

MINUTES
SEBAGO BOARD OF SELECTMEN'S MEETING
6:00 PM
TOWN OFFICE
TUESDAY, OCTOBER 19, 2021

ALL REGULAR BOARD OF SELECTMEN MEETINGS
ARE HELD THE 1ST AND 3RD TUESDAY OF EACH MONTH.

Reminder to the attending public:
Select board meetings are open to the public, but the public may not speak unless recognized by the Chair or Vice only during public comment.
Comment time is limited to 2 minutes per speaker.
Matters related to personnel will not be heard or discussed.

NOTE: Attendees of this meeting were notified (by signage at the entrance to the room) of the Health Officer's recommendation to wear face masks. Both face masks and hand sanitizer were made available for attendees.

CALL TO ORDER

The meeting was called to order by Chairman Ann Farley at 6:00 pm.

I. ROLL CALL

Present: Selectmen; Ann Farley, Charles Frechette, Phil Lowe and Tim Mayberry, Town Manager, Michele Bukoveckas, Town Clerk and Recorder, Maureen Scanlon

Absent: Selectman Chris Parker

Guests present: Scott Douglas, Philip Strike, Wendy Newcomb, Grosvenor Newcomb, Susan Gassett, Claudia Lowe, Michael Cyr, Ed Dwyer, Sandra Miner, Kevin Miner, Susan Newton, Douglas Newton, Marc Assante, Mia Stucchi, Anne McMahon, Helen Twombly, David Twombly, Phillip Hook, Tina Libby-Hook, Rick Hook, David Cohoon, Lori Cohoon, Michelle Johnsen, David Heath, Marie Brume, Barry Jordan, Kelly Hale, Kevin Hale, Marcy Laliberte, Bob Laliberte, Kurt Albert, John LeBoeuf, Eric Shute, Patty Taylor, Rachel Pickus, Mark Roy, Ted Davis, Brandon Woolley, Anita Chadbourne, Betty Booher, Linc Douglas, Janice Johnson

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited at the start of this meeting.

III. ADJUSTMENTS TO THE AGENDA

There were no adjustments to the agenda.

IV. CONSENT AGENDA

A. Approval of the October 5, 2021 Selectmen's Meeting Minutes

Ann Farley made a motion to approve the October 5, 2021 meeting minutes as presented. It was seconded by Phil Lowe. Motion carried with three in favor and Tim Mayberry abstaining from the vote.

B. Approve FY 22 Warrants #15, #16

Tim Mayberry made a motion to approve FY 22 Warrants #15 and #16 as submitted. It was seconded by Phil Lowe. Motion carried with all in favor.

V. OLD BUSINESS

A. Roll Off Truck Discussion

As requested by the Board, Public Works Director Scott Douglas did further research on the condition of the Roll Off truck that he is recommending the town purchase for the Transfer Station. He reviewed his findings for the Board. It was noted that the truck will be delivered to the town instead of having to pick it up. There was some discussion regarding the possibility of having Tim Mayberry inspect the truck before it is purchased.

Ann Farley made a motion to purchase the truck pending Tim Mayberry's opinion of it.

Further discussion ensued amongst the Board with it being noted that there is a thirty-day warranty included in the purchase. The truck can be thoroughly inspected during that time period.

Ann Farley modified her motion. She made a motion to purchase the truck. It was seconded by Tim Mayberry. Motion carried with all in favor.

The Town Manager informed the Board that the CIP funds to purchase the truck are approximately \$5,900.00 short of what is needed.

Charles Frechette made a motion to take the additional funds needed for the purchase of the truck from the CIP Excavator account. It was seconded by Tim Mayberry. Motion carried with all in favor.

B. Generator Discussion

As requested by the Board, the Town Manager did further research on the generator bids. She reviewed her findings for the Board.

Phil Lowe made a motion to accept the bid from McIver Electric (for both buildings) with the five-year warranty. It was seconded by Ann Farley. Motion carried with three in favor and Tim Mayberry abstaining from the vote.

The Town Manager informed the Board that she has been advised that the old generators do have some resale value.

Ann Farley made a motion to put the existing generators out for bid (to sell). It was seconded by Phil Lowe. Motion carried with all in favor.

C. Public Safety Building

The Town Manager informed the Board of the results of her discussion with the same bond counsel that was used for the purchase of the town's solar array as authorized at the last meeting. She explained the steps that will need to be taken in order to proceed with the approval process by the town's legislative body and the bid development procedure.

VI. NEW BUSINESS

A. EMS Cardiac Monitor Replacement

Deputy Rescue Chief Anita Chadbourne informed the Board that the EMS Cardiac Monitor is ten years old and should be replaced. She has received a quote of just over \$27,000.00 for a new one. The Town Manager confirmed that funding is available for the purchase. Anita requested the Board's permission to proceed with the purchase of a new one.

Tim Mayberry made a motion for EMS to replace the Cardiac Monitor as presented. It was seconded by Phil Lowe. Motion carried with all in favor.

B. Corrective Municipal Quit-Claim Deed

The Town Manager explained that during the process of being sold, a property was found to have an error in the previous processing of a lien discharge almost thirty years ago. This Corrective Municipal Quit-Claim Deed will resolve the error.

Ann Farley made a motion to approve the Corrective Municipal Quit-Claim Deed. It was seconded by Tim Mayberry. Motion carried with all in favor.

The Board proceeded to sign the Corrective Municipal Quit-Claim Deed which will be notarized and recorded at the Cumberland County Registry of Deeds by the Town Clerk.

VII. REPORTS FROM TOWN OFFICIALS

A. Town Manager

The Town Manager reported that she looked into receiving an interactive speed sign from the DOT (Department of Transportation). She confirmed that the town received one in 2019 which can be moved around in different locations throughout town, but it cannot be a permanent fixture in one location.

CIP (Capital Investment Program) meetings start next Wednesday at 6:00 pm.

B. Selectmen

Phil Lowe reported that the rocks are gone from the end of Naomi Street, but there are some winter snowplow marker sticks that need to be removed from the town's right-of-way.

Charles Frechette had nothing to report.

Tim Mayberry asked Public Works Director Scott Douglas about some material that appears to have been dumped at the turnaround on Peabody Pond Road. Scott will look into the matter to make sure the material does not remain there.

Ann Farley confirmed that there will be a Policy meeting on Thursday at 10:00 am.

C. Department Heads

Town Clerk Maureen Scanlon reported that Bobbie Jo Wadsworth started working today as the part-time Deputy Clerk. The TRIO computer program upgrade was completed last Wednesday. The phone system was upgraded last Friday. The office staff is adjusting to both.

Phil Strike had nothing to report.

VIII. COMMENTS FROM THE PUBLIC

Barry Jordan requested on behalf of himself and others present at the meeting that the application submitted by Gorham Sand and Gravel for a quarry in East Sebago be held up by the Board of Selectmen for a legal review to find out if the town can enact a moratorium to give the town time to coordinate an ordinance to meet the Comprehensive Plan that is in effect. He proceeded to review several items of concern that he believes backs up this request.

Eric Shute read aloud a statement he prepared that speaks to the benefits of living in this small town and his concerns about how quality of life will be affected if the quarry is allowed to exist in this town.

Tina Libby-Hook questioned the Planning Board's review process.

Grosvenor Newcomb suggested that the town fathers put a hold on this proposed project for six months so that the Planning Board and the town can get together to draw up rules and regulations that the Planning Board has to follow regarding gravel pits which they do not currently have in place.

Marc Assante asked that provisions are followed that the town already has in place. He stated that he feels that there is a lack of transparency which he would like to see

improved. He feels as though there was a lack of notice and found it difficult to find the video of the meeting.

Kevin Miner stated that he was advised that other entities, in the past, could not develop this site location by putting house lots there because they could not get access to Route 11. He asked how access to Route 11 has been obtained now.

Lori Cohoon respectfully requested that the Board consider a moratorium until such things as a geological and environmental study can be done. She is concerned about health issues that may result due to dust particles in the air that may have an effect on the water source and ultimately Sebago Lake itself. The fact that the elementary school is in close proximity to this location also concerns her about potential health issues that may affect the children.

Sandra Miner mentioned several additional studies such as blasting, traffic, vernal pools, storm water management, erosion management, etcetera that should be done before proceeding any further. These are facts that they would like to know to assure them that the people that live adjacent to the quarry are protected.

Ann Farley asked if all of these issues were brought up during the Planning Board's public hearing on the matter. Sandra Miner responded that Barry Jordan brought up a number of the points mentioned tonight, but that other concerns develop as you think about things more. She mentioned they would like to have been given more time to talk about it and learn the answers to their concerns. They do not feel as though it is unreasonable to have the developer provide the answers to their concerns.

Phil Hook stated that he was at the previous meeting and found it hard to voice his opinions. He is concerned about protecting the habitat of Sebago Lake. He feels that since the developer does not live in this area, that they are not concerned about the effects on the neighborhood. He also expressed concern about traffic on the "S" curve of this roadway. He asked what material will be used to reclaim the land after the materials have been extracted from the location. He touched on several other items that he does not feel were addressed at the meeting he attended.

The Board asked Brandon to address some of the public's concerns expressed tonight. He stated that all of their concerns are being heard. The Planning Board heard these concerns during the public hearing and has added some, that will be considered during the review process. He mentioned that the comment was made that this is a done deal; it is not a done deal. The review process has just begun. Once an application was submitted the required notifications and advertising was completed. He proceeded to explain the Planning Board's review process and the fact that they will be assuring that all criteria requirements are met before allowing the project to proceed any further. There are pages and pages of review criteria that have to be met. Concerns mentioned at this meeting are required criteria that must be met and are being reviewed by the Planning Board. The town's Comprehensive Plan is also considered during this process.

In regards to the question by Mr. Miner about the matter of road access, Brandon explained that wasn't the issue with building homes in this location. The problem was the length of road that would be required to be developed to get to the location. The

idea of using Long Hill Road to access the property was also considered but it did not meet the sight line requirements for access onto a State road. The only access to the property is off of Route 11 where there currently is access to an existing gravel pit. This existing gravel pit has been there for years and most people don't even know it's there.

Brandon mentioned that although the public hearing has been held, the public can still submit information to the Planning Board for their consideration. They will review it. He answered a few questions from the audience.

It was noted that the Board of Selectmen does not have the authority to approve or reject this project. It is the responsibility of the Planning Board. However, the Board of Appeals would be the ones to review an appeal of the Planning Board's decision.

Grosvenor Newcomb mentioned that a moratorium is being requested in order to assure that this matter is addressed properly so that it doesn't keep coming up again and again.

Ann Farley closed the "Comments from the Public" portion of this meeting to allow the Selectmen to discuss their thoughts on the matter. She suggested that the Planning Board hold another Public Hearing to address the concerns presented at this meeting.

Phil Lowe stated that this situation has been fought before in a lot of different towns. He explained some of the Planning Board's review process from his prior experience of being on that Board. He also explained to the audience that the Board of Selectmen needs to determine whether to proceed with a moratorium. He stated that the Planning Board ordinances are really not tailored or geared for the review of quarries or gravel pits. He explained that once the Planning Board has started a substantive review, a project is protected from any advancement of ordinances. He submitted to the Board of Selectmen a model ordinance for gravel pits and quarries that was put together by the Maine Aggregate Association in 2014. He suggested that it be reviewed and made part of our ordinances for this town. We will not have an opportunity to do that for this project unless we have a moratorium. He stated that his vote is to proceed as fast as possible to obtain a six-month moratorium before this project achieves legal immunity from the advancement of ordinances. This is an opportunity to identify what is lacking in our ordinances. Phil stated that he supports the Planning Board. They have a very difficult job and they do the best they can, but they need to be provided with the framework to do their job to the best of their ability. Their process is to help an applicant get their project approved, but in a way that works for the town.

Ann Farley suggested again that the Planning Board should hold another Public Hearing to address the concerns expressed at this meeting. There was some discussion amongst the Board regarding a possible moratorium.

Ann Farley made a motion to request that the Planning Board hold a second Public Hearing on this proposed project. It was seconded by Tim Mayberry. Motion carried with all in favor. The Board requested that Brandon Woolley relay this request to the Planning Board.

Phil Lowe made a motion to amend Ann's motion to include that the application be "tabled" by the Planning Board for one meeting in order to allow the Public Hearing to

be held. The amended motion was seconded by Charles Frechette. Motion carried with all in favor.

The Town Manager was directed by the Board to communicate with the town's attorney to determine the criteria that must be met in order to proceed with a moratorium.

The Town Manager mentioned that the additional flags have been erected at the Veteran's Park and they look great. Tina Libby-Hook mentioned that the Lion's Club is planning to hold a dedication ceremony of the new flags during their Veteran's Day services. The organizations that donated towards the purchase of these flags will be invited to the ceremony.

IX. ADJOURNMENT

Tim Mayberry made a motion to adjourn at 7:26 pm. It was seconded by Charles Frechette. Motion carried with all in favor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Maureen F. Scanlon', written in a cursive style.

Maureen F. Scanlon
Town Clerk