



BOARD OF SELECTMEN

Minutes*
May 14, 2013

SELECTMEN'S MEETING

Present: Chairman Sam Gifford, Vice-chairman Lonnie Taylor, Parliamentarian Joe Bruno and Charles Leavitt.

Absent: Mike Reynolds

Staff: Don Willard, Town Manager; Chris Hanson, Code Officer; Bruce Tupper, Fire Chief; Louise Lester, Town Clerk; and Danielle Loring, Recording Secretary (7:20).

Other: Barbara Lovell, Jessica Fay, John Marston, Elissa Gifford, Peggy Jensen, Julie Sutherland, John Rand, Carrie Wallia, Peter Leavitt, Betty Williams

1) Call to order: Chairman Sam Gifford called the meeting to order at 7:02pm.

2) Minutes of previous meeting dated:

- **April 16, 2013**

Chairman Gifford explained that the date for the minutes on the agenda (April 2, 2013) was incorrect and that it had been a date for the meeting but that the meeting was moved to April 16, 2013.

MOTION: Joe Bruno motioned to accept the minutes; seconded by Lonnie Taylor.

DISCUSSION: Mr. Leavitt clarified that the meeting had actual scheduled for April 13, 2013 and moved to April 16th and he wanted to make sure that the minutes for April 2nd had been approved and Mr. Bruno confirmed.

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

3) PUBLIC HEARING

- a) Consent Agreement between the Town and Vickie & Donald Matthews and Marston Tree Service, Inc. for Shoreland Zoning Violations at 11 Bridges Lane (Map 069, Lot 001).**

The Selectmen reserve the right to go into Executive Session pursuant to 1 MRSA §405(6) (E) for Consultation with the Town Attorney Regarding Pending Land Use Legal Matter

Mr. Hanson explained that the Town had agreed to a Consent Agreement in a mediation for a tree cutting violation at 11 Bridges Lane. It stipulated that Marston's Tree Service would pay \$15,000 Mathews would pay \$10,000 and complete a restoration plan, worth approximately \$18,000.

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Chairman Gifford opened the hearing for public comment.

Barbara Lovell, 77 Wild Acres Road, stated that she contacted the town during the construction and felt that more should have been done. She disagreed with the fines being levied.

John Marston, Marston Tree Service, explained that his company was not responsible for the tree harvesting and the issue that involved them was over-pruning and he was taking full responsibility for the action.

Barbara Lovell, stated that her neighbors had approached Marston's while they were doing the work and told them they were cutting too high but they had been assured that work was compliant with regulations.

Chris Hanson stated that there was a discussion of Marston's doing tree work in lieu of paying the fine but staff was recommending that the Consent Agreement be executed by the town manager as presented and signed by the parties.

Jessica Fay, Spiller Hill Road and Spiderweb Way, felt that the fines should be sufficient to stop others from doing similar work because the lot becomes more valuable when this sort of work occurs.

Mr. Hanson stated that he felt that fines and restoration plan were sufficient without going to court, which there was no guarantee of a settlement.

MOTION: Joe Bruno motioned to accept the mediation with fines \$15,000 to Marston Tree Service and \$10,000 to Don & Vickie Mathews and with \$18,000 in restoration; seconded by Lonnie Taylor.

Joe Bruno amended the motion to allow the Town Manager to execute document; Seconded by Lonnie Taylor.

DISCUSSION: Mr. Leavitt wanted to make sure that Ms. Lovell's concerns had been addressed.

Mr. Hanson explained the owners had a Tree Removal Permit for dead trees and there were trees removed within the house footprint that were beyond the 100' buffer.

VOTE: UNANIMOUS APPROVAL (4/0)

4) New Business.

a) Consideration of Proclaiming June as “Raymond Garden Month”- Elissa Gifford, Raymond Garden Tour Steering Committee

Elissa Gifford explained how the garden tour was going to work and that the purpose was to raise funds for the Raymond Village Library as well bring about a sense of community pride and awareness.

MOTION: Joe Bruno motioned to proclaim the month of June as Raymond Garden Month; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

Mr. Bruno thanked the individuals involved and thought that it was generous to open their property for such use. Mr. Willard stated that the town would do what ever they could to help out with this issue.

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b) Consideration of Creating a Boat Launch Ordinance- Peggy Jensen

Peggy Jensen explained how the group came together last fall and the history of her groups involvement in the protection of Raymond's waterways. She explained the State's roll in trying to develop public access to certain water bodies. Her groups concern was that boat launches would be created and then left for the town to maintain. She expressed concerns with loss revenue via taxes and the cost of staffing and maintaining the site.

Mr. Bruno explained that if the State buys property then the boat launch would need to be free, but the other option would be for the town to buy the property and manage it. Mrs. Jensen explained that the intention was to protect the town through an ordinance because of the experience that other towns have had.

Mr. Willard explained that there had been no contact with the town from the State regarding this property.

Dana Desjardins, River Road, stated that he had spoken with Mr. Powell from the State regarding the parcel and he had explained that the State was actively seeking the property, but they lack the funding.

Mr. Leavitt explained that he had voted against the access on Raymond Pond because IF&W had not done their homework. Mr. Bruno stated that the Board needed to have Mr. Willard contact the Department of Conservation as soon as possible to see what the status of the property was and they should discuss the issue with all of the information.

Ernie Allen, Mill Street, felt that the State would do what they wanted regardless of what the residents wanted.

Mr. Taylor agreed that they should get more information before they move forward with creating an ordinance.

c) Consideration of Creating an Elderly Tax Relief Program per 36 MRSA § 6131-6135:- Bonnie Titcomb Lewis, Sheehan Island- WITHDRAWN

d) Consideration of Creating Fireworks Ordinance- Julie Sutherland, Ledge Hill Road

Julies Sutherland, Ledge Hill Road, explained that since the State allowed the use of consumer fireworks there had been issues concerning her property and protection of her animals. She was concerned with the potential fire hazard and the nuisance that it causes at all hours. She felt that there should be an ordinance that required permitting. She explained that she got 20 signatures of residents in favor of a fireworks ordinance.

Chief Tupper explained that a recent report by the Fire Marshal's office showing the recent figures of fireworks related incidents. He explained that the hurdle was enforcement of an ordinance as well as the lack of a local sheriff. He felt that lack of education was one of the leading causes for incidents involving fireworks. Mr. Bruno asked what Raymond's incident numbers were and Chief Tupper responded that there was on in the last year. Chairman Gifford wanted to know how a permit would help and Chief Tupper explained that it would give Public Safety the opportunity to instruct the user and then they would have the ability to have enforcement action if they user violated the terms of the permit. Mr. Bruno asked how they would keep track of permits and Chief Tupper explained that they would rely on calls because they did not have the man power to follow up on active permits.

Mr. Taylor commented that there needed to be structure for the residents but was afraid that a giving a permit created liability for the town in the event that something went wrong. Chief Tupper stated that, in thew case of a burn permit, if a fire gets away from an individual they were the ones who were responsible.

Mr. Bruno stated that he would like to see materials on appropriate fireworks use.

Teresa Sadak, Webbs Mills Road, thought they needed to work on how the issue was going to be enforced before discussing an ordinance.

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Mr. Leavitt asked if Public Safety had emergency authority if there was a period of drought to ban fireworks, and Chief Tupper explained that there was not, but Fire Marshal does have that authority. Raymond could ban brush and tree fire but not fireworks or camp fires.

Mr. Gifford asked that the Chief continue to look into the issue and get together informational materials for the public.

e) Informational Presentation and Consideration of Raymond Community Forest Project Off Conesca Road- Chairman John Rand, Raymond Conservation Commission & Executive Director Carrie Wallia, Loon Echo Land Trust

Chairman John Rand, Raymond Conservation Commission, explained the features that were associated with the Conesca Road property and its role in Raymond's effort to be compliant with the Comprehensive Plan. He described the funding mechanisms, uses for the property and the ability to sign into low risk purchase option to give them 2 years to make the final purchase.

Mr. Bruno wanted to know if hunting would be allowed on the property, and Executive Director Carrie Wallia, Loon Echo Land Trust, responded that hunting would still be allowed and they always tried to preserve the current public access. Mr Bruno then asked about parking and the use of private roads, and Ms. Wallia stated that she believed that Hancock Land Trust owns the road and they could setup a timber management plan that included creating a parking area.

Chairman Gifford asked what are they were requesting for 2014 Town Meeting, and Mr. Rand explained that they were possibly looking for \$50,000 (\$30,000 from Open Space fund and remaining from general fund/bonds) from Raymond and then \$120,000 from private donors. Mr. Leavitt asked what the worst case scenario for funding from Raymond, in the event that they could not meet their donations goal, and Ms. Wallia explained that they would rework funding sources but may ask for a slight increase.

Mr. Rand explained that they were conducting a survey to find out the public's level of interest and willingness for the Town to make a monetary contribution, and he shared some of the results of the survey

Mr. Leavitt stated that it was important to note that there would be 83 house lots lost.

Chairman Gifford stated that he felt the Board should move forward and give their support to this group.

Mr. Bruno explained that he was going to abstain because of location of property.

MOTION: Charles Leavitt motioned to support the efforts by Loon Echo Land Trust and the Raymond Conservation Commission to move forward as proposed at this point; second Lonnie Taylor.

DISCUSSION: None.

VOTE: MOTION CARRIED (3/0/1 [JB ab])

f) Community Dock Proposal Presentation- Ingo Hartig, Raymond Revitalization Committee

Ingo Hartig explained that he was going to be presenting on behalf of Nick Hardy and the Raymond Revitalization Committee and that he was there to answer any questions about the materials in the packet.

Board discussed whether or not they had all of the materials to allay their concerns.

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Mr. Willard explained that Mr. Hartig had suggested setting the dock up on a temporary basis.

Mr. Bruno felt that there were many docks in the area and there were already boats going through that area and did not think that one dock would make significant impact to milfoil.

Mr. Willard explained that the Town could help with signage but the issue will be maintenance.

Mr. Bruno stated that he was concerned with parking on the dock. Ms. Sutherland explained that she was concerned with the lack of attendants, crosswalk and the fact that the intersection was already too dangerous to be promoting pedestrian traffic.

Peter Leavitt, Leavitt Road, concerned why there was no consistency with creating regulations. There choosing not to move forward with a Fireworks Ordinance due to lack of enforcement but were willing to move forward with a public dock with no attendant.

Mr. Taylor stated that he was concerned with the lack of attendants and people misusing the Veterans Park. Mr. Willard stated that he did not think that it would be an issue and gave examples of unattended docks within Raymond.

Walt Manchester, Good Life Market, stated that he was supportive of idea because there was no public access for boaters to business corridor. He had observed small pontoon boats already using the facilities without their being a dock.

Mr. Leavitt stated that he was concerned with public safety and lake health.

Mr. Hartig stated that his purpose to get a direction from the Town.

Mrs. Sadak suggested trying the dock out on a temporary basis.

Mr. Bruno asked in the RRC would contribute to the cost of getting the dock in and out of the water, and Mr. Hartig felt that was reasonable. Mr. Bruno suggested that the Board allow for the dock to operate from July 1st to Labor Day Weekend on a trial basis. Mr. Taylor asked what the guiding factors would be in order to measure if it had been successful. Mr. Leavitt wanted to know how milfoil was going to be addressed and he wanted to see leadership from the business community because they were the ones making the proposal.

Betty Williams, Raymond Waterways Protective Association, stated that the current cost was \$25,000 to do mitigation and it cost about \$28,000 to run the DASH program and there was no way to estimate the effect of one dock.

Mr. P. Leavitt stated that he felt everyone on the lake should be involved in milfoil abatement. He also felt that monitoring of the site had not been addressed and that there was a major safety concern for that section. He stated that the plan should be created by the business owners.

Robert French, Ai Road, stated that he was concerned with the milfoil problem in southern New England and explained his experience with it in the southern New England states and the actions that had to be taken because it got out of control.

Mr. Bruno stated that he was not convinced that one dock would cause an issue on the lake.

Mr. Taylor asked if there was anything stopping the marina from opening a public dock, because he did not want to add to the problem.

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Mr. Willard explained that it was very simple for a resident to get a dock and if additional docks were of such concern that should evaluate the permitting process. Mr. Leavitt felt that there was a difference in comparing a private dock because of the number of people using the dock.

MOTION: Joe Bruno motioned to allow a public dock, financed by RRC to the tune of \$2,511, from the weekend before 4th of July to weekend after Labor Day; no second.

MOTIONED FAILED

Chairman Gifford suggested to Mr. Hartig that the group come back to the Board with a solid plan.

g) Consideration of RSU#14 & Municipal Referendum Warrants for June 11, 2013 Election- Louise Lester, Town Clerk

Ms. Lester presented the RSU#14 Municipal Referendum Warrants for the budget and School Board members.

MOTION: Joe Bruno motioned to put the School Warrants on Town Meeting vote and Raymond local officials; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

Ms Lester reminded the public that June 4th was the Annual Town Meeting and referendum and election was June 11th 7am to 8pm at JSMS Gym. She added that absentee ballots were available until June 8th at noon.

***i) Consideration of Quit Claim Deed as Submitted by Deputy Tax Collector Sue Carr**

MOTION: Joe Bruno motioned to accept the Quit Claim Deed for George T. and Susan E. Allen, 8 Colina Drive, Map 015, Lot 089A; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

5) Public Comment:

Grace Leavitt, Leavitt Road, status of the traffic study. Nathan White, Public Works Director, installed larger signs but still needs to complete traffic study. Mr. Willard stated that they removed their Speed Zone Review from MDOT request because they were going to increase the speed limit for that area because it did not meet their criteria for a dangerous intersection. He explained that they were continuing with the traffic study without assistance from MDOT. Mr. White explained that it was an intersection of two local roads and improvements were at the Town's cost but they needed approval from MDOT to complete work.

Peter Leavitt, Leavitt Road, wanted to follow up about the guidelines for the use of town assets and wanted the Board to set time lines for when that was to be completed. Mr. Willard explained that it was on the next agenda for the Department Heads' Meeting.

4) New Business.

***j) Consideration of Funding Request for Improved Assessing/Code Enforcement Software - Danielle Loring, Executive Assistant**

Danielle Loring, Executive Assistant, explained that there was an opportunity to purchase a software extension for the Code Office through their Assessing software provider, Vision, and she felt that this was a good time to buy because their existing software package was not meeting their needs.

Mrs. Loring was requesting \$12,500 to purchase the extension, which was a reduction from the original price of \$15,000 and Vision was willing to waive the FY2013-14 Service Fee of \$2,000.

Mr. Taylor thanked Mrs. Loring for finding a solution to the data management issue. He wanted to know how consistent with contract would be remain and if the Town would be charged in the future for updates. Mrs. Loring felt that the contract had remained consistent and the Town had the option not to take updates, which were free. Mr. Taylor wanted to know how training would work and Mrs. Loring explained that Vision would provide training as well as help a help tutorial built in to the system. She also explained that the Contract Assessor, Curt Lebel, was an asset in terms his knowledge with Vision and he also supported this decision to expand the services.

Mr. Leavitt asked about issues between Vision 6.4 and 6.5 and Mrs. Loring explained that Mr. Lebel used 6.5 in his other town and the two revisions did not have the same functionality and those were the only issues in terms of 6.5.

MOTION: Charles Leavitt motioned to take the funds out of contingency with the possibility with no net increase because there may be some money left at the end of the year; seconded by Joe Bruno.

DISCUSSION: Mr. Leavitt explained that this presentation showed the level of cross training within the departments and thanked Mrs. Loring for presenting them with all of the information that they needed to make a decision.

VOTE: UNANIMOUS APPROVAL (4/0)

h) Executive Session pursuant to 1 MRSA § 405(6)(F): Consideration/Award of 2013 Scholarships

MOTION: Charles Leavitt motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(F) for Consideration and Award of 2013 Scholarships; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Gifford announced that the Board was going into Executive Session at 10:12pm.

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

VOTE: UNANIMOUS APPROVAL (4/0)

Chairman Gifford announced that the Board was coming out of Executive Session at 10:37pm.

MOTION: Joe Bruno motioned to award five scholarships in that amount of \$1,000 each to:

- Hunter Perkins
- Cassidy Gaudet,

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- Hannah Bolduc-Jackson,
- Ryan Schweitzer, and
- Olivia Lantham.

From the scholarship funds of:

- Collins-Day
- Carleton E. Edwards
- George E. Woods
- Alva Clough, and
- Torstein Johannas Lund

Seconded by Charles Leavitt.

DISCUSSION: Mr. Bruno reminded the applicants to make sure that their applications on time and that they were complete because there were a couple disqualified for those reasons. Chairman Gifford agreed because, otherwise, the applicants were extremely qualified.

VOTE: UNANIMOUS APPROVAL (4/0)

6) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **June 18, 2013**

b) June 4th: Annual Town Meeting 7:00pm @ JSMS Gym

c) June 11th: Elections 7:00am to 8:00pm @ JSMS Gym

- **(2) Selectmen positions- 3 Year Term**
- **(3) Budget-Finance Committee Members- 3 Year Terms**
- **(1) School Board position- 3 Year Term**
 - **Absentee Voting Began May 10th**
 - **Ballot available until June 8th @ Noon and due by the close of poles on June 11th**

d) Sale of Fire Forestry Truck

Mr. Willard explained that the Town had recently put an 18 year old retired Fire Forestry Truck up for bid and received \$5543.21 from Asian Auto Services of Plaistow, NH. This was a net gain, give that they only spent \$5,000 when they purchased it. Mr. Taylor commended Mr. Willard for such a turn around, given that they also got 18 years of use out of it. Mr. Willard then explained that it was going to a collector in northern Maine.

e) Saturday Hours start May 25th

Mr. Willard explained that he had a memo from the Town Clerk explaining that they may want to adjust the length of time that Saturday hours were conducted and that he was going to discuss this issue with the Chair as a possible future agenda item.

7) Fiscal Warrants – May 14, 2013

• Payroll Expense Summary Warrant

MOTION: Lonnie Taylor motioned to approve the Payroll Expense Summary, dated May 14, 2013, in that amount of \$118,120.09; seconded by Joe Bruno.

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DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

- **Treasurer's Warrant**

MOTION: Lonnie Taylor motioned to approve the Treasurer's Warrant, dated May 14, 2013, in the amount of \$119,215.53; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

8) Adjournment:

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

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/o)

Chairman Sam Gifford adjourned the meeting at 10:41pm.

Danielle Loring
Recording Secretary