



BOARD OF SELECTMEN
Minutes*
March 5, 2013
(After Joint Public Hearing with Planning Board)
Broadcast Studio

SELECTMEN'S MEETING

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

Absent: None.

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

Other: Executive Director Joe Kazar (MMWAC), Ron Demers & Diane Monty, Peter Leavitt, Secretary Treasure David Cyr (PMPL), Director Emily Figdor (Environment Maine), Howard Redan, Jon Gwinn (Petroleum Counsel), Greg Rupurt, Eileen Stiles, Charlie Turner, Carry Sullivan, Connie Cross, Eileen Keith, Bob Murray, Michael D'Arcangelo, Jim Stephens, Chris Gillis (PMPL), Ann Thomas, Denis Morse, Brian Walker (BFC), Steve Crockett (BFC), and Kevin Fay.

1) Call to order: Chairman Sam called the regular meeting to order at 7:08pm after the joint public hearing with the Planning Board.

3) PUBLIC HEARING:

****b) Conversion of Existing Tower Site Lease to a Perpetual Easement for a One-time Payment of \$900,000 at 90 Patricia Avenue (005/019/ONo) Property**

Mr. Bruno explained that the Town had a lease agreement with Crown Castle, which there were 8 more years left. They currently pay about \$45,000 a year in rent, but looking to give them a perpetual easement for a one time payment of \$900,000.

Chairman Gifford opened the meeting for public comment.

Peter Leavitt, 2 Leavitt Road, said that the Town should take the money.

There were no more comments and Chairman Gifford closed the public hearing.

MOTION: Joe Bruno motioned for the Town of Raymond to bring forth to the Town Meeting a finalized contract with Crown Castle with a one time payment of \$900,000 for a perpetual easement for the property; seconded by Charles Leavitt.

DISCUSSION: Mike Reynolds explained that he was in favor of the sale because this was only a postage stamp sized lot located on a former dump site. He wanted to make clear that this transaction would take \$45,000 out of the town's yearly revenues that will need to be made up in the next budget cycle, but is in favor of the transaction because it meant more money in the long run.

Charles Leavitt commented that the funds would help the town as they moved forward with the budget and the capital improvement needs. He hoped that the town would use the money responsibly to fill some of the

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needs.

VOTE: UNANIMOUS APPROVAL (5/0)

2) Minutes of previous meeting dated:

- **February 12, 2013**

MOTION: Mike Reynolds motioned to accept the minutes; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

*** a) Extension and Amendments to the Waste Handling Agreement with Mid-Maine Waste Action Corporation 7:15**

Joe Kazar, Executive Director of MMWAC, explained that the Town had entered into an inter-municipal agreement with 11 other towns that was expiring in 2035, but they were also entered into a waste handling agreement. The proposed warrant would extend the agreement for 20 years and allow for the town to withdraw with one years notice.

Chairman Sam Gifford opened the hearing for public comment and there was none and he opened the hearing for Selectmen comment and there was none.

MOTION: Mike Reynolds motioned to send the article to town meeting; seconded by Charles Leavitt.

DISCUSSION: Charles Leavitt explained that this was just a house keeping amendment and that the bond was going to be paid off soon. He continued that the Town was going to end up saving money in the long run through tonnage fees

VOTE: UNANIMOUS APPROVAL (5/0)

4) New Business.

a) Consideration of Raymond Beach Private Management Proposals- Board of Selectmen

Mr. Willard summarized the history of Raymond Beach management operations. He continued that they had received one response by the deadline and another proposal had been forward that was late. Mr. Reynolds asked that the Board not consider the late application unless they do not deem the other application worthy and Mr. Bruno agreed because they were disqualified.

Mr. Leavitt asked for permission for non residents to speak and Chairman Gifford fir unanimous consent for nonresidents to speak and there were no objections.

Ron Demers and Diane Monty introduced themselves as the operators of Rocket Monty's Hot Dog Cart. Mr. Demers explained that they ran a hotdog cart in Oxford and they would like to setup 4x8 cart at Raymond Beach and serve food as well as keep the beach clean. Ms. Monty added that they would be serving a variety of foods from morning until evening with a couple employees as well as offer kayak rentals. Mr. Gifford asked if their operations would involve motorized boats and Ms. Monty said that they would not.

Mr. Bruno stated that they submitted the perfect application, and the Town was not interested in anything motorized. He asked if they were looking to expand their business or moving the cart that was in Oxford.

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Ms. Monty replied that they intended to move the hot dog stand to Raymond Beach in the summer and back to Tractor Supply in the winter.

Mr. Reynolds commented that they could not charge for parking for beach use, per the Town's agreement with the State. The Board then discussed the different options for the applicant with the Code Officer. Mr. Hanson said that he would finalize their arrangement when they came into the officer for their Peddler's License.

MOTION: Charles Leavitt motioned to direct the Town Manager and staff to continue to come forward and work with this proposal; Joe Bruno.

AMENDMENT: Joe Bruno motioned to amend the motion with the addition to waive the peddlers fee; seconded by Charles Leavitt.

DISCUSSION: Mr. Bruno asked if the applicants were concerned with losing revenue stream from Tractor Supply and Mr. Demers explained that they were not because of their agreement with them.

Lonnie Taylor asked the applicants if they understood their responsibilities and Mr. Demers explained that they had been in touch with town staff and were already insured for \$1,000,000. Mr Willard added that the town was not looking for beach police and encouraged them to the police or staff if any problem arose.

Mr. Taylor asked how their trash was going to be handled, and Ms. Monty explained that it was minimal and they would bring it home with them. Mr. Willard added that beach trash could be bagged early in the morning and put out for the Public Works Director to pick up.

Elliot Stanley, Casco, stated that there should be separation in the liability between the Town of Raymond and the contractor. Mr. Willard explained that their insurance had already been considered and it exceeded the town's requirements.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Consideration of Funding for Tenny River Project and Possible Warrant Article for 2013 Annual Town Meeting- John Rand, Raymond Conservation Commission Chair

MOTION: Joe Bruno motioned to table the item until John Rand was available; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

c) Setting Date for 2013 Annual Town Meeting (June 4, 2013) and Elections (June 11, 2013)- Louise Lester, Town Clerk

Louise Lester, Town Clerk, explained that with the extended budget process that she was looking for direction on the Annual Town Meeting date and to confirm the date for the election.

MOTION: Joe Bruno motioned to accept the Town Clerk's recommendation; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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***5) Unfinished Business**

a) Consideration and Review of Amended Heavy Oil Sands Resolution- Board of Selectmen

Chairman Gifford explained that they had taken the resolution that had been presented to them at the last meeting and tried to make it more balanced to not “demonize” the oil industry who had been a part of the community for many years. He explained that he was going to limiting time to 2 minutes and asked that individuals not reiterate what had already been said.

Public comment:

David Cyr, Secretary Treasure of PMPL, asked for the rejection of the resolution or to postpone it due to new information released last week [with the Environmental Impact Statement (EIS) published by the US Department of State].

Emily Figdor, Director of Environment Maine, asked them not to delay. She felt that the risks were too big and that there were no benefits to the potential reversal, especially to the waterways. She presented 109 comments/signatures from residents to stop the reversal.

Howard Redan, Raymond, thought that the resolution was important in protecting the waterways.

Peter Leavitt, 2 Leavitt Road, stated that he was happy not to see the inflammatory, political rhetoric. He could see both sides of the story and thought that the resolution was balanced.

Jon Gwinn, Petroleum Counsel, stated that he felt that the Board should consider the EIS before the Board reacts.

Chairman Gifford stated that the Board had gone out of their way to avoid damning language and chose to base the resolution on factual research.

Greg Rupurt, Forest Road, stated that he would like the condition of the oil pipe evaluated, including an acoustical scan, and knowing its condition before moving forward. He wanted to know if such measures had been completed.

Chairman Gifford responded that the Board had same concern.

Eileen Stiles, Deep Cove, stated that she was concerned with the integrity of the pipe and the viscosity of the liquid transported.

Charlie Turner, Panther Pond, stated that he could not find any benefits for the project and thought that they should join the other four towns, including Casco and Waterford, in enacting a resolution.

Carry Sullivan, Deep Cover Rd, stated that she thought that the resolution was a step in the right direction but not enough. She thought that the answer should be “no” to the reversal because she was concerned with the integrity of the pipe and the risk to the waterways.

Connie Cross, Casco on Panther Pond, cited the study conducted by LELT about the resources valued in the area and the number one answer was water quality and felt this project impacted more than the town but the region.

Eileen Keith, Quarry Cove Rd, stated that she was concerned with the effect of regional acidic soils on the pipeline and wanted to know if there was a chemical analysis conducted of product transported.

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Bob Murray, Shore Road, stated that he was concerned about the effect on the environment and opposes the project or recommends an impact fee.

Mike D'Arcangelo, Dagget Drive, felt that allowing the reversal was a slippery slope.

Jim Stephens, Clearwater Drive, felt that they should base their decisions on the outcry of the residents of Raymond.

Chris Gillis, PMPL, was happy to see some of the items had been removed. He stated that the corporation has maintained the pipeline very well and had conducted internal inspections and taken measures to protect the pipeline from corrosion. He recommended that the public check out the information on the MDOT site about the differences in the products and asked that the Board vote against the resolution because felt that the issues addressed could be addressed in other ways.

Ann Thomas, Forest Road, stated that she did not think that tar sands should be transported near Sebago Lake because a spill could not be reversed in the event of an accident.

Denis Morse, Andersen Road, asked that the Board vote for the resolution given the public support.

Elliot Stanley, Casco, cited that the congressional delegates supported the idea of presenting more studies and information before allowing the reversal.

There were no more comments and Chairman Gifford closed the public comment portion of the hearing.

Mr. Bruno stated that he felt conflicted because the federal government stated that there was no difference in the products, but it was hard to vote against a clean environment and did not know how they could balance that.

MOTION: Charles Leavitt moved to accept the "Resolution to Protect the Health and Safety of Local Citizens, Waterbodies and Other Natural Resources in Relation to the Potential Transport of Oil Sands Through Raymond; Seconded by Mike Reynolds.

Mr. Bruno stated that he was going to be oppose because he did not know enough about it and felt that the project in the midwest [Keystone XL] could offer valuable information. He also wanted to hear about the process from the pipeline people.

Mr. Reynolds thanked the individuals who reached out personally but discouraged using a feeder system using individual names, which he considered as spam. He said that he was not sure if he was going to support the resolution, though he worked on it. He had heard about the permitting required and felt that it was extensive. He was concerned with the title of the resolution and would like more time to work on it as well as look at more studies and environmental viewpoints.

Mr. Taylor said that he understood the concerns but did not have enough information to vote the resolution forward, but he was concerned with the age of the pipe.

Chairman Gifford stated that he did not understand with the reverse of direction for the resolution, and explained the intent of the resolution, which would require inspections.

Mr. Leavitt felt that the issue was the language of the resolution and the comparisons used. He saw the inhabitants as being more environmentally aware and thought the resolution was asking the State and Federal governments to do their jobs and protect the Town from a local level. He added that even the Portland Pipeline Corporation supported the resolution and could only find one fault with the resolution.

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He stated that he supported the resolution.

Mr. Reynolds stated that he agreed with Mr. Leavitt but would like to know the process. He said that he was in support of resolution, if the government had a process for permitting. He was not in favor of tar sand being transported through Raymond.

Mr. Bruno stated that he was going to get the answers and present the process from the Keystone report and would support the resolution with the proper answers, because if the products are interchangeable, then why have a resolution.

Mr. Leavitt wanted to know if Mr. Reynolds would consider making a friendly amendment to change "conduct" to "continue" within the resolution and Chairman Gifford stated that the change would make resolution weak. Mr. Leavitt still felt that it would honor the intention of asking government to do their job. Mr. Bruno did not see the harm in waiting one month to have time to go through the report.

VOTE: MOTION FAILED (2/3 [LT, JB, MR])

4) New Business.

d) Executive Session pursuant to 1 MRSA § 405(6)(A): Town Manager Evaluation and Consideration of Contract Extension

MOTION: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA section 405(6)(A) for Town Manager Evaluation and Consideration of Contract Extension; seconded by Charles Leavitt.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Gifford announced that the Board was going into Executive Session at 8:39pm.

MOTION: Joe Bruno motioned to come out of Executive Session; Seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Gifford announced that the Board was coming out of Executive Session at 9:23pm.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Joe Bruno motioned to extend the Town Managers contract 1 year; seconded by Mike Reynolds.

DISCUSSION: Mr. Leavitt confirmed that they were extending to the contract to June 30, 2016 and there were no changes as it existed with various amenities and Chairman Gifford confirmed.

Mr. Bruno stated that Mr. Willard had been doing a good job since 2000 and was very deserving of the current contract. Mr. Taylor agreed and felt that Mr. Willard conducted himself well and any negative issues had resolved themselves over the years. Mr. Reynolds also agreed.

VOTE: MOTION CARRIED (4/1[CL])

Mr. Willard stated that, as always, he welcomed any feedback from the public and suggestions on how to improve services.

5) Unfinished Business

b) Consideration of Appointment of Member and Alternate to Portland Area Comprehensive Transportation System (PACTS) Policy Committee and Executive Committee- Board of Selectmen

Mr. Willard explained the intention of the request and that the Public Works Director was willing to serve on the Policy Committee. Chairman Gifford asked Brian Walker to serve on the Committee and he stated that he would need more information. Mr. Willard stated that staff would out an email to elected boards to see if there was anyone interested in serving.

MOTION: Mike Reynolds motioned to appoint Nathan White to the Policy Committee and notice other elected officials for appointments; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

c) Consideration and Approval of Planning Board Warrants for 2013 Annual Town Meeting- Board of Selectmen

Mrs. Loring summarized the warrants and the proposed changes for the 2013 Annual Town Meeting and the recommendations from the Planning Board.

MOTION: Mike Reynolds motioned to accept the Planning Board warrants with recommendations; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

d) Consideration of Zoning Board of Appeals Request for the Resignation of Member- Danielle Loring, Zoning Board Secretary

Mrs. Loring explained the request from the Zoning Board of Appeals. Mr. P. Leavitt confirmed and stated that the request had been forwarded to the Selectmen because they had the power to remove appointments. Mr. Bruno stated that rather than requesting her resignation, the member's appointment should be revoked because she was not attending meetings.

MOTION: Joe Bruno motioned for the Town Manager to send a letter to Sheila Philpot and let her know that she is no longer a member; seconded by Charles Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

6) Consideration of FY 2013-14 Municipal Budget- Board of Selectmen

Mr. Bruno stated that he needed more time to get answers to the budget questions he had. Mr. Willard asked for a general direction from the Board to pass on to Department Heads. Mr. Bruno stated that he felt that there was a way to use the \$900,000 [Crown Castle sale] for the Capital Improvement Plan that Mr. Leavitt has created.

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Mr. Leavitt recognized the items that had been done right for the Town, such as the healthy \$2,000,000 in undesignated fund balance; the overlay was reduced to \$27,000 which is what it should look like; the town had been LD-1 compliant for 7 years and listed the number of items acquired, services available, benefits issued, and overall positive programs that the town has achieved with that responsible, flat budget. He continued that the areas that needed to be improved were the amount of monies spent on interest through bonding and felt that that the responsibility needed to lie on the shoulders of the Selectmen and Budget-Finance Committee because the issue had not been brought before the tax payers. He wanted to see a better laid out CIP program, because the presented plan showed that Public Safety and Public Works departments had needs over the next four years that could be paid for by the sale funds. He suggested reducing the CIP accounts for those departments in order to balance the budget with the stipulation that their needs would be paid for through other means.

Mr. Bruno wanted the Town Manager to present what he would use \$900,000 for. Mr. Willard stated that the problem was that they didn't have the money yet and felt that they should not discredit the creative budgeting. Mr. Bruno stated that he did not think that it was fair to the Raymond residents to sit on almost \$3,000,000. Mr. Willard stated that he thought they were going to put the funds towards road rather than a budget stabilization method.

Mr. Leavitt outlined the retiring bonds that would also free up approximately \$300,000 for spending that was already within the budget.

Mr. Bruno recommended a joint meeting with the Budget-Finance Committee on March 25th and possibly the 26th

Mr. Reynolds stated that he did not understand the difference between the current CIP and the action going forward. He was concerned with \$161,000 of budget deficit and not having LD-1 override, but felt that the overall municipal budget numbers were very low, and Mr. Willard explained that they had a very low budget without highly developed public services. He also wanted to see a discussion about the future because continuing to cut the budget would not hold up.

Mr. Bruno stated that it was a good time to bond because of interest rates, and Mr. Willard agreed.

Mr. Reynolds asked about the asked about sheriff's patrol item that was presented, and Mr. Willard gave the background. Mr. Leavitt stated that he would like to deal with one issue at a time before taking on another budget item.

Mr. Bruno wanted to know about the insurance numbers, and Mrs. Yates responded that they would not know until almost May. Mr. Bruno then asked if there was any preliminary information, and she responded that Harvard Pilgrim appeared to be going down in cost. Mr. Bruno asked that she look into it.

Steve Crockett, Webb Mills Road, asked about the renewal dates coinciding with the budget schedule, and Mrs. Yates stated that they needed to follow budget dates. Mr. Reynolds wanted to know why not change the schedules, and Mr. Bruno explained that they would then have split appropriations

Mr. Leavitt stated that he wanted to see the actual expenditures over the last couple years for the accounts. He said that, in the past, budget detail, budget analysis and revenue reports were available in the Town Report. He felt that when less information was presented, it created more contention due to lack of information. He also felt that tax rates and budgets did not define a town and their efforts were trying to be fiscally responsible rather than "cheap."

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7) Public Comment:

Kevin Fay, Spiderweb Way/Spiller Hill Road, wanted to bring up a zoning issue regarding Raymond Cape and, specifically, the park & ride proposed by Frye Island. He felt that there was a lack of detail regarding the Shoreland Zoning Ordinance and he was interested in bringing forward changes to the ordinance. He had met with town staff to get some important information and wanted to make them aware that the issue may be coming forward soon through the Planning Board process.

Peter Leavitt, 2 Leavitt Road, stated that there was a lack of confidence in town government based on the conditions of the roads. He suggested future agenda items, which were a policy for the position of parliamentarian and chair not be same person; and, a request that there be a personnel use of Town-owned equipment and facilities. He did not understand the reluctance because of the concerns with transparency. He stated that no less than 5 elected officials have brought these issues up and provided excerpts to that point.

Mr. Willard stated that he was willing to have the discussion, and Mr. Bruno felt that they had already had the discussion and Mr. Leavitt clarified that it was never an agenda item.

Denis Morse, Anderson Road, was concerned with elected officials using their positions for their own agendas and for citizens to jump on board at the thought of lower taxes. However, he was tired of the twisting of facts, and the negativity. He addressed the rumors of the Fire Department misusing CIP funds for building work and his supposed use of the fire boat for personal use. He added that there was no back deal to make Bruce Tupper Fire Chief. He did not misspeak about the radio frequency issues and did not renovate District #2 against the regionalization report. He felt that such negativity dissuaded positive people from coming forward to be involved with the Town.

8) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **April 2, 2013**

b) Nomination papers available March 19, 2013

- **Board of Selectman (2)**
- **Budget-Finance Committee- 3 Year (3)**
- **RSU#14 Board of Director (1)**

9) Fiscal Warrants – March 5, 2013- NONE

- **Payroll Expense Summary Warrant**
- **Treasurer's Warrant**

10) Adjournment.

MOTION: Joe Bruno motioned to adjourn; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Gifford adjourned the meeting at 10:46pm.