

Selectmen Meeting Minutes
Tuesday, April 6, 2004

ATTENDANCE: Ada Brown, Chairman Board of Selectmen; Betty McDermott; Christine McClellan; Dana Desjardins; Charles Leavitt; Bob Williams, State of Maine Chief Planner/Federal Assistance Officer; Francis Brautigam, IF&W; Tim Pellerin; Nate Berry, Warden Service; Fire Chief Denis Morse; and Don Willard, Town Manager.

1. Call to order. Ada Brown opened the meeting at 7:00 pm at the Jordan-Small Middle School gymnasium.
2. Consideration of previous minutes dated:
 - a. March 23, 2004
 - b. March 25, 2004

MOTION: Betty McDermott motioned to accept both Minutes from March 23, 2004 and March 25, 2004 as written. Seconded by Christine McClellan.

VOTE: Unanimous.

3. Department of Inland Fisheries and Wildlife Proposal for Public Access – Knapp Road, Raymond Pond, Map 27, Lot 4 – Bob Williams, Chief Planner/Federal Assistance Officer.

DISCUSSION: Mrs. Brown expressed how she would like to have the meeting proceed with the IF&W speaking first, then the Selectmen will ask their questions, afterward the citizens' comments and questions will be entertained with a 3 minute time limit per speaker. There will be an opportunity for a second question after everyone has had a chance to speak. The chairman will then entertain a motion from the Selectmen. Tomorrow the town manager will write a letter to IF&W with the decision.

Members of IF&W present: Bob Williams, Francis Brautigam, Tim Pellerin, and Nate Berry Warden Service.

DISCUSSION: Mr. Brautigam opened saying that they were present to request support from the Selectmen to purchase the 7-acre lot on Knapp Road, which will be bought by the Land For Maine's Future Board. The LMF met on March 26th and asked for the Selectmen's position. They would like that position communicated prior to April 13th when they will meet as to whether they will purchase the property. Mr. Williams wrote a letter to the Selectmen after March 26th with this request. He said that this is in the planning stage so further collaboration with the town will be available in the future. He continued that there has been cooperation between the Town of Raymond and the IF&W on Sebago and Crescent Lakes. In 1988, the IF&W suspended the stocking of brown trout in Raymond Pond because access was closed by a private home being built on the lot being used. There were complaints from fishermen after that about the ending of stocking and the inability to park at access points. The IF&W is responsible for access

and parking. He noted that the IF&W has been looking for an access point for over 15 years. He added that Raymond Pond is rated as a Great Pond and belongs to the people of the State of Maine and is one of IF&W's five highest priority sites for public access. There are many types of fish there and is an excellent place for cold-water fish like Brown trout. He continued that available lots are extremely rare and the chances of future acquisitions not likely. There is a critical need for public access to public ponds below the Androscoggin river area where 50% of Maine's population is. He said there was more use and enforcement available with public access. A "carry in" access is not sufficient for the handicapped and does not meet the intent of the law. He added that Raymond's 1991 Comprehensive Plan mentions the need for public access points.

Mr. Brautigam explained that they would be removing some trees and the structures to provide access to the lake and to provide for a lack of liability. The existing cleared area will provide some parking and "carry on" availability. He felt that within the next 3-5 years there would be parking for 4 to 6 rigs (towing vehicle and trailer) after planning and study of the area. He noted that after development of the area, there would be funds available for upkeep and maintenance. The management will be for open water use but not winter. The Department of Inland Fisheries & Wildlife will accept the responsibility for maintenance of damage from winter use.

The Department of Environmental Protection and the IF&W will protect the lake from milfoil. They will take a firm stand on deterrent but will not use milfoil as an excuse for not developing a site. He indicated that milfoil sticker sales on boats are intended for education and law enforcement of checking for milfoil. He added there was federal money for a rapid response plan to access resources in case there is a case of milfoil pollution. He also said that there was grant money for lake associations for their local inspection programs which he thought Raymond was obtaining already.

Mr. Brautigam indicated that the water quality of the pond is very good. He said that there were two lists which Raymond Pond is on: 1) non-point source pollution and 2) high rate of development, which puts the lake at risk. The non-point source pollution list is to identify lakes which would be available for funding. The lakes which are the most at risk are able to be in a regulatory program for phosphorus regulation under the storm water law. However, this doesn't preclude private development. And it will not impact the water quality. The IF&W, if successful, would encourage the lake association to close their private access points.

Mr. Brautigam continued that wildlife and natural resource databases were studied and there are no protected species on this site. The loons will be protected during their nesting season and signage will be erected which indicates that loons may or may not be present. There is 503 feet of frontage which will not be disturbed except at the actual launching point.

The surface water issues are that this is a small facility with limited parking and not a large addition to boating on the lake. The IF&W will work with the lake association and will restrict certain agreed boats and/or horsepower.

SELECTMEN COMMENT

Mr. Leavitt asked how many from the Department will testify. Mr. Brautigam replied that just he but others might respond to questions. Mr. Leavitt said that he would like to cover new ground with each question. He questioned the letters of March 25th and the letter from Bob Williams. Mr. Leavitt had concern that there will be only a single point of access for emergency use. He questioned if there would be enforcement response from the Cumberland County Sheriff's Department and the Maine State Police. Mr. Brautigam replied that they hadn't discussed that as yet with those agencies because it was very early in the process. Mr. Barry said that they have always worked closely with these agencies, but they didn't always hear about it because the State Police are their dispatchers and sometimes they take care of it directly. However, they will cooperate at all times if asked. Mr. Desjardins noted that his call last Saturday to dispatch a raccoon was taken and serviced from IF&W very quickly. Mr. Leavitt said that no one believes that this is a private waterway, and the 1999 Comprehensive Plan does mention access in lakes and ponds as a goal. He noted that in Bob's letter the primary mission of the Department is to conserve and enhance the fisheries in Maine. Other places in the Comprehensive Plan says that water should be protected and to work with neighbors and agencies for water quality and to protect wetlands. He felt that these mesh well with both entities.

Mr. Leavitt noted that jet skis would fit well in this access size rather than large boats. He felt that this facility was intended for the angler but wondered where jet skis would fit in. Mr. William's letter says they expect a 10% increase in boat usage because of this access point. Mr. Williams gave general observations from other projects where the average is 1 -1.5 boats per cottage/home. Local owners will take more trips per day than someone who hauls in infrequently. He related that the IF&W would be very protective of Gay Brook and felt that future homes built on it will have a larger impact than the boats will. Mr. Desjardins asked how commercial smelting would be dealt with since all the surrounding land is private. Mr. Brautigam replied that the water is public and smelters should ask for permission to go on private land. Their permits are not issued having to do with access. They try to strike a balance with various smelt users for private use and commercial. If there is a managed cold-water fishery, the IF&W generally don't give permits for smelt harvesting because of that need for the fishery.

Mr. Leavitt asked if the Land for Maine's Future Board doesn't move on it April 13th will the IF&W go ahead with the purchase. Mr. Williams replied that the project is and IF&W project and funded through the sport fish restoration program funded by excise tax on fishing equipment and other funding. Their grant from the LMF will pay a third of the price and IF&W will pay two thirds. He continued that the IF&W commissioner would make that decision if the LMF doesn't participate. They feel it is a prime spot for this use.

Mr. Willard asked whether maintenance of the area and other issues like trash pick up, portable toilets, milfoil management, and financial burden to the Town of Raymond will

be covered. Mr. Williams replied that they have an annual grant to maintain access sites. This site will have a minor focus because there is no mowing and only periodic use by the public. The IF&W will pick up trash and take care of the site. There probably will be no toilet unless there is a demonstrated need. The milfoil program will support a monitoring program of three positions, which originally was to be six positions for enforcement. The DEP works with the IF&W on education and they will hand citations for those found to have milfoil on their boats.

Mr. Williams reiterated that the Department would take responsibility for the site and work cooperatively with the town. He added that at Raymond Beach the IF&W is committed to that site and will help maintain it when needed. The beach is Raymond's responsibility but the town can apply for funding to replace something like the floats. The Raymond Pond site will not need town help other than observation.

Mrs. McDermott asked if the road would be widened or improved. Mr. Williams replied that they will talk with people now using it, but they don't see the need to make it wider. He had concern with the blocking of the road but said that would be dealt with.

PUBLIC COMMENT

Alan Stone said that he had been to hearings and talked on the phone but feels that this is a moving target and couldn't get a straight answer. He had concern that the IF&W hadn't done a study and didn't know exactly what they're going to do. He felt that this would do irreparable harm to Raymond Pond, one of Raymond's resources. He didn't want it to be "figured out" later. He thought they have had time enough to have a plan formulated. He added that the IF&W has a mission to build boat ramps on land that had been private and he felt there was potential for harm.

Howard Lieben expressed that the IF&W didn't care about milfoil. He asked if they were willing to restrict the number of parking spaces by deed restriction. Mr. Williams replied no. Mr. Lieben asked how many spaces would be allowed. Mr. Williams - 6 to 8 rigs initially and later we will come back to town to discuss any further necessary. Mr. Lieben asked the exact nature of the buffer between the parking area and the lake. Mr. Brautigam replied that they would meet with the DEP and the town and put in what was required. Mr. Lieben asked if there was a plan now. Mr. Brautigam answered that they will meet all requirements through the permitting process. Mr. Lieben asked what the specifics were. Mr. Brautigam felt that had been answered but added that it would not be in their best interest that the water quality be harmed.

Robert O'Neill felt that they needed a plan before town acceptance. He would have liked to have seen more forethought and needed to know that this land can be used for this purpose. He referenced the State ordinance. There should be an engineered buffer. He discussed possible requirements which may or may not be possible. He had a problem with spending state money on land which may not be useable for their purpose.

Melinda Williams was not opposed to public access but had concern for the lake and wildlife, especially loons. She noted that she had information from the Audubon Society that this area had a history of loon chicks below the average number for the state. This area is a prime area for nesting. Mr. Brautigam said there was no plan to protect the nesting area at this time.

Joe Bruno understood that public access was very important, but that it had to be done prudently. The road is private and felt that the IF&W may not have funds to help with road maintenance which will leave the maintenance expense to the private landowners. He said the road is not able to support the current use let alone more intense use. He also noted that the IF&W's money is not dedicated to the IF&W. He felt that milfoil is an issue on every water body. He also felt that IF&W needed to look for a site elsewhere.

Linda Carter related that she received estimates for the repair of the current damage to Knapp Road from \$1,300 to \$3,000. She added that they told her that if they wanted it possible for rigs it would be twice that amount. She wasn't opposed to public access but didn't think this was the right location. She felt it was very narrow and not good for this use. She would like to see a plan. She also had not seen a road agreement with IF&W and the abutting land owners.

Mark Gendron stated that access is a medium priority and natural resources are a major priority. He wanted responsible development in town and didn't think this was responsible development. He didn't believe that the IF&W had studied the site well enough. He also had not heard of anyone at the town office who had been asked by IF&W about other land available for the access site. He noted that there is private access, which is used by the public, but the road is far away from the shoreline. He felt that Raymond Pond was being looked at because the IF&W already had access to the larger lakes.

Tucker Cole showed slides of the site. He was not against public access but not this site. He felt that the intended parking area, which now has a cabin on it, is only 7 feet from the shoreline. The possible ramp area drains into Gay Brook and is very shallow. They would need significant improvement to be able to use it. The wetland encompasses 20 acres with 2 acres of the total included in the 7 acres of this lot. The roadway is just wide enough for a pickup truck to get through. The current condition is very rutted. He felt that the Swans Road ramp was more adequate for this use. He said that they need to have everything in writing if this goes forward. In addition, Knapp Road residents need permission to have overflow vehicles towed so that they can get through.

Paul White asked when Mr. Williams got his job with the IF&W. Mr. Williams answered September, 1988. Mr. White said there were problems with parking on the causeway on Swans Road years ago. There were five or six sites for parking areas to get the rigs off the causeway, but the IF&W weren't ready to purchase anything at that time. John Balen, IF&W biologist, said that people were prohibited from parking on the causeway and because there was no public access, IF&W stopped stocking fish in Raymond Pond. He said they looked at three sites for parking and the availability of

money was not the issue but only the site standards. Mr. White asked what property was sold for a house which was formerly being used. Mr. Balen replied the site near the outlet. Warden Barry said that in the 1970's the area around the outlet was used for a public access point with Gus Plummer's permission. Mr. White asked how stocking helps or hurts the lake. Mr. Brautigam answered that Raymond Pond can support cold-water fisheries especially brown trout. He continued that currently it is a warm water fishery because of the fish that are there now but the potential is there for a cold-water fishery. He added that there are Brook trout in Gay Brook.

Gail Cole felt that out of state boats are not the majority of users of the pond, but the boats on the pond are kept at the pond and not moved from lake to lake. There are 171 lots with 42 owned by people who are not members of a road association adding to 213 lots in all. She didn't think that there are 200 boats on the lake. She was not opposed to public access but only this site. She didn't want Raymond facing the negative impact that this site most likely will create.

Bob Payne said that the IF&W access sites are first class facilities. He thought his small boat should have access to Raymond Pond, but felt that IF&W should improve Knapp Road.

Steve Terry informed them that there is a large bass and perch population in the lake. There needs to have a better boat launch and maybe this isn't the best site but the town could use one. He wouldn't want to see bass driven out by trout fishing. He asked if it was necessary to stock Brown trout. He didn't want to see a fish stocked which couldn't sustain itself in the lake. Mr. Brautigam said that trout couldn't sustain itself because of a lack of breeding area. Mr. Terry added that boat traffic could be a problem.

Carol wanted more research about milfoil contamination. She felt that commercial smelters have no regard for private landowners. She was also bothered by commercial fisherman's noise early in the morning sometimes beginning at 3:00 am. She asked if the trout is stocked, would the commercial licenses for smelts stop because the trout will need them. She questioned as to how this will be policed.

Glen Steeves said that public access was overdue. He commented that commercial smelting was being revamped statewide. He acknowledged that not all commercial fishermen get permission from landowners which they should do. He noted that as a commercial fisherman he has helped move smelts to ponds which need them. He said that it was unfortunate that some property owners are bothered by smelters. He thought that commercial smelting would be short-lived because the smelts will be taken down in population and then IF&W will allow their numbers to grow again. He also felt that having public access will help the protection of private land because the public will have a place to go instead of bothering private landowners.

Trudilynn Files had a concern with the lack of information. She said the boat launch on Swan's Road was never a public site. She believed that having more boats would be a problem on Raymond Pond. She thought the maintenance of the road was a concern and

that the abutters will have to carry the burden of the upkeep. She had concern that the IF&W won't show enough concern once the site is developed.

Kathy Earl was concerned about safety in the area because of the shallow water at the launch site and the fact that those boats must pass her shore, which is also shallow and where her family swims. She had concern that the road maintenance would get worse because of the increased usage. She said that they can't pass on the road now. She felt that the monitoring of the site would be difficult for the IF&W because of the remote location. Toilet usage was a concern. She asked if there were plans for picnic and swimming sites. Mr. Williams replied that the IF&W didn't create swimming areas. He added that all land is owned by the state but managed by the IF&W.

Steve Mairs was excited about the plans for stocking the pond. He said that he has had very good results from anything pertaining to the IF&W. He confirmed that the smelter's ATVs have accessed the lake over private land and said that the State Policed told him that the landowner is responsible for policing their private property from smelters. He felt there needs to be a concrete plan for the site and expected that they would be held to the criteria as a private landowner.

Steve Bracken introduced himself as a volunteer for policing of invasive plants. He thought that the IF&W has been doing a balancing act in having public access to the lakes and being responsible for the protection of the lakes. He thought that the boating activity was about 80% around a public launch. He continued that one inch of invasive plant life could start a prolific population in a lake. Raymond Pond is the highest altitude lake in the area and what grows there would most probably flow downstream to the other lakes and ponds. He felt that the navigation ways in Raymond Pond which were very narrow might cause problems for boats brought in by other than residents who don't know the pond.

Deborah Baker was very concerned about this proposal. IF&W had been looking at this since last October and she didn't understand why there weren't more details available. She related that her communication with the LMF showed that they were not aware of the commercial fishermen using that lot and that they were not aware of the changes being made at the site. Mr. Brautigam informed them that the landowner wanted to remove some of the trees and that IF&W wasn't against their taking of firewood. He added that the purchase of this lot had nothing to do with commercial fishing. Mr. Williams said that this land was not under contract until January 23 when he made an offer. He didn't know until late February that an agreement had been made. He added that because IF&W cannot cause any harm to acquisition landowners, the IF&W couldn't publish any information about a purchase. He also said that wildlife conservation has been supported by excise tax on lures and fishing equipment since 1947.

Mr. Leavitt asked if there had been any discussion with land use consultants on this project. Mr. Williams replied "Not at this time" and that the IF&W didn't take property through the planning process at the time of purchase. They felt that this would be an unreasonable burden to the landowner to have to wait for plans to be formulated.

Wes Douglas noted that the water quality is dropping and is now 5.5 times that of Crescent Lake. He understood that water clarity has direct impact on land values and that ground water runoff is a major contributor to pollution in the pond.

Sam Webster supported the IF&W and felt their management of other sites had been exemplary and that they wouldn't hurt the lake.

Florence Whittemore read from an Audubon letter which indicated concern for the loons on the pond. It mentioned that there was a loon-nesting site on this property. They also felt that the IF&W should update their 10-year-old list of priorities. She confirmed that the Plummer beach property had never been public and felt that the commercial smelters have done great damage to their road and the property. She felt that the IF&W was understaffed and under funded to effectively deal with their responsibilities.

Pat Cayer wanted to disclose that he had been hired to do a boundary survey of the lot. He felt that any new traffic on Knapp Road would be from small boats not big ones. He asked what the town's process was and what was the Selectmen's responsibility. Mrs. Brown explained that the Selectmen will vote to approve or not and then the town manager will send a letter to the LMF telling them of the Selectmen's recommendation. Mr. Leavitt felt that the power is local in this matter.

David Baker wanted this site to fill the needs of all sportsmen. He wanted to know how they are going to police the site especially in the winter. He had concern that the pond is already at the saturation point.

Someone indicated that there were many issues noted and now felt that responsible government should prevail. He/she asked that the Selectmen's vote be delayed to take more time to digest this information and not vote for or against tonight. He/she said they have many organizations to get input from for a better-informed decision.

Eric Gaudin said that the public could already access the pond at the causeway and park on the roadway. He felt that spending this large amount of money was not necessary.

Bud said that the causeway access is not public and he had been told that it couldn't be used. He felt this might be the last opportunity to have public access. He said it was a good place for small boats only but not big boats. He didn't feel that jet skis would use it because it's so muddy. He said that the IF&W is supporting the public who want access to the lakes.

Kenneth Pelacino declared that public access is important for the future. Bass fishing is important for our kids and their future. He felt that the IF&W would not pick a site which wasn't appropriate and that they have answered questions and can't be expected to have a plan formed because of the expense prior to purchase.

Amy Cohen had concern about safety on a small pond because of its narrow navigation ways. She felt there would be more chance of accidents because the public won't know the lake and where the rocks are. She believed in public access but possibly not here.

Louise Lester felt that the state would be required to have their plan approved by the town prior to getting permission to improve the site.

Howard Lieben asked how the IF&W would maintain the site at a cost of \$300 per year. He wanted to know how this was determined with all aspects of the site involved. Bob Williams informed him that this figure was used in the LMF grant application and has nothing to do with the actual cost of the improvement of the lot. He understood that Knapp Road would need extra work. He said they would be happy to talk about the plans in the future.

Alan Stone informed the meeting that the LMF did not need town permission to do anything to this land. Once it's purchased the IF&W will go ahead with the project. He agreed that if this were a citizen or business they would need to have studies done prior to asking for permission to do it.

Bob Payne reminded the meeting that swimming is living beside boat launches in two other sites in Raymond without problems. This may be the last chance for boat access in Raymond Pond.

Paul White asked what other sites IF&W has looked at. Mr. Brautigam was not aware of any others which are as favorable, and they have been looking for about 15 years.

Len Adams agreed that there isn't public access to Raymond Pond because the causeway isn't deep enough to launch more than a 14-foot boat. The roadway might hold two vehicles but there are "no parking" signs on the roadway. Bass fishing will be enhanced by Brown trout because the bass will eat them. The pond is owned by the people of Maine and not the landowners which have homes around it. Raymond Pond doesn't need a big motor because of its size and depth. It will be a good place for the children to learn to fish.

Mark Gendron said that he believed that the public was not here to abuse the IF&W. He felt that the cost is the issue and feel that it's not the right location for that amount of money. He would like to find something more accessible.

Deborah Baker affirmed that they appreciated what IF&W did. She wanted to know how IF&W would meet the needs of all sportsmen year round. Mr. Williams answered that this was an investment in a capital asset and that they would preserve the opportunity for recreational activities by providing access for ice anglers in the wintertime but wouldn't plow the road for their use. He didn't see this as a high use site at any time of year.

Elizabeth Algeo asked what would happen to the site between purchase and development. Will the public have access this summer? Mr. Williams replied that the land would stay

as it is. It won't be put on a map and won't have great public knowledge. He indicated that the IF&W would meet with the abutters because some issues will have to be dealt with. He thought that three to four parking places are now workable for use but no launching from a trailer. He added that they would have to monitor the site for erosion.

CLOSE PUBLIC HEARING

Mrs. Brown closed the public hearing at 10:00 pm.

MOTION: Charles Leavitt motioned to table the proposal for the Selectmen to support the acquisition of the said property and set aside a 30-day comment period for other citizens and boards of the town, particularly Raymond Conservation and Raymond Planning Board, to discuss their opinions. No second.

DISCUSSION: Mrs. Brown said that the Selectmen have a great deal of information and have visited the site. She felt that they could go forward.

MOTION: Ada Brown motioned to endorse the Inland Fisheries and Wildlife Department's plan to buy the property on Raymond Pond. To delay longer would possibly make the IF&W unable to find another site as suitable and she believed the public is entitled to have access to Raymond Pond. Seconded Christine McClellan.

DISCUSSION: Mr. Leavitt agreed that the IF&W had done a good job in their mission. However, if the IF&W had been a developer and attempted to go through the process, this would have been tabled for lack of compliance of the Planning Board. He said it appeared that there would be a favorable vote but hoped that the IF&W would listen to the public here. He wanted to uphold the interest of the people of Raymond. He asked that the IF&W give the LMF a fair representation of what the people have said.

VOTE 4 in favor (Brown, McClellan, McDermott, Desjardins) 1 opposed (Leavitt)

RECESS: Ada Brown recessed the meeting at 10:06 pm.

RE-OPEN MEETING: Ada Brown re-opened the meeting at 10:14 pm.

4. Public Hearing – Special Amusement Application – Montebello Ristorante/Enzo J. Raggiani – Periodic comedian, disc jockey and/or band.

DISCUSSION: Mrs. Brown related that the Fire Chief has said everything was acceptable at the restaurant.

MOTION: Christine McClellan motioned to approve and allow the special entertainment application. Seconded by Betty McDermott.

VOTE: Unanimous.

5. Review and recommendation of Warrant for Annual Town Meeting.

MOTION: Charles Leavitt motioned to table until the continuation of this meeting Thursday, April 8, 2004 at 6:00 pm at the Town Office. Seconded by Christine McClellan.

Vote: Unanimous.

6. Approval of Quit Claim Deed for Map 21, Lot 2.

7. Approval of Quit Claim Deed for Map 50, Lot 7.

MOTION: Christine McClellan motioned to approve both Quit Claim Deeds as written. Seconded by Dana Desjardins.

VOTE: Unanimous.

8. Communications and other business.

None

9. Review and authorize Treasurer's Warrant dated April 6, 2004.

MOTION: Betty McDermott motioned to authorize the Treasurer's Warrant in the amount of \$63,751.71 Seconded by Charles Leavitt.

VOTE: Unanimous.

10. Adjourn

MOTION: Dana Desjardins motioned to adjourn. Seconded by Charles Leavitt.

VOTE: Unanimous.

ADJOURNMENT: Ada Brown adjourned the meeting at 10:30 pm.

Louise H. Lester
Town Clerk