

2006

Town of Raymond Town Meeting Minutes May 20, 2006

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TOWN OF RAYMOND
Saturday, May 20, 2006

TOWN MEETING MINUTES

Town Clerk Louise Lester called the meeting to order at 10:00 am at the Jordan Small School gymnasium saying:

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 20, 2006, 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: A nomination and second for Joseph Bruno was made.

NOMINATION: A nomination and second for Alan Stone was made.

MOTION: There was a motion and second for nominations to cease.

VOTE: Carried.

VOTE ON NOMINATION: 76 Bruno, 51 Stone

Joseph Bruno was sworn in as moderator by Town Clerk Louise Lester.

Moderator Bruno recognized Howard Stiles to speak about the Veterans' Memorial Committee and its project to erect a monument at the Panther Run Picnic Area. He said that they currently had \$1,000 from an anomalous donor. He related that the project would cost about \$15,000.

Moderator Bruno recognized Betty McDermott who thanked the Veterans Committee and gave Mr. Stiles \$7,500 from the Founders Day Committee treasury for the monument fund.

Moderator Bruno asked that those present move by unanimous consent the following non-resident people to speak at this meeting:

Sandra Caldwell, School District Superintendent

Hugh Coxe, Town Planner

Bruce Tupper, Assistance Fire Chief

Dorothy Mowatt, School Business Manager

Accepted.

Moderator Bruno acknowledged that Bill Diamond our State Senator was in attendance as was John Robinson our Legislative Representative and Raymond resident.

ARTICLE 2: To see if the Town will vote to accept an endowment in the amount of \$25,000 from Anne and Jack Spiegel of Portland, Maine and former owners of the area now known as Morgan Meadow Wildlife Management Area, for the establishment of the "Anne and Jack Spiegel Fund for Morgan Meadow".

EXPLANATION: The interest income from this endowment fund shall be used to develop and maintain public recreation enhancements on the existing property or to fund the cost of additions to the property that may result from future purchases of abutting property. Funds from this endowment may also be used to educate the public in wildlife and forest management within the bounds of the property. After 25 years from the date of this gift, both income and principle may be used for the foregoing purposes. Expenditure of monies from this endowment fund may be made only after approval by the Town's governing body and upon recommendation of the Conservation Commission or similar body. Since the Morgan Meadow Wildlife Management Area is State owned and controlled, approval of improvements from the Maine Department of Inland Fisheries and Wildlife will also be required.

The Selectmen recommend adoption of this Article.

The Budget/Finance Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

NOTE: Mr. and Mrs. Spiegel were no present at the meeting.

ARTICLE 3: Amend Article V of the Land Use Ordinance to add subsection F as follows:

F. Residential Growth Management

1. Purpose – The purpose of this section is to establish a Residential Growth Management Program in order to provide for orderly and reasonable growth in the town, to direct the majority of residential growth to the designated growth areas of town, to slow the rate of growth in the rural areas, and to maximize the efficient use of town services, infrastructure and facilities.
2. Legal authority - This section is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30-A M.R.S.A. §3001 et seq., and as provided for in 30-A M.R.S.A. §4323 and §4360.
3. Definitions – The following definitions apply to this section.
 - a) Annual average permits issued – The average number of building permits issued in the Town of Raymond per year for new dwelling units, the winterization of seasonal dwelling units, or the conversion of any commercial use to one or more dwelling unit(s) over the previous ten year period. The previous ten-year period shall run from December 1st of the tenth year previous to the current year, to November 30th of the current year¹.
 - b) Growth Area – Those areas of town contained within the Village Residential District (VR), the Commercial District (C) and the Industrial District (I) as depicted on the Town of Raymond Zoning Map.
 - c) Rural Area – Those areas of town contained within the Rural Residential District (RR), the Rural District (R), the Limited Residential - Recreation District I (LRR1), the Limited

¹ As an example, the annual average calculated on or before December 31st 2006, would be calculated from the building permits issued from December 1, 1996 to November 30, 2006.

Residential - Recreation District II (LRR2) and the Resource Protection Districts (RP) as depicted on the Town of Raymond Zoning Map.

d) Person related to the applicant - A spouse, parent, grandparent, sibling, child, or grandchild related to the applicant for a building permit by blood, marriage or adoption.

e) Lot of record – A lot shown on a deed or subdivision plan recorded in the Cumberland County Registry of Deeds.

4. Applicability - This section applies to building permits in the Rural Area for the construction of new dwelling units, the winterization of seasonal dwelling units, or the conversion of any commercial use to one or more dwelling unit(s). This section does not apply in the Growth Area.

5. Exemptions - The following are exempt from the provisions of this section.

a) The repair, replacement, reconstruction or alteration of any existing building or structure, so long as no additional dwelling units are created thereby and no seasonal dwelling units are winterized.

b) The construction or alteration of a nonresidential building or structure, so long as no additional dwelling units are created thereby.

c) A single-family dwelling to be built on a lot created by a conveyance to the applicant from a person related to the applicant unless the intent of the conveyance was to avoid the objectives of this section.

d) A single-family dwelling to be built upon a lot of record if:

1) the applicant has owned the lot of record continuously for at least ten (10) years prior to the application for the building permit; and

2) the applicant is currently a Raymond resident and has been a Raymond resident for at least ten (10) years prior to the application for the building permit.

This exemption does not apply to any lot that is split off or subdivided from a larger lot that meets the requirements of this exemption unless, and until, the lot which has been split [split] off or subdivided separately meets the requirements of the exemption.

e) Affordable Housing, as defined in Article XII of the Land Use Ordinance.

f) Elderly Housing, as defined in Article XII of the Land Use Ordinance.

g) Apartments in a residential zone that do not contain more than 700 square feet of living space, excluding stairways.

h) Open Space Subdivision Lot. Within any calendar year the first building permit application submitted for a lot in an open space subdivision, approved pursuant to Article XIII of this ordinance, is exempt.

6. Determination of annual average permit issued - The Building Inspector shall track the number of building permits issued for new dwelling units, the winterization of seasonal dwelling

units, or the conversion of any commercial use to one or more dwelling unit(s) in the Town of Raymond and shall use that data to determine, no later than December 31st of each year, the annual average permits issued. The Building Inspector shall submit the annual building permit report to the Planning Board on or before January 1, 2007 and each January 1 thereafter.

7. Limit on building permits – Building permits subject to this section shall be limited on an annual basis, as follows:

- a) For January 1, 2007 to December 31, 2007, building permits subject to this section shall not exceed 100% of the annual average permits issued. No person or entity, may apply for more than 5 of those building permits in that time period.
- b) For January 1, 2008 to December 31, 2008 building permits subject to this section shall not exceed 85%, of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
- c) For January 1, 2009 to December 31, 2009, building permits subject to this section shall not exceed 70% of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
- d) For January 1, 2010 to December 31, 2010, building permits subject to this section shall not exceed 55% of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
- e) For January 1, 2011 to December 31, 2011, building permits subject to this section shall not exceed 40% of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
- f) For January 1, 2012 and beyond building permits subject to this section shall not exceed 30% of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.

8. Order for processing applications - Applications for building permits subject to this section shall be processed in the order that the Building Inspector receives complete applications. In the event two or more applications are received simultaneously, the Building Inspector shall determine their order by random selection. Any building permit application filed in any given year that is not issued as a result of this ordinance may be carried over to the following year and shall be considered in the date order in which it was received.

9. Transferability - Building permits subject to this section are site-specific, and shall be valid for construction only on the lot specified in the application. However, those building permits shall be transferable to new owners of the lot, if the property is sold or otherwise legally transferred.

10. No carry over - If the allowed number of building permits subject to this section are not issued within the calendar year, they shall not be carried over to the next year.

11. Periodic review -The Planning Board shall review the building permit report submitted by the Building Inspector under Paragraph 6 of this ordinance at least every three years to determine if the ordinance continues to be needed to control the pace, timing, and location of development in accordance with the purposes of this section and to determine if it needs to

be adjusted to meet current conditions. The Board shall hold a public hearing pursuant to Article VIII of the Planning Board Bylaws and Article VII of the Land Use Ordinance and submit a report of their findings to the Board of Selectmen on or before March 1 of each year it conducts a review. If conditions warrant, the Board may review the ordinance more frequently.

12. Conflict with other provisions - This section shall not repeal, annul or in way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law.

13. Appeals - Any person or entity aggrieved by an action or decision of the Building Inspector to approve or deny a building permit based on the provisions of this section may appeal the action or decision to the Board of Appeals in accordance with the process outlined in Article VI, section C of the Land Use Ordinance.

II. Amend Article V of the Land Use Ordinance to re-letter subsections G through M to H through N.

III. Amend Article VI, subsection B.1.a of the Land Use Ordinance by adding "or the Building Inspector" after the words "Code Enforcement Officer" as follows:

a) Subject to the provisions of this Ordinance, to hear and decide appeals from orders, decisions, determinations or interpretations made by the Code Enforcement Officer or the Building Inspector;

The Selectmen recommend adoption of this Article.

The Planning Board recommends adoption of this Article.

MOTION: There was a motion to move the question.

MOTION WITHDRAWN: The motion was withdrawn.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

MOTION: There was a motion and second to overrule the moderator.

VOTE: Failed.

ARTICLE 4: Shall the Land Use Ordinance be amended to change the language as follows?

Article XII

Accessory apartments attached or detached, shall be allowed in a residential zone provided that the existing structure and accessory apartment shall not cover the lot by more than thirty (30) percent including the area of the septic system. The Appeals Board may grant an additional five (5) percent. If the total number of bedrooms or potential bedrooms exceed by more than one (1), the number of bedrooms that the existing system is designed for, a replacement or expanded system shall be installed before occupancy. If the total number of bedrooms or potential bedrooms increases by one (1), a replacement or expanded system shall be designed and recorded in the Registry of Deeds. The accessory apartment shall not comprise more than 700 s.f. of living space, excluding stairways. Not more than one (1) accessory apartment shall be permitted per parcel.

The Selectmen recommend adoption of this Article.
The Planning Board recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 5: To see if the Town will vote to deposit all revenue from Tree Growth, Open Space, and Farmland penalties in the Open Space Reserve Fund for the purpose of acquiring open space. This action to remain in effect until such time the Town Meeting votes otherwise.

The Selectmen recommend adoption of this Article.
The Budget/Finance Committee does not recommend adoption of this Article.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

MOTION: There was a motion and second to take Articles 55 through 70 out of order.
VOTE: Failed.

ARTICLE 6: To see if the Town will vote to participate in the Cumberland County Housing and Community Development programs of the Federal Department of Housing and Urban Development, including but not limited to the Community Development Block Grant Program (CDBG) and the Home Program; to designate its population to be included in the calculation of Cumberland County's funds by the U.S. Department of Housing and Urban Development (HUD) and to authorize the Board of Selectmen to execute an agreement with Cumberland County to formalize the same.

EXPLANATION: Cumberland County communities, by working together as a group, hope to become an "Entitlement County" which would secure a level of shared federal grant receipts exceeding current individual levels.

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

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 7: Frye Island Public Safety Agreement. To see if the Town will vote to authorize the Board of Selectmen to enter into an inter-local law enforcement services agreement with the Town of Frye Island on such terms and conditions as they deem advisable.

EXPLANATION: The purpose of this Agreement is to authorize the partnership between the towns of Raymond and Frye Island in cooperation with the Sebago Water Safety Watch to provide boating safety advisory services and patrol activity on Sebago Lake.

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

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 8: LD1. To see if the Town will vote to increase the property tax levy limit of \$1,506,900 established for the Town of Raymond by State law in the event that the municipal budget approved under the following articles will result in a tax commitment that is greater than that property tax levy limit.

The Selectmen recommend adoption of this Article.

The Budget/Finance Committee recommends adoption of this Article.

MOTION: There was a motion and second to table this Article.

VOTE: Carried.

ARTICLE 9: To see if the Town will vote to authorize the creation of a road construction, pavement management reserve in the amount of \$175,000.

EXPLANATION: This reserve account is proposed as an increase to the spending limits allowed under LD1 and would result in an estimated increase of \$0.18 on the Fiscal Year 06/07 mil rate. This results in an additional \$18 per \$100,000 valuation.

The Selectmen recommend adoption of this Article.

The Budget/Finance Committee recommends adoption of this Article.

[NOTE: This must be a paper ballot vote.]

MOTION: There was a motion and second to table this Article.

VOTE: Carried.

ARTICLE 10: To see if the Town will vote to authorize the creation of a Fire Department reserve in the amount of \$85,000.

EXPLANATION: This reserve account is proposed as an increase to the spending limits allowed under LD1 and would result in an estimated increase of \$0.09 on the Fiscal Year 06/07 mil rate. This results in an additional \$9.00 per \$100,000 valuation.

The Selectmen recommend adoption of this Article.

The Budget/Finance Committee recommends adoption of this Article.

[NOTE: This must be a paper ballot vote.]

MOTION: There was a motion and second to table this Article.

VOTE: Carried.

RECESS: Moderator Bruno recessed the meeting for lunch at 12:15 pm to be back in session at 1:00 pm.

ARTICLE 11: Reserved

ARTICLE 8: LD1. To see if the Town will vote to increase the property tax levy limit of \$1,506,900 established for the Town of Raymond by State law in the event that the municipal budget approved under the following articles will result in a tax commitment that is greater than that property tax levy limit.

The Selectmen recommend adoption of this Article.

The Budget/Finance Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 12: Shall the Town vote to adopt the Alarm Systems Ordinance

I. PURPOSE

The purpose of this article is to encourage a reduction in the frequency of preventable alarms and to establish a service fee to compensate for the unnecessary use of municipal resources in response to preventable alarms.

II. DEFINITIONS

For the purposes of this article, the following words and terms, as used herein, shall have the meaning defined or explained as follows:

Alarm System - A system including any mechanism, equipment or device designed to automatically transmit a signal, message or warning from private premises, including telephonic alarm systems designed to operate automatically through the use of public telephone facilities, to the Town of Raymond Public Safety Dispatch Center; or monitored by other private or public agencies which in turn transmit a signal to the Town of Raymond Public Safety Dispatch Center.

Alarm Subscriber - A person who has been issued a permit for an alarm system.

Preventable Alarm - An alarm caused by malfunctioning of an alarm system, accidental or negligent activation of the alarm, inappropriate alarm equipment installation, improperly monitored equipment, improperly maintained equipment, or inappropriate use of an alarm.

Chief - The Town of Raymond Fire Chief or his/her designee.

Center - The Public Safety Dispatch Center of the Town of Raymond.

Fiscal Year - July 1 – June 30

III. PERMIT REQUIRED

No person shall install, operate, maintain, alter, or replace an Alarm System within the Town of Raymond after July 1, 2006 without an effective permit therefore signed by the Chief.

IV. APPLICATION PROCEDURE

Application for an Alarm System permit shall be made to the Chief by the owner of the premises to be protected, upon forms prepared by the Town of Raymond, accompanied by an agreement signed by the applicant releasing and discharging the Town of Raymond, its officers, agents and employees, from any liability arising from the failure of such Alarm System to operate properly, or from any failure to respond to an alarm sent by each System or from any other act or omission by the Town, its officers agents and employees excepting any knowing and intentional act or omission. The application shall require the full name, telephone number and address of the owner of the premises to be protected, of his designated agent within the Town, and of the proposed installer who must have the capacity to maintain and service such Alarm System; the application shall also require a description of the principal use of the premises to be protected, a description of the proposed system and the location for its installation, and such other data as

the Chief may reasonably require in order to assure the use of appropriate equipment and its proper installation. The Chief shall issue any permit with such conditions as he/she deems reasonably designed to assure the foregoing objectives, and the Chief shall establish procedures and guidelines for processing such applications. The Chief shall within seven (7) business days, review and issue a written letter of approval or denial of the application.

V. Annual Registration

The Chief will prepare and distribute to the alarm subscriber annually a registration form that will require specific information necessary for the successful emergency response in the event of alarm activation. The information contained on this form will include but may not be limited to: that regarding the location and owner of the property; the type of property and any remarkable or dangerous contents; the type of system installed; the installer name, address and phone number; the service company name, address and phone number and emergency notification information. Such forms will be sent to the subscribers during the month of June of each calendar year and must be returned to the Chief no later than the last day of July of that calendar year.

Any alarm owner that does not supply the Chief with the annual registration form by the end of each July shall pay a fee of \$25.00.

VI. PROHIBITED SYSTEMS

No system shall be permitted which automatically transmits to the Center's telephone lines except to a number designated by the permit issued or as otherwise approved by the Chief.

Each alarm shall be reported individually, and no system shall be permitted which uses a constant signal for one type of alarm and a pulsating signal for another.

VII. USE REGULATED

No alarm system shall be placed in operation until its location, equipment and installation have been finally approved by the Chief as conforming to the terms of the permit and the provisions of this ordinance. Thereafter the Chief may inspect, or cause the inspection by a qualified person of, any Alarm System to determine that its condition, location and use comply with its permit and this ordinance, and to assure that it will not interfere with the operation of the Center; access shall be permitted to all reasonable hours for such purpose. Any deficiency noted shall be reported to, and promptly corrected by, the owner. Information concerning any Alarm System shall be maintained confidentially, and release of any such information by any person to one not concerned with the maintenance or operation thereof, or the enforcement of this ordinance, shall constitute a violation of this ordinance.

VIII. ALARM RESPONSE

The property owner or his designated agent, as kept on file at the Center, shall respond to each alarm at the request of the Fire Department for the purpose of securing the premises.

IX. PREVENTABLE ALARMS

The Chief shall give suitable written warning to any permit holder, or to his designated agent, whose alarm sends a preventable alarm in any fiscal year after a 30-day start-up period for new installations.

Any owner whose alarm system causes the transmittal of a preventable alarm more than two (2) times per fiscal year shall pay a fee based on the following schedule:

Third preventable alarm - \$25.00

Each additional preventable alarm - cost of response

In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control (i.e., disruption of electrical service due to a storm, motor vehicle accident, and the like), no fee shall be imposed, at the direction of the Chief.

X. ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Chief.

XI. VIOLATIONS AND PENALTIES

Any person who violates any provision of this Ordinance, including failure to pay a fee required by this Ordinance, commits a civil violation. Each violation is punishable by a penalty of not less than \$100.00 and not greater than \$250.00. In addition, the Town is entitled to recover its actual costs of response to preventable alarms.

XII. PERMIT REVOCATION

The Chief, upon actual notice to the alarm subscriber, may revoke the permit for any Alarm System in the event that:

- (a) Payment of any fee is not made within sixty (60) days after the due date therefore;
- (b) Any deficiency therein reported to the owner is not corrected within 48 hours, or such longer time as the Chief may permit;
- (c) Such Alarm System causes the transmittal of more than 3 preventable alarms in any 24-hour period or more than 6 preventable alarms in any 7-day period or otherwise persistently interferes with the orderly operation of the Center; or
- (d) Any data provided in the application form for such system is found to have been falsified willfully or through gross negligence of the applicant.

The Selectmen recommend adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 13: Reserved

ARTICLE 14: Reserved

ARTICLE 15: Shall the Traffic Ordinance be amended as follows:

Amend Section 16. No Parking areas:

The portion of Mill Street from Main Street to Kings Grant including the traveled way, and paved shoulders.

Amend Section 19, Parking Violations – Towing:

(3) towing. After handicapped parking areas "or no parking areas".

Amend Section 20, Exceptions:

Any vehicle is exempt if they are within the no parking zone on Mill Street 100 feet from the boundaries of the Raymond Village Cemetery attending activities related to funerals and/or maintenance work in that cemetery.

The Selectmen recommend adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 16: Shall the Town vote to adopt the Drug Safe Zone Ordinance. As authorized under M.R.S.A. Title 30-A, Section 3253.

This to declare the following areas drug safe zones to expand the area to 1,000 feet around each of the following areas allowing law enforcement to double the penalty for anyone convicted of dealing drugs in these areas:

Crescent Lake Beach off Webbs Mills Road
Egypt Road retired landfill site
Jordan-Small Middle School
Morgan Meadow
Patricia Avenue retired landfill site
Raymond Beach off Roosevelt Trail
Raymond Elementary School
Raymond Town Office
Sheri Gagnon Park
Tassel Top Park
Any other town owned land

The Selectmen recommend adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 17: Shall the Town vote to adopt the Dog Ordinance.

*State law reference(s)--Dogs, 7 M.R.S.A. Chapters 717 through 745 and all other current Animal Welfare laws.

1. Definitions. 7 M.R.S.A. § 3912 et seq

The following words when used in this article shall have the meaning given herein:

I. *At large* shall mean and include any of the following:

- a. On the public street or publicly owned property unless controlled by a leash of not more than eight (8) feet in length, except as provided below;
- b. In a motor vehicle parked and not restrained from projecting its head from the vehicle;
- c. Within the following town-owned parks.

1. Sheri Gagnon Park

2. Tassel Top Park – off season - nature trail area only (not on beach)

EXCEPTION: Dog(s) belonging to Tassel Top cabin renters allowed on nature trail area (not on beach).

- d. Canines shall not be allowed on the lots, roadways, or walkways of the cemeteries;
- e. Within the following town-owned property unless on a leash or other tether of not more than twenty-five (25) feet in length:
 - 1. Patricia Avenue landfill site
 - 2. Egypt Road landfill site
 - 3. Any town owned open space unless such property is posted by the Animal Control Officer/Public Works Department with signs stating that "Maximum eight-foot canine leash is required" or to accommodate mass gatherings or public events;
 - 4. On the Raymond Beach beginning on the Friday before Memorial Day through Labor Day of each year during hours posted by the Animal Control Officer/ Public Works Department, whether leashed or not;
 - 5. Within any playfields, school yards and playgrounds whether leashed or not, whether posted.

Exemption: This section shall not apply to an animal in full control by its handler and which is being trained as a working dog i.e. bird hunting.

II. *Owner* shall mean and include any person owning, keeping, possessing, or harboring a canine.

III. *Public street* shall mean and include any street, whether accepted or unaccepted, and include sidewalks, turnarounds, and other portions thereof.

IV. *Publicly owned property* shall mean and include all property owned by the town, including without limitation any park or cemetery of the town, and all property owned by any other public or governmental entity unless such entity has established different regulations.

2. License required. 7 M.R.S.A. § 3921 et seq

No canine shall be kept within the limits of the town unless such canine shall have been licensed and such license displayed by its owner in accordance with the statutes of the state. The provisions of this section shall not apply to any canine belonging to an out-of-state resident visiting within the town without the intention of becoming a resident, but the owner of such a canine shall comply with the remaining provisions of this article and provide proof of current licensing from another state.

3. Running at large prohibited. 7 M.R.S.A. § 3911 et seq

(a) No canine shall be permitted to be at large within the town. Anyone whose canine, while at large and without provocation, assaults any person, animal or property shall be subject to a penalty of double the otherwise applicable fees.

(b) The minimum penalty for violations of this section [7 M.R.S.A. § 3915] shall be as follows:

- 1st A maximum of \$50.00 plus cost of court fees but not more than \$250.
- 2nd Not less than \$100.00 plus cost of court fees but not more than \$500.00.
- 3rd Not less than \$100.00 plus cost of court fees but not more than \$500.00.

These penalties shall be calculated and assessed on an owner regardless of whether the canine running-at-large is the same canine in each violation.

4. Enforcement

The provisions of this section may be enforced by any designated representative of the Cumberland County Sheriff's Department, the Maine State Police, or by the Animal Control Officer/Dog Constable.

5. Interference with animal control officer prohibited.

No person shall interfere with, hinder or molest any animal control officer/dog constable or other person authorized to enforce such laws in the performance of any duty of such officers, or seek to release any canine in the custody of an animal control officer/dog constable, except as provided in this article.

6. Canine Waste. 7 M.R.S.A. § 3950

a. Duty to Dispose

It shall be a violation of this section for any person who owns, possesses or controls a canine to fail to remove and dispose of any feces left by his/her canine on any sidewalk, street or publicly owned property. For the purpose of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. Disposal shall be accomplished by transporting such feces to a toilet designed for the disposal of human feces.

Exemption: This section shall not apply to an animal accompanying any handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this section.

b. Enforcement

The provisions of this section may be enforced by any designated representative of the Public Works Department, the Cumberland County Sheriff's Department, Maine State Police, or animal control officer/dog constable.

c. Penalties for violation.

Violation of this section shall be punished by a minimum penalty of \$50.00 for each violation. The minimum penalty for a third offense under this section shall be Not less than \$100.00, but not more than \$500.00.

7. Fees. 7 M.R.S.A. § 3950

(a) Any dog impounded under this section may be reclaimed upon payment of the municipal impound charge and the accrued boarding charges at the rate established pursuant to Title 7, M.R.S.A., Part 9. Payment must be made at the Town Clerk's Office which shall issue a receipt therefore.

(b) The municipal impound charge is hereby established as \$10.00 per canine for the first impoundment, \$30.00 per canine for the second impoundment, \$45.00 per canine for each impoundment thereafter. The designated shelter or the town shall collect such charge prior to release of the canine to any person. If the shelter collects the fee, the shelter shall forward it to the town or credit the town's account in a manner and on a schedule approved by the town's Finance Director. If the designated shelter waives all or a portion of its own fees and charges, the shelter may waive the municipal impoundment fee to the same extent but not to a greater extent.

The Selectmen recommend adoption of this Article.

MOTION: There was a motion and second to accept this Article.

VOTE: Carried (yea 56, nay 53).

ARTICLE 18: 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 quitclaim deed.

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 19: 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, 2006 and 2nd half to be due April 30, 2007 with interest at eleven percent (11%) 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 adopt this Article.

VOTE: Carried.

ARTICLE 20: To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at eleven percent (11%) 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 adopt this Article.

VOTE: Carried.

ARTICLE 21: 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.

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 22: 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 adopt this Article.
VOTE: Carried.

ARTICLE 23: To see if the Town will authorize the Selectmen, for the fiscal year 2006 - 2007, 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 adopt this Article.
VOTE: Carried.

ARTICLE 24: 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 adopt this Article.
VOTE: Carried.

ARTICLE 25: 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 adopt this Article.
VOTE: Carried.

ARTICLE 26: To see what sum the Town will vote to appropriate from the tax increment of the Pipeline/RT 302 Tax Increment Financing district for FY 2006 - 2007 projects proposed in the Tax Increment Financing District Development Program.

Amount requested: \$187,399

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 27: To see what sum the Town will vote to raise and appropriate for the Administration account.

Amount requested: \$ \$498,210

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 28: To see what sum the Town will vote to raise and appropriate for the Assessing account.

Amount requested: \$67,276

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 29: To see what sum the Town will vote to raise and appropriate for the Town Hall account.

Amount requested: \$30,394

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 30: To see what sum the Town will vote to raise and appropriate for the Insurance account.

Amount requested: \$ \$470,263

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 31: 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 adopt this Article.
VOTE: Carried.

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

Amount requested: \$102,700
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 33: To see what sum the Town will vote to raise and appropriate to publish six (6) issues of the *Raymond RoadRunner*.

Amount requested: \$3,600
The Selectmen recommend adoption of this Article.
The Budget/Finance Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 34: To see what sum the Town will vote to raise and appropriate to publish six (6) additional issues of the *Raymond RoadRunner*.

Amount requested \$3,600

The Selectmen make no recommendation.
The Budget/Finance Committee makes no recommendation.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 35: To see what sum the Town will vote to raise and appropriate for the Communications Coordinator.

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 adopt this Article.
VOTE: Carried.

ARTICLE 36: To see what sum the town will vote to raise and appropriate for Data Services – GIS/Information.

Amount requested: \$ \$34,100

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

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

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

Amount requested: \$115,363
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.
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 adopt this Article.
VOTE: Carried.

ARTICLE 39: To see what sum the Town will vote to raise and appropriate for the Sebago Water Safety Watch.

Amount requested \$3,000
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

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

Amount requested: \$7,064
The Selectmen recommend adoption of this Article.
The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

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

Amount requested: \$19,620
The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

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

Amount requested: \$475,247

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

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

Amount requested: \$501,247

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

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

Amount requested: \$17,408

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 45: To see what sum the Town will vote to raise and appropriate for the Parks & Recreation account.

Amount requested: \$15,675

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

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

Amount requested: \$26,500

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 47: To see what sum the Town will vote to raise and appropriate for the Provider Agencies.

| Amounts requested: | 2006-2007 level |
|----------------------------------|-----------------|
| Tri-County Mental Health | \$2,712 |
| Community Health Services | \$4,000 |
| P.R.O.P. | \$5,500 |
| Southern Maine Agency on Aging | \$1,950 |
| Regional Transportation | \$2,935 |
| Family Crisis Shelter | \$1,000 |
| Raymond Extended Day Care | \$3,684 |
| Raymond-Casco Historical Society | \$2,000 |

Amount requested: \$23,781

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 48: 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 adopt this Article.

VOTE: Carried.

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

Amount requested: \$418,463

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 50: To see what sum the Town will vote to raise and appropriate for the County Tax account.

Amount requested: \$481,299

The Selectmen recommend adoption of this Article.

The Budget Committee recommends adoption of this Article.

MOTION: There was a motion and second to adopt this Article.

VOTE: Carried.

ARTICLE 51: To see if the Town will vote to appropriate the total sum of \$1,844,957 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 adopt this Article.
VOTE: Carried.

ARTICLE 52: 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, 2006 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 adopt this Article.
VOTE: Carried.

ARTICLE 9: To see if the Town will vote to authorize the creation of a road construction, pavement management reserve in the amount of \$175,000.

EXPLANATION: This reserve account is proposed as an increase to the spending limits allowed under LD1 and would result in an estimated increase of \$0.18 on the Fiscal Year 06/07 mil rate. This results in an additional \$18 per \$100,000 valuation.

The Selectmen recommend adoption of this Article.
The Budget/Finance Committee recommends adoption of this Article.
[NOTE: This must be a paper ballot vote.]

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried (yea 86, nay 28)

ARTICLE 10: To see if the Town will vote to authorize the creation of a Fire Department reserve in the amount of \$85,000.

EXPLANATION: This reserve account is proposed as an increase to the spending limits allowed under LD1 and would result in an estimated increase of \$0.09 on the Fiscal Year 06/07 mil rate. This results in an additional \$9.00 per \$100,000 valuation.

The Selectmen recommend adoption of this Article.
The Budget/Finance Committee recommends adoption of this Article.
[NOTE: This must be a paper ballot vote.]

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried (yea 76, nay 28)

Moderator Bruno recognized Don Willard and Mike Reynolds who thanked Betty McDermott for her years of service to the Town as Selectmen and as a member of many different town committees.

ARTICLE 53: To see what sum the Town will appropriate from the foundation allocation and other revenues for Health Services

The School Committee requests \$79,263.
The Budget Committee recommends \$79,263

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 54: To see what sum the Town will appropriate from the foundation allocation and other revenues for Library Services.

The School Committee requests \$87,994
The Budget Committee recommends \$87,994

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 55: To see what sum the Town will appropriate from the Foundation Allocation and other revenues for Office of the Superintendent/School Board.

The School Committee requests \$280,400
The Budget Committee recommends \$280,400

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 56: 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 \$658,994
The Budget Committee recommends \$658,994

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 57: To see what sum the Town will appropriate from the foundation allocation and other revenues for Student Transportation.

The School Committee requests \$413,979
The Budget Committee recommends \$413,979

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 58: 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 adopt this Article.
VOTE: Carried.

ARTICLE 59: To see what sum the Town will appropriate from the foundation allocation and other revenues for Regular Elementary Instruction.

The School Committee requests \$2,648,405
The Budget Committee recommends \$2,648,405

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 60: 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 \$120,354
The Budget Committee recommends \$120,354

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 61: To see what sum the Town will appropriate from the foundation allocation and other revenues for Improvement to Instruction,

The School Committee requests \$59,942
The Budget Committee recommends \$59,942

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 62: To see what sum the Town will appropriate from the foundation allocation and other revenues for Regular Secondary Instruction.

The School Committee requests \$2,056,110
The Budget Committee recommends \$2,056,110

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 63: To see what sum the Town will appropriate from the foundation allocation and other revenues for Special Education.

The School Committee requests \$1,279,679
The Budget Committee recommends \$1,279,679

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 64: To see what sum the Town will appropriate from the foundation allocation and other revenues for Elementary/Middle School Administration.

The School Committee requests \$281,798
The Budget Committee recommends \$281,798

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 65: 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 \$40,264
The Budget Committee recommends \$40,264

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 66: To see what sum the Town will appropriate from the foundation allocation and other revenues for Food Service.

The School Committee requests \$14,000
The Budget Committee recommends \$14,000

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 67: To see what sum the Town will raise and appropriate to purchase two (2) new school buses.

The School Committee requests \$115,000.
The Budget Committee recommends \$115,000.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 68: 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 \$7,205,351) 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 \$5,538,500
The Budget Committee recommends \$5,538,500

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.

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 69: To see what sum the Town of Raymond will raise and appropriate in additional local funds. The School Committee requests \$1,492,706 be raised, which exceeds the State's Essential Programs and Services funding model by \$941,462.

The School Committee requests \$1,492,706
The Budget Committee recommends \$1,492,706

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.

STATEMENT OF REASONS: The amount of \$941,462 which exceeds the State's Essential Programs and Services funding model of \$7,756,595 for grades Kindergarten to Grade 12 is explained by the actual anticipated cost in tuition for Grades 9 –12, Technology and Transportation (Costs included in the model but funded at 90%), and Special Education Costs. [NOTE: This must be a paper ballot vote.]

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried. (yea 67, nay 28)

ARTICLE 70: To see what sum the Municipality will authorize the School Committee to expend for the fiscal year beginning July 1, 2006 and ending June 30, 2007 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 \$8,818,057
The Budget Committee recommends \$8,818,057

MOTION: There was a motion and second to adopt this Article.
VOTE: Carried.

ARTICLE 71: To see if the Town will authorize the School Committee, for the fiscal year 2006 - 2007 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 adopt this Article.
VOTE: Carried.

ARTICLE 72: Shall the Town vote to accept the categories of funds listed below as provided by the Maine State Legislature.

| Category | Estimated Amount |
|---------------------------------|------------------|
| LOCAL ENTITLEMENT | \$165,382 |
| IDEA (Part B) Local Entitlement | \$ 1,048 |
| R.E.A.P. | \$ 34,024 |
| N.C.L.B. | |
| TITLE 11A | \$ 18,674 |
| TITLE 11D | \$ 1,150 |
| TITLE 1 | \$ 46,628 |
| TITLE IVA | \$ 2,832 |
| TITLE V | \$ 1,908 |
| TITLE IVB | \$100,000 |

The School Committee requests approval of this article.
The Budget Committee recommends approval of this article.

MOTION TO AMEND: There was a motion and second to amend the motion to add "and any other funds that become available."
VOTE: Carried.

MOTION: There was a motion and second to adopt this amended Article.
VOTE: Carried.

ADJOURNED: Moderator Bruno adjourned the meeting at approximately 4:45 pm.



Louise H. Lester
Town Clerk