



**BOARD OF SELECTMEN  
Minutes**

January 12, 2021

6:30pm – Regular Meeting

Via Zoom & on YouTube

*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, Marshall Bullock, Teresa Sadak, Samuel Gifford

**Select Board members absent:** Lawrence Taylor

**Town Attorney:** Zachary Brandwein

**Town Staff in attendance:**

Don Willard – Town Manager  
Alex Sirois – Code Enforcement Officer  
Cathy Gosselin – Health Officer  
Nathan White – Public Works Director  
Sue Carr – Tax Collector  
Sue Look – Town Clerk

1) **Called to order** at 6:30pm by Chair Olsen

2) **Minutes of previous meetings**

a) December 8, 2020

**Motion** to approve as presented by Selectman Sadak. Seconded by Selectman Bullock.

**Unanimously approved**

3) **Hearing**

a) Dangerous Buildings – pursuant to 17 MRSA §§ 2851-2859

Chair Olsen – We are meeting this evening to conduct a hearing to determine whether the structures located at 9 Shaker Woods Road are a nuisance or dangerous buildings within the meaning of the applicable State statute 17 M.R.S. § 2851. If the Board determines that the structures are a nuisance or dangerous buildings, then the Board will determine what action the owner must take. Under the statute, a structure or any part thereof is a nuisance or a dangerous building if:

1. The Structure is structurally unsafe and unstable;

2. The Structure is unsanitary;
3. The Structure constitutes a fire hazard;
4. The Structure is unsuitable and improper for use as a residential dwelling;
5. The Structure is a hazard to health and safety given the fact of inadequate maintenance, dilapidation, obsolescence, and abandonment; and
6. The Structure is dangerous to life and property.

Jared Marston is now the official owner of 9 Shaker Woods and he was present.

The procedure of the Board of Selectmen will follow in conducting this hearing are as follows:

1. Information of evidence will be presented by exhibits and witness testimony
2. Any documentation to be used in this proceeding will be marked as exhibits. The Board has accepted evidence that the Code Enforcement Officer (CEO) and Health Officer (HO) has provided Exhibit A.
3. The presentation of evidence will proceed in the following order.
  - a. The CEO and HO will present an opening statement and relevant evidence why the structure is a nuisance or dangerous building and if it is what remedy the Board shall order.
  - b. Following the completion of the CEO and HO's presentation any opposing party will have an opportunity to present an opening statement and relevant evidence they want the Board to consider with regard if the structure is a nuisance or dangerous building and if it is to what remedy the Board shall order.
  - c. Then the CEO and HO may ask any questions of any opposing party and any witnesses or exhibits that they present.
  - d. Any opposing party may then ask questions of the CEO and HO and any witnesses or exhibits that they present.
  - e. The CEO and HO can then make additional comments on any opposing party's testimony or witnesses.
  - f. Any opposing party can then make additional comments on the CEO and HO's testimony or witnesses.
  - g. The Board can then ask questions of the parties and witnesses
  - h. Then each side may then make closing remarks of not more than two minutes.
  - i. Only parties of interest in this hearing will be able to participate, comments from the public will not be taken at this time
4. After all information has been presented the hearing will be closed and the Board will deliberate on whether the structures are a nuisance or dangerous buildings and take a vote on a remedy for the situation
5. This is an administrative hearing and the court or trial, therefore the formal rules of evidence shall not apply.
6. Before we start do any Board members know the owner or have knowledge of the property that you cannot fairly or impartial hear the facts and decide the matter based upon the evidence presented in this hearing.

CEO Sirois gave the history of the violations going back at least 10 years and talked

through the exhibits in the ePacket.

Health Officer Gosselin outlined the history and issues with the garage which is being used as a living area. The family has made some small improvements in the past few years. Her recommendation is for the Town to help them find somewhere else to live and raise the garage.

Mr Marston recently inherited the property and feels that some of this has been blown out of proportion. He is working toward removing the excess junk and cleaning the house. He would like a checklist to be able to prove that he is making progress on the issues. He also feels that it would be hard on his mother to leave since his father died less than a year ago.

The Select Board then went on to the finding of facts. Given the descriptions and discussion the consensus was that the buildings are hazardous and unsafe.

**Motion** to determine that the habitation on the property at 9 Shaker Woods Road is hazardous by Selectman Bullock. Seconded by Selectman Gifford.

Attorney Brandwein reviewed the criteria for determining that a property is hazardous.

### **Unanimously approved**

Attorney Brandwein suggested that the Select Board look at what the Health Officer and Code Enforcement Officer recommend and develop orders for Mr Marston to get the property up to what the Select Board ultimately wants done to make the building safe for occupation. Each item can be given timelines. It is customary to give at least 30 days to come into compliance. The Town can go onto the property after the time has elapsed and do the work or if Mr Marston is making progress extensions can be considered.

There was discussion about getting the family into a safer environment while the property is being brought into compliance and in looking into organizations like the Sebago Lakes Region Fuller Center for Housing to help.

Mr Marston asked for a list of items to bring the property up to code. He said that until recently he did not have control of the property – it belonged to his step-father and the assets were frozen by the State when his step-father entered a nursing home before his death in February 2020.

There seem to be 3 areas in need of attention: the junk on the property needs to be removed, the hazardous living conditions need to be abated, and no one should be living there until the work is complete. The order gives the Town the authority to go on the property if the work is not done within the specified time.

Attorney Brandwein will write the order broadly to delegate authority to the CEO and the Health Officer make sure that the entire property is no longer dangerous. The order will include the following:

- Mr Marston and Mrs Strout to vacate by March 1<sup>st</sup>, not returning until such time as the issues are abated and brought into compliance so an occupancy permit can be issued
- Deadline of June 1<sup>st</sup> to have the residence in compliance
- Deadline of October 1<sup>st</sup> to remove the junkyard and other debris and bring the buildings into compliance to the satisfaction of the CEO and the Health Officer

The order must be signed by all of the Select Board to pass. If there needs to be corrections we would reopen the discussion part of the meeting to make corrections.

Chair Olsen – I now this has been an uncomfortable meeting. The intent is that we want to work with you. We are not trying to kick you to the street. We want to come up with something that will put you in a safe environment and ultimately get you back to where you want to be.

#### 4) New Business

- a) Consideration of Zoning Board of Appeals Appointment – Sue Look, Town Clerk

David Murch of 2 Canal Road has applied specifically for the ZBA.

**Motion** to appoint David Murch to the ZBA by Selectman Sadak. Seconded by Selectman Gifford.

**Unanimously approved**

- b) Consideration of Request for Raymond to Become Proactive in Mitigating the Infestations of the Brown Tail Moth and the White Tail Moth – Mary-Therese Duffy

Ms Duffy wanted to initiate a conversation about the issues with these infestations and discussed the Town helping to get information out to the public. Website, Road Runner, etc. She also asked to put some money in the budget to work on this issue.

- c) Consideration of the Southern Maine Public Works Mutual Aid Compact – Don Willard, Town Manager

Public Works Director talked about the history of this and that it is basically a way to bill back Towns that we help. It codifies what we have been doing.

**Motion** to authorize Town Manager Willard to sign the Southern Maine Public Works Mutual Aid Compact by Selectman Bullock. Seconded by Selectman Gifford.

**Unanimously approved**

- d) Consideration of Quit Claim Deed – Sue Carr, Tax Collector

Name	Map-Lot	Location	Amount Paid
Anthony Rinaldi	002-020	Cape Rd	\$793.73
BBW LLC	064-047-A	Rusty Rd	\$13,517.82
R2R LLC	067-047	Rusty Rd	\$2,842.54

**Motion** to issue a Quit Claim Deed to Anthony Rinaldi for Map 002 Lot 020 by Selectman Sadak. Seconded by Selectman Gifford.

**Unanimously approved**

**Motion** to issue a Quit Claim Deed to BBW LLC for Map 064 Lot 047-A by Selectman Sadak. Seconded by Selectman Bullock.

**Unanimously approved**

**Motion** to issue a Quit Claim Deed to R2R LLC for Map 064 Lot 047 by Selectman Sadak. Seconded by Selectman Gifford.

**Unanimously approved**

**5) Public Comment – none**

**6) Selectman Comment**

Selectman Bullock – It is time to consider volunteers for the Spirit of America Award to be turned in by March.

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

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

- February 9, 2021
- March 9, 2021

**b) Reminder of Upcoming Budget Schedule**

- February 23, 2021 – Town Manager submits budget to Select Board & Budget-Finance Committee
- March 2, 2021 – 1<sup>st</sup> Department Head Review – 6:30pm via Zoom
- March 16, 2021 – 2<sup>nd</sup> Department Head Review – 6:30pm via Zoom
- March 30, 2021 – Budget Workshop – 6:30pm via Zoom
- April 13, 2021 – Select Board Warrant Review & Approval – 6:30pm via Zoom
- April 27, 2021 – Budget-Finance Committee Budget Article Recommendations – 6:30pm via Zoom
- Town Meeting at the Jordan Small Middle School Gym
  - 1) June 1, 2021 – if we have Open Town Meeting – 6:00pm

**OR**

  - 2) June 8, 2021 – if we vote the Town Warrant via secret ballot – 7:00am to 8:00pm

**c) Reminder of Upcoming Holiday Schedule**

- Monday, January 18<sup>th</sup> – Martin Luther King Jr Day

**8) Adjournment**

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

**Unanimously approved**

*Respectfully submitted,  
Susan L Look, Town Clerk*