



BOARD OF SELECTMEN
MINUTES*
April 10, 2012

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

Staff: Don Willard, Town Manager; Rolf Olsen, RISC Chairman; Curt Lebel, Contract Assessor; Louise Lester, Town Clerk; John Rand, RCC Chairman; and, Danielle Loring, Recording Secretary.

Other: William Coppersmith, Joanne Alfiero, Rhonda Keene, Diane Shively, Anne Gass

1) Call to order: Chairman Joe Bruno called the meeting to order at 7:00 pm and a quorum was declared.

2) Minutes of previous meeting dated:

- **March 6, 2012**

MOTION: Mike Reynolds motioned to accept the minutes from the March 6, 2012 meeting; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

3) PUBLIC HEARING

a) Application for a New Malt Liquor License for William Coppersmith, Jr., DBA Fisherman's Catch (1270 Roosevelt Trail)- Town Clerk Louise Lester

The Selectmen confirmed that Mr. Coppersmith was only intending to add malt liquor sales to his existing business.

MOTION: Lonnie Taylor motioned to grant William Coppersmith a malt liquor license; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

4) New Business.

a) Road Improvement Study Committee (RISC) Update- RISC Chair Rolf Olsen

Rolf Olsen, Chairman of the Road Improvement Study Committee, explained that the committee had been meeting since February. Currently they were looking at the status of the road inventory and evaluate the level of past budget constraints.

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**Item taken out of order

The level of current funding was at \$220,000 a year for maintenance, which only equaled about \$60,000 after all other Public Works needs, which was not enough. The Board was considering a recommendation of \$2,000,000 over ten years and continuing the current budget of \$220,000 to stabilize maintenance. He continued that the committee compared bonding at Maine Municipal Bank, local banks and the town bonding on their own. They were working on their final recommendation. The final report should be ready for the next meeting in May and hopefully put a referendum on the November ballot for construction next summer and payments begin being due in the 2013-14 budget. Mr. Olsen said that he would come to a future meeting to update the Selectmen on the Committee's final recommendation.

***c) Consideration of Abatements- Curt Lebel, Contract Assessor**

Mr. Lebel explained that he would be presenting three tax abatements, two of which he recommended for approval and one was a denial. The first was for map 78, lot 1 which was a lot acreage issue. The property has been assessed for more property than actually owned. The law only allowed for one year to be abated, even though this was an issued that went back a couple years.

MOTION: Mike Reynolds motioned to accept revaluation of map 078, lot 001; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

The next issue was for map 66, lot which was a waterfront property that the owner was not able to sell for the assessment. After doing an inspection, there were a few data issues that were corrected but many if the factors were consistent with the neighbor. However, after doing further investigation, it was concluded that the property had sold for a low price versus other properties in that area.

MOTION: Mike Reynolds motioned to recommend the abated amount for map 66, lot 5; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

The final issue was for map 22, lot 26 which was filed by the new owner, not record owner. He had bought the property for \$90,000 less than the assessed valuation. After doing an inspection, there were no data errors, and the seller indicated that sale was under duress. It was also found that other properties sold in the area were true to assessment and the sale price is not indicative of full sale price

MOTION: Charly Leavitt motioned to deny the abatement for map 22, lot 26; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Consideration of Raymond Beach Management Proposals- Board of Selectmen

Mr. Bruno explained the format for the presentations in which each person whom submitted a proposal which have five minutes to summarize their proposals and the Selectmen would come back in May to consider the proposals in Executive Session.

GXA Services:

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Joanne Alfiero, co-owner of GXA Services, explained that they were looking at this as an opportunity to do more than a hot dog cart. Their objective was to give back to community. Their plan was to do two fund raisers. One would give 50% of profits, after expenses, to what the beach needed and the other fund raiser would give 50% of profits to give to community needs. She planned to have different events and sales at the beach as well as charge for parking, which would be the primary source for the \$5200 yearly stipend that she was offering. However, the Selectmen said that wanted the beach to remain free. She said that she would have to reevaluate their plan but this would not change their proposal to have two employees manning the beach during hours of operation.

Rhonda Keene:

Ms. Keene said that she wanted to run a hotdog cart, which she already owned and operated, that offered other food items. She was also involved in the communities where she has worked and expected to do the same in Raymond. She said that she was interested in having a generator at the beach to power a heating table and refrigerator unit. She said that keeping the beach clean was her highest priority and she would run the beach using herself and family members.

Public Comment:

Diane Shively, 70 Deep Cove

Ms. Shively said that she was concerned with signage interfering with line-of-sight and parking on the side of the road for the beach. She was also concerned with people not respecting private property of the people surrounding the beach.

d) Consideration of Mowing Bids (3 Year contract)- Board of Selectmen

Lonnie Taylor recused himself and went into the back room.

Mr. Willard explained that the town recently solicited bids for mowing and snow removal bids. The apparent low bidder was IDS, owned by Lonnie Taylor, followed LCE Landscaping. After discussion, it was decided that it would be best to send the contract for re-bid based on irregularities with the process.

MOTION: Mike Reynolds motioned to send the contract from rebid; seconded by Sam Gifford.

DISCUSSION: Mr. Leavitt said that he felt that they should be rejecting the bid they ask for rebid. Mr. Bruno agreed and said that the motion should be withdrawn.

Mike Reynolds withdrew his motion.

MOTION: Charly Leavitt motioned to reject bids for mowing snow removal contract, as received, and rebid for contract; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/0/1 [ab LT])

Mr. Taylor rejoined the group.

e) Consideration of Funding for Tenny River Project- John Rand, Raymond Conservation Commission Chair

Before John Rand started his presentation Mr. Gifford made sure he did not need to recuse himself, but it was determined that it was not a conflict of interest.

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Mr. Rand continued by explaining the scope of the project, which was to purchase a large parcel along the Tenny River for access for the Boy Scouts of America, and the warrant article requesting \$10,000 from the town's Open Space Fund, of which there was about \$49,000 remaining. He then explained the contingency factors that were added to the warrant to protect the town's and the Commission's interests.

Mr. Leavitt wanted to know how the Tenny River projects fit into the Comprehensive Plan, and Mr. Rand explained that it was intended to protect high value properties and makes them available for public use.

Anne Gass when the property came up for sale, they were concerned with development along the river because the seller was already clear cutting to make lot more sale-able and the area was zoned for 2 acre lots. In this purchase, the Boy Scouts would own the land with an easement for the Loon Echo Land Trust.

There was concern from the Board that the request for funding was premature, considering that the easements were not finalized. Mr. Rand explained that the release of funds would be contingent on the final easement being approved.

Public Comment:

Dana Desjardins, 64 River Road

Mr. Desjardins said that was concerned with the town giving \$10,000 to this project because the River Road was a private road that was narrow.

Greg Foster, Ledge Hill Road

Mr. Foster said that he had a problem with private property becoming public and creating more tax burden for the remaining property owners. Does not like "in perpetuity" language within the deed and felt that there should be a time limit on the easement.

Mr. Leavitt wanted to know why they were pushing this issue forward, rather than waiting to see how the easement turned out. Mr. Rand responded that they were starting the fund raising process and it made sense to come to the Town at this point so they would know how much they needed to raise and to have it move forward to Town Meeting in June.

Mr. Bruno said that they should work on addressing the concerns raised and come back to a future meeting.

***5) Old Business**

a) Consideration of Revised Barking Dog Ordinance- Board of Selectmen

Mr. Bruno stated that at the last meeting, the Board had discussed revising the current ordinance and the amended document was sent to the attorney for review. The question remained if they were going to send this issue to a referendum vote.

The Board discussed their hesitations with moving forward with an ordinance but felt that it was important to let the residents decide. Mr. Leavitt explained that he felt that this was a civil matter that the town was placing themselves in the middle of and he was concerned that the language was too broad.

MOTION: Charly Leavitt motioned to indefinitely postpone; no second.

MOTION FAILS

The Board continued to discuss how the ordinance would be enforced and how it would improve the current situation with the feuding neighbors. They asked Chris Hanson, Code Enforcement Officer, how he upheld the town's ordinances and he explained that documentation was instrumental in the process. He continued that the proposed Animal Noise Ordinance looked similar to many ordinances that he had to

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**Item taken out of order

enforce.

MOTION: Lonnie Taylor motioned to send the Animal Noise Ordinance for a referendum vote; seconded by Sam Gifford

DISCUSSION:

Public Comment:

Peter Leavitt, Leavitt Road

Mr. Leavitt pointed out the Selectmen expressing reluctance in moving forward with the ordinance and felt that it was enough to stop it from going forward. There had been no estimate of the cost for proposed ordinance for staff time, legal fees, and documentation.

Julie Sutherland, Ledge Hill Road

Ms. Sutherland explained that she thought that she had done enough to satisfy the Gelston's and that the ordinance was unnecessary.

Wayne Gelston, Ledge Hill Road

Mr. Gelston explained that he felt that the ordinance was necessary to help property owners, who may also be facing similar issues.

VOTE: MOTION CARRIED (3/2 [CL MR])

***4) New Business.**

f) Consideration of 2012 Election & Referendum Warrant and Ballot Clerks- Town Clerk Louise Lester

MOTION: Mike Reynolds motioned to approve the warrant for officers and referendum on June 12, 2012; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Mike Reynolds motioned to approve the ballot clerk list as present; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

k) Appointment of Compensation Study Committee- Chairman Joe Bruno

Mr. Bruno appointed the Compensation Study Committee as:

- Sam Gifford, Chair (BOS)
- Marshall Bullock (BFC)
- Robert Gosselin (BFC)
- Charly Leavitt (BOS)
- Denis Morse
- Mike Reynolds (BOS)

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- Brian Walker (BFC)

g) Revisiting Office Hours- Don, Willard, Town Manager

Mr. Willard explained that in the fall of 2011, office hours were changed to extend Tuesday's hours and end Saturday hours. Staff was instructed to revisit this issue in the Spring for reconsideration. He continued that there were no other towns with Saturday hours. If the Selectmen wanted some hours on Saturdays, then they could implement the first and last, like Naples, but he was afraid that that schedule might be too confusing.

The Selectmen wanted the public to have enough notice if they were going to end Saturday hours. Mike Reynolds suggested that the current summer be the last summer of Saturdays in Raymond and to send out a notice with the tax bills. Meaning that the last Saturday would be Labor Day of 2012.

MOTION: Charly Leavitt motioned to revert back to Town Office hours prior to last September's changes.

DISCUSSION: Mr. Bruno said that was not necessary after reviewing the motion made in the fall.

Mr. Leavitt withdrew his motion.

Mr. Bruno said that he recommended revisiting this issue in the fall. Mr. Willard clarified that they were reverting back to old hours at the staff's discretion, in order to meet staffing and budget needs, and Mr. Bruno agreed.

h) Tax Acquired Properties- Board of Selectmen

MOTION: Mike Reynolds motioned to table; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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

MOTION: Charly Leavitt motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(H) for a meeting with the CEO regarding pending Land Use legal matters; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Selectmen were going into Executive Session at 9:53 pm.

MOTION: Charly Leavitt motioned to come out of Executive Session pursuant to 1 MRSA § 405(6)(H) for a meeting with the CEO regarding pending Land Use legal matters; seconded by Mike Reynolds.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Selectmen were out of Executive Session at 10:23 pm.

MOTION: Mike Reynolds motioned to allow the CEO to pursue a consent agreement on item 1; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

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MOTION: Mike Reynolds motioned to allow the CEO to continue investigation on on item 2; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

j) Executive Session pursuant to 1 MRSA § 405(6)(C): Consideration of Options Regarding Town Property

MOTION: Charly Leavitt motioned to table; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

6) Public Comment

NONE

7) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **May 8, 2012**

b) Announcements:

- **Town was accepting sealed bids John Deere grader because purchased a new/used grader for 16k**
- **Smart Meter installation is 100% done**
- **Compost bin orders are due April 28th**

8) Fiscal Warrants – Payroll and Appropriation Warrants – April 10, 2012

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Summary dated April 10, 2012 in the amount of \$92,282.34; seconded by Sam Gifford.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Lonnie Taylor motioned to accept the Treasure's Warrant, dated April 10, 2012 in the amount of \$154,264.14; seconded by Sam Gifford.

VOTE: UNANIMOUS APPROVAL (5/0)

9) Adjournment.

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

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno adjourned the meeting at 10:26 pm.

Danielle Loring
Recording Secretary

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