



BOARD OF SELECTMEN

Minutes*

February 11, 2014

7:00 p.m.

SELECTMEN'S MEETING

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

Absent: None.

Staff: Nathan White, Public Works Director; Bruce Tupper, Fire Chief; Jim Seymour, Contract Planner; and Danielle Loring, Recording Secretary.

Other: Ann Gass, Peggy Jensen, Carrie Wallia, Dana Desjardin, Russ Hutchins, Greg Foster, Charles Leavitt, Marie Commie, Norma Richard, Sally Holt, Elissa Gifford

1) Call to order: Chairman Gifford called the meeting to order at 6:59pm.

2) Minutes of previous meeting dated:

- **January 14, 2014**

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

DISCUSSION: Teresa Sadak pointed out that there was no second noted for the liquor license approval.

VOTE: UNANIMOUS APPROVAL (5/0)

3) Public Hearing

a) 2014 Town Meeting Warrant Article

- **Funding from Open Space Fund for Tenny River Corridor Project**

Chairman Gifford recused himself as an abutter.

Anne Gass property owner in Raymond speaking on behalf of the Tenney River Corridor Protection Project, which is working to protect both sides of the river as it is valued as a high priority preservation effort for water quality. She has been working in combination with Loon Echo Land Trust (LELT) and Boy Scouts of America (BSA). The groups were asking the Town to contribute \$15,000 from Town Open Space fund, which would be matched by the Portland Water District. She explained that the purchase price was \$200,000 and \$130,000, to date, had been raised.

Mr. Bruno stated that he would be running the public hearing.

Mr. Reynolds asked if the \$130,000 included the town, and Mrs. Gass responded that it did not. Mr. Reynolds asked what the deadline was to raise money, and Mrs. Gass responded that it was in August 2014. Mr. Bruno asked if there had been a revote by the Conservation Commission for new request amount, and Mrs. Gass responded that there was a vote and documentation had been provided to the town.

The Selectmen may take ite

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Mr. Willard read the proposed warrant for the record.

Mr. Bruno was concerned with the use of the private road and wanted to know if there was funding going to be allocated to maintain the road. Mrs. Gass responded that there was no plan at that time because there was no parking and the primary access will be via water. Mr. Bruno stated that even if there would be no use of the road and the maintenance would still fall on the land owners. Mrs. Gass stated that she would understand and the BSA understood that agreement. Mr. Taylor stated that he was concerned by the lack of investment in the road because that they would use the road for emergency access, and Mrs. Gass responded that she understood but felt that the road should currently be up to town private road standards, which also addressed emergency access.

Mr. Bruno opened the public hearing for comment.

Dana Desjardin, 64 River Road, did not envision access by snow mobile via the river. He was concerned with the lack of contact with the abutting land owners. He explained that he was the one maintaining the road and would like to see snowmobile trail moved. He would also like to see the project moved into a wildlife management program, because he was concerned with hunters using the road in a residential area. He was also concerned with poaching issues as well as issues with his deeded rights. He did not think the money should be spent on a private land deal that would remove tax dollars and increase open space.

Charles Leavitt, 14 Leavitt Road, stated that there was a significant parking area on the BSA property. He explained that the Planning Board would address all the access issues if there were changes made.

Larry Murch, Webbs Mills Road, explained that when any property owners receive a tax reduction the remaining tax payers have to make up the difference. He also wanted to know if Raymond as a whole would benefit or a few abutters. He presented an article from the Wall Street Journal regarding property being removed from the tax roll and cities suing. He wanted the Board to consider all the issues before accepting the funding request.

Bob Gosselin, Eagles View, wanted to know if the fund were existing or if these were more monies that were being requested. Mr. Bruno explained that the funds were generated from Tree Growth penalties.

Mr. Desjardin explained that the money belonged to the people of Raymond. He was concerned that not one other town reserved their Tree Growth funding for conservation.

Peggy Jensen, Meadow Road, President of Panther Pond associate. Mrs. Jensen explained that her group was going support the effort and had contributed significant funds because supporting water quality was the primary focus of the group. They were doing this in an effort to limit phosphorus from entering the water bodies, which contributes to the growth of cyanobacterium (algae). She explained that it was also preserve habitats for a wild orchid, pitcher plants and sun blossoms (bug).

Russ Hutchinson, North Raymond Road and Conservation Commission, explained that the Comprehensive Plan and Open Space Plan have identified this area as an area requiring a high level of preservation. He explained that the Open Space Fun was the Town's money and the Conservation Commission could only make a recommendation of how to use the money and the request would go to a town meeting vote.

DD thanked the people completing the conservation efforts but not think that this was one because the primary issue was the use of the private road. He was concerned with hunting be allowed on the property. He wanted the land to be posted because that was the only way stop poaching. He was concerned with the use of public funds for a private project. He was also concerned that there was no contact with the land owners.

Mr. Taylor asked if there was really a parking lot on the BSA property, and Mr. Desjardin confirmed. Mr.

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Taylor explained that he was concerned that there was no funding being allocated to maintain the road when there was evident parking available. Mrs. Gass stated that the BSA have been undergoing construction efforts and reached out to several Raymond residents for support. She explained that the BSA do have access from the road, and they would contribute to the costs involved in accessing their lots. She explained that it was also an option to purchase the land out right out, but they chose to contact the town given the efforts of the Comprehensive Plan, Open Space Plan, and the Green Spaces Group.

Mr. Bruno asked for unanimous consent for non residents to speak and there were no objections by the Board members

Greg Foster, Ledge Hill Road, stated that he was against the project and the use of the funding to take the money out of the tax funds. He asked for the Selectmen to remove the Open Space Fund from the Town contribution.

Carrie Wallia, executive director, explained that LELET was a supporting project contributor and going to be the holder of the conservation easement. She continued that BSA would work with their neighbors to resolve any issues that may arise. She explained that the LELET would be a higher power that would ensure that the conservation values were upheld. She also stated that there were other towns that used the exact same funding mechanism that Raymond was utilizing.

Mr. Bruno declared the hearing closed because there were no more comments.

Mr. Reynolds stated that he agreed with some of the points raised about easements and the maintenance of the private road. He felt that it was a discussion that should be had with the informal road association and the buyer, but he was not sure how these concerns fit into their discussion. Mr. Taylor agreed that he also would like to see that conversation happen.

Mr. Reynolds continued that he was not sure what part the Raymond's funding fell into the negotiations because the deal was going to happen regardless of the Town's contribution, because they were only talking about a small percentage of the purchase price. Mrs. Sadak agreed that it was not the Town's job to negotiate to the deal and the Board was only deciding if the warrant for the funding was going to Town Meeting. Mr. Reynolds added that the Board had already delayed the decision a year to allow for questions to be answered, which the group had done.

MOTION: Mike Reynolds motioned to send the warrant article to Town Meeting; seconded by Teresa Sadak.

DISCUSSION: Joe Bruno read the article.

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

4) New Business.

a) Informational Presentation Regarding Middle School Advisory Committee- Catriona Sangster, RSU#14 Board of Directors Chair

Catriona Sangster, 33 Wawenock and School Board Chair, explained that the Windham middles schools were beyond there predictive life cycle and were over capacity. She listed the people who were involved with the committee and read their charge. She explained that there would be a public interest vote to see where each community stood in terms of supporting the project.

Mrs. Sadak explained that she was concerned with not utilizing the buildings that the RSU had under its

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control. She felt that if the School Board wanted to promote a positive relationship, it started with the Board standing behind both communities. She was concerned with how far the process would go before it may have gone too far to reverse directions. Mrs. Sangster responded that she looked at it from a point of view of what was best for all students in the district, not just Raymond. She did not see filling JSMS as a viable solution because if the plan that had been put before the voters the year before were enacted, the building would still be under capacity because it would only involve transporting forty-six students to Raymond. She felt that it was important to get insight from an advisory referendum and wanted to know what each community wanted. She was concerned with the efficiency of an under utilized building and the potential reduction in quality of programming. She explained that since the consolidation there was only a net increase of \$415,000 in the school's budget versus \$1.3million before.

Mr. Reynolds asked what the total projection for RSU numbers were moving into the future, and Mrs. Sangster responded that they were pretty flat from a projection stand point.

Mr. Bruno explained that there were some cost savings because of the drop in population. He was concerned that there would be a huge increase in taxes given that the projected was estimated at \$34million, and RSU#14 was number 42 on the State's list for funding. He was concerned that Raymond would pick up 40-45% of the debt service with a declining population over 30 years. Mrs. Sangster disagreed with the percentages and explained that the advisory referendum would speak to the desires of the community. Mr. Bruno stated that Windham had more voting power than Raymond.

Mr. Reynolds asked if the Board of Directors were prioritizing the needs of the buildings based on this decision, and Mrs. Sangster explained that they were picking and choosing based upon what made sense moving forward.

Mrs. Sadak felt that more should be done to consolidate the towns' activities, and Mrs. Sangster explained that it had to do with population size. Mrs. Sadak continued that consolidating the schools would take away from Raymond's appeal. Mrs. Sangster responded that she was concerned that people were jumping to conclusion and the committee was still in the fact finding phase. Mrs. Sadak responded that she did not see the options as benefiting Raymond.

Mr. Bruno thanked her for coming and hoped the committee considered the concerns raised by Raymond representatives. The Board wanted a quality education for the children but were concerned with the potentially large financial impact.

b) Community Forest Project Request for Town Sponsorship of Land For Maine Future (LMF) Grant Application – Carrie Wallia, Loon Echo Land Trust

Mr. Bruno recused himself as an abutter.

Carrie Wallia, LETT, outlined the history of the project. She explained that the group was seeking Land for Maine Future (LMF) funds for the project, and they were looking for the Town to sponsor the application with support from LETT. She explained that the grant application was going part of the previous plan presented and would show the Town's support for the project. She asked if the town had any experience with LMF, and Mr. Willard confirmed and outlined a couple of the projects that had benefited in the past.

Mr. Reynolds asked Ms. Wallia to outline the funding sources for the project. She explained that \$400,000 out of the \$571,000 required for the purchase would come from grants from various contributing sources, the Raymond was asked to contribute \$50,000, and local fundraising would make up about \$120,000 but that may go up because of interest. Mr. Reynolds was concerned with the interest potential in this lot because it did not have the appeal of some of the other conservation projects. Ms. Wallia explained that there would be some species protected as well as passive recreation activities promoted. She felt that it

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would support the local and State economies. The concern was that they would otherwise be converted into nonworking forests or subdivisions without this conservation effort.

Laurie Bernier, 69 Hancock and member of the Crescent Woods Association, stated that her group was in support of the project and there was going to be effort from the group to assist in the creation of trails. She saw great benefit in this project because of work in rehabilitation.

Greg Foster, Ledge Hill Road, explained that he did not agree with using public funds to purchase land and removing it from the tax roll. He felt that there were private owners that would allow for similar use of their property.

Russ Hutchinson, Conservation Commission, stated that he understood Mr. Foster's point but was concerned with converting all of the land to house lots.

Charles Leavitt, Leavitt Road, said that he was concerned with the data being presented. He felt that the tree growth money would not make up for the loss of taxes from homes. He explained that this project was different than the Tenney River Project because it would be owned and managed by the town. He felt that the Hancock Charitable Trust should fund the \$50,000 of funding that was being requested of the town.

Ms. Wallia explained that she could come up with more research of the cost of development versus the loss of taxes as well as the value to increased water quality.

MOTION: Mr. Reynolds motioned that the Town of Raymond sponsor the (Land for Maine's Future) grant application for the Raymond Community Forest Project; seconded by Teresa Sadak.

DISCUSSION: Mike Reynolds explained that if the Town approved this project, the land would be owned by Raymond. He hoped that the harvesting of the forest would pay for the current level of taxes though not the growth potential. He felt that raising the funds was going to be difficult.

Lonnie Taylor wanted to know what would maintenance mean for the Town. Mike Reynolds responded that it was whatever the Town wanted to do but they would also have the option to collect on the tree growth.

Carrie Wallia explained that actual purchase cost was \$506,000 plus legal. She added that this grant was a baseline test year to see how much money would be raised before committing to purchase it. She explained that the LMF grant would set out a management plan and LELT would also have an easement regarding the recreational activities.

VOTE: MOTION FAILED (0/4/1 [ab JB])

c) Consideration and Approval of Warrant Article Language for Community Forest Project- John Rand, Raymond Conservation Commission Chair

Russ Hutchinson did not think it was appropriate to go forward given the previous vote. Mr. Reynolds explained that they were choosing to not support the grant application, which they could find another sponsor, but they had still yet to decide on the funding request. Ms. Wallia explained that she did not understand what the Board's hesitation was and felt that the group had addressed all of the previous concerns when they were grant preliminary approval, including the funding request. She explained that the grant would create a plan that could later be presented to the public.

Chairman Gifford asked how the Board felt, and Mr. Reynolds explained that the Board was not removing their support but choosing not to sponsor the application.

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Mr. Hutchins read the warrant article into the record. Ms. Wallia corrected the date in which to exercise the agreement.

Mr. Leavitt suggested using the money from the timber sale toward the project.

MOTION: Mike Reynolds made a motion to send the warrant article from Raymond Conservation Commission to Annual Town Meeting; seconded by Lonnie Taylor.

DISCUSSION: None.

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

d) Discussion and Consideration of Warrant Article Regarding Timber Harvest Revenue- Mike Reynolds, Selectmen

Mr. Reynolds explained his intention with the discussion. He saw taking the extra revenues and investing it in Town projects, such as the community interest survey, and using the remaining funds for conservation efforts. Mr. Bruno agreed with Mr. Leavitt's previous comment and thought the funds should be used in that manner.

The Board discussed the amount of funds expected from the timber sale and revising the motion to designate the funds to the previous cause.

MOTION: Teresa Sadak motioned as a member of the prevailing side to reconsider the previous action where by we voted to take the \$20,000 from the general fund and replace it with tree harvest funds; seconded by Mike Reynolds.

DISCUSSION: None.

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

e) Consideration of Memorandum of Understanding (MOU) with Raymond Village Library (RVL) – Mike Reynolds, Selectmen

Norma Richards, Library Board member, explained that Raymond Village Library (RVL) was investigating whether there should be a change in the organization and develop a more formal relationship with the Town while gaining some administrative assistance and long term stability with the Town. They were looking to meet the future needs of the community and formalize the in-kind relationship with the Town. They were particularly interested in operational assistance in payroll and human resources as well as increasing communication as well as potential cost savings because of the Town's buying power.

Elisa Gifford, Trustee, explained the changes that had been made over the past year. She felt that this proposed relationship could help encourage active and dynamic growth, and the Town would benefit because families and businesses would choose to relocate to the Town

Mr. Reynolds explained that he was the Board representative and that this has been in the works for the last ten years. He did not feel that the supported services would burden the Town, and no additional staff would be required to meet these requests. He explained that the Town's attorney had made recommendations on how to improve the document. He explained that the first change being proposed is that the document would be that it need to be an agreement. Additionally, the library would pay for any increases imposed to the town and there would need to be changes to numbers 2, 5, 7, & 8 as well as the additional of indemnification agreement language. He felt that the Board could make a preliminary decision with the

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understanding that the needed to be finalized.

Mr. Willard agreed with codifying the relationship between the two groups, and the Board could authorize him to finalize the agreement.

Mr. Bruno was concerned with setting the precedent for combining the efforts and then having to do it for all the nonprofit groups in Raymond. He was concerned that the relationship would not work they way they wanted to, in terms of insurance, and felt that there were other ways to support the group, such as additional funding. Mr. Reynolds responded that Scarborough was using this model and supplying the insurance in the same way that was suggested. The Library would still act as a 501(C)3 and make independent funding requests.

Mrs. Sadak felt that there were a lot of questions that needed to be answered and wanted the document to be brought back when it was ready to be finalize.

Mr. Reynolds stated that he did not feel that all groups would benefit the Town as a whole the way that the Library did.

Chairman Gifford asked if there were other groups that had attempted this and was not concerned with setting a precedent because he did not think that this would be a request likely to been seen from other groups. Mr. Taylor was concerned with offering the benefit of joining the Town for one group and not offering for all. Mr. Reynolds explained that the other groups did not have employees and the Town would only be processing the benefits. Mrs. Sadak asked if the benefit level was equivalent for both groups, and Mr. Willard responded that the Library would retain control over all their benefits but will be competitive with like positions. Mr. Reynolds added that Tassel Top also currently had this arrangement with the Town. Mr. Willard also explained that it was not uncommon to see this arrangements but there there were a range of options.

Mr. Bruno was concerned with the language and the relationship. Mr. Taylor felt that the more ways the Library was able to cut their cost and improve services.

Mr. Leavitt stated that he was concerned with the document. He felt that the maintenance of the building should be investigated as well as the relationship between the two groups and any unintended consequences.

Mrs. Richard state that the intention of presenting this was to get feedback and direction. They were not asking to be a Town department because of the associated costs and were amicable toward researching a different kind of agreement.

Mr. Taylor also thought that it was a good idea to look at other options and was concerned with the unintended consequences. He thought that they should consider additional funding.

Mrs. Sadak felt that they should let Town Manager negotiate the document but bring it back for final approval.

Marrie Commie, RVL treasurer, stated that they have been looking for endowment. She also pointed out that the building was on Town property

Mr. Leavitt explained that there was \$100,000 that the library had its disposal. Ms. Commie explained how that money was being utilized and the expenses that were coming out. She addressed how it was not a sustainable income source.

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Sally Holt, Library Director, explained that the Library wanted to serve a more diverse background and make it a community resource. They saw this combined as effort as an opportunity to expand their offerings as well as support the Library staff in a needed way.

f) Consideration of Planning Board Warrant Articles- Danielle Loring, Planning Board Secretary

Danielle Loring, Planning Board Secretary, explained that the Board had held a public hearing to receive comment on the subject articles. She explained that there had been some changes made to the language but it was not deemed as substantive by the Town's attorney, therefore not requiring an additional public hearing.

1. Proposed Article 1: Land Use Regulation Map (VOTE 4/1)

Mrs. Loring explained the intent to correct a conflict between the DEP's and the Town's classification of Panther Run. There were no public or board comments regarding the proposed changes.

MOTION: Mike Reynolds motioned to recommend and send the article to Town Meeting; seconded by Teresa Sadak.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0 [JB absent])

2. Proposed Article 2: Land Use Ordinance Commercial District Parking (VOTE 5/0)

Mrs. Loring explained that the change would remove parking from bulk and space, which could only be waived through the Zoning Board of Appeals via the State's four criteria of hardship, and create standards and waiver criteria for the Planning Board. She explained that this would improve consistency and allow for some area of compromise of the commercial businesses.

Mr. Leavitt stated that he did not feel that it was difficult to get a variance.

MOTION: Mike Reynolds motioned to recommend and send the article to Town Meeting; seconded by Teresa Sadak.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0 [LT Absent])

3. Proposed Article 3: Repeal of Residential Growth Management Ordinance (VOTE 5/0)

Mrs. Loring explained the restrictions that the ordinance posed on growth management permits and that there was no growth factor. She explained that the Town's attorney had recommended it for repeal while reserving its space in case it was needed in the future.

Mr. Leavitt stated that he had thought that the ordinance was always a bad policy because economy would be the greatest driver of growth.

JB; LT 5/0

4. Proposed Article 4: Changes to Site Plan Review Classifications (VOTE 5/0)

MOTION: Joe Bruno motioned to recommend and send the article to Town Meeting; seconded by Lonnie

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Taylor.

DISCUSSION: Mr. Bruno also agreed that he did not agree with creating the ordinance and wanted it repealed.

VOTE: UNANIMOUS APPROVAL (5/0)

5. Proposed Article 5: Clarification of Board/Staff Escrow Fees (VOTE 5/0)

Mrs. Loring explained that the provisions would be codifying staff practices as well as strengthen some areas that were found to be weak.

MOTION: Joe Bruno motioned to recommend and send the article to Town Meeting; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

6) Proposed Article 6: Creation of Boat Launch Facility Standards in the Shoreland Zoning Provisions (VOTE 4/1)

Mrs. Loring explained that this proposed language would create standards for public boat launches.

MOTION: Joe Bruno motioned to recommend and send the article to Town Meeting; seconded by Lonnie Taylor.

DISCUSSION: Joe Bruno asked about dissension, and Danielle Loring explained it was because the standards would only apply to public facilities not privately owned and operated and the Board member had felt that if the standards were good for one then good for the other.

VOTE: UNANIMOUS APPROVAL (5/0)

7) Proposed Article 7: Shoreland Zoning Provision Parking Standards (VOTE 4/1)

Mr. Seymour explained that the intention of the provisions were to create standards and guidelines for the applicants and the Board for parking areas, which was an allowed use in the ordinance.

Mr. Leavitt stated that the intention was never to allow for industrial paved parking lots in the Shoreland Zone. He was also concerned about allowed uses for that zone. Mr. Seymour explained that the intention was to manage the spaces and the SZO only allowed for 15% of impervious surface, which would limit the development beyond the provisions of the standards.

MOTION: Joe Bruno motioned to recommend and send the article to Town Meeting; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

***5) Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

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Charles Leavitt wanted to thank Mr. Desjardin for his efforts. He confirmed that the Chair was choosing to take an agenda item out of order.

4) New Business.

g) Executive Session pursuant to 1 MRSA § 405(6)(A): Personnel Matters

MOTION: Joe Bruno motioned to go into Executive Session pursuant to Title 1 MRSA section 405(6)(A) for a personnel matters; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Sam Gifford announced that the Board was going into Executive Session at 10:13pm.

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 10:37pm.

6) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **March 11, 2014**

b) Ice fish Derby Update

Mr. Willard explained that the group had had their organizational meeting and everything seemed to be in order and ready for a good turn out. He explained that National Geographics was also highlighting the event for a segment.

7) Selectmen Comment

None.

8) Fiscal Warrants –February 11, 2014

• **Payroll Expense Summary Warrant**

MOTION: Lonnie Taylor motioned to accept Payroll Expense Summary, dated February 11, 2014, in the amount of \$43745.78; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

• **Treasurer's Warrant**

MOTION: Lonnie Taylor motioned to accept the Treasurer's Warrant, dated February 11, 2014, in the amount of \$78706.35; seconded by Teresa Sadak.

DISCUSSION: None.

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VOTE: UNANIMOUS APPROVAL (5/0)

9) Adjournment:

MOTION: Teresa Sadak motioned to adjourn; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Sam Gifford adjourned the meeting at 10:39pm.

Danielle Loring
Recording Secretary

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