



Town of Raymond Board of Selectmen ePacket August 21, 2018 Table of Contents

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Agenda



BOARD OF SELECTMEN Agenda

August 21, 2018

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.

1) Call to order

2) Minutes of previous meetings

- a) July 19, 2018 – Regular meeting
- b) July 31, 2018 – Special meeting for public hearing

3) New Business

- a) Consideration of Appointment of Bob O'Neil to Planning Board – Sue Look, Town Clerk
- b) Consideration to Release the Covenant for David & Tammy Knights – Scott Dvorak, CEO

The covenant (dated September 29, 1990) was to require family only as tenants in the accessory apartment. This is no longer the way accessory apartments are approved. Once the covenant is released they will need to apply for a permit to have an accessory apartment and then they must meet requirements outlined in the Land Use Ordinance before it is approved.

- c) Quit Claim Deeds for Approval – Sue Carr, Tax Collector
- d) RSU Withdrawal Vote Update – Teresa Sadak, Select Board Chair and Sue Look, Town Clerk

The results of the vote on August 14th will be presented along with next steps if the vote is to proceed with the withdrawal process.

4) Public Comment

5) Selectman Comment

6) Town Manager's Report and Communications

Selectman's Meeting Agenda (Page 1 of 2) August 21, 2018

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

- September 11, 2018
- October 9, 2018

b) **Reminder of Upcoming Holiday Schedule**

- Monday, September 3, 2018 – Labor Day

7) **Treasurer's Warrant**

8) **Adjournment**

Previous Meeting(s) Minutes



BOARD OF SELECTMEN Minutes

July 19, 2018

6:00pm - Workshop

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: Rolf Olsen, Teresa Sadak, Samuel Gifford, Lawrence Taylor, and Marshall Bullock

Select Board members absent: none

Town Staff in attendance:

Don Willard – Town Manager
Scott Dvorak – Code Enforcement Officer
Sue Look – Town Clerk

6:00pm – WORKSHOP

- 1) **Called to order** at 6:00pm by Chairman Sadak
- 2) **Discuss Possible Moratorium on Adult Use (Retail) Marijuana** – Phil Saucier, Bernstein Shur

Mr Saucier – Tonight we will actually be discussing Registered Caregiver Retail Stores, not Adult Use. We have 2 laws now (Adult Use & Medical) that have been recently rewritten by the legislature.

Adult Use (formally called recreational use) is now by "opt in" only (they are not allowed unless we do something to allow it) and would be a change to our ordinances requiring a Town Meeting vote. If you do not want them, you do nothing.

Selectman Bullock – If someone wanted to "opt in" how would they do it?

Mr Saucier – It would need to be an amendment to your ordinances which requires a Town Meeting vote. The Select Board could put it forth or it could be presented to the Select Board via petition and would need to be approved at a Town Meeting vote.

Medical Use – Registered Caregiver Retail Stores (formally called medical) can now be regulated by municipalities. Caregivers need to register with the State, not with the Town. This is a State licensed issue.

Chairman Sadak – How do we regulate this if they do not file with the Town? We don't know how many or who they are.

Mr Saucier – What the Town can do is along the line of Land Use changes. We can not

Selectman's Meeting Agenda (Page 1 of 5) July 19, 2018

ban, nor can we limit the number, but we can regulate the store fronts, etc. If they already exist or are already approved, then they are grandfathered. After the new law changes go into effect (90 days after the Legislature adjourns – probably late October or early November) these retail stores will be “opt in”. For now we are between the original law and the changes.

Chairman Sadak – What if they are pending?

Mr Saucier – Pending is a different category. Pending applications do not have grandfathering effect. Moratorium and ordinances can be made retroactive – meaning that the moratorium or ordinance can be applied retroactively to any pending application.

Selectman Bullock – What about a store that wants to bring marijuana in as an additional product line?

Mr Saucier – I think you can take the position that that is not allowed due to the new State definition. Though that change has not gone into effect yet. The moratorium makes this clear and should not be able to be appealed. The moratorium allows the Town to get ordinances in place to regulate if the establishments are wanted.

Chairman Sadak – Can you speak to stores for medical marijuana who want to switch over to Adult Use?

Mr Saucier – They can not be in the same building. Also, retail is “opt in” and they will not be able to unless the Town votes to allow it.

Chairman Sadak – How are they testing for that when someone is pulled over.

Mr Saucier – It is much more difficult. Marijuana does not leave your system quickly, but testing positive is not necessarily operating impaired. The legislature is still working on that.

Selectman Olsen – Since it would be added to the Land Use Ordinance, the Select Board would approve to be sent to the Planning Board.

CEO Dvorak – When is an application considered approved? I consider it complete if they have provided all information I need to make a decision to approve or not.

Mr Saucier – Right.

Selectman Olsen – The moratorium addresses pending applications.

CEO Dvorak – There is nothing pending. There is one who is already licensed by the State as a caregiver. His is complete and issued.

Mr Saucier – The “take away” for municipalities is it is going to be opt in and you are going to be in control of the process. The purpose of a moratorium is to give you a pause to say, “Look, our Land Use Ordinances are not sufficient to deal with these and we want to take a look at it, we may or may not allow them and we may want regulations.” The wording of the moratorium has been sent to Sue and Don and has been updated with the correct dates. Adult use is not allowed at this point, it is opt in. You can only have 2 caregivers in a store. They have changed it to so many plants per patient instead of limiting the number of patients. They rotate the last patient – when the patient goes out the door they are no longer a patient. They can operate 1 retail store for each caregiver if the municipality opts in.

3) **Closed Workshop** at 6:29pm by Selectman Sadak

6:30pm – REGULAR MEETING

1) **Called to order** at 6:30pm by Chairman Sadak

2) **Minutes of previous meetings**

a) June 19, 2018 – Regular meeting

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

Unanimously approved.

3) **New Business**

a) Discussion on Possibility of Holding a Special Town Meeting to Vote on Moratoria on Registered Caregiver Retail Stores and on Mobile Homes in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts (Pursuant to 30-A MRSA § 4356) – Select Board

A Special Town Meeting is required for the Town of Raymond to enact a moratorium. This would be an Open Town Meeting with a show of cards or, if called for, a written ballot vote. The purpose of the moratorium is to allow the Town of Raymond to develop ordinance changes to govern marijuana activities after the State Laws go into effect later this Fall and to better define what type of housing is permissible in our various zones.

The one member of the public expressed approval of the moratoria.

b) Approve Warrant for Possible Special Town Meeting on July 31, 2018 to Vote on a Moratoria on Registered Caregiver Retail Stores and Mobile Homes in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts – Sue Look, Town Clerk

Motion to approve warrant article as presented for Registered Caregiver Retail Stores by Selectman Taylor. Seconded by Selectman Olsen.

Unanimously approved.

Motion to approve warrant article as presented for Mobile Homes by Selectman Taylor. Seconded by Selectman Bullock.

Unanimously approved.

c) Consider Extension of Peddler's License – Jose Chavez, A La Mexicana

The Select Board has in the ePacket an email from Laurie and Bob Mason outlining the status of the new diner.

Selectman Olsen – If you check back through the minutes you will find that we gave the Town Manager the authority to extend the Peddler's License as needed.

Chairman Sadak – I do not want to stop them from doing business and I know there have been problems with the building.

CEO Dvorak – They have had several issues. When it arrived there were issues with

mold which has had to be abated. They have gone through a couple of supervisors on the job and now the owners are doing it themselves. The fences, ramp and deck are going up. They expected to be up and running before Summer hit.

Motion to grant authority to the Town Manager to grant extensions to A La Mexicana's Peddler's License until the building is ready for occupancy by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

d) Approve Warrant for August 14, 2018 Special Town Meeting Election Whether or Not to Begin Withdrawal from RSU #14 – Sue Look, Town Clerk

Motion to approve as presented by Selectman Taylor. Seconded by Selectman Bullock. Chairman Sadak – This is the warrant article:

ARTICLE 2: Vote by secret ballot the question: Do you favor filing a petition for withdrawal with the Board of Education, authorizing the withdrawal committee to expend \$50,000 over 2 years and authorizing the Select Board to issue notes in the name of the Town of Raymond or otherwise pledge the credit of the Town of Raymond in an amount not to exceed \$50,000 over 2 years for this purpose?

This starts the process to withdraw. July 31st there is a Public Hearing for this warrant.

There will also be a Special Town Meeting on July 31st to vote at open Town Meeting to vote on the moratoria.

Unanimously approved.

4) **Public Comment**

None

5) **Selectman Comment**

Teresa – RSU Withdrawal – I can not get onto the RSU 14 website due to maintenance. You can find information on our website www.raymondmaine.org.

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

First I would like to recognize our Town Clerk who has qualified to be recertified as a Maine Town Clerk.

a) Confirm Dates for Upcoming Special Meetings

- July 31, 2018 – Special Town Meeting to Vote on a Moratorium on Registered Caregiver Retail Stores and a Moratorium on Mobile Homes in the Limited Residential/Recreational 1 (LRR1) and Limited Residential/Recreational 2 (LRR2) Shoreland Zoning Districts
- July 31, 2018 – Public Hearing for RSU #14 Withdrawal Vote on August 14th
- August 14, 2018 – Special Town Meeting Election for RSU #14 Withdrawal Vote

b) Confirm Dates for Upcoming Regular Meetings

- August 21, 2018
- September 11, 2018

7) **Treasurer's Warrant** – none presented

8) **Executive Sessions**

a) Town Manager's Annual Performance Review (Pursuant to MRSA 1 §405 (6)(A))

Motion to enter executive session at 6:50pm as listed above by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

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

Unanimously approved.

Motion to extend the Town Manager's contract by 1 year and grant the increase as discussed by Selectman Olsen. Seconded by Selectman Taylor.

Unanimously approved.

9) **Adjournment**

Motion to adjourn at 7:19pmpm by Selectman Taylor. Seconded by Selectman Gifford.

Unanimously approved.

Respectfully submitted,

Susan L Look, Town Clerk



**BOARD OF SELECTMEN
Minutes**

July 31, 2018

Immediately Following the 6:00pm
Special Town 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: Rolf Olsen, Teresa Sadak, Samuel Gifford, Lawrence Taylor, and Marshall Bullock

Select Board members absent: none

Town Staff in attendance:

Don Willard – Town Manager
Sue Look – Town Clerk

1) **Called to order** at pm by Chairman Sadak.

2) **Public Hearing**

The Town of Raymond Board of Selectmen will hold a public hearing on Tuesday, July 31, 2018, for the purpose of receiving public input on the proposed referendum question to be included in the Town Warrant for the Special Town Meeting Election on August 14, 2018:

ARTICLE 2: Vote by secret ballot the question: Do you favor filing a petition for withdrawal with the Board of Education, authorizing the withdrawal committee to expend \$50,000 over 2 years and authorizing the Select Board to issue notes in the name of the Town of Raymond or otherwise pledge the credit of the Town of Raymond in an amount not to exceed \$50,000 over 2 years for this purpose?

There were 2 PowerPoint presentations – one from Chairman Sadak and one from attorney Dan Stockford.

In 2014 a withdrawal process was begun and was halted due to the RSU 14 Board of Directors proposing a new cost sharing agreement where Raymond would pay based on enrollment. It also said that major capital costs would belong to the municipality where the building would be located.

In 2018 Windham wants to build a new garage which would be owned by Windham and leased by the RSU for bus maintenance. Raymond voters were not allowed to vote on this. The RSU Board and Town of Windham were contacted by the Raymond Select

Board and they would not sit down and talk about this issue. Also, the RSU Board voted to approve a lease of a modular classroom for their middle school and for Adult Education. There is plenty of room at Jordan Small Middle School and Raymond Elementary for either of these.

The RSU has \$6.5 million in their undesignated funds, but the playground at RES had to be put off another year because of budget cuts.

Raymond's student count is diminishing. The withdrawal process is a 22-step process.

Attorney Stockford – I have been practicing school law for more than 25 years and have represented more than 20 towns who have withdrawn from RSU and some RSUs who have had towns withdraw, so I have seen it from both sides. I will simplify the steps.

Basic Steps:

- A petition has been filed to initiate the process.
- A secret ballot, simple majority vote to authorize the expenditure of monies to begin the process.
- This hearing fulfills the requirement of a public hearing prior to the vote.
- The Town Clerk notifies the DOE
- The DOE will direct the BOS to form a Withdrawal Committee, made up of:
 - 1 from Select Board
 - 1 from general public
 - 1 from group filing petition
 - 1 from RSU Board
- Meeting of Withdrawal Committee to elect Chair.
- Negotiating the Withdrawal Agreement – this is the bulk of the time and expense
- DOE requires that the withdrawal agreement be submitted for conditional approval by June 30th a year before the withdrawal date.
- Withdrawal Agreement is sent to the DOE for feedback/approval.
- Public hearing prior to final DOE approval.
- DOE sets date for Raymond's vote (must have a turnout of at least 50% of the votes cast in the previous gubernatorial election).
- Public hearing for the secret ballot vote.
- The Town Clerk notifies DOE.
- DOE sends a certificate of withdrawal.

We would need to have in the agreement:

- An agreement for a 10-year period from a school that would guarantee to take our students.
- Address transportation
- The withdrawal must not require new construction
- Who is responsible for outstanding debt?

Selectman's Meeting Minutes (Page 2 of 5) July 31, 2018

- Division of property owned by RSU
- Obligations to Employees – contracts, collective bargaining, etc.
- Transition of Administration & Governance
- Undesignated Fund Balances – usually apportioned according to the cost sharing agreements

Opening a new school:

- Elect a School Board
- Decide to continue as a municipal school unit, join a different RSU or join an AOS
- Hire:
 - Superintendent – would not need to be full-time
 - Special Education Director
 - Principal
 - Federal Projects
 - Tech Director
 - Business Services
- Develop initial budget
- Adopt policies
- Staffing, Food Service, Maintenance, Transportation all need to be addressed

Sheila Bourque – Were around how much this will cost and what will the education of the children look like. Why do we want to do this other than we are being ripped off and being treated badly.

Selectman Olsen – Where were we? We had a K-8 school and we tuitioned out our high school kids. Now, because Windham will not send any kids here, Raymond has a K-8 school and we, through the budget, tuition our kids to high school. If we separate, we will have a K-8 school and we will tuition our kids to high school. To the kids there will not be much of a change. When we were on our own we had schools of national excellence. That is not where they are right now. We will have to do some work to get there, but that would be our goal. Raymond had a concept a few years ago of “One Raymond” where we would look for areas where we could share responsibilities between the town and the school. We would be looking to do this again. We thought they would look at the RSU as a consolidated unit and that did not happen.

Grace Leavitt – There is consternation that the Select Board should not be speaking in the “Public Hearing” and that there was bias in the presentation and may not have been factual. Issue was taken with the disparaging remarks about the RSU Board and with the thought that we could get back to “national schools of excellence”. Windham has a great facility and programs. \$50,000 is too much to spend. Why are we having this vote when the fewest people will here.

Peter Leavitt – We got our savings for the town with the last attempt at this. Is there not a better way to do this? Negotiate rather than threaten withdrawal. What is a “substantial increase” to the \$9,600 leasing cost? We do not need to spend all \$50,000, how much of the money was spent last time? Quality has not been talked about at all here. The primary reason it was unsuccessful last time was that it did not make common sense.

Chairman Sadak – Everything that was on that presentation was taken from the video, minutes and agenda from RSU 14 Board of Directors meetings.

Selectman Bullock – The issue for me is that the building they are building is the top of the line that could survive a nuclear attack. It is \$310 per square foot. A building on Enterprise Drive that would be sufficient for this use is \$65 per square foot. I asked Superintendent Sandy Prince if due diligence was done to look at other options, his answer was, “No, we trusted the RSU.” That makes no sense. The difference in the lease cost is from \$9,600 to \$63,000 for 20 years.

Chairman Sadak – We did look into going to court and it would cost \$50,000 to begin a court proceeding. I found that Sebago spent \$56,000 for their withdrawal. The last time we stopped the withdrawal process (it did not fail) because it was the best thing at the time. We got the change in the cost sharing agreement and spent less than \$5,000. What people do not know is we have been working with an attorney to send letters to Windham and the RSU. One response was that they do not plan to answer the email because they did not plan to talk to the school board until mid-June.

Frank McDermott – If this is not about a better education and building a better school system for the kids of Raymond, then it is not worth it. I would like to see what a school system could look like in the Town of Raymond with ballpark figures. Could we attract kids from outside if we had specialties? Mark Eastman was the best superintendent in the State of Maine and should have been Commissioner of Education. I want to see a presentation on the kids and how we can benefit them.

Selectman Olsen – That is part of the process. All this does is start the process. The final plan

Frank McDermott – Before I commit to spending \$50,000 I want commitment from the Town that we are going to build an excellent school system. We had a wonderful technology program which the RSU threw out of Raymond because Windham does not have it. Are we going to reinstate that? Are we willing to spend the money?

Selectman Bullock – I do not see any major staff changes. What I do see is a better morale. I understand there are some morale issues because of the way Windham is treating Raymond and their school. A good example is the RES playground. We recognize it may cost some money in the beginning to get a school up and running the way we want. In the long term we will get a better education and better morale for the teachers.

Sheila Bourque – Why aren't we studying what we want to be before we get out of what we are?

Chairman Sadak – I have so much faith in our teachers. It is not the Select Board's job to come up with the plan for the new school, that will come out of the withdrawal process after the Withdrawal Committee is formed and will be voted on by the Town.

Attorney Stockford – Ultimately it is up to the voters of Raymond.

Joe Bruno – 1989 we negotiated with surrounding schools to take our kids and they were offering 10% to 15% discounts because they all wanted our kids. We had over 700 kids at the time. Now we are under 600, a 20% drop and is continuing to drop. I was a part of the negotiations to form the RSU, then I was a chair for the withdrawal. What started all of this was an “end run around” of the process to have the RSU pay for a garage. Our share in Raymond is \$9.2 million, that is a lot of money per student. We can negotiate a better cost per student with Windham. If they came to the Select Board, we would not be here right now. There was never a discussion.

Selectman Olsen – DOE will not approve this unless there is a guaranteed receiving school.

Selectman Bullock – A part of the problem is our lack of representation on the RSU Board, especially when our 3 vote with the 6.

Public Hearing closed by Chairman Sadak. There is a all day vote on August 14th. Please vote.

3) Adjournment

Motion to adjourn at 8:04pm by Selectman Bullock. Seconded by Selectman Taylor.

Unanimously approved.

Respectfully submitted,

Susan L Look, Town Clerk

Planning Board Appointment



Board of Selectmen

*401 Webbs Mills Road
Raymond, Maine 04071*

Appointment by Municipal Officers

Pursuant to M.R.S.A. 30-A §2601, the undersigned municipal officers of the Town of Raymond do hereby vote to appoint and confirm **Robert O'Neill** to be a member of the Planning Board for a term ending June 30, 2020.

Given under our hands on the 21st day of August, 2018.

Teresa Sadak

Rolf Olsen

Marshall Bullock

Samuel Gifford

Lawrence Taylor

Release Covenant

COVENANT

(I) (We), David M & Tammy R. Knights, of Raymond, County of Cumberland, State of Maine for consideration hereby covenant with the Inhabitants of the Town of Raymond, a corporate municipality with a mailing address of Municipal Building, RR 1, Box 269, Route 85, Raymond, Maine 04071, that the apartment constructed on my (our) property located in Raymond, Maine on Old Canal Road, Assessor's Tax Map 47, Lot 20, by virtue of the building permit attached hereto as Exhibit A is an "in law apartment" as defined by Article XII of the Land Use Ordinance of the Town of Raymond, and will be occupied only by a person or persons legally related to me (us). I (we) further covenant that when the apartment is no longer occupied by a person or persons legally related to me (us), it will not become a rental unit or in any other way create a two family premises. It is the intent of the parties that this covenant run with the land and be binding on the covenantor's(') heirs and assigns. Specifically, no heir or assign of the covenantor(s) shall allow the apartment to be occupied by a person or persons who are not legally related to his/her/their heirs or assigns. Dated this 29 day of ~~October~~ September 1990.

Carlton E. Edwards Witness
Tammy R. Knight Covenantor

Carlton E. Edwards Witness
David M Knight Covenantor

Carlton E. Edwards Witness
By: John L. Cook
Its Code Enforcement officer
Inhabitants of the Town of Raymond

STATE OF MAINE
Cumberland, ss

Personally appeared the above named Tammy R. Knight and David M. Knight and acknowledged the foregoing instrument to be (his/her/their) free act and deed.

Before me,

September 29, 1990
Tammy R. Knight and David M. Knight
Clifford P. Hawkes Jr.
Notary Public/Attorney-at-Law

Clifford P. Hawkes Jr.
Print Name

5049997.1006

Y COMMISSION EXPIRES
SEPTEMBER 9/17/96

From: Philip Saucier <psaucier@bernsteinshur.com>
To: 'CEO' <ceo@raymondmaine.org>
Date: Wed, 25 Jul 2018 15:42:23 +0000
Subject: RE: Covenant question

Hi Scott,

It was good to see you last week as well- it's nice to get out of the office and meet the people I work with in person.

The attached document would suffice for the purpose of releasing the covenant on the property. As I understand it, from our discussions, accessory dwelling units are now allowed in the district without any restriction on who may live there. I suspect you are correct that the reason for the original condition and covenant is there was likely a restriction at the time that permitted accessory dwelling units only for family purposes or some other similar type of restriction.

Take care and let me know if you have any further questions.

-Phil

Philip Saucier
BERNSTEIN SHUR - Shareholder
Municipal & Governmental Services Practice Group Leader
207 228-7160 direct

Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: CEO [mailto:ceo@raymondmaine.org]
Sent: Tuesday, July 24, 2018 6:06 PM
To: Philip Saucier
Subject: RE: Covenant question

Hi Phil,

It was good to see you and add a face to the voice.

The attached document was presented to me by the landowner. he stated that he talked and had a lawyer draw up this document, so my question is all that would be needed? He believed the board of appeals was the reason for the document. I'm assuming that apartments were not permitted at the time, and this was a way around it?

Best Regards,
Scott

Scott Dvorak
Code Enforcement Officer
Raymond, Maine
ceo@raymondmaine.org

From: Philip Saucier <psaucier@bernsteinshur.com>
To: 'CEO' <ceo@raymondmaine.org>
Date: Thu, 19 Jul 2018 15:53:53 +0000

Subject: RE: Covenant question

Hi Scott,

This is a somewhat unusual situation in that the covenant is held by the Town of Raymond, but it not the type of property interest that would normally need to be approved by town meeting like a fee or easement deed. As an initial matter, it will be helpful to determine which board or office originally approved the accessory apartment (i.e. Planning Board, Board of Appeals, CEO) – the CEO signed the covenant but it is not clear if it attached to a specific permit. Then I would have that board/office make a recommendation to the Board of Selectmen on whether or not to release the covenant, who would then vote. If they release the covenant, the release would then be recorded in the Registry.

I hope this helps, let me know if you have any further questions.

-Phil

Philip Saucier
BERNSTEIN SHUR - Shareholder
Municipal & Governmental Services Practice Group Leader
207 228-7160 direct

Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: CEO [mailto:ceo@raymondmaine.org]
Sent: Tuesday, July 17, 2018 2:03 PM
To: Philip Saucier
Subject: RE: Covenant question

Hi Phil,
In regards to Covenant that was discussed in this email. What is required from the landowner to dissolve this covenant? The Landowner has contacted a lawyer and is asking what is needed from the town.

Who or how does the town okay this document, Town manager or The board of selectman accept it?
Best Regards,
Scott

Scott Dvorak
Code Enforcement Officer
Raymond, Maine
ceo@raymondmaine.org

From: Philip Saucier <psaucier@bernsteinshur.com>
To: 'CEO' <ceo@raymondmaine.org>
Date: Tue, 12 Jun 2018 20:28:56 +0000
Subject: RE: Covenant question

Hi Scott,

the most likely interpretation is that it does run with the land since that was the intent of the parties and it contains an heirs and assigns provision (“It is the intent of the parties that this covenant run with the land and be binding on the covenantor’s(‘) heirs and assigns. Specifically, no heir or assign of the covenantor(s) shall allow the apartment to be occupied by a person or persons who are not legally related to his/her/their heirs or assigns.”).

Although the legal description in the covenant could be clearer by referencing the book/page for the deed of the property (which we were able to determine is at Cumberland County Registry of Deeds at Book 7465, Page 125), it reasonably defined as on Old Canal Road and Tax Map 47, Lot 20). Further, the Covenant was recorded in the Cumberland County Registry of Deeds at Book 9339, Page 35 – although it does not include the Exhibit A referenced in the document.

Let me know if you have any further questions.

-Phil

Philip Saucier
Shareholder
Municipal & Governmental Services Practice Group Leader

207 228-7160 direct

207 774-1200 main

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEIN SHUR

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Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

From: CEO [<mailto:ceo@raymondmaine.org>]

Sent: Thursday, June 07, 2018 3:29 PM

To: Philip Saucier

Subject: Covenant question

EXTERNAL EMAIL

Hi Phil,

Can you look at the attached document. The question is that after the family members move out can they apply for a accessory apartment or duplex ever? have seen agreements like this before, but not with this wording.

Best Regards,
Scott

Scott Dvorak
Code Enforcement Officer
Raymond, Maine
ceo@raymondmaine.org

Release of Covenant

Now come the Selectmen of the Inhabitants of the Town of Raymond to release a certain Covenant with **David M Knights and Tammy R Knights** dated **September 29, 1990**, as recorded in the Cumberland County Registry of Deeds **Book 9339, Page 35**.

The Inhabitants of the Town of Raymond

By: _____
Name: Teresa Sadak, Chair

By: _____
Name: Rolf Olsen, Vice Chair

By: _____
Name: Marshall Bullock, Parliamentarian

By: _____
Name: Samuel Gifford

By: _____
Name: Lawrence Taylor

Dated the **21st** day of **August, 2018**.

State of Maine
Cumberland County

August 21, 2018

Personally, appeared the above Selectmen of the Inhabitants of the Town of Raymond, and acknowledged the aforesaid document to be personally and freely executed,

Before me _____
Notary Public

Quit Claim Deeds

Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Rd
Raymond ME 04071
204-655-4742 fax 207-655-3024
sue.look@raymondmaine.org

Requested Meeting Date:

Requested By & Date:

CONTACT INFORMATION

Address:

Email Address:

Phone #:

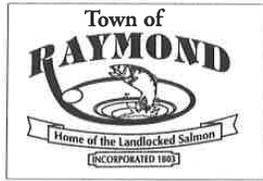
AGENDA ITEM REQUESTED

Agenda Item Subject:

Agenda Item Summary:

Action Requested/Recommendation: Approval Public Hearing Information Only

List of Attachments Included:



401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
655-3024 (Fax)

Tax Acquired Property

Name: Golding Mark, Marjorie Larrivee

Map: 54

Lot: 56

Location: 58 Crockett Rd

Foreclosure Date: 9/14/2017

Amount Paid: \$5638.49

Additional Information: Was on a payment plan then paid it all off for legal purposes. All taxes, interest, and cost paid.



*401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742
655-3024 (Fax)*

Tax Acquired Property

Name: David Thompson

Map: 16

Lot: 2A

Location: 9 Peppercorn Way

Foreclosure Date: 02/25/2016

Amount Paid: \$1897.46

Additional Information: Paid all taxes, interest and cost he has zero balance.

Maine Short Form Quit Claim Deed Without Covenant

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to GOLDING MARK E, LARRIVEE MARJORIE A in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 054, Lot 056

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 054, Lot 056 in the name of GOLDING MARK E, LARRIVEE MARJORIE A and recorded in said Registry of Deeds.

BK 32973 PG 88 BK 32973 PG 89 BK 33358 PG 213
BK 34141 PG 10

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by TERESA SADAK, ROLF OLSEN, MARSHALL BULLOCK, SAMUEL GIFFORD, AND LAWRENCE TAYLOR, thereto duly authorized, this 21ST day of August 2018.

THE INHABITANTS OF THE TOWN OF RAYMOND

Witness to All

By: _____
TERESA SADAK, Selectman

ROLF OLSEN, Selectman

MARSHALL BULLOCK, Selectman

SAMUEL GIFFORD, Selectman

LAWRENCE TAYLOR, Selectman

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared before me, the above named Teresa Sadak, Rolf Olsen, Marshall Bullock, Samuel Gifford, and Lawrence Taylor, aforesaid Selectmen, known to me, this 21st day of August 2018 and acknowledged before me the foregoing instruments to be their free act and deed in their said capacity and the free act and deed of said Grantor Corporation.

Notary Public

Maine Short Form Quit Claim Deed Without Covenant

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to THOMPSON DAVID L in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 16, Lot 002A00000

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 16, Lot 002A00000 in the name of THOMPSON DAVID L and recorded in said Registry of Deeds.

BK 31729 PG 253 BK 32517 PG 288 BK 33358 PG 218
BK 34141 PG 85

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by TERESA SADAK, ROLF OLSEN, MARSHALL BULLOCK, SAMUEL GIFFORD, AND LAWRENCE TAYLOR, thereto duly authorized, this 21ST day of August 2018.

THE INHABITANTS OF THE TOWN OF RAYMOND

_____ By: _____
Witness to All TERESA SADAK, Selectman
_____ _____
ROLF OLSEN, Selectman
_____ _____
MARSHALL BULLOCK, Selectman
_____ _____
SAMUEL GIFFORD, Selectman
_____ _____
LAWRENCE TAYLOR, Selectman

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared before me, the above named Teresa Sadak, Rolf Olsen, Marshall Bullock, Samuel Gifford, and Lawrence Taylor, aforesaid Selectmen, known to me, this 21st day of August 2018 and acknowledged before me the foregoing instruments to be their free act and deed in their said capacity and the free act and deed of said Grantor Corporation.

Notary Public

RSU 14 Withdrawal Update

Town of Raymond
August 14, 2018
SPECIAL TOWN MEETING MINUTES

the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, met at the Jordan Small Middle School Cafeteria at 423 Webbs Mills Road in said town on Tuesday, August 14, 2018, at 7:00 A.M., then and there to act on Articles 1 through 2 as set out below.

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

Sue Carr was nominated as Moderator and elected by a vote of 4-0.

ARTICLE 2: Vote by secret ballot the question: Do you favor filing a petition for withdrawal with the Board of Education, authorizing the withdrawal committee to expend \$50,000 over 2 years and authorizing the Select Board to issue notes in the name of the Town of Raymond or otherwise pledge the credit of the Town of Raymond in an amount not to exceed \$50,000 over 2 years for this purpose?

There were 4, 036 voters on the Voter List, and 301 (7.5%) came out to vote before the polls closed at 8:00pm.

Results:

YES	171	56.8%
NO	128	42.5%
BLANK	2	00.7%

Respectfully submitted,

Susan L Look
Town Clerk

Steps for Raymond to Withdraw from RSU 14

Step	Description	Time	Date	Status
1	Circulate a petition to withdraw from the RSU and gather at least 235 signatures from voters registered in Raymond.	At least 45 days before the Special Town Meeting	6/19/2018	<i>Complete</i>
2a	Selectmen call a Special Town Meeting to vote on whether or not to officially start the withdrawal process.		6/19/2018	<i>Complete</i>
2b	May include absentee ballots, and if so they need to be available 30 days prior to the election.	30 days prior to the vote	7/15/2018	16 <i>Absentees</i>
3a	Town Clerk to post the Notice of Public Hearing.	At least 7 days prior to Public Hearing	7/17/2018 for 7/20/2018 papers	<i>Complete</i>
3b	Hold a Public Hearing regarding the petition at least 10 days prior to a Special Town Meeting (4 below).	At least 10 days prior to Special Town Meeting	7/31/2018	<i>Complete</i>
4	Hold a Special Town Meeting (election) to secret vote (ballot) on whether or not to officially start the withdrawal process. <u>The article would need to read:</u> "Do you favor filing a petition for withdrawal with the Board of Education, authorizing the withdrawal committee to expend \$50,000 over 2 years and authorizing the Select Board to issue notes in the name of the Town of Raymond or otherwise pledge the credit of the Town of Raymond in an amount not to exceed \$50,000 over 2 years for this purpose?" Yes No		8/14/2018	178 YES 121 NO 2 Blank 301 Total Voters 7.5% turnout
5	If the vote is favorable, the Town Clerk shall immediately give written notices, by registered mail, to the Secretary (Superintendent) of the RSU and to the Commissioner of Education to include the result of the vote (# Yes and # No votes), and an explanation by the Selectmen stating the reasons why the municipality seeks to withdraw from the RSU.	Selectmen's Meeting after the Election	8/21/2018	

Step	Description	Time	Date	Status
6	The Commissioner of Education will direct the Selectmen to establish a 4-member Withdrawal Committee to develop a Withdrawal Agreement, 1 from each of the following: 1. Municipal Officers 2. General public 3. Group filing the petition 4. RSU Board	Within 30 days of the receipt of the notice in step 5 is implied	9/?/2018	
6a	<i>Selectmen choose 1 Municipal Officer, 1 member of the General Public, and 1 member of the group filing the petition</i>			
6b	<i>RSU Board of Directors choose 1 of the members of the Raymond Directors</i>			
7	Chair of RSU Board calls a meeting of the Withdrawal Committee and presides as chair until the committee elects their own chair.	Within 30 days of the Notice sent in step 5	9/?/2018	
8	The Withdrawal Committee shall negotiate the Withdrawal Agreement with the RSU Board and submit the Withdrawal Agreement to the Commissioner of Education.	Within 90 days after the committee is formed		
9	Commissioner shall either give the Withdrawal Agreement conditional approval or recommend changes.	Within 60 days of the receipt of the Withdrawal Agreement		
10a	If conditional approval is given – The Commissioner shall notify the RSU Board and Selectmen by registered mail of the time and place of a public hearing to discuss the merits of the proposed Withdrawal Agreement. The RSU Board Chair shall conduct the public hearing.	At least 20 days prior to Public Hearing		
10b	If changes are recommended – The Commissioner shall send the Withdrawal Agreement back for corrections and shall establish a maximum time within to make the corrections.	Time set by Commissioner		
11a	RSU Board shall post Public Notice in each municipality of the time/location of the Public Hearing.	At least 10 days prior to Public Hearing		
11b	RSU Board conduct the Public Hearing.			

Step	Description	Time	Date	Status
12	Withdrawal Committee shall develop and forward the final Withdrawal Agreement to the Commissioner of Education.	Within 30 days following the Public Hearing		
13	If changes are recommended – The Commissioner shall send the Withdrawal Agreement back to the Withdrawal Committee, establish maximum time frame, and indicate the steps to be followed by the Withdrawal Committee.	Time set by Commissioner		
14	If approval is given – Commissioner shall set the date for vote. The Commissioner shall attempt to coincide with a statewide election.	Date set by Commissioner		
15	The Commissioner shall give written notice of the date by registered or certified mail to the Town Clerk of Raymond.	At least 35 days prior to the vote		
16a	The Town Clerk shall immediately notify the Selectmen upon receipt of the notice from step 15, and the Selectmen shall meet and immediately issue a warrant for a Special Town Meeting to be held on the date set by the Commissioner.	Day of receipt of Commissioner's written notice		
17a	May include absentee ballots, and if so they need to be available 30 days prior to the election.	30 days prior to the vote		
17b	Town Clerk to post the Notice of Public Hearing.	At least 7 days prior to Public Hearing		
17c	Selectmen hold a Public Hearing on the withdrawal question. <u>The question would need to read:</u> "Do you favor the withdrawal of the Town of Raymond from the regional school unit RSU 14 subject to the terms and conditions of the withdrawal agreement dated (insert date)?" Yes No	At least 10 days prior the Special Town Meeting		
17d	Town Clerk to post the Notice of Election, sample ballots and copies of the Withdrawal Agreement.	At least 7 days prior to the vote		
18	Special Town Meeting vote on Withdrawal Agreement.			
19	The Town Clerk shall within 24 hours of determination of the results of the vote on the Withdrawal Agreement certify the number of Yes and No votes to the Commissioner.	Within 24 hours of the vote		

Step	Description	Time	Date	Status
20	<p>If the Commissioner finds the official outcome of the vote meets the following criteria:</p> <ul style="list-style-type: none"> • A majority of the voters voted “Yes” • The total number of votes cast must equal at least 50% of the votes cast in the last Gubernatorial Election (2,227 votes cast for Governor in 2010, so there needs to be at least 1,114 total votes cast) <p>then the Commissioner shall notify the Selectmen and the RSU Board to begin the steps outlined in the Withdrawal Agreement.</p>			
21	<p>Once the Withdrawal Agreement has been executed the Commissioner must be notified by certified mail.</p>			
22	<p>Once all steps are completed, the Commissioner shall immediately issue a Certificate of Withdrawal to be sent to the RSU Board and a copy to the SOS-Corporate Division.</p>			



*Select Board
401 Webbs Mills Road
Raymond, Maine 04071
207.655.4742*

August 21, 2018

Robert G. Hasson, Jr., Commissioner
Maine Department of Education
23 State House Station
Augusta, ME 04333

RE: Raymond Citizen Petition to Withdraw from RSU 14

Dear Commissioner Hasson:

On August 14, 2018, the Raymond residents voted favorably (178 yes, 121 no) to begin the process of withdrawing from RSU 14. The secret ballot vote, which was called by the Raymond Board of Selectmen after receipt of a petition signed by more than 10% of the number of Raymond voters who voted in the last gubernatorial election (352 valid signatures – 15.8% of last gubernatorial election votes cast), approved the following article:

ARTICLE 2: Vote by secret ballot the question: Do you favor filing a petition for withdrawal with the Board of Education, authorizing the withdrawal committee to expend \$50,000 over 2 years and authorizing the Select Board to issue notes in the name of the Town of Raymond or otherwise pledge the credit of the Town of Raymond in an amount not to exceed \$50,000 over 2 years for this purpose?

To the best of our knowledge, reasons that Raymond voters petitioned to withdraw from RSU 14 include:

- 1) The RSU has been unwilling to view the district as a whole where students are transported to utilize available space, wherever it is located in the district. For example, instead of transporting Windham students to Raymond to use available classroom space, the RSU is lease purchasing new modular classrooms in Windham;
- 2) Although RSU towns voted to amend the Cost Sharing Agreement (CSA), the RSU is not using the revised formula to address all costs. The CSA identified that the cost of expansion of new footprints would be the sole responsibility of the town where the additional space was built, but the RSU is using lease agreements to create new footprints in Windham under which Raymond is required to participate in the costs; and
- 3) Withdrawal would give Raymond the ability to control its own school unit for the education and best interest of its students, instead of participating in a larger school unit in which Windham has the overwhelming vote on the school board.

Sincerely,

Teresa Sadak, Chair

Rolf Olsen, Vice Chair

Marshall Bullock, Parliamentarian

Samuel Gifford, Selectman

Lawrence Taylor, Selectman

Cc: Sanford Prince, RSU 14 Superintendent
Christopher Howell, RSU 14 Assistant Superintendent
Paula Gravelle, DOE School Finance Coordinator
Susan Look, Raymond Town Clerk