



**SELECT BOARD  
Minutes**

**April 4, 2024 – CANCELLED DUE TO  
STORM**

**RESCHEDULED TO April 8, 2024**

5:30pm – Regular Meeting

At Broadcast Studio &  
Via Zoom & on YouTube

*Resolution: We, the Raymond Select Board, 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:** Joe Bruno – Chair, Rolf Olsen – Vice Chair, Teresa Sadak, Derek Ray  
Absent: Samuel Gifford

**Town Staff in attendance:**

Sue Look – Town Manager  
Melanie Fernald – Town Clerk  
Nathan White – Public Works Director  
Charisse Keach – Finance Director  
Bruce Tupper – Fire Chief  
Wayne Jones - Fire Inspector  
Chris Hanson – Interim Code Enforcement Officer

1) **Called regular meeting to order** at 5:31pm by Chair Bruno with a quorum present

2) **Minutes of previous meetings**

a) March 25, 2024

**Motion** to approve as presented by Select Olsen. Seconded by Select Sadak.

**Unanimously approved**

3) **\*Executive Session(s)**

a) Discussion of Code Enforcement with Attorney – pursuant to 1 MRSA §405 (6) (E)

**Motion** to enter executive session at 5:31pm as noted above by Select Sadak.  
Seconded by Select Ray.

**Unanimously approved**

**Motion** to leave executive session at 5:47pm by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

Attorney Eric Wycoff described the Settlement Agreement with Management Controls, LLC, Q-Team, Inc., Durant Excavating, LLC, Big Lake Marine, LLC, and Robert

Durant. A copy of the agreement in its entirety is posted on the Town's website. Q-Team agrees to pay the Town \$10,000 in penalties and the Town's lawsuit and claims against them will be dismissed. Management Controls, Robert Durant, Durant Excavating and Big Lake Marine will be jointly and severally liable for restoring the sites, in accordance with the restoration plan that was approved by the Maine Department of Environmental Protection and which the Town has agreed to. That restoration will be completed by October 31, 2025 (or October 31, 2026 if the Durant parties do not perform the restoration work). The parties have agreed to engage with a third-party Engineer to keep track of the restoration and to ensure that the work complies with the approved plan. The Management Controls and Durant parties have also agreed to be jointly and severally responsible to pay the Town a total of \$640,000 which will allow the Town to recover attorney's fees and the costs that it has incurred in connection with enforcement issues, which Maine statutes don't permit.

Chair Bruno recapped: \$540,000 will be paid by June 15, 2024 with the remaining \$100,000 to be paid by October 31, 2024. Q-Team will pay \$10,000 by April 15, 2024. As close to full restoration of the properties as possible, over the next two years. There are also penalties for non-performance of up to \$2,500/day.

#### 4) New Business

- a) \*Consideration of Approval of Settlement Agreement with Management Controls, LLC, Q-Team, Inc., Durant Excavating, LLC, Big Lake Marine, LLC, and Robert Durant

To resolve notices of violation relating to land use violations at 18 Fernwood Road that were issued to Management Controls on December 16, 2021, to Durant Excavating on December 21, 2021, to Q-Team on January 25, 2022, to Big Lake Marine on March 10, 2022, and to Durant, d/b/a "Big Lake Marine Construction," on March 10, 2022; and to resolve notices of violations relating to land use violations at 28 Whitetail Lane that were issued to Management Controls on January 28, 2022, to Durant Excavating in January 28, 2022, to Big Lake Marine on March 10, 2022, and to Durant, d/b/a "Big Lake Marine Construction," on March 10, 2022.

**Motion** to approve the Settlement Agreement with Management Controls, LLC, Q-Team, Inc., Durant Excavating, LLC, Big Lake Marine, LLC, and Robert Durant as presented and authorize the Town Manager to sign by Select Olsen. Seconded by Select Sadak.

#### **Discussion:**

Denis Morse, 340 Cape Road – asked about the fees; how much of the amount to be collected is penalty? Chair Bruno clarified that it depends on how you look at it. Restoration of the property is the biggest cost to the parties; these fees allow the Town to recover all the attorney's fees associated with the matter.

Peter Leavitt, 2 Leavitt Road – complimented everyone involved. Similar to the last question, he thinks we should send a message, put a name on it; use this situation as an example of what happens when Codes are violated. Chair Bruno summarized the breakdown as \$440,000 in recoverable attorney fees and a \$200,000 fine.

Chris Hanson spoke to those who had wished for higher fines on this matter. There are no guarantees on a judge ruling for recouperation of attorney fees. A straight-forward case in the past was ruled that the violation was to be corrected, but the Town was still out the attorney fees. This was the safest route for the Town to take.

Chair Bruno pointed out that the Mediator highly recommended that the Town resolve

the issue this way, because it could be dragged out for another few years and we may not recover this amount.

**Unanimously approved**

- b) Consideration of New Business License Application – Jennifer Gillies, owner of Thrive Medical Aesthetics & Wellness

Chair Bruno asked Wayne Jones, Fire Inspector, about any deficiencies. Violations are being handled/improved. The annual fire alarm inspection expires on the 2<sup>nd</sup>, they have an appointment scheduled for June 3<sup>rd</sup>. The other item is the treatment of the materials in the exit passageway to reduce their combustibility. His recommendation is that the Select Board approve the license conditional on the successful fire alarm test and treating the materials in the exit passageway and waiting area.

The full building has one fire alarm which signals for the entire building.

**Motion** to approve conditionally by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

- c) Consideration of Appointment of New Town Clerk/Registrar – Sue Look, Town Manager

Melanie Fernald has accepted the position and comes to us as a Certified Clerk of Maine. She has been an Assistant & Deputy City Clerk of Westbrook, is originally from Westbrook and currently resides in Gorham. Her family has a place on Crescent Lake.

Mrs Look noted that she's excited about filling this position. There are differences in the forms of government in a City like Westbrook and a Town like Raymond, so there will be a lot to learn.

Ms. Fernald is excited to take the next step in her career and is grateful that Raymond is where the next step has led her. Grew up summering on Crescent Lake, so this community is special to her.

**Motion** to appoint Melanie Fernald as Registrar of Voters for Raymond by Select Sadak. Seconded by Select Ray.

**Motion** to appoint Melanie Fernald as Raymond Town Clerk by Select Sadak. Seconded by Select Ray.

**Unanimously approved**

- d) Consideration of Using TIF Funds and/or Bonding for Municipal Fiber Ring (Broadband) – Sue Look, Town Manager

Mrs. Look mentioned that the Town's attorney said TIF money can be used to pay for Broadband – but the way the TIF is written, we can only use monies for the portion within the TIF district itself. That would only cover a small percentage of the whole project's expenses. To change the wording of the TIF, so it could cover the whole cost, we would need to vote at a Special Town Meeting. We can bond but cannot use a tax-exempt bond; it would have to be a taxable bond. The Town does not pay the taxes on that, but the one issuing the bond does. They pass along the cost of those fees in the form of a higher interest rate.

Chair Bruno asked Cherisse to speak on how much CIP money is available to help cover the cost of the project: \$363,000. The total cost of the project is \$805,000.

Discussion about whether to pull the article about Bonding the cost from the current Warrant and hold a Special Town Meeting in early May to change the wording of the TIF so it would allow the TIF funds to cover the costs. Chair Bruno and Mr. Olsen suggested to leave the bond item on the warrant for the June Annual Town Meeting, and to additionally hold a Special Town Meeting in May on the rewording of the TIF to allow the use of that money to cover the cost outside the TIF district. Keeping both options open will allow a choice of the better option.

**By consensus** item approved to remain on the warrant for bonding and to set a Special Town Meeting for May 7, 2024 to vote on rewording the TIF to allow monies to be used to fund the broadband project outside of the TIF district

e) Consideration of Recommendations for Ordinance Change Annual Town Meeting Warrant Articles – Select Board

**ARTICLE 28: Referendum Question Z:** Shall the Building Construction Ordinance be adopted as in Addendum 2?

*(A copy of the full text of the proposed new ordinance is available for review and inspection at the Town Clerk's Office, on the Town's website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 28

Select Board recommends/does not recommend Article 28

*Summary of Changes:*

*This newly adopted ordinance would organize the existing enforced codes required by State law, with the intent of making the information easier to find for the general public, designers, engineers, etc.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

**ARTICLE 29: Referendum Question AA:** Shall § 300-9.26. – Accessory Dwelling Units, and § 300-9.12.2. – Terms Defined, of the Land Use Ordinance, as adopted May 21, 1994, and amended through June 13, 2023; and § 350-6.27. – Accessory Dwelling Units, and § 350-8.2. – Terms Defined, of the Shoreland Zoning Ordinance, as adopted May 21, 1994, and amended through June 13, 2023, be further amended by adding the underscored language and removing the language in strikeout text as in Addendum 3?

*(A copy of the full text of the proposed change is available for review and inspection at the Town Clerk's Office, on the Town's website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 29

Select Board recommends/does not recommend Article 29

*Summary of Changes:*

*The proposed amendment is necessary in order to maintain consistency with the new Accessory Dwelling Unit (ADU) law contained within LD 2003, 30-A M.R.S.A. § 4364-B. Additional changes are proposed, which will relax the current rules in place and allow for ADUs in parts of the shoreland zone where they are not currently allowed. Also included is an increase to the allowed square footage for an accessory dwelling unit.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

**ARTICLE 30: Referendum Question AB:** Shall § 300-13.3. – General Requirements, and § 300-12.2. – Terms Defined, of the Land Use Ordinance, as adopted May 21, 1994, and amended through June 13, 2023, be further amended by adding the underscored language and removing the language in strikeout text as in Addendum 4?

*(A copy of the full text of the proposed change is available for review and inspection at the Town Clerk's Office, on the Town's website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 30

Select Board recommends/does not recommend Article 30

*Summary of Changes:*

*The proposed amendment would allow higher density development for Affordable Housing Development within an Open Space Subdivision.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

**ARTICLE 31: Referendum Question AC:** Shall § 300-9.27. – Solar Energy Systems, of the Land Use Ordinance, as adopted May 21, 1994, and amended through June 13, 2023, be further amended by adding the underscored language and removing the language in strikeout text as in Addendum 5?

*(A copy of the full text of the proposed change is available for review and inspection at the Town Clerk's Office, on the Town's website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 31

Select Board recommends/does not recommend Article 31

*Summary of Changes:*

*This amendment to the Land Use Ordinance would amend the existing solar energy systems section of the Land Use Ordinance to include specific buffering requirements from abutting residential uses.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

**ARTICLE 32: Referendum Question AD:** Shall § 300-3 – Conformance with Ordinance, and § 300-12.2. – Terms Defined, of the Land Use Ordinance, as adopted May 21, 1994, and amended through June 13, 2023, be further amended by adding the underscored language and removing the language in strikeout text as in Addendum 6?

*(A copy of the full text of the proposed change is available for review and inspection at the Town Clerk's Office, on the Town's website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 32

Select Board recommends/does not recommend Article 32

*Summary of Changes:*

*This amendment to the Land Use Ordinance would amend sections in Article 9 that were found to be inconsistent or lacking clarity following a legal analysis performed by an independent contractor hired by the Town.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

**ARTICLE 33: Referendum Question AE:** Shall the Town of Raymond vote to repeal the “Building Code of the Town of Raymond for Flood Damage Prevention Requirements” adopted March 31, 1981, and amended through March 15, 1997, and replace with a new Floodplain Management Ordinance as in Addendum 7?

*(A copy of the full text of the proposed change is available for review and inspection at the Town Clerk’s Office, on the Town’s website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 33

Select Board recommends/does not recommend Article 33

*Summary of Changes:*

*Repeal and replace the existing outdated ordinance to maintain mandatory compliance.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

**ARTICLE 34: Referendum Question AF:** Shall the Business License Ordinance, as adopted July 14, 2020, be amended by adding the underscored language and removing the language in strikeout text as in Addendum 8?

*(A copy of the full text of the proposed change is available for review and inspection at the Town Clerk’s Office, on the Town’s website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 34

Select Board recommends/does not recommend Article 34

*Summary of Changes:*

*The proposed changes makes the license application one-time, removing the language for renewing the license.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

**ARTICLE 35: Referendum Question AG:** Shall § 300-2.2. – Land Use Regulation Map, and § 350-2.1. – Districts And Zoning Map, as amended through June 13, 2023, be updated as shown in Addendum 9?

*(A copy of the full text of the proposed change is available for review and inspection at the Town Clerk's Office, on the Town's website at [www.raymondmaine.org](http://www.raymondmaine.org), or at the polling place prior to voting.)*

Planning Board recommends Article 35

Select Board recommends/does not recommend Article 35

*Summary of Changes:*

*Change the zone from LRR2 to VR for a section of Main Street.*

**Motion** to recommend as presented above by Select Sadak. Seconded by Select Olsen. Select Ray recused himself from the vote, due to owning property on Main Street.

**Motion passed 3-0-1-1** (3 yeas, 0 nays, 1 absent, 1 abstaining)

f) Final Approval of Annual Town Meeting Warrant – Select Board

Select Olsen clarified the vote and motion made by the Budget-Finance Committee at their last meeting on Article 26 (referencing the Public Works garage) – their vote on failed motion was not reconsidered before the new motion was made; this makes the motion and vote on the motion to “not recommend” improper, according to Robert's Rules of Order. The warrant article will read “Budget-Finance Committee makes no recommendation on Article 26.”

**Motion** to approve the final Annual Town Meeting Warrant by Select Sadak. Seconded by Select Olsen.

Chair Bruno noted some misstatements made at the Budget-Finance Committee meeting on the item for the Public Works garage. He showed schematics and plans that have been created for the proposed garage. Nathan White noted the timeline for plans development, bids, etc. for the project.

**Unanimously approved**

g) \*Consideration of Appointing Interim CEO – Sue Look, Town Manager

The CEO position has been posted as the Direct of Code Enforcement and Planning which better aligns with the role Alex Sirois had been filling. CEO Hanson has very graciously agreed to act as our Interim CEO while we are searching.

**Motion** to appoint Chris Hanson as the Interim Code Enforcement Officer by Select Sadak. Seconded by Select Olsen.

**Unanimously approved**

h) Consideration of Appointing a Representative to the Maine Waste to Energy Board – Sue Look, Town Manager



I would like to nominate our Public Works Director, Nathan White as Raymond's representative to the Maine Waste to Energy Board.

**Motion** to approve by Select Olsen. Seconded by Select Sadak.

**Unanimously approved**

## 5) Public Comment

Peter Leavitt, 2 Leavitt Road – in looking at the Interim CEO appointment item on the agenda, he noted the addition of “Planner” in the Code Enforcement position. Asked for some elaboration on that change. Alex Sirois helped shape the job description for his replacement and felt this addition would help bring in a much better candidate pool. This would not eliminate the need for the planner used through Sebago Technics

Fire Chief Tupper – overview of storm last week, number of calls for service. Public Works and Fire & Rescue were inundated with calls as a result of the storm. The Fire & Rescue Department had additional staff available and set up an Emergency Operations Center beginning at 5am the first morning and handled over 60 incidents of tree and wire issues, medical incidents and a large fire. Improved internet is needed to handle calls during power, phone and internet outages like we experienced during this storm. Chief needed to use his personal cell phone to help with communications. Those calls were not properly recorded, so the number of calls they handled will continue to rise as they are documented in the system. Thanked mutual aid communities that came out to help with the fire. Thanked Chair Bruno for pizza dinner, thanked Public Works for support through the storm, including Nathan who brought the Town's excavator out to the site to help knock down the dangerous portions of the building, so they could get to the rest of the active fire.

## 6) Selectman Comment

Select Sadak thanked Public Works & Public Safety staff for their long hours and hard work during the storm.

Chair Bruno thanked Fire Department team during the fire over the weekend. Seeing them in action opened his eyes to their bravery and their hard work.

## 7) Town Manager's Report and Communications

Budget season is almost done

### a) Confirm Dates for Upcoming Regular Meetings

- May 7, 2024 – also a Special Town Meeting
- June 25, 2024 – later than usual, because of the Election earlier in the month.

## 8) Adjournment

**Motion** to adjourn at 7:23pm by Select Sadak. Seconded by Select Ray.

**Unanimously approved**

*Respectfully submitted,*

*Melanie Fernald, Town Clerk*