

FINANCE & ADMINISTRATION COMMITTEE MEETING

Tuesday February 21st, 2017

6:30 p.m.

Hampden Town Office

1. Meeting Minutes – February 6th, 2017 *[To be tabled]*
2. Review & Sign Warrants
3. Old Business
4. New Business
 - a. Recommendation to Town Council regarding appointment of Thomas Dorrity to the Board of Assessment Review
 - b. Hampden Business Park – Renewal of Authorization to Sell agreement, including Business Park lot pricing, with Epstein Commercial Real Estate
 - c. Request for authorization to sell the 2006 Sterling SL8500 dump truck and Council direction for the method of sale
 - d. Request for authorization for the expenditure of \$435.76 out of Municipal Building Reserve funds for the purpose of paying Penobscot Temperature Controls for boiler repair
 - e. Announcement of vacancy on RSU-22 Board of Directors due to resignation of Jason Sharpe, and review of Council procedure for filling RSU Board of Director vacancies pursuant to 20-A M.R.S.A. § 1254(3) and 1474(3)
5. Public Comment
6. Committee Member Comments
7. Adjournment



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: DORRITY THOMAS P
LAST FIRST MI
ADDRESS: 46 COTTAGE STREET HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: HOME: 207-944-3892 WORK: 207-974-2241

EMAIL: THOMAS.DORRITY@TD.COM // TDORRITY@GMAIL.COM

OCCUPATION: COMMERCIAL CREDIT ANALYST, TD BANK

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: PLANNING BOARD - alternate

SECOND CHOICE (OPTIONAL): BOARD OF ASSESSMENT REVIEW

How would your experience, education and/or occupation be a benefit to this board or committee?: I held a Maine Real Estate Sales Agents and Associate Broker license from 2006 through 2008. I currently work in the Commercial Credit department of TD Bank, providing financial analysis to loans, industries, and customers in TD's portfolio. I have built a strong foundation in financial risk assessment along with industry risk analysis. I have a bachelor's in business from UMO and previously worked at IBM in Slovakia where I lived for four years.

Are there any issues you feel this board or committee should address, or should continue to address?: At this time, no. I recently moved back to the Hampden area and want to become more involved in the community. I feel that joining the planning board and board of assessment review will allow me to use some of my skills while helping the community and identifying other areas of interest in public service.

- | | | |
|--------------------------------|---------------|---------------------------------|
| CONSERVATION COMMITTEE | <u>3 YEAR</u> | DYER LIBRARY |
| BOARD OF ASSESSMENT REVIEW | | RECREATION COMMITTEE |
| PERSONNEL APPEALS BOARD | | BOARD OF APPEALS |
| LURA HOIT MEMORIAL POOL | | HISTORIC PRESERVATION COMMITTEE |
| ECONOMIC DEVELOPMENT COMMITTEE | | TREE BOARD |
| FRIENDS OF DOROTHEA DIX PARK | | |

5 YEAR
PLANNING BOARD

JAN 10 2017

FOR TOWN USE ONLY		Date Application Received: _____
COUNCIL COMMITTEE ACTION: <u>P + D - 1/1/17 - referred to council</u>	DATE: <u>1/1/17</u>	
COUNCIL ACTION: _____	DATE: <u>2/21/17</u>	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



6 State St, P.O. Box 2444
Bangor, ME 04401
Phone: (207) 945-6222
Fax: (207) 945-5824
results@epsteincommercial.com
www.epsteincommercial.com

EXCLUSIVE AUTHORIZATION TO SELL

This Agreement is entered into this 7 day of February 2017, by and between Epstein Commercial Real Estate of 6 State Street, P.O. Box 2444, Bangor, Maine 04402-2444, hereinafter called Broker; and Town of Hampden, 106 Western Ave, Hampden, Maine hereinafter called Owner.

In consideration of Broker's efforts to procure a sale for Owner's real estate located on Map 10, Lots; 2,4,6,8,9,10,17,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37 in the Town of Hampden tax assessor's office and recorded in the Penobscot registry of deeds Book 7832, Page 2732, plans 2014-60 & 2014-61.

Owner hereby grants to Epstein Commercial Real Estate the exclusive authorization to sell the above-mentioned real estate at the following price:

Lot #	List price	Lot #	List Price
2	\$75,000	25	\$68,500
4	\$200,000	26	\$88,900
6	\$90,000	27	\$73,700
8	\$95,000	28	\$109,200
9	\$95,000	29	\$87,400
10	\$175,000	30	\$102,200
17	\$98,300	31	\$124,100
19	\$75,800	32	\$91,200
20	\$74,100	33	\$160,400
21	\$88,600	34	\$213,800
22	\$121,500	35	\$155,400
23	\$71,200	36	\$109,000
24	\$171,300	37	\$131,000

or at any sale price which is acceptable to Owner. This exclusive authorization shall begin on _____ and expire on _____.

Broker shall have the exclusive right to sell said property within the time period above and shall be entitled to a commission fee of eight percent (8%) of the sale price. This commission fee shall be paid at the time of each closing. This commission fee shall be due Broker in the event of a sale produced by Broker, Owner, or any other person or entity; all inquiries shall be referred to Broker.

Should the Owner sell, transfer, convey, lease, exchange or dispose of any portion of said property within six months after the termination of this Agreement to any person, corporation, or

entity which the Broker has introduced to the property, and whose name has been furnished to Owner in writing by the Broker during the time period of this Agreement, then in such a case the above commission shall become due and payable to the Broker.

By this Agreement it is understood that Broker is employed and is representing only Owner unless otherwise agreed to in writing. It is further understood that Broker's entitlement to the above commission fee occurs when Broker, Owner, or any other entity finds a purchaser who is ready, willing and able to purchase, and actually purchases, the said above described real estate on the terms herein setout, or on any other terms acceptable to the Owner.

Any dispute or claim arising out of or relating to this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the expiration of this Agreement.

Agency and Owner each agree that this property is to be offered to any person without regard to race, color, religion, national origin, sex, age or handicap.

SPECIAL CONDITIONS:

- 1. A "For Sale" sign may be placed on the property. Yes No
- 2. Broker may advertise the property. Yes No

BUYER'S AGENCY:

This Agency's policy is to cooperate with other agencies acting as Buyer's agents, unless such other brokerage agencies have a general policy which effectively inhibits or precludes the cooperation and sharing of compensation with other brokerage agencies. This Agency's policy is to share compensation with Buyer's agents.

The undersigned jointly and severally agree to accept telefacsimile copies of the documents which have been sent by either party to the other, or to any other party or agent to this transaction, as original documents.

DATE:

OWNER:

DATE:

BROKER:
EPSTEIN COMMERCIAL REAL ESTATE



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

February 9, 2017

To: Angus Jennings
From: Sean Currier
Subject: Existing Plow Truck #17

The Public Works Department purchased a dual axel dump truck in 2016 to replace the aging unit #17. Unit #17 is a 2006 Sterling SL8500 dump truck which was believed to be in good enough shape to use as a back-up plow truck when another inevitably broke down. After getting a mechanic on board in fall 2016 and getting some time to reassess the condition of the truck, it is now recommended that the best thing to do is sell this vehicle. The intent of retaining the vehicle at the time #44 was purchased was good but based on the more thorough review we're now able to perform in-house I do not see value in keeping the vehicle.

It is believed this vehicle is worth approximately \$15,000 which is over the \$5,000 threshold (described in Hampden Town Council Bid Procedure Guidelines, #5, attached). The typical process is to solicit a bid for the sale of the equipment and select the highest bidder.

Alternatively, we have secured an opportunity to park the vehicle at Freightliner, where we purchased the new vehicle, and have them sell it for us for a 10% fee. If we proceed in this manner we will also advertise the vehicle with other equipment dealers at the same time. This is certainly the best time of year to sell the truck while the bid process would take us very close to spring.

If the Council is willing to waive the bid process for the sale of the truck, Public Works will draft an agreement with Freightliner and park the vehicle there for sale and post with other equipment dealers. If the vehicle does not sell in the near future, it will be combined with the next bid for new equipment as a trade in.

It is my understanding that past practice has been that the proceeds of any sale would be placed back into the DPW Equipment Reserve account (3-717-00).

Thank you for considering this matter.

Sean Currier

HAMPDEN TOWN COUNCIL BID PROCEDURE GUIDELINES

1. Department heads may purchase items at their discretion. Any item in the excess of seven hundred fifty dollars (\$750) must be purchased with a purchase order. This purchase order is to be made out by the department head with a copy sent to the Town Manager within twenty-four (24) hours.
2. Purchases less than ten thousand dollars (\$10,000) may be handled by the Town Manager. The Town Manager shall handle purchases under a quotation system. Under this system prices are solicited by the Town Manager and the item or service is purchased from the supplier that the Town Manager recommends. There is no formal bid advertisement however, and no official sealed bid opening when a quotation is requested.
3. Purchase or construction in excess of ten thousand dollars (\$10,000) will be put out for bids with advertisement and an official bid opening by the Town Clerk at the Town Office. The advertisement will specify the date and the hour of the public opening. After opening of all bids, they will be turned over to the appropriate Council committee for review and said committee will report their recommendation to the full Town Council at the next regularly scheduled Council meeting. A majority vote of the Councilors present is required to accept a bid. The Town Council reserves the right to accept or reject any or all bids.
4. When unusual circumstances exist, purchases exceeding ten thousand dollars (\$10,000) may be negotiated by use of the quotation system as provided in the above Article #2 subject to the approval of the Town Council. "Unusual circumstances" include but are not confined to limited availability of the product or service within the area such as blacktop, tar, asphalt, salt, calcium chloride and short term rental of equipment.
5. In the event the Town or Department wishes to dispose of town-owned equipment with a value exceeding five thousand dollars (\$5,000) the Town Council will advertise for bids. Said advertisement shall state an official bid opening by the Town Clerk at the Town Office, specifying the date and hour of the public opening of same. After opening of all bids, they will be turned over to the appropriate Council committee for review and said committee will report their recommendation to the full Council at the next regularly scheduled Council meeting. A majority vote of the Councilors present is required to accept a bid. The Town Council reserves the right to accept or reject any or all bids. For town-owned equipment with a value of less than five thousand dollars (\$5,000), the Town Manager shall handle such sales under a quotation system. Under this system, values are solicited by the Town Manager and the item is sold to the buyer that the Town Manager recommends. There is no formal bid advertisement however, and no official sealed bid opening when a quotation is requested.

Revised 5/21/1979
Revised 5/7/1984
Revised 12/17/1990

Revised 9/18/2000
Revised 6/15/2009

Penobscot Temperature Controls, Inc.
54 Nadine's Way
Hampden, ME 04444 US
(207) 945-9350
pentemp@myfairpoint.net



BILL TO
Town of Hampden
106 Western Avenue
Hampden, ME 04444

INVOICE 5255

DATE 02/01/2017 TERMS NET 30 Days

DUE DATE 03/03/2017

ORDERED BY
Rosemary

LOCATION
Boiler Room

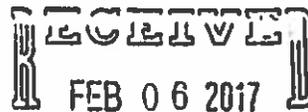
ITEM	DESCRIPTION	QTY	UNIT PRICE	AMOUNT
Labor	1-9-17; Building seems cool, tested problem. Found boiler # 1 down due to a failed oil valve and oil pump. Checked supply's, picked up and replaced oil valve, oil pump, and pump coupling. Boiler start up and test out. Tested Boiler # 3 , was down as well. Fixed heating pump wire connections. Cycled and test out.	3.50	60.00	210.00
Truck charge		1	18.00	18.00
Oil pump, Suntec	B2YA-8916	1	193.58	193.58
Oil valve Wheel		1	5.38	5.38
Oil pump coupling		1	8.80	8.80

TOTAL DUE \$435.76

Acct. No. _____

DEPARTMENT HEAD SIGNATURE

DATE _____



BY:.....

Thank-you for your business!!!!

Current Account Status

G 3-702-00 RESERVE ACCT / MUNIC BLD

-15,521.93 = Beg Bal
0.00 = Adjust

-17,584.28 = YTD Net
0.00 = YTD Enc

-33,106.21 = Balance

Per	Jrnl	Check	Date	Vendor-----	Description-----	RCB / Type	Debits	Credits
08	0151	1818	08/24/16	00392 P D Q DOOR C	BUILDING MATERIAL	R AP	1,000.00	0.00
09	0222	1825	09/14/16	00141 E.J.PRESCOTT	BLDG DRAINAGE SUPPLIES	R AP	840.72	0.00
10	0298		10/06/16		10/06/2016 C/R	R CR	0.00	20,000.00
11	0393	1834	11/16/16	00392 P D Q DOOR C	COUNTER SHUTTER DOOR	R AP	129.00	0.00
11	0393	1834	11/16/16	00392 P D Q DOOR C	HPD GARAGE DOOR MOTOR	R AP	158.00	0.00
11	0424	1837	11/23/16	00271 LAWSON'S LOC	LEVERSET	R AP	288.00	0.00
Totals-							2,415.72	20,000.00

Monthly Summary

Month	--Regular Entries--		--Balance Entries--	
	Debits	Credits	Debits	Credits
August	1,000.00	0.00	0.00	0.00
September	840.72	0.00	0.00	0.00
October	0.00	20,000.00	0.00	0.00
November	575.00	0.00	0.00	0.00
Totals	2,415.72	20,000.00	0.00	0.00

of those municipal officers may then resign the office of assessor without resigning the office of selectman, and the position of assessor may then be filled by appointment made by the municipal officers. 30-A M.R.S.A. § 2526(5)(C) and (5)(G). If, for example a town failed at an election to fill all three seats on a board of assessors, the two people who were elected as assessors would not serve. Instead, the board of selectmen would become the board of assessors. It is important to be aware of this statute when electing assessors so that special effort can be made to fill all vacant seats.

Municipal School Committee

An interim vacancy in the office of *municipal school committee* member (we are not discussing here an RSU, SAD or CSD Board of Directors vacancy) gets unique treatment. Such a vacancy can only be filled as provided in 20-A M.R.S.A. § 2305(4). Section 2305 describes the circumstances under which a vacancy in the office of school board member "shall be declared" and provides that such a vacancy may be filled by appointment by the remaining members of the school committee within 30 days, and that the term of any appointee shall expire at the next annual meeting. If the remaining members fail to appoint a successor, the vacancy may be filled by election at a town meeting called for the purpose. The person elected to fill the vacancy serves for the entire remaining term, which may be for a year or two beyond the next annual meeting. Municipal officers should monitor the status of school board vacancies to see whether the board timely makes successor appointments.

RSU and SAD Board of Directors

RSU and SAD Board of Director vacancies are to be filled by appointment by the municipal officers of an interim director, who is to serve until the next annual municipal election and until a successor is elected and qualified. 20-A M.R.S.A. § 1254(3) and 1474(3). When municipal officers are notified by an SAD or RSU of a vacancy, and appoint an interim director, they should remember that the interim director does not serve out the entire remaining balance of the multi-year term where that term expires a year or two later, but only until the first annual meeting occurring after the interim director is appointed. The municipal officers should therefore include the position on the annual meeting warrant, and ensure that the clerk makes nomination papers available for that position.

CSD Boards

Statutes governing filling vacancies on CSD Boards are more complicated. See 20-A M.R.S.A. § 1653 and/or consult local counsel or MMA Legal Services staff. Note, too, that a Private and Special Act of the Legislature may have created some CSDs, and that such Acts may have provisions governing vacancies.

for the recount of ballots in case of doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter. Qualified voter shall mean any person qualified and registered to vote under law. (Amended: June 2, 1982, November 5, 2013)

Sec. 802 Officials Nominated and Elected At Large

- (a) **Councilors at Large.** The full names and street addresses of all candidates nominated for councilor at large, except those who have withdrawn, died, or become ineligible shall be printed on the official ballots under a heading reading: "Nominees for Councilor at Large". (Amended: November 6, 1990, November 5, 2013)
- (b) **District Councilors.** The full names and street addresses of all candidates nominated for district councilor, except those who have withdrawn, died, or become ineligible, shall be printed only on the official ballots under the separate heading reading: "Nominees for District Councilor".

Sec. 803 Nomination Paper for Specimen Ballot

- (a) Nomination Paper will be provided upon request from town office.
- (b) Specimen ballot will be provided upon request from town office.

Sec. 804 Ordering Candidate Surnames - When two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in the order determined by lot. The municipal clerk shall determine, by lot, the order that said candidates' names shall appear on the ballot, provided the proceedings shall be public and the candidates shall be given an opportunity to be present.

Sec. 805 Election Provisions - Provisions of Title 21-A of the Maine Revised Statutes relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply. (Amended: November 5, 2013)

Sec. 806 Nomination - Any Hampden voter may be nominated for the town council in accordance with the provisions of the Charter and of the laws of the State of Maine. A candidate for district councilor must obtain the names of not less than 10, nor more than 25, Hampden voters, who must reside in the candidate's district. At large candidates must obtain the names of not less than 25, nor more than 35, Hampden voters, who may reside any place in the town. (Amended: November 2, 2004)

- (a) The signatures to a nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper and that the circulator believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to that person's signature the date of signing and the street address where that person resides. (Amended: November 6, 1990)

The regular election to choose members of the town council, School Administrative District 22, and the Water Board, shall be held on the Tuesday following the first Monday of November. (Amended: June 2, 1982)

- (b) **Filing and Acceptance of Nomination Petitions.** All separate papers comprising a nominating petition for district councilor shall be assembled and filed with the municipal clerk as one

