



## SELECT BOARD Minutes

January 14, 2025

6:00pm – 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 (Chair), Teresa Sadak (Vice Chair) arrived at 6:01pm, Samuel Gifford, Denis Morse, Derek Ray

**Select Board members absent:** none

**Town Staff in attendance:** Joseph Crocker (Parks & Recreation Director); Melanie Fernald (Town Clerk); Wayne Jones (Fire inspector); Sue Look (Town Manager); Bruce Tupper (Fire Chief); Nathan White (Public Works Director)

1) **Called regular meeting to order** at 6:00pm by Chair Olsen with a quorum present.

### 2) Minutes of previous meetings

a) December 10, 2024

**Motion** to approve as presented by Mr. Gifford. Seconded by Mr. Morse.

**Motion carried** (vote 4-0-1, Sadak absent for this vote)

### 3) New Business

a) Question & Answer with Office of Cannabis Policy – Vernon Malloch, OCP Deputy Director of Operations

Mr. Malloch noted that there are totally separate sets of regulations for Caregivers and Adult Use. Caregivers are defined as people who are licensed to grow medical cannabis; to manufacture and sell it to patients.

A municipality cannot limit or prohibit the number of Caregivers, but a municipality can regulate Caregivers operations – such as only within an industrial zone or as an approved home occupation. The State Statute does not address odors at all – this was intentional, so municipalities can handle odor concerns themselves as they see fit for their community.

Some municipalities have required indoor filtration, so no odor can be detected outside. Biddeford has limited caregivers to an industrial park and each caregiver business must have a windsock on their roof to help detect which business may be responsible when there is an odor complaint, based on the wind direction. Lewiston does not allow outdoor cultivation, only indoors to control the odor. Some towns

place restrictions like setbacks and distance parameters from others' property lines or between businesses.

A caregiver can cultivate either 500 square feet or 30 mature (budding) plants, per caregiver according to the current state statute. Caregivers used to be limited to cultivation for a set number of patients, but not anymore. That changed in the last Legislation. There can be more than one caregiver within each business – example: husband and wife, multiple family members, etc.

How does a municipality know who is a Caregiver in their town? OCP's Website has a list of registered caregivers by town. That is no longer fully confidential information, but not fully public information. The listing on the website will show who the Caregivers are, but not their addresses. However, OCP can and will work with towns as part of efforts to regulate these operations. A lot of towns require that Caregivers register with the town.

If a town passes an ordinance that would regulate and control operations, would previous caregivers be grandfathered? We should speak with our attorney about any specific changes to regulations and ordinances and how they would affect any operations that are already in place.

Are there any restrictions on traffic and hours for business? That's on the towns to regulate. Towns can limit retail stores and manufacturing when inherently hazardous substances are involved (like butane, propane, heptane, etc. Flammable and explosive gases). Not all manufacturing is "inherently hazardous", and the manufacture that's caused recent complaints does not use inherently hazardous substances in their operations. However, they were over square footage and are in line for an administrative action.

Do Protective Covenants come into consideration when licensing medical grow operations? Location-based criteria (protective covenants, zoning local codes, etc. are to be addressed at the municipal level. When the State looks at licensing and locations only for retail stores, they check for a 1000 ft away from any school. Fire prevention is a local determination, unless inherently hazardous substances are involved.

How does the Town or State benefit from allowing Medical Caregivers? Town does not benefit. State's licensing fees are \$1200-1500 per caregiver, per year. Sales Tax is charged on sales.

Daycares are not included in the set-back for caregivers – state statute defines "schools" as K-12 schools. Some towns have restricted the location requirements, including churches, daycares, playgrounds, ballfields, etc.

Home occupation isn't addressed in the State's definitions – Peter Leavitt suggests that Raymond's Home Occupation ordinance is strengthened for the inclusion of fumes/odors.

Question was raised about how these are in residential neighborhoods without Fire Department's standard inspections that are done for other businesses.

Code Enforcement Officer Hanson noted that this operation was originally a home occupation for a grow operation in the garage, which by ordinance was allowed. An additional caregiver seems to have been added, and the operations were expanded beyond the garage, this may now be beyond the scope of a home occupation. The Town would need to consult with our attorney to help determine whether marijuana growth is an agriculture use of the property, which may change the regulations that

we can impose on this type of business and any licensing or home occupation approvals.

How are approvals handled, what if the town says no or doesn't even know of the operations. If a Caregiver doesn't notify the Town of their plans/operations, they wouldn't be properly vetted against local zoning/ordinances/regulations.

Typically, OCP does not check with the town for caregiver; previously, their office couldn't notify the Town, because of confidentiality. OCP's application for a retail store or grow operations using Inherently Hazardous Substances does need the municipality's approval. Since the law has changed, Mr. Malloch will bring the suggestion back to his team that Towns are notified as part of the State's approval process.

The concern of us now finding out about operations that may have been run in places that would be discovered to be inappropriate at the local level. Would that overrule any grandfathering?

Code Enforcement Officer Hanson noted there is not currently a clear way to define and there for enforce noise and odors. We would need to formulate stronger regulations and definitions in our ordinances to be able to enforce any noise and odor complaints. Now that the State is fine tuning the way they handle this, the Town is probably due for an update to catch up also. This is a complicated thing.

A Dispensary is an unlimited cultivation number, that's a step up from Caregiver.

It is very possible to control the smell; there is a dispensary cultivation operation of 10,000 square feet that filters the air so well, you cannot smell it outside.

Businesses that were in operation prior to December 13, 2018, with municipal approval, cannot now have their approval revoked. The Statute specifically spells out what constitutes what "approval" by the municipality would have looked like. There would have had to have been a specific meeting agenda item detailing the operations and the location for proper approval. Multiple violations or complaints can lead to the State revoking or suspending their approvals.

Is there a differentiation between agricultural operations and other Home Occupations. Noted that the Home Occupation ordinance specifies "shall be carried on wholly within the dwelling or accessory structure." This operation in question was approved under those regulations and seems to have expanded beyond that without the Town's knowledge or approval. It would need to be clarified with our attorney as to whether moving their operations to outside the home has become a commercial classification of business operations.

Any ordinance that would clarify this type of operations would also spell out the penalty and consequences of violations. The State laws and regulations have changed several times since they were adopted. This has been challenging to keep informed for all involved.

State approval for a permit does not override the municipalities' rules and regulations. There's a checkbox on the State's application for the Caregiver noted they are in compliance with all the local regulations. OCP can revoke permits if it's determined that they're not in compliance with town regulations.

Towns can create an annual business license with inspection for marijuana businesses, it's very common. We could include the need for an annual inspection in an ordinance.

Fire Chief Tupper notes NFPA changes as of 2020, which were adopted by the Town – gives town some teeth with regards to operations, permitting and fees, etc. We may be able to put all the pieces together to come up with a regulation/ordinance. Suggests staff gather to discuss and come up with an action plan to address the concerns brought up around this category of operations/businesses.

Discussion about where the limits are with home occupation operations – within house/outside, what about in-home daycare where kids play outside. A separate ordinance is likely needed to appropriately address Marijuana businesses and their unique operations, odors, needs, and issues.

The consensus of the Board was that the ordinance(s) will need to be created and/or workshopped through the Planning Board and staff.

b) Consideration of Liquor License Renewal for A La Mexicana – Jose Chavez, owner

Fire Inspector Wayne Jones is scheduled to inspect the restaurant tomorrow morning (Wednesday, January 15<sup>th</sup>).

**Motion** to approve the liquor license renewal application, contingent upon the completion of any items on the Fire Inspector's report by Ms. Sadak. Seconded by Mr. Ray.

**Unanimously approved.**

Town Clerk Fernald noted that the State has a new system which is generic enough to cover all the ways in which each municipality may handle their approvals. This means there is no page for the Select Board members to sign off on their approval. Town Clerk will go into the B.E.L.L.S. system to enter an update for the State Liquor Division.

c) Consideration of Setting Tassel Top Park Fees for 2025 – Joseph Crocker, Parks & Rec Director

Recreation Director Joe Crocker noted that expenses have increased, but we have not increased daily entrance fees in years. He is proposing that daily entry fees be raised by \$1 at each age level for both Residents and Non-Resident rates. Annual Memberships are proposed to increase by \$10 for Resident Memberships and by \$20 for Non-Resident Memberships. This still remains a good deal for visitors.

		Current Fees		Proposed Fees	
Daily Entry		Resident	Non-Resident	Resident	Non-Resident
Child	3-12	\$2	\$3	\$3	\$4
Adult	13-64	\$5	\$6	\$6	\$7
Senior	65+	\$2	\$3	\$3	\$4
Annual Membership		\$75	\$95	\$85	\$115

Mr. Morse suggested leaving the Resident costs the same, since taxpayers have footed the \$500,000 bond investment made for improvements. Asked that the increases be fully put on non-residents. Keep the Resident fees the same, but increase the non-residents fees by \$2 each

Director Crocker requested to keep Resident sees the same, and to only do the non-resident increase of \$1.

		Current Fees		Approved Fees	
Daily Entry		Resident	Non-Resident	Resident (No change)	Non-Resident
Child	3-12	\$2	\$3	\$2	\$4
Adult	13-64	\$5	\$6	\$5	\$7
Senior	65+	\$2	\$3	\$2	\$4
Annual Membership		\$75	\$95	\$75	\$115

**Motion** to approve the Tassel Top Park Fees for 2025 as discussed (above) by Ms. Sadak. Seconded by Mr. Morse.

**Unanimously approved**

d) Consideration of Issuing Quit Claim Deed(s) – Sue Carr, Tax Collector

Nelson Mash has made a large payment toward the taxes and has refinanced in just his name. Nancy Mash is no longer a property owner.

There are 2 quit claim deeds to clear and update the tax issues for this property.

**Motion** to issue Quit Claim Deed for Nelson Mash & Nancy Mash by Ms. Sadak. Seconded by Mr. Morse.

**Unanimously approved**

**Motion** to issue Quit Claim Deed for Nelson Mash by Ms. Sadak. Seconded by Mr. Ray.

**Unanimously approved**

e) Consideration of “Traffic Calming” Signs – Nathan White, Public Works Director

Public Works Director Nathan White noted that he’s been in contact with the reputable businesses he’s worked with before. Permaline suggested a Canadian company, Traffic Logistics. There are so many options and prices, bulk discounts start at 15-20 signs. Most towns that have post-mounted signs don’t move them.

Director White noted that he can do more research once he knows how many signs the Board wants and what they want them to provide for messaging/feedback. Studies show mixed conclusions both for and against different signage and their effectiveness.

Peter Leavitt, Leavitt Road – Maine DOT strongly in support of dynamic speed feedback signs. Have we reached out to the state DOT, if they purchase them in bulk, can we get in on that discount through them? Dynamic speed feedback sign studies show a 5-10% reduction in speed, which may not sound like a lot, but data shows that where they are used, there are fewer accidents and fewer traffic fatalities. There is not any one solution, and it is a state-wide/nation-wide problem.

Chair Olsen asked if DOT buys in bulk, and we have several state roads, shouldn’t the DOT put the signs up on those roads? Other similar communities have asked, with no response from DOT. The sign we have was given to us through a DOT

program in the past.

Shawn McKillop, Main Street – asked for consideration for traffic calming measures. Asked that no matter what 's decided that all options are considered, including increased police presence.

**Motion** to purchase 2 mounted Bluetooth signs for Main Street and 2 trailer-mounted portable signs for use elsewhere by Mr. Morse.

Discussion about waiting to see the cost of specific signs and whether more can be obtained through DOT.

**Motion failed for lack of second.**

The consensus of the board was to wait to see if a response could be obtained from DOT and/or more research can be done on pricing now that the Board has clarified intentions for signage.

Frank McDermott, McDermott Road – signs alone aren't going to solve the problem, the only thing that will solve this issue is actual traffic enforcement & traffic solutions.

Ms. Sadak asked what "traffic solutions" means. If we hire a sheriff for traffic/speeding enforcement, does that take them away from all other tasks/enforcement/issues/concerns in town?

**Motion** to table this item until the next meeting by Mr. Morse. Seconded by Mr. Gifford

**Unanimously passed**

f) Consideration of Appointing a Committee to Review the Plans and Make Recommendations for a New Public Works Garage – Nathan White, Public Works Director

Proposed Committee members are: William Coppersmith – business owner and builder; William Hanson – RSU #14 Director of Facilities; Craig Messenger – Former Raymond Fire Chief; David Madsen\* (corrected name) – Director of Public Services for Bridgton; Ted Shane – Public Works Director for New Gloucester

Director White believes this committee would need a handful of meetings to determine whether the current plans are sufficient, or if more work needs to be done.

Chair Olsen noted that this committee's intent would be to review all the work that has been done on this garage by Sebago Technics and the needs assessment, then come back with recommendations on whether it is reasonable to take the next steps or whatever more may be needed.

Mr. Morse stated he would prefer to have citizens apply to be on this committee, instead of having suggested members.

Ms. Sadak stated she felt that Select Board and Budget-Finance Committee members should not be part of this committee, and they should remain neutral. She believes that people who have knowledge and experience should be on this committee.

Mr. Ray likes the mixed make up of these suggested committee members, they have experience and knowledge that would be applicable, and that most of them are Raymond residents.

The reasons noted for a quick, smaller committee is that it's not a building of a

school – it's a garage for trucks, not a specialty building – it's a special use. The future use of the Jordan-Small Middle School needs a wider variety of people on the committee because that committee is tasked with exploring all possible uses for the building, needs a wide array of opinions and suggestions. There has already been about \$70,000 put into this project.

Peter Leavitt, Leavitt Road – doesn't disagree with Director White's choices, but for transparency, thinks Select Board and Budget-Finance Committee should have ex officio members on the committee. That may help keep communication among the boards/committees.

David Brown, Tenny Hill Road – would be interested in participating in the committee, has garage building experience. Believes a structure can be built adjacent to another building (such as building another structure next to the fire station on Rt 85) without any need for upgrading the existing building to current Code regulations.

Karen Lockwood, Mountain Road – thinks the background should be expanded beyond Public Works garage experience, to include Engineers, Code Enforcement, Contracts, etc.

Shawn McKillop, Main Street – recommends opening it up to all residents who may want to participate. Has submitted an application to be a member of the committee.

**Motion** to appoint members to the committee as presented and to add 1 Select Board and 1 Budget-Finance Committee as ex officio members by Ms. Sadak.

Seconded by Mr. Gifford

Mr Morse wants more citizens involved.

Director White noted

**Motion carries 3-1-1** (Ayes: Sadak, Gifford, Olsen; Nay: Morse; Abstain: Ray)

**Motion** to nominate Derek Ray to be the Select Board member on the Public Works Garage Oversight Committee, seconded by Gifford.

**Motion carries 3-1-1** (Ayes: Sadak, Gifford, Olsen; Nay: Morse; Abstain: Ray)

Chair Olsen asks that the Budget-Finance Chair recommend one member to sit on this committee as an ex officio representative.

Director White asked if the Board felt it would be appropriate to conduct a poll to help determine why the item failed at the Annual Town Meeting in June of 2024. He had heard talk that cost was the issue, but the cost will only continue to go up with time.

g) Consideration of Clarifying Language in Personnel Policy – Sue Look, Town Manager

- Making the transition of vacation time clear and making vacation, sick, etc. time language take the 24-hour nature of Public Safety into account

The definition of full-time now has an upper limit of 42 hours.

The transition plan has been changed to match what the Select Board voted on.

In vacation time, removed the notation of "up to 80 hours" and left it as "one week" "two weeks" "three weeks" to leave it general enough to be one's normal work week.

Library staff was added to an organizational chart. Parks & Recreation's organizational chart was formatted the same as the others.

**Motion** to accept the referenced changes by Ms. Sadak. Seconded by Mr. Gifford

## Unanimously approved

### h) Consideration Adding an Update to the Town Boards, Committees and Commissions Ordinance to the Annual Town Meeting Warrant – Sue Look, Town Manager

- The proposed changes were found in a neighboring town's ordinances, and I thought they were very well done and appropriate.

Some discussion of why this is being presented. Is this suggesting that there are deficiencies or issues with the current policies/ordinances? This just seemed like a thorough policy that clearly spelled out expectations, procedures, and effective flow of communication. This could be a Questions about whether HR would/could handle any issues that may arise. Human Resources is responsible for employees, and board/commission members are not employees. This has not gone past the town's attorney yet.

The effort to increase civility among boards and committees is commendable. Would it be necessary, if a committee doesn't have bylaws, they default to the select board's rules (& Robert's Rules of Order). Suggestion that all committee and board members review and sign off on the form on back of their oath form annually, instead of just when they are sworn in for a new term. Why spend legal fees to review and change something that doesn't specifically need fixing?

**Motion** to keep the current ordinances/policies/by-laws on record by Mr. Morse.  
Seconded by Mr. Gifford.

**Unanimously approved**

## 4) Public Comment

Chair Olsen opened the floor for Public Comment, the following individuals spoke:

Grace Leavitt, Leavitt Road - hopes that all committee meetings will be posted on the calendar; hopes that the discussion continues on how to best manage traffic/speeding issues.

Peter Leavitt, Leavitt Road – Town received notice in December from the State that the first draft of the Comprehensive Plan was accepted by the state, without revision. Next steps will be Select Board review, then inclusion on the Town Meeting Warrant for the town to vote on its acceptance.

Jennifer Danzig, Pulpit Rock Road – re: Windham PD, we share school busses through the RSU, could we share police officers? If police officers follow the school busses to ensure safety, can they follow them into Raymond also? Suggested that Director White do a pompom survey like the CPC did to determine why voters voted down the garage.

Brian Walker – December meeting discussion about the format for Town Meeting – puts in his vote for in-person Open Meeting

David Brown, Tenny Hill Road – for open town meeting, he used to do research and go in informed, thinks people are less informed when they show up for a secret ballot vote on Town Meeting questions. Open Town Meeting allows people to become informed through the discussion in person.

## 5) Selectman Comment

Chair Olsen opened the floor for Selectman Comment; the following Select Board

Members spoke:

Mr. Morse impressed in the energy spent to gather information by the Comprehensive Plan Committee and their work product as a result.

Asks that the ePacket be ready a week earlier than current.

## 6) Town Manager's Report and Communications

### a) Confirm Dates for Upcoming Regular Meetings

- February 11, 2025
- March 11, 2025

### b) Upcoming Budget Meetings

- Wednesday, February 26, 2025 – Dept Head #1 – 6:00pm
- Thursday, February 27, 2025 – Dept Head #2 – 6:00pm
- Tuesday, March 11, 2025 – Budget Workshop – 7:00pm (after regular meeting)
- Tuesday, March 25 **18\***, 2025 – Warrant article review/recommendations – 6:00pm  
\*changed on the floor during discussion of dates.
- Thursday, April 3, 2025 – Final Warrant Approval – 6:00pm
- Tuesday, April 8, 2025 – Public Hearing #1 – 6:00pm
- Tuesday, May 13, 2025 - Public Hearing #2 – 6:00pm
- Tuesday, June 10, 2025 – Annual Town Meeting Vote at JSMS Gym – 7am-8pm

## 7) Adjournment

**Motion** to adjourn at 8:55pm by Ms. Sadak. Seconded by Mr. Ray.

**Unanimously approved**

*Respectfully submitted,*

*Melanie Fernald, Town Clerk*