



BOARD OF SELECTMEN

*MINUTES

November 22, 2011

SELECTMEN'S MEETING

Present: Chairman Joe Bruno, Vice-chair Lonnie Taylor, Charly Leavitt, Sam Gifford and Mike Reynolds.

Staff: Nancy Yates, Finance Director; Chris Hanson, Code Enforcement Officer; Denis Morse, Former Fire Chief; Bruce Tupper, Fire Chief; Sue Fielder, Animal Control Officer, and Danielle Loring, Recording Secretary.

Other: Wayne & Joanne Geltson, Julie Sutherland, John Russo, Peter Blunsden, Jessie Jackson, Dana Desjardins, Heidi Russell, and Stacy Hartley.

1) Call to order: Chairman Joe Bruno called the meeting to order at 6:59 pm and a quorum was declared.

****3) PUBLIC HEARING**

a) General Assistance Ordinance Appendices A-C 2011-12 Annual Update

Mr. Bruno opened the floor to general comment regarding the general assistance appendices.

COMMENTS: None.

Public hearing closed at 7:01pm

MOTION: Mike Reynolds motioned to accept the guidelines from the Department of Health and Human Services; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Application for New Restaurant Liquor License: Doug Maher (11 Hale Road, Raymond) A La Mexicana (Formerly JD's Firehouse Grille) 1227 Roosevelt Trail

Mr. Maher plans to open a Mexican restaurant by February, 2012. He has been working on renovations and waiting to obtain his liquor license and health inspection. Mr. Taylor wanted to know if the house cleaning items taken care of yet and Mr. Maher responded that they were but was just waiting for his final inspection. Mr. Hanson explained that an inspection had been completed and that Mr. Maher was in compliance but need to do a final check after he is set up to be sure.

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**Item taken out of order

Mr. Bruno wanted to know what Mr. Maher's intentions were for entertainment, as he had expressed potential interest on his application. Mr. Maher responded that they were still considering it and the most it would be is a single mariachi player and he was aware of the problems with noise with the previous tenants. He was clear that the intention was to be a family style restaurant and not to have a bar atmosphere.

MOTION: Mike Reynolds motioned to approve the application for a new liquor license; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

****4) New business.**

a) Discussion of Need for Animal Noise Ordinance- Public Comment

Julie Sutherland (51 Ledge Hill Road)- introduced herself as the owner of the roosters that were of concern at the October 31st meeting. She explained that she had also made videos of the roosters' lifestyles and she felt that creating an ordinance was a slippery slope because it opened the door for more sorts of complaints. She also added that her neighbors had not made an attempt to contact her regarding the noise issue concerning her thirteen roosters.

Mr. Leavitt wanted to know what her zoning was and Mr. Sutherland explained that the IF&W considered her Rural Agricultural but, regards to Raymond zoning, she was Rural.

There was discussion from John Russo (51 Ledge Hill Road) regarding where Wayne Gelston (46 Ledge Hill Road) was when he took the recording that he presented at the last meeting. Mr. Gelston rebutted that it was his porch and explained his concerns that he had for not having an ordinance because the Town expected owners' of barking dogs to take responsibility.

Dana Desjardin (64 River Road) wanted to know if Rural zoning allowed for farming and Mr. Hanson explained that it did. Mr. Desjardin felt that roosters were different than barking dogs and that they were an essential part to farming and creating an ordinance would not discriminate on how the animals were being used, only whether they were making noise and bothering their neighbors.

Heidi Russell (268 Raymond Hill Road) explained that she has had neighbors continually complain about her barking dogs in the past but never came to her but years later it was no longer an issue. She felt that the neighbors should work it out, rather than creating an ordinance that effects everyone.

Greg Foster (29 Ledge Hill Road) said that he lives in the area and can hear his neighbors' roosters but likes the sound of it. He did not like making ordinances to fix a specific problem because if one person had to get rid of their roosters, so would everyone else. He added that he thought that the parties should come to a compromise.

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Jessie Jackson (Casco) asked to speak and Mr. Bruno polled the Board to allow for a nonresident to speak and there were no objections. Ms. Jackson continued by stating that she had a neighbor with roosters and feels that there are ways to work it out between the two of them without going to such measures of creating a specific ordinance.

Tacy Hartley (46 Northern Pines) said that she had only seen enough roosters to service hens to produce chicks, but felt that the Town should come to a reasonable compromise because 14 roosters was too much and there should be an acceptable level set.

Peter Blunsden (57 Ledge Hill Road) said that he could hear roosters and it does not bother him. He agreed with the notion that they live in a rural environment and noise was every where. There was discussion regarding the proximity of Mr. Blunsden's property relative to Ms. Sutherland's compared to Mr. Geltson's home.

Mr. Bruno read into record emails from Debbie Orsini (52 Ledge Hill Road) and Arlene Briard (25 Misery Gore) both adding their support to add roosters to an Animal Noise Ordinance.

Discussion continued about where the roosters went when they were loose; how the noise level had decreased since the birds had been kept in the barn and about whether the roosters served an agricultural purpose. It was decided that the Board did not want to move forward with an ordinance that targeted a specific animal and felt that the parties should try to resolve the matter on their own first. The Board would address the issue again if there were further complaints.

b) Annual Review of Black Ghost Cafe Lease- Board of Selectmen/Jeff Pomeroy, Owner

Jeff Pomeroy, owner of the Black Ghost Cafe, was coming before the Board to conduct his annual review and talk about changes to his operations. He said that the only change that he would like to make to the initial agreement was the take out time for the boat. He understood that a dock needed to be out of the water as of December 1st but a registered boat can stay in the water could stay beyond that by law. He was trying to gain food sales through participating in the 2012 fishing derby. His intentions were to jack the boat above water level to prevent being iced in, participate in the derby and remove the boat a week later with his truck.

There was discussion about potential concerns that the Board and staff had, as well as how changes to the agreement were supposed to be handle. One issue was that there was no formal written request that could be circulated among the other agencies that had to sign off on the agreement, such as IF&W and the DEP. The lease agreement specified that operations were to be conducted from Memorial Day to Labor Day each year and that docks were to be removed by December 1st. Mr. Pomeroy explained that even though the summer season was only a couple months, he still had to pay for liability insurance year round and he was just looking for ways to cover those costs.

The discussion continued and there were more concerns raised about whether the structure was functional as a boat, though Mr. Pomeroy refuted that there were many boats and ferries that were no floating all the time. There were also concerns raised about it allowing him to jack the boat up above

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water level made it a structure, which was prohibited by local and State zoning.

It was decided that Mr. Pomeroy would have to present the Board with a specific plan of his intentions so it could be reviewed and circulated among the other involved agencies. Mr. Willard reminded Mr. Pomeroy that there was a short time window before the next meeting and a plan would need to be submitted within the next couple of days to have it reviewed in time.

c) Appointment of Assistant Chief Bruce Tupper to Fire Chief- Board of Selectmen

Denis Morse explained that the Fire Department was restructuring to accomplish tasks and meet surrounding trends. He continued that Bruce Tupper had been with Raymond 8 years and was the previous chief of New Gloucester. Moving forward the Department would like to try the system of chief, business manager, and assistant to share responsibilities. He felt that Mr. Tupper had proven himself and had already making strides to fill that position and Mr. Willard agreed.

Mr. Leavitt expressed concerns that the Board has not seen regionalization report and thought that the timing of this promotion was off, relative to that progress. He would rather see this change go before the Budget Finance Committee, even though it is within the Town Manager's prevue to make those changes. He felt that, typically, Mr. Tupper would be a candidate and a search would be conducted to find the right candidate. Even if that person turned out being Mr. Tupper, at least they would know that they had done their due diligence.

There was discussion about the business model and how it fit into the current structure of the Fire Department. Mr. Morse explained that this was more of a formality change, in terms of labels, that represented what was already taking place within the Department. Mr. Bruno explained that what they were proposing was revenue neutral and, even though this model was not typical, Mr. Tupper was a good candidate. He added that if this model did not work out, within six months, they could eliminate the business manager position with the next budget. Mr. Reynolds and Mr. Gifford agreed and said that they saw it as a restructuring to use each person to the best of their abilities. Mr. Leavitt said that he did not disagree but just did not think that the process was right.

MOTION: Sam Gifford motioned to accept the appointment of Bruce Tupper as new Raymond Fire Chief; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: APPROVED (4/1 [CL])

Mr. Tupper thanked the Board for their support and looked forward to working with them in the future.

Mr. Morse explained that they were also there to talk about a Capital Improvement Program (CIP) for a new ambulance.

Cathy Gosselin, Deputy Chief of EMS, explained that the Fire Department was interested in participating in a regional bid as part of an RFP from 5 vendors for a new ambulance. The bid was awarded to PL Customs. Mr Willard explained that if the Town to purchase this chassis on their own

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then it would cost \$20,000 more. Mr. Leavitt wanted to know if this matter had been discussed with other town managers and Ms. Gosselin said that she had letters of support from the other town managers and letters of recommendation for PL Customs. They discussed the implications of waiving the performance bond for and additional \$1500 savings.

MOTION: Mike Reynolds motioned to prepay for chassis in order to save funds, based on research of 5 town committee, and use recommendation from some chiefs and town managers to waive the performance bond; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: APPROVED (4/1 [CL])

d) Consideration of Approval of New Planning Board Member, Dan West- Louise Lester, Town Clerk

Dan West said that he recently moved to Raymond and was interested in joining the recycling committee and asked to join the Planning Board. He explained that he has years as a real estate agent and wanted to serve his local community and he was currently a full time student at Saint Joseph's College completing course work to become a social worker.

MOTION: Mike Reynolds motioned to accept as Dan West as member of Planning Board; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

****5) Old (unfinished) business.**

a) Loon Echo Land Trust: Greenprint Presentation- Carrie Walia, Executive Director

Rescheduled until the December 6th meeting.

b) Project Canopy Project Update- Forester Greg Foster

Greg Foster, Forester, explained that the Town was participating in a costing sharing to develop forest management plans for two properties located off the Egypt Road and Patricia Avenue. He explained his process of plotting the lots and inventorying the wood for the management plans. He has been noting unique features and wildlife for each property and plans on making an official recommendation in February.

****4) New business.**

e) Review of FY 2012-13 Budget Development Schedule- Board of Selectmen

The following changes were made to the draft schedule:

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- Moved March 13th to March 6th
- Moved February 21st to the 28th

Mr. Willard wanted to know what guidance he should be giving Department Heads in terms of budget development. They discussed where the Road Improvement Study Committee was at with their meetings and said they would wait for their recommendation and try to incorporate it into the budget. Mr. Bruno said that he wanted to see more information on specific line items. He also said that they should give a flat budget as well as a budget that reflected their department's needs for consideration.

Mr. Leavitt said that he would also like to see the wording "eliminate" removed from the goals in regards to the Undesignated Fund Balance. Mr. Bruno said that it would remain his goal and Mr. Willard said that he would work on changing the wording.

****2) Minutes of previous meeting dated:**

- **October 11, 2011**

MOTION: Lonnie Taylor motioned to accept the minutes from the October 11, 2011 meeting; seconded by Mike Reynolds.

CHANGES:

- page 2 4th paragraph "idea" to "ideas"
- page 4 3rd paragraph change wording to "would be to improve growth"
- Item 4e the vote should be 4/1; Charly Leavitt oppose
- Under Selectmen communication, it should be "Gulick fund" not "Bulick"

VOTE: UNANIMOUS APPROVAL (5/0)

****5) Old (unfinished) business.**

Mr. Bruno said that they would have an ordinance workshop on the 6th and wanted to know if there were any suggestions about the ones on the table. Mr. Reynolds said that he did not feel that they could move forward with the Sex Offender Ordinance because they had no way of enforcing it. The Board agreed and Mr. Leavitt suggested that it may be time to contract a deputy to assist in enforcing local ordinances. Mr. Willard said that he would work with the Sheriff's Department as well as the County Commissioner to see what could be done.

c) Recall Ordinance

d) Appointment Ordinance

e) Tax Acquired Properties

Mr. Leavitt asked that the properties be forwarded to the Conservation Committee to get a recommendation from them. Mr. Willard said that he would conduct a site walk with Mr. Hanson to make a recommendation as well.

f) Consideration of Sex Offender Ordinance

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6) Public Comment: None.

****9) Fiscal Warrants – Payroll and Appropriation Warrants – November 22, 2011**

MOTION: Lonnie Taylor motioned to accept the Treasure's Warrant for November 22, 2011 in the amount of \$126,753.99; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Summary for November 22, 2011 for the amount of \$135,104.03; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

****7) Town Manager Report and Communications.**

a) Confirm date for next regular meeting:

- **December 6, 2011:** Confirmed
- **December 13, 2011 (Tentative, based on need)**
- There was a snow storm coming in and staff was preparing to be plowing and keeping the roads clear.
- There had been public interest in dam work off Tenney Hill by IF&W and he welcomed interested citizens to come forward if they wanted to be on the list serve.

8) Selectmen Communications:

a) Entrance to Morgan Meadows- Mike Reynolds

Mr. Reynolds commented, that because there had been mapping of Raymond's parks, that they may want to consider creating more parking spots off of Egypt Road and creating more signs to advertise. Mr. Willard responded that he would contact the State to see if they were willing to fund such a project. Mr. Leavitt agreed and thought that it would be useful to also add the trail systems.

b) Various Items- Charly Leavitt

- Mr. Leavitt noted that the front reader board was not updated at the Town Office and remarked that it is an important resource to the Town.
- Mr. Leavitt stated that Budget Finance Committee and thought that it should be filled soon.
- Reminded that public that there was no trash pick-up on Thursday, due to the holiday, but there would be double the pick-up allowed for the following week.
- Mr. Leavitt recognized Bridgton and Harrison's Selectboards' for voting against the Civic Center renovations, in response to their residents voting results on that matter.
- Mr. Leavitt said that he was requesting again to create a Personnel Policy for Use of Town Property. He felt that it was important, considering what had happened recently concerning the Portland Fire Boat. Mr. Willard said he would look into it if directed but that he did not feel that it was necessary considering the use that Mr. Leavitt was referring to was volunteers and staff using Town property

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to wash Town vehicles. He added that the only alternative was to have a “no use” policy and he felt it was bad for the volunteer spirit of the Town which operated on the “give and get back” mentality. Mr. Bruno reminded Mr. Leavitt of the purpose of the Selectmen Communication section of the agenda.

10) Adjournment:

MOTION: Joe Bruno motioned to adjourn; seconded by Sam Gifford.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno adjourned the meeting at 10:00pm.

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