

HAMPDEN TOWN COUNCIL SERVICES COMMITTEE

MONDAY, JUNE 11, 2012

6 P.M.

HAMPDEN MUNICIPAL BUILDING

A G E N D A

1. Minutes of 4/9/2012
2. Old Business
 - A. Outdoor Facilities Ordinance – referral from Council
 - B. Outdoor Facilities Ordinance Licensing Agreement – maintenance of open space lots in subdivisions
 - C. Subcommittee updates
Friends of Dorothea Dix Park
 - D. Gold Dredging In Souadabscook Stream – Update
3. New Business
 - A. Appointments: (Applications included – New Applicants Invited)
 1. Sarah McVeigh – Lura Hoit Pool – New Applicant
 2. David Barrett – Edythe Dyer Library – Reappointment
 3. Joshua Sargent – Lura Hoit Pool – New Applicant
 4. Victoria Levesque – Lura Hoit Pool – New Applicant
 5. Mike Jellison – Lura Hoit Pool – New Applicant
4. Public Comment
5. Committee Member Comments

Task Items:

1. Dorothea Dix Park harvesting & trails
2. Papermill Road Park Planning
3. HA Reuse
4. Pocket Parks
5. Rules for accepting land – fee in lieu
6. Open space plan
7. Parks Department
8. Sports Fields
9. Marina Area – Waterfront park
10. GIS/IT support

24 pages
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Minutes
Hampden Town Council
Services Committee
April 09, 2012 Meeting

**Minutes
Hampden Town Council
Services Committee
April 09, 2012**

The meeting of the Hampden Town Council Services Committee was called to order at 6:00p.m. on Monday, April 09, 2012, at the Hampden Municipal Building by Chairperson Jean Lawlis.

Gretchen Heldmann, GIS/IT Specialist
Darcey Peakall, Pool Director
Jim Wilson, Woodard & Curran
Devon Carter, Woodard & Curran
Kurt Mathies, Recreation Director
Councilor Jean Lawlis, Chair
Meghan Ballard
Councilor Thomas Brann

Councilor Shelby Wright
Councilor Kristen Hornbrook
Mayor Janet Hughes
Susan Lessard, Town Manager
Clare Cole
Tim Hanson & friend

**Note: Items may have been discussed in a different order to accommodate guest or staff schedules. Unless otherwise noted, there was no objection to addressing the items in a different order than stated on the agenda.

1. Approval of Minutes

Minutes from March approved with no objections.

2. Old Business

A. Outdoor Facilities Ordinance

Councilor Wright motion to send the ordinance to the Council as drafted for review & send to public hearing. Councilor Brann 2nd. All in favor. Outdoor Facilities Rules and Regulations - Councilor Brann motion to send to Council as drafted for review & approval. Councilor Wright 2nd. All in favor. The Outdoor Facilities Ordinance and accompanying Rules/Regs document is meant to replace the Dorothea Dix Park Ordinance and the Papermill Road Rec Area Ordinance. The OFO License Agreement document will be a separate item for discussion on the next Services agenda. Kurt will email the state recreation listserv to see who else out there may be doing a similar type of license agreement.

B. Subcommittee Updates

FoDDix – There will be a park clean-up day on April 22 from 1-4pm. The 4H Club and Scouts are involved. The group has done enough advertising so does not plan to advertise any more but will take whoever comes over to help. The group will work on raking out debris and smoothing out ground stumps, hauling brush and fallen branches, etc. The fountain will be installed as soon as the park opens and the shed is delivered (it is built). The group plans to look at the vegetative management plan at the 4/25 meeting and the only recommendation expected they will make is regarding the large pines in the back of the park, to remove fewer of those than what is currently recommended.

C. Western Ave. Rec. Area playground equipment update – Kurt

Recreation Director recommends playground Design Option 2 for a cost of \$20,922.00, and recommends it be paid out of the Recreation Clearing Account. Balance in Recreation Clearing Account is \$70,931. The playground equipment recommended comes with a 100yr warranty and matches what is already out there, and has more play stations available than option 1. Only two bids were received, although three other companies took out specs. Councilor Hornbrook was opposed, because option 2 is slightly more expensive than option 1, until she learned the RCA is from user fees and not general tax dollars. Meghan, the UMaine student intern who did the work to put this project out to bid, etc will make a presentation at the next Council meeting and be available to answer questions. Councilor Brann motion to recommend going with Design Option 2 for \$20,992.00 as recommended by the Rec. Dept., and recommend paying for out of Recreation Clearing Account, to be sent to Finance Cmte and Council. Mayor Hughes 2nd. All in favor.

D. Portapotty Situation at Western Ave. Rec. Area update – Kurt

The town currently pays a discounted deal rate of \$100/month for a handicap accessible portapotty, which is \$1200/year. The normal rate, should we lose the discount deal for some reason, would be \$160/month or \$1920/year. Over a 30 year period, that is a cost of \$36,000 to \$57,600 if rates stay the same at either the \$100/mo or \$160/mo. Other options include more long-term holding tank toilet stations much like those seen in national or state parks. The buildings are long-lasting, see attached design options. This information is very preliminary, should the town choose to pursue this route, more bids would be collected. A toilet station such as this should also be considered for Dorothea Dix Park. There was some discussion on how to pay for such a thing and whether it was appropriate to come out of the Recreation Clearing Account – which is meant for organized sports recreation and not parks – could work for the one at the Western Ave Rec Area but not necessarily Dorothea Dix Park.

E. Pool Naming Rights – Darcey

Darcey presented the pool naming rights document (attached). There has been no interest shown yet from companies. It was recommended the concept be brought to the Hampden Business Association as a start, maybe tie to Children’s Day? Darcey and Kurt will talk later. Councilor Wright asked if a “dial for dollars” campaign had been done? Darcey responded that it would be difficult to do, since they just did a mailer which did bring in quite a bit of money, and she would not want to double-ask anyone. Councilor Brann motion to send the naming rights fundraiser concept to the Council for approval. Councilor Wright 2nd. All in favor.

F. Pool Air Handler – Darcey

In order to swap out the parts during the planned August pool shut-down period, they need 8-12 weeks ahead of time to order parts. This means parts need to be ordered by May, which is before the budget is set. The current system is 8-10,000 CFM, and the proposal from Mechanical Services has a unit that moves 6,000 CFM. You have a copy of the memo Darcey handed out from Woodard & Curran, which has more detail. Councilor Brann motion to go with the system proposed by Mechanical Services, send to Finance Cmte for review. Mayor Hughes 2nd. Four in favor, Councilor Hornbrook opposed. Councilor Brann motion to go with the system proposed by Mechanical Services, send to Finance Cmte for review. Mayor Hughes 2nd. Four in favor, Councilor Hornbrook opposed.

G. Community Garden Update – Clare Cole

Curt Keller no longer wants to be affiliated with the town and will instead be partnering with the Congregational Church. Clare has retracted the proposal she had submitted at the March meeting. Clare is looking at a few raised beds on a town lot, and doing a program in conjunction with the town Recreation Dept. She has looked at town lots at the town office, pool, business park, and it was suggested she look at lots off Ruth/Lindsey Ave. She wondered if a survey might be helpful, to see if residents are interested in either an adult or children’s square foot gardening type of program. Clare is going to hold off on pursuing her idea (originally brought to this committee over a year ago) until Curt has his program off the ground.

3. New Business

A. Little League Softball Field Work Request – Kurt

See attached email. The group would most likely request 50% of the total cost to be covered by the town, and they would cover the rest and do all the work. Mayor Hughes has bricks to donate. Kurt recommends paying for out of the Recreation Clearing Account. Councilor Wright motion to spend up to \$2,150 out of the Recreation Clearing Account, second by Councilor Brann. All in favor.

B. Gold Dredging in Souadabscook Stream – Tim Hanson

Tim Hanson would like to dredge for gold in the Souadabscook Stream at the Papermill Road Park, and is seeking town (landowner) permission to do so. Tim has a dredge that has a vacuum on one end to suck up the stream bottom, it sends the material through a series of sluice boxes, and then shoots the filtered material out the other end of the dredge device. The committee questioned if they even had authority to authorize such a use in a waterway, and recommended that the Dept. of Inland Fisheries and Wildlife and Army Corps of Engineers be contacted. Councilor Brann recommended that this would most likely fall under the purview of the town Conservation Commission due to the use of natural resources. There was discussion on how this relates to salmon habitat and the town’s authority to regulate alewives in the stream. Tim had some information from LURC, but it does not apply here to organized towns. He said there was no know history of gold in the stream, but there had been a lot of silver mining in the area. The committee stated they would do some further research, asked Tim to do some further research, and come back to the May meeting.

C. GeoLibrary Board orthophotography update proposal – new imagery for Hampden? – Gretchen

Gretchen presented the GeoLibrary Board’s orthophotography update proposal (available: http://www.maine.gov/geolib/workgrps/geo_data/orthoimagery_sub_gp/Orthoimagery%20Subcommittee%20Report%20Final%20.pdf) The proposal calls for updating imagery state-wide on a cyclical basis, with the cost being shared in a one-third each split between federal, state, and county in order to provide a base imagery product for all areas of the state (two foot resolution for most urban organized towns). Municipalities would have the option to “buy-up” to a higher resolution product or add infrared imagery. Gretchen explained that in April 2006 the Town of Hampden paid over \$38,000 for half-foot resolution color imagery. Participation in a program such as this would give the town the same imagery for a fraction of the cost. Companies such as Google and Microsoft tend not to fly imagery in Maine because there is no national market demand for a such a product – most imagery seen in Google Earth was in fact harvested from other sources. For example, the GeoLibrary Board got a state bond in 2003 and used part of it to leverage a large federal grant match in order to fly the first state-wide set of color imagery. That imagery is often what is seen in Google Earth, in addition to federal imagery they harvest from the National Agricultural Imagery Program. Updated imagery is important for a variety of reasons, including tracking development changes over time, saving money by creating datasets from the imagery vs. field time to collect the same data – impervious cover for the town’s stormwater permit is an example. Gretchen stated that the reason she is presenting this topic now, is to keep it in mind during the budget process this year and next, because Hampden would be included in the flight in year 2014. Committee members recommended Gretchen present the concept also at the Planning & Development Committee.

4. Public Comment

None.

5. Committee Member Comments

Short discussion on farmer's market – there was a group of folks that showed up at the beginning of the meeting expecting to discuss a farmer's market, but no one (staff nor Councilors) seemed to have been made aware ahead of time, so it was not an agenda item. They were encouraged to stay anyway and present their idea so they could receive feedback and/or guidance, but no votes would be able to be taken, since the item was posted ahead of time for public notice requirements. The group chose to take some contact information, do some more research, and return at another time.

The next meeting is May 14, 2012 at 6:00pm

The meeting was adjourned at 8:08pm.

Respectfully submitted,

Gretchen Heldmann
GIS/IT Specialist

FARRELL, ROSENBLATT & RUSSELL

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April 5, 2012

To: Services Committee
From: Tom Russell
Re: (1) Outdoor Facilities Ordinance and Rules
(2) Draft License Agreement

Gretchen forwarded the draft Ordinance and Rules for my review. I am sending you copies of those documents with my proposed revisions.

In addition, Gretchen requested that I draft a proposed License Agreement to allow private parties to provide care and maintenance of Town parks and open spaces. I am also sending you a copy of that draft Agreement. I tried to keep it pretty basic, but with provisions to protect the Town. Although the Agreement calls for the Licensee to defend, indemnify and hold the Town and its officials, employees or agents harmless from any and all claims, you should realize that the obligation is only as good as the Licensee's ability to make good on the obligation. We could consider the requirement of insurance, but I'm not sure that insurance would be available to a Licensee.

It is my understanding that the Committee is meeting on April 9th and that Gretchen is at a training seminar today, so I am sending these materials to you directly.

LICENSE AGREEMENT

This License Agreement is entered into by and between the TOWN OF HAMPDEN, MAINE ("TOWN") and _____ ("LICENSEE") as of the ____ day of _____, 20 ____.

RECITALS

- A. TOWN owns a parcel of land that is a dedicated open space or park, said land being depicted on Tax Map _____, as Lot _____, and being described in a deed recorded in the Penobscot County Registry of Deeds in Book _____, Page _____ (the "PROPERTY").
B. LICENSEE has offered to maintain the PROPERTY at no cost to the TOWN.

LICENSE

- 1. TOWN hereby grants LICENSEE a non-exclusive license to undertake the following activities on the PROPERTY: _____
2. LICENSEE acknowledges and agrees that TOWN has made no representation as to the condition of the PROPERTY, and LICENSEE hereby expressly waives any and all claims for any and all damages to persons or property sustained by reason of any defect, deficiency or condition of the PROPERTY. LICENSEE acknowledges and agrees that TOWN is under no obligation to take any actions with respect to the PROPERTY. All actions of LICENSEE shall be at LICENSEE's sole expense and risk.
3. TOWN shall retain the authority, without any obligation to exercise the same, to inspect the PROPERTY and to evaluate the activities of LICENSEE.
4. LICENSEE agrees to perform the authorized activities in a good and worker-like manner, and so as not to endanger any person who may enter onto the PROPERTY. In the event that LICENSEE's activities cause damage to the PROPERTY, LICENSEE shall be obligated to restore the PROPERTY to the

greatest practicable extent. LICENSEE shall not undertake any activities or action that would interfere with the rights of the public to use the PROPERTY.

- 5. LICENSEE shall not cut down any trees without prior approval from the TOWN.
- 6. LICENSEE shall not make any alterations to the PROPERTY without prior approval from the TOWN.
- 7. The parties acknowledge and agree that this License Agreement does not create a property interest in LICENSEE, and that TOWN has the absolute discretion to revoke the License at any time. TOWN shall provide LICENSEE with written notice of any revocation.
- 8. The term of this License shall be for one year from the date of this Agreement.
- 9. LICENSEE shall comply with all applicable laws and ordinances.
- 10. LICENSEE shall not assign this Agreement.
- 11. LICENSEE agrees to defend, indemnify and save and hold harmless TOWN and all of its officers, officials, employees and agents from any and all claims for losses, injuries, damages and liabilities to persons or property occasioned in whole or in part by the acts or omissions of LICENSEE or anyone acting under LICENSEE's authority under this License Agreement.

IN WITNESS WHEREOF, the parties have duly executed this License Agreement as of the date first above stated.

TOWN OF HAMPDEN

Witness

By: _____
Printed Name: _____
Title: _____
Date of Signature: _____

Witness

Printed Name: _____
LICENSEE
Date of Signature: _____

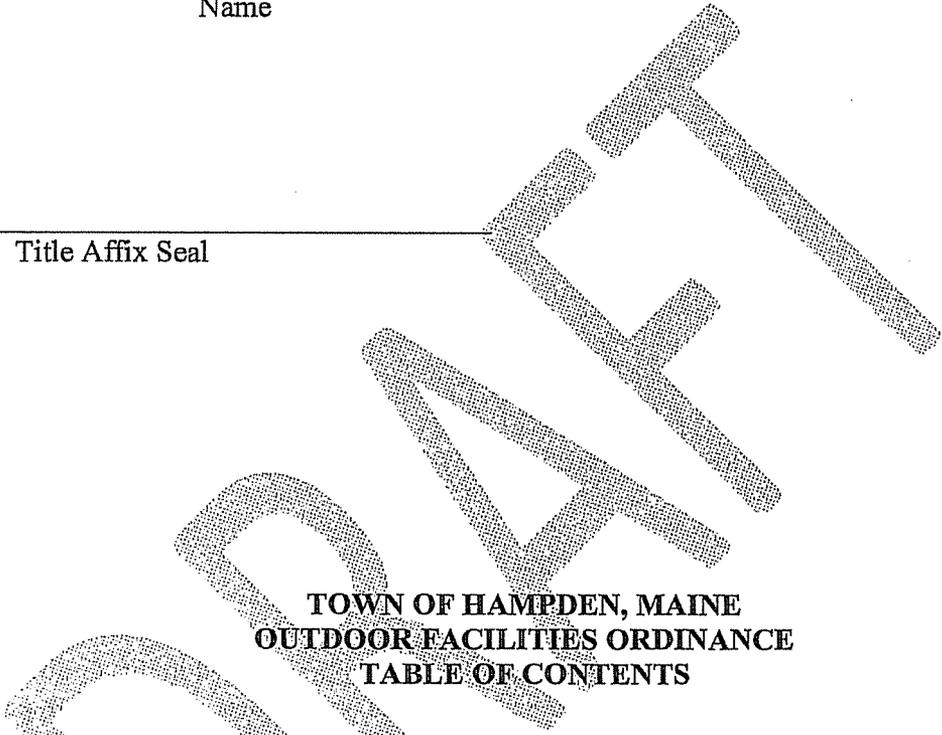
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TOWN OF HAMPDEN, MAINE
OUTDOOR FACILITIES ORDINANCE

ENACTED DATE: MONTH, XX, 2012+
EFFECTIVE DATE: MONTH, XX, 2012+

CERTIFIED BY: _____
Name

Title Affix Seal



TOWN OF HAMPDEN, MAINE
OUTDOOR FACILITIES ORDINANCE
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**THE TOWN OF HAMPDEN HEREBY ORDAINS THAT THE FOLLOWING
ORDINANCE BE ADOPTED.**

**ARTICLE I.
PURPOSE**

1.1 Purpose. The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in outdoor facilities situated in Hampden. This Ordinance ~~replaces hereby repeals~~ the former Dorothea Dix Park Ordinance and Papermill Road Recreation Area Ordinance.

**ARTICLE II.
AUTHORITY**

2.1 Authority. Pursuant to the provisions of Title 30-A M.R.S. Sections 3001 and 3281-3284 and the Charter of the Town of Hampden, Article II, Section 212, and Article III, Section 302, there is hereby established an Outdoor public-Facilities Ordinance to be organized, administered and governed in accordance with the following provisions.

**ARTICLE III.
APPLICABILITY**

3.1 Applicability. This Ordinance provides full power and authority over all ~~public-outdoor property facilities~~ within the Town.

**ARTICLE IV.
DEFINITIONS**

4.1 Definitions: Unless specifically defined below, words and phrases used in this Ordinance shall have the ~~customary dictionary definitions that same meaning as they have at common law and to give this Ordinance its most reasonable application.~~ Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Alcoholic Beverage: any beverage containing any amount of alcohol as regulated under state law.

Controlled Substance: any legal or illegal drug, narcotic, hallucinogen, opiate, prescription drug, or any other such substance regulated by state or federal law.

Motorized Vehicle: any vehicle that is propelled by an engine, including but not limited to: cars, trucks, motorcycles, snowmobiles, ATVs, OHVs, dune buggies, dirt bikes, three-wheelers, go-karts, and golf carts.

Outdoor Facility: any park, sports field, forest, wooded area, field, playground, or other property owned by the Town of Hampden.

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Parks: Includes the following ~~public properties~~ outdoor facilities: Dorothea Dix Park, Papermill Road Recreation Area, Western Avenue Recreation Area, or other areas designated as such.

Public Safety Department: Includes Police, Fire, and Emergency Medical Services (EMS) Departments.

Sports Fields: Includes the following ~~public properties~~ outdoor facilities: Ball Field Road Ball Field, VFW Recreation Area, Western Avenue Recreation Area, or other areas designated as such.

Tobacco Products: cigars, cigarettes, chewing tobacco, snuff, or any other product containing tobacco as regulated under state law.

**ARTICLE V.
PROHIBITIONS**

5.1 Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping in outdoor facilities, nor shall any person leave in outdoor public properties-facilities after closing hours, any movable structures or special vehicle that could be used for such purposes. Upon prior approval of a law enforcement officer of the Town of Hampden, overnight camping may be permitted in situations involving unique circumstances.

5.2 Firearms/Hunting. No person other than law enforcement personnel shall carry or discharge a firearm or engage in any hunting activity within parks or sports fields as defined herein. Refer also to the Town of Hampden Firearms Discharge Ordinance.

5.3 Fires. No person shall kindle, build, maintain or use a fire except in areas designated for such purposes. All fires shall be properly extinguished before the person utilizing the same leaves the outdoor facility. Any fires shall be continuously under the care and supervision of a competent person from the time it is kindled until it is extinguished. Fires may be prohibited by the Recreation Director, Town Forester, and or employees of the Public Safety Department when, in his or her judgment, the conditions are such that any fire would represent a safety hazard.

5.4 Wood. No person shall cut any wood on any public property outdoor facility without a prior permit from the Town Forester, who shall have the discretion to deny any application for such a permit if he or she determines that the proposed activity is inconsistent with the goals of the forest management plan for the property.

5.5 Alcoholic Beverages. No person shall bring consume or be under the influence of alcoholic beverages into the any outdoor facility, nor shall any person drink or use the same at any time or be under the influence of the same in the outdoor facility.

5.6 Tobacco Products. No person shall consume or use tobacco products within the any outdoor facility.

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Town of Hampden, Maine
Outdoor Facilities Ordinance

5.7 Controlled Substances. No person shall consume or use any controlled substance legal or illegal while within ~~the~~ any outdoor facility, unless the person has a labeled container and proof of prescription.

5.8 Trash. No person shall scatter, drop or leave any debris trash or other rubbish within ~~the~~ any outdoor facility except in receptacles provided for that purpose.

5.9 Animals. All animals brought into ~~the~~ any outdoor facility shall be on a leash at all times so as to not interfere with the enjoyment of the outdoor facility by other members of the public, if present. No animal shall be off a leash at any time at any sports field as defined herein, or at any part of the Western Avenue Recreation Area. Owners shall pick up after their animals.

5.10 Motor Vehicle Access. Access to outdoor facilities by motor vehicles ~~will~~ shall be permitted or prohibited governed by pursuant to the rules for that facility contained in the Recreation Department policy document "Outdoor Facilities Rules and Regulations." Upon prior approval of a law enforcement officer of the Town of Hampden, motor vehicle access may be permitted in situations involving unique circumstances. For specific restrictions for each outdoor facility, please refer to the Recreation Department policy document "Outdoor Facilities Rules and Regulations." Motor vehicle access to a ~~facilities'~~ facility's parking area is allowed; ~~as this section is meant to address access to parts of facilities that are not meant for motor vehicles.~~

5.11 Other Vehicles Prohibited. No person shall operate a trail bike, all terrain vehicle, snowmobile, or any other motorized recreational vehicle within ~~any~~ any outdoor facility except for on designated trails or areas, or for purposes of maintenance or rescue.

**ARTICLE VI.
OPERATION**

6.1 Hours & Dates of Operation. Outdoor facilities shall be open to the public from a half hour before dawn to dusk ~~an hour after sunset.~~ Outdoor facilities are open 365 days a year as weather allows. For information on reservations, which facilities are plowed during the winter, and closing times for areas with artificial lighting, please see the Recreation Department policy document "Outdoor Facilities Rules and Regulations." Snowmobiles are permitted after dark on designated trails.

**ARTICLE VII.
ENFORCEMENT**

7.1 Law Enforcement. Any law enforcement officer of the Town of Hampden shall have the authority to revoke the permission of any individual to use an outdoor facility when the officer observes, or has probable cause to believe, that such individual has violated any provisions of this Ordinance, committed a civil infraction within the facility, or has violated any provision of the laws and Ordinances of the State of Maine or the Town of Hampden within the facility. The Recreation Department also has the authority to revoke the permissions of any individual to use an outdoor facility if they are found to have violated the provisions of this Ordinance.

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*Town of Hampden, Maine
Outdoor Facilities Ordinance*

7.2 Alternative Enforcement. The Recreation Director and his or her subordinate employees shall be empowered to enforce the provisions of this Ordinance. In addition, the Town Forester, Code Enforcement Officer and the members of Hampden Public Safety shall also have the authority to enforce the provisions of this Ordinance.

7.3 Enforcement Mechanism. This Ordinance may be enforced by the institution of legal or equitable proceedings in court, including proceedings pursuant to 30-A M.R.S. §4452.

**ARTICLE VIII.
PENALTIES**

8.1 Penalties. Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Fifty Dollars (\$150.00) for each violation. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any fines recovered shall inure to the benefit of the Town of Hampden.

**ARTICLE IX.
SEVERABILITY**

9.1 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**ARTICLE X.
EFFECTIVE DATE**

10.1 Effective Date. Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of 30 days after its adoption by the Town Council.

Outdoor Facilities Rules and Regulations

Motor Vehicle Access. Shall be permitted as weather allows under the direction of the Recreation Director, for all outdoor facilities that have areas for motor vehicle access. No person shall operate a motor vehicle in or on an Outdoor Facility or in any area except established roads, driveways, or parking areas, or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Recreation Director.

Dorothea Dix Park. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted between April 1 and November 1, although the Recreation Director shall have the authority to provide for different dates of motor vehicle access depending on weather conditions. Motor vehicle access applies only to those parts of the park that are designated driveways and parking areas. No person shall operate a motor vehicle in the park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public. The park is not plowed during the winter. No section or parts of the park may be reserved.

Papermill Road Recreation Area. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted between April 1 and November 1, although the Recreation Director shall have the authority to provide for different dates of motor vehicle access depending on weather conditions. Motor vehicle access applies only to those parts of the park that are designated driveways and parking areas. No person shall operate a motor vehicle in the park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public.

Western Avenue Recreation Area. Motor vehicle (as defined in the Outdoor Facilities Ordinance) access is permitted within the paved parking lot area only. The gazebo is considered closed at dusk. Lighting turns off at 10pm, at which time the facility is considered closed to the public. The multi-purpose field can be reserved, during which times the area is not open to the public. All other areas cannot be reserved, and are always open to the public. The parking lot is plowed during the winter.

VFW Recreation Area. Access to the park sports field by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted as weather allows, although the Recreation Director shall have the authority to provide for restriction of motor vehicle access depending on weather conditions. Motor vehicle access is permitted within the gravel parking areas only. Artificial lighting is available on a timed switch at all hours for the tennis courts only. All or parts of this facility can be reserved, during which times the area is not open to the public.

Ball Field Road Ball Field. Access to the park sports field by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted as weather allows, although the Recreation Director shall have the authority to provide for restriction of motor vehicle access depending on weather conditions. Motor vehicle access is permitted only within the dirt/gravel area across the road from the ball field. Use of artificial lighting is available upon request. All or parts of this facility can be reserved, during which times the area is not open to the public.

Marina. Refer to Harbor Ordinance.

Reservations. Please see the details for each facility in the previous sections regarding what can and cannot be reserved. Fees for reservations are in the Town of Hampden Fees Ordinance.

DRAFT

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Date: March 22, 2012
 Job: Western Avenue Playground
 Location: Hampden, Maine
 Salesperson: Joel St. Pierre, CPRP, CPSI
E-mail: Joel_StPierre@obrienandsons.com

93 West Street
 P.O. Box 650
 Medfield, MA 02052
 SDO CERTIFIED WBE

Corporate Office: 800-835-0056 • Telephone: 508-359-4200 • Fax: 508-359-2817
 Web: www.obrienandsons.com • Email: mail@obrienandsons.com

QUOTATION

We are pleased to offer our quotation on the following for the above subject job:

<u>QTY.</u>	<u>MODEL #</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
1		MEO12122PS – Playground Design Option 1 Furnished and Installed	\$17,026.00
1		MEO12122 PLAYSENSE – Playground Design Option Furnished and Installed	\$20,922.00

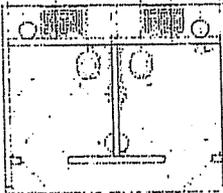
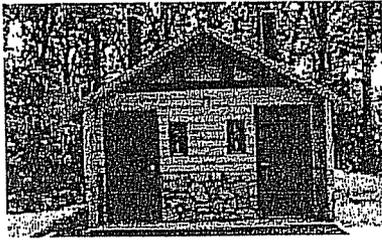
IMPORTANT NOTES:

- ❖ Customer is responsible for quantity confirmation
- ❖ Pricing on this product is valid for 30 days only, due to the erratic cost of steel at the present time. Prices are subject to review thereafter.
- ❖ Prices based on quantities listed. Any change to quantities may impact prices quoted. The above prices are f.o.b. your specified destination and are for materials only unless otherwise noted.
- ❖ Prices are not using prevailing wages unless otherwise specified.
- ❖ Standard manufacturer's colors, design, specifications, and construction apply, unless specifically noted in description.
- ❖ Our terms are: **To Be Determined** - First order requires 50% deposit & execution of credit application.
- ❖ Retainage does not apply as we are a material supplier only.
- ❖ Please allow 4 to 6 weeks for delivery after receipt of order and architectural approval should it be required.
- ❖ No back charges will be honored unless express written approval has been issued by O'Brien & Sons and price has been agreed on before execution of remedy. Failure to do so will void any obligation of payment toward said remedy on the part of O'Brien & Sons and could result in termination / suspension of your credit / account.
- ❖ Restocking fees will apply on returned items.

If we can be of further assistance, please feel free to contact us. *Thank you!*

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DOUBLE ROCKY MOUNTAIN



Double Rocky Mountain double vault. Standard features include two ABS lined concrete vaults, board and batt upper and rock lower textured walls, cedar shake textured roof, off loaded and set up at site.

Base Price	Price per Unit	@	Total Price
Double Rocky Mountain	\$ 25,600.00		25,600.00
Added Cost Options			
Installation	\$ 3,050.00	<input type="checkbox"/>	0.00
Chase Option	\$ 1,350.00	<input type="checkbox"/>	0.00
Optional Roof Texture <input type="checkbox"/> Delta Rib	\$ 1,000.00		0.00
R-19 Roof Insulation	\$ 865.00	<input type="checkbox"/>	0.00
Room Wastebasket	\$ 110.00	<input type="checkbox"/>	0.00
Hand Sanitizer	\$ 158.00	<input type="checkbox"/>	0.00
Plastic Urinal (each) Qty:	\$ 50.00	<input type="checkbox"/>	0.00
Stainless Steel Urinal (each) Qty:	\$ 550.00	<input type="checkbox"/>	0.00
Marine Package for Extra Corrosion Resistance	\$ 6,250.00	<input type="checkbox"/>	0.00
Solar Light Kit	\$ 980.00	<input type="checkbox"/>	0.00
Solar Fan Kit	\$ 1,090.00	<input type="checkbox"/>	0.00
Conduit Junction Box (chase only)	\$ 200.00	<input type="checkbox"/>	0.00
Electric Light Package (chase only)	\$ 3,550.00	<input type="checkbox"/>	0.00
Paint Touch-up Kit - Single Color	\$ 32.00	<input type="checkbox"/>	0.00
Paint Touch-up Kit - Two Tone Color	\$ 39.00	<input type="checkbox"/>	0.00
Total Cost of Selected Accessories from Accessories Price List:			\$ 0.00
Estimated One-way Transportation Costs to Site (quote):			\$
Custom Options:			\$
Total Cost per Unit Placed at Job Site: <i>(excludes all taxes)</i>			\$ 25,600.00

This price quote is good for 60 days from date below, and is accurate and complete.

CXT Sales Representative

Date

I accept this quote. Please process this order.

Company Name

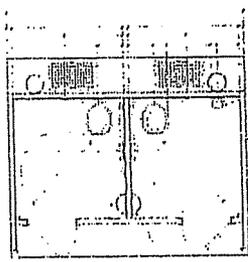
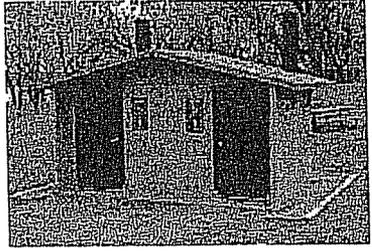
Customer

Date

updated 4-2011

18/24

TIOGA SPECIAL



Tioga Special double vault. Standard features include two ABS lined concrete vaults, barnwood textured walls, cedar shake textured roof, off loaded and set up at site.

Base Price		Price per Unit	Click to select	
Tioga Special		\$ 19,895.00		19,895.00
Added Cost/Options:				
Installation		\$ 3,050.00	<input type="checkbox"/>	0.00
Chase Option		\$ 1,350.00	<input type="checkbox"/>	0.00
Optional Wall Texture-choose one	<input type="checkbox"/> Split Face Block <input type="checkbox"/> Struck Trowel <input type="checkbox"/> Exposed Aggregate	\$ 1,000.00		0.00
Optional Roof Texture-choose one	<input type="checkbox"/> Delta Rib <input type="checkbox"/> Exposed Aggregate	\$ 1,000.00		0.00
R-19 Roof Insulation		\$ 865.00	<input type="checkbox"/>	0.00
Room Wastebasket		\$ 110.00	<input type="checkbox"/>	0.00
Hand Sanitizer		\$ 158.00	<input type="checkbox"/>	0.00
Plastic Urinal (each)	Qty:	\$ 50.00	<input type="checkbox"/>	0.00
Stainless Steel Urinal (each)	Qty:	\$ 550.00	<input type="checkbox"/>	0.00
Marine Package for Extra Corrosion Resistance		\$ 3,725.00	<input type="checkbox"/>	0.00
Solar Light Kit		\$ 980.00	<input type="checkbox"/>	0.00
Solar Fan Kit		\$ 1,090.00	<input type="checkbox"/>	0.00
Conduit Junction Box (chase only)		\$ 200.00	<input type="checkbox"/>	0.00
Electric Light Package (chase only)		\$ 3,550.00	<input type="checkbox"/>	0.00
Paint Touch-up Kit - Single Color		\$ 32.00	<input type="checkbox"/>	0.00
Paint Touch-up Kit - Two Tone Color		\$ 39.00	<input type="checkbox"/>	0.00
Total Cost of Selected Accessories from Accessories Price List:				\$ 0.00
Estimated One-way Transportation Costs to Site (quote):				\$
Custom Options:				\$
Total Cost per Unit Placed at Job Site: <i>(excludes all taxes)</i>				\$ 19,895.00

This price quote is good for 60 days from date below, and is accurate and complete.

CXT Sales Representative

Date

I accept this quote. Please process this order.

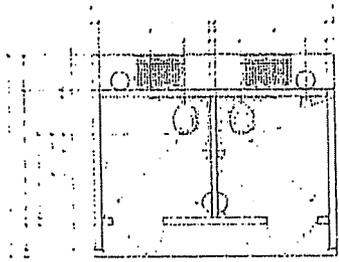
Company Name

Customer

Date

219/24

DOUBLE CASCADIAN



Double Cascadian double vault. Standard features include two ABS lined concrete vaults, board and batt upper and lap siding lower textured walls, cedar shake textured roof, off loaded and set up at site.

Base Price	Price per unit	Click to select	23,195.00
Double Cascadian	\$ 23,195.00		23,195.00
Added Cost Options			
Installation	\$ 3,050.00	<input type="checkbox"/>	0.00
Chase Option	\$ 1,350.00	<input type="checkbox"/>	0.00
Optional Roof Texture <input type="checkbox"/> Delta Rib	\$ 1,000.00		0.00
R-19 Roof Insulation	\$ 865.00	<input type="checkbox"/>	0.00
Room Wastebasket	\$ 110.00	<input type="checkbox"/>	0.00
Hand Sanitizer	\$ 158.00	<input type="checkbox"/>	0.00
Plastic Urinal (each) Qty:	\$ 50.00	<input type="checkbox"/>	0.00
Stainless Steel Urinal (each) Qty:	\$ 550.00	<input type="checkbox"/>	0.00
Marine Package for Extra Corrosion Resistance	\$ 4,200.00	<input type="checkbox"/>	0.00
Solar Light Kit	\$ 980.00	<input type="checkbox"/>	0.00
Solar Fan Kit	\$ 1,090.00	<input type="checkbox"/>	0.00
Conduit Junction Box (chase only)	\$ 200.00	<input type="checkbox"/>	0.00
Electric Light Package (chase only)	\$ 3,550.00	<input type="checkbox"/>	0.00
Paint Touch-up Kit - Single Color	\$ 32.00	<input type="checkbox"/>	0.00
Paint Touch-up Kit - Two Tone Color	\$ 39.00	<input type="checkbox"/>	0.00
Total Cost of Selected Accessories from Accessories Price List:			\$ 0.00
Estimated One-way Transportation Costs to Site (quote):			\$
Custom Options:			\$
Total Cost per Unit Placed at Job Site: (excludes all taxes)			\$ 23,195.00

This price quote is good for 60 days from date below, and is accurate and complete.

CXT Sales Representative

Date

I accept this quote. Please process this order.

Company Name

Customer

Date

20/24



Lura Hoit Memorial Pool
146 Western Ave.
Hampden, ME 04444
(207) 862-4305

Naming Rights Criteria

For a one time donation of \$10,000 a business can select one of the following rooms:

Men's Locker Room

Women's Locker Room

Family Locker Room

Lobby

Lounge

A 4 x 6 bronze plate will be attached to the door or entry of the selected room.

The above criteria was approved by the Lura Hoit Pool Board on February 7, 2012.

Mailing Address: 106 Western Ave, Hampden, ME 04444
lurahoitpool @hampdenmaine.gov

24/24

COMMITMENT & INTEGRITY
DRIVE RESULTS

One Merchants Plaza, Suite 501
Bangor, Maine 04401
www.woodardcurran.com

T 800.564.2333
T 207.945.5105
F 207.945.5492

MEMORANDUM



TO: Darcy Peakall, Pool Director
FROM: Devon Carter, PE, LEED AP
DATE: April 6, 2012
RE: Lura Holt Memorial Pool IDECVAV Ventilation Upgrade – Re-Bid Results

The second round of bids for the Pool Ventilation project were opened Thursday, April 5, 2012. As you know, the re-bid of the project included a base bid, which focused on a simplified scope based on the original bid documents. Based on information gathered during review of previous bids, we expected the cost of direct replacement of the existing unit to be a higher cost than this simplified scope. In addition, we also encouraged contractors to propose least-cost options.

Two bids were opened from the following firms: Industrial Heating & Piping Company, Caribou, Maine, and Mechanical Services, Inc., Portland, Maine. A bid tabulation sheet is enclosed summarizing the results of these bids.

Industrial Heating & Piping Company provided a base bid of \$251,500 with a deduct (Alternate No. 1) of \$12,230. The cost with acceptance of the alternate would be \$239,270. Their bid was responsive in regard to acknowledgement of addenda, re-bid narrative, and inclusion of appropriate bid bonds. They did not provide an alternate proposal as described in Article 9 of the bid form, which was their prerogative.

Mechanical Services provided an alternate bid. They did not provide a base bid and were non-responsive in regard to acknowledgement of addenda and re-bid narrative. Article 9 implies a base bid should have been provided. They did include appropriate bid bonds. Their bid on an alternate proposal, as described in Article 9 of the bid form, was \$172,000.

Article 9 of the bid solicitation described the requirements for submitting an alternate solution. It asked for information as part of the bid on how the alternate proposal will appropriately control: interior temperature, interior humidity, indoor air movement, and interior pressure; address energy efficiency concerns; and provide long-term integrity of materials. None of these were specifically addressed, but the information that was provided indicates that a workable system would be possible. We have reached out to Peter Neumeyer of Mechanical Services for additional information and, though not able to provide all the additional information on the above concerns until next week, he did provide the air moving capabilities of the proposed equipment.

The equipment in the proposed base bid would move 8,500 cubic feet per minute (CFM) of air and should control pool room humidity at least 98% of the time. Peter stated that his bid includes equipment that could move up to 6,000 CFM. This would provide humidity control about 95% of the time. Additionally, the alternate system would be somewhat less energy efficient and somewhat less long lived, given that there is more exposure to corrosive chloramines on the supply side of the unit. Also, the base bid unit would allow future cooling capabilities. If these trade-offs are acceptable in light of the price difference between base bid and alternate proposal, we recommend working with Mechanical Services to further define their proposed scope.

Given that the Alternate Proposal is not based on specific design documents, contingency should be considered. We suggest a 15% contingency on Mechanical Services' proposal would allow you room to negotiate and keep project costs below \$200,000.

We will see you on Monday to discuss with the Committee.

DLC/jiv
214514.00 001

29/24



COMMITMENT & INTEGRITY
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One Merchants Plaza | Suite 501
Bangor, Maine 04401
www.woodardcurran.com

T 800.564.2333
T 207.945.5105
F 207.945.5492

TOWN OF HAMPDEN, MAINE
LURA HOIT MEMORIAL POOL IDECVAV VENTILATION UPGRADE
PROJECT NO. 214514
RE-BID April 5, 2012

No.	Description	Unit	Estimated Quantity	Unit Price	Value	Industrial Heating & Piping Co.	Mechanical Services, Inc.	Unit Price	Value
1	Pool Room Ventilation System Replacement	LS	1	\$251,500.00	\$251,500.00			NO BID	\$0

BID ALTERNATE NO. 1									
1	Bid Deduct Alternate 1 (Single Fan)	LS			(\$12,230.00)				(\$12,230.00)
					TOTAL BID (BASE - ALTERNATE 1)	\$239,270.00		NO BID	\$0

ALTERNATE PROPOSAL									
1	Alternate Pool Room Ventilation System Replacement	LS	1		NO BID			\$0.00	\$172,000.00



Softball field

Monday, March 26, 2012 8:22 AM

From: "Nancy Poulin" <mpoulin@hotmail.com>
To: mcintjs@roadrunner.com, bclosson@bangorfcu.com, amyscard@yahoo.com, brad.fiannery@versopaper.com, "Pete Huston" <petehuston@me.com>, "McLean Poulin" <mpoulin@maine.edu>, "Peter Economy" <pe@ebsbuild.com>, kmath333@yahoo.com, tmreed@bangorschools.net, booksmart@tds.net

Hi All,

I met with John Worthley from Sportsfields this past week. He gave me some recommendations on what we need to do to get our field in better shape.

First, we need to address the water issue where it runs onto the field from behind the backstop and by the third base dugout. He suggested we buy some pressure treated 2x12's and run them along the outside of the fence the entire length of the backstop.

Second, he suggested we get 30 yards of infield mix to bring the entire field level without creating a lip at the outfield grass line.

Third, make a base out of bricks for the pitchers mound and batters/catchers boxes. This will give us the proper drainage so we don't get standing water.

Last, 3-4 tons of turface should be raked into the entire infield so we take care of the standing water behind shortstop/third and the dust bowl that the field becomes during watter stretches.

Cost Breakdown:

- 30 yards Field Mix: \$1353.00
- Turface: \$548.80/ton
- Bricks: \$1.50/brick (need 164 for mound and 162 for batters/catcher boxes)
- 2x12x12: \$19.97 each

Approximate Cost for Materials (rounding up): \$4300.00

All labor will be completed by volunteers so there won't be any associated cost.

Thanks,
Nancy

Item 2A – Outdoor Facilities Ordinance

This item was referred back to the Services Committee from the Town Council at their May 21, 2012 meeting. There were two items mentioned at the Public Hearing that the Council wanted further information on.

The first issue, related to the carry of firearms is not within the authority of the Town to regulate and the current language in the proposed ordinance is compliant with State law. I have attached a copy of Tom Russell's memo on this issue.

The second issue related to the provision of the proposed ordinance that required dogs to be on leash while on Town Property. Councilor Lawlis pointed out that this requirement was more stringent than in other communities and that there should be some compromise language that could be found to address her concerns. The Committee will have to decide what, if any, change it wants to make to the proposed language.

Since the public hearing, there has been a considerable amount of email activity related to this ordinance. Questions have been raised about the definition of 'pocket parks', the limitation on smoking in Town Parks, and concern over the subdivision/zoning ordinance requirement for open space dedication/fee in lieu. I have enclosed copies of these emails so that Committee members can understand the questions/concerns raised.

2A

FARRELL, ROSENBLATT & RUSSELL
ATTORNEYS AT LAW
61 MAIN STREET
P.O. BOX 738
BANGOR, MAINE 04402-0738

ANGELA M. FARRELL
NATHANIEL M. ROSENBLATT
THOMAS A. RUSSELL
JON A. HADDOW
GREGORY P. DORR
ROGER L. HUBER

TELEPHONE (207) 990-3314
TELECOPIER (207) 941-0239
e-mail: tar@firlegal.com

May 14, 2012

To: Town Council
From: Tom Russell
Re: Regulation of Firearms-State Preemption of the Field

The Second Amendment to the United States Constitution provides as follows: "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." In *District of Columbia v. Heller*, [554 U.S. 570 (2008)], the United States Supreme Court held that the Second Amendment protects an individual's right to possess a firearm, and to use that firearm for traditionally lawful purposes, such as self-defense within the home. However, the Supreme Court's decision also stated that the right secured by the Second Amendment is not unlimited, and that its opinion should not cast doubt on longstanding prohibitions on the possession of firearms by felons or the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings. In *McDonald v. City of Chicago, Illinois*, [130 S. Ct. 3020 (2010)], the United States Supreme Court held that the Second Amendment right recognized in *Heller* also applies to the States.

Article I, Section 16 of the Maine Constitution provides as follows: "Every citizen has a right to keep and bear arms and this right shall never be questioned." However, the Maine Supreme Judicial Court held that Section 16 does not create an absolute right to keep and bear arms [*State v. Brown*, 571 A.2d 816 (1990)], and that the right is subject to reasonable regulation, consistent with the State's police power to promote public health, safety, welfare and morality [*Hilly v. City of Portland*, 582 A.2d 1213 (1990)].

However, even though it is possible to have "reasonable regulation" of firearms, the State of Maine has preempted the regulation of firearms. As you may know, Maine is a so-called home rule state, and 30-A M.R.S. §3001 provides that "any municipality may exercise any power or function which the Legislature has the power to confer upon it, which is not denied either expressly or by clear implication".

In 1989, the Legislature enacted 25 M.R.S. §2011, entitled "State preemption". Section 2011(1) provides that the State intends "to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies". In addition, Section 2011(2) provides that "no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance,

rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies". Section 2011(3) does authorize a municipality to adopt an order, ordinance, rule or regulation, as long as it conforms exactly with any applicable provision of state law or regulates the discharge of firearms within a jurisdiction. In *John Doe v. Portland Housing Authority*, [656 A.2d 1200 (Me. 1995)], the Maine Supreme Judicial Court held that the statute does preempt the filed concerning the regulation of firearms. Section 2011(1) also provides that "any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void".

Therefore, since the State of Maine has preempted the field of firearm regulation, except for the discharge of firearms, it is my opinion that the Town of Hampden does not have the authority to prohibit the carrying of firearms, including at its outdoor facilities.



Susan Lessard <manager@hampdenmaine.gov>

2A

Pocket Parks

1 message

Gretchen Heldmann <gheldmann@hampdenmaine.gov>Mon, Jun 4, 2012 at
10:06 AM

To: Susan Lessard <manager@hampdenmaine.gov>

Cc: Hampden Recreation <recreation@hampdenmaine.gov>

Hello,

Regarding the statement from Mr. Philbrick's email, "Maybe you should ask Jean Lawlis what the definition is, after all, it was Jean who slipped and made this term public knowledge."

The term "pocket park" has been public knowledge for a number of years. The term first appeared as an official Task Item on the Services Agenda of Dec. 15, 2010. Prior to the coining of that particular term, which occurred at the Nov. 8, 2010 meeting, the small pieces of open space throughout town have been discussed for many years. From the Nov. 8, 2010 meeting, a definition: "Town land discussion – Gretchen showed the map of town-owned properties and touched on the highlights regarding the larger pieces while also pointing out the myriad of small pieces scattered all over in subdivisions. It was agreed that the small pieces, deemed "pocket parks" should be put on the task list as something to work on eventually, so they don't continue to be dumping grounds for lawn clippings and lawn mowers, as is sometimes the case currently."

Mention of these pieces of open space from 2007 - From the May 1, 2007 Community Services Committee meeting - discussion about comp plan: "Chairman Brann also pointed out that tiny pieces of green space scattered about are not suitable for recreation or wildlife habitat, big pieces are necessary, and it is wrong to dismiss that need."

Further, a group of residents from Daisey Lane subdivision attended Services Committee meetings in June, July, August, and September 2011 meetings to express their concerns over the small town-owned parcels of land in that subdivision, maintenance or lack thereof, and neighborhood disagreement on how those parcels should be used by residents in the subdivision. This group of residents did agree that they wanted an Outdoor Facilities Ordinance and that the OFO should provide guidelines for parcels such as in that subdivision, called "pocket parks". They were told that the OFO would be completed hopefully by Spring 2012.

Thank you,
~G

2A



Susan Lessard <manager@hampdenmaine.gov>

Draft Outdoor Policy Ordinance

16 messages

Bernie Philbrick

Tue, May 22, 2012 at 5:00 PM

To: manager@hampdenmaine.gov

Sue,

Could you be so kind and let me know the name of the person who authored the Draft Outdoor Policy ordinance? I understand that the ordinance was written prior to being presented to the Service Committee. I am assuming it was a staff member, do you know who?

Thank You,

Bernie Philbrick
Hampden, ME

Susan Lessard <manager@hampdenmaine.gov>

Tue, May 22, 2012 at 5:48 PM

To: Bernie Philbrick <

Good afternoon-

The first draft of the Outdoor facilities Ordinance was distributed to the Services Committee at its meeting on September 14, 2009. The draft was prepared by Kurt Mathies, the Town's Recreation Director and Gretchen Heldmann, the GIS/IT person for the Town. It was provided to the Services Committee for review and recommendations for changes and its purpose was to replace the two existing park ordinances (Dorothea Dix and Papermill Road Rec Area) and provide standardized rules for the use of Town property. It has been reviewed a number of times since then, and the current version that was set for a public hearing at the last Council meeting (May 7th) contained a number of changes made by the Committee members (Town Councilors) since the original draft was prepared in 2009. All Town Ordinances that are requested to be created or updated by the Town Council are initially prepared by a staff member. The drafts are then reviewed and changed by Town Councilors in Committee meetings, reviewed by the Town Attorney for legality, and then presented at a Public Hearing before the Town Council.

At the hearing, two issues were identified that caused the majority of the Council to postpone a decision on the ordinance and send it back to the Services Committee. One was a question about dogs needing to be on leashes and the other was whether the Town had the right to limit firearms at ballfields/parks. The first question - about dogs on leashes - is still up in the air and the Services Committee will deal with that at its next meeting in June. The second question has been answered. The Town is pre-empted by State law from passing any ordinance which limits the carry provision of firearms. The

draft that was presented at the public hearing had no limitations on the right of persons to carry weapons on town property.

I hope this is helpful.

Susan

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Tue, May 22, 2012 at 6:02 PM

To: Bernie Philbrick

Bernie-

As additional information - I have attached copies of the currently existing Dorothea Dix Park and Papermill Road Rec Area Ordinances, one of which was adopted in 1989 and the other in 1986. Both prohibit the carry and discharge of firearms and both are still in force in the Town of Hampden. The initial draft that the Services Committee started with was based on these ordinances, which are pretty close to identical.

Feel free to call or email if you need more information.

Susan

On Tue, May 22, 2012 at 5:00 PM, Bernie Philbrick wrote:

[Quoted text hidden]

 **Papermill Road & Dorothea Dix Park Ordinances.pdf**
556K

Bernie Philbrick

Wed, May 23, 2012 at 9:50 AM

To: manager@hampdenmaine.gov

Sue,

Could you please tell me a clear and concise definition of a "pocket park" and where are these located in Hampden?

While the ordinances referenced below are still in force, it has been determined that they both are UN-constitutional and considered to be direct assaults against freedom. It would be nice to see this council fix existing or proposed law that directly assaults us the citizens and our liberty, instead of dictating how one is supposed to walk their dog.

Thanks,

Bernie Philbrick
Hampden, ME

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Wed, May 23, 2012 at 1:29 PM

To: Bernie Philbrick

Bernie -

As I stated in my earlier email, the purpose of the proposed ordinance was to replace the two that I sent to you. The new version as presented does not restrict the carry of firearms and would 'fix' that issue going forward. Believe it or not, the issue of dogs on or off leashes has strong proponents and opponents. Since we are talking about what happens on public property, we have to find some sort of compromise that takes that into account.

I looked through the proposed ordinance and do not find the term 'pocket park' - I would be happy to try and answer the question if I understood where you got the term.

Thank you -
Sue Lessard

[Quoted text hidden]

Bernie Philbrick

Wed, May 23, 2012 at 3:06 PM

To: manager@hampdenmaine.gov

Sue,

I find it a little disturbing that we have our recreation director and a map specialist preparing these types of multiple restrictions intended to control the citizens of Hampden. I am not sure of how much money was spent by the Town between Kurt, Gretchen and Tom Russell to prepare this document, attend Service meetings and to have an attorney review multiple times? This certainly was not money not well spent. It makes me wonder how many sets of hands this went through at the Town Office level? How many times did Tom Russell look at this and not recognize that the ordinance was unconstitutional? Its disturbing to think that we paid for this treatment. Its disturbing to think that this document made its way to Town Council and no one questioned the constitutionality, except for one, Councilor Hornbrook. And when questioned, this person was removed from further participation at the Service Committee by our Mayor, then disrespected in a public forum by our Mayor stating that Hornbrook's citation of the Constitution was her opinion only. Later the Mayor went on to describe how people with guns make her feel, "uncomfortable". So, we have one councilor who correctly cites the constitution (the bedrock of freedom) and another who cites her fear (the bedrock of control). Its my OPINION that Councilor Hornbrook deserves a public apology from the Mayor.

However, this is more than an illegally enforced gun control scheme by our town. Why does the Town of Hampden feel the necessity to dictate to the population where they can or cannot use tobacco products, outdoors mind you! Or how to walk a dog, WOW! Did you know that the State has laws regarding dogs at large? What about cats, what are we to do about cats roaming at large? Instead of compromising more rights of citizens, why not look at existing law for precedent? What difference does it make how many people are for or against if the basis is unconstitutional. It also looks like the ordinance is now allowing ANY law enforcement officer to hunt on playgrounds and parks in the Town of Hampden regardless of the no discharge zone. The same document then goes on to say that prescription medicines will be allowed at playgrounds and parks. So its OK to attend

a little league game and smoke marijuana, but not a cigarette. Is this what we as a town want? Does anybody have a handle on this?

To answer your question, recently at a council meeting Councilor Lawlis was touting that the Town of Hampden "owns" over a hundred "pocket parks". She also has been stating that this Outdoor Facilities Ordinance will govern peoples actions while visiting these parks. This morning I asked you for the definition of a "pocket park" with locations here in Hampden. Perhaps you can ask Jean what it is she has been talking about. I can't imagine where Hampden would have over 100 parks hiding, in Hampden. One can speculate that this is the next step for land use regulation on land that has been or will soon be confiscated and deemed as "Open Space". This is a little disturbing considering it was you that said the ordinance was written for "playgrounds and ball fields". Now we learn that there are hundreds of other mysterious "pocket park" locations. Something is not adding up. Why would Jean make this stuff up?

Overall the Outdoor Facilities Policy came across as looking very sloppily written. It seems so backwards that its no wonder the people think there is a hidden agenda taking place in Hampden. I commend you for removing at least one of these persons from the Service Committee, you should continue. These people should not be involved at a capacity where they could possibly be authoring ordinances for us all to follow. This should be a function of the duly elected officials in our Town of Hampden. Officials who have sworn the oath as mentioned in our Town Charter:

Sec. 1001 Oath of Office -

Every officer of the town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk. "I..... do affirm, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen hereof, that I will in all respects observe the provisions of the charter and ordinances of the Town of Hampden, Maine and I will faithfully discharge all the duties incumbent upon me as..... according to the Constitution and laws of the state, so help me, God." (*Amended: June 2, 1982, November 6, 1990*)

Our founders felt strongly enough about the constitution to include it in our charter. So should our elected officials as they have sworn to uphold it.

Thank You,

Bernie Philbrick
Hampden, ME

A **lynch mob** is an example of pure **democracy** in action. There is only one dissenting vote, and that is cast by the person at the end of the rope!

-----Original Message-----

From: Susan Lessard <manager@hampdenmaine.gov>
To: Bernie Philbrick <
[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Wed, May 23, 2012 at
3:30 PM

To: Bernie Philbrick

Bernie-

You obviously have strong opinions on the subject of your rights under the constitution, and I respect those opinions. I would appreciate it if you could call and set up a time to come in and talk with me about your concerns regarding the ordinances in question and the way in which the Town develops ordinances. I am apparently not doing a good job via email of explaining how the process works or what the role of staff is.

From your description, the term 'pocket park' that you said was used by Councilor Lawlis would describe the open space lots that the Town has in subdivisions throughout the community. When a subdivision is approved, it has to either provide for public open space in it or a fee in lieu of open space that is used by the Town to acquire land for municipal purposes - such as parks. These areas are scattered all over the community. I can provide a map if you like of the land owned by the Town - some of which has municipal buildings such as the Town Office and the Town Garage and Library, etc., and some of which is vacant.

I hope you call to set up a time to come in, at your convenience, and talk.

Susan

[Quoted text hidden]

Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Thu, May 24, 2012
at 10:19 AM

To: Susan Lessard <manager@hampdenmaine.gov>

Cc: Gretchen Heldmann <gheldmann@hampdenmaine.gov>, Dean Bennett

<economicdevelopment@hampdenmaine.gov>, Bob Osborne

<hampdenmaineplanner@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

Good morning,

A request has been made for me to find the map which shows all town-owned lands, parks, pocket parks, and open space that the Draft Outdoor Facilities Ordinance covers. I'm not able to put my fingers on it at the moment. Could someone point me in the direction where I might find that map?

Thank you,

Councilor Kristen Hornbrook

-----Original Message-----

From: Susan Lessard

To: Bernie Philbrick <

Sent: Tue, May 22, 2012 5:49 pm

Subject: Re: Draft Outdoor Policy Ordinance

[Quoted text hidden]

Bernie Philbrick <
To: manager@hampdenmaine.gov

Thu, May 24, 2012 at 10:23 AM

Sue,

Thank you for the invitation to your office but I think I will pass this time. I do have concerns that you have not answered my question regarding the definition of a "pocket park". I do not see that any attempt has been made to define this term either. Maybe you should ask Jean Lawlis what the definition is, after all, it was Jean who slipped and made this term public knowledge. I am sure Jean could help us all get a "handle" on this term, pocket park.

I do wonder why you would use "my" description of this term in your....explanation. Trust me I know what the definition of "Open Space" is. When the town confiscated our families land (without compensation) so that we could utilize what was left to allow my Brother to build a home upon, we became all too familiar with the term "Open Space". At the time we were told by you, the Council, the Planning Board and a gaggle of others from the town office that we just could not ever build on it. Through botched secrecy it now appears that there are further attempts to deny us and others in this town who share similar stories, more of our liberties on "our" property. We now have hundreds of "pocket parks" (back yards) per Jean that this ordinance is intended for. When you or the Mayor tell people this was intended for the playgrounds and ball fields only, isn't that being just a bit deceptive? Especially when we are talking about hundreds of areas in town.

Why not say it like it is: From this day forward, in the Town of Hampden, tobacco consumption is hereby disallowed and prohibited on all public town owned property, including but not limited town roads, sidewalks and your backyards that have been determined by Hampden to be Open Space. In order to assist the Hampden Public Safety officers in their duties, the Town of Hampden hereby empowers the town forester, ambulance crew, code enforcement officer, fire department, the recreation director and his or her subordinates to enforce all articles of this ordinance. Violators of these provisions will be subject to no less than a \$25 fine and no more than \$150 for certain individuals. Each offense or cigarette butt found will be subject to a separate violation. Proceeds from said violations will contribute to the greater good of the common people of the Town of Hampden and the Bangor STD clinic.

Its not that you all lie, its just that it seems the whole truth is never presented when asked. Please do send me the maps, it would be interesting to see what the IT department has been up to!

Thank You,

Bernie Philbrick
Hampden, ME

-----Original Message-----

From: Susan Lessar <

s.gov>

To: Bernie Philbrick <

Sent: Wed, May 23, 2012 3:30 pm

Subject: Re: Draft Outdoor Policy Ordinance

Bernie-

You obviously have strong opinions on the subject of your rights under the constitution, and I respect those opinions. I would appreciate it if you could call and set up a time to come in and talk with me about your concerns regarding the ordinances in question and the way in which the Town develops ordinances. I am apparently not doing a good job via email of explaining how the process works or what the role of staff is.

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I hope you call to set up a time to come in, at your convenience, and talk.

Susan

On Wed, May 23, 2012 at 3:06 PM, Bernie Philbrick ·

Sue,

I find it a little disturbing that we have our recreation director and a map specialist preparing these types of multiple restrictions intended to control the citizens of Hampden. I am not sure of how much money was spent by the Town between Kurt, Gretchen and Tom Russell to prepare this document, attend Service meetings and to have an attorney review multiple times? This certainly was not money not well spent. It makes me wonder how many sets of hands this went through at the Town Office level? How many times did Tom Russell look at this and not recognize that the ordinance was unconstitutional? Its disturbing to think that we paid for this treatment. Its disturbing to think that this document made its way to Town Council and no one questioned the constitutionality, except for one, Councilor Hornbrook. And when questioned, this person was removed from further participation at the Service Committee by our Mayor, then disrespected in a public forum by our Mayor stating that Hornbrook's citation of the Constitution was her opinion only. Later the Mayor went on to describe how people with guns make her feel, "uncomfortable". So, we have one councilor who correctly cites the constitution (the bedrock of freedom) and another who cites her fear (the bedrock of control). Its my OPINION that Councilor Hornbrook deserves a public apology from the Mayor.

However, this is more than an illegally enforced gun control scheme by our town. Why does the Town of Hampden feel the necessity to dictate to the population where they can or cannot use tobacco products, outdoors mind you! Or how to walk a dog, WOW! Did you know that the State has laws regarding dogs at large? What about cats, what are we to do about cats roaming at large? Instead of compromising more rights of citizens, why not look at existing law for precedent? What difference does it make how many people are for or against if the basis is unconstitutional. It also looks like the ordinance is now allowing ANY law enforcement officer to hunt on playgrounds and parks in the Town of Hampden regardless of the no discharge zone. The same document then goes on to say that prescription medicines will be allowed at playgrounds and parks. So its OK to attend a little league game and smoke marijuana, but not a cigarette. Is this what we as a town want? Does anybody have a handle on this?

To answer your question, recently at a council meeting Councilor Lawlis was touting that the Town of Hampden "owns" over a hundred "pocket parks". She also has been stating that this Outdoor Facilities Ordinance will govern peoples actions while visiting these parks. This morning I asked you for the definition of a "pocket park" with locations here in Hampden. Perhaps you can ask Jean what it is she has been talking about. I can't imagine where Hampden would have over 100 parks hiding, in Hampden. One can speculate that this is the next step for land use regulation on land that has been or will soon be confiscated and deemed as "Open Space". This is a little disturbing considering it was you that said the ordinance was written for "playgrounds and ball fields". Now we learn that there are hundreds of other mysterious "pocket park" locations. Something is not adding up. Why would Jean make this stuff up?

Overall the Outdoor Facilities Policy came across as looking very sloppily written. It seems so backwards that its no wonder the people think there is a hidden agenda taking place in Hampden. I commend you

for removing at least one of these persons from the Service Committee, you should continue. These people should not be involved at a capacity where they could possibly be authoring ordinances for us all to follow. This should be a function of the duly elected officials in our Town of Hampden. Officials who have sworn the oath as mentioned in our Town Charter:

Sec. 1001 Oath of Office -

Every officer of the town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk. "I..... do affirm, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen hereof, that I will in all respects observe the provisions of the charter and ordinances of the Town of Hampden, Maine and I will faithfully discharge all the duties incumbent upon me as..... according to the Constitution and laws of the state, so help me, God." (*Amended: June 2, 1982, November 6, 1990*)

Our founders felt strongly enough about the constitution to include it in our charter. So should our elected officials as they have sworn to uphold it.

Thank You,

Bernie Philbrick
Hampden, ME

A **lynch mob** is an example of pure **democracy** in action. There is only one dissenting vote, and that is cast by the person at the end of the rope!

-----Original Message-----

From: Susan Lessar <[redacted]@e.gov>
To: Bernie Philbrick <[redacted]>
Sent: Wed, May 23, 2012 1:29 pm
Subject: Re: Draft Outdoor Policy Ordinance

Bernie -

As I stated in my earlier email, the purpose of the proposed ordinance was to replace the two that I sent to you. The new version as presented does not restrict the carry of firearms and would 'fix' that issue going forward. Believe it or not, the issue of dogs on or off leashes has strong proponents and opponents. Since we are talking about what happens on public property, we have to find some sort of compromise that takes that into account.

I looked through the proposed ordinance and do not find the term 'pocket park' - I would be happy to try and answer the question if I understood where you got the term.

Thank you -
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On Wed, May 23, 2012 at 9:50 AM, Bernie Philbrick <[redacted]>
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Thanks,

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Hampden, ME

-----Original Message-----

From: Susan Lessar <lessar@hampdenmaine.gov>
To: Bernie Philbrick
Sent: Tue, May 22, 2012 6:02 pm
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Feel free to call or email if you need more information.
Susan

On Tue, May 22, 2012 at 5:00 PM, Bernie Philbrick <bernie@hampdenmaine.gov> wrote:
Sue,

Could you be so kind and let me know the name of the person who authored the Draft Outdoor Policy ordinance? I understand that the ordinance was written prior to being presented to the Service Committee. I am assuming it was a staff member, do you know who?

Thank You,

Bernie Philbrick
Hampden, ME

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Thu, May 24, 2012 at 11:16 AM

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
Cc: Susan Lessard <manager@hampdenmaine.gov>, Dean Bennett <economicdevelopment@hampdenmaine.gov>, Bob Osborne <hampdenmaineplanner@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

Good morning Councilor Hornbrook,

At the August 8, 2011 Council Services Committee meeting, of which you were an attendee, I provided 11"x17" size handouts including a map of town open space (which included "pocket parks") as well as a detailed spreadsheet inventory of subdivision open space. These are available on the website at the end of the minutes for this meeting. If you have misplaced these I would be happy to print out another set, please let me know.

Thank you,
~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>
[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Thu, May 24, 2012 at 12:05 PM

To: Bernie Philbrick

Bernie-
The following link will take you to the map showing all town-owned land. It is included in the minutes of the 8/8/2011 Services Committee Meeting and is followed by a list of town-owned parcels.

http://www.hampdenmaine.gov/vertical/sites/%7B1FCAF0C4-5C5E-476D-A92E-1BED5B1F9E05%7D/uploads/Services08082011Minutes_wAttachmentsRev.pdf

it is on Page 15 of the minutes

Susan
[Quoted text hidden]

Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Thu, May 24, 2012 at 12:12 PM

To: Susan Lessard <manager@hampdenmaine.gov>, Denise Hodsdon <clerk@hampdenmaine.gov>, Hampden Recreation <recreation@hampdenmaine.gov>

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
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----- Forwarded message -----

From: **Kristen Hornbrook** <hornbrooktowncouncil@hampdenmaine.gov>
Date: Thu, May 24, 2012 at 11:43 AM
Subject: Re: Draft Outdoor Policy Ordinance
To: Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Thank you Gretchen,

I have indeed misplaced them.
There are so many topics, meetings, and minutes for Council that it is easy to lose track of where the information is to be located.
I will go on the website and find the minutes and print them out.
Thank you,

Councilor Kristen Hornbrook

[Quoted text hidden]

Bernie Philbrick ·
To: manager@hampdenmaine.gov

Thu, May 24, 2012 at 2:09 PM

Sue,

It appears that this map is missing parcels of open space, therefore it is basically, incomplete. It seems like if we are going to show this map to people, we as a town should show them all of the open space in town. Without every piece, this map could be very misleading.

Thank You,

Bernie Philbrick

-----Original Message-----

From: Susan Lessar <lessar@hampdenmaine.gov>
To: Bernie Philbrick <philbrick@hampdenmaine.gov>
Sent: Thu, May 24, 2012 12:05 pm
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-----Original Message-----

From: Susan Lessar <lessar@hampdenme.gov>
To: Bernie Philbrick <bernie@hampdenme.gov>
Sent: Wed, May 23, 2012 3:30 pm
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Hampden, ME

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-----Original Message-----

From: Susan Lessard <[redacted]@hampden.gov>
To: Bernie Philbrick <[redacted]>
Sent: Wed, May 23, 2012 1:29 pm
Subject: Re: Draft Outdoor Policy Ordinance

Bernie -

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Thank you -
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On Wed, May 23, 2012 at 9:50 AM, Bernie Philbrick <[redacted]> wrote:
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Bernie Philbrick
Hampden, ME

-----Original Message-----

From: Susan Lessard <[redacted]@hampden.gov>
To: Bernie Philbrick <[redacted]>
Sent: Tue, May 22, 2012 6:02 pm
Subject: Re: Draft Outdoor Policy Ordinance

Bernie-

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Feel free to call or email if you need more information.

Susan

On Tue, May 22, 2012 at 5:00 PM, Bernie Philbrick

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Thank You,

Bernie Philbrick
Hampden, ME

Susan Lessard <manager@hampdenmaine.gov>

Thu, May 24, 2012 at
4:25 PM

To: Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <jeremy@renegadeair.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Kristen L Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Andre Cushing <andre@andrecushing.com>

Good Afternoon -

I am forwarding this email thread to the entire Council since it has been received, at least in part, by one Councilor and because it relates in part to the Services Committee work on the Outdoor Facilities Licensing Ordinance and all of you should have the same information.

Sue

Forwarded conversation

Subject: **Draft Outdoor Policy Ordinance**

From: **Bernie Philbrick** <

Date: Tue, May 22, 2012 at 5:00 PM

To: manager@hampdenmaine.gov

Sue,

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presented to the Service Committee. I am assuming it was a staff member, do you know who?

Thank You,

Bernie Philbrick
Hampden, ME

From: **Susan Lessard** <manager@hampdenmaine.gov>
Date: Tue, May 22, 2012 at 5:48 PM
To: Bernie Philbrick

Good afternoon-

The first draft of the Outdoor facilities Ordinance was distributed to the Services Committee at its meeting on September 14, 2009. The draft was prepared by Kurt Mathies, the Town's Recreation Director and Gretchen Heldmann, the GIS/IT person for the Town. It was provided to the Services Committee for review and recommendations for changes and its purpose was to replace the two existing park ordinances (Dorothea Dix and Papermill Road Rec Area) and provide standardized rules for the use of Town property. It has been reviewed a number of times since then, and the current version that was set for a public hearing at the last Council meeting (May 7th) contained a number of changes made by the Committee members (Town Councilors) since the original draft was prepared in 2009. All Town Ordinances that are requested to be created or updated by the Town Council are initially prepared by a staff member. The drafts are then reviewed and changed by Town Councilors in Committee meetings, reviewed by the Town Attorney for legality, and then presented at a Public Hearing before the Town Council.

At the hearing, two issues were identified that caused the majority of the Council to postpone a decision on the ordinance and send it back to the Services Committee. One was a question about dogs needing to be on leashes and the other was whether the Town had the right to limit firearms at ballfields/parks. The first question - about dogs on leashes - is still up in the air and the Services Committee will deal with that at its next meeting in June. The second question has been answered. The Town is pre-empted by State law from passing any ordinance which limits the carry provision of firearms. The draft that was presented at the public hearing had no limitations on the right of persons to carry weapons on town property.

I hope this is helpful.
Susan

From: **Susan Lessard** <manager@hampdenmaine.gov>
Date: Tue, May 22, 2012 at 6:02 PM
To: Bernie Philbrick

Bernie-

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Date: Wed, May 23, 2012 at 9:50 AM
To: manager@hampdenmaine.gov

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Date: Wed, May 23, 2012 at 1:29 PM
To: Bernie Philbrick <

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Sue Lessard

From: **Bernie Philbrick** <
Date: Wed, May 23, 2012 at 3:06 PM
To: manager@hampdenmaine.gov

Sue,

I find it a little disturbing that we have our recreation director and a map specialist preparing these types of multiple restrictions intended to control the citizens of Hampden. I am not sure of how much money was spent by the Town between Kurt, Gretchen and Tom Russell to prepare this document, attend Service meetings and to have an attorney review multiple times? This certainly was not money not well spent. It makes me wonder how many sets of hands this went through at the Town Office level? How many times did Tom Russell look at this and not recognize that the ordinance was unconstitutional? Its disturbing to think that we paid for this treatment. Its disturbing to think that this document made its way to Town Council and no one questioned the constitutionality, except for one, Councilor Hornbrook. And when questioned, this person was removed from further participation at the Service Committee by our Mayor, then disrespected in a public forum by our Mayor stating that Hornbrook's citation of the Constitution was her opinion only. Later the Mayor went on to describe how people with guns make her feel, "uncomfortable". So, we have one councilor who correctly cites the constitution (the bedrock of freedom) and another who cites her fear (the bedrock of control). Its my OPINION that Councilor Hornbrook deserves a public apology from the Mayor.

However, this is more than an illegally enforced gun control scheme by our town. Why does the Town of Hampden feel the necessity to dictate to the population where they can or cannot use tobacco products, outdoors mind you! Or how to walk a dog, WOW! Did you know that the State has laws regarding dogs at large? What about cats, what are we to do about cats roaming at large? Instead of compromising more rights of citizens, why not look at existing law for precedent? What difference does it make how many people are for or against if the basis is unconstitutional. It also looks like the ordinance is now allowing ANY law enforcement officer to hunt on playgrounds and parks in the Town of Hampden regardless of the no discharge zone. The same document then goes on to say that prescription medicines will be allowed at playgrounds and parks. So its OK to attend a little league game and smoke marijuana, but not a cigarette. Is this what we as a town want? Does anybody have a handle on this?

To answer your question, recently at a council meeting Councilor Lawlis was touting that the Town of Hampden "owns" over a hundred "pocket parks". She also has been stating that this Outdoor Facilities Ordinance will govern peoples actions while visiting these parks. This morning I asked you for the definition of a "pocket park" with locations here in Hampden. Perhaps you can ask Jean what it is she has been talking about. I can't imagine where Hampden would have over 100 parks hiding, in Hampden. One can speculate that this is the next step for land use regulation on land that has been or will soon be confiscated and deemed as "Open Space". This is a little disturbing considering it was you that said the ordinance was written for "playgrounds and ball fields". Now we learn that there are hundreds of other mysterious "pocket park" locations. Something is not adding up. Why would Jean make this stuff up?

Overall the Outdoor Facilities Policy came across as looking very sloppily written. It seems so backwards that its no wonder the people think there is a hidden agenda taking place in Hampden. I commend you for removing at least one of these persons from the Service Committee, you should continue. These people should not be involved at a capacity where they could possibly be authoring ordinances for us all to follow. This should be a function of the duly elected officials in our Town of Hampden. Officials who have sworn the oath as mentioned in our Town Charter:

Sec. 1001 Oath of Office -

Every officer of the town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of

the town clerk. "I..... do affirm, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen hereof, that I will in all respects observe the provisions of the charter and ordinances of the Town of Hampden, Maine and I will faithfully discharge all the duties incumbent upon me as..... according to the Constitution and laws of the state, so help me, God." (**Amended: June 2, 1982, November 6, 1990**)

Our founders felt strongly enough about the constitution to include it in our charter. So should our elected officials as they have sworn to uphold it.

Thank You,

Bernie Philbrick
Hampden, ME

A **lynch mob** is an example of pure **democracy** in action. There is only one dissenting vote, and that is cast by the person at the end of the rope!

-----Original Message-----

From: Susan Lessard <manager@hampdenmaine.gov>
To: Bernie Philbrick <

From: **Susan Lessard** <manager@hampdenmaine.gov>
Date: Wed, May 23, 2012 at 3:30 PM
To: Bernie Philbrick <

Bernie-

You obviously have strong opinions on the subject of your rights under the constitution, and I respect those opinions. I would appreciate it if you could call and set up a time to come in and talk with me about your concerns regarding the ordinances in question and the way in which the Town develops ordinances. I am apparently not doing a good job via email of explaining how the process works or what the role of staff is.

From your description, the term 'pocket park' that you said was used by Councilor Lawlis would describe the open space lots that the Town has in subdivisions throughout the community. When a subdivision is approved, it has to either provide for public open space in it or a fee in lieu of open space that is used by the Town to acquire land for municipal purposes - such as parks. These areas are scattered all over the community. I can provide a map if you like of the land owned by the Town - some of which has municipal buildings such as the Town Office and the Town Garage and Library, etc., and some of which is vacant.

I hope you call to set up a time to come in, at your convenience, and talk.
Susan

From: **Kristen Hornbrook** <hornbrooktowncouncil@hampdenmaine.gov>
Date: Thu, May 24, 2012 at 10:19 AM

To: Susan Lessard <manager@hampdenmaine.gov>
Cc: Gretchen Heldmann <gheldmann@hampdenmaine.gov>, Dean Bennett <economicdevelopment@hampdenmaine.gov>, Bob Osborne <hampdenmaineplanner@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

Good morning,

A request has been made for me to find the map which shows all town-owned lands, parks, pocket parks, and open space that the Draft Outdoor Facilities Ordinance covers. I'm not able to put my fingers on it at the moment. Could someone point me in the direction where I might find that map?
Thank you,

Councilor Kristen Hornbrook

-----Original Message-----

From: Susan Lessard <manager@hampdenmaine.gov>
To: Bernie Philbrick
Sent: Tue, May 22, 2012
Subject: Re: Draft Outdoor Policy Ordinance

From: **Bernie Philbrick**
Date: Thu, May 24, 2012 at 10:23 AM
To: manager@hampdenmaine.gov

[Quoted text hidden]

From: **Gretchen Heldmann** <gheldmann@hampdenmaine.gov>
Date: Thu, May 24, 2012 at 11:16 AM
To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>
Cc: Susan Lessard <manager@hampdenmaine.gov>, Dean Bennett <economicdevelopment@hampdenmaine.gov>, Bob Osborne <hampdenmaineplanner@gmail.com>, Denise Hodsdon <clerk@hampdenmaine.gov>

Good morning Councilor Hornbrook,

At the August 8, 2011 Council Services Committee meeting, of which you were an attendee, I provided 11"x17" size handouts including a map of town open space (which included "pocket parks") as well as a detailed spreadsheet inventory of subdivision open space. These are available on the website at the end of the minutes for this meeting. If you have misplaced these I would be happy to print out another set, please let me know.

Thank you,
~G

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>
OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

From: **Susan Lessard** <manager@hampdenmaine.gov>
Date: Thu, May 24, 2012 at 12:05 PM
To: Bernie Philbrick

Bernie-
The following link will take you to the map showing all town-owned land. It is included in the minutes of the 8/8/2011 Services Committee Meeting and is followed by a list of town-owned parcels.

http://www.hampdenmaine.gov/vertical/sites/%7B1FCAF0C4-5C5E-476D-A92E-1BED5B1F9E05%7D/uploads/Services08082011Minutes_wAttachmentsRev.pdf

it is on Page 15 of the minutes

Susan

From: **Gretchen Heldmann** <gheldmann@hampdenmaine.gov>
Date: Thu, May 24, 2012 at 12:12 PM
To: Susan Lessard <manager@hampdenmaine.gov>, Denise Hodsdon <clerk@hampdenmaine.gov>, Hampden Recreation <recreation@hampdenmaine.gov>

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
<http://www.maine.gov/geolib/>

OFFICE HOURS: Mon.-Thurs. 7:30am-6pm
106 Western Avenue
Hampden, ME 04444
Phone: (207)862.4500 x142
<http://www.hampdenmaine.gov/>

----- Forwarded message -----

From: **Kristen Hornbrook** <hornbrooktowncouncil@hampdenmaine.gov>
Date: Thu, May 24, 2012 at 11:43 AM
Subject: Re: Draft Outdoor Policy Ordinance
To: Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Thank you Gretchen,

I have indeed misplaced them.
There are so many topics, meetings, and minutes for Council that it is easy to lose track of where the information is to be located.
I will go on the website and find the minutes and print them out.
Thank you,

Councilor Kristen Hornbrook

From: **Bernie Philbrick**
Date: Thu, May 24, 2012 at 2:09 PM
To: manager@hampdenmaine.gov

[Quoted text hidden]

 **Papermill Road & Dorothea Dix Park Ordinances.pdf**
556K

Kristen Hornbrook <hornbrooktowncouncil@hamndenmaine.gov>

Fri, May 25, 2012
at 12:10 PM

To: Bernie Philbrick
Cc: manager@hampdenmaine.gov

Good morning Sue,

It is a little disconcerting to say the least to find out that I swore an oath to uphold the Charter of the town of Hampden as well as the Ordinances of Hampden only to find out that **at least** two of them have now (according to your own words) been proved to be in

direct violation to state law, i.e. municipalities not being allowed to write laws or ordinances which regulate the carry of firearms.

From another resident, these questions have come up which I was asked to forward on to you:

Can you also ask Sue

- 1) What qualifications does Gretchen have to write ordinances (Hampden Law)?
- 2) Does Gretchen have a law degree?
- 3) Is the constitution ever considered when writing Hampden Law?
- 4) Does Gretchen write Hampden Law solely on her own? If not on her own - who helps her?
- 5) Does Tom Russell have any qualifications to write Hampden Law?
- 6) Can we see all billing from Russell that pertains to this ordinance alone dating back 10 years?
- 7) Did Tom Russell help write this ordinance?
- 8) How many other ordinances has Tom Russell written?

Thank you,
Councilor Kristen Hornbrook

[Quoted text hidden]

Susan Lessard <manager@hampdenmaine.gov>

Tue, May 29, 2012 at
10:08 AM

To: Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Bcc: Denise <clerk@hampdenmaine.gov>, Janet Hughes
<hughestowncouncil@hampdenmaine.gov>, Jean Lawlis
<lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <jeremy@renegadeair.com>,
Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Kristen L Hornbrook
<hornbrooktowncouncil@hampdenmaine.gov>, Shelby Wright
<wrighttowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann
<branntowncouncil@hampdenmaine.gov>, Andre Cushing <andre@andrecushing.com>

Good morning Sue,

It is a little disconcerting to say the least to find out that I swore an oath to uphold the Charter of the town of Hampden as well as the Ordinances of Hampden only to find out that **at least** two of them have now (according to your own words) been proved to be in direct violation to state law, i.e. municipalities not being allowed to write laws or ordinances which regulate the carry of firearms.

From another resident, these questions have come up which I was asked to forward on to you.

Councilor Hornbrook,

I have addressed the questions below in a narrative form.

These questions appear to be based on the assumption that staff members write ordinances without direction, review or input from the elected municipal officers - the Town Council – and that is not correct. Ordinances are created when the Town Council directs staff to prepare a draft set of 'rules' in regard to a particular subject. That draft is then provided to the relevant Council Committee and dissected and changed by the Council members in that Committee in order to come up with a final draft that is then sent to the full Council for a public hearing after it is reviewed by the Town's legal counsel to insure that it is compliant with state and federal law..

The original 'draft' of the outdoor facilities ordinance was the same as the current Dorothea Dix Park/Papermill Road Rec Area Ordinance. Neither of those ordinances were in computerized form, so all Gretchen and Kurt did was computerize them and provide them to the Services Committee as a template from which to work. The Town Councilor Committee members are the ones who determined what the final content of the ordinance was going to be – not staff members.

No staff member has a law degree, including Gretchen. Her bachelor's degree is in Forestry and GIS and her Master's work is in Forestry.

Tom Russell is a licensed attorney. He does not write Hampden Law, he reviews what is provided to him and provides the Council with input as to the legality of what it is proposing to do with an ordinance. The constitutionality of an ordinance would be considered by him in his review. Tom Russell reviews all proposed ordinances prior to final adoption by the Council and provides input as to the legality of them. I will provide copies of any bills that he has sent related to the Outdoor Facilities Licensing Ordinance, however, the work on this ordinance only goes back to 2009. Are you looking for work on the Dorothea Dix Park or Papermill Road Rec Area ordinances since those are the foundation for this one?

I think it would be helpful if the Town Council had a workshop, or at the very least an agenda item at a regular Council meeting to provide information on how ordinances are created and amended. It appears that individual staff members and the Town Attorney are being blamed for the creation and content of ordinances, when in reality, Ordinances are reviewed, adopted, and amended only through the vote of the elected officials – Town Councilors – of the community.

Susan

Can you also ask Sue

- 1) What qualifications does Gretchen have to write ordinances (Hampden Law)?
- 2) Does Gretchen have a law degree?
- 3) Is the constitution ever considered when writing Hampden Law?
- 4) Does Gretchen write Hampden Law solely on her own? If not on her own - who helps her?
- 5) Does Tom Russell have any qualifications to write Hampden Law?
- 6) Can we see all billing from Russell that pertains to this ordinance alone dating back 10 years?
- 7) Did Tom Russell help write this ordinance?
- 8) How many other ordinances has Tom Russell written?

[Quoted text hidden]

2A



Susan Lessard <manager@hampdenmaine.gov>

Services Committee - Attach to next agenda please.

1 message

Janet Hughes <hughestowncouncil@hampdenmaine.gov>

Thu, May 17, 2012
at 12:00 PM

To: Gretchen Heldmann <gheldmann@hampdenmaine.gov>

Cc: Susan Lessard <manager@hampdenmaine.gov>

----- Forwarded message -----

From: **David Plowman** <[redacted]>

Date: Wed, May 16, 2012 at 5:01 PM

Subject: RE:

To: Janet Hughes <hughestowncouncil@hampdenmaine.gov>

Thank you

From: Janet Hughes [mailto:hughestowncouncil@hampdenmaine.gov]

Sent: Wednesday, May 16, 2012 4:54 PM

To: David Plowman

Cc: Andre Cushing; Jean Lawlis; Jeremy Williams; Kristen Hornbrook; Shelby Wright; Tom Brann; Susan Lessard

Subject: Re:

Good Afternoon Dave,

Thank you for forwarding your comments. At the last Town Council Meeting, the Council forwarded the draft Outdoors Facilities ordinance to the Services Committee to further review two concerns 1) Carry of Firearms at playgrounds and ball fields; and 2) restricting dogs to leashes at parks. The Council requested that our Town Attorney follow up with the legal parameters of the current gun laws to facilitate the Services Committee meeting. Our Town Attorney has done so.... with a legal summary of state and federal regulation. As Senator Plowman mentioned in her earlier email, there is recent state law that restricts municipalities from implementing ordinances and/or restrictions on public properties. It is the opinion of our Attorney that no restrictions on

"carry" can be made except at sensitive locations which does not appear to be Town owned playgrounds or ballfields. The Services Committee could not make a quorum at Monday's meeting (requiring 2 of 3 committee members) thus that meeting was cancelled and I believe will be soon rescheduled, otherwise will be held next month. The Committee (and attending Council) will be reviewing the Attorney's opinion. I dont see this as an issue, as the Council regardless of opinion cannot violate state law in the development of policy. I have no intention of challenging State Law, and I cant say that any of the other councilors had clear objection except to that related to dog leash restrictions.

There are a number of residents with varying questions and comments over the last few weeks, and I wanted to follow up with you and others, in light of the cancelled meeting. We will forward your email to the Services Committee.

Again Thank you for your comments, and please feel free to call me at 768-1396 if you would like further information or discussion.

Sincerely,

Janet Hughes

Council Chair

On Mon, May 14, 2012 at 5:08 PM, David Plowman

Hampden Town Council,

I was unable to attend your last meeting but would like to express my opinion regarding the proposal to restrict my right to carry a firearm on town properties. I have my Concealed Weapons Permit for a number of years. When I do carry a firearm it is concealed and is not brandished in any way. As a law abiding citizen I feel that the Second Ammendment guarantees me the right to "keep and bear arms". I fully understand that we do not want weapons discharged at Little League games but that is very different from taking away my right to carry a weapon. In Maine we are fortunate to have a very low crime rate. This is due, in my opinion, to the fact that the vast majority of Mainers own firearms. When you take away the rights of law abiding citizens to bear arms only criminals will be armed.

Dave Plowman



Check One: Initial Application
 Application for Reappointment

A-3-C

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: McVeigh Sarah
LAST FIRST MI

ADDRESS: 127 Sunken Bridge Rd Winterport, ME 04494
STREET MAILING

TELEPHONE: 223-4281 _____
HOME WORK

OCCUPATION: Interpreter

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Laura Holt Memorial Pool

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? In the past I organized and ran the
Winterport ^{Summer} Rec program. I was editor of Maine
RID news letter for 5 years. I also helped
plan and organize the Winterport Apple Fest...

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
- DYER LIBRARY
- RECREATION COMMITTEE
- ZONING BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- 5 YEAR
- PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received MAY 15 2012
APPOINTMENTS COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

A-3-d

NAME: Barrett LAST David FIRST J MI

ADDRESS: 5 Independence Ave STREET Hampden TOWN 04444 ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207 862 3685 HOME 581 1978 WORK

EMAIL: LLABAK@yahoo.com

OCCUPATION: Professor

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Library

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? CPA, 3 children, several prior years on the board already

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: MAY 09 2012

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

Check One: Initial Application
 Application for Reappointment



TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Sargent Joshua FL
LAST FIRST MI

ADDRESS: 291 Meadow Rd Hampden
STREET MAILING

TELEPHONE: 404-3213 _____
HOME WORK

OCCUPATION: Intake Specialist

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Lura Hoyt Pool

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee?
I'm on the finance team for my church, so I understand non-profit fundraising. I've worked for non-profits my entire work career.

Are there any issues you feel this board or committee should address, or should continue to address?
Continued operation of The pool, as it is a benefit to the local community.

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

FOR TOWN USE ONLY		Date Application Received: MAY 30 2012
APPOINTMENTS COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Application for Reappointment

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Victoria Levesque G
LAST FIRST MI

ADDRESS: 116 Shaw Hill Rd P.O. Box 288
STREET MAILING

TELEPHONE: 862-3535 944-4206
HOME cell WORK

OCCUPATION: Teacher of Gifted - Fairmount School - Bangor

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Lura Hoit Pool - 2yr

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? Well educated w/ 2 Master's Degrees, therefore, able to analyze + evaluate information + good social skills + with teacher experience able to communicate with variety of social strata + citizen of Hampden for 40+ years and...

Are there any issues you feel this board or committee should address, or should continue to address? always looking to provide opportunities for community members of all ages and being part of a community that supports on-going health opportunities.

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL 2yr
- ECONOMIC DEVELOPMENT COMMITTEE
- DYER LIBRARY
- RECREATION COMMITTEE
- ZONING BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE

3 YEAR
5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>MAY 01 2012</u>
APPOINTMENTS COMMITTEE ACTION:	_____	DATE: _____
COUNCIL ACTION:	_____	DATE: _____
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Check One: Initial Application
 Application for Reappointment



TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Jellison Mike L
LAST FIRST MI

ADDRESS: 13 Summer Str. Hampden
STREET MAILING

TELEPHONE: 862-3153 745-1579 (c)
HOME WORK

OCCUPATION: Business & Community Liaison Subject Job

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Lura Hort Memorial Pool
Corps Academy

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee?
2+ yrs family member Lura Hort Pool -
Experienced in Outreach/Networking
Funding board member Orono/Veazie Lake League
State of Maine Parks: Recreation Volunteer of the Year 1996

Are there any issues you feel this board or committee should address, or should continue to address?
Maintaining the financial sustainability of the pool -

Penobscot Job Corps Academy
Creating a Community That Works

Mike Jellison
Business & Community Liaison
1375 Union Street
Bangor, ME 04401

Phone: (207) 990-3000 Ext. 268
Cell: (207) 745-1579
Fax: (207) 942-9829
E-mail: jellison.mike@jobcorps.org

3 YEAR

DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE

5 YEAR
PLANNING BOARD

Date Application Received MAY 01 2012

COUNCIL ACTION: _____ DATE: _____
_____ DATE: _____
NEW APPT REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____