

401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742

BOARD OF SELECTMEN
MINUTES* (as corrected 9/16/05)
Tuesday, August 9, 2005

Selectmen present: Betty McDermott, Chairman; Mark Gendron; Mike Reynolds; Lonnie Taylor; and Dana Desjardins.

Selectmen absent: None.

Staff present: Don Willard, Town Manager; Denis Morse, Fire Chief; Donna Lovely, Deputy Tax Collector; Nathan White, Public Works Director; and Jack Cooper, Code Enforcement Officer.

Others present: Ernest Allen, Kim Allen; Tom Noonan, Windham Rotary Club; Charles Leavitt and Peggy Roberts, Lake Region Suburban News.

1) Call to order. Betty McDermott called the meeting to order at 7:00 pm at the Town Office.

2) Minutes of the previous meeting dated July 19, 2005.

MOTION: Mark Gendron motioned to approve the minutes with two corrections: 1) page 2 delete "argued" from Mike Reynolds' comment, and 2) page 1 correct spelling of John Hanley's name. Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

3) New business.

a. Abatement request - 35 Arbor Woods Road, Map 4, Lot 3, for 2003/2004 tax year – Diane Wight.

DISCUSSION: Donna Lovely explained that this tax issue came because the bill was paid by the original owner, that owner's bank Gorham Savings, and the new owner. The town refunded Gorham Savings which in turn refunded the original owner when it shouldn't have. The town also refunded the new owner. At this point the taxes are against the original owner who no longer lives in Maine. Mr. Willard recommended abating this 2 year old account. Mr. Desjardins didn't feel that it was worth pursuing further. Mr. Willard said that he was disappointed in Gorham Savings' lack of cooperation in this matter. He added that the ultimate responsibility was with the O'Brien's.

MOTION: Mike Reynolds motioned to approve the abatement for Map 4, Lot 3 for the 2003/2004 tax year. Seconded by Dana Desjardins.

VOTE: Unanimous 5-0

NOTE: Selectmen signed the abatement.

b. Abatement request 2004-05 – Amanda Simpson Assessors' Agent.

DISCUSSION: Mr. Willard in the absence of Amanda Simpson explained the abatements which are for Recreational Vehicles which have been sold.

A04-22 Acct # M0065P for McCormick in the amount of \$327.25

A04-23 Acct # D0001P for Doucette in the amount of \$196.35

A04-24 Acct # O00010P for O'Blenes in the amount of \$340.34

TOTAL \$863.94

MOTION: Mike Reynolds motioned to approve the abatements A04-22, 23, and 24 with a total value of \$863.94. Seconded by Lonnie Taylor

VOTE: Unanimous 5-0

NOTE: Selectmen signed the abatements.

c. Windham Rotary Club Derby Fest 2006 – Planning request – Tom Noonan, Director.

DISCUSSION: Mr. Noonan said that each year the Rotary tries to improve the Fishing Derby and this year they are to begin renaming themselves the Sebago Lake Rotary Club which better defines their membership. They also are asking the Town of Raymond to change its name for that weekend to "Derby Town USA" which will honor the town where most of the activities are located and to draw attention to the town and the event. He said that the Post Office will be having a ceremonial cancellation on that weekend in honor of the derby. He asked that the Board of Selectmen prepare a proclamation to announce the renaming of the town for that weekend which could be announced as an event in itself prior to the Derby weekend. The Raymond Business Association is enthusiastic about this idea. Mr. Reynolds thought it was a unique way to draw attention to the event. Mr. Desjardins asked about legal implications to this name change. Mr. Willard didn't feel it would be anything more than ceremonial and not a legal name change.

MOTION: Mike Reynolds motioned to have a proclamation prepared to temporarily change the name of Raymond to Derby Town USA during the weekend of the Fishing Derby February 2006. Seconded by Lonnie Taylor

VOTE: Unanimous 5-0

DISCUSSION: Mr. Willard asked for suggestions for the proclamation and Mr. Noonan said that he would help.

d. Maine Municipal Association (MMA) voting ballot for 2006 slate of MMA Executive Committee and Officers.

DISCUSSION: Mr. Willard reported that Ms. Rose Mary Kulow didn't get enough votes for her nomination; therefore, the slate of officers remains those proposed by Maine Municipal Association nomination committee.

MOTION: Mark Gendron motioned to support the MMA slate of officers. Seconded by Lonnie Taylor.

VOTE: Unanimous.

NOTE: Selectmen signed the ballot.

e. Consideration of Traffic Ordinance amendments – Mill Street and Mill Street Bridge.

DISCUSSION: Mr. Willard explained that the problem with the Mill Street bridge has been increasing for years. About 10 years ago the last improvements were made by the IF&W because of a young person's drowning at the dam and a grid was put across the flood gate to allow a way for people to climb out if they got caught in the current, and fencing was put on the downstream side of the bridge to keep people from diving from that side. Since that time nothing has been improved by them or the MDOT. Young people are now in abundance on the bridge diving off and at times being a hindrance to traffic flow and a general disturbance in the area. It has been reported that liquor and drugs have been seen used on the bridge and general area. There have been reports of the young people harassing the cars. The Cumberland County Sheriff's Department has been some help but not enough. Mr. Willard made the following recommendations for the Selectmen's consideration. 1) limit parking by installing "no parking on pavement" signs for which the state will pay. 2) Remove the pine tree which supports the rope swing, cost \$1,800. (The DEP has OK'd this tree cutting.) 3) Install an 8 foot chain link fence behind the guardrail on the bridge, cost \$1,500. *4) Install erosion control along the guardrail, cost \$300. This funding could be taken from the budget's emergency contingency fund. Mr. White noted that he thinks this problem is more now than ever. Ben Severn, president of the Panther Pond Association and living in Kings Grant, felt that there were more young people than ever before and wondered why. He asked what the results will be from the action of the Selectmen. He didn't want any further problems so asked if there might be added patrol in the area for the next few weeks. He thought it was too bad to take the kids fun away but thought that something had to be done. He asked if some intermediate response could be tried before going the whole way. He felt there should be some protection from possible retaliation. Mr. Willard replied that he had spoken with Cumberland County Sheriff's Department and they will help as much as they can but since the owner of the property where the boat launch is won't press charges, there is little they can do. He added that Raymond can't expect the CCSD to be there full time. Mr. Severn wondered if the identities of the kids would help in control of the area. Mr. White said that he had approached some of them and the kids parents told him that he couldn't keep their children from having fun there. Mr. Willard concurred saying that what they have tried so far hasn't worked. Ernest Allen said that he was a Selectman when the drowning happened, and he would not want anyone to go through that experience. He felt that other towns have found a way to stop this kind of activity. He wanted all the measures used before there is more problem there. Chief Morse felt that this activity should be halted but that possibly providing a float in the river would keep the kids happy. Kim Allen felt that this was not a recognized recreational area for Raymond and should not be considered one. She said that people were in the area to all hours of the night. She added that it was an accident waiting to happen. She was not in favor of a float because that would entice people to use the area for swimming. Mr. Willard added that a float would represent a liability to the town. Mr. Allen felt that it was time to stop boat launching here as well. He didn't think that it was monitored as well as it should be for a boat launch for safety and searching for milfoil. Mr. Willard wanted to be able to show families and children that the town cares but that liability can't be governed by the town on private property. He didn't feel that the small boats launched there were much of a problem and that all of our launch sites were not governed for

milfoil at all times. Mr. Reynolds asked if signage was in our traffic ordinance. Mr. Willard said that the ordinance would have to be amended to cover this. He felt they could be enacted with emergency powers in order to protect the public safety and then later go to a town meeting for approval. Mr. Reynolds asked about enforcement. Mr. Willard noted it was a problem with the exception of using parking tickets. So far Cumberland County Sheriff's have given some citations. Mr. White said that at this juncture trespassing could be charged but CCSD needs help from the town with other barriers. Mr. Reynolds asked who the prosecutors would be. Mr. Willard replied if the town had signage and boundaries then it would be the town. Mr. Reynolds asked about the signage being destroyed. Mr. White replied that if the signs are put up there is an assumption by the authorities that they are in force whether they are there or not. Charles Leavitt suggested that the legislative representatives, Mr. Diamond and Mr. Robinson, be asked to help by putting some pressure on the MDOT and IF&W. Mr. Willard said it could be done but timing is a problem for this year. Mrs. McDermott felt something should be done now. Mr. White reported that Lucas Tree Service could have the tree down within two weeks of his calling and the fence company couldn't get to it for 2 to 3 months. Mr. Taylor had a concern that the people would jump off the fence. Mr. Reynolds agreed and wanted to wait for that decision until they find the results of taking the tree down. Mr. Gendron wanted to close the area, not put up a fence, put up signage and wait through August before more is done. He would like this on next week's agenda because he felt the Board was now on notice of a liability situation, and they should act to some degree.

MOTION: Mike Reynolds motioned to erect signage to limit parking, put up signage for no jumping off the bridge, give permission to the town manager to pursue whatever ordinance changes need to be made and come back with the suggested wording for their approval; also remove the tree and erect erosion control where needed. Seconded by Lonnie Taylor.

DISCUSSION: Mr. Gendron felt they needed parameters for our state request. Mr. Willard said he would ask the MDOT to take the responsibility for the bridge.

VOTE: Unanimous 5-0

4) Old (unfinished) business.

- a. Consideration of First-Time System Variance Request – Dennis Fecteau, A & D Renovation, Map 52, Lot 40 – Jack Cooper, Code Enforcement Officer.

DISCUSSION: Mr. Cooper explained that the state engineers had passed the proposed septic system and location of same. He felt with the state's endorsement his concerns were satisfied and recommended passing this variance. Mr. Fecteau said that the well on site would be 77 feet from the septic system which is legal. He added the lot was only 125 feet across and he would keep everything separated as much as possible. He read the notation from the state. Mr. Cooper reported that this was a grandfathered lot but that if this was a new lot it would require a 100 foot setback for the septic system. *Mr. Fecteau said that the septic will be only 7 feet short of the required setback from the neighbor's well or 93 feet but that the neighbor's well casing is over 400 feet down which is more than the state's requirement. He read the state's well specifications. Mr. Fecteau added that the driveway would be about 70 feet long. Mr. Gendron asked if the house could ever be enlarged. Mr. Cooper replied no because of the size of the lot. Mr. Fecteau

concluded saying that the setbacks are only 4 feet less than legal now. Mr. Reynolds had concern that this would set a precedent but felt that since it was a grandfathered lot in an old legal subdivision it would not be a problem. He felt that the new science and technology would protect the environment.

MOTION: Mike Reynolds motioned to approve the variance for Map 52, Lot 40 because of the testimony given. Seconded by Mark Gendron.

VOTE: 4 in favor (Reynolds, Gendron, McDermott, Taylor) 1 opposed (Desjardins)

b. Request for capital reserve fund auto accident revenues – Fire Chief Denis Morse.

DISCUSSION: Chief Morse related that the Department covers 70 to 80 crashes a year and our Jaws of Life were purchased between 1991 and 1994. The new price is \$18,000 and the Powerpac \$19,000. The Department has been billing commercial entities but would like to begin billing for crashes where there is major damage or extraction. He would like the revenues from this billing to go into a designated account for equipment purchase and not into the general fund. He felt that a new Jaws was needed now for District 2. Mr. Gendron asked which crashes would be billed. Chief Morse replied only if there are leaks, cutting or equipment destruction or loss. He felt they could charge \$250 per call and/or by item used. He said that in the last 3 to 4 months they have had 10 calls of this type. He felt of the 70-80 crashes 20 were billable. He added that they have stopped using the Jaws for training so much so that they don't wear them out. He continued that air bags needed to be updated and that they don't have any proper supports for cars in rollover situations. This type of fund could be used to purchase equipment which is desperately needed. Mr. Gendron confirmed that items which can only be used once can be billed. Chief Morse replied yes but that they billed just to get any remuneration which possibly wouldn't be the entire amount.

MOTION: Mark Gendron motioned to allow the Fire Department to start a Fire Department Reserve Fund for auto crash revenues. This fund should be reported at town meeting and be audited with the other town accounts. Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

5) Town Manager Report and Communications.

a. Request for regional meeting – Cumberland County.

Mr. Willard announced that the County Commissioners would like to meet with Raymond and include other towns for a regional meeting. Mr. Gendron was in favor because the questions would be the same in either case.

b. Cardboard recycling area update.

Mr. Willard said that this coming Thursday at 8:30 am the Recycling Committee will meet with Nathan White and himself to talk about this situation.

c. Assistant Code Enforcement Officer.

Mr. Willard announced that Joshua Stevens had been hired part-time for the Assistant CEO position. Mr. Stevens will continue doing the Fire Department

inspections and work in reserve for the Fire Department during business hours. Chief Morse noted that Mr. Stevens was computer literate and has helped write grants which is most valuable. He added that his coverage for first response fire/rescue during the day would be invaluable. Mr. Willard noted that Mr. Stevens would have to become certified as a CEO and has already begun that journey. Mr. Desjardins asked what would happen when he is called away for First Responder. Chief Morse said that he would only turn out for crashes and fires and that he would return to cover the CEO's office. Mr. Desjardins had concern that this would neglect the CEO's office. Chief Morse replied that Mr. Stevens would work 16 to 30 hours and would do various aspects of the job as coverage for Jack Cooper. This is a cost saving venture as well because the CEO's budget will pick up \$11 per hour and Mr. Stevens will also draw standby pay from the Fire Department which will cover his salary. Mr. Willard felt that Mr. Stevens would move up in the pay scale next year with increased ability to cover the CEO job.

6) Fiscal Warrants – Payroll and Appropriation Warrants dated August 9, 2005 and June 30, 2005.

MOTION: Mark Gendron motioned to approve the June 30, 2005 Treasurer's Warrant in the amount of \$12,792.46. Seconded by Lonnie Taylor

VOTE: Unanimous 5-0

MOTION: Mark Gendron motioned to approve the July 26, 2005, August 2, 2005 and August 9, 2005 Payroll Warrants in the total amount of \$ 74,368.30. Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

MOTION: Mark Gendron motioned to approve the August 9, 2005 Treasurer's Warrant in the amount of \$115,830.37. Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

7) Adjournment.

MOTION: Mike Reynolds motioned to adjourn. Seconded by Mark Gendron.

VOTE: Unanimous 5-0

ADJOURNMENT: Betty McDermott adjourned the meeting at 8:48 pm.

Louise H. Lester

Town Clerk