

SELECT BOARD Minutes

June 20, 2024

5:30pm – Public Hearing & Special Town Meeting

At Broadcast Studio & on YouTube

& then 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:

Rolf Olsen, Samuel Gifford, Teresa Sadak, Derek Ray, Denis Morse Absent: none

Town Staff in attendance:

Melanie Fernald (Town Clerk), Cathy Gosselin (HR Officer), Wayne Jones (Fire Inspector), Charisse Keach (Finance Director), Curt Lebel (Contract Assessor), Sue Look (Town Manager), Lee O'Connor (Deputy Fire Chief), Bruce Tupper (Fire Chief), Nathan White (Public Works Director)

Public Hearing

- 1) Open Public Hearing
 - a) Update to Tax Increment Financing District to Include Broadband

Acting Chair Olsen opened the Public Hearing. The following people spoke:

none

Acting Chair Olsen closed the Public Hearing

Special Town Meeting

2) Special Town Meeting Warrant – to add Broadband as an allowable expense to the TIF District Agreement (broadband was added as an allowable expense by the State after our TIF District Agreement was enacted, also the ad was not printed in the newspaper in error for the previous Special Town Meeting held on May 7, 2024, so it had to be done again).

Town of Raymond June 20, 2024 SPECIAL TOWN MEETING WARRANT

TO: Don McClellan, a resident of the Town of Raymond, in the County of Cumberland and State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, in said county and in said state, qualified to vote in Town affairs, to meet at the Broadcast Studio located at 423 Webbs Mills Road, in said Town, on June 20, 2024, at 5:30pm to act on articles 1 and 2, such article pursuant to the Order attached to this warrant and consistent with such Development Program document on file at the Town Office during business hours:

ARTICLE 1: To elect a moderator to preside at said meeting.

Nomination made and seconded for Joe Bruno. Call for nominations to cease. Voted 5-0

Joe Bruno was sworn in by Town Clerk Fernald

ARTICLE 2: Shall the voters of the Town of Raymond, Maine adopt the First Amendment to the Portland Natural Gas Transition System Municipal Development and Tax Increment Financing District, such adoption to be pursuant to the following findings, terms and provisions?

WHEREAS, the Town of Raymond (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing ("TIF") districts and development programs within the Town; and

WHEREAS, the Town designated the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District (the "District") and adopted a Development Program for the District on September 15, 1998 and March 20, 1999 in order to capture the value of real and personal property improvements made within the District and to enable the use of TIF revenues for various municipal and other economic development projects, which received approval from the Maine Department of Economic and Community Development ("DECD") on March 31, 1999; and

WHEREAS, amending the Development Program for the District will help to continue to promote economic development within the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and, specifically, will allow the Town the ability to use TIF funds for costs associated with broadband and fiber optics expansion projects.; and

WHEREAS, the Select Board will hold a Public Hearing on June 20, 2024, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the First Amendment to the Development Program for the District in accordance with the requirements of 30-A M.R.S. § 5226; and

WHEREAS, the Town has considered the comments provided at the public hearing, both for and against the adoption of the First Amendment to the Development Program, if any; and

WHEREAS, it is expected that approval will be sought and obtained from DECD approving the First Amendment to the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District and Development Program (the "First Amendment").

NOW, THEREFORE:

<u>Section 1.</u> The Town hereby adopts the First Amendment to the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District and Development Program, pursuant to the following findings, terms, and provisions:

- a. Pursuant to Title 30-A M.R.S. Section 5226(5) pertaining to TIF district and development program amendments, this First Amendment to the Development Program does not result in the District being out of compliance with any of the conditions of 30-A M.R.S. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.
- b. The First Amendment to the Development Program will make a contribution to the economic growth and well-being of the Town and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it at the required public hearing with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

<u>Section 2.</u> Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby amends the District designated and described more particularly set forth in the "First Amendment to the Portland Natural Gas Transmission System Development and Tax Increment Financing District Development Program" presented to the Town Meeting in the form attached hereto and such Development Program is hereby incorporated by reference into this vote as the First Amendment to the Development Program for the District.

<u>Section 3.</u> The Town Manager, or duly appointed representative, is hereby authorized, empowered, and directed to submit the First Amendment to the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S. § 5226.

<u>Section 4.</u> The foregoing adoption of the First Amendment shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the First Amendment by DECD, without requirement of any further action by the Town, the Select Board, or any other party.

<u>Section 5.</u> The Town Manager, or duly appointed representative, is hereby authorized and empowered, at their discretion, from time to time, to make such revisions to the documents related to the First Amendment they may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by DECD, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Select Board in adopting the First Amendment.

Section 6. This Order shall take effect immediately upon adoption.

Motion to approve as presented by Mr. Olsen. Seconded by Mr. Gifford.

Acting Chair Olsen gave a brief explanation of the article.

Unanimously approved

25 Registered Voters were in attendance.

3) Adjourn Special Town Meeting

Motion to adjourn Special Town Meeting at 5:37pm by Mr. Olsen. Seconded by Ms. Sadak.

Unanimously approved

Select Board Meeting

4) Called regular meeting to order at 5:37pm by Acting Chair Olsen.

Acknowledged changes to the Select Board, thanked Joe Bruno for his years of service, welcomed Denis Morse.

5) Election of Officers

a) Chair

Nomination of Rolf Olsen for Chair by Ms. Sadak. Seconded by Mr. Gifford.

Call for nominations to cease by Ms. Sadak. Seconded by Mr. Gifford.

Unanimously approved

Vote for Rolf Olsen as Chair was unanimous

b) Vice Chair

Nomination of Teresa Sadak for Vice Chair by Mr. Gifford. Seconded by Mr. Ray.

Call for nominations to cease by Ms. Sadak. Seconded by Mr. Gifford.

Unanimously approved

Vote for Teresa Sadak as Vice Chair was unanimous

c) Parliamentarian

Nomination of Teresa Sadak for Parliamentarian by Mr. Gifford. Seconded by Mr. Morse.

Call for nominations to cease by Mr. Gifford. Seconded by Mr. Ray.

Unanimously approved

Vote for Teresa Sadak as Parliamentarian was unanimous

6) Minutes of previous meetings

a) May 7, 2024

Motion to approve as presented by Ms. Sadak. Seconded by Mr. Gifford **Motion carried,** vote (4-0-1 Mr. Morse abstained, was not present for meeting)

7) New Business

a) <u>Consideration of Citizen Petition re: Change Land Use Ordinance Sections</u> Pertaining to Solar Panels – Bob and Laurie Wallace, and Jennifer Danzig

Motion to allow an Attorney who is a non-resident to speak on this item by Ms. Sadak, seconded by Mr. Gifford.

Unanimously approved

Attorney James Bass has been working with the Danzigs and the Wallaces and presented the proposed changes on their behalf.

The proposed changes would impact commercial solar farms prohibit the development and installation of commercial solar farms in the rural residential districts and in all Shoreland districts. The petition requests a Special Town Meeting

to be called during one of the next Select Board Meetings (July or August)

Select Sadak asked why the timing? Answer: A moratorium was requested and denied previously. The Planning Board was requested to review possible ordinance changes and denied. Why retroactive to July 1, 2023? Answer: That will prevent any applications for solar farms between now and when/if the ordinance change passes Special Town Meeting.

Jennifer Danzig, Pulpit Rock Road – retroactive, because there was an application that had been submitted at the time the petition was started. That application has been withdrawn. There seems to have been a misunderstanding of the ordinance when it was voted in. They had previously asked for a moratorium, presented to the Select Board and Planning Board.

Robert Wallace, Pulpit Rock Road – they've gone before the Select Board, the Planning Board, and feel that they've been "ping-ponged" and not heard.

Peter Leavitt, Leavitt Road – The current ordinance voted for in 2022 conflicts with the 2004 Comprehensive Plan, which notes the residents' intention to "Exclude future commercial development along the non-commercially zoned sections of the Route 302 corridor." Wishes there was a better explanation back in 2022 for the voters to have been educated.

Robert O'Neill, Planning Board Chair, noted that the proposed ordinance change was submitted to them without sufficient time as they're usually allowed to review. Believes that his comments would be better suited for the Public Hearing that will be held if this item is scheduled for a Special Town Meeting vote.

Jennifer Danzig said the CEO had told them to submit the request for ordinance change to the Planning Board, and they followed his timing. Also noted that she wished that voters were more easily educated before voting. There were packets available that gave the full explanation of the ordinance changes, but not all voters were aware they could ask for them.

Select Ray asked about zoning and details of what would be affected by this proposed change.

Chair Olsen suggested that the Planning Board do the research to see if there would be any unintended consequences of these proposed changes. The Planning Board will need to review and give their "recommends" or "does not recommend" for this proposed ordinance as written.

Select Morse – what if an applicant comes in before this is enacted? Is there a way we can clearly document that this matter is intended to go for an ordinance change vote? Should the Special Town Meeting include a recommended ordinance change that would address any discrepancies or additional changes?

Clarification on whether wording of the petition's suggested wording – it needs to go before Planning Board as it is currently written, so we can get recommend/does not recommend. If a better iteration of the ordinance is seen to be necessary, that will be addressed separately.

Motion to accept the citizen petition and schedule it for a Special Town Meeting vote on August 13, 2024, by Ms. Sadak. Seconded by Mr. Gifford.

Peter Leavitt, Leavitt Road asked for clarification on the different ways an item can be placed on the warrant for a Town Meeting.

Robert O'Neill, Planning Board Chair – explained their usual process and timing. Stated that the Planning Board would not have the time to follow their usual process for an ordinance change. The Planning Board will not have the time to investigate the full scope of unintended consequences of the proposed changes.

Chair Olsen clarified that we must act upon the petition that's been brought forward, and the Planning Board can investigate an improved version of the ordinance to bring to another Town Meeting vote in the future, after careful research and review have been completed.

Select Board Morse spoke to the fact that the group has spent significant time speaking to neighbors and spreading the word about the current ordinance and their proposed changes. Their petition should be acted upon as part of the process.

Bob Walace, Pulpit Rock Road – stated that the Select Board has to move forward with their petition unless there is something nefarious about the proposed action.

Unanimously approved

b) <u>Discussion of How to Proceed with the RWPA Boat Inspectors' Liability Insurance Ending</u>

Raymond Waterways Protection Association (RWPA) found that their liability insurance is being cancelled as of the end of July and cannot find another carrier. We have found that the only way the inspectors could be covered by the Town of Raymond's insurance would be to have the inspectors be employees.

RWPA may have insurance secured by the end of July but will know more definitively by the July Select Board meeting.

Motion to table this item until the July meeting by Ms. Sadak, Seconded by Mr. Gifford.

Motion carried unanimous vote.

c) Consideration of Tax Abatement – Curt Lebel, Contract Assessor

Bettney Abatement

Camper Trailer no longer kept at Kokatosi, moved out at the end of the 2022 season. Should not have been included in the tax list.

Motion to approve abatement of \$157.41 plus any interest accrued for Harold and Amanda Bettney by Ms. Sadak. Seconded by Mr. Ray **Unanimously approved**

d) Consideration of Issuing Supplement Tax Bill(s) – Curt Lebel, Contract Assessor
 Whitney Tree Growth Withdrawal – Supplemental Tax

Request to remove 1.18 acres of classified land from Tree Growth, penalty has been calculated in the amount of \$464.40. Assessing is requesting the issuance of a supplemental tax to cover the penalty.

Motion to approve supplemental tax of \$464.40 to Ralph and Harriette Whitney by

Select Sadak. Seconded by Select Ray **Unanimously approved**

e) Consideration of Renewing the Contract Assessor's Contract – Curt Lebel, Contract Assessor

Proposing a new 3-year agreement, 9% increase requested, additional 50 days of service over the 3-year period toward the revaluation.

Motion to renew the contract by Ms. Sadak. Seconded by Mr. Morse. **Unanimously approved**

f) <u>Discussion of Direction for Public Works Garage with the Failure of the Warrant Article</u> – Nathan White, Public Works Director

All planning has been put on hold with Sebago Technics, \$61,000 has been spent so far on the project. Looking for recommendations on how to proceed. Bid packages have not gone out yet. There are more steps to be taken. Public Works Director White is concerned that no builders would bid on the project after a negative vote from the community.

Chair Olsen noted that what was voted down in the warrant was whether to use a bond to pay for the garage, not whether to build a garage. Voters were not asked if there was a need for a garage. Suggested to speak further with Owens at Sebago Technics to see their opinions on the options to keep moving forward.

Ms. Sadak asked Mr. Morse for some additional information on why he put information out there against the garage – considering that the Budget-Finance Committee members all agreed that the garage was needed during their discussions.

Morse spoke about the process of building/designing the Fire Station, a committee involved made changes to the engineers' plans – the committee consisted of professionals and diverse members.

Public Works Director White noted that the building they've requested is bare bones and worries that adding the public's input may slow this down.

Chair Olsen recommended following up with Owens to see what their next steps could be.

Mr. Ray noted that the current shared office space of Public Works Director White and Recreation Director Crocker is not a conducive working space for either of the two department heads.

Shawn McKillop, Main Street - thinks that showing the residents what they're voting on would have provided a better turnout. He feels that timing of the receipt of the documentation and plans about the garage. He's uncomfortable with finding another way to pay for the garage.

Chair Olsen clarified voters said no to a bond, not necessarily no to the building.

Ms. Sadak noted that the timing was crisscrossed with when documentation was received, and committee recommendation votes were happening.

Jennifer Danzig, Pulpit Rock Road – asked for clarification on the warrant question – did the residents vote on whether they wanted the building? No. The question was only regarding using a bond to pay for it.

Public Works Director White will check in with Sebago Technics to see what options are still available for this project.

g) <u>Consideration of Re-allocation of CIP Funds from Prior Projects</u> – Sue Look, Town Manager

In researching the Capital Improvement Funds Town Manager Look found that there is a total of \$52,208 allocated to projects that are either complete or abandoned. 30-A MRSA §5802 (3) says in part:

The municipal officers are trustees of the municipal reserve fund.

3. Transfer of balance. The balance of any account of a reserve fund may be transferred to another reserve account or to surplus when the purpose for which it was established has been accomplished or abandoned.

Description	FY 2022- 23 Audit June 30th	Reallocate to	
Assessing - Software Reserve	\$5,000	Assessing - Revaluation Reserve	
Fire Dept - IRT Projects Fire Dept - Review Fees	\$6,456 \$13,255	•	
	\$19,711	Total	
Patricia Ave Recreational Facilities Sheri Gagnon Park	\$21,138 \$16	Parks & Rec - Playground Parks & Rec - Playground	
	\$21,154	Total	
Hazardous Waste Reserve	\$2,971 \$213	Public Works - Municipal Facilities	
Town Hall Feasibility Study	\$3,184	Public Works - Municipal Facilities Total	
Water Watch Account	\$4,161	Public Works - New account to save for dock repair	
Total	\$53,210		

Chair Olsen notes that CIP budget is intended not be specifically set in concrete for a specific item, so for the sake of flexibility we do not need to assign the funds to be used for anything specific.

Chief Tupper noted money in past CIP is money they've been looking for, seems to have been shifted from their Enterprise account, and credited to the CIP account... asks for money to go into the Fire Department's Enterprise account.

Mr. Morse remembers that when he was Chief, there was a large amount of money

intended to be set aside in an Enterprise account to help pay for unexpected repairs. He doesn't recall that the intention was for the money to be in a CIP budget.

Town Manager Look asked if an accounting error was found (as to why the money isn't where the Fire Department expected it to be), would that be enough reason to correct the placement of those funds?

Chair Olsen said that the accounting part of the question needs to be looked into further so we can determine what the intention was when money was placed in the CIP as opposed to an Enterprise account; then we can address the concerns.

h) <u>Consideration of Staff Annual Appointments</u> – Melanie Fernald, Town Clerk Because we don't have a charter, we need to appoint staff to their specific appointments annually.

Position	Expiration	First Name	Last Name
Animal Control Officer	6/30/2025	Jessica	Jackson
**Code Enforcement Officer	6/30/2025	Christopher	Hanson
Constable	6/30/2025	Nathan	White
Contract Assessor	6/30/2025	Curt	Lebel
Emergency Management Director	6/30/2025	Bruce	Tupper
Fire Chief	6/30/2025	Bruce	Tupper
Forest Warden	6/30/2025	Bruce	Tupper
Freedom of Information Officer	6/30/2025	Sue	Look
General Assistance Administrator	6/30/2025	Jennie	Silverblade
Harbor Master	6/30/2025	Nathan	White
Health Officer	6/30/2025	Cathy	Gosselin
Road Commissioner	6/30/2025	Nathan	White
Tax Collector	6/30/2025	Suzanne	Carr
Town Clerk	6/30/2025	Melanie	Fernald

^{**}The Town will be hiring an *Assistant* Code Enforcement Officer at this time. Chris Hanson has agreed to remain the Code Enforcement Officer and to train the Assistant CEO and they'll switch positions when training and certification is complete.

Motion to approve as listed above by Ms. Sadak. Seconded by Mr. Gifford. **Unanimously approved**

i) <u>Consideration of Boards/Committees Annual Appointments</u> – Melanie Fernald, Town Clerk

Committee	Term (yrs.)	Expiration	Name	Address
Board of Assessment Review	3	06/30/2027	Robert Harmon	PO Box 490
Conservation Commission	1	06/30/2025	Bill Fraser	1 Justin Lynn Drive
Conservation Commission	1	06/30/2025	Russ Hutchinson	363 North Raymond Road
Conservation Commission	1	06/30/2025	Kimberly Post	112 Mountain Road
Conservation Commission	1	06/30/2025	John Rand	20 Dryad Woods Road
Planning Board	3	06/30/2027	Steve Clark	76 Painted Turtle Road

Planning Board	3	06/30/2027	Michael Richman	15 Cedar Lane
Recycling Committee	3	06/30/2027	Susan Accardi	PO Box 928
Recycling Committee	3	06/30/2027	Cathy Gosselin	PO Box 318
Recycling Committee	3	06/30/2027	Grace Leavitt	2 Leavitt Road
Veterans Memorial Park	1	06/30/2025	David McIntire	31 Egypt Road
Committee				
Zoning Board of Appeals	3	06/30/2027	Thomas Hennessey	25 Haskell Ave
Zoning Board of Appeals	3	06/30/2027	David Murch	2 Canal Road

Motion to approve as listed above by Ms. Sadak. Seconded by Mr. Gifford. **Unanimously approved**

- j) Consideration of Select Board Representation on Boards/Committees Select Board **Tabled** until next meeting by consensus.
- k) *Consideration of Annual Fee Schedule Melanie Fernald, Town Clerk

Clerk Fernald noted for the record that the Annual Fee Schedule was circulated to all department heads, and no changes were requested from last year's fee schedule.

Sadak asked about the Motor Vehicle Accident charges.

Deputy O'Connor and Chief Tupper spoke to charges against the insurance companies vs. individuals; these fees help recoup the costs of the extra expenses for larger incidents.

Mr. Ray asked about Liquor License fees and inspections.

Peter Leavitt, Leavitt Road – doesn't like to see an undue burden put on taxpayers and wants us to remain Business Friendly but thinks we shouldn't be reducing revenue.

Brian Walker, Rolfe Road – asked whether the act of charging such low fees is even worth the time put into charging/billing/collecting the fees. If it is costing more in time and effort, we should either get rid of the fee or raise it. Some fees seem extremely low.

Motion to approve as presented by Ms. Sadak. Seconded by Mr. Gifford.

Unanimously approved

8) Public Comment

Brian Walker, Rolfe Road – thanked Panther Pond Association for cleaning–up of Panther Run and clearance of the blockage of the Tenney River. Asked why Q-Team is being used by the town when we have recently been in litigation against them. Feels that it sends a mixed message when we do business with those who have violated our regulations.

Peter Leavitt, Leavitt Road – asked by Ms. Sadak to share information from the Comprehensive Plan Committee. The Budget-Finance committee was given an update because they specifically asked for it. Wants more combined meetings among all the

Boards & Committees to ensure that all are on the same page moving forward. more planning, more education for voters. Feels Open Town Meeting voters get more informed through the discussion vs a referendum vote. Feels that the larger turnout for a secret ballot vote doesn't outweigh the education gained from discussion at an Open Town Meeting.

Jennifer Danzig, Pulpit Rock Road – echoed Peter's sentiments; asked about how to get involved on a committee, terms and whether volunteers are automatically rolled into a new term, etc. There was some discussion about how the answer differs from one committee/board to another, depending on their rules and function.

Jeff Morse, Andersen Road – asked whether there is a committee to help look for alternate funding sources and grants for the Town's activities.

9) Selectman Comment

Ms. Sadak attended the Budget-Finance meeting on June 13, some questions were asked, and she wanted to make sure the Select Board was aware. Questions about where, specifically, the money goes with settlement funds/fees/penalties.

Shawn McKillop, Budget-Finance Committee member – the committee wants to know what *could* that money be used for? Personally speaking, would the penalty fees collected really make a significant impact in tax relief when divided among all the taxpayers? Is there a more impactful use for the money collected? Could money be set aside for the next violation's expenses? We are looking toward the future, and can we use this money to help protect the Town and can we all keep an open mind about how to use the money collected?

Chair Olsen clarified that the first payment of the penalty fees has not been allocated towards any specific budget line yet and will not be until we know the actual tax commitments, revaluation results, and the full picture financially with that information. The warrant article on the June ballot referenced allocating up to a certain amount to be used towards tax relief. He also pointed out that the penalties/settlement money was to offset the overage in legal expenses already paid from the past two years.

10) Town Manager's Report and Communications

- a) Confirm Dates for Upcoming Regular Meetings
 - July 9, 2024
 - August 13, 2024
- b) Upcoming Holiday Closings
 - Thursday, July 4 Town Office closed Independence Day

11) Executive Session(s)

a) Consideration of Appointing an Interim Treasurer (Pursuant to MRSA 1 §405 (6)(A))

Motion to enter executive session at 7:51pm as noted above by Ms. Sadak. Seconded by Mr. Gifford.

Unanimously approved

Motion to leave executive session at 8:14pm by Ms. Sadak. Seconded by Mr. Gifford.

Unanimously approved

Motion to appoint Joe Crocker as Interim Treasurer by Ms. Sadak. Seconded by Mr. Gifford

Unanimously approved

12) Adjournment

Motion to adjourn at 8:15pm by Ms. Sadak. Seconded by Mr. Gifford **Unanimously approved**

Respectfully submitted,

Melanie Fernald, Town Clerk