



SELECTMEN'S EPACKET
List of Files
March 6, 2012

List of Files	Page 1
Regular Meeting Materials	
Agenda	Page 2-3
Agenda Summary	Page 4-5
Request for Use of L. Gulick Funds- K. MacDonald	Page 6
Luther Gulick Camps Recreational Fund Initiation Letter	Page 7
Draft Budget/Warrant Document	Page 8-17
Crown Castle Materials: Memos from P. Van Hemel, Esq.	Page 18-22
Request for Open Space Funds- Chairman J. Rand, RCC	Page 23
Tenny River Corridor Protection Project Materials	Page 24-5
Public Hearing Materials	
Proposed Animal Noise Ordinance	Page 26
Agricultural Use Determination- P. Saucier, Esq.	Page 27
Proposed Property Assessed Clean Energy (PACE) Ordinance	Page 28-32
Proposed Elected Official Recall & Appointment Ordinance	Page 33-6
Town Manager Materials	
Mowing/Snow Removal Bid and	
RFP for Management of Raymond Beach	Page 37-45



BOARD OF SELECTMEN

AGENDA

March 6, 2012

6:00 p.m.

(PLEASE NOTE THE CHANGE IN TIME)

Broadcast Studio

SELECTMEN'S MEETING

- 1) **Call to order.**
- 2) **Minutes of previous meeting dated:**
 - **February 7, 2012**
- 3) **New Business**
 - a) **Consideration of Request for Funds from Luther Gulick Camps Recreational Fund for Boys' Youth Basketball- Kevin MacDonald**
 - b) **Consideration of 2012-13 Municipal Budget- Board of Selectmen**
 - c) **Consideration of Crown Castle Buyout/Lease Options – Board of Selectmen**
 - d) **Consideration of Funding for Tenny River Project- John Rand, Raymond Conservation Commission Chair**
 - e) **Executive Session pursuant to 1 MRSA § 405(6)(H): Meeting with CEO Regarding Pending Land Use Legal Matters**
- 4) **PUBLIC HEARING (7:00PM)**
 - a) **Miscellaneous**
 - **Animal Noise Ordinance**
 - **PACE Loan Ordinance**
 - **Recall & Appointment Ordinance**
- 5) **Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.
- 6) **Town Manager Report and Communications.**
 - a) **Confirm date for next regular meeting:**
 - **April 10, 2011**
 - b) **Raymond Beach Request for Proposal**

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda: March 6, 2012

Page 1 of 2

Deadline for April 10, 2012 Agenda: March 31, 2012

- **Published March 2, 2012**
- **Accepted until 2pm on March 16, 2012**

b) Public Works Mowing Bids Being Accepted

- **Published March 2, 2012**
- **Accepted until 2pm March 16, 2012**
- **Opened Publicly 10am on March 21, 2012**

7) Fiscal Warrants – Payroll and Appropriation Warrants – March 6, 2012

8) Adjournment.

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda: March 6, 2012

Page 2 of 2

Deadline for April 10, 2012 Agenda: March 31, 2012



**BOARD OF SELECTMEN
AGENDA SUMMARY**

March 6, 2012

6:00 p.m.

(PLEASE NOTE THE CHANGE IN TIME)

Broadcast Studio

SELECTMEN'S MEETING

- 1) Call to order.
- 2) Minutes of previous meeting dated:
 - February 7, 2012
- 3) New Business
 - a) **Consideration of Request for Funds from Luther Gulick Camps Recreational Fund for Boys' Youth Basketball- Kevin MacDonald**

Kevin MacDonald is requesting funds from the Luther Gulick Camps Recreational Fund (Luther Gulick Fund) so that the Raymond Boys' Youth Basketball travel team may be able to afford attending tournaments. Mr. MacDonald has stated that the monies will only be used for tournament fees and not for equipment, uniforms, awards...etc. The Luther Gulick Fund is awarded annually to groups/organizations which have "demonstrated genuine concern for the value of recreation and physical education." Currently, there is \$23521 in the fund of which \$13,471 is available for distribution.
 - b) **Consideration of Proposed FY 2012-13 Municipal Budget/Warrant Articles- Board of Selectmen**

The Town Manager proposed Budget/Warrant Articles will be discussed, amended, and possibly approved by the Board of Selectmen.
 - c) **Consideration of Crown Castle Buyout/Lease Options – Board of Selectmen**

JP Knisell, Site Lease Specialist for Crown Castle, requested a renewal of the lease for the cell tower located at the top of Patricia Avenue, which expires June 6, 2020, at the January 10, 2012 Selectmen's Meeting. Attached to the ePacket is the existing lease as well as several options that they are asking the Selectmen to consider. The Selectmen requested that these options be vetted by the Town Attorneys (letter attached to ePacket) and staff with a review/analysis outlining the pros and cons of each option. At the February 7, 2012 meeting, the Selectmen authorized the Town Manager to investigate and possibly have the property assessed for fair market value. Attached to the ePacket is the response from the Town Attorney, Peter J. Van Hemel, advising against appraisal due to the highly unique nature of such appraisals and unlikely prospect of good comparables.
 - d) **Consideration of Funding for Tenny River Project- John Rand, Raymond Conservation Commission Chair**

Chairman John Rand of the Raymond Conservation Commission is requesting that the Selectmen consider contributing \$10,000 from the Open Space Fund toward a matching grant for the Tenny

The Selectmen may take items out of order at their discretion.

Board of Selectmen Agenda: March 6, 2012

Page 1 of 2

Deadline for April 10, 2012 Agenda: March 31, 2012

River Corridor Project (information attached to ePacket), contingent on a conservation easement being successfully negotiated with Loon Echo Land Trust. The Conservation will make an official vote at their meeting on March 7, 2011.

e) Executive Session pursuant to 1 MRSA § 405(6)(H): Meeting with CEO Regarding Pending Land Use Legal Matters

4) PUBLIC HEARING (7:00PM): Documents available online, at Town Office and as part of Selectmen ePacket.

a) Miscellaneous

- Animal Noise Ordinance
- PACE Loan Ordinance
- Recall & Appointment Ordinance

5) Public Comment This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

6) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- April 10, 2011

b) Raymond Beach Request for Proposal

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Board of Selectmen Agenda: March 6, 2012

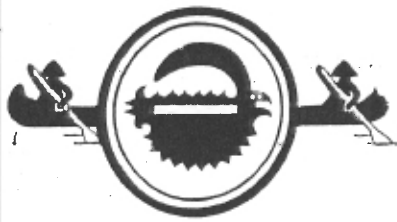
Page 2 of 2

Deadline for April 10, 2012 Agenda: March 31, 2012

On 2/22/2012 10:20 PM, Kevin MacDonald wrote:

Hello Don,

I would like to be placed on the March agenda if possible, not sure if I write a letter of intent to be placed on the agenda....basically I would like to come before board selectman for a request on behalf of Raymond Youth basketball players to request funds from the Luther Gulick fund. This money would aid in the funding of our Raymond boys playing in some (6) basketball tournaments in March, April & May...this money would directly go towards tournament fee's none to be used for uniforms or any equipment purely for the recreation of some great kids.....Respectfully Kevin



WOHELO
The Luther Gulick Camps

\$ 23521 Bal
\$ 13471 Avail

THE LUTHER GULICK CAMPS RECREATIONAL FUND

In recognition of the long time friendship and support to The Luther Gulick Camps from the residents of Raymond, I would like to give the town \$10,000 to start a fund which will be used for recreational purposes by Raymond residents, particularly the children.

The Luther Gulick Camps Recreational Fund is to be awarded annually to the group or organization, public or private, which has demonstrated a genuine concern for the value of recreation and physical education. The intent of the fund is to provide quality experiences in recreation and physical education for as many Raymond residents as possible.

The amount awarded annually shall not exceed the accumulated interest in the fund. I assume the annual income will be used each year, but it may be accumulated from time to time should the Selectmen feel that it is in the best interest of Raymond. A group or organization may apply for this grant, but the award may also be given without application. I hope the fund will be added to from time to time to help meet future needs.

I would like to have the fund administered by the Selectmen or those who may take their places, should the form of town government change in the future. I do not wish this fund to be a burden to the Selectmen, so I hope they will feel free to appoint other informed and interested people to decide when and how much of the annual income should be used for various activities.

Principal
\$10,050

August 29, 1980

*Current (6/30/06)
Accumulated
Income Balance*

\$ 10,901

up from \$9610 6/30/05

J. Halsey Gulick

4/6/1/04
2/18/2003

*3000 R. Baschke

8/3/04

500 Shingo
Long Lake
Basilball

TOWN OF RAYMOND

Tuesday, June 5, 2012

ANNUAL BUDGET/TOWN WARRANT

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.

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
The Selectmen

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, tThese 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.

The Planning Board
The Selectmen

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
The Selectmen

ARTICLE 5: PACE Ordinance to be added.

ARTICLE 6: Recall/Appointment Ordinance [To be inserted]

ARTICLE 7: Animal Noise Ordinance [May be inserted]

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

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

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

The Selectmen recommend

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

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

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.

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

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

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

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

ARTICLE 17: To see if the Town will vote to raise and appropriate for the Administration account.

Amount requested: **\$496,426**

ALTERNATIVE: **\$494,026** if the Selectmen vote to reduce the appropriation for Selectmen salaries.

The Selectmen recommend

ARTICLE 18: To see if the Town will vote to raise and appropriate for the Assessing account.

Amount requested: **\$47,510**

The Selectmen recommend

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

ARTICLE 20: To see if the Town will vote to raise and appropriate for the Insurance account.

Amount requested: **\$463,245**

The Selectmen recommend

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

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

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

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

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

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

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

The Selectmen recommend

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

ARTICLE 28: To see if the Town will vote to raise and appropriate for the Solid Waste account.

Amount requested: **\$465,981**

ALTERNATIVE: \$463,081 If the Selectmen vote to reduce MMWAC tonnage by 100 tons.

The Selectmen recommend

ARTICLE 29: To see if the Town will vote to raise and appropriate for the Cemeteries account.

Amount requested: **\$24,577**

The Selectmen recommend

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

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

ARTICLE 32: To see if the Town will vote to raise and appropriate for the Provider Agencies.

None this year.

ARTICLE 33: 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

ARTICLE 34: To see if the Town will vote to raise and appropriate for the Capital Improvement account.

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

The Selectmen recommend

ARTICLE 35: To see if the Town will vote to raise and appropriate for the County Tax account.

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

The Selectmen recommend

ARTICLE 36: To see if the Town will vote to appropriate the total sum of **\$1,435,626** 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

ARTICLE 37: 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

ARTICLE 38: 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

ARTICLE 39: 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

ARTICLE 40: 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 39 is not approved.

The Selectmen recommend

Given under our hands this 4th day of April AD 2012.

Joseph Bruno

Samuel Gifford

Charles Leavitt

Michael Reynolds

Lawrence Taylor

Memorandum

To: Don Willard

Cc: Shana Cook Mueller

From: Peter J. Van Hemel

Date: February 22, 2012

Re: Crown Castle easement buyout analysis
Tower Site off Patricia Avenue Extension

This memo supplements my February 1, 2012 memo regarding the offers that the Town of Raymond has received to modify or buy out its existing lease with Crown Castle ("Crown") for the cellular communications tower site off Patricia Avenue Extension. You have asked me to summarize the economics of what was identified as "Offer 3" in my prior memo and to provide the Town with a recommendation as to the need for an outside appraisal.

Briefly, "Offer 3" is Crown's offer to buy out its existing lease with a cash payment of \$615,000, and the grant by the Town of an easement to Crown for the maintenance of a tower at the current site. As noted in my prior memo, the chief advantage to the Town of the buyout offer is that having immediate cash removes any uncertainty of a future payment stream under the lease in the event of a bankruptcy, termination of the lease, obsolescence of the technology, or anything else which depends on the solvency of a rent payer for the next 20+ years. The two downsides of the easement offer are: first, that the easement form Crown offered requires negotiation and editing before it can be signed by a municipal owner; and second, that unless Crown will negotiate a reversionary right on the part of the Town in the event that Crown no longer operates a tower on the site (a right that is worth asking for), the easement interest they seek is a permanent one which could impact the future development of the site.

The easement offer price of a cell tower lease from a tower owner like Crown (note that Crown is a tower site ownership company only and not itself a signal carrier or communications provider) is generally derived from two sets of data, which are ultimately linked together. The first data set is real-estate based. The price offered will reflect what kind of sublease income the particular tower provides to the operator: whether it is a prime site in an urban area with heavy communications traffic and numerous rent-paying cell carrier subtenants, or a secondary site in a rural area or small town with fewer subtenants or subtenants paying lower rent. The real estate data set is also naturally tied to background real estate prices. All other things being equal, it would take more to buy an easement site

in Beverly Hills than it would in rural Alabama because the land is inherently more valuable.

The second data set is the value of the stream of rental payments remaining on the lease. If the tower operator has a long- term lease in place with hundreds of monthly payments remaining, they will pay more to avoid those payments than an operator with three months to go on a lease. The data to account for is therefore the “net present value” of the remaining rental payments that Crown can avoid by terminating the lease today versus paying out rent for the next “X” years if they wish to use the site for what is projected to be its useful life. The calculation of net present value is variable depending on what “discount rate” (theoretical interest rate) is applied and is not always simple math for long term payments like rent over many years. In this case some assumptions also have to be made for the amount of sublease rent that is split with the Town, which is variable and not guaranteed.

Taken together, the real estate data and net present value of the remaining lease payments generally guide a tower operator in offering a buyout price, since they need to give enough of an incentive to a site owner landlord to let them out of their current lease, and/or (for shorter term leases) to prevent an owner from acting on alternative development plans.

As for appraising the strength of Crown’s offer, appraisals of the type are rather rare, specialized, and expensive. This is an appraisal that probably could not be accurately conducted by a local real estate broker, or at least I am unaware of anyone local to recommend. Keep in mind also that local comparable transaction data is very hard to find because these deals are most often easement sales, and sales data is not reported (no transfer tax is paid on easements) or available in any broker listing database. There are national specialists who advertise and who show up in a Google search—invariably suggesting in marketing materials that their services are indispensable and that they have insider information. In national seminars I have attended, when the topic comes up, those appraisers are generally acknowledged as a “sanity check” or recommended where an owner needs an outside appraisal to satisfy procurement guidelines (I am unsure if this is an issue for Raymond), but the fact is that there is not a true market for the Crown offer. They have a lease which essentially gives them a franchise on the existing site, and there is nothing other than the current lease which is compelling them to present the buyout offer on any terms at all. If the Town over-reaches price negotiations, Crown can simply pull back the offer and continue under the current lease, and it is unlikely that anyone else will appear to present another offer.¹ Due to the absence of competitive market forces and meaningful comparables, the professional appraisal is often not that meaningful.

Raymond’s evaluation of the Crown offer should likely be based more on the alternative revenue scenarios (i.e., continue the lease by accepting another of Crown’s offers, or develop the site in future without a tower there), than on the theoretical parity of the buyout terms offered for this site with the buyout terms between owners and tenants of other sites.

¹ Note, however, that there are tower site collectors known in the market as “aggregators” who occasionally do appear and attempt to offer all landowners in a given service area a buyout of the landlord’s interest to try to create artificially high rents by monopolizing hilltops and desirable sites over time. I am aware of these aggregators being active in Maine, and also aware of pending litigation from tower operators who feel they are violating state and federal anti-competition laws.

Memorandum

To: Don Willard
Cc: Shana Cook Mueller
From: Peter J. Van Hemel
Date: February 1, 2012
Re: Crown Castle offer analysis
Tower Site off Patricia Avenue Extension

The Town of Raymond has been offered a choice of three proposed deals to amend or replace the existing lease with Crown Castle (“Crown”) for the cellular communications tower site off Patricia Avenue Extension. Depending on the option selected, the Town will be asked to sign either a new easement agreement with a Crown subsidiary called Global Signal Acquisitions IV, LLC, or one of two modified lease agreements with a Crown subsidiary called Crown Atlantic Company, LLC. I note that the Town also has a fourth choice, which is to stand pat, since the term of the current lease could conceivably be extended out several more years under its current terms, but if there is added value in the proposals under consideration, then obviously the Town can and should act.

Before I review the business terms (below), I will quickly note that each of the proposals as drafted contains legal terms which should be renegotiated by the Town prior to acceptance. In other words: once the Town opts for one of the deal proposals, please let me know so that I can edit the appropriate letter agreement before the Town’s approval or transmission of anything back to Crown.

As an example of some of the problems, in each of the two lease offers, Crown asks the Town to grant it a power of attorney to sign permit applications in the Town’s name. That makes sense where Crown is dealing with a private party, but is unnecessary and a mismatch for a party such as the Town. In all of the proposals, there are promises, representations and warranties asked of the Town which are not advisable or necessary. As a final example (but not the last instance of a legal issue which needs attention), in the easement proposal Crown reserves a right to walk away from the deal—after signing the agreement—at any time before closing without damages. That too is unnecessary and makes the Town’s performance binding and Crown’s performance purely optional. In sum, all three of the letter proposals are heavily engineered on the legal terms to favor Crown and should be re-calibrated to be more balanced and to suit the Town’s unique position as a public entity.

You have requested a general summary of the various “pros” and “cons” of the deal proposals to assist the Selectmen with a review of the business terms of the three options Crown has presented, which I outline below. To help keep the Town’s review streamlined I have listed the largest pro / con issues here but can provide further detailed analysis if the Town has a need for more information.

Offer 1: Extend the Lease by five additional five-year terms (until 2045) and increase monthly rent by \$350.

Pros:

- Increased monthly rent will be subject to the existing lease’s 5% annual escalators and could amount to a substantial overall total increase in lease payments over the full term of the lease. If the entire lease term is honored, this could result in an overall increase of several hundred thousand dollars given the 5% escalator will “compound” the rent over time. At year 25, the \$350 monthly increase will have turned into an additional ~\$930 monthly payment.
- The Town retains ownership of the site and in the event of tenant’s bankruptcy or default does not have a perpetual interest that has passed out of its control, as it would under the easement option (more on that below).

Cons:

- Renewals of the lease cannot be counted on for the full term, and the lease could be terminated or non-renewed well short of the year 2045 for any number of reasons.
- The Lease has both a very favorable tenant default clause (at the end of Article XIV) which limits the tenant’s default damages to no more than 18 months’ rent, and a tenant termination right in the event that they can claim that a permit has lapsed or is unavailable for an intended use. This latter contingency could be a “back door” exit for the Tenant with minimal damages if they deliberately engineer a permit failure or claim that the site cannot be put to a theoretical but impermissible intended use. Note also that long-term performance obligations in the cell tower industry are notoriously difficult to protect from bankruptcy issues. If the operator enters bankruptcy, the Town will be an unsecured creditor and the lease subject to “rejection” under the Bankruptcy code, which will excuse the tenant from future performance, possibly without any damages.
- Both of the foregoing “cons” exist already under the current lease and do not originate in the renewal proposal but are risks of any continued lease structure.

Offer 2: Extend the Lease by five additional five-year terms (until 2045) in exchange for a one-time bonus payment of \$15,000.

Pros:

- The one-time payment of \$15,000 is immediate and considerable and does not depend on the full term of the lease being performed.

See analysis for Offer 1 on additional pros and cons which also apply to Offer 2.

Offer 3: Sell Crown's entity an easement for the property and give them control of the lease, in exchange for a cash payment of \$615,000.

Pros:

- This is a sizeable and immediate cash payment that is not dependent in any way on the future operation of the tower or the solvency of the tenant company, which removes all of the lease performance and/or default risk presented above.

Cons:

- The Town is being asked to grant a perpetual easement to Crown, which cedes legal control of the tower site on a permanent basis, potentially interfering with long term use and configuration of the surrounding property. This may be a lesser concern if the Town's long-term plans for the area around the Tower are not seriously affected.
- The Easement as drafted is in need of substantial negotiation as it is completely one-sided and does not contain adequate protections for the Town. I have previously renegotiated Crown easements at other sites with some success, but the Easement structure will require some renegotiation and, unlike the Lease, is a "new" deal arrangement with some up-front costs on the documentation.

Additional considerations: The opportunity exists under any proposal to perhaps amend and update the lease or easement documents to conform to the Town's latest tower performance standards, and/or to provide updated bonds for tower removal if appropriate. I recommend that the Town consider that all three deal options will likely present some opportunity for revisiting the overall deal unless Crown presents a take-it-or-leave-it choice. The easement option probably presents the greatest opportunity for favorable negotiation as it is a new deal document, and Crown is fully aware that their form is one-sided. In any case, the letter that goes back to Crown should be edited and the Town's agreement to any terms conditioned on the Selectmen's approval of all of the terms in a final signed lease amendment or easement.

Hi Don - I am forwarding information provided by my cousin Anne Gass regarding the Tenny River Corridor project. Anne put the information together in support of other grant funds that she is pursuing. We will be having a vote at our next RCC meeting to support contributing \$10,000 from the Open Space Fund for this project, contingent on a conservation easement being successfully negotiated with Loon Echo. Get back with any questions you may have or feel free to contact Anne directly. Thanks for you input on how best to proceed - I assume we need to get on the Selectboard agenda to request funds. Thanks

jbr
Chair RCC

Tenny River Corridor Protection Project

Purpose

We are requesting \$10,000 towards a total project cost of \$226,000 to help purchase 32 acres of land along the Tenny River in Raymond Maine. This is Phase 1 of a larger planned effort to preserve all of the land along both sides of the mile-long river, which flows between Crescent Lake and Panther Pond. The land to be purchased abuts Camp Hinds, the flagship campus of the Pine Tree Council (PTC) of the Boys Scouts of America. The PTC signed a purchase and sale agreement with the seller in August 2011. The land had been on the market, is zoned for two-acre house lots, and the seller was motivated; he had partially cleared one building lot on the river to enhance its marketability. There is clear danger of residential development.

Expected Results

The Tenny River Corridor Protection Project will preserve habitat, protect water quality, and expand availability of low-impact recreational opportunities. The PTC will negotiate a conservation easement with Loon Echo Land Trust to help protect the land in perpetuity. The shallow, slow moving Tenny is home to a wide range of fish, birds, and other wildlife, including redbreast sunfish, bullhead and largemouth bass, heron, loons, painter and snapping turtles, and butterflies, and many others. Grasses and reeds along the sides of the boating channel provide shelter for young fish and other aquatic life. The woods along the banks provide shade, and filter runoff that could harm water quality. Since the Tenny is part of the Casco Bay watershed, this is a vital contribution. The land along the river is also part of the recharge area for the aquifers supplying the Lakes Region.

In 2010 the Loon Echo Land Trust, the Trust for Public Land, and many other communities and stakeholders completed a “Greenprint” for the Lakes Region, to identify the lands that contribute most to quality of life and should be protected (see http://loonecholandtrust.org/html/lake_region_greenprint.html for more information about this process). The Greenprint identified seven goals; the top two priorities were protecting water resources and preserving plant and animal habitat. As the attached map illustrates, the land bordering the Tenny is listed as high priority for protection of water resources, and very high/high on the map for preserving plant and animal habitat. Acquiring the land along the Tenny, starting with this first parcel, will help make measurable progress towards the goals identified in the Greenprint.

Lake residents and visitors travel through the Tenny to enjoy its natural beauty, and to explore or fish in the lakes on either end. A public boat launch on the southern end of Crescent Lake, right by the northern tip of the Tenny, allows for public access as well. The volunteer boat inspectors at the Crescent Lake launch estimate that approximately one-third of the 610 boats they counted on weekends between Memorial Day and Labor Day went through the Tenny. Finally, each year 5,700 youth come to Camp Hinds for summer programs, camporees, and other special programming, assisted by over 3,450 adults. The Tenny features prominently in Camp Hinds’ programming. The land purchase will protect land abutting Camp Hinds, providing a buffer from residential development, and preserving the pocket of wildness that for many Scouts is their first introduction to Maine’s unparalleled outdoor recreation opportunities.

How Results will be Measured

In the next 18 months, we will measure results by the following methods:

- Tracking progress towards fundraising goals, including private, foundation, and corporate contributions that allow us to complete the purchase of the first parcel by the 2014 deadline. Other funding will come from a combination of private, foundation and corporate contributions. Already, a group of Panther Pond landowners have contributed \$70,000 towards the purchase.
- Negotiating and signing the conservation easement with Loon Echo Land Trust.
- Securing a purchase and sale agreement with another Tenny River property owner who has already signaled her interest in selling the parcel (Phase 2).
- Opening discussions with the final Tenny River landowner around acquiring that property, and signing an option or a purchase and sale agreement to secure that parcel (Phase 3).

TRCP- Phase 1 Parcel - Overall Conservation Values



LEGEND

Reference Data

Overlays

- Town Boundaries

Greenprint Results

Overall Conservation Priorities

- High Priority
- Moderate-High Priority
- Moderate Priority



Town of Raymond
Town Meeting Warrant – June 5, 2012

ARTICLE __: Shall the Barking Dog of the Town of Raymond Miscellaneous Ordinance, as adopted May, 1984, be further amended to create the Animal Noise Ordinance 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 Miscellaneous Ordinance

TOWN OF RAYMOND, MAINE
Animal Noise Ordinance ~~BARKING DOGS~~

May, 1984

~~No person shall own, possess or harbor within the Town of Raymond any dog which by loud, and frequent and habitual barking, howling, or yelping disturbs the peace of any person. It shall be a violation to keep any animal which unreasonably causes annoyance, alarm, or noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying, crowing or other like sounds common to its species, which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes.~~

Any person, who shall violate the provisions of this section, shall upon the first occasion thereof, be given a written warning, which shall include the date and time it was issued.

Upon conviction of any subsequent violations within a period of six (6) months from such warning, the person found to be in violation shall be punished by a civil penalty according to the following schedule:

First Offence \$ 50.00

Second Offence 100.00

Third Offence 200.00 [Amended 3/17/01]

Plus reasonable attorney costs for prosecution. [Amended 3/97]

This Ordinance shall be enforced by the Animal Control Officer ~~Dog Constable~~ and the other Town Constables of the Town of Raymond.

Hi Don,

It was good to talk with you earlier today. As I mentioned during our call, there is a state statute that protects farm, farm operations, and agricultural composting operations from being considered a public or private nuisance. *See* The Maine Agricultural Protection Act, 7 M.R.S.A. § 151-163. The Act also specifically protects methods of operations used by a farm or farm operation that are located in an area where agricultural activities are permitted from being considered a violation of a municipal ordinance if the method of operation constitutes best management practices as determined by the Commissioner of Agriculture. § 154. However, the Act provides these protections only to farms and farm operations that are engaged in the “commercial production of agricultural products.” §152. Thus, it does not apply to pets or non-commercial farming operations.

Please let me know if you have any further questions about this matter.

Take care,

Phil

Town of Raymond
Town Meeting Warrant – June 5, 2012

ARTICLE __: *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.]

Town of Raymond Miscellaneous Ordinance

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.

Town of Raymond
Town Meeting Warrant – June 5, 2012

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.

Town of Raymond
Town Meeting Warrant – June 5, 2012

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

Town of Raymond
Town Meeting Warrant – June 5, 2012

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;

Town of Raymond
Town Meeting Warrant – June 5, 2012

- 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.

Town of Raymond
Town Meeting Warrant – June 5, 2012

ARTICLE __: 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.]

Town of Raymond Miscellaneous Ordinance

Town of Raymond
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.

Town of Raymond
Town Meeting Warrant – June 5, 2012

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.

Town of Raymond
Town Meeting Warrant – June 5, 2012

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

Town of Raymond
Town Meeting Warrant – June 5, 2012

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.

Town of Raymond, Maine
NOTICE
Mowing/ Snow Removal Bid

Sealed bids for furnishing the Town of Raymond with yearly mowing and snow removal services, will be received until 2:00 p.m., March 16, 2012 and they will be publicly opened March 21, 2012 at 10:00am. For more information, specifications and required bid forms see www.raymondmaine.org for details.

Notice of Request for Proposals (RFP) for Raymond Beach Management

Sealed proposals will be received for Raymond Beach Management until 2:00 p.m. on March 16, 2012. The RFP document is on file at the Raymond Town Office or online at www.raymondmaine.org along with supporting information and detailed specifications.

Please direct all questions to Danielle Loring, danielle.loring@raymondmaine.org or 655-4742 ext 133

Please send both sealed bids and proposals to:

Town of Raymond
ATTN: Danielle Loring
401 Webbs Mills Road
Raymond, ME 04071



Raymond Beach Management

Request for Proposals

March, 2012

The Town of Raymond is inviting proposals from persons and/or Private Sector Managers interested in entering into an agreement to operate and manage the Town's public recreation facility currently known as Raymond Beach, as described below.

Background Information:

The Town of Raymond, in partnership with the Maine Department of Inland Fisheries and Wildlife (IF&W), developed and improved the former Jones Beach, located on Route 302, in Raymond, Maine through the issuance of a State-Town license and lease agreement (see attachments) between the parties. These agreements provided for the State construction of a boat launch facility while preserving certain rights for the Town to use and manage the swim beach area and related parking.

The Town assumed maintenance responsibility for the boat launch area for a period of thirty years. This RFP relates only to the possible Private Sector Management of the beach-side of the Raymond Beach/boat launch facility. The Town will continue to maintain all services at the boat launch, as agreed with the IF&W and at no cost to the public.

Site Conditions:

- Raymond Beach is a sand beach that is approximately 410 feet in length.
- There are nineteen general and two handicapped parking spaces available, for a total of twenty-one.
- The placement of a temporary building and/or vending cart may be allowed under Raymond's Land Use Ordinance and in consultation with the Town's Code Enforcement Officer.
- Signage shall be in compliance with all applicable Town Land Use Ordinances and not conflict with any signage installed by the State if Maine.
- A beach/parking use fee, approved by the Town, may be charged by the Private Sector Manager that is consistent with like facilities in the region.
- Port-a-potties for the Raymond Beach facility, including the boat ramp, will be provided by the Town.
- Adequate supervision and staffing of the beach shall be provided by the Private Sector Manager, including opening and closing the beach at 9 AM and 8 PM, 7 days per week during the season which runs from Memorial weekend to Labor Day.
- Daily litter patrol and pick up of debris from Raymond Beach shall be the responsibility of the

Private Sector Manager.

- Additional recreational opportunities, that generate revenue, will be considered, such as: the rental of canoes, kayaks and/or other paddle craft or swim aids.
- Raymond Beach water quality is monitored weekly by Portland Water District with results reported to the Town. Adverse water quality test results can cause temporary beach closures. Detailed information about testing can be obtained from Chad Thompson, Source Protection Coordinator, at the Portland Water District at 207-774-5961 ext. 3323.

Format and Requirement of Proposals:

- All proposals must be made in writing and signed by an authorized agent or representative of the Private Sector Manager making such proposal.
- All proposals will include the name, address, telephone number(s) and email contact information of the authorized person in connection with the proposal along with information on all others who are authorized to represent the individual, group, organization or entity in connection with the proposal.
- All proposals will be accompanied
- Each proposal shall specifically set forth each of the following:
 - a. A statement of the past business history of the individual, group, organization or entity.
 - b. A statement of the financial history and viability of the individual, group, organization or entity as well as a detailed Raymond Beach operations business plan. The plan should include an explanation of how the individual, group, organization or entity plans to make income.
 - c. The term of the proposal and annual payment offered to the Town.
 - d. Three professional/business references.
 - e. A statement of all activities to be conducted, which must be congruent with the principle purpose of the site, which is to maintain a boat launch facility in cooperation with the IF&W. The proposed development cannot adversely affect trailer boat use of the Raymond Beach boat launch and/or compromise existing parking spaces allocated for this use.
 - f. Bank letter and/or acceptable financial guarantee of business financing/solvency.
 - g. Insurance (Town to be a named insured on a Commercial General Liability Policy)
 - h. Performance bonding (Irrevocable letter of credit or escrow deposit)
 - i. Indemnification of Town (Town to be fully protected against all liability)
 - j. All Private Sector Manager employees will need to comply with Town requirements for employment, including successful criminal background checks and standard drug and alcohol work and harassment rules (Town Personnel Policy attached).
 - k. Proof of Serve Safe Certification

All proposals must be submitted on or before 2:00p.m. On March 16, 2012.

Consideration of Proposals:

All proposals will be subject to public review and disclosure by involved Town Staff and the Board of

Selectmen, including discussion at public meetings.

Request for proposals will be evaluated on the following criteria:

- a. The overall quality of the Management Plan presented by the Private Sector Manager, as judged by the Board of Selectmen to include site changes/impacts and aesthetics.
- b. Financial and program benefits offered by the Private Sector Manager to the residents of the Town of Raymond.
- c. The level of adherence to the terms and conditions outlined in the RFP by the Private Sector Manager.
- d. The proposed payment to the Town by the Private Sector Manager.

After reviewing all proposals, Town staff will make a recommendation to the Board of Selectmen on whether to proceed with Private Sector Management. Said recommendation will be apart of the regular Board of Selectmen meeting, publicly noticed and advertised on the Raymond website (www.raymondmaine.org) and posted in the Town's public posting places.

This request for proposals does not indicate a commitment by the Town of Raymond to contract for private management of Raymond Beach. The Town may continue to manage the facility itself. The purpose of this request for proposals is to allow the Town to explore the viability of private sector management. The Town reserves the right to reject any or all proposals. If a proposal is selected for further consideration, the details of any agreement would be negotiated by the Board of Selectmen.

Questions regarding public deliberations or the bid process should be directed to Danielle Loring, Executive Assistant, at 207-655-4742 ext 133 or danielle.loring@raymondmaine.org.

PROPOSAL
This Page Must Be Included*

Company/Individual's Name: _____

Authorized Representative: _____
Title: _____

Address: _____
Phone: _____ Email: _____
Fax: _____ Federal ID: _____

CERTIFICATE OF NON-COLLUSION

The undersigned certifies that under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Authorized Official:

Date

Town of Raymond, Maine
Public Works Department

NOTICE
Mowing/ Snow Removal Bid

Sealed bids for furnishing the Town with yearly mowing and snow removal services as specified, will be received by Nathan White, Public Works Director, 401 Webbs Mills Road, Raymond, Maine 04071, until 2:00pm, March 16, 2012 and they will be publicly opened March 21, 2012 at 10:00am. For more information and required forms see www.raymondmaine.org for details.

Specifications:

The Town of Raymond is seeking bids for facility lawn mowing and snow removal. All mowing will include spring clean-up with the exception of sidewalks. All snow removal will be completed within 24 hours after the snow has ended and per the Public Work's Director instructions. This is a three (3) year contract starting July 1, 2012 with a yearly review.

Facilities include:

- Weekly mowing and Trimming of Raymond Town Office
- Weekly mowing and trimming of all Raymond Cemeteries (Mill Street; Plains Road; North Raymond Road)
- Weekly mowing and trimming of all Rte 302 sidewalks and Raymond Beach
- Weekly mowing and trimming of Raymond Veterans' Memorial Park (Rte 302).
- Annual roadside mowing for all 37 miles of Town road (74 lane miles)
- Annual bush hog mowing of two former landfills (Patricia Avenue and Egypt Road)
- Mowing for Mill Street ball field (twice a week during baseball season and weekly during off-season)
- Winter snow removal and sanding of Rte 302 sidewalks (sand supplied by Town) from Raymond Beach to Windham town line

*Submitted bid shall give the yearly cost for each of the above items

Requirements:

- All mowing equipment will be of commercial grade, subject to approval from Public Work's Director
- All equipment will be owned at the time of bid
- All mowing equipment will be in good working order and with all safety equipment in good working order at the time bid is submitted and before work is started.
- Roadside mowing equipment will have a minimum of seven foot (7') sickle-bar type mower and be a minimum of 1800 pound, 25 horsepower, 4x4 tractor
- Snow removal equipment will be a minimum of four foot (4'), two (2) stage snow blower with hydraulic controlled chute and attached to a minimum of an 1800 pound, 25 horsepower, 4x4 tractor with the ability to spread sand
- All equipment operated on Town/State roads will have current registration and insurance and current Maine State Inspection sticker (if applicable) at the time of bid and before work is started.
- A comprehensive general liability insurance policy with the following limits of coverage:
 - Bodily Injury: \$1,000,000 each occurrence
 - Property Damage: \$400,000 each occurrence
 - \$1,000,000 aggregate of all claims per occurrence
- A comprehensive automobile insurance policy with the following limits
 - Bodily Injury: \$1,000,000
 - Property Damage: \$500,000 per each occurrence
- All of the insurance must be issued by an insurer licensed, authorized and maintaining an office to do business in Maine

Submission:

- Bid showing yearly cost and break down for each facility (attached to Proposal Form) in sealed envelop
- Proof of vehicle and liability insurances with appropriate limits
- List of equipment, condition and specifications
- Company information and list of employees

Reservation of Rights:

The Town reserves the right to reject any or all proposals, waive any irregularities, and to accept the proposal judged by the Board of Selectmen to be in the best interest of the Town. The Town reserves the right to substantiate any proposer's qualifications, capability to perform, availability, past performance records and to verify that the bidder is current in its financial obligations to the Town. The Town also reserves the right to negotiate with the selected firm regarding fee structure. All information included in a proposal may be incorporated, at the sole discretion of the Town, into the contract to be entered into between the Town and the selected firm.

PROPOSAL
This Page Must Be Included in a Sealed Envelop*

Company/Individual's Name: _____

Authorized Representative: _____
Title: _____

Address: _____

Phone: _____ Email: _____

Fax: _____ Federal ID: _____

CERTIFICATE OF NON-COLLUSION

The undersigned certifies that under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Authorized Official: _____

_____ Date

<i>Facility</i>	<i>Yearly Cost</i>
Weekly mowing and Trimming of Raymond Town Office	
Weekly mowing and trimming of all Raymond Cemeteries (Mill Street; Plains Road; North Raymond Road)	
Weekly mowing and trimming of all Rte 302 sidewalks and Raymond Beach	
Weekly mowing and trimming of Raymond Veterans' Memorial Park (Rte 302)	
Annual roadside mowing for all 37 miles of Town road (74 lane miles)	
Annual bush hog mowing of two former landfills (Patricia Avenue and Egypt Road)	
Mowing for Mill Street ball field (twice a week during baseball season and weekly during off-season)	
Winter snow removal of Rte 302 sidewalks from Raymond Beach to Windham town line	
TOTAL	

Note: All bids must bear the handwritten signature of a duly authorized member or employee of the
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