



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

APRIL 4, 2016

7:00 P.M.

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

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. March 21, 2016 Meeting Minutes

3. COMMUNICATIONS

a. JC's Variety – Victualer's License Renewal

4. REPORTS

a. Planning & Development Committee Minutes – 3/16/2016

b. Infrastructure Committee Minutes – 02/17/2016

c. Finance & Administration Minutes – 03/21/2016

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS – Recognition of the Hampden Academy Unified Basketball Team

2. PUBLIC HEARINGS

a. Erickson's Hardware – Application for a new Victualer's license

b. James Butler – Dangerous Building – Map 21 Lot 8 – *Continuation from March 21, 2016*

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

- c. Zoning Ordinance Amendments- Article 4.6 –*referral from Planning Board*
- d. Subdivision Amendments – Sections 540-554- *referral from Planning Board*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Appointment of Election Clerks – *Pursuant to 21-A, §503(2)*

4. UNFINISHED BUSINESS

- a. Sewer Ordinance Amendment – *refer to Public Hearing*
- b. Fees Ordinance Amendment – *refer to Public Hearing*
- c. Town Ways Ordinance Amendment – *refer to Public Hearing*

5. NEW BUSINESS

- a. Council Action on Alewife Fishing Rights
- b. Orient Avenue Apartments Snow Plowing and Storage Easement
- c. Proposed Street Opening/Utility Ordinance – *refer to Public Hearing*
- d. Penobscot Temperature Controls, Inc. – *referral from Finance & Administration Committee*
- e. Culvert Policy – *Referral from Infrastructure Committee*
- f. Request authorization to transfer funds from the Personnel Reserve Account to reimburse personnel line items (Administration, Public Works) for FY16 retirement pay-outs
- g. Proposed 2016-2017 RSU #22 District Budget

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



HAMPDEN TOWN COUNCIL
 HAMPDEN MUNICIPAL BUILDING
 MINUTES

MONDAY

MARCH 21, 2016

7:00 P.M.

Attending:

Mayor David Ryder

Councilor Greg Sirois

Councilor Ivan McPike

Councilor Stephen Wilde

Councilor Dennis Marble

Councilor Mark Cormier

Councilor Terry McAvoy

Town Manager Angus Jennings

Town Clerk Paula Scott

Town Attorney Edmond Bearor

Code Officer Myles Block

Building Inspector Jason Lundstrom

Jared LeBarnes

Rec Director Shelley Abbot

James Butler

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

- A. **PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance*
- B. **CONSENT AGENDA** – *Motion by Councilor McAvoy, seconded by Councilor McPike to accept the Consent Agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. March 7, 2016 Meeting Minutes

3. COMMUNICATIONS

- a. MDOT/Town – Installation of rumble strips
 b. Armstrong Tennis Center – Victualer's License Renewal
 c. Dysarts – Victualer's License Renewal
 d. Pizza Gourmet – Victualer's License Renewal
 e. R & K Variety – Victualer's License Renewal
 f. Maine PowerOptions informational meeting

4. REPORTS

- a. Planning & Development Committee Minutes – 3/2/2016
 b. Services Committee Minutes- 2/8/2016
 c. Infrastructure Committee Minutes-1/13/2016

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

C. PUBLIC COMMENTS - None**D. POLICY AGENDA****1. NEWS, PRESENTATIONS & AWARDS - None****2. PUBLIC HEARINGS**

a. Dangerous Building – James Butler – Map 21 Lot 8 - At 7:01 p.m., Mayor Ryder officially opened the Public Hearing. As the first order of business of the Public Hearing, Mayor Ryder informed those present that Mr. Butler had requested a continuance of this proceeding. He then turned the floor to the Town's legal counsel, Edmond Bearor to present information regarding this request. Mr. Bearor addressed the council directly and stated that the request for a continuance is a threshold matter whereby the council should hear Mr. Butler's rationale for wanting the continuance. In reference to court proceedings in which there have been examples of dangerous buildings court cases, the statutes state that for good cause shown, the court "may" grant a continuance. Mr. Bearor stated that in this situation, while not a court proceeding, the council could find it in their power to either grant or not grant a continuance but the standard that should be used is whether or not there is good cause. He further stated that while there may be differences of opinion as to what good cause means, he advised that as best as can be to listen to the explanations that Mr. Butler gives and then determine whether or not to continue this hearing to the first meeting in April, which is on the 4th. If the decision is to go forward and not grant the continuance, we would start with the Town's Code Officer presenting his case. There would be opportunities for both sides to ask questions of the Code Officer. Mr. Bearor said then, at Mr. Butler's further request, you might want to continue the balance of the hearing. Or, alternatively, you could wait until April 4th to have the hearing. At any case, the first order of business would be to hear the reasons why Mr. Butler is requesting the continuance. At this, Mayor Ryder invited Mr. Butler to the podium to explain his reasoning. Mr. Butler began by thanking the council for the opportunity to address them, and stated that he had had the privilege of speaking with Manager Jennings earlier in the day. Mr. Butler stated that Manager Jennings enlightened him on the process. He stated that he also took the opportunity to reach out to council members and reached all but two. He understands that the situation he finds himself in is not a favorable one as the property owner but he feels he is involved in something in which he needs legal representation. He referred to the presence of the Town's attorney and used the example that Mr. Bearor gave, citing how a court of law might handle the continuance. Mr. Butler said he knows this isn't a court of law, but it is a situation that could greatly affect him and before he can try to defend himself, he needs some assistance. He acknowledged receiving notification but stated that the process is not something he brought forward, it came to him, and he was not aware of this meeting here tonight until he was served paperwork by a sheriff about a week and a half ago. He requested a continuance without testimony for practicality reasons. He is not prepared to give testimony tonight, and if someone else gives testimony, he would like to have the opportunity to cross examine or ask questions of that person. He stated that

he has been behind the eight-ball and didn't realize the severity of the situation until he called Manager Jennings today to ask if the meeting was going to be canceled because of the snowstorm. He summed up his statement by once again asking that the continuance be granted. He then thanked the council and returned to his seat. At this point Mayor Ryder asked fellow council members what they favored; whether they wanted to grant the continuance or whether they wanted to continue on with the hearing. Councilor McAvoy stated he is not opposed to a continuance, however, if it is continued until the April 4th meeting, he questioned if it would still be a public hearing, an exact replica of what was supposed to take place tonight. He also questioned whether or not the Town would have to re-advertise for the new public hearing. Manager Jennings stated that we would not have to re-advertise because the public hearing was opened, but continued without testimony and there is no evidentiary content from tonight. Mr. Bearor further stated that as long as it is continued to a date certain, there is no need to re-advertise under that circumstance. Councilor McAvoy asked if the continuance was granted until April 4th, was there anything that Mr. Butler could do in the interim to fore stall the next hearing, as far as trying to meet some of the goals in trying to secure this unsafe building. Mr. Bearor stated that the statutes that guide municipalities in these hearings for unsafe buildings are silent on what is adequate notice, they just state that you have to "give notice". Mr. Bearor stated that anywhere from 7 days to 21 days might be considered reasonable, and in this case, notice was 11 days. The service by the sheriff's office was attempted on more than one occasion until service was finally made, and we have been trying since February. Mr. Bearor stated that he believes that if we wait until April 4th to hold the hearing, there would be no grounds that would warrant further continuation or frustration of the process. Councilor McAvoy asked if Mr. Butler did happen to do any repairs that might mitigate some of the issues, if that could be presented on his behalf at the later hearing. Mr. Bearor stated that it could, but that the Code Officer should do an inspection prior to the meeting so that his testimony is fresh and so that he can compare the state of the building to prior photographs and inspections. Mr. Bearor further stated that if Mr. Butler were to do repairs it would most likely be welcomed, but the hearing would go forward to determine whether or not it was still a dangerous building. Mayor Ryder then recognized Councilor Marble who stated that as far as the continuance goes, he assumes it will go to a vote and he has never been on that side of the table in a hearing but he wanted to say a few things specifically to Mr. Butler. He had two different citizens approach him this past weekend questioning the safety of that building. Councilor Marble stated that he is frustrated at the fact that Mr. Butler has come very level headed to tonight's meeting and requested a continuance by stating that he did not have enough notice and not enough time to prepare. Councilor Marble stated that from what he has gathered in following this since early last fall, with nothing material having been done since August or September, it appears that there is a consistent pattern of non-response. Councilor Marble said that this is the latest example of how this process has been delayed. Councilor Marble said that he was going to vote for a continuation, but he wanted Mr. Butler to know that it was because he owes the people and taxpayers of this town every assurance that the council offered Mr. Butler every consideration so as to not in any way risk any further consequences legally or otherwise to the members of the town. He stated he would not be voting to grant a continuation because of anything Mr. Butler had done, but for the members of the town.

At this time Mayor Ryder recognized Councilor McPike who addressed Mr. Butler by saying that he was one of the two council members who had not been contacted by Mr. Butler. He asked Mr. Butler to explain why he hadn't emailed him along with the others, and why he requested a continuance as there had been no changes since last August. Mr. Butler, speaking from the audience and not the podium, stated that he did not email the other members, he had called them and that he simply ran out of time as it was close to meeting time. Councilor McPike stopped him from responding further and asked that he approach the podium and the microphone before continuing, to which Mr. Butler complied. Mr. Butler apologized for not making contact earlier and stated that he appreciated what Councilor Marble said and told the council that he would be prepared to address that, just not tonight. He stated that he does not know the mechanics of how this process works, that it is not something he knew anything about. He stated that he was concerned that if the continuance wasn't granted it would be a situation where the council would have legal representation present, but that he would not. He stated that in talking with the councilors, he understood that there were committee meetings and processes that discussed this situation that he had not been a part of other than tonight. He stated that he was not invited until he received a notice from an attorney that had been served by the sheriff and he wished he had been involved before tonight. He said as part of his testimony that he is not prepared to give tonight, he would be more than happy to explain the reasons why agreements he had made with code enforcement had fallen short on his part. Mr. Butler said, in returning to Councilor McPike's question, that he did not realize until today in talking with the Town Manager, the mechanics of and the severity of the situation that he found himself in. He stated he didn't realize that it had gotten to this point and since his forte is not where he is at, or in making sure that his side is fairly represented without counsel; he stated that he would like the opportunity to present his side and discuss how he got to this point after talking to Code enforcement last fall. He said how the severity of the weather played a part, that there were all kinds of complications. He stated that a continuance was not a stall tactic and that he too is a tax payer and he appreciated what Councilor Marble said. He stated that he is just simply not prepared and that for the town to say they are possibly going to take action by tearing down someone's building that he takes that as being pretty serious. He asked Councilor McPike if that answered his question. Councilor McPike said it did answer the question but he didn't know if it satisfied the question because he was reading all of the contact made by Code enforcement, all of the time they have spent on this and how Mr. Butler had received a notice saying that tonight's meeting was going to be a public hearing, but that he still wasn't prepared and wasn't in there ready to fight rather than put it off for another two weeks. Mr. Butler responded by saying he did intend to fight on his own behalf, but he had never realized that the town was going to have an attorney here and he would be at a disadvantage. He again reiterated that he does not understand the mechanics of these types of proceedings, he did not understand that it would be "won and done" tonight. He also again stated that he was not a part of the process at committee level, was not asked to be on the committee, if that was possible, was not a part of the discussions leading up to tonight's meeting. He said he felt he did not get notice until the last hour and was at a disadvantage. Councilor McPike asked him what he thought when those gentlemen (pointing to the Code Officer and Building Inspector) kept coming to him about his building, was it not taken seriously? Mr. Butler stated that he appreciated Councilor

McPike's frustration and that although his next statement was part of testimony, he will share just a little bit. He said that when they approached him, they were very nice and sincere, and asked him what his intentions were. He said he told them he didn't have the finances to address it at this time. He said they gave one option which was to put up a fence. He said he had wanted to comply, but it was late in the season, the severity of the weather played a part, he did not have the finances, and that time of year his job is busier. He said he had other complications, single dad, loss of his mom and he just couldn't make that commitment. Mr. Butler stated that after 30 days, like a gentleman, the Code Officer told him it was out of his hands and he was going to have to turn it over to the Town Manager who would make a decision to bring it to the council and that he would be hearing from the town. Mr. Butler said he could sense that the council was frustrated and wanted to assure them that he would be here in two weeks prepared to give complete testimony and to let them know his intentions. He stated that he had no intentions of letting the town come on to his property and taking a building down. He said that was not going to happen as long as he is alive. He said he will do everything in his power to prevent that. Mr. Butler apologized for letting it get to this point and acknowledged the position the council is in but again asked for continuance without testimony. Mayor Ryder asked if there were any more councilor comments or questions. Councilor Sirois addressed Mr. Butler by reminding him that he indicated he works in the industry; the building is falling into itself, the foundation is gone, the chimney is gone, and wanted to know the plan for shoring it up. He stated that he believes it to be beyond repair. At this point Mr. Bearor interjected and said he felt like it was getting too much into the substance of the matter rather than just the request for the continuance. At that, Mayor Ryder asked for any more comments on the continuance. Councilor Wilde stated that he represents District 1 and felt that the council should move toward the continuance to make sure that they are affording Mr. Butler every opportunity to rectify the situation. He stated that he does have a lot of concerns based upon the number of back and forth visits, and paperwork and pictures and that this was a serious matter, not just the building but the safety aspect. He stated that the portion of the foundation that he could see is collapsing and that is why they are so concerned about it because they do not want to see this building collapsing into the road and ultimately end up killing somebody. He said in an effort to work with Mr. Butler he wanted to afford him every opportunity to rectify the situation and that he should be prepared to come back in two weeks with representation and a plan. He stated that he agrees with other council members in that this has been too long, but wants to give him the opportunity to be heard. At this point, discussion ceased.

Motion made by Councilor Wilde, seconded by Councilor McAvoy to grant a continuance on this matter until April 4th.

Mayor Ryder, Councilor Wilde, Councilor Cormier and Councilor McAvoy voted in favor of granting the continuance.

Councilor Marble, Councilor McPike and Councilor Sirois voted in opposition to granting the continuance. Motion passes, 4-3. This vote concluded the Public Hearing at 7:25 p.m.

Mr. Bearor then addressed Mr. Butler and the Council both and stated that although he always feels it is a good thing when a citizen reaches out to councilors with concerns,

and while that was ok for this continuance discussion, he reminded all parties that at the hearing on April 4th, the Council is tasked with making a decision based upon the information presented at that hearing. He reminded Mr. Butler that the council are to act as judges during the hearing and anything they take in for information is supposed to be heard in the council chamber, with everyone getting the same information at the same time and to please refrain from approaching the Council in advance of the hearing.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Appointment of Lowell T. Sherwood to Library Board of Trustees - Services Committee recommendation.** – *Motion made by Councilor McAvoy, seconded by Councilor Marble, to appoint Lowell T. Sherwood Jr. to the Dyer Library Board of Trustees. Unanimous vote in favor.*
- b. **Appointment of Betty Magaw to Personnel Appeals Board - Finance Committee recommendation.** – *Motion made by Councilor McAvoy, seconded by Councilor Marble, to appoint Betty Magaw to the Personnel Appeals Board. Unanimous vote in favor.*

4. UNFINISHED BUSINESS

a. FY16 Proposed Budget Adjustment-TIF Revenues

Manager Jennings reminded Councilors that when FY 16 Budget was approved it allocated \$20,000.00 as TIF expense, the same amount budgeted for a number of years. Due to the Emera TIF which included significant financial obligations under the Credit Enhancement Agreement, two weeks ago at the council meeting, a budget adjustment was approved to shift funds from unassigned funds. He assured councilors that the TIF was reported correctly to the state and the Department of Revenue. Because it was reported correctly to the state, the entire amount of TIF Revenue is subject to capture, provided it is done within the current fiscal year. Councilor Marble spoke regarding the learning curve in understanding TIF sheltered funds and believes that these sheltered funds are serving the taxpayers greater. Motion made by Councilor Marble to shelter \$88,871.51, seconded by Councilor Sirois. Councilors Wilde, Marble, Ryder, Cormier and McPike voted in favor. Councilor McAvoy voted in opposition. Motion carries.

5. NEW BUSINESS

- a. **Order establishing rules for Conservation/Recreation funds-referral from Services committee** – *Motion made by Councilor McAvoy, seconded by Councilor Marble to adopt the Order as proposed. Unanimous vote in favor.*

- b. Funding proposals from Conservation/Recreation account**
 - 1. VFW Tennis court resurfacing**
 - 2. VFW Basketball and Tennis court repairs**
 - 3. Dorothea Dix Park Signage**
 - 4. Marina ramp paving**
 - 5. Port-a-Potty enclosures for various locations**
 - 6. Picnic tables for various park locations**
 - 7. Community Center Plan revisions**
 - 8. VFW Road parking area**

Mayor Ryder recapped the spending request as presented for repairs and upgrades to recreational areas within Hampden. Motion made by Councilor McAvoy to authorize the Town Manager to spend up to \$69,364.00 from the Conservation/Recreation reserve account for the purpose of repairs or upgrades to current facilities, seconded by Councilor Wilde. Discussion followed. Councilor Cormier stated that he would like to go on record in disagreement over spending any of these funds on item #7. Councilor Wilde spoke indicating that use of these funds will keep these items from ending up in the Town's long term planning that would ultimately cost the tax payers more. After discussion ceased the motion was brought to vote. Councilors McAvoy, Wilde, Marble, McPike, Sirois, and Mayor Ryder voted in favor. Councilor Cormier voted in opposition. Motion carries.

- c. Proposed ordinance amendments**
 - 1. Fees Ordinance – referral from Infrastructure committee and from Services committee**
 - 2. Zoning Ordinance – referral from Planning & Development committee**
 - 3. Subdivision Ordinance – referral from Planning Board**
 - 4. Shoreland Zoning Ordinance - referral from Planning Board**
 - 5. Sewer Ordinance – referral from Infrastructure committee**

Mayor Ryder opened this portion of the agenda by stating that he would like to propose some changes. He stated that he would like to postpone items 1, 4 and 5 as there is not enough information at this time to put these items to public hearing. Mayor Ryder stated that these items would go back to each appropriate committee. Councilor Wilde made the recommendation to refer the Fees Ordinance, Shoreland Zoning Ordinance and Sewer Ordinance back to the appropriate committees. Unanimous recommendation to refer back to committee level.

Mayor Ryder then stated that he would entertain a motion to send item 2- Zoning Ordinance, referral from Planning and Development committee and item 3- Subdivision Ordinance, referral from the Planning Board to Public Hearing on April 4th. Councilor

Marble made a motion to send the Zoning Ordinance and Subdivision Ordinance to Public Hearing, seconded by Councilor McPike. Unanimous vote in favor.

- d. Request to use IT computer reserve funds to purchase first year of service of MyRec.com - Request # 1: \$3,695.00 or Request #2: \$4,495.00 - recommendation of the Finance committee**

Mayor Ryder stated that the recommendation of the Finance committee earlier tonight was to go with request #2 in the amount of \$4,495.00 to come out of the IT Reserve account which has a balance of \$72,000.00. What this is intended to do is to allow townspeople to sign up for programs and activities on-line.

Councilor Wilde made a motion to approve the use of IT Computer reserve funds in the amount of \$4,495.00 to purchase the first year of MyRec.com, seconded by Councilor Marble. During discussion, Councilor McPike asked if we knew yet what the price will be for the second year. Manager Jennings clarified that the first year price is \$3,695.00, but with the addition of the two kiosks, the price is \$4,495.00. He then stated that the first year proposal is based on a revenue estimate. We had provided to MyRec what the total revenues were for recreation and pool last year. They had to make a determination as to how much of that will now go through the on line system. Their estimate was revenues between one and two hundred thousand a year will go through their system and that is what they based their estimate on. The second year pricing will be based on actual usage information. Councilor Marble spoke to the amount of work that Recreation, Pool and Administrative staff did on putting together this proposal and the thought that went in to providing and upgrading services to the town and thanked the staff for that work. Discussion ceased and the motion was brought to vote. Unanimous vote in favor.

E. COMMITTEE REPORTS

Services Committee: *Councilor McAvoy reported that at the last committee meeting, they discussed, at length the Conservation/Recreation funds and also to a lesser degree, the proposed Community Center Plan, all of which were covered tonight.*

Infrastructure Committee: *Councilor Marble reported that this committee has not met since the last council meeting.*

Finance & Administration: *Councilor Sirois reported that this committee meeting has involved discussing the TIF and moving sheltered funds, the MyRec proposal, as well as the funding out of the C/R account the repair of items listed on the agenda, all covered at this council meeting.*

Planning & Development Committee: *Mayor Ryder reported that he filled in for Councilor McPike at the last P & D meeting. At the meeting, they discussed the open space portion of the Subdivision and Zoning Ordinances as discussed tonight and set for public hearing on April 4th. The committee discussed the codification process which is still in the works. Discussed the topic of private ways within the subdivision ordinance and hope to have a recommendation by March 30th. There were discussion*

s on the draft mineral ordinance repeal which is in the attorney's hands at this point. Other areas covered were flag lots, the sewer line issue at Ammo Park as well as home occupations.

F. MANAGER'S REPORT – Manager Jennings reported on his attendance at the Planning Conference on Saturday. He reported on the annual Stream Clean Up which is slated for Saturday May 7th, and the MRC/Fiberight Public Hearing that is scheduled for April 13th. Manager Jennings reported that the Recreation Department's Spring Program has been released with a good presence on the website and social media. He also informed councilors that the RSU 22 Building committee meeting is scheduled for March 22nd at 6:30, and the Budget Hearing is scheduled for March 29th at 6:30 p.m. Manager Jennings also reported on the fact that he and his family finally had the opportunity to take advantage of the expanded Dorothea Dix Park Trails. He spoke to what a great resource this is for the residents and encourages everyone to visit them.

G. COUNCILORS' COMMENTS

Councilor Sirois – None

Councilor McPike – None

Councilor Wilde – None

Councilor Marble – None

Councilor Cormier – Would like to encourage members of the public to attend council meetings.

Councilor McAvoy – Invited everyone to join him this Saturday at Anglers from 11:00 – 12:00. The primary topic is the upcoming budget, but is willing to discuss anything that is town related. He also reminded everyone to shop local and buy American.

Mayor Ryder – Wanted to congratulate the Hampden Academy Unified Team for winning the gold ball for the second year in a row. He also wanted to thank Ralph Arbo who has stepped up and offered to build picnic tables for the town, strictly as a volunteer.

H. ADJOURNMENT – Councilor Sirois made a motion, seconded by Councilor McAvoy to adjourn at 7:50 p.m. Unanimous vote in favor.

Respectfully Submitted,



Paula A. Scott
Town Clerk

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: March 21, 2016
RE: Town Manager's Report to Town Council meeting

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

Attendance at Planning Conference

I attended at conference on Saturday. Sessions related to signage, and the effect of a recent U.S. Supreme Court decision on the applicability of local sign ordinances; and the USDA Rural Development Program, which appears to be a program that could benefit Hampden.

Stream Cleanup Saturday, May 7

The annual Stream Cleanup is scheduled for Saturday, May 7. GIS/IT Specialist Kyle Severance is leading this effort. A flyer will be circulated soon, with details to follow.

MRC/Fiberight Proposal Filed, Public Hearing Scheduled

The local permit applications for the proposed MRC/Fiberight facility were filed on March 4, and the public hearing before the Planning Board is scheduled to open on Wednesday, April 13. The complete application is available on the Town website.

Recreation Department Spring Program Available

The Recreation Department's Spring Program has been released, and is available on the Town website and Facebook page.

RSU-22 Upcoming Meetings

The RSU-22 Building Committee meeting regarding the McGraw-Weatherbee complex is scheduled for Tuesday, March 22 at 6:30 PM.

The RSU-22 Budget Hearing is scheduled for Tuesday, March 29 at 6:30 PM.

Dorothea Dix Park Trails

The new trails greatly expand public access to this Town-owned park. Residents are encouraged to visit.

B-3-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

March 22, 2016

John & Corinne Lanpher
JC's Variety
995 Western Ave.
Hampden, Me. 04444

Dear John & Corinne:

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,

Paula A. Scott, CCM
Town Clerk

Enclosure

VICTUALER'S LICENSE CERTIFICATE

No. 16-8

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: April 7, 2016

KNOW YE, that John and Corinne Lanpher,

doing business as JC's Variety

has been duly licensed as a Victualer at 995 Western Avenue

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

and has paid to the Municipal Treasurer the fee of \$50.00.

Authorized Municipal Officer CODE ENFORCEMENT OFFICER

**Planning and Development Committee
March 16, 2016
6:00 PM
Conference Room
DRAFT MINUTES**

Attendees:

Committee

David Ryder, Mayor/Acting Chair
Stephen Wilde
Dennis Marble
Terry McAvoy
David Ryder

Staff

Angus Jennings, Manager
Dean Bennett, Community Dev Dir (CDD)

1. Approval of March 2, 2016 Minutes
2. Committee Applications: None
3. Updates:
 - A. Status of Planning Board Review
 - Subdivision Open Space
 - Codification
 - Zoning Reference to Open Space

Community Development Director (CDD) reported to the Committee that the three items have been acted upon by the Planning Board and were being scheduled to return to the full Town Council with recommendation "ought to pass". Town Manager reported that they would be on the next Council agenda.

CDD further reported that the two remaining Subdivision Ordinance items regarding Criteria/Definitions and Private Road Subdivisions we be discussed at the next scheduled Planning Board Ordinance Committee meeting on March 30th.

4. Old Business:

A. Draft Mineral Extraction Repeal – Attorney

The Town Manager reported that the initial review from the town attorney was just received and staff will need to review the material. After discussion on the history and purpose of the item, the Board determined that although action should be considered is not a high priority as other items. The Community Development Director and Manager will review and report back to Committee.

B. Draft Home Occupation – Attorney

The CDD provided the Town Attorney's reviewed and revised draft to the Committee which referenced the need to create specific criteria from which the Code Enforcement Officer could categorize the type of Home Occupation.

CDD stated he was unsure of what additional criteria or guidance was needed to assist the Code Enforcement Officer in making the categorical determination of the type of Home Occupation per the Town Attorneys memo. CDD's experience was that the nature or specifics of the application, when compared to the two types of criteria (Minor/Major) in the Zoning Ordinance would provide adequate basis for making the determination on classification of type of Home Occupation.

After discussion on the intent to simplify and expedite the process and review of some applications, it was decided that continue work was warranted and staff would search for additional examples within other communities, seeking help from the Planners List Serve.

C. Flag Lots Discussion

CDD provided language and examples with which the Town could provide for the development of limited rear lot development with the utilization of a common right-of-way or reduced "driveway" frontage. If adopted, the Flag Lot provisions would allow for residential in-fill development, on those lots of sufficient size and frontage, which does not rise to the level of a subdivision.

After reviewing the material, the Committee indicated their support for the concept. Staff will incorporate the suggested concept into the proper format within the Zoning Ordinance and bring back to the Committee at a future meeting.

5. New Business

- A. Sewer line for Ammo Park and Triangle, potential TIF funding to upgrade to larger pipe.

With the recent pre-application submittal by MRC/Fiberight to develop a recycling and processing facility in the Triangle area with access from Coldbrook Road, and the necessity for that development to utilize existing infrastructure within the Ammo Park and Hampden Business and Commerce Park, a question of capacity to accommodate the proposed development and future development is currently being evaluated.

Initial engineering reports indicate that the current 8 inch sewer line, recently installed in the Ammo Park, that extends down to the Hampden Business and Commerce Park, is adequate to serve the MRC/Fiberight development and additional development detailed in Woodard and Curran report. Whereas that 8 inch sewer is being reinstalled, the question has been posed as to the potential benefit of increasing the 8 inch line to 10 or 12 inches.

Whereas the Emera TIF captured resources have been specifically designated for infrastructure expansion into the Triangle area, the potential expenditures from the TIF fund to increase the size of the 8 inch sewer were contemplated.

After a lengthy discussion on the potential for continued development of the triangle area, and given that indications are that the 8 inch sewer line would be adequate to accommodate for a considerable amount of future development, the Committee felt that a more responsible use of TIF captured dollars would be the investment of necessary infrastructure in the Coldbrook Road to accommodate commercial development of the Coldbrook Road and surrounding area. The Committee was uncomfortable with the investment in sewer enlargement in Ammo Park whereas if for any reason the MRC/Fiberight development did not occur, there would be an expenditure of public resources without public benefit. The Committee felt that infrastructure investment in the Coldbrook Road development was a more responsible use of TIF dollars and a more immediate return in public benefit.

6. Zoning Considerations/Discussion: None
7. Citizens Initiatives: None
8. Public Comments: None
9. Committee Member Comments: None
10. Adjourn: 8:15pm

INFRASTRUCTURE COMMITTEE MEETING

Wednesday, February 17, 2016

MEETING MINUTES – DRAFT**Attending:**

Councilor Dennis Marble, Chair
Mayor David Ryder
Councilor Terry McAvoy
Councilor Greg Sirois (arrived 6:15)

Councilor Stephen Wilde
Councilor Ivan McPike
Councilor Mark Cormier
Town Manager Angus Jennings
Rich Armstrong, Goodwill Riders
Snowmobile Club

Chairman Marble called the meeting to order at 6 PM.

1. **MINUTES – 1/13/2016 Meeting** – *Motion by Councilor McAvoy, seconded by Councilor McPike to approve the January 13, 2016 minutes. Unanimous (6-0) vote in favor.*

2. OLD BUSINESS

- a. **Penobscot HVAC proposal for Redlink thermostat** – *Manager Jennings provided background regarding the bids provided to allow for remote control of the Town Building HVAC systems in coordination with work, previously approved, to improve the air handling system. Councilor McPike asked about staffing responsibility to manage the system. Manager Jennings said that the DPW Director is the Facilities Manager, and that other staff who will be trained on the system will include the Manager, the IT Specialist, and Rozemary Bezanson. Manager Jennings reported that this work would be funded out of the Municipal Building Reserve Account. Motion by Councilor Wilde, seconded by Mayor Ryder to refer the proposal to Finance Committee with a recommendation for approval. Approved 6-0.*

Councilor McPike said he'd like to see an operational list showing staffing responsibility for HVAC operations.

3. NEW BUSINESS

- a. **Goodwill Riders Snowmobile Club request for increased funding** – *Rich Armstrong made a request that the Town provide more funding to support their work to maintain and improve the Town's snowmobile trails. He noted that the Town receives \$6.63 per snowmobile registration, and over time has provided \$1,000 to the Club annually. He'd like to see a greater share of that revenue in order to offset their costs, noting that*

they've built 5 bridges, put a roof on an out building, and completed regular trails maintenance. Councilor Marble asked whether the Town incurs costs associated with snowmobile registration. Manager Jennings said that the amount of fees retained by the Town would offset the costs of staff time to process registrations. The total amount received in FY15 was \$2,654 of which \$1,000 was paid to the Club.

(Councilor Sirois arrived).

Councilor Marble suggested that an increase to \$2,000 this year may be appropriate. Motion by Councilor Wilde, seconded by Councilor McAvoy to recommend that the Finance Committee increase this year's payment to \$2,000. Approved 7-0. Mayor Ryder suggested that this expense should be included in the Town's Buildings and Grounds budget.

- b. DEP memo, MS4 Plan Year 2 Annual Report; update on Town response (due 3/1)** – *Manager Jennings summarized the work by the Town's Stormwater Working Group to prepare the response to DEP's questions regarding the Town's Year 2 MS4 (stormwater management) Annual Report.*
- c. Update on condition of sewer lines at Ammo Park, meetings with Maine Ground Developers** – *Manager Jennings reported on the results of recent inspections and test borings which showed that a privately installed sewer line at Ammo Park was not built to specification and would need to be replaced in order to be considered for public acceptance. DPW is continuing to work with the landowner toward resolution of this issue.*
- d. Inclusion of industrial flows toward Hampden's purchased capacity of 1.5 MGD at Bangor WWTP** – *Manager Jennings reported that DPW Director Currier has received an opinion from the Bangor Wastewater Treatment Plant that the flows generated by industrial uses such as what is proposed by MRC/Fiberight will count toward the Town's purchased capacity of 1.5 million gallons per day under the terms of the Interlocal Agreement. Infiltration and inflow into the sewer system also contributes to the overall sewer flows that are recorded at the municipal boundary, which factors into the treatment charges the Sewer Fund is responsible for. DPW will continue to track sewer flows on an ongoing basis.*
- e. DPW front-end loader, request to purchase vehicle at end of current lease** – *The Committee discussed the DPW Director's recommendation, included in the meeting packet, to sign a lease for a new front-end loader and to include a grapple bucket to expand capacity to manage construction debris at the Transfer Station. There was discussion about the configuration of the Transfer Station, and how this could assist with internal circulation. Councilor Cormier asked if the same equipment could*

be leased for less money. Mayor Ryder said that the same quality John Deere machine would have comparable costs elsewhere. Motion by Councilor Wilde, seconded by Councilor Sirois, to support the lease and to include these payments and the cost of the grapple bucket in future budgeting.

4. PUBLIC COMMENTS – None.

5. COMMITTEE MEMBER COMMENTS – *Councilor Wilde asked whether estimates were available for the cost of culvert replacements at Sucker Brook in the vicinity of Triangle Road and Old County Road. He said they have rusted through, and Mayor Ryder agreed that DPW will look at what needs to be done.*

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

Respectfully submitted –
Angus Jennings, Town Manager

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, March 21, 2016

MINUTES – DRAFT**Attending:***Mayor David Ryder**Councilor Greg Sirois, Chair**Councilor Ivan McPike**Councilor Mark Cormier**Councilor Terry McAvoy**Councilor Dennis Marble**Councilor Stephen Wilde**Town Manager Angus Jennings**Recreation Director Shelley Abbott*

Mayor Ryder, acting in place of Chairman Sirois (who had laryngitis) called the meeting to order at 6:02 p.m.

- 1. Meeting Minutes – March 7, 2016 Meeting** – *There was a Motion by Councilor McAvoy seconded by Councilor Marble to approve the March 7, 2016 minutes as written. Approved 7-0.*
- 2. Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*
- 3. Old Business** – *Mayor Ryder reminded the Committee members that, under the terms of the Town Manager's contract, a 6-month evaluation must be provided. Committee members had been provided blank evaluation forms and were reminded to provide these directly to Mayor Ryder by the end of this week, who will then prepare an evaluation on behalf of the Council for discussion at the April 4 Finance & Administration Committee meeting.*
- 4. New Business**
 - a. TIF funds discussion** – *Manager Jennings summarized the discussion and Council action of the previous meeting at which time a FY16 budget adjustment was approved to transfer funds to the TIF account in an amount equal to meet the Town's obligations under the Credit Enhancement Agreements. Tonight's discussion is regarding whether to recommend transfer of the remaining TIF funds that are eligible for "shelter" to the TIF account in order to fund future eligible TIF costs (which are defined by Statute, and by the terms of enacted TIF agreements). Councilor McAvoy said that he favored leaving the funds in the General Fund due to the budget crunch. Councilor Cormier asked Manager Jennings his opinion. Manager Jennings acknowledged Councilor McAvoy's concern about the budget crunch,*

and shares his concern, but stated that because of how the TIF sheltering works, a TIF sheltered dollar is actually worth more than a dollar in the General Fund. Due to the budget crunch, the priority for use of TIF funds, in the Manager's opinion, should be focused on offsetting expenses that would otherwise be borne by the General Fund so as to maximize the value of the revenues. Councilor Wilde said that he'd like to see the TIF dollars put to good use. Councilor Sirois said that, in prior budget years, reserve funds have been drawn down and he felt we should not now go after the TIF funds that were intended for specific economic development purposes. Councilor Marble said that large scale TIFs like Emera were a relatively new endeavor for the Town. He said that the biggest benefit of TIF is the tax sheltering, and the ability to focus resources on specific needs. Motion by Councilor Sirois, seconded by Councilor Wilde to recommend Council approval of an FY16 budget adjustment of \$88,887.51 from unassigned fund balance to TIF. Approved 6-1 (Councilor McAvoy opposed).

- b. IT reserve account re: MyRec.com** – *Director Abbott presented that the transition to online registration and payment will provide a convenience to customers of Recreation and Pool programs. Councilor McAvoy asked whether the associated fees would be borne by Recreation and Pool program revenues. Manager Jennings said that they would. Motion by Councilor Marble, seconded by Councilor Sirois to recommend that Council authorize \$4,495 from the IT Reserve Account to fund the MyRec.com software and setup, and two point-of-sale terminals for Recreation and Pool. Motion approved 7-0.*
- c. Funding proposals from Conservation/Recreation account** – *Mayor Ryder summarized the list of projects and expenses that had been discussed at last week's Services Committee which would be eligible for payment from the C/R account. Councilor Wilde said that he had heard some public concerns about the idea of a community center, and some support for adding a doorway to the Public Safety Training Room to allow it to again be used for community events. Councilor McAvoy said that the Ordinance that generated the contributions to this account over the years specified that the funds were eligible for use for recreation, and he didn't see a community center as eligible. Motion by Councilor Sirois to recommend that the Council authorize items 1 to 8 as presented in the meeting packet from the C/R account. Seconded by Councilor McAvoy. Mayor Ryder called for discussion, and Councilor Cormier said he's not sure the townspeople are ready for a community center or even if they want one. He suggested this issue would be appropriate for a referendum. Mayor Ryder said that without a set of plans we don't know what this would cost, or even if it would work on the Pool site. He emphasized that the work now is toward due*

diligence to understand if there's a feasible proposal and site. Details are not known because we're at the very beginning stages of exploring an idea. Councilor Marble said that the allocation of \$800 toward plans, as proposed tonight, would not bind the Council to any future action or presuppose an outcome. Councilor Cormier said that he felt that portion of the funds could be better spent. Councilor Wilde said that we need to figure out the feasibility, including size and scope, of any potential building in order to figure out if a referendum vote is warranted. The initial motion was approved 6-1 (Councilor Cormier opposed).

5. Public Comment – None.

6. Committee Member Comments – None.

There being no further business, the meeting was adjourned.

Respectfully submitted –
Angus Jennings
Town Manager



D-2-a

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: April 4, 2016

Public Hearing: Yes X No

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

NAME: Erickson's Hardware Peter Erickson
Business Name Individual

ADDRESS: 13 Main Rd North PHONE: 862-4444

MAP/LOT: 360-075 DATE: March 9, 2016

DEPARTMENT REPORT:

Ø ISSUES

DATE: 3/23/16

BY: [Signature]
Title: CEO

BY: [Signature]
Title: FIRE INSP.

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 3-8-16 PHONE NUMBER: 207862-4444

NAME(S): Erickson's Hardware

ADDRESS: 13 Marsh St. N. / mailing = 56 Pleasant St. Hampden

NAME OF BUSINESS: Erickson's Hardware

LOCATION OF BUSINESS: 13 Marsh St. N.

SIGNATURE: [Signature]

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

[Signature]

Code Enforcement Officer

[Signature]

Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

[Signature]

Tax Collector

[Signature]

Town Treasurer

Please return completed form to: **Town Clerk
Town of Hampden
106 Western Avenue
Hampden, ME 04444**

LICENSE FEE: **\$125.00** Date Received/Fee Paid: March 9, 2016 \$125.00
(Fee Includes Notice of Public Hearing)

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

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

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

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

Dated: March 7th, 2016 Municipal Officers Town of Hampden, Maine

/s/ David Ryder
/s/ [Signature]
/s/ [Signature]
/s/ [Signature]

/s/ Stephen Wilde
/s/ Mark Cormier
/s/ Terry MaAvoy

STATE OF MAINE
Penobscot County, ss

Date: March 7, 2016

Personally appeared before me the above-named David Ryder,
Stephen Wilde, Gregory Sirois,
Mark Cormier, Ivan McPike,
Terry MaAvoy, and Dennis Marble
and each acknowledged the foregoing instrument to be his/her free act and deed.

Cheryl M. Johnson
Notary Public/Attorney at Law

Cheryl M. Johnson
Notary Public • State Of Maine
My Commission Expires March 20, 2020

Date	Type	Description
3/30/2016	Verbal Communication	Conversation at Town Office <p>Mr. Butler came into the office around 1300 to pick up his Repair permit application. He stated that he was still believing that the shoring up of the foundation and removal of parts of the foundation was not a repair but took the application. He also requested a copy of the last letter that Jason and I sent him regarding the fence which I provided to him. When he was reading the letter he also stated that he took the chimney down yesterday for which I told him that a Permit should have been obtained for that removal. He said that he did not know he needed one. I told him that any change that is not cosmetic in nature for him to call the Code Office to check and see if a permit is needed. Mr. Butler took the application with him to complete it.</p> <p>~Myles</p>
3/30/2016	Phone Call	Mr. Butler's Returning Call <p>At 1214 Mr. Butler called back from the messages I left him. I advised Mr. Butler that the work that was observed at this residence would require a Building Permit for repairs as regulated by the Building Code. Mr. Butler stated that all he wanted to do was secure the building as he believed the council had said that he might do. I told Mr. Butler that it was my understanding that securing the building in this context was to prevent access to the building from the public. He stated that he didn't think of it that way. I also informed him that this was my interpretation of the council but that I cannot speak for them. Mr. Butler agreed to come in and pick up a Repair Permit Application and I said that I would have one waiting for him along with our repair permit submission requirements. Mr. Butler asked if cleaning up around the building and removing the furnace required a permit and I told him those did not. Mr. Butler stated that now he will probably put up a fence around the property and I told him that as long as the fence was 6 feet or less then a permit per the building code would not be required. At the end of the conversation he stated that he would be coming in for the permit application.</p> <p>~Myles</p>
3/30/2016	Phone Call	Attempt to Make Contact <p>Called at 0856 and attempted to make contact with Mr. Butler to provide him with information that the work he is doing does fall under the code as needing a permit. Mr. Butler was not in his office and left a message with one of his employees to have Mr. Butler call me in the Code Enforcement Office as soon as possible.</p> <p>~Myles</p>
3/29/2016	Phone Call	Follow up Phone Call <p>After speaking with Jason and the Town Manager it was agreed that Mr. Butler needs a permit for the repairs that he is currently doing on this project. If work continues then a Stop Work Order will be issued.</p> <p>Attempted to call Mr. Butler at this Business and the person who answered the phone stated that Mr. Butler was not there. I informed the person who answered who I was and that Mr. Butler needed to call me back ASAP and that it was very important. He stated that he would get the message to James.</p> <p>~Myles</p>
3/29/2016	Phone Call	Phone Call with James Butler <p>Received information that Mr. Butler was working on the property and jacking up the foundation.</p> <p>Called Mr. Butler and ask what was going on with the property. Mr. Butler stated that he was cleaning up around the property and "securing" the house by jacking the house up and putting cribbing underneath. I informed Mr. Butler that any repairs would require a permit under Section R105 of the Maine Building Code. He stated he was unaware that repairs needed a permit. I told him that structural repairs of this nature would require a permit and repeated Jason's instructions (from 11/30/16) that an engineered plan would need to be submitted to the Town. He stated that all he was doing was akin to, "the tire fell off the car and I am just jacking it up and then you figure out how to repair it." Mr. Butler stated that he would have an engineer come look at it after he "secured" the building. I stated that I would pass this on to Jason and that we would probably need to figure out if what he was doing</p>

Date	Type	Description
12/30/2015	Phone Call	Phone conversation with James Butler constituted a repair. I also stated that there is no way for him or us to know if what he was doing was structurally sound. Mr. Butler at the end stated that all he had done was remove some concrete from the foundation that was in the way and put some lumber and cribbing to hold the building. I again told him that he really should be doing this with an engineer but he stated that he needed to get this done before Monday. I told him that myself or Jason would follow up with him on this. ~Myles
11/30/2015	Phone Call	Phone Conversation with James Butler reference the property at 758 Main Rd North On December 30th at 1147 a.m, I spoke with James butler reference his property located at 758 Main Road North. James stated that he had still not completed the work to make the property safe. James stated that there was a lot going on in his life and that he was focusing on other things at this point. James stated that he was aware of the danger of the building and knew that it needed to be addressed but stated that he could not make the needed repairs to the building at this point and could not identify a time as to when the work would be completed. I expalined to Mr. Butler that I would speak with the Town Manger about this matter to determine which direction the town council wants to proceed with this matter. I advised Mr. Butler that either the Town Manager or myself would contact him by phone and in writing as to the direction the Town of Hampden wishes to move forward. I spoke with the Town Manager and he stated that we would proceed to Planning and Development Committee with this matter. The meeting will be held on 01/06/2016 at 1800.
11/30/2015	Inspection	NOT READY On Monday November 11, 2015 at 1608, I received a phone call from James Butler, owner of 758 Main Road North. Mr. Butler indicated that he has assessed the property damage at the above listed property and has realized that the repairs needed are more extensive than he initially anticipated. He stated that he was going to use a jack hammer to cut up pieces of the concrete foundation that have failed. He stated he would then remove the concrete, placing temporary cribbing. He stated that he would then place railroad ties as semi permanent cribbing until he is able to replace the foundation under the building. He explained that he should have the work done within a two week time frame but stated that it could take as long as 30 days. I advised him that I would follow up with him in two weeks to check on the status of the project. I asked Mr. Butler if he consulted with a structural engineer to assist him with a plan to stabilize the building. He stated that he did but did not indicate who the engineer was. I advised him that per our conversation in early November, he was to have a letter submitted to the Town of Hampden stamped by the enigineer outlining the scope of the work and approving the means to stabilize the building. Mr Butler stated that he would consult with the engineer again and assured that he would submit the stamped letter to the town as part of the remediation plan.

Date	Type	Description
		Butler stated that he would consult with the engineer again and assured that he would submit the stamped letter to the town as part of the remediation plan.
11/20/2015	Initial	Created Permit
10/8/2015	Verbal Communication	Spoke with James Butler reference a dangerous building at 758 Main Rd North

On October 8th 2015 I spoke with James Butler in his office about the property he owns at 758 Main Road North in Hampden. I advised James that we have received multiple complaints from people regarding the property. The concern was that the building would collapse or that the chimney would fall off the structure in to traffic on the heavily travelled Main Road North. James stated that he realized the status of the building and that he did not plan to stabilize the building in the near future.

I advised James that it was imperative that the building be stabilized or removed from the property as it is currently causing posing a risk to the public. James stated that he was going to have to think about it and that he needed to come up with a plan because he did not want to tear the building down. He said " I will fight the town every step of the way if they try to tear my building down".

After the meeting with Mr. Butler, I consulted with CEO Myles Block and PSD Joe Rogers as to their position on the above mentioned property. It was a consensus that the property posed risk to the public and passing motorist. A certified letter was sent to Mr Butler outlining that he was to put a fence around the property and to remove the chimney until the spring, in which time we would revisit the status of the building. We felt that this would give Mr. Butler time to properly stabilize the building. Mr. Butler stated that he was not going to put a fence up at the property.

Mr Butler asked if he could stabilize the building himself. I advised him that if he was to stabilize the building, it would need to be done under the direction and approval of a structural engineer. I told him that the engineer would have to provide a stamped letter indicating the scope of the work and that he approved the work to be completed. Mr Butler stated that he agreed and would be opting in for that option. He stated that he would call us to give us a timeline for the work to be completed.

Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444

Phone: 207-862-4000

Email: publicsafety@hampdenmaine.gov

<http://www.hampdenmaine.gov/>

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Police • Fire • EMS
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Local Health Office

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

Police

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

Fire

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

February 17, 2016

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

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

Mayor Ryder:

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

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

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

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

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

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Joel Small
Police Officer

Joseph D. Burke
Police Officer/MDEA

Benson G. Eyles
Police Officer

Shawn F. Devine
Police Officer

Marc Egan
Police Officer

William Miller
Police Officer

Jeffrey L. Rice
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Lieutenant/Paramedic

Matthew St. Pierre
Lieutenant/Paramedic

Myles Block
CEO/Paramedic

Jared LeBarnes
Building Inspector/Paramedic

Joseph Dunton
Paramedic/Chaplain

Matthew Thomas
FF/Paramedic

Shaun McNally
FF/Paramedic

Aaron Jellison
FF/Paramedic

Matthew Roope
FF/Paramedic

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

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

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

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

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

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

Respectfully Submitted,

Myles M. Block
Code Enforcement Officer

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DANGEROUS BUILDING 758 MAIN ROAD NORTH

ACTIVITY LOG

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

10/8/2015

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

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

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

*Dangerous Building
758 Main Road North
Lt. Jason Lundstrom
2/11/2016*



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11/11/2015

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

11/30/2015

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

12/30/2015

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

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

2/11/2016

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

Dangerous Building
758 Main Road North
Lt. Jason Lundstrom
2/11/2016



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

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Lt. Jason Lundstrom
2/11/2016*

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Code Enforcement Office Enforcement Action 16-129

Dangerous Building 758 Main Road North Photograph Descriptions

Photo 1

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

Photo 2

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

Photo 3

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

Photo 4

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

Photo 5

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

Photo 6

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

Photo 7

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

Photo 8

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

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Photo 9

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

Photo 10

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

Photo 11

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

Photo 12

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

Photo 13

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



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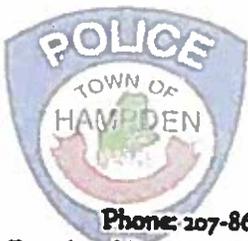
Dangerous Building 758 Main Road North

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Photo 3

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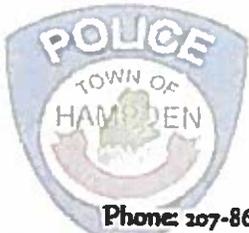
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Photo 4

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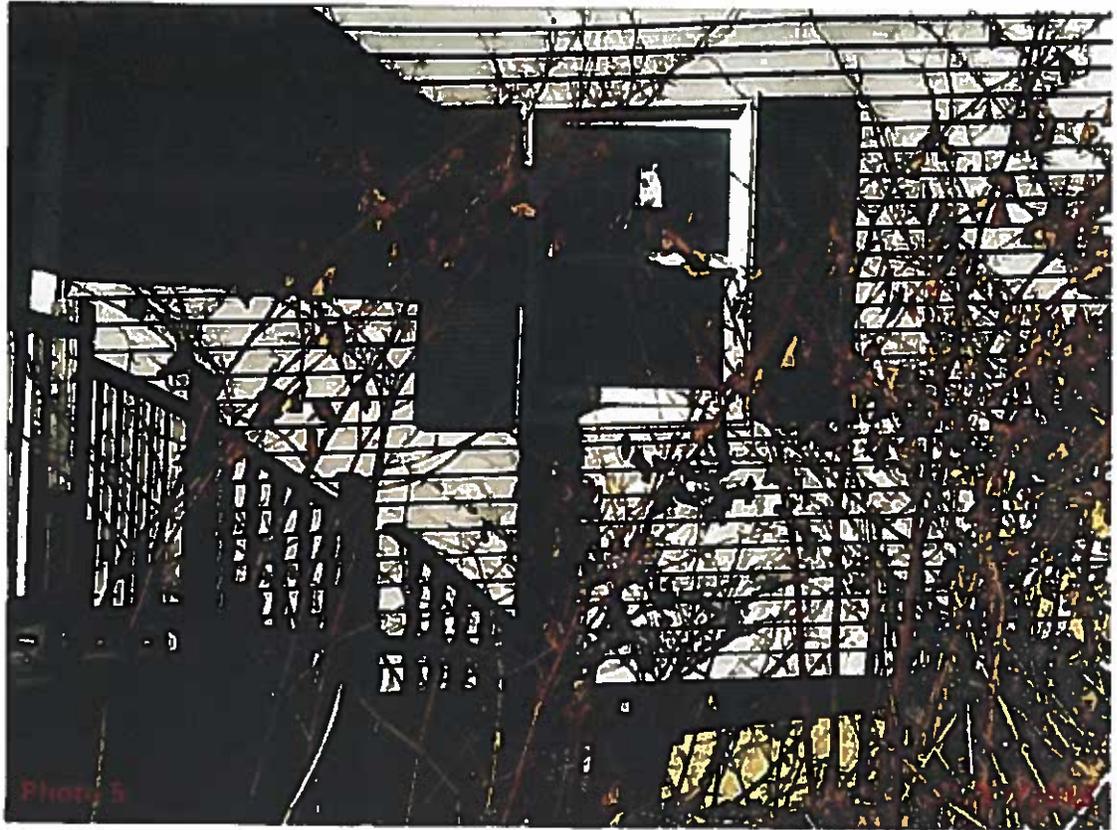
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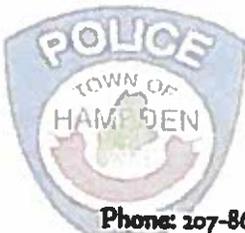
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Photo 5

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Photo 6

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





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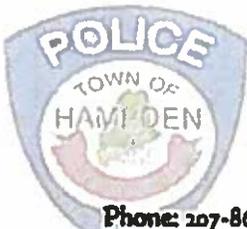
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Photo 8

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





Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444



Phone: 207-862-4000

Email: publicsafety@hampdenmaine.gov

<http://www.hampdenmaine.gov/>

<https://www.facebook.com/hampdenpublicsafety>

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

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

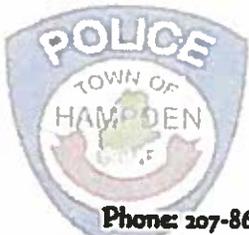
Police
T. Daniel Stewart
Sergeant/SRO
Scott A. Webber
Sergeant
Christian D. Bailey
Sergeant
Joel Small
Police Officer
Joseph D. Burke
Police Officer/MDEA
Benson G. Eyles
Police Officer
Shawn F. Devine
Police Officer
Marc Egan
Police Officer
William Miller
Police Officer
Jeffrey L. Rice
Police Officer

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

Photo 9

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





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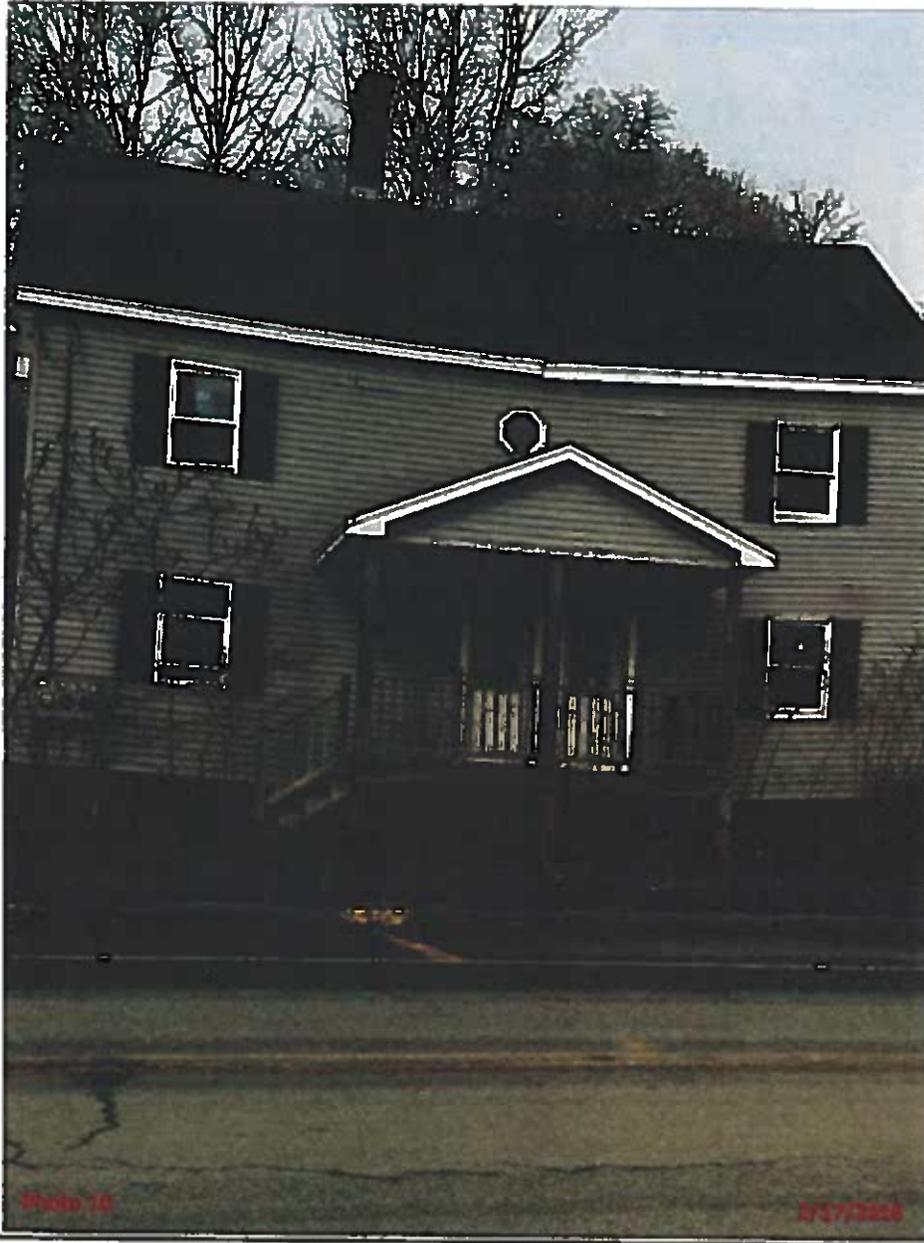
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Shaun McNally
FF/Paramedic
Aaron Jellison
FF/Paramedic
Matthew Roope
FF/Paramedic

Photo 10

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





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Shaun McNally
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Aaron Jellison
FF/Paramedic
Matthew Roope
FF/Paramedic

Photo 11

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





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Shaun McNally
FF/Paramedic
Aaron Jellison
FF/Paramedic
Matthew Roope
FF/Paramedic

Photo 12

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





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Aaron Jellison
FF/Paramedic
Matthew Roope
FF/Paramedic

Photo 13

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





Paula Scott <clerk@hampdenmaine.gov>

Fwd: Town Council meeting materials

1 message

Angus Jennings <townmanager@hampdenmaine.gov>

Tue, Mar 29, 2016 at 9:46 AM

To: james@butlersautobody.com

Cc: Paula Scott <clerk@hampdenmaine.gov>

Mr. Butler,

I'm re-forwarding, below, the materials that were included in the March 21 Council meeting packet and which will be carried forward for the April 4 hearing.

If you would like to put any materials into the Council packet we would need to receive them no later than this Thursday at 1 pm. The Town Clerk and I finalize the packet Thursday afternoon for circulation to the Council.

Let me know if you'd like to schedule a time to talk this week regarding the hearing.

Thanks,

Angus

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

From: Angus Jennings <townmanager@hampdenmaine.gov>

Date: Mon, Mar 21, 2016 at 3:35 PM

Subject: Town Council meeting materials

To: james@butlersautobody.com

The materials for tonight's public hearing are online as follows:

http://www.hampdenmaine.gov/vertical/sites/%7B1FCAF0C4-5C5E-476D-A92E-1BED5B1F9E05%7D/uploads/Council_Packet_3-21-2016.pdf

--

Angus Jennings

Town Manager

Town of Hampden

106 Western Avenue

Hampden, ME 04444

(207)-862-3034

townmanager@hampdenmaine.gov

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

--

Angus Jennings

Town Manager

Town of Hampden

106 Western Avenue

Hampden, ME 04444

(207)-862-3034

townmanager@hampdenmaine.gov

FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859 (DANGEROUS BUILDINGS)

TO: James W. Butler, Jr., 691 Main Road North, Hampden, Maine, 04444.

On March 21, 2016 at 7:00 pm. at the Town of Hampden Municipal Building, Town Council Chambers, the Municipal Officers of the Town of Hampden, Maine held a hearing to determine whether the building/structure owned by you and located on land owned by James W. Butler, Jr., described as **758 Main Road North, Hampden, Maine and shown on Map 21, Lot 008**, of the current Tax Maps of the City of Hampden, Maine on file at the Town of Hampden Municipal Building, Assessor's Department at 106 Western Avenue, Hampden, Maine, is a dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of said hearing was duly served on said owner and all parties in interest on March 10, 2016. The following persons were present and testified:

Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

Based on the foregoing findings, the Municipal Officers conclude that said building/structure is dangerous or a nuisance because (specify applicable conditions as described in 17 M.R.S.A. § 2851):

THEREFORE, pursuant to 17 M.R.S.A. § 2851, you are hereby OREDERED to (specific action): _____

Said abatement to be completed within _____ days of service of this Order. This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake said abatement at municipal expense and recover all such expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: March __, 2016 Municipal Officers, Town of Hampden, Maine.

/s/ _____
David Ryder

/s/ _____
Stephen Wilde

/s/ _____
Gregory Sirois

/s/ _____
Mark Cormier

/s/ _____
Ivan McPike

/s/ _____
Terry McAvoy

/s/ _____
Dennis Marble

STATE OF MAINE
PENOBSCOT, ss.

March __, 2016

Personally appeared before me the above-named David Ryder, Stephen Wilde, Gregory Sirois, Mark Cormier, Ivan McPike, Terry McAvoy and Dennis Marble and each acknowledged the foregoing instrument to be his/her free act and deed.

Notary Public

D-2-C

TOWN OF HAMPDEN

PUBLIC NOTICE

Clerk's Certification of Official Text of a Proposed Ordinance Amendment

I, Paula A. Scott, Town Clerk of the Town of Hampden do hereby certify that the document to which I have affixed this certificate is a true copy of the proposed text amendment to an official ordinance entitled:

"Town of Hampden, Maine Zoning Ordinance"

Said ordinance amendment is to be presented at Public Hearing for council consideration on April 4, 2016 at 8:00 p.m. at the Hampden Town office located at 106 Western Avenue.

Dated: March 22, 2016



Town Clerk

TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains

Proposed Amendments to the ZONING ORDINANCE

Deletions are ~~Strikethrough~~ Additions Double Underlined

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

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

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

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

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

1. Subtract fifteen (15%) percent of the gross acreage of the tract (for streets) to obtain the net acreage of the tract.
2. Determine the maximum number of dwelling units allowed in the district in which the cluster is being proposed based on the net acreage of the parcel. The maximum number of dwelling units is determined by reference to *Article 3*. In the rural district the maximum number of dwelling units shall be based on three (3) dwelling units for two (2) acres of land.
3. The gross acreage of the tract shall include only land that is not encumbered with easements or other restrictions which prevent the full use of the area. Open space, set aside as required under 4.6.5, which is not otherwise encumbered with easements or restrictions, shall be considered part of the gross acreage of the tract.
4. An example for the Rural District of the calculation necessary to determine the maximum number of dwelling units is as follows: Parcel size: 20 acres (less) - 15% for streets - net acreage 17 acres. 17 acres (divided by 2 acres per lot) = 8.5 lots + 3 units per lot = 25.5 or 26 units, 2 acre lots. These twenty-six (26) units can be either one, two, three, or four unit buildings.

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

TOWN OF HAMPDEN

PUBLIC NOTICE

Clerk's Certification of Official Text of a Proposed Ordinance Amendment

I, Paula A. Scott, Town Clerk of the Town of Hampden do hereby certify that the document to which I have affixed this certificate is a true copy of the proposed text amendment to an official ordinance entitled:

"Town of Hampden, Maine Subdivision Ordinance"

Said ordinance amendment is to be presented at Public Hearing for council consideration on April 4, 2016 at 8:00 p.m. at the Hampden Town office located at 106 Western Avenue.

Dated: March 22, 2016



Town Clerk

The Town of Hampden Hereby Ordains

Proposed Amendments to the SUBDIVISION ORDINANCE

Deletions are ~~Strikethrough~~ Additions Double Underlined

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

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

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

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

~~Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. No fee in lieu of open space is required for subdivisions that satisfy this exception. The intent of this exception is to avoid creating very small open spaces that do not serve the interests of the subdivision or the Town while maintaining the densities that the ordinances contemplate. This exception shall also apply to further division of lots in previously approved subdivisions. Amended 7-14-2014, Effective Date 8-13-2014~~

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

~~1. Where the open space requirement is in excess of ten (10%) percent of the land to be subdivided, the subdivider may elect to provide land identified in the Open Space and Recreation Plan, if one exists. Where off site open space is proposed, the following standards apply:~~

~~A. Ten (10%) percent shall be provided within the subdivision.~~

~~B. The off site open space shall be within one (1) mile of the subdivision.~~

~~C. The off site open space shall have been previously designated in the Open Space and Recreation Plan.~~

~~D. The subdivider shall provide proper right, title or interest to the off site land.~~

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

~~1. At the time of Final Plan submission, the subdivider shall contribute to the Town of Hampden \$400/lot, \$200/unit or \$200/acre, whichever is greatest.~~

~~2. All monies placed in this fund shall be used for the purchase or development of open space or recreation land.~~

~~3. Land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision. (Amended: 06-03-91)~~

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

~~1. Retain ownership and responsibility for maintenance of such land; or~~

~~2. Dedicate such land to public use if the town or another public agency has indicated it will accept such dedication. If the subdivider proposed that the town accept the land, the subdivider must provide the planning board, as part of the final plan, with a copy of the minutes of the meeting of the Town Council, attested by the town clerk, in which the Town Council agreed to accept such land; or~~

~~3. Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:~~

~~A. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.~~

~~B. Membership in the organization is mandatory for all purchasers of units therein and their successors.~~

~~C. The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for insurance and taxes on common open space and property.~~

~~D. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with written procedures established by them. (Amended: 09-21-87, 06-03-91)~~

D-3-a



Memorandum

TO: Town Council
FROM: Paula Scott, Town Clerk
DATE: March 31, 2016
RE: Appointment of Election Clerks

All biennial nominees for Election Clerks for State and Federal Elections (Title 21-A) must be presented to the Municipal Officers by the beginning of April, and all such nominees must be appointed by the Municipal Officers no later than May 1st of that same year.

The following represents the list of election clerks to be appointed, pursuant to Title 21-A, § 503(1).

LAST NAME	FIRST	PARTY	DISTRICT
Audet	Brenda	D	1
Bartlett	Phyllis	D	3
Bowen	Frances	R	1
Camuso	Jean	D	3
Carter	Katherine	D	3
Carter	Lisa	R	5
Carter	Scott	R	4
Cole	Clare	D	2
Dunton	Trudy	U	3
Earl	Steven	D	2
Edgerly	Judy	D	3
Ewing	Tammy	R	2
Gadoury	Lisa	D	1
Gresser	Vivian	R	1
Hall	Susan	U	4
Hickson	Betty	D	1
Holt	Norine	R	2
Hopkins	Carolyn	D	2
Jordon (Nesbit)	Melinda	R	2
Kelley	Lisa	R	3
King	Kathryn	D	3
Lippincott	Dorothy	D	2
Lippincott	William	D	2
Lozito	Debora	D	3
Mock	Suzanne	R	2
Palmer	Susan	R	Moved to Bangor, but still permissible to count as she
Patterson	Deanna	R	2 remains in Penobscot County
Philbrick	Bernard	R	4
Philbrick	Cynthia	R	4
Plowman	Debra	R	4
Sass	Jenny	D	Moved to Newburgh, but still permissible to count as
Seekins	Jennie	R	2 she remains in Penobscot County
Starbird	Susan	R	2
Walker	Kathy	D	2

D-4-a

*Town of Hampden Maine
Sewer Ordinance*

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
SEWER ORDINANCE**

ADOPTED by Hampden Town Council, December 5, 2011
Effective Date: January 4, 2012

AMENDED: Hampden Town Council [DATE], 2016
Effective: [DATE], 2016

CERTIFIED BY: Paula Scott
Name

Town Clerk
Title Affix Seal

TOWN OF HAMPDEN, MAINE
SEWER ORDINANCE

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Preamble

An Ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Hampden, County of Penobscot, State of Maine.

**ARTICLE 1
GENERAL ADMINISTRATION**

Section 1.1. Definitions. As used in this Ordinance, "shall" is mandatory and "may" is permissive. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance will be as follows:

ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY: The Maine Department of Environmental Protection.

ASTM: American Society for Testing and Materials.

AUTHORIZED REPRESENTATIVE OF THE USER:

(1) If the user is a corporation:

(a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policymaking or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(3) If the user is a federal, state or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.

(4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Town.

BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 6.3. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter, (mg/l).

BUILDER: Any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

BUILDING DRAIN: The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside a building and conveys it to the building sewer beginning eight (8) feet outside of the building wall.

BUILDING SEWER: The extension from the building drain to the point of connection to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in Title 40 of the Code of Federal Regulations, Chapter 1, Subchapter N, Parts 405 through 471.

CATEGORICAL USER: Any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR 403 and 40 CFR 405 through 471 or who is otherwise subject to United States Environmental Protection Agency pretreatment requirements as a categorical user.

CITY: The City of Bangor, Maine.

CITY ENGINEER: The City official appointed and designated by the City Manager as the City Engineer for the City of Bangor.

CODE ENFORCEMENT OFFICER: The individual(s) retained or designated by the Manager to enforce provisions of this ordinance. For purposes of this Ordinance, the Local Plumbing Inspector shall act under the authority and direction of the Code Enforcement Officer.

COLOR: The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTRACTOR: Any person, firm, or corporation approved by the Town Council to do work in the Town of Hampden.

DAILY MAXIMUM LIMIT: The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DEP: Maine Department of Environmental Protection.

DEVELOPER: Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

DISCHARGE: Any substance knowingly put or allowed to flow into any part of the Town's POTW.

DISCHARGER: All industrial users, including categorical users and significant industrial users as defined in this section. "Discharger" also refers to any nonindustrial user of the Town's POTW which discharges wastewater into the POTW.

DOMESTIC SEWAGE: Water and water-carried wastes and sewage normally discharged into the

sanitary sewers from dwellings, including single-family homes, multifamily homes and hotels, and from office buildings, factories and institutions, but not including stormwater drainage or surface water drainage and not including industrial wastes as defined in this section.

ENVIRONMENTAL PROTECTION AGENCY: The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXCESSIVE LOADING: Any discharge resulting in a BOD or TSS loading in excess of 350 mg/l or a loading of fats, oils or greases of animal or vegetable origin or oil and grease or other petroleum or mineral oil products in excess of 140 mg/l. Where a correlation is established between BOD and COD or TOC, a discharge in excess of the equivalent COD or TOC loading shall constitute excessive loading.

EXISTING SOURCE: Any source of discharge the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB SAMPLE: A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

HAZARDOUS WASTE: A hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection regulations Chapter 850

HIGH-STRENGTH CONVENTIONAL WASTE: Any nonindustrial waste of a substantially greater density, toxicity or acidity than normal domestic sewage, including all wastes likely to cause excessive loading as defined in this section.

INDIRECT DISCHARGE or DISCHARGE: The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

INDUSTRIAL USER or USER: A source of indirect discharge. This term covers discharges from any source, including agriculture, forestry, fishing, mining, manufacturing, transportation, communication, electrical, gas and sanitary services and other industrial services discharging into the POTW any industrial waste or discharging into the POTW any waste other than domestic sewage as defined in this section. This term may also apply to any other source of pollutant which adversely affects the POTW.

INDUSTRIAL WASTES: All water, water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these fluids and domestic sewage or any mixture of these fluids with any other water or with any other liquid.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration or loading of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE: A discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the Town's POTW, treatment processes or operations or its sludge processes, use or disposal; and

(2) Which thus contributes to cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sludge use or disposal in compliance with statutory provisions and regulations or permits issued under Section 405 of

the Clean Water Act, RCRA, the Clean Air Act, SWDA, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act and any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of RCRA.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MEPDES): Permit program of the Maine Department of Environmental Protection.

MANAGER: The term Manager shall have the same meaning as Town Manager.

MASS-BASED LIMITATIONS: Users implementing process changes, including best management practices, may request permit discharge limitations be based on mass limitations in lieu of concentration-based limitations. The intent of mass-based limitations is to encourage and allow best management practices, pollution prevention and/or water conservation measures that may result in increased pollutant concentrations while not increasing actual mass of pollutant discharged. Mass-based limitations shall be calculated from current, pollutant-specific concentration and user discharge flow. Mass-based limitations shall not exceed the previous mass of specific pollutant discharged (prior to the implementation of process changes or best management practices) based on the historic performance of that user. Decisions on granting requests for mass-based limitations will be based on user-specific information and current operating conditions of the POTW and will be at the discretion of the Town. Implementation of mass-based limitations shall not contravene any requirements or limitations of federal or state law and/or regulations implemented thereunder and may not waive applicable categorical pretreatment standards.

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MILLIGRAMS PER LITER: A weight to volume ratio. The figure appearing before the symbol "mg/l" shall be the number of milligrams to be found in one liter of the substance being tested. This figure can be transposed to pounds per million gallons of water by multiplying said figure by 8.34.

NATURAL OUTLET: Any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

NEW SOURCE:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section of the Act, provided that:

- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1.1(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this section has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment or significant site preparation work,

including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in his or her operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

NORMAL DOMESTIC SEWAGE: Sewage in which the average concentration of TSS does not exceed 250 mg/l and in which the five-day BOD does not exceed 250 mg/l and fats, oils or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products do not exceed 100 mg/l.

NPDES: The National Pollutant Discharge Elimination System permit program of the EPA.

OWNER: Any individual, firm, company, association, society, or group having title to real property.

PASS-THROUGH: Any discharge from the Town's POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

PERSON: Any individual, partnership, firm, company, association, society, corporation, group, joint-stock company, trust, estate, governmental entity or any other legal entity of whatever relationship or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH: The logarithm (base 10) of the reciprocal of the hydrogen ions concentration expressed in moles per liter. pH shall be determined by standard methods as defined in this section.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, pretreatment by-products, munitions, wastewater, medical wastes, chemical wastes, biological materials, metals, oil and grease, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and other waste or material that alters or adversely affects the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, TTO, TOC or odor).

PREMISES: Any building or lot under individual ownership or individual use where water service is metered independently or that discharges wastewater to the POTW.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

PRETREATMENT PROGRAM COORDINATOR: The Town's designated individual responsible for supervision of the Town's wastewater pretreatment program.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARD or STANDARDS: Prohibited discharge standards, categorical pretreatment standards and local limits.

PRIVATELY OWNED SEWER EXTENSION: An extension of the public sewer where ownership and

maintenance is retained by the developer or property owner.

PRIVATE SUBSURFACE DISPOSAL SYSTEM: A disposal system generally consisting of a subsurface storage tank and leaching field most commonly used in residential housing.

PROHIBITED DISCHARGE STANDARD or PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Article 6 of this Ordinance.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food or produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PROPERTY LINE: The property boundary line if the building sewer is to connect with the public sewer in a public street, or the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City/Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater of a liquid nature and any conveyances which convey wastewater to a treatment plant. Depending on the context, POTW may include the collection, transport and treatment facilities of the City of Bangor that handle wastewater from the Town's POTW.

PUBLIC SEWER: A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

PUBLIC WORKS DIRECTOR: The individual retained or designated by the Manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEPTIC TANK WASTE: Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface, and storm water that may be present.

SEWER: A pipe or conduit for carrying sewage.

SEWER EXTENSION: The connection of any public or private sewer to the existing sewer system, except as required under Section 5.1 of this Ordinance.

SIGNIFICANT INDUSTRIAL USER:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or

(c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the

Town may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE: Includes the following:

(1) Chronic violations of wastewater discharge limits, defined here as those violations in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 1.1;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limit, as defined in Section 1.1, multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by Section 1.1 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town or Pretreatment Program Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined in this section;

(4) Any discharge of a pollutant that has caused an imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's or City's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B);

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report any noncompliance with permit requirements; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

SLUDGE: A by-product of the primary and secondary treatment processes of the POTW, also known as "biosolids." This term does not include by-products resulting from the pretreatment of industrial wastes.

SLUG or SLUG LOAD: Any discharge at a flow rate or concentration which could cause a violation of the general prohibitions of Section 6.3.1 and the specific prohibitions of Section 6.3.2 of this Ordinance. A "slug discharge" is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW's regulations, local limits or permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION CODE: A classification pursuant to the Standard Industrial Classification Manual issued from time to time by the United States Office of Management and Budget.

STANDARD METHODS: Testing methods and techniques prescribed in 40 CFR Part 136 or, if not found therein, other appropriate procedures approved by the EPA..

STATE PLUMBING CODE: The latest edition of the State of Maine Plumbing Code.

STORM SEWER OR STORM DITCH: A pipe or conduit which carries storm, surface waters and drainage but excludes sewage and industrial wastes.

STORMWATER: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

SUPERINTENDENT: The Wastewater Treatment Plant Superintendent of the City of Bangor POTW or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with Standard Methods.

TOTAL TOXIC ORGANICS: The summation of all quantifiable values greater than 0.01 mg/l for the toxic organics listed at 40 CFR 413.02(i).

TOWN: The Town of Hampden, Maine.

TOWN MANAGER: The Town Manager of Hampden or the individual designated by the Town Council to perform this function, or the authorized deputy, agent, or representative of this individual which shall include but not be limited to the Code Enforcement Officer, Public Works Director, POTW Superintendent, City Engineer, etc.

TOWN COUNCIL: The duly elected Town Council of the Town of Hampden, Maine, or its authorized representative.

TOXIC POLLUTANT: One of 126 pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307 (33 U.S.C. § 1317) of the Act. This term also includes any pollutants that may be added to this promulgated list by amendment.

TREATMENT PLANT EFFLUENT: The discharge from the POTW into waters of the United States.

TREATMENT PLANT INFLUENT: The wastewater in the POTW which is presented for treatment at the City's wastewater plant.

UPSET: An exceptional incident in which a discharger is in a state of noncompliance with the categorical pretreatment standards due to factors beyond the reasonable control of the discharger. This term excludes noncompliance due to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation of the treatment facilities or other similar reason.

WASTEWATER: Liquid and water-carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER PLANT: Any facility owned by the City and used for receiving and treating wastewater.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

Subsection 1.1.1 Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing and Materials
BOD	Biochemical oxygen demand
BMP	Best management practices

CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Maine Department of Environmental Protection
EPA	United States Environmental Protection Agency
Gpd	Gallons per day
L	Liter
MEPDES	Maine Pollutant Discharge Elimination System
Mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation(s) and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification Code
SWDA	Solid Waste Disposal Act
TOC	Total organic carbon
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C.	United States Code
WEF	Water Environment Federation

Section 1.2. Powers and Authority of Inspectors: The Town Manager or his/her designee, shall administer, implement and enforce the provisions of this Ordinance. The appointed designee, including but not limited to Hampden Code Enforcement Officer, Public Works Director, and Superintendent of the POTW or their designee, shall be permitted to enter upon all properties for the purpose of inspection, observation, enforcement and measurement sampling and testing in accordance with the provisions of this Ordinance.

Section 1.3. Repeal of Prior Ordinances: The Sewer Ordinance enacted on June 19, 1978, as amended, shall stand repealed as of the effective date of this Ordinance. The enactment of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the Ordinance repealed hereby.

Section 1.4. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are in conflict with any other rule, regulation, or ordinance, that imposing the most restrictive or higher standard shall govern.

Section 1.5. Severability: In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 1.6 Effective Date: Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after its adoption by the Town Council.

ARTICLE 2 USE OF PUBLIC SEWERS REQUIRED

Section 2.1. Discharges: It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with federal, state or local laws.

Section 2.2. Discharges to Land: It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town or to any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. This section shall exclude normal agricultural practices.

Section 2.3. Private Sewers: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of sewage.

Section 2.4. Connection of Plumbing Facilities to Public Sewers: The owner of any house, structure, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, is hereby required, at owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities to the public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is located opposite any portion of the frontage of the property to be served by said sewer.

Section 2.5. Waivers from Connecting to Public Sewer: The Town Council may waive the requirement to connect to the public sewer under certain circumstances. Waivers may be obtained where 1) unusual circumstances exist due to the presence of ledge, incompatible elevations, and financial hardship. 2) excavation of a public highway is prohibited by State law or regulation. 3) a new subsurface wastewater disposal system had been installed within the previous five (5) year period. The Town Council may impose conditions on waivers as they see necessary to carry out the intent of this ordinance. All waivers granted by the Town Council shall be recorded at the Penobscot Registry of Deeds.

ARTICLE 3 PRIVATE SEWAGE DISPOSAL

Section 3.1. Unavailability of Public Sewers: Where a public sanitary sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private subsurface disposal system complying with the provisions of this Article and the State Plumbing Code.

Section 3.2. Construction of Private Subsurface Disposal Systems: Construction of private subsurface disposal systems shall comply in all respects with requirements of the State Plumbing Code. Before commencement of construction of a private subsurface disposal system, the owner shall first obtain a permit from the Town. The application for such permit shall be made on a form furnished by the Division of Health Engineering, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town.

A use permit for a private subsurface disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town when the work is ready for final inspection, and before any underground portions are covered.

No additional private subsurface disposal system serving more than one private residence or commercial establishment shall be connected to, nor in any way discharge to, any portion of the Town's POTW, except as provided in Article 5.

Whereas maintenance of the POTW in compliance with Federal and State pollution abatement legislation is essential to the public good; no existing private sewers discharge to the POTW shall be increased in extent or flow, and upon issuance of written notice by the Town Manager, all existing private sewers shall be maintained in full compliance with construction and infiltration standards of this Ordinance, at no expense to the Town.

Failure to maintain an existing private sewer in compliance with this Ordinance within 90 days of issuance of written notice shall be adequate cause for the Town to cease accepting discharge from the private sewer into the sewage works and to take such action as necessary, including plugging of the private sewer at the point of connection to the sewage works, as necessary to protect the public interest.

Section 3.3. Division of Health Engineering State Department of Health Recommendations: The type, capacities, location, and layout of a private subsurface disposal system shall comply with all requirements of the Division of Health Engineering, State of Maine.

Section 3.4. Conversion to Public Sewer: At such time as a public sewer system becomes available to a property served by a private sewer system, as provided in Section 2.4, connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material. Septic tanks, cesspools or similar private sewage disposal facilities shall be suitably cleaned and septage disposed of in accordance with current State and Federal regulations. Tanks and similar structures shall be removed or broken and filled with minus 4" compacted well-graded granular material.

Section 3.5. Additional Requirements: No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

Section 3.6. Septage Disposal: Septic tank waste and hauled industrial waste may be introduced into the POTW only at the designated receiving structure of the POTW and at such times as are established by the Town. Such wastes shall not violate Section 6.3 of this Ordinance or any other requirements established or adopted by the Town. Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Town.

The Town may issue wastewater discharge permits to original sources of hauled industrial waste. The Town shall also have the authority to prohibit the disposal of hauled industrial wastes.

Waste haulers may only discharge loads at locations specifically designated by the Town. No load may be discharged without prior consent of the Town. The Town may collect samples of each hauled load to ensure compliance with this Ordinance. The Town may require the hauler to provide a waste analysis of any load prior to discharge.

Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste and volume and characteristics of waste. In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected constituents and whether any wastes are RCRA hazardous wastes.

Waste haulers must dispose of hauled wastewater at the designated receiving structure only during such days and times as designated by the Town. Waste haulers using trucks having a volume gauge or sight glass will be charged at the applicable rate per 1,000 gallons of wastewater discharged. Trucks lacking such a volumetric measuring device or other means satisfactory to the Town to measure the volume of wastewater discharged will be presumed full and will be charged accordingly.

Any person who discharges hauled wastewater at any other location in the Town or at the designated receiving structure at other than the times allowed shall be subject to applicable civil and criminal penalties, including those prescribed at 30-A M.R.S.A. § 4452 and 38 M.R.S.A. §§ 349 and 1319-T.

A suitable odor-control chemical approved by the Town shall be introduced to the hauled wastewater prior to its transportation to the designated receiving structure. Sufficient quantities of such chemical shall be used by the waste hauler to adequately control odors emanating from the hauled wastewater.

If at any time, in the opinion of the Town, the discharge of hauled wastewater is placing an excessive burden on the POTW's treatment process or is otherwise causing a nuisance, the Town can refuse to accept such wastewater for treatment in the POTW.

ARTICLE 4 BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS

Section 4.1. State Plumbing Code: The provisions of this article shall be deemed to supplement provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In event of conflicts between this article and the state plumbing code, the provisions of this article shall be deemed to apply. Permits and fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.

Section 4.2. Connection to Public Sewers: No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written Street Opening/Utility Connection permit from the Town Manager. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town at least 45 days prior to the proposed change or connection and pay applicable sewer connection fees.

4.2.1. Street Opening/Utility Connection Permit: Said Permit shall specify whether the connection is for residential or commercial service or for service to establishments producing or handling industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be accompanied by any plans, specifications, or other information required in accordance with the provisions in the Street Opening/Utility Connection Ordinance. The fee for the Street Opening/Utility connection permit is established in the Town of Hampden Fees Ordinance.

4.2.2. Except on an emergency basis to serve existing structures only (e.g. following a failure of an existing private septic system), no street opening/utility connection permit shall be issued authorizing connection to any public or private sewer line or sewer extension which is found by the Town to be inadequate, by reason of its design, condition or lack of hydraulic capacity, to accommodate the additional volume or flow or types of wastes to be discharged from the premises concerned; or which by reason of its design, condition or hydraulic capacity, causes or materially contributes to upsets, surcharges, slug loads or untreated outfalls at any downstream or other location. All permits issued on an emergency basis under this subsection shall bear the designation of "emergency permit" and shall be subject to annual review by the Public Works Director and/or the Town Manager. Any emergency permit shall be deemed terminated upon correction of the condition that led to its issuance.

4.2.3. Except for the purpose of correcting the violation concerned, no new street opening/utility connection permit shall be issued to any person who has been cited by the Public Works

Director or the Town Manager for violations of this ordinance if such violation remains uncorrected at the time of application.

4.2.4.4. Backwater Valves Required: To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to public sewers and shall also be required when existing sewer services are excavated.

1. **Material.** All bearing parts of backwater valves shall be of corrosion-resistant material. Backwater valves shall comply with ASME A112.14.1, CSA B181.1 or CSA B181.2.
2. **Seal.** Backwater valves shall be so constructed as to provide a mechanical seal against backflow.
3. **Diameter.** Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.
4. **Access.** Backwater valves shall be installed so that access is provided to the working parts for service and repair.

Section 4.3. Permits and Connection Inspection Fees: There shall be two (2) classes of building sewer connection permits/fees:

1. ~~for~~ residential service, and
2. ~~for~~ commercial, industrial, and other nonresidential service.

In either case, the owner or owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the Town. A permit and inspection fee at the rate prevailing at the date of application shall be paid to the Town at the time an application is filed. The Town Council shall fix a permit and inspection fee for each commercial, industrial, or other non-residential building, after recommendation of the Town Manager based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a residential structure. The permit (or sewer connection fee) is calculated based on a form (Sewer Connection Fee Worksheet) provided by the Town. No sewer connection fee will be required for repair of an existing sewer service, although a Street Opening/Utility Connection Permit will be required as applicable.

Section 4.4. Shared Building Sewers: A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Separate clean outs shall be provided for both buildings. Existing building sewers may be used in connection with new buildings only when they are demonstrated by examination to be in full conformance with all requirements of this ordinance.

Section 4.5. Quality and Weight of Materials: The building sewer shall be cast iron soil pipe, PVC pipe or other suitable materials approved by the Town and meeting current State Plumbing Code. The quality and weight of materials shall conform to the specifications of the State Plumbing Code. All joints shall be gastight and watertight. Where the building sewer is exposed to damage by tree roots or is installed in filled or unstable ground, the Town shall have the authority to stipulate such special pipe materials or installation provisions as it deems necessary for the circumstances. Testing of the building sewer installation shall be done at no cost to the Town, in the presence of the Town Representative and using a Town approved method.

Section 4.6. Size and Slope of Sewer: The size and slope of the building sewer shall be regulated by the State Plumbing Code, but in no event shall the diameter be less than 4 inches. The slope of a 4 inch pipe shall not be less than one-quarter inch per foot. The slope of a six-inch pipe shall not be less than one-eighth inch per foot.

Section 4.7. Elevation and Location of Sewer: Whenever possible, the building sewer shall be

brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. If frost protection depth of (5ft. min) is not attainable due to ledge or other circumstances, rigid styrofoam insulation may be used at the rate of 1 inch per 12 inches of soil depth required. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved pipe and fittings.

Section 4.8. Building Drains: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Section 4.9. Excavations and Backfilling: All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Town. Refer to Section VI of the Street Opening/Utility Connection Ordinance for additional requirements.

Section 4.10. Joints and Connections:

4.10.1. Cast Iron Pipe: Cast iron pipe joints shall be of the push-on type and conform to ASTM 0564-70 (Rubber Gaskets) and ANSI (A21.11). Fittings shall be of the type specifically manufactured for the cast iron pipe used. Cast iron pipe, joints, and fittings shall be cement lined and double asphalt coated inside and bituminous coated outside. Lubricants shall be suitable for lubricating the gasket to facilitate assembly of the pipe joint. The lubricant shall be non-toxic, shall not support the growth of bacteria and shall have no deteriorating affects on the gasket material.

4.10.2. Plastic Pipe:

4.10.2.1. ABS pipe fittings and connection shall conform to ASTM (D1527) for Schedule 40, 80, 120 or ASTM (2661) for DMV Schedule 40.

4.10.2.2. Schedule 40 PVC fittings and connections shall conform to ASTM (D2665) for DMV Schedule 40 or ASTM (D1785) for Schedule 40, 80, 120 PVC. Fittings and connections shall be installed in accordance with the manufacturer's written instructions.

4.10.2.3. SDR 35 pipe fittings and accessories shall be as manufactured and furnished by the pipe supplier or approved equal and have a bell and/or spigot configuration compatible with SDR 35 PVC. Joints shall meet the requirements of ASTM (D3212) "Joints for Drain and Sewer Plastic Pipe Using Elastomeric Seals".

4.10.3. Joints: All Joints shall be sealed with gaskets of rubber, or other approved elastomeric material, as provided by the manufacturer of the pipe being installed. Joints shall be made up in conformance with the manufacturer's written installation instructions. Copies of the installation instructions shall be submitted to the Town a minimum of one week prior to the construction.

4.10.4. Alternate Materials and Methods: Alternate jointing materials and methods may be used only if of standard manufacture for the pipe and fittings being installed and submitted for approval to the Town.

Section 4.11. Connections: Connections of a building sewer into a public sewer shall be made, at a location determined by the Town.

4.11.1. Connections at Manholes: Tapping of pre-cast manholes shall be done with core drill or other approved method. A flexible pipe to manhole connector shall be employed in the connection of service lines to pre-cast manholes. The connector shall be the sole element relied on to assure a flexible watertight seal of the pipe to the manhole. No adhesives or lubricants shall be employed in the installation of the connector into the manhole. The rubber for the connector shall comply with

ASTM C443 and ASTM C923 and consist of EPDM and elastomer designed to be resistant to ozone, weather elements, chemicals, including acids, alkalis, animal and vegetable fats, oils and petroleum products from spills.

All stainless steel elements of the connector shall be totally non-magnetic Series 304 Stainless, excluding the worm screw for tightening the steel band around the pipe which shall be Series 305 Stainless. The worm screw for tightening the steel band shall be torqued by a break-away torque wrench available from the pre-cast manhole supplier, and set 60 - 70 inch/lbs.

The connector shall be installed in the manhole wall by activating the expanding mechanism in strict accordance with the recommendation of the connector manufacturer.

The connector shall be of a size specifically designed for the pipe material and size being utilized on the project.

The contractor shall furnish evidence that materials meet or exceed the requirements given in ASTM Specification C923-84, which covers rubber seals used in concrete sewer pipe and culvert Joints.

	PHYSICAL PROPERTIES	ASTM C-023	ACTUAL
I.	Chemical Resistance		
	1 N Sulfuric Acid	No weight loss	No weight loss
	1 N Hydrochloric Acid	No weight loss	No weight loss
II.	Tensile, psi, min	1,200 psi	1,550 psi
	Elongation at break	350% min	450% min
	Hardness	+ 5 from the manufacturer's specified hardness	44 + 5
III.	Accelerated Oven Aging: 96 hrs @ 158°F		
	Tensile Change, % max	15	10.4
	Elongation Change, % max	20	14.0
IV.	Comp.Set, % max	25	19.6
V.	Water Absorption: 48 hrs @158°F Weight increase, % max	10	3.5
VI.	Ozone Resistance 120 Hrs @ 100° + 02°F	0	0
VII.	Low-temperature brittle point Fracture @ -40°C	None	None
VIII.	Tear Resistance	200 lbf/in	200 lbf/in

On completion of the installation, the Contractor shall patch all cracks, gaps or other damage to the manhole with non-shrink epoxy grout or other approved material. Following installation the contractor shall pneumatically test the service per Article 5 - Section 5.4.2 of this Ordinance.

4.11.2. Connections at Wye Branches: When connecting a 4 or 6 inch building sewer to a public sewer, an inline wye branch fitting or tapped gasketed saddle connection shall be used. The fitting shall be of the proper design for the public sewer pipe materials. Any building sewer greater than 6 inch diameter shall be connected to the public sewer at a manhole. If a manhole is not available within the project limits, the developer and/or owner shall install one at a location determined by the Town.

The tap shall be made with a hole saw and all rough edges sanded smooth. The tap location shall be centered horizontally on the pipe spring line. The service shall extend horizontally from the public sewer a distance not less than 2 feet.

The wye-saddle gasket shall be rubber or elastomeric material of section designed to effect a water

tight seal without transfer of significant stress to the sewer pipe. The wye-saddle shall be securely clamped in place with a minimum of two each 3/4 inch wide, Type 304 stainless steel bonds.

4.11.3. Service Marker: Electronic markers shall be provided at the terminus points of all new services or point of reconnection for all existing services. Marker disks shall be placed directly over the point of termination at least 6 inches above the pipe. Depth of marker burial shall not be less than 4 feet or more than 6 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage.

Markers disks shall consist of a passive waterproof device capable of reflecting a specifically designated repulse frequency turned to the utility being installed. Marker disks shall be color coded green (for Sanitary) in accordance with AWWA Utility Location and Coordinating Council Standards. Markers shall be of the brand and style specified by the Town.

4.11.4. Swing Ties: Swing ties locating the terminus points of all new services or point of reconnection for all existing services shall be provided to the Town. Ties shall consist of measurements to permanent structures tabulated on reproducible record drawings submitted to the Town at completion of construction.

Section 4.12. Inspection and Connection to Public Sewers: The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Town. The Town shall be available to supervise and inspect the connection within 48 hours of notification of readiness.

4.12.1. Guarding of Excavations: All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

4.12.2. Restoration of Public Property: Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 4.13. Building Sewers Requiring Frequent Maintenance: Maintenance of the building sewer, as defined in section 1.0 of this Ordinance, shall be the responsibility of the property owner. Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manhole shall be as specified by the Town.

4.13.1 Interceptors and Traps: Grease oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; (except that such interceptors shall be required for private living quarters or dwelling units). All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

Section 4.14. Infiltration: The maximum acceptable infiltration rate for all sewers constructed after enactment of this amendment shall be 100 gpd/in-mile of extent including service connection to the building foundation.

The maximum acceptable infiltration rate for all existing private sewers shall be 1,000 gpd/in-mile of

extent, including service connection to the building foundation.

Infiltration rate measurements shall be made using manufacturer calibrated insert weirs and sound engineering practices. Infiltration measurements shall be reported in tabular form, showing all reaches monitored, antecedent precipitation, and groundwater conditions, and signed by a professional engineer registered in the State of Maine. A current manufacturer's calibration certificate for the weirs used to take the infiltration measurements shall be included with the report.

Section 4.15. Costs and Expenses Borne by the Owner: All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance, or failure of the building sewer.

ARTICLE 5 SEWER EXTENSIONS

Section 5.1. Sewer Extensions Constructed by the Town: Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Town Council, the number of properties to be served by such extension warrants its cost. Property owners may propose such sewer extensions within the Town by drafting a written petition signed by a majority of the benefited property owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners in any lawful manner determined by the town council. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to the property to be served in accordance with the requirements of Article 4.

Section 5.2. Sewer Extensions Constructed by Private Developer: If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Town Council and constructed in accordance with the requirements of Section 5.3. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developers or property owners. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid therefore. Design of sewers shall be as specified in Section 5.3. and Section 5.3.1. The installation of the sewer extension shall be subject to inspection by the Town and the expenses for this inspection shall be paid for by the owner, builder or developer. The Town's decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer as-constructed must pass the inspection test(s) specified under Section 5.4.

To the maximum extent practicable all sewerage extension shall be constructed within approved street right-of-ways. Otherwise, sewerage extensions shall be constructed centered in a 20 foot wide right-of-way deeded to the Town.

Section 5.3. Requirements for Extending Sanitary Sewer Systems: All extensions to the sanitary sewer system shall be properly designed in accordance with this Ordinance and the most recent edition of the Recommended Standards for Sewage Works, as adopted by the Great Lakes Upper Mississippi River Board of State Sanitary Engineers. All design computations, plans and specifications shall be stamped and signed by a professional engineer, currently registered in the State of Maine. Plans and specifications and computations for sewer extension shall be submitted to and approval obtained from the Town before construction may proceed. Plans and profiles of proposed sewerline construction shall be a scale of 1 inch equals 40 feet horizontal and 1 inch equals 4 feet vertical. Topographic base mapping shall be controlled with minimum 2 foot contour intervals. All mapping shall be based on MSL (Mean Sea Level) and Digital Data of GEO referenced plans as described below:

Submission of digital data/preparation of geo-referenced plans: The digital submission should include all applicable sewer features (pipes, junctions, pumps, etc), topography, property lines, wetlands, or any other applicable features as would be shown on a printed plan. Features are to be GPS located using at least sub-meter accuracy GPS units. Plans are to be geographically referenced using no less than four non-linear (dispersed across the area) projected control points of at least sub-meter accuracy and shall

be submitted in one of two acceptable formats: 1) Universal Transverse Mercator (UTM) Zone 19 meters, or 2) US State Plan Coordinate System Maine Zone East 1983 feet. Accepted file types are MapInfo .tab and associated files, ESRI .shp and associated files, AutoCAD .dwg files. AutoCAD files must be purged of all empty layers and presented with model space objects only. All files are to be submitted with clear layer names, such as "Sewer-Line-8inch", that obviously describe each layer (for example, "gp-pl-0" is not acceptable). Metadata should be included if available. If not available, a text file should be included with the following: surveyor or engineer name and license number, phone number, mailing address, email address, projection and datum used, date of preparation of data, description of equipment used to collect data (make, model, manufacturer's reported accuracy level), any disclaimers, limitations, or other notes. Files should be submitted on a CD or DVD.

5.3.1. All extensions of the sanitary sewer system constructed under Section 5.2 shall be designed to provide gravity collection and flow from the development to the point of connection with the existing public sewer system. Pump stations shall not be incorporated in the design of sewer systems in any proposed development within the Town of Hampden, Maine except under the following conditions:

5.3.1.1 Lift stations serving individual single-family homes are exempt from the foregoing requirements of Section 5.3.1, unless said homes are part of a common scheme of development, such as a subdivision or group development.

5.3.1.2 The parcel of land on which the development is to be located shall be no more than 500 feet from an existing public gravity sewer line.

5.3.1.3 No force main shall exceed 2,000 feet in length unless prior approval has been obtained from the Town Council upon their finding that such increased length is the only practicable option to service the subject property, and upon their finding that any increased operations and maintenance costs that would result from such increased length over the life of the infrastructure will be offset by sewer fees to be paid by the user or users of the force main.

5.3.1.4 A gravity sewer is not feasible. For example: Although a 2" force main sewer might be less expensive to install than an 8" gravity sewer, the gravity sewer must be not feasible, not simply more expensive.

5.3.1.5 The private pump stations and sewer extensions must be maintained in perpetuity by either a single private entity or a maintenance association.

5.3.1.6 Any private pump stations and sewer extension must be designed and stamped by a duly licensed and qualified professional engineer, registered in the State of Maine.

5.3.1.7 The private pump station design, and the construction thereof, must include a redundant sewage lift pump, backup electrical generator and approved alarm system to provide warning in case of mechanical failure.

The Planning Board shall not approve any development or subdivision that includes private pump stations or private sewer extensions unless the design thereof and the legal documents showing evidence of their perpetual maintenance have been reviewed and approved by the Town Council with written recommendation of the Town Manager, Town Attorney and Town engineering consultant.

5.3.2. Materials, Joints and Connection to Building Sewers: Gravity sewer pipe and fittings shall be Ductile Iron (DI) or Polyvinyl Chloride (PVC) unless otherwise approved by the Town.

Minimum internal pipe diameter shall be 8 inches. DI pipe shall be a minimum of Class 51 conforming to the requirements of ANSI A21.5 and ANSI A21.11 push on joints. Pipe shall be cement lined and double asphalt seal coated inside and bituminous coated outside. PVC sewer pipe and fittings 15

inches or less in diameter shall conform to the requirements of ASTM D3034 or ASTM F789, sizes 18 inches through 27 inches shall conform to ASTM P679. Pipe wall thickness shall be sized in accordance with ASTM D2412.

Pipe joining shall be bell and spigot with elastomeric gaskets. Pipe will be furnished in standard lengths. PVC to be installed at a depth greater than 14 feet shall meet the requirements of AWWA C900 (PVC Pressure Pipe). All Class 100 pipe shall meet the requirements or DR 25, Class 150 pipe shall meet the requirements of DR 18 and Class 200 shall meet the requirements of DR 14.

Wye branch fittings shall be installed for connections to building sewers in accordance with Section 4.10.

5.3.3. Excavation: Excavation for pipe lines shall be true to line and grade and shall be carried to the bottom of the pipe or to 6 inches below the bottom of the pipe. The Town may require additional excavation and backfill with granular material if unstable soil conditions are encountered.

For pipe diameters 12 inches and less the trench width - two pipe diameters above the pipe invert - shall be 36 inches. The trench width for diameters in excess of 12 inches - two pipe diameters above the pipe invert - shall be the pipe outside diameter "0" plus 2 feet. The trench width for parallel pipes in the same trench shall be 4 feet 6 inches, two pipe diameters above the highest pipe invert. The trench width shall not exceed the above limits unless authorized by the Town.

All Excavated areas shall be properly shored and braced so that earth will not slide or settle and so that all surrounding property and structures of any kind will be duly protected from damage. Work shall be performed in accordance with all existing State and Federal safety requirements. If in the opinion of the Town the work area and procedures are unsafe, the Town representative shall have the right to notify the proper authorities. (i.e. OSHA)

5.3.4. Bedding Material: Pipe bedding shall consist of a foundation, side-fill to the pipe spring line, and as appropriate, fill from the spring to the top of the pipe embedment zone (12" min. over top of pipe).

PVC pipe shall be bedded in accordance with UNI B-5 Class I Bedding Conditions.

Backfill in the embedment zone for PVC pipe shall be machine placed bedding material, placed in 6 inch layers and compacted to 90% of relative density as determined by ASTM-D2049. Bedding material shall be crushed stone or gravel similar to MDOT Specification 703.06A Aggregate Base, conforming to following gradation:

Sieve Size	Percent Passing
1 1/2"	100
1/2	45-70
1/4"	30-55
No. 4	5-20
No. 200	0-5

Crushed stone without fine grained material will be allowed. Bedding Material – If crushed stone material is used for pipe bedding in roadway areas, filter fabric shall be placed over the full trench width and length just above the stone cover prior to placing backfill material.

Samples and a sieve analysis of the bedding material may be requested by the Town for approval prior to use.

Additionally, sieve analyses of randomly drawn samples of placed bedding material at a frequency of 1 per 2000 LF of pipe shall be provided if in the judgment of the Town, there is an apparent change in consistency of bedding material. All sampling and analyses specified herein shall be performed at no cost to the Town.

5.3.5. Pipe Thickness and Field Strength: Pipe thickness and field strength shall be calculated on the

following criteria:

1. Safety factor: 1.9,
2. Load factor: 1.7,
3. Weight of soil: 120/cubic foot,
4. Wheel loading: 6,000 pounds.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," current edition.

5.3.6. Manholes: Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 LF.

Components: Manhole components consist of: a pre-cast reinforced concrete base section with pre-cast invert channel and steps in either 2 foot or 4 foot lengths, 4 foot lengths will be required whenever the pipe diameter is greater than 18 inches; pre-cast concrete transition rings from one barrel diameter to another; a pre-cast reinforced concrete eccentric top section, with steps, in 4 foot lengths; pre-cast concrete transition rings from one barrel diameter to another; pre-cast reinforced concrete barrel sections, with steps, in 1 foot, 2 foot, 3 foot or 4 foot lengths; a boot type pipe to manhole seal; concrete riser rings in 2 inch, 3 inch or 6 inch thickness; and a metal frame and cover. No exterior face of the finished manhole above the base shall be inclined away from the vertical manhole centerline.

Concrete work shall be in accordance with applicable requirements of ACI 318 except as modified herein. Concrete shall be normal weight (i.e., produced using normal weight aggregate) having a minimum ultimate strength of 4,000 psi at 28 days. Maximum size of coarse aggregate shall be 3/4 inch. Cement shall be Type 1 conforming to ASTM C150. Reinforcement shall be Grade 40. The finished concrete shall be durable, dense and water-resistant, free from honeycombs, voids, cracks, pop-outs, scaling and dusting. All components shall be designed to accept H-20 loading. Four concrete compression test specimens shall be made from the working mix and broken for each 100 vertical feet of manhole sections. All testing shall be done in conformance with applicable ASTM requirements for sampling and testing concrete. Certified copies of the test results shall be submitted to the Town.

Each section of the pre-cast manholes shall have cast in place pins for the purpose of lifting, handling and setting.

The boot type pipe to manhole seal shall be of molded neoprene compound conforming to ASTM C443, with 3/8 inch wall thickness throughout. A series of beads shall be molded into the boot surfaces that contact the manhole part and pipe barrel to fill surface irregularities when clamped in place. Boot attachment bands and draw bolts shall be corrosion resistant non-magnetic stainless steel.

Manhole steps shall be copolymer polypropylene type designed for a minimum concentrated live load of 300 pounds and meeting ASTM 2146 Polypropylene, BOWCO step and socket system or approved equal, spaced vertically 12 inches on center. Irregular or non-vertical spacing of steps shall be cause for rejection.

Pre-cast concrete manhole sections shall be of lapped joint construction. All joints shall be triple sealed with:

1. Flexible butyl resin sealant on the inner lap conforming to Federal Specification SS-S-210A and AASHTO M-1983. Minimum acceptable product application range shall be 10°F to 130°F.
2. Flexible strip consisting of butyl rubber-hydrocarbon (24+/-1%) and sodium bentonite (75+/-

1%) sealant on the outer lap. Minimum acceptable product application range shall be 5°F to 125°F.

3. Flexible 9 inch wide wrap consisting of 0.045 inch EPDM rubber backing supporting a 0.035 inch thick self-bonding butyl compound applied to the exterior face of the manhole and centered on the joint.

All sealing compounds shall be applied to clean, dry, primed surfaces in accordance with manufacturer's instructions. All joint sealants shall be fully applied prior to vacuum testing.

Riser rings will be pre-cast and shall be reinforced, and fitted with lifting pins. Brick and mortar will be used for final finish grade adjustment. Finish grade adjustment with riser rings and bricks shall not exceed 14 inches (not including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used

Cast iron manhole frames and covers shall be cast of material conforming to the requirements of ASTM A48 and be of uniform quality, free from blow-holes, porosity, hard spots, shrinkage distortion or other defects. They shall be smooth and well-cleaned by shot-blasting or other approved method. They shall be of heavy duty construction weighing not less than 300 pounds and machined on both vertical and horizontal seating surfaces. Covers shall be of checkered top design embossed with the word "SEWER" in 2 inch letters. Frames shall have a minimum clear opening of 23 3/4 inches.

Locking or watertight frames and covers shall conform to the above. In addition, covers shall be gasketed and attached with four brass or stainless steel bolts.

Brick for manhole inverts shall meet Standard Specifications for Sewer Brick, AASHTO Designation M91-42, Grade SA, Size No. 1, wire cut. Mortar shall be a mixture of sand and cement consisting of one part cement, three parts clean, well-graded hard, durable sand, and water. The amount of water shall be held to the minimum that yields a workable mortar.

5.3.7. Shop Drawings: Prior to issuance of the construction permit, shop drawings for all materials and components to be incorporated in the work shall be submitted for review and approval of the Town. No portion of the work shall be commenced unless and until shop drawings for materials and components to be incorporated in the work have been approved.

Shop drawings shall consist of manufacturer's standard product literature and technical data sheets which clearly demonstrate the proposed materials and components to be in full compliance with the requirements of this Ordinance.

Five sets of shop drawings shall be submitted to the Town for review and approval. Upon completion of review two copies will be retained by the Town and the remaining three sets shall be returned to the developer. The developer shall maintain one complete set of approved shop drawings at the job site throughout the construction.

All shop drawings must be reviewed and approved or disapproved by the Town within four weeks of receipt of same. Shop drawings held longer than four weeks shall be considered approved as submitted.

5.3.8. Flushing: All completed sewer lines, manholes and appurtenances shall be flushed and cleaned to remove grit and other debris. Care shall be taken to ensure that grit and debris are contained and removed from the line. Under no circumstances shall grit and debris from installation be permitted to enter Town sewers. Flushing shall be performed at no expense to the Town.

Section 5.4. Testing: All public sewers shall conform to the requirement of the following tests before they will be approved and sewage flow accepted from them by the Town. Final testing and retesting as stipulated below shall be performed in the presence of the Town and at no expense to the Town. Results of tests performed in the absence of the Town will not be accepted.

5.4.1. Vacuum Testing of Manholes: Each manhole shall be tested immediately after assembly or modification, and prior to backfilling. All lift holes shall be plugged with an approved non-shrink epoxy grout. All pipes entering the manhole shall be plugged, taking care to securely brace the plug from being drawn into the manhole. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9 inches. The manhole shall pass if the time is greater than 60 seconds for 48 inch diameter, 75 seconds for 60 inch diameter and 90 seconds for 72 inch diameter manholes. If the manhole fails the initial test it shall be repaired and retested until it passes.

5.4.2. Pneumatic Pipe Test: All newly installed, repaired or modified sewers shall pass a pneumatic test prior to acceptance by the Town. Pneumatic testing shall be administered after installation and capping of house service fittings and leads at their upper termination, and after completing backfill of the gravity sewer trench.

Pneumatic testing shall be performed using equipment and procedures outlined herein.

Equipment used shall meet the following minimum requirements:

1. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
2. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
3. All air used shall pass through a single control panel.
4. Three individual hoses shall be used for the following connections:
 - a. From control panel to pneumatic plugs for inflation.
 - b. From control panel to sealed line for introducing the low pressure air.
 - c. From sealed line to control panel for continually monitoring the air pressure rise in the sealed line.
5. Internal pipe pressure gauge shall have a psi range from 0 to 25 max.

All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe.

After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5

15	7.5
18	8.5
21	10.0
24	11.5

In areas where groundwater is known to exist, a 1/2 inch diameter capped pipe nipple, approximately 10 inches long, shall be installed through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewerline is installed. Immediately prior to the performance of the Line Acceptance Test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 1/2 feet, then the added pressure will be 5 psig, and the 2.5 psig increased to 7.5 psig. The allowable drop of one pound and the timing remain the same).

If the installation fails the pneumatic test, the source of leakage shall be determined and eliminated by repair or replacement at no expense to the Town.

5.4.3. Deflection Test: An in-place deflection test shall be performed on all PVC gravity pipe by drawing a gauge plug through each section of sewer. Equipment used shall meet the following minimum requirements.

1. The gauge plug shall be constructed of durable, abrasion resistant material in a cylindrical shape. The full diameter barrel length to pipe diameter ratio shall not be less than 1.5 and the minimum barrel diameter shall be 5% less than the un-deflected inside diameter of the pipe being tested. Each end of the cylinder shall be radiused at not less than one-fourth of the pipe diameter being tested. Each gauge shall have a 1/4 inch tie rod drilled through the entire unit. Tie rod terminations shall be closed eyes.
2. Pull cord shall be attached to the gauge eyes with safety snaps. This cord shall be high quality material with a minimum test strength of 250 pounds. Cord on each side of the gauge shall be of sufficient length to span the maximum distance between any two adjacent manholes at the project site. This cord shall be marked in such a way that the user can determine the location of any constrictions found in the line as the test is being performed. The gauge plug and pull cord shall be submitted to the Town Manager for approval prior to use.

The deflection test shall be performed after the trench has been completely backfilled and compacted, and adequate settlement of the area around the trench has occurred (not less than 30 days following installation of the pipe).

To perform this test, the gauge is inserted into the pipe at the upstream manhole and slowly drawn through the line to the downstream manhole. When a constriction is encountered the cord shall be pulled with a force not to exceed 100 pounds, until it can go no further. Location of the constriction shall be noted, the spindle shall be withdrawn to the upstream manhole, and the section of pipe shall be excavated to correct the problem. When the area around the new pipe section has adequately settled, the deflection test shall be performed again along the entire section where the constriction occurred.

5.4.4 Video Testing: Video Testing may be acceptable to the Town in Lieu of pressure testing if the newly installed sewer has active house services connected to the public sewer. This option is at the discretion of the Town.

Testing shall consist of passing a video camera completely through the interior of the new sewer from the upstream manhole to the downstream manhole, while recording and viewing the results. The video camera shall be self powered and capable of rotating its lens to look into service connections. A Written report noting any deficient area will be given to the Town upon completion of the test with (2) electronic copies of the video. Video testing shall be done by a competent firm

approved by the Town.

A Town representative shall be present at the time of testing.

Section 5.5. Transfer of Ownership to the Town: All extensions of public sewerage shall become the property of the Town through the following procedures initiated by the Developer:

The developer shall:

1. Request written approval from the Town indicating that all sewer improvements have been completed as specified herein to their satisfaction.
2. Indicate in writing to the Manager that said improvements will be guaranteed against defects in materials or workmanship for a period of 18 months from the time of acceptance by the Town.
3. Indicate in writing to the Manager that said sewer improvements are free and clear of any liens, all right-of-ways have been deeded to the Town as shown on the approved subdivision plans.
4. Petition the Manager in writing to go before the Council to request acceptance of the sewer line.

After all the above items have been completed by the developer, the manager may then schedule the item for review by the Town Council. The Town Council shall be the ruling authority on acceptance.

Section 5.6. Privately Owned Sewer Extension: Privately owned sewer extensions of the public sewer will be permitted with the following additional conditions:

5.6.1 Maintaining the privately owned sewer extension shall include an annual inspection report of the complete system. This shall include, but not limited to, the condition of manholes, (interior and frame/covers), brick and mortar, inverts, pump stations, generators, infiltration and inflow sources and any other pertinent areas. The report shall be filed with the Town Manager and signed by a professional engineer (PE) registered in the State of Maine. All other construction requirements of this ordinance shall apply to privately owned sewer extensions.

Section 5.7. Requirements for Building Permits: No builder or developer shall be issued a building permit for new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal has been constructed and is available for service.

ARTICLE 6 USE OF PUBLIC SEWERS

Section 6.1. Unlawful deposits and discharges; use of public sewers required:

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewaters, except where suitable treatment has been provided in accordance with this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of domestic sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at the owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

Section 6.2. Storm Sewers: Storm water and all other unpolluted drainage shall be discharged to such

sewers as are specifically designated as storm sewers, or to a natural outlet, as approved in writing by the Town Manager. Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Town Manager, to a storm sewer or natural outlet, provided however, that such discharge shall be in accord with all State and Federal regulations.

Section 6.3. General Sewer Use Requirements:

6.3.1 General prohibitions. No discharger or user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. The provisions of this section shall apply to wastewater originating in the Town of Hampden, which is introduced to the Town's POTW.

6.3.2. Specific prohibitions. No discharger or user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60°C). using the test methods specified in 40 CFR 261.21
- (2) Wastewater having a pH less than 5.0 or more than 12.0 or otherwise causing corrosive structural damage to the POTW or equipment. Any pH above 12.5 is considered hazardous under 40 CFR 261.22.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case shall solids greater than three inches or 7.6 centimeters in any dimension be introduced to the POTW.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature of the treatment plant influent of the POTW to exceed 104° F. (40° C.).
- (6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the Town pursuant to Section 3.6 of this ordinance.
- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's MEPDES permit.
- (11) Stormwater, groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, fountains and ponds, swimming pool drainage, sump pumps, septic tanks, lawn sprays or geothermal-type heating or cooling systems, unless such drainage from such sources is discharged into drains specifically designated for such purposes by the Town. Industrial cooling water may be

discharged only after approval and to a receptor site designated by the Town. Such industrial cooling water discharges shall comply with the requirements of 38 M.R.S.A. § 413.

(12) Sludges, screenings or other residues or by-products from the pretreatment of industrial wastes.

(13) Wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Town. Such approval shall only be given upon certification by the discharger or user that applicable federal and state regulations concerning such wastewater have been complied with before such a discharge. Radioactive waste includes, but is not limited to, any substance required by the United States Department of Transportation to have Type A or B packaging, pursuant to 49 CFR 173.426.

(14) Medical wastes, except as specifically authorized by the Town in a wastewater discharge permit.

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(16) Fats, oil or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products in concentrations greater than 200 mg/l.

(17) Toxic pollutants or any other toxic substances hereinafter determined by the Town not to be amenable to treatment or reduction by the wastewater treatment processes of the Town or which might interfere with the effectiveness of the POTW's processes or which might limit the potential end uses of the POTW's sludges.

(18) Any substance or material prohibited under 40 CFR 403, in particular 403.5(a) and (b). Also any other substance or material the discharge of which results in a violation by the Town of the regulations, now or herein after existing, of any public entity, including the EPA, or results in a violation of the City's MEPDES permit.

(19) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.

(20) Any garbage except properly shredded garbage.

(21) Any hazardous waste.

6.3.3 Action by Town outflow metering.

(1) If any wastewater or other wastes are discharged or proposed to be discharged to the public sewers, which wastewaters or other wastes contain the substances or possess the characteristics enumerated in this section and which in the judgment of the Town may have a deleterious effect upon the Town's POTW processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

(a) Reject the wastewater or other wastes;

(b) Require pretreatment to an acceptable condition for discharge to the POTW;

(c) Require control over the quantities and rates of discharge;

(d) Require payment to cover the added cost of handling and treating the wastes; and/or

(e) Take any appropriate enforcement action against an industrial user or user which violates the prohibitions of this section.

(2) If the Town permits the pretreatment or flow equalization of waste flows, the design and installation of the plant and equipment for such pretreatment or flow equalization shall be subject to

the review and approval of the Town and subject to the requirements of all applicable Town, state and federal codes, ordinances and laws. The Town's approval, if granted, shall not be deemed to relieve the discharger of its responsibility to comply with its wastewater discharge permit requirements and shall not constitute an acceptance of the adequacy of the pretreatment process equipment selected. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater or other wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(3) Outflow metering.

(a) Whenever the Town has reason to believe that a particular discharger is discharging unmetered flows into the Town's POTW or public sewers in the form of storm runoff, groundwater, roof runoff or subsurface drainage or from any other source listed in Subsection 6.3.2(11) of this section or otherwise and that the volume of such flows, on a percentage basis, exceeds the Town-wide average for such flows, the Town may install, or require the discharger to install, an outflow metering device and may thereafter charge the discharger the Town's cost, if any, of installing the outflow metering device and the Town's cost of treating such flows as provided in the Town's approved schedule of sewer fees. All charges imposed by the Town under this Subsection 6.3.3(3) shall be collected in the same manner as other sewer fees established under 30-A M.R.S.A. § 5405.

(b) Prior to imposing charges under this Subsection, the Town shall give the discharger written notice of a show cause hearing, as provided in Section 6.10.4 of this Ordinance. At the show cause hearing, the discharger shall be afforded an opportunity to show that its discharges into the Town's POTW or public sewers do not include excessive unmetered flows or that such flows were caused by an upset or unavoidable malfunction. For this purpose, the term "unavoidable malfunction" shall be defined as provided in 38 M.R.S.A. § 359, Subsection 9. In the event of excessive unmetered flows caused by an unavoidable malfunction, the Town shall issue an order directing correction of the malfunction within 90 days of the order date. This period may be extended for an additional period of up to 90 days if the malfunction cannot be corrected within the original ninety-day period due to winter weather conditions. If the malfunction remains uncorrected upon expiration of the specified period, the Town shall impose the additional charges provided in this Subsection retroactively to the date of the Town's order.

(c) Imposition of additional charges as provided in this Subsection 6.3.3(3) shall not bar or be a prerequisite for other enforcement action under Sections 6.10, 6.11 or 6.12 of this Ordinance.

6.3.4 Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients, except that such interceptors shall not be required for private residential living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.

6.3.5 No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that would allow it to be discharged to the POTW.

6.3.6 Federal Categorical Pretreatment Standards. The categorical pretreatment standards found at Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 405 through 471, are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the POTW.

(1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the

Town. The Town may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Subsection 6.2.6(a) through (c) below.

(a) To be eligible for equivalent mass limits, the industrial user must:

[1] Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

[2] Currently use control and treatment technologies adequate to achieve compliance with the applicable pretreatment standard and not have used dilution as a substitute for treatment;

[3] Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

[4] Not have daily flow rates, production levels, or pollution levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

[5] Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

[1] Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

[2] Continue to record the facility's flow rates through the use of a continuous flow monitoring device;

[3] Continue to record the facility's production rates and notify the Town whenever production rates are expected to vary by more than 20% from its baseline production rates determined in Section 6.2.6. Upon notification of a revised production rate, the Town will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

[4] Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection 6.3.6 (1)(a)[1] so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limit, the Town:

[1] Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

[2] Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

[3] May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not

based on the use of dilution as a substitute for treatment pursuant to Section 6.3.5. The industrial user must also be in compliance Section 6.13.3 regarding the prohibition of bypass.

(2) Once included in its permit, the industrial user must comply with the equivalent limitations developed as per this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(3) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Town within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Town of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

6.3.7. Local limits.

(1) Limits for certain pollutants will be established to protect against pass-through or interference. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified on the user's wastewater discharge permit. All discharge local limits shall be technically based and approved by the DEP.

(2) Local limits may be set for the following pollutants: arsenic, barium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, fats, oils or other greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products, silver, TTO and zinc. This list may be amended or local limits may be developed for any other pollutants deemed appropriate, including pollutants that can cause pass-through, interference, worker health and safety problems, fume toxicity, etc. The Town will provide advanced written notice of new local limits to users prior to initiating enforcement actions.

(3) The discharge local limits must be met at the point where the user's wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated on the wastewater discharge permit. The Town may impose mass limitations in addition to or in place of concentration-based limitations.

(4) The Town may develop best management practices (BMPs) and mass-based limits by ordinance or in individual wastewater discharge permits, to implement local limits and any other general discharge prohibitions as regulated in Section 6.2.

6.3.8. Town's right of revision. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

6.3.9. Special agreement. The Town reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user may also request a variance from the categorical pretreatment standard from the approval authority. Such a request will be approved only if the user can prove that the factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. The Town is authorized to set appropriate fees or other charges for such agreements.

6.3.10. Pretreatment facilities. Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this Ordinance within the time limitations specified by the EPA, the state or the Town, whichever is more stringent. Any facilities required to

pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Town's POTW under the provisions of this Ordinance.

6.3.11. Accidental discharge/slug control plans. The Town may require any user to develop and implement an accidental discharge/slug control plan. At least once every two years the Town shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including non routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this section of this Ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

Section 6.4. Wastewater surveys.

6.4.1. It shall be unlawful to discharge wastewater to any public or private sewer within the Town of Hampden where such discharged wastewater reaches the Town's POTW without having first complied with the provisions of this Ordinance.

6.4.2. When requested by the Town, all users must complete a wastewater survey form, on a form supplied by the Town, which contains information on the nature and characteristics of their wastewater. This form must be submitted to the Town prior to discharge of the user's wastewater into the Town's POTW. The Town is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers shall file wastewater survey forms within 30 days after being notified by the Town and proposed new dischargers shall file such forms at least 90 days prior to connecting to the POTW. The information to be supplied to the Town by the user shall include, but not be limited to, the following information:

- (1) The name, address and location of the user and the number of employees.
- (2) The SIC of the user.
- (3) The known or suspected to be present wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with standard methods and/or those contained in 40 CFR 136. The costs of all such sampling, analysis and reporting shall be fully borne by the user.
- (4) The time and duration of discharges.

- (5) The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable techniques are approved by the Town due to cost or non-feasibility.
- (6) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation adjacent to or at the user's premises.
- (7) The activities, facilities and plant process on the premises, including all materials which are or may be discharged to the POTW.
- (8) The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional O&M activities and/or additional pretreatment is required for the user to comply with this Ordinance.
- (9) The identification of each product produced by the user by type, amount, process or processes and rate of production.
- (10) The type and amount of raw materials utilized, average and maximum per day, by the user.

6.4.3. All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.4.4. The Town will evaluate the completed wastewater survey forms and material safety data sheets furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Town shall make the determination as to whether the user is subject to EPA pretreatment requirements. If the Town determines that the user is subject to EPA pretreatment requirements, the Town shall require the user to apply for a wastewater discharge permit as required by Section 6.5 of this Ordinance. The user shall make application for a wastewater discharge permit, on a form provided by the Town, within 30 days after having received notification from the Town to do so. The user shall provide, with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Town may be required to accompany the permit application. If so requested by the Town, the user shall collect all required samples in the presence of the Town.

Section 6.5. Wastewater discharge permits.

6.5.1. Every new or existing user of the Town's POTW or wastewater plant which is determined to be a categorical user or significant industrial user as defined in Section 1.1 of this Ordinance. Section 1.1 of this Ordinance is required to obtain a wastewater discharge permit from the Town.

6.5.2. The Town may prescribe special license, disclosure and reporting requirements for nonindustrial users of high-strength conventional waste distinct from the requirements imposed on industrial users under this section. Such requirements shall not be more burdensome than the requirements imposed on industrial users by this section.

6.5.3. Wastewater discharge permits shall be subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be enforced in accordance with this Ordinance and applicable state and federal regulations.

6.5.4. Wastewater discharge permits may impose effluent restrictions or limits on the user if the Town determines that such limits are necessary to protect the quality of the treatment plant influent, effluent or sludge or to maintain compliance with any applicable federal or state law, including requirements under the Town's NPDES permit and national categorical pretreatment standards for new and existing sources set out in Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 401 through 471.

6.5.5. The Town will evaluate the data furnished by the user and may require additional information to complete the user's wastewater discharge permit application. Within 14 days of receipt of a complete wastewater discharge permit application, the Town will determine whether a wastewater discharge permit is required and, if so, whether a wastewater discharge permit should be issued. The Town may deny any application for a wastewater discharge permit. The Town shall notify the user, in writing, of the decision on the wastewater discharge permit application.

6.5.6. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

6.5.7. Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises or a new or changed operation. To facilitate the issuance of new, separate permits, the Town may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed 90 days.

6.5.8. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Town to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

(a) A statement that indicates the wastewater discharge permit duration.

(b) A statement that indicates that the wastewater discharge permit is nontransferable pursuant to Section 6.5.7 of this section and a provision requiring any new owner or operator to be furnished with a copy of the existing wastewater discharge permit by the prior user.

(c) Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards, local limits, including best management practices and mass-based limitations, and all applicable law.

(d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include a sampling frequency and sample type based on federal, state and local law.

(e) A statement of applicable penalties for violation of pretreatment standards and requirements and any required compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state or local law.

(f) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and flow equalization.
 - (b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
 - (c) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, any of which would be designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.
 - (d) Requirements for the development and implementation of spill and/or slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or routine discharge.
 - (e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW by the user.
 - (f) The unit charge or schedule of user charges and fees for the management of the user's wastewater discharged to the POTW.
 - (g) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.
 - (h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
 - (i) Identification by the user of the location of the user's outfall to the POTW.
 - (j) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

6.5.9. Any aggrieved person, including the user, may file a petition with the Town, in writing, to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit application within 15 days of the permit's issuance or notification of the Town's denial.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal.
- (2) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A petitioner seeking review of a permit denial must specifically allege reasons why a permit should be issued, along with conditions of issuance that the petitioner believes should satisfy any concerns the Town may have about the suitability of the user's wastewater for discharge to the Town's POTW.
- (3) The requirements or conditions of any wastewater discharge permit shall not be stayed by the Town pending the outcome of the administrative appeal.
- (4) Upon receipt of the petition, the Town may act to grant the petitioner's request. Said action must take place within 14 days of receipt of the petition. If the Town refuses to grant the petitioner's request, however, the Town Manager shall notify, in writing, the Town Council.

(a) The Town Council shall schedule an administrative hearing, which shall be recorded within 30 days of notification by the Town Manager or as soon thereafter as may be arranged. The Town Council shall conduct the hearing so as to develop an adequate administrative record, and the Town Council may choose to limit the asking of questions to the members of the Town Council only. The petitioner will bear the burden of proof at the hearing and will present its case first.

(b) The Town Council shall issue its decision, in writing, within 45 days of the hearing. The Town Council's decision must be guided by the provisions of this Ordinance. Failure by the Town Council to issue a decision within that time period shall constitute a denial of the administrative appeal; however, the record of the administrative hearing, including any exhibits, shall be made a part of any further judicial reviews. Town Council decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit or to issue a modified wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Parties seeking judicial review of the final administrative action must do so by filing a complaint with the Penobscot County Superior Court pursuant to Maine Rules of Civil Procedure 80B.

6.5.10. Modifications.

(1) The Town may modify at any time the wastewater discharge permit for good cause, including but not limited to the following:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(b) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the issuance of the wastewater discharge permit.

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information is received by the Town indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel or the receiving waters.

(e) Violation of any terms or conditions of the wastewater discharge permit.

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater survey form, wastewater discharge permit application or in any other required reporting.

(g) Revision of, or a grant of a variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.

(h) To correct typographical or other errors or omissions in the wastewater discharge permit.

(2) Challenges to any such modifications can be made pursuant to the provisions of Subsection I of this section.

6.5.11. Any user which violates any condition of its permit or of this Ordinance or of applicable state and federal statutes and regulations may have its permit revoked by the Town. Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

(1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.

- (2) Failure of a user to report significant changes in operations or its wastewater constituents and characteristics.
- (3) Refusal of reasonable access by the Town to the user's premises during regular business hours for the purpose of inspection or monitoring.
- (4) Violations of the conditions of the permit.
- (5) Failure to provide advance notice of the transfer of the ownership of a permitted user.
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application, any required wastewater surveys or other required reporting.
- (7) Falsifying monitoring reports or tampering with monitoring equipment.
- (8) Failure to pay surcharges, user fees, permit fees, fines or other required payments.
- (9) Failure to meet the requirements of a compliance schedule.

6.5.12. Compliance schedules.

- (1) Where additional pretreatment and/or O&M activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O&M activities.
- (2) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this Ordinance, including but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.
- (3) Under no circumstances shall the Town permit a time increment for any single step directed toward compliance which exceeds nine months.
- (4) No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Town.

Section 6.6. Reporting Requirements:

6.6.1. Baseline monitoring reports.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (2) Users described in Subsection 6.6.1(1) above shall submit the information set forth below:

- (a) The name and address of the facility, including the name of the operator and owner.
- (b) A list of any environmental control permits held by or for the facility.
- (c) A brief description of the nature, average rate of production and SIC of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
- (e) Categorical pretreatment standards; sampling results.
 - [1] The categorical pretreatment standards applicable to each regulated process.
 - [2] The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Town, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with the provisions of Sections 6.6.9 and 6.6.10 of this section.
- (f) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or pretreatment is required to meet the pretreatment standards and requirements.
- (g) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.5.12 of this Ordinance.
- (h) All baseline monitoring reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

6.6.2. Compliance schedule progress report. The requirements imposed by Section 6.5.12 of this Ordinance shall apply to the compliance schedule required by Subsection 6.6.1(2)(g) of this section.

6.6.3. Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Subsection 6.6(2)(d) through (f) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

6.6.4. Periodic compliance reports.

- (1) All significant industrial users shall, at a frequency determined by the Town, but in no case less than twice per year in June and December, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or

estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the analytical requirements and sampling procedures prescribed in Sections 6.6.9 and 6.6.10 of this section, the results of this monitoring shall be included in the report.

6.6.5. Report of changed conditions. Each user must notify the Town of any planned significant changes to the user's operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

(1) The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of this Ordinance.

(2) The Town may issue a wastewater discharge permit under Section 6.5 of this Ordinance or modify an existing wastewater discharge permit under Section 6.5.10 of this Ordinance in response to changed conditions or anticipated changed conditions.

(3) No user shall implement the planned changed conditions until and unless the Town has responded, in writing, to the user's notice.

(4) For purposes of this subsection, significant changes include, but are not limited to, flow increases of 10% or greater and the discharge of any previously unreported pollutants.

6.6.6. Reports of potential problems.

(1) In the case of any discharge, including but not limited to hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load that may cause potential problems for the POTW, the user shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection 6.5.6(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Town immediately of any changes at their facility affecting the potential for a slug discharge.

6.6.7. Notification of the discharge of hazardous waste. In addition to all other requirements of this Ordinance, any user which discharges hazardous waste into the POTW shall notify the POTW, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

6.6.8. Notice of violation/repeat sampling and reporting. If sampling performed by a user or the POTW indicates a violation, the user must notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation. The user is not required to resample if the POTW monitors at the user's facility at least once a month or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.

6.6.9. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or a report required by this Ordinance shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with appropriate procedures approved by the EPA.

6.6.10. Sample collection.

(1) Except as indicated in Subsection 6.6.10(2) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab sample collection techniques.

(3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 6.6.1 and 6.6.3 of this section and 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Town may authorize a lower minimum. For the reports required by Section 6.6.4 of this section and 40 CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

6.6.11. Determination of noncompliance. The Town will use appropriate sampling to determine noncompliance with pretreatment standards, including the use of standard methods.

6.6.12. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall control.

6.6.13. Recordkeeping. Users subject to the reporting requirements of this Ordinance shall retain and make available for inspection and copying all records or information obtained pursuant to any monitoring activities, including documentation associated with BMPs, required by this Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but not be limited to, the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW or where the user has been specifically notified of a longer retention period by the Town.

6.6.14. State requirements. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such requirements and limitations; provided, however, that such requirements and limitations are more stringent than the provisions of this Ordinance or federal law requirements or limitations.

6.6.15. Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town upon the request of the Town.

6.6.16. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 6.4.4, users submitting baseline monitoring reports under Section 6.6.1, users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 6.6.3, and users submitting periodic compliance reports required by Section 6.6.4. The following certification statement must be signed by an authorized representative as defined in Section 1.1:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Section 6.7. Compliance monitoring; right of entry.

6.6.1. Inspection and sampling. The Town/City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. All users shall allow the Town ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying and the performance of any additional duties as the Town Manager deems necessary.

(1) Each user shall provide and operate, at its own expense, a monitoring facility to allow inspection, sampling and flow measurement of the user's wastewater discharge to the POTW.

(2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities, such as compliance monitoring.

(3) The Town shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The user shall bear the costs of such setup or installation.

(4) The Town shall require the user to install monitoring equipment as the Town deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper

operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly (four times per year) to ensure their accuracy.

(5) Any temporary or permanent obstruction to the safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town and the obstruction shall not be replaced. The costs of clearing such access shall be borne by the user.

(6) Unreasonable delays in allowing the Town access to the user's premises shall be a violation of this Ordinance.

(7) In the event that the user is in or has previously been in noncompliance with this Ordinance or with the user's wastewater discharge permit, the user shall be required to pay the full cost of all additional sampling and analysis that the Town may conduct to determine the user's compliance with this Ordinance.

(8) All monitoring facilities shall be constructed and maintained in accordance with all applicable construction codes, standards or specifications. Construction, if required, shall be completed within 120 days of receipt of the wastewater discharge permit by the user.

6.7.2. Administrative inspection warrants. If the Town has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court, shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Town shall be accompanied by a uniformed Town police officer during said execution.

Section 6.8. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit and monitoring programs and from the Town's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public but shall be made available immediately upon request to state and federal governmental agencies for uses related to the MEPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

Section 6.9. Publication of users in significant noncompliance.

The Town shall publish annually, in a newspaper of general circulation that provides a meaningful public notice within the jurisdiction served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" as defined in Section 1.1 shall be applicable to all significant industrial users (or any other industrial user) as defined in Section 1.1 of this Ordinance.

Section 6.10 Administrative Enforcement Remedies.

6.10.1. At the time of enactment of this Ordinance, the Town will have developed an enforcement response plan (ERP) which outlines the Town's general procedure for the enforcement of this Ordinance. The ERP shall be initially adopted by Town Council order and may be subsequently amended by order. The Town will follow the ERP to the greatest extent possible when contemplating compliance with and enforcement of this Ordinance; however, nothing in the ERP or this Ordinance will preclude or otherwise limit the Town from taking any action, including emergency actions or other enforcement actions, prior to undertaking any initial enforcement procedure in the ERP, including issuance of a notice of violation (NOV).

6.10.2. Notice of violation (NOV). When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may serve upon that user a written NOV. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

6.10.3. Consent orders. The Town may enter into consent orders, assurances of voluntary compliance or other documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.10.5 and 6.10.6 of this section and shall include language which make them judicially enforceable. Such orders may require the payment of administrative fines pursuant to Section 6.10.7 of this section.

6.10.4. Show cause hearing. The Town may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Town and show cause why the proposed enforcement should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by the Town or by registered or certified mail, return receipt requested, at least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the POTW.

6.10.5. Compliance orders. When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user comes into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.6. Cease and desist orders.

(1) When the Town determines that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Town may issue an order to the user directing it to cease and desist any such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge to the POTW.

(2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.7. Administrative fines.

(1) When the Town finds that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, including a user's failure to obtain a wastewater discharge permit pursuant to Section 6.5 of this Ordinance, the Town may fine such user in an amount not to exceed \$2,500 per day. Each day of violation shall constitute a separate offense subject to fine. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In the case of failure to obtain a required wastewater discharge permit, the fine shall accrue on a daily basis commencing on the day the user first was notified or became aware of the need for such a permit. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to any fine assessed.

(2) Any and all unpaid charges, fines and penalties under this Ordinance shall, after 30 calendar days from the due date, be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties as allowed under state law.

(3) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The Town shall convene an administrative hearing on the matter and conduct said hearing in accordance with the procedures delineated in Section 6.5.9 of this Ordinance. Failure to file a timely request for an administrative hearing constitutes a waiver of any administrative appeal. The decision of the Town Council conducting the administrative hearing, including a decision to not reduce the fine, shall be final, and any appeal must follow the requirements of Maine Rules of Civil Procedure 80B. In the event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.8. Emergency suspensions. The Town may immediately suspend a user's discharge either with or without written or verbal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the public. The Town may also immediately suspend a user's discharge, either with or without written or verbal notice, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the connection to the POTW, to prevent or minimize damage to the POTW, its receiving waters or endangerment to any persons. The Town shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Section 6.10.9 of this section are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Town describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Said report must be submitted as least seven days prior to the date of any show cause or termination hearing held pursuant to Sections 6.10.4 and 6.10.9 of this section.

(3) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

6.10.9. Termination of discharge.

(1) In addition to the provisions in Section 6.5.11 of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the POTW:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of the user's discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- (e) Violation of the pretreatment standards in Section 6.3 of this Ordinance.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause pursuant to Section 6.10.4 of this section why the proposed action should not be taken. Additionally, the user may request an administrative hearing, in writing, within 30 days of the decision of the show cause hearing. The hearing shall be conducted in accordance with the procedures delineated in Subsection 6.10.7(3) of this section. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the user.

Section 6.11. Judicial enforcement remedies.

6.11.1. Injunctive relief. When the Town determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may request that the Town Attorney seek appropriate injunctive relief pursuant to the laws of this state which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order or other requirements imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

6.11.2. Civil penalties and criminal referral.

(1) Any person who violates the provisions of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452, as well as applicable civil or criminal penalties pursuant to 38 M.R.S.A. §§ 349 and 1319-T. The penalties in those statutes shall be in addition to the specific penalties in this Ordinance.

(2) A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or other permit issued hereunder or any other pretreatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day and not more than \$2,500 per day for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day and a maximum of \$25,000 per day for a second offense of the same or a similar nature occurring within two years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(3) Pursuant to 30-A M.R.S.A. § 4452 and Maine Rules of Civil Procedure 80K, the Town may seek reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

(4) In determining the amount of civil liability, the court shall be asked to take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the

magnitude and duration, any economic benefit gained through the user's violation, corrective actions undertaken by the user, the compliance history of the user and any other factor as justice requires.

(5) No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment or other part of, or otherwise harm, the POTW. Penalties for violations of this provision of this Ordinance shall be a minimum fine of \$1,000 for the first offense. A second offense committed within five years shall be punished by a minimum fine of \$10,000. These penalties are in addition to any penalties associated with other civil or criminal provisions of state and federal law which said person may be subject to for such action.

6.11.3. Filing a suit for civil penalties or making a criminal referral shall not be a bar against, or a prerequisite for, taking any other action against a user.

6.11.4. The Town reserves the right to make appropriate referrals for criminal prosecution pursuant to the provisions of 38 M.R.S.A. §§ 349 and 1319-T, as well as any other applicable federal or state law. Additionally, enforcement of this Ordinance shall not preclude criminal prosecution for other violations of state or federal law, and the Town will cooperate in any such prosecutions.

6.11.5. The provisions of Sections 6.10 and 6.11 of this Ordinance are not exclusive remedies. The Town reserves the right to take any and all enforcement actions or combinations thereof against a noncompliant user.

Section 6.12. Supplemental enforcement action.

6.12.1. Performance bonds. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond with the Town, payable to the Town, in a sum not to exceed a value determined by the Town to be necessary to achieve consistent compliance with this Ordinance.

6.12.2. Liability insurance. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any pretreatment standard or requirement unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, which shall include naming the Town as an additional insured.

6.12.3. Water supply severance. Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town will work with the Water District to sever water service to the user under district regulations, if applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance.

Section 6.13. Affirmative defenses to discharge violations.

6.13.1. Upset.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 6.13.1(2) below are met.

(2) A user which wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable O&M procedures; and

(c) The user has submitted the following information to the Town within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days.

[1] A description of the indirect discharge and cause of noncompliance;

[2] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time period the noncompliance is expected to continue; and

[3] Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

6.13.2 Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 6.3.1 of this Ordinance or the specific prohibitions in Subsection. 6.3.2(3) through (18) and (20) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

6.13.3. Bypass.

(1) For the purposes of this Ordinance, the following terms shall have the meanings indicated:

BYPASS - The intentional diversion of waste streams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE - Any substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections 6.13.3(3) and 6.13.3(4).

(3) Notice.

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town at least 10 days before the date of the bypass, if possible.

(b) A user shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Enforcement action.

(a) Bypass is prohibited, and the Town may take an enforcement action against a user for a bypass, unless:

[1] Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

[2] There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

[3] The user submitted notices as required under Subsection 6.13.3.(3).

(b) The Town may approve an anticipated bypass, after considering the adverse effects, if the Town determines that it will meet the three conditions listed in Subsection 6.13.3(4)(a).

**ARTICLE 7
PROTECTION FROM DAMAGE**

Section 7.1. Tampering with Town's Publicly Owned Works: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of or will affect operation of the Town's POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and shall be subject to any of the penalty provisions of this Ordinance or state law.

Section 7.2. Contractor's Liability Insurance: A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or disposal of private sewage.

**ARTICLE 8
Town of Hampden
Industrial/Commercial Enforcement Response Plan**

Section 8.1. PURPOSE:

The purpose of this plan is to document a well defined, legally defensible sequence of steps to be followed when dealing with industrial users who are out of compliance with the Town of Hampden's Industrial Pretreatment Program and Sewer Ordinance. These formal enforcement actions will help to resolve any confusion between the Town and its Industrial Users as to consequences of one-time, repeated or continuing non-compliance and are intended to ensure equitable treatment of Industrial Users.

EPA regulations require the Town to take specific enforcement action against Industrial Users found to be in Significant Non-Compliance with the pretreatment requirements of this Ordinance. This Enforcement

Response Plan defines the conditions under which the Town must cite a User for Significant Non-Compliance and lists appropriate enforcement measures to remedy such situations.

EPA guidelines also require that the selected enforcement response be appropriate to the extent of the Pretreatment Program violation. While a telephone call to the Industry might be appropriate for a late submission, a more severe response is needed for a more serious violation which, for example, might result in an upset of the Wastewater Treatment Plant caused by an Industrial discharge. This EPA guideline based Enforcement Response Plan will consider the Following criteria when assessing the appropriateness of a particular response:

- A). Magnitude of the violation;
- B). Duration of the violation;
- C). Effect of the violation on the receiving water;
- D). Effect of the violation on the Treatment Plant
- E). Compliance history of the Industrial User;
- F). Good faith efforts on the part of the Industrial User; and
- G). Degree of the Industrial User's responsibility for the violation.

8.2 SIGNIFICANT NON-COMPLIANCE:

EPA requires the Town to identify Industrial Users that are in Significant Non-Compliance (SNC) with the requirements of the federally mandated Pretreatment Program regulations. Users found to be in SNC are subject to enforcement action by the Town, and to public notification of the violation(s) once per year in the newspaper. Federal regulations define Significant Non-Compliance as violations which meet at least one of the following criteria:

8.2.1. Chronic Violations- Sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six month period exceed by any magnitude a numeric Pretreatment Standard or Requirement including Instantaneous Limits as defined in Section 1.1 of the Sewer Ordinance.

8.2.2. Technical Review Criteria (TRC) Violations- Thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section. 1.1 of the Sewer Ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

8.2.3. Any other violation of a Pretreatment Standard or Requirement as defined by Sec. 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town or Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined by Section. 1.1 of the Sewer Ordinance.

8.2.4. Any discharge of a pollutant that caused imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B).

8.2.5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

8.2.6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance schedules.

8.2.7. Failure to accurately report any non-compliance with permit requirements.

8.2.8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

8.3 SELECTION OF ENFORCEMENT RESPONSES:

Table 1 attached to this Ordinance represents an Enforcement Response Guide based on EPA recommended response measures for varying degrees of permit violations. The Guide will be used by the Town to determine appropriate measures in the event of a violation of the Town's Pretreatment Program and/or Sewer Ordinance. Selection of appropriate enforcement response will be based on the following steps:

8.3.1. The Town will locate the type of non-compliance in the first column (1) of the Response Guide.

8.3.2. Using column two (2), the Town will identify the most accurate description of the nature of the violation.

8.3.3. The Town will assess the appropriateness of the recommended responses in column three (3). First time offenders, or those demonstrating "good faith" progress may merit a more lenient response. Similarly, repeat or frequent offenders or those demonstrating negligence may require a more stringent response. Furthermore, the Town will judge the violation by seven (7) additional criteria:

(1). Magnitude- Generally, an isolated instance of non-compliance can be addressed with an informal response or Notice of Violation (NOV). However, since even an isolated violation could threaten human health and/or the environment, the Treatment Plant, damage public and private property, or threaten the integrity of the Town's or Bangor's Pretreatment Program (i.e., falsifying a self-monitoring report) all instances of Significant Non-Compliance will be responded to with an Administrative Order (AO) which requires a return to compliance by a specific deadline.

(2). Duration- Violations, regardless of severity, which continue over prolonged periods of time will subject the violator to escalated enforcement actions. Minor violations which are chronic in nature are one form of Significant Non-Compliance and will be dealt with through the use of AOs.

(3). Effects to the Receiving Water- Any violation which causes environmental harm will be met at a minimum with an AO and a fine. Environmental harm will be presumed whenever an industrial discharge:

- a). Passes through the Treatment Plant;
- b). Is directly responsible for causing a violation of the Town of Hampden NPDES/MEPDES permit, including its' water quality standards; or
- c). Has a toxic effect upon the receiving waters, such as fish kill.

In addition, the response will be designed to recover any NPDES/MEPDES fines paid by the Town, which are the result of the industry's discharge violation.

(4). Effects on the POTW- Any violation having a negative impact on the Treatment Plant and/or Collection System (such as increased treatment costs, harm to personnel or equipment, pipe corrosion, etc.), which hinders the operation of the Treatment Plant or Collections System; and/or which contaminates the Treatment Plant's sludge, thereby reducing sludge disposal options, will be met with a fine of civil penalty as well as the recovery of additional costs and expenses involved.

- (5). Compliance History of the User- A pattern of recurring violations of any program requirements may indicate either that the user's treatment system is inadequate or that the user has taken a lackadaisical approach to operating and maintaining its' treatment system. These indications should alert the Town to the likelihood of future Significant Non-Compliance. Accordingly, stronger enforcement responses should be applied against users exhibiting consistent compliance problems than against those with only an occasional problem.

- (6) "Good Faith" of the User- Generally, a users' demonstrated willingness to comply should predispose the Town to select one of the less stringent enforcement actions specified, provided the violation has not caused serious Treatment Plant upset or resulted in environmental damage. However, good faith does not eliminate the necessity of enforcement action, and compliance with previous enforcement orders should not necessarily be considered good faith.

- (7). Responsibility of the User- Although Industrial Users should always be held accountable for their violations, some consideration should be given to whether the violation was the result of an unforeseeable accident, was preventable or was intentional on the part of the User. This will affect the enforcement response selection by the Town from the range of responses provided.

- 8.3.4. Column four (4) designates personnel responsible for the action.

- 8.3.5. The Town will document, in writing to the User, the rationale for selecting the particular enforcement response applied.

- 8.3.6. The Town will apply the enforcement response to the violator. The Town will specify the corrective action or other response required by the User, including response time limits.

- 8.3.7. The Town will document any Users' responses and the resolution of non-compliance.

- 8.3.8. The Town will follow up with escalated enforcement action if a Users' response is not received within thirty (30) days or sooner if appropriate or severe violations continue.

- 8.3.9. The Town normally will issue an NOV to the violator as a first step in enforcement proceedings. However, the Town may elect to by-pass this procedure in favor of an AO when it appears that the violation requires immediate remedial action.

Section 8.4 – ENFORCEMENT RESPONSE PLAN DEFINITIONS

AO	Administrative Order
Civil Litigation	Civil litigation against the User, seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by the Town.
IU	Industrial User of the POTW.
Meeting	Informal meeting with the User to resolve non-compliance.

NOV	Notice of Violation of the City of Bangor's Industrial Pretreatment Program and/or the Sewer Use Ordinance.
NPDES	National Pollutant Discharge Elimination System.
PC	Pretreatment Coordinator of the City of Bangor.
POTW	Publicly Owned Treatment Works
S	Superintendent for the City of Bangor WWTP.
Show Cause Hearing	Formal meeting requiring the User to attend and demonstrate why the Town should not take proposed enforcement action. The meeting may also Serve as a forum to discuss corrective actions and corrective actions.
SV	Significant Violation of the City of Bangor's Industrial Pretreatment Program and/or Sewer Use Ordinance.

SECTION 8.5
SELECTION OF ENFORCEMENT RESPONSES:
TABLE 1

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
A. ILLEGAL DISCHARGE			
1) Unpermitted discharge (no permit)	Discharger unaware of permit requirement; no harm to POTW or to the environment.	NOV and application, or AO issued within 14 days of identifying the violation; requires a permit application within 30 days and the results of wastewater analysis within 60 days; proposed fine of \$300-\$500.	PC
2) Non-permitted discharge (expired permit)	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
	Failure to apply for permit renewal. No damage to POTW or environment.	Telephone call and NOV should be made within 5 days of detection.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
B. DISCHARGE PERMIT VIOLATIONS			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Telephone call and NOV issued within 5 days of receipt of laboratory results requiring written report with corrective and preventative action taken to prevent recurrence. (1st/2nd offense)	PC
	Frequent, non-significant (repeated offense)	Meeting with violator or show cause hearing requested within 14 days of detection of violation. Meeting will be held within 30 days of detection of the violation. Proposed	PC

fine of \$300-\$500.

NON-COMPLIANCE

NATURE OF VIOLATION

INITIAL RESPONSE; FOLLOW UP

SNC	Caused known damage to POTW or environment, or worker health hazard	AO issued within 5 days with compliance schedule; fine of \$1000 per day of violation, or civil litigation seeking penalties of \$1000 to \$2500 per day.	PC S
2) Slug load discharge	Isolated without known damage.	AO issued within 5 days to immediately halt discharge; fine, civil litigation, or criminal prosecution.	PC S
	Isolated with known damage, interference, pass-through. SNC	NOV; AO issued within 14 days to develop a Spill Control Plan within 30 days.	PC
Recurring SNC.		Fine or civil litigation seeking penalties of \$500 to \$700 per day and recovery of costs. Terminate service.	PC S
		Fine or civil litigation seeking penalties of \$1000 to \$2500 per day and recovery of costs. Terminate service.	PC S

C. SAMPLING, MONITORING, AND REPORTING VIOLATIONS

1) Minor sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	Telephone call and NOV issued within 14 days of detection.	PC
2) Major sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	NOV issued within 5 days; proposed fine \$100-\$300. NOV issued within 5 days of detection; meeting with violator requested within 14 days. Proposed fines of \$300 to \$500.	PC PC
	Frequent or continuous; SNC	Meeting with Show Cause Hearing requested within 14 days of detection. Fine or civil litigation seeking penalties of \$500.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
3) Complete failure to sample, monitor or report is more than 30 days late.	SNC	AO with compliance schedule issued within 5 days of detection; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day. Terminate service.	PC S
4) Failure to submit schedule of compliance	Violation of AO.	Fine; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day until schedule is filed.	S
5) Failure to notify of discharge limit violation slug discharge.	Isolated or infrequent, no known Effects.	NOV; AO issued within 14 days of detection.	PC
6) Failure to install monitoring equipment	Frequent or continued violation-SNC Continued SNC	Show Cause Hearing requested within 14 days; AO issued within 5 days of detection; civil litigation seeking penalties of \$1000 per day per violation; criminal Prosecution. AO issued within 5 days of detection; temporarily suspend service if agreed upon compliance date is exceeded by 30 days.	PC S PC S
<u>D. COMPLIANCE SCHEDULE VIOLATIONS</u>			
1) Missed milestone date	Will not effect other milestone dates, or final date. Will effect other milestones or final date.	Telephone call and NOV issued within 5 days of milestone date passage. Meeting requested within 14 days or prior to next milestone date; AO issued within 5 days of missed milestone date.	PC PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
	Will effect other milestones or final date. Violation not for good cause	Show Cause Hearing requested within 14 days or prior to next milestone date; fine or seek civil penalties of \$500-\$2500 per day of violation.	PC S
2) Failure to meet compliance schedule reporting requirements	Did not submit report, but did complete milestone.	Telephone call and NOV issued within 14 days of Detection.	PC
	Did not submit report or complete milestone.	NOV; AO issued within 5 days of missed milestone date; proposed fines of \$300-\$500.	PC S
3) Missed final date	Good cause	Telephone call and NOV issued within 5 days of missed date.	PC
	30 days or more outstanding; failure or refusal to comply without good cause.	Show Cause Hearing requested within 14 days of detection; AO with fines; judicial action.	PC S
4) Reporting false information	Any instance SNC.	Referral to prosecutor for criminal investigation; civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law (at least \$1000 per day per violation); Termination of service	S
<u>E. SPILL INCIDENTS</u>			
1) Spill incident	Reported and investigated	NOV issued at time of inspection; meeting requested within 14 days of detection; AO	PC
	Failure to report spill	NOV; meeting within 14 days of detection; AO with proposed fines of \$300-\$500.	PC

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
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2) Repeated spills	Failure to develop or upgrade Spill Prevention Plan	NOV; AO with fines; Show Cause Hearing to be held within 30 days of notification.	PC
	Failure to act on a decision of compliance meeting and results in known damage to POTW or environment.	Judicial action; terminate service.	

F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS

1) Minor violation of analytical procedures	Any instances	Telephone call and NOV issued within 14 days of receipt of monitoring results.	PC
2) Major violation of analytical procedures	No evidence of negligence or intent.	NOV; meeting to be held within 30 days of notification. AO issued within 14 days of receipt of monitoring results.	PC
	Evidence of negligence or intent-SNC	AO or civil action and penalty; possible criminal prosecution.	PC S
3) Minor violation of permit condition	No evidence of negligence or intent	NOV; AO for immediate corrective action required.	PC
	Evidence of negligence or intent	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	PC S
4) Major violation of permit condition	Evidence of negligence or intent-SNC	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	S

G. OTHER PERMIT VIOLATIONS

1) Wastestreams are diluted	Initial violation	AO with fines	PC
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**ARTICLE 9
PENALTIES - Residential**

Section 9.1. Violation of Sewer Ordinance: Any person found to be violating any provision of this Ordinance, except Section 7.1, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 9.2. Fines: Any person who fails to comply with the provisions of this Ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. If the Town prevails in the prosecution of an offense hereunder, it shall be reimbursed for the attorney's fees and costs.

Section 9.3. Alternate Penalties: As an alternative, upon violation of this Ordinance, the proper authorities of the Town, in addition to other remedies may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct, or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this Ordinance are found.

Section 9.4. Liabilities to the Town: Any person violating any of the provisions of this Ordinance shall become liable to the Town for any and all expense, loss, or damage occasioned by the Town by reason of such violation.

**ARTICLE 10
SEWER SERVICE CHARGE**

Section 10.1. Establishment of a Sewer Service Charge: The source of a portion of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works shall be a sewer service charge. That portion of the sewer service charge related to capital expenditures and retirement of debt service shall be made against all properties within the public sewage works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not. The public sewage works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 2.4 thereof. In the case of a building not connected to the public system, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as minimum charge. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall be increased to include the cost of operation and maintenance of the public sewage works.

Section 10.2. Sewer Service Charge Rate: Sewer service charge rates shall be determined by the Town Council on a year-to-year basis and, in general, such charges will be determined on a rate structure based on water consumption. The sewer service charge will be computed and billed at regular intervals throughout each calendar year, as established by the Town Council in accordance with the Town of Hampden Fees Ordinance.

Users shall be given annual notification of the rates and distribution of costs between capital expenditures and operation and maintenance charges. Any revenue from Sewer Service Charges in excess of cost must be retained in the sewerage account and cannot be used to defray costs in other functions of the Town.

Section 10.3. Special Charge for Industrial Organizations: A Special Sewer Service Charge shall be assigned to any industrial firm or organization, the strength or other characteristic of whose waste varies significantly from that of normal domestic sewage. In general, such charges will be based on equitable prorating of costs for conveying and treating such waste, taking into account, but not necessarily limited to, the effect of volume, BOD, suspended solids, settleable solids, chlorine demand, toxicity, and pH. Pretreatment by the industry may also be a requirement if necessary to make the waste compatible with flow in the sewer system. The Town Council, after appropriate study, and advice from the Town Manager, shall assign a Special Sewer Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

10.3.1. Additional Special Charge: In addition to the Special Sewer Service Charge, which is concerned solely with the cost to the Town for debt service, capital expenditures, operation and maintenance of the public sewage works, there shall be a special charge to nongovernmental users of the public sewage works in accordance with the Town of Hampden Fees Ordinance identified in the Standard Industrial Classification Manual, 1972, prepared by the Federal Government Office of Management and Budget, as amended and supplemented, under the following divisions:

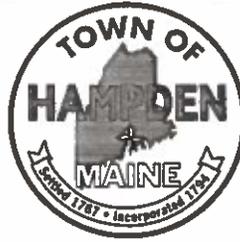
- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services

Section 10.4. Reserved Right to Charge Sewer Service Charge: The Town Council reserves the right from time-to-time to change Sewer Service Charges originally or previously assigned to any property owner.

Section 10.5. Charge for Property Owners Outside Town Limits: All property owners outside the Town limits who, by their own request, are served by sanitary sewers must pay a sewer service charge in accordance with the Town of Hampden Fees Ordinance.

D-4-6

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: March 31, 2016

RE: Proposed Amendments to Fees Ordinance

In October 2015, the Council began the annual review of fees in the Fees Ordinance in accordance with the process prescribed in that Ordinance.

Since that time, the Sewer Fees were amended following public hearing.

Please find attached proposed amendments to several other sections of the Fees Ordinance. Some of these changes have been recommended by personnel responsible for administering different aspects of the Ordinance, and others resulted from my review and recommendations.

Two supporting memos – one from the Pool Director and one from the Code Enforcement Officer – are enclosed, and provide justification for the recommendations in corresponding sections of the Fees Ordinance.

At Monday's meeting, I'll recommend that the Council refer these proposed amendments to public hearing. A referral of the amendments to hearing would not be considered an endorsement of the proposed amendments, but rather would set a hearing date within which the merits of the proposals may be considered and the Council may take action to approve some or all of the amendments.

I am recommending this action because some of the amendments are time sensitive – including the need to adjust Pool fees in order to incorporate the costs of online registration and payment into user fees – and I'd prefer to see all proposed amendments considered within a single hearing in order to avoid incurring extra costs associated with legal notice of public hearing.

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**

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ADOPTED: Hampden Town Council October 20, 1986
Effective: November 19, 1986

AMENDED: Hampden Town Council December 7, 1987
Effective: January 5, 1988

AMENDED: Hampden Town Council March 21, 1991
Effective: April 21, 1991

AMENDED: Hampden Town Council July 6, 1993
Effective: August 5, 1993

AMENDED: Hampden Town Council December 20, 1993
Effective: January 19, 1994

AMENDED: Hampden Town Council May 6, 1996
Effective: June 6, 1996

AMENDED: Hampden Town Council February 7, 1998
Effective: March 18, 1998

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

AMENDED: Hampden Town Council March 21, 2005

Effective: April 20, 2005

AMENDED: Hampden Town Council April 4, 2005
Effective: May 4, 2005

AMENDED: Hampden Town Council October 6, 2008
Effective: November 5, 2008

AMENDED: Hampden Town Council June 15, 2009
Effective: July 15, 2009

AMENDED: Hampden Town Council August 3, 2009
Effective: September 2, 2009

AMENDED: Hampden Town Council January 19, 2010
Effective: February 18, 2010

AMENDED: Hampden Town Council September 19, 2011
Effective: October 19, 2011

8.8.4, 8.9, 8.10, 8.11, 8.15, 8.16.1, 8.16.3,
8.16.5 (new 8.11 added and remainder of
Article 8 re-numbered)

AMENDED: Hampden Town Council April 23, 2012
Effective: May 23, 2012

New 1.13 added and remainder of Article 1
re-numbered, 3.5, 3.6, 3.7, 3.8, 7.2, 7.3,
added 7.4 and 7.5

AMENDED: Hampden Town Staff, November 27, 2012
Effective: December 27, 2012

Deleted Article 8.12 and 8.13

AMENDED: Hampden Town Council, April 22, 2014
Effective: May 22, 2014

Articles 6.2, 6.3 and 6.4

AMENDED: Hampden Town Council, September 2, 2014
Effective: October 2, 2014

Articles 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8,
8.9, 8.10, and 8.16

AMENDED: Hampden Town Council, December 1, 2014
Effective: December 31, 2014

Articles 3.1, 3.3, 3.5, 3.7 and 3.8; 3.9 and
corrected numbering of Article 3; and
Articles 4.2, and 4.4

AMENDED: Hampden Town Council, February 16, 2016
Effective March 17, 2016

Article 2.9

AMENDED: Hampden Town Council, [DATE], 2016
Effective [DATE], 2016

Articles [INSERT AMENDED ARTICLES]

CERTIFIED BY: _____
Paula Scott, Town Clerk

Affix Seal

TOWN OF HAMPDEN, MAINE
FEES ORDINANCE

The Town of Hampden hereby ordains:

In addition to those Town fees and charges, the authorization of which is provided for by Town Ordinances, the following schedule of fees for Town services is approved:

ARTICLE 1
ADMINISTRATION

Amended 11-17-03, 3-21-05, 6-15-09; 4-23-12

1.1. Business or Corporation filing	State Regulated
1.2. Copy of Certificate (marriage/birth/death)	State Regulated
1.3. Copy of Subdivision Ordinance	At Cost
1.4. Copy of Zoning Ordinance	At Cost
1.5. Copy of other ordinances	
1.5.1. up to 20 pages	\$0.25/page
1.5.2. and a page after that	\$0.15/page
1.6. Photocopies	
1.6.1. 8½ inch x 11 inch or smaller	\$0.25/page
1.6.2. 8½ inch x 14 inch	\$0.50/page
1.6.3. 11 inch x 17 inch	\$0.75/page
1.7. Marriage License	State Regulated
1.8. Notary Fee	<u>Free for Hampden residents</u> <u>\$3.00 for non-residents</u>
1.9. Record Search	<u>\$15.00/hour (for hours over 1)</u>
1.10. Recording of Pole Permits	
1.10.1. 1 st page	\$2.00
1.10.2. Additional pages	\$1.00/page
1.11. Tax Maps	
1.11.1. (11 inch x 17 inch)	\$50.00/complete set
1.11.2. (24 inch x 36 inch)	\$4.00 map
1.12. Compact Disk copies of ordinances or documents	\$5.00
1.13. DVD copies of recorded meetings (Added 4/23/12)	\$3.00
1.14. Liquor License (Amended 6/15/09)	
(Public hearing not required)	\$ 50.00
(Public hearing is required)	\$125.00
<u>1.14. Incoming Faxes</u>	<u>\$1.00/page</u>

ARTICLE 2
FEES FOR ACTIVITIES REGULATED BY TOWN ORDINANCE

Amended 11-17-03, 3-21-05, 6-15-09, 8-3-09

- 2.1. Animal Control Ordinance**
- 2.1.1. Animal Impoundment Fee \$30.00 for each offense.
- 2.2. Cable Television Ordinance**
- 2.2.1. Initial Franchise Application Filing Fee \$500.00
- 2.2.2. Renewal Franchise Application Filing Fee \$500.00
- 2.2.3. Modification of a Franchise Agreement \$500.00
- 2.2.4. Combined Filing Fee for participating towns \$7,000.00
- 2.3. Cemetery Ordinance**
- 2.3.1. Lot Fees including perpetual care.
- 2.3.1.1. Resident ~~\$200.00~~ \$325.00
- 2.3.1.2. Resident -Infant or Cremation ~~\$200.00~~ \$650.00
- 2.3.1.3. Non-Resident ~~\$300.00~~ \$450.00
- 2.3.1.4. Non-Resident Infant or Cremation ~~\$300.00~~ \$325.00
- 2.3.2. Interment fees
- 2.3.2.1. Grave Openings Weekdays Adult ~~\$250.00~~ \$400.00
- 2.3.2.2. Grave Openings Weekdays Infant or Cremation \$125.00
- 2.3.2.3. Grave Openings Weekends or Holidays Adult ~~\$350.00~~ \$600.00
- 2.3.2.4. Grave Openings Weekends or Holidays \$200.00
- Infant or Cremation
- 2.3.3. Town Crypt Fees
- 2.3.3.1. Resident Free
- 2.3.3.2. Non-Resident ~~\$25.00~~ \$50.00
- 2.3.4. Disinterment ~~\$800.00~~ \$1,000.00
- 2.3.5. Vault Cremation ~~\$250.00~~ \$400.00
- 2.3.6. Public Works Dept. Labor After 3:00 PM ~~\$25.00/hour~~ \$35.00/hour
- 2.4. Concourse Gathering Ordinance**
- 2.4.1. Concourse Gathering Permit Fee \$100.00
- 2.5. Floodplain Management Ordinance**
- 2.5.1. Application Fee ~~\$75.00~~ \$100.00
- 2.5.2. Experts Fee \$500.00 horizontal review
\$1,000.00 vertical review and horizontal review.
This is a draw account established for a professional to establish flood elevation data where possible. Any unspent funds are to be returned to the applicant
- 2.5.3. Cost for public notices and mailings At cost
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken).

2.6. Harbor Ordinance		
2.6.1. Overnight tie up to public float		\$0.40 per ft. boat hull length. <u>N/A</u>
2.6.2. Private mooring		\$25.00 annual fee. <u>N/A</u>
2.7. Historic Preservation Ordinance		
2.7.1. Certificate of Appropriateness Application Fee		\$75.00
2.7.2. Historic Site or Landmark Designation <u>Application</u> Fee		\$150.00
<u>2.7.3. Cost of public notices and mailings</u>		<u>At cost</u>
2.8. Mobile Home Park Ordinance		
2.8.1. Annual Mobile Home Park License <i>(This includes application review, initial inspection of premises and a follow-up inspection).</i>		\$150.00 <u>\$200.00</u>
2.8.2. Additional Inspection Fee <i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).</i>		\$100.00 <u>\$200.00</u>
2.9. Sewer Ordinance <i>(Amended 8/3/09; 2/16/16)</i>		
2.9.1. Sewer Service Charge Rate <i>(Amended 8/3/09)</i>		\$9.74 per 100 cubic feet of water (c.f.w.) consumed as indicated by consumer's water meter.
2.9.1.1. Sewer Charge Flat Rate Town Water No Meter		\$108.56
2.9.1.2. Sewer Charge Flat Rate Well Water No Meter		\$178.19
2.9.2. Sewer Service Capital Charge		
2.9.2.1. Base Rate for 1 to 2,999 c.f.w. consumed		\$0.00
2.9.2.2. 3,000 to 5,999 c.f.w. consumed (double base)		\$0.00
2.9.2.3. 6,000 to 8,999 c.f.w. consumed (triple base)		\$0.00
2.9.2.4. Other c.f.w. amount		\$0.00
2.9.3. Sewer Service Minimum Charge Rate		\$30.62
2.9.4. Sewer Service "Ready to Serve" Charge		\$30.62
2.9.5. Special Sewer Service Charge		As determined by Town Council.
2.9.6. Sewer Service Charge Rate Outside Town Limits		As determined by Town Council.
2.10. Solid Waste Flow Control Ordinance		
2.10.1. License Application Fee		\$10.00
2.10.2. Annual License Fee Per Vehicle		\$25.00
2.11. Special Amusement Ordinance		
2.11.1. Permit Application Fee		\$50.00
2.12. Subdivision Ordinance		
2.12.1. Subdivision Sketch Plan		No Charge
2.12.2. Minor Subdivision <i>(Less than 5 lots and no public improvements).</i>		\$35.00 <u>200.00</u> plus \$20.00/acre
2.12.3. Minor Subdivision Review/Inspection Draw		not required.

<p>2.12.4. Major Subdivision Preliminary Plan <i>(Five or more lots and /or public improvements).</i></p>	<p>\$85.00 <u>200.00</u> plus \$50.00/acre plus \$1,000.00 peer technical review draw account <u>or in such greater amount as determined based on type of peer review needed (i.e. traffic, stormwater etc).</u></p>
<p>2.12.5. Major Subdivision Final Plan <i>(Review/Inspection Draw Account)</i></p>	<p><u>\$200.00 plus \$50.00/acre</u> <u>Fee Peer technical review draw account</u> based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.</p>
<p>2.12.6. Major Subdivision Final Plan <i>(Mobile Home Park Construction Review/Inspection Draw Account)</i></p>	<p><u>\$200.00 plus \$50.00/acre</u> <u>Fee Peer technical review draw account</u> based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.</p>
<p><u>2.12.7. Cost for public notices and mailings</u></p>	<p><u>At cost</u></p>
<p>2.13. Victualers Ordinance <i>(Amended 6/15/09)</i></p>	
<p>2.13.1. Victualers License Application {</p>	
<p><u>2.13.1.1.</u> Public hearing not required}</p>	<p>\$ 50.00 <u>\$100.00</u></p>
<p><u>2.13.1.2.</u> {Public hearing is required}</p>	<p>\$125.00 <u>\$150.00</u></p>
<p><u>2.13.1.3.</u> <u>Cost for public notices and mailings</u></p>	<p><u>At cost</u></p>
<p><i><u>The above fees (This includes public notice and initial all inspections required by Town of Hampden Victualers Ordinance. of premises. If an inspection is performed and the Code Enforcement Officer or Fire Inspector, or their alternate, believe a reinspection is needed because of a fault of the town needs to perform additional inspections as a result of applicant or agent then a fee per 2.16.5 deficiencies, each inspection will be charged \$50.00 and due prior to the inspection) issuance of the Victualers License.</u></i></p>	
<p>2.14. Waste Disposal Facility Licensing Ordinance</p>	
<p>2.14.1. Application Fee</p>	<p>\$50,000.00</p>
<p><i>This is a draw account to be used by the Council to hire consultants as necessary to review the proposal. If at any time balance drops to \$10,000.00 the applicant shall deposit an additional \$10,000.00. Any unexpended balance shall be returned after a final decision on the application is rendered.</i></p>	
<p>2.15. Yard Sale Ordinance</p>	
<p>2.15.1. Permit Fee</p>	<p>\$5.00</p>

2.16. Zoning Ordinance

2.16.1. Building Permit Applications for all Construction ——— \$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas; basements, attics, decks, pools; porches, sheds, garages, etc.

2.16.1.1. All new construction (residential and commercial) and addition (residential and commercial) permit fee shall be based on a fee multiplier of 0.0025 multiplied against total construction costs derived from appropriate calculations pursuant to the adopted ICC type of construction method/permit fees Building Valuation Data as presented to the Town of Hampden Council each year, in June, by the Code Enforcement Officer or Building Official. The fee multiplier will be reviewed on an annual basis in June. The initial Building Valuation Data shall be based on the February 2012 table on file in the Code Enforcement Office.

The permit fee will = gross floor area x type of construction cost per table x fee multiplier.

(Example: Basement: 1,952 sq. ft., 1st Floor: 1,952 sq. ft., Decks: 168 sq. ft., Sunroom: 216 sq. ft., Unheated garage: 672 sq. ft., Total Square feet (minus unheated garage): 4,288 sq. ft.

Conditioned Space: 4,288 x 103.92 x 0.0025 = 1,114.02

Unheated Garage: 672 x 39.44 x 0.0025 = 66.26

Permit Fee: \$1,114.02 + \$66.26 = \$1,180.28)

2.16.1.2 Alteration permit (residential) - \$100.00 + \$0.15 square foot area altered
Alteration permit (commercial) - \$200.00 + \$0.20 square foot area altered

2.16.1.3 Sheds and accessory structures under 200 ft² (residential): \$50.00
Sheds and accessory structures under 120 ft² (commercial): \$100.00

2.16.1.4 Swimming Pool, as defined in Zoning Ordinance, (residential): \$50.00

2.16.1.5 Fence over 6 feet: \$50.00

(Plumbing Permit Application)

State Regulated

2.16.2. Demolition/Earth Moving Permit Application	\$25.00	
<u>2.16.2.1 Demolition (residential-with sewer connection)</u>		<u>\$100.00</u>
<u>2.16.2.2 Demolition (residential-no sewer connection)</u>		<u>\$50.00</u>
<u>2.16.2.3 Demolition (commercial)</u>		<u>\$150.00</u>
<u>2.16.2.4 Earth Moving (Code Enforcement Issued)</u>		<u>\$100.00</u>
<u>2.16.2.5 Earth Moving (Planning Board Issued)</u>		<u>\$200.00</u>
2.16.3. Sign Permit Application	\$25.00	<u>\$50.00</u> per sign
2.16.4. Certificate of Compliance Application	\$50.00	<u>\$100.00</u>
<i>(Change of use, resumption of use, new use without</i>		

building permit application)

~~The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.~~

- | | | |
|-------------------|--|--|
| 2.16.5. | Additional Final Inspections
<i>(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).</i> | \$25.00 <u>\$35.00</u> per hour <u>per inspector</u> up to 50% of cost of building permit |
| 2.16.8. | Zoning Board of Appeals Variance Application | |
| 2.16.8.1. | General Variance | \$100.00 <u>\$250.00</u> |
| 2.16.8.2. | Dimensional Variance | \$100.00 <u>\$250.00</u> |
| 2.16.8.3. | Disability Variance | Free |
| 2.16.8.4. | Administrative Appeal Application | \$100.00 <u>\$250.00</u> |
| <u>2.16.8.5.</u> | <u>Cost for public notices and mailings</u> | <u>At cost</u> |
| 2.16.9. | Zoning Ordinance Map or Text Amendment Request
<u>Applicant responsible for costs of public notices and mailings.</u> | \$650.00 |
| 2.16.10. | Site Plan Review Applications | |
| 2.16.10.1. | Minor Development
<i>This includes reuse proposal or new structures with less than 3,000 sq. ft., and total site improvements of less than 5,000 sq. ft</i> | \$75.00 <u>\$200.00</u> |
| 2.16.10.2. | Major Development
<i>This includes new structures in excess of 20,000 sq. ft or developments with more than 50,000 sq. ft. of site improvements</i> | \$500.00 <u>\$1,000.00</u> |
| 2.16.10.3. | All Others | \$150.00 <u>\$300.00</u> |
| <u>2.16.10.4.</u> | <u>Cost for public notices and mailings</u> | <u>At cost</u> |
| 2.16.11. | Commercial Secure Landfill Applications
<i>(Application to expand or construct a Commercial Secure Landfill in addition to the above fees).</i> | \$0.005/cubic yard of capacity |
| <u>2.16.11.1.</u> | <u>Cost for public notices and mailings</u> | <u>At cost</u> |
| 2.16.12. | Peer Technical Review Draw Accounts
<i>(In addition to the Planning Board application fees the Town shall assess a Peer Technical Review draw account accompanying a complete application as defined by ordinance and prior to review by the Board based on the following schedule. Applications which require subsequent re-review of additional information, or amended submittals shall be responsible to provide additional funds to cover these full peer review costs. Upon exhausting in excess of 75% of the funds in the original submittal, the applicant shall provide additional funding increments of 50% of the original fee. Any remaining fees held in the account upon completion of the review process shall be returned to the applicant).</i> | |
| 2.16.12.1. | Engineering Analysis
<i>(Where the staff or planning board requires an Engineering Analysis</i> | \$600.00. <u>\$1,000.00</u> |

2.16.12.2.	<i>based on any on-site or off-site impacts).</i> Stormwater Analysis <i>(Where the staff or planning board requires a pre-development and post-development storm-water impact study based on 2 acres of proposed impervious surface or other local stormwater drainage problems).</i>	\$500.00.
2.16.12.3.	Traffic Analysis <i>(Where the staff or planning board requires a Traffic Impact Study based on 100 peak hour trips generated on-site or other known local traffic congestion problems).</i>	\$1,000.00.
2.16.12.4.	<u>Construction Document Review</u> <i>(Where the staff requires review of the submitted construction documents for code compliance, engineering analysis, or other review deemed necessary).</i>	\$1,000.00

The above application fees include all inspections required by Town of Hampden Zoning Ordinance and Maine Uniform Building and Energy Code. If an inspection is called for and the Code Enforcement Officer, Local Plumbing Inspector, Building Official, or their alternate, believe a reinspection is needed because of a fault of the permittee or agent then a fee per 2.16.5 will be charged and due to the Town prior to the issuance of a Certificate of Compliance.

2.17. Shoreland Zoning Ordinance

<u>2.17.1. Shoreland Zoning Permit Application</u>	
<u>2.17.1.1 Code Enforcement Officer Issued Permit</u>	<u>\$100.00</u>
<u>2.17.1.2 Planning Board Issued Permit</u>	<u>\$200.00</u>
<u>2.17.1.2.1 Cost for public notices and mailings</u>	<u>at cost</u>
<u>2.17.1.3 Local Plumbing Inspector Issued Permit</u>	<u>\$100.00</u>
<i>(Any "at cost" fee must be paid to the Town before the issuance of any approved permit, variance, or action on a board order will be undertaken)</i>	

2.18. E911 Addressing Ordinance

<u>2.18.1 Driveway Entrance /e911 Address Permit</u>	<u>\$50.00</u>
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ARTICLE 3
FIRE DEPARTMENT
Amended 11-17-03, 4-4-05; 4-23-12; 12-1-14

- 3.1. **DELETED** (Amended 12-1-14)
- 3.2. **Report Copies** \$10.00
- 3.3. **DELETED** (Amended 12-1-14)
- 3.4. **Fee for pumping: 1 time emergency** Free
- 3.5. **DELETED** (Amended 12-1-14)
- 3.6. **Advanced Life Support 1 Rates** (Amended 4-23-12)
 - 3.6.1. ALS 1 Base Rate \$685.00
 - 3.6.2. ALS 2 Base Rate \$885.00
 - 3.6.3. ALS Non-Emergency Rate \$475.00
 - 3.6.4. ALS Mileage \$ 17.00
 - 3.6.5. ALS Backup Fee \$100.00
- 3.7. **Basic Life Support Rates** (Amended 4-23-12; 12-1-14)
 - 3.7.1. BLS Base Rate \$550.00
 - 3.7.2. BLS Non-Emergency Rate \$450.00
 - 3.7.3. **DELETED** (Amended 12-1-14)
 - 3.7.4. BLS Mileage \$ 17.00
- 3.8. **Ambulance Stand-by fee for special events** (Amended 4-23-12; 12-1-14) \$143.06 per EMS staff member per 0 to 4 hour event. Each additional 0 to 4 hour event shall be billed at an additional \$143.06 per EMS staff member.
- 3.9. **DELETED** (Amended 12-1-14)

ARTICLE 4
POLICE DEPARTMENT
Amended 11-17-03; 12-1-14

- | | | |
|-------------|---|--|
| 4.1. | <i>Report Copies</i> (accident or criminal) | \$10.00 for the first page
plus .25 per page
thereafter |
| 4.2. | <i>Special Detail</i> (Dances, games, guard duty, etc.) <i>(Amended 12-1-14)</i> | \$143.06 per officer for the first
two hours. Each additional hour
shall be billed at the current
average overtime rate plus
administrative fee. |
| 4.3. | <i>Concealed Weapons (Hand Gun) Permit</i> | |
| | 4.3.1. First Permit - State Maximum | \$35.00 |
| | 4.3.2. Renewal | \$20.00 |
| 4.4. | <i>DELETED</i> <i>(Amended 12-1-14)</i> | |

ARTICLE 5
PUBLIC WORKS
Amended 11-17-03

5.1. **Additional Fees**

5.1.1. Public Works Dept. Labor After 3:00 PM ~~\$25.00/hour~~ \$200 per person (up to 4 hours); \$50 per person per hour for every hour above 4.

5.1.2. Street Opening/Utility Connection Permit ~~(Public Way (Deposit)— \$300.00~~ \$50.00
5.1.3. Sewer Connection Hookup ~~\$200.00~~ Determined based on proposed use and flow in accordance with Sewer Connection Fee Calculation Worksheet and Sewer Connection Fee Schedule.

5.2. **Solid Waste Fees**

5.2.1. Business Companies Hauling Trash \$200.00/annually
5.2.2. Business Hauling directly to Pine Tree Landfill or to the transfer station \$25.00/annually
5.2.3. Non-resident Business working on Hampden Project (temp permit) \$25.00/annually
5.2.4. Resident Transfer Station Sticker ~~\$5.00~~ 10.00

ARTICLE 6
RECREATION
Amended 11-17-03, 4-22-14

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	\$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

ARTICLE 7
LIBRARY

Amended 11-17-03, 1-19-10; 4-23-12

7.1. Library Fees	
7.1.1. Resident Annual Fee	Free
7.1.2. Non-Resident Annual Fee	\$35.00/year
7.1.3. Overdue Fees	
7.1.3.1. Books and Periodicals	\$0.10/day
7.1.3.2. Audio or Video	\$0.10/day
7.1.3.3. Maximum Overdue Fee	\$3.00/item
7.2 Self-service Photocopies (Amended 4/23/12)	\$0.25/page
7.3 Self-service Printer Pages (Amended 4/23/12)	\$0.25/page
7.4 Self-service Sending of Faxes (Added 4/23/12)	
7.4.1. Within United States	\$1.00/page
7.4.2. International	\$2.00/page
7.5 Receiving of Faxes (Added 4/23/12)	Not Allowed

ARTICLE 8
POOL

Amended 11-17-03, 4-4-05, 10-6-08, 9-19-11, 11-27-12, 9-2-14, ~~4-18-16~~

8.1. **Susan G. Abraham Memorial Endowed Scholarship** provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and recipient must be resident of RSU #22 District. *(Amended 9/19/2011; 9/2/2014)*

8.2. **Annual Resident Membership Fees:** *(Amended 9/2/2014)*

8.2.1. Family	\$268.00
8.2.2. Single Adult	\$163.00
8.2.3. Youth/Teen	\$126.00
8.2.4. Senior	\$152.00

8.3. **Six Month Resident Membership Fees:** *(Amended 9/2/2014; ~~4/18/16~~)*

8.3.1. Family	\$163.00	<u>\$168.00</u>
8.3.2. Single Adult	\$100.00	<u>\$103.00</u>
8.3.3. Youth/Teen	\$ 79.00	<u>\$ 81.00</u>
8.3.4. Senior	\$ 95.00	<u>\$ 98.00</u>

8.4. **Three Month Resident Membership Fees:** *(Amended 9/2/2014; ~~4/18/16~~)*

8.4.1. Family	\$100.00	<u>\$103.00</u>
8.4.2. Single Adult	\$ 63.00	<u>\$ 65.00</u>
8.4.3. Youth/Teen	\$ 53.00	<u>\$ 55.00</u>
8.4.4. Senior	\$ 58.00	<u>\$ 60.00</u>

8.5. **Annual Non-Resident Membership Fees:** *(Amended 9/2/2014)*

8.5.1. Family	\$294.00
8.5.2. Single Adult	\$189.00
8.5.3. Youth/Teen	\$152.00
8.5.4. Senior	\$179.00

8.6. **Six Month Non-Resident Membership Fees:** *(Amended 9/2/2014; ~~4/18/16~~)*

8.6.1. Family	\$179.00	<u>\$184.00</u>
8.6.2. Single Adult	\$116.00	<u>\$119.00</u>
8.6.3. Youth/Teen	\$ 95.00	<u>\$ 98.00</u>
8.6.4. Senior	\$110.00	<u>\$113.00</u>

8.7. **Three Month Non- Resident Membership Fees:** *(Amended 9/2/2014; ~~4/18/16~~)*

8.7.1. Family	\$110.00	<u>\$113.00</u>
8.7.2. Single Adult	\$ 74.00	<u>\$ 76.00</u>
8.7.3. Youth/Teen	\$ 63.00	<u>\$ 65.00</u>
8.7.4. Senior	\$ 68.00	<u>\$ 70.00</u>

8.8. **Daily Swim Fee for non-members** *(Amended 9/19/2011; 9/2/2014)*

8.8.1. Single Swim - Resident	\$ 4.00
8.8.2. Single Swim - Non-Resident	\$ 5.00
8.8.3. Resident 12 Use Punch Card	\$ 36.00
8.8.4. Non-Resident 12 Use Punch Card	\$ 48.00

8.9.	Resident Swim Lessons (Amended 9/19/2011; 9/2/2014)		
8.9.1.	Members	\$4.50 per class	
8.9.2.	Non-Members	\$6.00 per class	
8.10.	Non-Resident Swim Lessons (Amended 9/19/2011; 9/2/2014; <u>4/18/16</u>)		
8.10.1.	Members	\$6.00 per class	<u>\$6.50 per class</u>
8.10.2.	Non-Members	\$7.50 per class	<u>\$8.00 per class</u>
8.11.	Private Swim Lessons (Amended 9/19/2011)		
8.11.1	Resident Member		
	1 Child	\$15.00 per class	
	2 Children	\$20.00 per class	
8.11.2.	Resident Non-member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.3	Non-resident Member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.4	Non-resident Non-member		
	1 Child	\$25.00 per class	
	2 Children	\$30.00 per class	
8.12.	Deleted November 27, 2012		
8.13.	Deleted November 27, 2012		
8.14.	Adult Aqua Aerobics Drop-Ins <u>Fitness</u>:		
8.14.1.	<u>Residents</u> Members	\$4.00/class	
8.14.2.	Non- <u>Residents</u> Members	\$5.00/class	
8.15.	Gentle Aerobics (deleted 9/19/2011)		
8.16.	Pool Facility Rental Fees (Limited Availability): (Amended 9/19/2011; 9/2/2014; <u>4/18/16</u>)		
8.16.1.	Resident Pool Rental (up to 30 total guests)	\$75.00/hour	<u>\$77.00/hour</u>
8.16.2.	Resident Lounge Rental	\$20.00/hour	
8.16.3.	Non-Resident Pool Rental (up to 30 total guests)	\$91.00/hour	<u>\$94.00/hour</u>
8.16.4.	Non-Resident Lounge Rental	\$25.00/hour	
8.16.5.	Every 10 Additional Guests (As Required by Rules)	\$15.00/hour	
8.17.	Swim Diaper	\$1.00	

**ARTICLE 9
ANNUAL REVIEW BY TOWN COUNCIL**

- 9.1** An itemized listing of fees for each town department will be submitted to the Town Council by the Town Manager on or before October of each year for the Council's review, revision, and approval.



Lura E. Hoit Memorial Pool
146 Western Ave.
Hampden, ME 04444
(207) 862-4305

Town of Hampden
RECEIVED

MAR 24 2016

Office of the
Town Manager

To: Angus Jennings
From: Darcey Peakall
Re: Lura Hoit Pool Fees

I recommend the following fee increases to offset the costs for accepting credit/debit at the pool. In an effort to stay competitive I researched the Bangor YMCA fee structure (see attached).

Increase Hampden resident and non-resident three and six month memberships by 3%. Estimated projected revenue for six and three month increase would be \$598. I recommend no increase to annual memberships to encourage more patrons to commit to annual memberships. Currently we accept quarterly payments for annual memberships for an additional \$25 fee that is divided into the quarterly payments. MyRec.com will enable us to make automatic withdraw for quarterly payments and I recommend removing the additional \$25 fee.

I also recommend a 8% increase to non-resident swim lesson only. The increase would be a .50 per lesson increase for both non-resident member and non-member. The estimated projected revenue would be \$1,905 with no increase to Hampden residents for swim lessons.

There would also be a 3% increase for weekend pool rentals for both Hampden residents and non-residents. The estimated projected revenue would be \$495. The total estimated projected revenue for all the increases would be \$2998. This projected estimate is low and will most likely be much higher.

Mailing Address: 106 Western Ave, Hampden, ME 04444
lurahoitpool @hampdenmaine.gov

ARTICLE 8
POOL

Amended 11-17-03, 4-4-05, 10-6-08, 9-19-11, 11-27-12, 9-2-14, 4-18-16

8.1. **Susan G. Abraham Memorial Endowed Scholarship** provides the opportunity to learn to swim (see 8.9 & 8.10) to those who could not otherwise afford it. The scholarship is based on individual assessment of financial need and recipient must be resident of RSU #22 District.
(Amended 9/19/2011; 9/2/2014)

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8.2.1. Family	\$268.00
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8.3.1. Family	\$163.00	<u>\$168.00</u>
8.3.2. Single Adult	\$100.00	<u>\$103.00</u>
8.3.3. Youth/Teen	\$ 79.00	<u>\$ 81.00</u>
8.3.4. Senior	\$ 95.00	<u>\$ 98.00</u>

8.4. **Three Month Resident Membership Fees:** *(Amended 9/2/2014; 4/18/16)*

8.4.1. Family	\$100.00	<u>\$103.00</u>
8.4.2. Single Adult	\$ 63.00	<u>\$ 65.00</u>
8.4.3. Youth/Teen	\$ 53.00	<u>\$ 55.00</u>
8.4.4. Senior	\$ 58.00	<u>\$ 60.00</u>

8.5. **Annual Non-Resident Membership Fees:** *(Amended 9/2/2014)*

8.5.1. Family	\$294.00
8.5.2. Single Adult	\$189.00
8.5.3. Youth/Teen	\$152.00
8.5.4. Senior	\$179.00

8.6. **Six Month Non-Resident Membership Fees:** *(Amended 9/2/2014; 4/18/16)*

8.6.1. Family	\$179.00	<u>\$184.00</u>
8.6.2. Single Adult	\$116.00	<u>\$119.00</u>
8.6.3. Youth/Teen	\$ 95.00	<u>\$ 98.00</u>
8.6.4. Senior	\$110.00	<u>\$113.00</u>

8.7. **Three Month Non- Resident Membership Fees:** *(Amended 9/2/2014; 4/18/16)*

8.7.1. Family	\$110.00	<u>\$113.00</u>
8.7.2. Single Adult	\$ 74.00	<u>\$ 76.00</u>
8.7.3. Youth/Teen	\$ 63.00	<u>\$ 65.00</u>
8.7.4. Senior	\$ 68.00	<u>\$ 70.00</u>

8.8. **Daily Swim Fee for non-members** *(Amended 9/19/2011; 9/2/2014)*

8.8.1. Single Swim - Resident	\$ 4.00
8.8.2. Single Swim - Non-Resident	\$ 5.00
8.8.3. Resident 12 Use Punch Card	\$ 36.00
8.8.4. Non-Resident 12 Use Punch Card	\$ 48.00

8.9.	Resident Swim Lessons (Amended 9/19/2011; 9/2/2014)		
8.9.1.	Members	\$4.50 per class	
8.9.2.	Non-Members	\$6.00 per class	
8.10.	Non-Resident Swim Lessons (Amended 9/19/2011; 9/2/2014; 4/18/16)		
8.10.1.	Members	\$6.00 per class	<u>\$6.50 per class</u>
8.10.2.	Non-Members	\$7.50 per class	<u>\$8.00 per class</u>
8.11.	Private Swim Lessons (Amended 9/19/2011)		
8.11.1	Resident Member		
	1 Child	\$15.00 per class	
	2 Children	\$20.00 per class	
8.11.2.	Resident Non-member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.3	Non-resident Member		
	1 Child	\$20.00 per class	
	2 Children	\$25.00 per class	
8.11.4	Non-resident Non-member		
	1 Child	\$25.00 per class	
	2 Children	\$30.00 per class	
8.12.	Deleted November 27, 2012		
8.13.	Deleted November 27, 2012		
8.14.	Adult Aqua Aerobics Drop-Ins <u>Fitness</u>:		
8.14.1.	<u>Residents</u> Members	\$4.00/class	
8.14.2.	Non- <u>Residents</u> Members	\$5.00/class	
8.15.	Gentle Aerobics (deleted 9/19/2011)		
8.16.	Pool Facility Rental Fees (Limited Availability): (Amended 9/19/2011; 9/2/2014; 4/18/16)		
8.16.1.	Resident Pool Rental (up to 30 total guests)	\$75.00/hour	<u>\$77.00/hour</u>
8.16.2.	Resident Lounge Rental	\$20.00/hour	
8.16.3.	Non-Resident Pool Rental (up to 30 total guests)	\$91.00/hour	<u>\$94.00/hour</u>
8.16.4.	Non-Resident Lounge Rental	\$25.00/hour	
8.16.5.	Every 10 Additional Guests (As Required by Rules)	\$15.00/hour	
8.17.	Swim Diaper	\$1.00	

Lura Hoit Pool
Proposed Fee Increases estimated revenue

		Current	% Increase	Amount	Actual	Proposed	\$ Increase	#	# per year	Projected Revenue
8.2	Annual Resident Membership Fees:									
8.2.1	Family	\$ 268.00		\$ -	\$ 268.00			19		
8.2.2	Single Adult	\$ 163.00		\$ -	\$ 163.00			9		
8.2.3	Youth/Teen	\$ 126.00		\$ -	\$ 126.00			0		
8.2.4	Senior	\$ 152.00		\$ -	\$ 152.00			11		
8.3	Six Month Resident Membership Fees:									
8.3.1	Family	\$ 163.00	3%	\$ 4.89	\$ 167.89	\$ 168.00	\$ 5.00	5	2	\$ 50.00
8.3.2	Single Adult	\$ 100.00	3%	\$ 3.00	\$ 103.00	\$ 103.00	\$ 3.00	1	2	\$ 6.00
8.3.3	Youth/Teen	\$ 79.00	3%	\$ 2.37	\$ 81.37	\$ 81.00	\$ 2.00	0	2	\$ -
8.3.4	Senior	\$ 95.00	3%	\$ 2.85	\$ 97.85	\$ 98.00	\$ 3.00	2	2	\$ 12.00
8.4	Three Month Resident Membership Fees:									
8.4.1	Family	\$ 100.00	3%	\$ 3.00	\$ 103.00	\$ 103.00	\$ 3.00	3	4	\$ 36.00
8.4.2	Single Adult	\$ 63.00	3%	\$ 1.89	\$ 64.89	\$ 65.00	\$ 2.00	6	4	\$ 48.00
8.4.3	Youth/Teen	\$ 53.00	3%	\$ 1.59	\$ 54.59	\$ 55.00	\$ 2.00	1	4	\$ 8.00
8.4.4	Senior	\$ 58.00	3%	\$ 1.74	\$ 59.74	\$ 60.00	\$ 2.00	0	4	\$ -
8.5	Annual Non-Resident Membership Fees:									
8.5.1	Family	\$ 294.00		\$ -	\$ 294.00			21		
8.5.2	Single Adult	\$ 189.00		\$ -	\$ 189.00			11		
8.5.3	Youth/Teen	\$ 152.00		\$ -	\$ 152.00			1		
8.5.4	Senior	\$ 179.00		\$ -	\$ 179.00			18		
8.6	Six Month Non-Resident Membership Fees:									
8.6.1	Family	\$ 179.00	3%	\$ 5.37	\$ 184.37	\$ 184.00	\$ 5.00	8	2	\$ 80.00
8.6.2	Single Adult	\$ 116.00	3%	\$ 3.48	\$ 119.48	\$ 119.00	\$ 3.00	5	2	\$ 30.00
8.6.3	Youth/Teen	\$ 95.00	3%	\$ 2.85	\$ 97.85	\$ 98.00	\$ 3.00	0	2	\$ -
8.6.4	Senior	\$ 110.00	3%	\$ 3.30	\$ 113.30	\$ 113.00	\$ 3.00	2	2	\$ 12.00

Lura Hoit Pool
Proposed Fee increases estimated revenue

	Current	Increase %	Amount	Actual	Proposed	\$ Increase	#	# per year	Projected Revenue
8.7 Three Month Non-Resident Membership Fees:									
8.7.1 Family	\$ 110.00	3%	\$ 3.30	\$ 113.30	\$ 113.00	\$ 3.00	13	4	\$ 156.00
8.7.2 Single Adult	\$ 74.00	3%	\$ 2.22	\$ 76.22	\$ 76.00	\$ 2.00	8	4	\$ 64.00
8.7.3 Youth/Teen	\$ 63.00	3%	\$ 1.89	\$ 64.89	\$ 65.00	\$ 2.00	0	4	\$ -
8.7.4 Senior	\$ 68.00	3%	\$ 2.04	\$ 70.04	\$ 70.00	\$ 2.00	12	4	\$ 96.00
						TOTAL			\$ 598.00
8.8 Daily swim fee for non-members:									
8.8.1 Single Swim - Resident	\$ 4.00				\$ 4.00				
8.8.2 Single Swim - Non-Resident	\$ 5.00				\$ 5.00				
8.8.3 Resident 12 Use Punch Card	\$ 36.00				\$ 36.00				
8.8.4 Non-Resident 12 Use Punch Card	\$ 48.00				\$ 48.00				
8.9 Resident Swim Lessons									
8.9.1 Members	\$ 4.50		\$ -	\$ 4.50	\$ 4.50				
8.9.2 Non-Member	\$ 6.00			\$ 6.00	\$ 6.00				
8.10 Non-Resident Swim Lessons									
8.10.1 Members (per class)	\$ 6.00	8%	\$ 0.48	\$ 6.48	\$ 6.50				
8.10.2 Non-Members (per class)	\$ 7.50	8%	\$ 0.60	\$ 8.10	\$ 8.00	\$ 23,814.00	8%		\$ 1,905.12
8.11 Private Swim Lessons									
8.11.1 Resident Member (per class)	\$ 15.00				\$ 15.00				
1 Child	\$ 20.00				\$ 20.00				
2 Children	\$ 25.00				\$ 25.00				
8.11.2 Resident Non-Member (per class)	\$ 20.00				\$ 20.00				
1 Child	\$ 25.00				\$ 25.00				
2 Children	\$ 25.00				\$ 25.00				
8.11.3 Non-resident Member (per class)	\$ 20.00				\$ 20.00				
1 Child	\$ 25.00				\$ 25.00				
2 Children	\$ 25.00				\$ 25.00				

Lura Holt Pool
Proposed Fee increases estimated revenue

	Current	Increase %	Amount	Actual	Proposed	\$ Increase	#	# per year	Projected Revenue
8.11.4 Non-resident Non-member									
1 Child	\$ 25.00				\$ 25.00				
2 Children	\$ 30.00				\$ 30.00				
8.14. Adult Aqua Exercise Drop In Fee:									
8.14.1 Residents	\$ 4.00				\$ 4.00				
8.14.2 Non-residents	\$ 5.00				\$ 5.00				
8.16. Pool & Facility Rental Fees (per hour)									
8.16.1 Resident Pool Rental (30 total guests)	\$ 75.00	3%	\$ 2.25	\$ 77.25	\$ 77.00				
8.16.2 Resident Lounge Rental	\$ 20.00				\$ 20.00				
8.16.3 Non-resident Pool Rental (30 total guests)	\$ 91.00	3%	\$ 2.73	\$ 93.73	\$ 94.00	\$ 16,519.00	3%		\$ 495.57
8.16.4 Non-resident Lounge Rental	\$ 25.00				\$ 25.00				
8.16.5 Additional 10 Guests (As required by rules)	\$ 15.00				\$ 15.00				
8.17. Swim Diaper	\$ 1.00				\$ 1.00				
TOTAL									\$ 2,998.69



Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444



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

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

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

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

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

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

Memorandum

To: Angus Jennings, Town Manager
From: Myles Block, Code Enforcement Officer *MB*
Date: March 21, 2015
CC: Chief Joseph Rogers, Public Safety Director
Lt. Jason Lundstrom, Fire Inspector
Jared LeBarnes, Building Official
Dean Bennett, Director of Community and Economic Development
Rosemary Bezanson, Administrative Assistant
Re: Fee Ordinance Amendments

Town of Hampden
RECEIVED
MAR 21 2016
Office of the
Town Manager

The attached shows the proposed fees increased proposed by the Code Enforcement Office. The overwhelming drive for the fees increase is for the Town to be compensated for the staff time it takes to review different Code Enforcement, Planning Board, and other permits and applications processed by the Town. This also takes into account the increased review and inspections needed because of the Maine Uniform Building and Energy Code requirements and other expenses.

Article 2.5 – Increases the application fee for Floodplain Management Application to \$100. This increase is to allow for 2-3 hours of Staff Time for review.

Article 2.7 – Add section for cost of public notices and mailings.

Article 2.8 – Increase to allow for 5 hours of staff time for inspections and file review for the annual inspection. The inspection requires the Fire Inspector and Code Enforcement Officer and takes 1.5 – 2 hours of inspection time.

Article 2.12 – Increases minimum base fee to \$200 for staff time for preparing Planning Board Hearings and Staff review prior to Planning Board meeting and a process to charge for the cost of public notices and mailings.

Article 2.13 – Increase allows for staff time of 2 hours for the Code Enforcement Officer and Fire Inspector to conduct inspections, 0.5 hours to process the application and a process to charge for the cost of public notices and mailings.



Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444



Phone: 207-862-4000

Email: publicsafety@hampdenmaine.gov

<http://www.hampdenmaine.gov/>

<https://www.facebook.com/hampdenpublicsafety>

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

Joseph L. Rogers
Director of Public Safety

Kandy A. McCullough
Administrative Assistant

Police

T. Daniel Stewart
Sergeant/SRO

Scott A. Webber
Sergeant

Christian D. Bailey
Sergeant

Joel Small
Police Officer

Joseph D. Burke
Police Officer/MDEA

Benson G. Eyles
Police Officer

Shawn F. Devine
Police Officer

Marc Egan
Police Officer

William Miller
Police Officer

Jeffrey L. Rice
Police Officer

Fire

Jason Lundstrom
Lieutenant/Fire Inspector

Daniel Pugsley, Jr.
Lieutenant/Paramedic

Matthew St. Pierre
Lieutenant/Paramedic

Myles Block
CEO/Paramedic

Jared LeBarnes
Building Inspector/Paramedic

Joseph Dunton
Paramedic/Chaplain

Matthew Thomas
FF/Paramedic

Shaun McNally
FF/Paramedic

Aaron Jellison
FF/Paramedic

Matthew Roope
FF/Paramedic

Article 2.16

2.16.1.1 These changes reflect a way to charge for building permits based on a national standard of per sq foot cost. The building valuation table being used is the current one being used in the City of Bangor. The fee multiplier, however, is lower than Bangor's which is 0.0075. In the future based on our own building value increase and direction from the Council on how much of the Code Enforcement budget they would like to see covered by Building Permit fees we can adjust the multiplier or building valuation table accordingly. This amendment also gives direction to the Code Enforcement Officer and Council to review the fees annually.

2.16.1.2 This amendment also increases the base fees and sq footage charge for Alterations. Alterations are tricky in that it requires a long review for code compliance and code modifications by the Building Official and is individual for each project. These project are each unique and normally require on-site review prior to issuing the permit and require inspections during construction.

2.16.1.3 Residential Sheds and Accessory Structures which are under 200sqft do not require a permit under MUBEC so this fee takes into account zoning review and an inspection for placement and ordinance requirements. MUBEC requires a permit for commercial accessory structures 120sqft or more, anything under that would require a zoning review, possibly a minor site plan revision, and placement and requirement inspection.

2.16.1.4 Aligns with accessory structures.

2.16.1.5 MUBEC require fences over 6' have a permit, aligns with accessory structures.

2.16.2 All changes in this section reflect staff time needed for review of the permits. In consultation with the PWD he wants to inspect the sewer disconnection for building demos that have a connection. Earth moving permits have 2 paths, CEO review for certain conditions and Planning Board for others. The fees are for staff review and the new standard Planning Board fee of \$200 as a base for the material and staff time needed to prepare for Planning Board Meetings.

2.16.3 Aligns with minimum permit fees above

2.16.4 Increase needed for inspection time for CEO and Fire Inspector for these inspections and for code research that is generally project specific.

2.16.5 Gives an hourly rate for reinspections if needed if the reinspection is needed because of a fault of the permittee or agent. Hourly rate as set by the PSD for special duty assignments.



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2.16.8 Increases the minimum fee for BOA applications for staff time to prepare for meetings, materials production for the meeting this also give a way to recoup the cost of public notices and mailings required.

2.16.10.1 Sets the fee to the minimum Planning Board fee of \$200

2.16.10.2 Sets fee to compensate for staff time needed to review major projects

2.16.10.3 Moves fee to \$300

2.16.10.4 Provides place to charge for public notices and mailings

2.16.12.4 Sets draw account for peer review for construction documents if the town deems necessary.

Article 2.17 Adds a fee section for Shoreland Zoning Permits. These costs were previously part of the building permit fee but these projects take time and extensive research and on-site inspections to ensure compliance with Shoreland Zoning local and State requirements.

Article 2.18 Adds fee section for Driveway entrance and E911 addressing. Both of these actions take 2 staff on-site for inspection of driveway location, determination of culvert size and GPS location for accurate addressing.

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

Additions underlined

Deletions ~~stricken~~

2.5. Floodplain Management Ordinance

- 2.5.1. Application Fee ~~\$75.00~~100.00
- 2.5.2. Experts Fee \$500.00 horizontal review
\$1,000.00 vertical review and horizontal review.
This is a draw account established for a professional to establish flood elevation data where possible. Any unspent funds are to be returned to the applicant

2.7. Historic Preservation Ordinance

- 2.7.1. Certificate of Appropriateness Application Fee \$75.00
- 2.7.2. Historic Site or Landmark Designation Ap, Fee \$150.00
- 2.7.3. Cost for public notices and mailings at cost
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

2.8. Mobile Home Park Ordinance

- 2.8.1. Annual Mobile Home Park License ~~\$150~~200.00
(This includes application review, initial inspection of premises and a follow-up inspection).
- 2.8.2. Additional Inspection Fee ~~\$100~~200.00
(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).

2.12. Subdivision Ordinance

- 2.12.1. Subdivision Sketch Plan No Charge
- 2.12.2. Minor Subdivision ~~\$35~~200.00 plus \$20.00/acre
(Less than 5 lots and no public improvements).
- 2.12.3. Minor Subdivision Review/Inspection Draw not required.
- 2.12.4. Major Subdivision Preliminary Plan ~~\$85~~200.00 plus \$50.00/acre plus \$1,000.00 peer technical review draw account.
(Five or more lots and /or public improvements).

- 2.12.5. Major Subdivision Final Plan
(Review/Inspection Draw Account) Fee based on 10% of estimated cost of completing all on-site public improvements plus 10% of estimated cost of completing all off-site public improvements.
- 2.12.6. Major Subdivision Final Plan
(Mobile Home Park Construction Review/Inspection Draw Account) Fee based on 10% estimated cost of completing all on-site improvements plus 10% of estimated cost of completing all off-site improvements.
- 2.12.7 Cost for public notices and mailings at cost
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

2.13. Victualers Ordinance (Amended 6/15/09)

- 2.13.1. Victualers License Application
- 2.13.1.1 (Public hearing not required not required) \$ 50100.00
- 2.13.1.2 (Public hearing is required) \$125150.00
- 2.13.1.3 Cost for public notices and mailings at cost
(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

(This includes public notice and initial inspection of premises. If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged \$50.00 prior to the inspection).

The above fees include all inspections required by Town of Hampden Victualers Ordinance. If an inspection is performed and the Code Enforcement Officer or Fire Inspector, or their alternate, believe a reinspection is needed because of a fault of the applicant or agent then a fee per 2.16.5 will be charged and due to the Town prior to the issuance of the Victualers License..

2.16. Zoning Ordinance

- 2.16.1. Building Permit Applications ~~for all Construction~~ ~~————~~ ~~\$25.00 plus \$0.10 per sq. ft. of total building area including but not limited to finished areas, basements, attics, decks, pools, porches, sheds, garages, etc.~~
- 2.16.1.1 All new construction (residential and commercial) and addition (residential and commercial) permit fee shall be based on a fee multiplier of 0.0025 multiplied against total construction costs derived from appropriate calculations pursuant to the adopted ICC type of construction method/permit fees Building Valuation Data as presented to the Town of Hampden Council each year, in June, by the Code Enforcement Officer or Building Official. The fee multiplier will be reviewed on an annual basis in June. The initial Building Valuation Data shall be based on the February 2012 table on file in the Code Enforcement Office.

The permit fee will = gross floor area x type of construction cost per table x fee multiplier.

(Example: Basement - 1952 ft², 1st Floor - 1952 ft², Decks - 168 ft², Sunroom - 216 ft², Unheated garage - 672 ft². Total Square feet (minus unheated garage) – 4288 ft²

Conditioned Space - 4288 x 103.92 x 0.0025 = 1114.02

Unheated Garage - 672 x 39.44 x 0.0025 = 66.26

Permit Fee - 1114.02+66.26= \$1180.28)

2.16.1.2 Alteration permit (residential) - \$100.00 + \$0.15 square foot area altered

Alteration permit (commercial) - \$200.00 + \$0.20 square foot area altered

2.16.1.3 Sheds and accessory structures under 200 ft² (residential) - \$50.00

Sheds and accessory structures under 120 ft² (commercial) - \$100.00

2.16.1.4 Swimming Pool, as defined in Zoning Ordinance, (residential) - \$50.00

2.16.1.5 Fence over 6 feet - \$50.00

(Plumbing Permit Application)

State Regulated

2.16.2. Demolition/Earth Moving Permit Application \$25.00

2.16.2.1 Demolition (residential-with sewer connection) \$100.00

2.16.2.2 Demolition (residential-no sewer connection) \$50.00

2.16.2.3 Demolition (commercial) \$150.00

2.16.2.4 Earth Moving (Code Enforcement Issued) \$100.00

2.16.2.5 Earth Moving (Planning Board Issued) \$200.00

2.16.3. Sign Permit Application \$250.00 per sign

2.16.4. Certificate of Compliance Application \$500.00

(Change of use, resumption of use, new use without building permit application)

The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.

2.16.5. Additional ~~Final~~ Inspections \$25.00~~35.77~~ per hour per inspector up to 50% of cost of building permit

(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).

2.16..8. Zoning Board of Appeals Variance Application

2.16.-8.1. General Variance \$400~~250~~.00

2.16.8.2. Dimensional Variance \$400~~250~~.00

2.16.8.3. Disability Variance Free

2.16.8.4. Administrative Appeal Application \$400~~250~~.00

2.16.8.5. Cost for public notices and mailings at cost

(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

2.16.9.	Zoning Ordinance Map or Text Amendment Request	\$650.00
2.16.10.	Site Plan Review Applications	
2.16.10.1.	Minor Development <i>This includes reuse proposal or new structures with less than 3,000 sq. ft., and total site improvements of less than 5,000 sq. ft</i>	\$75 200.00
2.16.10.2.	Major Development <i>This includes new structures in excess of 20,000 sq. ft or developments with more than 50,000 sq. ft. of site improvements</i>	\$500 1000.00
2.16.10.3.	All Others	\$150 300.00
2.16.10.4.	Cost for public notices and mailings	at cost

(Any "at cost" fee must be paid to the Town before the issuance of approved permits or variances, or action on a board order is undertaken)

2.16.12. Peer Technical Review Draw Accounts

(In addition to the Planning Board application fees the Town shall assess a Peer Technical Review draw account accompanying a complete application as defined by ordinance and prior to review by the Board based on the following schedule. Applications which require subsequent re-review of additional information, or amended submittals shall be responsible to provide additional funds to cover these full peer review costs. Upon exhausting in excess of 75% of the funds in the original submittal, the applicant shall provide additional funding increments of 50% of the original fee. Any remaining fees held in the account upon completion of the review process shall be returned to the applicant).

2.16.12.1.	Engineering Analysis <i>(Where the staff or planning board requires an Engineering Analysis based on any on-site or off-site impacts).</i>	\$600.00.
2.16.12.2.	Stormwater Analysis <i>(Where the staff or planning board requires a pre-development and post-development storm-water impact study based on 2 acres of proposed impervious surface or other local stormwater drainage problems).</i>	\$500.00.
2.16.12.3.	Traffic Analysis <i>(Where the staff or planning board requires a Traffic Impact Study based on 100 peak hour trips generated on-site or other known local traffic congestion problems).</i>	\$1,000.00.

2.16.12.4 Construction Document Review \$1,000.00
(Where the staff requires review of the submitted construction documents for

code compliance, engineering analysis,
or other review deemed necessary)

The above application fees include all inspections required by Town of Hampden Zoning Ordinance and Maine Uniform Building and Energy Code. If an inspection is called for and the Code Enforcement Officer, Local Plumbing Inspector, Building Official, or their alternate, believe a reinspection is needed because of a fault of the permittee or agent then a fee per 2.16.5 will be charged and due to the Town prior to the issuance of a Certificate of Compliance.

2.17. Shoreland Zoning Ordinance

2.17.1 Shoreland Zoning Permit Application

<u>2.17.1.1 Code Enforcement Officer Issued Permit</u>	<u>\$100.00</u>
<u>2.17.1.2 Planning Board Issued Permit</u>	<u>\$200.00</u>
<u>2.17.1.2.1 Cost for public notices and mailings</u>	<u>at cost</u>
<u>2.17.1.3 Local Plumbing Inspector Issued Permit</u>	<u>\$100.00</u>

(Any "at cost" fee must be paid to the Town before the issuance of any approved permit, variance, or action on a board order will be undertaken)

2.18. E911 Addressing Ordinance

<u>2.18.1 Driveway Entrance /e911 Address Permit</u>	<u>\$50.00</u>
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**TOWN OF HAMPDEN, MAINE
TOWN WAYS ORDINANCE**

DRAFT

Adopted: Hampden Town Council, 2/20/1979
Effective: 3/20/1979

Amended: 3/4/1991
Effective: 4/2/1991

Amended: 12/7/1987
Effective: 1/5/1988

Amended: 8/18/2003
Effective: 9/17/2003

Amended: 02/01/2010
Effective: 03/03/2010

Amended: [DATE] 2016
Effective: [DATE] 2016

CERTIFIED BY:

Paula Scott, Town Clerk

Affix Seal

**TOWN OF HAMPDEN, MAINE
TOWN WAYS ORDINANCE
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**TOWN OF HAMPDEN
TOWN WAYS ORDINANCE**

**ARTICLE I
GENERAL**

1.1 Plan Required - Petitioner for acceptance of a town way shall submit a plan to the Road Commissioner of such a way prepared by or approved by a registered professional engineer. *(Amended 02-01-10)*

1.2 Acceptance by Town Council – The acceptance of any street or road as a town way shall be subject to the approval of the Town Council. *(Amended 02-01-10)*

1.2.1 The Town Council shall not consider the acceptance of a street or road as a town way unless and until the following conditions have been satisfied:

1. All outstanding application fees, inspection fees and other costs and expenses must be paid in full.
2. Submission of a sworn written statement from the owner/developer and/or owner's/ developer's engineer that all required improvements have been completed in strict compliance with all applicable construction standards and the approved subdivision plan, and that the owner/developer and/or engineer knows of no defects, from any cause, in the improvements.
3. Submission of a written statement from Town's Public Works Director that all site improvements, including paving and any drainage facilities, have been satisfactorily completed. The written statement shall also indicate if public water and power have been installed and accepted.
4. Deposit of sum of money or other suitable improvement guarantee equal to fifteen percent (15%) of the amount of the full improvement guarantee required by the Subdivision Ordinance with the Town Treasurer. Said money to be used by Town to correct any defects in design, materials, or workmanship that arise within one year from the date of acceptance of the improvements by the Town Council. Any money not used for such purpose by Town within two (2) years of acceptance shall be returned to the payor.
5. Submission of a written statement from owner's/developer's surveyor that all required property pins have been installed for the lots in the approved subdivision.
6. Submission to the Town Attorney of the document(s) conveying any land, improvements, and any easements to the Town. Owner/Developer shall cause the following documentation to be delivered to the Town Attorney at least three (3) weeks prior to the Town Council meeting at which acceptance is desired:
 - a. Copy of recorded subdivision plan;

- b. Copy of proposed Warranty Deed conveying the street(s) and improvement(s), as well as any easement(s) appurtenant thereto, to the Town;
 - c. Copy of proposed Warranty Deed conveying any dedicated open space and access easement(s) to the Town;
 - d. Title Opinion or Title Agent's Certificate of Title evidencing that the land, street(s), improvements, open space, and easement(s) are free and clear of any encumbrances, liens, mortgages, etc. If title is not free and clear, owner/developer shall furnish documentation demonstrating that the title matters will be resolved prior to acceptance by the Town; and
 - e. Owner's Affidavit to the effect that all contractors, subcontractors, and material providers have been paid in full, and that the property is not subject to a mechanic's/materialman's lien under Maine law.
7. Approval by the Town Attorney of the document(s) conveying any land, improvements, or easements to the Town.
 8. Delivery of the duly executed Warranty Deed(s), Easements, Real Estate Tax Transfer Tax Declaration form(s), any documents necessary to provide free and clear title, and check payable to the Registry of Deeds in the amount of the recording fee(s) to the Town Manager.
 9. Payment of Town's legal fees and expenses incurred in reviewing the documentation called for by this ordinance.
 10. Letter from ~~Bangor Hydro~~ the applicable electric company indicating that all power utilities have been accepted.
 11. In cases where Public Water has been installed, a letter from the Hampden Water District Superintendent indicating that the water has been installed and tested to their satisfaction.
- 1.2.2. At the sole discretion of the Town Council, it may accept a street or road as a town way if all improvements have been satisfactorily completed, excepted for the final layer of paving, and the developer/owner has provided a performance bond, letter of credit, or some other form of guarantee acceptable to the Town Council and in an amount the Town Council determines to be adequate to ensure completion of the final paving.

1.3 Town Engineer Defined – Town engineer means any person licensed as a professional civil engineer by the State of Maine and employed or designated by the Town Manager.

1.4 Repeal Of Conflicting Ordinances or Resolves – All ordinances and resolves or parts thereof in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed.

ARTICLE II STANDARDS AND REQUIREMENTS

2.1 Connection With Existing Town Way – All streets or roads shall provide connection with existing Town approved town ways. *(Amended 02-01-10)*

2.2 Intersections – Shall not be less than sixty (60) degrees.

2.3 Widths Of Town Ways – Except for industrial streets or roads, town ways shall have a right-of-way width of sixty-six (66) feet. Industrial roads shall have a right-of-way width of one hundred (100) feet. *(Amended 02-01-10)*

2.4 Grades – Grade shall not have less than 0.5% nor more than 8 %. The roadway area of said way shall be graded to its full width of twenty-six (26) feet for the distance for which acceptance is requested and shall conform accurately to the grades and cross-sections shown on the plan and profile of said town way and as accepted by the Hampden Planning Board. All roads and streets shall be properly drained with suitable ditches and street culverts so that all storm water will be drained from the area. The Road Commissioner or the Hampden Planning Board may require loaming and seeding of slopes to help prevent erosion. *(Amended 02-01-10)*

2.5 Clearing Of Stumps and Roots – Said way shall be cleared of all stumps, roots, brush, perishable material and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from said way to at least subgrade depth, or as directed by the Road Commissioner or Public Works Dept.

2.6 Side Slopes — Petitioner shall provide the land necessary for cut or fill slopes beyond the limits of the street right-of-way.

2.7 Subgrade — With the exception of industrial ways, said way shall be graded to the subgrade of eighteen (18) to twenty-four (24) inches as specified by the Hampden Planning Board or Road Commissioner. Industrial ways shall be graded to a subgrade depth of not less than twenty-four (24) inches.

2.8 Gravel Base – The roadway area of said way shall be brought to the grade shown on the plan, profile, and cross-section of said way by suitable gravel or material approved by the Road Commissioner or Public Works Dept. The base gravel shall be brought to within four (4) inches of the finish grade, and the top four (4) inches shall be selected materials suitable for finish grade on gravel roads. All gravel shall be thoroughly compacted and rolled and the final surface left true to the established lines and grades.

2.9 Surface Treatment – After the fine gravel has been thoroughly rolled, the surface of the roadway shall be treated with a bituminous pavement. Pavement shall conform to the specifications currently specified by the Maine Department of Transportation for use on State Aid Roads and shall be placed in one-and-a-half inch thickness. Pavement width shall be not less than twenty (20) feet, except in industrial zones where it shall be not less than twenty-four (24) feet, and the roadway shall be provided with a three (3) inch crown from the center line to edge of pavement to insure runoff of water.

2.10 Cul-de-sac (Dead-end Street) - All permanent dead-end streets shall be provided with a turn-around with a minimum diameter of sixty (60) feet. In all other respects said turn-arounds shall be constructed in accordance with the same specifications as herein above specified for town ways. *(Amended 02-01-10)*

2.11 Culverts - All driveway culverts shall be not less than twelve (12) inches in diameter of corrugated HDPE pipe and not less than ~~twenty-four (24)~~ (20) feet in length. Said culverts shall be furnished and installed by the owner under the supervision of the Road Commissioner. The

Road Commissioner reserves the right to specify culvert diameter in excess of 12" where necessary to achieve drainage of projected volumes.

2.12 Opening Town Ways or Streets - No town way or street shall be opened for the purpose of installing or repairing sewers, water, gas, or for any other purpose, unless the individual or corporation wishing to make such an opening shall first obtain from the Road Commissioner a Street Opening/Utility Connection permit to do so and agree to pay the full cost of repairing the damage to the street caused by such opening. Refer to the Town of Hampden Street Opening/Utility Connection Ordinance for permit requirements.

2.13 Modified or Additional Standards - The Road Commissioner may modify or require additional standards due to local soil, physical, or topographical conditions, provided that modifications and variances secure substantially the objectives of the standard or requirement so varied or modified.

ARTICLE III LIMITATION OF TRUCK TRAFFIC

3.1 Limitation/Prohibition of Truck Traffic - Upon designation by the Town Manager and approval of the Town Council truck traffic may be limited or prohibited on specified roads or streets passing through residential areas within the Town of Hampden. There shall be a sign posted at each end of the streets or portions of street so designated showing that the same is a residential street and that through heavy traffic is not allowed. A schedule of those streets or portions of streets so designated shall be maintained in the town office and be available for public inspection during regular business hours. *(Amended: 12/7/87, 3/4/91)*

3.2 Enforcement - When any violation of any limitation or prohibition on truck traffic imposed under Section 1.1 shall be found to exist, any police officer of the Town of Hampden, or any law enforcement officer authorized to enforce traffic violations in the Town of Hampden, is hereby authorized to institute any and all actions and proceedings in the name of the Town of Hampden, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance. *(Amended: 3/4/91)*

3.3 Civil Penalties - Whoever violates any limitation or prohibition on truck traffic imposed under Section 3.1 shall, upon conviction thereof, be liable for a civil penalty in the amount of \$50.00 for the first offense and \$100.00 for each subsequent offense. Each and every violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hampden. *(Amended: 3/4/91)*

ARTICLE IV ~~USE OF ENGINE OR TRANSMISSION BRAKING DEVICES~~ *(Adopted: 8/18/03)*

~~**4.1 Findings.** The Town Council finds that the use of engine or transmission braking devices or methods (a/k/a "engine braking" or "dynamic braking") within the Town of Hampden creates unusual and excessive noise that unreasonably disturbs and annoys residents. The prohibition of such devices and methods is necessary to protect the health, safety and public welfare.~~

~~**4.2 Prohibition.** No person may slow a vehicle by a device, method, or practice known as engine or transmission braking (a/k/a "engine braking" or "dynamic braking") whereby rapid downshifting of a vehicle's engine or a compression release device is used in lieu of applying a~~

~~vehicle's wheel brakes, causing loud noises to emit from the vehicle's engine and/or exhaust system. Such braking by any motor vehicle on any public highway, street, or parking lot within the Town of Hampden is declared to be a public nuisance and is prohibited.~~

~~**4.3 Enforcement.** When any violation of any prohibition imposed under this Article is found to exist, any police officer of the Town of Hampden, or any law enforcement officer authorized to enforce traffic violations in the Town of Hampden, is hereby authorized to institute any and all actions and proceedings in the name of the Town of Hampden, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Article.~~

~~**4.4 Civil Penalties.** Whoever violates this Article shall, upon conviction therefor, be liable for a civil penalty in the amount of \$100.00 for the first offense and \$200.00 for each subsequent offense. Each and every violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hampden.~~

~~**4.5 Emergency Vehicles.** The provisions of this Article do not apply to emergency vehicles.~~

D-5-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Hampden Town Council
FROM: Paula Scott, Town Clerk
DATE: March 29, 2016
RE: Alewives/Fishing Rights

Last year the Town received a letter from the State of Maine in regard to retaining the fishing rights for Alewives. In preparing for this meeting, I noticed that there was no correspondence from the Department of Marine Resources for this calendar year. I called Claire Enterline who is in charge of the program, to determine if any changes have been made. She was not available, but I spoke with Dan White from her office and was informed that there have been no changes to the rules and regulations and that the Town should follow the same process that it had in 2015

TOWN OF HAMPDEN

RIVER HERRING HARVEST PLAN – 2016

Regulations for the taking of alewives shall be as follows:

- A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.
- The maximum mesh size of the wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1").
- There shall be a 72-hour weekly closed season on alewives from sunrise each Thursday morning until sunrise the following Sunday morning. During the closed season, a minimum size unobstructed opening of three feet by three feet (3' x 3') shall be maintained in the upstream and downstream end of the trap to allow escapement of spawning river herring and other migratory fish.
- Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the trap shall be removed and allowed to pass upstream.
- Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5.
- The **weekly** landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

ADDITIONAL REGULATIONS FOR STREAMS WITH ATLANTIC SALMON RUNS

- The entrance to the dipping pen or trap shall be covered by bars, slats, or spacers with a maximum width of two inches (2") between said bars, slats or spacers.
- Dipping of alewives shall be confined to the dipping pen or trap.

DEPARTMENT OF MARINE RESOURCES

CHAPTER 30 - RIVER HERRING

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- 30.01 Definitions
- 30.02 Limits on River Herring
- 30.03 Taking of River Herring from Walker's Brook
- 30.04 Taking of River Herring in the Town of Orland regulated
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- 30.06 Taking of River Herring in Damariscotta River

13-188 DEPARTMENT OF MARINE RESOURCES

Chapter 30: River Herring

30.01 Definitions

- A. In addition to the definitions set forth in 12 M.R.S. §6001, the following definitions shall apply in interpretation of Chapter 30.
1. "River Herring" means the species *Alosa pseudoharengus* commonly called alewife, and *Alosa aestivalis*, commonly called blueback herring.

30.02 Limits on River Herring

Beginning January 1, 2012 it shall be unlawful for any person to take, possess, harvest or sell river herring in the State of Maine or in waters under the jurisdiction of the State of Maine.

Exceptions:

A. River Herring fishing rights.

A municipality or an individual with existing river herring harvest rights granted by the Commissioner in accordance with 12 M.R.S. §6131 are not subject to Chapter 30. The Commissioner may authorize a future river herring fishery, authorized pursuant to 12 M.R.S. §6131, after submission of a sustainable fisheries management plan for that fishery by the Department, which is approved by the Atlantic States Marine Fisheries Commission (ASMFC) Management Board.

Individuals holding a valid license issued under 12 M.R.S. §6851 may buy, sell, ship or transport river herring obtained from a municipality or individual with river herring harvest rights granted by the Commissioner in accordance with 12 M.R.S. §6131. Individuals may buy river herring from a municipality or individual with river herring rights, or an individual holding a valid license issued under M.R.S. §6851, but must produce a bill of sale indicating amount of fish purchased, date of purchase, and river of origin if requested by marine patrol, and may sell those river herring in the retail trade.

B. Tolerance for river herring as bycatch in fisheries conducted inside and outside Maine territorial waters.

No person may possess fish where more than 5% of the total by count is comprised of river herring. The 5% tolerance by count will be determined by examination of ½ bushel chosen at random by marine patrol from the bulk pile. The number of fish in the sample will be separated by species to obtain a count of river herring verses other species. The total number of river herring in the sample will be divided by the total number of fish in the sample to determine the percent composition of river herring caught.

C. Recreational fishing limit.

Beginning January 1, 2012 an individual may take up to 25 river herring per day for recreational or personal use. If a municipality or individual has obtained exclusive river herring harvesting rights under 12 M.R.S. §6131, an individual may only take river herring for recreational or personal use if it is in accordance with the municipal harvest plan submitted annually to the Department by the municipality.

Methods for taking river herring are limited to hook and line and dip net. The possession limit is 25 fish per individual. Individuals must be properly registered or licensed.*

* Registry or license information is available at DMR Licensing Division, 21 State House Station, Augusta, Maine 04333-0021, Telephone (207) 624-6550 or online at the following web link: <http://maine.gov/saltwater>

30.03 Taking of River Herring from Walker's Brook

It shall be unlawful for any person to take, in any manner, river herring from the waters of Walker's Brook, so-called, that run between Walker's Pond and the Bagaduce River in the Town of Brooksville.

30.04 Taking of River Herring in the Town of Orland regulated

The St. Regis Paper Company or its successors shall be required from the 15th day of April to the first day of December of each year, at their own expense, to keep the fishways at the lower and upper dams of the Eastern River in repair and in such order at all times so that the passage of said fish into, or out of, Lake Alamoosook, so called, will not be hindered.

30.05 Taking of River Herring in Georges River

- A. It shall be unlawful to construct, set, maintain or use any net or seine in the water of Georges River above a line drawn from Hooper's Point in the Town of St. George, westerly past the northerly end of Caldwell's Island to a point opposite on the shore in the town of Cushing, for the purpose of taking or catching river herring between April 1st and July 15th. Nothing herein shall be construed to abridge or affect in any manner the rights and privileges now held by law by the Town of Warren in the river herring fishing in the said Georges River.
- B. Between April 20th and June 15th of each year no one shall fish, disturb or molest the river herring, or operate any boat within 1,000 feet of the river herring trap, located approximately 500 feet south of the Lower Warren Village Bridge on the Georges River.

30.06 Taking of River Herring in Damariscotta River

- A. It shall be unlawful to construct, set, maintain, or use any net, weir, seine or other device, in the waters of the Damariscotta River, northerly of the bridge between the Villages of Newcastle and Damariscotta, for the purpose of taking or catching river herring. No one shall fish, disturb or molest the river herring in any way, west of the railroad bridge, from April 20th to June 15th. Nothing herein shall be construed to abridge nor affect in any manner the rights and privileges now held by law by the Towns of Newcastle and Nobleboro in the river herring fishery in the said Damariscotta River.

DEPARTMENT OF MARINE RESOURCES

CHAPTER 30 - ALEWIVES

INDEX

EFFECTIVE DATE:

- P&SL 1959, c. 155, §38 - Section 01. This section is subject to the Revised Statutes, Title 12, Section 6131, as amended.
- P&SL 1969, c. 254, §2 - Section 01
- P&SL 1959, c. 155 §40 – Section 02
- P&SL 1959, c. 155, §42 – Section 03
- P&SL 1959, c. 155, §43 – Section 04
- P&SL 1969, c. 254, §2 – Section 04
- P&SL 1959, c. 155, §54 - Section 05. This section is subject to the Revised Statutes of 1964, Title 12, Section 3708, as amended.
- P&SL 1969, c. 105 – Section 05
- P&SL 1969, c. 254, §2 – Section 05
- P&SL 1959, c. 155, §64 – Section 06. This section is subject to the Revised Statutes of 1964, Title 12, Section 3708, as amended.
- P&SL 1969, c. 19 – Section 06
- P&SL 1969, c. 254, §2 – Section 06
- P&SL 1959, c. 155, §106 – Section 07
- P&SL 1959, c. 155, §130-A – Section 08
- P&SL 1973, c. 44 – Section 08

AMENDED:

- May 9, 2002 - Section 02 (EMERGENCY, EXPIRES 8/7/02)
- June 24, 2002 – Section 02
- April 11, 2012 – Entire Chapter

12 §6131. RIVER HERRING FISHING RIGHTS

12 §6131. RIVER HERRING FISHING RIGHTS

The commissioner is authorized to develop, manage or lease river herring fishing rights as follows. [2011, c. 598, §11 (AMD) .]

1. River herring rights. The commissioner shall grant the right, exclusive or otherwise, to take river herring to any municipality entitled to those rights on January 1, 1974 and may grant the right to take river herring to any other municipality provided:

A. Any municipality that has had the right to take river herring, exclusive or otherwise, or is granted that right by the commissioner, shall take action through its legislative body and file a copy of this action with the commissioner prior to April 20th or lose that right for the remaining part of that year; [2011, c. 598, §11 (AMD) .]

B. Municipal rights that are not exercised for 3 consecutive years lapse; [2009, c. 17, §1 (AMD) .]

C. At its annual meeting the municipality may determine by vote:

(1) Whether river herring fishing will be operated by the municipality through the municipal officers or a committee; and

(2) Whether the municipal rights to take river herring will be sold by the municipal officers or committee; and [2011, c. 598, §11 (AMD) .]

D. Harvesting plans must be developed as follows.

(1) Any municipality engaged in harvesting river herring shall submit a written harvesting plan to the commissioner prior to April 20th of each calendar year. All harvesting plans must set forth in detail the exact conditions under which river herring may be taken, all in accordance with good conservation practices.

(2) The commissioner, after consultation with the appropriate municipal officers, shall approve or modify the harvesting plan as the commissioner determines necessary for the conservation of river herring and other anadromous fish, and shall file a copy of the approved plan with the clerk of the municipality. [2011, c. 598, §11 (AMD) .]

[2011, c. 598, §11 (AMD) .]

2. Limitations. The following limitations apply to any grant.

A. It is unlawful to take river herring from 6 a.m. each Thursday morning until 6 a.m. Sunday morning. Municipalities that make other provisions for escape of spawning river herring that are approved by the commissioner are exempt from this limit. [2011, c. 598, §11 (AMD) .]

B. It is unlawful for any municipality or purchaser or lessee of the municipal right to take river herring in any manner except as provided in the approved river herring harvesting plan. [2011, c. 598, §11 (AMD) .]

[2011, c. 598, §11 (AMD) .]

3. Closed period in rivers and streams not under lease agreement. In any river or stream not managed under a lease agreement, there is a 72-hour closed period on the taking of river herring and obstruction of the watercourse to allow the free passage of fish from 6 a.m. on Thursday to 6 a.m. the following Sunday.

[2011, c. 598, §11 (AMD) .]

4. Violation of harvesting plan. If the commissioner determines after investigation that the municipality is not following its river herring harvesting plan, the commissioner shall notify the municipality. Any municipality that fails to take corrective action within 48 hours of notification loses its river herring fishing privilege for that calendar year. Upon further notification by the commissioner of loss of river herring fishing privileges, the municipality or its agents shall cease all fishing activity and immediately remove all traps, weirs, seines or other river herring fishing gear from their river herring waters.

[2011, c. 598, §11 (AMD) .]

5. Leasing of rights. The commissioner:

A. When the commissioner decides to manage or lease any river herring fishing rights when a municipality has had those rights and has failed to act as provided in subsection 1, shall so notify the clerk of the municipality in writing. After the notice, the commissioner may lease any of those rights to any person, as the commissioner determines is in the best interest of the State. All leases must be in writing and signed by the commissioner and the lessee and must set forth in detail the exact conditions under which the river herring may be taken, all in accordance with good conservation practices; and [2011, c. 598, §11 (AMD) .]

B. May manage or lease river herring fishing rights in any river or stream where a municipality does not have those rights. The commissioner may lease any of those rights to any person, as the commissioner determines is in the best interest of the State. All leases must be in writing and approved and signed by the commissioner and the lessee and must set forth in detail the exact conditions under which the river herring may be taken, all in accordance with good conservation practices. [2011, c. 598, §11 (AMD) .]

[2011, c. 598, §11 (AMD) .]

6. Violation of terms. It is unlawful for any person holding such a lease to violate any of its terms or to cause the same to be done.

[2011, c. 598, §11 (AMD) .]

7. Molesting equipment. It is unlawful to molest the fishing equipment of any lease holder or to interfere with the fishing rights granted by the lease.

[2011, c. 598, §11 (AMD) .]

8. Migratory Fish Fund. All fees received by the commissioner from river herring leasing rights are allocated to the Migratory Fish Fund, as established. Expenditures from the Migratory Fish Fund must be made:

A. To build fishways for river herring and other migratory fish; [2011, c. 598, §11 (AMD) .]

B. For construction of other facilities for improving the environment of river herring and other migratory fish; [2011, c. 598, §11 (AMD) .]

C. For general propagation and conservation of river herring and other migratory fish; [2011, c. 598, §11 (AMD) .]

D. For research to enhance the fishing industry based on river herring and other migratory fish; and [2011, c. 598, §11 (AMD) .]

E. For management measures required to maintain or enhance river herring populations or populations of other migratory fish. [2011, c. 598, §11 (AMD) .]

The Migratory Fish Fund does not lapse.

[2011, c. 598, §11 (AMD) .]

SECTION HISTORY

1977, c. 661, §5 (NEW). 1977, c. 661, §5 (NEW). 1981, c. 433, §3 (AMD).
1987, c. 513, §2 (AMD). 1993, c. 731, §1 (AMD). 2009, c. 17, §§1-4
(AMD). 2011, c. 598, §11 (AMD).

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CLERK'S CERTIFICATE OF VOTE OF TOWN COUNCIL

I, Paula A. Scott, Clerk of the Town of Hampden, do hereby certify that the following is a true and accurate copy of a vote taken by the Town Council of said Hampden, at a regular meeting held on April 4, 2016, a majority of the Councilors being present:

VOTED: Motion by _____,

seconded by _____ that the Town of

Hampden retain its fishing rights for alewives. Result of Vote: _____

Dated: April 5, 2016

Clerk, Town of Hampden

D-5-6



To: Angus Jennings, Town Manager
From: Dean Bennett, Director of Community Development
Date: March 30, 2016
**Subject: Snow Plowing and Storage Easement
Orient Avenue Apartments (Site Plan/Subdivision)**

.....

On March 9, 2016, the Planning Board reviewed and approved a Site Plan Application for Jeffery A. Rawcliffe for the construction of two buildings containing 5 apartments. Whereas the creation of 3 or more apartments constitutes a Subdivision, a Preliminary/Final Review was conducted and tentatively approved with the following request:

The Community Development Director was asked to inquire whether a Snow Plowing and Storage Easement of the area, identified for such purpose, was required along with a metes and bounds description added to the mylar.

Subsequently, the applicant revised the plan/mylar to include the metes and bounds description and the provided the attached Snow Plowing and Storage Easement.

Upon acceptance of the Easement by the town, a signed copy will be provided.

SNOW PLOWING AND STORAGE EASEMENT

Jeffery A. Rawcliffe, a resident of Hampden, Penobscot County, Maine, for consideration paid, the receipt of which is hereby acknowledged, grants to the **Town of Hampden**, a municipal corporation, with a mailing address of 106 Western Avenue Hampden, ME 04444, its successors and assigns forever, an easement for the purposes of plowing snow from Orient Avenue in Hampden onto the area contiguous to the easterly terminus of Orient Avenue which is depicted as "Snow Plowing & Storage Easement, Town of Hampden" on the "Subdivision Plan, Orient Ave Apartments", prepared by Kiser & Kiser Company, dated March 21, 2016 and recorded in the Penobscot County Registry of Deeds in Plan File _____ ("the Easement Area"). The easement rights hereby granted include the rights to store and stockpile the plowed snow within the Easement Area.

The easements hereby granted affect a portion of the land described in the deed of Ruth E. Milner to Jeffrey A. Rawcliffe dated September 8, 1993 and recorded in Book 5428, Page 192 of the Penobscot County.

The Town of Hampden shall be responsible for all maintenance and upkeep of the Easement Area as it relates to the continued use for its intended purpose. The Town of Hampden shall keep the Easement Area free and clear of all debris resulting from winter snow plowing and storage operations and shall perform annual post winter cleanup. All said snowplowing and storage shall not inhibit the use of any other portion of the Rawcliffe parcel. All use of the Easement Area shall be conducted in compliance with all applicable local, state and federal laws, rules regulations and permits.

The Grantor and his heirs, successors, and assigns shall not allow obstruction of free passage within the Easement Area, and grants the Town the right to trim, clear, cut or remove any trees, brush or other vegetation planted or naturally growing within the Easement Area that may inhibit the Town's exercise of the rights herein granted.

IN WITNESS WHEREOF **Jeffery A. Rawcliffe** has caused this instrument to be executed this _____ day of _____, 2016.

Jeffery A. Rawcliffe

STATE OF MAINE
COUNTY OF PENOBSCOT

_____, 2016

Personally appeared the above-named **Jeffery A. Rawcliffe** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public/Attorney-at-Law

Type or Print Name

**TOWN OF HAMPDEN, MAINE
STREET OPENING/UTILITY CONNECTION ORDINANCE**

D-5-C

Adopted: Hampden Town Council, 4/18/2016
Effective: 5/18/2016

DRAFT

CERTIFIED BY:

Paula Scott, Town Clerk

Affix Seal

**TOWN OF HAMPDEN, MAINE
STREET OPENING/UTILITY CONNECTION ORDINANCE
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TOWN OF HAMPDEN

STREET OPENING/UTILITY CONNECTION ORDINANCE

**SECTION I
CONFLICTING ORDINANCES**

1.1 Repeal Of Conflicting Ordinances or Resolves – All ordinances and resolves or parts thereof in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION II
PERMITS REQUIRED**

2.1 Street Opening Permit – It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the Town without first having obtained a street opening permit from the Hampden Public Works Department. All permits will be issued in accordance with the provisions of Title 23, Chapter 307, Subchapter II of the Maine Revised Statutes Annotated.

- 1) The permit will be issued by the Hampden Public Works Department.
- 2) A standard construction detail and instructions for the contractor will be issued with the permit. All work shall conform to the requirements of the standard detail and instructions to the contractor.
- 3) The permit must be obtained by the contractor or utility company doing the work.
- 4) Certain roads within the Town of Hampden also require a highway opening permit issued by the Maine Department of Transportation. The Public Works Department will maintain a listing of such streets.

2.2 Sewer and Storm drain Connection Permits - All new or replacement sanitary sewer or storm drain connections to town mains shall be subject to all of the regulations set forth hereinafter relative to private utility connections, except that prior to the issuance of said permit, the payment of any outstanding assessments for the town sewer construction will be required in addition to the permit fee.

2.3 Limitations

- 1) No street opening permit will be issued between December 1 in any one year and April 1 in the following year except for an emergency.
- 2) Permits will require the contractor to maintain temporary trench repair until such time as a permanent repair can be made.
- 3) The contractor shall perform any work requiring inspection by the town during normal weekday working hours (7:30 a.m. to 5:00 p.m.), unless an emergency situation requires otherwise. The town will bill the contractor for additional inspection costs for inspections outside these hours in accordance with the fee schedule herein.
- 4) The contractor shall schedule work within the street to avoid rush-hour traffic whenever possible.
- 5) Prior to obtaining a street opening permit from the Town, the contractor shall provide the Town with a dig-safe number. The contractor will also be responsible for contacting utilities not participating in the dig-safe program.

SECTION III CONTRACTORS

3.1 Approved Contractors - All work in connection with the excavation and backfill of any opening in a public way shall be performed only by approved contractors or by the forces of the particular utility concerned. Adequate equipment shall be employed so as to expedite the completion of the work, and proper construction methods shall be used, as hereinafter described.

3.2 Insurance - The contractor doing the work shall show proof of adequate insurance coverage before a permit is issued.

3.3 Unsatisfactory Construction - Contractors with a work history of two unsatisfactory similar type street opening or utility connection projects within the previous 18 months, in the opinion of the Public Works Director, or having an outstanding balance related to a previous street opening permit, will not be issued a street opening or utility connection permit.

SECTION IV INSPECTIONS

4.1 Inspections - All work in connection with street openings and utility connections will be subject to the inspection and approval of the Public Works Director (aka Director) or his or her authorized representative. The Director will decide as to the adequacy of the materials to be used, extra safety precautions which may be required to protect the public and the scheduling of the work to be performed. No backfilling operations shall be allowed prior to the examination of the work by the Director.

4.2 Notification - The contractor shall provide timely notification to the Town in order that inspection services can be scheduled for the appropriate time. The permit form will contain the necessary instructions to the contractor.

SECTION V STREET OPENINGS; SCHEDULE OF CHARGES

5.1 Openings by Utility Companies

- 1) Utility companies will be required to obtain separate permits for each street opening within accepted public rights-of-way. The utility company shall be responsible for performing all backfill operations, including the replacement of roadway gravel, temporary patching of the surface, and the permanent surface pavement.
- 2) The Town reserves the right to inspect the work undertaken by utility companies and to charge an inspection fee according to the schedule of charges.

5.2 Openings by Private Entities - A contractor representing any person, firm or corporation desiring to open any portion of a public way for the purpose of installing, repairing, replacing, examining or attempting to locate any private utility connection must first obtain a permit from the Hampden Public Works Department. Prior to the issuance of said permit, the applicant shall pay to the Town of Hampden an amount to cover the cost of inspection services in accordance

with the schedule of charges contained herein. The applicant will be responsible for all work, including temporary pavement and the permanent paved surface. No backfilling shall be allowed without the prior examination of the work by the Public Works Director’s representative. Trenches backfilled without the Engineer’s approval will be subject to the corrective work outlined in Section IX herein.

5.3 Schedule of Charges

- 1) The amount to be paid for a street opening/utility connection permit will be based upon the following inspection fee schedule:

TYPE OF FEE	FEE
Standard Permit Fee	\$50.00
Weekend Work Permit Fee	\$210.00
After the Fact Permit Fee	\$420.00
Additional Inspection Costs	Actual Labor Expense plus Town Overhead

- 2) The Director may waive the weekend work and after the fact permit fees for utilities that open streets in cases of emergencies without first obtaining a permit.

**SECTION VI
EXCAVATING AND BACKFILLING**

6.1 Protective Measures

- 1) It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public. The barriers and warning devices shall conform to the requirements of the latest edition of the Manual of Uniform Traffic Control Devices.
- 2) Appropriate measures shall be taken to assure that, during the performance of the excavation work, traffic conditions as normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. If it becomes necessary to close the street to traffic to permit the work, prior approval of said closing shall be obtained from the Director. The contractor shall be responsible for notifying the Hampden Police and Fire Departments concerning the closing.
- 3) The work shall be conducted in such a manner so as to prevent damage to adjacent property, and should such damage occur, the property shall be restored to its original condition, as directed by the Director. The excavated materials shall be placed in a location so as not to endanger those working in the trench, pedestrians or users of the street.
- 4) It shall be the contractor's responsibility to comply with the latest Occupational Safety and Health Administration (OSHA) requirements that may apply to the work.

6.2 Excavating

- 1) It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit.
- 2) Prior to any excavation work, all surface pavement shall be cut to full depth by an approved method.
- 3) Proper bracing or shoring shall be maintained to prevent the collapse of adjoining grounds, and the excavation shall not have anywhere below the surface any portion

which extends beyond the opening at the surface. Care shall be taken so as not to damage existing pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits, or to the city department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree or shrub or to the roots.

6.3 Backfilling

- 1) Whenever a permit has been issued for a street opening or utility connection and the excavation has been made, the trench or opening shall be backfilled in accordance with the details issued with the permit.
- 2) Flowable fill will be required for backfill of cross trenches and openings within the street zone of major streets, or as conditions may require, as determined by the Director when the permit is issued.
- 3) No organic material, pavement or stones greater than six inches in diameter shall be present in the backfill.
- 4) Replace to twenty-one-inch depth, or match existing base depth, whichever is greater, with gravel conforming to the latest Maine Department of Transportation specification for gravel base.
- 5) If a permit is issued during the freezing weather conditions, frozen backfill will not be allowed in the trench.
- 6) If the material excavated contains too much moisture for proper compaction, it shall be removed and replaced with suitable backfill material with similar characteristics of native soil excavated.

6.4 Compaction of Backfill Material

- 1) All backfill shall be thoroughly compacted by equipment designed specifically for that purpose.
- 2) The first six inches of fill over the structure or pipe in the trench shall be compacted. The balance of the backfill shall be placed in layers not exceeding 12 inches and thoroughly compacted.
- 3) All material excavated from the trench shall be replaced in the trench, except for the amount which may be displaced by the installation of gravel base, pipe/utility or crushed stone surround.
- 4) All backfill shall be compacted to meet at least 90% of total compaction as measured by the proctor test in grass areas and to 95% of total compaction in pavement areas.

SECTION VII REPLACEMENT OF SURFACE MATERIAL

7.1 Bituminous Paving on Flexible Base

- 1) When a street opening permit is issued on a street which has been constructed for heavy traffic and has a bituminous surface without a cement concrete base, the same amount of gravel shall be replaced in the trench as is removed when the excavation is made where this material exceeds the twenty-one-inch depth as specified in Section 6.3.
- 2) After the gravel base has been placed and before the permanent bituminous wearing surface is placed, the existing bituminous surface shall be cut back an additional 12

inches on all sides with a pavement saw or milling machine, and the cut edges shall be painted with bituminous tack before the new bituminous paving is placed. Bituminous paving shall be performed in accordance with MDOT Standard Specifications for Highways and Bridges.

7.2 Temporary and Permanent Surfacing

- 1) The contractor to whom a street opening permit has been issued shall provide a temporary patch (coldpatch) of the street opening, generally within 24 hours after the trench has been backfilled and compacted according to the requirements contained in Section 6.3 and 6.4.
- 2) The temporary patch shall be made using premixed bituminous material (coldpatch), which shall remain in place until the permanent patch has been installed.
- 3) Within 30 calendar days from the date of trench backfill, but not later than November 1, the contractor shall provide permanent pavement replacement in accordance with Section 7.1 and the detail sheet provided with the permit. For emergency winter work, the permanent trench repair must be completed by June 15.

7.3 Restoration - The contractor shall restore all areas of disturbance, including stone curb, esplanades and gravel surfaces, including shoulders, sodded areas, shrubbery fencing, ditches, etc., to the condition prior to construction.

7.4 Warranty - The contractor or utility shall correct any deficiencies in the trench or pavement for a period of one year from completion of the work authorized by this permit.

**SECTION VIII
UTILITY CONNECTIONS**

8.1 Connections - All work relative to connecting a building drain or yard drain to a city main shall be performed by an approved contractor, only under the direct supervision of the Director or his or her authorized representative.

8.2 Damage - If the Town main is damaged or broken by the contractor, then the damaged or broken section of main will be removed and replaced at no cost to the Town by the contractor under the supervision of the Director.

8.3 Connection Devices - Any tap to a public sewer or storm drain shall be made and an approved connection device installed in the presence of the Public Works Director or his or her authorized representative

8.4 Connections to Manholes - Connections to manholes, wet wells or other structures shall be prohibited unless approved by a representative of the Director. If approval is given, the structure must be cored and a watertight boot installed at the location indicated by the Director as referred to in Article IV of the Sewer Ordinance.

**SECTION IX
VIOLATIONS AND PENALTIES**

9.1 Replacement of Defective Work

- 1) If any part of the work specified above relative to repairing or filling the trenches or excavations shall be unskillfully or improperly done, the Director or his or her representative may direct that the work be re-excavated and replaced in a proper manner or that other corrective action shall be taken to properly repair the trench and the pavement surface.
- 2) If the applicant does not repair the defective work within 24 hours of notice, then the Director will act to have the work performed by the Town, and the applicant shall pay a penalty equal to the whole of said expense incurred by the Town, with a surcharge of 50%. No additional permits will be issued to the contractor until this cost has been paid in full.
- 3) Thereafter, upon completion of the work and determination of the cost thereof, the Director shall issue no permit to the applicant until he or she shall receive, in addition to the fees provided, the amount of the penalty as by this section provided and determined.
- 4) The contractor shall be responsible for the work and shall hold the Town harmless from any claims resulting from the work.

9.2 Violations

- 1) Any person, firm or corporation who or which shall dig or make an excavation in any portion of the public way or make connection to a public sewer or storm drain without first obtaining a permit shall be required to pay an after the fact permit fee of \$420.
- 2) Additionally, any person, firm or corporation who violates the provisions of this article may be punished, upon conviction, by a fine of not less than \$100 for each offense. Each day shall constitute a separate offense. Such fine may be levied against the contractor.



Town of Hampden
Street Opening / Utility Connection Permit

Permit # _____
Date: _____
Phone: _____
Fax: _____

Dig-Safe Number: _____ Proof of Insurance: _____

Work Information

Street Address: _____ Requested Address: _____
Lot Location: _____ Type: _____
Type of Work: _____
Work Explanation: _____
Dig-Safe Start Date: _____ Dig-Safe End Date: _____

Contractor Information

ID: _____ Company: _____ Phone: _____
Contact Person: _____ Emergency Phone: _____
Contractor Address: _____

Owner Information

Owner Name: _____ Phone: _____
Owner Address: _____

Signature: _____

By signing above, I acknowledge that I have read and understand the "Instructions for Contractor" Form and reviewed the backfill requirements diagram and acknowledge that I have read the Town Ways and Street Opening and Utility Connection Ordinance for the Town of Hampden.

Permit Issued By: _____ Fee: _____

Special Requirements

Engineer: _____

Comments: _____

The standard permit fee is \$ 50.00. A weekend work permit fee is \$210.00. Any contractor who applies for a permit after the fact, will be charged a \$420.00 fee. The permit is granted subject to the provisions of Title 23, Chapter 307, and Subchapter II of Maine Revised Statutes Annotated.

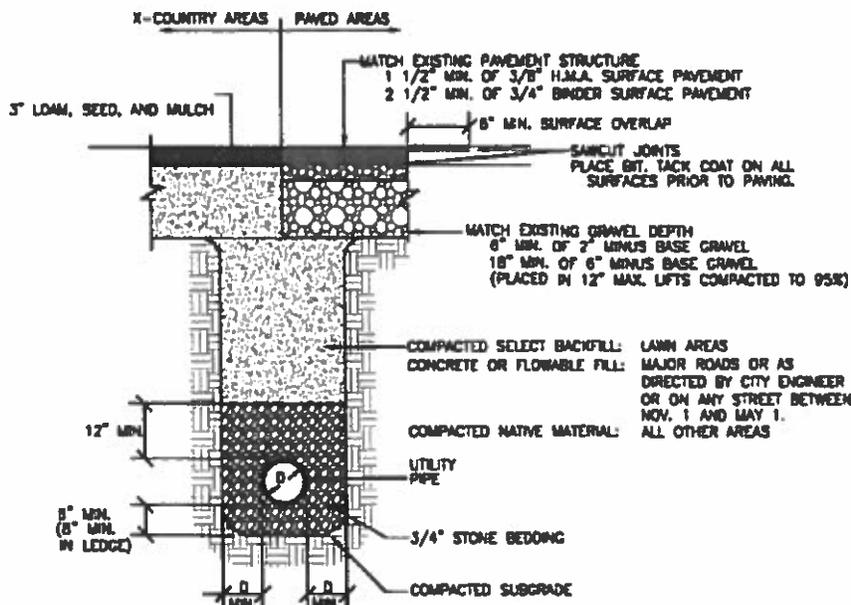


Instructions for Contractors & Backfill Requirements

1. No permit shall be issued without a Dig Safe number and proof of liability insurance. By signing this permit the contractor certifies that all utilities have been contacted and that the contractor is financially responsible for any and all utility disruptions. A copy of the permit must be available for inspection at the excavation site.
2. Contractor must comply with OSHA regulations, MUTCD work zone requirements and all applicable state, local and federal regulations.
3. Contractor must notify emergency responders prior to setting up lane closures or blocking any town road.
4. The Hampden Public Works is not responsible for locating or marking sewer or storm connections. Contractor shall not rely on any such town marking activities. Contractor is responsible for locating and marking such connections.
5. New sewer and drain connections must be made with approved connection devices and inspected by Hampden Public Works. Contact Hampden Public Works Department a minimum of 24 hours prior to excavation for approved connection devices and 24 hours prior to backfilling to schedule utility and backfill inspections.
6. Backfill shall consist of clean excavated material or clean material hauled onsite containing no frozen or perishable material and with no rocks greater than 6" in size. Material shall be approved by the Road Commissioner prior to commencing backfill.
7. Backfill shall be placed in 12" maximum lifts and compacted to 95% using proper compaction procedures.
8. Flowable fill shall be 1500 psi minimum or as directed by Hampden Public Works Director.
9. Provide 2" of rigid insulation for utilities buried less than 5' deep and 4" of rigid insulation for utilities buried less than 3'.
10. Trench shall have temporary or permanent pavement within 24 hours of being backfilled (48 hours maximum weekends and holidays). Finish pavement shall be placed within 30 calendar days.
11. Contractor shall be responsible for replacement of brick sidewalks, concrete sidewalks and curbing according to Hampden Public Works Director.
12. The Town of Hampden Street Opening/Utility Connection Permit is issued in accordance with Article II, section 2.12 of the Town Ways Ordinance and the Street Opening and Utility Connection Ordinance. Fees and construction requirements identified by the Hampden Water District or other independent utilities may also apply.

Contact Information

Dig Safe	PH: 811 (1-888-344-7233)	1-888-dig-safe
Public Works	PH: 207-862-3337 207-478-8396	FX: 207-862-5067
Water District	PH: 207-862-3490	FX: 207-862-3595
Police/Fire	PH: 207-862-4000	FX: 207-862-4588



TRENCH DETAIL

D-5-d



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

March 31, 2016

To: Angus Jennings
From: Sean Currier
Subject: Peerless Hot Water Heater – Municipal Building

Upon routine inspection/maintenance by Penobscot Temperature Controls (PTC) on our boiler at the Municipal building, it was noticed that the existing tank was leaking. PTC contacted the boiler company to see if the existing tank was under warranty. It was determined that the tank was covered but the Town would be responsible for the labor to replace it.

While the boiler tank was still covered, we thought it would be wise to get the leaking tank replaced. The tank has been replaced and work completed by PTC.

I would like to recommend that we pay for the building water heater repair out of the Municipal Building Reserve account 3-702-00.

Thank you for your consideration.

Sincerely,

Sean Currier

Penobscot Temperature Controls, Inc.
 54 Nadine's Way
 Hampden, ME-04444

Date	Invoice #
2/22/2016	4773

Bill To
Town of Hampden 106 Western Avenue Hampden, ME 04444

Phone: (207) 945-9350
 Fax: (207) 945-9353
 E-mail: pentemp@myfairpoint.net

Project Name		Ordered By	P.O.#	Location	
Water Heater		Shaw		Lower level	
Qty	Item	Description		Unit Price	Amount
16	Labor	Existing Peerless Hot water heater is rusting out at its lower base. Peerless Boiler Company will do a credit replacement for a new boiler only. We will need to pay for shipping cost. Listed below for labor and misc. material. 2-22-16; Dana, Matt, Terry: Picked up new hot water boiler at supply house. Moved new boiler in place. Unhooked old boiler water piping, vent piping, oil lines. Removed old boiler and returned old boiler to our supply house. Moved new boiler in place. Started on boiler connections.		58.00	928.00
16	Labor	2-23-16; Boiler piping connections, oil line connections, vent piping.		58.00	928.00
3	Truck charge			18.00	54.00
1	Shipping			349.77	349.77
1	Materials	Oil valve wheel, cleaner, misc. pipe fittings		57.50	57.50

Acct. No. 3-702-00
 DEPARTMENT HEAD SIGNATURE [Signature]
 DATE 3/22/16



BY:.....

Thank you for your business.	Subtotal	\$2,317.27
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Balance Due	\$2,317.27
Terms	NET 30 Days

4c

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Finance Committee

FROM: Angus Jennings, Town Manager

DATE: January 28, 2016

RE: Insurance Claim Updates

1. As you know, the trash compactor cylinder required replacement. The Town Council recently authorized a budget transfer of Reserve Funds to the Public Works equipment maintenance budget line item, and the invoice for \$6,220 was paid. We also filed this expense with our insurance provider, and today we received a check for \$5,220 – the cost minus our \$1,000 deductible. The funds received will be deposited to the Reserve Account from which the funds were initially transferred, so the net expense to that account will be limited to \$1,000.
2. A Hampden Police cruiser was recently involved with an accident; the accident report is enclosed. This accident has also been filed with our insurance company. We expect that the costs of the repairs will be covered by our insurance. If we are responsible for payment of the deductible, we intend to pursue payment through the other driver's insurance company.
3. A pinhole leak has been detected in the boiler in the Municipal Building. The boiler is approximately four years old, so is still under warranty. However, we will be responsible for associated labor costs, estimated at \$2,000. This expense has also been filed as a claim with our insurance.

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

c. Insurance Claim Updates:

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

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

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

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

Current Account Status

G 3-702-00 RESERVE ACCT / MUNIC BLD

-1,253.46 = Beg Bal
5.27 = Adjust

-20,007.01 = YTD Net
0.00 = YTD Enc

-21,255.20 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
07	0107		08/12/15		Beg Bal Adjustments	B GJ	5.27	0.00
08	0151		08/27/15		July Reserve Ckg Int	R GJ	0.00	0.01
08	0152		08/27/15		Res Int/FMV July	R GJ	0.00	7.00
09	0248		09/24/15		09/24/2015 C/R	R CR	0.00	20,000.00
Totals-							5.27	20,007.01

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
July	0.00	0.00	5.27	0.00
August	0.00	7.01	0.00	0.00
September	0.00	20,000.00	0.00	0.00
Totals	0.00	20,007.01	5.27	0.00

Town of Hampden

Driveway/Entrance Culvert Policy

Background:

Title 23SS 705 MRSA defines culvert responsibility with respect to driveway/entrance culverts. With consideration of this law and the various situations and complaints that have occurred around the state, this document has been prepared to more clearly define the specific responsibilities of Maine's taxpayers as a whole through MaineDOT, The Town of Hampden and the individual highway abutters.

A culvert is "a covered channel that carries water under a road, railway or through an embankment". In the case of a driveway or entrance culvert, it is the culvert's ability to effectively move water from one side of a driveway or entrance to the other side that is critical to protecting the Town's infrastructure (the public corridor to which the driveway or entrance connects). To the end, it is in the Town's interest to ensure that this conveyance of water is maintained. For additional information regarding required culvert sizing and material, refer to the Town of Hampden, Town Ways Ordinance. For additional information regarding State or State Aid roads, refer to the Maine Department of Transportation Driveway/Entrance Culvert Policy.

Policy:

Activities performed by the Town's Public Works crew with regard to driveway/entrance culverts and within the right-of-way of a Town Road shall include the following:

- 1) When a culvert has become plugged by natural causes, such as the gradual accumulation of debris or ice, or has failed to the point where water can no longer be effectively conveyed, the Town of Hampden is responsible for restoring adequate flow through the culvert.
- 2) When the Town of Hampden undertakes a capital or ditching project that requires the replacement or relocation of driveway/entrance culverts, the Town of Hampden is responsible for such culvert replacement/relocation and driveway/entrance restoration.
- 3) When a natural event causes regional or localized flooding and washouts, causing a culvert to fail and/or a driveway/entrance to washout, the Town of Hampden will reinstall or replace the culvert (at the Town of Hampden's option) and reestablish access to the abutting property.

Activities that are the responsibility of the owner/abutter, in accordance with Title 23 SS 705 MRSA, shall include the following:

- 1) Culvert replacement not covered above.
- 2) Driveway repairs of any type (excepting damage caused by natural events as described above in item 3). This includes such issues as: bumps or depressions that may develop over a culvert (usually due to seasonal freeze/thaw cycles), erosion of the driveway/entrance side slopes, and potholes that may develop as the result of a deteriorating pipe prior to replacement.
- 3) Restoring flow when the culvert is obstructed, either directly or indirectly, by the actions of the abutter or their agents (such as intentionally depositing leaves, debris or plowing snow into a ditch line).

When an abutter fails to uphold their responsibilities and damage to the highway corridor has occurred or is imminent, the Town of Hampden may address the issue and pursue compensation as necessary.

Town Clerk:

APPROVED by majority of the Town Council:

D-5-f.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Finance Committee and Town Council
FROM: Angus Jennings, Town Manager
DATE: March 31, 2016
RE: Request for Authorization from Personnel Reserve Account

The Hampden Personnel Rules and Policies Ordinance provides that an employee, upon separation of service from the Town in good standing, is entitled to compensation for 100% of accrued vacation time, 25% of accrued sick time and 25% of accrued comp time.

In FY15, pay-outs to retirees as outlined above were made from the applicable wages line item in the budget (i.e. Town Manager retirement paid from Administration wages, DPW from DPW etc). This resulted in those wage accounts being overspent in FY15.

In discussions with our Auditor this past fall, she advised that future such pay-outs come from a dedicated Personnel Reserve Account, if available.

In FY16, the Salary/Benefits Reserve Account was funded in the amount of \$40,000. This account had not been funded for at least the prior several years, but was funded for the current year to provide the option of adding Planning / Economic Development capacity following the reorganization (see related agenda item). I have not seen fit to recommend use of the account for this purpose.

Three long-tenured Town employees retired in FY16, and in accordance with the Personnel Ordinance a total of \$18,814.96 was paid. These amounts were paid out of the respective wage line items (Public Works for two DPW retirements, Administration for Town Clerk retirement).

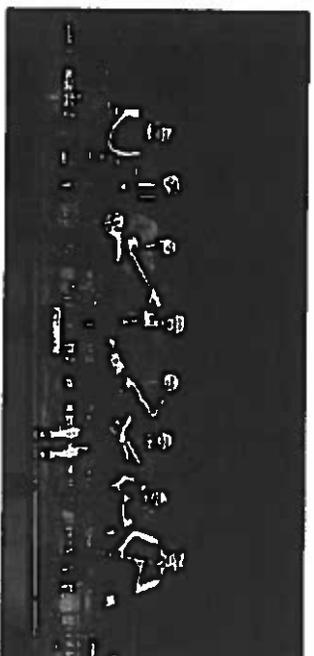
I request Council authorization to transfer \$18,814.96 from the Personnel Reserve Account (3-733-00) to the Public Works and Administration wage line items in the same amounts as were paid so as to zero out the amounts paid. This will prevent those wage line items from being overspent in FY16, and based on our recent review with our Auditor will bring the handling of these payments into alignment with her recommended practice.

D-5-9

Proposed 2016-17 RSU#22 District Budget



RSU #22 Board of Directors Strategic Plan 2015 - 2018



Goal #1: Student Learning and Outcomes: To improve individual student engagement and achievement

Vision goal a: Develop and implement rigorous, proficiency based curricula that are guaranteed, viable and measurable

Vision goal b: Develop a system of learning experiences that are engaging and ensure customized, proficiency-based learning

Vision goal c: Align instructional practices to student-centered, proficiency-based instruction within the framework of Marzano's Art and Science of Teaching

- * Continue to provide complex reasoning and art and science teaching training

Vision goal d: Create and utilize students' education experiences in the larger community

- * Continual work on school within a school concept in regards to gifted & talented curriculum

Vision goal e: Implement effective supervision - evaluation system congruent with LD 1858

RSU #22 Board of Directors Strategic Plan



Goal #2 Stewardship and Development of Resources: To provide adequate resources to support our mission (human, capital, fiscal, and time)

Vision goal a: To develop a succession plan to support administrative and leadership turnover to ensure continuity of successes and progress toward the district's mission and vision

- * Conduct formal faculty exit surveys
- * Attract and retain quality personnel

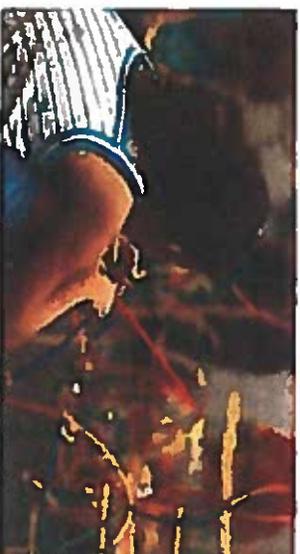
Vision goal b: To improve fiscal resources to sustain and increase educational opportunities for the RSU #22 student body and community

- * Market/expand Performing Arts Center
- * Redesign Weatherbee/McGraw physical plant (schematic design/plan)

Vision goal c: To expand and maximize use of technology resources for the purpose of improving educational and communication outreach opportunities within and beyond RSU #22

- * Consider having secondary students teach other on how to create websites, marketing, etc.

RSU #22 Board of Directors Strategic Plan



- Goal #3 Governance and Policy:** To provide effective governance to achieve our mission Vision goal: To alter the traditions of educational provisions and policy through Input, negotiations and governance.
- * Need to resolve/complete teacher contract negotiations.

- Goal #4 Communications and Public Relations:** To communicate with and engage residents of Hampden, Newburgh, Winterport and Frankfort

Vision goal a: Effectively implement education mandates

Vision goal b: Evaluate, align, and execute RSU #22 mission and vision statements

Vision goal c: Maintain community involvement and provide opportunity for feedback, questions and answers

Vision goal d: Maintain and expand various partnerships to support initiatives, professional development, excellence in education, etc.

- *Expand virtual on-line classes.

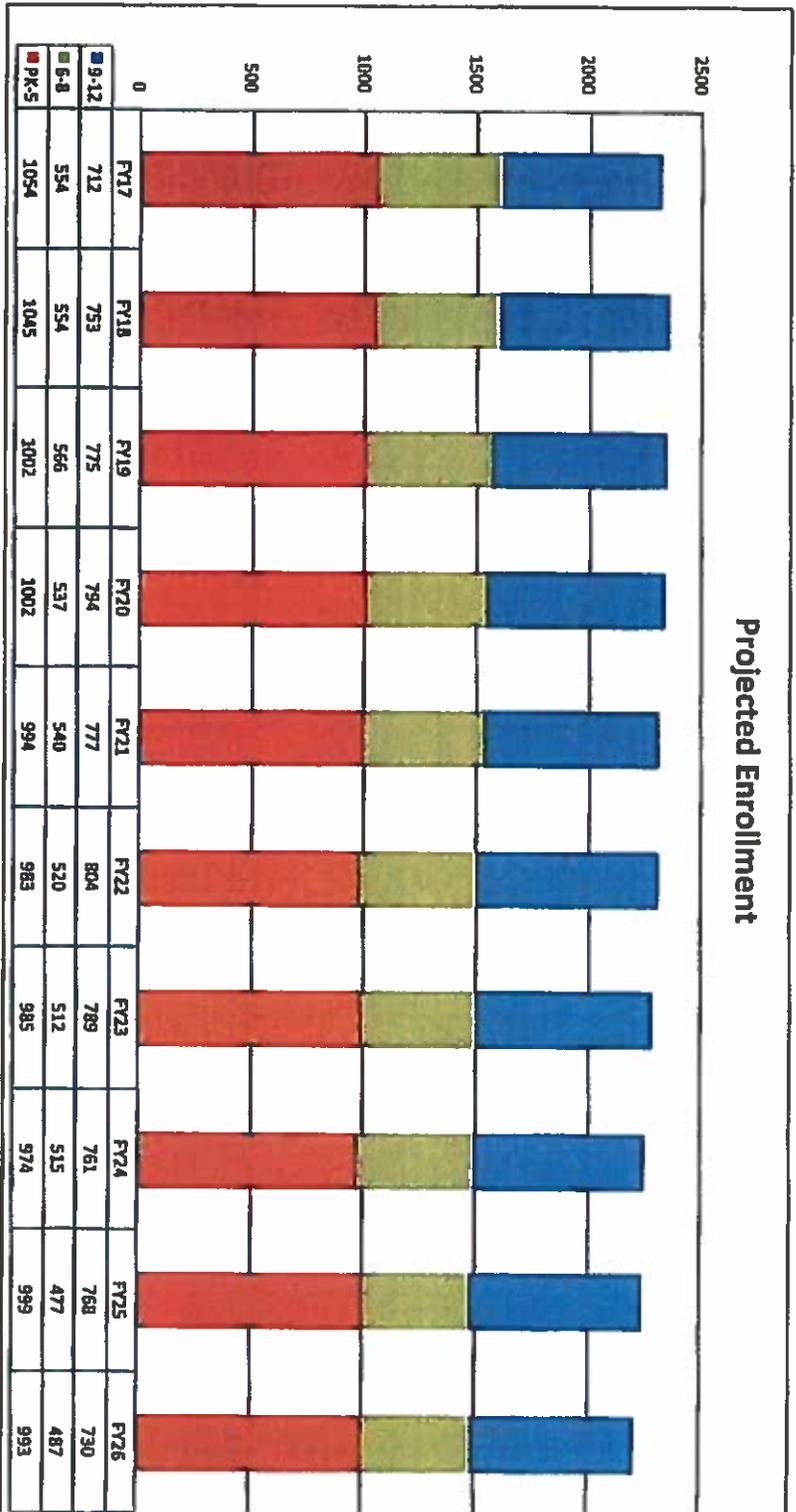
- Goal #5 Research and Development:** To discover and create new knowledge of identifying and enabling development of valuable new products, processes and services.
- * Continued exploration of alternative educational options for K-12.

Overview: Gross Budget Increase is 1.9%

Local Budget Increase is 3.3%



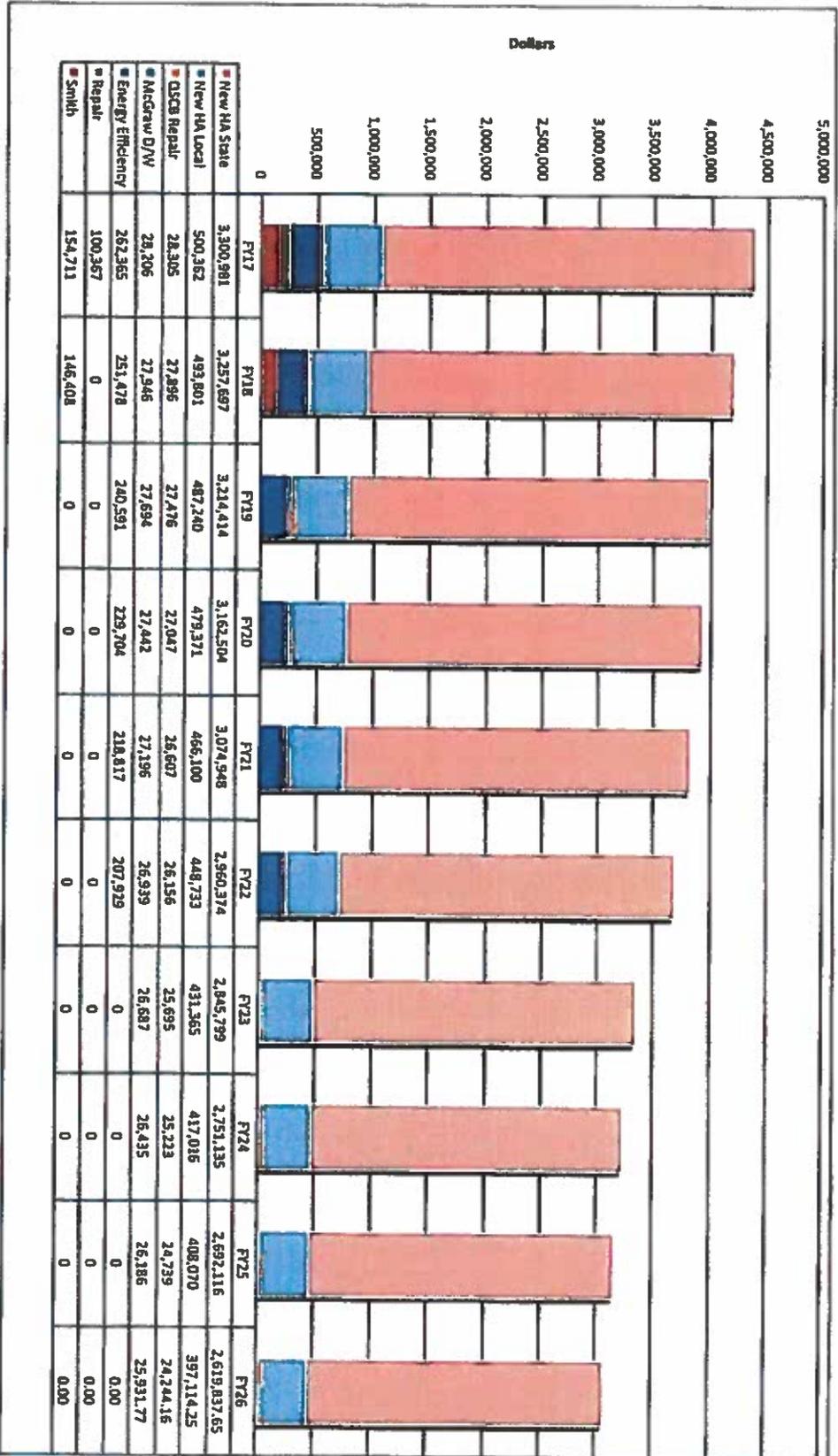
Projected District Enrollment - 10 years



*Projected enrollments based on Planning Decisions Inc., "Best Fit Model Enrollment Projections" completed January 2016

**No tuition students included in projections

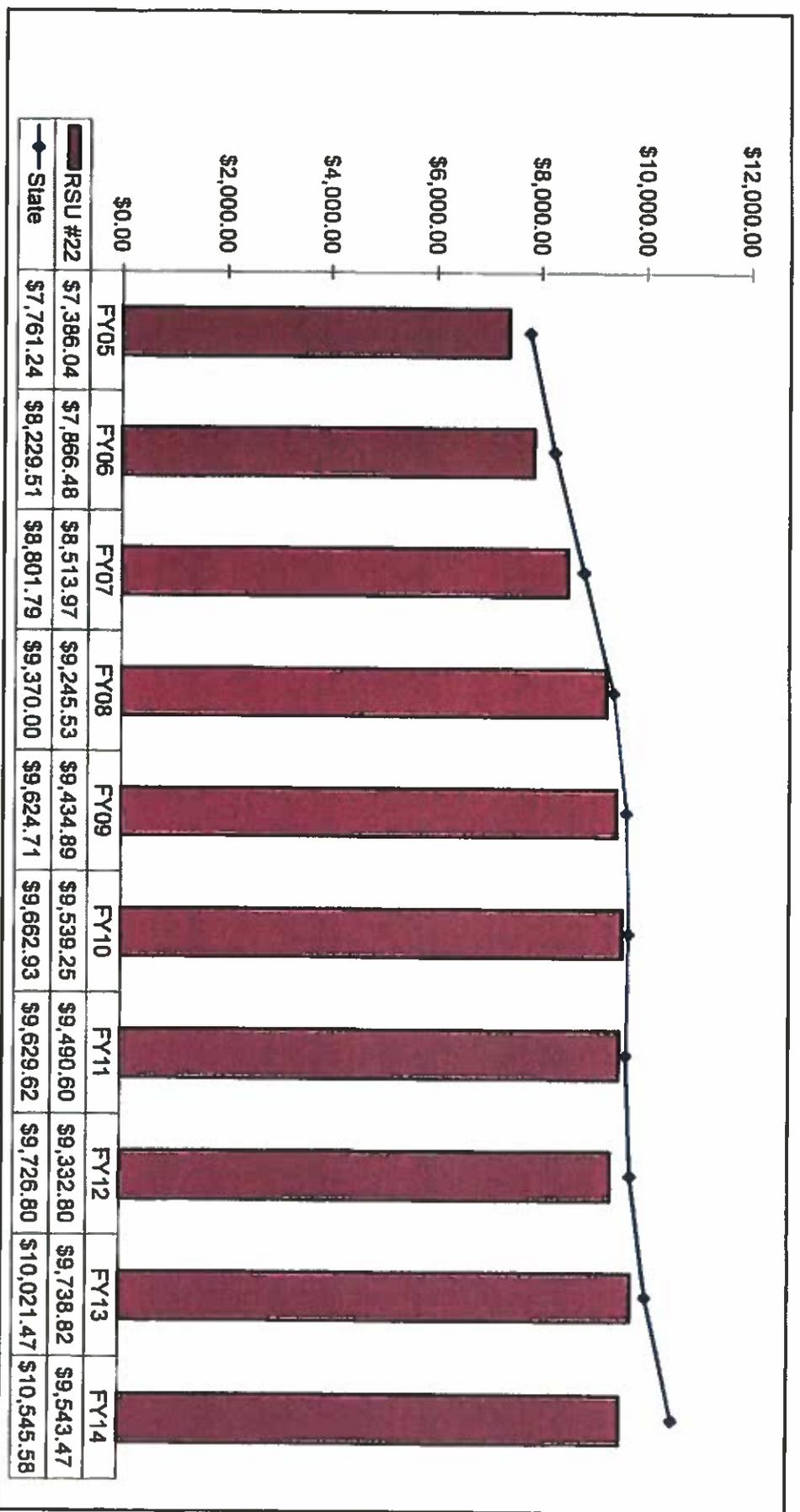
10-year Debt Service Projection



State / Local Breakdown:

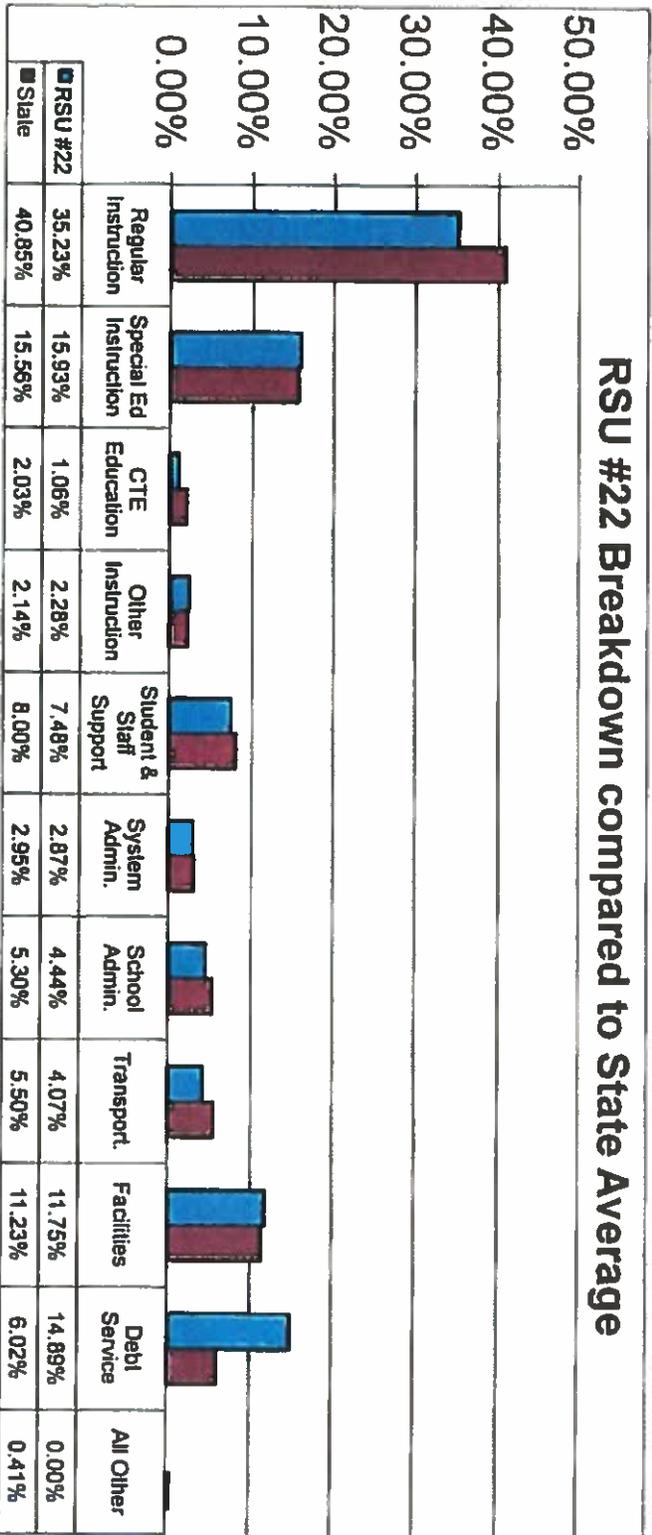
Category	State	Local	Totals
State reimbursed	3,455,692	919,605	4,375,297
Local Cost	3,404,106	801,120	4,205,226

RSU #22 and State Per Pupil Costs



FY15 Breakdown by Percentage Expended

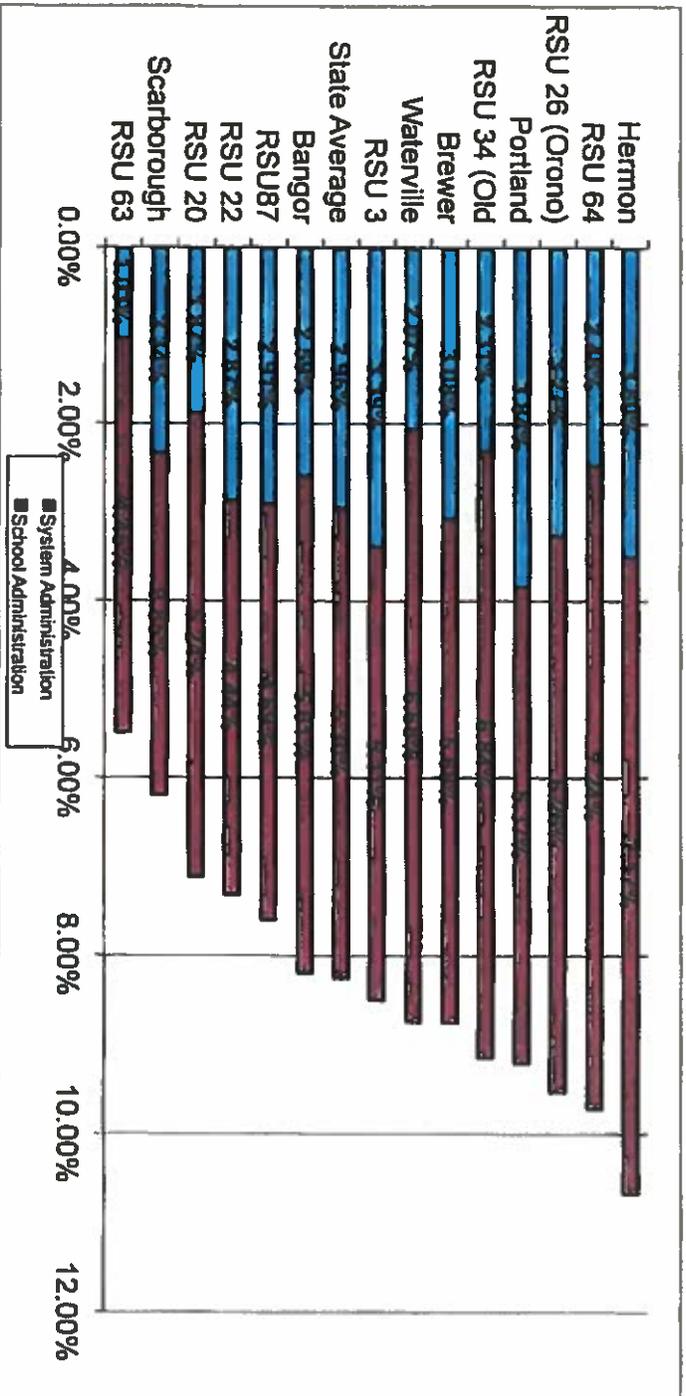
Category	RSU #22	State
Regular Instruction	35.23%	40.85%
Special Ed Instruction	15.93%	15.56%
CTE Education	1.06%	2.03%
Other Instruction	2.28%	2.14%
Student & Staff Support	7.48%	8.00%
System Admin.	2.87%	2.95%
School Admin.	4.44%	5.30%
Transport.	4.07%	5.50%
Facilities	11.75%	11.23%
Debt Service	14.89%	6.02%
All Other	0.00%	0.41%



Administrative Cost Comparisons

FY15 Actual Expenditures

Unit	System Administration	School Administration	Total
RSU 63 (Eddington)	1.03%	4.45%	5.48%
Scarborough	2.34%	3.85%	6.19%
RSU 20 (Belfast)	1.87%	5.24%	7.11%
RSU 22	2.87%	4.44%	7.31%
RSU87 (Carmel)	2.91%	4.69%	7.60%
Bangor	2.59%	5.61%	8.20%
State Average	2.95%	5.30%	8.25%
RSU 3 (Thorndike)	3.39%	5.11%	8.50%
Waterville	2.07%	6.68%	8.75%
Brewer	3.08%	5.68%	8.76%
RSU 34 (Old Town)	2.31%	6.84%	9.15%
Portland	3.84%	5.37%	9.21%
RSU 26 (Orono)	3.27%	6.26%	9.53%
RSU 64 (Corinth)	2.48%	7.24%	9.72%
Herron	3.50%	7.17%	10.67%



SUMMARY OF PROPOSED EXPENDITURES AND ANTICIPATED REVENUE

EXPENDITURES	APPROVED	PROPOSED	\$	%
	FY16	FY17	VARIANCE	VARIANCE
	29,548,781.85	30,132,293.36	583,511.51	1.97%

REVENUES

State Allocation (FY16 as approved by NSU22 June 9, 2015) 18,191,530.59 18,269,597.93 78,067.34

NOTE: Final FY16 State subsidy approved by legislature in early July 2015 was higher than the amount adopted by the District in early June. Thus, the ACTUAL State subsidy of \$18,446,709.76 is \$255,179.17 higher than the District approved number above.

The comparison between the ACTUAL subsidy received and the proposed subsidy for FY17 represents a loss of \$177,111.83.

The comparison above represents the FY16 DISTRICT APPROVED subsidy amount vs. the FY17 State proposed subsidy at this time.

State Agency Client Reimbursement 175,000.00 155,000.00 **-20,000.00**

Total State Share: 18,366,530.59 18,424,597.93 58,067.34 0.32%

Local Earned Revenue

Rental Fees	1,500.00	1,500.00	0.00	0.00
Gate Receipts	10,000.00	10,000.00	0.00	0.00
Athletic Participation Fee	30,000.00	30,000.00	0.00	0.00
E-rate	10,000.00	10,000.00	0.00	0.00
IRS Interest reimbursement.	85,916.81	74,239.02	-11,677.79	
Expense reimbursement (NB, VHS)	29,850.00	29,850.00	0.00	0.00
Other Fees & Revenue	0.00	59,875.00	59,875.00	
Tuition	<u>264,000.00</u>	<u>264,000.00</u>	0.00	0.00

Total Local Earned Revenue: 431,266.81 479,464.02 48,197.21 11.18%

Prior Year Balance 314,037.50 439,037.50 125,000.00 39.80%

NOTE: Part of the additional \$255,179.17 received in FY16 from the State (see explanation above) will be carried forward and used to assist funding of the FY17 proposed budget.

Assessment:

Local Allocation	8,655,677.34	8,503,211.67	-152,465.67	
Non-State Debt Service	506,922.73	500,361.79	-6,560.94	
Local w/o State participation	<u>1,274,346.88</u>	<u>1,285,620.45</u>	<u>511,273.57</u>	

Total Local Share: 10,436,946.95 10,289,193.91 352,246.96 3.38%

Total Revenues: 29,548,781.85 30,132,293.36 583,511.51 1.97%

Breakdown of RSU22 fund balance:

	1,162,473.00	<u>6/30/15 Audited fund balance</u>
LESS:	<u>-314,037.50</u>	Approved use of fund balance for FY16
	848,435.50	Remaining Balance to be used towards future budgets
LESS:	<u>-50,000.00</u>	Use of fund balance to fund A&E expenses
	798,435.50	Available for FY17 and beyond
	-314,037.50	Proposed to match FY16 usage for FY17
	<u>-125,000.00</u>	Additional to be used towards FY17 budget
LESS:	<u>-439,037.50</u>	Total fund balance to use for FY17
	<u>359,398.00</u>	<u>Known remaining balance to be used towards future budgets</u>
PLUS:	<u>?</u>	balance from FY16 activity - to be determined

RSU#22 Auditors recommend the District set a fund balance goal of 10% of the budget.

Major Factors - Increases, Decreases & Reductions - FY17 Proposed Budget:

Salaries & Benefit increases for existing staff and per contracts	271,120.61
Health Insurance Premium increase	211,133.90
Special Education personnel	416,480.22
Addition of 1 Classroom teacher - MG - added during FY16	61,013.84
Co-Curricular stipends added during FY16	18,998.13
Addition of .2 Guidance Counselor - MG	11,081.96
Net NON-Payroll variance in building and department budgets	<u>190,577.38</u>

Subtotal Additions: 1,180,406.04

Expenditure Reductions:

(8) Potential retirees / replacements	153,538.59
Vacant co-curricular positions	13,134.53
Restructure Tech Department	41,702.73
Marketing Liaison	24,963.72
Reduction to fuel lines due to price decreases	50,000.00
Admin Support - Ed Tech	16,316.60
HA - 17.5 hr/wk study hall monitor	9,406.71
Tibbets \$ support HA Library	30,000.00
Salary Adjustments	144,883.61
Contracted Services Reductions	37,392.28
HA Co-curricular Reductions	13,924.60
Reductions in supplies & textbooks	33,500.00
Curriculum reductions	<u>30,350.00</u>

Subtotal Reductions: 599,113.37

Total: 581,292.67

TABLE 1

PROPORTION OF STATE VALUATION AND STUDENT COUNTS OF DISTRICT TOWNS

TOWN	3YR Avg. (13, 14, 15)		Pupil Count for FY17	%
	Valuation for FY17	%		
HAMPDEN	601,450,000.00	58.71%	1265.0	55.85%
NEWBURGH	100,300,000.00	9.79%	242.0	10.68%
WINTERPORT	244,700,000.00	23.88%	609.5	26.91%
FRANKFORT	<u>78,033,333.00</u>	<u>7.62%</u>	<u>148.5</u>	<u>6.56%</u>
TOTAL	1,024,483,333.00	100.00%	2265	100.00%

TABLE 2

CHANGES IN VALUATION AND PUPIL COUNT

TOWN	3YR Avg. (12, 13, 14)		3YR Avg. (13, 14, 15)		% CHANGE
	Valuation for FY16	Valuation for FY17	Valuation for FY16	Valuation for FY17	
HAMPDEN	598,783,333.00	601,450,000.00	598,783,333.00	601,450,000.00	0.45%
NEWBURGH	98,816,667.00	100,300,000.00	98,816,667.00	100,300,000.00	1.50%
WINTERPORT	244,166,667.00	244,700,000.00	244,166,667.00	244,700,000.00	0.22%
FRANKFORT	<u>78,950,000.00</u>	<u>78,033,333.00</u>	<u>78,950,000.00</u>	<u>78,033,333.00</u>	<u>-1.16%</u>
TOTAL	1,020,716,667.00	1,024,483,333.00	1,020,716,667.00	1,024,483,333.00	0.37%
STATE	156,842,383,333.00	155,709,783,333.00	156,842,383,333.00	155,709,783,333.00	-0.72%

	Pupil Count		% CHANGE
	for FY16	for FY17	
HAMPDEN	1255	1265.0	0.80%
NEWBURGH	236.5	242.0	2.33%
WINTERPORT	620	609.5	-1.69%
FRANKFORT	<u>130.5</u>	<u>148.5</u>	<u>13.79%</u>
TOTAL	2242.0	2265.0	1.03%

2016-2017 COST SHARING UNDER DISTRICT FORMULA

TABLE 4

TOWN	% VALUATION	% PUPILS	VALUATION 80%	PUPILS 20%	=	FY17 % COST	COMPARISON FY16 %
HAMPDEN	58.71%	55.85%	46.97%	11.17%		58.14%	58.13%
NEWBURGH	9.79%	10.68%	7.83%	2.14%		9.97%	9.85%
WINTERPORT	23.88%	26.91%	19.10%	5.38%		24.48%	24.67%
FRANKFORT	7.62%	6.56%	6.10%	1.31%		7.41%	7.35%
TOTAL	100.00%	100.00%	80.00%	20.00%		100.00%	100.00%

2016-2017 LOCAL COST

TABLE 5

TOWN	LOCAL EPS COMMITMENT	LOCAL ONLY DEBT SERVICE	OTHER LOCAL SHARE	= TOTAL FROM TAXES
HAMPDEN	4,992,035.00	290,910.34	1,038,159.73	6,321,105.07
NEWBURGH	832,490.00	49,886.07	178,026.36	1,060,402.43
WINTERPORT	2,031,010.00	122,488.57	437,119.88	2,590,618.45
FRANKFORT	647,676.67	37,076.81	132,314.48	817,067.96
TOTAL	8,503,211.67	500,361.79	1,785,620.45	10,789,193.91

CHANGES IN TOWN ASSESSMENTS

TABLE 6

TOWN	2016 ASSESSMENT	2017 ASSESSMENT	\$ CHANGE	% CHANGE
HAMPDEN	6,113,134.68	6,321,105.07	207,970.39	3.40%
NEWBURGH	1,013,420.40	1,060,402.43	46,982.03	4.64%
WINTERPORT	2,509,972.55	2,590,618.45	80,645.90	3.21%
FRANKFORT	800,419.32	817,067.96	16,648.64	2.08%
TOTAL	10,436,946.95	10,789,193.91	352,246.96	3.38%

FY17 Proposed Adult Education Budget - Separate Warrant Article

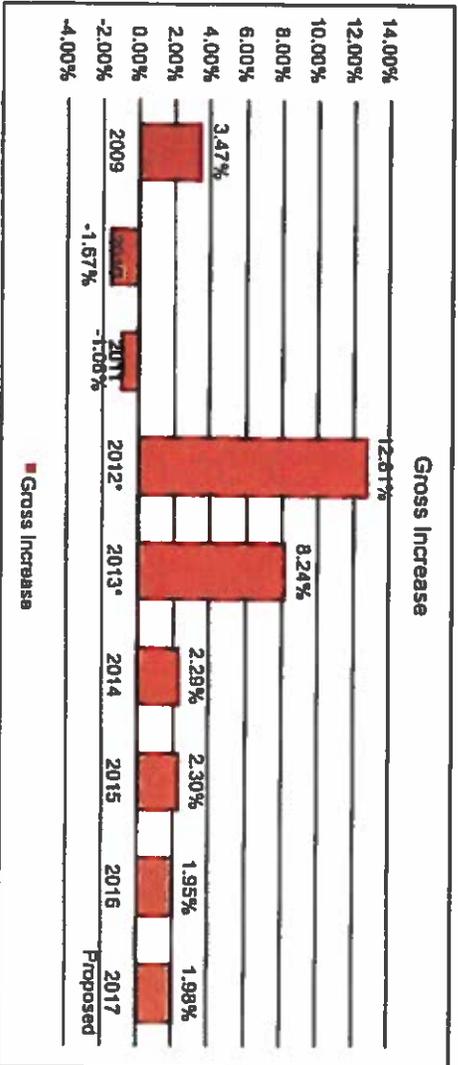
	<u>FY16</u>	<u>FY17 Proposed</u>	<u>\$ Inc/(dec)</u>	<u>% Inc/(dec)</u>
<u>Expenditures:</u>	<u>65,000.00</u>	<u>67,500.00</u>	<u>2,500.00</u>	<u>3.85%</u>
<u>Revenue:</u>				
State	13,000.00	13,000.00	0.00	0.00%
Registrations	12,000.00	12,500.00	500.00	4.17%
Carryover	10,000.00	12,000.00	2,000.00	20.00%
Local	<u>30,000.00</u>	<u>30,000.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Revenue:	65,000.00	67,500.00	2,500.00	

<u>Allocations:</u>	<u>Cost Share</u>	<u>FY17 Adult Ed. Split</u>	<u>Comparison: FY16 Split</u>	<u>Variance</u>
Hampden	58.14%	17,442.00	17,439.00	3.00
Newburgh	9.97%	2,991.00	2,955.00	36.00
Winterport	24.48%	7,344.00	7,401.00	-57.00
Frankfort	7.41%	<u>2,223.00</u>	<u>2,205.00</u>	<u>18.00</u>
		30,000.00	30,000.00	0.00

<u>Allocations Including Adult Education:</u>			
Hampden	6,338,547.07		
Newburgh	1,063,393.43		
Winterport	2,597,962.45		
Frankfort	<u>819,290.96</u>		
Total	10,819,193.91		

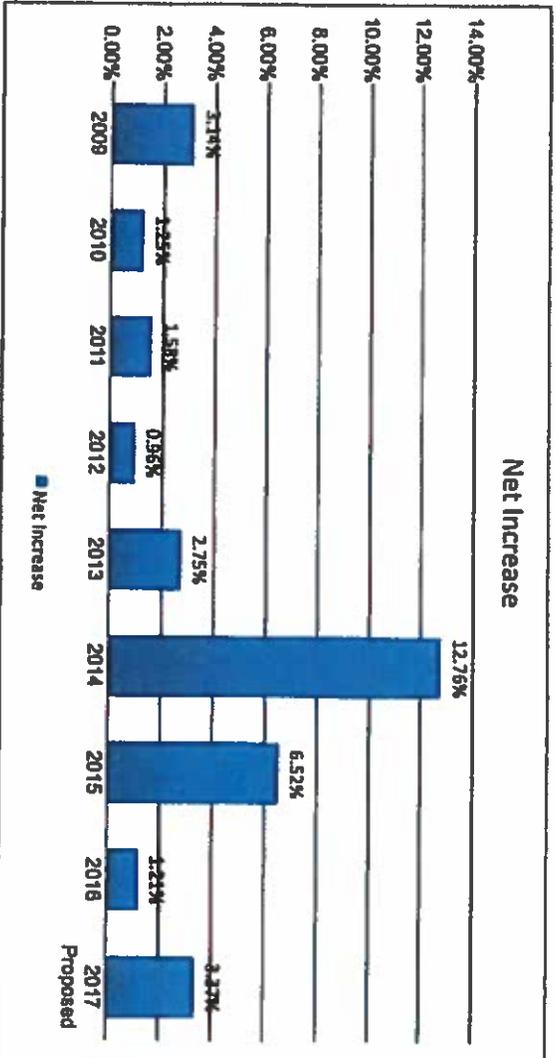
GROSS BUDGET VARIANCES (FY 2009 - 2017 Proposed)

*2012 & 2013 include new HA debt service



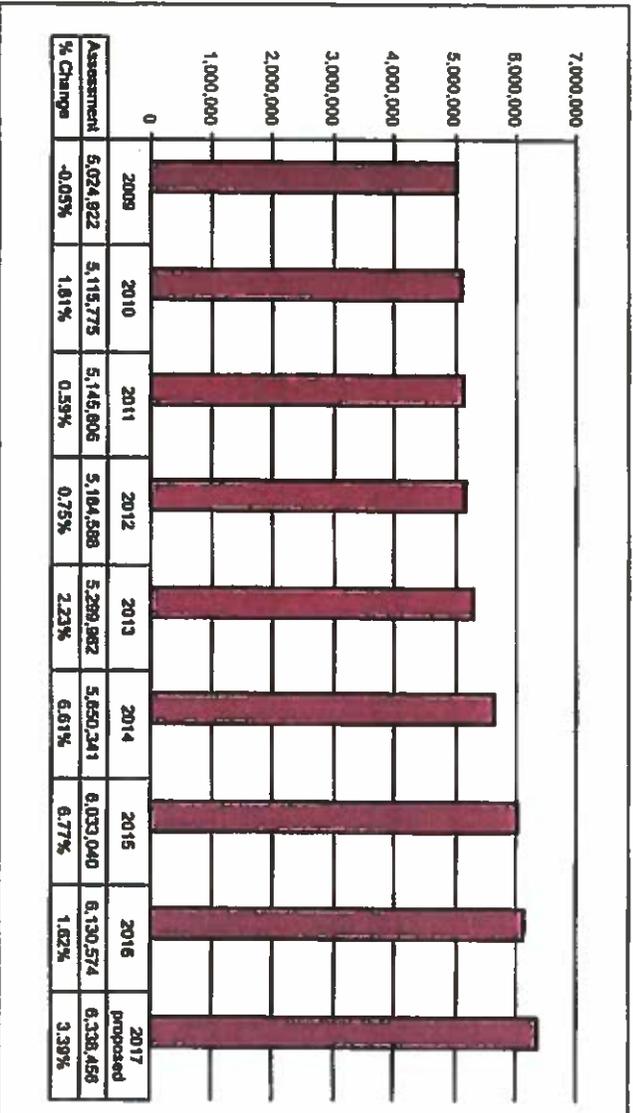
LOCAL ASSESSMENT VARIANCES (FY2009 - 2017 Proposed)

*2014 is first year with Frankfort



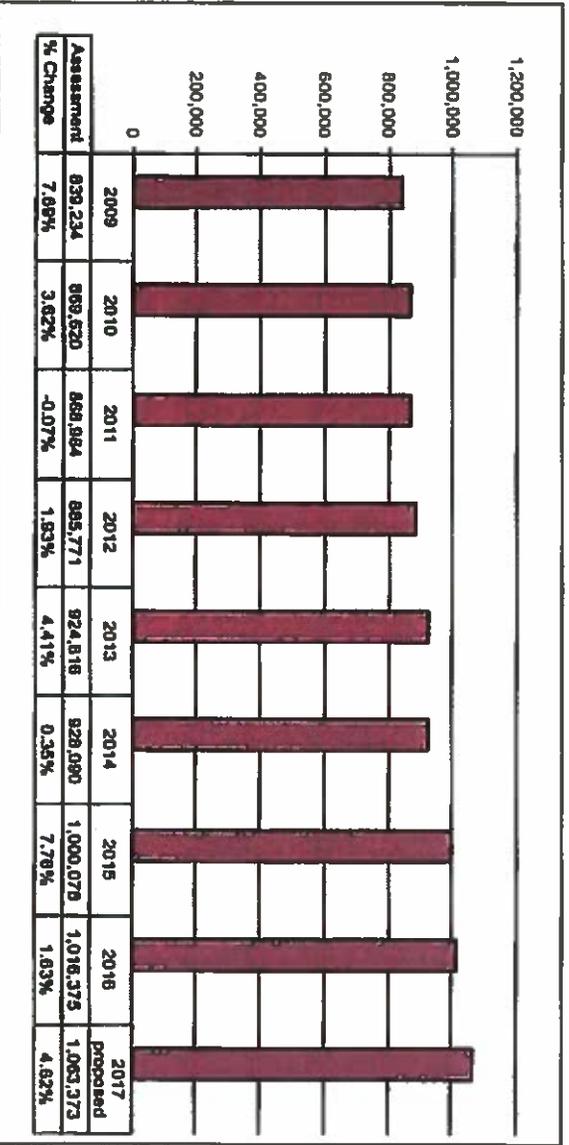
HAMPDEN - 9 YEAR ASSESSMENT

average variance: 2.64%

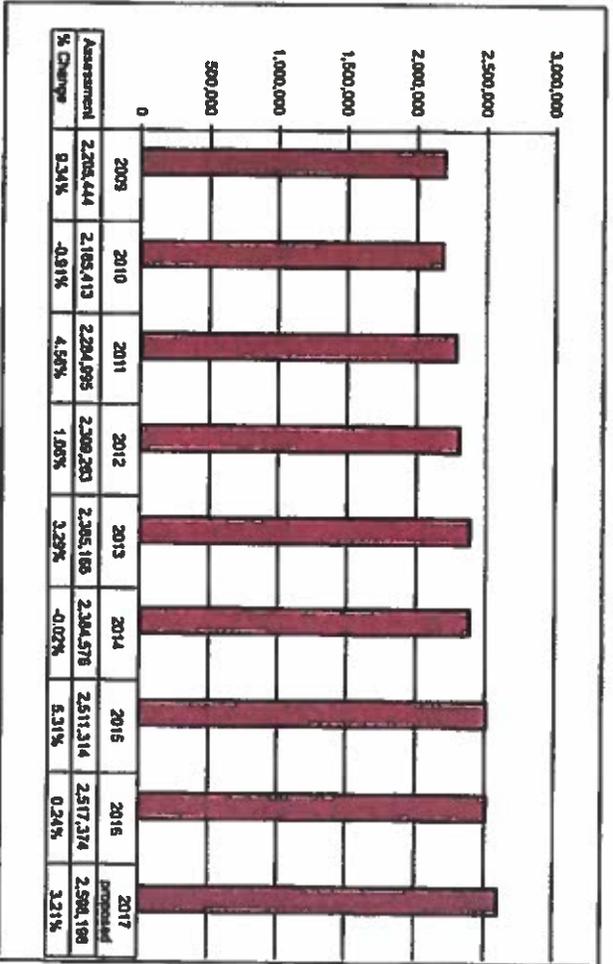


NEWBURGH - 9 YEAR ASSESSMENT

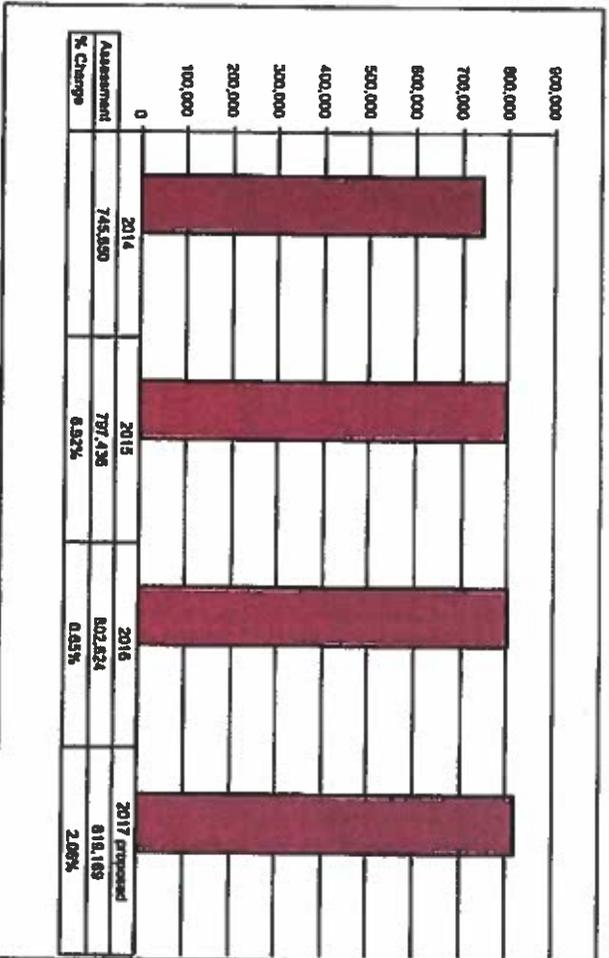
average variance: 3.55%



WINTERPORT - 9 YEAR ASSESSMENT average variance: 2.90%



FRANKFORT - 3 YEAR ASSESSMENT average variance: 3.21%



% Above EPS - data analysis

Unit	2011		2012		2013		2014		2015		2016	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Bangor	3,524,921	10%	1,968,928	6%	1,589,768	4%	2,666,347	7%	3,552,363	10%	3,477,234	9%
Brewer	-51,296	0%	-516,261	-3%	-248,936	-2%	749,606	5%	547,978	3%	507,289	3%
Cape Elizabeth	2,929,861	18%	2,967,579	19%	3,447,928	21%	4,151,807	25%			4,793,743	27%
Falmouth	3,034,825	14%	3,298,494	15%	3,621,042	15%	5,215,703	21%	4,458,664	17%	5,785,333	22%
Herron	0	0%	-97,448	-1%	20,000	0%	150,251	2%	-113,316	-1%	41,458	0%
Portland	4,023,560	5%	5,567,546	7%	8,770,214	11%	11,606,279	15%	12,677,433	16%	11,663,580	14%
Scarborough	-1,490,154	-5%	-2,525,600	-8%	-118,991	0%	1,590,712	5%	1,865,608	5%	2,648,935	8%
Yarmouth	3,545,994	26%	3,214,418	23%	4,330,521	31%	4,922,851	34%	4,096,778	27%	4,469,939	28%
SAD1 (Presque Isle)	1,374,220	7%	798,471	4%	476,796	3%	1,094,253	6%	515,823	3%	620,055	3%
RSU3 (Thomdike)	870,198	5%	187,809	1%	312,560	2%	427,561	2%	342,239	2%	843,006	5%
RSU22	1,176,796	6%	564,524	2%	463,011	2%	524,483	2%	980,955	4%	999,931	4%
SAD51 (Cumberland)	3,216,178	14%	2,962,849	13%	4,614,782	20%	5,252,817	22%	5,693,746	23%	7,233,574	30%
RSU63 (Eddington)	380,801	4%	179,622	2%	345,943	4%	757,683	9%	656,995	7%	506,296	6%
RSU64 (Corinth)	192,443	2%	168,559	2%	317,798	3%	467,763	4%	507,203	4%	666,639	6%
RSU19 (Newport)	-471,179	-2%	-431,737	-2%	-242,101	-1%	-288,834	-1%	-246,697	-1%	145,812	1%
RSU20 (Belfast)	2,335,368	8%	1,481,929	5%	2,662,090	9%	4,377,573	16%	-609,282	-2%		
RSU34 (Old Town)	2,341,544	19%	1,770,797	14%	1,693,091	13%	1,709,760	13%	1,846,419	13%	1,244,945	9%
RSU67 (Lincoln)	1,768,967	19%	1,493,738	15%	1,333,979	14%	1,207,701	13%	1,276,809	13%	1,363,863	14%
State	1,322,520	16.65%	455,454	17.10%	656,993	21.91%	883,416	22.46%	894,528	21.14%	1,031,526	19.82%

Major Factors - Increases, Decreases & Reductions - FY17 Proposed Budget:

3/28/16

Salaries & Benefit increases for existing staff and per contracts		271,120.61
Health Insurance Premium Increase		211,133.90
Special Education personnel		416,480.22
(9) Educational Technicians	319,857.88	
.5 Teacher	35,608.49	
.4 OT	24,405.54	
.4 Psych	24,405.54	
.2 Social Worker	12,202.77	
Addition of 1 Classroom teacher - MG - added during FY16		61,013.84
Co-Curricular stipends added during FY16		18,998.13
WB Singers	1,279.91	
XC Asst Coaches - Wagner & RB	2,585.46	
Band Director - Wagner & RB	3,199.78	
HA Robotics	3,982.06	
HA Unified Basketball	2,645.73	
HA NEASC Co-Chairs	2,105.40	
Supervision & Evaluation Committee Co-Chairs	3,199.79	
Addition of .2 Guidance Counselor - MG		11,081.96
Net NON-Payroll variance in building and department budgets		190,577.38
UTC assessment curriculum textbooks, sp/ed contracted services, preschool, transportation, copiers, (1) outside tuition slot = increases / overall decrease in debt service		

Subtotal Additions: 1,180,406.04

Expenditure Reductions:

(8) Potential retirees / replacements		153,538.59
Vacant co-curricular positions		13,134.53
Restructure Tech Department		41,702.73
Marketing Liaison		24,963.72
Reduction to fuel lines due to price decreases		50,000.00
Admin Support - Ed Tech		16,316.60
HA - 17.5 hr/wk study hall monitor		9,406.71
Tibbetts \$ support HA Library		30,000.00
Salary Adjustments		144,883.61
Admin & LS & AL reduce sal increases from 3% to 2%	12,102.56	
Superintendent salary "seed"	5,000.00	
Special Projects stipend (RN)	6,316.20	
Reduce (2) days from budgeted Ed Tech work-year (to 182)	16,064.50	
New teacher orientation	3,899.05	
Teacher - FY16 salary adjustment	55,089.41	
freeze ERP's	24,943.07	
Remove add'l summer secretarial hours (WB, MG, SM)	4,587.32	
Remove substitute teacher raise	16,881.50	
Contracted Services Reductions		37,392.28
"Let's Talk"	3,600.00	
Copiers	9,334.28	
Maintenance contract reductions	10,000.00	
Newburgh custodial services	4,000.00	
Periqul contract	2,958.00	
Special Education - contracted services	7,500.00	
HA Co-curricular Reductions		13,924.60
I-Pad Integrator - Hampden Academy	2,105.40	
Tech Scouts - Hampden Academy (3/4)	6,316.20	
Fitness Center position (CW) - taken over by Adult Ed.	5,503.00	
Reductions in supplies & textbooks		33,500.00
HA - reduction in textbooks	18,500.00	
Wagner & Reeds Brook - reduction in supplies	15,000.00	
Curriculum reductions		30,350.00
Curriculum - textbooks	25,000.00	
Curriculum & Assessment PD & travel	1,500.00	
Intervention salary	3,500.00	
Local PD & travel lines	350.00	

Subtotal Reductions: 599,113.37

Total: 581,292.67

New positions requested - FY17 Budget Proposal

3/22/16

*****DRAFT*****

blue = added during FY16 = INCLUDED in proposed budget
 black = proposed additions for FY17 - NOT INCLUDED in proposed budget

	<u>FTE</u>	<u>Original Request</u>	<u>Cuts</u>	<u>Remaining \$</u>	<u>Remaining Position</u>
<u>Nursing Services:</u>	0.25	15,253.46	-15,253.46	0.00 cut	
<u>McGraw:</u>					
Teacher (BOD added during FY16)	1	61,013.84		61,013.84	MG classroom teacher
Guidance Counselor	0.2	11,081.96		11,081.96	.2 FTE Guidance - MG
<u>Reeds Brook:</u>					
Assistant Principal	1	100,000.00	-100,000.00	0.00 cut	
Secretarial Hours (add'l)	0.1	4,587.32	-4,587.32	0.00 cut	
<u>Special Education:</u>					
WB Teacher (added during FY16)	0.5	35,608.49		35,608.49	WB teacher
HA Teacher	1	61,013.84	-61,013.84	0.00 cut	
K-5 Life Skills	1	61,013.84	-61,013.84	0.00 cut	
Speech	0.6	36,808.30	-36,808.30	0.00 cut	
Occupational Therapist	0.5	30,506.92	-6,101.38	24,405.54	-.1 FTE cut = .4 FTE
Psych. Examiner	0.5	30,506.92	-6,101.38	24,405.54	-.1 FTE cut = .4 FTE
Social Worker	0.4	24,405.54	-12,202.77	12,202.77	-.2 FTE cut = .2 FTE
Educational Technicians					
added during FY16	2	68,492.96		68,492.96	(2) Ed Techs
existing - moving from Local Entitlement	3	92,314.68		92,314.68	(3) Ed Techs
new	4	159,050.24		159,050.24	(4) Ed Techs
<u>CC/KC/Honorariums:</u>					
<u>Weatherbee</u>					
Honorariums - chairs - data, math, literacy (3)		9,450.00	-9,450.00	0.00 cut	
Honorarium - Weatherbee Singers (added during FY16)		1,279.91		1,279.91	WB Singers Honorarium
<u>Reeds Brook</u>					
"B" Sports currently defunded - soccer, softball, baseball (4 positions)		10,455.81	-10,455.81	-0.00 cut	
Assistant coach - cross country (added during FY16)		1,292.73		1,292.73	XC Asst. Coach
Honorarium - Band Director (added during FY16)		1,599.89		1,599.89	Band Director Honorarium
<u>Wagner</u>					
Re-establish "B" basketball (2 positions)		6,620.62	-6,620.62	0.00 cut	
Assistant coach - cross country (added during FY16)		1,292.73		1,292.73	XC Asst. Coach
Honorarium - Band Director (added during FY16)		1,599.89		1,599.89	Band Director Honorarium
<u>Hampden Academy</u>					
Robotics (BOD added during FY16)		3,982.06		3,982.06	Robotics
Unified Basketball Coach		2,645.73		2,645.73	Unified BB Coach
Honorarium - NEASC Co-Chairs (added during FY16)		2,105.40		2,105.40	NEASC Co-Chairs
<u>District</u>					
Honorariums - Supervision Eval. Cmtee Co-Chairs (added during FY16)		3,199.79		3,199.79	SEC Co-Chairs
Total:		838,982.87	-329,408.72	507,574.15	

<u>Breakdown:</u>					
Added in FY16 (Included in FY17 budget)	273,782.37	0.00	273,782.37		
New to add in FY17:	563,200.50	-329,408.72	233,791.78		

**OPEN CO-CURRICULAR AND EXTRA-CURRICULAR POSITIONS
FY17 BUDGET DEVELOPMENT**

2/29/16

CIVIL RIGHTS CLUB ADVISOR	REEDS BRK	\$1,759.04
INTRAMURAL DIRECTOR - 50%	REEDS BRK	\$1,367.40
INTRAMURAL DIRECTOR- 50%	REEDS BRK	\$1,256.95
INTRAMURAL	WAGNER	\$2,638.55
AFTERSCHOOL ACTIVITIES	ACADEMY	\$2,779.13
DANCE CLUB ADVISOR	ACADEMY	\$1,699.08
COMPUTER CLUB ADVISOR	ACADEMY	<u>\$1,634.38</u>
		\$13,134.53