



BOARD OF SELECTMEN

Minutes*

January 10, 2012

Present: Chairman Joe Bruno, Vice-Chair Lonnie Taylor, Charly Leavitt, Sam Gifford, and Mike Reynolds

Absent:None

Staff: Denis Morse, FD Business Manager; Nancy Yates; Finance Director; Sue Fielder; Animal Control Officer; Louise Lester, Town Clerk; Chris Hanson; Code Enforcement Officer; and Danielle Loring, Recording Secretary.

Other: JP Knisell, Crown Castle Lease Specialist; Dana Desjardin, Wayne Gelston, Julie Sutherland, John Russo and Teresa Sadak.

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

3) **New Business.**

a) **Certificate of Appreciation for Former Fire Chief Denis Morse- Chairman Joe Bruno**

Mr. Bruno expressed his congratulations to Mr. Morse for slowing down. He also gave thanks on behalf of the Town because in the 13 years Mr. Morse had served he did an amazing job. Mr. Morse thank the Board for the plaque and said that it was not just him but the team members who he worked with and left behind whom made it all possible.

b) **Consideration of Lease Renewal Proposal (Patricia Ave Cell Tower)- JP Knisell, Site Lease Specialist- Crown Castle**

Joseph Paul Knisell, Site Lease Specialist for Crown Castle, explained that there were eight years left in the current lease. He said that the average lease expiration for their company was in 2045-2047 and they were doing this to try and meet that average with all of their assets. The purpose of securing the asset was for the benefit of company and to build out network for cell phone companies.

Mr Bruno wanted to know why it was necessary to renew when there were still eight years left in the lease and Mr. Knisell responded that it was because many license terms are 30 years for their clients and the idea was that if the companies were going to improve their assets than they would like to know that it was secured. Crown Castle was always looking to improve assets so that they were more appealing to their customers.

Mr. Bruno wanted to know what would happen if the lease were to expire in 2020 and Mr. Knisell responded that if it were to expire in 2020, the Town could ask for the removal of the tower at the

*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

Town's cost . Crown Castle could always choose to relocate the tower but it could take 3-5 years to do so. Presently, the Town received 20% of all profits and lease terms.

Mr. Knisell explained the options that Crown Castle was proposing and answered questions from the Board. Mr. Bruno wanted to know if anyone from the Board wanted to negotiate and Mr. Reynolds said that he would like the staff to review the options. Mrs. Yates said that when she had reviewed the options that she liked the guaranteed approach of long-term income over 20-35 years.

Mr. Bruno said that he would like to see the matter at their next meeting with an analysis from staff with the pros and cons of each option as well as having each vetted by the Town's attorneys.

c) Liquor License Application Renewal for William & Kimberly Hines (Whines Ent., Inc)DBA Cafe Sebago- Town Clerk Louise Lester

Mr. Willard explained that this was a liquor license renewal and that inspections had been done by Code Enforcement and the Fire Department with no reported complaints about the business.

MOTION: Sam Gifford motioned to approve the Liquor License Application Renewal; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

4) Old Business

a) Request to Add Animal Noise Ordinance to 2012 Annual Town Meeting Warrant- Wayne Gelston, Ledge Hill Road

It was explained that this matter was first heard at the November meeting and there was a request for either an Animal Noise Control Ordinance or an amendment to Barking Dog Ordinance. The Selectmen had asked for the neighbors to try and work it out but it appeared that there was no resolution made.

Wayne Gelston, Ledge Hill Road, said that he was not only wanted there to be an Animal Noise Ordinance but wanted it to also limit the number of roosters to one ordinance, if not a commercial chicken factory. He explained that any evidence that the neighbors presented with the roosters being quiet was because they were being kept in the barn and Ms. Sutherland had indicated that was not a permanent situation.

There was discussion over what animals should be included in the ordinance but the Selectmen agreed that it was necessary to keep it broad or they would have to come back to include other animals later. Members of the public spoke and said that they did not think that an ordinance should be created to target home owners. Mr. Bruno explained that the Board was only looking for a neutral solution to an issue that had been brought to them and that the neighbors were not able to work it out amongst themselves. Mr. Reynolds added that the current barking dog ordinance required four full visits/ warnings and for the barking to occur for a duration of at least 30 minutes each time in order to get a fine. He felt that the Board should have a public hearing to find interest. The ordinance could offer a

*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

remedy if a neighborhood did not come to an agreement.

Sue Fielder, Animal Control Officer, explained the measures that the Russos/Sutherlands had gone to in order to reduce noise.

There was discussion about the timeframe for presenting an ordinance and it was decided that they would have the attorney give examples of other ordinances and make a recommendation on how to improve Raymond's existing Barking Dog Ordinance.

Mr. Leavitt said that the Board had seen an equal representation from both sides which meant that there was a problem. However, if the Town was going to go forward with an ordinance then it should include all animals to avoid coming back in the future to add additional animals. Mr. Bruno agreed with him but thought that it may be hard to enforce a crowing rooster but Mr. Reynolds added that he felt that the ordinance would act as a deterrent. It was decided to get assistance from the Town Attorney and present something in March at a Public Hearing in order to gain input on the final language for the Annual Town Meeting.

b) Recall and Appointment Ordinance

Mr Reynolds said that he thought that 25% of the register voters in Raymond in order to initiate a recall was a barrier that it would discourage people from doing it. He felt that it was more to protect themselves because by setting the mark that high the Board would be making it hard for citizens to accomplish a recall. He thought that because it was a three step approach with the petition, then public hearing then election that it would be structured to be fair to both the official and citizens. After discussion, the majority of the Board agreed to make the threshold 10%.

Mr Leavitt pointed out that the Budget finance committee ordinance required the position be filled by an election not appointment and Mr. Bruno responded that they could add the language “not withstanding any previous actions” to Section 13.

c) Tax Acquired Properties

Mr. Bruno said that the Board would review in March when the new list of properties comes out.

d) Consideration of PACE Program- Chris Hanson, CEO

Code Enforcement Officer explained that he had spoken with the administrators of the PACE Program to get the information that the Board had requested. He explained that the program started with \$20 million and had given out \$1.6 million so far and expects that once collection starts that there will be some return and will be self sustaining.

The Board decided that they wanted to see an ordinance drafted for the next meeting.

****7) Public Comment**

Mr. Leavitt wanted to clarify that when a Selectmen wanted to talk as a public member that he would have to join the audience and Mr. Bruno confirmed.

a) Theresa Sadak, Webbs Mills Road

*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

Teresa Sadak, Webbs Mills Road, first thanked Kevin Joyce and Don Willard for working on the Sex Offender Ordinance because the law they had found was better than she could have hoped. She then thanked Mr. Morse for his service and congratulated Mr. Tupper for his promotion.

Mrs. Sadak continued by reading a letter that she prepared regarding her displeasure with Mr. Leavitt's behavior as a Board member. She felt that he had been disrespectful to the other Board members, Town employees and citizens.

b) Charly Leavitt, Leavitt Road

Mr. Leavitt stated that he was speaking as a Raymond citizen. He was concerned with the cell phone tower not moving forward because it had been presented that the tower was necessary to fill a gap on coverage. If the tower was not going up then they should be addressing the gap Mr. Hanson responded that the reason the tower had not gone forward was because they were having problems with their storm water calculations and had not gone before the Planning Board yet.

c) Denis Morse, Andersen Road

Mr. Morse said that he thought that it took courage to be different but does not appreciate negativity. He offered his negotiation skills to help with the rooster issue as a mediator before the Board went to the length of changing the ordinance. Mr. Bruno agreed and ask Sue Fielder, ACO, to contact the parties and try to work the matter out.

****5) Executive Session pursuant to 1 MRSA § 405(6)(H): Meeting with CEO Regarding Pending Land Use Legal Matters**

MOTION: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(H), meeting with the CEO Regarding pending land use legal matters with Mr White, if he so chooses; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL(5/0)

Chairman Joe Bruno announced that the Board was going into Executive Session at 8:33pm.

MOTION: Lonnie Taylor motioned to come out of Executive Session pursuant to 1 MRSA § 405(6)(H), meeting with the CEO Regarding pending land use legal matters; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced the Board was out of Executive Session at 9:26pm.

6) Executive Session pursuant to 1 MRSA § 405(6)(A): Town Manager Evaluation

*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: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(A) for the Town Manager Evaluation; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announce that the Board was going into Executive Session at 9:26pm.

MOTION: Lonnie Taylor motioned to come out of Executive Session; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Board was coming out of Executive Session at 9:58pm

MOTION: Mike Reynolds motioned to extend the Town Manager's contract for an additional year; seconded by Lonnie Taylor.

DISCUSSION: Mr. Leavitt stated that he disagreed with the decision and requested that the matter be tabled so that the issue could be properly noticed. Mr. Bruno overruled his request. Mr. Leavitt said that the public had not been noticed that the contract was going to be extended and listed the benefits package for the Town Manager.

VOTE: PASSED 4/1[CL])

8) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **February 7, 2012**

b) Toan Manager Communications

- January 21st: Rabies Clinic at Aubuchon Hardware from 1-3pm. Bring current rabies vaccine and \$10 cash for every animal vaccinated.
- January 25th: Planning Board Public Hearing for proposed ordinance changes at 7pm at the Broadcast Studio.
- Rotary Club Scholarship is now available on the Town Website and the deadline is May 14th.
- Currently the Town is looking in to obtaining a grant to purchase Carbon monoxide detectors through the Fire Department. Windham had obtained a similar grant that purchased about 300 detectors from Lowes and the grant pays for the installation when they found a house was not equipped with detectors, they would install them.

*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) Fiscal Warrants – Payroll and Appropriation Warrants – January 10, 2012

MOTION: Lonnie Taylor motioned to approved the Payroll Expense Warrant, dated January 10, 2012, in the amount of \$159,355.81; seconded by Sam Gifford

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Lonnie Taylor motioned to approve the Treasure's Warrant in the amount of \$105,963.18; seconded by Sam Gifford.

DISCUSSION: NONE.

VOTE: UNANIMOUS APPROVAL (5/0)

**** 2) Minutes of previous meeting dated:**

- **December 6, 2011-** Tabled until the next meeting.

10) Adjournment:

MOTION: Lonnie Taylor motioned to adjourn; seconded by Mike Reynolds.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno adjourned the meeting at 10:10pm.

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