

## **FINANCE & ADMINISTRATION COMMITTEE MEETING**

Monday, August 17, 2015

**5:30 p.m.**

Hampden Town Office

1. Meeting with Candidates for Town Attorney
  - a. 5:30 – Charles Gilbert
  - b. 5:50 – Ed Bearor of Rudman & Winchell
  - c. 6:10 – John Pottle of Eaton Peabody
  
2. Meeting Minutes
  - a. August 3, 2015
  
3. Review & Sign Warrants
  
4. Old Business
  - a. Trackless Sidewalk Machine Replacement Proposal – Referral from Infrastructure Committee
  - b. Audio/Visual/Cable TV Equipment Upgrade – Referral from Services Committee
  - c. Draft Amendments to Council Rules
  
5. New Business
  - a. Request to use Library Reserve Funds for Air Conditioning Repair - \$986.48 – Referral from Infrastructure Committee
  - b. Request to use Garage/Transfer Station Reserve Funds for Beneficial Use Permit for Catch Basin Cleaning - \$3500 – Referral from Infrastructure Committee
  - c. Request to use Garage Modification Reserve Funds for Town Garage DEP Compliance Items - \$5,000 – Referral from Infrastructure Committee
  - d. Tax Anticipation Note
  
6. Public Comment
  
7. Committee Member Comments

## FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, August 3, 2015

### MINUTES

*Attending:*

*Mayor David Ryder  
Councilor Greg Sirois  
Councilor Carol Duprey  
Councilor Terry McAvoy  
Citizens*

*Councilor Bill Shakespeare  
Councilor Stephen Wilde  
Councilor Dennis Marble  
Town Clerk Denise Hodsdon*

*Mayor Ryder called the meeting to order at 6:00 p.m.*

**1. Meeting Minutes**

- a. July 20, 2015** – *Motion by Councilor McAvoy, seconded by Councilor Marble to approve the July 20, 2015 minutes. Unanimous vote in favor.*

**2. Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*

**3. Old Business**

- a. Draft Amendments to Council Rules** – *Committee members reviewed the amendments as previously proposed. Councilor Shakespeare felt that the language in the first sentence of Article #19 was repetitive and suggested striking the words "of the Council" after "Mayor". Councilor Shakespeare also questioned whether Article #26 Sanctions ought to include some provision that if a Councilor violates the Rules to a certain degree, then that Councilor will be automatically removed. Following discussion it was agreed that any provision regarding removal of a Councilor should not be included, but the Rules should contain some consequences for violation. It was the consensus of the Committee that the language as proposed be reviewed by Maine Municipal Association's legal department for an opinion as to whether the language should be more specific; whether anything is missing; what does censure mean and who does it; does it have to be by vote of a simple majority or a super majority?*

**4. New Business**

**a. Ambulance Bill Abatements – 2012-2013**

**1. 2012 - \$27,271.00**

**2. 2013 - \$35,849.27**

*These amounts have been billed on our behalf four times and the majority of the outstanding amounts are from those who did not have insurance or had insurance that did not cover ambulance costs. Motion by Councilor Marble, seconded by Councilor McAvoy to recommend to Council that ambulance bills for 2012 in the amount of \$27,271.00 and for 2013 in the amount of \$35,849.27 be abated. Unanimous vote in favor.*

**b. Personal Property Tax Abatements**

**1. Account 147 – Sunshine Laundry - \$922.10**

**2. Account 186 – Northeast Timber - \$5,980.11**

*Neither of these businesses are still in operation and the Town has no way to effect collection of the outstanding amounts. Motion by Councilor Duprey, seconded by Councilor Marble to recommend to Council to abate personal property taxes for Sunshine Laundry in the amount of \$922.10 and for Northeast Timber in the amount of \$5,980.11. Unanimous vote in favor.*

**5. Public Comment –** *Hampden Children's Day Committee member Tom Brann asked if a representative from the Council would be willing to serve as the announcer/commentator for the Children's Day parade. Mayor Ryder volunteered to do it.*

**6. Committee Member Comments –** *None.*

*There being no further business, the meeting was adjourned at 6:30 p.m.*

Denise Hodsdon  
Town Clerk



**TOWN OF HAMPDEN**  
**DEPARTMENT OF PUBLIC WORKS**

106 WESTERN AVE.  
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 23, 2015

To: Susan Lessard  
From: Sean Currier  
Subject: Trackless Sidewalk Machine

Last year, the Trackless sidewalk machine encountered a mechanical breakdown which requires a very substantial rebuild or a replacement of the existing machine.

I believe that a rebuild was budgeted in FY16 for the existing machine with HP Fairfield. The existing machine is a 2003 with substantial rust due to the harsh environment it encounters. When HP Fairfield rebuilds the machine engine, there could still be additional costs associated, if the hydraulic pump is not in proper working order, in the magnitude of \$6000-\$8000 range. The cost of the rebuild is currently estimated and budgeted at \$55,000.00. With the rebuild, we still will have a 12 year old machine. For an additional \$41,784.00 we could purchase a new machine that they currently have in stock. We currently have a need for a machine that we can sweep paved surfaces with. Due to the amount of sidewalks the town maintains and the importance of this machine, I would like to recommend the purchase of a new Trackless MT6 with local financing for the remaining balance above the \$55,000.00 already in the FY16 budget.

Thank you for your consideration.

Sincerely,

Sean Currier

# H. P. FAIRFIELD, LLC

QUOTE # 138394



"MUNICIPAL SPECIALISTS"

PHONE: 207-399-7949 FAX: 207-474-8526

<http://www.hpfairfield.com>

FROM:

Jason Curtis

9 Green Street

Skowhegan, ME 04976

QUOTED TO: Town Of Hampden  
Canaan Road  
Hampden, ME 04402  
ATTN: Shawn

DATE: May 13, 2015  
CUSTOMER PHONE: 207-862-3337  
CUSTOMER FAX: 207-862-3910

COMMENTS: Trackless machine refurbished and remanufactured engine

QTY	DESCRIPTION	PRICE	EXT. PRICE
1	TRACKLESS MT5T SERIAL #:2266 REFURBISH TO INCLUDE; ALL NEW WINDSHIELD, HYDRAULIC HOSES, BRAKE LINES, CENTER PINS AND BUSHINGS, OSCILLATING LINER, REAR PANELS, CABLES, RADIATOR, OIL COOLER, SEAT, INTERIOR PANEL, STEERING PINS AND BUSHINGS, HEATER HOSES, U JOINTS AND DRIVE LINE PARTS AS NEEDED, NEW SEALS IN 2 SPEED TRANSMISSION AND PTO GEARBOX, BRAKE COMPONENTS AS NEEDED, SET CLUTCH TENSION, CHECK HYDRAULIC PRESSURES, ALL FILTERS AND FLUIDS, CHECK HYDRASTATIC PRESSURE, CAB BODY WORK, NEW REAR PANELS, SANDBLAST REAR FRAME AND PAINT ENTIRE MACHINE	\$40,000.00	\$40,000.00
1	NEW REMANUFACTURED ENGINE INSTALLED	\$15,000.00	\$15,000.00

NOT COVERED: HYDRASTATIC PUMP REPLACEMENT, CLUTCH REPLACEMENT,

THIS IS AN ESTIMATE BASED ON OUR EXPERIENCE FROM PREVIOUS JOBS WE HAVE DONE FOR OURSELVES AND CUSTOMERS

SIGNED Jason Curtis

ACKNOWLEDGED

QUOTE TOTAL

\$55,000.00

**Serving New England for over 60 Years**

# H. P. FAIRFIELD, LLC

QUOTE # 138783



"MUNICIPAL SPECIALISTS"

PHONE: 207-474-9838 FAX: 207-474-6526

<http://www.hpfairfield.com>

FROM:

Dan Matchett

Po Box 188, Green Street

Skowhegan, ME 04876

QUOTED TO: Town Of Hampden  
108160 106 Western Avenue  
Hampden, ME 04444-1428  
ATTN: Shawn

DATE: July 8, 2015

CUSTOMER PHONE: 207-862-2357

CUSTOMER FAX: 207-862-5067

COMMENTS: Trackless MT6 (Stock Unit Serial # MT6-1917)

QTY	DESCRIPTION	PRICE	EXT. PRICE
1	** NEW TRACKLESS MT6 SIDEWALK TRACTOR. 4 WHEEL DRIVE NEW TIER 3 ENGINE, HYDROSTATIC DRIVE, FULLY ARTICULATING AND OSCILLATING MAIN FRAME DESIGN, 115 HP CUMMINS TURBO-CHARGED DIESEL ENGINE. ROPS CERTIFIED SAFETY CAB, FULL INSTRUMENTATION, BEAR AXLES WITH LIMITED SLIP, RADIAL TIRES, HYDRAULIC SYSTEM TO OPERATE ALL TRACTOR FUNCTIONS WITH JOYSTICK CAB CONTROLS, F/R ON JOYSTICK, BACKUP ALARM, A/C-HEATER- CAB PRESSURIZER WITH 8 STROBE PACK, CLARION AM/FM RADIO, AIR RIDE HIGH BACK SEAT, EXTRA PUMP FOR DEDICATED BROOM FLOW, REVERSING FAN, PREPPED AND DELIVERED	599,784.00	\$99,784.00

HAS THESE UPGRADES:  
EXTRA PUMP FOR DEDICATED HYDRAULICS TO BROOM, FNR THUMB SHIFTER FOR FORWARD AND REVERSE, SANDER MODE FOR GROUND SPEED EFFECT, A/C SYSTEM, RADIAL TIRES, REVERSING FAN FOR MOWER OPERATION

IN STOCK FOR IMMEDIATE DELIVERY

1	LESS TRADE OF 2003 MT5T - 2268 WITH ENGINE FAILURE	-\$3,000.00	-\$3,000.00
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\*\*\* ONE YEAR WARRANTY PARTS AND LABOR \*\*\*

SIGNED Dan Matchett

ACKNOWLEDGED

QUOTE TOTAL

\$96,784.00

**Serving New England for over 60 Years**

Worksheet

Client Name: Susan M. Lessard  
 Title: Town Manager  
 Company: Town of Hampden  
 Address 1: 106 Western Avenue  
 Address 2: Hampden, Maine  
 ZIP: 04444

Cable TV upgrade - Equipment Specifications

QTY	MFG	Model	Description	Unit Sell	Sell
<u>AUDIO</u>					
2	Shure	SCM810	Auto Mixer	\$1,260	\$2,520
6	Sound Tube	RS-4EZ-WH	Standard	\$104	\$624
1	Extron	60-850-01	200w 70v Amp	\$414	\$414
1	Extron	60-190-01	Rack Shelf	\$78	\$78
1	Radial	RAD-PROAV1	Passive 1 channel DI with stereo inputs	\$131	\$131
1	Crestron	DM-TX-201-C	DM Transmitter with HDMI, VGA and Audio	\$780	\$780
1	Crestron	DM-RMC-100-C	DM Reciever	\$780	\$780
1	FM Systems	ALM473	Automatic Level Master	\$620.00	\$620
1	FM Systems		400 SERIES STAND ALONE MOUNT	\$245.00	\$245
1	Fostex	SAM-400 RM-3	Audio Monitor	\$500	\$500
6	AC-RSEZ-HH-2	QTY TBD	20' hanging kit QTY TBD	\$47	\$282
1	TASCAM	TCM-SS-R200	Single-rackspace Solid State Recorder	\$550	\$550
2	Tecneq	8XLM-8XLF-100	8-Channel XLRf-XLRM Audio Snake 100ft	\$278	\$556
1	Tecneq	Misc TBD	Audio Cables I/O	\$240	\$240
1	Procurve	1920-16G	16 Port Data switch	\$300	\$300
1	RDL	STD-10K	Audio Combiner	\$75	\$75
<u>Audio Components Total</u>					<u>\$8,095</u>

VIDEO



1	Sony	MCS8M	Compact Audio Video Mixing Switcher	\$5,940	\$5,940
3	Panasonic	AW-HE60H	HD/SD pan/tilt/zoom camera	\$3,800	\$11,400
3	Vaddio	535-2000-223	Wall Mount for AW- HE60H camera	\$195	\$585
1	Panasonic	AW-RP50	Sub-compact remote camera controller	\$1,914	\$1,914
1	LG	32LS33A-5D	32" monitor w/ 200x200VESA	\$494	\$494
1	Dynex		19" LED 720	\$125	\$125
1	Ikegami	ULE-217	21.5 HD monitor w/ HD- SDI	\$824	\$824
1	JVC	SR-HD2500US	BLU-RAY DISC & HDD RECORDER w/HDSDI	\$3,570	\$3,570
1	AJA	FS1	HD/SD Frame Synchronizer UDC	\$3,146	\$3,146
1	DECIMATOR	MD-RDA	HD/SDI DA	\$300	\$300
1	AJA	Audio Breakout	25pin to XLR	\$120	\$120
1	AJA	MISC DA UDC	TBD Baeds on CAD Drawing	\$1,440	\$1,440
1	Extron	60-1324-02	SMP 351 3G-SDI - H.264 Streaming Media Processor with 3G-SDI Input	\$3,594	\$3,594

**Video Components Total \$33,452**

Labor	\$6,000
Programming	\$0
Cables and Connectors and Hardware	\$695
Freight Est.	\$700

**SYSTEM TOTAL \$49,542**

**OPTIONS**

QTY	MFG	Model	Description	Unit Sell	Sell
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Other items to Consider



**Memorandum**

TO: Town Council  
FROM: Denise Hodsdon, Town Clerk *dh*  
DATE: August 13, 2015  
RE: Town Council Rules

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Following the discussion at the August 3<sup>rd</sup> Finance & Administration Committee meeting relative to proposed language re sanctions for breach of Council Rules, I contacted the Legal Department at Maine Municipal Association for an opinion on that proposed language. Their response (copy attached) suggested that the language in the City of Biddeford's Council Rules offers a good example.

They also suggested that we do a Google search of "Maine city council rules" for other examples. I have done that search and was able to find several examples which had provisions for breach of the rules. I have included copies of those examples for your review.

In looking at all of the examples I found, there may be other items that the Council may wish to consider adding, such as deadline for submitting items to be included on the agenda; rules of decorum and order for Council members, employees and the public; and Council correspondence/email policy. If the Council wishes to consider any of these items in the future, I will keep the sample copies on file for your review at the appropriate time.



Denise Hodsdon <clerk@hampdenmaine.gov>

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## FW: Hampden - Legal Information Request - Town Council Rules

1 message

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**Legal Services Department** <Legal\_Services\_Department@memun.org>

Tue, Aug 11, 2015 at  
4:41 PM

To: "clerk@hampdenmaine.gov" <clerk@hampdenmaine.gov>

Dear Denise,

"Censure" is a formal expression of disapproval, usually strong disapproval. By itself, it carries no further penalty. However, if one Googles "Maine city council rules," one can find a number of council rules that authorize censure and also prohibit a censured member from voting or speaking until a satisfactory explanation or apology is given. I prefer this degree of specificity over the rather vague "other sanctions as deemed appropriate" language in your proposed rule. The City of Biddeford's Council Rules offer, in my opinion, a good example:

When any member shall be guilty of a breach of any of the rules and orders of the Council and the Council has determined that member has so transgressed, that member shall not be allowed to vote or speak, unless by way of explanation for the same, until that member has recognized his or her transgression before the presiding officer and the Council and immediately ceases the breach. Any member who continues to breach any rule or order of the Council after the Council has determined said breach shall be subject to censorship by vote of the Council, and shall not be recognized in any further action.

Denise, apart from the fact that "censorship" in the above-quoted excerpt should instead read "censure," I think this represents a fair and effective way of dealing with a serious breach of a council's rules.

I hope this advice is helpful. Please let me know if you have any further questions.

Best regards,

**Richard P. Flewelling, Assistant Director**  
**Legal Services Department**

**Maine Municipal Association**  
60 Community Drive, Augusta, ME 04330  
1-800-452-8786 (in-state)  
207-623-8428  
FAX 207-624-0187  
[legal@memun.org](mailto:legal@memun.org)

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**From:** Maine Municipal Association [mailto:webmail@memun.org]  
**Sent:** Tuesday, August 11, 2015 3:31 PM  
**To:** Legal Services Department  
**Subject:** Legal Information Request - Town Council Rules

**Legal Services - Web Member Inquiry - Denise Hodsdon - Hampden**

Municipality Hampden

Subject Town Council Rules

Full Name Denise Hodsdon

Title Town Clerk

Email Address clerk@hampdenmaine.gov

Telephone 207-862-3034

Fax Number: 207-862-5067

Address 106 Western Ave

City/ Town Hampden

Zip 04444

**Comments:**

The Council is in the process of reviewing/amending its Council Rules and they want to include a provision regarding sanctions for violation of the rules. The language presently proposed is as follows: "26. Sanctions – Council members who intentionally and repeatedly do not follow council rules may be reprimanded or formally censured by the Council. Serious infractions of Council Rules could lead to other sanctions as deemed appropriate by the Town Council." The Council has requested an opinion as to whether the language should be more specific; whether anything is missing; what does censure mean and who does it; does it have to be by vote of a simple majority or a super majority? We have attempted to find examples of such language from Council Rules of other communities but have not had much success. Thank you.

Inquiry ID: 21f06603-23e8-4576-a909-a9769ed4e848  
IP Address: 72.45.168.122

# Biddeford

obtains approval of the Council to speak on the same motion again. However, questions generated by discussing Council business or motions may be asked without limit.

[Amended 2-4-2014 by Ord. No. 2014.10]

- f. Every member who shall be present when a question is put shall give his or her vote, unless the Council shall excuse that member.
- g. No member shall be permitted to vote on any question in the City Council, nor in committee, whose private right, distinct from public interest, is immediately involved.
- \* h. When any member shall be guilty of a breach of any of the rules and orders of the Council and the Council has determined that member has so transgressed, that member shall not be allowed to vote or speak, unless by way of explanation for the same, until that member has recognized his or her transgression before the presiding officer and the Council and immediately ceases the breach. Any member who continues to breach any rule or order of the Council after the Council has determined said breach shall be subject to censorship by vote of the Council, and shall not be recognized in any further action.  
[Amended 2-4-2014 by Ord. No. 2014.10]
- i. (Reserved)<sup>[1]</sup>  
[1] *Editor's Note: Former Subsection i, which prohibited any member from leaving a Council meeting unless excused by the Chair, was repealed 2-4-2014 by Ord. No. 2014.10.*
- j. No member shall be permitted to vote on any question in the City Council, nor in committee, when that member is a member of any organization or entity which has an interest separate and distinct from the public interest and in opposition to the interest of the inhabitants of the City of Biddeford. In any circumstance when a member refuses to abstain from participating in any vote, when that member has a private right or a right separate and distinct from the public interest, the Council shall decide the qualification of that member to participate on that issue.
- k. The members of the Council shall refrain from interference with the daily administration of City business.
- l. No member shall begin to discuss a matter when no motion is pending, unless the chair authorizes a particular subject to be discussed while no motion is pending.
- m. Any member may place an item(s) on a City Council agenda, with said item(s) being submitted in writing to the City Clerk. Agenda items will be reviewed and approved by the Mayor and Council President.  
[Amended 2-4-2014 by Ord. No. 2014.10]
- n. The agenda for regular meetings of the City Council shall be prepared and available in the City Clerk's office to members by 4:00 p.m. on the Wednesday preceding the meeting. The City Clerk shall provide for delivery of any agendas after noon on the Friday preceding the meeting.  
[Amended 2-4-2014 by Ord. No. 2014.10]
- o. Each member, when sending an email correspondence from the City email system, shall include the following disclaimer:  
[Added 5-3-2011 by Ord. No. 2011.31]  
NOTICE: Under Maine's Freedom of Access (Right to Know) Law, documents, including emails, in the possession of public officials about City business are classified as public records. This means if anyone asks to see them, we are required to provide them. There are very few exceptions. We welcome citizens' comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and could show up in one of the local newspapers.
- p. Members are not permitted use any mobile device for making phone calls, text messaging, emailing or other outside communication while meetings are in progress, unless for emergency purposes.

## TOWN OF GRAY- COUNCIL RULES

5. Parliamentary procedure: If a question or situation arises that is not addressed in Council Rules, the Chairperson shall refer to *Robert's Rules of Order* to resolve the matter.

### SECTION 602.14 Additions to the agenda (Amended August 19, 2008)

Requests to add an item to a Council meeting agenda for consideration or action shall be forwarded to the Chair or the Town Manager, at least ten (10) days in advance of the meeting to allow for sufficient time to amend the agenda for public notice. Nothing herein shall prohibit the Council from voting to suspend these Council Rules pursuant to Section 602.13.A.4.d to add an agenda item with less than ten (10) days notice.

### SECTION 602.15 - Breach of Council Rules or Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, he/she may, on motion passed by the rest of the Council, be required to take satisfaction therefore and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.

### SECTION 602.16 to SECTION 602.19 - (Reserved)

## II. COMMITTEES

### SECTION 602.20 - Council Committees (Amended August 19, 2008, July 3, 2012)

At the commencement of the municipal year, or as soon thereafter as possible, there shall be chosen the following standing committees, each committee to consist of such members as the Town Council may designate and be subject to the rules listed below, except that the Recreation and Conservation Committee may have residents of New Gloucester as well as Gray. The Town Council may also appoint such special committees as it deems necessary from time to time and may depart from the rules listed below as appropriate for the mission of any such special committee.

### SECTION 602.21 - Choosing Committees (Amended August 19, 2008, July 3, 2012)

The members of the Council to serve on the standing committees listed below, or any special committee established by the Council, shall be chosen by the Council by a majority vote, and the Chairperson of the Council shall be ex-officio member of such standing committee.

### SECTION 602.22 - Council Appointments (Amended June 17, 2008)

At the first Council meeting in August, or as soon thereafter as possible, the Town Council shall make appointments to Town Committees. Committee memberships shall end on August 31<sup>st</sup> of the designated year. The following rules and regulations shall apply to Town Committee appointments:

People considered for appointments to Committees must be of legal age and be a resident of the Town of Gray and must submit an application. It shall be the policy of the Council that no more than one (1) member of an immediate family shall serve on the same committee at the same time. No member of the Town staff shall serve as a voting member of a Town Committee.

Any Town Councilor appointed to or as Liaison to a Town Committee, standing or special, shall serve in a non-voting Ex-Officio capacity. The Town Councilor shall have the right to speak, ask questions and participate in deliberations of the committee.

### SECTION 602.23 - (Reserved)

### SECTION 602.24 - Town Committees (Amended June 5, 2007, Effective June 30, 2007)

All Committees shall be responsible for keeping the Town Council informed of Committee activity. Meeting agendas/minutes/highlights should be forwarded to the Town Manager for distribution to the Town Council and posting on

## Town of Hermon

that are not formally advertised public hearings, the Chairperson or a majority of the Town Council may limit the total time of public comments to 15 (fifteen) minutes per agenda item. This time may be extended by a majority of the Town Council. The Chairperson may decline to recognize any person who has already spoken on the same agenda item. Once the council has begun its deliberations on an item, no person shall be permitted to address the council on such item.

- B. Persons wishing to address the council on an issue or concern local in nature **not** appearing on the agenda may do so during the consideration of Public items and/or after the disposition of all items appearing on the agenda.

Issues raised during the non-agenda item comment period may be immediately responded to with brief answers by the Chairperson or by the Town Manager when directed by the Chairperson. After each comment period, the Chairperson will indicate that each person who did not receive an immediate response will receive a follow-up response and/or updated at the next Council Meeting. Copies of responses will be provided to all Town Council members.

- C. All presentations to the Council are recommended to be 15 (fifteen) minutes.

- D. Participants or speakers are asked to refrain from reiterating points already made by themselves or another speaker.

- E. Public members attending Town Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council. Any person making personal, impertinent, derogatory, or slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Town Council for the duration of the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chair, who may direct an officer of the law to remove such offenders from the premises. Aggravated cases shall be prosecuted on appropriate Council Working Rules complaint signed by the Chair. In case the Chair shall fail to act, **any** member of the Town Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Town Council shall require the Chair to act.

### **SECTION 13 BREACH OF THE RULES OR ORDERS**

When any member breaches the rules or orders of the Council, he/she may, on motion, be requested to provide a satisfactory explanation for such behavior.

### **SECTION 14 VOTING BY THE COUNCIL**

The Town Council shall act only by ordinance, order or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the document.

table, or to postpone or to refer to a committee or some administrative official, or to amend.

**SECTION 18.**

Upon the motion for the previous question being made and seconded, the Chairman shall put the question in the following form: "*Shall the main question be suspended until the motion for the previous question shall be decided.*" After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question.

**SECTION 19.**

No debate shall be allowed on a motion for the previous question. Neither is it susceptible to amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Chair or not.

**SECTION 20.**

When a member is about to speak, he shall respectfully address the Chairman and confine himself to the question under debate, and avoid personalities and indecorous language. Councilors desiring to question the administrative staff shall address his/her question to the Town Manager who shall be entitled to either answer the inquiry or designate a member of the staff for that purpose. All members of the Council shall accord the utmost courtesy to each other, town employees and to the public and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, *abusive comments, and statement as to motives and personalities.* **Members shall be removed from the meeting for failure to comply with decisions of the Council Chair or for continued violations of the rules of the Council.** If the Council Chair fails to act, any member may move to require the Council Chair to enforce the rules and an affirmative vote of a majority of the Council shall require the Council Chair to act.

\*

Town employees and members of the public attending Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to the members of the Council.

**SECTION 21.**

**No member speaking shall be interrupted by another, but by a call to order to correct a mistake.**

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*\*Inability to conduct public business shall include personnel matters.*

\*These Rules have been amended on March 15, 1982, April 11, 1988, March 10, 1989, March 18, 1991, March 19, 1992, November 13, 1995, November 13, 2000, November 10, 2008, November 8, 2010 and December 8, 2014.

Council, except that as an emergency measure the Council may take action at any Regular or Special Council meeting.

- g. Actions approved by Standing Committees shall be forwarded to the full Council. as affirmative motion without need of a second.

#### THE PRESIDING OFFICER

8. **Presiding Officer:** The President of the Council, or in absence of, the President Pro tempore shall take the duties at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall then be taken by the City Clerk, who shall enter in the minutes of the meeting the names of the members present.
9. **President pro tempore:** In case of the absence of the President, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present the Council may select a President pro tempore from among its number and who shall exercise all the powers of the President. (Art. 2, Sec. 4, City Charter).
10. **Council Privileges:** The President may move, second, declare by unanimous consent, subject to the following limitations. As it is the function of the Council President to preserve order and provide a fair hearing, the President shall reserve the right to speak first and last on any subject before the Council. If the President wants to actively participate in the debate in any other manner, the President should stand down and call another member to take the role of President with the unanimous consent of the other members of the Council. The Council President should not resume the Presidents role until the pending question is disposed of.
11. **Decorum and Order:** The President shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Council.
  - a. During Council meetings, councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the presiding officer or the rules of the Council. Every councilor desiring to speak shall address the President and, upon recognition by the President, shall confine their self to the question under debate and shall avoid all personalities and indecorous language. Every councilor desiring to question the administrative staff shall address the question to the City Manager who shall be entitled either to answer the inquiries or to designate some member of the staff for that purpose. A councilor once recognized, shall not be interrupted while speaking unless called to order by the President, unless a Point of Order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a councilor is called to order while speaking, the Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Councilor

shall be permitted to proceed. If ruled to be not in order, the Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Council. All members of the Council shall accord the utmost courtesy to each other, to City employees and to public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statement as to motives and personalities.

\* Members shall be removed from the meeting for failure to comply with decisions of the presiding officer or for continued violations of the rules of the Council. If the President fails to act, any member may move to require the President to enforce the rules and the affirmative vote of a majority of the Council shall require the presiding officer to act.

- b. Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Manager also shall be responsible for the orderly conduct and decorum of all City employees under the Manager's direction and control. The City Manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by City employees in Council meetings. Any staff member or City Manager desiring to address the Council or members of the public shall be recognized by the President, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. No staff member, other than staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the President.
- c. Public members attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if a police officer is so directed by the President. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the President, who shall direct a police officer to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the President. In case the President shall fail to act, any member of the Council may move to require the President to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.
- d. Any public member desiring to address the Council shall be recognized by the President, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any

Same as  
Lincoln

# Scarborough

**200.7: Disclosure Statement by Town Councilors.** Every Town Councilor shall file with the Town Clerk within thirty (30) days after the effective date of this Section, and during the month of April during each calendar year thereafter, a written statement under oath containing the following information, to the best of his/her knowledge and belief:

**200.7.a:** The name of each person or business doing business with the Town in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year from which such Councilor, or a member of his/her immediate family, has received money or other thing of value in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year, including campaign contributions.

**200.7.b:** For purposes of this Code, a list prepared by the Finance Officer of those persons or businesses doing business with the Town in amount in excess of one thousand dollars (\$1,000.00) for the preceding calendar year shall be determinative for purposes of reporting under this section.

**200.7.c:** Income from, and financial investments in, policies of insurance, and deposits and accounts from commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

**200.8: Political Activities.** No Town Councilor shall participate in any political activity which would be in conflict or incompatible with the performance of his/ her official functions and duties for the Town. In conjunction therewith:

**200.8.a:** No Town Councilor may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. No Town Councilor may distribute pamphlets or handbills while he/she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Town Councilor from participating in the political process in their capacity as private citizens.

**200.9: Penalties.** In addition to any other penalties or remedies as may be provided by law, violation of this Code shall constitute cause for censure, after notice and hearing conducted in private by the Town Council or if otherwise requested in writing by the Councilor to conduct the hearing in public session. A majority of the Scarborough Town Council shall conduct such proceedings.

**200.10: Separability.** If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Code.

## **201.0: Appointments To Town Committees/Boards.**

Appointments to town committee/boards must go through a two-meeting process. Name(s) of individual(s) will be posted at one Council meeting and approved at the next Council meeting. Current members will serve until a replacement is named by the Appointments Committee and certified by the Council. The term for new appointees will be for one year unless otherwise determined by the Town Council. [amended 09/04/02; amended 04/01/15]

Code of Ethics  
incorporated in  
Rules

## **DRAFT OF PROPOSED AMENDMENTS TO COUNCIL RULES 7/23/2015**

Deletions are ~~Strikethrough~~

Additions are Double Underlined

### **HAMPDEN TOWN COUNCIL RULES**

**Introduction & Statement of Purpose** - Public Service, even at the local level, can be challenging. As elected officials' sphere of influence and relationship with citizens ebbs and flows according to issues and policy topics, it is sometimes challenging for said officials to be even-handed and broad minded in the sense of the whole community. This is why government service at all levels is guided by core values and ethical standards. In keeping with that idea, the following defines the way in which Hampden elected officials shall approach the matters that come before them:

#### **A Simple Three Way Test**

Is it the truth?

Is it fair to all concerned?

Will it be beneficial for the Town?

#### **The Hampden Councilor...**

Will not act out of spite, bias, or favoritism

Will contribute to a climate of mutual trust and respect

Has the courage of his/her convictions

Never forgets that he/she is working for the people – all of the people

Will understand and demonstrate the elements of teams and teamwork

Will clearly define roles and relationships

Will establish and abide by a Council-staff partnership

And will allocate Council time and energy appropriately.

1. The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy.
2. In all motions of command, the form of expression shall be 'ordered' and in all motions concerning principles, facts, or purposes, the form shall be 'resolved'.
3. The name of the Council member or other person, persons, or group requesting an item on the agenda will be indicated on the agenda with the said item.
4. As a matter of courtesy, conduct for all Council and Committee meetings shall be as follows:

- a. Cell phones shall be silenced during Council & Committee meetings by Town Councilors, staff, and the general public.
  - b. Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings.
  - c. Cell phone use, texting, and email may be done during breaks in regular or special Council meetings or committee meetings.
5. Town Councilors shall participate in Freedom of Information Act training within 120 days of being sworn in as a Town Councilor and documentation of that training shall be filed with the Town Clerk.
6. Town Councilors shall participate in Elected Officials training offered by the Maine Municipal Association within the first year of office.
7. A New Councilor orientation packet shall be provided to all Councilors at the time they are sworn in.
- ~~8. Excused absences for Councilors for Council meetings may be granted as the result of illness, vacation, work commitments, or family illness.~~
9. The Mayor shall take the chair at the appointed time for the meeting, call the members to order, and proceed to the following order of business:  
*(Amended 1/21/2014; 4/7/2014; 5/19/14)*
  - A. Pledge of Allegiance
  - B. Consent Agenda
    1. Signatures – Treasurer’s Warrants, etc
    2. Secretary’s Report
    3. Communications
    4. Reports
  - C. Public Comments
  - D. Policy Agenda
    1. News, Presentations & Awards
    2. Public Hearings
    3. Nominations-Appointments – Elections
    4. Unfinished Business
    5. New Business
  - E. Committee Reports
  - F. Manager’s Report
  - G. Councilor Comments
  - H. Adjournment
10. In the absence of the Mayor, the Deputy Mayor shall preside over the Town Council meeting. In the absence of the Deputy Mayor, the Mayor shall appoint, in advance, another Councilor to chair the meeting.
11. When a question is under debate, the Mayor shall receive no motion but to adjourn, or for the previous question, to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official or to amend, or to postpone indefinitely; which several motions shall have precedence in order in which they stand arranged.
12. When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and

when a motion of reconsideration is decided, that vote shall not be reconsidered.

13. When any member is about to speak, they shall respectfully address the Mayor, confine themselves to the question under debate, and avoid personalities. No member speaking shall be interrupted by another but by a call to order, or to correct a mistake.
14. Every member present, when a question is put, shall give their vote, unless the Council, for special reasons, shall excuse them. Application to be so excused must be made before debate on the issue and the decision on the application shall be made by a majority vote of the council without debate.
15. The rules cannot be dispensed with or suspended if one or more members of the council shall object. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.
16. Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedure:
  - a. Persons wishing to address the Council on an item which appears on the agenda shall wait until the Mayor announces the consideration of such item, at which time they may address the Council on that particular item. There shall be a five minute limit on such comments per person, per item. In the event that a large number of persons wish to speak on an issue, this limit may be changed to insure that all who wish to speak have the opportunity to do so. Once public comment on an item has closed and a motion and second has been made by members of the Town Council, further public comment is only allowed if approved by a unanimous vote of the Town Council.
  - b. Any person wishing to address the Council on an item not appearing on the agenda shall be allowed to do so only in that section of the agenda referred to as "Public Comments". There shall be a five minute limit on such comments per person per subject raised. Items heard during Public Comment may be agendaed for a subsequent meeting or referred to a Committee or staff member for discussion/action. No votes may be taken by the Council on a subject raised during Public Comment without a vote by the Council to set aside the rules and add it to the regular agenda for consideration.
  - c. Any person wishing to address the Council shall signify their desire by raising their hand and, when recognized by the Mayor, such person shall thereupon request permission to address the Council, giving their name and address the name of the road on which they live and then

designating the subject matter on which they desire to address the Council.

17. At the commencement of the Calendar year, or as soon thereafter as possible, there shall be chosen the following Committees, each Committee to consist of three (3) or four (4) members of the Council as the Mayor may designate, or, upon a motion, the Council may ballot.
  - a. Finance & Administration – The purpose of this committee shall be to review all items related to their fiscal impact on the Town as well as all matters that pertain to items of administrative procedures. This committee will also have the responsibility for the review and signature of all payment warrants.
  - b. Services Committee – The purpose of this committee shall be to review all matters related to services provided by the Town related to recreation, parks, trails, the library, the pool, communications and other items related to non-emergency or public works services provided in the community
  - c. Infrastructure – The purpose of this Committee shall be to review all matters pertaining to public infrastructure including buildings, roads, and all town capital equipment.
  - d. Planning & Development – The purpose of this Committee shall be to review all matters related to all ordinances of the Town and all proposals for economic & community development.
  - ~~e. Communications – The purpose of this Committee shall be to review all matters related to the Town Website, Town Newsletter, Town Cable Channel 7, and other town sponsored communication activities.~~
18. Committee procedure shall be governed as follows:
  - a. All Committees will be required to post an agenda at least 48 hours prior to the meeting and no issue may be voted on unless it is agendaed.
  - b. It shall be the responsibility of the Committee Chair to discuss the development of the meeting agenda with the assigned staff person at least 24 hours before the meeting is required to be posted.
  - c. The assigned staff member shall prepare and post the agenda.
  - d. Draft minutes of each meeting will be prepared by the staff member supporting the committee within three business days.
  - e. Committee meeting minutes shall be posted on the Town website following their voted approval by the Committee.
  - f. Non-committee Council members attending a Committee meeting will have voting rights if they have been present for the entire discussion of an issue, providing that at least two of the three appointed members of the committee are present.
  - g. Two appointed members of the Committee shall constitute a quorum

- h. ~~The Mayor shall serve as an ex-officio member of all committees with the exception of Finance & Administration, and shall serve as a member and Chairperson of that Committee. The Mayor, when serving as an ex-officio member, shall not count as an appointed member for the purpose of establishing a quorum at all other Committee meetings a member of all Committees for quorum purposes.~~
19. ~~The Mayor of the Council may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Council. No Committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.~~
20. In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.
21. The first and third Mondays of each month are designated as 'regular' council meetings with the provision that a unanimous vote of the council would cancel a meeting. Whenever a regular meeting falls on a legal holiday, such meeting will take place the following day.
22. Special meetings of the Town Council may be scheduled for other dates for special purposes. The agendas for such meetings shall be posted at the Post Office, Town Office, Town Bulletin Board, on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held). The agenda for a Special Meeting shall be prepared as follows;
- A. Call to order
  - B. Subject(s) for meeting
  - C. Adjourn
- The general public shall be allowed to comment on subjects at Special meetings in the same manner as for Regular Council meetings. There shall be no general Public Comment section for items not contained on the agenda for Special Council meetings.
23. Any item on the consent agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the consent agenda.
24. Council Meetings shall not extend beyond 10 p.m. without an affirmative vote of the Town Council.
25. The Councilor Comment section of the agenda is reserved for the purpose of enabling any Council member to discuss matters not previously mentioned on the agenda. No official Council action can be taken at this time.

26. Sanctions – Council members who intentionally and repeatedly do not follow council rules may be reprimanded or formally censured by the Council. Serious infractions of Council Rules could lead to other sanctions as deemed appropriate by the Town Council.

This policy replaces the Council Rules last updated February 19, 2008.

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Adopted by Town Council: May 21, 2012

Amended: January 21, 2014  
April 17, 2014  
May 19, 2014

5a

Penobscot Temperature Controls, Inc.  
 54 Nadine's Way  
 Hampden, ME-04444

Date	Invoice #
8/3/2015	4451

Bill To
Edythe L. Dyer Community Library 269 Main Road North Hampden, ME 04444

Phone: (207) 945-9350  
 Fax: (207) 945-9353  
 E-mail: pentemp@myfairpoint.net

Project Name		Ordered By	P.O.#	Location	
Blower motor		Debbie		Rooftop	
Qty	Item	Description		Unit Price	Amount
4	Labor	Lower rooftop blower motor replacement. Install new motor into existing blower housing. Reinstall blower assy back in to HVAC unit. A/C start up and test out.		58.00	232.00
	Motor , Fan	Trane # MOT 12283		395.60	395.60
	Shipping			35.00	35.00
Thank you for your business.				Subtotal	\$662.60

<b>Balance Due</b>	\$662.60
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Terms	NET 30 Days
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Penobscot Temperature Controls, Inc.  
 54 Nadine's Way  
 Hampden, ME-04444

Date	Invoice #
7/10/2015	4423

Bill To
Edythe L. Dyer Community Library 269 Main Road North Hampden, ME 04444

Phone: (207) 945-9350  
 Fax: (207) 945-9353  
 E-mail: pentemp@myfairpoint.net

Project Name		Ordered By	P.O.#	Location	
A/C Service		Same		Rooftop	
Qty	Item	Description		Unit Price	Amount
4.5	Labor	Dana, Terry; A/C service for the two rooftop HVAC systems. Changed air filters. Cleaned cooling coils and drain line traps. Cycled and test out the upper rooftop unit. Found the lower rooftop unit has a failed inside blower motor. Removed failed unit and checked with supply for a replacement.		58.00	261.00
1	Truck charge			18.00	18.00
4	FME 20X30X2" Pleated ...			11.22	44.88
Thank you for your business.				Subtotal	\$323.88

<b>Balance Due</b>	<b>\$323.88</b>
<b>Terms</b>	<b>NET 30 Days</b>



**TOWN OF HAMPDEN**  
**DEPARTMENT OF PUBLIC WORKS**

106 WESTERN AVE.  
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 24, 2015

To: Susan Lessard  
From: Sean Currier  
Subject: Beneficial Use Permit for Public Works Department

With storm water regulations and maintenance activities on the rise, the Public Works Department is trying to become proactive to cut costs associated with treatment, operation and maintenance of our infrastructure.

I have recently solicited budget estimates from three (3) contractors to provide maintenance of our catch basins to meet applicable regulatory requirements in our MS4 permit. The Public Works Department would like to apply for a Beneficial Use Permit, in order to dispose of the material removed from catch basins, at the Municipal Garage, prior to a contractor being solicited. This would eliminate the need to pay for trucking and disposal costs to Juniper Ridge Landfill. The material is essentially sand and gravel washed in to the catch basins by rain and run-off. This material can be monitored and reused for items such as road shoulders, construction trench backfill, sanding and more. The cost to hire a contractor with a specialized vacuum truck to remove grit from basins is approximately \$200/hr. The Town would be paying almost \$400 per trip (or for every 10 yds) for trucking and approximately \$75/ton of material disposed of at Juniper Ridge Landfill. I would like to request the funds be allocated from the Solid Waste/Municipal Garage reserve account in the amount of \$3500.00 to secure this permit. The permit could pay for itself with reduced disposal and trucking costs within two years of services.

Thank you for your consideration.

Sincerely,

Sean Currier



**TOWN OF HAMPDEN**  
**DEPARTMENT OF PUBLIC WORKS**

106 WESTERN AVE.  
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 24, 2015

To: Susan Lessard  
From: Sean Currier  
Subject: Garage Modifications 3-778-00

The Municipal Garage is in need of some spill containment and flammables storage upgrades in order to be compliant with current regulations. I would like to request the allocation of funds in the amount (not to exceed) \$5000.00 from the Garage Modification reserve account to get the garage in to compliance. Some items include (but are not limited to):

- 2-3 flammables storage cabinets for gas cans, spray paint, lubricants etc.
- spill containment for (2) 40 gallon oil drums
- spill containment for 135 gallon diesel generator fuel tank
- spill containment for 5 gallon buckets of various oils, hydraulic fluids etc.
- new 55 gallon drum funnel for used motor oil

Thank you for your consideration.

Sincerely,

Sean Currier