



BOARD OF SELECTMEN
Minutes*
January 8, 2013

SELECTMEN'S MEETING

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

Absent: None

Staff: Shana Mueller, Esq., Town Attorney; Chris Hanson, Code Officer; Nathan White, Public Works Director; and Danielle Loring, Recording Secretary.

Other: Joe Kazar, Executive Director MMWAC; Christine France, Co-President of RVL; Sally Holt, RVL Director; Ingo Hartig, Peter Leavitt, Steve Linne, Steve McFarland, Theresa Sadak, and Julie Sutherland.

1) Call to order: Chairman Sam Gifford called the meeting to order at 7:01pm.

2) Minutes of previous meeting dated:

- **December 11, 2012**

MOTION: Mike Reynolds motioned to approve the minutes from the December 11, 2012 meeting; seconded by Joe Bruno.

DISCUSSION: Charly Leavitt wanted to add language under 4a that indicated that he also thanked the tax payers for their support of the Beautification Committee.

VOTE: UNANIMOUS APPROVAL (5/0)

3) New Business.

- a) Executive Session pursuant to 1 MRSA § 405(6)(E): Consultation with CEO and Town Attorney Regarding Pending Land Use Legal Matter**

MOTION: Joe Bruno motioned to go into Executive Session pursuant to 1 MRSA § 405(6)(E) regarding a pending land use legal matter; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Sam Gifford declared that the Board was going into Executive Session at 7:02pm.

MOTION: Joe Bruno motioned to come out of Executive Session; seconded by Lonnie Taylor.

Chairman Sam Gifford announced that the Board was coming out of Executive Session at 7:35pm.

MOTION: Mike Reynolds motioned to allow the CEO along with Town Attorney to enter into a mediation process on a pending land use matter; seconded by Joe Bruno.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

DISCUSSION: None.

VOTE UNANIMOUS APPROVAL (5/0)

b) Consideration of Possible Board of Selectmen Bylaws and Policies Change to Address Correspondence from Town Attorney Regarding Selectmen Use of Public Comment

Chairman Gifford summarized the agenda item based on a Point of Order called at the last meeting. Mrs. Mueller stated the question that was posed to her was whether it was allowed for a board member to speak as a public member. She stated that it was the firm's opinion that such action was confusing to the public and disruptive to the meeting process. She read language that could be used to amend the current bylaws but clarified that the Board member should be allowed to voice their opinion from the table, making comments during the Public Comment section not necessary.

MOTION: Joe Bruno motioned to amend the Bylaws to include the language suggested by the Town attorney; seconded by Lonnie Taylor.

DISCUSSION: Mike Reynolds asked where the new language should go, and Mrs. Mueller stated that it should become its own stand alone item as Section 24

Charly Leavitt explained that the practice had started a year ago and did not feel that it was disruptive or confusing. He explained that it was the chairman on January 10, 2012 who was the one who allowed for him to recuse himself to speak as a public member. He felt that this action was a further limitation of Board member rights. He wanted to know if the public comment session should be treated as an agenda item where there was interaction between the Board and the individuals speaking. Mrs. Mueller stated that she felt that it was a prerogative of the chair.

MOTION: Charly Leavitt motioned to amend the previous motion to codify the Public Comment section of the agenda item; no second.

Joe Bruno stated that the Public Comment section was to introduce an agenda item, not encourage a debate that was not published. He added that the conduct of the Board was dictated by *Robert's Rules of Order*.

Peter Leavitt, 2 Leavitt Road, stated that he felt that over the past year that there had been a concerted effort to silence Selectman Leavitt. He felt that there had been several members who had been disruptive and felt that it was the Chairman's responsibility to control the meeting. He felt that the Selectman Communication portion of the agenda was removed to silence Selectman Leavitt and by limiting the Public Comment section was also in response to Selectman Leavitt's use of the it.

Mr. Bruno responded, that when he was chair, he removed Selectman Comment in order to try and bring civility back to the Board.

Mr. Reynolds addressed, that when he was chair, he did not allow discussion with issues brought up during public comment because he did not feel that it was fair to put staff and the Board members on the spot for items that they had not had time to prepare for. He explained his process of putting items on the agenda and supported Chairman Gifford's decision to not put everything brought forward on the agenda. He continued by adding that he had researched the recusal process and found that it involved removing oneself from an issue that was a conflict of interest. The member could then state their opinion with the issue but then must leave the room for discussion of the item by the rest of the Board.

Steve Linne, 66 Musson Road, stated that he had an issue with the lack of apparent transparency. This was only his perception and it made him cautious of what was going on behind the scenes. He felt that there were others that felt this way as well.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

Theresa Sadak, 387 Webbs Mills Road, felt that items on the agenda were those that were supposed to be addressed 7 days before meeting. She felt that the Public Comment section was being abused to criticize staff members.

Julie Sutherland, 51 Ledge Hill Road, state that she felt that Mr. Leavitt had the right to speak during public comment because of 1st amend rights and as a taxpayer of Raymond.

Mr. Leavitt stated that he agreed with not confusing the public but felt that it was important to preserve the rights of the Board members. He did not feel that the communication channels were being respected and gave examples of items that were not brought forward.

Mr. Bruno explained parliamentary procedure where an item was denied from the agenda, that individual would have to wait until a new Board was elected.

Mr. Willard added that there were times that certain requests made that cannot legally be granted and there were appropriate channels to deal with those issues.

Lonnie Taylor asked for clarification on the proposed language and Mrs. Mueller clarified the recusal issue.

VOTE: MOTION CARRIEDS (4/1[CL])

c) Consideration of Solid Waste/Flow Control Ordinance and Review for Compliance with MMWAC Obligations- Joe Kazar, Executive Director of MMWAC

Executive Director Joe Kazar gave a history of the organization and gave a brief presentation explaining how MMWAC created renewable energy from post consumer waste. He explained all the positive and green initiatives that the plant was taking in creating renewable energy. He explained that the organization was asking for the Town to consider revising the current waste handling agreement in the form of a warrant article for the 2013 Annual Town Meeting. Mr. Willard stated that staff would review the documents and prepare them for the Board to make a decision in the near future.

d) Consideration of Use of Public Property for 2013 Annual Sebago Lake Rotary Club Ice Derbyfest- Ingo Hartig, Derby Organizer

Ingo Hartig, applicant, introduced Steve McFarland, the Derby organizer, and stated that he would explain this year's Derby events. Mr. McFarland introduced the Derby activities and the idea of incorporating a beer tent sponsored by Gritty's. Mr. Bruno wanted to know how much a liquor license would cost and Louise Lester, Town Clerk, explained that it depended on the application and suggested that it would be about \$10.

MOTION: Joe Bruno motioned to approve the application and waive the liquor license fee; seconded by Mike Reynolds.

DISCUSSION: Lonnie Taylor asked why they would waive the fee, and Mr. Bruno responded that it showed support for the function.

VOTE: UNANIMOUS APPROVAL (5/0)

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

e) Pavement Management Presentation- Chairman Rolf Olsen & Nathan White, RISC Members

Rolf Olsen, Chairman of the Road Improvement Study Committee (RISC), started by explaining the purpose of the Committee, which began meeting in early 2012. He started the brief presentation explaining the history and purpose of the Committee. Nathan White, RISC member and Public Works Director, gave an overview of the software that was used and the survey process to collect the data to objectively determine what roads would need to be repaired, as well as estimate the cost of doing so.

Mr. Olsen followed up by explaining the different financial measures that were investigated by the Committee and the which method they were recommending. Mr. Leavitt stated his concerns with bonding, which would include interest, rather than increasing the capital improvement budget. He felt that this presentation was just the beginning step in what should be a much more in depth discussion.

Mr. Olsen stated that he would provide the calculations that he ran to get the projected pay off figures. Mr. Willard explained that this recommendation would be incorporated into the budget process for further discussion.

f) Consideration of Appointment of Registrar of Voters – Louise Lester, Town Clerk

Town Clerk Louise Lester expected that on every even year, the Board needed to appoint a Registrar of Voters and in the past that it had been her, and she was asking that they appoint her again.

MOTION: Joe Bruno motioned to appoint Louise Lester as the Registrar of Voters for the nest two years; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/1)

g) Consideration of Quit Claim Deeds as Submitted by Sue Carr

- **Michael L. & Jennifer M. Whitney**
o Maren Lane, Map 011, Lot 017A

MOTION: Joe Bruno motioned to accept the recommendation for Quit Claim Deed for Michael L. & Jennifer M. Whitney at o Maren Lane, Map 11, Lot 17A; seconded by Mike Reynolds.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

h) Raymond Village Library Update- Selectmen Mike Reynolds

Selectman Mike Reynolds, representative for the Raymond Village, state that there were some changes being made, including the hour of operations on Sundays, which would now be open from 7pm to 5pm. He continued by stating that the capital campaign was not doing so well and introduced members from the Library to elaborate.

Christine France Co-president of RVL, stated that the Annual Appeal letter was sent out in November in order to raise funding for the Library. She explained that the donations provided by the public helped to get books and support that Library in continuing to provide services for the residents and patrons. She stated that every little bit helped and that donations could be made in person, through the mail and online.

Sally Holt, Library Director, explained that a missing wallet was identified because of a library card and felt

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

that it was an important item for everyone to get. She continued by stating that the book barn was going really well and asked for volunteers to come forward and help with projects around the library.

i) Consideration of Amending or Repealing the Conditional Zoning District Outlined in the Land Use Ordinance Under Article 4H.1 – Charles Leavitt, Selectman

Mr. Willard explained the steps taken to make contact with the project applicant and the property owners and that there was no interest in moving forward. He continued that both parties were in favor of repealing the zoning. Chief Bruce Tupper requested that the property owners be contacted concerning the potential of town approaching the Majors to install a public safety tower, which would be a much thinner profile than the proposed cell tower.

There were discussions about what the tower would look like and the possible dimensions of the tower. They also discussed what constructing another radio communication tower would mean regarding the coverage for the area and the existing communication sites.

MOTION: Joe Bruno motioned to table the agenda item; seconded by Lonnie Taylor.

DISCUSSION: Mike Reynolds asked to clarify a point about the tower, but it was explained that there could not be discussion after a motion to table had been made.

VOTE: MOTION CARRIED (3/2 [MR/CL])

4) Old Business

a) Tax Acquired Property Update

Executive Assistant Danielle Loring summarized the Tax Acquired Property process that had been completed and the resulting taxes that were collected as well as properties remaining. She explained that the staff was looking for direction from the Board regarding the remaining properties as well as the properties that were acquired, which included one that the Conservation Commission (RCC) recommended retaining.

MOTION: Joe Bruno motioned to direct the Tax Collector to go after the other two properties, 0 Cobb Road and 9 Peppercorn, but would like to speak with the Raymond Conservation Commission Chairman about the 4 already acquired properties at the next meeting; seconded by Mike Reynolds.

DISCUSSION: Mike Reynolds asked if the properties had been vetted by the RCC, and Mrs. Loring responded that they had not been fully investigated at this time.

VOTE: UNANIMOUS APPROVAL (5/0)

Mrs. Loring asked for clarification regarding the direction of the newly acquired properties, and Mr. Bruno responded that the Board was moving to acquire them, because the RCC could not consider them before they were acquired. Mr. Reynolds added that the previous owner could make arrangements to sell the property or pay off the taxes.

Mr. Leavitt asked that the Board consider institutionalizing the relationship between the RCC and the TAP policy, because it was being done as a courtesy to see if the property had retention value for the Town. Chairman Gifford stated that the Board could address that issue when Mr. Rand came before the Board.

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

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

a) Intersection of Ledge Hill Road and North Raymond Road

Grace Leavitt, 2 Leavitt Road, requested a traffic study for the intersection of Ledge Hill Road and North Raymond Road after an accident that had occurred earlier in the week. She felt that it had been a dangerous intersection for some time that people had learned to deal with and thought that it was time to investigate it. Mr. Willard responded that staff was looking at several options and a request has already been made of the DOT.

Julie Sutherland, 51 Ledge Hill Road, also voiced her concerns with the intersection.

6) Town Manager Report and Communications.

a) RFP for Private Sector Management of Raymond Beach

Mr. Willard stated that the Town was advertising for a private sector manager for Raymond Beach and materials could be viewed online or at the Town Office. He added that the submission deadline was February 22nd.

b) Budget Finance Committee Schedule Online

c) Thin Ice Warning at Fire Department

d) Rabies Clinic January 12, 2013

A Rabies Clinic will be administered by Jordan Bay Veterinarian Hospital at the Raymond Aubuchon Hardware from 12:00pm to 2:00pm for a fee of \$10 per animal for a one-year license. Please bring animals in carriers or leashed for safety reasons.

e) Planning Board Ordinance Public Hearing, January 16, 2013

- Addressing Ordinance of the Raymond Miscellaneous Ordinances
- Article 6, Section D (Reductions from Minimum Setbacks) of the Raymond Land Use Ordinance, and Section 16G (Appeals) of the Raymond Shoreland Zoning Ordinance
- Article 8B (Net Residential Density Calculation) of the Raymond Land Use Ordinance.
- Article 9, Section T (Back Lots and Back Lot Driveways), Article 12 (Applicability and Definition of Terms Used in this Ordinance) of the Raymond Land Use Ordinance, Article 3 (Definitions) of the Raymond Subdivision Ordinance and Raymond Street Ordinance

f) Confirm date for next regular meeting:

- **February 12, 2013**

7) Fiscal Warrants – January 8, 2013

- **Payroll Expense Warrant**

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Warrant, date January 8, 2013, in the amount of \$94887.72; seconded by Joe Bruno.

VOTE: UNANIMOUS APPROVAL (5/0)

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*

- **Treasurer's Warrant**

MOTION: Lonnie Taylor motioned to accept the Treasurer's warrant, dated January 8, 2013, in the amount of \$53761.72; seconded by Joe Bruno.

VOTE: UNANIMOUS APPROVAL (5/0)

8) Adjournment.

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

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Sam Gifford adjourned the meeting at 10:07pm.

Danielle Loring
Recording Secretary

**Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office*