

**BOARD OF SELECTMEN  
MINUTES**

Tuesday, November 21, 2006

\* As amended on December 5, 2006

Attendance: Mark Gendron, Chairman; Dana Desjardins; Mike Reynolds; Joe Bruno; and Lonnie Taylor.

Selectmen absent: Dana Desjardins

Staff attendance: Don Willard, Town Manager; Teresa Sadak and Wendy Trask, School Board.

Others: Sheriff Mark Dion; Captain William Rhoads; Captain Don Goulet; Deputy Kevin Joyce; John Robinson, Legislative Representative; and Charlotte Rowe, resident and many others.

1)Call to order: Mark Gendron called the meeting to order at 7:00 pm at the Jordan Small Middle School Broadcast Studio.

2)Minutes of previous meeting dated November 7, 2006.

MOTION: Joe Bruno motioned to approve the minutes as written. Seconded by Lonnie Taylor.

AMENDMENT: Mark Gendron asked to have #3,c include after Mr. Bruno's comment that they have no plans to build ... "Mr. Gendron stated that they needed to know whether the land is appropriate to build on before they investigate further."

VOTE: 3 in favor (Gendron, Bruno, Taylor) 1 abstained (Reynolds)

3)New business.

a)Presentation from Cumberland County on sex offender notification process, ordinances and law – Sheriff Mark Dion, Captain William Rhoads, Captain Don Goulet; Deputy Kevin Joyce.

DISCUSSION: Mr. Gendron explained that a letter from citizens prompted this meeting because the state does not have a program established and there is a draft ordinance for discussion. He welcomed Sheriff Mark Dion and those he brought with him, and John \*Robinson our legislative representative. He noted that Bill Diamond, our State Senator, was out of state or would have attended. He welcomed the School Board members as well. He noted that this meeting would be on the access channel 3 during the week and that a DVD can be borrowed for home viewing.

Sheriff Dion thanked them for the invitation to speak. He introduced the representatives with him. He felt it was important to talk with towns to inform the citizens of what the Cumberland County Sheriff's Department would like to do. They have accomplished a full notification procedure in Naples and a couple of other towns. Their priority is the protection of the children. The child protection law was passed in June 2006 which would be improved in time. The

CCSD has testified in Augusta where changes could be made to make it better. He indicated one flaw was is the lack of notification of offenders in towns where they work but not live. The responsibility is with sheriffs and local police but not the state police which needs to be changed for those towns which don't have a sheriff or local police. They have started a public safety committee to work on this and other issues. The registry is available on their website. Establishment of where some offenders are really living is imperative. Preparation for notification to residents takes about 15 hours where the sheriff's department must keep the paperwork in order. The way notification is accomplished doesn't have definite wording in the law. CCSD will do a notification of an offender within 1000 feet of schools. However, measurement of the area around the schools is a problem being from the front door or the perimeter of the land. This needs to be defined clearly. The report wants to have a sense of who the offender is. A true sexual predator is rare but of great danger to victims. Generally it is a family member who offends. Notification serves to educate the public, but it can be devastating to the victim if that offender is a family member. There is a need to let victims know what will be happening through the notification process. Static 99 is a paper check box instrument which identifies aspects of the offenders personality and gives a score to indicate the type of notification needed. It's quite subjective and needs to be used carefully and looked at closely in order to get a single score. Because of due process the offender needs to have fairness given to them. Offenders can have a hearing as to why they should not have a notification done. An offender can go to court to block a notification. Notification can't be done overnight and must have a scheduled process allowed the offender. Chief Dion feels that a local ordinance is good to protect the town and could become an example for the legislature to use. The registry has three tiers of offenders with the most dangerous at the top and the third tier which doesn't necessarily require notification. The third tier is for those offenders who for example might while being a minor and \*having a relationship with a minor.

Captain Goulet, Chief of Detectives, explained that his responsibility was to research offenders going back 10 years for certain offences. These people have to be listed within their group status. There is lifetime (reporting every 90 days to a local police department) or 10 years for lesser offenders (report once a year). They must have a \*passport with photo and a \$25 fee to the state. These reports include thumbprints and verification of where they live and mailing address and any other addresses they might habitate. Information goes to the state and then it's Teletype to all towns, sheriffs, state police etc. The offender is assigned to the officer for process, and a recommendation to the sheriff is made as to the status of the offender. Most offenders now have to be researched from paper files which take more time than having that information on a computer. This information comes to a detective's office, which gives a recommendation, and then the sheriff gives his opinion, which is then, decided what level the offender is. At that point notification goes to town, school department and school bus garage. The Sheriff's would go door to door with handouts but only leave it with an adult which takes time if there are children at home at the time of the visit. This law also covers daycares. They have developed an email system with the daycare centers as well as the towns. The notification will have a picture with bio information i.e. where they live and work and a little about his/her history of

offense. This notification also includes a legal disclaimer relative to the offender's rights.

Sheriff Dion said there are now three offenders in Raymond currently two live and one works. The offender website can be searched by name, zip code, or address. None of the current Raymond offenders are near a school. The CCSD's GIS has located all the schools in the county, but the daycares will take more time. They don't believe that any of the offenders are a great risk to the community. Right now there are about 60+ offenders in Cumberland County excluding Portland and South Portland. We are missing about 400 offenders in the state since 1996. There are some who are willfully not registering. Since June they have arrested and processed 6 individuals who didn't want to register.

Sheriff Dion said that Cumberland County District Attorney Stephanie Anderson wanted to attend tonight but said that she will prosecute anyone the sheriff brings to her. Under the new law the registry will only get changed when the offender notifies them and not when the sheriff's department does. This needs to be changed through the legislature.

Captain Rhoads said that the sheriff's know who is in the area, and they try to keep track of the offenders and appreciate information from the public. If you identify one from the website let them know so that they can check up on them and then notify the residents in the area. If you don't want to relay your information, please give it to someone who will. The CCSD's job is to keep track of them and notice towns when they move. They regularly check in with the offenders and make sure they're still where they said they were living.

Sheriff Dion said that the Cumberland County Board of Commissioners has allowed some funds for extra manpower to keep this job going. They now have .6 deputies per thousand and needed a person who can organize this work and continue it. We need to have a follow up office to keep information flowing on the sex offenders.

Deputy Joyce noted electronic policing, which can be signed up for by the resident, and information can flow back and forth between the department and the public. They have had only one hearing on notification so far, and that offender is recorded, but it's a coming decision as to whether a notification should be done. Notification to the offender is given 48 hours before the meeting for discussion and if the offender doesn't attend, the notification will go forward by default.

Deputy Joyce is a fact finder for disciplinary issues and his information to the sheriff is appreciated and used.

#### QUESTIONS:

Mr. Gendron asked if departments outside CCSD shared information. When offenders are in the area and working in around homes, what is our protection? What does the state have for protection? Do offenders notify the CCSD before they move in or afterward and are already in residence? Can the offender list be

put on our local access channel? Mr. Gendron thanked them for coming out for this meeting.

Sheriff Dion replied that the contact database is the chief's e policing with merchants/business for bad checks etc and it goes out to everyone who is on line with them. Using local access channel might be considered local only and therefore local liability would be needed. He recommended getting legal advice to see if the town is covered. Information is shared but not through a formal structure at this point. We are looking into that through the legislature. There is notification when offenders move around, but there is a problem because if neighbors find out before the offender moves in they might object, and society is expected have to find some place for these people to live. GIS technology is being studied but not instituted at this point. They are looking to the state to possibly use this technology. Captain Goulet said that offenders have 24 hours to notify the sheriff or police of their new location. The offenders have 5 days to notify the registry. As soon as the sheriff knows their location they notify the registry that the offender should be calling in. If offenders don't, they can be arrested. Chief Dion talked about release from jail for these people with forewarning to the police departments. He felt a need to have community involvement with these decisions.

Mr. Gendron asked how much the towns should press the state to improve and adjust the system. Sheriff Dion said that they should be asked to "refine" their system.

Teresa Sadak, School Committee, asked for the ordinance to be initiated because Raymond doesn't have a police department. She asked what type of offense mandates a 10-year report. What steps are taken if an offender is convicted but not yet in the registry? What rights do citizens have in these cases? Captain Goulet replied that basically lifetime conviction is related to the age of the victim and the violence involved. Deputy Joyce added that if those elements are not involved 18 or over and no violence i.e. a mentally handicapped victim, there might be a 10 year offender but there is no legal definition available as yet. Also a conviction in another state might be different than Maine's which will make a national list a problem. If they were lifetime in another state, then they would be in Maine also.

Chief Dion said it was a matter of policy and not conduct. Different state legislatures have different definitions which makes it more difficult to have every pertinent offender on the registry. The database is a state function. Before sentencing the state wouldn't know about them, but the detectives would and the offenders would be tracked.

Mr. Gendron asked if a local sex offender ordinance would protect the residents. Sheriff Dion replied yes and that the fundamental problem with this ordinance is that it is a function of the town and must be served by the town. If a sheriff is hired by the town then the department could use it, but without a contract deputy they would only use it in transporting the case to court. The District Attorney would not prosecute a town ordinance infraction; the town would have to have their own attorney prosecute it. In principal he didn't have an objection but

would not give his opinion as sheriff. There would need to be some form of agreement between the CCSD and Raymond.

John Robinson noted that this ordinance is similar to the Waterboro ordinance which will be submitted to the legislature. At this time there is no limit to where offenders can live or be. He encouraged some type of ordinance be sought. He noted that the ACLU is against the Waterboro ordinance, therefore it probably will be tested in court.

Mr. Willard noted that the town attorney has looked at this draft and agrees that it isn't perfect. He said that there was a possibility that the town could make them constables. Chief Dion said that it would need to have credibility and there needs to be a way to prosecute individuals otherwise there is no purpose to the action. He would be willing to have the CCSD attorney work on the ordinance with Raymond's attorney if needed. Mr. Willard suggested having an executive session on this matter. Chief Dion felt that communities should come to the legislature and testify to their needs and wants. Mr. Gendron said that they had a tri-town meeting on some other matters, and Mr. Bruno and he are willing to testify at hearings etc. The commissioners have encouraged the town to get involved with legislative work. It was noted that citizen petitions are valuable to show interest and intent.

Mr. Bruno noted that most attorneys are not good at drafting legislation. He suggested going forward with this ordinance to our town meeting and watch what the legislature will be doing. We will have this ordinance in place for town meeting if the legislature doesn't do anything. He was not confident in the current draft ordinance, but it was something to begin with.

Mr. Gendron encouraged people to email, write, and phone John Robinson and Bill Diamond to let them know what they want.

Mrs. Rowe asked how petitions are written. Mr. Robinson said that he would help with the wording and felt it was a good beginning. He supported this endeavor and would have liked more done last year in the legislature.

Mr. Willard felt that the access channel could advertise the registry and inform them that it is available rather than having it directly on our website. Captain Goulet said it was legal to have a link to the registry which might be better because it will be automatically updated.

Mr. Gendron asked that a letter be sent to officials to let them know that we want to be involved in the issue.

MOTION: Joe Bruno motioned that a letter from the town of Raymond's Selectmen be \*sent to Senator Bill Diamond, and Representative John Robinson asking them to support an ordinance at the state and/or local level to protect the residents of our town from sex offenders. Seconded by Lonnie Taylor.

AMENDMENT: Mark Gendron asked that the governor be included.

AMENDED MOTION: Joe Bruno motioned that a letter from the town of Raymond's Selectmen be \*sent to Governor Baldacci, Senator Bill Diamond, and

Representative John Robinson asking them to support an ordinance at the state and/or local level to protect the residents of our town from sex offenders.  
Seconded by Lonnie Taylor

VOTE: Unanimous 4-0

RECESS: Mark Gendron recessed the meeting at 8:27 pm.

RE-OPEN MEETING: Mark Gendron re-opened the meeting at 8:34 pm.

b)Report on Tri-Town/County Meeting – Chairman of Board of Selectmen Mark Gendron.

Mr. Gendron reported on the second meeting in Windham and will be broadcasting it on the access channel. One item was that we felt restructuring was needed in the way that the county taxes the towns. Raymond pays \$112 per person and Portland pays \$67.50 per person. Services used are not as much in Raymond as in Portland. Windham is charged \$50.63 per person. Raymond was in the top 3 with Harpswell on top at \$163 per person. Each town has a different rate which can't continue. It's set by property valuation which is changing rapidly, and the budget's funding program isn't working any more.

Mr. Gendron continued that they believe there is a problem with leadership in the county and feel we need more for Raymond. Consolidation is needed and more representation in Augusta. The county's citizen relations with property tax as well as provider agencies have duplications which should be rectified. County Board makeup needs to be expanded to more members, and some seats seem to have a conflict of interest with agencies that receive funding from the county. There needs to be more trust and confidence in community government. More communication is needed between the county, the select boards, and town managers. Joint meetings were important but the commissioners must act on recommendations from the towns to be meaningful.

Mr. Bruno felt that the joint meetings were important but didn't feel that at the last meeting the commissioners were really listening. He didn't feel that they would change anything because it's not to their benefit. They are located in Portland and lean toward that city. Social service funding should be left to the state, and it would save the county money if they did away with it. Their budget was presented in Gray last night, and he was sure that there wouldn't be any changes. Mr. Gendron said he would attend the budget meeting in Yarmouth. They have increased their budget without regard to the high tax issues being talked about in the towns. He felt that Raymond is supporting more than our fair share. He felt we needed to keep apprised of what they are doing.

Mr. Willard said the information request for dispatch made in September to the Commissioners still has not been provided even though they are legally obliged to give it to Raymond. He didn't feel that they would.

Mr. Gendron felt that the legislative process needs to change the funding

MOTION: Lonnie Taylor motioned to contact John Robinson and Bill Diamond to change the funding formula through the legislature. Seconded by Joe Bruno

DISCUSSION: Mr. Reynolds was in favor of pushing for this change. Mr. Willard said that we would have a tape from Windham soon which will replace the original tape which was blank.

VOTE: Unanimous 4-0

c)Report on meeting with Dept of Education and Raymond School Department – Chairman of Board of Selectmen Mark Gendron and Jim \*Rier.

DISCUSSION: Mr. Gendron reported that the School Board, the Selectmen and the Maine Board of Education representative met discussing the essential programs and services model and looked at our budget and our system to see how we looked in comparison to others. They took the EPS as a guideline to use and if we're off from that guideline there should be an explanation as to why. Last year we were \$940,000 off that number. Mr. \*Rier gave us some areas to look at for the upcoming budget. We should be using the EPS guideline as our goal and still be able to have everything we need.

Mr. Bruno said the most telling point is that our enrollment has dropped 50 students and the budget is climbing rapidly. He didn't feel that the town would stand for another increase this year. The trend in school population is dropping. Mr. Reynolds asked who organized the meeting. Mr. Gendron said that it was at a One Raymond Committee invitation. The Chairman of the School Board shared the idea with his members and they agreed. The Selectmen were all in favor. Mr. Gendron said that during his tenure the Selectmen had not voted on the school budget, and he felt it was a major part of the total budget and the Selectmen should vote their recommendation. Mr. Bruno felt that traditionally the School Board has been independent but felt that regionalization would go with the trend of cooperation, and the Selectmen should be making recommendations in areas that the school look at. One area was high school tuition and felt that in the past the lowest tuition paid to a school went to all tuition schools which isn't done currently. This cost can be negotiated with the high schools public and private. He looked forward to working with the School Board on the budget.

Mr. Gendron said the State Commissioner of Education recommended having a limited contract with a high school and have that negotiated cost for all tuition schools. Mr. Gendron added that meeting is currently playing on the access channel three times a day.

Mr. Gendron noted that Don Willard was also negotiating for dispatch with other towns.

d)Liquor License Renewal – (Class XI Restaurant/Lounge) – Vincenzo Raggiani - EJR Properties d/b/a Montebello Ristorante, 1227 Roosevelt Trail with Craig Messenger, Fire Inspector

DISCUSSION: Mr. Willard said that all Fire Department inspections have been completed and are satisfactory. There are no police problems and there are no complaints. Mr. Willard recommends approval.

MOTION: Lonnie Taylor motioned to approve the Class XI liquor license for the Montebello Ristorante. Seconded by Mike Reynolds.

VOTE: Unanimous 4-0

NOTE: Selectmen signed the liquor license.

e) Consideration of abatements – Contract Assessor Michael O'Donnell, O'Donnell & Associates

TABLED

f) One Raymond Committee Update – Mark Gendron & Dana Desjardins, Co-Chairs

DISCUSSION: Mr. Gendron announced that the last meeting was cancelled due to the conflict with the tri-town meeting. He said that they would have one next week.

Mr. Willard reported that he attended a site walk and Owens McCullough, Sebago Technics, has done some soil testing and will come back with a detailed program and budget for more testing to determine whether the site can accept a building of the size being considered.

MOTION: Lonnie Taylor motioned to go into executive session for the annual town manager performance review. Seconded by Joe Bruno.

VOTE: Unanimous 4-0

RECESS: Mark Gendron recessed the meeting at 9:01 pm.

g) Executive Session – Personnel Matter as authorized under 1 M.S.R.A. § 405(6)(A) Annual town manager performance review

MOTION: Joe Bruno motioned to come out of executive session. Seconded by Lonnie Taylor

VOTE: Unanimous 4-0

RE-OPEN: Mark Gendron re-opened the meeting at 9:52 pm.

MOTION: Joe Bruno motioned to extend the contract for the town manager for one more year at the same cost. There to be review at the next Selectmen's meeting.

VOTE: Unanimous 4-0

4) Old (unfinished) business.

None



5)Town Manager Report and Communications.

None

6)Fiscal Warrants – Payroll and Appropriation Warrants – November 21, 2006.

MOTION: Lonnie Taylor motioned to approve the Treasurers Warrant in the amount of \$1,589,551.65. Seconded by Joe Bruno.

NOTE: \$1,500,000 of this is being deposited in a money market account.

VOTE: Unanimous 4-0

MOTION: Lonnie Taylor motioned to approve the Payroll Warrant in the amount of \$43,245.53 Seconded by Joe Bruno.

VOTE: Unanimous 4-0

7)Adjournment.

MOTION: Lonnie Taylor motioned to adjourn. Seconded by Joe Bruno.

VOTE: Unanimous 4-0

Mark Gendron adjourned the meeting at 9:55 pm.

Louise H. Lester  
Town Clerk