

2005

Town of Raymond Town Meeting Minutes May 21, 2005

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TOWN OF RAYMOND
Saturday, May 21, 2005

TOWN MEETING MINUTES

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

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, to meet at the Jordan-Small Middle School gymnasium, in said Town of Raymond on Saturday, May 21, 2005, at 10:00 AM, then and there to act on the following articles:

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

NOMINATION: There was a nomination for Allan Stone for moderator. Seconded.

MOTION: There was a motion for nominations to cease. Seconded.

VOTE: Carried.

NOMINATION VOTE: Carried.

NOTE: Allan Stone was sworn in.

MOTION: There was a motion and second to have the following non-residents to speak at town meeting: Bruce Tupper, Deputy Fire Chief; Sandra Caldwell, Superintendent; Mary Ellen Waters, Special Education Director; and Dorothy Mowatt, School Business Manager.

VOTE: Carried by consent.

ARTICLE 2: To see what sum the Town will appropriate from the foundation allocation and other revenues for Health Services

The School Committee requests \$71,173.

The Budget Committee recommends \$71,173.

MOTION: There was a motion and second to approve \$71,173 as requested.

VOTE: Carried.

ARTICLE 3: To see what sum the Town will appropriate from the foundation allocation and other revenues for Library Services.

The School Committee requests \$70,126

The Budget Committee recommends \$70,126.

MOTION: There was a motion and second to approve \$70,126 as requested.

VOTE: Carried.

ARTICLE 4: To see what sum the Town will appropriate from the Foundation Allocation and other revenues for Office of the Superintendent//Principal/School Board.

The School Committee requests \$281,459

The Budget Committee recommends \$281,459.

MOTION: There was a motion and second to approve \$281,459 as requested.

MOTION TO AMEND: There was a motion and second to amend the motion to lower the amount to \$251,459.

AMENDMENT VOTE: 86 yes, 98 no - Defeated.

MOTION: There was a motion and second to move the question.

VOTE: Carried

VOTE ON MOTION: 106 yes, 86 no - Carried.

ARTICLE 5: To see what sum the Town will appropriate from the Foundation Allocation and other revenues for Operation and Maintenance of Plant.

The School Committee requests \$615,644.

The Budget Committee recommends \$615,644.

MOTION: There was a motion and second to approve \$615,644 as requested.

VOTE: Carried.

ARTICLE 6: To see what sum the Town will appropriate from the foundation allocation and other revenues for Student Transportation.

The School Committee requests \$372,473.

The Budget Committee recommends \$372,473.

MOTION: There was a motion and second to approve \$372,473 as requested.

VOTE: Carried.

ARTICLE 7: To see what sum the Town will appropriate from the foundation allocation and other revenues for Contingency.

The School Committee requests \$30,000

The Budget Committee recommends \$30,000.

MOTION: There was a motion and second to approve \$30,000 as requested.

VOTE: Carried.

ARTICLE 8: To see what sum the Town will appropriate from the foundation allocation and other revenues for Regular Elementary Instruction.

The School Committee requests \$2,408,720.

The Budget Committee recommends \$2,408,720.

MOTION: There was a motion and second to approve \$2,408,720 as requested.

VOTE: Carried.

ARTICLE 9: To see what sum the Town will appropriate from the foundation allocation and other revenues for Regular Elementary K-8 Guidance Services.

The School Committee requests \$92,129
The Budget Committee recommends \$92,129

MOTION: There was a motion and second to approve \$92,129 as requested.
VOTE: Carried.

ARTICLE 10: To see what sum the Town will appropriate from the foundation allocation and other revenues for Improvement to Instruction,

The School Committee requests \$61,481.
The Budget Committee recommends \$61,481.

MOTION: There was a motion and second to approve \$61,481 as requested.
VOTE: Carried.

ARTICLE 11: To see what sum the Town will appropriate from the foundation allocation and other revenues for Regular Secondary Instruction.

The School Committee requests \$2,041,740.
The Budget Committee recommends \$2,041,740.

MOTION: There was a motion and second to approve \$2,041,740 as requested.
VOTE: Carried.

ARTICLE 12: To see what sum the Town will appropriate from the foundation allocation and other revenues for Special Education.

The School Committee requests \$1,390,244
The Budget Committee recommends \$1,390,244.

MOTION: There was a motion and second to approve \$1,390,244 as requested.
VOTE: Carried.

ARTICLE 13: To see what sum the Town will appropriate from the foundation allocation and other revenues for Elementary/Middle School Administration.

The School Committee requests \$294,480
The Budget Committee recommends \$294,480.

MOTION: There was a motion and second to approve \$294,480 as requested.
VOTE: Carried.

ARTICLE 14: To see what sum the Town will appropriate from the foundation allocation and other revenues for Elementary/Middle School Co-Curricular.

The School Committee requests \$35,680.
The Budget Committee recommends \$35,680

MOTION: There was a motion and second to approve \$35,680 as requested.
VOTE: Carried.

ARTICLE 15: To see what sum the Town will appropriate from the foundation allocation and other revenues for Food Service.

The School Committee requests \$10,000.
The Budget Committee recommends \$10,000.

MOTION: There was a motion and second to approve \$10,000 as requested.
VOTE: Carried.

ARTICLE 16: To see what sum the Town will raise and appropriate to purchase a new school bus.

The School Committee requests \$40,000.
The Budget Committee recommends \$40,000.

MOTION: There was a motion and second to approve \$40,000 as requested.
VOTE: Carried.

ARTICLE 17: To see what sum the Town of Raymond will appropriate for the total cost of funding public education from kindergarten to Grade 12, as described in the Essential Programs and Services Funding Act. (Recommend \$6,682,167) and to see what sum the Town of Raymond will raise as the Town's contribution to the total cost of funding public education from kindergarten to Grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statutes, Title 20-A, section 15688.

The School Committee requests \$5,041,491.
The Budget Committee recommends \$5,041,491.

MOTION: There was a motion and second to approve \$5,041,491 as requested.
VOTE: Carried.

Explanation: The Town's contribution to the total cost of funding public education from Kindergarten to Grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the Town must raise in order to receive the full amount of state dollars.

ARTICLE 18: To see what sum the Town of Raymond will raise and appropriate in additional local funds. The School Committee requests \$1,666,286 be raised, which exceeds

the State's Essential Programs and Services funding model by \$957,771.

The School Committee requests \$1,666,286.

The Budget Committee recommends \$1,666,286

MOTION: There was a motion and second to approve \$1,666,286 as requested.

SECRET VOTE: 123 yes, 47 no, 2 blank - Carried.

Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from Kindergarten to Grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual Debt Service payment on non-state funded portion of the school construction project. The amount of \$957,771 which exceeds the State's Essential Programs and Services funding model of \$7,525,683 for grades Kindergarten to Grade 12 is explained by the anticipated cost in tuition for Grades 9 –12, Technology, Transportation, and Special Education Costs.

ARTICLE 19: To see what sum the Municipality will authorize the School Committee to expend for the fiscal year beginning July 1, 2005 and ending June 30, 2006 from the Town's contribution to the total cost of funding public education from Kindergarten to Grade 12 as described in the Essential Programs and Services Funding Act, non-state funded portion of school construction projects, additional local funds for school purposes under Maine Revised Statutes, Title 20-A section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

The School Committee requests \$8,483,453.

The Budget Committee recommends \$8,483,453.

MOTION: There was a motion and second to approve \$8,483,453 as requested.

VOTE: Carried.

ARTICLE 20: To see if the Town will authorize the School Committee, for the fiscal year 2005-2006 to transfer funds between budget programs so long as the grand total of all appropriations is not exceeded. Any such transfers to be approved only at a properly called public meeting of the School Committee.

The School Committee requests approval of this article.

The Budget Committee recommends approval of this article.

MOTION: There was a motion and second to approve as requested.

MOTION TO AMEND THE MOTION: There was a motion and second to amend the motion to: "To see if the Town will authorize the School Committee, for the fiscal year 2005-2006 to transfer funds between budget programs so long as the total does not exceed a grand total of \$50,000. Any such transfers to be approved only at a properly called public meeting of the School Committee."

MODERATOR'S JUDGMENT: The article is out of order because a definite amount of money was not in the original warrant article.

MOTION TO APPEAL MODERATOR'S DECISION: There was a motion and second to appeal the moderator's decision.

VOTE: 55 yes, 64 no – Defeated.

VOTE ON ORIGINAL MOTION: Carried.

ARTICLE 21: Shall the Town vote to accept the categories of funds listed below as provided by the Maine State Legislature.

Category	Estimated Amount
LOCAL ENTITLEMENT	\$154,208
IDEA (Part B) Local Entitlement	\$ 1,035
R.E.A.P.	\$ 34,324
N.C.L.B.	
TITLE 11A	\$ 18,924
TITLE 11D	\$ 1,602
TITLE 1	\$ 45,387
TITLE IVA	\$ 2,758
TITLE V	\$ 2,695
TITLE IVB	\$100,000

The School Committee requests approval of this article.

The Budget Committee recommends approval of this article.

MOTION: There was a motion and second to approve the article.

AMENDMENT: There was a motion and second to amend the motion to add: "and any other funds which become available."

VOTE ON AMENDMENT: Carried.

VOTE ON MOTION: Carried.

ARTICLE 22: To see if the Town will vote to authorize the Selectmen on behalf of the Town to sell and dispose of any property acquired by the Town for nonpayment of taxes pursuant to the policy adopted by the Selectmen, as may be amended from time to time, the policy to remain consistent with State statutes and laws. In all cases conveyance to be made by municipal quit claim deed.

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve this article.

VOTE: Carried.

RECESS: The moderator called for a brief recess at 1:15 pm.

NOTE: Jeraldine Keane, chairman of the Raymond School Committee, honored Mrs. Meg Waters upon her retirement with a plaque for 30 years of service to the Raymond School System.

She then awarded Mrs. Brenda Stevenson a plaque for her service on the Raymond School Committee.

REOPEN MEETING: Allan Stone reopened the meeting at 1:17 pm.

ARTICLE 23: To see what date taxes will be due and to set an interest rate for unpaid amounts.

The Selectmen recommend 1st half to be due October 31, 2005 and 2nd half to be due April 30, 2006 with interest at seven and seventy five percent (7.75%) on any unpaid balances.

The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.
VOTE: Carried.

ARTICLE 24: To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at seven and seventy five percent (7.75%) for the fiscal year.

The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.
VOTE: Carried.

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to dispose of Town owned personal property with value not to exceed \$35,000 and for such authority to begin May 22, 2005.

The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.
VOTE: Carried.

ARTICLE 26: To see what sum the Town will vote to authorize the Selectmen to borrow from or appropriate from fund balance (surplus) as they deem advisable to meet the unanticipated needs of the community that occur during the fiscal year.

The Selectmen recommend an amount not over \$50,000.
The Budget Committee recommends an amount not over \$50,000.

MOTION: There was a motion and second to approve \$50,000 as requested.
VOTE: Carried.

ARTICLE 27: To see if the Town will authorize the Selectmen, for the fiscal year 2005 - 2006, to transfer funds between appropriation accounts as long as the grand total of all appropriations is not exceeded. Any such transfers to be approved only at a properly called public meeting of the Selectmen.

The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as requested.
VOTE: Carried.

ARTICLE 28: To see if the Town will vote to authorize the use of Town employees and/or Town owned equipment or independent contractor(s) hired by the Town for maintenance on private roads in special and certain circumstances where in the public's interest.

Note of explanation -- Three examples of when the use of Town employees and equipment is necessary include the following:

- A. Tying in work done on a public road that intersects a private road;
- B. Plowing snow on a private road to clear the way for emergency response apparatus; and
- C. In rare or emergency situations, maintaining private roads for school bus access to special education students as deemed necessary.

The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.
VOTE: Carried.

ARTICLE 29: To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. § 506.

The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.
VOTE: Carried.

ARTICLE 30: To see what sum the Town will vote to appropriate from the tax increment of the Pipeline/RT 302 Tax Increment Financing district for FY2005-2006 projects proposed in the Tax Increment Financing District Development Program.

Amount requested: \$229,708
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$229,708 as requested.

VOTE: Carried.

ARTICLE 31: To see what sum the Town will vote to raise and appropriate for the Administration account.

Amount requested: \$486,852

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$486,852 as requested.

VOTE: Carried.

ARTICLE 32: To see what sum the Town will vote to raise and appropriate for the Assessing account.

Amount requested: \$51,720

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$51,720 as requested.

VOTE: Carried.

ARTICLE 33: To see what sum the Town will vote to raise and appropriate for the Town Hall account.

Amount requested: \$30,688

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$30,688 as requested.

VOTE: Carried.

ARTICLE 34: To see what sum the Town will vote to raise and appropriate for the Insurance account.

Amount requested: \$454,003

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$454,003 as requested.

VOTE: Carried.

ARTICLE 35: To see what sum the Town will vote to raise and appropriate for the General Assistance account.

Amount requested: \$2,000

The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$2,000 as requested.
VOTE: Carried.

ARTICLE 36: To see what sum the Town will vote to raise and appropriate for the Technology Department account.

Amount requested: \$62,050
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$62,050 as requested.
VOTE: Carried.

ARTICLE 37: To see what sum the Town will vote to raise and appropriate for the Community Development account.

Amount requested: \$44,000
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$44,000 as requested.
VOTE: Carried.

ARTICLE 38: To see what sum the Town will vote to raise and appropriate for the Fire Department account.

Amount requested: \$576,346
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$576,346 as requested.
VOTE: Carried.

ARTICLE 39: To see what sum the Town will vote to raise and appropriate for the Animal Control account.

Amount requested: \$8,314
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$8,314 as requested.
VOTE: Carried.

ARTICLE 40: To see what sum the Town will vote to raise and appropriate for the Infrastructure account.

Amount requested: \$ 18,000
The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$18,000 as requested.

VOTE: Carried.

ARTICLE 41: To see what sum the Town will vote to raise and appropriate for the Public Works account.

Amount requested: \$ 460,313

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$460,313 as requested.

VOTE: Carried.

ARTICLE 42: To see what sum the Town will vote to raise and appropriate for the Solid Waste account.

Amount requested: \$ 529,448

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$529,448 as requested.

VOTE: Carried.

ARTICLE 43: To see what sum the Town will vote to raise and appropriate for the Cemeteries account.

Amount requested: \$ 16,784

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$16,784 as requested.

VOTE: Carried.

ARTICLE 44: To see what sum the Town will vote to raise and appropriate for the Parks & Recreation account.

Amount requested: \$ 15,575

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$15,575 as requested.

VOTE: Carried.

ARTICLE 45: To see what sum the Town will vote to raise and appropriate for the Village Library.

Amount requested: \$ 25,000

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$25,000 as requested.
VOTE: Carried.

ARTICLE 46: To see what sum the Town will vote to raise and appropriate for the Provider Agencies.

Amounts requested:	2005-2006 level
Tri-County Mental Health	\$ 2,800
Community Health Services	\$ 4,000
P.R.O.P.	\$ 5,500
Southern Maine Agency on Aging	\$ 1,875
Regional Transportation	\$ 2,830
Casco Senior Citizens Meals	\$ 500
Family Crisis Shelter	\$ 1,000
Raymond Extended Day Care	\$ 3,000
Sexual Assault Response Service	\$ 250

Amount requested: \$21,755

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$21,755 as requested.

VOTE: Carried.

ARTICLE 47: To see whether the Town will vote to carry forward any existing fund balance in the Capital Improvement Program (C.I.P.) account.

The Selectmen recommend carrying forward any existing balance.

The Budget Committee recommends carrying forward any existing balance.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

ARTICLE 48: To see what sum the Town will vote to raise and appropriate for the Capital Improvement account.

Amount requested: \$503,506

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$503,506 as requested.

VOTE: Carried.

ARTICLE 49: To see what sum the Town will vote to raise and appropriate for the County Tax account.

Amount requested: \$454,778

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$454,778 as requested.

VOTE: Carried.

ARTICLE 50: To see if the Town will vote to appropriate the total sum of \$1,821,691 from estimated non-property tax revenues to reduce the property tax commitment, together with all categories of funds which may be available from the federal government.

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

ARTICLE 51: To see if the Town will vote to accept certain State Funds as provided by the Maine State Legislature during the fiscal year beginning July 1, 2005 and any other funds provided by any other entity included but not limited to:

- A. Municipal Revenue Sharing
- B. Local Road Assistance
- C. Emergency Management Assistance
- D. Snowmobile Registration Money
- E. Tree Growth Reimbursement
- F. General Assistance Reimbursement
- G. Veteran's Exemption Reimbursement
- H. State Grant or Other Funds

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

ARTICLE 52: To see what sum the Town will vote to raise and appropriate to publish the *Road Runner*.

Amount requested: \$10,000

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve \$10,000 as requested.

MOTION: There was a motion and second to move the question.

VOTE: Carried by consent.

VOTE: Carried.

Explanation: Approval of this article will result in a 2 cents increase per thousand to the tax rate based upon the 2004-2005 total valuation.

ARTICLE 53: To see if the town will vote to appropriate the sum of \$58,000 from undesignated fund balance (surplus) for the purpose of the construction of a digital broadcast studio.

The Selectmen recommend adoption of this article.

The Budget Committee does not recommend adoption of this Article.

MOTION: There was a motion and second to approve \$58,000 as recommended.

MOTION: There was a motion and second to move the question.

VOTE: Carried by consent.

VOTE: 64 yes, 59 no - Carried.

Explanation: Approval of this article will facilitate the receipt of a \$48,000 grant from Time Warner Cable to supplement the town's funds for a total project construction cost of \$106,000. Construction of the digital broadcast studio will enable the live broadcast of municipal, school and community meetings as well as the playback of pre-recorded tapes.

The Town's present surplus is \$1,484,552 with an expected increase from under-expenditure of fiscal year 2004/2005 appropriation accounts and revenue collections.

Article 54: Shall the Town authorize the Selectmen to expend the sum of \$100,000 and see how such amount is to be appropriated from the Town's existing reserve and surplus accounts, for the purchase of the parcel of land on which the Town operated a municipal landfill, the parcel being comprised of approximately 83 acres, being further identified as Map 14, Lot 34 and being located on Egypt Road?

The Selectmen recommend adoption of this article.

The Budget Committee recommends adoption of this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

Explanation:

This Article seeks authorization for the Selectmen to use municipal funds in the amount of \$100,000 towards the purchase of the parcel, part of which the Town formerly leased to use as the municipal landfill. The landfill was closed in the 1980's. The parcel is comprised of approximately 83 acres. The funds sought for the purchase are already available in the Town's reserve and surplus accounts so no additional tax levy or borrowing would be required to fund the purchase. The Selectmen propose to fund the purchase by using \$25,000 of funds from the Town's existing Open Space Reserve account and \$75,000 of funds from the Town's existing undesignated surplus account.

ARTICLE 55: To see if the Town of Raymond will authorize the Selectmen to enter into an agreement with the Maine Department of Transportation to acquire the picnic area known as Panther Run Picnic Area on Roosevelt Trail (U.S. Route 302).

NOTE: The deed and plot plan can be seen in the Office of the Town Clerk.

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

RECESS: The moderator recessed the meeting at 2:54 pm

REOPEN MEETING: The moderator reopened the meeting at 3:06 pm.

Article 56: Shall the Land Use Ordinance be amended to change the language as follows:

Amend Article IV. A. 2., Village Residential District I(VR-I), Permitted Uses as follows:

inserting after "a. One-family dwelling" the phrase "to include modular homes (Type 2 manufactured homes)"

add a new item b. to read "b. Duplex" and re-number as appropriate.

Amend Article XII – Definitions, to add the following definitions:

Duplex – A building with two dwelling units.

Multi-Family Dwelling – A building with three or more dwelling units.

The Planning Board recommends adoption of this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

Article 57: Shall the Land Use Ordinance be amended to change the language as follows:

Amend Article IV. A. 4, Village Residential District I (VR-I), Space and Bulk Regulations as follows:

Replace Item a. with: "The minimum lot area shall be forty thousand (40,000) square feet."

and;

Replace Item b. with: "Minimum Lot Area per Dwelling Unit" as follows:

"b. Minimum Lot Area per Dwelling Unit

- 1) One-family dwelling or modular home – Forty thousand (40,000) square feet per unit
- 2) Duplex – Twenty thousand (20,000) square feet per unit.
- 3) Multi-Family Dwelling - Forty thousand (40,000) square feet for the first two units on the lot plus an additional fifteen thousand (15,000) square feet per each additional dwelling unit on the lot."

and;

Replace Item c. with "The minimum lot frontage shall be one hundred (100) feet."

and;

Replace Item d. with:

d. The minimum building setbacks shall be follows:

- 1) Front – 25 feet
- 2) Side – 10 feet
- 3) Rear – 20 feet

And;

Add a new Item 8. as follows:

"8. Multi-Family Dwellings - Multi-family dwellings shall also meet the standards of Article VIII. C. & D."

Amend Article VIII, Modifications, by adding the following new subsection H, Elderly Housing:

H. Elderly Housing – Multi-family Elderly Housing shall be allowed in any residential zone using the following density and setback requirements:

- 1) a net residential density of 60,000 sq feet for each dwelling unit,
- 2) minimum setbacks of Front – 25 feet, Side – 20 feet, and Rear – 20 feet, and 3) the standards of Article VIII.C., (Items 1 & 3), & D.

Replace Article XII, Definitions, Elderly Housing, with:

Elderly Housing – a building or group of buildings containing three or more dwelling units which are limited for a period of at least 50 years by restrictive covenants recorded in the Cumberland County Registry of Deeds to use only as "housing for older persons," as defined in the Federal Fair Housing Act, as that act may be amended.¹

¹ Under the definition in the Federal Fair Housing Act in effect at the time of adoption of this ordinance definition (42 U.S.C. § 3607(b)(2)), "housing for older persons" means any one of the following:

- a. a dwelling which the federal Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons under a federal or state government program;
- b. a dwelling intended for and occupied solely by persons who are 62 years of age or older;
or
- c. a housing facility or community intended and operated for occupancy by persons 55 years of age or older and in which:
 - (i) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older,

- (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate for occupancy by persons 55 years of age or older, and
- (iii) the housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.

The Planning Board recommends adoption of this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

Article 58: Shall the Land Use Ordinance be amended to change the language as follows:

Amend Article IV. C. Rural District (R) as follows:

Amend Item 2., Permitted Uses, by inserting after “a. One-family dwelling” the phrase “to include modular homes (Type 2 manufactured homes)”

And;

deleting Item b. in its entirety and renumbering as appropriate

The Planning Board recommends adoption of this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

Article 59: Shall the Land Use Ordinance be amended to change the language as follows:

Amend Article IV. C. Rural District (R) as follows:

Amend Item 4., Space and Bulk Regulations, by replacing Item a. with:

The minimum lot area shall be five (5) acres. However, in the case of a division of a “tract or parcel of land,” as defined in 30-A M.R.S.A. § 4401(6), existing on May 21, 2005, the first division after May 21, 2005 may create lots with the following minimum lot areas:

- 1) If the tract or parcel consists of eight (8) acres or more, the minimum lot area for the first lot is three (3) acres and subsequent lots are five (5) acres or more;
- 2) If the tract or parcel consists of less than eight (8) acres, the minimum lot area for the first and second lots is three (3) acres.

The Planning Board recommends adoption of this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Defeated.

Article 60: Shall the Land Use Ordinance be amended to change the language as follows:

Amend Article IV. D. Rural Residential District (RR) as follows:

Amend Item 2., Permitted Uses, by

inserting after "a. One-family dwelling" the phrase "to include modular homes (Type 2 manufactured homes)"

and;

deleting Item b. in its entirety and renumbering as appropriate

and;

Amend Item 4. Space and Bulk Regulations, by deleting Item a. in its entirety and renumbering as appropriate.

The Planning Board recommends adoption of this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

Article 61: Shall the Land Use Ordinance be amended to change the language as follows:

Amend Article IV. D. Rural Residential District (RR) as follows:

Amend Item 4., Space and Bulk Regulations, by replacing current item b. (proposed item a.) with:

The minimum lot area shall be three (3) acres. However, in the case of a division of a "tract or parcel of land," as defined in 30-A M.R.S.A. § 4401(6), existing on May 21, 2005, the first division after May 21, 2005 may create lots with the following minimum lot areas:

- 1) If the tract or parcel consists of five (5) acres or more, the minimum lot area for the first lot is two (2) acres and subsequent lots are three (3) acres or more;
- 2) If the tract or parcel consists of less than five (5) acres, the minimum lot area for the first and second lots is two (2) acres.

The Planning Board recommends adoption of this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Defeated.

Article 62: Shall the Shoreland Zoning Provisions be amended to change the language as follows:

Amend Section 15., Land Use Standards as follows:

Amend Item A. 1. a., Minimum Lot Standards and Setbacks by replacing it with:

The minimum lot area shall be three (3) acres. However, in the case of a division of a "tract or parcel of land," as defined in 30-A M.R.S.A. § 4401(6), existing on May 21, 2005, the first division after May 21, 2005 may create lots with the following minimum lot areas:

- 1) If the tract or parcel consists of five (5) acres or more, the minimum lot area for the first lot is two (2) acres and subsequent lots are three (3) acres or more;
- 2) If the tract or parcel consists of less than five (5) acres, the minimum lot area for the first and second lots is two (2) acres.

The Planning Board recommends adoption

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Defeated.

May 21, 2005 Town Meeting Supplemental Warrant

Article 1: Shall the Land Use Ordinance be amended as follows:

Amend the current district boundaries by eliminating the VR II (Village Residential II) District, redistricting the land area to RR (Rural Residential) and VR (Village Residential), and creating a Mobile Home Park Overlay District (MHOD) as shown on the attached map.

And;

Amend Article II. A. 1 by replacing it in its entirety with "Village Residential District" and furthermore to replace elsewhere in the ordinance where it appears "Village Residential District I" or "VRI" with "Village Residential District" or "VR"

Amend Article II. A. 2. by replacing it in its entirety with "Mobile Home Park Overlay District"

And;

Amend Article IV. B., Village Residential District II, by replacing it with Mobile Home Park Overlay District (MHOD) as follows:

"B. Mobile Home Park Overlay District

1. Intent. To allow mobile home parks to be developed in a number of environmentally suitable locations within the town.
2. Applicability – Properties in the Mobile Home Park Overlay District shall continue to be governed by the regulations applicable in the underlying zoning district, except as specifically modified by this Section.
3. Permitted Uses
 - a. Type 1 manufactured housing units in Mobile Home Parks
 - b. Uses allowed in the underlying zoning district

4. Space and Bulk Requirements – Mobile home parks shall meet the standards in Article IX. K. 2., Mobile Home Parks.”

Planning Board recommends this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: 52 yes, 34 no – Carried.

Article 2: Shall the Land Use Ordinance be amended to change the language as follows:

Delete Article VIII. H. Elderly Housing;

Amend Article IV. A. 2., Village Residential District (VR) – Permitted Uses, by adding to Permitted Uses item m. “Elderly Housing”

Amend Article IV. B. 2., Village Residential District II (VR2) – Permitted Uses, with a new item i. “Elderly Housing”

Planning Board recommends this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

Article 3: Shall the Land Use Ordinance be amended to change the language as follows:

Amend Article XIII, C. 2. c. 1)., Open Space Subdivisions, General Requirements, Allowable Density by replacing the word “reduce” on the second line with “increase”

And;

Amend Article XIII, C. 2. c. 2)., Open Space Subdivisions, General Requirements, Allowable Density by replacing the word “reduced” on the first line with “increased”

Planning Board recommends this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

Article 4: Shall the Land Use Ordinance and Shoreland Zoning Provisions be amended to change the language as follows:

Delete Article VIII. H. Elderly Housing from the Land Use Ordinance

And;

Amend the Shoreland Zoning Provisions as follows:

amend Section 14. Table of Land Uses by adding “Elderly Housing” as a permitted use in LRR1 and LRR2

and;

amend Section 15. A., Minimum Lot Standards and Setbacks by adding item 7. to read:

"7. Elderly Housing as defined in the Land Use Ordinance shall:

- a. Meet a net residential density of forty thousand (40,000) square feet per unit.
- b. Meet the standards of Article VIII.C. (Items 1, 3.a., & 3.b.) & D. in the Land Use Ordinance.

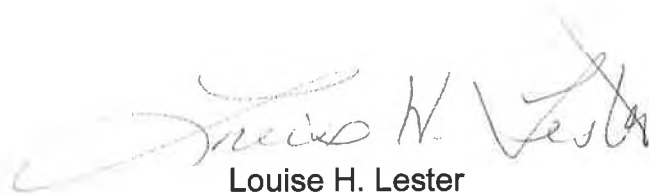
Planning Board recommends this article.

MOTION: There was a motion and second to approve the article as recommended.

VOTE: Carried.

MOTION: There was a motion and second to adjourn.

ADJOURNMENT: Allan Stone adjourned the meeting at 4:16 pm.



Louise H. Lester
Town Clerk