

TOWN OF RAYMOND

Tuesday, June 5, 2012

ANNUAL TOWN MEETING MINUTES

Town Clerk Louise Lester convened the meeting at 7:00 pm at the Jordan Small Middle School gymnasium reading:

TO: Nathan White, a resident of the Town of Raymond, in the County of Cumberland and State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, to meet at the Jordan-Small Middle School gymnasium, in said Town of Raymond on Tuesday, June 5, 2012 at 7:00 P.M., then and there to act on the following articles:

**ARTICLE 1:** To elect a moderator to preside at said meeting.

NOMINATION: There was a nomination and second for John Robinson.

MOTION: There was a motion and second for nominations to cease.

VOTE FOR CEASING NOMINATIONS: Carried.

VOTE FOR MODERATOR: Carried.

MOTION: There was a motion and second to allow non-residents to speak.

VOTE: Carried.

**ARTICLE 2:** Shall Article 5, Sections A, B, D, & F of the Town of Raymond Land Use Ordinance as adopted May 21, 1994 and amended through June 7, 2011, be further amended by adding the underscored language and deleting the language in strikeover type as shown below, and shall the Raymond BOCA Building Code and its changes, additions and deletions as adopted in 1998 be deleted in its entirety, in order to apply and enforce the Maine Uniform Building and Energy Code?

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

AMENDMENTS TO THE TOWN OF RAYMOND LAND USE ORDINANCE APPLYING AND ENFORCING THE MAINE UNIFORM BUILDING & ENERGY CODE

**ARTICLE 5 - ADMINISTRATION**

**A. Officials**

The provisions of this Ordinance shall be administered and enforced by the Code Enforcement Officer and the Building Inspector, who shall both be appointed by the Board of Selectmen and be given free access at reasonable hours to all parts of structures and land regulated by this Ordinance. The Code Enforcement Officer of the Town of Raymond shall serve as the building official as defined in 25 M.R.S.A. § 2351 and shall be responsible for

issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Board.

## **B. Building Permit Required**

It shall be unlawful to start any work for the purpose of construction, alteration, or removal of any building unless a building permit has been issued in conformity with this Ordinance. The provisions of this Ordinance shall apply to new construction, alterations, additions, relocation, replacement of any building or part thereof, and to any work designed to convert a seasonal dwelling to a permanent, year-round dwelling as provided in Article 8, Section E. ~~The Town adopts and incorporates by reference the 1996 B.O.C.A. Building Code with the following changes, additions and deletions, as its building code. Note: all changes, additions and deletions are attached to the original Town Meeting Warrant and made available for review and inspection at the Town Clerks Office.~~ The Town of Raymond applies and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as required by 10 M.R.S.A. § 9724. Administration and enforcement of M.U.B.E.C., including fees, permits, certificates of occupancy, violations, penalties and appeals, shall be in accordance with this Ordinance and pursuant to 30-A MRSA § 4452.

## **D. Permits Issued by Building Inspector**

The Building Inspector shall approve or deny those applications on which the Building Inspector is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use be in conformance with the provisions of this Ordinance.

1. No building permit shall be issued until the Road Commissioner or the Maine Department of Transportation has issued a driveway permit. *[Adopted 5/20/89]*
2. A building permit issued under the provisions of the Ordinance shall become void if work has not commenced within 12 months of the date of approval and shall expire 2 years from the date of issue. A building permit may be renewed once for a one (1) year period upon submission of an application and payment of the prescribed fee. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued.
3. A fee for each plan examination, building permit and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen. Each building permit application shall indicate what fee was charged. All fees shall be collected by the Town Clerk of the Town of Raymond.
4. In the case of a revocation of a permit or abandonment or discontinuance of a building project any permit fees already paid shall be non-refundable.
5. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as prescribed by this Ordinance and pursuant to 30-A MRSA § 4452.

## **F. Certificate of Occupancy Required**

In each instance (1) in which different use of a building, structure or land is proposed, or (2) following erection, alteration, repair, enlargement or relocation of a building or structure, a Certificate of Occupancy shall be required prior to occupancy and use pursuant to the requirements in the Maine Uniform Building and Energy Code. Neither the owner, nor the person to whom a building permit has been issued, shall permit any building, structure, or land for which a Certificate of Occupancy is hereby required to be used or occupied until the Building Inspector has issued a Certificate of Occupancy therefore. A Certificate of Occupancy shall not be issued until the Building Inspector determines that the building, structure, or land use has been completed in accordance with this Ordinance and any conditions imposed under this Ordinance. The Building Inspector may issue a temporary use permit, valid for periods not exceeding six (6) months, during erection, alteration, repair, or enlargement of a building or structure. A fee for each plan examination, certificate of occupancy and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen.

## AMENDMENTS TO THE TOWN OF RAYMOND BOCA BUILDING CODE APPLYING AND ENFORCING THE MAINE UNIFORM BUILDING & ENERGY CODE

### **Miscellaneous Ordinance:**

#### BOCA BUILDING CODE

~~(Available under separate cover)~~

~~Hardcopy available in Code Enforcement Office~~

The Planning Board recommends adoption of this article.

The Selectmen recommend adoption of this article.

MOTION: There was a motion and second to accept Article 2.

VOTE: Carried.

**ARTICLE 3:** Shall Section 3 of the Town of Raymond Shoreland Zoning Provisions, as adopted May 21, 1994 and amended through June 7, 2011, be further amended by adding the underscored language and deleting the language in strikeover type as shown below?

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

### **Town of Raymond Shoreland Zoning Provisions**

#### **SECTION 3. APPLICABILITY**

Except for Section 15. P- 1, Timber Harvest – Statewide Standards, These ordinance provisions apply to all land areas, as currently mapped and in effect, within 600 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 100 feet, horizontal distance, of the normal high-water line of a stream; and any other land designated on the Official Raymond Land Use Map as a Resource Protection, Limited Residential/Recreation I, or Limited Residential/Recreation II District. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Section 15. P- 1, Timber Harvest – Statewide Standards, when it becomes effective in accordance with Section 4.B, shall apply to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 75 feet, horizontal distance, of the normal high-water line of a stream. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

## **SECTION 14. TABLE OF LAND USES**

[Footnote 1]

- (a) ~~In RP not permitted within 100 feet of the normal high water line of great ponds, except to remove safety hazards.~~

The Planning Board recommends adoption of this article.  
The Selectmen recommend adoption of this article.

MOTION: There was a motion and second to accept Article 3.  
VOTE: Carried.

**ARTICLE 4:** Shall Article 9, Section L of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through June 7, 2011, be further amended by adding the underscored language and deleting the language in strikeover type as shown below?

*[Note: The use of the word “Article” within the ordinance does not indicate a separate warrant article.]*

### **Town of Raymond Land Use Ordinance**

#### **ARTICLE 9 - MINIMUM STANDARDS**

##### **L. Signs *[Amended 06/02/09]***

###### **2. Sign Permits**

Except as otherwise herein provided, no person shall install, erect, or place a new sign or modify, move, replace, or make alterations to any sign, without first applying for and obtaining from the appropriate reviewing authority as set out in subsection 2.a below, a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as set out in subsection 2.b below and any other information that may be required by the reviewing authority for a complete understanding of the proposed work.

Applications shall be submitted to the Code Enforcement Officer, accompanied by the required fee as specified in the Schedule of Fees established by the Board of Selectmen. For Temporary Commercial Signs and Temporary Advertising Features the fee will be a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or advertising feature upon expiration of the permit.

Applications to install, erect, or place a new sign or modify, move, replace, or make alterations to any sign that is part of a project that is required to receive Site Plan review shall be made part of the application for Site Plan review. Sign applications that are part of a Site Plan application, and that have paid a Site Plan review fee, shall not be required to pay a sign application fee except for fees for Temporary Commercial Signs and Temporary Advertising Features, if any.

a. Reviewing Authority

Except for temporary signs or temporary advertising features, Planning Board approval and permit under the provisions of this section shall be required for the installation or replacement of any sign that is part of a project subject to major or minor site plan review, ~~or that is proposed for a site that ever received site plan approval from the Planning Board, and for all new or replacement signs located within the Commercial District, or for any other sign application referred to the Planning Board by the Code Enforcement Officer.~~

Code Enforcement Officer permit approval under the provisions of this section shall be required for installation or replacement of all signs not subject to Planning Board review. Prior to permitting any sign that is proposed for a site that ever received site plan approval from the Planning Board or any new or replacement signs located within the Commercial District, the Code Enforcement Officer shall consult with the Town Planner. The Code Enforcement Officer may require that any sign application be reviewed for approval by the Planning Board if, in the opinion of the Code Officer, the staff review process is unable to adequately resolve all relevant issues raised by the sign application review process.

b. Application Information

Applications shall include a signage plan which contains information on the location and design of the proposed sign or alteration. The plans shall show the design, size, location, color, materials, contents and type of lighting for each proposed sign.

Unless, waived by the ~~Reviewing Authority Planning Board~~, applications proposing installation or alteration of a fixed sign in the Commercial District shall be prepared by a design professional experienced in commercial signage.

10. Specific Standards

c. The following provisions shall govern the use of signs in the Industrial District.

1) Signs permitted in this district include free standing signs and signs attached to a building or structure, identifying uses or articles produced or services rendered on the premises. Signs attached to a building may project out from the façade of the building but may not be mounted to the roof of the building. In cases where the industrial lot abuts a lot in a residential district, the sign shall be constructed in a manner such that it will be oriented in a direction other than toward the residential district.

- 2) Signs will be allowed to the maximum size allowed in the commercial zone but will be at the discretion of the Reviewing Authority Planning Board to meet the standards of the area located.

The Planning Board recommends adoption of this article.  
The Selectmen recommend adoption of this article.

MOTION: There was a motion and second to accept Article 4.

VOTE: Carried.

**ARTICLE 5:** Shall an ordinance entitled the “Model Property Assessed Clean Energy (PACE) Ordinance” be enacted to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties, financed by funds awarded through the Efficiency Maine Trust, and to enter into a PACE “Administration Contract” with the Efficiency Maine Trust, so as to administer the PACE program through the Town of Raymond PACE Ordinance?

[Note: The use of the word “Article” within the ordinance does not indicate a separate warrant article.]

## **PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.**

### **PREAMBLE**

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Town of Raymond wishes to establish a PACE program; and

NOW THEREFORE, the Town of Raymond hereby enacts the following Ordinance:

### **ARTICLE 1 – PURPOSE AND ENABLING LEGISLATION**

#### **A. Purpose**

By and through this Ordinance, the Town of Raymond declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

#### **B. Enabling Legislation**

The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

## **ARTICLE 2 – TITLE AND DEFINITIONS**

### **A. Title**

This Chapter/Ordinance shall be known and may be cited as “the Town of Raymond Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

### **B. Definitions**

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. Energy saving improvement. “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

a. Will result in increased energy efficiency and substantially reduced energy use and:

1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or

2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

b. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. Municipality. “Municipality” shall mean the Town of Raymond.

3. PACE agreement. “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. PACE assessment. “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

5. PACE district. “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. PACE loan. “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

7. PACE mortgage. “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. PACE program. "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

9. Qualifying property. "Qualifying property" means real property located in the PACE district of the Municipality.

10. Renewable energy installation. "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. Trust. "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

### **ARTICLE 3 – PACE PROGRAM**

#### **A. Establishment; funding.**

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements

to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

#### **B. Amendment to PACE program.**

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

### **ARTICLE 4 – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

#### **A. Standards adopted; Rules promulgated; model documents.**

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

### **ARTICLE 5 – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY**

#### **A. Program Administration**

1. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and

(B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- a. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- b. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- c. the Trust, or its agent, will disburse the PACE loan to the property owner;
- March 6, 2012 version of Article 5 for June 5, 2012 Raymond Town Meeting Warrant*
- d. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- e. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- f. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- g. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

2. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

3. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

4. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

## **B. Liability of Municipal Officials; Liability of Municipality**

1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

The Selectmen recommend adoption of this article.

MOTION: There was a motion and second to accept Article 5.

VOTE: Carried.

## **ARTICLE 6: Shall the Town of Raymond adopt an Elected Official Recall & Appointment**

Ordinance as drafted in accordance with MRSA Title 30-A §2505 and MRSA Title 30-A §2526?

[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]

## **Elected Official Recall & Appointment Ordinance**

**Section 1. Petition for a Recall and Notice of Intention:** Registered voter of the Town of Raymond may at any time initiate a petition to recall an elected official of the Town by filing with the Town Clerk (hereafter "Clerk") a Notice of Intention containing the name(s) and address(es) of the voters signing the Notice and designating the name and address of one such voter to receive notices from the Town. The affidavit must state the name of and the office held by the official sought to be recalled and must contain a statement of the reason or reasons for the proposed recall . Each voter must sign the Notice in the presence of a circulator. The circulator must sign the petition form(s) before a notary public or other person authorized to administer oaths under Maine law before submitting finished petition form(s) to the Clerk.

If more than one elected official is sought to be recalled, a separate affidavit must be filed regarding each . Only one official can be named on each recall petition.

**Section 2. Petition Forms:** Upon receipt of such Notice of Intent, the Clerk shall prepare and issue petition forms within three (3) business days to the person designated under Section 1 to receive notices. The petition forms prepared by the Clerk shall comply with the requirements of state and local law . Petition forms may be circulated by any registered voter of the Town of Raymond. The forms must include:

A) At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the municipal clerk as outlined under Section 3.

B) Spaces for each voters signature, actual street address and printed name; and

C) Space at the bottom of the form for the name and address of the person circulating the petition form which must be signed before a notary public or other person authorized to administer oaths under Maine law before submitting finished petition form(s) to the Clerk.

The petition forms must be filed in the office of the Clerk during the normal business hours of the Clerk's office. In order to be accepted for filing, the petition forms must be assembled as one instrument and filed together at the same time. The Clerk shall make a notation on the first page of the petition of the date and time of the filing.

If the deadline for filing the petitions falls on a Saturday, Sunday, or a holiday on which the Clerk's office is closed, the deadline for filing the petition is extended to the next day during which the Clerk's office is open for business.

**Section 3. Collection and Submission of Signatures:** A petition form, as defined under Section 2, may be circulated or signed only by a registered voter of the Town of Raymond. A circulator of the petition form shall fill in the information required under Section 2, paragraph C and sign the form in front of a notary public or attorney prior to the submission of the form(s) or in front of the Clerk. The initiator of the petition, described under Section 1, shall collect the petition forms from all the circulators and submit the signed petition forms to the Town Clerk

within 30 days of receipt of notice from the Clerk that the petition forms were available, see Section 2. Under Section 2, the Clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator, and any voter signatures on any such late form are invalid.

**Section 4. Petition Certification and Notification:** For the forms submitted within 30 days after the date the Clerk issued the petition forms, the Clerk shall review the petition pursuant to Section 2. In making those determinations, the Clerk shall apply the following criteria:

1. If any individual petition form fails to comply with the requirements of Section 904, that particular petition form is invalid and signatures cannot be used.
2. If the affidavit of the circulator on any individual petition form has been altered or tampered with in any way, that particular petition form is invalid and signatures cannot be used.
3. If any voter has signed more than one petition form, that voter's name shall be counted only once. If the Clerk determines that the petition is sufficient and contains the signatures of a number of registered voters of the Town equal to at least 10% of the number of votes cast in Raymond in the last gubernatorial election, the Clerk shall so certify the petition and immediately give written notice of the validity to the Board of Selectmen in writing and to the official sought to be recalled.

If the Town Clerk finds that the number of valid signatures submitted, as described under Section 3 does not meet the requirements for a petition per Section 4, the Town Clerk shall file the petition and the petition forms in the Clerk's Office and notify the initiator of the petition that the petition is insufficient but may be amended within 5 business days (days when the Town Clerk's office is normally open for business). After the date of such notice the circulator may file additional, supplementary petition forms, which shall be issued, circulated and filed in the same manner as the original petition. Supplementary petition forms shall be returned no later than 14 business days from date of notice. The Clerk shall review them in the same manner as the Clerk reviews an original petition. If the Clerk finds that the petition is still insufficient, the Clerk shall notify the Board of Selectmen, the initiator, and the official sought to be recalled in writing of that determination within 5 business days. That determination by the Clerk shall not prevent the filing of a new petition for the same purpose.

Upon receipt of notice of determination, the official sought to be recalled may submit his or her resignation in writing to the Board of Selectmen, as applicable, in which case the position shall become vacant as of the date of the written resignation and shall be filled pursuant to Section 9 , as applicable.

**Section 5.** If the official sought to be recalled does not resign from the office within 10 business days of receiving the certification of petition pursuant to Section 4, the Board of Selectmen shall proceed to call and conduct a recall election to determine if the official should be recalled . Upon receipt of the certification of sufficiency and validity from the Clerk, the Board of Selectmen shall call a public hearing to be held within 30 days of the date of the Clerk's certification. Notice of the public hearing shall be given in the same fashion as notice of proposed ordinances.

After the public hearing, the election must be held no less than 45 days nor more than 85 days after certification of the petition per Section 4 unless a regular municipal election is scheduled within 90 days of the certification of the petition, in which case the recall election must be held on the date of the regular municipal election. If the Board of Selectmen fail to schedule a public

hearing and/or recall election within 15 days of the certification of the petition, the Town Clerk shall schedule either pursuant to the date requirements of this section.

**Section 6. Ballots for Recall Election:** The ballot question for a recall election shall be substantially as follows: "Do you authorize the recall of [name of elected official] from the position of [name of position]?" ( ) Yes ( ) No "

**Section 7. Results of Recall Election:** Within 2 business days of the recall election, described under Section 5, the Town Clerk shall certify and record the election results and notify the Board of Selectmen of those results. If a majority of the voters voting in the recall election vote in the affirmative, the official shall be recalled effective the date of the results provided that the total number of votes cast for and against the question exceeds the number of registered voters of the Town equal to at least 10% of the number of votes cast in Raymond in the last gubernatorial election.

**Section 8.** An official sought to be recalled and who has not resigned pursuant to Section 4 shall continue to perform the duties of the office until the Board of Selectmen certifies the results of the recall election. If the official is recalled, the office shall become vacant immediately upon certification of the results of the election and shall be filled in accordance with Section 9.

**Section 9. Filling Vacancies: Pursuant to MRSA Title 30-A, § 2602:** after the results have been certified by the Board of Selectmen, the Clerk must prepare and call a special election within 30-45 days of that certification if there is not already a regularly scheduled election within 90 days of certification unless the conditions are met described under Section 10.

**Section 10.** The Town of Raymond office of an elected official shall be deemed vacant under one or more of the following conditions:

- A) Nonacceptance;
  - B) Resignation;
  - C) Death;
  - D) Removal from the municipality;
  - E) Permanent disability or incompetency;
  - F) Failure to qualify for the office within 10 days after written demand by the municipal officers;
- or
- G) Failure of the municipality to elect a person to office.

**Section 11.** If the Clerk believes one or more of the above criteria are met, the Clerk shall in writing inform the Board of Selectmen and notify the affected elected official (unless deceased). A vacancy shall be declared if the Board of Selectmen determines by a majority vote of the members present that one or more of the above criteria are met.

**Section 12.** Following solicitation of interested candidates pursuant to MRSA § 2625, vacancies in the office notwithstanding any previous actions, except for vacancies in the school board and those as the result of a recall, shall be filled by the Board of Selectmen through appointment of a registered voter residing in the Town of Raymond and at least 18 years of age. The Board of Selectmen shall confirm the appointment by a majority vote of the Board members. The appointed official shall serve until the next regularly scheduled Town election and a successor is elected and sworn. Said successor shall serve the balance of the term.

The Selectmen recommend adoption of this article.

MOTION: There was a motion and second to accept Article 6.

VOTE: Carried.

**ARTICLE 7:** Reserved

**ARTICLE 8:** To see if the Town will vote to authorize the Selectmen on behalf of the Town to sell and dispose of any property acquired by the Town for nonpayment of taxes pursuant to the policy adopted by the Selectmen, as may be amended from time to time, the policy to remain consistent with State statutes and laws. In all cases conveyance to be made by municipal quitclaim deed.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 8.

VOTE: Carried.

**ARTICLE 9:** To see what date taxes will be due and to set an interest rate for unpaid amounts.

The Selectmen recommend 1<sup>st</sup> half to be due October 31, 2012 and 2<sup>nd</sup> half to be due April 30, 2013 with interest at seven percent (7%) on any unpaid balances.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 9.

VOTE: Carried.

**ARTICLE 10:** To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at seven percent (7%) for the fiscal year.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 10.

VOTE: Carried.

**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to dispose of Town owned personal property with value not to exceed \$35,000.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 11 not to exceed \$35,000.

VOTE: Carried.

**ARTICLE 12:** To see if the Town will vote to authorize the Selectmen to borrow from or appropriate from fund balance (surplus) as they deem advisable to meet the unanticipated needs of the community that occur during the fiscal year.

The Selectmen recommend an amount not over \$75,000.

The Budget Committee recommends adoption of this article for an amount not over \$75,000.

MOTION: There was a motion and second to approve Article 12 for not over \$75,000.

VOTE: Carried.

**ARTICLE 13:** To see if the Town will authorize the Selectmen, for the fiscal year 2012 - 2013, to transfer funds between appropriation accounts as long as the grand total of all appropriations is not exceeded. Any such transfers to be approved only at a properly called public meeting of the Selectmen.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 13.

VOTE: Carried.

**ARTICLE 14:** To see if the Town will vote to authorize the use of Town employees and/or Town owned equipment or independent contractor(s) hired by the Town for maintenance on private roads in special and certain circumstances where in the public's interest.

Note of explanation -- Three examples of when the use of Town employees and equipment may be necessary:

- A. Tying in work done on a public road that intersects a private road;
- B. Plowing snow on a private road to clear the way for emergency response apparatus; and
- C. In rare or emergency situations, maintaining private roads for school bus access to special education students as deemed necessary.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 14.

VOTE: Carried.

**ARTICLE 15:** To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. § 506.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 15.

VOTE: Carried.

**ARTICLE 16:** To see if the Town will vote to appropriate from the tax increment of the Pipeline/RT 302 Tax Increment Financing District for FY 2012 - 2013 projects proposed in the Tax Increment Financing District Development Program.

Amount requested: **\$168,078**

Note: Included in this item are:	Raymond-Casco Historical Society	\$ 1,800
	Raymond Waterways Association Milfoil Program	\$15,000

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 16 for \$168,078.  
VOTE: Carried.

**ARTICLE 17:** To see if the Town will vote to raise and appropriate for the Administration account.  
Amount requested: **\$494,026**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 17 for \$494,026.  
VOTE: Carried.

**ARTICLE 18:** To see if the Town will vote to raise and appropriate for the Assessing account.  
Amount requested: **\$47,510**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 18 for \$47,510.  
VOTE: Carried.

**ARTICLE 19:** To see if the Town will vote to raise and appropriate for the Town Hall account.  
Amount requested: **\$22,592**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 19 for \$22,592.  
VOTE: Carried.

**ARTICLE 20:** To see if the Town will vote to raise and appropriate for the Insurance account.  
Amount requested: **\$463,245**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 20 for \$463,245.  
VOTE: Carried.

**ARTICLE 21:** To see if the Town will vote to raise and appropriate for the General Assistance account.  
Amount requested: **\$6,000**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 21 for \$6,000.

VOTE: Carried.

**ARTICLE 22:** To see if the Town will vote to raise and appropriate for the Technology Department account.

Amount requested: **\$153,058**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 22 for \$153,058.

VOTE: Carried.

**ARTICLE 23:** To see if the Town will vote to raise and appropriate for the Community Development account.

Amount requested: **\$54,628**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 23 for \$54,628.

VOTE: Carried.

**ARTICLE 24:** To see if the Town will vote to raise and appropriate for the Fire/Rescue Department account.

Amount requested: **\$589,464**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 24 for \$589,464.

VOTE: Carried.

**ARTICLE 25:** To see if the Town will vote to raise and appropriate for the Animal Control account.

Amount requested: **\$15,488**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 25 for \$15,488

VOTE: Carried.

**ARTICLE 26:** To see if the Town will vote to raise and appropriate for the Infrastructure account.

Amount requested: **\$19,960**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 26 for \$19,960.

VOTE: Carried.

**ARTICLE 27:** To see if the Town will vote to raise and appropriate for the Public Works account.  
Amount requested: **\$628,479**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve article 27 for \$628,479.  
VOTE: Carried.

**ARTICLE 28:** To see if the Town will vote to raise and appropriate for the Solid Waste account.  
Amount requested: **\$463,081**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 28 for \$463,081.  
VOTE: Carried.

**ARTICLE 29:** To see if the Town will vote to raise and appropriate for the Cemeteries account.  
Amount requested: **\$24,577**

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 29 for \$24,577.  
VOTE: Carried.

**ARTICLE 30:** To see if the Town will vote to raise and appropriate for the Parks & Recreation account.  
Amount requested: **\$15,197**

Included are:

Materials, maint., equip.	\$3,500
Contract Services	\$6,697
Raymond Rattlers Snowmobile	\$2,000
Raymond Baseball/Softball	\$1,000
Agawam mowing/soccer	\$2,000

The Selectmen recommend adoption of this article.  
The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 30 for \$15,197.  
VOTE: Carried.

**ARTICLE 31:** To see if the Town will vote to raise and appropriate for the Raymond Village Library.  
Amount requested: **\$35,000**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve article 31 for \$35,000.

VOTE: Carried.

**ARTICLE 32:** To see whether the Town will vote to carry forward any existing fund balance in the Capital Improvement Program (C.I.P.) account.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 32.

VOTE: Carried.

**ARTICLE 33:** To see if the Town will vote to raise and appropriate for the Capital Improvement account.

Amount requested: **\$661,405**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 33 for \$661,405.

VOTE: Carried.

**ARTICLE 34:** To see if the Town will vote to raise and appropriate for the County Tax account.

Amount requested: **\$589,109**

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 34 for \$589,109.

VOTE: Carried.

**ARTICLE 35:** To see if the Town will vote to appropriate the total sum of **\$1,438,626** from estimated non-property tax revenues to reduce the property tax commitment, together with all categories of funds, which may be available from the federal government, and any other sources.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 35 for \$1,438,626.

VOTE: Carried.

**ARTICLE 36:** To see if the Town will vote to authorize the Selectmen to accept or reject grants, donations and/or gifts of money to the Town of Raymond and to expend monies donated for specific purposes.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 36.

VOTE: Carried.

**ARTICLE 37:** To see if the Town will vote to accept certain State Funds as provided by the Maine State Legislature during the fiscal year beginning July 1, 2012 and any other funds provided by any other entity included but not limited to:

- A. Municipal Revenue Sharing
- B. Local Road Assistance
- C. Emergency Management Assistance
- D. Snowmobile Registration Money
- E. Tree Growth Reimbursement
- F. General Assistance Reimbursement
- G. Veteran's Exemption Reimbursement
- H. State Grant or Other Funds

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 37.

VOTE: Carried.

**ARTICLE 38:** To see if the Town will vote to utilize the assessing capital reserve in the amount of \$70,000 for FY 2012-2013 property tax relief.

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve Article 38 for \$70,000.

VOTE: Carried.

**ARTICLE 39:** LD1. To see if the Town will vote to increase the property tax levy limit of \$2,119,212.78 established for the Town of Raymond by State law in the event that Article 38 is not approved.

The Budget Committee makes no recommendation.

MOTION: There was a motion and second to indefinitely postpone Article 39.

VOTE: Carried.

ADJOURNMENT: John Robinson adjourned the meeting at 8:13 pm.

Louise H. Lester  
Town Clerk