



**BOARD OF SELECTMEN
Minutes**

April 9, 2019

6:00pm – Executive Session
6:30pm – Regular Meeting

Broadcast Studio
423 Webbs Mills Road

Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

Select Board members in attendance: Teresa Sadak, Rolf Olsen, Marshall Bullock, Lawrence Taylor, Samuel Gifford

Select Board members absent: none

Town Staff in attendance:

Don Willard – Town Manager
Bruce Tupper – Fire Chief
Nathan White – Public Works Director

1) **Called to order** at 6:00pm by Chair Sadak.

2) **Executive Session**

a) Consideration of New Public Safety Union Contract (Pursuant to MRSA 1 §405 (6)(D))

Motion to enter executive session as noted above by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved

Motion to leave executive session by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved

Motion to accept the Public Safety Union Contract by Selectman Olsen. Seconded by Selectman Gifford.

Unanimously approved

3) Minutes of previous meetings

a) March 19, 2019

Motion to approve as presented by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved

4) Public Hearing

a) Ordinance Changes Proposed by the Planning Board for Town Warrant – Scott Dvorak, Code Enforcement Officer

Public Hearing declared open by Chair Sadak

CEO Dvorak – Some of the changes are simple typos and corrections, some are to get us up-to-date with DEP, and some are pertaining to Type 1 Manufactured Housing (*aka: mobile homes, trailers*) in the Shoreland Zoning.

Chair Sadak – If someone moves a home to another location and we do not do an inspection at the new location. Do we need to add something for this?

CEO Dvorak – I would still require that all connections be inspected. I can not withhold a Certificate of Occupancy, but I would perform a walk thru.

Public Hearing declared closed by Chair Sadak

Motion to approve Article 2 as written by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved

Motion to approve Article 3 as written by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved

Motion to approve Article 4 as written by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved

Motion to approve Article 5 as written by Selectman Olsen. Seconded by Selectman Bullock.

Unanimously approved

Motion to approve Article 6 as written by Selectman Olsen. Seconded by Selectman Gifford.

Unanimously approved

5) New Business

a) Discussion of Private Section of Gore Road and Consideration of a Town Meeting Warrant Article – Teresa Sadak, Chair

Chair Sadak – Thank you all for coming out tonight. We all realize that Gore Road is bad. This has been going on for a long time and tonight we are here to move forward. I want to acknowledge Dave Getchell and Jennifer White of Little Sebago Lodges, Deer Acres, Sharon Young (lives on Little Sebago and is on the Gray Town Council). We have been working on this and it seems that the doors are opening to come to a resolution. And a huge “thank you” to Nathan, Don, Steve LaValle and Deb Cabana.

Town Manager Willard – This has a very long history. It was the first issue that I was confronted with when I arrived 19 years ago. Since that time, we have had multiple complaints and have tried to come up with innovative solutions unsuccessfully. Nathan came up with the notion that we could come up with a quid pro quo with Gray. We sat down with the Town Manager to discuss the points of issue important to each side. One for the Town of Raymond is the fact that this is a private roadway. We have over 250 miles of private roads, so we have to be very careful how we proceed. We do understand the uniqueness of this private road spanning a public road in Raymond to roads in Gray. We also know that we need to do this in a revenue neutral way as it is against the law for a Town to put taxpayer monies into a private road. So, then we began to talk about more practical things like how much is it going to cost. Nathan looked at the 1,246’ of road and came up with a conservative estimate of \$108,000. On top of that there would be surveying and deed work. Raymond is interested in some Public Works equipment that is owned by the Town of Gray. We proposed to buy the equipment and then Gray could donate the money to Raymond for this project, but it was found that Gray could not do that. They can give us the equipment and we can take the money that we would have paid Gray for the equipment and put it toward the project. The project would be led by Raymond and Gray would assist where they could. Other considerations are below:

Source	\$	Description	In Kind Work	In Kind Plowing
Gray Residents & Road Associations	\$25,000			
Raymond Residents along section of Gore Road in question	\$9,500	Includes deed work and their contribution to the project		
Town of Gray		Public Works equipment donation - Truck Lifts & 2010 Volvo Dump Truck - valued at \$67,500	Public Works Labor - to assist Raymond Public Works	Plowing - North Raymond Road from the Gray town line to Pond Road in Raymond - 1.4 miles in perpetuity
Town of Raymond	\$67,500	Money planned to purchase Gray's Truck Lifts and 2010 Volvo Dump Truck	Public Works Labor	Plowing - Lyons Point Road (extension of Brown Road) public section 1.3 miles and Gore Road .7 miles in perpetuity
TOTAL	\$102,000			

Public Works Director White – If we change the scope of work a bit, we should come in at about \$96,000.

Chair Sadak – We have been talking to the attorneys to see what we need to do. We want to do it this year, so we will be knocking on doors or whatever needs to be done. There are a couple of steps that needs to be taken. We will need a petition, that we will have drawn up legally, that everyone will need to sign stating that they agree with deeding over their rights to the road and paying their share of the \$9,500. We also need deed descriptions changed so the Town controls from the center of the road.

Public Works Director White – Typically we have 3 rod roads, which is 48'. This means that the Town owns 24' on either side of the center line.

Chair Sadak – The attorney said that the money needs to be collected and put into an escrow account. We will be drawing up Promissory Notes for each land owner to sign which will have a couple of options for paying their share. If they are not paid the Town will put a lien on the property. The Town still needs to approve this at Town Meeting, and the road associations in Gray will be meeting to vote on this in May. This is a big issue and we seem to have all involved on board.

Selectman Bullock – Will there be Quit Claim Deeds for the 48' or will this be a right-of-way?

Public Works Director – The Town does not own the roads, they all set in rights-of-way. We will have an obligation and a right-of-way across it.

Selectman Bullock – The other question I have is Promissory Notes. These will be signed by the current property owners, but do they flow to the property?

Town Manager Willard – Yes.

Selectman Bullock – So if the property owner signs and then sells 2 days from then, the Promissory Note stays with the property?

Town Manager Willard – Yes.

Chair Sadak – There are a couple of options on the fees. There will be a charge for the deed work.

Town Manager Willard – I think it was Rolf got quotes of between \$250 and \$300. I have not heard back with a quote from our Town Attorney. I did receive information from Gray pertaining to the section of Gore Road that they acquired.

Selectman Bullock – Do the land owners on this section of Gore Road have a deed to the right-of-way for the road?

Chair Sadak – We went way back and did not find any. We will move forward from here.

Public Works Director White – That is where the pricing for the deed work will vary. Some of the deeds are more recent and have good descriptions and others are terrible.

Chair Sadak – Where does the private section start?

Public Works Director White – About 20' past Dolimount Road.

Chair Sadak – I count 14 owners. There are a couple of people who in behind and use the road even though they do not have road frontage.

Town Manager Willard – In fairness, it needs to be back lots as well as abutters.

Public Works Director White – The back lots should have an easement.

Chair Sadak – If we are asking Deer Acres and Little Sebago, then we should ask all of these people to contribute as well.

Town Manager Willard – Only the abutters will have the deed piece.

Paul Doyle – You say that this situation is really unique. What do you mean by that?

Town Manager Willard – You have a private road sandwiched between 2 Town roads in 2 different towns.

Public Works Director White – All of our other private roads start at a Town road and dead end.

Mr Doyle – Why is it that Gray took care of their end and we are doing this. Years ago, they were granted that right-of-way, the people of the association were granted the right-of-way and they were to maintain that roadway.

Chair Sadak – From doing research it has been difficult to ascertain who has done what. My concern is there is so much mixed back history. I would like to move forward, how can we fix this.

Public Works Director White – Kaela (*Kaela Gonzalez, Assessing Assistant*) pulled deeds for a number of properties down there and nothing was consistent.

Mr Doyle – My mother (it is her property) struggles with the idea for paying for the deeds to be adjusted and thinks the \$500 is just ridiculous. I am seeing how bad the road is, but I still have a problem with the money to change the deeds.

Town Manger Willard – Any time you live on a private road you have either an association or an assessment to contribute each year to road maintenance. If they have not been doing that for 20 or 30 years, there is your \$500 and then some.

Chair Sadak – We are asking that each owner pay \$500 plus the attorney fees to change your own deed at around \$250.

Mr Doyle – So, you are talking about an additional \$250.

Chair Sadak – That is why we are coming up with a Promissory Note so you would not need to come up with it all at once. We also have people on the Gray side saying that they will help with the cost.

Town Manager Willard – There is the issue of the development that has happened in Gray. The road could be a liability. It is not a liability I would want to have I would want it taken care of.

Chair Sadak – It is my understanding that there is another sub-division going in down there, too.

Mr Doyle – You already said this is not going to be fixed this year.

Public Works Director White – If all of the paperwork gets done before Town Meeting and it is approved at Town Meeting, then it will be the project worked on in FY2019-2020.

Chair Sadak – We have to have the papers in by a certain deadline for Town Meeting, April 23, 2019. This is when we approve the Town Meeting warrant.

Selectman Bullock – As a previous banker, if I were in the market to sell a property down there, I would want the deed as clean as possible. Some of these you would have difficulty the way they are worded.

Town Manager Willard – Also, I would want a nice public road in front of it.

James Anderson – If we are going to make exceptions for people in back lots, this gentleman does not even drive on this section. He just owns property on it.

Public Works Director White – His driveway access is on Dolimount Road. It is the corner lot of Dolimount and Gore Road. His deed would need to change.

Chair Sadak – We have a price of \$96,000. Gray is giving \$67,500 and the people in Gray will be paying \$25,000.

Town Manager Willard – We are trying to be fair to all involved and be creative in how we resolve it.

Ken Berry – I just moved in. Will our contribution change based on the scope of the project?

Chair Sadak – If everyone on the Gray side is contributing, I think that the residents along this section in Raymond should contribute as well.

Mr Berry – I do not disagree with that at all. I am wondering if the \$500 will be all that is requested of us or will it change if the project goes longer than anticipated.

Public Works Director White – I fatten up the estimate this time of year because I can not see everything I need to. I have enough time in there that I think I am covered on anything. I am going by what Gray ran into and what I have seen. I have estimated 250 yards of gravel we may not need that much. I am confident that we will come in at the \$96,000 number that we have.

Mr Berry – That is good. I know we do not know until you get in there.

Town Manager Willard – The intention is for this to be a one-time contribution.

Mr Berry – I am not opposed to the \$500 contribution whatsoever.

Selectman Bullock – When you bought the house, did you take title insurance on the property?

Mr Berry – Yes. I found out about this the day after we closed when I met Bob King. I agree that we need to just move forward. There are often car parts in the road.

There was some discussion made without people going to the microphone.

Selectman Olsen – You are on a private road. This is a chance to get out from under that now. If you don't, and everyone walks away from this, what is your liability?

Mr Berry – That is my concern. Especially with Gray expanding in that area. I am for the contribution as long as we know what that contribution will be.

Chair Sadak – We are trying to get the best price for the legal to change the deeds. My worry is if we don't do something now, these doors may not open again.

Bob King – Mr Bullock, can we go back on our title insurance?

Selectman Bullock – I am not an attorney.

Selectman Olsen – You would need to go back to the holder of the insurance.

Selectman Bullock – I asked that question because the regulations have changed and anyone may want to look at this.

Mr King – Did we get a clarification on contribution for back lots?

Town Manager Willard - \$500 for back lots, \$500 plus title fees for abutters, title fees

only for the lot with only road frontage.

Selectman Bullock – Has anyone opened the door with CMP yet?

Town Manager Willard – I have made 6 calls thus far and my municipal street light person said she would try to get me an answer. It appears that they will participate.

Mr King – CMP has a pole line through there, would that need to be part of the right-of-way?

Public Works Director – That would be a part of each deed.

Wendy McEnroe – I looked at my deed and I do have title insurance. Do I call them?

Selectman Bullock – The reason I asked that question is the title insurance would delineate the boundaries.

Ms McEnroe – Will the road be brought up to DOT standards, will I need to pay \$500 a year?

Selectman Olsen – No, because now it would be a town road.

Ms McEnroe – I don't understand why that little chunk is private. You have nothing to show that it is private already.

Chair Sadak – We have nothing to show it is public.

Town Manager Willard – I would check with my attorney, my title insurance company to see if there is any relief they can give you. We have no record of acceptance of this as a public road. (*NOTE: It requires a Town Meeting vote to make a road a public road.*) Until such a record is brought forth, it will remain a private road.

Ms McEnroe – I don't understand that.

Public Works Director White – We found record of where Gore Road was turned over from the County to the Town and it distinguishes the end is where it turns off to Dolimount Road (which used to be Naples Road).

Ms McEnroe – Who originally paved that road?

Public Works Director White – Probably the association. When I first started here in the early 1990s the association paved from Dolimount Road down.

David Getchell, Vice-president of Little Sebago Lodges Association – in 1999-2000 our association paved the section in Raymond and Gray because it was in such horrible condition. That was our \$25,000 contribution to that. I am very happy that this is going forward and in the manner that it is. As you know, we tried a secession movement to join Raymond, we would still like to do that someday, it is a small price to pay when people look at the damage to their vehicles. The other consideration is the damage to Public Safety vehicles that need to use this section of road. Our association will do what we can. The school bus goes down there as well.

Chair Sadak – What is the consensus of those here? Are you willing to go forward?

Someone from the audience – What are the next steps?

Chair Sadak – We would vote tonight to move forward. We would get the documents from the Town attorney for an agreement, petition, and promissory notes for all of the people involved to sign.

Selectman Olsen – Then the deed changes must be done. Then we go to Town Meeting to ask the Town if they want to take on this section of Gore Road as a public road.

Chair Sadak – The deed changes will happen after Town Meeting.

Mr King – Where is the center of the road?

Public Works Director White – When it is surveyed, they will square it up and we will mark it so when it is paved it will be back where it was, it will stay within that right-of-way.

Chair Sadak – We have to have certain things in place to take this to Town Meeting.

Mr Doyle – I have a garage. I measured from the right-of-way and it is 25' from the right-of-way.

Selectman Bullock – I think you would be grandfathered.

Selectman Taylor – It does mean that 10' or 15' of their current lawns will now be in the right-of-way. Will this make any of the lots too small based on the current Land Use Ordinance?

Public Works Director White – We are not going to own that piece of property. We will have the right-of-way to maintain that section.

All of the residents present raised their hands that they wanted to move forward. There was some more discussion from the floor, not at the microphone.

Mr Berry – We called the title company and they told us that we lived on a public road.

Chair Sadak – I would like to see what they have as proof that it is a public road. The next step is for us to vote to start this process. Then there would be an agreement, petition, and promissory notes. There will be a couple of options for payment.

Sharon Young – I am a Notary and live in the neighborhood if anyone needs me.

Motion to proceed as outlined in the notes by Town Manager Willard (included in the table above) to make Gore Road a public road instead of a private road subject to the terms and conditions set out by the Town Attorney by Selectman Bullock. Seconded by Selectman Taylor.

Unanimously approved

Town Manager Willard – I would like to thank Gray and their residents for their cooperation in this. Deb Cabana, Gray Town Manager, is hopeful that this will be resolved in her “municipal lifetime” so let’s hope that is true.

Chair Sadak – The next thing is that Little Sebago Association will be holding a vote on May 16th. If they vote not to participate, we will need to remove the warrant article and not proceed. Everyone be sure that you come out to Town Meeting to vote on June 4th at Jordan Small Middle School at 6:00pm.

b) Renewal of Fisherman’s Catch Liquor License – Sue Look, Town Clerk

Bill Coppersmith (owner of Fisherman’s Catch) is still working with the Fire Alarm company to resolve an issue and he is purchasing a replacement fire extinguisher. Once these are complete the Fire Inspection will be completed.

Motion to approve the liquor license renewal for Fisherman’s Catch contingent upon a favorable, complete Fire Inspection by Selectman Taylor. Seconded by Selectman Bullock.

Unanimously approved

c) County Tax Assessment – Sue Look, Town Clerk

Motion to approve for a total of \$788,378 by Selectman Gifford. Seconded by Chair Sadak.

Voted 4-1, passed

d) Discussion of Provider Agencies Warrant Article – Teresa Sadak, Chair

Selectman Olsen – My thought is to authorize the Town Manager to spend up to \$2,000 to work with the provider agencies and if he deems it necessary to give them monies from this pool. Don has always done an excellent job in getting us more for our money and I think he is going to be able to prioritize this for us.

Chair Sadak – Don interacts with the people and knows more of the needs. SMAA and RTP would go to Don to work with them. One of his worries is what if he choses someone we do not like.

Selectman Bullock – My concern is having Don be the sole decider on this. I don't want someone coming in yelling at him because he made a choice. My idea is that Don would choose a Selectman and a member of the Budget-Finance Committee so there would be 3 people deciding how to best spend this money.

Selectman Olsen – I really want Don to be the point guy. I do not want to set up another committee.

Selectman Bullock – I don't want a committee, just people he calls to ask.

Selectman Olsen – If he feels that it is valid, then I think we need to listen to him as well.

Town Manager Willard – Whenever there is opportunity to be insulated it is good. Based on the conversation you have just had, I am fine, I can handle it.

Selectman Bullock – The other comment I have is whatever is in the TIF stays there.

Selectman Olsen – This is for other opportunities that are not included in the TIF.

Motion to move the concept of the Provider Agency Warrant Article which would authorize the Town Manager to expend up to \$2,000 for provider agencies and would go to a warrant article for Town Meeting by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved

e) GA Confidentiality Policy – Sue Look, Town Clerk

Town Manager Willard – Since Alice Hamilton retired, I have taken on the GA responsibilities and Sue Look has taken on the organization and State reporting aspects. Is so doing, she found a confidentiality policy that had never been enacted.

Motion to approve as presented by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved

f) RSU #14 Withdrawal Committee Update – Rolf Olsen, Chairman

Selectman Olsen – We have completed the draft of the withdrawal agreement and it has been presented to the Superintendent and Assistant Superintendent. We are awaiting their response. We do have the upcoming meeting on May 28th. At that meeting we will be beginning to put together sub-committees. Please go to the town website and fill out an application.

6) **Public Comment** – none

7) **Selectman Comment** – none

8) **Town Manager's Report and Communications**

a) **Confirm Dates for Upcoming Regular Meetings**

- May 14, 2019
- June 18, 2019

b) **Reminder of Budget Schedule**

- April 23, 2019 – Warrant Article review & approval
- April 30, 2019 – Budget-Finance Committee vote on recommendations for each budget warrant article
- June 4, 2019 – Annual Town Meeting at 6:00pm at JSMS

c) **Reminder of Upcoming Holiday Schedule**

- Monday, April 15th – Patriot's Day

9) **Treasurer's Warrant**

Motion to approve Treasurer's Warrant for a total of \$96,831.21 by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved

10) **Adjournment**

Motion to adjourn at 8:07pm by Selectman Bullock. Seconded by Selectman Taylor.

Unanimously approved

Respectfully submitted,

Susan L Look, Town Clerk