



BOARD OF SELECTMEN
MINUTES*
May 10, 2011

Present: Chairman Joe Bruno, Vice-Chairman Lonnie Taylor, Charly Leavitt, Sam Gifford, and Mike Reynolds.

Absent: None.

Staff: Don Willard, Town Manager; Chris Hanson, Code Enforcement Officer; Denis Morse, Fire Chief; Craig Messinger, Fire Inspector; Louise Lester, Town Clerk; Nancy Yates, Finance Director; Nathan White, Public Works Director; and Danielle Loring, Recording Secretary.

Other: Mike Rogers, Supervisor for Maine Revenue Services; Jeff Pomeroy; Jack Fitch; Frank McDermott; Diane Shively and Peter Dunn.

1) Call to order: Chairman Joe Bruno called the meeting to order at 7:02pm and a quorum was declared.

****3) New business.**

a) State Valuation Overview Presentation- Supervisor Mike Rogers, Maine Revenue Services

Mike Rogers from the Maine Revenue Service explained that his department was responsible for overseeing the State valuation. He explained what each of the materials that he handed out represented in evaluating each Town's valuation. He explained that the County took a 3 year snap shot of properties and looked at different bulletins, certified ratios and average ratios determined by sales. He explained that it was currently figuring a two year study because of drop in sales and it was better to do it this way for the Town versus just one year because it represented the current conditions for the Town.

Homestead exemptions are re-entered into valuation after the first year, because reimbursed 50% by statute. Sale figures come from the Transfer of Sales Tax form. They are only a portion of the sales with the study. The Town of Raymond is the lowest increase in the 10 year period within the lake regions. The sudden jump is due to the recent construction of homes and the property ratio to waterfront properties.

Mr. Bruno wanted to know if from the figures they could derive that they were at 96% valuation and Mr. Rogers said yes but the waterfront ratio had dropped from the year before. That was why the state valuation had increase, to make up for the 5% drop.

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

Mr. Bruno wanted to know if made sense for the Town to do a revaluation with the present conditions and Mr. Rogers replied that it was not because because the combined sales ration is 101% with a better than average quality rating.

Mr. Reynolds stated that he was surprised by the valuation and County taxes because almost everyone else went down and no one else went up nearly 3% like Raymond. He continued by stating that percentage was derived from sales of 08-09 sales, but he wanted to make sure that he understood it correctly that next year will reflect the current market and Mr. Rogers agreed and added that the Town was looking at a 5% drop for next year.

Mr. Willard wanted to know if a revaluation within 6-7 years down the road was feasible and Mr. Rogers said that it made sense to plan for that with class updates ongoing. He added that recent sales should not be used to decide whether to do a revaluation because, even though they were positive, it would shift the gap between waterfront and residential properties.

b) Update and Possible Signing of Lease Agreement for Management of Raymond Beach-Jeff Pomeroy

Mr. Bruno wanted if Mr. Pomeroy was having any luck getting permits from the State and he responded that he had appointments with DHHS and DOT. Mr. Pomeroy explained that the IF&W was saying that they did not need to sign off on the lease agreement.

The Board and Mr. Pomeroy continued to discuss the details of the project and the timeline for completing the remaining tasks. The Board discussed changes that had been made to the lease agreement and how it effected issues like public safety as well as how Mr. Pomeroy was going to handle situations that may arise.

Mr. Bruno allowed for Diane Shively to speak about her concerns with the business proposal. She had questions about the layout of the docks and cafe in relation to swim lines. She also addressed many concerns about the Town's control over the project and Mr. Bruno explained that many of her concerns were already addressed with the lease agreement.

Mr. Reynolds wanted to know where Chris Hanson, CEO, was on this matter. Mr. Hanson stated that he felt that things are going well and recommended that the Selectmen sign the Lease and the Town Manager can be the last to sign the lease once Mr. Pomeroy has gotten all of his approvals. He continues that they were still holding a Peddler's License for him but that it would only be issued once he had all his approvals and food service license. He said that he looked at the dock and found it to be built well and sturdy and he had seen the cafe and very impressed by the quality of craftsmanship and no concerns at this time. He finished by stating that Mr. Pomeroy had addressed all concerns that he and the Town have raised.

Mr. Reynolds wanted to know if the Selectmen signatures were necessary for approval from any other authorities and Mr. Hanson responded that they were not but it was one thing that Mr. Pomeroy had to accomplish and if the Selectmen were satisfied, it would be easier than having to wait to come back to

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

the next meeting.

Mr. Leavitt said that he would like to see language from DHHS about food safety and licensing within the lease and his other concern was circumventing the conditions of the Peddlers Ordinance through the lease. Mr. Willard explained that the conditions of the Peddler's License had been incorporated into the lease by the Town Attorney.

Mr. Taylor said that he was comfortable with Peddlers License language within the but would also like to see language from DHHS. He explained to all the residents in the area that the Town made a request to look for a way to keep the beach open and Mr. Pomeroy had met all the requirements of the Town and feels that Mr. Pomeroy was looking to keep the people of the neighborhood happy, as well as his customers. Mr. Bruno explained that he did not feel language from DHHS was necessary because they were a licensing authority and Mr. Willard explained that the language from IF&W and DOT were incorporated because the Town had agreements with those authorities.

Mr. Reynolds agreed that Comfortable with language because it was a lease to let him use the land, not license to run business because he still needed other authorities approval. He agreed with having Mr. Willard be the last signature and just because Mr. Pomeroy had the lease, it did not force him to do it.

****4) Old (unfinished) business:**

a) Request for Recall Ordinance- Jack Fitch and Frank McDermott

Frank McDermott said that he felt that a recall ordinance as part of a democracy as part of a checks and balances system. He continued by stating that may not ever need it but it is just nice to have it available. Mr. Bruno said that he agreed that a Recall Ordinance was good to have but felt that could not be an easy process to accomplish because there are often times when the Board had to make tough decisions. However, he felt that egregious behavior and betraying the public's trust should be reasons to recall an individual(s) and felt that the bar should be set pretty high.

Mr. Reynolds remarked on some of the sample ordinances that they had been given by stating that there are some that are set pretty high, and some are set pretty low such as only requiring 25 people. He agreed with having 25% of voting population but would like to have Raymond base theirs on one that had been used and was legally sound. He also felt that it needed to come from the citizens.

Mr. Bruno agreed that those seeking to use the Recall Ordinance needed to be the citizenry, not just a group that is seeking to overturn the Board. Mr. McDermott agrees that it needed to be a significant number of people and the reason needed to be based on things that were done by the person when in office.

Mr. P. Leavitt was concerned that Casco example did not speak of cause and felt that it was Board Members 6th amendment right to face their accuser. Mr. Bruno explained that there are some examples that did address when the Recall Ordinance was relevant.

Mr. Bruno did not feel that there was enough time to get this ordinance drafted and ready for 2011Town

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

meeting but could work over the next few meetings to get it to the point that they like it and either have a special town meeting or present it at Town Meeting 2012. Mr. Reynolds agreed with adopting their own ordinance but wanted it to go to regular town meeting because it was that important. Mr. Bruno agreed and said that another ordinance that they may look at creating was one that allowed the Board to appoint someone if a spot became vacant and it was not within 60 days of an election.

****d)Consideration of RSU#14 Warrants Election and Budget Referendum- Town Clerk Louise Lester**

Mrs. Lester explained that this warrant was to allow for the election.

MOTION: Lonnie Taylor motioned to accept all warrants put forth by RSU #14; seconded by Mike Reynolds.

DISCUSSION: none.

VOTE: UNANIMOUS APPROVAL (5/0)

Mrs. Lester explained that June 1st was the public hearing for the School Board vote on the RSU budget and June 14th was when the public was going to vote on it. Mr. Reynolds wanted to know if any of the figures could be changed at the public hearing and Mr. Bruno said that the way it was written it was so it can be raised or lowered. Mr. Reynolds then wanted to know what if numbers were different on absentee ballots and Mrs. Lester explained that the absentee ballots for this issue could not be issued until after the public hearing.

****e)Selectmen Appointment of 2011 Ballot Clerks and Wardens- Town Clerk Louise Lester**

MOTION: Mike Reynolds motioned to approve the ballot clerks and wardens as presented; seconded by Sam Gifford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Mr. Leavitt wanted to know if Mrs. Lester had vetted the entire list and she responded that there are some out of town but she would check to make sure that they were trained. She explained that she need a large pool to pull from and any would be struck that were not qualified.

****f)Policy Review: Draft Fraud Policy- Finance Director Nancy Yates**

Nancy Yates presented a draft fraud policy that was recommended by auditors, Smith & Associates. She clarified that this was not because the Town had fraud but that it would act as a deteriorate for employees and officials.

Mr. Willard wanted to know if it had been drafted by Smith & Associates and Mrs. Yates said that it had

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

not because it was one that she had found online. Mr. Taylor wanted to know if it had been legally reviewed and Mrs. Yates said that it had not been but that it was a standard policy. She explained that it was a very broad policy, but that it could be tailored to the Town's needs.

Mr. Willard said that they would work on it and bring it back to the next meeting. Mr. Morse said that he would like to include Selectmen in the document, particularly the case if they are making fraudulent comments. Mr. Willard replied that that issue was covered by the Code of Ethics and the Fraud Policy would pertain to staff. Mr. Morse said that they should be covered because they could claim financial expenses with the Town and Mr. Willard agreed that that was a good point.

c) Re-examination of Tax Acquired Property Breach of Agreement David Carey

Mr. Willard explained that Mr. Carey had violated the terms of his payment agreement for his delinquent taxes and wanted to know if the Selectmen wanted to start the process all over again. Mrs. Loring explained that Mr. Carey's properties were part of the group that was sold but he had made a \$20,000 payment towards \$30,000 and made a payment arrangement for the remaining \$10,000, but had missed several payments and recently foreclosed on his 2010 taxes.

Mr. Reynolds agreed with sending a demand letter but did not know if it was appropriate to move toward sale because the Board needed to know if there were more properties. Mr. Willard said that they were going to send a more urgent

MOTION: Lonnie Taylor motioned to have a document printed pertaining to delinquent taxes owed to map 030 lot 003; map 030, lot 016; map 031, lot 003; and map 031, lot002. Seconded by Mike Reynolds.

DISCUSSION: Mr. Leavitt added the language "in accordance with Tax Acquire Property policy" to the motion; seconded by Lonnie Taylor.

VOTE: UNANIMOUS APPROVAL (5/0)

****2) Minutes of previous meeting dated:**

a) April 5, 2011

MOTION: Mike Reynolds motioned to approve the minutes from the April 5, 2011 meeting as submitted; seconded by Lonnie Taylor.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

b) April 12, 2011

MOTION: Mike Reynolds motioned to approve the minutes from the April 12, 2011 meeting as submitted; seconded by Sam Gifford.

DISCUSSION: Mr. Leavitt reminded the public that the DVD was the official record for the meetings.

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

VOTE: UNANIMOUS APPROVAL (5/0)

c) April 19, 2011

Mr. Bruno did not think that minutes for a workshop needed to be approved and Mr. Leavitt felt that they were important as informational tools for the public. The decision was made not to approve the minutes for the April 19, 2011 meeting.

5) Public Comment:

a) Boating Safety Concerns- Diane Shively

Mrs. Shively commented that had to taken a boating course and felt that Mr. Pomeroy had the obligation to inform the public of the rules. She also felt that there should be a visual tool to inform people of “no wake zones” and other rules for waterfront. She thought that these issues were important for safety and for the quality of life.

6) Town Manager Report and Communications.

a) Confirm date for next regular meeting:

Mr. Bruno said that the Board has not held meetings on election days, so the meeting was going to be later than usual and it was confirmed that the next meeting would be June 21, 2011.

b) Annual Town meeting

- **June 7, 2011 starting at 7:00pm at Jordan-Small Middle School Gym**

c) Election of Town Officials

- **June 14, 2011 from 7am-8pm at Jordan-Small Middle School Gym**

7) Selectmen Communications:

a) Conditional Rezoning for Cell Tower Public Hearing- Charly Leavitt

Mr. Leavitt reminded the public that there would be a public hearing on May 31, 2011, 7pm, regarding the matter of conditional rezoning to allow for a cell tower off farm road. He was happy to see that a public hearing was going to be held. It restored his faith in the system and was a model for bigger the concept of democracy. He felt that it validated his opposition for referendum without public comment.

b) Thank you- Charly Leavitt

Thanked Don Willard for speedy review of employees accepting gifts. Mr. Leavitt said that he wanted to be sure that the Town representatives and employees were transparent so public and tax payers can have confidence in them. He explained that the matter was regarding complimentary tickets from Cumberland County Civic Center. Promoters get free tickets to events and these tickets were available to the public. Recommends that the public contact the County Manager, Commissioners or Trustees if they would like to take advantage of free tickets, as a tax payer.

*Per the “Minutes Policy,” reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order

c) Letter of Appreciation- Charly Leavitt

Mr. Leavitt requested that a letter of appreciation for former Selectman Dana Desjardins be sent because it was the right thing to do.

d) GPCOG Budget and Annual Meeting- Mike Reynolds

Mr. Reynolds explained that GPCOG was going through their budget process. There was no increase in dues and there had not been since 2000, which were based on population. He explained that the recommendation was that the 2010 census numbers be used towards dues and expects that there will be an increase. Also, annual meeting was on June 9, 2011 at 11:30 -130 in the Glickman Library at the University Southern Maine Portland Campus on 7th floor with Peter Mills.

e) Election Reminder- Joe Bruno

Mr. Bruno reminded the public that elections were coming up. Absentee ballot were going to be ready May 19th. Current Selectmen Lonnie Taylor and Sam Gifford were rerunning, as was Dana Desjardins. Mr. Leavitt also added that there were two slots for Budget Finance Committee Members and two folks running for RSU seats.

8) Fiscal Warrants – Payroll and Appropriation Warrants – May 10, 2011

a) Pay Roll Expense Warrant

MOTION: :Lonnie Taylor motioned to accept the Pay Roll Expense Warrant, dated May 10, 2011, in the amount of \$92,268.21; seconded by Mike Reynolds.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Treasure's Warrant

MOTION: Lonnie Taylor motioned to accept the Treasure's Warrant, dated May 10, 2011, in the amount of \$91,272.39; seconded by Mike Reynolds.

VOTE: UNANIMOUS APPROVAL (5/0)

9) Adjournment:

MOTION: Lonnie Taylor motioned to adjourn; seconded by Charly Leavitt.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Joe Bruno adjourned the meeting at 9:00pm

*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**Item taken out of order