



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

APRIL 7, 2014

7:00 P.M.

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

PLEDGE OF ALLEGIANCE

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

a. Victualer's License Renewals:

1. Pizza Gourmet
2. McK's Variety
3. Best Western White House Inn Filibuster Lounge
4. Armstrong Tennis Center
5. McLaughlin's at the Marina

b. Mayor Duprey/Councilor Brann – Pledge of Allegiance

c. Emails received re Pledge of Allegiance

4. REPORTS

a. Rapid Renewal Reports – January, February & March 2014

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

a. Pledge of Allegiance – Councilor Shakespeare

b. Citizen Petitions – Charter & Ordinances & Legal Issues – Councilor Brann

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

- c. Codification of Ordinances & Charter – Councilor Brann
- d. Council Rules Change – Adding Agenda Heading for “News, Presentations, & Awards” – Mayor Duprey
- e. Bid Results – Riverfront Park – Recommendations of Planning & Development and Finance & Administration Committees
- f. Easement to Hampden Water District – Marina Property
- g. Sargent Development Agreement – Hampden Business Park – Planning & Development Committee Recommendation
- h. Ordinance Authorizing Conveyance of Land Owned by the Town of Hampden – Hampden Business Park/Sargent Corporation – Introduction for Public Hearing
- i. Goals & Objectives – Reschedule Meeting

4. NEW BUSINESS

- a. Fees Ordinance Amendment – Recreation Fees – Finance Committee Recommendation & Introduction for Public Hearing
- b. Pool Entrance Roof Replacement – Infrastructure Committee Recommendation
- c. Ballfield/Cemetery/Parks Mowing & Maintenance – Infrastructure Committee Recommendation
- d. Acceptance of Maine Forest Service Volunteer Fire Assistance Grant – Finance Committee Recommendation
- e. Alewives Fishing Rights

D. COMMITTEE REPORTS

E. MANAGER’S REPORT

F. COUNCILORS’ COMMENTS

G. ADJOURNMENT

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone:  
Fax: (2  
email:

A-3-a

March 13, 2014

Brian Carlisle  
Pizza Gourmet  
60 Main Rd North Suite A  
Hampden, ME 04444

Dear Brian:

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

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC  
Town

Encl

**VICTUALER'S LICENSE CERTIFICATE**

No. 5

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 13, 2014

**KNOW YE**, that Brian and Cindy Carlisle,

doing business as Pizza Gourmet

has been duly licensed as a Victualer at 60 Main Road North Suite A

in the Municipality of Hampden by said Municipality until March 31, 2015,

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

Authorized Municipal Officer

CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 13, 2014

Ron McKinnon  
McK's Variety  
995 Western Ave.  
Hampden, ME 04444

Dear Ron:

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

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC  
Town Clerk

Enc

**VICTUALER'S LICENSE CERTIFICATE**

No. 6

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 13, 2014

**KNOW YE**, that Ronald and Barbara McKinnon,

doing business as McK's Variety

has been duly licensed as a Victualer at 995 Western Avenue

in the Municipality of Hampden by said Municipality until March 31, 2015,

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

Authorized Municipal Officer

  
CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 26, 2014

Peggy Brown  
Best Western White House Inn  
Filibuster Lounge  
155 Littlefield Ave.  
Bangor, ME 04401

Dear Peggy:

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

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC  
Town Clerk

Enclosed

**VICTUALER'S LICENSE CERTIFICATE**

No. 8

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 26, 2014

**KNOW YE**, that Best Western White House Inn,  
doing business as Filibuster Lounge  
has been duly licensed as a Victualer at 155 Littlefield Avenue  
in the Municipality of Hampden by said Municipality until March 31, 2015,  
and has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).

Authorized Municipal Officer

CODE ENFORCEMENT OFFICER

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

March 26, 2014

Dean Armstrong  
Armstrong Tennis Center  
60 Mecaw Rd  
Hampden, ME 04444

Dear Dean:

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

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC  
Town

Encl:

**VICTUALER'S LICENSE CERTIFICATE**

No. 7

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: March 26, 2014

**KNOW YE**, that Dean Armstrong,

doing business as Armstrong Tennis Center

has been duly licensed as a Victualer at 60 Mecaw Road

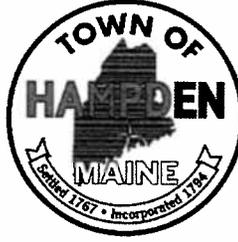
in the Municipality of Hampden by said Municipality until March 31, 2015,

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

Authorized Municipal Officer

**CODE ENFORCEMENT OFFICER**

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

April 2, 2014

Kimberly McLaughlin  
McLaughlin's at the Marina  
108A Marina Rd.  
Hampden, ME 04444

Dear Kim:

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

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC  
Town

Encl

**VICTUALER'S LICENSE CERTIFICATE**

No. 9

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: April 2, 2014

**KNOW YE**, that Kimberly and Reid McLaughlin,  
doing business as McLaughlin's at the Marina  
has been duly licensed as a Victualer at 108A Marina Road  
in the Municipality of Hampden by said Municipality until May 5, 2015,  
and has paid to the fee of Fifty Dollars (\$50.00).

Authorized Municipal Officer

CODE ENFORCEMENT OFFICER

Mayor Carol Duprey  
P.O. Box 214  
Hampden, ME 04444

A-3-b

April 2, 2014

Dear Councilor Brann,

In two recent press accounts (The Blaze, Portland Press Herald) you claim that the reason you sit during the Pledge of Allegiance is that you disagree with my reciting the Pledge in honor of those serving in harm's way. *(I consider each and every person in uniform as being in harm's way. Soldiers and Sailors do not have to be in a combat zone to be in danger in today's world in my opinion).*

From theblaze.com you said: "The council shouldn't leave all the others out when they salute the flag, he said." If she stopped saying that phrase, Mr. Brann said he would start standing for the pledge. "For me, that would be enough," he said, to The Blaze.

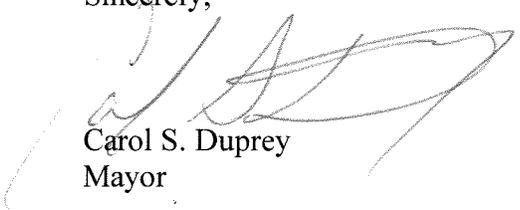
I am willing to do this for you in an effort to move the Town Council forward. Since you told theblaze.com that you would stand for the Pledge of Allegiance if I would just do the pledge with no introduction, I am of course willing to do that for you if you will stand as you have said. If you were indeed offended by my comments, I apologize. The last thing I want to do is upset a fellow Veteran whom I have always respected on the Town Council. I wish you had let me or the council know your feelings on this matter. I would have gladly immediately honored your request.

I sincerely hope you will not do as you have claimed in the Portland Press Herald and boycott the Pledge of Allegiance by showing up late to our meeting. I think that will draw more unwanted negative publicity to our community.

My hope is that you will see my apology as a good faith sign that I really want us to work together to ensure Hampden remains the number one place in Maine to raise a family.

I look forward to seeing you at the next Hampden Town Council meeting on April 7, 2014 at 7:00pm.

Sincerely,



Carol S. Duprey  
Mayor

cc: Hampden Town Council members, Susan Lessard

A-3-C



Denise Hodsdon <clerk>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Sun, Mar 23, 2014 at 9:05 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name:

Last Name::

Mailing Address:

Town/City:

State:

Zip Code:

E-Mail: [luv2beoutdoor@yahoo.com](mailto:luv2beoutdoor@yahoo.com)

Comments: I just watched a video that literally brought bile to my mouth! WOW!! All I can say to the two men (and I use that term loosely, and as a lady, I will not call them what I think is better fitting) is if you don't respect our flag, and the country it represents, then GET OUT!!!!

I would like those two rude, disrespectful, spineless, non-patriotic men to explain why it is they feel the need to refuse to participate in the Pledge of Allegiance to the men and women who have sacrificed their limbs and time with their friends and family, and to those who lost a spouse fighting to preserve our rights represented by the flag!

SHAME on those two ``men``, SHAME ON YOU!!! You've just made Hampden, Maine public enemy #1 nation wide!

Do Not Click Reply - This e-mail has been generated from an online form.



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Unpatriotic council members

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Jeff Goodall <jfgoodysr@yahoo.com>

Mon, Mar 24, 2014 at 8:52 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

I live in Dixmont, and travel through Hampden frequently. I saw the video of council members refusing to stand for the Pledge of Allegiance. With people like this on your council, I will no longer buy gas, groceries, hardware, birthday rentals at your pool etc. I will also show this video to everyone I know so they may decide to boycott your town businesses. It's a shame to make local businesses suffer for unpatriotic council members, but it's all I can do since I don't vote in your town. Have a nice day. Jeff Goodall Sr



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Mon, Mar 24, 2014 at 8:53 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Peggy

Last Name:: Gentle

Mailing Address: 706 fuller rd.

Town/City: Hermon

State: ME

Zip Code: 04401

E-Mail: [rhgentle@yahoo.com](mailto:rhgentle@yahoo.com)

Comments: I am so disgusted at a couple of your council members!! How dare they not stand for the pledge of allegiance at a meeting March 14, 2014, if they feel they are to good for it then their in the wrong country!! If they can't show respect for our country then what to hell are they on the board for?? Then they wounder why are kids don't show any respect... just look at the two on your board, THERES YOUR ANSWER!!! would be asking for a resignation from the two men! Thanks for listening!

[Quoted text hidden]



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Disrespectful counsel!

1 message

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**cooz1966@gmail.com** <cooz1966@gmail.com>

Mon, Mar 24, 2014 at 10:33 AM

To: "clerk@hampdenmaine.gov" <clerk@hampdenmaine.gov>

I just got a chance to see the blatant disrespect shown by members of your town counsel who are too lazy or just plain nasty to take part in the pledge of allegiance!?!?!? and I want you to know how offended I am! Today marks the anniversary of a combat experience I had in the gulf and subsequent Libyan lives lost in the effort! Please tell the two slob on the counsel I said thanks for NOTHING!!!!!! Think I'll write a letter to the Bangor daily news

Sent from my iPhone



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Mon, Mar 24, 2014 at 10:36 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Eric

Last Name:: Cousineau

Mailing Address: 160 enfield rd.

Town/City: Lincoln

State: ME

Zip Code: 04458

E-Mail: [Cooz1966@live.com](mailto:Cooz1966@live.com)

Comments: I just got a chance to see the blatant disrespect shown by members of your town counsel who are too lazy or just plain nasty to take part in the pledge of allegiance!?!?! and I want you to know how offended I am! Today marks the anniversary of a combat experience I had in the gulf and subsequent Libyan lives lost in the effort! Please tell the two slob on the counsel I said thanks for NOTHING!!!!!! Think I'll write a letter to the Bangor daily news

Do Not Click Reply - This e-mail has been generated from an online form.



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Disrespectful counsel!!

1 message

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**cooz1966@gmail.com** <cooz1966@gmail.com>

Mon, Mar 24, 2014 at 10:52 AM

To: "clerk@hampdenmaine.gov" <clerk@hampdenmaine.gov>

By the way ... My father was a D-Day "survivor" as army paratrooper! Who spent his whole life in physical and mental pain so that Jerks like the ones on your counsel can thrive today and that can't show respect? He died last year at Togus veterans hospital! He would be heart broken!

Yeah I am offended!!

Sent from my iPhone



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Mon, Mar 24, 2014 at 2:59 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Dave

Last Name: Loy

Mailing Address: BX 204, Wilson, Wyo. 83014

Town/City: Wilson

State: WY

Zip Code: 83014

E-Mail: [dloyjr@live.com](mailto:dloyjr@live.com)

Comments: The two useless, waste of flesh male members who sat, arms folded during the Pledge of Allegiance should be publicly flogged, charged with failure to follow their Oath of Office and immediately fired!!!  
What a disgrace to your community!

[Quoted text hidden]



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Mon, Mar 24, 2014 at 10:42 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Never

Last Name:: Come to Hampden

Mailing Address: Never

Town/City: Never come to hampden, Maine

State:

Zip Code: 00000

E-Mail: Mike699411@me.com

Comments: Why would anyone want to come to this town ? Can't stand for flag?

[Quoted text hidden]



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Tue, Mar 25, 2014 at 9:33 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name:

Last Name::

Mailing Address:

Town/City:

State:

Zip Code:

E-Mail: Roberta574@yahoo.com

Comments: I saw a video of the town council and as the young boy of the moderator led the Pledge of Allegiance, we noticed that two council members did NOT participate, or for that matter, even stand UP..disgraceful!! and especially, you have a young man there to lead it!! I say throw them OFF the council. What a disgrace of an example of an American citizen and poor example for our younger generation!!!

[Quoted text hidden]



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Tue, Mar 25, 2014 at 2:10 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: aaron

Last Name:: snider

Mailing Address: 50 marion dr

Town/City: hampden

State: ME

Zip Code: 04444

E-Mail: [rocketman6368@hotmail.com](mailto:rocketman6368@hotmail.com)

Comments: I pay high taxes here, I`am retired from the Military and I think William Shakespeare and Thomas Brann are a disgrace to the flag and this country, as well as this town. These individuals DO NOT represent me and my family.

[Quoted text hidden]



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Tue, Mar 25, 2014 at 6:37 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Nick

Last Name:: Munro

Mailing Address: Main St

Town/City: East Waterboro

State: ME

Zip Code:

E-Mail: Bshakespeare@disgrace.com

Comments: Bill Shakespeare and Tom Brenn are a disgrace to your town and to our state as well as our nation.

If they cannot sacrifice 15 seconds of their wretched lives to pledge aliegence to our nation`s flag, they should resign and consider moving to another country. Removing themselves from their office, your town, our state and our country would do a service to all of us.

[Quoted text hidden]



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Wed, Mar 26, 2014 at 11:16 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Daryl

Last Name:: Chambers

Mailing Address: PO Box 3584

Town/City: wilmington

State: NC

Zip Code: 28406

E-Mail: [thebagpipes@aol.com](mailto:thebagpipes@aol.com)

Comments: I just watched the youtube video where TWO GROWN ADULTS refused to stand during the Pledge of Allegiance. The 9-year old boy who recited the pledge has more patriotism in his little finger than these two ``councilmen``. I was planning a trip to Maine this summer with my daughter, but after seeing this act of supreme disrespect towards our Flag, our Country, and our Military members, you can REST ASSURED WE WILL NOT TRAVEL to your state. After all, my money has ``In God We Trust`` printed on it, and I wouldn't want to offend your town council by spending my money in your town. This is a SUPREMELY disrespectful act by these two persons (I dare not call them men) and I am sickened by it.

[Quoted text hidden]



Denise Hodsdon <clerk@hampdenmaine.gov>

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## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Wed, Mar 26, 2014 at 12:33 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Jon

Last Name: Drummond

Mailing Address:

Town/City: Benson

State: AZ

Zip Code:

E-Mail: Drummond4231@msn.com

Comments: Next month, my family will be taking a vacation near your area. We intended to visit several towns, including Hampden. I recently saw the video of your pathetic councilmen refusing to participate in the pledge of allegiance. I was appalled at their behavior. Your town will be passed on our trip. I realize you may not notice, but it is the least my family can do to express how pathetic your councilmen's behavior is.

[Quoted text hidden]



Susan Lessard &lt;manager@hampdenmaine.gov&gt;

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## Pledge of Allegiance Controversy

1 message

Bill Thomas &lt;rosebud.tattoo882@gmail.com&gt;

Wed, Mar 26, 2014 at 12:50 PM

To: manager@hampdenmaine.gov

Ms. Lessard~

I sent the below to the council last night. I just wanted you to know that the dissenting councilors are **not alone** in their stance, despite the overwhelming majority who are making this about **patriotism** when it's **not**.

I also voiced an opinion to the television station who by omission, basically slandered these men. We all know you don't get the big picture by taking anything out of context like that.

Apparently it's a done deal, the council has voted to keep the Pledge in, but I think it's incumbent upon you to instruct the Mayor to simply say "**Please stand for the Pledge**", a simple five words, rather than:

**"Ladies and Gentlemen,**

**Would you please rise as we pay tribute to the great men and women in uniform, who are currently serving in harm's way. I've asked my son, Joshua to lead us in the Pledge of Allegiance"**

Over 40 words, which for all intents and purposes sound like an emotionally charged speech using purposefully inflammatory phrases like "serving in harm's way" more than an introduction or initial greeting/opening to a town council meeting. It also subliminally suggests the opposite feeling is displayed by those who choose their constitutionally guaranteed right not to participate, which is also patently unfair as well as untrue.

For the sake of example, you only need to watch the first 15 seconds of this link to see how a much larger city does it, not that far from you:

<http://bangormaine.pegcentral.com/player.php?video=6b9a5bada45f09e204719ddb5dcc5f13>

Personally, I think the Town of Hampden owes these two councilors an apology for all the grief and character defamation it has caused them. They are absolutely correct in saying that the Pledge has nothing to do with the business of running a town, for which they were elected. In some cases, the town might indeed hold opposing views as the Feds on any number of matters, so the reciting of the Pledge by those who might have to challenge the Fed could be construed as disingenuous in and of itself.

Perhaps you should compromise and have a local writer compose a Pledge of Allegiance to Hampden. It could very well be a monthly reminder of the reason they were elected.

Thank you for your time and consideration,

Bill Thomas

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

From: **Bill Thomas** <[rosebud.tattoo882@gmail.com](mailto:rosebud.tattoo882@gmail.com)>

Date: Tue, Mar 25, 2014 at 7:39 PM

Subject: Pledge of Allegiance

To: [mcpiketowncouncil@hampdenmaine.gov](mailto:mcpiketowncouncil@hampdenmaine.gov), [branntowncouncil@hampdenmaine.gov](mailto:branntowncouncil@hampdenmaine.gov), [lawlistowncouncil@hampdenmaine.gov](mailto:lawlistowncouncil@hampdenmaine.gov), [rydertowncouncil@hampdenmaine.gov](mailto:rydertowncouncil@hampdenmaine.gov), [shakespearetowncouncil@hampdenmaine.gov](mailto:shakespearetowncouncil@hampdenmaine.gov), [siroistowncouncil@hampdenmaine.gov](mailto:siroistowncouncil@hampdenmaine.gov), [dupreytowncouncil@hampdenmaine.gov](mailto:dupreytowncouncil@hampdenmaine.gov)

<http://www.wcsh6.com/story/news/local/2014/03/25/hampden-town-councilors-pledge-allegiance/6870929/>

Councilors~

First of all,I think it was disingenuous of CH. 6 to post this 43 second video **out of context**,that showed the dissenting councilors in the **worst possible light**,and the opening comments made by the Mayor "In order to show respect,etc." was out of line since by doing so,it was **insinuated** those who do not are showing **disrespect**,which is false.

I've been involved in municipal politics for many years,and yes,most council meetings start with this pledge,but **none** preface it with the **explanation** why,they simply ask people to stand,some do,some don't.

Some have a "moment of silence" and again,**do not articulate reason** for prayer.It's simply that,do with it as you wish.

Of course,unfortunately most won't take the time,but to be fair,one must watch this:

<http://www.youtube.com/watch?v=xFA8uH6iUek>

I believe the dissenting Councilors have some **strong points** and should be **applauded** for standing up for their beliefs in what must be a sea of angry opposition. These two gentlemen are the **true patriots** here,fighting for their rights rather than taking the easy way out by **jumping on the bandwagon**,despite the grief it's sure to bring them.(I don't have Facebook,but I can only imagine!)

You've already voted,so apparently it stays,but for future meetings,Madame Mayor I would ask you to consider simply asking people to stand for the pledge without the **lecture**.

Thank You,

Bill Thomas-Sanford



Susan Lessard <manager@hampdenmaine.gov>

---

## I am appalled...

1 message

---

Paul Jamiol <pjamiol@rcn.com>

Wed, Mar 26, 2014 at 3:57 PM

To: manager@hampdenmaine.gov

Ms. Lessard,

While I'm from Massachusetts, I have spent much time vacationing in Maine over the passed 25 years so I'm always interested in what happens in your state.

As someone who loves my country and loves the freedoms it affords, I am appalled at the treatment of the two Hampden Councillors who chose not to support a pledge of allegiance and sat through the pledge because of a belief that it has nothing to do with running a meeting on town business.

From what I've seen of both the video of the meeting and the comments after the fact, it is unbelievable that these two men are being vilified.

What galls me even more is that both of these men are Army veterans and one a retired Major with almost 30 years of service to this country. As to Madam Mayors clear attempt to humiliate these men with her "patriotic" lecture, I would ask what gives her the right to talk down to these Veterans to fulfill a need to show her "patriotism"?...and why is it so important to her to force others to follow her lead over something that has nothing to do with town business?

Many comments have suggested that these to men have caused the town embarrassment. The only embarrassment here is from a Mayor who seems to want to shove her pledging down everyone's throat...shameful.

A solution to this would be, at the beginning of each meeting, start with a moment of silence. That way all could pledge silently to themselves. This would be true freedom and also freedom from egos.

Thank you for your time and consideration,

Paul Jamiol  
West Roxbury, MA



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Pledge

1 message

---

**Shawn Murchison** <smurchis@maine.rr.com>  
To: info@hampdenmaine.gov

Wed, Mar 26, 2014 at 7:06 PM

Just watched video of town council members speaking against adding the Pledge of Allegiance to the Agenda and then a video of council members refusing to participate in the Pledge. This is some of the most childish and unpatriotic behavior I have ever witnessed. The Town of Hampden and it's government should consider removing these people from the council because it is obvious to me that they do not have the community's best interest in mind.



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>  
To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Thu, Mar 27, 2014 at 4:50 PM

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: nancy

Last Name:: allen

Mailing Address: 36 chestnut oak dr.

Town/City: somerset

State: KY

Zip Code: 42503

E-Mail: [nanallen@windstream.net](mailto:nanallen@windstream.net)

Comments: Saw that two obnoxious TC members refused to stand for the pledge to the country`s flag. This is despicable behavior!! These men do not deserve the positions they hold. Government was formed by the founding fathers of this country and if it hadn`t gone that way these men may not have had the opportunity to sit on councils as yours. This shows a total lack of RESPECT for our system of government. Yes, it`s about respect and they show NONE. Yeah surely do better than these two!!

Do Not Click Reply - This e-mail has been generated from an online form.



Denise Hodsdon <clerk@hampdenmaine.gov>

---

**(no subject)**

---

**dick-1** <dick-1@charter.net>  
To: info@hampdenmaine.gov

Thu, Mar 27, 2014 at 8:15 PM

What in hell is the problem with your council members? If they don't like it in Maine maybe they should consider moving too Mexico. Then again maybe what they need is a good kick in the ass. Is it any wonder why this country is the way it is today.

Richard Burrell



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Lack of Pride

---

**michelleoriola@comcast.net** <michelleoriola@comcast.net>  
To: info@hampdenmaine.gov

Thu, Mar 27, 2014 at 4:04 PM

I just saw the video of your two elected officials who made the decision to remain seated during the Pledge of Allegiance. I feel so bad for your town that you have these people representing you, and for the embarrassment they cause you. It's people like that who make my heart sad for the future and freedoms America has to offer. They really should reconsider and stop being so selfish. It's so sad.

Just wanted you to know that.



Denise Hodsdon &lt;clerk@hampdenmaine.gov&gt;

---

## council members Shakespeare & Brann

---

robert crupi <r.crupi@comcast.net>  
To: info@hampdenmaine.gov

Fri, Mar 28, 2014 at 10:23 AM

After watching the total disrespect two of your council members showed during the Pledge of Allegiances, I think they should both be removed from any form of governing position. Their (William Shakespeare and Thomas Brann) non participation speaks volumes of their obvious anti-American posture. FIRE THEM BOTH.

They are a disgrace to our country and to all the soldiers that have fought in their behalf. As a veteran, I would love to take each one of these "**cowards**" out to the woodshed to teach them a good lesson.

If they remain in office then, you are just as much to blame as they are for allowing such an anti-American display to go without any punishment.

video attached below:

<http://www.theblaze.com/stories/2014/03/27/two-council-members-caught-on-video-refusing-to-stand-and-recite-the-pledge-of-allegiance/>

Bob Crupi, a very proud AMERICAN



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## pledge of allegiance

---

Harry Faulkner <hjlf@roadrunner.com>  
To: info@hampdenmaine.gov

Fri, Mar 28, 2014 at 10:59 AM

To Whom it may Concern:

I would like to add my letter, to what I'm sure is a large number, condemning those on your counsel that refused to stand for the Pledge of Allegiance. From what I can gather from the report that I read, one of the complaints is that somehow, the pledge is now connected to the Tea Party. Since when did the Pledge of Allegiance become attached to any party? A liberal Democrat or a conservative Republican or a committed Libertarian can pledge his/her allegiance and still stay true to their beliefs.

Harry Faulkner

Bethel, Maine



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Viral Facebook posting

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Daniel Lindsley <lindsleydaniel@yahoo.com>

Fri, Mar 28, 2014 at 2:05 PM

Reply-To: Daniel Lindsley <lindsleydaniel@yahoo.com>

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

The picture of the 2 town selectmen refusing to stand for the Pledge of Allegiance has gone viral.

Please inform them that the Pledge predates the Tea Party by several generations, not to mention years.

As a Veteran, I do not appreciate the idiocy of the uninformed left. They are what is wrong with America.

Thank you,

Daniel Lindsley



Denise Hodsdon &lt;clerk@hampdenmaine.gov&gt;

---

## Shameful

---

mroadster2@comcast.net <mroadster2@comcast.net>  
To: clerk@hampdenmaine.gov

Fri, Mar 28, 2014 at 2:17 PM

Ms. Hodsdon

I don't live anywhere near Hampden, Maine, but if I did I would move to rid the Town Council of Thomas Brann and William Shakespeare. They claim to be patriots, but frankly their recent display of shunning the Pledge of Allegiance is anything but patriotic.

The Pledge of Allegiance is about promising to be loyal to our country and our flag in a country where the people elect representatives from among themselves to make laws for everyone. The flag represents the values of our form of government in a country formed under God. Further, the nation cannot be split into parts and consists of freedom and a system of law for every person in this great nation.

You may or may not pass this email along to them, but as a patriot, I would never refuse to honor my country and flag especially if I was representing fellow countrymen in an official capacity.

Absolutely shameful...



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Why do you keep those useless pieces of excrement sitting during your pledge?

---

Bill <wm58523@aol.com>

Fri, Mar 28, 2014 at 3:34 PM

To: info@hampdenmaine.gov

From what I am reading in the paper, and on the internet these so called "men" were protesting something but their stupidity came over as a slam against America. In what at one time was considered a place where real men live and furthered the goals of America these slime-balls demonstrated the stupidity that has been an ever growing problems amongst liberals today; They are STUPID as well as being ignorant.

Tell these slugs to go back, pull their "big boy pants on" and act like leaders of a community and not like undereducated and undeveloped prokaryotes.

William Merrell  
USAF  
SMSgt (Ret.)



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Please forward this note to William Shakespeare and Thomas Brann

---

**Abbie McMillen** <abbiemcmillen@mac.com>

Sat, Mar 29, 2014 at 12:28 AM

To: info@hampdenmaine.gov

Cc: reneordway@gmail.com

Gentlemen:

Thank you for standing up to the bullies who make a litmus test out of saying the Pledge. It's entirely political and has nothing to do with patriotism. Case in point, the phrase "under God" was added in the 50's to prove that the USA was not controlled by Communists, of all things, like that was ever a serious threat that could be counteracted by draping ourselves in the flag. I was in grade school at the time and remember thinking that the wording had stopped making sense, because the idea was "one nation indivisible" and it had just been divided by "under God." Remember what Sinclair Lewis said, to paraphrase, when fascism comes to this country it will be draped in the flag and carrying a cross.

I admire your courage. Stay strong, there are plenty of us out here who understand where you are coming from and agree with you.

Abbie McMillen  
Harborside, Maine



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Council Members

---

Perry Dickey <pothird@hotmail.com>

Sat, Mar 29, 2014 at 12:35 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

You have two town council members there who need to be ashamed to call themselves American. Tell them to pack their bags and get out of this country at once!



Denise Hodsdon <clerk@hampdenmaine.gov>

---

**(no subject)**

---

**Randy Howard** <RandyH@centralresources.com>

Sun, Mar 30, 2014 at 6:32 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Is this the correct email for the two idiots who refuse to stand for the Pledge?

Sent from my iPhone



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Feedback Form (form) has been filled out on your site.

24 messages

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**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 10:41 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Barbara

Last Name:: Frazier

Mailing Address:

Town/City: Stockbridge

State: GA

Zip Code: 30281

E-Mail: [jobar@bellsouth.net](mailto:jobar@bellsouth.net)

Comments: With all due respect I submit my comments. I'm sure the last thing you need is another opinion regarding members of council who refuse to recite the Pledge of Allegiance. My first reaction was outrage, then I watched the video. I agree the introduction is inappropriate. I don't know if I would feel that strongly enough to refuse to stand, or recite the pledge. Whatever your purpose, to honor our service men I'm fairly sure, the Pledge of Allegiance is a stand alone and needs no recited. If you wish to remember those in harms way, perhaps a moment of silence would do that without diminishing the pledge. Heavens knows we have enough things chipping away at traditional American values. Sincerely, Barbara Frazier

PS/my brother's name is on the Vietnam Wall. I feel very strongly about honoring service men.

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**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 11:00 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: harry

Last Name:: faulkner

Mailing Address: 320 paradise rd

Town/City: bethel

State: ME

Zip Code: 04217

E-Mail: [hjlf@roadrunner.com](mailto:hjlf@roadrunner.com)

Comments: To Whom it may Concern:

I would like to add my letter, to what I'm sure is a large number, condemning those on your counsel that refused to stand for the Pledge of Allegiance. From what I can gather from the report that I read, one of the complaints is that somehow, the pledge is now connected to the Tea Party. Since when did the Pledge of Allegiance become attached to any party? A liberal Democrat or a conservative Republican or a committed Libertarian can pledge his/her allegiance and still stay true to their beliefs.

Harry Faulkner  
Bethel, Maine  
[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 11:09 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Todd  
Last Name:: Niermeyer  
Mailing Address:  
Town/City: White Pigeon  
State: MI  
Zip Code:  
E-Mail: topedyas@icloud.com  
Comments: re: Thomas Brann and William Shakespeare

What a disgusting display by two council members not willing to stand and say the Pledge of Allegiance. You both should step down immediately and move out of country.....don` t care if you have or haven` t served our country in the past. It`s even more despicable that you wouldn` t do it for veterans and in front of a young child. What a telling sign of the decline of this nation.....

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 2:16 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Julie  
Last Name:: Zielinski  
Mailing Address: 704 W. Shiawassee Ave.  
Town/City: Fenton  
State: MI  
Zip Code: 48430  
E-Mail: jaz704@sbcglobal.net

Comments: How Dare the men representing a small town American city refuse to stand for the military or the flag when asked!!! I would vote you both out of office asap and send you to Putin!! You are disrespectful and unthankful to the flag and military who have saved your asses and allowed you and your family to live in peace!!!

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 2:39 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Joseph  
Last Name:: Steuer  
Mailing Address: 1353 Lyons Rd

Town/City: Dayton

State: OH

Zip Code: 45458

E-Mail: joe.steuer@irongaterealtors.com

Comments: The two white male counsel members who refused to stand for the pledge to the flag are a disgrace to your community. You (all counsel) should be ashamed of your members. Fortunate for them, I live in Ohio. Shame on all of you for letting this happen, apparently without comment. Of course you are on the east coast, I guess that should be expected.

Joseph P. Steuer

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 3:26 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: www.hampdenmaine.gov

-----  
First Name: Aaron

Last Name:: Ariza

Mailing Address:

Town/City: Santa Clara

State: CA

Zip Code: 95051

E-Mail: aaronariza@msn.com

Comments: What a disgrace the 2 members of your communities council are! They should be ashamed of themselves for not standing during our countries pledge of allegiance! Being to former military personel is even more of a disgrace to our men and women serving or whom have served our great nation! Please tell them Canada is just north of them and feel free to leave anytime!

Regards,

Aaron Ariza

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 3:52 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: www.hampdenmaine.gov

-----  
First Name: Andy

Last Name:: Saunders

Mailing Address:

Town/City: Chesapeake

State: VA

Zip Code:

E-Mail: saundersand@cox.net

Comments: I saw the video of the two council members remaining seated for the national anthem. What a disgrace these two are. I bet they are not veterans. Your town should be ashamed. What a way to teach the youth to love their country!

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Fri, Mar 28, 2014 at 3:59 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

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Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Ed

Last Name:: Sieno

Mailing Address:

Town/City: Sun City

State: AZ

Zip Code: 85373

E-Mail: [sgt083@comcast.net](mailto:sgt083@comcast.net)

Comments: I am disgusted at the two male board members who refused to stand and take part in the pledge. If I would have been there, the proceedings would have gone a little differently than they did. These two men should be removed from their position by the mayor or village manager. Absolutely terrible what they did.

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Fri, Mar 28, 2014 at 4:21 PM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Jack

Last Name:: Holmes

Mailing Address:

Town/City: Friendswood

State: TX

Zip Code: 77546

E-Mail: [jph1812@gmail.com](mailto:jph1812@gmail.com)

Comments: Just saw the news on the Blaze.com website that two of our councilmen, Brann and Shakespeare refuse to pledge allegiance to the flag of the US. I don't care what their trumped up reason is, they should be immediately re-called and they should consider moving to another country. We do not need unpatriotic idiots like them in our country!! Please pass this on to them and encourage them to go to another country.

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Fri, Mar 28, 2014 at 5:03 PM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Rhonda

Last Name:: Lee

Mailing Address: 401 Pate Street

Town/City: Apex

State: NC

Zip Code: 27502

E-Mail: [brackandrhonda@nc.rr.com](mailto:brackandrhonda@nc.rr.com)

Comments: I saw the disgraceful lack of respect for our flag by the town council members on the Youtube video. What a sad commentary on our country. Shame on these council members who did not stand up for the Pledge. What effect did this have on the little boy who led the Pledge? As an American, I'm very disgusted. At least the other members stood up.

Sincerely,  
Rhonda Lee  
[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>  
To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Fri, Mar 28, 2014 at 9:11 PM

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Larry  
Last Name:: Weir  
Mailing Address:  
Town/City: Denver  
State: CO  
Zip Code:  
E-Mail: ls.weir@comcast.net

Comments: Concerning the two councilmembers who didn't stand for the Pledge of Allegiance...Your behavior disgusts me. Please consider another line of work - in another country. You should be ashamed of yourselves but your obvious intellectual atrophy tells me you feel nothing. Even for your country.  
[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>  
To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Sat, Mar 29, 2014 at 12:02 AM

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Roger  
Last Name:: Nustad  
Mailing Address: 5961 Bridgeview dr.  
Town/City: Ventura  
State: CA  
Zip Code: 93003  
E-Mail: Rdnustad@yahoo.com

Comments: Please, what is wrong with your council members. One indicated he was ``patriotic`` I beg to differ. He is looking only for notoriety for himself. He thinks he is making a statement. In my mind he is making a fool of himself. If he would have done that in my outfit in 1966-1968 he would have been injured severely.  
[Quoted text hidden]

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**Please Do Not Click Reply** <support@govoffice.com>  
To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Sat, Mar 29, 2014 at 6:45 AM

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Jerry  
Last Name:: Morrison  
Mailing Address:  
Town/City: Danielson  
State: CT  
Zip Code:

E-Mail: [jermorr@ct.metrocast.net](mailto:jermorr@ct.metrocast.net)

Comments: Saw how some of your council members acted during the Pledge of Allegiance. What a pathetic thing to do and what a pathetic town you must live in. Have never been to your backwater little town and never will go there.

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Sat, Mar 29, 2014 at 6:45 AM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Sat, Mar 29, 2014 at 7:33 AM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

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Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Jon

Last Name:: Lindberg

Mailing Address:

Town/City: Kingman

State: AZ

Zip Code:

E-Mail: [azlindy2@hotmail.com](mailto:azlindy2@hotmail.com)

Comments: The world has seen the disgraceful conduct of two of your town council members. They should be voted out of office.

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Sat, Mar 29, 2014 at 10:02 AM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: James

Last Name:: Gillette

Mailing Address: 1216 Lakeside way

Town/City: sebring

State: FL

Zip Code: 33876-7460

E-Mail: [bevjayflorida@gmail.com](mailto:bevjayflorida@gmail.com)

Comments: I wanted to send a message and state what a disgrace by those elected official to not give the due respect to the fallen men of this Nation during the Pledge of Allegiance. I sure hope and pray the citizens of that fair land take the necessary action to remove those to disrespectful men from office. I sure hope this is not a sign of what is to come in rural America. God Bless America

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Sat, Mar 29, 2014 at 11:39 AM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

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Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

---

First Name: Arthur  
Last Name:: Windsor  
Mailing Address: 6 North Boyd Place  
Town/City: Sapulpa  
State: OK  
Zip Code: 74066  
E-Mail: [capart1600@yahoo.com](mailto:capart1600@yahoo.com)

Comments: To the people of Hampden, Maine -Regarding your ``politicians`` who won't even stand during the pledge-These people have no business what so ever in representing Americans in any manner. They do NOT respect America, they can't honestly serve the people. Too many of these idiots get any power of any kind, they forget they are there to SERVE the people, the country AND IT'S FLAG. I spent over 20 years of my life serving that flag in the military, I have friends who died for that flag and I resent the attitude of these scumbags!

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Sat, Mar 29, 2014 at 2:58 PM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

Your Site has received new information through an online form.

Online Form: Feedback Form  
Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

---

First Name: Ralph  
Last Name:: Clark  
Mailing Address: 1180 Alvarado Dr. SE  
Town/City: Albuquerque  
State: NM  
Zip Code: 87108  
E-Mail: [rc87108@gmail.com](mailto:rc87108@gmail.com)

Comments: Video Report - Footage of Two Town Council Members in Maine Refusing to Stand & Say the Pledge of Allegiance as a Protest Against Honoring Deployed American Troops Sparks Outrage  
Read more at <http://www.libertynews.com/2014/03/video-report-footage-of-two-town-council-members-in-maine-refusing-to-stand-say-the-pledge-of-allegiance-as-a-protest-against-honoring-deployed-american-troops-sparks-outrage/#H2U5hJCIOjFWcKih.99>

WE SEE THAT YOU HAVE COMMUNIST LIVING IN YOUR TOWN PLEASE DEPORT THEM....Albuquerque,New Mexico

[Quoted text hidden]

---

**Please Do Not Click Reply** <[support@govoffice.com](mailto:support@govoffice.com)>

Sat, Mar 29, 2014 at 5:28 PM

To: "info@hampdenmaine.gov" <[info@hampdenmaine.gov](mailto:info@hampdenmaine.gov)>

Your Site has received new information through an online form.

Online Form: Feedback Form  
Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

---

First Name: William  
Last Name:: Buesink  
Mailing Address: 10285 Belknap Road  
Town/City: Clymer  
State: NY  
Zip Code: 14724  
E-Mail: [bbuesink@windstream.net](mailto:bbuesink@windstream.net)

Comments: A group of six of us had a trip planned for the Penobscot in early summer for some fishing. Due to

anti-American attitude displayed by your unpatriotic councilmen we all agreed to change our trip to the Adirondaks instead. I will never visit your area again. You should be ashamed.

Very sincerely,  
William S. Buesink  
[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>  
To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Sat, Mar 29, 2014 at 8:28 PM

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Victoria  
Last Name:: Costanza  
Mailing Address: 7559 Greenhaven Dr #233  
Town/City: Sacramento  
State: CA  
Zip Code: 95831  
E-Mail: vickicos@msn.com

Comments: Anyone that is in government, the city council like Thomas Brann, should stand for the Pledge. If he doesn't want to stand for the pledge, then maybe he should not serve on city council, or any other government positions. This is america, he should be glad that he lives in america.

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>  
To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Sat, Mar 29, 2014 at 8:44 PM

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Michelle  
Last Name:: Durham  
Mailing Address:  
Town/City: Ashford  
State: AL  
Zip Code:  
E-Mail: loumic4@graceba.net

Comments: If the two members of your city council don't feel its important to show RESPECT to our Flag which represents our country.....They should be removed because they obviously don't respect the citizens they were elected to respect. Have a recall and be done with them!

Signed - Retired US Army and yes...I understand they are vets but not ALL vets are respectful!

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>  
To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Sun, Mar 30, 2014 at 8:15 AM

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: www.hampdenmaine.gov

-----  
First Name: Laurie  
Last Name:: McBroom

Mailing Address: 3906 Brittany Ct.  
Town/City: Indian Trail  
State: NC  
Zip Code: 28079  
E-Mail: laurie.mcbroom@yahoo.com

Comments: Please pass along my comment to Mr. Brann and Mr. Shakespeare of your town council: You both have not been discredited by any Tea Party nor any Republicans...you have discredited yourselves by not standing for the pledge to the flag and then not taking responsibility for your non-action and then trying to blame it on the Mayor. Even tho you may be veterans, you do not deserve your seats on your town council. Your citizens deserve better.

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Sun, Mar 30, 2014 at 8:31 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Robert  
Last Name:: Hewitt  
Mailing Address: 45 8 Point Trail  
Town/City: Blairsville  
State: GA  
Zip Code: 30512  
E-Mail: sowotsup@yahoo.com

Comments: Your traitors Brann and Shakespeare need to be used as Shark bait.

[Quoted text hidden]

---

**Please Do Not Click Reply** <support@govoffice.com>

Sun, Mar 30, 2014 at 6:52 PM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Jeff  
Last Name:: Lewis  
Mailing Address:  
Town/City: Spokane  
State: WA  
Zip Code: 99212  
E-Mail: JLewis@aol.com

Comments: Was thinking about taking a little trip out to your town and visiting your city council meeting .....if those two low life Piles of dog shit don` t stand up for the pledge of allegiance, I` ll help you stand them up.

[Quoted text hidden]



Gretchen Heldmann <[gheldmann@hampdenmaine.gov](mailto:gheldmann@hampdenmaine.gov)>

---

**(no subject)**

---

**Jon & Becky Lindberg** <[azlindy2@hotmail.com](mailto:azlindy2@hotmail.com)>  
To: [gisit@hampdenmaine.gov](mailto:gisit@hampdenmaine.gov)

Sat, Mar 29, 2014 at 7:37 AM

The world has seen the disgraceful conduct of two of your town council members. They should be voted out of office.

Jon Lindberg  
Kingman, AZ



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Feedback Form (form) has been filled out on your site.

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**Please Do Not Click Reply** <support@govoffice.com>

Mon, Mar 31, 2014 at 9:44 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Daniel

Last Name: Kelley

Mailing Address: 6506 National Pike

Town/City: Addison

State: PA

Zip Code: 15411

E-Mail: [dhkelley@hotmail.com](mailto:dhkelley@hotmail.com)

Comments: To the council members who refuse to say the pledge, please tell me HOW the pledge is being used for political purposes? The story doesn't say how. You can't state that reason without some backup.

Do Not Click Reply - This e-mail has been generated from an online form.



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Feedback Form (form) has been filled out on your site.

---

**Please Do Not Click Reply** <support@govoffice.com>

Tue, Apr 1, 2014 at 9:11 AM

To: "info@hampdenmaine.gov" <info@hampdenmaine.gov>

Your Site has received new information through an online form.

Online Form: Feedback Form

Site URL: [www.hampdenmaine.gov](http://www.hampdenmaine.gov)

-----  
First Name: Cho

Last Name:: Dan

Mailing Address: PO Box 601

Town/City: Kingston

State: NY

Zip Code: 12401

E-Mail: [oldbtold@gmail.com](mailto:oldbtold@gmail.com)

Comments: Councilmen William Shakespeare and Thomas Brann recently were filmed refusing to stand for the Pledge of Allegiance before the March 17,2014 meeting.

What military did these punks serve? Didn't their DI show them enough love during basic or do we have another politician falsely claiming military service?

What is more likely is that both served in the rear while real soldiers fought and died for no American Soldier would `dis` the Pledge (or the Flag).

If they can't stand respectfully, then what makes anyone think that either will respect the wishes of those who elected them into public office?

We respectfully suggest that if these council-members are to continue that they be assigned to permanent latrine duty or step down and allow `real fighting soldiers` to show them the error of their ways.

Do Not Click Reply - This e-mail has been generated from an online form.



Denise Hodsdon &lt;clerk@hampdenmaine.gov&gt;

---

## Disgraceful Conduct by Two of your Council Members

1 message

---

**Chuck Zissman** <czissman@gmail.com>

Wed, Apr 2, 2014 at 12:19 PM

To: info@hampdenmaine.gov

To the People of Hampden and the Government that Represents Them;

I have a very busy calendar today, but thought it important to speak my mind about your two council members who refused to stand for the pledge of allegiance. They have brought shame and disgrace on themselves and, more importantly, your community.

As public servants - government representatives, for these two to make clear by their refusal to participate in the pledge of allegiance to the flag of the United States of American and to the republic for which it stands, suggests that they hold those two symbols of freedom contemptuously in their minds and hearts. Persons like this do not belong in public office and, if they don't feel allegiance to our country, they should either step down or suffer the scorn of a pissed off nation for the sheer disrespect to the United States of America and to the veterans who have paid dearly to give them the right to sit on their duffs during the pledge.

I urge your community and your local government to censure these individuals publicly and severely.

I expect from these two council members a public and heart-felt apology to the American people for their disrespectful act.

Respectfully,

Charles Zissman  
Mountain View, CA

Former Army Military Police Corps NCO  
Operation Iraqi Freedom Combat Veteran  
proud grandson and son of WWI and WWII veterans

Rapid Renewal Transaction Volume Summary  
Town of Hampden: Transaction date >= 20140101 and < 20140201

A-4-a

Payment Method	Transaction Count	Transaction Amount	Processing Fees
Credit/Debit Card	0	0.00	0.00
Electronic Check	34	6727.76	0.00
TOTAL	34	6727.76	

Class Code Summary

January 2014

Class	Count
AG	2
BB	3
CM	1
CR	3
LB	1
PC	24

Rapid Renewal Transaction Volume Summary

Town of Hampden: Transaction date >= 20140201 and < 20140301

Payment Method	Transaction Count	Transaction Amount	Processing Fees
Credit/Debit Card	0	0.00	0.00
Electronic Check	30	7729.89	0.00
TOTAL	30	7729.89	

Class Code Summary

Class	Count
AW	1
BB	2
CO	1
CR	3
PC	23

February 2014

Rapid Renewal Transaction Volume Summary  
Town of Hampden: Transaction date >= 20140301 and < 20140401

Payment Method	Transaction Count	Transaction Amount	Processing Fees
Credit/Debit Card	0	0.00	0.00
Electronic Check	24	4183.96	0.00
TOTAL	24	4183.96	

Class Code Summary

Class	Count
BC	1
CR	2
PC	17
SW	1
TL	1
TS	1
VT	1

March 2014

C-3-b

**FARRELL, ROSENBLATT & RUSSELL**

**ATTORNEYS AT LAW  
61 MAIN STREET  
P.O. BOX 738  
BANGOR, MAINE 04402-0738**

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NATHANIEL M. ROSENBLATT  
THOMAS A. RUSSELL  
JON A. HADDOW  
GREGORY P. DORR  
ROGER L. HUBER

TELEPHONE (207) 990-3314  
TELECOPIER (207) 941-0239  
e-mail: tar@frrlegal.com

Memorandum

March 12, 2014

To: Denise Hodsdon  
From: Tom Russell  
Re: Charter Amendment by Citizen Petition

It is my understanding that 5 registered voters signed and submitted two written requests to you proposing two separate amendments to the Town Charter. It is also my understanding that you prepared petitions for those amendments, and that the petitioners are currently circulating the petitions to gather signatures of registered voters. You have asked whether the petition and amendment process is subject to Title 30-A M.R.S. Sections 2101-2109. In particular, you have asked whether a public hearing must be held by the Town Council on the proposed amendments prior to submitting the same to the voters. As explained below, it is my opinion that such a public hearing must be held on each proposed amendment if the petition pertaining thereto is deemed sufficient by you.

Article VIII, Part Second of the Constitution of Maine deals with municipal home rule. Section 1 thereof, entitled "Power of municipalities to amend their charters", provides that municipalities shall have the power to alter or amend their charters on matters that are local and municipal in character, as long as such amendments or alterations are not prohibited by the Constitution or general law. The last sentence of Section 1 provides as follows: "The Legislature shall prescribe the procedure by which the municipality may so act". The Legislature established that procedure with the enactment of 30-A M.R.S. Sections 2101-2109. In fact, Section 2101 provides that the purpose of the statutory provisions is to implement the home rule powers granted to municipalities by Article VIII, Part Second. Therefore, although a charter may be amended or altered on all matters that are local and municipal in character, the municipality must use the statutory procedure to do so. A municipality's general home rule powers under 30-A M.R.S. Section 3001 only applies to the adoption, amendment or repeal of ordinances and bylaws, and does not apply to actions concerning charters. To the extent that Hampden's Town Charter provisions concerning the amendment of the Town Charter are inconsistent with, or do not contain all of the elements of, the statutory provisions in Sections 2101-2109, the statutory provisions prevail and must be followed. In essence, municipalities do not have home rule authority to deviate from the statutory procedures enacted by the Legislature concerning the amendment of a municipal charter.

Section 2104 deals with amendments to municipal charters, and Subsections 2-5 thereof deal with petitions by voters to amend a municipal charter. Section 2104(2) contains provisions dealing with petitions by voters to amend a charter, and Section 2104(3) provides that “in all other respects, the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under Section 2102, including procedures related to filing, sufficiency and amendments.”

Section 2102(4) provides that within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency. A copy of the clerk’s certificate must be filed by the clerk with the municipal officers (i.e., Town Council). Section 2104(5) then provides that within 10 days after a petition is determined to be sufficient, the municipal officers shall order a public hearing on the proposed amendment. Although Section 2104 does not contain any minimum time period between the public hearing and the election, Section 2105 provides that the method of voting at municipal elections for questions relating to charter adoption, revision or amendment shall be as prescribed in 30-A M.R.S. Sections 2528 to 2532, and Section 2528(5) provides that the public hearing must be at least 10 days before the day of the election. At least 7 days before the hearing, a notice of the hearing must be published in a newspaper having general circulation in Hampden, and the notice must contain the text of the proposed amendment and a brief explanation. Within 7 days of the hearing, the municipal officers shall file with the clerk a report containing the final proposed amendment, along with a written opinion of an attorney admitted to practice in Maine that the proposed amendment does not contain any provision prohibited by law, or the United States Constitution of the Constitution of Maine.

Section 2104(1), dealing with charter amendments initiated by the municipal officers, provides that within 7 days after the public hearing thereon, the municipal officers may order that the proposed amendment be placed on a ballot at the next regular or special election to be held at least 30 days after the order is passed. Unfortunately, Section 2104 does not contain any express language concerning an order by the municipal officers to call an election for petitioned amendments to a municipal charter. (Note: Section 2104(5)(C) provides that for petitions filed more than 120 days before the end of the current municipal year, the election must be held before the end of the current municipal year. Since the petitions were not filed more than 120 days before June 30, 2014, Section 2104(5) does not apply.) By looking at Sections 2528(4) and (5), it appears that the order of the municipal officers calling for the election by secret ballot on the petitioned charter amendments must be filed with the clerk at least 45 days before the election. That time sequence also allows the clerk to have absentee ballots available 30 days before the election as required by Section 2529, which incorporates the requirements of 21-A M.R.S. Section 752.

If you have any questions or comments, or you need any additional assistance on this matter, please contact me.

# FARRELL, ROSENBLATT & RUSSELL

ATTORNEYS AT LAW  
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P.O. BOX 738  
BANGOR, MAINE 04402-0738

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GREGORY P. DORR  
ROGER L. HUBER

TELEPHONE (207) 990-3314  
TELECOPIER (207) 941-0239  
e-mail: tar@frrlegal.com

## Memorandum

March 13, 2014

To: Denise Hodsdon  
From: Tom Russell  
Re: Charter Amendment by Citizen Petition-Update

As I indicated in my Memo to you dated March 12, 2014, 30-A M.R.S. Sections 2101-2109 establish the process to adopt, revise or amend a municipal charter, and municipalities do not have “home rule” authority to alter that process.

As I was reviewing the public hearing issue, I discovered a provision in 30-A M.R.S. Section 2102 that is contrary to the general rule, and I also discovered a discrepancy between a provision of the Town Charter and Section 2104. Since these two matters go to the sufficiency determination of petitions filed with the clerk, I thought I should bring them to your attention.

In general, any registered voter of the State of Maine may circulate petitions. (See: 21-A M.R.S. Section 903-A) However, 30-A M.R.S. Section 2104, dealing with amendments to a municipal charter, provides that the procedures governing amendment petitions shall be the same as provided for charter revision and adoption procedures under Section 2102. Under Section 2102(3), the 5 voters filing the written request to initiate the petition process constitute the “petitioners’ committee”, and the petitioner’s committee is to circulate the petition and file it with the clerk. However, Section 2102(3) provides that the petitioners’ committee may designate additional voters of the municipality to circulate the petition. Therefore, unlike the general rule for circulators of petitions, circulators for a petition to amend a municipal charter must be voters of the municipality in question. Therefore, any designated circulators for the petitions to amend Hampden’s Town Charter must be voters of Hampden.

In addition, Section 2104(2) requires that a petition to amend a municipal charter must be signed by a number of voters equal to at least 20% of the number of votes cast at the last gubernatorial election. However, Section 1003(1) of the Town Charter provides that the petition to amend the Charter “must be signed by registered voters of the town equal in number to at least 10% of the total number of registered voters.” Again, because the Town lacks the legal authority to alter the statutory provisions dealing with municipal charters, the 20% requirement of Section 2102 must be applied to petitions to amend the Hampden Town Charter.

If you have any questions or comments, or you need any additional assistance on this matter, please contact me.

# FARRELL, ROSENBLATT & RUSSELL

ATTORNEYS AT LAW  
61 MAIN STREET  
P.O. BOX 738  
BANGOR, MAINE 04402-0738

ANGELA M. FARRELL  
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GREGORY P. DORR  
ROGER L. HUBER

TELEPHONE (207) 990-3314  
TELECOPIER (207) 941-0239  
e-mail: tar@frrlegal.com

## Memorandum

March 19, 2014

To: Susan Lessard  
Denise Hodsdon  
From: Tom Russell  
Re: Charter Amendment by Special Election

As you know, I had an occasion to research the inter-relationship between the amendment provisions of Section 1003 of the Town Charter and the provisions of 30-A M.R.S. Sections 2101 to 2109 when issues arose concerning the procedure applicable to two citizen initiatives to amend the Town Charter. My analysis of that inter-relationship contained in my Memorandum to Denise Hodsdon dated March 12, 2014 also applies to the issue of whether the Town Council has the authority to order that the amendments to Section 807 of the Town Charter to reapportion the districts be held at a special election. For the reasons set forth below, it is my opinion that the Town Council has the authority to order a special election for the amendments to Section 807 of the Town Charter pursuant to 30-A M.R.S. Section 2104(1), and that its action to do so on March 17<sup>th</sup> was in accordance with the law.

Article VIII, Part Second of the Constitution of Maine deals with municipal home rule. Section 1 thereof, entitled "Power of municipalities to amend their charters", provides that municipalities shall have the power to alter or amend their charters on matters that are local and municipal in character, as long as such amendments or alterations are not prohibited by the Constitution or general law. The last sentence of Section 1 provides as follows: "The Legislature shall prescribe the procedure by which the municipality may so act". The Legislature established that procedure with the enactment of 30-A M.R.S. Sections 2101-2109. In fact, Section 2101 provides that the purpose of the statutory provisions is to implement the home rule powers granted to municipalities by Article VIII, Part Second. Sections 2101 to 2109 prescribe the procedures to adopt, revise, modify or amend municipal charters, and those statutory provisions do not grant municipalities any "home rule" authority to alter, or to adopt different, procedures. Therefore, although a municipal charter may be amended or altered on all matters that are local and municipal in character, the municipality is legally bound to use the statutory procedure to do so. A municipality's general home rule powers under 30-A M.R.S. Section 3001 only apply to the adoption, amendment or repeal of ordinances and bylaws, and do not apply to actions concerning charters. To the extent that Hampden's Town Charter provisions concerning the amendment of the Town Charter are inconsistent with, or do not contain all of the elements

of, the statutory provisions in Sections 2101-2109, the statutory provisions prevail and must be followed. In essence, municipalities do not have home rule authority to deviate from the statutory procedures enacted by the Legislature concerning the amendment of a municipal charter.

Title 30-A M.R.S. Section 2104 deals with amendments to municipal charters. Section 2104(1) grants the municipal officers the authority to initiate amendments to a municipal charter. Within 7 days after the public hearing on any proposed amendment to a charter, the municipal officers may order that the proposed amendment be placed on a ballot for the next regular municipal election held at least 30 days after the order is passed, “or they may order a special election to be held at least 30 days from the date of the order for the purpose of voting on the proposed amendments”. Since that option for the municipal officers has been prescribed by the Legislature pursuant to Article VIII, Part Second, Section 1 of the Constitution of Maine, the Town of Hampden does not have the authority to take away that option of the municipal officers by a contrary provision in its Town Charter.

Title 30-A M.R.S. Section 2001(10)(A) defines the term “municipal officers” to include the “councilors of a town”, and Section 205 of the Town Charter also provides that the Town Council shall be the municipal officers of the Town of Hampden. At its meeting of March 17<sup>th</sup>, the Town Council held a duly noticed public hearing on the proposed amendments to Section 807 of the Town Charter, and thereafter exercised its authority under Section 2104(1) to order that the proposed amendments be placed on a ballot for the upcoming June election, which election is at least 30 days after the date of the order. Accordingly, it is my opinion that the action of the Town Council was within its legal authority, and that the proposed amendments may be placed on a ballot for the June election.

If you have any questions or comments, or you need any additional assistance on this matter, please contact me.

C-3-e

TOWN OF HAMPDEN  
RIVERFRONT PARK & APPURTENANCES  
BID SHEET

March 19, 2014  
10:00 AM

BIDDER	TOTAL BASE BID
Gardner Enterprises	440,293.00
Sitewerx	349,000.00
Federal Program Integrators, LLC	478,540.72
D & H Construction, Inc.	287,417.00
Hughes Bros.	296,535.00
Lane Construction	352,925.00
R A Paradis & Son	323,900.00
Maine Earth	248,985.00
Sargent Corp.	347,547.00



Denise Hodsdon <clerk

C-3-f

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## Water District Easement

1 message

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Thomas A. Russell <tar@frrlegal.com>

Wed, Mar 19, 2014 at 3:57 PM

To: Susan Lessard <manager@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>

Sue and Denise: Jamie Holyoke emailed me and said the easement was okay, except the water line is 6", not 8". Attached is the revised Easement and Exhibit A. Could you put this on the next council meeting agenda? Thanks. Tom Russell

---

### 2 attachments

 **Water District Easement revised 03 19 14.doc**  
26K

 **Exhibit A to Easement.pdf**  
348K

EASEMENT

TOWN OF HAMPDEN, a municipality located in Hampden, Penobscot County, Maine, for consideration paid, grants to HAMPDEN WATER DISTRICT, a quasi-municipal corporation with a mailing address of 140 Main Road North, Hampden, Maine 04444, a non-exclusive easement on land located in Hampden, Penobscot County, Maine, described as follows:

An easement to enter onto the northeasterly portion of land acquired by the Town of Hampden by virtue of a deed from Hamlin's Marina, Hampden dated March 29, 2012, recorded in the Penobscot County Registry of Deeds in Book 12772, Page 144, for the purpose of maintaining, repairing, replacing and using an existing 6" water line, water valve and hydrant as depicted on the sketch attached hereto as Exhibit A.

By accepting delivery of this deed, Grantee agrees, for itself and its successors and assigns, to exercise the foregoing rights so as to cause minimal impact on Grantor's property, and Grantee further agrees, for itself and its successors and assigns, to restore the property to the same condition that existed prior to any exercise of the foregoing easement rights.

IN WITNESS WHEREOF, the Town of Hampden has caused this instrument to be duly executed on its behalf this \_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESS:

**TOWN OF HAMPDEN**

\_\_\_\_\_

By: \_\_\_\_\_

Susan M. Lessard  
Its: Town Manager

STATE OF MAINE  
PENOBSCOT, ss.

\_\_\_\_\_, 2014

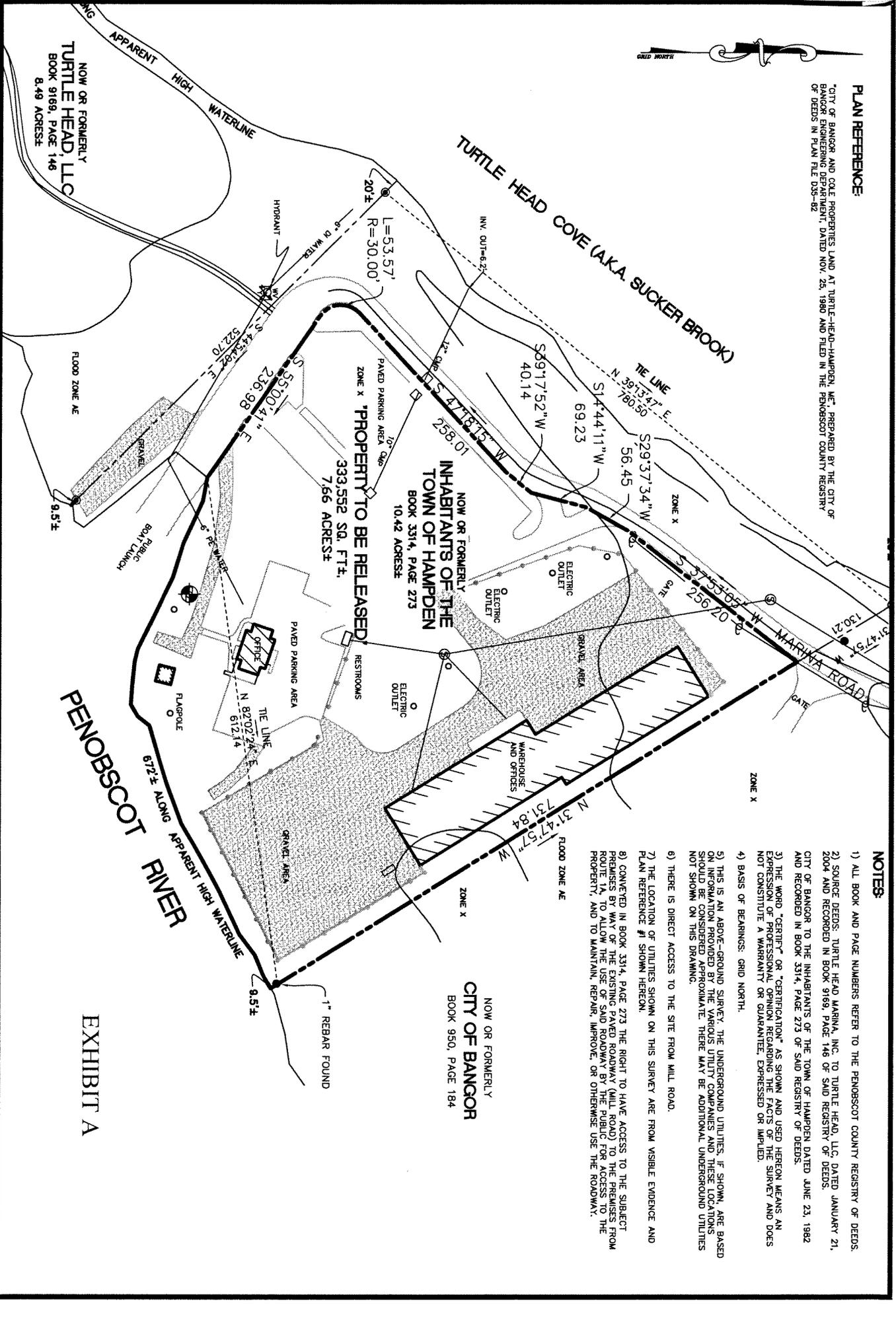
Personally appeared before me the above named Susan M. Lessard, Town Manager of the Town of Hampden, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Town of Hampden.

Before me,

\_\_\_\_\_  
Attorney at Law/ Notary Public

Printed Name: \_\_\_\_\_

**PLAN REFERENCE:**  
 CITY OF BANGOR AND COLE PROPERTIES LAND AT TURTLE-HEAD-HAMPDEN, ME, PREPARED BY THE CITY OF BANGOR ENGINEERING DEPARTMENT, DATED NOV. 25, 1980 AND FILED IN THE PENOBSCOT COUNTY REGISTRY OF DEEDS IN PLAN FILE D35-82



**NOTES:**

- 1) ALL BOOK AND PAGE NUMBERS REFER TO THE PENOBSCOT COUNTY REGISTRY OF DEEDS.
- 2) SOURCE DEEDS: TURTLE HEAD MARINA, INC. TO TURTLE HEAD, LLC, DATED JANUARY 21, 2004 AND RECORDED IN BOOK 9169, PAGE 146 OF SAID REGISTRY OF DEEDS.
- 3) CITY OF BANGOR TO THE INHABITANTS OF THE TOWN OF HAMPDEN DATED JUNE 23, 1982 AND RECORDED IN BOOK 3314, PAGE 273 OF SAID REGISTRY OF DEEDS.
- 4) THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- 5) BASIS OF BEARINGS: GRID NORTH.
- 6) THIS IS AN ABOVE-GROUND SURVEY. THE UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON INFORMATION PROVIDED BY THE VARIOUS UTILITY COMPANIES AND THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN ON THIS DRAWING.
- 7) THERE IS DIRECT ACCESS TO THE SITE FROM MILL ROAD.
- 8) THE LOCATION OF UTILITIES SHOWN ON THIS SURVEY ARE FROM VISIBLE EVIDENCE AND PLAN REFERENCE #1 SHOWN HEREON.
- 9) CONVEYED IN BOOK 3314, PAGE 273 THE RIGHT TO HAVE ACCESS TO THE SUBJECT PREMISES BY WAY OF THE EXISTING PAVED ROADWAY (MILL ROAD) TO THE PREMISES FROM ROUTE 1A, TO ALLOW THE USE OF SAID ROADWAY BY THE PUBLIC FOR ACCESS TO THE PROPERTY, AND TO MAINTAIN, REPAIR, IMPROVE, OR OTHERWISE USE THE ROADWAY.

**TOWN OF HAMPDEN TO HAMLIN'S MARINA**  
**TOWN OF HAMPDEN**  
**PROPERTY CONVEYANCE EXHIBIT**

BY:	JAT	DWG:	1 OF 1
DATE:	10-13-2011		
REV:			
REV DATE:			
		SCALE:	1"=150'

**CES INC**  
 ENGINEERING • SURVEYING • PLANNING • SCIENCES

EXHIBIT A

C-3-g

**DEVELOPMENT AGREEMENT**

THIS AGREEMENT is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the TOWN OF HAMPDEN, a municipal corporation organized and existing under and by virtue of the laws of the State of Maine, located in Penobscot County Maine ((hereinafter “Hampden”) and SARGENT CORPORATION; SSR II, LLC; and SSR, LLC a business corporation organized and existing under the laws of the State of Maine with an office in Stillwater, Maine and related real estate holding companies (hereinafter collectively referred to as “Sargent”).

**Recitals**

1. Hampden is the original owner and developer of certain real property located in the Town of Hampden, Penobscot County Maine as depicted on a Final Subdivision Plan entitled *Hampden Business and Commerce Park* and recorded in the Penobscot County Registry of Deeds in Map File Nos. 2001-70 and 2001-71, as amended by the Final Subdivision Plan – Amendment No. 1 recorded at said Registry in Map File Nos. 2002-89 and 2002-90 and Final Subdivision Plan – Amendment No. 2 recorded at said Registry in Map File no. 2007-112 (collectively hereinafter referred to as the “Subdivision Plan”).

2. As of the date of this Agreement, Hampden is the owner of all roads and common areas depicted on the Subdivision Plan, together with the following unsold lots:

- |        |        |        |
|--------|--------|--------|
| Lot 2  | Lot 21 | Lot 30 |
| Lot 4  | Lot 22 | Lot 31 |
| Lot 6  | Lot 23 | Lot 32 |
| Lot 8  | Lot 24 | Lot 33 |
| Lot 9  | Lot 25 | Lot 34 |
| Lot 10 | Lot 26 | Lot 35 |
| Lot 17 | Lot 27 | Lot 36 |
| Lot 19 | Lot 28 | Lot 37 |
| Lot 20 | Lot 29 |        |

3. As of the date of this Agreement, infrastructure development for interior portions of the subdivision remains incomplete. The estimated cost to complete roads, bridges, water, sewer and other utility services to the subdivision, after certain changes to the Subdivision Plan as contemplated by this Agreement, is \$3.475 million. Pending completion of the remaining infrastructure improvements, many of the unsold lots may not be legally sold or developed.

4. On May 22, 2013, Sargent submitted its proposal to Hampden, titled "Hampden Business Park – Proposal for Final Development" to complete infrastructure development in the subdivision, in exchange for conveyance of the remaining unsold lots by Hampden to Sargent. Hampden and Sargent, in consideration of the mutual promises hereinafter expressed, enter into this Agreement for the purpose of implementing Sargent's proposal, as modified herein.

## **Agreement**

### **I. Sargent's Obligations**

(1) Sargent, at its own cost and expense, shall apply for and obtain all amendments to the existing Subdivision Plan and Site Location of Development Act permits for the Hampden Business and Commercial Park that may be necessary to eliminate one planned bridge and reduce fill as depicted in Sketch SK-1, attached hereto as Exhibit A and incorporated herein by reference. In addition, Sargent shall be solely responsible for obtaining all local building permits and any additional approvals necessary to complete the infrastructure improvements. Sargent shall identify, and provide notice thereof to Hampden, all desired amendments to existing approvals and permits within 60 days of the effective date of this Agreement. Sargent shall apply for all such amendments within 120 days of the effective date of this Agreement.

In the event that any such amendments, permits or other approvals are not finally approved within six months after Sargent's application, or if Sargent in its sole discretion determines that the application process has become unreasonably delayed or expensive, Sargent may withdraw from this Agreement with no further liability to Hampden hereunder, by giving Hampden seven (7) days prior written notice to that effect, such notice to be given by Sargent prior to the commencement of any construction activity. In the event of such a termination, Hampden shall have no obligations to Sargent under this Agreement.

(2) In the event that Sargent does not fulfill its obligations under Paragraph (1) above, Hampden may terminate this Agreement upon seven (7) days prior written notice to Sargent. In the event of such termination, neither party shall have any obligations to the other party under this Agreement. Hampden agrees to consider any reasonable extensions of the deadlines in Paragraph (1) above in the event any permits or approvals are delayed through no fault of Sargent, or they are subject to local or state appeals.

(3) Sargent agrees to complete all remaining infrastructure development for the Hampden Business and Commerce Park in accordance with the approved Subdivision Plan, as may be amended, at Sargent's sole cost and expense, no later than 38 months from the effective date of this Agreement for Phase 1 and 86 months from the effective date of this Agreement for the completion of Phase 2. A Scope of Work for the remaining infrastructure development is attached as Exhibit B and is incorporated herein by reference. In its sole discretion, Sargent may elect to reverse the order of completion of Phase 1 and Phase 2 of the infrastructure development, such that Phase 2 is completed within 38 months from the effective date of this Agreement, and Phase 1 within 86 months from the effective date of this Agreement. Sargent shall give written notice of its intention to reverse the order of completion to the Town within 24 months after the effective date of this Agreement. By way of illustration and not limitation, Sargent may elect to reverse the order of completion to accommodate the needs of potential lot buyers; to achieve efficiencies in construction of the infrastructure improvements; or to better address issues arising in the permit amendment process.

In completing the remaining infrastructure development, Sargent shall have sole discretion concerning use of its own forces and/or selection of a contractor or subcontractors; pricing of any contracts; employee wage rates; means and methods of construction; and oversight and supervision of the work. The Town shall be entitled to conduct inspections to ensure that all construction, including workmanship and materials, is completed in compliance with Hampden's ordinances and its infrastructure design and construction requirements, or other provisions of law. Prior to the commencement of construction, Sargent shall deposit with Hampden such funds as Hampden's Public Works Director determines is sufficient to conduct the inspections. Any unused funds shall be returned to Sargent upon completion of the work in a manner satisfactory to the Public Works Director.

(4) Upon completion of the infrastructure development, Sargent shall execute any

releases, bills of sale or similar documents that may be necessary to convey title to the completed infrastructure development to Hampden, and shall assign and deliver to Hampden all final “as-built” plans for the infrastructure development together with all manufacturers’ warranties and information concerning any equipment or other items of personal property incorporated into the infrastructure development.

(5) Prior to the commencement of any construction on any phase of the infrastructure development, Sargent shall provide Hampden with a list of all subcontractors and suppliers. Sargent shall promptly obtain releases or discharges of any and all mechanics or materialmen’s liens, or any other lien claims, arising from the construction of the infrastructure development. Hampden shall not be obligated to convey any lots to Sargent until Hampden is satisfied that its property is not subject to any lien claim arising from the design or construction of the infrastructure development.

## II. Hampden’s Obligations

Subject to any required Town Council approvals that may be necessary under Hampden’s Town Charter or Maine law with respect to option or conveyance of the Town-owned lots, or with respect to approval or amendment of a tax increment financing district, district development program or credit enhancement agreement under Title 30-A, chapter 206 of the Maine Revised Statutes, the Town of Hampden, by its Town Council, shall:

(1) Upon request, reasonably assist Sargent, at its sole expense, in preparing and presenting applications for any necessary amendments, permits and other approvals, but Hampden shall not be obligated to be an advocate before any permitting authority.

(2) Grant to Sargent a right of entry onto the town-owned portions of the Hampden Business and Commercial Park for the purpose of completing the infrastructure development. This right of entry shall include the right to enter on the individual lots in order to fill, grade or make other lot improvement for prospective purchasers. Sargent shall obtain any necessary local, state, or federal permits or approvals before undertaking the work, and shall complete the work in compliance with such approvals.

(3) Grant to Sargent, prior to commencement of any construction activity, an option to acquire the Town-owned lots in the Hampden Business and Commercial Park, for consideration of One Dollar (\$1.00) for each such lot acquired by Sargent pursuant to the option, said option

being the primary consideration upon which Sargent has agreed to complete the infrastructure development. Further terms of the option shall include the right to exercise the option with respect to any or all of the Town-owned lots at any time or times within a period ending ten (10) years after the earlier of (a) the date of completion of the phase of the infrastructure development in which the lot is located, or (b) 86 months from the effective date of this Agreement. No option may be exercised unless the phase of the infrastructure development in which the subject lot is located has been completed. It is the intention of this provision that the Town shall retain title to the undeveloped lots now owned by the Town until such time as Sargent has identified a user, purchaser or developer of the lot(s) concerned within the applicable ten (10) year period set forth above. The provisions hereof do not prevent Sargent from exercising its phasing rights under I (3).

(4) Town shall have the right to continue to market Lots 2, 4, 6, 8, 9 and 10 during the term of Sargent's option, and to sell any of said lots for not less than 80% of the prices listed in the listing agreement with Epstein Real Estate attached hereto as Exhibit C. Any proposed price less than 80% of the listing price must be approved by Sargent. The net proceeds (meaning the sales price minus commission, legal fees, and other customary seller costs) from any such sales shall be held in escrow by Hampden, and shall be paid to Sargent upon completion of Phase 1 or Phase 2, whichever occurs first.

(5) Within 120 days following execution of this Agreement, designate a development district and adopt a development program, including a tax increment financing (TIF) district, which shall include the following elements:

- a. The term shall be for a period of 30 tax years beginning with the July 1, 2015 to June 30, 2016 tax year.
- b. A credit enhancement agreement with Sargent for the Town-owned lots (except Lots 2, 4, 6, 8, 9, & 10), providing that Sargent shall receive, for a term of twenty (20) tax years commencing with the tax year subsequent to the completion of the Phase 1 or Phase 2 infrastructure development as of April 1 of the prior tax year or commencing on July 1, 2018, whichever is earlier, an annual reimbursement equal to fifty percent (50%) of the property taxes paid on account of new taxable development occurring on the Town-owned lots (except Lots 2, 4, 6, 8, 9, & 10), subject to the following:

- i. The CEA payments shall only apply to the required new taxable development on a lot that occurs within ten (10) years from the conveyance of the lot to Sargent, or by April 1, 2028, whichever is earlier.
- ii. The sale price of the lot shall not be included in the calculation of captured assessed value, as only the value of the improvements constructed on a lot shall be included in the calculation of captured assessed value.
- iii. There shall be a maximum of ten (10) annual CEA payments per lot. No CEA payments shall extend beyond the July 1, 2037 to June 30, 2038 tax year.
- iv. In order to qualify for CEA payments, a lot must have a minimum new taxable development of \$500,000.
- v. The CEA payments for any particular lot shall commence in the first fiscal year of Hampden in which the required improvements have been completed and the new captured value therefore has been assessed.
- vi. All other taxes collected on the captured assessed value for the lots shall be retained by the Town, and the Town Council shall have the annual option to determine the portion thereof to be utilized in the general budget and the portion thereof to be dedicated to the purposes allowed under 30-A M.R.S., Chapter 206, Subchapter 1.

c. Sargent shall be responsible, at its sole cost and expense, for preparing all documentation necessary for the establishment of the tax increment financing district and development plan, and the credit enhancement agreement, for consideration by the Town Council.

(6) Hampden will maintain all roadways after the infrastructure development has been satisfactorily completed and the Town Council votes to accept the same as town ways. To avoid damage to the final paved surface of roadways caused by construction vehicles employed in developing individual lots, Sargent shall have the right to defer final paving of roadways until lot development along the section of road concerned is complete. Such roadways shall be completed to a base coat of asphalt pavement only. The Town Council shall at all times have the option to accept such base coat only roads as town ways, and in that event may require Sargent to provide reasonable security, by letter of credit or performance bond, to assure

completion of final paving within a stated period, not to exceed 24 months from the date of acceptance. The Town shall also have the right to condition its issuance of any final certificate of occupancy for individual lots upon completion of final paving of the road sections serving that lot. Sargent shall notify any purchaser in writing prior to closing of the foregoing condition on the issuance of a certificate of occupancy.

### III. Additional Withdrawal Rights

It is understood and agreed that the provisions of this Agreement concerning grant of an option to purchase Town-owned lots and approval of a TIF credit enhancement agreement do not contractually bind the Town to approve those local legislative acts. Accordingly, in the event the Town Council fails to approve an option to purchase or a TIF credit enhancement agreement substantially in accordance with the terms of this Agreement within 120 days after the date of execution of this Agreement, then this Agreement shall be void and of no further force or effect. In that event, Sargent shall have no obligation to Hampden to complete the infrastructure development or to take any other action for Hampden's benefit hereunder.

### IV. General Provisions

(1) *Rights Reserved by Hampden.* Hampden reserves the right to grant a temporary construction easement to Maine Ground Developers, Inc., its successors and assigns, to construct a water line, sewer line and road improvements (including drainage facilities) within the "100' Access & utility easement retained by Hampden" on Lot 30 as shown on Map File No. 2002-90 and within the portion of Carey Circle running southeasterly therefrom, as shown on Map File Nos. 2002-90 and 2002-89, to the temporary cul-de-sac on the portion of Carey Circle that has been accepted as a town way. Said easement to include the right to connect said water line and sewer line to the existing water line and sewer line located in Carey Circle. Hampden agrees to consult with Sargent on the design and construction details of said improvements, as well as the provisions of the temporary construction easement.

(2) *Indemnification.* Sargent shall defend, indemnify and hold Hampden, and its officials, employees, or agents, harmless from any and all claims arising from the work contemplated by this Agreement, including but not limited to any and all claims arising from the

work of any subcontractors, or their officials, employees or agent.

(3) *Insurance.* Sargent shall procure and maintain, throughout the term of this Agreement, the following insurance:

- a. Workers Compensation
- b. Commercial General Liability
  - i. Each Occurrence: \$1,000,000
  - ii. General Aggregate: \$2,000,000
  - iii. Products-Comp/OP Aggregate: \$2,000,000
  - iv. Personal and Adv. Injury: \$1,000,000
- c. Automobile Liability
  - i. Combined Single Limit: \$1,000,000  
(each accident)
- d. Umbrella
  - i. Each Occurrence: \$5,000,000
  - ii. Aggregate: \$5,000,000

The insurance shall be from companies authorized to do business in Maine, and shall cover operations of Sargent or of a subcontractor, or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable. Hampden shall be named as an additional insured. Certificates of insurance shall be filed with Hampden prior to commencement of the work contemplated by this Agreement, and thereafter upon the renewal or replacement of each required policy of insurance.

(4) *Choice of Law.* This Agreement is made under and shall be construed in accordance with the laws of the State of Maine.

(5) *Venue for Suits.* Any suit to construe or enforce the terms of this Agreement must be brought in the district or superior courts of Penobscot County, Maine, and otherwise shall be barred.

(6) *No Joint Venture.* Nothing in this Agreement shall be deemed to create a joint venture, partnership or other similar legal relationship between the parties hereto.

(7) *No Third-Party Benefit.* Nothing in this Agreement shall be deemed to create any right, benefit, claim, or cause of action in favor of any third party, it being the intention of the parties that this Agreement shall be for the sole benefit, and solely enforceable by, Sargent and

Hampden as parties hereto.

(8) *Assignments.* No assignment of this Agreement may be made by Sargent to any third party for any purpose, except with the prior express written consent of Hampden's Town Council, which shall not be unreasonably withheld. Assignment of this Agreement to a wholly-owned affiliate, parent or corporate successor to Sargent shall not be deemed be a breach of this paragraph. Use of other contractors or subcontractors to perform the infrastructure development in whole or part shall not be deemed a breach of this provision.

(9) *Immunities Retained.* Nothing in this Agreement shall be deemed to waive, impair, expand, reduce or modify any immunity from suit or judgment, including limitations on damages, now enjoyed by Hampden or Hampden's residents, employees or elected officials under the Maine Tort Claims Act, Title 14 MRSA sec. 8101 *et seq.*, or other provisions of law.

(10) *Amendments.* No amendment to this Agreement shall be valid unless executed in writing by representatives of Sargent and Hampden, duly authorized; and in the case of Hampden unless approved by vote of Hampden's town council at a duly called meeting thereof.

(11) *Entire Agreement.* This Agreement and the Exhibits referred to herein, when executed, shall constitute the entire agreement of the parties upon the subject matter hereof. No prior discussions, proposals, understandings, agreements or memoranda concerning the subject matter of this Agreement shall be deemed to have any force or effect.

**In Witness Whereof**, Hampden and Sargent have caused this Agreement to be signed by their respective representatives named below, duly authorized, on the date first written above, which date shall constitute the effective date of this Agreement.

TOWN OF HAMPDEN

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Susan M. Lessard  
Its Town Manager

SARGENT CORPORATION

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

SSR II, LLC

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

SSR, LLC

\_\_\_\_\_  
Witness

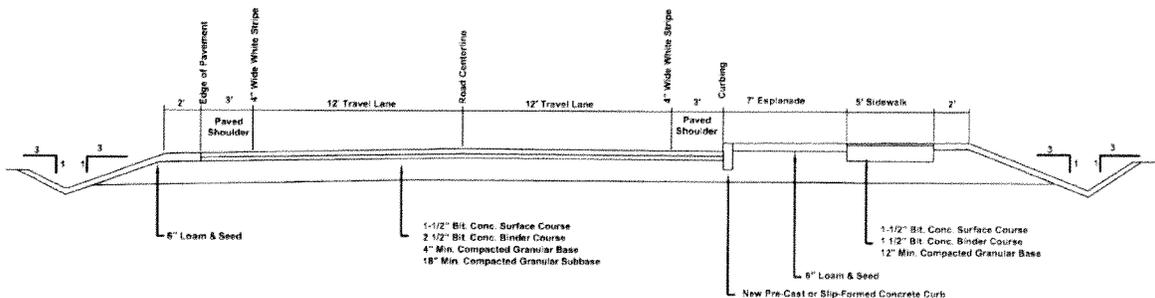
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## Exhibit B

### Scope of Work for Remaining Infrastructure Development

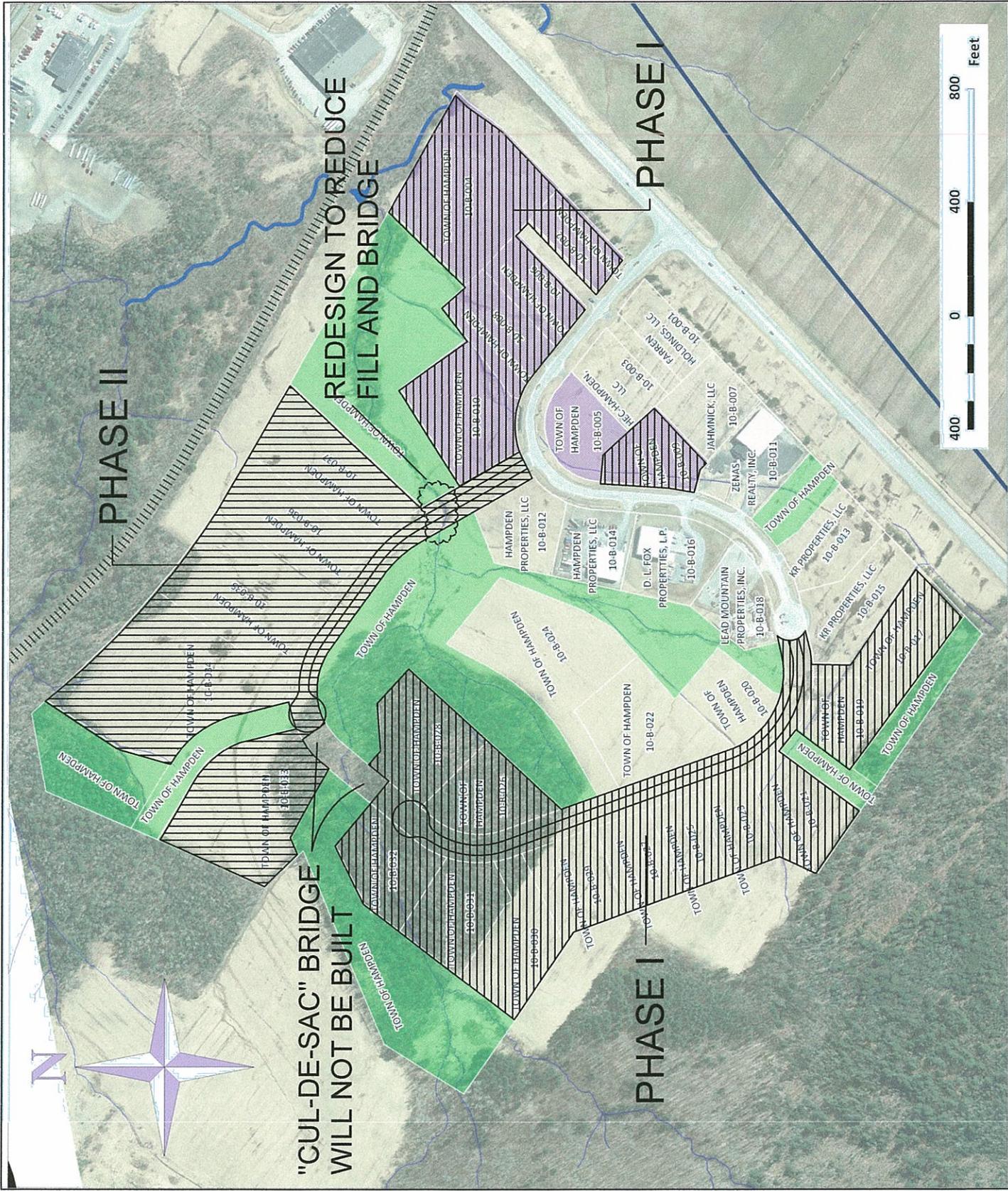
#### Hampden Business & Commerce Park

1. Prepare Documents & Plans for a Town of Hampden Site Plan Review Modification.
2. Prepare Documents & Plans for a Maine Department of Environmental Protection Modification of the Site Location of Development Natural Resource Protection Act Permit L-20555-39-A-N / L-20555-31-B-N.
3. Site Preparation Install Erosion & Sedimentation Control as per plans.
4. Construct Roadways as per Town of Hampden's Subdivision Ordinance, Design & Construction Standards for Streets.



## Typical Road Section

5. Install Storm Drainage as per Town of Hampden's Post-Construction Stormwater Management Ordinance.
6. Install Sanitary Sewer infrastructure as per Town of Hampden Sewer Ordinance.
7. Install Water Main Infrastructure as per Hampden Water District specifications.
8. Landscaping – Loam & Seed



# SKETCH SK-1



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

## EXCLUSIVE AUTHORIZATION TO SELL

This Agreement is entered into this 25th day of September 2013, 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           \$ 80,000
- Lot #4           \$200,000

- Lot #6           \$ 95,000
- Lot #8           \$110,000
- Lot #9           \$100,000
- Lot #10          \$155,000

or at any sale price which is acceptable to Owner. This exclusive authorization shall begin on September 26, 2013 and expire on September 25, 2014.

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     No \_\_\_
2. Broker may advertise the property.                    Yes     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:

9.25.13  
\_\_\_\_\_  
DATE:

\_\_\_\_\_  
BROKER:  
EPSTEIN COMMERCIAL REAL ESTATE

C-3-h



Denise Hodsdon <clerk@hampdenmaine.gov>

---

## Ordinance Re Sargent Proposal

---

Thomas A. Russell <tar@frrlegal.com>

Mon, Mar 31, 2014 at 12:17 PM

To: Susan Lessard <manager@hampdenmaine.gov>, Denise <clerk@hampdenmaine.gov>

Sue and Denise: I noticed a minor typo in the Ordinance. Attached is a corrected version. I deleted the "s" from "Map Files" in the fifth and last lines of the first Whereas paragraph. It is my understanding that the P & D Committee recommended that this matter be referred to the Council for introduction at the 4/7 meeting. Tom



**Ordinance Authorizing Conveyance of Land.doc**

26K

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING CONVEYANCE OF LAND OWNED BY THE TOWN OF HAMPDEN

RECITALS

Whereas, the Town of Hampden acquired land located on Route 202 and received approvals to develop the Hampden Business and Commerce Park (the "Park") thereon, as depicted on a Final Subdivision Plan recorded in the Penobscot County Registry of Deeds in Map File Nos. 2001-70 and 2001-71, as amended by Final Subdivision Plan- Amendment No. 1 recorded in said Registry of Deeds in Map File Nos. 2002-89 and 2002-90 and by Final Subdivision Plan- Amendment No. 2 recorded in said Registry of Deeds in Map File No. 2007-12 (collectively referred to as the "Subdivision Plan"); and

WHEREAS, the Town of Hampden developed Phase 1 of the Park by constructing the roads, waterlines, sewers and other infrastructure improvements to serve 17 lots in the Park; and

WHEREAS, the Town of Hampden sold 11 lots in Phase 1 for development thereon, and has 6 remaining lots available in Phase 1; and

WHEREAS, the Town of Hampden has not constructed any of the roads, waterlines, sewers or other infrastructure in Phase 2 of the Park; and

WHEREAS, the Town of Hampden issued a Request for Proposals concerning the completion of the Phase 2 infrastructure improvements; and

WHEREAS, Sargent Corporation, and its related holding companies, submitted a "Hampden Business Park Proposal for Final Development" to the Town of Hampden on or about May 22, 2013; and

WHEREAS, the Sargent Corporation Proposal was the only proposal the Town of Hampden received in response to its Request for Proposals; and

WHEREAS, THE Town Council, through its Planning and Development Committee, has been negotiating with the Sargent Corporation, and its related holding companies, to develop an agreement to provide for the construction of the Phase 2 infrastructure improvements; and

WHEREAS, the Planning and Development Committee has recommended that the Town Council consider approval of a Development Agreement with Sargent Corporation, and its related holding companies, whereby they agree to complete the infrastructure improvements in Phase 2 at their cost in exchange for an option to purchase the remaining 26 lots in Phase 1 and Phase 2 of the Park for \$1.00 each and the adoption of a development district for said lots.

NOW, THEREFORE, THE TOWN OF HAMPDEN HEREBY ORDAINS:

1. That the Town of Hampden enter into a Development Agreement with Sargent Corporation, and its related holding companies, a copy of which Agreement is attached hereto and incorporated herein by reference.

2. That the Town of Hampden convey the remaining lots it owns in the Park ( Lots 2, 4, 6, 8, 9, 10, 17 and 19 through 37 as shown on the Subdivision Plan) to Sargent Corporation, and its related holding companies, or an entity they may designate, subject to and in accordance with the terms and conditions of the Development Agreement.
3. That the Town Manager is hereby authorized, on behalf of the Town of Hampden, to execute the Development Agreement and to execute any and all documents deemed by the Town Manager to be necessary or appropriate to accomplish the transactions and other actions contemplated by the Development Agreement.
4. That this Ordinance shall become applicable upon the date of adoption by the Town Council.

TOWN OF HAMPDEN

Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

TOWN OF HAMPDEN, MAINE  
FEES ORDINANCE

ARTICLE 6  
RECREATION  
*Amended 11-17-03*

6.1. **Recreation Fee Waiver Policy:** Any person interested in any Hampden Recreation program that feels they do not have the financial means to afford the full fee shall receive a waiver at the sole discretion of the Recreation Director. Full or partial fee waivers may be given as determined by financial need and the recreation program for which the waiver is requested.

~~6.2. **Program Fees:**~~

- ~~6.2.1. Kids Kamp \_\_\_\_\_ \$110.00/full week~~
- ~~6.2.2. Kids Korner morning session \_\_\_\_\_ \$6.00/day~~
- ~~6.2.3. Kids Korner afternoon session \_\_\_\_\_ \$10.00/day~~
- ~~6.2.4. Team Sport Resident eight week session \_\_\_\_\_ \$25.00~~
- ~~6.2.5. Team Sport Non-Resident eight week session \_\_\_\_\_ \$30.00~~
- ~~6.2.6. Individual Sport length of session varies \_\_\_\_\_ Cost plus basis~~

~~6.3. **Resident Play Field Rental Fees** (all requests subject to availability and require submission of a completed facility request form):~~

- ~~6.3.1. Single Field, Single Game \_\_\_\_\_ Cost plus basis~~
- ~~6.3.2. Single Field, Entire Day \_\_\_\_\_ Cost plus basis~~
- ~~6.3.3. Single Field, Multi-week Program \_\_\_\_\_ Cost plus basis~~
- ~~6.3.4. Single Field, In-Town Travel Teams per game \_\_\_\_\_ Free~~

~~6.4. **Non-Resident Play Field Rental Fees** (all requests subject to availability and require submission of a completed facility request form):~~

- ~~6.4.1. Single Field, Single Game \_\_\_\_\_ \$50.00 plus Cost~~
- ~~6.4.2. Single Field, Entire Day \_\_\_\_\_ \$100.00 plus Cost~~
- ~~6.4.3. Single Field, Multi-week \_\_\_\_\_ \$40.00 plus Cost/per use~~
- ~~6.4.4. Single Field, Use of Lights \_\_\_\_\_ \$15.00 per event~~

6.2. **Program Fees:**

- 6.2.1. Kids Kamp \_\_\_\_\_ \$140.00/full week
- 6.2.2. Kids Korner AM Program \_\_\_\_\_ \$8.00/day
- 6.2.3. Kids Korner PM Program \_\_\_\_\_ \$12.00/day
- 6.2.4. Kids Korner Half Day Program (12-6 PM) \_\_\_\_\_ \$25.00/day

6.2.5.	Kids Korner Full Day Program (7 AM-6 PM)	\$40.00/day
6.2.6.	Team Sport-Resident (depend on session length)	\$35.00-\$40.00
6.2.7.	Team Sport-Non Resident (depend on session length)	\$40.00-\$45.00
6.7.8.	Program Registration Late Fee (per person, per program)	\$10.00

**6.3. Skehan Recreation Center Fees:**

**(all requests are subject to availability and require advance written reservation contract and payment)**

6.3.1.	Gymnasium Rental-1/2 Gym	\$25.00/hour
6.3.2.	Gymnasium Rental-Full Gym	\$50.00/hour
6.3.3.	Allen Fitness Room Rental	\$25.00/hour
6.3.4.	Interior Classroom Rental	\$25.00/hour
6.3.5.	Gymnasium Rental Full Day	negotiated at contract
6.3.6.	Allen Fitness Room Rental Full Day	negotiated at contract
6.3.7.	Interior Classroom Rental Full Day	negotiated at contract
6.3.8.	Affiliated Program Rental 1/2 Gym	\$12.50/hour
6.3.9.	Affiliated Program Rental Full Gym	\$25.00/hour
6.3.10.	Gymnasium Rental-Multi Day/Multi Week	negotiated at contract
6.3.11.	Private Party Rental	\$100.00

2 hours full gym includes classroom for any food consumed

**6.4. RESERVED Outdoor Play Field/Space Rental Fees: Ball Field or Soccer Field**

**(all requests are subject to availability and require advance written reservation contract and payment)**

6.4.1.	Single Field/Single Game-Resident	\$25.00
6.4.2.	Single Field/Full Day-Resident	\$50.00
6.4.3.	Single Field-Multi Day/Multi Week-Resident	negotiated at contract
6.4.4.	Affiliated Program Rental	Free/subject to availability
6.4.5.	Single Field/Single Game-Non Resident	\$50.00
6.4.6.	Single Field/Full Day- Non Resident	\$100.00
6.4.7.	Single Field-Multi Day/Multi Week-Non Res.	negotiated at contract
6.4.8.	Single Field-Light Use	\$15.00 per event

DRAFT

C-4-b

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C-4-c

INFRASTRUCTURE COMMITTEE MEETING MINUTES  
Monday March 24, 2014

Attending:

Councilor David Ryder	Public Works Director Chip Swan
Councilor Ivan McPike	Pool Director Darcy Peakall
Councilor Greg Sirois	Resident Terry McAvoy
Councilor Jean Lawlis	Resident Alex King
Councilor William Shakespeare	Resident Brian Duprey

The meeting was opened at 6:00 p.m. by Chairman Ryder.

1. MINUTES OF 2/24/2014 – Motion by Councilor Sirois, seconded by Councilor McPike to approve the minutes of the 2/24/14 meeting as presented. Vote 5 – 0. Motion carried.
2. OLD BUSINESS
  - A. Transfer Station
    1. Planet Aid – The Public Works Director presented information on Planet Aid, a nonprofit organization that would put a clothing/shoe collection container at the transfer station. Shoes and clothing not taken by residents at the end of each weekend would be put into the container for pick up by Planet Aid and they would pay the Town five cents per pound. Councilor Lawlis suggested that the Town contact Goodwill or the Salvation Army to see if they would be interested in having a container at the transfer station instead because those organizations are local. All of Planet Aid's work is done outside of the United States. The Public Works director will check with the local organizations and see if there is any interest in locating a pick up container at the transfer station.
3. NEW BUSINESS
  - A. Pool Entrance Roof Replacement – Public Works Director Chip Swan and Pool Director Darcy Peakall attended the meeting for this item. The Public Works Director had roof replacement estimates for both traditional shingles as well as a standing seam metal roof. The metal roof estimate was slightly higher but the life of the roof was estimated to be ten years longer. Motion by Councilor Lawlis, seconded by Councilor Sirois to recommend to the Council that we request bids for roof replacement of the pitched roof at the Lura Hoit Pool with two options for a standing seam and a non-standing seam metal roof. Vote 5-0. Motion carried. Given the ice build-up on that roof and the history of leaks, a metal roof of some type was considered to be the best option. Councilor Ryder suggested that the inside of the building under the roof in that section of the building should be inspected to see what might be causing the heat loss and ice buildup and whether there is internal roof damage.
  - B. Police Officers at Council & Committee Meetings –At the present time, any Councilor can ask for a police officer to be present at any meetings that they

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choose. Since the Manager works at the direction of the Council as a group, and this is direction by an individual councilor, the Manager asked for direction on this item. Councilor Sirois stated that unless there had been some evidence of a threat that officers should be out patrolling and that conversation and criticism were not considered threats to a public official. Councilor Lawlis stated that there was no additional cost for it since the officer would be working anyway and that such a request from a councilor should be granted. Councilor Shakespeare indicated that there had been a time in the past when some councilors were verbally attacked after a meeting and the police had to be called. He also stated that he believed that a councilor should have the right to request that an officer be at committee or council meetings if he/she wanted to make sure that there was someone there to act as a witness to anything that occurred in the event that legal action was attempted by any party (such as filing police reports). He does not want a police officer at every meeting but strongly believes that councilors should have the right to request one if a situation occurs in which he/she feels unsafe. Councilor McPike was astonished that the conversation is taking place because he has lived here forever and finds it hard to believe that we need law enforcement at a Council meeting.

Public Comment – Alex Kind suggested that maybe the police presence keeps the meetings from getting out of control but thinks that if the officer has to leave for a call he should go. Terry McAvoy thinks this whole discussion is ridiculous. He feels that if Councilor Shakespeare feels unsafe, he should stay home.

It was the consensus of the group that a police officer attend the April 7, 2014 meeting due to the ongoing controversy surrounding participation in the pledge of allegiance, and that the practice of a councilor requesting that a police officer be in attendance at meetings be left as it stands for the time being.

- C. Gravel Parking Lot addition to Municipal Building Parking Lot – The Public Works Director indicated that the crew could do work to add gravel at the side of the upper municipal building parking lot once the snow was gone. Councilor Ryder stated that the Farmer’s Market could use the Town Office parking lot on Fridays for at least a portion of the summer because if the town office hours were to be changed there would be a several month period before that started. By that time, the parking lot could have been widened with gravel and that would allow a location for the Farmer’s Market vendors. If the hours did not change – the location would be free for the summer and fall. The Town Manager reported that the municipal building and pool were considered one location under Maine Site Location of Development Law and that we need to check to make sure that we do not exceed 3 acres of impervious surface or we would have to apply for a Site Location of Development Permit. An engineering estimate for preparing the application was given by Public Works Director Chip Swan as up to \$20,000.
- D. Ballfield/Cemetery/Parks – Mowing & Maintenance Discussion – Motion by  Councilor Lawlis, seconded by Councilor McPike to recommend to the Town Council to go to bid for the mowing of Cemeteries for a three year contract. Vote 5-0, motion carried. The Public Works director will prepare information that

shows the current cost, including manpower, equipment, and fuel so that a comparison can be made when the bids are received.

4. PUBLIC COMMENTS – Pool Director Darcy Peakall stated that the Town crew does an excellent job of keeping the pool parking lots plowed and the walks and doorways clear and sanded/salted. Brian Duprey commented that it was rude of the Committee to sit with their backs to the audience and it made it hard for people with a hearing impairment to hear. Chairman Ryder responded that he had offered for all persons attending to sit at the table with the Committee so that everyone could hear and participate and that he (Duprey) had chosen not to do so.
5. COMMITTEE MEMBER COMMENTS – Councilor McPike stated that while we are looking at contracting cemetery mowing now, in future he also wants to look at contracting for plowing of town roads. Councilor Lawlis stated that we should work to improve our sound output so that people could hear better. Councilor Sirois noted that Committee meetings are most productive when the members can sit around a table and have productive discussions with input from persons who attend. It is a less formal structure and with the audio recordings being done, anyone who wants to hear what happened at a meeting can do so.

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Susan Lessard  
Town Manager

GSA



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
MAINE FOREST SERVICE  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

C-4-d

January 21, 2014

Firefighter Jason Lundstrom  
Hampden Fire Department  
106 Western Ave.  
Hampden, ME 04444

Dear Firefighter Lundstrom,

The Maine Fire Chief's Forestry Committee met on December 19, 2013 to review applications for Volunteer Fire Assistance (VFA) grants for FY-2013. We are pleased to inform you that the Committee awarded the Hampden Fire Department \$3,646.80 in grant funds to be used with an equal share of local funds, to purchase the following items:

Item:	Quantity:	Unit Cost	Total Cost	MFS Share
Nomex Shirts	30	\$86.80	\$2,604.00	\$1,302.00
Nomex Pants	30	\$87.17	\$2,615.10	\$1,307.55
Wildland Fire Helmet	30	\$40.48	\$1,214.40	\$607.20
Firefighter Work Gloves	30	\$17.76	\$532.80	\$266.40
Safety Goggles	30	\$10.91	\$327.30	\$163.65

Please note that the Committee may not have funded all items requested by you, may have reduced the number of items requested, and in some cases may have reduced the per item cost based on guidance provided in the grant announcement (costs not to exceed GSA pricing by more than 10%).

I have enclosed the original "Agreement for State Assistance" and "Assurances" forms for your review and signature. Please return these forms to my attention at the address above no later than April 1, 2014. These forms must be on file before we can process your reimbursement. Read the "Agreement for State Assistance" carefully. The agreement specifically states that you must complete the project before submitting your invoices for reimbursement. The agreement also states that "if the recipient is unable to meet the deadline of the aforementioned date, written notification must be made to the State Supervisor, Forest Protection Unit, at least seven (7) days prior to June 30, 2014.

DOUGLAS P. DENICO  
DIRECTOR

18 ELKINS LANE, HARLOW BUILDING  
AUGUSTA, ME 04330  
[www.maineforestservice.gov](http://www.maineforestservice.gov)

PHONE: 207-287-2791  
OR: 800-367-0223  
FAX: 207-287-8422

**\*\*\*REIMBURSEMENTS\*\*\***

As soon as your purchases have been made, and as soon as your project is complete, you must send copies of the original invoice(s) and documented proof of payment (faxed documents will not be allowed). The following is a list of what is needed to process a reimbursement through the accounting department.

**If purchase is made by the town:**

1. A copy of the town warrant sheet(s) indicating the vendor paid, date paid, check number and amount; and
2. A copy of all invoices indicating the items purchased.

**If purchase is made by the Fire Department:**

1. A copy of the canceled check(s); and
2. A copy of the actual invoice(s) indicating the items purchased.

As soon as all documentation is received, your town or department will be reimbursed one-half of the authorized project costs. Purchases must be made after January 20, 2014 to qualify for reimbursement. Only individual item listed as approved in this letter costing less than \$4,999 each will be reimbursed.

**The deadline for completing projects and submitting all necessary paperwork is June 30, 2014.**

If you have any questions about these procedures, or if I can help you in any way, please call me at (207)287-4993 or you may reach me by e-mail at [alan.w.hammond@maine.gov](mailto:alan.w.hammond@maine.gov).

Sincerely,



Alan Hammond,  
State Planning and Training Coordinator

**AGREEMENT FOR STATE ASSISTANCE  
VOLUNTEER FIRE ASSISTANCE PROGRAM**

In consideration of the performance of the terms and conditions hereinafter set down in this agreement, the State of Maine, Department of Agriculture, Conservation, and Forestry hereby awards to the Hampden Fire Department the sum of \$3,646.80 pursuant to the provisions of the Rural Community Fire Protection Cooperative Forestry Assistance Act of 1978 (P.L. 95-313, Title IV) upon the following terms and conditions:

1. **EXPENDITURES.** The sum herein before mentioned, or any part of it, shall be spent only for the items or services listed as "items" on the letter of approval, which was approved by the RCFP Selection Committee, and no others, without the express written consent of the Bureau of Forestry 60 days after receipt of the aforementioned letter.
2. **MATCHING FUNDS.** The recipient shall provide an amount or in kind services at least equal to the State's award to fund the expenditures authorized in Section 1 in such form and at such time as the Bureau of Forestry may direct, but in no event later than **June 30, 2014.**
3. **FEDERAL LAW.** The recipient shall, in good faith, abide by all applicable Federal laws, rules, regulations and guidelines in the performance of its obligations hereunder.
4. **REPORTS.** The Bureau shall have access to and the right to examine all records, books, papers, and documents related to this grant for at least three (3) years after completion of the project. A final report on the expenditures of the project funds shall be submitted, together with copies of warrant numbers, canceled checks, and other evidences of expenditures, to the Bureau of Forestry after the completion of the project.
5. **COMPLETION DATE.** The completion of this program by the recipient shall be made no later than **June 30, 2014.** If the recipient is unable to meet the deadline of the aforementioned date, written notification must be made to the Supervisor, Forest Protection Division at least seven (7) days prior to the aforementioned completion date.
6. **INVENTORY.** The recipient agrees to keep all equipment purchased under this agreement with an original acquisition value of \$1,000 or more, available for inspection and/or inventory by the Bureau at any reasonable time, and agrees to see that the red RCFP sticker remains affixed to such equipment at all times.
7. **DISPOSAL.** The recipient agrees to contact the Bureau and receive its approval before disposing of any property covered under this agreement.
8. **PERFORMANCE.** This agreement shall be canceled upon written demand of the Supervisor, Forest Protection Division, when in his sole discretion, he determines that the recipient or any contractor receiving funds under this grant is unsatisfactory by reason of failure to provide equipment or services reasonably adequate to meet the fire protection needs to be met under this grant in a timely manner.
9. **LIABILITY.** The recipient agrees to defend or cause to be defended and to indemnify and hold the State of Maine harmless against any and all claims, suits, damages or causes of action for damages, and against any orders, decrees, or judgments which may be entered thereon, brought for damages or alleged damages from any injury, for any injury to person or property or loss of life sustained in any manner arising out of the performance of this agreement, or where such damages or alleged damages are attributable to acts of, or failure to perform a duty or act by the recipient for the invitees, guests, employees, contractors, or agents of the recipient.

Dated this: January 21, 2014

Return this form to:

Alan Hammond  
Maine Forest Service  
22 State House Station  
Augusta, ME 04333-0022

By

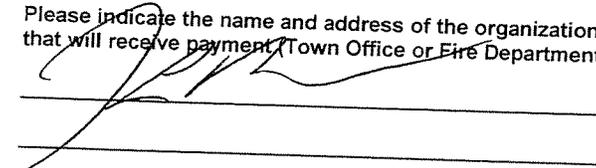


Alan Hammond

The State of Maine requires that all recipients receiving payments from any state agency must provide their federal tax identification number before any payments are issued from the State of Maine, Department of Treasury. This number is assigned by the United States Government, Treasury Department, Internal Revenue Service. Please write in your nine (9) digit federal tax identification number below before sending this Agreement back to the State of Maine, Department of Conservation. NOTE: This number and address listed below must match with the information listed on the application that was processed by the Internal Revenue Service.

VC # \_\_\_\_\_

Please indicate the name and address of the organization that will receive payment (Town Office or Fire Department).



Recipient's Signature

**THIS AGREEMENT MUST BE SIGNED AND THE ORIGINAL RETURNED BEFORE REIMBURSEMENT CAN BE ISSUED.**

## ASSURANCES

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination; These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse, (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction sub-agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following:
  - (a) institution of environmental quality and control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
  - (b) notification of violating facilities pursuant to EO 11738,
  - (c) protection of wetlands pursuant to EO 11990;
  - (d) evaluation of flood hazards in flood plains in accordance with EO 11988,
  - (e) assurances of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
  - (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
  - (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
  - (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
21 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0021

C-4-e

March 4, 2014

Denise Hodsdon  
Town of Hampden  
106 Western Avenue  
Hampden, ME 04444

Dear Ms. Hodsdon:

This letter is to remind you that the town river herring rights must be approved each year as a municipal ordinance by your town selectman, fish commission, or by town vote, and sent into the Department of Marine Resources (DMR) for approval by April 20, 2014. The town must establish these rights in order to have either a municipal river herring harvest in 2014, a conservation closure, or rules different than the state general law.

The Atlantic States Marine Fisheries Commission adopted the Shad and River Herring Amendment 2 in 2010, which, citing a concern about the coast-wide decline in river herring populations, stated that all river herring (alewife and blue herring) fisheries must close in 2012 unless they are determined to be sustainable harvests. To comply with Amendment 2, the DMR closed all alewife and blueback herring harvests that did not fit the following criteria:

- 1) Harvest populations must be self-sustaining and not supplemented by stocking from outside of the watershed. If a run had been stocked, no harvest will be allowed for at least one generation post-stocking (4-years) to determine that river herring are returning successfully on their own.
- 2) The total river herring count must be equal to or exceed the estimated adult production of the spawning lake or pond for a multi-year period. DMR uses a production estimate of 235 fish/surface acre. This must be demonstrated through a count or other quantitative estimation.
- 3) The run must have a healthy spawning stock biomass, with a high survival rate (low mortality rate) and good representation of older age classes. This must be demonstrated through sampling.
- 4) The run must have a high repeat spawning ratio, where a proportion of adult spawning fish have spawned in previous years. This must be demonstrated through sampling.

If your town was not approved for harvest in 2013, it will not be approved for harvest in 2014. We are working with volunteers in municipalities that would like the Department to consider allowing harvest to collect biological samples and count data to show that the run could support sustainable harvest. The biological and count data collected so far have not shown that any closed run can support a sustainable harvest at this point. We encourage the towns to continue working with the Department to collect these data that may show that a sustainable harvest can operate in the future. Included in this letter are an example river herring ordinance and current state regulations and laws concerning river herring harvest. If you have any questions, please contact me at (207) 624-6341.

Best Regards,

Claire L. Enterline  
172 State House Station  
Augusta, ME 04333