



BOARD OF SELECTMEN

Minutes*
February 12, 2013
7:00 p.m.
Broadcast Studio

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

Absent: None

Staff: Town Manager Don Willard, Fire Chief Bruce Tupper, Code Officer Chris Hanson, Contract Assessor Curt Level, Town Clerk Louise Lester and Recording Secretary Danielle Loring.

Other: RCC Chair John Rand, Leah Stetson & Steve Catir (Healthy Waters Coalition), Larry Wilson, John Gwinn, Emily Figdor, Aaron Annable, Greg Foster, Peter Leavitt and Ted Davis.

1) Call to order: Chairman Sam Gifford called the meeting to order at 7:00pm.

2) Minutes of previous meeting dated:

- **January 8, 2013**

MOTION: Lonnie Taylor motioned to accept the minutes; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

3) Ordinance Public Hearing:

a) Peddlers License

Code Officer Chris Hanson presented the Peddler's Ordinance and the changes that were being proposed.

Chairman Sam Gifford asked for public comment and there was none. He then opened the discussion the the Board for discussion.

Mr. Leavitt wanted clarification for item H, specifically if the town issued a license for public land if it would effect the total number issued, which is two. Mr. Hanson responded that that instance would not effect the two for general purposes.

Mr. Bruno stated that he was pleased to see the changes to the ordinance and felt that they reflected the goals of the Board.

Chairman Gifford closed the public hearing.

MOTION: Joe Bruno motioned to accept the amend the Peddler's Ordinance and send to town meeting; seconded by Charles Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

4) New Business.

a) Consideration of abatements- Curt Lebel, Contract Assessor

Contract Assessor Curt Lebel summarized the abatements that the Board were considering for approval .

MOTION: Charles Leavitt moved to accept the recommendation for map 010, lot 011 for George Bartlett in the amount of \$2,079.03; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Charles Leavitt moved to accept the recommendation for map 010, lot 011c for Wajih & Virginia Yazbeck in the amount of \$825.24; seconded by Joe Bruno.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Mr. Lebel then summarized the abatements that the Selectmen were considering for denial.

MOTION: Joe Bruno motion to accept the assessor's recommendation for map 036, lot 001 for Douglas A. and Susan H. Donahue, Jr., and map 052, lot 040 for Mark Accuosti and Nancy Jedrie; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Mr. Lebel summarized a pending abatement application and explained the circumstances for granting an extension. He wanted to know if the Board was agreeable to allow for an extension. Mr. Gifford asked what would happen if they were to deny the request for an extension, and Mr. Lebel responded that the application would be denied and the applicant could then appeal to the Board of Assessment Review. Mr. Leavitt clarified that the Selectmen could still refuse to hear the application even if they were to grant the extension and Mr. Lebel confirmed that the Board had that option.

MOTION: Charles Leavitt moved to grant the extension; seconded by Joe Bruno.

DISCUSSION: Lonnie Taylor asked if Mr. Lebel was comfortable with the circumstances of the extension and application. Mr. Lebel stated that it was an unusual case, especially since the applicant had not provided the requested information, and it was a sizable request. He added that if the information did not come in soon, then he was going to recommend that it be denied.

MOTION: Joe Bruno moved to amend the motion to include 15 day extension; seconded by Charles Leavitt.

DISCUSSION: Mr. Leavitt clarified that the original time extension was due to the fact that he was not available for March meeting and preferred a March 31st submission deadline for an April 30th decision deadline.

Mr. Bruno stated that he was fine with that amendment to the motion amendment; seconded by Charles Leavitt.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Consideration of Proclamation for Congenital Diaphragmatic Hernia (CDH) Awareness Week in March- Melissa Smith

Chairman Sam Gifford summarized the agenda item and the reason for the request.

Melissa Smith explained the birth defect, Congenital Diaphragmatic Hernia and the effect that it had had on her family. She was seeking to have the Selectmen proclaim March 25th to 31st as Congenital Diaphragmatic Hernia Awareness week to help raise public awareness and gain support for fund raising efforts.

MOTION: Joe Bruno motioned to issue the proclamation; seconded by Lonnie Taylor.

DISCUSSION: Mike Reynolds told Ms. Smith that she did a good job and thanked her for sharing.

VOTE: UNANIMOUS APPROVAL (5/0)

c) Consideration of Appointment of Members to the Raymond Conservation Commission- Louise Lester, Town Clerk

- Leah Stetson
- Steve Catir

Town Clerk Louise Lester explained that the Raymond Conservation Commission has requested that two new members be appointed. Mr. Bruno wanted to know if there were any materials to consider for the new members.

Conservation Commission Chair John Rand explained that the members had been attending for some time and involved with activities, including the next agenda item.

MOTION: Lonnie Taylor motioned to appoint two members to the Conservation Commission: Leah Stetson and Steve Catir; seconded by Mike Reynolds.

DISCUSSION: Joe Bruno asked if there were normally applications submitted. Mr. Taylor felt that it was acceptable because the RCC Chair was vouching for them. Mr. Rand explained that the public was welcome to attend the meetings and be involved. Leah Stetson explained that she had given her application with her resume when she started attending in 2009.

VOTE: UNANIMOUS APPROVAL (5/0)

d) Presentation and Request for Consideration of Oil Tar Sands Resolution- Steve Catir, Healthy Waters Coalition Member

Steven Catir gave the background and the purpose of the Healthy Waters Coalition. He continued by explaining the purpose of the presentation and that the goal was to have the town adopt a local resolution regarding oil spills.

Mr. Catir gave a power point presentation that described the difference between oil sands and petroleum products and referenced the Raymond Comprehensive Plan as protecting aquifers from such activities involving these products. They showed video footage of the Kalamazoo River, where an oil spill had occurred in Michigan. It explained the health issues associated with exposure to oil sands and Mr. Catir followed up by stating that he hoped that the town would take a preemptive stance, rather than a reactive stance.

Mr. Bruno wanted to know why there was sudden concern between the current use and potential future use. Leah Stetson explain that there was evidence that there were applications filed for the pipeline reversal. She mentioned the other towns that had already taken this initiative and explained that the

intention of the resolution was for oil spill guidance.

Mr. Bruno again reiterated that he did not understand why one disaster was worse than the other. Mary Theresa Duffy stated the importance of public awareness, which the resolution would bring about. She explained that oil sand was thicker, had to be hotter to move and contained abrasives. Mr. Bruno asked if the intention was to stop oil transportation all together and Ms. Duffy that it was not but that the community needed to be aware of the potential risks.

Mr. Catir stated that the current technology to respond to an oil spill was not the same as submerged, heavy oil sands.

Mr. Leavitt stated that he felt that it would be useful to have the Resolution in the record and Mr. Bruno stated that they would be attached to the minutes. Mr. Willard added that they were also available online and that they would figure out a way to broadcast them or increase visibility.

- **Presentation on Government of Canada's Perspective on Alberta Oil Sands- Canadian Consul Aaron Annable, Foreign Policy & Diplomacy**

Chairman Gifford asked for unanimous consent for nonresidents to speak and the Board consented.

The Honorable Aaron Annable, Consul of Canada, explained that oil sands had been safely transported safely over the last 30 years. He added that there was no evidence showing that bitumen was more corrosive than other crude oil product. He explained that Canada was a committed partner with the US to find responsible means of energy production.

Mr. Reynolds asked if there was any way that Canada could refine oil sands, rather than transport it south through the pipeline. Mr. Annable responded that he was not aware of it at the time and he addressed Mr. Bruno's previous questions by stating that he did not think that oil sand was anymore likely to have a spill than the currently transported product.

- **Informational Presentation about Portland Pipeline- President & CEO Larry Wilson, Portland Pipeline**

Larry Wilson started by introducing the different people within the community involved within the corporation. He then explained that their corporation had a responsibility to clean up any oil that spilled.

Mr. Reynolds asked for clarification that even though there was proposal for the reversal of the line, were there any permits filed or in the process of being filed to reverse the pipeline. Mr. Wilson responded that there were no permits being filed for the direction of flow, but for upgrading the pumping stations for the potential to reverse the line. He explained that these permits were gotten in the past when the project was first presented and the corporation had tried to maintain them. He added that they could not do the project anytime soon, because they needed to get the infrastructure in place and wait for Canada to have enough to export after their usage.

Mr. Leavitt wanted to know if Imperial oil was a division of Exxon oil, and Mr. Wilson explained that they were share holders and vice versus. Mr. Leavitt then asked that Mr. Wilson define condensate. He responded that it had many forms, but it was not referring to water. He explained that it had many uses and was a lite gasoline like substance.

Mr. Leavitt wanted to know what the corporation was specifically against within the resolution and read excerpts from the resolution that spoke to other state and federal organizations upholding standards. Mr. Wilson explained that the corporation would rather sit down and go over the details of the resolution because, for a heavily regulated field, they did not want to see additional obstacles added.

Mr. Bruno wanted to know if permitting was on federal or state level, and Mr. Wilson replied that it was both, as well as requiring a presidential permit because they cross boarders.

There were continued questions about the relationships and transportation routes of the lines. Mr. Wilson explained that some of the lines come into Montreal and they interconnect and do business with one another as required by law to do business with anyone wishing to do so.

Chairman Sam Gifford allowed for public comment.

Jon Gwinn, pointed out his issues with the resolve because he felt that it was incorrect and misleading. Canada was US's strongest ally and would rather do business with them than the middle east. He felt that Portland Pipeline's record spoke of their precautions.

Tom Harnison, Director of Operations with Portland Pipeline, said that he was responding to the comment made that people do not know that Portland Pipeline was going through Raymond as an indicator that he was doing his job well.

Emily Figdor, Director of Environment Maine, explained that the oil sands were a very different product and had been shown to be three times more likely to spill. In the Kalamazoo incident report, it spoke of the failures in the Federal Government system in regulating these companies.

Dave Cyr, Secretary-Treasurer of Portland Pipeline stated that he would like to see some of the references presented by Portland Pipeline in their presentation to be available on the Raymond Conservation web page in order to give a more balanced approach to the information available to the public. He added that he would like to see the matter tabled.

Elliot Stanley, Board member of Sebago Lake Anglers Society, explained that a resolution was passed in Casco and explained that the interests of Sebago Lake needed to be protected, as it traveled down the Crooked River into other communities.

Ann Thomas, Raymond Resident and South Portland, stated that she was concerned about the future of her property and was confused by the mixed messages from the presenters. She explained that her neighbors were upset because the meeting was at a time when others were not able to present because they were seasonal.

Peter Leavitt, 2 Leavitt Road, stated that he felt that the resolution was a political tool and did not think that they should get involved.

Mr. Bruno stated that, as a resident, he understood the consequences that a spill would cause but also sees the benefit that working with Canada could be. He agreed with Mr. Leavitt that it was a political document and would like to see it more balanced. He added that the company had a good track record that spoke for itself.

Selectman Leavitt asked for clarification about the "whereas" statements within the resolution, because he understood that the "whereas" portion could be approved and resolution passed with certain changes to the language. He was not concerned with the direction that other communities were taking but was interested looking out for the future of Raymond as a water-based community.

MOTION: Charles Leavitt motioned that the board pass the resolves without the preambles, to give the opportunity discuss the science; no second.

MOTION LOST

MOTION: Joe Bruno motion to table; seconded by Lonnie Taylor.

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

Mr. Leavitt called a Point of Order because there was no question on the table. Chairman Gifford denied the Point of Order. Mr. Bruno explained that there was an item that was up for consideration.

e) Conservation Commission Tax Acquired Property (TAP) Recommendation- Chairman John Rand, Raymond Conservation Commission

Mr. Rand explained that the reason that the Conservation Commission had chosen to retain the specific tax acquired property in question was because that property had special features. In particular, it was a portion of undeveloped land within a highly developed area with well points and natural aquifers. He indicated that studies have shown that when over 10% of impervious surface within a particular area with those characteristics, there will be water quality impacts, and this area was showing signs of such impacts

Mr. Bruno wanted to know what the role of the Conservation Commission would be if the property were retained. Mr. Rand explained that they would look for a local stewardship that would oversee the property. He explained that if they were not looking to retain, the first option could be to sell the land as an unbuildable lot to serve as a buffer but at a steep discount.

Mr. Leavitt wanted to know if the property had a right of way to Crescent Lake, and Mr. Rand confirmed. Mr. Leavitt wanted to know if there would be negative impacts if cars were able to use it for parking. Mr. Rand responded that it could be used for parking but that gravel could have more runoff and such use would be contrary to intent.

There were discussions regarding the right of ways and possible ways to limit them from allowing public access. The Board members agreed that they wanted them investigated to see how they were written and where they existed and find out if there was any way of limiting or removing them, if need be.

Mr. Leavitt stated that he would like to formalize the relationship and integrate the Conservations role within the Tax Acquire Property Policy.

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

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

f) Consideration of Forest Management Contract with Forester Greg Foster, Timberstate G- Board of Selectmen

Forester Greg Foster, Timberstate G, explained that he had completed a growth management plan for the town as part of a grant and that he had worked with the town's attorney to create a contract that worked for both parties.

MOTION: Joe Bruno motioned to accept the contract put forth; seconded by Lonnie Taylor.

DISCUSSION: Charles Leavitt wanted to clarify some points in the contract. First, Mr. Foster would start marking the wood lot with 18 months to finish the process, with a possible extension from the Board and Mr. Foster confirmed. Then Mr. Leavitt asked if he would be bidding the work out and act as the general contractor, and Mr. Foster corrected him and stated that he would work as an agent to put the wood out to bid for the town with their best interest in mind.

Mr. Bruno asked if Mr. Foster would put out the RFP for the job and then bring forward the recommendations, and Mr. Foster confirmed.

Mr. Leavitt then clarified that the funds would go to Mr. Foster after the sale and he would then deduct his fees and turn over the remainder to the town, and Mr. Foster confirmed.

Mr. Taylor pointed out a typo in his company's name.

VOTE: UNANIMOUS APPROVAL (5/0)

Mr. Leavitt made a request to the chair to move agenda items for the day and Chairman Sam Gifford

allowed for Old Business to be taken out of order.

****5) Old Business**

Consideration of Amending or Repealing the Conditional Zoning District Outlined in the Land Use Ordinance Under Article 4H.1 – Board of Selectmen

MOTION: Joe Bruno motioned to schedule a dual public hearing with Board of Selectmen and Planning Board to repeal the conditional zoning district; seconded by Charly Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

MOTION: Charles Leavitt moved to postpone to the next meeting items g,h, & i; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

g) Consideration of Appointment of Member and Alternate to Portland Area Comprehensive Transportation System (PACTS) Policy Committee and Executive Committee- Board of Selectmen

h) Consideration and Approval of Planning Board Warrants for 2013 Annual Town Meeting- Board of Selectmen

i) Consideration of Zoning Board of Appeals Request for the Resignation of Member- Danielle Loring, Zoning Board Secretary

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

MOTION: Joe Bruno motioned to approve the Quit Claim Deed for Ernest J. and Shirley A. Fielder for map 066, lot 035, located at 42 Whittemore Cove Road; seconded by Charles Leavitt.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

k) Consideration of Frye Island Certificate of Notice- Danielle Loring, Planning Board Secretary

MOTION: Joe Bruno motioned to accept the staff recommendation of notice; seconded by Lonnie Taylor.

DISCUSSION: Mr. Reynolds wanted to know why they were filing this certificate, and Mrs. Loring responded that was an optional measure to better solidify the process that they were using to notify abutters under the ordinance.

VOTE: UNANIMOUS APPROVAL (5/0)

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

Ted Davis, Sebago

Mr. Davis stated that he would like to be on agenda next month concerning a resolution.

Peter Leavitt, 2 Leavitt Road

Mr. Leavitt thanked the parliamentarian is doing an excellent job. He would like to recommend that the parliamentarian should sit next to chair to better improve his role in guiding him. He would like the board to discuss whether it is appropriate for a chair to be the parliamentarian as well. He felt that this was a matter of transparency. Selectman Leavitt asked Mr. Leavitt if there was a history of the chair serving as both on that board, and he responded that there was.

7) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

- **March 5, 2013**

b) Raymond Beautification Committee Seeking Volunteer Coordinator for Raymond Beach.

- Contact Town Clerk or see website for details.

c) Seeking Proposals for a Private Sector Manager at Raymond Beach.

- Proposals are due February 22nd and submission materials and information is available at Town Office or on the website.

d) Scholarship applications are being accepted.

- Applications are available at the Town Office or the website.
- Submission deadline is April 30, 2013.

e) Compost Bins are for sale

- More information and order forms available on the website or at Town Office.
- Deadline to order is April 20, 2013.

8) Fiscal Warrants – February 12, 2013

- **Payroll Expense Summary Warrant**

MOTION: Lonnie Taylor motioned to accept the Payroll Expense Summary, dated February 12, 2013, in the amount of \$119,560.53; seconded by Joe Bruno.

VOTE: UNANIMOUS APPROVAL (5/0)

- **Treasurer's Warrant**

MOTION: Lonnie Taylor motioned to accept the Treasurer's Warrant, dated February 12, 2013, in the amount of \$146,829.99; seconded by Joe Bruno.

VOTE: UNANIMOUS APPROVAL (5/0)

9) Adjournment.

MOTION: Lonnie Taylor motioned to adjourn; seconded by Joe Bruno.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Sam Gifford adjourned the meeting at 10:06pm.

Danielle Loring
Recording Secretary