

**FINANCE & ADMINISTRATION COMMITTEE MEETING  
AGENDA**

Monday, January 6<sup>th</sup>, 2020

6:00 p.m.

Hampden Town Office

1. Meeting Minutes – 12/16/2019
2. Review & Sign Warrants
3. Unfinished Business
  - a. Council rules
4. New Business
  - a. Recommendation for the Re-appointment of Brent Wells to the Planning Board
  - b. Recommendation for the Re-appointment of Brittany Goetting to the Historic Preservation Commission
  - c. Recommendation to Council for a request for excise tax reimbursement – requested by Donald Hayward
5. Committee Member Comments
6. Manager's Comments
7. Adjourn

**FINANCE & ADMINISTRATION COMMITTEE MEETING  
MINUTES**

Monday, December 16, 2019

6:00 p.m.

Hampden Town Office

Attending:

Mayor McPike

Councilor Jarvi

Councilor Wright

Councilor McAvoy

Councilor Marble

Paula Scott, Interim Town Manager/Clerk

Jessica Albee, Recording Clerk

1. Meeting Minutes – 12/02/2019

Motioned, seconded; Vote was 4-1-2

2. Review & Sign Warrants

3. Unfinished Business

a. Town Manager Search update –

Mayor McPike mentioned that the only applicant pulled her application and now they are at square one. It was moved by Councilor Wright to place an executive session on tonight's agenda, seconded by Councilor McAvoy; Vote was 4-0-1. Because it wasn't a unanimous vote the motion failed. The Council agreed to schedule the executive session to discuss Personnel matters to the January 6<sup>th</sup> meeting.

b. Council rules discussion –

The Council rules were discussed in detail. It was agreed by Council to revise the Committee structure.

4. New Business

- a. Recommendation regarding Council Order 2019-08 Adopting Updated Transfer Station Decal policy

Motion made by Councilor McAvoy, seconded by Councilor Marble.  
Vote was 5-0-0.

- b. Recommendation for the expenditure of an amount no to exceed \$1000 from Rec Area Reserve Account (3-767-00) to secure temporary storage at the Western Avenue Recreation area – *referral from Services Committee*

Motion made by Councilor Marble, seconded by Councilor Jarvi;  
Vote was 5-0-0.

5. Public Comment -None

6. Committee Member Comments –

Councilor Wright mentioned this has been a very great conversation on Council Rules, it's been intelligent, consistent, eye opening and it has even been consensus building. It's surprising that it has taken so long to get here and now that we have done it, we can now start to move forward.

7. Manager's Comments –

The first meeting in January is opened by the Town's attorney, but Ed Bearor is unable to attend. He will be having someone fill in for him.

8. Adjourn – The meeting adjourned at 6:54 pm.

Respectfully Submitted,

Jess Rickman  
Recording Clerk

<p><b>ARTICLE 1 – Mayor/Deputy Mayor</b></p>	<p>Section 1.1 - At the commencement of the Calendar year, and pursuant to Section 204 of the Town Charter, the town’s attorney shall preside over the Town Council’s election of one of its members as Mayor for the ensuing year. The Mayor shall preside over all meetings of the Council at which he or she is present.</p>
	<p>Section 1.2 - After the election, the Mayor shall preside over the election of Deputy Mayor. The Deputy Mayor shall serve as the presiding officer at any meeting at which the Mayor is absent and shall assume all duties of the Mayor until the Mayor is present. In the absence of the Deputy Mayor, the Mayor shall appoint, in advance, another Councilor to chair the meeting.</p>
	<p>Section 1.3 - The Mayor shall recognize any Councilor who wishes to speak, shall state all motions that are before the assembly, rule on questions of parliamentary procedure and carry out all duties incumbent upon him under the laws of the State, the Town Charter, Town Ordinances, and the Rules of Procedure.</p>
<p><b>ARTICLE 2 - Council</b></p>	<p>Section 2.1 - The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy. No action of the Council shall be binding or valid unless adopted by the majority vote of those present.</p>
	<p>Section 2.2 - In all motions of command, the form of expression shall be ‘ordered’ and in all motions concerning principles, facts, or purposes, the form shall be ‘resolved’.</p>
	<p>Section 2.3 - All Town Councilors shall participate in the Maine Municipal Association’s Elected Officials Course within 120 days of being sworn in as a Town Councilor. Documentation of that training shall be filed with the Town Clerk.</p>
	<p>Section 2.4 - A new councilor orientation packet shall be provided to all Councilors at the time they are sworn in and they shall sign and date receipt</p>

	of the orientation packet which will also be recorded in the minutes of the next Council meeting.
ARTICLE 3 – Agenda	<p>Section 3.1- Town Council meetings shall be guided by a written agenda in the following order.</p> <ul style="list-style-type: none"> <li>(a) Pledge of Allegiance</li> <li>(b) Approval of Agenda</li> <li>(c) Consent agenda <ul style="list-style-type: none"> <li>(i) Signatures</li> <li>(ii) Council Minutes</li> <li>(iii) Communications</li> <li><del>(iv) Committee Minutes</del></li> </ul> </li> <li>(d) Public Comments</li> <li>(e) Policy Agenda <ul style="list-style-type: none"> <li>(i) News, Presentations and Awards</li> <li>(ii) Public Hearings</li> <li>(iii) Nominations, Appointments, Elections</li> </ul> </li> <li><del>(f) Committee Reports – will include requested Council actions out of committee and as this would not represent the first reading it can be acted upon, does not require a second, and will be of the form to recommend:</del> <ul style="list-style-type: none"> <li><del>(i) adoption</del></li> <li><del>(ii) referral</del></li> <li><del>(iii) rejection, or</del></li> <li><del>(iv) no action taken</del></li> </ul> <p><del>Recommendations will include vote totals from assigned committee members who voted.</del></p> </li> <li>(f) Unfinished Business</li> <li>(g) New Business - No new business will be acted on at its first reading and will be automatically tabled except by a majority vote of councilors to suspend this rule.</li> <li>(i) Manager's Report</li> <li>(j) Councilor Comments</li> <li>(k) Adjournment</li> </ul>
	Section 3.2 - Any subject may be placed on the agenda for a council meeting by a council member, the town manager or at the request of any citizen. Any subject presented by a citizen

**Commented [EJ1]:** Elimination of committees makes this obsolete

**Commented [EJ2]:** This section is deleted given the elimination of committees and subsequently re-lettered accordingly.

	<p>must be received at the town office at least four business days prior to the council meeting. The name of the Councilor or other person(s) or group requesting an item on the agenda will be indicated on the agenda as part of the requested item.</p> <p>Section 3.3 - The agenda shall be prepared and posted to the town website at least two business days prior to a scheduled council meeting.</p> <p>Section 3.4 - An item may be added to the agenda prior to the Approval of Agenda by unanimous consent of all Councilors present.</p> <p>Section 3.5 - Any item on the Consent Agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the Consent Agenda.</p> <p>Section 3.6 - Any item on the agenda may be taken up out of order by consent of a majority of Councilors present.</p> <p>Section 3.7 - Town council workshops or special meetings, as defined under Article 4, shall be guided by a written agenda in the following order.</p> <ul style="list-style-type: none"> <li>(a) Call to order</li> <li>(b) Topic(s) of the meeting</li> <li>(c) Adjournment</li> </ul>
<p><b>ARTICLE 4 - Meetings and Decorum</b></p>	<p>Section 4.1 - The first and third Mondays of each month are designated as regular Council meetings (open to the public and televised) with the provision that a unanimous vote of the Councilors present would cancel or reschedule a meeting. Whenever a meeting falls on a legal holiday, such meeting will take place the following day except upon unanimous vote of the Councilors present to cancel or reschedule the meeting.</p>

**Commented [EJ3]:** Split into separate Articles #4/#5

	<p>Section 4.2 - The Mayor may call the Council together with advanced notice for a workshop session (not open to the public).</p> <p>(a) A workshop meeting is devoted exclusively to a matter in which the interchange of information, <i>prior to public discussion</i>, is deemed essential and may involve reports and proposals from council members, committees and staff that might be considered at later Town Council meetings.</p> <p>(b) The Town Council may give guidance to the Town Manager and to staff at workshop meetings, but no decisions may be made that require formal voting.</p> <p>(c) Workshop discussion requires no formal motion as it is intended to promote interaction and the building of ideas and consensus without debate.</p>
	<p>Section 4.3 – The Mayor may call the Council together for a special meeting (open to the public and televised). The agenda for a special meetings shall be posted at the Post Office, Town Office, Town Sign Board, and on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held).</p>
<p><b>ARTICLE 5 – Meeting Decorum</b></p>	<p>Section 5.1 - As a matter of courtesy, conduct for all Council members shall be as follows.</p> <p>(a) All cell phones shall be silenced during Council and Committee meetings;</p> <p>(b) Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings;</p> <p>(c) cell phone use, texting and email may be done during breaks in meetings.</p> <p>Section 5.2 - In all cases where the parliamentary proceedings are not determined by these rules of procedure, “Roberts Rules of Order” shall be</p>

**Commented [EJ4]:** This should eliminate the need for ad hoc advisory committees and ensures that they are open to the public as is the case for regular Council meetings

	taken as authority to decide the course of proceedings.
	Section 5.3 - When any Councilor is about to speak, they shall respectfully address the Mayor, confine themselves to the question under debate, and avoid personalities. No member speaking shall be interrupted by another but by a call to order.
	Section 5.4 - When any Councilor speaks to staff, consultants, or to members of the public who are in attendance, they shall do so in a respectful and professional manner, shall confine themselves to the question under debate, and avoid conduct unbecoming an elected representative of the Town.
	Section 5.5 - No business can be conducted without a quorum (representing the number personally present and not the number voting) defined as a simple majority of the Council (4) <del>or Committee (2)</del> . Consideration may be given to 'table' important or controversial issues when only a simple majority is present.
	Section 5.6 - No vote can be taken without a motion on the floor and the vote will be of the form: <ul style="list-style-type: none"> <li>(a) all in favor</li> <li>(b) all opposed</li> <li>(c) those present (If a Councilor intends to vote present, the declaration will be made before debate begins, the Council member may not participate in debate, and the action is binding on that motion.)</li> </ul> The Mayor <del>(or Chair)</del> will announce the outcome and voting results.
	Section 5.7 - The rules cannot be dispensed with or suspended if one or more members of the council shall object. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.
	Section 5.8 - Council meetings shall not extend beyond 10 p.m. without an affirmative vote of the Town Council.

**Commented [EJ5]:** Elimination of committees makes this obsolete

**Commented [EJ6]:** Elimination of committees makes this obsolete

**Commented [PS7]:** I actually think this is referring to just the Mayor, called this under our charter, but which is actually just the chairman of the board

**Deleted:**

	<p>Section 5.9 - The Councilor Comment section of the agenda is reserved for any Council member to discuss matters not previously mentioned on the agenda. No official Council action can be taken during this portion of the meeting.</p>
<p><b>ARTICLE 6 - Motions</b></p>	<p>Section 6.1 - "Rule of motion before discussion" - Until a motion is made and seconded, no discussion is in order. The chair should refuse a motion that is out of order or conflicts with statute, ordinance, laws or bylaws.</p>
	<p>Section 6.2 - The member who made the motion is entitled to speak first in debate. Then members are called on in the order in which they are recognized by the chair, although members who have not spoken yet get preference over those who have. When possible, the chair alternates between someone in favor and someone against the motion.</p>
	<p>Section 6.3 - The following motions do not require a second:</p> <ul style="list-style-type: none"> <li>(a) nominations</li> <li>(b) point of information</li> <li>(c) point of order</li> <li>(d) question of privilege</li> <li>(e) leave to withdraw a motion</li> </ul>
	<p>Section 6.4 - The following motions are non-debatable:</p> <ul style="list-style-type: none"> <li>(a) adjourn</li> <li>(b) lay on the table</li> <li>(c) filling in the blank</li> <li>(d) point of information</li> <li>(e) point of order</li> <li>(f) question of privilege</li> <li>(g) leave to withdraw a motion</li> </ul>
	<p>Section 6.5 - When a motion is under debate, the only motions that the Mayor shall entertain will be:</p> <ul style="list-style-type: none"> <li>(a) to adjourn</li> <li>(b) to lay on the table</li> <li>(c) the previous question</li> <li>(d) to postpone the previous question to a date certain</li> </ul>

	<p>(e) to refer the previous question to a committee or administrative official  (f) to amend, or  (g) to postpone the previous question indefinitely.</p> <p>Motions shall have precedence in order in which they are introduced.</p> <p>Section 6.6 - When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.</p>
<p><b>ARTICLE 7 – Sanctions</b></p>	<p>Section 7.1 - Council members who intentionally and/or repeatedly do not follow Council rules, or whose conduct is that unbecoming as an official, <del>may be reprimanded or formally censured by the Council. Serious infractions of Council Rules could lead to other sanctions as deemed appropriate by the Town Council.</del> <u>may be disciplined.</u></p> <p>Section 7.2 – <del>The Mayor has no authority to impose a penalty or to order an offending Council member to be removed from the hall.</del></p> <p>Section 7.3 – <del>The Council does have that power of discipline if the offense occurs in a meeting.</del></p> <p>Section 7.4 - <del>If an offense occurs outside of a meeting, the offending Council member will be given due notice and a fair hearing conducted by the full Council.</del></p> <p>Section 7.5 – Permissible sanctions:</p> <p>(a) Censure - a warning that if <u>inappropriate behaviors continue, the next step is suspension.</u></p> <p>(b) Suspension - a Council member <u>may have a right, some rights, or all rights of Council membership suspended for a defined period of time with a resulting loss of “good standing” within the Council.</u></p> <p>Section 7.6 – <del>Non-council members have no rights and therefore may be removed by the Mayor acting alone.</del></p>

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Commented [EJ8]: Old Article 8 with proposed new language which has **not yet been discussed in F&A.**

Commented [PS9R8]: The issue of sanctions/censure has come up before and according to Senior Staff Attorney Richard Flewelling: As for revising the Council’s rules to add “teeth” to a Council censure of one of its members, I do not believe a body may, by self-adopted rule, bar its own members from participating or voting on matters unless that member has a legally disqualifying conflict of interest or bias. In other words, I do not believe a body may, on its own, deprive any member of his or her right to participate in order to penalize that member for conduct the body disapproves of. Such a penalty could, in my opinion, be authorized by municipal charter, but if the Council chooses to pursue this, I recommend that it work closely with the town attorney to ensure that any such sanction passes legal muster.



Check One:  Initial Application  
 Reappointment Application

TOWN OF HAMPDEN  
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Wells LAST Brent FIRST E MI

ADDRESS: 174 Old County Rd STREET Hampden TOWN 04444 ZIP

MAILING ADDRESS (if different): \_\_\_\_\_

TELEPHONE: (207) 852-3191 HOME \_\_\_\_\_ WORK

EMAIL: deshew@gmail.com

OCCUPATION: N/A

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Planning Board

SECOND CHOICE (OPTIONAL): \_\_\_\_\_

How would your experience, education and/or occupation be a benefit to this board or committee? I am renewing my appointment to the Planning Board.

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

3 YEAR

BOARD OF ASSESSMENT REVIEW  
PERSONNEL APPEALS BOARD  
LURA E. HOIT MEMORIAL POOL  
HARBOR COMMITTEE

EDYTHE L. DYER LIBRARY  
RECREATION COMMITTEE  
BOARD OF APPEALS  
HISTORIC PRESERVATION COMMISSION

5 YEAR  
PLANNING BOARD

<b>FOR TOWN USE ONLY</b>		Date Application Received: <u>12/17/19</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: <u>1/6/20</u>	
<input type="checkbox"/> NEW APPT	<input checked="" type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One:  Initial Application  Reappointment Application

4-6

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Gaetting LAST, Brittany FIRST, P MI
ADDRESS: 549 Main Road North STREET, Hampden TOWN, 04444 ZIP

MAILING ADDRESS (if different):

TELEPHONE: 951-326-0361 HOME, N/A WORK

EMAIL: Williamsburg6590@gmail.com

OCCUPATION: adjunct instructor

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Historic Preservation

SECOND CHOICE (OPTIONAL):

How would your experience, education and/or occupation be a benefit to this board or committee? I have already served on the commission for three years and am knowledgeable of protocol, its needs, and its projects

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

3 YEAR

BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA E. HOIT MEMORIAL POOL
HARBOR COMMITTEE

EDYTHE L. DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMISSION

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY
Date Application Received: 11/2/2020
COUNCIL COMMITTEE ACTION: Finance + Admin DATE: 11/6/2020
COUNCIL ACTION: DATE:
NEW APPT [X] REAPPOINTMENT DATE APPOINTMENT EXPIRES:

**Memorandum**

TO: Town Council  
FROM: Paula Scott, Interim Town Manager  
DATE: December 30, 2019  
RE: Excise Tax Reimbursement request

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Staff received a request from Donald Hayward who requested that the Town reimburse him for excise tax in the amount of \$561.33 that he paid on a 2017 Ford F150 when he registered the vehicle in July. After being told by staff that they were unable to refund his excise tax, Mr. Hayward asked to speak to the manager. I explained to Mr. Hayward that there are no instances in which excise tax is refunded. The only mechanism for any sort of return on monies already paid is in the case of credit when a registrant purchases a new vehicle and transfers the plates (and credit) from a vehicle currently registered but no longer owned by the registrant. Mr. Hayward stated that he did not need to transfer plates because the other vehicle that he has is already registered. I suggested that the best I could do, since I am not authorized to return the money to him, was to place his request on an agenda to be heard by Town Council. If this body agrees to refund the excise tax, I would recommend pro-rating it and returning only the portion of excise that is for the time remaining on the registration, to May 31<sup>st</sup>, 2020. That amount would be \$280.68 based upon \$46.78 a month.

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



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

December 31, 2019

Donald Hayward  
PO Box 276  
Hampden, Me. 04444

Dear Mr. Hayward,

I have added your request for excise tax reimbursement to the January 6<sup>th</sup>, 2019 Council agenda. The meeting will be held in Council Chambers at the Town Office beginning at 7:00 p.m. You may enter the door on the side of the building facing the post office.

If you have any further questions, please don't hesitate to contact me.

Respectfully,

Paula A. Scott,  
Interim Town Manager

Cc: file

File

### MVR3# 23122229 State of Maine Vehicle Registration

Status: A Last Registration

Expiration Date: 05/31/2020 E-Correct

Effective Date: 05/01/2019

Excise Tax Date: 07/02/2019

Mileage: 8841

Class: DV Sub-Class: D3 Registration Number: 816

VIN	Year	Make	Model	Color	Style	Tires	Axles	Net Wgt.	Reg Wgt.	Fuel
1FTEX1EPXHFA91655	2017	FORD	F150	GY NA	PK	0	0	00	00	G

Registrant(s)	Last	First	MI	Suff.	D.O.B.
N I	HAYWARD	DONALD	I		
N N					
N N					

Unit #      DOT #

Mailing Address: [Redacted]

HAMPDEN ME 04444 US

Legal Residence: [Redacted] State: ME Country: US Legal Residence Code: 19280

System Settings

Forced Plate	N
Battle Decal	X
Exc. Exempt	N
Agent Exempt	N
State Exempt	Y
Transfer Exempt	N

Base Price		State Fees	
Base Price	41,580	Rate	0.00
Mil. Rate	3 .0135	Credit	0.00
Agent Fee	3.00	Fees	0.00
Excise Tax	561.33	S. T.	0.00
Credit	0.00	Title	0.00
SubTotal	561.33	User ID	ALD
Transfer Chg	0.00	Balance	561.33
Balance	561.33	Credit No	0
Excise Half Rate	<input type="checkbox"/>	Reg Half Rate	<input type="checkbox"/>

Fleet/Group

Fleet      Enter Fleet Number  
 Group      (Enter 'A' to Add/Search)  
 No

Fleet Name: [Input Field]

Additional Information

Save

Quit