

## FINANCE & ADMINISTRATION COMMITTEE MEETING

Tuesday, April 18, 2017

**6:30 p.m.**

Hampden Town Office

1. Meeting Minutes
  - a. April 3<sup>rd</sup>, 2017
2. Review & Sign Warrants
3. Old Business
  - a. Service Fees Abatement requests based on 2% revenue threshold and additional Information regarding town services utilized by entities subject to the Service Fee assessment
    - Penquis Mental Health Services, requested abatement \$1,744.63
    - Medical Care Development, Inc., requested abatement \$4,859.47
4. New Business
  - a. Proposed FY17 budget adjustment to appropriate \$4,497.61 from Overlay to Streets and Roads Reserve to reverse incorrect receipting of MaineDOT check for the same amount in June 2012
  - b. Street Light petitions – Chickadee Lane, 411 Old County Rd – *referral from Infrastructure and Planning & Development Committees*
  - c. Resolution regarding Town of Hampden Policy Intent regarding Legalization of Recreational Marijuana
  - d. Nomination(s) for the Hampden Spirit of America distinction
  - e. Discussion: Review of sample PILOT agreements as potential alternative to Service Charge Ordinance
  - f. Committee discussion and position on LD 1226, An Act To Keep Maine's Transportation Infrastructure Safe by Providing More Sources of Revenue for the Highway Fund
5. Public Comment

6. Committee Member Comments

7. Adjournment

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



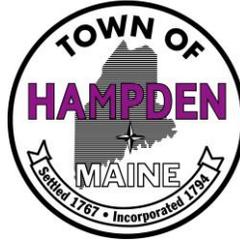
Phone: (207) 862-4500  
Fax: (207) 862-5067

To: Angus Jennings, Town Manager  
From: Kelly Karter, Assessor *Kelly*  
RE: Service Fee Additional Information  
Date: April 6, 2017

At the April 3, 2017 Council Meeting service fee abatements were discussed. During that discussion more information was requested regarding town services (specifically Public Safety) utilized by the entities that are subject to the service fee assessment. Chief Rogers provided information, covering the period of 4/1/15 through 4/1/17. Below are the total number of calls to each facility and attached are the run sheets with more specific data.

Penquis Mental Health, 1012 Carmel Rd No	12 Calls
Community Housing of Maine, 177 Canaan Rd	00 Calls
OHI George St, 35 George St	03 Calls
OHI Patterson Rd, 143 Patterson Rd	00 Calls
Medical Care Development, 1282 Kennebec Rd	37 Calls
The Housing Foundation, 113 Western Ave	04 Calls
Acadia Hospital/Sweetser, 25 Mayo Rd	92 Calls

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



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

**TO:** Finance Committee and Town Council  
**FROM:** Angus Jennings, Town Manager  
**DATE:** April 13, 2017  
**RE:** Service Charge Abatement Requests

In its October 17, 2016 meeting the Town Council approved the amount of Service Charges imposed pursuant to the Service Charge Ordinance. Charges were assessed to the seven properties identified at that time, in the approved amounts. To date, five of the assessed properties have sent payment, though each amount was less than the assessed amount, with the balance requested to be abated.

The Council previously approved four abatement requests, but requested additional information related to the Penquis abatement request. I have left two voicemails for the Penquis CFO but we have yet to connect; I am hoping to have additional information prior to Tuesday's meeting.

We have also received an additional abatement request from Medical Care Development dba Hampden Meadows, which has temporarily suspended its pending appeal before the Board of Assessment Review, pending the outcome of this abatement request. Because – like the Penquis request – the Hampden Meadows request did not include audited financials but rather a report (which it is represented is based on their audit), I have requested additional documentation from them as well.

<b>Properties Subject to Service Charge</b>				
<b>As of: 4/12/2017</b>	<b>FY17</b>			
<b>Property Owner</b>	<b>Amount invoiced</b>	<b>Amount proposed</b>	<b>Difference (requested abatement)</b>	<b>Notes</b>
Medical Care Development, DBA Hampden Meadows 1282 Kennebec Road (Map 1 Lot 23-A)	\$ 5,386.85	\$ 527.38	\$ (4,859.47)	Appeal filed 11/28/16 Abatement requested 3/3/17
Penquis Mental Health Services 1012 Carmel Road North (Map 1 Lot 31-A)	\$ 1,992.51	\$ 247.88	\$ (1,744.63)	

Under the Service Charge Ordinance Sec. 6, “the municipal officers shall abate the service charge amount that is in excess of 2% of gross annual revenue.” A showing that the assessed charge exceeds 2% of the gross revenue derived from the property in question should be considered adequate to support an abatement.

# Penquis Mental Health Association

572 Bangor Road, Dover-Foxcroft, Maine 04426

Richard Brown, CEO

Phone: (207) 564-2464

Fax: (207) 564-2404

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December 13, 2016

Town of Hampden  
RECEIVED

DEC 20 2016

Office of the  
Town Manager

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

Dear Manager Jennings:

The services fee charges for Penquis Mental Health for the 2016-2017 Hampden budget year should be based upon 2% of the gross annual revenue. Enclosed is the financial statement for the property at 1021 Carmel Road North for the period July 1, 2015 to June 30, 2016. Enclosed also is a check in the amount of \$247.88 representing 2% of the annual gross revenue for 1021 Carmel Road North.

Sincerely,



M. Dale Shaw

Chief Financial Officer

**PENQUIS MENTAL HEALTH  
INCOME STATEMENT FOR CARMEL RD.  
JULY 1, 2015 - JUNE 30, 2016**

**SERVICE FEE**

**REVENUE**

**RENTAL INCOME**

**\$ 12,393.91**

**\$ 247.88**

**EXPENSES:**

**DEPRECIATION**

**\$ 5,093.00**

**INTEREST**

**\$ 6,218.38**

**INSURANCE**

**\$ 821.15**

**TAXES**

**\$ 261.38**

**TOTAL EXPENSES**

**\$ 12,393.91**

**NET INCOME**

**\$ -**



**Dale Shaw**

**Chief Financial Officer**



Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

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**Hampden Appeal**

1 message

Kim Keaney &lt;kkeaney@mcd.org&gt;

Fri, Mar 3, 2017 at 5:07 PM

To: "Kelly Karter (assessor@hampdenmaine.gov)" &lt;assessor@hampdenmaine.gov&gt;

Cc: "townmanager@hampdenmaine.gov" &lt;townmanager@hampdenmaine.gov&gt;, Maureen Conley &lt;mconley@mcd.org&gt;

Hi Kelly,

We met with Angus last week to discuss MCD's property located at 1282 Kennebec Road in Hampden and the currently assessed Town of Hampden service charge. Angus – thank you time to meet with us and discussing potential next steps.

Based on our clarified understanding of options and a review of the information that other organizations provided for their abatement request, we would like to suspend our current appeal of applicability of the service charge with the Board of Assessment while we pursue an abatement of a portion of the service fee based on Section 6 of your ordinance.

For the Town Council's consideration of an abatement, we have attached a Statement of Rental Income and Expense for the property at 1282 Kennebec Road for the most recently audited fiscal year (2015). We believe that a service fee of \$527.38 is accurate according to the provisions of Section 6.

Please let me know if you have questions or need more information in order to consider this abatement.

Thank you

Kimberly A. Keaney

Director of Finance

MCD Communities

207-622-7566 ext 283

kkeaney@mcd.org

**STATEMENT OF CONFIDENTIALITY:** This document transmitted contains information from Medical Care Development and may be confidential and privileged information. This information is intended for the use of the addressee. If you are not the addressee, any disclosure, photocopying, distribution or use of its content is prohibited. If you have received this in error, please call immediately so that we may arrange to retrieve the original document

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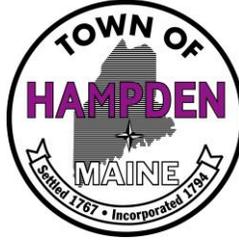
 **Hampden Service Fee.pdf**  
7K

Medical Care Development Inc  
Hampden Meadows  
1282 Kennebec Road  
Hampden, Maine  
Statement of Rental Income and Expense  
December 31, 2015

Actual YTD  
December 31, 2015

RENTAL INCOME	<u>26,369.02</u>
Total Rental Income	<u>26,369.02</u>
HEATING OIL	7,884.70
ELECTRICITY	6,676.29
REPAIRS & MAINTENANCE	5,878.18
MAINTENANCE SERVICES	9,386.24
INTEREST	3,938.92
INSURANCE	5,878.19
DEPRECIATION	<u>26,148.69</u>
Total Rental Expenses	<u>65,791.21</u>
Net Rental Income	<u><u>(39,422.19)</u></u>

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



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

**TO:** Finance Committee and Town Council  
**FROM:** Angus Jennings, Town Manager  
**DATE:** April 13, 2017  
**RE:** Proposed FY17 budget adjustment to appropriate \$4,497.61 from Overlay to Streets & Roads Reserve to reverse incorrect receipting of MaineDOT check for the same amount in June 2012

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As you know, the Town is working toward designing and constructing a new sidewalk on Western Ave. extending westerly from its current terminus to connect with the sidewalk on Mayo Road. This project is proceeding in partnership with MaineDOT, and the terms of the agreement provide that the Town is entitled to reimbursement of 80% of project costs. Construction is expected to be complete in 2017.

By vote of the Town Council in 2012, the source for local funding for this project is the Host Community Benefit account.

In June 2012, the Town received a check from MDOT in the amount of \$4,497.61 as its 80% share of an invoice from the project engineer. During a recent review of accounting records for the Western Ave. Sidewalk Project, it was discovered that these funds were incorrectly receipted at the time, and deposited to the Streets and Roads Reserve account (3-761-00), rather than the HCB account.

On this week's reserve warrant, this amount of funds was transferred from the Streets and Roads Reserve to the HCB account in order to correct this error.

However, this left the Streets and Roads Reserve account short by the same dollar amount. These funds will be needed for this spring/summer's paving work, and – because the Reserve account was funded solely by FY17 funds from MDOT through the Local Road Assistance Program – the total amount of LRAP funds received in FY17 (\$65,316) is required to be put toward local roads projects.

It is therefore requested that the Town Council authorize an amendment to the approved FY17 Budget in order to appropriate \$4,497.61 from Overlay to Streets and Roads Reserve. The current account balance for Overlay is attached, as well as a brief summary from MMA regarding how Overlay can be used for such purposes.

**Current Account Status**

**E 66-01-55-01 OVERLAY / OVERLAY - MISC / OVERLAY**

0.00 = Budget  
215,202.00 = Bud Adj

0.00 = YTD Exp  
0.00 = YTD Enc

215,202.00 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
07	0790		07/01/16		BUDGET FY17 OVERLAY	B GJ	0.00	226,072.00
11	0422		11/21/16		REDUCE OVERLAY TC 7-5-16	B GJ	1,500.00	0.00
11	0422		11/21/16		REDUCE OVERLAY TC 7-5-16	B GJ	4,000.00	0.00
11	0422		11/21/16		REDUCE OVERLAY TC 7-5-16	B GJ	2,000.00	0.00
11	0422		11/21/16		REDUCE OVERLAY TC 7-5-16	B GJ	1,000.00	0.00
03	0792		03/30/17		OVERLAY	B GJ	2,370.00	0.00
<b>Totals-</b>							<b>10,870.00</b>	<b>226,072.00</b>

Monthly Summary

Month	--Regular Entries--		--Budget Entries--	
	Debits	Credits	Debits	Credits
July	0.00	0.00	0.00	226,072.00
November	0.00	0.00	8,500.00	0.00
March	0.00	0.00	2,370.00	0.00
<b>Totals</b>	<b>0.00</b>	<b>0.00</b>	<b>10,870.00</b>	<b>226,072.00</b>

# Property Tax 'Overlay'

## **Maine Townsman - May, 2007**

Maine law authorizes assessors to add up to 5% to the total property tax assessment to enable them to round off and avoid fractional assessments (36 M.R.S.A. § 710). This is called "overlay." But overlay is revenue like any other and must be appropriated by the municipal legislative body in order to be expended for any purpose.

Contrary to popular belief, overlay is not automatically available for emergencies or to cover overdrafts or pay for tax abatements. Although some municipalities use overlay for such purposes without a specific appropriation, technically this practice is unauthorized and should be avoided. In a town meeting form of government, a suitable warrant article to appropriate overlay could read, "To see if the Town will vote to appropriate \$\_\_\_\_\_ from overlay for [insert purpose here]."

Unappropriated overlay will lapse into surplus at the close of the municipal fiscal year. Overlay is not intended, however, as a means of building up surplus. As noted, the sole statutory purpose of overlay is for the convenience of assessing computations. Assessors should use the minimum overlay necessary for this purpose. If overlay exceeds the total assessment by more than 5% (even by a little), the entire assessment is void and must be recalculated and corrected. (By R.P.F.)

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## **Return**



Town of Hampden  
Land & Building Services

Memorandum

To: Planning & Development Committee  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: April 3, 2017  
RE: Streetlight Petition – Chickadee Lane

As you know, this petition was introduced at the Infrastructure Committee meeting on March 27<sup>th</sup> and was referred to P&D since there were some questions regarding what was required during the subdivision approval process and what was actually installed.

After searching through the records of the Planning Board, P&D Committee, and Town Council on this issue, staff could find nothing in the written record regarding streetlights on Chickadee Lane. The road plan and profile sheets of the subdivision plans do show streetlights, and there is a note on the plan stating the streetlights were to be installed according to Bangor Hydro standards.

The Planning Board approved the subdivision on December 14, 2011 and Town Council accepted the street and infrastructure on October 7, 2014. Again, there is no mention of street lights in any of the written record for the street acceptance.

Since the Town accepted the road and infrastructure, the town is responsible for any new street lights within the right-of-way. Staff has researched the cost for additional lights: for 70 watt HP sodium lights it is \$32.64 per year per light (which is the electricity charge); there is no installation fee. Removal of a light would be \$78.

The map on the following page shows the locations as shown of the approved subdivision plan (yellow dots) as well as the locations of the lights actually installed (green stars).



# Hampden Public Safety

Emergency Services Working Together

106 Western Avenue  
Hampden, ME 04444

Phone: 207-862-4000

Email: [publicsafety@hampdenmaine.gov](mailto:publicsafety@hampdenmaine.gov)

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

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

## Police—Fire—EMS

Code Enforcement  
Building Inspection  
Fire Inspection

Local Health Office

**Joseph L. Rogers**  
*Director of Public Safety*  
**Kandy A. McCullough**  
*Admin. Office Manager*

### Police

**T. Daniel Stewart**  
*Sergeant / SRO*

**Scott A. Webber**  
*Sergeant*

**Christian D. Bailey**  
*Sergeant*

**Joel Small**  
*Investigator*

**Joseph D. Burke**  
*Patrol Officer*

**Benson G. Eyles**  
*Patrol Officer*

**Shawn F. Devine**  
*Patrol Officer*

**Marc Egan**  
*Patrol Officer*

**William Miller**  
*Patrol Officer*

**Jeffrey L. Rice**  
*Patrol Officer*

### Fire

**Jason Lundstrom**  
*Lieutenant / Fire Inspector*

**Daniel Pugsley, Jr.**  
*Lieutenant / Paramedic*

**Matthew St. Pierre**  
*Lieutenant / Paramedic*

**Myles Block**  
*CEO / Paramedic*

**Jared LeBarnes**  
*Building Inspector / Paramedic*

**Joseph Dunton**  
*Paramedic / Chaplain*

**Matthew Thomas**  
*FF / Paramedic*

**Shawn McNally**  
*FF / Paramedic*

**Matthew Roope**  
*FF / Paramedic*

**Chris Liepold**  
*FF / Paramedic*

TO: Angus Jennings, Town Manager  
FROM: Joe Rogers, Public Safety Director  
RE: Streetlight Requests  
DATE: February 27, 2017

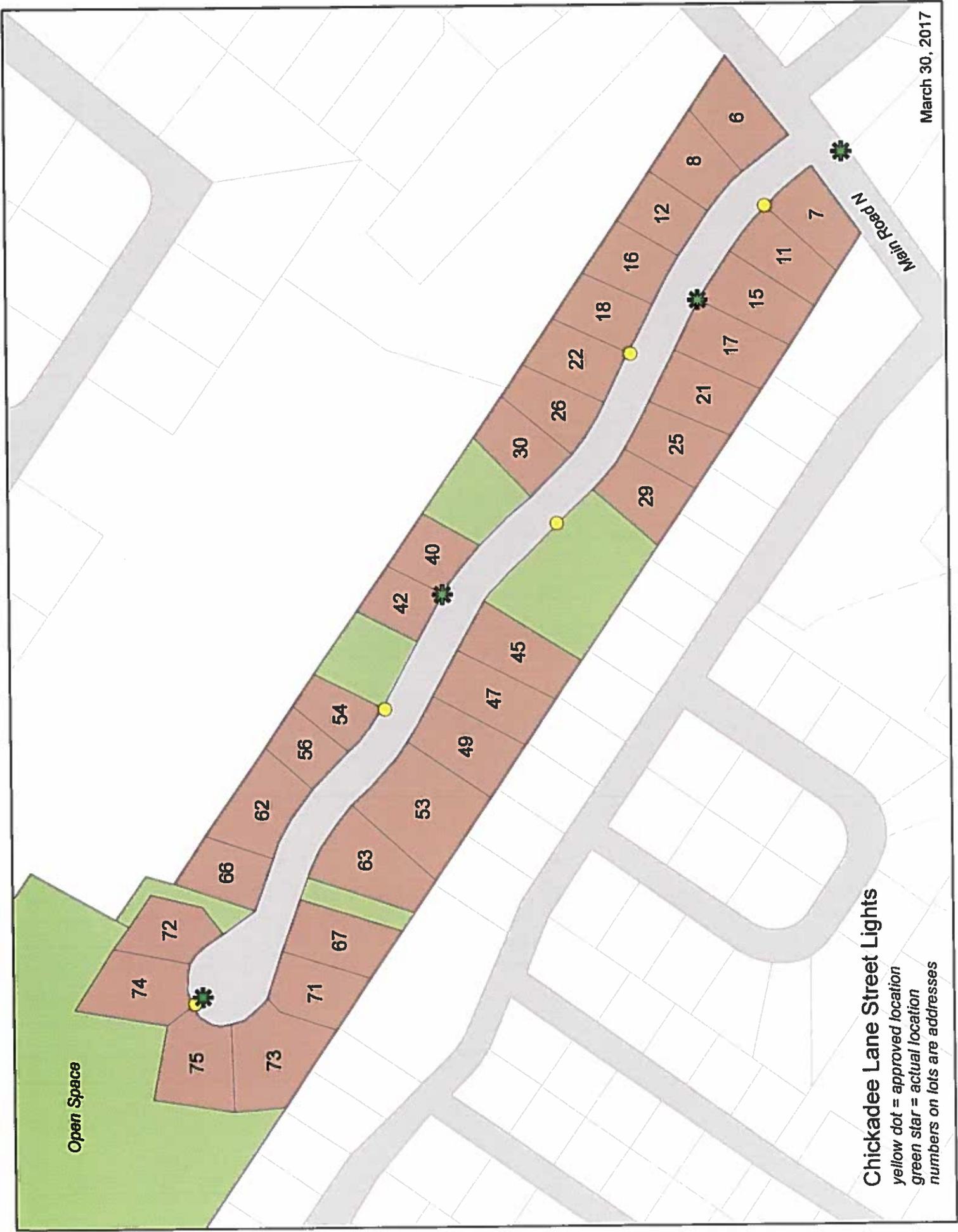
As of this date, I have received two requests for streetlight installation at the following locations:

1. 411 Old County Road

This is the driveway for a nine-unit apartment complex. This driveway is at the crest of a hill. Line of sight for exiting vehicles is not great, but vehicles traveling during the hours of darkness can be identified by their headlights. There have been no traffic accidents at this location in past five years. Based on the Town of Hampden policy on new streetlights, our recommendation is that we not install lighting at this location.

2. Chickadee Lane

The residents of Chickadee Lane have requested the Town install streetlights on poles #4 and #7. Chickadee Lane is a 3/10's mile dead-end road. It has lighting at the intersection of Main Road North and Chickadee Lane along with lighting at the cul-de-sac and two other lights in between. There are 32 lots planned for this residential street. Twenty-two are occupied at this time. We have had no accidents on this street or reports of crime. Based on the Town of Hampden policy on new streetlights, we do not recommend installation of additional lights at this time; but will reevaluate after the project is complete.



**Chickadee Lane Street Lights**  
 yellow dot = approved location  
 green star = actual location  
 numbers on lots are addresses

## Petition to Add Street Lights on Chickadee Lane

To: Town of Hampden \_\_\_\_\_

\_The undersigned residents of Chickadee Lane request the town install additional street lights on Chickadee Lane at pole #4 and pole #7.\_

Town of Hampden  
RECEIVED

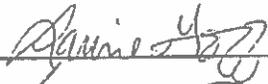
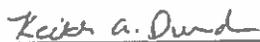
OCT 12 2016

Office of the  
Town Manager

Requested by Chickadee Crossing Home Owners Association

Date	Signature	Printed Name	Address	Comment
10-6-16	<i>Vince Drottar</i>	VINCE DROTTER	42 CHICKADEE LN	862-4249 CONTACT PERSON
10-6-16	<i>Lawrence Emery</i>	LAWRENCE EMERY	75 CHICKADEE LN	
10-6-16	<i>Emery Davis</i>	Emery Davis	8 CHICKADEE LN	
10-6-16	<i>Sean C. Demers</i>	SEAN C. DEMERS	26 Chickadee	
10-6-16	<i>Diane Andstuder</i>	Diane Andstuder	45 Chickadee Lane	
10-6-16	<i>Joy Haller</i>	Joy Haller	40 " "	

Date	Signature	Printed Name	Address	Comment
10/8/16	Wayne J. Ingalls	WAYNE C. INGALLS	53 Chickadee	
10/8/16	PER J. LEE	PER J. LEE	63 Chickadee	
10/8/16	Jimmy Carter	Jimmy Carter	66 Chickadee	
10/8/16	SUSAN DARLING	SUSAN DARLING	30 Chickadee Ln	
10/8/16	GREG HIGGINS	GREG HIGGINS	31 Chickadee LN	
10/8/16	CHRIS GRINDROD	CHRIS GRINDROD	6 CHICKADEE LN	
10/8/16	KRISTEN JENNINGS	KRISTEN JENNINGS	11 Chickadee Ln.	
10/8/16	EDWARD VOSU	EDWARD VOSU	54 chickadee Ln	
10/8/16	KIMBERLY HULL	KIMBERLY HULL	49 Chickadee Ln	
10/10/16	VIRGINIA MANUEL	VIRGINIA MANUEL	62 Chickadee	
10-10-16	HAWAHO DAY	HAWAHO DAY	73 chickadee LN	
10-10-16	HARRY HOPKINS	HARRY HOPKINS	15 Chickadee Lane	

Date	Signature	Printed Name	Address	Comment
10-10-16		Laurie Goff	7 Chickadee Ln	
10-10-16		Kathleen Patin	67 Chickadee	
10-10-16		Kente A. Dursch	71 Chickadee Ln	
10-10-16		Beth Dalton 72451	72 Chickadee Ln	
10-10-16		Teri Hohentanner	47 Chickadee Ln	

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:

RESOLVED by a majority of the Town Council:

\_\_\_\_\_  
Paula Scott

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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DRAFT



Angus Jennings <townmanager@hampdenmaine.gov>

## For Hampden Town Council: Spirit of America Update

1 message

Bruce Flaherty <bwflah@gmail.com>  
To: townmanager@hampdenmaine.gov

Sun, Apr 9, 2017 at 11:43 AM

Dear Angus & Other Hampden Officials,

"Volunteering allows you to develop and practice skills often utilized in the workplace such as planning projects, problem solving, critical thinking, time management, organization, communication and teamwork." (benefitsofvolunteering.com)

Thanks to all of you who have shared your Spirit of America experience with other towns – helping volunteerism helps communities!

Congratulations and thanks to these 'Pacesetter' municipalities for telling us about their Spirit of America winners by the end of February: Albion, Belgrade, Benton, Bristol, Canaan, Castle Hill, Chapman, Clinton, Cornish, Edgecomb, Fairfield, Frankfort, Greene, Hartland, Hiram, Jackman, Jackson, Lamoine, Leeds, Lewiston, Limington, Lisbon, Livermore, Madison, Mapleton, Mechanic Falls, Mexico, Moose River, Mount Desert, New Vineyard, Norridgewock, Paris, Pittsfield, Ripley, Rome, Saco, Sidney, Solon, Southport, St. Albans, Stockton Springs, Swanville, Troy, Whitefield, Winterport, Woodstock, Woolwich.

Never before have so many municipalities picked their award winners so promptly – or honored them at March annual town meetings – shaping up as the best year ever for Spirit of America volunteer recognition!

Comments we received/discovered today (3/27/17):

"I do not know why I wasn't aware of this program before now. It is fun and a great thing too for people." (Vern Maxfield, Woodstock Town Manager)

"We put it (Resolution with ceremony photo) on Facebook and got over 4500 'hits', so it generated some traction! ... The ladies were called to the podium for the presentation, where they received a standing ovation! Very well received indeed!" (Tom Goulette, Guilford Town Manager)

In her article titled 'The Spirit of America Award Program Sparkles' in MTCMA's March newsletter (at [mtcma.org](http://mtcma.org)), Pittsfield Town Manager Kathryn Ruth wrote "Recipients also may receive other recognition during the year such as cutting the ribbons at events, turning on the Town Christmas Tree Lights or riding at the front of parades." and other things we never would have thought to mention!

The 2017 privilege granted to Maine municipalities to choose Spirit of America Foundation Tribute winners expires on **June 30** - please enter info about your community's Spirit of America recipient on the website (see end of original e-mail shown below) by that date.

Municipalities not yet selecting their Spirit of America recipient might consider picking the person/group to whom they dedicate(d) their annual town report.

'Happy National Volunteer Month' (April) & thanks for all your help to volunteerism!

Bruce

622-7311

P.S. Municipalities are encouraged to present the Spirit of America award at their annual town meeting or in April, but they may do so at another occasion/ time.

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**From:** Bruce Flaherty [mailto:bwflah@gmail.com]  
**Sent:** Monday, January 16, 2017 2:39 PM  
**To:** townmanager@hampdenmaine.gov  
**Subject:** For Town Council: 2017 Hampden Spirit of America Tribute

Dear Angus & Other Hampden Officials,

Hope you're enjoying a great 2017!

Invitation:

Your Town Council is asked to pick the local person, project or group to receive the 2017 Hampden Spirit of America Foundation Tribute for outstanding community service using your own criteria and to honor the recipient (presumably with a resolution or proclamation) at a Council meeting in April (National Volunteer Month). We'll need to know (see end of this e-mail) about the recipient to facilitate an anticipated Fall event honoring all 2017 Spirit of America award winners throughout Penobscot County.

Best/simplest strategy for most communities: choose the one to whom your annual town report is dedicated as Spirit of America winner and honor them (perhaps posthumously) at the annual town meeting – it's a well-attended event (great publicity for those honored) & is a nice tradition to which folks will look forward!

Your Council may choose and honor the town's Spirit of America recipient each year without waiting to hear from us.

County event:

The 2017 privilege granted to Maine municipalities to choose Spirit of America Foundation Tribute winners expires on June 30. For any municipality not informing us of its Spirit of America recipient by 6/30, its county officials have permission to pick the 2017 winner. That sensible arrangement gives towns plenty of time to make a selection, helps counties with planning/preparing certificates for their annual Spirit of America event, and could ensure the county ceremony publicizes community service for each town.

Twelve Maine counties have hosted ceremonies honoring their towns' recipients of the 2016 Spirit of America Foundation Tribute – go to site <http://wglgreeneme.pegcentral.com/player.php?video=52b27782b533bdd1f279d93c70b03f7a> to watch Androscoggin County's affair or to Maine County Commissioners Association site [http://www.maine-counties.org/uploads/1/8/8/6/18869398/mcca\\_newsletter\\_november\\_2016.pdf](http://www.maine-counties.org/uploads/1/8/8/6/18869398/mcca_newsletter_november_2016.pdf) to see Oxford County's event photo – a ceremony honoring Franklin County's winners is scheduled for Jan. 24 & all Spirit of America winners in the other three counties were recognized at a tri-county event in October. We're hoping every county will host a ceremony honoring its 2017 Spirit of America recipients!

#### Background:

Spirit of America Foundation is a 501(c)(3) public charity established in Augusta, ME to encourage volunteerism & it allows the Spirit of America Foundation Tribute to be presented in the name of any Maine municipality. There is no fee involved, and local officials chose their community's 2016 Spirit of America winner in 100+ towns!

The first Spirit of America Foundation award was presented to Alma Jones by Augusta Mayor William Burney on Nov. 26, 1991. Maine Governors John Baldacci and Angus King and Maine Municipal Association Director Chris Lockwood are among many who have played key roles at one of the 500+ Spirit of America ceremonies over the years. You can find more info about the Foundation on website <http://spiroaf.com> (where the 'Municipal Resolution' page has sample resolutions, and the 'Honored Ever' page lists towns' previous winners).

A municipality may achieve Spirit of America's Gold Distinction by presenting the Spirit of America Foundation Tribute at the annual town meeting or inauguration, during an annual community festival, or during National Volunteer Month (April). Qualifying towns are listed on the 'Gold Distinction' page on website <http://spiroaf.com> (and you may find links to this site in Maine Municipal Association's Dec. 2016 'MMA This Month' e-mail newsletter & on its <http://memun.org> website under 'Recent Announcements').

2016 Gold Distinction towns included: Appleton, Bath, Belgrade, Benton, Bowdoinham, Cambridge, Canaan, Casco, Chelsea, Cherryfield, China, Damariscotta, Detroit, Dixfield, Dresden, Durham, Eastport, Edgecomb, Embden, Fairfield, Farmingdale, Fayette, Freedom, Georgetown, Greene, Guilford, Hallowell, Harmony, Hartland, Hiram, Kingfield, Leeds, Lewiston, Livermore, Madison, Manchester, Marshfield, Mechanic Falls, Mercer, Minot, Monroe, Montville, Mount Chase, Mount Vernon, Norridgewock, North Berwick, Oakland, Orland, Palmyra, Paris, Phippsburg, Pittsfield, Pittston, Poland, Readfield, Richmond, Ripley, Rome, Roxbury, Sangerville, Searsmont, Searsport, Sebec, Shirley, Sidney, Skowhegan, Solon, Somerville, Starks, Stockton Springs, Troy, Union, Waldoboro, Washington, Waterville, Wayne, West Bath, West Gardiner, Whitefield, Windham, Winslow, Winterport, Woolwich.

Hoping you tell us by Feb. 28 the name, mailing address and an accomplishment of Hampden's 2017 Spirit of America recipient and also the occasion of your local award ceremony (see end of this e-mail) – will publicize your town as a 'Pacesetter' if you do! Thanks for your immense help to volunteerism!

Bruce Flaherty, President

Maine Spirit of America

(a chapter of Spirit of America Foundation)

622-7311

We anticipate the most common 2017 scenario will be that towns present a resolution (and the 'Municipal Resolution' page at [spiroaf.com](http://spiroaf.com) has samples) to their Spirit of America winner at the annual town meeting.

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

This Agreement is made and entered into this \_\_\_\_\_ day of November, 2016, by and between the **City of Westbrook, Maine** (hereinafter “City”), a body corporate and politic organized and existing under the laws of the State of Maine, and having its principal offices located at 2 York Street, Westbrook, Maine, and **Housing Authority of the City of Westbrook**, a body corporate and politic and organized as a municipal housing authority under the laws of the State of Maine and having its principal offices at 30 Liza Harmon Drive in Westbrook, Maine (“WHA”).

**WITNESSETH:**

**WHEREAS**, WHA owns land and buildings located at 21 Knight Street in Westbrook, Maine (known as Riverview Terrace) and at 10 Liza Harmon Drive in Westbrook, Maine (known as Larrabee Woods) (Riverview Terrace and Larrabee Woods being referred to herein as the “Projects”), providing affordable housing for senior citizens; and

**WHEREAS**, the Projects are in need of repairs, upgrades and modernization; and

**WHEREAS**, WHA as a governmental entity is exempt from real property taxation, and the Projects are exempt from taxation; and

**WHEREAS**, the Projects are currently subject to an agreement for payment in lieu of taxes (“PILOT”) benefitting the City; and

**WHEREAS**, WHA intends to convey the Projects to Riverview Terrace, LP, a Maine limited partnership (the “Partnership”) and an affiliate of WHA that will apply to the Maine State Housing Authority for low-income housing tax credits and other available programs to provide the majority of the funds necessary to address the financial needs for the repairs, upgrades and modernization; and

**WHEREAS**, the General Partner of WHA is Westbrook Development Corporation (“WDC”), a Maine non-profit corporation that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 and that is an affiliate of WHA; and

**WHEREAS**, the Partnership has been established as a mechanism to enable the Projects to obtain Federal Low Income Housing Tax Credits, with the ownership of the Partnership to be held by WDC and WHA once the fifteen year compliance period has passed, in order to assure the long term non-profit tax exempt ownership of the Projects and the ability of WHA and WDC to maintain the Projects as affordable housing operated on a nonprofit basis for the duration of the useful lives of the Projects, as the same may be extended; and

WHEREAS, pursuant to precedents established by the Maine Supreme Judicial Court, the Projects may lawfully be treated as owned by WDC, as the General Partner of the Partnership during the 15 year compliance period and thereafter, and exempt from taxation during such period and thereafter;

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained in this Agreement, the parties hereto agree as follows:

1. Tax Exempt Status. The City hereby acknowledges and agrees that the Projects are currently exempt from taxation and are subject to the existing PILOT Agreement. The City acknowledges and agrees that notwithstanding the proposed transfer of the Projects to the Partnership, the Projects will remain exempt from taxation and may lawfully be treated as owned by the tax exempt general partner, WDC, for the 15 year compliance period, and thereafter, while held by the Partnership, to enable the equity financing for the Projects.

2. Amended and Restated Agreement for Payment in Lieu of Taxes; Term. The City and the Partnership agree to amend and restate the PILOT to provide for a thirty (30) year term of such Agreement, such term to commence when the Projects are fully placed in service following the renovations. Prior to such date, the existing PILOT Agreement shall remain in full force and effect, notwithstanding the transfer of ownership to the Partnership.

3. PILOT Formula. The amount of the PILOT for each building shall be computed annually for each building using the following formula: Gross Income from each building, less the combined total of

a.) Gross Rental Income, less the combined total of all utility costs for such building (Water, Sewer, Electricity, Cable and internet) multiplied by 10%.

4. Payment of PILOT. The parties agree that the payment in lieu of taxes shall be paid in one annual installment for each such building, within 60 days following the issuance of the final financial statements for each Project and approval thereof by Maine State Housing Authority

4. Successors and Assigns. This Agreement shall inure to the benefit of the Partnership, and any other successors and assigns to the ownership of the Partnership who are exempt from federal taxation.

5. Severability. In the event that any provision of this Agreement is deemed to be unenforceable, the parties hereto agree to revise the agreement to the minimum extent necessary to be to make the Agreement lawful and agree that any such unenforceability shall not make the entire agreement unenforceable, but only the provision that is unenforceable shall be excluded.

IN WITNESS WHEREOF this agreement has been executed, sealed and delivered as of the day and year first above written.

**CITY OF WESTBROOK**

\_\_\_\_\_  
Witness

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

**HOUSING AUTHORITY OF THE CITY  
OF WESTBROOK**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Christopher LaRoche  
Its: Executive Director

**RIVERVIEW TERRACE, LP**  
By Westbrook Development Corporation  
Its General Partner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Richard Begin  
Its: President

AGREEMENT FOR PAYMENT IN LIEU OF TAXES ("PILOT")

THIS AGREEMENT is dated this \_\_\_ day of September, 2004 by and between THE CITY OF BIDDEFORD (the "City"), a body corporate and politic having a principal place of business at 205 Main Street, Biddeford, Maine, and Counseling Services, Inc. ("CSI") a Maine Non-Profit Business Corporation, having a principal place of business at 195 North Street, Saco, Maine.

WHEREAS, the parties have entered into a certain Purchase and Sale Agreement (the "P&S Agreement") for the purchase and sale of lots 9 and 10 in the Thacher Brook Business Park as depicted on a Subdivision Plan recorded in the York County Registry of Deeds in Plan Book 262, Page 42 (the "Property") and;

WHEREAS, CSI is a non-profit corporation and is exempt from the payment of property taxes; and

WHEREAS, a term of the P&S Agreement requires the City and CSI to enter into a agreement for the payment of a service charge in lieu of taxes (the "PILOT") as authorized by 36 M.R.S.A. § 652(i)(1); and

WHEREAS, the parties wish to set forth the terms and conditions for the PILOT; and

WHEREAS, the parties hereby agree to the PILOT, pursuant to the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing mutual promises and other good and valuable consideration, the sufficiency of which is hereby acknowledged the parties agree as follows:

1. PILOT Formula. CSI hereby agrees to pay the City a PILOT related to the property pursuant to the following formula:

CSI shall pay the City an amount of money on an annual basis equal to the total assessed value of the Property multiplied by the then applicable mil rate. That amount will then be multiplied again by the percentage amount equal to the City's budget attributable to all expenditures except education and welfare spending to the maximum extent authorized by 36 M.R.S.A. § 652(i)(1) decided by the City's total budget (the "Formula").

The Formula shall be recalculated on a year to year basis and applied to CSI or any of its non-profit successors and assigns, if any.

2. Revision of Formula. If the Maine Legislature should amend 36 M.R.S.A. § 652(i)(1) the Formula shall be revised accordingly to capture the maximum allowed amount of money pursuant to that section.

3. Payment of PILOT. The PILOT shall be assessed annually and payable in two biannual installments at the same time and in the same manner as property taxes.

4. Waiver of Objections. CSI, for itself and its successors and assigns hereby waives any objection that it may have to the payment of the PILOT on the basis that similar charitable organizations and uses may not be required to make such payments, or may be assessed such payments in a dissimilar manner to CSI or its successors and assigns. Said waiver is an express term of the Agreement and the P&S Agreement and is part of the consideration bargained for by the City and CSI for the sale of the Property.

5. Entire Agreement. This Agreement is the entire Agreement between the parties regarding the subject matter hereof. This Agreement, however, shall be interpreted in accordance with the P&S Agreement and other documents referenced therein. If there is a conflict between the terms of this Agreement and the P&S Agreement, the terms of this Agreement shall control.

6. Amendment. This Agreement shall only be amended in a writing executed by both parties hereto.

7. Recording. The parties agree to execute a Memorandum of this Agreement which may be recorded in the York County Registry of Deeds by either party.

8. Enforcement. This Agreement may only be enforced by the parties hereto or their successors or assigns and no third party shall have standing to enforce the terms of this Agreement, including, but not limited to, other owners of property in the Thacher Brook Business Park.

CITY OF BIDDEFORD

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

Edward Clifford

Its: City Manager

COUNSELING SERVICES, INC.

\_\_\_\_\_

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

Its:



Angus Jennings <townmanager@hampdenmaine.gov>

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## LD 1226

1 message

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**Little, Dave** <MMTCTA-Members@mmaaffl.org>

Thu, Apr 13, 2017 at 10:09 AM

Reply-To: MMTCTA-Members@mmaaffl.org

To: "MMTCTA-Members@mmaaffl.org" <MMTCTA-Members@mmaaffl.org>

I wanted to let everyone know about LD 1226 - An Act To Keep Maine's Transportation Infrastructure Safe by Providing More Sources of Revenue for the Highway Fund.

The title was very plain which wouldn't necessarily make it stand out but it will have a impact on us.

This bill does three things:

- It imposes a significant registration fee for hybrid (\$250) and electric vehicles (\$350)
- Requires municipalities to spend excise on transportation infrastructure instead of it being part of the general fund
- Requires municipalities to turn over to the State Highway Fund all excise collected on commercial trucks and truck tractors that are registered for more than 26,000 pounds.

The Public Hearing is scheduled for next Friday, April 21<sup>st</sup> in front of the Transportation Committee at 9:00.

David W. Little

Tax Collector/Deputy Treasurer

City of Bangor

[\(207\)992-4289](tel:(207)992-4289)

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**LD 1226.pdf**  
379K



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1226

S.P. 417

In Senate, March 30, 2017

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**An Act To Keep Maine's Transportation Infrastructure Safe by  
Providing More Sources of Revenue for the Highway Fund**

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Submitted by the Department of Transportation pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator COLLINS of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §501, sub-§1**, as amended by PL 2015, c. 206, §4, is further  
3 amended to read:

4 **1. Automobiles; pickup trucks.** The fee for an automobile, a pickup truck  
5 registered for 6,000 pounds or less or a sport utility vehicle used for the conveyance of  
6 passengers or interchangeably for passengers or property is \$35 except that the fee for a  
7 hybrid vehicle is \$250 and the fee for an electric vehicle is \$350. The fee for a pickup  
8 truck registered for more than 6,000 pounds but no more than 10,000 pounds is \$37.

9 As used in this subsection, "hybrid vehicle" means a motor vehicle that uses 2 or more  
10 distinct types of power for purposes of propulsion.

11 As used in this subsection, "electric vehicle" means a vehicle that uses one or more  
12 electric motors for propulsion.

13 An automobile or sport utility vehicle used for the conveyance of passengers or property  
14 is a "combination" vehicle and may be issued a special plate with the word "combination"  
15 instead of "Vacationland." A passenger vehicle used under contract with the State, a  
16 municipality or a school district to transport students must be designated as  
17 "combination." A vehicle owned or operated by parents or legal guardians is exempt  
18 from this subsection.

19 Commercial plates may not be issued for or displayed on an automobile.

20 A sport utility vehicle may be registered either as an automobile or a truck. A sport  
21 utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of  
22 10,000 pounds and used in the furtherance of a commercial enterprise must be registered  
23 as a truck according to its actual gross weight as provided in section 504.

24 The gross weight of a pickup truck registered as provided by this subsection may not  
25 exceed 10,000 pounds. An owner of a pickup truck who operates the pickup truck with a  
26 gross weight in excess of 10,000 pounds or the pickup truck drawing a semitrailer with a  
27 combined gross weight in excess of 10,000 pounds must register the truck as provided in  
28 section 504.

29 A combination of vehicles consisting of a motor vehicle and a camp trailer is not required  
30 to be registered for the gross weight of the combination.

31 Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the  
32 Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

33 **Sec. 2. 36 MRSA §1489**, as amended by PL 1985, c. 459, Pt. C, §12, is further  
34 amended to read:

35 **§1489. Crediting and apportionment of tax received**

36 **1. Municipal excise tax account.** In municipalities the treasurer shall credit money  
37 received from excise taxes to an excise tax account, ~~from which it may~~ and, except as  
38 provided in subsection 3, funds from that account must be appropriated by the

1 municipality ~~for any purpose for which a municipality may appropriate money for~~  
2 ~~maintenance or improvement of transportation infrastructure.~~

3 **3. Portion for Highway Fund.** The treasurer, in municipalities, and the Secretary of  
4 State or agents appointed by the Secretary of State with respect to the unorganized  
5 territory, shall deposit the excise tax collected pursuant to section 1484, subsection 3 on  
6 trucks or truck tractors that haul trailers and that are registered for more than 26,000  
7 pounds to the Highway Fund. If a treasurer in a municipality or the Secretary of State  
8 with respect to the unorganized territory fails to make the deposit required by this  
9 subsection, the Department of Transportation may withhold payments due a municipality  
10 or county pursuant to Title 23, section 1803-B.

### 11 SUMMARY

12 This bill identifies 3 revenue sources to increase funding to the Highway Fund for  
13 transportation infrastructure.

14 This bill:

15 1. Imposes an annual registration fee of \$250 on hybrid vehicles and \$350 on electric  
16 vehicles instead of the annual \$35 fee imposed on other passenger vehicles;

17 2. Requires municipalities to spend revenue they collect from excise taxes on  
18 transportation projects within their municipality; and

19 3. Diverts from municipalities to the Highway Fund the excise tax collected on  
20 trucks and truck tractors that haul trailers.