

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, June 2, 2014

6:00 p.m.

Hampden Town Office

1. Meeting Minutes
 - a. May 19, 2014
2. Review & Sign Warrants
3. Old Business
4. New Business
 - a. Proposed Council Compensation Ordinance Amendment – Councilor Sirois
 - b. Charter Review – Article IV Town Manager
5. Public Comment
6. Committee Member Comments

FINANCE & ADMINISTRATION COMMITTEE MEETING MINUTES

Monday, May 19, 2014

Attending:

Mayor Carol Duprey	Councilor Jean Lawlis
Councilor Greg Sirois	Councilor William Shakespeare
Councilor Ivan McPike	Residents
Councilor David Ryder	
Councilor Tom Brann	

The meeting was opened at 6 p.m. by Mayor Duprey.

1. Meeting Minutes
 - a. April 22, 2014 – The minutes of the 4/22/14 meeting were approved with no changes or corrections.
2. Review & Sign Warrants – The payment and payroll warrants were reviewed and signed.
3. Old Business
 - a. Historic Map Update – Councilor Brann reported that he had visited the University of Maine to get more information on the 1859 map that Councilor Shakespeare wishes to donate to the Town. According to Councilor Brann, the map was done by the State and distributed to all schools in each county region in the 1859 time frame. There are multiple copies in the area, but most are in much worse shape than the map proposed for donation by Councilor Shakespeare. The cost of a rehab and restoration of the map would be between \$15,000 and \$20,000. Since it is not a unique map, but does have some historical significance, the University recommended just having the map matted and framed for display. The cost of that option was previously investigated by the Town Manager and the estimate was \$1,000-\$1,500.
Motion by Councilor Brann, seconded by Councilor Lawlis to recommend to the full Council to matt and frame the 1859 map and to use up to \$1,500 in funds from Host Community Benefit to do so, but to repay that fund with donations received from the public. Vote 4-3. (Ryder, Sirois, McPike). Motion carried.
Councilor Lawlis reiterated that she would donate \$100 to the cost of the project and Mayor Duprey indicated that she would as well.
Councilor Lawlis volunteered to assist Councilor Shakespeare with fundraising for the project at the Hampden Business Association Dinner on Tuesday, May 20th.
4. New Business
 - a. Grant Application – Police Department – The Town Manager explained that in order for the Council to stay apprised of grant opportunities that departments wish to submit, the topic of each proposed application will be included on the Finance & Administration agendas so that

Councilors who have questions regarding grants can ask them earlier in the process.

- b. Route 1A Sidewalk Bid Results – The Town Manager explained that both bids received on the second bidding of the Route 1A sidewalk from Kennebec Road to Western Avenue exceeded the amount of funds available by a substantial amount. Due to this - the contract will not be awarded to either bidder.
 - c. Charter Review – Article III Administrative Officials and Employees – No suggestions were made for changes to this section by the Town Attorney after his review and no changes were suggested by the Committee for changes either. Councilor Brann pointed out that in order to know how well/poorly we were in compliance with the personnel provisions; the Council would need a copy of the current personnel ordinance. The Town Manager will provide that for the next Finance Committee meeting.
5. Public Comment – Resident Terry McAvoy asked a number of questions related to budgets concerning recreation, the pool, and the before/after school program. He was also told by Mayor Duprey that he would be allowed to ask questions at budget meetings, and not have to wait until just the budget public hearing in June.
 6. Committee Member Comments – None

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

4a

Town Council Compensation Ordinance

The Town of Hampden hereby ordains that the following amendments to the Town Council Compensation Ordinance be enacted

Deletions shown by ~~strikeout~~.
Additions shown by underlining.

Section 1. Pursuant to Sec. 203 of the Town Charter, the Hampden Town Council hereby determines that effective July 1, 2014 the annual salary of the chairman and councilors shall be as follows:

Chairman	\$35.00 <u>1.00</u> /meeting
Other Councilors	\$30.00 <u>1.00</u> /meeting

Section 2. For the purposes of this Ordinance, a meeting shall include all regular or special meetings of the Town Council, as well as the meetings of its committees. In order to be eligible for compensation for a meeting, the chairman or councilor must have been present at the meeting.

~~Section 3. Pursuant to Sec. 203 of the Town Charter, the foregoing increase in salary shall become effective as of the first regularly scheduled meeting in January 2006, said meeting being the commencement of the terms of councilors elected at the next regular election scheduled for November 8, 2005.~~

Section 3. This Ordinance shall apply retroactively to July 1, 2014.

4b

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MEMORANDUM

Date: May 29, 2014
To: Susan Lessard
From: Tom Russell
Re: Town Charter – Article IV (Town Manager)

BACKGROUND

Since 1939, there have been two mechanisms in Maine for a town to adopt the town manager form of government, by charter or pursuant to the enabling statute. Until the adoption of home rule in 1969, town charters had to be enacted via a Private and Special Act of the State Legislature, and approval thereof by the voters in a town referendum. Many towns that adopted the town manager form of government prior to 1969 took the easier approach by voting at a town meeting to adopt the statutory form of the town manager plan, rather than go to the Legislature for the enactment of a charter by a Private and Special Act. The town manager enabling statute is now codified at Title 30-A M.R.S. §§ 2631-2639. The Town of Hampden opted to create the Town Manager/Town Council form of government by exercising its home rule authority to adopt the Town Charter on January 17, 1972. Therefore, the Maine statutory provisions dealing with the town manager plan do not apply to the Town of Hampden, although the Town Charter does include provisions that are similar to the statutory provisions.

CONCLUSION

I have searched the pertinent Maine statutes, and I did not find any applicable provisions that conflict with the provisions of Article IV of the Town Charter.

particular department, office or agency may be discontinued or, unless specifically provided by this charter, assigned to any other.

Sec. 303 Merit Principle - All appointments and promotions of town officials and employees, subject to the direction and supervision of the manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Personnel Appeals Board

There shall be a personnel appeals board consisting of three members appointed by the town council from among the qualified voters of the town. The first appointments to this board shall be made in the following manner: One member for three years, one member for two years and one member for one year. All succeeding appointments shall be made for terms of three years.

Personnel Rules

The town manager, or the manager's appointee, shall prepare personnel rules. The town manager shall submit such rules to the council which council shall adopt by ordinance with or without amendment. These rules shall provide: *(Amended: November 6, 1990)*

- (a) The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (b) A pay plan for all town positions;
- (c) Methods for determining the merit and fitness of candidates for appointment or promotion, demonstration or dismissal;
- (d) The policies and procedures regulating reduction in force and removal of employees;
- (e) A retention and retirement plan for town employees;
- (f) The hours of work, attendance regulations and provisions for sick and vacation leave;
- (g) The policies and procedures governing persons holding provisional appointments;
- (h) The policies and procedures governing relationships with employee organizations;
- (i) Policies regarding in-service training program;
- (j) Grievance procedure, including procedures for the hearing of grievances by the personnel appeals board, which may render recommendations based on its findings to the town council with a copy to the town manager and to the aggrieved employee;
- (k) Other practices and procedures necessary to the administration of the town personnel system.

ARTICLE IV
TOWN MANAGER

Sec. 401 Town Manager; Qualifications - The town council shall appoint a town manager for a definite term and fix the amount of compensation. The manager shall be appointed on the basis of executive and administrative qualifications. The manager need not be a resident of the town or state at the time of

appointment but may reside outside the town while in office only with approval of the council. No councilor shall receive such appointment during the term for which that person shall have been elected, nor within one year after the expiration of that person's term, nor shall any member of the town council act in the capacity. (Amended: November 4, 1986, November 6, 1990)

Sec. 402 Removal - The council may remove the manager from office in accordance with the following procedures:

- (1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal, and may suspend the manager from duty which may be effective immediately for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within 10 days after receiving a copy of the resolution, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.
- (3) The council may adopt a final resolution of removal which may be made effective immediately, by affirmative vote of a majority of all its members at any time after 10 days from the date when a copy of the preliminary resolution was received by the manager, if the manager has not requested a public hearing, or at any time after the public hearing if the manager has requested one. (Amended: November 6, 1990)

Sec. 403 Powers and Duties of the Town Manager - The manager shall be the chief administrative official of the town. The manager shall be responsible to the town council for the administration of all town affairs placed in that person's charge by or under this charter. The manager shall have the following powers and duties:

- (1) *Administration.* The manager shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.
- (2) *Attend Council Meeting.* The manager shall attend council meetings, except when the manager's removal is being considered, and shall have the right to take in discussions but may not vote.
- (3) *Enforcement.* The manager shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager or by officials subject to the manager's direction and supervision, are faithfully executed.
- (4) *Annual Budget.* The manager shall prepare and submit the annual budget and capital program to the council.
- (5) *Report on Finances, Etc.* The manager shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
- (6) *Other Reports.* The manager shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to that person's direction and supervision.
- (7) *Advise and Make Recommendations to Council.* The manager shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as deemed desirable.

(8) *Administrative Code.* The manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the council, and the council may by ordinance adopt them with or without amendment.

(9) *Other Duties.* The manager shall perform such other duties as are specified in this charter or may be required by the council. (Amended: November 6, 1990)

Sec. 404 Absence of Town Manager - By letter filed with the town clerk the manager shall designate, subject to approval of the town council, a qualified town administrative official to exercise the powers and perform the duties of manager during any temporary absence or disability. During such absence or disability the council may revoke such designation at any time and appoint another official of the town to serve until the manager shall return or the disability shall cease. In the event of failure of the manager to make such designation, the council may by resolution appoint any administrative official of the town to perform the duties of the manager until the manager shall return or the disability shall cease. (Amended: November 6, 1990)

ARTICLE V TAX ADMINISTRATION

Sec. 501 Assessment Administration, Assessor - There shall be a single assessor appointed by the manager subject to the approval of the town council. The assessor shall perform all duties and responsibilities provided for assessors under general law. The salary, hours and working conditions shall be determined by the town manager, subject to the approval of the town council. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such practice is generally accepted and lawful. (Amended- June 8, 1986, November 6, 1990)

Sec. 502 Board of Assessment Review, Appointments; Vacancies - There shall be a Board of Assessment Review to consist of five members who will be appointed by the town council for a term of three years, except of those first appointed, one shall be for a term of two years and one for a term of one year. Two alternates serving staggered terms, shall also be appointed. Three (3) members will constitute a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the council for the unexpired term. (Amended: March 13, 1979)

Sec. 503 Board of Assessment Review Duties - The Board of Assessment Review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

ARTICLE VI ZONING BOARD OF APPEALS AND PLANNING BOARD

Sec. 601 Composition and Terms - There shall be a zoning board of appeals whose composition and term of office shall be in accordance with state law. Further reference is made to the Town of Hampden Zoning Ordinance. (Amended: June 2, 1982)

Sec. 602 Planning Board: Appointment

- (1) Appointment to the board shall be made by the municipal officers.
- (2) The board shall consist of seven members and two associate members.
- (3) The term of each member and associate member shall be five years.
- (4) Not more than one municipal officer may serve as a member or associate member. (Amended: June 2, 1982)