

TOWN OF RAYMOND  
401 Webbs Mills Road  
Raymond, Maine 04071

BOARD OF SELECTMEN  
MINUTES  
Tuesday, February 9, 2010

SELECTMEN ATTENDANCE: Mike Reynolds, Chairman; Joe Bruno; Dana Desjardins; Lonnie Taylor; and Charles Leavitt.

SELECTMEN ABSENT: None.

STAFF ATTENDANCE: Don Willard, Town Manager; Nathan White, Public Works Director; Chris Hanson, Code Enforcement Officer; Sue Carr, Deputy Tax Collector; and Denis Morse, Fire Chief.

OTHERS: Roscoe and Sabrina Grant, Roscoe's Rockin' Buffet & Lounge; Dave McNally, Pine Tree Waste; Eileen Stiles, Phil Hammett and Kathy Gillis of the Recycling Committee; John Rand, Conservation Commission; and the Press.

1. Call to order. Mike Reynolds called the meeting to order at 7:02 pm at the Broadcast Studio.
2. Minutes of previous meeting January 12, 2009.

MOTION: Joe Bruno motioned to approve the minutes of January 12, 2009 as written. Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

3. New business:
  - a. Regional Planning Proposal – GPCOG Executive director Neil Allen  
TABLED until March meeting.
  - b. Executive Session – discussion of Personnel Matter pursuant to 1 M.R.S.A. §405(6)(A)

MOTION: Joe Bruno motioned to go into executive session for a personnel matter under 1 M.R.S.A. §405(6)(A). Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

RECESS: Mike Reynolds recessed the meeting at 9:11 pm.

MOTION: Joe Bruno motioned to come out of executive session. Seconded by Dana Desjardins.

VOTE: Unanimous 5-0

REOPEN MEETING: Mike Reynolds reopened the meeting at 9:42 pm.

- c. Discussion/possible amendment Tax Acquired Property Policy – Board of Selectmen

DISCUSSION: Mr. Willard noted that the Tax Acquired Property Policy was adopted on May 18, 1995. Mrs. Carr discussed the process. Mr. Willard asked if there were any suggestions for changes to this policy. He added that historically Raymond has had no interest in taking people's property, however the town does need to receive the tax money. Mr. Bruno suggested that there be a note that the policy was reviewed this day but no changes were necessary. Mr. Reynolds would like to have a notification to the Selectmen each time a property becomes tax acquired. Mr. Leavitt had concern that there was a conflict of interest for the town to acquire property because it became tax acquired i.e. that the town wanted the piece of property for

recreational use. He wanted to renumber the policy items so that the town holding the property was in the last position instead of the second. Mr. Reynolds asked to have the policy rewritten and added to the March agenda.

## PUBLIC HEARINGS

### 4. Public Hearing.

- a. Roscoe's Rockin' Buffet and Lounge (former Montebello Ristorante) Liquor License and Special Amusement permit applications – Roscoe and Sabrina Grant.

DISCUSSION: Mr. Willard outlined the request for their business. All inspections have been passed for Code Enforcement and Fire Department. Mr. Grant explained that they have had a restaurant in Mechanic Falls and are moving to Raymond. He said that the owners have made structural changes which were necessary, and the Grants have done cosmetic improvements. They would like to have a liquor license and permission for entertainment. The back of the building has received extra insulation for a sound barrier. Chris Hanson verified that they have all the permits they need. There is a new septic system, the electrical services are updated, there is an alarm system, and their occupants will be kept at 177 people unless they remove the seating which will allow more. The sign will remain the same size as the Montebello's. Mr. Willard noted that there had been some noise complaints in the past with earlier owners. Mr. Grant said that they would control the decibel level. Mr. Desjardins asked Mr. Hanson if the building was sprinkled. Mr. Hanson replied no, it wasn't required. They would have had to put sprinklers in if they had replaced more than 50% of the building. They will have an alarm system. Mr. Desjardins felt that anything along the public waterline should be required to sprinkle the building. Mr. Hanson said a change of use or 50% rebuilt would have triggered sprinkling. Mr. Grant said they have a one-year lease with option to purchase. Mr. Grant informed them of their menu.

MOTION: Lonnie Taylor motioned to approve the liquor license and the special amusement application. Seconded by Joe Bruno.

VOTE: 4 in favor (Taylor, Bruno, Reynolds, Leavitt); 1 opposed (Desjardins)

- b. Review of proposed Fire Department Ordinance changes – Fire Inspector Craig Messinger.

TABLED until February 16, 2010 meeting.

### 5. Reopen Selectmen's Meeting.

### 6. Old (unfinished) business.

- a. None

### 7. Workshop.

- a. Discussion of MSW/Recycling contract and roadside collection policy, including draft private road standards – Board of Selectmen. 7:20

DISCUSSION: Mr. Reynolds opened by saying that the low bidder was Pine Tree Waste and the Selectmen asked Mr. Willard to negotiate with Pine Tree so it could be lowered from a 12% increase to a 3% increase. In order to lower the bid, significant changes would be necessary in the route and the way the pickup was accomplish. A new policy for private roads would be initiated. This was necessary for the waste pickup but also a life safety issue for fire/rescue. Mr. Reynolds read the criteria for waste pickup on private roads.

#### 1. Layouts of roads – must meet or exceed the following standards.

- a. All private roads must have 7 or more year round residents.
- b. Have a year round road association representative and/or contract person name and phone number on file at the Town Office.

- c. Have a signed release of Liability Waiver on file at the Town Office.
2. Design and construction standards – All roads shall meet or exceed the following standards.
    - a. Minimum drive surface width of 10 feet
    - b. Minimum overhead clearance of 14 feet
    - c. Minimum overall cleared width of 12 feet, (trees, rocks utility poles and any other objects that may narrow roadway for safe passage).
    - d. Dead end roads will not be permitted without a suitable turn around of a width of 20 feet and depth of 30 feet.
    - e. Gravel roads must be able to support heavy vehicles year round.
  3. Road maintenance
    - a. Gravel roads must be graded as needed
    - b. Roads must be plowed and sanded
    - c. Snow banks must be kept back to meet the minimum road width criteria [see above].
    - d. Turnaround must be kept cleared and vacant year round
    - e. Access points of roads must be 20 feet in width with visual clearance of 100 feet on both sides.

Mr. Taylor felt there should be more information about who would determine the condition of the gravel roads. Mr. White said that usually a contractor, public works, and/or Pine Tree would determine the condition of the road. Mr. McNally said that the trash/recycling truck driver would call in saying that he felt the road was a problem, at which time he and/or Mr. White would look at it for further opinion. If it was determined to be unserviceable, the Town Clerk would notify the road association contact person to that effect.

Mr. Bruno wanted people to know that all trash will be picked up; only the point of pickup might change. He felt if the road was passable and trucks can turn around at the end, then it should be serviced no matter how many people lived on it. He felt that a contract for 3% annual increase for 7 years was a good deal.

Mr. Leavitt felt it was a multi level discussion for more than one use. He agreed with Mr. Bruno that here should be some design road standards rather than an arbitrary decision by a few people. He said that trash/recycling pickup was a service and not a right. He felt that over the next 7 years more roads will be improved and more people living on them. The service will have to be increased to those residents and this should be reflected in the contract. Mr. McNally assured them that all residents would be serviced but possibly not at their driveways.

Mr. Bruno asked how many of the roads on the list were up to standards. Mr. White said that the list was formed to shave off time for trash pickup. However, many of the roads are substandard. It was noted that gates would only be opened and closed for the trash/recycling truck. Mr. McNally said that the hours noted on the list were road hours not man-hours. He said that for those substandard roads there would be a limit of time for them to upgrade their roads and after that deadline they would have to wait for curbside pickup until a new contract.

Mr. Leavitt asked if they couldn't have an addendum for those reconstructed roads in order to add them to the serviced roads list. Possibly meet annually and renegotiate those roads. Mr. McNally felt that could be negotiated and written into the contract. Mr. Bruno took issue with writing a contract in favor of the contractor for an automatic increase. Mr. Leavitt said that any road improvements would also increase the ability of the Fire Department to service those roads without problem. Chief Morse noted that Raymond has topographical challenges that not many other towns have. He added that some homes have longer driveways than some private roads.

Mr. White said that a definition of a year round resident was necessary. Mrs. Lester explained that the Town Clerk's Office use state criteria for residency with Inland Fisheries & Wildlife using: being a registered voter

in the state, registering all cars in the state, filing state income tax, and have a Maine drivers license. She suggested proof of being registered to vote in Raymond and registering the cars in Raymond.

Mr. McNally said that he felt rental properties were commercial, and it probably wasn't in the public good to pay for their trash. Mr. Leavitt explained that the Selectmen have felt that rentals were also residents and could have their trash picked up. Mrs. Lester reported that currently rentals of over 3 units were considered commercial and were not picked up. Mr. Hanson suggested the status of the home through the assessing records could be used as to whether the building was seasonal or held an occupancy permit for year round use. Chief Morse had more concern for the condition of the road rather than whether they are year round or not.

Mr. Rand asked whether the list of roads would be serviced seasonally. Mr. McNally said that service would stay the same year round. Mr. White added that some roads not serviced at the driveways would receive two dumpsters near the beginning of the road, one for trash and one for recycling. Mr. Leavitt reiterated that no matter how many year round homes there were, if the road wasn't up to standards it would not be serviced except with the dumpsters.

Mr. Bruno felt that using the dumpsters would help the safety issue where the trucks would not be driving on the narrow private roads. Mr. Willard felt it was also convenient for residents to use the dumpsters instead of having to put their two barrels out. Mr. Rand noted that using a concealed dumpster had a better esthetic value than having the barrels at the end of the road. Mr. Bruno disclosed that the change in policy was to try to keep the tax rate down. He didn't intend to create a new ordinance. He added that this contract would include single sort recycling.

Mr. Hammett felt that the formula should be for the number of residents and the length of the road. Mr. McNally said that formula had been discussed, but he didn't think it should be considered at this time. Mr. Hammett asked who would be funding the dumpsters. Mr. McNally replied Pine Tree Waste would provide them. Mr. Bruno felt that any road lists should be exhibits attached to the contract.

Mr. White would like direction on how the Selectmen would like them to determine the number of residences for service. Mr. Leavitt would like to know through assessing how many seasonal and year round homes there are. He would like two votes by the Board: one on residency and the other on road standards. Mr. Reynolds would like a road standard document. Mr. Bruno wanted to know how many roads would be dropped because of the 7 residences criteria from our current 4 residences. How many of the roads pass the road standards. Mr. White noted that the majority of the roads on the list were seasonal only.

Mr. Taylor asked about the condition of the roads for width and height which should include whether the road is crowned etc. Mr. Leavitt didn't want to get into the realm of an ordinance. He felt that the policy would allow for road improvement which wouldn't cost a great amount of money for upgrade. Chief Morse felt that when it comes to looking at road standards for public safety, this policy would be the starting point for looking at existing private road conditions.

Mrs. Stiles wanted to clarify the roads which would get dumpsters i.e. Shaw Rd, Deep Cove Rd., Sheehan's Island. Mr. McNally said that they would get dumpsters.

Mr. Bruno wanted to give some direction, without vote, to the budget. Mr. Willard said his present budget draft is intended for the worst-case scenario. Mr. Bruno wanted to have the budget based on the 3% increase for trash/recycling. Mr. Leavitt felt that they needed to have a number for the draft budget and didn't want anyone to feel that they are being overruled before the public hearing next week. Mr. Reynolds asked Pine Tree to come back with a way to price new roads to come before the contract is finished. Mr. Bruno disagreed and felt that the contract should stay as it originally was written and chosen, and if there are added roads over the 7 years, then Pine Tree should absorb that expense of service. Mr. McNally said that Pine Tree generally services new roads added without extra cost unless a major change in roads to be serviced is found.

Mr. Hammett asked who would be receiving the recycling materials. Mr. Willard answered that Pine Tree would make that decision.

8. Town Manager Report and Communications

- a. Reminder of second February Selectmen's Meeting on February 16, 2010.
- b. Reminder of budget Meeting on February 23, 2010.
- c. Confirm date for March Selectmen's Meeting – Proposed Tuesday, March 9, 2010.
- d. Set date of 2010 annual Town Meeting – Proposed Tuesday, June 1, 2010.

MOTION: Mike Reynolds motioned to have the Annual Town Meeting on June 1, 2010 at 7:00 pm with an extension date of June 2<sup>nd</sup>. Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

- e. Voting will be the following week along with the State Referendum and Primary Election on Tuesday, June 8, 2010 from 7:00 am to 8:00 pm.

MOTION: Joe Bruno motioned to have the town election on June 8, 2010 along with the state referendum and primary election. Seconded by Lonnie Taylor.

VOTE: Unanimous 5-0

9. Selectmen Communications. [This agenda item is for the general discussion of non-agenda items by the Board of Selectmen, and for the purpose of introducing future topics for discussion. No action will be taken.]

Mr. Leavitt extended the Board's congratulations to the RSU #14 physical education program for being awarded a grant which will bring in almost \$1,000,000 for the next three years. Thanks to Raymond resident Kim Bartholomew for her work on this grant.

Mr. Willard noted that the grant they had applied for energy improvement for public safety still had not been heard from. He hoped they would know soon.

10. Fiscal Warrants – Payroll and Appropriation Warrants – January 12, 2010

MOTION Lonnie Taylor motioned to approve the Payroll Warrant in the amount of \$93,827.62.

Seconded by Joe Bruno.

VOTE: Unanimous 5-0

MOTION: Lonnie Taylor motioned to approve the Treasurer's Warrant in the amount of \$70,661.14.

Seconded by Joe Bruno

VOTE: Unanimous 5-0

11. Adjournment.

MOTION: Mike Reynolds motioned to adjourn. Seconded by Dana Desjardins.

VOTE: Unanimous 5-0

ADJOURNED: Mike Reynolds adjourned the meeting at 9:51 pm.

Louise H. Lester  
Town Clerk