

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, November 6th, 2017

6:00 p.m.

Hampden Town Office

1. Meeting Minutes

a. October 16th, 2017

2. Review & Sign Warrants

3. Old Business

4. New Business

- a. Consideration of a recommendation to Council to exercise the Put Option for the sale of PERC ownership interests
- b. Recommend Council authorization for the expenditure of an amount up to \$6,720 from the Economic Development Reserve Account (3-727-00) for the purpose of purchasing town center flags – *referral from Infrastructure Committee*
- c. Recommend Council authorization for the expenditure of an amount up to \$6,800 from the Roads/Streets Reserve Account (3-761-00) for the purpose of town center sidewalk/crosswalk engineering
- d. Recommend Council authorization for contract extension with Woodard & Curran for the design for parking and permitting on the Lura Hoit Pool Site
- e. Recommend Council authorization for the expenditure of an amount up to \$51,000 from the Rec Area Reserve Account (3-767-00) for the purpose of contract extension with Woodard & Curran for engineering services for parking and permitting on the Lura Hoit Pool Site
- f. Referral to Council for referral to Public Hearing, a proposed Zoning Map Amendment to reflect the proposed rezoning of a portion of parcel 33-0-11-A located at the intersection of US Route 202 and Coldbrook Road, from Residential A District to Commercial Services District – *referral from Planning & Development Committee*

- g. Referral to Council for referral to Public Hearing, a proposed Zoning Ordinance Amendment to define Retail Marijuana, Retail Marijuana Store, Retail Marijuana Social Clubs, Drug Store or Pharmacy and to amend existing Definitions relative to Retail Marijuana and related uses, with the intent to prohibit Retail Marijuana Stores and Retail Marijuana Social Clubs in the Town of Hampden – *referral from Planning & Development Committee*
- h. Request for a tax abatement for property located at 501 Western Avenue for FY 14-15, FY 15-16 and FY 16-17

5. Public Comment

6. Committee Member Comments

7. Adjournment

Finance 4-a



Angus Jennings <townmar>

Equity Charter Members: Action May Be Required

1 message

Municipal Review Committee <municipal.review.committee1@gmail.com>

Tue, Feb 7, 2017 at 12:54 PM

Reply-To: glounder@mrcmaine.org

To: townmanager@hampdenmaine.gov



ATTENTION EQUITY CHARTER MEMBERS

ACTION REQUIRED

If your municipality has an ownership interest in PERC, it is known as an Equity Charter Member. As part of a recent settlement between PERC and MRC, all Equity Charter Members have an option to sell their ownership interests back to PERC. To exercise this option, known as the Put Option, action in 2017 at a town meeting or appropriate legislative body may be required.

MRC and PERC are encouraging Equity Charter Members to take advantage of the Put Option to sell the ownership interests. To determine whether your community is an Equity Charter Member and find out your portion of the \$1.5 million ownership interest, click [here](#).

A joint memo from PERC and MRC containing more information about this time sensitive issue is being mailed to Equity Charter Members today. It can also be found [here](#).

If your municipality needs to take legislative action, the MRC has prepared the following Word templates to assist you with the process.

- [Sample Town Warrant](#)
- [Town or City Form of Resolution](#)
- [Regional Association Form of Resolution](#)

THANK YOU FOR YOUR TIMELY ATTENTION TO THIS REQUEST

If you have any questions, please visit our website at www.mrcmaine.org, contact contact Greg Lounder at (207) 684-1700 or glounder@mrcmaine.org or contact a [MRC Board Member](#).

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Town of Hampden
RECEIVED

FEB 08 2017

Office of the
Town Manager

ATTENTION

ACTION REQUIRED

Your municipality has an ownership interest in PERC and is known as an Equity Charter Member. As part of a recent settlement between PERC and MRC, all Equity Charter Members have an option to sell their ownership interests back to PERC. To exercise this option, known as the Put Option, **action at a town meeting or appropriate legislative body may be required.**

MRC and PERC are encouraging its members to move forward with this option.

To find out your portion of the \$1.5 million ownership interest and how to exercise the Put Option, please read the enclosed memo for more information.

THANK YOU FOR YOUR TIMELY ATTENTION TO THIS REQUEST



Angus Jennings <townmanager@hampdenmaine.gov>

RE: Equity Charter Members: Action May Be Required

1 message

Greg Louder <glouder@mrcmaine.org>
Reply-To: glouder@mrcmaine.org
To: Angus Jennings <townmanager@hampdenmaine.gov>

Tue, Feb 7, 2017 at 1:49 PM

Hi Angus –

The matter of disposition of the existing equity in PERC was not definitively addressed in the Joinder Agreements. Schedule B did discuss the asset being disposed of in the Partnership Agreement, which was amended to implement the terms of the settlement.

When this the matter of disposition of the LP interest arose in the settlement talks, I internally tested the legal theory that the MRC could exercise the put on behalf of all of the Equity Charter Municipalities to avoid a need to act locally, but I was advised otherwise.

In your case, it be straightforward as an council agenda item before this December, 2017, it's the March town meeting forms of government that I feel a bit bad for. I'll be at the 3 PM construction meeting today with Chip.

Hold the phone: Now, as I re-read at pg B-5 of the Joinder Agreement (item 5.), "Municipality hereby affirms its authorization of the MRC to represent its partnership interest for all purposes including, but not limited to, determining the value of PERC Partnership interest"....

I'm left wondering if we created an extra step in the case of Joining Members. I'll check

Greg

From: Angus Jennings [mailto:townmanager@hampdenmaine.gov]
Sent: Tuesday, February 07, 2017 1:13 PM
To: Greg Louder
Subject: Fwd: Equity Charter Members: Action May Be Required

Greg,

I have reviewed these materials and have a question as to whether action is needed if a municipality has signed a Joinder Agreement with MRC for post 2018. Didn't Hampden relinquish its equity in PERC to MRC by virtue of signing

<https://mail.google.com/mail/u/0/?ui=2&ik=689489de5f&view=pt&search=inbox&th=15a19e81e45b940f&siml=15a19e81e45b940f>

MEMORANDUM

TO: Equity Charter Municipalities
FROM: John Noer, President and General Partner, Penobscot Energy Recovery Company (PERC), L.P.
Greg Louder, Executive Director, Municipal Review Committee (MRC), Inc.
RE: Option to Sell Municipal Interests in PERC
DATE: 6 February 2017

Town of Hampden
RECEIVED

FEB 08 2017

Office of the
Town Manager

As you may have heard, PERC and the MRC have reached a settlement that resolves issues related to the end of their business relationship in 2018. As part of the settlement, PERC and the MRC have defined together a process by which municipalities having ownership interests in the PERC Partnership (known as Equity Charter Municipalities) have an option (the Put Option) to sell those interests back to PERC at a known price and through a defined process. Each Equity Charter Municipality is responsible for making its own decision as to whether or not to sell its ownership interests, and for providing the proper notice to the General Partner of PERC. Both PERC and the MRC encourage all Equity Charter Municipalities to take advantage of the Put Option to sell the ownership interests.

Value of the Put Option

As part of the settlement, the MRC and PERC agreed on a price of \$1.5 million that PERC would pay to buy back all of the ownership interests in the PERC Partnership held by Equity Charter Municipalities. The MRC and PERC also agreed that each Equity Charter Municipality would be able to make its own decision whether or not to sell its ownership interests by exercising the Put Option. To this end, the MRC developed Attachment A to this memorandum, which lists all Equity Charter Municipalities, shows the limited partnership share owned by each Equity Charter Municipality, and shows the share value for each Equity Charter Municipality. The share value is the amount of cash that PERC would pay to the Equity Charter Municipality to purchase the corresponding share. The share values add up to \$1.5 million and are allocated to the nearest penny among all Equity Charter Municipalities pro rata on the basis of the limited partnership ownership shares of each.

Procedure for Exercising of the Put Option

To sell your ownership interests, an Equity Charter Municipality must provide a written notice to the General Partner of PERC of its decision on or before December 15, 2017. That notice must be provided in writing and must comply with the requirements of the PERC Partnership Agreement (which can be provided on request). An Equity Charter Municipality can provide notice directly to the General Partner of PERC, or can provide a written request that the MRC provide the notice. Equity Charter Municipalities are asked to contact the MRC regarding the proper form of notice after their decision has been made.

The MRC and PERC are aware that each Equity Charter Municipality has its own methods, procedures and requirements for making decisions of this type, and that some Equity Charter Municipalities might be required or feel the need to seek approval of the decision through regular or special town meeting, town or city council meeting or other governing body authorized to act for regional associations. We

are also aware that many towns hold their annual town meetings in the spring and would need to act now (in order to avoid the need to hold a special town meeting following the annual town meeting and before the December 15, 2017 notice deadline) on the decision to exercise the Put Option, or would need to delegate decision-making authority to a board that meets regularly or to an appropriate city or town manager or other executive, rather than wait until later in the year. To help support your local decision-making process, the following materials are attached to this memorandum for adaptation as appropriate for local circumstances:

- Sample warrant article for Town meeting approval.
- Sample resolution for passage by a city or town council or regional association board or their designee, a Board of Selectmen or their designee.

Please stay in touch with the MRC and PERC as this process proceeds. In particular, please let the MRC and PERC know with emails to the MRC executive director, Greg Lounder (glounder@mrcmaine.org), and to the PERC Plant Controller, Gary Stacey (gstacey@percwte.com) of the following:

- Confirmation that a warrant article on exercise of the Put Option has been submitted for a town meeting vote.
- Results of the town meeting vote.
- Scheduled date of a vote on exercise of the Put Option by a council or board, and any change in the date.
- A proper copy of the notice, if sent directly, or of instruction to the MRC to provide the proper notice to PERC on behalf of the Charter Municipality.
- Questions regarding the Put Option and the process for its exercise.
- Confirmation that the Board of Selectmen or their designee acted on behalf of the town to approve the exercise of the Put Option and has provided notice to the General Partner of PERC with a copy to the MRC.

Payment for the Put Option

The transfer of ownership interests in PERC from the Equity Charter Municipalities to PERC, and the payment for the transfer, would be completed at a financial closing anticipated to be held after December 15, 2017. The MRC will provide technical support to each Equity Charter Municipality in advance of and at the closing. At the closing, each Equity Charter Municipality would assign and convey its partnership interests back to PERC, free and clear of all liens and encumbrances, and would execute documents necessary and appropriate to carry out the terms of the purchase, in exchange for its share of payment as set forth in Attachment A. To the extent possible, all financial closings will occur on the same date for all transfers of ownership interests from all Equity Charter Municipalities that have provided proper written notice of exercise of its Put Option on or before December 15, 2017. The settlement anticipates that such closing and the associated payments will occur on or before April 30, 2018.

Alternatives to Exercise of the Put Option

Both PERC and the MRC encourage all Equity Charter Municipalities to take advantage of the Put Option to sell the ownership interests back to PERC. However, both PERC and the MRC recognize that individual Equity Municipalities may ultimately not exercise the Put Option for any number of reasons. Under the terms of the settlement, the MRC and PERC have agreed to the following terms regarding Equity Charter Municipalities that have not provided proper written notice of exercise of the Put Option on or before December 15, 2017:

- The Equity Charter Municipality can negotiate with the PERC Partnership on its own to agree on the particular terms on which it will remain on as a limited partner of the PERC partnership, provided that such terms would need to be acceptable to the General Partner of PERC in its sole discretion. The MRC will not participate in negotiations between Equity Charter Municipalities that may elect to remain with PERC and the PERC Partnership.
- The PERC partnership can exercise an option to purchase the ownership interests in the PERC partnership of any Equity Charter Municipality that did not exercise the Put Option and has not agreed to remain on as a limited partner of PERC on terms acceptable to the General Partner of PERC (the Call Option). PERC can exercise this Call Option at any time after January 1, 2018, and before June 30, 2018, provided that the PERC Partnership (i) has already met all payment obligations set forth in the Partnership Agreement regarding payment of Performance Credits and Net Cash Flow to the MRC for the benefit of the Charter Municipalities; (ii) has already met all payment obligations associated with exercise of the Put Option; and (iii) exercises the Call Option for all Equity Charter Municipalities that did not exercise the Put Option and do not have other agreements to remain on as a limited partner of PERC. PERC intends to exercise the Call Option for any Equity Charter Municipality that does not have a waste disposal agreement with PERC for 2018 and beyond.
- If the PERC partnership exercises the Call Option, then the PERC partnership and each Equity Charter Municipality as to which the Call Option has been exercised shall have ten days to agree upon a value of the Partnership for the purpose of determining the Call Option price. If agreement is not reached in ten days, then each party shall appoint and pay for a qualified appraiser to make an independent determination of the Call Option price in accordance with the process set forth in the Partnership Agreement. The MRC will not participate in negotiations between Equity Charter Municipalities that may elect to work with PERC directly to determine a Call Option price.

Both PERC and the MRC encourage all Equity Charter Municipalities to exercise the Put Option on a timely basis. Under the Put Option, the Equity Charter Municipalities would receive a known payment amount for the sale of its ownership interests in PERC in a known timeframe. Equity Charter Municipalities that do not exercise the Put Option on a timely basis would either be on their own in retaining or negotiating a sale of their interests with PERC after the Put Process has been completed, or

would need to accept the costs and outcome of a Call Option process that may result in a sale price different than that agreed upon in connection with exercise of the Put Option.

We urge those municipalities that feel the need to seek town meeting approval to act quickly to add a warrant article to the regular town meeting warrant or schedule a special town meeting later in 2017 to allow for more time. Questions on the Put Option exercise process can be directed to Greg Lounder, Executive Director, MRC, at 207-664-1700 or glounder@mrcmaine.org.

Attachments

- A Value of the Put Option for each Equity Charter Municipality.
- B Town Meeting Form of Warrant.
- C Town/City Council Form of Resolution.
- D Regional Association Form of Resolution.

Attachment A					
Value of the Put Option for each Equity Charter Municipality					
	LP ownership	Share value at		LP ownership	Share value at
Equity Charter Municipality	share	1,500,000.00	Equity Charter Municipality	share	1,500,000.00
Albion	0.115200%	6,770.79	Midcoast SWD	1.232567%	72,443.15
Alton	0.053777%	3,160.70	Mid-Maine SWD	0.729280%	42,862.85
Atkinson	0.016704%	981.76	Milford	0.178976%	10,519.17
Baileyville	0.188154%	11,058.60	Millinocket	0.466113%	27,395.42
Bangor	4.324165%	254,149.36	Milo	0.196676%	11,559.48
Bar Harbor	0.848682%	49,880.61	Monson	0.032485%	1,909.28
Blue Hill/Surry	0.527452%	31,000.57	Mt. Desert area ADD	0.960269%	56,439.05
Boothbay RRDD	0.722256%	42,450.02	Newburg	0.080330%	4,721.33
Bradley	0.068282%	4,013.22	Old Town	0.772617%	45,409.95
Brewer	1.286299%	75,601.20	Orland	0.079493%	4,672.14
Brooks	0.035971%	2,114.17	Orono	0.662183%	38,919.28
Brownville	0.115223%	6,772.14	Otis	0.033372%	1,961.41
Bucksport	0.406500%	23,891.71	Palmyra	0.095658%	5,622.22
Burnham	0.082797%	4,866.33	Parkman	0.025709%	1,511.03
Carmel	0.133851%	7,866.99	Penobscot Co.	0.132932%	7,812.97
Central Penobscot	0.223590%	13,141.32	Pleasant River SWD	0.201455%	11,840.36
China	0.292066%	17,165.95	Plymouth	0.076122%	4,474.01
Clifton	0.047476%	2,790.36	Reed Pit	0.014551%	855.22
Clinton	0.391141%	22,989.00	Rockland	0.850547%	49,990.22
Dedham	0.065330%	3,839.72	Sangerville	0.070695%	4,155.04
Dover-Foxcroft	0.296503%	17,426.73	Searsport	0.207542%	12,198.12
Eddington	0.139017%	8,170.61	Stetson	0.054586%	3,208.25
Enfield	0.116763%	6,862.65	Steuben	0.076527%	4,497.81
Fairfield	0.408549%	24,012.14	Stonington	0.129296%	7,599.27
Glenburn	0.250042%	14,696.02	Thomaston Group	0.550964%	32,382.47
Gouldsboro	0.124736%	7,331.26	Thorndike	0.043315%	2,545.81
Greenbush	0.080853%	4,752.07	Troy	0.033720%	1,981.87
Guilford	0.211599%	12,436.56	Union River SWD	0.048905%	2,874.35
Hampden	0.507683%	29,838.67	Unity	0.113136%	6,649.48
Hancock	0.090230%	5,303.20	Vassalboro	0.229933%	13,514.13
Hemmon	0.411467%	24,183.65	Veazie	0.116191%	6,829.03
Holden	0.137542%	8,083.92	Verona	0.044567%	2,619.39
Jackson	0.016186%	951.32	Waldoboro Group	0.471227%	27,695.99
Lamoine	0.083018%	4,879.32	Waterville	1.516595%	89,136.67
Lee	0.060512%	3,556.55	Winslow	0.469420%	27,589.79
Levant	0.130044%	7,643.23	West Gardiner	0.185858%	10,923.66
Lincoln	0.599549%	35,238.02	Winthrop	0.461015%	27,095.79
Lucerne	0.033430%	1,964.82		25.521400%	1,500,000.00
Mariaville	0.019156%	1,125.88			
Mars Hill	0.151091%	8,880.25		<i>Truncation factor</i>	<i>0.04%</i>
Mattawamkeag	0.063687%	3,743.15			

David I. Ryder (Mayor, Dist. 4)
Stephen L. Wilde (1)
Dennis R. Marble (2)

TOWN OF HAMPDEN
IN THE TOWN COUNCIL

Terry McAvoy (3)
Gregory J. Sirois (A/L)
Mark S. Cormier (A/L)
Ivan P. McPike (A/L)

Resolution: 2017-02

Adoption: §

Authorizing the Town of Hampden to Exercise the Put Option Set Forth in the Sixth Amended and Restated Agreement of Limited Partnership of Penobscot Energy Recovery Company, Limited Partnership

RESOLVED, by the Town Council of Hampden, Maine, that:

Pursuant to Section 9.3 the Sixth Amended and Restated Agreement of Limited Partnership of Penobscot Energy Recovery Company, Limited Partnership (the "PERC Partnership Agreement"), as an Equity Charter Municipality the Town of Hampden hereby elects to exercise the Put Option described therein whereby the Town of Hampden is electing to require that the Penobscot Energy Recovery Company, Limited Partnership ("PERC") repurchase the Town of Hampden's limited partnership interest in PERC in exchange for a cash payment equal to the Town of Hampden's proportionate share of One Million Five Hundred Thousand Dollars (\$1,500,000), which represents the agreed upon aggregate value of all limited partnership interest held by the Town of Hampden and other similarly situated municipal members of the Municipal Review Committee.

NOW, THEREFORE, BE IT HEREBY VOTED AND ORDERED BY THE TOWN COUNCIL OF HAMPDEN, MAINE:

Angus Jennings, Town Manager or his designee or designees is authorized as a representative of the Town of Hampden to execute and deliver on behalf of the association such documents and to take such further actions as they may deem necessary or appropriate in order to exercise the above-described Put Option and to assign the association's limited partnership interests to PERC as contemplated thereby.

Dated this _____, in Hampden, Maine

Town Clerk:

ORDERED by a majority of the Town Council:

Paula Scott



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-5067

October 19, 2017

To: Angus Jennings
From: Sean Currier
Subject: Economic Development – Reserve Request

The Public Works Department is requesting approval to use Economic Development Reserve funds in the amount up to the amount of \$6,730.00 to purchase holiday banners to be installed on utility poles by Public Works. The reserve account being requested is 03-727-00.

It is proposed that the banners will be installed to replace the illuminated decorations used in past years. The upgrade of the electrical service and decoration replacement on each pole seems cost prohibitive. The banners are a more economical solution which should also show our recognition of the holidays.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "S Currier", is written over the typed name.

Sean Currier



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042555 ST06 982524 962513 951526 002543 012540 922522 962517 983504 STH150



092557 002542 ST08 052552 911514 052550 002544 072556 912511 STH140



982518 052553 ST16 a&b ST17 a&b



Hampden Approved FY18 Budget - RESERVES

		Allocations to Reserve Funds				
		2016	2017	FY18	FY18	
		Budget	Budget	Town Mgr	Town Council	Notes
Dept:	70 RESERVES	As of May 1			June 19, 2017	
55-02-70-99	Munic Bldg (3-702-00)				\$ 14,000	Public safety floor replacement; LED lighting; wall heater in garage; ADA door openers
55-10-70-99	City Bus (3-710-00)				\$ 5,850	Toward purchase of "end of life rehab" Bus (est. FY18)
55-11-70-99	Computer (3-711-00)				\$ 14,100	Plotter replacement; LCD Projectors (2); Public Safety Server; Town Office Server; Laptops (2); Networking equipment; Phone system; Ambulance laptops (2); A/C for network equipment; CCTV Surveillance system; Cruiser laptops (3).
55-17-70-99	DPW Equipment (3-717-00)				\$ 31,680	Est. first of five year payment to replace Plow Truck #20
55-19-70-99	TwN Record Reserve (3-719-00)				\$ 2,940	Town Records archival preservation (partial) (est. FY18)
55-25-70-99	Plan & Comm (3-725-00)				\$ 15,000	Eligible for use to enforce Dangerous Building statute
55-27-70-99	Economic Dev (3-727-00)				\$ 6,730	Town Center decorative banner installation
55-33-70-99	Personnel (3-733-00)				\$ 25,000	Unbudgeted personnel costs (FMLA backup; retirement/separation of service payments; etc.)
55-37-70-99	Ambulance (3-737-00)				\$ 20,000	Toward ambulance purchase (est. FY26)
55-41-70-99	Fire Truck (3-741-00)				\$ 50,000	Toward fire engine purchase (est. FY23)
55-45-70-99	Fire Building (3-745-00)				\$ 2,361	Fire garage door exhaust linkage repair (est. FY18)
55-47-70-99	Fire Camera (3-747-00)				\$ 10,000	Thermal imaging camera (est. FY18)
55-53-70-99	Police Cruiser (3-753-00)				\$ 27,000	Toward police cruiser purchase (est. FY18)
55-61-70-99	Roads/Streets (3-761-00)				\$ 67,000	Toward Sucker Brook culvert (\$50,000); Baker Road (\$12,000); install MDOT flashing ped beacon (\$5000)
55-67-70-99	Rec Area Res (3-767-00)				\$ 10,000	Toward add'l parking for Pool site
55-68-70-99	Playground (3-768-00)				\$ 5,000	Toward VFW basketball/tennis court rehab
55-71-70-99	Pool Facility (3-771-00)				\$ 5,000	Toward Pool interior painting (est. FY18)
55-73-70-99	Marina (3-773-00)				\$ 5,000	Replacement of floating dock (est. FY18)
55-75-70-99	Bldg/Grounds (3-775-00)				\$ 5,280	Pickup truck for cemetery crew to replace #52
55-77-70-99	SW/Garage (3-777-00)				\$ 90,000	Toward salt shed replacement; and contingency for "bridge waste" costs if new facility not open on time
55-78-70-99	Matching Grant (3-780-00)				\$ 40,000	
RESERVES		\$ 330,000	\$ 502,019	\$ 509,756	\$ 451,941	

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



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

TO: Infrastructure Committee
FROM: Angus Jennings, Town Manager
DATE: October 19, 2017
RE: Proposed Town Center pedestrian safety improvements

At its meeting on April 25, 2016, the Infrastructure Committee reviewed a resident request for installation of a crosswalk and sidewalk on Route 1A, in the Town Center. The request was from the mother of a child who was struck and injured by a vehicle while crossing the road between cars last year.

Since that time, the Town has received a number of additional requests from residents to improve pedestrian safety in this area. In particular, there have been many concerns about the condition of the striped crosswalk across 1A at Cottage Street. Residents have been advised that the Town cannot restripe the crosswalk in its current location because the crosswalk does not have ADA-compliant "landing areas" on both sides. If the Town were to restripe the existing crosswalk, it would be exposed to liability.

Several correspondences are enclosed for your reference.

A new sidewalk in this location would be costly due to ledge. Longer-term, it is recommended that the Council add Town Center pedestrian improvements to the Capital Program, and budget accordingly. In hopes of nearer-term improvements, the Town applied to MDOT for grant of flashing pedestrian beacons (est. value \$10,000). Earlier this week we learned that Hampden's application was approved. However, the beacons can only be installed at an ADA-compliant location.

MDOT will allow the Town to install a crosswalk in the proposed location – between the Irving Station and Hannibal Hamlin Place – but will require stamped engineers plans in order to authorize work on a State road. We received a cost proposal from Woodard & Curran for \$4,000.00 to engineer the crosswalk, landing areas, and interface with existing sidewalks. The cost proposal is enclosed.

The approved FY18 reserve budget earmarked \$5,000 to "install MDOT flashing pedestrian beacon." This funding was proposed in anticipation of potentially receiving the MDOT equipment.

Until the engineering is complete we will not have a cost estimate to construct the crosswalk and ADA pedestrian landing areas. The present request is for authorization for reserve funds to proceed with engineering, at which point additional funds would be proposed for construction. With Council approval, funding that could be made available for this purpose includes Roads/Streets reserve, Matching Grants reserve, and/or Host Community Benefit funds, or a combination. In addition to residents, Hampden Public Safety is supportive of the proposed crosswalk and flashing pedestrian beacons.



Memorandum

TO: Town Council
FROM: Paula Scott, Town Clerk
DATE: November 2, 2017
RE: MDOT Crosswalk Policy

Attached is the crosswalk guideline from MDOT. Sean spoke with John Devin, a traffic engineer in Bangor who stated we would need a street opening permit (fee will be waived) and a crosswalk agreement stating that we meet all State and Federal ADA requirements.

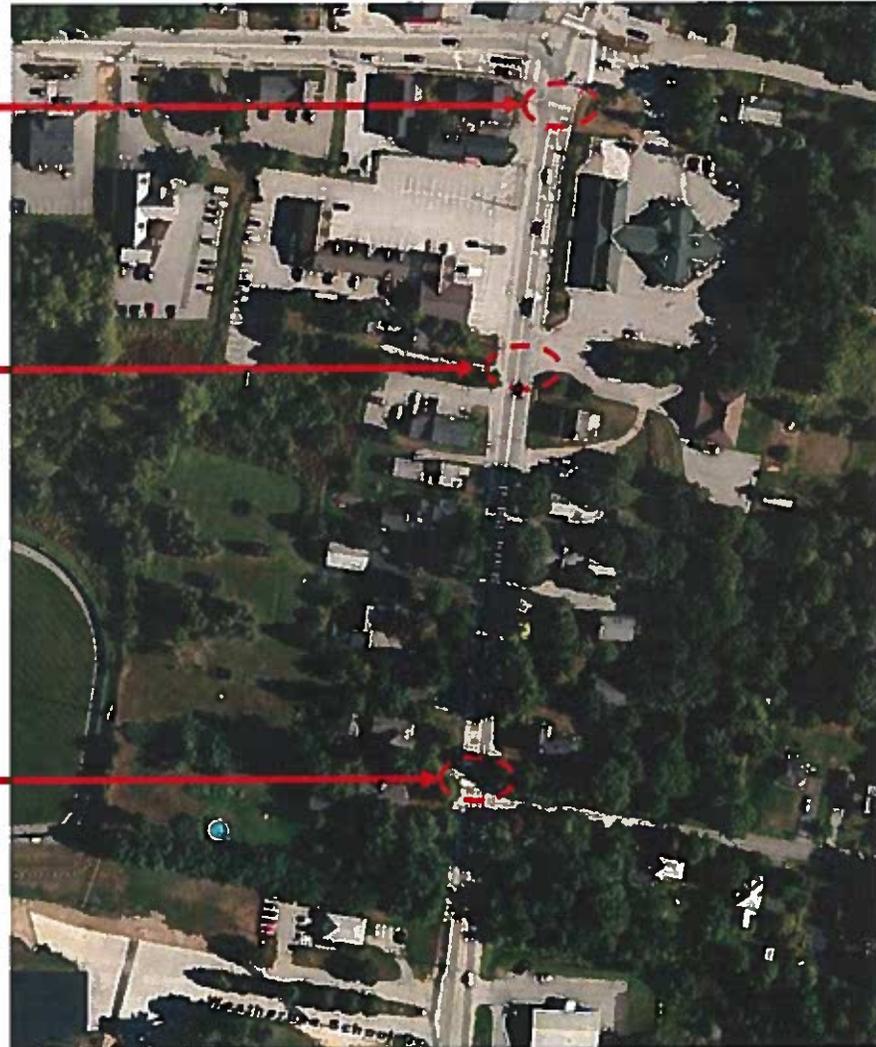
John stated that they have had so many issues with crosswalks not meeting Federal guidelines that they are now requesting an engineer to oversee design and construction of the sidewalk to minimize rework and remove the liability from the Municipalities. He stated that the regulations are Federal in nature and they are cracking down on issues with cross slopes, angles, truncated domes, etc. and making the municipalities fix the issues. The Federal ADA is managed by the Department of Justice.

Location Diagram

Existing crosswalk

Proposed new crosswalk
(approx. location)

Existing crosswalk (not
ADA compliant)



Existing Non-Compliant Crosswalk at Cottage Street



Looking at Cottage Street



Looking at School side of Main Road North....Goes to a driveway not an ADA ramp



Photos of Comparable Flashing Pedestrian Beacons in Brewer





MaineDOT

ENGINEERING INSTRUCTION

Title: MaineDOT Guidelines on Crosswalks

Number: C6

Discipline: General Engineering

Originators: Stephen Landry and Regional
Traffic Engineers

Approved By: Kenneth L. Sweeney, P.E.,
Chief Engineer

Issue Date: March 6, 2013

Revised Date: March 14, 2013

Revision#2 Date: October 13, 2016

Crosswalks are marked areas where pedestrians can safely cross a roadway. By law in the State of Maine (Title 29-A Subsection 2056, 4) any vehicle must yield the right-of-way to a pedestrian who has entered a marked crosswalk when a traffic control device is not in operation. This law makes it imperative that crosswalk placement, markings and usage be done in a uniform way.

Section 1: ADA (Required)

1. All crosswalks shall meet the criteria put forth in the American's with Disabilities Act (ADA) and at a minimum will include truncated domes, proper flares, slopes and tip downs for the appropriate configuration shown in Figures 3 through 11 below.

Section 2: MUTCD (Required)

2. All crosswalks shall meet the latest *Manual on Uniform Traffic Control Devices (MUTCD)* Section 3B.18 Crosswalk marking standards. They shall be a minimum of six (6) feet wide and marked with white paint as shown on the attached sheet Figure 2. Crosswalks shall be painted at least annually and shall be retro-reflective for nighttime visibility. Crosswalks should be lighted for nighttime use. For added visibility, the zebra (diagonal style markings) or the Continental (piano key style marking) should be used.

3. Crosswalks shall have the appropriate signage (W11-2 series from the *Manual on Uniform Traffic Control Devices*, see section 2C.50 of the MUTCD). These signs shall be black symbol on yellow background or black symbol on fluorescent yellow-green background. Signs of different background colors should not be mixed at a given site or area. (See Figure 12) In-Street signing will be allowed as a supplement to side of the road signing only and not in lieu of it. (See Figure 13)

4. No parking shall be allowed within 20 feet of any unsignalized crosswalk (includes mid-block) and 30 feet at a signalized intersection. Parking restrictions can be removed when bump-outs or curb extensions are built. These allow the pedestrian to be seen by the traveling public. Signs should be installed indicating that no parking is allowed. (see Figure 1)

Section 3: Required Safety

Revised 10/13/16

5. Crosswalks shall only be placed in areas where there is sufficient stopping sight distance for the posted speed limit as set forth in Table 1. Stopping sight distance for the purpose of evaluating a crosswalk shall be measured from a 3.5 foot driver eye height to a 3.5 foot pedestrian height.

Table 1 – Sight Distance

Posted Speed (MPH)	Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360

6. Crosswalks shall only be installed in areas where the speed limit is 40 mph or less, unless the intersection is controlled by a traffic signal.

7. If a municipality proposes a crosswalk on a roadway with more than 1 lane in any direction (does not include a center turn lane) or a crosswalk at 40 mph posted speed, the municipality is required to get approval from the State Traffic Engineer or his/her designee.

Table 2 – Number of Lanes Vs Speed

Roadway Lanes	< 35 MPH	40 MPH @	≥45 MPH *
2 Lanes	Allowed	Allowed, Consider pedestrian activated flashers	Allowed at fully actuated traffic signals only
3 Lanes	Allowed	Allowed with pedestrian activated flashers	Allowed at fully actuated traffic signals only
4 or more lanes	Allowed, Consider pedestrian activated flashers	Allowed with pedestrian activated flashers	Allowed at fully actuated traffic signals only

*Only at fully actuated signals with existing or proposed sidewalks.

@ Crosswalks at unsignalized locations in 40 mph settings should be accompanied by yield bars and associated signage. In areas with 4 or 5 lanes that signage should be installed overhead. See Figure 14.

Section 4: General Safety (Required unless a Program Manager indicates otherwise) #

8. All crosswalks should extend from one safe landing zone to another. A safe landing zone is an area where a pedestrian is safe from vehicle conflict while waiting to cross or when completing the crossing. Islands, walkways and sidewalks are typically considered safe landing zones, while road shoulders, driveways (under normal circumstances) and parking areas are not considered safe landing zones. Provisions should be made for winter maintenance of the landing zones, including but not limited to snow and ice removal. The safe landing area should not be confused with the “Turning Space” required at the top of each ramp.

9. Crosswalks should, to the maximum extent practicable, be perpendicular to the highway. No crosswalks shall be constructed more than 30 degrees from perpendicular, unless the angle of intersecting roadways is more than a 30 degree skew.

10. Crosswalks should be located a minimum distance of 400 feet apart. The July 2009 edition of *Complete Streets Design Guidelines* (p.23) indicates “pedestrians will not walk more than 200 feet laterally in order to cross a street, and pedestrians will begin to seek out mid-block crossing opportunities when spacing exceeds 400 feet.”

11. Crosswalks in school zones should have crossing guards for times when school is starting and ending. School crosswalks should be at roadway intersections. Mid-block crossings should only be used when a high concentration of students will be using them, as driver expectation is not to have to stop at a mid-block location.

12. Municipalities are entitled to place crosswalks on state or state aid highways, if they are in accordance with these guidelines. Municipalities are highly encouraged to create an ordinance, indicating at a minimum, that sections 1 through 3 are followed. If a municipality wants a crosswalk that does not meet one or more items in Section 4, they would need to submit a traffic study indicating that the location of the crosswalk would be safe. Placement of crosswalks other than as specified shall require approval by the State Traffic Engineer or his/her designee.

All crosswalks will be reviewed during the Project Development process. Unless the Program Manager or State Traffic Engineer approves otherwise, crosswalks not meeting the standards above will not be replaced in the field. The municipality will be contacted and informed that the said crosswalk(s) doesn't meet our standards and not to repaint the crosswalk. The Program Manager or State Traffic Engineer may allow a crosswalk to remain if it doesn't meet 1 or more of the standards in Section 4 providing there is documentation of the reasons it should remain and how it will impact the safety of the pedestrian.

Crosswalks at signalized intersections: All new crosswalks installed at signalized intersections or existing crosswalks at a signal intersections being modified or replaced shall be required to have pedestrian countdown heads installed as well as Accessible Pedestrian Signal (APS) technology. Signalized crosswalks will be allowed at all posted speeds. For signalized crosswalks above 40 mph, additional all red time should be considered for the safety of the pedestrian. This will help ensure that when the pedestrian phase starts, all vehicles have cleared the intersection.

TYPICAL PARKING SPACE MARKINGS

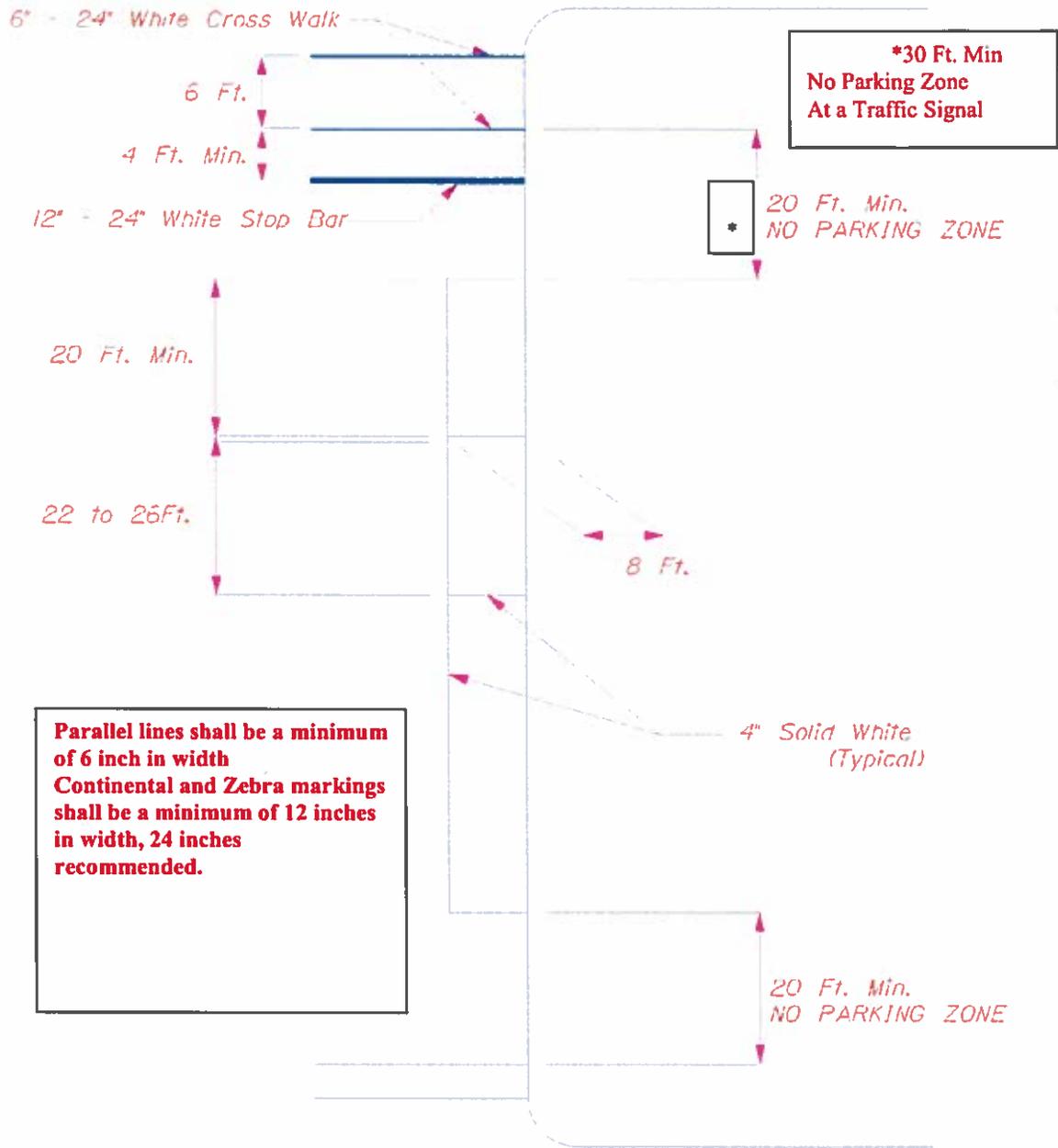


Figure 1

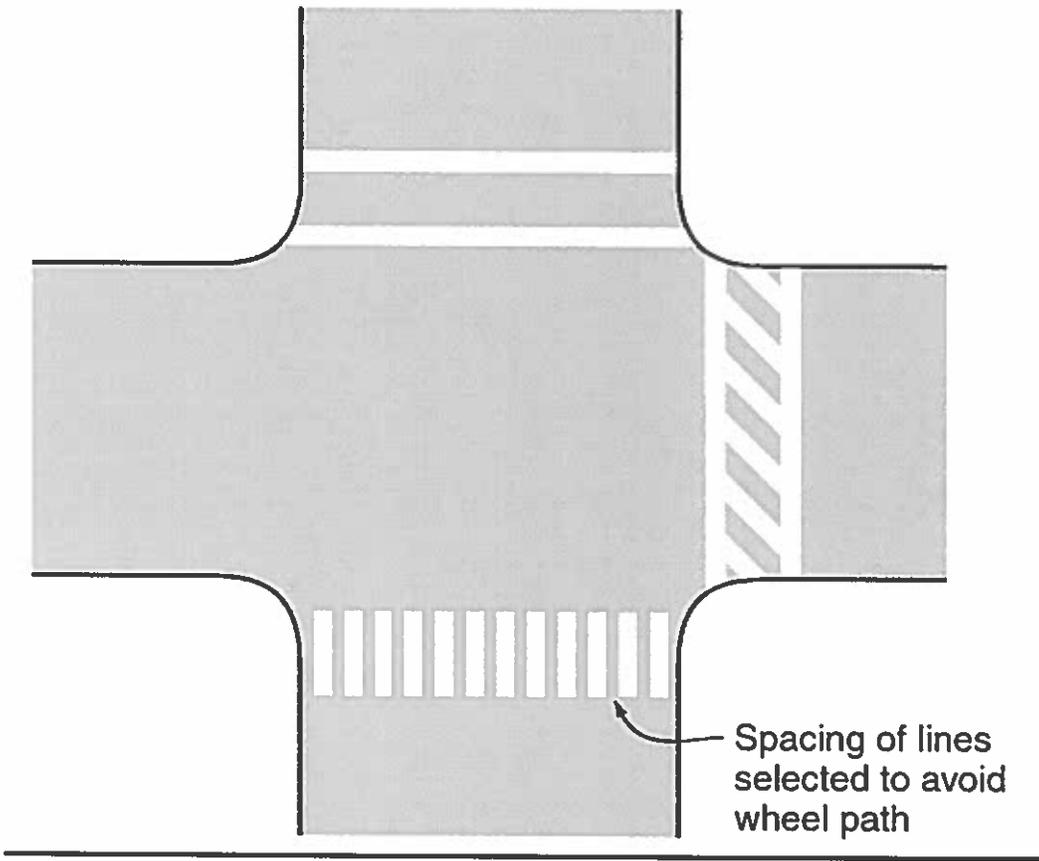


Figure 2

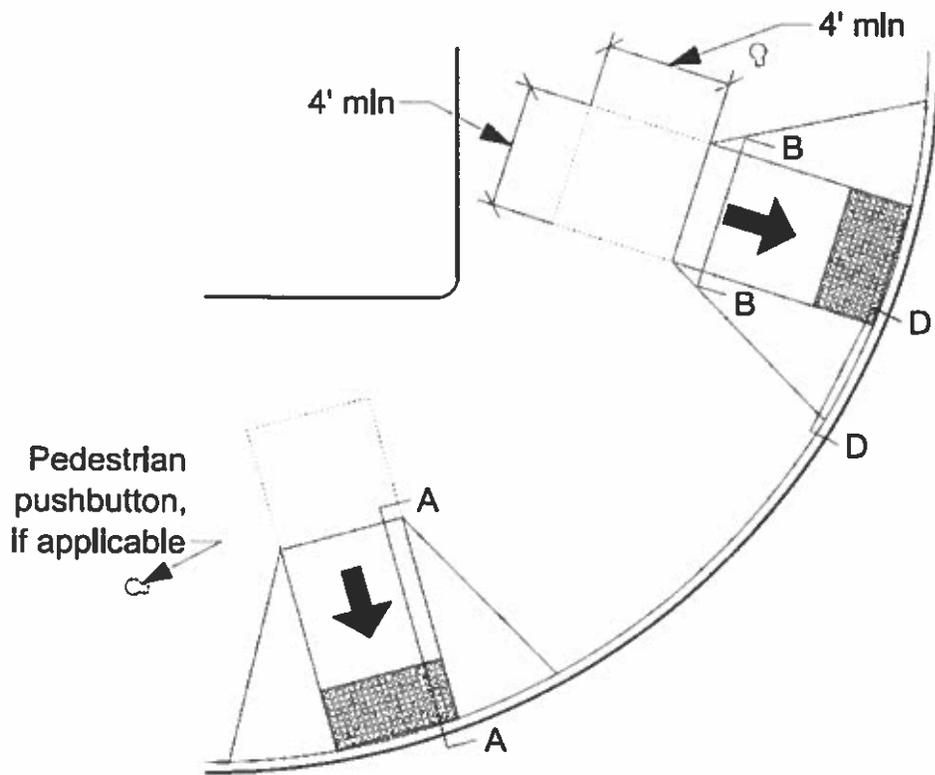


Figure 3

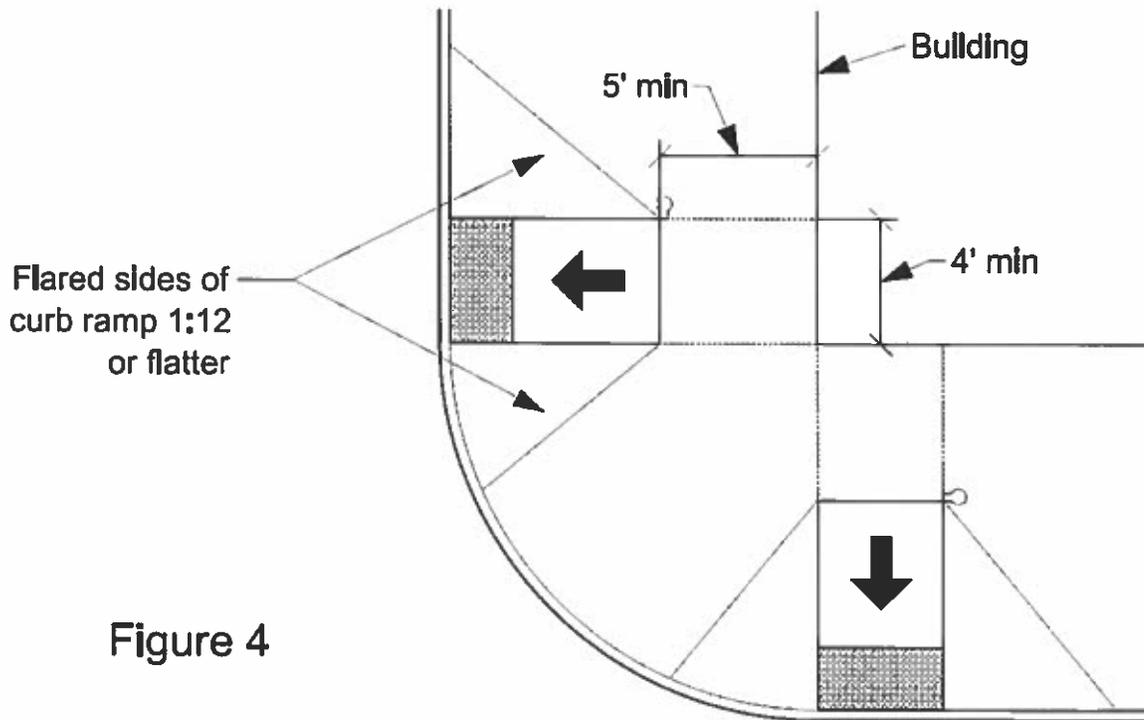


Figure 4

10/04/2016

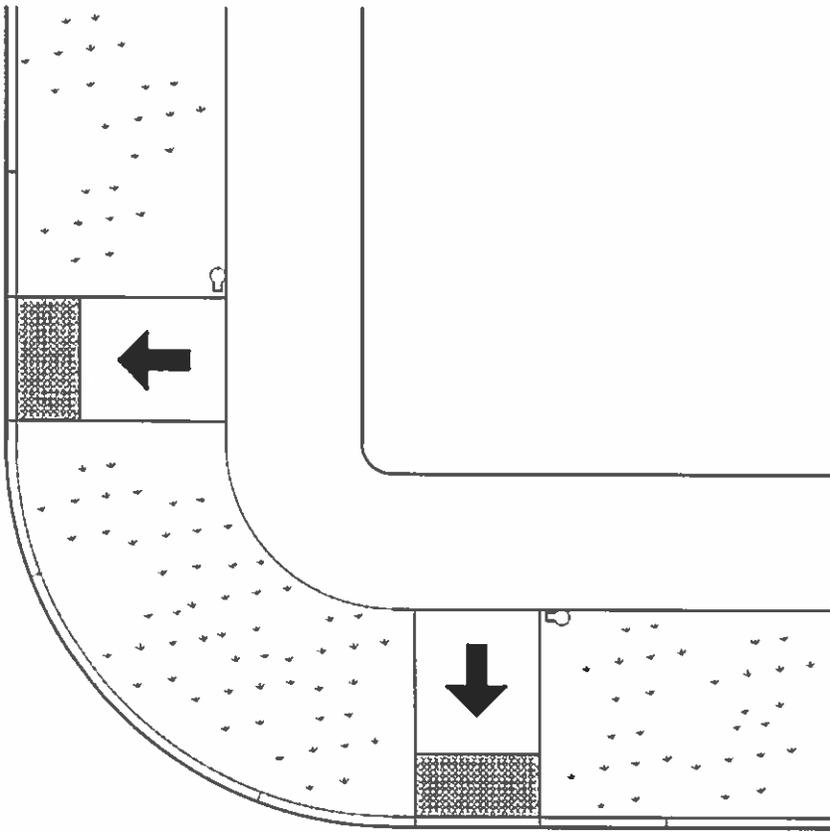


Figure 5

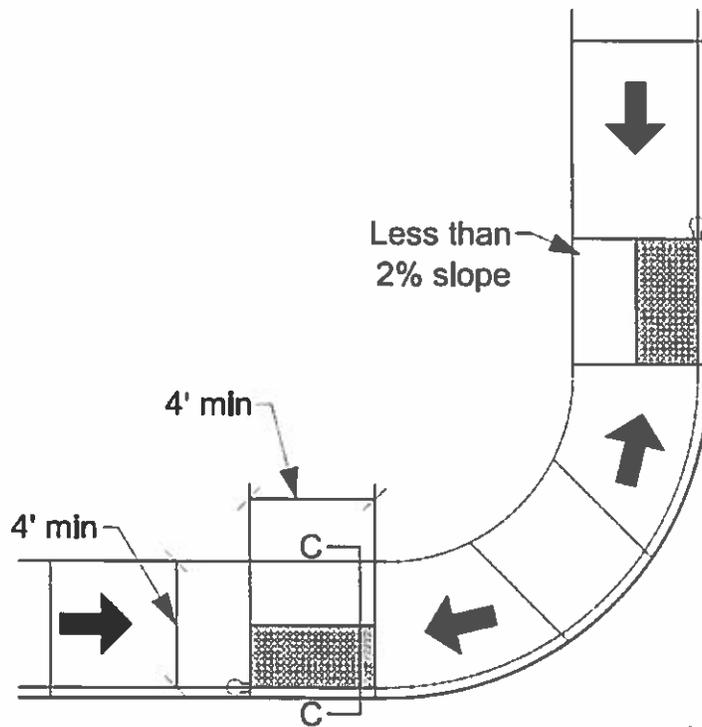


Figure 6

10/04/2016

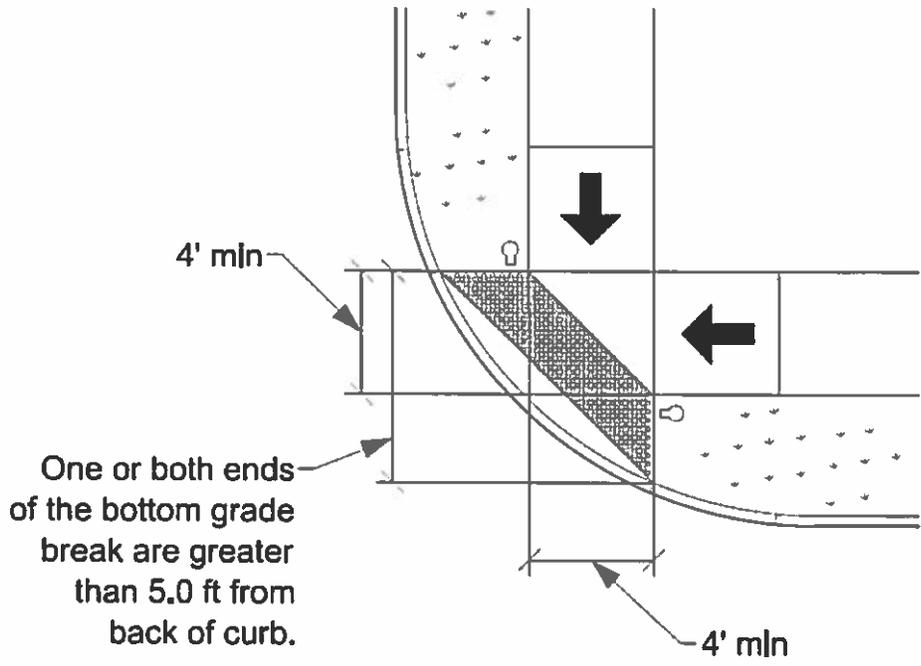
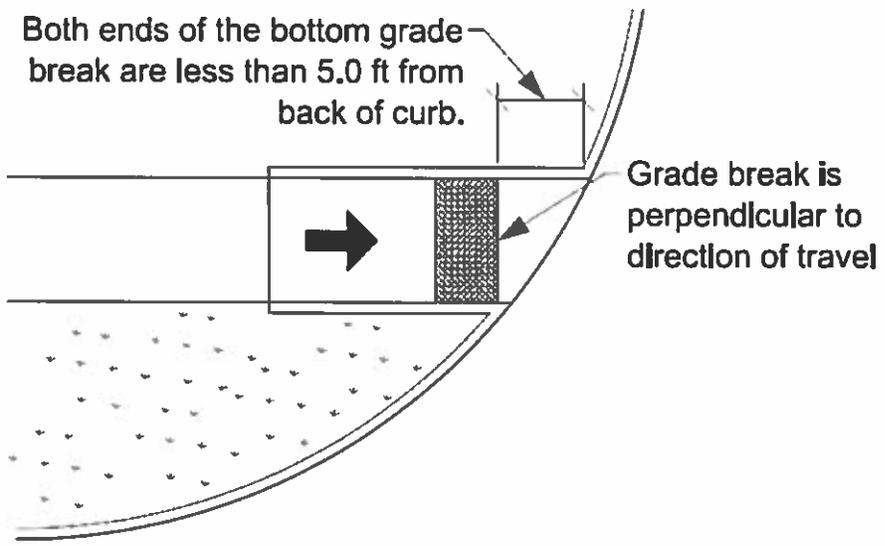


Figure 7

Figure 8



10/04/2016

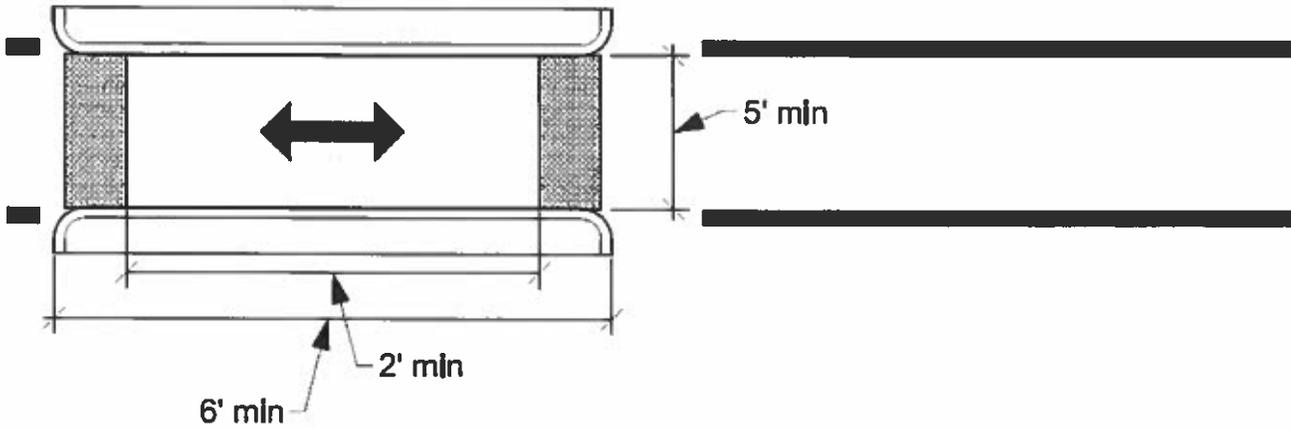


Figure 9 - Median Island at Grade

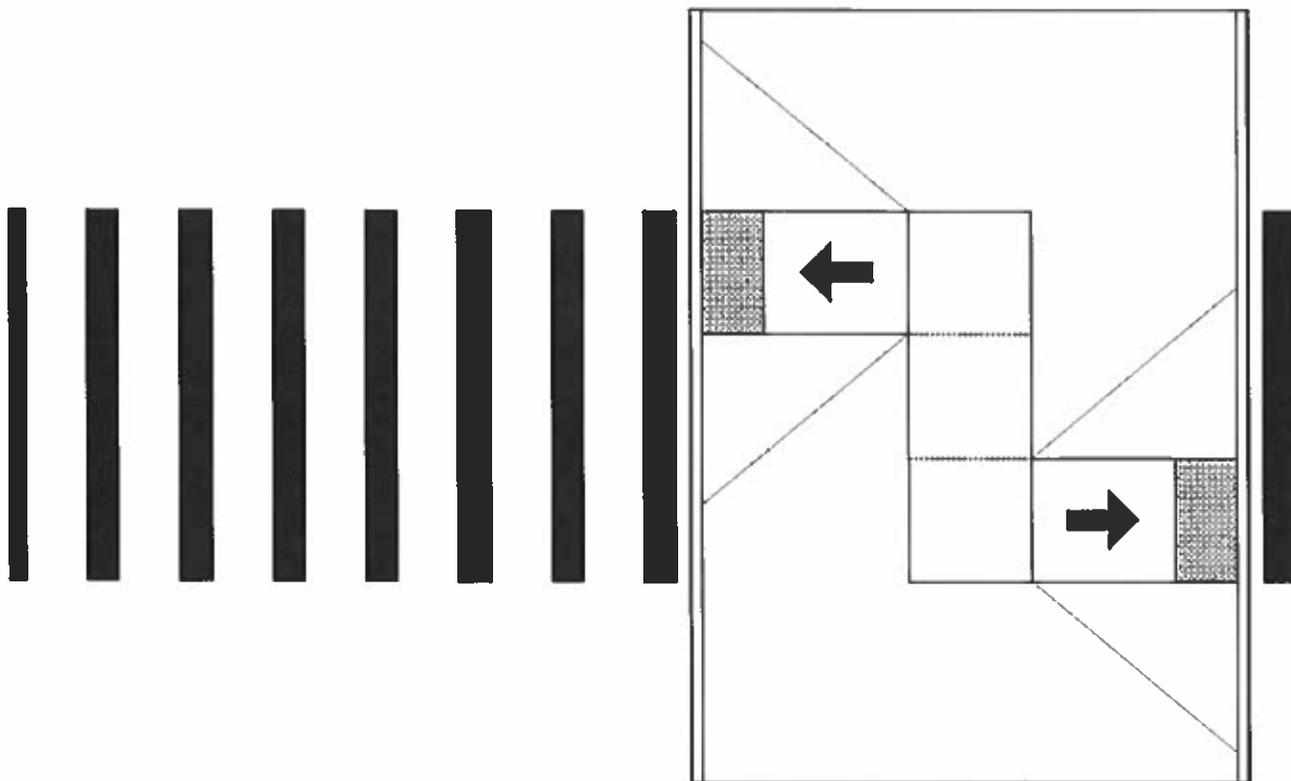


Figure 10 - Median Island at Grade or Raised

10/04/2016

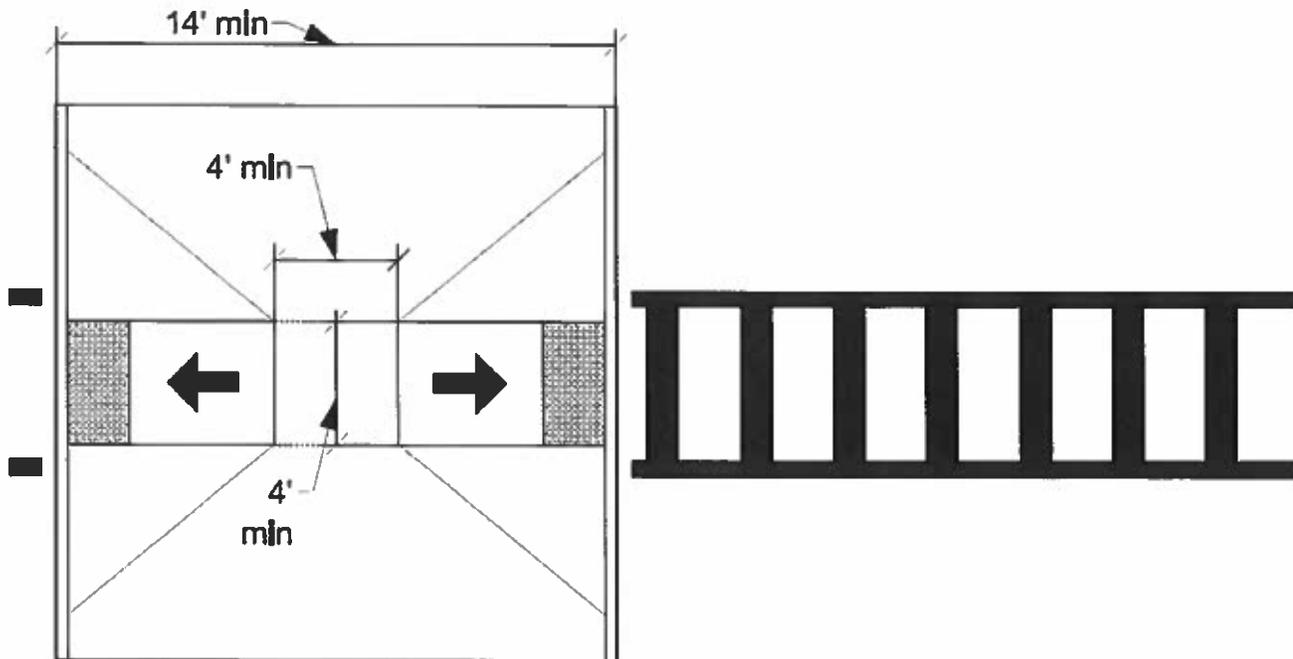


Figure 11 - Raised Median Island

Guidance from 2009 Edition MUTCD, Section 4E.08-Pedestrian Detectors

- 04 If pedestrian pushbuttons are used, they should be capable of easy activation and conveniently located near each end of the crosswalks. Except as provided in Paragraphs 5 and 6, pedestrian pushbuttons should be located to meet all of the following criteria:
- A. Unobstructed and adjacent to a level all-weather surface to provide access from a wheelchair;
 - B. Where there is an all-weather surface, a wheelchair accessible route from the pushbutton to the ramp;
 - C. Between the edge of the crosswalk line (extended) farthest from the center of the intersection and the side of a curb ramp (if present), but not greater than 5 feet from said crosswalk line;
 - D. Between 1.5 and 6 feet from the edge of the curb, shoulder, or pavement;
 - E. With the face of the pushbutton parallel to the crosswalk to be used; and
 - F. At a mounting height of approximately 3.5 feet, but no more than 4 feet, above the sidewalk.
- 05 Where there are physical constraints that make it impractical to place the pedestrian pushbutton adjacent to an all-weather surface, the surface should be as level as feasible.
- 06 Where there are physical constraints that make it impractical to place the pedestrian pushbutton between 1.5 and 6 feet from the edge of the curb, shoulder, or pavement, it should not be farther than 10 feet from the edge of curb, shoulder, or pavement.
- 07 Except as provided in Paragraph 8, where two pedestrian pushbuttons are provided on the same corner of a signalized location, the pushbuttons should be separated by a distance of at least 10 feet.
- Option:
- 08 Where there are physical constraints on a particular corner that make it impractical to provide the 10-foot separation between the two pedestrian pushbuttons, the pushbuttons may be placed closer together or on the same pole.

10/04/2016

**Figure 12 – Standard crosswalk signing uses both the S1-1 and W 16-7 P –
Advanced assemblies use S1-1 and W 16-9 P**

Crosswalk Warning Assembly	Pedestrian Warning Assembly
 <p>S1-1</p>	 <p>S1-1</p>
 <p>W16-7P</p>	 <p>W16-9P</p>
<p>2009 MUTCD Section 2C.50</p>	

School Crosswalk Warning Assembly	School Advanced Warning Assembly
	
<p>2009 MUTCD Section 7B.08-11</p>	

Figure 13. - In-Street Pedestrian Signing

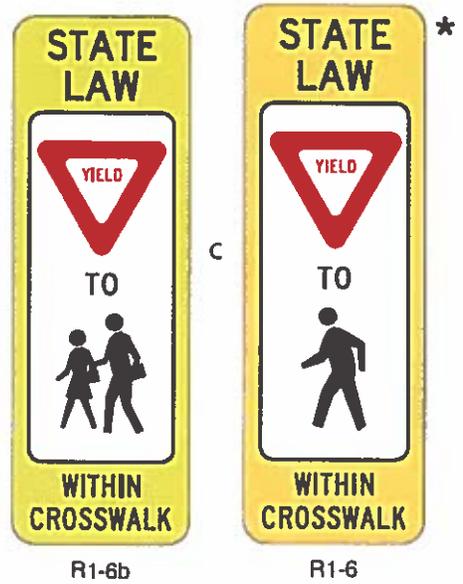
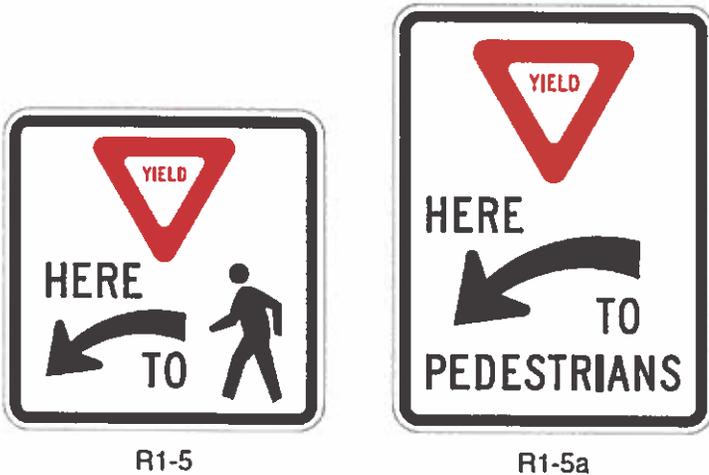
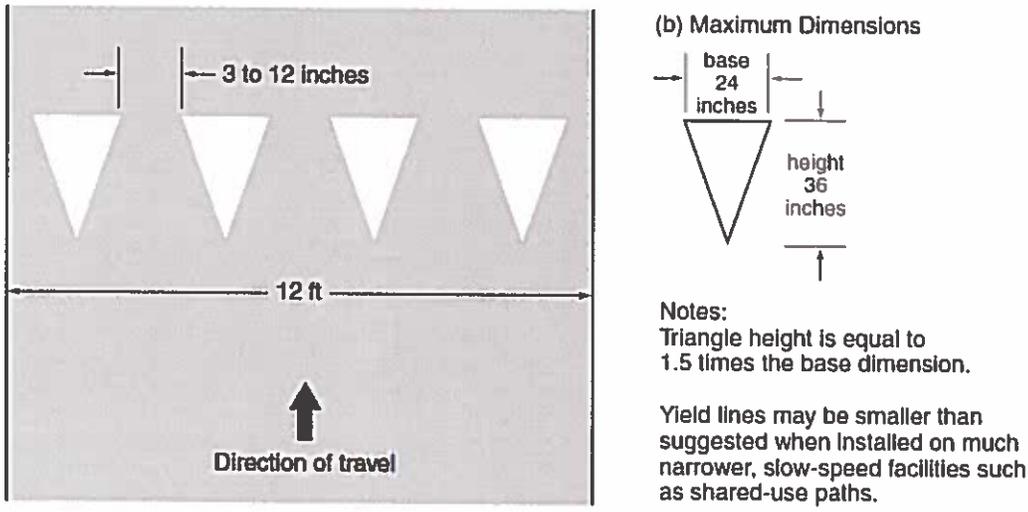


Figure 14 – Yield Bars and Associated Signage



Minimum Width

- “the continuous clear width of pedestrian access routes shall be 4.0 ft minimum, exclusive of the width of the curb.”

Proposed Accessibility Guidelines
for Pedestrian Facilities in the Public Right-of-Way
R302.3

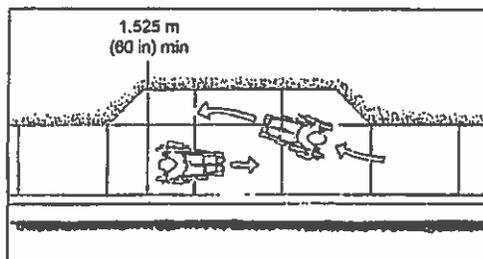
- “the clear width of walking surfaces (components of accessible routes) shall be 36 inches minimum.”

2010 ADA Standards for Accessible Design
403.5.1

Minimum Width (con.)

Where the clear width of pedestrian access routes is less than (5.0 ft), ...passing spaces shall be provided at intervals of (200.0 ft) maximum. Passing spaces shall be (5.0 ft) minimum by (5.0 ft) minimum. Passing spaces are permitted to overlap pedestrian access routes.

Proposed Accessibility Guidelines
for Pedestrian Facilities in the Public Right-of-Way
R302.4



Designing Sidewalks
and Trails for Access,
FHWA, 2001

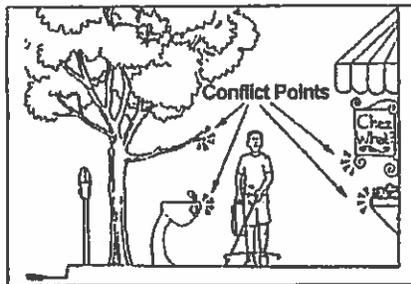
“An *accessible* route with a clear width less than 60 inches shall provide passing spaces at intervals of 200 feet maximum.

2010 ADA
Standards for Accessible
Design
403.5.3

Protruding Objects and Vertical Clearance

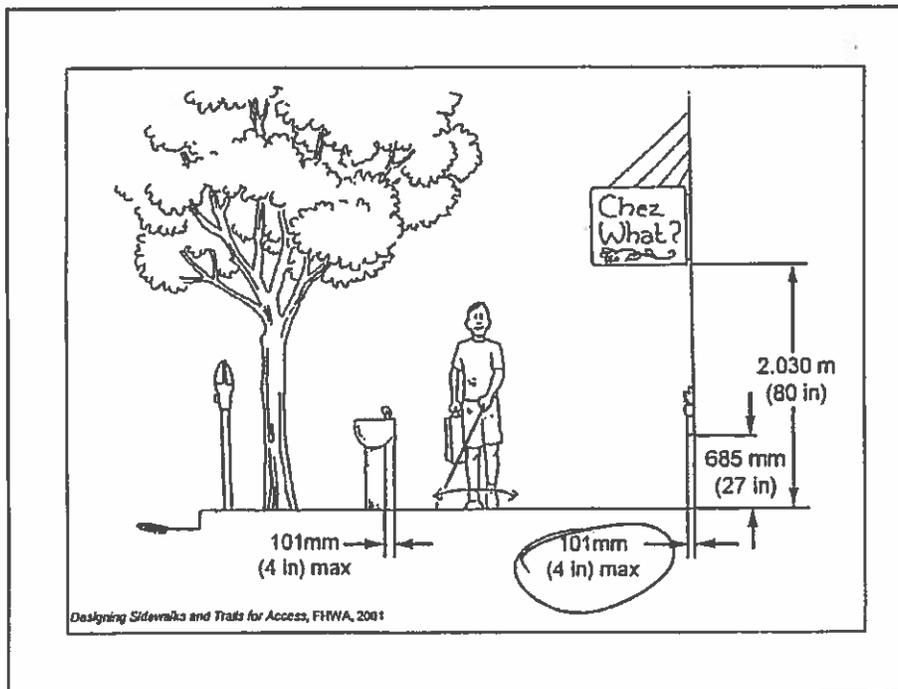
- Objects with leading edges more than (2.25 ft /27 in) and not more than (6.7 ft/80 in) above the finish surface shall protrude (4 in) maximum horizontally into pedestrian circulation paths.

Proposed Accessibility Guidelines
for Pedestrian Facilities in the Public Right-of-Way
R402.2



AASHTO Ped
Guide, p 66

- Concurring specification in
2010 ADA Standards
for Accessible Design
307.2



12 1/7
89"

< 4" OK

Install and Maintain Trees Properly

- Provide a minimum planting area of 4 ft x 4 ft
- Include grass or tree grates to allow sufficient water to reach tree roots
- Trim overhanging branches
- Consider life cycle costs

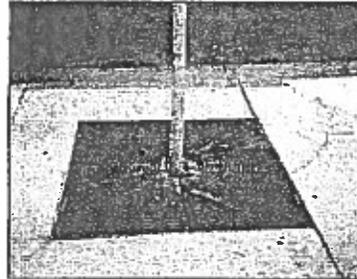


Photo credit: Beneficial Designs

Sidewalk Surface Design

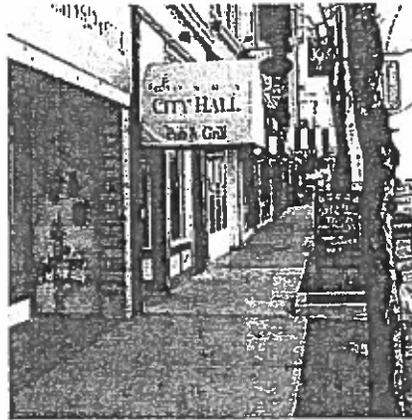
- Use a firm, stable and slip-resistant surface such as concrete*
- Include a broom finish on concrete to increase slip resistance
- Avoid decorative materials that create vibration in the pedestrian zone

*Proposed Accessibility Guidelines for Pedestrian Facilities
in the Public Right-of-Way
R302.7
AND

2010 ADA Standards for Accessible Design, 302.1

The Texture of the Sidewalk Surface Also Has an Impact on Accessibility

Avoid decorative pavement within the pedestrian zone

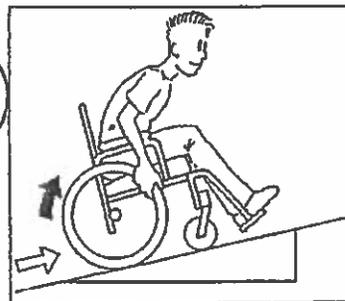


Graphic: Annie Lux

Running Slope

...where pedestrian access routes are contained within a street or highway right-of-way, the grade of pedestrian access routes shall not exceed the general grade established for the adjacent street or highway."

This allowance is not explicit in 2010 ADA standards.



Designing Sidewalks and Trails for Access, FHWA, 2001

Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way R302.5

along highway

Not along ROW

Lessen the Impact of Steep Grades



Photo credit: Lisa Simpson

Limit the distance and magnitude of the grade segment and provide periodic landings
 Provide rest areas with accessible benches, include space for wheelchair users

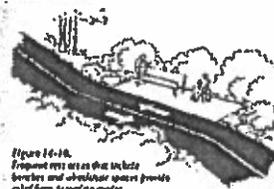


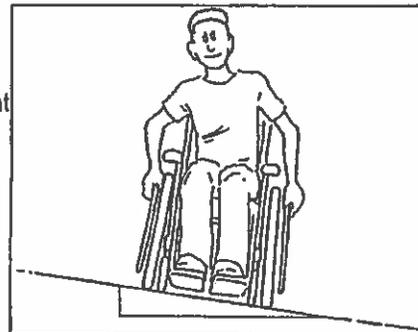
Figure 14-16. Proposed rest areas that include benches and wheelchair space provide relief from steep grades.
 Designing Sidewalks and Trails for Access, FHWA, 2001

Handicap Ramps
 1:12 slope MAX
 30" RISE
 LEVEL AREAS

Cross Slope Should Not Exceed 1:50 (2%)

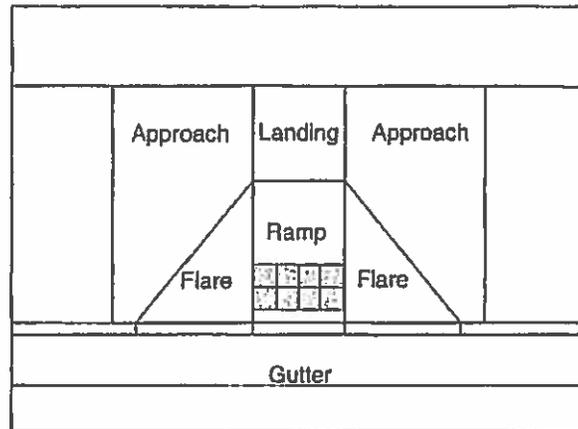
- The cross slope of pedestrian access routes shall be 2 percent maximum.

Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way
 R302.6



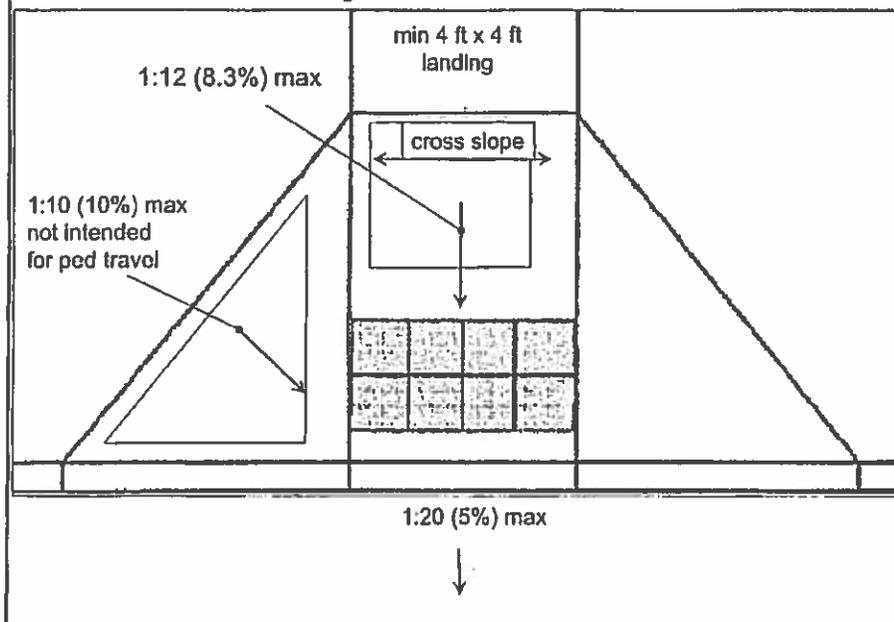
Designing Sidewalks and Trails for Access, FHWA, 2001

Curb Ramp Design Elements



Designing Sidewalks and Trails for Access, FHWA, 2001

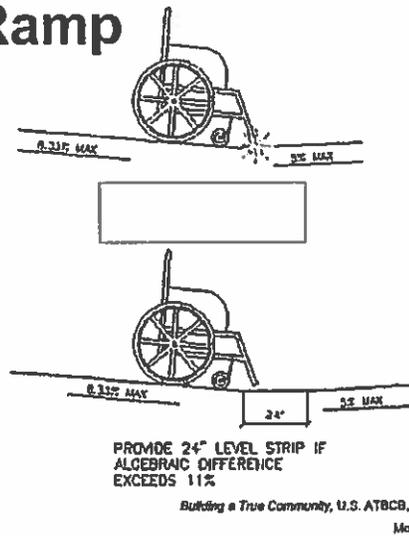
Ramp Dimensions



Landing Area

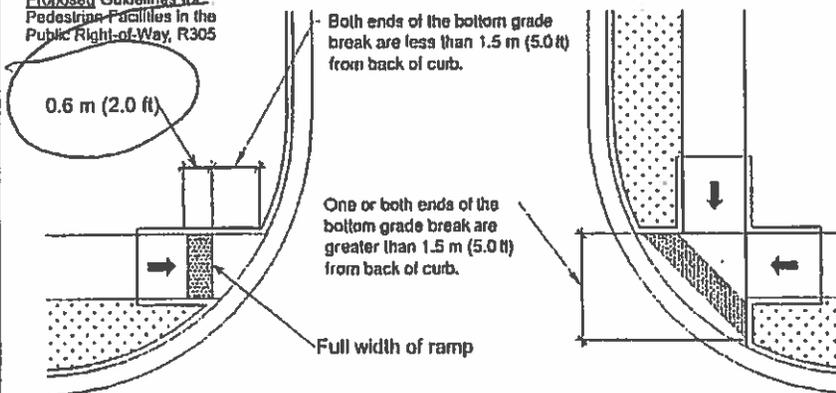
Change in Grade at Base of Ramp

- Best Practice:
Consider Minimizing the impact of changes in grade by providing a 24" level strip



Detectable Warning Strips

Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way, R305

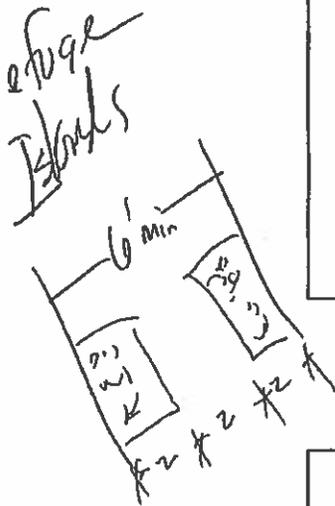


Not in 2010 Standards but required under Section 504 of the Rehab Act based on regulations at 49 CFR 27.3 and Appendix A to 49 CFR 37.

Where to Install Detectable Warnings

1. Curb ramps and blended transitions at pedestrian street crossings;
2. Pedestrian refuge islands;
3. Pedestrian at-grade rail crossings not located within a street or highway;
4. Boarding platforms at transit stops for buses and rail vehicles where the edges of the boarding platform are not protected by screens or guards; and
5. Boarding and alighting areas at sidewalk or street level transit stops for rail vehicles where the side of the boarding and alighting areas facing the rail vehicles is not protected by screens or guards.

Proposed Guidelines for
Pedestrian Facilities in the Public Right-of-Way
R208.1



Sidewalk to Roadway Transitions

- Perpendicular curb ramps
- Parallel curb ramps
- Combination curb ramps
- Blended Transitions

COMMITMENT & INTEGRITY
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One Merchants Plaza | Suite 501
Bangor, Maine 04401
www.woodardcurran.com

T 207.945.2333
T 207.945.5105
F 207.945.5492



November 2, 2017

Mr. Angus Jennings
Town Manager
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Design and Permitting Services for the Municipal Building and Pool Site Improvements

Dear Angus:

Thank you for requesting a proposal for the permitting phase of the Municipal Building and Lura Hoyt Memorial Pool site improvements. We learned a lot about the site and the objectives of the Councilors and citizens during the planning process. The plan referred to as "Phase 1" was prepared with the intent to focus on expansion of parking to allow full use of the existing recreational fields, and accomplish it in a manner that does not risk creating barriers for future development.

We have prepared this proposal with a focus on completion of the Site Location of Development (SLOD) permitting and all associated design required to secure the permits from the Maine Department of Environmental Protection (MDEP). This permit applies to facilities that are developments of state or regional significance that may substantially affect the environment, which means any federal, state, municipal, quasi-municipal, educational, charitable, residential, commercial or industrial development that has developed more than 3 acres of non-revegetated surface since 1970. The Town's land holdings and the combined area of previous impact dictates that this permit must be completed prior to further site impacts.

The SLOD permit application is a lengthy process and requires responses/information for 25 different areas of focus. Some sections are largely administrative in nature, such as demonstrating the applicant's right, title and interest to undertake the proposed changes. Most sections, however, are more technical, such as the stormwater treatment requirements. As we discussed during the public meetings over the last couple months, this will involve design of the stormwater collection and treatment systems necessary to properly manage runoff from the existing Town Office, Post Office and Pool sites, as well as for possible future parking and entrance improvements shown on the Phase 1 Plan.

Attached is a Memorandum outlining the 25 sections of a SLOD permit application. The Memo will be the guide to our kickoff meeting as well as to help identify ways that Town staff can assist us in gathering the needed information. As we discussed during the final meeting with the Services Committee, we do not anticipate wetland or vernal pool impact that would require Natural Resources Protection Act (NRPA) permitting as part of the process based on the delineations that have been completed.

If during the DEP kickoff or design of the stormwater systems we identify environmental impacts that are not currently anticipated, or if the DEP asks that the Post Office site be reviewed (because it may not have been reviewed by Moyses Environmental's previous work), we will meet with you to refine our approach and evaluate fee impacts. We are also assuming that we will not discover that other unpermitted wetland or vernal pool activity has occurred previously, which would dictate a NRPA application.



Revisions to the base plan will be required to prepare and submit the Site Plan application for local approval by the Hampden Planning Board. Our Scope of Services separates this from the SLOD permitting process, but anticipates completion of the SLOD permit application prior to submission of the local Site Plan application.

Our Scope of Services is as follows:

SLOD Permit Application (MDEP) Tasks:

1. Client Kickoff Meeting (discuss Memo and assign duties)
2. DEP Kickoff Meeting (establish baseline requirements to meet Department expectations)
3. Determine any sub-consultant services needed
4. Draft Civil Site Plan in accordance with MDEP standards
5. Perform stormwater modeling
6. Design stormwater management systems and buffer requirements (permit level)
7. Prepare and distribute letters garnering input from State agencies and local utility providers (Historic Preservation, Inland Fisheries, Hampden Water, Bangor Wastewater)
8. Review preliminary stormwater management system design with DEP
9. Client Meeting (Gather documents/information compiled by client)
10. Prepare and assemble final application document
11. Submit SLOD permit application to MDEP
12. Respond to MDEP feedback, if any

Site Plan Application (Town of Hampden Planning Board) Tasks:

1. Modify Site Plan prepared for SLOD permit application
2. Compile plan summary and supporting documentation required by local ordinance
3. Submit Site Plan application to the Town
4. Attend Public Meeting

We understand that all design work that is completed for the applications should be prepared as exhibits to the applications and not so they can be used for public bid. If bid documents are needed later, we would be happy to assist with their preparation. In addition, our Scope of Services anticipates that the Planning Board will be satisfied with our approach to parking lot size and configuration. However, as we have discussed, the Local Ordinances do not clearly define the requirements for parking at a facility such as the Town's. If modifications are required for local approval, we will consult with you at that time to determine best path forward and any effect it has on the Scope of Services and fees.

Our proposal reflects the work we have discussed with you and the Services Committee as shown on the Phase 1 Plan. During the final public hearing, it was suggested that the public restrooms be incorporated into the first phase of permitting, but the Services Committee did not discuss that possibility at their next meeting. They did, however, make it clear that it was the intent to permit work that might occur within a reasonable timeframe and to sequence the work so earlier stages of the work do not interfere with later phases. Therefore, it seems reasonable to include the utility extensions that would be required to add the public facilities because to do them later would mean tearing into the revised entry road and new parking lot. This would have little effect on the SLOD permitting services described above, but it would require additional design and coordinating with the Hampden Water District and Town to satisfy the Ordinance requirements for the extensions.



Our fee proposal does not include any permit fees required for the SLOD or local permitting applications. A summary of the suggested fees is as follows:

Task	Fee
SLOD Permit Application Preparation / Submission	\$47,000
Local Planning Board Site Plan Application Preparation / Public Hearing	\$3,000
Additional Permitting / Design for Restroom Utility Extensions	\$1,000
TOTAL	\$51,000

We understand that it is the Town's objective, subject to funding availability, to add parking capacity prior to the fall 2018 soccer season. Provided we can get started soon, we believe that the DEP and local permitting could be complete to meet this timeline. However, if the DEP were to require, for instance, additional work by a wetlands scientist, this would likely extend the permitting timeline.

Thank you for your time and consideration. If you have any questions about our proposal, please do not hesitate to contact me at 945-5105 or via e-mail at jwilson@woodardcurran.com.

Sincerely,

WOODARD & CURRAN

A handwritten signature in cursive script that reads "James D. Wilson".

James D. Wilson, P.E.
Senior Project Manager / Senior Principal

JDW/jeh

Attachment

PN: 0230786.01

Current Account Status

Finance 4-e 2017
ge 1

G 3-767-00 RESERVE ACCT / REC AREA RES

-69,921.40 = Beg Bal
0.00 = Adjust

12,231.64 = YTD Net
0.00 = YTD Enc

-57,689.76 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type		Debits	Credits
08	0080	1880	08/02/17	00517 U.S. POSTAL	POSTAGE FOR POOL SITE	R	AP	62.23	0.00
08	0102	1882	08/09/17	00539 WOODARD & CU	POOL/MUN BLDG SITE ASSESS	R	AP	2,041.00	0.00
08	0102	1881	08/09/17	00517 U.S. POSTAL	RECREATION FIELD MAILING	R	AP	584.66	0.00
08	0121	1884	08/16/17	00448 SNOWMAN, INC	POOL SITE LETTERS-GREEN	R	AP	568.50	0.00
09	0239	1891	09/20/17	00539 WOODARD & CU	SCHEMATIC PLAN	R	AP	4,682.75	0.00
10	0255	1894	10/11/17	00539 WOODARD & CU	MUN BUILD/POOL SITE PLAN	R	AP	4,292.50	0.00
Totals-								12,231.64	0.00

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
August	3,256.39	0.00	0.00	0.00
September	4,682.75	0.00	0.00	0.00
October	4,292.50	0.00	0.00	0.00
Totals	12,231.64	0.00	0.00	0.00

**CARPENTER ASSOCIATES**

CONSULTING ENGINEERS

July 14, 2017

Karen Cullen
Town Planner
106 Western Avenue
Hampden, Maine 04444

RE: Proposed Zone Map Amendment

Dear Karen:

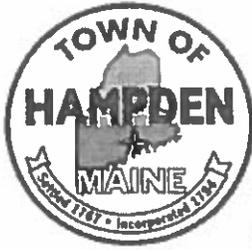
Please accept on behalf of Southstreet Development Company, LLC the attached application for a Zoning District (Map) Amendment. The proposed amendment is a request to change a portion of an existing parcel of land located at the intersection of Route 202 and Coldbrook Road from Residential A to Commercial Services District. This location is adjacent to similar zones and makes logical sense for the proximity to the major traffic corridors. In my experience Residential construction is typically not favorable along the corridors and in most instances zoned Commercial and/or Business. Please find enclosed a filing fee of \$650. We are hoping to be placed in front of the Planning Board as soon as possible, no later than August 9th, and hopefully on to a favorable vote by the Council on or about August 21st.

Please let me know if there are any questions that we can answer to keep moving forward.

Sincerely,

Randy Bragg, P.E.

Attachment



File #: _____

Land & Building Services

106 Western Ave.
Hampden, ME 04444
207-862-4500
www.hampdenmaine.gov

Application for Zoning District (Map) Amendment

APPLICANT

Name of Applicant (primary contact): Chuck Lawrence
Company: Southstreet Development Company LLC
Mailing Address: 59 Kidder Hill Road, Holden, ME 04429
Phone: _____ Cell: 207-356-2526
Email Address: chuck@aol.com

OWNER

Name of Owner: Chuck Lawrence
Mailing Address: 59 Kidder Hill Road, Holden, ME 04429
Daytime phone: 207-356-2526

PROPOSAL

Location of Property: Corner of Route 202 and Coldbrook Road
Assessor's Tax Map/Parcel Number(s): (33-0-011 A)
Current Zoning District: Residential A Proposed Zoning District: Commercial Services District
Acreage of area proposed to be rezoned: 16+

If the area of the proposed map amendment does not align with current tax map parcel boundaries, provide a written description of the area: see map

Proposed development (reason why the map amendment is proposed):
The zone change is proposed to facilitate future Tradewinds facility to service the public.

Benefit to the Town if the proposed map amendment is adopted:
This zone request is located along a major traffic corridor, abuts existing similar zones, provides public service, increased tax base.

Attach a map showing the approximate area of the proposed map amendment in relation to the surrounding area, including current zoning districts.

SIGN

Applicant's signature: [Signature]
Owner's signature: see purchase + sale agreement
Date: 7/17/2017

Official Use Only:			
Application Fee: \$ <u>650</u>	Date Paid: <u>7-17-17</u>	Check #: <u>7068</u>	
Public Notice Fee: \$ _____	Date Paid: _____	Check #: _____	Date of Public Hearing: _____
Decision of Planning Board: _____			



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Angus Jennings, AICP, Town Manager
Date: October 26, 2017
RE: Proposed Retail (Recreational) Marijuana Amendments

A meeting of the Planning Board's Ordinance Committee was held on Tuesday, October 17 at 6 PM. Planning Board members Michael Avery, Kelly Wiltbank, James Davitt and Gene Weldon were in attendance. In the absence of the Town Planner, the Town Manager Angus Jennings provided staff support to the meeting. One resident, Valerie Webster, attended as well.

Mr. Davitt reported that he is hearing that it may be another year before the State finalizes its regulations regarding recreational marijuana. It was acknowledged that the resulting uncertainty will continue to delay the Town's consideration of policy regarding certain potential uses – specifically, cultivation, testing, manufacture, and the new potential use category “nursery.”

Manager Jennings reported that the State policy appears to be going in the direction of creating a presumptive prohibition of commercial uses related to recreational marijuana. This would require municipalities to specifically zone for the uses, rather than a presumptive allowance which would require municipalities that don't want some or all of the uses to specifically zone them out. (Until recently, Hampden and many other communities have been under the impression that there would be a presumptive allowance). This would have bearing on the proposed amendments to prohibit retail sales and social clubs. He recommended proceeding with the amendments. While they may end up being unnecessary, depending on final State policy, they would do no harm.

There was discussion about the approach taken by the proposed amendments, which is to define certain uses related to retail marijuana sales and social clubs, then to not list those as allowed uses in any of the zoning districts. The Town Attorney has reviewed the proposed language and verified that this would have the effect of prohibiting these uses. Additional amendments to existing definitions are proposed in order to specify that certain uses – i.e. agriculture, retail – do not include allowance for recreational marijuana uses. Mr. Wiltbank asked whether the definitions are consistent with the recreational marijuana statute and Manager Jennings said they were.

Manager Jennings said that, when the work now underway to create a Table of Use Regulations is complete, it will provide more clarity – for applicants, staff, and the Board – regarding what uses are allowed where, but until that work is complete the proposed approach is effective.

Resident Valerie Webster expressed her interest in closely tracking the Town's work on recreational marijuana policy.

There was a motion by Mr. Wiltbank seconded by Mr. Weldon to refer the proposed zoning amendments to the Planning Board with an "ought to pass" recommendation. The motion passed 4-0. The public hearing on the proposed amendments will take place at the Board's next meeting on November 8.

As an informational item, Manager Jennings reported that the proposed rezoning of the parcel at the northeast corner of Coldbrook Road and Route 202, which had been withdrawn by the petitioner this summer, had recently been reactivated. He said that his reading of the Zoning Ordinance is that staff would schedule a public hearing regarding the proposed map amendment because it was initiated by a private party, rather than a referral from Town Council. He said he intended to proceed in this manner for the proposed map amendment, and that the public hearing would be scheduled for the Board's next meeting on November 8.

The meeting was adjourned at 6:30 PM.



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Angus Jennings, AICP, Town Manager
Date: September 7, 2017
RE: Retail (Recreational) Marijuana Amendments

As directed by the Town Manager in accordance with the Resolution adopted on April 18, 2017 by Town Council regarding the legalization of recreational marijuana, the Town Planner proposed the following amendments to Section 7.2, Definitions, of the Zoning Ordinance.

The purpose of these amendments is to effectively prohibit retail sales of marijuana and social clubs for marijuana. Modifications to a number of existing definitions are proposed to be clear about how retail marijuana businesses should be interpreted – e.g. neither retail marijuana sales nor social clubs are to be considered as home businesses or customary home occupations.

The proposed amendments have been reviewed by the Town Attorney, who found them in proper form and consistent with the policy intent.

The Town Council's Planning & Development Committee reviewed the proposed amendments at their August 16 meeting and favorably recommended them to the Town Council. At their August 21 meeting, the Town Council referred the proposed amendments to the Planning Board for consideration and public hearing.

These amendments are the first phase of the expected zoning amendments dealing with retail marijuana; the second phase will deal with regulating the other three use categories – cultivation, testing, and product manufacture. Those will not be drafted until late 2017 or early 2018, since we are waiting for more information from the state on how their rules will handle the industry and what municipalities will be able to do for local regulation.

TOWN OF HAMPDEN

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

Deletions are ~~Strikethrough~~ Additions are Underlined

Amend §7.2 Definitions

Agriculture: The production, keeping or maintenance of plants and/or animals including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry products; livestock; fruits and vegetables; and other plants. Agricultural uses shall include wholesaling, retailing and processing of agricultural products which are customary and accessory to an agricultural use. Agriculture does not include forest management, commercial nurseries, ~~and timber harvesting activities, or commercial cultivation of marijuana.~~ (Amended: 12-18-95)

Customary Rural Businesses: Shall be limited to the following uses: Retail Sales & Service; products produced on-site such as art work, pottery, quilts, needle work, baked goods and wooden furniture, antiques, farm & logging supply, feed and grain store, tack shop, grocery and convenience store, hunting & fishing supplies, taxidermy, sporting and camping equipment, Places of Assembly; diners and roadside cafes where no drive thru service is provided (not to exceed 30 seats), bed & breakfast inns (not to exceed 10 guest rooms). Retail marijuana stores, social clubs, cultivation, processing, or testing establishments shall not be categorized as Customary Rural Businesses. (Amended: 12-2-96)

Drug store or Pharmacy: An establishment engaged in the retail sales of prescription drugs, non-prescription medicines, medical equipment or supplies, with or without other consumer products for sale, but not including the sale of marijuana or products containing marijuana.

Home occupation: ~~The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services. See Use of Residence for Business Purposes.~~

Medical marijuana: ~~Marijuana shall have the definition set forth in Title 17-A M.R.S.A. Section 1101(1) and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122, Section 1.15), as the same may be amended from time to time. (Amended 03-07-11) The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination. [17-A MRSA Section 1101.1 – medical marijuana laws]~~

Retail marijuana: All parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Retail marijuana" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant,

sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. [17 MRSA Section 4224.5 – marijuana legalization act]

Retail marijuana social club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises. [17 MRSA Section 4224.39 – marijuana legalization act]

Retail marijuana store: An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers. [17 MRSA Section 4224.40 – marijuana legalization act]

Retail sales: The sale or rental of merchandise to the general public. Retail sales shall be limited to merchandise typically kept in stock on the premises. Retail sales shall allow accessory service unless prohibited elsewhere in this Ordinance. Retail sales shall not include the sale of marijuana or any product for human consumption that includes marijuana or any derivative of marijuana.

Service business: Any business or establishment which provides a service for hire by others, conducted through the application of some specialized knowledge, training, skill or talent, or through the employ of physical exertion or other effort in the performance of some special action or work. A service business shall include any establishment engaged in the fields of finance, insurance or real estate and any establishment providing professional, personal, or business services; a service business shall not include automobile service, outdoor recreation, manufacturing use, or a hotel or motel, or cultivation, harvesting, processing, testing or sales of marijuana, but may include rooming houses, boarding homes, tourist homes, and bed and breakfast establishments with six (6) or fewer rooms.

Use of Residence for Business Purposes: The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services, with the exception that neither retail marijuana sales nor marijuana social clubs shall be operated under these provisions. There are three categories of such use, which are defined in §4.10 of this ordinance: home business, customary home occupation, and home based contractor. (Added 4-18-17)

MINUTES

g. Council referral to the Planning Board to set public hearing on the proposed amendments to Section 7.2 of the Zoning Ordinance regarding the sale of marijuana and social clubs – referral from Planning & Development Committee – Councilor McPike that these amendments were directed in accordance with the Resolution signed in April. Councilor McPike made a motion, seconded by Councilor Sirois, to refer the proposed amendments to the Planning Board to set public hearing. Unanimous vote in favor.

h. Council Order 2017-06 re-authorizing weir installation and eel research at Papermill Park - Councilor Marble made a motion, seconded by Councilor Wilde to authorize the weir installation and research as defined in Council Order 2017-06. Unanimous vote in favor.

i. Setting the 2017/2018 mil rate – referral from Finance & Administration Committee – Councilor Sirois reported that during Finance and Administration meeting, the Assessor gave a presentation and held discussion about the commitment. Her recommendation is for a mil rate of 18.4 which equates to an increase of about \$10.00 for every \$50,000 of value in one's home. Manager Jennings added that the proposed 18.4 mil rate will generate about \$138,000 in overlay which will give us some breathing room. Impacts from the Homestead Exemption are that homes below \$450,000 in value will see a reduction in their tax bill. For those tax payers that don't take advantage of the exemption will see that increase of about \$10.00 for every \$50,000 in value. Councilor Sirois made a motion, seconded by Councilor Marble, to accept and approve setting the mil rate for 2017-2018 at 18.4. Unanimous vote in favor. Councilor Wilde offered thanks to fellow Councilors, town staff and especially Angus for all of the work put into turning the ship around.

E. COMMITTEE REPORTS

Services – Councilor Marble reported that this committee met on the 14th. They were updated on Children's Day, reviewed information to be shared on the 22nd regarding the pool site, and discussed potential costs to the Town if we assume the expenses of the Kiwanis Civic Center.

Planning & Development – Councilor McPike reported that the committee was updated on the status of Fiberright, discussed the Conservation Easement acted on tonight, and were briefed on the landfill post closure report. The committee interviewed Penny Markowitz-Moses, and again discussed recreational marijuana, including the Zoning Ordinance amendments that were referred to the Planning Board tonight.

Finance & Administration – Councilor Sirois reported that the Council Order 2017-05 Bid Guidelines was tabled because of confusion over sections 3 & 4. Discussed and recommended the land swap with Maine Ground Developers, reviewed the TAN recommendation, and made recommendation on the contract awards for the

David I. Ryder (Mayor, Dist. 4)
Stephen L. Wilde (1)
Dennis R. Marble (2)
Terry McAvoy (3)

TOWN OF HAMPDEN
IN THE TOWN COUNCIL

Mark S. Cormier (A/L)
Ivan P. McPike (A/L)
Gregory J. Sirois (A/L)

Resolution 2017-01
Adoption: April 18, 2017

**RESOLUTION REGARDING TOWN OF HAMPDEN POLICY INTENT
REGARDING LEGALIZATION OF RECREATIONAL MARIJUANA**

WHEREAS, by statewide referendum approved on November 8, 2016, Maine voters approved the legalization of recreational marijuana;

WHEREAS, the approved law establishes five categories of allowable commercial uses: cultivation; testing; manufacturing; retail sales; and social clubs;

WHEREAS, municipalities retain authority to exercise five classes of local powers relative to recreational marijuana establishments including prohibition, limiting the number of local licenses that may be issued, zoning, local licensure, and local non-zoning regulation (e.g. public safety, building code);

WHEREAS, the State of Maine has not yet issued regulations governing State licensure of recreational marijuana establishments, and has enacted a moratorium whereby no commercial activity related to recreational marijuana may occur until February 1, 2018;

WHEREAS, it will take time to prepare, adopt and implement local zoning, regulation, and/or licensing requirements and procedures related to potential recreational marijuana establishments in the Town of Hampden; and

WHEREAS, the Town Council wishes to make public its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden;

THEREFORE BE IT RESOLVED THAT, the Town Council hereby expresses its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden:

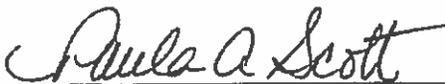
- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **prohibit** two categories of recreational marijuana establishments in the Town of Hampden: retail sales; and social clubs, and to bring forward such amendments for

consideration by the Planning Board and, upon their referral, by the Town Council, each within duly noticed public hearings;

- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **regulate**, through the Zoning Ordinance, the location, performance standards, permitting process, and abutter notification requirements for three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and to bring forward such amendments for consideration by the Town Council's Planning & Development Committee for consideration, revision as necessary, and referral to the Planning Board for consideration and, upon their referral, to the Town Council for consideration, each within duly noticed public hearings; and
- The Town Council hereby directs that the Town Manager cause the Public Safety Director to prepare advice regarding the potential to **license**, through local regulation, three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and if so whether and how to take into account a prospective establishment's tax and legal compliance, capital reserves, personnel, criminal background check, security plans, management experience, technical capacity, plans for odor mitigation and other issues, and local support; and to further advise the Town Council regarding whether to place limits on the number of allowable number of establishments (in each category), place limits on the hours of operation of any such establishments, establish licensing fees, and establish inspection requirements;
- The Town Council hereby directs that the Town Manager periodically, and no less than every three months, provide updates to the Town Council's Planning & Development Committee, on progress toward satisfying this Resolution.

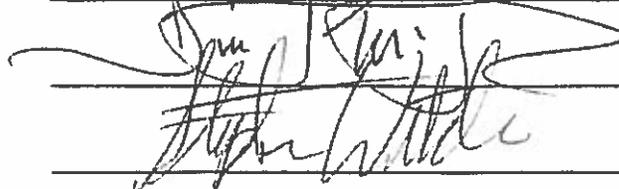
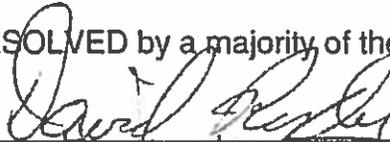
It is the intent of the Town Council that work toward these items proceed as quickly as reasonably practical, taking into account new information as it becomes available regarding the State of Maine licensing procedures, the necessity to spend enough time to ensure thorough review and informed recommendations, and the need to simultaneously maintain progress toward other responsibilities and priorities.

Town Clerk:



Paula Scott

RESOLVED by a majority of the Town Council:



Just Mark
Mark B. Long
Long B.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-4500
Fax: (207) 862-5067

To: Angus Jennings, Town Manager and Council
RE: Request for Tax Abatement
From: Kelly J. Karter, Assessor *KJ*
Date: November 06, 2017

Ms. Emily M. Stinchfield of 501 Western Avenue purchased her home in 2014. This year, while reviewing her homeowners insurance the agent noticed that there was a two story addition charged on her property. There is no two story addition. The previous owner had taken out a permit in 2001 for a 30x24 addition and it had been charged in error. The building is, in fact, a garage with a full story of unfinished living area.

I visited the property and verified the information that she had given me. I did issue an abatement for the current years' taxes, but have no authority to issue anything other than the current year.

She has requested a refund of the overpayment for the three prior years (14/15, 15/16 and 16/17). I am in support of this abatement as it was clearly an error. The requested amounts are:

2014/2015	\$133.00
2015/2016	\$133.00
2016/2017	\$138.42
Total	\$404.42

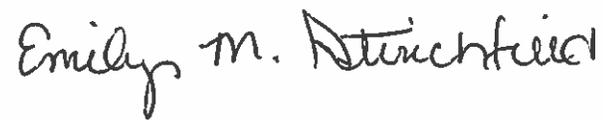
Town of Hampden
106 Western Ave
Hampden, Me 04444

September 20, 2017

To Whom It May Concern:

I, Emily Stinchfield, am requesting an abatement of my overpaid property taxes associated with the address of, 510 Western Ave in Hampden. I obtained ownership of the property on April 30,2014 and am requesting to be paid in full for any over payment. Please see supportive documentation attached.

Thank you,

A handwritten signature in black ink that reads "Emily M. Stinchfield". The signature is written in a cursive style with a large initial 'E' and 'M'.

Emily Stinchfield
501 Western Ave
Hampden, ME 04444
Emstinchfield@gmail.com
(207)491-4727