



BOARD OF SELECTMEN
MINUTES*
May 8, 2012

Present: Chairman Joe Bruno, Vice-Chair Lonnie Taylor, Sam Gifford, Charly Leavitt, and Mike Reynolds.

Absent: None.

Staff: Louise Lester, Town Clerk; Nathan White, Public Works Director; Chris Hanson, Code Enforcement Officer; and Danielle Loring, Recording Secretary.

Other: Neal Allen, GPCOG Executive Director; John Ducan, PACTS Executive Director; Greg Foster, Project Canopy Forester; Dana Desjardins, Chris Brum, Julie Sutherland, and Peter Leavitt.

1) Call to order: Chairman Joe Bruno called the meeting to order at 7:01 pm. and a quorum was declared

2) Minutes of previous meeting dated:

- **April 10, 2012**

MOTION: Mike Reynolds to motion the minutes for the April 10, 2012 meeting as presented; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

3) New Business.

- a) Greater Portland Council of Governments (GPCOG) Mission/Services and Portland Area Comprehensive Transportation System (PACTS) Organization Overview Presentation- Neal Allen, GPCOG Executive Director, and John Duncan, PACTS Executive Director**

Neal Allen gave overview of GPCOG. He explained that it was a member owned and driven since 1968 then gave the structure of the committee. key responsibilities, including that they were the keepers of US Census, keepers of federal transit as well as members of the Economic Development Committee and Annual Report. Key services included cooperative purchasing program, provide transportation and

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**Item taken out of order

energy programs, loan fund programs.

Mr. Allen continued by adding that member dues had not been raised in 23 years, and that dues were a reflection of population for each member-town. They had recently initiating the Route 302 Multi Modal corridor plan which was helping areas find and execute grants. They were also involved in statewide initiative, Mobilize Maine, which was access based mapping that involved regionalization.

John Duncan introduced the PACTS program. He said that recently the Census Bureau found that the Portland area had over 200,000 people, which changed the classification within the Federal Highway Administration. This meant that roughly 1 mile of Route 121 was in the PACTS area as well as 1.5 mile of 302. This meant that if funds became available to work on these roads, both PACTS and MDOT would need to sign off on work. The programs are projected to be in full effect within two years. Starting next winter, the Town of Raymond would be approached for requests for transportation studies that PACTS had funding from Congress for.

There were questions regarding town representation on the PACTS associated committees as well as how member-town dues were calculated. Mr. Reynolds announced that the annual GPCOG meeting was June 6th at 11:30 on USM Portland campus.

b) Veterans' Memorial Park Update and Ceremony Announcement- Chairman Howard Stiles, Veterans' Memorial Committee

Mr. Stiles was not available to discuss this agenda topic.

c) Project Canopy Update- Forester Greg Foster

Mr. Foster gave an overview for the lots and what he projected the wood sales to be based on the current market. There was discussion about how the Town should go about carrying out a responsible forest management plan. It was decided that Mr. Foster would be invited back to the August meeting to discuss the possibility of putting the wood out to bid.

MOTION: Mike Reynolds motioned to accept the report as presented with corrections; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

d) Selectmen Proclamation Declaring Week of June 24-30th as "Hawthorne Community Association Week"- Louise Lester, Town Clerk

Rebecca Tracy, Treasurer of Hawthorne Community Association, explained that on May 30th the Hawthorne Community Association would celebrating 200th celebration of the house's existence. The group would like the town to designate the week before Strawberry Festival as week "Hawthorne Week."

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MOTION: Charly Leavitt motioned to proclaim the week of June 24th-30 as Hawthorne Community Association Week; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

e) Presentation and Recommendation for New Electrical & HVAC Permits- Chris Hanson, Code Enforcement Office

Chris Hanson explained that he was recommending a couple new permits with fees previous and that he was formally trained to do the inspections that these permits would require. He continued that there were benefits to doing the inspections from a safety stand point. He conducted a survey of surrounding towns and based fee schedules on numbers he had found. He said that it was important to do these inspections because the code was always changing and finding that even some contractors were not keeping up with the changes.

There was discussion as how these permits fit in with the recently implemented MUBEC code. Mr. Hanson explained that because homes were being made tighter, there needed to be an air exchange that ASHRAE required. Requiring permits helped to maintain the checks and balance. It also helped to protect the home owner because checking to make sure that installers were licensed to do the work. He also stated that Casco and Gray did not require permits of this nature because they were included in the building permit.

Dana Desjardins, River Road, stated that the State of Maine did not require a homeowner to be licensed to wire their homes and Windham was only requiring one with commercial work. Any citizen was allowed to do their own electrical work. Mr. Hanson responded that the town would not be restricting homeowners from doing the work, but allow for the work to be inspected as a safety measure. Mr. Bruno wanted to know if the permit would only be required for major renovations and Mr. Hanson confirmed that it would not be for the person replacing one outlet.

Mr. Charly Leavitt stated that he was not happy with the idea of new fees and would like it if this was geared only toward new construction and would like to see a threshold where the permit would be necessary. Peter Leavitt, Leavitt Road, stated that he had wired his house as a homeowner, had done it to standards, and would have no problem with having it inspected because he had seen the work of others that was not safe.

Mr. Bruno suggested that if there was a building permit involved, then electrical and plumbing permit should be required. Mr. Hanson explained that the State did not want to take rights away from the homeowner, but wanted to ensure that the work was being done correctly.

MOTION: Mike Reynolds motioned approve the electrical and HVAC permits as part of the new

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construction and eliminate the fees; seconded by Sam Gifford.

DISCUSSION: Mr. Bruno wanted to know why Mr. Reynolds wanted to remove the fees and he explained that the fees should be part of the building permit since the CEO was already doing the inspections and the permit would show the scope of the work being done. Mr. Hanson said that he did not think that the fees should be eliminated because of the increased administrative costs, but suggested adding them on the building permit.

VOTE: MOTION DEFEATED (2/3 [LT, CL, SG])

Mr. Bruno explained that Mr. Hanson could come back with new fee schedule.

f) Consideration of Revised FY 2012-3 Fee Schedule- Louise Lester, Town Clerk

Mr. Bruno reminded Ms. Lester that she would need to pull out the HVAC and Electrical fees from the fee schedule.

MOTION: Mike Reynolds motioned to approve the fees as presented, subtracting HVAC and electrical fees as discussed; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

g) Consideration of FY 2012-3 Annual Committee Appointments- Louise Lester, Town Clerk

The Board reviewed the appointments list submitted by the Clerk and signed up as Selectmen representatives as follows:

- Charly Leavitt for MWAC and Recycling Committee
- Mike Reynolds for GPCOG and Library
- Lonnie Taylor for Cemetery
- Sam Gifford for Conservation

MOTION: Mike Reynolds motioned to approve the committee appointments as adjusted; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

h) Consideration of RSU#14 Warrants for Election and Budget Referendum for June 12, 2012- Town Clerk Louise Lester

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MOTION: Mike Reynolds motioned to accept the RSU warrants for the election of June 12; seconded by Lonnie Taylor.

DISCUSSION: The Board and Mr. Willard discussed the impact of the increased school budget on the tax rate. Mr. Bruno reminded the Board that nothing was set in stone because the school still needed to have its budget hearing and then it would go to referendum vote on June 5, 2012.

i) Consideration of Quit Claim Deeds as Submitted by Deputy Tax Collector Sue Carr-Board of Selectmen

Mr. Willard introduced the quit claim deeds as submitted by the Deputy Tax Collector.

MOTION: Charly Leavitt motioned to accept the quit claim deed without covenant to Aaron D. Morrell, and Brittany & Brandon Morrell on the Peter Busque property located at 0 Thomas Pond Terrace at Map 006, Lot 030; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Charly Leavitt motioned to accept the quit claim deed without covenant to the Estate of Claude Mains on the Claude Mains property located at 30 Murch Landing on Map 074, Lot 15A; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

j)

Consideration of Mowing Bids and Bid Award (3 Year contract) Presented by Nathan White, Public Works Director- Board of Selectmen

Lonnie Taylor recused himself and went to the back room.

Mr. White announced the bids and results and made no recommendation for award.

MOTION: Charly Leavitt motioned to accept the bid from LCE Landscaping in the \$25,950; seconded by Sam Gifford.

DISCUSSION: Mr. Bruno stated that the Town staff should assure that, during the contract negotiations, to make sure that the winning bidder had the financial capacity to do the work. As an amendment bid, a background check would be conducted as well a check with the UCC and Secretary of State.

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Mr. Reynolds stated that he was concerned with the seven monthly payments because the contract was for year round services. Mr. Willard clarified that it had already been taken.

Mr. Leavitt stated that he was happy to see the Board moving toward a better process.

***6) Town Manager Report and Communications.**

a) Confirm date for next regular meeting:

- July 10, 2012- This was set as the tentative date, unless there were pressing matters.
- August 14, 2012

b) Annual Town Meeting

- **June 5, 2012 at 7:00 pm at JSMS Gym**

c) Secret Ballot

- **June 12, 2012 at 7:00 am to 8:00 pm at JSMS Gym**
 - Selectmen: 1 seat for a 3-year term (Joe Bruno);
 - Budget/Finance Committee:
 - 3 seats for 3-year terms (Steve Linne, Bob Gosselin, & Peter Dunn);
 - 1 seat for a 2-year term (Dana Desjardins & Denis Morse);
 - RSU#14 School Board: 1 seat for a 3-year term (Diana Fosslan & Amy Pierce)
 - Animal Noise Ordinance

7) Fiscal Warrants – Payroll and Appropriation Warrants – May 8, 2012

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Summary, dated May 8, 2012, in the amount of \$93584.54; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Lonnie Taylor motioned to accept the Treasure's Warrant, dated May 8, 2012, in the amount of \$83506.99; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0).

4) Old Business

a)

Tax Acquired Properties- Tabled

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5) Public Comment

a) Land Use Issue

Greg Foster, Ledge Hill Road, explained that in 2010 there was a zoning change that created a Resource Protection district that had been proposed and defeated in 2009. A lot of work had been done by members of the community, CPIC and the Town Planner to make sure that the rights of the land owners would be protect if they were the owner of a lot of land that had been in a 2 acre, now 3 acre, zone. He said that the way the ordinance finally was written made it so that a person could only divide their land if they went through subdivision which was not the intention. Chris Brum also spoke as the affected land owner.

Members of the Board stated that they also did not think that it was the intention of the ordinance to take rights away from land owners, as many of them had served on the CPIC committee. Mr. Gifford stated that he would go to the next Planning Board meeting and bring this to their attention. Mr. Bruno stated that he would support a Special Town meeting to get this matter resolved quickly, but the soonest it may be able to happen would be October.

b) Julie Sutherland, Ledge Hill Road, stated that she had rooster feathers available for fly tiers.

c) Peter Leavitt, Levitt Road, suggested wording for the referendum question regarding the Revised Barking Dog (aka Animal Noise) Ordinance.

3) New Business

*k)

Executive Session pursuant to 1 MRSA § 405(6)(A): Consideration of Raymond Beach Management Proposals

MOTION: Mike Reynolds motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(A) regarding consideration of Raymond Beach Management Proposals; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Board was in Executive Session at 9:36pm.

MOTION: Charly Leavitt motioned to come out of executive session pursuant to 1 MRSA § 405(6)(A) regarding consideration of Raymond Beach Management Proposals; seconded by Sam Gifford.

VOTE: UNANIMOUS APPROVAL (5/0)

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Chairman Joe Bruno announced that the Board was coming out of Executive Session at 9:52pm.

MOTION: Mike Reynolds motioned to award the management proposal for Raymond Beach to Rhonda Keene with the addition of an acceptable back ground check and proof of the ability to do the work; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

l) Executive Session pursuant to 1 MRSA § 405(6)(C): Consideration of Options Regarding Town Property

MOTION: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(C) regarding consideration of options regarding town property; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Board was in Executive Session at 9:53pm.

MOTION: Charly Leavitt motioned to come out of Executive Session pursuant to 1 MRSA § 405(6)(C) regarding consideration of options regarding town property; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that Board was coming out of Executive Session at 9:59pm.

MOTION: Charly Leavitt moved to allow the Town Manager to continue contract negotiations with Crown Castle; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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

MOTION: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(H) for meeting with the CEO regarding pending land use legal matter; seconded by Sam Gifford.

DISCUSSION: None.

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VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Board was going into Executive Session at 10:00pm.

MOTION: Sam Gifford motioned to come out of Executive Session pursuant to 1 MRSA § 405(6)(H) for a meeting with CEO regarding pending land use legal matters; seconded by Charly Leavitt.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Board was coming out of Executive Session at 10:22pm.

MOTION: Mike Reynolds motioned to authorize the Raymond CEO to pursue land use legal matters; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

n)

Executive Session pursuant to 1 MRSA § 405(6)(F): Consideration/Award of 2012 Scholarships

MOTION: Lonnie Taylor motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(F) for consideration/award of 2012 Scholarships; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Board was going into Executive Session at 10:22pm.

MOTION: Sam Gifford motioned to come out of Executive Session pursuant to 1 MRSA § 405(6)(F) for consideration/award of 2012 Scholarships; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno announced that the Board was going out of Executive Session at 10:28pm.

MOTION: Charly Leavitt motioned to award the available scholarships from the Carleton E. Edwards Scholarship Fund to following students:

- Samuel Brockelbank
- Asa Brum
- Jacob Desjardins

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- Tyler Nadeau
- Jeremy Peavey
- Alan Wardwell

for \$600 each; seconded by Lonnie Taylor.

DISCUSSION: The Board congratulated the students on their achievement and reminded the community that anyone could make a tax deductible donation to an existing fund or create their own..

VOTE: UNANIMOUS APPROVAL (5/0).

8) Adjournment.

MOTION: Lonnie Taylor motioned to adjourn; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno adjourned the meeting at 10:29pm.

Danielle Loring
Recording Secretary

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