



**SELECT BOARD
Minutes**

June 19, 2018

6:30pm – Regular Meeting

Broadcast Studio
423 Webbs Mills Road

Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

Select Board members in attendance: Rolf Olsen, Teresa Sadak, Samuel Gifford, Lawrence Taylor, and Marshall Bullock

Select Board members absent: none

Town Staff in attendance:

Don Willard – Town Manager
Scott Dvorak – Code Enforcement Officer
Cathy Ricker – Finance Director
Sue Carr – Tax Collector
Sue Look – Town Clerk

1) **Called to order** at 6:30pm by Chairman Sadak.

2) **Election of Chair, Vice Chair, and Parliamentarian** – Board of Selectmen

Motion to nominate Teresa Sadak as Chair by Selectman Gifford. Seconded by Selectman Olsen.

Nominations moved closed by Selectman Bullock.

Vote passed 4-0-1

Motion to nominate Rolf Olsen as Vice-Chair by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

Motion to nominate Marshall Bullock as Parliamentarian by Selectman Sadak. Seconded by Selectman Taylor.

Unanimously approved.

3) Minutes of previous meetings

- a) May 15, 2018 – Regular meeting

Motion to approve as presented by Selectman Olsen. Seconded by Selectman Gifford.

Approved by a vote of 4 – 0 – 1

4) New Business

- a) Discussion and Consideration of Proposed Moratoria on Manufactured Housing Located Within the Shoreland Zone Pursuant to 30-A MRSA § 4356 – Teresa Sadak, Chair of Select Board

Chair Sadak – I am bringing this to the board because I have had a group of people come to me regarding concerns they have pertaining to manufactured housing. We have found that manufactured housing is not allowed in the Residential Zone, but it is allowed in the Shoreland Zone. Shoreland is usually more restrictive.

NOTE: As found on https://www.hud.gov/program_offices/housing/rmra/mhs/faqs:

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

Modular homes are constructed to the same state, local or regional building codes as site-built homes. Other types of systems-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms.

Jenifer Phinney – 4 Canal Road – (*Ms Phinney passed out colored zoning maps to the Select Board*) Recently we had a permit issued in our neighborhood for a manufactured home. We all have serious concerns about this use in our neighborhood. At the June 2014 Town Meeting the zoning for our neighborhood was changed from Village Residential (which did not and still does not allow mobile homes) to the LRR1 Zone. When the permit was issued we questioned Scott because we thought mobile homes were not allowed. In the Shoreland Zone under LRR1 the language is very vague. There is a land use chart in the Shoreland Zone Ordinance which shows allowed uses and who is allowed to issue permits. Scott interpreted that a residential dwelling unit as defined in the Shoreland Zoning is considered a single unit residential home and therefore he believed it was allowed and issued a permit. As a result, when we all looked at the potential ramifications could be to the Town as a whole in LRR1 and LRR2. The only zones that do not allow mobile homes are Village Residential, Resource Protection, and Stream Protection. All other zones in Town allow manufactured homes. All of Raymond Cape and a good deal of the rest of Town could have mobile homes on lots with this interpretation. Our concerns are that this one issuance could become a bigger problem. I am pretty confident that the people who live down on Raymond Cape in their several thousand-dollar homes would not appreciate mobile homes being put on the lot. Because of the vagueness of the Shoreland Zoning, it is not clearly defined, when I went back to minutes of the Planning Board where they discussed changing the Village Residential use to LRR1 it was because the MEDEP classified Panther Run as a river vs a stream, so they did not discuss the use they changed the zone to LRR1. There was no record of a discussion of what this meant in terms of change of use. Canal Street is next to Main Street

which is in the Village Residential Zone. We bring this to you in hopes that you will put a moratorium on further manufactured homes in those zones until further clarification or an ordinance change to not allow those in the areas where it should be more restrictive.

CEO Dvorak – Manufactured Homes are built after 1976 and 14' or wider and have an axel and tongue that have to be removed when placed on a permanent foundation. Modular homes that come in pieces are classed differently.

Ms Phinney – They are defined separately on the Land Use side. Shoreland Zoning is the document that is not clear and there is a lot of room for interpretation. We feel that this was a very generous interpretation of the ordinance and should go back for further clarification before it could have further impacts to the Town.

Selectman Olsen – What is the State regulation on Shoreland Zoning?

CEO Dvorak – I talked to Mike Morrison, DEP, and there is nothing under the State guidelines about manufactured homes.

Chair Sadak – It is so restrictive what is in the Shoreland Zone, I am surprised that manufactured homes are allowed.

CEO Dvorak – To their credit, I chased down the older versions of the Shoreland Zoning (back to 2009) and it does not prohibit it, but there are items on the Town website and excerpts from district regulations and they specifically say it is not allowed, but it is not in the ordinance.

Chair Sadak – So, we have mixed messages as to where it is at. I am asking tonight that we put a moratorium on this, send it back to the Planning Board to investigate this to see what is best for Raymond.

Selectman Taylor – I think there should be many parts of the Town that do not allow mobile.

There was a good deal of discussion about the difference between “mobile homes” and “manufactured homes” – please see note above.

Selectman Bullock – Is the land owner here to represent the opposing side?

Chair Sadak – No.

Selectman Olsen – What is the actual charge to the Planning Board? In practical terms a change to the ordinance can not be approved quickly because after the Planning Board reviews the ordinance it must go to Public Hearing and then to Town Meeting or Special Town Meeting. No new permits pertaining to this may be issued once the moratorium is in place.

CEO Dvorak – From Phil Saucier, Town Attorney, the moratorium can be for 180 days and can be extended for a further 180 days.

There was more discussion to come up with the wording for the following motion:

Motion to approve the moratorium on manufactured/mobile homes for 180 days with any decisions to be retroactive to the date of the moratorium and no associated permits may be obtained until resolved; and ask the Planning Board to look at what is allowed in the Shoreland Zone and in the LRR1 Zone to be sure that manufactured/mobile housing is allowed/prohibited as appropriate and report back to the Select Board within 100 days by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved.

- b) Update of the Regional Broadband Initiative – Tom Bartell, Windham Economic Development Corporation (WEDCO); Jim Gailey, County Manager, and Travis Kennedy, Director of Public Affairs, from Cumberland County

Summary:

Project: Connect Cumberland is designed to support broadband growth by helping participating communities to develop an Operating Mechanism that will serve as the fiscal agent to pay for major projects, and to contract with ISPs for end-user service and maintenance.

The Project will also develop a dynamic resource map of potential infrastructure projects, prioritized by need, demand, population density and available resources. In collaboration with the first component, these resources will offer a “one-stop-shop” to municipalities across Cumberland County to discover their viability for expansion, and the methods to fund and maintain a local project.

Finally, Project: Connect Cumberland will invest financially in strategic infrastructure projects that improve regional broadband expansion, through grants and county funds.

- c) RSU Withdrawal Update Presentation – Teresa Sadak, Chair of Select Board

Chair Teresa Sadak presented the latest information regarding the ongoing petition and related efforts to withdraw from RSU #14. She needed 235 valid signatures and collected 353 valid signatures.

Chair Sadak – One of the key issues is getting information out to folks. This isn't something we have rushed into. We have worked as a Select Board sending letters and have had the Town Attorney send letters to the RSU Board and the Town of Windham to come to the table and talk to us. We are having our hand forced right now. This is a 22-step process. There is a lot of work that has to be done.

Selectman Olsen – I think it is important for people to understand that this is only a first step to allow the process to start. This is not a document that withdraws us from the RSU at this point.

Chair Sadak – I started this 3 years ago and it was not unsuccessful. We got a cost sharing agreement that reduced the percentage of Raymond's share. What we are not successful in right now is the (RSU) Board adhering to that cost sharing agreement. I am looking to work with a consultant who has done this before.

Motion to accept the petition as presented by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

Motion to set the date of the Public Hearing as July 31st and the Special Town Meeting on August 14th by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

- d) Consideration of Abatement Requests – Don Willard, Town Manager

There are two tax abatement requests for the board's consideration. Scott and Jane Maxwell have requested abatement on two of the parcels which they own in the Sheehan's Island/Turtle Cove area.

Map-Lot	Property	2017 Assessment	Taxpayer's Opinion of Value	Assessors' Agent Recommendation
003-019	4.7 acres with accessory cabins on Sheehan's Island	\$931,200	\$600,000	\$760,800
065-005	3.54 acres vacant land	\$414,000	\$215,000	\$373,300

Motion to accept the Assessor's Agent's recommendation of a value of \$760,800 for Map 003 Lot 019 by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

Motion to accept the Assessor's Agent's recommendation of a value of \$373,300 for Map 065 Lot 005 by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved.

- e) Consideration of Board of Assessment Review (BAR) Appointments – Sue Look, Town Clerk

The last appeal to the BAR was in 2012. Since then attrition has taken the BAR from 5 members to 1 member – Brenda Tubbs. The following citizens have graciously said that they would be willing to serve in this capacity: Robert Harmon, Michael D'Arcangelo, Joanne Stinson, and Chris Hanson.

Motion to appoint Robert Harmon to the BAR by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved.

Motion to appoint Michael D'Arcangelo to the BAR by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved.

Motion to appoint Joanne Stinson to the BAR by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved.

Motion to appoint Chris Hanson to the BAR by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved.

- f) Monies to be Carried Forward into the New Fiscal Year – Cathy Ricker, Finance Director

Motion to carry forward \$8,000 for Raymond Hill Cemetery improvements into the

2018-2019FY by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved.

g) Delinquent Personal Property Taxes Discussion – Sue Carr, Tax Collector

Tax Collector Carr – Like all the other towns in Maine we are having problems with Personal Property. I sent out postcards:

- 6 to Indian Point, 2 paid, 2 made payment arrangements, 1 had wrong address and 1 no response
- 28 to the businesses, 4 paid, 21 no response, 3 returned with bad addresses

I have heard that Naples is working to use Property Tax payments to pay Personal Property first and then remaining on the Property Tax. I don't know where they are with that and I would like to know if the Select Board wants me to pursue this.

I also have Kokatosi. I did not send out postcards this year because they do not respond. They do not own the land and are responsible for the Personal Property tax due on their trailer.

I would also like to know if I can use the \$14,600 in proceeds to pay most of the outstanding Personal Property for ChipCo International since they owned property on Harmon Road that we sold last month due to foreclosure and then write-off the rest?

Consensus is to write-off the ChipCo International Personal Property owed.

Selectman Taylor – Can we change that so that the land owner is responsible?

Town Manager Willard – It is possible. I did it before with the Samoset time shares which were a similar problem. In that case we had a physical asset to sell and we threatened to do that. We had an arrangement where we would transfer the ownership of the asset to the resort if they paid said taxes. I am not sure how this would work in this instance. We could look at it from a legal standpoint.

Tax Collector Carr – I worked with Todd at Kokatosi last year and asked him to tell the people they have to pay, but I have not seen any results.

Selectman Bullock – Can we secure the trailers in place to prohibit access?

Tax Collector Carr – I am not sure what we can do, that would be Curt's question. I would like to know if I can pursue legal advice on this.

Town Manager Willard – It is certainly a good legal question.

Selectman Olsen – The next step would be to seek legal advice to see what you can do for each different situation.

Tax Collector Carr – All I know of is taking them to small claims court. There is currently no "bite" to the law. I do get a list each year of the trailers there, but I do not get noticed when they leave or where they went.

Motion to write-off as presented depending on the Audit's opinion by Selectman Bullock. Seconded by Selectman Olsen.

Unanimously approved.

h) Consideration of New Road Names – Sue Look, Town Clerk

There are 2 new roads to be named. The requested names are Willard Way and Malibu Drive.

Motion to approve Willard Way and Malibu Drive by Selectman Taylor. Seconded by Selectman Bullock.

Unanimously approved.

i) Consideration of Annual Staff Appointments – Sue Look, Town Clerk

Delete the Tassel Top Head Ranger.

Motion to approve as amended by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved.

j) Consideration of Annual Board and Committee Appointments – Sue Look, Town Clerk

Motion to approve as presented by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved.

k) Consideration of Annual Update of the Fee Schedule – Sue Look, Town Clerk

Motion to approve as presented by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

5) **Public Comment** – none

6) **Selectman Comment**

Selectman Bullock – I appreciate being a member of this Board.

Selectman Taylor – It is a huge loss for Budget and a huge plus for us. He will continue to strive for greatness as he always has.

Chair Sadak – I see this as another good Board to be working together. Also, please be looking for information pertaining to the RSU #14 Withdrawal. It will be on the Town website.

7) **Town Manager's Report and Communications**

a) **Confirm Dates for Upcoming Regular Meetings**

- July 17, 2018
- August 14, 2018
- September 11, 2018

b) Reminder of Upcoming Holiday Schedule

- Wednesday, July 4th – Independence Day

Valley Road has been repaired and the beavers are back.

We are going to pick up the 3 trucks for Public Works in Vermont this week.

8) Treasurer's Warrant – none this week

9) Executive Session

- a) Town Manager's Annual Performance Review (Pursuant to MRSA 1 §405 (6)(A))

Motion to go into executive session by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

Motion to go leave executive session by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

10) Adjournment

Motion to adjourn at 8:25pm by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

Respectfully submitted,

Susan L Look, Town Clerk