted last sentence of section 711(b) expressly upholds the validity of multi-year leases and contracts, such as the Emera and Dennis Paper CEAs.

Sections 709(c) and 709(d) provide a mechanism by which the Town Council (not the manager) may make up a shortfall in projected revenues (presumably, including tax revenues), with respect to any budgeted appropriation item. This can be done by curtailing other appropriated expenditures per section 709(c), or by transfers from one appropriation to another, per section 709(d).

The problem here, however, is not a shortfall in the projected revenues, but in the actual appropriation amount. Recognizing the Town's contractual obligation under the CEAs as reflected in section 711(b) of the Charter, a liberal reading of the purpose of section 709 would treat inadequate appropriations in the same manner as shortfalls in projected revenues – to be addressed by curtailment or transfer from other appropriations. For example, the Council could fund the current year shortfall in the TIF development program account by transferring the necessary funds from the Town's unencumbered fund balance, if there are sufficient funds. For reasons stated further below, this may be the preferred solution.

As an alternative, with permission of Emera (and / or Dennis Paper), the Town could choose to defer the unfunded portion of the FY 2015-2016 CEA reimbursement(s), making a catch-up payment from future year TIF revenues. This would require properly raising and appropriating TIF revenues in future years, with the catch-up payment to be funded from the *Town's* portion of the TIF development program fund. (The developer's portion of the TIF development program fund will need to be used in each year to make that year's CEA reimbursement.) The effect will be to reduce the amount of TIF funds available on the Town's side of the development program, in each year until the CEA reimbursements are fully caught up.

In making its decision, the Town Council should recognize that required amount of the Town's annual TIF appropriation is established by the approved TIF development program, Maine's TIF statute, and the DECD's final approval, with respect to each TIF district concerned. Because the Town in FY 2015-2016 failed to specifically appropriate an amount equal to the TIF revenues for the districts concerned, the resulting shortfall, if unremedied, will likely be treated by Maine Revenue Service as a transfer of TIF revenues to the Town's general fund under 30-A MRS section 5227(3)(D). This, in turn, will cause the corresponding portion of the underlying new value in the TIF district to lose its "shelter" benefit under the TIF statute. As mentioned above, this will negatively affect Hampden's share of State education funding, general revenue sharing and county tax. The result will be to *increase* the Town's FY 2015-2016 budget shortfall, to the extent of the funding formula and county tax changes, if no action is taken to transfer funds to the TIF development program fund.

Erik Stumpfel

Section 709

* * * *

(c) Reduction of Appropriations.

If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and a recommendation as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution or order reduce one or more appropriations.

(Amended: November 6, 1990)

(d) Transfer of Appropriations.

At any time during the fiscal year the manager may transfer part or all of any unencumbered funds within an appropriation. Upon written request by the manager, the council may by affirmative vote of five members transfer part or all of any unencumbered appropriation balance from one appropriation to another.

Section 711

* * * *

(b) Payments and Obligations Prohibited.

No payment shall be made or obligation except in accordance with appropriations duly made and unless the manager or designee first certified that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any

official who knowingly authorized or made such payment or incurred such obligation, and that official shall also be liable to the town for an amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinances.

(Amended: June 2, 1982 , November 6,

1990)

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—

Angus Jennings
Town Manager

Town of Hampden

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

Budgeting TIF Revenues and Expenses

How to do it right

This short advice memo is intended for municipal managers and treasurers.

The Issue

Recently, a number of Maine communities that have approved tax increment financing (TIF) districts for new development projects have discovered, after several years, that they have failed to properly account for the impact of the TIF on their municipal budgets and mil rates. Usually, this results in an accumulated shortfall in the municipal general fund, often necessitating a dramatic increase in the mil rate to make up the shortfall.

How does this happen? Aren't TIFs supposed to be self-supporting, especially when the municipality "captures" 100% of the new taxable value in the TIF district for TIF development program purposes? Didn't the developer and the town's consultant assure us that the TIF district designation would "shelter" the new value from state funding formula impacts, and therefore would not affect the town's mil rate? What's going on here?

What's going on in these cases is that, even though a 100% capture TIF should not affect the municipal mil rate, TIF district revenues must still be raised and money for TIF development program purposes must still be appropriated in the annual municipal budget. Too often however, town budget preparers treat a TIF as an "off-budget" category of revenues and expenses, and do not account for those items in setting the municipal mil rate. This can artificially reduce the municipality's mil rate (rather than holding it stable), until the mistake gets noticed in the form of a general fund shortfall.

If the TIF is a small one, the error is likely to go unnoticed for several years, simply reducing the undesignated surplus at the end of each fiscal year. However, if the TIF district valuation is large in relation to the municipality's total taxable value, the result, in just one or two years, can be a large deficit in the municipality's general fund balance.

The Solution

But how do you budget for annual TIF development program expenses, especially credit enhancement agreement payments to the project developer, when the amount of these expenses is tied to the municipal mil rate that has not yet been set? The solution involves establishing a

"trial" mil rate, then using that mil rate to determine the amount to be raised in the annual budget for TIF development program expenses, and only then establishing the final budget and mil rate.

A typical TIF development program usually has two financial components (sometimes three). Often, part of the development program will consist of annual reimbursements of a portion of the property taxes paid on account of the new taxable value in the district, to the project developer. These are "credit enhancement agreement" payments. In addition, there is usually a municipal portion of the development program – new public infrastructure projects, for example – that are also paid for out of the annual TIF district revenues. And occasionally, a municipality will borrow money to fund all or part of its portion of the development program, resulting in annual sinking fund contributions and debt service payments. All of these expenses, and the TIF revenues that support them, must be properly accounted for in setting the municipal mil rate.

Here's how to do it:

Step 1. Determine a "trial" mil rate by *excluding* the "captured assessed value" in the TIF district and all TIF district development program expenses from your annual budget calculations. All other anticipated expenses, revenues and taxable valuation should be included in determining the "trial" mil rate. This includes the "original assessed value" within the TIF district.

Step 2. Apply the trial mil rate to the captured assessed value figure for the TIF district. This calculation will tell you how much the district should generate in TIF revenues during the ensuing fiscal year. By statute, all TIF revenues from the captured assessed value are dedicated to funding TIF development program expenses (including credit enhancement agreement reimbursements and sinking fund contributions, if any), so this figure will also be the amount you must raise and appropriate in the annual municipal budget for TIF development program purposes.

Step 3. Reconcile your results. This is done by re-calculating the mil rate, this time *including* the captured assessed value in the TIF district and the TIF development program expenses calculated under Step 2. If you have done all three steps correctly, the final mil rate calculated in this manner *should be the same as* the trial mil rate calculated under Step 1. If the two rates are not the same, go back to Step 1 and start over.

It's really pretty simple. But it is an extra step in your budget preparation that needs to be done *every year* that the TIF district is in existence, or you could face an unanticipated budget shortfall at some point during the life of the district.

Nuances

In some TIF districts, less than 100% of the new taxable value is "captured" for TIF development program purposes. In other districts, the "capture" percentage starts at 100%, but is later reduced, often during the last several years of the district in order to phase in State funding formula impacts as the new district value goes from sheltered to non-sheltered status. *In any year when the "capture" percentage is less than 100%*, only the captured portion of the new taxable value in the TIF district should be used to calculate the annual TIF revenues and development program expenses under Step 2 above. The non-captured portion of the new taxable value in the district should be treated like all other taxable property in the municipality, and should be included in the valuation base that is used to calculate the "trial" mil rate under Step 1 above.

Likewise, the "original assessed value" in the TIF district (= existing taxable value in the tax year prior to TIF district approval) should be included in the valuation base that is used to calculate the trial mil rate under Step 1 above, and not in calculating the annual TIF revenues and development program expenses under Step 2 above.

Questions

As always, if you have questions relating to tax increment financing or municipal economic development, please feel free to call attorney Erik Stumpfel of Rudman Winchell at (207) 992-2568 or consultant Noreen Norton of Starboard Leadership Consulting, LLC at (207) 441-0609 (cell).

Angus Jennings <townmanager@hampdenmaine.gov>

Fwd: HampdenTIF

1 message

Kelly Karter <assessor@hampdenmaine.gov> Wed, Feb 24, 2016 at 5:09 PM
To: Angus Jennings <townmanager@hampdenmaine.gov>

——— Forwarded message ———
From: **Ledew, David P** <David.P.Ledew@maine.gov>
Date: Wednesday, February 24, 2016
Subject: HampdenTIF
To: "Kelly Karter (assessor@hampdenmaine.gov)" <assessor@hampdenmaine.gov>

I am not an expert in municipal budgeting, but as I understand it...

My thought is the funds need only be appropriated for the TIF. As a function of the assessing, the actual funds to be raised for the TIF are not known until you plug the numbers into the tax rate calculator and hit the button. It is next to impossible to know what the TIF will raise until you commit. Since you have a council it is easy for the council to take action after the commitment is done and the TIF revenues are known to decide to spend $ XXX,XXX.XX for the TIFs in Hamden.

As to sheltering, we will shelter all value used to fund the TIF this year. If for some reason the council decides not to spend all that was raised by the TIF, we will not shelter all of the value.

So right now it looks like funds were raised by the TIF in the amount of $189,147.88. The council has budgeted for what can be spent out of the TIF fund already (the non-Emera TIF). Now to spend the rest they need to appropriate the balance.

Dave

David Ledew, Director

Property Tax Division

Maine Revenue Services

207 624-5601

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

TO: Finance Committee and Town Council
FROM: Angus Jennings, Town Manager
DATE: March 3, 2016
RE: Properties foreclosed for non-payment of taxes

At the present time, four properties have proceeded to foreclosure for non-payment of property taxes. Upon foreclosure of the tax lien mortgage, the former property owner's right to recover the property by paying the taxes, interest and costs that are owed expired.

This memo is a request for Town Council authorization, by adoption of a resolution, to proceed to advertise the public sale of the foreclosed properties. Records for each property are attached, and the Collector holds complete records documenting all prior notices and correspondence.

Upon the Council's authorization to advertise sale of the foreclosed properties, my office would move forward in accordance with the Town's Sale of Town Owned Real Estate Ordinance, excerpted as follows:

> "The Town Treasurer shall give written notice to the prior owner of record of real estate acquired by way of foreclosure of a tax lien mortgage of the Town's intent to sell said real estate at public sale. Said notice shall be given in writing and sent via U.S. Mail to the property owner's last known address at least 30 days before notice of public sale is given in the manner specified in Section 1.2. Failure of any prior owner to receive such notice shall not necessitate another sale or invalidate any action of the Town Council.
>
> If the prior owner of record makes full payment of all sums due on the said tax claim, including the amount of tax, interest and costs, before notice of public sale is given, the Town Treasurer shall release title to said real estate to its record owner".

Supporting documentation regarding each of the four properties is enclosed, including the Notice of Impending Automatic Foreclosure which was sent to each owner by certified mail.

Diligent efforts to locate the former owner of one of the properties (118 Fowlers Landing Road, Map/Lot 13-0-027-A) have not been successful. For that property, I have enclosed an opinion from the Town Attorney. My intent in this instance is to proceed to file a quiet title action, and to ask the Court to allow service of notice by publication in accordance with Rule 4(G) of the Rules of Civil Procedure.

Acct 1520 Kathleen Henry %John Henry Clearwater FL $913.53

For many years, John Henry had sent the property taxes in a timely manner. The last payment received was September 12, 2012. All tax bills, lien notices, and other correspondence sent since that date have been returned. Bill is for land (.11 acre) located on Fowlers landing Rd, not on the water side, with assessed value of 14000.

Acct 2767 Sherri Chen $8523.10

This property located on 77 Main Road South, is currently listed for sale with Better Homes and Gardens. I believe that the owner currently resides there. No mortgage found on this property. Last payment was received 9/9/13. The foreclosure notice mailed on January 7, 2016 was returned to this office as unclaimed.

Acct 3809 Foreclosure is for property billed to Highland Ridge, now PNF Realty $209.50

The assessor and I have both spent considerable time on this account. Will get you a memo from Kelly, about the "ownership question". She also may provide the email chain between all parties

---

Acct 122 Brian Sullivan Property is located at 1037 Kennebec Road. $6350.76

This is the ***third*** time that this property has been foreclosed on by the town. It is not his residence and has been rental income for him in the past. He has also had timber harvesting done.

It was deeded back to Joseph Sulllivan in 2001 when he paid the 1996-2002 property taxes in full. In Sept 2000, Joseph Sullivan deeded the property to Brian Sullivan.

January 2013 the town issued a quitclaim to Brian Sullivan when he paid the 2010-2013 taxes.

We have not received any payments since that date. The notification of foreclosure mailed to him on Jan 7, 2016 was received back in this office, as unclaimed.

NOTE: these properties will need all taxes **paid in full** before they can have a quitclaim deed issued.

If unpaid after April 1, 2016 another years taxes will be added to the totals due.

Town of Hampden
RECEIVED

FEB 24 2016

Office of the
Town Manager

Angus Jennings <townmanager@hampdenmaine.gov>

RE: Request for service, tax collections.

1 message

Erik M. Stumpfel <estumpfel@rudmanwinchell.com> Wed, Feb 24, 2016 at 9:52 AM
To: "Edmond J. Bearor" <ebearor@rudmanwinchell.com>, Angus Jennings <townmanager@hampdenmaine.gov>
Cc: "Lynn E. Brochu" <lbrochu@rudmanwinchell.com>, "Cheryl M. Johnson" <taxcollector@hampdenmaine.gov>

Good morning Angus.

Per Ed's e-mail, I am replying in his absence.

Please be aware that this e-mail does not constitute a legal opinion concerning the validity of the Town's tax lien notices, since our office has not conducted a current owner title search or reviewed the notices concerned for possible errors.

However, as a general response to your question, the case law in this area is as follows:

(1) Under the Maine and federal due process clauses, a property owner is entitled to notice before the town may constitutionally take the owner's property for non-payment of taxes. Normally, constitutional due process requirements are satisfied by sending a copy of the tax lien certificate to the property owner at his/her last known address, by certified mail, return receipt requested, in accordance with 36 M.R.S. section 942 [link: http://www.mainelegislature.org/legis/statutes/36/title36sec942.html] and sending the Notice of Impending Automatic Foreclosure in accordance with section 943. In the usual case, it is not necessary that the town demonstrate actual receipt of the notice by the property owner, so long as the steps taken are "reasonably calculated" to provide actual notice. However, where the Town is aware that its certified mail notices were not received, proof of actual notice may be required.

(2) If the tax collector becomes aware that the certified mail notice under section 942 was not received by the taxpayer, *e.g.*, the notice is returned without delivery, the town has a due process obligation to take "additional steps" to notify the taxpayer. This is the gist of a fairly recent U.S. Supreme Court decision in this area, *Jones v. Flowers*, 547 U.S. 220 (2006). The additional steps required will vary depending on the particular circumstances; but can range from mailing an additional copy of the tax lien notice by regular mail, uncertified, if the return on the certified mail copy indicates "delivery refused" rather than "undeliverable"; up to and including sheriff's service in hand.

(3) Maine's tax lien foreclosure statutes require *two* notices to the property owner in the course of a normal tax lien foreclosure. 36 M.R.S. section 942 requires that a 30 day demand letter be sent to the taxpayer by

certified mail prior to recording a tax lien certificate. If the demand letter does not result in full payment, the tax lien certificate ("Notice of Tax Lien") is recorded, with copies sent by certified mail to any mortgage holders and the property owner, if the property owner is not also the taxpayer. Then, toward the end of the 18 month redemption period, 36 M.R.S. sec. requires that a "Notice of Impending Automatic Foreclosure" be sent to the property owner by certified mail. *For due process notice purposes*, the Maine Law Court has held that the section 943 notice is *constitutionally redundant* if the property owner was sent and received a copy of the original tax lien certificate at the time it was filed, as required by 36 M.R.S. section 942. In other words, if you have a signed green card with respect to the original Notice of Tax Lien, it does not matter that the section 943 notice was not sent; or was sent but returned undelivered.

If Ms. Henry, as the sole property owner, received a copy of the original tax lien certificate at the time it was recorded, her failure to receive the section 943 Notice of Impending Automatic Foreclosure does not invalidate the Town's tax title. (As mentioned, we are not providing an opinion concerning other aspects of the Town's tax lien foreclosure process with respect to the property at this time.) If all other steps in the process were properly performed, the Town can proceed to take possession and dispose of the property based on its matured tax lien.

If Ms. Henry did not receive a copy of either the original tax lien certificate or the section 943 notice, the Town needs to continue efforts to locate her to provide notice. If the property was not originally assessed to Ms. Henry and if she was not sent a copy of the original tax lien certificate as required by section 942, section 943 allows her to redeem the property within three months after receiving "actual knowledge" of the tax lien, even though the 18 month redemption period has previously expired.

In either case, Cheryl should continue to attempt to contact Ms. Henry and should document those efforts. If Ms. Henry did not receive either the section 942 notice or the section 943 notice and if Cheryl continues to be unable to locate her through diligent search efforts, the Town's other legal option is to file a quiet title action, and to ask the court to allow service of notice by publication in accordance with Rule 4(g) of the Rules of Civil Procedure.

Erik

From: Edmond J. Bearor
Sent: Tuesday, February 23, 2016 6:26 PM
To: Angus Jennings
Cc: Lynn E. Brochu; Cheryl M. Johnson; Erik M. Stumpfel
Subject: Re: Request for service, tax collections.

Erik, please respond to Angus in my absence so that the town has timely guidance for its March 7 meeting.

Sent from my iPhone

Ed Bearor

On Feb 23, 2016, at 12:49 PM, Angus Jennings <townmanager@hampdenmaine.gov> wrote:

Billing category: Administration

Hi Ed,

We're looking for advice on how best to proceed regarding a property that has gone into foreclosure but for which we have been unable to locate the owner of record. The property reference information is attached. There is no mortgage on the property.

Our tax collector Cheryl Johnson has sent a notice by certified mail to both of the following addresses :

1122 N Pine St Apt #1, Clearwater FL

1100 Druid Rd E, Apt 313, Clearwater, FL

Address service requested came back as "attempted- not known, unable to forward" on both.

Cheryl has also made extensive efforts through the internet and social media to find more current information for Ms. Henry, to no avail.

Please advise how we should best proceed. It is anticipated that this property, and three others, will be brought to the Town Council on March 7 to take action on foreclosure.

We'd be happy to connect by phone, or in person if you're in town, if that helps.

Thanks,

Angus

ps. I've copied Erik as I know you're out of town - I hope you're not reading your email on vacation!

–

Angus Jennings
Town Manager

Town of Hampden

106 Western Avenue

State of Maine
Notice of Impending Automatic Foreclosure
Title 36, M.R.S.A. Section 943

001520

January 7, 2016

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2014 PROPERTY TAXES, INTEREST AND COSTS.

HENRY, KATHLEEN N
C/O JOHN HENRY
1100 DRUID RD E APT 313
CLEARWATER, FL 33756 9112

You are the party named on a tax lien certificate filed on August 20, 2014, and recorded in Book 13620, Page 293 in the Penobscot County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

Map & Lot: 13-0-027-A
Location: 118 FOWLERS LANDING

On February 20, 2016, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY.

If you cannot pay the property taxes you owe, please contact me to discuss this notice.

****
* IF YOU ARE A DEBTOR IN BANKRUPTCY,*
* THIS NOTICE DOES NOT APPLY TO YOU.*
****

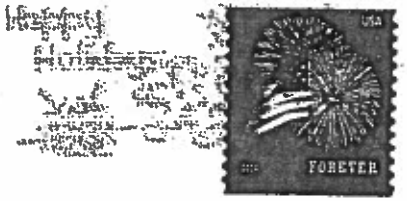
Angus Jennings
Treasurer
Town of Hampden
County of Penobscot

Principal	233.10
Interest	34.87
Lien Costs	60.49
Fee	3.00
Cert Mail Fee	6.74
Total	338.20

Amount due as of February 20, 2016. Please call 862-3034 for the amount due on any desired payment date.

Town of HAMPDEN
106 WESTERN AVENUE
HAMPDEN, MAINE 04444

EASTERN MAINE 044
29 DEC 2015 PM 1 7



Kathleen Henry
1100 Druid Rd E #313
Clearw — 23756

NIXIE 339 5E 1 0012/30/15
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

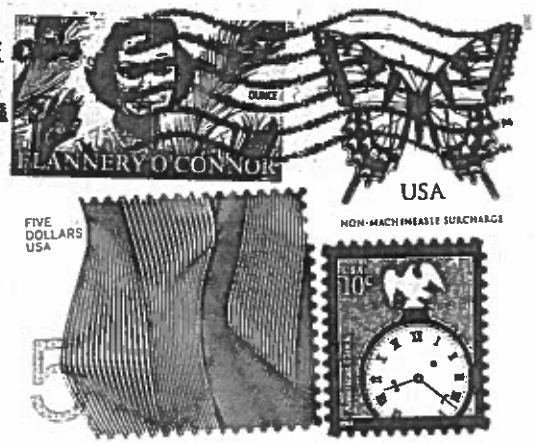
33755-4123 BC: 04444143606 *1963-14384-23-36
04444@1436

CERTIFIED MAIL®

Town of HAMPDEN
106 WESTERN AVENUE
HAMPDEN, MAINE 04444

EASTERN MAINE
29 JAN 2016 PM

7015 0640 0005 2269 5961



IPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL BE
014 PROPERTY TAXES, INTEREST AND COSTS.

D-5-C

RE Account 1520 Detail
as of 02/23/2016

Name: HENRY, KATHLEEN N

Location: 118 FOWLERS LANDING RD
Acreage: 0.11 Map/Lot: 13-0-027-A
Book Page:

2016-1 Period Due:
1) 125.77
2) 122.50

Land:	14,000	As of 2016
Building:	0	
Exempt	0	
Total:	14,000	

Ref1:
Mailing Address: C/O JOHN HENRY
1100 DRUID RD E APT 313
CLEARWATER FL 33756-9112

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2016-1 R					245.00	3.27	0.00	248.27
2015-1 L	*				245.00	19.69	60.74	325.43
2014-1 L	08/28/13	Original			233.10	0.00	0.00	233.10
	7/17/2014	DEMAND	A	3	0.00	0.00	-9.49	-9.49
			Demand Fees					
	08/20/14	Liened			233.10	10.33	60.49	303.92
	1/7/2016	FCFEES	A	L	0.00	0.00	-9.74	-9.74
			Lien Maturity Fee					
	1/7/2016	CHGINT	A	I	0.00	-22.58	0.00	-22.58
		CURINT			0.00	-2.10	0.00	-2.10
		Total			233.10	35.01	70.23	338.34
2013-1 R	08/28/12	Original			222.60	0.00	0.00	222.60
last payment	9/4/2012	1009	A	P	222.60	0.00	0.00	222.60
		Total			0.00	0.00	0.00	0.00
2012-1 R					0.00	0.00	0.00	0.00
2011-1 R					0.00	0.00	0.00	0.00
2010-1 R					0.00	0.00	0.00	0.00
2009-1 R					0.00	0.00	0.00	0.00
2008-1 R					0.00	0.00	0.00	0.00
2007-1 R					0.00	0.00	0.00	0.00
2006-1 R					0.00	0.00	0.00	0.00
2005-1 R					0.00	0.00	0.00	0.00
2004-1 R					0.00	0.00	0.00	0.00
2003-1 R					0.00	0.00	0.00	0.00
Account Totals as of 02/23/2016					723.10	57.97	130.97	912.04

	Per Diem
2016-1	0.0235
2015-1	0.0470
2014-1	0.0447
Total	0.1152

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

unable to locate her

RE Account 1520 Detail
as of 02/23/2016

Name: HENRY, KATHLEEN N

Location: 118 FOWLERS LANDING RD
Acreage: 0.11 Map/Lot: 13-0-027-A
Book Page:

2016-1 Period Due:
1) 125.77
2) 122.50

Land:	14,000	As of 2016
Building:	0	
Exempt	0	
Total:	14,000	

Ref1:
Mailing Address: C/O JOHN HENRY
1100 DRUID RD E APT 313
CLEARWATER FL 33756-9112

Year	Date	Reference	P	C	Principal	Interest	Costs	Total

State of Maine
Notice of Impending Automatic Foreclosure
Title 36, M.R.S.A. Section 943

002767

January 7, 2016

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2014 PROPERTY TAXES, INTEREST AND COSTS.

CHEN, SHERRI
77 MAIN ROAD SOUTH
HAMPDEN, ME 04444

You are the party named on a tax lien certificate filed on August 20, 2014, and recorded in Book 13620, Page 279 in the Penobscot County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

Map & Lot: 41-0-018
Location: 77 MAIN RD SO

On February 20, 2016, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY.

If you cannot pay the property taxes you owe, please contact me to discuss this notice.

****
* IF YOU ARE A DEBTOR IN BANKRUPTCY,*
* THIS NOTICE DOES NOT APPLY TO YOU.*
****

Angus Jennings
Treasurer
Town of Hampden
County of Penobscot

Principal	2,500.83
Interest	374.10
Lien Costs	60.49
Fee	3.00
Cert Mail Fee	6.74
Total	2,945.16

Amount due as of February 20, 2016. Please call 862-3034 for the amount due on any desired payment date.

41-0-018

D-5-c

7015 0640 0005 2269 5916

CERTIFIED MAIL RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee	$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$ 2.80
☐ Return Receipt (electronic)	$
☑ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .49
Total Postage and Fees	$ 6.74
Sent To	Sherri Chen
Street and Apt. No., or PO Box No.	77 Main Rd S
City, State, ZIP+4®	Hampden ME 04444

Postmark Here
JAN 2016

PS Form 3800, April 2015 PSN 7530-02-000-5047 See Reverse for Instructions

CERTIFIED MAIL

TOWN OF HAMPDEN MAINE

Town of HAMPDEN
106 WESTERN AVENUE
HAMPDEN, MAINE 04444

EASTERN MAINE
OCT 2016 PM

7015 0640 0005 2269 5916

1ST NOTICE 2-5-16
2ND NOTICE
RETURN

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL
2014 PROPERTY TAXES, INTEREST AND COSTS.

CHEN, SHERRI
77 MAIN ROAD SOUTH
HAMPDEN, ME 04444

You are the party named on a tax lien certificat

04444-1301 04444 01436

1/9/16

NIXIE 015 5E 1 0002/01/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 04444143606 *2863-01130-07-34

RE Account 2767 Detail
as of 02/23/2016

Name: CHEN, SHERRI

Location: 77 MAIN RD SO
Acreage: 0.9 Map/Lot: 41-0-018
Book Page: B8221P249, B12326P76

2016-1 Period Due:
1) 1,347.49
2) 1,312.50

Land:	45,000	As of 2016
Building:	115,000	
Exempt	10,000	
Total:	150,000	

Ref1:
Mailing
Address: 77 MAIN ROAD SOUTH
HAMPDEN ME 04444

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2016-1 R					2,625.00	34.99	0.00	2,659.99
2015-1 L	*				2,628.50	211.22	60.74	2,900.46
2014-1 L	08/28/13	Original			2,500.83	0.00	0.00	2,500.83
	7/17/2014	DEMAND	A	3	0.00	0.00	-9.49	-9.49
			Demand Fees					
	08/20/14	Liened			2,500.83	110.79	60.49	2,672.11
	1/7/2016	FCFEES	A	L	0.00	0.00	-9.74	-9.74
			Lien Maturity Fee					
	1/7/2016	CHGINT	A	I	0.00	-242.20	0.00	-242.20
		CURINT			0.00	-22.54	0.00	-22.54
		Total			2,500.83	375.53	70.23	2,946.59
2013-1 L	08/28/12	Original			2,388.18	0.00	0.00	2,388.18
	9/4/2012	230	A	P	1,194.09	0.00	0.00	1,194.09
	7/16/2013	DEMAND	A	3	0.00	0.00	-9.11	-9.11
			Demand Fees					
	08/21/13	Liened			1,194.09	32.06	48.11	1,274.26
	9/9/2013	CHGINT	1	I	0.00	-4.35	0.00	-4.35
	9/9/2013	424	A	P	1,194.09	36.41	48.11	1,278.61
		Total			0.00	0.00	0.00	0.00
2012-1 L	*				0.00	0.00	0.00	0.00
2011-1 L	*				0.00	0.00	0.00	0.00
2010-1 L	*				0.00	0.00	0.00	0.00
2009-1 L	*				0.00	0.00	0.00	0.00
2008-1 L	*				0.00	0.00	0.00	0.00
2007-1 L	*				0.00	0.00	0.00	0.00
2006-1 R					0.00	0.00	0.00	0.00
2005-1 R					0.00	0.00	0.00	0.00
2004-1 R					0.00	0.00	0.00	0.00
2003-1 R					0.00	0.00	0.00	0.00
Account Totals as of 02/23/2016					7,754.33	621.74	130.97	8,507.04

last payment received

Per Diem	
2016-1	0.2517
2015-1	0.5041
2014-1	0.4796
Total	1.2354

Exempt Codes: 01 - Homestead Exempt

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RE Account 2767 Detail
as of 02/23/2016

Name: CHEN, SHERRI

Location: 77 MAIN RD SO
Acreage: 0.9 Map/Lot: 41-0-018
Book Page: B8221P249, B12326P76

2016-1 Period Due:
1) 1,347.49
2) 1,312.50

Land:	45,000	As of 2016
Building:	115,000	
Exempt	10,000	
Total:	150,000	

Ref1:
Mailing
Address: 77 MAIN ROAD SOUTH
HAMPDEN ME 04444

Year	Date	Reference	P	C	Principal	Interest	Costs	Total

State of Maine
Notice of Impending Automatic Foreclosure
*** * * COPY * * * Title 36, M.R.S.A. Section 943 * * * COPY * * ***

003809

January 7, 2016

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2014 PROPERTY TAXES, INTEREST AND COSTS.

PNF Realty
282 Middle St
Portsmouth, NH 03801

Tax Payer: HIGHLAND RIDGE REAL ESTATE
C/O SCHMAND, RICHARD
34 DEER RUN ROAD
GLENBURN, ME 04401

You are the party named on a tax lien certificate filed on August 20, 2014, and recorded in Book 13620, Page 308 in the Penobscot County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

Map & Lot: 03-0-018-A
Location: HIGHLAND RIDGE

On February 20, 2016, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY.

If you cannot pay the property taxes you owe, please contact me to discuss this notice.

****
* IF YOU ARE A DEBTOR IN BANKRUPTCY,*
* THIS NOTICE DOES NOT APPLY TO YOU.*
****

Angus Jennings
Treasurer
Town of Hampden
County of Penobscot

Principal	14.98
Interest	2.24
Lien Costs	73.47
Fee	3.00
Cert Mail Fee	20.22
Total	113.91

Amount due as of February 20, 2016. Please call 862-3034 for the amount due on any desired payment date.

D-5-c

7015 0640 0005 2269 5992

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee
$ 3.45
Extra Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy) $ 2.80
Return Receipt (electronic) $
Certified Mail Restricted Delivery $
Adult Signature Required $
Adult Signature Restricted Delivery $
Postage
$ .49
Total Postage and Fees
$ 6.74

Postmark Here
JAN 2016

Sent To
PNF Realty
Street and Apt. No., or PO Box No.
282 Middle St
City, State, ZIP+4®
Portsmouth NH 03801

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PNF Realty
282 Middle St
Portsmouth NH
03801

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X. Carol Rowenhan
☐ Agent
☐ Addressee

B. Received by (Printed Name)
Carol Rowenhan
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JAN 11 2016

3. Service Type
☑ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7015 0640 0005 2269 5992

PS Form 3811, July 2013 Domestic Return Receipt

RE Account 3809 Detail
as of 02/23/2016

Name: PNF REALTY INC

Location: HIGHLAND RDG DR
Acreage: 1.01 Map/Lot: 03-0-018-A
Book Page: B10102P270, B14008P170

2016-1 Period Due:
1) 8.98
2) 8.75

Land:	1,000	As of 2016
Building:	0	
Exempt	0	
Total:	1,000	

Ref1: RECREATIONAL EASEMENT
Mailing Address: 282 MIDDLE STREET
PORTSMOUTH NH 03801

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2016-1 R					17.50	0.23	0.00	17.73
2015-1 L	*				15.75	1.26	60.74	77.75
2014-1 L	08/28/13	Original			14.98	0.00	0.00	14.98
	Billed To: HIGHLAND RIDGE REAL ESTATE							
	7/17/2014	DEMAND	A	3	0.00	0.00	-9.49	-9.49
			Demand Fees					
	08/20/14	Liened			14.98	0.66	73.47	89.11
	1/7/2016	FCFEES	A	L	0.00	0.00	-23.22	-23.22
			Lien Maturity Fee					
	1/7/2016	CHGINT	A	I	0.00	-1.45	0.00	-1.45
		CURINT			0.00	-0.14	0.00	-0.14
		Total			14.98	2.25	96.69	113.92
2013-1 R	08/28/12	Original			14.31	0.00	0.00	14.31
	Billed To: HIGHLAND RIDGE REAL ESTATE							
	6/27/2013	CHGINT	1	I	0.00	-0.49	0.00	-0.49
	6/27/2013	2614	A	P	14.31	0.49	0.00	14.80
		Total			0.00	0.00	0.00	0.00
2012-1 R					0.00	0.00	0.00	0.00
2011-1 R					0.00	0.00	0.00	0.00
2010-1 R					0.00	0.00	0.00	0.00
2009-1 R					0.00	0.00	0.00	0.00
Account Totals as of 02/23/2016					48.23	3.74	157.43	209.40

Per Diem	
2016-1	0.0017
2015-1	0.0030
2014-1	0.0029
Total	0.0076

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RE Account 3809 Detail
as of 02/23/2016

Name: PNF REALTY INC

Location: HIGHLAND RDG DR
Acreage: 1.01 Map/Lot: 03-0-018-A
Book Page: B10102P270, B14008P170

2016-1 Period Due:
1) 8.98
2) 8.75

Land:	1,000	As of 2016
Building:	0	
Exempt	0	
Total:	1,000	

Ref1: RECREATIONAL EASEMENT
Mailing Address: 282 MIDDLE STREET
PORTSMOUTH NH 03801

Year	Date	Reference	P	C	Principal	Interest	Costs	Total

State of Maine
Notice of Impending Automatic Foreclosure
Title 36, M.R.S.A. Section 943

000122

January 7, 2016

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2014 PROPERTY TAXES, INTEREST AND COSTS.

SULLIVAN, BRIAN M
"TENANTS IN POSSESSION"
10 FELLOWSHIP CIRCLE
WEST WAREHAM, MA 02576

You are the party named on a tax lien certificate filed on August 20, 2014, and recorded in Book 13621, Page 10 in the Penobscot County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

Map & Lot: 01-0-056
Location: 1037 KENNEBEC RD

On February 20, 2016, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY.

If you cannot pay the property taxes you owe, please contact me to discuss this notice.

****
* IF YOU ARE A DEBTOR IN BANKRUPTCY,*
* THIS NOTICE DOES NOT APPLY TO YOU.*
****

Angus Jennings
Treasurer
Town of Hampden
County of Penobscot

Principal	1,854.81
Interest	277.46
Lien Costs	60.49
Fee	3.00
Cert Mail Fee	6.74
Total	2,202.50

Amount due as of February 20, 2016. Please call 862-3034 for the amount due on any desired payment date.

7015 0640 0005 2269 5862

Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
$ 3.45

Extra Services & Fees (check box, add fees as appropriate)
- [x] Return Receipt (hardcopy) $ 2.80
- [ ] Return Receipt (electronic) $
- [ ] Certified Mail Restricted Delivery $
- [ ] Adult Signature Required $
- [ ] Adult Signature Restricted Delivery $

Postage
$ .49

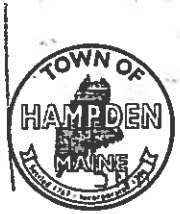
Total Postage and Fees
$ 6.74

Postmark Here
2016
U.S.P.S.

Sent To Brian Sullivan
Street and Apt. No., or PO Box No. 10 Fellowship Circle
City, State, ZIP+4® West Wareham MA 02576

PS Form 3800, April 2015 PSN 7530-02-000-5047 See Reverse for Instructions

CERTIFIED MAIL



Town of HAMPDEN
106 WESTERN AVENUE
HAMPDEN, MAINE 04444

7015 0640 0005 2269 5862

UPC 1/11 1/16 1/26

1ST NOTICE
2ND NOTICE
RETURN

IMPORTANT: DO NOT DISREGARD THIS NOTICE
2014 PROPERTY TAXES NIXIE 015 CC 1 7202/04/16

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

SULLIVAN, BRIAN
"TENANTS IN POS.
10 FELLOWSHIP C
WEST WAREHAM, MA

BC: 04444143606 *1669-06779-04-15

D-5-C

RE Account 122 Detail
as of 02/23/2016

Name: SULLIVAN, BRIAN M

Location: 1037 KENNEBEC RD
Acreage: 50 Map/Lot: 01-0-056
Book Page: B7492P153

2016-1 Period Due:
1) 997.14
2) 971.25

Land:	96,000	As of 2016
Building:	15,000	
Exempt	0	
Total:	111,000	

Ref1:
Mailing Address: 10 FELLOWSHIP CIRCLE
WEST WAREHAM MA 02576

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2016-1 R					1,942.50	25.89	0.00	1,968.39
2015-1 L	*				1,949.50	156.66	60.74	2,166.90
2014-1 L	08/28/13	Original			1,854.81	0.00	0.00	1,854.81
	Billed To: SULLIVAN, BRIAN M & "TENANTS IN POSSESSION"							
	7/17/2014	DEMAND	A	3	0.00	0.00	-9.49	-9.49
			Demand Fees					
	08/20/14	Liened			1,854.81	82.17	60.49	1,997.47
	1/7/2016	FCFEES	A	L	0.00	0.00	-9.74	-9.74
			Lien Maturity Fee					
	1/7/2016	CHGINT	A	I	0.00	-179.64	0.00	-179.64
		CURINT			0.00	-16.72	0.00	-16.72
		Total			1,854.81	278.53	70.23	2,203.57
2013-1 R	08/28/12	Original			1,771.26	0.00	0.00	1,771.26
	Billed To: SULLIVAN, BRIAN M. & "TENANTS IN POSSESSION"							
	1/2/2013	CHGINT	1	I	0.00	-10.53	0.00	-10.53
	1/2/2013		A	P	1,771.26	10.53	0.00	1,781.79
		Total			0.00	0.00	0.00	0.00
2012-1 L	*				0.00	0.00	0.00	0.00
2011-1 L	*				0.00	0.00	0.00	0.00
2010-1 L	*				0.00	0.00	0.00	0.00
2009-1 R					0.00	0.00	0.00	0.00
2008-1 R					0.00	0.00	0.00	0.00
2007-1 R					0.00	0.00	0.00	0.00
2006-1 R					0.00	0.00	0.00	0.00
2005-1 R					0.00	0.00	0.00	0.00
2004-1 R					0.00	0.00	0.00	0.00
2003-1 R					0.00	0.00	0.00	0.00
Account Totals as of 02/23/2016					5,746.81	461.08	130.97	6,338.86

Per Diem	
2016-1	0.1863
2015-1	0.3739
2014-1	0.3557
Total	0.9159

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Previously tax acquired

RE Account 122 Detail
as of 02/23/2016

Name: SULLIVAN, BRIAN M

Location: 1037 KENNEBEC RD
Acreage: 50 Map/Lot: 01-0-056
Book Page: B7492P153

2016-1 Period Due:
1) 997.14
2) 971.25

Land:	96,000	As of 2016
Building:	15,000	
Exempt	0	
Total:	111,000	

Ref1:
Mailing
Address: 10 FELLOWSHIP CIRCLE
WEST WAREHAM MA 02576

Year	Date	Reference	P	C	Principal	Interest	Costs	Total

D-5-d

EPSTEIN
COMMERCIAL
REAL ESTATE

6 State St, P.O. Box 2444
Bangor, ME 04401
Phone: (207) 945-6222
Fax: (207) 945-5824
results@epsteincommercial.com
www.epsteincommercial.com

EXCLUSIVE AUTHORIZATION TO SELL

This Agreement is entered into this 1st day of March 2016, by and between Epstein Commercial Real Estate of 6 State Street, P.O. Box 2444, Bangor, Maine 04402-2444, hereinafter called Broker; and Town of Hampden, 106 Western Ave, Hampden, Maine hereinafter called Owner.

In consideration of Broker's efforts to procure a sale for Owner's real estate as follows:

Lot #2, further described as a 1.46 acre lot as shown on Map 10B, Lot 2 in the Town of Hampden's tax assessor's office and recorded in the Penobscot County Registry of Deeds, Book 7832, Page 274-285;

Lot # 4, further described as a 4.75 acre lot as shown on Map 10B, Lot 4 in the Town of Hampden's tax assessor's office and recorded in the Penobscot County Registry of Deeds, Book 7832, Page 274-285;

Lot #6, further described as a 1.74 acre lot as shown on Map 10B, Lot 6 in the Town of Hampden's tax assessor's office and recorded in the Penobscot County Registry of Deeds, Book 7832, Page 274-285;

Lot #8, further described as a 1.88 acre lot as shown on Map 10B Lot 8 in the Town of Hampden's tax assessor's office and recorded in the Penobscot County Registry of Deeds, Book 7832, Page 274-285;

Lot # 9, further described as a 1.55 acre lot as shown on Map 10B, Lot 9 in the Town of Hampden's tax assessor's office and recorded in the Penobscot County Registry of Deeds, Book 7832, Page 274-285;

Lot #10, further described as a 2.80 acre lot as shown on Map 10B, Lot 10 in the Town of Hampden's tax assessor's office and recorded in the Penobscot County Registry of Deeds, Book 7832, Page 274-285.

Owner hereby grants to Epstein Commercial Real Estate the exclusive authorization to sell the above-mentioned real estate at the following price:

- Lot #2 $ 75,000
- Lot #4 $200,000

- Lot #6 $ 90,000
- Lot #8 $ 95,000
- Lot #9 $ 90,000
- Lot #10 $175,000

or at any sale price which is acceptable to Owner. This exclusive authorization shall begin on March 1, 2016 and expire on February 28, 2017.

Broker shall have the exclusive right to sell said property within the time period above and shall be entitled to a commission fee of eight percent (8%) of the sale price. This commission fee shall be paid at the time of each closing. This commission fee shall be due Broker in the event of a sale produced by Broker, Owner, or any other person or entity; all inquiries shall be referred to Broker. If the Property is sold in its entirety (lots 2,4,6,8,9,10) in one transaction to Herb Sargent or an entity in which Herb Sargent has a majority interest, then no commission shall be due.

Should the Owner sell, transfer, convey, lease, exchange or dispose of any portion of said property within six months after the termination of this Agreement to any person, corporation, or entity which the Broker has introduced to the property, and whose name has been furnished to Owner in writing by the Broker during the time period of this Agreement, then in such a case the above commission shall become due and payable to the Broker.

By this Agreement it is understood that Broker is employed and is representing only Owner unless otherwise agreed to in writing. It is further understood that Broker's entitlement to the above commission fee occurs when Broker, Owner, or any other entity finds a purchaser who is ready, willing and able to purchase, and actually purchases, the said above described real estate on the terms herein setout, or on any other terms acceptable to the Owner.

Any dispute or claim arising out of or relating to this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the expiration of this Agreement.

Agency and Owner each agree that this property is to be offered to any person without regard to race, color, religion, national origin, sex, age or handicap.

SPECIAL CONDITIONS:

1. A "For Sale" sign may be placed on the property. Yes X No __

2. Broker may advertise the property. Yes X No __

BUYER'S AGENCY:

This Agency's policy is to cooperate with other agencies acting as Buyer's agents, unless such other brokerage agencies have a general policy which effectively inhibits or

precludes the cooperation and sharing of compensation with other brokerage agencies. This Agency's policy is to share compensation with Buyer's agents.

The undersigned jointly and severally agree to accept telefacsimile copies of the documents which have been sent by either party to the other, or to any other party or agent to this transaction, as original documents.

DATE:	OWNER:
3-2-46 DATE:	BROKER: EPSTEIN COMMERCIAL REAL ESTATE

3. **NOMINATIONS – APPOINTMENTS – ELECTIONS**

   a. **Reappointment of Denise Hodsdon as Registrar of Voters** – *Motion by Councilor Sirois, seconded by Councilor Brann to reappoint Denise Hodsdon as Registrar of Voters. Unanimous vote in favor.*

4. **UNFINISHED BUSINESS**

   a. **Hampden Business Park – Renewal of Authorization to Sell Agreement with Epstein Commercial Real Estate – Planning & Development Committee Recommendation** – *Motion by Councilor Shakespeare, seconded by Councilor Sirois to renew the Authorization to Sell Agreement with Epstein and authorize the Town Manager to sign on behalf of the Town. Unanimous vote in favor.*

5. **NEW BUSINESS**

   a. **Potential Industrial Development – Coldbrook Rd/Rt. 202/I-95 Triangle** – *Economic Development Director Dean Bennett introduced Greg Lounder, Executive Director of the Municipal Review Committee who explained the plan for potential location of a solid waste processing facility in the Coldbrook Road triangle area on land owned by H.O. Bouchard to replace the PERC facility in 2018 when the favorable electric contracts that make that a viable option expire. Resident Rich Armstrong spoke in support of development but had a number of questions regarding impact on snowmobile trails, timeline, contracts and traffic that will be addressed as the project moves forward.*

   b. **Computer Reserve Use Request – Finance Committee Recommendation** *Motion by Councilor Sirois, seconded by Councilor Shakespeare to expend $3,710 from Computer Reserve to purchase IPADS for the Town Council. Vote 6-1. (Duprey opposed). Motion carried.*

   c. **VFW Bingo and Games of Chance License Renewal** – *Motion by Councilor Shakespeare, seconded by Councilor Sirois to approve the VFW Bingo and Games of Chance License renewal. Unanimous vote in favor.*

   d. **Kiwanis Poker Tournament License Renewal** – *Motion by Councilor Shakespeare, seconded by Councilor Ryder to approve the Kiwanis Poker Tournament license renewal. Unanimous vote in favor.*

   e. **Holiday Hours – Town Office & Transfer Station** – *Motion by Councilor McPike, seconded by Councilor Sirois to close the Town departments at noon on December 24th and at 2 p.m. on December 31st. Unanimous vote in favor.*

   f. **Town Manager's Annual Report** – *The Manager's Annual Report is attached and made part of the minutes of the meeting. Councilors Sirois*