



BOARD OF SELECTMEN
Minutes*
April 2, 2013

SELECTMEN'S MEETING

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

Absent: None.

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

Others: Beth & William Blood, Carry Sullivan, Leah Stetson, Steve Linne, Maryann Van Mars, Ted Davis, Teresa Sadak, Julie Sutherland, Brian Walker, and Denis Morse.

1) Call to order: Chairman Gifford called the meeting to order at 7:00pm.

2) Minutes of previous meeting dated:

- **February 5, 2013**
- **March 5, 2013**

MOTION: Joe Bruno motioned to accept the minutes from February 5, 2013 and March 5, 2013; seconded by Lonnie Taylor.

DISCUSSION Charles Leavitt stated that on the 3/5/13 minutes, page 8 the figure in the top paragraph should be \$27,000 not \$70,000.

VOTE: UNANIMOUS APPROVAL (5/0)

3) PUBLIC HEARING

- a) Application for a Malt Liquor License Renewal, William Coppersmith, Jr., DBA Fisherman's Catch (1270 Roosevelt Trail)- Town Clerk Louise Lester**

Town Clerk Louise Lester introduced the agenda item as a renewal application for a liquor license and explained that the Fire Department has signed off with no issues.

Chairman Gifford opened the public hearing for comment and there was none so he closed the public hearing. He asked if there were any comments from the Board and there were none.

MOTION: Mike Reynolds motioned to accept the application for liquor license renewal for William Chapman BDA the Fisherman's Catch; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

4) New Business.

a) Consideration and Acceptance of Raymond Beach Management Lease Agreement with Diane Monty and Ron Demers DBA Rocket Monty's Hot Dogs and More- Board of Selectmen

Chairman Gifford explained that the Board was considering the final contract for the lease agreement with Ron Demers and Diane Monty DBA Rocket Monty's Hot Dogs and More. Mr. Reynolds asked to speak with the Code Officer to make sure that all issues from the last meeting had been resolved. Mr. Hanson explained that he had recently met with the applicants and determined location of cart, storage and discussed the potential for a dock in the future.

Mr. Bruno asked if the contract waived the Peddler's License fee for the first year, and Mr. Hanson stated that he believed so.

Chairman Gifford asked if they were still considering solar power as their energy source, and Ms. Monty explained that it was still an option. Mr. Demers added that they do not need much power and the generator was loud so they were considering solar power and investigating if it was enough power.

Mr. Leavitt asked if they were still considering kayak rentals. Mr. Demers responded that still set on it and going to get re-certified for swim lessons. Mr. Leavitt suggested that they ask your patrons to respect lake front properties and have a milfoil discussion.

MOTION: Joe Bruno motioned to enter into a contract with Rocket Monty subject to review by CEO and town attorney; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Consideration of Amended Heavy Oil Sands Resolution- Mike Reynolds, Selectman

MOTION: Mike Reynolds motioned for reconsideration for a Resolution to Protect the Health and Safety of Local Citizens, Waterbodies and other Natural Resources in Relation to the Potential Transport of Oil Sand through Raymond; seconded by Joe Bruno.

DISCUSSION: None

VOTE: UNANIMOUS APPROVAL (5/0)

Mr. Reynolds explained that a resolution was presented for discussion purposes at the last meeting, but he still needed more information. Once he had gotten the information, he had asked the Chair for reconsideration. He added that another friendly amendment was made to the document that they were considering.

MOTION: Mike Reynolds motioned to accept the resolution as presented; seconded by Joe Bruno.

DISCUSSION: Charles Leavitt stated that he would like to hear from Larry Wilson from PMPL

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

about interactions with first response and emergency agencies and training drills. Since he was not present, he asked that Fire Chief Bruce Tupper speak to the same issue. Mr. Tupper stated that there were no scheduled trainings, but that spring time was the time that those drills were scheduled. He continued that if they did not hear from Portland Pipeline officials, the Fire Department would be contacting them.

Mr. Leavitt stated that he was disappointed in Portland Pipeline because their words did not match with reality and he gave an example of where engineering had failed as a cautionary lesson for the Board and public.

Chairman Gifford opened the discussion for public comment.

PUBLIC COMMENT:

Beth Blood, Mill Street stated that she was concern with the pipeline and the age of the pipe and wanted to know how they could assure that the pipeline was safe. Chairman Gifford explained that the intent of the resolution was to ask that the State and Federal governments make the required investigations. Ms. Blood asked who the authorities were that would be conducting those investigations and Mr. Bruno responded with a list that included the DEP, DOT, EPA, OSHA, Army Guard and Coast Guard.

Carry Sullivan, Deep Cove stated that she was concerned that there would not be the programs/staffing to support this resolution.

William Blood, Mill Street was concerned with the age of pipe and the lack of attention by the Federal government from his experience and the widespread effects that an oil spill would have.

Steve Linne, Musson Road stated that he was afraid that Raymond would be responsible for the clean up in the event of a spill. Mr. Bruno stated that clean up efforts would be paid for by the DEP which collects money through fines.

Mary Ann Van Mars, Webbs Mills, asked that the Board pass the resolution.

Chairman Gifford closed the public comment and called for a vote.

VOTE: UNANIMOUS APPROVAL (5/0)

c) Consideration of Sebago Water District Resolution- Ted Davis, Sebago (Tentative)

Chairman Gifford asked the Board of unanimous consent to allow Ted Davis from Sebago, Maine to speak and the Board consented.

Ted Davis stated the purpose of his proposed resolution was to have a say in the flow of Sebago Lake. He continued that he would like to see neighboring towns outside of Windham and Sebago have a voice in the future of Sebago Lake.

Mr. Bruno stated that Raymond had no control over who served on the Portland Water District Board of Directors.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

Chairman Gifford stated that there would be no action taken and thanked Mr. Davis for his time.

d) Consideration of Quit Claim Deed as Submitted By Sue Carr, Deputy Tax Collector

- **William & Holly Chapman**
o Tenny Hill Road
Map 018, Lot 027A

MOTION: Joe Bruno motioned to accept quit claim deed for William and Heidi/ Holly Chapman, book 25536, page 250; book 26336, page 1; book 27260, page 173; book 27989, page 20; book 28886, page 271; and book 29838, page 2; seconded by Charles Leavitt,

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

***5)
Policy Review**

a) Discussion of Possible Policy Regarding the responsibilities of the Selectmen Chair also Serving as Parliamentarian- Peter Leavitt, Leavitt Road

Peter Leavitt, Leavitt Road, suggested language for Section 2 of Selectmen Bylaws regarding the role and function of parliamentarian. He explained that under their current Bylaws there was no requirement for a parliamentarian but felt that role was helpful and not serve as the chair as well.

Mr. Bruno stated that it made sense to have them separated only if there was a member who knew more than the Chair about Parliamentarian Procedure. Mr. Gifford agreed and felt was to the Board's benefit to have the most knowledgeable person in that position. Mr. Taylor stated that the Board's composition may change year to year and the role of parliamentarian was dependent on the Board. They would elect the person into those positions as they find necessary. Mr. Reynolds explained that, when he served as Chair, the Board did not appoint parliamentarian because they didn't need one. He asked Mr. Leavitt if they did not appoint a Parliamentarian if they would we be going against the Bylaws. Mr. Leavitt explained that there really was not an appointment but an election of position within the Board and did not know if it was waivable under the bylaws.

Selectman Leavitt stated that the term "shall" was not a permissive use but "may" was and thus believed that they were required to appointment. He believed that the parliamentarian should be advising the whole Board and not just the chair and felt that his needs were not served when the position was one in and the same. Mr. Taylor stated that he agreed with a lot of what Selectman Leavitt said but felt that the parliamentarian was not there to give an opinion but the correct standards of order. Mr. Bruno added that the parliamentarian has an advisory interpretation or opinion of order and there can be a challenge of the opinion because that position is not more powerful than the chair.

Selectman Leavitt suggested could amending the Bylaws language from "shall" to "may" and would like to see that they clarify the process so that there was not one person giving the interpretation.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

Mr. Reynolds thought that the position should be optional if there existed a strong candidate.

Mr. Taylor agreed with Selectman Leavitt but that was all he wanted to change.

MOTION: Mike Reynolds motioned to amend Board of Selectmen Bylaws to change “shall” to “may” and “appoints” to “elect”; seconded by Lonnie Taylor.

DISCUSSION: Charles Leavitt stated that by the current Board approving the Bylaws, they have not taken away the reserved right of the future Selectboards to make additional changes because it was a living document and that could be changed in the future if there were a perceived conflict.

Lonnie Taylor clarified that the Board was not adding the other language that Mr. Leavitt had presented.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Discussion of a Possible Policy Regarding Use of Town-owned Facilities- Peter Leavitt, Leavitt Road

Peter Leavitt, Leavitt Road, requested that the Town develop a policy regarding the use of Town assets by others, including staff, volunteers and the public, and determine who governs that right for non-official activities. He felt that the matter was an issue of adequate transparency. He gave examples of some towns that had them as part of their personnel policies and read examples aloud.

Mr. Leavitt stated that he wanted to see a policy for the oversight of the use and felt that could be as liberal or strict as the Board determines, but felt that it was important to address the issue. He read aloud an article in the Bangor Daily News regarding use of Town-owned property in Holton. He followed up by stating that such policy would also outline the permitted use and who gives the authority so as to hold that person accountable.

Teresa Sadak, Webbs Mills Road, asked for clarification of the term “property” and stated her concerns with implementing a policy. Mr. Leavitt gave a list of the assets, including vehicles and buildings. Mrs. Sadak responded that she felt that requesting a policy felt like micromanaging the management of the town.

Julie Sutherland, Ledge Hill Road, stated that she would like to see a policy and gave an example where Public Works had buried a horse for a resident whereas she had to pay for that service from the private sector. Public Works Director Nathan White stated that he had buried one horse in twenty years and it was not recently.

Carry Sullivan, Deep Cove, stated that she felt that the Town needed to have a policy for transparency.

Steve Linne, Musson Road, wanted a reason why not to have a policy. Mr. Willard stated that they were a small town based on volunteerism and there was an understanding that individuals would be rewarded in small ways for the giving of their time. He felt that the only policy was a prohibitive one. Mr. Linne responded that the policy would only define the use by employees and Mr. Leavitt clarified that it would be employees, volunteers and residents.

**Per the “Minutes Policy,” reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

Chief Tupper gave examples where allowing the volunteers to use the wash bays for their vehicles was beneficial because not only did it reduce response time but they were also required to wash fire equipment as well.

Mr. Leavitt clarified that he did not feel that the policy needed to be restrictive and did not understand what the hesitation was, and he did not like seeing the town government taking hits that it did not need to take.

Mr. Willard stated that he looked into all complaints that he received, but found it difficult when he did not know the sources.

Brian Walker stated that the vast majority of residents had trust in the government and felt that it was okay that the Town allowed flexibility. He stated that if there were a policy, it would take manpower for enforcement and time to explore accusations of wrong doing. He added that a general policy could be up for consideration but should be open and allow for the flexibility of a small town but they were not going to make a policy that would allow for all the exceptions. He also agreed with rewarding town employees for their hard work.

Denis Morse, Andersen Road, stated that he did work in Portland. He explained the difference between Standard Operating Procedures (SOP) and Guidelines for Operational Planning (GOP) and the history of implementing them in Raymond. He would like the departments to write out how they operate and not deviate from it and would like to see residents sign off on complaints.

Ms. Sullivan stated that implement standards that were more like a guideline versus a policy but would like to see it publicly available.

Mr. Bruno gave examples of how a the policy created a slippery slope and how he also wanted the departments to write up guidelines. Mr. Willard agreed and also wanted to written complaints.

MOTION: Joe Bruno motioned to allow department heads to come up with guidelines for town assets; seconded by Lonnie Taylor.

DISCUSSION: Charles Leavitt explained that he was tired of the negativity used towards concerned citizens. They were just asking that the Town put something in place that was better than the standards before and then he gave the history of his requests. He felt that the Town Manger should be held accountable versus the department heads. Mr. Willard gave his counterpoints to Selectman Leavitt's examples.

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

***4) New Business.**

***f)**

Review and Possible Adoption of FY 2013-14 Municipal Budget- Selectmen

Mr. Bruno explained that after considering all the budget alternatives, they were only about \$37,000 away from being under LD-1.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

Mr. Gifford stated that he would like to give up his stipend that he was donating the Beautification Committee to help them achieve their goal.

Mr. Bruno felt that excise tax would be up with the reported 5% increase in car sales and added another \$10,000 to that line item. He then asked that they reduce the requested \$110,000 for a dump truck to \$100,000 and Mr. White agreed and felt that he may be able to come in around that number, if not lower. Mr. Bruno then asked the Fire Department if they could reduce ambulance request and Cathy Gosselin responded that they were willing to give up \$10,000.

Mr. Bruno stated that with the proceeding changes, they were within \$6,000 of their goal and asked if they could take that out of the Town Hall CIP because there would be carry over for the present year. Mr. White explained that what was left over was for the mold abatement. He did not expect to expend it all, but was not sure. He felt that he could get away with reserving \$13,000 for that task and Mr. Bruno stated that would get them under LD-1

Louise Lester, Town Clerk, stated that there was \$6,600 put away for voting machine that was no longer needed because the State was leasing. Mr. Reynolds stated that this made them under by \$400 without having to use the CIP funds.

Mr. Leavitt asked about the projected costs of the liability insurance, and Nancy Yates responded that the company was expecting increases of 10-12% but that their increase was less than the nationwide average, and that they were budgeting for more than what the town was spending.

Mr. Leavitt asked why did they had spent over what was budget in the present fiscal year, and Mrs. Yates responded that it was because they had budgeted too little.

Mr. Leavitt asked about the final Crown Castle sale figures and Danielle Loring, Executive Assistant, explained that they were still waiting on the figures because the contract was still being negotiated. He stated that he was concerned with the direction of coming in under LD-1 versus funding the roadwork. He explained the savings that had been realized from the first proposed budget. He wanted the Board to look at the base budget to see where they started, where they went and put the money into the roads.

Mr. Bruno disagreed with the perception of smoke and mirrors because they have had five budget meetings. They were talking about a \$6 million project and the \$2 million bond was just to get it underway and then an increase in the roadwork CIP to maintain it.

MOTION: Mike Reynolds motioned to send alternative #5 to the Budget-Finance Committee with the proposed changes; seconded by Joe Bruno.

DISCUSSION: Joe Bruno stated that the Board still needed to vote on the warrant articles

Peter Levitt asked what the consequence was in being over LD-1, and Mr. Bruno explained that it would raise the base budget. Selectman Leavitt added that LD-1 was a formula based on factors that pointed out the amount allowed to spend. Mr. Leavitt clarified that the additional dollars would be added to mill rate and the Board agreed. Mr. Reynolds explained that, in the past, the increase in budget did not increase mill rate because they had used Undesignated Funds.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

Mr. Leavitt asked how many years the Town had been under LD-1 and Mr. Bruno responded seven. Mr. Leavitt then asked if this was extraordinary and Mr. Bruno responded that it was.

Mr. Leavitt stated that he did not trust the Town government to spend the money on the roads and that is why he preferred bonding but he would be happy if there was another method, other than a bond. Mr. Bruno stated that there was an account labeled as road maintenance and those funds must be spent that way. Mr. Leavitt stated that he was concerned that issue with the roads would not be addressed and the potential movement of money within departmental accounts.

Mr. Linne stated that he would like to see the amount of CIP equipment decreased and the roadwork increased.

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

MOTION: Charles Leavitt motioned that in keeping with the policy, established by the Board, that they would want the most input by the citizens that the budget go to referendum, in the interest of getting more and the best; seconded by Mike Reynolds.

DISCUSSION: Mike Reynolds explained that it was his understanding that a referendum vote was not a binding form for a town meeting form of government.. Mr. Willard agreed that it was historically done at town meeting and suggested one or the other.

Mr. Reynolds explained that they would need to change from the State law and adopt a charter. Mrs. Lester explained that only an LD-1 exception needed to be brought to the ballot which would need to be held at town meeting

VOTE: MOTION DEFEATED (1/4 [SG, JB, LT, MR])

The Board confirmed the date for the next meeting as April 12, 2013 to go over the budget warrants.

***e) Executive Session pursuant to 1 MRSA § 405(6)(E): Consultation with CEO and Town Attorney Regarding Pending Land Use Legal Matter**

MOTION: Joe Bruno motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(E) for a consultation with CEO and Town Attorney Regarding Pending Land Use Legal Matter; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Sam Gifford announced that the Board was going into Executive Session at 10:15pm.

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 10:41pm.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

MOTION: Joe Bruno motioned to allow CEO and Town Attorney to continue toward a mutual agreement regarding a mediation that occurred and come back with a signed contract and public hearing; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

6) Public Comment: None

7) Town Manager Report and Communications.

a)

Confirmed date for next meeting:

- **April 12, 2013**
- **May 14, 2013**

8) Fiscal Warrants – April 2, 2013

- **Payroll Expense Summary Warrant**

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Summary dated April 2, 2013 in the amount of \$117,492.21; 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 April 2, 2013 in the amount of \$165,149.79; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

9) Adjournment:

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

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Sam Gifford adjourned the meeting at 10:44pm.

Danielle Loring
Recording Secretary