

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, July 16, 2012

5:30 p.m.

Hampden Town Office

1. Minutes – 6/18/2012
2. Review & Signature of Warrants
3. June 2012 Financial Statements
4. Interviews:
 - a. David Caliendo – Appeals Board Applicant
 - b. Chester Bigelow – Appeals Board Applicant
5. Old Business
 - a. Western Avenue Sidewalk – Matching Funds for Construction
 - b. Town Charter Review – Town Council Section
6. New Business
 - a. Contract Review – Police & Fire
 - b. Library – Use of Reserve Funds – Building Repair
7. Public Comment
8. Committee Member Comments

FINANCE & ADMINISTRATION COMMITTEE MEETING MINUTES

Monday, June 18, 2012

Attending:

| | |
|---------------------------|--------------------------|
| Mayor Janet Hughes | Councilor Andre Cushing |
| Councilor Jean Lawlis | Town Manager Sue Lessard |
| Councilor Shelby Wright | Ron Bailey, Resident |
| Councilor Tom Brann | |
| Councilor Jeremy Williams | |

1. Minutes – 6/4/2012 – The minutes of the 6/4/2012 meeting were reviewed and approved as written.
2. Review & Signature of Warrants – The warrants authorizing payments were reviewed, signed and approved by the Committee.
3. Old Business
 - a. Town Charter Review – Town Council Section -
This item was tabled until the next Finance & Administration Committee due to lack of time for discussion.
4. New Business
 - a. Multiviewer Purchase – Communications Committee Recommendation - Motion by Councilor Lawlis, seconded by Councilor Williams to recommend to the full Council that the Town purchase the multiviewer from NESCOM at a cost of \$750 to be funded from Municipal Building Reserve. Vote 5-0.
 - b. Portable Sound System Purchase – Communications Committee Recommendation – Motion by Councilor Williams, seconded by Councilor Lawlis to recommend to the full council the expenditure of up to \$1800 for the purchase of a portable sound system with wireless microphones, with the concurrence of the Communications Committee due to the increase in recommended expenditure from \$1500 to \$1800, to be funded as budgeted in 2011/2012 from Municipal Building Reserve. Vote 5-0.
 - c. Eaton Peabody – Professional Services Agreement re TIF Policy – Planning & Development Committee Recommendation Motion by Councilor Cushing, seconded by Councilor Wright to recommend to the full Council engaging the services of Eaton Peabody to develop a TIF policy at a cost not to exceed \$8500 to be funded from Host Community Benefits, and to include

three meetings with Planning & Development instead of two as shown in the proposal. Vote 6-0.

- d. Insurance Bid Quotes – Motion by Councilor Cushing, seconded by Councilor Wright to recommend to the full Council the acceptance of the insurance quote from Maine Municipal Association for \$45,607. Vote 6-0
- e. Request for Interest Abatement – Ron Bailey – Motion by Councilor Cushing, seconded by Councilor Wright to abate the interest amount of \$6.16 charged on unpaid taxes for Map 4 Lot 22A. Vote 6-0.

5. Public Comment - None

6. Committee Member Comments – None

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

4a



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: CALIENDO, DAVID A.
LAST FIRST MI

ADDRESS: 28 CANAAN ROAD, HAMPDEN, ME 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): SAME

TELEPHONE: (207) 862-3625 (207) 942-4626
HOME WORK

EMAIL: DAVID@BANGORREALESTATE.BIZ

OCCUPATION: REAL-ESTATE BROKER

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: BOARD OF APPEALS

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? 15+ years as a member of the board of Assessment Review; 10+ years on the Town of Hampden Planning Board. Licensed Real Estate Broker for 18 years. Completed the State of Maine Assessor's Training Courses. Citizen of Hampden since 1965. Property owner in Hampden since 1976.

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

- 3 YEAR
- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK
- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD
- 5 YEAR
- PLANNING BOARD

| | | |
|-----------------------------------|--|----------------------------------|
| FOR TOWN USE ONLY | | Date Application Received: _____ |
| COUNCIL COMMITTEE ACTION: _____ | DATE: _____ | |
| COUNCIL ACTION: _____ | DATE: _____ | |
| <input type="checkbox"/> NEW APPT | <input type="checkbox"/> REAPPOINTMENT | DATE APPOINTMENT EXPIRES: _____ |



Check One: Initial Application
 Reappointment Application

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TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Bigelow Chester C. III
LAST FIRST MI

ADDRESS: 38 Hopkins Rd. Hampden ME 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-355-5534 207-827-4456 Ext. 214
HOME WORK

EMAIL: chet.bigelow1@gmail.com

OCCUPATION: Env. Manager / Ecologist

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Appeals Board

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I have been involved in permitting and similar activities throughout my career. I am a former government Env. Regulator.

Are there any issues you feel this board or committee should address, or should continue to address? Not at this time

- 3 YEAR
- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK
- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD
- 5 YEAR
- PLANNING BOARD

| | | |
|-----------------------------------|--|----------------------------------|
| FOR TOWN USE ONLY | | Date Application Received: _____ |
| COUNCIL COMMITTEE ACTION: _____ | DATE: _____ | |
| COUNCIL ACTION: _____ | DATE: _____ | |
| <input type="checkbox"/> NEW APPT | <input type="checkbox"/> REAPPOINTMENT | DATE APPOINTMENT EXPIRES: _____ |

ARTICLE I
POWERS OF TOWN

Sec. 101 Powers of the Town - The town shall have all powers possible for a municipality to have under the Constitution and laws of Maine.

Sec. 102 Construction - The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this Article.

Sec. 103 Intergovernmental Relations - The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof.

ARTICLE II
TOWN COUNCIL

Sec. 201 Composition and Term of Office

(a) **Composition** - There shall be a town council of seven (7) members, four (4) of whom shall be district councilors and three (3) of whom shall be at large councilors.

(b) **Term of Office** - The term of office for councilors elected on or after the regular municipal election held in 2005 shall be three (3) years. Provided, however, that any councilor elected to fill a vacancy shall serve the unexpired term of that position. (Amended: November 2, 2004)

Sec. 202 Eligibility - Only registered voters who reside in the town shall be eligible to hold office as councilors at large. Only a registered voter and a resident of a district may be elected as councilor for the district. Any registered voter seeking office must be a resident of the town for at least one year. (Amended: June 8, 1982)

Sec. 203 Compensation - The Town Council may determine the annual salary of the chairman and councilors by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the terms of councilors elected at the next regular election. Salaries of councilors shall be paid on a quarterly basis for services performed in the preceding quarter. Councilors elected in a special election shall be paid on a pro rata basis for the time they shall actually serve. Initially annual salaries shall be twenty dollars (\$20.00) per meeting for each councilor and town counselor and twenty-five dollars (\$25.00) per meeting for council mayor. (Amended: June 8, 1982)

Sec. 204 Mayor and Deputy Mayor - At the first council meeting in January of each year the town's attorney shall, after the swearing of council members, preside over the town council's election of one of its members as mayor for the ensuing year. The mayor shall preside at the meetings of the council and may vote on all matters that come before the council. The mayor shall represent the interests of his/her constituency in all matters before the council. The mayor shall be recognized as the head of the town government for all ceremonial purposes and by the Governor for the purposes of military law, but shall have no regular administrative duties. A newly elected mayor's first official act shall be to preside over the council's election of one of its members as a deputy mayor for the ensuing year. The deputy mayor shall exercise all the powers of the mayor during the temporary absence or temporary disability of the mayor. The mayor and/or the deputy mayor may resign, with or without explanation and with or without the consent of the council, their respective positions at any time. Should the office of mayor become vacant at any time other than as prescribed above, the town's attorney shall, as the next order of council business preside over the election of a mayor. Should the deputy mayor become vacant, the mayor shall,

as the next order of council business preside over the election of a deputy mayor. (*Amended: November 5, 1985, November 6, 1990, Amended: November 6, 2007*)

Sec. 205 Powers and Duties - Except as otherwise provided by state statute or this charter, all powers of the town shall be vested in the town council, which shall be the general legislative body of the town. The town council shall be the municipal officers of the Town of Hampden.

Sec. 206 Prohibitions - Except where authorized by state statute no councilor shall hold any other town office or town employment during the term for which that person was elected to the town council. Neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officials or employees whom the manager or any subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the manager and neither the council nor any member, thereof shall give orders to any subordinates of the manager, either publicly or privately. (*Amended: November 6, 1990*)

Sec. 207 Vacancies; Forfeiture of Office; Filling of Vacancies

- (a) *Vacancies* - The office of councilor shall become vacant upon nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within 10 days after written demand by the council, forfeiture of office, or failure of the municipality to elect a person for the office. (*Amended: November 6, 1990*)
- (b) *Forfeiture of Office* - A councilor shall forfeit that person's office if that person (1) lacks at any time during that person's term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during that person's term, reasonably related to that person's ability to serve as councilor, or (4) fails to attend three (3) consecutive regular meetings or misses more than a maximum of six (6) regular meetings per year of the council without being excused by the council. (*Amended: November 5, 1985, November 6, 1990*)
- (c) *Filling of Vacancies* - If a seat on the town council becomes vacant more than 6 months prior to the next regular municipal election, the council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat on the council becomes vacant less than 6 months prior to the next regular municipal election, the council may call a special election. (*Amended: November 2, 2004*)

Sec. 208 Council to Judge Qualifications of Its Members - The town council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require productions of records, but the decision of the council in any such case shall be subject to review by the courts.

Sec. 209 Induction of Council Into Office - The town council shall meet at the usual time and place for holding meetings on the first regularly scheduled meeting in January and at said meeting councilors-elect shall be sworn to the faithful discharge of their duties by the town clerk or by the town counselor. For any person elected at a special election to fill a vacancy, the councilor-elect shall be sworn to the faithful discharge of the councilor-elect's duties by the town clerk or by the town counselor at the first regularly scheduled meeting of the town council after certification of the election results. (*Amended: June 8, 1982, November 6, 2007*)

Sec. 210 Investigations - The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may enact an ordinance providing

for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

Sec. 211 Procedure –

- (a) *Meetings* - The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of five (5) or more members by causing a notification to be given or left at the usual dwelling place of each council member. If practicable, such notice shall be given not less than twelve hours before the special meeting and shall be published in a paper having general circulation in the town. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership, town manager and to other persons the council votes to admit, any matter which would tend to defame or prejudice the character or reputation of any person, provided that the precise subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. The foregoing action shall be governed by state law, MRSA, Title 1, §405, as amended. Any citizen at the meeting shall have the opportunity to speak upon any subject before the council. *(Amended: June 8, 1982)*
- (b) *Rules and Journal* - The council shall determine its own rules.
- (c) *Secretary* - The town clerk shall act as secretary of the town council and shall keep a record of all council proceedings including all roll call votes. The Town Clerk or designee shall act as recording secretary at town council meetings. *(Amended: December 5, 1977)*
- (d) *Voting* - The ayes and nays of any vote taken by the town council shall be entered in the record of the proceedings of the council by the Town Clerk, or designee. Five members of the council shall constitute a quorum, but a smaller number may meet from time to time and may compel the attendance of absent members prescribed by the rules of the council. No action of the council shall be binding or valid unless adopted by the majority vote of those present. *(Amended: June 8, 1982, November 6, 2007)*
- (e) *Agenda* - Any subject may be placed on the agenda for a council meeting by a councilor, the town manager or at the request of any citizen. Any subject presented by a citizen must be received at the town office at least 5 calendar days prior to the council meeting. The agenda shall be prepared and posted in the town office at least one business day prior to a scheduled council meeting.

Sec. 212 Action Requiring an Ordinance - In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of council shall be by ordinance which:

- (1) Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money other than tax anticipation notes;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the town;

- (7) Amend or repeal any ordinance previously adopted;
- (8) Amend or establish town fees; and

Acts other than those referred to in the preceding sentence may be done by ordinance, by order or by resolution. (Amended: June 8, 1982)

Sec. 213 Ordinances In General

- (a) *Form* - Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Hampden hereby ordains...." Any ordinance which repeals or amends an existing ordinance or part of the Hampden Code shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.
- (b) *Procedure* - An ordinance may be submitted as an agenda item by any member of the council at any regular or special meeting. Copies of the proposed ordinance are to be included with the council packet. After council discussion, the proposed ordinance may be introduced as submitted or amended for public hearing. A reasonable number of copies of said ordinance shall be filed in the town clerk's office and such other public places as the council may designate, and a notice setting out the time and place for a public hearing on same shall be published. The public hearing shall follow the publications at least seven (7) days, may be held separately or in conjunction with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or may reject it; but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a new ordinance. As soon as practicable after adoption of any ordinance, the town clerk shall publish a notice of its adoption. (11) (Amended: June 8, 1982)
- (c) *Effective Date* - Except as otherwise provided in this charter every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date as specified therein.
- (d) *"Publish" Defined* - As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town; (1) the ordinance or a brief summary thereof, and (2) the place where copies of the complete text have been filed and the time when they are available for public inspection. (Amended: June 8, 1982)

Sec. 214 Emergency Ordinances - To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except where any emergency notes or renewals thereof are paid within twenty-four months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least all members present shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such

later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 215 Authentication and Recording; Codification; and Printing

- (a) *Authentication* - All ordinances and resolutions adopted by the council shall be authenticated by the signature of the secretary of the council and recorded in full by the town clerk in a properly indexed book kept for that purpose.
- (b) *Codification* - Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. Any codification ordinance may be published by title. This compilation shall be known as the Hampden Code. Copies of the code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.
- (c) *Printing of Ordinances and Resolutions* - The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Hampden Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

ARTICLE III
ADMINISTRATIVE OFFICIALS AND EMPLOYEES

Sec. 301 Titles and Appointment - The following officials and boards shall be appointed by a majority vote of the members of the town council: Town Manager, board of assessment review, planning board, board of appeals and other boards or officials when such appointment is required by state statute or municipal ordinance. The council may, where appropriate, and where not prohibited by law, vest in the town manager all or part of the duties of any office. *(Amended: November 6, 2007)*

The town manager shall appoint the town clerk, treasurer, tax collector, town assessor and department heads subject to the confirmation of the town council, and shall have the power to remove such appointees when necessary. The town manager shall appoint and remove when necessary all other administrative officials and town employees, except as the manager may authorize the head of a department or office and except as otherwise provided in this charter. *(Amended: November 6, 1990)*

Sec. 302 Creation of Department - The town council, by ordinance, may establish, change and abolish town departments, offices or agencies other than those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no functions assigned by this charter to a

7-11-12

For;
E. Dyer Library
269 Main Rd,
Hamden Me.

This estimate is to repair approximately 22 feet of Framing around the front corner under the back deck - Fire escape and new hand rail system, paint caulk
we estimate this work for \$1250.⁰⁰

Signed
R. Higgins