

SERVICES COMMITTEE MEETING

Wednesday, July 18, 2018

6:00 pm

HAMPDEN TOWN OFFICE

A G E N D A

1. MINUTES

- a. March 12, 2018

2. COMMITTEE APPLICATIONS

3. UNFINISHED BUSINESS

- a. Youth Recreational Field and Parking Permitting

4. NEW BUSINESS

- a. Discussion of the Souadabscook Stream boat launch
- b. Discussion of access and recreational use of the LL Bean parcel
- c. Review and approval of recommendation to Council for Public Hearing the proposed amendments to the Harbor Ordinance – *request of Harbor Master Peter Neal*

5. PUBLIC AND STAFF COMMENTS

6. COMMITTEE MEMBER COMMENTS

SERVICES COMMITTEE MEETING

Monday, March 12, 2018

6:00 pm

HAMPDEN TOWN OFFICE

MINUTES - DRAFT

Attending:

*Chairman Marble
Councilor Cormier
Councilor McAvoy
Councilor Ryder
Councilor Sirois
Councilor Wilde*

*Town Manager Angus Jennings
Rec Director Shelley Abbot
Emily Buswell, Farmer's Market Mgr.
Jane Jarvi
Eric Jarvi
Members of the Public*

1. MINUTES

- a. **February 12, 2018** – *Councilor McAvoy made a motion, seconded by Councilor Ryder to accept. Unanimous vote in favor, 6-0.*

2. COMMITTEE APPLICATIONS - *None*

3. OLD BUSINESS

- a. **Review of draft language for potential survey questions, or non-binding ballot questions on June 2018 referendum, regarding recreational parking and facilities at the Lura Hoit Pool site** – *Councilor Marble reported that Manager Jennings had followed up on a suggestion by the chair to garner feedback from the public. Three possible scenarios are a non-binding referendum, a survey in the newsletter, or even a referendum in November. Manager Jennings referred to the January meeting when members were not in favor of putting it on a ballot, especially without numbers. He stated that he could put a type of survey in the newsletter, but would not have high hopes of getting many back. He stated that a true survey could be done, but it is time consuming to do. Manager Jennings stated the direction in January was that more input from the public is needed, so he is putting it back on Council for direction. Councilor Sirois spoke in favor of determining a dollar amount and then putting out a survey to find out what the townspeople want. He stated that he felt that it should go on a ballot in November but should be binding and should have a solid dollar amount*

to dispel rumors. Councilor McAvoy stated that there cannot be a referendum on a capital project by charter but he agrees that the topic should be put off until November. Chairman Marble asked to what extent if it is not going on the ballot, and Councilor McAvoy stated a survey should be done. Councilor Ryder stated that in his opinion, some will say no automatically with or without numbers. He stated November would be better to survey because voter turn-out is better. He stated we should find out if people want to proceed with the idea even if we don't have numbers yet. Councilor Cormier stated he was happy to see what he has asked for in trying to find out what the public wants. He would like to see numbers; just tonight he has heard different dollar amounts. He re-stated that he is interested in finding out what the public input is. Councilor Wilde referred to the estimates of the various scenarios provided by Woodard & Curran and stated that at least they were numbers to give, even if they were high. He then stated that he had tried, and would prefer, to agree to do this in stages, starting with just the parking lot. Chairman Marble asked for questions or comments from the audience. Jane Jarvi suggested the use of Survey Monkey, stating that databases from Rec, Pool, and Library as well as boards & committees could be used. Manager Jennings stated that he did not believe that to be a broad enough cross section of the town. Chairman Marble stated that although there is no consensus for how to proceed, there is a consensus for determining in November what the public would like to do by way of non-binding question.

4. NEW BUSINESS

- a. Hampden Farmers' Market request for continued use of Municipal Building parking lot on Fridays during summer 2018** – *Chairman Marble recognized Emily Buswell, Farmer's Market Manager and asked her to speak regarding the market. She indicated that there were no changes to affect the agreement that was signed in 2014. She explained the Federally funded SNAP program, and the benefit to Hampden residents. Councilor McAvoy asked what will happen if the Town office changes their hours to be open on Friday. Ms. Buswell acknowledged use of the space is contingent upon municipal needs but requested enough notice to find a new location and to let customers know if were to happen. Councilor Sirois spoke to the value of the market for Hampden residents. Councilor Sirois made a motion, seconded by Councilor Ryder, to continue with the agreement in place with the Farmer's Market. Councilor McAvoy asked Manager Jennings what the status of opening Friday was. Manager Jennings reported that he is gathering back ground information on how and why it began and that he intends to put a survey in the Hampden Highlights newsletter this spring. There were no other comments and the motion was brought to vote. Unanimous, 6-0.*

- b. **Report on \$13,618.40 in Prentiss & Carlisle logging proceeds deposited into Parks/Playgrounds Reserve Account (3-768-00) – Angus Jennings, Town Manager** – *Manager Jennings reported on the harvest reports and the proceeds from the logging operations. In 2014, it appeared the intent was for extra picnic tables, so in keeping with that, the funds were receipted into the Playground Reserve.*

- c. **Request for authorization of up to \$3,765.00 in /Playgrounds Reserve funds (3-768-00) for tennis court light poles – Shelley Abbott, Rec Director** – *Director Abbot reported that the damage on one pole was discovered after the Halloween windstorm in 2017, but in looking at the damages, it was determined that there were three other poles that should be replaced. A portion of this may be reimbursed by insurance. Councilor Ryder made a motion, seconded by Councilor Sirois, to recommend to finance committee for payment in the amount of \$3,765. Unanimous vote in favor, 6-0.*

5. PUBLIC AND STAFF COMMENTS

- a. **Notice of Hampden Recreation Department Candy Land Family Dance – Saturday, March 24 from 6 PM to 8 PM** – *Shelley Abbot recapped the event information.*
- b. **Notice of Eliot Lamb Memorial Race (formerly Souadabscook Canoe Race) – Saturday, April 14 from 10 AM to 2 PM** – *Manager Jennings recapped the event information. This led to discussion regarding possibility for a land grant or conservation easement for the Bog Road parcel.*

6. COMMITTEE MEMBER COMMENTS

Councilor McAvoy – No comment

Councilor Marble – No comment

Councilor Sirois – Commended Shelley and the recreation staff for the basketball tournament. He stated that it revealed the need for adequate parking and space.

Mayor McPike - absent

With no further business, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

*Paula A. Scott, CCM
Town Clerk*

**TOWN OF HAMPDEN, MAINE
HARBOR ORDINANCE**

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Draft

**The Town of Hampden Hereby Ordains
Proposed Amendments to the Harbor Ordinance**

Deletions are YELLOW & Proposed additions are Gray

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ADOPTED: Hampden Town Council: August 20, 1984
Effective date: September 19, 1984

AMENDED: Hampden Town Council April 20, 1992
Effective: May 20, 1992

AMENDED: Hampden Town Council November 17, 2003
Effective: December 17, 2003

AMENDED: Hampden Town Council [DATE] 2018
Effective [DATE] 2018

**TOWN OF HAMPDEN, MAINE
HARBOR ORDINANCE**

**ARTICLE I
BOUNDARIES AND JURISDICTION**

The rules and regulations contained herein shall govern water recreation, navigation, and all boating activities on the Penobscot River and its estuarine tributaries, extending from the Bangor City Line to the Winterport Town Line, to the thread of the river channel. The Hampden Marina area shall include that area on Turtle Head extending from the property line between land now or formerly owned by the City of Bangor and land now or formerly owned by the Lane Construction Corporation, southwest to a point 100 feet downriver from Turtle Head Point, extending to the thread of the river; also including Turtle Head Cove, from Turtle Head to the head of tide.

**ARTICLE II
HARBOR MASTER**

The Harbor Master shall be appointed annually by the Town Council and shall have the authority to enforce the rules and regulations of the Statutes of the State of Maine relating to the operation of vessels, as contained in Title 38 M.R.S.A., Chapter 1, and other rules and regulations as contained herein.

**ARTICLE III
CHANNELS**

The **Main** ~~main~~ channel at the Hampden Marina shall extend in a southerly direction from the boat launching ramps approximately 400 feet to the main channel of the Penobscot River, to be marked by buoys from May 15th to October 15th of each year. The channel shall be kept clear for the passage of boats to the public landing float and the boat launching ramps.

There shall be no anchoring allowed within 100 feet of the channel lines, and tenders or dinghies shall not be allowed to encroach into the area of the channel outlined by the channel buoys.

**ARTICLE IV
FLOATS**

A landing float will be maintained at the Hampden Marina by the Town for the use of the public. No persons shall leave a vessel tied to the face of the public float for a period of longer than one hour without the direct permission of the Harbor Master, with the exception of the rowboats, canoes, dinghies, or other un-powered boats, which may be tied to the ends or rear of the float after registration with the Harbor Master. Any person who leaves a vessel moored to the public float beyond the allotted time shall be fined for each violation in the sum of not less than \$25.00 nor more than \$100.00 to be recovered on complaint by the Harbor Master before the District Court. Each day shall be considered a separate violation.

Boats over 15 feet in length shall not be allowed to be tied up to the dinghy area. *(Amended 4/20/92)*

Overnight tie-up to the public float will be allowed only upon permission from the Harbor Master, with payment of a fee in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

ARTICLE V IV
LAUNCHING RAMPS

The Harbor Master shall have jurisdiction over the public boat launching ramps. Boats and cradles shall not be left on the ramps at any time. Vehicles, trailers, and boats shall be parked or stored in designated areas only. No vehicles or boats shall be left unattended on the approach to the launch ramps.

No unattended tie-up of boats to the grounding floats will be allowed, nor will boats be allowed to tie up in any manner so as to interfere with the launching or retrieval of boats on the launch ramps. Any violation will be subject to the same penalties as described above for the public float shall be fined for each violation in the sum of not less than \$25.00 nor more than \$100.00 to be recovered on complaint by the Harbor Master before District Court. Each day shall be considered a separate violation.

ARTICLE VI V
MOORINGS

A mooring area shall be established on the upriver side of the entrance channel to the boat launch ramps, extending upriver to an extension of the property line between land now or formerly owned by the City of Bangor and now or formerly owned by the Lane Construction Corporation. The maximum offshore distance for mooring shall be 350 feet from the mean high water line.

Installation of private moorings will be subject to the approval of the Harbor Master upon payment of an annual fee in accordance with the Town of Hampden Fees Ordinance. (Amended: 11-17-03)

Said moorings shall be placed only in the precise areas designated by the Harbor Master. Residents of the Town of Hampden and the City of Bangor will be given priority with regard to the placement of private moorings. (Amended 4/20/92)

The Harbor Master shall register all moorings with the following information:

1. Name and address of the owner, and number of the vessel.
2. Location of the mooring.
3. Size and type of the mooring and chain.

All moorings shall be registered at the Town Office each year before May 1st. Each private mooring shall be assigned a number, which shall be displayed on the buoy in permanent letters at least 2½ inches high.

The maximum mooring scope from staple to bit shall be forty feet. The minimum mooring weight shall be one ton for stone or other bulk moorings, or the equivalent for swing-around moorings. The minimum bottom chain size shall be 3/8 inch. In addition to the foregoing specifications for moorings, the Harbor Master may enforce additional written specifications, to be conveniently available to the public upon request. (Amended: 4-20-92)

No changes in the location of moorings will be allowed without the approval of the Harbor Master. Moorings not registered by May 1st of each year shall become the property of the Town. Ownerships of private moorings are not transferable without the written permission of the Harbor Master. Moorings shall be inspected at least once every five years at the owner's expense, either by pulling or by underwater investigation. If, upon inspection, the mooring is considered by the Harbor Master to be unsafe, then it shall be repaired or replaced within a period of ten days at the expense of the owner.

Whoever violates any of the above conditions pertaining to moorings shall be liable upon complaint of the Harbor Master in the District Court for a fine of not less than \$25.00 nor more than \$100.00. Whoever willfully destroys any channel marker or buoy shall be liable upon complaint of the Harbor Master for a fine of not less than \$100.00 nor more than \$200.00

The anchoring of boats will not be allowed within the limits of the entrance channel or the mooring area. All boats shall be anchored downriver from the mooring area. The lower limit of anchored area shall be 100 feet downriver from Turtle Head. *(Amended: 4-20-92)*

Whoever anchors a boat in an improper location or manner shall be liable upon complaint of the Harbor Master in District Court for a fine of not less than \$25.00 nor more than \$100.00.

ARTICLE VII VI GENERAL REGULATIONS

Any use of the public facilities mentioned above, i.e., public floats, boat launching ramps, parking areas, moorings and ground floats shall be at the user's risk, and the Town of Hampden will not be liable for any damage or injury resulting from the use of said facilities. Boats and/or trailers will not be stored on the premises within the parking area for more than twenty-four (24) hours without the permission of the Harbor Master. *(Amended: 4-20-92)*

Swimming and or wading in or around the boat launch area is not permitted. All children under the age of 12 shall wear a life preserver at all times while on the floating dock. Dogs are allowed on the beach south of the launch ramp provided that they are under the owners control, but are not allowed on the boat launch ramp.

A Harbor Committee shall be appointed each year by the Town Council, consisting of five members, each serving three-year terms. The initial Committee will have two members serving three years, two members serving two years, and one member serving one year. All new appointments will be for three year terms. The Town Manager and the Harbor Master shall serve as Ex Officio members. The Harbor Committee shall be composed of those persons having an interest in and knowledge of recreational boating, and those persons having a direct connection with the ownership and/or operation of facilities in the Turtle Head area.

The duties of the Committee shall include:

1. The general surveillance of the operation and maintenance of the Marina area, including shore-side activities,
2. The establishment and the annual review of fees for the use of the public facilities,
3. The planning for further development and improvement of the Marina facilities, and
4. The planning and review of boating activities within the overall harbor jurisdiction.

The Committee shall file an annual report with the Town Council. The Harbor Committee shall be advisory in nature and any complaints, recommendations or requests shall be addressed to the Town Manager for further action.

The Harbor Master shall be responsible for carrying out the provisions of this Ordinance as well as the provisions of Title 38 M.R.S.A., Chapter 1. He/she shall keep a log of all activities within the harbor area,

and shall collect all fees as hereinafter established to be turned over daily to the Town Clerk. The Harbor Master shall be subject to the authority and direction of the Town Manager.

**ARTICLE VIII VII
NUISANCE AND POLLUTION**

No watercraft shall be used or operated within the harbor area so as to cause danger, annoyance, disturbance or inconvenience to the public. Motorboats without suitable mufflers will be prohibited.

All watercraft operating within the Hampden Marina limits shall maintain a speed of not more than five knots.

No person or vessel shall dump or dispose of any refuse or garbage upon the shore of the Penobscot River or its tributaries, or upon the waters of the river. No vessel shall deposit, throw, sweep or cause to be deposited or swept into the waters of the Penobscot River or its tributaries any gasoline, oil, fuel or sewage, or any floating objects which may cause obstruction or danger to navigation.

Any master or owner of any vessel or boat, or any other person who shall violate any of the provisions of any rules or regulation contained herein to which a specific penalty is not annexed or otherwise provided by law, shall forfeit and pay a fine of not less than \$25.00 nor more than \$100.00, to be recovered upon complaint by the Harbor Master before District Court.