



BOARD OF SELECTMEN

MINUTES

February 8, 2011

‡Approved March 8, 2011 with corrections

Attendance: Chairman Joe Bruno, Vice-chair Lonnie Taylor, Charly Leavitt, Sam Gifford, and Mike Reynolds.

Staff: Don Willard, Town Manager; Louise Lester, Town Clerk; Chris Hanson, Code Enforcement Officer; and Danielle Loring, Recording Secretary.

Other: Dave Sawyer, Windham Assessor/GIS Coordinator; and Dawn Greenleaf, Owner of JD's Firehouse Grill.

1) Call to order: Chairman Joe Bruno called the meeting to order at 6:59pm and a quorum was declared.

2) Minutes of previous meeting dated January 11, 2011

MOTION: Mike Reynolds motioned to accept the minutes from the January 11, 2011 meeting as submitted. Seconded by Lonnie Taylor.

DISCUSSION: Mr. Reynolds pointed out under "Item E" that it should read "Derbyfest" not "Gabfest."

VOTE: UNANIMOUS APPROVAL (5/0)

3) New business.

****c) Public Hearing: New Special Amusement Application JD's Firehouse Grille, 1227 Roosevelt Trail (Former Roscoe's location)- Dawn Greenleaf, Owner**

Dawn Greenleaf, Owner, said that she was applying for a Special Amusement License. That the restaurant was now open and going well.

MOTION: Mike Reynolds motioned to approve the new Special Amusement Application for JD's Fire House Grille at 1227 Roosevelt Trail. Seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

a) GIS Quarterly Review- Dave Sawyer, Windham Assessor

Dave Sawyer, Windham GIS Coordinator, told the Selectmen that Elisa Trepanier, Contract GIS Technician, had been working hard to do technical clean up. This included parcel line up with aerial data. Mr. Bruno

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

wanted to know if they were on target with what had been contracted and Mr. Sawyer replied that they were. Mr. Reynolds commented that, for a real estate agent, this municipal GIS work, in conjunction with Google Earth, made preliminary research easy.

Mr. Sawyer wanted to know if the Town was planning on engaging in some level of services in the 2011-12 fiscal year. Mr. Willard explained that Mr. Sawyer would need to work with the Web & Technology, but he does expect that there will be some level of service. He added that he was happy with the level of service but last year the GIS Project had funded through a TIF reserve that was not be available in the next fiscal year.

b) Raymond Beach Management Proposal Presentation- Jeff Pomeroy

Jeff Pomeroy summarized his initial business plan for Raymond Beach as having boat rental and food shacks. The 100 foot setback from the water prevented him from being able to place a shack on the shore but his current plan was to have a floating shack where boaters could call in their orders and float up to receive them.

The shack would also be accessible from the beach-side via a "T" shaped dock. He felt that parking was going to be an issue but that the floating restaurant would not add to this, while still allowing patrons to dock at the beach. Mr. Bruno said that twenty-one spaces were reserved for the beach and it was not within the Town's authority to alter that because Inland Fisheries & Wildlife (IF&W) had control of that aspect. Mr. Willard said that the only way to control parking was on the beach side of the parking lot. Mr. Pomeroy said that he planned to mark the spots with a simple sign reading "Beach Parking Only."

Mr. Willard said that the problems with traffic were on hot days, where a lot of people were heading to the beach. Mr. Reynolds continued that the beach had been closed due to trash but the Town had no control over closure due to *E. coli* because testing was done by Portland Water District (PWD) and they made the call call to do so based on resulting levels. Mr. Hanson commented that if the beach was closed for *E. coli* levels that it should only be so for a day or two but it depended on the amount of time that it took to get favorable results back, which was dependent on temperature, the number of beach-goers, and the level of debris affecting levels. Mr. Pomeroy said that he was going to try and reduce this occurrence by making sure that young children were wearing swim diapers and making them available at a low cost, but if the beach was ever closed that it would not be detrimental to his business plan because he was still going to have the "float-thru" business from the Sebago Lake boaters.

Mr. Bruno wanted to know about how Mr. Pomeroy was going to be handling trash pick up. Mr. Pomeroy responded that he was going to rake the beach day and night and would like access to a Town dumpster. Mr. Bruno wanted to know what he meant by "light policing" and Mr. Pomeroy explained that he would ask patrons to settle down and call the police for further action if necessary. Mr. Bruno then asked if he planned on being at the beach every day. He replied that he was going to be at the beach most days, but not everyday. Mr. Leavitt wanted to clarify if there was a No Smoking Policy at the beach and Mr. Willard replied that it was indeed a non-smoking beach and there was a whole list of rules for the beach but the problem had been enforcing them. Mr. Leavitt then wanted to know how many people would be working for Mr. Pomeroy. Mr. Pomeroy explained that he already had an abundance of people whom were willing to work for him and there would be two people on duty at the beach, rain or shine. The individuals would be responsible for enforcing the rules of the beach and for clearing up trash. Mr. Willard wanted to know what his expectations were for the amount of trash that would need to be disposed of and he responded that he estimated four bags a day. Mr. Willard said that he did not think that it would be a problem to drop off that amount into the Town Office dumpster.

Mr. Hanson wanted to make Mr. Pomeroy aware that there was a new State regulation that required swim lines to be permitted by the State. Mr. Bruno wanted to know what Mr. Pomeroy felt the Town was getting

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

out of the agreement and he responded that right now the beach was closed and that was not a favorable position for the Town. He wanted to make it a nice place for people to go with their families and felt that it would bring in a lot of business to the area. Mr. Bruno wanted to know how much business he would need to get to make it viable. Mr. Pomeroy said that he figured it was going to be \$20,000 to get this project started and he did not expect to make a profit for the next couple of years and felt that the worst case scenario, for the Town, would be that it does not work out and there will be no one cleaning up the beach, because everything that he was going to bring to the beach (docks, picnic tables, shacks...etc) was all removable. He was confident in his financial estimates because he would be constructing the dock and house-boat himself and he had already constructed a similar one for his own personal use.

Mr. Taylor expressed concerns with trash control because he was calculating that there would be twelve bags of trash, two per six trash cans, and wanted to know how that would be managed throughout the day. Mr. Pomeroy said that he would make sure that cleaning was an ongoing process throughout the day because if the beach was clean it was better for his business. Mr. Willard suggested that, if the Selectmen were interested in moving forward with this project, that thresholds be established. He felt that there were more estimates that needed to be made with a more thoroughly thought out business plan and recommended a meeting with all involved parties.

Mr. Bruno wanted to know if Mr. Hanson had any concerns. He said that his concerns were regarding proper permitting and involvement with all other parties, such as Department of Health and Human Services (DHHS), IF&W, and Department of Environmental Protection (DEP), and he was going to assist Mr. Pomeroy in this process. Mr. Bruno then asked Mr. Willard what he felt the Town's risks were and he responded that if there was popularity on the land-side of this business, that scenario could compromise the boat-side of the parking area. He was concerned with the shallow waters of the area which could mean collisions and potential injuries. There were comments about making sure that the Town was protected by both good insurance and the wording of the legal agreement.

The Selectmen continued to discuss the time frame for the project where Mr. Pomeroy wanted to be open on Memorial Day of 2011. It was agreed that in order to expedite the process, that they would agree to allow Mr. Pomeroy to move forward with his project, in terms of permitting and working with the appropriate parties, but final approval would still be dependent on how the final product was shaped by that process.

MOTION: Lonnie Taylor motioned to allow Mr. Pomeroy to move forward to the next step of approval by the Board, including negotiations with the Town Manager. Seconded by Sam Gifford.

DISCUSSION: The agreement was that the final proposal would still have to be approved by the Selectmen, but this was conditional approval to give Mr. Pomeroy the authority to meet with department heads, get permits, and refine his proposal and if there were any significant changes, there would have to be another meeting before the Selectmen, which they may or may not be approved. Mr. Hanson made it clear that the restaurant itself would not be inspected until it was on the water. Mr. Willard said that he would like to see concept sketches.

VOTE: UNANIMOUS APPROVAL (5/0)

d) Certificate of Notice for Cell Tower Public Hearing- Code Enforcement Officer Chris Hanson

Mr. Hanson presented the Selectmen with a Certificate of Notice for the Public Hearing regarding the Conditional Rezoning matter to allow for a Wireless Communication Facility off Farm Road. The purpose of this document was to show that the listed abutters were sent notification.

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

MOTION: Mike Reynolds motioned to approve the "Certificate of Notice" as presented. Seconded by Sam Gifford.

DISCUSSION: Mr. Leavitt was concerned that if counsel does not think that this document applies that the Town was selectively choosing portions of the Land Use Ordinance, section 7C1, and why go through any of this process if it was not entirely applicable. Mr. Reynolds stated that he was interpreting counsel's correspondence, regarding the Town's actions, as taking the position of "more notice is better" and the counsel is making the recommendation to approve the document.

VOTE: APPROVED (4/1 [CL])

e) Policy Review: "Provider Agencies' Request for Funds from the Town of Raymond"

Mr. Willard explained that this policy was to inform the Town of the viability of an organization asking for funding from the Town.

MOTION: Mike Reynolds motioned to accept as written and add today's date. Seconded by Lonnie Taylor.

DISCUSSION: Discussion continued about what the policy was trying to achieve and there was concern about tracking how much funding was being spent on administration and the program goals. It was decided that the application would be reviewed to mirror the concerns that were voiced.

VOTE: UNANIMOUS APPROVAL (5/0)

****4) Old (unfinished) business.**

a) Review of Tax Acquired Property Bids- Town Manager Don Willard

Mr. Willard summarized the history of the Tax Acquired Properties. He mentioned that most owners had come forward and made arrangements to pay their taxes and only three properties remained to be sold. He explained how the value of the Daggett Drive property had been adjusted based on some corrective measures that would need to be made. He also mentioned that he set an abstract threshold of 60% of the assessed value to base his recommendation.

i. o Daggett Drive

MOTION: Charly Leavitt motioned to reject the bid for Daggett Drive. No second.
MOTION CEASED

MOTION: Sam Gifford motioned to accept the bid from Jeffery & Caroline Pollard in the amount of \$21,001.00. Seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: APPROVED (4/1[CL])

ii. o Valley Road

Mike Reynolds asked to recuse himself from the vote and his request was granted by Chairman Joe Bruno.

MOTION: Charly Leavitt motioned to reject the bid. No second.

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

MOTION CEASED

MOTION: Sam Gifford motioned to accept the bid from Jamie Morin and Michael Reynolds in the amount of \$13,000.00. Seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: APPROVED (3/1[CL]/1[MR])

iii. o Boulder Road

MOTION: Lonnie Taylor motioned to not sell o Boulder Road. Seconded by Charly Leavitt.

DISCUSSION: None

VOTE: (5/0)

****3) New business.**

f) Executive Session pursuant to 1 MRSA § 405(6)(H): Meeting with CEO Chris Hanson regarding ongoing legal matters related to land use violations.

MOTION: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(H) to meeting with CEO Chris Hanson regarding ongoing legal matters related to land use violations. Seconded by Mike Reynolds.

VOTE: UNANIMOUS APPROVAL (5/0)
The Board went into Executive Session at 8:21pm.

MOTION: Charly Leavitt motioned to come out of Executive Session. Seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)
The Board came out of Executive Session at 8:48pm.

MOTION: Mike Reynolds motioned to authorize Chris Hanson to talk to counsel regarding two land use issues. Seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

5) Public Comment: None

6) Town Manager Report and Communications.

a) Confirm date for next meeting. Proposed date: Tuesday, March 8, 2011.

b) Municipal Budget will be delivered on February 11th

c) February 22nd: Joint meeting with Budget/Finance Committee to review draft budget

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

7) Selectmen Communications:

a) Raymond Revitalization Committee Underway- Sam Gifford

Mr. Gifford told about the development of the committee as new members were coming forward with their ideas. He thanked Mr. Willard for the publicity that had been in Lake Region Weekly, Portland Press Herald. He thanked Danielle Loring for her advice on mailing and surveys and Chris Hanson for his information. He also welcomed their newest member, State Representative Mike McClellan.

b) Unfortunate Incident on Sebago Lake

Mr. Leavitt recounted the incident where a 18,000 pound truck went through the ice on Sebago Lake. He thanked Don Willard, Nathan White, Chris Hanson, Public Safety and the Fire Department for their action in this matter. He was concerned and wanted to pursue action on behalf of the Town. He was upset to hear that the first person to notify Department of Environmental Protection and Portland Water District was Raymond's Code Enforcement Officer, even though there were other organizations on site and the truck had been through the ice for several hours at that point.

c) Helping Civil Servants

Mr. Leavitt asked that the public be considerate of the Postal Service and clean out their mail boxes so they can deliver mail. He also asked that people be considerate of others during this icy weather and not cause traffic hazards while getting their mail.

d) Parliamentarian and Communication Section of Bylaws

Mr. Leavitt asked that the Selectmen review the Bylaws and elect a Parliamentarian and look at the Communication section regarding filing correspondence because it should be shared with the Board as a whole.

e) Letter of Appreciation

Mr. Leavitt asked that a letter of appreciation for former Selectman Dana Desjardins be on the agenda for a future meeting.

8) Fiscal Warrants – Payroll and Appropriation Warrants – February 8, 2011

a) Payroll Expense Summary dated February 8, 2011:

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Summary date February 8, 2011 in the amount of \$91,360.40. Seconded by Mike Reynolds.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Treasurer's Warrant dated February 8, 2011:

MOTION: Lonnie Taylor motioned to accept the Treasurer's Warrant in the amount of \$94,493.95. Seconded by Charly Leavitt.

VOTE: UNANIMOUS APPROVAL (5/0)

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

9) Adjournment:

MOTION: Sam Gifford motioned to adjourn. Seconded by Mike Reynolds.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno adjourned the meeting at 8:59pm.

Danielle Loring
Recording Secretary

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order